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# **BMX AUSTRALIA**

## **RISK MANAGEMENT**

### ***A Practical Resource for States & Clubs***

**UPDATED**

**15<sup>th</sup> November 2008**



Australian Government





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## **PART 1** **INTRODUCTION**

### **PHILOSOPHY**

BMX Australia is mindful of the risks associated with conducting BMX events and activities at club level. In an effort to assist volunteer club officials to minimise these risks, BMX Australia has developed a basic risk management tool which can be implemented by clubs with a view to providing a safer sporting environment and experience for club members.

### **BACKGROUND – DUTY OF CARE**

Club and event officials will owe a duty of care to participants in BMX races and activities where there is a reasonably foreseeable risk of harm or injury to participants as a result of their actions. In exercising this duty of care, the law requires officials to take reasonable steps to reduce the likelihood of injury to participants as a result of those risks which are foreseeable.

This is the rationale which underpins any risk management program – in this case, the process of identifying risks involved in conducting BMX competitions and activities, and then adopting strategies and actions designed to reduce these risks wherever possible.

### **OBJECTIVES**

- To reduce the incidence of injury to participants, officials and other persons associated with club BMX competitions and activities.
- To provide a fun, healthy and safe sporting environment for individuals to participate and enjoy the sport of BMX.
- To minimise potential club liability as a result of poorly managed BMX competitions and activities.

### **What is risk management?**

Risk management is the process of systematically eliminating or minimising the adverse impact of all activities which may give rise to injurious or dangerous situations. This requires the development of a framework within which risk exposure can be monitored and controlled. Risk management is a tool by which persons involved in sport can seek to meet their duties and thus avoid liability.

Risks which can be covered by a risk management program include:

- Legal risks – losses and costs arising from legal actions for breach of a common law or statutory duty of care;
- Physical risks – injuries to participants and the public;



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- Financial risks – increased insurance premiums, costs associated with injuries for business reasons, loss of financial stability and asset value, replacement costs and earning capacity and increased external administrative costs;
- Moral and ethical risks – loss of quality of participant experience and confidence, adverse publicity and damage to image or reputation.

## WHICH RISKS NEED TO BE MANAGED?

Importantly, the law does not require clubs to provide a completely risk free environment. Indeed, by agreeing to participate in BMX activities, participants will be taken to have consented to those risks which form an inevitable aspect of the activity. Clubs will not be required to take steps to counter risks where it would be unreasonable to expect a club to do so in the circumstances. Clubs will however be expected to adopt reasonable precautions against risks which might result in injuries or damages which are reasonably foreseeable.

## THE AUSTRALIAN STANDARD

The approach adopted in this Resource is based on the Australian Standard on Risk Management AS/NZS 4360:1999 and the National Risk Management Guideline developed by the Standing Committee on Sport and Recreation (SCORS) risk management working party.

This Resource has sought to simplify the steps set out in the Australian Standard, and includes the following stages:

- Risk Identification
- Risk Assessment
- Risk Treatment (action plan)
- Monitoring and Review
- Communication

## THIS RESOURCE – SCOPE AND LIMITATIONS

This Resource has been developed specifically for the racing component of club activities. As such it does not address risk management considerations for other elements of club operations such as governance, administration, finance, insurance, planning, etc...

The Resource is not a “be-all-and-end-all” resource, which will make your club litigation proof or completely fail-safe, however if followed, it may serve as a useful defence to claims for breach of duty of care.

Risks will vary from club to club depending upon the circumstances and the ways in which each club operates. It is up to the Committee and key people in your club when using this Resource to think about other risks not identified here, and plan for their treatment accordingly. Such “other local risks” should be included in this process where indicated in the Risk Management Tables.



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## WHO SHOULD BE INVOLVED IN THE RISK MANAGEMENT PROCESS?

It is important that all “key” people, from the Committee to coaches, officials and volunteers, are all involved in each step of the risk management process. Key people such as your head coach or senior race official have the training and knowledge that is required when risk questions regarding BMX races and activities are asked. Do not try to complete the risk management process in this Resource without involving other key people in your organisation. This may result in the responses being flawed.



## PART 2

### THE RISK MANAGEMENT PROCESS

#### 1. Risk Identification

The first step in our risk management program is to identify what risks exist (or may exist in the future) within our BMX clubs, programs and competitions. It is important that people who are regularly involved in the sport are involved in identifying risk areas. Officials, coaches and even participants should be consulted. There is no substitute for actual practical experience in working out why accidents occur, or what presents a potential problem.

