



## Club management program



# RISK MANAGEMENT

FOR FOOTBALL CLUBS



# Club management program

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## Welcome to the AFL club management program

The Australian Football League recognises that club volunteers and administrators make a significant contribution to Australian Football. It also recognises that the demands on club volunteers and administrators are increasing along with the need for clubs to operate in a professional manner.

As a result, the AFL, in conjunction with the Australian Sports Commission, has developed the AFL club management program aimed at supporting community football through providing an education program for club administrators. Community football clubs and leagues form the cornerstone of the AFL game and the support of community club football is a critical component to the overall success of the competition at all levels.

The AFL club management modules have been developed through extensive consultation with volunteers and administrators and the six modules have been identified as the main priority areas of assistance required by community clubs.

Each module of the AFL club management program has been designed as a stand-alone workshop/ seminar to allow for clubs members to attend the workshops that are particularly relevant to their role within the club or their own interests.

While the six modules are designed to be stand-alone, it is important to recognise that the planning module is the foundation upon which club management is based. Therefore all club members are encouraged to participate in the planning module and, ultimately the club's overall planning process.

I encourage you to attend and be part of all workshops offered through your local league/association and in the process help better your club and grow community club football.

I wish you all the best in these endeavours.



**Andrew Demetriou**

Chief Executive Officer  
Australian Football League

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# AFL club management program

The AFL club management program consists of the following modules:

**Planning** – The purpose of this module is to:

- Identify the need for clubs to plan.
- Provide the basic framework for organising a planning workshop.
- Outline the planning process and the 10 basic stages involved.
- Provide practical templates to assist in writing a plan.
- Identify methods of reviewing the effectiveness of the plan.

**Risk management** – The purpose of this module is to introduce:

- The application of specific legal principles in the football environment.
- Considerations relevant to liability and duty of care.
- The risk management process.
- Waivers, indemnities and warnings.
- Risk management policies and procedures.
- Legislative requirements.
- Insurance – National Risk Protection Program.
- Match-day checklists.
- The importance of establishing a risk management officer.

**Volunteer management** – The purpose of this module is to:

- Outline the rights and responsibilities of volunteers.
- Encourage clubs to appoint a volunteer coordinator.
- Outline the importance of job descriptions.
- Identify ways to recruit, retain and recognise volunteers.
- Identify how to develop a volunteer management policy.
- Outline the process of selecting and screening volunteers.
- Identify the need for succession planning.

**Community partnerships** – The purpose of this module is to:

- Explore the ways in which a community club can build relationships with other sports and groups within the community.
- Identify how clubs can form favourable partnerships with local government authorities.
- Develop ways of attracting sponsorship and fundraising opportunities.
- Show ways of obtaining grants and funding from various agencies – local, state and federal level.
- Establish how to create a healthy environment within the club.
- Identify how to attract and support umpires.
- Provide ways clubs can promote their activities within the community.

**Financial management** – The purpose of this module is to:

- Explore the roles and responsibilities of the treasurer within a football club.
- Outline the processes involved in and the issues that should be addressed when considering the financial management of a football club.
- Provide information that will assist the club treasurer in fulfilling his/her role with regard to the financial management of a club.

**Junior development** – The purpose of this module is to:

- Develop an understanding of AFL Game Development structure and philosophy.
- Provide an understanding of the underpinning principles at each level of the participation pathway with a focus on AFL Auskick, youth football, recreational football, female football and children with disabilities.
- Identify the responsibilities of clubs and AFL Auskick centres in relation to the organisation of junior programs and competitions.
- Outline the coaching and umpiring support and resources available for all levels of Australian football.
- Identify the value in developing club links with AFL Auskick centres, schools and the community.
- Indicate ways of recruiting and retaining children and parents in junior development programs.
- Highlight the importance of developing a quality club environment.

## Introduction

Risk is present in everything we do, whether it be crossing the road, driving a car, doing our job or playing, coaching and administering football. The Australian Standard (AS/NZS 4360: 1990, Risk Management) defines risk as “the chance of something happening that will have an impact upon objectives.” It is measured in terms of likelihood and consequences.

Risks need to be managed in order to prevent the effects they can have. Risk management is a logical method of identifying, analysing, assessing, treating, monitoring and communicating the risks that are associated with various activities, so that negative effects and losses can be minimised and opportunities can be strengthened. Managing the risks associated with your football club will encourage more people to join because of the fact that the environment is safe.

**Risk management is as much about identifying opportunities as avoiding or alleviating losses.**

To be most effective, risk management should become part of an organisation’s culture. It should be integrated into its philosophy, practices and business plans rather than be viewed or practised as a separate program. Risk management should become the business of everyone in the organisation.

The adoption of a structured approach to risk management will encourage the following outcomes:

- More effective decisions.
- Effective delivery of sporting services.
- High standards of service to participants – playing and non-playing.
- Effective allocation and use of resources.
- High standards of accountability.
- Creativity and innovation in management practice.
- Improved morale within the organisation.
- Flexibility in meeting objectives.
- Transparent decision-making.
- Consideration of legal issues and reduced exposure to litigation/penalties as a result of implementing appropriate legal compliance programs.

**The purpose of this module is to introduce:**

- **The application of specific legal principles in the football environment.**
- **Considerations relevant to liability and duty of care.**
- **The risk management process.**
- **Waivers, indemnities and warnings.**
- **Risk management policies and procedures.**
- **Legislation.**
- **Insurance – Australian Football National Risk Protection Program.**

## Section one – Legal issues

The law is the set of rules that regulates the way in which things should be done. It governs the smooth operation of our society in the same way that the rules of football determine the way that the game will be played. The constitution of a club determines the way in which members can expect it to be run. All areas of society are subject to the application of the law and there is no good reason why football should be treated differently to any other form of human endeavour.

The increasing application of the law to sport and recreation, the trend of commercialisation of sport and recreation in general, and the increasing number of people who look to sport and recreation for employment purposes mean football administrators, coaches and officials must be able to identify areas of potential legal risk and take appropriate action to manage that risk.

The ability to choose an option for an organisation that minimises the impact of the law can create enormous advantage for that organisation in terms of time, effort and financial cost. The ability to identify legal issues and, if need be, seek expert legal opinion at an early stage can greatly minimise the legal conflict within an organisation and the effect on its employees and members.

The courts have shown that the law is involved in sport and recreation in many ways, including civil and criminal negligence, contracts, the operation of tribunals, discrimination and harassment, reputation (defamation), taxation, insurance, copyright, marketing, risk management practices, industrial relations, incorporation, drugs, transmission of diseases, pregnancy, betting and the environment.

Three of these legal issues will be examined further in relation to football clubs:

- Incorporation.
- Constitutions.
- Negligence.



## Incorporation

Incorporation provides any club with a legal identity that is distinct from that of the members, therefore relieving the members of the committee and the club from liability for authorised acts of the club. It is a major protection device for clubs with regard to legal issues, however it does not prevent actions for negligence against individuals in all circumstances.

While not mandatory, it is highly recommended that all clubs incorporate, as individual members of an unincorporated club may be held responsible for its liabilities. An Associations Incorporation Act is available in each state/territory, and has been designed specifically to provide a simple format for community bodies.

Although there is no legal requirement for a football club or association to become incorporated, remaining unincorporated will leave your club in a difficult situation with regard to the law. The law does not recognise a club or association as having any legal existence in its own name unless it is incorporated, and legal rights and obligations can fall on to individual members.

Non-profit sporting organisations generally incorporate under state legislation known as the Associations Incorporations Act. Incorporation under this act in each state and territory of Australia has been designed specifically for community organisations to provide an uncomplicated legal status. It is simple and inexpensive, although each act is slightly different in each state, so you will need to contact your relevant State/Territory Consumer Affairs/Fair Trading Agency. Contact details are located at the end of this manual.

### Why incorporate?

Incorporation creates a separate legal identity for a football club and protects individuals within the club, providing that it operates within acceptable business and community standards. With the club having a legal existence it:

- Exists as a separate legal identity, regardless of changes in membership.
- May enter into contracts.
- May own land and other property.
- Can sue and be sued in its own right.
- Can accept gifts and bequests.
- May borrow money.

It is important for clubs to recognise that while incorporation will protect individual members with regard to their liability for the debts and responsibilities of the club, it provides no protection against those individual members should they be held personally liable as a result of their actions or negligence.

Regardless of whether a football club wishes to incorporate, it usually abides by rules that stipulate the way in which it is governed. When members join a club, they generally subscribe to a constitution and a set of by-laws. Unincorporated clubs may also create difficulties in terms of the formulation of legal proceedings.

### Legal difficulties for an unincorporated association

**A former footballer took proceedings seeking compensation for an injury that occurred at training. His initial proceedings were taken against the football club, which was an unincorporated body, however the court found that the club had no legal identity. The player reformulated his proceedings and took action against the individuals of the committee with whom he had contracted three years before the injury took place. But, just as in many organisations, this committee had changed and a new committee was in place. The court eventually decided that the player should seek compensation through the committee that was in office at the time of the injury.**



## Constitutions

Every football club should have a constitution in place that sets out the rules by which the club is governed and the purpose for which it has come together.

The aim of the constitution is to set out clearly:

- The name and primary objectives of the organisation.
- Membership eligibility, rights and obligations.
- Finance.
- Meetings of members.
- Election of office-bearers, appointment of the committee and management functions.
- Procedure in the event of dissolution, including disbursement of any surplus property.
- Provision for amendment of the constitution.

While no two organisations are the same in their aims and objectives, there are examples of generic constitutions that can be modified to suit most football clubs. Most clubs will be able to simply adopt the model rules or use the format with adjustments to suit their circumstances. In any constitution, there are certain matters that are common and which should always be included for the protection of members.

A constitution should specify:

- Requirements for eligibility to apply for membership, that is, who is entitled to be a member, and who decides on applications for membership (usually the committee). Care must be taken to avoid discrimination issues.
- Steps on how to become a member and the types of membership (if different types). Where there are a number of different grades of membership, the eligibility for each classification must be clearly set out and entitlements and voting rights specified. Define whether applications for membership must be in writing and if referees are needed.
- The manner in which a membership can be cancelled other than by resignation (eg, overdue membership subscriptions) and the reasons a person can be expelled or suspended from the organisation.
- The manner in which a general meeting can be called to resolve an issue and the date of the annual general meeting (usually required to be within three months of the end of the organisation's financial year).
- Powers of the committee members to manage the day-to-day running of the organisation.
- Frequency of committee meetings, minute keeping, financial matters such as membership fees and due dates.
- The number of members of the committee, the number required for a quorum, the portfolios to be filled and the responsibilities associated with those portfolios.
- The manner and circumstances for committee members to be indemnified out of the organisation's funds in the event they incur any liability on behalf of the organisation.
- The manner of winding up the organisation and the distribution of assets.

The constitution should also define the rights and duties of individual members and those of the committee who are elected to run the organisation on a day-to-day basis. The detail of your club's constitution will largely depend on the needs of formality of the club. Changes to the constitution are usually required to be debated and voted upon at an annual general meeting or a special general meeting. The constitution should always be kept up to date (usually by the secretary) so that there is no confusion about the rules of the club at any time. It is good practice to send copies of all amendments to those who hold copies of the constitution.

## Negligence

### **"Football injury – player sues coach"**

### **"Legal threat to AFL on injuries"**

Newspaper headlines such as these are becoming more common. Playing football involves an element of danger or risk, and in most cases, players accept the risks as a part of the challenge of participating in sport. However, a look at recent press reports and prominent court cases indicates that some injuries are not the result of dangers or risks inherent in playing the sport.

Carelessness and the ill-will of others in sport can cause injuries to participants, officials, spectators, organisers and the general public. The fact that players and officials walk on to the ground does not mean they have the right to engage in behaviour or provide facilities that would not be acceptable in another environment. Imagine the possibilities if the participants in a game felt that they were immune to civil or even criminal sanctions.

It is important for administrators to understand that there is no automatic legal protection and that they can be held legally responsible for injuries that occur during activities under their control. Negligence is one area of particular concern. Negligence is part of the law of torts and consists of falling below the standard of care required in the circumstances to protect others from the unreasonable risk of harm. It does not require an intention to actually cause harm or damage, and while sporting injuries generally do not come about as a result of a desire to injure, they can involve a careless disregard for another's safety, so negligence can be an appropriate action for a damages claim.

If the injured party is to be successful with a negligence claim, the following elements must be established:

- **Duty of care:** this is a duty owed by one party (the defendant) to another (the plaintiff). You must take reasonable care to avoid acts or omissions that you can reasonably foresee would be likely to injure.
- **Breach of duty:** the standard of care: the plaintiff has to show that the defendant has breached a duty to him/her by falling below the reasonable standard of care.
- **Causation:** the plaintiff must show that the defendant's breach of duty of care caused the injury that he/she is complaining about.
- **Remoteness of damage:** the plaintiff must show that the injury he/she suffered which was caused by the defendant was reasonably foreseeable.

When undertaking an activity associated with their football club, administrators should consider the following questions:

### **1. Do I owe a duty of care to the participant and, if so, is the risk of any injury reasonably foreseeable?**

A duty of care depends on establishing some relationship between the parties. If an injury occurs, the courts will ask whether the relationship between the parties was such that the defendant should have foreseen that his or her negligent act would lead to the damage suffered by the participant.

### **2. What is the standard of care that must be achieved?**

The test for the required standard of care is how a reasonably prudent person would behave in the same situation. The law has developed this reasonable person test, but what is reasonable will depend on the particular circumstances existing at the time. For example, the standard may vary depending on:

- The type of activity. Generally the more hazardous or risky the activity is deemed to be, the greater the duty of care that is owed to the participants (eg, abseiling).
- The age of the participant. Generally, the younger the participant, the greater the duty of care that is owed. Similarly, frail or aged adults may place greater demands on supervision. Consider the standard of care involved in supervising a school-aged team of footballers compared to a team of adults.

