

# RISK MANAGEMENT OF EVENTS

A guide for event organisers

## DISCLAIMER:

Sport New Zealand's (Sport NZ) publication 'Risk Management of Events – A Guide for Event Organisers' (the Publication) has been developed to support organisers of sport and recreation events in New Zealand with the effective identification, assessment, evaluation and treatment of relevant risks.

The Publication is based on the International Organisation for Standardization (ISO) standard "Risk Management: Principles & Guidelines ISO31000:2009". ISO31000:2009 has been adopted as a national standard by more than 50 national standards bodies covering over 70% of the global population including New Zealand and Australia.

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For assurance that you are using appropriate risk management for your event, including that you are compliant with relevant legislation such as the Health and Safety at Work Act 2015, Sport NZ recommends you seek specific professional advice from a qualified source, such as a lawyer, health and safety consultant, or certified risk advisor.

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## Introduction to event risk management

The International Organisation for Standardization (ISO) defines risk as “the effect of uncertainty on objectives”. In the context of organising and delivering a sport or recreational event, this guide considers your objective is to deliver your event successfully ensuring identified risks are managed to levels as low as reasonably practicable.

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

Risks to health, safety and well-being are implicit to sport and recreation. Many sports and recreational activities involve high-speed impacts, extreme effort, use of various equipment, and environmental factors such as the weather. Participants must understand and accept that risk is involved when participating in these activities. At the same time, as the event organiser you have a legal responsibility to take all reasonable steps to support the health and safety of participants, spectators, officials, paid staff, volunteers and the general public.

The risk management framework outlined within this publication will provide you with an effective and practical point of reference to ensure you can deliver successful events while managing risks to levels as low as reasonably practicable. Effective risk management applies a clear process to identifying, analysing and evaluating event related risks. By using this framework, you can implement, communicate and monitor control measures to ensure risk levels are managed within agreed risk tolerances and that they are effective in managing the risk in practice.

In addition to delivering a positive and safe event for participants, legal compliance and defensibility is an important consideration in event risk management. Ensuring awareness of relevant legislation, regulations, industry codes of practice, competition rules, and recognised standards is critical, as is being able to demonstrate compliance with these points of reference. Failure to comply could result in court proceedings and prosecution which may lead to fines, imprisonment or other crippling sanctions.

Event risk management is a systematic approach to managing the positive opportunities presented through conducting your event (such as economic, social or other value) while recognising and reducing the probability and impact of any negative impacts that could occur in the course of conducting the event. Successful event organisers manage risk rather than avoid it. With effective risk management you can minimise the potential costs and liabilities of event planning, leading to a safer, more enjoyable event.

## Process for managing event risk

Sport New Zealand recommends event organisers use the International Organisation for Standardisation standard ISO31000:2009 Risk Management, Principles and Guidelines which provide a process to underpin the approach taken to effectively and systematically manage event risk. ISO31000:2009 has been adopted as a national standard by more than 50 national standards bodies covering over 70 per cent of the global population including New Zealand and Australia.

### Establish the context

The context is the process of defining the external and internal parameters you need to take into account in your risk management plan. Each and every event will have a unique context. A good understanding of the context on your part will ensure the Event Risk Management Plan is relevant and specific.

### Undertake a risk assessment

Undertaking a risk assessment involves identifying all the possible threats, or negative situations, that could occur (often known as the 'what ifs'). This should be an exhaustive process and you should, where possible, complete it using a small group to ensure you take a broad perspective in identifying risks.

You should analyse each risk once you have identified them. This is the process of considering the probability of the risk materialising and what the impact could be. It is important you use a consistent range of parameters to analyse all risks so you can compare and prioritise them.

You will now have an understanding of what the risks are and the level of threat each risk poses. The next step is to evaluate the risks against pre-determined risk tolerances. You need to consider what control measures you could put in place to reduce either the probability of the risk materialising, the impact if it does, or both. This is a decision making process, using the results of your risk assessment, to determine what controls are required to ensure the risk levels are contained to tolerable, acceptable levels.

### Treat the risks

Risk treatment is the process of planning and implementing the range of control measures you have determined will manage each risk to within your agreed tolerance levels.

### Communicate and consult

Throughout the process, we highly recommend you engage with key stakeholders at each stage of the process, to ensure you take a thorough and well informed approach to developing the Risk Management Plan. This may include senior

