

PERMIT

G22/47846.2

Great Barrier Reef Marine Park Regulations 2019 (Commonwealth)
Marine Parks Regulation 2017 (Queensland)

CORE MATTERS

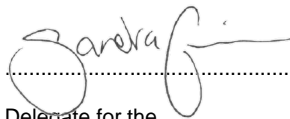
These permissions remain in force, unless sooner
surrendered or revoked for the following period:

25-NOV-2022 TO 31-MAY-2028

Permission is granted to:

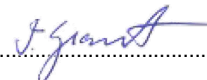
PERMIT HOLDER: **NAGYCO HOLDINGS PTY LTD (ACN 135 138 644)**
T/A Whitsunday Islands Yacht Charter
ADDRESS: **PO Box 2080**
NEW FARM QLD 4005

for use of and entry to zones in the **Amalgamated Great Barrier Reef Marine Park Section** (as established by the *Great Barrier Reef Marine Park Act 1975* (Cth)) and the **Great Barrier Reef Coast Marine Park** (as established by the *Marine Parks Act 2004* (Qld)) in accordance with the details set out herein.



Date 25/11/2022

Delegate for the
Great Barrier Reef Marine Park Authority



Date 11/11/2022

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

THE PURPOSE/S OF USE AND ENTRY MAY ONLY BE UNDERTAKEN IN THE ZONE/S DESCRIBED BELOW

ZONE/S TO WHICH THE PERMISSION APPLIES:

- All zones between Latitude 19° 30' South and Latitude 21° 30' South EXCEPT Preservation Zones, Special Management Areas in accordance with the Conditions of Permission and those locations during the periods listed as exclusions in the Conditions of Permission.

PURPOSE/S OF USE AND ENTRY AUTHORISED BY THE PERMISSION:

Conduct of a Tourist Program and Any Other Purpose – being:

- a Hire Program** – including the continued use and servicing of a bareboat for the duration of hire and the hire of the bareboat to persons other than tourists and using one (1) bareboat with a maximum passenger capacity of less than 25 passengers for the bareboat.
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CONDITIONS OF PERMISSIONS

COMPLIANCE WITH ALL LAWS

- G1 All activities conducted under this permission must be undertaken in accordance with the provisions of the laws in force from time to time in the State of Queensland and the Commonwealth of Australia.
- G2 To the extent applicable and unless written endorsement to the contrary appears in this permit, the Permit Holder must:
- (i) comply with the enforcement provisions contained in Part 2 of the Plans of Management gazetted under Part VB of the *Great Barrier Reef Marine Park Act 1975*; and
 - (ii) only operate to an intertidal area adjacent to a location within the Planning Areas with access consistent with that provided in the Plans of Management for that adjacent location.
- G3 The Permit Holder must ensure:
- (i) the Restricted Access Special Management Areas are not used or entered at any time; and
 - (ii) the Maritime Cultural Heritage Special Management Areas are only used or entered for the purpose of transiting; and
 - (iii) all other Special Management Areas are used and entered in accordance with the restrictions specified in the *Great Barrier Reef Marine Park Regulations 2019* and the *Great Barrier Reef Marine Park Zoning Plan 2003*.
- G4 The Permit Holder must ensure that when operations are conducted in the Marine Parks under this permit, a copy of this permit is held at the site or sites of operation and on the vessel or aircraft or ship during transit to and from that site or sites.
- G5 The Permit Holder must inform staff and participants in the program of relevant restrictions applying under any zoning plans, plans of management, Marine Parks regulations and this permit.
- G6 The Permit 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 Parks to which the relevant conditions relate.

INDEMNITY

- G7 The Permit Holder
- (i) indemnifies; and
 - (ii) releases and discharges
- the Managing Agency from and against all actions, proceedings, claims, demands, costs, losses, damages, liability and expenses which may be brought against or made upon the Managing Agency, or which the Managing Agency may pay, sustain or be put to by reason of, or in consequence of, or in connection with this permit and the occupation and use of the Marine Parks by the Permit Holder except to the extent of any negligent act of the Managing Agency, its servants or agents.
- G8 The Permit Holder must notify the Managing Agency in writing of any death, injury, loss or damage immediately upon the Permit Holder becoming aware of such death, injury, loss or damage.

NO WARRANTY AND RISK

- G9 The Managing Agency does not warrant that the Marine Parks are free from defect or that they are 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 excluded.
- G10 The Permit Holder uses the Marine Parks entirely at its own risk and is responsible for ensuring the area is suitable for the Permitted Use prior to commencing any permitted use.

