

Risk Declaration, Personal Liability and Insurance

Your participation in sailing / yachting and other events at Port Kembla Sailing Club Cooperative Ltd (PKSC) ("The Club") officially or unofficially, held by the Club is at your own risk. The Club takes no responsibility for your safety or health during any Club Event in which you participate. By participating in any Club event, you agree to the conditions in this Notice and waive all claims and demands whatsoever of any action you may have against the Club, its committees, officers, officials, organisers, and members in relation to any injury, loss, or damage suffered as a consequence of your participation in any of the Club events. Club Events are intended to be good fun, promoting well-being and comradeship whilst promoting the sport of sailing.

Participants should enjoy themselves, but not at the expense of other participants in Club Events. This declaration is issued jointly by the Port Kembla Sailing Club (PKSC) and the NSW Roads & Maritime Services, pursuant to the **Civil Liability Act 2002** to all persons wishing to participate in the sailing and associated activities conducted by the Port Kembla Sailing Club Incorporated. 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:

1. The extremes of weather and sea conditions and exposure to the elements for extended periods.
2. The potential that control of vessels may be lost, resulting in collision with objects and other vessels
3. The sudden movement of the vessel at any time and the possibility that participants may fall or be thrown overboard, resulting in drowning.
4. The possibility that participants may be injured by equipment on the vessel.
5. The absence of immediate medical care and the likelihood that significant delays may occur before medical care is available.

Port Kembla Sailing Club Incorporated and the NSW Roads & Maritime Services 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 Port Kembla Sailing Club.

Participants are also advised that although Port Kembla Sailing Club Cooperative Ltd is covered by third party liability insurance; this cover DOES NOT extend to participants. It is highly recommended that boat owners in club-organised events, have current comprehensive or third party property insurance, including public liability of at least \$5 million. *If you do not have a current policy you are carrying that risk yourself.* Club membership or acquisition of a valid AS SailPass entitles members to automatic personal accident insurance through Australian Sailing (AS) whilst participating in club events. See the Australian Sailing website for details.

Declarations

- My yacht complies with current the Australian Sailing Racing Rules of Sailing regulations.
- I agree to be bound by the current Racing Rules of Sailing and all other Rules that govern these events, as described in the Club Constitution and By-Laws.
- I agree to be bound by the following: The organising authority is not responsible for the seaworthiness of a yacht or the sufficiency or adequacy of its design or equipment. Attention is drawn to the fundamental rule which states "It shall be the sole responsibility of each yacht to decide whether to start or to continue a race."
- I agree to comply with the Sailing Instructions and any reasonable directions of the PKSC Committee.
- I acknowledge that unless I hold current comprehensive or third-party property and public liability (\$5 million) insurance, I am carrying, upon myself the risk and consequent liability for damage or injury that I may cause.

By participating in events conducted by Port Kembla Sailing Club Cooperative Ltd, I acknowledge that I have read, understood and abide by the above declarations.