



## Thebacha & Wood Buffalo Astronomical Society

PO Box 1354

Fort Smith, NT X0E 0P0

## 7<sup>th</sup> Annual Thebacha & Wood Buffalo Dark Sky Festival

August 23<sup>rd</sup> to 26<sup>th</sup>, 2018

### GENERAL WAIVER / WAIVER OF LIABILITY

**PLEASE BE SURE TO READ and UNDERSTAND the following information!**

**WARNING: THIS DOCUMENT WILL AFFECT YOUR LEGAL RIGHTS. READ IT CAREFULLY!**

#### General Waiver

- 1) I/We acknowledge both personally and as legal guardian of the additional participants listed on the Festival Registration Form that there are risks inherent in with the events, activities and camping outdoors that are associated with the Dark Sky Festival (DSF) including injuries. I hereby agree to assume all of those risks and responsibilities unconditionally.
- 2) I have read and understand the *Waiver of Liability* (see below).
- 3) I confirm that we have read the *DSF Etiquette* (see below) and agree to abide by any direction or decisions made by the event coordinator with relation to activities or actions of myself and any participants listed while attending the DSF.

### CONDITIONS OF USE and RELEASE & WAIVER OF LIABILITY

#### Waiver of Liability

- Thebacha & Wood Buffalo Astronomical Society (TAWBAS)
  - 7<sup>th</sup> Annual Thebacha & Wood Buffalo Dark Sky Festival (DSF)
- 1) I/We agree to hold the Society and its volunteers harmless of any accidents/injuries relating to the activities, programs, and events rendered by the Society. I/We release and waive any claims that I/we may have or may in the future have against the Society and its volunteers, from any and all liability for any loss, damage, expense or injury, including death, that I/we may suffer or that my/our next of kin may suffer, as a result of participation in the activities due to any cause whatsoever.
  - 2) In the event that I/we cannot be reached in an emergency, I hereby give permission to a First Aid attendant or physician selected by the DSF coordinator(s) to secure and administer treatment, including hospitalization, for the person(s) listed as participants.

## CONDITIONS OF USE

- Parents/guardians are solely responsible for their children at all times.
- Legal minors (i.e. anyone under the age of 18) must be accompanied by a legal guardian or letter of permission from their legal guardian, naming an adult participant attending the event as their temporary guardian.
- Participants must provide their own camping gear, towels, etc.
- NO PETS are allowed in the common areas of the DSF. Pets must be on leashes while in your designated camping site.
- Smoking is only permitted in the designated area.
- All outdoor fires must be approved by the DSF coordinator.
- We are collectively responsible for the camp facilities and equipment. Participants will be responsible for any damages caused by themselves or their dependents.
- Leave No Trace. Everything you bring, take it away.
- All participants must sign the Liability Waiver before or upon arrival at the camp (see below).
- Failure to comply with the conditions above may result in removal of the participant from the site.

## RELEASE and WAIVER OF LIABILITY

YOU WILL HAVE TO SIGN THIS AGREEMENT BEFORE OR UPON ARRIVAL AT DSF ACTIVITIES AND BEFORE BEING ALLOWED TO PARTICIPATE IN ACTIVITIES OR TO ENTER ANY DSF FACILITIES OR PINE LAKE DARK SKY OBSERVATION SITE CAMPING AREA.

In consideration of being permitted to participate in any way in the "7<sup>th</sup> Annual Thebacha & Wood Buffalo Dark Sky Festival" event to be held August 23, 2018 to August 26, 2018 ("DSF") without limitation **I/We hereby waive any and all claims** that I/we have or may in the future have against, and **release from all liability and agree not to sue**, the following parties: (a) All DSF organizers together as a group and as individuals; (b) all Camp Attendants, Management and Board of Directors; (c) any DSF workshop facilitators, coordinators, or assistants, and ("collectively, the Facilitators"); (d) any and all other participants at DSF (collectively, "the Peer Participants"), each of their estates, heirs, executors, trustees, committees or administrators, (all of the above, collectively, the "Releasees") for any loss, property damage, expenses or personal injury (including death) that I may suffer, or that my next of kin may suffer, as a result of my participation in DSF **due to any cause whatsoever on the part of the Releasees, including:** • Negligence (the meaning of which includes failure to use such care as a reasonably prudent person would under similar circumstances and the failure to meet standards of care imposed upon those engaging in DSF activities for the safety or comfort of other participants); • Breach of any other duty imposed by law; • Breach of contract; • Mistakes or Errors in Judgment by the Releasees, including, without limitation, mistakes or errors in judgment that may affect my safety.

**In addition, I/we agree to indemnify and hold harmless** the Releasees from any and all liability, loss, or damages (including attorney's fees) they may suffer as a result of claims, demands or judgments against them arising out of any injury or damage that I either cause or suffer during my participation in DSF.

**I/we am aware that there are certain specific risks inherent in participating in DSF including but not limited to:**

- POTENTIALLY HAZARDOUS; terrain, water hazards, weather, wildlife and other obstacles, threats and perils associated with outdoor wilderness excursions, including planned and unplanned activities and events that may be supervised or unsupervised or organized or not by the DSF organizers or may be conducted solely by some other Peer Participant(s);
- CONDUCT OF RELEASEES and PEER PARTICIPANTS; the conduct, including negligence, of the Releasees;
- PROXIMITY OF MEDICAL CARE; which is NOT readily available or effective; and
- PARTICIPATION IN DSF ACTIVITIES; that may challenge participants' physical or emotional boundaries, and which may involve outdoor activities, terrain hazards, use of equipment or other devices, fire or fuel hazards.

