

South Australia

**Civil Liability (Recreational Trails) Amendment
Bill 2008**

A BILL FOR

An Act to amend the *Civil Liability Act 1936*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Civil Liability (Recreational Trails) Amendment Act 2008*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Civil Liability Act 1936*

3—Amendment of section 20—Occupier's duty of care

- 10 Section 20(1)—delete "Part" and substitute:
Act

4—Amendment of section 42—Liability in relation to roads and recreational trails

- 15 (1) Section 42—after subsection (1) insert:
- (1a) An owner or occupier of land on which there is a prescribed recreational trail is not liable in tort for a failure—
 - (a) to maintain, repair or renew the trail; or
 - (b) to take other action to avoid or reduce the risk of harm that results from a failure to maintain, repair or renew the trail.
- 20 (2) Section 42(2)—before the definition of *road* insert:
greenway has the same meaning as in the *Recreational Greenways Act 2000*;
landlord includes a landlord under a statutory tenancy;
occupier of land means a person in occupation or control of the land, and includes a landlord;

prescribed recreational trail means—

- (a) the Heysen Trail, the Riesling Trail, the Kidman Trail and the Yurrebilla Trail (whether or not those trails are also greenways); and
- (b) a greenway; and
- (c) any other trail or land declared by the regulations to be within the ambit of this definition,

and includes any structure associated with a prescribed recreational trail;

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