

Report on the administration of the
Marine Parks Act 2004
(reporting period 1 July 2022 to 30 June 2023)

Prepared by: Department of Environment and Science

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Introduction

The *Marine Parks Act 2004* (the Act) provides for the conservation of Queensland's marine environment by implementing a comprehensive range of management strategies including the declaration of marine parks, and the establishment of zones and designated areas including highly protected areas within the parks. These management arrangements are formalised through the gazettal of zoning plans and the development of management plans.

Public authorities and other interested groups, including First Nations peoples and local governments, are encouraged to assist in managing marine parks and to further the public's appreciation, understanding and enjoyment of the marine environment.

The Act aims to achieve a coordinated and integrated approach with other environmental conservation legislation, and recognises the cultural, economic, environmental, and social relationships between marine parks and their adjacent lands and waters.

Australia's international responsibilities and intergovernmental agreements are important considerations in park management. Marine parks extend across areas adjacent to the Queensland coast which are under the control of both the Commonwealth and Queensland Governments. Both Governments have agreed that as far as practicable, in managing marine parks, State legislation will be consistent with the relevant Commonwealth legislation.

Marine parks in Queensland are multiple use areas providing for a range of activities and visitor opportunities. The zoning plans prescribed under the Act detail the types of uses and management measures applied to achieve an appropriate balance between conservation and use of the marine environment.

Three marine parks have been declared under the Act with corresponding zoning plans established: Great Barrier Reef Coast Marine Park, Great Sandy Marine Park, and Moreton Bay Marine Park.

The plans and regulations that support the Act are:

- Marine Parks (Declaration) Regulation 2006
- Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004
- Marine Parks (Great Sandy) Zoning Plan 2017
- Marine Parks (Moreton Bay) Zoning Plan 2019
- Marine Parks Regulation 2017

Amendments

Marine Parks Act 2004

There were amendments made to the Act in the 2022-23 financial year that were included in the *Nature Conservation and Other Legislation Amendment Act 2022*. An objective of these amendments was to enhance the Department of Environment and Science's capacity to respond to misconduct in marine parks by providing new offences for impersonating a ranger, and expanding existing obstruction offences so they apply to obstructing conservation officers, authorised officers, and inspectors in the performance of their functions.

A new section 52A, specifies the functions of inspectors under the Act which includes:

- (a) to investigate, monitor and enforce compliance with this Act;
- (b) to investigate or monitor whether an occasion has arisen for the exercise of powers under this Act;
- (c) to facilitate the exercise of powers under this Act;
- (d) to help achieve the main purpose of this Act by providing advice and information on how the purpose may be achieved.

In section 91 of the Act, an amendment was made to the existing offence for obstructing an inspector. It is an offence for a person to obstruct an inspector in the exercise of a power under this Act, but an amendment was made to clarify that it is also an offence to obstruct an inspector in the performance of a function under the Act. This amendment provides improved clarification regarding when an inspector is being obstructed.

Section 92 of the Act has an existing offence for impersonating an inspector which is a position that a person is specifically appointed and has various powers as prescribed in the Act. As it is not necessary to appoint all rangers as an inspector, the offence of impersonating an inspector does not apply to someone impersonating a ranger that is not appointed as an inspector. Therefore, a new section 92A, provides a new offence for impersonating a ranger. The offence is to provide a deterrent and allow action to be taken in the event of future instances of misconduct involving the impersonation of a ranger.

A consequential amendment was made to the Act as a result of making the *Public Sector Act 2022*, which commenced on 1 March 2023. The reference to the former *Public Service Act 2008* was amended to the *Public Sector Act 2022* in the description of a public authority.

Marine Parks (Declaration) Regulation 2006

There were no amendments made to the Marine Parks (Declaration) Regulation 2006 in the 2022-23 financial year.

Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

There were no amendments made to the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 in the 2022-23 financial year.

Marine Parks (Great Sandy) Zoning Plan 2017

There were no amendments made to the Marine Parks (Great Sandy) Zoning Plan 2017 in the 2022-23 financial year.

Marine Parks (Moreton Bay) Zoning Plan 2019

There were no amendments made to the Marine Parks (Moreton Bay) Zoning Plan 2019 in the 2022-23 financial year.

Marine Parks Regulation 2017

There were no amendments made to the Marine Parks Regulation 2017 in the 2022-23 financial year.

Funding

In 2022-23, the Queensland Government contributed \$19.2 million to the Great Barrier Reef Joint Field Management Program. Together with the Australian Government's contribution and other revenue, the budget allocation for the Program in 2022-23 was \$42.3 million. The Program operates across the (Commonwealth) Great Barrier Reef Marine Park, the (State) Great Barrier Reef Coast Marine Park, island national parks of Queensland and Commonwealth Islands within the Great Barrier Reef World Heritage Area. As such, only a portion of the Program's funds are spent on the (State) Great Barrier Reef Coast Marine Park. The total expenditure for the joint Program in 2022-23 was \$39.6 million.

