

RISK MANAGEMENT RESOURCE

for
Recreation & Sport
Organisations

Update 2009



Government of South Australia
Office for Recreation and Sport

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Minister's Foreword

Risk management has always been an important issue for the sport and recreation industry to consider.

In 2002 when the first edition of this resource was released the cost and availability of insurance cover for sport and recreation was a significant challenge for our industry.

In the intervening period many organisations have successfully tackled their risk issues, however in a changing world effective risk management is an ongoing governance issue in the management of sport and recreation.

This updated resource continues to provide guidance on the process of risk management and includes information to support organisations with the development and implementation of risk management strategies.

Risk Management helps us to identify which risks are most important and this resource is aimed at assisting your organisation to identify, assess and treat risk.

Ultimately it is envisaged that, this resource will further assist the industry to develop and improve their business practices in line with providing quality recreation and sport experiences to the community.

On behalf of the Government, I encourage you to take some time to examine the area of risk management in your organisation, to continue to refer to this resource and adopt its principles.

Michael Wright, MP

MINISTER FOR INDUSTRIAL RELATIONS

MINISTER FOR FINANCE

MINISTER FOR GOVERNMENT ENTERPRISES

MINISTER FOR RECREATION, SPORT AND RACING

▶ introduction

Everyday we are faced with a variety of potential risks. Just getting in the car to drive somewhere we risk the possibility of injuring others or ourselves or financial loss if we damage our car or break the law while speeding to our destination. Somehow, among these and other risks, we manage to continue with our lives. Risk is not something we can avoid completely, but it is something we can manage, which is what this Risk Management Resource is all about. It aims to help sport and recreation associations understand what risk management is and how to develop their own risk management plans and solutions.

Participants involved in sport and recreation activities no longer accept injuries as part of their chosen pastime, and individuals and organisations providing these opportunities must take action to prevent things from going wrong. While there is an enormous amount of information on risk management, legal and insurance issues available to these groups, the task of developing a risk management plan may sound daunting. This is despite the support and goodwill of volunteers. Many individuals and organisations choose to 'put their heads in the sand' and hope they never have to deal with risk management. Unfortunately, ignorance is not an excuse and this stance could prove costly in the long-term. Even though a risk might be small, failure to warn participants of a risk of injury could be a breach of an organisation's duty of care and place it in danger of a negligence claim.

It is clear that all sport and recreation organisations are subject to potential liabilities simply because of what they do. These organisations can go a long way towards reducing the likelihood of such liabilities by being aware of potential dangers, adopting the right risk management practices and obtaining appropriate insurance. Risk management is not just about compliance; it is also about good business sense.

This is not a detailed 'how to' manual. It is more of an introductory guide with references to a variety of other resources. Because there is no one solution that will work for every group, each sport and recreation organisation will need to develop a customised solution that meets its particular needs and circumstances. This resource will assist in determining the processes needed to identify, evaluate and treat risk. Look to the Help section for a list of useful contacts, web sites, references and organisations.

This Risk Management Resource this has been designed for South Australian based clubs and associations. Legislation referred to in the legal section is mainly SA based and duly referenced. If you are not based in SA, it is advisable to check with your local and state departments of Recreation and Sport to gain information relevant to your own state.

The following are key requirements for successful risk management programs:

- ***The board accepts responsibility and undertakes a leadership role.***
- ***Commitment is gained from everyone in the organisation.***
- ***Sufficient resources are allocated.***
- ***Risk management processes are documented.***
- ***A comprehensive risk action plan, ensuring compliance with standards and legislation, is developed.***
- ***Responsibilities for specific tasks are allocated.***
- ***Education and training opportunities are provided.***
- ***Comprehensive safety and emergency plans and procedures exist.***
- ***Procedures are aligned to national standards and guidelines.***
- ***Monitoring and review mechanisms are in place.***

▶ introduction

This Risk Management Resource is divided into sections. A brief description of the contents of each section is given below.

FAQs

Frequently asked questions and corresponding answers related to risk management.

RISK MANAGEMENT PROCESS

A simple explanation of the ten-step process organisations need to follow.

LEGAL CONCEPTS AND KEY LEGISLATION

A guide to basic legal terms, concepts and new legislation.

CHILD PROTECTION

Steps to take to develop child safe environments.

STATE AND NATIONAL STANDARDS

An explanation of Standards Australia Guidelines, National Sport and Recreation Competency Standards and Adventure Activity Standards.

POLICIES

What policies you can implement to protect yourself and others.

INSURANCE

An explanation of the types of insurance and steps for a sustainable insurance program.

AUDIT TOOLS AND TEMPLATES

A variety of documents to assist with the risk management process.

HELP

A list of contacts, web sites, references and organisations providing more detailed information to develop or adapt risk management plans and strategies.

CONCLUSION AND ACKNOWLEDGEMENTS

A summary and recognition of those who contributed to this edition of the resource.

EXAMPLES AND RESOURCES

A collection of policies, templates and useful documents that can be accessed from website links.

Disclaimer

IT IS A CONDITION OF USE OF THE RISK MANAGEMENT RESOURCE ('RESOURCE') THAT THE USER READS AND AGREES TO COMPLY WITH THIS DISCLAIMER OF LIABILITY:

1. This Resource is intended as a guide to recreation and sporting organisations to assist them to develop risk management strategies and policies to effectively manage the risks associated with their activities.
It is not intended –
 - (a) to replace the need for users to make their own decisions about risk management issues, or to seek their own professional advice in respect of legal or other matters;
 - (b) to be exhaustive in respect of risk management issues that users should take into account;
 - (c) to be exhaustive in respect of particular risk management issues dealt with in the Resource.
2. THIS RESOURCE DOES NOT PURPORT TO PROVIDE SPECIFIC PROFESSIONAL OR LEGAL ADVICE. THE GOVERNMENT OF SOUTH AUSTRALIA STRONGLY ADVISES USERS TO OBTAIN INDEPENDENT ADVICE FROM A SOLICITOR ON ANY LEGAL MATTERS AND FROM AN INSURANCE PROFESSIONAL ON INSURANCE MATTERS.
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FAQ's

Frequently asked questions and answers related to risk management



▶ frequently asked questions

WAIVERS *(See page 3-2 for more information)*

Q What is the point of having waivers when someone can still sue you?

A Since the Recreational Services (Limitation of Liability) Act 2002 (SA) was amended on 1 August 2005, a recreational service provider may limit their liability by registering and subscribing to a safety code. Waivers can still be used by recreational service providers to limit liability for property damage and other things that are not directly related to participation in the recreational or sport activity. For example, property loss and travel to an event that has been arranged by the club or association.

Q Who can assist me in drawing up a waiver?

A Any solicitor/lawyer can help draw up a waiver.

LEGISLATION *(See page 3-1 > 3-8 for more information)*

Q What is the Volunteer Protection Legislation?

A It is legislation enacted in South Australia that provides greater protection against volunteers being sued. However, organisations can still be sued.

Q Do the new privacy laws mean that we cannot give out members' details to our sponsors?

A Yes, unless you have the permission of each member to do so.

Q As a board member, when do I declare potential conflicts of interest?

A As soon as taking office or as soon as the conflict becomes a potential issue.

INSURANCE *(See page 7-1 > 7-6 for more information)*

Q We often have cake stalls and sausage sizzles as part of our fundraising activities. Does our public liability cover us for food poisoning?

A Not necessarily. You will need to check your public liability policy carefully as it may not cover you. In this case you will need a separate products liability insurance policy.

CHILD PROTECTION *(See page 4-1 for more information)*

Q Does our club have to insist on volunteers having a police check?

A No. The legislation does not currently require that police checks are carried out for all volunteers. Non Government recreation and sport organisations are not required to obtain a criminal history check for employees and volunteers except in certain circumstances.

Asking potential volunteers to undertake police checks may be one strategy employed by a club as part of a more rigorous screening process, which may include formal recruitment processes and background checking, such as referee reports.

See Section 4 – Child Protection for more information

▶ frequently asked questions

DISCRIMINATION & HARASSMENT *(See pages 3-5 > 3-6 for more information)*

- Q** Our head coach has been overheard chatting up one of the young female players in his team. What should we do?
- A** Advise the coach that this is unacceptable behaviour and (if you haven't already) adopt a code of conduct that all coaches and officials are required to sign. Organisations should develop an anti-discrimination and harassment policy and educate everyone about it. (See the Legal Concepts section.)
- Q** Several players are exhibiting behaviour undesirable to our club and the majority of members. How do we get rid of them? Will we be open to action?
- A** Your club is responsible for its own set of membership rules. You have the power to decide who is and who is not a member.
- Q** As a leader of an activity group I have suspicions that a child is being abused by his/her parent. Do I need to investigate and make sure before I do anything?
- A** Recent changes to legislation mean that if you are interacting with children in a recreation or sport environment you are now considered a mandated notifier. A mandated notifier's role is not to investigate or to prove that the abuse has occurred. Individuals in this role are simply required by law to report any suspicion on reasonable grounds that a child has been or is being abused.

LIABILITY *(See pages 3-1 > 3-2 for more information)*

- Q** When there is joint use of facilities (such as ovals), who is liable if something happens?
- A** Potentially all parties (e.g. footy club, cricket club, council, state association) that have an interest are liable; therefore, all parties should have appropriate risk management and insurance policies.
- Q** Who is liable if someone gets injured while trespassing on our property?
- A** The club/organisation is liable, but the court is more lenient in these matters. The greater the effort taken to keep trespassers out, the more lenient the court will be. Take, for example, the story of a motorcyclist trespassing in a national park. The court upheld that the motorcyclist was not an invited user. Therefore, there was no negligence on the part of the state government.
- Q** For events in public areas, such as roads, who is liable for unforeseen accidents?
- A** The event manager or organiser may be liable; therefore, you need very good risk management procedures and insurance cover.
- Q** How much can claims cost, and what if an organisation can't pay?
- A** There are no limits. Claims can exceed several millions of dollars. If an organisation can't pay, the court, in order to recover as much of the money as possible, will wind up the organisation. Directors and office bearers (if incorporated) will face only limited liability. If the organisation is unincorporated, all directors/office bearers may also be personally liable.

FURTHER ADVICE *(See the HELP section for more information)*

- Q** Where do we go for legal and insurance advice?
- A** The Law Society of SA is a not-for-profit advisory service and will advise you of your best options. Use an insurance broker for insurance matters.

Check the Legal Concepts 3-1, Insurance 7-1 and Risk Management 2-1 sections for more detailed information on the issues raised in these questions.

RISK MANAGEMENT

A simple explanation of the
process you need to follow

2



Risk will always be part of everyday life and it is certainly a key aspect of sport and recreation. Without risk there would be limited opportunities for exploring physical and personal development. However, you can provide a healthier and 'legally' safer operating environment for your sport and recreation organisation and its participants by adopting risk management practices.

What is risk management?

A risk is anything untoward happening that can affect your organisation's objectives and operations by creating exposure to potential loss or damage.

Risk management is systematically identifying threats (risks) to your organisation and developing ways to minimise them from occurring. It helps to determine the most important risks and how you allocate resources to deal with them.

You are already practicing risk management to some degree, but it is important that you formalise what you do. Documentation is an essential component of managing risk.

