



Great Barrier Reef Marine Park Regulations 1983

Statutory Rules No. 262, 1983

made under the

Great Barrier Reef Marine Park Act 1975

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About this compilation

This compilation

This is a compilation of the *Great Barrier Reef Marine Park Regulations 1983* that shows the text of the law as amended and in force on 6 March 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

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

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

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

3 Definitions

(1) In these Regulations:

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

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

application, for a permission, means an application that has not been withdrawn.

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

authority:

- (a) for regulation 47—has the meaning given by the Queensland fisheries legislation; and
- (b) elsewhere in these regulations—means an authority given under regulation 88ZF.

bareboat means a vessel that is:

- (a) registered as a commercial ship under the *Transport Operations (Marine Safety) Regulation 2004* of Queensland; and
- (b) more than 6 metres in length; and
- (c) made available for use without master or crew.

Examples:

Cruiser, houseboat, yacht.

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

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

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

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

Commonwealth island means an island that is:

Regulation 3

- (a) owned by the Commonwealth; and
- (b) within the Marine Park.

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

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

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

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

dory means:

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

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

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.

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

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

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

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

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

motorised water sport means any of the following activities:

- (a) irregular driving of a motorised vessel—that is, driving the vessel otherwise than in a straight line (except for necessary turns or diversions), including:
 - (i) driving in a circle or other pattern; or
 - (ii) weaving or diverting; or
 - (iii) surfing down, or jumping over or across, any wave, swell or wash;
- (b) an activity in which a high-speed vessel or motorised vessel tows a person on top of the water or in the air (for example, waterskiing or parasailing);

- (c) an activity in which a personal watercraft is used, except:
- (i) for transport by taking the most direct reasonable route and driving in a regular manner between 2 places; or
 - (ii) if the personal watercraft can only be operated when fully submerged under the water and for the primary purpose of viewing coral.

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

no-anchoring area means an area described in Schedule 1B.

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

permission means a permission to which Part 2A applies.

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

personal watercraft has the same meaning as in the *Transport Operations (Marine Safety) Act 1994 (Qld)* as in force on the commencement of the *Great Barrier Reef Marine Park Amendment (Whitsundays Plan of Management) Regulations 2017*.

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

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

primary commercial fishing vessel means:

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

private mooring means a mooring other than a public mooring.

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

public infrastructure:

- (a) means infrastructure that:
 - (i) is installed in the Marine Park by or for the Authority, or by or for the agency in which the *Marine Parks Act 2004 (Qld)* is administered; and
 - (ii) relates to the use of the Marine Park by the public; and
- (b) includes the following:
 - (i) a reef protection marker;
 - (ii) a buoy not attached to a public mooring;
 - (iii) a sign;
 - (iv) a boundary marking rope.

Regulation 3

public mooring:

- (a) means a mooring that is:
 - (i) installed in the Marine Park by or for the Authority, or by or for the agency in which the *Marine Parks Act 2004* (Qld) is administered; and
 - (ii) labelled as a public mooring or otherwise intended for public use; and
- (b) includes the following:
 - (i) a floating buoy, tag and tackle;
 - (ii) a structure fixing the mooring to the seabed.

Queensland fisheries legislation has the meaning given by regulation 30.

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.

SMA is an acronym of Special Management Area.

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

special tourism permission means a permission to conduct a tourist program, or to conduct an activity under a tourist program, where:

- (a) the Regulations or a plan of management has imposed a limit on the number of such permissions that may be granted; or
- (b) a plan of management declares such permissions to be special tourism permissions for the purposes of the Regulations.

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

superyacht means a high-value, luxury sailing or motor vessel in use for sport or pleasure.

Note: It does not matter whether the use of the vessel for sport or pleasure is private or commercial.

superyacht anchorage means an area described in Schedule 1A.

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

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

transiting: a vessel or aircraft is *transiting* an area (however described), or from a place (the *origin*) to another place (the *destination*), if the vessel or aircraft is travelling:

- (a) through the area, or from the origin to the destination, by the most direct and reasonable route; and
- (b) in the case of a vessel—in such a manner that, at all times when the vessel is on that route, the vessel is being propelled (whether by engine, sail or human power) through the water in a forward direction and is not adrift.

For this purpose, it does not matter where the origin or the destination is, whether the origin is a point or an area or whether the destination is a point or an area.

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

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

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

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

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

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

3A References to laws of Queensland

- (2) Subject to subregulation (3), a reference in these Regulations to a law of Queensland (including a fishery management plan made under paragraph 32(1)(a) of the *Fisheries Act 1994* of Queensland) is a reference to that law as in force from time to time.
- (3) A reference in these Regulations to the *Transport Operations (Marine Safety) Regulation 2004* of Queensland or the *Transport Operations (Marine Pollution) Regulation 2008* of Queensland is a reference to that law as in force on 18 December 2008.

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

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

Regulation 3C

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

3C Geographic coordinates

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

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

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

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

- (a) 100 metre line or coastal 100 metre line;
- (b) 500 metre line or coastal 500 metre line;
- (c) 1 kilometre line or coastal 1 kilometre line;
- (d) reef edge.

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

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

- (a) *Navigation Act 1912*;
- (b) the *Transport Operations (Marine Safety) Act 1994* of Queensland.

Part 2—Amalgamated Great Barrier Reef Section

Division 2.1—Preliminary

6 Definitions for Part

In this Part:

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

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

Division 2.2—Zoning Plan—definitions and related matters

7 Accreditation of educational or research institutions

- (1) The Authority may, by notice in the *Gazette*, accredit an educational or research institution to conduct any 1 or more of the following:
 - (a) limited impact research (extractive);
 - (b) limited impact research (non-extractive);
 - (c) a limited educational program;if it is satisfied that the institution:
 - (d) has adopted appropriate environmental practices and standards (including instruction and training of personnel); and
 - (e) has an ongoing commitment to improve those practices and standards;relating to research or education undertaken in the Marine Park by the institution or on its behalf.

Note: For the meaning of *limited educational program*, see the Dictionary to the Zoning Plan. For the meaning of *limited impact research (extractive)* and *limited impact research (non-extractive)*, see that Dictionary and regulations 19 and 20.
- (2) The Authority may revoke an accreditation by notice in the *Gazette* if:
 - (a) it is satisfied that the institution:
 - (i) has ceased to hold the practices and standards mentioned in paragraph (1)(d); or
 - (ii) no longer has the commitment mentioned in paragraph (1)(e); or
 - (b) it is satisfied that:
 - (i) damage to, or degradation or disruption of, the physical environment or the living resources of the Marine Park, or of any part of it, has occurred; or
 - (ii) there is an imminent threat that such damage, degradation or disruption will occur.
- (3) Subject to subregulation (4), an institution accredited under subregulation (1), as in force immediately before this subregulation commences, continues to be accredited to conduct limited impact research (extractive) and limited impact research (non-extractive).
- (4) Subregulation (3) does not affect the Authority's power to revoke the accreditation of such an institution.

8 Accreditation of harvest fisheries

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

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

- (2) The Authority may revoke an accreditation by notice in the *Gazette* if it is satisfied that:
- (a) the management arrangements are no longer a sound basis for an ecologically sustainable fishery in an area that is part of, or includes a part of, the Marine Park; or
 - (b) the compliance arrangements for the fishery are not adequate, or are not being adequately enforced.

13 Bait netting

- (1) This regulation declares the nets and specifies the limitations on netting for the definition of *bait netting* in the Zoning Plan.
- (2) The following nets are declared:
- (a) for a recreational fisher—a cast, scoop or seine net that complies with the size, measurement and other physical requirements in the following provisions of the Fisheries Regulation:
 - (i) for a cast net—section 187A;
 - (ii) for a scoop net—section 187B;
 - (iii) for a seine net—section 187C;
 - (b) for a commercial fisher—a seine, cast or mesh net that complies with the size, measurement and other physical requirements in the following provisions of the Fisheries Regulation:
 - (i) for a seine net—subsection 475(1);
 - (ii) for a cast net—section 532;
 - (iii) for a mesh net—section 533.
- (3) The following limitations are specified:
- (a) for a recreational fisher—netting must be in accordance with section 179 of the Fisheries Regulation;
 - (b) for a commercial fisher:
 - (i) using a seine net—netting must be in accordance with sections 179 and 181 and subsections 472(6), 472(7) and 475(2) of the Fisheries Regulation; and
 - (ii) using a cast net for taking ‘N11’ fish—the fisher must comply with the licence condition in subsection 247(5) of the Fisheries Regulation; and
 - (iii) using a mesh net—netting must be in accordance with sections 179, 181, 530, 533 and 533B of the Fisheries Regulation and, if used for taking ‘N11’ fish, the fisher must comply with the licence condition in subsection 247(5) of the Fisheries Regulation;
 - (c) a commercial fisher must not:
 - (i) take a non-bait fish in the Conservation Park Zone using a net mentioned in subregulation (2); or

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- (ii) possess (whether or not in the Conservation Park Zone) a non-bait fish that was taken in the Conservation Park Zone using a net mentioned in subregulation (2).
- (4) However, a commercial fisher does not take or possess a non-bait fish if:
 - (a) the fish is taken unintentionally; and
 - (b) the fisher does not allow the net containing the fish to be out of the water other than to immediately remove the fish from the net; and
 - (c) the fisher immediately releases the fish into water deep enough to allow the fish to escape.
- (5) In this regulation:

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

'NII' fish has the same meaning as in the Fisheries Regulation.

non-bait fish means a fish of any of the following species:

- (a) bream of the genus *Acanthopagrus* or *Rhabdosargus*;
- (b) flathead of the genus *Platycephalus*;
- (c) whiting of the genus *Sillago*.

possess a non-bait fish means:

- (a) to have custody or control of the fish; or
- (b) to have an ability or right to obtain custody or control of the fish.

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

14 Defence activities—definition for Zoning Plan

In the Zoning Plan:

defence activities means activities for defence purposes:

- (a) conducted by the Defence Force; or
- (b) conducted by an arm of the defence forces of another country that is in Australia with the approval of the Government of Australia; or
- (c) conducted or authorised by the Department of Defence.

15 Fishing or collecting

- (1) In this regulation:

possess something means:

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

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

- (a) an animal or plant of a protected species is not to be taken or possessed otherwise than in accordance with subparagraph 5.3 (b)(ii) or paragraph 5.3(c) of the Zoning Plan;
- (b) a specimen of an animal of a species referred to in Part 1 of Table 15 is not to be taken or possessed;
- (c) not more than 5 specimens of an animal of a species referred to in Part 2 of that table are to be taken or possessed;
- (d) if an animal or plant of a species authorised to be taken under Queensland fisheries legislation is taken:
 - (i) no more than the number of specimens authorised by that legislation to be taken or possessed are to be taken or possessed; and
 - (ii) the taking or possession is to be in accordance with that legislation.

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

Table 15 Restricted species for fishing or collecting

Item	Species	Common names
Part 1—No specimens to be taken or possessed at any time		
1	Classes Anthozoa and Hydrozoa (all species)	Corals (hard, soft and black), anemones, zoanthids, seafans, corallimorpharians, hydroids and fire corals
Part 2—No more than 5 specimens to be taken or possessed at a time		
1	<i>Chlorurus microrhinos</i>	Steephead parrotfish
2	Class Ascidiacea (all species)	Sea squirts
3	Class Gastropoda (all species except <i>Cassis cornuta</i> and <i>Charonia tritonis</i>)	Snails and slugs (including whelks, nudibranchs, limpets, cowries, trochus and baler shells) except giant helmet shell and trumpet triton
4	Family Anomalopidae (all species)	Flashlightfishes
5	Family Antennariidae (all species)	Anglerfishes and frogfishes
6	Family Aploactinidae (all species)	Velvetfishes
7	Family Apogonidae (all species)	Cardinalfishes and siphonfishes
8	Family Aulostomidae (all species)	Trumpetfishes
9	Family Balistidae (all species)	Triggerfishes
10	Family Batrachoididae (all species)	Frogfishes
11	Family Blenniidae (all species)	Blennies
12	Family Callionymidae (all species)	Dragonets
13	Family Caracanthidae (all species)	Crouchers and orbicular velvetfishes
14	Family Centriscidae (all species)	Razorfishes and shrimpfishes
15	Family Chaetodontidae (all species)	Butterflyfishes
16	Family Cirrhitidae (all species)	Hawkfishes

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Item	Species	Common names
17	Family Clinidae (all species)	Scaled blennies, armoured blennies and weedfishes
18	Family Congridae (all species)	Conger eels
19	Family Diodontidae (all species)	Porcupinefishes
20	Family Ehippidae (all species)	Batfishes
21	Family Fistulariidae (all species)	Flutemouths
22	Family Gobiidae (all species)	Gobies
23	Family Holocentridae (all species)	Squirrelfishes and soldierfishes
24	Family Labridae (all species except <i>Choerodon anchorago</i> , <i>C. schoenleini</i> , <i>C. cyanodus</i> , <i>C. cephalotes</i> , <i>C. venustus</i> , <i>Bodianus</i> spp., <i>Cheilinus undulatus</i> , <i>C. fasciatus</i> and <i>C. trilobatus</i>)	Wrasses and tuskfishes (except anchor tuskfish, blackspot tuskfish, blue tuskfish, purple tuskfish, Venus tuskfish, pigfish, humphead Maori wrasse, redbreast Maori wrasse and tripletail Maori wrasse)
25	Family Malacanthidae (all species)	Tilefishes
26	Family Microdesmidae (all species)	Wormfishes and dartfishes
27	Family Monacanthidae (all species)	Leatherjackets
28	Family Monocentrididae (all species)	Pineapplefishes
29	Family Muraenidae (all species)	Moray eels
30	Family Ophichthidae (all species)	Snake eels
31	Family Ostraciidae (all species)	Boxfishes
32	Family Pegasidae (all species)	Seamoths
33	Family Plesiopidae (all species)	Longfins and prettyfins
34	Family Pomacanthidae (all species)	Angelfishes
35	Family Pomacentridae (all species)	Damselfishes
36	Family Priacanthidae (all species)	Bigeyes
37	Family Pseudochromidae (all species)	Dottybacks and eel blennies
38	Family Scorpaenidae (all species)	Scorpionfishes, firefishes and lionfishes
39	Family Siganidae (all species)	Rabbitfish
40	Family Tetraodontidae (all species)	Toadfishes and pufferfishes
41	Family Tripterygiidae (all species)	Triplefins
42	Family Zanclidae (all species)	Moorish idol
43	Genus <i>Nautilus</i> (all species)	Nautilus
44	Genus <i>Pinctada</i> (all species)	Pearl oysters
45	Phylum Echinodermata (all species except those of the class Holothuroidea)	Sea stars, crinoids, brittle stars, sea urchins, but not sea cucumbers
46	Phylum Porifera (all species)	Sponges
47	Subfamily Anthiinae (all species)	Anthias and basslets
48	Tribe Grammistini (all species)	Soapfishes

16 Harvest fisheries

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

- (a) the Aquarium Fish Fishery;
- (b) the Bêche-de-Mer Fishery (East Coast);
- (c) the Coral Fishery;
- (d) the Commercial Crayfish and Rocklobster Fishery;
- (e) the Pearl Fishery;
- (f) the Shell Fishery;
- (g) the Trochus Fishery (East Coast);
- (h) the Beachworm Fishery;
- (i) the Bloodworm Fishery;
- (j) the Marine Yabby Fishery.

17 Hook—definition for Zoning Plan

- (1) In the Zoning Plan:

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

- (2) Those things are the following:
 - (a) a single-shanked double or treble hook;
 - (b) a lure (that is, an artificial bait with no more than 3 hooks attached to it);
 - (c) an artificial fly;
 - (d) a jig for taking squid;
 - (e) a ganged hook set, consisting of no more than 6 hooks, each of which is in contact (by the point of 1 hook being threaded through the eye of another, or joined by a swivel or wire) with at least 1 of the other hooks in the set, used to attach 1 piece of bait and intended to catch only 1 fish;
 - (f) a bait jig (that is, a hook or a group of hooks consisting of no more than 6 hooks, each hook being of a size between number 1 and number 12 (both inclusive) or their equivalents).

18 Limited collecting

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

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).

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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

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(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	<i>Carcharias taurus</i>	Grey nurse shark	No animals to be taken
4	<i>Carcharodon carcharias</i>	White shark	No animals to be taken
5	<i>Carcharhinus falciformis</i>	Silky shark	No animals to be taken
6	<i>Glyphis glyphis</i>	Speartooth shark	No animals to be taken
7	<i>Isurus oxyrinchus</i>	Shortfin mako shark	No animals to be taken
8	<i>Isurus paucus</i>	Longfin mako shark	No animals to be taken
9	<i>Lamna nasus</i>	Porbeagle shark	No animals to be taken
10	<i>Manta alfredi</i>	Reef manta ray	No animals to be taken
11	<i>Manta birostris</i>	Giant manta ray	No animals to be taken
12	<i>Mobula eregoodootenkee</i>	Pygmy devilray	No animals to be taken
13	<i>Mobula japanica</i>	Japanese devilray	No animals to be taken
14	<i>Mobula thurstoni</i>	Bentfin devilray	No animals to be taken
15	<i>Rhincodon typus</i>	Whale shark	No animals to be taken
16	Any species in family Acanthuridae	Surgeonfishes	20 animals of that species, no more than 5 from a single research location
17	Any species in family Antennariidae, except a species described in item 18	Anglerfishes and frogfishes, except a species described in item 18	50 animals of that species, no more than 10 from a single research location
18	<i>Halophryne queenslandiae</i>	Sculptured frogfish	No animals to be taken
19	Any species in family Atherinidae	Hardyheads	500 animals of that species, no more than 100 from a single research location
20	Any species in family Aulostomidae	Trumpetfishes	50 animals of that species, no more than 10 from a single

Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
			research location
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 Ehippidae	Batfishes	20 animals of that species, no more than 5 from a single research location
27	Any species in family Fistulariidae	Flutemouths	50 animals of that species, no more than 10 from a single research location
28	<i>Glaucosoma scapulare</i> (in family Glaucosomatidae)	Pearl perch	20 animals, no more than 5 from a single research location
29	Any species in family Gobiidae	Gobies	500 animals of that species, no more than 100 from a single research location
30	Family Istiophoridae	Marlins	No animals to be taken
31	Any species in family Kyphosidae	Drummers	20 animals of that species, no more than 5 from a single research location
32	Any species in genus <i>Bodianus</i> (in family Labridae)	Pigfishes	50 animals of that species, no more than 10 from a single research location
33	<i>Cheilinus fasciatus</i> (in family Labridae)	Redbreasted Maori wrasse	50 animals, no more than 10 from a single research location
34	<i>Cheilinus trilobatus</i> (in family Labridae)	Tripletail Maori wrasse	50 animals, no more than 10 from a single research location
35	<i>Cheilinus undulatus</i> (in family Labridae)	Humphead Maori wrasse	No animals to be taken
36	<i>Choerodon anchorago</i> (in family Labridae)	Anchor tuskfish	50 animals, no more than 10 from a single research location
37	<i>Choerodon cephalotes</i> (in	Purple (grass) tuskfish	50 animals, no more than 10

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Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
	family Labridae)		from a single research location
38	<i>Choerodon cyanodus</i> (in family Labridae)	Blue tuskfish	50 animals, no more than 10 from a single research location
39	<i>Choerodon schoenleinii</i> (in family Labridae)	Blackspot tuskfish	50 animals, no more than 10 from a single research location
40	<i>Choerodon venustus</i> (in family Labridae)	Venus tuskfish	50 animals, no more than 10 from a single research location
41	<i>Coris aygula</i> (in family Labridae)	Redblotched wrasse (clown coris)	No animals to be taken
42	<i>Gnathodentex aureolineatus</i> (in family Lethrinidae)	Goldspot seabream	50 animals, no more than 10 from a single research location
43	Any species in genus <i>Gymnocranius</i> (in family Lethrinidae)	Seabreams	50 animals of that species, no more than 10 from a single research location
44	<i>Lethrinus atkinsoni</i> (in family Lethrinidae)	Yellow-tailed emperor	50 animals, no more than 10 from a single research location
45	<i>Lethrinus erythracanthus</i> (in family Lethrinidae)	Orangespotted emperor	50 animals, no more than 10 from a single research location
46	<i>Lethrinus genivittatus</i> (in family Lethrinidae)	Threadfin emperor	50 animals, no more than 10 from a single research location
47	<i>Lethrinus harak</i> (in family Lethrinidae)	Thumbprint emperor	50 animals, no more than 10 from a single research location
48	<i>Lethrinus lentjan</i> (in family Lethrinidae)	Redspot (pink-eared) emperor	50 animals, no more than 10 from a single research location
49	<i>Lethrinus miniatus</i> (in family Lethrinidae)	Redthroat emperor	50 animals, no more than 10 from a single research location
50	<i>Lethrinus nebulosus</i> (in family Lethrinidae)	Spangled emperor	50 animals, no more than 10 from a single research location
51	<i>Lethrinus obsoletus</i> (in family Lethrinidae)	Orangestriped emperor	50 animals, no more than 10 from a single research location
52	<i>Lethrinus olivaceus</i> (in family Lethrinidae)	Longnose emperor	50 animals, no more than 10 from a single research location
53	<i>Lethrinus ornatus</i> (in family Lethrinidae)	Ornate (yellow-striped) emperor	50 animals, no more than 10 from a single research location
54	<i>Lethrinus rubrioperculatus</i> (in family Lethrinidae)	Spotcheek emperor	50 animals, no more than 10 from a single research location
55	<i>Lethrinus variegatus</i> (in family Lethrinidae)	Variegated emperor	50 animals, no more than 10 from a single research location
56	<i>Lethrinus xanthochilus</i> (in family Lethrinidae)	Yellowlip emperor	50 animals, no more than 10 from a single research location
57	<i>Monotaxis grandoculis</i> (in family Lethrinidae)	Bigeeye seabream	50 animals, no more than 10 from a single research location

Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
58	<i>Aphareus furca</i> (in family Lutjanidae)	Small-toothed jobfish	50 animals, no more than 10 from a single research location
59	<i>Aprion virescens</i> (in family Lutjanidae)	Green jobfish	50 animals, no more than 10 from a single research location
60	<i>Etelis carbunculus</i> (in family Lutjanidae)	Ruby snapper	50 animals, no more than 10 from a single research location
61	<i>Etelis coruscans</i> (in family Lutjanidae)	Flame snapper	50 animals, no more than 10 from a single research location
62	<i>Lutjanus adetii</i> (in family Lutjanidae)	Hussar (pink hussar)	50 animals, no more than 10 from a single research location
63	<i>Lutjanus bitaeniatus</i> (in family Lutjanidae)	Indonesian snapper	50 animals, no more than 10 from a single research location
64	<i>Lutjanus bohar</i> (in family Lutjanidae)	Red bass	50 animals, no more than 10 from a single research location
65	<i>Lutjanus bouillon</i> (in family Lutjanidae)	Paleface snapper	50 animals, no more than 10 from a single research location
66	<i>Lutjanus carponotatus</i> (in family Lutjanidae)	Stripey snapper (Spanish flag)	50 animals, no more than 10 from a single research location
67	<i>Lutjanus erythropterus</i> (in family Lutjanidae)	Crimson snapper (small-mouth nannygai)	50 animals, no more than 10 from a single research location
68	<i>Lutjanus fulviflamma</i> (in family Lutjanidae)	Blackspot snapper	50 animals, no more than 10 from a single research location
69	<i>Lutjanus fulvus</i> (in family Lutjanidae)	Blacktailed snapper	50 animals, no more than 10 from a single research location
70	<i>Lutjanus gibbus</i> (in family Lutjanidae)	Paddletail	50 animals, no more than 10 from a single research location
71	<i>Lutjanus johnii</i> (in family Lutjanidae)	Golden snapper (fingermark)	50 animals, no more than 10 from a single research location
72	<i>Lutjanus kasmira</i> (in family Lutjanidae)	Bluestriped snapper	50 animals, no more than 10 from a single research location
73	<i>Lutjanus lemniscatus</i> (in family Lutjanidae)	Darktail snapper	50 animals, no more than 10 from a single research location
74	<i>Lutjanus lutjanus</i> (in family Lutjanidae)	Bigeye snapper	50 animals, no more than 10 from a single research location
75	<i>Lutjanus malabaricus</i> (in family Lutjanidae)	Saddletail snapper (large-mouth nannygai)	50 animals, no more than 10 from a single research location
76	<i>Lutjanus monostigma</i> (in family Lutjanidae)	Onespot snapper	50 animals, no more than 10 from a single research location
77	<i>Lutjanus quinquelineatus</i> (in family Lutjanidae)	Fiveline snapper	50 animals, no more than 10 from a single research location
78	<i>Lutjanus rivulatus</i> (in family Lutjanidae)	Maori snapper	50 animals, no more than 10

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	Species, or species and length	Common name	Annual limits on taking for a research project
	Lutjanidae)		from a single research location
79	<i>Lutjanus russelli</i> (in family Lutjanidae)	Moses snapper (Moses perch)	50 animals, no more than 10 from a single research location
80	<i>Lutjanus sebae</i> (in family Lutjanidae)	Red emperor	50 animals, no more than 10 from a single research location
81	<i>Lutjanus vitta</i> (in family Lutjanidae)	Brownstripe snapper (brown hussar)	50 animals, no more than 10 from a single research location
82	<i>Macolor macularis</i> (in family Lutjanidae)	Midnight snapper	50 animals, no more than 10 from a single research location
83	<i>Macolor niger</i> (in family Lutjanidae)	Black-and-white snapper	50 animals, no more than 10 from a single research location
84	<i>Pristipomoides filamentosus</i> (in family Lutjanidae)	Rosy snapper (jobfish)	50 animals, no more than 10 from a single research location
85	<i>Pristipomoides multidentis</i> (in family Lutjanidae)	Goldband snapper	50 animals, no more than 10 from a single research location
86	<i>Pristipomoides sieboldi</i> (in family Lutjanidae)	Lavender snapper (jobfish)	50 animals, no more than 10 from a single research location
87	<i>Pristipomoides typus</i> (in family Lutjanidae)	Sharptooth snapper	50 animals, no more than 10 from a single research location
88	<i>Symphoricthys spilurus</i> (in family Lutjanidae)	Sailfin snapper	50 animals, no more than 10 from a single research location
89	<i>Symphorus nematophorus</i> (in family Lutjanidae)	Chinamanfish	50 animals, no more than 10 from a single research location
90	Any species in family 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	<i>Platycephalus fuscus</i> (in family Platycephalidae)	Dusky flathead	50 animals, no more than 10 from a single research location
94	Any species in family Pomacanthidae	Angelfishes	20 animals of that species, no more than 5 from a single research location
95	Any species in family Pomacentridae, except a species described in items 96 or 97	Damselfishes, except a species described in item 96 or 97	500 animals of that species, no more than 100 from a single research location
96	Any species in genus <i>Amphiprion</i>	Anemonefishes	50 animals of that species, no more than 10 from a single

Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
			research location
97	<i>Premnas biaculeatus</i>	Spinecheek clownfish	50 animals, no more than 10 from a single research location
98	<i>Ogilbyina novaehollandiae</i> (in family Pseudochromidae)	Multicolour dottyback	No animals to be taken
99	Any species in family Scaridae, except a species described in any of items 100 to 103	Any species of parrotfish, except a species described in any of items 100 to 103	20 animals of that species, no more than 5 from a single research location
100	<i>Bolbometopon muricatum</i>	Bumphead parrotfish	No animals to be taken
101	<i>Cetoscarus ocellatus</i>	Bicolour parrotfish	No animals to be taken
102	<i>Chlorurus microrhinos</i>	Steephead parrotfish	No animals to be taken
103	<i>Scarus rubroviolaceus</i>	Blackvein (ember) parrotfish	No animals to be taken
104	<i>Atractoscion aequidens</i> (in family Sciaenidae)	Teraglin	50 animals, no more than 10 from a single research location
105	<i>Protonibea diacanthus</i> (in family Sciaenidae)	Black jewfish	50 animals, no more than 10 from a single research location
106	<i>Scomberomorus munroi</i> (in family Scombridae)	Spotted mackerel	50 animals, no more than 10 from a single research location
107	Any species in family Serranidae, except a species described in any of items 108 to 134	Serranids, except a species described in any of items 108 to 134	50 animals of that species, no more than 10 from a single research location
108	<i>Aethaloperca rogaa</i>	Redmouth rockcod	20 animals, no more than 5 from a single research location
109	<i>Anyperodon leucogrammicus</i>	Whitelined rockcod	20 animals, no more than 5 from a single research location
110	<i>Cephalopholis sonnerati</i>	Tomato rockcod	20 animals, no more than 5 from a single research location
111	<i>Chromileptes altivelis</i>	Barramundi cod	No animals to be taken
112	Any species in genus <i>Epinephelus</i> longer than 1,000 millimetres	Rockcods and groupers longer than 1,000 millimetres	No animals to be taken
113	<i>Epinephelus coeruleopunctatus</i> no longer than 1,000 millimetres	Whitespotted grouper no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
114	<i>Epinephelus coioides</i> no longer than 1,000 millimetres	Goldspotted rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
115	<i>Epinephelus cyanopodus</i> no longer than 1,000 millimetres	Purple rockcod (blue Maori) no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location

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	Species, or species and length	Common name	Annual limits on taking for a research project
116	<i>Epinephelus ergastularius</i> no longer than 1,000 millimetres	Banded (bar) rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
117	<i>Epinephelus fuscoguttatus</i> longer than 700 millimetres	Flowery rockcod longer than 700 millimetres	No animals to be taken
118	<i>Epinephelus fuscoguttatus</i> no longer than 700 millimetres	Flowery rockcod no longer than 700 millimetres	20 animals, no more than 5 from a single research location
119	<i>Epinephelus lanceolatus</i>	Queensland groper	No animals to be taken
120	<i>Epinephelus maculatus</i> no longer than 1,000 millimetres	Highfin grouper no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
121	<i>Epinephelus magniscuttis</i> no longer than 1,000 millimetres	Speckled grouper no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
122	<i>Epinephelus malabaricus</i> no longer than 1,000 millimetres	Blackspotted rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
123	<i>Epinephelus polyphkadion</i> longer than 700 millimetres	Camouflage grouper longer than 700 millimetres	No animals to be taken
124	<i>Epinephelus polyphkadion</i> no longer than 700 millimetres	Camouflage grouper no longer than 700 millimetres	20 animals, no more than 5 from a single research location
125	<i>Epinephelus radiatus</i> no longer than 1,000 millimetres	Radiant (oblique-banded) grouper no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
126	<i>Epinephelus tauvina</i> no longer than 1,000 millimetres	Greasy rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
127	<i>Epinephelus tukula</i>	Potato rockcod	No animals to be taken
128	<i>Epinephelus undulatostratus</i> no longer than 1,000 millimetres	Maori rockcod no longer than 1,000 millimetres	20 animals, no more than 5 from a single research location
129	<i>Plectropomus areolatus</i>	Passionfruit (squaretail) coral trout	20 animals, no more than 5 from a single research location
130	<i>Plectropomus laevis</i> no longer than 800 millimetres	Bluespotted coral trout (Chinese footballer) no longer than 800 millimetres	20 animals, no more than 5 from a single research location
131	<i>Plectropomus laevis</i> longer	Bluespotted coral trout	No animals to be taken

Limits on taking species of fish and invertebrates			
	Species, or species and length	Common name	Annual limits on taking for a research project
	than 800 millimetres	(Chinese footballer) longer than 800 millimetres	
132	<i>Plectropomus oligacanthus</i>	Vermicular cod (highfin coral trout)	20 animals, no more than 5 from a single research location
133	<i>Variola albimarginata</i>	White-edge coronation (lyretail) trout	20 animals, no more than 5 from a single research location
134	<i>Variola louti</i>	Yellowedge coronation trout	20 animals, no more than 5 from a single research location
135	Any species in family Siganidae	Rabbitfishes	20 animals of that species, no more than 5 from a single research location
136	Any species in family Solenostomidae	Ghost pipefishes	No animals to be taken
137	<i>Chrysophrys auratus</i> (in family Sparidae)	Snapper	20 animals, no more than 5 from a single research location
138	<i>Sphyraena barracuda</i> (in family Sphyraenidae)	Great barracuda	50 animals, no more than 10 from a single research location
139	Any species in family Syngnathidae	Seahorses, seadragons, pipefishes	No animals to be taken
140	Any species in family Synodontidae	Lizardfishes	500 animals of that species, no more than 100 from a single research location
141	Any species in family Tripterygiidae	Triplefins	500 animals of that species, no more than 100 from a single research location
142	<i>Xiphias gladius</i> (in family Xiphiidae)	Swordfish	No animals to be taken
143	Any species in family Palinuridae	Spiny lobsters	No animals to be taken
144	<i>Ranina ranina</i> (in family Raninidae)	Spanner crab	50 animals, no more than 10 from a single research location
145	Any species in class Anthozoa or Hydrozoa	Corals (hard, soft and black), anemones, zoanthids, seafans, corallimorpharians, hydroids or fire corals	No animals to be taken
146	Any species in phylum Echinodermata, except a species described in any of items 147 to 149	Echinoderms, except a species described in any of items 147 to 149	50 animals of that species, no more than 10 from a single research location
147	<i>Acanthaster planci</i>	Crown-of-thorns starfish	500 animals, no more than 100 from a single research location

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

- (4) Another condition on limited research sampling is that, for a research project in a calendar year:
- (a) a maximum of 200 animals of a particular species (or species and length) whose taking is not dealt with in subregulation (3) are taken; and
 - (b) a maximum of 50 of those animals are taken from a single research location.

