

NSW MARINE PARK PERMIT STANDARD CONDITIONS

August 2022

WARNINGS

1. This permit is not transferable.
 2. All activities, the subject of this permit, must be undertaken in accordance with the provisions of the laws in force from time to time in the State of New South Wales and, in particular, the provisions of the *Marine Estate Management Act 2014*, the Marine Estate Management Regulation 2017 and the Marine Estate Management (Management Rules) Regulation 1999.
 3. A breach by the Permittee/s or any person to whom this permit extends, of the *Marine Estate Management Act 2014*, the Marine Estate Management Regulation 2017 or the Marine Estate Management (Management Rules) Regulation 1999 including any permit condition contained herein may result in the variation, suspension or cancellation of this permit or in a fine.
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INSURANCE CONDITIONS

4. The Permittee must at all times during the period of the permit, maintain a policy of public liability insurance for a sum of not less than ten million dollars (\$10,000,000) to indemnify itself, from and against liability for all action, suits, demands, costs, losses, damages and expenses (hereinafter called claims) which the Permittee may pay, sustain or be put to by reason of damage to property or injury to persons (including death) caused by or arising in any way out of the conduct of the Permittee on any lands or waters managed by the Department of Primary Industries – Fisheries or generally as a result of the presence of the Permittee, or the Permittee's agents or clients on lands or waters managed by the Department of Primary Industries – Fisheries.
 5. The Permittee must not cancel or alter the insurance policy without first obtaining written consent from the Department of Primary Industries – Fisheries.
 6. In the event the insurer cancels the insurance policy prior to the expiration of the insurance policy, the Permittee must advise the Department of Primary Industries – Fisheries in writing within three (3) business days of receiving advice of the cancellation from the insurer.
 7. In the event the insurance policy expires prior to the expiration date of this permit, the Permittee must produce to the Department of Primary Industries – Fisheries evidence of renewal of the insurance policy no fewer than 28 days prior to the expiry of the insurance policy.
 8. The Permittee must provide a copy of the insurance policy and a copy of the certificate of currency of the insurance policy, to the delegate when required by the Department of Primary Industries – Fisheries.
 9. The Permittee must notify the Department of Primary Industries – Fisheries as soon as possible of any fatal accident or serious injury sustained by a participant/s resulting from the conduct of the permitted activity listed in this permit on lands or waters of a marine park. All other accidents or injuries must be reported to the Department of Primary Industries – Fisheries in writing within seven (7) days of the occurrence.
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STANDARD CONDITIONS

10. The Permittee must ensure that when operations are conducted in the marine park under this permit, the permit or a certified copy of the permit is held at the site or sites of operation and on vessels during transit to and from that site or sites.
11. The Permittee must produce a copy of this permit on site when requested by an Authorised Officer.
12. The Permittee must inform staff and participants in the program of any restrictions applying under this permit.

13. The Permittee must notify the Department of Primary Industries – Fisheries within seven (7) days of:
 - a. any change to the Permittee details; and/or
 - b. the cessation of operations to which this permit relates.
 14. Where the activity, the subject of this permit, relates, requires a licence or permit issued by other government agencies, it is a condition of this permit that other license/s or permit/s are issued and current.
 15. The Permittee must ensure that any waste is managed, transported, reused, stored, collected, received and disposed of in an environmentally satisfactory manner pursuant to *NSW Protection of the Environment Operations Act 1997*, and that all reasonable measures regarding the control and prevention of pollution and waste from being introduced into the marine park are implemented.
 16. This Permit does not permit the operator to install a mooring in the marine park.
 17. The Permittee must not conduct, or allow to be conducted, fish feeding (including sharks). This does not apply to the activity of berleying for the purpose of attracting fish for fishing.
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REPORTING CONDITIONS

18. The Permittee must submit to the Department of Primary Industries – Fisheries every month or upon the cessation of the permit, whichever occurs first, a report of activities for the period of this permit stating the following:
 - a. dates of activities;
 - b. locations visited for each trip;
 - c. activities undertaken;
 - d. number of clients/activities;
 - e. any other information required by this permit.
 19. The return of activities must be submitted to the Department of Primary Industries - Fisheries on the approved form.
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NATIVE TITLE CONDITIONS

20. In the event that native title rights and interests are, or would be, affected by the grant of this Permit and this Permit is not authorised under the *Native Title Act 1993* (Cth) so that the Permit may be ‘invalid’ within the meaning of the *Native Title Act 1993* (Cth) then:
 - a. The Permittee agrees that it will not seek to recover any compensation, damages, costs, losses, or expenses whatsoever resulting from the invalidity from the Department of Primary Industries – Fisheries.
 - b. The parties agree that the valid parts of the Permit continue in force unaffected by the invalid parts.
 21. The Permittee must not interfere with or prevent any person holding native title in the marine park from having reasonable access to the marine park.
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MOORING CONDITIONS OF USE AND ANCHORING IN SENSITIVE HABITAT

22. Anchoring over seagrasses or sensitive marine habitat is prohibited, except for emergency purposes where the preservation of life or property is required.
 23. Mooring of vessels to moorings provided by the Department of Primary Industries – Fisheries must be in accordance with the conditions of use for mooring.
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INTERPRETATION AND DEFINITIONS

A word or phrase in this permit has the same meaning as the word or phrase has in the *NSW Marine Estate Management Act 2014*, *NSW Marine Estate Management (Management Rules) Regulation 1999* and the *NSW Marine Estate Management Regulation 2017*.

A reference to a date includes that date.