

# Marine Park Permit

Department of Environment and Science

**AUTHORITY No. XX**

This Authority will remain in force for the following term, unless sooner surrendered or revoked:

TERM: TO

AUTHORITY HOLDER:

ADDITIONAL HOLDER(S):

ABN/ACN:

PERSON IN CHARGE:

ADDRESS: QLD 4XXX

**Approved Location and Purpose:**

Authorised Area / Location (s)	Activity/Purpose(s)	Details
Great Sandy Marine Park	Standard Tourism Vessel Charter (STVC)	

**The purpose/s of use and entry may only be undertaken in the zone/s described below.**

Purpose/s of use and entry authorised by the permission and Zone/s to which the permission applies:

**CONDUCT OF A TOURIST PROGRAM** – in All Zones and Designated Areas (excluding Ex-HMAS Tobruk area), in accordance with exclusions and restrictions specified in the Conditions of Permission.

**CONDUCT OF A VESSEL CHARTER OPERATION** – in All Zones and Designated Areas (excluding Ex-HMAS Tobruk area), in accordance with exclusions and restrictions specified in the Conditions of Permission.

Using vessels with a maximum length of 50 meters and using ancillary vessels.

**Approved Vessel/s (motorised / non-motorised):**

Description	Survey/Registration/UVI Number	Details

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Delegate of the Chief Executive of the  
Department of Environment and Science

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## CONDITIONS - GENERAL

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### COMPLIANCE WITH ALL LAWS

1. All activities conducted under this permit must be undertaken in accordance with the provisions of the laws in force from time to time in the State of Queensland.
2. The Authority Holder 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 the vessel/s during transit to and from the site or sites.
3. The Authority Holder must inform staff and participants in the program of relevant restrictions applying under any zoning plans, Marine Parks Regulations and this permit.
4. The Authority Holder must further comply with the conditions specified in any schedules attached to this permit when entering or using a zone of, or place in the Marine Park to which the relevant conditions relate.
5. The Authority Holder must at their own expense punctually comply with all statutes, ordinances, local laws, regulations or rules in force at the time, which apply to the Marine Park and adjoining land and/or the Authority Holder's use of the Marine Park and adjoining land

### NO WARRANTY AND RISK

6. The Chief Executive does not warrant that the Marine Park are free from defect or that it is safe, fit, suitable or adequate for the Permitted Use. To the full extent permitted by law, all warranties as to fitness, suitability and adequacy implied by law are expressly negated.
7. The Authority Holder uses the Marine Park entirely at its own risk and must first check the Marine Park to ensure that they are suitable for the Permitted Use under this Authority before undertaking any Permitted Activities.

### INDEMNITY

8. The Authority Holder:
  - (a) indemnifies; and
  - (b) releases and discharges the State (including its Representatives) from and against all actions, proceedings, claims, demands, costs, losses, damages, liability and expenses which may be brought against, or made upon the State (or any Representative) or which the State (or any Representative) may pay, sustain, or be put to by reason of, or in consequence of, or in connection with this Authority and the occupation and use of the Relevant Area by the Authority Holder, except to the extent of any negligent act of the State (or any Representative).
  - (c) The Authority Holder must notify the Chief Executive in writing of any death, injury, loss or damage immediately upon the Authority Holder becoming aware of such death, injury, loss or damage.
  - (d) If the Authority Holder breaches its obligations under sub-clauses (a) and (b), the Chief Executive may give notice to the Authority Holder stating the breach and if the breach is not remedied in accordance with the timeframe set out in that notice, the Chief Executive may immediately cancel this Authority by written notice to the Authority Holder.