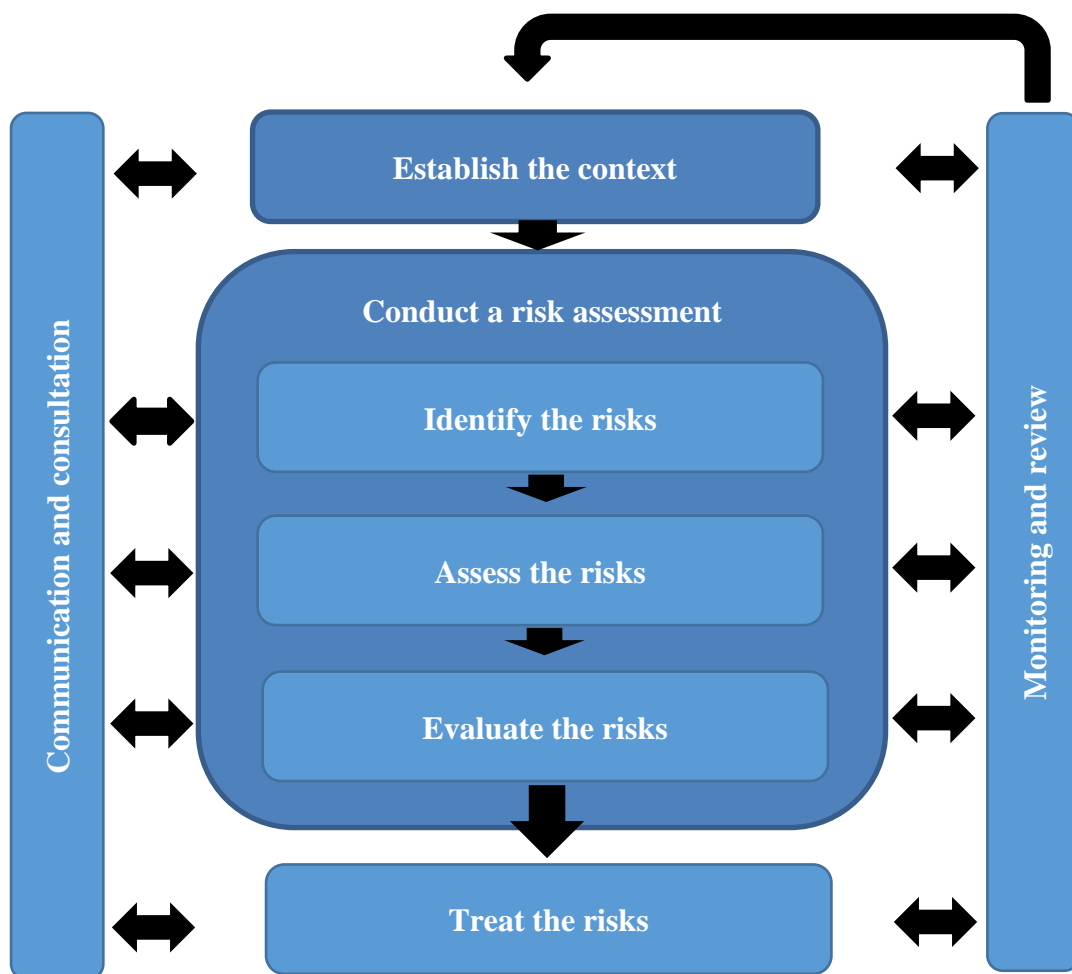
officials, the governing board or body, sources of local knowledge, subject matter experts and/or safety service providers.

### Monitor and review the risks

Having an effective, well considered risk management plan is critical. However, ensuring the requirements outlined in the plan are reflected in practice will ultimately determine whether risk levels are managed to appropriate levels and the event delivered safely. To achieve this, it is important that before, during and after the event there is constant monitoring in place to detect if there are any changes to the risk profile (such as changes in weather conditions).

You will also need to monitor that the control measures are in place and effective in managing the risks within agreed tolerances. In addition to ensuring risks are managed effectively during the event, the intelligence gathered through monitoring can be used during the review process to continually improve the risk management for future events.

A diagram outlining the ISO31000:2009 risk management process is shown below.



**Figure 1:** ISO31000:2009 Risk Management Principles and Guidelines – a process for risk management.

# Key considerations and principles when developing your event risk management plan using the ISO31000:2009 process

## Responsibility

Effective risk management demands that key responsibilities are assigned to specific people in areas such as:

- implementing specific control measures;
- maintaining registers;
- monitoring internal compliance between plan and practice;
- communication and consultation on the event risks; and
- the implementation of training other team members on risk management.

## Knowledge

Everyone involved in the event should be informed and aware of the risk management process. The event organisation team, contractors, volunteers, participants and spectators all have a role to play in risk management. As the event organiser, you need to take steps to inform all those involved of their roles and responsibilities and ensure they have the knowledge to remain safe at all times.

## Ongoing process and continuous improvement

Events are dynamic projects with a range of variable factors at play. It is important you also consider the risks as dynamic. As the event evolves, so do the related event risks. It is important to constantly keep an eye on both the risks and the control measures in place to manage those risks and use the insights gained to keep enhancing the quality of risk management. This could be in terms of improving risk management each day of a week-long sporting event, as well as improving risk management year on year.

Often risk management doesn't eliminate risk and thus accidents or incidents will happen from time to time. While undesirable, these situations should be viewed as an opportunity to understand the causes of the incident, the adequacy of the control measures in place, and the quality of the response by all persons involved in order to improve the management of the risk in the future.

## Documentation

It is important to keep records of your risk management planning and implementation. Documented risk management plans are often required as part of the permit process for staging events. In addition, your documented risk management plan is the key point of reference which outlines how risks must be managed including the expectations you have of each stakeholder.



Lastly, where you do experience an unforeseen incident or accident, maintaining good documentation and records will significantly enhance your ability to demonstrate you have taken all reasonable steps to identify and manage the risks involved to levels as low as reasonably practicable.

Your suite of event risk management documentation should include:

- A comprehensive risk management plan (including health and safety plan)
- Records of any near misses/accidents/incidents that occurred in relation to the event
- Records of any auditing undertaken to verify that procedures were reflected in practice
- Records of any post-event reviews or lessons learned processes including survey results
- Records of all meetings and training conducted (including inductions of event personnel)

## Step One: Establish the context

The context is the process of defining the external and internal parameters you need to take into account in your risk management plan. Each and every event will have a unique context and a good understanding of the context will ensure your event risk management plan is relevant and specific. Understanding the context of the event in detail will provide you with a reference point to undertake a thorough, relevant risk assessment process.

