

# Queensland Adventure Activity Standards

## Canoeing / Kayaking



Great state. Great opportunity.

**Prepared by:** Sport and Recreation, Department of National Parks, Recreation, Sport and Racing

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## Foreword

This document contains general information about why the Queensland Adventure Activity Standards (AAS) were developed. It also provides specific information to assist organisations and individual leaders plan and run adventure activities for various groups. Although it may seem lengthy, the document provides an overview of the minimum preparation required to conduct adventure activities. As such, users of the document are encouraged to read the whole document rather than selected parts.

All information contained in this document, including legal requirements, website and contact information and pathways for demonstrating competency was current on the publication date.

Please note this document's version date to ensure that current information is accessed.

## 1. Activity description: canoeing/kayaking

The term ‘canoeing’ encompasses a wide variety of activities undertaken in canoes or kayaks, ranging from white-water racing on rivers to surfing on the sea and sea kayaking. For example:

**Canoeing** involves single blade paddling of water craft (typically open craft) in flat or open water environments (e.g. Canadian canoes)

**Kayaking** involves double blade paddling of water craft (typically closed craft) in flat, open or white water environments

**Sea Kayaking** involves, usually, double blade paddling of water craft (either open or closed craft) on flat or open water environments (e.g. sit on top sea kayaks, enclosed sea kayaks).

These adventure activity standards are intended to describe the expected requirements for any recreational, educational or commercial group canoeing/kayaking activity. They do not refer to organised competitive events, or to groups paddling on international Grade 4 and above waters, which require different and specific safety measures.

## 2. Introduction

The AAS are designed to help organisations and leaders plan and safely conduct outdoor adventure activities with groups of dependent participants. More specifically, the AAS are primarily designed to help those who lead groups of participants in situations where a duty may exist to take reasonable precautions to protect participants from harm. However, other adventure activity providers might find that the standards are relevant to their activities. Although they are called “Adventure Activity Standards”, the AAS should be considered as guidelines that demonstrate non-specific principles and provide direction or suggest actions.

The AAS give leaders and organisations a valuable resource for understanding the processes they should follow to conduct safe and fun activities. They can help leaders and organisations develop operating procedures and plan activities. Each provider will apply the AAS differently, depending on each group’s collective skills and experience, and their degree of dependence upon the leader. Also, groups participate in outdoor activities at a range of sites with varying conditions (including weather) and there will be varying outcomes (e.g. educational, personal development, therapeutic, recreational).

To allow for these differences, the AAS can be adapted to suit the organisation, the leader, the group and the situation. The leader remains responsible for making professional judgements and decisions about each activity to ensure the group’s safety. The AAS have been designed to assist such judgements and decision-making.

The AAS also help promote knowledge and awareness about the impacts of adventure activities on the natural environment. As the demand for access to areas increases, sustainable environmental practices have become more important. Therefore, these practices are embedded in the document to help providers protect biodiversity values and preserve cultural sites.

A wide cross-section of Queensland’s outdoor industry helped prepare the AAS using interstate AAS models as a basis. The result is a set of minimum, voluntary guidelines that reflect industry practices for planning and delivering adventure activities that are safe, thorough and informed. The AAS are NOT statutory standards imposed by law; however, some references throughout the AAS make some actions mandatory. These references reflect legislated considerations that providers must comply with and are highlighted as **MUST**.

**Note:** If dependent participants come from an Education Queensland school, providers should read this document in conjunction with the relevant Curriculum Activity Risk Management Module found at <http://ppr.det.qld.gov.au/education/management/Pages/Managing-Risks-in-School-Curriculum-Activities.aspx>

## 2.1 Disclaimer

The information in this AAS has been compiled following a consultative process conducted across the outdoor recreation industry. This AAS has been prepared for general information purposes only and does not take into account your individual situation, needs or objectives. The relevance and appropriateness of the information and recommendations in this AAS may change over time and will depend on the individual circumstances.

This AAS does not constitute advice of any kind and is not binding on any person. This AAS does not cover every circumstance of the relevant adventure activity, and cannot be relied upon to reduce or eliminate the risk of loss or injury. You must make your own inquiries and are encouraged to seek independent advice, as necessary, prior to using or relying on this AAS.

In addition, the information contained in this AAS is not or is not intended to be medical advice and persons should seek their own professional medical advice before participating in these activities.

Reasonable efforts were made to ensure that details of organisational websites and contact information were current as at the time of publication, however such information may have changed and not been updated in this AAS.

The State of Queensland and all other contributors and authors of this AAS, to the extent permitted by law make no representations or warranties in relation to this AAS, its accuracy, reliability, completeness or currency, that reasonable care has been taken in its preparation, or that third party rights have not been infringed, and expressly disclaim all liability (including but not limited to liability for negligence) for any loss whatsoever, injury or death, arising from or in connection with the use of or reliance on any part of this AAS.

## 2.2 Acknowledgement

In developing the AAS, the Department of National Parks, Recreation, Sport and Racing, and the Queensland Outdoor Recreation Federation recognise the contribution of those who attended consultation workshops and technical working groups.

They also acknowledge the following owners and developers of interstate Adventure Activity Standards for generously providing access to their documents, expertise and ideas:

- Outdoor Recreation Centre of Victoria
- Sport and Recreation Tasmania
- Recreation SA
- Outdoors WA.

## 2.3 Partnership arrangements

Developing the Queensland Adventure Activity Standards (AAS) has been an initiative funded, managed and owned by the Department of National Parks, Recreation, Sport and Racing and developed by the Queensland Outdoor Recreation Federation.

### 2.3.1 AAS Inter-departmental committee

An interdepartmental committee comprising representatives from a range of Queensland Government departments and agencies oversaw the document's development, including:

- Department of Communities
- Department of Community Safety
- Department of Education and Training
- Department of Employment, Economic Development and Innovation
- Department of Environment and Resource Management
- Department of Justice and Attorney-General
- Queensland Police Service
- Department of the Premier and Cabinet
- Department of Transport and Main Roads
- Queensland Treasury
- Forestry Plantations Queensland
- Queensland Government Insurance Fund
- Tourism Queensland.

The above list reflects the names of these organisations, as they were at the time of the committee being formed.

## 2.4 Technical working group representatives

Specific operational details were developed through the skills and knowledge of activity specific technical working groups. Representatives consulted in this process included:

- Queensland Canoeing Inc



- Outdoor Educators Association Queensland



- The Scout Association of Australia, Queensland Branch



- Girl Guides Queensland



- Aussie Sea Kayak Company



## 3. Safety and the law

### 3.1 Risk management overview

Risk management and safety awareness are essential to providing effective and professional adventures. Not only does risk management minimise accidents and incidents during activities, it is also a vital component of any business model. Risk management assists with strategic and operational management, program planning and delivery, and people and resource management. It also helps to develop awareness in communities where adventure activities take place.

Risk management for outdoor activities has implications for all outdoor activity providers who are responsible for complying with any legal requirements. Section 3.3 of this document refers to a range of Acts that legislate the actions of adventure activity providers, while Section 3.4 explains providers' workplace health and safety obligations under the *Work Health and Safety Act 2011*. Providers **MUST** also comply with other legislative and civil laws to meet their legal responsibilities. Some of these laws are built into statutes and local authority bylaws, and others have been developed through judges' decisions (common law).

The risk management and legal information in this document is a guide to the processes and procedures, as well as requirements and methods, for reducing, eliminating, transferring or accepting risks. Several sections in this document refer to actions or incentives that will reduce the likelihood of injuries or incidents and enhance the enjoyment of all involved. When risk management is fully incorporated into all stages of an activity, safer activities result.

This document is not sufficiently comprehensive to provide every piece of information about risk management for outdoor activities. Therefore, leaders and organisations are encouraged to seek further guidance, develop their own risk assessment and management systems, and review and update their systems regularly.

### 3.2 Summary overview of legal framework

The following general information on legal liability in contract and negligence does not provide a complete and accurate description of the law on these topics, or necessarily relate to every provider's circumstances. While this general information may be helpful, it is offered on the basis that providers will not rely on it solely, but will obtain their own independent legal advice.



### 3.3 Liability

The law of contract and the tort of negligence govern legal liability for personal injury or property. However, legislation such as the *Personal Injuries Proceedings Act 2002*, the *Civil Liability Act 2003*, the *Competition and Consumer Act 2010 (Commonwealth)* and the *Fair Trading Act 1989 (Queensland)* may also apply.

#### 3.3.1 Contract

A claim in contract requires that a contract exists between the person who has suffered the loss or injury and the provider. If injury or damage occurred because the provider did not exercise reasonable care in providing the service, a court may find that they breached the contract, which entitles the party to claim compensation for the loss or injury suffered.

#### 3.3.2 Negligence

A successful claim in negligence against a provider may result in a court awarding damages against the provider to compensate the injured party for the loss or injury.

The essential elements of a claim in negligence are that:

- the provider owes a duty of care and, therefore, **MUST** take reasonable measures to ensure the safety of their clients and participants
- a breach of this duty of care occurred
- the breach caused the harm suffered by the client or participant.

Duty of care is a legal requirement—imposed by the courts—requiring providers to take reasonable care to protect clients or participants from reasonably foreseeable harm or loss. Although the law does not automatically impose a duty of care, a duty may be imposed when one party (the provider) assumes responsibility for another in providing adventure activities. Generally, anyone conducting an outdoor adventure activity for a group of dependent participants will owe a duty of care to those participants for the safe conduct of the activity.

If a party makes a claim against a provider and a court finds that the provider owes a duty of care, the court must then determine the appropriate level or standard of that care to determine whether the provider acted reasonably or has breached the duty of care. In determining the standard of care, a court will consider the experience of the providers and participants, and the conditions at the time of the incident, and may seek guidance from experts in the field.

An obvious defence in a claim in negligence is that the provider acted with all reasonable care in the circumstances and is, therefore, not negligent. To limit the potential for legal liability and minimise the risk of injury, each provider or organisation should implement risk and safety management processes.

To develop these processes, the provider should identify foreseeable risks and implement measures to protect participants from known potential hazards and risks (that are reasonably foreseeable), against which they can take preventative measures.

For more detailed legal information, please refer to Appendix 1.

### 3.4 Health and safety legislation

In addition to other safety requirements, there are a number of Queensland statutory health and safety requirements with which organisations providing recreational water activities **MUST** comply.

These are set out in the *Work Health and Safety Act 2011* (WHS Act 2011), the *Work Health and Safety Regulation 2011* (WHS Regulation 2011), the *Safety in Recreational Water Activities Act 2011* (SRWA Act 2011) and the *Safety in Recreational Water Activities Regulation 2011* (SRWA Regulation 2011).

In broad terms:

- the main objective of the WHS Act 2011 is to provide a framework to secure the health and safety of workers and workplaces; and
- the main objective of the SRWA Act 2011 is to ensure the health and safety of persons to whom recreational water activities are provided.

#### 3.4.1 The Work Health and Safety Act 2011 (WHS Act 2011)

The WHS Act 2011 outlines the laws relating to the health and safety duties that affect most workplaces in Queensland. Section 19 outlines the primary duty of the person conducting a business or undertaking to ensure as far as is reasonably practicable, that the health and safety of workers and other persons is not put at risk from work carried out as part of the business or undertaking. This duty requires the person to eliminate or minimise those risks so far as is reasonably practicable.

Workers, that is, trip leaders and guides also have a duty to take reasonable care of their own health and safety and that they do not adversely affect the health and safety of other persons. Workers **MUST** comply with any reasonable instruction and cooperate with any reasonable policy or procedure relating to health and safety at the workplace.

If the WHS Regulation 2011 describes how to prevent or minimise risks in an organisation's particular workplace; the organisation **MUST** comply with this regulation. Additionally, if a code of practice describes how to prevent or minimise risks in an organisation's workplace, the code of practice should be followed and is admissible as evidence of what is reasonably practicable in court proceedings under the WHS Act 2011 or WHS Regulation 2011.