### INSURANCE

9. For the Term of this Authority, the Authority Holder must take out and maintain the following insurances:

- (a) where required by law, insurance under the *Workers' Compensation and Rehabilitation Act 2003*, or its equivalent under another jurisdiction with the consent of the Chief Executive; and
  - (b) where not covered under the above sub-clause (a), accident insurance sufficient to cover workers, volunteers and eligible persons (as defined under the *Workers' Compensation and Rehabilitation Act 2003*) with the consent of the Chief Executive; and
  - (c) a public liability insurance policy for not less than \$20 million on a claims occurring basis in respect of the death of, or injury to persons, or loss or damage to property; and
  - (d) any other insurances as reasonably required by the Chief Executive.
10. The Authority Holder must ensure that the insurance policies required under this clause are with:
- (a) an insurer who is:
    - (i) authorised under the *Insurance Act 1973 (Cth)*;
    - (ii) registered with the Australian Prudential Regulation Authority as an authorised insurer; and
    - (iii) has a Standard & Poor's rating of no less than A-; or
  - (b) if the Authority Holder is globally insured, another insurer with the written approval of the Chief Executive.
  - (c) The Authority Holder must ensure that in relation to the insurance interests under this clause, insurance policies are effected to cover all invitees, employees, contractors, agents, members or clients of the Authority Holder and (where possible) name the State as interested party.
  - (d) Before undertaking any activities in the Marine Park, the Authority Holder must have in place all insurances required by this clause.
  - (e) In any circumstance where the insurances required under this Authority are cancelled, altered or expire before the expiry date of this Authority, the Authority Holder must cease all activities in the Marine Park until such times as alternative insurance policies that comply with the requirements of this clause have been obtained.
  - (f) The Authority Holder must provide copies of certificates of currency for the insurances required under this clause if requested by the Chief Executive, acting reasonably.
  - (g) If the Authority Holder is an individual or sole trader, then clause (a) is satisfied if the Authority Holder maintains:
    - (i) personal accident insurance covering all medical treatment, hospitalisation and medical expenses; and
    - (ii) income protection insurance; and
    - (iii) death and disability insurance; equivalent to the coverage and entitlements provided to employees under the statutory provisions of the *Workers' Compensation and Rehabilitation Act 2003 (Qld)*.
  - (h) Where the Authority Holder –
    - (i) is a Commonwealth, State or Territory government department, agency or statutory body; and
    - (ii) is a self-insurer; and
    - (iii) has provided the Chief Executive with a certificate from an appropriately authorised officer to that effect, the Authority Holder is deemed to have complied with this clause.
  - (i) If the Authority Holder breaches its obligations under this clause, the Chief Executive may immediately cancel this Authority by written notice to the Authority Holder.

## **AUTHORITY HOLDER'S OBLIGATION**

11. The Authority Holder must have the power, authority and ability to be issued this Authority and must perform its obligations under this Authority with all due skill, care and diligence.

## NO LIABILITY FOR CONSEQUENTIAL OR INDIRECT LOSS

12. The State and its Representatives will not in any circumstances (including for negligence) be liable for any loss of revenue, loss of profit, loss of anticipated savings or business, loss of opportunity (including opportunity to enter into or complete arrangements with third parties), loss of data or goodwill, loss of reputation, or any indirect or consequential loss, whether arising in contract, tort (including negligence) or otherwise, in connection with this Authority.

## REPORTING

13. The Authority Holder is required to keep a daily record of operations using the approved return form (return of operations).

For tourism programs and/or skippered vessel charter operation:

- (a) a list of permitted locations visited each day;
- (b) number of trips per day to each of those destinations;
- (c) the number of persons per vessel per day;
- (d) the types of activities undertaken at each location.

For vessel charter operation involving vessel hire:

- (e) the total number of hires per vessel per month;
- (f) the total number of days each vessel is hired per month.

14. The approved return form (return of operations) must be submitted within 20 business days of each calendar quarter (30 September, 31 December, 31 March, 30 June) to Queensland Parks & Wildlife Service (QPWS) email address [southernpermitsteam@des.qld.gov.au](mailto:southernpermitsteam@des.qld.gov.au) or posted to the Administration Officer, Assessments and Approvals PO Box 15187, City East QLD 4002.