#### **There are a number of things that must be considered in identifying risks:**

- The age of participants;
- The type of activities conducted;
- Injury history (including type of injury and cause);
- How operational procedures are conducted, and whether there have been any previous problems.

For the purposes of the present project, we have identified six **Risk Categories**. We have also identified a number of common risks which fall within these categories. Your task is to assess and treat (where necessary) these risks in the context of your club and its activities. Space has also been provided under each category for you to identify additional risks which are particular to your club.

#### **Risk Categories:**

- (a) Administration
- (b) Insurance
- (c) Personnel Management
- (d) Education, Training and Accreditation
- (e) The Physical Environment
- (f) Event Management



## 2. Risk Assessment

Having identified the risks involved in our BMX activities we need to assess them in terms of their likelihood to occur and the seriousness of the consequences arising from their occurrence.

Each identified risk must be rated. These ratings describe:

1. the likelihood of the risk occurring (likelihood); and
2. the loss or damage impact if the risk occurred (severity);
3. The priority or degree of urgency required to address the risk.

In order to systematically assess the risks identified in the first stage of the process, we apply the risk rating scales set out below in Tables 1 – 3. The risk rating scales will allow you to rate identified risks and then identify risk management priorities.

### 2.1 Likelihood

The likelihood is related to the potential for a risk to occur over an annual evaluation cycle.

**Table 1: Likelihood Scale**

Rating	LIKELIHOOD The potential for problems to occur in a year
A	ALMOST CERTAIN: Will probably occur, could occur several times per year
B	LIKELY: High probability, likely to arise once per year
C	POSSIBLE: Reasonable likelihood that it may arise over a five-year period
D	UNLIKELY: Plausible, could occur over a five to ten year period
E	RARE: Very unlikely but not impossible, unlikely over a ten year period

### 2.2 Severity

The severity of a risk refers to the degree of loss or damage which may result from its' occurrence.



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**Table 2: Severity Scale**

Rating	<b>POTENTIAL IMPACT</b> In terms of the objectives of the organisation
A	CATASTROPHIC: Most objectives may not be achieved, or several severely affected
B	MAJOR: Most objectives threatened, or one severely affected
C	MODERATE: Some objectives affected, considerable effort to rectify
D	MINOR: Easily remedied, with some effort the objectives can be achieved
E	NEGLIGIBLE: Very small impact, rectified by normal processes

Having assessed each risk in terms of its likelihood and severity we are in a position to priorities the risks to assist in the decision making of what action is warranted to manage the risks (where possible).

### 2.3 Risk Priority

The risk priority scale determines the nature of the risk and the action required. They are indicators to assist in the decision making of what action is warranted for the risks.

**Table 3: Risk Priority Scale**

		IMPACT				
		A	B	C	D	E
L I K E L I H O O D	A	Extreme (1)	Extreme (1)	Major (2)	Major (2)	Medium (3)
	B	Extreme (1)	Extreme (1)	Major (2)	Medium (3)	Minor (4)
	C	Extreme (1)	Major (2)	Major (2)	Medium (3)	Minor (4)
	D	Major (2)	Major (2)	Medium (3)	Minor (4)	Minor (4)
	E	Medium (3)	Medium (3)	Minor (4)	Minor (4)	Minor (4)

**Key:**

1	Extreme risks that are likely to arise and have potentially serious consequences requiring urgent attention
2	Major risks that are likely to arise and have potentially serious consequences requiring urgent attention or investigation
3	Medium risks that are likely to arise or have serious consequences requiring attention
4	Minor risks and low consequences that maybe managed by routine procedures
5	Use this to note a risk that does not apply to your organisation

Once a risk priority has been determined the committee can consider the level of risk treatment and action required for each risk.



### 3. Risk Treatment (action plan)

This stage is all about identifying and testing strategies to manage the risks which have been identified and subsequently evaluated as posing a real risk to participants. Ideally officials will work together to brainstorm a variety of treatment strategies and then consider each strategy in terms of its effectiveness and implementation. This will necessarily involve some “reality testing” of risk treatment strategies as officials determine what reasonable steps they may take to reduce the impact of the risk arising.

If your club has assessed a risk and the risk has rated highly you will need to carefully consider necessary policies, procedures and strategies to treat the risk. These will include what is needed to treat the risk, who has the responsibility and what is the timeframe for risk management. These elements will comprise your action plan. If your club already has a strategy in place to address or manage an identified risk, insert details of that strategy in the space provided. If not, you will have to devise a strategy.

