

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

(reporting period 1 July 2017 to 30 June 2018)

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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 Aboriginal and Torres Strait Islander communities 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 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.

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 2006 (remade in 2017-18)
- Marine Parks (Moreton Bay) Zoning Plan 2008
- Marine Parks Regulation 2006 (remade in 2017-18).

Amendments

Marine Parks Act 2004

A consequential amendment was made to the schedule of the *Marine Parks Act 2004* commencing 3 July 2017 to remove reference to the *Sustainable Planning Act 2009* and replace with the *Planning Act 2016*.

Marine Parks (Declaration) Regulation 2006

No amendments were made to the Marine Parks (Declaration) Regulation 2006.

Marine Parks Regulation 2006

The Marine Parks Regulation 2006 was remade in 2017-18, prompted by the expiry provision under the *Statutory Instruments Act 1992*. Minor amendments were made to the regulation to improve the effectiveness and efficiency of the regulatory arrangements, and provide for the continued effective management and operation of Queensland marine parks. The amendments updated the text to reflect contemporary legislative drafting requirements, addressed several operational and functional issues, provided clarity on certain provisions, and enhanced consistency throughout the Marine Parks Regulation 2017.

Marine Parks (Great Sandy) Zoning Plan 2006

As subordinate legislation to the Marine Parks Act 2004, the Marine Parks (Great Sandy) Zoning Plan 2006 was due for a ten year review, as required under the *Statutory Instruments Act 1992*. This legislation was remade in 2017-18 with minor administrative amendments, pending a full review of the Great Sandy Marine Park Zoning Plan, currently underway. The Marine Parks (Great Sandy) Zoning Plan 2017 was approved by the Governor in Council on 17 August 2017, and commenced on 1 September 2017.

Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

The Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 was amended as a consequence of the remake of the Marine Parks Regulation 2006. The reference to the Marine Parks Regulation 2006 was replaced with Marine Parks Regulation 2017.

Marine Parks (Moreton Bay) Zoning Plan 2008

In 2017-18, several consequential amendments were made to the Marine Parks (Moreton Bay) Zoning Plan 2008. Minor formatting changes were required as a result of the remaking of the Marine Parks Regulation 2006.

Funding

In 2017-18, the Queensland Government contributed \$8.779 million to the field management program (FMP) for the Great Barrier Reef. After receipt and allocation of Australian Government funding, the program's combined recurrent and capital budget allocation in 2017-18 was \$19.138 million for the Great Barrier Reef FMP. Only a portion of this is spent on State marine parks. The FMP operates across the (Commonwealth) Great Barrier Reef Marine Park, the (State) Great Barrier Reef Coast Marine Park, island national parks and Commonwealth islands. \$5.250M of this was specifically for the new vessel Reef Resilience which has been fully funded by the Australian Government.

An annual operating budget of \$2.75 million (excluding depreciation) was allocated to administer the *Marine Parks Act 2004* in the Great Sandy and Moreton Bay Marine Parks.

The total expenditure for the artificial reef program in 2017-18 in Moreton Bay Marine Park was \$135,000.

The expenditure incurred towards scuttling ex-HMAS Tobruk in 2017-18 was \$3,390,000.

Management plans

The Queensland Parks and Wildlife Service is implementing a new 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 being rolled out for a select number of protected areas 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 the marine park that fringe 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 2017-18, 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 (agreements and permits) 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. The Marine Parks Regulation 2006/2017 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 2017-18, and related information is outlined in Tables B and C.

Offences and enforcement

In 2017-18, 298 marine park penalty infringement notices were issued. There were 16 litigation matters progressed and seven finalised under the Act, resulting in four prosecutions. A summary of offences and prosecutions are provided in Tables D and 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 2006/2017 for a number of different activities such as research and aquaculture. A Traditional Use of Marine Resource 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 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 2006/2017 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 2017-18.

Table A - Management plans approved in 2017-18 that included a marine park component.

Management plans
No new management plans for marine park areas were approved during the 2017-18 financial year.

Table B - *Marine Parks Act 2004* State-Commonwealth joint* Marine Park permissions¹ granted, refused, and suspended or cancelled (1 July 2017- 30 June 2018).

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

Category	Authorities current as at 30/6/2018	Authorities issued between 1/07/17 and 30/6/18	Authorities refused, suspended or cancelled between 1/07/17 and 30/06/18
Aquaculture	0	0	0
Taking animals or plants posing a threat ²	58	18	0
Collecting ³	2	2	0
Educational program	95	53	0
Harvest fishery ⁵	68	5	0
Media activity (film, photography) ⁶	0	0	0
Operate a facility ⁷	1120	69	0
Operating/navigating vessels and aircraft ⁸	27	7	0
Other ⁹	253	94	4
Research	255	92	0
Ship and managed vessel operation ¹⁰	52	3	0
Tourist program	1916	308	38
Vessel or aircraft charter operation ¹¹	2485	265	37
Works ¹²	30	1	0

Table C - Marine Parks Act 2004 State-only Marine Park authorities (permits¹ and agreements) granted, refused, and suspended or cancelled (1 July 2017 - 30 June 2018).**

