



# **Great Barrier Reef Marine Park Amendment (Public Moorings and Infrastructure) Regulation 2013**

## **Select Legislative Instrument No. 244, 2013**

---

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Great Barrier Reef Marine Park Act 1975*.

Dated 21 November 2013

Quentin Bryce  
Governor-General

By Her Excellency's Command

Greg Hunt  
Minister for the Environment

---

*OPC50470 - B*



---

## Contents

1	Name of regulation .....	1
2	Commencement .....	1
3	Authority .....	1
4	Schedule(s) .....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
<i>Great Barrier Reef Marine Park Regulations 1983</i>		<i>2</i>

---

No. 244, 2013      *Great Barrier Reef Marine Park Amendment (Public Moorings and Infrastructure) Regulation 2013*      *i*

OPC50470 - B



---

## **1 Name of regulation**

This regulation is the *Great Barrier Reef Marine Park Amendment (Public Moorings and Infrastructure) Regulation 2013*.

## **2 Commencement**

This regulation commences on the day after it is registered.

## **3 Authority**

This regulation is made under the *Great Barrier Reef Marine Park Act 1975*.

## **4 Schedule(s)**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

---

No. 244, 2013      *Great Barrier Reef Marine Park Amendment (Public Moorings and Infrastructure) Regulation 2013*      1

OPC50470 - B

## Schedule 1—Amendments

### *Great Barrier Reef Marine Park Regulations 1983*

#### **1 Subregulation 3(1) (definition of *permitted mooring*)**

Omit “a mooring installed by, or for, the Authority”, substitute “a public mooring”.

#### **2 Subregulation 3(1)**

Insert:

***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.

#### **3 Regulation 102**

Repeal the regulation, substitute:

---

2      *Great Barrier Reef Marine Park Amendment (Public Moorings and Infrastructure) Regulation 2013*      No. 244, 2013

OPC50470 - B

---

**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.

#### **4 Regulation 189 (table item 4)**

Repeal the item, substitute:

- |   |   |   |
|---|---|---|
| 4 | subregulations 102(1), (2), (3) and (4) (public mooring and infrastructure not to be removed, misused or damaged) | 3 |
|---|---|---|