

Procedural Guide

Marine Parks Act 2004

Penalty Infringement Notices – Offence Codes

This document lists the offence codes that Department of Environment and Science (DES) 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 2020 AND 30 JUNE 2021**

The current value of a penalty unit is \$133.45 for the financial year commencing 1 July 2020. 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. To calculate the penalty value, officers must multiply the penalty units for an offence by the penalty value at the time the offence occurred.

***Note:** if there is no Ecotrack code listed in this document, officers should use the appropriate code by searching the legislation and section number in Ecotrack.

Marine Parks Act 2004 and subordinate legislation.

Marine Parks Act 2004	1
Marine Parks Regulation 2017	3
Marine Parks (Moreton Bay) Zoning Plan 2019	8
Marine Parks (Great Sandy) Zoning Plan 2017	10

Code	Section	Offence Description	Penalty	
			Units	\$
Marine Parks Act 2004				
Use of Marine Park				
M073	45(1)	Wilfully enter/use Marine Park without giving notice where required	3	400
M074	45(2)	Fail to comply with conditions of entry or use to a Marine Park	3	400

Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
Compliance with Permit / Licence / Agreement Conditions / Officer				
M0100	49	Fail to comply with conditions of an authority (other than for a condition about the taking or use of natural or cultural resources)	4	533
M076	93(8)	Fail to comply with a compliance notice (if there is an infringement notice fine for the offence)	the infringement notice fine	
M077	93(8)	Fail to comply with a compliance notice (if there is no infringement notice fine for the offence)	1	133
M078	93(8)	Fail to comply with a compliance notice (otherwise)	1	133
M079	99(7)	Fail to comply with the direction of an inspector	3	400

Marine Parks Regulation 2017
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
Marine Parks Regulation 2017				
Compliance with Permit / Licence / Agreement Conditions / Officer				
M080	34(2)	Fail to return amended permission to chief executive by stated day	1	133
M081	35(2)	Fail to return suspended permission to chief executive by stated day	1	133
M082	36	Fail to return cancelled permission to chief executive by stated day	1	133
M084	37(2)	Fail to notify chief executive of changes to permission/apply for amendment	1	133
M083	45(1)	Fail to have/produce permission/authorisation for inspection as required	2	266
M110	58(1)	Fail to comply with conditions of commercial activity agreement	3	400
M085	85(1)	Fail to have/produce commercial activity agreement/copy of agreement for inspection as required	2	266
M109	127(1)	Conduct prescribed commercial activity without commercial activity agreement	5	667
M111	132(1)	Conduct a prescribed special activity without lawful authority	3	400
M112	133(2)	Fail to comply with special activity notice	3	400
M096	137(2)	Fail to comply with conditions of authority	4	533
M104	140(2)	Fail to comply with conditions of authority	4	533

Marine Parks Regulation 2017
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
Use of Marine Park				
M107	124(1)	Enter/Remain in a restricted access area without lawful authority	3	400
M108	125(2)	Fail to remove property from a restricted access area	3	400
M086	135(1)(a)	Unlawfully enter/use Marine Park (taking natural or cultural resources)	5	667
M087	135(1)(b)	Unlawfully enter/use Marine Park (releasing an animal or plant)	5	667
M088	135(1)(c)	Unlawfully enter/use Marine Park (construction of a structure)	5	667
M089	135(1)(d)	Unlawfully enter/use Marine Park (dumping of a chemical, waste or other pollutant)	5	667
M090	135(1)(e)	Unlawfully enter/use Marine Park (another purpose)	2	266
M091	137(1)(a)	Enter/use zoned Marine Park without authority (taking natural or cultural resources)	5	667
M092	137(1)(b)	Enter/use zoned Marine Park without authority (releasing an animal or plant)	5	667
M093	137(1)(c)	Enter/use zoned Marine Park without authority (construction of a structure)	5	667
M094	137(1)(d)	Enter/use zoned Marine Park without authority (dumping of a chemical, waste or other pollutant)	5	667
M095	137(1)(e)	Enter/use zoned Marine Park without authority (another purpose)	3	400
M097	138	Enter/Use zoned Marine Park without giving notice where required	5	667

