

## 8 RISK MANAGEMENT AND LEGAL COMPLIANCE

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### 8.1 Duty of Care

Duty of care is a fundamental legal principle affirming that all reasonable care is taken to avoid acts or omissions that could injure a 'neighbour'. An area of law known as torts covers duty of care. A tort is a breach of duty owed to other people and imposed by law.

For your Branch, duty of care means taking actions that will prevent any foreseeable risk of injury to the people who are directly affected by, or involved in the Branch. This could include the Branch Committee, Members, Volunteers, Competitors, Spectators, Contractors, etc.

#### **So how careful does your Branch have to be?**

The degree of care that ought to be applied in particular circumstances is known as the 'standard of care.' The test for the required standard of care is how a reasonable person would have behaved in the same situation – that is, whether the result of the action was reasonably foreseeable, and whether reasonable steps were taken to prevent injury occurring.

### 8.2 Insurance

#### **The Australian Stock Horse Society Insurance Programme Overview**

Please contact the Sports Department at Head Office for queries regarding the insurances the Society currently has in place. Information can be provided on request on the scope and protection offered by those insurances. The Society has a proactive approach towards insurance and is keen to protect its Members and the public and ensure that everyone involved with the Society is informed and educated regarding the various insurance products the Society has in place.

Insurance coverage that can be provided by the Society does include:

#### **Cattle Cover**

- Upon payment of the required fee (please see the Cattle Cover form on the website for the current fees [www.ashs.com.au](http://www.ashs.com.au)) 80% of the value of a limited number of stock lost is paid.
- Coverage applies at sanctioned events only.
- Coverage applies whilst the Organising Committee and/or Accredited Coach comply with the Cattle Care guidelines only.
- Cattle will be covered for losses during competition.
- **Voluntary Carrier:** Cattle will be covered in transit and during loading and unloading. This does not include cover for losses during muster or in yards while on the Owner's private property prior to loading.
- **Commercial Carrier:** Cattle will **NOT** be covered for losses when transported by a commercial stock carrier - the carrier's insurance should be pursued.

#### **To Activate a Claim**

- The Australian Stock Horse Society Limited must be notified of all injuries and/or deaths within 48 hours by fax/phone. Claims to be lodged within 14 days - claim forms are available on request from the Society.
- A copy of the Weekly Market Report to be attached to the Claim to verify the per kilo estimate.

#### **Personal Liability Cover**

- Coverage applies at sanctioned events only. To be sanctioned The Australian Stock Horse Society must be notified of the event prior to commencement.
- Site Inspections must be carried out 30 days prior to the event and again 24 hours prior. Site Inspection checklists must be used and copies retained by the Branch and sent to Head Office.
- Coverage applies whilst the Organising Committee and/or Accredited Coach comply with the Society Rules and Regulations only.

### 8.3 What is Risk Management?

Risk Management is the process of identifying the risks associated with your activities/events that may result in injury to another person or damage to their property. The process of Risk Management then involves either removing the risk or minimising the risk to an acceptable level.

### 8.3.1 Things to Consider in Risk Management

#### 1. Identify risks of activity:

- What could happen?
- What is the likelihood of this happening?
- What are the consequences of this event?
- Discuss:
  - ✓ Possible source of risk (eg. horse trips on tree root)
  - ✓ What is at risk (assets: horse, people: rider, business: reputation from injury)
  - ✓ Effects (damage: injury to horse or rider, other riders' confidence, confidence of Guide; Loss: business, litigation, reputation)
  - ✓ Three actual risks
    - i. Horse injury,
    - ii. Rider falls off and is hurt, other riders worried
    - iii. Club does not affiliate
- Look at:
  - ✓ Short and long term effects of these
  - ✓ Current controls which could prevent events occurring



Examples of areas for discussion:

Sources of risk	Assets at risk
Service/advice to clients	People (staff, volunteers or clients)
Human error	Horses
Negligence	Buildings
Anti-social behaviour	Land/environment
Fire/hail/thunder storm etc	Equipment
Breakage of equipment	Reputation
Vermin/Disease	Vehicles

#### 2. Analyse risks

- Likelihood/probability it will happen
  - Possible consequences
  - Estimate level of risk and priority for management
- (Use anecdotal information and experience to make these assessments, together with statistical data – accident reports etc.)