Risk management involves developing a system of policies, processes and procedures and ensuring that they are followed. As stated previously, you can't eliminate all risks, but you can manage them appropriately. Risk management needs to become a part of the culture of your organisation, rather than a separate entity. Even if the process used is informal it should be documented and preferably based on a known system.

A suggested approach is to:

- Make a board commitment to risk management and appoint one member to be responsible for the process.
- Identify key people to be involved in the process (stakeholders, coaches, instructors, treasurer, staff, event coordinator, etc.).
- Set up a committee to undertake the risk management process and report to the board regularly.
- Communicate your risk management strategies to everyone in your organisation.
- Monitor and review your risk management plan regularly.

Generally, risk management tends to focus on what can go wrong, but it is important to remember that any event, circumstance or situation that occurs can also provide an opportunity for improvement.

Risk management can be simplified into four questions:

1. *What untoward things could happen?*
2. *What would be the impact?*
3. *What can we do about it?*
4. *How do we tell everyone involved?*

To get you started, this resource presents a simplified version of the risk management process outlined in the Australian Risk Management Standard AS/NZS 4360:1999. There are three main stages: identification, assessment and treatment. This document will look at each one in turn as part of the ten steps that you can follow to develop a risk management plan. It is important to work through each step of the process. If you skip or rush through steps you risk creating inappropriate 'quick fixes' that can create more problems.

In summary, the ten steps to developing a risk management action plan are as follows:

1. Make a commitment, as an organisation, to risk management.
2. Identify all possible threats and risks.
3. Assess the level of each risk.
4. Decide to accept, treat or transfer each risk.
5. Determine treatment options for all unacceptable risks.
6. Formalise your risk management action plan.
7. Implement your treatment options.
8. Communicate information to everyone affected.
9. Review your risk management action plan after six months.
10. Identify any new risks and update your plan.

Ten Steps to Developing a Risk Management Plan

1

Make a commitment as an organisation to risk management

This means involving as many people as possible – not just the board. This essential first step in risk management involves awareness or education. Risk management is a global issue – everyone involved with the organisation must understand what a risk is, how you manage those risks and what their role is in risk management.

This can be done through a *risk management policy, which includes:

- a statement on the degree to which your organisation embraces a risk management culture, e.g. appointing a risk management officer, risk management reports at each board meeting
- the identities of those responsible for risk management, who they report to, how and when reports are made
- a summary of the risk management process you are going to follow.

Once you have developed a policy, it should be endorsed by your board and distributed as widely as possible throughout your organisation.

* *Examples of risk management policies can be found in the Examples and Resources Section.*

2

Identify all possible threats and risks

Before you start listing risks, it is worth looking at the environment in which your organisation operates. Start by determining what standards and legal requirements apply and review the goals of the organisation to get a feel for 'the big picture'. It is important that you consider the legal and economic environment in which your organisation currently operates and the potential legal exposure that could result from your activities. You will need to look at the factors that affect risk management both outside the organisation (community values, industry standard, etc) and inside (goals, relationships, activities, capabilities, reliance on sponsorship/grants, etc) so you don't examine risks out of context.

Risks can be things that affect your organisation as a whole such as declining membership or more operational like those related to particular projects such as not securing sponsorship for an event.

Risks can generally be grouped under four headings:

1. *Physical* – injury or damage to persons or property
2. *Legal* – breaching legal obligations
3. *Moral/Ethical* – harm to your organisation's reputation
4. *Financial* – loss of the organisation's assets

Some examples of risks include:

- decline in number of volunteers
- funding cuts
- attracting too many participants for an event
- discrimination or harassment
- injury to a staff member, spectator or participant
- equipment failure
- loss of data/records
- negative publicity
- damage to the environment
- theft of property.

▶ risk management

Risk identification means looking at all possible sources of risk, both internal and external. There is not one 'right way' and a combination of methods is best. Try a range of methods including inspections, checklists, rules, policies and gathering information from people both inside (staff, volunteers, members) and outside (stakeholders, funding bodies, council) your organisation. Those who have been around for a while are often your best resource, but don't ignore the fresh eyes of those who are new to your organisation. You should look at the current skills required by staff/volunteers and how they compare to the accepted industry standards or best practice.

See *the Audits, Tools and Templates - 8-1 > 8-3*.

Consider all of the following areas:

- administration and management
- finances
- education and training
- facilities and equipment
- health and safety
- event management
- personnel/key people
- legal (regulations, contracts and duty of care).

Make sure you have gathered enough relevant, detailed and accurate data and/or information when trying to identify risks.

You need to identify:

- the source of risk - i.e. rain making playing surface slippery
- what is at risk - i.e. people (players, referees), assets, reputation
- what the effect could be - i.e. injury, loss.

From these three points you can be more specific in defining the risks:

- There is a risk that slipping on the wet surface could injure players.
- There is a risk that litigation against the organisation (and subsequent financial loss) could result if a player is injured.
- There is a risk that the organisation's reputation will suffer if the problem is not managed.

When you are identifying risks you will need to consider the following factors:

- age and capacity of participants (children require extra care)
- type of activities
- past history of accidents, injuries and losses
- standard equipment
- use of equipment
- existing problems with operating procedures or practices
- the facilities and equipment to be utilised
- the environment in which your activity is taking place.

Audit tools

Rather than wait for a disaster, progressive organisations are now shifting to a culture of continuous improvement and using audits as a tool to regularly evaluate their performance and guide their direction in risk management.

What is an audit?

- A systematic and critical examination of the key risk and safety areas in an organisation.
- A diagnostic tool, which will identify an organisation's strengths, weaknesses and main areas of vulnerability to risk.

There are two main audits covering risk for sport and recreation organisations. These are:

- risk audit - related to organisation risks
- safety audit - focusing on injury prevention.

You can use the following basic organisation risk audit tool as a starting point to identify risks.

The Audit tools and templates in Section 8, contain additional safety audit tools (Activity Leaders Checklist, Smartplay Guidelines, Facility Audit).

Organisation Risk Audit

This document is included in the Audit Tools and Templates Section for you to download and print or customize for your club.

Financial	YES	NO
Are all financial transactions accurately recorded (receipted, banking)?		
Do you have a realistic budget and do you present regular financial reports that identify how you are going against your budget?		
Is an annual audit conducted of your financial records?		
Is all expenditure authorised through an identified process?		
Governance / Management		
Is your organisation incorporated?		
Does your organisation have an up-to-date constitution?		
Does your organisation have any policies or procedures to guide its decision making? (code of conduct for the Board, conflict of interest policy, etc.) <ul style="list-style-type: none"> • Are these policies communicated to all affected? 		
Do you have position descriptions for all office bearers/staff?		
Does your board meet regularly and document all decisions and actions?		
Is the annual report circulated to all members?		
Are your rules, by-laws and practices non-discriminatory?		
Do you have a clear plan for the future that describes what you want to do and how you are going to do it?		
Does the organisation have the following insurance covers - public liability, professional indemnity and directors and officers liability?		
Does your organisation meet the terms of any contracts it is involved with?		
Member Services		
Are procedures in place to ensure the security of membership information and compliance with privacy legislation?		
Does your organisation communicate regularly and effectively with its members?		
Do you have a procedure for dealing with complaints?		
Has everyone (staff, volunteers and participants) agreed to a code of behaviour or conduct?		
Do members understand the extent of their 'duty of care'?		
Do you require participants to sign a waiver or release form prior to participating?		
Do all coaches/instructors/leaders have appropriate, current accreditation?		
Do you promote education and training opportunities?		
Do you conduct risk assessments on all programs, activities and events?		
Are risk assessments documented?		
Is there a clear procedure for reporting accidents/injuries?		
Are regular safety inspections made of buildings, grounds and equipment?		
Do you ensure the recommended rules of play and protocols are followed for your activity?		
Do you have an emergency plan?		
Compliance		
Have you considered the health and safety of everyone in the organisation and do you meet OHS regulations?		
Do you meet the legislative requirements for paid employees?		
Are you aware of the legislation or local government by-laws that could apply to your activities?		
Are you aware of the industry standards that apply to your operations?		

Once you have determined what may constitute a risk (generally the questions that you have answered No to), insert these into the Risk Management Action Plan Template. An example of how to use this template is on the following page.

This document is included in the Audit Tools and Templates Section for you to download and print or customize for your club.



Risk Management Action Plan Template

This document is included in the Audit Tools and Templates Section for you to download and print or customize for your club.

NAME OF ORGANISATION _____ DATE DEVELOPED _____

(see example in italics)

Potential Risk and Date Identified	Level of Risk (rating risk as low, moderate, high)	Reason for Risk Rating	Action (what is to be done)	Resources Required	Responsibility	Timeline (completion dates)	Communication (strategy to inform relevant parties eg committee personnel, sponsors, members)	Risk Treated (Yes/No) and Date Treated	Review Date (review due date)
(See Step 2) <i>Unincorporated club 28th May 2002</i>	(See Step 3) <i>High</i>	<i>Leaves the club and its committee members legally and financially vulnerable if the club becomes insolvent</i>	(See Step 7) <i>• Become incorporated • Contact Office for Consumer and Business Affairs</i>	<i>• Money • Current registration fee (2006) is \$114</i>	<i>Club Secretary</i>	<i>Immediately</i>	(See Step 8) <i>Secretary to report at next committee meeting and outcome minuted.</i>	<i>• Yes • 30/6/05</i>	(See Step 9) <i>Not applicable - this is a one-off fee.</i>

3 Assess the level of each risk

Risk assessment

The next stage is to assess the level of risk. One way of doing this is to use something called a risk severity matrix. This helps you incorporate factors such as frequency (the likelihood of occurrence) and severity of impact (consequences for your organisation).

Here is an example of what a matrix could look like for some risks related to a cycling event being conducted in winter. Remember, this is a guide only and what may be a low risk in this context could very well be high risk in another situation.

<i>Risks with</i>	Low likelihood of occurring	High likelihood of occurring
Low consequences for organisation	Sponsor pulls out of the event LOW RISK	Cash flow problems arise because participants don't register in advance MODERATE RISK
High consequences for organisation	Electronic timing system fails and results unable to be used for qualifying for national titles MODERATE RISK	Rain occurs on the morning of the event making the surface slippery and an accident occurs HIGH RISK

In this simple rating system, if something occurs only once in a five to ten year period it is most likely a LOW likelihood, but if something occurs every year, then it is a HIGH likelihood.

In terms of impact, if it affects the ability of your organisation to achieve the majority of your objectives or goals (or one or two severely), it would be considered to have HIGH consequences for your organisation.

If the effect is only minor and you can get back on track with a bit of effort, it is probably a LOW consequence risk.

Those things that have both HIGH consequences for the organisation and have a HIGH likelihood of occurring are considered **HIGH RISK** and are the first you should treat. These are the things that are likely to happen and would have potentially serious consequences.

4 Decide to accept or treat each risk

The second part of the assessment stage is an evaluation of each risk to decide whether it is acceptable or unacceptable.

Some risks are acceptable simply because the level of risk and/or the consequences are so low that it doesn't justify any specific further action. For example, the risk of running out of sausages if there is a large crowd attending the game may have little impact.

Once you have prioritised all the risks you can then look at the appropriate way of dealing with each one, starting with the highest risk. You may already have some controls in place to deal with risks - such as rules, policies, procedures, technical systems and training requirements.