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## CONDITIONS - VESSEL AND ACCESS SCHEDULE

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15. Prior to any vessel being operated under this permit, the Authority Holder must:
- (a) have given written notification to QPWS of the vessel name, registration, passenger capacity and length of the specific vessel to be operated under this permit; and
  - (b) have received written approval for use of that vessel from QPWS and a copy of that approval must be held on-board the vessel at all times.
16. Interchange with another vessel of similar size and passenger capacity is permitted for a period of less than 72 hours, if such interchange is of an unexpected nature resulting from maintenance or repairs of the permitted vessel. QPWS must be immediately notified at [southernpermitsteam@des.qld.gov.au](mailto:southernpermitsteam@des.qld.gov.au) of interchanged vessel details i.e. vessel name, registration, passenger capacity and length;
17. Interchange with another vessel for a period exceeding 72 hours is subject to written approval from QPWS.
18. Access to tidal land that is also in a Recreation Area (e.g. Fraser Island) or Protected Area (e.g. Big Woody Island) is only authorised if a permit is held under the *Recreation Areas Management Act 2006* or *Nature Conservation Act 1992* to access that area and conduct the activities.
19. The Authority Holder may only offer or conduct fishing activities in accordance with the provisions of the relevant Zoning Plans, notwithstanding the purposes of use and entry specified in this permit.
20. The Authority Holder must take all reasonable steps to ensure that activities carried out under this permit are carried out in a manner to prevent or minimise harm to the environment.

21. The Authority Holder must take all reasonable steps to prevent:
  - (a) the introduction of pests into the Marine Park; and
  - (b) the transfer of pests between locations within the Marine Park.
22. Access and egress to the marine park must be carried out in a manner to prevent impediment to public access or use. For example, vessels must not remain in the intertidal area for longer than necessary to either load or unload passengers.
23. The beach must not be used for the storage, display and/or hiring of vessels and equipment or vending.

#### **GENERAL ACCESS RESTRICTIONS**

24. The Authority Holder may visit all locations on a daily basis except where permit conditions restrict otherwise.
25. Access to Mon Repos Area is not permitted.
26. Anchoring is not permitted in the Woongarra Coast, Hervey Bay and Big Woody Island no anchoring areas, as shown on maps in Attachment 1.
27. When navigating in an area with mangrove forests and without marked navigation channels in the Moreton Bay Marine Park, vessels must be operated at a maximum of 6 knots when navigating within 60 meters of a mangrove forest.
28. Access to Dr Mays Island, as shown on map in Attachment 1, is not permitted between 1 September – 30 April.
29. Beach access is not permitted in Big Woody; Little Woody and Duck Island areas shown on maps in Attachment 1.

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### **CONDITIONS - TOURIST PROGRAM SCHEDULE**

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30. The following types of motorised equipment and non-motorised equipment used in conjunction with a vessel, may be used under this permit:
  - (a) aquatic devices;
  - (b) inflatable devices or boom net (towed behind vessel);
  - (c) water-ski or wakeboard (towed behind vessel); and
  - (d) parasail (towed behind vessel).

*Advisory note: When any of the motorised equipment is used in a manner that meets the definition of motorised water sports, the Authority Holder must adhere to other relevant conditions on this permit.*

31. The following types of non-motorised vessels may be used under this permit:
  - (a) kayak, canoe, surf ski, raft, pedal craft and other sit-on-top craft;
  - (b) stand-up paddleboard;
  - (c) kite surfer;
  - (d) windsurfer; and
  - (e) surfboard.
32. In addition to provision of general services to tourists, the Authority Holder may offer the following services to tourists, in accordance with specific Conditions of Permission:
  - (a) guided tours;
  - (b) vending (other than beach based vending);
  - (c) fishing;
  - (d) trolling;
  - (e) motorised water sports;
  - (f) non-motorised water sports;
  - (g) equipment hire;
  - (h) swimming;

- (i) snorkelling; and
- (j) diving (including shore based and surface supplied air diving)

33. Diving is not permitted in Designated Grey Nurse Shark Areas (Wolf Rock).

34. Reef walking is not permitted.

### **MOTORISED WATER SPORTS**

35. Motorised water sports must not be conducted outside of the hours of 7.00am and 7.00pm Monday to Saturday or 8.00am and 6.30pm on Sunday.

