

**A Risk Management Framework for The Confederation
of Bushwalking Clubs NSW Inc**

Author: Confederation of NSW Insurance/Legal Subcommittee

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Final

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Disclaimer:

This document is intended to assist bushwalking clubs to systematically apply risk management to all their activities. The Confederation of Bushwalking Clubs NSW Inc. does not accept responsibility for errors or omissions in this document or for the manner in which the information contained in this document is interpreted or implemented.

EXECUTIVE SUMMARY

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The purpose of this document is to formulate a recommended list of risk management practices and to establish a code of best practice for bushwalking clubs who are members of The Confederation of Bushwalking Clubs NSW Inc. This need has arisen from legal advice obtained by the Confederation which highlights deficiencies in the area of risk management for the Confederation and its member clubs.

Risk management is a term with different meanings for different people so it is important that the term be defined and understood. In the simplest of terms risk management when applied to bushwalking and other related activities is how we exercise our duty of care to fellow members and others around us in order to minimise the risk of personal injury and loss or damage to property. Risk management also requires that systems and procedures are in place to ensure that we keep our risk management practices up to date based on the experiences of our member clubs. It is an ongoing process.

The intention of this document is to

- Establish a risk management framework which can be adopted by the Confederation and its member clubs
- Formulate standard documents
- Formulate standard procedures to be followed by member clubs
- Formulate standard reporting procedures to be followed by member clubs
- Complement the Confederation's Bushwalkers' Code (revised February 2004) which covers ethical considerations

The legal advice obtained by the Confederation makes certain recommendations which member clubs and the Confederation should adhere to in order to minimise the risk of law suits and to provide a standard for all clubs to follow.

In the absence of a consistent set of guidelines to prove what generally accepted practice in bushwalking clubs is, there is a risk that an external standard would be used as the benchmark for acceptable practice by external parties such as land managers or the courts.

The risk management processes set out in this document are the minimum that prudent bushwalking clubs should adopt. To minimise the risk of law suits and for the good governance of your club and the protection of your club members who participate in your activities it is **STRONGLY RECOMMENDED** that the risk management processes in this document be implemented as soon as possible.

NOTE : This document deals with legislation and case law in NSW only. Clubs outside NSW need to obtain their own legal advice.

***THE ROLE AND SCOPE OF RESPONSIBILITIES
OF THE CONFEDERATION AND MEMBER CLUBS***

The role and scope of responsibilities of the Confederation and member clubs is defined as:

Body	Area of risk to manage	Responsibilities
Confederation	Strategic approach to risk management	<p>Set documented standards and guidelines for risk management</p> <p>Set up standard reporting systems and collate information provided by member clubs when required</p> <p>Maintain the standards and guidelines for risk management and update when necessary</p> <p>Provide guidelines for the training of member club leaders</p> <p>Determine minimum leader and walker guidelines</p>
Member Clubs	Manage risks for club activities including practical application of Confederation guidelines & processes.	<p>Comply with Confederation risk management and reporting requirements</p> <p>Use documented procedures and standard forms</p> <p>Provide encouragement and assistance to leaders when necessary</p> <p>Provide input to Confederation on suggested improvements to risk management practices</p>
Leaders	Manage risks on individual trips	<p>Assess risk relating to trip</p> <p>Comply with club and Confederation requirements.</p>
Participants	Assist leader to manage risks on individual trips	<p>Assist leader to assess risk relating to trip</p> <p>Assist leader to comply with club and Confederation requirements.</p> <p>Be responsible for your own safety.</p>

The legal advice obtained by Confederation recommends the use of standard documents and procedures in order to minimise the risk of law suits and ensure a basic standard is met. It is acknowledged that many member clubs have their own forms and procedures but in some instances their content may not provide adequate protection from litigation for the member club.

Confederation believes it is necessary to have a standard set of forms and procedures for use by member clubs. This will ensure consistency.

Attached are standard

- Leader Guidelines
- Walker Guidelines
- Risk Waiver Forms
- Child Protection Policy
- Incident Report Form.

LEADER/ WALKER GUIDELINES

Various clubs have documented leader and walker guidelines. While these documents are admirable in intent, their content is not always consistent. Confederation recommends that the Leader and Walker Guidelines (Appendices 1 and 2 respectively) attached to this document be the basis for clubs to either adopt in their entirety or else be used as a minimum for developing their own Leader and Walker Guidelines.

Where Confederation does not presently have guidelines for Risk Management for activities other than bushwalking, Confederation will work with clubs that have such guidelines and will select appropriate guidelines that can be used by other clubs on an interim basis until such time as Confederation is able to publish its own Risk Management guideline for those other activities.

