



## Legal Issues and Risk Management for Sports Officials

# SPARC

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SPARC (Sport and Recreation New Zealand) is the Crown Agency responsible for supporting sport and recreation in New Zealand. Formed in February 2002, SPARC is a merger of the former Hillary Commission, New Zealand Sports Foundation and the policy arm of the Office of Tourism and Sport.

SPARC's job is to ensure New Zealand remains a thriving, healthy, dynamic country that can compete with the best in the world and promote itself with confidence. Along the way, SPARC will raise the profile of both sport and physical recreation, improve health outcomes for New Zealanders, create synergies and bring the sector into greater focus.

SPARC's mission, by 2006, is for New Zealand to be recognised as world-leading in our approach to sport and recreation. SPARC aims for New Zealand to:

- to be the most active nation
- to have the most effective sport and physical recreation systems
- to have athletes and teams winning consistently in events that matter to New Zealanders

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# Legal Issues & Risk Management *for Sports Officials*

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# Introduction

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Sports officials are a vital part of the sporting experience. Without umpires, referees, judges, marshals, timekeepers, scorers, starters and so on, sport in New Zealand just wouldn't happen.

A key role for sports officials is to ensure that the competition is carried out in accordance with the rules of the sport and that the spirit of fair play is observed by all. Equally important is ensuring the safety of the sporting environment for all participants. This includes athletes, coaches, spectators and other officials.

Safety and injury prevention have become increasingly significant issues in the modern sporting environment, particularly with the advent of professional sport. While New Zealand's 'no fault' accident compensation scheme reduces the frequency of legal claims in this country, it is important to recognise that when an injury or accident occurs during a sporting activity, there is no automatic legal protection.

This *Legal Issues and Risk Management for Sports Officials* booklet, produced by SPARC (Sport and Recreation New Zealand), highlights the legal obligations of sports officials and how best to meet these obligations. It also outlines ways in which sports officials can manage the risks, to reduce the likelihood of an injury or accident, and so reduce the chances of being found to have neglected their responsibilities.

While the increased risk of liability is a concern, it is important to remember that the roles and responsibilities of officials have not changed all that much. What has changed, however, is the expectation from the general public that officials are fully aware of their legal rights and responsibilities and act in the best interests of their sport. Most sports officials are already meeting these requirements, and in doing so provide an invaluable service to New Zealand sport.

*Note: The term 'sports official' used throughout this booklet refers to any person who controls or directs the actual play of a competition by applying the rules of the sport to make judgements on rule infringements, performance, time or score.*

# *The Modern Sporting Environment*

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Sport is an integral part of New Zealand society. Most sports participation takes place at the grass roots or amateur level, although public and media attention tends to focus on people performing at the elite level. While many athletes, coaches and officials at this top level are full or part-time professionals (i.e. receive payment for their performance or service) most could still be considered amateurs (or volunteers).

With the evolution of professionalism in sports such as rugby union, rugby league, cricket and netball, there is now greater focus on financial aspects of sport including: contracts for athletes, coaches and officials; sponsorship deals; merchandising; television coverage rights; and athlete endorsements of products.

The modern sporting environment can be characterised by:

- fewer volunteers in sport (at all levels);
- greater career opportunities and money in sport – consequently, there is greater pressure on athletes, coaches and officials who are paid to perform to a certain standard;
- a greater awareness of individual rights;
- a greater awareness of health and safety obligations;
- an increase in user pays health and medical care costs;
- the possibility that those who suffer injury (whether athletes, officials or spectators) may take legal action – this is certainly the case in countries like the USA, but is uncommon in New Zealand due to our ‘no fault’ accident compensation scheme, which can provide compensation for personal injury under the Injury Prevention, Rehabilitation and Compensation Act 2001;
- the possibility of criminal prosecution of sports participants for misconduct or negligence at a sporting event that results in serious injury – this includes athletes, coaches, officials and spectators;
- a requirement that sporting organisations keep up-to-date with the current safety and risk management standards (both in New Zealand and internationally);

- a requirement for officials at all levels of competition to be aware of their legal obligations and, particularly, the need to eliminate or minimise the risk of injury.



### The Accident Compensation Corporation (ACC)

New Zealand's 'no fault' accident compensation scheme administered by the ACC was created under the Accident Compensation Act 1972 and provides accident insurance for all New Zealand citizens, residents and temporary visitors. The Injury Prevention, Rehabilitation and Compensation Act 2001 is the principal Act under which the ACC operates today.

Under this legislation compensation may be provided for those who are injured while participating in sporting events, although the compensation provided may not always cover the full cost of medical treatment and rehabilitation.

