

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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:

(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.

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 | *Carcharias taurus* | Grey nurse shark | No animals to be taken |
| 4 | *Carcharodon carcharias* | White shark | No animals to be taken |
| 5 | *Carcharhinus falciformis* | Silky shark | No animals to be taken |
| 6 | *Glyphis glyphis* | Speartooth shark | No animals to be taken |
| 7 | *Isurus oxyrinchus* | Shortfin mako shark | No animals to be taken |
| 8 | *Isurus paucus* | Longfin mako shark | No animals to be taken |
| 9 | *Lamna nasus* | Porbeagle shark | No animals to be taken |
| 10 | *Manta alfredi* | Reef manta ray | No animals to be taken |
| 11 | *Manta birostris* | Giant manta ray | No animals to be taken |
| 12 | *Mobula eregoodootenkee* | Pygmy devilray | No animals to be taken |
| 13 | *Mobula japanica* | Japanese devilray | No animals to be taken |
| 14 | *Mobula thurstoni* | Bentfin devilray | No animals to be taken |
| 15 | *Rhincodon typus* | 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 | *Halophryne queenslandiae* | 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 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 | *Glaucosoma scapulare* (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 *Bodianus* (in family Labridae) | Pigfishes | 50 animals of that species, no more than 10 from a single research location |
| 33 | *Cheilinus fasciatus* (in family Labridae) | Redbreasted Maori wrasse | 50 animals, no more than 10 from a single research location |
| 34 | *Cheilinus trilobatus* (in family Labridae) | Tripletail Maori wrasse | 50 animals, no more than 10 from a single research location |
| 35 | *Cheilinus undulatus* (in family Labridae) | Humphead Maori wrasse | No animals to be taken |
| 36 | *Choerodon anchorago* (in family Labridae) | Anchor tuskfish | 50 animals, no more than 10 from a single research location |
| 37 | *Choerodon cephalotes* (in family Labridae) | Purple (grass) tuskfish | 50 animals, no more than 10 from a single research location |
| 38 | *Choerodon cyanodus* (in family Labridae) | Blue tuskfish | 50 animals, no more than 10 from a single research location |
| 39 | *Choerodon schoenleinii* (in family Labridae) | Blackspot tuskfish | 50 animals, no more than 10 from a single research location |
| 40 | *Choerodon venustus* (in family Labridae) | Venus tuskfish | 50 animals, no more than 10 from a single research location |
| 41 | *Coris aygula* (in family Labridae) | Redblotched wrasse (clown coris) | No animals to be taken |
| 42 | *Gnathodentex aureolineatus* (in family Lethrinidae) | Goldspot seabream | 50 animals, no more than 10 from a single research location |
| 43 | Any species in genus *Gymnocranius* (in family Lethrinidae) | Seabreams | 50 animals of that species, no more than 10 from a single research location |
| 44 | *Lethrinus atkinsoni* (in family Lethrinidae) | Yellow‑tailed emperor | 50 animals, no more than 10 from a single research location |
| 45 | *Lethrinus erythracanthus* (in family Lethrinidae) | Orangespotted emperor | 50 animals, no more than 10 from a single research location |
| 46 | *Lethrinus genivittatus* (in family Lethrinidae) | Threadfin emperor | 50 animals, no more than 10 from a single research location |
| 47 | *Lethrinus harak* (in family Lethrinidae) | Thumbprint emperor | 50 animals, no more than 10 from a single research location |
| 48 | *Lethrinus lentjan* (in family Lethrinidae) | Redspot (pink‑eared) emperor | 50 animals, no more than 10 from a single research location |
| 49 | *Lethrinus miniatus* (in family Lethrinidae) | Redthroat emperor | 50 animals, no more than 10 from a single research location |
| 50 | *Lethrinus nebulosus* (in family Lethrinidae) | Spangled emperor | 50 animals, no more than 10 from a single research location |
| 51 | *Lethrinus obsoletus* (in family Lethrinidae) | Orangestriped emperor | 50 animals, no more than 10 from a single research location |
