



Marine Parks Permit

Great Barrier Reef Marine Park Regulations 1983 (Commonwealth)
Marine Parks Regulation 2006 (Queensland)

This/these permission/s remain/s in force,
unless sooner surrendered or revoked, for the period:

27-MAY-2009.. to30-MAR-2024....

Permit No:

G09/29914.1

Permission/s is/are granted to

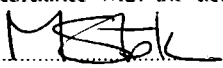
Permittee: KIANA AUSTRALIA PTY LTD (ACN 103 1925 712)
T/A Kiana Sail and Dive

Address: PO Box 637
CANNONVALE QLD 4802

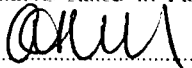
for use of and entry to zones in the following Great Barrier Reef Marine Park Sections/Queensland Marine Parks as established
by the Commonwealth *Great Barrier Reef Marine Park Act 1975* and Queensland *Marine Parks Act 2004* (the Marine Park);

AMALGAMATED GREAT BARRIER REEF SECTION
GREAT BARRIER REEF COAST MARINE PARK

in accordance with the details as stated in Part A, and subject to conditions stated in Part B on the reverse side.

 date 27/5/09

Delegate of
the Great Barrier Reef Marine Park Authority

 date 27/5/09

Delegate of
the Chief Executive, Environmental Protection Agency

Part A:

The purpose/s of use and entry may only be undertaken in the zone/s and location/s described below.
Zone/s and location/s to which the permission/s applies:

As specified in Schedules 1 and 2

Purpose/s of use and entry authorised by permission/s:

As specified in Schedules 1 and 2



STANDARD CONDITIONS

- 1 All activities must be undertaken in accordance with the provisions of the laws in force from time to time in the State of Queensland.
- 2 To the extent applicable and unless written endorsement to the contrary appears in this permit, the Permittee must 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*.
- 3 The Permittee must ensure that when operations are conducted in the Marine Parks under this permit, this permit or a certified copy is held at the site or sites of operation and on the vessel during transit to and from that site or sites.
- 4 The Permittee 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.
- 5 The Permittee 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.
- 6 Throughout the operating term, certified activities and/or facilities authorised by this Permit shall be and remain duly certified by or under an approved Certification Scheme, unless otherwise advised in writing by the Great Barrier Reef Marine Park Authority.

MINI DEED CONDITIONS

- 7 Within 30 days of the date of commencement of this permit, the Permittee must execute, seal and deliver as a Deed to the Authority, a Deed in the form annexed to this permit, identified with the permit number of this permit, and marked 'Deed of Agreement'.
- 8 The Permittee must observe and perform its obligations under and pursuant to the Deed. Any breach by the Permittee of its obligations under and pursuant to the Deed shall be a breach of this condition.

STATE MARINE PARK INDEMNITY & INSURANCE CONDITIONS

- 9 The Permittee
 - (i) indemnifies; and
 - (ii) releases and dischargesthe State from and against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the State, or which the State may pay, sustain or be put to by reason of, or in consequence of, or in connection with the occupation and use of the Marine Park by the Permittee except to the extent of any negligent act of the State, its servants or agents.
- 10 The Permittee must notify the Chief Executive in writing of any death, injury, loss or damage immediately upon the Permittee becoming aware of such death, injury, loss or damage.
- 11 The Permittee must, at its own expense during the term of the permit, comply with all Acts of Parliament, local laws, regulations or rules for the time being in force, which apply to the permitted area and/or the Permittee's use of the Marine Park.
- 12 The Permittee uses the Marine Park entirely at its own risk and acknowledges that it has checked the area to ensure that it is suitable for the Permitted Use.