The legislation also prohibits an injured person from recovering compensatory damages; that is, damages to cover treatment costs and other compensation for personal injury where that injury is covered by the legislation.

However, the injured person may still be able to sue for exemplary damages (a form of 'punishment' for the actions of the person held responsible). This would only be upheld where the conduct was so far below the standard required that it merits punishment. Any claim for exemplary damages would have to show that the defendant's actions amounted to an 'outrageous and flagrant disregard' for the injured person's safety.

The rules around ACC cover are complex and no assumptions can be made, as each case is considered on its merits. Individuals should contact their local ACC office for appropriate advice.

## The Impact on Sports Officials

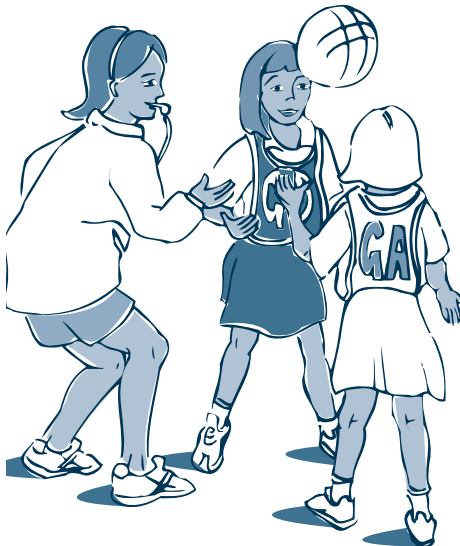
In today's environment there is a much greater awareness of health and safety issues in sport. This, combined with the financial pressures that can arise through injury, emphasises the need to do everything reasonably possible to reduce the possibility of accidents or injuries.

At the grass roots level, where participants generally do not have contracts or medical insurance, the financial pressures resulting from an injury that affects an individual's ability to work can be substantial – in addition to the emotional and physical distress an injury can cause.

At the professional level, while most athletes do have medical insurance, a serious injury can mean the end of a profitable sporting career.

Many cases overseas show a trend towards holding individuals and/or sports organisations responsible when an injury occurs in sporting events. Although the extent of this has yet to be tested in New Zealand (largely due to the ACC), it is possible that an official could be held responsible for an injury suffered, if the official had not carried out his or her duties to the standard required.

The onus on sports officials is simply to do what is reasonable under the circumstances – and in most circumstances a common-sense approach by the official will generally be upheld.



# Sources of Obligations for Officials

There are a number of sources for accessing sports officials' obligations, which are applicable at all levels of competition. The major sources are outlined below.

- **Rules of the Sport**

Most sports have rules that govern the way the sport is played or carried out. Many of these rules are designed with safety in mind, minimising the risk of injury to all participants. Most sports organisations also have their own disciplinary process for dealing with breaches of the rules and for handing out penalties for breaches. Some sports have different rules according to the level of competition and the perceived risk to the athlete. Volunteer and paid officials must themselves observe the rules, while also ensuring that athletes observe them.

- **Contracts**

Contracts are a fact of life in the professional sporting environment – there are employment contracts, athlete contracts, event management contracts and sponsorship agreements. These contracts do not necessarily involve the exchange of money, and often require a certain standard of behaviour or play to be maintained. Failure to comply with the terms of your contract may result in a breach of the contract or agreement in question.

- **Common Law**

This is law that is developed by the courts, rather than by Parliament. It imposes a general duty to take reasonable care to avoid causing injury or harm to anyone. Failure to act reasonably may amount to negligence, even on the sports field or racetrack. There are five elements required for negligence to be proved. In the sporting context they are:



## SOURCES OF OBLIGATIONS FOR OFFICIALS

1. One person owes a duty of care to another  
*Andrew, a hockey umpire, has a duty to the players to properly control and supervise the game.*
2. There is a breach of that duty  
*Andrew fails to enforce the rules by not penalising a player who persistently breaches the rules by 'lifting the ball'.*
3. Someone suffers an injury  
*Jason, a player, is hit in the mouth with the ball and suffers serious injuries.*
4. The injury was caused by the breach of duty  
*Jason's injury has been caused by a player 'lifting the ball'. As the offending player or players were not penalised by the umpire, this 'lifting of the ball' occurred several times during the game.*
5. The injury resulted in a loss suffered by the person injured  
*The resulting dental treatment required was extensive and costly, resulting in financial loss to Jason, as well as considerable emotional trauma.*

Before someone can be found negligent, it must be clear that his or her conduct was likely to result in an injury. In this example, Andrew's failure to penalise the illegal play was likely to result in someone being injured because that kind of illegal play is dangerous, and was allowed to continue throughout the game.