| 52 | *Lethrinus olivaceus* (in family Lethrinidae) | Longnose emperor | 50 animals, no more than 10 from a single research location |
| 53 | *Lethrinus ornatus* (in family Lethrinidae) | Ornate (yellow‑striped) emperor | 50 animals, no more than 10 from a single research location |
| 54 | *Lethrinus rubrioperculatus* (in family Lethrinidae) | Spotcheek emperor | 50 animals, no more than 10 from a single research location |
| 55 | *Lethrinus variegatus* (in family Lethrinidae) | Variegated emperor | 50 animals, no more than 10 from a single research location |
| 56 | *Lethrinus xanthochilus* (in family Lethrinidae) | Yellowlip emperor | 50 animals, no more than 10 from a single research location |
| 57 | *Monotaxis grandoculis* (in family Lethrinidae) | Bigeye seabream | 50 animals, no more than 10 from a single research location |
| 58 | *Aphareus furca* (in family Lutjanidae) | Small‑toothed jobfish | 50 animals, no more than 10 from a single research location |
| 59 | *Aprion virescens* (in family Lutjanidae) | Green jobfish | 50 animals, no more than 10 from a single research location |
| 60 | *Etelis carbunculus* (in family Lutjanidae) | Ruby snapper | 50 animals, no more than 10 from a single research location |
| 61 | *Etelis coruscans* (in family Lutjanidae) | Flame snapper | 50 animals, no more than 10 from a single research location |
| 62 | *Lutjanus adetii* (in family Lutjanidae) | Hussar (pink hussar) | 50 animals, no more than 10 from a single research location |
| 63 | *Lutjanus bitaeniatus* (in family Lutjanidae) | Indonesian snapper | 50 animals, no more than 10 from a single research location |
| 64 | *Lutjanus bohar* (in family Lutjanidae) | Red bass | 50 animals, no more than 10 from a single research location |
| 65 | *Lutjanus boutton* (in family Lutjanidae) | Paleface snapper | 50 animals, no more than 10 from a single research location |
| 66 | *Lutjanus carponotatus* (in family Lutjanidae) | Stripey snapper (Spanish flag) | 50 animals, no more than 10 from a single research location |
| 67 | *Lutjanus erythropterus* (in family Lutjanidae) | Crimson snapper (small‑mouth nannygai) | 50 animals, no more than 10 from a single research location |
| 68 | *Lutjanus fulviflamma* (in family Lutjanidae) | Blackspot snapper | 50 animals, no more than 10 from a single research location |
| 69 | *Lutjanus fulvus* (in family Lutjanidae) | Blacktailed snapper | 50 animals, no more than 10 from a single research location |
| 70 | *Lutjanus gibbus* (in family Lutjanidae) | Paddletail | 50 animals, no more than 10 from a single research location |
| 71 | *Lutjanus johnii* (in family Lutjanidae) | Golden snapper (fingermark) | 50 animals, no more than 10 from a single research location |
| 72 | *Lutjanus kasmira* (in family Lutjanidae) | Bluestriped snapper | 50 animals, no more than 10 from a single research location |
| 73 | *Lutjanus lemniscatus* (in family Lutjanidae) | Darktail snapper | 50 animals, no more than 10 from a single research location |
| 74 | *Lutjanus lutjanus* (in family Lutjanidae) | Bigeye snapper | 50 animals, no more than 10 from a single research location |
| 75 | *Lutjanus malabaricus* (in family Lutjanidae) | Saddletail snapper (large‑mouth nannygai) | 50 animals, no more than 10 from a single research location |
| 76 | *Lutjanus monostigma* (in family Lutjanidae) | Onespot snapper | 50 animals, no more than 10 from a single research location |
| 77 | *Lutjanus quinquelineatus* (in family Lutjanidae) | Fiveline snapper | 50 animals, no more than 10 from a single research location |
| 78 | *Lutjanus rivulatus* (in family Lutjanidae) | Maori snapper | 50 animals, no more than 10 from a single research location |
| 79 | *Lutjanus russelli* (in family Lutjanidae) | Moses snapper (Moses perch) | 50 animals, no more than 10 from a single research location |
| 80 | *Lutjanus sebae* (in family Lutjanidae) | Red emperor | 50 animals, no more than 10 from a single research location |