- The ability of the participant. Age should not be considered in isolation but considered along with the ability of the participant. Beginners in any program need greater supervision than more experienced and skilled participants (eg, first-time players compared to those with several years' training and experience).
- The coach's/instructor's/administrator's level of training and experience. The more highly trained and experienced a person is, the greater the standard of care that is expected. For example, a higher standard of care would be expected from a trained and highly skilled coach than from someone who is volunteering and who may have undertaken only a little training.

### 3. What steps can I take to avoid the foreseeable risk of harm or injury?

Administrators may not be able to take all possible steps to avoid causing injury but the law requires them to take all reasonable steps. To help establish those 'reasonable steps' the administrator should develop a risk management plan for the organisation and the programs or activities it conducts.

The following case study highlights how it is in the best interests of administrators and coaches to ensure that participants face only the risks inherent in any activity.

#### A negligence case study

**Ron Booker, 15, was a promising young footballer playing in a Saturday morning district football competition. In last Saturday morning's semi-finals, when trying to tackle an opponent, Ron broke a leg in three places. The doctors say he will never play again. Ron's parents, already upset about the injury, were unhappy with the coach's explanation of the incident and decided to find out exactly what happened.**

**They discovered that before the game, Ron had told the coach he did not feel well and did not want to play. The coach reminded Ron of the importance of the game and urged him to play anyway and to "*just do your best*". When Ron's team was warming up, several players noted deep ruts in the field. Concerned about the danger of turning an ankle, the players informed the coach. The coach told them to try to avoid the holes and failed to raise the problem with the game umpire.**

**Midway through the first half, the accident occurred. Attempting a tackle, Ron caught a foot in a rut and a much larger opponent fell on to that leg. Everyone heard a terrible crack. The coach decided not to wait for an ambulance but rushed Ron in his own car to hospital about five kilometres from the ground. Ron was in terrible pain when the players carried him over to the coach's car.**

**The ruts in the field were a result from 'improvement work' undertaken during the week by the local council, after a request from the club. The football club leases the ground from the council.**

**Consider the following questions?**

1. Did the coach owe Ron a duty of care? Yes. Supervisors owe a duty of care to all participants.
2. Did the coach breach that duty? Several facts need to be considered here, for example, the coach ignored Ron's request not to play; he knew the field was not suitable for play; he did not follow recommended procedure for treating the leg. The coach allowed Ron to face some unacceptable risks.
3. Who else may be negligent? The courts have shown that owners and occupiers of facilities (in this case, the council and the club) have a responsibility to ensure that the facilities they provide are suitable for the purpose for which they will be used.\* Could the umpire have been negligent?

*\*Nowak v Waverley Municipal Council & Ors (1984) Aust Torts Reports 80-200*

## **Section two – Risk management program requirements**

The objective of a sports risk management program is to protect the assets and financial resources of the organisation and its members by reducing risk and the potential for loss. Reduced legal risk is a by-product of the implementation of an effective risk management program.

The development of an organisational risk management policy and support system is needed to provide a framework for carrying out a program. Crucial to the success of the program is the support of the management committee and its desire for the philosophy to become a part of the club's culture.

### **Risk management policy**

The football club's executive or committee should define and document its policy for risk management. The risk management policy should be relevant to the club's strategic context and its goals, objectives and the nature of the business.

The policy may include the following information:

- The rationale for managing risk.
- The objectives of, and commitment to, risk management.
- The links between the policy and the club's strategic/corporate plan.
- The extent, or range of issues to which the policy applies.
- Guidance on what may be regarded as acceptable risk.
- Who is responsible for managing risk.
- The support available for those managing risk.
- The level of documentation required.
- The plan for reviewing organisational performance in regard to the policy.

Management should ensure that this policy is understood, implemented and maintained at all levels of the club.

There is a constant need for administrators to identify risks, deal with them and then evaluate whether the strategies that are subsequently implemented are effectively dealing with the risk.

### **Risk management process**

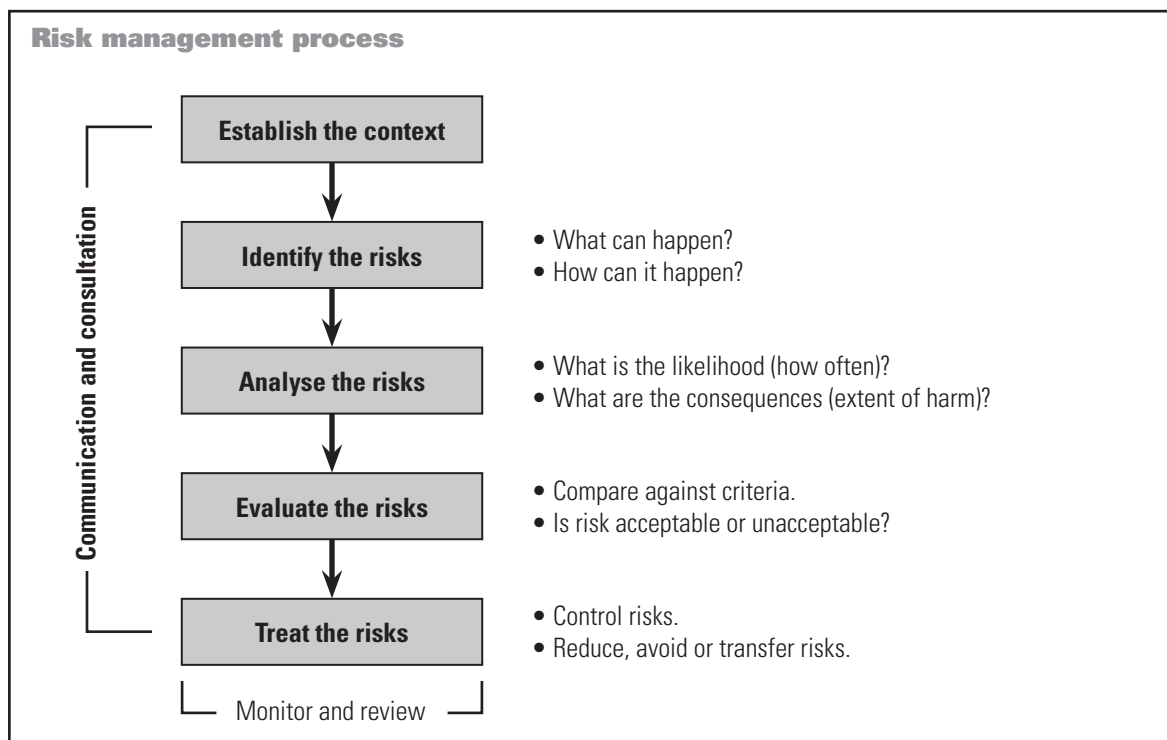
Integral to the management process at your club should be the management of risk. Although managing risk in any club or organisation follows a generic process, the approach taken will depend on the context in which it is used – the type of organisation, programs offered and type of activity.

The risk management process involves five logical steps, including:

1. Establish the context – this stage is essential in order to gain an understanding of the factors (within and outside the club) that affect risk management.
2. Identify the risks to which your club and its people are exposed.
3. Analyse the risks by considering the sources of risk, existing controls, likelihood and consequences of the level of risk that exist.
4. Evaluate the risks to determine whether the risk is acceptable or unacceptable.
5. Treat the risks to reduce, avoid, transfer or finance them.

The five steps involved in the risk management process are supported by the ongoing activities of communication and consultation, and monitoring and review.

The risk management process is shown in the following diagram:



## 1. Establish the context

Before risk can be clearly understood and dealt with, it is important to understand the context in which it exists. You should define the relationship between your club and the environment that it operates in so that the boundaries for dealing with risk are clear.

Establish the context by considering:

- The strategic context – the environment within which the organisation operates
- The organisational context – the objectives, core activities and operation's of the club.

## 2. Identify the risks

This step seeks to identify all the sources of risk. Each football club will have different sources of risk, depending on its activities, membership base, location and environment. When identifying the risks that your club may be exposed to, ask the following questions:

- What things can happen?
- How and why can these things happen?
- What is the likelihood of them happening?
- What will be the consequences if they do happen?

There are a number of ways that you can identify sources of risk. Approaches used to identify risk include checklists, judgements based on previous experience and records, brainstorming and systems analysis. The systems used will depend on the activities under review and the types of risk. Good risk identification involves examining all sources of risk – facilities, activities, program supervision and treatment of players' injuries, and the perspective of all stakeholders, both internal and external.

There are usually three components that make up a risk:

- A source.
- Something at risk.
- An effect.

Identifying a risk is about combining these three elements. Your club should document all risks in a way that allows evaluation and treatment to be noted.

Risks can be physical, financial, ethical or legal. Physical risks are those involving personal injuries, environmental and weather conditions and the physical assets of the organisation such as property, buildings, equipment, vehicles, stock and grounds. Financial risks are those that involve the assets of the organisation and include theft, fraud, loans, license fees, attendances, membership fees, insurance costs, lease payments, pay-out of damages claims or penalties and fines by the government. Ethical risks involve actual or potential harm to the reputation or beliefs of your club, while legal risks consist of responsibilities imposed on providers, participants and consumers arising from laws made by federal, state and local government authorities.

### **3. Analyse the risks**

Having identified the risks that your club may be exposed to, it is now time to decide which risk factors will potentially have the greatest effect and should, therefore, receive priority with regard to how they will be managed. The level of risk is analysed by combining estimates of likelihood and consequences. The likelihood (how often) of events occurring and the magnitude of their consequences (extent of harm) are evaluated.

It is important to consider the consequences and the likelihood of risk in the context of the activity, the nature of your club and any other factors that may alter the consequences or likelihood of risk.

The sound application of risk identification and analysis techniques produces a prioritised list of risks. You can analyse the risk at your club by using both quantitative and qualitative methods. Quantitative analysis uses a numerical value (such as injury statistics) to analyse the risk, rather than a description. This type of analysis depends on the availability of accurate data – probabilities, frequencies and exposures. Qualitative analysis is far easier than quantitative analysis and involves analysing the risks using knowledge, experience and anecdotal evidence.

### **4. Evaluate the risks**

Evaluating the risks involves deciding whether the level of risk is acceptable or not within the context identified in step one. Remember to pay particular attention to the controls that may already be in place to manage the risk, the cost of managing the risk or leaving it untreated, and the benefits and opportunities presented by the risk.

Risk evaluation involves comparing the level of risk found during the analysis process with previously established risk criteria, and deciding whether risks can be accepted. If the risks fall into the low or acceptable categories, they may be accepted with minimal further treatment. These risks should be monitored and periodically reviewed to ensure they remain acceptable. If risks do not fall into the low or acceptable category, they should be treated using one or more of the treatment options considered in step five.

The criteria for evaluating the risks at your club are shown below:

### Measures of likelihood

LEVEL	RATING	DESCRIPTION
A	Rare	The event may occur only in exceptional circumstances.
B	Unlikely	The event could occur at some time.
C	Possible	The event might occur at some time.
D	Likely	The event will probably occur in most circumstances.
E	Almost certain	The event is expected to occur in most circumstances.

### Measures of consequence or impact

LEVEL	RATING	EXAMPLE DETAIL DESCRIPTION
1	Insignificant	No injuries, low financial loss, no real effect on operations.
2	Minor	First-aid treatment, medium financial loss, minimal effect on operations.
3	Moderate	Medical treatment required, high financial loss, significant effect on operations.
4	Major	Extensive injuries, loss of production capability, major financial loss, major effect on operations.
5	Catastrophic	Death, huge financial loss, catastrophic effect on operations.

### Qualitative risk analysis matrix - level of risk

LIKELIHOOD	CONSEQUENCES				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Rare)	L	L	M	H	H
B (Unlikely)	L	L	M	H	E
C (Moderate)	L	M	H	E	E
D (Likely)	M	H	H	E	E
E (Almost Certain)	H	H	E	E	E

#### LEGEND:

**E** = Extreme risk; immediate action required.

**H** = High risk; senior management attention needed.

**M** = Moderate risk; management responsibility must be specified.

**L** = Low risk; manage by routine procedures.

## 5. Treat the risks

Risk treatment involves identifying the range of options for treating the risk, evaluating those options, preparing the risk treatment plans and implementing those plans. It is about considering the options for treatment and selecting the most appropriate method to achieve the desired outcome.

Treatment of risk should be proportionate to the significance of the risk. The Australian Risk Management Standard (AS/NZS 4360:1999) has identified six major treatment options, but it is important to recognise that they are not mutually exclusive or appropriate in all circumstances.

The six major treatment options include:

- Accepting the risk.
- Avoiding the risk.
- Reducing the risk.
- Transferring the risk.
- Retaining the risk.
- Financing the risk.

**Accepting the risk** – this is an option if the likelihood and consequences of the risk are consistent with the criteria defined in the process of establishing the context of the risk.

**Avoiding the risk** – avoidance is about deciding not to proceed with the activity that contains the risk or choosing an alternative with acceptable risk that meets the aims of your club.

**Reducing the risk** – reducing the likelihood or consequences of the risk relies heavily on risk identification and analysis. There are a number of measures that contribute to the reduction of risk to an acceptable level. You should start by looking at solutions that are not reliant on human behaviour, and then consider changes to administration, such as rules, policies, training and emergency planning. Reducing the risk also involves looking at personal protective equipment, such as mouthguards, padding and eyewear.

An example of reducing the likelihood of risk is the introduction of the no tackling rule in junior football. The risk being addressed here is the concern of injury to junior players while applying a tackle or being tackled. By modifying the rule, the likelihood of injury will be reduced. Similarly, an example of reducing the consequences of an occurrence of risk is the introduction of goal-post padding. While the padding does not reduce the risk of a player running into the goal post, it does reduce the risk of injury occurring.

**Transferring the risk** – this involves another party bearing or sharing some part of the risk and generally occurs through written agreements or notice. An insurance contract is the most common form of transferring the risk, although other methods include waivers, leases, contracts, tickets and warning signs. It is important to recognise that the transfer of risk to other parties will reduce the risk for your club, but may not diminish the overall level of risk to society.

**Retaining the risk** – once the risks have been reduced or transferred, there may be residual risks that are retained. Plans should be in place to manage the consequences of these risks if they occur, including identifying a means of financing the risk. Risks can also be retained by default when there is a failure to identify and/or appropriately transfer or otherwise treat the risk.

