

A Risk Management Document for Sydney Rockclimbing Club Inc

August 2009

Disclaimer:

This document is intended to assist trip leaders and participants in activities conducted by Sydney Rockclimbing Club Inc (SRC). Members of SRC accept that in undertaking an SRC activity they will not hold the SRC Committee responsible for any errors or omissions in this document or for the manner in which the information contained in this document is interpreted or implemented.

This document is copyrighted to SRC and is not to be released to non members without the prior consent of the SRC Committee.

The legal advice on which this document is based is provided on a without prejudice basis.

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Summary

The purpose of this document is to formulate a recommended list of risk management practices and to establish a code of best practice for Sydney Rockclimbing Club Inc (SRC).

Risk management is a term with different meanings for different people so it is important that the term be defined and understood. In the simplest of terms, risk management requires that SRC trip leaders and members exercise a duty of care to participants on SRC activities and members of the public in order to minimise the risk of personal injury and loss of or damage to property. Risk management also requires that systems and procedures are in place to ensure that SRC trip leaders and members keep SRC's risk management practices up to date based on the experiences of the club and members. It is an ongoing process.

The intention of this document is to:

- Establish a risk management framework which can be adopted by SRC trip leaders and members
- Formulate risk waiver forms
- Formulate basic procedures to be followed by trip leaders and members when participating in SRC activities
- Explain the legal ramifications of conducting uninsured or partially insured activities.

Liability

It is important that all members and trip leaders of SRC acknowledge that there are risks associated with SRC activities, and when members attend SRC activities they are accepting those risks and waiving their rights to blame the trip leader or fellow participants for any injuries suffered.

It is an unfortunate reality that accidents can and do occur from time to time to members. Accidents can range from minor (e.g. sprains) to major (e.g. brain injury, amputation, compound fractures, death). Accidents can also occur to members of the public through the actions of participants on a SRC activity, including the trip leader (e.g. a rock falling on someone below).

SRC has an insurance policy to cover personal injury, being the Personal Accident Insurance Policy. The insurance policy is a no-fault scheme and accordingly compensation is limited. The policy is available to both the trip leader and participants on a SRC activity regardless of the circumstances of the accident. It is important to note that the policy **DOES NOT COVER** members of the public from injuries incurred by the actions of SRC members **nor** does it cover public liability claims. **SRC DOES NOT HAVE PUBLIC LIABILITY INSURANCE COVERAGE.**

How is a case commenced against a Trip Leader or SRC member?

A trip leader or a participant of a SRC activity can be sued by an injured member or a member of the public for injuries suffered as a result of that activity. Only injured members of SRC who have suffered an injury on a SRC activity can make a claim on the *Personal Accident Insurance Policy*, details of which can be obtained from the SRC Secretary. A claim under the *Personal Accident Insurance Policy* has to be made within 30 days of the accident.

As an alternative, the injured person may sue for public liability compensation under the *NSW Civil Liability Act*. In order to succeed the injured person must prove:

- (a) Duty of care owed to the injured person (Plaintiff)
- (b) Breach of that duty
- (c) Negligence
- (d) Personal loss and damage arising from that negligence

Injured persons have three years from the date of the accident to commence legal proceedings and children have three years from the date on which they turn 18 years to commence legal proceedings.

In order to prove negligence there has to be a duty owed to the person, that the trip leader/participant breached that duty, the injury was foreseeable and that as a result of that breach of duty the injured person suffered loss or damage. In respect to the loss and damage, it must exceed the threshold as set out in the *Civil Liability Act* (presently 15% whole person impairment).

The claim is commenced by filing a Statement of Claim. The Defendant to the action has 28 days to instruct a solicitor/barrister to file a Defence on his/her behalf. When the matter is listed for hearing, the judge will determine liability based on the facts and the evidence. The judge will consider whether the trip leader/participant acted reasonably and if the Plaintiff accepted the risks of the activity.

If the Defendant is ordered to pay the verdict then the Defendant has to do so personally as there is no insurance company liable.

Trip Leader and Participant Guidelines

SRC members are required to comply with the following guidelines for trip leaders and participants when attending SRC trips.

Trip Leaders

SRC trip leaders and participants need to familiarise themselves with these guidelines as they provide a framework for trip management.