| 81 | *Lutjanus vitta* (in family Lutjanidae) | Brownstripe snapper (brown hussar) | 50 animals, no more than 10 from a single research location |
| 82 | *Macolor macularis* (in family Lutjanidae) | Midnight snapper | 50 animals, no more than 10 from a single research location |
| 83 | *Macolor niger* (in family Lutjanidae) | Black‑and‑white snapper | 50 animals, no more than 10 from a single research location |
| 84 | *Pristipomoides filamentosus* (in family Lutjanidae) | Rosy snapper (jobfish) | 50 animals, no more than 10 from a single research location |
| 85 | *Pristipomoides multidens* (in family Lutjanidae) | Goldband snapper | 50 animals, no more than 10 from a single research location |
| 86 | *Pristipomoides sieboldi* (in family Lutjanidae) | Lavender snapper (jobfish) | 50 animals, no more than 10 from a single research location |
| 87 | *Pristipomoides typus* (in family Lutjanidae) | Sharptooth snapper | 50 animals, no more than 10 from a single research location |
| 88 | *Symphorichthys spilurus* (in family Lutjanidae) | Sailfin snapper | 50 animals, no more than 10 from a single research location |
| 89 | *Symphorus nematophorus* (in family Lutjanidae) | Chinamanfish | 50 animals, no more than 10 from a single research location |
| 90 | Any species in family Muraenidae | Moray eels | 50 animals of that species, no 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 | *Platycephalus fuscus* (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 *Amphiprion* | Anemonefishes | 50 animals of that species, no more than 10 from a single research location |
| 97 | *Premnas biaculeatus* | Spinecheek clownfish | 50 animals, no more than 10 from a single research location |
| 98 | *Ogilbyina novaehollandiae* (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 | *Bolbometopon muricatum* | Bumphead parrotfish | No animals to be taken |
| 101 | *Cetoscarus ocellatus* | Bicolour parrotfish | No animals to be taken |
| 102 | *Chlorurus microrhinos* | Steephead parrotfish | No animals to be taken |
| 103 | *Scarus rubroviolaceus* | Blackvein (ember) parrotfish | No animals to be taken |
| 104 | *Atractoscion aequidens* (in family Sciaenidae) | Teraglin | 50 animals, no more than 10 from a single research location |
| 105 | *Protonibea diacanthus* (in family Sciaenidae) | Black jewfish | 50 animals, no more than 10 from a single research location |
| 106 | *Scomberomorus munroi* (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 | *Aethaloperca rogaa* | Redmouth rockcod | 20 animals, no more than 5 from a single research location |
| 109 | *Anyperodon leucogrammicus* | Whitelined rockcod | 20 animals, no more than 5 from a single research location |
| 110 | *Cephalopholis sonnerati* | Tomato rockcod | 20 animals, no more than 5 from a single research location |
| 111 | *Chromileptes altivelis* | Barramundi cod | No animals to be taken |
| 112 | Any species in genus *Epinephelus* longer than 1,000 millimetres | Rockcods and groupers longer than 1,000 millimetres | No animals to be taken |
| 113 | *Epinephelus coeruleopunctatus* 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 | *Epinephelus coioides* 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 | *Epinephelus cyanopodus* 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 | *Epinephelus ergastularius* 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 | *Epinephelus fuscoguttatus* longer than 700 millimetres | Flowery rockcod longer than 700 millimetres | No animals to be taken |
| 118 | *Epinephelus fuscoguttatus* no longer than 700 millimetres | Flowery rockcod no longer than 700 millimetres | 20 animals, no more than 5 from a single research location |
| 119 | *Epinephelus lanceolatus* | Queensland groper | No animals to be taken |
| 120 | *Epinephelus maculatus* 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 | *Epinephelus magniscuttis* 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 | *Epinephelus malabaricus* 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 | *Epinephelus polyphekadion* longer than 700 millimetres | Camouflage grouper longer than 700 millimetres | No animals to be taken |
| 124 | *Epinephelus polyphekadion* no longer than 700 millimetres | Camouflage grouper no longer than 700 millimetres | 20 animals, no more than 5 from a single research location |
| 125 | *Epinephelus radiatus* 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 | *Epinephelus tauvina* 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 | *Epinephelus tukula* | Potato rockcod | No animals to be taken |
| 128 | *Epinephelus undulatostriatus* 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 | *Plectropomus areolatus* | Passionfruit (squaretail) coral trout | 20 animals, no more than 5 from a single research location |
| 130 | *Plectropomus laevis* 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 | *Plectropomus laevis* longer than 800 millimetres | Bluespotted coral trout (Chinese footballer) longer than 800 millimetres | No animals to be taken |
| 132 | *Plectropomus oligacanthus* | Vermicular cod (highfin coral trout) | 20 animals, no more than 5 from a single research location |
| 133 | *Variola albimarginata* | White‑edge coronation (lyretail) trout | 20 animals, no more than 5 from a single research location |
| 134 | *Variola louti* | 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 | *Chrysophrys auratus* (in family Sparidae) | Snapper | 20 animals, no more than 5 from a single research location |
| 138 | *Sphyraena barracuda* (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 | *Xiphias gladius* (in family Xiphiidae) | Swordfish | No animals to be taken |
| 143 | Any species in family Palinuridae | Spiny lobsters | No animals to be taken |
| 144 | *Ranina ranina* (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 |
| 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 | *Acanthaster planci* | Crown‑of‑thorns starfish | 500 animals, no more than 100 from a single research location |
| 148 | *Holothuria fuscogilva* | White teatfish | No animals to be taken |
| 149 | *Holothuria whitmaei* | 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 nautiluses | 20 animals of that species, no more than 5 from a single research location |
| 153 | Any species in family Nautilidae | Chambered nautiluses | 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 *Drupella* | Murex shells, except *Drupella* | No animals to be taken |
| 156 | Any species in genus *Drupella* | Drupella | 200 animals of that species, no more than 50 from a single research location |
| 157 | *Cassis cornuta* | Giant helmet shell | No animals to be taken |
| 158 | *Charonia tritonis* | Trumpet triton | No animals to be taken |
| 159 | *Melo amphora* | 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 | *Pinctada margaritifera* (in family Pteriinae) | Blacklip pearl oyster | No animals to be taken |
| 162 | *Pinctada maxima* (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 | *Epinephelus lanceolatus* | Queensland groper |
| 6 | *Epinephelus tukula* | 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 | *Carcharinus falciformis* | Silky shark |

20 Regulation 29 (after table item 11A)

Insert (before the heading “**Marine reptiles**”):

|  |  |  |
| --- | --- | --- |
| 11B | *Isurus oxyrinchus* | Shortfin mako shark |
| 11C | *Isurus paucus* | Longfin mako shark |
| 11D | *Lamna nasus* | Porbeagle shark |
| 11E | *Manta alfredi* | Reef manta ray |
| 11F | *Manta birostris* | Giant manta ray |
| 11G | *Mobula eregoodootenkee* | Pygmy devilray |
| 11H | *Mobula japanica* | Japanese devilray |
| 11J | *Mobula thurstoni* | 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 *Great Barrier Reef Marine Park Act 1975* 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  Circumstances of reinstatement of application | Column 2  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.

(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.

(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.