Commonwealth Coat of Arms

Great Barrier Reef Marine Park Regulations 1983

Statutory Rules No. 262, 1983 as amended

made under the

Great Barrier Reef Marine Park Act 1975

**Compilation start date:** 18 December 2013

**Includes amendments up to:** SLI No. 264, 2013

**About this compilation**

**This compilation**

This is a compilation of the *Great Barrier Reef Marine Park Regulations 1983* as in force on 18 December 2013. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 18 December 2013.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of each amended provision.

**Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

**Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Great Barrier Reef Marine Park Regulations 1983*.

2 Commencement

These Regulations shall come into operation on 7 November 1983.

3 Definitions

(1) In these Regulations:

***Act*** means the *Great Barrier Reef Marine Park Act 1975*.

***Amalgamated Great Barrier Reef Section*** means the area   
to which that name is assigned by the *Great Barrier   
Reef (Declaration of Amalgamated Marine Park Area) Proclamation 2004*.

***application***, for a permission, means an application that has not been withdrawn.

***authorisation*** means an authorisation mentioned in the *Hinchinbrook Plan of Management 2004* and granted under regulation 83.

***authority***:

(a) for regulation 47—has the meaning given by the Queensland fisheries legislation; and

(b) elsewhere in these regulations—means an authority given under regulation 88ZF.

***bareboat*** means a vessel that is:

(a) registered as a commercial ship under the *Transport Operations (Marine Safety) Regulation 2004* of Queensland; and

(b) more than 6 metres in length; and

(c) made available for use without master or crew.

*Examples*

Cruiser, houseboat, yacht.

***bareboat operation*** means making available a bareboat under a commercial arrangement (including a hiring, timeshare or similar arrangement) for recreational use.

***business day*** means a day that is not a Saturday, Sunday or public holiday in Queensland.

***Cairns Planning Area*** has the meaning given by the *Cairns Area Plan of Management 1998*.

***Commonwealth Heritage value*** has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999*.

***Commonwealth island*** means an island that is:

(a) owned by the Commonwealth; and

(b) within the Marine Park.

***cruise ship anchorage*** has the same meaning as ***designated anchorage***.

***Defence Force*** has the meaning given by section 30 of the *Defence Act 1903*.

***designated anchorage*** means a point or an area described in Schedule 1.

***dory*** means:

(a) a vessel in relation to which a licence or other permission (however described and whether or not in force) has been granted under a Commonwealth, State or Territory law, permitting the vessel to be used in association with a primary commercial fishing vessel; or

(b) a vessel that is used in association with a primary commercial fishing vessel.

***drying reef*** means an area of reef exposed at low tide.

***high‑speed vessel*** means a personal watercraft, hovercraft or wing‑in‑ground‑effect, or a vessel of any kind if operated faster than 35 knots.

***Hinchinbrook Planning Area*** has the meaning given by the *Hinchinbrook Plan of Management 2004*.

***indigenous heritage value*** has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999*.

***modify***, in relation to a condition, includes vary, add, omit and substitute.

***motorised water sport*** means any of the following activities:

(a) irregular driving of a motorised vessel—that is, driving the vessel otherwise than in a straight line (except for necessary turns or diversions), including:

(i) driving in a circle or other pattern; or

(ii) weaving or diverting; or

(iii) surfing down, or jumping over or across, any wave, swell or wash;

(b) an activity in which a high‑speed vessel or motorised vessel tows a person on top of the water or in the air (for example, waterskiing or parasailing);

(c) an activity in which a personal watercraft is used, except:

(i) for transport by taking the most direct reasonable route and driving in a regular manner between 2 places; or

(ii) if the personal watercraft can only be operated when fully submerged under the water and for the primary purpose of viewing coral.

***National Heritage value*** has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999.*

***permission*** means a permission to which Part 2A applies.

***permitted mooring*** means a mooring, other than a public mooring, for which the Authority has granted a permission.

***personal watercraft*** has the same meaning as in the *Transport Operations (Marine Safety) Regulation 2004* of Queensland.

***primary commercial fishing vessel*** means:

(a) a vessel in relation to which a licence or other permission (however described and whether or not in force) has been granted under a Commonwealth, State or Territory law, permitting the vessel to be used to take fish for commercial purposes; or

(b) a vessel that is used to take fish for commercial purposes.

***public infrastructure***:

(a) means infrastructure that:

(i) is installed in the Marine Park by or for the Authority, or by or for the agency in which the *Marine Parks Act 2004* (Qld) is administered; and

(ii) relates to the use of the Marine Park by the public; and

(b) includes the following:

(i) a reef protection marker;

(ii) a buoy not attached to a public mooring;

(iii) a sign;

(iv) a boundary marking rope.

***public mooring***:

(a) means a mooring that is:

(i) installed in the Marine Park by or for the Authority, or by or for the agency in which the *Marine Parks Act 2004* (Qld) is administered; and

(ii) labelled as a public mooring or otherwise intended for public use; and

(b) includes the following:

(i) a floating buoy, tag and tackle;

(ii) a structure fixing the mooring to the seabed.

***Queensland fisheries legislation*** has the meaning given by regulation 30.

***SMA*** is an acronym of Special Management Area.

***special permission*** has the meaning given in subregulation 88G(1).

***special tourism permission*** means a permission to conduct a tourist program, or to conduct an activity under a tourist program, where the Regulations or a plan of management has imposed a limit on the number of such permissions that may be granted.

***swimming‑with‑whales activity*** has the same meaning as in Part 4A.

***tender commercial fishing vessel*** has the same meaning as ***dory***.

***TUMRA*** is an acronym for traditional use of marine resources agreement.

***Uniform Shipping Laws Code*** has the meaning given by section 427 of the *Navigation Act 1912*.

***whale watching activity*** has the same meaning as in Part 4A.

***Whitsunday Planning Area*** has the meaning given by the *Whitsundays Plan of Management 1998*.

***Zoning Plan*** means the *Great Barrier Reef Marine Park Zoning Plan 2003*.

(2) For the purposes of subsection 39ZC(1) of the Act, the Zoning Plan and a plan of management, ***relevant permission*** means a permission mentioned in paragraph 88(1)(b) or (c).

3A References to plans of management and laws of Queensland

(1) A reference in these Regulations to the *Cairns Area Plan of Management 1998*, the *Hinchinbrook Plan of Management 2004* or the *Whitsundays Plan of Management 1998* is a reference to that Plan as in force on 18 December 2008.

(2) Subject to subregulation (3), a reference in these Regulations to a law of Queensland (including a fishery management plan made under paragraph 32(1)(a) of the *Fisheries Act 1994* of Queensland) is a reference to that law as in force from time to time.

(3) A reference in these Regulations to the *Transport Operations (Marine Safety) Regulation 2004* of Queensland or the *Transport Operations (Marine Pollution) Regulation 2008* of Queensland is a reference to that law as in force on 18 December 2008.

3B Meaning of words or expressions in relation to Amalgamated Great Barrier Reef Section

A word or expression used in these Regulations and the Zoning Plan that is defined in the Zoning Plan has, in the application of these Regulations to and in relation to the Amalgamated Great Barrier Reef Section, the same meaning as it has in the Zoning Plan.

Note: The Dictionary to the Zoning Plan provides for a number of terms in the Zoning Plan to have the meaning given by these Regulations.

3C Geographic coordinates

Geographic coordinates in these Regulations are expressed in terms of the Geocentric Datum of Australia 1994.

Note: The Geocentric Datum of Australia 1994 (also known as GDA94) was published in *Gazette* No. GN35 of 6 September 1995.

3D Meaning of words or expressions referring to 100 metre line or coastal 100 metre line etc

In these Regulations, each of the following words or expressions has the same meaning as it has in the Zoning Plan:

(a) 100 metre line or coastal 100 metre line;

(b) 500 metre line or coastal 500 metre line;

(c) 1 kilometre line or coastal 1 kilometre line;

(d) reef edge.

4 Pilots—prescribed law for the purposes of subsection 3(1)

For the purposes of paragraph (b) of the definition of pilot in subsection 3(1) of the Act, the following laws are prescribed:

(a) *Navigation Act 1912*;

(b) the *Transport Operations (Marine Safety) Act 1994* of Queensland.

Part 2—Amalgamated Great Barrier Reef Section

Division 2.1—Preliminary

6 Definitions for Part

In this Part:

***Fisheries Regulation*** means the *Fisheries Regulation 2008* of Queensland.

***Representative Aboriginal/Torres Strait Islander body*** has the same meaning as in the *Native Title Act 1993*.

Division 2.2—Zoning Plan—definitions and related matters

7 Accreditation of educational or research institutions

(1) The Authority may, by notice in the *Gazette*, accredit an educational or research institution to conduct any 1 or more of the following:

(a) limited impact research (extractive);

(b) limited impact research (non‑extractive);

(c) a limited educational program;

if it is satisfied that the institution:

(d) has adopted appropriate environmental practices and standards (including instruction and training of personnel); and

(e) has an ongoing commitment to improve those practices and standards;

relating to research or education undertaken in the Marine Park by the institution or on its behalf.

Note: For the meaning of ***limited educational program***, see the Dictionary to the Zoning Plan. For the meaning of ***limited impact research (extractive)*** and ***limited impact research (non‑extractive)***, see that Dictionary and regulations 19 and 20.

(2) The Authority may revoke an accreditation by notice in the *Gazette* if:

(a) it is satisfied that the institution:

(i) has ceased to hold the practices and standards mentioned in paragraph (1)(d); or

(ii) no longer has the commitment mentioned in paragraph (1)(e); or

(b) it is satisfied that:

(i) damage to, or degradation or disruption of, the physical environment or the living resources of the Marine Park, or of any part of it, has occurred; or

(ii) there is an imminent threat that such damage, degradation or disruption will occur.

(3) Subject to subregulation (4), an institution accredited under subregulation (1), as in force immediately before this subregulation commences, continues to be accredited to conduct limited impact research (extractive) and limited impact research (non‑extractive).

(4) Subregulation (3) does not affect the Authority’s power to revoke the accreditation of such an institution.

8 Accreditation of harvest fisheries

(1) The Authority may accredit a harvest fishery for the Zoning Plan by notice in the *Gazette* if it is satisfied that the management arrangements for the fishery under Queensland fisheries legislation provide a sound basis for an ecologically sustainable harvest fishery in an area that is part of, or includes a part of, the Marine Park.

Note: In the Zoning Plan, ***harvest fishery*** is defined in part as ‘… a fishery declared by the Regulations’. For the list of harvest fisheries, see regulation 16.

(2) The Authority may revoke an accreditation by notice in the *Gazette* if it is satisfied that:

(a) the management arrangements are no longer a sound basis for an ecologically sustainable fishery in an area that is part of, or includes a part of, the Marine Park; or

(b) the compliance arrangements for the fishery are not adequate, or are not being adequately enforced.

13 Bait netting

(1) For the definition of ***bait netting*** in the Zoning Plan, the nets specified in subregulation (2) are declared and the limitations on their use specified in subregulation (3) are prescribed.

(2) For subregulation (1), the following nets are specified:

(a) for recreational fishers—a cast, scoop or seine net that complies with the size, measurement and other physical requirements in the following sections of the Fisheries Regulation:

(i) for a cast net—section 182;

(ii) for a scoop net—section 183;

(iii) for a seine net—section 184;

(b) for commercial fishers—a seine, cast or mesh net that complies with the size, measurement and other physical requirements in the following sections of the Fisheries Regulation:

(i) for a seine net—section 475;

(ii) for a cast net—section 532;

(iii) for a mesh net—section 533.

(3) For subregulation (1), the following limitations are specified:

(a) in the case of a net referred to in paragraph (2)(a)—that the net is used by a recreational fisher in accordance with section 179 of the Fisheries Regulation;

(b) in the case of a net referred to in paragraph (2)(b)—that the net is used by a commercial fisher:

(i) for a net referred to in subparagraph (2)(b)(i)—in accordance with sections 179 and 181 and subsections 472(6), 472(7) and 475(2) of the Fisheries Regulation; and

(ii) for a net referred to in subparagraph (2)(b)(ii)—in accordance with subsection 247(5) of the Fisheries Regulation; and

(iii) for a net referred to in subparagraph (2)(b)(iii)—in accordance with sections 179 and 181, subsection 247 (5) and sections 530 and 533 of the Fisheries Regulation.

(4) In this regulation:

***commercial fisher*** has the same meaning as in the Fisheries Regulation.

***recreational fisher*** has the same meaning as in the Fisheries Regulation.

14 *Defence activities—*definition for Zoning Plan

In the Zoning Plan:

***defence activities*** means activities for defence purposes:

(a) conducted by the Defence Force; or

(b) conducted by an arm of the defence forces of another country that is in Australia with the approval of the Government of Australia; or

(c) conducted or authorised by the Department of Defence.

15 Fishing or collecting

(1) In this regulation:

***possess*** something means:

(a) to have custody or control of it; or

(b) to have an ability or right to obtain custody or control of it.

(2) For the definition of ***fishing or collecting*** in the Zoning Plan, the following limitations are prescribed:

(a) an animal or plant of a protected species is not to be taken or possessed otherwise than in accordance with subparagraph 5.3 (b)(ii) or paragraph 5.3(c) of the Zoning Plan;

(b) a specimen of an animal of a species referred to in Part 1 of Table 15 is not to be taken or possessed;

(c) not more than 5 specimens of an animal of a species referred to in Part 2 of that table are to be taken or possessed;

(d) if an animal or plant of a species authorised to be taken under Queensland fisheries legislation is taken:

(i) no more than the number of specimens authorised by that legislation to be taken or possessed are to be taken or possessed; and

(ii) the taking or possession is to be in accordance with that legislation.

Note for paragraph 2(a): For the kinds of species that are protected species, see regulation 29.

**Table 15 Restricted species for fishing or collecting**

| Item | Species | Common names |
| --- | --- | --- |
| **Part 1—No specimens to be taken or possessed at any time** | | |
| 1 | Classes Anthozoa and Hydrozoa (all species) | Corals (hard, soft and black), anemones, zoanthids, seafans, corallimorpharians, hydroids and fire corals |
| **Part 2—No more than 5 specimens to be taken or possessed at a time** | | |
| 1 | *Chlorurus microrhinos* | Steephead parrotfish |
| 2 | Class Ascidiacea (all species) | Sea squirts |
| 3 | Class Gastropoda (all species except *Cassis cornuta and Charonia tritonis*) | Snails, whelks, slugs, limpets, cowries including trochus, bailer shell, volutes, murex shells, nudibranchs (except helmet shell and triton shell) |
| 4 | Family Anomalopidae (all species) | Flashlightfishes |
| 5 | Family Antennariidae (all species) | Anglerfishes and frogfishes |
| 6 | Family Aploactinidae (all species) | Velvetfishes |
| 7 | Family Apogonidae (all species) | Cardinalfishes and siphonfishes |
| 8 | Family Aulostomidae (all species) | Trumpetfishes |
| 9 | Family Balistidae (all species) | Triggerfishes |
| 10 | Family Batrachoididae (all species) | Toadfishes |
| 11 | Family Blenniidae (all species) | Blennies |
| 12 | Family Callionymidae (all species) | Dragonets |
| 13 | Family Caracanthidae (all species) | Crouchers and orbicular velvetfishes |
| 14 | Family Centriscidae (all species) | Razorfishes and shrimpfishes |
| 15 | Family Chaetodontidae (all species) | Butterflyfishes |
| 16 | Family Cirrhitidae (all species) | Hawkfishes |
| 17 | Family Clinidae (all species) | Scaled blennies, armoured blennies and weedfishes |
| 18 | Family Congridae (all species) | Conger eels |
| 19 | Family Diodontidae (all species) | Porcupinefishes |
| 20 | Family Ephippidae (all species) | Batfishes |
| 21 | Family Fistulariidae (all species) | Flutemouths |
| 22 | Family Gobiidae (all species) | Gobies |
| 23 | Family Holocentridae (all species) | Squirrelfishes and soldierfishes |
| 24 | Family Labridae (all species except *Choerodon anchorago*, *C. schoenleini*, *C. cyanodus*, *C. cephalotes*, *C. venustus*, *Bodianus* spp., *Cheilinus undulatus*, *C. fasciatus and C. trilobatus*) | Wrasses and tuskfishes (except anchor tuskfish, blackspot tuskfish, blue tuskfish, purple tuskfish, Venus tuskfish, pigfish, humphead Maori wrasse, redbreast Maori wrasse and tripletail Maori wrasse) |
| 25 | Family Malacanthidae (all species) | Sand tilefishes |
| 26 | Family Microdesmidae (all species) | Wormfishes and dartfishes |
| 27 | Family Monacanthidae (all species) | Leatherjackets |
| 28 | Family Monocentridae (all species) | Pineapplefishes |
| 29 | Family Muraenidae (all species) | Moray eels |
| 30 | Family Ophichthidae (all species) | Snake eels |
| 31 | Family Ostraciidae (all species) | Boxfishes |
| 32 | Family Pegasidae (all species) | Seamoths |
| 33 | Family Plesiopidae (all species) | Longfins |
| 34 | Family Pomacanthidae (all species) | Angelfishes |
| 35 | Family Pomacentridae (all species) | Damselfishes |
| 36 | Family Priacanthidae (all species) | Bigeyes |
| 37 | Family Pseudochromidae (all species) | Dottybacks and eel blennies |
| 38 | Family Scorpaenidae (all species) | Firefishes, scorpionfishes, lionfishes |
| 39 | Family Siganidae (all species) | Rabbitfish |
| 40 | Family Tetraodontidae (all species) | Pufferfishes |
| 41 | Family Tripterygiidae (all species) | Triplefins |
| 42 | Family Zanclidae (all species) | Moorish idol |
| 43 | Genus *Nautilus* (all species) | Nautilus |
| 44 | Genus *Pinctada* (all species) | Pearl oysters |
| 45 | Phylum Echinodermata (all species except those of the class Holothuroidea) | Sea stars, crinoids, brittle stars, sea urchins, but not sea cucumbers |
| 46 | Phylum Porifera (all species) | Sponges |
| 47 | Sub‑families Anthiinae and Grammistinae (all species) | Anthias and soapfishes |

16 Harvest fisheries

For the definition of ***harvest fishery*** in the Zoning Plan, the following fisheries (being fisheries described in Chapters 7 and 11 of the Fisheries Regulation) are declared:

(a) the Aquarium Fish Fishery;

(b) the Bêche‑de‑Mer Fishery (East Coast);

(c) the Coral Fishery;

(d) the Commercial Crayfish and Rocklobster Fishery;

(e) the Pearl Fishery;

(f) the Shell Fishery;

(g) the Trochus Fishery (East Coast);

(h) the Beachworm Fishery;

(i) the Bloodworm Fishery;

(j) the Marine Yabby Fishery.

17 *Hook—*definition for Zoning Plan

(1) In the Zoning Plan:

***hook*** means, in addition to its ordinary meaning, any of the things mentioned in subregulation (2).

(2) Those things are the following:

(a) a single‑shanked double or treble hook;

(b) a lure (that is, an artificial bait with no more than 3 hooks attached to it);

(c) an artificial fly;

(d) a jig for taking squid;

(e) a ganged hook set, consisting of no more than 6 hooks, each of which is in contact (by the point of 1 hook being threaded through the eye of another, or joined by a swivel or wire) with at least 1 of the other hooks in the set, used to attach 1 piece of bait and intended to catch only 1 fish;

(f) a bait jig (that is, a hook or a group of hooks consisting of no more than 6 hooks, each hook being of a size between number 1 and number 12 (both inclusive) or their equivalents).

18 Limited collecting

In the Zoning Plan, ***limited collecting*** means the collecting of an animal or plant, subject to the condition or limitation that the collecting is done by hand, or with a hand‑held implement that is not motorised nor pneumatically nor hydraulically operated.

19 *Limited impact research (extractive)—*definition for Zoning Plan

(1) In this regulation:

***location*** means a discrete, identified reef, or a continuous non‑reef area of up to 10 square kilometres.

***research project*** means a diligent and systematic inquiry or investigation into a subject, in order to discover facts or principles, that has its own objectives, sampling design and outcomes.

***site*** means an area of 3 000 square metres within a location.

(2) In the zoning plan, ***limited impact research (extractive)*** means:

(a) research that involves:

(i) the taking of an animal, plant or marine product by limited research sampling; or

(ii) the installation and operation of minor research aids:

(A) that do not pose a threat to safety or navigation; and

(B) that are installed and used in accordance with the limitations set out in subregulation (5); and

(b) research that is a component of:

(i) an educational program; or

(ii) a research project;

conducted by an accredited educational or research institution; and

(c) if the research is conducted in the Scientific Research Zone, and the Authority has approved an environmental management plan in writing for the research station adjacent to the area—research that is conducted in accordance with that plan.

Note: ***Limited research sampling*** is defined in subregulation (3); ***minor research aids*** is defined in subregulation (4). For ***accredited educational or research institution***, see the Zoning Plan and regulation 7.

(3) In subregulation (2):

***limited research sampling*** means sampling in accordance with the following limitations or conditions:

(a) taking is done:

(i) by hand; or

(ii) by the use of a hand‑held implement that is not motorised nor pneumatically nor hydraulically operated; or

(iii) by the use of a minor research aid;

(b) explosives or chemicals are not used;

(c) in the case of an animal species mentioned or referred to in Part 1 of Table 19‑1, no specimens are taken or collected;

(d) in the case of an animal species mentioned or referred to in Part 2 of that table:

(i) no more than 20 specimens in total; and

(ii) no more than 5 specimens per location;

are taken or collected per research project per calendar year;

(e) in the case of an animal species mentioned or referred to in Part 3 of that table:

(i) no more than 50 specimens in total, and no more than 10 specimens per site, are taken or collected per research project per calendar year; and

(ii) no specimen longer than 1 000 millimetres is taken;

(f) in the case of an animal species mentioned or referred to in Part 4 of that table:

(i) no more than 50 specimens in total; and

(ii) no more than 10 specimens per site;

are taken or collected per research project per calendar year;

(g) in the case of an animal species referred to in Part 5 of that table:

(i) no more than 500 specimens in total; and

(ii) no more than 100 specimens per location;

are taken or collected per research project per calendar year;

(h) in the case of an animal species other than a species mentioned or referred to in that table:

(i) no more than 200 specimens in total; and

(ii) no more than 50 specimens per location;

are taken or collected per research project per calendar year;

(i) in the case of a plant species referred to in Table 19‑2, no more than the number of specimens permitted by Queensland fisheries legislation to be taken are taken or collected;

(j) no more than 20 litres of wet sediment is taken or collected per research project per calendar year;

(k) no more than 100 litres of seawater is taken or collected per research project per calendar year;

(l) the relevant laws of the Commonwealth are complied with.

Note: Tables 19‑1 and 19‑2 are at the end of this regulation.

(4) In subregulation (2):

***minor research aids*** means the following:

(a) apparatus and equipment authorised under Queensland fisheries legislation for recreational use;

(b) fish tags;

(c) stakes less than 12 mm in diameter;

(d) data loggers for attachment to marker buoys, bolts or dive weights;

(e) non‑fixed plankton nets;

(f) water sampling devices that are not motorised nor pneumatically nor hydraulically operated;

(g) sediment sampling devices that are not motorised nor pneumatically nor hydraulically operated;

(h) sub‑surface marker buoys less than 100 mm in diameter;

(i) surface marker buoys less than 200 mm in diameter;

(j) bolts or dive weights for attachment to data loggers;

(k) non‑fixed transect tapes and quadrats, but only if such tapes or quadrats are attended at all times.

(5) For sub‑subparagraph (2)(a)(ii)(B), the following are the limitations on the installation and use of minor research aids:

(a) no more than 10 stakes may be used per research project;

(b) a stake must protrude less than 300 mm from the substrate;

(c) no more than 20 sub‑surface marker buoys may be used per research project per location;

(d) sub‑surface marker buoys must be attached by lines to either:

(i) concrete nails driven into dead coral substrate; or

(ii) inverted‑U‑shaped metal rods less than 6 mm in diameter driven into sand;

(e) no more than 10 surface marker buoys may be used per research project per location;

(f) if surface marker buoys are used, a researcher associated with the research project must be present at all relevant times at the location;

(g) a surface marker buoy must be attached by lines to either:

(i) concrete nails driven into dead coral substrate; or

(ii) inverted‑U‑shaped metal rods less than 6 mm in diameter driven into sand.

**Table 19‑1 Animal species limited by number for limited research sampling**

| Item | Species | Common name |
| --- | --- | --- |
| **Part 1—No specimens to be taken** | | |
| 1 | Class Mammalia (all species) | Mammals |
| 2 | Class Aves (all species) | Birds |
| 3 | Class Reptilia (all species) | Reptiles |
| 4 | Class Amphibia (all species) | Amphibians |
| 5 | Family Syngnathidae (all species) | Seahorses, seadragons, pipefish |
| 6 | Family Solenostomidae (all species) | Ghost pipefish |
| 7 | *Cheilinus undulatus* | Humphead Maori wrasse |
| 8 | *Coris aygula* | Clown coris |
| 9 | *Bolbometopon muricatum* | Humphead parrotfish |
| 10 | *Chlorurus microrhinos* | Steephead parrotfish |
| 11 | *Cetoscarus bicolor* | Bicolour parrotfish |
| 12 | *Scarus rubroviolaceus* | Ember parrotfish |
| 13 | Family Pristidae (all species) | Sawfish |
| 14 | *Cromileptes altivelis* | Barramundi cod |
| 15 | *Epinephelus lanceolatus* | Queensland grouper |
| 16 | *Epinephelus tukula* | Potato cod |
| 17 | *Halophryne queenslandiae* | Sculptured frogfish |
| 18 | *Ogilbyina novaehollandiae* | Multicolour dottyback |
| 19 | Family Istiophoridae (all species) | Marlin |
| 20 | *Xiphias gladius* | Swordfish |
| 21 | *Carcharias taurus* | Grey nurse shark |
| 22 | *Rhincodon typus* | Whale shark |
| 23 | *Carcharias carcharias* | Great white shark |
| 24 | Family Palinuridae (all species) | Rock lobster |
| 25 | *Holothuria nobilis* | Black teatfish |
| 26 | *Holothuria fuscogilva* | White teatfish |
| 27 | Family Tridacnidae (all species) | Giant clams |
| 28 | *Melo amphora* | Baler shell |
| 29 | *Charonia tritonis* | Triton |
| 30 | *Cassis cornuta* | Helmet shell |
| 31 | *Pinctada maxima*, *P. margaritifera* | Pearl oyster |
| 32 | Family Muricidae (all species) | Muricids |
| 33 | Classes Anthozoa and Hydrozoa (all species) | All corals (hard, soft and black), anemones, zoanthids, seafans, corallimorpharians, hydroids and fire corals |
| **Part 2—20 specimens of each species in total and no more than 5 of each species per location** | | |
| 34 | Order Octopoda (all species) | Octopus |
| 35 | *Brachaelurus colcloughi* | Colclough’s shark |
| 36 | *Pseudocarcharias kamoharai* | Crocodile shark |
| 37 | *Isurus oxyrinchus* | Shortfin mako |
| 38 | *Hypogaleus hyagaensis* | Blacktip topeshark |
| 39 | *Carcharhinus amblyrhynchos* | Grey reef shark |
| 40 | *Carcharias brevipinna* | Spinner shark |
| 41 | *Carcharias falciformis* | Silky shark |
| 42 | *Carcharias leucas* | Bull shark |
| 43 | *Galeocerdo cuvier* | Tiger shark |
| 44 | *Triaenodon obesus* | Whitetip reef shark |
| 45 | *Sphyrna lewini* | Scalloped hammerhead |
| 46 | *Sphyrna mokarran* | Great hammerhead |
| 47 | *Rhynchobatus djiddensis* | Whitespot giant guitarfish |
| 48 | *Taeniura lymna* | Bluespotted ribbontail ray |
| 49 | *Aetobatus narinari* | Spotted eagle ray |
| 50 | *Manta birostris* | Manta ray |
| 51 | *Dasyatis fluviorum* | Estuary stingray |
| 52 | *Urogymnus asperrimus* | Porcupine ray |
| 53 | *Carcharhinus plumbeus* | Sandbar shark |
| 54 | *Carcharhinus obscurus* | Black whaler |
| 55 | *Orectolobus ornatus* | Banded wobbegong |
| 56 | *Carcharhinus limbatus* | Blacktip shark |
| 57 | *Centrophorus granulosus* | Gulper shark |
| 58 | *Dalatias licha* | Black shark |
| **Part 3—50 specimens of each species in total and no more than 10 of each species per site, none longer than 1 000 mm** | | |
| 59 | Genus *Epinephelus* (all species except *E. lanceolatus* and *E. tukula*) | Cods and groupers, except Queensland grouper and potato cod |
| **Part 4—50 specimens of each species in total and no more than 10 of each species per site** | | |
| 60 | Genus *Bodianus* (all species) | Hogfish |
| 61 | *Cheilinus fasciatus* | Redbreasted Maori wrasse |
| 62 | *Cheilinus trilobatus* | Tripletail Maori wrasse |
| 63 | *Choerodon anchorago* | Anchor tuskfish |
| 64 | *Choerodon cephalotes* | Purple tuskfish |
| 65 | *Choerodon cyanodus* | Blue tuskfish |
| 66 | *Choerodon schoenleinii* | Blackspot tuskfish |
| 67 | *Choerodon venustus* | Venus tuskfish |
| 68 | Family Scaridae (all species except *Bolbometopon muricatum*, *Chlorurus microrhinos*, *Cetoscarus bicolor* and *Scarus rubroviolaceus*) | Parrotfish, all species except humphead parrotfish, steephead parrotfish, bicolour parrotfish and ember parrotfish |
| 69 | Family Serranidae (all species except *Cromileptes altivelis* and all those of the genus *Epinephelus*) | (Exceptions: Barramundi cod and groupers) |
| 70 | *Gnathodentex aureolineatus* | Gold‑lined sea bream |
| 71 | Genus *Gymnocranius* (all species) | Sea bream |
| 72 | *Lethrinus atkinsoni* | Yellow‑tailed emperor |
| 73 | *Lethrinus erythracanthus* | Yellow‑spotted emperor |
| 74 | *Lethrinus genivittatus* | Lancer |
| 75 | *Lethrinus harak* | Thumbprint emperor |
| 76 | *Lethrinus lentjan* | Pink‑eared emperor |
| 77 | *Lethrinus miniatus* | Sweetlip emperor (Red‑throat emperor) |
| 78 | *Lethrinus nebulosus* | Spangled emperor |
| 79 | *Lethrinus obsoletus* | Orange‑striped emperor |
| 80 | *Lethrinus olivaceus* | Long‑nose emperor |
| 81 | *Lethrinus ornatus* | Yellow‑striped emperor |
| 82 | *Lethrinus rubrioperculatus* | Red‑eared emperor |
| 83 | *Lethrinus xanthochilus* | Yellowlip emperor |
| 84 | *Lethrinus variegates* | Variegated emperor |
| 85 | *Monotaxis grandoculis* | Bigeye bream |
| 86 | *Aphareus furca* | Small‑toothed jobfish |
| 87 | *Etelis carbunculus* | Ruby snapper |
| 88 | *Etelis coruscans* | Flame snapper |
| 89 | *Lutjanus adetii* | Hussar (Pink hussar) |
| 90 | *Lutjanus bitueniatus* | Indonesian snapper |
| 91 | *Lutjanus bohar* | Red bass |
| 92 | *Lutjanus boutton* | Paleface snapper |
| 93 | *Lutjanus carponotatus* | Spanish flag (Stripey) |
| 94 | *Lutjanus erythropterus* | Crimson seaperch (Small‑mouth nannygai) |
| 95 | *Lutjanus malabaricus* | Saddletail seaperch (Large‑mouth nannygai) |
| 96 | *Lutjanus fulviflamma* | Black‑spot snapper |
| 97 | *Lutjanus fulvus* | Yellow‑margined seaperch |
| 98 | *Lutjanus gibbus* | Paddletail |
| 99 | *Lutjanus kasmira* | Bluestripe seaperch |
| 100 | *Lutjanus lemniscatus* | Dark‑tailed seaperch |
| 101 | *Lutjanus lutjanus* | Bigeye seaperch |
| 102 | *Lutjanus monostigma* | Onespot seaperch |
| 103 | *Lutjanus quinquelineatus* | Five‑lined seaperch |
| 104 | *Lutjanus rivulatus* | Maori seaperch |
| 105 | *Lutjanus russelli* | Moses perch |
| 106 | *Lutjanus sebae* | Red emperor |
| 107 | *Lutjanus vitta* | Brownstripe seaperch (Brown hussar) |
| 108 | *Macolor macularis* | Midnight seaperch |
| 109 | *Macolor niger* | Black and white seaperch |
| 110 | *Symphorus nematophorus* | Chinamanfish |
| 111 | *Symphorichthys spilurus* | Sailfin snapper |
| 112 | *Lutjanus johnii* | Fingermark |
| 113 | *Pristipomoides filamentosus, P. sieboldi* | Rosy jobfish |
| 114 | *Pristipomoides multidens*, *P. typus* | Gold band snapper |
| 115 | *Aprion virescens* | Green jobfish |
| 116 | *Glaucosoma scaplare* | Pearl perch |
| 117 | *Atractoscion aequidens* | Teraglin jew |
| 118 | *Protonibea diacanthus* | Black jewfish |
| 119 | *Agrioposphyraena barracuda* | Barracuda |
| 120 | *Scomberomorus munroi* | Spotted mackerel |
| 121 | *Platycephalus fuscus* | Dusky (mud) flathead |
| 122 | Family Antenariidae (all species except *Halophryne queenslandiae*) | Anglerfishes and frogfishes, except sculptured frogfish |
| 123 | Family Aulostomidae (all species) | Trumpetfish |
| 124 | Family Balistidae (all species) | Triggerfish |
| 125 | Family Muraenidae (all species) | Moray eels |
| 126 | Family Ophichthidae (all species) | Snake eels |
| 127 | Family Congridae (all species) | Conger eels |
| 128 | Family Fistulariidae (all species) | Flutemouths |
| 129 | Family Ostraciidae (all species) | Boxfish |
| 130 | Phylum Echinodermata (all species except *Holothuria nobilis* and *H. fuscogilva*) | Echinoderms, all species except black teatfish and white teatfish |
| 131 | *Ranina ranina* | Spanner crab |
| 132 | Phylum Mollusca (all species except: all those of the order Octopoda and the family Tridacnidae; *Melo amphora*, *Charonia tritonis*, *Cassis cornuta*, *Pinctada maxima* and *P. margaritifera*; and all those of the family Muricidae) | All species of molluscs except octopus, giant clams, baler shell, triton, helmet shell, pearl oysters and muricids |
| **Part 5—500 specimens of each species in total and no more than 100 of each species per location** | | |
| 133 | Family Atherinidae (all species) | Hardyheads |
| 134 | Family Blenniidae (all species) | Blennies |
| 135 | Family Clupeidae (all species) | Herring |
| 136 | Family Engraulidae (all species) | Anchovies |
| 137 | Family Gobiidae (all species) | Gobies |
| 138 | Family Pomacentridae (all species) | Damselfish |
| 139 | Family Siganidae (all species) | Rabbitfish |
| 140 | Family Synodontidae (all species) | Lizardfish |
| 141 | Family Tripterygiidae (all species) | Triplefins |

**Table 19‑2 Plant species limited by number for limited research sampling**

| Item | Species | Common Name |
| --- | --- | --- |
| 1 | Family Rhizophoraceae (all species) | Mangroves |
| 2 | Division Magnoliophyta (all species) | Seagrass |
| 3 | Kingdom Protista (all species) | Algae |

20 *Limited impact research (non‑extractive)—*definition for Zoning Plan

(1) In this regulation:

***research project*** means a diligent and systematic inquiry or investigation into a subject, in order to discover facts or principles, that has its own objectives, sampling design and outcomes.

(2) In the Zoning Plan, ***limited impact research (non‑extractive)*** means:

(a) research that does not involve the taking of animals, plants or marine products, but includes:

(i) visual surveys, other than of cetaceans; or

(ii) research that does not involve an activity that would, if it were not part of a research activity, require permission; and

(iii) social research that does not involve the conduct of archaeological excavations; and

(b) research that is a component of:

(i) an educational program; or

(ii) a research project;

conducted by an accredited educational or research institution; and

(c) if the research is conducted in an area in the Scientific Research Zone, and the Authority has approved an environmental management plan in writing for the research station adjacent to the area—research that is conducted in accordance with that plan.

Note: For ***accredited educational or research institution***, see the Zoning Plan and regulation 7.

(3) For subparagraph (2)(a)(i), a visual survey may include the use of non‑fixed transect tapes or quadrats, but only if such tapes or quadrats are attended at all times.

21 Limited spearfishing

For the purposes of the definition of ***limited*** ***spearfishing*** in the Zoning Plan, the following limitations are prescribed:

(a) a person must not have a loaded speargun in his or her possession out of the water;

(b) a person must not engage in spearfishing in any part of the Marine Park where spearfishing is prohibited under Queensland fisheries legislation.

22 Limited trapping

(1) For the definition of ***limited*** ***trapping*** in the Zoning Plan, the following limitations are prescribed:

(a) that, subject to paragraphs (b),(c) and (d), Queensland fisheries legislation is complied with;

(b) that trapping must only be conducted for the purpose of taking crabs, and only crabs are taken;

(c) that only crab pots, collapsible traps and dillies are used;

(d) that no more than 4 crab pots, collapsible traps or dillies (alone or in combination) are used.

(2) In paragraph (1)(c):

***crab pots***, ***collapsible traps*** and ***dillies*** have the same respective meanings as in the Fisheries Regulation.

23 Managed vessel or aircraft

For the definition of ***managed vessel or aircraft*** in the Zoning Plan, vessels of the following kinds are declared:

(a) hovercraft;

(b) wing‑in‑ground‑effect craft;

(c) hydrofoils.

24 Mission Beach Leader Prawn Broodstock Capture Area

For the definition of ***Mission Beach Leader Prawn Broodstock Capture Area*** in the Zoning Plan, the following area is declared, that is, the area of the Marine Park bounded by a notional line beginning at the intersection of the coastline of the mainland at low water with the parallel 17° 39.1′ S near Double Point and running progressively:

(a) east along the parallel to 17° 39.1′ S, 146° 11.8′ E;

(b) southerly along the geodesic to 17° 52.81′ S, 146° 9.62′ E;

(c) south‑easterly along the geodesic to 18° 3.92′ S, 146° 13.39′ E;

(d) north‑westerly along the geodesic to the easternmost intersection of the coastline of the mainland at low water with the parallel 18° 1.97′ S near the southern bank of the mouth of the Tully River;

(e) generally northerly along the coastline at low water to the point of commencement.

25 *Motorised watersports—*definition for Zoning Plan

In the Zoning Plan:

***motorised watersports*** means any of the following:

(a) irregular driving of a motorised vessel—that is, driving such a vessel otherwise than in a straight line, including:

(i) driving in a circular pattern; or

(ii) weaving or diverting; or

(iii) surfing down, or jumping over or across, any wave, swell or wash;

except for any necessary turn or diversion;

(b) any activity in which a motorised vessel tows a person on top of the water or in the air, for example, waterskiing or parasailing;

(c) any activity in which:

(i) a vessel is operated at a speed greater than 35 knots; or

(ii) a personal watercraft is used;

except transport by the most direct reasonable route (not including irregular driving) between 2 places.

Note: The definition for the Zoning Plan is similar to the definition of ***motorised water sport*** in regulation 3 except that paragraph (b) of that definition also applies to high‑speed vessels and subparagraph (c)(ii) relates to submerging for viewing coral.

26 Netting

(1) For the definition of ***netting*** in the Zoning Plan, the following limitations are prescribed:

(a) set mesh nets used in offshore waters in an area described in Parts 1 to 5 of Table 47.2 in subregulation 47(4) must be used only as permitted by that subregulation;

(b) subject to subregulation (2), the provisions of the Fisheries Regulation must be complied with if those provisions:

(i) apply in the Marine Park; and

(ii) relate to the use of nets in commercial net fisheries;

(c) subject to subregulation (2), netting must not be carried out in an area described in Table 47.3 in subregulation 47(5);

(d) subject to paragraphs (e) and (f) and subregulation (2), only the following kinds of nets may be used in an area described in Table 47.4 in subregulation 47(9):

(i) set mesh nets;

(ii) mesh nets;

(e) set mesh nets used in the area described in Table 47.4 in subregulation 47(9) must be used only as permitted by subregulation 47(7);

(f) mesh nets used in the area described in Table 47.4 in subregulation 47(9) must be used only as permitted by that subregulation.

(2) Paragraph (1)(b), (c) or (d) does not apply to bait netting, or to section 475 or Part 5 of Chapter 9 of the Fisheries Regulation to the extent that those provisions relate to bait netting.

Note: See regulation 13 for the nets specified for the definition of bait netting in the Zoning Plan and the prescribed limitations on the use of those nets.

(3) In subregulation (1):

***mesh net*** has the meaning given by the Fisheries Regulation.

***offshore waters*** has the meaning given by the Fisheries Regulation.

***set mesh net*** has the meaning given by the Fisheries Regulation.

27 Pelagic species

For the definition of ***pelagic species*** in the Zoning Plan:

(a) all species in each of the following families are declared:

(i) Carangidae;

(ii) Coryphaenidae;

(iii) Sphyraenidae;

(iv) Istiophoridae;

(v) Scombridae; and

(b) all species in each of the following genera are declared:

(i) *Aphareus*;

(ii) *Aprion*; and

(c) the following species are declared:

(i) *Rachycentron canadum*;

(ii) *Xiphias gladius*.

28 *Photography, filming or sound recording—*definition for Zoning Plan

In the Zoning Plan:

***photography, filming or sound recording*** means the recording of images or sounds in a way that has, or is likely to have, negligible impact on the Marine Park.

29 Protected species

(1) For the definition of ***protected species*** in the Zoning Plan, the following species are declared:

(a) each species of cetacean;

(b) each species that is a listed marine species, a listed migratory species, a listed threatened ecological community or a listed threatened species (in each case within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*);

(c) each species of marine mammal, bird or reptile that is prescribed as ‘endangered wildlife’, ‘near threatened wildlife’, ‘rare wildlife’ or ‘vulnerable wildlife’ under the *Nature Conservation Act 1992* of Queensland as in force from time to time;

(d) each species that is at risk or in need of special protection and is mentioned or referred to in Table 29.

(1A) For the purposes of paragraph (d) of the definition of ***protected species*** in subsection 3(1) of the Act, the following species are declared:

(a) each species mentioned or referred to in Table 29;

(b) each species of marine mammal, bird or reptile that is prescribed as ‘near threatened wildlife’ under the *Nature Conservation Act 1992* of Queensland as in force from time to time.

(2) An individual of a species of the genus *Epinephelus* (other than *E. tukula* or *E. lanceolatus*) is taken to be of a protected species if the individual is more than 1 000 millimetres long.

**Table 29 Protected species**

| Item | Species | Common name |
| --- | --- | --- |
| **Invertebrates** | | |
| 1 | Family Tridacnidae (all species) | Giant clams |
| 2 | Cassis cornuta | Helmet shell |
| 3 | *Charonia tritonis* | Giant triton shell |
| **Fish** | | |
| 4 | Families Syngnathidae and Solenostomidae (all species) | Seahorses, pipefish, seadragons |
| 4A | Family Pristidae (all species) | Freshwater sawfish, green sawfish, dwarf sawfish, narrow sawfish |
| 5 | *Epinephelus tukula* | Potato rockcod |
| 6 | *Epinephelus lanceolatus* | Queensland groper |
| 7 | *Cheilinus undulatus* | Humphead Maori wrasse |
| 8 | *Cromileptes altivelis* | Barramundi cod |
| 9 | *Rhincodon typus* | Whale shark |
| 10 | *Carcharias taurus* | Greynurse shark |
| 11 | *Carcharodon carcharias* | White shark |
| 11A | *Glyphis glyphis* | Speartooth shark |
| **Marine reptiles** | | |
| 12 | Genus *Crocodylus* (all species) | Crocodiles |
| 13 | Families Hydrophiidae and Laticaudidae (all species) | Sea snakes |
| 14 | Family Cheloniidae (all species) | Green turtle, loggerhead turtle, olive ridley turtle, hawksbill turtle, flatback turtle |
| 15 | Family Dermochelyidae | Leatherback turtle |
| **Birds** | | |
| 16 | Class Aves (all species) | Birds |
| **Marine mammals** | | |
| 17 | Families Otariidae and Phocidae (all species) | Seals |
| 18 | *Dugong dugon* | Dugong |
| 19 | Order Cetacea (all species) | Whales and dolphins |

30 Queensland fisheries legislation

For the definition of ***Queensland fisheries legislation*** in the Zoning Plan, the following laws of Queensland as in force from time to time are prescribed:

(a) the *Fisheries Act 1994*;

(b) the Fisheries Regulation;

(c) a fishery management plan made under paragraph 32 (1) (a) of the *Fisheries Act 1994* of Queensland, to the extent that the plan applies in the Marine Park.

31 *Ship—*definition for Zoning Plan

In the Zoning Plan:

***ship*** means a vessel that is:

(a) 50 metres or more in overall length; or

(b) an oil tanker (within the meaning given by the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973), regardless of its length; or

(c) a chemical carrier or liquefied gas carrier, regardless of its length; or

(d) a ship to which the INF Code applies, regardless of its length; or

(e) a vessel that is adapted to carry oil or chemicals in bulk in cargo spaces; or

(f) a vessel engaged in towing or pushing another vessel or vessels if any of paragraphs (a) to (e) applies to the towed or pushed vessel, or the total length of the tow, from the stern of the towing vessel to the after end of the tow, is greater than 150 metres;

but does not include:

(g) a vessel of the Defence Force; or

(h) a vessel of the armed service of another country, if the vessel is in Australian waters with the consent of Australia; or

(i) a super‑yacht (that is, a vessel more than 50 metres in overall length used for private recreational activities).

Note for paragraph (d) of the definition of ***ship***: The INF Code is the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High‑level Radioactive Wastes on Board Ships. The Code has effect under Chapter VII of the International Convention for the Safety of Life at Sea, 1974. (See Department of Foreign Affairs and Trade, *Select Documents on International Affairs*, No. 47 (1999)).

32 Stowed or secured

For the definition of ***stowed or secured*** in the Zoning Plan, the following requirements are prescribed for trawl fishing apparatus:

(a) all nets are out of the water or the fore ends of the nets are drawn up to the booms;

(b) all otter boards are drawn up to the trawl blocks on the booms or are inboard the vessel;

(c) all lazy lines are through the blocks;

(d) the cod ends are open.

33 *Traditional owner* and *traditional owner group—*definitions for Zoning Plan

In the Zoning Plan:

***traditional owner*** means a person of Aboriginal or Torres Strait Islander descent who:

(a) is recognised in the indigenous community or by a relevant representative Aboriginal/Torres Strait Islander body:

(i) as having spiritual or cultural affiliations with a site or area in the Marine Park; or

(ii) as holding native title in relation to that site or area; and

(b) is entitled to undertake activities under Aboriginal or Torres Strait Islander custom or tradition in that site or area.

***traditional owner group***, in relation to a site or area of the Marine Park, means the group of traditional owners who, in accordance with Aboriginal or Torres Strait Islander custom, speak for the site or area.

34 Trapping

(1) For the definition of ***trapping*** in the Zoning Plan, the following limitations are prescribed:

(a) that trapping may only be conducted for the purpose of taking crabs, and only crabs are taken;

(b) that the take of crabs must be in accordance with the relevant provisions of Queensland fisheries legislation;

(c) that only crab pots, collapsible traps and dillies are used;

(d) that the apparatus used to trap crabs must be used in accordance with the relevant provisions of Queensland fisheries legislation.

(2) In paragraph (1)(c):

***crab pots***, ***collapsible traps*** and ***dillies*** have the same respective meanings as in the Fisheries Regulation.

35 Trawling

For the purposes of the definition of ***trawling*** in the Zoning Plan, the limitation prescribed is that the Fisheries Regulation and the *Fisheries (East Coast Trawl) Management Plan 1999* of Queensland are complied with.

35A Trolling—prescribed limitation

For the definition of ***trolling*** in the Zoning Plan, the limitation is prescribed that a vessel is taken to be under way only if it is being propelled through the water in a forward direction (whether by engine, sail or human power) and is not adrift.

36 *Vessel or aircraft charter operation—*definition for Zoning Plan

In the Zoning Plan:

***vessel or aircraft charter operation*** means an activity (whether consisting of a single act or a series of acts) that involves a vessel or aircraft:

(a) that is available for charter or hire; and

(b) that is used in the course of carrying on a business that is, or includes, the provision of accommodation, transport, or services for a purpose other than a tourist program or an educational program; and

(c) that travels in or into the Marine Park; and

(d) that is not merely transiting through the Marine Park by the most direct and reasonable route to a place outside the Marine Park.

