

Procedural Guide

Marine Parks Act 2004

Penalty Infringement Notices – Offence Codes

This document lists the offence codes that Department of National Parks, Sport and Racing (NPSR) officers will use when filling out a Penalty Infringement Notice (PIN) in relation to an alleged offence under the Marine Parks Act 2004 and subordinate legislation detailed below. The offence code field is one of the mandatory fields in the PIN. Please refer to the Procedural Guide Manual on PINs for further guidance concerning their issue. **Please ensure you have the most up to date version of this document, and reference to the relevant offence section in the relevant Act is ALWAYS required.**

**ONLY USE THIS DOCUMENT FOR OFFENCES THAT HAVE OCCURRED
BETWEEN 1 JULY 2016 AND 30 JUNE 2017**

The current value of a penalty unit is \$121.90 for the financial year commencing 1 July 2016. The value of a penalty unit will continue to be indexed and will increase each financial year from the 1 July. The date of an offence determines the value of the penalty unit that must be applied. For offences that occurred prior to 1 July 2016, the penalty unit value is \$117.80. To calculate the penalty value, officers must multiply the penalty units for an offence by the penalty value at the time the offence occurred.

Marine Parks Act 2004 and subordinate legislation

Code	Section	Offence Description	Penalty	
			Units	\$
Marine Parks Act 2004				
M073	s45(1)	Wilfully enter/use Marine Park without giving notice where required	3	365
M074	s45(2)	Fail to comply with conditions of entry or use to a Marine Park	3	365
M0100	s49	Fail to comply with conditions of an authority (other than for a condition about the taking or use of natural or cultural resources)	4	487
M076	s93(8)	Fail to comply with a compliance notice (if there is an infringement notice fine for the offence)	the infringement notice fine	
M077	s93(8)	Fail to comply with a compliance notice (if there is no	1	121

Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
		infringement notice fine for the offence)		
M078	s93(8)	Fail to comply with a compliance notice (otherwise)	1	121
M079	s99(7)	Fail to comply with the direction of an inspector	3	365

Marine Parks Regulation 2006
Penalty Infringement Notices – Offence Codes

Marine Parks Regulation 2006				
Permission to enter or use Marine Parks				
M080	s33(2)	Fail to return amended permission to chief executive by stated day	1	121
M081	s34(2)	Fail to return suspended permission to chief executive by stated day	1	121
M082	s35	Fail to return cancelled permission to chief executive by stated day	1	121
M083	s40(1)	Fail to have/produce permission/authorisation for inspection as required	2	243
M084	s47(2)	Fail to notify chief executive of changes to permission/apply for amendment	1	121
Commercial activity agreements				
M085	s82(1)	Fail to have/produce commercial activity agreement/copy of agreement for inspection as required	2	243
Entering or using Marine Parks				
M086	s109(1)(a)	Unlawfully enter/use Marine Park (taking natural or cultural resources)	5	609
M087	s109(1)(b)	Unlawfully enter/use Marine Park (releasing an animal or plant)	5	609
M088	s109(1)(c)	Unlawfully enter/use Marine Park (construction of a structure)	5	609
M089	s109(1)(d)	Unlawfully enter/use Marine Park (dumping of a chemical, waste or other pollutant)	5	609
M090	s109(1)(e)	Unlawfully enter/use Marine Park (another purpose)	2	243
M091	s111(1)(a)	Enter/use zoned Marine Park without authority (taking natural or cultural resources)	5	609
M092	s111(1)(b)	Enter/use zoned Marine Park without authority (releasing an animal or plant)	5	609
M093	s111(1)(c)	Enter/use zoned Marine Park without authority (construction of a structure)	5	609
M094	s111(1)(d)	Enter/use zoned Marine Park without authority (dumping of a chemical, waste or other pollutant)	5	609