The following codes of practice may be relevant for organisations providing adventure activities:

- How to Manage Work Health and Safety Risks Code of Practice 2011.
- Work Health and Safety Consultation Co-operation and Co-ordination Code of Practice 2011.
- First Aid Code of Practice.
- Hazardous Manual Tasks Code of Practice 2011.

The codes of practice can be found at: [www.deir.qld.gov.au/workplace/law/codes/riskman](http://www.deir.qld.gov.au/workplace/law/codes/riskman)

### 3.4.2 The Safety in Recreational Water Activities Act 2011 (SRWA Act 2011)

The SRWA Act applies to recreational water activities and operates in conjunction with the WHS Act 2011. Section 16 of the SRWA Act describes the primary duty of providers of recreational water activities. This is similar to the primary duty set down in the WHS Act 2011.

The SRWA Act 2011 states that persons providing recreational water activities **MUST** ensure, as far as is reasonably practicable that the health and safety of persons for whom the activity is provided is not put at risk by the provision of the activity. This includes the provision of:

- Safe plant and structures (e.g. safe equipment).
- Safe use, handling and storage of plant, structures and substances.
- Provision of information, training and instruction to protect persons (e.g. proper induction for participants).
- Monitoring of persons and conditions to prevent injury or illness (e.g. monitoring weather conditions).

All persons involved in the provision of recreational water activities, including leaders, guides and participants, have a duty to take reasonable care of their own health and safety and that they do not adversely affect the health and safety of other persons. They **MUST** comply with any reasonable instruction and cooperate with any reasonable policy or procedure the organisation has in place for the activity.

## 3.5 Mandatory boating safety requirements – Maritime Safety Queensland

While this adventure activity standard is advisory in nature, there are a number of Queensland statutory boating safety requirements that providers of canoeing/kayaking activities **MUST** comply with. These requirements are set out in the *Transport Operations (Marine Safety) Act 1994* (the Act) and the *Transport Operations (Marine Safety) Regulation*

2004 (the Regulation).

Under the Act, a ship is defined as any kind of boat or vessel used in navigation by water or for any other purpose on water, whatever the boat's size and however it is propelled. Canoes and kayaks (craft) fall within the definition of a ship and are therefore subject to the provisions of the Act.

### 3.5.1 General safety obligations

Providers of canoeing/kayaking activities **MUST** comply with two general safety obligations under the Act about:

- the condition of the craft they use (section 41); and
- the safe operation of the craft (section 43).

Section 41 requires that craft not be operated unless they are safe, that is, appropriately equipped and crewed, to meet the ordinary perils of the trip on which the craft is involved. Section 41 places this obligation on the owner and/or master of the craft. For example, if a marine incident involving an unsafe craft results in the grievous bodily harm or death of a person in the craft, the owner and master may be found to have failed in fulfilling their safety obligations under this section, therefore committing an indictable offence. They could be liable to a maximum penalty of 5000 penalty units or imprisonment for 2 years.

Similarly, section 43 requires that craft be operated safely, that is, any person involved with a craft's operation (including the owner or leader) **MUST** not cause the craft to be operated unsafely. If any of these people cause a craft to be operated in a way that causes a marine incident involving the death or grievous bodily harm of a person in the craft, then that person may be found to have failed in fulfilling their safety obligations under this section, therefore committing an indictable offence and would be liable to a maximum penalty of 5000 penalty units or imprisonment for 2 years.

### 3.5.2 Reporting of marine incidents

The objective of marine incident reporting is to ensure that Maritime Safety Queensland (MSQ), as the marine safety regulator, is properly informed of all incidents that may warrant further enquiry. It is therefore not expected that every minor event should be reported to shipping inspectors of MSQ or the Queensland Police Service.

Section 123 of the Act defines a marine incident as an event causing or involving:

- the loss of a person from a ship; or
- the death of, or grievous bodily harm to, a person caused by a ship's operations; or
- the loss or presumed loss or abandonment of a ship; or

- a collision with a ship; or
- the stranding of a ship; or
- material damage to a ship; or
- material damage caused by a ship's operations; or
- danger to a person caused by a ship's operations; or
- danger of serious damage to a ship; or
- danger of serious damage to a structure caused by a ship's operations.

In the context of canoeing or kayaking, persons falling out of a craft does not need to be reported to MSQ unless it results in a serious injury or death.

Under section 125 of the Act marine incidents **MUST** be reported to a shipping inspector (Maritime Safety Queensland) in the approved form, generally within 48 hours of the incident occurring. Marine incident report forms are available from the Maritime Safety Queensland website at: [www.msq.qld.gov.au/Safety/Marine-incidents.aspx](http://www.msq.qld.gov.au/Safety/Marine-incidents.aspx)

### 3.5.3 Notification about commercial canoeing/kayaking operations

Under section 146 of the Regulation, the provider of commercial canoeing/kayaking activities **MUST**, before commencing those activities, notify Maritime Safety Queensland in writing about the proposed commercial business activity.

The written advice should include the business name and address, the principals of the business entity, where the business activities are to be conducted, when the activities are to commence, and a description of the nature of the business activity including risk assessments and safety management plans and procedures.

Canoeing/kayaking activity providers should familiarise themselves with the above provisions of the *Transport Operations (Marine Safety) Act 1994* and the *Transport Operations (Marine Safety) Regulation 1995* to ensure they meet all their legislative obligations and requirements.

## 4. Planning

### 4.1 Activity plan

#### Purpose

An activity plan helps a leader define and achieve objectives, and minimise the inherent risks to participants. A leader can plan an activity in various ways, and each leader or organisation will have their own approach to planning. This section is a reference for leaders or organisations planning activities. It will help maximise an activity's success and minimise risks to participants.

#### Practice

It is recommended that leaders or organisations prepare an activity plan for all activities. Each organisation can determine how much of the plan they need to document. However, they should consider the following list during the planning stage.

#### Participant

- Activity objectives (desired outcomes) and participant expectations
- Size of the group
- Age, experience and skills of participants (including swimming ability)
- Socio-cultural demographics of the group or individual participants and implications (e.g. religious or cultural dress code)
- Fitness, disposition and known medical conditions of participants
- Standard of care required (e.g. child participants, paying customers)
- Duration of activity

#### Area

- Area and route selection
- Area-specific information
- Availability and suitability of maps
- River or coastline characteristics and associated implications and hazards
- Land and water managers' requirements (access restrictions, group sizes, permit requirements, booking requirements)
- Site's ability to withstand visitation with minimal impact
- Seasonal factors (rain, fire, availability of drinking water, tides, river levels)
- Remoteness and accessibility

### Equipment

- Equipment, food and clothing requirements
- Condition and suitability of all equipment
- Expected weather conditions and implications (hypothermia, hyperthermia)
- Communication plan, including suitable communication equipment (e.g. satellite phone, emergency position indicating radio beacons or EPIRBs, personal locator beacons, flares, mobile phones, two-way radio) and its level of coverage
- First aid requirements
- Support and evacuation capabilities (e.g. access to a vehicle) and availability of emergency medical assistance.

### Leader

- Leader to participant ratio
- Leaders' skills and competence to conduct the activity, effectively manage incidents and achieve the planned objectives
- Leaders' familiarity with the area
- Working With Children Check for individual leaders, where applicable (Section 4.11)
- Cancellation, modification or postponement procedure (e.g. if forecasted or current adverse weather conditions, insufficient equipment, restrictions dictated by the land/water manager or environmental factors such as flood, drought, lightning, fire etc).

## 4.2 Risk management

For adventure activities, risk can be defined as 'the potential to lose or gain something of value' (Haddock 2004, p.7). In contrast, the *How to manage work health and safety risks Code of Practice 2011*, defines risk as 'the possibility that harm (death, injury or illness) might occur when exposed to a hazard'. In practice, risk tends to be measured in terms of consequence and likelihood (Standards Australia, AS/NZS ISO 31000:2009 Risk management - Principles and guidelines).

Given the nature of adventure activities, risk is inherent. Losses may be physical (e.g. bone fractures), mental (e.g. fear), social (e.g. embarrassment) or financial (lost gear) (Miles and Priest 1999). However, it can also be argued that exposure to risk can provide substantial reward, including good health, fun, challenge and enhanced personal confidence or self-esteem (Haddock 2004).

Finding the balance—minimising loss and reaping the benefits of adventure activities— is important. Leaders and organisations **MUST** implement processes to manage risk appropriately for the context and situation. The AAS can guide this practice.

HB 246–2010 *Guidelines for managing risk in sport and recreation organisations*, published by Standards Australia, defines risk management as 'the systematic application of management policies, procedures and practices to the task of identifying, analysing, evaluating, treating and monitoring risk'. While various models may achieve this goal, a risk management plan generally incorporates the following five steps:

#### 1. Identify all hazards.

- What could potentially cause harm or loss?

#### 2. Assess and prioritise the risks that these hazards create and address the highest priority risk first.

- What could happen and what might be the consequences?

#### 3. Choose measures to control the risks.

- Can you eliminate the risk? Use another venue? Use personal protective equipment? Bring in an expert? Substitute with an activity with less risk? Substitute real risk for perceived risk?

#### 4. Implement appropriate control measures.

- Act to control or eliminate the risk.

#### 5. Monitor the control measures and review the process.

- Are the measures working? Does the process meet industry standards? What needs amending? Are the activity goals or outcomes still being achieved?

HB 246–2010 *Guidelines for managing risk in sport and recreation organisations* can be purchased through the Standards Australia website: <http://infostore.saiglobal.com/store/details.aspx?ProductID=1421050>

Section 8.2 of this document and the Queensland Government's *How to manage work health and safety risks Code of Practice 2011* provide more information on managing exposure to risk.

A general web search can also provide more information on risk management processes and recognised training providers that offer courses in risk management. Speaking with experienced colleagues and seeking advice from activity-specific organisations may also be helpful.

### 4.2.1 Risk assessment measures

Risks for adventure activities are generally classified under the three categories of people, equipment and environment.

**People** risks may include participants who are physically or psychologically unprepared for an activity, or have known behavioural issues that affect the safety of the activity. People risks may also include leader fatigue, poor planning, lack of knowledge or skill, or complacency (Priest and Gass 2005).

**Equipment** risks may include insufficient gear for the group or an inferior standard of equipment.

**Environment** risks may include adverse or unseasonal weather, sudden changes in river levels, high winds or danger from local wildlife. They do not include factors inherent in the adventure activity, such as getting wet while canoeing.

Providers should consider each of these risk categories (and others as identified) in relation to the specific activity and the group involved. For example, as part of risk management planning, selected leaders should have the authority, skills and experience to:

- conduct the activity in the selected environments
- achieve the planned objectives
- effectively manage incidents
- supervise the group at all times
- preserve the environmental integrity of the route and campsites.

Providers should note foreseeable risks and develop strategies to manage, avoid or minimise them. Importantly, the group leader should understand these risks and strategies. They should be included in specific activity plans (Section 4.1), and considered in an emergency strategy (Section 4.4) and/or organisational risk management guidelines, which should be current and specific to the activity and location.

For help with risk assessment and planning, see Appendix 2 for sample risk management templates. While the templates are not prescriptive, they offer models to identify and manage risk.

### 4.3 Pre-activity documentation

Many sound reasons exist for documenting aspects of the activity plan, such as ensuring that information about the activities and group is available if a group member is injured or incapacitated. Activity plan documentation enables search and rescue teams to better conduct an efficient search if necessary. Documentation will also assist with legal defence following an incident.