37 General Use Zone—activities

For paragraph 2.2.4(o) of the Zoning Plan, fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line is declared.

38 Habitat Protection Zone—activities

For paragraph 2.3.4(o) of the Zoning Plan, the following purposes are declared:

(a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;

(b) aquaculture operations that involve the addition of feed.

39 Conservation Park Zone—activities

For paragraph 2.4.4(n) of the Zoning Plan, the following activities are declared:

(a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;

(b) aquaculture operations that involve the addition of feed.

40 Buffer Zone—activities

For paragraph 2.5.4(k) of the Zoning Plan, the following activities are declared:

(a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;

(b) aquaculture operations that involve the addition of feed.

41 Scientific Research Zone—activities

For paragraph 2.6.4(l) of the Zoning Plan, the following activities are declared:

(a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;

(b) aquaculture operations that involve the addition of feed.

42 Marine National Park Zone—activities

For paragraph 2.7.4(l) of the Zoning Plan, the following activities are declared:

(a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;

(b) aquaculture operations that involve the addition of feed.

43 Preservation Zone—activities

For paragraph 2.8.4(b) of the Zoning Plan, the following activities are declared:

(a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;

(b) aquaculture operations that involve the addition of feed.

44 Remote Natural Area—purposes for which the area may not be used or entered

For paragraph 3.3(b) of the Zoning Plan, the following purposes are declared:

(a) carrying out works (other than works relating to navigational aids) involving:

(i) dumping spoil; or

(ii) reclamation; or

(iii) beach protection works; or

(iv) harbour works;

(b) constructing or operating a structure other than a vessel mooring or a navigational aid.

45 Special Management Areas—types

For section 4.2.1 of the Zoning Plan, there are the following additional types of Special Management Area:

(a) Species Conservation (Dugong Protection) SMA;

(b) Seasonal Closure (Offshore Ribbon Reefs) SMA;

(c) No Dories Detached (Offshore Ribbon Reefs) SMA;

(d) Restricted Access SMA;

(e) Public Appreciation SMA;

(f) No Dories Detached (Marine National Park Zone) SMA;

(g) One Dory Detached (Conservation Park Zone) SMA;

(h) One Dory Detached (Buffer Zone) SMA;

(i) Natural Resources Conservation SMA.

46 Species Conservation (Dugong Protection) SMAs—declaration

(1) The areas described in Parts 1 and 2 of Table 46 are declared to be the Hinchinbrook Island Area Species Conservation (Dugong Protection) SMA.

(2) The areas described in Parts 3 and 4 of that table are declared to be the Lucinda to Allingham—Halifax Bay Species Conservation (Dugong Protection) SMA.

(3) The areas described in Parts 5 and 6 of that table are declared to be the Cleveland Bay—Magnetic Island Species Conservation (Dugong Protection) SMA.

(4) The areas described in Parts 18, 19 and 20 of that table are declared to be the Port of Gladstone—Rodds Bay Species Conservation (Dugong Protection) SMA.

(5) The area described in each other Part of that table is declared to be a Species Conservation (Dugong Protection) SMA having the name set out in the Part heading.

**Table 46 Species Conservation (Dugong Protection) SMAs**

Table 46 Part 1   Hinchinbrook Island Area Species Conservation (Dugong Protection) SMA—Part 1

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the parallel 18º 12.809′ S (at or about 18°12.809′ S, 146° 00.778′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | north‑easterly along the geodesic to 18° 08.493′ S, 146° 09.898′ E; |
| 2 | easterly along the geodesic to the intersection of the coastal 500 metre line around the Brook Islands and the parallel 18° 08.426′ S; |
| 3 | along the coastal 500 metre line around the Brook Islands to its intersection with the meridian 146º 18.298′ E (at or about 18° 09.813′ S, 146° 18.298′ E); |
| 4 | southerly along the geodesic to the intersection of the coastal 500 metre line around Eva Island and the meridian 146° 19.148′ E (at or about 18° 13.651′ S, 146° 19.148′ E); |
| 5 | along that coastal 500 metre line around Eva Island to its intersection with the meridian 146° 19.681′ E (at or about 18° 14.622′ S, 146° 19.681′ E); |
| 6 | southerly along the geodesic to the intersection of the eastern tip of Hillock Point, Hinchinbrook Island at mean low water and the parallel 18° 25.173′ S (at or about 18° 25.173′ S, 146° 21.460′ E); |
| 7 | generally northerly and westerly along the island coastline at mean low water to its intersection with the Marine Park boundary (at or about 18° 14.816′ S, 146° 04.238′ E); |
| 8 | west along the Marine Park boundary to its intersection with the mainland coastline at mean low water (at or about 18° 14.816′ S, 146° 00.983′ E); |
| 9 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 2   Hinchinbrook Island Area Species Conservation (Dugong Protection) SMA—Part 2

The area bounded by a notional line commencing at the intersection of the eastern tip of Hillock Point, Hinchinbrook Island at mean low water and the parallel 18° 25.176′ S (at or about 18° 25.176′ S, 146° 21.460′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | southerly along the geodesic to 18° 31.216′ S, 146° 23.189′ E; |
| 2 | westerly along the geodesic to the intersection of the Marine Park boundary and the parallel 18° 31.221′ S (at or about 18° 31.221′ S, 146° 23.116′ E); |
| 3 | generally northerly along the Marine Park boundary to its intersection with the island coastline at mean low water (at or about 18° 29.220′ S, 146° 19.055′ E); |
| 4 | along the island coastline at mean low water to the point of commencement |

Table 46 Part 3   Lucinda to Allingham—Halifax Bay Species Conservation (Dugong Protection) SMA—Part 1

The area bounded by a notional line commencing at the point 18° 31.216′ S, 146° 23.189′ E then running progressively:

|  |  |
| --- | --- |
| 1 | southerly along the geodesic to the intersection of the Marine Park boundary and the parallel 18° 32.731′ S (at or about 18° 32.731′ S, 146° 23.422′ E); |
| 2 | northerly along the Marine Park boundary to its intersection with the parallel 18° 31.221′ S (at or about 18° 31.221′ S, 146° 23.116′ E); |
| 3 | easterly along the geodesic to the point of commencement |

Table 46 Part 4   Lucinda to Allingham—Halifax Bay Species Conservation (Dugong Protection) SMA—Part 2

The area bounded by a notional line commencing at the intersection of the Marine Park boundary and the parallel 18° 33.999′ S (at or about 18° 33.999′ S, 146° 23.473′ E), then running progressively:

|  |  |
| --- | --- |
| 1 | southerly along the geodesic to 18° 37.593′ S, 146° 23.098′ E; |
| 2 | southerly along the geodesic to 18° 42.393′ S, 146° 21.131′ E; |
| 3 | west along the parallel to its intersection with the mainland coastline at mean low water (at or about 18° 42.393′ S, 146° 18.046′ E); |
| 4 | along the mainland coastline at mean low water to its intersection with the Marine Park boundary (at or about 18° 34.709′ S, 146° 20.449′ E); |
| 5 | along the Marine Park boundary to the point of commencement |

Table 46 Part 5   Cleveland Bay—Magnetic Island Species Conservation (Dugong Protection) SMA—Part 1

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the parallel 19° 10.708′ S (at or about 19° 10.708′ S, 146° 39.060′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | easterly along the geodesic to the intersection of the coastal 500 metre line around Magnetic Island and the parallel 19° 07.779′ S (at or about 19° 07.779′ S, 146° 46.469′ E); |
| 2 | along the coastal 500 metre line around the northern side of Magnetic Island to its intersection with the meridian 146° 50.045′ E (at or about 19° 06.028′ S, 146° 50.045′ E); |
| 3 | easterly along the geodesic to the intersection of the coastal 500 metre line around Magnetic Island with the meridian 146° 51.765′ E (at or about 19° 05.859′ S, 146° 51.765′ E); |
| 4 | along the coastal 500 metre line around Magnetic Island in a south‑easterly direction to its intersection with the parallel 19° 06.879′ S (at or about 19° 06.879′ S, 146° 53.357′ E); |
| 5 | south‑easterly along the geodesic to the intersection of the Marine Park boundary and the meridian 146° 54.690′ E (at or about 19° 07.599′ S, 146° 54.690′ E); |
| 6 | generally south‑westerly along the Marine Park boundary to the intersection of the mainland coastline at mean low water and the meridian 146° 47.465′ E (at or about 19° 14.435′ S, 146° 47.465′ E); |
| 7 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 6   Cleveland Bay—Magnetic Island Species Conservation (Dugong Protection) SMA—Part 2

The area bounded by a notional line commencing at the intersection of the Marine Park boundary and the meridian 146° 58.286′ E (at or about 19° 09.539′ S, 146° 58.286′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | south‑easterly along the geodesic to the intersection of the northern tip of Cape Cleveland at mean low water and the meridian 147° 00.828′ E (at or about 19° 10.910′ S, 147° 00.828′ E); |
| 2 | generally south‑westerly along the mainland coastline at mean low water to its intersection with the meridian 146° 51.465′ E (at or about 19° 16.975′ S, 146° 51.465′ E); |
| 3 | north‑easterly along the Marine Park boundary to the point of commencement |

Table 46 Part 7   Bowling Green Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the northern tip of Cape Cleveland at mean low water and the meridian 147° 00.891′ E (at or about 19° 10.920′ S, 147° 00.891′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | easterly along the geodesic to the intersection of the northern tip of Cape Bowling Green and the meridian 147° 23.495′ E (at or about 19° 18.137′ S, 147° 23.495′ E); |
| 2 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 8   Upstart Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water near Beach Hill and the parallel 19° 43.525′ S (at or about 19° 43.525′ S, 147° 35.273′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | easterly along the geodesic to the intersection of the western tip of Cape Upstart at mean low water and the parallel 19° 42.403′ S (at or about 19° 42.403′ S, 147° 45.156′ E); |
| 2 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 9   Edgecumbe Bay—Bowen Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the meridian 148° 11.230′ E (at or about 19° 56.648′ S, 148° 11.230′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | easterly along the geodesic to the intersection of the northern tip of Gloucester Head, Gloucester Island at mean low water and the meridian 148° 27.061′ E (at or about 19° 58.300′ S, 148° 27.061′ E); |
| 2 | along the western shore of Gloucester Island at mean low water to its intersection with the meridian 148° 27.430′ E (at or about 20° 03.136′ S, 148° 27.430′ E); |
| 3 | south‑westerly along the geodesic to the intersection of the northern tip of Cape Gloucester and the meridian 148° 27.188′ E (at or about 20° 03.624′ S, 148° 27.188′ E); |
| 4 | along the mainland coastline at mean low water to its intersection with the Marine Park boundary (at or about 20° 04.408′ S, 148° 16.622′ E); |
| 5 | along the Marine Park boundary to the intersection of the mainland coastline at mean low water and the parallel 20° 00.708′ S (at or about 20° 00.708′ S, 148° 16.102′ E); |
| 6 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 10   Repulse Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the southern tip of Rocky Point at mean low water and the meridian 148° 45.825′ E (at or about 20° 28.740′ S, 148° 45.825′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | along the mainland coastline at mean low water to its intersection with the meridian 148° 49.796′ E (at or about 20° 30.131′ S, 148° 49.796′ E); |
| 2 | south along the meridian to its intersection with latitude 20° 30.141′ S; |
| 3 | west along the parallel to its intersection with longitude 148° 45.847′ E; |
| 4 | northerly along the geodesic to the point of commencement |

Table 46 Part 11   Stewart Peninsula—Newry Islands—Ball Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the parallel 20° 44.908′ S (at or about 20° 44.908′ S, 148° 46.663′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to its intersection with longitude 148° 50.763′ E; |
| 2 | south‑easterly along the geodesic to 20° 51.924′ S, 148° 59.813′ E; |
| 3 | south along the meridian to the intersection of the mainland coastline at mean low water and the parallel 20° 53.625′ S (at or about 20° 53.625′ S, 148° 59.813′ E); |
| 4 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 12   Ball Bay—Sand Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water at Ball Bay and the meridian 148° 59.813′ E (at or about 20° 53.625′ S, 148° 59.813′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | north along the meridian to 20° 51.924′ S, 148° 59.813′ E; |
| 2 | south‑easterly along the geodesic to 20° 56.724′ S, 149° 06.846′ E; |
| 3 | south‑westerly along the geodesic to the intersection of the mainland coastline at mean low water at Sand Bay and the meridian 149° 05.763′ E (at or about 20° 58.774′ S, 149° 05.763′ E); |
| 4 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 13   Llewellyn Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water at Freshwater Point and the meridian 149° 19.840′ E (at or about 21° 24.643′ S, 149° 19.840′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | easterly along the geodesic to 21° 27.024′ S, 149° 27.763′ E; |
| 2 | southerly along the geodesic to 21° 30.574′ S, 149° 28.979′ E; |
| 3 | westerly along the geodesic to 21° 29.124′ S, 149° 24.413′ E; |
| 4 | westerly along the geodesic to the intersection of the north‑eastern tip of Allom Point at mean low water and the meridian 149° 20.630′ E (at or about 21° 28.565′ S, 149° 20.630′ E); |
| 5 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 14   Ince Bay (Cape Palmerston—Allom Point) Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the north‑eastern tip of Allom Point at mean low water and the meridian 149° 20.630′ E (at or about 21° 28.565′ S, 149° 20.630′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | easterly along the geodesic to 21° 29.124′ S, 149° 24.413′ E; |
| 2 | easterly along the geodesic to 21° 30.574′ S, 149° 28.979′ E; |
| 3 | southerly along the geodesic to the intersection of the northern tip of Cape Palmerston at mean low water and the meridian 149° 28.968′ E (at or about 21° 31.935′ S, 149° 28.968′ E); |
| 4 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 15   Clairview Bluff—Carmilla Creek Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water near Carmilla Creek and the parallel 21° 54.324′ S (at or about 21° 54.324′ S, 149° 27.864′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to its intersection with longitude 149° 33.063′ E; |
| 2 | south‑easterly along the geodesic to 21° 57.807′ S, 149° 35.813′ E; |
| 3 | south along the meridian to its intersection with latitude 22° 01.657′ S; |
| 4 | southerly along the geodesic to 22° 10.474′ S, 149° 36.779′ E; |
| 5 | westerly along the geodesic to the intersection of the eastern tip of Clairview Bluff at mean low water and the parallel 22° 10.450′ S (at or about 22° 10.450′ S, 149° 34.022′ E); |
| 6 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 16   Shoalwater Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of MacDonald Point at mean low water and the parallel 22° 19.550′ S (at or about 22° 19.550′ S, 150° 11.575′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | north‑easterly along the geodesic to the intersection of the Swan Island coastline at mean low water and the parallel 22° 19.308′ S (at or about 22° 19.308′ S, 150° 12.145′ E); |
| 2 | along the southern island coastline at mean low water to its intersection with the parallel 22° 19.168′ S (at or about 22° 19.168′ S, 150° 12.477′ E); |
| 3 | north‑easterly along the geodesic to the intersection of the island coastline at Cape Townshend, Townshend Island and the meridian 150° 28.724′ E (at or about 22° 12.283′ S, 150° 28.724′ E); |
| 4 | along the western and southern shores of the Townshend Island coastline at mean low water to its intersection with the parallel 22° 17.753′ S (at or about 22° 17.753′ S, 150° 33.680′ E); |
| 5 | southerly along the geodesic to the intersection of Reef Point at mean low water and the meridian 150° 33.980′ E (at or about 22° 18.950′ S, 150° 33.980′ E); |
| 6 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 17   Port Clinton (Reef Point—Cape Clinton) Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of Reef Point at mean low water and the meridian 150° 33.980′ E (at or about 22° 18.950′ S, 150° 33.980′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | northerly along the geodesic to the intersection of the eastern tip of Townshend Island at mean low water and the parallel 22° 17.753′ S (at or about 22° 17.753′ S, 150° 33.680′ E); |
| 2 | easterly along the geodesic to 22° 19.590′ S, 150° 39.596′ E; |
| 3 | south‑easterly along the geodesic to 22° 21.507′ S, 150° 41.229′ E; |
| 4 | southerly along the geodesic to 22° 22.340′ S, 150° 41.529′ E; |
| 5 | south‑easterly along the geodesic to 22° 24.873′ S, 150° 43.262′ E; |
| 6 | south‑easterly along the geodesic to 22° 26.907′ S, 150° 45.428′ E; |
| 7 | southerly along the geodesic to 22° 31.890′ S, 150° 47.346′ E; |
| 8 | southerly along the geodesic to the intersection of the eastern tip of Cape Clinton at mean low water and the parallel 22° 32.231′ S (at or about 22° 32.231′ S, 150° 47.326′ E); |
| 9 | along the mainland coastline at mean low water to the point of commencement |

Table 46 Part 18   Port of Gladstone—Rodds Bay Species Conservation (Dugong Protection) SMA—Part 1

The area bounded by a notional line commencing at the intersection of the northern tip of North Point on Facing Island at mean low water and the meridian 151° 19.953′ E (at or about 23° 45.219′ S, 151° 19.953′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | generally south‑easterly along the island coastline at mean low water to its intersection with the Marine Park boundary (at or about 23° 45.346′ S, 151° 19.813′ E); |
| 2 | westerly along the Marine Park boundary to its intersection with the meridian 151° 19.567′ E (at or about 23° 45.340′ S, 151° 19.567′ E); |
| 3 | easterly along the geodesic to the point of commencement |

Table 46 Part 19   Port of Gladstone—Rodds Bay Species Conservation (Dugong Protection) SMA—Part 2

The area bounded by a notional line commencing at the intersection of the eastern tip of East Point on Facing Island at mean low water and the parallel 23° 51.875′ S (at or about 23° 51.875′ S, 151° 23.667′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | south‑easterly along the geodesic to its intersection with the Marine Park boundary (at or about 23° 52.173′ S, 151° 24.241′ E); |
| 2 | south‑westerly along the Marine Park boundary to the intersection of Facing Island at mean low water and the parallel 23° 52.526′ S (at or about 23° 52.526′ S, 151° 23.317′ E); |
| 3 | northerly along the island coastline at mean low water to the point of commencement |

Table 46 Part 20   Port of Gladstone—Rodds Bay Species Conservation (Dugong Protection) SMA—Part 3

The area bounded by a notional line commencing at the intersection of the Marine Park boundary and longitude 151° 30.695′ E (at or about 23° 55.522′ S, 151° 30.695′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | south‑easterly along the geodesic to the intersection of the northern tip of Flora Point, Rodds Peninsula at mean low water and the meridian 151° 36.814′ E (at or about 23° 58.697′ S, 151° 36.814′ E); |
| 2 | southerly along the mainland coastline at mean low water to its intersection with the Marine Park boundary (at or about 24° 00.515′ S, 151° 36.203′ E); |
| 3 | south‑westerly along the Marine Park boundary to the intersection of the eastern tip of Hummock Hill Island at mean low water, in the vicinity of Norton Point, and the parallel 24° 02.036′ S (at or about 24° 02.036′ S, 151° 32.748′ E); |
| 4 | along the northern coastline of Hummock Hill Island at mean low water to its intersection with the Marine Park boundary in the vicinity of Tiber Point (at or about 23° 59.499′ S, 151° 26.535′ E); |
| 5 | north‑easterly along the Marine Park boundary to the point of commencement |

47 Species Conservation (Dugong Protection) SMAs—special management provisions

(1) In this regulation:

***bait netting*** has the meaning given by the Zoning Plan.

***commercial fisher*** has the same meaning as in the Fisheries Regulation.

***fix***, a net, has the meaning given by the Fisheries Regulation.

***haul****,* for a net, has the meaning given by the Fisheries Regulation.

***lead core rope*** means rope which, during manufacture, incorporates lead along the full length of the rope.

***mesh net*** has the meaning given by the Fisheries Regulation.

***mesh size***, of a net, has the meaning given by the Fisheries Regulation.

***netting*** has the meaning given by the Zoning Plan.

***offshore waters*** has the same meaning as in the Fisheries Regulation.

***set mesh net*** has the same meaning as in the Fisheries Regulation.

Special Management Provision—Species Conservation (Dugong Protection) SMA

(2A) For subsection 4.2.3(2) of the Zoning Plan and subject to subregulations (4), (5), (7) and (9), subregulation (2) specifies the special management provisions that apply to a Species Conservation (Dugong Protection) SMA.

(2) Netting or bait netting in an SMA mentioned in column 2 of an item in Table 47.1 in subregulation (3) must be carried out by commercial fishers in accordance with the provisions of Chapter 2 of the Fisheries Regulation specified, for the item, in column 3 of that table.

(3) For subregulation (2), the following table sets out the provisions of Chapter 2 of the Fisheries Regulation that are applicable to each SMA.

**Table 47.1**

| Item | Species Conservation (Dugong Protection) SMA | Applicable provisions of Chapter 2 |
| --- | --- | --- |
| 1 | Hinchinbrook Island Area | Section 114 |
| 2 | Lucinda to Allingham—Halifax Bay | Division 3 of Part 12 |
| 3 | Cleveland Bay—Magnetic Island | Sections 116 and 116A |
| 4 | Bowling Green Bay | Division 3 of Part 12 |
| 5 | Upstart Bay | Section 111 |
| 6 | Edgecumbe Bay—Bowen | Division 3 of Part 12 |
| 7 | Repulse Bay | Division 3 of Part 12 |
| 8 | Stewart Peninsula—Newry Islands—Ball Bay | Sections 116 and 116A |
| 9 | Ball Bay—Sand Bay | Division 3 of Part 12 |
| 10 | Llewellyn Bay | Division 3 of Part 12 |
| 11 | Ince Bay (Cape Palmerston—Allom Point) | Sections 116 and 116A |
| 12 | Clairview Bluff—Carmilla Creek | Division 3 of Part 12 |
| 13 | Shoalwater Bay | Section 110 |
| 14 | Port Clinton (Reef Point—Cape Clinton) | Section 109 |
| 15 | Port of Gladstone—Rodds Bay | Division 3 of Part 12 |

Note: Under the Zoning Plan, only the General Use Zone and the Habitat Protection Zone may be used or entered without permission for the purpose of netting (other than bait netting).

Conditions of set mesh net use in offshore waters—Table 47.2 area

(4) A set mesh net must not be used in offshore waters in an area described in Parts 1 to 5 of Table 47.2 unless the net:

(a) is not longer than 50 m; and

(b) is used in accordance with section 121 of the Fisheries Regulation.

Note: See sections 38BA and 38BB of the Act for, respectively, an offence and a civil penalty provision that apply to a person who engages in conduct that contravenes subregulation (4).

**Table 47.2 Offshore Waters**

Table 47.2, Part 1: Offshore waters within Edgecumbe Bay—Bowen Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the meridian 148° 13.468 E (at or about 19° 57.873 S, 148° 13.468 E) then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to 19º 57.873′ S, 148º 13.900′ E; |
| 2 | south‑easterly along the geodesic to 19º 58.823′ S, 148º 14.542′ E; |
| 3 | easterly along the geodesic to 19º 58.871′S, 148º 15.159′ E; |
| 4 | north‑easterly along the geodesic to 19º 58.187′ S, 148º 15.316′ E; |
| 5 | south‑easterly along the geodesic to 19º 58.962′ S, 148º 16.333′ E; |
| 6 | southerly along the geodesic to 19º 59.543′ S, 148º 16.400′ E; |
| 7 | south‑westerly along the geodesic to 20º 0.354′ S, 148º 16.194′ E; |
| 8 | south‑easterly along the geodesic to 20º 0.710′ S, 148º 16.405′ E; |
| 9 | west along the parallel to the intersection of the mainland coastline at mean low water and the meridian 148º16.090′  E (at or about 20º 0.710′ S, 148º 16.090′ E); |
| 10 | generally north‑westerly along the mainland coastline at mean low water to the point of commencement. |

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water at Adelaide Point and the meridian 148° 16.683 E (at or about 20° 4.410 S, 148° 16.683 E) then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to 20º 4.410′ S, 148º 18.256′ E; |
| 2 | south along the meridian to 20º 4.926′ S, 148º 18.256′ E; |
| 3 | south westerly along the geodesic to 20º 5.197′ S, 148º 18.046′ E; |
| 4 | west along the parallel to 20º 5.197′ S, 148º 17.436′ E; |
| 5 | north‑westerly along the geodesic to the intersection of the mainland coastline at mean low water and the meridian 148º 17.197′ E (at or about 20º 4.818′ S, 148º 17.197′ E); |
| 6 | generally north‑westerly along the mainland coastline at mean low water to the point of commencement. |

The area bounded by a notional line circumferencing Poole Island, commencing at 20° 5.719 S, 148° 18.597 E then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to 20º 5.719′ S, 148º 18.913′ E; |
| 2 | south‑easterly along the geodesic to 20º 5.938′ S, 148º 19.302′ E; |
| 3 | south along the meridian to 20º 6.300′ S, 148º 19.302′ E; |
| 4 | south‑westerly along the geodesic to 20º 6.548′ S, 148º 19.103′ E; |
| 5 | west along the parallel to 20º 6.548′ S, 148º 18.283′ E; |
| 6 | north along the meridian to 20º 6.023′ S, 148º 18.283′ E; |
| 7 | generally north‑easterly along the geodesic to the point of commencement. |

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the parallel 20° 8.359 S (at or about 20° 8.359 S, 148° 19.830 E) then running progressively:

|  |  |
| --- | --- |
| 1 | north‑west along the geodesic to 20º 8.069′ S, 148º 19.717′ E; |
| 2 | north‑east along the geodesic to 20º 7.904′ S, 148º 20.074′ E; |
| 3 | south‑east along the geodesic to 20º 8.307′ S, 148º 20.660′ E; |
| 4 | southerly along the geodesic to 20º 8.542′ S, 148º 20.678′ E; |
| 5 | south‑westerly along the geodesic to the intersection of the mainland coastline and the meridian 148º 20.435′ E (at or about 20º 9.080' S, 148º 20.435′ E); |
| 6 | generally north‑westerly along the mainland coastline at mean low water to the point of commencement. |

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water at Cape Gloucester and the meridian 148° 27.198 E (at or about 20° 3.603 S, 148° 27.198 E) then running progressively:

|  |  |
| --- | --- |
| 1 | north‑easterly along the geodesic to 20º 3.391′ S, 148º 27.303′ E; |
| 2 | north‑westerly along the geodesic to 20º 3.281′ S, 148º 27.121′ E; |
| 3 | south‑westerly along the geodesic to 20º 3.520′ S, 148º 26.095′ E; |
| 4 | south along the meridian to 20º 5.482′ S, 148º 26.095′ E; |
| 5 | east along the parallel to the intersection of the mainland coastline and the meridian 148º 26.497′ E (at or about 20º 5.482′ S, 148º 26.497′ E); |
| 6 | generally north‑easterly along the mainland coastline at mean low water to the point of commencement. |

Table 47.2, Part 2: Offshore waters within Repulse Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the meridian 148° 49.500 E (at or about 20° 29.493 S, 148° 49.500 E) then running progressively:

|  |  |
| --- | --- |
| 1 | west along the parallel to 20º 29.493′ S, 148º 49.161′ E; |
| 2 | south‑westerly along the geodesic to 20º 29.672′ S, 148º 49.021′ E; |
| 3 | south‑westerly along the geodesic to 20º 29.837′ S, 148º 49.006′ E; |
| 4 | south‑easterly along the geodesic to 20º 29.991′ S, 148º 49.091′ E; |
| 5 | south‑easterly along the geodesic to 20º 30.133′ S, 148º 49.239′ E; |
| 6 | easterly along the parallel to the intersection of the mainland coastline and the meridian 148º 49.775′ E (at or about 20º 30.133′ S, 148º 49.775′ E); |
| 7 | generally north‑westerly along the mainland coastline at mean low water to the point of commencement. |

Table 47.2, Part 3: Offshore waters within Ball Bay—Sand Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water at McBrides Point and the parallel 20° 53.622 S (at or about 20° 53.622 S, 148° 59.813 E) then running progressively:

|  |  |
| --- | --- |
| 1 | north along the meridian to 20º 53.291′ S, 148º 59.813′ E; |
| 2 | south‑easterly along the geodesic to 20º 53.342′ S, 148º 59.967′ E; |
| 3 | south‑easterly along the geodesic to 20º 53.630′ S, 149º 0.202′ E; |
| 4 | southerly along the geodesic to 20º 53.944′ S, 149º 0.186′ E; |
| 5 | south‑westerly along the geodesic to 20º 54.115′ S, 149º 0.089′ E; |
| 6 | south‑easterly along the geodesic to 20º 54.495′ S, 149º 0.439′ E; |
| 7 | east along the parallel to 20º 54.495′ S, 149º 0.969′ E; |
| 8 | north‑easterly along the geodesic to 20º 53.893′ S, 149º 1.191′ E; |
| 9 | north‑easterly along the geodesic to 20º 53.825′ S, 149º 1.362′ E; |
| 10 | south along the meridian to the intersection of the mainland coastline and the parallel 20º 54.249′ S (at or about 20º 54.249′ S, 149º 1.362′ E); |
| 11 | generally north‑westerly along the mainland coastline at mean low water to the point of commencement. |

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water at Cape Hillsborough and the meridian 149° 2.788 E (at or about 20° 54.210 S, 149° 2.788 E) then running progressively:

|  |  |
| --- | --- |
| 1 | north‑westerly along the geodesic to 20º 53.954′ S, 149º 2.541′ E; |
| 2 | north‑easterly along the geodesic to 20º 53.924′ S, 149º 2.744′ E; |
| 3 | south‑easterly along the geodesic to 20º 54.253′ S, 149º 3.225′ E; |
| 4 | southerly along the geodesic to 20º 54.557′ S, 149º 3.215′ E; |
| 5 | south‑westerly along the geodesic to 20º 54.816′ S, 149º 2.956′ E; |
| 6 | south‑easterly along the geodesic to 20º 55.239′ S, 149º 3.130′ E; |
| 7 | north‑easterly along the geodesic to 20º 54.981′ S, 149º 3.486′ E; |
| 8 | easterly along the geodesic to 20º 55.039′ S, 149º 3.855′ E; |
| 9 | south‑easterly along the geodesic to 20º 55.243′ S, 149º 4.087′ E; |
| 10 | south‑westerly along the geodesic to 20º 55.752′ S, 149º 3.963′ E; |
| 11 | south‑westerly along the geodesic to 20º 56.011′ S, 149º 3.730′ E; |
| 12 | south‑westerly along the geodesic to 20º 56.195′ S, 149º 2.979′ E; |
| 13 | north‑westerly along the geodesic to 20º 56.100′ S, 149º 2.470′ E; |
| 14 | north‑westerly along the geodesic to 20º 55.908′ S, 149º 2.349′ E; |
| 15 | north‑easterly along the geodesic to the intersection of the mainland coastline at mean low water and the parallel 20º 55.724′ S (at or about 20º 55.724′ S, 149º 2.576′ E); |
| 16 | generally easterly along the mainland coastline at mean low water to the point of commencement. |

Table 47.2, Part 4: Offshore waters within Llewellyn Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the meridian 149° 19.841 E (at or about 21° 24.642 S, 149° 19.841 E) then running progressively:

|  |  |
| --- | --- |
| 1 | south‑easterly along the geodesic to 21º 24.766′ S, 149º 20.251′ E; |
| 2 | south‑easterly along the geodesic to 21º 25.524′ S, 149º 20.539′ E; |
| 3 | southerly along the geodesic to 21º 25.894′ S, 149º 20.503′ E; |
| 4 | south‑westerly along the geodesic to 21º 26.267′ S, 149º 20.227′ E; |
| 5 | north‑westerly along the geodesic to 21º 26.212′ S, 149º 19.872′ E; |
| 6 | north‑westerly along the geodesic to 21º 25.759′ S, 149º19.492′ E; |
| 7 | north‑easterly along the geodesic to the intersection of the mainland coastline at mean low water and the meridian 149º 19.644′ E (at or about 21º 25.520′ S, 149º 19.644′ E); |
| 8 | generally south‑easterly along the mainland coastline at mean low water to the point of commencement. |

Table 47.2, Part 5: Offshore waters within Port of Gladstone—Rodds Bay Species Conservation (Dugong Protection) SMA

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water at East Point and the parallel 23° 51.876 S (at or about 23° 51.876 S, 151° 23.667 E) then running progressively:

|  |  |
| --- | --- |
| 1 | south‑easterly along the geodesic to 23° 52.013 S, 151° 23.932 E; |
| 2 | south‑westerly along the geodesic to 23° 52.210 S, 151° 23.770 E; |
| 3 | south‑westerly along the geodesic to 23° 52.299 S, 151° 23.631 E; |
| 4 | southerly along the geodesic to 23° 52.410 S, 151° 23.623 E; |
| 5 | south‑westerly along the geodesic to the intersection of the mainland coastline at Settlement Point and the meridian 151° 23.317 E (at or about 23° 52.526 S, 151° 23.317 E); |
| 6 | generally north–easterly along the mainland coastline at mean low water to the point of commencement. |

No netting (other than bait netting)—Table 47.3 area

(5) No netting other than bait netting may be carried out in the area described in Table 47.3.

Note 1: For an additional requirement related to stowing and securing any equipment that is normally used for fishing or collecting, see paragraph 2.3.3 (g) of the Zoning Plan.

Note 2: See regulation 13 for the nets specified for the definition of bait netting in the Zoning Plan and the prescribed limitations on the use of those nets.

Note 3: See sections 38BA and 38BB of the Act for, respectively, an offence and a civil penalty provision that apply to a person who engages in conduct that contravenes subregulation (5).

**Table 47.3 No netting (other than bait netting) area within Bowling Green Bay Species Conservation (Dugong Protection) SMA**

The area bounded by a notional line commencing at the intersection of 19° 23.282 S and 147° 15.684  then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to its intersection with longitude 147º 23.581′ E; |
| 2 | south along the meridian to its intersection with latitude 19º 23.985′ S; |
| 3 | west along the parallel to its intersection with longitude 147º 15.684′ E; |
| 4 | north along the meridian to the point of commencement |

Conditions of set mesh net use—Table 47.4 area

(6) Subregulation (7) applies to a mesh net that is being used as a set mesh net.

Note: The definition of ***mesh net*** in the Fisheries Regulation includes several examples of ways a mesh net can be used, including using a mesh net as a set mesh net.

(7) A set mesh net must not be used in an area described in Table 47.4 in subregulation (9) unless:

(a) the set mesh net is:

(i) weighed down along the full length of the bottom of the net with only continuous lead core rope that has a diameter that is not less than 6 mm but not more than 8 mm; and

(ii) used in accordance with paragraphs 120A (c), (d), (e) and (f) of the Fisheries Regulation; and

(b) under each authority that allows netting in the area—the number of set mesh nets being used in the area is not more than 3; and

(c) each set mesh net is not longer than 120 m; and

(d) the mesh size of each set mesh net is not less than 100 mm but not more than 215 mm; and

(e) if a set mesh net has a mesh size that is not less than 150 mm but not greater than 215 mm—the number of rows of mesh between the top and bottom of the net is not more than 16.

Note: For the definition of ***authority*** that applies to regulation 47, see paragraph (a) of the definition of that term in subregulation 3(1).

Note: See sections 38BA and 38BB of the Act for, respectively, an offence and a civil penalty provision that apply to a person who engages in conduct that contravenes subregulation (7).

Conditions of mesh net use—Table 47.4 area

(8) Paragraphs (9)(a), (b), (c), (d) and (e) do not apply to a set mesh net used in accordance with subregulation (7).

Note: The definition of ***mesh net*** in the Fisheries Regulation includes several examples of ways a mesh net can be used, including using a mesh net as a set mesh net.

(9) A mesh net must not be used in an area described in Table 47.4 unless the mesh net:

(a) is fixed or hauled; and

(b) is not longer than 120 m; and

(c) has a mesh size that is not less than 50 mm but not more than 115 mm; and

(d) is weighed down along the full length of the bottom of the net with only continuous lead core rope that has a diameter that is not less than 6 mm but not more than 8 mm; and

(e) is used in accordance with subregulation 472(7) of the Fisheries Regulation.

Note: See sections 38BA and 38BB of the Act for, respectively, an offence and a civil penalty provision that apply to a person who engages in conduct that contravenes subregulation (9).

**Table 47.4 Restricted netting area within Bowling Green Bay Species Conservation (Dugong Protection) SMA**

The area bounded by a notional line commencing at the intersection of 19° 23.985 S and 147° 15.684  then running progressively:

| 1 | east along the parallel to its intersection with longitude 147º 23.581′ E; |
| --- | --- |
| 2 | south along the meridian to its intersection with the mainland coastline at mean low water (at or about 19º 25.119′ S, 147º 23.581′ E |
| 3 | along the mainland coastline at mean low water to its intersection with the meridian 147º 15.684′ E (at or about 19º 25.673′ S, 147º 15.684′ E |
| 4 | north along the meridian to the point of commencement |

48 Seasonal Closure (Offshore Ribbon Reefs) SMAs—declaration

(1) The area described in each of Parts 1 to 3 of Table 48 is declared to be a Seasonal Closure (Offshore Ribbon Reefs) SMA having the name set out in the Part heading.

(2) Each location mentioned in Part 4 of Table 48 is declared to be a Seasonal Closure (Offshore Ribbon Reefs) SMA having as its name the name of the Location followed by the words ‘Seasonal Closure (Offshore Ribbon Reefs) SMA’.

**Table 48 Seasonal Closure (Offshore Ribbon Reefs) SMAs**

Table 48 Part 1   Day Reef (14‑089) Seasonal Closure (Offshore Ribbon Reefs) SMA

The area bounded by a notional line commencing at 14° 26.393′ S, 145° 32.329′  E then running progressively:

|  |  |
| --- | --- |
| 1 | south‑easterly along the geodesic to 14° 29.879′ S, 145° 35.407′ E; |
| 2 | south‑westerly along the geodesic to 14° 31.641′ S, 145° 33.543′ E; |
| 3 | westerly along the geodesic to 14° 31.458′ S, 145° 32.208′ E; |
| 4 | north‑westerly along the geodesic to 14° 31.379′ S, 145° 32.060′ E; |
| 5 | easterly along the geodesic to 14° 31.297′ S, 145° 33.491′ E; |
| 6 | north‑easterly along the geodesic to 14° 30.952′ S, 145° 33.960′ E; |
| 7 | northerly along the geodesic to 14° 30.363′ S, 145° 33.897′ E; |
| 8 | north‑westerly along the geodesic to 14° 28.210′ S, 145° 32.101′ E; |
| 9 | westerly along the geodesic to 14° 28.173′ S, 145° 31.252′ E; |
| 10 | south‑westerly along the geodesic to 14° 28.386′ S, 145° 30.877′ E; |
| 11 | northerly along the geodesic to 14° 27.761′ S, 145° 31.128′ E; |
| 12 | north‑easterly along the geodesic to the point of commencement |

Table 48 Part 2   Ribbon No. 10 Reef (14‑146) Seasonal Closure (Offshore Ribbon Reefs) SMA

The area bounded by a notional line commencing at 14° 39.402′ S, 145° 39.529′ E then running progressively:

|  |  |
| --- | --- |
| 1 | easterly along the geodesic to 14° 39.405′ S, 145° 41.808′ E; |
| 2 | south‑easterly along the geodesic to 14° 41.983′ S, 145° 43.512′ E; |
| 3 | southerly along the geodesic to 14° 44.737′ S, 145° 44.329′ E; |
| 4 | southerly along the geodesic to 14° 51.997′ S, 145° 45.742′ E; |
| 5 | southerly along the geodesic to 14° 55.703′ S, 145° 44.649′ E; |
| 6 | west along the parallel to its intersection with longitude 145° 42.438′ E; |
| 7 | easterly along the geodesic to 14° 55.549′ S, 145° 42.861′ E; |
| 8 | north‑easterly along the geodesic to 14° 55.224′ S, 145° 43.256′ E; |
| 9 | north‑easterly along the geodesic to 14° 54.309′ S, 145° 43.677′ E; |
| 10 | northerly along the geodesic to 14° 53.183′ S, 145° 44.030′ E; |
| 11 | northerly along the geodesic to 14° 52.154′ S, 145° 44.157′ E; |
| 12 | northerly along the geodesic to 14° 50.703′ S, 145° 44.058′ E; |
| 13 | northerly along the geodesic to 14° 49.184′ S, 145° 43.692′ E; |
| 14 | northerly along the geodesic to 14° 46.774′ S, 145° 43.284′ E; |
| 15 | northerly along the geodesic to 14° 45.888′ S, 145° 43.044′ E; |
| 16 | northerly along the geodesic to 14° 44.983′ S, 145° 42.903′ E; |
| 17 | north‑westerly along the geodesic to 14° 44.518′ S, 145° 42.558′ E; |
| 18 | northerly along the geodesic to 14° 44.211′ S, 145° 42.453′ E; |
| 19 | northerly along the geodesic to 14° 42.576′ S, 145° 42.216′ E; |
| 20 | north‑westerly along the geodesic to 14° 42.156′ S, 145° 41.946′ E; |
| 21 | north‑westerly along the geodesic to 14° 42.000′ S, 145° 41.635′ E; |
| 22 | north‑westerly along the geodesic to 14° 41.556′ S, 145° 41.124′ E; |
| 23 | northerly along the geodesic to 14° 40.843′ S, 145° 40.909′ E; |
| 24 | westerly along the geodesic to 14° 40.719′ S, 145° 40.566′ E; |
| 25 | north‑westerly along the geodesic to 14° 40.422′ S, 145° 40.355′ E; |
| 26 | northerly along the geodesic to 14° 39.806′ S, 145° 40.156′ E; |
| 27 | north‑westerly along the geodesic to 14° 39.601′ S, 145° 39.978′ E; |
| 28 | north‑westerly along the geodesic to the point of commencement |

Table 48 Part 3   Ribbon No. 7 Reef (15‑026), Ribbon No. 6 Reef (15‑032), Unnamed Reef (15‑034) Seasonal Closure (Offshore Ribbon Reefs) SMA

The area bounded by a notional line commencing at 15° 19.836′ S, 145° 47.063′ E, then running progressively:

|  |  |
| --- | --- |
| 1 | westerly along the geodesic to 15° 20.448′ S, 145° 44.976′ E; |
| 2 | north‑easterly along the geodesic to 15° 20.074′ S, 145° 45.329′ E; |
| 3 | north‑easterly along the geodesic to 15° 19.268′ S, 145° 45.951′ E; |
| 4 | easterly along the geodesic to 15° 19.236′ S, 145° 46.147′ E; |
| 5 | north‑easterly along the geodesic to 15° 19.106′ S, 145° 46.344′ E; |
| 6 | northerly along the geodesic to 15° 18.858′ S, 145° 46.425′ E; |
| 7 | north‑westerly along the geodesic to 15° 18.225′ S, 145° 46.114′ E; |
| 8 | north‑westerly along the geodesic to 15° 18.096′ S, 145° 45.872′ E; |
| 9 | west along the parallel to its intersection with longitude 145° 45.449′ E; |
| 10 | north‑easterly along the geodesic to 15° 17.716′ S, 145° 45.736′ E; |
| 11 | northerly along the geodesic to 15° 17.574′ S, 145° 45.768′ E; |
| 12 | northerly along the geodesic to 15° 16.821′ S, 145° 45.575′ E; |
| 13 | northerly along the geodesic to 15° 16.427′ S, 145° 45.585′ E; |
| 14 | northerly along the geodesic to 15° 15.720′ S, 145° 45.359′ E; |
| 15 | northerly along the geodesic to 15° 15.581′ S, 145° 45.348′ E; |
| 16 | north‑westerly along the geodesic to 15° 15.444′ S, 145° 45.135′ E; |
| 17 | westerly along the geodesic to 15° 15.390′ S, 145° 44.871′ E; |
| 18 | north‑westerly along the geodesic to 15° 15.120′ S, 145° 44.721′ E; |
| 19 | north along the meridian to its intersection with latitude 15° 14.119′ S; |
| 20 | north‑easterly along the geodesic to 15° 13.817′ S, 145° 45.078′ E; |
| 21 | northerly along the geodesic to 15° 13.509′ S, 145° 45.114′ E; |
| 22 | north‑westerly along the geodesic to 15° 13.346′ S, 145° 45.002′ E; |
| 23 | northerly along the geodesic to 15° 12.864′ S, 145° 44.952′ E; |
| 24 | north‑easterly along the geodesic to 15° 12.551′ S, 145° 45.221′ E; |
| 25 | northerly along the geodesic to 15° 12.146′ S, 145° 45.234′ E; |
| 26 | north‑westerly along the geodesic to 15° 11.859′ S, 145° 44.645′ E; |
| 27 | north‑westerly along the geodesic to 15° 11.402′ S, 145° 44.417′ E; |
| 28 | easterly along the geodesic to 15° 11.400′ S, 145° 45.000′ E; |
| 29 | east along the parallel to its intersection with longitude 145° 47.063′ E; |
| 30 | south along the meridian to the point of commencement |

Table 48 Part 4   Areas described by reference to the Zoning Plan

The areas described in Part 4 of Schedule 1 to the Zoning Plan as follows:

| Item | Location | Zone No |
| --- | --- | --- |
| 1 | Ribbon Reef No. 5 Patches (15‑042) and inter‑reefal areas | B‑15‑3007 |
| 2 | Ribbon Reef No. 2 and 3 inter‑reefal areas | B‑15‑3008 |

49 Seasonal Closure (Offshore Ribbon Reefs) SMAs—special management provisions

(1) A Seasonal Closure (Offshore Ribbon Reefs) SMA must not be used or entered for the purposes of fishing involving the taking of a pelagic species by trolling during the months of January to August (inclusive) in a year.

(2) A tender commercial fishing vessel must be physically attached to its primary commercial fishing vessel at all times during the months referred to in subregulation (1).

50 No Dories Detached (Offshore Ribbon Reefs) SMAs—declaration

The area described in each Part of Table 50 is declared to be a No Dories Detached (Offshore Ribbon Reefs) SMA having the name set out in the Part heading.

**Table 50 No Dories Detached (Offshore Ribbon Reefs) SMAs**

Table 50 Part 1   Yonge Reef (14‑138) and No Name Reef (14‑139) No Dories Detached (Offshore Ribbon Reefs) SMA

The area bounded by a notional line commencing at 14° 33.073′ S, 145° 38.224′ E then running progressively:

|  |  |
| --- | --- |
| 1 | south‑easterly along the geodesic to 14° 39.402′ S, 145° 41.809′ E; |
| 2 | west along the parallel to its intersection with longitude 145° 39.530′ E; |
| 3 | south‑westerly along the geodesic to 14° 39.905′ S, 145° 38.514′ E; |
| 4 | south‑easterly along the geodesic to 14° 39.943′ S, 145° 38.534′ E; |
| 5 | south‑easterly along the geodesic to 14° 40.021′ S, 145° 38.684′ E; |
| 6 | south‑easterly along the geodesic to 14° 40.176′ S, 145° 38.879′ E; |
| 7 | easterly along the geodesic to 14° 40.188′ S, 145° 39.098′ E; |
| 8 | south‑westerly along the geodesic to 14° 40.993′ S, 145° 38.508′ E; |
| 9 | north‑westerly along the geodesic to 14° 37.571′ S, 145° 36.771′ E; |
| 10 | northerly along the geodesic to 14° 37.046′ S, 145° 36.595′ E; |
| 11 | northerly along the geodesic to 14° 35.982′ S, 145° 36.240′ E; |
| 12 | northerly along the geodesic to 14° 34.989′ S, 145° 35.910′ E; |
| 13 | north‑westerly along the geodesic to 14° 34.910′ S, 145° 35.848′ E; |
| 14 | north‑easterly along the geodesic to the point of commencement |

Table 50 Part 2   No. 10 Patches (No. 3) (14‑153a) and No. 10 Patches (No. 4) (14‑153b) No Dories Detached (Offshore Ribbon Reefs) SMA

The area bounded by a notional line commencing at 14° 57.135′ S, 145° 43.767′ E then running progressively:

|  |  |
| --- | --- |
| 1 | west along the parallel to its intersection with longitude 145° 42.136′ E; |
| 2 | south‑westerly along the geodesic to 14° 58.323′ S, 145° 41.493′ E; |
| 3 | west along the parallel to its intersection with longitude 145° 40.127′ E; |
| 4 | north along the meridian to its intersection with latitude 14° 55.985′ S; |
| 5 | east along the parallel to its intersection with longitude 145° 40.353′ E; |
| 6 | south along the meridian to its intersection with latitude 14° 56.062′ S; |
| 7 | south‑easterly along the geodesic to 14° 56.203′ S, 145° 40.479′ E; |
| 8 | easterly along the geodesic to 14° 56.250′ S, 145° 40.646′ E; |
| 9 | easterly along the geodesic to 14° 56.264′ S, 145° 40.830′ E; |
| 10 | easterly along the geodesic to 14° 56.172′ S, 145° 41.235′ E; |
| 11 | north‑easterly along the geodesic to 14° 56.097′ S, 145° 41.412′ E; |
| 12 | north‑easterly along the geodesic to 14° 55.978′ S, 145° 41.511′ E; |
| 13 | easterly along the geodesic to 14° 55.977′ S, 145° 41.793′ E; |
| 14 | north‑easterly along the geodesic to 14° 55.703′ S, 145° 41.988′ E; |
| 15 | east along the parallel to its intersection with longitude 145° 42.438′ E; |
| 16 | east along the parallel to its intersection with longitude 145° 44.650′ E; |
| 17 | south‑westerly along the geodesic to the point of commencement |

51 No Dories Detached (Offshore Ribbon Reefs) SMAs—special management provision

A tender commercial fishing vessel must be physically attached to its primary commercial fishing vessel at all times.

