

REPORT TO GDTA COMMITTEE REGARDING TENNIS AUSTRALIA NATIONAL INSURANCE PROGRAM

INSURANCE.

Firstly it is important to understand that the Insurance cover provided by Tennis Aust. via its affiliated bodies including Tennis NSW Limited and their affiliated bodies such as GDTA Incorporated **is personal to the registered member.**

Under the TA National Insurance program they provide Insurance cover to registered members of affiliated clubs for 1. Public Liability 2. Personal Injury, 3. Management Liability of which there are four sections including Directors and Officers cover.

Obviously if a registered member is not serving on a board or committee they have no requirement for Management Liability but the cover is there none the less.

So in the case where a financial member serves as a committee member of an affiliated club it is irrelevant if the body they serve on is a committee, sub committee or even an affiliated committee (what ever that means?). **It is the registered member themselves that is insured**

In the CGU Policy Document Part 1. Directors and Officers Liability states ***Claims means any written document served upon your people.*** Your people being the registered member.

Our research work on this matter has been with the Broker executive, Underwriter and Principal - Sport Marsh Australia. It has been confirmed with the aforementioned people that **“all financial registered members of GDTA serving on their appointed committees are covered for Management Liability Insurance”** as well as Public Liability and Personal Injury.

MEMBERS ACCESS TO INSURANCE

For a person to be covered under the TA National Insurance Program, the person joins an affiliated Club, provides their details in written format and pays the annual fees of the Club. The Club then registers the member with Tennis NSW on an annual basis.

GOVERNANCE AND GOSFORD LADIES MIDWEEK TENNIS

It is noted from the pre 2001 GDTA Inc. Constitution (undated) that this Competition Committee is recorded as GLMWT Association and is recorded in both the pre and post 2001 Constitutions as an affiliated body of GDTA Inc. **It is stated in the Constitution GLMWT Assn shall be bound by all the Rules of GDTA Inc.**

How an Association can appoint an Association within itself and then delegate that committee as an affiliate is a mystery to all at the moment.

When the GLMWT competition was at its peak 30 yrs ago there were so many players they needed to use outside courts as well as Gosford with matches being played over two days a week. Perhaps due to the size of the comp the ladies sought some independence within GDTA for their committee hence they called themselves an Association and attached to GDTA via affiliation as recorded in the GDTA constitution, rather than a sub-committee. They have their own by-laws, comp rules and bank account known as Gosford District Tennis Association Ladies Mid Week. They are required to submit their audited accounts to GDTA once a year.

However in the latest GDTA Inc constitution 2019 GLMWT has been removed as an affiliated body. This has caused great concern from the GLMWT President and committee members as they are now not sure of their status within GDTA Inc. By the same token GDTA no longer have any record of requirements on how GLMWT committee should act or report to it. It is understood that provision was made in the new constitution to recognise GLMWT as sub-committee but The ladies President requested this be removed.

GDTA have always viewed and treated GLMWT as a sub committee and welcomed their representatives at GDTA committee meetings. I have discussed this unusual committee situation with Sarah Dowds Principal – Sport Marsh Aust. and she advises that from an insurance point of view it is clear the Competition Committee is a GDTA body as such all committee members are covered by all 3 TA insurances via the GDTA affiliation to Tennis NSW.

There is no need for GLMWT to seek separate affiliation with Tennis NSW for the purpose of obtaining Directors and Officers Insurance for their committee members as set out above, those members are already covered under their membership with GDTA Inc.

However from a Governance point of view it is not so clear. As the Constitutions sets out clear guidelines for sub committees and sub committees are understood by all, it would seem reasonable and sensible for GLMWT to now be formalised as a sub committee of GDTA Inc, this will require Terms of Reference/Delegation, as agreed to by the parties. This will remove any doubt regarding their status and assure the committee members protection via the Incorporations Act under GDTA Incorporated and as stated at point 12 in the 2019 Constitution, Members Liability.

Terms of reference /delegation to the sub-committee would likely be to confirm a continuation of the past and present method of operation which would include following the GDTA constitution (as they do as members) ,maintaining their own bank account and control of funds, submitting their annual accounts to GDTA for auditing, organising and running their competitions, use of committee room and club facilities, representation of an approved person to GDTA committee meetings.

Therefore if GLMWT acts as set out above there is no need for them to become a separate Incorporated Association.

RECOMMENDATION

It is my recommendation that a summary of the TA National Insurance Program be inserted into the current Constitution under the heading of Member Insurance, due to the confusion existing around this subject.

It is also my opinion that the current one liner on Insurance at 41.1 in the current Constitution is inadequate.

Peter Campbell
Member GDTA
20/10/2019