36. Parasailing must not be conducted within a designated shorebird roosting and feeding area.

37. Motorised water sports must not be conducted:

- (a) Within the Great Sandy Straight shorebird roosting and feeding area unless navigating within a navigation channel;
- (b) Within Marine National Park Zones;
- (c) Turtle Protection Area between 1 October and 1 March every year;
- (d) Go Slow Areas;
- (e) Fraser Island World Heritage Area;
- (f) Within 200m of the Marine Park boundary along the mainland foreshore and adjoining estuaries and rivers.

### **KITE SURFING**

38. Kite surfing is not permitted in Marine National Park Zones or Go Slow Areas.

39. In all other areas of the Great Sandy Marine Park, kite surfing must not be conducted within 300m of a shorebird roosting and feeding area or Dr Mays Island.

### **VENDING**

40. The Authority Holder must not solicit trade from beaches within or directly adjacent to a Protected Area e.g. a National Park or Conservation Park.

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## **INTERPRETATION**

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The following conditions apply to this permit to enter or use a zone of the Marine Park. The *Marine Parks Act 2004* (Section 49 (b)) sets out the maximum penalties for contravening, or failing to comply with, a provision of the Act: a penalty of 295 penalty units and, in addition, where the offence is a continuing one, a daily penalty of 20 penalty units.

This permit extends to all employees of the Authority Holder, or other persons, who are acting on behalf of, or at the direction of, the Authority Holder for the purposes specified in this permit.

This permission is not intended to extinguish any native title.

A law shall be taken to be a law in force in the State of Queensland notwithstanding that it applies to only part of the State.

A word or phrase in this permit has the same meaning as the word or phrase has in the *Marine Parks Act 2004*, the *Marine Parks Regulation 2017* or Zoning Plans, unless the contrary intention appears.

A note and heading may be used to give assistance in interpreting conditions in case of ambiguity.

A reference to a date includes that date.

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## DEFINITIONS

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**'Ancillary vessel'** means a vessel which:

- (a) is not the primary vessel of the operation;
- (b) is only operated to provide services to the participants of the Authority Holder's operation; and
- (c) is only operated within three (3) nautical miles of the primary vessel.

**'Appropriate Insurer'** means an insurer which –

- (a) is authorised under the *Insurance Act 1973* (Cth);
- (b) is registered with the Australian Prudential Regulation Authority as an authorised insurer; and
- (c) has a Standard & Poor's rating of no less than A-.

**'Aquatic devices'** means motorised equipment used for the purposes of participating in activities being assisted snorkelling and assisted scuba diving, including, but not limited to: motorised swimming aids (e.g. sea bobs, diver propulsion vehicles) and underwater ride-on scooters (e.g. scuba bobs, hydro bobs).

**'Approved return form'** means the return of operations form as approved by QPWS and included with this permit.

**'Authority'** means the permissions that are subject of this Authority, granted to the Authority Holder pursuant to the *Marine Parks Regulation 2017*.

**'Campground'** means a piece of land available for rent as a camp or caravan site to holiday makers.

**'Dwelling'** means a house used as a residence.

**'Equipment'** includes non-motorised vessels (e.g. kayak, stand-up paddleboard, windsurfer); diving, snorkelling and fishing apparatus; inflatable devices.

**'Fish feeding'** means the deliberate attraction of fish using food (other than sharks) to allow them to be viewed.

**'Intertidal area'** means that the area of the Marine Park between mean low water and the landward boundaries of the Marine Park.

**'Mangrove forest'** means a community of mangroves in which the leaves and branches of the mangroves in the community touch or overlap.

