



Great Barrier Reef Marine Park Amendment (Permission System) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 18 September 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Josh Frydenberg
Minister for the Environment and Energy

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1 Name

This instrument is the *Great Barrier Reef Marine Park Amendment (Permission System) Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	4 October 2017.	4 October 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Great Barrier Reef Marine Park Regulations 1983

1 Subregulation 3(1)

Insert:

continuation application has the meaning given by subregulation 88AA(5).

EIS advertisement has the meaning given by subparagraph 88PM(1)(c)(ii).

EIS terms has the meaning given by subregulation 88PM(1).

EPBC referral deemed application means a referral under the *Environment Protection and Biodiversity Conservation Act 1999* of a proposal to take an action that, under section 37AB of the *Great Barrier Reef Marine Park Act 1975*, is taken to be an application for a permission.

holding company has the same meaning as in the *Corporations Act 2001*.

PER advertisement has the meaning given by subparagraph 88PI(1)(c)(ii).

PER terms has the meaning given by subregulation 88PI(1).

PIP terms has the meaning given by subregulation 88PE(1).

proposed conduct, in relation to an application for a permission, means the conduct proposed to be permitted by the permission.

Queensland planning legislation means:

- (a) the *Planning Act 2016* (Qld); or
- (b) the *Planning Regulation 2017* (Qld); or
- (c) the State Planning Policy as defined in Schedule 24 to the *Planning Regulation 2017* (Qld).

relevant impacts of proposed conduct or permitted conduct means:

- (a) the potential direct and indirect impacts of the conduct, and the potential cumulative impacts of the conduct (in conjunction with other conduct, events and circumstances), on the environment, biodiversity, and heritage values, of the Marine Park or a part of the Marine Park; or
- (b) the risk of the proposed conduct restricting reasonable use by the public of a part of the Marine Park and the extent of that restriction (if any).

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.

subsidiary has the same meaning as in the *Corporations Act 2001*.

2 Subregulation 15(2) (table item 3 of Part 2, column headed “Common names”)

Omit “Snails, whelks, slugs, limpets, cowries including trochus, bailer shell, volutes, murex shells, nudibranchs (except helmet shell and triton shell)”, substitute “Snails and slugs (including whelks, nudibranchs, limpets, cowries, trochus and baler shells) except giant helmet shell and trumpet triton”.

3 Subregulation 15(2) (table item 10 of Part 2, column headed “Common names”)

Omit “Toadfishes”, substitute “Frogfishes”.

4 Subregulation 15(2) (table item 25 of Part 2, column headed “Common names”)

Omit “Sand tilefishes”, substitute “Tilefishes”.

5 Subregulation 15(2) (table item 28 of Part 2, column headed “Species”)

Omit “Monocentridae”, substitute “Monocentrididae”.

6 Subregulation 15(2) (table item 33 of Part 2, column headed “Common names”)

Omit “Longfins”, substitute “Longfins and prettyfins”.

7 Subregulation 15(2) (table item 38 of Part 2, column headed “Common names”)

Omit “Firefishes, scorpionfishes, lionfishes”, substitute “Scorpionfishes, firefishes and lionfishes”.

8 Subregulation 15(2) (table item 40 of Part 2, column headed “Common names”)

Omit “Pufferfishes”, substitute “Toadfishes and pufferfishes”.

9 Subregulation 15(2) (table item 47 of Part 2)

Repeal the item, substitute:

47	Subfamily Anthiinae (all species)	Anthias and basslets
48	Tribe Grammistini (all species)	Soapfishes

10 At the end of regulation 18

Add:

Note: This is not the only relevant limitation. The Zoning Plan refers to limited collecting only as a kind of fishing or collecting. The definition of *fishing or collecting* in the Zoning Plan provides for extra limitations, which are set out in subregulation 15(2).

11 Regulations 19 and 20

Repeal the regulations, substitute:

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

Definition for Zoning Plan

(1) In the Zoning Plan:

limited impact research (extractive) means research that:

- (a) 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 in a way that does not pose a threat to the environment, safety or navigation and is in accordance with the research guidelines (if any); and
- (b) is a component of a research project conducted by a research institution accredited under regulation 7; and
- (c) if:
 - (i) the research is conducted in an area of the Scientific Research Zone; and
 - (ii) the Authority has approved an environmental management plan in writing for a research station associated with the area;is conducted in accordance with that plan.

Definitions for this regulation

(2) In this regulation:

limited research sampling means sampling in accordance with all of the following conditions:

- (a) taking is done, in accordance with the research guidelines (if any):
 - (i) by hand; or
 - (ii) by the use of a hand-held implement that is not motorised and not pneumatically or hydraulically operated; or
 - (iii) by the use of a minor research aid;
- (b) no more than 20 litres of wet sediment is taken for a research project for a calendar year;
- (c) no more than 100 litres of seawater is taken for a research project for a calendar year;
- (d) taking of marine plants, as defined in the *Fisheries Act 1994* (Qld), complies with Queensland fisheries legislation and Queensland planning legislation;
- (e) taking of organisms of marine taxa of the kingdom Chromista would comply with Queensland fisheries legislation and Queensland planning legislation if those organisms were marine plants for the purposes of all that legislation;
- (f) the conditions described in subregulations (3) and (4) on taking animals.

Note: As all the conditions mentioned in the definition need to be met for sampling to be limited research sampling, if 2 or more conditions potentially relate to the same activity, the activity will be limited research sampling only if all those conditions are met.

minor research aid means any of the following:

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- (a) any of the following that is not powered in a way that poses a threat to the environment:
 - (i) apparatus, or equipment, authorised under Queensland fisheries legislation for recreational use;
 - (ii) a data logger;
 - (iii) a water-sampling device;
 - (iv) a sediment-sampling device;
 - (v) passive acoustic monitoring or survey equipment;
 - (vi) equipment for conducting an underwater video survey;
 - (b) a tag;
 - (c) a stake;
 - (d) a non-fixed plankton net;
 - (e) a sub-surface marker buoy;
 - (f) a surface marker buoy;
 - (g) a non-fixed transect tape or quadrat;
 - (h) clove oil in solution;
 - (i) equipment for fastening anything described in another paragraph of this definition.

research guidelines means written policies about the conduct of research in the Marine Park that are published by the Authority, as they are in existence from time to time.

research location means:

- (a) a discrete, identified reef; or
- (b) a continuous non-reef area of up to 1,000 hectares.

take has the same meaning as it has in the Zoning Plan as in force from time to time.

Conditions on taking animals in limited research sampling

- (3) One condition on limited research sampling is that the sampling for a research project in a calendar year:
 - (a) does not involve the taking of any animals of the following species:
 - (i) a protected species as defined in the Act or the Zoning Plan;
 - (ii) a species in class Mammalia (mammals);
 - (iii) a species in class Aves (birds);
 - (iv) a species in class Reptilia (reptiles);
 - (v) a species in class Amphibia (amphibians); and
 - (b) complies with the limits in an item of the following table on taking animals of:
 - (i) a species described in the item; or
 - (ii) a species, and length, described in the item.

Note 1: If a species is both a protected species and a species described in an item of the table, no animals of that species can be taken in limited research sampling.

Note 2: The items of the table are generally arranged taxonomically. Families not listed as an exception to a higher taxon are arranged alphabetically within the higher taxon. Even genera and species not listed as an exception to a higher taxon are still grouped by family, and those families are arranged alphabetically. Species within a higher taxon are arranged alphabetically.

Schedule 1 Amendments

Note 3: Subregulation (4) limits taking of other animals by limited research sampling.

Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
1	Any species in class Chondrichthyes, except a species described in any of items 2 to 15	Any species of shark, ray or chimaera, except a species described in any of items 2 to 15	5 animals of that species, each from a different research location
2	Any species in family Pristidae	Sawfishes	No animals to be taken
3	<i>Carcharias taurus</i>	Grey nurse shark	No animals to be taken
4	<i>Carcharodon carcharias</i>	White shark	No animals to be taken
5	<i>Carcharhinus falciformis</i>	Silky shark	No animals to be taken
6	<i>Glyphis glyphis</i>	Speartooth shark	No animals to be taken
7	<i>Isurus oxyrinchus</i>	Shortfin mako shark	No animals to be taken
8	<i>Isurus paucus</i>	Longfin mako shark	No animals to be taken
9	<i>Lamna nasus</i>	Porbeagle shark	No animals to be taken
10	<i>Manta alfredi</i>	Reef manta ray	No animals to be taken
11	<i>Manta birostris</i>	Giant manta ray	No animals to be taken
12	<i>Mobula eregoodootenkee</i>	Pygmy devilray	No animals to be taken
13	<i>Mobula japanica</i>	Japanese devilray	No animals to be taken
14	<i>Mobula thurstoni</i>	Bentfin devilray	No animals to be taken
15	<i>Rhincodon typus</i>	Whale shark	No animals to be taken
16	Any species in family Acanthuridae	Surgeonfishes	20 animals of that species, no more than 5 from a single research location
17	Any species in family Antennariidae, except a species described in item 18	Anglerfishes and frogfishes, except a species described in item 18	50 animals of that species, no more than 10 from a single research location
18	<i>Halophryne queenslandiae</i>	Sculptured frogfish	No animals to be taken
19	Any species in family Atherinidae	Hardyheads	500 animals of that species, no more than 100 from a single research location
20	Any species in family Aulostomidae	Trumpetfishes	50 animals of that species, no more than 10 from a single research location
21	Any species in family Balistidae	Triggerfishes	50 animals of that species, no more than 10 from a single research location
22	Any species in family Blenniidae	Blennies	500 animals of that species, no more than 100 from a single research location
23	Any species in family Clupeidae	Herrings	500 animals of that species, no more than 100 from a single research location
24	Any species in family Congridae	Conger eels	50 animals of that species, no more than 10 from a single

Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
			research location
25	Any species in family Engraulidae	Anchovies	500 animals of that species, no more than 100 from a single research location
26	Any species in family Ephippidae	Batfishes	20 animals of that species, no more than 5 from a single research location
27	Any species in family Fistulariidae	Flutemouths	50 animals of that species, no more than 10 from a single research location
28	<i>Glaucosoma scapulare</i> (in family Glaucosomatidae)	Pearl perch	20 animals, no more than 5 from a single research location
29	Any species in family Gobiidae	Gobies	500 animals of that species, no more than 100 from a single research location
30	Family Istiophoridae	Marlins	No animals to be taken
31	Any species in family Kyphosidae	Drummers	20 animals of that species, no more than 5 from a single research location
32	Any species in genus <i>Bodianus</i> (in family Labridae)	Pigfishes	50 animals of that species, no more than 10 from a single research location
33	<i>Cheilinus fasciatus</i> (in family Labridae)	Redbreasted Maori wrasse	50 animals, no more than 10 from a single research location
34	<i>Cheilinus trilobatus</i> (in family Labridae)	Tripletail Maori wrasse	50 animals, no more than 10 from a single research location
35	<i>Cheilinus undulatus</i> (in family Labridae)	Humphead Maori wrasse	No animals to be taken
36	<i>Choerodon anchorago</i> (in family Labridae)	Anchor tuskfish	50 animals, no more than 10 from a single research location
37	<i>Choerodon cephalotes</i> (in family Labridae)	Purple (grass) tuskfish	50 animals, no more than 10 from a single research location
38	<i>Choerodon cyanodus</i> (in family Labridae)	Blue tuskfish	50 animals, no more than 10 from a single research location
39	<i>Choerodon schoenleinii</i> (in family Labridae)	Blackspot tuskfish	50 animals, no more than 10 from a single research location
40	<i>Choerodon venustus</i> (in family Labridae)	Venus tuskfish	50 animals, no more than 10 from a single research location
41	<i>Coris aygula</i> (in family Labridae)	Redblotched wrasse (clown coris)	No animals to be taken
42	<i>Gnathodentex aureolineatus</i> (in family Lethrinidae)	Goldspot seabream	50 animals, no more than 10 from a single research location
43	Any species in genus <i>Gymnocranius</i> (in family Lethrinidae)	Seabreams	50 animals of that species, no more than 10 from a single research location
44	<i>Lethrinus atkinsoni</i> (in family Lethrinidae)	Yellow-tailed emperor	50 animals, no more than 10 from a single research location

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Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
45	<i>Lethrinus erythracanthus</i> (in family Lethrinidae)	Orangespotted emperor	50 animals, no more than 10 from a single research location
46	<i>Lethrinus genivittatus</i> (in family Lethrinidae)	Threadfin emperor	50 animals, no more than 10 from a single research location
47	<i>Lethrinus harak</i> (in family Lethrinidae)	Thumbprint emperor	50 animals, no more than 10 from a single research location
48	<i>Lethrinus lentjan</i> (in family Lethrinidae)	Redspot (pink-eared) emperor	50 animals, no more than 10 from a single research location
49	<i>Lethrinus miniatus</i> (in family Lethrinidae)	Redthroat emperor	50 animals, no more than 10 from a single research location
50	<i>Lethrinus nebulosus</i> (in family Lethrinidae)	Spangled emperor	50 animals, no more than 10 from a single research location
51	<i>Lethrinus obsoletus</i> (in family Lethrinidae)	Orangestriped emperor	50 animals, no more than 10 from a single research location
52	<i>Lethrinus olivaceus</i> (in family Lethrinidae)	Longnose emperor	50 animals, no more than 10 from a single research location
53	<i>Lethrinus ornatus</i> (in family Lethrinidae)	Ornate (yellow-striped) emperor	50 animals, no more than 10 from a single research location
54	<i>Lethrinus rubrioperculatus</i> (in family Lethrinidae)	Spotcheek emperor	50 animals, no more than 10 from a single research location
55	<i>Lethrinus variegatus</i> (in family Lethrinidae)	Variiegated emperor	50 animals, no more than 10 from a single research location
56	<i>Lethrinus xanthochilus</i> (in family Lethrinidae)	Yellowlip emperor	50 animals, no more than 10 from a single research location
57	<i>Monotaxis grandoculis</i> (in family Lethrinidae)	Bigeye seabream	50 animals, no more than 10 from a single research location
58	<i>Aphareus furca</i> (in family Lutjanidae)	Small-toothed jobfish	50 animals, no more than 10 from a single research location
59	<i>Aprion virescens</i> (in family Lutjanidae)	Green jobfish	50 animals, no more than 10 from a single research location
60	<i>Etelis carbunculus</i> (in family Lutjanidae)	Ruby snapper	50 animals, no more than 10 from a single research location
61	<i>Etelis coruscans</i> (in family Lutjanidae)	Flame snapper	50 animals, no more than 10 from a single research location
62	<i>Lutjanus adetii</i> (in family Lutjanidae)	Hussar (pink hussar)	50 animals, no more than 10 from a single research location
63	<i>Lutjanus bitaeniatus</i> (in family Lutjanidae)	Indonesian snapper	50 animals, no more than 10 from a single research location
64	<i>Lutjanus bohar</i> (in family Lutjanidae)	Red bass	50 animals, no more than 10 from a single research location
65	<i>Lutjanus boutton</i> (in family Lutjanidae)	Paleface snapper	50 animals, no more than 10 from a single research location
66	<i>Lutjanus carponotatus</i> (in family Lutjanidae)	Stripey snapper (Spanish flag)	50 animals, no more than 10 from a single research location
67	<i>Lutjanus erythropterus</i> (in family Lutjanidae)	Crimson snapper (small-mouth)	50 animals, no more than 10 from a single research location

Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
		nannygai)	
68	<i>Lutjanus fulviflamma</i> (in family Lutjanidae)	Blackspot snapper	50 animals, no more than 10 from a single research location
69	<i>Lutjanus fulvus</i> (in family Lutjanidae)	Blacktailed snapper	50 animals, no more than 10 from a single research location
70	<i>Lutjanus gibbus</i> (in family Lutjanidae)	Paddletail	50 animals, no more than 10 from a single research location
71	<i>Lutjanus johnii</i> (in family Lutjanidae)	Golden snapper (fingermark)	50 animals, no more than 10 from a single research location
72	<i>Lutjanus kasmira</i> (in family Lutjanidae)	Bluestriped snapper	50 animals, no more than 10 from a single research location
73	<i>Lutjanus lemniscatus</i> (in family Lutjanidae)	Darktail snapper	50 animals, no more than 10 from a single research location
74	<i>Lutjanus lutjanus</i> (in family Lutjanidae)	Bigeye snapper	50 animals, no more than 10 from a single research location
75	<i>Lutjanus malabaricus</i> (in family Lutjanidae)	Saddletail snapper (large-mouth nannygai)	50 animals, no more than 10 from a single research location
76	<i>Lutjanus monostigma</i> (in family Lutjanidae)	Onespot snapper	50 animals, no more than 10 from a single research location
77	<i>Lutjanus quinquelineatus</i> (in family Lutjanidae)	Fiveline snapper	50 animals, no more than 10 from a single research location
78	<i>Lutjanus rivulatus</i> (in family Lutjanidae)	Maori snapper	50 animals, no more than 10 from a single research location
79	<i>Lutjanus russelli</i> (in family Lutjanidae)	Moses snapper (Moses perch)	50 animals, no more than 10 from a single research location
80	<i>Lutjanus sebae</i> (in family Lutjanidae)	Red emperor	50 animals, no more than 10 from a single research location
81	<i>Lutjanus vitta</i> (in family Lutjanidae)	Brownstripe snapper (brown hussar)	50 animals, no more than 10 from a single research location
82	<i>Macolor macularis</i> (in family Lutjanidae)	Midnight snapper	50 animals, no more than 10 from a single research location
83	<i>Macolor niger</i> (in family Lutjanidae)	Black-and-white snapper	50 animals, no more than 10 from a single research location
84	<i>Pristipomoides filamentosus</i> (in family Lutjanidae)	Rosy snapper (jobfish)	50 animals, no more than 10 from a single research location
85	<i>Pristipomoides multidentis</i> (in family Lutjanidae)	Goldband snapper	50 animals, no more than 10 from a single research location
86	<i>Pristipomoides sieboldi</i> (in family Lutjanidae)	Lavender snapper (jobfish)	50 animals, no more than 10 from a single research location
87	<i>Pristipomoides typus</i> (in family Lutjanidae)	Sharptooth snapper	50 animals, no more than 10 from a single research location
88	<i>Symphoricichthys spilurus</i> (in family Lutjanidae)	Sailfin snapper	50 animals, no more than 10 from a single research location
89	<i>Symphorus nematophorus</i> (in family Lutjanidae)	Chinamanfish	50 animals, no more than 10 from a single research location
90	Any species in family	Moray eels	50 animals of that species, no

