

June 2015

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ADVANCING THE SPORT OF MOTORCYCLING

## Motorcycling New Zealand - Officials Newsletter June 2015

Reading the Officials reports gives an insight into issues that are otherwise never heard about. A note on a recent CoC report has made it clear that the Duty of Care statement is being read 'verbatim' and not adapted to the event being run. Don't be afraid to change the statement to suit the event. If you are running a Trail Ride change 'Race' to 'Ride'. I'm pretty sure you won't immediately be struck down by a lightning bolt (but don't hold me to that).

The Duty of Care Statement has four main points:

- we have made the event as safe as we can
- it is dangerous and steps have been taken to mitigate these risks
- if you are not comfortable with this risk or have concerns raise them now
- if your concerns are not alleviated you should not take part

In covering those points the onus of risk is put back on the participant.

### **AGM Workshop:**

There was a Workshop at the AGM where the training plan was presented and discussed. A few changes and revisions are being made based on that feedback.

I am arranging two meetings for Grade 4 Officials; one in each island to train the trainers in the scheme. Those that pass the training will be able to do the training in their areas up to Grade 3. The manual they need to follow is being finalised now. A budget is being prepared for approval.

### **Training:**

Training. Yes, you are all contacting me about it. Currently all warrants are being extended to the end of this year. Contact [monique@mnz.co.nz](mailto:monique@mnz.co.nz) to get yours extended if you need to.

The new training scheme requires Prospective Stewards to be trained from outside your club. That means the Prospective Steward needs to attend another clubs event or the club needs to get a Steward in to assess the Prospect. This could mean a trainee attending a higher level event elsewhere for experience then getting assessed while running his local event by an outside Steward. Added to this is that some grades need more than one assessment and each assessment needs to be done by a different assessor. The idea is to get quality, broadly trained Stewards. This idea does have issues in some areas where there is a serious shortage of high grade Stewards (and CoCs in many cases) so this is not a rule but is a very strong recommendation.

There was support for Stewards at bigger events to be appointed from outside the club running the event and in some cases two Stewards to be required.

It was also noted that many events are 'major' or 'large' but have lower Grade

requirements for Officials than National events. The Grade requirements may need to be adjusted either by event size, risk, or some other method rather than the title it holds. One proposal is the link the Officials Grade to the Risk Assessment of the event (a Risk Assessment may be a requirement of the WorkSafe legislation currently before Parliament). If you have any thoughts around this I'd like to hear them.

Under the new scheme from Grade 3 the Officials will be discipline specific. This will take effect under the new scheme so all of you that currently have Grades are effectively multi-grade. When you do your next workshop you'll need to state what disciplines you are training for. You will need experience in these disciplines to back this up.

**If you are asked to do an Assessment remember that you must stand back and only record the Trainees actions. Taking control should only be done when the Trainee is getting it wrong. This can be grounds for a failure to pass assessment. Above all they must be competent. They shouldn't even need to look at you. An Assessment is not training so don't do it for them.**

#### **Report Forms:**

I haven't had any feedback on the current report forms. Please get your comments to me or I'll do my own thing. Hopefully that threat will get you moving...

#### **Machine checks and liability:**

To get things clear around this: you are liable if you do nothing when you know something is wrong. That much is clear. Now to the not so clear.

If checks are done and a machine examiner misses something, it is negligence and not recklessness, therefore no criminal charge may be brought against the examiner and any civil charge (which can only relate to property damage) would be covered by the disclaimer and MNZ insurance policy.

Criminal charges are only if someone acted with recklessness; they saw something wrong and did nothing. This is where you can be charged with a criminal offence as a result of reckless breach of duty.

The question that has not been tested is: Does not checking count as negligence, recklessness or neither? If it seems, to a reasonable person, that checks should be done, and they are not, you may be on thin ground, but it does not mean you are.

I'm still investigating this and will continue to report my findings, but so far it appears if you do check and take action on your findings you are ok. If you fail to take action on your findings you are not ok. But it's not clear how you stand by not doing checks.

Last word: Make sure that no one is riding (on track or in the pits) without a helmet. It doesn't matter what level the event is at, they must have a helmet on.

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