The Confederation recommends that for safety reasons a minimum of three persons be on a Club activity in order for it to be considered an official Club activity.

RISK WAIVER FORMS

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Many member clubs require a Risk Waiver to be signed by members as part of their Membership Application and /or before participating in a club activity. A consistent approach across clubs should be adopted in light of legal advice obtained by the Confederation on best practice.

It is therefore recommended a Risk Waiver be included as part of the membership application for all new members. It is also necessary that a Risk Waiver be signed by all existing members and it is suggested that this be attended to when existing members are next renewing their membership.

In addition a Risk Waiver should be included on the Activity Sign-On Form required to be signed by participants prior to the commencement of an activity. The Risk Waiver used on the Activity Sign-On Form should highlight any known additional risks associated with that activity.

Where member clubs accept persons under the age of 18 years as members of their club or agree for such persons to join in club activities, the parent/guardian of the child should sign the Risk Waiver (see Appendix 5) at the time the membership application is completed or when the child is participating in a club activity for the first time as the child does not have the legal capacity to sign. No child should attend a club activity unless the Risk Waiver (Appendix 5) has been signed.

Once the Risk Waiver has been obtained then the child can participate on a club activity as long as an adult takes direct control of the child during the particular activity and who has undertaken in writing to be responsible for the child (see Appendix 6).

This procedure should also be followed for other members or temporary members of the member club who cannot understand the implications of the Risk Waiver. No member or temporary member can sign the Risk Waiver unless they comprehend the implications of the Risk Waiver.

Forms which contain the Risk Waiver should be retained by clubs in a safe place for at least 3 years if the members or temporary members are adults and in the case of children, 3 years from when the child turns 18 years. The date of birth of each child needs to be recorded for this purpose. This is to ensure the forms are retained in the event of legal proceedings being commenced. In the event of an accident legal proceedings for children can be commenced up to 3 years after the child reaches 18 years and for adults up to 3 years after the accident.

A Standard Risk Waiver form to be included as part of club membership application forms is attached and marked Appendix 3.

A Standard Risk Waiver form to be included on member clubs' Activity Sign-On Form is attached and marked Appendix 4.

A Standard Risk Waiver form for children on joining or taking part in their first club activity is attached and marked Appendix 5.

Risk Waiver form to be signed for children by the adult taking responsibility for them on an activity is attached and marked Appendix 6.

CHILD PROTECTION GUIDELINES

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The Confederation and its member clubs acknowledge that there is a legal and moral responsibility to create an environment where children can participate in an activity and be safe from any form of abuse. This is applicable regardless of the number of child members a member club has, the number of children attending a particular activity or the type of activity. A child is a person under the age of 18 years.

Child protection is about keeping children safe from abuse and protecting them from people who are unsuitable to work or interact with children. Child protection in sport and recreation enables children to participate in activities that are an integral part of their culture without being exposed to individuals who can damage their development and, in some instances, take away their ability to enjoy the future.

Accordingly the Confederation has developed a Child Protection Policy which is set out in Appendix 7.

The attached Child Protection Policy is based on current NSW legislation and on recommendations made by the Department of Sport and Recreation. Legislation in NSW has been introduced to prohibit persons found guilty of sex offences from working and interacting with children. As the legislation applies to volunteers the Confederation has obtained legal advice that the legislation applies to the Confederation and its member clubs.

All member clubs who have children attending their activities, regardless of the number, are required to adopt a Child Protection Policy which is to be circulated to their members and have leaders of activities on which the child/children will attend, sign the Prohibited Employment Declaration. The Declarations are to be retained permanently by the nominated Child Protection Officer. Failure to do so may result in a \$10,000 fine being incurred.

The Confederation recommends that each member clubs' Child Protection Officer attends one of the free seminars organised by the Department of Sport and Recreation and obtain legal advice to ensure that they comply with the legislation.

The Confederation Policy on Child Protection is attached and marked as Appendix 7 and the Prohibited Employment Declaration is attached and marked as Appendix 8.

INCIDENT REPORT FORM

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In the event of an incident/accident occurring on a club activity, the Incident Report Form should be completed by the leader and forwarded to the club's executive committee for attention as soon as practicable after the incident/accident. This is to ensure that the timelines as set out in the Confederation's insurance policies are complied with by the member club.

An incident is one where an event takes place which may result in a claim being made. An accident is one where a person is injured. A serious injury is one requiring medical attention.

A Standard Incident Report form is attached and marked Appendix 9.

REPORTING SYSTEM

It is recommended a system of reporting on club activities be introduced by member clubs whereby an overall profile of club activities and number of participants is developed. The report should also include information where appropriate on details of any incidents and accidents to learn from them and policies put in place to minimise further accidents occurring.

