



Victoria Government Gazette

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SPECIAL

Goods Act 1958

EXEMPTION FROM THE NEED TO COMPLY WITH SECTIONS 97A(2)(c)(i) AND 97A(2)(e)

Order In Council

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council, on the recommendation of the Minister for Consumer Affairs, makes this order under section 97B of the **Goods Act 1958** ('the Act').

Subject to the following condition, the following class of term need not comply with the requirements of sections 97A(2)(c)(i) or (e) of the Act: terms in sales of recreational services consisting of participation in activities involving the use of facilities, equipment (including ski lifts), natural or modified skiing terrain (including ski runs, ski slopes, ski trails and any access, connecting, return or home trails or catwalks), patrols and transport for skiing, snowboarding, snow tubing, snow biking and tobogganing ('ski services') by:

- (a) Buller Ski Lifts Pty Ltd ACN 006 242 066;
- (b) Falls Creek Ski Lifts Pty Ltd ACN 004 843 761;
- (c) Mount Hotham Skiing Company Pty Ltd ACN 004 294 697;
- (d) MHSC HS Pty Ltd ACN 078 378 659;
- (e) Mount Buller Alpine Resort Management Board ABN 33 411 438 517;
- (f) Mount Hotham Alpine Resort Management Board ABN 93 938 780 598;
- (g) Falls Creek Alpine Resort Management Board ABN 21 789 770 569;
- (h) Mount Stirling Alpine Resort Management Board ABN 90 360 206 630;
- (i) Lake Mountain Alpine Resort Management Board ABN 17 315 087 255;
- (j) Mount Baw Baw Alpine Resort Management Board ABN 30 402 472 781;
- (k) Victorian Snow Resorts (trading as Mt Buffalo Chalet) ABN 95 006 266 762;
- (l) Sarnen Pty Ltd (trading as Mt Buffalo Wilderness Lodge) ABN 83 704 110 124;
- (m) Mountain River Industries ABN 74 746 242 304; and
- (n) the Minister administering the **Alpine Resorts (Management) Act 1997**,

that exclude, modify or restrict, in relation to liability for death or personal injury, the application of sections 91 and 92 of the Act, the exercise of a right conferred by those sections, or the liability of the seller for a breach of those sections.

The condition to which this order is subject is that any term in a sale of ski services by a person to whom this order applies that excludes, modifies or restricts, in relation to liability for death or personal injury, the application of sections 91 and 92 of the Act, the exercise of a right conferred by those sections, or the liability of the seller for a breach of those sections, must:

- (a) be easily legible;
- (b) be clearly expressed;
- (c) not purport to be wider than allowed by law; and
- (d) be brought to the purchaser's attention before the sale.

The terms, 'recreational services' and 'personal injury', have the same meaning as they have in Part 4 of the Act, and the terms, 'sale' and 'sales', mean a sale or sales governed by Part 4 of the Act.

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This order ceases to have effect on 31 October 2003.

Dated 3 June 2003

Responsible Minister:
JOHN LENDERS MLC
Minister for Consumer Affairs

BRIAN TUKE
Acting Clerk of the Executive Council

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