**'Marine Park'** means either or both of the Great Sandy Marine Park and the Moreton Bay Marine Park, established pursuant to the Queensland *Marine Parks Act 2004*.

**'Motorised water sports'** means:

- (a) driving a motorised vessel, other than in a straight line, including, for example-
  - (i) in a circular pattern; or
  - (ii) by weaving or diverting the vessel; or
  - (iii) by surfing down, or jumping over or across, any wave, swell or wash, other than for any necessary turn or diversion
- (b) towing a person behind a motorised vessel, including, for example, water-skiing or parasailing;
- (c) the use of a personal watercraft other than for transport by the most direct reasonable route between 2 places.

**'Navigation channel'** means a channel marked by aids to navigation built, erected or placed in tidal water under the *Transport Operations (Marine Safety) Act 1994*.

**'Non-motorised water sports'** means activities requiring non-motorised vessels (e.g. paddleboats, water bikes, windsurfers) which are not for separate hire.

**'Shoreline'** means the location where the land adjoins the sea or a body of water.

**'Trolling'** means fishing with a line or lines trailed behind a vessel that is under way—

- (a) using no more than 3 lines for each person on the vessel; and
- (b) with no more than 6 hooks in total for each person.

a vessel is taken to be under way only if it is being propelled through the water in a forward direction, whether by engine, sail or human power, and is not adrift.

**'Vending'** selling items such as consumables.

**'Zoning Plan'** means

- (a) in relation to the Great Sandy Marine Park, the *Marine Parks (Great Sandy) Marine Park Zoning Plan 2017*; and
- (b) in relation to the Moreton Bay Marine Park, the *Marine Parks (Moreton Bay) Zoning Plan 2008*.

SAMPLE



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## ATTACHMENTS

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Attachment 1 – Area maps for the standard tourism and vessel charter permit

<b>Great Sandy Marine Park</b>	
Map 1	Woongarra Coast no anchoring area
Map 2	Hervey Bay no anchoring area
Map 3	Big Woody Island no anchoring area
Map 4	Dr Mays Island
Map 5	Big Woody Island
Map 6	Little Woody Island
Map 7	Duck Island

SAMPLE

# Attachment 1 – Area maps for the standard tourism and vessel charter permit

## MAP 1 – Wongarra Coast No Anchoring Areas



**MAP 1**

**WOONGARRA COAST - No Anchoring Areas -**

- NAA\_Coords
- ▨ NAA\_GSMP (Proposed)
- Existing Green Zone

COORDINATE SYSTEM: GCS GDA 1994  
HORIZONTAL DATUM: GDA 1994

ACCURACY STATEMENT  
Due to varying sources of data, spatial locations may not coincide when overlaid.

DISCLAIMER  
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REPRODUCTION BY WHATEVER MEANS IS PROHIBITED WITHOUT PRIOR WRITTEN PERMISSION. Enquiries should be addressed to: Director-General, Department of Environment and Science, PO Box 15187, CITY EAST, QLD 4002. Viewstate: Map1-No\_Anchoring-WoongarraCoast-Jan18\_20180131 (only)

MAP PRODUCTION  
31 January 2018  
Marine Resource Management Strategy and Policy Services, Department of Environment and Science, Viewstate

1:35,000

0 0.325 0.65 1.3 1.8 Kilometres

NOT FOR PUBLIC RELEASE

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Queensland Government

Attachment 1 – Area maps for the standard tourism and vessel charter permit  
 MAP 2 – Hervey Bay no anchoring area



**MAP 2**

**HERVEY BAY**  
 - No Anchoring Areas -

1:30,000

Scale bar: 0 50 100 200 Meters

NOT FOR PUBLIC RELEASE

- NAA\_Coords
- ▨ NAA\_GSMP
- ▨ Habitat\_HerveyBay

COORDINATE SYSTEM: GCS USA 1983  
 HORIZONTAL DATUM: USA 1983

**ACCURACY STATEMENT**  
 Data is not fit for navigation or other critical functions. They are suitable when aerial.

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**MAP PRODUCTION**  
 21 January 2014  
 Marine Resource Management  
 Planning and Policy Services  
 Department of Environment and Science,  
 MURDOCH  
 Map2\_101\_AnchoringHerveyBay\_Aerial  
 20140121.indd