The report should be prepared from reference to the Activity Sign-On Form and presented at each executive meeting of the member club and action taken if necessary.

The information will be needed for the annual insurance questionnaire distributed by the Confederation.

A draft standard reporting form is attached and marked Appendix 10.

GRADING SYSTEM

It is recognised that all clubs have a walks grading system. The grading systems in use differ and while uniformity is desirable it is not essential. Clubs have such a differing range of activities and ways of grading which are all appropriate. The Grading System in use suits the requirements of the club, and is familiar to and workable for its members. It is therefore recommended clubs continue with whatever system suits their needs.

For the guidance of Clubs a sample grading system is attached and marked as Appendix 11.

LEADER TRAINING

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Leaders are an invaluable asset as they volunteer their time and experience to benefit the members of their club. Without their efforts clubs could not offer the wide range of activities that many clubs do.

The level of skills and understanding of the principles of risk management by club leaders is critical. Club leaders are not professionals. They are volunteers and many leaders emerge through a desire to share with others their own experiences. They are the experienced walkers who are the backbone of the club.

Consequently setting minimum standards for leaders is an issue that needs to be approached with great sensitivity.

The Confederation acknowledges there is a need for a basic standard to be developed for the training of leaders to minimise the risk of law suits and recommends the basic standard be:

- An experienced leader or club member to act as mentor to new or inexperienced leaders
- Map reading skills appropriate for the style of walk being led. This could range from the ability to follow a simple sketch map or street directory for short well sign posted walks to the ability to navigate with topographic map and compass in more remote areas
- A current first aid certificate or basic first aid knowledge
- Ability in people, group, time & incident management & adaptability in changing plans when unexpected circumstances occur
- Adherence to Confederation's Bushwalkers' Code (revised February 2004) for minimal impact bushwalking guidelines

Member clubs should maintain a register of leaders providing details of their experience.

PLANNING A WALK

1. Provide an accurate description of the walk, including the activity grade and forward the details to the walks co-ordinator or committee for approval.
2. Pre-walk the route if possible taking note of any potential risks and morning tea and lunch spots. If the walk is 'exploratory' plan the walk from reference to the map or by reference to other information sources.
3. Have an alternate plan in case of unforeseen circumstances. eg. flash flooding, track erosion, transport changes etc.
4. Choose areas and walk levels that are within your capabilities as a leader.
5. Clearly describe potential hazards to all intending participants and exclude any participant who in the leader's judgement may have difficulty completing the planned activity.
6. Leave comprehensive details of the walk with a reliable person including instructions on what to do if you do not return at the expected time.
7. A few days prior to the walk check transport details if applicable, expected weather conditions and in summer, fire conditions, park closures etc.

PRIOR TO THE START OF AND DURING THE WALK

1. Ensure a map, compass, first aid kit and any other equipment appropriate for the planned activity are brought on the activity.
2. Ensure all participants complete the sign on sheet which includes the Risk Waiver form.
3. Hold an introductory circle prior to setting out and advise details of the walk including expected terrain, distance, possible hazards, expected return time etc. and that all participants have the requisite experience, equipment and fitness for the activity. The leader has the right to refuse participation to any persons they consider may present a risk to themselves or other participants or do not have the necessary skills for the activity.
4. Ascertain if anyone is carrying a mobile phone, GPS or EPIRB for emergency use and whether any participants have a first aid certificate and/or medical training.
5. When relevant, ensure car is secured, lights off and keys securely put away.
6. Ensure everyone has adequate food & water, at least one litre for a day walk (& more as required for overnight trips). In hotter conditions carry 2 litres or more.
7. Have a reliable person act as 'tail' for the group and advise participants not to fall behind this person for any reason without advising the 'tail'. Ensure you maintain a line of sight with the participants.
8. On track walks, appoint a person to wait at track junctions to ensure nobody goes the wrong way. Carry out regular head counts to ensure you have everyone.
9. Have regular drink and rest breaks and allow walkers to regroup.
10. Manage the group, & monitor any unexpected hazards. Ensure everyone is comfortable with the pace and conditions. Remember it is easier for fast walkers to slow down rather than slow walkers to speed up.

AT THE END OF THE WALK

1. Ensure that all participants have arrived at the finishing point, & that all vehicles will start before anyone leaves.
2. Forward the completed sign on sheet including reports of any incidents/ accidents to the walks co-ordinator or committee.
3. Contact the person with whom trip details were left to inform them of return.