**Financing the risk** – your club must make sure that it is able to fund the financial consequence of the risk. Try and establish a special fund that will cover any losses that may be incurred and ensure that the club is able to fund all the costs that relate to implementing the risk treatment.



## Implementing treatment plans

Ideally, responsibility for treatment of risk should be borne by those best able to control the risk. The successful implementation of the risk treatment plan requires an effective management system that specifies the methods chosen, assigns responsibilities and individual accountabilities for actions and monitors them against specified criteria. If after treatment there is residual risk, a decision should be made as to whether to retain this risk or repeat the risk treatment process.

### Monitoring and review

Risks and the effectiveness of control measures need to be monitored to ensure changing circumstances do not alter risk priorities. Few risks remain static. Factors that may affect the likelihood and consequences of an outcome may change, as may the factors that affect the suitability or cost of the various treatment options. Review is an integral part of the risk management treatment plan.

## Assessing treatment options

Options should be assessed on the basis of the extent of risk reduction and the extent of benefits or opportunities created, taking into account the risk assessment criteria developed earlier. A number of options can be considered and applied either individually or in combination.

A key principle of risk treatment assessment is that the cost of managing risk must be commensurate with the benefits obtained from that strategy. However, in some instances, such as extremely severe risks, the consequences of harmful events arising from these risks may be so damaging that they may warrant risk reduction measures that are not justifiable on strictly economic grounds. Conversely, high risks may be considered by some organisations to be a fair price to pay for a spectacular gain in productivity or profitability. In general, the adverse impact of risks should be as low as reasonably practicable, irrespective of any absolute criteria.

Participants in sporting activities should share responsibility for the risks involved in the activity they chose to participate in. Participants should also assume responsibility for any problems caused by their behaviour if such behaviour lies outside the terms and conditions of participating in the activity. It is important to avoid as much unnecessary risk as possible and transfer those responsibilities that can or should be transferred to the participants. Indemnities and releases are contractual documents that can be used to attempt to transfer participation risks, however they should not be relied upon by football clubs to completely absolve themselves of liability.



## Waivers and indemnities

Football clubs will often seek to transfer the risks involved in participation to the user by requiring members and participants to sign waiver and indemnity agreements. But how effective are such agreements in protecting an organisation?

### What is a release/waiver?

A release is the relinquishment of rights against another party. A release may also be referred to as a waiver (whereby the participant waives his/her rights to sue should an injury be incurred). To be effective, a release must be in writing and must be supported by consideration or in the form of a deed.

### What is an indemnity?

An indemnity is a contractual document or clause in a contract whereby one party promises to pay another for any losses that may arise from the acts or omissions of a third party.

### Is the clause reasonable?

When drafting a release or indemnity, it is necessary to keep in mind that it has to be reasonable. It should be no wider or broader than required to legitimately protect your contractual interests. If a dispute arose over an indemnity or release, its reasonableness will be considered.

In determining what is reasonable, the wording of the document needs to be considered. A clause providing an indemnity or release for all and every liability that may arise now or in the future may be considered to be too broad and, therefore, unenforceable. Focus must be on the actual rights that require legitimate protection.

### What is the effectiveness of the conditions?

Such documents and clauses have been reviewed considerably over time by the courts. Some liabilities cannot be excluded. For example, the Trade Practices Act 1974 (Cth) prohibits the exclusion of some terms that it includes in all consumer contracts for consumer protection. The courts' treatment of such documents and clauses vary widely, resulting from the combined effect of the quality of the document and the circumstances of the matter. A quality document reduces the number and type of disagreements that could be experienced.

### How should a release and indemnity be drafted?

1. A release should stand on one page, that is, all relevant considerations must be visible above the signature. All other information such as registration details, medical considerations, terms and conditions for participation and safety matters should be separate to the release.
2. Releases should be on standard size paper. Care must be taken in folding as a fold can result in a complaint that the signer did not see all the above. Type size should not be such that the clause can be read only with the aid of a magnifying glass.
3. A phrase to the effect, "In consideration of being allowed to participate in," should be the outset of the release. It has special legal meaning as the foundation for the release, confirming that for the privilege of participating, the participant is willing to relinquish important rights. The organisation must require all participants who are permitted into any area during the activity to sign a release as a condition for participation.
4. A statement about the inherent nature of the activity should precede an assumption of the risk, which in turn should precede the release language. The document should not attempt a full list of the risks involved. Full knowledge of all such risks cannot be imparted and inherent risks are not the only risks to be accepted. A listing of principal safety concerns can be shared through a companion document, signed at the place of registration, and orientation discussion. The risk of injury being acknowledged and accepted needs to be explicitly characterised as "serious" or "dangerous" mentioning permanent disability or "paralysis" as well as death.

5. The personalised first person (so “I agree...” ) is much preferred over the impersonal third person “the participant agrees...”
6. The document should clearly state that it is a release. It should also clearly state before the signature that the person has read and understood it. These statements should be in bold and/or full caps.
7. Unless the release expressly extends to “acts of negligence to the fullest extent permitted by law,” the court may not interpret the release as covering claims of ordinary negligence.
8. Where minors are to be permitted to participate, they should sign along with their parent/guardian, with the non-participating parent/guardian needing his/her own relevant phrasing immediately following on the same sheet. It is advantageous, both educationally and legally, for a junior participant to acknowledge by signature the risks and responsibilities of participation.

The use of consent forms is either to accompany or replace the release. If accompanying, it should obtain at least the participant and parental consent for emergency medical attention to be provided if warranted. If a consent form is used in lieu of a release, the assumption of risk aspect of the release needs to be added.

Any such document that requires a signature as a term and condition for participation needs to be retrievable. Procedures for collecting, storing and retrieving these forms are as important as the phrasing constituting the agreement. As for length of storage, especially if minors are involved, up to 10 years is a good rule of thumb.

**An example of a release/waiver is contained in the Appendix.**

## Warnings

Warnings are more directed at the tortious duty of care and usually arise in circumstances where a contract is not available or appropriate. Warnings are highly appropriate for outdoor recreation activities. An occupier's warning sign that tells of the existence of the danger may satisfy the standard of care to go to the discharge of the duty and thus limit or extinguish potential liability in tort. Conversely, the failure to erect such a sign may lead to a finding of negligence.

### Warnings of natural area dangerous conditions

Warnings have an important role and, on occasions, are essential to remove or limit liability. The essence of a good warning is communicating the warning to the individual so that the person will be aware of, and knowledgeable about, the risk he or she is about to undertake. Warnings should be obvious and direct, specific to the risk, comprehensive and at the point of hazard.

The two key principles relating to warnings are:

1. Warnings to the participant/user must be given where there is latent or hidden hazard, the hazard is unknown to the participant and not easily identified, the entity responsible has actual or constructive knowledge of the danger and an invitation has been given to enjoy the outdoors with the presumption of no hazardous situations/conditions.
2. There is no duty to warn the participant/user when the danger is open and obvious to the user, when there is no duty to the person or the condition is totally natural. However, where there is a responsible authority, it may be reasonable in the circumstances for that authority to give a warning of a danger even where the danger is open and obvious or where it is totally natural.



## Section three – Risk management policies and procedures

Documented policies and procedures are critical components of a football club's risk management program, with checklists usually being an integral part of the procedures. Often, numerous individual risks can be addressed via one policy statement or checklist. For example, a documented coaching policy may outline clearly the expectations of all coaches and outline exactly what is considered to be safe coaching practice. A first-aid policy would do likewise with regard to first-aid and a facility checklist to be completed before each competition would address many physical risk exposures.

A significant benefit of a club having a policies and procedures manual is that it provides for the collection and retention of valuable intellectual data and policy which otherwise runs the risk of being lost. Football clubs can have significant turnover of participants, whether they be players, administrators or officials. Without such a manual it is likely that when personnel leave they take their expertise with them. Comments along the lines of, "We had a policy on that once, but I have no idea where it would be now", or "Yes, old Fred used to know all about that, but he's no longer with us" would be familiar to most involved with football clubs.

Preparing a risk management manual (or policies and procedures manual) may appear to be a daunting prospect, but it is invaluable to a club, particularly in these litigious times. Organisations that have embarked on implementing a risk management program will agree that the biggest hurdle is taking the first step. It is likely that once existing resources have been consolidated, your manual will take shape.

While every club or association needs to consider what policies and procedures are necessary, for its particular needs, the following pages will address various matters that will often be included in a policies and procedures manual.

### Considerations for inclusion in a policies and procedures manual

#### 1. Sports injury prevention and treatment

Participation in sport carries with it a risk of injury. Australian Football, being a contact sport, could be considered to be a higher risk than non-contact sports. The aim must be for all involved to take all reasonable action to make football as safe as possible, not only for players, but also for umpires, other officials, voluntary workers, administrators and spectators.

Preventing injuries in football is the ultimate goal, but as injuries will continue to occur despite the most thorough of prevention strategies, much attention must also be given to response to and treatment of injuries.

There are many areas that need to be considered with regard to injury prevention, all of which come under the general heading of risk management. We have environment, facilities and equipment, pre-participation screening, physical preparation, coaches and officials, rules of the game and health policies to name a few. When it comes to response to and treatment of injuries, we have sports trainers, first-aid, injury referral, injury management and rehabilitation, injury surveillance, and emergency plans. All need to be included as part of the overall plan.



## 2. Providing a safe environment

Every football club has a responsibility to provide a safe environment for players, coaches, umpires, officials, spectators and the public. Creating a safe environment is not hard, it's common sense, but again it is necessary to develop a plan. Safety is not a one-off event, but a cycle of continuous review and improvement.

When looking to provide a safe environment, your club should consider the following elements:

### Environmental conditions

Have a plan for how your club will deal with environmental conditions.

- What will happen in situations of extreme heat, or cold, or rain, or electrical storm etc. (training and matches)?
- Under what weather conditions will games be called off?

**Sports Medicine Australia (SMA) has produced policies relating to climatic conditions. Policies include: SMA Preventing Heat Illness in Sport and SMA Beat the Heat – playing in hot weather. These can be found on the website [www.sma.org.au](http://www.sma.org.au).**

### Facilities and equipment

A common method of identifying risks emanating from facilities and equipment is via physical inspection, aided by checklists.

**Some examples of facilities and equipment checklists can be found in the Appendix.**

One of these checklists relates to a monthly inspection and one relates to a pre-game inspection. Obviously, facilities will vary from club to club. These checklists are not intended to identify all risks for all situations - they are a guide only.

Administrators should undertake an extensive risk identification program on their own facilities and design appropriate checklists. There must be a planned approach and facility and equipment inspections must be carried out regularly. It goes without saying that the value of these inspections depends on identified risks being addressed.

### Pre-participation screening

This is an area sometimes overlooked in football, where it is often assumed that if a player turns up for training he must be fit to play the game. Coaches and medical personnel should be aware of pre-existing medical conditions (eg, asthma, diabetes) and medications that players may require.

**A pre-game/training safety checklist produced by SMA is contained in the Appendix.**

If the questionnaire raises concerns about a player's health or injury, the player should be referred to a health professional and then screened to ensure they are fit to play.

### Physical preparation of players

Appropriate physical preparation of players is closely aligned with coaching.

- Are your players being provided with appropriate physical fitness training, including instruction on warm-up, warm-down and correct stretching?
- Is training provided in the skills of football to allow players to compete safely and to prevent injury, for example tackling and safe landing techniques?
- Is consideration given to physical suitability for certain positions, and matching players of similar size/age?





### Coaches and officials

As stated above, from the safety aspect, coaching is closely aligned to physical preparation, but coaches and officials have a much greater impact on their players than how well they prepare them physically for competition.

- Does your club use only accredited coaches and officials?
- Do they attend regular education updates and undergo re-accreditation?
- Are all programs and activities planned and conducted according to recognised safety guidelines?
- Are all activities properly supervised by qualified personnel who inform participants of safety issues?
- Are coaches and officials regularly updated regarding new activity hazards and safety measures?
- Do coaches and officials have adequate sports first-aid training?
- Do coaches and officials act as positive role models, eg, non-smoking?
- Does your club incorporate codes of behaviour and sports safety principles into coaches' and officials' role descriptions?

**The ASC Codes of Behaviour for coaches and officials can be found on the website [www.ausport.gov.au](http://www.ausport.gov.au).**

### Rules and spirit of the game

At all times football administrators, coaches and officials should ensure that not only are the rules of the game enforced, but also that the spirit of the game – namely fun, fair and healthy competition – be encouraged and maintained. The rules of the sport are in place not only for the benefit of the flow of the game, but they are also there from the aspect of player safety. Players need to understand, respect and play within the rules and coaches and officials in particular can have significant influence in this regard.

**The ASC Code of Behaviour for players can be found on the website [www.ausport.gov.au](http://www.ausport.gov.au).**

In addition, continual review of the rules (and equipment) should be maintained with a view to safety and consideration given to modification of rules to suit the participants (eg, juniors, seniors, disabled). A perfect example of this is the rule modifications applying to AFL Auskick.

### Health guidelines and policies

Policies and guidelines associated with participant health should be included as part of a club's risk management program.

**A copy of the AFL's Bleeding and Blood-Borne Infections Policy can be found on the website [www.afl.com.au](http://www.afl.com.au).**

**The SMA's Infectious Diseases Policy that is endorsed by the AFL can also be found on the website [www.sma.org.au](http://www.sma.org.au).**

**SMA's policies in regard to climatic conditions (Beat the Heat and Preventing Heat Illness In Sport) have been mentioned previously and are also found on the SMA website, as well as the extensive document, "Protect Yourself in Sport and Play ... Be Blood Aware".**

**Smartplay guidelines "Drink Up", "Gear Up" and "Warm Up" are also useful and can be found on the website [www.smartplay.net](http://www.smartplay.net).**

Drugs in sport (performance enhancing and recreational drugs) is an important issue for all sporting clubs and should receive attention at the grassroots, in addition to the elite level. Player education is important and positive role models, particularly in the area of recreational drugs, are required. Codes of behaviour for coaches and officials have been mentioned and should also address this issue.

