

Risk Management of Events


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YOUR RESOURCE FOR EFFECTIVE RISK MANAGEMENT OF EVENTS

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*For further information, see 2004 New Zealand Handbook –
Guidelines for Risk Management in Sport and Recreation
[SNZ HB 8669]*

The background is a vibrant green with a fine, pebbled texture, resembling artificial turf. A thick, bright white diagonal line runs from the top-left corner towards the middle of the page, creating a strong sense of direction and movement.

Risk management for event organisers



Risk management for event organisers

Every sport and recreational event involves physical risk. The type and level depends on variables such as the activity, the location, the skill level of participants, the timing and the number of spectators. Whatever your event, it is essential you are prepared by managing these risks.

Some level of physical risk is implicit to sport and recreation. Many sports and recreational activities involve high-speed impacts, extreme effort, exposure to height or depth, and environmental factors such as the weather. Participants accept that risk is involved when participating in these activities. At the same time, organisers have a responsibility to take steps to support the safety of participants, spectators, paid staff, volunteers and the general public.

Effective risk management applies a clear process to identify risks, sets an acceptable level for risks and takes steps to keep risks at that level. Risks are managed by assessing potential consequences and likelihood, working out clear actions and designing a response plan.

Legal compliance is an important consideration in risk management. In the case of events, it often includes compliance with best practice legislation and competition rules. Failure to comply could lead to lawsuits, prosecution, fines and sanctions.

Successful organisers manage risk rather than avoid it. They focus on goals and safety, not just compliance. With effective risk management you can minimise the potential costs and liabilities of event planning, leading to a safer, more enjoyable event.

Framework for managing risk

Responsibility

Effective risk management demands that key responsibilities are assigned to SPECIFIC people in areas such as driving risk review processes, maintaining registers, monitoring and reviewing risks, communication and consultation, and the training of other team members on risk management.

Everyone involved in the event should be informed and aware of the risk management process. The event organisation, team, contractors, volunteers, participants and spectators all have a role to play in risk management. Event organisers need to take steps to inform all those involved of their roles and responsibilities.

Ongoing process

Risk management is ongoing. Put your risk management plan into action as soon as it is agreed. The process starts with initial event planning and runs right through to the post-event wrap-up.

Documentation

It is important to keep records of your risk management planning and implementation as good records provide an audit trail if one is needed by stakeholders or regulators. They also provide a valuable reference history, for example, to submit a risk management plan to gain approval for the use of facilities, parks, roads or waterways.

Your risk management documentation should include:

- A comprehensive risk management plan
- An accident/incident register
- A post-event review/report.

The eight steps

Having a robust risk management process will help ensure your event is safely managed, support the achievement of goals and minimise the chance of risks becoming reality. Here are the eight steps to effective risk management of events:

1. Identify the event and stakeholders.
2. Identify the risks and their causes.
3. Identify controls for each risk.
4. Perform a risk analysis.
5. Evaluate the risks.
6. Write a risk management plan.
7. Implement and communicate the risk management plan.
8. Monitor and review.

1. Identify the event and stakeholders

Even if your event has been held before, it is important to review and update your risk management plan. The first step is to outline the type of event.

Identify key elements of your event

In identifying the key elements of your event, ask:

- is it a one-off, annual or regular event?
- is it a sport, cultural or community event?
- is the purpose of the event competition, participation, demonstration or other?
- what is the size and public profile of the event?
- is it local, regional, national or international?

Different event elements will lead to different risks. Some events have many purposes and require more detailed risk management plans.

Identify the event stakeholders impacted by your event

Potential stakeholders include:

- participants
- spectators
- general public
- local community
- sponsors
- local authorities
- venue/facility owner
- Government.

2. Identify the risks

The identification of risks has two stages; determining what can go wrong, and establishing how it can happen (or the causal factors).

A systematic approach is critical to effectively identifying event risks and their causes. Record all your event risks and their causes on a risk register.

Appendix A provides three schedules that together comprise an event risk register.

Ways to identify risks

- brainstorm
- consider records of past events, reviews and incidents
- talk to other event organisers about approaches and risks they have identified
- talk to staff, participants and volunteers
- inspect potential venues and equipment
- attend other events
- hire a risk consultant or safety officer
- consult professional organisations such as the Management Safety Council or Water Safety Council
- assess industry publications, newspapers and internet
- assess national body rules, regulations and risk management guidelines.

Appendix A – Schedule 4 contains a framework to consider all aspects of your event when identifying risks. Customise this list for future use.

Identify what could go wrong

Refer to your identification of event and stakeholders from the previous step and ask:

- what could harm our people?
- what legal obligations could we risk breaching?

Identify all the ways risks could happen. Consider what could happen in the broader environment, in your internal situation and in your event organisation to cause risk to occur. Don't forget to consider physical hazards such as incendiary material that causes a fire risk.

Identify the causal factors

Go through your list of identified risks and ascertain how they may happen. There may be more than one causal factor for each risk.

For example:

Risk	Causal factors
Participants could become lost deviating from the intended event route	Course markers are spaced too far apart
	There are not enough event marshals
	Pre-event instructions do not provide clear route details

Identify responsibility for risks

Consider who holds responsibility for specific risks in your event.

For example:

- consider who will be responsible for equipment such as participants' bikes or boats. Generally this is their own responsibility once they have been briefed on event equipment regulation and have signed a written acknowledgement of the risks.
- consider the responsibility of marshals out on the road or in hazardous situations.

You will also need to consider how to ensure such responsibility is accepted. This is further discussed in the next step.

3. Identify controls for each risk

Some risks will be too great in their current state. Action will need to be taken to make each risk acceptable. Here's how to work out what you can do.

In considering all unacceptable risk, your options are to:

- avoid/isolate the risk
- minimise the risk, or
- transfer/share the risk.

Avoid/isolate

If a risk for an activity is too great you may simply decide not to undertake that activity. Or, you may decide to isolate the hazard that gives rise to the risk.

For example, you could put up temporary fencing around hazardous ground works or conditions.

Minimise

Minimising risk is about reducing the likelihood a risk will become a reality, and the impact it would have if it did.

For example:

- ensure speed is reduced
- limit number or type of participants
- demand particular equipment or devices
- put up safety barriers and signage
- deploy additional marshals
- provide on-site medical expertise and emergency transport.

Transfer/share

To transfer risk you get someone else to take some/all of the responsibility, usually by paying for a specialist service.

For example:

- contract a safety officer to plan and implement event risk management
- contract specialists to control part of your event, such as qualified white water kayakers for a river stage of a multi-sport race
- insure against public liability.

When you transfer risks, it is crucial the individual or team is qualified and capable. Otherwise, you may spend money only to face the consequences yourself. These parties must be thoroughly briefed to ensure they clearly understand and accept their responsibility. You may want to consider a contract with the third parties to ensure they understand their responsibilities, and your organisation is protected.

Participants' responsibility for risk

If you expect participants to accept responsibility for some of the risks, you must make this very clear to the participants.

It is essential to:

- clearly identify the risks in a written pre-event briefing
- gain participants' written acceptance of the risks and conditions of entry, usually with a signature on the entry form
- ensure that, when entering online, participants go to a web page with the full pre-event briefing and conditions of entry, and with an "I accept" click through to submit the entry.