Marine Parks Regulation 2017
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
M099	140(1)(a)	Enter/use unzoned Marine Park without authority (taking natural or cultural resources)	5	667
M100	140(1)(b)	Enter/use unzoned Marine Park without authority (releasing an animal or plant)	5	667
M101	140(1)(c)	Enter/use unzoned Marine Park without authority (construction of a structure)	5	667
M102	140(1)(d)	Enter/use unzoned Marine Park without authority (dumping of a chemical, waste or other pollutant)	5	667
M103	140(1)(e)	Enter/use unzoned Marine Park without authority (another purpose)	2	266
M105	151	Enter/Use unzoned Marine Park without giving notice where required	5	667
M128	163(1)	Unlawfully use underwater breathing apparatus/power-head for spearfishing	4	533
Person Conduct				
M113	118	Fail to comply with a regulatory notice about a public health and safety act	3	400
M126	161(1)	Unauthorised use of generator/compressor/engine/motor	2	266
M129	164(1)(a)	Unlawfully be disorderly/create a disturbance in a Marine Park	2	266
M130	164(1)(b)	Perform act that interferes/is likely to interfere with the safety or health of the person/someone else	2	266
M127	162	Use a radio/tape recorder/sound or amplifier system in way that causes unreasonable disturbance	2	266

Marine Parks Regulation 2017
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
Pollution and Waste				
M125	160	Deposit litter in a Marine Park	1	133
Fire				
M114	152(1)	Unlawfully light a fire in a Marine Park	5	667
M115	152(2)	Light, keep or use a fire on tidal land in a prescribed area	5	667
M116	153(1)	Fail to put out a fire before leaving unattended	5	667
M117	154(1)	Deposit an unauthorised thing related to a fire in a Marine Park	5	667
M118	154(3)	Deposit non-combustible material in a fire in a Marine Park	2	266
M119	155(2)	Fail to comply with a direction in relation to fires	5	667
Vehicles, Vessels, Recreational Craft or Aircraft				
M120	156	Unlawfully bring a vehicle/vessel into a Marine Park	1	133
M121	157(1)	Unlawfully use a vehicle/vessel in a Marine Park	1	133

Marine Parks Regulation 2017
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
Animal Management				
M122	158(1)	Unlawfully bring a domestic animal into a Marine Park	1	133
M201	158(2)(a)	Unlawfully bring domestic animal onto tidal land within Great Barrier Reef Marine Park	1	133
M202	158(2)(b)	Unlawfully bring domestic animal onto tidal land within Moreton Bay Marine Park	1	133
M124	159(1)	Unlawfully feeding a native animal in a Marine Park	3	400
Access				
M131	164(2)	Restrict access to/Claim to have exclusive right to part of a Marine Park	2	266

Marine Parks (Moreton Bay) Zoning Plan 2019
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
Marine Parks (Moreton Bay) Zoning Plan 2019				
Vehicles / Vessels / Recreational Craft / Aircraft				
MB75	58	Unlawful use of anchoring in a non-anchoring area	4	533
MB76	107(1)	Unlawful anchoring or mooring of a vessel or aircraft in a Marine Park for more than 120 days in any 12-month period	2	266
Animal Management				
MB62	37(1)	Unlawful diving in a grey nurse shark area between 6p.m. and 6a.m.	2	266
MB63	37(2)	Unlawful activities in a grey nurse shark area	6	800
MB64	37(3)	A person must not interfere with a grey nurse shark's natural behaviour in a grey nurse shark area.	6	800
MB65	37(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	266
MB66	39	Failure by an operator of a tourist program to give a person a summary of the area restrictions in the area before they enter the water	2	266
MB67	40(1)	Failure by an operator to display to persons an approved sign stating the area restrictions for a grey nurse shark area	2	266
MB68	41(1)	Failure by the operator to ensure less than 12 persons enter a grey nurse shark area at the same time.	2	266
MB69	44	Failure to provide zone (marine national park) and area (grey nurse shark) restriction information to a relevant person	2	266
MB70	45(1)	Failure to display an approved area (grey nurse shark) restriction sign to a relevant person	2	266

