

**THIS IS AN IMPORTANT DOCUMENT AFFECTING YOUR RIGHTS**

**YOU SHOULD READ IT VERY CAREFULLY AND SIGN IT ONLY AFTER YOU ARE SATISFIED THAT YOU UNDERSTAND AND ACCEPT ALL TERMS AND CONDITIONS**

**AUSTRALIAN WATERSKI AND WAKEBOARD FEDERATION MEMBERSHIP DECLARATION**

I,.....[insert name] of sert address).....

hereby apply for membership of the AWWF and the nominated Member State and Division. In consideration of my application for membership being accepted

**I acknowledge and agree that:**

1. In this membership declaration:

"**AWWF**" means the Australian Waterski and Wakeboard Federation Incorporated.

"**Claim**" means and includes any action, suit, proceeding, claim, demand, damage, cost or expense however arising including, but not limited to, negligence but does not include a claim against a Water Ski Organisation under any right expressly conferred by its constitution or regulation.

"**Discipline**" means a type of water skiing recognised by AWWF from time to time and governed by rules determined by AWWF from time to time.

"**Division**" means a committee of AWWF exercising delegated authority for the control of a Discipline.

"**Member State**" means an independent entity recognised by AWWF to administer the sport of water skiing in its particular state.

"**Water Ski Activities**" means performing or participating in any capacity in any authorised or recognised Water Ski Organisation activity.

"**Water Ski Organisation**" means and includes the AWWF, the Member States and Divisions and, where the context so permits, their respective directors, officers, members, servants or agents.

2. **If my application for membership is accepted I will be a member** of the AWWF and the nominated Member State and Division. I acknowledge my membership will be deemed to be accepted upon my participation in Water Ski Activities and I acknowledge that I will be bound by and agree to comply with the constitutions, regulations and policies of the Water Ski Organisations of which I become a member.

3. **Warning:** Water Ski Activities can be inherently dangerous. I acknowledge that I am exposed to certain risks during Water Ski Activities including but not limited to:

- I may be physically or mentally injured, impaired, maimed or killed;
- other participants may act dangerously or with lack of skill;
- conditions may be hazardous and may vary without warning or predictability;
- organisers, officials, watercourse owners/operators and any agents or representatives of any of them, in charge of an event may be obliged to make decisions under pressure of time and/or events;
- any policy of insurance of or in respect of my life or physical or mental health may be avoided;
- there may be no or no adequate facilities for treatment or transport of me if I suffer injury; and
- my property may be damaged, lost or destroyed.

I acknowledge that accidents can and often do happen which may result in me being injured or even killed, or my property being damaged. I have voluntarily read and understood this warning and accept and assume the inherent risks in participating in the Water Ski Activities.

4. **Exclusion of Implied Terms:** I acknowledge that where I am a consumer of recreational services, as defined by any relevant law, certain terms and rights usually implied into a contract for the supply of goods or services may be excluded. I acknowledge that these implied terms and rights and any liability of the Water Ski Organisations (or any of them) flowing from them, are expressly excluded to the extent possible by law, by this membership declaration. To the extent of any liability arising, the liability of the Water Ski Organisation will, at the discretion of the relevant Water Ski Organisation, be limited to the resupply of the services or payment of the cost of having the services supplied again.

5. **Release and Indemnity:** In consideration of the AWWF accepting my application for membership I, to the extent permitted by law:

- (a) release and will release the Water Ski Organisations from all Claims that I may have or may have had but for this release arising from or in connection with my membership and/or participation in any Water Ski Activities; and
- (b) indemnify and will keep indemnified the Water Ski Organisations in respect of any Claim by any person arising as a result of or in connection with my membership and/or participation in any Water Ski Activities.

6. **Fitness to Participate:** I declare that I am medically and physically fit and able to participate in the Water Ski Activities. I will immediately notify the AWWF in writing of any change to my medical condition, fitness or ability to participate. I understand and accept that the Water Ski Organisations will continue to rely upon this declaration as evidence of my fitness and ability to participate.

7. **Medical Treatment:** I consent to receiving any medical treatment that a Water Ski Organisation reasonably considers necessary or desirable for me during my participation in Water Ski Activities. I also agree to reimburse the relevant Water Ski Organisation for any costs or expenses incurred in providing me with medical treatment.

8. **Right to Use Image:** I acknowledge and consent to photographs and electronic images being taken of me during my participation in any Water Ski Activities. I acknowledge and agree that such photographs and electronic images are owned by the AWWF and that the Water Ski Organisations may use the photographs for promotional or other purposes without my further consent being necessary. Further, I consent to the Water Ski Organisations using my name, image, likeness and also my performance in the Water Ski Activities, at any time, by any form of media, to promote the Water Ski Activities.

9. **Privacy:** I understand that the information I have provided is necessary for the objects of the Water Ski Organisations. I acknowledge and agree that the information will be disclosed by the AWWF to my nominated Member State and Division (or visa versa) and will only be used for the objects of the Water Ski Organisations, Water Ski Organisation general business and to provide me with membership services. I understand that I will be able to access the information through my Member State or as otherwise provided by AWWF. If the information is not provided, my membership application may be rejected.

I acknowledge that the Water Ski Organisations may also use my personal information for the purposes of providing me with promotional material from Water Ski Organisation sponsors or third parties. I may advise my Member State if I do not wish to receive from the Water Ski Organisations any sponsor or third party promotional material.

10. **Severance:** If any provision of this membership declaration is invalid or unenforceable in any jurisdiction, the phrase or clause is to be read down for the purpose of that jurisdiction, if possible, so as to be valid and enforceable. If the phrase or clause cannot be so read down it will be severed to the extent of the invalidity or unenforceability. Such severance does not affect the remaining provisions of this membership declaration or affect the validity or enforceability of it in any other jurisdiction.

11. **IWWF Anti-Doping Rules:** I acknowledge that I am bound by, and confirm that I shall comply with, all of the provisions of the IWWF Anti-Doping Rules (as amended from time to time), and any Anti-Doping Rules adopted by my National Federation.

12. **I have provided the information required and signed this membership declaration.** I warrant that all information provided is true and correct. I acknowledge that this membership declaration cannot be amended. If I do amend it my application will be null and void. It cannot be accepted by the AWWF.

13. I understand that each state and Territory may have specific rules applying to waterways and waterskiing that must be adhered to at all times.

**I have read, understood, acknowledge and agree** to the above terms including the warning, exclusion of implied terms, release and indemnity.

Signed: ..... Date: .....

Name: .....

Where the applicant is under 18 years of age this declaration must also be signed by the applicant's parent or legal guardian.

I,..... am **the parent or guardian** of the applicant. I authorise and consent to the applicant undertaking the Water Ski Activities. In consideration of the applicant's membership of the AWWF and the nominated Member State and Division being accepted, I expressly agree to be responsible for the applicant's behaviour and agree to accept in my capacity as parent or guardian, the terms set out in this membership declaration, including the provision by me of a release and indemnity in the terms set out above. In addition, I agree to be bound by and to comply with the AWWF's and the nominated Member State's and Division's constitution and any regulations and policies made under it.

Parent's signature: ..... Date: .....

(where applicant is under 18 years of age)

Parent's name: .....

Revised July 2018