### 4. Monitor and Review

**It is very important that officials review the risk management plan at the end of the competition, activity, program or season. The risk management plan should be a fluid document which is regularly updated to take account of changes within the club.**

The keeping of records, and the continued evaluation of the risk management plan in the light of such records is crucial. Your risk management procedures should include the documentation of any accidents, as well as information on the effectiveness of the risk management plan. Statistics on continuing injuries or accident occurrences should be used to determine whether there are specific activities that require either increased precautions or supervision.

**Your risk management plan cannot remain static. Risks can change according to changes in the law, development of safe practices and techniques, and developing technology in the sport of BMX. Constant evaluation and updating must be done to take account of developing trends and the organisation’s own experience.**



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## 5. Communication

It is essential that all club members and participants in club programs are aware of the risk management program and are consulted in its development, implementation and evaluation.

Membership of BMX clubs is constantly changing and as such the clubs should ensure that new members are introduced to the risk management policy and obligations as part of their induction into club life. Similarly, entrants in competitions and races who are not members of your club should also be made aware of the club's risk management procedures and any rules with which they must comply.

**PLEASE NOTE** this Resource is a guide. The risks which have been included under the respective Risk Categories in the following Risk Management tables are not meant to be an exhaustive list. There will be circumstances where risks which are particular to your club's activities may not have been addressed. Space has been provided for you to identify and address these.



## PART 3 – BMX CLUB RISK MANAGEMENT TABLES

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
<u>Administration</u>							
1. Club members do not have access to a copy of your constitution.							
2. Your Club constitution does not comply with the relevant Associations Incorporation Act.							
3. Your Club does not follow your constitution.							
4. Your Club is not incorporated.							
5. Suitable minutes are not recorded, distributed, maintained and properly approved.							
6. Procedures are not in place to ensure security of membership information.							
7. The Club Committee does not have sufficient time and resources to fulfil its responsibilities.							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
8. Information is not well presented to the Committee or membership when relevant to do so.							
9. There is no follow-up for action items arising from meetings.							
10. The skills and experience of Committee Members are not appropriate.							
11. There is no induction process for new Committee Members.							
12. Conflicts of interest are not properly declared and registered.							
13. The Committee Members are not aware of their legal and ethical obligations.							
14. The Committee does not meet on a regular and formal basis.							
15. The Committee does not monitor the key financial risks faced by your organisation.							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
16. All financial transactions are not accurately recorded.							
17. A financial report is not provided to each meeting (Committee and general).							
18. Expenditure is not authorised through an identified process.							
19. Suitable banking arrangements are not in place for the Club.							
20. The requirements stipulated for any grants are not being met.							
21. Your Club has no policies to guide its decision-making.							
22. Club policies are not clearly communicated to members.							
23. Policies are not enforced or are improperly implemented.							
24. You are unaware whether your Club has any contractual arrangements and if so the terms and nature of them.							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
25. Your Club fails to comply with the terms of its contracts.							
26. You are unaware of the legislative and/or industry requirements of:							
<ul style="list-style-type: none"> <li>Fundraising through raffles, etc..</li> </ul>							
<ul style="list-style-type: none"> <li>Operating a canteen or food stalls;</li> </ul>							
<ul style="list-style-type: none"> <li>Operating a bar on a permanent or casual basis;</li> </ul>							
<ul style="list-style-type: none"> <li>Employing anyone including coaches, referees and other officials;</li> </ul>							
<ul style="list-style-type: none"> <li>Operating and maintaining premises or facilities;</li> </ul>							
<ul style="list-style-type: none"> <li>Selling products, services or merchandise;</li> </ul>							
<ul style="list-style-type: none"> <li>Organising events in public places.</li> </ul>							
27. Legal and/or financial advice is not sought when necessary.							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
28. Club membership forms are not forwarded to State BMX body by specified time							
29. Members and other stakeholders do not understand their "duty of care".							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
<i>Additional Administrative Risks</i>							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
<u>Insurance</u>							
30. The Club does not have suitable insurance cover.							
31. Advice was not sought from an insurance broker.							
32. Members are not aware of your Club's insurance with respect to:							
<ul style="list-style-type: none"> <li>premium</li> </ul>							
<ul style="list-style-type: none"> <li>cover</li> </ul>							
<ul style="list-style-type: none"> <li>any excess that may be payable</li> </ul>							
<ul style="list-style-type: none"> <li>limitations and exclusions</li> </ul>							
<ul style="list-style-type: none"> <li>responsibilities</li> </ul>							
<ul style="list-style-type: none"> <li>claims procedure.</li> </ul>							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
33. Insurance is not regularly reviewed eg. on an annual basis.							
34. You fail to notify your broker/insurer of claims in accordance with your policy.							



Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
<b>Volunteer Management</b>							
35. There is an unreasonable workload imposed on key volunteers.							
36. Volunteer roles and responsibilities are not clearly defined and understood.							
37. Suitable induction processes are not in place to ensure a smooth transition when key positions change.							
38. The Club has not adopted an appropriate Code of Behaviour.							
39. There is no clear procedure to handle disputes/complaints arising within your Club.							
40. There is no procedure for handling complaints from outside your Club.							
41. Certain key functions are performed by one or few persons.							
42. There are ineffective lines of communication throughout your Club.							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
43. There is no succession plan (for key volunteers and Committee Members).							
44. Standards are not set for each task to define acceptable performance.							
<b>Additional Volunteer Management Risks</b>							



Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
<b>Education, Training and Accreditation</b>							
45. Officials, instructors and coaches have inappropriate or no training or accreditation.							
46. Officials and coaches fail to maintain their accreditation.							
47. Opportunities for training and education (initial or ongoing) are not sought or provided.							
48. Suitable records are not kept indicating the training and qualifications of members, staff and volunteers.							



Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
50. There is no procedure (including checklists) documented for such inspections.							
51. Results of inspections are not recorded, filed and/or actioned.							
52. Inspections are made by unqualified or inexperienced personnel.							
53. Suitable procedures are not put in place to manage known hazards.							
54. Appropriate risk assessments are not made of all programs.							
55. Risk assessment is not an integral part of program development and management.							
56. Risk assessments are not documented.							
57. There is no clear procedure for reporting accidents/injuries.							
58. Appropriate warning signs are not erected at the race track.							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
59. There is no accident/injury register.							
60. Race track is not maintained during Club off-season.							
<i>61. Your club does not retain an attendance book for working bees</i>							
<i>62. Your club does not store hazardous chemicals safely</i>							
<i>63. Your club does not have suitable M.S.D.S files available for hazardous chemicals.</i>							



Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
<b>Event Management</b>							
64. Risk management is not considered when planning an event.							
65. All significant risks/hazards in an event are not identified.							
66. Reasonable steps are not taken to reduce risks to acceptable levels.							
<ul style="list-style-type: none"> <li>Risk management strategies for events are not documented.</li> </ul>							
<ul style="list-style-type: none"> <li>Participants are not notified of the risks, and the level of preparation/skill required to participate in an event.</li> </ul>							
<ul style="list-style-type: none"> <li>Suitable screening processes are not in place to ensure all participants have the fitness and skill necessary to safely participate.</li> </ul>							
<ul style="list-style-type: none"> <li>Procedures have not been developed to respond to</li> </ul>							

Potential Risk	Likelihood	Severity	Risk Rating	Treatment	Resources	Responsible Person	Time-frame
foreseeable emergencies.							
<ul style="list-style-type: none"> <li>Appropriate permits to hold the event are not sought and obtained.</li> </ul>							
<ul style="list-style-type: none"> <li>Participants fail to complete and sign a suitable disclaimer.</li> </ul>							
<ul style="list-style-type: none"> <li>The feasibility of the event is not seriously considered.</li> </ul>							
<ul style="list-style-type: none"> <li>A detailed budget for the event is not prepared.</li> </ul>							
<ul style="list-style-type: none"> <li>Organisational responsibilities for the event are not clearly defined and allocated.</li> </ul>							
<ul style="list-style-type: none"> <li>A plan for media relations is not prepared.</li> </ul>							
<ul style="list-style-type: none"> <li>Appropriate insurance cover is not purchased.</li> </ul>							





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## PART 4

### **POLICIES, PROCEDURES AND CHECKLISTS**

This Part includes BMXA Policies which are applicable to Risk Management as well as some sample procedures and checklists which Clubs may choose to follow as part of implementing their own Risk Management plan.



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## TRACK INSPECTION GUIDE

Club name:	Date:	YES	NO	FOLLOW-UP
Staging Area	1. Clean area free from rocks etc.			
Start Hill	1. Start hill cover sturdy construction. 2. Free from any jagged pieces of steel. 3. Clean and free of obstacles. 4. Power point in good condition. 5. Lights in good condition. 6. Gate in good condition. 7. Gate free from jagged pieces of metal. 8. Gate can be locked when not in use. 9. Compressor in good condition and serviced. 10. No extension leads on the ground. 11. Air lines in good condition. 12. Start hill surface in good condition. 13. Start hill safety gate in good condition and able to be secured when open and closed.			
1 <sup>st</sup> Straight	1. Surface in good condition. 2. No dangerous obstacles such as rocks present or protruding. 3. Drain covers to be secured down and below ground level. 4. Poles, trees and taps etc. to be padded, if deemed to be in an area that could result injury to a rider. 5. Side of track to be free from rocks etc.			