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- 13 For the term of this permit, the Permittee must take out and maintain the following insurances
 - (i) a public liability insurance policy for not less than \$10 million arising from any one event in respect of the death of, or injury to persons, or loss or damage to property; and
 - (ii) insurance under the *Workers' Compensation and Rehabilitation Act 2003* to cover workers, eligible persons, self employed contractors, directors, trustees and partners.
- 14 The Permittee must ensure that the insurance policies required under condition 13 are with an appropriate insurer.
- 15 The Permittee must ensure that the insurance policies that it has effected to cover the insurable interests pursuant to condition 13 cover all invitees, employees, contractors, agents, members or clients of the Permittee and names the State of Queensland as an interested party.
- 16 Before undertaking any activities on the Marine Park the Permittee must have in place all insurances required by condition 13.
- 17 In any circumstance where the insurances required under this permit are cancelled, altered or expire before the expiry date of this permit, the Permittee must cease all activities in the Marine Park until such time as alternative insurance policies that comply with the requirements of condition 13 have been obtained.
- 18 The Permittee must provide copies of certificates of currency or the insurance policy documents required under condition 13 when requested by the Chief Executive.

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SCHEDULE 1 – GENERAL CHARTER PROGRAM

ZONES AND LOCATIONS TO WHICH THE PERMISSION/S APPLIES:

All zones and locations in the Townsville/Whitsunday Management Areas EXCEPT Preservation Zones and Designated Areas (where provision is not made for use and entry authorised under this permit) and those locations during the periods specified which are listed as exclusions in the Conditions of Permission

PURPOSE OF USE AND ENTRY AUTHORISED BY PERMISSION/S:

CONDUCT OF A TOURIST PROGRAM - Activities being swimming, snorkelling, SCUBA diving, fish feeding, passenger transport, and fishing, and

CONDUCT OF A VESSEL CHARTER PROGRAM - Activities being the provision of transport and services to persons other than tourists,

using a vessel (maximum overall vessel length 35 metres; maximum passenger capacity 24 passengers) and one (1) ancillary vessel (being a tender).

VESSEL PROGRAM CONDITIONS

- 19 When providing transport in the Marine Parks to another tourist program operation permitted under a different Marine Parks permit, the Permittee must ensure that the total number of persons (including crew) on the vessel does not exceed relevant setting or permit limits.
- 20 The Permittee 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 used under this permit.
- 21 Prior to any vessel being operated under this permit, the Permittee must:
 - (i) have given written notification to the Great Barrier Reef Marine Park Authority of the vessel name, registration number, passenger capacity and length of the specific vessel to be operated under this permit; and
 - (ii) have received written approval for use of that vessel from the Great Barrier Reef Marine Park Authority and the Department of Environment & Resource Management.
- 22 The Permittee must ensure that the written approval for use of that vessel under this permit is held with this permit at all times.
- 23 An approval under condition 21 above ceases to have effect for a specific vessel when a subsequent approval for any other vessel or the same vessel is given under that condition.
- 24 Vessel 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, or for a period exceeding 72 hours, subject to written approval from the Great Barrier Reef Marine Park Authority or the Department of Environment & Resource Management.
- 25 The Permittee must not offer or conduct fishing in Scientific Research Zones or Marine National Park Zones and may only offer or conduct fishing activities in Buffer Zones and Conservation Park Zones in accordance with the provisions of the relevant Zoning Plans notwithstanding the purposes of use and entry specified in this permit.

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- 26 The Permittee must not conduct, or allow to be conducted, fish feeding except in accordance with the following conditions:
- (i) no more than one fish-feeding station may be operated at each location;
 - (ii) a legible copy of the Marine Parks 'Guidelines for Fish Feeding on the Great Barrier Reef' must be displayed at the fish-feeding station;
 - (iii) food used must consist of fresh, raw marine products and/or manufactured aquaculture fish food pellets if those manufactured pellets are approved in writing by the Great Barrier Reef Marine Park Authority;
 - (iv) the total food used must not exceed 1 kg per day or, where fish feeding is carried out at more than one feeding station each day, 2 kg per day;
 - (v) fish must only be fed by the tour operation staff and must not be fed directly by hand; and
 - (vi) participants in the program must be given practical and adequate warning of the potential dangers of fish feeding.

GENERAL STATE MARINE PARK CONDITION

- 27 The Permittee must brief participants in the tourist program about the potential presence of, and dangers posed by, estuarine crocodiles prior to participants conducting activities in the Marine Parks.

