



Australian Government
Director of National Parks

Environment Protection and Biodiversity Conservation Act 1999

Approval of Commercial Tourism in a South-east Commonwealth Marine Reserve

Approved Area/s	<ul style="list-style-type: none"> • Apollo Commonwealth Marine Reserve • Beagle Commonwealth Marine Reserve • Boags Commonwealth Marine Reserve • East Gippsland Commonwealth Marine Reserve • Flinders Commonwealth Marine Reserve • Franklin Commonwealth Marine Reserve • Freycinet Commonwealth Marine Reserve • Huon Commonwealth Marine Reserve • Murray Commonwealth Marine Reserve • Nelson Commonwealth Marine Reserve • South Tasman Rise Commonwealth Marine Reserve • Tasman Fracture Commonwealth Marine Reserve • Zeehan Commonwealth Marine Reserve
Approved Person/s	<i>Insert name/s of Approved Person/s or Business</i>
Approved Action/s	Commercial tourism operations <i>Insert specific activities</i>
Conditions of Approval	<i>As specified overleaf – Conditions relevant to the activities specified on the application will be added</i>

Failure to adhere to the conditions of approval may result in variation or revocation of this approval.

This approval remains in effect until a management plan comes into operation for the South-east Commonwealth Marine Reserve Network, unless it is revoked sooner

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Assistant Secretary
 Marine Conservation Branch
 Department of the Environment and Water Resources
 Delegate of the Director of National Parks

Conditions of Approval for Commercial Tourism Operations in the South-east Commonwealth Marine Reserve Network

Interpretation

In these conditions, unless the contrary intention appears -

Act means the *Environment Protection and Biodiversity Conservation Act 1999*, and includes any Act which amends or replaces the Act.

Approval Holder means the person or persons (individuals and companies) specified as an approved person in the approval, and, where applicable, includes staff of the approved person.

Approved Activity means the activity or activities authorised by this approval.

CMR means Commonwealth Marine Reserve, an area of sea established as a Commonwealth reserve under the Act.

The Department means the Department of the Environment and Water Resources.

Director means the Director of National Parks established under the Act.

Nominated vessel means the vessel or vessels nominated by the Holder of this Approval to be used in the conduct of the Approved Activity.

Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* and includes any Regulations that amend or replace the Regulations.

Reserve Network means all the reserves listed as approved areas of the South-east Marine Region including Apollo CMR, Beagle CMR, Boags CMR, East Gippsland CMR, Flinders CMR, Franklin CMR, Freycinet CMR, Huon CMR, Murray CMR, Nelson CMR, South Tasman Rise CMR, Tasman Fracture CMR and Zeehan CMR.

South-east Commonwealth Marine Reserve Network means all the reserves listed as approved areas of the South-east Marine Region including Apollo CMR, Beagle CMR, Boags CMR, East Gippsland CMR, Flinders CMR, Franklin CMR, Freycinet CMR, Huon CMR, Murray CMR, Nelson CMR, South Tasman Rise CMR, Tasman Fracture CMR and Zeehan CMR.

Staff includes employees, contractors and subcontractors

Stowed and secured means out of the water and onboard the Nominated vessel.

Transit means passage of a vessel through a reserve without any other activity being carried on in the reserve.

General Tourism Conditions

1. The approval cannot be sold or transferred to another person, body or organisation.
2. A copy of the approval and these conditions must be kept on board each nominated vessel and must be produced for inspection on request by an authorised officer.
3. The approval holder must notify the Department of any changes to the information included in the approval holder's application for this approval

(e.g. the approval holder sells the business, the nominated vessel changes) within 14 days of this change becoming known.

4. The approval holder must take all reasonable steps to ensure that the approval holder's staff involved in the conduct of the approved activity have appropriate training, qualifications (including relevant first aid) and experience to competently perform their functions and duties in relation to the approved activity.
5. All staff of the approval holder involved in the conduct of the approved activity must be fully informed of the reserve network, management zones and these conditions before commencing to take part in the conduct of the approved activity.
6. The approval holder must take all reasonable steps to minimise the impact on the environment of the approved activity, including from anchoring or mooring of vessels.

Complying with Legislation

7. The approved activity must be conducted in accordance with the Act and Regulations, all other applicable Commonwealth and State laws, these conditions, and other notices, information, guidelines and codes of conduct or protocols issued by, or under the authority of, the Director of National Parks.
8. The approval holder must, if requested by the Director, provide copies of all relevant qualifications, certificates of vessel licensing and other documents evidencing compliance with this approval.
9. For the purpose of evaluating the approved activity, the approval holder must, subject to availability of space and the provision of reasonable notice, allow a representative of the Director to accompany trips from time to time at no cost to the Director.

