

## TRANSPORTING YOUTH MEMBERS

# Leader Support Guide

The Scout Association of Australia has a National Policy on transport, which has been in place for some years, with the passage of time its interpretation becomes more important and appears to be the cause of concern with some.

Recent legal judgements have highlighted some weaknesses in the application of various laws dealing with 'Duty of Care'. This Leader Support Guide is designed to take into account recent interpretations of the law and assist you to apply the 'transport' policy in the easiest, yet safest, way to provide protection for you and youth members.

### **National Policy and Rules**

#### **R12.2 – TRANSPORT**

*When transport is being arranged the following rules shall apply*

1. All vehicles shall be registered and carry current third party insurance.
2. Drivers shall be licensed. In the case of provisional licenses the authorised person in charge of the activity shall approve, or otherwise, the use of the driver.
3. Local traffic regulations relating to seating, seat belts, loading, speed and the consumption of alcohol and drugs shall be observed
4. Motorcycles may be used by the licensed owner but the carrying of youth members as pillion passengers is prohibited.
5. Hitchhiking by members is prohibited.
6. In the event of an accident in which any person is injured, Branch shall be advised in accordance with Branch procedures.

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### **THE FOLLOWING IS A GUIDE AS TO HOW TO APPLY THIS WITHIN NSW**

1. **WHEN TRANSPORT IS BEING ARRANGED THE FOLLOWING RULES SHALL APPLY:**

The critical term here is "being arranged" and refers to arrangements made by 'Scouts' or the Group Committee.

- Parent/guardian's are responsible for travel arrangements **up to arrival** at the hall door (or other point of departure) and, on return from the activity, **away from** the hall (or point of collection). Also, if transport is arranged directly to the activity by parents (rather than the Group), it is the parents' responsibility.
- To allow a parent/guardian to give (and sign) the required 'informed consent' they must have a reasonable amount of information (eg, travel will be by public transport – or – chartered bus – or – by car. The bus/car will be driven by a company driver/parents and leaders/Rovers or Venturers).
- They also need to be informed if 'one or more of the drivers holds a Provisional (P Plate) License.'

- A parent is entitled to indicate that their child shall NOT travel in a vehicle driven by the holder of a Provisional license. *(Although we should take reasonable steps to try and have the child comply, such as reminding the child and informing the drivers concerned.)*

### 3 ALL VEHICLES SHALL BE REGISTERED AND CARRY CURRENT THIRD PARTY INSURANCE.

- NSW requires all cars to hold a 3<sup>rd</sup> party insurance (Green slip) and it is reasonable to assume cars are registered.
- However, if you have a reasonable concern about a car, that looks as though it has had a few accidents, might even have different coloured panels, then you should check. Easy to check the registration label, by strolling down to inquire about fuel consumption, how many Kms etc and at the same time glance at the registration label.

### 2. DRIVERS SHALL BE LICENSED. IN THE CASE OF PROVISIONAL LICENSES THE AUTHORISED PERSON IN CHARGE OF THE ACTIVITY SHALL APPROVE, OR OTHERWISE, THE USE OF THE DRIVER TO CARRY YOUTH MEMBERS.

- It is **reasonable** to assume people have the appropriate driving license. By providing the names of the parents/people prepared to drive youth members to parents/guardians, that can also provide a subtle check on what others might know.
- If a younger driver isn't showing P plates the easy check is to ask for the license number, in order to write it down on a form, you can then see if they have provisional license.
- The Leaders' role mainly comes after parental approval is given. As a result of comments received close to the date of, or at, the activity the leader might have a **reasonable** concern that the risk with a particular P plate driver is greater than parents/guardians might have anticipated. This would also apply with other drivers who appeared to become 'at risk' as a result of their driving/drinking etc.
- Blanket restrictions by Groups- Districts or Regions on "not travelling with P plate drivers" are NOT in accord with 'scout' policy and should be removed. This is the parents' obligation.
- There is an issue with Venturers and driving, all their licenses are provisional. Again, travelling to and going from meetings/activities is not our problem. But travelling **during** an activity or meeting is within our area of responsibility. There needs to be an option for the parents to indicate that they don't want their child to travel with a P plate driver, *(see sample note at end)* and THEY should instruct their child appropriately. *Although we should take reasonable steps to try and have the child comply, such as reminding the child and informing the drivers concerned.*

### 3. LOCAL TRAFFIC REGULATIONS RELATING TO SEATING, SEAT BELTS, LOADING, SPEED AND THE CONSUMPTION OF ALCOHOL AND DRUGS SHALL BE OBSERVED.

- The concerns for leaders are the number of passengers; the wearing of seat belts, and drivers obviously being affected by drink or drugs.
- All vehicles have a maximum load capacity, usually shown on the compliance plate of cars. Most family sedans are certified to seat 5 people in all.

