

FLINDERS YACHT CLUB

Notice of Race Season 2021-22

1. RULES

All races will be governed by:

- *The Racing Rules of Sailing* (see <http://www.sailing.org/documents/racingrules/>),
- 210914 Special Regulations Part 1 Sections 2, 3 and 4, relevant to Race Category 5 for Keel Boats and 210914 Special Regulations Part 2, For "Off the Beach" Boats, (see <https://www.sailingresources.org.au/safety/specialregs/>) as issued by Australian Sailing
- the appropriate Class rules, and
- the Flinders Yacht Club Sailing Instructions.

RISK WARNING

Sailing and other Club activities involve risks, including the risk of death, serious injury or illness and damage to property, due to factors such as:

- adverse weather;
- equipment malfunction or failure;
- accidents involving other boats and other participants; and
- over-exertion and fatigue.

Furthermore, access to medical, evacuation and search services may be limited. Any assistance offered by the Club is provided by volunteers who generally have little or no medical or other relevant expertise or experience.

Please consider these risks in deciding whether to sail or participate in any other Club activities.

Warning: The Club offers use of its facilities and the opportunity to participate in Club activities on the basis that you:

- accept the risks outlined above and agree to participate at your own risk;
- release the Club, members of the Club and any others involved in the provision of any services by the Club from all liability, whether in contract, tort (including negligence) or otherwise, arising from your use of the Club's facilities and your participation in Club activities;
- indemnify the Club and will keep the Club indemnified from any loss or damage arising from any claim by any members of your family or your guests (including children) in connection with the provision of services by the Club, whether in contract, tort (including negligence) or otherwise; and
- acknowledge and agree that the Club excludes any and all liability under the consumer guarantees relating to the provision of services (in Subdivision B of Division 1 of Part 3-2 of the Australian Consumer Law) for any death or personal injuries arising from the provision of recreational services by the Club.

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WARNING UNDER THE AUSTRALIAN CONSUMER LAW AND FAIR TRADING ACT 2012

Under the Australian Consumer Law (Victoria), several statutory guarantees apply to the supply of certain goods and services. These guarantees mean that the supplier named on this form is required to ensure that the recreational services it supplies to you –

- are rendered with due care and skill; and
- are reasonably fit for any purpose which you, either expressly or by implication, make known to the supplier; and
- might reasonably be expected to achieve any result you have made known to the supplier.

Under section 22 of the **Australian Consumer Law and Fair Trading Act 2012**, the supplier is entitled to ask you to agree that these statutory guarantees do not apply to you. If you sign this form, you will be agreeing that your rights to sue the supplier under the **Australian Consumer Law and Fair Trading Act 2012** if you are killed or injured because the services provided were not in accordance with these guarantees, are excluded, restricted or modified in the way set out in this form.

NOTE: The change to your rights, as set out in this form, does not apply if your death or injury is due to gross negligence on the supplier's part. **Gross negligence**, in relation to an act or omission, means doing the act or omitting to do an act with reckless disregard, with or without consciousness, for the consequences of the act or omission. See regulation 5 of the Australian Consumer Law and Fair Trading Regulations 2012 and section 22(3)(b) of the **Australian Consumer Law and Fair Trading Act 2012**.

2. ADVERTISING

All Races are classified as a Category C event.

3. ENTRIES

- 3.1 Races are open to:
- 3.1.1 Keel Boats and Trailable Yachts satisfying Race Category 5 Safety Criteria in the Keel Boat Division, Boats satisfying Category 7 Safety Criteria may sail in the Keel Boat Division subject to additional safety requirements, and;
 - 3.1.2 all classes of Off the Beach (OTB) boats with a Yachting Victoria Yardstick, and others as the Sailing Committee may decide on the OTB & Green Fleet Divisions.
- 3.2 Entries must comply with the following:-
- 3.2.1 Each boat must be registered with Flinders Yacht Club (FYC).
 - 3.2.2 Every person in charge and each member of the crew must be an adult or junior sailing member of the FYC, except that,
 - 3.2.2.1 Non Members **having a "sailpass" registration through Sailing Australia** may sail as crew in KB Twilight, OTB Twilight, OTB Summer Series without counting in the 7 race limit in 3.2.2.2 below
 - 3.2.2.2 Non members **having a "sailpass" registration through Sailing Australia** may sail as Crew in a total of 7 races (combined) in all other series, where a non member sails as crew on a 8th or greater occasion the race result for that boat shall not count for the results of that race or series, boats shall be scored DNC.
- 3.3 Races shown as Regattas are open to non-members who are members of and boats are registered with other affiliated sailing clubs, have signed an Entry Form and paid the prescribed entry fee.
- 3.4 Visitors registered with other affiliated sailing clubs and having YV/YA registration or **having a "sailpass" registration through Sailing Australia** whose entry is accepted by this club, may sail in club events by completing an entry form however will not be scored in any races or series.
- 3.5 Race entry is by signing on **online as directed on the FYC web site or by Radio (KB Division)** at least 15minutes before the warning signal for a race, a separate entry is required for each race except where 2 races are scheduled in which case sign on will be cover both races.

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3.6 Each participating boat shall at all times, be insured with valid third-party insurance with a minimum cover of \$5,000,000 per event.

4. SCHEDULE OF EVENTS

The Sailing Program shows the date and time of the warning signal for each race and in the case of back to back races the time of the first warning signal. Changes to the program will be according to the Sailing Instructions, and will be posted on the Club Web Site. The Westernport Challenge, Titles, and events at other Westernport clubs may also shown but are not covered by this Notice of Race.

5. COURSES

Courses will be as described in the Sailing Instructions and Course Instructions and as notified on the day.

6. SAILING INSTRUCTIONS

The sailing instructions will be available on race days on the club website, in the event of a discrepancy between this notice and the sailing instructions the sailing instructions shall prevail.

7. SCORING

Those races, which are part of a series, will be scored as provided in Appendix A4.1 Low Point System, Appendix A9 of the Racing Rules and as modified by the Sailing Instructions. The number of races required to be completed to constitute each series, and the number of races to be included in a boat's score is stated in the Sailing Instructions.

8. TROPHIES

Prizes for named series and events will be awarded on Presentation Night.

9. GENERAL INFORMATION

- 9.1 Members are reminded that they are subject to the Fundamental Rules, in particular "Fundamental Rule 4. The responsibility for a boat's decision to participate in a race or to continue *racing* is hers alone".
- 9.2 Flinders Yacht Club, its members and those assisting the club will not be responsible for damage to boats, or injury to persons caused by any rescue boat, or in any other way whatsoever.