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NEW PUBLIC LIABILITY PROVISIONS TO STRIKE FAIR BALANCE

Sporting and recreational clubs – and the people who use them – will be able to enjoy their activities with peace of mind under new public liability provisions being proposed by the State Government.

Consumer Affairs Minister Gail Gago has announced proposed legislative changes that will address the concerns of clubs who have found the current system too complex.

Under the proposed changes, a statutory provision will be created in the Fair Trading Act 1987 to ensure a fair balance between protecting people who use the clubs and maintaining a workable system for operators.

The new provision will mean that users of recreational services can sign a waiver that excludes liability except in cases of gross negligence. Under the proposed changes there will be an implied warranty that service providers will not be reckless or grossly negligent.

“This is good news for sporting and recreational clubs – and the people who use them,” Ms Gago said.

“Consumers will be covered for gross negligence, so if someone knowingly supplies them faulty equipment and they are injured, they will be covered.

“But operators will be freed of the red tape they are finding confronts them in the current system.”

Ms Gago said it was important to balance the interests of service providers with the safety of the community.

“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,” she said.

“We need to provide protection for people playing sport, but operators have told us that the current system is complex and cumbersome. We’ve listened to the concerns raised and I am announcing proposed changes that will strike a fair balance that is simple, straight forward and easy to use.”

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. This new proposal will replace the Recreational Services Act.

Ms Gago is releasing a discussion paper to invite comments on the plan. The closing date for submissions is 10 October 2008. The discussion paper is available from the Office of Consumer and Business Affairs website www.ocba.sa.gov.au or by telephoning 82049516.