When evaluating risks consider:

- the controls already in place to manage the risk
- costs associated with managing the risk or leaving it untreated
- the possibility of transferring some or all of the risk through insurance or waivers.

Think about how well you currently manage the risk, if any risks are borne by other stakeholders and if there are any potential weaknesses in the current control methods.

5

Determine treatment options for all unacceptable risks

Risk treatment

If you have identified risks that are unacceptable then you need to determine what action you need to take to address each risk.

Treatment options may include:

- **avoiding the risk.** You might decide not to go ahead with an activity that is considered high risk.
- **reducing the risk.** This is a common course of action that may include strategies like changes to rules or equipment. Firstly, consider solutions not reliant on human behaviour (such as selecting the best playing surface) then consider administrative solutions such as rules, policies, training, and emergency planning. Finally, look at personal protective equipment such as mouthguards, helmets, eyewear, etc.
- **transferring the risk.** Purchase insurance and use waivers, warnings and release forms.
- **retaining the risk.** There are some risks that are acceptable and part of most sport and recreation activities such as minor injuries in contact sports.

Other strategies to consider include:

- training (e.g. requiring personnel to undergo specific training before certain activities)
- documentation (e.g. creating standard operating procedures for using specific equipment)
- resourcing (e.g. obtaining additional funds to reduce staff/client ratios)
- systems (e.g. creating a maintenance schedule for the facility).

6

Formalise your risk management plan

There are generally three things that you can do to formalise your plan: document, appoint a risk management officer and create a standing agenda item.

1. Documentation

It is recommended that you document your risk management process to demonstrate to others that you are serious about risk management. Using the Risk Management Action Plan Template will enable you to formalise this process. The action plan summarises the outcomes of the evaluation and the actions required as a result.

You may also wish to consider developing a risk register, which lists the identified risks in order of priority, refers to the Risk Management Action Plan and identifies the individual responsible for the management of each risk. This should be updated on an ongoing basis as risks are no longer relevant or new risks appear.

2. Appoint a Risk Management Officer

In addition to documenting your plan, boards and committees should also consider nominating one person to be responsible for risk management. The nominee should be given clear guidelines on their role in reporting and dealing with risks.

3. Standing Agenda Item

You can also list risk management as a standing item on your agenda to make sure it is considered at each meeting. Every committee member can then report on any potential hazards or risks.

Implementing these three steps collectively should help you communicate to your insurer that you are taking all possible steps to minimise risk.

7 *Implement your treatment options*

For each risk that needs treatment you need to answer the following questions:

- What is to be done?
- What resources are required?
- Who is responsible for doing it?
- When should it be completed?
- When should it be reviewed?

Treatment may include implementing policies, erecting signs, providing training, replacing equipment and purchasing insurance, etc. In implementing your treatment options you may wish to establish a minimum risk management standard for your organisation. To do this you may wish to:

- Identify any legal requirements such as laws relating to child protection.
- Identify any national standards relevant to the activity such as equipment.
- Consider any common or best practices, for example the Member Protection Policy developed by the Australian Sports Commission.
- Utilise these resources as a guide to develop your own minimum risk management standard.
- Ensure that your treatment actions are recorded and filed.
- Ask yourself if the minimum standard you have developed meets your risk management requirements for your particular issue.

8 *Communicate information to everyone affected*

Communication is arguably the single most important factor in the successful implementation of risk management. You need it to gather the relevant information, make judgements about the level of risk and decide on options for treating it. Feedback about whether risk minimisation strategies are working is also essential.

Consider telling people about your risk management process via newsletters, minutes and web sites so everyone affected is clear about their role and responsibilities. You might need to consider clearly documented and distributed policies, as well as specific instructions for higher risk tasks.

9 *Review your risk management plan after six months*

Once you have developed your risk management action plan you need to continually monitor your risks and review the plan regularly. It is a good idea to check your progress after six months to see whether you are achieving your aims. You may need to consider if you have allocated enough resources to complete the tasks in the timeframe.

10 *Identify any new risks and update your action plan*

The one constant thing in life is change – circumstances and situations are constantly varying. Once you commence the process of risk management there is no doubt new or different risks will appear. You need to be able to deal with them when they arise and incorporate them into your risk management plan so it remains up-to-date.

Risk Management and Events

Many organisations conduct a variety of events as part of their operations. Whether this is a one-off or there are regular ongoing events, risk management is equally important. The same principles apply – you can use the risk management process described previously in this chapter to identify, analyse and treat the associated risks.

Keep in mind that events often have special circumstances that contribute to risk such as:

- Venues owned by others
- Transport/public road usage
- Large crowds
- Reliance on volunteers/untrained people
- Limited control over suppliers and subcontractors
- Weather
- Decision making under pressure
- A need to foster good community relations.

One strategy is to use test events or event modelling as risk identification methods, especially for larger events. Make sure you consider all areas of the event, including promotion, theme/activity, operations, post event activities and environmental factors.

Keep in mind that a risk identified under promotion will have a ripple effect across the entire event. For example, if a high profile international athlete is secured, this may change the numbers participating, security, and facilities required such as food and toilets. Consequently, risks across the whole event need to be re-examined, not just promotion.

An outcome of the risk analysis process may be a contingency plan designed to respond to high risks and minimise the impact.

Risk management is everyone's business and is simply a logical, commonsense way of making sport and recreation safer and more enjoyable for everyone.



LEGAL CONCEPTS AND KEY LEGISLATION

A basic guide to legal terms,
concepts and new legislation

3



▶ legal concepts & key legislation

The 'law' comes from legislation (statutes and by-laws) created in federal and state parliaments and also from judges' decisions in courts (the 'common law'). Which laws apply, state or federal, depends upon the subject matter involved. State legislation, for example, impacts fundraising and gaming practices, occupational health, safety and welfare, and equal opportunity. Federal legislation is responsible for such things as taxation and trade practices laws. Over-lapping state and federal legislation, such as employment law, govern some areas. In addition, there is a vast wealth of law contained in administrative regulations drawn up to assist the implementation of legislation.

The recreation and sport industry covers a wide range of organisations, and the legal framework under which you operate will determine your legal obligations.

For example, incorporated associations are less highly regulated than companies limited by guarantee.

In addition, requirements will vary across states and territories for organisations with the same legal structure. You will need to check the State and Territory Act (law) relevant to your organisation to determine your responsibilities. It will usually cover things such as constitutions, number of meetings per year, record keeping and auditing of accounts.

People involved in recreation and sport activities as administrators, volunteers or participants are unlikely to be aware of the full array of legislation and rules. But ignorance of the existence of a prohibition or regulation is usually not a defence. One of the crucial aspects of legislation is that when a provision is breached a set penalty is incurred, which, unlike civil law, may involve a fine or a term of imprisonment. Legal issues are not always quickly resolved and can have far-reaching ramifications.

How do you find legislation? Most legislation is accessible through the Internet on <http://www.austlii.edu.au> (if you know the name of the act).

To locate particular legislation in the statute books, you need to know the name of the act and the year it was passed.

Acts are often updated or repealed, changing parts of the legislation. Therefore, you need to ensure that what you are reading has been updated to include subsequent amendments.

Several key legal concepts are important in risk management. They can be complex and confusing because of the language used and how they affect each other. This section tries to provide a basic understanding of each concept.

Negligence

Negligence occurs when a person is harmed unintentionally by another due to carelessness. It is the failure to use reasonable care in a given situation. In order for a negligence claim to be successful four things need to be established:

1. A duty of care was owed to the injured person.
2. There was a breach of the duty of care.
3. An injury was sustained.
4. There was a reasonable causal connection between the breach of duty of care and the injury sustained.

The courts may award compensation ('damages') arising out of a suit alleging negligence.

So what does duty of care mean?

There is a general expectation that everyone is responsible for taking reasonable care not to harm others. In law this is known as the 'duty of care'. This concept is based on the idea of looking after your neighbour. In law your neighbour is someone that you should have foreseen is or was closely and directly affected by your actions. So in sport and recreation if you are responsible for making decisions or taking action that ensures other people are not harmed you owe a duty of care to those individuals.

To determine the scope of the duty of care two factors need to be considered:

Foreseeability

This refers to the possibility of harm occurring. Could a reasonable person foresee that there is a real risk that someone will be harmed? For example, it is reasonably foreseeable that if a coach takes players on a training run in 40-degree heat that there is a risk of dehydration. Some risks may still be reasonably foreseeable even if they are extremely unlikely or rare (like being bitten by a shark while surfing).

Proximity

This concept relates to the nature of the relationship between the person who owes a duty of care and to the person to whom they owe that duty. The degree of proximity can vary considerably depending on the circumstances. For example, a lifeguard would have greater proximity when on duty than when off duty.

Standard of care

The standard of care required is based on what a reasonable person would have done in similar circumstances. It will also vary according to the person involved. For instance, the duty of care owed by someone in an official capacity such as a coach would be based on what a reasonable coach, with similar experience, would do in similar circumstances. The standard of care required would also be higher for someone who is less able to look after themselves (less skilled, unfit, injured, children, etc.). Industry standards and organisation documents such as codes of practice and/or behaviour may all be used to determine the standard of care required.

Voluntary assumption of risk

The main defence to a negligence claim as a result of sport and recreation activities is 'volenti non fit injuria' or the voluntary assumption of risk.

The duty of care that is owed can be completely removed if the harmed person voluntarily assumed the risk of the actual act that caused harm.

For example, if an ice hockey player had voluntarily and completely assumed the risk of physical harm within the rules of the game he or she cannot complain when injured.

Contributory negligence

Harmed persons who have compounded the harm by failing to exercise reasonable care for themselves may have contributed to some of the loss suffered. As a result any damages will be reduced in proportion to the extent to which their actions contributed. Say a mountain bike rider is injured after colliding with another rider during a race. The rider had a blood alcohol of more than 0.15, which would have impaired his ability to judge speed and distance, and as a result the collision occurred. His damages against the race organisers could be reduced considerably.

Vicarious liability

In some circumstances an organisation may be liable for the conduct of others. For example, an organisation may be directly responsible for the conduct of its officials or employees. A club can be held responsible for liability arising out of a coach's instructions or behaviour.

Exemption clauses and waivers

No waiver or exemption clause is a foolproof way to avoid litigation. Obviously preventing the injury in the first place is preferable, but a carefully worded waiver that is distributed and explained to all affected can strengthen your defence in the event of a claim. The Trade Practices Act 1974 (Commonwealth) prohibits the exclusion of some terms which it includes in all consumer contracts for consumer protection. Seek legal advice to make sure you get the wording right and that you meet the technical requirements to ensure the document can be enforceable.

You need to be able to convince someone else, somewhere else, at some other time that the person that undertook the activity actually understood the risks involved. For example, in Formula One racing they video the reading and signing of the waiver with the drivers. These waivers are very specific and detailed and they outline all possible risks. It is important not to opt for a brief generic waiver.

Since the Recreational Services (Limitation of Liability) Act 2002 (SA) was amended on 1 August 2005, a recreational service provider may limit their liability by registering and subscribing to a safety code.

Waivers can still be used by recreational service providers to limit liability for property damage and other things that are not directly related to participation in the recreational or sport activity. For example, property loss and travel to an event that has been arranged by the club or association.

