



Cemetery trusts

Insurance Program 2020-21



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Disclaimer: The information provided in this document is intended to be general advice only. All claims will be assessed on a case by case basis and subject to the terms, condition and exclusion of the VMIA policies applicable to your organisation.

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About the Cemetery Trusts Insurance Program

Insurance policies provided under the program are:

- Property
- Combined Liability
- Directors and Officers Liability
- Personal Accident
- Cyber Liability.

Individual Trusts can purchase additional insurance policies for:

- Construction (contract value over \$500,000)
- Business Travel
- Personal Accident (journey).

Why it is needed

Due to the nature of cemetery services provided to members of the community, Trusts are exposed to claims from many sources, including:

- third parties: claims against your Trust for its legal liability to pay compensation for personal injury and/or property damage to third parties arising from an occurrence in connection with the business of the insured.
- employees: allegations may include wrongful dismissal, discrimination or sexual harassment.
- business partners: those who transact business with your Trust may allege a financial loss arising from a breach of professional duty.
- volunteers: for injuries sustained while volunteering on behalf of your Trust.

VMIA's Cemetery Trusts Insurance Program provides a suite of insurance products to cover risks and exposures faced by Cemetery Trusts when delivering their valuable services to the community.

The program provides insurance cover to all Victorian public Cemetery Trusts and is funded by the Victorian Department of Health and Human Services (DHHS). This does not include additional insurance policies purchased by an individual Trust.

Insurance overview

The Insurance Program provides a suite of insurance policies to protect the Trust and its management, committee members, directors, officers, employees and volunteers.

Policy cover	Summary	Policy limit
Property	<p>Covers your Trust for:</p> <ul style="list-style-type: none"> physical loss or damage to property as a result of fire, explosion, vandalism, weather perils, earthquake, theft or accidental damage, etc. loss of revenue and additional costs of working because of such property damage. cost of repairs or replacement of plaques, headstones or memorials belonging to the holder of the right of interment following loss caused by theft, vandalism, storm, tempest, impact by vehicle and/or impact by foreign object. 	\$3,625,000,000 shared by all VMIA clients.
Combined Liability	<p>Public & Products Liability Covers your Trust for any legal liability arising out of business activities resulting in third party personal injury and/or property damage.</p> <p>Professional Indemnity Covers your Trust for any legal liability the Trust must pay from financial losses suffered by third parties arising from an alleged breach of professional duty.</p>	<p>Public Liability \$1,000,000,000 any one occurrence shared by all VMIA clients.</p> <p>Products Liability \$1,000,000,000 any one occurrence and in the aggregate any one Period of Insurance shared by all VMIA clients.</p> <p>Professional Indemnity Up to \$450,000,000 any one claim and in the aggregate plus legal costs and expenses.</p>
Cyber	Covers your Trust for expenses associated with a security breach to your computer systems. Coverage includes expenses related to forensic investigation, data restoration, public relations, crisis management and mandatory notification requirements. For full details, please refer to the policy wording.	<p>\$100,000,000 each and every claim, and in the aggregate, inclusive of costs.</p> <p>The limits of liability apply across all VMIA insured entities.</p>
Directors and Officers Liability (including entity cover)	Covers your Trust's directors and officers for third party claims arising from their actions and decisions while acting in an official capacity, including employment-related violations.	\$20,000,000 any one claim and in the aggregate.
Personal Accident	Cover for committee members and volunteers within your Trust for loss of life or permanent or temporary bodily injury as a result of an accident.	Lump sum benefits up to \$250,000. Weekly benefits up to \$2,000.

* For full policy terms and conditions please refer to VMIA's website.

Policy period: The policies renew on 1 July every year.

What to do if you would like more information about the Cemetery Trusts insurance program

Visit www.vmia.vic.gov.au or contact VMIA on 9270 6900 or contact@vmia.vic.gov.au

Frequently asked questions

How can we receive a certificate of currency?

A certificate of currency acts as proof of your insurance to pass on to third parties as required.

You can request a copy of your certificate on VMIA's website at www.vmia.vic.gov.au or contact VMIA.

Are memorials and plaques covered?

Yes, cover is extended to the cost of repairs or replacement of plaques, headstones and memorials belonging to the holder of the right of interment following loss caused by theft, vandalism, storm, tempest, impact by vehicle and/or impact by foreign object.

This cover is available only in circumstances where the holder of the right of interment has been identified and a claim form is completed and submitted back to the Trust.

Are we covered for monument damage caused by a falling tree?

Yes, but only where the tree is deemed Trust property and the Trust is legally liable for the damage caused by this tree.

Is there automatic cover for additional buildings and contents acquired by the Trust during the year?

Yes, but you are required to update your asset register and notify VMIA of additional buildings and contents acquired.

Is there any cover for personal property?

Yes, personal property, including money, is covered while on your premises or work sites. This is provided that such property is not already insured elsewhere. Please refer to [our website](#) for more information.

Are laptops and portable electronic equipment covered?

Yes, laptops and other portable equipment are covered. Please refer to [our website](#) for more details.

Does cover extend to mobile machinery owned by the Trust?

Cover is provided for mobile machinery that is not registered. Cover is not provided for mobile machinery and other vehicles on public roads. Examples of mobile machinery are ride on mowers, backhoes, tractors and excavators.