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Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
	Muraenidae		more than 10 from a single research location
91	Any species in family Ophichthidae	Snake eels	50 animals of that species, no more than 10 from a single research location
92	Any species in family Ostraciidae	Boxfishes	50 animals of that species, no more than 10 from a single research location
93	<i>Platycephalus fuscus</i> (in family Platycephalidae)	Dusky flathead	50 animals, no more than 10 from a single research location
94	Any species in family Pomacanthidae	Angelfishes	20 animals of that species, no more than 5 from a single research location
95	Any species in family Pomacentridae, except a species described in items 96 or 97	Damselfishes, except a species described in item 96 or 97	500 animals of that species, no more than 100 from a single research location
96	Any species in genus <i>Amphiprion</i>	Anemonefishes	50 animals of that species, no more than 10 from a single research location
97	<i>Premnas biaculeatus</i>	Spinecheek clownfish	50 animals, no more than 10 from a single research location
98	<i>Ogilbyina novaehollandiae</i> (in family Pseudochromidae)	Multicolour dottyback	No animals to be taken
99	Any species in family Scaridae, except a species described in any of items 100 to 103	Any species of parrotfish, except a species described in any of items 100 to 103	20 animals of that species, no more than 5 from a single research location
100	<i>Bolbometopon muricatum</i>	Bumphead parrotfish	No animals to be taken
101	<i>Cetoscarus ocellatus</i>	Bicolour parrotfish	No animals to be taken
102	<i>Chlorurus microrhinos</i>	Steephead parrotfish	No animals to be taken
103	<i>Scarus rubroviolaceus</i>	Blackvein (ember) parrotfish	No animals to be taken
104	<i>Atractoscion aequidens</i> (in family Sciaenidae)	Teraglin	50 animals, no more than 10 from a single research location
105	<i>Protonibea diacanthus</i> (in family Sciaenidae)	Black jewfish	50 animals, no more than 10 from a single research location
106	<i>Scomberomorus munroi</i> (in family Scombridae)	Spotted mackerel	50 animals, no more than 10 from a single research location
107	Any species in family Serranidae, except a species described in any of items 108 to 134	Serranids, except a species described in any of items 108 to 134	50 animals of that species, no more than 10 from a single research location
108	<i>Aethaloperca rogaa</i>	Redmouth rockcod	20 animals, no more than 5 from a single research location
109	<i>Anyperodon leucogrammicus</i>	Whitelined rockcod	20 animals, no more than 5 from a single research location

Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
110	<i>Cephalopholis sonnerati</i>	Tomato rockcod	20 animals, no more than 5 from a single research location
111	<i>Chromileptes altivelis</i>	Barramundi cod	No animals to be taken
112	Any species in genus <i>Epinephelus</i> longer than 1,000 millimetres	Rockcods and groupers longer than 1,000 millimetres	No animals to be taken
113	<i>Epinephelus coeruleopunctatus</i> no longer than 1,000 millimetres	Whitespotted grouper no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
114	<i>Epinephelus coioides</i> no longer than 1,000 millimetres	Goldspotted rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
115	<i>Epinephelus cyanopodus</i> no longer than 1,000 millimetres	Purple rockcod (blue Maori) no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
116	<i>Epinephelus ergastularius</i> no longer than 1,000 millimetres	Banded (bar) rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
117	<i>Epinephelus fuscoguttatus</i> longer than 700 millimetres	Flowery rockcod longer than 700 millimetres	No animals to be taken
118	<i>Epinephelus fuscoguttatus</i> no longer than 700 millimetres	Flowery rockcod no longer than 700 millimetres	20 animals, no more than 5 from a single research location
119	<i>Epinephelus lanceolatus</i>	Queensland groper	No animals to be taken
120	<i>Epinephelus maculatus</i> no longer than 1,000 millimetres	Highfin grouper no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
121	<i>Epinephelus magniscuttis</i> no longer than 1,000 millimetres	Speckled grouper no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
122	<i>Epinephelus malabaricus</i> no longer than 1,000 millimetres	Blackspotted rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
123	<i>Epinephelus polyphkadion</i> longer than 700 millimetres	Camouflage grouper longer than 700 millimetres	No animals to be taken
124	<i>Epinephelus polyphkadion</i> no longer than 700 millimetres	Camouflage grouper no longer than 700 millimetres	20 animals, no more than 5 from a single research location
125	<i>Epinephelus radiatus</i> no longer than 1,000 millimetres	Radiant (oblique-banded) grouper no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
126	<i>Epinephelus tauvina</i> no longer than 1,000 millimetres	Greasy rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
127	<i>Epinephelus tukula</i>	Potato rockcod	No animals to be taken

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Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
128	<i>Epinephelus undulatostratus</i> no longer than 1,000 millimetres	Maori rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
129	<i>Plectropomus areolatus</i>	Passionfruit (squaretail) coral trout	20 animals, no more than 5 from a single research location
130	<i>Plectropomus laevis</i> no longer than 800 millimetres	Bluespotted coral trout (Chinese footballer) no longer than 800 millimetres	20 animals, no more than 5 from a single research location
131	<i>Plectropomus laevis</i> longer than 800 millimetres	Bluespotted coral trout (Chinese footballer) longer than 800 millimetres	No animals to be taken
132	<i>Plectropomus oligacanthus</i>	Vermicular cod (highfin coral trout)	20 animals, no more than 5 from a single research location
133	<i>Variola albimarginata</i>	White-edge coronation (lyretail) trout	20 animals, no more than 5 from a single research location
134	<i>Variola louti</i>	Yellowedge coronation trout	20 animals, no more than 5 from a single research location
135	Any species in family Siganidae	Rabbitfishes	20 animals of that species, no more than 5 from a single research location
136	Any species in family Solenostomidae	Ghost pipefishes	No animals to be taken
137	<i>Chrysophrys auratus</i> (in family Sparidae)	Snapper	20 animals, no more than 5 from a single research location
138	<i>Sphyraena barracuda</i> (in family Sphyraenidae)	Great barracuda	50 animals, no more than 10 from a single research location
139	Any species in family Syngnathidae	Seahorses, seadragons, pipefishes	No animals to be taken
140	Any species in family Synodontidae	Lizardfishes	500 animals of that species, no more than 100 from a single research location
141	Any species in family Tripterygiidae	Triplefins	500 animals of that species, no more than 100 from a single research location
142	<i>Xiphias gladius</i> (in family Xiphiidae)	Swordfish	No animals to be taken
143	Any species in family Palinuridae	Spiny lobsters	No animals to be taken
144	<i>Ranina ranina</i> (in family Raninidae)	Spanner crab	50 animals, no more than 10 from a single research location
145	Any species in class Anthozoa or Hydrozoa	Corals (hard, soft and black), anemones, zoanthids, seafans, corallimorpharians, hydroids or fire corals	No animals to be taken

Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
146	Any species in phylum Echinodermata, except a species described in any of items 147 to 149	Echinoderms, except a species described in any of items 147 to 149	50 animals of that species, no more than 10 from a single research location
147	<i>Acanthaster planci</i>	Crown-of-thorns starfish	500 animals, no more than 100 from a single research location
148	<i>Holothuria fuscogilva</i>	White teatfish	No animals to be taken
149	<i>Holothuria whitmaei</i>	Black teatfish	No animals to be taken
150	Any species in phylum Mollusca, except a species described in any of items 151 to 162	Molluscs, except a species described in any of items 151 to 162	50 animals of that species, no more than 10 from a single research location
151	Any species in order Octopoda	Octopuses	20 animals of that species, no more than 5 from a single research location
152	Any species in family Argonautidae	Paper nautilus	20 animals of that species, no more than 5 from a single research location
153	Any species in family Nautilidae	Chambered nautilus	20 animals of that species, no more than 5 from a single research location
154	Any species in class Gastropoda, except a species described in any of items 155 to 159	Gastropods (such as snails and slugs), except a species described in any of items 155 to 159	200 animals of that species, no more than 50 from a single research location
155	Any species in family Muricidae, except a species in genus <i>Drupella</i>	Murex shells, except <i>Drupella</i>	No animals to be taken
156	Any species in genus <i>Drupella</i>	<i>Drupella</i>	200 animals of that species, no more than 50 from a single research location
157	<i>Cassis cornuta</i>	Giant helmet shell	No animals to be taken
158	<i>Charonia tritonis</i>	Trumpet triton	No animals to be taken
159	<i>Melo amphora</i>	Melon (baler) shell	No animals to be taken
160	Any species in subfamily Tridacninae (in family Cardiidae)	Giant clams	No animals to be taken
161	<i>Pinctada margaritifera</i> (in family Pteriinae)	Blacklip pearl oyster	No animals to be taken
162	<i>Pinctada maxima</i> (in family Pteriinae)	Silverlip (goldlip) pearl oyster	No animals to be taken

(4) Another condition on limited research sampling is that, for a research project in a calendar year:

- (a) a maximum of 200 animals of a particular species (or species and length) whose taking is not dealt with in subregulation (3) are taken; and

- (b) a maximum of 50 of those animals are taken from a single research location.

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

- (1) In the Zoning Plan:

limited impact research (non-extractive) means research that:

- (a) does not involve any of the following:
 - (i) an activity that would require permission if it were not part of a research activity;
 - (ii) physical disturbance of the heritage value of a place (including physical disturbance of an artefact that is part of that value);
 - (iii) taking of animals, plants or marine products, by means other than the use, for a visual survey, of non-fixed transect tapes, or non-fixed quadrats, that are attended at all times while in use; and
- (b) is a component of a research project conducted by a research institution accredited under regulation 7; and
- (c) if:
 - (i) the research is conducted in an area of the Scientific Research Zone; and
 - (ii) the Authority has approved an environmental management plan in writing for a research station associated with the area;is conducted in accordance with that plan.

Definition for this regulation

- (2) In this regulation:

take has the same meaning as it has in the Zoning Plan as in force from time to time.

12 Regulation 29 (table item 2, column headed “Common name”)

Omit “Helmet”, substitute “Giant helmet”.

13 Regulation 29 (table item 3, column headed “Common name”)

Omit “Giant triton shell”, substitute “Trumpet triton”.

14 Regulation 29 (table item 4, column headed “Common name”)

Omit “Seahorses, pipefish, seadragons”, substitute “Seahorses, seadragons, pipefishes and ghost pipefishes”.

15 Regulation 29 (table item 4A, column headed “Common name”)

Omit “Freshwater sawfish, green sawfish, dwarf sawfish, narrow sawfish”, substitute “Sawfishes”.

16 Regulation 29 (table items 5 and 6)

Repeal the items, substitute:

5	<i>Epinephelus lanceolatus</i>	Queensland groper
6	<i>Epinephelus tukula</i>	Potato rockcod

17 Regulation 29 (table item 8, column headed “Species”)

Omit “*Cromileptes*”, substitute “*Chromileptes*”.

18 Regulation 29 (table item 10, column headed “Common name”)

Omit “Greynurse”, substitute “Grey nurse”.

19 Regulation 29 (after table item 10)

Insert:

10A	<i>Carcharinus falciformis</i>	Silky shark
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20 Regulation 29 (after table item 11A)

Insert (before the heading “Marine reptiles”):

11B	<i>Isurus oxyrinchus</i>	Shortfin mako shark
11C	<i>Isurus paucus</i>	Longfin mako shark
11D	<i>Lamna nasus</i>	Porbeagle shark
11E	<i>Manta alfredi</i>	Reef manta ray
11F	<i>Manta birostris</i>	Giant manta ray
11G	<i>Mobula eregoodootenkee</i>	Pygmy devilray
11H	<i>Mobula japanica</i>	Japanese devilray
11J	<i>Mobula thurstoni</i>	Bentfin devilray

21 At the end of regulation 29

Add:

Note: The table may not list all protected species, as other species may be protected species because of paragraph (1)(b) or (c) or (1A)(b) (which cover certain species listed or prescribed under other Commonwealth and Queensland laws).

22 Regulation 88A (heading)

Repeal the heading, substitute:

Subdivision 2A.2.1—Making applications for permissions**88A How applications for permissions must be made****23 Subregulation 88A(3) (note)**

Repeal the note.

24 Subregulations 88A(4), (5) and (6)

Repeal the subregulations.

25 After regulation 88A

Insert:

Subdivision 2A.2.2—Deciding whether applications are properly made

88AA Authority must decide whether applications are properly made

Decision

- (1) After receiving an application for a permission, the Authority must decide whether it was made in accordance with regulation 88A.

Notice of decision

- (2) The Authority must give notice of its decision to the applicant. If the application was made under paragraph 88A(1)(a) the notice must be in writing.

Decision that application was not made in accordance with regulation 88A

- (3) If the Authority decides that the application was not made in accordance with regulation 88A, the Authority must not deal further with the application unless:
 - (a) the application is a continuation application; and
 - (b) the matters that caused the application not to be made in accordance with regulation 88A are rectified within 30 business days from the day stated in the notice of the decision.
- (4) Notice of a decision that the application was not made in accordance with regulation 88A must:
 - (a) state the day the notice is prepared; and
 - (b) state that the application was not made in accordance with regulation 88A; and
 - (c) indicate generally the matters that caused the application not to be made in accordance with regulation 88A; and
 - (d) state that:
 - (i) the Authority will not deal further with the application; or
 - (ii) if the application is a continuation application—the Authority will not deal further with the application unless those matters are rectified within 30 business days from the day stated in the notice under paragraph (a).

Definition of continuation application

- (5) In these Regulations:

continuation application means an application for a permission for which the following conditions are met:

- (a) the permission is of the same kind and relates to the same conduct as a permission (the **original permission**) the applicant holds or held;
- (b) either:
 - (i) the application was made before the original permission ceased to be in force; or
 - (ii) the application was made after the original permission ceased to be in force but the Authority decided under subregulation 88H(2) to treat the application for the permission as having been made before the expiry of the original permission.

Note: Subregulation 88H(2) relates to applications for special permissions.

Subdivision 2A.2.3—Withdrawal of applications

26 Regulations 88C and 88D

Repeal the regulations, substitute:

88C Withdrawals of EPBC referral deemed applications

- (1) If an event that relates to the *Environment Protection and Biodiversity Conservation Act 1999* (the **EPBC Act**) as described in column 1 of an item of the following table happens in relation to an EPBC referral deemed application, the application is taken to be withdrawn at the time described in column 2 of the item.

When application is taken to be withdrawn	
Column 1 Event causing application to be taken to be withdrawn	Column 2 Time application is taken to be withdrawn
1 The Minister administering the EPBC Act decides under subsection 74A(1) of that Act not to accept the referral	When that Minister makes the decision
2 The Minister administering the EPBC Act decides under section 74B of that Act that Division 1A of Part 7 of that Act should apply to the referral	When that Minister makes the decision
3 The Minister administering the EPBC Act decides under section 133 of that Act to refuse to approve the taking of the action	When that Minister makes the decision
4 A request is made under section 156A of the EPBC Act for the Minister administering that section to accept a varied proposal such that 37AB of the <i>Great Barrier Reef Marine Park Act 1975</i> would not apply in relation to the proposal if the request were accepted	When the request is made
5 Chapter 4 (except section 155) of the EPBC Act ceases to apply to the action because of a declaration made by the Minister administering that Act under section 155 of that Act	When the Chapter ceases to apply
6 The referral is withdrawn under section 170C of the EPBC Act	When the referral is withdrawn

Note: Subdivision 2A.3A.5 also treats an application as withdrawn if the Authority decides the application is to be assessed by public information package, public environment report or environmental impact statement and the applicant does not promptly follow the processes for that assessment.