▶ legal concepts & key legislation

The following paragraphs are included in the Terms & Conditions for registration to participate in the 2008 Australasian Masters Games. Participants are required to sign to demonstrate that they agree and abide by the Terms & Conditions of the competition, thus acting as a waiver of liability for the Australian Masters Games.

12. Warning: This clause is to be read in conjunction with clause 18. AMG Activities can be inherently dangerous. I acknowledge that I am exposed to certain risks during AMG Activities including but not limited to:

- other participants may act dangerously or with lack of skill;
- conditions may be hazardous and may vary without warning or predictability;
- organisers, officials, venue owners/operators and any agents or representatives of any of them, in charge of an event may be obliged to make decisions under pressure of time and/or events;
- any policy of insurance of or in respect of my life or physical or mental health may be voided;
- my property may be damaged, lost or destroyed.

I acknowledge that accidents can and often do happen which may result in me being injured or even killed, or my property being damaged. I have read and understood this warning and accept and assume the inherent risks in participating in the AMG Activities.

13. Exclusion of Implied Terms: I acknowledge that where I am a consumer of recreational services, as defined by any relevant law, certain terms and rights usually implied into a contract for the supply of goods or services may be excluded. I acknowledge that these implied terms and rights and any liability of AMG flowing from them, are expressly excluded to the extent possible by law, by the terms and conditions. To the extent of any liability arising, the liability of AMG will, at the discretion of AMG, be limited to the re-supply of the goods or services, repair of the goods, or payment of the cost of having the goods or services replaced or supplied again.

To see the complete Terms & Conditions document, visit

http://www.australasianmasters.com/fileadmin/user_upload/Sport_Images/Terms___Conditions.pdf

The full document is also included in the Examples and Resources Section.

It is important to remember that while a good release or waiver has value for defence from civil action in the event of a claim, you should never rely on it in lieu of other measures and risk management procedures.

Natural justice

Players or participants of a club or organisation who have broken the rules need to be dealt with appropriately. To ensure that legal matters do not arise, the accused person needs to be treated fairly. To do this, the principles of natural justice need to be followed.

These principles include:

- the right of the accused person to know the charges and to be given reasonable time to consider them.
- the right to be heard in one's defence before an independent (that is, not biased or prejudiced) body.

A denial of natural justice to a member by any club or society, no matter how small or large, sophisticated or unsophisticated, may lead to an application to the courts for remedies and costs.

Legal status and corporate liability

Incorporation gives a club or organisation legal status, which means that the club or organisation is able to sue and be sued in its own name. Once incorporated, it will be the club itself that will have to satisfy any claim or liability so long as the members have acted properly and within their authority.

'Officers' - committee, secretary, treasurer, public officer and managerial employees - of incorporated bodies are now faced with similar responsibilities to directors and other officers of corporations governed by the due care and diligence sections of the Corporations Act 2001 (Commonwealth) even if they are voluntary and unpaid officers.

For a fact sheet on Incorporation visit, http://www.ofv.sa.gov.au/pdfs/Fact_Incorporation.pdf

Due diligence

To limit liability directors and officers of an organisation need to demonstrate that they took all reasonable steps to prevent a reasonably foreseeable loss or injury occurring. The concept of due diligence comes from company law.

It essentially means that a director or officer of an organisation should:

- act in good faith and for a proper purpose
- not have a material interest
- reasonably inform themselves
- consider their decision in light of the best interests of the organisation.

New legislation

Good Samaritans

Under the Civil Liability Act 1936 (SA) (as amended) an individual who provides assistance, advice or care to another person in an emergency, where there is no expectation of payment by money or other means, will not be able to be sued for any injury or harm he/she causes if acting in good faith without recklessness (provided the good Samaritan's ability was not significantly impaired by alcohol or drugs).

Volunteer protection

There is no doubt that many sport and recreation organisations rely heavily on volunteers to keep their operations viable. The Volunteer Protection Act 2001 (SA) was introduced in South Australia to protect volunteers from being personally liable to pay compensation for negligent actions arising out of authorised activities of the volunteer, which may have unintentionally caused personal injury, property damage or financial loss. The Act is designed to limit personal liability of volunteers, except for liability for defamation, or if the volunteer was impaired by recreational drug use or if the volunteer was acting outside the scope of the authorised activities or contrary to instructions.

While the Act benefits volunteers, it subjects the organisations to the risks of liability for the acts of the volunteer. Organisations will need to make sure that volunteer roles and responsibilities are clearly defined and those acting in these roles have the required training and experience to fulfil those duties.

Privacy

The Commonwealth Privacy Amendment (Private Sector) Act 2000 came into force in December 2001. This legislation requires organisations to comply with the National Privacy Principles (NPPs), which are simply minimum privacy standards for dealing with personal information. Personal information covers things such as name, address, contact details and medical information.

While organisations with a turnover of \$3 million or less are exempt, this exemption does not apply if you disclose the personal information of your members to a state or national body in return for a benefit or service from that organisation or sponsor. In reality this means that the vast majority of sport and recreation organisations will need to comply with the NPPs.

Responding to the privacy legislation

- Become familiar with the NPPs. Check the Help section for details.
- Review the way you collect, hold, use and disclose personal information.
- Make the appropriate changes to ensure you meet the NPPs.
- Develop a Privacy Policy as part of your overall risk management strategy.

The Australian Sports Commission has information regarding the application of the Privacy Act to sport, http://www.ausport.gov.au/supporting/clubs/resource_library/library/planning/keeping_information

Discrimination and harassment

In recent times there have been a number of high profile cases of individuals and organisations in the courts for breaches of the anti-discrimination laws. There is both state and federal legislation covering discrimination.

The Equal Opportunity Act 1984 (SA) (proclaimed in March of 1986) consolidated all of the anti-discrimination legislation that applied to that date in South Australia. This Act deals with a range of discriminations (race, age, gender, marital status, sexuality, pregnancy and physical or intellectual impairment); disability (includes 'disease-causing organism present in the body') in employment (including contracts and partnerships), education, provision of goods and services, accommodation, clubs and associations, advertising, conferral of qualifications, disposal of land.

Discrimination is really treating someone less favourably because of one or more of the characteristics previously mentioned. Everyone has choices about how they treat other people. Those choices can be made using real and relevant information or they can be based on prejudice, stereotypes, misinformation and bias.

Some discrimination is unlawful (for example, sexual harassment and racial discrimination) and some is not (for example, coaches who shows favouritism towards their children over other players). Discrimination and harassment is a critical issue for everyone involved in sport and recreation, and it can be a complex area.

For example, one sporting organisation ended up in court after refusing to allow a pregnant athlete to play her sport. This is a difficult issue, especially when you consider the balance between the duty of care owed to the player and the unborn child, and the probability of breaching discrimination laws. The Australian Sports Commission has issued guidelines that provide some advice on how to handle this situation.

The following case study is taken from the Play by the Rules website:

Strength/Stamina/Physique Argument Rejected

Emily South v Royal Victorian Bowls Association (RVBA) (2001)

Ms Emily South a 19 year old keen bowler, had been a member of the St Kilda Bowling Club for about seven years. The club was an affiliated member of the Royal Victorian Bowls Association (RVBA)

The RVBA conducts a Metropolitan Pennant Bowls Competition on Saturday afternoons. Ms South wanted to play on Saturday afternoons because she was unable to play in the Women's Pennant Competition which was a mid week competition that clashed with her school and university commitments.

She wished to play at the highest level and her club considered her capable of competing in the Saturday afternoon RVBA competition. Only clubs affiliated with the RVBA with members affiliated to the RVBA are eligible to compete in their Saturday pennant competition. RVBA rules stated that only male members of affiliated clubs could then affiliate as individuals with the association.

The request to register Ms South as an affiliated member was refused by the RVBA

Ms South Lodged a complaint of Sex Discrimination with the Victorian Equal Opportunity Commission.

The RVBA argued that strength, stamina and physique are involved in the playing of bowls. In particular, the drive shot which is produced by the application of strength, is an important tactical shot which may decide the outcome of the game. Evidence was presented that men employ the drive shot more frequently than women.

However, the Tribunal found that strength, stamina and physique were not significant in bowls and that discrimination had occurred. It ordered the RVBA to amend its rules so as not to prohibit women from registering as affiliated members and competing in the Saturday pennant bowls competition.

For further examples of Court and Tribunal Decisions and Conciliated Complaints, visit the website -

<http://pbtrcms.com/assets/docs/courtAndTribunalDecisions/CourtAndTribunalDecisions.pdf>

▶ legal concepts & key legislation

Harassment is when abusive, threatening or belittling behaviour is directed at someone because of a particular characteristic of that person. The behaviour must be unwelcome and is really about one person inappropriately exercising power over the other.

Children are particularly vulnerable and clubs and organisations have a role to play in child protection and abuse prevention.

The following are some examples of unfair and possibly unlawful discrimination:

Sex Discrimination

Prizes of different value are given for male and female competition in the same club.

Racial Discrimination

An Aboriginal player is overlooked for team selection due to his race.

Age Discrimination

A club refuses to clear players to other teams if they are younger than 21.

Marital Status Discrimination

A player is deliberately excluded from team activities and social functions after she divorces her husband who is a club official.

Pregnancy Discrimination

A woman is dropped from her softball team when she reveals she is pregnant.

Sexuality Discrimination

A footballer is ridiculed by his team-mates after his homosexuality is disclosed.

Impairment or Disability Discrimination

A junior player is overlooked because of her mild epilepsy.

Sexual Harassment

A male tennis coach keeps putting his hand on a woman's bottom during coaching sessions, making her feel very uncomfortable.

Victimisation

A player is ostracised by her coach for complaining about his racist behaviour to another club official.

These examples are taken from the Play by the Rules web site (www.playbytherules.net.au) produced by the South Australian Equal Opportunity Commission with the Office for Recreation, Sport and Racing.

The site combines information about legislation, frequently asked questions about discrimination and sport, as well as resources such as policies and model codes of practice for organisations to download and adapt for their own circumstances.

Recreational Services (Limitation of Liability) Act*

The Recreational Services (Limitation of Liability) Act 2002 came into operation on 1 July 2003, changing the law relating to damages for personal injury in South Australia.

The laws apply to service providers and participants of sporting, leisure or recreational activities.

Under the Act, a safety code for a specific recreational activity, (e.g. Horse Trail Riding) can be submitted to be registered by the Minister for Consumer Affairs. Each safety code documents the comprehensive and prescriptive steps a service provider will take to reduce or eliminate the risk of a consumer suffering personal injury.

The Office of Consumer and Business Affairs (OCBA) web site holds a register of safety codes as well as providers that have registered undertakings to comply with a particular code. If a service provider registers to comply with a safety code, the requirements of the code will replace existing statutory and common law duties of care in relation to negligence and places more responsibility on consumers. To reduce liability a provider must ensure that they comply with the safety code at all times.

The Act does not:

- have any effect on the current statutory and common law duties of care owed by your organisation to minors and those lacking intellectual capacity
- limit liability for property damage
- apply to service providers who operate outside of South Australia.

On 1 August 2005, the Recreational Services (Limitation of Liability) Act 2002 was amended.