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		Yes	No	Follow Up
2 <sup>nd</sup> Straight	1. Surface in good condition. 2. No dangerous obstacles such as rocks present or protruding. 3. Drain covers to be secured down and below ground level. 4. Poles, trees and taps etc. to be padded, if deemed to be in an area that could result injury to a rider. 5. Side of track to be free from rocks etc.			
3 <sup>rd</sup> Straight	1. Surface in good condition. 2. No dangerous obstacles such as rocks present or protruding. 3. Drain covers to be secured down and below ground level. 4. Poles, trees and taps etc. to be padded, if deemed to be in an area that could result injury to a rider. 5. Side of track to be free from rocks etc.			
4 <sup>th</sup> Straight	1. Surface in good condition. 2. No dangerous obstacles such as rocks present or protruding. 3. Drain covers to be secured down and below ground level. 4. Poles, trees and taps etc. to be padded, if deemed to be in an area that could result injury to a rider. 5. Side of track to be free from rocks etc.			
Canteen/Club house	Canteen and clubhouse is hygienic and is cleaned on a regular occasion.			



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		Yes	No	Follow Up
Finish Line	1. Poles to be padded if required. 2. Poles in good condition. 3. No other obstructions in finish line area.			
Commentary Tower	1. Safe and secure. 2. Has easy and safe access. 3. PA and electrical wiring is appropriately housed and in good condition.			
Lighting (if any)	1. Is adequate for racing. 2. All lights working.			
Seating	1. Safe and clean. 2. Access is safe and appropriately marked. 3. Is in good solid condition. 4. No jagged edges or protruding nails etc.			
Temporary Structures	1. Seating- Have received sign off documents. 2. Scaffold Constructed Towers Have received sign off documents. 3. Scaffold Constructed Start Hill has been installed correctly & is suitable for children, adults & BMX bikes. Have received sign off documents.			

UPDATED BY THE NOC 1<sup>St</sup> SEPTEMBER 2008



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## INSURANCE CLAIMS CHECKLIST

Any request for claims are to be referred to Worldwide Sports Insurance Pty Ltd. for a copy of the appropriate claim form by contacting:

Phone: (03) 9561-7001

Fax: (03) 9561-7004

		<b>ACTION</b>	
		<b>YES</b>	<b>NO</b>
<b>Personal Accident</b>	Doctor's Certificate Accounts for payment Proof of wages lose & weekly amount (if appropriate)		
<b>General Liability</b>	An incident report form will be completed by the insured. Liability will not be admitted by the Club to the claimant.		
<b>Professional Indemnity</b>	The insured will ensure the completed claim form, accompanied by the following documents is forwarded immediately to: Worldwide Sports Insurance Pty Ltd. P.O. Box 9076 SCORESBY, VIC 3179  - Doctor's certificate - Accounts of payment - Solicitor's letters - Witness statements as applicable  Each Club will record the date on which the incident occurred and supply full details to Worldwide Sports Insurance Pty Ltd at the above address.  Any additional documents or information is to be forwarded to Worldwide Sports Insurance Pty Ltd.  No information will be given by the Club, entity &/or Association to the claimant.		



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## **MEMBERSHIP FORMS**

It is imperative that Clubs pass on completed membership forms to BMXA as soon as possible following their completion by individual members. Failure by Clubs to comply with directions regarding the return of completed membership forms to BMXA may result in members being excluded from participating in competitions. It may also impact upon their coverage under relevant BMXA insurance policies.

## **WARNING SIGNS**

Clubs should ensure that appropriately worded and designed signage is erected at their facilities to alert users of the dangers and risks involved in their use of the facilities. Whilst the erection of signage may not of itself protect a club from liability, signs do serve a purpose in warning both members and the general public of potential injury or damage and put a person on notice that they use the facility at their own risk.

Signage should be placed at such locations that it is readily visible to all users of the facility prior to their use.

Example of Warning Sign wording:

### **Warning**

The use of this track and participation in the sport of BMX riding can be inherently dangerous such that serious accidents can and often do happen which may result in risks of personal injury and/or property damage to track users. Users of this track do so at their own risk and on the acceptance of the inherent risks involved in the sport of BMX riding.