Generally, participants are expected to take responsibility for complying with event rules, regulations and applicable codes such as road rules. They are also expected to participate responsibly, especially when speed is involved, and adapt to the environmental/road conditions while showing respect to other participants. Again, you need to make this expectation clear.

Waivers and disclaimers

You may be able to share some of the risks by using waivers and disclaimers to tell participants of the potential consequences of the activity, and make them aware they have responsibility if those consequences arise. If properly used, waivers and disclaimers are an effective way to emphasise that an activity has potential risks and is not to be undertaken lightly.

Of course, waivers and disclaimers must not be used to off-load risks that are your responsibility or statutory obligations.

Note that courts will not always uphold waivers and disclaimers. In assessing their validity, a court will examine where and how these waivers and disclaimers are used, and for whom. For example, a court will consider participants' age and capacity for fully understanding the waiver or disclaimer and how it was explained and acknowledged.

You should always seek legal advice about developing and using waivers and disclaimers.

Document all risk management actions

Your risk management plan must clearly document the options you have selected, who is responsible for carrying them out and any timing requirements. Also note reporting requirements and who is responsible for managing the overall event.

Your plan may need to give considerable detail in some areas. For example, in the case of an accident a specific course of action may be needed. You may need to detail an emergency response plan, including plans for people and resources, and perhaps rehearsed scenarios.

4. Perform a risk analysis

At this stage you've identified the risks and how to manage them. Next you need to analyse the risks to ascertain how likely they are to become reality, and the likely impact if they did.

You will of course be making an educated assumption. Consider past events, your level of risk management, the environment and anything else that may cause or affect the seriousness of an incident.

Key questions to ask are:

- what risk management is in place?
- how often does/will each incident happen under this system?
- what would the outcome be if the risk happened?

Likelihood of risk

The table below may be helpful to determine the likelihood of a risk incident occurring. Tailor the scale to suit your own event.

Almost certain

The risk incident has a 90%+ likelihood of occurrence

Likely

The risk incident has a 70-89% likelihood of occurrence

Moderate

The risk incident has a 30-69% likelihood of occurrence

Unlikely

The risk incident has a 5-29% likelihood of occurrence

Rare

The risk incident has a less than 5% likelihood of occurrence

Impact of risk

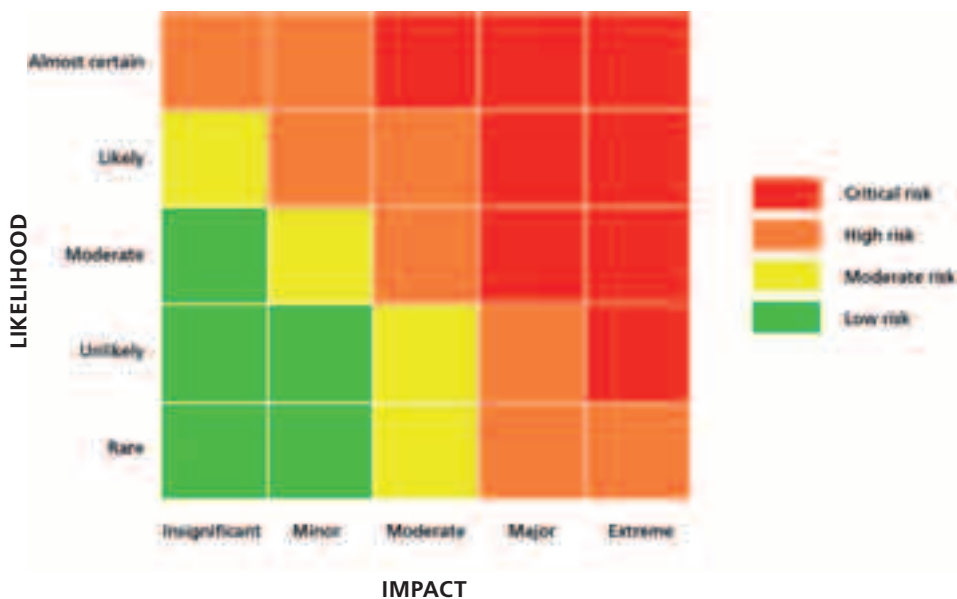
The table below may be helpful to determine the impact of a risk incident if it were to occur. Tailor the scale to suit your own event.

<p>Extreme Death, brain/spinal injuries, serious organ damage, permanent disability, emergency medical assistance, hospital for 6+ weeks.</p> <p>Major Fractures, crush injuries, serious facial injuries, recovery of 6+ weeks, emergency medical assistance, hospital care.</p> <p>Moderate Dislocation/simple fractures of ribs/limbs, medical assistance on-site/at the hospital/at a GP, participant does not continue event, recovery of 1-6 weeks.</p> <p>Minor Contusions, sprains, lacerations, minor first aid, participant continues event, less than a week's recovery.</p> <p>Insignificant Bruises, grazes, participant continues event, no recovery time or medical assistance.</p>

Determine the overall risk level

For each identified risk, assess the potential impact and likelihood of occurrence using the above definitions.

Next, use the risk matrix below to determine the overall level of risk for each risk. This is done by plotting the risk likelihood (on the vertical scale) and the risk impact (on the horizontal scale), and identifying where on the matrix they intersect. Use the colour of the square in the matrix at the intersection to distinguish the overall level of risk (red = critical risk, orange = high risk, yellow = moderate risk, green = low risk).



5. Evaluate the risks

Evaluating risks is about setting an order of priority to deal with them.

Low risk should be acceptable with routine procedures. Medium or high level risks should be dealt with to reduce the likelihood and/or potential impact. Critical risk is unacceptable and must be eliminated or reduced regardless of costs or implications.

After determining the overall level of risk, you need to decide how to deal with each risk. Depending on the level you could decide to:

- accept the risk without doing anything
- take action to reduce the likelihood/potential impacts
- avoid the risk altogether.

If a critical risk cannot be eliminated or reduced to an acceptable level, you may need to cancel or amend the event.

6. Write a risk management plan

It is very important to keep accurate and up-to-date records of all your risk management planning and implementation.

Good records provide an audit trail if one is needed by stakeholders or regulators. They also provide a valuable reference history, for example, to submit a risk management plan to gain approval for the use of facilities, parks, roads or waterways.

The risk management plan needs to be comprehensive, including:

- event description
- responsibility structure
- health and safety plan
- any compliance requirements
- event run sheets or checklists to confirm completion of risk actions.

Your risk management documentation should include:

- risk management plan
- accident/incident register
- post-event report.

7. Implement and communicate the risk management plan

No matter how well prepared a plan may be, without effective implementation the plan's objectives will not be realised.

It is critical the plan is communicated to everyone who is responsible for carrying out its actions, or whose cooperation or involvement is required for the plan to be successful. This could involve consulting and communicating with staff, volunteers, players, participants and the community.

Options for communication are diverse. You could include race packs, briefings, newsletters, entry forms, a web site, advertisements, newspaper articles, signage, verbal briefings, and letters to residents living close to the event.

Good communication helps ensure everyone is clear on personal roles and responsibilities. For example staff, volunteers and marshals know the procedures for managing risks, and players and participants know the risks and their responsibilities for minimising them.

To ensure consistency in verbal briefings, read out written material. Present key information in several ways, for example, in print, online, orally and on signage.

How formal your communication is depends on the event, circumstances and people involved. Regardless, it is crucial all information is correct and clear so check accuracy and perhaps use an independent eye for additional assurance.