- Leaders should study and understand this risk management document and have a desire to ensure the safety of the group.
- Trip leaders are to ascertain that all participants have the basic skills for the activity by asking the participants before the commencement of the activity what their experience is. If a participant misrepresents his/her level of experience then the trip leader is entitled to rely on that misrepresentation in the event of an accident.
- Trips to areas where there is currently a climbing ban will not be considered a SRC activity.
- Inexperienced members who are not sufficiently experienced in that activity are not permitted to attend.
- In order for a SRC trip to be considered an official SRC trip, details of the activity are to be supplied to the SRC Trip Convenor by e-mail.
- Only current members of SRC are permitted to attend the activity.
- Any SRC member who climbs with a non-SRC member during an SRC trip will be deemed to have left the trip, and as such will no longer be the responsibility of the leader and are no longer covered by the SRC insurance policy.
- As the activity is not insured for public liability, details of known risks not mentioned in the *Risk Waiver (Appendix 2)* or the *Attendance Sheet (Appendix 3)*

are to be provided to the participants **prior to the commencement** of that activity by the trip leader, and all participants need to have signed the risk waiver and an attendance sheet for that activity.

- No trip will be regarded as an official SRC trip unless a minimum of three current SRC members are in attendance. However, some SRC activities may require a higher number for safety reasons.
- The trip leader has the **final** say in respect to which participants are to attend the activity. Refusal can be in respect to factors such as a limit on participant numbers has been reached, fitness, levels of skill and experience, equipment issues, past experience with the participant or other reasonable grounds.
- In the event of an accident the laws of NSW are to apply on the basis that the trip was organised in NSW regardless of the location of the accident.

Participants

Prior to the activity

- Ensure that you are fit enough for the degree of difficulty of the activity. If in doubt discuss with the trip leader well prior to the activity.
- Arrive at the starting point on time.
- Ensure you are suitably equipped for the trip: bring basic climbing equipment, carry sufficient water eg, a minimum of 1 litre (2 litres in hotter conditions), sunscreen, hat, food, rain gear, and carry/wear appropriate clothing and footwear. A personal First Aid kit and torch are also recommended.
- A climbing helmet is **mandatory** for all SRC trips.
- Remember that in the event of an accident the laws of NSW are to apply on the basis that the trip was organised in NSW regardless of the location of the accident.

During the activity

- Follow the trip leader's instructions.
- Be courteous, co-operative and helpful to other participants in the group.
- You should not leave the activity early unless pre-arranged, but if it is necessary you must advise the trip leader. You must accept the trip leader's decision to send someone with you to accompany you out. Once you leave the group then the trip leader's responsibility for you finishes.
- Do not allow yourself to become separated from the group. If experiencing any difficulty during the walk in or while climbing, advise the trip leader immediately.
- Advise the trip leader as soon as possible of any injury or illness which may affect your ability to participate in the trip.
- The use of helmets specifically designed for rockclimbing and which adhere to UIAA, CE or equivalent, is **mandatory** for **all** trip participants at all times when climbing, belaying, or above or below a cliff.

At the end of the activity

- Ensure that the trip leader is aware you have made it to the end.
- If you have injured yourself during the trip, advise the trip leader of your status at the end of the trip (or when you leave the trip prior to the scheduled conclusion).
- Remember to thank the trip leader.

Documentation and Procedures

Risk Waiver

New members and renewing members are required by SRC to sign a *Risk Waiver* when enrolling every year. Attached and marked *Appendix 2* is a Risk Waiver.

Attendance Sheet

In addition, SRC requires all participants (including trip leaders) of activities to sign a trip attendance sheet. Attached and marked *Appendix 3* is an *Attendance Sheet*.

Incident/Accident Report Form

In the event of an incident and/or accident occurring on a SRC activity, the Trip Convenor is to be notified by means of the trip report and an *Incident/Accident Report Form* completed and forwarded to the SRC Secretary within 30 days.

A serious injury is one requiring medical attention. A standard *Incident/Accident Report Form* is attached and marked *Appendix 4*.

An injured participant is required to obtain medical treatment as soon as practicable and notify the trip leader that they have done so.

Regardless of whether an incident/accident occurs on an activity, all trip leaders are to complete a trip report at the conclusion of the activity and forward it to the Trip Convenor. The report is to include the date/location of the trip, who attended and any incidents/accidents. This is regardless of whether the activity is insured or not.