The context of the event should be recorded in the first section of the event risk management plan and include information such as:

- The name of the event
- The location, time and date of the event(s)
- Expected participants including how many and the type of participant expected (i.e. elite, social, children, masters etc.)
- Expected spectators or visitors to the event
- A schedule of stakeholders involved with the planning and delivery of the event including their name, role and contact information (such as radio channel or mobile phone number)
- The parameters of the core event (such as the length, course maps, location of turning markers)
- Cross reference to any competition rules through which the event may be delivered (such as the national sporting organisation's governing rules)
- A site plan for the event including location of key facilities and services (such as toilets, catering, medical services, emergency services access, storage areas etc.)
- The decision making or governance structures used for the event (i.e. any event management committee) and their authority regarding cancellation or abandonment of the event.
- A summary of any findings or review recommendations from any previous version of the event

Some useful questions to ask when establishing the context for your event include:

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

Different events conducted in a different context will lead to different risks. Some events have many purposes and require more detailed risk management plans. In all cases, it is important you establish the context of the event as outlined above.

## Step Two: Identify the risks

You should carry out a full risk assessment for all events and document it in an event risk register.

The first component of the risk assessment is to identify the risks. You can complete the risk identification process using a range of tools and techniques such as:

- Brainstorming workshops
- Reviewing records of past events, reviews and incidents
- Talking to other event organisers about approaches and risks they have identified
- Talking to staff, participants and volunteers
- Inspecting potential venues and equipment
- Attending other events
- Hiring a qualified risk consultant or safety officer
- Assessing industry publications, newspapers and the internet
- Assessing national body rules, regulations and risk management guidelines

An important principle to consider is: involving more than one person in the risk identification process provides greater assurance that all 'what ifs' have been considered.

**Please note:** you should exercise caution when using previous versions of a risk management plan for a subsequent event. Risks are dynamic and if not thoroughly checked, using template plans or previously used plans can result in you overlooking important risks. This can result in a blind spot where there is a major risk at play which you have not considered.

Risks are often the result of people interacting with a hazard or source of harm. A systematic approach to identifying event risks is to break down the components into four areas:

1. Identify the hazards that may be involved
2. Identify who is susceptible to each hazard
3. Consider the environment and context that affects both the hazard and susceptible people

4. Consider the resulting risk (e.g. an elderly participant becoming hypothermic and suffering shock as a result of swimming in cooler water, or adverse weather conditions)

## Identifying the hazards

You should identify all hazards including those relating to the individual activities, equipment and environment. A hazard is something with the potential to cause harm or a 'source of harm'. You should take the following into account:

- Slipping, tripping or falling hazards
- Hazards relating to fire risks or fire evacuation procedures
- Chemicals or other hazardous substances being stored on site (e.g. dust or fumes)
- Moving parts of machinery
- Vehicles on site
- Electrical safety (e.g. use of portable electrical appliances)
- Manual handling activities
- High noise levels
- Poor lighting, heating or ventilation
- Possible risk from specific demonstrations or activities
- Crowd intensity and pinch points
- Consumption of alcohol or other substances

This list is not exhaustive and is intended to provide you with some guidance. You should take care to identify any other hazards associated with your event operations.

## Identifying those at risk

For each hazard identified, list all those who may be affected. Do not list individuals by name; just note the type of person or group who may be affected. This assists later in the risk assessment when you evaluate the risks and allows the control measures to be more focussed on those people most at risk.

You should take the following groups into account:

- Event officials
- Employees
- Volunteers
- Safety and medical service providers
- Contractors or suppliers
- Vendors, exhibitors and performers
- Members of the public
- Disabled persons
- Children and elderly persons
- Local residents

This list is not exhaustive and is intended to provide guidance only. You should take care to identify all relevant stakeholders that may be impacted by your event.

## Identifying environmental factors

It is important you consider environmental factors that may influence the probability and impact of a risk event. You should note any environment specific factors in the risk identification component of your event risk management plan. Examples of environmental considerations may include:

- Roads (either open or closed to general traffic)
- Open water (including the presence of currents, undertows, rips, debris, submerged objects)
- Water quality issues
- Climate (the expected weather conditions and consideration of seasonal extremes that may be anticipated during the time the event is staged)
- The grading of any track(s) to be used (for example an adventure race on a challenging cross-country track 30cm wide on a dirt base vs a mountain run on a highly maintained 1m wide light gravel track with barriers either side)

This list is not exhaustive and is intended to provide guidance only. You should take care to identify all relevant environmental factors that may impact on risks related to your event.

## Step Three: Analyse the risks

The magnitude of the risks that you have identified must be analysed to determine how significant the risk level is. This informs the extent to which control measures may be required to reduce the risk to levels as low as reasonably practicable. Analysing each risk involves using analysis parameters (or ratings) to ascertain the probability of each risk occurring and what the impact could be if it does.

When applying risk ratings, you are making a judgement or assumption based on the context of the event. Consider past events, your level of risk management expertise, the environment and anything else that may cause or affect the probability or impact of an incident.

Key questions to consider are:

- What risk management is in place already?
- What incidents, including near misses, have previously occurred?
- How has the exposure profile changed? (i.e. more or less participants, how capable they are, type of environment)
- How often could each risk event occur? (based on the knowledge and information you can access)
- What would the impact or consequences be for each risk event should they occur? (based on the knowledge and information you can access)

## Probability or likelihood ratings

The table on the following page may be helpful to determine the probability or likelihood of a risk incident or risk event occurring. We have provided two scales as examples. We recommend that you tailor a rating scale to suit your event context. The rating scales you use to conduct your event risk assessment should be documented in your Event Risk Management Plan.

