

VENUE: UPPER HAWKESBURY POWER BOAT CLUB. WINDSOR

COVERING: Drivers, Crew, Team Owners, Sponsors, Race Circuit Property Owners & Managers, Australian Power Boat Association, State Councils, 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.**

REINFORCED COCKPITS

All New Inboard sponsored boats manufactured after 1/10/95 & All Outboard sponsored boats with engines over 800cc constructed after 01/10/90 & first presented for competition MUST BE FITTED WITH AN APPROVED REINFORCED COCKPIT (Rule 803.01) MOD VP boats are EXEMPT from this rule.

IT IS THE DRIVERS RESPONSIBILITY TO HAVE REINFORCED COCKPIT, DEFLECTION BAR, DRIVER RESTRAINT INSPECTED BY DIVER (Rule 304.09)

CLASS	ITEM	RULE	N/A	O.K	FAIL	CLEARED
O Tunnel	Inversion Switch	804.03				
All	APBA Cockpit builders number (on plate)	804.04				
All	Does cell have built in buoyancy	804.05				
All	Seat Belts (Min 5 strap 4 point min 2" width)	804.06				
All	Do fasteners appear to be 316 stainless	804.06				
All	Is jacket cell type (with epaulet extraction loops)	804.07				
All	Min 2" head clearance	804.08				
All	Cell cover 50% top & sides of helmet	804.08				
All	Is head area lined with energy absorbing foam (½" - 13mm thick)	804.09				
All	Knee, Hand area etc foam covered	804.11				
All	Drivers eyes 4" (max) above front of cell (* with non-removable canopy exempt)	804.10				
All	Will front of cell divert water (* with non-removable canopy exempt)	804.10				
All	No sharp edges around cell	804.12				
All	Removable steering wheel (without tools)	804.13				
All	Right & left hand mirrors	804.04				
Inboard	Positive Fuel & electrical cut off on Left hand side of cockpit	804.03				
Outboard	Engine shut off switch on Left hand side of cockpit (Labelled)	804.15				
All	Shatterproof material for windshield	804.19				
All	Can canopy be opened inside & outside	804.21				
All	Bottom of cell Orange & labelled	804.22				
Outboard	Boats with bottom hatch & on board air supply exempt next 2 items	804.02				
Outboard	All vents 6 sq inches in nose	804.17				
Outboard	Water holes 40cm at rear	804.17				

SCRUTINEERS COMMENTS.....

INDEMNITY

I the undersigned realise that power boat racing is dangerous

I do not rely on officials or this scrutineering for the safety of the boat or my equipment, and realise this is my responsibility and that safety or other equipment required can not guarantee my or my boats safety. If I have taken the decision to use a boat fitted with a Reinforced Cockpit or a Deflection Bar or a Belt restraint or a combination of either or all three, I personally have examined these items fitted to the boat and use them totally at my own risk and choice, and I realise that these may make the boat more dangerous in certain conditions.

I on behalf of myself, and my heirs or any other person, release all persons and organisations connected with the running, supervision or administration of the event from any responsibilities whatsoever, however caused. I sign this indemnity without duress and in the full knowledge that I may be giving up certain legal rights.

Name (Driver)Signature.....Date.....

Witness Name.....Signature.....Date.....

DECLARATION BY OWNER (S)

TO: The Hon Race Secretary, Upper Hawkesbury Power Boat Club Ltd ;

In consideration of the U.H.P.B.C. Ltd accepting my / our entry for the above mentioned boat in the stated event.....

I / wedo hereby:

- A) Certify that I / We, own the said boat and that the above mentioned particulars are true & correct.
- B) Certify that the specifications of the said boat are known to me / us to be in conformity with the rules & restrictions governing entry in the stated event.
- C) Declare that I / We, am / are satisfied with & shall comply with the rules & conditions laid down by the UHPBC Ltd for the running of the stated event.
- D) Covenant to indemnify the UHPBC Ltd or any authorised officer, agent, member or servant thereof against any claim for damages whether personal injury property loss caused directly or indirectly by my / our participation or management & control of the said boat in the stated event.
- E) Waive any right I / We have to claim damages or any other legal remedy whether in contract or negligence against UHPBC Ltd or any other authorised officer, agent, member or servant thereof arising out of the running of the stated event.

Signature Of Owner / sName.....Date.....

Signature Of Witness.....Name.....Date.....

Address of Witness.....

NOTE I fully understand that all races will be started by UHPBC Ltd officials, however the ultimate responsibility of starting & continuing in water conditions suitable for my driving & boat capabilities, rest solely with me.

Driver Signature:

NOTE TO SCRUTINEERS: (Rule 803.01) Any defects found in the boat during inspection are to be noted (in the back of) the Owners Rule Book. Driver infringements or cautions to be noted in the Drivers Rule Book.