

FREQUENTLY ASKED QUESTIONS AROUND COVID-19 AND THE VACCINATION ROLL-OUT

Due to the ever-changing landscape around COVID-19 and the vaccination roll-out, we are endeavouring to post Frequently Asked Questions on a regular basis. It is important to note that each State and Territory Government determines their own set of regulations around COVID-19 and vaccinations, so you will need to take into account your own State or Territory's law.

We can speak to insurance implications only. For compliance, procedural advice and information on your State or Territory's regulations and requirements, please refer to your local State Baptist Union Office or DHHS.

What happens if someone who is unvaccinated goes against local government regulations and attends a meeting/service and as a result someone else contracts the virus and tries to sue the church?

Our most current advice from our public liability insurer, CCI, is that provided the Church follows relevant government directives and has a COVID-19 plan in place and follows the plan, they would cover any claim against the Church. If, however, the Church deliberately fails to follow government directives and/or fails to have a COVID-19 plan in place, it is unlikely they would provide indemnity as a subsequent COVID-19 claim could not be said to be "neither expected nor intended from the standpoint of the insured". So, at a minimum, churches/organisations need to follow government directives and communicate that to their congregations and follow their COVID-19 plan at all times.

Are you able to provide confirmation that our church insurance policy provides a level of assurance and protection and most importantly liability cover should one of our employees be adversely impacted as a result of this mandate?

As the compulsory vaccination is mandated by the Victorian government, no liability can be attributed to the church. By insisting that all staff be vaccinated, churches are merely complying with the law and not making an isolated request. As such there is no trigger for there to be a Public Liability claim.

With regards to being impacted health-wise, to this end the Government has set up a "No Fault COVID-19 Indemnity Scheme" – see the link below:

<https://www.health.gov.au/ministers/the-hon-greg-hunt-mp/media/no-fault-covid-19-indemnity-scheme>

If government regulations stipulate an unvaccinated person cannot attend a gathering and they make it through and stay for a meeting (maybe because they escaped notice, or because they don't understand clearly); and they are accidentally injured (eg. they fall and break a leg), does our public liability cover the incident?

If the church is doing all they can to ensure they are complying with their government regulations (advice on this can be obtained from your local State Union office), then subject to policy terms and conditions, public liability may cover the incident if the church is actually found liable for the incident. For example, someone trips over a power cord that has been left out, or a pot hole in the car park that hasn't been filled in. However, there is no cover for general accidents where liability cannot be attributed to the church.

Advice for churches hiring their building to a third party

For any third party hiring your building, it is important to obtain a copy of their Public Liability Certificate of Currency to ensure they have cover. Should there be a COVID-19 outbreak due to the hiring party's negligence, the hiring party could be sued by the person/s who contract the virus. It also provides an additional protection layer for the church.

We also highly recommend that the church obtains a copy of the hiring party's COVID-19 Safe plan. This would include the protocols/processes they will have in place to mitigate the spread and contraction of the virus. If they don't have a plan, then we would recommend you don't allow them to hire your hall. In addition to a COVID-19 Safe Plan, we recommend that the church obtains assurance from the hiring party in writing that they will adhere to relevant State Government regulations around those who are vaccinated/unvaccinated attending their activity/event.

It is also the church's responsibility to ensure they activate their COVID-19 Safe Plan to prepare the hall for any hirers and then deep clean after they leave their premises. We do have information on this on our website: <https://www.baptistinsurance.com.au/Baptist-Insurance-News> - COVID Safe Plan for Church Premises

Essentially the church's Public Liability insurer would look to provide cover if someone sues the church, as long as the church is doing all it is required to do to mitigate any risk of person/s contracting COVID-19 as well as adhering to all relevant government regulations.

Does our Travel Insurance cover us for COVID-19?

As is standard in the travel insurance market, cover for what is termed 'known events' is either not covered, limited or requires an extra premium for some policies. Now that the COVID-19 pandemic is classed as a known event, generally cover will not extend to any costs arising out of or associated with the pandemic. These costs can include overseas medical costs, flight cancellations, etc.

It is also important to note that if the Australian Government has classed a particular country/s as a "Do Not Travel" zone (see DFAT website), then the Insurer is unable to provide any cover at all, even costs that are not associated to COVID-19.

If you are planning on travelling, please contact your local BIS office for more information.