**The AFL's Anti-Doping Code can be found on the website [www.afl.com.au](http://www.afl.com.au).**

### Sports trainers

In the event of injury, it is important that immediate and appropriate action is taken by suitably qualified people. The following issues should be addressed in this regard:

- Does your club use accredited sports first-aid personnel?
- Is their accreditation current, with education updates attended to?
- Is the qualified first-aid person present at training in addition to matches?
- Are injury records kept? (Refer to injury surveillance later in this module).



**The SMA website, [www.sma.org.au](http://www.sma.org.au), which includes links to the Smartplay site, is most useful in regard to guidelines regarding sports injury.**

### First-aid

The common thread throughout this module is safety. As football does have the potential for injury, the necessity for policies and procedures in regard to injury treatment is obvious. Consider the following questions:

- Does your club have a first-aid plan or policy that is communicated to the appropriate personnel within the club?
- Does this plan include procedures for management of concussion/head injuries and open wounds and bleeding?
- Does your club have a policy for return to sport after injury?
- Does your club have a clean and hygienic designated first-aid room, with a treatment table and appropriate lighting?
- Is there a first-aid kit or cabinet in a secure place. Is it regularly checked and re-stocked?
- Is ice readily available in the first-aid room and playing area during games and training?
- Is a suitable stretcher available at all training and games, with both teams being aware of exactly where it is and how to access it?
- Is there a list of emergency telephone numbers accessible to all competing teams?
- Are emergency procedures posted?



### Injury referral

Associated closely with first-aid, injury referral should be addressed in club guidelines:

- Under what circumstances will ambulance services be used?
- Under what circumstances will players be referred to a doctor, physiotherapist, hospital or dentist?
- Do you know where the closest service is and will it be available to injured players?

### Injury management and rehabilitation

- What records does your club maintain with regard to player injuries?
- Does your club provide facilities for treatment by professionals on site at games or at training?
- How do you control the amount of treatment your player is receiving – is he/she being over-treated or not receiving enough treatment?
- How is the cost of injury treatment addressed? Are players aware of their responsibilities with regard to cost?
- Are your players aware of the club's injury management procedures?

### Injury surveillance

Important information can be gained from the data collected with regard to injuries, however generally, the collection of injury data has been neglected. By studying information such as type of injury, location of injury, how it was caused and what was the activity at the time, intervention strategies can be created and put in place to reduce the incidence and severity of injuries. Clubs are encouraged to maintain injury data for this purpose, but the information can also play an extremely important role if litigation results from a particular injury.



Consider the following with regard to your club's policies and procedures:

- Does your club maintain injury records?
- Are these records adequately stored in an accessible form?
- Are these records used to produce reports that are then used in designing injury prevention strategies to improve safety practices?
- Are injury records reviewed?
- Does your club contribute its data to other data collections to provide a larger sample?

### Emergency plans, incident management and response

The policies and procedures your club will have already documented under the headings above, particularly sports trainers and first-aid, will provide the foundation for these procedures. Accredited first-aid trainers will know what actions to take in the event of serious injury for example. However, it is not appropriate for a club to rely on the intellectual knowledge of an individual. What happens if that person is not present? Documented procedures that are readily available and effectively communicate all aspects of emergency plans are vital.

It is not just the emergency involving serious injury to a player for which a sports administrator has to plan. Various other incidents can occur that will present emergencies, and these can vary greatly depending on the type of club involved. Consider the following examples:

- A major fire in the clubrooms or a grandstand on a game day which requires evacuation of the facility.
- A brawl in the crowd between opposition team supporters – 200 people are involved.
- As a result of either of the above, serious injury to many people, perhaps even a death may occur.

In this section of the manual we are referring primarily to providing a safe environment for participation in sport, however other incidents can occur that have nothing to do with physical safety but can still be considered emergencies. For example, half a dozen of your high profile players could be involved in a hotel brawl and be found to have been using drugs. What do you do? How do you handle the players? How do you handle the media? While this example is perhaps more relevant to elite football, all football administrators could likely think of a non-physical incident that they would consider an emergency for the club. Documented emergency plans should provide guidelines on the actions to be taken in such circumstances.

### Food-handling procedures

Your club should consider the following with regard to food and a safe environment:

- Ensure the canteen operates in a safe environment.
- Make sure all canteen staff abide by food handling requirements and laws when handling food.
- Canteen staff should complete an appropriate food handling course.



Food Standards Australia and New Zealand (FSANZ) protects the health and safety of people in Australia and New Zealand by maintaining a safe food supply. FSANZ have developed food safety standards to provide more effective and nationally uniform food safety legislation in Australia. For information on these standards, visit the FSANZ website, [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

**For further information on food handling procedures refer to the *Community Partnerships Manual* of the AFL club management program.**

### Documentation

Documentation is a significant but necessary part of a risk management program. An important point to note is that litigation can take place many years after the incident and in some cases relate to something that may have seemed minor. It is therefore extremely wise to keep documented records of incidents/accidents, even though at the time they may seem to be of a minor nature with little chance of developing into anything further. This documentation may prove invaluable down the track.

**An incident report form and checklists (adapted from Sportsafe) that address various areas covered in this policies and procedures section can be found in the Appendix. Checklists include: coaching and participation, first-aid and injury management, health guidelines and policies.**



## Section four – Legislation to address in the risk management program

Australia's legal system is drawn from two main sources – common law, which is usually confined to areas void of legislation, and statute law developed in parliament by politicians. Common law, such as negligence, has been addressed earlier in this module and we will now provide information regarding some of the legislation that sports administrators may be exposed to in their roles. Football administrators and officials are unlikely to be aware of the full array of legislation and rules. This is a brief summary only and falls far short of addressing all legislation that a sports administrator may come into contact with.

Football clubs should consider the following types of legislation:

- Discrimination legislation.
- Harassment legislation.
- Privacy legislation.
- Child protection legislation.
- Contracts.
- Copyright.



### Discrimination legislation

Discrimination is unacceptable in today's society and as a result, there are several discrimination policies that have been established.

Four main types of discrimination may affect football clubs, including:

- Racial and religious discrimination.
- Sex/gender discrimination.
- Disability discrimination.
- Infectious diseases discrimination.

### Racial and religious discrimination

The Racial Hatred Act 1995 (Cth), provides victims of racial vilification redress to the Human Rights and Equal Opportunities Commission for conciliation or adjudication. This act inserted a new part in the Racial Discrimination Act 1975 (Cth) that prohibits offensive behaviour based on racism. Any behaviour that is likely to offend, insult, humiliate, or intimidate is considered unlawful. In 1995, the AFL became the first sporting organisation in Australia to add to its constitution a rule to fine AFL clubs up to \$50,000 for cases of racial abuse to players.



All football clubs are to commit to prohibiting certain conduct and providing a remedy for victims of racial and religious vilification. This should be done through the development of a racial and religious tolerance policy.

All clubs should readily communicate their policy to all staff, members, players and spectators to ensure that everyone is aware of the club's position and the possible consequences of inappropriate behaviour.

**The AFL's Racial and Religious Vilification Policy can be found on the website at [afl.com.au](http://afl.com.au) under the AFL info sheets section.**

**Football Victoria has developed a racial and religious tolerance policy – Bouncing Racism out of Sport. A copy of this policy can be found on the website [www.footballvic.com.au](http://www.footballvic.com.au).**

## Sex/gender discrimination

The Sex Discrimination Act (1984) aims to eliminate discrimination between people on the grounds of sex, pregnancy, marital status in work, accommodation, the provision of goods and services and the activities of clubs. It is unlawful to discriminate among members on the grounds of gender. It is also unlawful to discriminate among members and classes of membership made available, or denying access or limiting access to any benefits provided or offered by the club on the grounds of a person's sex. The act does allow for some exemptions, however. It is not unlawful for a club to discriminate against a person on the grounds of the person's sex if the discrimination relates to enjoyment of any benefit provided by the club where it is not practicable for the benefit to be enjoyed simultaneously or to the same extent by both men and women.

Specific provisions relating to sport in the act state that it is not unlawful to exclude persons of one sex from participation in any competitive sporting activity in which strength, stamina or physique of competitors are relevant. Questions arise as to the perceived interpretation of some of these phrases and as women begin to excel in more male-oriented sports the agreed parameters for exclusion may be doubtful.

The Sex Discrimination Act (1984) expressly prohibits discrimination on the basis of pregnancy. Legal tension exists between the laws of negligence and anti-discrimination. If an athlete is injured and her unborn child is damaged, there is a possibility that the child will sue its mother for negligence and, if the coach was aware of the pregnancy and encouraged the women to participate and gave advice outside his/her area of expertise, he/she too could potentially be sued by the child. The Australian Sports Commission has recently released new guidelines regarding sport and the pregnant athlete.

## Disability discrimination

Discrimination in regard to disability is another important issue for all sporting clubs. Section 27 of the Disability Discrimination Act (1992) refers specifically to clubs and associations. It states that it is unlawful for a club or association, its committee of management and the members of the committee to discriminate on the grounds of a person's disability by refusing membership or imposing terms and conditions of membership to the applicant or denying access to facilities or benefits to the applicant.



Section 27(3) however, permits clubs and associations to discriminate where, because of the person's disability, the person requires the benefit to be provided in a special manner and the benefit cannot be provided without unjustifiable hardship. This exemption was considered by the Anti-Discrimination Commission in the case *Scott and Ors v Telstra Corporation Ltd* (1995) and found to include, predominantly, the financial circumstances of the particular organisation in supplying the benefit.

With regard to participation in sporting events, Section 28(1) of the Disability Discrimination Act (1992) states that it is unlawful for a person to discriminate against another person on the grounds of the other person's disability or a disability of any of the other person's associates by excluding that other person from a sporting activity. However, section 28 (3)(a) of the act provides an exemption, stating that it is not unlawful to discriminate if that person is *"not reasonably capable of performing the actions reasonably required in relation to the sporting activity"*.

## Infectious diseases discrimination

The issue of discrimination in regard to infectious diseases is quite complex. Although members of a club should not be discriminated against on the basis of an infectious disease, an exemption exists where discrimination may be necessary for the protection of public health. It is recommended that clubs become educated on diseases such as AIDS and that bloodied players leave the field immediately for treatment (refer to the AFL's blood policy). Players who know they have HIV should seek further medical advice regarding further participation in sport.

This education approach to infection control is supported by Sports Medicine Australia in its infectious diseases policy, which also recommends hepatitis B vaccinations for athletes playing contact sport and collision sport under adult rules.

**The SMA's infectious diseases policy can be found on the website [www.sma.org.au](http://www.sma.org.au) under policies in preventing injury. The AFL's blood policy can also be found on the website [afl.com.au](http://afl.com.au).**

## Harassment legislation

Harassment consists of offensive, abusive, belittling or threatening behaviour that is directed at a person because of a particular characteristic. Harassment may be based on sex, disability or race, and also disparity in the relative power of the harasser and the person harassed.

Harassment of all types stems from one person inappropriately exercising power over another. Power resides not just in those positions of formal authority, but can also be held by peers, people in majority groups in a sport or recreation organisation, people who are part of the main culture of a group and by those older or more popular than the person being harassed.

### Types of harassment

- Sexual harassment. Two broad categories of sexual harassment include:
  - A direct or implied threat, promise or benefit. This type of sexual harassment is sometimes termed 'quid pro quo' harassment or 'sexual blackmail'.
  - Behaviour which creates a hostile or sexually permeated environment, including crude remarks, jokes or general banter.
- Harassment on grounds of disability.
- Discrimination as harassment.

### Avoiding harassment

The key to avoiding harassment is to have an anti-harassment policy. Such a policy deters harassment and ensures that complaints can be dealt with quickly, responsibly and effectively. It also provides a legal defence against vicarious liability, and helps to maintain a safe and healthy sport environment. Having and enforcing a harassment policy is good risk management and helps to establish and maintain a good reputation in the community.

**Harassment-free sport guidelines and an example of a harassment policy can be found on the ASC website at [www.ausport.gov.au](http://www.ausport.gov.au).**

## Privacy legislation

The Privacy Act protects the handling of personal information. Organisations covered by the act have to comply with the National Privacy Principles (NPPs) or a privacy code approved by the Privacy Commissioner (the Privacy Commissioner will want at least the equivalent of the NPPs included for an approved privacy code).

The Privacy Act will not apply to all clubs and associations but for those to which it does apply, the NPPs require these organisations to:

- Take reasonable steps to make individuals aware that it is collecting personal information about them, what the information will be used for and to whom it may be disclosed.
- Keep personal information secure, accurate, complete and up to date.
- Provide individuals with access to their information on request and to correct that information if it is inaccurate, incomplete or out of date.
- Allow individuals to remain anonymous where lawful and practicable.
- Not transfer personal information overseas unless certain requirements are met.

**The Australian Sports Commission (ASC) has produced an excellent publication titled *Guide to best privacy practices for sporting organisations*. This guide provides full details of the act, including information as to which organisations the Privacy Act applies, and should be read by all administrators. This guide can be found on the website at [www.ausport.gov.au](http://www.ausport.gov.au) under corporate publications.**

While the act will not apply to all football clubs and associations, the principles it has established provide a useful guide as to how your members' information can be protected. It is recommended that sporting organisations review their current practices for collecting, storing, using and disclosing personal information about their members in light of the regime.

**A brief overview of the 10 National Privacy Principles is set out below:**

1. Collection – ensure that the collection of personal information is necessary, that you use lawful and fair means and (where necessary and practicable) that it is collected directly from the individual.

Ensure that the individual is told your organisation's name, the purpose for collection, the types of organisations to which the information is usually disclosed and that the individual can access the information.

2. Use and disclosure – use and disclose personal information only for the purpose for which it was collected or for a related secondary purpose (or directly related if the information is sensitive).

Obtain consents for the uses or disclosures of personal information for other unrelated purposes.

3. Accuracy – ensure that the personal information you collect, use or disclose is accurate, complete and up to date.

4. Security – ensure that all personal information stored is safe from misuse, unauthorised access or disclosure. Where reasonable, destroy or permanently make anonymous personal information if it is no longer needed.

