

Definitions

For the purposes of this Report, the following definitions apply:

Date of discoverability

The date on which the plaintiff knew, or ought to have known, that personal injury or death (a) had occurred, (b) was attributable to negligent conduct of the defendant, and (c) in the case of personal injury, was sufficiently significant to warrant bringing proceedings.

Inherent risk

A risk that cannot be removed or avoided by the exercise of reasonable care.

Negligence

Failure to exercise reasonable care and skill.

Not-for-profit organisation (NPO)

An organisation that is prohibited under its governing rules or documents from distributing profits to its members, owners or managers.

Obvious risk

Includes risks that are patent or matters of common knowledge. A risk may be obvious even though it is of low probability.

Personal injury

Includes (a) any disease, (b) any impairment of a person's physical or mental condition, and (c) pre-natal injury.

Personal injury law

The law governing liability and damages for personal injury and death resulting from negligence.

Proactive duty to inform

A duty to give information that a reasonable person in the circumstances would want to be told before making a decision.

Reactive duty to inform

A duty to give the information that the information-giver knows or ought to know the person wants to be told before the person makes a decision.

Recreational activity

An activity undertaken for the purposes of recreation, enjoyment or leisure which involves a significant degree of physical risk.

Recreational services

Services of (a) providing facilities for participation in a recreational activity, (b) training a person to participate in a recreational activity, or (c) supervising, adjudicating, guiding or otherwise assisting a person's participation in a recreational activity.

The close-relationship limitation period

A period of 3 years from the date the prospective plaintiff turns 25 years of age.

The limitation period

A period of 3 years from the date of discoverability.

The long-stop period

A period of 12 years from the date of the conduct or events on which the claim is based.

The Proposed Act

The Act referred to Recommendation 1.

Work risks

Risks associated with work done by one person for another.

