

South Australia

## **Recreational Services (Limitation of Liability) Regulations 2003**

under the *Recreational Services (Limitation of Liability) Act 2002*

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#### **1—Short title**

These regulations may be cited as the *Recreational Services (Limitation of Liability) Regulations 2003*.

#### **2—Commencement**

These regulations will come into operation on 1 July 2003.

#### **3—Interpretation**

In these regulations, unless the contrary intention appears—

*Act* means the *Recreational Services (Limitation of Liability) Act 2002*;

*recreational activity*, in relation to the provision of recreational services, means the sporting or other activity or pursuit to which the recreational services relate.

#### **4—Registration of code**

- (1) For the purposes of section 4(3) of the Act, a code submitted for registration must comply with the following requirements as to form and content:
  - (a) the code must be in writing in a print size not less than 12 points;
  - (b) the code must begin with the heading "RECREATIONAL SERVICES (LIMITATION OF LIABILITY) ACT 2002" in capital letters and under that heading contain a further heading giving a title for the code;
  - (c) the first substantive portion of the code (apart from definitions of terms and other preliminary provisions) must describe as clearly as possible the recreational activity and the recreational services to which the code relates;

- (d) the code must then set out the various measures that a provider of the recreational services should take in order to ensure a reasonable level of protection for consumers;
  - (e) the name, postal address and contact details (such as telephone numbers, fax number and email address) of the applicant for registration of the code must be set out at the end of the code.
- (2) If the applicant has, before submitting the code for registration, obtained a report on the code's adequacy, the applicant must submit a copy of the report to the Minister when the code is submitted for registration.

### **5—Information to accompany application to register or vary or cancel undertaking**

- (1) For the purposes of section 5(2) of the Act, an application by a provider of recreational services for registration of an undertaking to comply with a registered code must be accompanied by the following information:
- (a) the name, postal address and contact details (such as telephone numbers, fax number and email address) of the applicant;
  - (b) the name or names in which the applicant carries on business in providing the recreational services;
  - (c) the title of the registered code set out in the code and the identifier given to the code by the Minister on registration of the code;
  - (d) a description of the recreational services provided by the applicant to which the registered code relates.
- (2) For the purposes of section 5(5) of the Act, an application by a registered provider for variation or cancellation of an undertaking must be accompanied by the following information:
- (a) the name, postal address and contact details (such as telephone numbers, fax number and email address) of the applicant;
  - (b) the identifier given to the applicant by the Minister on registration of the undertaking;
  - (c) if the applicant seeks variation of the details of the registration, the nature of the variation to the details sought by the applicant;
  - (d) if the applicant seeks cancellation of the provider's registration, a statement to that effect.

### **6—Modification of duty of care by contract—notice to consumers**

A notice to be given to a consumer in accordance with section 6(2) of the Act must be in the form set out in the Schedule.

### **7—Modification of duty of care by display of notices**

A notice to be displayed in accordance with section 6(3) of the Act—

- (a) must be displayed—
  - (i) if the place at which the recreational activity occurs has designated or identifiable public entrances—at those entrances to the place; or

- (ii) in any other case—at the walkways or access routes to the place at which the recreational activity occurs that are commonly used by persons who participate in the activity; and
- (b) must not be obscured by any structure or thing; and
- (c) must comprise the following figures and words in a colour that clearly contrasts with the background colour:
  - (i) a pictorial symbol of the recreational activity that is at least 15cm x 15cm;
  - (ii) the words "LIABILITY FOR INJURY LIMITED BY CODE" in capital letters that are at least 5cm high;
  - (iii) the words "Recreational Services (Limitation of Liability) Act 2002" in letters that are at least 3cm high; and
- (d) must have a surface area that is at least 45cm x 45cm.

## 8—Fees

The following fees must be paid to the Minister:

- (a) an applicant for registration of a code under section 4 of the Act must pay—
  - (i) an application fee of \$850; and
  - (ii) a registration fee of \$350;
- (b) an applicant for registration of an undertaking under section 5 of the Act must pay a registration fee of \$250.

## Schedule—Notice to consumer

Recreational activity .....

*[insert description of recreational activity]*

Provider of recreational activity .....

*[insert name of registered provider]*

- You are about to do something which involves some risk to your safety. If you do it, you will give up your normal legal right to get compensation if you are hurt.
- You can only get compensation if we break our safety code.
- You can see this code if you want to. If you are worried, you should ask to see the code before going any further. It will tell you about the safety rules.

This notice is given under section 6(2) of the *Recreational Services (Limitation of Liability) Act 2002*.

### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 17 April 2003

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