Persons under 18 years

SRC does not permit visitors or members under 18 years of age. Should SRC amend its Constitution to permit children to attend its activities, then SRC will follow the NSW Parliament's guidelines in respect to Child Protection and Risk Waivers.

Trip Grading System

SRC has a grading system that is defined in the *Trip Leadership Operational Guidelines (Appendix 1)*. Activities are graded Easy, Moderate or Hard. Each SRC activity in the programme is graded. Participants should enquire of the trip leader as to the grade of the activity to ensure that they are fit and have the required climbing experience and/or skills to complete that activity. Participants have a responsibility to ensure that they are able to complete the activity and should not misrepresent their experience.

Trip Leaders

Trip leaders are an invaluable asset to SRC as they volunteer their time and experience to benefit the members. Without their efforts SRC could not run club trips.

SRC trip leaders are not professionals. They are volunteers, and many trip leaders emerge through a desire to share with others their own experiences. Experienced members are the backbone of the club.

Dated: 12 July 2006

The President and Committee of the Sydney Rockclimbing Club Inc

APPENDIX 1 – Trip Leadership Operational Guidelines

Trip Leadership Operational Guidelines

We thank you for kindly volunteering to be a Trip Leader. The purpose of these guidelines is to assist you in planning and running your activity. If you have any questions, please do not hesitate to raise them at a monthly business meeting or contact a Committee member.

The risk of leading activities

Outdoor activities have risks attached to them, as mentioned in both the risk waiver and the trip attendance sheet. Whilst you cannot as a trip leader eliminate or be aware of all risks you need to warn members of risks and reduce risks to the members attending your activity and to members of the public. These guidelines aim to help you achieve that.

Deciding on an activity

You are welcome to select a suitable activity and contact the Trip Convenor for it to be included in the next SRC programme. Alternatively, you may like to ask other SRC members or consult guide books or maps to decide on the area where you want to lead your activity.

- **Provide an accurate description of the trip**, e.g. a list of climbs and grades (a reference to a guidebook will suffice) including the overall activity grade and forward the details to the Trip Convenor for approval.
- **Survey your activity if possible** taking note of any potential risks. If the activity is an exploratory walk and climb plan the trip from reference to the map or by reference to other information sources.
- **You should only choose an activity that you consider to be within your capabilities as a leader.** The committee has the final say on whether you can lead a trip. If you are not sure about your ability to lead a particular trip you should ask for a co-leader with sufficient experience.
- **Have an alternate plan in case of unforeseen circumstances.**
- **As the activity is not fully insured** you must follow SRC's Risk Management Document.

Trip grading

After you have decided on your activity, you need to grade it. Trips are graded **Easy, Moderate or Hard**.

How you grade your activity depends on your own experience but you need to consider what the majority of Club members would consider as the grade of your activity. This will depend on the type of access and climbing that will be encountered on the trip.

For instance, a trip to climb Telstar at Ikara entails a long walk in and an ascent of a route that is in parts run out with a high potential for dangerous falls. This trip would be graded "Hard".

A trip to climb a multi-pitch route on Lockleys Pylon in the Grose Valley would require a long walk down, across and up the valley, or a fairly long walk above the valley and multiple abseils in. The route itself would be exposed and possibly poorly protected with some poor quality rock. Thus this trip would be at least "Moderate", or if the planned climbing route was particularly difficult, "Hard".

A trip to a sport climbing destination such as Berowra entails easy access and a mix of short well protected routes of medium to hard climbing grades which are suitable for top-roping. This trip could then be graded "Moderate", and be considered suitable for climbers of enough experience to comfortably top-rope, for example, a grade 18 climb.

A trip to Barrenjoey, a crag with easy access, low-graded climbs and good top-roping facilities would be suitable for climbers inexperienced in outdoor climbing and would be graded "Easy".

How many should be on the activity?

The number of participants on a trip depends on the degree of difficulty and your own experience. It is up to the trip leader to determine the maximum group size prior to admitting people on the trip participant list. Note that in some National Parks there are limits on the number of climbers per rope/party.

We would recommend the following:

Any trip you lead should have at least one other experienced SRC member and should not consist solely of beginners. This is to assist you in managing the group, navigating and enabling you to consult at least one other in the event of a problem. It is desirable that you and at least one other member of the group should have up to date knowledge of First Aid.