Andrew would probably be in breach of his umpiring duties as there was an opportunity to take action early in the game by penalising the illegal play. This may very well have prevented the injury that occurred later in the game.

However, if Jason's injury had been caused in the first minute of the game, or on the first occasion of illegal play, Andrew would not be negligent, because there was no previous opportunity to penalise the illegal play and/or warn the offending player.

While Andrew must take reasonable care, such is the nature of sport that injuries will still occur. What is 'reasonable' will vary in each situation with the test usually being, 'what would a reasonable umpire have done in the same situation?' It is reasonable to expect the umpire to know the rules and how to apply them. Generally a higher standard of care would be expected from professional officials as opposed to volunteers, as they are expected to have a higher level of training and experience.

*Note: Remember that in New Zealand, the Injury Prevention, Rehabilitation and Compensation Act 2001 currently prohibits an injured person from recovering compensatory damages; however, they may be able to sue for exemplary damages.*



### • **Acts of Parliament**

The most significant Act in terms of injury and accident prevention is the Health and Safety in Employment Act 1992. The aims of the Act are:

- the prevention of harm to employees while at work;
- to promote best practices in health and safety management by employees;
- to impose duties on employers in relation to the prevention of harm to employees and others in the workplace.

The Act requires 'employers', including sports clubs and organisations, to provide a safe and healthy work environment for their 'employees', including paid coaches, athletes, officials, administrators, ground staff, cleaners and others who may be at the 'place of work'. Individuals who are either self-employed or under contract are also covered under this Act.

The Act also means that employers need to ensure that employees do not do something (or fail to do something) which results in harm to other people (such as spectators and volunteers) who may be at the place of work.

To clarify the coverage of volunteers under this Act, an Amendment Bill passed in 2002 has excluded from liability any volunteers who help with sport and recreation at a club or educational institution. However, there is a general duty of care covering these volunteers. Should Health and Safety Inspectors become aware of a significant hazard relating to the work activity, they would be required to discuss means of eliminating, isolating or minimising the hazard with the organisation or individual for whom the volunteer is working. This general duty of care will not be enforceable.

While the application of this Act in the sports arena has yet to be tested in a court of law, the safest approach is to assume that the Act will apply to every situation and act appropriately.

- **Criminal Law**

Doing something you shouldn't, or failing to do something when you should, may in extreme cases amount to misconduct that constitutes a criminal offence. For example, intentionally assaulting another athlete, official or spectator during an event, or allowing someone else to do so without trying to prevent it. The misconduct would have to be very serious to constitute a criminal offence.

Physical contact is inevitable in many sports and is often part of the actual contest. In those sports, it is when the nature of the contact changes from competing against another athlete to intentionally inflicting harm on another that such actions could amount to criminal behaviour (such as assault).

## Sport Officials' Specific Duties

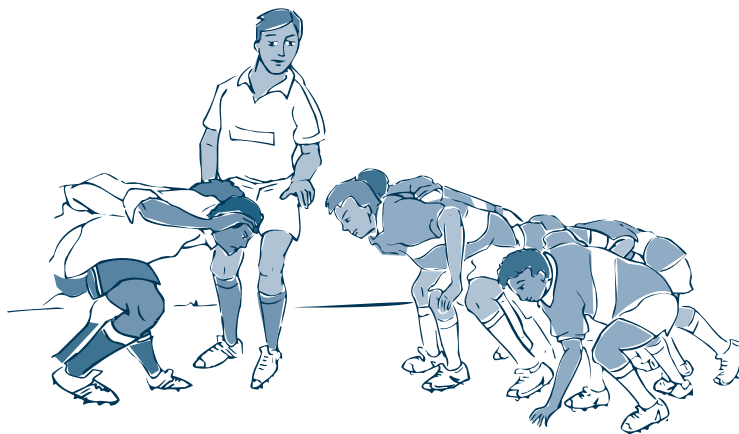
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There are a number of specific duties that officials can perform to ensure they meet their obligations during a sports event. Doing so will reduce the risk of injury or accident and will also enable the event to run smoothly. Specific duties may include some or all of the following.

- **Enforcing the Rules of the Sport**

Enforcing the rules of the sport and penalising any breaches will not only ensure a fair competition, but will also reduce the risk of injury or accidents, as many rules are made with this in mind. It is therefore important that officials know the rules and are confident in applying them during the game or event – be aware that different rules can sometimes apply to different levels of competition.