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

(1) In the Zoning Plan:

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

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

Definition for this regulation

(2) In this regulation:

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

21 Limited spearfishing

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

- (a) a person must not have a loaded speargun in his or her possession out of the water;
- (b) a person must not engage in spearfishing in any part of the Marine Park where spearfishing is prohibited under Queensland fisheries legislation.

22 Limited trapping

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

- (a) that, subject to paragraphs (b), (c) and (d), Queensland fisheries legislation is complied with;
- (b) that trapping must only be conducted for the purpose of taking crabs, and only crabs are taken;
- (c) that only crab pots, collapsible traps and dillies are used;

Regulation 23

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

(2) In paragraph (1)(c):

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

23 Managed vessel or aircraft

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

- (a) hovercraft;
- (b) wing-in-ground-effect craft;
- (c) hydrofoils.

24 Mission Beach Leader Prawn Broodstock Capture Area

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

- (a) east along the parallel to 17° 39.1' S, 146° 11.8' E;
- (b) southerly along the geodesic to 17° 52.81' S, 146° 9.62' E;
- (c) south-easterly along the geodesic to 18° 3.92' S, 146° 13.39' E;
- (d) north-westerly along the geodesic to the easternmost intersection of the coastline of the mainland at low water with the parallel 18° 1.97' S near the southern bank of the mouth of the Tully River;
- (e) generally northerly along the coastline at low water to the point of commencement.

25 Motorised watersports—definition for Zoning Plan

In the Zoning Plan:

motorised watersports means any of the following:

- (a) irregular driving of a motorised vessel—that is, driving such a vessel otherwise than in a straight line, including:
 - (i) driving in a circular pattern; or
 - (ii) weaving or diverting; or
 - (iii) surfing down, or jumping over or across, any wave, swell or wash; except for any necessary turn or diversion;
- (b) any activity in which a motorised vessel tows a person on top of the water or in the air, for example, waterskiing or parasailing;
- (c) any activity in which:
 - (i) a vessel is operated at a speed greater than 35 knots; or

(ii) a personal watercraft is used;
except transport by the most direct reasonable route (not including irregular driving) between 2 places.

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

26 Netting

- (1) For the definition of *netting* in the Zoning Plan, the following limitations are prescribed:
- (a) set mesh nets used in offshore waters in an area described in Parts 1 to 5 of Table 47.2 in subregulation 47(4) must be used only as permitted by that subregulation;
 - (b) subject to subregulation (2), the provisions of the Fisheries Regulation must be complied with if those provisions:
 - (i) apply in the Marine Park; and
 - (ii) relate to the use of nets in commercial net fisheries;
 - (c) subject to subregulation (2), netting must not be carried out in an area described in Table 47.3 in subregulation 47(5);
 - (d) subject to paragraphs (e) and (f) and subregulation (2), only the following kinds of nets may be used in an area described in Table 47.4 in subregulation 47(9):
 - (i) set mesh nets;
 - (ii) mesh nets;
 - (e) set mesh nets used in the area described in Table 47.4 in subregulation 47(9) must be used only as permitted by subregulation 47(7);
 - (f) mesh nets used in the area described in Table 47.4 in subregulation 47(9) must be used only as permitted by that subregulation.
- (2) Paragraph (1)(b), (c) or (d) does not apply to bait netting, or to section 475 or Part 5 of Chapter 9 of the Fisheries Regulation to the extent that those provisions relate to bait netting.

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

- (3) In subregulation (1):

mesh net has the meaning given by the Fisheries Regulation.

offshore waters has the meaning given by the Fisheries Regulation.

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

27 Pelagic species

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

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

Regulation 28

- (i) Carangidae;
- (ii) Coryphaenidae;
- (iii) Sphyraenidae;
- (iv) Istiophoridae;
- (v) Scombridae; and
- (b) all species in each of the following genera are declared:
 - (i) *Aphareus*;
 - (ii) *Aprion*; and
- (c) the following species are declared:
 - (i) *Rachycentron canadum*;
 - (ii) *Xiphias gladius*.

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

In the Zoning Plan:

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

29 Protected species

- (1) For the definition of **protected species** in the Zoning Plan, the following species are declared:
 - (a) each species of cetacean;
 - (b) each species that is a listed marine species, a listed migratory species, a listed threatened ecological community or a listed threatened species (in each case within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*);
 - (c) each species of marine mammal, bird or reptile that is prescribed as ‘endangered wildlife’, ‘near threatened wildlife’, ‘rare wildlife’ or ‘vulnerable wildlife’ under the *Nature Conservation Act 1992* of Queensland as in force from time to time;
 - (d) each species that is at risk or in need of special protection and is mentioned or referred to in Table 29.
- (1A) For the purposes of paragraph (d) of the definition of **protected species** in subsection 3(1) of the Act, the following species are declared:
 - (a) each species mentioned or referred to in Table 29;
 - (b) each species of marine mammal, bird or reptile that is prescribed as ‘near threatened wildlife’ under the *Nature Conservation Act 1992* of Queensland as in force from time to time.
- (2) An individual of a species of the genus *Epinephelus* (other than *E. tukula* or *E. lanceolatus*) is taken to be of a protected species if the individual is more than 1 000 millimetres long.

Table 29 Protected species

Item	Species	Common name
Invertebrates		
1	Family Tridacnidae (all species)	Giant clams
2	<i>Cassis cornuta</i>	Giant helmet shell
3	<i>Charonia tritonis</i>	Trumpet triton
Fish		
4	Families Syngnathidae and Solenostomidae (all species)	Seahorses, seadragons, pipefishes and ghost pipefishes
4A	Family Pristidae (all species)	Sawfishes
5	<i>Epinephelus lanceolatus</i>	Queensland groper
6	<i>Epinephelus tukula</i>	Potato rockcod
7	<i>Cheilinus undulatus</i>	Humphead Maori wrasse
8	<i>Chromileptes altivelis</i>	Barramundi cod
9	<i>Rhincodon typus</i>	Whale shark
10	<i>Carcharias taurus</i>	Grey nurse shark
10A	<i>Carcharinus falciformis</i>	Silky shark
11	<i>Carcharodon carcharias</i>	White shark
11A	<i>Glyphis glyphis</i>	Speartooth shark
11B	<i>Isurus oxyrinchus</i>	Shortfin mako shark
11C	<i>Isurus paucus</i>	Longfin mako shark
11D	<i>Lamna nasus</i>	Porbeagle shark
11E	<i>Manta alfredi</i>	Reef manta ray
11F	<i>Manta birostris</i>	Giant manta ray
11G	<i>Mobula eregoodootenkee</i>	Pygmy devilray
11H	<i>Mobula japanica</i>	Japanese devilray
11J	<i>Mobula thurstoni</i>	Bentfin devilray
Marine reptiles		
12	Genus <i>Crocodylus</i> (all species)	Crocodiles
13	Families Hydrophiidae and Laticaudidae (all species)	Sea snakes
14	Family Cheloniidae (all species)	Green turtle, loggerhead turtle, olive ridley turtle, hawksbill turtle, flatback turtle
15	Family Dermochelyidae	Leatherback turtle
Birds		
16	Class Aves (all species)	Birds
Marine mammals		
17	Families Otariidae and Phocidae (all species)	Seals

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Item	Species	Common name
18	<i>Dugong dugon</i>	Dugong
19	Order Cetacea (all species)	Whales and dolphins

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

30 Queensland fisheries legislation

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

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

31 Ship—definition for Zoning Plan

In the Zoning Plan:

ship means a vessel that is:

- (a) 50 metres or more in overall length; or
- (b) an oil tanker (within the meaning given by the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973), regardless of its length; or
- (c) a chemical carrier or liquefied gas carrier, regardless of its length; or
- (d) a ship to which the INF Code applies, regardless of its length; or
- (e) a vessel that is adapted to carry oil or chemicals in bulk in cargo spaces; or
- (f) a vessel engaged in towing or pushing another vessel or vessels if any of paragraphs (a) to (e) applies to the towed or pushed vessel, or the total length of the tow, from the stern of the towing vessel to the after end of the tow, is greater than 150 metres;

but does not include:

- (g) a vessel of the Defence Force; or
- (h) a vessel of the armed service of another country, if the vessel is in Australian waters with the consent of Australia; or
- (i) a vessel more than 50 metres in overall length used for private recreational activities.

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

32 Stowed or secured

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

- (a) all nets are out of the water or the fore ends of the nets are drawn up to the booms;
- (b) all otter boards are drawn up to the trawl blocks on the booms or are inboard the vessel;
- (c) all lazy lines are through the blocks;
- (d) the cod ends are open.

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

In the Zoning Plan:

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

- (a) is recognised in the indigenous community or by a relevant representative Aboriginal/Torres Strait Islander body:
 - (i) as having spiritual or cultural affiliations with a site or area in the Marine Park; or
 - (ii) as holding native title in relation to that site or area; and
- (b) is entitled to undertake activities under Aboriginal or Torres Strait Islander custom or tradition in that site or area.

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

34 Trapping

- (1) For the definition of *trapping* in the Zoning Plan, the following limitations are prescribed:
 - (a) that trapping may only be conducted for the purpose of taking crabs, and only crabs are taken;
 - (b) that the take of crabs must be in accordance with the relevant provisions of Queensland fisheries legislation;
 - (c) that only crab pots, collapsible traps and dillies are used;
 - (d) that the apparatus used to trap crabs must be used in accordance with the relevant provisions of Queensland fisheries legislation.
- (2) In paragraph (1)(c):

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

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35 Trawling

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

35A Trolling—prescribed limitation

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

36 Vessel or aircraft charter operation—definition for Zoning Plan

In the Zoning Plan:

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

- (a) that is available for charter or hire; and
- (b) that is used in the course of carrying on a business that is, or includes, the provision of accommodation, transport, or services for a purpose other than a tourist program or an educational program; and
- (c) that travels in or into the Marine Park; and
- (d) that is not merely transiting the Marine Park.

37 General Use Zone—activities

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

38 Habitat Protection Zone—activities

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

- (a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;
- (b) aquaculture operations that involve the addition of feed.

39 Conservation Park Zone—activities

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

- (a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;
- (b) aquaculture operations that involve the addition of feed.

40 Buffer Zone—activities

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

- (a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;
- (b) aquaculture operations that involve the addition of feed.

41 Scientific Research Zone—activities

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

- (a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;
- (b) aquaculture operations that involve the addition of feed.

42 Marine National Park Zone—activities

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

- (a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;
- (b) aquaculture operations that involve the addition of feed.

43 Preservation Zone—activities

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

- (a) fishing or collecting (other than for the purposes of research or management of the Marine Park) involving line fishing using more than 6 hooks per line;
- (b) aquaculture operations that involve the addition of feed.

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

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

- (a) carrying out works (other than works relating to navigational aids) involving:
 - (i) dumping spoil; or
 - (ii) reclamation; or
 - (iii) beach protection works; or
 - (iv) harbour works;
- (b) constructing or operating a structure other than a vessel mooring or a navigational aid.

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45 Special Management Areas—types

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

- (a) Species Conservation (Dugong Protection) SMA;
- (b) Seasonal Closure (Offshore Ribbon Reefs) SMA;
- (c) No Dorries Detached (Offshore Ribbon Reefs) SMA;
- (d) Restricted Access SMA;
- (e) Public Appreciation SMA;
- (f) No Dorries Detached (Marine National Park Zone) SMA;
- (g) One Dory Detached (Conservation Park Zone) SMA;
- (h) One Dory Detached (Buffer Zone) SMA;
- (i) Natural Resources Conservation SMA;
- (j) Maritime Cultural Heritage Protection SMA.

46 Species Conservation (Dugong Protection) SMAs—declaration

- (1) The areas described in Parts 1 and 2 of Table 46 are declared to be the Hinchinbrook Island Area Species Conservation (Dugong Protection) SMA.
- (2) The areas described in Parts 3 and 4 of that table are declared to be the Lucinda to Allingham—Halifax Bay Species Conservation (Dugong Protection) SMA.
- (3) The areas described in Parts 5 and 6 of that table are declared to be the Cleveland Bay—Magnetic Island Species Conservation (Dugong Protection) SMA.
- (4) The areas described in Parts 18, 19 and 20 of that table are declared to be the Port of Gladstone—Rodds Bay Species Conservation (Dugong Protection) SMA.
- (5) The area described in each other Part of that table is declared to be a Species Conservation (Dugong Protection) SMA having the name set out in the Part heading.

Table 46 Species Conservation (Dugong Protection) SMAs

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

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

1	north-easterly along the geodesic to 18° 08.493' S, 146° 09.898' E;
2	easterly along the geodesic to the intersection of the coastal 500 metre line around the Brook Islands and the parallel 18° 08.426' S;
3	along the coastal 500 metre line around the Brook Islands to its intersection with the meridian 146° 18.298' E (at or about 18° 09.813' S, 146° 18.298' E);
4	southerly along the geodesic to the intersection of the coastal 500 metre line around Eva

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	Island and the meridian 146° 19.148' E (at or about 18° 13.651' S, 146° 19.148' E);
5	along that coastal 500 metre line around Eva Island to its intersection with the meridian 146° 19.681' E (at or about 18° 14.622' S, 146° 19.681' E);
6	southerly along the geodesic to the intersection of the eastern tip of Hillock Point, Hinchinbrook Island at mean low water and the parallel 18° 25.173' S (at or about 18° 25.173' S, 146° 21.460' E);
7	generally northerly and westerly along the island coastline at mean low water to its intersection with the Marine Park boundary (at or about 18° 14.816' S, 146° 04.238' E);
8	west along the Marine Park boundary to its intersection with the mainland coastline at mean low water (at or about 18° 14.816' S, 146° 00.983' E);
9	along the mainland coastline at mean low water to the point of commencement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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|---|--|
| 1 | easterly along the geodesic to the intersection of the northern tip of Cape Bowling Green and the meridian 147° 23.495' E (at or about 19° 18.137' S, 147° 23.495' E); |
| 2 | along the mainland coastline at mean low water to the point of commencement |
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Table 46 Part 8 Upstart Bay Species Conservation (Dugong Protection) SMA

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

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|---|--|
| 1 | easterly along the geodesic to the intersection of the western tip of Cape Upstart at mean low water and the parallel 19° 42.403' S (at or about 19° 42.403' S, 147° 45.156' E); |
| 2 | along the mainland coastline at mean low water to the point of commencement |
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Table 46 Part 9 Edgecumbe Bay—Bowen Species Conservation (Dugong Protection) SMA

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

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- | | |
|---|--|
| 1 | easterly along the geodesic to the intersection of the northern tip of Gloucester Head, Gloucester Island at mean low water and the meridian 148° 27.061' E (at or about 19° 58.300' S, 148° 27.061' E); |
| 2 | along the western shore of Gloucester Island at mean low water to its intersection with the meridian 148° 27.430' E (at or about 20° 03.136' S, 148° 27.430' E); |
| 3 | south-westerly along the geodesic to the intersection of the northern tip of Cape Gloucester and the meridian 148° 27.188' E (at or about 20° 03.624' S, 148° 27.188' E); |
| 4 | along the mainland coastline at mean low water to its intersection with the Marine Park boundary (at or about 20° 04.408' S, 148° 16.622' E); |
| 5 | along the Marine Park boundary to the intersection of the mainland coastline at mean low water and the parallel 20° 00.708' S (at or about 20° 00.708' S, 148° 16.102' E); |
| 6 | along the mainland coastline at mean low water to the point of commencement |
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Table 46 Part 10 Repulse Bay Species Conservation (Dugong Protection) SMA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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| 1 | south-easterly along the geodesic to its intersection with the Marine Park boundary (at or about 23° 52.173' S, 151° 24.241' E); |
| 2 | south-westerly along the Marine Park boundary to the intersection of Facing Island at mean low water and the parallel 23° 52.526' S (at or about 23° 52.526' S, 151° 23.317' E); |
| 3 | northerly along the island coastline at mean low water to the point of commencement |
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Table 46 Part 20 Port of Gladstone—Rodds Bay Species Conservation (Dugong Protection) SMA—Part 3

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

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

(1) In this regulation:

bait netting has the meaning given by the Zoning Plan.

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

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

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

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

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mesh net has the meaning given by the Fisheries Regulation.

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

netting has the meaning given by the Zoning Plan.

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

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

Special Management Provision—Species Conservation (Dugong Protection) SMA

- (2A) For subsection 4.2.3(2) of the Zoning Plan and subject to subregulations (4), (5), (7) and (9), subregulation (2) specifies the special management provisions that apply to a Species Conservation (Dugong Protection) SMA.
- (2) Netting or bait netting in an SMA mentioned in column 2 of an item in Table 47.1 in subregulation (3) must be carried out by commercial fishers in accordance with the provisions of Chapter 2 of the Fisheries Regulation specified, for the item, in column 3 of that table.
- (3) For subregulation (2), the following table sets out the provisions of Chapter 2 of the Fisheries Regulation that are applicable to each SMA.

Table 47.1

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

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

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

- (4) A set mesh net must not be used in offshore waters in an area described in Parts 1 to 5 of Table 47.2 unless the net:
- (a) is not longer than 50 m; and
 - (b) is used in accordance with section 121 of the Fisheries Regulation.

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

Table 47.2 Offshore Waters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1	north-westerly along the geodesic to 20° 53.954' S, 149° 2.541' E;
2	north-easterly along the geodesic to 20° 53.924' S, 149° 2.744' E;
3	south-easterly along the geodesic to 20° 54.253' S, 149° 3.225' E;
4	southerly along the geodesic to 20° 54.557' S, 149° 3.215' E;
5	south-westerly along the geodesic to 20° 54.816' S, 149° 2.956' E;
6	south-easterly along the geodesic to 20° 55.239' S, 149° 3.130' E;

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7	north-easterly along the geodesic to 20° 54.981' S, 149° 3.486' E;
8	easterly along the geodesic to 20° 55.039' S, 149° 3.855' E;
9	south-easterly along the geodesic to 20° 55.243' S, 149° 4.087' E;
10	south-westerly along the geodesic to 20° 55.752' S, 149° 3.963' E;
11	south-westerly along the geodesic to 20° 56.011' S, 149° 3.730' E;
12	south-westerly along the geodesic to 20° 56.195' S, 149° 2.979' E;
13	north-westerly along the geodesic to 20° 56.100' S, 149° 2.470' E;
14	north-westerly along the geodesic to 20° 55.908' S, 149° 2.349' E;
15	north-easterly along the geodesic to the intersection of the mainland coastline at mean low water and the parallel 20° 55.724' S (at or about 20° 55.724' S, 149° 2.576' E);
16	generally easterly along the mainland coastline at mean low water to the point of commencement.

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

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

1	south-easterly along the geodesic to 21° 24.766' S, 149° 20.251' E;
2	south-easterly along the geodesic to 21° 25.524' S, 149° 20.539' E;
3	southerly along the geodesic to 21° 25.894' S, 149° 20.503' E;
4	south-westerly along the geodesic to 21° 26.267' S, 149° 20.227' E;
5	north-westerly along the geodesic to 21° 26.212' S, 149° 19.872' E;
6	north-westerly along the geodesic to 21° 25.759' S, 149° 19.492' E;
7	north-easterly along the geodesic to the intersection of the mainland coastline at mean low water and the meridian 149° 19.644' E (at or about 21° 25.520' S, 149° 19.644' E);
8	generally south-easterly along the mainland coastline at mean low water to the point of commencement.

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

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

1	south-easterly along the geodesic to 23° 52.013' S, 151° 23.932' E;
2	south-westerly along the geodesic to 23° 52.210' S, 151° 23.770' E;
3	south-westerly along the geodesic to 23° 52.299' S, 151° 23.631' E;
4	southerly along the geodesic to 23° 52.410' S, 151° 23.623' E;
5	south-westerly along the geodesic to the intersection of the mainland coastline at Settlement

	Point and the meridian 151° 23.317' E (at or about 23° 52.526' S, 151° 23.317' E);
6	generally north–easterly along the mainland coastline at mean low water to the point of commencement.

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

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

- Note 1: For an additional requirement related to stowing and securing any equipment that is normally used for fishing or collecting, see paragraph 2.3.3 (g) of the Zoning Plan.
- Note 2: See regulation 13 for the nets specified for the definition of bait netting in the Zoning Plan and the prescribed limitations on the use of those nets.
- Note 3: See sections 38BA and 38BB of the Act for, respectively, an offence and a civil penalty provision that apply to a person who engages in conduct that contravenes subregulation (5).

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

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

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

Conditions of set mesh net use—Table 47.4 area

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

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

- (7) A set mesh net must not be used in an area described in Table 47.4 in subregulation (9) unless:
- (a) the set mesh net is:
 - (i) weighed down along the full length of the bottom of the net with only continuous lead core rope that has a diameter that is not less than 6 mm but not more than 8 mm; and
 - (ii) used in accordance with paragraphs 120A (c), (d), (e) and (f) of the Fisheries Regulation; and
 - (b) under each authority that allows netting in the area—the number of set mesh nets being used in the area is not more than 3; and
 - (c) each set mesh net is not longer than 120 m; and
 - (d) the mesh size of each set mesh net is not less than 100 mm but not more than 215 mm; and

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

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

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

Conditions of mesh net use—Table 47.4 area

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

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

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

- (a) is fixed or hauled; and
- (b) is not longer than 120 m; and
- (c) has a mesh size that is not less than 50 mm but not more than 115 mm; and
- (d) is weighed down along the full length of the bottom of the net with only continuous lead core rope that has a diameter that is not less than 6 mm but not more than 8 mm; and
- (e) is used in accordance with subregulation 472(7) of the Fisheries Regulation.

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

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

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

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

48 Seasonal Closure (Offshore Ribbon Reefs) SMAs—declaration

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

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

Table 48 Seasonal Closure (Offshore Ribbon Reefs) SMAs

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

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

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

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

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

1	easterly along the geodesic to 14° 39.405' S, 145° 41.808' E;
2	south-easterly along the geodesic to 14° 41.983' S, 145° 43.512' E;
3	southerly along the geodesic to 14° 44.737' S, 145° 44.329' E;
4	southerly along the geodesic to 14° 51.997' S, 145° 45.742' E;
5	southerly along the geodesic to 14° 55.703' S, 145° 44.649' E;
6	west along the parallel to its intersection with longitude 145° 42.438' E;
7	easterly along the geodesic to 14° 55.549' S, 145° 42.861' E;
8	north-easterly along the geodesic to 14° 55.224' S, 145° 43.256' E;
9	north-easterly along the geodesic to 14° 54.309' S, 145° 43.677' E;
10	northerly along the geodesic to 14° 53.183' S, 145° 44.030' E;
11	northerly along the geodesic to 14° 52.154' S, 145° 44.157' E;
12	northerly along the geodesic to 14° 50.703' S, 145° 44.058' E;

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13	northerly along the geodesic to 14° 49.184' S, 145° 43.692' E;
14	northerly along the geodesic to 14° 46.774' S, 145° 43.284' E;
15	northerly along the geodesic to 14° 45.888' S, 145° 43.044' E;
16	northerly along the geodesic to 14° 44.983' S, 145° 42.903' E;
17	north-westerly along the geodesic to 14° 44.518' S, 145° 42.558' E;
18	northerly along the geodesic to 14° 44.211' S, 145° 42.453' E;
19	northerly along the geodesic to 14° 42.576' S, 145° 42.216' E;
20	north-westerly along the geodesic to 14° 42.156' S, 145° 41.946' E;
21	north-westerly along the geodesic to 14° 42.000' S, 145° 41.635' E;
22	north-westerly along the geodesic to 14° 41.556' S, 145° 41.124' E;
23	northerly along the geodesic to 14° 40.843' S, 145° 40.909' E;
24	westerly along the geodesic to 14° 40.719' S, 145° 40.566' E;
25	north-westerly along the geodesic to 14° 40.422' S, 145° 40.355' E;
26	northerly along the geodesic to 14° 39.806' S, 145° 40.156' E;
27	north-westerly along the geodesic to 14° 39.601' S, 145° 39.978' E;
28	north-westerly along the geodesic to the point of commencement

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

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

1	westerly along the geodesic to 15° 20.448' S, 145° 44.976' E;
2	north-easterly along the geodesic to 15° 20.074' S, 145° 45.329' E;
3	north-easterly along the geodesic to 15° 19.268' S, 145° 45.951' E;
4	easterly along the geodesic to 15° 19.236' S, 145° 46.147' E;
5	north-easterly along the geodesic to 15° 19.106' S, 145° 46.344' E;
6	northerly along the geodesic to 15° 18.858' S, 145° 46.425' E;
7	north-westerly along the geodesic to 15° 18.225' S, 145° 46.114' E;
8	north-westerly along the geodesic to 15° 18.096' S, 145° 45.872' E;
9	west along the parallel to its intersection with longitude 145° 45.449' E;
10	north-easterly along the geodesic to 15° 17.716' S, 145° 45.736' E;
11	northerly along the geodesic to 15° 17.574' S, 145° 45.768' E;
12	northerly along the geodesic to 15° 16.821' S, 145° 45.575' E;
13	northerly along the geodesic to 15° 16.427' S, 145° 45.585' E;
14	northerly along the geodesic to 15° 15.720' S, 145° 45.359' E;
15	northerly along the geodesic to 15° 15.581' S, 145° 45.348' E;
16	north-westerly along the geodesic to 15° 15.444' S, 145° 45.135' E;
17	westerly along the geodesic to 15° 15.390' S, 145° 44.871' E;
18	north-westerly along the geodesic to 15° 15.120' S, 145° 44.721' E;

19	north along the meridian to its intersection with latitude 15° 14.119' S;
20	north-easterly along the geodesic to 15° 13.817' S, 145° 45.078' E;
21	northerly along the geodesic to 15° 13.509' S, 145° 45.114' E;
22	north-westerly along the geodesic to 15° 13.346' S, 145° 45.002' E;
23	northerly along the geodesic to 15° 12.864' S, 145° 44.952' E;
24	north-easterly along the geodesic to 15° 12.551' S, 145° 45.221' E;
25	northerly along the geodesic to 15° 12.146' S, 145° 45.234' E;
26	north-westerly along the geodesic to 15° 11.859' S, 145° 44.645' E;
27	north-westerly along the geodesic to 15° 11.402' S, 145° 44.417' E;
28	easterly along the geodesic to 15° 11.400' S, 145° 45.000' E;
29	east along the parallel to its intersection with longitude 145° 47.063' E;
30	south along the meridian to the point of commencement

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

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

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

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

- (1) A Seasonal Closure (Offshore Ribbon Reefs) SMA must not be used or entered for the purposes of fishing involving the taking of a pelagic species by trolling during the months of January to August (inclusive) in a year.
- (2) A tender commercial fishing vessel must be physically attached to its primary commercial fishing vessel at all times during the months referred to in subregulation (1).

