



# *Aikido Association of New Zealand*

## *Legal considerations for clubs*

The words 'legal requirements' need not be daunting. The main legal issues a club should consider relate to privacy and the Privacy Act 2020, accident and injury compensation (ACC), health and safety and employment.

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## ***Privacy***

Any group, club, employer or individual that collects private information about people is obliged to meet the rules set out in the [Privacy Act 2020](#). Regardless of the structure of your club (whether an incorporated society or not), it will have club members and you will collect information about them – even if it's just a list of names with addresses and phone numbers. That means the club must also have a privacy officer – someone who thinks about how to comply with the Privacy Act.

### ***Important things to know about the Privacy Act***

- The personal information collected must be necessary for what you are doing, for example, it may be important to know about a member's past injuries but unnecessary to know about a member's partner or children.
- The information collected can only be used for the reason you have collected it, for example, injury information could be used to decide a member's training activities but should not be given to someone who sells products to people with that particular injury.
- Anyone has the right to look at the information you have collected about them and they can ask you to correct it if wrong.
- Private information needs to be kept private.
- The form used to collect information (probably a membership application form) should include a paragraph that explains why information is being collected (for example for the purposes of forming and managing a club) and who will have access to it (such as the committee and officers of the club or specified employees).
- The Act requires all agencies to have at least one person who's familiar with the agency's privacy obligations and fulfills the role of a privacy officer.

More information on [how to comply](#) is available from the Privacy Commissioner's Office.



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## **ACC**

The Accident Compensation Corporation (ACC), is New Zealand's statutory insurer for any injuries caused by accident. The legal requirements for clubs and societies are much simpler than in many countries because of the comprehensive accident compensation cover supplied to everyone through ACC.

Essentially, [ACC](#) will cover all accidental injuries for medical care, loss of wages (up to 80% per week but not the first week), and compensation for loss of limbs or function (in some circumstances). If any of your members or volunteers are injured while participating in club activities, their medical expenses are covered though in some circumstances (private radiology for example) there may be a surcharge. As their injury did not happen at work they will not get their first week's wages, but will receive up to 80% of their wages after the first week if they cannot work because of the injury.

It is important to maintain an accident register to record details of an accident as problems can sometimes arise some time after the initial injury and details may have been forgotten.



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## ***Health and safety***

It's important to note that the club is not liable for personal injury from accidents for volunteers and members participating in its activities.

If the club is an employer it could be fined under the [Health and Safety Act](#) if it is at fault for not providing a safe working environment. [Occupational Safety and Health](#) has useful information about your obligations as an employer. The club must follow the rules for employers set out in the Health and Safety Act and pay the appropriate ACC levies.

Health and safety is about the hazards that exist in your usual club environment.

- Are there fire exits?
- Are there enough toilets and hand-washing facilities?
- Do you have a first aid kit and people trained in its use?
- What will you do in the event of an accident or civil defence emergency?
- Do you have contact numbers for your members' next-of-kin to ensure they can be contacted in the case of an illness or injury?

Your club should have plans in place to deal with health and safety issues. How extensive these plans are will depend on the size and structure of your club. But even if the club is small and uses a local community centre, it's still important that these issues are considered.

The club's legal requirements change according to whether or not you employ paid staff. But, in short, club management and members should consider the following guidelines to ensure everyone remains healthy and safe while participating in club activities.

## ***Developing a policy***

If the club does not employ anyone, but depends on a group of volunteers, it is still important that reasonable steps are taken to ensure the health and safety of members, participants and volunteers. A health and safety policy is your club's statement on how it will ensure the health and safety of anyone involved in its activities.

Appoint a health and safety coordinator to develop a policy for the club and ensure this is upheld. This includes hazard management, accident reporting, safety checklists, emergency procedures and accident reporting.

## ***What to include in a health and safety policy***



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- The purpose of the policy, e.g. club members and officers need to take all practicable steps to ensure the safety of everyone on the premises.
- Procedures required to meet the policy - include a checklist or register for the coordinator to regularly use to check for hazards .
- Ensure staff and volunteers know they must notify the coordinator of any hazards so action can be taken to minimise the risk of an injury occurring.
- Outline ways to deal with hazards that can't be managed immediately, for example, any hazards not dealt with straightaway must be noted and discussed at the next committee meeting.
- Outline emergency evacuation procedures – what people should do in the event of an emergency such as a fire or earthquake (emergency procedures should be displayed prominently).
- Outline an incident management procedure, for example, what to do in the event of an accident.

There are lots of first aid and safety courses available. [Red Cross New Zealand](#) or [St John New Zealand](#) both offer a variety of health and safety training courses around the country.

We intend to provide the following resources

sample health and safety policy manual (DOC)

sample accident report form (DOC)

hazard identification register (DOC).



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## ***Employment***

If the club employs club members it will need to:

- pay the minimum wage
- look after its employees
- know about PAYE and ACC levies
- ensure a safe working environment.

Refer to IRD and the Health and Safety Act for more information