*In England a rugby referee was held negligent for repeatedly failing to enforce the Crouch Touch Pause Engage (CTPE) procedure for scrums in a colts match in which a hooker suffered a broken neck.*



- **Control and Supervise the Game or Event**

Officials are obligated to take reasonable care to prevent an injury occurring to anyone involved at a sports event. This may extend beyond the rules enforced on the field of play, as action may need to be taken in relation to spectators, coaches, or other officials, as well as the athletes. Even if no rules have been broken, intervention may be required if a person's safety is in question.

*In Darwin, a rugby league referee was suspended after walking off the field during a game that continued without any officials. The referee left because of the poor behaviour of the players, but he should have terminated the game first.*

- **Protect the Participants**

Sports officials should consider the risks or hazards present at a sports event and what risk they pose to the participants. The sorts of things to consider include:

- Is the equipment being used appropriate and safe?
- Are the players using appropriate protective equipment/clothing if required (e.g. pads and mouth guards)?
- Is there sufficient space between the game/event and the spectators? Are safety barriers required?
- Are first aid personnel available if required?
- Are the ground/court conditions safe to play on?
- Are there appropriate safety guidelines provided for the event?

*At the Sydney Olympics, the women's gymnastics vault was set 5 centimetres lower than specified in the rules. This resulted in many of the gymnasts mistiming their vaults and, in some cases, falling badly. Although there were no serious injuries, the head judge could have been charged with negligence.*

- **Warn of Risks**

Officials should ensure that any risks or hazards are clearly identified and warnings displayed. For example, warning signs that a cycle road race is in progress should be used to alert other road users to use caution.

*In a stock car race overseas, a spectator was killed after a car lost control, hit another which then hit and killed the spectator who was in a restricted area without permission. Because the organisers had displayed prominent signs warning of danger, made several public announcements warning of danger areas, and officials had already removed that spectator from the area previously, they were not liable as they had done everything reasonably possible to ensure the safety of spectators.*

- **Anticipate Reasonably Foreseeable Dangers**

Sports officials should carry out a safety (risk management) check at the venue prior to the event and respond to any existing risks or hazards. During the course of play they should also respond to complaints of dangerous conditions, foul play and so on.

*Overseas in 1983, a hockey player was killed and 22 people were injured when lightning struck the ground. The game had been allowed to continue after the thunder and lightning storm had begun.*

*In another example, play may be stopped in a cricket match if there is inadequate light, making continued play unsafe.*



- **Take Reasonable Steps to Ensure a Safe Sporting Environment**

This may mean that a sports event has to be postponed or cancelled, the venue changed or the event modified because of weather and/or ground conditions, or other circumstances beyond the officials' control. The rules of the sport should provide for this, but in any case common sense should always prevail.

*There is a noticeable wet spot on a basketball court due to a leak in the roof. If play continues regardless, and an injury occurs, the referee may be negligent for failing to ensure the safety of players. Even if an attempt is made to identify the spot so players can see and avoid it, it might not be enough, as in the heat of the game it may be impossible to avoid. If play is stopped periodically so it can be wiped down, that is probably reasonable action.*

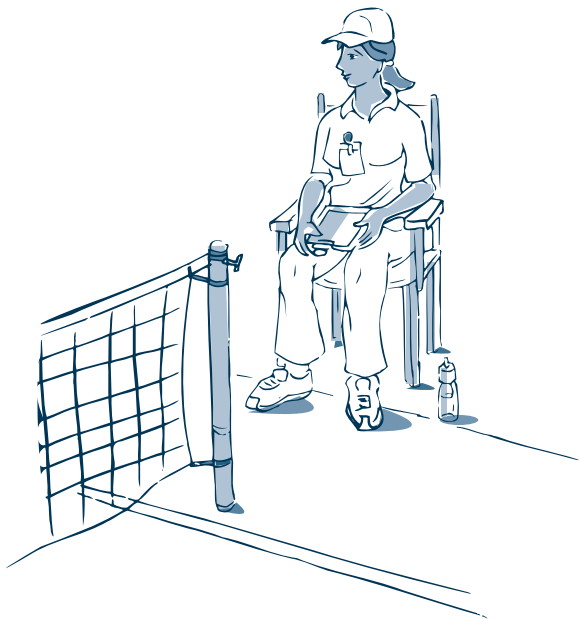
- **Consider Factors Specific to the Sport and the Athletes Involved**

When carrying out specific duties, officials should bear in mind factors such as the age and experience of the athletes involved and the injuries common to the particular sport. For example, older athletes are likely to be better equipped to cope with adverse weather conditions than children. The rules within some sports are modified at different levels of participation to cater for the abilities of the athletes involved.