Reinstating application withdrawn as described in table item 2 or 4 of subregulation (1)

- (2) Despite subregulation (1), if the application is taken to be withdrawn and the circumstances described in column 1 of an item of the following table later exist in relation to the referral, the application is taken to be reinstated at the time described in column 2 of the item.

When application is taken to be reinstated	
Column 1	Column 2
Circumstances of reinstatement of application	Time application is taken to be reinstated
1 The application is taken to be withdrawn because the Minister administering the EPBC Act decides under section 74B of that Act that Division 1A of Part 7 of that Act should apply to the referral, and that Minister later decides under paragraph 74D(4)(b) of that Act that the referral is to be dealt with under provisions of Chapter 4 of that Act	When that Minister makes the later decision
2 The application is taken to be withdrawn because a request is made under section 156A of the EPBC Act, and the Minister administering that Act later decides not to accept the varied proposal	When that Minister makes the later decision

- (3) However, the application is not taken to be reinstated at a time if that time is after the time one of the following events occurred or would have occurred apart from the application being taken under subregulation (1) to be withdrawn:
- (a) the application is taken to be withdrawn under regulation 88PP or 88PQ;
 - (b) the application lapsed under regulation 132.

27 Before regulation 88E

Insert:

Subdivision 2A.2.4—Additional information

28 Subregulation 88E(1)

Omit “For the purpose of assessing an application,”, substitute “For the purposes of making one or more decisions under this Part relating to an application for a permission,”.

29 Paragraph 88E(2)(b)

Omit “the *Integrated Planning Act 1997* of Queensland”, substitute “Queensland planning legislation”.

30 At the end of regulation 88E

Add:

- (4) The Authority must not make a request under subregulation (1) after deciding under Subdivision 2A.3A.1 that the approach of routine assessment must be used for assessment of the impacts of the proposed conduct (unless the Authority has revoked that decision).

31 After Division 2A.3 of Part 2A

Insert:

Division 2A.3A—Assessment of impacts of proposed conduct

Subdivision 2A.3A.1—Deciding on approach for assessment

88PA Application of this Subdivision

This Subdivision applies if the Authority has received an application for a permission and either:

- (a) the Authority has decided under regulation 88AA that the application was made in accordance with regulation 88A; or
- (b) all of the following apply:
 - (i) the application is a continuation application;
 - (ii) the Authority decided under regulation 88AA that the application was not made in accordance with regulation 88A;
 - (iii) the matters indicated in the notice of the decision were rectified within 30 business days from the day stated in the notice.

88PB Authority must decide on approach for assessment

- (1) Before considering whether to grant or refuse the permission, the Authority must decide which one of the following approaches must be used for assessment of the impacts of the proposed conduct:
 - (a) routine assessment;
 - (b) tailored assessment;
 - (c) assessment by public information package under Subdivision 2A.3A.2;
 - (d) assessment by public environment report under Subdivision 2A.3A.3;
 - (e) assessment by environmental impact statement under Subdivision 2A.3A.4.

Note 1: Regulation 88PC sets out considerations for making the decision.

Note 2: If the Authority decides that routine assessment must be used, the Authority cannot request additional information before deciding whether to grant or refuse the permission (see regulation 88E).

Note 3: If the Authority decides that tailored assessment must be used, the Authority may request additional information under regulation 88E.

- (2) The Authority may revoke a decision (the *old decision*) previously made under this regulation that a particular approach must be used and substitute a new decision that a different approach must be used, if:
 - (a) after the old decision was made, extra information becomes available to the Authority; and
 - (b) the Authority is satisfied that the extra information (in conjunction with information the Authority had before the old decision) justifies the new decision.

Note: Regulation 88PC sets out considerations for making the new decision.

88PC Considerations in deciding on approach for assessment

In deciding which approach must be used for assessment of the impacts of the proposed conduct, the Authority must consider:

- (a) information the Authority has about the relevant impacts of the proposed conduct (including information about the scale and complexity of those impacts); and

- (b) whether provisions of these Regulations:
 - (i) require consideration of matters other than those set out in regulation 88Q in deciding whether to grant the permission; or
 - (ii) may limit the circumstances in which the permission may be granted; and
- (c) any relevant policies published by the Authority under subsection 7(4) of the Act; and
- (d) if the application is an EPBC referral deemed application involving an action—any decision made under subsection 87(1) of the *Environment Protection and Biodiversity Conservation Act 1999* in relation to the action.

- Note: The Authority may have the information described in paragraph (a):
- (a) because it was included in the application or in a document accompanying the application; or
 - (b) if paragraph (d) applies, because the information was provided to the Authority by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* or by the Department administered by that Minister; or
 - (c) for another reason.

Subdivision 2A.3A.2—Assessment by public information package

88PD Application of this Subdivision

This Subdivision applies if the Authority has decided in relation to an application for a permission that assessment by public information package must be used for assessment of the impacts of the proposed conduct (and has not revoked the decision).

88PE Publication of information and advertisement

Terms of reference for public information package

- (1) The Authority must give the applicant written terms of reference (the *PIP terms*) for:
 - (a) publishing within a specified period:
 - (i) specified information relating to the application (which may include information relating to the relevant impacts of the proposed conduct); and
 - (ii) an advertisement inviting interested persons to make written comments to the Authority about the application within a period for comment of not less than 20 business days specified in the PIP terms, and setting out an address to which any such comments must be sent; and
 - (b) other steps (if any) to be taken by the applicant to seek comments about the application.
- (2) The PIP terms must require the advertisement to be published in a newspaper circulating in an area of Queensland adjacent to the part of the Marine Park in which the proposed conduct is to occur. The PIP terms may also require publication of the advertisement in other ways.

Publication of applicant's advertisement by Authority

- (3) The applicant must give the Authority a copy of the advertisement before the applicant publishes it.

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- (4) The Authority must publish the advertisement on its website.

88PF Dealing with response to publication of information and advertisement

- (1) The PIP terms may also provide for dealing with:
- (a) any comments received in response to any of the actions described in paragraphs 88PE(1)(a) and (b) and subregulation 88PE(4); or
 - (b) the fact that no such comments are received.
- (2) If the PIP terms do not make such provision in relation to such comments, the applicant must:
- (a) deal with any such comments by addressing them in a document given to the Authority; or
 - (b) deal with the fact that no such comments are received by stating in a document given to the Authority that there were no such comments.

88PG Applicant to act in accordance with PIP terms

The applicant must act in accordance with the PIP terms.

Note: If the applicant does not publish the advertisement within the period specified in the PIP terms, the application is taken to be withdrawn at the end of that period (see regulation 88PP). If the applicant delays acting in accordance with the PIP terms in some other way, the Authority may declare that the application is taken to be withdrawn (see regulation 88PQ).

Subdivision 2A.3A.3—Assessment by public environment report

88PH Application of this Subdivision

This Subdivision applies if the Authority has decided in relation to an application for a permission that assessment by public environment report must be used for assessment of the impacts of the proposed conduct (and has not revoked the decision).

88PI Terms of reference for public environment report

- (1) The Authority must give the applicant written terms of reference (the **PER terms**) for:
- (a) preparing a draft public environment report about the relevant impacts of the proposed conduct; and
 - (b) obtaining the Authority's approval to publish the draft report; and
 - (c) publishing within a specified period after obtaining that approval:
 - (i) the draft report; and
 - (ii) an advertisement (the **PER advertisement**) inviting interested persons to make written comments to the Authority about the draft report or the proposed conduct within a period for comment of not less than 20 business days specified in the PER terms, and setting out an address to which any such comments must be sent; and
 - (d) other steps (if any) to be taken by the applicant to seek comments about the draft report or the proposed conduct; and
 - (e) dealing with any comments received in response to the actions described in any of paragraphs (c) and (d) and regulation 88PJ (publication of PER

advertisement by Authority) or with the fact that no such comments are received; and

- (f) finalising the draft public environment report, taking account of any such comments, and including in the finalised report a summary of any such comments and the way in which they are addressed in the report; and
- (g) publishing the finalised report.

Note: This regulation and regulation 88PJ do not apply if:

- (a) the application is an EPBC referral deemed application; and
- (b) under regulation 88PK, the Authority notifies the applicant that PER guidelines given to the applicant under section 96A of the *Environment Protection and Biodiversity Conservation Act 1999* also apply for the purposes of assessing the relevant impacts of the proposed conduct.