Marine Parks Regulation 2006
Penalty Infringement Notices – Offence Codes

M095	s111(1)(e)	Enter/use zoned Marine Park without authority (another purpose)	3	365
M096	s111(2)	Fail to comply with conditions of authority	4	487
M097	s112	Enter/Use zoned Marine Park without giving notice where required	5	609
M099	s115(1)	Enter/use unzoned Marine Park without authority (taking natural or cultural resources)	5	609
M100	s115(1)(b)	Enter/use unzoned Marine Park without authority (releasing an animal or plant)	5	609
M101	s115(1)(c)	Enter/use unzoned Marine Park without authority (construction of a structure)	5	609
M102	s115(1)(d)	Enter/use unzoned Marine Park without authority (dumping of a chemical, waste or other pollutant)	5	609
M103	s115(1)(e)	Enter/use unzoned Marine Park without authority (another purpose)	2	243
M104	s115(2)	Fail to comply with conditions of authority	4	487
M105	s116	Enter/Use unzoned Marine Park without giving notice where required	5	609
M107	s127(1)	Enter/Remain in a restricted access area without lawful authority	3	365
M108	s128(2)	Fail to remove property from a restricted access area	3	365
M109	s129(1)	Conduct prescribed commercial activity without commercial activity agreement	5	609
M110	s130(1)	Fail to comply with conditions of commercial activity agreement	3	365
M111	s131(1)	Conduct a prescribed special activity without lawful authority	3	365
M112	s132(2)	Fail to comply with special activity notice	3	365
M113	s133	Fail to comply with a regulatory notice about a public health and safety act	3	365
M114	s134(1)	Unlawfully light a fire in a Marine Park	5	609
M115	s134(2)	Light, keep or use a fire on tidal land in a prescribed area	5	609

Marine Parks Regulation 2006
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M116	s135(1)	Fail to put out a fire before leaving unattended	5	609
M117	s136(1)	Deposit an unauthorised thing related to a fire in a Marine Park	5	609
M118	s136(3)	Deposit non-combustible material in a fire in a Marine Park	2	243
M119	s137(2)	Fail to comply with a direction in relation to fires	5	609
M120	s138	Unlawfully bring a vehicle/vessel into a Marine Park	1	121
M121	s139(1)	Unlawfully use a vehicle/vessel in a Marine Park	1	121
M122	s140(1)	Unlawfully bring a domestic animal into a Marine Park	1	121
M201	s140(2)(a)	Unlawfully bring domestic animal onto tidal land within Great Barrier Reef Marine Park	1	121
M202	s140(2)(b)	Unlawfully bring domestic animal onto tidal land within Moreton Bay Marine Park	1	121
M124	s141(1)	Unlawfully feeding a native animal in a Marine Park	3	365
M125	s142	Deposit litter in a Marine Park	1	121
M126	s143(1)	Unauthorised use of generator/compressor/engine/motor	2	243
M127	s144	Use a radio/tape recorder/sound or amplifier system in way that causes unreasonable disturbance	2	243
M128	s145(1)	Unlawfully use underwater breathing apparatus/power-head for spearfishing	4	487
M129	s146(1)(a)	Unlawfully be disorderly/create a disturbance in a Marine Park	2	243
M130	s146(1)(b)	Perform act that interferes/is likely to interfere with the safety or health of the person/someone else	2	243
M131	s146(2)	Restrict access to/Claim to have exclusive right to part of a Marine Park	2	243

Marine Parks (Moreton Bay) Zoning Plan 2008
Penalty Infringement Notices – Offence Codes

Marine Parks (Moreton Bay) Zoning Plan 2008				
MB62	32(1)	Unlawful diving in a grey nurse shark area between 6p.m. and 6a.m.	2	243
MB63	s32(2)	Unlawful activities in a grey nurse shark area	6	731
MB64	s32(3)	Unlawful disturbance of a grey nurse shark's natural behaviour in a grey nurse shark area	6	731
MB65	s32(4)	Failure by a person before entering into water (grey nurse shark area) to ensure there are no more than 10 divers in the water	2	243
MB66	s33	Failure by an operator of a tourist program to give a person information about area restrictions in the area before they enter the water	2	243
MB67	s34(1)	Failure by an operator to display to persons an approved sign stating the area restrictions for a grey nurse shark area	2	243
MB68	s35(1)	Failure by the operator to ensure less than 12 persons enter a grey nurse shark area at the same time	2	243
MB69	s37	Failure to provide zone (marine national park) and area (grey nurse shark) restriction information to a relevant person	2	243
MB70	s38(1)	Failure to display an approved area (grey nurse shark) restriction sign to a relevant person	2	243
MB71	s42	Contravention of a prohibited area notice	6	731
MB72	s45(1)	Unlawful operation of a vessel in a go slow area (turtle and dugong)	4	487
MB73	s45(2)	Unlawful operation of a vessel more than 8 metres in length at a speed of more than 10 knots in a go slow area (GSB01, GSB02, GSB03 and or GSB04)	4	487
MB74	s47(1)	Unlawful operation of vessel in a go slow area for natural values	4	487
MB75	s57	Unlawful use of anchoring in a non-anchoring area	4	487
MB76	s100(1)	Unlawful operation of a vessel or aircraft in a Marine Park for more than 120 days in 12 months	2	243
MB80	s102(2)	Failure to restore bloodworm habitat	3	365

