

Waiver of Liability for 'Swim with Wild Dolphins' and other tours conducted onboard 'Apollo 3'

This waiver applies to 'Swim with Wild Dolphins' the name of the tour operated by Rockingham Dolphins (WA) Pty Ltd (a member of the Rockingham Wild Encounters Ecotourism group) or other tours, charters or cruises conducted onboard the company vessel known as 'Apollo 3'.

Acknowledgement and Assumption of Risk

Warning: This may affect your legal rights and obligations. If you have any questions please ask your representative before signing. Like any marine based activity, tour or cruise, passengers participating in 'Swim with Wild Dolphins' can be exposed to certain inherent risk, therefore: -

I acknowledge and understand that whilst participating in the activity:-

- The conditions in which the activity is conducted may vary without warning.
- I assume the risk of and responsibility for any injury, death or property damage resulting from my participation.
- I have listened to and understood the tour safety briefing.
- I agree to follow all oral and written instructions given to me by Rockingham Wild Encounters Pty Ltd staff during the tour.
- I will query any matters that I do not understand.
- I am not under the influence of drugs/medication/mind altering substances, which affect my understanding of safety instructions, or ability to safely participate.
- I will inform Rockingham Wild Encounters staff of any mental infirmity, allergies, physical disabilities or any other significant issues that may prejudice my performance/safety or the safety of others.

Use of Shark Shields during Swim with Wild Dolphins Tour

In the interest of crew and passenger safety all Swim with Wild Dolphins tours are conducted by crew and selected passengers wearing Shark Shields. These devices generate an electrical field that is detected by the shark via its sensory receptors, known as Ampullae of Lorenzini, found on the snouts of all predatory sharks. The initial mild discomfort increases if the shark approaches the field, until it becomes intolerable.

The electric field generated may affect the sensitivity of any person with a health condition such as heart disease, a history of heart problems, peripheral vascular disease, stroke, a history of fainting or epilepsy, lung disease or if the user is taking any prescription drugs that are administered for these conditions. Shark Shield recommends that 'people who have pacemakers or who are or might be pregnant must not use the device and should avoid swimming close to anyone using a device'.

As this tour has always been popular with pregnant women we have sought further advice from Shark Shield regarding the potential risks to pregnant women and received the following information from Peter Gap (Manager, Shark Shield in Australia):

'I suspect that it is a case of erring on the side of caution, I can understand the warning about pacemakers/internal defibrillators as there is a possibility of direct electrical stimulation which I can understand may be an issue, but I can't really see the issue with pregnancy. We do know that there is no penetrating RF type radiation given off by the units, the shock that you can get is a purely surface potential difference.'

Release and Indemnity to Rockingham Dolphins (WA) Pty Ltd and Rockingham Wild Encounters Pty Ltd

- In consideration of the acceptance of my payment for participating, **except to the extent it is precluded by statutory law I agree to release and indemnify** Rockingham Dolphins (WA) Pty Ltd and Rockingham Wild Encounters Pty Ltd.
- I release, indemnify and hold harmless Rockingham Dolphins (WA) Pty Ltd and Rockingham Wild Encounters Pty Ltd, its servants and agents, from and against all and any actions or claims which may be made by me or on my behalf or by other parties for or in respect of or arising out of any injury, loss, damage or death caused to me or my property whether by negligence, breach of contract or in any way whatsoever.

My acceptance of this waiver of liability is demonstrated by my signature overleaf: -