You are required to have a minimum of two plus yourself on the trip. That is the recommended minimum in case of emergency although some activities may require more participants for safety reasons.

When the activity is on the programme

When the activity is advertised on the programme or on the e-mail list through the Trip Convenor it is an official SRC trip.

- **Keep a record of who is booked** onto the activity and their contact details.
- **Confirm that everyone is a member of SRC.** Only members can attend SRC activities.
- **Advise participants of any equipment** they will require on the trip and the meeting time and place.
- **Confirm that the use of climbing helmets** at all times when climbing, belaying, or above or below a cliff is mandatory for this trip.
- **Clearly describe potential hazards/risks** to all intending participants and exclude any participant who in your judgement may have difficulty completing the planned activity. You have the right to refuse to allow someone to attend your activity. If you have any problems then contact the Trip Convenor who can contact that person on your behalf.
- **Once you have reached your limit** then you can keep a waiting list in case someone cancels at the last moment.

First Aid skills

It is desirable that there be **at least two members on your trip with current knowledge of First Aid.** This will allow you to consult with other members in the event of someone being injured during your activity. If only one person has First Aid knowledge and that person is injured then the group will not know the current treatment.

You should carry a **First Aid kit** on the activity. First Aid kits can be purchased from organisations such as St John Ambulance and or Australian Red Cross.

A few days before the trip

Where applicable:

- **Contact the office of the National Parks (or other land manager)** closest to where you are leading your activity to confirm the park is open. If the park is closed you must cancel, postpone or relocate your activity.
- **Arrange access** with landowners if crossing private property.
- **Check weather conditions** and other problems such as rain. If you believe the conditions will be dangerous then you should cancel, postpone or relocate your activity.
- **You need to give the details of your planned route**, the names of the participants and when you expect to return **to a responsible person**. When you return then contact that person to confirm your safe arrival. You need to brief that person that should you not return as expected they need to contact the SRC Trip Convenor.
- **Advise details of the trip** including expected terrain, distance, known risks not mentioned in the risk waiver or in the trip attendance sheet, expected return time etc. to all participants and ascertain whether all participants have the requisite experience, equipment and fitness for the activity.

On the day of the trip

Where applicable:

- You have the **right to refuse** participation to any persons you consider may present a risk to themselves or other participants or do not have the necessary skills for the activity.
- **Ascertain if anyone is carrying a mobile phone, GPS or EPIRB** for emergency use and whether any participants have First Aid knowledge, certification and/or medical training.
- **Ensure that everyone has the equipment they need.**
- **Ensure that everyone has adequate food and water.**
- When you start the walk in and walk out **appoint an experienced member to be last person** and keep your group together as much as possible. Take frequent breaks on long walks in and out and be conscious of the other participants.
- **Be aware of potential or changing hazards** relating to the terrain, weather etc.
- **Monitor the group** for problems during walks in and out. Behaviour can indicate possible problems such as tiredness. If you are aware of any problems then you can treat them quickly and terminate/shorten your activity.
- **Monitor the group** for problems while climbing. Try to ensure that participants are climbing safely and within their stated ability. If you are aware of any problems then you can treat them quickly.

If someone is injured on your trip

- **Assess the injury** and consult with at least one other experienced person on your trip as to the appropriate medical care.
- **Decide whether to continue the trip or shorten it.**
- **Send two members** to call for medical treatment and airlifting if required.
- After returning **ensure the member seeks medical treatment** and notify the Trip Convenor of the accident.
- **Also advise in your trip report the details of the accident and injuries.**

After the trip

- **Ensure all participants have arrived at the finishing point.**
- **Notify your responsible person** that you have returned.
- **Send a trip report to the Trip Convenor.** The report needs to specify the details of your trip, who participated and any incidents/accidents.

APPENDIX 2 – Risk Waiver

Sydney Rockclimbing Club Inc

Application for New Membership or Membership Renewal for the period 1 July to 30 June the following year

Postal Address: PO Box A592, Sydney South, NSW 1235

To apply for membership or renewal:

- You must be 18 years or over.
- Have had some experience in rockclimbing and related outdoor activities. Minimum requirement is having been climbing at an indoor climbing gym where instruction and approval has been given to belay.
- Complete, sign and date this application form.
- If you are a *new* member, you *must attend a club meeting*. Hand the completed and signed form to a committee member at the meeting, tendering the relevant fee in cash, cheque or money order.
- If you are a *renewing* or *previous* member, you can mail the form to the above address; enclose the relevant fee in cheque or money order, or manually/electronically transfer the fee to the club's bank account.

