

# **Report on the administration of the *Marine Parks Act 2004***

(reporting period 1 July 2020 to 30 June 2021)

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## Introduction

The *Marine Parks Act 2004* (the Act) provides for the conservation of Queensland's marine environment by implementing a comprehensive range of management strategies including the declaration of marine parks, and the establishment of zones and designated areas including highly protected areas within the parks. These management arrangements are formalised through the gazettal of zoning plans and the development of management plans.

Public authorities and other interested groups, including First Nations people and local governments, are encouraged to assist in managing marine parks and to further the public's appreciation, understanding and enjoyment of the marine environment.

The Act aims to achieve a coordinated and integrated approach with other environmental conservation legislation, and recognises the cultural, economic, environmental and social relationships between marine parks and their adjacent lands and waters.

Australia's international responsibilities and intergovernmental agreements are important considerations in park management. Marine parks extend across areas adjacent to the Queensland coast which are under the control of both the Commonwealth and Queensland governments. Both governments have agreed that as far as practicable, in managing marine parks, state legislation will be consistent with the relevant Commonwealth legislation.

Marine parks in Queensland are multiple use areas providing for a range of activities and visitor opportunities. The zoning plans prescribed under the Act detail the types of uses and management measures applied to achieve an appropriate balance between conservation and use of the marine environment.

Three marine parks have been declared under the Act with corresponding zoning plans established: Great Barrier Reef Coast Marine Park, Great Sandy Marine Park and Moreton Bay Marine Park.

The plans and regulations that support the Act are:

- Marine Parks (Declaration) Regulation 2006
- Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004
- Marine Parks (Great Sandy) Zoning Plan 2017
- Marine Parks (Moreton Bay) Zoning Plan 2019
- Marine Parks Regulation 2017.

## **Amendments**

There were no amendments made to the *Marine Parks Act 2004* in the 2020–21 financial year.

### **Marine Parks (Declaration) Regulation 2006**

There were no amendments made to the Marine Parks (Declaration) Regulation 2006 in the 2020–21 financial year.

### **Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004**

In 2020–21, the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 was consequentially amended by the Fisheries Legislation Amendment Regulation 2020. Amendments were minor and administrative in nature (i.e. renaming ‘commercial fishing boat licence’ as ‘primary commercial fishing licence’ in the definition of ‘primary commercial fishing boat licence’ (Schedule 11) to better capture the essence of the licence and align the licence name with how it is colloquially referred to by industry).

### **Marine Parks (Great Sandy) Zoning Plan 2017**

The Fisheries Legislation Amendment Regulation 2020 consequentially amended the Marine Parks (Great Sandy) Zoning Plan 2017. Reference to ‘commercial fishing boat licence’ was replaced with ‘primary commercial fishing licence’ as was undertaken in the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004. The definition of ‘dory’ was amended in the same way including the term ‘primary’ in relation to a commercial fishing licence. The definition of ‘primary commercial fishing licence’ was also inserted in section 76(5).

The definition of ‘protected species’ in Schedule 3 (Dictionary) of the Marine Parks (Great Sandy) Zoning Plan 2017 was amended following a change to the Nature Conservation (Animals) Regulation 2020, to replace the specific reference to ‘marine mammal, bird or reptile’ with ‘animal’ to ensure that ‘fish’ are included. The revised definition ensures that ‘fish’ are not excluded and where relevant are afforded consideration and protection as a protected species under the Marine Parks (Great Sandy) Zoning Plan 2017.

### **Marine Parks (Moreton Bay) Zoning Plan 2019**

Minor and administrative amendments were made to the Marine Parks (Moreton Bay) Zoning Plan 2019 as a result of the Fisheries Legislation Amendment Regulation 2020. These amendments provide for updated references to schedule numbers which commenced on 1 September 2021.

The definition of ‘protected species’ in Schedule 5 (Dictionary) of the Marine Parks (Moreton Bay) Zoning Plan 2019 was amended following a change to the Nature Conservation (Animals) Regulation 2020, to replace the specific reference to ‘marine mammal, bird or reptile’ with ‘animal’ to ensure that ‘fish’ are included. The revised definition ensures that ‘fish’ are not excluded and where relevant are afforded consideration and protection as a protected species under the Marine Parks (Moreton Bay) Zoning Plan 2019.

## **Marine Parks Regulation 2017**

The Environmental Legislation (Fees) Amendment Regulation 2020 amended the Marine Parks Regulation 2017 to index regulatory fees as part of the annual review required under government policy and indexed by the approved government indexation rate for 2020–21.

Consequential amendments were made to the Marine Parks Regulation 2017 as a result of making the Nature Conservation (Protected Areas Management) and Other Legislation Amendment Regulation 2020 to change a reference to the repealed Nature Conservation (Administration) Regulation 2017 as administrative provisions under this legislation were moved into the Nature Conservation (Protected Areas Management) Regulation 2017 under a new protected wildlife framework.

## **Funding**

In 2020–21, the Queensland Government contributed \$16.4 million to the Great Barrier Reef Joint Field Management Program. Together with the Australian Government's contribution and other revenue, the budget allocation for the program in 2020–21 was \$35 million. The Great Barrier Reef Joint Field Management Program operates across the (Commonwealth) Great Barrier Reef Marine Park, the (state) Great Barrier Reef Coast Marine Park, island national parks of Queensland and Commonwealth Islands within the Great Barrier Reef Region. As such, only a portion of the program's funds are spent on the (state) Great Barrier Reef Coast Marine Park. The total expenditure for the joint program in 2020–21 was \$33.8 million.

The combined operational costs for the Great Sandy and Moreton Bay Marine Parks in 2020–21 totalled \$2,897,219.

## **Management plans**

The Queensland Parks and Wildlife Service employs a Values-Based Management Framework to guide protected area management. The framework prioritises management undertaken on parks in line with the key values of the park and incorporates steps for monitoring progress, evaluating performance, and reporting on the effectiveness of management actions over time. The framework is the approved process for management of protected areas across Queensland under the *Nature Conservation Act 1992*.

Marine parks adjacent to mainland or island national parks may share values and management issues. To ensure seamless management, areas of marine parks that adjoin national parks may be included in the management planning process for national parks resulting in a joint *Marine Parks Act 2004* and *Nature Conservation Act 1992* management plan.

During 2020–21, there were no new management plans for marine park areas approved.

## **Authorities**

The *Marine Parks Act 2004* provides for activities to be undertaken on marine parks under an authority (permits and commercial activity agreements) for varying periods. A 'permit' can include a number of 'permissions' for the conduct of different activities as prescribed in a relevant Marine Park Zoning Plan. Following the introduction of a new permitting administration system, state-only authorities are now reported as the number of permissions per permit rather than reporting only one permission per permit as in previous years. The Marine Parks Regulation 2017 outlines the administrative matters relating to the grant, amendment, suspension, cancellation, surrender and replacement of relevant authorities and the requirements applying to carrying out activities under a relevant authority provided for by the Act.

A summary of authorities granted, suspended or cancelled, applications refused in 2020–21, and related information is outlined in Table A.

## **Offences and enforcement**

In 2020–21, a total of 130 marine park penalty infringement notices were issued. No new litigation matters were progressed under the Act in 2020–21. Three existing litigation matters were finalised, resulting in three prosecutions. A summary of offences and prosecutions are provided in Table B and Table C.

## **Accreditations**

Accreditations are a form of approval that removes the need for organisations and individuals to obtain a permit to carry out activities. Accreditations can be issued under the Marine Parks Regulation 2017 for a number of different activities such as research and aquaculture. A Traditional Use of Marine Resources Agreement (TUMRA) is one form of accreditation. These formal agreements are developed by traditional owner groups and accredited by the department and, if the agreement covers the Great Barrier Reef region, also by the Great Barrier Reef Marine Park Authority (GBRMPA).

TUMRAs describe how traditional owner groups work in partnership with the Queensland and Australian governments to manage traditional use activities on their sea country. A summary of accreditations granted is provided in Table D.

## **Other legislative provisions**

Other legislative provisions under Part 6 of the Marine Park Regulation 2017 that manage marine park activities include the declaration of special activities and restricted access areas, and erection or display of regulatory notices. Table E outlines the Part 6 legislative provisions in place for each marine park.

## Information supporting the report on the administration of the *Marine Parks Act 2004* in 2020–21.

**Table A - *Marine Parks Act 2004* Marine Park permissions<sup>1</sup> and authorities granted, refused, and suspended or cancelled (1 July 2020 – 30 June 2021).**

*The number of permissions includes all current permissions some of which may have been issued in previous reporting periods.*

Category	Current as at 30/06/2021	Issued	Refused, suspended or cancelled
<b>State-Commonwealth joint<sup>2</sup> Marine Park permissions<sup>1</sup></b>			
Aquaculture	2	0	0
Taking animals or plants posing a threat <sup>3</sup>	99	32	0
Collecting <sup>4</sup>	2	1	0
Educational program	97	20	0
Exploration/mining <sup>5</sup>	0	0	0
Harvest fishery <sup>6</sup>	161	29	0
Media activity (film, photography) <sup>7</sup>	8	3	0
Operate a facility <sup>8</sup>	1120	335	0
Operating/navigating vessels and aircraft <sup>9</sup>	41	12	0
Research	294	115	0
Ship and managed vessel operation <sup>10</sup>	99	16	0
Tourist program	2073	603	0
Vessel or aircraft charter operation <sup>11</sup>	1177	572	0
Works <sup>12</sup>	14	7	0
Other <sup>13</sup>	49	22	0

<sup>1</sup> A 'permit' may include a number of individual permissions for different activities. Table A includes the total number of individual permissions. A new administrative system has allowed greater interrogation of data resulting in a more accurate representation of the number of authorities

<sup>2</sup> 'Joint' Marine Park permissions relate to the Great Barrier Reef area where permissions are issued jointly by the State (Queensland Parks and Wildlife Service) and Great Barrier Reef Marine Park Authority (GBRMPA) to cover activities occurring in both the State and Commonwealth Marine Park respectively.

<sup>3</sup> Provides authority to carry out a program for taking a plant, animal or marine resource that poses a threat to human life and safety (e.g. mosquito control, shark control program), marine park ecosystems (e.g. toxic algae, Crown of Thorns Starfish), or to the use/amenity of an area or adjacent marine park (e.g. mangrove trimming).

<sup>4</sup> Collecting can include non-commercial collecting (e.g. shell clubs) or commercial collecting of species that are not part of a harvest fishery (e.g. oysters).

<sup>5</sup> Exploration/mining includes exploring or mining for minerals, exploring or producing petroleum and carrying out geothermal exploration.

<sup>6</sup> Harvest fishery includes commercial collecting of coral, shell, and aquarium fish.

<sup>7</sup> An authority may be considered necessary if, for example, pyrotechnics are involved or exclusive access is required.

<sup>8</sup> Operate a facility can include buildings, vessels, or structures (e.g. pontoons, jetties, barge landings, pipelines, aircraft landing areas, and moorings (Great Barrier Reef Coast Marine Park (GBRCMP) only), as well as constructing, building, assembling, fixing in position, discharging waste, operating, maintaining or decommissioning the facility.

<sup>9</sup> Operating/navigating vessels and aircraft includes anchoring.

<sup>10</sup> Operating/navigating ships, includes anchoring. Managed vessel types include hovercraft, wing in ground effect craft, hydrofoils and airboats.

<sup>11</sup> Vessel charter includes skippered and bare boat charters.

<sup>12</sup> Works includes coastal works such as beach nourishment, buoy and pile moorings (excl. GBRCMP), maintenance dredging (GBRCMP only), capital dredging (Moreton Bay Marine Park (MBMP) and Great Sandy Marine Park (GSMP) only), spoil disposal, foreshore protection, access structures (e.g. pontoons, jetties, boat ramps), marinas, reclamation, sand extraction and submarine pipelines. Major works that involve large scale coastal works (MBMP only) may require declaration of a works area.

<sup>13</sup> Other includes activities such as conducting a developmental fishery program, traditional use of marine resources, operating a fishing industry service vessel, aquatic events, sporting events, fireworks display, and taking of broodstock.

Category	Current as at 30/06/2021	Issued	Refused, suspended or cancelled
<b>State-only<sup>14</sup> Marine Park authorities (permits<sup>1</sup> and agreements)</b>			
Permits <sup>1</sup> under the Marine Parks Regulation 2017			
Aquaculture	2	0	1
Taking animals or plants posing a threat <sup>3</sup>	6	0	0
Collecting <sup>4</sup>	15	1	2
Educational program	19	4	0
Exploration/ mining <sup>5</sup>	0	0	0
Harvest fishery <sup>6</sup>	5	1	0
Media activity (film, photography) <sup>7</sup>	1	1	0
Operate a facility <sup>8</sup>	79	6	0
Operating/navigating vessels & aircraft <sup>9</sup>	20	7	0
Research	89	23	0
Ship and managed vessel operation <sup>10</sup>	22	0	0
Tourist program	234	49	3
Vessel or aircraft charter operation <sup>11</sup>	104	26	0
Works <sup>12</sup>	119	41	0
Other <sup>13</sup>	17	10	2
Commercial Activity Agreements under section 52 of the Marine Parks Regulation 2017			
Tourism <sup>15</sup> (excluding Whale Watching)	7	0	0
Whale Watching	18	2	0
Other (e.g. filming, competitive & corporate events)	6	0	0

<sup>14</sup> State-only permissions relate to the GBRCMP, GSMP and MBMP.

<sup>15</sup> Includes commercial tour operations within the ex-HMAS Tobruk Area of the GSMP which has been declared a prescribed commercial activity under section 126 of the Marine Parks Regulation 2017.

**Table B - *Marine Parks Act 2004* enforcement activity for Great Barrier Reef Coast, Great Sandy and Moreton Bay Marine Parks for 1 July 2020 – 30 June 2021.**

<b>Category</b>		<b>Number</b>
<b>Penalty Infringement Notices</b>	Number issued	130
	Number withdrawn	4
	Number of Court elects	4
	Number of reviews	5
<b>Formal Investigations</b>	Number completed	2
<b>Prosecutions</b>	Number progressed in 2020–21	0
	Number of matters finalised in 2020–21	3

**Table C - *Marine Parks Act 2004* prosecution<sup>16</sup> results for 1 July 2020 – 30 June 2021.**

Party	Statute	Marine Park	Description	Court result		
				Court date	Penalty	Costs (legal and investigative)
LIT1885	<i>Marine Parks Act 2004</i>	Moreton Bay	One charge of providing false and misleading information to an inspector, contrary to section 89 of the <i>Marine Parks Act 2004</i>	06/10/2020	\$1,500 fine	Nil
LIT1886	<i>Marine Parks Act 2004</i>	Moreton Bay	One charge of providing false and misleading information to an inspector, contrary to section 89 of the <i>Marine Parks Act 2004</i>	06/10/2020	\$1,500 fine	Nil
LIT1941	<i>Marine Parks Act 2004</i>	Great Barrier Reef Marine Park	One charge of wilfully entering or using a marine park for a prohibited purpose, contrary to section 43(1)(a) of the <i>Marine Parks Act 2004</i>	20/05/2021	\$5,000 fine	\$500 legal costs \$1,482 investigation costs

<sup>16</sup> Prosecutions under the *Marine Parks Act 2004*, *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*, *Marine Parks (Great Sandy) Zoning Plan 2017*, *Marine Parks (Moreton Bay) Zoning Plan 2019*, and *Marine Parks Regulation 2017*.

**Table D - Summary of accreditations in place over State marine parks in 2020–21 (showing State-only and joint State-Commonwealth accreditations).**

<b>Marine Park</b>	<b>Party or instrument accredited</b>	<b>Purpose</b>	<b>Date issued</b>	<b>Expiry date<sup>1</sup></b>
Moreton Bay Marine Park	Oyster Industry Plan for Moreton Bay Marine Park (Department of Agriculture and Fisheries)	Oyster industry	22/04/2016	n/a
Great Sandy Marine Park	Great Sandy Regional Marine Aquaculture Plan (Department of Agriculture and Fisheries)	Aquaculture	23/01/2012	n/a
Great Barrier Reef Coast Marine Park	Woppaburra TUMRA (Queensland Parks and Wildlife Service (QPWS)/GBRMPA)	Traditional Use of Marine Resources	30/06/2014	29/06/2024
	Yirrganydji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	29/4/2014	28/04/2024
	Lama Lama TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	01/08/2013	31/07/2022
	Yuku-Baja-Muliku TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	16/08/2013	15/08/2022
	Gunggandji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	28/06/2016	30/06/2024
	Wuthathi TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	25/06/2008	30/06/2022
	Port Curtis Coral Coast TUMRA <sup>2</sup> (QPWS/GBRMPA)	Traditional Use of Marine Resources	02/04/2019	02/04/2029
	Girringun TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	06/11/2019	31/10/2029
	Mandubarra TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	04/04/2018	04/04/2028
	The University of Queensland	Limited impact research	10/02/2006	n/a
	Australian Museum	Limited impact research	10/02/2006	n/a
	The Queensland Museum	Limited impact research	10/02/2006	n/a
	Central Queensland University	Limited impact research	10/02/2006	n/a
	University of Sydney	Limited impact research	10/02/2006	n/a
	Department of Agriculture and Fisheries (Qld)	Limited impact research	10/02/2006	n/a
	James Cook University	Limited impact research	10/02/2006	n/a
The University of Technology, Sydney.	Limited impact research	04/08/2006	n/a	

Notes:

1. There is no requirement to specify an expiry date for accreditations (other than TUMRAs), however, an accreditation requires review if a new zoning plan for the marine park, to which it applies, is made.
2. TUMRA extends into Great Sandy Marine Park.

**Table E – Summary of other legislative provisions in place over State marine parks in 2020–21 (State-only and joint State-Commonwealth).**

Marine Park	Provision	Location	Activity regulated
Moreton Bay Marine Park	Special activity notice	Harry Atkinson Artificial Reef	Scuba diving, surface supplied air diving, snorkelling, spearfishing, commercial fishing.
		North Moreton Artificial Reef	Scuba diving, surface supplied air diving.
		South Stradbroke Artificial Reef	Scuba diving, surface supplied air diving.
		West Peel Artificial Reef	Scuba diving, surface supplied air diving, spearfishing, commercial fishing.
		Wild Banks Artificial Reef	Scuba diving, supplied air diving, commercial fishing, anchoring, spearfishing deeper than 12m.
		East Coochie Artificial Reef	Scuba diving, surface supplied air diving, spearfishing, commercial fishing.
		Tangalooma Island Resort	Participating in dolphin feeding in the authorised dolphin feeding activity.
	Regulatory notice	Redland Bay Claypan	Unauthorised motor vehicles are prohibited from tidal lands and waters.
		Bullock Creek	Unauthorised motor vehicles are prohibited from tidal lands and waters.
		Flinders Reef and Flat Rock	Limiting vessel capacity for use of public moorings.
Great Barrier Reef Coast Marine Park	Regulatory notice	Whitsunday area - Nelly Bay and Jonah Bay	Prohibited from bringing a vehicle, a domestic animal, lighting a fire and using generator, compressor or motor.
	Regulatory notice	Byfield area - Five Rocks Beach	Vehicle access north of the vehicle beach access without a permit.
	Regulatory notice	Lady Musgrave Island and lagoon	Operating a vessel at planing speed or speed that could reasonably be expected to strike a turtle, anchoring in the no anchoring area or access channel, swimming or snorkelling in the access channel, lighting a fire on the island, beach or in the lagoon.
	Regulatory notice	Magnetic Island – West Point to Cockle Bay	Vehicles on tidal lands including beaches, salt pans and mudflats.
	Special activity notice	North West Island reef and surrounding waters	Human behaviours which attract sharks including processing fish product, dumping of fish scraps and cleaning of fish processing equipment.