The suggested minimum amount of documentation required for an activity includes:

- an emergency strategy (Section 4.4), including contingency plans
- documentation about designated start and finish times, and route description

- names, addresses, medical information and emergency contact details for all participants, leaders and assistant leaders. Medical conditions and management strategies for relevant participants should be documented, including details of any conditions (e.g. asthma), and any medication or actions to be taken (e.g. self-administered inhaler). Medical conditions can include but are not limited to:

- › diabetes
- › epilepsy
- › fainting and dizziness
- › specific allergic reactions
- › blood conditions that may affect bleeding or clotting
- › impaired sight
- › impaired hearing
- › conditions that affect balance
- › recent or longstanding injuries
- › disability
- › illness or other medical conditions relevant to a participant's ability to participate (e.g. heart conditions, migraines or pregnancy)

- information for all participants, leaders and assistant leaders on food allergies, including the magnitude of reaction and management strategies, as well as medications and who can administer them
- any access permits, licences or approvals required by land or water managers such as Queensland Parks and Wildlife Service, local councils, Great Barrier Reef Marine Park Authority or private landholders
- relevant public vehicle driving licence if transporting participants, vehicle and trailer registrations. More information is available on the Department of Transport and Main Roads website: [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)
- a signed consent form from each participant that acknowledges the inherent risks of the activity after they have been fully briefed on those risks
- participants' agreement that they receive medical assistance if required, as well as any other documentation required by an insurer or legal advisor
- signed consent by a parent or legal guardian for participants under 18 years.

The leader and an external, non-participating contact person (necessary in an incident or emergency) should have access to all documentation.

## 4.4 Emergency strategy

Even with appropriate policies and procedures, such as an activity plan (Section 4.1) and risk management plan (Section 4.2), accidents and emergencies can still occur. These are often sudden and unexpected, can significantly affect groups and individuals, and require an immediate and planned response to contain the situation.

The emergency strategy complements the risk assessment and provides a framework for action in an emergency. Activity leaders and a suitable external, non-participating contact should fully understand the emergency strategy and be able to immediately access this document. A summary of emergency procedures should be one component of the preliminary group briefing (Section 5.1.2).

An emergency strategy for an activity will vary according to the situation, but should include:

- emergency response actions, allocated roles and responsibilities
- emergency access and escape routes (where possible)
- assembly points where appropriate
- details of key organisations (land/water manager and police) and how to best contact them in an emergency (e.g. mobile phone, satellite phone, radio)
- planned activity start and finish times
- the emergency trigger time for the non-participating contact to inform emergency services (if the group fails to return or check in)
- contingency plans for foreseeable emergencies (e.g. leader incapacitated/separated from group, flood)
- specific communication equipment carried by the group to communicate with off-water support personnel, as well as backup arrangements if communication fails
- training and exercises to prepare any staff for effective implementation of the emergency plan
- relevant aspects of the land or water manager's emergency strategy
- strategies relevant to the features of the areas being visited
- a strategy for maintaining supervision ratios if the planned activity changes (e.g. due to adverse conditions, an injured leader or participants withdrawing from the activity).

The WHS Act 2011 requires certain incidents to be notified to Workplace Health and Safety Queensland, in the Department of Justice and Attorney-General by the fastest means possible. This may initially be by telephone, but must be followed up within 48 hours, by notification using the approved form available at: [www.deir.qld.gov.au/workplace/resources/pdfs/incidents\\_form.pdf](http://www.deir.qld.gov.au/workplace/resources/pdfs/incidents_form.pdf)

Notifiable incidents are:

- The death of a person
- Serious injury or illness
- Dangerous incidents.

Serious injuries and illness include:

- Immediate treatment as an inpatient in a hospital
- Immediate treatment for:
  - › Amputations
  - › Serious head, eye or spinal injuries
  - › Serious burns
  - › Separation of skin from underlying tissue (scalping or de-gloving)
  - › Loss of a bodily function
  - › Serious lacerations.

Dangerous incidents include situations where there is a serious risk to a person's health and safety emanating from an immediate or imminent exposure to, for example:

- Uncontrolled escape, spillage or leakage of a substance
- Uncontrolled implosion, explosion or fire
- Uncontrolled escape of gas or steam
- Uncontrolled escape of a pressurised substance
- Electric shock
- Fall or release from height of any thing
- The collapse or partial collapse of a structure.

### 4.4.1 Incident Reporting

#### Maritime Safety Queensland Incident Reporting

In the event of a marine incident, it **MUST** be reported to a shipping inspector (Maritime Safety Queensland) in the approved form. This must be done within 48 hours of the incident occurring. Marine incident forms are available from: [www.msq.qld.gov.au/Safety/Marine-incidents.aspx](http://www.msq.qld.gov.au/Safety/Marine-incidents.aspx)

#### Australian Canoeing Incident Reporting

Australian Canoeing maintains records of canoeing incidents and accidents that result in injury or had the potential to result in injury.

Australian Canoeing Instructors and Guides are encouraged to complete an incident report form and forward it directly to Australian Canoeing for processing. An incident report form can be obtained from the Australian Canoeing website: [www.canoe.org.au](http://www.canoe.org.au).

**Note:** If an incident involves search and rescue, death, or an injury likely to result in death (whether or not death occurs), police are responsible and will take control of the incident. All other parties, including the contact person, will be under the direction of the police. Police will advise a deceased person's nearest family member after a fatal incident.

Refer to Appendix 3 for a sample emergency response template.

## 4.5 Restricting participation

There may be times when a leader needs to exclude or remove a participant from an activity, or modify an activity for the safety of the group or an individual. The leader will use their discretion and judgement to do this either before departing or during an activity.

A leader may need to exclude participants for several reasons, including (but not limited to) being under the influence of alcohol or drugs (including prescription drugs that may affect performance), being unable or unwilling to follow instructions, lacking suitable equipment, or having an inadequate level of fitness, physical ability or experience for the activity.

The leader should also consider operational restrictions that affect participation, including issues relating to weather, equipment, route difficulty, restrictions dictated by the land manager and environmental factors, such as trail conditions, flood, drought, lightning and fire.

A sound risk management plan will help the leader determine how and when these restrictions or modifications might apply.

## 4.6 Ratios

When planning any outdoor activity, the ratio of qualified, experienced leaders to dependent participants needs to be considered. Some activity peak bodies provide maximum leader-to-participant ratios. In certain situations, judgement may dictate smaller or larger numbers of participants per leader.

Several variables can affect this decision, including but not limited to:

- outcomes of the risk management process
- the leaders' experience
- participants' expected capabilities (i.e. experience, competence, fitness)
- conditions (environment, weather)
- planned duration of the activity
- number of participants and optimum group size (see Section 4.7)
- remoteness of the activity
- suitability and availability of equipment

- likelihood of leader becoming incapacitated or separated from participants
- the grading of rapids.

Land or water managers or relevant authorities may suggest ratios that differ from those recommended in the AAS. If these suggest a ratio with fewer participants per leader, they will be regarded as minimum requirements. For example, if the activity ratio is one leader to six participants, but the land or water manager's ratio is one leader to four participants, the land or water manager's ratio is considered the minimum standard.

The following indicative ratios have been provided, based on ideal or best-case scenarios, to help leaders determine ratios. Leaders may use these numbers as a starting point and then modify the number in their group according to the outcome of their risk management process, accounting for the above variables and the information on group size in Section 4.7.

The following indicative ratios are a summary of the Guidelines devised by Australian Canoeing. For more detailed descriptions, refer to the Australian Canoeing Safety Guidelines which can be found on the Queensland Canoeing website: [www.qld.canoe.org.au/default.asp?MenuID=Education/99/0/,Risk\\_Management\\_and\\_Safety/196/5275](http://www.qld.canoe.org.au/default.asp?MenuID=Education/99/0/,Risk_Management_and_Safety/196/5275)

Ratios indicated for flatwater, inland or sea canoeing/kayaking by Australian Canoeing vary from 1:4 to 1:12. The ratio utilised will depend upon the outcome of the risk management process. Any adjustments to the indicated ratios should be made by a qualified person with knowledge of:

- the activity (e.g. desired outcomes)
- the location (e.g. weather conditions, access, protected or exposed waters)
- the equipment (e.g. canoes, kayaks, singles, doubles, sit-on-tops)
- the group (e.g. age, experience, skills).

## 4.7 Group size

The group's size is important when considering group management and ways to protect the environment. Leaders should carefully determine maximum and minimum group sizes, and the ratio of leader to participant.

Group sizes may be decided based upon:

- the group's and individuals' safety
- the activity's objectives
- a land or water manager's specific restrictions (e.g. Queensland Parks and Wildlife Service, Great Barrier Reef Marine Park Authority)
- the activity's expected environmental impact
- the leaders' and participants' experience

- the potential impact on other users
- conditions (environment, remoteness, weather)
- available equipment.

Where a large group is split into a number of smaller groups, each smaller group should have its own leader and assistant leaders who independently adhere to the AAS.

## 4.8 First aid

A person whose business or undertaking involves conducting outdoor activities for dependent participants in any situation (paid or volunteer) **MUST** comply with relevant legislation.

Under the WHS Regulation 2011, a person conducting a business or undertaking **MUST** ensure that first aid equipment is:

- accessible to each of their workers
- appropriate and adequate for workers and the work they do.

They **MUST** also ensure that an adequate number of workers are trained to administer first aid taking into consideration the nature of the hazards in the workplace and its size and location.

The First Aid Code of Practice gives advice on workplace first aid, including the contents of first aid kits for remote locations. The code also states that workers in remote locations should have access to appropriate communication systems. (Refer to: [www.deir.qld.gov.au/workplace/law/codes/index.htm](http://www.deir.qld.gov.au/workplace/law/codes/index.htm)).

The unit of competency, HLTF301C Apply First Aid (or equivalency) is a minimum standard for first-aid trained personnel. However, the level of first aid competency required will depend on the risk management assessment. Activities for participants with disabilities may require more specialised first aid knowledge.

For activities and programs that are expedition based or in remote areas where access to professional medical care is greater than one hour away, a higher level of first aid competency, such as SISOOPS305A Provide First Aid in a Remote Location should be held by at least one leader.

## 4.9 Weather

Effective planning requires access to up-to-date weather and fire information, which is generally available through newspapers, radio and television. The most up-to-date information is available on the website of the Bureau of Meteorology at [www.bom.gov.au/qld](http://www.bom.gov.au/qld). This website provides information on weather, seas and hydrology, and some historical data.

## 4.10 Sun safety in Queensland

Sunburn is a risk for anyone who participates in outdoor activities, particularly in Queensland. Leaders should take reasonable steps to prevent or minimise the likelihood of staff and participants suffering excessive sun exposure.

Measures can include:

- encouraging everyone to wear activity and weather-appropriate clothing
- encouraging everyone to wear hats and sunglasses
- conducting physically demanding activities in the cooler part of the day where possible
- encouraging everyone to drink water
- encouraging everyone to use sunscreen (minimum SPF 30+ recommended)
- taking breaks in shaded areas.

For more information on sun safety, refer to:

- Sun Safety: [www.sunsafety.qld.gov.au](http://www.sunsafety.qld.gov.au)
- Cancer Council Australia: [www.cancer.org.au/cancersmartlifestyle/SunSmart/Preventingskincancer.htm](http://www.cancer.org.au/cancersmartlifestyle/SunSmart/Preventingskincancer.htm)

## 4.11 Child protection

Some organisations and leaders will need to consider Queensland's safety requirements for working with children.

A person seeking to operate a business **MUST** possess a blue card or an exemption card if the usual activities of the business include, or are likely to include providing sport and active recreation activities directed mainly towards children, or mainly involving children. Persons who operate a business have an obligation to ensure that any individuals who work, volunteer or undertake a practical placement in a regulated child-related environment meet their specific blue card requirements.

Paid employees **MUST** possess a blue card or an exemption card, unless an exemption applies, if their work in sport and active recreation includes, or is likely to include, providing services that are directed mainly towards children, or conducting activities that mainly involve children, for at least:

- eight consecutive days, or
- once a week, each week, over four weeks, or
- once a fortnight, each fortnight, over eight weeks, or
- once a month, each month, over six months



Volunteers and trainee students **MUST** possess a blue card, unless an exemption applies, if their work or practical placement in sport and active recreation includes, or is likely to include, providing services that are directed mainly towards children, or conducting activities that mainly involve children. This is regardless of how often they will come into contact with children and young people.