*Remember that not every-one understands or reads English so signs including pictures should also be used wherever practical.*



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## **INJURY RECORDS**

An injury record book should be kept at each club, preferably near or with the first aid kit. All injuries and treatments should be recorded in this book, outlining the nature of the injury, treatment administered and any follow-up action.

Accident report forms can be downloaded on the BMX Australia website.

## **BMXA INFECTIOUS DISEASES POLICY**

In association with the sound upkeep of the club and its environment is the maintenance of health standards. It is important that club members recognise potential areas of concern and take further steps or seek further advice to rectify any potential problem areas.

One such area is that of injury care, particularly where blood or bloodied or other medical supplies is concerned. The need to develop and implement a standard set of procedures in this area results from the potential spread of infectious diseases.

A number of blood-borne infectious diseases can be transmitted during contact and collision sports. The more serious include HEPATITIS and HIV (AIDS) infections. These diseases may be spread by contact between broken skin or mucous membranes and infected:

- blood
- saliva (not for HIV)
- semen and vaginal fluids

People who may have one of these diseases are legally entitled to have their status kept confidential. Sporting participants are not entitled to have access to this information. This confidentiality therefore, dictates that all situations where bleeding occurs in sport must be treated as potentially infectious.

## **THE FOLLOWING RECOMMENDATIONS WILL REDUCE THE RISK OF TRANSMITTING INFECTIOUS DISEASES**

### **A. Competitors:**

1. It is the responsibility of all participants to maintain strict personal hygiene, as this is the best method of controlling the spread of disease.
2. It is strongly recommended that all participants, involved in contact/collision sports be vaccinated against Hepatitis B.
3. All participants with prior evidence of these diseases are strongly advised to obtain



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advice and clearance from a doctor, prior to participation.

4. All open cuts and abrasions must be reported and treated immediately.
- B. Club areas:
1. It is the club's responsibility to ensure that toilets and dressing rooms are clean and tidy. Particular attention should be paid to hand-basins, toilets and showers. Adequate soap, paper, hand towels, brooms, refuse disposal bins and disinfectants, must be available at all times.
  2. The practice of spitting and urinating in change room areas must NOT be permitted.
  3. All clothing, equipment and surfaces contaminated by blood must be treated as potentially infectious. Household bleach in a 1:10 solution may be used to wash contaminated areas and white clothing should be soaked in 1:10 solution bleach for 30 minutes before washing. Bleach should be rinsed off after use. Colored clothing should be soaked in disinfectant for 30 minutes and then washed at high temperature on a long cycle.
  4. Sharing of towels, razors, face washers and drink containers must not occur.
  5. It is strongly recommended that all personnel working in contact/collision sport team areas should be vaccinated against Hepatitis B.
  6. In all training areas, open cuts and abrasions must be reported to the coach and treated immediately.
- C. Officials:
1. Officials must report all open cuts and abrasions to medical staff or St Johns at the first available opportunity.
  2. It is strongly recommended those who officiate in body contact and collision sports should be vaccinated against Hepatitis B.
  3. All bloodied clothing and equipment must be replaced, prior to the competitor being allowed to resume competition.
  4. If bleeding should reoccur, the above procedures must be repeated.
  5. If bleeding cannot be controlled and the wound securely covered, the competitor must not continue to compete.



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6. Those handling bleeding competitors should wear disposable rubber or plastic gloves. Clubs and other competition organisers must ensure that disposal rubber or plastic gloves are available for medical officials. Resuscitation bags or disposable mouth to mouth devices should be available.

D. Blood spills:

In an accident where bleeding occurs and if:

1. skin is penetrated - wash the areas well with soap and water or an alcohol based hand rinse/foam. 60-90% alcohol by weight rinse/foam should be used when water is not available.
2. clothes are blood stained - they should be changed for clean ones once the wound has been treated. They should be handled with rubber gloves and soaked (eg. in a disinfectant such as Miltons or Napisan) before washing in as domestic machine on a hot water cycle.
3. blood gets on skin - irrespective of whether there are cuts or abrasions wash well with soap or normal saline.
4. eyes are contaminated - with the eyes open rinse the area gently but thoroughly with water or normal saline.
5. blood gets in the mouth - spit it out then rinse the mouth with water several times.

Where there are additional concerns about infection, medical advice should be sought from a physician at a hospital or clinic. (ASMF Infectious Disease Policy recommendations)

E. Blood screening:

BMXA does not require mandatory blood screening of any individual that is a member of the organisation.

Because of the highly confidential and sensitive nature of HIV status, hepatitis and other associated diseases it is recommended that sound medical procedures be followed as outlined in the Blood Policy.

