



NSW DEPARTMENT OF PRIMARY INDUSTRIES MARINE PARKS PERMIT

NSW Marine Estate Management (Management Rules) Regulation 1999
Part 1, Division 3, Section 1.34

Permit No: MEAA20/341

This permit and all conditions herein extend to all employees of the Permittee, and other persons acting on behalf of or at the direction of, the Permittee for the purposes specified in this permit.

PERMIT IS GRANTED TO:

Permittee:	Nigel Rushworth (Manager)
Trading As:	Newcastle & Port Stephens Game Fish Club Ltd
ABN:	25 292 918 920
Address:	55A Shoal Bay Road SHOAL BAY NSW 2315
Date:	20/02/2021 – 21/02/2021
Use and entry authorised to the following NSW Marine Park/s:	Port Stephens-Great Lakes Marine Park
Permitted Zone/s and Location/s:	All zones and locations within Port Stephens-Great Lakes Marine Park except where such entry and/or use of a zone or location is contrary to the management rules.
Permitted Activity:	Organised Sporting Activity: Game Fishing Tournament

The activity must be conducted in accordance with the details above, and subject to conditions stated on the following pages.

Luke Erskine
Manager, Port Stephens-Great Lakes Marine Park
Delegate of the Department of Primary Industries - Marine Parks

Date: Thursday, 21 January 2021

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*, *Marine Estate Management Regulation 2017* and the *Marine Estate Management (Management Rules) Regulation 1999*.
3. A breach by the Permittee or any person to whom this permit extends, of the *Marine Estate Management Act 2014*, *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.

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). The policy will indemnify the Permittee from and against liability for all actions, 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 – Marine Parks 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 – Marine Parks.
5. The Permittee must not cancel or alter the insurance policy without first obtaining the written consent of the Department of Primary Industries – Marine Parks.
6. In the event the insurer cancels the insurance policy prior to the expiration date of the insurance policy, the Permittee must advise the Department of Primary Industries – Marine Parks 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 – Marine Parks evidence of renewal of the insurance policy no fewer than twenty eight (28) days prior to the expiration 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 – Marine Parks.
9. The Permittee must notify the Department of Primary Industries – Marine Parks as soon as is 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 – Marine Parks in writing within seven (7) days of the occurrence.

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 and vehicles 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 all staff and participants in the program of any restrictions applying under this permit.
13. The Permittee must notify the Department of Primary Industries – Marine Parks within seven days of:
 - a) Any changes to the Permittee details; or
 - b) The cessation of operations to which this permit relates.
14. Where the activity, the subject of this permit, requires a licence or permit issued by other government agencies, it is a condition of this permit that the licenses or permits are current for the duration of this permit.
15. The Permittee must ensure that any waste is managed, transported, reused, stored, collected 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.

APPROACH DISTANCE CONDITIONS FOR MARINE MAMMALS

18. The Permittee must comply with the declared approach distances for marine mammals in NSW pursuant to the *Biodiversity Conservation Regulation 2017 (Part 2, Division 2.1)*.

REPORTING CONDITIONS

19. The Permittee must provide the Department of Primary Industries – Marine Parks the details of any registered competitor/member/participant of the activity, and their vessels, upon request by an Authorised Officer.

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 – Marine Parks;
 - b) The parties agree that the valid parts of this 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.

SITE or ACTIVITY CONDITIONS

22. Permitted activities are limited in nature, type, frequency and extent to that detailed in the permit application dated 16 December 2020.
23. The Permittee must provide all participants with a copy of the Port Stephens - Great Lakes Marine Park User Guide prior to the commencement of any tournament activities and explain all management rules which may affect these activities, particularly with regard to areas where fishing is prohibited.
24. Fish (including sharks) carcasses must not be disposed of in the marine park.
25. Permitted bait collection activities must not occur in the Cabbage Tree Island habitat protection zone before 6am or after 6pm on any day.
26. The Permittee must promote 'Tag & Release', particularly of species not captured for human consumption purposes.

MOORING CONDITIONS OF USE

27. Anchoring over seagrasses in sanctuary zones is prohibited, except for emergency purposes where the preservation of life or property is required.
28. Mooring of vessels to moorings provided by the Department of Primary Industries – Marine Parks must be in accordance with the conditions of use for mooring.

INTERPRETATION AND DEFINITIONS

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

A reference to a date includes that date.