The blue card is regulated by the *Commission for Children and Young People and Child Guardian Act 2000*. Refer to the commission's website for further information: <http://www.ccypcg.qld.gov.au/bluecard/index.html>

In Queensland, the *Commission for Children and Young People and Child Guardian Act 2000* requires all people who work with children under the age of 18 years to implement procedures for managing risks to children, this includes having a documented child and youth risk management strategy.

For further information on managing the risks to children see: <http://www.ccypcg.qld.gov.au/bluecard/risk-management.html>

## 4.12 Minimal impact—the seven principles of Leave No Trace

Everyone involved in adventure activities is responsible for protecting Queensland's natural and cultural heritage, including leaders, organisations and participants. The following principles draw on minimal impact ethics and raise awareness about respect for environments and communities where adventure activities occur.

### 1. Plan ahead and prepare

(Refer to Sections 4.1, 4.2, 4.6 for more details)

- Understand the regulations and special concerns of the areas you access.
- Research your destination before you leave home.
- Seek permits if necessary. (e.g. Queensland Parks and Wildlife Service, Great Barrier Reef Marine Park Authority).
- Prepare for isolation, weather hazards and emergencies.
- Carry and know how to use a map, a compass and/or GPS.
- Bring plenty of food and drinking water.
- Repackage food to minimise waste, and bring rubbish bags. Avoid cans, bottles and aluminium foil.
- Carry extra warm and wet weather clothing.

### 2. Travel and camp on durable surfaces

Durable surfaces are established tracks, gravel and dry grass.

### Paddling

- Choose durable surfaces like gravel or sand to load and unload the craft.
- Take care to avoid trampling shorelines while exiting and entering the rivers, lakes or ocean.
- If craft require tying up, ensure the system does not damage the rocks or vegetation that is used. Use padding if necessary.
- Carry craft over dunes and soft riparian areas. Do not drag them.
- When entry and egress is from the water, leave craft below the dune level unless tides or wave action prevent their safety.
- Do not dig into dunes or create new tracks.
- Used formed tracks only.

### General

- Plan the route carefully so your group arrives at a pre-arranged site rather than creating a new campsite.
- Keep campsites small. Focus activity where there is no vegetation.
- Use a freestanding tent that requires few pegs if staying overnight.
- Bring your own poles; do not cut them from the bush.
- Never camp on frontal sand dunes.
- Protect water sources by camping at least 100 metres from rivers and billabongs.
- Never dig trenches around tents.
- Leave the campsite in better condition than you found it.

## 3. Dispose of waste properly

### Rubbish

- Remove all rubbish. Even biodegradable food scraps can upset the balance and cause weeds. Do not burn rubbish. Never bury rubbish as animals may dig it up.

### Human waste

- Use toilets where provided.
- Carry a small trowel for emergency toileting.
- Bury any human waste 15 centimetres under the topsoil, where organisms in the soil will break it down fastest, and at least 100 metres away from tracks, campsites, watercourses, lakes or drainage channels. Where possible, avoid using man-made toilet paper. Where necessary, use sparingly and bury it deeply or carry it out.

### Hygiene

- Wash yourself and any equipment at least 100 metres away from streams or lakes. Avoid using soaps or detergents. Scatter drained dishwasher.
- Do not use soap, toothpaste, shampoo or sunscreen in lakes or streams.

#### 4. Leave what you find

- Help prevent the spread of weeds and pests by checking your vehicle or craft, camping equipment and clothing to ensure they are clean before visiting parks, waterways and forests.
- Avoid accessing sites where rare and vulnerable plants or animals are found.
- Respect Indigenous art and other sites of cultural significance. Seek appropriate permission.
- Do not touch rock art, which can be damaged by the natural oils from human skin.
- Preserve the past by observing but not touching cultural or historic structures and artefacts.
- Leave rocks, plants and other natural objects as you find them.
- Avoid introducing or transporting non-native species. Do not transport firewood.
- Learn to recognise non-native species and report sightings to appropriate sources.
- Do not travel through quarantine areas.
- Avoid transporting mud and dieback fungal spores in your craft, trailers, boots and/or tyre treads. Clean before and after travelling.
- Check clothing and all gear, and burn or dispose of all hitchhiker-type seeds, before and after travelling into different areas.

#### 5. Minimise the impact of fire

##### Stoves

- Use a fuel or gas stove when cooking. Reduce the risk of bushfires and burn injuries. Open fires destroy vegetation and leaf litter, and can devastate the bush if they escape.

##### Fire bans

- Light fires in parks only where permitted. Many parks do not permit open fires.
- Check with the land managers for current restrictions on lighting fires
- Carry any cigarette butts out with you.

Fire ban information is available on the Queensland Rural Fire Service website: [www.ruralfire.qld.gov.au](http://www.ruralfire.qld.gov.au)

##### Camp fires

- Where open fires are permitted, use the fireplaces and fire rings provided.
- Light fires in cleared areas away from vegetation and tents.
- Keep the fire small.
- Use an existing or pre-used fireplace where possible.
- Do not place rocks around the fire as they conduct heat and damage the surrounding vegetation. They may also explode.

- Collect timber only where permitted. Use only dead, fallen timber. Do not break branches from trees as leaf litter and dead timber provide homes and food for animals.
- Always put the fire out by dousing it with water rather than earth. Embers can smoulder for days.
- Never light fires during high bushfire periods or in places where the fire might spread.

#### 6. Respect wildlife

- Travel quietly.
- Observe wildlife from a distance. Do not follow or approach them.
- Become educated about the role each species plays in their environment to understand the importance of its position within an ecosystem.
- Avoid wildlife during sensitive times, such as mating, nesting, and raising young. Touching nests or young animals may cause their parents to abandon them.
- Never feed wild animals or birds. Feeding wildlife damages their health, alters natural behaviours, and exposes them to predators and other dangers. Store food and rubbish securely.
- Control pets at all times or, better yet, leave them at home. All national parks restrict pets so check regulations before bringing them.
- Report injured animals to the local land managers. Do not attempt to handle an injured animal.
- Take care in adventure activities to minimise the risk from interactions between wildlife and participants. Queensland has unique fauna often not found in other parts of Australia and interactions may damage it. Contact relevant land or water authorities for site specific details (e.g. Great Barrier Reef Marine Park Authority, Queensland Parks and Wildlife Service).
- Beware of some specific creatures that are prevalent in certain locations around Queensland, including:
  - > crocodiles
  - > marine stingers
  - > snakes
  - > dingoes
  - > cassowaries
  - > pigs, cattle, horses and buffaloes.

These wild animals can be dangerous, and those animals that are native are protected. Nesting shore birds may also need consideration. More information on Queensland wildlife and how to best share nature with them is available on the Department of Environment and Heritage Protection website: [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)

## Whale and dolphin watching guidelines

The *Nature Conservation (Wildlife Management) Regulation 2006* specifies minimum approach distances for whales and dolphins by people, vessels, fixed wing aircraft and helicopters. These laws are in place to prevent disruptive behaviour around whales while they are at their most vulnerable.

- You **MUST** not kill, take, injure and/or interfere with whales and dolphins - interference includes harassing, chasing and herding
- You **MUST** not restrict the path of whales or dolphins
- You **MUST** not touch or feed, or attempt to touch or feed, a whale or dolphin
- You **MUST** not enter the water within 100 metres of a whale or within 50 metres of a dolphin
- You **MUST** not approach closer than 30 metres to a whale or dolphin if you are in the water. If a whale or dolphin approaches you while you are in the water, move slowly, do not touch or swim towards it
- You **MUST** minimise noise when closer than 300 metres from a whale or dolphin.

For additional information on Whale and Dolphin watching guidelines, refer to the Great Barrier Reef Marine Park Authority website: [www.gbrmpa.gov.au/corp\\_site/key\\_issues/tourism/recreation/around\\_whales\\_and\\_dolphins](http://www.gbrmpa.gov.au/corp_site/key_issues/tourism/recreation/around_whales_and_dolphins)

## 7. Be considerate of your hosts and other visitors

- Learn about the cultural history of the area. Recognise, acknowledge and respect local knowledge.
- Respect the wishes and regulations of all hosts, including Indigenous, pastoral, land/water managers and locals.
- Never visit places without appropriate permission. Seek permission and/or a permit.
- Familiarise yourself and have respect for peoples' customs, culture, values, religion, dignity and feelings.
- Respect others wilderness experience and minimise your impact on others.

Further information is available at Leave No Trace Australia [www.lnt.org.au](http://www.lnt.org.au)

## 4.13 Activity planning checklist:

- Sought approval for activity from relevant land manager
- Clearly stated objectives and learning outcomes
- Completed area assessment (e.g. route, area significance, maps, terrain)
- Checked weather and made necessary alterations (e.g. gear, route)
- Maintained equipment logs
- Identified participants' social and cultural needs
- Assessed competence of leaders and assistant leaders (including the Working with Children check)
- Determined the leader to participant ratio
- Briefed all staff on activities, objectives, responsibilities, communications and emergency procedures
- Briefed all participants on activities, expectations, communications and emergency procedures
- Collected the names, addresses, and medical and emergency contact details for all participants
- Sought parental consent where appropriate
- Established cancellation, modification or postponement procedures
- Completed and shared the communication plan
- Packed appropriate first aid kits
- Checked all water, food, equipment and transport arrangements
- Identified support and evacuation abilities
- Completed and shared the contingency plan
- Identified emergency procedures
- Determined review procedures for activities

## 5. Leader

This AAS refers to leaders and assistant leaders. The performance of the leader is a critical factor in the safe conduct of an outdoor activity. The leader is required to accept responsibility for the planning, preparation and conduct of the activity by:

- maintaining current skills, qualifications and experience as required;
- implementing and/or supervising activities that are suited to the individual/group/environment; and
- taking responsibility for the environmental preservation of the sites and surrounding areas.

An assistant leader is an individual whose role is to act as an additional support to the activity leader, and/or who has responsibility for a group of participants on an adventure activity.

The leader's overall responsibility does not negate the duty of dependent participants, who should be responsible for their own actions and have agreed to participate knowing the inherent risks and circumstances involved.

### 5.1 The leader's responsibilities

The leader takes overall responsibility and coordinates the entire group. They supervise and aim to achieve the objectives of the group or individual participants' session. The leader may delegate individual tasks but they maintain ultimate responsibility.

Recommended leader responsibilities include:

- working within the policies, procedures and activity standard operating procedures (SOPs) of the organisational stakeholders and land managers (where applicable)
- confirming the activity plan (Section 4)
- researching and planning for likely hazards, incidents and emergencies
- confirming that an emergency strategy has been lodged with an appointed external contact
- checking the first aid kit and communication equipment before the activity
- checking all craft and all group and personal equipment prior to departure and on return for wear, damage
- ensuring all loose equipment, containers and other objects are properly stowed and secured
- ensuring there are no loose loops or ends of rope or other tie down material
- carrying out a full briefing session and ensuring that all participants and staff understand it (Section 5.1.2)
- assessing that each participant's level of knowledge, ability and skill is appropriate for the difficulty and complexity of the activity, and that the equipment is adequate

- obtaining each participant's acknowledgement that the leader has the role of leading the group
- ensuring that participants and staff have completed all documentation, and that it has been collated
- ensuring that the message of minimal impact to the environment is conveyed and adhered to
- managing and minimising the activity's effect on the environment (Sections 4.1.1 and 4.12)
- ensuring that the group knows where to access safe drinking water
- conducting a practice session of required skills and ongoing coaching of technical skills
- managing last-minute checks, including weather and equipment checks
- taking a head count before, during (regularly) and immediately after the activity
- maintaining a constant awareness of the group's physical and psychological condition
- managing the group to avoid or minimise the effects of hazards
- complying with any land/water manager's requirements, including permits and approvals (Sections 4.1 and 4.3)
- controlling the pace of the group and resting the group if necessary
- maintaining observation of participants
- maintaining communication between the participants
- facilitating the achievement of objectives (e.g. through a post-activity debrief)
- monitoring participant experience and following up with the group
- delegating responsibility to any support personnel and ensuring that any vehicle used is suitable
- ensuring appropriate rescue procedures are followed in the event of an emergency
- notifying external contacts when the group has completed the activity and returned safely
- ensuring any incidents are managed, documented and reported
- ensuring equipment is logged and packed away.