Example Descriptor A	Example Criteria A	Example Descriptor B	Example Criteria B
Rare = 1	0-5% chance of occurrence	Very low = 1	0-0.1% (or 1 in 1000 chance)
Unlikely = 2	6-29% chance of occurrence	Low = 2	0.1-1.0% (or up to 1 in 100 chance)
Moderate = 3	30-49% chance of occurrence	Moderate = 3	1-5% (or up to 1 in 20 chance)
Likely = 4	50-79% chance of occurrence	High = 4	6-20% (or up to 1 in 5 chance)
Almost certain = 5	80-100% chance of occurrence	Extreme = 5	21%+ (or above a 1 in 5 chance)

**Example Descriptor A** (above) may be more appropriate for general sporting or recreational events with general risks.

**Example Descriptor B** (above) may be more appropriate where the types of risk are more extreme and therefore the tolerances to the probability of such events have been set much lower.

## Impact or consequence ratings

You can use the table below to determine the impact of a risk incident if it were to occur. We recommend that you tailor a rating scale to suit your event context. The rating scales you use to conduct your event risk assessment should be documented in your event risk management plan.

Example Descriptor	Example Criteria
Insignificant = 1	Insignificant injury/illness of participant(s) and/or public (no medical treatment required).
Minor = 2	Minor injury/illness of participant(s) and/or public (basic first aid required).
Moderate = 3	Moderate injury/illness of participant(s) and/or public (referral/transport to hospital required with some time off work likely).
Major = 4	Serious injury/illness of participant(s) and/or public (urgent hospitalisation, extended medical treatment, extended time of work required).
Extreme = 5	Death or total permanent disability of participant(s) and/or public.

## Determine the overall risk level

For each identified risk, use the impact and probability ratings to assess the total risk level.

You can work this out by multiplying the rating of each parameter (i.e. probability x impact). Using the above descriptor definitions as an example, 'Risk A' has been assessed as follows:

- Probability = Likely (4)
- Impact = Major (4)
- **Risk Level = 4 x 4 = 16**

You should complete the above process for each risk you have identified and documented in your event risk register.

In the next stage of the risk assessment process you can use the risk level to evaluate the risks against the risk tolerances. This will help you to prioritise the most important risks to focus on when implementing control measures, and to identify which risks may be tolerable.

## Step Four: Evaluate the risk

The risk evaluation process is about considering the risks you have analysed and making decisions about what you need to do regarding each risk. There are some helpful tools available to guide you through this process. The most common tool is known as a 'Risk Matrix'.

The Risk Matrix allows you to map the impact and probability parameters against pre-determined risk categories which have corresponding risk management requirements. Effectively this creates a defined set of tolerances to work within when managing risks for events.

Risk Matrix			IMPACT				
			Insignificant	Minor	Medium	High	Extreme
			1	2	3	4	5
PROBABILITY	Rare	1	Low	Low	Low	Moderate	Moderate
	Unlikely	2	Low	Low	Moderate	High	High
	Possible	3	Low	Moderate	High	High	Extreme
	Likely	4	Low	Moderate	High	Extreme	Extreme
	Almost certain	5	Moderate	High	High	Extreme	Extreme

Evaluating risks is about understanding your risk exposure and setting priorities to manage your exposure within acceptable tolerances. Low risks should be acceptable with routine procedures. Medium or high level risks should be managed to reduce the probability and/or potential impact. Extreme risks are unacceptable and must be eliminated (typically by ceasing the event or activity), or reduced (such as adapting the rules, length, duration, course etc.) regardless of costs or implications.

We have included an example of risk tolerances for conduct of a sport or recreational event below as a guide. It is important you establish a set of risk ratings and risk tolerances relative to your event. Risk tolerances should be documented and included in your event risk management plan.

After determining the overall level of risk, you need to decide how to deal with each risk. Depending on the risk level and your pre-determined risk tolerances you could decide to:

- accept the risk without doing anything and accepting the consequences
- take action to reduce the likelihood and or impact of the risk by implementing a control measure so the risk level falls within acceptable tolerances
- eliminate the risk altogether

If you cannot eliminate or reduce an extreme or critical risk to an acceptable level, you may need to cancel or amend the event. If you have assessed extreme level risks for your event we highly recommend that you seek professional assistance to support your decision making. Qualified or certified risk management professionals may be able to develop specific controls for your event and provide specific, in depth advice regarding management of your event risk profile.

RISK LEVEL	RISK MANAGEMENT ACTIONS
<b>EXTREME</b>	Intolerable <ul style="list-style-type: none"> <li>• Activity should not commence or should be discontinued (if started) until the level of risk is able to be reduced.</li> <li>• Highest event decision making authority to be informed (i.e. event management committee / event director).</li> <li>• Re-assess risk prior to commencing the event or activity to ensure risk level is appropriate.</li> </ul>
<b>HIGH</b>	<b>Tolerable level of risk if all practicable measures in place</b> <ul style="list-style-type: none"> <li>• Review control measures to ensure risk level is <i>As Low As Reasonable Practicable</i> (ALARP).</li> <li>• Is there anything else than can be reasonably done to reduce the probability and/or impact of the risk?</li> <li>• Ensure verification is undertaken that all prescribed control measures are in place in practice.</li> <li>• Ensure all person(s) exposed to the risk are aware of the risk level.</li> <li>• If level of risk is ALARP continue with the event or activity ensuring constant monitoring of the risk to ensure the risk level does not increase further.</li> </ul>
<b>MODERATE</b>	<b>Tolerable level of risk</b> <ul style="list-style-type: none"> <li>• Review control measures to ensure risk level is <i>As Low As Reasonable Practicable</i> (ALARP).</li> <li>• If level of risk is ALARP continue with the event or activity using standard operating procedures, WHS codes of practice, ongoing monitoring and review of risks.</li> </ul>
<b>LOW</b>	<b>Tolerable level of risk</b> <ul style="list-style-type: none"> <li>• No change required.</li> <li>• Ensure existing control measures remain in place and effective.</li> </ul>

## Step Five: Treat the risk

The actions, processes or systems used to manage risk levels are known as control measures or risk treatments. It is important you document, in your event risk register, which control measures will be put in place to manage each risk. You can then systematically keep risks within agreed tolerances and undertake verification or audit activities to check prescribed control measures are being executed in practice.