52 Restricted Access SMAs—declaration

(1) The area described in each of Parts 1 to 3 of Table 52 is declared to be a Restricted Access SMA having the name set out in the Part heading.

(2) Each location mentioned in Part 4 of Table 52 is declared to be a Restricted Access SMA having as its name the name of the Location followed by the words ‘Restricted Access SMA’.

**Table 52 Restricted Access SMAs**

Table 52 Part 1   MacLennan Cay Reef (11‑070) Restricted Access SMA

The area bounded by a notional line commencing at 11° 18.820′ S, 143° 48.282′ E then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to its intersection with the meridian 143° 49.041′ E; |
| 2 | south along the meridian to its intersection with the parallel 11° 19.684′ S; |
| 3 | west along the parallel to its intersection with the meridian 143° 48.282′ E; |
| 4 | north along the meridian to the point of commencement |

Table 52 Part 2   Moulter Cay Reef (11‑130) Restricted Access SMA

The area bounded by a notional line commencing at 11° 23.800′ S, 144° 01.157′ E then running progressively:

|  |  |
| --- | --- |
| 1 | south‑easterly along the geodesic to 11° 24.556′ S, 144° 01.847′ E; |
| 2 | south‑westerly along the geodesic to 11° 25.045′ S, 144° 01.340′ E; |
| 3 | north‑westerly along the geodesic to 11° 24.230′ S, 144° 00.629′ E; |
| 4 | north‑easterly along the geodesic to the point of commencement |

Table 52 Part 3   Raine Island Reef (11‑243) Restricted Access SMA

The area bounded by a notional line commencing at 11° 34.879′ S, 144° 02.080′ E then running progressively:

|  |  |
| --- | --- |
| 1 | south‑easterly along the geodesic to 11° 35.518′ S, 144° 02.908′ E; |
| 2 | south‑westerly along the geodesic to 11° 36.074′ S, 144° 02.411′ E; |
| 3 | north‑westerly along the geodesic to 11° 35.452′ S, 144° 01.610′ E; |
| 4 | north‑easterly along the geodesic to the point of commencement |

Table 52 Part 4   Areas described by reference to the Zoning Plan

The areas described in Part 5 of Schedule 1 to the Zoning Plan as follows:

|  |  |  |
| --- | --- | --- |
| Item | Location | Zone No |
| 1 | Australian Institute of Marine Science | SR‑19‑2008 |
| 2 | One Tree Island Reef (23‑055) | SR‑23‑2010 |

53 Restricted Access SMAs—special management provision

Subject to Part 5 (Additional purposes for use or entry) of the Zoning Plan and regulations 54 to 56, and despite Part 2 of the Zoning Plan, a Restricted Access SMA must not be used or entered without the written permission of the Authority.

54 Raine Island Reef, Moulter Cay Reef and MacLennan Cay Reef Restricted Access SMAs—exceptions to special management provision

The Raine Island Reef (11‑243) Restricted Access SMA, the Moulter Cay Reef (11‑030) Restricted Access SMA, or the MacLennan Cay Reef (11‑070) Restricted Access SMA may be entered to navigate a vessel (except a ship, or a managed vessel or aircraft) for access to areas that form part of Queensland:

(a) if any equipment normally used for fishing or collecting is stowed or secured; and

(b) access is in accordance with all relevant laws of Queensland as in force from time to time.

55 Australian Institute of Marine Science Restricted Access SMA—exceptions to special management provision

The Australian Institute of Marine Science, or a person acting with its approval, may enter the Australian Institute of Marine Science Restricted Access SMA for the purpose of an activity associated with the operation of the research station, being an activity:

(a) for which permission would not, but for regulation 53, be required under Part 2 of the Zoning Plan; or

(b) for which the Institute already holds the written permission of the Authority.

56 One Tree Island Reef Restricted Access SMA—exceptions to special management provision

The University of Sydney, or a person acting with its written approval, may enter the One Tree Island Reef (23‑055) Restricted Access SMA for the purpose of an activity associated with the operation of the research station, being an activity:

(a) for which permission would not, but for regulation 53, be required under Part 2 of the Zoning Plan; or

(b) for which the University already holds the written permission of the Authority.

57 Public Appreciation SMAs—declaration

(1) The area described in each of Parts 1 to 8A of Table 57 is declared to be a Public Appreciation SMA having the name set out in the Part heading.

(2) Each location mentioned in Part 9 of Table 57 is declared to be a Public Appreciation SMA having as its name the name of the Location followed by the words ‘Public Appreciation SMA’.

**Table 57 Public Appreciation SMAs**

Table 57 Part 1   Fitzroy Island Reef (CP‑16‑4039) Public Appreciation SMA

The area bounded by a notional line commencing at 16° 54.601′ S, 145° 59.760′ E then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to its intersection with the meridian 146° 00.443′ E; |
| 2 | southerly along the geodesic to the intersection of the island coastline at mean low water and longitude 146° 00.444′ E (at or about 16° 55.291′ S, 146° 00.444′ E); |
| 3 | along the island coastline at mean low water to its intersection with the parallel 16° 55.398′ S (at or about 16° 55.398′ S, 146° 00.390′ E); |
| 4 | south‑westerly along the geodesic to the intersection of the island coastline at mean low water and the parallel 16° 55.455′ S (at or about 16° 55.455′ S, 146° 00.352′ E); |
| 5 | along the island coastline at mean low water to its intersection with the meridian 145° 59.309′ E (at or about 16° 56.629′ S, 145° 59.309′ E); |
| 6 | south‑westerly along the geodesic to 16° 57.000′ S, 145° 59.124′ E; |
| 7 | northerly along the geodesic to 16° 55.740′ S, 145° 58.620′ E; |
| 8 | north‑easterly along the geodesic to the point of commencement |

Table 57 Part 2   Dunk Island Reef (CP‑17‑4045) Public Appreciation SMA

The area bounded by a notional line commencing at 17° 55.323′ S, 146° 08.697′ E then running progressively:

|  |  |
| --- | --- |
| 1 | easterly along the geodesic to 17° 55.444′ S, 146° 09.338′ E; |
| 2 | south‑easterly along the geodesic to 17° 56.887′ S, 146° 10.904′ E; |
| 3 | southerly along the geodesic to 17° 58.236′ S, 146° 11.037′ E; |
| 4 | south‑westerly along the geodesic to 17° 58.509′ S, 146° 10.732′ E; |
| 5 | north‑westerly along the geodesic to 17° 58.285′ S, 146° 10.236′ E; |
| 6 | north‑westerly along the geodesic to 17° 57.530′ S, 146° 09.033′ E; |
| 7 | north‑westerly along the geodesic to 17° 56.175′ S, 146° 07.767′ E; |
| 8 | north‑easterly along the geodesic to the point of commencement |

Table 57 Part 3   Bedarra Island Reef (CP‑17‑4045) Public Appreciation SMA

The area bounded by a notional line commencing at 17° 59.567′ S, 146° 08.798′ E then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to its intersection with longitude 146° 09.339′ E; |
| 2 | southerly along the geodesic to 18° 00.221′ S, 146° 09.606′ E; |
| 3 | southerly along the geodesic to 18° 00.856′ S, 146° 09.598′ E; |
| 4 | westerly along the geodesic to 18° 00.848′ S, 146° 08.925′ E; |
| 5 | north‑westerly along the geodesic to 18° 00.613′ S, 146° 08.484′ E; |
| 6 | north‑westerly along the geodesic to 18° 00.334′ S, 146° 08.221′ E; |
| 7 | northerly along the geodesic to 17° 59.916′ S, 146° 08.310′ E; |
| 8 | north‑easterly along the geodesic to the point of commencement |

Table 57 Part 4   Whitsundays Public Appreciation SMA

The area bounded by a notional line commencing at 20° 02.086′ S, 148° 52.803′ E then running progressively:

|  |  |
| --- | --- |
| 1 | easterly along the geodesic to 20° 02.088′ S, 148° 54.194′ E; |
| 2 | easterly along the geodesic to 20° 04.327′ S, 149° 03.672′ E; |
| 3 | southerly along the geodesic to 20° 14.281′ S, 149° 03.666′ E; |
| 4 | easterly along the geodesic to 20° 14.283′ S, 149° 07.992′ E; |
| 5 | southerly along the geodesic to 20° 17.511′ S, 149° 08.004′ E; |
| 6 | south‑westerly along the geodesic to 20° 23.280′ S, 149° 02.281′ E; |
| 7 | southerly along the geodesic to the intersection of the island coastline at mean low water and the parallel 20° 25.854′ S (at or about 20° 25.854′ S, 149° 02.339′ E); |
| 8 | along the island coastline at mean low water to its intersection with the parallel 20° 26.268′ S (at or about 20° 26.268′ S, 149° 03.311′ E); |
| 9 | easterly along the geodesic to 20° 26.267′ S, 149° 04.232′ E; |
| 10 | south along the meridian to its intersection with latitude 20° 27.668′ S; |
| 11 | south‑westerly along the geodesic to 20° 29.633′ S, 149° 00.095′ E; |
| 12 | westerly along the geodesic to the intersection of the mainland coastline at mean low water and the parallel 20° 28.714′ S (at or about 20° 28.714′ S, 148° 54.696′ E); |
| 13 | along the mainland coastline at mean low water to its intersection with the parallel 20° 14.139′ S (at or about 20° 14.139′ S, 148° 46.134′ E); |
| 14 | north‑westerly along the geodesic to 20° 07.140′ S, 148° 42.124′ E; |
| 15 | northerly along the geodesic to 20° 06.361′ S, 148° 42.120′ E; |
| 16 | north‑easterly along the geodesic to 20° 05.760′ S, 148° 42.904′ E; |
| 17 | east along the parallel to its intersection with longitude 148° 43.743′ E; |
| 18 | easterly along the geodesic to the point of commencement |

Table 57 Part 5   Brampton Island—West (CP‑20‑4091) Public Appreciation SMA

The area bounded by a notional line commencing at 20° 47.388′ S, 149° 15.681′ E then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to its intersection with longitude 149° 16.179′ E; |
| 2 | south along the meridian to its intersection with the island coastline at mean low water (at or about 20° 48.025′ S, 149° 16.179′ E); |
| 3 | along the island coastline at mean low water to its intersection with the meridian 149° 15.681′ E (at or about 20° 48.052′ S, 149° 15.681′ E); |
| 4 | north along the meridian to the point of commencement |

Table 57 Part 6   Brampton Island—East (CP‑20‑4091) Public Appreciation SMA

The area bounded by a notional line commencing at the intersection of the island coastline at mean low water and the meridian 149° 18.007′ E (at or about 20° 48.284′ S, 149° 18.007′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | south‑westerly along the geodesic to the intersection of the island coastline at mean low water and the parallel 20° 48.872′ S (at or about 20° 48.872′ S, 149° 17.520′ E); |
| 2 | along the island coastline at mean low water to its intersection with the parallel 20° 48.390′ S (at or about 20° 48.390′ S, 149° 17.058′ E); |
| 3 | north‑easterly along the geodesic to the intersection of the island coastline at mean low water and the meridian 149° 17.267′ E (at or about 20° 48.180′ S, 149° 17.267′ E); |
| 4 | along the island coastline at mean low water to the point of commencement |

Table 57 Part 7   Heron Reef (CP‑23‑4104) Public Appreciation SMA

The area bounded by a notional line commencing at 23° 25.062′ S, 151° 57.184′ E then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to its intersection with longitude 152° 00.745′ E; |
| 2 | south along the meridian to its intersection with latitude 23° 28.678′ S; |
| 3 | west along the parallel to its intersection with longitude 151° 57.184′ E; |
| 4 | north along the meridian to the point of commencement |

Table 57 Part 8   Wistari Reef (CP‑23‑4106) Public Appreciation SMA

The area bounded by a notional line commencing at 23° 25.800′ S, 151° 53.100′ E then running progressively:

|  |  |
| --- | --- |
| 1 | south along the meridian to its intersection with latitude 23° 30.000′ S; |
| 2 | west along the parallel to its intersection with longitude 151° 49.287′ E; |
| 3 | north along the meridian to its intersection with latitude 23° 27.345′ S; |
| 4 | easterly along the geodesic to the point of commencement |

Table 57 Part 8A   Cape Upstart (CP‑19‑4064) Public Appreciation SMA

The area bounded by a line commencing at 19° 42.403′ S, 147° 44.344′ E then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to its intersection with the mainland coastline at mean low water (at or about 19° 42.403′ S, 147° 45.155′ E); |
| 2 | along the mainland coastline at mean low water to its intersection with the parallel 19° 49.578′ S (at or about 19° 49.578′ S, 147° 46.321′ E); |
| 3 | west along the parallel to its intersection with longitude 147° 44.344′ E; |
| 4 | north along the meridian to its intersection with latitude 19° 45.099′ S; |
| 5 | north along the meridian to the point of commencement. |

Table 57 Part 9   Areas described by reference to the Zoning Plan

The areas described in Part 3 of Schedule 1 to the Zoning Plan as follows:

| Item | Location | Zone No |
| --- | --- | --- |
| 1 | Yonge Reef (14‑138)—lee side | CP‑14‑4017 |
| 2 | Lizard Island Reef (14‑116b): Mermaid Bay to Pigeon Point | CP‑14‑4018 |
| 3 | North Opal Reef (16‑025) | CP‑16‑4029 |
| 4 | Flynn Reef (16‑065) | CP‑16‑4035 |
| 5 | Thetford Reef (16‑068) | CP‑16‑4036 |
| 6 | Orpheus Island Reef south‑west (18‑049b) | CP‑18‑4053 |
| 7 | Davies Reef (18‑096) | CP‑18‑4056 |
| 9 | North Keppel Island—Considine Bay | CP‑23‑4101 |
| 10 | Great Keppel Island—western side | CP‑23‑4102 |

58 Public Appreciation SMAs (other than Whitsundays Public Appreciation SMA)—special management provisions

(1) Subject to Part 5 (Additional purposes for use or entry) of the Zoning Plan, a Public Appreciation SMA (other than the Whitsundays Public Appreciation SMA) must not be used or entered for any of the following purposes:

(a) limited spearfishing;

(b) the conduct of a harvest fishery;

(c) subject to subregulation (2), aquaculture operations.

(2) Paragraph (1)(c) does not apply to the Fitzroy Island Reef (CP‑16‑4039) Public Appreciation SMA.

59 Whitsundays Public Appreciation SMA—special management provisions

Subject to Part 5 (Additional purposes for use or entry) of the Zoning Plan, a part of the Whitsundays Public Appreciation SMA that is in the Conservation Park Zone must not be used or entered for any of the following purposes:

(a) limited spearfishing;

(b) the conduct of a harvest fishery;

(c) aquaculture operations.

60 No Dories Detached (Marine National Park Zone) SMAs—declaration

Each location mentioned or referred to in Part 6 (Marine National Park Zone) of Schedule 1 to the Zoning Plan is declared to be a No Dories Detached (Marine National Park Zone) SMA having as its name the name of the Location followed by the words ‘No Dories Detached (Marine National Park Zone) SMA’.

61 No Dories Detached (Marine National Park Zone) SMAs—special management provisions

(1) Subject to the exceptions in subregulation (2), a dory must be physically attached to its primary commercial fishing vessel at all times.

(2) The exceptions are the following:

(a) that the relevant dory was engaged in the rescue or attempted rescue of an endangered person;

(b) that the relevant dory was providing assistance to an endangered aircraft, vessel or structure to prevent or mitigate damage to the environment or to the aircraft, vessel or structure;

(c) that the relevant dory was conveying a person on a direct journey from land to its primary commercial fishing vessel (the ***primary vessel***), or from the primary vessel to land, and throughout the journey the primary vessel remained within 1 nautical mile of both the dory and the land (not including any coral reefs);

(d) that at the relevant time the relevant dory was in the area described in Part 6 of Schedule 1 to the Zoning Plan as MNP‑13‑1015 (Night Island) and stayed within 500 metres of a fishing industry service vessel for which a permission is in force.

62 One Dory Detached (Conservation Park Zone) SMAs—declaration

Each location mentioned or referred to in Part 3 (Conservation Park Zone) of Schedule 1 to the Zoning Plan is declared to be a One Dory Detached (Conservation Park Zone) SMA having as its name the name of the Location followed by the words ‘One Dory Detached (Conservation Park Zone) SMA’.

63 One Dory Detached (Conservation Park Zone) SMAs—special management provision

No more than 1 dory is to be detached from its primary commercial fishing vessel at any time.

64 One Dory Detached (Buffer Zone) SMAs—declaration

Each location mentioned or referred to in Part 4 (Buffer Zone) of Schedule 1 to the Zoning Plan (except for the areas described in Parts 1 and 2 of Table 50—that is, areas that are No Dories Detached (Offshore Ribbon Reefs) SMAs) is declared to be a One Dory Detached (Buffer Zone) SMA having as its name the name of the Location followed by the words ‘One Dory Detached (Buffer Zone) SMA’.

65 One Dory Detached (Buffer Zone) SMA—special management provisions

(1) Subject to subregulation (2), no more than 1 dory is to be detached from its primary commercial fishing vessel at any time.

(2) Subregulation (1) applies to the areas described in Parts 1 to 4 of Table 48 (Seasonal Closure (Offshore Ribbon Reefs) SMA) only during September, October, November and December in a year.

65A Natural Resources Conservation SMA—declaration

The area described in Table 65A is declared to be the Natural Resources Conservation (Mermaid Cove, Lizard Island) SMA.

**Table 65A**

Natural Resources Conservation (Mermaid Cove, Lizard Island) SMA

The area bounded by a notional line commencing at the intersection of the Lizard Island coastline at mean low water and the meridian 145° 27.060′ E (at or about 14 38.813′ S, 14527.060′ E) then running progressively:

|  |  |
| --- | --- |
| 1 | north along the meridian to the intersection of the geodesic 14° 38.375′ S (at or about 14° 38.375′ S, 145° 27.060′ E); |
| 2 | easterly along the geodesic to the intersection of the meridian 145°27.272′ E (at or about 14° 38.375′ S, 145° 27.272′ E); |
| 3 | south along the meridian to the intersection of the Lizard Island coastline at mean low water (at or about 14° 38.770′ S, 145°27.272′ E); |
| 4 | westerly along the Lizard Island coastline at mean low water to the point of commencement. |

65B Natural Resources Conservation SMA—special management provision

(1) Subject to subregulation (2), a person must not fish or collect within the area described in Table 65A.

(2) Subregulation (1) does not apply to:

(a) a person trolling or bait netting for pelagic species; or

(b) limited impact research (extractive); or

(c) research that is conducted in accordance with a permission.

67 Emergency Special Management Areas

(1) For subsection 4.2.1(2) of the Zoning Plan, the circumstances in which the Authority may designate an Emergency Special Management Area are that the designation is required for 1 or more of the following purposes:

(a) conservation of 1 or more species;

(b) conservation of natural resources;

(c) protection of cultural or heritage values;

(d) public safety;

(e) emergency situations requiring immediate management action.

(2) The designation may be of a part or parts of a zone, or of more than 1 zone.

(3) The designation:

(a) must specify the area to be designated; and

(b) must state the special management provisions that will apply to the area; and

(c) must state the period during which those provisions will apply to the area.

(4) The Authority must, as soon as practicable, publish a notice of the designation in 1 or more of the following ways:

(a) in a newspaper that circulates generally in Queensland;

(b) in a local newspaper that circulates in the part of Queensland adjacent to the part of the Marine Park that is designated;

(c) on the Authority’s website.

(5) A notice referred to in subregulation (4) must also state that it is an offence to fail to comply with the special management provisions that apply to the area.

(6) The designation takes effect from the date it is registered on the Federal Register of Legislative Instruments, or a later date specified in it.

Note: A designation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. All legislative instruments are registered on the Federal Register of Legislative Instruments kept under that Act. See www.frli.gov.au.

(7) The designation ceases to have effect 120 days after it commences unless extended in accordance with subregulation 68(2).

68 Extension and revocation of designation

(1) The Authority may at any time, by notice published in the *Gazette*, revoke a designation under regulation 67.

(2) Before the designation expires, the Authority may, by notice in the *Gazette*, extend the designation for a further period mentioned in the notice, being a period of not more than 60 days.

69 Entry to zones for purpose of taking certain protected species

For paragraph 5.3(c) of the Zoning Plan:

(a) the following purpose is prescribed, that is, the taking of an animal of the species *Solegnathus hardwickii* or *S. dunckeri*; and

(b) the following limitation is prescribed, that is, that the taking must be in accordance with Queensland fisheries legislation.

Note: The 2 species mentioned are pipefish, of the family Syngnathidae. All species of that family are otherwise protected—see regulation 29.

72 Contravening directions

(1) If a person notifies the Authority in accordance with section 38BC of the Act that the person proposes to engage in conduct in the zone (including using or entering the zone), the Authority may give to the person a direction in respect of the person’s conduct in the zone (including the person’s use of, or entry to, the zone).

(2) The direction may be any direction that is reasonably necessary for the protection or preservation of the Marine Park or property or things in the Marine Park, but must not require the person to remove a structure, landing area, farming facility, vessel, aircraft or other thing that is in the Marine Park.

(3) A direction given under subregulation (1) is declared to be a direction to which section 38DC of the Act applies.

73 Commercial activities on Low Island

(1) A person must not carry on a business on Low Island except a business that involves:

(a) selling materials or services of an educational nature that relate to the Marine Park; or

(b) providing guided tours of the island.

Penalty: 50 penalty units.

(2) An offence against this regulation is an offence of strict liability.

Division 2.2A—Fishing and related offences

73A Definitions for Division

In this Division:

***Buffer Zone*** means the zone described in the Zoning Plan as the Buffer Zone.

***Conservation Park Zone*** means the zone described in the Zoning Plan as the Conservation Park Zone.

***Marine National Park Zone*** means the zone described in the Zoning Plan as the Marine National Park Zone.

73B Conservation Park Zone—fishing offence

(1) A person commits an offence if:

(a) the person fishes in the Conservation Park Zone; and

(b) the person uses more than:

(i) 1 hand‑held rod or handline; and

(ii) 1 hook attached to that line; and

(c) the person does not hold a permission authorising the fishing.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

Note: Section 2.4.3 of the Zoning Plan allows the Conservation Park Zone to be used, without the written permission of the Authority, for particular kinds of fishing, including limited line fishing.

(3) In this regulation:

***fish*** has the same meaning as ***fishing or collecting*** has in the Zoning Plan.

***hook*** has the same meaning as it has in the Zoning Plan.

Note: For the definition of ***hook*** for the Zoning Plan, see regulation 17.

73BA Marine National Park Zone—fishing offence

(1) A person commits an offence if:

(a) the person fishes in the Marine National Park Zone; and

(b) the fishing is not for a purpose set out in section 2.7.3 of the Zoning Plan; and

(c) the person does not hold a permission authorising the fishing.

Penalty: 50 penalty units.

Note: Section 2.7.3 of the Zoning Plan allows the Marine National Park Zone to be used, without the written permission of the Authority, for particular purposes, including activities otherwise permitted by the section or in accordance with an accredited traditional use of marine resources agreement and any requirements relating to the operation of that agreement prescribed in the Regulations.

(2) An offence against subregulation (1) is an offence of strict liability.

(3) In this regulation:

***fish*** has the same meaning as ***fishing or collecting*** has in the Zoning Plan.

73C Dories in non‑fishing areas

(1) The master of a primary commercial fishing vessel in association with which a dory is licensed or used commits an offence if the master does not have the dory under tow by, or otherwise attached to, the primary vessel when the dory is in a non‑fishing area of the Marine Park.

Penalty: 50 penalty units.

(2) A person who holds a licence or other permission (however described) in force under a Commonwealth, State or Territory law permitting a primary commercial fishing vessel to be used to take fish commits an offence if a dory that is licensed or used in association with the primary vessel is not under tow by, or otherwise attached to, the primary vessel when the dory is in a non‑fishing area of the Marine Park.

Penalty: 50 penalty units.

(3) A person commits an offence if:

(a) the person is in, or on, a dory that is in a non‑fishing area of the Marine Park; and

(b) the dory is not under tow by, or otherwise attached to, the primary commercial fishing vessel in association with which the dory is licensed or used.

Penalty: 50 penalty units.

(4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note: For defences to a prosecution under subregulation (1), (2) or (3), see regulation 73D.

(5) In this regulation:

***non‑fishing area of the Marine Park*** means:

(a) a zone described in the Zoning Plan as:

(i) the Marine National Park Zone; or

(ii) the Scientific Research Zone; or

(iii) the Preservation Zone; or

(b) any other area of the Marine Park where the taking of fish is not permitted.

***take***, in relation to fish, includes:

(a) catch, capture, gather or obtain fish by any means; or

(b) engage in conduct, or an operation, that results in the death of fish.

73D Defences to prosecutions under regulation 73C

(1) It is a defence to a prosecution under subregulation 73C(1), (2) or (3) if, throughout the period during which the dory was detached from the primary commercial fishing vessel while the dory was in a non‑fishing area of the Marine Park, the dory:

(a) was in the area described in Part 6 of Schedule 1 to the Zoning Plan as MNP‑13‑1015 (Night Island); and

(b) stayed within 500 metres of a fishing industry service vessel for which a permission is in force.

(2) Also, it is a defence to a prosecution under subregulation 73C(1), (2) or (3) if, throughout the period during which the dory was detached from the primary commercial fishing vessel while the dory was in a non‑fishing area of the Marine Park:

(a) the dory was engaged in:

(i) the rescue, or attempted rescue, of an endangered person; or

(ii) the provision of assistance to an endangered aircraft, vessel or other structure to prevent or mitigate the occurrence of damage to the environment or to the aircraft, vessel or structure; and

(b) any equipment on the dory normally used for fishing or collecting was stowed or secured.

(3) In addition, it is a defence to a prosecution under subregulation 73C(1), (2) or (3) if, throughout the period during which the dory was detached from the primary commercial fishing vessel while the dory was in a non‑fishing area of the Marine Park:

(a) the dory was engaged in the conveyance of a person on a direct journey from land to the primary vessel, or from the primary vessel to land; and

(b) at all times during the period of the conveyance, the primary vessel remained within 1 nautical mile of both the dory and the land (not including any coral reefs); and

(c) any equipment on the dory normally used for fishing or collecting was stowed or secured.

Note: A defendant bears an evidential burden in relation to a matter mentioned in subregulation (1), (2) or (3) (see subsection 13.3(3) of the *Criminal Code*).

(4) In this regulation:

***non‑fishing area of the Marine Park*** has the same meaning as in regulation 73C.

73E Dories in Buffer Zone—offence by master of vessel

(1) The master of a primary commercial fishing vessel commits an offence if:

(a) 2 or more dories are licensed, or used, in association with the primary vessel; and

(b) at a particular time:

(i) 2 or more of those dories are in the Buffer Zone; and

(ii) more than 1 of those dories is detached from the primary vessel.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

73F Dories in Buffer Zone—offence by licence holder of vessel

(1) A person who holds a licence or other permission (however described) in force under a Commonwealth, State or Territory law permitting a primary commercial fishing vessel to be used to take fish commits an offence if:

(a) 2 or more dories are licensed, or used, in association with the primary vessel; and

(b) at a particular time:

(i) 2 or more of those dories are in the Buffer Zone; and

(ii) more than 1 of those dories is detached from the primary vessel.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

73G Dories in Buffer Zone—offence by person on a dory

A person commits an offence if:

(a) 2 or more dories are licensed, or used, in association with a primary commercial fishing vessel; and

(b) at a particular time:

(i) 2 or more of those dories are in the Buffer Zone; and

(ii) more than 1 of those dories is detached from the primary vessel; and

(iii) the person is in, or on, 1 of the dories that is detached from the primary vessel; and

(iv) the person is reckless as to the fact that the person is in, or on, a dory in the circumstances mentioned in this regulation.

Penalty: 50 penalty units.

73H Dories in Conservation Park Zone—offence by master of vessel

(1) The master of a primary commercial fishing vessel commits an offence if:

(a) 2 or more dories are licensed, or used, in association with the primary vessel; and

(b) at a particular time:

(i) 2 or more of those dories are in the Conservation Park Zone; and

(ii) more than 1 of those dories is detached from the primary vessel.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

73I Dories in Conservation Park Zone—offence by licence holder of vessel

(1) A person who holds a licence or other permission (however described) in force under a Commonwealth, State or Territory law permitting a primary commercial fishing vessel to be used to take fish commits an offence if:

(a) 2 or more dories are licensed, or used, in association with the primary vessel; and

(b) at a particular time:

(i) 2 or more of those dories are in the Conservation Park Zone; and

(ii) more than 1 of those dories is detached from the primary vessel.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

73J Dories in Conservation Park Zone—offence by person on a dory

A person commits an offence if:

(a) 2 or more dories are licensed, or used, in association with a primary commercial fishing vessel; and

(b) at a particular time:

(i) 2 or more of those dories are in the Conservation Park Zone; and

(ii) more than 1 of those dories is detached from the primary vessel; and

(iii) the person is in, or on, 1 of the dories that is detached from the primary vessel; and

(iv) the person is reckless as to the fact that the person is in, or on, a dory in the circumstances mentioned in this regulation.

Penalty: 50 penalty units.

Division 2.4—Authorisations relating to Hinchinbrook Planning Area

78B Definitions

In this Division:

***existing permission*** has the same meaning as in the Plan of Management.

***Plan of Management*** means the *Hinchinbrook Plan of Management 2004*.

***planning area*** means the Hinchinbrook Planning Area.

79 What this Division does

This Division provides for authorisations to do something in the planning area that was permitted by an existing permission in force immediately before 15 April 2004, but is not permitted by the Plan of Management.

Note: 15 April 2004 is the date on which Part 2 of the Plan of Management commenced.

80 Application for authorisation

(1) The holder of an existing permission may apply to the Authority for an authorisation to do a thing in the planning area if:

(a) but for clause 2.5, 2.6, 2.9 or 2.18 of the Plan of Management, the existing permission would authorise the holder to do the thing in the area; and

(b) the existing permission authorises the holder to do the thing in the area on more than 50 days in each year.

(2) Only the holder of an existing permission is entitled to apply for an authorisation.

(3) An application for an authorisation must be in writing and set out:

(a) the name and address of the applicant; and

(b) the details of the permission to which the authorisation is to be attached; and

(c) details of the activity, including its location.

81 Asking for more information about an application

(1) The Authority may ask an applicant for an authorisation in writing to give the Authority, in writing, any other information that the Authority reasonably needs to consider the application.

(2) If the Authority asks for information under subregulation (1) about an application, and the applicant does not give the Authority the information within 60 days after the Authority asks for it, or any further time that the Authority allows before the end of the first 60‑day period, the application lapses.

82 Consideration of application

In considering an application for an authorisation, the Authority must take into account:

(a) any relevant eligibility criteria set out in the Plan of Management; and

(b) the requirements for ensuring the orderly and proper management of the Marine Park; and

(c) any charge, collected amount or penalty amount that is overdue for payment by the applicant as the holder of a chargeable permission (whether or not the permission is in force); and

(d) any late payment penalty that is payable by the applicant as the holder of a chargeable permission (whether or not the permission is in force).

83 Grant or refusal of authorisation

(1) If a person has applied for an authorisation, and has complied with any request by the Authority for more information about the application, the Authority must grant, or refuse to grant, the authorisation.

(2) The Authority must not grant an authorisation to do something except to a person who holds an existing permission that would, but for a section of the Plan of Management, authorise the holder to do the thing.

(3) Except in special circumstances, an authorisation must not be granted if the application is made 3 months or less after the eligibility process commencement day (within the meaning of that expression in the Plan of Management).

(4) An authorisation may be granted subject to conditions, including:

(a) a condition allowing the giving of authorities, and specifying how many persons may be given authorities; and

(b) a condition indemnifying the Authority in respect of costs to the Authority that the authorisation holder’s activities might incur; and

(c) any other condition appropriate to the attainment of the object of the Act (including a requirement that the authorisation holder give the Authority a written undertaking in a form approved by the Authority).

(5) The Authority must give the person written notice of its decision, setting out:

(a) if the decision was to grant an authorisation—the details of the existing permission to which it is attached; and

(b) if the authorisation was granted subject to a condition—details of the condition and the Authority’s reasons for imposing it; and

(c) if the decision was to refuse to grant the authorisation sought—the reasons for the refusal.

(6) If the Authority’s decision was to refuse the authorisation, or to grant the authorisation subject to a condition, the written notice must include a statement to the effect that the applicant:

(a) may ask the Authority to reconsider the decision; and

(b) if the applicant is dissatisfied with the Authority’s decision on reconsideration, may apply to the AAT for review of that decision.

Note: See Pt 13 of these Regulations concerning reconsideration and review of decisions.

84 When condition or refusal has effect

(1) A decision to grant an authorisation unconditionally has effect immediately after the holder of the existing permission is told in writing of the decision.

(2) A decision to refuse to grant an authorisation, or to grant an authorisation subject to a condition, has effect 6 months after the holder of the existing permission is told in writing of the decision.

(3) Until a decision to which subregulation (2) applies has effect, the permission holder may continue to carry on the relevant activity in accordance with the permission.

85 Authorisation is part of permission

Except as otherwise provided in these Regulations, an authorisation is part of the existing permission mentioned in the notice under subregulation 83(5) to which it is attached.

86 How long authorisation remains in force

(1) An authorisation remains in force while the existing permission to which it is attached remains in force, or until the authorisation is surrendered or revoked.

(2) A permission holder may surrender an authorisation without surrendering the existing permission to which it is attached.

87 Variation of authorisation in certain circumstances

If an authorisation is granted subject to a condition, the Authority may vary the condition at any time (with the written consent of the holder of the existing permission to which the authorisation is attached) to ensure that the condition is appropriate to the attainment of the object of the Act.

Part 2A—Permissions

Division 2A.1—Permissions to which Part 2A applies

88 Permissions to which Part 2A applies

(1) This Part applies to the following permissions:

(a) a permission for the purpose of section 38AA of the Act to engage in mining operations or geological storage operations;

(b) a permission referred to in sections 38BA and 38BB of the Act for the purpose of a zoning plan to engage in conduct in a zone (including the person’s use of, or entry to, the zone);

(c) a permission referred to in section 38BD of the Act for the purpose of a zoning plan to fish in a zone using a particular fishing method or particular fishing apparatus;

(d) a permission for the purpose of section 38CA of the Act to engage in conduct in an unzoned area of the Marine Park;

(e) a permission for the purpose of section 38DD of the Act to discharge waste in the Marine Park;

(f) a permission for the purpose of regulation 53 to  
use or enter a Restricted Access SMA mentioned in regulation 52.

(2) To avoid doubt, a permission referred to in paragraph (1)(b) includes a special permission.

Division 2A.2—Applications for permissions

88A Application for permission

(1) Subject to Division 2A.3, a person may apply to the Authority for a permission by:

(a) lodging a written application in accordance with subregulation (3); or

(b) making an application (whether or not in writing) in a manner approved by the Authority.

Note: Division 2A.3 sets out a process for selecting entitled persons for special permissions. Generally, only entitled persons may apply for special permissions.

(2) Paragraph (1)(b) applies only in the circumstances approved by the Authority.

(3) For the purposes of paragraph (1)(a), the application must:

(a) be in the form approved by the Authority; and

(b) include the information required by the form; and

(c) be accompanied by any documents required by the form; and

(d) be lodged at a place or by a means specified in the form.

Note: Under paragraph 131(1)(a), the Authority must, as soon as practicable after receiving an application, notify an applicant of the fee payable for the application.

(4) The Authority is not required to consider the application, or consider it further, if the application does not comply with the requirements of subregulation (3).

(5) If the Authority decides not to consider an application, or consider it further, because the application does not comply with the requirements of subregulation (3), the Authority must give the applicant a notice in writing, within 10 business days after the day the Authority makes that decision, stating:

(a) that the application is incomplete; and

(b) the matters that must be dealt with to complete the application.

(6) If the matters have not been dealt with within 30 business days after the notice is given (or such longer period as is specified in the notice), the application is taken to have been withdrawn.

88B Withdrawal of applications

Subject to regulation 88C, a person who makes an application under regulation 88A may, by written notice to the Authority, withdraw the application at any time before it is decided by the Authority.

88C Withdrawals of deemed applications

(1) This regulation sets out when a deemed application is taken to be withdrawn.

(2) If, under section 37AB of the Act, a referral under Division 1 of Part 7 of the *Environment Protection and Biodiversity Conservation Act 1999* is taken to be an application for a permission made in accordance with these Regulations, the referral is a ***deemed application*** for the purposes of this regulation.

(3) If, under paragraph 74D(4)(a) of that Act, the Minister refuses to approve the taking of the action proposed in the deemed application, the deemed application is taken to have been withdrawn at the time the Minister makes that decision.

(4) However, if the Minister makes a decision under paragraph 74D(4)(b) of that Act in relation to the action proposed in the deemed application, the deemed application is, at the time the Minister makes the decision, reinstated.

(5) If, under subsection 133(7) of that Act, the Minister refuses to approve the taking of the action proposed in the deemed application, the application is taken to have been withdrawn at the time the Minister refuses to approve the taking of the action proposed in the referral.

(6) If the deemed application is withdrawn under section 170C of that Act, the application is taken to have been withdrawn at the time the referral is so withdrawn.

88D Advertising of applications

(1) If the Authority considers that the granting of a permission may restrict the reasonable use by the public of a part of the Marine Park, the Authority may, by written notice given to the applicant, require the applicant to publish an advertisement:

(a) setting out any information about the application that the Authority reasonably requires; and

(b) inviting interested persons to make written comments to the Authority about the application within a period of not less than 30 days specified by the Authority; and

(c) specifying an address to which such comments may be sent.

(2) The applicant must, within the period specified in the notice:

(a) provide a copy of the advertisement to the Authority; and

(b) publish the advertisement in a newspaper circulating in that part of the State of Queensland adjacent to that part of the Marine Park in which the conduct, for which permission is sought, is to be engaged in.

(3) The Authority must also publish the advertisement on its website.

(4) If the applicant does not publish the advertisement in accordance with subregulation (2), the application is taken to have been withdrawn at the end of the period specified in the notice mentioned in paragraph (1)(b).

88E Additional information

(1) For the purpose of assessing an application, the Authority may, in writing, request that the applicant give to the Authority specified additional information or a specified additional document.

(2) The applicant may provide the information or document as part of a report or assessment prepared for the purposes of:

(a) the *Environment Protection and Biodiversity Conservation Act 1999*; or

(b) the *Environmental Protection Act 1994* of Queensland, the *Integrated Planning Act 1997* of Queensland or the *State Development and Public Works Organisation Act 1971* of Queensland.

(3) If the applicant does not provide the additional information or document to the Authority within 20 business days after the day the Authority gives the notice to the applicant (or such longer period that the Authority allows), the application is taken to have been withdrawn.

Division 2A.3—Applications for special permissions

88F Purpose of Division

(1) This Division provides for the process of seeking expressions of interest in relation to applications for special permissions.

(2) This Division also sets out how expressions of interest are to be ranked in order for the person submitting the expression of interest to be declared an entitled person.

Note: Generally, only entitled persons can apply under regulation 88A for a special permission*.*

88G Interpretation

(1) In this Division:

***heli‑pontoon*** means a non‑motorised, permanently moored facility that is used solely as a landing area for helicopters.

***special permission*** has the meaning given by subregulations (2), (3) and (4).

(2) A special tourism permission is a ***special permission***.

(3) A permission to operate a heli‑pontoon facility of the kind mentioned in subclause 1.37(2) of the Cairns Area Plan of Management 1998 is a special permission.

(4) A permission to operate a mooring facility that meets the criteria in subregulation (5) is a special permission.

(5) For subregulation (4), the criteria are that the mooring facility:

(a) is in a Location listed in Schedule 6 to the *Cairns Area Plan of Management 1998*; or

(b) is in the Whitsunday Planning Area and the permission was in force immediately before 18 December 2008; or

(c) is in the Hinchinbrook Planning Area and the permission was in force immediately before 15 April 2004; or

(d) is of a kind mentioned in subclause 1.37(1) of the *Cairns Area Plan of Management 1998*;

but is not a mooring facility:

(e) of a kind mentioned in paragraph 1.36(3)(a), (b), (c), (e) or (f), clause 1.38 or subclause 1.39(7) of the *Cairns Area Plan of Management 1998*; or

(f) in a place mentioned in subclause 1.27(2) of the *Whitsundays Plan of Management 1998*; or

(g) in a place or of a kind referred to in subclause 1.29(1) or 2.22(2) of the *Hinchinbrook Plan of Management 2004*.

88H Application of Division

(1) A person is not required to be declared an entitled person under this Division in order to apply for a special permission if:

(a) the person holds a special permission and, before   
the permission expires, the person applies under regulation 88A to replace the permission with a permission of the same kind; or

(b) the person held a special permission and after its expiry:

(i) the person applied under regulation 88A to replace the permission with a permission of the same kind; and

(ii) the Authority, under subregulation (2), decides to treat the application as having been made before the expiry of the permission; or

(c) the permission is transferred to the person under regulation 88ZK.

(2) For subparagraph (1)(b)(ii), the Authority may decide to treat the application as having been made before the expiry of the special permission if the Authority considers that special circumstances put forward in writing by the applicant justify its doing so.

88I Only entitled person may apply for special permission

(1) Despite subregulation 88A(1) and subject to regulation 88H, a person may apply for a special permission only if the person is, under this Division, declared to be an entitled person for the permission.

(2) The Authority may declare a person to be an entitled person for a special permission only if the permission is available to be granted under a plan of management, and either:

(a) has not been granted previously; or

(b) if granted previously—will not be in force at the time the entitled person is granted the applied‑for permission under regulation 88X.

Note 1: A permission might no longer be in force because it has expired, has been surrendered or has been revoked.

Note 2: The process of seeking expressions of interest must occur before the granting of the special permission. See regulation 88J*.*

88J Invitations for expressions of interest

(1) Subject to regulation 88H, before granting a special permission under regulation 88X, the Authority must publish a notice inviting expressions of interest in the permission.

(2) The notice must be published:

(a) on the Authority’s website; and

(b) in a newspaper, if any, that is a local newspaper circulating in that part of the State of Queensland adjacent to that part of the Marine Park in which the conduct, for which permission is sought, is to be engaged in.

(3) The notice must set out:

(a) the kind of permission or, if the notice applies to more than 1 kind of permission, each of the kinds of permission, for which expressions of interest are sought; and

(b) the procedure for expressing an interest; and

(c) the closing date for expressing an interest; and

(d) the amount of the lodgment fee for expressing an interest; and

(e) the criteria to be applied by the Authority in assessing an expression of interest.

(4) The notice must be published at least 10 business days before the closing date for the expressions of interest.

88K Consideration of expressions of interest to determine entitled person

(1) In making a decision under regulation 88M, 88N or 88O as to who is an entitled person in relation to a special permission mentioned in a notice under regulation 88J, the Authority must only consider expressions of interest that are:

(a) made in the form approved by the Authority; and

(b) received after the publication of the notice but no later than the closing date set out in the notice; and

(c) accompanied by the lodgment fee mentioned in the notice.

(2) In considering an expression of interest, the Authority must have regard to the criteria mentioned in paragraph  88J(3)(e).

88L Ranking expressions of interest

(1) Subject to subregulation (3), for each kind of special permission for which interest is expressed by more than 1 person, the Authority must rank the expressions in order of merit, and may rank by ballot any expressions of equal merit.

(2) The Authority must determine the order of merit on the basis of the criteria set out in the notice under paragraph 88J(3)(e).

(3) The Authority must not rank an expression of interest that does not satisfy all of the criteria mentioned in the notice under paragraph 88J(3)(e).

(4) The Authority must give to a person whose expression of interest has not been ranked, a written notice setting out the reasons for the Authority’s decision not to rank the expression of interest.

(5) The Authority must give the notice to the person within 10 business days after making the decision.

88M First declaration of entitled person

(1) For a kind of special permission set out in a notice under regulation 88J, the Authority must, in writing, declare the person who lodged the most highly ranked expression of interest for that kind of permission to be the entitled person for the permission.

(2) The declaration must be made, and given to the person, as soon as practicable after the Authority ranks the expression of interest.

(3) The declaration must:

(a) specify the date from which the decision that the person’s expression of interest is the most highly ranked for the permission takes effect (the ***date of effect***); and

(b) declare that the person is an entitled person to make an application under regulation 88A for that permission; and

(c) state that the person must make the application within 15 business days after the date of effect or the person will cease to be the entitled person for the permission.

(4) The date of effect must not be a date before the date that the declaration is given to the person.

88N Second declaration of entitled person

(1) The person declared to be the entitled person for the special permission under regulation 88M ceases to be the entitled person if the person:

(a) does not apply under regulation 88A within the period mentioned in paragraph 88M(3)(c); or

(b) withdraws an application made under regulation 88A; or

(c) lodges an application under regulation 88A and the application:

(i) is taken to have been withdrawn under subregulation 88E(3); or

(ii) is refused under regulation 88X; or

(iii) lapses under regulation 132.

(2) If the person ceases to be the entitled person for the special permission, the Authority must again rank the expressions of interest for the permission so that the immediately next ranked expression of interest becomes the most highly ranked expression of interest.

(3) The Authority must, in writing, declare the person whose expression of interest was ranked highest under subregulation (2), to be the entitled person for the permission.

(4) The declaration must be made, and given to the person, as soon as practicable after the Authority ranks the expression of interest under subregulation (2).

(5) The declaration must:

(a) specify the date from which the decision that the person’s expression of interest is the most highly ranked for the permission takes effect (the ***date of effect***); and

(b) declare that the person is an entitled person to make an application under regulation 88A for the permission; and

(c) state that the person must apply to make that application within 15 business days after the date of effect or the person will cease to be the entitled person for the permission.

(6) The date of effect must not be a date before the date that the declaration is given to the person.

88O Further declarations of entitled person

(1) If the person declared under regulation 88N to be the new entitled person for the special permission:

(a) does not apply under regulation 88A within the period mentioned in paragraph 88N(5)(c); or

(b) withdraws an application made under regulation 88A; or

(c) lodges an application under regulation 88A and the application:

(i) is taken to have been withdrawn under subregulation 88E(3); or

(ii) is refused under regulation 88X; or

(iii) lapses under regulation 132;

then regulation 88N continues to apply as required to the process of ranking of expressions of interest to determine the person who is to be declared the entitled person for the permission.

(2) If the Authority is required to again rank expressions of interest under regulation 88N for a kind of permission set out in a notice under regulation 88J, the Authority in doing so need only take into account the outcome of the previous ranking for that permission.

88P Notice regarding unsuccessful expressions of interest

(1) If:

(a) a person’s expression of interest for a special permission has been ranked by the Authority under regulation 88L; and

(b) the person has not received a declaration under regulation 88M, 88N or 88O;

the Authority must give the person a written notice setting out the reasons for the decision not to give the person’s expression of interest the highest ranking for that permission.

(2) The notice must be given within 20 business days after the making of the decision.

(3) This regulation does not apply in relation to an expression of interest that has been ranked again by the Authority in accordance with regulation 88N or 88O.

Division 2A.4—Consideration of applications

88Q Consideration of applications—mandatory considerations

In deciding whether or not to grant a permission in relation to an application, and whether or not to impose any conditions on the permission, the Authority must consider the following:

(a) the potential impacts of the conduct proposed to be permitted by the permission (the ***proposed conduct***) on the environment and on the social, cultural and heritage values of the Marine Park or a part of the Marine Park;

(b) options for monitoring, managing and mitigating the potential impacts of the proposed conduct;

(c) if the proposed conduct will take place in an area to which a zoning plan applies—the objectives of the zone as set out in the zoning plan;

(d) if the proposed conduct also requires an approval or permit under the *Environment Protection and Biodiversity Conservation Act 1999*:

(i) whether the approval or permit has been, or is likely to be, granted and, if granted, the terms and conditions of it being granted; and

(ii) any relevant assessment documentation (within the meaning given by subsection 133(8) of that Act) in relation to the approval or permit;

(e) any written comments received about the application in response to the public advertisement published in accordance with regulation 88D;

(f) any other matters relevant to the orderly and proper management of the Marine Park.