5. Privacy policy - have a freely available policy summarising your personal information handling practices. Be able to provide more detailed information about those practices on request.

6. Access and correction – provide individuals with access to the personal information that you hold about them on request (some exceptions apply). Give them a reasonable opportunity to correct that information.

7. Identifiers – do not use or adopt identifiers assigned by Commonwealth government agencies to individuals, eg, Medicare numbers.

8. Anonymity – allow individuals the right to remain anonymous when it is lawful and practicable to do so.

9. Overseas transfer – ensure that personal information is transferred overseas only to a country with an equivalent privacy regime, or with the individual's consent, or if the transfer benefits the individual.

10. Sensitive information – do not collect sensitive information without a person's consent (some exceptions apply) eg, information about an individual's health, racial origin, political opinions or affiliations, religious or philosophical beliefs, professional/trade union membership, sexual preferences or criminal record.

As previously stated, the Privacy Act will not necessarily apply to all football organisations, so the information provided by the ASC should be referred to for clarification.

## Child protection legislation

Child protection refers to keeping children safe from abuse and protecting them from people who are unsuitable to work with children. Legislation in each state of Australia has been developed to protect children from inappropriate behaviour. The major focus of legislation involves rigorous background checks on any individuals that wish to work with children. Under the current legislation a child refers to any person aged under 18 years.

Children have a fundamental right to be safe from any form of abuse while involved in sport. Child protection requires a commitment at all levels of sport to ensure that sporting environments are safe for children. This means that football clubs need to be aware of their legal and moral obligations to the children in their care and to appropriately establish policies and procedures to counter and deal with child misdemeanours.

### Child protection and sport

Sport is a particularly vulnerable area for children, as it:

- Involves a large number of participants under 18 years of age.
- Frequently involves overnight trips for training and competitions.
- Usually involves close relationships between adults and children, where adults are placed in a position of trust and authority.



Over the last 10 years the rate of child abuse reported within sporting activities has been on the rise, mainly due to the increased screening mechanisms in place for schools, religious groups and other child related activities.

By far the majority of staff and volunteers working with children are safe. However, it is important that clubs establish careful screening procedures to minimise the risk of child abuse occurring within their club.

### Legal requirements

In all states and territories it is mandatory that all cases of child abuse are reported (except in Western Australia). In New South Wales and Queensland specific child protection and intervention legislation now applies to the sport and recreation industry. In Victoria it is a legal requirement that all people, both paid and unpaid, involved with children undertake a mandatory police check.

The child protection legislation implemented by the NSW and Qld governments makes it mandatory for sporting organisations and people involved in sport as a paid employee or volunteer to meet certain criteria. These requirements also apply to individuals and organisations originating outside these states yet wish to travel to or compete in these states.

In NSW the following legal requirements apply for all persons working with children in direct and unsupervised sporting activities.

1. Requires all existing and future staff (paid and unpaid), to sign a Prohibited Employment Declaration indicating whether or not they are a 'prohibited person'.
2. Conduct employment screening on preferred applicants for paid positions working with children.
3. Notify the NSW Commission for Children and Young People of any 'relevant disciplinary proceedings' that have been completed against an employee.
4. Not to employ a person in a child-related position without first asking them to declare their prohibited persons status. If they do declare themselves as a prohibited person, they must be removed from their role immediately.

The non-compliance with any of the above can incur a fine of \$11,000 or a 12-month jail sentence for employers or employees.

In Qld the legislation requires that all sporting clubs and organisations undertake regular police checks of employees. Once the check is completed the Qld Commission for Children and Young People will assess the person's suitability for employment.

Employers can be prosecuted for not asking paid and volunteer staff to make and sign a declaration. It is also mandatory for employers to screen all new applicants for paid child-related employment, which includes all employment that involves direct, unsupervised contact with children. This mostly affects coaches, group leaders, team managers and medical personnel in sport and recreation settings.

Police screening will enable clubs to maximise the health and safety of all children and young people at the club. A check involves:

- A check of relevant criminal records.
- A check of relevant apprehended violence orders.
- A check relating to relevant disciplinary proceedings.
- Any other probity checks relating to previous employment or other activities.

**For information regarding the legislative requirements in NSW and Qld go to:**

**Department of Sport and Recreation NSW** [www.dsr.nsw.gov.au](http://www.dsr.nsw.gov.au).  
**NSW Commission for Children and Young People** [www.kids.nsw.gov.au/check/](http://www.kids.nsw.gov.au/check/).  
**Sport and Recreation Queensland** [www.sportrec.qld.com.au](http://www.sportrec.qld.com.au).  
**Qld Commission for Children and Young People** [www.childcomm.qld.gov.au](http://www.childcomm.qld.gov.au).

**For further information on police screening:**

**Contact your local police station for information on how to apply for police screening of employees and the relevant cost.**

Strategies for achieving child protection:

- Be aware of the risks and indicators of child abuse.
- Openly communicate the risk of child abuse.
- Know what relevant policies and procedures your sport has in place at the local, state and national level.
- Adopt or update codes of conduct at your club.
- Adopt thorough recruitment practices.
- Appoint a contact officer.
- Use accredited coaches and officials.
- Provide information to coaches and others working with children, on how to recognise signs of abuse.
- Ensure legal requirements are met.
- Manage suspected cases of child abuse.
- Know where to go for further advice.

The key principles concerned with child protection include:

- Awareness – identifying possible risks and creating awareness among staff, officials, coaches and parents of issues that surround child abuse and the initiatives/procedures in place to deal with any problems that may arise. This can be achieved through various education and awareness initiatives that define child abuse, provide indicators of what to look for and outline procedures to follow when reporting abuse.
- Communication – open communication provides a basis for increasing awareness of what is being done to prevent and manage the issue of child abuse. A football club should encourage communication between all officials, coaches, parents and children.

Some examples of potential risk situations that could occur in a football environment include:

- Private, one-on-one coaching practices.
- Travel arrangements to and from competitions and training.
- Changing rooms/showers.
- Inappropriate touching during technical instruction.
- Excessive negative criticism, threats and bullying.
- Lack of adequate supervision and appropriate equipment when participating in dangerous activities.

Your club will need to clarify the risks in order to determine the severity of the risk and abusive situations that may occur when working with children.

## Contracts

The law of contracts is concerned with the rules governing legal agreements. Individuals enter into contracts in their day-to-day activities many times without realising that a contract has been made. Buying a ticket to the football or a bus ticket to get to the game are less formal but valid contracts. Contractual issues are important for administrators to understand, as they will, from time to time, become involved in contractual arrangements within sport and recreation organisations. Contract negotiations may be involved in player recruitment, employee recruitment, sponsorship, facility hiring, transportation to events, club and participant registration.

### What is a contract?

A contract is an agreement reached between its parties, which they intend to be binding legally. The basic elements of a contract are contractual capacity, offer, consideration and acceptance, and intention.

- Contractual capacity: not all persons can enter into a contract at law (eg, minors). Under the terms of the Minors (Property and Contract) Act 1970 (NSW) the age of majority is 18. As well, a contract entered into with someone who is unable, through mental disability, to understand the nature of the contract is voidable if one party should have known or did know of the other party's mental disability or drunkenness. Note that mere drunkenness is no defence. State legislation in relation to mentally disabled persons entering into contracts generally provides for the appointment of a trustee or committee to manage the person's affairs.
- Offer, consideration and acceptance: an organisation may make an offer to a prospective coach: "Would you coach our team this season for \$5000?" The \$5000 is the consideration, it is the value of the offer. If the coach agrees, then that is the acceptance.
- Intention: those involved in the contract must intend to create a legally binding agreement. A person may off-handedly say: "If you can do that, I will give you \$1000" and both parties know that the offer is not intended to be serious. However, a legally enforceable contract exists if both parties intend to enforce the contract, for example the offer to a person to coach a team for a set fee. To alleviate contractual problems, many organisations have standard form contracts and these can be adapted for a particular situation.

### Unfair contracts

Many football clubs employ people in positions such as finance officers, players, officials, administrators, caretakers and ground staff. The contract between these people and the club may well constitute a contract of employment. These contracts must be fair to all parties, but sometimes one of the parties to the contract may feel aggrieved. In these instances, the Industrial Commissions in the relevant states have the jurisdiction to hear 'unfair contracts' in relation to employment. For example, the commission can intervene where it believes contracts are unfair, harsh, unconscionable, against the public interest, designed to avoid award provisions and provide for inadequate remuneration.

### Example of an unfair contract

**A semi-professional rugby league player brought proceedings in the Industrial Court of New South Wales against his club. He sought to have his playing contract declared unfair and to have it varied on the grounds that it did not make sufficient provision for the payment of compensation if he was injured playing football. The court varied the player's contract to rectify this and his club and the NSW Rugby League were jointly ordered to pay compensation to the player for his injuries.**

*(Source: ANZSLA newsletter (1995) 5(4):5-6 as cited in ASC Active Australia Club/Association Management Program.)*



## Copyright

With the development of logos, the conducting and naming of special events, and increases in merchandising opportunities, sport and recreation organisations must ensure that they are not breaching copyright.

Copyright acts and design acts provide substantial protection for the authors of artistic works, drawings and photographs. For example, organisations which use the Olympic symbol without the permission of the International Olympic Committee and/or the Australian Olympic Committee, are infringing copyright.

### Case study

**The Australian Football League took proceedings in the Federal Court against Tooheys Brewing Company (Tooheys) for alleged infringement of copyright. It was claimed that posters sponsored by Tooheys reproduced the AFL's logo appearing on players' uniforms. Alternatively it was alleged that Tooheys contravened Section 53 of the Trade Practice Act 1974 (Commonwealth) in that it falsely represented that its beer had the sponsorship, approval and endorsement of the players featured in the posters, the players' club and the AFL.**

*(Source: ANZSLA newsletter (1993) 3(3):1 as cited in ASC Active Australia Club/Association Management Program.)*





## Section five – Insurance

Insurance is a critical component of any club's operation. There are occasions where accidents do happen, regardless of the safety procedures that are in place. Insurance transfers the financial risk of the club to the insurance company.

Although a necessary component, insurance should be regarded as the last resort safety net as clubs should take every step to ensure that the playing environment is as safe as possible, through minimising any potential risks through their risk management plan.

### Insurance cover

In 2002 the Australian Football League in conjunction with each state league/association, identified that there was a need to address the growing crisis facing the sport at the community club/league level. In particular there was a clear need for community football to have access to long-term, sustainable insurance cover, providing a comprehensive level of cover at an affordable premium. It was decided that the most efficient way of achieving this was to develop a program that would include the majority of players across Australia, therefore making it easier for local clubs to access the required level of cover at an affordable premium.

The Australian Football League, in conjunction with the insurance broker JLT Sport, has developed a national insurance program, titled the Australian Football National Risk Protection Program. The program includes personal accident, public and products liability, professional indemnity and association liability to protect every player, team, club, league and association in Australia, including the game's officials, trainers, umpires and volunteers. (The program specifically excludes the elite 16-team AFL competition).



### Intention of the program

The intention of the program is to provide clubs with a comprehensive level of protection to enable clubs to administer, promote, and participate in the game of Australian Football, at an affordable premium.

The program has been designed to achieve the lowest possible cost but return the biggest benefit to each football club and league throughout Australia.

Even though this has been achieved, it is understood that some clubs will require further protection. In these instances clubs can contact JLT Sport or another risk protection provider to extend the coverage.

The comprehensive level of cover and the competitive premiums have been achieved by negotiating with the underwriters on the premise that all clubs in Australia will join the program. Therefore, it is extremely important that every club supports this initiative.

By joining this program your club will be covered automatically for the following:

- Public and products liability, including professional liability.
- Association liability (directors and officers).
- Personal accident.
- Non-Medicare medical.

The intention of the program is not to cover clubs for their general insurance – risks such as fire, business interruption and burglary. Due to the vast differences in the level of assets and risk protection etc between each club, it is not possible in a program of this scale to cover clubs for these types of risks. It is recommended that cover for these risks is placed with your local broker.

## Australian Football National Risk Protection Program

### Insurance cover types

**Policy 1:** Public and products liability.

**Policy 2:** Association liability (directors and officers) (*for incorporated clubs only*).

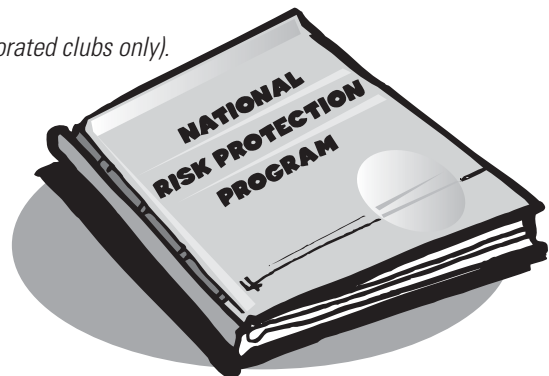
**Policy 3:** Personal accident.

**Policy 4:** Non-Medicare medical.

### Optional cover types

**Policy 5:** Optional loss of income – weekly benefits.

**Policy 6:** Umpires.



## Insurance cover types

### Policy 1: Public and products liability

As a result of the trends in litigation, liability insurance protection often heads the list of a sporting organisation's insurance priorities. If legal action is instigated, various parties may be included in the action (such as office bearers, committee people, coaches, officials, trainers, even voluntary workers).

#### What does this policy cover?

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

Claims for negligence may be made against the sporting body or against the individuals within the sport who allegedly caused the negligence.

This policy indemnifies the club for amounts which they may become legally liable to pay as compensation to a third party for personal injury or property damage. It is a policy that protects the club and its members from third parties, such as players, spectators, and non-members who might take legal actions against the club and its members.