#### 3. Evaluate risk

- Is it an acceptable outcome?
  - ✓ Costs to people and or reputation
  - ✓ \$ Value of fixing it
  - ✓ Benefits of risk
  - ✓ Risk borne by other stakeholders (insurance)
  - ✓ Controls already in place to manage the risk
- Determine criteria for unacceptable consequences:
  - ✓ Injuries resulting in more than one day off work
  - ✓ Financial loss exceeding \$
  - ✓ Adverse publicity
  - ✓ Legal action
- Likelihood may influence acceptability:
  - ✓ Frequent minor injuries
  - ✓ Events which frequently interrupt rides
  - ✓ Frequent small financial losses

#### 4. Treat risk

- Accept the risk: monitor and review
  - ✓ Retain the risk (benefits outweigh the negatives)
- Reject the risk: monitor and review
  - ✓ Avoid them (run alternative activity?)
  - ✓ Reduce them
    - Mechanical eg: toe stoppers
    - Administrative: policies and rules
    - Personal protection – helmets etc.
  - ✓ Transfer them through treatment (waivers, insurance, contracts, warning signs etc.)
  - ✓ What resources are needed to carry this out? Who is best placed to monitor and implement this? Will measures be effective? Feasibility?

#### 5. Document the whole process

- Document the whole process, especially who will be responsible to carry it out, what resources are required, when is completion expected, and review time frames.
- Ensure all parts of this process are carried out - do this by consulting and communicating with those involved.
- Monitor (ongoing assessment of effectiveness of measures) and review (on a schedule: formal discussion)

#### Recommended Actions – Risk Management

Ensure your Branch adopts sensible standards of preparation for an event and then measure against those standards by a system of planned self-assessment. The ASHS Site Inspection Checklist should be utilised to measure those standards, along with previous experience (Refer to Section 8.7 Insurance Templates for a copy correct at publication. For the latest copy refer to our website: [www.ashs.com.au](http://www.ashs.com.au)).

### 8.4 Legal Issues - Incorporation

The legislation governing Incorporation is different in each state/territory and is subject to regular updating so you should check the Act to be sure of the current regulations. If legal advice is required, seek out a competent professional, preferably someone who has been personally recommended to the Branch.

The legal advantage of an Incorporated Association arises because, in the eyes of the law, an Incorporated association has existence separate from that of its Members. Incorporation means that Members of a Branch are not personally liable for its debts.

This means that an Incorporated Branch can:

- Sue and be sued in its own right
- Own land and property in its own right
- Enter into tenancy or lease agreements in its own right
- Enter into contractual agreements in its own right
- Receive a bequest or gift from a will
- Perpetually exist, that is, remain in existence no matter who is a Member until it is disbanded by direct operation of the law

Another advantage is that Incorporation may be a prerequisite to obtaining a grant from a State or Federal Government.

Further, the Committee and Members are not personally liable for the debts of the Branch, nor the negligent acts or errors made by the Committee and Members. Liability of Members to contribute towards the payment of the debts and liabilities of the Branch or the costs and expenses of winding up the Branch is limited to a sum provided in the rules. However Incorporation does not protect the individual from liability for his/her own negligence.

Incorporated Associations may not be formed for the purpose of trading or earning profit for Members. If the Branch earns a profit from commercial activity, this profit may not be distributed among the Members. It must be used for activities carried on by the Branch.

It would be advisable for the Secretary of the Branch to obtain a copy of the Associations Incorporation Act and familiarise themselves with the statutory requirements. Copies of the Act are available from the Government Bookshop in your state/territory.

## **8.5 Contracts**

A Contract is an agreement between two or more parties that sets out their obligations and is enforceable by law; it is advised to put all contractual agreements in writing. The Society recommends that legal advice should be sought prior to entering into any Contracts. Seek out a competent professional, preferably someone who has been personally recommended to the Branch.

A Branch may enter a Contract between various categories of people such as:

- Participants
- Funding bodies
- Employees
- Providers of goods and services

## **8.6 Regulations, Licences and Permits**

### **Local Government Acts and Regulations**

There are a number of Local Government Acts and Regulations that may apply to events. These vary considerably from one area to another. Likewise larger events require more detail submitted to the Local Government than a smaller event due to the size of impact on the community. Items that may need to be approved could be using loudspeakers in public spaces or building a temporary structure. Local Governments are also very concerned about cleaning programmes during and after an event, noise and disturbance to local residents and traffic management.

### **Liquor Licensing for Alcohol**

There are a number of issues to be considered when serving alcohol at an event. Issues include: the age of drinkers, the venues and the situations in which alcoholic drinks are served, as well as the legal hours of alcohol service.

Please consult your State's Office for Liquor, for example the NSW Office for Liquor, Gaming and Racing.

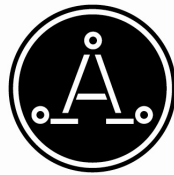
### **Raffles**

There are a number of Local Government Acts and Regulations that may apply to raffles and competitions. These vary considerably from one area to another.