The amendments to the legislation:

- permit the Minister for Consumer Affairs to approve changes to an existing registered safety code, as long as they are minor and do not affect the substance of the code, in consultation with various bodies, without having to undertake a complete registration process
- clarify that the Act applies to not-for-profit organisations and not simply those operating 'in trade or commerce'
- permit the Minister for Consumer Affairs to waive or reduce the fees associated with registering a code
- permit the Minister for Consumer Affairs to nominate specific events to be exempt from registering codes.

Since the Recreational Services (Limitation of Liability) Act 2002 (SA) was amended on 1 August 2005, a recreational service provider may limit their liability to participants by registering and subscribing to a safety code.

Waivers can still be used by recreational service providers to limit liability for property damage and other things that are not directly related to participation in the recreational or sport activity. For example, property loss and travel to an event that has been arranged by the club or association.

Currently, there are a number of draft codes undergoing the registration process and one safety code (relating to the use of miniature ponies) that has been approved for registration.

The codes in development are intended to act as models, providing a framework for other organisations.

Contact your peak body or the ORS for details.

OCBA website - <http://www.ocba.sa.gov.au/Associations/>

**This [O6] section is an edited version of the information contained on the OCBA web site, which provides detailed information on registering a safety code.*

Children's Protection Act

The Children's Protection Act 1993 (SA) mandates people who have a suspicion on reasonable grounds that a child has been abused or neglected to report it to Children, Youth and Family Services (CYFS), where the suspicion is formed in the course of the person's work or in carrying out official duties.

In recent years the number of reported suspicions of child abuse has increased markedly, reflecting a growing awareness of the problem and a need to prevent it. In addition, publicity about the vulnerability and abuse of children by someone they trust means everyone now demands more from organisations that care for children.

The government has enacted the Children's Protection (Keeping Them Safe) Amendment Bill 2005, which means recreation and sport organisations will be required to have strategies in place to prevent and minimise opportunities for abuse and to respond when it occurs or is suspected. Enacted on 1st January 2007, these amendments extended the mandate to all staff and volunteers of organisations providing sporting or recreational services wholly or partly for children.

See the Child Protection section 4-1 for more information and strategies.

Look in the Help section for a list of useful contacts, web sites, references and organisations if you need additional information.

Disclaimer

The above comments on legal liability and recent legislative changes do not purport to be a complete and accurate description of the law on these topics. The State Government of South Australia (Office for Recreation and Sport) and its servants and agents are not by these comments providing legal advice to any person, company or organisation and make no warranties with respect thereto and to the maximum extent permitted by law disclaim all liability and responsibility for any direct or indirect loss, damage or liability which may be suffered or incurred by any person, company or organisation as a consequence of or in reliance upon anything contained in, implied by, or admitted in this document.



CHILD PROTECTION

What you can do to protect our most
important asset.

4



Recreation and sport organisations have a responsibility to children to provide a safe environment that minimises the risk of discrimination, harassment and abuse.

In recent years the number of reported suspicions of child abuse has increased markedly, reflecting a growing awareness of the problem and a need to prevent it. In addition, publicity about the vulnerability and abuse of children by someone they trust means everyone now demands more from organisations that care for children. The government has enacted the *Children's Protection (Keeping Them Safe) Amendment Bill 2005*, which means recreation and sport organisations will be required to have strategies in place to prevent and minimise opportunities for abuse and to respond when it occurs or is suspected. In early 2008, the **Child Safe Environment: Principles of Good Practice** will be released by the Department for Families and Communities. This document will be a useful guide for organisations as they develop appropriate policies and procedures to establish and maintain child safe environments, as required under the Children's Protection Act 1993 amendments.

The Principles of Good Practice will incorporate standards of conduct for adults in dealing with children and standards for care for ensuring the safety of children. They are part of an integrated package of measures aimed at establishing and maintaining child safe environments and ensuring that the safety and wellbeing of children remains of paramount consideration for all organisations that provide services for children.

The Principles will cover the following 7 areas:

- Identify and analyse risk of harm
- Develop a clear and accessible child safe policy
- Develop codes of conduct for adults and children
- Choose suitable employees and volunteers
- Support, train, supervise and enhance performance
- Empower and promote the participation of children in decision-making and service development
- Report and respond appropriately to suspected abuse and neglect.

The Office for Recreation and Sport website will include a link to the principles document when it is released

<http://www.recsport.sa.gov.au/training-development/sport-ethics.html>

(The Principles of Good Practice and a document with Recreation and Sport specific guidelines will be available for download when they are finalised in early 2008)

Legislation alone is not enough to protect children. Your organisation will need to take a risk management approach, raising the profile and importance of child protection and adopting relevant policies and practices. The aim is to minimise the risk of harm to children and allegations against staff/volunteers. The nature of recreation and sport activities, and the potential risks associated with coaches, leaders and volunteers being left alone with children, can also create perceptions of impropriety, even when none exists.

The Office for Recreation and Sport have developed a fact sheet, **12 Steps to Child Safe Environments** that will assist you to commence the process of creating a child safe environment in your organisation. The **12 Steps to Child Safe Environments** fact sheet is included in Examples and Resources Section.

The Office for Recreation and Sport have also released a booklet, **Keeping Children Safe in Recreation and Sport** that will be useful for your organisation, this is included in the Examples and Resources section.

The Booklet has been produced with the assistance of Families SA to help you understand the issues surrounding child protection. The information it contains will be useful to many people who undertake various tasks in recreation and sporting groups or clubs. The booklet contains definition of child protection, the role of the club, parent or volunteer and participant. It has checklists that will help you to contribute to keeping children safe in your recreation or sport group and contacts for more information.

SUMMARY

Like any other area of risk it is recommended that you regularly review your policy and procedures regarding child protection to ensure they are effective and reflect any changes to your organisation and its activities. Child protection requires a commitment to developing a child safe culture that is incorporated into your overall organisation's risk management strategy. It is everyone's responsibility to provide a safe environment to prevent and minimise opportunities for harm to children, and to ensure their recreation and sport experiences are positive.

POLICIES

What policies you can implement to protect yourself and others.



As part of your risk management strategy you may wish to adopt or develop a selection of policies. These include things like member protection, drugs, athlete selection, handling hazardous chemicals, etc.

Policies are statements about the culture of a particular organisation and give an explanation of why activities are to be undertaken. They also provide guidelines for action and a mechanism for dealing with issues as they arise.

Probably the most important policy is a member protection policy, which is a combination of a number of traditionally separate policies including discrimination, harassment and child protection.

To support a Member Protection Policy, another strategy is to appoint a Member Protection Information Officer,(MPIO), who is a trained person that can assist your organisation better manage complaints and conflict when they arise.

Training for Member Protection Information Officers is available through the Office for Recreation and Sport. They are trained to receive and handle complaints from members within their organisation and have the knowledge of the types of options available to them, which can assist the complainant find a resolution.

It is important that the Board of an organisation endorses the nominated person to the role of MPIO. The Board also needs to support the work of the MPIO by being proactive to address issues that may be raised by their MPIO.

The Australian Sports Commission (ASC) has developed a Member Protection Policy framework template, which can be found on the Australian Sport Commission's Member Protection page: http://www.ausport.gov.au/supporting/nso/member_protection This document is included on the enclosed CD, titled - MPP Template.

The template is a generic document for guidance only. It is designed to assist organisations to write their own member protection policy. It includes:

- policy position statements on child protection
- harassment and sexual relationships
- organisational and individual responsibilities
- code of conduct.

As you prepare to develop and implement a policy, it is recommended that you check with your regional association, state recreation and sport organisation or national sporting organisation as they may have a policy that you will be able to adapt for your purposes.

If you need to write your own policy, here is a step-by-step guide.

- Firstly, appoint someone with the responsibility for coordinating the drafting of the policy.
- Collect all the data and information you need.
- Talk with those affected by the policy to get their input before you start writing.
- Prepare a draft document using short, concise sentences. Sometimes it is easier to find an existing policy created for a similar situation or organisation and modify it for your own circumstances.
- Consult widely to get comment on the draft and then amend it accordingly.
- The policy and associated implementation procedures should be formally adopted by your organisation.
- Publish the policy and distribute it to all affected parties.

Once you have created a policy, you then need to monitor how it works and ensure that people comply with it.

Examples of relevant policies are included in Section 11 'Examples and Resources'

STATE & NATIONAL STANDARDS

An explanation of the
Standards Australia
“Guidelines for managing risk
in sport and recreation activities”
and the National Sport and
Recreation Competency Standards

6





Standards simply provide a benchmark of performance - specifying a level of quality.

A standard is usually a published document that sets out procedures and specifications to ensure that a product or service is fit for its purpose and consistently performs the way it was intended.

Sometimes you may hear people talk about 'best practice' when describing the way something should be done. Best practice is a common way of doing things that is considered safe and meets the level of care required.

Risk

Standards Australia developed a handbook called Guidelines for Managing Risk in Sport and Recreation Activities so there can be a consistent national approach to risk management rather than variations across organisations and geographic locations.

The main objective is to provide a healthier environment and 'legally' safer operating environment for all sport and recreation organisations and their participants. Not only will this result in fewer injuries, it will also lessen the potential for any legal ramifications, criminal and civil, that may follow from a failure to operate with appropriate caution.

The handbook has been prepared mainly for volunteers on boards or committees, be they at club, association, state, or national levels.

The handbook is not prescriptive, rather it provides a broad approach including definitions, processes and guidance to allow sport and recreation organisations to make sense of risk management and apply it in a practical sense.

This updated Risk Management Resource has been designed as a companion for the Standards Australia Guidelines for Managing Risk in Sport and Recreation Activities.

We strongly encourage you to obtain a copy of the Guidelines from Standards Australia. See the Help section for Standards Australia's contact details.

Training

Training is another area where national standards have existed for some time.

National training packages are a major feature of vocational education and training (VET) in Australia. They are national products developed in conjunction with industry to meet current and emerging skill requirements. **Training packages** provide the building blocks from which training programs, leading to nationally recognised **qualifications**, can be developed.

The VET sector provides education and training for people entering the workforce, for trades and technical occupations, and for paraprofessional jobs. It covers education and training for the thousands of occupations not covered by university training.

The Sport and Recreation Training Packages (Sport, Fitness, Community Recreation and Outdoor Recreation) each contain a number of national **qualifications** that are recognised across state, territory and organisation boundaries. Each qualification, such as a Certificate III in Community Recreation, is made up of a selected group of competency **standards**.

Competency standards are statements that specify the level of skills, knowledge and their application to required performance standards for various positions and roles in the workplace. They can be used for three main purposes:

- training - developing training programs for individuals and organisations
- performance - staff selection, promotion and performance reviews
- work allocation - job descriptions, organisational restructuring, work organisation.

There are literally hundreds of units of competence in each training package and they cover generic industry skills such as communication, administration, risk management and finance, in addition to activity-specific skills such as instructing a gymnastics class, working with people with a disability, planning a group exercise class and applying abseiling skills.

In some cases you may not need an entire qualification and you might only choose to undergo training and/or assessment for certain relevant units of competence. You would then be issued a Statement of Attainment listing the units you have completed. Statements of Attainment are qualifications and can only be issued by **Registered Training Organisations (RTOs)**.

These standards and training packages have been developed with input from key industry people Australia-wide to make sure they can be used as benchmarks for performance, which makes them also useful as part of a risk management program. You can compare your existing staff competence against these benchmarks to identify possible areas of risk. Training staff/volunteers to complete their tasks safely is an important part of risk management.