It covers both on-field and off-field activities. This will include, but is not limited to:

- Participation risk – (eg: if a player is injured and sues the club for negligence).
- Club fundraising and social activities – (including bar facilities if managed by the football club).
- Member to member cover – if one member takes legal action against another the policy will respond as long as the incident did not occur while playing.
- Professional advice – the consequences of advice given by coaches, umpires, officials, and trainers is covered.
- First-aid treatment risk – liability arising from the rendering of first-aid treatment by a sports trainer or official.
- Umpires/referees liability – should an official be held liable for an injury or damage to property as a result of breach of duty of their care while officiating. Professional indemnity is also included for these officials.
- Tenants' liability – if as a result of the club hiring or leasing premises the club incurs a liability.
- Products liability – this relates to the products the club sells, the most common being food and beverages.
- Property in the club's physical and legal control – if the club has goods or property entrusted to the club and the club is held liable for the damage to these goods, this extension will cover the club.
- Property owners' liability – covering the clubs liability as an owner of the premises.
- Car parks – where the club ownership, lease or use of property includes car parking facilities, liability or injury can be incurred.

*Please note: These features need to be read in conjunction with the conditions and exclusions applicable to the policy.*

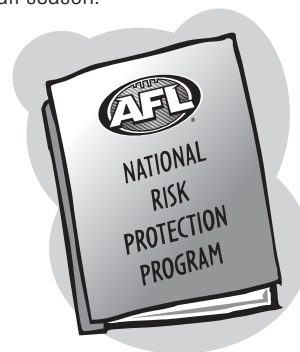
In football, it is common for events to be held on property not owned by the club (usually local council), which may present a situation for the owner being exposed to litigation as well as those conducting the activity. Councils will usually require proof from clubs using their property that they have appropriate liability insurance to a minimum sum insured.

Property owners should also have liability insurance and if their property is being used by other parties to conduct sport and/or recreational activities, they should ensure that the cover provided by their policy extends to include any liability they may incur as the property owner if the liability is incurred as a result of those activities.

This policy covers clubs 24 hours a day for the entire year whether or not it is the football season.

### What are the major exclusions?

- Participant to participant.
- Assault and battery.
- Aircraft, hovercraft and watercraft.
- Erection and alteration of buildings.
- Libel and slander.
- Tobacco.
- Liability assumed under any contract or agreement.
- Treatment by qualified medical practitioners.



For a full list of all exclusions and the limits of indemnity, please refer to the complete policy document.

**For further information on public and products liability coverage please refer to the Australian Football National Risk Protection Program.**

## Policy 2 Association liability (for incorporated clubs only)

This policy covers the club and its members for any wrongful act committed by an office bearer in the capacity of office bearer, including the rendering of professional duties. The personal assets of club officials can be put at risk if this cover does not exist.

Wrongful act means any error, mis-statement, misleading statement, act, omission, neglect or breach of duty.

It is appropriate here that we clarify the situation in regard to incorporation, litigation and insurance. Incorporation was addressed earlier in this module, where it was explained that an incorporated organisation has a legal entity that is distinct from its members and the people who conduct its affairs. However, the fact that an organisation is incorporated does not mean that its officers, coaches, officials etc cannot be personally held liable if they breach their duties or act outside their responsibilities. If for example, a player was injured and it was alleged the coach had given inappropriate instruction and this had contributed to the injury, it is possible that action could be taken against the coach as an individual, and likely also against the club. It is for exactly this reason that the definition of The Insured in the policy needs to include these people for their individual liability, as well as the organisation as a legal entity.

This policy covers clubs 24 hours a day for the entire year whether or not it is the football season.

### What are the major exclusions?

- Bodily injury or property damage.
- Products liability.
- Prior circumstances.
- Professional contracts.
- Insolvency.

For a full list of all exclusions and the limits of indemnity, please refer to the complete policy document.

**For further information on association liability coverage please refer to the Australian Football National Risk Protection Program.**

### Policy 3: Personal accident

This protects the club and its officials, volunteers, trainers, runners, coaches, umpires, referees, directors, officers, committees, sub-committees, members and work experience students for any injury suffered resulting in any of the events specified below:

- Death.
- Permanent total disability.
- Permanent partial disability.

Note: the amount of coverage that the club has will depend on the level of cover; Gold, Silver or Bronze. For details of the levels of cover, where and when club members are covered and what the major exclusions on the policy are, please refer to the Australian Football National Risk Protection Program.

It is important that all participants are aware of the insurance cover that the club has put in place for them. They should also be made aware that it is the individual's responsibility to arrange any additional cover they may wish to have. Including this as a clause on the participant's registration form should be considered.

**For further information on personal accident coverage please refer to the Australian Football National Risk Protection Program.**

### Policy 4: Non-Medicare medical

This area of cover is the most likely to be claimed on during the season. It is designed to reduce the medical costs of the players and the club. This applies to all players participating at all levels, being senior, reserve, under-18, under-16 teams and juniors (excluding AFL Auskick).

This cover reimburses treatment received that is not claimable in any way through Medicare. This means treatments such as physiotherapy, chiropractic, dental, private hospital, ambulance, acupuncture, podiatry, osteopathy and use of rehabilitative equipment. Note, after \$200 worth of treatment a referral from a doctor must be obtained.

Due to the requirements of the Health Act, it does not cover anything that can be claimed through Medicare. For further details refer to page 12 of the Australian Football National Risk Protection Program.

Once again the level of cover that will be provided by the insurance will depend on the type of coverage that the club holds; gold, silver or bronze.

#### What are the major exclusions?

- Once the player returns to training/playing the claim is closed.
- If the club member was under the influence of alcohol or drugs not prescribed by the club doctor.
- Any criminal act committed or attempted.
- Participating or training for any professional sport.
- Any sickness or pre-existing injury.
- Pregnancy, childbirth or miscarriage or any complications.

### Optional extras

Depending on your club's range of activities, it may be deemed necessary to take out further cover. The Australian Football National Risk Protection Program has two optional extras as part of its insurance package that your club may consider appropriate to your needs:

Policy 5: Optional loss of income – weekly benefits.

Policy 6: Optional umpire cover for leagues/associations.

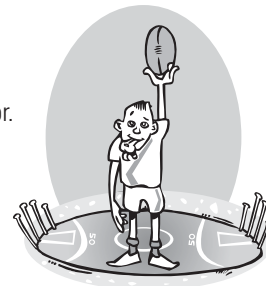


### Policy 5: Optional loss of income – weekly benefits

This is an optional extra that clubs can elect to purchase. This covers the players' weekly income lost if they are injured while involved in football related activities.

#### What are the major exclusions?

- Once the player returns to training/playing the claim is closed.
- If the player was under the influence of alcohol or drugs not prescribed by a qualified doctor.
- Any criminal act committed or attempted.
- Participating or training for any professional sport.
- Any sickness or pre-existing injury.
- Pregnancy, childbirth or miscarriage or any complications.
- The first 14 days of loss of income.



**Refer to the Australian Football National Risk Protection Program for further information.**

### Policy 6: Umpires

The AFL insurance program can also offer additional cover for leagues/associations especially designed for umpires. It provides insurance cover for non-medicare medical costs and loss of income sustained due to injury acquired while involved in the sporting activities of your club.

All umpires in the league/association must be included in the policy and the cover is not available to individual umpires. Note: All club umpires are automatically covered through the Australian Football National Risk Protection Program.

**Refer to the Australian Football National Risk Protection Program for more information.**

### Additional extras

Some club's may wish to take out further insurance that is not offered under the Australian Football National Risk Protection Program. There are numerous other insurance types available in the marketplace. The following may be applicable for consideration within your club.

- Cancellation and abandonment, pluvius insurance – these insurances guard against the loss of revenue associated with cancelling, postponing or abandoning activities due to events as specified in the policy wording.
- Special contingency insurance – this cover is arranged to protect against financial disadvantage due to special contingencies.
- Tax audit insurance – this cover is designed to cover the costs incurred should the organisation be subject to an audit by the Tax Commissioner.
- Legal expense insurance – this insurance covers legal expenses incurred should the insured be unfortunate enough to have legal action taken against it and the expense is not met by other liability insurance policies. It does not cover any damages awarded or penalties incurred, only the expenses involved in defending the action.

### How to make a claim

It is essential that you notify JLT Sport immediately of any potential claim. It is also extremely important not to admit liability or discuss the matter with a third party person. JLT Sport will then guide you as to the next step in the process.

**Contact details for JLT Sport are located in the further information section of this manual.**

## Section six – Where to from here?

Within any club, a good risk management culture is always supported by a good risk management system. This section is designed to provide a simple step-by-step guide on how to practically implement the principles discussed so far within your club.

Successful implementation of a quality risk management system is dependent on active participation from all parts of your football club. Following this guide will be the first step towards your football club and its members taking a proactive role in effectively managing the risk and associated consequences or outcomes that may occur.

The following section has been divided into three parts:

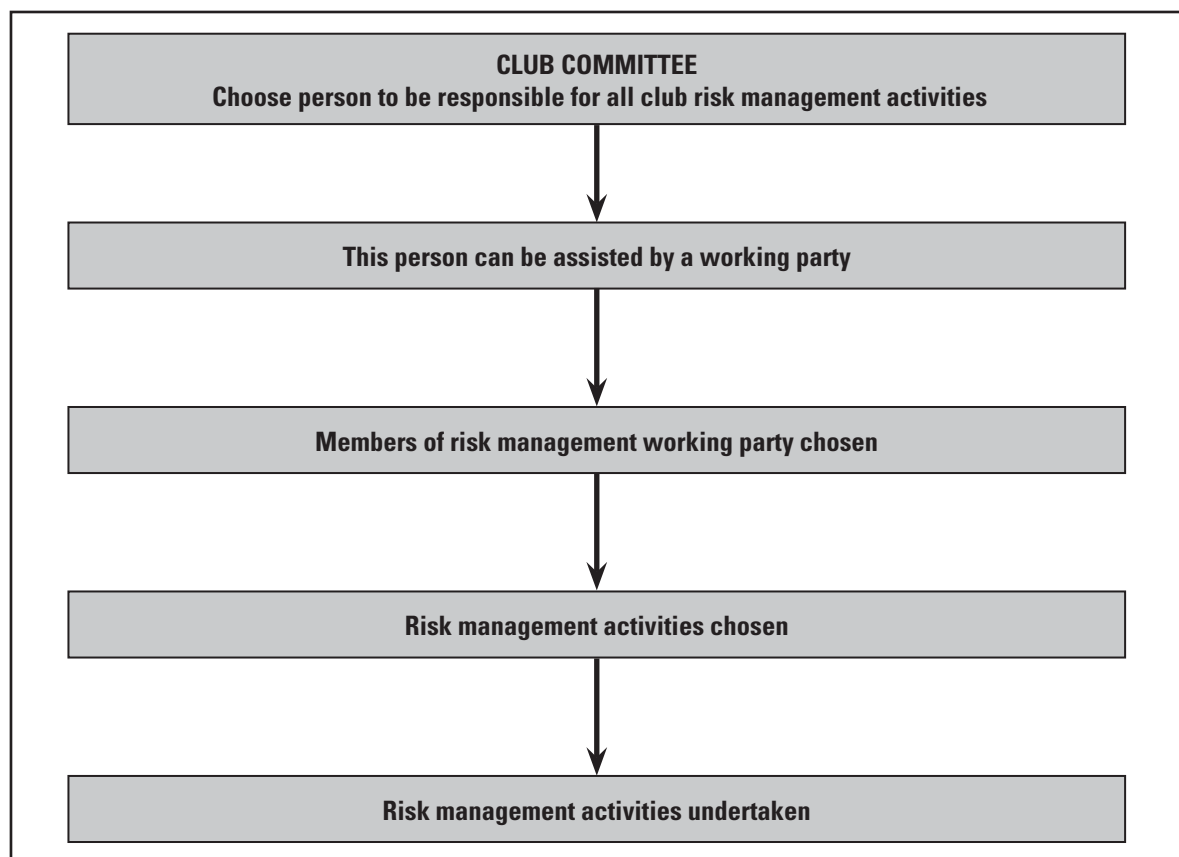
1. Introducing risk management activities.
2. Identifying responsibilities of officials.
3. Establishing appropriate documentation and checklists.

**Section six of this manual has been compiled by Jardine Lloyd Thompson Pty Ltd. JLT Sport is a division of Jardine Lloyd Thompson Pty Ltd.**



### 1. Introducing risk management activities

The key to introducing risk management activities is to choose a club person who will become the risk management officer. This person needs to be accompanied by a working party. Together they will identify the risk management activities for your club. This process can be seen in the diagram below.



## 2. Identifying responsibilities of club officials

### Responsibilities

The committee of any club is responsible for all risk management activities introduced to protect visitors, participants and the club from injury or loss. The goal of sports administrators is to provide a safer environment to participants and spectators both on and off the field.

### How is this done?

Risk Management is now such a priority it must be treated on the same level as football operations, finance, fundraising, bar and kitchen operations etc.

In order to achieve this, your club must introduce a system to ensure risk management procedures are implemented. To ensure these systems are in place your club must commit to the process of appointing a risk management officer (RMO). The position must be viewed in the same way as the treasurer, secretary, bar manager etc.

### Appointing a risk management officer (RMO)

This is an important task which should be undertaken by the club committee. It is up to all committee members to choose a suitable person who will be responsible for all risk management activities.

The RMO should be the following:

- A person who frequents the club on a regular basis.
- A responsible and respected member of the club.
- Committed to the club achieving a professional attitude both on and off the field.

### Responsibilities of a risk management officer

- To ensure risk management activities are completed using checklists and planners provided in the AFL club management manual and that they are being appropriately stored.
- To be focal point for risk management.
- To monitor risk management activities.
- To follow up risk management activities calendar.
- To review selected checklists, decide who fills them out and when.
- To ensure action is taken for any defects.

The risk management officer may call upon others in the club to ensure risk management activities are completed.



### 3. Establishing appropriate documentation and checklists

Checklists simply provide a more formal approach which enables clubs and associations to:

- Demonstrate to the insurers that they are taking some responsibility to reduce the frequency of injury and claims.
- Take a more consistent and proactive approach to reducing the risk of injury to players and club members.
- Demonstrate, in the event of a litigation case, that a procedure was in place to assess the condition of the playing surface and surrounding areas.

#### **Match-day – this form is compulsory – refer to following page for a copy**

- To be signed off by both clubs prior to the commencement of play.
- Copy of the completed checklist to be sent to the league/association with scores after each game.
- League/association to store the completed match-day checklist for seven (7) years.
- Original to be made available to JLT Sport on request.