TOWNSVILLE/WHITSUNDAY MANAGEMENT AREAS

- 28 The Permittee must not visit a permitted location in the Townsville/Whitsunday Management Areas outside the Whitsundays Area and the Inchinbrook Area on more than 2 visits in any 7-day period.
 Note: For the purposes of this condition the Marine National Park Zone in Five Beach Bay (Magnetic Island) is considered as one location.
- 29 The Permittee must not access Balding Bay (Magnetic Island) or Florence Bay (Magnetic Island) (including the intertidal areas) on a Saturday or a Sunday.
- 30 The Permittee must ensure that anchoring in Florence Bay (Magnetic Island) only takes place in the southern half of the bay.
- 31 The Permittee must not access the following areas during the periods specified, unless otherwise endorsed on this permit.

<u>Reef No</u>	<u>Area</u>	<u>Period</u>
N/A	All State Marine Park rivers and streams between Edgumbe Bay (Adelaide Point) and Midge Point	All Year
18-008	Intertidal areas adjacent to the Brook Islands	All Year
19-009g	Waters adjacent to Lovers Bay (Magnetic Island)	All Year
19-009g	Waters adjacent to Wilson Bay (Magnetic Island)	All Year
18-014	Intertidal areas at Agnes Beach (Inchinbrook Island)	All Year
20-022	Intertidal areas adjacent to Armit Island (South Beach only)	1 Oct - 31 Mar
20-019b	Intertidal areas adjacent to Bird Island	All Year
20-017	Intertidal areas adjacent to Black Island	All Year
20-024	Intertidal areas adjacent to Double Cone Island (West Island only)	1 Oct - 31 Mar
20-054	Intertidal areas adjacent to East Rock	All Year
20-012	Intertidal areas adjacent to Eshelby Island	All Year
18-013b	Intertidal areas adjacent to Eva Island	1 Oct - 31 Mar
20-026	Intertidal areas adjacent to Edwin Rock	All Year
20-030	Intertidal areas to Grassy Island (South Beach only)	1 Oct - 31 Mar
19-103	Intertidal areas adjacent to Holbourne Island	1 Oct - 31 Mar
20-023	Intertidal areas adjacent to Little Armit Island	1 Oct - 31 Mar
	Intertidal areas adjacent to Little Eshelby Island	All Year
17-053a	Intertidal areas adjacent to Mound (Purtaboi) Island	1 Oct - 31 Mar
20-021	Intertidal areas adjacent to Olden Rock (South East of Olden Island)	1 Oct - 31 Mar
18-001b	Intertidal areas adjacent to Pee Rahm Ah Island	1 Oct - 31 Mar
17-053c	Intertidal areas adjacent to Woln-Garin Island	1 Oct - 31 Mar

20-210	Intertidal areas adjacent to South Repulse Island (West Beach only, excluding campsite)	1 Oct - 31 Mar
20-102	Intertidal areas adjacent to Shaw Island (Burning Point beach only)	1 Oct - 31 Mar

HINCHINBROOK AREA CONDITIONS

- 32 When conducting a tourist program, the Permittee must not operate in the Hinchinbrook Area on more *than 50 days* in a year and without a prior booking with the Department of Environment & Resource Management, except as specified in condition 33, or as otherwise endorsed on this permit.
- 33 For the purpose of conducting:
- (i) a passenger transport operation (Hinchinbrook); or
 - (ii) an operation using a non-motorised craft where a guide or crew is provided;
- the Permittee may access the Hinchinbrook Area on a daily basis without the requirement to make a booking providing the Permittee does not access the following Locations (Hinchinbrook): Eastern Hinchinbrook Channel Location, Western Hinchinbrook Channel Location, Hecate Point Location or Missionary Bay Location.
- 34 When conducting a tourist program, the Permittee must not operate in a Sensitive Location (Hinchinbrook) on more than 50 days in a year and without a prior booking with the Department of Environment & Resource Management, except as specified in condition 35, or otherwise endorsed on this permit.
- 35 For the purpose of conducting:
- (i) a passenger transport operation (Hinchinbrook); or
 - (ii) an operation using a non-motorised craft where a guide or crew is provided;
- the Permittee may operate in a Sensitive Location (Hinchinbrook) on a daily basis without the requirement to make a booking providing the Permittee does not access the following Locations (Hinchinbrook): Eastern Hinchinbrook Channel Location, Western Hinchinbrook Channel Location, Hecate Point Location or Missionary Bay Location.
- 36 When conducting a tourist program, the Permittee must operate within the following limits for Locations (Hinchinbrook), except as specified in condition 37:
- (i) the Permittee must not operate a vessel carrying more than 100 people (including crew), into a high use setting Location; and
 - (ii) the Permittee must not operate a vessel carrying more than 30 people (including crew), into a moderate use setting Location; and
 - (iii) the Permittee must not operate a vessel carrying more than 15 people (including crew), into a low use setting Location.
- 37 The Permittee may operate above the limits specified in condition 36 when:
- (i) transiting through a Location (Hinchinbrook), other than the Eastern Hinchinbrook Channel Location, Western Hinchinbrook Channel Location, Hecate Point Location or Missionary Bay Location; or
 - (ii) conducting a passenger transport operation (Hinchinbrook) in the Cape Richards Location; or
 - (iii) otherwise endorsed on this permit.
- 38 The Permittee must not conduct non-motorised watersports within the following Locations (Hinchinbrook): Eastern Hinchinbrook Channel Location, Western Hinchinbrook Channel Location or Missionary Bay Location.
- 39 The Permittee must not operate a vessel over 20 metres in overall length within the Missionary Bay Location.

