

NCYC SAILING ACADEMY



Terms & Conditions

Acknowledgement, Waiver & Risk Warning

I acknowledge that the registered participant will engage in a Discover Sailing Experience with the NCYC Sailing Academy which is the *Australian Sailing (AS)* accredited training centre of the Newcastle Cruising Yacht Club Ltd. (herein known as "NCYC").

I acknowledge that I will be recorded as a Training Member of the NCYC to participate in the sailing activities of the NCYC Sailing Academy.

I acknowledge that I will be added to the database to receive regular communication from the NCYC including but not limited to newsletters (*Sailing Academy E-News, Club E-News*), magazines, e-mails and SMS. I understand I can update my preferences or unsubscribe.

I acknowledge that I have read and agree to the 'Refunds and Course/Event Transfer Terms & Conditions'. I am able to access this information on the NCYC website.

I acknowledge and accept that sailing activities are a risk activity. I have read and understood the **Risk Warning** (following) issued by the NCYC and I voluntarily assume all risks involved with the sailing activity.

In consideration of the NCYC allowing the participant to engage in the sailing activity and at my request, I hereby release and indemnify the NCYC and its agents, servants, invitees and members from and against all actions, claims, demands, losses, damages, costs and expenses in respect of or arising from any loss, damage, death or personal injury in respect to or arising from the sailing activities of the NCYC.

Participants are also advised that although the NCYC is covered by third party public 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.

Risk Warning

All sailing activities conducted on Newcastle Harbour and surrounding waters by the Newcastle Cruising Yacht Club (herein known as NCYC) are under an Aquatic Licence issued by Transport for NSW (NSW Roads & Maritime Service, herein known as RMS).

This Risk Warning is issued jointly by the NCYC and RMS, pursuant to the Civil Liability Act 2002 to all persons wishing to participate in the sailing activities conducted by the NCYC.

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.

Participants are advised of the risks relating to Newcastle Harbour and that Newcastle Harbour is a salt water coastal inlet with deep water access to the open ocean. Bulk carriers and other large vessels are present in the harbour and present a risk of collision. Sharks, dolphins and other marine animals are present in the Harbour and present a risk of injury.

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

- severe and unpredictable weather and sea conditions;
- the potential that control of vessels may be lost, resulting in collision with objects and other vessels;
- the sudden movement of the vessel at any time;
- 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; and
- the presence of dangerous marine life.

The NCYC and RMS also warn participants that regardless of their best intentions, they may be unable to render assistance to participants who are in distress. There is a risk that emergency medical assistance may be delayed.

Participants are warned to consider the above risks and all other risks before deciding to participate in any sailing event with the NCYC.

Ends.

Updated: 8th November 2023