

Operational policy

Marine Park Management

High speed vessel events in marine parks

Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

Purpose

This operational policy outlines the circumstances under which a high speed vessel event may be permitted to occur within State only marine parks.

Background

The Department of Environment and Science (DES) is responsible for conservation of the marine environment pursuant to the *Marine Parks Act 2004*. Conservation in this context refers to the protection and maintenance of the environment to achieve ecologically sustainable use. This involves providing opportunities for public appreciation, understanding and enjoyment of the marine environment whilst preventing or minimising harm to any aspect of it.

High speed vessel events typically involve multiple vessels, a single route, a common starting time, high acceleration and speed, and excessive noise. These inherent and unavoidable elements make the reduction of their impacts on the marine environment very difficult. In assessing applications to conduct activities such as high speed vessel events within a marine park, decisions are made based on a range of matters including balancing the needs of user groups with good conservation outcomes.

Definitions

Term	Definition
'DES'	The Department of Environment and Science
'Event'	refers to an organised activity declared for a specific time and for a specific purpose. Examples of events include, but are not limited to, a race, competition, demonstration, derby, game or festival related activity.
'Highly Protected area'	means a zone classified as a conservation park, buffer, scientific research, marine national park or preservation zone; or another area prescribed under a zoning plan as a highly protected area.
'High Speed Vessel'	is considered to be a motorised vessel capable of speed of more than 35 knots. Examples of high speed vessels which this operational policy refers to include:

	<ul style="list-style-type: none"> • powered vessels capable of planing • powered single or multi-hull vessels • offshore powerboats • water ski boats • personal watercraft • hovercraft
'MPA'	<i>Marine Parks Act 2004</i>
'NCAR'	<i>Nature Conservation (Animals) Regulation 2020</i>

Policy statement

As high speed vessel events have the potential to negatively impact on protected marine species and habitats, they are not considered to be low impact activities and require written permission. Where an alternative location outside of the marine park area exists (e.g. port exclusion areas), the activity will not be supported inside the marine park. High speed vessel events will only be considered in a marine park where it can be demonstrated that no feasible alternative locations can be used and potential impacts on wildlife, the marine environment and other users can be minimised. (Note: Granting permission would still be subject to the following policy statements and an assessment against the MPA and associated zone plans.)

In the absence of specific entry and use provisions within marine park zoning plans for organised events or races, such activities must be treated as 'another purpose', for which permission is required.

Permission will not be granted for high speed vessel events to occur where the route passes through or near important marine and terrestrial habitat known to support threatened species. In this context important marine habitat refers to seagrass beds; terrestrial habitat means those locations on the coast and islands adjacent to marine parks recognised as key habitat for protected wildlife. Examples of 'important habitats' include:

- Dugong Protection Area
- Special Management Area (relevant to species conservation, such as turtle and dugong go slow areas)
- Areas with seasonal closures

Permit conditions

Due to the variability between and within marine parks, the terms and conditions authorising a high speed vessel event will be made on a case-by-case basis and may include provisions relating to safety, surveillance, route marking, site and event considerations, participant briefings, monitoring costs and wildlife reporting.

Applying for permission to use a State marine park

For information about how to apply for a DES marine park permit refer to *Information sheet: Permits for (State only) marine parks* and *Application form: Permits for (State only) marine parks*. Applications should be lodged at least 90 days prior to the date the permit is required. An applicant may be required to publicly advertise their proposal if the event is likely to restrict the reasonable use and enjoyment of the marine park by other marine park uses as per section 15 Marine Parks Regulation 2017.

In the Great Barrier Reef region, where an activity is to be conducted in both State and Commonwealth waters (respectively, the Great Barrier Reef Coast Marine Park (GBRCMP) and the Great Barrier Reef Marine Park (GBRMP)), permits are issued under a joint permit process administered by the Great Barrier Reef Marine Park Authority (GBRMPA).

Other permissions required

If the activity requires access to terrestrial protected areas, there may also be the need for a commercial activity agreement/permit, or an organised event permit. This would be assessed at the application or pre lodgement stage if the activity was deemed able to proceed in a marine park.

As mentioned above, if the activity is proposed within the Great Barrier Reef region, the proponent will need to contact <http://www.gbrmpa.gov.au/>.

Organisers planning a high speed vessel event are required under the *Transport Operations (Marine Safety) Act 1994* to seek permission from Maritime Safety Queensland (MSQ). Further information is available from the MSQ's website at www.msq.qld.gov.au.

Organisers may be required to apply to the Commonwealth's Department of Environment for a permit to impact on matters of international, environmental significance as per the *Environment Protection and Biodiversity Conservation Act 1999*. For further information visit the Australian Government's website at www.environment.gov.au/epbc.