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WHITSUNDAYS AREA CONDITIONS

- 40 The Permittee may access the Whitsundays Area on a daily basis without the requirement to obtain a booking.
- 41 The Permittee must not operate in a setting 5 area as defined in the Whitsundays Plan of Management or an abutting intertidal area, except in accordance with condition 45 or unless otherwise endorsed on this permit
- 42 The Permittee must operate within the following limits for the setting areas as defined in the Whitsundays Plan of Management unless transiting or as otherwise endorsed on this permit:
- (i) the Permittee must not operate a vessel over 35 metres in overall length or carrying more than 15 people, into a setting 4 area or an abutting intertidal area;
 - (ii) the Permittee must not operate a vessel over 35 metres in overall length or carrying more than 40 people, into a setting 3 area or an abutting intertidal area; and
 - (iii) the Permittee must not operate a vessel over 35 metres in overall length into a setting 2 area or an abutting intertidal area.
- Note: For the purpose of this condition, a calculation of the number of people that a vessel is carrying must include each person on board the vessel who is aged 4 years or older (including the officers and members of the vessel's crew).
- 43 The Permittee must not visit Bait Reef except when operating to a mooring.
- 44 The Permittee must not conduct, or allow to be conducted, fishing activities as part of the tourist program in the Whitsundays Area, except within General Use and Habitat Protection Zones, unless otherwise endorsed on this permit.

WHITSUNDAYS AREA STATE MARINE PARK CONDITIONS

- 45 The Permittee must access the intertidal area abutting Tongue Point on Whitsunday Island only in accordance with the following:
- (i) the Permittee must hold a relevant authority issued under the *Nature Conservation Act 1992* allowing access to the Tongue Point walking tracks;
 - (ii) the Permittee may access the intertidal area of Lookout Beach via the Tongue Point walking tracks;
 - (iii) the Permittee may access the intertidal area of Betty's Beach via the Tongue Point walking tracks, or by transiting through the Hill Inlet setting 5 area using an ancillary vessel for the purpose of either loading or unloading passengers;
 - (iv) the Permittee must ensure that when accessing the intertidal area of Betty's Beach with an ancillary vessel, the vessel does not remain in the intertidal area for longer than necessary to either load or unload passengers.
- 46 The Permittee must ensure that when accessing a permitted intertidal area with a vessel larger than 14 metres in overall length, the vessel does not remain in the intertidal area for longer than necessary to either load or unload passengers.

Note: The Permittee is advised that the commercial use of intertidal areas within the Whitsundays Area will be subject to review. The Permittee is further advised that should that review determine commercial use is unsuitable at some sites, those sites may be removed from this permit until further notice.