The combined operational costs (operating (excluding depreciation) and capital) for the Great Sandy and Moreton Bay Marine Parks in 2022-23 totalled \$3.8 million.

Management plans

The Queensland Parks and Wildlife Service employs a Values-Based Management Framework to guide protected area management. The Framework prioritises management undertaken on parks in line with the key values of the park and incorporates steps for monitoring progress, evaluating performance, and reporting on the effectiveness of management actions over time. The framework is the approved process for management of protected areas across Queensland under the *Nature Conservation Act 1992*.

Marine parks adjacent to mainland or island national parks may share values and management issues. To ensure seamless management, areas of marine parks that adjoin national parks may be included in the management planning process for national parks resulting in a joint *Marine Parks Act 2004* and *Nature Conservation Act 1992* management plan.

During 2022-23, there were no new management plans for marine park areas approved.

Authorities

The Act provides for activities to be undertaken on marine parks under an authority (permits and commercial activity agreements) for varying periods. A 'permit' can include several 'permissions' for the conduct of different activities as prescribed in a relevant marine park zoning plan. The Marine Parks Regulation 2017 outlines the administrative matters relating to the grant, amendment, suspension, cancellation, surrender and replacement of relevant authorities and the requirements applying to carrying out activities under a relevant authority provided for by the Act.

A summary of authorities granted, suspended, or cancelled, applications refused in 2022-23, and related information is outlined in Table A.

Offences and enforcement

In 2022-23, a total of 72 marine park penalty infringement notices were issued under the Act or subordinate legislation. The Department of Environment and Science finalised one prosecution in 2022-23 with convictions by a court, resulting in a fine of \$12,500 and \$3,371.50 for costs. A summary of offences and prosecutions are provided in Table B and Table C.

Accreditations

Accreditations are a form of approval that removes the need for organisations and individuals to obtain a permit to carry out activities. Accreditations can be issued under the Marine Parks Regulation 2017 for a number of different activities such as research and aquaculture. A Traditional Use of Marine Resources Agreement is one form of accreditation. These formal agreements are developed by First Nations groups and accredited by the department and, if the agreement covers the Great Barrier Reef region, also by the Great Barrier Reef Marine Park Authority (GBRMPA).

Traditional Use of Marine Resources Agreements describe how First Nations groups work in partnership with the Queensland and Commonwealth governments to manage traditional use activities on their sea Country. A summary of accreditations that are in place is provided in Table D.

Other legislative provisions

Other legislative provisions under Part 6 of the Marine Park Regulation 2017 that manage marine park activities include the declaration of special activities and restricted access areas, and erection or display of regulatory notices. Table E outlines the Part 6 legislative provisions in place for each marine park.

Information supporting the report on the administration of the *Marine Parks Act 2004* in 2022-23.

Table A - *Marine Parks Act 2004* permissions¹ and authorities granted, refused, and suspended or cancelled (1 July 2022 – 30 June 2023).

The number of permissions includes all current permissions some of which may have been issued in previous reporting periods.

Category	Current as at 30/06/2023	Issued	Refused, suspended or cancelled
State-Commonwealth joint² Marine Park permissions¹			
Aquaculture	2	0	0
Taking animals or plants posing a threat ³	124	40	0
Collecting ⁴	2	0	0
Educational program	114	23	0
Exploration/mining ⁵	0	0	0
Harvest fishery ⁶	137	12	0
Media activity (film, photography) ⁷	12	7	0
Operate a facility ⁸	1143	138	0
Operating/navigating vessels and aircraft ⁹	41	1	0
Research	269	76	0
Ship and managed vessel operation ¹⁰	103	16	0
Tourist program	2218	587	0
Vessel or aircraft charter operation ¹¹	1375	504	0

¹ A 'permit' may include a number of individual permissions for different activities. Table A includes the total number of individual permissions. A new administrative system has allowed greater interrogation of data resulting in a more accurate representation of the number of authorities.

² 'Joint' Marine Park permissions relate to the Great Barrier Reef area where permissions are issued jointly by the State (Queensland Parks and Wildlife Service) and GBRMPA to cover activities occurring in both the State and Commonwealth Marine Park respectively.

³ Provides authority to carry out a program for taking a plant, animal or marine resource that poses a threat to human life and safety (e.g., mosquito control, shark control program), marine park ecosystems (e.g. toxic algae, Crown of Thorns Starfish), or to the use/amenity of an area or adjacent marine park (e.g. mangrove trimming).