PER terms about draft report

- (2) The PER terms must set out requirements for the content and presentation of the draft report.
- (3) In preparing the PER terms the Authority must seek to ensure that the draft report will contain enough information about the proposed conduct and its relevant impacts to allow:
 - (a) a reader of the draft report to understand the nature of the proposed conduct and to make informed comments on the relevant impacts of the proposed conduct; and
 - (b) the Authority to make an informed decision whether or not to grant the permission.

PER terms about publication of PER advertisement

- (4) The PER terms must require the PER advertisement to be published in a newspaper circulating in an area of Queensland adjacent to the part of the Marine Park in which the proposed conduct is to occur. The PER terms may also require publication of the PER advertisement in other ways.

Applicant to act in accordance with PER terms

- (5) The applicant must act in accordance with the PER terms.

Note: If the applicant does not publish the PER advertisement within the period specified in the PER terms, the application is taken to be withdrawn at the end of that period (see regulation 88PP). If the applicant delays acting in accordance with the PER terms in some other way, the Authority may declare that the application is taken to be withdrawn (see regulation 88PQ).

88PJ Publication of PER advertisement by Authority

- (1) The applicant must give the Authority a copy of the PER advertisement before the applicant publishes it.
- (2) The Authority must publish the PER advertisement on its website.

Note: This regulation does not apply if:

- (a) the application is an EPBC referral deemed application; and
- (b) under regulation 88PK, the Authority notifies the applicant that PER guidelines given to the applicant under section 96A of the *Environment Protection and Biodiversity Conservation Act 1999* also apply for the purposes of assessing the relevant impacts of the proposed conduct.

88PK Alternative procedure for EPBC referral deemed application

- (1) This regulation applies if:
 - (a) the application is an EPBC referral deemed application; and
 - (b) PER guidelines have been given to the applicant under section 96A of the *Environment Protection and Biodiversity Conservation Act 1999*.
- (2) The Authority may give the applicant written notice that the PER guidelines also apply for the purposes of assessing the relevant impacts of the proposed conduct.
- (3) If the Authority gives the applicant such a notice:
 - (a) regulations 88PI and 88PJ do not apply; and
 - (b) the applicant must act in accordance with the PER guidelines.

Note: If the applicant delays acting in accordance with the PER guidelines, the Authority may declare that the application is taken to be withdrawn (see regulation 88PQ).

Subdivision 2A.3A.4—Assessment by environmental impact statement**88PL Application of this Subdivision**

This Subdivision applies if the Authority has decided in relation to an application for a permission that assessment by environmental impact statement must be used for assessment of the impacts of the proposed conduct (and has not revoked the decision).

88PM Terms of reference for environmental impact statement

- (1) The Authority must give the applicant written terms of reference (the *EIS terms*) for:
 - (a) preparing a draft environmental impact statement about the relevant impacts of the proposed conduct; and
 - (b) obtaining the Authority's approval to publish the draft statement; and
 - (c) publishing within a specified period after obtaining that approval:
 - (i) the draft statement; and
 - (ii) an advertisement (the *EIS advertisement*) inviting interested persons to make written comments to the Authority about the draft statement or the proposed conduct within a period for comment of not less than 20 business days specified in the EIS terms, and setting out an address to which any such comments must be sent; and
 - (d) other steps (if any) to be taken by the applicant to seek comments about the draft statement or the proposed conduct; and
 - (e) dealing with any comments received in response to the actions described in any of paragraphs (c) and (d) and regulation 88PN (publication of EIS advertisement by Authority) or with the fact that no such comments are received; and
 - (f) finalising the draft environmental impact statement, taking account of any such comments, and including in the finalised statement a summary of any such comments and the way in which they are addressed in the statement; and
 - (g) publishing the finalised statement.

Note: This regulation and regulation 88PN do not apply if:

- (a) the application is an EPBC referral deemed application; and

- (b) under regulation 88PO, the Authority notifies the applicant that EIS guidelines given to the applicant under section 101A of the *Environment Protection and Biodiversity Conservation Act 1999* also apply for the purposes of assessing the relevant impacts of the proposed conduct.

EIS terms about draft statement

- (2) The EIS terms must set out requirements for the content and presentation of the draft statement.
- (3) In preparing the EIS terms the Authority must seek to ensure that the draft statement will contain enough information about the proposed conduct and its relevant impacts to allow:
 - (a) a reader of the draft statement to understand the nature of the proposed conduct and to make informed comments on the relevant impacts of the proposed conduct; and
 - (b) the Authority to make an informed decision whether or not to grant the permission.

EIS terms about publication of EIS advertisement

- (4) The EIS terms must require the EIS advertisement to be published in a newspaper circulating in an area of Queensland adjacent to the part of the Marine Park in which the proposed conduct is to occur. The EIS terms may also require publication of the EIS advertisement in other ways.

Applicant to act in accordance with EIS terms

- (5) The applicant must act in accordance with the EIS terms.

Note: If the applicant does not publish the EIS advertisement within the period specified in the EIS terms, the application is taken to be withdrawn at the end of that period (see regulation 88PP). If the applicant delays acting in accordance with the EIS terms in some other way, the Authority may declare that the application is taken to be withdrawn (see regulation 88PQ).

88PN Publication of EIS advertisement by Authority

- (1) The applicant must give the Authority a copy of the EIS advertisement before the applicant publishes it.

Note: This regulation does not apply if:

- (a) the application is an EPBC referral deemed application; and
- (b) under regulation 88PO, the Authority notifies the applicant that EIS guidelines given to the applicant under section 101A of the *Environment Protection and Biodiversity Conservation Act 1999* also apply for the purposes of assessing the relevant impacts of the proposed conduct.

- (2) The Authority must publish the EIS advertisement on its website.

88PO Alternative procedure for EPBC referral deemed application

- (1) This regulation applies if:
 - (a) the application is an EPBC referral deemed application; and
 - (b) EIS guidelines have been given to the applicant under section 101A of the *Environment Protection and Biodiversity Conservation Act 1999*.
- (2) The Authority may give the applicant written notice that the EIS guidelines also apply for the purposes of assessing the relevant impacts of the proposed conduct.

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- (3) If the Authority gives the applicant such a notice:
- (a) regulations 88PM and 88PN do not apply; and
 - (b) the applicant must act in accordance with the EIS guidelines.

Note: If the applicant delays acting in accordance with the EIS guidelines, the Authority may declare that the application is taken to be withdrawn (see regulation 88PQ).

Subdivision 2A.3A.5—Application treated as withdrawn for delay in following assessment processes

88PP Withdrawal of applications for failure to advertise for public comment

If the applicant is required under this Division to publish an advertisement inviting comment, and does not do so within the time required, the application is taken to be withdrawn at the end of that time.

88PQ Authority may require action on assessment process and declare application withdrawn for failure to comply

Scope

- (1) This regulation applies if:
 - (a) the Authority has decided in relation to an application for a permission that one of the following approaches must be used for assessment of the impacts of the proposed conduct (and has not revoked the decision):
 - (i) assessment by public information package under Subdivision 2A.3A.2;
 - (ii) assessment by public environment report under Subdivision 2A.3A.3;
 - (iii) assessment by environmental impact statement under Subdivision 2A.3A.4; and
 - (b) the applicant does not comply with the relevant Subdivision within a period that the Authority believes is reasonable, having regard to:
 - (i) the nature and relevant impacts of the proposed conduct; and
 - (ii) any comments about the application or the proposed conduct that have been received in response to any action taken under Subdivision 2A.3A.2, 2A.3A.3 or 2A.3A.4.

Invitation to satisfy Authority that assessment should continue

- (2) The Authority may give the applicant a written notice inviting the applicant to satisfy the Authority within a specified reasonable period that assessment of the application should continue.

Application taken to be withdrawn if Authority not satisfied

- (3) If, by the end of the specified period, the applicant fails to satisfy the Authority that assessment of the application should continue, the Authority may declare in writing that the application is taken to be withdrawn on a day specified in the declaration (which must not be earlier than the day the declaration is made).
- (4) The declaration has effect for the purposes of this Part according to its terms.
- (5) The Authority must give a copy of the declaration to the applicant.

32 Regulations 88Q and 88R

Repeal the regulations, substitute:

88Q Mandatory considerations in deciding whether to grant permission

The Authority must consider the following in deciding whether to grant a permission on an application, and whether or not to impose any conditions on the permission:

- (a) if the proposed conduct will take place in a zone—the objectives (if any) of the zoning plan for the zone;
- (b) if the proposed conduct will take place in a specific area of the Marine Park to which a legislative instrument under the Act (whether these Regulations or another instrument), or a provision of such a legislative instrument, applies—that instrument or provision;

Note: Some examples of legislative instruments under the Act other than these Regulations are a zoning plan and a plan of management. Some examples of provisions are special management provisions of these Regulations for SMAs (such as regulations 47 and 88V) and regulation 117JB (about protection of whales in whale protection areas).