8. Monitor and review

Throughout the event planning process it is important to keep track of things and respond to any issues or changes.

Monitor the context

Changes in your event's purpose or organisation, or in the broader environment, could impact on your risks in any number of ways.

Environmental change could give rise to new risks, make existing risk more or less significant, influence the effect of actions, or alter your investment in risk management. Changes in staff could mean key risks are unmanaged unless you reassign responsibilities. Changes in the legal environment could raise compliance issues.

Monitor strategies

If the context changes, adapt your risk management strategies to suit.

For example:

- update documentation and any other aspects of your risk management plan as necessary
- review incidents and their consequences. For instance, if you estimated two moderate injury accidents and there were actually four, you may conclude your risk assessment could be more precise
- review incidents to identify any unexpected causes, and any ways to prevent/respond to the incidents in the future
- gather information from management, participants and volunteers. You may need external help to evaluate some factors.

Follow up the event

After the event, hold a full debrief on all areas of the event including the health and safety plan. To ensure quality information for the debrief you can:

- survey participants
- survey spectators/supporters
- have key officials/management provide written reports
- assess written or verbal feedback
- review media coverage
- produce a written report with recommendations for future event planning.

Appendices



Appendix A

Event risk profile worksheets

Schedule 1 –

Event Risk Profile Worksheet

STEP 2: IDENTIFY THE RISKS AND THEIR CAUSES

STEP 3: IDENTIFY CONTROLS FOR EACH RISK

Event Risk Profile

	STEP 2		STEP 3
<i>Risk No.</i>	<i>Risks</i>	<i>Cause</i>	<i>Risk controls</i>
	What can go wrong?	How it can happen	What are we doing to prevent the risk from occurring?
1			
2			
3			
4			
5			
6			

Schedule 4 –

Sport and recreation event risk areas

1. Fundraising events

- a. Planning
 - i. Product or service
 - ii. Compliance (gaming, fair trading)
- b. Delivery, logistics
 - i. People, communication
 - ii. Transport
 - iii. Product distribution
 - iv. Money collection

2. Sporting events

- a. Planning
 - i. Good event management practice
 - ii. Compliance with local and central government requirements and expectations
- b. Logistics
 - i. Transport
 - ii. Equipment
 - iii. People, communication
- c. Injury risks

3. Coaching / training

- a. Attracting, retaining, developing coaches
- b. Coaching competency and effectiveness

4. Other club activities (e.g. social)

- a. Host responsibility
- b. Member expectations (social activities provided, venue etc.)

5. Physical risk

- a. People
 - i. Players
 - ii. Participants
 - iii. Staff
 - iv. Spectators
- b. Events
 - i. Training
 - ii. Workplace
 - iii. Social
- c. Equipment
- d. Environment

Compliance risk areas

1. Code
<ul style="list-style-type: none">a. Competition rulesb. Club rules
2. Legislative
<ul style="list-style-type: none">a. Form of organisation and accountability requirementsb. Financial and taxationc. Health and safetyd. Contracts (funding and suppliers)e. Employmentf. Human rights and privacyg. Liquor and food hygieneh. Environmenti. Bylaws
3. Common law
<ul style="list-style-type: none">a. Negligenceb. Nuisancec. Defamation

Appendix B

Disclaimers/waivers

Example 1

I declare that:

1. My accepted entry will not be transferred to another entrant.
2. In the event of any "act of God" conditions causing a cancellation of the event, my total entry fee is not transferable or refundable.
3. I acknowledge that there are risks involved with road running/walking/cycling/multisport and fully realise the dangers of participating in an event such as this and fully assume the risks associated with such participation and my wellbeing during the event.
4. I understand and agree that situations may arise during the event, which may be beyond the immediate control of officials or organisers, and I must continually participate in a manner that does not endanger either myself or others.
5. Neither the organisers, the sponsors nor other parties associated with the event shall have any responsibility, financial or otherwise, for any risk incident that might arise, whether or not by negligence, from any direct or indirect loss, injury or death that might be sustained by me or any other party directly or indirectly associated with me, from my intended or actual participation in the event or its related activities.
6. I authorise my name, voice, picture and information on this entry form to be used without payment to me in any broadcast, telecast, promotion, advertising, or any other way pursuant to the Privacy Act 1993.
7. I agree to comply with the rules, regulations and event instructions of the (name of event).
8. I consent to receiving medical treatment which may be advisable in the event of illness or injuries suffered during the event.
9. I have made my team members aware of these conditions and have authority to sign on their behalf.

Signed _____ Date _____

(Signature of caregiver if entrant aged under 18)

Example 2

I undertake not to hold the event organisers or event sponsors liable for any damage in respect of any claims in relation to events/functions being held as part of or in conjunction with the (name of event).

This information is collected and held by the event organisers for event communication and forwarded to event sponsors. You have the right to request access to and correction of this information.

I authorise that the information contained on this entry form may be used by the event organisers and sponsors, as listed on this entry form.

Signed _____ Date _____

Appendix C

Emergency procedure

(cycling example)

As a marshal of a cycling event there is the possibility you may be at the scene of an accident or approached by a participant in need of assistance. The information below is to assist you in these situations.

1. Assess the situation. Is first aid required or can the person/people wait with you for an official vehicle to collect them? (There will be a tail vehicle following the event and a number of official vehicles travelling with the event including an ambulance.)
2. Provide first aid if required – see below.
3. If the emergency requires medical assistance dial 111 and ask for an ambulance. If you are not sure whether emergency services are needed, call anyway; they can help you decide.
4. If you do not have a phone with you (or cannot get coverage) send someone else to the nearest home or business.
5. The following information will be required by the ambulance controller:
 - The address of the incident, including suburb and city. This is especially important if you are calling from a mobile.
 - The telephone number you are calling from.
 - What has happened.
 - The number of people who are ill or injured.
6. If the accident involves traffic, report to police (111) after requesting ambulance.
7. Inform event manager.
8. First aid kits are available in all vehicles.

First aid

PRESERVE LIFE:

- keep the airway clear
- make sure the casualty is breathing and has a pulse
- stop any bleeding
- treat shock
- treat other injuries in order of seriousness.

PREVENT WORSENING:

- never move the casualty unless there is danger, in which case move them in a way that will avoid further injury
- comfort and reassure the casualty
- give protection from weather, traffic and the cause of the initial injury
- place the casualty in the recovery position if appropriate.

PROMOTE RECOVERY:

- ask someone to call an ambulance as soon as possible
- stay with the sick or injured person until help arrives
- give appropriate first aid.

Appendix D

Race briefing notes

(cycle event example)

DAY ONE

Start groups

Green – First (Elite) – 5 minute gap to...

White – Second (2:30-2:59) – 2 minute gap to...

Red – Third (3:00-3:29) – 2 minute gap to...

Blue – Fourth (3:30+) – 2 minute gap to...

Yellow – Fifth (Twin Coasters Social Group)

- Welcome
- before you start please ensure that you have your transponder firmly attached to your ankle and you are with your correct start group
- take care upon leaving the start area – you will be riding as a large bunch.

