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INTRODUCTION

ATHRA's insurance partner Affinity Insurance Brokers has developed a Risk Warning and Liability Waiver form¹ and a Parental Consent and Indemnity form², following legal advice and incorporating specific legislation from all states and territories of Australia. Both forms can be downloaded from www.athra.com.au.

The requirement for these forms also reflects community attitudes that individuals must take responsibility for their own actions.

The form(s) must be signed by each member at the time of joining or renewing their membership of an ATHRA affiliated club.

BENEFITS

The primary benefit of signing the forms is to the member's club and to the Association. By encouraging members to acknowledge that the activity they are undertaking (horse trail riding) has inherent risks, they then accept that risk, which in turn minimises the risk to the club, the club's committee and to ATHRA.

By signing the form(s), ATHRA's and the club's liability during the member's participation in a sanctioned event or activity conducted by the Association or the club, is limited.

This minimisation of risk also has the effect of reducing the likelihood of ATHRA incurring higher insurance policy premium costs, as it demonstrates to the insurer that members are considering their own safety and the risk minimisation strategies put in place.

Note that signing the Waiver and Parental Consent forms does not preclude a member from making a liability claim for compensation if it can be proven that there has been an act of negligence, nor does it affect members' rights to make a claim for personal injury on ATHRA's Personal Accident policy.

FILLING OUT THE FORMS

Note that if the Risk Warning and Liability Waiver form and the Parental Consent and Indemnity form are incorporated into the club's membership application form, they must not be printed on the back of the application form. They must be printed on separate pages and then attached (eg stapled) to the application.

Risk Warning and Liability Waiver

No part of the Risk Warning and Liability Waiver form may be changed, except for the inclusion of the Participant's name and signature, and the Witness' signature, name and address. The Witness can be any adult (ie 18 years or older).

¹ IMS-F-006 Risk Warning and Waiver

² IMS-F-028 Parental Consent and Indemnity

All participants must sign this form. If the participant is under 18 years, the form is to be signed on their behalf by the parent or guardian, not by the underage participant.

The completed form must be retained by the club and provided to ATHRA on request.

Parental Consent and Indemnity

No part of the Parental Consent and Indemnity form may be changed, except for the inclusion of the Participant's name, telephone number, address, signature, the date on which the form was signed, the name of the ATHRA-affiliated club, and the Participation dates.

This form is to be completed where a participant (a person participating in an ATHRA related event) is aged under 18 years. It must be signed on behalf of the underage participant by the parent or guardian, not by the underage participant.

The completed form must be retained by the club and provided to ATHRA on request.

COMMUNICATION OF EXPECTATIONS AND OBLIGATIONS

Part of ATHRA's Risk Management Plan³ is to inform its clubs, members and participants what is required of them and what protocols are in place to minimise their exposure to risk and injury.

Clubs also have a duty of care to ensure that members and participants are aware that they are undertaking an activity that is risky and that injury and in some cases even death can occur. For this reason the following protocols are to be followed.

1. A risk Warning Sign as shown in the Appendix below must be displayed at the entrance or entrances of the sanctioned event or activity.
2. All Participants must sign a Risk Warning and Waiver form (and a Parental Consent and Indemnity form if appropriate) before participating in any sanctioned event or activity. ATHRA members need only sign the form(s) once, at the commencement of their club membership for the year.
3. Where possible and appropriate, the event or activity rules should be clearly displayed prior to the commencement of the event or activity.

APPENDIX**Risk Warning Sign**

³ IMS-GU-016 Risk Management Plan



RISK WARNING SIGN

Exclusion of Right to Sue

These Conditions Affect Your Legal Rights

PLEASE READ CAREFULLY

1. **Australian Trail Horse Riders Association (ATHRA) their employees and agents shall have no liability howsoever caused to YOU or any dependant for personal injury or death suffered by YOU or any dependant arising in any way whatsoever from the supply by**

.....
(Insert name of organisation)

of recreational services, including but not limited to horse trail riding and associated activities ("Recreational Services").

2. **YOU acknowledge that Recreational Services are dangerous activities with many inherent risks as a result of which personal injury (and sometimes death) are common. YOU by your participation in such recreational activities accept all risks of personal injury or death in any way whatsoever arising from your participation in such recreational activities and YOU and any dependants release and forever discharge Australian Trail Horse Riders Association and its employees and agents from all and any liability and claims arising from the supply of the Recreational Services.**

NOTICE dated

Authorised by the Australian Trail Horse Riders Association