

Queensland



VOLUNTARY ASSUMPTION OF RISK BILL 2002

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2002

A BILL

FOR

An Act about the voluntary assumption of risks created by an activity

The Parliament of Queensland enacts—	1
1 Short title	2
This Act may be cited as the <i>Voluntary Assumption of Risk Act 2002</i> .	3
2 Application of Act	4
This Act does not limit the application of the following Acts—	5
(a) <i>Coal Mining Safety and Health Act 1999</i> ;	6
(b) <i>Dangerous Goods Safety Management Act 2001</i> ;	7
(c) <i>Mining and Quarrying Safety and Health Act 1999</i> ;	8
(d) <i>Workplace Health and Safety Act 1995</i> .	9
3 Assumption of risk	10
(1) This section applies to a person taking part in an activity if—	11
(a) the person or, if the person is a child, the person's parent or guardian voluntarily signs a waiver that lists particular risks associated with the activity; and	12 13 14
(b) the provider of the activity has taken reasonable precautions for the health and safety of persons taking part in the activity.	15 16
(2) The person is taken to have—	17
(a) assumed the risks listed in the waiver; and	18
(b) waived any claim against the provider for injury to the person caused by exposure to the risks.	19 20
(3) However, subsection (2) does not apply if—	21
(a) the injury was caused by the provider's reckless disregard for the person's health and safety; or	22 23
(b) the provider intentionally caused the injury.	24
(4) If a waiver is effective to waive a claim by the person against the provider for an injury to the person, it is also effective to waive a claim by a dependant of the person against the provider for the injury.	25 26 27

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- (5) This section does not stop— 1
- (a) a person bringing an action based on the design or manufacture 2
of equipment used in, incidental to, or required by, the activity; 3
or 4
 - (b) the provider of an activity from proving that a person impliedly 5
waived any claim against the provider for injury to the person 6
caused by exposure to the risks. 7
- (6) In this section— 8
- “injury”** includes death and illness. 9
- “provider”** means a person who, for profit or otherwise, offers or conducts 10
an activity. 11
- “risk”** to a person taking part in an activity means a risk that— 12
- (a) is inherent in the activity; or 13
 - (b) can reasonably be expected to arise from the activity. 14