### 4a NSW LAWS SEAT BELT LAWS AND SEATING OF CHILDREN.

*(Effective 1 March 2010 . An amnesty on enforcement of the new regulations exists until 30<sup>th</sup> June 2010)*

- All children up to seven years of age must be secured in a child restraint.
- Children younger than six months must be restrained in a rearward facing restraint.

*All the Leader support guides are available at [www.nsw.scouts.com.au/leaders/leader-support-guides](http://www.nsw.scouts.com.au/leaders/leader-support-guides)*

- Children between six months and four years must be secured in either a rear or forward facing restraint.
- Children between four and seven years must be secured in a forward facing child restraint or booster seat.
- Children younger than four years cannot travel in the front seat of a vehicle with two or more rows. Children between four and less than seven years cannot travel in the front seat of a vehicle with two or more rows, unless all other back seats are occupied by children younger than seven years in a child restraint or booster seat.

**5 THE REMAINING THREE ARE OBVIOUS.**

- Motorcycles may be used by the licensed owner, but the carrying of youth members as pillion passengers is prohibited.
- Hitchhiking by members is prohibited.
- In the event of an accident in which any person is injured, Branch **MUST** be advised, via the Regional Commissioner, within 7 days, in accordance with Branch requirements. (see form M 6 'Incident /Accident Report Form')

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**EXAMPLES**

**VENTURERS.**

A release covering the whole year for all activities has caused some legal concerns. However simple trips from and returning to a normal meeting don't appear to carry the same risks – as usually for shorter distances **and** monitored to a degree by the leader. In addition, advice is that we are likely to get fewer rejections to an annual notice for local driving compared to one for unknown distances.

A separate notification and permission is required for **other** activities involving travel

Dear Parent/Guardian.

From time to time, on our meeting nights, the Unit travels outside the hall to other local venues such as the swimming pool, another Unit's halls, indoor soccer etc, usually within a radius of **INSERT** Kms from our hall.

On these occasions, it is the custom for the Unit to travel in cars driven by leaders and responsible members of the Unit who, of course, hold Provisional licenses (P plate drivers)

You can indicate your wish that your child NOT travel with a P plate driver by completing this form and impressing, firmly, on your child your wishes in this regard.

In turn, we will take reasonable steps to see your child follows your request in this regard.

Journeys further afield and over longer distances will be all subject to your specific written approvals at the time of the event

You can vary this at any time by a notice in writing to the leader.

I..... prefer my child, .....**NOT** travel with a P plate driver on activities associated with meetings as outlined above.

Parent Parent/Guardian.....Date. / /2010.

**ADVISING A PROVISIONALLY LICENSED DRIVER**

- It's important to note that if a parent doesn't want their child to travel with a P plate driver. That it is not the driver personally but it's the class of licence.
- When telling a P plate driver that they shouldn't transport a particular child or children ensure you DON'T say "*they are not allowed to travel with you*" but use a softer statement such as "*The parents have indicated they don't want their child to travel in any car driven by someone with a Provisional licence, no matter who the driver is*".

**NOTIFYING PARENTS OF TRANSPORT ARRANGEMENTS**

- A. The Troop/Pack/Mob/Unit will be travelling by public transport.
- B. The Troop/Pack/Mob/Unit will be travelling by chartered bus.
- C. The Troop/Pack/Mob/Unit will be travelling by a mini bus driven by Joe Bloggs, a parent who holds the appropriate license.
- D. The Troop/Pack/Mob/Unit will be travelling by private cars driven by the Leaders, and a number of parents. (*If leaders are driving they don't have to have two deep leadership but must have more than 1 youth member in the car. In an emergency, due to an accident or illness, when taking a youth member for help, if really necessary, the third person may be dispensed with.*)
  - The parents who ~~WILL~~ have agreed to drive are the Smiths, and Jones.

**OR**

The parents who have agreed to drive are the Smiths, Jones and the Schrodgers as well as the leaders. One of our drivers holds a Provisional Licence (P Plate)

**Note:** *That the word WILL has some issues. Someone might back out at the last minute so "have agreed" allows for changes without having to suddenly chase round for revised approvals etc*

- If a parent wants their child to travel with a particular driver that shouldn't be our issue – we should ask the parent to ring the driver and make a private arrangement and impress this on their child. We should take reasonable steps to try and have the child comply, including reminding the child and the drivers concerned.

**ENSURE LEADERS KNOW THEY MUST TELL PARENTS ABOUT  
THE TRAVEL DETAILS**

**PLEASE REMEMBER**

**WHO A CHILD TRAVELS WITH, OR DOESN'T TRAVEL WITH,  
IS THE PARENTS' RESPONSIBILITY/DECISION NOT OURS**

**BUT**

**YOU SHOULD MAKE A REASONABLE EFFORT TO SEE THE CHILD COMPLIES  
WITH THE PARENTS WISHES, SUCH AS  
REMINDING THE CHILD AND INFORMING THE DRIVERS CONCERNED**

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Scouts Australia NSW acknowledges the contribution of Dr Warwick Bateman AM in the development of this Leader Support Guide.

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