Please consult your State's Office for Gambling, for example the NSW Office for Liquor, Gaming and Racing.

## **8.7 Insurance Templates**

See following pages



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## ASHS Event Notification Form

This form must be completed and returned to Head Office at least **3 weeks prior** to an event. Please note for your Event to be listed in **Coming Events** in the Society's Journal and on the website at least **three months' notice** is required. .

Would you like this event listed on the Society's website under 'Coming Events'?

Yes  No

BRANCH / MANAGEMENT COUNCIL \_\_\_\_\_

EVENT NAME \_\_\_\_\_

EVENT CONTACT \_\_\_\_\_

CONTACT NUMBER \_\_\_\_\_

DATE AND TIME OF EVENT \_\_\_\_\_

EVENT LOCATION \_\_\_\_\_

VENUE ADDRESS \_\_\_\_\_

VENUE OWNER \_\_\_\_\_

**Note:** *If the Location/Venue Owner would like to be a named party on the Branch/Management Council Certificate of Currency for this event, please contact Head Office in plenty of time for it to be arranged.*

### Event Details

What is the Event? (Eg: Campdrafting, Show, Leisure Ride, Youth Camp, Training School etc)

Number of Expected Participants \_\_\_\_\_ Number of Expected Horses \_\_\_\_\_

Number of Expected Spectators \_\_\_\_\_

First Aid Support Organised Yes  No  Detail \_\_\_\_\_

Horse Welfare Officer Organised Yes  No

Cattle Details (Only if required)

Number of Cattle to be used \_\_\_\_\_

Owner of Cattle to be used \_\_\_\_\_

**If your Event requires Cattle Insurance**, please complete an ASHS **Cattle Lodgement Form** and send with relevant money for Cattle Insurance to Head Office.

Please fax or post this completed form with any supporting documentation to:

**Sport & Events Coordinator**  
The Australian Stock Horse Society Limited  
PO Box 288  
SCONE NSW 2337  
T: 02 6545 1122  
F: 02 6545 2165  
E: [info@ashs.com.au](mailto:info@ashs.com.au)



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# CATTLE COVER LODGEMENT FORM

Branch Name \_\_\_\_\_

Event Name \_\_\_\_\_

Event Date \_\_\_\_\_

Name of Coach \_\_\_\_\_

Event Venue \_\_\_\_\_

Number of Cattle \_\_\_\_\_

Owner of Cattle \_\_\_\_\_

MAXIMUM CARTAGE DISTANCE \_\_\_\_\_ KMS  
*Kilometres from most distant property or origin of cattle to venue – one way only*

Branch President/Secretary Name \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Include Fee of \$110 for a single event with less than 80 cattle**  
or  
**\$220 for a full campdraft programme with more than 80 cattle**  
with this form and post to:

The Australian Stock Horse Society Limited  
PO Box 288  
SCONE NSW 2337

## PAYMENT METHOD

Cheque  Money Order **Credit Card:**  Visa  Mastercard

Credit Card No: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Exp Date: \_\_\_\_\_ / \_\_\_\_\_

Name on Credit Card: \_\_\_\_\_

<p><b>OFFICE USE ONLY</b></p> <p>Processed by _____ Date _____</p>
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# SITE INSPECTION CHECKLIST

In relation to Risk Management Assessment, please use the following points as a guide for ensuring a safe event. During the assessment, you will need to consider the placement of barriers for the safety of spectators; establish laneways for horses; have a first aid and/or veterinary attendant emergency strategy; separate parking areas for trucks and trailers and the like.



## SAFETY FIRST – Page 1 of 2

Are there designated areas for?	Tick ✓		Notes – High, medium, low risk, plus preventative measures
	Yes	No	
➤ Competition (including warm-up areas)			
➤ Spectators (separated from horses & vehicles)			
➤ Competitor parking (floats, trucks etc)			
➤ Public parking (guest & spectator vehicles etc)			
➤ Horses (yards, stables, laneways etc)			
➤ First Aid (competitors/general public/access by emergency vehicles & services)			

Inspection of Competition/Activity Areas (including warm-up areas)	Yes	No	Notes – High, medium, low risk, plus preventative measures
➤ Are each of these areas free of hazards and obstacles? (Rocks, sticks, overhanging branches, rubbish...)			
➤ Are the surfaces safe and appropriately prepared for their intended use? (Slippery, too wet, too dry, dust, level, ploughed, suitable depth...)			
➤ Are the fences and gates appropriate for the activities? (Keeping livestock in, spectators out, numbers of competitors...)			
➤ Is there signage identifying each of these areas and their intended use? (Competitors Only, No Dogs, Warm-up Arena, Marshalling Yard...)			
➤ Is there appropriate signage at all access points to competition areas? (No Entry Competitors Only...)			