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SCHEDULE 2 - MOORING PROGRAM

ZONES AND LOCATIONS TO WHICH THE PERMISSION/S APPLIES:

MARINE NATIONAL PARK ZONE – Bait Reef (19-137)

PURPOSE OF USE AND ENTRY AUTHORISED BY PERMISSION/S:

CONDUCT OF A MOORING FACILITY – GM0078

MOORING CONDITIONS

- 47 The Permittee must, within 21 days of being called upon to do so, provide to the Managing Agency an approved drawing of the permitted mooring.
- 48 The Permittee must, within 21 days of being called upon to do so, provide to the Managing Agency the Global Positioning System (GPS) location of the permitted mooring.
- 49 The Permittee must install, relocate or remove permitted mooring only in the presence of an officer of the Managing Agency, unless the Permittee has received written advice from the Managing Agency of alternative arrangements.
- 50 Where installation, relocation or removal of a permitted mooring/s occurs in the presence of an officer of the Managing Agency, the Permittee and its agents must comply with any directions of that officer in relation to the siting and manner of installation and placement of the permitted mooring as are reasonably necessary for the conservation, protection and preservation of the Marine Park and property and things in the Marine Park.
- 51 The Permittee must relocate or remove from the Marine Parks any mooring permitted therein if instructed to do so in writing by the Managing Agency.
- 52 The Permittee must obtain an approved compliance certificate annually on the anniversary of the date of installation of each mooring permitted herein that verifies that the mooring/s is installed and maintained in accordance with the approved drawing, and provide those certificates to the Managing Agency within 21 days of being called upon to do so.
- 53 The Permittee must only conduct the permitted mooring in accordance with a Mooring Notification Approval.

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INTERPRETATION AND DEFINITIONS

INTERPRETATION

This permit extends to all employees of the Permittee, or other persons, who are acting on behalf of, or at the direction of, the Permittee 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*, the *Great Barrier Reef Marine Park Regulations*, the *Marine Parks Act (Qld) 2004*, the *Marine Parks Regulations (Qld)*, *Zoning Plans* or *Plans of Management*, unless the contrary intention appears.

A reference to the Hinchinbrook Plan of Management 2004 is a reference to the Hinchinbrook Plan of Management as amended from time to time.

A reference to the Whitsundays Plan of Management is a reference to the Whitsundays Plan of Management as amended from time to time.

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 Townsville/Whitsunday Management Areas is a reference to the geographical area defined by the Townsville/Whitsunday Management Area of the Amalgamated Great Barrier Reef Section, the Townsville/Whitsunday Management Area of the Great Barrier Reef Coast Marine Park and those areas of the Outer Islands Management Area of the Great Barrier Reef Coast Marine Park enclosed within the Townsville/Whitsunday Management Area of the Amalgamated Great Barrier Reef Section.

DEFINITIONS

'ancillary vessel' means a small tender which:

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

'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-

'approved Certification Scheme' means a certification scheme approved by the Great Barrier Reef Marine Park Authority for the certification of tourism-related products (including activities and associated facilities).

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

'Hinchinbrook Area' for the Great Barrier Reef Marine Park has the same meaning as the 'Planning Area' defined in the Hinchinbrook Plan of Management 2004 and for the Great Barrier Reef Coast Marine Park means the Family Islands Segment and the Hinchinbrook Segment, described in Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 under the Marine Parks Act 2004 of Queensland.

'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.

'island' includes islands, islets, cays, rocks and sandbanks.

'Location (Hinchinbrook)' for the Great Barrier Reef Marine Park has the same meaning as 'Location' defined in the Hinchinbrook Plan of Management 2004; and for the Great Barrier Reef Coast Marine Park means:

- (a) those areas enclosed within the outer boundaries of the aforementioned 'Location' and those intertidal areas of the Great Barrier Reef Coast Marine Park contiguous with the 'Location'; and
- (b) the areas identified as The Haven/Scraggy Point Location, Hecate Point Location, Oyster Point Location, Cardwell Location, Dungeness Location, Eastern Hinchinbrook Channel Location, Western Hinchinbrook Channel Location and Missionary Bay Transit Lanes at Attachment B.

'passenger transport' means the transport of persons who are tourists into, out of or within the Marine Park, in order that those persons may engage in tourism activities in the Marine Park.