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

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

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Table 50 No Dories Detached (Offshore Ribbon Reefs) SMAs

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

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

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

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

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

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

15	east along the parallel to its intersection with longitude 145° 42.438' E;
16	east along the parallel to its intersection with longitude 145° 44.650' E;
17	south-westerly along the geodesic to the point of commencement

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

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

52 Restricted Access SMAs—declaration

- (1) The area described in each of Parts 1 to 3 of Table 52 is declared to be a Restricted Access SMA having the name set out in the Part heading.
- (2) Each location mentioned in Part 4 of Table 52 is declared to be a Restricted Access SMA having as its name the name of the Location followed by the words 'Restricted Access SMA'.

Table 52 Restricted Access SMAs

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

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

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

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

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

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

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

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

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

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

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

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

53 Restricted Access SMAs—special management provision

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

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

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

- (a) if any equipment normally used for fishing or collecting is stowed or secured; and
- (b) access is in accordance with all relevant laws of Queensland as in force from time to time.

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

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

- (a) for which permission would not, but for regulation 53, be required under Part 2 of the Zoning Plan; or
- (b) for which the Institute already holds the written permission of the Authority.

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

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

- (a) for which permission would not, but for regulation 53, be required under Part 2 of the Zoning Plan; or
- (b) for which the University already holds the written permission of the Authority.

57 Public Appreciation SMAs—declaration

- (1) The area described in each of Parts 1 to 8A of Table 57 is declared to be a Public Appreciation SMA having the name set out in the Part heading.
- (2) Each location mentioned in Part 9 of Table 57 is declared to be a Public Appreciation SMA having as its name the name of the Location followed by the words ‘Public Appreciation SMA’.

Table 57 Public Appreciation SMAs

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

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

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

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

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

1	easterly along the geodesic to 17° 55.444' S, 146° 09.338' E;
2	south-easterly along the geodesic to 17° 56.887' S, 146° 10.904' E;

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3	southerly along the geodesic to 17° 58.236' S, 146° 11.037' E;
4	south-westerly along the geodesic to 17° 58.509' S, 146° 10.732' E;
5	north-westerly along the geodesic to 17° 58.285' S, 146° 10.236' E;
6	north-westerly along the geodesic to 17° 57.530' S, 146° 09.033' E;
7	north-westerly along the geodesic to 17° 56.175' S, 146° 07.767' E;
8	north-easterly along the geodesic to the point of commencement

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

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

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

Table 57 Part 4 Whitsundays Public Appreciation SMA

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

1	easterly along the geodesic to 20° 02.088' S, 148° 54.194' E;
2	easterly along the geodesic to 20° 04.327' S, 149° 03.672' E;
3	southerly along the geodesic to 20° 14.281' S, 149° 03.666' E;
4	easterly along the geodesic to 20° 14.283' S, 149° 07.992' E;
5	southerly along the geodesic to 20° 17.511' S, 149° 08.004' E;
6	south-westerly along the geodesic to 20° 23.280' S, 149° 02.281' E;
7	southerly along the geodesic to the intersection of the island coastline at mean low water and the parallel 20° 25.854' S (at or about 20° 25.854' S, 149° 02.339' E);
8	along the island coastline at mean low water to its intersection with the parallel 20° 26.268' S (at or about 20° 26.268' S, 149° 03.311' E);
9	easterly along the geodesic to 20° 26.267' S, 149° 04.232' E;
10	south along the meridian to its intersection with latitude 20° 27.668' S;
11	south-westerly along the geodesic to 20° 29.633' S, 149° 00.095' E;
12	westerly along the geodesic to the intersection of the mainland coastline at mean low water and the parallel 20° 28.714' S (at or about 20° 28.714' S, 148° 54.696' E);
13	along the mainland coastline at mean low water to its intersection with the parallel 20° 14.139' S (at or about 20° 14.139' S, 148° 46.134' E);

14	north-westerly along the geodesic to 20° 07.140' S, 148° 42.124' E;
15	northerly along the geodesic to 20° 06.361' S, 148° 42.120' E;
16	north-easterly along the geodesic to 20° 05.760' S, 148° 42.904' E;
17	east along the parallel to its intersection with longitude 148° 43.743' E;
18	easterly along the geodesic to the point of commencement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) limited spearfishing;
 - (b) the conduct of a harvest fishery;
 - (c) subject to subregulation (2), aquaculture operations.
- (2) Paragraph (1)(c) does not apply to the Fitzroy Island Reef (CP-16-4039) Public Appreciation SMA.

59 Whitsundays Public Appreciation SMA—special management provisions

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

- (a) limited spearfishing;
- (b) the conduct of a harvest fishery;
- (c) aquaculture operations.

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

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

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

- (1) Subject to the exceptions in subregulation (2), a dory must be physically attached to its primary commercial fishing vessel at all times.
- (2) The exceptions are the following:
 - (a) that the relevant dory was engaged in the rescue or attempted rescue of an endangered person;
 - (b) that the relevant dory was providing assistance to an endangered aircraft, vessel or structure to prevent or mitigate damage to the environment or to the aircraft, vessel or structure;
 - (c) that the relevant dory was conveying a person on a direct journey from land to its primary commercial fishing vessel (the *primary vessel*), or from the primary vessel to land, and throughout the journey the primary vessel remained within 1 nautical mile of both the dory and the land (not including any coral reefs);
 - (d) that at the relevant time the relevant dory was in the area described in Part 6 of Schedule 1 to the Zoning Plan as MNP-13-1015 (Night Island) and stayed within 500 metres of a fishing industry service vessel for which a permission is in force.

Regulation 62

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

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

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

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

64 One Dory Detached (Buffer Zone) SMAs—declaration

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

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

- (1) Subject to subregulation (2), no more than 1 dory is to be detached from its primary commercial fishing vessel at any time.
- (2) Subregulation (1) applies to the areas described in Parts 1 to 4 of Table 48 (Seasonal Closure (Offshore Ribbon Reefs) SMA) only during September, October, November and December in a year.

65A Natural Resources Conservation SMA—declaration

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

Table 65A

Natural Resources Conservation (Mermaid Cove, Lizard Island) SMA

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

1	north along the meridian to the intersection of the geodesic 14° 38.375' S (at or about 14° 38.375' S, 145° 27.060' E);
2	easterly along the geodesic to the intersection of the meridian 145° 27.272' E (at or about 14° 38.375' S, 145° 27.272' E);
3	south along the meridian to the intersection of the Lizard Island coastline at mean low water (at or about 14° 38.770' S, 145° 27.272' E);

4 westerly along the Lizard Island coastline at mean low water to the point of commencement.

65B Natural Resources Conservation SMA—special management provision

- (1) Subject to subregulation (2), a person must not fish or collect within the area described in Table 65A.
- (2) Subregulation (1) does not apply to:
 - (a) a person trolling or bait netting for pelagic species; or
 - (b) limited impact research (extractive); or
 - (c) research that is conducted in accordance with a permission.

66 Maritime Cultural Heritage Protection SMA—declaration

An area described in Part 1 or 2 of Table 66 is declared to be a Maritime Cultural Heritage Protection SMA having the name set out in the Part heading.

Table 66 Maritime Cultural Heritage Protection SMA

Table 66, Part 1 Catalina A24-25 Maritime Cultural Heritage Protection SMA

The area bounded by a notional line commencing at 17°12.825'S, 146°12.134'E then running progressively:

-
- | | |
|---|--|
| 1 | east along the parallel to 17°12.825'S, 146°12.704'E; |
| 2 | south along the meridian to 17°13.395'S, 146°12.704'E; |
| 3 | west along the parallel to 17°13.395'S, 146°12.134'E; |
| 4 | north along the meridian to the point of commencement. |
-

Table 66, Part 2 Catalina A24-24 Maritime Cultural Heritage Protection SMA

The area bounded by a notional line commencing at 19°49.988'S, 148°18.734'E then running progressively:

-
- | | |
|---|--|
| 1 | east along the parallel to 19°49.988'S, 148°19.304'E; |
| 2 | south along the meridian to 19°50.558'S, 148°19.304'E; |
| 3 | west along the parallel to 19°50.558'S, 148°18.734'E; |
| 4 | north along the meridian to the point of commencement. |
-

66A Maritime Cultural Heritage Protection SMAs—special management provisions

- (1) In this regulation:

fishing or collecting has the meaning given by the Zoning Plan.

wreck has the meaning given by the Zoning Plan.

Regulation 67

- (2) A person must not:
 - (a) enter a wreck; or
 - (b) approach within 100 metres of a wreck (other than in a non-submersible vessel or aircraft);in a Maritime Cultural Heritage Protection SMA without the written permission of the Authority.
- (3) A person must not, without the written permission of the Authority, operate a vessel in a Maritime Cultural Heritage Protection SMA, other than for the purpose of transiting the SMA.
- (4) A person must not anchor or attempt to anchor a vessel, or deploy the vessel's anchoring equipment, in a Maritime Cultural Heritage Protection SMA without the written permission of the Authority.
- (5) A person must not undertake fishing or collecting in a Maritime Cultural Heritage Protection SMA.

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

67 Emergency Special Management Areas

- (1) For subsection 4.2.1(2) of the Zoning Plan, the circumstances in which the Authority may designate an Emergency Special Management Area are that the designation is required for 1 or more of the following purposes:
 - (a) conservation of 1 or more species;
 - (b) conservation of natural resources;
 - (c) protection of cultural or heritage values;
 - (d) public safety;
 - (e) emergency situations requiring immediate management action.
- (2) The designation may be of a part or parts of a zone, or of more than 1 zone.
- (3) The designation:
 - (a) must specify the area to be designated; and
 - (b) must state the special management provisions that will apply to the area; and
 - (c) must state the period during which those provisions will apply to the area.
- (4) The Authority must, as soon as practicable, publish a notice of the designation in 1 or more of the following ways:
 - (a) in a newspaper that circulates generally in Queensland;
 - (b) in a local newspaper that circulates in the part of Queensland adjacent to the part of the Marine Park that is designated;
 - (c) on the Authority's website.
- (5) A notice referred to in subregulation (4) must also state that it is an offence to fail to comply with the special management provisions that apply to the area.

- (6) The designation commences from the date it is registered on the Federal Register of Legislation, or a later date specified in it.

Note: A designation is a legislative instrument. All legislative instruments are registered on the Federal Register of Legislation.

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

68 Extension and revocation of designation

- (1) The Authority may at any time, by notice published in the *Gazette*, revoke a designation under regulation 67.
- (2) Before the designation expires, the Authority may, by notice in the *Gazette*, extend the designation for a further period mentioned in the notice, being a period of not more than 60 days.

69 Entry to zones for purpose of taking certain protected species

For paragraph 5.3(c) of the Zoning Plan:

- (a) the following purpose is prescribed, that is, the taking of an animal of the species *Solegnathus hardwickii*, *S. dunckeri* or *Sphyrna lewini*; and
- (b) the following limitation is prescribed, that is, that the taking must be in accordance with Queensland fisheries legislation.

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

72 Contravening directions

- (1) If a person notifies the Authority in accordance with section 38BC of the Act that the person proposes to engage in conduct in the zone (including using or entering the zone), the Authority may give to the person a direction in respect of the person's conduct in the zone (including the person's use of, or entry to, the zone).
- (2) The direction may be any direction that is reasonably necessary for the protection or preservation of the Marine Park or property or things in the Marine Park, but must not require the person to remove a structure, landing area, farming facility, vessel, aircraft or other thing that is in the Marine Park.
- (3) A direction given under subregulation (1) is declared to be a direction to which section 38DC of the Act applies.

73 Commercial activities on Low Island

- (1) A person must not carry on a business on Low Island except a business that involves:
- (a) selling materials or services of an educational nature that relate to the Marine Park; or
- (b) providing guided tours of the island.
-

Regulation 73

Penalty: 50 penalty units.

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

Division 2.2A—Fishing and related offences

73A Definitions for Division

In this Division:

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

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

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

73B Conservation Park Zone—fishing offence

- (1) A person commits an offence if:
- (a) the person fishes in the Conservation Park Zone; and
 - (b) the person uses more than:
 - (i) 1 hand-held rod or handline; and
 - (ii) 1 hook attached to that line; and
 - (c) the person does not hold a permission authorising the fishing.

Penalty: 50 penalty units.

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

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

- (3) In this regulation:

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

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

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

73B Marine National Park Zone—fishing offence

- (1) A person commits an offence if:
- (a) the person fishes in the Marine National Park Zone; and
 - (b) the fishing is not for a purpose set out in section 2.7.3 of the Zoning Plan; and
 - (c) the person does not hold a permission authorising the fishing.

Penalty: 50 penalty units.

Note: Section 2.7.3 of the Zoning Plan allows the Marine National Park Zone to be used, without the written permission of the Authority, for particular purposes, including activities otherwise permitted by the section or in accordance with an accredited

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traditional use of marine resources agreement and any requirements relating to the operation of that agreement prescribed in the Regulations.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) In this regulation:

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

73C Dories in non-fishing areas

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

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

- (3) A person commits an offence if:
- the person is in, or on, a dory that is in a non-fishing area of the Marine Park; and
 - the dory is not under tow by, or otherwise attached to, the primary commercial fishing vessel in association with which the dory is licensed or used.

Penalty: 50 penalty units.

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

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

- (5) In this regulation:

non-fishing area of the Marine Park means:

- a zone described in the Zoning Plan as:
 - the Marine National Park Zone; or
 - the Scientific Research Zone; or
 - the Preservation Zone; or
- any other area of the Marine Park where the taking of fish is not permitted.

take, in relation to fish, includes:

- catch, capture, gather or obtain fish by any means; or
- engage in conduct, or an operation, that results in the death of fish.

73D Defences to prosecutions under regulation 73C

- (1) It is a defence to a prosecution under subregulation 73C(1), (2) or (3) if, throughout the period during which the dory was detached from the primary commercial fishing vessel while the dory was in a non-fishing area of the Marine Park, the dory:
 - (a) was in the area described in Part 6 of Schedule 1 to the Zoning Plan as MNP-13-1015 (Night Island); and
 - (b) stayed within 500 metres of a fishing industry service vessel for which a permission is in force.
- (2) Also, it is a defence to a prosecution under subregulation 73C(1), (2) or (3) if, throughout the period during which the dory was detached from the primary commercial fishing vessel while the dory was in a non-fishing area of the Marine Park:
 - (a) the dory was engaged in:
 - (i) the rescue, or attempted rescue, of an endangered person; or
 - (ii) the provision of assistance to an endangered aircraft, vessel or other structure to prevent or mitigate the occurrence of damage to the environment or to the aircraft, vessel or structure; and
 - (b) any equipment on the dory normally used for fishing or collecting was stowed or secured.
- (3) In addition, it is a defence to a prosecution under subregulation 73C(1), (2) or (3) if, throughout the period during which the dory was detached from the primary commercial fishing vessel while the dory was in a non-fishing area of the Marine Park:
 - (a) the dory was engaged in the conveyance of a person on a direct journey from land to the primary vessel, or from the primary vessel to land; and
 - (b) at all times during the period of the conveyance, the primary vessel remained within 1 nautical mile of both the dory and the land (not including any coral reefs); and
 - (c) any equipment on the dory normally used for fishing or collecting was stowed or secured.

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

- (4) In this regulation:

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

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

- (1) The master of a primary commercial fishing vessel commits an offence if:
 - (a) 2 or more dories are licensed, or used, in association with the primary vessel; and
 - (b) at a particular time:
 - (i) 2 or more of those dories are in the Buffer Zone; and

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

Penalty: 50 penalty units.

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

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

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

- (a) 2 or more dories are licensed, or used, in association with the primary vessel; and
- (b) at a particular time:
 - (i) 2 or more of those dories are in the Buffer Zone; and
 - (ii) more than 1 of those dories is detached from the primary vessel.

Penalty: 50 penalty units.

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

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

A person commits an offence if:

- (a) 2 or more dories are licensed, or used, in association with a primary commercial fishing vessel; and
- (b) at a particular time:
 - (i) 2 or more of those dories are in the Buffer Zone; and
 - (ii) more than 1 of those dories is detached from the primary vessel; and
 - (iii) the person is in, or on, 1 of the dories that is detached from the primary vessel; and
 - (iv) the person is reckless as to the fact that the person is in, or on, a dory in the circumstances mentioned in this regulation.

Penalty: 50 penalty units.

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

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

- (a) 2 or more dories are licensed, or used, in association with the primary vessel; and
- (b) at a particular time:
 - (i) 2 or more of those dories are in the Conservation Park Zone; and
 - (ii) more than 1 of those dories is detached from the primary vessel.

Penalty: 50 penalty units.

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

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

- (1) A person who holds a licence or other permission (however described) in force under a Commonwealth, State or Territory law permitting a primary commercial fishing vessel to be used to take fish commits an offence if:
- (a) 2 or more dories are licensed, or used, in association with the primary vessel; and
 - (b) at a particular time:
 - (i) 2 or more of those dories are in the Conservation Park Zone; and
 - (ii) more than 1 of those dories is detached from the primary vessel.

Penalty: 50 penalty units.

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

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

A person commits an offence if:

- (a) 2 or more dories are licensed, or used, in association with a primary commercial fishing vessel; and
- (b) at a particular time:
 - (i) 2 or more of those dories are in the Conservation Park Zone; and
 - (ii) more than 1 of those dories is detached from the primary vessel; and
 - (iii) the person is in, or on, 1 of the dories that is detached from the primary vessel; and
 - (iv) the person is reckless as to the fact that the person is in, or on, a dory in the circumstances mentioned in this regulation.

Penalty: 50 penalty units.

Division 2.4—Authorisations relating to Hinchinbrook Planning Area

78B Definitions

In this Division:

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

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

planning area means the Hinchinbrook Planning Area.

79 What this Division does

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

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

80 Application for authorisation

- (1) The holder of an existing permission may apply to the Authority for an authorisation to do a thing in the planning area if:
 - (a) but for clause 2.5, 2.6, 2.9 or 2.18 of the Plan of Management, the existing permission would authorise the holder to do the thing in the area; and
 - (b) the existing permission authorises the holder to do the thing in the area on more than 50 days in each year.
- (2) Only the holder of an existing permission is entitled to apply for an authorisation.
- (3) An application for an authorisation must be in writing and set out:
 - (a) the name and address of the applicant; and
 - (b) the details of the permission to which the authorisation is to be attached; and
 - (c) details of the activity, including its location.

81 Asking for more information about an application

- (1) The Authority may ask an applicant for an authorisation in writing to give the Authority, in writing, any other information that the Authority reasonably needs to consider the application.
- (2) If the Authority asks for information under subregulation (1) about an application, and the applicant does not give the Authority the information within 60 days after the Authority asks for it, or any further time that the Authority allows before the end of the first 60-day period, the application lapses.

82 Consideration of application

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

- (a) any relevant eligibility criteria set out in the Plan of Management; and
- (b) the requirements for ensuring the orderly and proper management of the Marine Park; and
- (c) any charge, collected amount or penalty amount that is overdue for payment by the applicant as the holder of a chargeable permission (whether or not the permission is in force); and
- (d) any late payment penalty that is payable by the applicant as the holder of a chargeable permission (whether or not the permission is in force).

83 Grant or refusal of authorisation

- (1) If a person has applied for an authorisation, and has complied with any request by the Authority for more information about the application, the Authority must grant, or refuse to grant, the authorisation.
- (2) The Authority must not grant an authorisation to do something except to a person who holds an existing permission that would, but for a section of the Plan of Management, authorise the holder to do the thing.
- (3) Except in special circumstances, an authorisation must not be granted if the application is made 3 months or less after the eligibility process commencement day (within the meaning of that expression in the Plan of Management).
- (4) An authorisation may be granted subject to conditions, including:
 - (a) a condition allowing the giving of authorities, and specifying how many persons may be given authorities; and
 - (b) a condition indemnifying the Authority in respect of costs to the Authority that the authorisation holder's activities might incur; and
 - (c) any other condition appropriate to the attainment of the object of the Act (including a requirement that the authorisation holder give the Authority a written undertaking in a form approved by the Authority).
- (5) The Authority must give the person written notice of its decision, setting out:
 - (a) if the decision was to grant an authorisation—the details of the existing permission to which it is attached; and
 - (b) if the authorisation was granted subject to a condition—details of the condition and the Authority's reasons for imposing it; and
 - (c) if the decision was to refuse to grant the authorisation sought—the reasons for the refusal.
- (6) If the Authority's decision was to refuse the authorisation, or to grant the authorisation subject to a condition, the written notice must include a statement to the effect that the applicant:
 - (a) may ask the Authority to reconsider the decision; and

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

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

84 When condition or refusal has effect

- (1) A decision to grant an authorisation unconditionally has effect immediately after the holder of the existing permission is told in writing of the decision.
- (2) A decision to refuse to grant an authorisation, or to grant an authorisation subject to a condition, has effect 6 months after the holder of the existing permission is told in writing of the decision.
- (3) Until a decision to which subregulation (2) applies has effect, the permission holder may continue to carry on the relevant activity in accordance with the permission.

85 Authorisation is part of permission

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

86 How long authorisation remains in force

- (1) An authorisation remains in force while the existing permission to which it is attached remains in force, or until the authorisation is surrendered or revoked.
- (2) A permission holder may surrender an authorisation without surrendering the existing permission to which it is attached.

87 Variation of authorisation in certain circumstances

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

Part 2A—Permissions

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

88 Permissions to which Part 2A applies

- (1) This Part applies to the following permissions:
 - (a) a permission for the purpose of section 38AA of the Act to engage in mining operations or geological storage operations;
 - (b) a permission referred to in sections 38BA and 38BB of the Act for the purpose of a zoning plan to engage in conduct in a zone (including the person's use of, or entry to, the zone);
 - (c) a permission referred to in section 38BD of the Act for the purpose of a zoning plan to fish in a zone using a particular fishing method or particular fishing apparatus;
 - (d) a permission for the purpose of section 38CA of the Act to engage in conduct in an unzoned area of the Marine Park;
 - (e) a permission for the purpose of section 38DD of the Act to discharge waste in the Marine Park;
 - (f) a permission for the purpose of regulation 53 to use or enter a Restricted Access SMA mentioned in regulation 52.
- (2) To avoid doubt, a permission referred to in paragraph (1)(b) includes a special permission.

Division 2A.2—Applications for permissions

Subdivision 2A.2.1—Making applications for permissions

88A How applications for permissions must be made

- (1) Subject to Division 2A.3, a person may apply to the Authority for a permission by:
 - (a) lodging a written application in accordance with subregulation (3); or
 - (b) making an application (whether or not in writing) in a manner approved by the Authority.
- Note: Division 2A.3 sets out a process for selecting entitled persons for special permissions. Generally, only entitled persons may apply for special permissions.
- (2) Paragraph (1)(b) applies only in the circumstances approved by the Authority.
- (3) For the purposes of paragraph (1)(a), the application must:
 - (a) be in the form approved by the Authority; and
 - (b) include the information required by the form; and
 - (c) be accompanied by any documents required by the form; and
 - (d) be lodged at a place or by a means specified in the form.

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

88B Withdrawal of applications

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

88C Withdrawals of 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.

Schedule 1 Designated anchorages
Part 2A Permissions
Division 2A.2 Applications for permissions

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When application is taken to be withdrawn	
Column 1	Column 2
Event causing application to be taken to be withdrawn	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 section 37AB of the <i>Great Barrier Reef Marine Park Act 1975</i> would not apply in relation to the proposal if the request were accepted	When the request is made
5 Chapter 4 (except section 155) of the EPBC Act ceases to apply to the action because of a declaration made by the Minister administering that Act under section 155 of that Act	When the Chapter ceases to apply
6 The referral is withdrawn under section 170C of the EPBC Act	When the referral is withdrawn

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

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

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

When application is taken to be reinstated	
Column 1	Column 2
Circumstances of reinstatement of application	Time application is taken to be reinstated
1 The application is taken to be withdrawn because the Minister administering the EPBC Act decides under section 74B of that Act that Division 1A of Part 7 of that Act should apply to the referral, and that Minister later decides under paragraph 74D(4)(b) of that Act that the referral is to be dealt with under provisions of Chapter 4 of that Act	When that Minister makes the later decision
2 The application is taken to be withdrawn because a request is made under section 156A of the EPBC Act, and the Minister	When that Minister makes the later decision

When application is taken to be reinstated	
Column 1	Column 2
Circumstances of reinstatement of application	Time application is taken to be reinstated
administering that Act later decides not to accept the varied proposal	

- (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.

Subdivision 2A.2.4—Additional information

88E Additional information

- (1) For the purposes of making one or more decisions under this Part relating to an application for a permission, the Authority may, in writing, request that the applicant give to the Authority specified additional information or a specified additional document.
- (2) The applicant may provide the information or document as part of a report or assessment prepared for the purposes of:
 - (a) the *Environment Protection and Biodiversity Conservation Act 1999*; or
 - (b) the *Environmental Protection Act 1994* of Queensland, Queensland planning legislation or the *State Development and Public Works Organisation Act 1971* of Queensland.
- (3) If the applicant does not provide the additional information or document to the Authority within 20 business days after the day the Authority gives the notice to the applicant (or such longer period that the Authority allows), the application is taken to have been withdrawn.
- (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).

Division 2A.3—Applications for special permissions

88F Purpose of Division

- (1) This Division provides for the process of seeking expressions of interest in relation to applications for special permissions.
- (2) This Division also sets out how expressions of interest are to be ranked in order for the person submitting the expression of interest to be declared an entitled person.

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

88G Interpretation

- (1) In this Division:

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

special permission has the meaning given by subregulations (2), (3), (4) and (6).

- (2) A special tourism permission is a *special permission*.
- (3) A permission to operate a heli-pontoon facility of the kind mentioned in subclause 1.37(2) of the Cairns Area Plan of Management 1998 is a special permission.
- (4) A permission to operate a mooring facility that meets the criteria in subregulation (5) is a special permission.
- (5) For subregulation (4), the criteria are that the mooring facility:
 - (a) is in a Location listed in Schedule 6 to the *Cairns Area Plan of Management 1998*; or
 - (b) is in the Whitsunday Planning Area and the permission was in force immediately before 18 December 2008; or
 - (c) is in the Hinchinbrook Planning Area and the permission was in force immediately before 15 April 2004; or
 - (d) is of a kind mentioned in subclause 1.37(1) of the *Cairns Area Plan of Management 1998*;but is not a mooring facility:
 - (e) of a kind mentioned in paragraph 1.36(3)(a), (b), (c), (e) or (f), clause 1.38 or subclause 1.39(7) of the *Cairns Area Plan of Management 1998*; or
 - (f) of a kind mentioned in subclause 1.27(2) of the *Whitsundays Plan of Management 1998*; or
 - (g) of a kind referred to in subclause 1.29(1) or 2.22(2) of the *Hinchinbrook Plan of Management 2004*.

- (6) A permission of a kind mentioned in subclause 1.27(3) or (4) of the *Whitsundays Plan of Management 1998* is a **special permission**.

88H Application of Division

- (1) A person is not required to be declared an entitled person under this Division in order to apply for a special permission if:
- (a) the person holds a special permission and, before the permission expires, the person applies under regulation 88A to replace the permission with a permission of the same kind; or
 - (b) the person held a special permission and after its expiry:
 - (i) the person applied under regulation 88A to replace the permission with a permission of the same kind; and
 - (ii) the Authority, under subregulation (2), decides to treat the application as having been made before the expiry of the permission; or
 - (c) the permission is transferred to the person under regulation 88ZK.
- (2) For subparagraph (1)(b)(ii), the Authority may decide to treat the application as having been made before the expiry of the special permission if the Authority considers that special circumstances put forward in writing by the applicant justify its doing so.

88I Only entitled person may apply for special permission

- (1) Despite subregulation 88A(1) and subject to regulation 88H, a person may apply for a special permission only if the person is, under this Division, declared to be an entitled person for the permission.
- (2) The Authority may declare a person to be an entitled person for a special permission only if the permission is available to be granted under a plan of management, and either:
- (a) has not been granted previously; or
 - (b) if granted previously—will not be in force at the time the entitled person is granted the applied-for permission under regulation 88X.

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

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

88J Invitations for expressions of interest

- (1) Subject to regulation 88H, before granting a special permission under regulation 88X, the Authority must publish a notice inviting expressions of interest in the permission.
- (2) The notice must be published:
- (a) on the Authority's website; and

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- (b) in a newspaper, if any, that is a local newspaper circulating in that part of the State of Queensland adjacent to that part of the Marine Park in which the conduct, for which permission is sought, is to be engaged in.
- (3) The notice must set out:
 - (a) the kind of permission or, if the notice applies to more than 1 kind of permission, each of the kinds of permission, for which expressions of interest are sought; and
 - (b) the procedure for expressing an interest; and
 - (c) the closing date for expressing an interest; and
 - (d) the amount of the lodgment fee for expressing an interest; and
 - (e) the criteria to be applied by the Authority in assessing an expression of interest.
- (4) The notice must be published at least 10 business days before the closing date for the expressions of interest.