PRIOR TO WALK

1. Ensure that you are fit enough for the degree of difficulty of the walk. If in doubt discuss with the leader well prior to the walk.
2. Arrive at starting point on time.
3. Carry sufficient water for conditions of walk, generally a minimum of one litre, or two litres or more in hotter conditions.
4. Ensure you are suitably equipped including first aid kit, sunscreen, hat, food, rain gear, whistle, torch and appropriate clothing and footwear. A map and compass may also enhance your enjoyment of the walk.
5. Ensure you complete the sign on sheet after reading the Risk Waiver and noting any risk warnings.
6. Remember to bring a sense of humour and adventure. Our leaders are all volunteers so please remember to be patient and kind.

DURING THE WALK

1. Follow the leader's instructions. Remember your leader has your welfare at heart. Be courteous, co-operative and helpful to other walkers in the group. Follow Confederation's Bushwalkers' Code.
2. Generally you should not leave the walk early unless pre-arranged, but if it is necessary you must advise the leader and if requested, sign off on the activity sign on sheet. You must accept a leader's decision to send someone with you to accompany you out.
3. Do not allow yourself to become separated from the group. If experiencing any difficulty such as pace, blisters, shortage of water, advise the leader immediately. Participants should maintain a line of sight with people in front and behind them.
4. Car pooling is recommended. Contribute to car costs if you are a passenger in another member's vehicle.
5. It is your responsibility to allow sufficient distance between yourself and the walker in front so that you are not injured by branches flicking back.
6. Do not leave the track, if on a track walk, or fall behind the person appointed 'tail' for any reason without advising the 'tail'.

AT THE END OF THE WALK

1. Ensure the leader is aware you have made it to the end.
2. Remember to thank the leader.

RISK WAIVER ON MEMBERSHIP APPLICATION FORM

This should be incorporated in the club’s membership application & MUST be signed. New members should sign this when joining a club. Existing members should sign now or when next renewing membership.

..... (Name of Club)

In voluntarily participating in any activity of

..... (name of club)

I am aware that this may expose me to risk that could lead to injury, illness or death or to loss of or damage to my property.

Those risks may include but are not limited to slippery and/or uneven surfaces, rocks being dislodged, falling at edges of cliffs or drops or elsewhere, risks associated with crossing creeks, hypothermia and heat exhaustion.

To minimise these risks I will endeavour to ensure :

That any activity in which I participate is within my capabilities and that I am carrying food, water and equipment appropriate for the activity. I agree to advise the activity leader if I am taking any medication or have any physical or other limitations that might affect my participation in the activity.

I will make every effort to remain with the rest of the party during the activity and accept the instructions of the leader of the activity.

I have read or heard and understand these requirements; I have considered the risks before choosing to sign this form. I still wish to participate in the activities of(name of club).

I agree by signing this form to waive any claim for damages arising from this activity that I may have against the club, the leader or other participants in tort or contract.

Signed:

.....(PRINT NAME)

..... (DATE)

RISK WAIVER FORMS

APPENDIX 5

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RISK WAIVER FOR A CHILD ON THE CLUB MEMBERSHIP APPLICATION FORM OR BEFORE THE FIRST CLUB ACTIVITY

(To be signed by parent or guardian before FIRST activity with club)

..... (Name of Club)

I am the parent/guardian of (name of child)

whose date of birth is / / .

I consent to..... (name of child)

participating in the activities of (name of club)

I understand that (name of child) may be exposed to risks that could lead to injury, illness or death or to loss of or damage to my child's property.

Those risks may include but are not limited to slippery and/or uneven surfaces, rocks being dislodged, falling at edges of cliffs or drops or elsewhere, risks associated with crossing creeks, hypothermia and heat exhaustion.

To minimise these risks I will endeavour to ensure:

That any activity in which (name of child) participates is within his/her capability, that she/he is carrying food, water and equipment and wearing clothing and footwear appropriate for the activity, that she/he will obey the directions which are given by the leader. I will advise the activity leader if the child is taking any medication or has any physical or other limitations that might affect his/her participation in the activity.

I have read or heard and understand these requirements; I have considered the risks before choosing to sign this form. I still wish (name of child) to participate in the activities of (name of club) I agree by signing this form to waive any claim for damages arising from this activity that I or my child may have against the club, the leader or other participants in tort or contract.

My consent is binding on (name of the child)

Signed: (PARENT/GUARDIAN)

.....(PRINT NAME)

.....(ADDRESS)

.....(PHONE)

..... (DATE)

RISK WAIVER FORMS

APPENDIX 6

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RISK WAIVER FOR A CHILD TO BE COMPLETED WITH THE SIGN ON SHEET BEFORE AN ACTIVITY BY THE ADULT RESPONSIBLE FOR A CHILD

..... (Name of Club)

.....(Name of Walk/Activity)

I (name of person)
am over the age of 18 years and undertake to be responsible
for (name of child)
whose date of birth is / / .