'passenger transport operation (Hinchinbrook)' means an operation comprising activities:

- (a) in which passengers are transported between Locations or between a Location and a place outside the Planning area; and
- (b) using the most direct reasonable route, and if practicable the transit lanes; and
- (c) on route the vessel does not stop except:
 - (i) to pick up passengers; or
 - (ii) for passengers to disembark at their destination; or
 - (iii) in the case of an emergency; and
- (d) permitted under a relevant permission; and
- (e) all carried out using one particular vessel.

'passenger transport operation (Whitsundays)' means an operation comprising activities:

- (a) in which passengers are transported between a location and a place outside the Whitsundays Area; and
- (b) limited to setting 1 areas, except when transiting the Whitsundays Area; and
- (c) permitted under a relevant permission; and
- (d) all carried out using one particular vessel or aircraft.

'permit' means the permissions the subject of Permit G09/29914.1 granted by the Authority to the Permittee pursuant to the *Great Barrier Reef Marine Park Regulations 1983*.

'Sensitive Location (Hinchinbrook)' for the Great Barrier Reef Marine Park has the same meaning as 'Sensitive Location' defined in the Hinchinbrook Plan of Management 2004; and for the Great Barrier Reef Coast Marine Park means:

- (a) those areas enclosed within the outer boundaries of the aforementioned 'Sensitive Location' and those intertidal areas of the Great Barrier Reef Coast Marine Park contiguous with the 'Sensitive Location'; and
- (b) the areas identified as The Haven/Scraggy Point Location, Eastern Hinchinbrook Channel Location and Western Hinchinbrook Channel Location at Attachment B.

'Tongue Point' means the named peninsula on Whitsunday Island commencing north-east of the intersecting vectors of latitude 20° 16'S and longitude 149° 01'E.

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INTERPRETATION AND DEFINITIONS

'Townsville/Whitsunday Management Area of the Amalgamated Great Barrier Reef Section' is that part of the Amalgamated Great Barrier Reef Section that lies:

South of a line commencing at 17° 40.409' South 147° 17.013' East then running progressively:

1. south-westerly along the geodesic to 17° 52.809' South 146° 30.064' East
2. west along the parallel to its intersection with the mainland coastline at 17° 52.810' South 146° 06.269' East); and

North of a line commencing at 19° 39.545' South, 150° 35.061' East then running progressively:

1. south-westerly along the geodesic to 20° 09.907' South 150° 20.061' East
2. southerly along the geodesic to 20° 29.907' South 150° 30.062' East
3. south-westerly along the geodesic to 20° 40.907' South 150° 10.063' East
4. north-westerly along the geodesic to 20° 33.908' South 149° 07.063' East
5. south-westerly along the geodesic to 20° 39.727' South 148° 45.813' East
6. west along the parallel to its intersection with the mainland coastline at 20° 39.727' South 148° 43.056' East).

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

'visit' in relation to a vessel (including the use of an ancillary vessel) means accessing a permitted location, without departure, for a period not exceeding 24 hours.

'waters adjacent to' means in relation to a reef, the waters enclosed by 'the 500 metre line' and in relation to an island or the mainland, the waters enclosed by 'the coastal 500 metre line' (as defined by the zoning plan or regulations that applies to those waters).

'Whitsundays Area' for the Great Barrier Reef Marine Park has the same meaning as the 'Planning Area' defined in the Whitsundays Plan of Management and for 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'.

'Primary mooring' means a mooring that:

- (a) is associated with, and supports, the operation of a resort or tourist facility, the operation of which is authorised by a relevant permission; and
- (b) is primarily used by the main vessel associated with the operation, rather than ancillary vessels.

'Ancillary mooring' means a mooring that:

- (a) is associated with, and supports, the operation of a resort or tourist facility, the operation of which is authorised by a relevant permission;
- (b) is not intended to be used by the primary vessel associated with the operation; and
- (c) is primarily associated with the use of small vessels such as dive tenders, glass bottom boats and hire craft.

'Approved compliance certificate' means a certificate of compliance for a mooring system, approved by an appropriately qualified person.

'Approved drawing' means a technical drawing of a mooring system, approved by a marine engineer or naval architect.