Membership Fees:

- New Members
 - If joining in the months from July to December: \$30 (Expires June 30 the following year)
 - If joining in the months from January to June: \$20 (Expires June 30 the same year)
- Existing Members
 - If paid before 1 July: \$20 (Expires June 30 the following year.)
 - If paid on or after 1 July: as for New Members

If existing members do not submit this form and their renewal fee before 1 July they are no longer financial members. However they may continue to receive Sydney Rockclimbing Club Inc correspondence via post or e-mail for a period of 3 months.

Membership fees include an electronic copy of the newsletter.

Acknowledgement, Waiver and Release

Please read carefully before signing the waiver.

I, the undersigned, apply for membership of Sydney Rockclimbing Club Inc (hereinafter referred to as 'the Club') and confirm:

1. I am 18 years or over and have experience in rockclimbing and related outdoor activities (referred to hereunder as "rockclimbing activities").
2. I understand that the Club encourages the use of safe climbing practices but any rockclimbing activity I undertake with the Club is at my own risk.
3. I understand that the Club and its members will not instruct me in the sport of rockclimbing.
4. I understand that leaders of rockclimbing activities are volunteers.
5. I understand that the Club and its members do not provide equipment for climbing and I will be responsible for providing and maintaining my own equipment.
6. Any advice or recommendation on rockclimbing equipment given to me by the Club and its members is not intended to be taken as any warranty that the equipment is fit for the purpose of rockclimbing or of the performance of the equipment.
7. I acknowledge that it is my responsibility to ensure that my equipment is fit for the purpose of rockclimbing.
- 8. I understand that rockclimbing activities are not insured for public liability.**
9. I understand and acknowledge that rockclimbing activities are an intrinsically dangerous activity and involve recreational rockclimbing on outdoor rock cliffs, at times in remote areas which may expose me to risks that could lead to injury, illness or death or to loss of or damage to my property.
- 10. Those risks may include but are not limited to:**

Muscle strains and broken limbs, brain damage, hypothermia, dehydration, sunburn, exposure to heights, exposure to cold and/or bad weather including wind and rain, slippery and/or uneven surfaces, equipment failure, failure to use the equipment correctly, loose rocks, falling rocks/equipment, unstable cliff edges, falling at edges of cliffs or drops, group being delayed and/or disorientated, vehicle traffic, actions of participants and/or spectators and/or members of the public.
11. To minimise these risks I will endeavour to ensure that when I attend trips:
 - (a) I will wear and carry suitable clothing and protective gear.
 - (b) I will ensure I have sufficient competence and experience to participate safely in trips.
 - (c) I do not take any medication that may impair my capabilities.
 - (d) I will advise the leader of any illness/injury which requires medical attention which may affect my ability to participate during the trip.
 - (e) I will carry a First Aid kit on the trips and be proficient in its use.



12. I agree by signing this waiver that I waive any claim for injury or damages arising from rockclimbing or related outdoor activity/ies that I may have against the Club and/or its members and/or other participants in tort or contract.
13. In the event of my death, this waiver will bind my estate.
14. I consent to receive medical treatment which may be deemed necessary in any event of injury, accident or illness during Club activities.
15. I agree to abide by the following:
 - (a) Never climb unroped and never move away from a climbing group in order to climb or abseil alone.
 - (b) Do not stand closer than one body length from the edge of the cliff, unless firmly and safely belayed.
 - (c) At the start of each climb, check all climbing equipment for damage. If the equipment appears faulty, seek advice immediately.
 - (d) Once tied into a climbing rope/team, do not untie either the rope or the belay system until it is safe to do so. It is your responsibility to check the adequacy of all ropes, knots and belay systems.
 - (e) Do not dislodge and/or throw objects off any cliff. If a rock is accidentally dislodged, immediately call out loudly 'below' or 'rock'.
 - (f) Never stand under others who are climbing, belaying, or are walking on a ledge above in case rock or other objects are dislodged. Always wear a safety helmet whenever you are near a cliff or climbing.
 - (g) When communicating with others in your climbing team, always speak clearly, concisely and loudly. Use the correct terms and conventions, and use personal names if the area is crowded.
 - (h) When belaying another climber it is imperative that your complete attention be given to the task. Always keep one hand on the safe side of the rope and do not attempt to participate in any other activity.
16. I acknowledge that the Club has warned me of the risks involved in rockclimbing.

