

News Release

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Hon Gail Gago
Minister for State/Local Government
Relations
Minister for the Status of Women
Minister for Consumer Affairs
Minister Government Enterprises
Minister Ast Minister for Transport, Infrastructure & Energy

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NEW PUBLIC LIABILITY PROVISIONS INTRODUCED TO PARLIAMENT

South Australians participating in sporting and recreational clubs will soon have a better system governing public liability arrangements that protect their interests and maintain workability for clubs and operators.

Minister for Consumer Affairs Gail Gago says it follows today's passage through Parliament of legislative changes to address concerns of clubs that have found the current system too complex.

"We've been able to find a fair balance between vital protection of sporting participants and streamlining the system for operators to make it more workable," says Minister Gago.

"Changes mean that users of recreational services can sign a waiver that excludes liability for breaches of 'due care and skill' where that results in death or personal injury, except in cases of reckless conduct by a service provider.

"The changes also create an implied warranty that services will be rendered with due care and skill.

"These important reforms have been made following the distribution of a discussion paper allowing interested parties to comment late last year.

"Consumers need to be assured that sporting, leisure and recreational services will be provided in a way that does not expose them to unnecessary risks.

"Under the new legislation, consumers will be covered for reckless conduct, for example if someone knowingly supplies them faulty equipment and they are injured.

"Importantly, operators will now be able to cut through the red tape that confronts them in the current system."

During debate the Liberal Party removed an express provision in the Government's Bill that would prevent adults from waiving the rights of children to make a claim for personal injury as a result of a service provider failing to exercise due care and skill.

"Despite this, I reserve the right to include a warning on waiver forms that advises parents that waivers signed on behalf of their children are likely to be ineffective under the common law," says Ms Gago.

The Recreational Services Act came into operation on July 1, 2003 and was prompted by the need to reduce the cost of public liability insurance for recreational service providers. These changes will replace the Recreational Services Act.