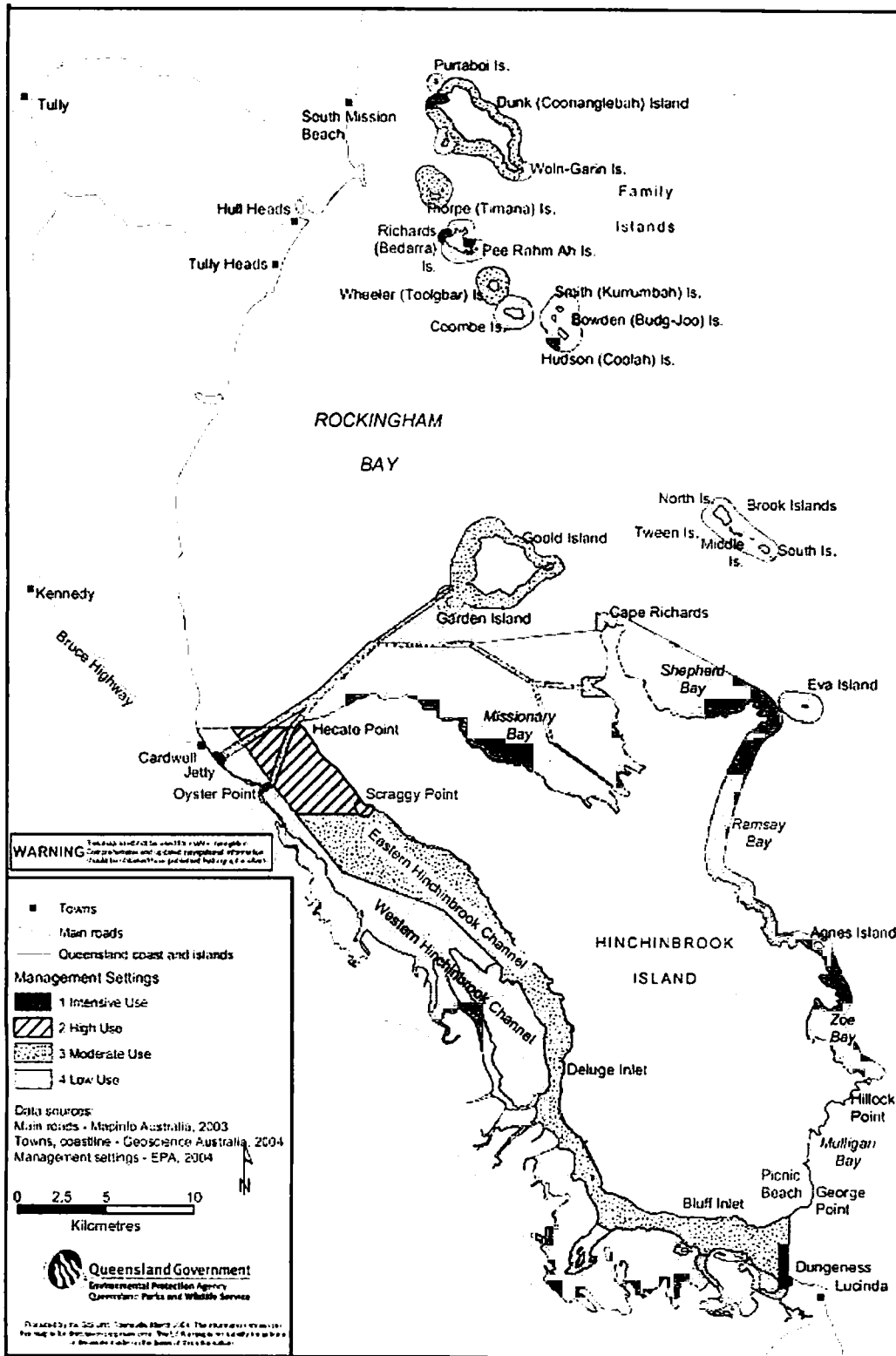
'Managing Agency' (a) in relation to the Great Barrier Reef Marine Park, means the Great Barrier Reef Marine Park Authority, a member of the staff of that Authority or a person referred to in Section 42 of the Great Barrier Reef Marine Park Act performing functions or exercising powers under that Act 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 Officer of the Department of Environment & Resource Management, his/her Delegate, an officer of the Department of Environment & Resource Management, or a person referred to in Regulation 36 of the Marine Parks Regulations, appointed as an inspector.

