

# REFORMS WILL REQUIRE CLUBS TO REDUCE RISKS

Roy Hughes, National Secretary, NZ Federation of Motoring Clubs

For all incorporated societies and 'voluntary associations', the current Health and Safety Reform Bill before Parliament opens up a more intrusive relationship with the regulatory authorities.

But the reassuring message to the NZFOMC annual conference from the President of the Australian Historic Motoring Federation, Christine Stevens, was that most clubs can and will survive the new regime. Many may even benefit from becoming more aware of potential safety hazards and taking a methodical approach to reducing risks.

While a few clubs effectively closed down following the introduction of similar new safety regulations in Australia, the historic motoring federation brought a number of other smaller clubs together into a new structure so they could jointly afford the costs of adequate insurance coverage and meet their new responsibilities to mitigate risks.

Regardless of the requirements of the new legislation, Christine argued that all responsible clubs should be doing as much as they can to minimise the possibility of injuries to their own members or to the public during events they organise.

As well as encouraging all their member clubs to take out appropriate insurance to cover the financial consequences of a possible prosecution, the Australian Federation has produced a set of risk-assessment checklist templates which can be applied to a wide range of motoring type events. In fact, Christine said public liability insurance will become essential for all clubs that employ any person to undertake a task.

Just exactly when a club or 'voluntary association' becomes an 'employer' and therefore classified as a PCBU (person conducting a business undertaking) subject to the requirements of the revised Health and Safety Act, is not yet clearly understood. Until the Select Committee has finalised the wording and the Parliamentary process is completed, it is not possible to predict how the

new legislation will directly impact on individual clubs.

Christine said that in Australia, if a club paid its secretary an 'honorarium' then it became a PCBU, but if it just 'refunded genuine expenses' then it remained a 'voluntary association'. Once the reform bill has become law in New Zealand, all clubs will have to give careful consideration to how individual members are reimbursed for the time and expenses they incur.

But Christine advised that all clubs should be undertaking risk mitigation to ensure their operating environment is as safe as it can be, and to identify and record potential negative occurrences and any actions taken to minimise them.

"You should identify the essential objectives of the club or event," she said. "Identify, define and record any risks. Implement early management action and remain aware of current levels of risk. Risk reduction requires strategies to prevent, mitigate or transfer the risk."

She provided examples of comprehensive and detailed Activity Checklists that were developed by her federation and are now being widely used by clubs in Australia. She recommended that no matter what is required by the new legislation, New Zealand clubs should give positive consideration to adopting a similar approach to reducing accident risks.

The other guest speaker at the FOMC AGM was WorkSafe New Zealand's Chief Inspector Assessments Northern, John Howard. But shortly before the meeting, he advised that it was no longer appropriate for him to make his planned presentation; because the proposals affecting volunteer



organisations in the reform bill had attracted so much feedback and comment, he said that the still ongoing Select Committee process was likely to result in further changes to the draft proposals so his presentation may no longer be relevant.

However while he canned his *prepared* presentation, John Howard very generously agreed to attend the AGM to provide club delegates with some insight into the intentions behind the extensions to our Health and Safety laws.

He assured the meeting that the primary purpose was to provide the workers employed by clubs and voluntary associations with the same protections afforded to other paid employees. He said the vast majority of clubs with no paid employees would not be affected by the legislation, but any impositions on the others would not be as onerous as many people feared.

Howard said WorkSafe would not be requiring clubs to prepare detailed written safety plans for every event. But if an accident occurred which required a WorkSafe investigation, inspectors would be looking for clear indications that the club or event organisers had given some thought to potential hazards and taken positive action

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to reduce the risks such as by erecting safety fences or signposting dangerous areas or equipment to the point where the enjoyment of active involvement in recreational events may be compromised.

While the wording of the legislation is yet to be finalised, it is likely that many incorporated and unincorporated societies or groups conducting any activity, will be required to demonstrate that they have taken all 'reasonably practicable' steps to identify, reduce or eliminate hazards.

WorkSafe has advised us that there will be a period of consultation and education to help clubs understand how they should meet their new obligations under the Act.

At this stage, the FOMC executive remains concerned that the imposition of unnecessarily onerous requirements on clubs will detract from the benefits individuals and society gain from encouraging people to participate in good leisure activities.

It appears the direct lobbying of ministers and MPs around the country, involving a range of car clubs and other associations, has had the positive result of persuading those rafting the reforms to take another look at


how to make them acceptable and workable.

In the meantime, the FOMC is working with our insurance broker John Barley to provide clubs with comprehensive advice on how to minimise the costs and the work that will be needed to prepare for these

changes. And thanks to the assistance of our Australian colleague Christine Stevens, we will also be providing our member clubs with risk-assessment templates they can apply to their events and general activities. **CD**



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