Safeguard distance

A safeguard distance will be required for all high speed vessel events to ensure adequate protection for protected wildlife and habitat in both marine and terrestrial settings.

In marine habitat a safeguard distance of 500 metres (minimum) from seagrass beds and coral reefs will be set wherever high speed vessel event routes are proposed in close proximity to them. This measure is designed to prevent vessels inadvertently passing over or near the seagrass beds, enabling all parts of recognised habitat areas, (including their perimeters), to be safe places for marine wildlife. It also aims to allow dugongs and turtles to feed with minimal disturbance.

In terrestrial habitat, a safeguard distance of 1 kilometre (minimum) from all key terrestrial habitat will be set whenever high speed vessel event routes are proposed in close proximity to them. This includes coast and island sites adjacent to marine parks known to support critical life stages of protected wildlife including nesting turtles, nesting seabirds, migratory shorebirds and other protected wildlife.

Impact on marine wildlife

Activities which may pose a threat to marine wildlife are carefully considered. The department has a responsibility for the management of native wildlife prescribed under the *Nature Conservation Act 1992* which includes a number of animals listed as endangered, vulnerable or near threatened under the NCAR. Examples of these animals include turtles, dugongs and whales.

Turtles, dugongs and whales are particularly susceptible to vessel strike (from hull or propeller) as they come to the surface to breathe, putting them directly in the path of boats and other watercraft. As a result of this one of the primary human causes of mortality in turtles is being struck by vessels. It is also noted that the greater the speed of a moving vessel, the less reaction time a marine animal has to avoid collision and the greater the force of impact (injury) likely to be made. When multiple vessels race together at high speeds, the risk of striking marine wildlife is significantly increased.

The risk of vessel strike occurring will be greater in areas where marine wildlife prefer to inhabit or transit. The occurrence of seagrass beds is a key factor in determining where dugong and turtle will be found in greater numbers as this is the preferred foraging environment for dugongs and many turtle species. Seagrass beds are therefore a critical factor in conserving these species. Seagrass beds are transient and mobile; that is, they are not a static ecosystem occurring in the same location over time.

Migratory animals will occur in higher numbers at different times of year and in different geographic locations, for example the annual migration of humpback whales along the east coast of Australia.

Protected wildlife known to be dependent on land areas adjacent to marine parks can also be easily disrupted by human activities and would be directly affected by a high speed vessel event. This is most evident when turtles and seabirds are nesting, and migratory shorebirds are present. The degree of sensitivity an animal has towards being disturbed will vary depending on the species, their proximity to the activity, and their length of exposure to it. In recognition of the need to provide high levels of protection for species at risk, access to waters surrounding critical turtle nesting sites (for example) may be restricted in some areas.

Where negative impacts upon an ecosystem are identified in relation to visitor use, DES is responsible for mitigating the impacts by implementing best marine park management practices. Best practice may include suggesting use at alternative, less sensitive locations; restricting access (at all or certain times); enforcing and reviewing permit conditions; or, in some cases, permit refusal on the grounds that the activity is not consistent with the management principles of a marine park.

Special Management Declarations

Under the NCAR, the Special Management Declaration framework gives marine mammals additional protection when it is required and provides a flexible and streamlined management tool for responding quickly to situations where marine mammals are under threat.

A Special Management Declaration has been made declaring 'Migaloo' and other humpback whales that are more than 90% white to be special management marine mammals. This means boats and prohibited vessels cannot approach within 500 metres of a whale that is predominantly white in colour. A permit for a high speed vessel event may include restrictions or conditions if a special management marine mammal is spotted within the proposed event impact area.

Reference materials

Application form: Permits for (State only) marine parks

Information sheet: Permits for (State only) marine parks

Operational policy: Conservation and management of dugongs in Queensland

Conservation plan: Conservation and management of the dugong in Queensland 1999-2004

Authorities

Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)

Fisheries Regulation 2008

Great Barrier Reef Marine Park Act 1975 (Cwlth)

Great Barrier Reef Marine Park Regulations 1983 (Cwlth)

Great Barrier Reef Marine Park Zoning Plan 2003 (Cwlth)

Marine Parks Act 2004

Marine Parks Regulations 2017

Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

Marine Parks (Great Sandy) Zoning Plan 2006

Marine Parks (Moreton Bay) Zoning Plan 2019

Nature Conservation Act 1992

Nature Conservation (Animals) Regulation 2020

Transport Operations (Marine Safety) Regulation 2004

Human Rights Act 2019 compatibility

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this policy, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

Disclaimer

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

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Signature

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30/09/2020

Date

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