88K Consideration of expressions of interest to determine entitled person

- (1) In making a decision under regulation 88M, 88N or 88O as to who is an entitled person in relation to a special permission mentioned in a notice under regulation 88J, the Authority must only consider expressions of interest that are:
 - (a) made in the form approved by the Authority; and
 - (b) received after the publication of the notice but no later than the closing date set out in the notice; and
 - (c) accompanied by the lodgment fee mentioned in the notice.
- (2) In considering an expression of interest, the Authority must have regard to the criteria mentioned in paragraph 88J(3)(e).

88L Ranking expressions of interest

- (1) Subject to subregulation (3), for each kind of special permission for which interest is expressed by more than 1 person, the Authority must rank the expressions in order of merit, and may rank by ballot any expressions of equal merit.
- (2) The Authority must determine the order of merit on the basis of the criteria set out in the notice under paragraph 88J(3)(e).
- (3) The Authority must not rank an expression of interest that does not satisfy all of the criteria mentioned in the notice under paragraph 88J(3)(e).
- (4) The Authority must give to a person whose expression of interest has not been ranked, a written notice setting out the reasons for the Authority's decision not to rank the expression of interest.
- (5) The Authority must give the notice to the person within 10 business days after making the decision.

88M First declaration of entitled person

- (1) For a kind of special permission set out in a notice under regulation 88J, the Authority must, in writing, declare the person who lodged the most highly ranked expression of interest for that kind of permission to be the entitled person for the permission.
- (2) The declaration must be made, and given to the person, as soon as practicable after the Authority ranks the expression of interest.
- (3) The declaration must:
 - (a) specify the date from which the decision that the person's expression of interest is the most highly ranked for the permission takes effect (the *date of effect*); and
 - (b) declare that the person is an entitled person to make an application under regulation 88A for that permission; and
 - (c) state that the person must make the application within 15 business days after the date of effect or the person will cease to be the entitled person for the permission.
- (4) The date of effect must not be a date before the date that the declaration is given to the person.

88N Second declaration of entitled person

- (1) The person declared to be the entitled person for the special permission under regulation 88M ceases to be the entitled person if the person:
 - (a) does not apply under regulation 88A within the period mentioned in paragraph 88M(3)(c); or
 - (b) withdraws an application made under regulation 88A; or
 - (c) lodges an application under regulation 88A and the application:
 - (i) is taken to have been withdrawn under subregulation 88E(3); or
 - (ii) is refused under regulation 88X; or
 - (iii) lapses under regulation 132.
- (2) If the person ceases to be the entitled person for the special permission, the Authority must again rank the expressions of interest for the permission so that the immediately next ranked expression of interest becomes the most highly ranked expression of interest.
- (3) The Authority must, in writing, declare the person whose expression of interest was ranked highest under subregulation (2), to be the entitled person for the permission.
- (4) The declaration must be made, and given to the person, as soon as practicable after the Authority ranks the expression of interest under subregulation (2).
- (5) The declaration must:

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- (a) specify the date from which the decision that the person's expression of interest is the most highly ranked for the permission takes effect (the *date of effect*); and
 - (b) declare that the person is an entitled person to make an application under regulation 88A for the permission; and
 - (c) state that the person must apply to make that application within 15 business days after the date of effect or the person will cease to be the entitled person for the permission.
- (6) The date of effect must not be a date before the date that the declaration is given to the person.

88O Further declarations of entitled person

- (1) If the person declared under regulation 88N to be the new entitled person for the special permission:
- (a) does not apply under regulation 88A within the period mentioned in paragraph 88N(5)(c); or
 - (b) withdraws an application made under regulation 88A; or
 - (c) lodges an application under regulation 88A and the application:
 - (i) is taken to have been withdrawn under subregulation 88E(3); or
 - (ii) is refused under regulation 88X; or
 - (iii) lapses under regulation 132;
- then regulation 88N continues to apply as required to the process of ranking of expressions of interest to determine the person who is to be declared the entitled person for the permission.
- (2) If the Authority is required to again rank expressions of interest under regulation 88N for a kind of permission set out in a notice under regulation 88J, the Authority in doing so need only take into account the outcome of the previous ranking for that permission.

88P Notice regarding unsuccessful expressions of interest

- (1) If:
- (a) a person's expression of interest for a special permission has been ranked by the Authority under regulation 88L; and
 - (b) the person has not received a declaration under regulation 88M, 88N or 88O;
- the Authority must give the person a written notice setting out the reasons for the decision not to give the person's expression of interest the highest ranking for that permission.
- (2) The notice must be given within 20 business days after the making of the decision.
- (3) This regulation does not apply in relation to an expression of interest that has been ranked again by the Authority in accordance with regulation 88N or 88O.

Division 2A.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.

Regulation 88PC

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).

Regulation 88PM

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.

Division 2A.4—Consideration of applications

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;

Regulation 88RA

- 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).

88RA Limitation on granting permission for dumping

Limitation on dumping

- (1) Despite any other provision in this Part, the Authority must not grant a permission for an activity if the Authority is satisfied that the activity would constitute or involve prohibited dumping.
- (2) Subregulation (1) applies in relation to the following applications for permission:
 - (a) an application made, or taken to have been made, before the day the *Great Barrier Reef Marine Park Amendment (Capital Dredge Spoil Dumping) Regulation 2015* commences, but not decided before that day;
 - (b) an application made, or taken to have been made, on or after the day that Regulation commences.

Prohibited dumping

- (3) In this regulation, ***prohibited dumping*** means dumping, in the Marine Park, an amount of capital dredge spoil material that prior to its excavation was, in situ, more than 15 000 cubic metres in volume.
- (4) However, ***prohibited dumping*** does not include burying a pipe, cable or tube with capital dredge spoil material if the material had been excavated to create the trench in which the pipe, cable or tube was laid.

Capital dredge spoil material

- (5) In this regulation, ***capital dredge spoil material*** means material excavated as a result of dredging:
 - (a) to create new channels, basins, ports, berths or other areas; or
 - (b) to enlarge or deepen existing channels, basins, ports, berths or other areas; or
 - (c) to remove material unsuitable for foundations; or
 - (d) to create trenches for pipes, cables or tubes; or
 - (e) for any other purpose incidental to creating a void.
- (6) However, ***capital dredge spoil material*** does not include material excavated as a result of dredging carried out for the sole purpose of:
 - (a) maintaining an existing channel, basin, port, berth or other area for its intended use; or
 - (b) protecting human life or property.

88S Limitations on granting permissions to take protected species

- (1) If conduct that is the subject of an application for a permission relates to, or involves, the taking of a protected species, the Authority must not issue a permission for the conduct unless it is satisfied that:
 - (a) the conduct is not inconsistent with any relevant recovery plan, wildlife conservation plan, threat abatement plan or approved conservation advice, under the *Environment Protection and Biodiversity Conservation Act 1999*; and
 - (b) 1 or more of the following apply:
 - (i) to the extent that the conduct relates to an area or areas outside the Marine Park—the conduct is permitted by or under the *Environment Protection and Biodiversity Conservation Act 1999*;
 - (ii) the conduct is of particular significance to the traditions of traditional owners and will not adversely affect the survival or recovery in nature of the protected species;
 - (iii) the conduct will contribute to the conservation of the protected species;
 - (iv) the taking of the protected species is not the main purpose of the conduct but is merely incidental to the conduct and will not adversely affect the conservation status of the species.

Regulation 88T

- (2) If the application relates to research, photography, filming or sound recording involving cetaceans or a tourist program involving whale watching or swimming with whales, the Authority must also consider whether the conduct will adversely affect a cetacean or the conservation status of a species of cetacean or a population of a species of cetacean.
- (3) The matters mentioned in subregulations (1) and (2) are additional to the matters that the Authority must consider under regulation 88Q.

88T Limitations on granting permissions to take leader prawn broodstock in Habitat Protection Zone in Mission Beach Leader Prawn Broodstock Capture Area

- (1) For subparagraph 2.3.4(a)(iii) of the Zoning Plan, the following limitations are prescribed in relation to a permission to take leader prawn broodstock in the Habitat Protection Zone in the Mission Beach Leader Prawn Broodstock Capture Area:
 - (a) the Authority must not grant the permission unless the applicant:
 - (i) demonstrates, by producing logbook records and receipts for broodstock from an aquaculture facility, that the applicant has taken leader prawn broodstock in the Area in at least 3 of the calendar years 1998, 1999, 2000, 2001 and 2002; and
 - (ii) holds a current commercial fisheries licence (T1 endorsement) under Queensland fisheries legislation; and
 - (iii) demonstrates compliance with the requirements of Queensland fisheries legislation relating to turtle excluder devices and bycatch reduction devices; and
 - (iv) demonstrates compliance with the requirements of Queensland fisheries legislation relating to the maintenance and use of vessel monitoring systems; and
 - (v) holds a purchase order for leader prawn broodstock from a licensed Australian aquaculture facility;
 - (b) the Authority must not grant the permission if doing so would result in there being more than 5 such permissions in force at any one time.
- (2) The matters mentioned in subregulation (1) are additional to the matters that the Authority must consider under regulation 88Q.
- (3) This regulation applies only in relation to the initial grant of a permission of a kind mentioned in subregulation (1).

88U Limitation on granting permissions to swim with dwarf minke whales in part of the Cairns Planning Area—maximum number

- (1) In this regulation, *Ribbon Reefs Sector* and *Offshore Port Douglas Sector* have the same meaning as in Schedule 2 to the *Cairns Area Plan of Management 1998*.
- (2) This regulation applies to an application for a permission to conduct a tourist program that consists, in whole or part, of a swimming-with-whales activity involving dwarf minke whales in the Ribbon Reefs Sector and the Offshore Port Douglas Sector of the Cairns Planning Area.
- (3) The Authority must not grant the permission if doing so would result in there being more than 9 permissions of that kind in force at any one time.
- (4) The matter mentioned in subregulation (3) is additional to the matters that the Authority must consider under regulation 88Q.

88V Limitations on granting permissions to enter or use Princess Charlotte Bay SMA—special management provisions

- (1) In this regulation:

primary commercial fishing boat licence means a primary commercial fishing boat licence issued under a law of Queensland as in force from time to time.

specified area means the area enclosed by the meridians 143° 30.00' E and 144° 30.00' E and the parallels 14° 00.00' S and 14° 30.00' S.

Note: The area defined is known as the Queensland fisheries logbook areas D11 and E11.

- (2) For section 4.2.4 of the Zoning Plan, the Authority must not grant a permission to a person to use or enter the Princess Charlotte Bay Special Management Area for netting (other than bait netting) unless:
 - (a) the person is the holder of a primary commercial fishing boat licence that authorises netting to be carried out in the specified area; and
 - (b) in accordance with the licence, netting was carried out in the specified area:
 - (i) at any time between 1 January 1996 and 31 December 1999 (inclusive); and
 - (ii) at any time in 3 or more calendar years between 1 January 1988 and 31 December 1999 (inclusive); and
 - (c) in accordance with the licence, at least 5 tonnes of catch were taken while netting was being carried out in the specified area in the period mentioned in subparagraph (b)(ii).
- (3) An application for permission to use or enter the Princess Charlotte Bay Special Management Area for netting (other than bait netting) must, in addition to containing the information required by Division 2A.2, be accompanied by evidence of the kind mentioned in subregulation (4) showing that the applicant satisfies the criteria in subregulation (2).

Regulation 88VA

- (4) For subregulation (3), the evidence is:
- (a) a certificate, or a certified copy of a certificate, issued under section 74 of the *Fisheries Act 1994* of Queensland, showing that the applicant is the holder of a primary commercial fishing boat licence of the kind mentioned in paragraph (2)(a); and
 - (b) a copy of each of the documents specified in subregulation (5), certified to be true copies by or on behalf of the chief executive (within the meaning of the *Fisheries Act 1994* of Queensland), showing that the applicant had complied with the conditions set out in paragraphs (2)(b) and (c).
- (5) For paragraph (4)(b), the following documents are specified:
- (a) each relevant return, or part of a return, given to the former Queensland Fisheries Management Authority or the State of Queensland through the former Queensland Fisheries Service under section 109 of the repealed *Fisheries Regulation 1995* of Queensland, as in force on 1 July 2004;
 - (b) if applicable, each relevant return, or part of a return, given to the former Queensland Fish Management Authority under the repealed *Fishing Industry Organisation and Marketing Act 1982* of Queensland.
- (6) The matters mentioned in subregulation (2) are additional to the matters that the Authority is required to consider under regulation 88Q.
- (7) This regulation applies only in relation to the initial grant of a permission of a kind mentioned in subregulation (2).

88VA Limitations on granting permissions to enter or use Maritime Cultural Heritage Protection SMAs—special management provisions

- (1) In this regulation:

cultural heritage purposes means one or more of the following:

- (a) to carry out cultural heritage research;
- (b) to carry out cultural heritage monitoring;
- (c) to carry out works to stabilise wrecks;
- (d) to carry out photography, filming or sound recording that will improve public education about, or understanding of, cultural heritage;
- (e) to carry out ceremonial activities directly relevant to cultural heritage;
- (f) to carry out activities incidental to an activity covered by paragraphs (a) to (e).

wreck has the meaning given by the Zoning Plan.

- (2) The Authority must not grant a permission to a person to use or enter a Maritime Cultural Heritage Protection SMA other than for cultural heritage purposes.

88W Considerations for permissions to camp on Commonwealth islands

- (1) In considering whether to grant a permission to camp on a Commonwealth island, the Authority must only consider the reasonable requirements for the orderly and proper management of the Marine Park and the camping site.
- (2) To avoid doubt, the matters that the Authority must consider under regulation 88Q do not apply to a permission under subregulation (1).

Note: Subsection 7(3) of the *Great Barrier Reef Marine Park Act 1975* provides that the Authority must, in managing the Marine Park and performing its other functions, have regard to, and seek to act in a way that is consistent with, the objects of the Act, the principles of ecologically sustainable use and the protection of the world heritage values of the Great Barrier Reef World Heritage Area.

Division 2A.5—Granting and refusing permissions

88X Grant or refusal of permission

If a person:

- (a) has applied for a permission in accordance with this Part; and
- (b) has complied with any requirement or request by the Authority about the application 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);

the Authority must, after taking into account the matters that it is required or permitted to take into account under the Act and this Part, make a decision on the application.

88Y Application to be decided within reasonable time

- (1) Subject to regulation 88Z, the Authority must make a decision on the application, and must notify the applicant of its decision, within a reasonable period after receipt of the application.
- (2) The Authority must notify the applicant in writing.

Note: Under the *Electronic Transactions Act 1999* the Authority is able to notify its decision by electronic communication.

88Z Decision on referrals that are taken to be applications

- (2) The Authority must not make a decision in relation to an EPBC referral deemed application involving an action unless:
 - (a) the Minister has determined under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* that the action is not a controlled action; or
 - (b) if the Minister has determined that the action is a controlled action—the Minister has made a decision under section 133 of the *Environment Protection and Biodiversity Conservation Act 1999* to approve the action in the referral.
- (3) The Authority must make a decision in relation to the EPBC referral deemed application:
 - (a) if paragraph (2)(a) applies—within a reasonable period after the making of the determination mentioned in paragraph (2)(a); and
 - (b) if paragraph (2)(b) applies—within the period of 10 business days after the making of the decision mentioned in paragraph (2)(b), unless subregulation (4) applies.
- (4) The Authority may extend the period mentioned in paragraph (3)(b) by giving the applicant a notice in writing specifying the period within which it will make a decision on the EPBC referral deemed application.

- (5) The notice must be given to the applicant before the end of the period mentioned in paragraph (3)(b).

Division 2A.6—Form, term and conditions of permissions

88ZA Form of permission

A permission issued by the Authority must be in writing and must specify the following:

- (a) if the permission is issued to an individual—the name of the person or persons to whom the permission is issued;
- (b) if the permission is issued to a body corporate—the name of the body corporate and, if available, the ABN or ACN of the body corporate, as appropriate;
- (c) the conduct that the person is authorised to engage in;
- (d) the date the permission is granted and, if different, the date the permission comes into force;
- (e) the date the permission expires;
- (f) the conditions subject to which the permission is granted;
- (g) whether the permission allows the holder to grant authorities under the permission.

88ZB Term of permission

- (1) Subject to regulation 88ZC, a permission remains in force for the period specified in the permission, unless it is revoked or surrendered before the end of that period.
- (2) The permission has no effect during any period for which it is suspended, but the period of the permission continues to run.

88ZC Certain permissions to continue in force

- (1) If:
 - (a) at any time:
 - (i) before a permission (the *original permission*) ceases to be in force, the permission holder applies for a further permission of the same kind in relation to the same conduct; or
 - (ii) after the original permission expires the Authority decides under subregulation 88H(2) to treat the application for the further permission as having been made before the expiry of the original permission; and
 - (b) the application has not been granted or refused before the expiry of the original permission; and
 - (c) the application has not been withdrawn under Division 2A.2 or Subdivision 2A.3A.5 before the expiry of the original permission;then the original permission remains in force until the first of the following events occur:
 - (d) the application is withdrawn under Division 2A.2 or Subdivision 2A.3A.5;

- (e) the Authority makes a decision on the application under regulation 88X;
 - (f) the original permission is suspended or revoked under Division 2A.8;
 - (g) the application lapses under regulation 132.
- (2) If a permission remains in force under subregulation (1), any authorisation attached to it is also taken to remain in force as long as the permission is in force.

88ZD Commencement of special permissions

- (1) Subject to subregulations (2), (3) and (4), a special permission does not come into force until the end of a 70 business day period commencing on the day that the Authority decides to grant the permission.
- (2) If:
- (a) the Authority grants a special permission; and
 - (b) a request for reconsideration, in accordance with subregulation 185(8), has not been made in relation to the Authority's decision to grant the permission;
- the permission comes into force on the day after the end of the period in which a request for reconsideration of the decision must be made under subregulation 185(8).
- (3) If the Authority grants an application under regulation 88A to replace a special permission with a permission (the *new permission*) of the same kind, the new permission comes into force on the day it is granted, or such later date as is specified by the Authority in the permission.
- (4) If the Authority approves the transfer of a special permission (the *transferred permission*) under regulation 88ZK, the transferred permission comes into force on the day the transfer is approved, or such later date as is specified by the Authority in the approval.

88ZE Conditions of permission

- (1) A permission may be granted subject to any conditions appropriate to the attainment of the objects of the Act.
- (2) Without limiting the generality of subregulation (1), a permission may be granted subject to any of the following conditions:
- (a) a condition relating to the manner in which conduct (including the use of, or entry to, a zone) that is the subject of the permission is to be carried out;
 - (b) a condition requiring the preparation, submission for approval by the Authority, and implementation of a plan for avoiding, mitigating or offsetting the relevant impacts of the permitted conduct;
 - (c) a condition requiring specified monitoring and audit activities to be carried out;
 - (d) a condition requiring the permission holder to enter into an agreement with the Commonwealth providing undertakings appropriate to the attainment of the objects of the Act;

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- (e) a condition requiring the provision of a security by way of a bond, guarantee or cash deposit;
 - (f) a condition requiring the permission holder to pay the Authority's reasonable costs associated with inspections and supervision in relation to any project that is permitted by the permission;
 - (g) a condition requiring the permission holder to indemnify the Authority in respect of costs to the Authority that the permission holder's conduct may incur (including costs that may be incurred under section 61A of the Act);
 - (h) a condition requiring the permission holder to insure against any specified liability of the holder to the Authority for measures taken by the Authority to repair and mitigate damage to the Marine Park caused by the permission holder's conduct or contravention of the Act or these Regulations;
 - (i) a condition requiring the permission holder to undertake specified activities:
 - (i) to protect the environment of the Marine Park; or
 - (ii) to repair or mitigate damage to the environment of the Marine Park;
 - (j) a condition requiring the permission holder to make a financial contribution for the purpose of supporting activities mentioned in paragraph (i).
- (3) The Authority must not include in a permission a condition of a kind mentioned in paragraph (2)(i) or (j) that is not directly related to activities authorised by the permission unless the permission holder has consented to the condition.

88ZF Authorities under permissions

- (1) In granting a permission, the Authority may include in the permission a condition that allows the holder to give to a person written authority to carry out any activity that may be lawfully carried out in accordance with the permission for such period as is specified in the authority.
- (2) The holder of a permission that contains such a condition may, unless to do so would contravene another condition of the permission, give to a person written authority to carry out any activity that may be lawfully carried out in accordance with the permission for such period as is specified in the authority.
- (3) If the carrying out of an activity by a person is authorised by an authority under a permission:
 - (a) the permission is, for the purposes of these Regulations, taken to authorise that person to carry out that activity; and
 - (b) any conditions to which the permission is subject, being conditions that relate to the carrying out of that activity, apply to the carrying out of that activity by the person; and
 - (c) the permission holder remains responsible for any activity carried out under the authority; and
 - (d) the giving of the authority does not prevent the carrying out of any activity by the person who gave the authority.

Division 2A.7—Transfer of permissions and changes in beneficial ownership

Subdivision 2A.7.1—Transfer of permissions

88ZG Application to transfer permission

- (1) The holder of a permission (the *transferor*) may apply to the Authority to transfer the permission, unless the permission:
 - (a) is suspended; or
 - (b) would have expired before the date of the proposed transfer.
- (2) The application must:
 - (a) be in the form approved by the Authority; and
 - (b) be signed by the transferor and the proposed transferee; and
 - (c) include, or be accompanied by, the information and documents required by the form; and
 - (d) be lodged:
 - (i) at a place or by a means specified in the form; and
 - (ii) at least 20 business days before the day on which the transfer is intended to occur; and
 - (e) be accompanied by the transfer fee required under item 1 of Table 134.
- (3) The Authority is not required to consider the application, or consider it further, if the application does not comply with the requirements of subregulation (2).
- (4) If the Authority decides not to consider an application, or consider it further, because the application does not comply with the requirements of subregulation (2), the Authority must give the applicant a notice in writing, within 10 business days after the day the Authority makes that decision, stating:
 - (a) that the application is incomplete; and
 - (b) the matters that must be dealt with to complete the application.
- (5) If the matters have not been dealt with within 30 business days after the notice is given (or such longer period as is specified in the notice), the application is taken to have been withdrawn.

88ZH 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

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- (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.

88ZIFurther information required to consider application

- (1) For the purposes of assessing the transferor's application under regulation 88ZG, the Authority may, in writing, request the transferor or the transferee to give to the Authority specified additional information or specified additional documents.
- (2) The transferor or transferee, as appropriate, must give the specified information or specified documents to the Authority within the period of 20 business days after the Authority gives the request to the transferor or transferee, as appropriate.
- (3) The Authority may, before the expiration of the 20 business days, extend the period by notice in writing given to the transferor or transferee, as appropriate.
- (4) The application is taken to have been withdrawn at the end of the period of 20 business days, or the longer period allowed by the Authority, as the case may be, if the transferor or the transferee, as appropriate, does not provide the additional information or document.

88ZJTransfer of permissions related to approval under *Environment Protection and Biodiversity Conservation Act 1999*

The Authority must not approve the transfer of a permission that relates to an activity that is also the subject of an approval under the *Environment Protection and Biodiversity Conservation Act 1999* unless the Minister has consented to the transfer of the approval under section 145B of that Act.

88ZKApproval of transfer

- (1) The Authority must, in writing given to the transferor and the proposed transferee, approve or refuse the transfer of the permission:
 - (a) within 20 business days after receiving the application; or

- (b) if the Authority has requested additional information under regulation 88ZI—within 20 business days after receiving the additional information, unless the application is taken to have been withdrawn under subregulation 88ZI(4); or
 - (c) if the Authority has notified the applicant of a longer period for considering the application—no later than the end of that longer period, unless the application is taken to have been withdrawn under subregulation 88ZI(4).
- (2) The Authority must not approve a transfer unless any fee payable under regulation 134 has been paid.
 - (3) If the Authority approves the transfer, it must issue the transferee a permission (the *new permission*) of identical effect and with identical conditions as the permission held by the transferor, unless otherwise agreed by the transferee.
 - (4) Despite subregulation (3), the new permission may include any of the following conditions:
 - (a) a condition requiring the provision of a security by way of a bond, guarantee or cash deposit;
 - (b) a condition requiring the permission holder to pay the Authority's reasonable costs associated with inspections and supervision in relation to any project that is permitted by the permission;
 - (c) a condition requiring the permission holder to indemnify the Authority in respect of costs to the Authority that the permission holder's activities may incur (including costs that may be incurred under section 61A of the Act);
 - (d) a condition requiring the permission holder to insure against any specified liability of the holder to the Authority for measures taken by the Authority to repair and mitigate damage to the Marine Park caused by the permission holder's activities or contravention of the Act or these Regulations.
 - (5) The permission (the *old permission*) held by the transferor is cancelled at the time the transferee is granted the new permission.

88ZL Transfer of authorisation attached to permission

- (1) Any authorisation that is attached to the permission is transferred with the permission.
- (2) To avoid doubt, an authorisation cannot be transferred separately from the permission to which it is attached.

Note: Under regulation 85, an authorisation is part of the permission to which it is attached.

Subdivision 2A.7.2—Change in beneficial ownership of company

88ZM Change in beneficial ownership of permission holder that is a company

- (1) A permission holder that is a company must notify the Authority in writing if there is a change in the beneficial ownership of the company (the *changed company*) after the permission has been granted.

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Note: It is an offence under regulation 88ZX not to notify the Authority of the change.

- (2) The notice must be:
 - (a) in a form approved by the Authority; and
 - (b) given to the Authority within 20 business days after the change occurs.
- (3) For subregulation (1), a change in the beneficial ownership of a company occurs when:
 - (a) there is a change in the persons (whether individuals or bodies corporate) holding an interest in 50% or more of the total voting shares of the company; or
 - (b) the company becomes a subsidiary of another company.

88ZN Further particulars about change in beneficial ownership

- (1) The Authority may, in writing given to the changed company, request the company to provide further information about the change in order to enable the Authority to properly consider the matters in regulation 88ZO.
- (2) The Authority may, by written notice given to the changed company, suspend or revoke the permission held by the changed company (or modify the conditions of the permission) if the company does not provide the information to the Authority within 20 business days (or such longer period specified by the Authority) after the Authority gives the request to the company.
- (3) Before suspending or revoking the permission (or modifying the conditions of the permission) under subregulation (2), the Authority must:
 - (a) give the company notice in writing of the facts and circumstances that, in the opinion of the Authority, justify suspending or revoking the permission (or modifying the conditions of the permission); and
 - (b) include in the notice a statement that the holder may, within 20 business days after the date of the notice (or such longer period as is specified in the notice), provide reasons to the Authority why the permission should not be suspended or revoked or why the conditions should not be modified.
- (4) In deciding whether or not to suspend or revoke the permission (or modify the conditions of the permission), the Authority must consider any reasons provided by the permission holder in response to a notice under subregulation (3).

88ZO Modification, suspension or revocation relating to change in beneficial ownership

- (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.
- (2) The Authority must notify the changed company whether or not it intends to suspend or revoke, or modify the conditions of, the permission held by the changed company within 20 business days after receiving:
- (a) if the Authority has not requested additional information under regulation 88ZN—a notice under regulation 88ZM; or
 - (b) if the Authority has requested additional information under regulation 88ZN—the additional information requested under regulation 88ZN.

Division 2A.8—Modification, suspension and revocation

88ZP Modification of permission conditions

- (1) The Authority may, by written notice given to a permission holder, modify the conditions of the permission in order to ensure the permission, and the conditions of the permission, remain appropriate to the attainment of the objects of the Act.
- (2) The Authority may modify the conditions:
 - (a) with the consent of the permission holder; or
 - (b) without the consent of the permission holder:
 - (i) if the holder has been convicted or found guilty of an offence against the Act or these Regulations; or
 - (ii) if the holder has been convicted or found guilty of an offence against section 136.1 or 137.1 of the *Criminal Code* in relation to the person's application for the permission; or
 - (iii) if the Federal Court has made a declaration under section 61AIA of the Act that the holder has contravened a civil penalty provision in the Act; or
 - (iv) if the activity or conduct that is the subject of the permission is also the subject of an approval under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* and that approval has been varied under section 143 of that Act; or
 - (v) if the Authority believes, on reasonable grounds, that it is necessary to do so to protect the environment, or the living resources, of the Marine Park.
- (3) Before taking action to modify a condition on a ground mentioned in paragraph (2)(b), the Authority must:
 - (a) give written notice to the holder of the facts and circumstances that, in the opinion of the Authority, justify modifying the condition; and
 - (b) include in the notice a statement that the holder may, within 20 business days after the date of the notice (or such longer period as is specified in the notice), provide reasons to the Authority why the condition should not be modified.
- (4) In deciding whether to modify the conditions of the permission, the Authority must consider any reasons provided by the permission holder in response to a notice under subregulation (3).
- (5) In this regulation, **permission** includes an authorisation attached to the permission.

88ZQ Modification of conditions or suspension of permission—pending investigation

- (1) The Authority may, by written notice given to the permission holder, modify the conditions of the permission, or suspend the permission, for the purpose of conducting an investigation, if the Authority has reason to believe that:
 - (a) the holder has contravened, or is likely to contravene, the conditions of the permission; or
 - (b) unacceptable relevant impacts have occurred, are occurring or are likely to occur that were not foreseen at the time of granting the permission; or
 - (c) if the application for the permission was being considered again, the permission would not have been granted because of circumstances that were not foreseen at the time the permission was first granted; or
 - (d) the holder's history in environmental matters is such that the holder may no longer be an appropriate person to hold the permission.
- (2) The notice must also:
 - (a) set out the Authority's reasons for the modification or suspension; and
 - (b) specify a period (being a period of not less than 10 business days) within which the permission holder may provide reasons to the Authority as to why the Authority should remove the modification or suspension.
- (3) The modification or the suspension, as appropriate, commences:
 - (a) on the day the Authority gives notice to the permission holder under subregulation (1); or
 - (b) if a later day is specified in the notice, on that later day.
- (4) The Authority must, as soon as practicable after giving notice to the permission holder:
 - (a) investigate the matter in respect of which the condition was modified or the permission was suspended; and
 - (b) consider any reasons provided by the permission holder in response to the notice.
- (5) The Authority must complete its investigation within:
 - (a) 20 business days after the day on which the modification or suspension commenced; or
 - (b) 20 business days after the day the permission holder provides reasons to the Authority in response to the notice;whichever occurs later.
- (6) In this regulation, *permission* includes an authorisation attached to the permission.