#### 5.1.1 Responsibilities of the provider

The provider of canoe/kayaking adventure activities should ensure that leaders and guides employed or engaged by the provider in relation to canoe/kayaking adventure activities have the experience and skills to safely lead or guide the activity, regardless of the water and weather conditions. The provider should also ensure that leaders and guides fulfil their respective responsibilities outlined herein.

### 5.1.2 Pre-activity briefing

The leader should clearly communicate all information about an activity to potential participants, leaving sufficient time for them to make an informed decision about their participation.

Each leader and organisation may have a preferred way to deliver a pre-activity briefing. The method may depend on an activity's length and complexity. The briefing should make participants aware of:

- the identity and role of activity leaders
- activity objectives
- sufficient information to enable them to make decisions consistent with their needs and abilities
- the activity's nature and inherent risks
- current and anticipated conditions (e.g. environment, remoteness, weather)
- the land or water managers' requirements (e.g. specific conditions that apply to the site)
- how the session will be managed (timings, procedures)
- the agreed methods of communication within the group (signals and calls), which they will devise before commencing the activity
- essential equipment and clothing
- correct use and fit of equipment
- the group management process
- the type of food, the amount of food and water they will need and water availability
- conservation strategies, including protecting flora and fauna, removing rubbish and being aware of sanitation
- emergency procedures so participants behave appropriately in an incident or emergency, including emergency communication methods
- the leader's expectations of participants, and their responsibility to behave as requested (e.g. conduct, safety zones, equipment)
- any restrictions to participation.

Leaders should ask participants to acknowledge that they understand the content of the briefing, and ask them to voice any concerns and ask questions about the activity. Leaders should consider an alternative briefing method for participants from non-English speaking backgrounds.

## 5.2 Responsibilities of assistant leader

Like the leader, the assistant leader offers the experience of the activity and achieves the activity's objectives. An assistant leader will support and assist the leader as instructed. Therefore, the assistant leader might need to understand the detail of the activity plan, risk management plan and emergency strategy.

To be included in a leader-to-participant ratio, the assistant leader should:

- possess relevant documented or demonstrated skills to safely conduct the activity
- be able to undertake activity-specific tasks as delegated by the leader
- be able to manage the group's safety, including in an emergency if the leader becomes incapacitated.

An accompanying adult without these skills and capacities may be responsible for the welfare and supervision of participants, but they would not be an assistant leader. As such, it is not recommended that leaders include these people in the leader-to-participant ratio.

## 5.3 Competencies

A leader requires competencies, experience and sound judgement at a level appropriate for the activity. To understand and reach this level, a leader should have acquired skills at least equivalent to the appropriate units of competency identified in the SIS10, Sport, Fitness Recreation Training Package.

Several organisations conduct training courses, which vary from full qualifications to statements of attainment for units of competency and skills sets. The units of competency for activity-specific, outdoor recreation leader training are available at [www.nprsr.qld.gov.au/recreation/activity-standards.html](http://www.nprsr.qld.gov.au/recreation/activity-standards.html)

While neither a full qualification nor a statement of attainment of units of competency is compulsory to lead a canoeing/kayaking activity, the units provide a benchmark for preferred leader skills and experience. Individual organisations will need to decide which leader competencies and equivalencies they expect informed by adherence to effective risk management practices and legal requirements.

Leaders should maintain a log or diary of activities to encourage currency and demonstrate experience. The log should include the canoe/kayaking activities that the leader has participated in or taken responsibility for, and details of the conditions, activity durations and roles that the leader has taken.

**Note:** The AAS are primarily designed for those who lead groups of participants where a duty may exist to take reasonable precautions to protect participants from harm. Each group will apply the AAS differently because they will possess distinct collective skills and experience, and depend on their leaders to varying degrees. However, the leader remains responsible for making professional judgements and decisions about the activity to ensure the group's safety.

### 5.3.1 Example pathways to demonstrate competency

A canoeing or kayaking leader may demonstrate their competence through any one of the following:

- possessing an Australian Canoeing Award, [www.qld.canoe.org.au/default.asp?MenuID=Education/99/o/,Award\\_Scheme/88/7292/](http://www.qld.canoe.org.au/default.asp?MenuID=Education/99/o/,Award_Scheme/88/7292/). The following Award levels should be selected appropriate to the activity context:
  - › Canoe/Kayak Lifeguard
  - › Flatwater Instructor and Guide
  - › Assistant Coach Award
  - › Sea Leader
  - › Advanced Sea Instructor
  - › Whitewater Instructor and Guide
  - › Advanced Whitewater Instructor.
- becoming a registered leader under the National Outdoor Leader Registration Scheme (NOLRS), [www.outdoorcouncil.asn.au](http://www.outdoorcouncil.asn.au), at one of the following registration levels appropriate to the activity context in either canoeing, kayaking or sea kayaking:
  - › Guide (Flat and Undemanding Water)
  - › Instructor (Flat and Undemanding Water)
  - › Guide (Grade 2 Water)
  - › Instructor (Grade 2 Water)
  - › Guide (Grade 3 Water)
  - › Instructor (Grade 3 Water)
  - › Sea Kayaking Guide (Easy to Moderate Conditions)
  - › Sea Kayaking Instructor (Easy to Moderate Conditions)
  - › Sea Kayaking Guide (Moderate to Difficult Conditions)
  - › Sea Kayaking Instructor (Moderate to Difficult Conditions)
- demonstrating, to the water authority/organisation's satisfaction, skills and currency that meet the leadership, group management, technical capacities and safety requirements of the specific circumstances being addressed
- graduating with an equivalent international qualification.

**Note:** If a provider's dependent clients come from an Education Queensland school, this AAS should be read in conjunction with the relevant Curriculum Activity Risk Management Module, which is available at: <http://ppr.det.qld.gov.au/education/management/Pages/Managing-Risks-in-School->

Curriculum-Activities.aspx

### 5.3.2 Leadership of activities and volunteer-based youth training organisations

Youth training organisations, such as Scouts Australia, Guides Queensland and the Duke of Edinburgh Award Scheme, permit suitably trained, prepared and equipped groups of participants to undertake outdoor activities, expeditions and journeys. They do this to encourage independence and give young people (or others) achievable but challenging opportunities to test their skills. These journeys may include a range of day and multi-day outdoor activities.

Due to the desired training and development outcomes, they may not conduct these activities under the direct supervision of a qualified adult leader. In such cases, a suitably qualified adult leader should be responsible for ensuring that participants have undertaken all necessary pre-activity training, are appropriately equipped, and have made all necessary logistical and organisational arrangements. It is recommended that the suitably qualified adult leader indirectly supervise the activity via communications technologies and/or site checks.

## 6. Equipment

Equipment requirements will vary according to the planned activity (including the route and its objectives), the environmental conditions, and the nature and size of the group. The leader and group should have easy access to emergency and contingency equipment.

### 6.1 Leader's equipment

The leader should have the equipment listed in Section 6.2, as well as a first aid kit, communication equipment and the following gear:

- personal clothing appropriate to the conditions (to protect against sun, wind, rain, cold) including
  - › wetsuits, thermal underwear, fleece, paddling jackets
  - › suitable footwear (i.e. old track shoes, wetsuit booties); thongs are NOT suitable
  - › sun protection
- craft suitable for the proposed activity, conditions and participants (described below)
- paddles suitable to the craft and the participants' skill levels (described below)
- Personal Flotation Devices (PFD) (described below)
- drinking water
- helmets (if deemed appropriate by conditions) (described below)
- whistle (pealess)
- rescue equipment
  - › throw bag
  - › suitable equipment to tow another canoe/kayak
  - › rescue knife
  - › slings, karabiners and pulleys (Grade 2+ water).

### 6.2 Participant equipment

The following equipment requirements apply to all dependent participants:

- personal clothing appropriate to the conditions (to protect against sun, wind, rain, cold) including
  - › wetsuits, thermal underwear, fleece, paddling jackets
  - › suitable footwear (i.e. old track shoes, wetsuit booties); thongs are NOT suitable
  - › sun protection
- craft suitable for the proposed activity, conditions and participants (described below)
- paddles suitable to the craft and the participants' skill levels (described below)
- PFDs (described below); PFDs should be checked for fit by the leader prior to a trip, worn at all times and be properly adjusted for the trip

- drinking water
- helmets (if deemed appropriate for the conditions); helmets should be checked for fit by the leader prior to a trip, worn at all times and properly adjusted for the trip.

### 6.3 Group equipment

Group equipment includes:

- adequate spare paddle(s)
- kayak/canoe repair kit (suitable to craft and length of expedition)
- a roll of duct tape
- appropriate first aid resources
- communication equipment (as appropriate to the location and length of expedition, described below)
- navigation equipment (appropriate to the location and length of expedition, described below)
- rescue equipment (described below).

### 6.4 Maintenance and storage

All equipment used in canoeing activities should be used, maintained and stored according to manufacturers' specifications where applicable.

Additional information, to that provided below, regarding the suitable nature, maintenance and storage of craft and other equipment is available on the Queensland Canoeing website [www.qld.canoe.org.au](http://www.qld.canoe.org.au).

Craft should:

- maintain structural integrity, be in good repair and meet their intended design characteristics
- be in a safe working condition and checked before usage.
- provide a stable platform allowing strokes to be performed effectively
- possess the strength to withstand all foreseeable forces
- not sink, but remain horizontal when swamped and be useable as buoyancy for their crew
- be capable of being towed by rope and grasped by hand
- be of a colour that is clearly visible to other water users or rescue authorities
- have positive buoyancy at each end which may consist of:
  - › sturdy, waterproof bulkheads, fore and aft, with watertight hatch covers
  - › integrated cockpits with watertight hatch covers
  - › fixed flotation bags
  - › being a 'sit on top' self-draining kayak.
- Paddles
- Paddles are to be appropriate for the type of craft and the build and skill levels of the participants.

### Personal Floatation Devices

- All participants are to wear an appropriate personal flotation device (PFD) whose construction meets or exceeds Australian Standards for PFD Level 50 or PFD Level 50S (previously known as PFD Type 2 and PFD Type 3) at all times while on the water.
- PFDs should be the correct size for the wearer and be adjusted correctly before getting on the water.
- It is highly recommended that all PFDs be of a bright colour.

### Helmets

Australian Canoeing recommends that helmets comply with the CE EN 1385:1998 standard and:

- be made of strong, lightweight material e.g. plastic or carbon fibre
- cover the head to provide ample protection to the forehead, temple and back of the head
- have enough positive buoyancy to float
- be a good fit so as not to move, but not be so tight as to be uncomfortable
- have an effective fastener to fix the helmet securely in place
- have a good system to absorb the shock from impacts and to provide a separation distance between the outside of the helmet and the paddler's head.

A canoeing helmet which meets these requirements should be worn while paddling water Grade 2 and above and while surfing, paddling among rocks or in sea caves and during rescue practice. They are optional for other canoeing activities. The helmet should be securely fixed whenever it is worn.

### Communication equipment

The following communication equipment should be carried as appropriate for the activity and area of operation. Electronic and other equipment that can be damaged by water is to be carried in water resistant containers. Maritime Safety Queensland does not regard mobile telephones as appropriate or sufficient as the primary method of communication at sea. Leaders are responsible to determine the equipment to be carried by all participants:

- marine whistle
- mobile phone
- signalling mirror
- marine VHF radio (operators should hold the Marine Radio Operator's VHF Certificate of Proficiency)
- flares (red, smoke, parachute)
- marine 27MHz radio
- torch
- strobe light

- UHF radio
- V-sheet
- satellite phone
- chemical light stick (or electronic equivalent)
- EPIRB (digital 406 MHz).

