

Insurance Questions Asked and Answered

The following are questions asked by members about their insurance. The answers come from Aon, our ABA insurance broker.

Question 1

“Are children covered by ABA insurance? Are there any age restrictions for this insurance?” This question relates to both club and personal beekeeping insurance.

Children or their parent/guardian can make a claim as a third party against an ABA club following personal injury of the child. In this event, a claim could be lodged against the club’s Public Liability policy. The claimant would have to prove the ABA club has been negligent.

Similarly, children or their parent/guardian can make a claim as a third party against an ABA member who has Public Liability policy following personal injury of the child. In this event, a claim could be lodged against the members Public Liability policy. The claimant would have to prove the ABA member has been negligent.

A child cannot hold a Public and Products Liability (Members) policy as legally minors are unable to enter into contracts, so the insurance company would be unable to provide cover for those individuals.

If injured whilst volunteering for an insured club, children are also covered. There are no age limits on the policy, they just need to be able to take direction and work independently.

Question 2

“Are beekeepers that are not registered eligible for a cover with their Public and Products Liability (Members) policies?”

By law, in NSW, any person who keeps bees and/or works with bees must be registered with the NSW Department of Primary Industries. A beekeeper is allocated a registration code which must be marked on at least one bee box for each hive.

The ABA specifies that only registered beekeepers can obtain personal beekeeping insurance but has no way of enforcing this as we cannot validate DPI licence codes in real time.

The insurance company would require all members who keep bees or work with bees to comply with the registration requirements of their local State Government. We would require the Association to advise all members that keep bees or work with bees that they need to be registered.

Should it be determined that an Individual was not registered, but a paid member of the Association and held Public and Products Liability (Members) insurance, the insurance company would not consider the Insurance policy to be in place for any incident that produced a claim on that policy.

Also, the insurance company would consider it best practice for the Association to make compliance/certification with any State Government requirements mandatory to ensure “rogue” elements do not operate and potentially damage the Amateur Beekeeping community.

Question 3

There is a suspected incursion of an exotic pest. The ABA wishes to organise groups of beekeepers to check for the presence of these pests in front yards, parks and street plantings in the area. The beekeepers would not enter private property - just a visual check from the street.

Is this activity covered by ABA club Public Liability and Products cover?

Aon can confirm cover under the ABA Public & Products Liability policy.

Question 4

A beekeeper proposes to have some hives in his yard but knows that a next door neighbour is allergic to stings (bees included) and has an Epipen for treatment of possible allergic reactions. Will the beekeeper's Public and Products Liability cover a possible claim from the neighbour?

This is a grey area. As with all Public Liability claims the claimant would have to prove the ABA club or member has been negligent.

In the event of the claim, the insurer would consider the exact circumstances and may decline the claim.

Question 5

Are the legal costs of defending a claim under the ABA Public and Products Liability policies for either clubs or members covered by these policies?

Supplementary payments included under this policy are:

With respect to the indemnity provided by this Policy, the Insurer will:

- (i) pay all charges, expenses and legal costs incurred by the Insurer and/or by the Insured with the Insurer's written consent in the investigation, reporting, settlement or defence of such claim or suit.*
- (ii) pay all legal costs taxed against the Insured in any such suit or claim and all interest on the judgment or settlement amount accruing after the entry of judgment against the Insured until the Insurer has paid, tendered or deposited in court such part of the judgment as does not exceed the Limit of Liability.*
- (iii) pay all legal costs incurred by the Insured with the Insurer's consent for representation of the Insured at any Coronial Inquest, Inquiry or any proceedings in any court or tribunal in connection with liability insured against by this Policy.*

Question 6

Does the ABA Public and Products Liability – Members policy cover me if I have hives on designated apiary sites in NSW State Forests?

Aon can confirm coverage on designated sites in NSW State Forests.

Question 7

Does the ABA Public and Products Liability policy for members or clubs cover a beekeeping display for the public held in a bee proof enclosure on a trailer? The enclosure would be screened and entrance would be via a double door system to ensure that no bees would escape.

Aon can confirm coverage provided that the bee proof structure was well built and maintained and was fit for purpose.

Question 8

Who do I contact if I have a question about beekeeping insurance?

By agreement between Aon and the ABA all beekeeping insurance questions should be directed to the **ABA Membership Officer** on membership@beekeepers.asn.au

In many cases the question will have been raised before and so can be answered directly. If need be the question will be directed to Aon by the ABA.

The ABA insurance policies premiums do not provide for an ABA member phone/email query service from the insurance company.

If questions are directed to the company, they will be referred back to the ABA Membership Officer.

Question 9

“A beekeeper with Public and Products Liability (Members) insurance is demonstrating beekeeping to one or more people. Despite instructions about the need for protective clothing and to work with bees in an appropriate manner one person disobeys these instructions and places themselves and others at risk of injury.”

In the case of injury to the person who failed to follow instructions or others attending is the beekeeper covered for claims against his/her policy?

We must rely on the **Definition of Insured** on the policy, which in this case is;

The Amateur Beekeepers Association of NSW Incorporated and/or affiliated clubs and/or individual associations/affiliated club members/associate members as declared.

Visitors or members of the public are not indemnified as they do not meet the Definition of Insured.

If the insured beekeeper themselves is found legally liable in their own right, via their actions (i.e. supervision of the Visitors or members of the public), then cover can be provided.

The civil suit would need to be filed against the member for the policy to respond directly.

If a third party bought an action against the Visitors or members of the public, they will not be covered by this policy.

Question 10

Does the insurance cover people getting sick from honey sold from my hives?

Yes, so long as the product is listed on the included products list and relevant food handling standards have been followed (e.g. <http://www.foodauthority.nsw.gov.au/>) and it can be proven that it's the result of negligence by the bee-keeper.

Question 11

Are 'Bee Warning Signs' required?

Signs are not required but are good general risk management in ensuring claims are reduced.