

MEMO TO CLUBS – Club-run instruction courses

With the demise of Mountain Safety Council instruction courses, clubs may be considering stepping into the breach. If so, they need to recognise the effect of the regulatory regime around “adventure activities”. Clubs running courses for members will be exempt, but courses that are open to the public are not. A solution is to enrol participants as members for the duration of the course. However, it is essential that the club’s normal requirements for membership are complied with, as failure to do so creates a risk that the regulatory authorities will argue that the membership is not genuine and the course thus not exempt.

The full text of FMC’s advice to clubs when the regulations commenced is below.

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Adventure tourism regulations – advice to clubs

The Health and Safety in Employment (Adventure Activities) Regulations 2011 came into effect on 1 November 2011

The point of these regulations is to require operators of adventure activities to be accredited and audited.

Many club activities fall within the definition of adventure activities.

However, most club activities will be exempted by Reg 4(5), which states:

*An **adventure activity** does not include an activity provided by a sports club or recreation club to—*

(a) a member of the club; or

(b) a member of another sports club or recreation club under an agreement between the clubs; or

(c) a person who is not a member of the club if the activity—

(i) is provided only to encourage membership of the club or interest in the club’s activities, or for the purposes of a competition; and

(ii) is provided to any 1 person on no more than 12 days in any 12-month period.

So, activities provided for members are exempt. So are competitive events run by clubs for the public (e.g. Kaweka Challenge).

Where clubs hire a professional firm to run courses for members, that firm will almost certainly have to comply with the regulations.

There are 2 possible problem areas.

1. Clubs that have an informal approach to non-members. Few clubs would be in the position of having someone do 12 days activity without joining. Clubs need to consider procedures to avoid this happening.

e.g. my club runs weekly day trips on a ‘just turn up’ basis. It’s possible that a regular attendee could simply not get around to joining. We could solve this by adding a column to the attendance page asking if they are a member, & if not how many days they’ve tramped with us in the last year.

2. Courses etc run for the public.

e.g. my club has run a public bushcraft course most years since the 60s

Such activities cannot really be described as “*provided only to encourage membership of the club or interest in the club’s activities*”, although there’s no doubt that they can be a fertile source of new members.

Clubs need to consider whether to enrol all participants as members. It might be that the course fee includes membership for the period of the course, or for the year. Some clubs may have a problem in granting short term membership with rules that require members to be proposed and seconded, or to have participated in a certain number of club trips. They may have to amend their rules to provide for more varied forms of membership.