Safety factors:

- all entrants participate at their own risk as signed on the entry form
- our event uses all public roads under the management of Transit New Zealand or the district councils – **Traffic regulations apply at all times**
- **take care during the starts.** You will be riding as a large bunch so be very aware that whatever you do on your bike will affect others around you
- **treat all roads as open** and expect oncoming and overtaking vehicles at all times
- please value your safety and our event by **keeping to the left at all times.** Last year we had a few problems with some individuals repeatedly crossing the centre line. This is a serious issue and we will be forced to disqualify anyone who continues to break this rule
- there are a number of one-lane bridges on the course – the majority of these will not be marshalled. Approach with caution and be prepared to stop and give way
- you will be required to turn across and travel through busy intersections so exercise extreme caution at these points. Do not assume you have the right of way. Approach with caution and be prepared to stop and give way. Follow the instructions of the marshals at all times
- wear your Safety Standards approved cycle helmet, as required by law
- no support vehicles on the course please
- at 15km you will turn off SH 1 – be very careful as this is a right turn across the traffic on a very busy road. This is also a major roadworks site – follow all instructions
- at about 54km, just before you get to Paparoa, there is a very steep downhill – please take this at a manageable speed – it is a known accident spot
- at 56km, just before Paparoa, you will need to do another right turn on to SH 12; again please be careful
- you will be riding through rural land so watch out for cattle crossing the road as well as anything they may have left behind, and turning milk tankers
- there is a tail-end Charlie at the back of the field, two mechanics' vehicles from Hedgehog Bikes and police escort for the full four days.

Roadworks:

- once again please be very careful at the right turn off SH 1 at Oakleigh. This is a major roadworks site and is unsealed for 200m – follow all instructions.

When you reach Dargaville

- once you cross the bridge into Dargaville please prepare to slow and turn left into Victoria St. This is a sharp corner – be aware of traffic and round the corner at a manageable speed
- upon rounding the corner there is 350m to the finish line
- from this point there is 1km to the rest area in town for refreshments, massage and to pick up your luggage from the United Carriers truck
- prizegiving – 5:00pm.

*REMEMBER YOU ARE RIDING AT YOUR OWN RISK –
OBEY THE ROAD RULES*

We will now ask one start group at a time to move into their start positions. Please remain here until your group is asked to move.

Can we ask everyone with a:

Green number – to move to the start position (when all have moved then)

White – (when all have moved then)

Red – (when all have moved then)

Blue – (when all have moved then)

Yellow

HAVE FUN – BE SAFE

Appendix E

Code of safety (squads and training sessions example)

Surf Life Saving

- All participants (surf officials, coaches, competitors and team management) involved with the squads and sessions have an individual responsibility to act in a safe manner
- a safety officer will be designated for the squads and sessions and will be responsible for the safety of these
- the safety officer, in conjunction with coaches, has the ability and power to alter the squads/sessions or cancel the squads/sessions if required to ensure the safety of all participants
- all competitors taking part in surf lifesaving squads/sessions will have the appropriate qualifications
- IRB crews will be suitably qualified
- all participants (surf officials, coaches, competitors and team management) are encouraged to wear appropriate clothing for all weather conditions and use protection from the sun at all competitions
- all participants (surf officials, coaches, competitors and team management) have a responsibility to keep themselves hydrated at all competitions
- all participants (surf officials, coaches, competitors and team management) have an individual responsibility to maintain a suitable level of fitness to allow them to carry out the tasks they perform at a competition
- participants in difficulty during a water event should raise their arm for assistance
- all equipment used for the competition is checked at the beginning, during and at the end of the squad/session to ensure it is safe to use. Any defects or breakdowns will be reported to the safety officer and the equipment will be fixed or removed
- any hazard identified before, during or at the end of the competition will be reported to the safety officer who will eliminate, isolate or minimise the hazard. Appropriate forms need to be completed
- any accident occurring before, during or at the end of the competition will be reported to the safety officer and recorded on a Surf Life Saving NZ incident report form.

Appendix F

Safety checklist

(Squads and training sessions example)

Surf Life Saving

Date(s)		Person in charge	
Venue		Safety officer	

Item to check	Please circle	Comment
Coaches have appropriate access to communication	Yes No	
Coaches have details of participants' medical conditions	Yes No	
Emergency contact details of participants are available	Yes No	
Participants are aware of person in charge and/or safety officer	Yes No	
Equipment and training aids are in safe working condition	Yes No	
Sea conditions have been assessed and cleared for safe use	Yes No	
Venues are safe and suitable	Yes No	
On-site first aid is available at venues	Yes No	
Weather conditions are acceptable for skill level	Yes No	
Appropriate ratios have been used in water activities for skill level	Yes No	

Item to check	Please circle	Comment
Appropriate nutrition and hydration have been encouraged	Yes No	
SLSNZ Code of Conduct and Code of Safety have been complied with	Yes No	
All hazards have been identified, then eliminated, isolated or minimised (see RAMS form)	Yes No	
Other	Yes No	

INCIDENTS

Item to check	Please circle	Comment
Has a serious incident occurred?	Yes No	
If yes, is an incident report form filled in and attached?	Yes No	
Has an accident investigation taken place?	Yes No	
If yes, is an accident investigation form filled in and attached?	Yes No	

Name: _____ Name: _____
(Designated safety officer) (Witness)

Signed: _____ Signed: _____

Date: _____

Appendix G

Risk analysis and management system

(training camp example)

Activity: Training camp – time trials	Safety officer: (name of Safety Officer)
Instructors: (name of Instructor 1) and (name of Instructor 2)	Date: July 28th, 2002
Group: Tri-Nations Development Squad	Location: Mt Maunganui – Pilot Bay

Risks (potential losses)

1. Death drowning
2. Hypothermia
3. Serious injury
4. Lost person
5. Minor injury

	Causal factors (things that could go wrong)	Risk reduction strategies
People <i>Skills, attitudes, age, fitness, ratios, experience, health</i>	<ol style="list-style-type: none"> 1. Person going in the wrong direction or taking the wrong course 2. Participants unwell or have a medical condition 3. Collisions in the water 4. Injuries 	<ol style="list-style-type: none"> 1. Clear instructions on land and to rescue craft in water 2. Understand participants' medical conditions 3. Explain potential hazards with boats in and out of the channel. Stress that time trial is least important; personal safety is paramount 4. Sufficient warm-up completed
Equipment <i>Clothing, shelter, transport, activity-specific gear, safety gear</i>	<ol style="list-style-type: none"> 1. Safety boat running over athletes 2. Equipment failure, e.g., rudder on ski breaking 3. Rashes and injury through inappropriate clothing for the activity 	<ol style="list-style-type: none"> 1. Experienced IRB operator and crew 2. Athletes are to check equipment before starting, including bung and wax 3. No restrictive or dangerous clothing
Environment <i>Weather, terrain, water, season</i>	<ol style="list-style-type: none"> 1. Cold water and wind chill 2. Wave chop and currents 3. Sun 	<ol style="list-style-type: none"> 1. Ensure athletes have correct thermal and wind-proof clothing 2. Explain the currents and wave chop; dangers associated with the change in tide and channel 3. Sun protection

Appendix H

Risk management plan (mountain running championships example)

1. Details

The event is:

- on Sunday May 15th, 2005
- the annual national mountain running championships for Athletics New Zealand (ANZ)
- a final test run for the World Trophy to be held on the same course on September 25th, 2005
- the selection race for the New Zealand team for the World Trophy
- also a recreational run for less-competitive runners.

