

Liability release and express assumption of risks

WARNING: The event known as the FLYING TRAPEZE WORKSHOPS is a dangerous recreational activity as defined in the *Civil Liability Act (NSW) 2002 (Civil Liability Act)*. Please read carefully and sign this liability release and express assumption of risks (**Release Form**) if you agree to the terms.

THE SYDNEY FESTIVAL LIMITED (ACN 070 285 344) (**Sydney Festival**) offers you the possibility to take part in the activity known as Flying Trapeze Workshop that is conducted by SYDNEY TRAPEZE SCHOOL PTY LTD (ABN 52 130 675 231) (**Sydney Trapeze School**) at Prince Alfred Square, Corner Church and Market Streets, Parramatta NSW 2150 (**Prince Alfred Square**) (the **Activity**) where risk is part and parcel of the enjoyment.

Sydney Trapeze School is the operator and conductor of the Activity. Sydney Festival is not liable for the acts of omissions of Sydney Trapeze School.

Sydney Trapeze School provides relevant safety/protective equipment and procedural instruction it considers necessary for safe participation. The Activity is fully covered by public liability insurance. However, when established safety procedures are not followed, the risk associated with participation is increased.

Important: The equipment provided must be used according to the instructions given. Your signature on this Release Form is required for you (meaning you and any child(ren) under your care and responsibility who is participating and whose name(s) has been written below) to participate in the Activity.

I _____ of _____
(Name of participant or Parent/Carer if participant is under 18 years old) (Street Address)

_____ (State, Postcode) _____ (Contact Number)

Name of participant under 18 years old	Age

I hereby acknowledge that I have been advised and thoroughly informed of the risks of the Activity.

In particular, I acknowledge that I have been advised that:

- Participation in the Activity is a recreational service for the purposes of section 139A of the *Competition and Consumer Act 2010 (Cth)* (**Competition and Consumer Act**), and also a dangerous recreational activity for the purposes of section 5K of the *Civil Liability Act 2002 (NSW)*.
- Nothing in this Release Form excludes, restricts or modifies any condition, warranty, right or remedy, implied or imposed by any law that cannot lawfully be excluded, restricted or modified as contained within the Competition and Consumer Act, and corresponding provisions of State or Territory legislation. All express or implied representations, conditions, warranties and provision, whether based in Statute, or otherwise relating to provision of products and services pursuant to all contemplated by this document that are not contained within these terms are excluded to the extent permitted by law.
- I am required to wear approved safety equipment while participating in the Activity.
- I am responsible for the full application of the safety rules.
- I am aware that there are instructors available to answer any questions that I have as to the proper use of the equipment.
- I am responsible for my own personal property

- If I wish to undertake the Activity without safety lines, I will be doing so at my own risk and I acknowledge that this is against the proper safety instructions, protocol and advice of Sydney Trapeze School and its staff.
- The forces exerted on my body can activate or aggravate pre-existing physical injuries, conditions, or congenital defects. I understand that it is strongly recommended that people with these conditions DO NOT participate in the Activity.
- I do not suffer any illness, ailment or incapacity that may affect my participation in the Activity.
- I understand that the Activity involves certain inherent risks.
- I acknowledge that the weather conditions, including either extreme hot or cold weather, rain or wind may increase risks.
- I must not participate in the event if I am under the influence of alcohol or drugs.
- Sydney Festival and the Sydney Trapeze School will rely on this declaration and is not responsible for my decision to participate in the Activity.
- I have entered and remain at Prince Alfred Park and are participating in the Activity at my own risk.
- If I arrive late at the check in area for the session start time allocated to me, I understand that I may not be able to participate.
- I am aware that there are serious risks associated with the Activity, and to the extent permitted by law, I release and hold harmless Sydney Festival and Sydney Trapeze School, its principals, servants and/or agents from any suit, demand or claim whether present, future or contingent arising as a consequence of and not limited to death, injury or disablement suffered by me during my participation in the Activity.
- I confirm that I give my permission for Sydney Festival and Sydney Trapeze School to use any video footage and photographs taken during the Activity and consent to the use of my name, likeness, voice and biographical material in connection with Sydney Festival and publicity or promotion of Sydney Festival and Sydney Trapeze School, including without limitation, in connection with Sydney Festival and Sydney Trapeze School websites. The ownership and copyrights to the video and photographs including the my appearance taken by Sydney Festival are owned fully by Sydney Festival and upon their creation, any future rights will also be owned by Sydney Festival.

I confirm that I am 18 years or older and legally competent to sign this Release Form, or that I am legally competent to sign this document as a parent/guardian. Where I sign this document as a parent or guardian on behalf of a minor, the reference to me is a reference to the minor. I understand that the terms in this Release Form are binding on me and any minor on behalf of whom I sign.

Tick here if the person signing is not participating and is only supervising the children included on this Release Form.

Name of person signing (if different from the name above): _____

Signature: _____

Date of signing document: ___/___/___

Date of participation if different: ___/___/___

This Release Form is signed by the adult named above on their own behalf and on behalf of any child under their care listed above.

Emergency Contact Details

Name: _____ Phone: _____