All clubs should check with their league/association to determine the correct procedure for collection and storage of match-day checklists.

#### **Monthly inspection plan**

By developing a monthly inspection plan clubs can identify what checks need to be done on a regular basis, either weekly or monthly. Clubs will then have evidence that checks have been appropriately conducted throughout the month.

All clubs will have different checks to carry out so this inspection plan should be developed on an individual basis. ie. not all clubs have gymnasiums to check.

**A copy of the monthly inspection plan can be found on page 42 of this manual.**

#### **Pre-game/training safety checklist**

This checklist has been developed to give more specific details in relation to the ground, facility and environment guidelines. For example, recommendations have been specified for goal post padding, cricket pitches and boundary measurements.

This checklist should be completed every Thursday night at training. Therefore, if any issues arise they can be dealt with before game day on the weekend.

**The pre-game/training safety checklist can be found on pages 51-52 of this manual.**

Further checklists and forms can be found in the Appendix section of this manual:

- Facility safety maintenance checklist.
- Incident report form.
- Coaching and participation checklist.
- First-aid and injury management checklist.
- Health guidelines and policies checklist.
- Release/waiver form.

Note: All checklists can be adapted to suit the particular needs of each club. Always include as much relevant information as possible in the checklist.

**These checklists and forms can be found on pages 53-59 of this manual.**



## MATCH-DAY CHECKLIST

**Date:** .....

**Home team:** .....

**Away:** .....

**Team:** .....

**Ground:** .....

	YES	NO
Have the ground surface and markings been prepared correctly for an Australian Football match?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Field of play</b>		
Is the surface free of debris? (glass, rocks, rubbish, etc)	<input type="checkbox"/>	<input type="checkbox"/>
Have weather conditions or water made the surface unsafe?	<input type="checkbox"/>	<input type="checkbox"/>
Is the surface in good condition? (grass length, free of holes)	<input type="checkbox"/>	<input type="checkbox"/>
Are sprinkler covers correctly in place?	<input type="checkbox"/>	<input type="checkbox"/>
Is the perimeter fencing safe? (signs, etc)	<input type="checkbox"/>	<input type="checkbox"/>
Are the weather conditions safe for the game to commence? (lightning etc)	<input type="checkbox"/>	<input type="checkbox"/>
Have goal posts been padded?	<input type="checkbox"/>	<input type="checkbox"/>
Are there any other factors which may be dangerous to the players?	<input type="checkbox"/>	<input type="checkbox"/>
Changerooms and toilet safety		
Are the rooms free of debris? (syringes, glass, rubbish, etc)	<input type="checkbox"/>	<input type="checkbox"/>
Prior to the commencement of play, we, the undersigned, have undertaken the above inspection and agree that the playing environment is fit for play.	<input type="checkbox"/>	<input type="checkbox"/>

.....  
Club Representative  
Signature

.....  
Club Representative  
Signature

.....  
Name

.....  
Name

A copy of this form must be filed and kept by the HOME TEAM for each match conducted and be kept for seven (7) years. The form must be able to be provided to the AFL or JLT Sport on request if required.

Example of a monthly inspection plan:

MONTHLY INSPECTION PLAN						
Month: MAY						
Year: 2004						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Fire safety check.		General housekeeping check.	Ground and playing conditions check.		Match-day check. Umpire check.
		First-aid check.		Ground and playing conditions check.	Gymnasium check.	Match-day check. Umpire check.
			General housekeeping check.	Ground and playing conditions check.		Match-day check. Umpire check.
				Ground and playing conditions check.	Gymnasium check.	Match-day check. Umpire check.



## Conclusion

This module has shown that the law is not separate from sport. Increased levels of commercialisation and awareness of individual rights make legal action in the football environment more likely than in the past. It is important for football administrators to maintain and try to increase their knowledge of sports law to protect the rights of their clubs and associations.

The most effective means of protecting organisations, sporting or otherwise, from the threat of litigation or other legislative risk exposure is to implement effective risk management programs as an integral part of best practice management. The aim of this module is to provide a valuable resource to assist all Australian Football administrators in this regard and allow them to continue to make their vital contribution to the development of the game.

## Glossary

**By-laws** – Rules made by the football club for the regulation, administration and management of that club and binding on all persons who come within its scope.

**Causation** – Causing or producing an effect.

**Common law** – Law which evolves from the decisions of judges in various cases of the same type, whereby judges must follow previous decisions or binding precedents.

**Constitution** – A document that identifies the rights and liabilities of members within a football club. It also establishes the club and sets out the purpose for which it has come together and all the rules under which it proposes to operate.

**Contract** – A particular type of agreement between two parties containing promises by each party that they intend to be enforceable at law.

**Copyright** – An exclusive legal right given to an author or designer to make copies of original work for a number of years. Copyright also provides protection for the authors of artistic works, drawings and photographs so that organisations cannot claim the work belongs to them.

**Defendant** – The party that is viewed as being at fault after an incident.

**Discrimination** – Involves making choices about how we treat other people. Can be based on prejudice, stereotypes and bias.

**Documentation** – An essential component of the risk management program. Involves keeping records of incidents that occur within a football club.

**Harassment** – Consists of offensive, abusive, belittling or threatening behaviour that is directed at a person or persons because of a particular characteristic of that person or persons.

**Incorporation** – The process of creating a separate legal entity for a football club, thereby giving it a legal existence.

**Indemnity** – A contractual document whereby one party promises to pay another for any losses that may arise from the acts or omissions of a third party.

**Law of tort** – A tort is a civil wrong, a breach of duty. The role of the law of tort is to compensate those who have suffered loss as a result of the fault of another. Common examples include defamation, negligence, nuisance and trespass.

**Legislation** – A set of laws covering a range of topics such as discrimination, harassment and privacy issues.

**Litigation** – The process of contesting in a law court.

**Negligence** – Doing something that a reasonable person would not have done or not doing something that a reasonable person would have done.

**Plaintiff** – The party that is taking action against the defendant after an incident.

**Policy** – A set of rules that will be followed by a football club.

**Quorum** – A fixed number of members who must be present to make the proceedings of a club valid.

**Release** – A document that details the relinquishment of rights against another party.

**Risk** – The chance of something happening that will have an impact on a club's objective(s). Risk can lead to benefit or loss.

**Risk analysis** – Involves analysing all risks to decide which risk factors will potentially have the greatest effect on the football club so they can be prioritised in terms of management .

**Risk evaluation** – Involves comparing the level of risk found during the analysis process with certain criteria and deciding whether these risks can be accepted.

**Risk identification** – A step involved in the risk management process that identifies the risks that will need to be managed.

**Risk management** – The term applied to the logical and systematic method of identifying, analysing, assessing, treating, monitoring and communicating risks that are associated with any activity, function or process, thereby enabling a football club to minimise losses and maximise opportunities.

**Risk treatment** – Involves identifying the range of options for treating risk, evaluating those options and preparing and implementing risk treatment plans.

## References

### Policies

#### Australian Football League

Anti-Doping Code  
 Bleeding and Blood-Borne Infections Policy  
 Racial and Religious Vilification Policy  
[www.afl.com.au](http://www.afl.com.au)  
 (03) 9643 1999.

#### Australian Sports Commission

Active Australia Club/Association Management Program  
 A Code of Behaviour for Players  
 Codes of Behaviour for Coaches and Officials  
 Harassment Free Sport Guidelines  
 Review of Australian Sports Insurance – summary of a report prepared for the sport and recreation ministers' council (SMRC), March 2002.  
[www.ussport.gov.au](http://www.ussport.gov.au)  
 (02) 6214 1111.

#### Smartplay

Drink Up  
 Gear Up  
 Warm Up  
[www.smartplay.net](http://www.smartplay.net)  
 (08) 8234 6369.

#### Sports Medicine Australia

Beat the Heat – Playing in Hot Weather  
 Infectious Diseases Policy  
 Pre-Participation Questionnaire  
 Preventing Heat Illness in Sport  
 Protect Yourself in Sport and Play ... Be Blood Aware  
[www.sma.org.au](http://www.sma.org.au)  
 (02) 6230 4650.

#### World Health Organisation/International Federation of Sports Medicine

1989 Consensus Statement from Consultation on AIDS and Sports  
[www.who.int](http://www.who.int).



## Acts

### **Associations Incorporations Act (1981)**

State acts can be downloaded through:  
[austlii.edu.au/au](http://austlii.edu.au/au).

### **Child Protection (Prohibited Employment) Act (1998)**

[www.austlii.edu.au](http://www.austlii.edu.au).

### **Disability Discrimination Act (1992)**

[www.austlii.edu.au](http://www.austlii.edu.au).

### **Guidelines for Sport and Recreation Organisations – Working With Children Check and Child Protection**

[www.dsr.nsw.gov.au](http://www.dsr.nsw.gov.au)

(02) 9006 3700 (outside NSW)

13 13 02 (NSW).

### **Health Insurance Act (1973)**

[scaleplus.law.gov.au/html/pasteact/0/114/top.htm](http://scaleplus.law.gov.au/html/pasteact/0/114/top.htm).

### **Minors (Property and Contract) Act (1970) (NSW)**

[www.austlii.edu.au/au](http://www.austlii.edu.au/au).

### **Privacy Act: Guide to Best Privacy Practices for Sporting Organisations**

[www.ausport.gov.au](http://www.ausport.gov.au)

(02) 6214 1111.

### **Racial Discrimination Act (1975)**

[www.austlii.edu.au](http://www.austlii.edu.au).

### **Racial Hatred Act (1995)**

[www.austlii.edu.au](http://www.austlii.edu.au).

### **Sex Discrimination Act (1984)**

[www.austlii.edu.au](http://www.austlii.edu.au).

### **The Australian Risk Management Standard (AS/NZS 4360: 1999)**

Can be downloaded through the following link:

[www.riskman.unsw.edu.au/rmu/as.shtml](http://www.riskman.unsw.edu.au/rmu/as.shtml).

### **Trade Practices Act (1974)**

[www.austlii.edu.au/au/legis/cth/consol\\_act/tpa1974149/](http://www.austlii.edu.au/au/legis/cth/consol_act/tpa1974149/).

### **Torts/cases**

Nowak v Waverley Municipal Council & Ors (1984) Aust Torts Reports 80-200.

Scott and Ors v Telstra Corporation Ltd (1995). EOC, 92-717.

## Further information

### General

#### Australian Sports Directory

[www.ausport.gov.au/asc/publications/sportdir.htm](http://www.ausport.gov.au/asc/publications/sportdir.htm)  
(02) 6214 1915.

### Health

#### AIDS, Hepatitis and Sexual Health Line Inc.

[www.aidshep.org.au](http://www.aidshep.org.au)  
(03) 9347 6133.

#### Australian National Council on AIDS, Hepatitis and Related Diseases

[www.ancahrd.org](http://www.ancahrd.org)  
1800 022 863.

### Infectious Diseases

[www.smasa.asn.au](http://www.smasa.asn.au).  
[www.sport.net.au/smawa](http://www.sport.net.au/smawa).

### Legal

#### Australian Industrial Relations Commission

[www.airc.gov.au](http://www.airc.gov.au)  
(03) 8661 7777.

**NSW:** Australian Industrial Registry  
(02) 8374 6666.

**NT:** Australian Industrial Registry  
(08) 8936 2800.

**SA:** Australian Industrial Registry  
(08) 8308 9863.

**Tas.:** Australian Industrial Registry  
(03) 6214 0200.

**Qld:** Australian Industrial Registry  
(07) 3227 6666.

**Vic.:** Australian Industrial Registry  
(03) 8661 7777.

**WA:** Australian Industrial Registry  
(08) 8308 9863.

#### Privacy Commissioners website

[www.privacy.gov.au](http://www.privacy.gov.au).

### Insurance

#### JLT Sport – VIC, NSW, Qld, ACT, TAS

Level 15  
500 Collins Street  
Melbourne, Victoria 3000  
[www.jltsport.com.au](http://www.jltsport.com.au)  
1300 130 373.

#### JLT Sport – SA, NT, WA

Level 3  
70 Hindmarsh Square  
Adelaide, South Australia 5001  
[www.jltsport.com.au](http://www.jltsport.com.au)  
1300 130 373.



## Discrimination

### Human Rights and Equal Opportunities Commission

[www.hreoc.gov.au](http://www.hreoc.gov.au)  
(02) 9284 9600.

**NSW:** NSW Anti-Discrimination Board  
[www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb)  
(02) 9268 5555.

**NT:** Northern Territory Anti-Discrimination Commission  
[www.nt.gov.au/adc/index800.html](http://www.nt.gov.au/adc/index800.html).

**Qld:** Anti-Discrimination Commission of Queensland  
[www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)  
1300 130 670.

**SA:** SA Equal Opportunity Commission  
[www.eoc.sa.gov.au/public](http://www.eoc.sa.gov.au/public)  
1800 188 163.

**Vic.:** Equal Opportunity Commission of Victoria  
[www.eoc.vic.gov.au](http://www.eoc.vic.gov.au)  
(03) 9281 7111.

**WA:** WA Equal Opportunity Commission  
[www.equalopportunity.wa.gov.au](http://www.equalopportunity.wa.gov.au)  
1800 198 149.

## State and Territory Consumer Affairs/Fair Trading Agencies

**ACT:** ACT Office of Fair Trading  
[www.fairtrading.act.gov.au](http://www.fairtrading.act.gov.au)  
(02) 6207 0400.

**NSW:** NSW Consumer Protection Agency  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
(02) 9895 0222.

**Qld:** Qld Office of Fair Trading  
[www.consumer.qld.gov.au](http://www.consumer.qld.gov.au)  
(07) 3246 1500.

**SA:** SA Office of Consumer and Business Affairs  
[www.ocba.sa.gov.au/](http://www.ocba.sa.gov.au/)  
(08) 8204 9777.

**Tas.:** Tasmania Consumer Affairs and Fair Trading  
[www.justice.tas.gov.au/ca/](http://www.justice.tas.gov.au/ca/)  
1300 654 499.