I have been authorised to be responsible for (name of child)
by the child's parent/guardian.

I understand that (name of child)
may be exposed to risks that could lead to injury, illness or death or to loss of or damage to
the child's property.

Those risks may include but are not limited to slippery and/or uneven surfaces, rocks being
dislodged, falling at edges of cliffs or drops or elsewhere, risks associated with crossing
creeks, hypothermia and heat exhaustion and
(Leader to insert any known additional risks for the day.)

To minimise these risks I will ensure that (name of child)
will obey directions which are given by me and the leader of the activity. The activity is
within the child's capabilities and she/he is carrying food, water and equipment and wearing
clothing and footwear appropriate for this activity.

I do not believe that the child is taking medication or has limitations which will prevent the
child from successfully completing this activity.

If the child is unable to complete the activity or is having difficulties then I undertake
to notify the leader and make arrangements if necessary to shorten the activity for the child. I
will make every effort to ensure that I and the child remain with the rest of the party during
the activity and accept the instructions of the leader of the activity.

I have read or heard and understand these requirements. I have considered the risks before
choosing to sign this Risk Waiver form. I still wish to join the activity with the child. I agree
by signing this form to waive any claim for damages arising from this activity that I or the
child may have against the club, the leader or other participants in tort or contract.

Signed: (DATE)

.....(PRINT NAME)

.....(ADDRESS)

.....(PHONE)

Draft Child Protection Policy for
The Confederation of Bushwalking Clubs NSW Inc

EXECUTIVE STATEMENT

The issue of child abuse is a complex problem that has an impact on all areas of society, including participation in sport and recreation activities.

The Wood Royal Commission into the NSW Police Service, led to increased community awareness of the significant number of child sexual assaults and incidents of abuse which occur. It also highlighted the need for the development and implementation of strategies to protect children from abusive situations.

Protecting children from abuse is a responsibility that we must all undertake. Through the implementation of strategies that assist in preventing child abuse from occurring, **The Confederation of Bushwalking Clubs NSW Inc** has taken a pro-active role in relation to child protection and intervention. These strategies will help to foster a safe and positive environment for children and young people to participate in physical activities.

In addition, the development of a Child Protection Policy provides the Confederation with an excellent risk management tool for developing prevention strategies and for the effective management of child abuse issues in activities undertaken by **The Confederation of Bushwalking Clubs NSW Inc**. The Child Protection Policy is designed to protect persons who are under the age of 18 years.

Information contained in this document will create a framework and provide direction for staff, volunteers, leaders, members and parents of children and young people involved in **The Confederation of Bushwalking Clubs NSW Inc**, and affiliated member clubs. It will help deliver a consistent approach to child abuse prevention at all levels of the sport and recreation industry.

President

Date

POLICY STATEMENT

The Confederation of Bushwalking Clubs NSW Inc is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in activities run by **The Confederation of Bushwalking Clubs NSW Inc** and its member clubs. **The Confederation of Bushwalking Clubs NSW Inc** aims to promote a safe environment for all children and to assist all staff, volunteers, leaders, and members to recognise child abuse and neglect and follow the appropriate notification procedures when reporting alleged abuse.

RATIONALE

The focus of the policy and guidelines is the prevention of child abuse in the sporting environment.

This policy and guidelines promote the care and protection of children participating in **The Confederation of Bushwalking Clubs NSW Inc** and provide information and direction for employees, volunteers, leaders and members of the organisation.

This policy will assist **The Confederation of Bushwalking Clubs NSW Inc** in establishing coordinated strategies for dealing with the problem of child abuse and neglect in a responsible, effective and consistent manner.

OBJECTIVES

Through the development of this policy **The Confederation of Bushwalking Clubs NSW Inc** objectives are to:

1. provide information to assist staff, leaders, members and volunteers in dealing with all forms of child abuse
2. provide comprehensive guidelines relating to risk minimisation and reporting/ notification procedures
3. provide direction to all staff , leaders, members and volunteers regarding their legal responsibilities under child protection legislation
4. promote the adoption of **The Confederation of Bushwalking Clubs NSW Inc** principles for child protection and intervention amongst staff, volunteers, leaders, members and parents of children participating in the Confederation's activities.

SCOPE OF POLICY

The Child Protection Policy of **The Confederation of Bushwalking Clubs NSW Inc** is applicable to all Committee members, staff (paid, voluntary, permanent or casual) , leaders and volunteers of **The Confederation of Bushwalking Clubs NSW Inc**, and its affiliated member clubs.