### Safety and Rescue Equipment

- Basic rescue equipment should be carried where it is quickly and easily accessible. Paddlers should receive training in the use of any rescue equipment that they carry and regularly practise its use.
- All leaders are to have an appropriate towing system easily accessible so it can be deployed quickly when needed.
- Throw bags should be carried by all leaders on any activity involving moving water.
- It is recommended that a rescue knife (safety knife) be carried by all leaders on whitewater.



## 7. Definition of terms

### Organisation

A person or group of persons organised for a particular purpose that provides a canoeing/kayaking experience for either commercial (for profit) or non-commercial (not-for-profit or community group) purposes.

### Dependent Group

A group of people who rely upon a leader or organisation where a duty may exist to take reasonable precautions to protect participants from harm.

### Standard Operating Procedure

A set of written instructions that document procedures to help outdoor leaders and managers implement best practice systems to safely deliver activities.

### Participant

A person whose welfare is the responsibility of a leader or assistant leader.

Note: The National Outdoor Leader Registration Scheme refers to a participant as a client. A participant may also be known as a dependant.

### Leader

An experienced person who is responsible for and coordinates the entire group, including supervision, to achieve the objectives of the group's or individual participants' session. A leader's responsibilities remain the same whether or not the session is for commercial purposes.

### Assistant Leader

A person who gives the leader additional support and/or is responsible for achieving the objectives of a group's adventure activity. The assistant leader's responsibilities remain the same whether or not the session is for commercial purposes.

**Must**—In this document, must indicates that a section or statement is mandatory by law.

**Should**—In this document, should indicates a recommendation.

## 7.1 Summary of abbreviations

<b>AAS</b>	Adventure Activity Standards
<b>EPIRB</b>	Emergency Position-Indicating Radio Beacon
<b>NOLRS</b>	National Outdoor Leader Registration Scheme
<b>TGA</b>	training.gov.au
<b>SIS10</b>	Sport, Fitness Recreation Training Package
<b>OCA</b>	Outdoor Council of Australia
<b>PAP</b>	Partnered Assessment Provider
<b>PLB</b>	Personal Locator Beacon
<b>QPWS</b>	Queensland Parks and Wildlife Service
<b>RTO</b>	Registered Training Organisation

## 8. Further information

### 8.1 Organisations

Department of National Parks,  
Recreation, Sport and Racing  
PO Box 15187, City East Qld 4002  
Phone: 1300 656 191 (Sport and Recreation Services)  
Phone: 13 74 68 (National Parks, Marine Parks  
and Forests)  
[www.nprsr.qld.gov.au](http://www.nprsr.qld.gov.au)

Queensland Outdoor Recreation Federation  
150 Caxton Street, Milton Qld 4064  
Phone: (07) 3369 9455  
[www.qorf.org.au](http://www.qorf.org.au)

Outdoor Council of Australia  
150 Caxton Street, Milton Qld 4064  
Phone: (07) 3369 9455  
[www.outdoorcouncil.asn.au](http://www.outdoorcouncil.asn.au)

Workplace Health and Safety Queensland,  
Department of Justice and Attorney-General  
PO Box 69, Brisbane Qld 4001  
Phone: 1300 369 915  
[www.deir.qld.gov.au/workplace/index.htm](http://www.deir.qld.gov.au/workplace/index.htm)

Leave No Trace  
PO Box 71, Cottesloe WA 6911  
Phone: 1300 884 086  
[www.lnt.org.au](http://www.lnt.org.au)

Queensland Fitness, Sport, Recreation Skills Alliance  
150 Caxton Street, Milton Qld 4064  
Phone: (07) 3367 0833  
[www.skillsalliance.com.au](http://www.skillsalliance.com.au)

Service Skills Australia  
GPO Box 4194, Sydney NSW 2001  
Phone: (02) 8243 1200  
[www.serviceskills.com.au](http://www.serviceskills.com.au)

### 8.2 Resources

#### General websites

Blue cards  
[www.bluecard.qld.gov.au/bluecard/index.html](http://www.bluecard.qld.gov.au/bluecard/index.html)

Bureau of Meteorology  
[www.bom.gov.au/qld](http://www.bom.gov.au/qld)

Cancer Council Australia  
[www.cancer.org.au/cancersmartlifestyle/SunSmart/Preventingskincancer.htm](http://www.cancer.org.au/cancersmartlifestyle/SunSmart/Preventingskincancer.htm)

#### Legislation

- *Civil Liability Act 2003*
- *Child Protection Act 1999*
- *Work Health and Safety Regulation 2011*

<https://www.legislation.qld.gov.au/OQPChome.htm>

Department of National Parks, Recreation, Sport  
and Racing

Operational policy: Group activity permits  
[www.nprsr.qld.gov.au/licences-permits/recreation/group-activity-notification.php](http://www.nprsr.qld.gov.au/licences-permits/recreation/group-activity-notification.php)

Operational policy: Commercial activity – general  
requirements  
[www.nprsr.qld.gov.au/licences-permits/commercial/index.html](http://www.nprsr.qld.gov.au/licences-permits/commercial/index.html)

Operational policy: Permits or written approval for  
special activities  
[www.nprsr.qld.gov.au/licences-permits/recreation/special\\_activities.html](http://www.nprsr.qld.gov.au/licences-permits/recreation/special_activities.html)

First aid  
[www.deir.qld.gov.au/workplace/subjects/firstaid/index.htm](http://www.deir.qld.gov.au/workplace/subjects/firstaid/index.htm)

HQPlantations (forests management)  
[www.fpq.net.au](http://www.fpq.net.au)

TGA ([training.gov.au](http://training.gov.au))  
[www.training.gov.au](http://www.training.gov.au)

Queensland Fitness, Sport and Recreation  
Skills Alliance  
[www.skillsalliance.com.au](http://www.skillsalliance.com.au)

Queensland Health  
[www.health.qld.gov.au](http://www.health.qld.gov.au)

Department of Agriculture, Fisheries and Forestry  
[www.daff.qld.gov.au](http://www.daff.qld.gov.au)

Queensland Rural Fire Service  
[www.ruralfire.qld.gov.au](http://www.ruralfire.qld.gov.au)

Standards Australia  
[www.standards.org.au](http://www.standards.org.au)

Workplace Health and Safety Queensland—  
Incident forms  
[www.deir.qld.gov.au/workplace/incidents/incidents/notify/index.htm](http://www.deir.qld.gov.au/workplace/incidents/incidents/notify/index.htm)

#### Cultural heritage

Department of Aboriginal and Torres Strait Islander  
and Multicultural Affairs [www.datsima.qld.gov.au](http://www.datsima.qld.gov.au)

Note: The *Aboriginal Cultural Heritage Act 2003*  
(Queensland) details guidelines for duty of care in  
recognising, protecting and conserving Aboriginal  
cultural heritage.

Multicultural Affairs Queensland  
[www.datsima.qld.gov.au/culturaldiversity](http://www.datsima.qld.gov.au/culturaldiversity)

## Risk management websites

Australian Standard AS/NZS ISO 31000:2009 Risk management - Principles and guidelines  
[www.riskmanagement.com.au](http://www.riskmanagement.com.au)  
(including HB 246–2010 *Guidelines for managing risk in sport and recreation organisations*)

Commission for Children—Risk management requirements  
[www.ccydpcg.qld.gov.au/bluecard/risk-management.html](http://www.ccydpcg.qld.gov.au/bluecard/risk-management.html)

*How to Manage Work Health and Safety Risks Code of Practice 2011*  
[www.deir.qld.gov.au/workplace/law/codes/index.html#h](http://www.deir.qld.gov.au/workplace/law/codes/index.html#h)

Safety guidelines for children and young people in sport and recreation  
<http://sma.org.au/resources-advice/policies-guidelines/active-children>

## Books

Dickson, T.J., and Tugwell, M. (2000). *The risk management document: Strategies for risk management in outdoor and experiential learning*. North Sydney: Outdoor Recreation Industry Council.

Haddock, C. (2004). *Outdoor safety: Risk management for outdoor leaders*. Wellington: New Zealand Mountain Safety Council.

Miles, J., and Priest, S. (1999). *Adventure programming*. State College, Pennsylvania: Venture Publishing.

Priest, S., and Gass, M. A. (1997). *Effective leadership in adventure programming*. Champaign, Illinois: Human Kinetics.

The Scout Association of Australia. (2008). *Fieldbook for Australian Scouting (2008 Year of the Scout edition)*. North Ryde, NSW: McGraw-Hill Australia.

## References to interstate AAS

Victorian AAS: [www.outdoorsvic.org.au/activity\\_standards\\_review.php](http://www.outdoorsvic.org.au/activity_standards_review.php)

Tasmanian AAS: [www.sportandrecreation.tas.gov.au/sportrectas/publications/adventure\\_activity\\_standards](http://www.sportandrecreation.tas.gov.au/sportrectas/publications/adventure_activity_standards)

South Australian AAS: [www.getoutandstayout.org/sa-adventure--activity-standards.html](http://www.getoutandstayout.org/sa-adventure--activity-standards.html)

Western Australian AAS: [www.outdoorswa.org/page.php?id=7](http://www.outdoorswa.org/page.php?id=7)

## Activity Specific Resources

Australian Canoeing  
PO Box 6805  
Silverwater NSW 2128  
Phone: 02 8116 9727  
[www.canoe.org.au](http://www.canoe.org.au)

GBRMPA – Great Barrier Reef Marine Park Authority  
PO Box 1379  
Townsville QLD 4810  
Phone: 07 4750 0700  
[www.gbrmpa.gov.au](http://www.gbrmpa.gov.au)

Maritime Safety Queensland  
GPO Box 2595  
Brisbane Queensland 4001  
Phone: 07 3120 7462  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)

Queensland Canoeing  
PO Box 7007  
Upper Mount Gravatt QLD 4122  
Phone: 07 3349 1933  
[www.qld.canoe.org.au](http://www.qld.canoe.org.au)

SEQ Water  
PO Box 16146  
City East Qld 4002  
Phone: 07 3035 5600  
[www.seqwater.com.au](http://www.seqwater.com.au)

Sunwater  
PO Box 15536  
City East QLD 4002  
Phone: 07 3120 0000  
[www.sunwater.com.au](http://www.sunwater.com.au)

## 9. Appendices

### Appendix 1: Legal framework detail

#### Why have the Adventure Activity Standards?

The Adventure Activity Standards (AAS) are voluntary guidelines for undertaking potentially risky activities in a manner that promotes:

- safety for participants and organisations
- mitigation for organisations against the risk of civil legal claims and criminal penalties
- assistance in obtaining insurance cover.

The AAS are not imposed by law.

#### Not Legal Advice

The content of this Appendix is intended to provide a summary and general overview only in relation to the law and the matters of interest. It is not intended to be comprehensive, nor does it constitute legal advice.

There is no guarantee as to the accuracy or currency of the information and you should seek your own independent legal or other professional advice before acting on, or relying on, any of this information.

#### Applying the AAS

Implementing suitable risk management programs and strategies, and meeting the AAS, may help minimise the risk of injury or loss. Having evidence of compliance with these programs and strategies, and the AAS, could help organisations in the legal defence of claims, in proving for example that an organisation and its leaders acted with reasonable care under the circumstances to avoid foreseeable risks of injury.

#### Basis of legal liability

The common law of contract and of negligence together with legislation such as the *Personal Injuries Proceedings Act 2002 (Qld)*, the *Civil Liability Act 2003 (Qld)*, the *Limitations of Actions Act 1974 (Qld)*, the *Corporations Act 2001 (Cth)*, the *Competition and Consumer Act 2010 (Cth)* and the *Fair Trading Act 1989 (Qld)* (amongst other Acts) governs the legal liability for personal injuries or property damage of participants in adventure activities.

#### Claims in contract

A claim in contract may require a court to consider (amongst other things) whether:

1. a contract exists between the parties;
2. a breach of an express or implied term of the contract has occurred; and/or
3. damages should be paid, for a breach of contract for example.

##### 1. Contract

A contract is a legally enforceable agreement made between two or more parties. A contract can be written or verbal (or a combination of these), and can be entered into in different ways. For example, you can enter a contract by:

- signing a document; or
- taking action on the basis of terms communicated to you by another party, therefore demonstrating your acceptance of those terms.