When determining control measures, it is important you consider what impact the control measure will have in reducing either the probability of the risk event occurring and/or reducing the impact if it happens.

A system called 'hierarchy of control measures' should be used to minimize or eliminate exposure to hazards. The hierarchy is a set of control measure categories that you should apply from most effective to least effective, with controls being applied at the highest possible category level.

The hierarchy of control levels, from the most effective to the least effective, are:

- Eliminate the risk (for example by not conducting the activity or a component thereof).
- Substitute the risk by using a different type of operation (such as dropping the swim leg in a triathlon and replacing with an additional run leg).
- Re-engineer by using guards or isolation tools (such as modifying a race course away from a hazardous area).
- Administrative controls such as policies and procedures.
- Personal protective equipment (such as wearing high visibility clothing or a helmet).

A simple approach to assessing how effective a control measure may be is to re-assess the risk level (as previously described in this document) assuming the proposed control measure is in place. This provides you with a 'net' risk level. You can compare this score with your initial risk assessment (often referred to as 'gross risk'). If the net risk score is lower than the gross risk score, this indicates the control measure, if applied how you intend, may be effective in reducing the risk.

You can also observe control measures in the field to determine their effectiveness in reducing risk. This is a highly worthwhile exercise to conduct for higher rated risks and can ensure you minimise the risk of blind spots. A 'blind spot' is where you believe you have effectively managed a risk but in real terms, the control measure is ineffective and therefore you remain exposed to significant intolerable risk.

Having an awareness of the effectiveness of the control measures is an important component in risk management. Having fewer, highly effective controls is generally a better approach than having a large range of control measures that are ineffective. Where control measures are shown to be effective, it is often much easier to generate end-user compliance, because individuals can understand why the control measure is in place and therefore value it.

## **Step Six: Communicate and consult**

While many event organisers work tirelessly to develop a comprehensive and robust event risk management plan, in real terms, the key factor that will determine how safe participants, officials, employees, volunteers and spectators remain is the behaviour in practice of these groups of individuals. Your aim is to have maximum alignment between a comprehensive risk management plan and the observed behaviours of all event stakeholders with regard to safety and risk management.



In order to generate strong alignment among the event stakeholders, it is important that you engage with these stakeholders throughout the development of your event risk management plan. This ensures stakeholders have a say and feel like part of the solution, but more importantly, it provides a broader range of views, perspectives and thinking to ensure a greater quality of risk management planning.

The types of stakeholders that you may need to communicate and consult with include:

- Senior management of the organisation staging the event
- Event sponsors
- Event employees
- Event suppliers
- Local territorial authority (such as the local and/or regional council)
- Participants
- Event officials
- Event volunteers
- Spectators
- Members of the public
- NZ Transport Agency (where state highways may be impacted by the event)
- NZ Police
- Local emergency services (such as Ambulance, Fire, Coastguard Unit or Surf Life Saving Club)
- Risk management and/or safety professionals

Examples of techniques that you can use to communicate and engage with these groups throughout the risk management planning and execution process include:

- Pre, during and/or post event surveys regarding safety and risk management
- Entry forms
- Planning workshops (such as risk identification or analysis workshops)
- Safety briefings with participants, volunteers and officials
- Websites, newsletters, advertisements
- Stress-testing (such as undertaking various scenarios with safety personnel)
- Providing information via letterbox drop to local residents
- Signage onsite

It is critical that you communicate the event risk management plan to everyone who is responsible for carrying out its control measures, or whose cooperation or involvement you need for the risk management plan to be successful. Effective communication helps ensure everyone is clear on personal roles and responsibilities. It is useful to document a communication plan that outlines who you need to communicate with about which risks.

### Tips:

- It is easy to miss vital information when delivering a race briefing. We recommend that you read out written material for verbal briefings and keep a record of the briefing content to ensure consistency and ensure all key points are communicated.

- Present key information in several ways, for example, in print, online, during briefings and on event signage.

## Step Seven: Monitor and review the risks

Ongoing risk monitoring is important throughout the event planning and execution process so that you can respond to any issues or changes. Risk monitoring involves observing a risk over time to detect if the context of the risk or the risk level has changed. It also helps you to ensure that control measures are in place and are effective.

It is important to understand the performance of control measures as many risks are dynamic and will change. Keeping an old control measure in place with a risk that has evolved can become a blind spot and surprise you unexpectedly. Techniques to monitor risks include regular observations, and gaining feedback from people who may be impacted by the risk.

Effective risk monitoring ensures your risk management practices stay up to date and fit for purpose. In addition to ensuring you maintain a safe and healthy event environment, demonstrating your proactive monitoring practices can strengthen your level of legal compliance.