For more information about sport and recreation industry related training, contact Service Skills SA (SSSA), the Industry Skills Council responsible for sport and recreation. See the Help section for SSSA contact details.

Adventure Activities

The South Australian Adventure Activity Standards (AAS) have been developed to assist organisations, guides and leaders to plan and undertake outdoor adventure activities with dependent participants.

The AAS are voluntary guidelines; they are not binding on any person or organisation and have no legal force, but they are designed to promote:

- **safety** for both participants and providers
- **information** for providers against legal liability claims and criminal penalties
- **assistance** in obtaining insurance cover.

The AAS reflect minimal acceptable standards of behaviour expected when planning and undertaking outdoor adventure activities with inexperienced and dependent participants.

The Standards can be modified to reflect the experience of group members and the particular situation of the adventure activity where there may be less dependence upon the group leader for guidance and instruction.

Regardless of the extent to which the AAS is adopted, each organisation, guide and leader has a duty of care to its participants to complete a risk analysis of the activity, and develop a risk management approach to address potential and unexpected situations.

For more information about AAS contact Recreation SA. See the Help section for contact details.

Fitness Industry Code of Practice

1. The objectives of the Recreation South Australia - Fitness Industry Code of Practice are to:
 - (a) Provide high value services and facilities and enhance consumer confidence in the industry;
 - (b) Improve the long term viability of the signatory fitness centres;
 - (c) Set a standard of business practice that protects consumers' rights;
 - (d) Set a standard of service that protects the health and well-being of the consumer;
 - (e) Establish procedures to resolve complaints, and to establish a disciplinary process for defaulting signatories.
2. This Code applies to Recreation South Australia - Fitness Industry Organisational Members (as defined in accordance with the constitution of Recreation South Australia) who are signatories to the South Australian Fitness Industry Code of Practice.

Recreation SA – <http://www.recreationsa.org>

INSURANCE

An explanation of the types of insurance and steps for a sustainable insurance program



Insurance is only one part of any risk management program and simply provides an opportunity to transfer some risk to an insurer in return for payment of a premium.

Being insured does nothing to reduce the likelihood of undesirable events occurring, but it does provide cash compensation after an incident has occurred. It is particularly useful for low-likelihood but high-consequence risks.

Insurance should be used as a last resort, after the risk has been treated as much as reasonably possible. Remember, having insurance does not mean that you cannot be sued.

Current situation

Rising insurance premiums, and in a number of cases limited or nonexistent insurance availability, is already having a significant impact on the sport and recreation industry.

“ To gain insurance cover, an organisation needs to be able to demonstrate to potential insurers that it has high standards of risk management, with the target being to minimise the likelihood of incidents that will lead to insurance claims. Successful risk management programs will require time, effort and funds to implement but result in containing premium costs in future years. ”

The years from 2002 to 2004 inclusive saw dramatic increases in the cost of public liability and professional indemnity insurance for sport and recreation organisations. (A report from the SA Council of Social Services indicated that from 2001 to 2004, eighty-eight per cent of community organisations’ insurance costs rose, with more than twenty per cent of those groups reporting rises of at least 100 per cent.) There has been recent stabilisation of rates, contributed to by legal reform; however, obtaining appropriate insurance cover continues to be a challenge.

Insurers do not generally consider the provision of insurance for recreation and sport organisations an attractive arrangement. The nature of the activities conducted means that there is the risk of injury and where there is injury the potential for litigation increases. Also, the incidence of claims made under personal accident insurance is high, resulting in high amounts of claim benefits paid and also high administration costs.

“Whilst the average size of claims settled has dropped in recent years, the frequency of claims has risen enormously. But this is not the major reason for premium increases. The cost of investigating each claim notification and the cost of employing more staff to handle these operations has meant increases in premiums are inevitable.”

Review of Australian Sports Insurance - summary of a report prepared for the Sport and Recreation Ministers’ Council March 2002

As a result, there are a limited number of insurance companies prepared to underwrite recreation and sport insurance. Those that will are selective regarding the risks they will insure.

There is very little likelihood that premiums for public liability will fall to the levels of the late 1990s; therefore, measures need to be put in place to ensure long-term sustainability of premiums. Such strategies include risk management, pooling with like organisations to increase the purchasing power for insurance, maintaining claims profiles and educating members about risk management and the need to prevent incidents from occurring.

Arranging insurance cover

Insurance can be purchased directly from an insurance company (or an agent of an insurance company) or the policyholder can appoint an insurance broker, whose role is to act on behalf of the client to source appropriate and cost-effective insurance cover from the insurance market.

Insurance classes and wordings

Insurance policy wordings and the protection provided by the policy will vary between insurance companies. **Even though policies may go by the same name this doesn't mean the cover provided is the same.**

Policy benefits, conditions and exclusions are critical when comparing an insurance policy from one company to another. The only way to be certain of the insurance cover provided is to read the policy document and question your broker or the insurance company on any queries. The following case highlights the need to check exclusion clauses. The wife of a Mintaro-Manoora footballer who died on field in 2005 was denied an insurance payout because players older than 25 were not covered for cardiovascular related deaths.

Types of insurance

The insurance covers listed here are the more standard forms that may need to be considered by the average recreation and sport body.

1. Legal Liability Covers

As a result of trends in litigation liability insurance, protection often heads the list of an organisation's insurance priorities. It is most important to identify that the insured under the policy includes all those entities and individuals that may be exposed to litigation.

Public Liability

Public liability insurance covers liability that results from loss of or damage to property, loss of use of property and death or injury due to negligence, but excludes breach of professional duty..

A suitable recreation and sport liability policy should consider the following:

- First Aid Treatment Risk
- Member To Member Cross Liabilities
- Umpires / Referees Liability
- Tenants Liability
- Goods Sold / Products Liability
- Property In Physical And Legal Control
- Property Owners Liability
- Car Parks

Breach of professional duty is excluded under Public Liability insurance.

For example, a public liability policy would respond to the following incident:

A football game commences without the goalpost padding in place. A player runs into the goalpost and is seriously injured. A negligence claim would likely result as a duty of care exists to provide safe facilities to play the game. By not applying padding this duty of care has been breached, and someone has been injured as a result of this breach.

Professional Indemnity

Professional indemnity insurance covers the insured against claims for compensation for breach of professional duty by reason of any negligence by way of act, error, omission or advice.

This type of cover is particularly relevant to coaches, instructors and referees, but also applies to medical staff and other 'professionals' involved in recreation and sport.

► insurance

Exclusions apply to the policy, which vary from one policy to another, so it is important that these exclusions are understood. It is possible to include extensions to the policy for the payment of an additional premium. Common extensions are:

- Libel and slander
- Fidelity guarantee
- Fraud and dishonesty (amends the dishonesty exclusion so that dishonest acts unbeknown to the insured can be covered)
- Loss of documents
- Trade Practices legislation
- Automatic reinstatement of aggregate limit of liability
- Consultants, sub-contractors and agents

Example

A coach decides that his inexperienced players should undertake some tackling practice without inquiring what tackling expertise they have; he does not give any instruction as to how tackling should be done. He also matches the 100-kilogram 'bruiser' with the seventy-kilogram 'speedster'. The speedster suffers spinal injuries. Taking into account duty of care, a negligence claim would likely result. As this is a clear example of error or omission of professional duty as a coach, a professional indemnity policy would respond to this incident.

Directors and Officers Liability

Directors and officers insurance indemnifies the directors, committee members, and other officers of the association against any 'wrongful act' committed by them in their capacity of director or officer.

'Wrongful act' is any actual or alleged breach of duty, breach of trust, neglect, error, misstatement, misleading statement, omission, breach of warranty or authority while acting in the capacity as directors or officers.

Exclusions will apply to the directors and officers policy. Usual exclusions include:

- Bodily injury and property damage (this protection is generally provided by a public liability or professional indemnity policy)
- Dishonesty and fraud of directors and officers
- Actions arising from the rendering or failing to render professional services and/or advice (this protection is generally provided by a professional indemnity policy)
- Claims which are made or threatened prior to the commencement date of the policy, or circumstances which any director or officer was aware to be likely to give rise to a claim, prior to commencement of the policy

Example

A fitness centre's board of management, desperately keen to grow their business, decide they need improved facilities and embark on a \$100,000 facility refurbishment. Inappropriate planning and research was done prior to the refurbishment, and when the creditors cannot be paid they decide to hold the directors and officers personally liable. As this was neglect, error and omission by the board members while acting in their board capacity, a directors and officers liability policy would respond to this incident.

Association Liability

Association liability insurance is a policy offered by some insurers, which can be considered to be a specialist policy for incorporated associations, which adds an element of professional indemnity protection to directors and officers insurance. It is important to understand that this policy does not replace public liability or professional indemnity insurance for coaches and officials. As per directors and officers, association liability insurance excludes bodily injury and property damage.

2. Insurances Associated With Income Protection

Participants in recreation and sport, by the nature of the activities in which they are involved, have the potential for injury. Insurance is available that provides agreed benefits in the event of injury where permanent disability is incurred, earning capacity is lost or medical and associated expenses are incurred. (Public liability insurance responds only in the case where injury or property damage occurs as a result of negligence.)

Workers Compensation

Workers compensation insurance is a legal requirement for all employers and protects employees who are injured in the workplace.

Personal Accident Insurance

Personal accident insurance is usually arranged on a group basis. This can be done at any level, from covering all members of an individual team/club all the way up to covering all members who are registered with all organisations affiliated with a particular national controlling body.

Personal accident insurance protects members while participating in their sport and recreation activities (both practice and matches), including travelling to and from those activities, attending official functions of the organisation and while staying away from home during a tour for the purpose of participating in sport and recreation events.

The benefits provided under group personal accident policy can include:

- Death
- Permanent Total Disability
- Permanent Partial Disability
- Non-Medicare Medical Expenses
- Loss of Income
- Parents Inconvenience Allowance
- various additional 'add on' covers.

Covers provided will vary from company to company, so it is vitally important to fully understand the details of the insurance that is purchased. For example, under the permanent disability section, some policies will cover all permanent disability, both total and partial, whereas some policies will only cover permanent total disability. As the vast majority of permanent sports injuries are partial disability only, this is a very significant difference in the policies.

3. Protection of Assets

Recreation and sport organisations are extremely diverse in terms of size, financial turnover and assets. Therefore, the types of insurance they will require to protect their property will vary considerably from one organisation to another.

Property will typically consist of buildings, fixtures and fittings, machinery, furniture and other contents, sporting and other equipment, money, and stock. If your building is leased, you should talk to the property owner about what insurances are required. Equipment will also vary considerably and may be fixed or mobile; it may include motor vehicles, groundsman's equipment such as mowers, etc., computers, cash registers, gaming machines, etc. Stock may include basic canteen supplies and equipment, or beverages required to stock licensed premises. Ideally, a complete list of insurable property should be available.

Keeping current records of property is important. This is often referred to as an asset register. Photographs are useful, especially with honour board and historic items and may be of assistance in the event of a claim.

Having established the property available to insure, consideration must be given as to whether or not to insure it. What is the likelihood of loss or damage? Can any actions be taken to reduce the likelihood of loss or damage? What would be the consequence if the property was destroyed or damaged? Does the organisation have the finances to replace it? Would it need to be replaced? Addressing questions such as these will assist considerably in determining if initiating or maintaining insurance is an appropriate action.