IMPLEMENTATION OF LEGISLATION

In order to implement the child protection legislation **The Confederation of Bushwalking Clubs NSW Inc** will undertake to:

1. implement strategies and procedures that focus on the best interests of children and meet the requirements of child protection legislation
2. promote a safe and supportive environment for all children and young people participating in activities which come under the umbrella of **The Confederation of Bushwalking Clubs NSW Inc**.
3. increase awareness and emphasise the importance of child protection issues in a sporting environment to all those involved with the activities of **The Confederation of Bushwalking Clubs NSW Inc**. This includes the Committee, leaders, member clubs, parents and their children.
4. ensure that all staff, Committee members, volunteers and leaders of **The Confederation of Bushwalking Clubs NSW Inc** are aware of their responsibilities arising from recent child protection legislation, in particular, the requirement under the Child Protection (Prohibited Employment) Act 1998, to inform their employer and/or club if they have been convicted of a serious sex offence.

EXPECTATIONS

Committee members, leaders, staff, members and volunteers often have a high level of contact with children in the sporting environment and play a major part in the successful operation of sporting activities.

Leaders and club members are often seen as role models. They have significant influence on the children they come into contact with and therefore have significant responsibilities.

The Confederation of Bushwalking Clubs NSW Inc expects that all Committee members, staff, volunteers and leaders whether paid or unpaid, who participate in activities under the banner of the Confederation will commit to implementing risk management strategies developed by **The Confederation of Bushwalking Club NSW Inc** for child protection and intervention.

POLICY REVIEW

The Confederation of Bushwalking Clubs NSW Inc Child Protection Policy will be reviewed annually and updated in line with any legislative changes that have significant impact on the manner in which child protection and intervention issues are to be dealt with.

Signed _____ Date _____
President

Notification Procedures for Allegations of Child Abuse

RATIONALE

The Confederation of Bushwalking Clubs NSW Inc acknowledges that issues regarding child abuse and the reporting of allegations of child abuse is highly sensitive, and should be dealt with in a confidential manner.

The Confederation of Bushwalking Clubs NSW Inc has developed these notification procedures to ensure that confidentiality is maintained throughout the process and that consistent procedures for reporting are encouraged.

The Confederation of Bushwalking Clubs NSW Inc will be proactive in its role to protect children and encourage an open environment that allows Committee Members, staff, volunteers, leaders and members whether paid or unpaid to be aware of their rights and responsibilities within the Confederation.

CHILD PROTECTION OFFICER/S

To deal appropriately with these issues and to ensure that the confidentiality of all parties involved is maintained, two people within **The Confederation of Bushwalking Clubs NSW Inc** will be designated as Child Protection Officers.

The Child Protection Officers are responsible for reporting any allegations of child abuse that occur in **The Confederation of Bushwalking Clubs NSW Inc** to the local branch of the Department of Community Services (DoCS), and the NSW Police Service. Member clubs are to set up their own Child Protection Policy and appoint Child Protection Officer/s who will advise the Confederation's Child Protection Officers of any allegations and confirm those allegations have been referred to the local branch of the Department of Community Services (DoCS) and the NSW Police Service.

Child Protection Officers:

Name: Margaret Covi

Position: President

Email: mcovi@fastlink.com.au

Name: Denise Kruse

Position: Insurance Officer

Email: d.kruse@bigpond.com.au

WHAT SHOULD BE REPORTED

Some incidents **may seem minor**, however, they may in fact reveal more serious concerns of misconduct or a pattern of behaviour that requires further scrutiny. All people associated with **The Confederation of Bushwalking Clubs NSW Inc** should be aware of the indicators for child abuse and sexual abuse so that they may make an informed decision on what to report.

If you have reasonable grounds to suspect that a child participating in any organised activities conducted by **The Confederation of Bushwalking Clubs NSW Inc** or its member clubs is at risk report the matter to the Child Protection Officers.

WRITTEN NOTIFICATION

Verbal notification of alleged child abuse must be followed up in writing within 24 hours to the local Department of Community Services using a child protection notification form.

INVESTIGATION

If an incident of child abuse occurs in **The Confederation of Bushwalking Clubs NSW Inc** or its member clubs it is not the responsibility of persons within **The Confederation of Bushwalking Clubs NSW Inc** or the member club to take it upon themselves to determine whether the allegation is true or false. This responsibility belongs with the NSW Department of Community Service and the Judiciary.

Depending on the nature of the allegations and the extent of the situation, the NSW Department of Community Service will determine the manner in which the matter will be investigated. This may involve the NSW Police Service.

