

## The last word



# Gravity applies in this particular area

**STEVE HOLDEN LOOKS AT DISCLAIMERS IN RELATION TO SCHOOL PROSPECTUSES, BUT BE WARNED, THIS IS NOT INTENDED TO BE TAKEN AS ADVICE, NO WARRANTY IS OFFERED, YADDA, YADDA, YADDA.**

Disclaimers. You find them on signs: ‘Activities on this volleyball court are not permitted. Use at your own risk.’

You find them written in fine print on product labels, warning you that, say, a caffeine drink contains, um, caffeine: ‘This caffeine drink contains caffeine. Be warned. Don’t say we didn’t tell you.’

You find them in magazines advising that an article offers general information only, reflects the opinion of the author, not the publisher or editor, is not intended to be taken as advice and should not be relied upon as such.

You find them at the bottom of emails advising that the message is confidential, and that the contents represent the views or opinions of the author only, and the organisation behind the disclaimer accepts no liability for any damage caused by the viruses the damned thing might be carrying.

You find them on webpages that provide advisory advice advising that the content of the webpage is provided as general information only, is not intended to be taken

as advice and should not be relied upon as such, is not provided with any warranty as to its accuracy, currency or completeness, the outfit behind the webpage accepts no liability, and you should go seek your own professional advice.

The finer the fine print, as a rule, the bigger the concern with possible negligence, and loss or damage as a result of it. The wonder is, though, that you don’t find disclaimers on everything. Imagine if you did. What would a school prospectus look like?

It might not be long before all schools follow the disclaiming lead of Bonga Binga Small Good School, which according to its prospectus, values each and every student as an individual, and tailors individual learning programs to suit.\*

Bonga Binga Small Good School offers students every opportunity<sup>†</sup> to develop as self-motivated, independent learners who will achieve excellence in academic, sporting and other school activities.<sup>‡</sup>

It’s worth keeping in mind that a disclaimer does not absolve a person or an organisation from their responsibility.

Where there’s loss or damage resulting from negligence they can still be prosecuted and an unreasonable disclaimer will offer no defence in court. A school cannot contract out of its responsibility, or its liability, if you’re a glass-half-empty sort of a person, to its students. Disclaim your way out of that one. **T**

*\* in aspirational terms only, subject to the various constraints that typically affect the day-to-day running of the school. Bonga Binga Small Good School does not warrant that each and every student will be treated as an individual and receive tailored individual learning programs to suit. The claim in this prospectus is provided as general information only.*

*† subject to availability. Opportunities are limited and conditions apply. See Bonga Binga Small Good School Limitations on Warranties subsections 473-552 for further information. The content of Bonga Binga Small Good School Limitations on Warranties is provided as general information only, is not intended to be taken as advice and should not be relied upon as such, and is not provided with any warranty as to its accuracy, currency or completeness.*

*‡ Bonga Binga Small Good School accepts no liability for any loss or damage resulting from the graduation of unmotivated, dependent learners who do not achieve excellence in academic, sporting or other school activities.*

*This month’s Last Word was written by Steve Holden, Editor of Teacher, and last year’s highly commended winner in the Best Columnist category of the Melbourne Press Club Quill Awards for the Last Word. It is provided as general information only, is not intended to be taken as advice and should not be relied upon as such, and is not provided with any warranty as to its accuracy, currency or completeness.*