Inspection of Spectator Areas (separated from horses & vehicles)	Yes	No	Notes – High, medium, low risk, plus preventative measures
➤ Are each of these areas, including roads & tracks free of hazards & obstacles? (Rocks, sticks, overhanging branches, rubbish, uneven surfaces ...)			
➤ Seating & grandstands are properly erected and separate from livestock access? (Check access to seating areas, that access to under grandstands is limited...)			
➤ Food, eating & drinking areas are separated from livestock? (Livestock should not have access to these areas...)			
➤ Access to food areas, toilets & public parking is free of hazards & obstacles? (Check for varied weather conditions, night lighting, trip hazards...)			
➤ Are fences or barriers properly erected? (Check for nails, broken rails, rail heights...)			
➤ Is there signage identifying each of these areas and their intended use? (Spectators Only, No Horses, No Vehicles...)			



Tick ✓

## Inspection of Parking Areas

Yes    No

Notes – High, medium, low risk,  
plus preventative measures

➤ Are competitor and spectator parking areas separated?			
➤ Are loading and unloading areas for livestock separated from the general public?			
➤ Is supervision of parking areas required?			
➤ Has traffic flow and pedestrian flow been addressed?			
➤ Is there signage identifying each of these areas and their intended use? (Competitors Only, ← Public Parking, Floats and Trucks → ...)			

## Inspection of Livestock Yards & Stable Areas

Yes    No

Notes – High, medium, low risk,  
plus preventative measures

➤ Are fences and rails secured properly? (Safe, appropriate height, no hazards...)			
➤ Is adequate water available?			
➤ Do the gates & latches work properly?			
➤ Can escaping livestock be contained effectively? (Perimeter fencing, gates closed, emergency procedures ...)			
➤ Is there signage identifying these areas and restricting access? (No Entry Competitors Only...)			

## General

Yes    No

Notes – High, medium, low risk,  
plus preventative measures

➤ Can officials be identified clearly?			
➤ Is there a designated and signed “Assembly Area” in the event of an emergency?			
➤ Is there a map of the facility identifying each of the designated areas?			

**EVENT TITLE/NAME:** \_\_\_\_\_

**LOCATION:** \_\_\_\_\_ **EVENT DATE:** \_\_\_\_\_

**This form has been completed by:** \_\_\_\_\_

**On behalf of the committee of the** \_\_\_\_\_ **, an affiliate of the ASHS.**

**SIGNED:** \_\_\_\_\_ **Date Completed:** \_\_\_\_\_



## EVENT RISK STRATEGY

**It is recommended that a preliminary site inspection occurs 30 days in advance of the event to identify any risk or hazard that needs attention. These issues should be addressed and a final review conducted a minimum of 24 hours prior to the commencement of the event. A Committee Member should be available during the event to continually review the site for potential hazards and take the necessary action to reduce the chance of potential harm as soon as possible.**

The Australian Stock Horse Society Limited is committed to ensuring that all activities pursued by affiliates are safe and risks/hazards inherent in these activities are minimised. The risk assessment **MUST** be completed by a Committee Member appointed by the Branch in consultation with other Committee Members. The Branch shall keep a copy of the Risk Assessment and a copy must be lodged with the Society.

A **HAZARD** is an unsafe state or condition with the potential to cause harm to livestock, competitors or others. The **RISK ASSESSMENT** is a measure of the chance that a particular hazard may cause harm and the severity of harm caused. When conducting an assessment and identifying high/medium risk hazards (if any); action must be taken to reduce the risk to an acceptable level. Consider what precautions you already have in place to mitigate risk. Give priority to any risk that might affect a large number of people and/or could result in serious harm. After identifying risk, can the risk be removed or minimised through restricting access to a hazard, or can procedures be adopted to reduce the exposure to the hazard?



**The Risk Management Assessment MUST be lodged with The Australian Stock Horse Society Limited, PO Box 288, SCONE NSW 2337**  
Please attach any other information in relation to your Risk Management Assessment, including precautions adopted to reduce or manage risk.



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## RISK MANAGEMENT JOURNAL

No.	Identified Risk	Classification <sup>1</sup>	Examples of Impact	Treatment of Risk	Party/Person Responsible	To be in place by (date)
	Committee & Administration					
	Legal & Insurance					
	Physical Risks					
	Sport – Membership					
	Events & Venues					

<sup>1</sup> HF, MF, LF: High, Medium or Low Frequency/Likelihood: HI, MI, LI: High, Medium, Low Impact/Consequences  
ASHS – BRANCH HANDBOOK