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

Category	Authorities current as at 30/6/2018	Authorities issued between 1/07/17 and 30/6/18	Authorities refused, suspended or cancelled between 1/07/17 and 30/06/18
Permits¹ under the Marine Parks Regulation 2017			
Aquaculture	2	1	0
Taking animals or plants posing a threat ²	5	3	0
Collecting ³	10	3	0
Educational program	18	6	0
Exploration/ mining ⁴	0	0	0
Harvest fishery ⁵	3	4	1
Media activity (film, photography) ⁶	0	1	0
Operate a facility ⁷	54	27	1
Operating/navigating vessels and aircraft ⁸	3	14	0
Other ⁹	24	1	2
Research	69	28	1
Ship and managed vessel operation ¹⁰	3	14	0
Tourist program	172	69	1
Vessel or aircraft charter operation ¹¹	20	7	0
Works ¹²	155	51	0
Commercial Activity Agreements under Section 52 of the Marine Parks Regulation 2017			
Tourism and recreation (excluding Whale Watching)	8	5	5
Whale Watching	19	12	0
Other (e.g. filming, competitive and corporate events)	8	1	0

Notes:

1. A 'Permit' may include a number of individual permissions for different activities. Table B includes the total number of individual permissions. Table C includes only the primary permission under each permit.
2. Carrying 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. Authorities required in the Moreton Bay Marine Park only. 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 (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. 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.
10. Operating/navigating ships, vessels and aircraft includes anchoring. Vessel types include hovercraft, wing in ground effect craft, hydrofoils and airboats.
11. Vessel charter includes skippered and bare boat charters.
12. Works includes coastal works such as beach nourishment, buoy and pile moorings (excl. GBRCMP), maintenance dredging (GBRCMP only), capital dredging (MBMP and 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.

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 Great Barrier Reef Coast Marine Park (GBRCMP), Great Sandy Marine Park and Moreton Bay Marine Park (MBMP).

Table D - *Marine Parks Act 2004* enforcement activity for Great Barrier Reef Coast, Great Sandy and Moreton Bay Marine Parks for 1 July 2017 - 30 June 2018.

Category		Number
Penalty infringement notices	Number issued	298
	Number withdrawn	30
	Number of Court elects	3
	Number of reviews	5
Formal investigations	Number completed	4
Litigations	Number progressed in 2017-18	16 [^]
	Number of matters finalised in 2017-18	7 [^]

[^]One matter included here is included under Marine Parks (Moreton Bay) Zoning Plan 2008 and the Marine Parks Act 2004, as the one prosecution had offences under both pieces of legislation.

Table E - Marine Parks Act 2004 prosecution results for 1 July 2017 - 30 June 2018.

Prosecutions under: <i>Marine Parks Act 2004</i> Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 Marine Parks (Great Sandy) Zoning Plan 2006/2017 Marine Parks (Moreton Bay) Zoning Plan 2008 Marine Parks Regulation 2006/2017						
Party	Statute	Marine Park	Description	Court result		
				Court date	Penalty	Costs (legal and investigative)
Party 1 Conviction recorded	Marine Parks Regulation 2006	Great Barrier Reef Coast Marine Park	Entering or using a marine park for a prohibited purpose contrary to section 109 of the regulation	13/03/18	\$7,500	\$2,250
Party 2 No conviction recorded	Marine Parks Regulation 2006	Great Barrier Reef Coast Marine Park	Entering or using a marine park for a prohibited purpose contrary to section 109 of the regulation	13/03/18	\$5,000	NIL
Party 3 No conviction recorded	Marine Parks Regulation 2006	Great Barrier Reef Coast Marine Park	Did bring a vehicle, namely a motor vehicle, into a part of a Marine Park contrary to a regulatory notice in contravention of section 138 of the regulation	25/10/17	\$900	\$996.75
Party 4 No conviction recorded	Marine Parks Regulation 2006	Moreton Bay Marine Park	Entering or using a marine park for a prohibited purpose contrary to section 109 of the regulation	22/09/17	\$2,000	\$4,500

Table F – Summary of accreditations in place over State marine parks in 2017-18 (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	30/06/2024
	Yirrganydji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	29/4/2014	28/04/2019
	Lama Lama TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	01/08/2013	31/07/2018
	Yuku-Baja-Muliku TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	16/08/2013	16/08/2018
	Gunggandji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	28/06/2016	27/07/2021
	Wuthathi TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	25/06/2008	24/06/2013 ¹
	Port Curtis Coral Coast TUMRA# (QPWS/GBRMPA)	Traditional Use of Marine Resources	30.08/2011	29/08/2016 ¹
	Girringun TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	23/12/2010	23/12/2015 ¹
	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 Primary Industries 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

*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.

**Although the Marine Parks (Great Sandy) Zoning Plan was remade in 2017, there were no changes made to the zones, therefore, no review of the aquaculture accreditation was required.

¹This accreditation has not expired. 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.

Table G – Summary of other legislative provisions in place over State marine parks in 2017-18 (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.
	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 Sandy Marine Park	Restricted access area	Ex-HMAS Tobruk*	Permission required to enter area.
Great Barrier Reef Coast Marine Park	Regulatory notice	Nelly Bay/Jonah Bay	Prohibited from bringing a vehicle, a domestic animal, lighting a fire and using generator, compressor or motor.

*Declared in the 2017-18 financial year. All others pre-date the 2017-18 financial year.