The message for collision sports such as BMX is to assess the rate of occurrence of 'bleeding' injuries before a decision is made to further extend this policy by including a discriminatory entrance condition that is justified on the grounds of public health.



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## OBLIGATIONS OF CLUB ADMINISTRATORS & COMMITTEES

Administrators and Committee members are the key officers of a sporting organisation.

The Committee members and the Administrators of an incorporated sporting organisation owe certain duties to the organisation and its members. These duties are similar to those owed by company directors under the Corporations Law. Those duties require them to act competently, honestly, in good faith and in what they consider to be the best interests of the organisation. If they fail any of those duties, they may be liable to compensate members of the organisation or third parties who suffer loss as a result of that failure.

### A. Competence

There are common law and statutory duties of care, skill and diligence. The duty of care, skill and diligence is an equitable fiduciary duty. It is a subjective duty, so that essentially recklessness can amount to a breach. That is, to breach the duty, an officer must be reckless in exercising his or her office.

#### Corporations Law - Section 232(4)

This section provides that “an officer of a corporation must exercise a degree of care and diligence that a reasonable person in a like position in a corporation would exercise in the corporations circumstances”.

In considering the degree of care and diligence that ought to have been exercised by a particular officer, a court should take into account matters such as the relevant knowledge, background and experience the officer has and the size and financial condition of the company, at the relevant time.

All that is required is that a director or officer exhibits the degree of skill that may reasonably be expected for a person of his or her knowledge or experience.

### B. Honesty

At common law there is a fiduciary duty that exists to act in good faith in the interests of the company or association. This equates with acting honestly.

#### Corporations Law - section 232(1)

This section states that “an officer of a corporation shall at all times act honestly in the exercise of his or her powers, and the discharge of the duties of his or her office”.

“Act honestly” means acting bona fide in the interests of the company.



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“Bona fide” - some subjective element (intention) is required to show that an act was not made in good faith. Actual fraud, however, is not required, as mere failure to investigate a matter that has come to a director’s attention may amount to bad faith. Acts resulting from oversight or ignorance is not bad faith.

In the interests of the company - a court will usually not examine the commercial wisdom of an officer’s decision. The traditional view is that “the interests of the company” are the interests of the members of the company considered as a body.

The nature of the company or association must be taken into account when determining the risk. A sporting association would attract a low financial risk, given its usual activities.

#### C. Acting with improper purposes.

The common law requires that directors and officers must not use their powers for improper purposes.

Purpose for which the power is conferred - a company or association’s constitution may state the purpose of a particular power. If not then all operating aspects of a company or association must be taken into account to determine the purpose for which a power is conferred.

Purpose for which the power is exercised - this is a subjective assessment. That is, the purpose to be determined is the actual purpose of the director or officer. This is a difficult task as it is difficult to know a person’s thoughts, and doubly difficult to know a group’s collective thoughts.

An example of use of power for an improper purpose is where directors or officers use company or association resources to ensure their own re-election to the board, rather than nominees of shareholders or members

#### Corporations Law - section 232(2)

The concept of honesty in this section includes not acting for improper purposes. This therefore incorporates that general law doctrine.

### **D. Conflict of interest**

This overlaps with the duty to act honestly and the duty to act for proper purposes.

Categories of situations which may give rise to conflicts of interest are:

- Where a director or officer takes advantage of an opportunity (generally);



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- Where a company or association is unable to take up an opportunity; a director or officer is disqualified from usurping for him or herself or for his or her own benefit, a maturing business opportunity which his or her company or association is actively pursuing.
- A director must declare to the Board, the nature of any direct or indirect interest he or she has in a contract with the company or association.
- Where a person holds an office which creates duties in conflict with his or her duties to the association, they must declare the interest at the next meeting of directors after they become aware of the conflict.

### CLUB ADMINISTRATOR'S CHECKLIST

In terms of their management of an organisation, Club Committees should ensure that:

- their organisation is incorporated under their respective states Associations Incorporation Act if an association, or the Corporations Law if a company.
- their organisation, including the Committee of Management, complies with all legislative requirements, for example, reporting, lodging and accounting requirements;
- the constitution is clearly drafted and has clear purposes. If safety of activities is a purpose of the organisation it should be expressly states in the rules;
- the statement of purposes and rules ("constitution") of the organisation are regularly reviewed and if necessary amended to ensure the constitution evolves with the activities of the organisation or external developments which may affect the organisation;
- the rules, by-laws and practices of, and services provided by the organisation are non-discriminatory;
- staff (including themselves) are appropriately trained on an on-going basis;
- the Board of Management is fully and regularly informed, by written report if necessary, of the activities of the organisation;
- a regular review of the operations and activities of the organisation is conducted;
- the working environment for employees is safe, this is, all requirements under Occupational Health & Safety legislation are met;
- they develop a management system to adapt to developments and changing trends in sports management and administration;



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- they recognise and respond to concerns, about the impact of the organisation's activities on participants, members, the organisation itself, the public and the sport, for example, discrimination, infectious diseases, pregnancy, smoking or doping policies; and
- the organisation's insurance is appropriate to the organisation's activities and current and that the insurer's requirements regarding notification of potential claims are met.