⁴ Collecting can include non-commercial collecting (e.g. shell clubs) or commercial collecting of species that are not part of a harvest fishery (e.g. oysters).

⁵ Exploration/mining includes exploring or mining for minerals, exploring or producing petroleum and carrying out geothermal exploration.

⁶ Harvest fishery includes commercial collecting of coral, shell, and aquarium fish.

⁷ An authority may be considered necessary if, for example, pyrotechnics are involved or exclusive access is required.

⁸ Operate a facility can include buildings, vessels, or structures (e.g. pontoons, jetties, barge landings, pipelines, aircraft landing areas, and moorings (Great Barrier Reef Coast Marine Park (GBRCMP) only), as well as constructing, building, assembling, fixing in position, discharging waste, operating, maintaining or decommissioning the facility.

⁹ Operating/navigating vessels and aircraft includes anchoring.

¹⁰ Operating/navigating ships, includes anchoring. Managed vessel types include hovercraft, wing in ground effect craft, hydrofoils and airboats.

¹¹ Vessel charter includes skippered and bare boat charters.

Category	Current as at 30/06/2023	Issued	Refused, suspended or cancelled
Works ¹²	16	0	0
Other ¹³	47	11	0
State-only¹⁴ Marine Park authorities (permits¹ and agreements)			
Permits ¹ under the Marine Parks Regulation 2017			
Aquaculture	1	0	0
Taking animals or plants posing a threat ³	6	0	0
Collecting ⁴	13	7	0
Educational program	18	3	0
Exploration/ mining ⁵	0	0	0
Harvest fishery ⁶	4	1	0
Media activity (film, photography) ⁷	2	0	0
Operate a facility ⁸	64	5	0
Operating/navigating vessels & aircraft ⁹	13	3	0
Research	103	30	0
Ship and managed vessel operation ¹⁰	11	3	0
Tourist program	203	57	0
Vessel or aircraft charter operation ¹¹	121	40	0
Works ¹²	116	56	0
Other ¹³	29	10	0
Commercial Activity Agreements under section 52 of the Marine Parks Regulation 2017			
Tourism ¹⁵ (excluding Whale Watching)	5	1	0
Whale Watching	19	3	0
Other (e.g. filming, competitive & corporate events)	12	7	0

¹² Works includes coastal works such as beach nourishment, buoy and pile moorings (excl. GBRCMP), maintenance dredging (GBRCMP only), capital dredging (Moreton Bay Marine Park (MBMP) and Great Sandy Marine Park (GSMP) only), spoil disposal, foreshore protection, access structures (e.g. pontoons, jetties, boat ramps), marinas, reclamation, sand extraction and submarine pipelines. Major works that involve large scale coastal works (MBMP only) may require declaration of a works area.

¹³ Other includes activities such as conducting a developmental fishery program, traditional use of marine resources, operating a fishing industry service vessel, aquatic events, sporting events, fireworks display, and taking of broodstock.

¹⁴ State-only permissions relate to the GBRCMP, GSMP and MBMP.

¹⁵ Includes commercial tour operations within the ex-HMAS Tobruk Area of the GSMP which has been declared a prescribed commercial activity under section 126 of the Marine Parks Regulation 2017.

Table B - *Marine Parks Act 2004* enforcement activity for Great Barrier Reef Coast, Great Sandy, and Moreton Bay Marine Parks for 1 July 2022 – 30 June 2023.

Category		Number
Penalty Infringement Notices	Number issued	72
	Number withdrawn	4
	Number of Court elects	5
	Number of reviews	3
Formal Investigations	Number completed	2
Prosecutions	Number progressed in 2022-23	1
	Number of matters finalised in 2022-23	1

Table C - *Marine Parks Act 2004* prosecutions finalised with conviction by a court¹⁶ between 1 July 2022 – 30 June 2023.

Party	Statute	Marine Park	Description	Court result		
				Court date	Penalty	Costs (legal and investigative)
LIT2007	<i>Marine Parks Act 2004</i>	Moreton Bay Marine Park	One charge of willfully entering and using a marine park for a prohibited purpose, contrary to section 43(1)(a) of the <i>Marine Parks Act 2004</i> .	9 September 2022	\$12,500	\$3,371.50

¹⁶ Prosecutions under the *Marine Parks Act 2004*, Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004, Marine Parks (Great Sandy) Zoning Plan 2017, Marine Parks (Moreton Bay) Zoning Plan 2019, and Marine Parks Regulation 2017.

Table D - Summary of accreditations in place over State marine parks in 2022-23 (showing State-only and joint State-Commonwealth accreditations).