*When playing rugby, juniors (under 13 years) and 'golden oldies' (social) are not permitted to push in the scrums. Juniors under 19 years of age can only push the scrum 1.5 metres – providing the referee is qualified.*

- **Be Informed**

Further to these specific duties, officials should regularly update their officiating knowledge and skills by undertaking training provided by their sports organisation, and/or training in risk management and first aid. The informed official is better able to take positive steps to eliminate or reduce the risk of injury, and will also be more competent and confident when officiating at a sports event.



## *Establishing Lines of Responsibility*

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Depending on the nature and size of the sporting event, there can be a number of people involved in organising and managing the event, filling a wide range of roles. As well as officials there may be coaches, managers, ground staff, security personnel, medical personnel, technicians and so on.

Should a serious injury occur in a sporting event, the cause of the injury will need to be determined before the issue of responsibility can be decided. As a sports official, it is important to have a clear understanding of what your role is, and where your responsibilities start and finish. Sports clubs and organisations also have responsibilities in relation to the safety of participants. This includes such things as providing proper support to enable you to carry out your duties.

For example, at an international one-day cricket match, the sport officials (i.e. umpires) will have reasonably clear lines of responsibility. These will generally focus on the rules of the game being played. The perimeter around the field of play will already be set in place by the ground staff and a number of security personnel will be present to supervise and control the spectators, and technical staff will be there to record the runs. However, at a local under-14 cricket match the same umpire may be required to take on these other responsibilities and more, as well as controlling the game.

In another example, at a cross-country equestrian event several riders and horses receive injuries at the same point on the course. If the design of the course is causing these injuries, should the responsibility be placed on the event organisers or the officials supervising the event? In this case, the officials have a less direct influence on the outcome of the event. The event organisers who designed the course have a closer bearing on the injuries sustained and may well be held responsible. However, if the conditions of the day had changed to make an otherwise safe event unsafe, such as an ice build-up on the course, which caused the riders to slip, others may also be held responsible.

Risk management plans help to define the areas of responsibility. Remember that common sense should prevail in the prevention of accidents and injuries. If it is reasonably possible to take some action to avoid an injury occurring (whether it is your responsibility or not), then it follows that failure to do so may result in some responsibility for any injury that occurs.

# Risk Management

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It is impossible to eliminate all the risks associated with sport – the risk of injury is common to most codes. However, some of these injuries or accidents are preventable by taking reasonable steps to ensure a safe sporting environment.

Risk management is about eliminating, isolating or minimising the risks and hazards present at an event. It's impossible to eliminate all the risks in sport, but used correctly, risk management plans reduce the likelihood of injury or accidents occurring and, consequently, reduce the potential liability of those in control. It is important that all relevant people are involved in each stage of risk management and that commitment to the plan is obtained from all of them.

Many sporting organisations have standardised risk management checklists and health and safety guidelines for use in their sport. The following pages outline the steps involved in developing a risk management plan and/or checklist.

## **The Risk Analysis and Management System (RAMS)**

This system, developed by the Outdoor Safety Institute, is a planning and evaluation tool for the safe management of outdoor activities. It can also be applied to the indoor and outdoor sporting arena. The steps involved in developing a risk management plan and/or checklist using this system are outlined below.

### **Identify the Risks**

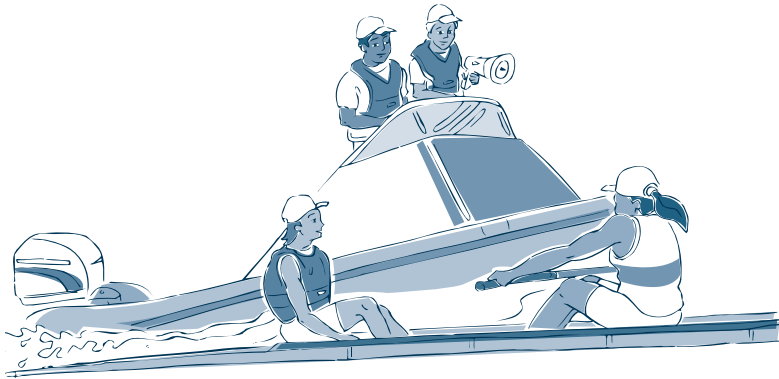
Identify all the possible injuries and/or accidents that could occur during the activity. These can range in seriousness from minor cuts and grazes through to broken bones, or, in a worst-case scenario, a fatal injury.