88ZR Action following investigation

- (1) If, as a result of its investigation, the Authority does not find reasonable grounds for modifying the condition or suspending the permission, it must:

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- (a) immediately remove the modification or suspension; and
 - (b) as soon as practicable after doing so, notify the permission holder in writing that it has removed the modification or suspension, as the case may be.
- (2) If, as a result of its investigation, the Authority finds reasonable grounds for modifying the condition or suspending the permission, it may, by written notice given to the permission holder, take the following action:
- (a) continue the modification;
 - (b) continue the suspension;
 - (c) revoke the permission.
- (3) The Authority must take the action no later than 10 business days after the day it completes its investigation.
- (4) The notice must include the reasons for continuing the modification or suspension, or revoking the permission, as the case may be.
- (5) If the Authority continues the modification or suspension by notice under subregulation (2), the following provisions apply:
- (a) in the case of a modification of a condition—the permission that is subject to the condition has effect as if it had been granted with the modified condition;
 - (b) in the case of a suspension—the permission remains suspended for the period specified in the notice.
- (6) If the Authority revokes the permission under subregulation (2), the revocation takes effect on the day the Authority gives the notice to the permission holder.
- (7) If the Authority does not continue the modification or suspension, or revoke the permission, within a period of 10 business days after completing its investigation, the modification or suspension, as the case may be, ceases to have effect at the end of that period.
- (8) In this regulation, *permission* includes an authorisation attached to the permission.

88ZT Suspension of permission—environmental management charge

- (1) The Authority may, by written notice given to the holder of a chargeable permission, suspend the permission if any of the following apply:
- (a) at the end of the month in which charge is payable in relation to the permission by the holder of the permission, the charge has not been fully paid;
 - (b) charge that is payable in relation to the permission by a visitor has not been collected by the holder of the permission;
 - (c) at the end of the month in which a collected amount is payable in relation to the permission, the collected amount has not been fully paid;

- (d) a penalty amount that is payable in relation to the permission has not been paid in accordance with subsection 39FA(3) of the Act;
 - (e) an amount of late payment penalty that is payable in relation to the permission has not been paid;
 - (f) at the end of the month in which a return in relation to the permission is to be given to the Authority under subregulation 167(1) or (3), the return has not been given to the Authority.
- (2) The suspension commences:
- (a) on the day the Authority gives notice to the permission holder under subregulation (1); or
 - (b) if a later day is specified in the notice, on that later day.
- (3) The suspension remains in force until the Authority is satisfied:
- (a) that:
 - (i) if paragraph (1)(a), (b), (c), (d) or (e) applies—the charge, amount or penalty, as appropriate, is paid; or
 - (ii) if paragraph (1)(f) applies—a properly completed return has been given to the Authority; and
 - (b) that the reinstatement fee under regulation 133B is paid to the Authority.
- (4) Before taking action to suspend a permission under subregulation (1), the Authority must:
- (a) give written notice to the holder of the facts and circumstances that, in the opinion of the Authority, justify consideration being given to suspending the permission; and
 - (b) include in the notice a statement that the holder may, within 10 business days after the date of the notice, provide reasons to the Authority why the permission should not be suspended.
- (5) In deciding whether or not to suspend the permission, the Authority must consider any reasons provided by the holder in response to a notice under subregulation (4).

88ZU Revocation of permission—general

- (1) The Authority may, by written notice given to the permission holder, revoke the permission if the Authority is satisfied that any of the following apply:
- (a) the holder consents to the revocation;
 - (b) the holder has been convicted or found guilty of an offence against the Act or these Regulations;
 - (c) the holder has been convicted or found guilty of an offence against section 136.1 or 137.1 of the *Criminal Code* in relation to the holder's application for the permission;
 - (d) the Federal Court has made a declaration under section 61AIA of the Act that the holder has contravened a civil penalty provision in the Act;

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- (e) if the permission has been suspended under regulation 88ZT—the holder has not, within 10 business days of the suspension, taken the action that would enable the Authority to reinstate the permission;
 - (f) the conduct that is the subject of the permission is also the subject of an approval under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* and that approval has been revoked under section 145 of that Act;
 - (g) the holder did not engage in the conduct in the Marine Park that is permitted by the permission within 120 days after the date on which the permission was granted, or transferred, under these Regulations, unless the permission states otherwise.
- (2) A revocation takes effect:
- (a) on the day the Authority gives notice to the holder under subregulation (1); or
 - (b) if a later day is specified in the notice, on that later day.
- (3) Before taking action to revoke a permission on a ground mentioned in paragraphs (1)(b) to (g), the Authority must:
- (a) give to the holder a written notice of the facts and circumstances that, in the opinion of the Authority, justify consideration being given to revoking the permission; and
 - (b) include in the notice a statement that the holder may, within 10 business days after the date of the notice, provide reasons to the Authority why the permission should not be revoked.
- (4) In deciding whether to revoke the permission, the Authority must consider any reasons provided by the holder in response to a notice under subregulation (3).
- (5) In spite of subregulation (3), the Authority may, by written notice given to the holder, suspend the permission while it considers whether or not to revoke the permission.
- (6) The suspension:
- (a) commences:
 - (i) on the day the Authority gives notice to the permission holder under subregulation (5); or
 - (ii) if a later day is specified in the notice, on that later day; and
 - (b) ends on the earlier of:
 - (i) the day the Authority makes a decision on whether or not to revoke the permission; and
 - (ii) the day that is 20 business days after the date of the notice mentioned in subregulation (5).
- (7) In this regulation, **permission** includes an authorisation attached to the permission.

88ZV Revoked permission to be reinstated in particular circumstances

- (1) This regulation applies if:
 - (a) the Authority has revoked a permission (the *revoked permission*) because the conduct that is the subject of the permission is also the subject of an approval under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* and that approval (the *revoked approval*) has been revoked under section 145 of that Act; and
 - (b) the revoked approval has been reinstated under section 145A of that Act.
- (2) The Authority must:
 - (a) reinstate the revoked permission as soon as practicable after the revoked approval has been reinstated; and
 - (b) notify the permission holder in writing that the permission has been reinstated.

Division 2A.9—Offence provisions

88ZW Requirement to produce permission for inspection

- (1) A person commits an offence if:
 - (a) the person holds a permission; and
 - (b) the person engages in conduct in the Marine Park; and
 - (c) the Authority, or an inspector performing functions under the Act, requests the person to produce a copy of the permission; and
 - (d) the person does not produce the permission to the Authority or inspector.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) In this regulation, *permission* includes an authority given under the permission and an authorisation attached to the permission.

88ZX Notification of change in beneficial ownership

- (1) A person commits an offence if:
 - (a) the person is a body corporate; and
 - (b) the body corporate is a permission holder; and
 - (c) there is a change in the beneficial ownership of the body corporate after the permission has been granted; and
 - (d) the person does not notify the Authority in writing of the change within 20 business days of the change occurring.

Penalty: 50 penalty units.

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

88ZY Conviction after permission is suspended or revoked

- (1) A person:
 - (a) who was the holder of a permission; and
 - (b) who failed to comply with a condition of the permission while the permission was in force;may be convicted of an offence for failing to comply with the condition although the permission has been revoked or has otherwise ceased to be in force.
- (2) In this regulation, *permission* includes an authorisation attached to the permission.

Division 2A.10—Miscellaneous**88ZZ Prescribed circumstances**

For subsection 38BA(5) of the Act, the following circumstances are prescribed:

- (a) in respect of conduct engaged in by a person in an area covered by the Zoning Plan during the first 120 days after the day on which the Plan comes into operation:
 - (i) the person engaged in conduct of the same kind, in that area, before the Plan came into operation; and
 - (ii) permission was not required for that conduct in that area before the Plan came into operation; and
 - (iii) that conduct does not involve fishing or collecting in that area that would otherwise require permission after the Plan comes into operation;
- (b) in respect of conduct engaged in by a person in an area covered by the Zoning Plan during the first 120 days after the day on which an amendment of the Plan comes into operation:
 - (i) the person engaged in conduct of the same kind, in the same area, before the amendment came into operation; and
 - (ii) permission was not required for that conduct before the amendment came into operation; and
 - (iii) that conduct does not involve fishing or collecting in that area that would otherwise require permission after the amendment comes into operation;
- (c) in respect of conduct engaged in by a person in an area covered by the Zoning Plan after the end of a period mentioned in paragraph (a) or (b):
 - (i) the person engaged in conduct of the same kind, in that area, before the beginning of that period; and
 - (ii) permission was not required for that conduct before the beginning of that period; and
 - (iii) the person applied for permission to engage in the conduct during that period; and
 - (iv) the person applied for the permission in accordance with these Regulations; and
 - (v) the person complies with any requirement or request made by the Authority under the Act, these Regulations or the Plan in relation to the application; and
 - (vi) the permission has not been granted or refused, and the application has not been withdrawn or lapsed.

88ZZA No permission for reef walking in Whitsunday Planning Area

- (1) On and after the commencement of this regulation, a permission that purports to give permission for the activity of reef walking in the Whitsunday Planning Area
-

Regulation 88ZZA

does not have the effect of giving permission for the activity of reef walking in the Whitsunday Planning Area.

- (2) Subregulation (1) applies whether the permission was granted or issued before, on or after the commencement of this regulation.
- (3) Subregulation (1) does not affect a permission described in that subregulation so far as the permission deals with a matter other than the activity of reef walking in the Whitsunday Planning Area.
- (4) Subregulation (1) affects the permission set out in permit G14/36918.1 for Luxury Yachting Pty Ltd (ACN 051 993 992) to carry out the activity of reef walking at Langford Reef only on and after 1 June 2020.

Note: Subregulation (1) affects:

- (a) the permission set out in that permit for reef walking in other places on and after the commencement of this regulation; and
- (b) any permission arising from transfer or renewal of that permission (whether the transfer or renewal occurs before, on or after 1 June 2020).

Omitting references to reef walking from replacement permissions

- (5) If, before, on or after the commencement of this regulation, a person:
 - (a) holds a permission (the **old permission**) described in subregulation (1); and
 - (b) applies (before or after the expiry of the old permission):
 - (i) to replace the old permission with a permission of the same kind; or
 - (ii) for a further permission of the same kind in relation to the same conduct;

subregulation (1) does not prevent subregulation 88H(1), 88ZC(1) or 88ZD(3) from operating in relation to the old permission and the replacement permission or further permission, even if the replacement permission or further permission does not purport to give permission for the activity of reef walking in the Whitsunday Planning Area but is otherwise of the same kind as the old permission.

Note: Subregulations 88H(1), 88ZC(1) and 88ZD(3) operate if a replacement permission or further permission (applied for or granted) is of the same kind as an earlier permission.

Omitting references to reef walking from new permissions resulting from transfers

- (6) If, before, on or after the commencement of this regulation, a person:
 - (a) holds a permission described in subregulation (1); and
 - (b) applies to transfer the permission;and the Authority approves the transfer on or after that commencement, subregulation 88ZK(3) does not require the new permission to purport to give permission for the activity of reef walking in the Whitsunday Planning Area or to include any conditions relating to that activity in that area.

Note: Subregulation 88ZK(3) generally requires the new permission to be of identical effect, and have identical conditions, to the permission held by the transferor.

Part 2B—TUMRAs

Division 2B.1—Preliminary

89A Definitions for Part

In this Part:

holder, in relation to a TUMRA, means an individual:

- (a) who is a member of the traditional owner group covered by the TUMRA;
and
- (b) to whom correspondence may be sent on behalf of the group.

Division 2B.2—Accreditation of TUMRA

89B Application for accreditation of TUMRA

- (1) An individual may, on behalf of a traditional owner group, apply to the Authority for accreditation of a TUMRA that covers the group.
- (2) The individual must be a member of the traditional owner group covered by the TUMRA.
- (3) The application must:
 - (a) be in the form approved by the Authority; and
 - (b) include the information required by the form; and
 - (c) be accompanied by a copy of the TUMRA; and
 - (d) be accompanied by any other documents required by the form; and
 - (e) be lodged at a place or by the means specified in the form.
- (4) The Authority is not required to consider an application, or consider it further, if the application does not comply with the requirements of subregulation (3).
- (5) If the Authority decides not to consider an application, or consider it further, because the application does not comply with the requirements of subregulation (3), the Authority must give the applicant a notice in writing, within 10 business days after the day the Authority makes that decision, stating:
 - (a) that the application is incomplete; and
 - (b) the matters that must be dealt with to complete the application.
- (6) If the matters have not been dealt with within 30 business days after the notice is given (or such longer period as is specified in the notice), the application is taken to have been withdrawn.
- (7) Nothing in this regulation prevents a group of individuals from making a joint application for accreditation of a TUMRA under subregulation (1), but all of the individuals must be members of a traditional owner group covered by the TUMRA.

89C Withdrawal of applications

- (1) An application under regulation 89B for accreditation of a TUMRA may, by written notice given to the Authority, be withdrawn at any time before it is decided by the Authority.
- (2) The notice must be signed, on behalf of the traditional owner group covered by the TUMRA, by the applicant or applicants who lodged the application, or by the authorised representative or representatives of the applicant or applicants, as the case may be.

89D Matters to be included in TUMRA

- (1) A TUMRA must:
 - (a) describe the area of the Marine Park in relation to which the TUMRA is to operate; and
 - (b) identify the traditional owners covered by the TUMRA; and
 - (c) identify the holder of the TUMRA; and
 - (d) include a description of the area and the traditional use of marine resources to be covered by the TUMRA, including a description of the activities proposed to be undertaken at specific locations in an area of the Marine Park; and
 - (e) describe the animal species proposed to be harvested and, if those species include 1 or more protected species, how many specimens of each protected species is proposed to be harvested; and
 - (f) describe the management arrangements proposed by the traditional owner group for implementation of the TUMRA, including the proposed role of the traditional owner group in ensuring compliance with the TUMRA; and
 - (g) describe the manner in which monitoring and reporting of the traditional use of marine resources is to be conducted under the TUMRA, including the recording and reporting of information about the take of protected species; and
 - (h) describe the process used to develop the TUMRA by the traditional owner group, including any consultation with government authorities and other interested persons.

Note for paragraphs (e) and (g): For information about protected species, see regulation 29.

- (2) For paragraph (1)(b), individuals may be identified by name, family, clan, traditional owner group or other means used by the group to identify members of the group.
- (3) A TUMRA is not ineligible for accreditation only because it does not contain all of the information required by subregulation (1).

89E Additional information

- (1) For the purpose of assessing an application for accreditation of a TUMRA, the Authority may, in writing, request the applicant or applicants who lodged the application (the *relevant applicant*) to give to the Authority specified additional information or a specified additional document.
- (2) The relevant applicant must provide the additional information or document within the period of 20 business days after the day the Authority gives the request to the relevant applicant.
- (3) The Authority may, before the expiration of the period of 20 business days, extend the period by notice in writing given to the relevant applicant.

Regulation 89F

- (4) The application is taken to have been withdrawn at the end of the period of 20 business days, or the longer period allowed by the Authority, as the case may be, if the relevant applicant does not provide the additional information or document.

89F Assessment of applications for accreditation

In assessing an application for accreditation of a TUMRA the Authority must consider the following matters:

- (a) the objectives of the zone or zones in which the proposed TUMRA would apply;
- (b) the matters covered by the TUMRA;
- (c) the likely effect of accreditation of the TUMRA on future options for the Marine Park;
- (d) the nature and scale of the traditional use of marine resources and any conservation of natural resources undertaken in accordance with the TUMRA;
- (e) the conservation of the natural resources of the Marine Park, including the need for conservation of protected species and, in particular, the capability of the relevant population of such a species to sustain harvesting;
- (f) any other requirements for ensuring the orderly and proper management of the Marine Park;
- (g) the need to protect the cultural and heritage values held in relation to the Marine Park by traditional owners and other people;
- (h) the possible effects of the proposed traditional use of marine resources on the environment and the adequacy of safeguards for the environment;
- (i) the likely effects of the proposed traditional use of marine resources on adjoining and adjacent areas;
- (j) any existing agreements or arrangements between the Authority and the traditional owner group covered by the TUMRA;
- (k) any legislation or government policy that applies to the proposed traditional use of marine resources;
- (l) any action necessary to avoid, remedy or mitigate unacceptable environmental impact that may result from the accreditation of the TUMRA;
- (m) any other matters relevant to the protection of the Marine Park.

Note for paragraph (e): For information about protected species, see regulation 29.

89G Accreditation of TUMRA

- (1) Subject to subregulation (2), if:
 - (a) an individual has applied for accreditation of a TUMRA in accordance with this Part; and
 - (b) any requirement or request by the Authority about the application has been complied with;

the Authority must, after taking into account the matters that it is required or permitted to take into account under the Act and this Part, make a decision on the application.

Note: Subsection 7(3) of the *Great Barrier Reef Marine Park Act 1975* provides that the Authority must, in managing the Marine Park and performing its other functions, have regard to, and seek to act in a way that is consistent with, the objects of the Act, the principles of ecologically sustainable use and the protection of the world heritage values of the Great Barrier Reef World Heritage Area.

- (2) The Authority must decide whether or not to accredit the TUMRA within a reasonable period after receipt of the application.
- (3) The Authority must not decide to accredit a TUMRA unless it has:
 - (a) made reasonable efforts to consult with a relevant representative Aboriginal and Torres Strait Islander body about whether each member of the traditional owner group covered by the TUMRA is a traditional owner in relation to the relevant part of the Marine Park covered by the TUMRA; and
 - (b) if it has been able to so consult, considered any advice from the relevant representative Aboriginal and Torres Strait Islander body; and
 - (c) made an assessment, or had an assessment made, of the impact that the traditional use of marine resources under the TUMRA is likely to have on the Marine Park.
- (4) If the Authority decides not to accredit a TUMRA, the Authority must, within 10 business days of making the decision, give the holder a written notice setting out the reasons for the decision.

89HTUMRA has no effect unless accredited

- (1) A TUMRA has no effect in the Marine Park unless it is accredited by the Authority.
- (2) An accreditation of a TUMRA has no effect during any period for which the accreditation is suspended but the period of the accreditation continues to run.

89IConditions of accreditation

- (1) The Authority may, on or after accreditation, impose conditions on the accreditation of a TUMRA.
- (2) If the Authority imposes conditions after accreditation, it must give the holder of the accredited TUMRA a written notice setting out:
 - (a) the details of the conditions imposed; and
 - (b) the reasons for imposing the conditions; and
 - (c) the date from which the conditions take effect.
- (3) Before imposing a condition under subregulation (2), the Authority must consult with the holder of the TUMRA.

Regulation 89J

- (4) Any conditions imposed by the Authority must be appropriate to the attainment of the objects of the Act.
- (5) A condition may include a requirement that in specified circumstances a person must give the Authority a written undertaking in a form approved by the Authority.

89J Certificate of accreditation

- (1) The Authority must, within 10 business days after making a decision to accredit a TUMRA, give the holder of the TUMRA:
 - (a) a copy of the accredited TUMRA; and
 - (b) a certificate of accreditation.
- (2) The certificate of accreditation:
 - (a) must set out any conditions to which the accreditation is subject; and
 - (b) must specify the day on which the accreditation commences; and
 - (c) must specify the period of accreditation; and
 - (d) may include a condition that:
 - (i) allows the holder of the TUMRA to give to a person written authority to carry out any activity that may be lawfully carried out in accordance with the accredited TUMRA; and
 - (ii) specifies a maximum number of persons the holder may authorise under the condition.

89K Authorities under accreditation

- (1) If a certificate of accreditation contains a condition of a kind mentioned in paragraph 89J(2)(d), the holder of the accredited TUMRA may give to a person written authority to carry out any activity that may be lawfully carried out in accordance with the TUMRA for such period as is specified in the authority.
- (2) Any authority given must be given in accordance with the management arrangements under the accredited TUMRA.
- (3) The giving of the authority must not contravene a condition of the TUMRA's accreditation.
- (4) If the carrying out of an activity by a person is authorised by an authority given under a certificate of accreditation:
 - (a) the accredited TUMRA is, for the purposes of these Regulations, taken to authorise the person to carry out the activity; and
 - (b) any conditions to which the accredited TUMRA is subject, being conditions that relate to the carrying out of that activity, apply to the carrying out of that activity by that person.

89L Accreditation to continue in force

- (1) If:
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- (a) at any time before an accreditation of a TUMRA (the *original accreditation*) ceases to be in force, an application is made under regulation 89B for accreditation of a TUMRA that covers the same area as the accredited TUMRA; and
- (b) the Authority has not made a decision on the application before the expiry of the original accreditation; and
- (c) the application has not been withdrawn before the expiry of the original accreditation;

then the original accreditation remains in force until the first of the events mentioned in subregulation (2) occur.

- (2) For subregulation (1), the events are as follows:
 - (a) the application is withdrawn under regulation 89C;
 - (b) the application is taken to have been withdrawn under subregulation 89E(4);
 - (c) the Authority makes a decision on the application under regulation 89G.
- (3) If an accreditation remains in force under subregulation (1), any authority issued under the accredited TUMRA is also taken to remain in force.

Division 2B.3—Modification of TUMRA

89M Application to modify TUMRA or conditions of accreditation

- (1) The holder of an accredited TUMRA may, on behalf of the traditional owner group covered by the TUMRA, apply to the Authority for the Authority to:
 - (a) approve a modification of the TUMRA; or
 - (b) modify a condition of the TUMRA's accreditation.
- (2) The application must:
 - (a) be in the form approved by the Authority; and
 - (b) provide details of the decision that the holder wants the Authority to make; and
 - (c) include, or be accompanied by, the information and documents required by the form; and
 - (d) be lodged at a place, or by a means, specified in the form.
- (3) The Authority is not required to consider the application, or consider it further, if the application:
 - (a) is not in the approved form; or
 - (b) does not provide details of the decision that the holder wants the Authority to make; or
 - (c) does not include, or is not accompanied by, the information and documents required by the form; or
 - (d) is not lodged at a place, or by the means, specified in the form.
- (4) If the Authority decides not to consider an application, or consider it further, because the application does not comply with the requirements of subregulation (2), the Authority must give the applicant a notice in writing, within 10 business days after the day the Authority makes that decision, stating:
 - (a) that the application is incomplete; and
 - (b) the matters that must be dealt with to complete the application.
- (5) If the matters have not been dealt with within 30 business days after the notice is given (or such longer period as is specified in the notice), the application is taken to have been withdrawn.

89N Additional information

- (1) For the purpose of assessing an application under regulation 89M, the Authority may, in writing, request the holder of the TUMRA to give to the Authority specified additional information or a specified additional document.
- (2) The holder must provide the additional information or document to the Authority within the period of 20 business days after the day the Authority gives the request to the holder.

- (3) The Authority may, before the expiration of the period of 20 business days, extend the period by notice in writing given to the holder.
- (4) The application is taken to have been withdrawn at the end of the period of 20 business days, or the longer period allowed by the Authority, as the case may be, if the holder does not provide the additional information or document.

89O Decision on application

- (1) If:
 - (a) the holder has applied in accordance with regulation 89M; and
 - (b) any requirement or request by the Authority about the application has been complied with;the Authority must make a decision on the application.
- (2) The Authority must make a decision within a reasonable period after receipt of the application.
- (3) Subject to subregulation (4), the Authority must not approve the application if:
 - (a) the Authority considers that the modification proposed in the application may have an impact on the Marine Park that was not previously considered by the Authority in relation to the TUMRA; and
 - (b) the Authority has not made an assessment, or had an assessment made, of the impact that the proposed modification is likely to have on the Marine Park.
- (4) After the Authority has made an assessment, or had an assessment made, the Authority may approve the application if, after considering the assessment and the matters mentioned in regulation 89F, the Authority is satisfied that it is appropriate to do so.

89P Notice of decision

- (1) Within 10 business days of making a decision under subregulation 89O(1) to approve the application, the Authority:
 - (a) must give written notice of the decision to the holder of the TUMRA; and
 - (b) may, if the Authority considers it necessary or appropriate to do so, give the holder:
 - (i) a copy of the modified TUMRA as approved; and
 - (ii) a new certificate of accreditation that incorporates the effect of the decision.
- (2) The notice under paragraph (1)(a) must specify the date from which the modified TUMRA, or the modified condition of accreditation, as the case may be, takes effect.

Schedule 1 Designated anchorages

Part 2B TUMRAs

Division 2B.3 Modification of TUMRA

Regulation 89Q

89Q Notice of refusal to modify TUMRA or conditions

If the Authority decides to refuse to approve an application made under regulation 89M, the Authority must, within 10 business days of making the decision, give the holder a written notice setting out the decision and the reasons for the decision.

Division 2B.4—Modification, suspension and revocation

89R Modification of conditions or suspension of accreditation—pending investigation

- (1) The Authority may modify the conditions of accreditation of a TUMRA, or suspend the TUMRA's accreditation for the purpose of conducting an investigation if the Authority has reason to believe that:
 - (a) a person authorised by or under the TUMRA to undertake a traditional use of marine resources has not complied with:
 - (i) the provisions of the TUMRA in relation to the use; or
 - (ii) a condition of the TUMRA's accreditation; or
 - (b) damage, degradation or disruption to the physical environment, or the living resources, of the Marine Park has occurred, is occurring or is likely to occur because of the operation of the TUMRA.
- (2) The Authority must notify the holder of the TUMRA of the modification or suspension by giving the holder a written notice.
- (3) The notice must set out when the modification or suspension takes effect, which must not be earlier than the day the notice is given to the holder.
- (4) The Authority must, as soon as practicable after notifying the holder, carry out the investigation.
- (5) The Authority must complete its investigation within 20 business days after the day on which the modification or suspension commenced.

89S Action following investigation

- (1) If, as a result of its investigation, the Authority does not find reasonable grounds for its belief under subregulation 89R(1), it must immediately revoke the modification or suspension and, as soon as practicable after doing so, notify the holder in writing that it has removed the modification or suspension, as the case may be.
- (2) If, as a result of its investigation, the Authority finds reasonable grounds for its belief under subregulation 89R(1) it may, no later than 10 business days after completing its investigation, continue the modification or suspension by written notice given to the holder.
- (3) The notice must include:
 - (a) the reasons for continuing the modification or suspension, as the case may be; and
 - (b) the period for which the suspension is to remain in force.
- (4) If the Authority does not continue the modification or suspension within a period of 10 business days after completing its investigation, the modification or suspension, as the case may be, ceases to have effect at the end of that period.

89T Suspension or revocation of accreditation—general

- (1) The Authority may, by written notice given to the holder of an accredited TUMRA, suspend or revoke the accreditation of the TUMRA if:
 - (a) the holder of the accredited TUMRA, on behalf of the traditional owner group covered by the TUMRA, consents to the suspension or revocation; or
 - (b) the Authority is satisfied on reasonable grounds that a person authorised by or under the TUMRA to undertake a traditional use of marine resources has not complied with:
 - (i) the provisions of the TUMRA in relation to the use; or
 - (ii) a condition of the TUMRA's accreditation; or
 - (c) the Authority has reasonable grounds for believing that if the application for accreditation of the TUMRA was being considered again, the accreditation would not have been granted because of circumstances that were not foreseen at the time the accreditation was first granted; or
 - (d) the holder of the accredited TUMRA, or the person who applied for accreditation of the TUMRA, has been convicted or found guilty of an offence against section 136.1 or 137.1 of the *Criminal Code* in relation to the application for accreditation of the TUMRA.
- (2) The suspension or revocation takes effect:
 - (a) on the day the Authority notifies the holder under subregulation (1) of the suspension or revocation, as the case may be; or
 - (b) if a later day is specified in the notice—on that later day.
- (3) Before taking action to suspend or revoke the accreditation of the TUMRA on a ground mentioned in paragraphs (1)(b) to (d), the Authority must:
 - (a) notify the holder in writing of the facts and circumstances that, in the opinion of the Authority, justify consideration being given to suspending or revoking the accreditation of the TUMRA; and
 - (b) allow the holder 10 business days from the day the Authority gives the notice to the holder to provide reasons to the Authority why the accreditation should not be suspended or revoked.
- (4) In deciding whether to suspend or revoke the TUMRA's accreditation the Authority must consider any reasons provided by the holder in response to a notice under subregulation (3).

Division 2B.5—Termination of accredited TUMRA

89U Termination of accredited TUMRA

- (1) The holder of an accredited TUMRA may, on behalf of the traditional owner group covered by the TUMRA, terminate the TUMRA at any time by written notice given to the Authority.
- (2) If the holder terminates an accredited TUMRA in accordance with subregulation (1), the accreditation of the TUMRA ceases to have effect:
 - (a) on the day the notice is given; or
 - (b) if a later date is specified in the notice—on that later date.

Part 3A—Discharge of sewage

93A Application of this Part

This Part does not apply to a discharge of sewage to which Division 2 of Part IIIB of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* applies.

Note: The object of Division 2 of Part IIIB of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* is to give effect to Australia's obligations regarding the discharge of sewage into the sea under Annex IV of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).

93B Interpretation of this Part

In this Part:

damage to a vessel or its equipment does not include:

- (a) deterioration resulting from failure to maintain the vessel or equipment; or
- (b) defects that develop during the normal operation of the vessel or equipment.

Grade A treated sewage means sewage that has been treated and complies with the standard set out in Part 2 of Schedule 7 to the *Transport Operations (Marine Pollution) Regulation 2008* of Queensland.

