



**THE LAW SOCIETY  
OF SOUTH AUSTRALIA**

THE VOICE OF THE SOUTH AUSTRALIAN LEGAL PROFESSION

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7 May 2009

C145, 65.17  
JM;rp

The Honourable Robert Lawson MLC  
Parliament House  
DX 56506  
ADELAIDE SA

Dear Rob

***Statutes Amendment and Repeal (Fair Trading) Bill 2008***

Thank you for your letter of 28 April 2009 in which you have requested that the Society re-examine its position on the Statutes Amendment and Repeal (Fair Trading) Bill 2008; particularly the provisions relating to waivers. We note your concerns about the thrust of the response from the Children and the Law Committee.

The Law Society in fact made a specific submission to the Government in 2002 in relation to proposed changes to bodily injury damages law, and strongly opposed parent waivers even in the context of a regulated activity for the following reasons

- there are some parents who force children into activities against their will
- the complexities surrounding separated parents
- uncertainties about the status of a child's temporary or interim guardian
- the need to differentiate between children in differing age groups
- the problem of some parents understanding the import of a waiver
- the legal risk of parents later being sued by children
- the need in some situations for parents to obtain independent legal advice. Cost and time factors then clearly impinge.

Despite the comments of the Children and the Law Committee (whose focus was on the issue of legislation being aimed at enabling children and young people to access recreational activities) the Society re-affirms its strong opposition to parent waivers.

Thank you for drawing this to our attention.

Yours sincerely

  
Jan Martin  
EXECUTIVE DIRECTOR

cc The Hon R Brockenshire