### **Identify the Causal Factors**

Identify factors that could contribute to the injury or accident occurring. There are three key areas to consider:

- people and what they bring with them to the activity such as their skills, attitudes, experience, physical fitness, health, age, preconceptions, fears, strengths and so on;
- equipment required including sports equipment, safety and protective equipment and clothing;

- environmental factors that may impact on the activity such as the court surface (indoor or outdoor) ground conditions, weather, humidity, temperature and water conditions.



### **Risk Management Strategies**

Determine how each of the causal factors you have identified can be eliminated, isolated or minimised. Develop risk management strategies to implement under normal conditions and for when conditions are out of the ordinary, or if there is an emergency situation.

### **Relevant Industry Standards**

What are the current standards for your sport? Your national organisation should have minimum standards regarding health and safety in your sport. Consider whether the Health and Safety in Employment Act impacts on your event.

### **Recommended Policies and Guidelines**

What policies and guidelines are already in place at your club, school or organisation for sports officials? Further recommendations may be required, relevant to a particular event or venue, in order to effectively manage the risks.

### **Skills Required by Staff**

From the risk analysis you have completed so far, list the skills, knowledge and competencies required by the people involved in the activity. These requirements should fall within your national sport organisation's guidelines for health and safety. For example, what qualifications are required by your sport to officiate at the different levels of competition?

## Final Decision on Implementing Activity

Take your completed risk management plan to your governing body – this may be your sport's officiating group, club committee, board or chief executive, and have them sign off the activity. In this way, you are disclosing the risks to them and managing your own level of liability as a sports official.

## Evaluate and Modify the Plan

Regularly evaluate and modify your RAMS plan where required. For example, you could keep a record of the accidents/injuries that occur and any action that was taken. Constant evaluation and monitoring will ensure that risks are reduced or minimised to the greatest extent possible.

The following pages show two risk management examples using the Risk Analysis and Management System (RAMS). The first example, refereeing a rugby match, has reasonably clear lines of responsibility for the officials involved (referee and two linesmen). As the main event is confined to the rugby field, the risks and hazards are very localised and therefore easier to identify and control.



The second example deals with the swim leg of a triathlon. Due to the nature of the environment in which this event occurs, there are a wide range of roles and responsibilities for the officials involved that can result in the lines of responsibility becoming a little blurred. In this case it is important that someone takes overall responsibility for ensuring that safety measures are put in place. Having clear lines of communication between officials is also an important factor in an event such as this.



# Risk Analysis & Management System

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Activity/Situation:** Refereeing Rugby

## RISKS

### ACCIDENT, INJURY, OTHER FORMS OF LOSS

#### DESCRIPTION

The following injuries can occur from incorrect technique (e.g. scrums and tackles), poor discipline or through general play:

- Soft tissue injuries – sprains, strains,
- Lacerations.
- Fractures.
- Concussion.
- Spinal injuries.

## CAUSAL FACTORS

### HAZARDS, PERILS, DANGERS

#### PEOPLE

- Lack of fitness for the game.
- Lack of skill for the level of competition.
- Lack of knowledge of the laws of the game.
- Poor discipline.
- Threatening behaviour from participants i.e. players, coaches, spectators.

#### EQUIPMENT

- Goal posts.
- Corner posts.
- Safety equipment i.e. mouth guards, headgear, shoulder pads, etc.
- Rugby boots i.e. sprigs

#### ENVIRONMENT

- Perimeter of playing field.
- Poor ground conditions.
- Poor weather conditions.

### NORMAL OPERATION

#### PEOPLE

- Check experience of front row players.
- Brief front row & halfback (including reserves) on the scrum engagement procedure.
- Brief team captains – state that they are responsible for jointly managing the match.
- Maintain personal fitness required for level

#### EQUIPMENT

- Check goal posts are padded adequately.
- Check corner posts are in the correct position.
- Confirm that all players have mouth guards.

#### ENVIRONMENT

- Consider whether perimeter of field should be roped off to maintain spectator distance.
- Check any ground signage is a safe distance from perimeter.
- Check the ground is in a playable

- of competition.
- Regularly update refereeing requirements and law changes.
- Ensure referee qualified to ref contested scrum rugby if required.

condition:

- look for muddy patches
- holes in the field or objects which may cause injury.

**EMERGENCY**

- Establish whether a first aid kit is immediately accessible in case of injury.
- Establish whether appropriate medical personnel are in attendance (dependent on level of competition).
  - Serious adverse change in the weather
  - Collapsed scrums
- The referee is empowered to call off the game if required in event of the following:
  - Continuous dangerous play
  - Unruly and threatening spectators
  - Abusive coaches
  - Threatening behaviour from players
- Awareness of appropriate measures to implement in case of serious/life threatening injury.