When considering a claim in contract in relation to personal injury, a contract must exist between the person who suffered the injury or loss and the organisation against whom the injured party is making the claim. For example, a contract would exist between an organisation and a party if the organisation has agreed to provide services for a payment.

A claim in contract can only be made by one party to the contract against the other party to the contract.

##### 2. Breach of a term

Generally speaking, a claim in contract, will arise where there has been a breach of an express or implied term of the contract. An express term is a term that the parties have written or said. It is described in the contract itself. An implied term is in addition to the express terms of a contract. It is a term that the parties have not set out, but which is regarded as having been impliedly agreed to. A court may imply a term into a contract for business efficacy, to make the contract workable. A term may also be implied from the nature of the contract itself, or by reason of customer common usage, or on proper construction of the contract. A number of terms are also implied by legislation. A court might also read other terms into a contract as if they were written into the contract. These terms may give service providers other obligations when providing that service.

The *Competition and Consumer Act 2010 (Cth)*, *Fair Trading Act 1989 (Qld)* and the *Civil Liability Act 2003 (Qld)* (amongst other Acts) may also apply to conduct under the contract.

### 3. Compensation / Damages

If a court finds that a breach of either an express or implied term of the contract has occurred, then a party may be able to claim damages as compensation for the damage suffered as a result of that breach. Damages are a court ordered sum of money which places the plaintiff in the position he or she would have been in, had the legal wrong not occurred.

### Claims in negligence

To make a successful claim in negligence, a party (the claimant) must prove on the balance of probabilities (i.e. more probable than not) that:

1. the service provider owed a duty of care to take reasonable measures to avoid causing harm to their clients or participants, where the risk of harm is foreseeable if due care is not taken; and
2. a breach of this duty of care occurred;
3. the breach of the duty of care caused the injury or loss suffered.

The service provider would be in breach of his or her duty of care where the service provider fails to avoid a foreseeable risk where a reasonable person would have done so.

As the result of a successful claim in negligence, the court may award damages against the service provider to compensate for the loss or injury that the claimant suffered.

#### 1. Establishing a duty of care

A duty of care is the obligation owed to anyone to whom it is reasonably foreseeable would be injured by a lack of care being taken. In the case of adventure activities, the court may impose a duty of care on a service provider, which legally requires them to take reasonable care to protect a client or participant from foreseeable harm or loss.

#### 2. Determining a breach in a duty of care

##### Standard of care

To decide whether a breach of a duty of care has occurred, the court must first determine the appropriate level or standard of that duty of care.

The court determines the standard of care as a question of law by taking into account all the relevant circumstances and the specific facts of each case. To determine the appropriate level or standard, a court considers the organisation's and clients' experience and the conditions at the time, and possibly asks experts in the field for advice. Generally a court will hold that a specialist organisation (such as a service provider that provides adventure activities) will owe a higher duty of care than the standard of care owed by ordinary members of the community. The organisation's duty of care is higher than that of an ordinary citizen because it has agreed to provide services for a reward or is responsible for the care of others.

A court will find that the organisation has not met the standard of care (i.e. a breach of the duty of care has occurred) if the evidence, on the balance of probabilities, establishes that the organisation has not acted reasonably in the circumstances. That is to say, due to the negligent or careless conduct, or a failure to act by the service provider who owed a duty of care to the adventure activity participants, the standard of care necessary to fulfil the duty of care was not maintained.

The law requires the organisation to protect participants from reasonably foreseeable hazards associated with the activity, and from those risks that could arise (i.e. risks that the organisation, instructor, teacher, or staff member or guide can reasonably foresee), against which they could take reasonable preventative measures.

##### Defence—no breach of duty

The *Civil Liability Act 2003* (Qld) states that a person does not breach a duty to take precautions against a risk of harm unless:

- a risk is foreseeable (that is, it is a risk of which the person knew or ought reasonably to have known); and
- a risk is 'not insignificant'; and
- in the circumstances, a reasonable person in the position of the person (e.g. the service provider) would take appropriate precautions.

In determining whether a reasonable operator took appropriate precautions, a court will consider (amongst other relevant issues):

- the probability that harm would occur if they did not take care;
- the likely seriousness of the harm;
- the burden of taking precautions to prevent the risk of harm; and
- the social utility of the activity that creates the risk of harm.

In these circumstances, it is recommended that in order to minimise the potential for legal liability and to minimise the risk of injury, each service providing organisation implement risk and safety management processes that identify foreseeable risks and implement measures to control them. For the same reasons, all organisations should ensure that leaders, managers or guides should, as a minimum have appropriate first aid and activity- specific training.

This is particularly important when the activity is a specialised one. In these circumstances, as a participant will rely on the expertise of the organisation, leader or guide, a higher duty of care will be imposed because the organisation, leader or guide will be considered to be responsible for controlling, guiding and protecting the participant.

Additionally, the probability that harm will occur if care is not taken and the likely seriousness of the harm, is higher for adventure activities than for other types of activities.

### 3. Establishing that the breach caused the harm

To hold someone liable for paying damages in negligence, the court must establish that the breach of duty caused the harm suffered. In establishing that a breach of duty caused the particular harm, the following elements must be established (in accordance with the *Civil Liability Act 2003* (Qld)):

- a. That the breach of duty was a necessary condition of the occurrence of the harm; and
- b. It is appropriate for the scope of liability of the person in breach to extend to the harm so caused.

#### Defences

##### *Voluntary assumption of risk and obvious risks*

The *Civil Liability Act 2003* (Qld) states that if a defence of voluntary assumption of risk is raised by the defendant and the risk is an obvious risk, the plaintiff is taken to have been aware of the risk unless the plaintiff proves, on the balance of probabilities, that he or she was not aware of the risk. For example, if the risk of harm was obvious, then a rebuttable presumption exists (i.e. a presumption that can be proved to the contrary with evidence) that the person who suffered the harm was aware of the risk. A person does not owe a duty of care to another person to warn of an obvious risk. Similarly a person is not liable in negligence for harm suffered by another person as a result of the materialisation of an inherent risk.

An obvious risk is a risk that, in the circumstances, would have been obvious to a reasonable person in the position of the person suffering harm, including risks that are a matter of common knowledge. An inherent risk is the risk of something occurring that cannot be avoided by the exercise of reasonable care and skill.

However, it would be unlikely to be an obvious risk if an injury was caused by the service providing organisation's inexperience or incompetence, defective equipment, or inadequate supervision or instruction.

##### *Dangerous recreation activities*

The *Civil Liability Act 2003* (Qld) also provides that a person is not liable for negligence for harm suffered by another person as a result of the materialisation of an obvious risk where a participant engaged in a dangerous recreational activity. This may apply whether or not the participant suffering the harm was aware of that risk. A dangerous recreational activity is an activity engaged in for enjoyment, relaxation or leisure that involves a significant degree of risk of physical harm to a person.

##### *Contributory negligence*

If a participant's failure to take precautions against the risk of harm caused or contributed to the accident causing personal injury, then this would be a partial defence to a claim in negligence to the extent that the court apportions responsibility between the organisation and the injured participant. When considering by how much to reduce the damages due to contributory negligence, a court may decide to reduce the damages by anywhere between 1 percent and 100 percent. An apportionment of 100 percent would defeat the claim entirely.

##### *Exclusion of liability agreements*

In some instances, the court may uphold documents that exclude liability, sometimes referred to as a 'waiver to sue' or 'release'. Exclusion of liability agreements are usually a written statement that a supplier of recreational services cannot be sued if a participant is injured or killed using the service. Each participant signs the agreement before the supplier supplies the services. These agreements must be carefully drafted and comply with any applicable legislation. The use of these agreements may enable suppliers of recreational services to exclude or otherwise limit their liability for negligence that caused or contributed to a participant's injury or death.

##### *Volunteers*

Under the *Civil Liability Act 2003* (Qld), volunteers are protected from personal civil liability in relation to any act they undertake in good faith when providing community work organised by a community organisation.

A volunteer is a person who does community work on a voluntary basis. This includes work for which a person receives reimbursement of reasonable expenses but does not include court-ordered community work.

Community work is not for private financial gain and is performed for charitable, sporting, educational and other purposes.

##### *Expressions of regret*

The *Civil Liability Act 2003* (Qld) also states that when a person apologises (verbally or in writing) for causing death, personal injury or harm, this apology does not constitute an admission of fault or negligence liability provided the apology does not include a clear acknowledgement of liability.

## Additional considerations

Organisations providing adventure activities should also consider the following obligations:

### *Work Health and Safety Act 2011 (Qld).*

This Act's main objective is to provide for a nationally consistent framework to secure the health and safety of workers and workplaces by protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work or from particular types of substances or plant so far as is reasonably practicable.

### *Commission for Children and Young People and Child Guardian Act 2000 (Qld).*

This Act regulates the requirement for people to obtain a blue card if they intend to work or carry on a business in a child-related area, either in a paid or voluntary capacity. Both **paid employees** and **volunteers** may need a blue card if they intend to work in facilities or situations that fall under any of the following categories

- › residential facilities
- › school boarding houses
- › schools—employees other than teachers and parents
- › child care
- › churches, clubs and associations involving children
- › health, counselling and support services
- › private teaching, coaching or tutoring
- › education programs conducted outside of schools
- › child accommodation services, including homestays
- › religious representatives
- › sport and active recreation
- › emergency services cadet programs
- › school crossing supervisors
- › care of children under the *Child Protection Act 1999*; and
- › any other category prescribed by a regulation.

A service or activity that a person provides may be considered a business irrespective of whether or not the service or activity is performed for profit. However, the service or activity must fall within one of the business categories regulated by the *Commission for Children and Young People and Child Guardian Act 2000 (Qld)*, such as private teaching, coaching and tutoring, or providing sport and active recreation activities.

## Standards

The following is a guide (not a complete list) to the standards that an organisation providing adventure activity experiences, guides, instructors, teachers or staff members, should meet:

- Ensure that the activity is appropriate for the skills and experience of intended participants.
- Ensure that the intended activity is appropriate for the known, expected and forecasted conditions.
- Provide adequate staff and leader supervision.
- Provide competent and appropriately trained staff and leaders.
- Provide safe and properly functioning and adjusted equipment.
- Provide reasonable food and safe shelter if relevant.
- Give participants reasonable guidance, instruction and direction.
- Depending on the activity, have adequate knowledge of the area where the activity will occur, and be able to provide reasonable first aid, emergency backup and rescue.
- Ensure that appropriate approvals and authorisations / licensing requirements (if any) have been obtained.

## Appendix 2: Exemplar risk management templates

Note: The following templates have been included as examples for guidance purposes and are incomplete. If these templates are used, information specific to the activity, location, participants, etc. will need to be sourced and incorporated.

### RISK MANAGEMENT PLAN

#### Activity: canoeing (Noosa River)

DANGER	RISK	MANAGEMENT STRATEGIES	EVALUATION/ COMMENTS
Environment			
Sun Exposure	Sunburn Dehydration Heat Exhaustion/ stroke	Participants advised on appropriate clothing and equipment. Clothing with sleeves must be worn under PFD'S.  Participants carry minimum of 3L water. Refill stops.  Particular pointers to apply sunscreen to backs of hands and inside thighs.  Regular rest stops.  Encourage peer reminders and monitoring.  Monitor Weather.	
Winds	Capsizing Multiple Rescue Group Separation	Monitor winds before departure. White caps are an indication of thinking about strong management strategies or cancellation.  Set safety guidelines- distance between canoes, whistles, rafting up.  Set expectation of group travelling together.  Participants are empowered to manage group distance and to show raft up sign if the group gets too far apart.  Ropes are carried so that there is an option of tying boats together for more stability.  Participants are briefed on capsize procedures.	Where possible try to make the larger open water crossings earlier in the morning.  Keep in mind hugging the bank or walking canoes as an option.
Rain	Wet Equipment Hypothermia	Pre-briefing and equipment list outlines appropriate clothing and wet weather gear.  Participants are shown how to waterproof equipment.  Group condition is monitored closely during wet weather.	
Submerged Logs	Capsizing Impact Injuries Canoe Damage	Participants are briefed about the presence of submerged items.  Participant behaviour is monitored around areas where submerged logs are prevalent.  Participants are briefed on capsize procedures.	