### Monitoring and review strategies

During the planning stage, and particularly while the event is being delivered, it is useful to:

- appoint a team member(s) to undertake audits on the event site to check that the actual behaviours and practices being observed are consistent with the documented risk management plan
- appoint a team member(s) to undertake risk assessments on the event site to see if there are any new risks that have emerged which may not have been considered
- collect any data regarding near miss, minor or major incidents that may have occurred and check the actual incident against the probability rating for the risk – it may need to be adjusted
- take corrective action where behaviour is observed which is not consistent with pre-agreed and communicated expectations
- conduct 'silent scenarios' where you think about different situations that could occur and how effective your plan may be to respond - if you detect gaps, take steps to ensure any vulnerabilities are offset with additional control measures including communication and consultation with key stakeholders
- update documentation and any other aspects of your risk management plan as necessary
- engage with a range of people on site and check whether they can see any risks or have any safety concerns

## Continuous improvement

After the event, hold a debrief on all areas of the event including the risk management plan. To ensure quality information and that an evidence base underpins the debrief you can:

- survey participants and officials
- survey spectators/supporters
- have key officials/management provide written reports
- assess written or verbal feedback
- review media coverage

It is important you document recommended enhancements using a continuous improvement register. This is simply a document which includes any safety related enhancements that need to be made for the next edition of the event (or other events). It is useful to record what the proposed improvement is, the rationale for why it should be implemented, who is responsible for implementing the enhancement and the status of it (e.g. mark off as 'complete' once it is implemented).

## Other event risk management considerations

### Participants' responsibility for risk

If you expect participants to accept responsibility for some of the risks, you must make this very clear to the participants. Please note it is not considered as 'reasonable' to pass on all risks to participants and, as the event organiser, to not take all practicable steps to ensure the risks related to the event are managed to levels as low as reasonably practicable.

It is essential to:

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

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

### Waivers and disclaimers

You may be able to overtly communicate the risks by using waivers and disclaimers to tell participants of the potential consequences of the activity, and make them aware they have certain responsibilities.

If properly used, waivers and disclaimers are an effective way to *emphasise* that an activity has potential risks and is not to be undertaken lightly. You must not use waivers and disclaimers to off-load risks that are your responsibility or any statutory obligations you maintain such as compliance with the Health and Safety at Work Act (2015).

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

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

### **Document all risk management actions**

Your risk management plan must clearly document the risks you have anticipated and the control measures you have selected, who is responsible for carrying them out and any other requirements. Also note any reporting requirements (such as notifying WorkSafe NZ in accordance with health and safety legislation).

You should always consider that in the event of a serious or fatal incident occurring as a result of the event operation, you will be required to demonstrate you have taken reasonable steps to manage risks associated with the event. Keeping good quality written records can make this process quite straight forward and minimise the pressure and exposure associated with investigations by the police and regulator, coronial enquiries, and court proceedings.

### **Risk management considerations for events that impact on public roads**

When roads form part of the race route or venue, they become a fundamental risk factor in an event and are subject to a wide range of regulatory requirements. The bigger the scale of the event in regards to its interaction with roads (including spectator traffic congestion) the greater the risk implications for planning your event.

The methodologies and processes when considering risks associated with roads are the same as any other event risks previously covered in this document. We highly recommend that you follow the ISO31000:2009 risk management process. This section has been prepared to offer supplementary and specific guidance to those event organisers who may be involved with events that impact on roads.

The safety of participants, spectators, staff, volunteers and the public depends on you having a comprehensive and logical approach to road risk management. For specific information, contact your local road controlling authority, territorial authority or the NZ Transport Agency.

## Getting a permit

When you're using a public road for all or part of your event, the relevant Road Controlling Authority (RCA) becomes a key stakeholder in your event. All RCA's have a duty to safely manage the use of their road network, which includes city and district councils and the NZ Transport Agency (NZTA).

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

Under a permit, participants do not need to follow speed restrictions, road signs at intersections or other road rules for the specified section of the road. As the event organiser, you are still required to consider all risks and ensure you have control measures in place to ensure risk levels are as low as reasonably practicable. If the event does not require a partial or full road closure, there is no need to apply for a permit.

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

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

The COPTTM also suggests temporary traffic layouts to warn other road users. To find out more about applying for a road permit, contact your local RCA or NZ Transport Agency.

## Obtaining a compliant Traffic Management Plan (TMP)

As a general guiding rule, if you are running an event that may:

- A. affect vehicle or pedestrian traffic,
- B. increase traffic to a specific area,
- C. require a road or footpath closure, or
- D. require road signs

then you may require a TMP in order to obtain a permit. To understand if your event needs a traffic management plan, the first point of contact is the relevant RCA.

If your event is deemed to require a professional TMP, you must engage an authorised provider to provide this service for you. The relevant RCA will be able to provide you with a schedule of authorised providers.

We recommend that you approach your RCA and submit a professional TMP a minimum of ten (10) weeks prior to your event date. For larger events, you should extend this timeline beyond six months or even a full year prior.

The traffic management provider you engage will prepare a professional TMP on your behalf. The plan will include the location of all relevant:

- structures,
- equipment,
- facilities,
- assembly areas,
- event or filming areas, and
- other facilities, including (without limitation) signs, cones, marshals, vehicles, parking restrictions, road closure details and access for the mobility impaired, emergency vehicles and public transport.

The plan will also indicate how many qualified traffic management personnel will be active in the event precinct. In some situations, the RCA and/or the NZ Police may require further details to be included in any plan.

Please note the costs associated with obtaining a professional TMP will generally be met by you as the event organiser.

## Evaluating road related risks

When you are using roads as part of your event, you need to assess the probability, impact and risk level associated with an adverse incident occurring.