THE COURSE

The course is based on Mt Victoria in the centre of Wellington. The basis for each lap is a 4.3km with 310m of total elevation gain. Mt Victoria is a recreational reserve owned by the Wellington City Council, and the course is largely on tracks built and managed by the council.

The start is on Oriental Parade at the Carlton Gore Road intersection and the competitors will run 400m on the left-hand side of the road before heading up Hay Street and Telford Terrace to enter the council tracks. The course crosses Palliser Road twice, Lookout Road twice and finishes on Oriental Terrace.

Hay Street, Telford Terrace and Oriental Terrace are closed to the public from 7am to 12.30pm but residents will be able to come and go.

PROGRAMME

- 9.00am Recreational run (1, 2 and 3 lap options)
- 10.00am Junior women (1 lap); junior men, masters men and women, and open women (all 2 laps)
- 11.00am Open men (3 laps)
- 12.30pm Close course
- 1.00pm Prizegiving

STAKEHOLDERS

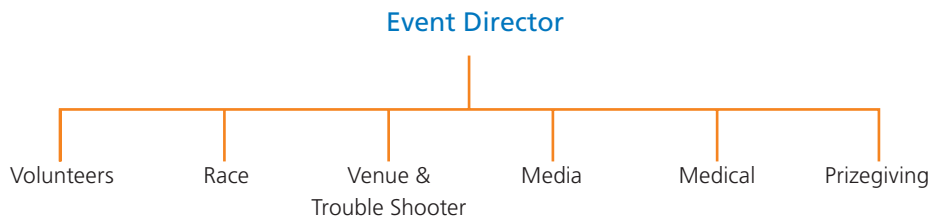
- Athletics New Zealand
- SPARC
- participants – recreational and competitive. Expect total of around 200 competitors
- spectators – expect between 1000 and 2000 but extra interest and promotion could see an increase
- local residents – a number of residents live on the course, especially around start and finish areas
- Wellington City Council
- media – especially DomPost, the Radio Network and the television networks.

SPONSORS

- New Zealand Community Trust
- Meridian Energy and New World
- Canon, Qantas, adidas, Shoe Clinic, BodyO2.

2. Management team

RACE DAY RESPONSIBILITY STRUCTURE:



CELLPHONES

Event director:

Volunteers director:

Race director:

Venue and trouble shooter director:

Media director:

Medical director:

Prizegiving director:

ANZ competitions director:

Race day responsibility for signing off on the health and safety plan is with the event director.

The venue and trouble shooter director will have a team of four on standby to handle any problems during the event.

3. Marshals' deployment

The following is the number of marshals to be allocated to each area. A detailed marshals' plan has been prepared with job descriptions for each area of responsibility.

START AREA	NO.	
Section leader (shift to finish line)	1	8.15am – 12.30pm
Starter	1	8.30am – 12.30pm
Traffic management: bottom of Carlton Gore Road	3	8.30am – 12.30pm
Assembly marshal (shift to finish line)	1	8.30am – 12.30pm
Gear marshals	2	8.30am – 12.30pm
FINISH AREA		
Section leader	1	6.30am – 12.30pm
Finish line marshals	3	8.00am – 12.30pm
Finish line marshals (from start and zone 1)	4	
Competitors (drinks)	5	8.40am – 12.30pm
COURSE		
<i>Section leader: Zone 1</i>	1	6.30am – 12.30pm
Zone 1 marshals	7	8.00am – 12.30pm
Zone 1 marshals	4	8.00am – 12.30pm
<i>Section leader: Zone 2</i>	1	7.30am – 12.30pm
Zone 2 marshals	10	8.00am – 12.30pm
Traffic management: Palliser Rd near #81 runner crossing	4	8.00am – 12.30pm
Traffic management: Summit Road crossing	3	8.00am – 12.30pm
<i>Section leader: Zone 3</i>	1	7.30am – 12.30pm
Zone 3 marshals	13	8.00am – 12.30pm
Traffic management: Summit Rd by Alexander Rd runner crossing	3	8.00am – 12.30pm
<i>Section leader: Zone 4</i>	1	7.30am – 12.30pm
Zone 4 marshals	9	8.00am – 12.30pm
Traffic management: Palliser Rd / Bayview Tce runner crossing	5	8.00am – 12.30pm
DRINK STATIONS		
Mt Victoria	7	8:30am – 12.30pm
Oriental Terrace	6	8:30am – 12.30pm
TIME KEEPING AND RESULTS		
Computer timing	2	8:30am – 12.30pm
Manual timing	4	8:30am – 12.30pm
SET UP / TIDY UP / TROUBLE SHOOTER CREW		
Finish area	4	6.30am – 12.30pm
RACE OFFICIALS		
Referees	3	8:30am – 12.30pm
Technical delegate	1	8:30am – 12.30pm
Jury of appeal	3	8.45am – 12.30pm
TOTALS	30	

Zone and section leaders are responsible for the briefing of marshals in their area.

4. Medical team

Medical director:

The medical team will be based in a marquee on the grass area alongside the finish line.

1x doctor on course

2x doctors at finish line

2x physiotherapists at finish line

2x podiatrists at finish line

Likely injuries/medical issues:

- hypothermia
- sprains and grazes from falls, twisting of ankles on uneven terrain.

5. Race day communications

Hardware: 15x portable radios with headsets

Channel 1: Event director

Race director plus zone leaders (4x), race referee and starter

Media, medical (x2), and volunteers' directors

Channel 2: Commentator plus assistant (at top).

6. Risk management assessment

Identified risk	Eliminate	Isolate	Minimise
A. FINANCIAL			
Event runs at a loss			Ensure that six months before event, grants and sponsorship cover at least 90% of budgeted expenditure
B. LEGAL			
Negligence or criminal nuisance			Complete and implement comprehensive health and safety plan
Unauthorised use of Mount Victoria and surrounds	Obtain permit from Wellington City Council		
C. LOCAL COMMUNITY			
Residents upset by noise and problems with access to their homes			<ul style="list-style-type: none"> Letter to all residents in Hay Street, Telford Terrace, Oriental Terrace and affected area of Oriental Bay outlining the event, to go to residents in week prior to race make presentations to affected Residents' Associations place notices in Residents' Association newsletters advertising for event on radio network stations.
D. ENVIRONMENT			
Bad weather (high winds) affects safety of the runners	Cancel event on race day at 7.30am. Decision to involve event and race directors plus Mount Victoria park ranger		

Identified risk	Eliminate	Isolate	Minimise
E. RACE VENUE			
START AREA (by Carlton Gore Road)			
Competitors being hit by traffic prior to start	Competitors instructed to remain on grass area alongside start or on footpath prior to start		<ul style="list-style-type: none"> • Have quality PA system (Newstalk ZB vehicle) at start to be able to communicate clearly to those in the start area • marshals: 2x on start line / 3x stopping traffic coming from Carlton Gore Road and Point Jerningham • marshals to wear road safety vests as well as have handheld flags • "Warning Runners" sign plus 900mm cones between Point Jerningham and Carlton Gore Road.
Spectators being hit by traffic	Public instructed to remain off the road at all times		Use the start PA system (Newstalk ZB vehicle) to keep public off the road