INSURANCE

- G11 For the term of this permit, the Permit Holder must take out and maintain the following insurances, and must supply documentary evidence of such insurances to the Managing Agency upon request:
- (i) a public liability insurance policy for not less than \$10 million arising from any one (1) event in respect of the death of, or injury to, persons or loss or damage to property; and
 - (ii) insurance under all applicable laws relating to workers' compensation to cover workers, eligible persons, self-employed contractors, directors, trustees and partners.

- G12 From time to time the Managing Agency may issue a notice to the Permit Holder increasing the minimum insurance cover required by condition G11(i) if the Managing Agency reasonably believes increased insurance coverage is required.
- G13 The Permit Holder must ensure that the insurance policies required under condition G11 are with an Appropriate Insurer.
- G14 The Permit Holder must ensure that the insurance policies that it has effected to cover the insurable interests pursuant to condition G11(i) cover all invitees, employees, contractors, agents, members or clients of the Permit Holder and names the Managing Agency as an interested party.
- G15 In any circumstance where the insurances required under this permit are cancelled, altered or expire before the expiry date of this permit, the Permit Holder must cease all activities in the Marine Parks until such time as alternative insurance policies that comply with the requirements of condition G11 have been obtained.
- G16 The Permit Holder is deemed to have complied with conditions G11(i) where:
- (i) is a Commonwealth, State or Territory government department, agency or statutory body; and
 - (ii) is a self-insurer; and
 - (iii) has provided the Managing Agency with a certificate from an authorised officer of that department, agency or statutory body, to that effect.

AUTHORITY CONDITIONS

- G17 The Permit Holder may authorise other persons to conduct the activities covered by this permit, by giving to those persons an Authority in the form attached to this permit (Attachment A) or as otherwise approved by the Managing Agency.
- G18 An Authority remains valid for the period of time shown on each individual Authority, unless the Authority is sooner revoked in writing by the Permit Holder or unless the permission is sooner suspended, revoked or expires.
- G19 The Permit Holder must provide a copy of this permit to any person issued Authority under condition G17.

GENERAL CONDITIONS

- G20 When providing transport in the Marine Parks to another operation permitted under a different Marine Parks permit, the Permit Holder must ensure that the total number of persons (including crew) on the vessel or aircraft or ship does not exceed relevant setting or permit limits.
- G21 The Permit Holder must ensure that any mooring used is:
- (i) permitted under a current Marine Parks permit;
 - (ii) safe to use; and
 - (iii) of a type and design suitable for the vessel or aircraft or ship used under this permit.

NOTIFICATION APPROVAL CONDITIONS

- G22 The Permit Holder must ensure that a Bareboat Identifier is displayed externally in a clearly visible location on the port side of any bareboat operating under this permit.
- G23 Prior to a Bareboat Identifier being used under this permit, the Permit Holder must have received written approval for the use of that Bareboat Identifier from the Managing Agency.
- G24 The Permit Holder must ensure that the written approval for use of that Bareboat Identifier is held with this permit at all times.
- G25 An approval under condition G23 above ceases to have effect for a specific Bareboat Identifier when a subsequent approval for any other Bareboat Identifier or the same Bareboat Identifier is given under that condition.
- G26 Interchange with another vessel or aircraft or ship 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 or aircraft or ship, or for a period exceeding 72 hours, subject to written approval from the Managing Agency.

HIRE PROGRAM SCHEDULE

BAREBOAT HIRE

- H1 The Permit Holder must provide:
- (i) zoning information relevant to the area of operation of the bareboat; and
 - (ii) garbage disposal facilities on-board the bareboat and on-shore.
- H2 The Permit Holder must not hire the bareboat with crew.
- H3 The Permit Holder must ensure that the following staff or service providers are appropriately qualified and registered with the Managing Agency prior to operating in the Whitsunday Planning Area:
- (i) the principal or senior staff (e.g. Operations Manager);
 - (ii) the briefer; and
 - (iii) the radio operator.
- H4 When in the Whitsunday Planning Area, the Permit Holder must only conduct the hiring of a bareboat in a setting 1 area as defined in the Whitsundays Plan of Management and/or abutting intertidal areas.

INTERPRETATION AND DEFINITIONS

INTERPRETATION

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

This permit 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 *Great Barrier Reef Marine Park Act 1975* (Cth), the *Great Barrier Reef Marine Park Regulations 2019* (Cth), the *Marine Parks Act 2004* (Qld), the *Marine Parks Regulation 2017* (Qld), Zoning Plans or Plans of Management, unless the contrary intention appears.

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

A reference to a date includes that date.

A reference to the Whitsundays Plan of Management is a reference to the Whitsundays Plan of Management as gazetted under Part VB of the *Great Barrier Reef Marine Park Act 1975* and as amended from time to time.

DEFINITIONS

'aircraft' means any machine supported for flight in the air by buoyancy (such as balloons and other lighter-than-air craft), or by dynamic action of air on its surfaces (such as aeroplanes, helicopters, gliders and other heavier-than-air craft).