Marine Park	Party or instrument accredited	Purpose	Date issued	Expiry date¹⁷
Moreton Bay Marine Park	Oyster Industry Plan for Moreton Bay Marine Park (Department of Agriculture and Fisheries)	Oyster industry	22/04/2016	n/a
Great Sandy Marine Park	Great Sandy Regional Marine Aquaculture Plan (Department of Agriculture and Fisheries)	Aquaculture	23/01/2012	n/a
Great Barrier Reef Coast Marine Park	Whitsundays Plan of Management 1998	Protection and conservation of identified values	18/09/2020	n/a
	Woppaburra TUMRA (Queensland Parks and Wildlife Service (QPWS)/GBRMPA)	Traditional Use of Marine Resources	30/06/2014	29/06/2024
	Yirrganydji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	29/04/2014	28/04/2024
	Lama Lama TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	01/08/2013	31/07/2025 ¹⁸
	Yuku-Baja-Muliku TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	16/08/2013	30/06/2024 ¹⁸
	Gunggandji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	28/06/2016	30/06/2024
	Wuthathi TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	25/06/2008	30/06/2025 ¹⁸
	Darumbal TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	29/11/2021	31/01/2037
	Port Curtis Coral Coast TUMRA ¹⁹ (QPWS/GBRMPA)	Traditional Use of Marine Resources	02/04/2019	02/04/2029
	Girringun TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	06/11/2019	31/10/2029
	Mandubarra TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	04/04/2018	04/04/2028
	The University of Queensland	Limited impact research	10/02/2006	n/a
	Australian Museum	Limited impact research	10/02/2006	n/a
	The Queensland Museum	Limited impact research	10/02/2006	n/a
	Central Queensland University	Limited impact research	10/02/2006	n/a
University of Sydney	Limited impact research	10/02/2006	n/a	
Department of Agriculture and Fisheries (Qld)	Limited impact research	10/02/2006	n/a	

¹⁷ There is no requirement to specify an expiry date for accreditations (other than TUMRAs), however, an accreditation requires review if a new zoning plan for the marine park, to which it applies, is made.

¹⁸ This TUMRA is a continuation of a previous agreement as an extension to the original expiry date has been granted. The TUMRA continues to remain in effect until a 'new' TUMRA with the traditional owners is executed.

¹⁹ TUMRA extends into Great Sandy Marine Park.

Marine Park	Party or instrument accredited	Purpose	Date issued	Expiry date¹⁷
	James Cook University	Limited impact research	10/02/2006	n/a
	The University of Technology, Sydney	Limited impact research	04/08/2006	n/a

Table E – Summary of other legislative provisions in place over State marine parks in 2022–23 (State-only and joint State-Commonwealth).

Marine Park	Provision	Location	Activity regulated
Moreton Bay Marine Park	Special activity notice	Harry Atkinson Artificial Reef	Scuba diving, surface supplied air diving, snorkelling, spearfishing, commercial fishing.
		North Moreton Artificial Reef	Scuba diving, surface supplied air diving.
		South Stradbroke Artificial Reef	Scuba diving, surface supplied air diving.
		West Peel Artificial Reef	Scuba diving, surface supplied air diving, spearfishing, commercial fishing.
		Wild Banks Artificial Reef	Scuba diving, supplied air diving, commercial fishing, anchoring, spearfishing deeper than 12 metres.
		East Coochie Artificial Reef	Scuba diving, surface supplied air diving, spearfishing, commercial fishing.
		Tangalooma Island Resort	Participating in dolphin feeding in the authorised dolphin feeding activity.
	Regulatory notice	Redland Bay Claypan	Unauthorised motor vehicles are prohibited from tidal lands and waters.
		Bullock Creek	Unauthorised motor vehicles are prohibited from tidal lands and waters.
		Flinders Reef and Flat Rock	Limiting vessel capacity for use of public moorings.
Great Barrier Reef Coast Marine Park	Regulatory notice	Whitsunday area - Nelly Bay and Jonah Bay	Prohibited from bringing a vehicle, a domestic animal, lighting a fire and using generator, compressor, or motor.
		Byfield area - Five Rocks Beach	Vehicle access north of the vehicle beach access without a permit.
		Lady Musgrave Island and lagoon	Operating a vessel at plain speed or speed that could reasonably be expected to strike a turtle, anchoring in the no anchoring area or access channel, swimming or snorkelling in the access channel, lighting a fire on the island, beach or in the lagoon.
		Magnetic Island – West Point to Cockle Bay	Vehicles on tidal lands including beaches, salt pans and mudflats.
	Special activity notice	North West Island reef and surrounding waters	Human behaviours which attract sharks including processing fish product, dumping of fish scraps, and cleaning of fish processing equipment.