Note: The standards for Grade A treated sewage are the implementation of Resolution of MEPC.2(IV) MARPOL 73/78 made for the purposes of Annex IV of MARPOL 73/78.

Grade B treated sewage means sewage that has been treated and complies with the standard set out in Part 3 of Schedule 7 to the *Transport Operations (Marine Pollution) Regulation 2008* of Queensland.

Grade C treated sewage means sewage that has been treated and complies with the standard set out in Part 4 of Schedule 7 to the *Transport Operations (Marine Pollution) Regulation 2008* of Queensland.

Note: The standards are:

For **Grade A treated sewage**

Thermotolerant coliforms—the relevant level of the thermotolerant coliform count of the samples of treated sewage taken during the test period must not be more than 250 thermotolerant coliforms/100 mL, most probable number, as determined by a multiple tube fermentation analysis or an equivalent analytical procedure.

Suspended solids—the relevant level of the total suspended solids content of the samples of treated sewage taken during the test period must not be more than 50 mg/L above the suspended solids content of ambient water used for flushing purposes.

Biochemical oxygen demand—the relevant level of the 5 day biochemical oxygen demand of the samples of treated sewage taken during the test period must not be more than 50 mg/L.

For **Grade B treated sewage**

Thermotolerant coliforms—the relevant level of the thermotolerant coliform count of the samples of treated sewage taken during the test period must not be more than 150 thermotolerant coliforms/100 mL, most probable number, as determined by a multiple tube fermentation analysis or an equivalent analytical procedure.

Suspended solids—the relevant level of the total suspended solids content of the samples of treated sewage taken during the test period must not be more than 50 mg/L above the suspended solids content of ambient water used for flushing purposes.

For *Grade C treated sewage*

Thermotolerant coliforms—the relevant level of the thermotolerant coliform count of the samples of treated sewage taken during the test period must not be more than 150 thermotolerant coliforms/100 mL, most probable number, as determined by a multiple tube fermentation analysis or an equivalent analytical procedure.

reef includes bommie fields, reef slopes, moats and ramparts.

sewage has the meaning given by Part IIIB of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

93C Discharge of sewage generally

- (1) A person is guilty of an offence if:
 - (a) the person engages in conduct; and
 - (b) the conduct causes the discharge of sewage in, or into, the Marine Park; and
 - (c) the person:
 - (i) is reckless as to whether sewage will be discharged in, or into, the Marine Park; or
 - (ii) is negligent as to whether sewage will be discharged in, or into, the Marine Parkotherwise than as authorised by regulation 93D or 93E.

Penalty: 50 penalty units.

- (2) For subregulation (1):

engage in conduct has the same meaning as in the *Criminal Code*.

- (3) Subregulation (1) does not apply if the sewage is discharged in a zone and the person holds any necessary permission required under the Zoning Plan to authorise such a discharge of sewage in the zone.
- (4) However, it is a defence to a prosecution under subregulation (1) if the sewage is discharged from a vessel or aircraft:
 - (a) because of accidental damage to the vessel or aircraft and all reasonable precautions were taken before and after the occurrence of the damage to prevent or minimise the escape of sewage; or
 - (b) for the purpose of saving life at sea or securing the safety of the vessel or aircraft.

Note: A defendant bears an evidential burden in relation to matters in subregulation (4)—see *Criminal Code*, subsection 13.3(3).

Regulation 93D

93D Discharge of untreated sewage from vessels

- (1) Subject to regulation 93F, the master of a vessel that has 15 or fewer persons on board may allow untreated sewage to be discharged from the vessel in the Marine Park if:
 - (a) the vessel does not have a fixed toilet; or
 - (b) where the vessel has a fixed toilet, the sewage has been reduced to a fine slurry.
- (2) Subject to regulation 93F, the master of a vessel that has 16 or more persons on board may allow untreated sewage to be discharged from the vessel in the Marine Park if:
 - (a) the vessel has a fixed toilet; and
 - (b) the sewage has been reduced to a fine slurry; and
 - (c) the sewage is discharged more than 1 nautical mile seawards of:
 - (i) the seaward edge of the nearest reef; and
 - (ii) the low water mark of the nearest island or the mainland.

93E Discharge of treated sewage from vessels

The master of a vessel may allow treated sewage to be discharged from the vessel in the Marine Park if:

- (a) the sewage complies with the standard in subregulation 135(3); or
- (b) subject to subregulation 93F(1), the sewage is Grade A treated sewage; or
- (c) subject to subregulation 93F(1), the sewage is Grade B treated sewage and the vessel is:
 - (i) more than 700 metres seawards of the seaward edge of the nearest reef; and
 - (ii) more than 700 metres from the seaward edge of any aquaculture operation; and
 - (iii) more than 700 metres from any person in the water; or
- (d) subject to subregulation 93F(1), the sewage is Grade C treated sewage and the vessel is:
 - (i) more than 0.5 of a nautical mile seawards of the seaward edge of the nearest reef; and
 - (ii) more than 0.5 of a nautical mile from the seaward edge of any aquaculture operation; and
 - (iii) more than 0.5 of a nautical mile from any person in the water.

93F Discharge of sewage from vessels generally

- (1) Regulation 93D and paragraphs 93E(b), (c) and (d) are not taken to authorise sewage to be discharged from a vessel in the Marine Park if the vessel is inside a boat harbour, canal or marina.

- (2) Regulation 93D is not taken to authorise untreated sewage to be discharged from a vessel in the Marine Park if the vessel is less than 1 nautical mile from the seaward edge of an aquaculture operation.

93G Discharge in prescribed circumstances

For subsection 38DD(6) of the Act, the circumstances set out in regulations 93D and 93E are prescribed.

Part 4—General

94 Removal of property

- (1) The Authority may, in writing, order a responsible person:
 - (a) to remove property from the Marine Park if the property has been abandoned, sunk or wrecked; or
 - (b) to remove property from the Marine Park if there is not in force, or is no longer in force, a permission granted by the Authority for an activity that involves the property; or
 - (c) to take action to remedy, mitigate or prevent damage to the Marine Park caused by the removal of abandoned, sunk or wrecked property; or
 - (d) to remove property from the Marine Park that may cause damage to the Marine Park.
- (2) The order must be served on the responsible person personally or by prepaid mail.
- (3) If the Authority is unable to locate the responsible person within a reasonable period, the Authority may publish a notice in accordance with subregulation (4):
 - (a) on its website; and
 - (b) in a daily newspaper that is circulated in the State of Queensland.
- (4) The notice must:
 - (a) describe the property; and
 - (b) identify, as appropriate:
 - (i) the place where the property is located (as accurately as practicable); or
 - (ii) the person from whom the property can be recovered; and
 - (c) order the responsible person:
 - (i) to remove the property from the Marine Park within a reasonable period specified in the order; or
 - (ii) to take action to remedy, mitigate or prevent damage to the Marine Park caused by the removal of the abandoned, sunk or wrecked property; and
 - (d) state that, if action is not taken to satisfy the order, the Minister may deal with the matter under section 61A of the Act.
- (5) In this regulation, **responsible person** means:
 - (a) the person who last held a permission under Part 2A for an activity that involves the property; or
 - (b) the owner of the property; or
 - (c) the person who has control of the property; or
 - (d) the person who caused the property to be in the Marine Park.

- (6) An order under subregulation (1) or paragraph (4)(c) is declared to be an order to which section 38DC of the Act applies.

95 Certain animals not to be taken onto Commonwealth islands

- (1) A person must not:
- (a) take a living terrestrial animal onto an island, or part of an island, that is:
 - (i) owned by the Commonwealth; and
 - (ii) within the Marine Park; or
 - (b) allow a living terrestrial animal to enter upon an island, or part of an island, that is:
 - (i) owned by the Commonwealth; and
 - (ii) within the Marine Park.

Penalty: 50 penalty units.

- (2) However, it is a defence to a prosecution under subregulation (1) if:
- (a) the person is a blind person and the animal is the person's guide dog; or
 - (b) the person has a hearing impairment and the animal is the person's guide dog or hearing dog; or
 - (c) the person has the written permission of the Authority to take the animal onto, or allow the animal to enter upon, the island or part of an island.

Note: A defendant bears an evidential burden in relation to the matters mentioned in subregulation (2) (see section 13.3 of the *Criminal Code*).

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

101 Littering prohibited

- (1) A person must not deposit litter in the Marine Park.

Penalty: 50 penalty units.

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

101A Mooring buoy must display mooring reference number

- (1) In this regulation:

mooring reference number means, for a permitted mooring:

- (a) the unique number, or alphanumeric code, issued by the Authority in relation to the permitted mooring for display on the mooring buoy; or
- (b) if the mooring is also a buoy mooring approved under the *Transport Operations (Marine Safety) Regulation 2004* of Queensland—the unique identifying number for the buoy mooring mentioned in paragraph 213(a) of that Regulation.

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- (2) The holder of the permission for a permitted mooring is guilty of an offence if the mooring reference number is not permanently and legibly displayed on the mooring buoy.

Penalty: 15 penalty units.

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

102 Public mooring and public infrastructure not to be removed, misused or damaged

Public mooring

- (1) A person commits an offence of strict liability if:
- (a) the person engages in conduct; and
 - (b) the conduct results in:
 - (i) the removal of a public mooring; or
 - (ii) the misuse of a public mooring; or
 - (iii) damage to a public mooring.

Penalty: 50 penalty units.

Note 1: For the definition of *public mooring*, see subregulation 3(1).

Note 2: For offences of strict liability, see subsection 6.1(1) of the *Criminal Code*.

- (2) A responsible person for a vessel commits an offence of strict liability if:
- (a) a person on the vessel engages in conduct; and
 - (b) the conduct results in:
 - (i) the removal of a public mooring; or
 - (ii) the misuse of a public mooring; or
 - (iii) damage to a public mooring.

Penalty: 50 penalty units.

Public infrastructure

- (3) A person commits an offence of strict liability if:
- (a) the person engages in conduct; and
 - (b) the conduct results in:
 - (i) the removal of public infrastructure; or
 - (ii) the misuse of public infrastructure; or
 - (iii) damage to public infrastructure.

Penalty: 50 penalty units.

Note 1: For the definition of *public infrastructure*, see subregulation 3(1).

Note 2: For offences of strict liability, see subsection 6.1(1) of the *Criminal Code*.

- (4) A responsible person for a vessel commits an offence of strict liability if:
- (a) a person on the vessel engages in conduct; and

- (b) the conduct results in:
 - (i) the removal of public infrastructure; or
 - (ii) the misuse of public infrastructure; or
 - (iii) damage to public infrastructure.

Penalty: 50 penalty units.

- (5) In this regulation:

misuse of a public mooring includes the following:

- (a) attaching a vessel to the mooring by attaching the mooring tackle to a part of the vessel other than to its bow;
- (b) attaching a vessel to the mooring when another vessel is already attached to the mooring;
- (c) attaching a vessel (except a tender) to another vessel when that other vessel is attached to a mooring;
- (d) attaching a vessel to another vessel when that other vessel is part of a chain of 2 or more attached vessels, and a vessel in that chain is attached to the mooring;
- (e) if a vessel is attached to the mooring for the maximum period of time specified on a tag or buoy attached to the mooring—reattaching the vessel to the mooring within one hour of the end of the maximum period of time;
- (f) claiming to be the owner of the mooring or falsely claiming to have a preferential right to the use of the mooring;
- (g) altering or moving the mooring;
- (h) shortening a mooring rope attached to the mooring;
- (i) manoeuvring a vessel under power while the vessel is attached to the mooring (except when the vessel is being released from the mooring);
- (j) if a tag or buoy attached to the mooring includes instructions for the use of the mooring—not complying with an instruction on the tag or buoy.

Note: The following are examples for paragraph (j):

- (a) a vessel attached to the mooring is over the maximum vessel length limit specified on the mooring's tag or buoy;
- (b) a vessel has been attached to the mooring for longer than the maximum period of time specified on the mooring's tag or buoy;
- (c) a vessel is attached to the mooring, or remains attached to the mooring, when the wind speed at the location of the mooring exceeds the maximum wind speed specified on the mooring's tag or buoy.

misuse of public infrastructure includes attaching a vessel to public infrastructure that is not intended for use by the attaching of vessels.

responsible person, for a vessel, includes:

- (a) the master of the vessel; and
- (b) the person in charge of the vessel.

- (6) In this regulation, a reference to instructions on a tag or buoy is a reference only to instructions specified or included on the tag or buoy:

- (a) by or for the Authority; or
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- (b) by or for the agency in which the *Marine Parks Act 2004* (Qld) is administered.

103 Persons shall not furnish false information

- (1) Where:
- (a) a permission has been granted to a person under these Regulations; and
 - (b) that person is convicted of an offence against section 136.1 or 137.1 of the *Criminal Code* in relation to the application for that permission;
- the Authority may, by notice in writing given to that person, revoke that permission.
- (2) Subregulation (1) applies to an application for an authorisation as if references in that subregulation to a permission were references to an authorisation.
- (3) Subregulation (1) applies to an application for accreditation of a TUMRA as if references in that subregulation to a permission were references to the accreditation of the TUMRA.

Part 4AA—Register

114 Register

- (1) The Authority may keep a register of 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.
- (2) The register may be kept:
 - (a) solely in electronic form; or
 - (b) in any form that the Authority decides.
- (3) The register may include copies of, and information in relation to, the following:
 - (a) applications, including variations of applications, for a registrable instrument or for the transfer or modification of a registrable instrument;
 - (b) further particulars in relation to an application mentioned in paragraph (a);
 - (c) decisions of the Authority about the grant, refusal, revocation, suspension, transfer or modification of a registrable instrument;
 - (d) decisions of the Authority under regulation 186;
 - (e) statements of reasons given for decisions mentioned in paragraphs (c) and (d);
 - (f) registrable instruments;
 - (g) notices relating to a matter mentioned in any of paragraphs (a) to (f);
 - (h) any other document or record that the Authority considers appropriate.
- (4) 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.

115 Access to register

- (1) The Authority must show the register to any person who asks to see it at the Authority's office when the office is open.
 - (2) The register may be made available for inspection on the Internet.
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116 Public to be given copies of documents

- (1) The Authority must give a copy of a document or information that is in the register to anybody who asks for it and pays the fee mentioned in regulation 133A.
- (3) If the register is kept in electronic form, the Authority is taken to have given a copy of a document or information that is in the register if the Authority gives a printout of the document or information.

Part 4AB—Reporting requirements

116A Great Barrier Reef Outlook Report

- (1) For paragraph 54(3)(i) of the Act, an assessment of the heritage values of the Great Barrier Reef Region is prescribed as a matter that must be contained in the Great Barrier Reef Outlook Report.
- (2) An *assessment of the heritage values*, of the Great Barrier Reef Region, includes the following:
 - (a) an assessment of the current heritage values of the region;
 - (b) an assessment of the risks to the heritage values of the region;
 - (c) an assessment of the current resilience of the heritage values of the region;
 - (d) an assessment of the existing measures to protect and manage the heritage values of the region;
 - (e) an assessment of the factors influencing the current and projected future heritage values of the region;
 - (f) an assessment of the long-term outlook for the heritage values of the region.
- (3) In this regulation:

heritage values, of the Great Barrier Reef Region, include the following values for the region:

 - (a) the Commonwealth Heritage values;
 - (b) the heritage values;
 - (c) the indigenous heritage values;
 - (d) the National Heritage values;
 - (e) the world heritage values.

Part 4A—Interacting with cetaceans

117A Definitions for Part 4A

In this Part:

calf, for a cetacean, means an animal not more than half the length of an adult of the species.

caution zone, for a cetacean, means an area around the cetacean with a radius of:

- (a) for a dolphin—150 metres; and
- (b) for a whale—300 metres.

cetacean means an animal of the Suborder Mysticeti or Odontoceti of the Order Cetacea.

dolphin means a member of the family Delphinidae or the family Phocoenidae.

prohibited vessel means any of the following:

- (a) a jet ski;
- (b) a parasail;
- (c) a hovercraft;
- (d) a hydrofoil;
- (e) a wing-in-ground-effect craft;
- (f) a motorised diving aid (for example, a motorised underwater scooter).

swimming-with-whales activity means an activity for the purpose of enabling tourists to swim, snorkel or scuba dive with cetaceans, or to observe cetaceans while in the water with them, including:

- (a) using an aircraft or vessel to find cetaceans for that purpose; and
- (b) placing tourists in the water for that purpose.

whale means a cetacean other than a dolphin.

whale protection area means a whale protection area in Part 2 of Schedule 2.

whale watching activity means an activity (other than a swimming-with-whales activity) conducted for the purpose of enabling tourists to observe cetaceans, including using a vessel or aircraft to find cetaceans for that purpose.

117B Application of Part 4A

- (1) A provision of this Part applies to a person, and to activities conducted by a person, in the Marine Park.
- (2) The provision applies subject to any exemption that the person may have under regulation 117K.

117C Offences in this Part

A person does not contravene a provision of this Part only because the person is undertaking:

- (a) an activity mentioned in paragraph 231(c), (d), (e) or (f) of the *Environment Protection and Biodiversity Conservation Act 1999*; or
- (b) an activity mentioned in paragraph 231(a), (b) or (h) of the *Environment Protection and Biodiversity Conservation Act 1999* and the activity could not be undertaken at a time or in a way to avoid contravening the provision.

117D Prohibited vessel

- (1) This regulation applies to a person who is operating a prohibited vessel in the Marine Park.
- (2) A prohibited vessel must not approach closer than 300 metres to a cetacean.
- (3) A prohibited vessel must move at a constant speed of less than 6 knots away from a cetacean that is approaching so that the vessel remains at least 300 metres away from the cetacean.

Note: A boat travelling at a speed that is the equivalent of a brisk walking pace is not exceeding 6 knots.

- (4) A prohibited vessel must not be used for a whale watching activity or a swimming-with-whales activity.
- (5) If a prohibited vessel is operated in a way that contravenes subregulation (2), (3) or (4), the person operating the vessel is guilty of an offence.

Penalty: 50 penalty units.

- (6) An offence under subregulation (5) is an offence of strict liability.

117E Other craft—adult cetaceans

- (1) This regulation applies:
 - (a) to a person who is operating a vessel that is not a prohibited vessel in the Marine Park; and
 - (b) in relation to cetaceans other than calves; and
 - (c) subject to regulation 117JB.

Note: Regulation 117F contains special provisions for calves and regulation 117JB contains special provisions for whale protection areas.

- (2) Within the caution zone for a cetacean to which this regulation applies, the person must:
 - (a) operate the vessel at a constant speed of less than 6 knots and minimise noise; and
 - (b) make sure the vessel does not drift or approach closer to the cetacean than:
 - (i) for a dolphin—50 metres; or
 - (ii) for a whale—100 metres; and

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- (c) if the cetacean shows signs of being disturbed, immediately withdraw the vessel from the caution zone at a constant speed of less than 6 knots; and
- (d) if there is more than 1 person on the vessel, post a lookout for cetaceans; and
- (e) subject to paragraph (b), approach the cetacean only:
 - (i) from the rear, no closer than 30 degrees to its observed direction of travel; or
 - (ii) by positioning the vessel ahead of the cetacean at more than 30 degrees from its observed direction of travel; and
- (f) make sure the vessel does not restrict the path of the cetacean; and
- (g) make sure the vessel is not used to pursue the cetacean.

Penalty: 50 penalty units.

Note: If a cetacean approaches a vessel or comes within the limits mentioned in paragraph (2)(b), subregulations (4) and (5) apply.

- (3) The person must not enter the caution zone of a cetacean to whom this regulation applies if there are already 3 vessels in the caution zone.

Penalty: 50 penalty units.

- (4) If a whale (other than a calf) approaches the vessel or comes within the limits mentioned in paragraph (2)(b), the person must:
 - (a) disengage the gears and let the whale approach; or
 - (b) reduce the speed of the vessel and continue on a course away from the whale.

Penalty: 50 penalty units.

- (5) If a dolphin (other than a calf) approaches the vessel or comes within the limits mentioned in paragraph (2)(b), the person must not change the course or speed of the vessel suddenly.

Penalty: 50 penalty units.

- (6) It is a defence to an offence against paragraph (2)(b) that the cetacean has approached the vessel.
- (7) An offence under subregulation (2), (3), (4) or (5) is an offence of strict liability.

117F Other craft—calves

- (1) This regulation applies to a person who is operating a vessel that is not a prohibited vessel in the Marine Park.
- (2) The person must not allow the vessel to enter the caution zone of a calf.

Penalty: 50 penalty units.

- (3) If a calf appears within an area that means the vessel is then within the caution zone of the calf, the person:

- (a) must immediately stop the vessel; and
- (b) must:
 - (i) turn off the vessel's engines; or
 - (ii) disengage the gears; or
 - (iii) withdraw the vessel from the caution zone at a constant speed of less than 6 knots.

Penalty: 50 penalty units.

- (4) It is a defence to an offence against subregulation (2) that the calf has approached the vessel.
- (5) An offence under subregulation (2) or (3) is an offence of strict liability.

117G Aircraft

- (1) This regulation applies to a person who is operating an aircraft in the Marine Park.
- (2) The person:
 - (a) must not operate the aircraft (other than a helicopter or gyrocopter) at a height lower than 1 000 feet within a horizontal radius of 300 metres of a cetacean; and
 - (b) must not operate a helicopter or gyrocopter at a height lower than 1650 feet or within a horizontal radius of 500 metres of a cetacean; and
 - (c) must not allow the aircraft to approach a cetacean from head on; and
 - (d) if the aircraft can land on water, must not land the aircraft on water so that the aircraft comes within the radius of a cetacean mentioned in paragraph (b).

Penalty: 50 penalty units.

- (3) An offence under subregulation (2) is an offence of strict liability.

117H Feeding

- (1) A person must not feed or attempt to feed a cetacean in the Marine Park.
Penalty: 50 penalty units.
- (2) An offence under subregulation (1) is an offence of strict liability.
- (3) Subregulation (1) does not apply to the routine discarding of bycatch by a commercial fisher if he or she makes reasonable efforts to avoid discarding bycatch near a cetacean.
- (4) For subregulation (1), *feed* includes to throw food or rubbish into the water near a cetacean.

Regulation 117I

117I Touching and sudden movements

- (1) A person in the Marine Park must not:
 - (a) touch a cetacean; or
 - (b) make sudden movements within 2 metres of a cetacean.

Penalty: 50 penalty units.

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

117J Swimming with cetaceans

- (1) This regulation applies to a person who is entering the water, or in the water, in the Marine Park.

- (2) The person must not enter the water within 100 metres of a whale or within 50 metres of a dolphin.

Penalty: 50 penalty units.

- (3) The person must not, while in the water, approach within 30 metres of a cetacean.

Penalty: 50 penalty units.

- (4) If a cetacean comes within 30 metres of a person in the water, the person:
 - (a) must move slowly to avoid startling the cetacean; and
 - (b) must not touch the cetacean or swim towards it.

Penalty: 50 penalty units.

- (5) An offence under subregulation (3) or (4) is an offence of strict liability.

117JA Conducting swimming-with-whales activities without permission

- (1) A person must not conduct a tourist program in the Marine Park that consists, in whole or part, of a swimming-with-whales activity involving dwarf minke whales unless the person holds a permission to conduct that activity.

Penalty: 50 penalty units.

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

117JB Protection of whales in whale protection area

- (1) A person must not operate a vessel to approach within 300 metres of a whale in a whale protection area.

Penalty: 50 penalty units.

- (2) A person must not operate a vessel in a whale protection area as a tourist program, or part of a tourist program, to conduct:

- (a) a whale watching activity; or
- (b) a swimming-with-whales activity.

Penalty: 50 penalty units.

- (3) An offence under subregulation (1) or (2) is an offence of strict liability.

117K Exemption regarding application of this Part

- (1) Subject to subregulation (1A), if a person holds a permission:
 - (a) to undertake research in relation to cetaceans; or
 - (b) to undertake photography, filming or sound recording of cetaceans; or
 - (c) to conduct a tourist program that consists of a swimming-with-whales activity or a whale watching activity; or
 - (d) to operate a vessel (other than a prohibited vessel) or aircraft in the Marine Park;

the Authority may, on application under regulation 117L, give a written exemption from any or all of the provisions of this Part to:

- (e) the person; or
- (f) in the case of a person who holds a permission to conduct a tourist program that consists of a swimming-with-whales activity or a whale watching activity—the person and any tourist undertaking the tourist program.

- (1A) An exemption may not be given:
 - (a) from regulation 117B; or
 - (b) to the holder of a permission, or to a tourist, mentioned in paragraph (1)(f) in relation to a whale protection area.
- (2) The exemption may provide that it only applies in the circumstances and subject to the conditions set out in the exemption.
- (3) The Authority may, by written notice to the holder of the exemption, vary, add or reduce the conditions attaching to an exemption.
- (4) The Authority may give an exemption under paragraph (1)(d) only in order to allow use of a vessel or aircraft in support of activities authorised by a permission of a type mentioned in paragraph (1)(a), (b) or (c).
- (5) If an exemption is issued to the holder of a permission to operate a vessel or aircraft in support of activities mentioned in paragraph (1)(a), (b) or (c), the exemption is only of effect while the vessel or aircraft is operating in support of those activities in the Marine Park.
- (6) An exemption given under this regulation:
 - (a) does not continue in force when the permission to which it relates is not in force; and
 - (b) is in force only for the period specified in the exemption; and
 - (c) if applying to a tourist (see paragraph (1)(f)), only applies to the tourist while the tourist is participating in the tourist program.

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- (7) In this regulation, **holder** of an exemption means a person who:
- (a) holds a permission; and
 - (b) is granted an exemption under subregulation (1).

117L Application for exemption

- (1) An application to the Authority for an exemption under subregulation 117K(1) must be made by:
- (a) the holder of the permission; or
 - (b) if a person has applied for a permission of a kind mentioned in subregulation 117K(1) and the Authority has not made a decision on the application—the prospective holder.
- (2) The application must contain the following information:
- (a) the name and address of the holder or prospective holder making the application;
 - (b) contact details for the holder or prospective holder, including telephone number, facsimile number and e-mail address;
 - (c) the location of the area to be used by the holder or prospective holder for the permission activities, including the name of any shoal, reef or island on or near which the use is proposed to take place;
 - (d) the period for which the exemption is sought;
 - (e) any other information concerning the application that the Authority requires and has asked the holder or prospective holder to provide.
- (3) If a vessel or aircraft is to be used in support of activities authorised by a permission mentioned in paragraph 117K(1)(a), (b) or (c), the application must also contain:
- (a) the name of the person who holds, or has applied to hold, the permission to operate the vessel or aircraft; and
 - (b) the permission number or (if no permission has been issued) the permission application registration number.
- (4) If the application is for an exemption under paragraph 117K(1)(d), it must also contain the following information:
- (a) if the holder or prospective holder has been engaged to operate the vessel or aircraft mentioned in the application on behalf of a person who has been granted a permission mentioned in paragraph 117K(1)(a), (b) or (c)—the number of the relevant permission or, if no permission has been issued, the permission application registration number and the name of the holder or prospective holder;
 - (b) if the holder or prospective holder operates a vessel—the name of the vessel, unique identifying features of the vessel, its registration code or number and the authority with which it is registered;
 - (c) if the holder or prospective holder operates an aircraft—the type of aircraft and its registration mark.

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- (5) Subject to paragraph (2)(e), an application under this regulation is not invalid only because it does not include all of the information required.
- (6) In considering an application for an exemption under regulation 117K, the Authority is to take into account:
 - (a) the need for orderly and proper management of the Marine Park; and
 - (b) if the application is for an exemption under paragraph 117K(1)(d)—
whether the applicant has been engaged to operate the vessel or aircraft mentioned in the application on behalf of a person who has been granted a permission of the type mentioned in paragraph 117K(1)(a), (b) or (c); and
 - (c) any charge, collected amount or penalty amount owed to the Authority that is overdue for payment by the applicant as the holder of a chargeable permission (whether or not the permission is in force); and
 - (d) any late payment penalty that is payable by the applicant as the holder of a chargeable permission (whether or not the permission is in force).

Part 5—Compulsory pilotage

118 Compulsory pilotage area

- (1) For the definition of *compulsory pilotage area* in subsection 3(1) of the Act, the following parts of the Great Barrier Reef Region are prescribed:
 - (a) the inner route described in subregulation (2);
 - (b) Hydrographer's Passage (described in subregulation (3));
 - (c) the Whitsundays compulsory pilotage area described in subregulation (4).
- (2) The *inner route* is the waters bounded by:
 - (a) the Australian mainland; and
 - (b) the outer eastern edge of the Great Barrier Reef; and
 - (c) the northern boundary of the Great Barrier Reef Region; and
 - (d) the parallel 16° 39.91' S.
- (3) *Hydrographer's Passage* is the area bounded by a line that progressively joins, on geodesic lines, the following points:

Item	Latitude	Longitude
1	20° 39.11' S	149° 49.36' E
2	20° 35.91' S	150° 07.36' E
3	20° 28.31' S	150° 18.06' E
4	20° 02.91' S	150° 03.06' E
5	19° 54.91' S	150° 16.56' E
6	19° 39.91' S	150° 10.56' E
7	19° 50.91' S	150° 33.06' E
8	20° 01.41' S	150° 25.86' E
9	20° 06.91' S	150° 17.26' E
10	20° 19.91' S	150° 27.06' E
11	20° 32.91' S	150° 27.06' E
12	20° 41.51' S	150° 11.66' E
13	20° 54.41' S	150° 01.96' E
14	20° 39.11' S	149° 49.36' E.

