

Managing Horse Events following inclement Weather Conditions



Given the recent High Court ruling in favour of a severely injured rider from a fall from her horse whilst participating in a Campdraft event in New South Wales, we thought it timely to remind all Shows about their duty of care applying to such events.

Background

In the High Court judgment, three of five justices found the Campdraft organisers breached their duty of care to participants and should have stopped the event when four competitors fell off their horses before the injured rider took part in the event. One experienced competitor repeatedly urged the organisers to stop the event because the ground was slippery, unsafe and dangerous, but instead they gave riders the option to withdraw from the competition. The court found the slippery ground substantially increased the risk of injury, and the potential for catastrophic injury was foreseeable.

The ultimate test in injuries of this nature are whether a duty of care exists and whether that duty of care was breached. The High Court saw that there was a duty of care that existed to the rider and hence their decision in favour of the injured participant.

It is important to note that your Liability policy does respond to protect Shows in such circumstances. Of course sound risk management is critical to protecting exposure and ultimate claim costs, but when things don't quite go to plan then your Liability policy first steps in to defend any action, and ultimately pays out should indemnity be granted.

Risk Management – Key considerations

It is prudent to remind Shows of a few important risk management principles when it comes to managing Horse Events

- Shows must prepare and document a risk assessment for all horse events.
- Shows must ensure grounds are fit for purpose and able to withstand the rigours of the event in question. Shows to check ground suitability for all relevant activities, considering recent, current and forecast weather conditions.
- Maintain an ongoing risk management perspective throughout the event, in case further information comes to light. Organisers should not hesitate to stop an event should new risks / information become apparent during the event which may increase the risk of harm to organisers, officials, volunteers, competitors, or their horses during the event.
- Shows must ensure adequate crowd segregation including relevant protective barriers for all activities including whilst moving from stabling, yarding or parking areas to warm up and competition arenas.
- Shows to ensure the activity meets Council or Crown lands requirements. Shows should make their own enquiries.

Waivers

The process of careful and diligent waiver management should continue as normal. As a reminder to Shows, waivers do not absolve the shows of their duty of care. Sound risk management must also be applied diligently. Waivers are however very important to demonstrate that the participant understands the inherent risks of activities being undertaken and that they are a willing participant. This has supported our Liability program is refuting very large claims in the past.

These events are high risk events and sound risk management in this regard will continue to protect your public liability program from potential claims. We appreciate your support in this regard.

Feel free to contact the AgShows NSW should you require further assistance.