DANGER	RISK	MANAGEMENT STRATEGIES	EVALUATION/ COMMENTS
<b>Environment</b>			
Dead Trees	Impact Injuries Canoe Damage	Participants are briefed about the dead trees and the likelihood of tree fall if a canoe hits.  Participants are asked to care for equipment.	
Steep Banks	Sprains & Strains	Appropriate exits and entry points are chosen to avoid any difficulties.  Use National Parks developed entry and exit points.	
Rubbish	Cut Feet Embedded Objects	Participants are expected to wear closed in shoes at all times.	
Environmental Impact		Participants are to be briefed on specific environmental factors that concern the Noosa River. This is supported by 'Leave No Trace' DVD.  Ensure rubbish is 'carried out'.  Ensure that the designated landing areas are used and no landing zones are observed.	
<b>People</b>			
<b>Risk</b>			
<b>Management Strategies</b>			
Loading & Unloading Canoes	Strains Finger injuries Damage to canoes	Loading is supervised by adult.  Participants are briefed about communicating with each other prior to lifting.  A minimum of four participants are to carry a canoe.  Canoes on the top rung are to be managed carefully.****	
Poor Communication with Partner	Capsizing Collison Emotional or Relationship Difficulties	Emphasis is placed on communication between partners to ensure the boat is moving correctly and that people avoid arguments.  Participants are also given paddling tips to assist with the smooth operation of their boats.  Participants are briefed on capsizе procedures.	
Split Up of Group	Lost Participants Unsupervised Participants	Set expectation of the group travelling together.  Participants are empowered to manage group distance and to show raft up sign if the group gets to far apart.  Set safety guidelines- distance between canoes, whistles, rafting up.	

DANGER	RISK	MANAGEMENT STRATEGIES	EVALUATION/ COMMENTS
People	Risk	Management Strategies	
Swimming	Submerged Objects Spinal Injuries Drowning	Participants are expected to wear shoes and PFD's whilst swimming.  Before entering the water the area should be assessed for hazards such as submerged logs or tree roots.  The participants' medical form indicates whether they are confident to swim 50m which gives an indication of swimming ability.  Safety guidelines should be set according to the area eg boundaries  Swimming is to be supervised by an adult.  No jumping or diving from jetties, banks or trees.	
Canoe collision	Finger injuries Paddle impact Damaged Canoes	Participants to be briefed in control strokes of canoeing (steering, emergency stops).  Participants briefed on letting occupants of other canoes know if they are likely to hit their canoe.	
Motorised Craft	Capsize Collision	Set expectation of group travelling together.  Participants are empowered to manage group distance and to show raft up sign if the group gets to far apart.  Set safety guidelines- distance between canoes, whistles, rafting up.  Group should travel together so that motorised craft have space to manoeuvre.  Group to travel close to banks where possible.  Participants are briefed on capsize procedures.	This is of particular concern around Kin Kin Creek, Fig Tree Point and Como Reach areas.
Public	Ill will Reputation tarnished	Instructors should choose appropriate areas to brief and unload canoes so that public are not restricted in access and participants are not distracted.  Instructors to monitor noise and behaviour of group.	
Equipment	Risk	Management Strategies	
Canoe Faulty	Leaky canoe	General condition of canoes is monitored when loading and unloading of canoes and faults recorded.  Canoe condition is checked yearly.	
Trailer	Canoes coming free from trailer Trailer coming off car	Suitably skilled adults are responsible for tying on canoes.  The driver should check that canoes are securely on the trailer before driving away.  The driver is responsible for checking that the trailer is sitting on the tow ball correctly and that the safety chain is secured.	

**Activity: four day sea kayak**

RISK FORM 4 DAY SEA KAYAK				
Risks	Risk Level	Causal Factors		Risk Management Strategy
Drowning	S	People	Capsize, staff not able to rescue, Not able to swim, Medical Condition.	Participants briefed in Capsize. Instructors trained in rescues. Swimming ability checked. PFD worn, Medical forms used and checked.
		Equipment	No PFD. Incorrect fitting PFD. Spray deck tag not out.	Must wear Type 2 PFD at all times on water, PFD checked by Instructor. Spray decks checked after breaks and visually by instructor
		Environment	Strong current, Deep water, strong rips	Tides and weather checked prior by instructor. Match conditions to participant ability/objectives
Dehydration	M	People	Not Drinking. Over exertion, Incorrect clothing	Regular drink breaks. Regular stops, small overall distance. Towlines carried. Clothing list issued, checked, spare/s carried
		Equipment	No water	Spare water carried. Water locations noted.
		Environment	Very hot day.	Weather report/forecast checked
Hypothermia	M	People	Not enough food. Poor health, Fatigued	Good variety of food being supplied, medical forms checked, regular stops
		Equipment	Incorrect clothing	Clothing list sent prior, clothing checked, spare/s carried
		Environment	Very cold conditions.	Weather forecast checked prior to trip and each day
Hyperthermia	M	People	Not enough water, Over Exertion, Medical reason	Drink breaks, Spare water carried. Medical forms checked. Regular breaks
		Equipment	Incorrect clothing	Clothing list sent, clothing checked, spare/s carried
		Environment	Very Hot day.	Weather forecast checked

**RISK FORM 4 DAY SEA KAYAK**

Risks	Risk Level	Causal Factors		Risk Management Strategy
Strains / Sprains	S	People	Incorrect technique, Fitness, Poor carrying technique	Instructor briefs and checks technique throughout trip. Regular breaks, Loaded boats to be carried in 2s at a min.
		Equipment	Incorrect gear	Gear check by instructor
		Environment	Slippery landing and launching	Landing checked by instructor prior to landing
Separation	M	People	Not paying attention. Poor briefing. Poor ratio choice	Signals and formation briefed prior. Ratio of 1 : 6
		Equipment	Unfamiliar kayak. Incorrect gear	Paddle close to shore for first 2 km's. Gear checked by instructor
		Environment	Strong winds, rips, tides.	Weather and tides checked by instructor
Fatigue	L	People	Fitness level. Poor technique	Regular breaks. Instructor skilled in teaching correct technique
		Equipment	Incorrect gear	Gear checked by instructor
		Environment	Strong winds, waves, tide. Large distance	Weather forecast checked prior and during trip. Appropriate craft & gear for journey/ session
Psychological	L	People	Lack of confidence. Lack of knowledge	Instructor skilled in briefing. Training/ briefing to include wet exit, formation ...
		Equipment	Incorrect gear	Gear checked by instructor
		Environment	Strong winds, waves, tides	Weather forecast checked by instructor
Sun Burn	M	People	Not applying sun screen	Spare sun screen carried. Application time given. Participants briefed on sun care.
		Equipment	No hat, protective clothing. No sun screen	Equipment list sent, clothing checked, spare/s carried
		Environment	Strong sun.	Weather forecast checked. Paddle May- June.
Lost Equipment	M	People	Left behind at camp, Carelessness	Campsite checked prior to departure. Gear counted and checked in and at end of each day
		Equipment		
		Environment	Strong winds, strong tide, wet weather	Equipment attached to kayak, paddle leashes used in poor conditions.
Separation	M	People	No limits set.	Instructor sets in brief; relevant ratio implemented; communication techniques understood

### RISK FORM 4 DAY SEA KAYAK

Risks	Risk Level	Causal Factors		Risk Management Strategy
		Equipment	Broken equipment, improper equipment. No communication method	Equipment checked and spares carried, whistle carried.
		Environment	Strong winds and tide.	Instructor brief includes tides etc, weather and tides checked

### CONSEQUENCES

Likelihood	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	S	S	H	H	H
B (Likely)	M	S	S	H	H
C (Moderate)	L	M	S	H	H
D (unlikely)	L	L	M	S	H
E (rare)	L	L	M	S	S

#### Risk Level

H – High risk: e.g. likely or almost certain to occur, with at least moderate consequence – at least medical treatment required (See table below)

S – Significant risk

M – Moderate risk

L – Low risk

#### CONSEQUENCE RATING TABLE

LEVEL	DESCRIPTOR	DESCRIPTION
1	Insignificant	No injuries, low financial loss
2	Minor	First Aid treatment, Medium financial loss
3	Moderate	Medical treatment required, high financial loss
4	Major	Extensive injuries, major financial loss
5	Catastrophic	Death, Huge financial loss

Thanks to Queensland Canoeing for this exemplar Risk Assessment and Management plan

## Appendix 3: Emergency strategy

### Emergency response plan template

#### Introduction

The following template has been included as an example for guidance purposes and is incomplete. If this template is to be used, information specific to the activity, location, participants, etc. will need to be sourced and incorporated.

Emergency is defined in many jurisdictions as an event that requires a significant, coordinated response. The concepts of emergency and emergency management must be viewed in context, and emergency planning must account for the range of possible causes and responses. For example, natural emergencies are caused by storms, bushfires, floods, drought or weather extremes that may create an emergency. Similarly, outdoor leaders need also to prepare for emergencies caused by humans, such as accidents, lost or missing persons, or equipment failure; or social hazards, such as substance abuse and misuse, emotional trauma, or infectious diseases or food poisoning.

#### Plan overview

Verify	Confirm that there is an emergency situation.
Notify	Notify appropriate authorities and staff of emergency event.
Assess	Determine the extent and nature of the emergency.
Act	Respond to situation based on requirements, skills and responsibilities.

#### Emergency contacts (phone numbers)

KEY ORGANISATIONS	BEST CONTACT METHODS (MOBILE OR SATELLITE PHONE, RADIO)
Police, ambulance, fire	000 triple zero (112 from mobile)
Land manager	Etc
Etc	Etc

#### Assembly locations

Identify and describe locations of established evacuation assembly points and ensure every person knows them.

#### Site plan

The map must include locations of:

- emergency assembly and evacuation areas
- water, gas and power isolation points
- fire fighting equipment
- first aid kits
- dangerous goods
- etc.

### Roles and responsibilities

Outline the responsibilities of all key personnel involved in the activity and their contact details.

KEY PERSONNEL	RESPONSIBILITIES	CONTACT
e.g. Leader	Determine seriousness of incident, implement planned response, e.g. notify home organisation and external support, manage the group, administer appropriate first aid (as required)	
e.g. Assistant Leader	Etc	
Authorised media spokesperson	Etc	
Etc	Etc	

### Media management

Outline procedures for when media makes contact with staff members. For example, outline the people who have clearance to speak to media, and who media should be directed to for information on the emergency and what information they can provide.

### Foreseeable emergencies and response actions

#### Routine incidents

INCIDENT TYPE	RESPONSE ACTIONS
Electrical failure	
Ruptured water pipe	
Etc.	

#### Non-routine incidents

INCIDENT TYPE	RESPONSE ACTIONS
Bushfire	
Building fire	
Lost or missing person	
Injury/medical	
Storm/flood	
Snake bite	
Etc	

### Specific communication equipment carried by group

List types and number of communication devices that group may have, such as:

- mobile phone
- UHF radio
- satellite phone
- etc.

#### *Relevant aspects of land managers' emergency strategy*

Identify and access any land management requirements for emergency strategy, including the following.

- Strategies relevant to the specific features of the areas being visited (e.g. river crossings)  
Detail any site specific features that may require particular attention during an emergency response situation.
- A strategy for maintaining supervision ratios if any changes to the planned activity occur  
Detail plans of how to maintain group supervision during the course of the emergency response.

#### *Post-emergency debrief*

Outline what discussions or debriefs will be required after the incident to refine response procedures. The severity of the incident will determine the level of debrief.

#### *Post-incident reporting*

Complete an incident/accident report form and file accordingly. The form should outline details of the incident, including the:

- date and time of the incident
- personnel involved
- type of incident
- first aid administered.