- (4) The *Whitsundays compulsory pilotage area* is the area bounded by a line that begins at the northernmost point of Cape Gloucester at low water, at about 20° 03.94' S, 148° 27.51' E, and continues progressively:
 - (a) on geodesic lines to the following points:

Item	Latitude	Longitude
1	19°58.02' S	148° 18.60' E
2	19°57.83' S	148° 18.53' E
3	19°58.00' S	148° 21.68' E
4	19°58.28' S	148° 27.05' E
5	19°58.37' S	148° 27.40' E
6	19°59.28' S	148° 33.62' E
7	20°00.82' S	148° 37.48' E
8	20°02.17' S	148° 53.07' E
9	20°03.58' S	148° 57.92' E
10	20°14.42' S	149° 10.47' E
11	20°15.20' S	149° 11.15' E
12	20°28.93' S	149° 08.03' E
13	20°31.20' S	149° 09.07' E
14	20°34.28' S	149° 10.50' E
15	20°33.91' S	149° 07.06' E
16	20°39.73' S	148° 45.82' E;

and

- (b) west along the parallel 20° 39.73' S to the coastline of the mainland at low water, near Midge Point; and
- (c) generally northerly, easterly, south-easterly and north-westerly along the coastline of the mainland at low water to the point where the boundary began.

Note: The line described by the points mentioned in items 2 to 14 of the table in paragraph (a) follows the Australian territorial sea baseline, as defined in AMBIS 2001 data, published by the Australian Surveying and Land Information Group (AUSLIG).

119 Exemption from requirement to navigate with a pilot—prescribed information

- (1) For the purposes of subsection 59F(2) of the Act, so much of the following information as the Minister considers is needed to enable a decision to be made in respect of an application, is prescribed information in relation to the application:
 - (a) the name and address of the applicant;
 - (b) identification of the subject regulated ship by registered name, registered callsign and country of registration;
 - (c) description of the ship by type, maximum length, maximum width, maximum draft and maximum displacement;
 - (d) the proposed maximum draft of the ship during navigation in the compulsory pilotage area;

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- (e) details of:
 - (i) the design of the ship; and
 - (ii) the material of which the hull is constructed;
- (f) details of:
 - (i) the geographic area of the compulsory pilotage area in which the ship will be navigated; and
 - (ii) the purpose of the navigation;
- (g) details of the intended operations of the ship that are of relevance to the application and the schedule for those operations;
- (h) details of operational navigational equipment with which the ship is fitted;
- (i) in respect of the persons who will be the master, and the navigational watchkeepers, of the ship at any time when it is in the compulsory pilotage area, details of:
 - (i) their maritime qualifications; and
 - (ii) their recent navigational experience in the compulsory pilotage area;
- (j) details of:
 - (i) the maximum quantity of oil the ship is capable of carrying; and
 - (ii) the types, quantities and location in the ship of oil intended to be carried in the compulsory pilotage area;
- (k) details of cargo on the ship, including, if hazardous goods are carried, the types and quantities of the hazardous goods.

- (2) In this regulation:

hazardous goods means:

- (a) dangerous goods within the meaning of section 248 of the *Navigation Act 1912*; and
- (b) noxious liquid substances within the meaning of Part III of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

Oil means an oil or an oily mixture within the meaning of Part II of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

120 Minister may request further information

- (1) If the Minister considers that the information contained in an application under section 59F of the Act is insufficient to enable a decision to be made in respect of the application, the Minister may, in writing, request the applicant to give such further information as is specified in the request.
- (2) An application is taken to have lapsed if the applicant does not give the further information before:
 - (a) the end of 60 days after the Minister makes the request to the applicant; or
 - (b) the end of any longer period that the Minister allows.

121 Exemption may be conditional

An exemption granted under section 59F of the Act may be expressed to be conditional on compliance by the recipient with any requirements the Minister specifies to be necessary to attain the objects of Part VIIA of the Act.

122 Applicant's duty to notify of changes in prescribed information

If, before a ship for which exemption is given under section 59F of the Act leaves the compulsory pilotage area:

- (a) information given to the Minister by the applicant for the exemption becomes inaccurate; and
- (b) the matter so affecting that information is a matter that, if known by the Minister, could alter the Minister's opinion under subsection 59F(3) of the Act;

the master or owner of the ship must inform the Minister, in writing and without delay, of that matter.

123 Termination of exemption in certain circumstances

If:

- (a) a condition specified in relation to the grant of an exemption is contravened by the recipient; or
- (b) regulation 122 is contravened by the owner and master of an exempted ship;

the relevant exemption is taken to be of no effect.

Part 6—Bareboat operations

124 Register of appropriately qualified persons

- (1) The Authority must:
 - (a) keep a register of persons appropriately qualified for bareboat operations; and
 - (b) show the register to any person who asks to see it at the Authority's office when the office is open.
- (1A) The Authority may satisfy its obligation under subregulation (1) by making the register available for inspection on the Internet.
- (2) A person is taken to be appropriately qualified for a bareboat operation if the person holds:
 - (a) for senior staff and persons responsible for briefing clients of the operation:
 - (i) a Statement of Attainment from the Barrier Reef Institute of TAFE (Whitsunday Bareboat Course—Briefer) or equivalent; and
 - (ii) a Restricted Radio Operator's Certificate; and
 - (iii) an Australian Yachting Federation TL4 Inshore Certificate or equivalent; and
 - (iv) for a person responsible for briefing clients about a bareboat that is less than 15 m long—a restricted coxswain's licence under the Uniform Shipping Laws Code; and
 - (v) for a person responsible for briefing clients about a bareboat that is at least 15 m long—a restricted master class 5 licence under the Uniform Shipping Laws Code; or
 - (b) for radio operators:
 - (i) a Statement of Attainment from the Barrier Reef Institute of TAFE (Whitsunday Bareboat Course—Briefer) or equivalent; and
 - (ii) a Restricted Radio Operator's Certificate.

126 Offences—identification numbers

- (1) A person may display, on a vessel, an identification number issued by the Authority for a bareboat operation only if:
 - (a) the person is the holder of a permission for a bareboat operation, being a permission that is not suspended; and
 - (b) the vessel is of a kind that the permission allows to be used for the operation; and
 - (c) the conditions to which the permission is subject require the person to display the identification number on a vessel being operated under the permission.

Penalty: 50 penalty units.

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

Part 7—Fees

127 Interpretation of this Part

- (1) In this Part (other than regulation 134):

permission does not include a permission that is required to carry on an activity in the Marine Park for any of the following purposes in accordance with the Zoning Plan:

- (a) the traditional use of marine resources;
- (b) the taking, in accordance with a program approved by the Authority, of animals or plants that pose a threat to human life or safety, to marine or island ecosystems which are part of the Marine Park or to the use and amenity of an area of the Park or of adjacent areas.

- (2) In this Part, a reference to an activity in the Marine Park includes entering or using the Park.

128 Fees for assessment in respect of application for permission

- (1) Subject to regulation 129, there is payable to the Authority, for an assessment of an application under Part 2A for a permission to carry on an activity of a commercial nature in the Marine Park that is an activity listed in column 2 in Table 128, the fee specified for the activity:

- (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.

- (2) If an activity is referred to in more than 1 item or sub-item in column 2 of Table 128, the fee payable is the higher or highest of the fees specified for the activity in column 3 or 4 of the table.

- (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.

(3) In items 4 and 7 in Table 128:

public environment report, in relation to an activity, means any of the following kinds of reports about the impact the activity is likely to have on the Marine Park or the Great Barrier Reef:

- (a) a public environment report in accordance with Division 5 of Part 8 of the *Environment Protection and Biodiversity Conservation Act 1999*;
- (b) a report:
 - (i) that has been prepared under a law of Queensland for the purposes of an accredited assessment process mentioned in subsection 87(4) of the *Environment Protection and Biodiversity Conservation Act 1999*; and
 - (ii) in connection with which the Authority is satisfied there has been undertaken an investigation as extensive as would have been undertaken for the purposes of a report mentioned in paragraph (a);
- (c) a report:
 - (i) that has been prepared for the purposes of a bilateral agreement under Part 5 of the *Environment Protection and Biodiversity Conservation Act 1999* between the Commonwealth and Queensland; and
 - (ii) in connection with which the Authority is satisfied there has been undertaken an investigation as extensive as would have been undertaken for the purposes of a report mentioned in paragraph (a);
- (d) a public environment report in accordance with Subdivision 2A.3A.3 of these Regulations.

(4) In items 6 and 7 in Table 128:

environmental impact statement, in relation to an activity, means any of the following kinds of statements or assessments about the impact the activity is likely to have on the Marine Park or the Great Barrier Reef:

- (a) an environmental impact statement in accordance with Division 6 of Part 8 of the *Environment Protection and Biodiversity Conservation Act 1999*;
 - (b) a statement or an assessment:
 - (i) that has been prepared under a law of Queensland for the purposes of an accredited assessment process mentioned in subsection 87(4) of the *Environment Protection and Biodiversity Conservation Act 1999*; and
 - (ii) in connection with which the Authority is satisfied there has been undertaken an investigation as extensive as would have been undertaken for the purposes of a statement mentioned in paragraph (a);
 - (c) a statement or an assessment:
 - (i) that has been prepared for the purposes of a bilateral agreement under Part 5 of the *Environment Protection and Biodiversity Conservation Act 1999* between the Commonwealth and Queensland; and
-

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- (ii) in connection with which the Authority is satisfied there has been undertaken an investigation as extensive as would have been undertaken for the purposes of a statement mentioned in paragraph (a);
- (d) an environmental impact statement in accordance with Subdivision 2A.3A.4 of these Regulations.

Table 128 Fees for assessments in respect of applications for permission

Item	Activity	Fee if paragraph (1)(b) does not apply (\$)	Fee if paragraph (1)(b) applies (\$)
1	Activity that requires use of an aircraft or vessel having a maximum passenger capacity of: (a) fewer than 25 passengers (b) 25 to 50 passengers (c) 51 to 100 passengers (d) 101 to 151 passengers (e) more than 150 passengers	520 750 1 360 2 260 3 780	520 600 830 1 200 1 510
2	Activity that requires the use of a facility or structure in the Marine Park	1 660	1 660
3	Activity whose impacts are to be assessed by public information package under Subdivision 2A.3A.2	6 040	2 260
4	Activity about which a public environment report is to be prepared	30 240	30 240
6	Activity about which an environmental impact statement is to be prepared	81 670	81 670
7	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		3 780
8	Activity not covered by items 1 to 7	520	520

129 Indexation of fee for assessment

- (1) The fee in respect of an application for permission made in a year after 2004 is an amount calculated in accordance with the formula:

$$\frac{F \times N}{140.7}$$

where:

F is the fee determined in accordance with regulation 128.

N is the All Groups Consumer Price Index number for Brisbane published by the Australian Statistician in respect of the financial year ending immediately before the calendar year in which the application is made.

- (2) In calculating an amount in accordance with the formula, any part of the result that is less than \$10 is to be ignored.

130 Waiver of fee for assessment

The Authority is to waive payment of a fee that but for this regulation would be imposed for an application, in respect of the assessment under Part 2A of the impact an activity, if only a minimal assessment is necessary.

131 Notices of fees payable

- (1) As soon as practicable after receiving an application from a person for permission and making a decision on the approach to be used for assessment of the impacts of the proposed conduct, the Authority must give the person a notice in writing:
- (a) stating the fee payable for the application; and
 - (b) stating the date on which the notice is given; and
 - (c) requiring the person to pay, within 21 days after that date:
 - (i) if item 1, 2, 3, 7 or 8 of Table 128 covers the relevant activity—the fee in full; or
 - (ii) if item 4 or 6 of that table covers the activity—the sum of \$10 000 in part payment of the fee.
- (2) If an application for permission is withdrawn before the end of the 21 days referred to in paragraph(1)(c):
- (a) no fee is payable for the application; and
 - (b) the amount of any fee paid for it is to be refunded.
- (3) If:
- (a) a person has applied for permission to carry on an activity covered by item 4 or 6 of Table 128; and
 - (b) the person has paid \$10 000 (or a lesser amount under subparagraph (6)(b)(ii)) in part payment of the fee for the application; and
 - (c) the public environment report or environmental impact statement about the activity is made available for public comment in draft or final form;
- the Authority must give the person a notice in writing:
- (d) stating the date on which the notice is given; and
 - (e) requiring the person to pay, within 21 days after that date, the amount of the fee that has not been paid.

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- (4) Except as set out in subregulation (2), an amount paid for an application is not to be refunded if the application is withdrawn, or otherwise ceases to have effect, after the amount is paid.

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.

132 Lapsing of application for permission

An application for permission lapses where an amount referred to in paragraph 131(1)(c) or 131(3)(e) is not paid for the application within the 21 days referred to in that paragraph.

133 Fee for application for exemption from compulsory pilotage

There is payable to the Authority, with an application for a decision under section 59F of the Act, a fee of \$750.

133A Fees in relation to register

The following fees are payable to the Authority in relation to the register:

- (a) a fee of \$10 for each request for a copy of a document or information that is in the register; and

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- (b) a fee of 50 cents for each page that is copied for the purpose of a request mentioned in paragraph (a).

133B Reinstatement fee

For paragraph 88ZT(3)(b), the reinstatement fee payable to the Authority is \$120.

134 Fees for other applications and requests

Applications or requests for which fees are generally payable

- (1) Subject to subregulation (4), if an application or request described in column 2 of an item in Table 134 is made in respect of a permission to carry on an activity of a commercial nature in the Marine Park, there is payable to the Authority, with the application or request, the fee specified in column 3 of the item.

Table 134 Fees for other applications and requests

Item	Application or request	Fee (\$)
1	Application under regulation 88ZG for approval to transfer a chargeable permission	430
2	Request to the Authority for a variation of a condition of a permission	295
3	Application to the Authority for a change to a vessel or aircraft listed on a Vessel Notification Approval issued by the Authority for a permission	40
3A	Expression of interest application to the Authority for a special permission	250
4	Application to the Authority for the replacement of an identification number, or the document evidencing an identification number, issued for the purposes of a permission to conduct a bareboat operation	40
5	Application to the Authority for the replacement of a document evidencing a permission granted by the Authority	40
6	Request to the Authority for information about any of the following in respect of a permission granted by the Authority: (a) the conditions to which the permission is subject; (b) whether the permission is in force; (c) the activities for which the permission has been granted	40
7	Request to the Authority to vary an application for a permission if, as a result of the variation: (a) the Authority must notify or renotify, under the Native Title Act 1993, a representative Aboriginal/Torres Strait Islander body, a registered native title body corporate or a registered native title claimant about the application; or (b) an assessment, or an additional assessment, must be made under Part 2A in respect of the application	40
8	Request to the Authority for a summary of documents, being a list of any or all of the following:	40

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Item	Application or request	Fee (\$)
	(a) each permission granted by the Authority to the person making the request;	
	(b) each application made by the person to the Authority	

Note: The fee, mentioned in item 7, for a request to vary an application is additional to any fee payable under regulation 128 for an assessment in respect of the application.

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

- (2) Subject to subregulation (3A), if an application or request made by a person is not accompanied by the fee specified, the Authority must, as soon as practicable after receiving the application or request, give the person a written notice that:
- (a) sets out the amount of the fee payable; and
 - (b) sets out the date of the notice; and
 - (c) states that the application or request will lapse if the fee is not paid to the Authority within 10 business days after the date of the notice.
- (3) Subject to subregulation (3A), an application or request to which this regulation applies lapses if the fee specified for the application or request is not paid within 10 business days after the date of the written notice.
- (3A) Subregulations (2) and (3) do not apply to an expression of interest application to the Authority for a special permission.
- (3B) Subregulations (2) and (3) do not apply if the Authority waives the fee under subregulation (6).

Indexation of fees

- (4) The fee in respect of an application or request made in a year after 2004 is an amount calculated in accordance with the formula:

$$\frac{F \times N}{140.7}$$

where:

F is the fee determined in accordance with subregulation (1).

N is the All Groups Consumer Price Index number for Brisbane published by the Australian Statistician in respect of the financial year ending immediately before the calendar year in which the application or request is made.

- (5) In calculating an amount in accordance with the formula, any part of the result that is less than \$1 is to be ignored.

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.

Part 8—Environmental management charges

Division 8.1—General

135 Interpretation

(1) In this Part:

beach equipment includes:

- (a) sailing boats (except boats that have an overall length of 6 metres or more);
and
- (b) windsurfing craft; and
- (c) canoes and kayaks; and
- (d) pedal craft.

facility has the same meaning as it has in subsection 3A(9) of the Act.

floating hotel means a vessel that:

- (a) has designed sleeping accommodation for persons who are not:
 - (i) crew; or
 - (ii) persons employed on the vessel for the purpose of the maintenance of the vessel or the provision of services; and
- (b) is supplied with visitors by other vessels or by aircraft.

operation of a tourist program:

- (a) has the same meaning as it has in subsection 3A(3) of the Act; and
- (b) includes the construction, maintenance or operation of a building or other facility (or its removal or demolition) in the Marine Park, for a purpose of the tourist program.

primary service means a service that:

- (a) forms part of a tourist program; and
- (b) is not a secondary service.

quarter means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October.

secondary service means a service that:

- (a) forms part of a tourist program; and
- (b) the Authority has determined, under regulation 137, to be a secondary service.

secondary treatment, in relation to sewage, has the meaning given in subregulation (2).

Sole purpose of sight-seeing, in relation to an aircraft excursion, means:

- (a) that the aircraft returns to, and disembarks passengers at, the place from which they embarked; and
- (b) that the aircraft is not landed at any other place.

tertiary treatment, in relation to sewage, has the meaning given in subregulation (3) or (4).

Tourist has the same meaning as it has in subsection 3A(9) of the Act.

transfer passenger means a person who:

- (a) is transported into the Marine Park and disembarked at a place contiguous to, or at a wharf or jetty within or partly within, the Marine Park by a person who holds a permission for a tourist program; and
- (b) is transported by the most direct reasonable route; and
- (c) does not:
 - (i) during the course of travel in the Marine Park—engage in any tourist activity provided by the permission holder; and
 - (ii) at the disembarkation destination, for at least 2 hours after disembarkation—engage in any tourist activity provided by the permission holder under that permission.

visitor means a person to whom a service is provided under a chargeable permission, but who is not:

- (a) a transfer passenger; or
- (b) a person of one of the following kinds, in respect of whom the holder of the permission is not paid a fee for the provision of the service:
 - (i) a child aged less than 4 years;
 - (ii) a person visiting the Marine Park as a beneficiary of a charity registered under a law of the Commonwealth, a State or a Territory;
 - (iii) a member of a school supervised school group;
 - (iv) a person engaged in the tourism industry who is visiting the Marine Park for trade familiarisation or who is accompanying visitors to the Marine Park as driver, guide, instructor, or for a similar reason;
 - (v) a person engaged in the newspaper, broadcasting or other information media who is visiting the Marine Park for the purpose of reporting on a matter in the Marine Park.

- (2) Sewage is taken to have received secondary treatment if the effluent discharge complies with the following standards:
 - (a) 5 day biochemical oxygen demand does not exceed 20 milligrams per litre;
 - (b) suspended solids do not exceed 30 milligrams per litre;
 - (c) pH value is between 6.0 and 8.5;
 - (d) dissolved oxygen is at least 2 milligrams per litre;
 - (e) *Escherichia coli* bacteria organisms in at least 5 samples of the effluent, collected at intervals of not less than half an hour:
 - (i) have, in respect of all the samples, a geometric mean value that is not more than 200 colonies per 100 millilitres; and

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- (ii) number, in 80% of the samples, less than 1000 colonies per 100 millilitres.
- (3) Sewage is taken to have received tertiary treatment if the effluent discharge complies with the following standards:
- (a) 5 day biochemical oxygen demand does not exceed 20 milligrams per litre;
 - (b) suspended solids do not exceed 30 milligrams per litre;
 - (c) pH value is between 6.0 and 8.5;
 - (d) dissolved oxygen is at least 2 milligrams per litre;
 - (e) *Escherichia coli* bacteria organisms in at least 5 samples of the effluent, collected at intervals of not less than half an hour:
 - (i) have, in respect of all the samples, a geometric mean value that is not more than 200 colonies per 100 millilitres; and
 - (ii) number, in 80% of the samples, less than 1000 colonies per 100 millilitres;
 - (f) total nitrogen content is less than 4 milligrams per litre;
 - (g) total phosphorus content is less than 1 milligram per litre;
 - (h) total oil and grease content is less than 10 mg/litre;
 - (i) the effluent does not produce a slick or any other visible evidence of oil or grease;
 - (j) if the effluent has been disinfected by chlorination, the effluent does not contain by-products of the disinfection that may pollute water in a manner harmful to animals or plants in the Marine Park.
- (4) Sewage that fails to comply with subregulation (3) only in respect of paragraph (3)(f) or (g) is taken to have received tertiary treatment if not more than 5% of the annual volume of effluent generated is discharged into the Marine Park at a land-based outfall.

136 Chargeable permissions

For the definition of *chargeable permission* in subsection 3(1) of the Act, a permission granted under these Regulations is a chargeable permission for the purposes of the Act if it is a permission for any of the following kinds of activity:

- (a) the operation of a tourist program;
- (b) a commercial operation that primarily involves:
 - (i) the sale of goods or services from a vessel; or
 - (ii) vessel chartering for a purpose other than tourism; or
 - (iii) the construction or maintenance of a facility;
- (c) the operation of a land-based sewage outfall;
- (d) the establishment or operation of farming facilities for the culture of pearls or clams;
- (e) the construction and conduct of a mooring.

137 Secondary services

- (1) A service that forms part of a tourist program is a secondary service if:
 - (a) every visitor who uses the service is likely to have been recorded as a visitor for another chargeable permission on the same day; and
 - (b) the Authority determines, under this regulation, that it is a secondary service.
- (2) A chargeable permission holder, or a person who has applied for a chargeable permission, may apply to the Authority for a determination that a service provided, or to be provided, as part of a tourist program by the applicant under the permission:
 - (a) is a secondary service; or
 - (b) in the case of an applicant for a chargeable permission—will be, if the permission is granted, a secondary service.
- (3) The application must be in writing and must set out, or be accompanied by, details of:
 - (a) the primary service provider who supplies, or proposes to supply, visitors to the program; and
 - (b) what percentage of visitors who use, or will use, the service are visitors who are liable to pay the standard tourist program charge (within the meaning given by Subdivision 1 of Division 8.2); and
 - (c) how the applicant proposes to find out whether visitors who use the service are visitors who have paid the standard tourist program charge.
- (4) The Authority may ask the applicant in writing to give the Authority any other information reasonably necessary to enable the Authority to consider the application.
- (5) The Authority must determine the application within 28 days after:
 - (a) the Authority receives the application; or
 - (b) if the Authority asks the applicant to give it other information under subregulation (4)—the day on which the information is given to the Authority.

138 Notice of decision

- (1) After the Authority makes a determination under regulation 137, the Authority must tell the applicant, in writing, of the decision.
- (2) If the decision is that the service or proposed service is not, or will not be, a secondary service, the notice must set out:
 - (a) the reasons for the decision; and
 - (b) a statement to the effect that the applicant may apply to the Authority under regulation 185 for reconsideration of the decision, and, if the applicant is dissatisfied with a decision on reconsideration, to the AAT for review of the decision on reconsideration.

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- (3) A failure to comply with subregulation (2) about a decision does not make the decision invalid.

139 **Numbering of secondary services**

The Authority must allot a unique number to a secondary service.

Division 8.2—Amount of charge and payment

Subdivision 1—Standard tourist program charges

140 Meanings of terms

- (1) In this Subdivision:

charge year means a period of 12 months beginning on 1 April.

standard tourist program charge has the meaning given by subregulation 141(2).

- (2) For this Subdivision, a visitor takes part in a program if the visitor participates (wholly or partly) in the excursions or activities provided in the Marine Park by the permission holder who provides the program.

141 Standard tourist program charge

- (1) In this regulation:

CPI means the Consumer Price Index (All Groups) for Brisbane, using, as a reference base, the financial year ending on 30 June 1990.

CPI base date, for a charge year, means 31 December in the previous charge year.

- (2) The standard tourist program charge is:

- (a) during the charge years beginning on 1 April 1998 and 1 April 1999—\$4.00; and
(b) during any later charge year—the greater of:
(i) \$4.00; and
(ii) the amount worked out as set out in subregulation (3).

- (3) The amount for the second charge year after the current charge year (*the second charge year*) is worked out as follows:

- (a) work out the indexed amount, for the second charge year, of the STPC by the formula:

$$\$ \left(\frac{\text{STPC} \times \text{new CPI}}{\text{old CPI}} \right);$$

where:

STPC is the standard tourist program charge for the current charge year; and

new CPI is the CPI on the CPI base date for the second charge year; and

old CPI is the CPI on 31 December 1997.

Then:

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- (b) subtract the standard tourist program charge for the current charge year from the amount so worked out; and
- (c) if the difference between the indexed amount and the standard tourist program charge for the current charge year is negative, or is positive but is less than \$0.40, the standard tourist program charge for the second charge year is the same as that for the current charge year; and
- (d) if the difference is \$0.40 or more but less than \$0.90, the standard tourist program charge for the second charge year is \$0.50 greater than that for the current charge year; and
- (e) if the difference is \$0.90 or more but less than \$1.40, the standard tourist program charge for the second charge year is \$1.00 greater than that for the current charge year; and
- (f) if the difference is \$1.40 or more, the standard tourist program charge for the second charge year is \$1.50 greater than that for the current charge year.

Example:

To work out the STPC for the charge year beginning on 1 April 2000, the calculation would be:

$$\$ \left(\frac{(\text{STPC}/1998) \times \text{CPI for 31 December 1998}}{\text{CPI for 31 December 1997}} \right);$$

(where 'STPC/1998' is the standard tourist program charge for the charge year that begins on 1 April 1998).

Suppose the result is \$4.25. According to paragraph (c), the standard tourist program charge for the charge year that begins on 1 April 2000 is still \$4.00. If the result were \$4.55, the STPC for that charge year would be \$4.50, according to paragraph (d).

142 Payment of standard tourist program charge—general rule

- (1) Subject to regulations 143, 145, 146 and 147, if a tourist program provided under a chargeable permission is, or includes, a primary service, the standard tourist program charge for a charge year is payable by each visitor who takes part in the program during the charge year.
- (2) The charge is payable by a visitor for each day, or part of a day, that the visitor takes part in the program.

143 Visitors who do not have to pay charge

- (1) Charge is not payable under this Subdivision by a visitor who takes part in a tourist program on a day if:
 - (a) on the same day, the visitor has used a service for which the full amount of the standard tourist program charge is payable by the visitor; and
 - (b) the visitor, or the holder of the chargeable permission under which the service mentioned in paragraph (a) was provided, has evidence (in the form of a dated receipt or dated ticket) that the visitor has paid the charge.

- (2) Charge is not payable under this Subdivision by a visitor who takes part in a tourist program provided under a chargeable permission on a day if the visitor only takes part in the program on the day by:
- (a) using any non-motorised beach equipment for which the holder of the permission is liable to pay charge under regulation 149; or
 - (b) using a dinghy for which the holder of the permission is liable to pay charge under regulation 150; or
 - (c) using any motorised water sport equipment for which the holder of the permission is liable to pay charge under regulation 151; or
 - (d) participating in 1 or more excursions to which regulation 152 or 153 applies; or
 - (e) being accommodated in a floating hotel, the operation of which the holder of the permission is liable to pay charge for under regulation 155; or
 - (f) berthing a vessel at a marina, the construction or operation of which the holder of the permission is liable to pay charge for under regulation 156; or
 - (g) participating in 1 or more excursions to an underwater observatory, the operation of which the holder of the permission is liable to pay charge for under regulation 157.

144 Offence—altering ticket etc

- (1) A person must not alter the date on a receipt or ticket, or add a date to a receipt or ticket that does not bear a date.

Penalty: 50 penalty units.

- (2) A person must not use as evidence for subregulation 143(1) a receipt or ticket that the person knows, or has reason to believe, has been altered (including altered by adding a date).

Penalty: 50 penalty units.

- (3) For this regulation:

- (a) an offence against subregulation (1) is an offence of strict liability; and
- (b) strict liability applies to the physical element in subregulation (2) of whether, if the receipt or ticket is being used as evidence, the evidence is evidence for subregulation 143(1).

145 Longer tours

If a tour that is a primary service takes longer than 3 continuous days, the amount of charge that is payable under this Subdivision by a visitor who takes part in the tour is 3 times the standard tourist program charge.

146 Very short tours

If a tour that is a primary service takes 3 hours or less, the amount of charge that is payable under this Subdivision by a visitor who takes part in the tour is half

Regulation 147

the standard tourist program charge, even if regulation 147 also applies to the tour.

147 Tours that arrive late or depart early

- (1) For this regulation:
 - (a) a tour that begins at a jetty, wharf or similar structure that is within or partly within the Marine Park is taken to enter the Park when it leaves the structure; and
 - (b) a tour that ends at such a structure that is within or partly within the Marine Park is taken to leave the Park when it arrives at the structure.
- (2) If a tour that is a primary service (except a tour to which regulation 145 or 146 applies) enters the Marine Park after 5 pm on the first day of the tour, only half the standard tourist program charge is payable for that day by a visitor who takes part in the tour.
- (3) If a tour that is a primary service (except a tour to which regulation 145 or 146 applies) leaves the Marine Park before 6 am on the last day of the tour, only half the standard tourist program charge is payable for that day by a visitor who takes part in the tour.

148 When charge is payable

Charge payable under this Subdivision by a visitor who takes part in a tourist program provided under a chargeable permission is payable by the visitor to the holder of the permission on behalf of the Commonwealth at the following time:

- (a) for charge in respect of a tour to which regulation 145 applies—on the first day that the visitor takes part in the tour;
- (b) for charge in respect of any other tourist program—on each day that the visitor takes part in the program.