**Vic.:** Consumer and Business Affairs Victoria  
[www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)  
1300 558 181.

**WA:** Department of Consumer and Employment Protection  
[www.docep.wa.gov.au](http://www.docep.wa.gov.au)  
1300 304 054.

Office of Business and Consumer Affairs  
[www.consumer.gov.au](http://www.consumer.gov.au).

## Australian state and local governments

### Department of Consumer and Employment Protection

[www.docep.wa.gov.au](http://www.docep.wa.gov.au)  
(02) 6262 1111.



## Appendices

## PRE GAME/TRAINING SAFETY CHECKLIST

Physical inspection required

### Playing arena/equipment

- Is the surface free of debris? ☐
- Have weather conditions or water made the surface unsafe? ☐
- Is the surface in good condition, i.e. grass appropriate length, free of holes etc.? ☐
- Are sprinkler covers correctly in place? ☐
- Are lighting conditions adequate? ☐
- Are ground markings safe and a sufficient distance from fencing and other structures? \* ☐
- Are ground markings in accordance with guidelines? ☐
- Is protective equipment provided and in good condition? ☐
- Is goal-post padding in place? ☐
- Are seating facilities available for interchange players and team support staff? ☐
- Do interchange officials, timekeepers and other officials have appropriate facilities? ☐
- Is siren in working order? ☐
- Is water available near playing area for filling of water bottles? ☐
- Is sports equipment safe and in good condition, e.g. footballs correctly inflated? ☐

### General facilities (including grandstands)

- Are lighting conditions adequate? ☐
- Are the facilities free of debris and rubbish bins provided for public use? ☐
- Is seating clean and safe? ☐
- Are spectators safely separated from the players with an appropriate barrier? ☐
- Check safety of any portable seating or scaffolding which has been erected ☐

### Changeroom facilities

- Are lighting conditions adequate? ☐
- Are the changerooms and umpires' facilities safe and hygienically clean, particularly showers and toilets? ☐
- Is hot water available for shower facilities in player and umpires' rooms? ☐
- Are benches and tables provided and in safe condition? ☐

### Toilet facilities

- Are lighting conditions adequate? ☐
- Are toilets well maintained, hygienic and adequately stocked? ☐
- Are waste bins provided and placed appropriately? ☐

\* Boundary line must be at least three metres from fence (as per JLT Sport risk management surveys).

## PRE GAME/TRAINING SAFETY CHECKLIST *continued*

Physical inspection required

### First-aid

- Is a qualified first-aid officer present? ☐
- Is a stretcher provided on site and its location known to teams/medical staff involved? ☐
- Is a telephone available for emergency use, together with emergency numbers? ☐
- Have first-aid kit stocks been checked against an appropriate checklist? ☐
- Is ice available for both teams and umpires? ☐
- Is an ambulance present at the venue while the match is in progress, with clear access to arena? ☐
- Check sterile medical area is provided for club medical staff. ☐
- Do both teams' medical staff know the location of the nearest hospital and medical centre? ☐

### Teams check

- Check with coaches/football managers for match timings. ☐
- Check with coaches/football managers for length of breaks. ☐
- Inform timekeepers, ground announcer of match conditions, i.e. match time and breaks. ☐
- Inform football managers of warm-up areas and procedures. ☐
- Ensure all game officials are present. ☐

### Environment

- Do the existing weather conditions warrant cancellation or postponement of the game/training, eg. storms and lightning or hot and humid weather? ☐
- Is shade or sun shelter appropriately provided for breaks in play? ☐
- Do weather conditions necessitate additional requirements, eg. longer breaks, sunscreen, additional water boys? ☐

### Other checks

- Meet with team liaison officials and, where applicable, security head, coordinator, curator, ticket-sellers. ☐
- Ensure that press area is easily identified where applicable. ☐
- Check reserve seating area arranged for players, officials, invited guests and sponsors to use prior to game commencement where applicable. ☐

**Important note:** this is not intended to be an exhaustive checklist. It is to be used as a reference only. All clubs/associations must give consideration to their own specific circumstances. The AFL accepts no responsibility for the accuracy of the information or your reliance on it.

**SIGNED:** ..... **DATED:** .....

## FACILITY SAFETY MAINTENANCE CHECKLIST

Tick (✓) after physically inspected and deemed to be acceptable

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Are all buildings and structures secure, safe and in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is spectator seating safe and in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are hand rails provided where necessary?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do facility structures and equipment comply with laws, regulations, rules and standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the playing arena generally safe and in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the perimeter fencing safe and in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the goal posts firmly in place and in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is ambulance access provided?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the public areas and general grounds safe and in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are exits provided and appropriately signed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is general lighting provided adequate for security and safety?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do facilities meet fire safety requirements, e.g. hoses, extinguishers, signs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is an evacuation plan in place and staff appropriately trained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is P.A. equipment for emergency evacuation in working condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is an appropriate medical recovery facility available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is disabled access provided for?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are changeroom floor surfaces safe, e.g. studded boots on concrete floors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are changeroom lights adequately protected from impact by footballs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are windows and other glass protected from breakage by footballs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is car park area free of the risk of impact by footballs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Can players' property be safely secured while they are participating?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are separate male and female toilets provided and appropriately signed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is toilet security appropriate, with door locks working etc?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is all sporting equipment (eg, tackle bags, gym equipment) in good condition and safe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Evaluation completed by – **INITIALS**

– **DATE**


**Important note:** This is not intended to be an exhaustive checklist. It is to be used as a reference only. All clubs/associations must give consideration to their own specific circumstances. The AFL accepts no responsibility for the accuracy of the information or your reliance on it.

## INCIDENT REPORT FORM

Date of incident/accident: \_\_\_\_\_ Time of incident: \_\_\_\_\_ am/pm

Injured member/guest: \_\_\_\_\_ Age: \_\_\_\_\_

Membership number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Location of incident: \_\_\_\_\_

Describe in full how the incident occurred and what actions were taken:

(Write down everything you can remember, no matter how insignificant it may seem)

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Describe the injury in detail and indicate the body part(s) affected: \_\_\_\_\_

---

Did any medically trained members (doctors, nurses) assist? Provide details: \_\_\_\_\_

---

Staff member present: \_\_\_\_\_

Witnesses (include name/address/phone): \_\_\_\_\_

---

Was the emergency plan activated: \_\_\_\_\_ Was an ambulance called? \_\_\_\_\_

Was the individual taken to hospital? YES / NO

If yes, what hospital? \_\_\_\_\_

If no, did he/she refuse medical attention? \_\_\_\_\_

Was the family notified? \_\_\_\_\_ Who? \_\_\_\_\_

On the back of this page, or on separate sheets, please document any observations or comments regarding this incident you feel are important. The more information the better.

Name (please print): \_\_\_\_\_ Signature: \_\_\_\_\_

Position: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ am/pm

Follow-up notes: \_\_\_\_\_

Contact made by: \_\_\_\_\_ Date: \_\_\_\_\_

Condition of member: \_\_\_\_\_

**Note:** This is a generic incident report form. It is a sample of what an organisation could use for internal use. It should be modified to fit the specific requirements of the organisation. In no way is this form intended to replace an insurance claim form which should be obtained and forwarded to your insurance company for any incident where a claim is possible. The AFL accepts no responsibility for your use of this form.

## COACHING AND PARTICIPATION CHECKLIST

### Coaches and officials

- Does your club use only accredited coaches and officials? ☐
- Do they attend regular education updates and undergo re-accreditation? ☐
- Are all programs and activities planned and conducted according to recognised safety guidelines? ☐
- Do qualified personnel, who inform participants of safety issues, properly supervise all activities? ☐
- Are coaches and officials regularly updated regarding new activity hazards and safety measures? ☐
- Do coaches and officials have adequate sports first-aid training? ☐
- Do coaches and officials act as positive role models, eg non-smoking? ☐
- Does your club have a code of behaviour for coaches and officials? ☐
- Is this code of behaviour known to coaches and officials and part of their role description? ☐

### Pre-participation screening

- Do players complete a pre-participation questionnaire each season prior to participation? ☐
- Following completion, are participants referred to health professionals if there are concerns about health or injury? ☐
- Are coaches made aware of players' pre-existing medical conditions, eg asthma, diabetes? ☐
- Are coaches made aware of medications that players may require, eg Ventolin? ☐

### Physical preparation of players

- Are your players being provided with appropriate physical fitness training, including instruction on warm-up, warm-down and correct stretching? ☐
- Is training provided in the skills of football to allow players to compete safely and to prevent injury, eg tackling and safe landing techniques? ☐
- Is consideration given to physical suitability for certain positions and matching players of similar size/age? ☐

### Rules and spirit of the game

- Does your club promote and enforce codes of behaviour for players, parents, spectators and administrators? ☐
- Are players taught the rules of the game and the need to respect and play within the rules? ☐
- Are games/activities and equipment modified to provide for juniors, seniors and disabled? ☐

**Important note:** this is not intended to be an exhaustive checklist. It is to be used as a reference only. All clubs/associations must give consideration to their own specific circumstances. The AFL accepts no responsibility for the accuracy of the information or your reliance on it.

**SIGNED:** ..... **DATED:** .....

## FIRST-AID AND INJURY MANAGEMENT CHECKLIST

### Sports trainers

- Does your club use accredited sports first-aid personnel? ☐
- Is their accreditation current, with education updates attended to? ☐
- Is the qualified first-aid person present at training in addition to matches? ☐
- Are injury records kept? ☐

### First-aid

- Does your club have a first-aid plan or policy that is communicated to the appropriate personnel within the club? ☐
- Does this plan include procedures for management of concussion/head injuries, open wounds and bleeding? ☐
- Are surgical gloves and a designated disposal container provided for medical staff to manage bleeding? ☐
- Does your club have a policy for return to sport after injury? ☐
- Does your club have a clean and hygienic designated first-aid room, with a treatment table and appropriate lighting? ☐
- Is there a first-aid kit or cabinet in a secure place and is it regularly checked and restocked? ☐
- Is ice readily available in the first-aid room and playing area during games and training? ☐
- Is a suitable stretcher available at all training and games, with both teams being aware of exactly where it is and how to access it? ☐
- Is there a list of emergency telephone numbers accessible to all competing teams? ☐
- Are emergency procedures posted? ☐

### Injury referral

- Does your club have a policy outlining the circumstances in which ambulance services will be used? ☐
- Does your club have a policy outlining the circumstances in which players be referred to a doctor, physiotherapist, hospital or dentist? ☐
- Do you know where the closest service is and will it be available to injured players? ☐

### Injury management and rehabilitation

- What records does your club maintain with regard to player injuries? ☐
- Does your club provide any facilities for treatment by professionals on site at games or training? ☐
- How do you control the amount of treatment your player is receiving (is he/she getting too much, or not enough)? ☐
- How is the cost of injury treatment addressed – are players aware of their responsibilities with regard to cost? ☐
- Are your players aware of the club's injury management procedures? ☐
- Does your club have a policy regarding players returning after injury (eg, doctor clearance, fitness test)? ☐



## **FIRST-AID AND INJURY MANAGEMENT CHECKLIST *continued***

### **Injury surveillance**

- |  |                          |
|--|--------------------------|
| Does your club maintain injury records?  | <input type="checkbox"/> |
| Are these records adequately stored in an easily accessible form?  | <input type="checkbox"/> |
| Are these records used to produce reports that assist in designing injury prevention strategies to improve safety practices? | <input type="checkbox"/> |
| Are injury records reviewed?   | <input type="checkbox"/> |
| Does your club contribute the data it has collected to other data collections to provide a larger sample?                    | <input type="checkbox"/> |

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**SIGNED:** ..... **DATED:** .....

## HEALTH GUIDELINES AND POLICIES CHECKLIST

### Participation guidelines

- Does your club follow the Children in Sport Guidelines produced by Sports Medicine Australia? ☐
- Does your club use waivers/consent forms when players register for participation? ☐
- Does your club discourage alcohol consumption before participation? ☐
- Does your club provide low alcohol and alcohol-free drinks post game and at functions? ☐
- Does your club follow guidelines on fluid replacement? ☐
- Does your club follow guidelines for safe conduct of play with regard to heat, cold, humidity etc.? ☐

### Policy and regulations

- Does your club follow the infectious diseases policy produced by SMA? ☐
- Does your club adhere to the AFL Bleeding and Blood-Borne Infections policy? ☐
- Does your club adhere to an anti-drugs policy? (Refer to the AFL's Anti-Doping Code.) ☐
- Does your club adhere to an anti-discrimination policy? (Refer to the AFL's Racial and Religious Vilification policy.) ☐
- Does your club adhere to an anti-harassment policy? ☐
- Does your club adhere to child protection legislation? ☐
- Is your club familiar with privacy legislation and adhere to it as appropriate? ☐

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**SIGNED:** ..... **DATED:** .....

## RELEASE/WAIVER FORM

I understand that participating in the activities of the ..... Football Club Inc. carries with it the inherent risk of physical injury, including serious injury such as permanent disability, paralysis and even death.

In consideration of being allowed to participate in the activities of the club, which includes training for and playing in football matches, I, ..... hereby agree to release and hold harmless the ..... Football Club Inc. in the event of my injury.

**I have read and fully understand this waiver and agree to release the ..... Football Club Inc. from liability for any injury or other losses I incur, including the club's acts of negligence to the fullest extent permitted by law.**

Signed: .....

Name: .....

Address: .....

.....

**(In the case of minors, the following should also be included)**

I consent to my child participating in the activities of the ..... Football Club Inc. I acknowledge that football can be inherently dangerous and that serious accidents can happen which may result in my child being injured, including serious injury such as permanent disability, paralysis and even death.

**As the parent/legal guardian of ..... I have read and fully understand this waiver and agree to release the ..... Football Club Inc. from liability for any injury or other losses incurred by him/her, including the club's acts of negligence to the fullest extent permitted by law.**

Signed: .....

Name: .....

Address: .....

.....

**Note:** This release is an example only and is not necessarily appropriate for all clubs. Professional legal advice should be obtained to achieve a release that best meets your club's requirements.

