



RISK WARNING AND INDEMNITY FORM

VENUE:

COVERING: Drivers, Crew, Team Owners, Sponsors, Race Circuit Property Owners Managers, Australian Power Boat Association, State Councils and Clubs or their members.

The Australian Power Boat Association (hereinafter known as APBA) issues this Risk Warning, pursuant to the Civil Liability Act 2002 or related legislation, to all persons wishing to participate at APBA sanctioned powerboat race meetings conducted by APBA Affiliated Clubs or Organisations. Participants are advised that regardless of the precautions taken by reasonable and experienced persons, **powerboat racing 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 water conditions.
- The potential that control of craft may be lost, resulting in collision with objects and other crafts, which may result in injury.
- The possibility that participants may be injured by equipment on vessels.
- The absence of immediate medical care and the likelihood that delays may occur before medical care is available.

I UNDERSTAND AND ACCEPT THE FOLLOWING TERMS AND CONDITIONS:

- **I accept that Power Boat Racing is dangerous.**
- I accept that and as a participant or an Official, I will have access to areas denied to the public, where risks of injury or death are present.
- I have examined and made myself aware of the racing venue, safety equipment, safety facilities and other aspects of the venue, and I am satisfied and accept the risks that exist in this environment.
- If at any time I consider the course or sections of the venue to be unsafe, I will voluntarily withdraw from participation in the event.
- I understand that the APBA Rules and Regulations and any equipment or inspections required by those Rules cannot guarantee the safety of my equipment or myself and in some circumstances may make participation more dangerous.
- I do not rely upon inspections of craft and equipment as required under APBA Rules, to find any faults with that equipment.
- I understand and agree that my safety is my own responsibility.
- I release the APBA and Affiliated Club and its Officials, other participants and any other associated party, from all liability arising from any injury or loss arising from my participation in powerboat events and I have advised my family and heirs of this.
- Neither I nor my family or heirs will take legal proceedings against the APBA or the Affiliated Club or Officials of either, other participants and any other associated party for any injury or loss I may suffer because of my participation in this event.
- I understand that I may be giving up certain legal rights, by signing this declaration and if I wish, I may obtain advice from my own lawyers.

ADDITIONAL CONDITIONS FOR PARTICIPANTS IN CRAFT FITTED WITH REINFORCED COCKPIT/DEFLECTION BAR/RESTRAINING BELT:

- I accept the possibility that as a participant I maybe trapped in a craft fitted with a Reinforced Cockpit / Deflection Bar / Restraining Belt.
- I take full responsibility for NOT wearing a Personal Floatation Device whilst driving in a craft fitted with a Reinforced Cockpit.
- I take full responsibility and use at my own risk, a Reinforced Cockpit or Deflection Bar or Restraining Belt.

(Delete whichever is not applicable)

The APBA advises participants that regardless of best intentions, safety crews may be unable to render assistance to participants who are in distress.

Participants are further advised to consider the above risks and any other risks before deciding to participate in any APBA sanctioned event conducted by APBA Affiliated Clubs or Organisations.

Participants are also advised that although the APBA is covered by third party public liability insurance this DOES NOT extend to participants. Any participant who considers they have a need for insurance must make their own private arrangements with an insurer.

DECLARATION: I have read the Risk Warning on this page and I am aware of the risks involved in participating in any sanctioned event conducted by Clubs or Organisations affiliated with the APBA. I also understand in accordance with the Civil Liability Act 2002 or related Legislation that my ability to seek compensation for any injury, damage or loss, sustained by myself or any minors in my care will be limited by virtue of my knowledge of and voluntary assumption of the associated risks. **By signing and providing the following information, I agree to participate at this event and I understand and accept the risks associated with powerboat racing as set out in this Risk Warning.**

Full Name and address of participant:

Signature of participant: Date:

Emergency Contact and phone number:

ONLY TO BE WITNESSED BY AN APBA OR CLUB OFFICIAL: In signing this document as a witness, I have ensured that the signatory has agreed to participate or be involved with this event and has agreed that they understand and accept the risks associated with powerboat racing as set out in this Risk Warning.

Name of Witness: Signature of Witness: