

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

(reporting period 1 July 2019 to 30 June 2020)

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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 partners, including First Nations peoples 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 State 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 the 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

Marine Parks Act 2004

No amendments were made to the *Marine Parks Act 2004* in the 2019-20 financial year.

Marine Parks (Declaration) Regulation 2006

In 2019-20, the Marine Parks (Declaration) Regulation 2006 (the Declaration Regulation) was consequentially amended as the Fisheries (General) Regulation 2019 was made. The changes were minor and administrative in nature and include, for example, replacing references to the expired Regulation with references to the *Fisheries Act 1994*.

The Declaration Regulation was also amended via the Marine Parks and Other Legislation Amendment Regulation (No. 2) 2019 (the Amendment Regulation), to correct a technical error in a geographic coordinate at Perforated Point in the Great Barrier Reef Coast Marine Park. The Amendment Regulation also corrected a technical error in the Declaration Regulation's Schedule that defines the areas of the Mackay/Capricorn Management Area in the Great Barrier Reef Coast Marine Park. The area described as the Broad Sound Segment of the Mackay/Capricorn Management Area incorrectly duplicated a set of geographic coordinates. The amendment to the inaccurate coordinates corrected the boundary of a Marine National Park Zone and delineated the point as shown on spatial datasets and mapping products.

Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

The Great Barrier Reef Coast Marine Park Zoning Plan was amended in 2019-20 via the Marine Parks and Other Legislation Amendment Regulation (No. 2) 2019 to correct a technical error. The description of the Internal Habitat Protection Zone at Rabbit Island (identified as QI HP-20-06) in Schedule 3, Part 8 contained incorrect geographic coordinates that did not adequately define the boundary of the zone. This resulted in uncertainty about the location of the boundary between the Habitat Protection Zone and the surrounding Conservation Park Zone. The amendment to correct the coordinates delineated the zone boundary and reflects the original intent of the location of this zone, as shown on spatial datasets and mapping products.

A further amendment was made to the Great Barrier Reef Coast Marine Park Zoning Plan via the Forestry and Other Legislation Amendment Regulation (No. 2) 2019. The reference for Bowling Green Bay National Park was amended to ensure consistency with the redescription of the national park in the Nature Conservation (Protected Areas) Regulation 1994. The boundary of the Cape Bowling Green general use zone (QI GU-19-02) in the Great Barrier Reef Coast Marine Park shares a boundary with the Bowling Green Bay National Park.

Consequential amendments were also required as the Fisheries (General) Regulation 2019 was made. The changes were minor and administrative in nature and included, for

example, replacing references to the expired Regulation with references to the General and Commercial Fisheries Regulations and the equivalent sections.

Marine Parks (Great Sandy) Zoning Plan 2017

The making of the Fisheries (General) Regulation 2019 also resulted in consequential amendments to the Great Sandy Marine Park Zoning Plan. References to the expired Regulation were replaced with references to the *Fisheries Act 1994*, General or Commercial Fisheries Regulations and the equivalent sections.

Marine Parks (Moreton Bay) Zoning Plan 2008

The Marine Parks (Moreton Bay) Zoning Plan 2008 was remade in 2019, prompted by the expiry provisions under the *Statutory Instruments Act 1992*. The remake ensured continuation of existing management arrangements prior to a comprehensive review being undertaken. Minor administrative amendments were made, and text was updated to reflect contemporary legislative drafting requirements. No changes were made to zones, designated areas or entry and use requirements. The clarity of certain provisions was enhanced, and any errors corrected. Most transitional provisions were removed as these were no longer required. The only change of note was the removal of the need for a gazette notice to be published as part of the accreditation process for a Traditional Use of Marine Resources agreement (TUMRA). Instead, notification is now by publication on the Department of Environment and Science's (DES) website. This change made all notification processes for TUMRAs consistent.

Marine Parks Regulation 2017

As a result of making the Marine Parks (Moreton Bay) Zoning Plan 2019, consequential amendments were made to the Marine Parks Regulation 2017 (the Regulation) to provide for updated references to section numbers.

The Environmental Legislation (Fees) Amendment Regulation 2020 amended Schedule 4 of the Regulation to index (i) regulatory fees payable for applications for a permission to conduct a commercial whale watching program, and (ii) additional daily fees for each passenger. The fees were subject to an annual review required under Government policy and then indexed by the approved Government Indexation rate advised by Queensland Treasury. The new fees commenced on 1 July 2020.

Funding

In 2019-20, the Queensland Government contributed \$12.7 million to the Great Barrier Reef Joint Field Management Program. Together with the Australian Government's contribution, the budget for the program in 2019-20 was \$29.7 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 2019-20 was \$29.4 million.

The combined operational costs for the Great Sandy and Moreton Bay Marine Parks in 2019-20 totalled \$2,736,853.

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 2019-20, there were no new management plans for marine park areas approved ([Table A](#)).

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 2019-20, and related information is outlined in [Table B](#) and [Table C](#).

Offences and enforcement

In 2019-20, a total of 265 marine park penalty infringement notices were issued. There were five litigation matters progressed and one finalised under the Act, resulting in one prosecution. A summary of offences and prosecutions are provided in [Table D](#) and [Table E](#).

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 F](#).

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 G](#) 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 2019-20.

Table A - Management plans approved in 2019-20 that included a marine park component.

Management plans
No new management plans for marine park areas were approved during the 2019-20 financial year.

Table B - *Marine Parks Act 2004* State-Commonwealth joint* Marine Park permissions¹ granted, refused, and suspended or cancelled (1 July 2019- 30 June 2020).

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

Category	Authorities current as at 30/6/2020	Authorities issued between 1/07/19 and 30/6/20	Authorities refused, suspended or cancelled between 1/07/19 and 30/06/20
Aquaculture	2	0	0
Taking animals or plants posing a threat ²	75	8	0
Collecting ³	2	0	0
Educational program	87	27	1
Exploration/ mining ⁴	0	0	0
Harvest fishery ⁵	163	127	0
Media activity (film, photography) ⁶	0	0	0
Operate a facility ⁷	1000	391	1
Operating/navigating vessels and aircraft ⁸	35	6	0
Research	280	91	0
Ship and managed vessel operation ⁹	90	28	0
Tourist program	1862	471	81
Vessel or aircraft charter operation ¹⁰	964	478	108
Works ¹¹	13	6	0
Other ¹²	48	21	0

Table C - Marine Parks Act 2004 State-only Marine Park authorities (permits¹ and agreements) granted, refused, and suspended or cancelled (1 July 2019 - 30 June 2020).**

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

Category	Authorities current as at 30/6/2020	Authorities issued between 1/07/19 and 30/6/20	Authorities refused, suspended or cancelled between 1/07/19 and 30/06/20
Permits¹ under the Marine Parks Regulation 2017			
Aquaculture	3	0	
Taking animals or plants posing a threat ²	8	1	
Collecting ³	19	2	
Educational program	21	5	
Exploration/ mining ⁴	0	0	
Harvest fishery ⁵	6	4	
Media activity (film, photography) ⁶	4	3	
Operate a facility ⁷	64	3	1
Operating/navigating vessels & aircraft ⁸	23	13	
Research	84	27	
Ship and managed vessel operation ⁹	24	14	
Tourist program	265	71	
Vessel or aircraft charter operation ¹⁰	42	16	
Works ¹¹	167	31	
Other ¹²	34	8	1
Commercial Activity Agreements under Section 52 of the Marine Parks Regulation 2017			
Tourism ¹³ (excluding Whale Watching)	15	8	
Whale Watching ¹⁴	19	1	
Other (e.g. filming, competitive & corporate events)	7	1	

Notes:

1. A 'permit' may include a number of individual permissions for different activities. Tables B and C include the total number of individual permissions.
2. 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).
3. 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).
4. Exploration/ mining includes exploring or mining for minerals, exploring or producing petroleum and carrying out geothermal exploration.
5. Harvest fishery includes commercial collecting of coral, shell, and aquarium fish.
6. An authority may be considered necessary if, for example, pyrotechnics are involved or exclusive access is required.
7. 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.
8. Operating/navigating vessels and aircraft includes anchoring.
9. Operating/navigating ships, includes anchoring. Managed vessel types include hovercraft, wing in ground effect craft, hydrofoils and airboats.
10. Vessel charter includes skippered and bare boat charters.

11. 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.
12. 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.
13. 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.
14. Whale watching has been declared a prescribed commercial activity for the GSMP.

Additional Information:

- * '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.
- ** State-only permissions relate to the GBRCMP, GSMP and MBMP.

Table D - Marine Parks Act 2004 enforcement activity for Great Barrier Reef Coast, Great Sandy and Moreton Bay Marine Parks for 1 July 2019 - 30 June 2020.

Category		Number
Penalty infringement notices	Number issued	265
	Number withdrawn	5
	Number of Court elects	2
	Number of reviews	5
Formal investigations*	Number completed	3
Litigations	Number progressed in 2019-20	5
	Number of matters finalised in 2019-20	1

*Formal investigations include investigations and contested penalty infringement notices.

Table E - Marine Parks Act 2004 prosecution results for 1 July 2019 - 30 June 2020.

Prosecutions under: <i>Marine Parks Act 2004</i> Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 Marine Parks (Great Sandy) Zoning Plan 2017 Marine Parks (Moreton Bay) Zoning Plan 2008/2019 Marine Parks Regulation 2006						
Party	Statute	Marine Park	Description	Court result		
				Court date	Penalty	Costs (legal and investigative)
LIT1728	Marine Parks (Moreton Bay) Zoning Plan 2008	Moreton Bay Marine Park	Operating a vessel in planing mode in a designated go-slow area for turtle and dugongs No conviction recorded	10 January 2020	\$487 fine	\$1000 legal costs \$684 investigation costs

Table F – Summary of accreditations in place over State marine parks in 2019-20 (showing State-only and joint State-Commonwealth accreditations).

Marine Park	Party or instrument accredited	Purpose	Date issued	Expiry date*
Moreton Bay Marine Park	Oyster Industry Plan for Moreton Bay Marine Park (Department of Agriculture and Fisheries)	Oyster industry	22/04/16	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 (QPWS/GBRMPA)	Traditional Use of Marine Resources	30/06/2014	01/07/2024
	Yirrganydji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	29/4/2014	28/04/2021 ¹
	Lama Lama TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	01/08/2013	31/07/2022 ¹
	Yuku-Baja-Muliku TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	16/08/2013	16/08/2022 ¹
	Gunggandji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	28/06/2016	27/06/2021
	Wuthathi TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	25/06/2008	30/06/2020 ¹
	Port Curtis Coral Coast TUMRA# (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	

¹ This accreditation has not expired and is under continuation. An extension was granted or an application was lodged before the expiry date, meaning that it will remain in effect until the Department executes a 'new' TUMRA with the traditional owners.

TUMRA extends into Great Sandy Marine Park.

*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.

Table G – Summary of other legislative provisions in place over State marine parks in 2019-20 (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 prohibited.
		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	Vehicles 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.