Identified risk	Eliminate	Isolate	Minimise
Competitors collide with vehicles in the 400m section along Oriental Parade at start of each race			<ul style="list-style-type: none"> • 80x 900mm cones down centre of road (remove after start of final race – 11am) • 4x marshals every 80m along centre of road keeping runners in left-hand lane • 2x marshals at turn into Hay Street, stopping traffic coming down or going into Hay Street • Newstalk ZB vehicle to be “tail-end Charlie” and follow last runners through to Hay Street
FINISH AREA			
Competitors and spectators hit by vehicles when congregating around finish line in Oriental Terrace and Oriental Parade	80x 900mm cones placed on white line from Hay Street to grassed area at bottom of Oriental Terrace	<ul style="list-style-type: none"> • Have finish area in Oriental Terrace • solid barriers on Oriental Parade side of finish line to stop runners stepping on to the Parade after finishing. 	<ul style="list-style-type: none"> • Marshals keep competitors and spectators off Oriental Parade • marshals to direct finishers to drinks and food marquee on grassed area.
RUN COURSE			
Hit by vehicle when crossing Palliser Road (twice), Lookout Road (twice)			Runners warned in pre-race briefing to take care at road crossings and to follow instructions of marshals
Runners hit by vehicle in Hay Street or Telford Terrace	General public barred from driving into Hay Street by barriers on Oriental Parade		<ul style="list-style-type: none"> • Letter drop to residents on course requesting that care be taken • athletes warned in pre-race briefing to be aware residents’ vehicles could be on course.

Identified risk	Eliminate	Isolate	Minimise
Runners collide with public on course		Marshals ask public to use alternative tracks	Marshals have whistles to warn that runners are approaching
Runners twist ankle on rough terrain			<ul style="list-style-type: none"> • Survey of course with city council to identify areas to be tidied up, especially on downhill • council to undertake course work by April 22nd • walk course after April 22nd with the council park ranger as a final check that course is safe.
Downhill runners collide with uphill runners at passing point just below Lookout Road	Council to construct new section of course		
Runners stepping over the edge alongside trig	Orange netting fencing along edge		
Runners hit wooden posts on road edge below memorial	Council to remove posts		
Athlete exhaustion, dehydration or hypothermia			<ul style="list-style-type: none"> • 1x doctor mobile and based at top of Mount Victoria. • clear communications protocol if accident or injury occurs on course • marshals' positions to be numbered for clear communication purposes.

7. Traffic management plan prepared by Sports Impact Ltd

- There are no road closures
- TMPs for the crossings of Palliser Road and Summit Road prepared. Approved by the Wellington City Council
- TMP for finish area prepared. Approved by the Wellington City Council
- residents in area affected by the event in Oriental Parade, Oriental Terrace, Hay Street and Telford Terrace will receive written notification between May 2nd and 6th, 2005 (attached)
- presentations will also be undertaken by event director Arthur Klap to the Residents' Associations of Oriental Bay, Roseneath and Mt Victoria
- all bus and coach companies informed by email through the Bus and Coach Association
- meeting held with Stagecoach New Zealand (has buses operating on Palliser Road and Oriental Parade).

8. Race day implementation

- For race day a run sheet will be prepared
- each section leader will have a checklist for their area
- section leaders will report to the race and event directors at prescribed call times that their section is ready and safety issues have been completed
- event director will give the authority for each race to proceed once s/he is confident that all aspects of the health and safety plan have been implemented.

Health and safety plan prepared by Event Director

1 May 2005

Dear Resident

On Sunday May 15th Athletics New Zealand will be holding the New Zealand Mountain Running Championships on Mt Victoria.

The start will be on Oriental Parade, by Carlton Gore Road, and the finish is at the bottom of Oriental Terrace. The runners will be doing laps that commence by heading up Hay Street and Telford Terrace to the tracks of Mt Victoria and coming back via Bayview and Oriental Terraces.

The racing will be from 8am to 12.30pm. There are three races starting at 8am, 10am and 11am.

During this period public access to Hay Street, Telford Terrace and Oriental Terrace will be blocked. Residents will have full access but we ask that you exercise extreme care as the runners will be on the roads.

We would also appreciate it if there was no parking in lower Oriental Terrace and lower Hay Street.

This event is the final trial before Wellington hosts the World Championships on the same course on September 25th, 2005. Both events have the full support of the Wellington City Council. Your support is greatly appreciated.

If you have any questions or concerns, then please contact me.

Event Director



Risk management for events on roads



Risk management for events on roads

When roads form part of the race route or venue, they become a fundamental factor in an event. The bigger the scale of the event, the greater the implications. You cannot be too careful in your approach to risk management!

The safety of participants, spectators, staff, volunteers and the public depends on you having a comprehensive and logical approach to road risk management. This section has been prepared with the support of Transit New Zealand to give you guidance in managing the risk of events on roads.

For specific information, contact your local road controlling authority, territorial authority or Transit New Zealand.

For further information, see the 2004 New Zealand Handbook – Guidelines for Risk Management in Sport and Recreation [SNZ HB 8669].

Getting a permit

When a road is involved in your event, the relevant Road Controlling Authority (RCA) becomes one of your key stakeholders. All RCAs have a duty to safely manage the use of their roading network, which include city and district councils and Transit New Zealand.

To use local or regional roads, you need to consider whether to apply to the RCA for a partial or full road closure permit. A road closure is required by law if participants will use the road in a manner that would otherwise breach the road rules, for example, to race through a stop sign or hold up other road users who would normally have the right of way.

Under a permit, participants do not need to follow speed restrictions, road signs at intersections or other road rules for the specified section of the road.

If the event does not require a partial or full road closure, there is no need to apply for a permit.

Any RCA considering whether to issue a permit must ensure the road closure is not likely to impede traffic unreasonably. As event organiser, you may need to submit a traffic management plan that complies with Transit New Zealand's Code of Practice for Temporary Traffic Management (COPTTM).

The COPTTM is a set of guidelines and not a legal document. Even so, you may need to comply with the COPTTM before an RCA agrees to a permit. If your proposed course uses a state highway and may affect normal traffic conditions, Transit New Zealand will almost certainly require compliance with the COPTTM as a condition of a permit. The process for road closure of state highways requires 42 days' public notice.

The COPTTM also suggests temporary traffic layouts to warn other road users.

To know more about applying for a road permit, contact your local RCA or Transit New Zealand.

Evaluating level and likelihood of risk

When roads are involved in your event, you need to assess the level of risk and likelihood of an adverse incident.

The level of risk is influenced by factors such as:

- type of road
- nature of event
- level of change to road use
- route and time of day.

The likelihood of an adverse incident is highest where roads are busy and speeds are high. Wherever possible, at an early stage of planning, aim to use roads with the lowest number of other users and lowest speeds. RCAs can give you these figures.

Left turns are often easier to control than right turns so the ideal way to travel is anti-clockwise. Also ensure the start/finish areas have safe room for participants, spectators and parking.

Planning the safest route

Initial route planning can be done with a map, but effective risk management demands that the route is also travelled in person. Travel the route looking for hazards such as:

- pedestrians and cyclists not involved in the event
- pedestrian crossings
- schools, churches, shops and other facilities
- sharp bends and restricted visibility issues
- intersections – left and right
- intersections with or without signage or traffic lights
- roundabouts and dual carriageways
- road surface issues
- one-way bridges
- narrow roads
- travel peaks – aim to avoid these.

Decide how to best handle hazards

You will almost certainly require some traffic control using cones and signs. For the best decision-making, visit and assess all the hazard sites. List the number of cones and signs required for each hazard.