- (c) whether the applicant for the permission is a suitable person to hold a permission for the proposed conduct, having regard to:
 - (i) the applicant's capacity to engage in and manage the proposed conduct to the satisfaction of the Authority; and
 - (ii) the applicant's history in relation to environmental matters; and
 - (iii) if the applicant is a body corporate—the history of its executive officers in relation to environmental matters; and
 - (iv) if the applicant is a subsidiary of a holding company—the history of the holding company and its executive officers in relation to environmental matters; and
 - (v) whether the applicant owes any fee or other amount payable under the Act or these Regulations; and
 - (vi) any other relevant matter;
- (d) 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;
- (e) whether there are feasible and prudent alternatives to the proposed conduct;
- (f) any written comments received under Division 2A.3A in connection with the application;
- (g) the relevant impacts of the proposed conduct;
- (h) options for avoiding, mitigating and offsetting those relevant impacts;
- (i) options for monitoring and managing those relevant impacts;
- (j) a law of the Commonwealth or of Queensland as in force from time to time, or a relevant plan (as in force from time to time) made under such a law, that:
 - (i) relates to the management of the environment or to an area in the Marine Park; and
 - (ii) is relevant to the proposed conduct;except so far as that law or plan is covered by paragraph (b);
- (k) 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;
- (l) if the proposed conduct also requires an approval or a permission (however described) 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;
- (m) any recovery plan, wildlife conservation plan, threat abatement plan or approved conservation advice, that is relevant to the proposed conduct;
- (n) any international agreement to which Australia is a party, or any agreement between the Commonwealth and a State or Territory, that is relevant to the proposed conduct;
- (o) any policies that are relevant to the proposed conduct and the management of the Marine Park or of its environment, biodiversity or heritage values and are:
 - (i) published by the Authority under paragraph 7(4)(a) of the Act; or
 - (ii) adopted by the Department administered by the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*;
- (p) any other matters relevant to the proposed conduct and either:
 - (i) achievement of the objects of the Act; or
 - (ii) orderly and proper management of the Marine Park.

Note 1: Some other provisions of these Regulations (such as subregulations 88S(2), 88T(2) and 88V(6)) require consideration of additional matters for applications for particular permissions.

Note 2: This regulation does not apply in relation to an application for a permission to camp on a Commonwealth island (see regulation 88W).

33 Subregulations 88S(3), 88T(2), 88U(4), 88V(6) and 88W(2)

Omit “or may consider under regulation 88R”.

34 Regulation 88X

After “If”, insert “a person”.

35 Paragraph 88X(a)

Omit “a person”.

36 At the end of paragraph 88X(b)

Add “and, if relevant, with Subdivision 2A.3A.2, 2A.3A.3 or 2A.3A.4 (about acting in accordance with terms of reference or guidelines for assessment of the impacts of the proposed conduct)”.

37 Subregulation 88Z(1)

Repeal the subregulation.

38 Subregulation 88Z(2)

Omit “the deemed application”, substitute “an EPBC referral deemed application involving an action”.

39 Subregulations 88Z(3) and (4)

Omit “deemed application”, substitute “EPBC referral deemed application”.

40 Paragraph 88ZC(1)(c)

Omit “regulation 88B or 88C”, substitute “Division 2A.2 or Subdivision 2A.3A.5”.

41 Paragraph 88ZC(1)(d)

Repeal the paragraph, substitute:

- (d) the application is withdrawn under Division 2A.2 or Subdivision 2A.3A.5;

42 Paragraph 88ZE(2)(b)

Omit “preventing, minimising or mitigating the potential environmental impacts”, substitute “avoiding, mitigating or offsetting the relevant impacts”.

43 Regulation 88ZH

Repeal the regulation, substitute:

88ZH Mandatory considerations in deciding whether to approve transfer of permission

The Authority must consider the following in deciding whether to approve the transfer of a permission:

- (a) whether the proposed transferee is a suitable person to hold the permission, having regard to:
 - (i) the proposed transferee’s capacity to engage in and manage, to the Authority’s satisfaction, the conduct permitted by the permission; and
 - (ii) the proposed transferee’s history in relation to environmental matters; and
 - (iii) if the proposed transferee is a body corporate—the history of its executive officers in relation to environmental matters; and
 - (iv) if the proposed transferee is a subsidiary of a holding company—the history of the holding company and its executive officers in relation to environmental matters; and
 - (v) whether the proposed transferee owes any fee or other amount payable under the Act or these Regulations; and
 - (vi) any other relevant matter;
- (b) whether the transferor owes any fee or other amount payable under the Act or these Regulations; and
- (c) any other matters relevant to the proposed transfer and either:
 - (i) achievement of the objects of the Act; or
 - (ii) orderly and proper management of the Marine Park.

44 Regulation 88ZO (heading)

Repeal the heading, substitute:

88ZO Modification, suspension or revocation relating to change in beneficial ownership**45 Subregulation 88ZO(1)**

Repeal the subregulation, substitute:

- (1) If the Authority receives a notice under regulation 88ZM, it may modify the conditions of, or suspend or revoke, the permission held by the changed company on the ground that the changed company is not a suitable person to hold the permission (subject to the conditions to which it was subject before the change in beneficial ownership of the company), having regard to:
 - (a) the changed company's capacity to engage in and manage, to the Authority's satisfaction, the conduct permitted by the permission; and
 - (b) the company's history in relation to environmental matters; and
 - (c) the history of the changed company's executive officers in relation to environmental matters; and
 - (d) if the changed company is a subsidiary of a holding company—the history of the holding company and its executive officers in relation to environmental matters; and
 - (e) whether the changed company, or an executive officer of the changed company, owes any fee or other amount payable under the Act or these Regulations; and
 - (f) any other relevant matter.

46 Subregulation 88ZQ(1)

After “notice”, insert “given”.

47 Paragraph 88ZQ(1)(b)

Omit “unacceptable impacts have occurred, are occurring or are likely to occur, to the Marine Park or to users of the Marine Park which”, substitute “unacceptable relevant impacts have occurred, are occurring or are likely to occur that”.

48 Paragraph 88ZQ(3)(a)

Omit “notifies”, substitute “gives notice to”.

49 Subregulation 88ZQ(4)

Omit “notifying”, substitute “giving notice to”.

50 Regulation 88ZS

Repeal the regulation.

51 Subregulation 88ZT(1)

Omit “notice in writing”, substitute “written notice”.

52 Paragraph 88ZU(1)(g)

Omit “begin to engage in the conduct that is permitted by the permission in the Marine Park”, substitute “engage in the conduct in the Marine Park that is permitted by the permission”.

53 Paragraph 88ZU(2)(a)

Omit “the holder notice of the revocation”, substitute “notice to the holder”.

54 Subregulation 88ZU(5)

Omit “notice in writing”, substitute “written notice”.

55 Subparagraph 88ZU(6)(a)(i)

Omit “notifies”, substitute “gives notice to”.

56 Subparagraphs 88ZU(6)(a)(i) and (b)(ii)

Omit “subregulation (3)”, substitute “subregulation (5)”.

57 Subregulation 114(1)

Repeal the subregulation, substitute:

- (1) The Authority may keep a register of the following (*registrable instruments*):
 - (a) permissions;
 - (b) accreditations;
 - (c) any of the following (however described) relating to the Marine Park:
 - (i) approvals;
 - (ii) authorisations;
 - (iii) authorities;
 - (iv) exemptions;
 - (v) licences.

58 Paragraphs 114(3)(a) and (c)

Omit “permission” (wherever occurring), substitute “registrable instrument”.

59 Paragraph 114(3)(f)

Repeal the paragraph, substitute:

- (f) registrable instruments;

60 Subregulation 114(4)

Repeal the subregulation, substitute:

- (4) Without limiting paragraph (1)(c), a registrable instrument is taken to relate to the Marine Park if it relates to:
 - (a) 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
 - (b) the use of a place outside the Marine Park for a purpose relating to the Marine Park.

61 Subregulation 126(1)

Omit “paragraph 88ZS(1)(d)”, substitute “a bareboat operation”.

62 Paragraph 126(1)(c)

Repeal the paragraph, substitute:

-
- (c) the conditions to which the permission is subject require the person to display the identification number on a vessel being operated under the permission.

63 Subregulation 127(3)

Repeal the subregulation.

64 Subregulation 128(1)

After “specified”, insert “for the activity”.