Note: Subsection 7(3) of the *Great Barrier Reef Marine Park Act 1975* provides that the Authority must, in managing the Marine Park and performing its other functions, have regard to, and seek to act in a way that is consistent with, the objects of the Act, the principles of ecologically sustainable use and the protection of the world heritage values of the Great Barrier Reef World Heritage Area.

88R Consideration of applications—discretionary considerations

In deciding whether or not to grant a permission in relation to an application, and whether or not to impose any conditions on the permission, the Authority may consider the following:

(a) the requirement in section 37AA of the Act for users of the Marine Park to take all reasonable steps to prevent or minimise harm to the environment in the Marine Park that might or will be caused by the user’s use or entry;

(b) the effect that the grant of the permission will have on public appreciation, understanding and enjoyment of the Marine Park;

(c) the impact of the conduct proposed to be permitted under the permission in the context of other conduct in the relevant area or nearby areas, or in the Marine Park, that is being undertaken, is planned, is in progress, or is reasonably foreseeable at the time of the Authority’s consideration of the application, whether or not related to or a consequence of the proposed conduct;

(d) any policies or guidelines issued by the Authority about the management of the Marine Park or the performance of the Authority’s functions under the Act and these Regulations;

(e) if the application for the permission relates to an undeveloped project the cost of which will be large—the capacity of the applicant to satisfactorily develop and manage the project;

(f) if the proposed conduct also requires an approval or a permission under a law of Queensland—whether the approval or permission has been, or is likely to be, granted and, if granted, the terms and conditions of it being granted; and

(g) any international Convention to which Australia is a signatory, or any agreement between the Commonwealth and a State or Territory, that is relevant to the application;

(h) any relevant law of the Commonwealth, or a relevant law of Queensland as in force from time to time, or a relevant plan made under such a law, relating to the management of the environment, or an area in the Marine Park;

(i) any relevant recovery plan, wildlife conservation plan, threat abatement plan or approved conservation advice, under the *Environment Protection and Biodiversity Conservation Act 1999*;

(j) whether the applicant for the permission is a suitable person to hold such a permission, having regard to:

(i) the applicant’s history in relation to environmental matters; and

(ii) if the applicant is a body corporate—the history of its executive officers in relation to environmental matters; and

(iii) if the applicant is a company that is a subsidiary of another company (the ***parent body***)—the history of the parent body and its executive officers in relation to environmental matters; and

(iv) any charge, collected amount or penalty amount that is overdue for payment by the applicant as the holder of a chargeable permission (whether or not the permission is in force); and

(v) any late payment penalty that is payable by the applicant as the holder of a chargeable permission (whether or not the permission is in force); and

(vi) any unpaid fines or civil penalties required to be paid by the applicant in relation to a contravention of the Act or of these Regulations;

(k) any other matters relevant to achieving the objects of the Act.

88S Limitations on granting permissions to take protected species

(1) If conduct that is the subject of an application for a permission relates to, or involves, the taking of a protected species, the Authority must not issue a permission for the conduct unless it is satisfied that:

(a) the conduct is not inconsistent with any relevant recovery plan, wildlife conservation plan, threat abatement plan or approved conservation advice, under the *Environment Protection and Biodiversity Conservation Act 1999*; and

(b) 1 or more of the following apply:

(i) to the extent that the conduct relates to an area or areas outside the Marine Park—the conduct is permitted by or under the *Environment Protection and Biodiversity Conservation Act 1999*;

(ii) the conduct is of particular significance to the traditions of traditional owners and will not adversely affect the survival or recovery in nature of the protected species;

(iii) the conduct will contribute to the conservation of the protected species;

(iv) the taking of the protected species is not the main purpose of the conduct but is merely incidental to the conduct and will not adversely affect the conservation status of the species.

(2) If the application relates to research, photography, filming or sound recording involving cetaceans or a tourist program involving whale watching or swimming with whales, the Authority must also consider whether the conduct will adversely affect a cetacean or the conservation status of a species of cetacean or a population of a species of cetacean.

(3) The matters mentioned in subregulations (1) and (2) are additional to the matters that the Authority must consider under regulation 88Q or may consider under regulation 88R.

88T Limitations on granting permissions to take leader prawn broodstock in Habitat Protection Zone in Mission Beach Leader Prawn Broodstock Capture Area

(1) For subparagraph 2.3.4(a)(iii) of the Zoning Plan, the following limitations are prescribed in relation to a permission to take leader prawn broodstock in the Habitat Protection Zone in the Mission Beach Leader Prawn Broodstock Capture Area:

(a) the Authority must not grant the permission unless the applicant:

(i) demonstrates, by producing logbook records and receipts for broodstock from an aquaculture facility, that the applicant has taken leader prawn broodstock in the Area in at least 3 of the calendar years 1998, 1999, 2000, 2001 and 2002; and

(ii) holds a current commercial fisheries licence (T1 endorsement) under Queensland fisheries legislation; and

(iii) demonstrates compliance with the requirements of Queensland fisheries legislation relating to turtle excluder devices and bycatch reduction devices; and

(iv) demonstrates compliance with the requirements of Queensland fisheries legislation relating to the maintenance and use of vessel monitoring systems; and

(v) holds a purchase order for leader prawn broodstock from a licensed Australian aquaculture facility;

(b) the Authority must not grant the permission if doing so would result in there being more than 5 such permissions in force at any one time.

(2) The matters mentioned in subregulation (1) are additional to the matters that the Authority must consider under regulation 88Q or may consider under regulation 88R.

(3) This regulation applies only in relation to the initial grant of a permission of a kind mentioned in subregulation (1).

88U Limitation on granting permissions to swim with dwarf minke whales in part of the Cairns Planning Area—maximum number

(1) In this regulation, ***Ribbon Reefs Sector*** and ***Offshore Port Douglas Sector*** have the same meaning as in Schedule 2 to the *Cairns Area Plan of Management 1998*.

(2) This regulation applies to an application for a permission to conduct a tourist program that consists, in whole or part, of a swimming‑with‑whales activity involving dwarf minke whales in the Ribbon Reefs Sector and the Offshore Port Douglas Sector of the Cairns Planning Area.

(3) The Authority must not grant the permission if doing so would result in there being more than 9 permissions of that kind in force at any one time.

(4) The matter mentioned in subregulation (3) is additional to the matters that the Authority must consider under regulation 88Q or may consider under regulation 88R.

88V Limitations on granting permissions to enter or use Princess Charlotte Bay SMA—special management provisions

(1) In this regulation:

***primary commercial fishing boat licence*** means a primary commercial fishing boat licence issued under a law of Queensland as in force from time to time.

***specified area*** means the area enclosed by the meridians 143 30.00 E and 144 30.00 E and the parallels 14 00.00 S and 14 30.00 S.

Note: The area defined is known as the Queensland fisheries logbook areas D11 and E11.

(2) For section 4.2.4 of the Zoning Plan, the Authority must not grant a permission to a person to use or enter the Princess Charlotte Bay Special Management Area for netting (other than bait netting) unless:

(a) the person is the holder of a primary commercial fishing boat licence that authorises netting to be carried out in the specified area; and

(b) in accordance with the licence, netting was carried out in the specified area:

(i) at any time between 1 January 1996 and 31 December 1999 (inclusive); and

(ii) at any time in 3 or more calendar years between 1 January 1988 and 31 December 1999 (inclusive); and

(c) in accordance with the licence, at least 5 tonnes of catch were taken while netting was being carried out in the specified area in the period mentioned in subparagraph (b)(ii).

(3) An application for permission to use or enter the Princess Charlotte Bay Special Management Area for netting (other than bait netting) must, in addition to containing the information required by Division 2A.2, be accompanied by evidence of the kind mentioned in subregulation (4) showing that the applicant satisfies the criteria in subregulation (2).

(4) For subregulation (3), the evidence is:

(a) a certificate, or a certified copy of a certificate, issued under section 74 of the *Fisheries Act 1994* of Queensland, showing that the applicant is the holder of a primary commercial fishing boat licence of the kind mentioned in paragraph (2)(a); and

(b) a copy of each of the documents specified in subregulation (5), certified to be true copies by or on behalf of the chief executive (within the meaning of the *Fisheries Act 1994* of Queensland), showing that the applicant had complied with the conditions set out in paragraphs (2)(b) and (c).

(5) For paragraph (4)(b), the following documents are specified:

(a) each relevant return, or part of a return, given to the former Queensland Fisheries Management Authority or the State of Queensland through the former Queensland Fisheries Service under section 109 of the repealed *Fisheries Regulation 1995* of Queensland, as in force on 1 July 2004;

(b) if applicable, each relevant return, or part of a return, given to the former Queensland Fish Management Authority under the repealed *Fishing Industry Organisation and Marketing Act 1982* of Queensland.

(6) The matters mentioned in subregulation (2) are additional to the matters that the Authority is required to consider under regulation 88Q or may consider under regulation 88R.

(7) This regulation applies only in relation to the initial grant of a permission of a kind mentioned in subregulation (2).

88W Considerations for permissions to camp on Commonwealth islands

(1) In considering whether to grant a permission to camp on a Commonwealth island, the Authority must only consider the reasonable requirements for the orderly and proper management of the Marine Park and the camping site.

(2) To avoid doubt, the matters that the Authority must consider under regulation 88Q or may consider under regulation 88R do not apply to a permission under subregulation (1).

Note: Subsection 7(3) of the *Great Barrier Reef Marine Park Act 1975* provides that the Authority must, in managing the Marine Park and performing its other functions, have regard to, and seek to act in a way that is consistent with, the objects of the Act, the principles of ecologically sustainable use and the protection of the world heritage values of the Great Barrier Reef World Heritage Area.

Division 2A.5—Granting and refusing permissions

88X Grant or refusal of permission

If:

(a) a person has applied for a permission in accordance with this Part; and

(b) has complied with any requirement or request by the Authority about the application;

the Authority must, after taking into account the matters that it is required or permitted to take into account under the Act and this Part, make a decision on the application.

88Y Application to be decided within reasonable time

(1) Subject to regulation 88Z, the Authority must make a decision on the application, and must notify the applicant of its decision, within a reasonable period after receipt of the application.

(2) The Authority must notify the applicant in writing.

Note: Under the *Electronic Transactions Act 1999* the Authority is able to notify its decision by electronic communication.

88Z Decision on referrals that are taken to be applications

(1) This regulation applies if, under section 37AB of the Act, a referral under Division 1 of Part 7 of the *Environment Protection and Biodiversity Conservation Act 1999* is taken to be an application (the ***deemed application***) for a permission made in accordance with these Regulations.

(2) The Authority must not make a decision in relation to the deemed application unless:

(a) the Minister has determined under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* that the action is not a controlled action; or

(b) if the Minister has determined that the action is a controlled action—the Minister has made a decision under section 133 of the *Environment Protection and Biodiversity Conservation Act 1999* to approve the action in the referral.

(3) The Authority must make a decision in relation to the deemed application:

(a) if paragraph (2)(a) applies—within a reasonable period after the making of the determination mentioned in paragraph (2)(a); and

(b) if paragraph (2)(b) applies—within the period of 10 business days after the making of the decision mentioned in paragraph (2)(b), unless subregulation (4) applies.

(4) The Authority may extend the period mentioned in paragraph (3)(b) by giving the applicant a notice in writing specifying the period within which it will make a decision on the deemed application.

(5) The notice must be given to the applicant before the end of the period mentioned in paragraph (3)(b).

Division 2A.6—Form, term and conditions of permissions

88ZA Form of permission

A permission issued by the Authority must be in writing and must specify the following:

(a) if the permission is issued to an individual—the name of the person or persons to whom the permission is issued;

(b) if the permission is issued to a body corporate—the name of the body corporate and, if available, the ABN or ACN of the body corporate, as appropriate;

(c) the conduct that the person is authorised to engage in;

(d) the date the permission is granted and, if different, the date the permission comes into force;

(e) the date the permission expires;

(f) the conditions subject to which the permission is granted;

(g) whether the permission allows the holder to grant authorities under the permission.

88ZB Term of permission

(1) Subject to regulation 88ZC, a permission remains in force for the period specified in the permission, unless it is revoked or surrendered before the end of that period.

(2) The permission has no effect during any period for which it is suspended, but the period of the permission continues to run.

88ZC Certain permissions to continue in force

(1) If:

(a) at any time:

(i) before a permission (the ***original permission***) ceases to be in force, the permission holder applies for a further permission of the same kind in relation to the same conduct; or

(ii) after the original permission expires the Authority decides under subregulation 88H(2) to treat the application for the further permission as having been made before the expiry of the original permission; and

(b) the application has not been granted or refused before the expiry of the original permission; and

(c) the application has not been withdrawn under regulation 88B or 88C before the expiry of the original permission;

then the original permission remains in force until the first of the following events occur:

(d) the application is taken to have been withdrawn under regulation 88D or 88E;

(e) the Authority makes a decision on the application under regulation 88X;

(f) the original permission is suspended or revoked under Division 2A.8;

(g) the application lapses under regulation 132.

(2) If a permission remains in force under subregulation (1), any authorisation attached to it is also taken to remain in force as long as the permission is in force.

88ZD Commencement of special permissions

(1) Subject to subregulations (2), (3) and (4), a special permission does not come into force until the end of a 70 business day period commencing on the day that the Authority decides to grant the permission.

(2) If:

(a) the Authority grants a special permission; and

(b) a request for reconsideration, in accordance with subregulation 185(8), has not been made in relation to the Authority’s decision to grant the permission;

the permission comes into force on the day after the end of the period in which a request for reconsideration of the decision must be made under subregulation 185(8).

(3) If the Authority grants an application under regulation 88A to replace a special permission with a permission (the ***new permission***) of the same kind, the new permission comes into force on the day it is granted, or such later date as is specified by the Authority in the permission.

(4) If the Authority approves the transfer of a special permission (the ***transferred permission***) under regulation 88ZK, the transferred permission comes into force on the day the transfer is approved, or such later date as is specified by the Authority in the approval.

88ZE Conditions of permission

(1) A permission may be granted subject to any conditions appropriate to the attainment of the objects of the Act.

(2) Without limiting the generality of subregulation (1), a permission may be granted subject to any of the following conditions:

(a) a condition relating to the manner in which conduct (including the use of, or entry to, a zone) that is the subject of the permission is to be carried out;

(b) a condition requiring the preparation, submission for approval by the Authority, and implementation of a plan for preventing, minimising or mitigating the potential environmental impacts of the permitted conduct;

(c) a condition requiring specified monitoring and audit activities to be carried out;

(d) a condition requiring the permission holder to enter into an agreement with the Commonwealth providing undertakings appropriate to the attainment of the objects of the Act;

(e) a condition requiring the provision of a security by way of a bond, guarantee or cash deposit;

(f) a condition requiring the permission holder to pay the Authority’s reasonable costs associated with inspections and supervision in relation to any project that is permitted by the permission;

(g) a condition requiring the permission holder to indemnify the Authority in respect of costs to the Authority that the permission holder’s conduct may incur (including costs that may be incurred under section 61A of the Act);

(h) a condition requiring the permission holder to insure against any specified liability of the holder to the Authority for measures taken by the Authority to repair and mitigate damage to the Marine Park caused by the permission holder’s conduct or contravention of the Act or these Regulations;

(i) a condition requiring the permission holder to undertake specified activities:

(i) to protect the environment of the Marine Park; or

(ii) to repair or mitigate damage to the environment of the Marine Park;

(j) a condition requiring the permission holder to make a financial contribution for the purpose of supporting activities mentioned in paragraph (i).

(3) The Authority must not include in a permission a condition of a kind mentioned in paragraph (2)(i) or (j) that is not directly related to activities authorised by the permission unless the permission holder has consented to the condition.

88ZF Authorities under permissions

(1) In granting a permission, the Authority may include in the permission a condition that allows the holder to give to a person written authority to carry out any activity that may be lawfully carried out in accordance with the permission for such period as is specified in the authority.

(2) The holder of a permission that contains such a condition may, unless to do so would contravene another condition of the permission, give to a person written authority to carry out any activity that may be lawfully carried out in accordance with the permission for such period as is specified in the authority.

(3) If the carrying out of an activity by a person is authorised by an authority under a permission:

(a) the permission is, for the purposes of these Regulations, taken to authorise that person to carry out that activity; and

(b) any conditions to which the permission is subject, being conditions that relate to the carrying out of that activity, apply to the carrying out of that activity by the person; and

(c) the permission holder remains responsible for any activity carried out under the authority; and

(d) the giving of the authority does not prevent the carrying out of any activity by the person who gave the authority.

Division 2A.7—Transfer of permissions and changes in beneficial ownership

Subdivision 2A.7.1—Transfer of permissions

88ZG Application to transfer permission

(1) The holder of a permission (the ***transferor***) may apply to the Authority to transfer the permission, unless the permission:

(a) is suspended; or

(b) would have expired before the date of the proposed transfer.

(2) The application must:

(a) be in the form approved by the Authority; and

(b) be signed by the transferor and the proposed transferee; and

(c) include, or be accompanied by, the information and documents required by the form; and

(d) be lodged:

(i) at a place or by a means specified in the form; and

(ii) at least 20 business days before the day on which the transfer is intended to occur; and

(e) be accompanied by the transfer fee required under item 1 of Table 134.

(3) The Authority is not required to consider the application, or consider it further, if the application does not comply with the requirements of subregulation (2).

(4) If the Authority decides not to consider an application, or consider it further, because the application does not comply with the requirements of subregulation (2), the Authority must give the applicant a notice in writing, within 10 business days after the day the Authority makes that decision, stating:

(a) that the application is incomplete; and

(b) the matters that must be dealt with to complete the application.

(5) If the matters have not been dealt with within 30 business days after the notice is given (or such longer period as is specified in the notice), the application is taken to have been withdrawn.

88ZH Consideration of application to transfer a permission

(1) In considering the application to transfer a permission, the Authority must consider the following:

(a) the need to ensure the orderly and proper management of the Marine Park;

(b) whether the transferor or proposed transferee owes any fee or other amount payable under the Act or these Regulations;

(c) whether there are reasonable grounds for believing that the transferee can comply with any conditions to be attached to the permission.

(2) In considering the application to transfer a permission, the Authority may consider the following:

(a) if the application relates to an undeveloped project the cost of which will be large—the capacity of the proposed transferee to satisfactorily develop and manage the project;

(b) whether the transferee would be a suitable person to hold the permission, having regard to:

(i) the transferee’s history in relation to environmental matters; and

(ii) if the transferee is a body corporate—the history of its executive officers in relation to environmental matters; and

(iii) if the transferee is a company that is a subsidiary of another company (the ***parent body***)—the history of the parent body and its executive officers in relation to environmental matters.

88ZI Further information required to consider application

(1) For the purposes of assessing the transferor’s application under regulation 88ZG, the Authority may, in writing, request the transferor or the transferee to give to the Authority specified additional information or specified additional documents.

(2) The transferor or transferee, as appropriate, must give the specified information or specified documents to the Authority within the period of 20 business days after the Authority gives the request to the transferor or transferee, as appropriate.

(3) The Authority may, before the expiration of the 20 business days, extend the period by notice in writing given to the transferor or transferee, as appropriate.

(4) The application is taken to have been withdrawn at the end of the period of 20 business days, or the longer period allowed by the Authority, as the case may be, if the transferor or the transferee, as appropriate, does not provide the additional information or document.

88ZJ Transfer of permissions related to approval under *Environment Protection and Biodiversity Conservation Act 1999*

The Authority must not approve the transfer of a permission that relates to an activity that is also the subject of an approval under the *Environment Protection and Biodiversity Conservation Act 1999* unless the Minister has consented to the transfer of the approval under section 145B of that Act.

88ZK Approval of transfer

(1) The Authority must, in writing given to the transferor and the proposed transferee, approve or refuse the transfer of the permission:

(a) within 20 business days after receiving the application; or

(b) if the Authority has requested additional information under regulation 88ZI—within 20 business days after receiving the additional information, unless the application is taken to have been withdrawn under subregulation 88ZI(4); or

(c) if the Authority has notified the applicant of a longer period for considering the application—no later than the end of that longer period, unless the application is taken to have been withdrawn under subregulation 88ZI(4).

(2) The Authority must not approve a transfer unless any fee payable under regulation 134 has been paid.

(3) If the Authority approves the transfer, it must issue the transferee a permission (the ***new permission***) of identical effect and with identical conditions as the permission held by the transferor, unless otherwise agreed by the transferee.

(4) Despite subregulation (3), the new permission may include any of the following conditions:

(a) a condition requiring the provision of a security by way of a bond, guarantee or cash deposit;

(b) a condition requiring the permission holder to pay the Authority’s reasonable costs associated with inspections and supervision in relation to any project that is permitted by the permission;

(c) a condition requiring the permission holder to indemnify the Authority in respect of costs to the Authority that the permission holder’s activities may incur (including costs that may be incurred under section 61A of the Act);

(d) a condition requiring the permission holder to insure against any specified liability of the holder to the Authority for measures taken by the Authority to repair and mitigate damage to the Marine Park caused by the permission holder’s activities or contravention of the Act or these Regulations.

(5) The permission (the ***old permission***) held by the transferor is cancelled at the time the transferee is granted the new permission.

88ZL Transfer of authorisation attached to permission

(1) Any authorisation that is attached to the permission is transferred with the permission.

(2) To avoid doubt, an authorisation cannot be transferred separately from the permission to which it is attached.

Note: Under regulation 85, an authorisation is part of the permission to which it is attached.

Subdivision 2A.7.2—Change in beneficial ownership of company

88ZM Change in beneficial ownership of permission holder that is a company

(1) A permission holder that is a company must notify the Authority in writing if there is a change in the beneficial ownership of the company (the ***changed company***) after the permission has been granted.

Note: It is an offence under regulation 88ZX not to notify the Authority of the change.

(2) The notice must be:

(a) in a form approved by the Authority; and

(b) given to the Authority within 20 business days after the change occurs.

(3) For subregulation (1), a change in the beneficial ownership of a company occurs when:

(a) there is a change in the persons (whether individuals or bodies corporate) holding an interest in 50% or more of the total voting shares of the company; or

(b) the company becomes a subsidiary of another company.

88ZN Further particulars about change in beneficial ownership

(1) The Authority may, in writing given to the changed company, request the company to provide further information about the change in order to enable the Authority to properly consider the matters in regulation 88ZO.

(2) The Authority may, by written notice given to the changed company, suspend or revoke the permission held by the changed company (or modify the conditions of the permission) if the company does not provide the information to the Authority within 20 business days (or such longer period specified by the Authority) after the Authority gives the request to the company.

(3) Before suspending or revoking the permission (or modifying the conditions of the permission) under subregulation (2), the Authority must:

(a) give the company notice in writing of the facts and circumstances that, in the opinion of the Authority, justify suspending or revoking the permission (or modifying the conditions of the permission); and

(b) include in the notice a statement that the holder may, within 20 business days after the date of the notice (or such longer period as is specified in the notice), provide reasons to the Authority why the permission should not be suspended or revoked or why the conditions should not be modified.

(4) In deciding whether or not to suspend or revoke the permission (or modify the conditions of the permission), the Authority must consider any reasons provided by the permission holder in response to a notice under subregulation (3).

88ZO Suspension, revocation or modification in relation to change in beneficial ownership

(1) If the Authority receives a notice under regulation 88ZM, it may suspend or revoke, or modify the conditions of, the permission held by the changed company on the following grounds:

(a) if the permission relates to an undeveloped project the costs of which will be large—there are reasonable grounds for believing the changed company does not have the capacity to satisfactorily develop and manage the project;

(b) the changed company, or an executive officer of the changed company, owes a fee, fine or other amount payable under the Act or these Regulations;

(c) there are reasonable grounds for believing that the changed company cannot comply with one or more of the conditions attached to the permission;

(d) the changed company is not a suitable person to hold the permission, having regard to:

(i) the history of the changed company in relation to environmental matters; and

(ii) the history of the executive officers of the changed company in relation to environmental matters; and

(iii) if the changed company is a subsidiary of another company (the ***parent body***)—the history of the parent body, and its executive officers, in relation to environmental matters.

(2) The Authority must notify the changed company whether or not it intends to suspend or revoke, or modify the conditions of, the permission held by the changed company within 20 business days after receiving:

(a) if the Authority has not requested additional information under regulation 88ZN—a notice under regulation 88ZM; or

(b) if the Authority has requested additional information under regulation 88ZN—the additional information requested under regulation 88ZN.

Division 2A.8—Modification, suspension and revocation

88ZP Modification of permission conditions

(1) The Authority may, by written notice given to a permission holder, modify the conditions of the permission in order to ensure the permission, and the conditions of the permission, remain appropriate to the attainment of the objects of the Act.

(2) The Authority may modify the conditions:

(a) with the consent of the permission holder; or

(b) without the consent of the permission holder:

(i) if the holder has been convicted or found guilty of an offence against the Act or these Regulations; or

(ii) if the holder has been convicted or found guilty of an offence against section 136.1 or 137.1 of the *Criminal Code* in relation to the person’s application for the permission; or

(iii) if the Federal Court has made a declaration under section 61AIA of the Act that the holder has contravened a civil penalty provision in the Act; or

(iv) if the activity or conduct that is the subject  
of the permission is also the subject of an approval under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* and that approval has been varied under section 143 of that Act; or

(v) if the Authority believes, on reasonable grounds, that it is necessary to do so to protect the environment, or the living resources, of the Marine Park.

(3) Before taking action to modify a condition on a ground mentioned in paragraph (2)(b), the Authority must:

(a) give written notice to the holder of the facts and circumstances that, in the opinion of the Authority, justify modifying the condition; and

(b) include in the notice a statement that the holder may, within 20 business days after the date of the notice (or such longer period as is specified in the notice), provide reasons to the Authority why the condition should not be modified.

(4) In deciding whether to modify the conditions of the permission, the Authority must consider any reasons provided by the permission holder in response to a notice under subregulation (3).

(5) In this regulation, ***permission*** includes an authorisation attached to the permission.

88ZQ Modification of conditions or suspension of permission—pending investigation

(1) The Authority may, by written notice to the permission holder, modify the conditions of the permission, or suspend the permission, for the purpose of conducting an investigation, if the Authority has reason to believe that:

(a) the holder has contravened, or is likely to contravene, the conditions of the permission; or

(b) unacceptable impacts have occurred, are occurring or are likely to occur, to the Marine Park or to users of the Marine Park which were not foreseen at the time of granting the permission; or

(c) if the application for the permission was being considered again, the permission would not have been granted because of circumstances that were not foreseen at the time the permission was first granted; or

(d) the holder’s history in environmental matters is such that the holder may no longer be an appropriate person to hold the permission.

(2) The notice must also:

(a) set out the Authority’s reasons for the modification or suspension; and

(b) specify a period (being a period of not less than 10 business days) within which the permission holder may provide reasons to the Authority as to why the Authority should remove the modification or suspension.

(3) The modification or the suspension, as appropriate, commences:

(a) on the day the Authority notifies the permission holder under subregulation (1); or

(b) if a later day is specified in the notice, on that later day.

(4) The Authority must, as soon as practicable after notifying the permission holder:

(a) investigate the matter in respect of which the condition was modified or the permission was suspended; and

(b) consider any reasons provided by the permission holder in response to the notice.

(5) The Authority must complete its investigation within:

(a) 20 business days after the day on which the modification or suspension commenced; or

(b) 20 business days after the day the permission holder provides reasons to the Authority in response to the notice;

whichever occurs later.

(6) In this regulation, ***permission*** includes an authorisation attached to the permission.

88ZR Action following investigation

(1) If, as a result of its investigation, the Authority does not find reasonable grounds for modifying the condition or suspending the permission, it must:

(a) immediately remove the modification or suspension; and

(b) as soon as practicable after doing so, notify the permission holder in writing that it has removed the modification or suspension, as the case may be.

(2) If, as a result of its investigation, the Authority finds reasonable grounds for modifying the condition or suspending the permission, it may, by written notice given to the permission holder, take the following action:

(a) continue the modification;

(b) continue the suspension;

(c) revoke the permission.

(3) The Authority must take the action no later than 10 business days after the day it completes its investigation.

(4) The notice must include the reasons for continuing the modification or suspension, or revoking the permission, as the case may be.

(5) If the Authority continues the modification or suspension by notice under subregulation (2), the following provisions apply:

(a) in the case of a modification of a condition—the permission that is subject to the condition has effect as if it had been granted with the modified condition;

(b) in the case of a suspension—the permission remains suspended for the period specified in the notice.

(6) If the Authority revokes the permission under subregulation (2), the revocation takes effect on the day the Authority gives the notice to the permission holder.

(7) If the Authority does not continue the modification or suspension, or revoke the permission, within a period of 10 business days after completing its investigation, the modification or suspension, as the case may be, ceases to have effect at the end of that period.

(8) In this regulation, ***permission*** includes an authorisation attached to the permission.

88ZS Suspension or revocation of permission—bareboat operations

(1) The Authority may, by notice in writing given to a permission holder, suspend the permission granted to the holder for the purposes of a zoning plan to conduct a tourist program involving a bareboat operation in the Whitsunday Planning Area if:

(a) the holder’s senior staff, persons responsible for briefing clients and persons operating radio facilities are not registered with the Authority under regulation 124; or

(b) the holder’s bareboats do not have protection and public liability indemnity insurance for at least $10 000 000; or

(c) the holder does not have facilities available on board the bareboats and on shore for the disposal of garbage resulting from the bareboat operation; or

(d) the holder’s bareboats do not display a valid and unique identification number, issued by the Authority, when the holder conducts the bareboat operation in the Marine Park.

(2) The suspension commences:

(a) on the day the Authority notifies the permission holder under subregulation (1); or

(b) if a later day is specified in the notice, on that later day.

(3) Before suspending a permission under subregulation (1), the Authority must:

(a) give written notice to the holder of the facts and circumstances that, in the opinion of the Authority, justify suspending the permission; and

(b) include in the notice a statement that the holder may, within 10 business days after the date of the notice, provide reasons to the Authority why the permission should not be suspended.

(4) In deciding whether to suspend the permission, the Authority must consider any reasons provided by the permission holder in response to a notice under subregulation (3).

(5) If the permission holder does not comply, or ensure compliance, with the requirements in paragraphs (1)(a) to (d), within the period of 40 business days after the suspension, the Authority may revoke the permission after the end of the period by giving the holder written notice.

(6) The revocation commences:

(a) on the day the Authority gives notice to the permission holder under subregulation (5); or

(b) if a later day is specified in the notice, on that later day.

88ZT Suspension of permission—environmental management charge

(1) The Authority may, by notice in writing given to the holder of a chargeable permission, suspend the permission if any of the following apply:

(a) at the end of the month in which charge is payable in relation to the permission by the holder of the permission, the charge has not been fully paid;

(b) charge that is payable in relation to the permission by a visitor has not been collected by the holder of the permission;

(c) at the end of the month in which a collected amount is payable in relation to the permission, the collected amount has not been fully paid;

(d) a penalty amount that is payable in relation to the permission has not been paid in accordance with subsection 39FA(3) of the Act;

(e) an amount of late payment penalty that is payable in relation to the permission has not been paid;

(f) at the end of the month in which a return in relation to the permission is to be given to the Authority under subregulation 167(1) or (3), the return has not been given to the Authority.

(2) The suspension commences:

(a) on the day the Authority gives notice to the permission holder under subregulation (1); or

(b) if a later day is specified in the notice, on that later day.

(3) The suspension remains in force until the Authority is satisfied:

(a) that:

(i) if paragraph (1)(a), (b), (c), (d) or (e) applies—the charge, amount or penalty, as appropriate, is paid; or

(ii) if paragraph (1)(f) applies—a properly completed return has been given to the Authority; and

(b) that the reinstatement fee under regulation 133B is paid to the Authority.

(4) Before taking action to suspend a permission under subregulation (1), the Authority must:

(a) give written notice to the holder of the facts and circumstances that, in the opinion of the Authority, justify consideration being given to suspending the permission; and

(b) include in the notice a statement that the holder may, within 10 business days after the date of the notice, provide reasons to the Authority why the permission should not be suspended.

(5) In deciding whether or not to suspend the permission, the Authority must consider any reasons provided by the holder in response to a notice under subregulation (4).

88ZU Revocation of permission—general

(1) The Authority may, by written notice given to the permission holder, revoke the permission if the Authority is satisfied that any of the following apply:

(a) the holder consents to the revocation;

(b) the holder has been convicted or found guilty of an offence against the Act or these Regulations;

(c) the holder has been convicted or found guilty of an offence against section 136.1 or 137.1 of the *Criminal Code* in relation to the holder’s application for the permission;

(d) the Federal Court has made a declaration under section 61AIA of the Act that the holder has contravened a civil penalty provision in the Act;

(e) if the permission has been suspended under regulation 88ZT—the holder has not, within 10 business days of the suspension, taken the action that would enable the Authority to reinstate the permission;

(f) the conduct that is the subject of the permission is also the subject of an approval under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* and that approval has been revoked under section 145 of that Act;

(g) the holder did not begin to engage in the conduct that is permitted by the permission in the Marine Park within 120 days after the date on which the permission was granted, or transferred, under these Regulations, unless the permission states otherwise.

(2) A revocation takes effect:

(a) on the day the Authority gives the holder notice of the revocation under subregulation (1); or

(b) if a later day is specified in the notice, on that later day.

(3) Before taking action to revoke a permission on a ground mentioned in paragraphs (1)(b) to (g), the Authority must:

(a) give to the holder a written notice of the facts and circumstances that, in the opinion of the Authority, justify consideration being given to revoking the permission; and

(b) include in the notice a statement that the holder may, within 10 business days after the date of the notice, provide reasons to the Authority why the permission should not be revoked.

(4) In deciding whether to revoke the permission, the Authority must consider any reasons provided by the holder in response to a notice under subregulation (3).

(5) In spite of subregulation (3), the Authority may, by notice in writing given to the holder, suspend the permission while it considers whether or not to revoke the permission.

(6) The suspension:

(a) commences:

(i) on the day the Authority notifies the permission holder under subregulation (3); or

(ii) if a later day is specified in the notice, on that later day; and

(b) ends on the earlier of:

(i) the day the Authority makes a decision on whether or not to revoke the permission; and

(ii) the day that is 20 business days after the date of the notice mentioned in subregulation (3).

(7) In this regulation, ***permission*** includes an authorisation attached to the permission.

88ZV Revoked permission to be reinstated in particular circumstances

(1) This regulation applies if:

(a) the Authority has revoked a permission (the ***revoked permission***) because the conduct that is the subject of the permission is also the subject of an approval under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* and that approval (the ***revoked approval***) has been revoked under section 145 of that Act; and

(b) the revoked approval has been reinstated under section 145A of that Act.

(2) The Authority must:

(a) reinstate the revoked permission as soon as practicable after the revoked approval has been reinstated; and

(b) notify the permission holder in writing that the permission has been reinstated.

Division 2A.9—Offence provisions

88ZW Requirement to produce permission for inspection

(1) A person commits an offence if:

(a) the person holds a permission; and

(b) the person engages in conduct in the Marine Park; and

(c) the Authority, or an inspector performing functions under the Act, requests the person to produce a copy of the permission; and

(d) the person does not produce the permission to the Authority or inspector.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

(3) In this regulation, ***permission*** includes an authority given under the permission and an authorisation attached to the permission.

88ZX Notification of change in beneficial ownership

(1) A person commits an offence if:

(a) the person is a body corporate; and

(b) the body corporate is a permission holder; and

(c) there is a change in the beneficial ownership of the body corporate after the permission has been granted; and

(d) the person does not notify the Authority in writing of the change within 20 business days of the change occurring.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

88ZY Conviction after permission is suspended or revoked

(1) A person:

(a) who was the holder of a permission; and

(b) who failed to comply with a condition of the permission while the permission was in force;

may be convicted of an offence for failing to comply with the condition although the permission has been revoked or has otherwise ceased to be in force.

(2) In this regulation, ***permission*** includes an authorisation attached to the permission.

Division 2A.10—Miscellaneous

88ZZ Prescribed circumstances

For subsection 38BA(5) of the Act, the following circumstances are prescribed:

(a) in respect of conduct engaged in by a person in an area covered by the Zoning Plan during the first 120 days after the day on which the Plan comes into operation:

(i) the person engaged in conduct of the same kind, in that area, before the Plan came into operation; and

(ii) permission was not required for that conduct in that area before the Plan came into operation; and

(iii) that conduct does not involve fishing or collecting in that area that would otherwise require permission after the Plan comes into operation;

(b) in respect of conduct engaged in by a person in an area covered by the Zoning Plan during the first 120 days after the day on which an amendment of the Plan comes into operation:

(i) the person engaged in conduct of the same kind, in the same area, before the amendment came into operation; and

(ii) permission was not required for that conduct before the amendment came into operation; and

(iii) that conduct does not involve fishing or collecting in that area that would otherwise require permission after the amendment comes into operation;

(c) in respect of conduct engaged in by a person in an area covered by the Zoning Plan after the end of a period mentioned in paragraph (a) or (b):

(i) the person engaged in conduct of the same kind, in that area, before the beginning of that period; and

(ii) permission was not required for that conduct before the beginning of that period; and

(iii) the person applied for permission to engage in the conduct during that period; and

(iv) the person applied for the permission in accordance with these Regulations; and

(v) the person complies with any requirement or request made by the Authority under the Act, these Regulations or the Plan in relation to the application; and

(vi) the permission has not been granted or refused, and the application has not been withdrawn or lapsed.

Part 2B—TUMRAs

Division 2B.1—Preliminary

89A Definitions for Part

In this Part:

***holder***, in relation to a TUMRA, means an individual:

(a) who is a member of the traditional owner group covered by the TUMRA; and

(b) to whom correspondence may be sent on behalf of the group.

Division 2B.2—Accreditation of TUMRA

89B Application for accreditation of TUMRA

(1) An individual may, on behalf of a traditional owner group, apply to the Authority for accreditation of a TUMRA that covers the group.

(2) The individual must be a member of the traditional owner group covered by the TUMRA.

(3) The application must:

(a) be in the form approved by the Authority; and

(b) include the information required by the form; and

(c) be accompanied by a copy of the TUMRA; and

(d) be accompanied by any other documents required by the form; and

(e) be lodged at a place or by the means specified in the form.

(4) The Authority is not required to consider an application, or consider it further, if the application does not comply with the requirements of subregulation (3).

(5) If the Authority decides not to consider an application, or consider it further, because the application does not comply with the requirements of subregulation (3), the Authority must give the applicant a notice in writing, within 10 business days after the day the Authority makes that decision, stating:

(a) that the application is incomplete; and

(b) the matters that must be dealt with to complete the application.

(6) If the matters have not been dealt with within 30 business days after the notice is given (or such longer period as is specified in the notice), the application is taken to have been withdrawn.

(7) Nothing in this regulation prevents a group of individuals from making a joint application for accreditation of a TUMRA under subregulation (1), but all of the individuals must be members of a traditional owner group covered by the TUMRA.

89C Withdrawal of applications

(1) An application under regulation 89B for accreditation of a TUMRA may, by written notice given to the Authority, be withdrawn at any time before it is decided by the Authority.

(2) The notice must be signed, on behalf of the traditional owner group covered by the TUMRA, by the applicant or applicants who lodged the application, or by the authorised representative or representatives of the applicant or applicants, as the case may be.

89D Matters to be included in TUMRA

(1) A TUMRA must:

(a) describe the area of the Marine Park in relation to which the TUMRA is to operate; and

(b) identify the traditional owners covered by the TUMRA; and

(c) identify the holder of the TUMRA; and

(d) include a description of the area and the traditional use of marine resources to be covered by the TUMRA, including a description of the activities proposed to be undertaken at specific locations in an area of the Marine Park; and

(e) describe the animal species proposed to be harvested and, if those species include 1 or more protected species, how many specimens of each protected species is proposed to be harvested; and

(f) describe the management arrangements proposed by the traditional owner group for implementation of the TUMRA, including the proposed role of the traditional owner group in ensuring compliance with the TUMRA; and

(g) describe the manner in which monitoring and reporting of the traditional use of marine resources is to be conducted under the TUMRA, including the recording and reporting of information about the take of protected species; and

(h) describe the process used to develop the TUMRA by the traditional owner group, including any consultation with government authorities and other interested persons.

Note for paragraphs (e) and (g): For information about protected species, see regulation 29.

(2) For paragraph (1)(b), individuals may be identified by name, family, clan, traditional owner group or other means used by the group to identify members of the group.

(3) A TUMRA is not ineligible for accreditation only because it does not contain all of the information required by subregulation (1).

89E Additional information

(1) For the purpose of assessing an application for accreditation of a TUMRA, the Authority may, in writing, request the applicant or applicants who lodged the application (the ***relevant applicant***) to give to the Authority specified additional information or a specified additional document.

(2) The relevant applicant must provide the additional information or document within the period of 20 business days after the day the Authority gives the request to the relevant applicant.

(3) The Authority may, before the expiration of the period of 20 business days, extend the period by notice in writing given to the relevant applicant.

(4) The application is taken to have been withdrawn at the end of the period of 20 business days, or the longer period allowed by the Authority, as the case may be, if the relevant applicant does not provide the additional information or document.

89F Assessment of applications for accreditation

In assessing an application for accreditation of a TUMRA the Authority must consider the following matters:

(a) the objectives of the zone or zones in which the proposed TUMRA would apply;

(b) the matters covered by the TUMRA;

(c) the likely effect of accreditation of the TUMRA on future options for the Marine Park;

(d) the nature and scale of the traditional use of marine resources and any conservation of natural resources undertaken in accordance with the TUMRA;

(e) the conservation of the natural resources of the Marine Park, including the need for conservation of protected species and, in particular, the capability of the relevant population of such a species to sustain harvesting;

(f) any other requirements for ensuring the orderly and proper management of the Marine Park;

(g) the need to protect the cultural and heritage values held in relation to the Marine Park by traditional owners and other people;

(h) the possible effects of the proposed traditional use of marine resources on the environment and the adequacy of safeguards for the environment;

(i) the likely effects of the proposed traditional use of marine resources on adjoining and adjacent areas;

(j) any existing agreements or arrangements between the Authority and the traditional owner group covered by the TUMRA;

(k) any legislation or government policy that applies to the proposed traditional use of marine resources;

(l) any action necessary to avoid, remedy or mitigate unacceptable environmental impact that may result from the accreditation of the TUMRA;

(m) any other matters relevant to the protection of the Marine Park.

*Note for paragraph (e)*   For information about protected species, see regulation 29.

89G Accreditation of TUMRA

(1) Subject to subregulation (2), if:

(a) an individual has applied for accreditation of a TUMRA in accordance with this Part; and

(b) any requirement or request by the Authority about the application has been complied with;

the Authority must, after taking into account the matters that it is required or permitted to take into account under the Act and this Part, make a decision on the application.

Note: Subsection 7(3) of the *Great Barrier Reef Marine Park Act 1975* provides that the Authority must, in managing the Marine Park and performing its other functions, have regard to, and seek to act in a way that is consistent with, the objects of the Act, the principles of ecologically sustainable use and the protection of the world heritage values of the Great Barrier Reef World Heritage Area.

(2) The Authority must decide whether or not to accredit the TUMRA within a reasonable period after receipt of the application.

(3) The Authority must not decide to accredit a TUMRA unless it has:

(a) made reasonable efforts to consult with a relevant representative Aboriginal and Torres Strait Islander body about whether each member of the traditional owner group covered by the TUMRA is a traditional owner in relation to the relevant part of the Marine Park covered by the TUMRA; and

(b) if it has been able to so consult, considered any advice from the relevant representative Aboriginal and Torres Strait Islander body; and

(c) made an assessment, or had an assessment made, of the impact that the traditional use of marine resources under the TUMRA is likely to have on the Marine Park.

(4) If the Authority decides not to accredit a TUMRA, the Authority must, within 10 business days of making the decision, give the holder a written notice setting out the reasons for the decision.

89H TUMRA has no effect unless accredited

(1) A TUMRA has no effect in the Marine Park unless it is accredited by the Authority.

(2) An accreditation of a TUMRA has no effect during any period for which the accreditation is suspended but the period of the accreditation continues to run.

89I Conditions of accreditation

(1) The Authority may, on or after accreditation, impose conditions on the accreditation of a TUMRA.

(2) If the Authority imposes conditions after accreditation, it must give the holder of the accredited TUMRA a written notice setting out:

(a) the details of the conditions imposed; and

(b) the reasons for imposing the conditions; and

(c) the date from which the conditions take effect.

(3) Before imposing a condition under subregulation (2), the Authority must consult with the holder of the TUMRA.

(4) Any conditions imposed by the Authority must be appropriate to the attainment of the objects of the Act.

(5) A condition may include a requirement that in specified circumstances a person must give the Authority a written undertaking in a form approved by the Authority.

89J Certificate of accreditation

(1) The Authority must, within 10 business days after making a decision to accredit a TUMRA, give the holder of the TUMRA:

(a) a copy of the accredited TUMRA; and

(b) a certificate of accreditation.

(2) The certificate of accreditation:

(a) must set out any conditions to which the accreditation is subject; and

(b) must specify the day on which the accreditation commences; and

(c) must specify the period of accreditation; and

(d) may include a condition that:

(i) allows the holder of the TUMRA to give to a person written authority to carry out any activity that may be lawfully carried out in accordance with the accredited TUMRA; and

(ii) specifies a maximum number of persons the holder may authorise under the condition.

89K Authorities under accreditation

(1) If a certificate of accreditation contains a condition of a kind mentioned in paragraph 89J(2)(d), the holder of the accredited TUMRA may give to a person written authority to carry out any activity that may be lawfully carried out in accordance with the TUMRA for such period as is specified in the authority.

(2) Any authority given must be given in accordance with the management arrangements under the accredited TUMRA.

(3) The giving of the authority must not contravene a condition of the TUMRA’s accreditation.

(4) If the carrying out of an activity by a person is authorised by an authority given under a certificate of accreditation:

(a) the accredited TUMRA is, for the purposes of these Regulations, taken to authorise the person to carry out the activity; and

(b) any conditions to which the accredited TUMRA is subject, being conditions that relate to the carrying out of that activity, apply to the carrying out of that activity by that person.

89L Accreditation to continue in force

(1) If:

(a) at any time before an accreditation of a TUMRA (the ***original accreditation***) ceases to be in force, an application is made under regulation 89B for accreditation of a TUMRA that covers the same area as the accredited TUMRA; and

(b) the Authority has not made a decision on the application before the expiry of the original accreditation; and

(c) the application has not been withdrawn before the expiry of the original accreditation;

then the original accreditation remains in force until the first of the events mentioned in subregulation (2) occur.

(2) For subregulation (1), the events are as follows:

(a) the application is withdrawn under regulation 89C;

(b) the application is taken to have been withdrawn under subregulation 89E(4);

(c) the Authority makes a decision on the application under regulation 89G.

(3) If an accreditation remains in force under subregulation (1), any authority issued under the accredited TUMRA is also taken to remain in force.

Division 2B.3—Modification of TUMRA

89M Application to modify TUMRA or conditions of accreditation

(1) The holder of an accredited TUMRA may, on behalf of the traditional owner group covered by the TUMRA, apply to the Authority for the Authority to:

(a) approve a modification of the TUMRA; or

(b) modify a condition of the TUMRA’s accreditation.

(2) The application must:

(a) be in the form approved by the Authority; and

(b) provide details of the decision that the holder wants the Authority to make; and

(c) include, or be accompanied by, the information and documents required by the form; and

(d) be lodged at a place, or by a means, specified in the form.

(3) The Authority is not required to consider the application, or consider it further, if the application:

(a) is not in the approved form; or

(b) does not provide details of the decision that the holder wants the Authority to make; or

(c) does not include, or is not accompanied by, the information and documents required by the form; or

(d) is not lodged at a place, or by the means, specified in the form.

(4) If the Authority decides not to consider an application, or consider it further, because the application does not comply with the requirements of subregulation (2), the Authority must give the applicant a notice in writing, within 10 business days after the day the Authority makes that decision, stating:

(a) that the application is incomplete; and

(b) the matters that must be dealt with to complete the application.

(5) If the matters have not been dealt with within 30 business days after the notice is given (or such longer period as is specified in the notice), the application is taken to have been withdrawn.

89N Additional information

(1) For the purpose of assessing an application under regulation 89M, the Authority may, in writing, request the holder of the TUMRA to give to the Authority specified additional information or a specified additional document.

(2) The holder must provide the additional information or document to the Authority within the period of 20 business days after the day the Authority gives the request to the holder.

(3) The Authority may, before the expiration of the period of 20 business days, extend the period by notice in writing given to the holder.

(4) The application is taken to have been withdrawn at the end of the period of 20 business days, or the longer period allowed by the Authority, as the case may be, if the holder does not provide the additional information or document.

