

BBSR RISK WARNING, DISCLAIMER AND INDEMNITY

1. The Notice of Race published by the Batemans Bay Sailing Club (**Club**) requires that the person in charge of a boat entered in a race must draw to the attention of each person on the boat the following the risk warning, disclaimer and indemnity set out in the Notice of Race.
2. A competitor is warned to consider the risks before deciding to participate in a race.

CIVIL LIABILITY ACT 2002 (NSW) RISK WARNING

3. The *Civil Liability Act 2002* (NSW) provides, in effect, that the **Club** does not owe a duty of care to a competitor to take care in respect of a risk of participation in a race if the risk was the subject of a risk warning.
4. Participation in a race is inherently dangerous and exposes a competitor to risks including, but not limited to:
 - (a) unpredictable weather and / or sea conditions;
 - (b) the loss of the control of a boat resulting in a collision with another boat or object causing injury to a competitor;
 - (c) the sudden movement of the boat resulting in a participant falling, causing injury to the participant, or the competitor falling overboard;
 - (d) equipment failure causing injury to a competitor; and / or
 - (e) exposure to conditions giving rise to a risk of:
 - (i) hypothermia and / or heatstroke; and / or
 - (ii) contacting COVID 19.
5. The above risks have been known to result in injury, death and / or property damage.
6. The risks may be exacerbated by the lack of access to immediate medical care and, notwithstanding the **Club's** best intentions, the inability of the **Club** to render assistance to a competitor.

DISCLAIMER

7. A competitor in a race or other event conducted by the **Club** does so entirely at his or her own risk and responsibility. The **Club**, its Committee of Management, the Race Committee, the Race Officer, the Equipment Auditor, Measurer or other organisation or person organising a race or event is not responsible for:
 - (a) the seaworthiness of a participating boat;
 - (b) the sufficiency or adequacy of her equipment; or
 - (c) damage, injury or loss which may result, directly or indirectly, from preparing for, or participating in, a race or event or from an occurrence following the finish of the race or event.
8. Attention is drawn to rules 3 (Acceptance of the rules) and 4 (Decision to race) of the *Racing Rules of Sailing* published by Australian Sailing.