Insurance Related Conditions

10. The approval holder must not conduct the approved activity unless the approval holder and a witness have signed and attested the Release and Indemnity at the end of these conditions, and a copy has been lodged with the Department.
11. The approval holder must not conduct the approved activity unless the approval holder holds a public liability policy of insurance with an insurer approved by the Director sufficient to cover any liability the approval holder may have to third parties, or to the Director under the Release and Indemnity, but in any case the public liability policy of insurance must be for an amount of not less than \$10 million in respect of any single claim.
12. The approval holder must provide a certificate of currency for the policy of insurance evidencing that the policy covers all activities in the Reserve(s) of the approval holder and their staff. The certificate of currency must be provided:
 - a. before the approval holder commences to conduct the approved activity; and
 - b. on each occasion when the policy is renewed or when a new policy is taken out; and
 - c. at any other time upon request by the Director.

Occupational Health and Safety Conditions

13. The approval holder is responsible for the safety and well being of all persons taking part in the approved activity.
14. The approval holder must take all reasonable steps to ensure that the approval holder's staff and all other persons taking part in the approved activity are not exposed to risks to their health or safety, and are informed of potential hazards they may encounter, while undertaking the approved activity in the reserve network.
15. The approval holder must ensure that adequate procedures¹ are in place to minimise the risk of potential hazards all persons taking part in the approved activity.

Reporting Requirements

16. The approval holder must report all gear, equipment and other articles lost during the approved activity in the reserve network that is likely to cause significant environmental harm, to the Department as soon as possible, and within 10 days in any event, after the loss occurs. The report must include a description of what was lost, the location at which they were lost or believed to have been lost and the date and time at which they were lost.
17. If any staff, or any other person taking part in the approved activity, is seriously injured, becomes seriously ill or goes missing whilst in any of the reserves, the approval holder must notify the Department of the incident as soon as practicable of the incident by calling the Department duty phone on 0419 293 465².
18. The approval holder must provide the Department with a report, in accordance with the tourism report form to be provided, by 31 July in each year, for the preceding 12 months, from 1 July to 30 June, which details all tours undertaken in the reserve network³

Note:

This condition (18) will be satisfied and information is not required to be supplied directly by the approval holder, where arrangements are in place for the information to be provided to the Department from another, such as under an agreement with a State Fisheries Management agency.

If you intend to undertake scuba diving activities the following conditions also apply.

Scuba Diving Conditions

19. Where the approved activity includes SCUBA diving or snorkelling, the approval holder must ensure that:
 - a. all persons (staff and participants) involved in the conduct of diving or snorkelling operations hold an appropriate and current SCUBA diving qualification;
 - b. the dive supervisor holds an appropriate first aid qualification (at a minimum St Johns Advanced Resuscitation Certificate or equivalent);

¹ Note these procedures may include, but are not limited to: pre-trip briefings; a communication plan that includes periodic check-in with a nominated person on the mainland; guidance on the use of safety equipment; and head counts.

² Note that the Department is not an emergency response agency and all relevant emergency response agencies and authorities should be contacted prior to informing the Department of any incident.

³ Note that the tourism report form is currently being developed in consultation with commercial tourism operators.

- c. the operator must have an emergency response plan that provides for prompt evacuation of divers suffering dive related illness.
- d. all reasonable steps are taken to ensure that all persons taking part in the approved activity do not damage, interfere with, or remove any part of a shipwreck;
- e. all reasonable steps are taken to ensure that all persons taking part in the approved activity do not damage, interfere with, or remove any organism from a sanctuary zone or below 500 metres in a benthic sanctuary zone.

Where the approved activity includes SCUBA diving,

If you intend to undertake charter fishing activities the following conditions also apply.

Charter Fishing Conditions

- 20. Charter fishing (and other fishing activities that may not be deemed commercial fishing) must not be conducted in any of the following zones of the reserve network
 - a. Sanctuary Zones (IUCN Ia);
 - b. Benthic Sanctuary Zones below 500m water depth (IUCN Ia); and
 - c. Special Purpose Zones (IUCN VI).
- 21. Charter fishing activities must comply with legal lengths, catch limits and other regulations and codes of conduct that apply to marine recreational fishing in the relevant state.
- 22. Where the approval holder is involved in charter fishing operations, the approval holder must also provide to the Department the following estimates relating to the approval holder's charter fishing activities in the reserve network consistent with the approval:
 - a. Total number of days on which fishing was carried on in each reserve of the reserve network;
 - b. Species caught in each reserve of the reserve network; and
 - c. Estimated total amount of each species caught in each reserve of the reserve network that was kept.

Note:

This condition (22) will be satisfied and information is not required to be supplied directly by the approval holder, where arrangements are in place for the information to be provided to the Department from another, such as under an agreement with a State Fisheries Management agency.