The level of road specific risk is influenced by factors such as:

- Type of road and road surface
- Nature of event including equipment being used and number of participants
- Level of change to normal road use
- Route and time of day
- Variability of environmental/weather conditions

The probability of an adverse incident is highest where roads are busy and speeds are high.

Wherever possible, at an early stage of planning, aim to use roads with the lowest number of other users and lowest speeds. RCAs monitor this data and may be able to provide you with these figures to assist with your event planning.

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

## Planning the safest route

You can do initial route planning with a map, but effective risk management demands that the route is also travelled in person, often multiple times.

Travel the proposed route looking for hazards such as:

- Pedestrians and cyclists not involved in the event
- Pedestrian crossings
- Schools, churches, shops and other facilities
- Sharp bends and restricted visibility issues
- Intersections – left and right
- Intersections with or without signage or traffic lights
- Roundabouts and dual carriageways
- Road surface issues
- One-way bridges
- Narrow roads
- Travel peaks – aim to avoid these

## If you don't require a RCA permit or authorised TMP, decide how to best handle road related hazards

If you are organising an event that will be conducted on a road, you will almost certainly require some traffic control using control measures such as road cones and traffic signs.

Traffic management involves managing significant hazards and risks which present extreme impacts if not managed effectively. We recommend you seek guidance from a qualified traffic management planner when developing your event risk management plan.

Because the risk level may not be able to be reduced to acceptable levels, you may need to re-route sections of the course. If you can, get feedback from other event organisers before finalising your route and/or plan.

## Important considerations

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

## Sport events

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

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

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

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

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

## Cycling events

In addition to the requirements outlined above, traffic management for cycling and other high-speed events may require a range of solutions, such as:

- Static traffic management for start and finish areas and race transition points.
- Full road closures are needed for criterium events.
- A mobile operation for a large race, for example, with a lead pilot vehicle and following vehicle.
- For a small club cycle race, briefing participants that normal road rules apply in addition to warning signs at critical points may be adequate (subject to your event risk management plan).
- Marshals with stop/go paddles/signage for intersections and pedestrian crossings.
- Some specific arrangements for spectator and support teams including documented protocols regarding how support teams may access their 'rider' without creating other safety risks.
- Mass participation rides need careful planning, with marshals/signage at start/finish and intersections. A briefing of participants, carefully describing the rules that must be obeyed, is essential.

For further information about conducting sport and recreational events on public roads, contact your local road controlling authority, territorial authority or NZ Transport Agency.

## Relevant legislation for event risk management

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



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

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

In terms of risk management, there are statutory obligations that you must meet and common law duties that apply to everybody. We discuss these statutory and common law issues in more detail below.

Because this summary is of a general nature, you may need to view specific wording of statutes, seek specific legal advice from a lawyer and check that laws have not been amended. The material in this publication is current as at June 2016.

## Common law

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

The common law imposes a general duty on everyone to take reasonable care to avoid causing injury or harm to people and property. Failure to act reasonably in any circumstance may amount to negligence in the sport and recreation context.

Generally, there are five elements required to prove negligence:

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

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

It is important to bear in mind that New Zealand operates a no-fault accident compensation scheme. This generally means people cannot sue for personal injury caused by accident and prohibits an injured person from recovering

compensatory damages for personal injury. However, in rare and limited circumstances, a person may be able to sue where someone has demonstrated an “outrageous and flagrant disregard for safety”.

This is known as a claim for exemplary damages, which in effect is a punishment for disregard for safety. These types of cases are few in number and rarely successful. There is also limited potential for claims in respect of mental injury or nervous shock.

The ACC legislation does not cover loss of, or damage to, property. You should consider appropriate insurance to minimise the effect of any such claims (such as public liability cover).

Regardless of the complexities of the common law and the laws of negligence, you should always bear in mind that you will owe a duty of care to persons involved in any sport or recreation event you have organised. That duty of care will extend to taking reasonable steps to manage risks to levels as low as reasonably practicable for everyone, including participants, officials, bystanders and their respective property.

## Health and Safety at Work Act 2015

You should be fully aware of your obligations under the Health and Safety at Work Act 2015 (the Act). You should particularly be aware of your obligations to any workers (which include any paid employees, volunteers, officials, marshals, contractors and hired labour) who may be involved in the organisation and staging of the event.

In the context of the Act relative to sport and recreation events, the organisation who owns or governs the event is generally considered to be a ‘Person Conducting a Business or Undertaking’ (PCBU). Any directors or managers of the PCBU (including the CEO and Event Manager) are considered ‘Officers’ under the Act and must exercise due diligence in ensuring health and safety risks are managed to levels as low as reasonably practicable.

Officers must each take reasonable steps, in the context of the event, to:

- a) *acquire and keep up to date, knowledge of work health and safety matters; and*
- b) *gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations; and*
- c) *ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and*
- d) *ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and*
- e) *ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under health and safety legislation; and*

- f) *verify the provision and use of the resources and processes outlined in 'a' to 'e' (above) are being delivered in practice.*

There are significant penalties including fines and imprisonment if 'Officers' are deemed guilty of not exercising due diligence with regard to health and safety under the Act.

For any specific questions or queries regarding how the Health and Safety at Work Act (2015) may affect you or your event, contact WorkSafe New Zealand (NZ's health and safety regulator) for guidance. Visit [www.worksafe.govt.nz](http://www.worksafe.govt.nz) for more information and guidance regarding health and safety legislation.

## Crimes Act 1961

The Crimes Act 1961 (the Act) applies to everyone. In particular, you should consider the following sections:

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

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

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

If you provide clear, appropriate and up-to-date information to participants and take all reasonable steps to ensure a participant's safety (such as applying the risk management process outline in this document), then there is lower probability of prosecution under the Act. The safety imperative remains regardless of the possibility of prosecution under the Act.