Marine Parks (Moreton Bay) Zoning Plan 2008
Penalty Infringement Notices – Offence Codes

MB81	s103(2)	Failure to comply with a regulatory notice	2	243
MB82	s101(2)	Unreasonably disturb shorebird in Marine Park: unrestrained dog/uncontrolled dog	2	243
MB83	s101(3)	Unreasonably disturb shorebird in Marine Park: person	3	365
MB84	s101(3)(a)	Unreasonably disturb shorebird in Marine Park: navigate aircraft/vessel through a group of feeding/roosting birds	3	365
MB85	s101(3)(b)	Unreasonably disturb shorebird in Marine Park: drive vehicle through a group of feeding/roosting birds	3	365
MB86	s101(3)(c)	Unreasonably disturb shorebird in Marine Park: land/take off/hover aircraft above group of feeding/roosting birds	3	365
MB87	s101(4)	Unreasonably disturb shorebird habitat in Marine Park: person	3	365
MB62	32(1)	Unlawful diving in a grey nurse shark area between 6p.m. and 6a.m.	2	243
MB63	s32(2)	Unlawful activities in a grey nurse shark area	6	731
MB64	s32(3)	Unlawful disturbance of a grey nurse shark's natural behaviour in a grey nurse shark area	6	731

Marine Parks (Great Sandy) Zoning Plan 2006
Penalty Infringement Notices – Offence Codes

Marine Parks (Great Sandy) Zoning Plan 2006				
M132	s26(1)(a)	Enter/use an area in a fish trap area for anchoring without permission	2	243
M133	s26(1)(b)	Enter/use an area in a fish trap area to excavate, modify or remove material forming/associated with/contained in the area without permission	2	243
M134	s28(2)	In a go slow area, operate a speedboat in a planing or non-displacement mode/operate a vessel in manner which could result in striking a turtle or dugong	4	487
M135	s30	Enter/use Great Sandy area for prescribed activity without lawful authority	3	365
M136	s32(1)	Dive between 6 p.m. and 6 a.m. in grey nurse shark area	2	243
M137	s32(2)	Touch/feed/entrap/attempt to entrap grey nurse shark or block cave entrance or gutter/use mechanical/electro-acoustic apparatus in the water in a grey nurse shark area	6	731
M138	s32(4)	Dive in grey nurse shark area as part of a group of 11 or more	2	243
M139	s33	Fail to give information to tourists about area restrictions before entering grey nurse shark area	2	243
M140	s34(1)	Fail to display area restrictions sign of prescribed type where grey nurse diving activities organised or promoted/boat used for grey nurse diving activities	2	243
M141	s35(1)	Fail to comply with restrictions about number of persons diving in the grey nurse shark area	2	243
M142	s37	Fail to give information about zone area restrictions to divers with dive club	2	243
M143	s38(1)	Fail to display area restrictions sign of prescribed type where grey nurse diving activities promoted/boat used for grey nurse diving activities	2	243
M144	s42	Fail to comply with a prohibited area notice	6	731
M145	s45(2)(a)	Use vehicle in the Mon Repos area without permission	4	487
M146	s45(2)(b)	Bring domestic animal/allow a domestic animal under person/s control to enter/use the Mon Repos area without permission	4	487

Marine Parks (Great Sandy) Zoning Plan 2006
Penalty Infringement Notices – Offence Codes

M147	s45(2)(c)(i)	Use vessel/swim/ or fish between 6 p.m. and 6 a.m. in the Mon Repos area without permission	4	487
M148	s45(2)(c)(ii)	Use an artificial light other than of a type prescribed between 6 pm and 6 am in the Mon Repos area without permission	4	487
M149	s45(3)	Fail to comply with any direction given by the chief executive or inspector for the protection and management of turtles	4	487
M200	s47(1)	Take dog into a shorebird roosting and feeding area unless dog is controlled or restrained in manner that prevents disturbance to shorebirds	2	243
M151	s47(2)	Navigate vessel/drive a vehicle/land or take off in an aircraft through group of roosting or feeding shorebirds or cause excessive disturbance to shorebirds or their habitat	3	365
M152	s50	Trawl in turtle protection area within prescribed times	4	487

Template version history

Version	Date	Version details
1.00	1 July 2016	Initial upload.
1.01	5 July 2016	Headers updated to match legislation.

Disclaimer

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