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Ensure all
participants
complete their
waiver before the
activity commences

Casualty | Australia

Waiver completion checklist

Participants should sign a liability waiver to acknowledge and assume the risks associated with an activity

To simplify the completion of our waiver, please ensure the following key steps have been taken:

1

PROVIDER

Insert name and address of provider on pages 1 and 3 where indicated. Where applicable, ensure that the correct company/business name is used to identify provider.

2

PARTICIPANT

Insert full name and address of participant. Use a separate form for each participant.

3

ACTIVITIES

Insert description of activities to be undertaken. If more than one activity, insert all activities. For example: horse riding, bushwalking, camping, and cooking with a campfire.

4

SIGNATURE

Have participant sign and date form on page 4. Parent or guardian must sign for participants aged under 18.

5

PAYMENT

Collect payment after form is signed by each participant.

6

VERIFY

Check that all participants have signed a form before commencing an activity.

7

RETAIN

Retain original signed forms in a secure location.



We're part of the global Liberty Mutual Group, a Fortune 100 company that's been in business since 1912 with a Standard and Poor's 'A' rating

**Global reach.
Financial strength.
Local authority.**

Distinct, complex and constantly evolving – every business is as unique as their insurance needs. To confidently progress in the face of risk and uncertainty requires a level of security you can only achieve through working with specialists.

Liberty offers a breadth of world-class insurance and reinsurance services to brokers and insured clients. We bring value and solutions to business and government organisations across Australia – helping protect what they earn, build and own.

Online booking/payment checklist

- The 'paying consumer' (the person interacting with the service provider and making the booking/payment) must click a link to sign the waiver whilst the online booking is in progress before payment of the activity can proceed.
- If paying consumer is:
 1. not the user of the activity, or
 2. not the sole user of the activity (i.e. group or family booking), or
 3. the parent of the user of the activity,
 the paying consumer must provide names, ages, contact numbers and email addresses for all users (or parents/guardians of child users) so separate waivers are sent and agreed by each of those users and returned to the service provider before payment can be permitted.

Once completed and signed waivers from all users are returned and checked by the service provider, the paying consumer is notified so payment can proceed before the commencement of the activity.
- If both the booking and payment process occurs in person at the site of the activity and a technology (compute/mobile device) interface is being used, the same steps apply to ensure that the paying consumer plus all users each sign a separate waiver. This is to be checked by the service provider, prior to the paying consumer completing the contract by making payment and the activity commencing.

Online checklist notes:

- Website metadata ideally will show the consumer has clicked link and signed waiver in the event they are the user.
- If there is no website metadata, it's essential that as part of the website design and booking process, the waiver is agreed and returned before the consumer can pay for the activity. It should be impossible for payment to be made unless and until all users have agreed and returned terms/waiver.
- For other users, return email with completed signed copies of terms/waiver to be checked and both email and signed terms/waiver retained in secure location per step 7.



Example waiver

Providers who do not have a waiver in place can contact Liberty to access Liberty's example waiver.

Notes

- Providers should allow participants the opportunity to read the form.
- Providers must give necessary safety briefings and instructions to participants and provide suitable safety and other equipment where required.
- Limit reference to injury and death in the waiver to comply with the Australian Consumer Law. Otherwise, the waiver may be invalid.

Please also consider: Contract terms that purport to exclude liability for breaches of the consumer guarantees set out in the Australian Consumer Law are void (with limited exceptions). One exception to this rule relates to recreational services. Terms of a contract for the provision of recreational services which exclude, restrict, or modify liability in relation to death, physical or mental injury, save where occasioned by recklessness, won't be void. If the waiver is wider and encompasses terms which exclude liability for property damage and other types of loss, then such terms may be considered unfair contract terms, and the entire waiver may be deemed invalid.