**RELEVANT INDUSTRY STANDARDS**

- NZ Rugby Union.
- Health and Safety in Employment Act 1992.

**POLICIES AND GUIDELINES RECOMMENDED**

- NZRFU provide refereeing guidelines appropriate for all levels of the game.
- No NZRFU referee qualifications are required for games in which the scrums are NOT contested i.e. no pushing.
- In games where scrums are contested the following standards apply:
  - Referees must have completed the NZRFU Registered Associate Referee Course.
  - Referees must attend the NZRFU safety course annually.
- All referees are recommended to carry out a basic risk management checks prior to the game being played.
- The NZRFU has indemnity insurance cover for referees in compliance with the above guidelines.

**SKILLS REQUIRED BY STAFF**

- Referees should have knowledge of the laws of the game appropriate to the level at which they are refereeing.
- Referees should have a level of fitness sufficient to enable them to keep up with the play.
- Effective refereeing requires basic skills in the following areas – decision-making, concentration, communication, control and organisation.

**FINAL DECISION ON IMPLEMENTING ACTIVITY**

Accept Reject

Source: OSI – Outdoor Safety Institute

# Risk Analysis & Management System

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Activity/Situation:** Marshalling the Swim Leg of a Triathlon

## RISKS

### ACCIDENT, INJURY, OTHER FORMS OF LOSS

#### DESCRIPTION

- Injury from collision: with other competitors; other water users; marker buoys; other fixed hazards.
- Hypothermia.
- Competitors lose their way during the swim or in transition.
- Cut feet during transition to and from swim.
- Drowning.
- Jellyfish stings and other contact with sea dwelling creatures.

## CAUSAL FACTORS

### HAZARDS, PERILS, DANGERS

#### PEOPLE

- Inability to complete the course due to lack of fitness &/or swimming ability.
- Competitor collisions.
- Lack of knowledge of the swim course and rules.

#### EQUIPMENT

- Collision with safety craft on the water.
- Wetsuit causes overheating.
- Goggles knocked off by other swimmers.

#### ENVIRONMENT

- Debris on the beach.
- Dangerous water conditions.
- Tidal flows and currents.
- Water temperature.
- Jelly-fish and other sea dwellers.
- Other water users not involved with the event.
- Pollution from storms, road run-off or spills.

## RISK MANAGEMENT STRATEGIES

### NORMAL OPERATION

#### PEOPLE

- Competitors to wear coloured swim caps to be easily seen.
- Trained surf life savers in IRB or on boards with life saving belts.

#### EQUIPMENT

- IRB's to stay clear of swimmers unless needed.
- Use kayaks and surfboards on the course for manoeuvrability

#### ENVIRONMENT

- Beach swept and raked (carpet laid if necessary).
- Alternative swim plan or day for the event – or convert to duathlon.
- Hold the swim during slack water or design course

- Competitors remove personal jewellery – finger rings and earrings.
  - Send swimmers off in waves to reduce numbers.
  - Clear marker buoys for swim course.
  - Long swim leg to first marker buoy – to reduce congestion.
  - Marshals direct competitors through transition.
- and easy access to swimmers.
  - All safety craft to be equipped with prop guards.
  - Use of wetsuits banned in water over 22 degrees.
  - Wetsuits not to exceed 5mm fabric width.
- to utilise any currents.
  - Wetsuits compulsory if water temperature below 14 degrees.
  - Increase number of rescue craft if required.
  - Ensure first aiders equipped with anti-histamine.
  - Liaise with local authority to keep area clear of other users.
  - Notify local mariners of event in advance.
  - Close off area with warning signs.
  - Patrol boat to warn other boats/users during event.

**EMERGENCY**

- Establish that a first aid kit is immediately accessible in case of injury.
- Ensure appropriate medical personnel are in place on shore to administer first aid.
- Appropriate measures in place to deal with a serious/life threatening injury.
- Officials are empowered to withdraw competitors if they are deemed to be at risk by continuing to compete.

**RELEVANT INDUSTRY STANDARDS**

- Triathlon NZ Event Management Manual.
- International Triathlon Union Event Management Guidelines.
- Surf Life Saving training requirements.
- Health & Safety in Employment Act 1992.