This list is not exhaustive but does give a good example of the responsibilities required to be attended to by committee personnel and administrators.

Adherence to the above mentioned principles and practices will ensure that all those with areas of responsibility in our sport will be able to fulfil their duties to the best of their ability and be free from the worry of potential repercussion that may result from ignorance or blatant disobedience of the law.



Australian Government  
Australian Sports Commission





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Rating	Description	Financial Impact	Clients & Staff Health & Safety	Business Interruption	Reputation & Image	Corporate Objectives
1	Insignificant	Minimal financial loss; Less than \$?	No or only minor personal injury; First Aid needed but no days lost	Negligible; Critical systems unavailable for less than one hour	Negligible impact	Resolved in day-to-day management
2	Minor	\$? to \$?; not covered by insurance	Minor injury; Medical treatment & some days lost	Inconvenient; Critical systems unavailable for several hours	Adverse local media coverage only	Minor impact
3	Moderate	\$? to \$?; not covered by insurance	Injury; Possible hospitalisation & numerous days lost	Client dissatisfaction; Critical systems unavailable for less than 1 day	Adverse capital city media coverage	Significant impact
4	Major	\$?to \$?; not covered by insurance	Single death &/or long-term illness/disability or multiple serious injuries	Critical systems unavailable for 1 day or a series of prolonged outages	Adverse and extended national media coverage	Major impact
5	Catastrophic	Above \$?; not covered by insurance	Fatality(ies) or permanent disability or ill-health	Critical systems unavailable for more than a day (at a crucial time)	Demand for government inquiry	Disastrous impact



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The Risk Rating Matrix (NB: under constant review; subject to change)

<i>CONSEQUENCE</i>	Insignificant		Minor		Moderate		Major		Catastrophic	
<i>LIKELIHOOD</i>										
Almost certain	M	5	M	10	H	15	E	20	E	25
Likely	L	4	M	8	H	12	H	16	E	20
Possible	L	3	M	6	M	9	H	12	H	15
Unlikely	L	2	L	4	M	6	M	8	M	10
Rare	L	1	L	2	L	3	L	4	M	5

Generally, LOW = 1 – 4; MODERATE = 5 – 11; HIGH = 12 – 16; EXTREME = 17 - 25



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**Risk Rating Descriptors** (NB: under constant review; subject to change)

Rating	Description	Required Action
L	Low	Acceptable: Unlikely to require specific application of resources; Manage by routine procedures. Monitor and review.
M	Moderate	Acceptable: Unlikely to cause much damage and/or threaten the efficiency and effectiveness of the program/activity; Treatment plans to be developed and implemented by operational managers. Manage by specific monitoring or response procedures.
H	High	Generally not acceptable: Likely to cause some damage, disruption or breach of controls. Senior management attention needed and management responsibility specified; Treatment plans to be developed by the organisation.
E	Extreme	Not acceptable: Likely to threaten the survival or continued effective function of the program or the organisation, either financially or politically. Immediate action required; Must be managed by senior management with a detailed treatment plan reported to Red Bull International.



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## Risk Treatment Options

### ACCEPT/RETAIN

- Allocate appropriate funding to finance the retained risks if it cannot be avoided, reduced or transferred, or where the cost involved is not justified.

### REDUCE LIKELIHOOD &/OR CONSEQUENCE

- Decrease the possibility of the risk occurring &/or the adverse impacts of the risk if it does occur:

Possible actions to reduce **likelihood** include: review of requirements, specifications, design and operations; inspection and process controls; project management; preventative maintenance; quality assurance, management and standards; technological research and development; structured training and other programs; supervision.

Possible actions to reduce **impact** include: contingency or crisis management planning; business continuity planning; fraud control planning; relocation of an activity and resources, public relations.

### TRANSFER

- Involve another party in sharing all or part of the risk by the use of contracts, out-sourcing, insurance, joint ventures, partnerships etc.

### AVOID

- Where practicable, do not proceed with an activity that is likely to generate an unacceptable risk.



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