CONFIDENTIALITY

All matters regarding allegations of child abuse are to be treated as confidential. The person/s designated as the child protection officer/s are the contact person for any incident involving allegations of child abuse. This is essential for confidentiality. Confidentiality protects all individuals involved:

- the alleged victim
- the alleged offender, and
- the person making the notification.

Commission for Children and Young People Act 1998

Under the **Commission for Children and Young People Act 1998**

The Confederation of Bushwalking Clubs NSW Inc is required to:

1. notify the Commission for Children and Young People of the name and other identifying details of any member against whom relevant disciplinary proceedings have been completed by **The Confederation of Bushwalking Clubs NSW Inc** irrespective of the findings (except where the allegation has been proven to be vexatious, mischievous or false)
2. provide details of child abuse allegations/ convictions against employees and leaders to the Commission
3. notify the Commission of any applicants for child-related employment, rejected as a result of risks identified through employment screening processes
4. ensure that records of all information required to be submitted to the Commission for Children and Young People are retained by **The Confederation of Bushwalking Clubs NSW Inc**.

Child Protection (Prohibited Employment) Act 1998

Under the **Child Protection (Prohibited Employment) Act 1998** **The Confederation of Bushwalking Clubs NSW Inc**

1. **will not** engage a person in a child-related position without first requiring them to disclose whether or not they are a 'prohibited person'
2. **will not** engage a person that has been identified as a 'prohibited person'.

CHILD PROTECTION (PROHIBITED EMPLOYMENT) ACT 1998

The Child Protection (Prohibited Employment) Act 1998 makes it an offence for a person convicted of a serious sex offence (a prohibited person) or a Registrable Person under the Child Protection (Offenders Registration) Act 2000, to apply for, undertake or remain in, child-related employment. It does not apply if an order, from the Industrial Relations Commission or the Administrative Decision's Tribunal, declares that the Act does not apply to a particular person.

Section 5 of the Child Protection (Prohibited Employment) Act 1998 defines a serious sex offence as an offence involving sexual activity or acts of indecency that was committed in NSW and that was punishable by penal servitude or imprisonment for 12 months or more even if the sentence was not served, or, an offence involving sexual activity or acts of indecency that was committed elsewhere and that would have been punishable by penal servitude or imprisonment for 12 months or more if it had been committed in NSW.

Child-related employment means any employment where at least one of the essential duties of the position, involves direct contact with children where that contact is not directly supervised. Section 1 of the Child Protection (Prohibited Employment) Act 1998 specifies that child-related employment is employment:

- involving the provision of child protection services
- in pre-schools, kindergartens and child care centres (including residential child care centres)
- in schools or other educational institutions (not including universities)
- in detention centres (within the meaning of the Children (Detention Centres) Act 1987)
- in refuges used by children
- in wards of public or private hospitals in which children are patients
- in clubs, associations or movements (including of a cultural, recreational or sporting nature) having a significant child membership
- in any religious organisation
- in any entertainment venues where the clientele is primarily children
- as a babysitter or childminder that is arranged by a commercial agency
- involving fostering or other child care
- involving regular provision of taxi services for the transport of children with a disability
- involving the private tuition of children
- involving the direct provision of health services
- involving the provision of counselling or other support services for children
- on school buses
- at overnight camps for children

Under this Act:

- it is an offence for a prohibited person to **apply for**, or **remain in** child related employment.
- employers must ask existing employees, both **paid** and **unpaid**, and preferred applicants for employment to declare if they are a prohibited person or not.
- All child-related employees **must** inform their employers if they are a "prohibited person" or remove themselves from child-related employment. A prohibited person is someone who has been convicted of a serious sexual offence or, who has had a finding for a charge of a serious sexual offence proven in court, even if a conviction was not recorded.
- penalties are imposed for non compliance.

I am aware that I am ineligible to apply for, or remain in, child related employment if I have been convicted of a "serious sex offence" as defined in the Child Protection (Prohibited Employment) Act 1998 or if I am a "Registrable Person" under the Child Protection (Offenders Registration) Act 2000.

I have read and understood the above information in relation to the Child Protection (Prohibited Employment) Act 1998 and understand my responsibilities and obligations under this Act.

I declare that I am not a person prohibited by the Act from seeking, undertaking, or remaining in child related employment.

Name (Block letters): _____

Signature: _____

Date: _____

Note: This form should be returned to your employer / potential employer

INCIDENT REPORT FORM

THIS FORM IS TO BE COMPLETED IN THE EVENT OF SOME INCIDENT OCCURRING WHICH MAY GIVE RISE TO A CLAIM SUCH AS SERIOUS INJURY, DEATH , DAMAGE TO THIRD PARTY PROPERTY OR LOSS OF POSSESSIONS

DEFINITION OF SERIOUS INJURY - ANY INJURY REQUIRING MEDICAL ATTENTION

NAME OF INJURED PERSON OR PERSON SUFFERING LOSS:

.....