**POLICIES AND GUIDELINES RECOMMENDED**

- All shore based marshals trained under Triathlon NZ Technical Officials Training Programme.
- Surf Life Saving personnel trained to St Johns Level 2 or equivalent.
- All triathlon events should have an alternative plan.
- Triathlon NZ Level 3 Referee to carry out risk assessment during the planning and at the event itself in consultation with the Race Director (if the identified risks are not addressed the event cannot be started).

**SKILLS REQUIRED BY STAFF**

- Senior triathlon officials should be skilled at risk management planning (Tri NZ Level 3).
- All officials require basic skills in the following areas – decision-making, concentration, communication, control and organisation.

**FINAL DECISION ON IMPLEMENTING ACTIVITY**

- *Accept*
- *Reject*

Source: OSI – Outdoor Safety Institute

# Insurance

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While the prevention of injuries and accidents is the ultimate aim of any risk management programme, such is the nature of sport that accidents do still happen, regardless of all safety measures taken.

Officials should check with their national sports organisation to see what type of coverage they have, if any, as an official. Currently the New Zealand Rugby Union pays indemnity insurance for all their referees and covers all players (both professional and amateur) for total and permanent disability.

The risk in New Zealand of being held personally responsible for injuries in sport is minimised by the Injury Prevention, Rehabilitation and Compensation Act. However, if officiating overseas it is important to establish what, if any, insurance cover is required in the country you will be visiting. In some cases, insurance may be provided by your national sports organisation, or by the organisation responsible for the event.

With all insurance policies, the wording should be carefully examined (or given to an advisor to examine) to ensure that the insurance covers the risks involved. The types of insurance cover that may be obtained are outlined below. More than one type of cover can be included under one policy.

- Professional Indemnity – this covers legal liability for negligence in the conduct of professional duties, such as instructions and decisions.
- Public Liability – this covers accidents that occur on premises or at venues involving third parties such as spectators and visitors.
- Directors' and Officers' Liability – this is of particular importance for officers of sporting clubs, especially if the club is not incorporated.
- Participants' Insurance – this provides cover for injuries to athletes or officials. It may only provide cover for serious injuries or death, and should be carefully checked to ascertain its limits. Such insurance may provide cover during organised training as well as competition. Cover can extend to provide benefits such as loss of income.
- Legal Expense Cover – this is designed to cover any legal costs incurred in defending certain criminal or civil court actions brought against sports organisations, administrators or participants.

## *A Reality Check*

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In this age of liability consciousness, while it is important that sports officials are aware of their legal responsibilities, these responsibilities should not be a deterrent to getting involved in sports officiating. The reality is that most sports contain some risk of injury and, despite all precautions, accidents will happen.

Remember – as a sports official you are simply required to use your common sense and take all reasonable steps to ensure that the sporting environment is safe for all to enjoy.

**So what are you waiting for... Sport needs you!**



SPARC thanks Gibson Sheat for their involvement in the development of this booklet

# GIBSON SHEAT

## LAWYERS

### SPORTS LAW SPECIALISTS

Providing Sports and Commercial Law Know How

- 01 SPONSORSHIP AND EVENTS
- 02 CONSTITUTIONS
- 03 PLAYER CONTRACTS
- 04 EMPLOYMENT AGREEMENTS
- 05 DISPUTES
- 06 LIABILITY ADVICE
- 07 STRATEGIC PLANNING
- 08 ASSET PROTECTION
- 09 LEASES

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MEMBER OF LAWLINK



LEGAL KNOW HOW

# Welcome to the World of Sports Officiating!

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Officials make a valuable contribution to the New Zealand sports scene. Without the umpires, judges, referees, starters, timekeepers and so on, sport in New Zealand just wouldn't happen!

Sport needs officials at all levels of the game. Effective officials help to make sport a healthy positive experience for everyone and great opportunities are open to officials who enjoy sport and are keen to learn.

## Training and Development for Sports Officials

- Are you a beginner?
- Do you want to improve your performance as an official?
- Do you want to build a career in sport?

Whatever your aim, SPARC provides support for the training and development of sports officials through a series of resources and short courses that can be delivered either generically through your regional sports trust, or as part of your sport specific programme.

SPARC resources to assist the training and development of sports officials include:

- Becoming a More Effective Official
- People Management
- Fitness and Injury Prevention
- Legal Issues and Risk Management for Sports Officials

These resources are jam-packed with information, exercises and general tips to help new officials get started and experienced officials get better. To find out more about how you can improve your officiating skills, contact your regional sports trust, your regional or national sports organisation, or visit SPARC's officials' website at [www.sparc.org.nz/officials/](http://www.sparc.org.nz/officials/)