You should also expect that if a serious injury occurs, the police and regulator will conduct a thorough investigation. You should keep a thorough record of the means by which all reasonable care was taken, such as an event risk management plan aligned to ISO31000:2009.

## Resource Management Act 1991

The Resource Management Act 1991 (the Act) classifies activities into six primary categories:

1. Permitted
2. Controlled
3. Restricted discretionary
4. Discretionary

5. Non-complying
6. Prohibited

In addition, there is a 'protected customary right' category applying to activities, uses or practices established in accordance with the requirements under the Marine and Coastal Area (Takutai Moana) Act 2011.

These different categories determine aspects such as:

- whether resource consent is required before carrying out the activity;
- what will be considered when making a decision on a resource consent application; and
- whether resource consent must, may or may not be granted.

Rules in regional and district plans determine within which category an activity falls. We recommend you contact the local territorial authority to discuss whether resource consent is required for the staging of your event.

In planning your event, be aware that if you require a resource consent then the application and hearings process can be lengthy and expensive. Remember the local territorial authority is the best place to start your inquiries concerning the possible impact of the Act on your proposed activity.

## **Local Government Act 2002**

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

The Act is of particular relevance to those whose event requires the closure of roads (for example marathons, triathlons, duathlons, cycling events and motor racing). The Act gives the territorial authority the power to stop or close any road or part of the road, subject to certain conditions, and to divert or alter the course of any road. If the territorial authority does not have jurisdiction over the particular road, then they can put you in touch with the relevant authority.

For more information, see the 'Risk management for events that impact on roads' section of this document.

## **Conservation Act 1987**

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

There is a particular provision in the Act that waives the need for a concession to be obtained for any recreational activity that does not provide a specific gain or reward for the organiser, whether the activity is pecuniary or otherwise. You should always check with your local Department of Conservation office before planning any activities involving the conservation estate.

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

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

Anyone organising an event in a conservation area must be aware of their responsibilities under this Act. The website for the Department of Conservation is [www.doc.govt.nz](http://www.doc.govt.nz).

## National Parks Act 1980

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

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

If you're organising an event in a national park you will need to consider the relevant park management plan as well as the need for permission and/or permits to conduct certain activities. Like the Conservation Act, there is a range of offences in the Act, which includes such things as:

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

If planning an event that may take place in a designated national park, you should refer to the Department of Conservation for guidance regarding permits and consents.

## Maritime Transport Act 1994

The Maritime Transport Act 1994 (the Act), amongst other things, establishes a body (previously known as the Maritime Safety Authority of New Zealand), which from 1 July 2005 is known as Maritime New Zealand. The Act has a wide objective

to undertake safety, security, marine protection and other functions to sustain the maritime transport system.

You may need to consider this Act in respect of any boating or similar maritime activities. Yachting, boating, coastguard, surf life saving, water safety and other organisations will generally have extensive knowledge of the relevant considerations in the marine environment.

The Maritime New Zealand website is [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz).

### **Marine Reserves Act 1971**

You need to be aware that marine-based events could be affected by the Marine Reserves Act 1971. Under this Act, marine reserves must be maintained in their natural state, with the public having no right of entry. As of June 2016 there are 44 marine reserves in NZ territorial waters.

Subject to any specific regulation, section 23 does allow any right of navigation through or across a marine reserve to be unaffected. There is no right of anchorage except in the case of emergency.

These reserves are managed by the Department of Conservation.

### **Civil Aviation Act 1990**

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

Unmanned Aerial Vehicles (UAVs), alternatively known as drones, unmanned aircraft or Remotely Piloted Aircraft Systems (RPAS) are rapidly gaining in popularity, both for commercial and recreational use. For events, they are being used a range of ways — in photography, television broadcast, hazard and risk monitoring, and search and rescue work.

New safety rules came into force in New Zealand for UAVs on 1 August 2015. These new rules are relatively flexible, allowing for the growth of fast developing technology, while retaining safety as a key priority. UAV rules are risk-based, which means they consider the safety risks of an operation, rather than the purpose of the operation (e.g. recreation or commercial).

Our rules do not distinguish between commercial and recreational operations. You should be aware that the use of UAVs at events where the UAV may operate beyond the line of sight needs to be certificated to do so by the CAA. Operators

need to satisfy the CAA they have a plan in place to effectively manage the safety risks of having their drone go beyond their line of sight.

For further information, refer to the Civil Aviation Authority of New Zealand website [www.caa.govt.nz](http://www.caa.govt.nz) .

## **Fair Trading Act 1986**

If you have your own business in which you are contracted to supply goods or services then you should be aware of the Fair Trading Act 1986 (the Act). It is a business law which regulates misleading and deceptive conduct, consumer information, and the safety of products and services.

In the services area, a requirement under section 11 is that no person in trade may engage in conduct that is liable to mislead the public as to the nature, characteristics and suitability for a purpose or quantity of services. A similar offence exists under section 13 where it is illegal to make a false or misleading representation that services are of a particular kind, standard, quality or quantity, or that they are supplied by a particular person or a person of a particular trade, qualification or skill.

You need to be aware that if you represent yourself or your staff as having a particular level of qualification or training, then the activities need to be undertaken by the person who meets such specifications. The obligations under the Act extend to representations about price and to claims that services have sponsorship, approval or endorsement. In addition to exposure to fines for offences under the Act, you can also be exposed to claims for damages by those affected.