Usual classes of insurance appropriate for clubs are outlined below:

- Fire and Specified Perils
- Consequential Loss (Business Interruption)
- Burglary
- Money
- Glass
- Machinery Breakdown
- Spoilage of Frozen Food
- Electronic Equipment Breakdown
- General
- Fidelity Guarantee
- Motor Vehicle, Mobile Plant and
- Watercraft

Steps to Follow for A Sustainable Insurance Program

Steps to follow for a sustainable insurance program

- Implement a risk management program to reduce the likelihood and consequence of undesirable events.
- If desired, appoint an insurance broker with the appropriate knowledge, experience and qualification in the area of insurance and risk management.
- In association with the broker, determine those risk exposures within the organisation to which insurance is to be applied.
- Organise cover that meets the organisation's requirements.
- When policies are received, in association with the broker, review the wordings to ensure there is no unknown endorsements, exclusions or conditions.
- For group insurance policies in particular, those covered under the policy should be aware of the benefits that are applicable. Many organisations have their members sign a declaration that they are aware of the cover provided and that they accept that cover at the time of membership.
- Remain vigilant in regard to changes in circumstances such as addition or disposal of assets that may affect sums insured or special events that may fall outside the current policies or require additional cover, etc.
- Be proactive in ensuring that all claims made are genuine and that incurred losses are minimised.
- Analyse all available data in regard to claims and injuries with the aim of extracting information that will aid in identifying strategies for reducing the likelihood or consequence of claims. This will benefit not only the cost and availability of insurance, but will allow for a safer environment for all participants. For example, with personal accident insurance, exactly what are the injuries being incurred, what is causing them, on what surface was the activity being conducted at the time of injury, what was the weather conditions, at what stage of the game did the injury occur, etc.? This information can help you make changes to minimise the likelihood of accidents and therefore increase your chance of securing ongoing insurance.

Many State/National sporting bodies are involved in what are termed 'Group insurance' schemes. These schemes involve the State/National body negotiating an insurance package on behalf of all of their members and then each affiliated club is able to purchase insurance through the scheme.

Operating as a group enables the risks and costs to be shared and often leads to much lower premiums than if your club acted on its own. To find out more, contact the State Association for your sport or activity.

Local Community Insurance Services, LCIS, is a specialist insurance provider established to manage the insurance needs of clubs and community groups within Australia. Not for profit organisations are eligible if they meet the following criteria:

- Provide services to the broader community
- Have a turnover/funding of up to \$5million per annum
- Do not distribute profits to members
- Consist mainly of volunteers.

Find out more and obtain a quote contact LCIS www.localcommunityinsurance.com.au

There are some insurance companies who offer specialist sport insurance, the following are examples:

www.sportscover.com

www.oampslaser.com.au

www.jlta.com.au

www.sportsnetaustralia.com

Questions to Ask A Broker or Insurance Company

The questions will depend on the risk to be insured. However, the following list, which is broken into two categories, provides a broad outline of the type of issues that should be addressed.

A) Prior to broker appointment or purchase of policy

- What insurance and risk management qualifications do you have?
- How much experience do you have in insuring recreation and sport organisations?
- In what way are you going to add value to our business relationship? i.e. what services (if any) are you going to provide in addition to sourcing and arranging insurance cover? Services to look for are those that will assist with administration and contribute to a sustainable insurance program. Claims management, including data analysis, and risk management education and advice are examples of services that will lead to safer sport and recreation.
- Are any risks placed under a binding facility? If so, will the broker / client relationship be compromised by the binding authority?
- How do you receive your remuneration? Is it commission only, fee only, or commission and fee?

B) In regard to insurance protection to be provided:

- Which insurance company is underwriting the policy? How financially stable is it? What is its credit rating? What is your experience with its claims management? Is it an Australian licensed insurance company? (You can check with the Australian Securities and Investment Commission (ASIC) - see the Help section for contact details.)
- What cover is the policy providing? The cover to be provided must be specific to recreation and sport activities. For example, for public liability insurance, unless the policy includes cover for participation in sport it is inappropriate. Similarly, it should provide first aid treatment risk, etc. (Refer to the section on public liability insurance earlier in this document.)
- What exclusions apply to the policy? Do any of the exclusions pose problems in regard to the risks to be insured?
- What special conditions apply? For example, what obligations do you have in the event of a claim? Do any of these conditions pose problems?
- Who is covered under the policy? It is necessary to ensure that the policy protects all within the organisation that it is intended to insure, e.g. the legal entity, the players, officials, coaches, committee members and volunteers as individuals. In the case of liability insurance, will it provide protection if one member of the organisation injures another member of the same organisation?
- When does the policy provide cover? Does it cover all activities of the organisation? Does the policy define the activities covered? What is the period of insurance?
- Where does the policy provide cover? Does cover apply to Australia and New Zealand only? Does it cover all the jurisdictions in which you have exposure?
- What is the level of cover? What are the sums insured? Is there an aggregate limit for the period of the policy in addition to a limit for any one event? You need to determine whether or not these limits are sufficient.
- Is the policy subject to an excess? If so, can you remove or reduce it for extra premium? Or can you increase the excess for a premium saving?
- Is the policy an 'occurrence' or 'claims made' wording? An occurrence wording covers incidents that occur during the period of cover, regardless of when the claim is made. Under claims made wordings, the alleged breach must have occurred after the 'retroactive' date stated in the schedule and the pending claim must be notified to the insurer during the period of cover.

It is important that these items are addressed prior to the appointment or purchase decision. Often it is only in the event of a claim that you learn of the appropriateness of your policy.

AUDIT TOOLS, RISK MANAGEMENT ACTION PLAN TEMPLATE AND POLICY DEVELOPMENT

A variety of documents and tools you
can use to help you make the risk
management process easier



Audit tools

In this section you will find examples or links to safety audit tools or checklists that may assist you in identifying potential risks. These are basic checklists you may wish to read and/or complete. They are not definitive lists - just a starting point. Use the processes described in Steps 3, 4, 5, 6 and 7 of the Risk Management section to analyse and treat the risk(s) you identify.

If you have an insurance provider, they may have an audit checklist that you can use in your club.

Planning for sports safety

Sports Medicine Australia has developed the following two resources as 'tools' to assist you to begin the process of planning for sports safety.

1) How to Become a SMARTPLAY Club

This resource provides a basic sports safety audit approach, a step-by-step process to begin your sports safety planning, and a simple case study example.

2) SMARTPLAY Guidelines for Clubs, Associations and Facilities

This resource serves dual purposes. It can be used as a basic sport safety audit tool and it provides a generic sports safety plan framework that your organisation can use and adapt to your sport, recreation, physical activity and/or facility.

It includes ten existing preventative medicine and safety policies that supplement different section of the plan. These documents are included in Examples and Resources Section. As these documents are likely to be updated, it is recommended that you visit the website, http://www.smasa.asn.au/smartplay/plann_sportssafe/plann_sportsafe.html to ensure that you have the most recent version.

Smartplay Guidelines - 10 generic information sheets

- Medical History Form
- Infectious Disease
- Injury Record Form
- Drugs & Substances
- Drink up Brochure
- Roles & Responsibilities
- First Aid Kit
- Hot Weather Guide
- Gear Up
- Warm Up Brochure

ACTIVITY LEADERS CHECKLIST

This document is included in the Audit Tools and Templates section for you to download and print or customize for your club.

Another safety audit tool is this activity leaders checklist, which is designed for an activity leader or supervisor as a reminder of what needs to be considered when conducting sport and recreation activities. This checklist is **only a starting point** for organisations or leaders to develop their own checklist as part of their risk management action plan.

PRIOR

- Do I understand the aim of the activity?
- Do I have suitable experience and accreditation to conduct the activity?
- Do I plan my activity according to the industry standards or national guidelines for conduct of the activity?
- Have I considered potential dangerous circumstances such as weather and other hazards?
- Do I know the organisation's policy on cancellation or postponement?
- Do I know what to do in an emergency?
- Are all staff familiar with the emergency procedures?
- Have the participants been adequately informed about the activity and its inherent risks?
- Have waivers/consent forms been explained and agreed to?
- Have the participants been screened for injuries and capacity before starting the activity?
- Do any participants have special requirements?
- Have I nominated an appropriate meeting place?
- Have I conducted a risk analysis of the activity (including transport if relevant)?

DURING

- Do I have all resources required for the activity?
- Have I inspected the activity area for visible damage or hazards?
- Have I checked the activity and participant equipment?
- How many participants do I have - are they all present?
- Have I checked their medical forms?
- Do I know what to do if an accident happens?
- Is the first aid kit accessible?
- Do I have means of summoning assistance if required (e.g. mobile phone)?
- Do I have copies of the enrolment/medical forms with me?
- Are the participants properly equipped?
- Are rules and guidelines for the activity clearly explained to all participants?
- Are appropriate safety measures being taken during the activity?
- Is the activity meeting its aims?
- Am I enforcing the rules and guidelines for the activity?
- Are the participants enjoying themselves?
- Are we minimising our impact on the environment?

AFTER

- Do I have all my participants?
- Is all the equipment returned and checked for damage/wear?
- Have I checked the activity area for damage and reported any damage to the appropriate person?
- Did I debrief/conclude the activity appropriately?
- Did I review how the activity went?
- What could I do to improve the activity?
- Did I identify any hazards/risks that need to be reported or considered for future similar activities?
- Did I complete an incident report form for any accidents that occurred?

If you have addressed these issues, the following risk management protocols should be in place:

- Adequate supervision and adhering to recommended participant/instructor ratios
- Accredited training for all staff
- Comprehensive knowledge of local conditions (including facilities and weather)
- Insistence on participants complying with skill and physical capacity requirements
- Equipment that meets national standards or industry best practice guidelines
- Pre-activity check of the area if off-site
- Obtaining knowledge and advice from more experienced leaders
- Waivers/consent forms clearly explained and signed by all participants
- Warnings and safety signs prominently displayed
- Enforcing the rules and safety guidelines for the activity.

Adventure Activity Standards

The South Australian Adventure Activity Standards (AAS) have been developed to assist organisations, guides and leaders to plan and undertake outdoor adventure activities with dependent participants. Standards have been prepared for:

- bushwalking
- horse trail riding
- mountain biking
- rock climbing and abseiling on natural structures
- surfing
- trail bike riding.

They can be accessed from the Recreation SA web site: **LINK:** <http://www.recreationsa.org/downloads.php> - aas

This section provides a Risk Management Action Plan template that can be used when planning an activity, program, event or project to help you manage the risk. It enables you to document the risks you have identified, your reasons for determining the level of risk, and noting the treatment you have decided upon. A blank copy of this template is also located in the Audit Tools and Templates section to enable you to keep a copy of any completed sheets for your records. These may assist you in demonstrating to any current or potential insurers that you have a risk management strategy in place.