'Appropriate Insurer' means an insurer that is registered with the Australian Prudential Regulation Authority and has an S&P rating of no less than A-.

'Appropriately qualified' means:

- (a) for the Principal/senior staff and briefer, persons who are registered by the Great Barrier Reef Marine Park Authority as holding the following current certificates:
 - (i) Statement of Attainment from the Barrier Reef Institute of TAFE (Whitsunday Bareboat Course – Briefer); and
 - (ii) Australian Yachting Federation (TL4 inshore Certificate), or equivalent; and
 - (iii) Restricted Radio Operators Certificate.
- (b) for the Radio Operators, persons who are registered by the Great Barrier Reef Marine Park Authority as holding the following current certificates:
 - (i) Statement of Attainment from the Barrier Reef Institute of TAFE (Whitsunday Bareboat Course – Briefer); and
 - (ii) Restricted Radio Operators Certificate.

'Australian Prudential Regulation Authority' means a statutory body created under the *Insurance Act 1973* (Cth) to regulate members of the finance, insurance and superannuation industry.

'Bareboat' means a motorised vessel, at least 6 metres in overall length, that is available for timeshare, hire or charter without a master or crew (e.g. Yacht, motor cruiser).

'Bareboat Identifier' means a plaque issued by the Great Barrier Reef Marine Park Authority containing a bareboat identification number.

'intertidal area' means that area of the Great Barrier Reef Coast Marine Park between mean low water and the landward boundaries of the Great Barrier Reef Coast Marine Park.

'Managing Agency':

- (a) in relation to the Great Barrier Reef Marine Park, means the Great Barrier Reef Marine Park Authority, a member of the staff of that Authority or a person referred to in Section 48A of the *Great Barrier Reef Marine Park Act 1975* (Cth) performing functions or exercising powers under that Act in accordance with an agreement referred to in that section; and
- (b) in relation to the Great Barrier Reef Coast Marine Park, means the Chief Executive of the Department of Environment and Science, his/her Delegate, an officer of the Queensland Parks and Wildlife Service, or a person referred to in section 52 of the *Marine Parks Act 2004* (Qld), appointed as an inspector.

'Marine Parks' means:

- (a) the Great Barrier Reef Marine Park established by the *Great Barrier Reef Marine Park Act 1975* (Cth); and
- (b) the Great Barrier Reef Coast Marine Park established pursuant to the *Marine Parks Act 2004* (Qld).

'Marine Parks regulations' means:

- (a) in relation to the Great Barrier Reef Marine Park, the *Great Barrier Reef Marine Park Regulations 2019* (Cth); and
- (b) in relation to the Great Barrier Reef Coast Marine Park, the *Marine Parks Regulation 2017* (Qld).

'permit' means the permissions the subject of Permit Number G22/47846.2 granted to the Permit Holder pursuant to the *Great Barrier Reef Marine Park Regulations 2019* (Cth) and the *Marine Parks Regulation 2017* (Qld).

'person' includes a natural person, a body corporate, a company or an association incorporated.

'services' means supplying articles, commodities or activities to meet the needs of a particular person or group of people, including fuel transfer services.

'ship' means a vessel that is 50 metres or more in overall length.

'transiting' means in transit, by the most direct reasonable route, to a place outside the area concerned.

'Whitsunday Planning Area' for:

- (a) the Great Barrier Reef Marine Park has the same meaning as the 'Planning Area' defined in the Whitsundays Plan of Management; and
- (b) the Great Barrier Reef Coast Marine Park means those areas enclosed within the outer boundaries of the aforementioned 'Planning Area' and those intertidal areas of the Great Barrier Reef Coast Marine Park contiguous with the outer boundaries of the 'Planning Area'.

'Zoning Plan' means:

- (a) in relation to the Great Barrier Reef Marine Park, the *Great Barrier Reef Marine Park Zoning Plan 2003* (Cth); and
- (b) in relation to the Great Barrier Reef Coast Marine Park, the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* (Qld).

Permit Holder: NAGYCO HOLDINGS PTY LTD
Trading As: Whitsunday Islands Yacht Charters
Address: PO Box 2080, NEW FARM QLD 4005

Permit G22/47846.2
BAREBOAT IDENTIFICATION NUMBER (BIN)
NOTIFICATION APPROVAL

In accordance with the conditions of G22/47846.2, the Managing Agencies give approval for the use of the following BIN/s under permit G22/47846.2.

BIN103

Please note: your permit contains the conditions under which each bareboat is to be operated.

Generated: 23 February 2023

**THIS LETTER MUST BE AVAILABLE WITH THE PERMIT FOR INSPECTION AT
ALL TIMES**