

# Helmet Case Decision – Safety, Insurance and Inclusion

## What it Means for Shows

The recent NSW Civil and Administrative Tribunal decision in **GPJ v GZH [2025] NSWCATAD 118** provides important guidance for agricultural shows. The case involved a dispute about whether mandatory helmet rules discriminated against a disabled competitor.

## Why this case matters

The Tribunal confirmed that **safety obligations and insurance requirements take priority over potential discrimination claims**. This means Show Societies are on firm ground when enforcing rules designed to protect competitors and the public.

## Key points from the decision

- **Safety duties override discrimination**  
Organisers must comply with their Work Health and Safety obligations. Requiring helmets (or similar protective equipment) is lawful where it reduces risk.
- **Insurance depends on compliance**  
Insurers and venues may withdraw cover or access if safety rules are not enforced. Waivers signed by competitors do not remove these obligations.
- **Consistency avoids discrimination**  
Rules should apply to all competitors wherever possible. Adjustments for disability must be supported by medical or therapist evidence.
- **Inclusion can still be achieved**  
Associations are encouraged to design safe opportunities (e.g. special classes, adjusted timetables) so disabled competitors can participate without compromising safety.

## What this means for your Show

- Always **apply safety rules consistently** across all competitors.
- Ensure **helmet and protective gear requirements** are set out in schedules, entry forms, and policies.
- Document these rules in your **risk assessments** – this strengthens your legal and insurance position.
- If an exemption is requested, ask for **medical evidence** before considering any adjustment.
- Explore **inclusive alternatives** that balance participation with safety, rather than lowering standards.

## Summary:

This case gives strong legal backing to agricultural shows that prioritise safety and insurance obligations. As long as rules are applied fairly and consistently, and reasonable adjustments are considered with evidence, Show Societies can enforce protective measures with confidence.

# CASE LAW – GPJ v GZH [2025] NSWCATAD 118

## Arabian Assn re wearing helmet and safety and discrimination issues

Here are the **key take-home messages** from the Tribunal’s decision in and what they mean for competitions, disabled competitors, and discrimination—especially where **safety and liability** are concerned:

### 1. Safety Duties Override Discrimination Claims

- The Tribunal accepted that requiring a child in a motorised wheelchair to wear a helmet was **not unlawful discrimination**, because the rule was based on **safety, risk management, and insurance requirements**, not on disability itself. [2025] NSWCATAD 118 Case Law He...
- Organisers have duties under the **Work Health and Safety Act 2011 (NSW)** to take all reasonably practicable steps to prevent injury. This includes mandating protective equipment like helmets.

#### Takeaway:

When safety rules are reasonably applied and evidence-based, they will usually be upheld even if they affect competitors with disabilities differently.

### 2. Rules Must Apply Consistently

- The Horse Association updated its rules so that **all youth competitors/handlers must wear helmets**, not only disabled competitors [2025] NSWCATAD 118 Case Law He...
- This avoided perceptions of “singling out” disabled participants and aligned with best practice in risk control.

#### Takeaway:

To avoid indirect discrimination, apply rules **consistently across all competitors** wherever possible, with limited exceptions only if justified.

### 3. Disability Adjustments Require Evidence

- The applicant argued the child **could not safely wear a helmet** due to disability-related needs (headrest support, muscle fatigue).
- However, the Tribunal found **no medical evidence** to support this claim, and in fact there was proof the child had safely worn helmets before.[2025] NSWCATAD 118 Case Law He...

#### Takeaway:

Competitors (or parents) must provide **medical/therapist evidence** if adjustments are required. Without evidence, organisers are entitled to enforce safety rules.

### 4. Insurance and Venue Access Depend on Compliance

- Organisers gave evidence that if helmet requirements were not enforced, their **insurance coverage** could be jeopardised, and **venues might deny bookings**. [2025] NSWCATAD 118 Case Law He...
- A competitor’s waiver does not override these obligations—organisers remain liable under WHS law.

**Takeaway:**

Insurance and WHS compliance are critical. Rules protecting safety should be documented in **risk assessments and policies**, as these protect the association from liability.

**5. Victimization and Conduct Issues**

- The parent also alleged victimisation (e.g. exclusion from later shows). The Tribunal rejected this, finding that refusals were based on **behavioural conduct at shows and media escalation**, not the discrimination complaint itself. [2025] NSWCATAD 118 Case Law He...

**Takeaway:**

Disputes can escalate if communication breaks down. Officials should document reasons for decisions clearly and **separate safety-based rule enforcement from interpersonal conflicts**.

**6. Designing Inclusive but Safe Competitions**

- The Tribunal noted the association later created **special classes and timetabling** for competitors using motorised mobility aids, to minimise risks. [2025] NSWCATAD 118 Case Law He...
- This showed a constructive balance: inclusion + safety.

**Takeaway:**

Associations should consider **reasonable adjustments** (e.g. separate classes, different entry points, modified timetables) that allow disabled competitors to participate safely without lowering risk controls.

**Practical Lessons for Show and Competition Organisers**

1. **Always conduct risk assessments** before events and update them if new situations arise (e.g. motorised wheelchairs in the ring).
2. **Mandate protective gear consistently** for all competitors where risks justify it—don't single out individuals.
3. **Request medical documentation** if competitors cannot comply with safety rules; without it, you may enforce the rules.
4. **Communicate rule changes clearly** (entry forms, schedules, emails) and require competitors to acknowledge them.
5. **Document insurance and WHS obligations**—these are strong defences against discrimination claims.
6. **Provide inclusive alternatives** (special classes, adjusted entry/exit points) where possible to balance access and safety.
7. **Maintain professionalism in disputes**—separate personal conflict from procedural enforcement.

**Summary:**

Competition organisers must balance **safety obligations, insurance coverage, and inclusivity**. Safety-based rules (like helmet use) will generally be upheld if they are **reasonable, consistently applied, and supported by risk assessments**. Disabled competitors should be accommodated through **adjustments**, but not at the expense of core safety duties.