Risk Management Action Plan Template

NAME OF ORGANISATION _____

DATE DEVELOPED _____

Potential Risk and Date identified (See Step 2, Chapter 2)	Level of Risk (rating risk as low, moderate, high) (See Step 3, Chapter 2)	Reason for risk rating	Action (what is to be done) (See Step 7, Chapter 2)	Resources required	Responsibility	Timeline (when should it be done by)	Communication (strategy to inform relevant parties eg committee personnel, sponsors, members) (See Step 8, Chapter 2)	Risk Treated (Yes/No) and Date Treated	Review date (when should it be reviewed by) (See Step 9, Chapter 2)

HELP

A list of contacts, websites, references
and organisations



This resource has been designed as a starting point for undertaking the risk management process. While it will give you an outline of the basics, it cannot provide all the answers.

This section of this resource aims to provide you with the details of further information related to issues discussed in this resource. The Help section is divided into sections incorporating accredited and non-accredited training, resources (including publications and online resources) and general enquiries relating to insurance, legal, training, and risk management issues.

TRAINING: NON-ACCREDITED	
Club/Association Management Program 'Legal Issues and Risk Management' module - non-accredited training	Office for Recreation and Sport Ph: 08 7424 7622 Fax: 08 7424 6753 http://www.recsport.sa.gov.au/
On-line risk management training	Queensland Government http://www.deir.qld.gov.au/workplace/subjects/riskman/index.htm
TRAINING: ACCREDITED	
Accredited sport and recreation industry risk management training - modules from Certificate II and Certificate III level courses	Sport SA Ph: 08 8353 7755 Fax: 08 8353 7822 http://www.sportsa.org.au
Accredited sport and recreation industry risk management training - modules from Certificate II to degree level courses	Regency Institute of TAFE Freecall: 1800 882 661 http://www.tafe.sa.edu.au/Default.aspx?tabid=759
Accredited sport and recreation industry risk management training	Recreation SA Ph: 08 8351 2644 Fax: 08 8351 2633 http://www.recreationsa.org
RESOURCES (Standards & Codes of Practice)	
Activity Standards	
Adventure Activity Standards > Angling > Bushwalking > Canoe > Caving > Horse Trail Riding > Mountain Biking > Rock Climbing & Abseiling on Natural Structures > Surfing > Trail Bike Riding > Snorkelling, Diving & Wildlife Swims > Challenge Rope Courses	Recreation SA Ph: 08 8351 2644 Fax: 08 8351 2633 http://www.recreationsa.org/downloads.php - aas

Codes of Practice	
Fitness Code of Practice	<p>Recreation SA Ph: 08 8351 2644 Fax: 08 8351 2633 http://www.recreationsa.org/downloads/CodeofPractice2007.pdf</p>
RESOURCES	
Legal Issues Fact Sheet Employing, food handling, Fair Trading	<p>Office for Recreation and Sport http://www.recsport.sa.gov.au/training-development/clubs-legal-issues.html</p>
Club/Association Management Program 'Legal Issues and Risk Management' module booklet	<p>Australian Sports Commission download for free from the Australian Sport Commission http://www.ausport.gov.au/supporting/clubs/resource_library/library/leadership/risk_management</p>
Online sport and recreation industry insurance broker database	<p>http://www.sportscover.com/fynb.asp</p>
Free online alphabetical listing of acts and regulations	<p>SA Attorney General's Department http://www.legislation.sa.gov.au/index.aspx</p>
Privacy Commissioner's web site - information about privacy law	<p>http://www.privacy.gov.au</p>
Australian Sports Commission Guide to Best privacy practices for sporting organizations	<p>Australian Sports Commission http://fulltext.ausport.gov.au/fulltext/2002/ascpub/privacy.asp</p>
'Guidelines for Managing Risk in the Sport and Recreation Industry' National framework for risk management in the sport and recreation industry in Australia Price: \$33 (hardcopy) - 2006 price \$29.70 (PDF) - 2006 price	<p>Standards Australia Ph: 131 242 Email: sales@saiglobal.com http://www.riskmanagement.com.au</p>
Online resources - SMARTPLAY > Sport Safety plan > Injury prevention	<p>Sports Medicine Australia (SA) http://www.smasa.asn.au/smartplay/info_index.html</p>
Online dedicated web site - <i>Play by the Rules</i> . <i>Play by the Rules</i> combines information about discrimination, harassment and child protection supported by online training for key people involved in sport such as coaches, administrators and umpires.	<p>http://www.playbytherules.net.au</p>

RESOURCES cont.	
Hot Weather Guidelines	<p>Sports Medicine Australia (SA) http://www.sma.org.au/pdfdocuments/Hot_Weather_Guidelines.pdf</p> <p>http://www.smasa.asn.au/smartplay/ouch/medical/heat/heatinfo.html</p> <p>Bureau of Meteorology http://www.bom.gov.au/products/IDS65004.shtml</p>
General Volunteer Protection Legislation information	<p>Office for Volunteers Ph: 8463 4490 Email: OFV@saugov.sa.gov.au http://www.ofv.sa.gov.au/volprotection.htm</p>
Keeping Children Safe in Recreation & Sport	<p>Office for Recreation & Sport http://www.recsport.sa.gov.au/training-development/sport-ethics-child-protect.html</p>
Online resource - 'Setting up an Online Membership Database' Privacy principles for sporting organisations	<p>http://www.ausport.gov.au/supporting/clubs/resource_library/library/planning/collecting_information/membership_database_and_websites</p>
Occupational Health, Safety & Welfare Kit: Employer Information	<p>WorkCover Corporation http://www.workcover.com/home/aboutus/stakeholdergroups/disability/occupationalhealthsafetywelfarekit.aspx</p>
Application of the OHS&W Act 1986 to volunteer operated organizations and recreational and sporting events	<p>Safework SA http://www.safework.sa.gov.au/show_page.jsp?id=3047</p>
Business Registration Recreational Services Act	<p>Office of Consumer & Business Affairs Ph: 1300 138 918 Email: businessnames@agd.sa.gov.au http://www.ocba.sa.gov.au/Associations/</p>
Fact Sheet on Incorporation	<p>Office for Volunteers http://www.ofv.sa.gov.au/pdfs/Fact_Incorporation.pdf</p>
Publications and resources Catalogue index	<p>Australian Sports Commission http://www.ausport.gov.au/about/publications</p>
General sports law information	<p>Australian and New Zealand Sports Law Association - ANZSLA http://www.anzsla.com.au</p>
Event Safety SafeWork SA	<ul style="list-style-type: none"> • Event Safety Administration • Event Safety Checklist • Event Safety Management • Event Safety Risk Assessment <p>http://www.safework.sa.gov.au/uploaded_files/eventsafety_management.pdf</p>

GENERAL ENQUIRIES	
General insurance enquiries	<p>Insurance Council of Australia Ph: 02 9253 5100 Fax: 02 9253 5111 http://www.insurancecouncil.com.au/ForConsumers/tabid/1507/Default.aspx</p>
General insurance enquiries Records of registered insurers and brokers	<p>Australian Securities and Investment Commission (ASIC) Ph: 1300 300 630 Email: infoline@asic.gov.au http://www.fido.gov.au/fido/fido.nsf/byheadline/Check+that+brokers+or+agents+are+licensed+to+sell+insurance</p>
General legal enquiries	<p>The Law Society of South Australia Ph: 8229 0222 Email: email@lawsocietysa.asn.au http://www.lawsocietysa.asn.au</p>



CONCLUSION & ACKNOWLEDGEMENTS

Drawing together the
themes of the document
into a summary



▶ conclusion & acknowledgements

This resource is an updated version of the Risk Management Resource that was developed in 2002. It has been developed to address the critical issue of risk management for sport and recreation organisations.

It is clear that all sport and recreation organisations are subject to potential liabilities simply as a result of what they do. By being aware of what those liabilities are, adopting the right risk management practices and obtaining appropriate insurance organisations can go a long way towards reducing the likelihood of those liabilities occurring.

This resource cannot be exhaustive - the world in which we operate is continually changing and new ideas, methods and issues will always arise. However, by using the strategies and information provided in this resource directory, your organisation should be in a better position to develop an effective risk management plan.

The demands on sport and recreation organisations are many and varied, but a systematic approach to identifying, analysing and treating risks will result in a safer and more successful environment for everyone involved with sport and recreation.

This resource will be available for download from the Office for Recreation and Sport website. Updates or additional resources will be posted on the website and registered users notified by email.

We hope that this resource has been helpful in giving you a kick-start on your ongoing risk management journey.

This resource has been written by Shirley Brown, for the Office of Recreation and Sport, and is a compilation of current thinking, existing ideas and practices drawn from a wide range of sources.

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- Pat Sharpe, *Sports Medicine Australia*
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EXAMPLES & RESOURCES

A collection of policies, templates and useful documents that can be accessed from website links.



▶ examples & resources

Included in this section are Resources to assist you with Risk Management in your organisation, Standards documentation and Example policies.

Most of the resources, documents and policies are available on websites. The links to these websites have been inserted below. By using the links you will access the most up to date version of these documents.

RESOURCES	
Australian Sports Commission - Guide to Privacy Best Practice	http://fulltext.ausport.gov.au/fulltext/2002/ascpub/privacy.asp
Australian Sports Commission - Guide to Online Membership Databases	http://www.ausport.gov.au/supporting/clubs/resource_library/library/planning/collecting_information/membership_database_and_websites
Smart Play Resources - Sports Medicine Australia	http://www.smasa.asn.au/smartplay/info_index.html
Keeping Children Safe in Recreation and Sport Office for Recreation and Sport	http://www.recsport.sa.gov.au/training-development/sport-ethics-child-protect.html
Keeping Sport Fun and Safe - Codes of Behaviour Office for Recreation and Sport / Australian Sports Commission	http://www.recsport.sa.gov.au/training-development/keeping_sport_fun.pdf
12 Steps to a Child Safe Environment	Office for Recreation and Sport, Safe Supportive Environments Contact Jan Stirling Ph: (08) 7424 7622 Email: participation@saugov.sa.gov.au



examples & resources

STANDARDS DOCUMENTS	
Fitness Code of Practice Recreation SA	http://www.recreationsa.org/downloads/CodeofPractice2007.pdf
Adventure Activity Standards Recreation SA	http://www.recreationsa.org/downloads.php - aas





examples & resources

EXAMPLE POLICIES	
Australasian Masters Games - Terms & Conditions	http://www.australasianmasters.com/fileadmin/user_upload/Sport_Images/Terms___Conditions.pdf
Bicycle SA Risk Management Policy	http://www.bikesa.asn.au/servlet/Web?s=2060570&p=RiderInfo_Advocacy_OurPolicies_RiskManagement
Dragon Boat SA Team Selection Process	http://www.dragonboatsa.com/pol_pro/018%20State%20Team%20Selection%20Process.pdf
Netball SA Risk Management Policy	http://www.netballsa.asn.au/extra.asp?id=435&OrgID=23
Surf Life Saving - SA Member Protection Policy	http://www.slsa.com.au/site/_content/resource/00000530-docsource.pdf
Surf Life Saving - SA Risk Management Policy	http://www.slsa.com.au/site/_content/resource/00000334-docsource.pdf
Squash SA Member Protection Policy	http://www.squashsa.asn.au/ct_pdf/Regulation18-MPP.pdf
Swimming SA Member Protection Policy	https://www.clubsonline.com.au/console/customitem/attachments/member_welfare_policy.pdf
Yachting SA - Guidelines to developing a Risk Management Policy for Clubs	Yachting SA, Executive Officer Ph: (08) 8410 2217 yacht_sa@bigpond.net.au