You may need to re-route sections of the course due to hazards. If risks appear high, a more formal approach to the planning process may be appropriate, for example, by following the steps provided in the COPTTM or Local Roads Supplement (from the RCA Forum and Transit New Zealand).

If you can, get feedback from other event managers before finalising your route and/or plan.

Important considerations

Once the route has been set and the necessary “traffic furniture” calculated, you have the basis of your traffic management plan. Add detail to the plan by marking your event course on a suitable map and creating clear diagrams to show exactly how/where you intend to manage traffic, including positioning of signs, cones and marshals. Diagrams will also be needed for your volunteers/helpers.

SPORTS EVENTS

These range from a fun run/walk to a competitive multi-day road cycle race. The approach you use depends on the event.

Mass walk/run events often involve many participants spread out over the entire road, particularly near the start. At this point a road closure may be the best option. Further along the course, a lane closure or other forms of closure may be appropriate. A lane closure may require a detour and the entire length of the lane closure must be coned.

If participant numbers are too great for the width of the footpath, you should plan for either a lane or road closure. A frequently-used method in city streets is to supplement the footpath by coning the parking lane and putting out no-parking signs. An RCA permit is required to do this.

Where there is no footpath, walkers/runners should use the right-hand road shoulder so they can see oncoming traffic. As there is no footpath, there is no legal requirement to cone participants from vehicles. If there is a sealed shoulder, it is advisable to cone this off, particularly at corners and at the top of hills.

Crossing points and intersections create risk. At crossing points, provide a place to either stop participants until the way is clear or stop traffic while participants cross. Both of these approaches need careful planning and execution to ensure people stop when required. A proper stop/go sign and clear traffic control is needed.

CYCLING EVENTS

Traffic management for cycling and other high-speed events may require a range of solutions, such as:

- static traffic management may be required for start and finish areas and race transition points
- full road closures are needed for criteriums
- a mobile operation may be needed for a large race, for example, with a lead pilot vehicle and following vehicle. On the other hand, for a small club race, briefing participants that normal road rules apply and some warning signs at critical points may be adequate
- marshals with stop/go paddles/signage may be required for intersections and pedestrian crossings
- some arrangements may be necessary for spectator and support team arrangements
- mass participation rides need careful planning, with marshals/signage at start/finish and intersections. A briefing of participants, carefully describing the rules that must be obeyed, is essential.

PARADES

Parades usually involve the whole road, with spectators lining the footpath. You'll need to have a full road closure. To close the road, traffic control is necessary – normally with barriers and signs.

As a low-speed activity, risk is low. Traditionally there is no fencing separating spectators from a parade. Most RCAs require early application so the public can be adequately notified. You'll also need to plan for the forming-up and disbanding of areas within the parade.

For further information contact your local road controlling authority, territorial authority or Transit New Zealand.

The background of the slide is a close-up, high-angle shot of green water with ripples. The water is a vibrant, slightly dark green color, and the ripples create a complex, organic pattern of light and dark green lines and curves. The lighting is soft, highlighting the texture of the water's surface.

Relevant legislation for risk management of events

Introduction

The purpose of this material is to provide a general overview of laws that may impact on the organisation of sport and recreation events by event organisers. Event organisers may need to seek additional specialist advice regarding the legislation mentioned.

The nature of such events can be varied and can involve any combination of land, marine, underground or airspace environments. It is not possible to cover all of the statutes that may impact on your proposed activity so the statutes referred to in this supplement are simply a selection of those that might have some impact.

All of these environments are regulated to some extent for safety and other reasons, and accordingly event organisers will need to make contact with the relevant regulatory authorities to obtain all necessary information. The local territorial authority is a good place to start as its staff can either deal with your inquiry or point you in the direction of the appropriate authority to assist you.

In terms of risk management, there are statutory obligations that must be met and common law duties that apply to everybody. These statutory and common law issues are discussed in more detail over the page.

Because this summary is of a general nature, you may need to view specific wording of statutes, seek specific legal advice from a lawyer and check that laws have not been amended. The material in this supplement is current as at May 2007.

A. Common law

In addition to laws contained in statutes or Acts of Parliament, people and organisations must be aware of and comply with what is known as the common law. The common law is the law that is developed by judges over time as a result of their decisions.

The common law imposes a general duty on all people and organisations to take reasonable care to avoid causing injury or harm to people and property. Failure to act reasonably in any circumstance may amount to negligence in the sporting and recreation context. Essentially there are five elements required to prove negligence:

1. One person must owe a duty of care to another. For example, a sporting or recreation organisation will owe a duty of care to the people taking part in the event the organisation has organised.
2. There is a breach of that duty, for example, an organisation fails to provide suitably qualified or experienced officials.
3. Someone suffers an injury or there is damage to their property.
4. The injury or damage was caused by a breach of duty. For example, because of the inexperience of officials, a dangerous situation arises or continues that then results in or contributes to injury to a participant or damage to their property.
5. The injury or damage resulted in loss suffered by the person.

Before someone can be found negligent it must be clear that the person's conduct was likely to result in injury or damage.

It is important to bear in mind that New Zealand operates a no-fault accident compensation scheme. This generally means people cannot sue for personal injury caused by accident and prohibits an injured person from recovering compensatory damages for personal injury. However, in rare and limited circumstances, a person may be able to sue where a person or organisation has demonstrated an “outrageous and flagrant disregard for safety”. This is known as a claim for exemplary damages, which in effect is a punishment for the organisation’s or person’s disregard for safety. These types of cases are few in number and rarely successful. There is also limited potential for claims in respect of mental injury or nervous shock.

The ACC legislation does not cover loss of or damage to property. Event organisers should consider appropriate insurance to minimise the effect of any such claims.

Regardless of the complexities of the common law and the laws of negligence, event organisers should always bear in mind that they will owe a duty of care to persons involved in any sporting or recreation event they have organised. That duty of care will extend to taking reasonable steps to avoid injury or danger to all persons who might be affected, including participants, officials, bystanders and their respective property.

B. Statutes

1. HEALTH AND SAFETY IN EMPLOYMENT ACT 1992 & HEALTH AND SAFETY IN EMPLOYMENT AMENDMENT ACT 2002

Persons or organisations involved in the organisation of sporting and recreation events should be fully aware of their obligations under the Health and Safety in Employment Act 1992 (the Act) and the Health and Safety in Employment Amendment Act 2002. This Act has been discussed in the base document. Event organisers should particularly be aware of their obligations to any employees and volunteers who may be involved in the organisation and control of the event.

2. CRIMES ACT 1961

The Crimes Act 1961 (the Act) applies to all of us. In particular the following sections should be considered by event organisers:

- Section 156 of the Act places an obligation on people, who undertake dangerous acts or are in charge of dangerous things that, in the absence of care, may endanger human life, and to take reasonable care to avoid such danger
- Section 145 of the Act provides that a person commits criminal nuisance if they do an unlawful act or omit to discharge a legal duty knowing this act would endanger the lives, safety or health of the public or any individual.

There have been several high profile cases in which sporting organisations and/or individuals have been prosecuted under the above provisions. The penalties for committing such an offence range from a fine to a term of imprisonment.

It is important to bear in mind that each case will be decided on its own particular facts. In the case of Section 145 of the Act it must be proven that a person actually knew what they did or failed to do would endanger the safety or lives of others.