65 Paragraphs 128(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) if paragraph (b) does not apply in relation to the application—in column 3 of Table 128; or
- (b) if the application:
 - (i) was made by a person who, at the time of the application, held another permission that was in force to carry on the same activity in the same area; and
 - (ii) was for permission to carry on the activity after the other permission ceases to be in force;in column 4 of Table 128.

66 After subregulation 128(2)

Insert:

(2A) However, if:

- (a) either of the following specifies a fee for the activity:
 - (i) item 4 of Table 128 applying because of paragraph (a), (b) or (c) of the definition of **public environment report** in subregulation (3);
 - (ii) item 6 of Table 128 applying because of paragraph (a), (b) or (c) of the definition of **environmental impact statement** in subregulation (4); and
 - (b) an item of Table 128 applying because of a decision of the Authority under regulation 88PB relating to the activity specifies a lower fee for the activity;
- the fee payable is that lower fee.

67 Subregulation 128(3)

Omit “5”, substitute “7”.

68 Subregulation 128(3) (at the end of the definition of *public environment report*)

Add:

- ; (d) a public environment report in accordance with Subdivision 2A.3A.3 of these Regulations.

69 Subregulation 128(4) (at the end of the definition of *environmental impact statement*)

Add:

; (d) an environmental impact statement in accordance with Subdivision 2A.3A.4 of these Regulations.

70 Regulation 128 (table, heading to column headed “Fee—initial permission (\$)”)

Repeal the heading, substitute:

**Fee if
paragraph (1)(b)
does not apply
(\$)**

71 Regulation 128 (table, heading to column headed “Fee—continuation of permission (\$)”)

Repeal the heading, substitute:

**Fee if
paragraph (1)(b)
applies (\$)**

72 Regulation 128 (table item 3, column headed “Activity”)

Omit “that requires a public notice to be given”, substitute “whose impacts are to be assessed by public information package under Subdivision 2A.3A.2”.

73 Regulation 128 (table items 3A and 5)

Repeal the items.

74 Regulation 128 (cell at table item 7, column headed “Activity”)

Repeal the cell, substitute:

Activity that is the subject of an application described in paragraph (1)(b), if:

- (a) none of items 1, 2, 3, 4 and 6 applies to the activity; and
- (b) the activity described in subparagraph (1)(b)(i) was the subject of a public environment report or environmental impact statement

75 Subregulation 131(1)

After “receiving an application from a person for permission”, insert “and making a decision on the approach to be used for assessment of the impacts of the proposed conduct”.

76 Subparagraph 131(1)(c)(i)

Omit “5,”.

77 Paragraph 131(3)(b)

After “\$10 000”, insert “(or a lesser amount under subparagraph (6)(b)(ii))”.

78 At the end of regulation 131

Add:

Notice if decision on assessment approach is revoked and replaced

- (5) Subregulation (6) applies if:
- (a) after the Authority has given a person notice under subregulation (1) or (3) relating to an application for a permission based on a decision that a particular approach (the **old approach**) be used to assess the impacts of the proposed conduct, the Authority revokes the decision and decides that another approach (the **new approach**) must be used; and
 - (b) the fee (the **new fee**) payable under regulation 128 on the basis of the new approach exceeds the fee (the **old fee**) that was payable under that regulation on the basis of the old approach; and
 - (c) it is not the case that the old fee was set by item 4 of Table 128 and the new fee is set by item 6 of that table.

Note: If the old fee was set by item 4 of Table 128 and the new fee is set by item 6 of that table, subregulation (1) continues to apply.

- (6) The Authority must give the person a notice in writing (the **new notice**) stating the date on which the new notice is given and requiring the person to pay, within 21 days after that date:
- (a) if the new fee is set by item 1, 2, 3, 7 or 8 of Table 128—the excess of the new fee over the amount of the old fee that has already been paid; or
 - (b) if the new fee is set by item 4 or 6 of Table 128:
 - (i) \$10,000 in part payment of the new fee; or
 - (ii) if an amount of the old fee has already been paid—the excess of \$10,000 over that amount in part payment of the new fee.

Note: If paragraph (b) applies, subregulation (3) can apply later to allow the Authority to give notice requiring the person to pay the difference between the new fee and \$10,000.

79 Before subregulation 134(1)

Insert:

Applications or requests for which fees are generally payable

80 Subregulation 134(1) (table item 4)

Omit “paragraph 88ZS(1)(d)”, substitute “the purposes of a permission to conduct a bareboat operation”.

81 Before subregulation 134(2)

Insert:

Lapse of application or request if fee not paid within 10 business days

82 Paragraph 134(2)(c)

Omit “working days”, substitute “business days”.

83 Subregulation 134(3)

Omit “working days”, substitute “business days”.

84 After subregulation 134(3A)

Insert:

- (3B) Subregulations (2) and (3) do not apply if the Authority waives the fee under subregulation (6).

Indexation of fees

85 Subregulation 134(6)

Repeal the subregulation, substitute:

Waiver of fees for applications and requests involving minimal action

- (6) The Authority may waive a fee that would otherwise be payable under this regulation, or refund a fee paid under this regulation, for an application or request that involves minimal activity by the Authority to act on.
- (7) An application or request that has lapsed under subregulation (3) because the fee was not paid in time is reinstated if the Authority later waives the fee.

86 Paragraph 183(1)(a)

Repeal the paragraph, substitute:

- (a) a decision under Part 2A on an application (including an EPBC referral deemed application) for the grant of a permission, except:
- (i) a decision under regulation 88AA whether the application was made in accordance with regulation 88A; and
 - (ii) a decision as to which assessment approach must be used for assessment of the impacts of the proposed conduct;

87 Subparagraph 185(1)(a)(iv)

Repeal the subparagraph, substitute:

- (iv) an EPBC referral deemed application; or

88 After regulation 205

Insert:

205A Use of computer programs to make decisions etc.

- (1) The Authority may arrange for the use, under the control of the Authority, of computer programs for any purposes for which the Authority is required or permitted to make a decision (however described), or give a notice, under Part 2 or Part 7.

Note: Exercising the power to waive a fee under Part 7 is an example of making a decision.

- (2) The Authority is taken to have made a decision, or given a notice, that was made or given by the operation of a computer program under an arrangement made under subregulation (1).
- (3) If the Authority is satisfied that a decision made, or notice given, by the operation of a computer program under an arrangement under subsection (1) is incorrect, the Authority may substitute for it another decision or notice.

89 After Part 15

Insert:

Part 16—Application, saving and transitional provisions

207 Application of amendments made on 4 October 2017 by the *Great Barrier Reef Marine Park Amendment (Permission System) Regulations 2017*

Amendments of Part 2

- (1) Regulations 19 and 20, as in force on and after 4 October 2017, apply in relation to research that:
 - (a) occurs after 3 October 2018; or
 - (b) is a component of a research project conducted by a research institution that is accredited under regulation 7 and that the Authority is satisfied, on the basis of an agreement (however described) made with the institution on or after 4 October 2017:
 - (i) has adopted practices and standards described in subregulation 7(1); and
 - (ii) has a commitment described in that subregulation.

Amendments of Parts 2A and 7

- (2) The amendments of Parts 2A and 7 made by the *Great Barrier Reef Marine Park Amendment (Permission System) Regulations 2017* apply in relation to:
 - (a) applications received by the Authority on or after 4 October 2017 for permissions; and
 - (b) EPBC referral deemed applications taken under subsection 37AB(1) of the Act to have been made on or after 4 October 2017.

This subregulation has effect subject to subregulations (3), (4) and (6).

Note: Those Regulations commenced on 4 October 2017.

- (3) Regulation 88C, as affected by the *Great Barrier Reef Marine Park Amendment (Permission System) Regulations 2017*, applies to EPBC referral deemed applications taken under section 37AB of the Act to have been made before, on or after 4 October 2017.
- (4) The amendments of regulations 88ZQ, 88ZT and 88ZU by the *Great Barrier Reef Marine Park Amendment (Permission System) Regulations 2017* apply in relation to permissions granted before, on or after 4 October 2017.

Continuation of register kept under regulation 114

- (5) The register kept under regulation 114, as in force immediately before 4 October 2017, continues in force as if it were kept under that regulation as amended by the *Great Barrier Reef Marine Park Amendment (Permission System) Regulations 2017*.

Waiver of fees

- (6) Subregulations 134(3B), (6) and (7), as in force on and after 4 October 2017, apply to fees for applications and requests received by the Authority on or after that day.

Use of computer programs to make decisions etc.

- (7) Regulation 205A applies in relation to decisions and notices required or permitted to be made or given on or after 4 October 2017, whether the decision or notice relates to things done before, on or after that day.