

**Part Two\***

**CONTRACT FORMATION SECTION**

As soon as any of the following events occur or arise out of this Application:

- a) any conditional or unconditional authorisation is given to the Applicant or anyone else by KPA, its Harbour Master or any other officer of KPA with respect to the usage of the Slipway Area; or
- b) the Applicant (or anyone employed by or contracted by the Applicant) enters the Slipway Area or commences use of the Slipway Area,

the Applicant will be bound irrevocably by a contract with KPA, which comprises the details in this Application (including any additional details or revisions to this Application that arise during the Application process) and KPA's Terms and Conditions for Use of the Slipway and Storage Yard (as amended by KPA from time to time). A copy of KPA's Terms and Conditions for Use of the Slipway and Storage Yard may be obtained from KPA's website at [www.kimberleyports.wa.gov.au](http://www.kimberleyports.wa.gov.au) or by submitting a request to KPA by facsimile or telephone or by calling in person at KPA's office.

By signing or otherwise submitting this Application, the Applicant acknowledges and agrees that KPA does not owe the Applicant any duty of care in relation to the Slipway Area and acknowledges that KPA does not warrant, represent or otherwise hold out that the Slipway Area or anything in the Slipway Area is safe. The Applicant also acknowledges and agrees that if it enters or uses the Slipway Area it will do so on each occasion entirely at its own risk and will have no legal recourse against KPA or any of KPA's officers or employees in cases where any person is injured or where any property is damaged (regardless any cause of action that may exist in occupiers or negligence and regardless of any cause of action that may arise out of any wrongful acts or omissions on the part of KPA or any of its officers, employees or contractors).

Applicant to confirm:

- Payment confirmation attached or receipt number: \_\_\_\_\_
- Port Induction completed and current i.e. holds a Port Induction Card.
- They have read and understood KPA's HSE Slipway Guidelines and agree to be bound by the guidelines
- They have read and understood KPA Slipway Asbestos Site Management Plan and agree to be bound by this plan

**Signed for and on behalf of the Applicant**

**Signature:** \_\_\_\_\_

**Signatory's Name/ Company  
Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**KPA Approval**

Harbour Master (or their representative) to approve the formation of the contract and confirmation of payment and port induction.

Harbour Master Name: \_\_\_\_\_

Harbour Master Signature: \_\_\_\_\_ Date: \_\_\_\_\_