89O Decision on application

(1) If:

(a) the holder has applied in accordance with regulation 89M; and

(b) any requirement or request by the Authority about the application has been complied with;

the Authority must make a decision on the application.

(2) The Authority must make a decision within a reasonable period after receipt of the application.

(3) Subject to subregulation (4), the Authority must not approve the application if:

(a) the Authority considers that the modification proposed in the application may have an impact on the Marine Park that was not previously considered by the Authority in relation to the TUMRA; and

(b) the Authority has not made an assessment, or had an assessment made, of the impact that the proposed modification is likely to have on the Marine Park.

(4) After the Authority has made an assessment, or had an assessment made, the Authority may approve the application if, after considering the assessment and the matters mentioned in regulation 89F, the Authority is satisfied that it is appropriate to do so.

89P Notice of decision

(1) Within 10 business days of making a decision under subregulation 89O(1) to approve the application, the Authority:

(a) must give written notice of the decision to the holder of the TUMRA; and

(b) may, if the Authority considers it necessary or appropriate to do so, give the holder:

(i) a copy of the modified TUMRA as approved; and

(ii) a new certificate of accreditation that incorporates the effect of the decision.

(2) The notice under paragraph (1)(a) must specify the date from which the modified TUMRA, or the modified condition of accreditation, as the case may be, takes effect.

89Q Notice of refusal to modify TUMRA or conditions

If the Authority decides to refuse to approve an application made under regulation 89M, the Authority must, within 10 business days of making the decision, give the holder a written notice setting out the decision and the reasons for the decision.

Division 2B.4—Modification, suspension and revocation

89R Modification of conditions or suspension of accreditation—pending investigation

(1) The Authority may modify the conditions of accreditation of a TUMRA, or suspend the TUMRA’s accreditation for the purpose of conducting an investigation if the Authority has reason to believe that:

(a) a person authorised by or under the TUMRA to undertake a traditional use of marine resources has not complied with:

(i) the provisions of the TUMRA in relation to the use; or

(ii) a condition of the TUMRA’s accreditation; or

(b) damage, degradation or disruption to the physical environment, or the living resources, of the Marine Park has occurred, is occurring or is likely to occur because of the operation of the TUMRA.

(2) The Authority must notify the holder of the TUMRA of the modification or suspension by giving the holder a written notice.

(3) The notice must set out when the modification or suspension takes effect, which must not be earlier than the day the notice is given to the holder.

(4) The Authority must, as soon as practicable after notifying the holder, carry out the investigation.

(5) The Authority must complete its investigation within 20 business days after the day on which the modification or suspension commenced.

89S Action following investigation

(1) If, as a result of its investigation, the Authority does not find reasonable grounds for its belief under subregulation 89R(1), it must immediately revoke the modification or suspension and, as soon as practicable after doing so, notify the holder in writing that it has removed the modification or suspension, as the case may be.

(2) If, as a result of its investigation, the Authority finds reasonable grounds for its belief under subregulation 89R(1) it may, no later than 10 business days after completing its investigation, continue the modification or suspension by written notice given to the holder.

(3) The notice must include:

(a) the reasons for continuing the modification or suspension, as the case may be; and

(b) the period for which the suspension is to remain in force.

(4) If the Authority does not continue the modification or suspension within a period of 10 business days after completing its investigation, the modification or suspension, as the case may be, ceases to have effect at the end of that period.

89T Suspension or revocation of accreditation—general

(1) The Authority may, by written notice given to the holder of an accredited TUMRA, suspend or revoke the accreditation of the TUMRA if:

(a) the holder of the accredited TUMRA, on behalf of the traditional owner group covered by the TUMRA, consents to the suspension or revocation; or

(b) the Authority is satisfied on reasonable grounds that a person authorised by or under the TUMRA to undertake a traditional use of marine resources has not complied with:

(i) the provisions of the TUMRA in relation to the use; or

(ii) a condition of the TUMRA’s accreditation; or

(c) the Authority has reasonable grounds for believing that if the application for accreditation of the TUMRA was being considered again, the accreditation would not have been granted because of circumstances that were not foreseen at the time the accreditation was first granted; or

(d) the holder of the accredited TUMRA, or the person who applied for accreditation of the TUMRA, has been convicted or found guilty of an offence against section 136.1 or 137.1 of the *Criminal Code* in relation to the application for accreditation of the TUMRA.

(2) The suspension or revocation takes effect:

(a) on the day the Authority notifies the holder under subregulation (1) of the suspension or revocation, as the case may be; or

(b) if a later day is specified in the notice—on that later day.

(3) Before taking action to suspend or revoke the accreditation of the TUMRA on a ground mentioned in paragraphs (1)(b) to (d), the Authority must:

(a) notify the holder in writing of the facts and circumstances that, in the opinion of the Authority, justify consideration being given to suspending or revoking the accreditation of the TUMRA; and

(b) allow the holder 10 business days from the day the Authority gives the notice to the holder to provide reasons to the Authority why the accreditation should not be suspended or revoked.

(4) In deciding whether to suspend or revoke the TUMRA’s accreditation the Authority must consider any reasons provided by the holder in response to a notice under subregulation (3).

Division 2B.5—Termination of accredited TUMRA

89U Termination of accredited TUMRA

(1) The holder of an accredited TUMRA may, on behalf of the traditional owner group covered by the TUMRA, terminate the TUMRA at any time by written notice given to the Authority.

(2) If the holder terminates an accredited TUMRA in accordance with subregulation (1), the accreditation of the TUMRA ceases to have effect:

(a) on the day the notice is given; or

(b) if a later date is specified in the notice—on that later date.

Part 3A—Discharge of sewage

93A Application of this Part

This Part does not apply to a discharge of sewage to which Division 2 of Part IIIB of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* applies.

Note: The object of Division 2 of Part IIIB of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* is to give effect to Australia’s obligations regarding the discharge of sewage into the sea under Annex IV of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).

93B Interpretation of this Part

In this Part:

***damage*** to a vessel or its equipment does not include:

(a) deterioration resulting from failure to maintain the vessel or equipment; or

(b) defects that develop during the normal operation of the vessel or equipment.

***Grade A treated sewage*** means sewage that has been treated and complies with the standard set out in Part 2 of Schedule 7 to the *Transport Operations (Marine Pollution) Regulation 2008* of Queensland.

Note: The standards for Grade A treated sewage are the implementation of Resolution of MEPC.2(IV) MARPOL 73/78 made for the purposes of Annex IV of MARPOL 73/78.

***Grade B treated sewage*** means sewage that has been treated and complies with the standard set out in Part 3 of Schedule 7 to the *Transport Operations (Marine Pollution) Regulation 2008* of Queensland.

***Grade C treated sewage*** means sewage that has been treated and complies with the standard set out in Part 4 of Schedule 7 to the *Transport Operations (Marine Pollution) Regulation 2008* of Queensland.

Note: The standards are:

For ***Grade A treated sewage***

Thermotolerant coliforms—the relevant level of the thermotolerant coliform count of the samples of treated sewage taken during the test period must not be more than 250 thermotolerant coliforms/100 mL, most probable number, as determined by a multiple tube fermentation analysis or an equivalent analytical procedure.

Suspended solids—the relevant level of the total suspended solids content of the samples of treated sewage taken during the test period must not be more than 50 mg/L above the suspended solids content of ambient water used for flushing purposes.

Biochemical oxygen demand—the relevant level of the 5 day biochemical oxygen demand of the samples of treated sewage taken during the test period must not be more than 50 mg/L.

For ***Grade B treated sewage***

Thermotolerant coliforms—the relevant level of the thermotolerant coliform count of the samples of treated sewage taken during the test period must not be more than 150 thermotolerant coliforms/100 mL, most probable number, as determined by a multiple tube fermentation analysis or an equivalent analytical procedure.

Suspended solids—the relevant level of the total suspended solids content of the samples of treated sewage taken during the test period must not be more than 50 mg/L above the suspended solids content of ambient water used for flushing purposes.

For ***Grade C treated sewage***

Thermotolerant coliforms—the relevant level of the thermotolerant coliform count of the samples of treated sewage taken during the test period must not be more than 150 thermotolerant coliforms/100 mL, most probable number, as determined by a multiple tube fermentation analysis or an equivalent analytical procedure.

***reef*** includes bommie fields, reef slopes, moats and ramparts.

***sewage*** has the meaning given by Part IIIB of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

93C Discharge of sewage generally

(1) A person is guilty of an offence if:

(a) the person engages in conduct; and

(b) the conduct causes the discharge of sewage in, or into, the Marine Park; and

(c) the person:

(i) is reckless as to whether sewage will be discharged in, or into, the Marine Park; or

(ii) is negligent as to whether sewage will be discharged in, or into, the Marine Park

otherwise than as authorised by regulation 93D or 93E.

Penalty: 50 penalty units.

(2) For subregulation (1):

***engage in conduct*** has the same meaning as in the *Criminal Code*.

(3) Subregulation (1) does not apply if the sewage is discharged in a zone and the person holds any necessary permission required under the Zoning Plan to authorise such a discharge of sewage in the zone.

(4) However, it is a defence to a prosecution under subregulation (1) if the sewage is discharged from a vessel or aircraft:

(a) because of accidental damage to the vessel or aircraft and all reasonable precautions were taken before and after the occurrence of the damage to prevent or minimise the escape of sewage; or

(b) for the purpose of saving life at sea or securing the safety of the vessel or aircraft.

Note: A defendant bears an evidential burden in relation to matters in subregulation (4)—see *Criminal Code*, subsection 13.3(3).

93D Discharge of untreated sewage from vessels

(1) Subject to regulation 93F, the master of a vessel that has 15 or fewer persons on board may allow untreated sewage to be discharged from the vessel in the Marine Park if:

(a) the vessel does not have a fixed toilet; or

(b) where the vessel has a fixed toilet, the sewage has been reduced to a fine slurry.

(2) Subject to regulation 93F, the master of a vessel that has 16 or more persons on board may allow untreated sewage to be discharged from the vessel in the Marine Park if:

(a) the vessel has a fixed toilet; and

(b) the sewage has been reduced to a fine slurry; and

(c) the sewage is discharged more than 1 nautical mile seawards of:

(i) the seaward edge of the nearest reef; and

(ii) the low water mark of the nearest island or the mainland.

93E Discharge of treated sewage from vessels

The master of a vessel may allow treated sewage to be discharged from the vessel in the Marine Park if:

(a) the sewage complies with the standard in subregulation 135(3); or

(b) subject to subregulation 93F(1), the sewage is Grade A treated sewage; or

(c) subject to subregulation 93F(1), the sewage is Grade B treated sewage and the vessel is:

(i) more than 700 metres seawards of the seaward edge of the nearest reef; and

(ii) more than 700 metres from the seaward edge of any aquaculture operation; and

(iii) more than 700 metres from any person in the water; or

(d) subject to subregulation 93F(1), the sewage is Grade C treated sewage and the vessel is:

(i) more than 0.5 of a nautical mile seawards of the seaward edge of the nearest reef; and

(ii) more than 0.5 of a nautical mile from the seaward edge of any aquaculture operation; and

(iii) more than 0.5 of a nautical mile from any person in the water.

93F Discharge of sewage from vessels generally

(1) Regulation 93D and paragraphs 93E(b), (c) and (d) are not taken to authorise sewage to be discharged from a vessel in the Marine Park if the vessel is inside a boat harbour, canal or marina.

(2) Regulation 93D is not taken to authorise untreated sewage to be discharged from a vessel in the Marine Park if the vessel is less than 1 nautical mile from the seaward edge of an aquaculture operation.

93G Discharge in prescribed circumstances

For subsection 38DD(6) of the Act, the circumstances set out in regulations 93D and 93E are prescribed.

Part 4—General

94 Removal of property

(1) The Authority may, in writing, order a responsible person:

(a) to remove property from the Marine Park if the property has been abandoned, sunk or wrecked; or

(b) to remove property from the Marine Park if there is not in force, or is no longer in force, a permission granted by the Authority for an activity that involves the property; or

(c) to take action to remedy, mitigate or prevent damage to the Marine Park caused by the removal of abandoned, sunk or wrecked property; or

(d) to remove property from the Marine Park that may cause damage to the Marine Park.

(2) The order must be served on the responsible person personally or by prepaid mail.

(3) If the Authority is unable to locate the responsible person within a reasonable period, the Authority may publish a notice in accordance with subregulation (4):

(a) on its website; and

(b) in a daily newspaper that is circulated in the State of Queensland.

(4) The notice must:

(a) describe the property; and

(b) identify, as appropriate:

(i) the place where the property is located (as accurately as practicable); or

(ii) the person from whom the property can be recovered; and

(c) order the responsible person:

(i) to remove the property from the Marine Park within a reasonable period specified in the order; or

(ii) to take action to remedy, mitigate or prevent damage to the Marine Park caused by the removal of the abandoned, sunk or wrecked property; and

(d) state that, if action is not taken to satisfy the order, the Minister may deal with the matter under section 61A of the Act.

(5) In this regulation, ***responsible person*** means:

(a) the person who last held a permission under Part 2A for an activity that involves the property; or

(b) the owner of the property; or

(c) the person who has control of the property; or

(d) the person who caused the property to be in the Marine Park.

(6) An order under subregulation (1) or paragraph (4)(c) is declared to be an order to which section 38DC of the Act applies.

95 Certain animals not to be taken onto Commonwealth islands

(1) A person must not:

(a) take a living terrestrial animal onto an island, or part of an island, that is:

(i) owned by the Commonwealth; and

(ii) within the Marine Park; or

(b) allow a living terrestrial animal to enter upon an island, or part of an island, that is:

(i) owned by the Commonwealth; and

(ii) within the Marine Park.

Penalty: 50 penalty units.

(2) However, it is a defence to a prosecution under subregulation (1) if:

(a) the person is a blind person and the animal is the person’s guide dog; or

(b) the person has a hearing impairment and the animal is the person’s guide dog or hearing dog; or

(c) the person has the written permission of the Authority to take the animal onto, or allow the animal to enter upon, the island or part of an island.

Note: A defendant bears an evidential burden in relation to the matters mentioned in subregulation (2) (see section 13.3 of the *Criminal Code*).

(3) An offence against subregulation (1) is an offence of strict liability.

101 Littering prohibited

(1) A person must not deposit litter in the Marine Park.

Penalty: 50 penalty units.

(2) An offence under subregulation (1) is an offence of strict liability.

101A Mooring buoy must display mooring reference number

(1) In this regulation:

***mooring reference number*** means, for a permitted mooring:

(a) the unique number, or alphanumeric code, issued by the Authority in relation to the permitted mooring for display on the mooring buoy; or

(b) if the mooring is also a buoy mooring approved under the *Transport Operations (Marine Safety) Regulation 2004* of Queensland—the unique identifying number for the buoy mooring mentioned in paragraph 213(a) of that Regulation.

(2) The holder of the permission for a permitted mooring is guilty of an offence if the mooring reference number is not permanently and legibly displayed on the mooring buoy.

Penalty: 15 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

102 Public mooring and public infrastructure not to be removed, misused or damaged

Public mooring

(1) A person commits an offence of strict liability if:

(a) the person engages in conduct; and

(b) the conduct results in:

(i) the removal of a public mooring; or

(ii) the misuse of a public mooring; or

(iii) damage to a public mooring.

Penalty: 50 penalty units.

Note 1: For the definition of ***public mooring***, see subregulation 3(1).

Note 2: For offences of strict liability, see subsection 6.1(1) of the *Criminal Code*.

(2) A responsible person for a vessel commits an offence of strict liability if:

(a) a person on the vessel engages in conduct; and

(b) the conduct results in:

(i) the removal of a public mooring; or

(ii) the misuse of a public mooring; or

(iii) damage to a public mooring.

Penalty: 50 penalty units.

Public infrastructure

(3) A person commits an offence of strict liability if:

(a) the person engages in conduct; and

(b) the conduct results in:

(i) the removal of public infrastructure; or

(ii) the misuse of public infrastructure; or

(iii) damage to public infrastructure.

Penalty: 50 penalty units.

Note 1: For the definition of ***public infrastructure***, see subregulation 3(1).

Note 2: For offences of strict liability, see subsection 6.1(1) of the *Criminal Code*.

(4) A responsible person for a vessel commits an offence of strict liability if:

(a) a person on the vessel engages in conduct; and

(b) the conduct results in:

(i) the removal of public infrastructure; or

(ii) the misuse of public infrastructure; or

(iii) damage to public infrastructure.

Penalty: 50 penalty units.

(5) In this regulation:

***misuse of a public mooring*** includes the following:

(a) attaching a vessel to the mooring by attaching the mooring tackle to a part of the vessel other than to its bow;

(b) attaching a vessel to the mooring when another vessel is already attached to the mooring;

(c) attaching a vessel (except a tender) to another vessel when that other vessel is attached to a mooring;

(d) attaching a vessel to another vessel when that other vessel is part of a chain of 2 or more attached vessels, and a vessel in that chain is attached to the mooring;

(e) if a vessel is attached to the mooring for the maximum period of time specified on a tag or buoy attached to the mooring—reattaching the vessel to the mooring within one hour of the end of the maximum period of time;

(f) claiming to be the owner of the mooring or falsely claiming to have a preferential right to the use of the mooring;

(g) altering or moving the mooring;

(h) shortening a mooring rope attached to the mooring;

(i) manoeuvring a vessel under power while the vessel is attached to the mooring (except when the vessel is being released from the mooring);

(j) if a tag or buoy attached to the mooring includes instructions for the use of the mooring—not complying with an instruction on the tag or buoy.

Note: The following are examples for paragraph (j):

(a) a vessel attached to the mooring is over the maximum vessel length limit specified on the mooring’s tag or buoy;

(b) a vessel has been attached to the mooring for longer than the maximum period of time specified on the mooring’s tag or buoy;

(c) a vessel is attached to the mooring, or remains attached to the mooring, when the wind speed at the location of the mooring exceeds the maximum wind speed specified on the mooring’s tag or buoy.

***misuse of public infrastructure*** includes attaching a vessel to public infrastructure that is not intended for use by the attaching of vessels.

***responsible person***, for a vessel, includes:

(a) the master of the vessel; and

(b) the person in charge of the vessel.

(6) In this regulation, a reference to instructions on a tag or buoy is a reference only to instructions specified or included on the tag or buoy:

(a) by or for the Authority; or

(b) by or for the agency in which the *Marine Parks Act 2004* (Qld) is administered.

103 Persons shall not furnish false information

(1) Where:

(a) a permission has been granted to a person under these Regulations; and

(b) that person is convicted of an offence against section 136.1 or 137.1 of the *Criminal Code* in relation to the application for that permission;

the Authority may, by notice in writing given to that person, revoke that permission.

(2) Subregulation (1) applies to an application for an authorisation as if references in that subregulation to a permission were references to an authorisation.

(3) Subregulation (1) applies to an application for accreditation of a TUMRA as if references in that subregulation to a permission were references to the accreditation of the TUMRA.

Part 4AA—Register

114 Register

(1) The Authority may keep a register of permissions and related information.

(2) The register may be kept:

(a) solely in electronic form; or

(b) in any form that the Authority decides.

(3) The register may include copies of, and information in relation to, the following:

(a) applications, including variations of applications, for a permission or for the transfer or modification of a permission;

(b) further particulars in relation to an application mentioned in paragraph (a);

(c) decisions of the Authority about the grant, refusal, revocation, suspension, transfer or modification of a permission;

(d) decisions of the Authority under regulation 186;

(e) statements of reasons given for decisions mentioned in paragraphs (c) and (d);

(f) permissions;

(g) notices relating to a matter mentioned in any of paragraphs (a) to (f);

(h) any other document or record that the Authority considers appropriate.

(4) For this regulation:

(a) ***permission*** includes:

(i) an approval, authorisation, authority, exemption, licence, permit or other permission (however described and whether in force or not) relating to the Marine Park; and

(ii) an accredited TUMRA; and

(b) without limiting paragraph (a), a permission is taken to relate to the Marine Park if it relates to:

(i) the use or management of an area (which may be a Queensland national park or a Queensland marine park) the use or management of which would or might affect the Marine Park; or

(ii) the use of a place outside the Marine Park for a purpose relating to the Marine Park.

115 Access to register

(1) The Authority must show the register to any person who asks to see it at the Authority’s office when the office is open.

(2) The register may be made available for inspection on the Internet.

116 Public to be given copies of documents

(1) The Authority must give a copy of a document or information that is in the register to anybody who asks for it and pays the fee mentioned in regulation 133A.

(3) If the register is kept in electronic form, the Authority is taken to have given a copy of a document or information that is in the register if the Authority gives a printout of the document or information.

Part 4AB—Reporting requirements

116A Great Barrier Reef Outlook Report

(1) For paragraph 54(3)(i) of the Act, an assessment of the heritage values of the Great Barrier Reef Region is prescribed as a matter that must be contained in the Great Barrier Reef Outlook Report.

(2) An ***assessment* *of the heritage values***, of the Great Barrier Reef Region,includes the following:

(a) an assessment of the current heritage values of the region;

(b) an assessment of the risks to the heritage values of the region;

(c) an assessment of the current resilience of the heritage values of the region;

(d) an assessment of the existing measures to protect and manage the heritage values of the region;

(e) an assessment of the factors influencing the current and projected future heritage values of the region;

(f) an assessment of the long‑term outlook for the heritage values of the region.

(3) In this regulation:

***heritage values***, of the Great Barrier Reef Region, include the following values for the region:

(a) the Commonwealth Heritage values;

(b) the heritage values;

(c) the indigenous heritage values;

(d) the National Heritage values;

(e) the world heritage values.

Part 4A—Interacting with cetaceans

117A Definitions for Part 4A

In this Part:

***calf***, for a cetacean, means an animal not more than half the length of an adult of the species.

***caution zone***, for a cetacean, means an area around the cetacean with a radius of:

(a) for a dolphin—150 metres; and

(b) for a whale—300 metres.

***cetacean*** means an animal of the Suborder Mysticeti or Odontoceti of the Order Cetacea.

***dolphin*** means a member of the family Delphinidae or the family Phocoenidae.

***prohibited vessel*** means any of the following:

(a) a jet ski;

(b) a parasail;

(c) a hovercraft;

(d) a hydrofoil;

(e) a wing‑in‑ground‑effect craft;

(f) a motorised diving aid (for example, a motorised underwater scooter).

***swimming‑with‑whales activity*** means an activity for the purpose of enabling tourists to swim, snorkel or scuba dive with cetaceans, or to observe cetaceans while in the water with them, including:

(a) using an aircraft or vessel to find cetaceans for that purpose; and

(b) placing tourists in the water for that purpose.

***whale*** means a cetacean other than a dolphin.

***whale protection area*** means a whale protection area in Part 2 of Schedule 2.

***whale watching activity*** means an activity (other than a swimming‑with‑whales activity) conducted for the purpose of enabling tourists to observe cetaceans, including using a vessel or aircraft to find cetaceans for that purpose.

117B Application of Part 4A

(1) A provision of this Part applies to a person, and to activities conducted by a person, in the Marine Park.

(2) The provision applies subject to any exemption that the person may have under regulation 117K.

117C Offences in this Part

A person does not contravene a provision of this Part only because the person is undertaking:

(a) an activity mentioned in paragraph 231(c), (d),(e) or (f) of the *Environment Protection and Biodiversity Conservation Act 1999*; or

(b) an activity mentioned in paragraph 231(a), (b) or (h) of the *Environment Protection and Biodiversity Conservation Act 1999* and the activity could not be undertaken at a time or in a way to avoid contravening the provision.

117D Prohibited vessel

(1) This regulation applies to a person who is operating a prohibited vessel in the Marine Park.

(2) A prohibited vessel must not approach closer than 300 metres to a cetacean.

(3) A prohibited vessel must move at a constant speed of less than 6 knots away from a cetacean that is approaching so that the vessel remains at least 300 metres away from the cetacean.

Note: A boat travelling at a speed that is the equivalent of a brisk walking pace is not exceeding 6 knots.

(4) A prohibited vessel must not be used for a whale watching activity or a swimming‑with‑whales activity.

(5) If a prohibited vessel is operated in a way that contravenes subregulation (2), (3) or (4), the person operating the vessel is guilty of an offence.

Penalty: 50 penalty units.

(6) An offence under subregulation (5) is an offence of strict liability.

117E Other craft—adult cetaceans

(1) This regulation applies:

(a) to a person who is operating a vessel that is not a prohibited vessel in the Marine Park; and

(b) in relation to cetaceans other than calves; and

(c) subject to regulation 117JB.

Note: Regulation 117F contains special provisions for calves and regulation 117JB contains special provisions for whale protection areas.

(2) Within the caution zone for a cetacean to which this regulation applies, the person must:

(a) operate the vessel at a constant speed of less than 6 knots and minimise noise; and

(b) make sure the vessel does not drift or approach closer to the cetacean than:

(i) for a dolphin—50 metres; or

(ii) for a whale—100 metres; and

(c) if the cetacean shows signs of being disturbed, immediately withdraw the vessel from the caution zone at a constant speed of less than 6 knots; and

(d) if there is more than 1 person on the vessel, post a lookout for cetaceans; and

(e) subject to paragraph (b), approach the cetacean only:

(i) from the rear, no closer than 30 degrees to its observed direction of travel; or

(ii) by positioning the vessel ahead of the cetacean at more than 30 degrees from its observed direction of travel; and

(f) make sure the vessel does not restrict the path of the cetacean; and

(g) make sure the vessel is not used to pursue the cetacean.

Penalty: 50 penalty units.

Note: If a cetacean approaches a vessel or comes within the limits mentioned in paragraph (2)(b), subregulations (4) and (5) apply.

(3) The person must not enter the caution zone of a cetacean to whom this regulation applies if there are already 3 vessels in the caution zone.

Penalty: 50 penalty units.

(4) If a whale (other than a calf) approaches the vessel or comes within the limits mentioned in paragraph (2)(b), the person must:

(a) disengage the gears and let the whale approach; or

(b) reduce the speed of the vessel and continue on a course away from the whale.

Penalty: 50 penalty units.

(5) If a dolphin (other than a calf) approaches the vessel or comes within the limits mentioned in paragraph (2)(b), the person must not change the course or speed of the vessel suddenly.

Penalty: 50 penalty units.

(6) It is a defence to an offence against paragraph (2)(b) that the cetacean has approached the vessel.

(7) An offence under subregulation (2), (3), (4) or (5) is an offence of strict liability.

117F Other craft—calves

(1) This regulation applies to a person who is operating a vessel that is not a prohibited vessel in the Marine Park.

(2) The person must not allow the vessel to enter the caution zone of a calf.

Penalty: 50 penalty units.

(3) If a calf appears within an area that means the vessel is then within the caution zone of the calf, the person:

(a) must immediately stop the vessel; and

(b) must:

(i) turn off the vessel’s engines; or

(ii) disengage the gears; or

(iii) withdraw the vessel from the caution zone at a constant speed of less than 6 knots.

Penalty: 50 penalty units.

(4) It is a defence to an offence against subregulation (2) that the calf has approached the vessel.

(5) An offence under subregulation (2) or (3) is an offence of strict liability.

117G Aircraft

(1) This regulation applies to a person who is operating an aircraft in the Marine Park.

(2) The person:

(a) must not operate the aircraft (other than a helicopter or gyrocopter) at a height lower than 1 000 feet within a horizontal radius of 300 metres of a cetacean; and

(b) must not operate a helicopter or gyrocopter at a height lower than 1650 feet or within a horizontal radius of 500 metres of a cetacean; and

(c) must not allow the aircraft to approach a cetacean from head on; and

(d) if the aircraft can land on water, must not land the aircraft on water so that the aircraft comes within the radius of a cetacean mentioned in paragraph (b).

Penalty: 50 penalty units.

(3) An offence under subregulation (2) is an offence of strict liability.

117H Feeding

(1) A person must not feed or attempt to feed a cetacean in the Marine Park.

Penalty: 50 penalty units.

(2) An offence under subregulation (1) is an offence of strict liability.

(3) Subregulation (1) does not apply to the routine discarding of bycatch by a commercial fisher if he or she makes reasonable efforts to avoid discarding bycatch near a cetacean.

(4) For subregulation (1), ***feed*** includes to throw food or rubbish into the water near a cetacean.

117I Touching and sudden movements

(1) A person in the Marine Park must not:

(a) touch a cetacean; or

(b) make sudden movements within 2 metres of a cetacean.

Penalty: 50 penalty units.

(2) An offence under subregulation (1) is an offence of strict liability.

117J Swimming with cetaceans

(1) This regulation applies to a person who is entering the water, or in the water, in the Marine Park.

(2) The person must not enter the water within 100 metres of a whale or within 50 metres of a dolphin.

Penalty: 50 penalty units.

(3) The person must not, while in the water, approach within 30 metres of a cetacean.

Penalty: 50 penalty units.

(4) If a cetacean comes within 30 metres of a person in the water, the person:

(a) must move slowly to avoid startling the cetacean; and

(b) must not touch the cetacean or swim towards it.

Penalty: 50 penalty units.

(5) An offence under subregulation (3) or (4) is an offence of strict liability.

117JA Conducting swimming‑with‑whales activities without permission

(1) A person must not conduct a tourist program in the Marine Park that consists, in whole or part, of a swimming‑with‑whales activity involving dwarf minke whales unless the person holds a permission to conduct that activity.

Penalty: 50 penalty units.

(2) An offence under subregulation (1) is an offence of strict liability.

117JB Protection of whales in whale protection area

(1) A person must not operate a vessel to approach within 300 metres of a whale in a whale protection area.

Penalty: 50 penalty units.

(2) A person must not operate a vessel in a whale protection area as a tourist program, or part of a tourist program, to conduct:

(a) a whale watching activity; or

(b) a swimming‑with‑whales activity.

Penalty: 50 penalty units.

(3) An offence under subregulation (1) or (2) is an offence of strict liability.

117K Exemption regarding application of this Part

(1) Subject to subregulation (1A), if a person holds a permission:

(a) to undertake research in relation to cetaceans; or

(b) to undertake photography, filming or sound recording of cetaceans; or

(c) to conduct a tourist program that consists of a swimming‑with‑whales activity or a whale watching activity; or

(d) to operate a vessel (other than a prohibited vessel) or aircraft in the Marine Park;

the Authority may, on application under regulation 117L, give a written exemption from any or all of the provisions of this Part to:

(e) the person; or

(f) in the case of a person who holds a permission to conduct a tourist program that consists of a swimming‑with‑whales activity or a whale watching activity—the person and any tourist undertaking the tourist program.

(1A) An exemption may not be given:

(a) from regulation 117B; or

(b) to the holder of a permission, or to a tourist, mentioned in paragraph (1)(f) in relation to a whale protection area.

(2) The exemption may provide that it only applies in the circumstances and subject to the conditions set out in the exemption.

(3) The Authority may, by written notice to the holder of the exemption, vary, add or reduce the conditions attaching to an exemption.

(4) The Authority may give an exemption under paragraph (1)(d) only in order to allow use of a vessel or aircraft in support of activities authorised by a permission of a type mentioned in paragraph (1)(a), (b) or (c).

(5) If an exemption is issued to the holder of a permission to operate a vessel or aircraft in support of activities mentioned in paragraph (1)(a), (b) or (c), the exemption is only of effect while the vessel or aircraft is operating in support of those activities in the Marine Park.

(6) An exemption given under this regulation:

(a) does not continue in force when the permission to which it relates is not in force; and

(b) is in force only for the period specified in the exemption; and

(c) if applying to a tourist (see paragraph (1)(f)), only applies to the tourist while the tourist is participating in the tourist program.

(7) In this regulation, ***holder*** of an exemption means a person who:

(a) holds a permission; and

(b) is granted an exemption under subregulation (1).

117L Application for exemption

(1) An application to the Authority for an exemption under subregulation 117K(1) must be made by:

(a) the holder of the permission; or

(b) if a person has applied for a permission of a kind mentioned in subregulation 117K(1) and the Authority has not made a decision on the application—the prospective holder.

(2) The application must contain the following information:

(a) the name and address of the holder or prospective holder making the application;

(b) contact details for the holder or prospective holder, including telephone number, facsimile number and e‑mail address;

(c) the location of the area to be used by the holder or prospective holder for the permission activities, including the name of any shoal, reef or island on or near which the use is proposed to take place;

(d) the period for which the exemption is sought;

(e) any other information concerning the application that the Authority requires and has asked the holder or prospective holder to provide.

(3) If a vessel or aircraft is to be used in support of activities authorised by a permission mentioned in paragraph 117K(1)(a), (b) or (c), the application must also contain:

(a) the name of the person who holds, or has applied to hold, the permission to operate the vessel or aircraft; and

(b) the permission number or (if no permission has been issued) the permission application registration number.

(4) If the application is for an exemption under paragraph 117K(1)(d), it must also contain the following information:

(a) if the holder or prospective holder has been engaged to operate the vessel or aircraft mentioned in the application on behalf of a person who has been granted a permission mentioned in paragraph 117K(1)(a), (b) or (c)—the number of the relevant permission or, if no permission has been issued, the permission application registration number and the name of the holder or prospective holder;

(b) if the holder or prospective holder operates a vessel—the name of the vessel, unique identifying features of the vessel, its registration code or number and the authority with which it is registered;

(c) if the holder or prospective holder operates an aircraft—the type of aircraft and its registration mark.

(5) Subject to paragraph (2)(e), an application under this regulation is not invalid only because it does not include all of the information required.

(6) In considering an application for an exemption under regulation 117K, the Authority is to take into account:

(a) the need for orderly and proper management of the Marine Park; and

(b) if the application is for an exemption under paragraph 117K(1)(d)—whether the applicant has been engaged to operate the vessel or aircraft mentioned in the application on behalf of a person who has been granted a permission of the type mentioned in paragraph 117K(1)(a), (b) or (c); and

(c) any charge, collected amount or penalty amount owed to the Authority that is overdue for payment by the applicant as the holder of a chargeable permission (whether or not the permission is in force); and

(d) any late payment penalty that is payable by the applicant as the holder of a chargeable permission (whether or not the permission is in force).

Part 5—Compulsory pilotage

118 Compulsory pilotage area

(1) For the definition of ***compulsory pilotage area*** in subsection 3(1) of the Act, the following parts of the Great Barrier Reef Region are prescribed:

(a) the inner route described in subregulation (2);

(b) Hydrographer’s Passage (described in subregulation (3));

(c) the Whitsundays compulsory pilotage area described in subregulation (4).

(2) The ***inner route*** is the waters bounded by:

(a) the Australian mainland; and

(b) the outer eastern edge of the Great Barrier Reef; and

(c) the northern boundary of the Great Barrier Reef Region; and

(d) the parallel 16º 39.91′S.

(3) ***Hydrographer’s Passage*** is the area bounded by a line that progressively joins, on geodesic lines, the following points:

| Item | Latitude | Longitude |
| --- | --- | --- |
| 1 | 20º 39.11′ S | 149º 49.36′ E |
| 2 | 20º 35.91′ S | 150º 07.36′ E |
| 3 | 20º 28.31′ S | 150º 18.06′ E |
| 4 | 20º 02.91′ S | 150º 03.06′ E |
| 5 | 19º 54.91′ S | 150º 16.56′ E |
| 6 | 19º 39.91′ S | 150º 10.56′ E |
| 7 | 19º 50.91′ S | 150º 33.06′ E |
| 8 | 20º 01.41′ S | 150º 25.86′ E |
| 9 | 20º 06.91′ S | 150º 17.26′ E |
| 10 | 20º 19.91′ S | 150º 27.06′ E |
| 11 | 20º 32.91′ S | 150º 27.06′ E |
| 12 | 20º 41.51′ S | 150º 11.66′ E |
| 13 | 20º 54.41′ S | 150º 01.96′ E |
| 14 | 20º 39.11′ S | 149º 49.36′ E. |

(4) The ***Whitsundays compulsory pilotage area*** is the area bounded by a line that begins at the northernmost point of Cape Gloucester at low water, at about 20º 03.94′ S, 148º 27.51′ E, and continues progressively:

(a) on geodesic lines to the following points:

| Item | Latitude | Longitude |  | |
| --- | --- | --- | --- | --- |
| 1 | 19º 58.02′ S | 148º 18.60′ E |  |
| 2 | 19º 57.83′ S | 148º 18.53′ E |  |
| 3 | 19º 58.00′ S | 148º 21.68′ E |  |
| 4 | 19º 58.28′ S | 148º 27.05′ E |  |
| 5 | 19º 58.37′ S | 148º 27.40′ E |  |
| 6 | 19º 59.28′ S | 148º 33.62′ E |  |
| 7 | 20º 00.82′ S | 148º 37.48′ E |  |
| 8 | 20º 02.17′ S | 148º 53.07′ E |  |
| 9 | 20º 03.58′ S | 148º 57.92′ E |  |
| 10 | 20º 14.42′ S | 149º 10.47′ E |  |
| 11 | 20º 15.20′ S | 149º 11.15′ E |  |
| 12 | 20º 28.93′ S | 149º 08.03′ E |  |
| 13 | 20º 31.20′ S | 149º 09.07′ E |  |
| 14 | 20º 34.28′ S | 149º 10.50′ E |  |
| 15 | 20º 33.91′ S | 149º 07.06′ E |  |
| 16 | 20º 39.73′ S | 148º 45.82′ E; | and |

(b) west along the parallel 20º 39.73′ S to the coastline of the mainland at low water, near Midge Point; and

(c) generally northerly, easterly, south‑easterly and north‑westerly along the coastline of the mainland at low water to the point where the boundary began.

Note: The line described by the points mentioned in items 2 to 14 of the table in paragraph (a) follows the Australian territorial sea baseline, as defined in AMBIS 2001 data, published by the Australian Surveying and Land Information Group (AUSLIG).

119 Exemption from requirement to navigate with a pilot—prescribed information

(1) For the purposes of subsection 59F(2) of the Act, so much of the following information as the Minister considers is needed to enable a decision to be made in respect of an application, is prescribed information in relation to the application:

(a) the name and address of the applicant;

(b) identification of the subject regulated ship by registered name, registered callsign and country of registration;

(c) description of the ship by type, maximum length, maximum width, maximum draft and maximum displacement;

(d) the proposed maximum draft of the ship during navigation in the compulsory pilotage area;

(e) details of:

(i) the design of the ship; and

(ii) the material of which the hull is constructed;

(f) details of:

(i) the geographic area of the compulsory pilotage area in which the ship will be navigated; and

(ii) the purpose of the navigation;

(g) details of the intended operations of the ship that are of relevance to the application and the schedule for those operations;

(h) details of operational navigational equipment with which the ship is fitted;

(i) in respect of the persons who will be the master, and the navigational watchkeepers, of the ship at any time when it is in the compulsory pilotage area, details of:

(i) their maritime qualifications; and

(ii) their recent navigational experience in the compulsory pilotage area;

(j) details of:

(i) the maximum quantity of oil the ship is capable of carrying; and

(ii) the types, quantities and location in the ship of oil intended to be carried in the compulsory pilotage area;

(k) details of cargo on the ship, including, if hazardous goods are carried, the types and quantities of the hazardous goods.

(2) In this regulation:

***hazardous goods*** means:

(a) dangerous goods within the meaning of section 248 of the *Navigation Act 1912*; and

(b) noxious liquid substances within the meaning of Part III of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

***Oil*** means an oil or an oily mixture within the meaning of Part II of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

120 Minister may request further information

(1) If the Minister considers that the information contained in an application under section 59F of the Act is insufficient to enable a decision to be made in respect of the application, the Minister may, in writing, request the applicant to give such further information as is specified in the request.

(2) An application is taken to have lapsed if the applicant does not give the further information before:

(a) the end of 60 days after the Minister makes the request to the applicant; or

(b) the end of any longer period that the Minister allows.

121 Exemption may be conditional

An exemption granted under section 59F of the Act may be expressed to be conditional on compliance by the recipient with any requirements the Minister specifies to be necessary to attain the objects of Part VIIA of the Act.

122 Applicant’s duty to notify of changes in prescribed information

If, before a ship for which exemption is given under section 59F of the Act leaves the compulsory pilotage area:

(a) information given to the Minister by the applicant for the exemption becomes inaccurate; and

(b) the matter so affecting that information is a matter that, if known by the Minister, could alter the Minister’s opinion under subsection 59F(3) of the Act;

the master or owner of the ship must inform the Minister, in writing and without delay, of that matter.

123 Termination of exemption in certain circumstances

If:

(a) a condition specified in relation to the grant of an exemption is contravened by the recipient; or

(b) regulation 122 is contravened by the owner and master of an exempted ship;

the relevant exemption is taken to be of no effect.

Part 6—Bareboat operations

124 Register of appropriately qualified persons

(1) The Authority must:

(a) keep a register of persons appropriately qualified for bareboat operations; and

(b) show the register to any person who asks to see it at the Authority’s office when the office is open.

(1A) The Authority may satisfy its obligation under subregulation (1) by making the register available for inspection on the Internet.

(2) A person is taken to be appropriately qualified for a bareboat operation if the person holds:

(a) for senior staff and persons responsible for briefing clients of the operation:

(i) a Statement of Attainment from the Barrier Reef Institute of TAFE (Whitsunday Bareboat Course—Briefer) or equivalent; and

(ii) a Restricted Radio Operator’s Certificate; and

(iii) an Australian Yachting Federation TL4 Inshore Certificate or equivalent; and

(iv) for a person responsible for briefing clients about a bareboat that is less than 15 m long—a restricted coxswain’s licence under the Uniform Shipping Laws Code; and

(v) for a person responsible for briefing clients about a bareboat that is at least 15 m long—a restricted master class 5 licence under the Uniform Shipping Laws Code; or

(b) for radio operators:

(i) a Statement of Attainment from the Barrier Reef Institute of TAFE (Whitsunday Bareboat Course—Briefer) or equivalent; and

(ii) a Restricted Radio Operator’s Certificate.

126 Offences—identification numbers

(1) A person may display, on a vessel, an identification number issued by the Authority for paragraph 88ZS(1)(d) only if:

(a) the person is the holder of a permission for a bareboat operation, being a permission that is not suspended; and

(b) the vessel is of a kind that the permission allows to be used for the operation; and

(c) the identification number was issued by the Authority for the permission for the bareboat operation.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

Part 7—Fees

127 Interpretation of this Part

(1) In this Part (other than regulation 134):

***permission*** does not include a permission that is required to carry on an activity in the Marine Park for any of the following purposes in accordance with the Zoning Plan:

(a) the traditional use of marine resources;

(b) the taking, in accordance with a program approved by the Authority, of animals or plants that pose a threat to human life or safety, to marine or island ecosystems which are part of the Marine Park or to the use and amenity of an area of the Park or of adjacent areas.

(2) In this Part, a reference to an activity in the Marine Park includes entering or using the Park.

(3) If, before a permission ceases to be in force, the permission holder applies for a permission to carry on, in the Marine Park, after the permission ceases to be in force, an activity that:

(a) is the same as the permitted activity; and

(b) is to be carried on in the same area as the permitted activity;

the application is taken, for the purposes of this Part, to be an application for continuation of a permission.

128 Fees for assessment in respect of application for permission

(1) Subject to regulation 129, there is payable to the Authority, for an assessment of an application under Part 2A for a permission to carry on an activity of a commercial nature in the Marine Park that is an activity listed in column 2 in Table 128, the fee specified:

(a) if the application is for an initial permission—in column 3 of Table 128 for the activity; or

(b) if the application is for continuation of a permission—in column 4 of that table for the activity.

(2) If an activity is referred to in more than 1 item or sub‑item in column 2 of Table 128, the fee payable is the higher or highest of the fees specified for the activity in column 3 or 4 of the table.

(3) In items 4 and 5 in Table 128:

***public environment report***, in relation to an activity, means any of the following kinds of reports about the impact the activity is likely to have on the Marine Park or the Great Barrier Reef:

(a) a public environment report in accordance with Division 5 of Part 8 of the *Environment Protection and Biodiversity Conservation Act 1999*;

(b) a report:

(i) that has been prepared under a law of Queensland for the purposes of an accredited assessment process mentioned in subsection 87(4) of the *Environment Protection and Biodiversity Conservation Act 1999*; and

(ii) in connection with which the Authority is satisfied there has been undertaken an investigation as extensive as would have been undertaken for the purposes of a report mentioned in paragraph (a);

(c) a report:

(i) that has been prepared for the purposes of a bilateral agreement under Part 5 of the *Environment Protection and Biodiversity Conservation Act 1999* between the Commonwealth and Queensland; and

(ii) in connection with which the Authority is satisfied there has been undertaken an investigation as extensive as would have been undertaken for the purposes of a report mentioned in paragraph (a).

(4) In items 6 and 7 in Table 128:

***environmental impact statement***, in relation to an activity, means any of the following kinds of statements or assessments about the impact the activity is likely to have on the Marine Park or the Great Barrier Reef:

(a) an environmental impact statement in accordance with Division 6 of Part 8 of the *Environment Protection and Biodiversity Conservation Act 1999*;

(b) a statement or an assessment:

(i) that has been prepared under a law of Queensland for the purposes of an accredited assessment process mentioned in subsection 87(4) of the *Environment Protection and Biodiversity Conservation Act 1999*; and

(ii) in connection with which the Authority is satisfied there has been undertaken an investigation as extensive as would have been undertaken for the purposes of a statement mentioned in paragraph (a);

(c) a statement or an assessment:

(i) that has been prepared for the purposes of a bilateral agreement under Part 5 of the *Environment Protection and Biodiversity Conservation Act 1999* between the Commonwealth and Queensland; and

(ii) in connection with which the Authority is satisfied there has been undertaken an investigation as extensive as would have been undertaken for the purposes of a statement mentioned in paragraph (a).

**Table 128 Fees for assessments in respect of applications for permission**

| Item | Activity | Fee—initial permission ($) | Fee—continuation of permission ($) |
| --- | --- | --- | --- |
| 1 | Activity that requires use of an aircraft or vessel having a maximum passenger capacity of: |  |  |
|  | (a) fewer than 25 passengers | 520 | 520 |
|  | (b) 25 to 50 passengers | 750 | 600 |
|  | (c) 51 to 100 passengers | 1 360 | 830 |
|  | (d) 101 to 151 passengers | 2 260 | 1 200 |
|  | (e) more than 150 passengers | 3 780 | 1 510 |
| 2 | Activity that requires the use of a facility or structure in the Marine Park | 1 660 | 1 660 |
| 3 | Activity that requires a public notice to be given | 6 040 | 2 260 |
| 3A | Activity that requires:  (a) an assessment on referral information under Division 3A of Part 8 of the *Environment Protection and Biodiversity Conservation Act 1999*; or  (b) an assessment on preliminary documentation under Division 4 of Part 8 of the *Environment Protection and Biodiversity Conservation Act 1999* | 6 040 | 2 260 |
| 4 | Activity about which a public environment report is to be prepared | 30 240 | 30 240 |
| 5 | Continuation of an activity about which a public environment report was prepared, if no other such report is to be prepared about the continuation |  | 3 780 |
| 6 | Activity about which an environmental impact statement is to be prepared | 81 670 | 81 670 |
| 7 | Continuation of an activity about which an environmental impact statement was prepared, if no other such statement is to be prepared about the continuation |  | 3 780 |
| 8 | Activity not covered by items 1 to 7 | 520 | 520 |

129 Indexation of fee for assessment

(1) The fee in respect of an application for permission made in a year after 2004 is an amount calculated in accordance with the formula:



where:

***F*** is the fee determined in accordance with regulation 128.

***N*** is the All Groups Consumer Price Index number for Brisbane published by the Australian Statistician in respect of the financial year ending immediately before the calendar year in which the application is made.

(2) In calculating an amount in accordance with the formula, any part of the result that is less than $10 is to be ignored.

130 Waiver of fee for assessment

The Authority is to waive payment of a fee that but for this regulation would be imposed for an application, in respect of the assessment under Part 2A of the impact an activity, if only a minimal assessment is necessary.

131 Notices of fees payable

(1) As soon as practicable after receiving an application from a person for permission, the Authority must give the person a notice in writing:

(a) stating the fee payable for the application; and

(b) stating the date on which the notice is given; and

(c) requiring the person to pay, within 21 days after that date:

(i) if item 1, 2, 3, 5, 7 or 8 of Table 128 covers the relevant activity—the fee in full; or

(ii) if item 4 or 6 of that table covers the activity—the sum of $10 000 in part payment of the fee.

(2) If an application for permission is withdrawn before the end of the 21 days referred to in paragraph(1)(c):

(a) no fee is payable for the application; and

(b) the amount of any fee paid for it is to be refunded.

(3) If:

(a) a person has applied for permission to carry on an activity covered by item 4 or 6 of Table 128; and

(b) the person has paid $10 000 in part payment of the fee for the application; and

(c) the public environment report or environmental impact statement about the activity is made available for public comment in draft or final form;

the Authority must give the person a notice in writing:

(d) stating the date on which the notice is given; and

(e) requiring the person to pay, within 21 days after that date, the amount of the fee that has not been paid.

