



Risk Warning

All members must read this Risk Warning and sign the acknowledgement on Document A (and Document B for each Child Membership)

This Risk Warning is issued jointly by Narrabeen Lakes Sailing Club (NLSC) and the NSW Maritime Authority, pursuant to the Civil Liability Act 2002 to all persons wishing to participate in sailing activities conducted by NLSC.

Participants are warned that, regardless of the precautions, which might be taken by reasonable and experienced persons, sailing can be a dangerous pursuit and participants are exposed to significant risk of property damage, physical harm and possibly death.

As an indication, these risks may include, but are not limited to

- the extremes of weather and sea conditions;
- the potential that control of vessels may be lost, resulting in collision with objects and other vessels;
- the potential that the vessel will run aground or hit a floating object;
- the sudden movement of the vessel at any time and the possibility that participants may fall or be thrown overboard, resulting in drowning;
- the possibility that participants may be injured by equipment on the vessel;
- the absence of immediate medical care and the likelihood that significant delays may occur before medical care is available;
- exposure to the elements for extended periods;
- sunburn and the possibility of skin cancer from sun exposure to unprotected skin;
- injury or infection from standing on sharp objects in the sand.

NLSC and the NSW Maritime Authority also warn participants that regardless of their best intentions, they may be unable to render assistance to participants who are in distress. Participants are warned to consider the above risks and all other risks before deciding to participate in any sailing event with NLSC or which take place from the NLSC clubhouse.

Participants are also advised that although NLSC is covered by third party liability insurance, this cover **DOES NOT** extend to participants. Any participant who considers they have a need for insurance must make their own private arrangements with an insurer. A personal accident insurance policy is available with subscription to membership of Yachting NSW.

Liability

The attention of all participants in either in the NLSC sailing activities or in any sailing activities or programs conducted from the NLSC clubhouse is drawn to the Risk Warning above.

Each participant acknowledges that he or she:

- has read the Risk Warning;
- participates in sailing activities conducted by NLSC or from its clubhouse at his or her own risk and responsibility;
- excludes NLSC from all liability, including but not limited to liability for negligence;
- accepts that NLSC is not responsible for the seaworthiness of any boat whose entry is accepted or adequacy of its equipment but that NLSC reserves the right to refuse any entry; and,
- indemnifies NLSC for all claims arising from an act or omission of the participant.

Risk Warning (continued)

Use of NLSC Boats

Notice is given to all members or visitors who use or crew on any NLSC boat whether for the purpose of participating in NLSC races, or undertaking sailing lessons, instructions, or who operates, crews or is a guest on any rescue boat, the NLSC being an amateur sailing club:

- does not accept any responsibility whatsoever for any loss, damage or injury which may be sustained by any person as a result of the authorised or unauthorised use of any NLSC Boats, or any of the equipment made available by NLSC;
- NLSC does not accept any responsibility for any loss, damage or injury which may be sustained by any person caused either directly or indirectly by any failure of any of the equipment provided with NLSC boats and rescue boats, including for example but not limited to its spars, ropes, sails, hull, rudder, tiller or tiller extension, centre board, blocks, anchors, outboard engines or any parts thereof; and
- every person who operates, uses or crews on any sailing or safety boat does so at his or her own risk; and
- in consideration for the use of a NLSC sailing boat or safety boat any member or guest who sustains any loss, damage or injury operating or crewing on such boats releases and discharges the NLSC, the members of its committee and members of the NLSC (jointly and severally) from all and any suits, actions or claims he or she may assert or have arising at law or otherwise and he or she acknowledges and agrees that this release may be relied upon as a complete defense thereto.

All members, visitors and guests acknowledge and agree:

- that the provision of the safety facility operated by the NLSC through a Safety Boat is a voluntary facility provided by the NLSC; and
- that the exclusions from liability and releases provided above shall be applicable to, and binding on all members, visitors and guests in the event that any of them sustain any loss, damage or injury while being rescued, or seeking to be rescued, or in need of being rescued.

Reducing Risk

I am aware that at all times while participating in Club organised water events, that I am required to wear appropriate and safe sailing gear. This includes a life jacket and adequate sailing footwear.