ADDRESS OF INJURED PERSON OR PERSON SUFFERING LOSS:

.....

Nature of Incident:

.....

.....

.....

Details of the Incident and Action Taken:

.....

.....

.....

Location:

Activity:.....

Leader:

Date:.....

Details of Witnesses including names and addresses:

.....

.....

Signature of Leader:

Date:

ACTIVITIES REPORTING FORM

APPENDIX 10

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Purpose: Collection of data on the types of activities undertaken by clubs and the participants on those activities.

Completed by: Club Walks Convenor or other appropriate person.

Name of club _____

Reporting form for the month/s of _____

Activity	Grade	No of activities	Actual number of participants
Day Walk	Easy		
	Easy/Medium		
	Medium		
	Medium/ Hard		
	Hard		
Overnight Walks	VeryHard		
	Easy		
	Easy/Medium		
	Medium		
	Medium/ Hard		
Other	Hard		
	Very hard		

Incidents/Accidents reported

Claims notified (Attach copy of Incident Report and notification to Insurer)

Other Comments (eg. Matters relating to a particular activity or issues of a risk management nature which require consideration)

Signed:

Date:

Position Held:

Grade 1 (Easy) Opportunity for large number of walkers, including those with reduced walking ability to walk on well marked and even tracks. Tracks are man made and may have a few steps. Should not be steep. Suitable for beginners. Distance should not exceed about 10km.

Grade 2 (Easy-medium) Easy walk, mostly on tracks of low gradient Opportunity to walk easily in natural environments on well marked tracks. Tracks should not be steep. Distance should not exceed about 15km.

Grade 3 (Medium) Medium walk with some hilly sections &/or rougher terrain. Opportunity to walk on defined and distinct tracks with some steep sections requiring a moderate level of fitness. Suitable for fit beginners. Distance should not exceed about 20 km.

Grade 4 (Medium-Hard) Steeper, rougher terrain & may have off-track sections (no more than one quarter of the walk) or a longer distance track walk. Opportunity to explore and discover relatively undisturbed natural environments mostly along defined and distinct tracks. Tracks can be steep. There may be short sections of rock scrambling involved. Leaders should have map reading abilities and/or ability to use a compass. Distance depending on circumstances. Not suitable for most beginners.

Grade 5 (Hard) Off-track or difficult terrain. Opportunity for walkers with advanced outdoor knowledge and skills to find their own way along often indistinct tracks or off track in remote locations. May include steep sections of unmodified surfaces. There may be rock scrambling, creek walking & crossing involved. Distance should not exceed 30 km, but may be short & difficult. Not suitable for beginners.

Grade 6 (Very hard) Strenuous off-track walk or very long distance. Opportunity for highly experienced walkers to explore remote and challenging natural areas without reliance on managed tracks. Terrain may be steep, uneven and no track. There may be rock scrambling, creek walking & crossing involved. Distance covered is unlimited, but may be short & difficult. Only for experienced walkers and not suitable for beginners.

ADDENDA 1. A grading Special or T.I.E. (Take It Easy) may be added to any grade where suitable. This is a shorter, slower paced walk for people with lesser fitness. May be some rougher terrain. This is for some older or less fit people who may like to do some harder walks, possibly including off track but at their own pace.

2. Exploratory walks may take place in the higher grades, but participants should be advised that the walk is exploratory.

3. National Park party size limits where applicable are to be complied with.

4. Some variations to the definitions above may be needed to cover some walks, & participants should be advised of this.

Reference Materials

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The following documents and web sites have been used as reference materials.

“Advice on the effects of legislative changes and ways to reduce the risk of litigation.....” prepared by R G H Keller, for the Confederation of Bushwalking Clubs NSW Inc.

AS 4630: Risk Management

AS 2156: The Australian Standard for Walking Tracks

Competency Standards for The Outdoor Recreation Industry

Confederation’s Bushwalkers’ Code (revised February 2004) produced by the Confederation of Bushwalking Clubs NSW.

Child Protection in Sport & Recreation – NSW Dept of Sport & Recreation

FURTHER RECOMMENDED READING

“Bushwalking & Ski Touring Leadership and Guidelines” from The Victorian Bushwalking and Mountains Advisory Board

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The design and content of various forms and other material included in this document has in some instances been copied from forms and other documents created and/ or used by various Member Clubs. We are also grateful for the comment by member clubs which has assisted in the preparation of this document.