I have read and understood the above terms and conditions of my membership of the Club. All references above to the Club shall also extend to any and all members of the Club.

Applicant's signature _____ **Date** _____

- Tick here if we can include your name, telephone number and e-mail address on our list of current members. The list is occasionally distributed to other club members.
- Tick here if we can provide you with an electronic copy of the newsletter, distributed in PDF format and requiring the use of the Adobe Reader to view. The Adobe Reader is free and can be downloaded from Adobe at <http://www.adobe.com>.

Personal Details PLEASE PRINT CLEARLY IN BLOCK LETTERS

Surname	
Given Names	
Date of Birth	Gender: Male / Female
Phone: Home	
Mobile / Work	
Address: Street	
Suburb & Postcode	
E-mail address	

Person to Contact in Case of Accident or Illness PLEASE PRINT CLEARLY IN BLOCK LETTERS

Name	
Relationship to you	
Phone: Home	
Mobile / Work	
Address: Street	
Suburb & Postcode	

Sydney Rockclimbing Club Inc



ATTENDANCE SHEET

To be signed before each activity

Name of Activity **on (date)** / /

Trip Leader Name

In voluntarily participating in the activity referred to on this *Risk Waiver* form and described to me by the Trip Leader I am aware that my participation in this Activity may expose me to risk that could lead to injury, illness or death or to loss of or damage to my property.

Those risks are set out in the risk waiver I signed when enrolling/re-enrolling and **may include but are not limited to:** Muscle strains and broken limbs, brain damage, hypothermia, dehydration, sunburn, exposure to heights, exposure to cold and/or bad weather including wind and rain, slippery and/or uneven surfaces, equipment failure, failure to use the equipment correctly, loose rocks, falling rocks/equipment, unstable cliff edges, falling at edges of cliffs or drops, group being delayed and/or disorientated, vehicle traffic, actions of participants and/or spectators and/or members of the public.

Trip Leader to insert any known additional risks:

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To minimise these risks I have endeavoured to ensure that:

- This activity is within my capabilities and I am carrying food, water and equipment and wearing clothing and footwear appropriate for this activity
- I have advised the trip leader if I am taking any medication or have any physical or other limitation that might affect my participation in this activity. I do not believe that my medication or limitations will prevent me from successfully completing this activity
- I will make every effort to remain with the rest of the party during the activity and accept the instructions of the trip leader of the activity
- I will note any risk warnings given prior to or during the trip
- I will advise the trip leader of any illness/injury/misadventure which may/will affect my ability to participate during the trip which requires medical attention
- I have read or heard and understand these requirements
- I have considered the risks before choosing to sign this Risk Waiver form
- I still wish to join the activity
- I agree by signing this form to waive any claim for damages arising from this activity that I may have against the club, the trip leader or other participants in tort or contract
- In the event of my death, this waiver will bind my estate.

Print name

Signature

Contact number

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Please send form after activity to:
Trip Convenor
Sydney Rockclimbing Club Inc
PO Box A592
Sydney South
NSW 1235

Sydney Rockclimbing Club Inc

INCIDENT/ACCIDENT REPORT FORM

This form is to be completed in the event of serious injury, death or loss of possessions and forwarded to: **Trip Convenor, Sydney Rockclimbing Club Inc, PO Box A592, Sydney South NSW 1235**

DEFINITION OF SERIOUS INJURY: ANY INJURY REQUIRING MEDICAL ATTENTION.

NAME OF INJURED PERSON OR PERSON SUFFERING LOSS:

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ADDRESS OF INJURED PERSON OR PERSON SUFFERING LOSS:

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Nature of the incident:

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Details of the incident and the action taken:

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Location of incident:

Activity being undertaken:

Trip Leader:

Date of incident:

Details of Witnesses including names and addresses:

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Signature of Trip Leader:

Date: