

## NSW MARINE PARK PERMIT

### NSW Marine Estate Management (Management Rules) Regulation 1999

Clause 1.34

Organised sporting, educational and recreational activities

Permit No: **MEAA22/321**

Expiry Date: **31/12/2023**

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:** Steve Lamond and Janeck Kaczorowski (Directors)

**Trading as:** NSW Game Fishing Association Inc

**ABN:** 64 138 66 947

**Address:** PO Box 730  
Nelson Bay NSW 2315

**Use and entry authorised to the following NSW marine park/s:** Solitary Islands Marine Park  
Lord Howe Island Marine Park  
Port Stephens-Great Lakes Marine Park  
Jervis Bay Marine Park  
Batemans Marine Park

**Permitted zone/s and location/s:** All general use and habitat protection zones except where such entry and/or use of a zone or location is contrary to the management rules.

**Permitted activities being:** Organised sporting activity: Recreational fishing tournaments

- NSWGFA Interclub Tournament (Port Stephens), 24-26 February 2023
- NSWGFA All Ports Tournament (multi-park), 4-5 March 2023

The Activity must be conducted in accordance with the details above and subject to the conditions stated on the marine park permit on the following pages.

*Peter Gallagher*

**Peter Gallagher**

**Program Leader Marine Operations**

**Pursuant to section 76 of the *Marine Estate Management Act 2014***

**Date: 31 January 2023**

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## 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, receipted 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.
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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 notify the Marine Park Manager(s) of any alterations to the dates for scheduled fishing competitions at least 48 hours prior to the commencement of the fishing competitions by email to [psglmp@dpi.nsw.gov.au](mailto:psglmp@dpi.nsw.gov.au)
  19. The Permittee must provide the Department of Primary Industries – Fisheries the details of any registered competitor/member/participant of the activity, and their vessels, upon request by an Authorised Officer.
  20. Incidents or any adverse environmental impact that may occur during fishing competitions or as a consequence of fishing competitions conducted under this permit must be reported to DPI Fisheries within 24 hours of the incident by email to the local Marine Park Manager.
  21. Following each fishing competition, the Permittee must submit a report within 14 days by email [psglmp@dpi.nsw.gov.au](mailto:psglmp@dpi.nsw.gov.au) detailing the:
    - a. date(s) each competition was conducted;
    - b. area or ports actively fished during each competition;
    - c. number of participants in each competition; and
    - d. details of all species recorded through the competition, including species, size and number.
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## NATIVE TITLE CONDITIONS

22. 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.
  23. 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.
  24. The Yaegl People's Native Title rights have been formally recognised in waters between the Wooli Wooli River and Sandon River through orders of the Federal Court (refer to the [NSW DPI Yaegl Native Title and Fishing primefact](#)). The development of strong and mutually beneficial relationships between the Yaegl People and the people and organisations working on Yaegl Country is of great importance to the Yaegl RNTBC. If a fishing competition will involve any launching of vessels or fishing between the Wooli Wooli River and the Sandon River, the Permittee must contact the Yaegl RNTBC to discuss the competition prior to the commencement of the fishing competition and discuss opportunities for a formal Welcome to Country or for the Yaegl People to be involved in the event. Contact may be made by email to William Walker ([ceo@yaegltoacrntbc.org.au](mailto:ceo@yaegltoacrntbc.org.au)).
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## SITE or ACTIVITY SPECIFIC CONDITIONS

25. The Permitted activities are limited in nature, type, frequency and extent to that detailed in the permit application received by the Department of Primary Industries – Fisheries on 6 October 2022 (CM9 ref INW22/31990).
  26. All activities must comply with NSW recreational fishing regulations, marine park management rules and all conditions of this permit.
  27. All fish taken through fishing club competitions must not be sold, supplied for profit, bartered or exchanged in any way.
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28. The Permittee must provide all participants with a copy of the relevant 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.
  29. The Permittee must ensure that sharks are not targeted, tagged or killed in the Lord Howe Island Marine Park during the competition and that all shark catch is excluded from the list of point scoring species for this event for Lord Howe Island waters. The Permittee must ensure that competitors fishing from Lord Howe Island are informed about this condition prior to the competition.
  30. Fish (including sharks) carcasses must not be disposed of in the marine park or in public areas adjacent to any marine park.
  31. Permitted bait collection activities must not occur in the Cabbage Tree Island habitat protection zone of the Port Stephens-Great Lakes Marine Park before 6 am or after 6 pm on any day.
  32. The Permittee must strongly encourage all participants to 'Tag & Release', particularly of species not captured for the purpose of human consumption.
  33. Each entrant must follow the recommended fishing practices when catching and releasing fish in order to maximise their survival as detailed in the NSW Recreational Fishing Catch and Release Handbook.
  34. Participants must not, while in any part of Solitary Islands Marine Park that is within 500 m of the mean high water mark of South Solitary or North Solitary Island, take or attempt to take fish while demersal fishing using any fishing gear that has attached to it a wire trace.
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#### **MOORING CONDITIONS OF USE AND ANCHORING IN SENSITIVE HABITAT**

35. Anchoring over seagrasses or sensitive marine habitat is prohibited, except for emergency purposes where the preservation of life or property is required.
  36. Mooring of vessels to moorings provided by the Department of Primary Industries – Fisheries must be in accordance with the conditions of use for mooring.
  37. This Permit does not permit the Permittee to anchor contrary to marine park management rules.
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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.