(4) Except as set out in subregulation (2), an amount paid for an application is not to be refunded if the application is withdrawn, or otherwise ceases to have effect, after the amount is paid.

132 Lapsing of application for permission

An application for permission lapses where an amount referred to in paragraph 131(1)(c) or 131(3)(e) is not paid for the application within the 21 days referred to in that paragraph.

133 Fee for application for exemption from compulsory pilotage

There is payable to the Authority, with an application for a decision under section 59F of the Act, a fee of $750.

133A Fees in relation to register

The following fees are payable to the Authority in relation to the register:

(a) a fee of $10 for each request for a copy of a document or information that is in the register; and

(b) a fee of 50 cents for each page that is copied for the purpose of a request mentioned in paragraph (a).

133B Reinstatement fee

For paragraph 88ZT(3)(b), the reinstatement fee payable to the Authority is $120.

134 Fees for other applications and requests

(1) Subject to subregulation (4), if an application or request described in column 2 of an item in Table 134 is made in respect of a permission to carry on an activity of a commercial nature in the Marine Park, there is payable to the Authority, with the application or request, the fee specified in column 3 of the item.

**Table 134 Fees for other applications and requests**

| Item | Application or request | Fee ($) |
| --- | --- | --- |
| 1 | Application under regulation 88ZG for approval to transfer a chargeable permission | 430 |
| 2 | Request to the Authority for a variation of a condition of a permission | 295 |
| 3 | Application to the Authority for a change to a vessel or aircraft listed on a Vessel Notification Approval issued by the Authority for a permission | 40 |
| 3A | Expression of interest application to the Authority for a special permission | 250 |
| 4 | Application to the Authority for the replacement of an identification number, or the document evidencing an identification number, issued for paragraph 88ZS(1)(d) | 40 |
| 5 | Application to the Authority for the replacement of a document evidencing a permission granted by the Authority | 40 |
| 6 | Request to the Authority for information about any of the following in respect of a permission granted by the Authority:  (a) the conditions to which the permission is subject;  (b) whether the permission is in force;  (c) the activities for which the permission has been granted | 40 |
| 7 | Request to the Authority to vary an application for a permission if, as a result of the variation:  (a) the Authority must notify or renotify, under the Native Title Act 1993, a representative Aboriginal/Torres Strait Islander body, a registered native title body corporate or a registered native title claimant about the application; or  (b) an assessment, or an additional assessment, must be made under Part 2A in respect of the application | 40 |
| 8 | Request to the Authority for a summary of documents, being a list of any or all of the following:  (a) each permission granted by the Authority to the person making the request;  (b) each application made by the person to the Authority | 40 |

Note: The fee, mentioned in item 7, for a request to vary an application is additional to any fee payable under regulation 128 for an assessment in respect of the application.

(2) Subject to subregulation (3A), if an application or request made by a person is not accompanied by the fee specified, the Authority must, as soon as practicable after receiving the application or request, give the person a written notice that:

(a) sets out the amount of the fee payable; and

(b) sets out the date of the notice; and

(c) states that the application or request will lapse if the fee is not paid to the Authority within 10 working days after the date of the notice.

(3) Subject to subregulation (3A), an application or request to which this regulation applies lapses if the fee specified for the application or request is not paid within 10 working days after the date of the written notice.

(3A) Subregulations (2) and (3) do not apply to an expression of interest application to the Authority for a special permission.

(4) The fee in respect of an application or request made in a year after 2004 is an amount calculated in accordance with the formula:



where:

***F*** is the fee determined in accordance with subregulation (1).

***N*** is the All Groups Consumer Price Index number for Brisbane published by the Australian Statistician in respect of the financial year ending immediately before the calendar year in which the application or request is made.

(5) In calculating an amount in accordance with the formula, any part of the result that is less than $1 is to be ignored.

(6) In this regulation:

***working day*** means a day that is not a Saturday, Sunday or public holiday in Queensland.

Part 8—Environmental management charges

Division 8.1—General

135 Interpretation

(1) In this Part:

***beach equipment*** includes:

(a) sailing boats (except boats that have an overall length of 6 metres or more); and

(b) windsurfing craft; and

(c) canoes and kayaks; and

(d) pedal craft.

***facility*** has the same meaning as it has in subsection 3A(9) of the Act.

***floating hotel*** means a vessel that:

(a) has designed sleeping accommodation for persons who are not:

(i) crew; or

(ii) persons employed on the vessel for the purpose of the maintenance of the vessel or the provision of services; and

(b) is supplied with visitors by other vessels or by aircraft.

***operation of a tourist program***:

(a) has the same meaning as it has in subsection 3A(3) of the Act; and

(b) includes the construction, maintenance or operation of a building or other facility (or its removal or demolition) in the Marine Park, for a purpose of the tourist program.

***primary service*** means a service that:

(a) forms part of a tourist program; and

(b) is not a secondary service.

***quarter*** means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October.

***secondary service*** means a service that:

(a) forms part of a tourist program; and

(b) the Authority has determined, under regulation 137, to be a secondary service.

***secondary treatment***, in relation to sewage, has the meaning given in subregulation (2).

***Sole purpose of sight‑seeing***, in relation to an aircraft excursion, means:

(a) that the aircraft returns to, and disembarks passengers at, the place from which they embarked; and

(b) that the aircraft is not landed at any other place.

***tertiary treatment***, in relation to sewage, has the meaning given in subregulation (3) or (4).

***Tourist*** has the same meaning as it has in subsection 3A(9) of the Act.

***transfer passenger*** means a person who:

(a) is transported into the Marine Park and disembarked at a place contiguous to, or at a wharf or jetty within or partly within, the Marine Park by a person who holds a permission for a tourist program; and

(b) is transported by the most direct reasonable route; and

(c) does not:

(i) during the course of travel in the Marine Park—engage in any tourist activity provided by the permission holder; and

(ii) at the disembarkation destination, for at least 2 hours after disembarkation—engage in any tourist activity provided by the permission holder under that permission.

***visitor*** means a person to whom a service is provided under a chargeable permission, but who is not:

(a) a transfer passenger; or

(b) a person of one of the following kinds, in respect of whom the holder of the permission is not paid a fee for the provision of the service:

(i) a child aged less than 4 years;

(ii) a person visiting the Marine Park as a beneficiary of a charity registered under a law of the Commonwealth, a State or a Territory;

(iii) a member of a school supervised school group;

(iv) a person engaged in the tourism industry who is visiting the Marine Park for trade familiarisation or who is accompanying visitors to the Marine Park as driver, guide, instructor, or for a similar reason;

(v) a person engaged in the newspaper, broadcasting or other information media who is visiting the Marine Park for the purpose of reporting on a matter in the Marine Park.

(2) Sewage is taken to have received secondary treatment if the effluent discharge complies with the following standards:

(a) 5 day biochemical oxygen demand does not exceed 20 milligrams per litre;

(b) suspended solids do not exceed 30 milligrams per litre;

(c) pH value is between 6.0 and 8.5;

(d) dissolved oxygen is at least 2 milligrams per litre;

(e) *Escherichia coli* bacteria organisms in at least 5 samples of the effluent, collected at intervals of not less than half an hour:

(i) have, in respect of all the samples, a geometric mean value that is not more than 200 colonies per 100 millilitres; and

(ii) number, in 80% of the samples, less than 1000 colonies per 100 millilitres.

(3) Sewage is taken to have received tertiary treatment if the effluent discharge complies with the following standards:

(a) 5 day biochemical oxygen demand does not exceed 20 milligrams per litre;

(b) suspended solids do not exceed 30 milligrams per litre;

(c) pH value is between 6.0 and 8.5;

(d) dissolved oxygen is at least 2 milligrams per litre;

(e) *Escherichia coli* bacteria organisms in at least 5 samples of the effluent, collected at intervals of not less than half an hour:

(i) have, in respect of all the samples, a geometric mean value that is not more than 200 colonies per 100 millilitres; and

(ii) number, in 80% of the samples, less than 1000 colonies per 100 millilitres;

(f) total nitrogen content is less than 4 milligrams per litre;

(g) total phosphorus content is less than 1 milligram per litre;

(h) total oil and grease content is less than 10 mg/litre;

(i) the effluent does not produce a slick or any other visible evidence of oil or grease;

(j) if the effluent has been disinfected by chlorination, the effluent does not contain by‑products of the disinfection that may pollute water in a manner harmful to animals or plants in the Marine Park.

(4) Sewage that fails to comply with subregulation (3) only in respect of paragraph (3)(f) or (g) is taken to have received tertiary treatment if not more than 5% of the annual volume of effluent generated is discharged into the Marine Park at a land‑based outfall.

136 Chargeable permissions

For the definition of ***chargeable permission*** in subsection 3(1) of the Act, a permission granted under these Regulations is a chargeable permission for the purposes of the Act if it is a permission for any of the following kinds of activity:

(a) the operation of a tourist program;

(b) a commercial operation that primarily involves:

(i) the sale of goods or services from a vessel; or

(ii) vessel chartering for a purpose other than tourism; or

(iii) the construction or maintenance of a facility;

(c) the operation of a land‑based sewage outfall;

(d) the establishment or operation of farming facilities for the culture of pearls or clams;

(e) the construction and conduct of a mooring.

137 Secondary services

(1) A service that forms part of a tourist program is a secondary service if:

(a) every visitor who uses the service is likely to have been recorded as a visitor for another chargeable permission on the same day; and

(b) the Authority determines, under this regulation, that it is a secondary service.

(2) A chargeable permission holder, or a person who has applied for a chargeable permission, may apply to the Authority for a determination that a service provided, or to be provided, as part of a tourist program by the applicant under the permission:

(a) is a secondary service; or

(b) in the case of an applicant for a chargeable permission—will be, if the permission is granted, a secondary service.

(3) The application must be in writing and must set out, or be accompanied by, details of:

(a) the primary service provider who supplies, or proposes to supply, visitors to the program; and

(b) what percentage of visitors who use, or will use, the service are visitors who are liable to pay the standard tourist program charge (within the meaning given by Subdivision 1 of Division 8.2); and

(c) how the applicant proposes to find out whether visitors who use the service are visitors who have paid the standard tourist program charge.

(4) The Authority may ask the applicant in writing to give the Authority any other information reasonably necessary to enable the Authority to consider the application.

(5) The Authority must determine the application within 28 days after:

(a) the Authority receives the application; or

(b) if the Authority asks the applicant to give it other information under subregulation (4)—the day on which the information is given to the Authority.

138 Notice of decision

(1) After the Authority makes a determination under regulation 137, the Authority must tell the applicant, in writing, of the decision.

(2) If the decision is that the service or proposed service is not, or will not be, a secondary service, the notice must set out:

(a) the reasons for the decision; and

(b) a statement to the effect that the applicant may apply to the Authority under regulation 185 for reconsideration of the decision, and, if the applicant is dissatisfied with a decision on reconsideration, to the AAT for review of the decision on reconsideration.

(3) A failure to comply with subregulation (2) about a decision does not make the decision invalid.

139 Numbering of secondary services

The Authority must allot a unique number to a secondary service.

Division 8.2—Amount of charge and payment

Subdivision 1—Standard tourist program charges

140 Meanings of terms

(1) In this Subdivision:

***charge year*** means a period of 12 months beginning on 1 April.

***standard tourist program charge*** has the meaning given by subregulation 141(2).

(2) For this Subdivision, a visitor takes part in a program if the visitor participates (wholly or partly) in the excursions or activities provided in the Marine Park by the permission holder who provides the program.

141 Standard tourist program charge

(1) In this regulation:

***CPI*** means the Consumer Price Index (All Groups) for Brisbane, using, as a reference base, the financial year ending on 30 June 1990.

***CPI base date***, for a charge year, means 31 December in the previous charge year.

(2) The standard tourist program charge is:

(a) during the charge years beginning on 1 April 1998 and 1 April 1999—$4.00; and

(b) during any later charge year—the greater of:

(i) $4.00; and

(ii) the amount worked out as set out in subregulation (3).

(3) The amount for the second charge year after the current charge year (***the second charge year***) is worked out as follows:

(a) work out the indexed amount, for the second charge year, of the STPC by the formula:



where:

***STPC*** is the standard tourist program charge for the current charge year; and

***new CPI*** is the CPI on the CPI base date for the second charge year; and

***old CPI*** is the CPI on 31 December 1997.

Then:

(b) subtract the standard tourist program charge for the current charge year from the amount so worked out; and

(c) if the difference between the indexed amount and the standard tourist program charge for the current charge year is negative, or is positive but is less than $0.40, the standard tourist program charge for the second charge year is the same as that for the current charge year; and

(d) if the difference is $0.40 or more but less than $0.90, the standard tourist program charge for the second charge year is $0.50 greater than that for the current charge year; and

(e) if the difference is $0.90 or more but less than $1.40, the standard tourist program charge for the second charge year is $1.00 greater than that for the current charge year; and

(f) if the difference is $1.40 or more, the standard tourist program charge for the second charge year is $1.50 greater than that for the current charge year.

Example:

To work out the STPC for the charge year beginning on 1 April 2000, the calculation would be:



(where ‘STPC/1998′ is the standard tourist program charge for the charge year that begins on 1 April 1998).

Suppose the result is $4.25. According to paragraph (c), the standard tourist program charge for the charge year that begins on 1 April 2000 is still $4.00. If the result were $4.55, the STPC for that charge year would be $4.50, according to paragraph (d).

(4) However, for the period starting on 1 April 2012 and ending on 31 March 2015, the standard tourist program charge is the amount worked out under subregulation (3) minus $2.50.

(5) Subregulation (4), and this subregulation, cease to have effect at the end of 31 March 2015 as if the subregulations had been repealed by another legislative instrument.

142 Payment of standard tourist program charge—general rule

(1) Subject to regulations 143, 145, 146 and 147, if a tourist program provided under a chargeable permission is, or includes, a primary service, the standard tourist program charge for a charge year is payable by each visitor who takes part in the program during the charge year.

(2) The charge is payable by a visitor for each day, or part of a day, that the visitor takes part in the program.

143 Visitors who do not have to pay charge

(1) Charge is not payable under this Subdivision by a visitor who takes part in a tourist program on a day if:

(a) on the same day, the visitor has used a service for which the full amount of the standard tourist program charge is payable by the visitor; and

(b) the visitor, or the holder of the chargeable permission under which the service mentioned in paragraph (a) was provided, has evidence (in the form of a dated receipt or dated ticket) that the visitor has paid the charge.

(2) Charge is not payable under this Subdivision by a visitor who takes part in a tourist program provided under a chargeable permission on a day if the visitor only takes part in the program on the day by:

(a) using any non‑motorised beach equipment for which the holder of the permission is liable to pay charge under regulation 149; or

(b) using a dinghy for which the holder of the permission is liable to pay charge under regulation 150; or

(c) using any motorised water sport equipment for which the holder of the permission is liable to pay charge under regulation 151; or

(d) participating in 1 or more excursions to which regulation 152 or 153 applies; or

(e) being accommodated in a floating hotel, the operation of which the holder of the permission is liable to pay charge for under regulation 155; or

(f) berthing a vessel at a marina, the construction or operation of which the holder of the permission is liable to pay charge for under regulation 156; or

(g) participating in 1 or more excursions to an underwater observatory, the operation of which the holder of the permission is liable to pay charge for under regulation 157.

144 Offence—altering ticket etc

(1) A person must not alter the date on a receipt or ticket, or add a date to a receipt or ticket that does not bear a date.

Penalty: 50 penalty units.

(2) A person must not use as evidence for subregulation 143(1) a receipt or ticket that the person knows, or has reason to believe, has been altered (including altered by adding a date).

Penalty: 50 penalty units.

(3) For this regulation:

(a) an offence against subregulation (1) is an offence of strict liability; and

(b) strict liability applies to the physical element in subregulation (2) of whether, if the receipt or ticket is being used as evidence, the evidence is evidence for subregulation 143(1).

145 Longer tours

If a tour that is a primary service takes longer than 3 continuous days, the amount of charge that is payable under this Subdivision by a visitor who takes part in the tour is 3 times the standard tourist program charge.

146 Very short tours

If a tour that is a primary service takes 3 hours or less, the amount of charge that is payable under this Subdivision by a visitor who takes part in the tour is half the standard tourist program charge, even if regulation 147 also applies to the tour.

147 Tours that arrive late or depart early

(1) For this regulation:

(a) a tour that begins at a jetty, wharf or similar structure that is within or partly within the Marine Park is taken to enter the Park when it leaves the structure; and

(b) a tour that ends at such a structure that is within or partly within the Marine Park is taken to leave the Park when it arrives at the structure.

(2) If a tour that is a primary service (except a tour to which regulation 145 or 146 applies) enters the Marine Park after 5 pm on the first day of the tour, only half the standard tourist program charge is payable for that day by a visitor who takes part in the tour.

(3) If a tour that is a primary service (except a tour to which regulation 145 or 146 applies) leaves the Marine Park before 6 am on the last day of the tour, only half the standard tourist program charge is payable for that day by a visitor who takes part in the tour.

148 When charge is payable

Charge payable under this Subdivision by a visitor who takes part in a tourist program provided under a chargeable permission is payable by the visitor to the holder of the permission on behalf of the Commonwealth at the following time:

(a) for charge in respect of a tour to which regulation 145 applies—on the first day that the visitor takes part in the tour;

(b) for charge in respect of any other tourist program—on each day that the visitor takes part in the program.

Subdivision 2—Other charges

149 Non‑motorised beach equipment charges

(1) The charge payable by the holder of a chargeable permission for the hiring of non‑motorised beach equipment is:

(a) if the permission allows the hire of no more than 5 pieces of equipment at any time during a quarter—$12.00 for the quarter; or

(b) if the permission allows the hire of more than 5 pieces of equipment at any time during a quarter—$25.00 for the quarter.

(2) If the holder of the permission holds 2 or more permissions of the kind referred to in paragraph (1)(a) and exercises those permissions at the same location, charge is payable as if those permissions were one permission of the kind referred to in paragraph (1)(b).

(3) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

150 Dinghy charges

(1) The charge payable by the holder of a chargeable permission for the hiring of dinghies is:

(a) for each dinghy that the permission allows to be hired—$12.00 per quarter; or

(b) if the permission allows the hire of no more than 5 dinghies at any time during a quarter—$50.00 for the quarter.

(2) If:

(a) the holder of the permission holds 2 or more permissions of the kind referred to in paragraph (1)(b) and exercises those permissions at the same location; and

(b) the total number of dinghies so permitted to be hired is 5 or more;

charge is payable as if those permissions were one permission of the kind referred to in paragraph (1)(a).

(3) For the purposes of subregulation (1), ***dinghy***:

(a) means a small open boat having no designed sleeping accommodation; and

(b) does not include a boat of the kind commonly known as a half‑cabin boat.

(4) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

151 Motorised water sport charges

(1) The charge payable by the holder of a chargeable permission for the hiring of motorised water sport equipment (excluding dinghies) is:

(a) if the equipment is jet boats designed to carry no more than 2 persons—$25.00 per quarter; or

(b) if the equipment includes no jet boats—$62.00 per quarter; or

(c) if the equipment is jet boats and other motorised equipment—$87 per quarter.

(2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

152 Semi‑submersible and glass‑bottomed boats charges

(1) Subject to subregulations (2) and (3), the charge payable by each visitor who participates in a semi‑submersible, or glass‑bottomed, boat excursion provided under a chargeable permission is $0.40 for each excursion.

(2) If a visitor participates in more than 1 excursion on the same day and all the excursions are provided under the same permission, charge is only payable by the visitor for the first excursion.

(3) Charge is not payable by a visitor for an excursion if:

(a) the excursion is permitted under a permission to which regulation 142 applies; and

(b) the visitor is liable to pay charge in accordance with that regulation.

(4) Charge for an excursion is payable by a visitor to the holder of the permission on behalf of the Commonwealth on the day that the visitor participates in the excursion.

153 Sight‑seeing aircraft charges

(1) Subject to subregulations (2) and (3), the charge payable by each visitor who participates in an aircraft excursion in or into the Marine Park, that is provided under a chargeable permission for the sole purpose of sight‑seeing, is $0.40 for each excursion.

(2) If a visitor participates in more than 1 excursion on the same day and all the excursions are provided under the same permission, charge is only payable by the visitor for the first excursion.

(3) Charge is not payable by a visitor for an excursion if:

(a) the excursion is permitted under a permission to which regulation 142 applies; and

(b) the visitor is liable to pay charge in accordance with that regulation.

(4) Charge for an excursion is payable by a visitor to the holder of the permission on behalf of the Commonwealth on the day that the visitor participates in the excursion.

154 Pontoon charges

(1) The charge payable by the holder of a chargeable permission for the operation of a pontoon is:

(a) if the horizontal surface area of the pontoon is 40 square metres or less—$90.00 per quarter; or

(b) if the horizontal surface of the pontoon is more than 40 square metres—$180.00 per quarter.

(2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

155 Floating hotel charges

(1) The charge payable by the holder of a chargeable permission for the operation of a floating hotel is $280.00 per quarter.

(2) For the purpose of this regulation, a vessel is a floating hotel only if, for at least 60 days in the quarter in respect of which charge is payable, it is moored:

(i) at one place; or

(ii) not further than 20 nautical miles from any other place in the Marine Park at which it has been moored.

(3) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

156 Marina charges

(1) The charge payable by the holder of a chargeable permission for the construction of a marina is $380.00 per quarter.

(2) The charge payable by the holder of a chargeable permission for the operation of a marina is $380.00 per quarter.

(3) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

157 Underwater observatory charges

(1) The charge payable by the holder of a chargeable permission for the operation of an underwater observatory that is not attached to a pontoon is $130.00 per quarter.

(2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

158 Lady Elliot Island charges

(1) Subject to subregulation (2), the charge payable by each visitor who participates in a tourist program that is provided under a chargeable permission and involves visiting Lady Elliot Island is $2.00 for each day, or part of a day, that the visitor visits the island.

(2) Charge is not payable by a visitor for a day that the visitor visits the island if:

(a) the visit is permitted under a permission to which regulation 142 applies; and

(b) the visitor is liable to pay charge in accordance with that regulation.

(3) Charge for each day that a visitor visits the island is payable by the visitor to the holder of the permission on behalf of the Commonwealth:

(a) if the visit takes no more than 1 day—on the day of the visit; or

(b) if the visit takes more than 1 day—on the first day of the visit.

159 Discharge of sewage charges

(1) The charge payable by the holder of a chargeable permission for the operation of a land‑based outfall for the discharge of waste that is sewage is:

(a) if the sewage has received primary, secondary and tertiary treatment—$400.00 per quarter; or

(b) if the sewage has received primary and secondary treatment only:

(i) $400.00 per quarter; and

(ii) an amount calculated under the formula:



where:

***N*** is the concentration, expressed as milligrams per litre, of all forms of nitrogen assessed to be discharged in the quarter; and

***P*** is the concentration, expressed as milligrams per litre, of all forms of phosphorus assessed to be discharged in the quarter; and

***V*** is the total volume of sewage, expressed in megalitres, discharged in the quarter.

(2) For the purpose of subparagraph (1)(b)(ii), an assessment must be made only in accordance with samples of discharge analysed by a laboratory registered under the rules of the National Association of Testing Authorities for analyses of that kind.

(3) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

160 Vessel chartering charges

(1) If the charter of a vessel is provided under a chargeable permission for a commercial purpose unrelated to tourism, the charge of $2.00 is payable by each visitor (other than a crew member) who is carried on the chartered vessel.

(2) Charge for the charter of a vessel is payable by a visitor to the holder of the permission on behalf of the Commonwealth on the first day that the visitor is carried on the vessel.

161 Vending operations charges

(1) The charge payable by the holder of a chargeable permission for the sale of goods or services from a vessel is $30.00 for a quarter for each metre of the overall length of the vessel, unless:

(a) the sale of goods and services is carried on primarily during an operation in respect of which a charge applies under Subdivision 1 of Division 8.2 or regulation 154, 155, 156, 157 or 160; or

(b) the vessel is used primarily for the provision of goods or services to commercial fishing vessels.

(2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

162 Mariculture

(1) The charge payable by the holder of a chargeable permission for the establishment and operation of farming facilities for the culture of pearls or clams is:

(a) for a parcel of facilities of up to 10 hectares—$500.00 per quarter; and

(b) for each additional parcel of 10 hectares—$200.00 per quarter.

(2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

Subdivision 3—Payment and overpayment

163 When collected amounts are payable

A collected amount in respect of a chargeable permission is payable by the holder of the permission to the Authority on behalf of the Commonwealth in whichever of April, July, October or January is the month after the quarter in which the amount is collected.

Note: The holder of a chargeable permission who does not collect charge as required by subsection 39FA(1) of the Act is liable to pay a penalty amount equal to the amount of the charge. The penalty amount is due for payment at the time when, if the charge had become a collected amount, the holder would have had to pay the collected amount to the Authority—see subsections 39FA(2) and (3) of the Act.

164 Payment on termination or transfer of permission

(1) If a chargeable permission ceases to be in force, the following is payable by the holder of the permission to the Authority on behalf of the Commonwealth within 30 days after the day the permission ceases:

(a) if, under this Part, the holder is liable to pay charge in relation to the permission—charge in respect of the exercise of the permission since the end of the preceding quarter until the end of the day the permission ceases;

(b) if, under this Part, a visitor is liable to pay charge in relation to the permission—collected amounts that the holder has collected since the end of the preceding quarter until the end of the day the permission ceases;

(c) any amount of late payment penalty that, under section 39G of the Act, the holder is liable to pay in relation to the permission, including any amount that accrues after the day the permission ceases.

(2) For the purposes of subregulation (1), a permission to which subregulation 88ZC(1) applies is taken not to have ceased to be in force unless, and until, the application for the permission is taken to be withdrawn under Part 2A, lapses under regulation 132 or is refused.

(3) If a holder’s interest in a chargeable permission is transferred to another person, the following is payable by the holder to the Authority on behalf of the Commonwealth on the day the transfer occurs:

(a) if, under this Part, the holder is liable to pay charge in relation to the permission—charge in respect of the exercise of the permission since the end of the preceding quarter until the end of the day of transfer;

(b) if, under this Part, a visitor is liable to pay charge in relation to the permission—collected amounts that the holder has collected since the end of the preceding quarter until the end of the day of transfer;

(c) any amount of late payment penalty that, under section 39G of the Act, the holder is liable to pay in relation to the permission.

(4) For the purpose of paragraph (3)(a), charge payable in respect of the day on which transfer occurs is taken to be an amount equal to the average charge payable in respect of each other day in the period referred to in that paragraph.

Note: The holder of a chargeable permission who does not collect charge as required by subsection 39FA(1) of the Act is liable to pay a penalty amount equal to the amount of the charge. The penalty amount is due for payment at the time when, if the charge had become a collected amount, the holder would have had to pay the collected amount to the Authority—see subsections 39FA(2) and (3) of the Act.

165 Overpayment of charge by holder of chargeable permission

If the amount of a payment of charge by the holder of a chargeable permission is determined by the Authority to exceed the amount of charge properly payable by the holder, the next amount of charge calculated to be payable under this Part is reduced by an amount equal to the amount of the overpayment unless the Authority has refunded to the holder that amount.

Division 8.3—Record‑keeping and returns etc

166 Record‑keeping etc

(1) The holder of a chargeable permission referred to in Subdivision 1 of Division 8.2 or regulation 152, 153, 154, 155, 156, 157, 158 or 160 must record, each day on which the permission is used by the holder, and whether or not charge is incurred or collected, the information that the Authority requires the holder to keep for the purpose of ascertaining, for a quarter:

(a) the charge payable by the holder for the quarter; and

(b) the charge that the holder was required to collect during the quarter.

Penalty: 50 penalty units.

(2) The holder of a chargeable permission must keep a receipt or ticket used to obtain an exemption under regulation 143 for 2 years after the date on the receipt or ticket.

Penalty: 50 penalty units.

(3) The information must be recorded by the holder of the permission in a logbook supplied to the holder by the Authority or in a form approved by the Authority and kept:

(a) in the holder’s booking office; or

(b) if the holder’s permission allows the visiting of more than 5 different locations in the Marine Park (for a purpose other than the delivery of transfer passengers), access to each of which requires the use of a vessel—in the vessel used for the part of the program to which the information relates; or

(c) in any other place approved by the Authority.

Penalty: 50 penalty units.

(4) The information must be kept by the holder of the permission to enable inspection by an inspector at the holder’s booking office for at least 2 years after the quarter to which the information relates.

Penalty: 50 penalty units.

(5) A offence under subregulation (1), (2), (3) or (4) is an offence of strict liability.

167 Returns

(1) Subject to subregulation (2), the holder of a chargeable permission referred to in this Part must give the Authority, in each April, July, October and January, in relation to the preceding quarter:

(a) a charge return, in a form approved by the Authority; and

(b) a copy of the part of the logbook supplied to the holder by the Authority, or the form approved by the Authority, for the recording of the information.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply to the holder of a permission referred to in regulation 159.

(3) The holder of a chargeable permission referred to in regulation 159 must give the Authority a return, in a form approved by the Authority, in April, July, October and January in relation to the exercise of the permission in the preceding quarter, that sets out:

(a) the total volume of sewage generated during the quarter; and

(b) the total volume of sewage discharged at the land‑based outfall during the quarter; and

(c) the information determined by the laboratory referred to in subregulation 159(2) that discloses the level of treatment the sewage has received before discharge.

Penalty: 50 penalty units.

(4) An offence against this regulation is an offence of strict liability.

168 Custody and banking of collected amounts

(1) The holder of a chargeable permission may deposit a collected amount into an account, maintained by the holder with a bank, until the amount is due for payment to the Authority on behalf of the Commonwealth.

(2) If a collected amount is deposited in accordance with subregulation (1), the holder is entitled to any interest derived from the deposit of the amount.

(3) In this regulation:

***bank*** means:

(a) a person who carries on the business of banking, either in Australia or outside Australia; or

(b) any other institution:

(i) that carries on a business in Australia that consists of or includes taking money on deposit; and

(ii) the operations of which are subject to prudential supervision or regulation under a law of the Commonwealth, a State or a Territory.

Part 9—Shoalwater Bay (Dugong) Plan of Management enforcement provisions

169 Definitions

In this Part:

***Plan*** means the Shoalwater Bay (Dugong) Plan of Management prepared under Part VB of the Act, for which notice, under subsection 39ZE(4), was published in the *Gazette* on 2 April 1997.

170 Date of effect of enforcement provisions

Part 4 (Enforcement Provisions) of the Plan takes effect on 1 May 1997.

171 Offences

(1)A person must not contravene subclause 6.2 or 6.4, clause 7 or subclause 8.1 of the Plan.

Penalty: 50 penalty units.

Note: Clauses 6, 7 and 8 of the Plan restrict the use of nets, the collecting of dugongs, and interference with dugongs.

(2) An offence under subregulation (1) is an offence of strict liability.

Part 10—Cairns Area Plan of Management 1998—enforcement provisions

172 Definition

In this Part:

***Plan*** means the *Cairns Area Plan of Management 1998*.

173 Date of effect of enforcement provisions of Plan

(1) Subject to subregulation (2), Part 2 of the Plan, as amended   
by the *Cairns Area Plan of Management Amendment 2002   
(No. 1)*, takes effect on 7 June 2002.

(2) Clause 2.25 of the Plan, as amended by the *Cairns Area Plan of Management Amendment 2002 (No. 1)*, takes effect on 17 October 2002.

(3) For subsection 39ZF(2) of the Act:

(a) enforcement provisions inserted in the Plan by *Cairns Area Plan of Management Amendment 2004 (No. 1)* take effect on 2 December 2004; and

(b) enforcement provisions in the Plan amended by *Cairns Area Plan of Management Amendment 2004 (No. 1)* take effect as so amended on that day.

(4) For subsection 39ZF(2) of the Act:

(a) enforcement provisions inserted in the Plan by *Cairns Area Plan of Management Amendment 2005 (No. 1)* take effect on the day on which this subregulation commences; and

(b) enforcement provisions in the Plan amended by *Cairns Area Plan of Management Amendment 2005 (No. 1)* take effect as so amended on that day.

(5) For subsection 39ZF(2) of the Act, the enforcement provisions inserted in the Plan or amended by the *Cairns Area Plan of Management Amendment 2008 (No. 1)* take effect on the day on which this subregulation commences.

174 Offences

(1) A person, other than the Authority acting in accordance with its functions and powers, must not contravene a provision of Part 2 of the Plan.

Penalty: 50 penalty units.

(2) A contravention of subregulation (1) (other than a contravention of that subregulation constituted by a contravention of subclause 2.14 (1) of the Plan) is an offence of strict liability.

(3) It is a defence to a prosecution under subregulation (1) if the person is acting in accordance with a permission.

(4) Despite the amendment of this regulation by the *Great Barrier Reef Marine Park Amendment Regulations 2008 (No. 1)*, a defence that would have been available as a defence to a prosecution under subregulation (1) for a contravention that occurred before that amendment continues to be available as a defence.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3) (see section 13.3 of the *Criminal Code*).

Part 11—Whitsundays Plan of Management 1998—enforcement provisions

176 Definition

In this Part:

***Plan*** means the *Whitsundays Plan of Management 1998*.

177 Date of effect of enforcement provisions of Plan

(1) Part 2 of the Plan, as amended by the *Whitsundays Plan of Management Amendment 2002 (No. 1)*, takes effect on 7 June 2002.

(2) For subsection 39ZF(2) of the Act:

(a) enforcement provisions inserted in the Plan by *Whitsundays Plan of Management Amendment 2005 (No. 1)* take effect on the day on which this subregulation commences; and

(b) enforcement provisions in the Plan amended by *Whitsundays Plan of Management Amendment 2005 (No. 1)* take effect as so amended on that day.

(3) For subsection 39ZF(2) of the Act, the enforcement provisions inserted in the Plan or amended by the *Whitsundays Plan of Management Amendment 2008 (No. 1)* take effect on the day on which this subregulation commences.

178 Offences

(1) A person, other than the Authority acting in accordance with its functions and powers, must not contravene a provision of Part 2 of the Plan.

Penalty: 50 penalty units.

(2) A contravention of subregulation (1) (other than a contravention of that subregulation constituted by a contravention of subclause 2.12 (1) of the Plan) is an offence of strict liability.

(3) It is a defence to a prosecution under subregulation (1) if the person is acting in accordance with a permission.

(4) Despite the amendment of this regulation by the *Great Barrier Reef Marine Park Amendment Regulations 2008 (No. 1)*, a defence that would have been available as a defence to a prosecution under subregulation (1) for a contravention that occurred before that amendment continues to be available as a defence.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3) (see section 13.3 of the *Criminal Code*).

Part 12—Hinchinbrook Plan of Management 2004—enforcement provisions

180 Definition

In this Part:

***Plan*** means the *Hinchinbrook Plan of Management 2004*.

181 Date of effect of enforcement provisions of Plan

Part 2 of the Plan takes effect on the day on which this regulation commences.

182 Offences

(1) A person, other than the Authority acting in accordance with its functions and powers, must not contravene a provision of Part 2 of the Plan.

Penalty: 50 penalty units.

(2) An offence against subregulation (1) (other than an offence constituted by a contravention of subclause 2.15 (1) of the Plan) is an offence of strict liability.

(3) It is a defence to a prosecution for an offence against subregulation (1) that the person is acting:

(a) in accordance with:

(i) an authorisation; or

(ii) a new permission granted after the eligibility process commencement day; or

(b) as permitted by subregulation 84(3).

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3) (see section 13.3 of the *Criminal Code*).

(4) For subparagraph (3)(a)(ii), ***new permission*** and ***eligibility process commencement day*** have the respective meanings given by the Plan.

Part 13—Notification and review of decisions

183 Notice of certain decisions

(1) The Authority must publish on the Authority’s website a notice of any of the following kinds of decisions by the Authority as soon as practicable after making the decision:

(a) a decision under Part 2A on an application (including a referral mentioned in subsection 37AB(1) of the Act that is taken to be an application for a permission made in accordance with these Regulations) for the grant of a permission;

(b) a decision under Part 2A to suspend or revoke a permission;

(c) a decision under Part 2A to modify a condition of a permission;

(d) a decision under Part 2A on an application for approval to transfer a permission;

(e) a decision under Part 2A to impose a condition on a permission;

(f) any of the following decisions under Part 2B:

(i) a decision on an application for accreditation of a TUMRA;

(ii) a decision on an application to modify an accredited TUMRA or to modify a condition of the TUMRA’s accreditation;

(iii) a decision to suspend or revoke the accreditation of an accredited TUMRA;

(iv) a decision to modify a condition of accreditation of an accredited TUMRA;

(v) a decision to impose a condition on the accreditation of an accredited TUMRA;

(g) a decision under subregulation 117K(1) on an application for an exemption from a provision, or provisions, of Part 4A.

(1A) Subregulation (1) does not apply to a decision of the Authority under Part 2A to grant or refuse a permission to camp on a Commonwealth island.

(2) The Authority may also give a person affected by the decision a written notice of the decision.

(3) A failure to comply with subregulation (1) about a decision does not make the decision invalid.

184 Contents of a notice

(1) A notice published under subregulation 183(1) or given to a person under subregulation 183(2) must state:

(a) if the decision is a decision mentioned in paragraph 183(1) (a), (b), (c), (e), (f) or (g)—that a person whose interests are affected by the decision may:

(i) obtain from the Authority a statement of reasons for the decision; and

(ii) ask the Authority to reconsider the decision; and

(b) if the decision is a decision mentioned in paragraph 183(1)(d)—that the proposed transferor or proposed transferee may:

(i) obtain from the Authority a statement of reasons for the decision; and

(ii) ask the Authority to reconsider the decision; and

(c) that a person at whose request the Authority has reconsidered the decision may apply, subject to the *Administrative Appeals Tribunal Act 1975*, to the AAT for review of the decision made by the Authority after reconsideration.

(2) A failure to comply with subregulation (1) does not make the relevant decision invalid.

185 Requests for reconsideration of decisions

(1) A person whose interests are affected by:

(aa) a decision mentioned in subregulation 88H(2); or

(a) a decision mentioned in paragraph 183(1)(a), other than a decision in relation to:

(i) an application for a permission to use or enter the Mission Beach Leader Prawn Broodstock Capture Area for the purpose of collecting leader prawn broodstock for aquaculture operations; or

(ii) an application for a permission to conduct a tourist program that includes, as part of the program, swimming‑with‑whales activities in the Cairns Planning Area; or

(iii) an application for a permission to camp on a Commonwealth island; or

(iv) a referral mentioned in subsection 37AB(1) of the Act that is taken to be an application for a permission made in accordance with these Regulations; or

(b) a decision mentioned in paragraph 183(1)(b), (c), (e) or (f), except to the extent that it relates to a permission granted in respect of an application mentioned in subparagraph (a)(iii) or (iv);

may ask the Authority to reconsider the decision.

(3) A person who applied for the grant of a permission to use or enter the Mission Beach Leader Prawn Broodstock Capture Area for the purpose of collecting leader prawn broodstock for aquaculture operations may ask the Authority to reconsider its decision on the application.

(4) A person who applied for the grant of a permission to conduct a tourist program that includes, as part of the program, swimming‑with‑whales activities in the Cairns Planning Area may ask the Authority to reconsider its decision on the application.

(4A) A person who applied for an exemption under subregulation 117K(1), and is dissatisfied with the decision of the Authority, may ask the Authority to reconsider the decision.

(5) A person who applied for the grant of an authorisation may ask the Authority to reconsider its decision on the application.

(6) A proposed transferor or proposed transferee of a permission who is dissatisfied with a decision (mentioned in paragraph 183(1)(d) about the proposed transfer may ask the Authority to reconsider the decision.

(7) If the Authority determines under regulation 137 that a service or proposed service is not, or will not be, a secondary service, and the operator or intending operator of the service is dissatisfied with the Authority’s decision, the operator or intending operator may ask the Authority to reconsider the decision.

(8) A request for reconsideration must:

(a) be in writing; and

(b) set out the reasons why the Authority should reconsider the decision; and

(c) be given to the Authority within 21 days after:

(i) in the case of a decision mentioned in subregulation (5)—the day on which the person who applied for the relevant authorisation is told in writing of the decision; or

(ii) in the case of a decision mentioned in subregulation (7)—the day on which the operator or proposed operator is told in writing of the decision; or

(iii) in any other case—the day notice of the decision is published on the Authority’s website.

(9) This regulation does not apply to a decision made under subregulation 186(2).

186 Reconsideration of decisions

(1) Within 30 business days after receiving a request under regulation 185 about a decision, the Authority must reconsider the decision.

(2) After reconsidering a decision, the Authority may:

(a) affirm the decision; or

(b) vary it; or

(c) substitute another decision for it.

(3) To avoid doubt, after reconsidering a decision the Authority may make any decision that it could have made in the first instance.

(4) Unless the Authority’s decision after reconsideration is to affirm the reconsidered decision, the Authority’s decision after reconsideration supersedes the reconsidered decision for all purposes.

187 AAT review of decisions after reconsideration

Application may be made under the *Administrative Appeals Tribunal Act 1975* to the AAT for a review of a decision of the Authority under subregulation 186(2).

187A Reconsideration of reviewable decisions

(1) For subsection 64(5) of the Act, this regulation prescribes:

(a) the time limits for making requests under section 64 of the Act; and

(b) the matters to be included in requests under section 64 of the Act; and

(c) the time limits for reconsidering decisions under section 64 of the Act; and

(d) when a decision on reconsideration takes effect.

(2) For paragraph 64(5)(a) of the Act, a person must request a reconsideration of a reviewable decision:

(a) if the reviewable decision is a decision mentioned in paragraph 64(3)(a) of the Act—within 15 business days after the decision is published on the Authority’s website; or

(b) if the reviewable decision is a decision mentioned in paragraph 64(3)(b) of the Act—within 15 business days after a copy of the direction is given to the person; or

(c) if the reviewable decision is a decision mentioned in paragraph 64(3)(c) or (d) of the Act—within 15 business days after the decision is made.

(3) For paragraph 64(5)(b) of the Act, the request must set out the reasons why the Minister or the Authority (whichever is applicable) should reconsider the decision.

(4) For paragraph 64(5)(c) of the Act:

(a) if a request for reconsideration of a reviewable decision is given to the Minister under subsection 64(1) of the Act—the Minister must reconsider the reviewable decision within 20 business days after receiving the request; and

(b) if a request for reconsideration of a reviewable decision is given to the Authority under subsection 64(2) of the Act—the Authority must reconsider the reviewable decision within 20 business days after receiving the request.

(5) For paragraph 64(5)(d) of the Act, a decision on reconsideration takes effect:

(a) if the reconsidered decision is in relation to a decision mentioned in paragraph 64(3)(a) of the Act—when the Authority publishes its decision on reconsideration on the Authority’s website; or

(b) if the reconsidered decision is in relation to a decision mentioned in paragraph 64(3)(b) of the Act—when the Minister gives the person requesting the reconsideration written notice of the Minister’s decision on reconsideration; or

(c) if the reconsidered decision is in relation to a decision mentioned in paragraph 64(3)(c) or (d) of the Act—when the Minister or Authority, as the case may be, gives the person requesting the reconsideration written notice of the decision.

Part 13A—Inspector powers

187B Power of inspector to give directions

(1) For the purpose of ensuring that the Act and these Regulations are complied with, an inspector may, subject to this regulation, give reasonable directions to any person:

(a) who is within the Marine Park; or

(b) who is outside the Marine Park and the inspector believes on reasonable grounds may enter, or who has recently entered and left, the Marine Park.

(2) A direction may be given orally, in writing, by radio or by any other appropriate means of communication.

(3) The inspector must identify himself or herself when giving the direction and must produce his or her identity card at the first practicable opportunity to the person to whom the direction is given.

Note: Identity cards are issued to inspectors under section 45 of the Act.

(4) A person commits an offence if:

(a) the person is a person mentioned in paragraph (1)(a) or (b); and

(b) the person is given a direction under subregulation (1); and

(c) the person fails to comply with the direction.

Penalty: 50 penalty units.

(5) An offence against subregulation (4) is an offence of strict liability.

187C General powers of inspectors

(1) An inspector may:

(a) require any person in the Marine Park whom the inspector finds committing, or reasonably suspects of having committed, an offence against the Act or these Regulations to leave the Marine Park or the zone or location within the Marine Park where the person is found; and

(b) require any person whom he or she reasonably suspects of having done an act in respect of which the person is required to hold a permission, permit or other authority under the Act, these Regulations or a zoning plan to produce such a permission, permit or authority or evidence of such a permission, permit or authority.

(2) For paragraph (1)(a), the inspector may require the person to leave the Marine Park, or the zone or location within the Marine Park where the person is found, for a specified period that is reasonable in all of the circumstances.

(3) A person commits an offence if:

(a) a requirement is made of the person under this regulation; and

(b) the person fails to comply with the requirement.

Penalty: 50 penalty units.

(4) An offence against subregulation (3) is an offence of strict liability.

Part 14—Infringement notices

188 Purpose of Part 14

This Part provides a procedure under which a person who is alleged to have committed an offence against certain provisions of these Regulations (an ***infringement notice offence***) may, as an alternative to having the matter dealt with by a court, dispose of the matter by paying a monetary penalty (an ***infringement notice penalty***) specified in a notice (an ***infringement notice***) served on the person.

189 Infringement notice offences and infringement notice penalties

(1) An offence against a provision of these Regulations mentioned in column 2 of an item in Table 189 is an infringement notice offence.

(2) The infringement notice penalty for such an offence is the penalty mentioned in column 3 of the relevant item in that table.

**Table 189   Infringement notice offences and penalties**

| Item | Provision | Infringement notice penalty (penalty units) |
| --- | --- | --- |
| 1 | regulation 73 (Commercial activities on Low Island) | 10 |
| 1A | regulation 73B (Conservation Park Zone—fishing offence) | 4 |
| 1B | regulation 73BA (Marine National Park Zone—fishing offence) | 10 |
| 1C | subregulation 88ZW(1) (Requirement to produce permission for inspection) | 1 |
| 1D | subregulation 88ZX(1) (Notification of change in beneficial ownership) | 10 |
| 2 | subregulation 95(1) (Certain animals not to be taken onto Commonwealth islands) | 2 |
| 3 | subregulation 101(1) (Littering prohibited) | 2 |
| 3A | subregulation 101A(2) (Mooring buoy must display mooring reference number) | 3 |
| 4 | subregulations 102(1), (2), (3) and (4) (public mooring and infrastructure not to be removed, misused or damaged) | 3 |
| 4A | subregulation 117D(5) (Prohibited vessel) | 10 |
| 4B | subregulation 117E(2), (3), (4) or (5) (Other craft—adult cetaceans) | 10 |
| 4C | subregulation 117F(2) or (3) (Other craft—calves) | 10 |
| 4D | subregulation 117G(2) (Aircraft) | 10 |
| 4E | subregulation 117H(1) (Feeding) | 10 |
| 4F | subregulation 117I(1) (Touching and sudden movements) | 10 |
| 4G | subregulation 117J(2), (3) or (4) (Swimming with cetaceans) | 10 |
| 4H | subregulation 117JA(1) (Conducting swimming‑with‑whales activities without permission) | 10 |
| 4I | subregulation 117JB(1) or (2)(Protection of whales in whale protection area) | 10 |
| 5 | subregulation 126(1) (Offences—identification numbers) | 5 |
| 6 | subregulation 144(1) or (2) (Offence—altering ticket etc) | 7 |
| 7 | subregulation 166(1), (2), (3) or (4) (Record‑keeping etc) | 5 |
| 7A | subregulation 167(1) or (3) (Returns) | 2 |
| 8 | subregulation 174(1) (Offences—Cairns Area Plan of Management enforcement provisions) | 3 |
| 9 | subregulation 178(1) (Offences—Whitsundays Plan of Management enforcement provisions) | 3 |
| 10 | subregulation 182(1) (Offences—Hinchinbrook Plan of Management enforcement provisions) | 3 |
| 10A | subregulation 187B(4) (Power of inspector to give directions) | 10 |
| 10B | subregulation 187C(3) (General powers of inspectors) | 10 |

(3) An offence against subsection 38BA(3) or 38EA(4) of the Act is an infringement notice offence.

(4) The infringement notice penalty for an offence against subsection 38BA(3) of the Act is 12 penalty units, and the infringement notice penalty for an offence against subsection 38EA(4) of the Act is 4 penalty units.

190 Interpretation

(1) In this Part:

***owner***, for a vehicle, means:

(a) for a vehicle that is registered under a law of a State or Territory providing for the registration of vehicles—the registered owner; or

(b) for any other vehicle—the person who is legally entitled to possession of the vehicle.