Marine Parks (Moreton Bay) Zoning Plan 2019
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
MB71	49	Contravention of a prohibited area notice – grey nurse shark area	6	800
MB72	35(1)	Unlawful operation of a vessel in a go slow area (turtle and dugong)	4	533
MB73	35(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	533
MB74	33(1)	Unlawful operation of vessel in a go slow area for natural values	4	533
MB80	109(2)	Failure to restore bloodworm habitat	3	400
MB81	110(2)	Failure to comply with a regulatory notice – in or near an artificial reef	2	266
MB82	108(2)	Unreasonably disturb shorebird in Marine Park: unrestrained dog/uncontrolled dog	2	266
MB83	108(3)	Unreasonably disturb shorebird in Marine Park: person	3	400
MB84	108(3)(a)	Unreasonably disturb shorebird in Marine Park: navigate aircraft/vessel through a group of feeding/roosting birds	3	400
MB85	108(3)(b)	Unreasonably disturb shorebird in Marine Park: drive vehicle through a group of feeding/roosting birds	3	400
MB86	108(3)(c)	Unreasonably disturb shorebird in Marine Park: land/take off/hover aircraft above group of feeding/roosting birds	3	400
MB87	108(4)	Undue disturbance to habitat of shorebird in Marine Park: person	3	400

Marine Parks (Great Sandy) Zoning Plan 2017
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
Marine Parks (Great Sandy) Zoning Plan 2017				
Compliance with Permit / Licence / Agreement Conditions / Officer				
M201	23B(1)	Enter or use the ex-HMAS Tobruk area without a permission or commercial activity agreement	3	400
Use of Marine Park				
M202	23B(2)	Carry out fishing or collecting in the ex-HMAS Tobruk area without a permission	5	667
M203	23B(3)	Interfere with the wreck of the ex-HMAS Tobruk without a permission	5	667
M134	27(1)	In a go slow area, operate a speedboat in a planning or non-displacement mode/operate a vessel in manner which could result in striking a turtle or dugong	4	533
M135	29(1)	Enter/use Great Sandy area for prescribed activity without lawful authority	3	400
M147	44(2)(c)(i)	Use vessel/swim/ or fish between 6 p.m. and 6 a.m. in the Mon Repos area without permission	4	533
M148	44(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	533
M149	44(3)	Fail to comply with any direction given by the chief executive or inspector for the protection and management of turtles	4	533
Animal Management				
M132	25(1)(a)	Enter/use an area in a fish trap area for anchoring without permission	2	266
M133	25(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	266

Marine Parks (Great Sandy) Zoning Plan 2017
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
M136	31(1)	Dive between 6 p.m. and 6 a.m. in grey nurse shark area	2	266
M137	31(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	800
M138	31(4)	Dive in grey nurse shark area as part of a group of 11 or more	2	266
M139	32	Fail to give information to tourists about area restrictions before entering grey nurse shark area	2	266
M140	33(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	266
M141	34(1)	Fail to comply with restrictions about number of persons diving in the grey nurse shark area	2	266
M143	37(1)	Fail to display area restrictions sign of prescribed type where grey nurse diving activities promoted/boat used for grey nurse diving activities	2	266
M146	44(2)(b)	Bring domestic animal/allow a domestic animal under person/s control to enter/use the Mon Repos area without permission	4	533
M200	46(1)	Take dog into a shorebird roosting and feeding area unless dog is controlled or restrained in manner that prevents disturbance to shorebirds	2	266
M151	46(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	400
M152	49	Trawl in turtle protection area within prescribed times	4	533
Access				
M142	36	Fail to give information about zone area restrictions to divers with dive club	2	266
M144	41	Fail to comply with a prohibited area notice	6	800

Marine Parks (Great Sandy) Zoning Plan 2017
Penalty Infringement Notices – Offence Codes

Code	Section	Offence Description	Penalty	
			Units	\$
Vehicles / Vessels / Recreational Craft / Aircraft				
M145	44(2)(a)	Use vehicle in the Mon Repos area without permission	4	533

Template version history

Version	Date	Version details
1.00	1 July 2020	Initial upload.

Disclaimer

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