



## Exhibition Poultry Association of NSW

### Legal Waiver

The Exhibition Poultry Association of NSW (EPANSW) has undertaken measures to protect and support affiliated member clubs/association liability, particularly with the increasing threat of Avian Influenza.

The following is a guide as to what the waiver covers and how it should be used to protect your club.

**The Legal Waiver** - this waiver was created by a Lawyer on behalf of the EPANSW and its affiliated member clubs (pro-bono). This waiver will be updated each year after membership and Insurance has been paid. The updated waiver will be issued to each financial member club with your insurance certificate of currency.

- A waiver is a legally binding provision where the signee agrees to voluntarily forfeit a claim without the other party being liable - acting as a contract between participant and organiser.
- A waiver ensures that an exhibitor is “aware” of the risks of participating in the exhibition and prevents liability to the club/association from these risks.
- A signed waiver in the eyes of the court “the customer” was aware of the risks.
- A waiver is a tool only and not a “guarantee” you cannot be held liable, however if the club/association is ever sued, then the waiver can be used to defend a claim.
- Whether it is an effective defence, depends on whether the person is bound by the waiver - **a person is NOT bound by the waiver unless it has been signed.**
- A waiver cannot be electronically signed and must be signed by the participant/exhibitor or parent (guardian) of a minor (under 18yrs).
- This waiver will not protect if the provider is guilty of misconduct or negligence (e.g. if the provider has failed in a duty of care).

#### **How to use the waiver:**

1. Include the waiver as part of your show schedule and ensure it is signed as part of the entry process.
2. Note in your schedule that the club/association is an affiliated member club of the Exhibition Poultry Association of NSW and / or ***“This show will be conducted under the standardised Uniform Guidelines of the Exhibition Poultry Association of NSW Inc.”***

**NOTE:** The guidelines are found on the EPANSW website (as By-Law 4) as simple commonsense guide for running an exhibition (these can be printed and kept in the pavilion, should someone ask to view them, or you could include the web page link).

<https://exhibitionpoultrynsw.org/constitution-and-by-laws>