Queensland Government

SAMPLE

Attachment 1 – Area maps for the standard tourism and vessel charter permit  
 MAP 3 – Big Woody Island no anchoring area



**MAP 3**

**BIG WOODY ISLAND**  
 - No Anchoring Areas -

1:30,000  
 1000 METRES

NOT FOR PUBLIC RELEASE

- NAA\_Coords
- NAA\_GZMP (Proposed)
- GreenZones\_ogwoody2
- Harbort\_HerveyIsl

COORDINATE SYSTEM: GCS\_GDA\_1984  
 HORIZONTAL DATUM: GDA 1984

**ACCURACY STATEMENT**  
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**MAP PRODUCTION**  
 11 January 2018  
 Marine Resource Management Strategy and Policy Services, Department of Environment and Science, Brisbane

Map 3 - No Anchoring - Big Woody Is, 2018-01-11

SAMPLE

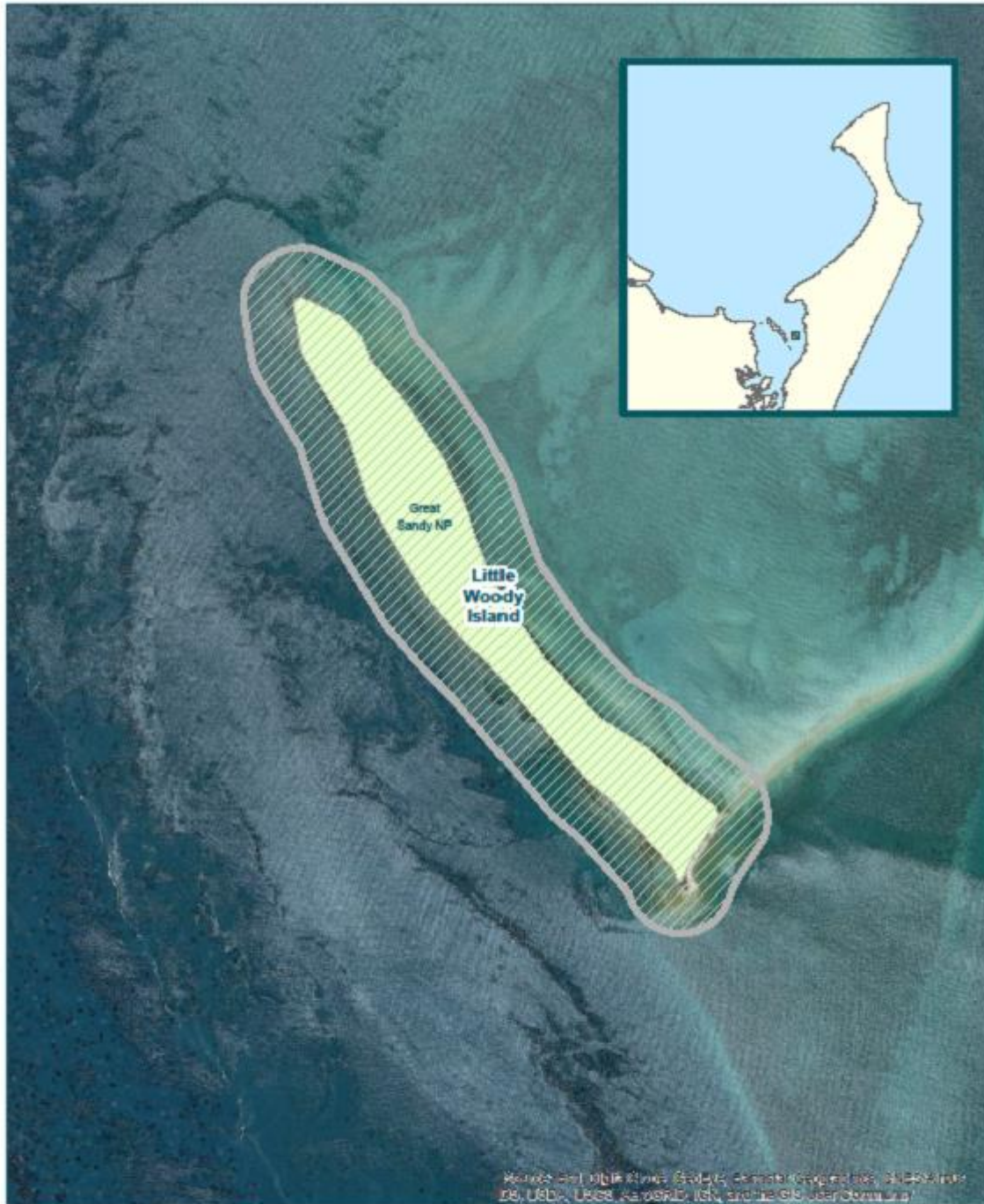


Attachment 1 – Area maps for the standard tourism and vessel charter permit  
 MAP 5 – Woody Island



<p><b>MAP 5</b></p> <p>Restricted site</p> <p>Protected Areas of Queensland (NPSR, 13 September 2017)</p> <p>National Park</p>	 <p><b>Woody Island</b></p> <p>1:40,000</p>  <p><b>NOT FOR PUBLIC RELEASE</b></p>	<p>COORDINATE SYSTEM: GDA 1984 MGA Zone 58          PROJECTION: Transverse Mercator          HORIZONTAL DATUM: GDA 1984</p> <p><b>ACCURACY STATEMENT</b>          Due to varying sources of data, spatial locations may not coincide when overlaid.</p> <p><b>DISCLAIMER</b>          This map is compiled from information supplied to the Department of Environment and Science. Whilst all care is taken in the preparation of this map, neither the Department of Environment and Science nor its officers or staff accept any responsibility for any loss or damage which may result from inaccuracy or omission in the map from the use of the information contained therein.