Is property owned by the Trust covered if kept offsite, such as at a Trust member's home?

Yes, the cover extends to all property (including laptops, photocopiers, cameras etc.) belonging to the Trust even if it is stored at a private residence. Restricted coverage is provided for property in transit.

Is there cover for property under construction?

Yes, property under construction projects valued up to \$500,000 are covered.

Cover for construction works above \$500,000 is available through VMIA under a separate policy. Please contact VMIA to arrange cover if you have contract works with a value greater than \$500,000.

Are members of the public attending a funeral at the cemetery covered?

No, the general public is not covered. Your Trust, employees and volunteers are covered for any legal liability arising out of their negligence to a third-party including members of the general public.

Are our volunteers covered?

Yes, volunteers who work for your Trust are covered while volunteering on your behalf.

Volunteers are covered for claims made against them by third parties alleging the volunteer's negligence resulted in property damage, bodily injury or financial loss. They are also covered if they are injured while volunteering on your behalf.

Are contractors covered?

No, contractors are not covered. You should request a certificate of currency in respect of their public liability coverage to ensure they are adequately covered.

Are Trust members, employees and volunteers covered while travelling overseas?

No, a separate Business Travel Policy should be arranged. Please contact VMIA to arrange this additional cover if required.

We have people and groups outside our Trust offering to raise funds for us. Are their activities covered under our Insurance Program?

If the fundraising event is not run or controlled by your Trust, then your insurance does not cover these people or groups.

Are goods sold and/or products manufactured by our Trust covered?

Yes, your insurance covers your Trust for third party personal injury or property damage claims arising from any goods sold and/or products manufactured for which you are legally liable.

We will be leasing a room at our premises to a third-party group. Will our insurance cover this?

You are covered for your negligence to third parties as a property owner, but your Insurance Program will not cover any negligent acts of the hirer, guests, customers or participants.

Do we have to notify VMIA of every activity or event?

It is not necessary to notify VMIA of every activity or event your Trust engages in. Subject to the terms, conditions and exclusions of your organisation's policies you are covered for all activities undertaken by your organisation within your insured Business as defined in your policy. Your insurance provides coverage for events such as excursions, fundraising activities, hosting ghost tours, and working bees. Your Trust must authorise and have control of the activity or event for cover to apply.

Your Trust's board or committee of management must be satisfied that the Trust has enough capability to engage in the activity. This would require the application of risk management to identify, assess and treat potential risks before approving the proposed activity. Is the Trust covered for errors leading to burials at the wrong site?

Yes, however each claim will be subject to a \$5,000 deductible.

What do we do in the event our Trust is merged with another Trust?

You must contact VMIA and notify the Department of Health and Human Services (DHHS) of merger activities. You must also advise VMIA of any claims, outstanding matters or incidents that could give rise to a claim. Once your Trust is merged with another Trust, your Directors and Officers Liability Policy will provide automatic run-off cover for up to seven years.

Is the Trust insured against employment practices violations such as unfair dismissal and discrimination claims?

Yes, your Trust and its directors, officers and employees are covered for claims (including reasonable legal, accounting and other professional fees) alleging an employment practices violation.

If we appoint additional or alternate directors during the year, are they covered?

Yes, any new or additional directors appointed during the year are automatically covered.

If a director resigns, are they still covered?

Yes, directors who resign are covered while this insurance remains current. The cover provides protection for these directors while they acted on behalf of your Trust, for as long as this insurance remains in force.

Can you assist us with our risk management obligations?

VMIA has many useful risk management resources available on its website including guides, tools and templates to assist implementing and improving your Trust's risk management practices. [Contact VMIA](#) for further assistance.

Do we need to notify incidents to VMIA?

Yes, you are required to notify VMIA immediately if your Trust becomes aware of an incident which may give rise to a claim.

This must be done in addition to reporting the incident to the DHHS. If you fail to promptly notify VMIA of an incident, you may not be protected in respect of any subsequent claim. If in doubt, contact VMIA for advice.

Is my organisation covered for coronavirus?

We aim to address every client's individual circumstances and assist them in understanding their coverage. For more information and general guidance on how VMIA insurance policies may respond for first and third-party exposures arising from coronavirus, please refer to our [website](#).

How do I make a memorial damage claim?

The holder of the right of interment must report the incident to the Cemetery Trust. If the Cemetery Trust permits this claim to be lodged, the Trust will issue the holder of the right of interment a claim form to complete. A copy of this form is available on the VMIA's website at www.vmia.vic.gov.au

The claim form must be completed by the holder of the right of interment, signed and sent back to the Trust along with the following requirements:

- two quotations to repair or replace the item
- photos to support all malicious damage claims.

How do I lodge a claim for Trust own property?

Download the relevant claim form from our website at www.vmia.vic.gov.au/lodgeclaim

Email the completed form to claims@vmia.vic.gov.au. Alternatively, you can contact our claims team on 03 9270 6900.

To avoid prejudice to your Trust's rights, you should not settle a claim or admit liability without first obtaining VMIA's written approval to do so.

For further information

E: contact@vmia.vic.gov.au

T: (03) 9270 6900

W: www.vmia.vic.gov.au