I/We AGREE that, although the Releasees are taking reasonable precaution to reduce the risks and increase the safety of any of the DSF activities, it is not possible to make the DSF activities completely safe or free from risk. I willingly accept PERSONAL RESPONSIBILITY for all the risks and dangers of participating in the DSF Activities. I/We accept and understand that the participants and individuals associated in any way with assisting in the organization of DSF have done so of their own free will and with only the most innocent of intentions. I/We respect that the event in which I am about to participate would not happen without my personal involvement and I/we accept the same level of responsibility of all participants and organizers. I/We willingly consent to the terms of this Agreement even if the Releasees are found in law to be negligent or in breach of a duty of care or any other obligation to me during the course of the DSF activities. In entering into this Agreement I/we are not relying on any oral, visual or written representations or statements made by the Releasees with respect to the safety or comfort of the DSF activities other than what is set forth in this Agreement.

I/We agree that this waiver and the agreements it contains will be governed in all respects by, and interpreted exclusively in accordance with, the laws of the Northwest Territories, Canada and I irrevocably cede solely to the exclusive jurisdiction of the courts of the Northwest Territories, Canada. I/We agree that if any portion of this Agreement is found to be void or unenforceable, the remaining portions of this agreement shall remain in full force and effect.

I/We confirm that I/we am at least 18 years of age and that I/WE HAVE READ AND UNDERSTOOD THIS AGREEMENT prior to signing it and agree that this Agreement will be binding upon my heirs, next of kin, executors, administrators, assigns and representatives in the event of my mental or physical incapacity or death. I/We further confirm that the terms and conditions of this Agreement will apply to any minor that is under my care and control and that accompanies me to DSF and that I/we am the legal guardian or parent of any minors that I bring to DSF and as such I/we have the authority to sign this document on their behalf.

## **Dark Sky Festival Etiquette**

To ensure that everyone has a safe and enjoyable experience at our Dark Sky Festival (festival) we ask that you follow a few simple guidelines. The festival is being held in a National Park and all application Parks Canada rules do apply.

**Do not use white lights after dusk - Use red lights**, sparingly. If for some reason you MUST use a white light, shout out a warning. Light disables night vision for 20 to 30 minutes. If you are planning to leave after dusk **park your vehicle away** from the general observing area so that your vehicle lights do not ruin anyone's night vision.

**Pets** - If you bring your pet it **MUST be on a leash** and under control at all times. They are to be kept away from the common areas. Be considerate of any Parks Canada employee attending and their obligation pertaining to the *Canada National Parks Act: PART IV - GENERAL RULES OF THE PARK (Dogs) 35. (1) No owner of a dog shall:*  
(a) permit the dog to run at large...

**Music** - Remember that music that you love may be extremely irritating to others. Leave no doubt and keep it inside your own head, use a headset.

**Alcohol** – This is a family event. We do not encourage the public consumption of alcohol and it is restricted to your campsite or other clearly designated areas. Alcohol significantly reduces what you can see in dim light and it is well documented that intoxicated behavior is not conducive to wandering in dark areas that are littered with expensive equipment.

**Avoid loud and boisterous behaviour.** Astronomy is a quiet, peaceful activity.

## AROUND THE TELESCOPES

**Don't hesitate to ask...**

**Be careful.** Some are typically fiddly to setup, few of them break rather easily and they are expensive to repair or replace.

**Ask to look through a telescope.** Do not touch any telescopes or equipment without permission. **Don't be afraid to ask.** Be respectful and careful around telescopes. As noted earlier, they are expensive to repair.

**Do not spray bug repellent near telescopes.** The fine droplets get on expensive optical surfaces and can seriously damage the optics. Thoroughly clean your hands of any bug dope if you want to use a telescope.

**And don't hesitate to ask:**

- Look through the telescopes without moving them.
- If you need to focus, ask scope attendant and they will help you. Don't twist or turn random knobs - things usually fall off when you do that. **Don't hesitate to ask** - everyone's eyes are a little different, and chances are that adjusting the focus will help you.
- Do not stand in front of a telescope. Light that has traveled over 30 million light years to get to us will be stopped dead-in-its-tracks by the back of your head.
- When wearing glasses and looking through an eyepiece, face the eyepiece square on, usually you can gently place your eyeglass lens flat against the rubber eyecup of the eyepiece.

**Children** – Are definitely welcomed and encouraged to participate. Remember that kids are easily distracted and can become mischievous. Be respectful and make sure that they are supervised, behaved and respectful to the other participants.

**Documented fact - kids can get bored.** The festival will involve delays between events and activities. In the evening it will take time to setup the telescopes and later to aim, to focus and to refocus. We will endeavor to keep kids entertained but, ultimately it is your responsibility.

Our biggest concern with **young children using telescopes** is they have an irresistible urge to grab the eye-piece as part of getting ready to look (*that's what they see scientists do in the cartoons*). Coach them in advance not to do this – suggest they keep their hands behind their backs. It's not that we mind having the equipment touched, but by grabbing the eye-piece it usually moves the telescope and then it has to be re-aimed, refocused and much time will go by.

Very young children have difficulty looking with only one eye through an eyepiece and may not see anything.

Please **do not give your kids white-light flashlights or laser pointers to hold** after dusk. There is a 99.98% probability that they will not be able to resist the urge to turn them on and, shine it on someone who has likely acquired their night-vision.

## ENJOY and PARTICIPATE

**Explore the wonders of our vast night sky and the universe around us**