***vehicle*** means an aircraft, a motor vehicle or a vessel.

(2) A reference in this Part to an offence involving a vehicle is a reference to an offence occurring as a result of the use of, or an attribute of, the vehicle.

191 Infringement notices

(1) An inspector may serve an infringement notice, or cause an infringement notice to be served, on a person in accordance with regulation 192 if there are reasonable grounds for believing that the person has committed an infringement notice offence.

(2) An infringement notice must set out the following information:

(a) the name and address of the person served (unless the notice is served in accordance with subparagraph 192(1)(c)(ii));

(b) the nature of the alleged offence, including the provision that it is alleged has been contravened;

(c) the date, time and place of the alleged offence;

(d) the amount payable as the infringement notice penalty;

(e) the maximum penalty that a court may impose for the offence;

(f) a statement that, if the person prefers that the matter not be dealt with by a court, he or she may signify that preference by paying the infringement notice penalty;

(g) the period in which, and the place where, the infringement notice penalty may be paid;

(h) the effect of paying the infringement notice penalty;

(i) the period, and manner, in which the person served may notify the Authority of any facts or matters that the person believes ought to be taken into account in relation to the alleged offence;

(j) the name of the person who serves the notice.

(3) An infringement notice may contain any other information that the inspector or the Authority considers necessary.

192 Service of infringement notices

(1) An infringement notice may be served on a person:

(a) personally or by post; or

(b) by leaving the notice:

(i) at the last‑known place of residence or business of the person; and

(ii) with a person, apparently over the age of 16 years, who appears to live or work at the place; or

(c) for an offence involving a vehicle:

(i) in the case of a person who appears to be in charge of the vehicle at the time of the alleged offence—personally; or

(ii) by securely placing the notice on the vehicle in a conspicuous position; or

(iii) if the Authority receives a statutory declaration under subregulation 201(3)—by serving the notice, in accordance with paragraph (a) or (b), on the person named in the statutory declaration as being the person in charge of the vehicle at the time of the alleged offence; or

(d) by any other method the inspector who serves the infringement notice, or who causes the infringement notice to be served, considers appropriate.

(2) If an infringement notice for an offence involving a vehicle is to be served by post, it must be sent:

(a) to the last‑known place of residence or business of the person who was the owner of the vehicle at the time the alleged offence occurred; or

(b) if the vehicle is registered under a law of a State or Territory—to the latest address of the owner in the record of registration of the vehicle; or

(c) for a person named in a statutory declaration under subregulation 201(3)—to the address given in the statutory declaration.

(3) An infringement notice for an offence is of no effect if it is served on a person more than 12 months after the alleged commission of the offence by the person.

193 Payment of penalty

An infringement notice penalty must be paid:

(a) before the end of 28 days after the day the infringement notice is served (the ***28‑day period***); or

(b) if an application for a further period for payment is made under regulation 194 and the further period is granted, before the end of the further period; or

(c) if an application for a further period for payment is made under regulation 194 and the further period is refused, before the end of the later of:

(i) 10 days after the date of the notice of the refusal; and

(ii) the 28‑day period; or

(d) if a notice is given under regulation 195 and the Authority refuses to withdraw the infringement notice, before the end of 28 days after the date of the notice of the refusal.

194 Extension of time to pay

(1) A person on whom an infringement notice has been served may apply in writing to the Authority requesting a further period for payment of the infringement notice penalty, whether or not the period of 28 days after the date of service of the notice has ended.

(2) If an application is made after the end of the 28‑day period, the application must include a statement explaining why the alleged offender could not deal with the notice within that period.

(3) On receiving an application, the Authority must:

(a) grant or refuse a further period; and

(b) give the person written notice of the decision; and

(c) if the decision is a refusal—state in the notice the reasons for refusal and the period in which the infringement notice penalty must be paid.

195 Matters for Authority to take into account

If, before the end of 28 days after the day an infringement notice is served on a person, the person notifies the Authority, in the manner set out in the infringement notice, of any facts or matters that the person believes ought to be taken into account in relation to the alleged offence:

(a) the period for payment of the infringement notice penalty is extended to the extent necessary to enable the Authority to consider those facts and matters; and

(b) the Authority must make a decision under subregulation 196(2).

196 Withdrawal of infringement notices

(1) The Authority may withdraw an infringement notice served on a person on its own initiative by giving written notice of the withdrawal to the person:

(a) before the end of 28 days after the day the infringement notice was served on the person; or

(b) if the Authority grants, under regulation 194, a further period for payment of the infringement notice penalty by the person—before the end of the further period.

(2) If the Authority receives a notice from a person under regulation 195, the Authority must:

(a) decide to withdraw, or refuse to withdraw, the infringement notice; and

(b) give the person written notice of the decision in accordance with subregulation (4).

(3) In making a decision under subregulation (1) or (2), the Authority must consider:

(a) if a notice has been given under regulation 195—the facts or matters in the notice; and

(b) the circumstances in which the offence mentioned in the infringement notice is alleged to have been committed; and

(c) whether the person has been convicted previously of an offence against these Regulations or the Act; and

(d) whether an infringement notice has previously been given to the person for an offence against these Regulations; and

(e) any other matter the Authority considers relevant.

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

(4) If the Authority decides, under subregulation (2), to refuse to withdraw an infringement notice, notice of the decision must state:

(a) the reasons for the refusal; and

(b) that the amount of the infringement notice penalty must be paid within 28 days after the date of the notice of the decision; and

(c) that if that amount is not so paid, the person may be prosecuted for the alleged offence.

(5) If an infringement notice is withdrawn after a person pays the infringement notice penalty, the Authority must refund to the person the amount paid.

197 Effect of payment of infringement notice penalty

(1) If a person who is served with an infringement notice pays the infringement notice penalty in accordance with this Part and the infringement notice is not withdrawn by the Authority before the end of the period in which the notice may be withdrawn under regulation 196:

(a) any liability of the person for the offence is discharged; and

(b) further proceedings against the person for the offence cannot be taken under that provision; and

(c) the person is not convicted of the offence.

(2) If a cheque is given to the Authority in payment of the amount of an infringement notice penalty, the payment is taken not to have been made unless the cheque is honoured on presentation.

198 Admissions under regulation 195

Evidence of an admission made by a person in a notice under regulation 195 is inadmissible in a proceeding against the person for the alleged offence.

199 Matter not to be taken into account in determining sentence

(1) This regulation applies if a person who is served with an infringement notice:

(a) chooses not to pay the infringement notice penalty; and

(b) is prosecuted for, and convicted of, the alleged offence mentioned in the infringement notice.

(2) In determining the penalty to be imposed, the court must not take into account the fact that the person chose not to pay the infringement notice penalty.

200 Evidence for hearing

(1) At the hearing of a prosecution for an offence mentioned in an infringement notice, each of the following certificates is evidence of the facts stated in the certificate:

(a) a certificate signed by an inspector stating that:

(i) the infringement notice was served on the alleged offender; and

(ii) the infringement notice penalty has not been paid in accordance with this Part;

(b) a certificate signed by the Authority stating that the notice was withdrawn on a day specified in the certificate;

(c) a certificate signed by the Authority stating that:

(i) under regulation 194, a further period for payment of the infringement notice penalty was refused; and

(ii) the infringement notice penalty has not been paid in accordance with this Part;

(d) a certificate signed by the Authority stating that:

(i) under regulation 194, a further period, stated in the certificate, for payment of the infringement notice penalty was granted; and

(ii) the infringement notice penalty has not been paid in accordance with the notice or before the end of the further period.

(2) A certificate that purports to have been signed by the Authority or an inspector is taken to have been signed by the Authority or the inspector unless the contrary is proved.

201 Offences involving a vehicle—liability of owner

(1) This regulation identifies who it is that bears liability for the commission of an offence under these Regulations involving a vehicle.

(2) If the offence is committed by the person in charge of the vehicle, the owner of the vehicle at the time the offence is committed is taken to have committed the offence.

(3) However, the owner of the vehicle is not taken to have committed the offence if:

(a) the vehicle was, at the time of the offence, stolen or illegally taken; or

(b) for an owner who is not a body corporate—within 14 days after the date of an infringement notice served under regulation 192 or within 14 days after service of a summons for the alleged offence, the owner gives to the Authority a statutory declaration made by him or her stating:

(i) that it is made for subregulation (3) of this regulation; and

(ii) that he or she was not in charge of the vehicle at the time of the alleged offence; and

(iii) the name and address of the person who was in charge of the vehicle at that time; or

(c) for an owner that is a body corporate—within 14 days after the date of an infringement notice served under regulation 192 or within 14 days after service of a summons for the alleged offence, a director, manager or secretary of the body corporate gives to the Authority a statutory declaration made by him or her stating:

(i) that it is made for subregulation (3) of this regulation; and

(ii) that the vehicle was not being used by or for the body corporate at the time of the alleged offence; and

(iii) the name and address of the person who was in charge of the vehicle at that time.

(4) At the hearing of a prosecution of an owner for an offence involving a vehicle, a certificate signed by the Authority stating that the owner has not given to the Authority a statutory declaration relating to the offence is evidence of the matter so stated.

(5) For subregulation (4), a document that purports to have been signed by the Authority is to be taken to have been so signed unless the contrary is proved.

(6) This regulation does not affect the liability of a person who is not the owner of a vehicle involved in an offence against these Regulations if the person would otherwise be liable for the offence.

202 Copy of statutory declaration to be served

(1) This regulation applies if a person is named in a statutory declaration given under paragraph 201(3)(b) or (c) as being the person who was in charge of a vehicle at the time of an alleged offence involving the vehicle.

(2) A copy of the statutory declaration must:

(a) if an infringement notice for the offence is to be served on the person after the statutory declaration is given—be attached to the infringement notice when it is served; or

(b) if the person is to be prosecuted for the offence and paragraph (c) does not apply—be attached to the summons for the offence when it is served on the person; or

(c) if the person is to be prosecuted for the offence and a summons for the offence was served on the person before the statutory declaration was given—be served on the person at least 3 days before the commencement of the hearing for the offence.

(3) The statutory declaration is admissible in evidence in a prosecution for the offence against the person and is evidence that the person was in charge of the vehicle at that time.

203 Infringement notice not compulsory, etc

Nothing in this Part is to be taken to:

(a) require that a person suspected of having contravened a provision of these Regulations be served with an infringement notice; or

(b) affect the liability of a person to be prosecuted for an alleged offence, if:

(i) an infringement notice is not served on the person for the offence; or

(ii) an infringement notice is served on the person and later withdrawn; or

(iii) the person does not comply with an infringement notice; or

(c) limit the penalty that may be imposed by a court on a person convicted of an offence; or

(d) other than as provided in regulation 197, affect any power under these Regulations or the Act that the Commonwealth or Authority may exercise in relation to an alleged offence.

Part 15—Miscellaneous

204 Giving of notices

Without prejudice to any other method of giving notice, the Authority may give a notice to a person by sending the notice by post addressed to the person at his last‑known place of residence or business.

205 Form of applications, documents and information

The Authority may require an application that is to be made, or a document or information that is to be given, to the Authority in writing to be made, or given, in an electronic form that meets particular information technology requirements.

*Example*

The Authority may require an application that is to be made in writing to be made in an electronic form that can readily be published on the Internet.

206 Form of identity card

For subsection 45(1) of the Act, the following form of identity card is prescribed:



Identity Card

The person whose name, signature and photograph appear on this card is an inspector under the *Great Barrier Reef Marine Park Act 1975* and the *Environment Protection and Biodiversity Conservation Act 1999*.

|  |  |
| --- | --- |
| (*affix photograph*) | Name: |
|  | Identification No: |
|  | Dated: |
| Signature | Issuing officer: |
|  | Great Barrier Reef Marine Park Authority |

Schedule 1—Designated anchorages

(regulation 3)

Part 1—Far Northern management area

| Item | Description |
| --- | --- |
| 1 | Boydong Cays South‑Easterly Wind Designated Anchorage  The area bounded by a notional line beginning at 11º 28.60′ S, 143º 00.79′ E and running progressively: |
|  | North‑easterly along the geodesic to 11º 28.49′ S, 143º 00.90′ E |
|  | South‑easterly along the geodesic to 11º 28.64′ S, 143º 01.06′ E |
|  | South‑westerly along the geodesic to 11º 28.76′ S, 143º 00.94′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 2 | Piper Islands South‑Easterly Wind Designated Anchorage  The area bounded by a notional line beginning at 12º 14.20′ S, 143º 13.25′ E and running progressively: |
|  | North‑easterly along the geodesic to 12º 14.09′ S, 143º 13.36′ E |
|  | South‑easterly along the geodesic to 12º 14.24′ S, 143º 13.52′ E |
|  | South‑westerly along the geodesic to 12º 14.36′ S, 143º 13.40′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 3 | Piper Islands North‑Westerly Wind Designated Anchorage (weather alternative)  The area bounded by a notional line beginning at 12º 14.96′ S, 143º 12.84′ E and running progressively: |
|  | North‑easterly along the geodesic to 12º 14.84′ S, 143º 12.96′ E |
|  | South‑easterly along the geodesic to 12º 15.00′ S, 143º 13.11′ E |
|  | South‑westerly along the geodesic to 12º 15.11′ S, 143º 13.00′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 4 | Night Island South Easterly Wind Designated Anchorage  The area bounded by a notional line beginning at 13° 10.27′ S, 143° 33.98′ E and running progressively: |
|  | North‑easterly along the geodesic to 13° 10.16′ S, 143° 34.10′ E |
|  | South‑easterly along the geodesic to 13° 10.31′ S, 143° 34.25′ E |
|  | South‑westerly along the geodesic to 13° 10.42′ S, 143° 34.14′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 5 | Morris Island South‑Easterly Wind Designated Anchorage  The area bounded by a notional line beginning at 13º 29.30′ S, 143º 42.89′ E and running progressively: |
|  | North‑easterly along the geodesic to 13º 29.19′ S, 143º 43.00′ E |
|  | South‑easterly along the geodesic to 13º 29.34′ S, 143º 43.16′ E |
|  | South‑westerly along the geodesic to 13º 29.46′ S, 143º 43.04′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 6 | Creech Reef South‑Easterly Wind Designated Anchorage  The area bounded by a notional line beginning at 13º 37.36′ S, 144º 04.64′ E and running progressively: |
|  | North‑easterly along the geodesic to 13º 37.24′ S, 144º 04.75′ E |
|  | South‑easterly along the geodesic to 13º 37.40′ S, 144º 04.90′ E |
|  | South‑westerly along the geodesic to 13º 37.51′ S, 144º 04.79′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 7 | Pipon Island South Easterly Wind Designated Anchorage  The area bounded by a notional line beginning at 14º 06.80′ S, 144º 30.19′ E and running progressively: |
|  | North‑easterly along the geodesic to 14º 06.69′ S, 144º 30.30′ E |
|  | South‑easterly along the geodesic to 14º 06.84′ S, 144º 30.46′ E |
|  | South‑westerly along the geodesic to 14º 06.96′ S, 144º 30.34′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 8 | Flinders Island Group Wongal Beach Designated Anchorage  The area bounded by a notional line beginning at 14º 08.30′ S, 144º 14.99′ E and running progressively: |
|  | North‑easterly along the geodesic to 14º 08.19′ S, 144º 15.10′ E |
|  | South‑easterly along the geodesic to 14º 08.34′ S, 144º 15.26′ E |
|  | South‑westerly along the geodesic to 14º 08.46′ S, 144º 15.14′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 9 | Flinders Island Group Stokes Bay Designated Anchorage (weather alternative)  The area bounded by a notional line beginning at 14º 09.01′ S, 144º 12.89′ E and running progressively: |
|  | North‑easterly along the geodesic to 14º 08.89′ S, 144º 13.00′ E |
|  | South‑easterly along the geodesic to 14º 09.05′ S, 144º 13.15′ E |
|  | South‑westerly along the geodesic to 14º 09.16′ S, 144º 13.04′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 10 | Bathurst Bay/Cape Melville South‑Easterly Wind Designated Anchorage  The area bounded by a notional line beginning at 14º 10.70′ S, 144º 25.89′ E and running progressively: |
|  | North‑easterly along the geodesic to 14º 10.59′ S, 144º 26.00′ E |
|  | South‑easterly along the geodesic to 14º 10.74′ S, 144º 26.16′ E |
|  | South‑westerly along the geodesic to 14º 10.86′ S, 144º 26.04′ E |
|  | North‑westerly along the geodesic to the point of commencement |
| 11 | Ingram Island South‑Easterly Wind Designated Anchorage  The area bounded by a notional line beginning at 14º 24.50′ S, 144º 52.29′ E and running progressively: |
|  | North‑easterly along the geodesic to 14º 24.39′ S, 144º 52.40′ E |
|  | South‑easterly along the geodesic to 14º 24.54′ S, 144º 52.56′ E |
|  | South‑westerly along the geodesic to 14º 24.66′ S, 144º 52.44′ E |
|  | North‑westerly along the geodesic to the point of commencement |

Part 2—Cairns/Cooktown management area

**Cairns planning area**

| Item | Description |
| --- | --- |
| 12 | Lizard Island Designated Anchorage  The area (other than areas of drying reef) bounded by a notional line commencing at the intersection of the Lizard Island coastline at mean low water and the parallel 14º 40.136′ S (at or about 14º 40.136′ S, 145º 26.677′ E) then running progressively: |
|  | North‑westerly along the geodesic to 14º 39.710′ S, 145º 26.264′ E |
|  | North‑easterly along the geodesic to the intersection of the Lizard Island coastline at mean low water and the parallel 14º 39.185′ S (at or about 14º 39.185′ S, 145º 27.041′ E) |
|  | Southerly along the Lizard Island coastline at mean low water to the point of commencement |
| 13 | Ribbon Reef No. 5 (15‑038) Location Designated Anchorage  The area enclosed within the 500 metre line of Ribbon Reef No. 5 (15‑038), excluding areas of drying reef |
| 14 | Ribbon Reef No. 2 (15‑075) Location Designated Anchorage  The area enclosed within the 500 metre line of Ribbon Reef No. 2 (15‑075), excluding areas of drying reef |
| 15 | Agincourt Reef (15‑096) Designated Anchorage  The point located at 15° 57.252′ S, 145° 47.57′ E |
| 16 | Norman Reef (16‑030) South‑Easterly Wind Designated Anchorage  The point located at 16° 24.887′ S, 145° 58.709′ E |
| 17 | Norman Reef (16‑030) North‑Westerly Wind Designated Anchorage  The point located at 16° 26.654′ S, 146° 00.696′ E |
| 18 | Moore Reef (16‑071) Designated Anchorage  The point located at 16° 50.984′ S, 146° 10.601′ E |

Part 3—Townsville/Whitsunday management area

Division 1—Dunk Island

|  |  |
| --- | --- |
| Item | Description |
| **19** | **Dunk Island Designated Anchorage**  The area enclosed within 200 metres of a point located at 17° 56.00′ S, 146° 07.50′ E |

Division 2—Hinchinbrook planning area

|  |  |
| --- | --- |
| Item | Description |
| 20 | Cape Richards Designated Anchorage  The area enclosed within 250 metres of a point located at 18° 11.70′ S, 146° 12.70′ E |
| 21 | Hecate Point Designated Anchorage  The area enclosed within 500 metres of a point located at 18° 14.00′ S, 146° 03.50′ E |

Division 3—Whitsundays planning area

| Item | Description |
| --- | --- |
| 22 | Hardy Reef Designated Anchorage  The area enclosed within 200 metres of a point located at 19° 44.45′ S, 149° 08.40′ E |
| 23 | South Hayman Designated Anchorage  The area bounded by a notional line beginning at 20° 04.20′ S, 148° 53.40′ E and running progressively: |
|  | South‑westerly along the geodesic to 20° 04.70′ S, 148° 53.20′ E |
|  | North‑westerly along the geodesic to 20° 04.28′ S, 148° 52.27′ E |
|  | North‑easterly along the geodesic to 20° 03.90′ S, 148° 52.51′ E |
|  | South‑easterly along the geodesic to the point of commencement |
| 24 | Funnel Bay Designated Anchorage  The area bounded by a notional line beginning at 20° 13.20′ S, 148° 44.75′ E and running progressively: |
|  | South along the meridian to 20° 14.60′ S, 148° 44.75′ E |
|  | West along the parallel to 20° 14.60′ S, 148° 43.00′ E |
|  | North along the meridian to 20° 13.20′ S, 148° 43.00′ E |
|  | East along the parallel to the point of commencement |
| 25 | Cid Harbour Designated Anchorage  The area bounded by a notional line beginning at 20° 14.30′ S, 148° 56.00′ E and running progressively: |
|  | South‑easterly along the geodesic to 20° 15.00′ S, 148° 56.20′ E |
|  | South along the meridian to 20° 15.70′ S, 148° 56.20′ E |
|  | West along the parallel to 20° 15.70′ S, 148° 55.80′ E |
|  | North‑easterly along the geodesic to 20° 14.30′ S, 148° 55.20′ E |
|  | East along the parallel to the point of commencement |
| 26 | Port Molle Designated Anchorage  The area bounded by a notional line beginning at 20° 19.00′ S, 148° 50.10′ E and running progressively: |
|  | South‑easterly along the geodesic to 20° 19.80′ S, 148° 50.60′ E |
|  | West along the parallel to 20° 19.80′ S, 148° 50.00′ E |
|  | North‑westerly along the geodesic to 20° 19.00′ S, 148° 49.50′ E |
|  | East along the parallel to the point of commencement |
| 27 | Fitzalan Passage Designated Anchorage  The area bounded by a notional line beginning at 20° 18.89′ S, 148° 56.52′ E and running progressively: |
|  | South‑easterly along the geodesic to 20° 19.31′ S, 148° 56.80′ E |
|  | South‑westerly along the geodesic to 20° 19.50′ S, 148° 56.47′ E |
|  | North‑westerly along the geodesic to 20° 19.09′ S, 148° 56.19′ E |
|  | North‑easterly along the geodesic to the point of commencement |
| 28 | Turtle Bay Designated Anchorage  The area bounded by a notional line beginning at 20° 19.50′ S, 149° 01.00′ E and running progressively: |
|  | South along the meridian to 20° 20.00′ S, 149° 01.00′ E |
|  | West along the parallel to 20° 20.00′ S, 148° 59.50′ E |
|  | North along the meridian to 20° 19.50′ S, 148° 59.50′ E |
|  | East along the parallel to the point of commencement |
| 29 | South East Hamilton Designated Anchorage  The area enclosed within 200 metres of a point located at 20° 22.10′ S, 148° 59.25′ E |

Part 4—Mackay/Capricorn management area

| Item | Description |
| --- | --- |
| 30 | Great Keppel Island Designated Anchorage  The area enclosed between the coastal line and the coastal 1 kilometre line of Great Keppel Island |
| 31 | Wistari Reef Designated Anchorage  The area enclosed between the reef edge and the 1 kilometre line of Wistari Reef |
| 32 | Lady Elliot Island Designated Anchorage  The area enclosed between the coastal line and the coastal 1 kilometre line of Lady Elliot Island |

Schedule 2—Whale protection areas

(regulation 117A)

Part 1—Preliminary

Definition

In this Schedule, ***1 nautical mile line*** means the line every point of which is at a distance of 1 nautical mile seaward from the nearest point of the coastline at high water.

Part 2—Whitsunday whale protection area

Description of whale protection area

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the meridian 148° 27.181′ E (at or about 20° 03.602′ S, 148° 27.181′ E) then running progressively:

| Item | Description |
| --- | --- |
| 1 | North‑westerly along the geodesic to 19° 58.025′ S, 148° 18.597′ E |
| 2 | Easterly along the geodesic to 19° 57.960′ S, 148° 52.796′ E |
| 3 | South along the meridian to the intersection of the 1 nautical mile line of Hayman Island (at or about 20° 01.183′ S, 148° 52.796′ E) |
| 4 | South‑easterly along the 1 nautical mile line of Hayman Island to the intersection of the 1 nautical mile line of Hook Island (at or about 20° 02.785′ S, 148° 54.921′ E) |
| 5 | Easterly along the 1 nautical mile line of Hook Island to the intersection of the 1 nautical mile line of Double Rock (North) and Double Rock (South) (at or about 20° 03.355′ S, 148° 58.866′ E) |
| 6 | Southerly along the 1 nautical mile line of Double Rock (North) and Double Rock (South) to the intersection of the 1 nautical mile line of Hook Island (at or about 20° 05.325′ S, 148° 58.559′ E) |
| 7 | Southerly along the 1 nautical mile line of Hook Island to the intersection of the 1 nautical mile line of Whitsunday Island (at or about 20° 08.319′ S, 148° 57.870′ E) |
| 8 | South‑easterly along the 1 nautical mile line of Whitsunday Island to the intersection of the 1 nautical mile line of Dumbell Island (at or about 20° 09.577′ S, 148° 59.759′ E) |
| 9 | North‑easterly along the 1 nautical mile line of Dumbell Island to the intersection of the 1 nautical mile line of Border Island (at or about 20° 09.362′ S, 149° 00.210′ E) |
| 10 | Easterly along the 1 nautical mile line of Border Island to the intersection of the 1 nautical mile line of Jester Rock (at or about 20° 08.391′ S, 149° 03.278′ E) |
| 11 | North‑easterly along the 1 nautical mile line of Jester Rock to the intersection of the meridian 149° 04.321′ E (at or about 20° 07.605′ S, 149° 04.321′ E) |
| 12 | South‑easterly along the 1 nautical mile line of Jester Rock to the intersection of the 1 nautical mile line of Deloraine Island (at or about 20° 08.799′ S, 149° 05.372′ E) |
| 13 | Southerly along the 1 nautical mile line of Deloraine Island to the intersection of the parallel 20° 10.265′ S (at or about 20° 10.265′ S, 149° 05.410′ E) |
| 14 | Westerly along the 1 nautical mile line of Deloraine Island to the intersection of the 1 nautical mile line of Border Island (at or about 20° 10.266′ S, 149° 03.599′ E) |
| 15 | South‑westerly along the 1 nautical mile line of Border Island to the intersection of the meridian 149° 02.405′ E (at or about 20° 11.996′ S, 149° 02.405′ E) |
| 16 | Southerly along the geodesic to the intersection of the 1 nautical mile line of Esk Island and the meridian 149° 02.427′ E (at or about 20° 12.880′ S, 149° 02.427′ E) |
| 17 | South‑easterly along the 1 nautical mile line of Esk Island to the intersection of the parallel 20° 14.564′ S (at or about 20° 14.564′ S, 149° 03.522′ E) |
| 18 | South‑easterly along the geodesic to the intersection of the 1 nautical mile line of U/N Island (20‑077) and the meridian 149° 04.023′ E (at or about 20° 14.970′ S, 149° 04.023′ E) |
| 19 | Easterly along the 1 nautical mile line of U/N Island (20‑077) to the intersection of the 1 nautical mile line of Haslewood Island (at or about 20° 14.653′ S, 149° 05.094′ E) |
| 20 | Easterly along the 1 nautical mile line of Haslewood Island to the intersection of the meridian 149°07.056′ E (at or about 20° 14.502′ S, 149° 07.056′ E) |
| 21 | North‑easterly along the geodesic to the intersection of the 1 nautical mile line of Ireby Island and the parallel 20° 14.169′ S (at or about 20° 14.169′ S, 149° 07.577′ E) |
| 22 | Northerly along the 1 nautical mile line of Ireby Island to the intersection of the parallel 20° 12.856′ S (at or about 20° 12.856′ S, 149° 07.750′ E) |
| 23 | Easterly along the 1 nautical mile line of Ireby Island to the intersection of the 1 nautical mile line of Silago Island (at or about 20° 13.104′ S, 149° 09.510′ E) |
| 24 | South‑easterly along the 1 nautical mile line of Silago Island to the intersection of the 1 nautical mile line of Edward Island (at or about 20° 13.527′ S, 149° 10.545′ E) |
| 25 | South‑easterly along the 1 nautical mile line of Edward Island to the intersection of the 1 nautical mile line of Yuindalla Island (at or about 20° 14.368′ S, 149° 11.573′ E) |
| 26 | Southerly along the 1 nautical mile line of Yuindalla Island to the intersection of the 1 nautical mile line of Buddibuddi Island (at or about 20° 16.314′ S, 149° 10.956′ E) |
| 27 | Westerly along the 1 nautical mile line of Buddibuddi Island to the intersection of the 1 nautical mile line of Edward Island (at or about 20° 16.100′ S, 149° 10.054′ E) |
| 28 | North‑westerly along the 1 nautical mile line of Edward Island to the intersection of the 1 nautical mile line of Harold Island (at or about 20° 15.685′ S, 149° 09.421′ E) |
| 29 | Westerly along the 1 nautical mile line of Harold Island to the intersection of the meridian 149° 08.881′ E (at or about 20° 15.621′ S, 149° 08.881′ E) |
| 30 | South‑westerly along the geodesic to the intersection of the 1 nautical mile line of Workington Island and the parallel 20° 15.838′ S (at or about 20° 15.838′ S, 149° 08.488′ E) |
| 31 | South‑westerly along the 1 nautical mile line of Workington Island to the intersection of the 1 nautical mile line of U/N Island (20‑078h) (at or about 20° 17.372′ S, 149° 07.836′ E) |
| 32 | South‑westerly along the 1 nautical mile line of U/N Island (20‑078h) to the intersection of the 1 nautical mile line of Lupton Island (at or about 20° 17.518′ S, 149° 07.720′ E) |
| 33 | South‑westerly along the 1 nautical mile line of Lupton Island to the intersection of the 1 nautical mile line of Nicolson Island (at or about 20° 18.331′ S, 149° 06.924′ E) |
| 34 | South‑westerly along the 1 nautical mile line of Nicolson Island to the intersection of the 1 nautical mile line of Haslewood Island (at or about 20° 19.340′ S, 149° 05.103′ E) |
| 35 | Westerly along the 1 nautical mile line of Haslewood Island to the intersection of the 1 nautical mile line of Nunga Island (at or about 20° 19.334′ S, 149° 04.971′ E) |
| 36 | Westerly along the 1 nautical mile line of Nunga Island to the intersection of the 1 nautical mile line of U/N Island (20‑041d) (at or about 20° 19.518′ S, 149° 03.604′ E) |
| 37 | South‑westerly along the 1 nautical mile line of U/N Island (20‑041d) to the intersection of the meridian 149° 02.911′ E (at or about 20° 19.913′ S, 149° 02.911′ E) |
| 38 | South‑westerly along the geodesic to the intersection of the 1 nautical mile line of Surprise Rock and the parallel 20° 20.555′ S (at or about 20° 20.555′ S, 149° 02.295′ E) |
| 39 | South‑westerly along the 1 nautical mile line of Surprise Rock to the intersection of the meridian 149° 01.558′ E (at or about 20° 22.316′ S, 149° 01.558′ E) |
| 40 | Southerly along the geodesic to the intersection of the 1 nautical mile line of Pentecost Island and the meridian 149° 01.577′ E (at or about 20° 22.577′ S, 149° 01.575′ E) |
| 41 | South‑easterly along the 1 nautical mile line of Pentecost Island to the intersection of the parallel 20° 24.300′ S (at or about 20° 24.300′ S, 149° 03.251′ E) |
| 42 | Easterly along the geodesic to the intersection of the 1 nautical mile line of Maher Island and the parallel 20° 24.629′ S (at or about 20° 24.629′ S, 149° 04.299′ E) |
| 43 | Easterly along the 1 nautical mile line of Maher Island to the intersection of the 1 nautical mile line of Baynham Island (at or about 20° 25.022′ S, 149° 06.683′ E) |
| 44 | Southerly along the 1 nautical mile line of Baynham Island to the intersection of the 1 nautical mile line of Comston Island (at or about 20° 26.788′ S, 149° 07.151′ E) |
| 45 | South‑easterly along the 1 nautical mile line of Comston Island to the intersection of the 1 nautical mile line of Mansell Island (at or about 20° 26.834′ S, 149° 07.224′ E) |
| 46 | South‑easterly along the 1 nautical mile line of Mansell Island to the intersection of the parallel 20° 28.436′ S (at or about 20° 28.436′ S, 149° 09.042′ E) |
| 47 | South‑westerly along the 1 nautical mile line of Mansell Island to the intersection of the meridian 149° 08.029′ E (at or about 20° 29.977′ S, 149° 08.029′ E) |
| 48 | Southerly along the geodesic to the intersection of the 1 nautical mile line of Thomas Island and the parallel 20° 31.752′ S (at or about 20° 31.752′ S, 149° 08.021′ E) |
| 49 | South‑easterly along the 1 nautical mile line of Thomas Island to the intersection of the 1 nautical mile line of Fairlight Rock (at or about 20° 31.901′ S, 149° 08.185′ E) |
| 50 | South‑easterly along the 1 nautical mile line of Fairlight Rock to the intersection of the parallel 20° 33.169′ S (at or about 20° 33.169′ S, 149° 09.055′ E) |
| 51 | Westerly along the geodesic to 20° 39.169′ S, 148°45.825′ E |
| 52 | North along the meridian to the intersection of the mainland coastline at mean low water (at or about 20° 28.791′ S, 148° 45.825′ E) |
| 53 | Northerly along the mainland coastline at mean low water to the intersection of the meridian 148° 44.025′ E (at or about 20° 15.220′ S, 148° 44.025′ E) |
| 54 | North‑westerly along the geodesic to the intersection of the mainland coastline at mean low water and the meridian 148° 40.870′ E (at or about 20° 13.880′ S, 148° 40.870′ E) |
| 55 | North‑westerly along the mainland coastline at mean low water to the point of commencement. |

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnote 5—Uncommenced amendments

Endnote 6—Modifications

Endnote 7—Misdescribed amendments

Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

**Abbreviation key—Endnote 2**

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

**Uncommenced amendments—Endnote 5**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | pres = present |
| am = amended | prev = previous |
| c = clause(s) | (prev) = previously |
| Ch = Chapter(s) | Pt = Part(s) |
| def = definition(s) | r = regulation(s)/rule(s) |
| Dict = Dictionary | Reg = Regulation/Regulations |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| exp = expired or ceased to have effect | rep = repealed |
| hdg = heading(s) | rs = repealed and substituted |
| LI = Legislative Instrument | s = section(s) |
| LIA = *Legislative Instruments Act 2003* | Sch = Schedule(s) |
| mod = modified/modification | Sdiv = Subdivision(s) |
| No = Number(s) | SLI = Select Legislative Instrument |
| o = order(s) | SR = Statutory Rules |
| Ord = Ordinance | Sub‑Ch = Sub‑Chapter(s) |
| orig = original | SubPt = Subpart(s) |
| par = paragraph(s)/subparagraph(s) /sub‑subparagraph(s) |  |