'Mooring' means a permanently located facility that is designed solely for mooring a vessel or aircraft, and includes the mooring buoy, tackle and the point of attachment to the seabed.

'Mooring Notification Approval' is a written approval from the Great Barrier Reef Marine Park Authority and the Department of Environment & Resource Management that contains mooring details including: the mooring reference number; the Differential Global Positioning System location and datum; the design; the type; the status; and particulars of the approved drawing.

MS OCH

ATTACHMENT B - STATE MARINE PARK (Hinchinbrook Area) SETTINGS AND LOCATIONS



MS ACK

Marine Parks



Australian Government
Great Barrier Reef
Marine Park Authority



Queensland Government

18 August 2009

Kiana Australia Pty Ltd
T/A Kiana Sail and Dive
PO Box 637
CANNONVALE QLD 4802
Attn: Mr Gregory Lambert

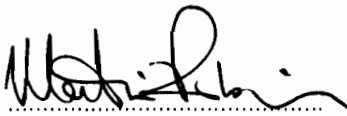
Dear Mr Lambert

Permit G09/29914.1 - VESSEL NOTIFICATION APPROVAL

In accordance with Condition 21 of your Marine Parks permit, the Great Barrier Reef Marine Park Authority and the Department of Environment & Resource Management give approval for the use of the following vessel under permission G09/29914.1.

As this new Vessel Notification Approval replaces your current Vessel Notification Approval, you should return that Vessel Notification Approval to the GBRMPA as soon as possible in the reply-paid envelope enclosed.

Vessel Name: "Kiana"
Vessel Registration Number: 7063QB
Maximum passenger capacity: 15
Vessel length: 16.4 metres

 Date: 12.8.09

Delegate of the Great Barrier
Reef Marine Park Authority

 Date: 18.8.09

Delegate of the Chief Executive,
Department of Environment & Resource
Management

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

27 MAY 2009

Kiana Australia Pty Ltd
T/A Kiana Sail and Dive
PO Box 637
CANNONVALE QLD 4802
Attn: Mr Gregory Lambert

Dear Mr Lambert

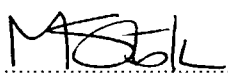
Permit G09/29914.1 – MOORING NOTIFICATION APPROVAL

I refer to your application dated 27 January 2009 to continue a mooring operation in the Marine Park.

In accordance with Condition 53 of your Marine Parks permit, the Great Barrier Reef Marine Park Authority and the Department of Environment & Resource Management give approval for the operation of the following mooring under permission G09/29914.1.

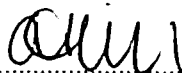
The Compulsory Mooring Number allocated by the GBRMPA for this mooring is GM0078.

DGPS Location: "19°48.5030' S 149° 3.7800' E" Bait Reef (19-137)
Design: Single point
Type: Primary mooring
Status: Installed
Drawing Number: TBA



Date: 21/5/09

Delegate of the Great Barrier
Reef Marine Park Authority



Date: 27/5/09

Delegate of the Chief Executive,
Department of Environment & Resource
Management

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



File No.: 17/99(1)
Ref.: G29914.1

KIANA AUSTRALIA PTY LTD
T/A Kiana Sail and Dive
PO Box 637
CANNONVALE QLD 4802
Attn: Mr Gregory Lambert

Dear Mr Lambert

Re: Permit G09/29914.1 – VESSEL IDENTIFICATION NUMBER (VIN)

I refer to your correspondence, dated 18 July 2013, in which you requested the Managing Agencies to alter your Marine Parks permit G09/29914.1 in order to allow for the use of a VIN.

The Managing Agencies consider the requirements of conditions 21, 22 and 23 of Marine Parks permit G09/29914.1 to have been met if the Permittee ensures that a VIN plaque issued by the Great Barrier Reef Marine Park Authority (GBRMPA) and containing the relevant VIN listed below is externally visible on the portside of any vessel operating under the permit.

VIN0466

You are reminded that the maximum parameters of any vessel operating under a VIN must be within those permitted on Marine Parks permit G09/29914.1. You are also reminded that the permit contains the conditions under which the vessel is to be operated.

Martin Robinson
For the Managing Agencies

19/7/13