</p>	<p>© The State of Queensland 2018</p> <p><b>MAP PRODUCTION</b>          26 January 2018          Queensland Parks and Wildlife Service          Department of Environment and Science.</p> <p>VERSION 201712          Exclusion_areas_restrictor_GOP_20180124 (part 1)</p>  
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Attachment 1 – Area maps for the standard tourism and vessel charter permit  
 Map 6 – Little Woody Island



<p><b>MAP 6</b></p> <p>Restricted site</p> <p>Protected Areas of Queensland (NPSR, 13 September 2017)</p> <p>National Park</p>		<p><b>Little Woody Island</b></p> <p>1:10,000</p> <p>0 0.1 0.2 0.4</p> <p>Kilometres</p> <p><b>NOT FOR PUBLIC RELEASE</b></p>	<p>COORDINATE SYSTEM: GDA 1984 MGA Zone 58                  PROJECTION: Transverse Mercator                  HORIZONTAL DATUM: GDA 1984</p> <p><b>ACCURACY STATEMENT</b>                  Due to varying sources of data, spatial locations may not coincide when overlaid.</p> <p><b>DISCLAIMER</b>                  This map is compiled from information supplied to the Department of Environment and Science. Whilst all care is taken in the preparation of this map, neither the Department of Environment and Science nor its officers or staff accept any responsibility for any loss or damage which may result from inaccuracy or omission in the map from the use of the information contained therein.</p>	<p>© The State of Queensland 2018</p> <p><b>MAP PRODUCTION</b>                  24 January 2018                  Queensland Parks and Wildlife Service                  Department of Environment and Science.</p> <p>VERSION 201712                  Exclusion_area_burton_SOP_20180124 (update)</p>
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