



Visitors and events on farms

This fact sheet provides examples of the duties that farmers, who are ‘persons conducting a business or undertaking’ (PCBUs), have for events and visitors on their farms under the Health and Safety at Work Act 2015 (HSWA).

KEY POINTS

- > Farmers are not responsible for the safety of people crossing a farm in non-work areas and away from farm buildings.
- > Having a charge in place for attending an event on the farm does not change duties relating to health and safety.
- > The farmhouse is not considered a workplace under the law.

business (at any location on the farm), doesn't put others at risk. If risks exist from work previously carried out (eg spraying of hazardous substances), then the farmer would need to reasonably manage these risks for visitors.

People visiting a farm have a responsibility to take reasonable care that their actions (or lack of action) do not put themselves or others at risk. They must also comply with any reasonable instruction given by the farmer, as far as they're able to.

WHAT DUTIES DO FARMERS OWE VISITORS ON THE FARM?

Farmers must ensure that work areas on the farm are safe, and don't pose a risk to the health and safety of any person.

Farmers must also ensure that farm buildings and immediate surrounding areas are safe for any person, including visitors. All entrances, exits and anything arising from the buildings, must not put visitors' health and safety at risk.

Farmers are not responsible for the safety of people crossing a farm in non-work areas and away from farm buildings. However, they must ensure that work carried out as part of the

Example: Warren allows people general access to a popular fishing spot through his farm. He decides to do some spraying using a hazardous substance on the paddocks people cross to get to the sea. Warren must take suitable actions to ensure the safety of anyone crossing the sprayed paddocks, so far as is reasonably practicable.

Examples of these actions may include:

- > posting a sign on the gate/paddock fence warning people of the work underway in the area

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- > clearly marking and identifying risks (eg the paddocks where the spraying is occurring) so no one wanders into the area
- > carrying out the spraying on a calm day so the spray doesn't drift.

Warren would not be at fault if a person injures themselves in another non-working area while crossing the farm, as long as there were no risks from work previously carried out.

WHAT DOES REASONABLY PRACTICABLE MEAN?

Something is reasonably practicable if it is reasonably able to be done at the time to ensure health and safety, having weighed up and considered all relevant matters.

Example: Annette is working in an area of her farm where it is unlikely other people will access. It would not be reasonably practicable to expect her to pack her work tools up, post warning signs and mark out risks every time she left that work area. However, if she knows other people are likely to access the area, it would be reasonably practicable to expect her to leave that area in a safe state.

For more information about reasonably practicable, see the *Reasonably Practicable* fact sheet available on the WorkSafe website (www.worksafe.govt.nz)

HOSTING AN EVENT ON A FARM

When hosting an event on a farm the farm owner, event organiser and participants (or any other PCBUs) have certain duties towards health and safety. This includes the duty to consult, cooperate, and coordinate with each other.

Farmers have duties towards health and safety whenever work is carried out on the farm. This includes when an event is being held, even if the farmer is not the organiser of that event. However, these duties only involve the farmer doing what is reasonably practicable to ensure the area where the event is being held is safe.

Farmers need to manage risks, as far as they are reasonably able to influence and control them. An example of reasonably managing risks could be telling the event organiser about a paddock where a tractor is operating or an effluent pond in the area.

Example: A country school has contacted a local farmer to host a cross-country running event on the farm. The farmer is happy for the farm to be used for the event and agrees with the organiser on the route the race will take.

As the farmer and school (board of trustees) are both PCBUs, they must work together to find out and agree on what duties towards health and safety they hold for the event.

The more influence and control a PCBU has over a health and safety matter, the more responsibility they have to manage risks.

- > The school has little control over the farmer's livestock; it is up to the farmer to control the risk that this presents to the runners.
- > Similarly, the farmer has little control over the school children; it is the responsibility of the school to ensure the children don't stray from the marked track during the event.

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The farmer's responsibilities

The farmer needs to ensure that they understand the risks the event brings to the farm (which the organiser should warn them about). The farmer must also be satisfied the organiser is managing these risks properly (which the organiser should outline in their health and safety plan).

The farmer also needs to identify the risks that the farm itself may present to visitors (eg any ponds or unexpected steep gullies). The farmer must inform the event organiser of these risks and be satisfied they're being managed.

Some of the actions the farmer may take include:

- > briefing the organiser of the risks along the proposed route, including the possibility of stray animals, hard rutted surfaces under grass, and spray on the blackberry by the river clearly marking out the proposed route with the organiser and asking that they tell runners not to stray from the marked path
- > placing posts and tape around work related obstacles along the path (eg old farm machinery lying in long grass)
- > asking to see a copy of the organiser's health and safety plan.

THE EVENT ORGANISER'S RESPONSIBILITIES

The organiser must:

- > make sure, so far as is reasonably practicable, the event is without risk to the participants, volunteers and visitors (and their workers)
- > liaise with the farmer to understand any risks they've identified on the farm and pass on relevant information to the participants

- > make sure they have briefed the farmer on any risks the event may bring to the farm (eg trucks delivering marquees to the site).

Actions the organiser may take include:

- > creating and sharing a health and safety plan for the event with the farmer
- > planning a course that suits the skill of participants
- > briefing all participants and volunteers about general or specifically identified farm risks, and the need to stay on the marked path
- > planning for emergencies and organising medical support in case of accidents.

The participants' responsibilities

Participants and visitors have a responsibility to take reasonable care their actions don't put themselves or others at risk. They must also comply with the reasonable instructions of any PCBUs (eg staying on the marked path). This could be an instruction from the event organiser, farmer or both.

WHAT IF A FARMER WANTS TO ORGANISE THEIR OWN EVENT ON THE FARM?

Farmers hosting and organising an event on their farm will have a greater ability to influence and control risks. They must take on the joint duties of the farm owner and the organiser set out above.

WHAT IF VISITORS ARE CHARGED TO ATTEND AN EVENT ON THE FARM?

Having a charge in place for attending an event on the farm does not change duties relating to health and safety.

- > The event organiser must ensure the event is without risks to the health and safety of visitors so far as is reasonably practicable.

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- > Farmers must ensure that farm buildings and work areas, or areas where work has previously taken place (that still has risks present), do not present a risk to visitors. They must also ensure they identify whether the part of the farm where the event is taking place has any health and safety risks and liaise with the organiser to ensure they're managed.

Example: Sam is hosting a trail ride on his farm and charging an entry fee as a fundraiser for the local school. Sam is both hosting and organising the event on his farm. Even though he is charging for the event it does not change any of his duties towards health and safety. He has a duty to ensure that the event is without risk to the participants and visitors so far as is reasonably practicable. The fact that he is charging a fee is irrelevant.

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