If the organiser of events provides clear, appropriate and up-to-date information to participants and takes all reasonable steps to ensure a participant’s safety, then there is little likelihood of prosecution under the Act. The safety imperative remains regardless of the possibility of prosecution under the Act. Event organisers should also expect that if a serious injury occurs, the police will conduct a thorough investigation. Event organisers should keep a thorough record of the means by which all reasonable care was taken.

3. RESOURCE MANAGEMENT ACT 1998

The Resource Management Act 1998 (the Act) effectively classifies activities into six primary categories:

1. Permitted.
2. Restricted discretionary.
3. Discretionary.
4. Non-complying.
5. Prohibited.
6. Recognised customary activity.

The rules in a regional or district plan of a regional or local authority set out the category any given activity will fall within. It is important that an event organiser is familiar with the district and/or regional plan. This is of more significance for an event that does not incorporate a common everyday activity, for example jogging on a footpath is regarded as a common and permitted activity. Erecting a temporary television or commentary tower on the beach finish line of a surf carnival is a different matter that should be assessed against the district and regional plans. Any water-based activities such as a rafting event on a river should also be assessed in this same way. Awareness of the relevant district plan will enable the event organiser to ascertain the category within which the proposed activity may fall and determine whether or not a resource consent is required. For example, a permitted activity may be carried out without the need for a resource consent provided it complies with any standard terms or conditions specified in the regional or district plan.

Controlled activities require a resource consent, which must be granted subject to any conditions imposed under the relevant plan. A restricted discretionary activity or discretionary activity requires resource consents, as does a non-complying activity. Prohibited activities may not be carried out at all so no resource consent can be granted. To authorise such an activity would require a change to the applicable district or regional plan and this would involve a long-term, expensive and uncertain process.

Recognised customary activities are likely to be less relevant to event organisers as they relate to activities carried out under a court order of the Maori Land Court, which recognises customary activities carried out since 1840.

Be aware in your event planning that if a resource consent is required, then the application and hearings process can be lengthy and expensive.

Remember that the local territorial authority is the best place to start your inquiries concerning the possible impact of the Act on your proposed activity.

4. LOCAL GOVERNMENT ACT 1974 AND LOCAL GOVERNMENT ACT 2002

The Local Government Act 1974 and Local Government Act 2002 (the Acts) deal with the powers and obligations of local authorities. Organisers of sporting and recreation events will normally need to deal with their local territorial authority to a greater or lesser extent, depending on the exact nature of the event. Local authorities are also responsible for their district plan (see Resource Management Act above).

The Acts are of particular relevance to those who may be organising an event that requires the closure of roads, for example marathons, triathlons, duathlons, cycling events and car races. Section 319 of the 1974 Act gives the territorial authority the power to stop or close any road or part of the road, subject to certain conditions, and to divert or alter the course of any road. If the territorial authority does not have jurisdiction over the particular road, then they can put you in touch with the relevant authority. For more information, see the "Risk management for events on roads" section of this document.

5. CONSERVATION ACT 1987

The Conservation Act 1987 (the Act) does not relieve anyone from an obligation to obtain a resource consent (if one is required) under the Resource Management Act. One of the key requirements for proposed activities is that they cannot be carried out in a conservation area unless they are authorised by a concession. The Minister of Conservation may grant a concession in the form of a lease, licence, permit or easement for any activity.

There is a particular provision in the Act that waives the need for a concession to be obtained for any recreational activity that does not provide a specific gain or reward for the organiser, whether the activity is pecuniary or otherwise.

It is an offence under the Act to knowingly do, among other things, any of the following without the authority of the Minister or Director General of the Department of Conservation:

- interfere with or damage any historical or natural features in any conservation area
- erect any building, sign, hoarding or structure on any conservation area
- construct any apparatus on any conservation area
- conduct in any conservation area any activity for which a concession is required under the Act.

Any organisation or individual organising an event in a conservation area must be aware of their responsibilities under this Act. The website for the Department of Conservation is www.doc.govt.nz.

6. NATIONAL PARKS ACT 1980

The National Parks Act 1980 (the Act) is intended to preserve national parks for the benefit, use and enjoyment of the public. National parks are administered by the Conservation Department. Each national park must have a management plan that, among other things, sets out the way in which the national park will be managed, including what may or may not be done within a specific national park.

Certain areas within national parks may be designated specially protected areas. Nobody can enter or remain in any specially protected area except on the authority of and in accordance with a permit issued by the Minister of Conservation.

Organisers of events in national parks will need to consider the relevant park management plan as well as the need for permission and/or permits to conduct certain activities. Like the Conservation Act, there is a range of offences in the Act, which includes such things as:

- causing damage in a park
- erecting any building, sign or hoarding in a park
- not having permission or a concession for an activity that requires such a concession.

Once again, you can refer to the Department of Conservation website www.doc.govt.nz.

7. MARITIME TRANSPORT ACT 1994

The Maritime Transport Act 1994 (the Act), amongst other things, establishes a body (previously known as the Maritime Safety Authority of New Zealand), which from 1 July 2005 is known as Maritime New Zealand. The Act has a wide objective to undertake safety, security, marine protection and other functions to sustain the transport system. This Act may need to be considered in respect of any boating or similar activities. Yachting, boating, coastguard, water safety and other organisations will generally have extensive knowledge of the relevant considerations in the marine environment.

The Maritime New Zealand website is www.maritimenz.govt.nz.

8. MARINE RESERVES ACT 1971

Organisers need to be aware that marine-based events could be affected by the Marine Reserves Act 1971. Under this Act, various marine reserves may be created, and if so, these marine reserves must be maintained in their natural state, with the public having no right of entry. Subject to any specific regulation, section 23 does, however, allow any right of navigation through or across a marine reserve to be unaffected. There is no right of anchorage except in the case of emergency.

These reserves are managed by the Department of Conservation. See www.doc.govt.nz.

9. CIVIL AVIATION ACT 1990

Event organisers will need to be familiar with the requirements and rules emanating from the Civil Aviation Act 1990 for any events that operate in airspace. The Civil Aviation Authority undertakes many of the regulatory functions in this area. Persons experienced in activities such as gliding, flying, hang-gliding, parachuting and parapenting will be able to contact their relevant national or local sports organisations to assist them with relevant requirements. Only organisers who have or can access excellent and expert knowledge of this environment should be involved in such activities.

For further information, refer to the Civil Aviation Authority of New Zealand website www.caa.govt.nz.

10. FAIR TRADING ACT 1986

Event organisers who have their own businesses in which they are contracted to supply goods or services should be aware of the Fair Trading Act. It is a business law which, among other things, regulates misleading and deceptive conduct, consumer information and safety of products and services.

In the services area, a requirement under section 11 is that no person in trade may engage in conduct that is liable to mislead the public as to the nature, characteristics and suitability for a purpose or quantity of services. A similar offence exists under section 13 where it is illegal to make a false or misleading representation that services are of a particular kind, standard, quality or quantity, or that they are supplied by a particular person or a person of a particular trade, qualification or skill. Event organisers need to be aware that if they represent themselves or their staff as having a particular level of qualification or training, then the activities need to be undertaken by the person who meets such specifications.

The obligations under the Act extend to representations about price and to claims that services have sponsorship, approval or endorsement. In addition to exposure to fines for offences under the Act, a person can also be exposed to claims for damages by those affected.



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