Endnote 3—Legislation history

| Number and year | FRLI registration or gazettal | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| 1983 No. 262 | 4 Nov 1983 | 7 Nov 1983 |  |
| 1985 No. 169 | 19 July 1985 | 19 July 1985 | — |
| 1986 No. 1 | 31 Jan 1986 | 1 Feb 1986 | — |
| 1987 No. 247 | 28 Oct 1987 | 28 Oct 1987 | — |
| 1988 No. 185 | 29 July 1988 | 1 Aug 1988 | r. 12 |
| 1989 No. 269 | 6 Oct 1989 | 6 Oct 1989 | — |
| 1989 No. 367 | 21 Dec 1989 | 1 Jan 1990 | — |
| 1989 No. 368 | 21 Dec 1989 | 1 Jan 1990 | — |
| 1990 No. 9 | 31 Jan 1990 | 31 Jan 1990 | — |
| 1990 No. 35 | 27 Feb 1990 | 27 Feb 1990 | — |
| 1991 No. 63 | 17 Apr 1991 | 17 Apr 1991 | — |
| 1991 No. 257 | 30 Aug 1991 | 30 Aug 1991 | — |
| 1991 No. 296 | 30 Sept 1991 | 1 Oct 1991 | — |
| 1992 No. 69 | 19 Mar 1992 | 3 Apr 1992 | r. 15 |
| 1993 No. 188 | 30 June 1993 | 1 July 1993 | — |
| 1993 No. 206 | 30 July 1993 | 30 July 1993 | — |
| 1993 No. 266 | 7 Oct 1993 | 7 Oct 1993 | — |
| 1996 No. 277 | 12 Dec 1996 | 1 Jan 1997 | — |
| 1997 No. 96 | 1 May 1997 | 1 May 1997 | — |
| 1997 No. 326 | 3 Dec 1997 | Part 3: 1 Apr 1998 Remainder: 3 Dec 1997 | — |
| 1999 No. 252 | 27 Oct 1999 | 27 Oct 1999 | r. 4 |
| 2000 No. 5 | 23 Feb 2000 | 23 Feb 2000 | — |
| 2001 No. 12 | 13 Feb 2001 | 13 Feb 2001 | — |
| 2001 No. 178 | 5 July 2001 | 1 Jan 2002 | — |
| 2001 No. 197 | 19 July 2001 | 19 July 2001 (*see* r. 2) | — |
| 2001 No. 307 | 15 Oct 2001 | rr. 1–3 and Schedule 1: 15 Oct 2001 Remainder: 1 Jan 2005 | r. 2 (b) (am. by 2003 No. 293 Schedule 1 (item 1)) |
| as amended by |  |  |  |
| 2003 No. 293 | 27 Nov 2003 | 27 Nov 2003 | — |
| 2004 No. 60 | 15 Apr 2004 | Schedule 3: 2 July 2004 | — |
| 2002 No. 8 | 21 Feb 2002 | 21 Feb 2002 | — |
| 2002 No. 72 | 18 Apr 2002 | 18 Apr 2002 | — |
| 2002 No. 73 | 18 Apr 2002 | 18 Apr 2002 | — |
| 2002 No. 112 | 7 June 2002 | 7 June 2002 | — |
| 2002 No. 177 | 1 Aug 2002 | 1 Aug 2002 | — |
| 2002 No. 209 (a) | 12 Sept 2002 | 12 Sept 2002 | — |
| 2002 No. 224 | 26 Sept 2002 | 26 Sept 2002 | — |
| 2002 No. 338 | 20 Dec 2002 | 20 Dec 2002 | — |
| 2003 No. 20 | 27 Feb 2003 | 27 Feb 2003 | — |
| 2003 No. 200 | 6 Aug 2003 | 6 Aug 2003 | — |
| 2003 No. 293 | 27 Nov 2003 | 27 Nov 2003 | — |
| 2004 No. 15 | 26 Feb 2004 | 26 Feb 2004 | — |
| 2004 No. 39 | 24 Mar 2004 | rr. 1, 2 and 4 and Schedule 3: 24 Mar 2004 Remainder: 1 July 2004 | — |
| as amended by |  |  |  |
| 2004 No. 143 | 25 June 2004 | 30 June 2004 | — |
| 2004 No. 60 | 15 Apr 2004 | rr. 1–3 and Schedule 1: 15 Apr 2004 Remainder: 20 Apr 2004 (*see* r. 2 (b)) | — |
| 2004 No. 333 | 2 Dec 2004 | 2 Dec 2004 | — |
| 2004 No. 379 | 23 Dec 2004 | 1 Jan 2005 | — |
| 2005 No. 155 | 11 July 2005 (*see* F2005L01929) | 12 July 2005 | — |
| 2005 No. 252 | 15 Nov 2005 (*see* F2005L03455) | rr. 1–3 and Schedule 1: 16 Nov 2005 Remainder: 1 Jan 2006 | — |
| 2005 No. 309 | 19 Dec 2005 (*see* F2005L04030) | 20 Dec 2005 | — |
| 2006 No. 132 | 16 June 2006 (*see* F2006L01809) | 17 June 2006 | — |
| 2006 No. 267 | 23 Oct 2006 (*see* F2006L03349) | 24 Oct 2006 | — |
| 2006 No. 342 | 14 Dec 2006 (*see* F2006L04022) | 15 Dec 2006 | — |
| 2007 No. 32 | 5 Mar 2007(*see* F2007L00516) | 6 Mar 2007 | — |
| 2008 No. 262 | 17 Dec 2008 (*see* F2008L04577) | 18 Dec 2008 | — |
| 2009 No. 304 | 16 Nov 2009 (*see* F2009L04191) | 25 Nov 2009 (*see* r. 2) | r. 4 |
| 2011 No. 255 | 12 Dec 2011 (*see* F2011L02645) | 13 Dec 2011 | — |
| 2012 No. 36 | 23 Mar 2012 (*see* F2012L00675) | 1 Apr 2012 | — |
| 244, 2013 | 25 Nov 2013 (*see* F2013L01973) | 26 Nov 2013 | — |
| 264, 2013 | 17 Dec 2013 (*see* F2013L02137) | 18 Dec 2013 | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** | |  |
| Heading to Part 1 | | ad. 1985 No. 169 |
| r. 1 | | rs. 1999 No. 252 |
| r. 3 | | am. 1985 No. 169; 1986 No. 1; 1987 No. 247; 1988 No. 185; 1989 No. 367; 1992 No. 69; 1999 No. 252; 2001 No. 178; 2002 Nos. 72, 112 and 338; 2004 Nos. 39, 60 and 333; 2005 Nos. 155, 252 and 309; 2008 No. 262; 2009 No. 304; 2011 No. 255; No 244 and 264, 2013 |
| Note to r. 3 | | ad. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 3A | | ad. 2008 No. 262 |
|  | | am. 2009 No. 304 |
| r. 3B | | ad. 2008 No. 262 |
| r. 3C | | ad. 2008 No. 262 |
| r. 3D | | ad. 2008 No. 262 |
| r. 4 | | ad. 1993 No. 206 |
|  | | am. 2004 No. 39 |
| r. 5 | | ad. 2001 No. 12 |
|  | | rs. 2004 No. 39 |
|  | | am. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| **Part 2** | |  |
| Heading to Part 2 | | ad. 1992 No. 69 |
|  | | rs. 2004 No. 39 |
| **Division 2.1** | |  |
| Heading to Div. 2.1  of Part 2 | | ad. 2002 No. 73 rs. 2004 No. 39 |
| r. 6 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| Note to r. 6 | | rep. 2008 No. 262 |
| **Division 2.2** | |  |
| Heading to Div. 2.2  of Part 2 | | ad. 2002 No. 73 rs. 2004 No. 39 |
| r. 7 | | ad. 2004 No. 39 |
|  | | rs. 2005 No. 155 |
| r. 8 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 9 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 10 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 11 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 12 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 13 | | ad. 2004 No. 39 |
|  | | rs. 2009 No. 304 |
| r. 14 | | ad. 2004 No. 39 |
| r. 15 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 155 |
|  | | rs. 2006 No. 267 |
|  | | am. 2007 No. 32; 2009 No. 304 |
| r. 16 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 17 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 155 |
| r. 18 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 155 |
| r. 19 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 155 |
| r. 20 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 155 |
| r. 21 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 22 | | ad. 2004 No. 39 |
|  | | rs. 2009 No. 304 |
| r. 23 | | ad. 2004 No. 39 |
| r. 24 | | ad. 2004 No. 39 |
| r. 25 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 155; 2008 No. 262 |
| Note to r. 25 | | ad. 2008 No. 262 |
| r. 26 | | ad. 2004 No. 39 |
|  | | rs. 2009 No. 304; 2011 No. 255 |
| r. 27 | | ad. 2004 No. 39 |
| r. 28 | | ad. 2004 No. 39 |
|  | | rs. 2006 No. 132 |
| r. 29 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 30 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 31 | | ad. 2004 No. 39 |
| r. 32 | | ad. 2004 No. 39 |
| r. 33 | | ad. 2004 No. 39 |
| r. 34 | | ad. 2004 No. 39 |
|  | | rs. 2009 No. 304 |
| r. 35 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 35A | | ad. 2005 No. 155 |
| r. 36 | | ad. 2004 No. 39 |
| r. 37 | | ad. 2004 No. 39 |
| r. 38 | | ad. 2004 No. 39 |
| r. 39 | | ad. 2004 No. 39 |
| r. 40 | | ad. 2004 No. 39 |
| r. 41 | | ad. 2004 No. 39 |
| r. 42 | | ad. 2004 No. 39 |
| r. 43 | | ad. 2004 No. 39 |
| r. 44 | | ad. 2004 No. 39 |
| r. 45 | | ad. 2004 No. 39 |
|  | | am. 2008 No. 262 |
| r. 46 | | ad. 2004 No. 39 |
| r. 47 | | ad. 2004 No. 39 |
|  | | rs. 2009 No. 304 |
|  | | am. 2011 No. 255 |
| r. 48 | | ad. 2004 No. 39 |
| r. 49 | | ad. 2004 No. 39 |
| r. 50 | | ad. 2004 No. 39 |
| r. 51 | | ad. 2004 No. 39 |
| r. 52 | | ad. 2004 No. 39 |
| r. 53 | | ad. 2004 No. 39 |
| r. 54 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 155; 2009 No. 304 |
| r. 55 | | ad. 2004 No. 39 |
| r. 56 | | ad. 2004 No. 39 |
| r. 57 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 155 |
| r. 58 | | ad. 2004 No. 39 |
| r. 59 | | ad. 2004 No. 39 |
| r. 60 | | ad. 2004 No. 39 |
| r. 61 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 62 | | ad. 2004 No. 39 |
| r. 63 | | ad. 2004 No. 39 |
| r. 64 | | ad. 2004 No. 39 |
| r. 65 | | ad. 2004 No. 39 |
| r. 65A | | ad. 2008 No. 262 |
| r. 65B | | ad. 2008 No. 262 |
|  | | am. 2009 No. 304 |
| r. 66 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 67 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 155 |
| r. 68 | | ad. 2004 No. 39 |
| r. 69 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 70 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 71 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 72 | | ad. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 73 | | ad. 2004 No. 39 |
|  | | am No 264, 2013 |
| **Division 2.2A** | |  |
| Div. 2.2A of Part 2 | | ad. 2006 No. 267 |
| r. 73A | | ad. 2006 No. 267 |
|  | | am. 2006 No. 342 |
| r. 73B | | ad. 2006 No. 267 |
|  | | am. 2009 No. 304 |
| Note 1 to r. 73B(2) | | rep. 2008 No. 262 |
| Note 2 to r. 73B(2) | | rep. 2008 No. 262 |
| Note to r. 73B(2) | | ad. 2008 No. 262 |
| r. 73BA | | ad. 2006 No. 342 |
|  | | am. 2009 No. 304 |
| r. 73C | | ad. 2006 No. 267 |
| Note 1 to r. 73C(4) | | rep. 2008 No. 262 |
| Note 2 to r. 73C(4) | | rs. 2006 No. 342 |
|  | | rep. 2008 No. 262 |
| Note to r. 73C(4) | | ad. 2008 No. 262 |
| r. 73D | | ad. 2006 No. 267 |
|  | | am. 2009 No. 304 |
| r. 73E | | ad. 2006 No. 267 |
| Note to r. 73E(2) | | rep. 2008 No. 262 |
| r. 73F | | ad. 2006 No. 267 |
| Note to r. 73F(2) | | rep. 2008 No. 262 |
| r. 73G | | ad. 2006 No. 267 |
| r. 73H | | ad. 2006 No. 267 |
| Note to r. 73H(2) | | rep. 2008 No. 262 |
| r. 73I | | ad. 2006 No. 267 |
| Note to r. 73I(2) | | rep. 2008 No. 262 |
| r. 73J | | ad. 2006 No. 267 |
| Div. 2.3 of Part 2 | | rep. 2009 No. 304 |
| r. 74 | | ad. 2004 No. 39 |
|  | | am. 2006 No. 132; 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 74A | | ad. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 75 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 76 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 77 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 309 |
|  | | rep. 2009 No. 304 |
| r. 77A | | ad. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 78 | | ad. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 78A | | ad. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| **Division 2.4** | |  |
| Heading to Div 2.4 of Part 2 | | rs. 2008 No. 262 |
| Div. 2.4 of Part 2 | | ad. 1999 No. 252 |
| r. 78B | | ad. 2008 No. 262 |
| r. 79 | | ad. 1999 No. 252 |
|  | | am. 2004 No. 60 |
|  | | rs. 2008 No. 262 |
|  | | am. 2009 No. 304 |
| r. 80 | | ad. 1999 No. 252 |
|  | | am. 2004 No. 60 |
|  | | rs. 2008 No. 262 |
| r. 81 | | ad. 1999 No. 252 |
| r. 82 | | ad. 1999 No. 252 |
|  | | am. 2004 No. 60; 2008 No. 262 |
| r. 83 | | ad. 1999 No. 252 |
|  | | am. 2004 No. 60; 2008 No. 262; 2009 No. 304 |
| r. 84 | | ad. 1999 No. 252 |
|  | | am. 2009 No. 304 |
| r. 85 | | ad. 1999 No. 252 |
|  | | am. 2009 No. 304 |
| r. 86 | | ad. 1999 No. 252 |
|  | | am. 2009 No. 304 |
| r. 87 | | ad. 1999 No. 252 |
|  | | am. 2009 No. 304 |
| Div. 2.5 of Part 2 | | ad. 2001 No. 12 |
|  | | rs. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 88 | | ad. 2001 No. 12 |
|  | | am. 2004 No. 39 |
|  | | rs. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 88A | | ad. 2005 No. 309 |
|  | | rs. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 88B | | ad. 2005 No. 309 |
|  | | rs. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 88C | | ad. 2005 No. 309 |
|  | | rs. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 88D | | ad. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 88E | | ad. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 88F | | ad. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 88G | | ad. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| Div. 2.6 of Part 2 | | ad. 2005 No. 309 |
|  | | rep. 2008 No. 262 |
| **Part 2A** | |  |
| Part 2A | | ad. 2009 No. 304 |
| **Division 2A.1** | |  |
| r. 88 | | ad. 2009 No. 304 |
| **Division 2A.2** | |  |
| r. 88A | | ad. 2009 No. 304 |
| r. 88B | | ad. 2009 No. 304 |
| r. 88C | | ad. 2009 No. 304 |
| r. 88D | | ad. 2009 No. 304 |
| r. 88E | | ad. 2009 No. 304 |
| **Division 2A.3** | |  |
| r. 88F | | ad. 2009 No. 304 |
| r. 88G | | ad. 2009 No. 304 |
| r. 88H | | ad. 2009 No. 304 |
| r. 88I | | ad. 2009 No. 304 |
| r. 88J | | ad. 2009 No. 304 |
| r. 88K | | ad. 2009 No. 304 |
| r. 88L | | ad. 2009 No. 304 |
| r. 88M | | ad. 2009 No. 304 |
| r. 88N | | ad. 2009 No. 304 |
| r. 88O | | ad. 2009 No. 304 |
| r. 88P | | ad. 2009 No. 304 |
| **Division 2A.4** | |  |
| r. 88Q | | ad. 2009 No. 304 |
| r. 88R | | ad. 2009 No. 304 |
| r. 88S | | ad. 2009 No. 304 |
| r. 88T | | ad. 2009 No. 304 |
| r. 88U | | ad. 2009 No. 304 |
| r. 88V | | ad. 2009 No. 304 |
| r. 88W | | ad. 2009 No. 304 |
| **Division 2A.5** | |  |
| r. 88X | | ad. 2009 No. 304 |
| r. 88Y | | ad. 2009 No. 304 |
| r. 88Z | | ad. 2009 No. 304 |
| **Division 2A.6** | |  |
| r. 88ZA | | ad. 2009 No. 304 |
| r. 88ZB | | ad. 2009 No. 304 |
| r. 88ZC | | ad. 2009 No. 304 |
| r. 88ZD | | ad. 2009 No. 304 |
| r. 88ZE | | ad. 2009 No. 304 |
| r. 88ZF | | ad. 2009 No. 304 |
| **Division 2A.7** | |  |
| **Subdivision 2A.7.1** | |  |
| r. 88ZG | | ad. 2009 No. 304 |
| r. 88ZH | | ad. 2009 No. 304 |
| r. 88ZI | | ad. 2009 No. 304 |
| r. 88ZJ | | ad. 2009 No. 304 |
| r. 88ZK | | ad. 2009 No. 304 |
| r. 88ZL | | ad. 2009 No. 304 |
| **Subdivision 2A.7.2** | |  |
| r. 88ZM | | ad. 2009 No. 304 |
| r. 88ZN | | ad. 2009 No. 304 |
| r. 88ZO | | ad. 2009 No. 304 |
| **Division 2A.8** | |  |
| r. 88ZP | | ad. 2009 No. 304 |
| r. 88ZQ | | ad. 2009 No. 304 |
| r. 88ZR | | ad. 2009 No. 304 |
| r. 88ZS | | ad. 2009 No. 304 |
| r. 88ZT | | ad. 2009 No. 304 |
| r. 88ZU | | ad. 2009 No. 304 |
| r. 88ZV | | ad. 2009 No. 304 |
| **Division 2A.9** | |  |
| r. 88ZW | | ad, 2009 No. 304 |
| r. 88ZX | | ad. 2009 No. 304 |
| r. 88ZY | | ad. 2009 No. 304 |
| **Division 2A.10** | |  |
| r. 88ZZ | | ad. 2009 No. 304 |
| **Part 2B** | |  |
| Part 2B | | ad. 2009 No. 304 |
| **Division 2B.1** | |  |
| r. 89A | | ad. 2009 No. 304 |
| **Division 2B.2** | |  |
| r. 89B | | ad. 2009 No. 304 |
| r. 89C | | ad. 2009 No. 304 |
| r. 89D | | ad. 2009 No. 304 |
| r. 89E | | ad. 2009 No. 304 |
| r. 89F | | ad. 2009 No. 304 |
| r. 89G | | ad. 2009 No. 304 |
| r. 89H | | ad. 2009 No. 304 |
| r. 89I | | ad. 2009 No. 304 |
| r. 89J | | ad. 2009 No. 304 |
| r. 89K | | ad. 2009 No. 304 |
| r. 89L | | ad. 2009 No. 304 |
| **Division 2B.3** | |  |
| r. 89M | | ad. 2009 No. 304 |
| r. 89N | | ad. 2009 No. 304 |
| r. 89O | | ad. 2009 No. 304 |
| r. 89P | | ad. 2009 No. 304 |
| r. 89Q | | ad. 2009 No. 304 |
| **Division 2B.4** | |  |
| r. 89R | | ad. 2009 No. 304 |
| r. 89S | | ad. 2009 No. 304 |
| r. 89T | | ad. 2009 No. 304 |
| **Division 2B.5** | |  |
| r. 89U | | ad. 2009 No. 304 |
| Heading to Part 3 | | rs. 2002 No. 72 |
|  | | rep. 2009 No. 304 |
| Part 3 | | ad. 1985 No. 169 |
|  | | rep. 2009 No. 304 |
| Heading to Div. 3.1  of Part 3 | | ad. 2002 No. 72 rep. 2009 No. 304 |
| r. 89 | | ad. 1985 No. 169 |
|  | | rep. 2009 No. 304 |
| r. 90 | | ad. 1985 No. 169 |
|  | | am. 1987 No. 247; 1992 No. 69; 1993 No. 206; 2004 No. 60; 2005 No. 155 |
|  | | rep. 2009 No. 304 |
| r. 91 | | ad. 1985 No. 169 |
|  | | rep. 2009 No. 304 |
| r. 92 | | ad. 1985 No. 169 |
|  | | rep. 2009 No. 304 |
| r. 93 | | ad. 1985 No. 169 |
|  | | am. 1989 No. 367; 1993 Nos. 206 and 266 |
|  | | rep. 2009 No. 304 |
| **Part 3A** | |  |
| Part 3A | | ad. 2004 No. 379 |
| r. 93A | | ad. 2004 No. 379 |
| r. 93B | | ad. 2004 No. 379 |
|  | | am. 2009 No. 304 |
| r. 93C | | ad. 2004 No. 379 |
| r. 93D | | ad. 2004 No. 379 |
| r. 93E | | ad. 2004 No. 379 |
| r. 93F | | ad. 2004 No. 379 |
| r. 93G | | ad. 2009 No. 304 |
| **Part 4** | |  |
| Part 4 | | ad. 1985 No. 169 |
| r. 94 | | ad. 1985 No. 169 |
|  | | am. 1987 No. 247; 1989 No. 367; 1992 No. 69 |
|  | | rs. 1993 No. 206; 2009 No. 304 |
| r. 95 | | rs. 2002 No. 8 am. 2003 No. 200; 2004 No. 39 |
| r. 96 | | ad. 1987 No. 247 |
|  | | am. 1989 No. 367 |
|  | | rep. 2009 No. 304 |
| r. 97 | | ad. 1987 No. 247 |
|  | | am. 1989 Nos. 269 and 367 |
|  | | rep. 2009 No. 304 |
| r. 98 | | ad. 1987 No. 247 |
|  | | am. 1989 No. 367 |
|  | | rep. 2009 No. 304 |
| r. 99 | | ad. 1987 No. 247 |
|  | | am. 1989 No. 367; 1993 No. 266 |
|  | | rep. 2009 No. 304 |
| r. 100 | | ad. 2001 No. 197 |
|  | | am. 2001 No. 307; 2002 No. 8; 2003 No. 293 |
|  | | rep. 2004 No. 379 |
| Notes 1, 2 to r. 100(2) | | ad. 2001 No. 307 |
|  | | rep. 2001 No. 307 |
| Note to r. 100(2) | | ad. 2001 No. 307 |
| Note to r. 100(3) | | ad. 2001 No. 307 |
|  | | rep. 2001 No. 307 |
| r. 101 | | rs. 2002 No. 8 |
|  | | am. 2003 No. 200 |
| Note to r. 101(2) | | rep. 2008 No. 262 |
| r. 101A | | ad. 2005 No. 252 |
|  | | am. 2009 No. 304 |
| r. 102 | | am. 1987 No. 247 |
|  | | rep. 1988 No. 185 |
|  | | ad. 1993 No. 206 |
|  | | rs. 2002 No. 8 |
|  | | am. 2003 No. 200 |
|  | | rs No 244, 2013 |
| Note to r. 102(3) | | rep. 2008 No. 262 |
| r. 103 | | am. 1999 No. 252; Act No. 137, 2000; 2004 No. 39 |
| r. 104 | | ad. 1987 No. 247 |
|  | | am. 1993 No. 266; 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 105 | | ad. 1987 No. 247 |
|  | | am. 1989 Nos. 367 and 368; 1991 No. 63; 1993 No. 266; 1999 No. 252; 2002 Nos. 72 and 338; 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 106 | | ad. 1993 No. 206 |
|  | | am. 1993 No. 266; 2002 No. 338; 2004 Nos. 15, 60 and 39 |
|  | | rep. 2009 No. 304 |
| r. 107 | | ad. 1999 No. 252 |
|  | | rep. 2009 No. 304 |
| r. 108 | | ad. 1993 No. 266 |
|  | | rep. 2009 No. 304 |
| r. 109 | | am. 1985 No. 169; 1987 No. 247; 1989 No. 367; 1993 Nos. 206 and 266; 1999 No. 252; 2002 No. 72; 2004 No. 39; 2005 No. 309 |
|  | | rep. 2009 No. 304 |
| r. 110 | | ad. 1993 No. 206 |
|  | | am. 1993 No. 266; 1999 No. 252; 2002 No. 72; 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| Heading to r. 111 | | rs. 2001 No. 178 |
|  | | rep. 2009 No. 304 |
| r. 111 | | ad. 1993 No. 206 |
|  | | rs. 1993 No. 266; 2004 No. 60 |
|  | | rep. 2009 No. 304 |
| r. 112 | | am. 1985 No. 169; 1987 No. 247; 1989 No. 367; 1993 Nos. 206 and 266; 1999 No. 252; 2002 No. 72; 2004 No. 39; 2005 No. 309 |
|  | | rep. 2009 No. 304 |
| r. 113 | | ad. 1987 No. 247 |
|  | | am. 1999 No. 252; 2002 No. 72; 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| **Part 4AA** | |  |
| Heading to Part 4AA | | ad. 2009 No. 304 |
| Heading to r. 114 | | rs. 2009 No. 304 |
| r. 114 | | ad. 2000 No. 5 |
|  | | rs. 2002 No. 224 |
|  | | am. 2004 No. 39; 2009 No. 304 |
| r. 115 | | ad. 2000 No. 5 |
|  | | am. 2002 No. 224 |
| r. 116 | | ad. 2000 No. 5 |
|  | | am. 2002 No. 224; 2009 No. 304 |
| r. 117 | | ad. 1989 No. 368 |
|  | | am. 1993 No. 266; 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| **Pt 4AB** | |  |
| Pt 4AB | | ad No 264, 2013 |
| r 116A | | ad No 264, 2013 |
| **Part 4A** | |  |
| r. 117A | | ad. 2006 No. 132 |
|  | | am. 2008 No. 262 |
| r. 117B | | ad. 2006 No. 132 |
|  | | am. 2008 No. 262 |
| r. 117C | | ad. 2006 No. 132 |
| r. 117D | | ad. 2006 No. 132 |
|  | | am. 2007 No. 32 |
| Note to r.117D | | ad. 2007 No. 32 |
| Note to r. 117D(6) | | rep. 2008 No. 262 |
| r. 117E | | ad. 2006 No. 132 |
|  | | am. 2007 No.32; 2008 No. 262 |
| Note to 117E(1) | | rs. 2008 No. 262 |
| Note to r. 117E(7) | | rep. 2008 No. 262 |
| r. 117F | | ad. 2006 No. 132 |
|  | | am. 2007 No. 32 |
| Note to r. 117F(5) | | rep. 2008 No. 262 |
| r. 117G | | ad. 2006 No. 132 |
| Note to r. 117G(3) | | rep. 2008 No. 262 |
| r. 117H | | ad. 2006 No. 132 |
| Note to r. 117H(2) | | rep. 2008 No. 262 |
| r. 117I | | ad. 2006 No. 132 |
| Note to r. 117I(2) | | rep. 2008 No. 262 |
| r. 117J | | ad. 2006 No. 132 |
| Note to r. 117J(5) | | rep. 2008 No. 262 |
| Heading to r. 117JA | | rs. 2009 No. 304 |
| r. 117JA | | ad. 2008 No. 262 |
|  | | am. 2009 No. 304 |
| r. 117JB | | ad. 2008 No. 262 |
| r. 117K | | ad. 2006 No. 132 |
|  | | am. 2008 No. 262; 2009 No. 304 |
| r. 117L | | ad. 2006 No. 132; 2009 No. 304 |
| r. 117M | | ad. 2006 No. 132 |
|  | | rep. 2009 No. 304 |
| **Part 5** | |  |
| Part 5 | | ad. 1991 No. 296 |
| r. 118 | | ad. 2001 No. 197 |
|  | | rs. 2004 No. 39 |
| r. 119 | | ad. 1991 No. 296 |
| r. 120 | | ad. 1991 No. 296 |
| r. 121 | | ad. 1991 No. 296 |
| r. 122 | | ad. 1991 No. 296 |
| r. 123 | | ad. 1991 No. 296 |
| **Part 6** | |  |
| Part 6 | | ad. 2001 No. 178 |
| r. 124 | | ad. 2001 No. 178 |
|  | | am. 2008 No. 262 |
| r. 125 | | ad. 2001 No. 178 |
|  | | am. 2008 No. 262 |
|  | | rep. 2009 No. 304 |
| r. 126 | | ad. 2001 No. 178 |
|  | | am. 2003 No. 200; 2009 No. 304 |
| **Part 7** | |  |
| Heading to Part 7 | | ad. 1991 No. 296 |
|  | | rs. 1993 No. 188; 2004 No. 15 |
| Part 7 | | ad. 1989 No. 368 |
| r. 127 | | ad. 1989 No. 368 |
|  | | am. 1993 No. 266; 2000 No. 5; 2001 No. 307; 2002 No. 72; 2004 No. 15 |
|  | | rs. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 128 | | ad. 1989 No. 368 |
|  | | am. 1991 No. 63 |
|  | | rs. 1991 No. 296 |
|  | | am. 2004 No. 15 |
|  | | rs. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| Heading to r. 129 | | rs. 2004 No. 15 |
| r. 129 | | ad. 1989 No. 368 |
|  | | am. 1991 No. 296; 2004 No. 15 |
| Heading to r. 130 | | rs. 2004 No. 15 |
| r. 130 | | ad. 1989 No. 368 |
|  | | am. 2009 No. 304 |
| Heading to r. 131 | | rs. 2004 No. 15 |
| r. 131 | | ad. 1989 No. 368 |
|  | | am. 2004 No. 15 |
|  | | rs. 2004 No. 39 |
| Heading to r. 132 | | rs. 2004 No. 15 |
| r. 132 | | ad. 1989 No. 368 |
| r. 133 | | ad. 1991 No. 296 |
|  | | am. 1993 No. 206 |
| r. 133A | | ad. 2009 No. 304 |
| r. 133B | | ad. 2009 No. 304 |
| r. 134 | | ad. 2004 No. 15 |
|  | | am. 2004 No. 39; 2005 No. 309; 2008 No. 262; 2009 No. 304 |
| **Part 8** | |  |
| Part 8 | | ad. 1993 No. 188 |
| **Division 8.1** | |  |
| r. 135 | | ad. 1993 No. 188 |
|  | | am. 1993 Nos. 206 and 266; 1996 No. 277; 1997 No. 326; 2001 No. 307; 2004 No. 60 |
| r. 136 | | ad. 1993 No. 188 |
|  | | am. 1993 No. 206; 2001 No. 12 |
| r. 137 | | ad. 1997 No. 326 |
|  | | am. 2004 No. 60 |
| Note to r. 137(2) | | rs. 2004 No. 39 |
|  | | rep. 2009 No. 304 |
| r. 138 | | ad. 1997 No. 326 |
|  | | am. 1999 No. 252; 2004 No. 60 |
| r. 139 | | ad. 1997 No. 326 |
| **Division 8.2** | |  |
| Heading to Subdiv. 1 of  Div. 8.2 of Part 8 | | ad. 1997 No. 326 |
| r. 140 | | ad. 1997 No. 326 |
| r. 141 | | ad. 1997 No. 326 |
|  | | am. 2012 No. 36 |
| r. 142 | | ad. 1993 No. 188 |
|  | | am. 1993 Nos. 206 and 266; 1996 No. 277 |
|  | | rs. 1997 No. 326; 2004 No. 60 |
| r. 143 | | ad. 1997 No. 326 |
|  | | rs. 2004 No. 60 |
|  | | am. 2008 No. 262 |
| r. 144 | | ad. 1997 No. 326 |
|  | | am. 2002 No. 8; 2003 No. 200; 2004 No. 60 |
| r. 145 | | ad. 1997 No. 326 |
|  | | am. 2004 No. 60 |
| r. 146 | | ad. 1997 No. 326 |
|  | | am. 2004 No. 60 |
| r. 147 | | ad. 1997 No. 326 |
|  | | am. 2004 No. 60 |
| r. 148 | | ad. 1997 No. 326 |
|  | | rs. 2004 No. 60 |
| Heading to Subdiv. 2 of  Div. 8.2 of Part 8 | | ad. 1997 No. 326 |
| r. 149 | | ad. 1993 No. 188 |
|  | | am. 1993 No. 206; 2004 No. 60 |
| r. 150 | | ad. 1993 No. 188 |
|  | | am. 1993 No. 206; 2004 No. 60 |
| Heading to r. 151 | | rs. 2008 No. 262 |
| r. 151 | | ad. 1993 No. 188 |
|  | | am. 1993 No. 266; 2004 No. 60; 2008 No. 262 |
| r. 152 | | ad. 1993 No. 188 |
|  | | am. 1993 Nos. 206 and 266; 1996 No. 277 |
|  | | rs. 2004 No. 60 |
| r. 153 | | ad. 1993 No. 188 |
|  | | am. 1993 Nos. 206 and 266; 1996 No. 277 |
|  | | rs. 2004 No. 60 |
| r. 154 | | ad. 1993 No. 188 |
|  | | am. 1993 Nos. 206 and 266; 1996 No. 277; 2004 No. 60 |
| r. 155 | | ad. 1993 No. 188 |
|  | | am. 1993 No. 206; 1996 No. 277; 2004 No. 60 |
| r. 156 | | ad. 1993 No. 188 |
|  | | am. 1993 No. 206; 1996 No. 277; 2004 No. 60 |
| r. 157 | | ad. 1993 No. 188 |
|  | | am. 1993 Nos. 206 and 266; 1996 No. 277 |
|  | | rs. 2004 No. 60 |
| Heading to r. 158 | | rs. 2009 No. 304 |
| r. 158 | | ad. 1993 No. 188 |
|  | | am. 1993 Nos. 206 and 266; 1996 No. 277 |
|  | | rs. 2004 No. 60 |
|  | | am. 2009 No. 304 |
| r. 159 | | ad. 1993 No. 188 |
|  | | am. 1993 No. 206; 1996 No. 277; 2004 No. 60 |
| r. 160 | | ad. 1993 No. 188 |
|  | | am. 1993 No. 206; 1996 No. 277 |
|  | | rs. 2004 No. 60 |
| r. 161 | | ad. 1993 No. 188 |
|  | | am. 1993 Nos. 206 and 266; 1996 No. 277; 1997 No. 326; 2004 No. 60 |
| r. 162 | | ad. 1993 No. 188 |
|  | | am. 1996 No. 277; 2004 No. 60 |
| Heading to Subdiv. 3 of  Div. 8.2 of Part 8 | | ad. 2004 No. 60 |
| r. 163 | | ad. 2004 No. 60 |
| Heading to r. 164 | | rs. 2004 No. 60 |
| r. 164 | | ad. 1993 No. 206 |
|  | | am. 2002 No. 338; 2004 Nos. 39 and 60; 2009 No. 304 |
| Note to r. 164 (4) | | ad. 2004 No. 60 |
| Heading to r. 165 | | rs. 2004 No. 60 |
| r. 165 | | ad. 1993 No. 206 |
|  | | rs. 1993 No. 266 |
|  | | am. 2004 No. 60 |
| **Division 8.3** | |  |
| r. 166 | | ad. 1993 No. 188 |
|  | | am. 1993 Nos. 206 and 266; 1997 No. 326; 2002 No. 8; 2003 No. 200; 2004 No. 60; No 264, 2013 |
| Note to r. 166 (5) | | rep. 2008 No. 262 |
| r. 167 | | ad. 1993 No. 188 |
|  | | am. 1996 No. 277; 2004 No. 60 |
|  | | rs. 2009 No. 304 |
|  | | am No 264, 2013 |
| r. 168 | | ad. 2004 No. 60 |
| **Part 9** | |  |
| Part 9 | | ad. 1997 No. 96 |
| r. 169 | | ad. 1997 No. 96 |
|  | | am. 1997 No. 326; 1999 No. 252 |
| r. 170 | | ad. 1997 No. 96 |
| r. 171 | | ad. 1997 No. 96 |
|  | | am. 1997 No. 326; 2002 No. 8; 2003 No. 200 |
| Note to r. 171 (2) | | rep. 2008 No. 262 |
| **Part 10** | |  |
| Part 10 | | ad. 1999 No. 252 |
| r. 172 | | ad. 1999 No. 252 |
| r. 173 | | ad. 1999 No. 252 |
|  | | rs. 2002 No. 112 |
|  | | am. 2004 Nos. 60 and 333; 2005 No. 252; 2008 No. 262 |
| r. 174 | | ad. 1999 No. 252 |
|  | | am. 2002 Nos. 8 and 112; 2003 No. 200; 2004 No. 60; 2008 No. 262; 2009 No. 304 |
| Note to r. 174(2) | | ad. 2002 No. 8 |
|  | | rep. 2008 No. 262 |
| r. 175 | | ad. 1999 No. 252 |
|  | | rep. 2008 No. 262 |
| **Part 11** | |  |
| Part 11 | | ad. 1999 No. 252 |
| r. 176 | | ad. 1999 No. 252 |
| r. 177 | | ad. 1999 No. 252 |
|  | | rs. 2002 No. 112 |
|  | | am. 2004 No. 60 |
|  | | rs. 2005 No. 252 |
|  | | am. 2008 No. 262 |
| r. 178 | | ad. 1999 No. 252 |
|  | | am. 2002 Nos. 8 and 112; 2003 No. 200; 2004 No. 60; 2008 No. 262; 2009 No. 304 |
| Note to r. 178(2) | | ad. 2002 No. 8 |
|  | | rep. 2008 No. 262 |
| r. 179 | | ad. 2002 No. 112 |
|  | | rs. 2004 No. 39 |
|  | | rep. 2008 No. 262 |
| **Part 12** | |  |
| Part 12 | | ad. 2004 No. 60 |
| r. 180 | | ad. 2004 No. 60 |
| r. 181 | | ad. 2004 No. 60 |
| r. 182 | | ad. 2004 No. 60 |
| Note to r. 182(2) | | rep. 2008 No. 262 |
| **Part 13** | |  |
| Heading to Part 13 | | ad. 1999 No. 252 |
| r. 183 | | am. 1985 No. 169; 1987 No. 247; 1989 Nos. 269, 367 and 368; 1991 No. 257 |
|  | | rs. 1997 No. 326 |
|  | | am. 1999 No. 252; 2000 No. 5; 2001 No. 178; 2002 No. 72; 2004 No. 39; 2005 No. 309; 2006 No. 132; 2009 No. 304 |
| r. 184 | | ad. 1985 No. 169 |
|  | | rs. 1997 No. 326 |
|  | | am. 1999 No. 252; 2001 No. 178; 2006 No. 132; 2009 No. 304 |
| r. 185 | | ad. 1997 No. 326 |
|  | | am. 1997 No. 326; 1999 No. 252; 2001 Nos. 12 and 178; 2002 Nos. 72 and 112; 2004 No. 39; 2005 No. 309; 2006 No. 132; 2008 No. 262; 2009 No. 304 |
| r. 186 | | ad. 1997 No. 326 |
|  | | am. 1999 No. 252; 2009 No. 304 |
| r. 187 | | ad. 1997 No. 326 |
|  | | am. 1999 No. 252 |
| r. 187A | | ad. 2009 No. 304 |
| **Part 13A** | |  |
| Part 13A | | ad. 2009 No. 304 |
| r. 187B | | ad. 2009 No. 304 |
| r. 187C | | ad. 2009 No. 304 |
| **Part 14** | |  |
| Part 14 | | ad. 2003 No. 200 |
| r. 188 | | ad. 2003 No. 200 |
|  | | rs. 2004 No. 39 |
| r. 189 | | ad. 2004 No. 39 |
|  | | am. 2005 No. 252; 2006 Nos. 267 and 342; 2009 No. 304; No 244, 2013 |
| r. 190 | | ad. 2003 No. 200 |
| r. 191 | | ad. 2003 No. 200 |
|  | | am. 2004 No. 39 |
| r. 192 | | ad. 2003 No. 200 |
| r. 193 | | ad. 2003 No. 200 |
| r. 194 | | ad. 2003 No. 200 |
| r. 195 | | ad. 2003 No. 200 |
| r. 196 | | ad. 2003 No. 200 |
| r. 197 | | ad. 2003 No. 200 |
|  | | am. 2004 No. 39 |
| r. 198 | | ad. 2003 No. 200 |
| r. 199 | | ad. 2003 No. 200 |
| r. 200 | | ad. 2003 No. 200 |
| r. 201 | | ad. 2003 No. 200 |
| r. 202 | | ad. 2003 No. 200 |
| r. 203 | | ad. 2003 No. 200 |
| **Part 15** | |  |
| Heading to Part 15 | | ad. 1999 No. 252 |
| r. 205 | | ad. 2002 No. 224 |
| r. 206 | | rs. 2004 No. 39 |
|  | | am. 2009 No. 304 |
| r. 207 | | ad. 1989 No. 368 |
| **Schedule 1** | |  |
| Schedule 1 | | ad. 2008 No. 262 |
|  | | am. 2009 No. 304 |
| **Schedule 2** | |  |
| Schedule 2 | | ad. 2008 No. 262 |

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous

**Repeal table 1**

The amendment history of the repealed provisions of the *Great Barrier Reef Marine Park Regulations 1983* up to and including the *Great Barrier Reef Marine Park Amendment Regulations 1999 (No. 1)* (1999 No. 252) appears in the table below.

| Provision affected | How affected | |
| --- | --- | --- |
| r. 5 | rep. 1988 No. 185 | |
| Heading to Part II | ad. 1985 No. 169 | |
|  | am. 1987 No. 247; 1988 No. 185 | |
|  | rep. 1992 No. 69 | |
| r. 8 | rep. 1989 No. 367 | |
| r. 13 | am. 1985 No. 169; 1986 No. 1; 1987 No. 247 | |
|  | rep. 1989 No. 367 | |
|  | ad. 1990 No. 9 | |
|  | rs. 1990 No. 35 | |
|  | rep. 1991 No. 257 | |
| Heading to Part IIA | am. 1988 No. 185 | |
|  | rep. 1992 No. 69 | |
| r. 13AH | ad. 1987 No. 247 | |
|  | rep. 1989 No. 367 | |
| r. 13A | ad. 1985 No. 169 | |
|  | rep. 1989 No. 367 | |
| r. 15 | am. 1987 No. 247 | |
|  | rep. 1989 No. 367 | |
| rr. 19A, 19B | ad. 1987 No. 247 | |
|  | rep. 1989 No. 367 | |
| r. 22 |  |
| Renumbered r. 64 | 1999 No. 252 |
| r. 22A |  |
| Renumbered r. 65 | 1999 No. 252 |
| r. 22B |  |
| Renumbered r. 66 | 1999 No. 252 |
| r. 22C |  |
| Renumbered r. 67 | 1999 No. 252 |
| r. 22D |  |
| Renumbered r. 68 | 1999 No. 252 |
| r. 23 |  |
| Renumbered r. 69 | 1999 No. 252 |
| r. 24 |  |
| Renumbered r. 70 | 1999 No. 252 |
| r. 25 |  |
| Renumbered r. 71 | 1999 No. 252 |
| Heading to Part V | rep. 1991 No. 296 | |
| Schedule 1D | ad. 1992 No. 69 | |
|  | rep. 1993 No. 266 | |

**Repeal Table 2**

The amendment history of the repealed provisions of the *Great Barrier Reef Marine Park Regulations 1983* up to and including the *Great Barrier Reef Marine Park Amendment Regulations 2004 (No. 2)* (2004 No. 39) appears in the table below.

| Provision affected | How affected |
| --- | --- |
| r. 3 | rep. 2004 No. 39 |
| Part 2 | ad. 1989 No. 367 |
|  | rep. 2004 No. 39 |
| r. 6 | ad. 1989 No. 367 |
|  | am. 1993 No. 266; 2001 No. 197; 2002 Nos. 73 and 338 |
|  | rep. 2004 No. 39 |
| r. 7 | ad. 1989 No. 367 |
|  | rep. 2004 No. 39 |
| r. 8 | ad. 1987 No. 247 |
|  | am. 1988 No. 185; 1992 No. 69; 1993 No. 206; 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 9 | am. 1985 No. 169; 1986 No. 1; 1987 No. 247; 1989 No. 367; 1993 No. 206; 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 10 | am. 1985 No. 169; 1987 No. 247; 1989 No. 367; 1993 No. 206; 2002 No. 73; 2004 No. 60 |
|  | rep. 2004 No. 39 |
| r. 11 | am. 1985 No. 169; 1993 No. 266; 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 12 | rs. 1985 No. 169 |
|  | rep. 2004 No. 39 |
| r. 13 | am. 1985 No. 169; 1987 No. 247; 1993 Nos. 206 and 266 |
|  | rep. 2004 No. 39 |
| r. 13A | ad. 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 13B | ad. 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 14 | am. 1985 No. 169; 1987 No. 247; 1988 No. 185 |
|  | rs. 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 14A | ad. 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 14B | ad. 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 14C | ad. 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 14D | ad. 2002 No. 73 |
|  | rep. 2004 No. 39 |
| Heading to Part 4 | ad. 1992 No. 69 |
|  | rep. 2004 No. 39 |
| Part 4 | ad. 1987 No. 247 |
|  | rep. 2004 No. 39 |
| Heading to Div. 1  of Part 4 | ad. 1999 No. 252 rep. 2004 No. 39 |
| r. 15 | ad. 1987 No. 247 |
|  | am. 1988 No. 185; 1992 No. 69; 1993 No. 206; 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 16 | ad. 1987 No. 247 |
|  | am. 1992 No. 69; 1993 No. 206 |
|  | rep. 2004 No. 39 |
| r. 17 | ad. 1993 No. 266 |
|  | rep. 2004 No. 39 |
| r. 18 | ad. 1987 No. 247 |
|  | am. 1992 No. 69; 1993 No. 206; 2002 No. 73; 2004 No. 60 |
|  | rep. 2004 No. 39 |
| r. 19 | ad. 1993 No. 206 |
|  | rep. 2004 No. 39 |
| r. 20 | ad. 1987 No. 247 |
|  | am. 1989 No. 269; 1993 No. 266; 2002 No. 73 |
|  | rep. 2004 No. 39 |
| r. 21 | ad. 1987 No. 247 |
|  | rep. 2004 No. 39 |
| r. 22 | ad. 1987 No. 247 |
|  | am. 1993 Nos. 206 and 266 |
|  | rep. 2004 No. 39 |
| r. 22A | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 23 | ad. 1987 No. 247 |
|  | rep. 2004 No. 39 |
| Part 4A | rep. 2004 No. 39 |
| r. 32B | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32C | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32D | ad. 2002 No. 338 |
|  | am. 2004 No. 60 |
|  | rep. 2004 No. 39 |
| r. 32E | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32F | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32G | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32H | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32I | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32J | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32K | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32L | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32M | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| r. 32N | ad. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| Div. 5.2 of Part 5 | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 37A | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 37B | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 37C | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 37D | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 37E | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 37F | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 37G | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 37H | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| Division 5.3 | rep. 2003 No. 200 |
| Heading to Div. 5.3  of Part 5 | ad. 2002 No. 72 rep. 2003 No. 200 |
| r. 38 | ad. 1988 No. 185 |
|  | am. 2002 No. 8 |
|  | rep. 2003 No. 200 |
|  | ad. 2003 No. 200 |
|  | rep. 2004 No. 39 |
| r. 40 | am. 1987 No. 247; 1993 No. 206; 2002 No. 8; 2003 No. 200 |
|  | rep. 2004 No. 39 |
| r. 40A | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| r. 41 | ad. 1993 No. 206 |
|  | am. 1993 No. 266; 2002 No. 8 |
|  | rs. 2002 No. 177 |
|  | rep. 2004 No. 39 |
| Note to r. 45A (2) | rep. 2001 No. 307 |
| r. 45B | ad. 2001 No. 307 |
|  | rep. 2004 No. 39 |
| r. 47 | rep. 2003 No. 200 |
| r. 60 | ad. 1987 No. 247 |
| Renumbered r. 41A | 2000 No. 5 |
| r. 79 | ad. 1993 No. 188 |
|  | rs. 1993 No. 206 |
|  | rep. 2004 No. 60 |
| r. 89 | ad. 1997 No. 326 |
|  | rep. 2004 No. 60 |
| r. 122D | ad. 2003 No. 200 |
|  | rep. 2004 No. 39 |
| Schedule 1A | ad. 2002 No. 72 |
|  | rep. 2004 No. 39 |
| Heading to Schedule 1 | rs. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| Schedule 1 | am. 1985 No. 169; 1986 No. 1; 1987 No. 247; 1992 No. 69 |
|  | rs. 1993 No. 206 |
|  | am. 1993 No. 266; 2001 No. 178 |
|  | rep. 2004 No. 39 |
| Schedule 2 | ad. 1985 No. 169 |
|  | am. 1986 No. 1 |
|  | rs. 1993 No. 206 |
|  | rep. 2002 No. 73 |
| Heading to Schedule 3 | rs. 2002 No. 338 |
|  | rep. 2004 No. 39 |
| Schedule 3 | ad. 1987 No. 247 |
|  | am. 1992 No. 69 |
|  | rs. 1993 No. 206 |
|  | am. 1993 No. 266 |
|  | rep. 2004 No. 39 |
| Heading to Schedule 4 | rs. 2002 Nos. 73 and 338 |
|  | rep. 2004 No. 39 |
| Schedule 4 | ad. 1992 No. 69 |
|  | rs. 1993 No. 206 |
|  | am. 1993 No. 266; 2002 No. 73 |
|  | rep. 2004 No. 39 |
| Schedule 5 | rs. 1987 No. 247; 1993 No. 206 |
|  | am. 2003 No. 200 |
|  | rep. 2004 No. 39 |
| Schedule 6 | am. 1991 No. 296 |
|  | rep. 2004 No. 39 |
| Heading to Schedule 7 | rs. 2004 No. 15 |
|  | rep. 2004 No. 39 |
| Schedule 7 | ad. 1989 No. 368 |
|  | am. 1991 No. 296; 2004 No. 15 |
|  | rep. 2004 No. 39 |
| Schedule 8 | ad. 2001 No. 197 |
|  | rep. 2004 No. 39 |
| Schedule 9 | ad. 2002 No. 112 |
|  | am. 2003 No. 20 |
|  | rep. 2004 No. 39 |
| Schedule 10 | ad. 2003 No. 200 |
|  | am. 2004 No. 60 |
|  | rep. 2004 No. 39 |

**Renumbering Table 1**

The renumbering of provisions of the *Great Barrier Reef Marine Park Regulations 1983,* made by the *Great Barrier Reef Marine Park Amendment Regulations 1999* *(No. 1)* (1999 No. 252) appears in the table below.

| **Old  number** | **New  numbe**r |
| --- | --- |
| Part 1 | Part 1 |
| Regulation | Regulation |
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
| 4A | 5 |
| Part 1A | Part 2 |
| Regulation | Regulation |
| 5 | 6 |
| 5A | 7 |
| Part 2 | Part 3 |
| Regulation | Regulation |
| 6A | 8 |
| 6 | 9 |
| 7 | 10 |
| 9 | 11 |
| 10 | 12 |
| 11 | 13 |
| 12 | 14 |
| Part 2A | Part 4 |
| Division 1 | Division 1 |
| Regulation | Regulation |
| 13AA | 15 |
| 13AB | 16 |
| 13ABA | 17 |
| 13AC | 18 |
| 13ACC | 19 |
| 13AD | 20 |
| 13AE | 21 |
| 13AF | 22 |
| 13AG | 23 |
| Division 2 | Division 2 |
| Regulation | Regulation |
| 13AH | 24 |
| 13AI | 25 |
| 13AJ | 26 |
| 13AK | 27 |
| 13AL | 28 |
| 13AM | 29 |
| Regulation | Regulation |
| 13AN | 30 |
| 13AO | 31 |
| 13AP | 32 |
| Part III | Part 5 |
| Regulation | Regulation |
| 13B | 33 |
| 13C | 34 |
| 13D | 35 |
| 13E | 36 |
| 13F | 37 |
| 13FA | 38 |
| Part IV | Part 6 |
| Regulation | Regulation |
| 13G | 39 |
| 14 | 40 |
| 14A | 41 |
| 15A | 42 |
| 15B | 43 |
| 15C | 44 |
| 15D | 45 |
| 16 | 46 |
| 17 | 47 |
| 18 | 48 |
| 19 | 49 |
| 19C | 50 |
| 19D | 51 |
| Regulation | Regulation |
| 19E | 52 |
| 19EA | 53 |
| 19F | 54 |
| 20 | 55 |
| 20A | 56 |
| 20B | 57 |
| 21 | 58 |
| 21A | 59 |
| 21B | 60 |
| 26 | 61 |
| Part 4A | Part 7 |
| Regulation | Regulation |
| 26A | 62 |
| 26B | 63 |
| 26C | 64 |
| 26D | 65 |
| 26E | 66 |
| Part 5 | Part 8 |
| Regulation | Regulation |
| 27 | 67 |
| 28 | 68 |
| 29 | 69 |
| 30 | 70 |
| 31 | 71 |
| 32 | 72 |
| 33 | 73 |
| Part 5A | Part 9 |
| Division 1 | Division 1 |
| Regulation | Regulation |
| 34 | 74 |
| 35 | 75 |
| 35A | 76 |
| 35B | 77 |
| 35C | 78 |
| 36 | 79 |
| Division 2 | Division 2 |
| Subdivision A | Subdivision 1 |
| Regulation | Regulation |
| 36A | 80 |
| 36B | 81 |
| 37 | 82 |
| 37A | 83 |
| 37B | 84 |
| 37C | 85 |
| 37D | 86 |
| 37E | 87 |
| 37F | 88 |
| 37G | 89 |
| Subdivision B | Subdivision 2 |
| Regulation | Regulation |
| 38 | 90 |
| 39 | 91 |
| 40 | 92 |
| Regulation | Regulation |
| 41 | 93 |
| 42 | 94 |
| 43 | 95 |
| 44 | 96 |
| 45 | 97 |
| 46 | 98 |
| 47 | 99 |
| 48 | 100 |
| 49 | 101 |
| 50 | 102 |
| 51 | 103 |
| 51A | 104 |
| 51B | 105 |
| Division 3 | Division 3 |
| Regulation | Regulation |
| 52 | 106 |
| 53 | 107 |
| Part 6 | Part 10 |
| Regulation | Regulation |
| 54 | 108 |
| 55 | 109 |
| 56 | 110 |
| Part 7 | Part 11 |
| Regulation | Regulation |
| 57 | 111 |
| 58 | 112 |
| Regulation | Regulation |
| 59 | 113 |
| 60 | 114 |
| Part 8 | Part 12 |
| Regulation | Regulation |
| 61 | 115 |
| 62 | 116 |
| 63 | 117 |
| Part 9 | Part 13 |
| Regulation | Regulation |
| 64 | 118 |
| 65 | 119 |
| 66 | 120 |
| 67 | 121 |
| 68 | 122 |
| Part 10 | Part 14 |
| Regulation | Regulation |
| 69 | 123 |
| 70 | 124 |
| 71 | 125 |
| Schedule 1 | Schedule 1 |
| Part 1 | Part 1 |
| Part 2 | Part 2 |
| Part 3 | Part 3 |
| Part 4 | Part 4 |
| Schedule 1A | Schedule 2 |
| Schedule 1B | Schedule 3 |
| Schedule 1C | Schedule 4 |
| Part 1 | Part 1 |
| Part 2 | Part 2 |
| Schedule 2 | Schedule 5 |
| Schedule 3 | Schedule 6 |
| Schedule 4 | Schedule 7 |

**Renumbering Table 2**

The renumbering of provisions of the *Great Barrier Reef Marine Park Regulations 1983* made by the *Great Barrier Reef Marine Park Amendment Regulations 2004 (No. 2)* (2004 No. 39)

| **Old  number** | **New  numbe**r |
| --- | --- |
| Part 1 | Part 1 |
| Regulation | Regulation |
| 1 | 1 |
| 2 | 2 |
| 4 | 3 |
| 5 | 4 |
| 5A | 5 |
| Part 3 | Part 2 |
| Division 3.1 | Division 2.1 |
| Regulation | Regulation |
| 6A | 6 |
| Division 3.2 | Division 2.2 |
| Regulation | Regulation |
| 6E | 7 |
| 6I | 8 |
| 6J | 9 |
| 6M | 10 |
| 6O | 11 |
| 6P | 12 |
| 6R | 13 |
| 6U | 14 |
| Regulation | Regulation |
| 6X | 15 |
| 7C | 16 |
| 7G | 17 |
| 7K | 18 |
| 7O | 19 |
| 7P | 20 |
| 7R | 21 |
| 7S | 22 |
| 7W | 23 |
| 8A | 24 |
| 8E | 25 |
| 8I | 26 |
| 8M | 27 |
| 8Q | 28 |
| 8U | 29 |
| 9C | 30 |
| 9G | 31 |
| 9K | 32 |
| 9O | 33 |
| 9W | 34 |
| Regulation | Regulation |
| 10A | 35 |
| 10C | 36 |
| 10E | 37 |
| 10M | 38 |
| 10Q | 39 |
| 10U | 40 |
| 10Y | 41 |
| 11C | 42 |
| 11G | 43 |
| 11H | 44 |
| 11J | 45 |
| 11K | 46 |
| 11KA | 47 |
| 11L | 48 |
| 11LA | 49 |
| 11M | 50 |
| 11MA | 51 |
| 11N | 52 |
| 11NA | 53 |
| 11NB | 54 |
| 11NC | 55 |
| 11ND | 56 |
| 11O | 57 |
| 11OA | 58 |
| 11OB | 59 |
| 11P | 60 |
| Regulation | Regulation |
| 11PA | 61 |
| 11Q | 62 |
| 11QA | 63 |
| 11R | 64 |
| 11RA | 65 |
| 11S | 66 |
| 12I | 67 |
| 12M | 68 |
| 12N | 69 |
| 12P | 70 |
| 12Q | 71 |
| 12U | 72 |
| 12Y | 73 |
| Division 3.3 | Division 2.3 |
| Regulation | Regulation |
| 14E | 74 |
| 14F | 75 |
| 14G | 76 |
| 14H | 77 |
| 14I | 78 |
| Division 3.4 | Division 2.4 |
| Regulation | Regulation |
| 24 | 79 |
| 25 | 80 |
| 26 | 81 |
| 27 | 82 |
| Regulation | Regulation |
| 28 | 83 |
| 29 | 84 |
| 30 | 85 |
| 31 | 86 |
| 32 | 87 |
| Division 3.5 | Division 2.5 |
| Regulation | Regulation |
| 32A | 88 |
| Part 5 | Part 3 |
| Division 5.1 | Division 3.1 |
| Regulation | Regulation |
| 33 | 89 |
| 34 | 90 |
| 35 | 91 |
| 36 | 92 |
| 37 | 93 |
| Part 6 | Part 4 |
| Regulation | Regulation |
| 39 | 94 |
| 41A | 95 |
| 42 | 96 |
| 43 | 97 |
| 44 | 98 |
| 45 | 99 |
| 45A | 100 |
| Regulation | Regulation |
| 46 | 101 |
| 48 | 102 |
| 49 | 103 |
| 50 | 104 |
| 51 | 105 |
| 52 | 106 |
| 53 | 107 |
| 54 | 108 |
| 55 | 109 |
| 56 | 110 |
| 57 | 111 |
| 58 | 112 |
| 59 | 113 |
| 59A | 114 |
| 59B | 115 |
| 59C | 116 |
| 61 | 117 |
| Part 7 | Part 5 |
| Regulation | Regulation |
| 61A | 118 |
| 62 | 119 |
| 63 | 120 |
| 64 | 121 |
| 65 | 122 |
| 66 | 123 |
| Part 7A | Part 6 |
| Regulation | Regulation |
| 66A | 124 |
| 66B | 125 |
| 66C | 126 |
| Part 8 | Part 7 |
| Regulation | Regulation |
| 67 | 127 |
| 68 | 128 |
| 69 | 129 |
| 70 | 130 |
| 71 | 131 |
| 72 | 132 |
| 73 | 133 |
| 73A | 134 |
| Part 9 | Part 8 |
| Division 1 | Division 8.1 |
| Regulation | Regulation |
| 74 | 135 |
| 75 | 136 |
| 76 | 137 |
| 77 | 138 |
| 78 | 139 |
| Division 2 | Division 8.2 |
| Subdivision 1 | Subdivision 1 |
| Regulation | Regulation |
| 80 | 140 |
| 81 | 141 |
| 82 | 142 |
| 83 | 143 |
| 84 | 144 |
| 85 | 145 |
| 86 | 146 |
| 87 | 147 |
| 88 | 148 |
| Subdivision 2 | Subdivision 2 |
| Regulation | Regulation |
| 90 | 149 |
| 91 | 150 |
| 92 | 151 |
| 93 | 152 |
| 94 | 153 |
| 95 | 154 |
| 96 | 155 |
| 97 | 156 |
| 98 | 157 |
| 99 | 158 |
| 100 | 159 |
| 101 | 160 |
| 102 | 161 |
| Regulation | Regulation |
| 103 | 162 |
| Subdivision 3 | Subdivision 3 |
| Regulation | Regulation |
| 103A | 163 |
| 104 | 164 |
| 105 | 165 |
| Division 3 | Division 8.3 |
| Regulation | Regulation |
| 106 | 166 |
| 107 | 167 |
| 107A | 168 |
| Part 10 | Part 9 |
| Regulation | Regulation |
| 108 | 169 |
| 109 | 170 |
| 110 | 171 |
| Part 11 | Part 10 |
| Regulation | Regulation |
| 111 | 172 |
| 112 | 173 |
| 113 | 174 |
| 114 | 175 |
| Part 12 | Part 11 |
| 115 | 176 |
| 116 | 177 |
| 117 | 178 |
| Regulation | Regulation |
| 117A | 179 |
| Part 12A | Part 12 |
| Regulation | Regulation |
| 117B | 180 |
| 117C | 181 |
| 117D | 182 |
| Part 13 | Part 13 |
| Regulation | Regulation |
| 118 | 183 |
| 119 | 184 |
| 120 | 185 |
| 121 | 186 |
| 122 | 187 |
| Part 13A | Part 14 |
| Regulation | Regulation |
| 122A | 188 |
| 122AA | 189 |
| 122B | 190 |
| 122C | 191 |
| 122E | 192 |
| 122F | 193 |
| 122G | 194 |
| 122H | 195 |
| 122I | 196 |
| 122J | 197 |
| 122K | 198 |
| Regulation | Regulation |
| 122L | 199 |
| 122M | 200 |
| 122N | 201 |
| 122O | 202 |
| 122P | 203 |
| Part 14 | Part 15 |
| Regulation | Regulation |
| 123 | 204 |
| 123A | 205 |
| 124 | 206 |
| 125 | 207 |