Subdivision 2—Other charges

149 Non-motorised beach equipment charges

- (1) The charge payable by the holder of a chargeable permission for the hiring of non-motorised beach equipment is:
 - (a) if the permission allows the hire of no more than 5 pieces of equipment at any time during a quarter—\$12.00 for the quarter; or
 - (b) if the permission allows the hire of more than 5 pieces of equipment at any time during a quarter—\$25.00 for the quarter.
- (2) If the holder of the permission holds 2 or more permissions of the kind referred to in paragraph (1)(a) and exercises those permissions at the same location, charge is payable as if those permissions were one permission of the kind referred to in paragraph (1)(b).

- (3) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

150 Dinghy charges

- (1) The charge payable by the holder of a chargeable permission for the hiring of dinghies is:
- (a) for each dinghy that the permission allows to be hired—\$12.00 per quarter; or
 - (b) if the permission allows the hire of no more than 5 dinghies at any time during a quarter—\$50.00 for the quarter.
- (2) If:
- (a) the holder of the permission holds 2 or more permissions of the kind referred to in paragraph (1)(b) and exercises those permissions at the same location; and
 - (b) the total number of dinghies so permitted to be hired is 5 or more;
- charge is payable as if those permissions were one permission of the kind referred to in paragraph (1)(a).
- (3) For the purposes of subregulation (1), *dinghy*:
- (a) means a small open boat having no designed sleeping accommodation; and
 - (b) does not include a boat of the kind commonly known as a half-cabin boat.
- (4) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

151 Motorised water sport charges

- (1) The charge payable by the holder of a chargeable permission for the hiring of motorised water sport equipment (excluding dinghies) is:
- (a) if the equipment is jet boats designed to carry no more than 2 persons—\$25.00 per quarter; or
 - (b) if the equipment includes no jet boats—\$62.00 per quarter; or
 - (c) if the equipment is jet boats and other motorised equipment—\$87 per quarter.

Regulation 152

- (2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

152 Semi-submersible and glass-bottomed boats charges

- (1) Subject to subregulations (2) and (3), the charge payable by each visitor who participates in a semi-submersible, or glass-bottomed, boat excursion provided under a chargeable permission is \$0.40 for each excursion.
- (2) If a visitor participates in more than 1 excursion on the same day and all the excursions are provided under the same permission, charge is only payable by the visitor for the first excursion.
- (3) Charge is not payable by a visitor for an excursion if:
 - (a) the excursion is permitted under a permission to which regulation 142 applies; and
 - (b) the visitor is liable to pay charge in accordance with that regulation.
- (4) Charge for an excursion is payable by a visitor to the holder of the permission on behalf of the Commonwealth on the day that the visitor participates in the excursion.

153 Sight-seeing aircraft charges

- (1) Subject to subregulations (2) and (3), the charge payable by each visitor who participates in an aircraft excursion in or into the Marine Park, that is provided under a chargeable permission for the sole purpose of sight-seeing, is \$0.40 for each excursion.
- (2) If a visitor participates in more than 1 excursion on the same day and all the excursions are provided under the same permission, charge is only payable by the visitor for the first excursion.
- (3) Charge is not payable by a visitor for an excursion if:
 - (a) the excursion is permitted under a permission to which regulation 142 applies; and
 - (b) the visitor is liable to pay charge in accordance with that regulation.
- (4) Charge for an excursion is payable by a visitor to the holder of the permission on behalf of the Commonwealth on the day that the visitor participates in the excursion.

154 Pontoon charges

- (1) The charge payable by the holder of a chargeable permission for the operation of a pontoon is:
 - (a) if the horizontal surface area of the pontoon is 40 square metres or less—\$90.00 per quarter; or

- (b) if the horizontal surface of the pontoon is more than 40 square metres—
\$180.00 per quarter.
- (2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

155 Floating hotel charges

- (1) The charge payable by the holder of a chargeable permission for the operation of a floating hotel is \$280.00 per quarter.
- (2) For the purpose of this regulation, a vessel is a floating hotel only if, for at least 60 days in the quarter in respect of which charge is payable, it is moored:
 - (i) at one place; or
 - (ii) not further than 20 nautical miles from any other place in the Marine Park at which it has been moored.
- (3) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

156 Marina charges

- (1) The charge payable by the holder of a chargeable permission for the construction of a marina is \$380.00 per quarter.
- (2) The charge payable by the holder of a chargeable permission for the operation of a marina is \$380.00 per quarter.
- (3) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

157 Underwater observatory charges

- (1) The charge payable by the holder of a chargeable permission for the operation of an underwater observatory that is not attached to a pontoon is \$130.00 per quarter.
- (2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

158 Lady Elliot Island charges

- (1) Subject to subregulation (2), the charge payable by each visitor who participates in a tourist program that is provided under a chargeable permission and involves visiting Lady Elliot Island is \$2.00 for each day, or part of a day, that the visitor visits the island.

Regulation 159

- (2) Charge is not payable by a visitor for a day that the visitor visits the island if:
 - (a) the visit is permitted under a permission to which regulation 142 applies;
and
 - (b) the visitor is liable to pay charge in accordance with that regulation.
- (3) Charge for each day that a visitor visits the island is payable by the visitor to the holder of the permission on behalf of the Commonwealth:
 - (a) if the visit takes no more than 1 day—on the day of the visit; or
 - (b) if the visit takes more than 1 day—on the first day of the visit.

159 Discharge of sewage charges

- (1) The charge payable by the holder of a chargeable permission for the operation of a land-based outfall for the discharge of waste that is sewage is:
 - (a) if the sewage has received primary, secondary and tertiary treatment—
\$400.00 per quarter; or
 - (b) if the sewage has received primary and secondary treatment only:
 - (i) \$400.00 per quarter; and
 - (ii) an amount calculated under the formula:
$$\$4.00 \times V \times (N + P)$$

where:

N is the concentration, expressed as milligrams per litre, of all forms of nitrogen assessed to be discharged in the quarter; and

P is the concentration, expressed as milligrams per litre, of all forms of phosphorus assessed to be discharged in the quarter; and

V is the total volume of sewage, expressed in megalitres, discharged in the quarter.

- (2) For the purpose of subparagraph (1)(b)(ii), an assessment must be made only in accordance with samples of discharge analysed by a laboratory registered under the rules of the National Association of Testing Authorities for analyses of that kind.
- (3) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

160 Vessel chartering charges

- (1) If the charter of a vessel is provided under a chargeable permission for a commercial purpose unrelated to tourism, the charge of \$2.00 is payable by each visitor (other than a crew member) who is carried on the chartered vessel.
- (2) Charge for the charter of a vessel is payable by a visitor to the holder of the permission on behalf of the Commonwealth on the first day that the visitor is carried on the vessel.

161 Vending operations charges

- (1) The charge payable by the holder of a chargeable permission for the sale of goods or services from a vessel is \$30.00 for a quarter for each metre of the overall length of the vessel, unless:
 - (a) the sale of goods and services is carried on primarily during an operation in respect of which a charge applies under Subdivision 1 of Division 8.2 or regulation 154, 155, 156, 157 or 160; or
 - (b) the vessel is used primarily for the provision of goods or services to commercial fishing vessels.
- (2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

162 Mariculture

- (1) The charge payable by the holder of a chargeable permission for the establishment and operation of farming facilities for the culture of pearls or clams is:
 - (a) for a parcel of facilities of up to 10 hectares—\$500.00 per quarter; and
 - (b) for each additional parcel of 10 hectares—\$200.00 per quarter.
- (2) Charge is payable by the holder of the permission to the Authority on behalf of the Commonwealth in April, July, October and January in respect of the exercise of the permission in the preceding quarter.

Subdivision 3—Payment and overpayment

163 When collected amounts are payable

A collected amount in respect of a chargeable permission is payable by the holder of the permission to the Authority on behalf of the Commonwealth in whichever of April, July, October or January is the month after the quarter in which the amount is collected.

Note: The holder of a chargeable permission who does not collect charge as required by subsection 39FA(1) of the Act is liable to pay a penalty amount equal to the amount of the charge. The penalty amount is due for payment at the time when, if the charge had become a collected amount, the holder would have had to pay the collected amount to the Authority—see subsections 39FA(2) and (3) of the Act.

164 Payment on termination or transfer of permission

- (1) If a chargeable permission ceases to be in force, the following is payable by the holder of the permission to the Authority on behalf of the Commonwealth within 30 days after the day the permission ceases:
 - (a) if, under this Part, the holder is liable to pay charge in relation to the permission—charge in respect of the exercise of the permission since the end of the preceding quarter until the end of the day the permission ceases;

Regulation 165

- (b) if, under this Part, a visitor is liable to pay charge in relation to the permission—collected amounts that the holder has collected since the end of the preceding quarter until the end of the day the permission ceases;
 - (c) any amount of late payment penalty that, under section 39G of the Act, the holder is liable to pay in relation to the permission, including any amount that accrues after the day the permission ceases.
- (2) For the purposes of subregulation (1), a permission to which subregulation 88ZC(1) applies is taken not to have ceased to be in force unless, and until, the application for the permission is taken to be withdrawn under Part 2A, lapses under regulation 132 or is refused.
- (3) If a holder's interest in a chargeable permission is transferred to another person, the following is payable by the holder to the Authority on behalf of the Commonwealth on the day the transfer occurs:
- (a) if, under this Part, the holder is liable to pay charge in relation to the permission—charge in respect of the exercise of the permission since the end of the preceding quarter until the end of the day of transfer;
 - (b) if, under this Part, a visitor is liable to pay charge in relation to the permission—collected amounts that the holder has collected since the end of the preceding quarter until the end of the day of transfer;
 - (c) any amount of late payment penalty that, under section 39G of the Act, the holder is liable to pay in relation to the permission.
- (4) For the purpose of paragraph (3)(a), charge payable in respect of the day on which transfer occurs is taken to be an amount equal to the average charge payable in respect of each other day in the period referred to in that paragraph.

Note: The holder of a chargeable permission who does not collect charge as required by subsection 39FA(1) of the Act is liable to pay a penalty amount equal to the amount of the charge. The penalty amount is due for payment at the time when, if the charge had become a collected amount, the holder would have had to pay the collected amount to the Authority—see subsections 39FA(2) and (3) of the Act.

165 Overpayment of charge by holder of chargeable permission

If the amount of a payment of charge by the holder of a chargeable permission is determined by the Authority to exceed the amount of charge properly payable by the holder, the next amount of charge calculated to be payable under this Part is reduced by an amount equal to the amount of the overpayment unless the Authority has refunded to the holder that amount.

Division 8.3—Record-keeping and returns etc

166 Record-keeping etc

- (1) The holder of a chargeable permission referred to in Subdivision 1 of Division 8.2 or regulation 152, 153, 154, 155, 156, 157, 158 or 160 must record, each day on which the permission is used by the holder, and whether or not charge is incurred or collected, the information that the Authority requires the holder to keep for the purpose of ascertaining, for a quarter:
 - (a) the charge payable by the holder for the quarter; and
 - (b) the charge that the holder was required to collect during the quarter.

Penalty: 50 penalty units.

- (2) The holder of a chargeable permission must keep a receipt or ticket used to obtain an exemption under regulation 143 for 2 years after the date on the receipt or ticket.

Penalty: 50 penalty units.

- (3) The information must be recorded by the holder of the permission in a logbook supplied to the holder by the Authority or in a form approved by the Authority and kept:
 - (a) in the holder's booking office; or
 - (b) if the holder's permission allows the visiting of more than 5 different locations in the Marine Park (for a purpose other than the delivery of transfer passengers), access to each of which requires the use of a vessel—in the vessel used for the part of the program to which the information relates; or
 - (c) in any other place approved by the Authority.

Penalty: 50 penalty units.

- (4) The information must be kept by the holder of the permission to enable inspection by an inspector at the holder's booking office for at least 2 years after the quarter to which the information relates.

Penalty: 50 penalty units.

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

167 Returns

- (1) Subject to subregulation (2), the holder of a chargeable permission referred to in this Part must give the Authority, in each April, July, October and January, in relation to the preceding quarter:
 - (a) a charge return, in a form approved by the Authority; and
 - (b) a copy of the part of the logbook supplied to the holder by the Authority, or the form approved by the Authority, for the recording of the information.

Regulation 168

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply to the holder of a permission referred to in regulation 159.
- (3) The holder of a chargeable permission referred to in regulation 159 must give the Authority a return, in a form approved by the Authority, in April, July, October and January in relation to the exercise of the permission in the preceding quarter, that sets out:
 - (a) the total volume of sewage generated during the quarter; and
 - (b) the total volume of sewage discharged at the land-based outfall during the quarter; and
 - (c) the information determined by the laboratory referred to in subregulation 159(2) that discloses the level of treatment the sewage has received before discharge.

Penalty: 50 penalty units.

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

168 Custody and banking of collected amounts

- (1) The holder of a chargeable permission may deposit a collected amount into an account, maintained by the holder with a bank, until the amount is due for payment to the Authority on behalf of the Commonwealth.
- (2) If a collected amount is deposited in accordance with subregulation (1), the holder is entitled to any interest derived from the deposit of the amount.
- (3) In this regulation:

bank means:

- (a) a person who carries on the business of banking, either in Australia or outside Australia; or
- (b) any other institution:
 - (i) that carries on a business in Australia that consists of or includes taking money on deposit; and
 - (ii) the operations of which are subject to prudential supervision or regulation under a law of the Commonwealth, a State or a Territory.

Part 9—Shoalwater Bay (Dugong) Plan of Management enforcement provisions

169 Definitions

In this Part:

Plan means the Shoalwater Bay (Dugong) Plan of Management prepared under Part VB of the Act, for which notice, under subsection 39ZE(4), was published in the *Gazette* on 2 April 1997.

171 Offences

- (1) A person must not contravene subclause 6.2 or 6.4, clause 7 or subclause 8.1 of the Plan.

Penalty: 50 penalty units.

Note: Clauses 6, 7 and 8 of the Plan restrict the use of nets, the collecting of dugongs, and interference with dugongs.

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

Part 10—Cairns Area Plan of Management 1998— enforcement provisions

174 Offences

- (1) A person, other than the Authority acting in accordance with its functions and powers, must not contravene a provision of Part 2 of the *Cairns Area Plan of Management 1998*.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) (other than a contravention of that subregulation constituted by a contravention of subclause 2.14 (1) of the *Cairns Area Plan of Management 1998*) is an offence of strict liability.
- (3) It is a defence to a prosecution under subregulation (1) if the person is acting in accordance with a permission.
- (4) Despite the amendment of this regulation by the *Great Barrier Reef Marine Park Amendment Regulations 2008 (No. 1)*, a defence that would have been available as a defence to a prosecution under subregulation (1) for a contravention that occurred before that amendment continues to be available as a defence.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3) (see section 13.3 of the *Criminal Code*).

Part 11—Whitsundays Plan of Management 1998— enforcement provisions

178 Offences

- (1) A person, other than the Authority acting in accordance with its functions and powers, must not contravene a provision of Part 2 of the *Whitsundays Plan of Management 1998*.

Penalty: 50 penalty units.

- (2) A contravention of subregulation (1) (other than a contravention of that subregulation constituted by a contravention of subclause 2.12 (1) of the *Whitsundays Plan of Management 1998*) is an offence of strict liability.
- (3) It is a defence to a prosecution under subregulation (1) if the person is acting in accordance with a permission.
- (4) Despite the amendment of this regulation by the *Great Barrier Reef Marine Park Amendment Regulations 2008 (No. 1)*, a defence that would have been available as a defence to a prosecution under subregulation (1) for a contravention that occurred before that amendment continues to be available as a defence.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3) (see section 13.3 of the *Criminal Code*).

179 Conditions of permissions cease to prohibit what is no longer prohibited by amendment of the Plan

- (1) This regulation applies if:
 - (a) a permission was in force immediately before the commencement of an amendment of the *Whitsundays Plan of Management 1998* by the *Great Barrier Reef Marine Park Amendment (Whitsundays Plan of Management) Instrument 2017*; and
 - (b) immediately before that commencement, the conditions of the permission were such that the holder of the permission could not, consistently with those conditions, engage in a particular activity that was prohibited by the enforcement provisions of the *Whitsundays Plan of Management 1998*; and
 - (c) as a result of that commencement, the activity by the holder is no longer prohibited by an enforcement provision of the *Whitsundays Plan of Management 1998*.
- (2) On that commencement, the conditions cease to have effect so far as they would otherwise prevent the holder of the permission from engaging in that activity lawfully.

Part 12—Hinchinbrook Plan of Management 2004— enforcement provisions

182 Offences

- (1) A person, other than the Authority acting in accordance with its functions and powers, must not contravene a provision of Part 2 of the *Hinchinbrook Plan of Management 2004*.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) (other than an offence constituted by a contravention of subclause 2.15 (1) of the *Hinchinbrook Plan of Management 2004*) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subregulation (1) that the person is acting:
- (a) in accordance with:
 - (i) an authorisation; or
 - (ii) a new permission granted after the eligibility process commencement day; or
 - (b) as permitted by subregulation 84(3).

Note: A defendant bears an evidential burden in relation to the matter mentioned in subregulation (3) (see section 13.3 of the *Criminal Code*).

- (4) For subparagraph (3)(a)(ii), ***new permission*** and ***eligibility process commencement day*** have the respective meanings given by the *Hinchinbrook Plan of Management 2004*.

Part 13—Notification and review of decisions

183 Notice of certain decisions

- (1) The Authority must publish on the Authority's website a notice of any of the following kinds of decisions by the Authority as soon as practicable after making the decision:
 - (a) a decision under Part 2A on an application (including 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;
 - (b) a decision under Part 2A to suspend or revoke a permission;
 - (c) a decision under Part 2A to modify a condition of a permission;
 - (d) a decision under Part 2A on an application for approval to transfer a permission;
 - (e) a decision under Part 2A to impose a condition on a permission;
 - (f) any of the following decisions under Part 2B:
 - (i) a decision on an application for accreditation of a TUMRA;
 - (ii) a decision on an application to modify an accredited TUMRA or to modify a condition of the TUMRA's accreditation;
 - (iii) a decision to suspend or revoke the accreditation of an accredited TUMRA;
 - (iv) a decision to modify a condition of accreditation of an accredited TUMRA;
 - (v) a decision to impose a condition on the accreditation of an accredited TUMRA;
 - (g) a decision under subregulation 117K(1) on an application for an exemption from a provision, or provisions, of Part 4A.
- (1A) Subregulation (1) does not apply to a decision of the Authority under Part 2A to grant or refuse a permission to camp on a Commonwealth island.
- (2) The Authority may also give a person affected by the decision a written notice of the decision.
- (3) A failure to comply with subregulation (1) about a decision does not make the decision invalid.

184 Contents of a notice

- (1) A notice published under subregulation 183(1) or given to a person under subregulation 183(2) must state:

Regulation 185

- (a) if the decision is a decision mentioned in paragraph 183(1)(a), (b), (c), (e), (f) or (g)—that a person whose interests are affected by the decision may:
 - (i) obtain from the Authority a statement of reasons for the decision; and
 - (ii) ask the Authority to reconsider the decision; and
 - (b) if the decision is a decision mentioned in paragraph 183(1)(d)—that the proposed transferor or proposed transferee may:
 - (i) obtain from the Authority a statement of reasons for the decision; and
 - (ii) ask the Authority to reconsider the decision; and
 - (c) that a person at whose request the Authority has reconsidered the decision may apply, subject to the *Administrative Appeals Tribunal Act 1975*, to the AAT for review of the decision made by the Authority after reconsideration.
- (2) A failure to comply with subregulation (1) does not make the relevant decision invalid.

185 Requests for reconsideration of decisions

- (1) A person whose interests are affected by:
- (aa) a decision mentioned in subregulation 88H(2); or
 - (a) a decision mentioned in paragraph 183(1)(a), other than a decision in relation to:
 - (i) an application for a permission to use or enter the Mission Beach Leader Prawn Broodstock Capture Area for the purpose of collecting leader prawn broodstock for aquaculture operations; or
 - (ii) an application for a permission to conduct a tourist program that includes, as part of the program, swimming-with-whales activities in the Cairns Planning Area; or
 - (iii) an application for a permission to camp on a Commonwealth island; or
 - (iv) an EPBC referral deemed application; or
 - (b) a decision mentioned in paragraph 183(1)(b), (c), (e) or (f), except to the extent that it relates to a permission granted in respect of an application mentioned in subparagraph (a)(iii) or (iv);
- may ask the Authority to reconsider the decision.
- (3) A person who applied for the grant of a permission to use or enter the Mission Beach Leader Prawn Broodstock Capture Area for the purpose of collecting leader prawn broodstock for aquaculture operations may ask the Authority to reconsider its decision on the application.
- (4) A person who applied for the grant of a permission to conduct a tourist program that includes, as part of the program, swimming-with-whales activities in the Cairns Planning Area may ask the Authority to reconsider its decision on the application.

- (4A) A person who applied for an exemption under subregulation 117K(1), and is dissatisfied with the decision of the Authority, may ask the Authority to reconsider the decision.
- (5) A person who applied for the grant of an authorisation may ask the Authority to reconsider its decision on the application.
- (6) A proposed transferor or proposed transferee of a permission who is dissatisfied with a decision (mentioned in paragraph 183(1)(d) about the proposed transfer may ask the Authority to reconsider the decision.
- (7) If the Authority determines under regulation 137 that a service or proposed service is not, or will not be, a secondary service, and the operator or intending operator of the service is dissatisfied with the Authority's decision, the operator or intending operator may ask the Authority to reconsider the decision.
- (8) A request for reconsideration must:
 - (a) be in writing; and
 - (b) set out the reasons why the Authority should reconsider the decision; and
 - (c) be given to the Authority within 21 days after:
 - (i) in the case of a decision mentioned in subregulation (5)—the day on which the person who applied for the relevant authorisation is told in writing of the decision; or
 - (ii) in the case of a decision mentioned in subregulation (7)—the day on which the operator or proposed operator is told in writing of the decision; or
 - (iii) in any other case—the day notice of the decision is published on the Authority's website.
- (9) This regulation does not apply to a decision made under subregulation 186(2).

186 Reconsideration of decisions

- (1) Within 30 business days after receiving a request under regulation 185 about a decision, the Authority must reconsider the decision.
- (2) After reconsidering a decision, the Authority may:
 - (a) affirm the decision; or
 - (b) vary it; or
 - (c) substitute another decision for it.
- (3) To avoid doubt, after reconsidering a decision the Authority may make any decision that it could have made in the first instance.
- (4) Unless the Authority's decision after reconsideration is to affirm the reconsidered decision, the Authority's decision after reconsideration supersedes the reconsidered decision for all purposes.

Regulation 187

187AAT review of decisions after reconsideration

Application may be made under the *Administrative Appeals Tribunal Act 1975* to the AAT for a review of a decision of the Authority under subregulation 186(2).

187A Reconsideration of reviewable decisions

- (1) For subsection 64(5) of the Act, this regulation prescribes:
 - (a) the time limits for making requests under section 64 of the Act; and
 - (b) the matters to be included in requests under section 64 of the Act; and
 - (c) the time limits for reconsidering decisions under section 64 of the Act; and
 - (d) when a decision on reconsideration takes effect.
- (2) For paragraph 64(5)(a) of the Act, a person must request a reconsideration of a reviewable decision:
 - (a) if the reviewable decision is a decision mentioned in paragraph 64(3)(a) of the Act—within 15 business days after the decision is published on the Authority’s website; or
 - (b) if the reviewable decision is a decision mentioned in paragraph 64(3)(b) of the Act—within 15 business days after a copy of the direction is given to the person; or
 - (c) if the reviewable decision is a decision mentioned in paragraph 64(3)(c) or (d) of the Act—within 15 business days after the decision is made.
- (3) For paragraph 64(5)(b) of the Act, the request must set out the reasons why the Minister or the Authority (whichever is applicable) should reconsider the decision.
- (4) For paragraph 64(5)(c) of the Act:
 - (a) if a request for reconsideration of a reviewable decision is given to the Minister under subsection 64(1) of the Act—the Minister must reconsider the reviewable decision within 20 business days after receiving the request; and
 - (b) if a request for reconsideration of a reviewable decision is given to the Authority under subsection 64(2) of the Act—the Authority must reconsider the reviewable decision within 20 business days after receiving the request.
- (5) For paragraph 64(5)(d) of the Act, a decision on reconsideration takes effect:
 - (a) if the reconsidered decision is in relation to a decision mentioned in paragraph 64(3)(a) of the Act—when the Authority publishes its decision on reconsideration on the Authority’s website; or
 - (b) if the reconsidered decision is in relation to a decision mentioned in paragraph 64(3)(b) of the Act—when the Minister gives the person requesting the reconsideration written notice of the Minister’s decision on reconsideration; or
 - (c) if the reconsidered decision is in relation to a decision mentioned in paragraph 64(3)(c) or (d) of the Act—when the Minister or Authority, as

the case may be, gives the person requesting the reconsideration written notice of the decision.

Part 13A—Inspector powers

187B Power of inspector to give directions

- (1) For the purpose of ensuring that the Act and these Regulations are complied with, an inspector may, subject to this regulation, give reasonable directions to any person:
 - (a) who is within the Marine Park; or
 - (b) who is outside the Marine Park and the inspector believes on reasonable grounds may enter, or who has recently entered and left, the Marine Park.
- (2) A direction may be given orally, in writing, by radio or by any other appropriate means of communication.
- (3) The inspector must identify himself or herself when giving the direction and must produce his or her identity card at the first practicable opportunity to the person to whom the direction is given.

Note: Identity cards are issued to inspectors under section 45 of the Act.
- (4) A person commits an offence if:
 - (a) the person is a person mentioned in paragraph (1)(a) or (b); and
 - (b) the person is given a direction under subregulation (1); and
 - (c) the person fails to comply with the direction.

Penalty: 50 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

187C General powers of inspectors

- (1) An inspector may:
 - (a) require any person in the Marine Park whom the inspector finds committing, or reasonably suspects of having committed, an offence against the Act or these Regulations to leave the Marine Park or the zone or location within the Marine Park where the person is found; and
 - (b) require any person whom he or she reasonably suspects of having done an act in respect of which the person is required to hold a permission, permit or other authority under the Act, these Regulations or a zoning plan to produce such a permission, permit or authority or evidence of such a permission, permit or authority.
- (2) For paragraph (1)(a), the inspector may require the person to leave the Marine Park, or the zone or location within the Marine Park where the person is found, for a specified period that is reasonable in all of the circumstances.
- (3) A person commits an offence if:
 - (a) a requirement is made of the person under this regulation; and

(b) the person fails to comply with the requirement.

Penalty: 50 penalty units.

(4) An offence against subregulation (3) is an offence of strict liability.

Part 14—Infringement notices

188 Purpose of Part 14

This Part provides a procedure under which a person who is alleged to have committed an offence against certain provisions of these Regulations (an *infringement notice offence*) may, as an alternative to having the matter dealt with by a court, dispose of the matter by paying a monetary penalty (an *infringement notice penalty*) specified in a notice (an *infringement notice*) served on the person.

189 Infringement notice offences and infringement notice penalties

- (1) An offence against a provision of these Regulations mentioned in column 2 of an item in Table 189 is an infringement notice offence.
- (2) The infringement notice penalty for such an offence is the penalty mentioned in column 3 of the relevant item in that table.

Table 189 Infringement notice offences and penalties

Item	Provision	Infringement notice penalty (penalty units)
1	regulation 73 (Commercial activities on Low Island)	10
1A	regulation 73B (Conservation Park Zone—fishing offence)	4
1B	regulation 73BA (Marine National Park Zone—fishing offence)	10
1C	subregulation 88ZW(1) (Requirement to produce permission for inspection)	1
1D	subregulation 88ZX(1) (Notification of change in beneficial ownership)	10
2	subregulation 95(1) (Certain animals not to be taken onto Commonwealth islands)	2
3	subregulation 101(1) (Littering prohibited)	2
3A	subregulation 101A(2) (Mooring buoy must display mooring reference number)	3
4	subregulations 102(1), (2), (3) and (4) (public mooring and infrastructure not to be removed, misused or damaged)	3
4A	subregulation 117D(5) (Prohibited vessel)	10
4B	subregulation 117E(2), (3), (4) or (5) (Other craft—adult cetaceans)	10
4C	subregulation 117F(2) or (3) (Other craft—calves)	10
4D	subregulation 117G(2) (Aircraft)	10
4E	subregulation 117H(1) (Feeding)	10

Regulation 190

Item	Provision	Infringement notice penalty (penalty units)
4F	subregulation 117I(1) (Touching and sudden movements)	10
4G	subregulation 117J(2), (3) or (4) (Swimming with cetaceans)	10
4H	subregulation 117JA(1) (Conducting swimming-with-whales activities without permission)	10
4I	subregulation 117JB(1) or (2) (Protection of whales in whale protection area)	10
5	subregulation 126(1) (Offences—identification numbers)	5
6	subregulation 144(1) or (2) (Offence—altering ticket etc)	7
7	subregulation 166(1), (2), (3) or (4) (Record-keeping etc)	5
7A	subregulation 167(1) or (3) (Returns)	2
8	subregulation 174(1) (Offences—Cairns Area Plan of Management enforcement provisions)	3
9	subregulation 178(1) (Offences—Whitsundays Plan of Management enforcement provisions)	3
10	subregulation 182(1) (Offences—Hinchinbrook Plan of Management enforcement provisions)	3
10A	subregulation 187B(4) (Power of inspector to give directions)	10
10B	subregulation 187C(3) (General powers of inspectors)	10

- (3) An offence against subsection 38BA(3) or 38EA(4) of the Act is an infringement notice offence.
- (4) The infringement notice penalty for an offence against subsection 38BA(3) of the Act is 12 penalty units, and the infringement notice penalty for an offence against subsection 38EA(4) of the Act is 4 penalty units.

190 Interpretation

- (1) In this Part:

owner, for a vehicle, means:

- (a) for a vehicle that is registered under a law of a State or Territory providing for the registration of vehicles—the registered owner; or
- (b) for any other vehicle—the person who is legally entitled to possession of the vehicle.

vehicle means an aircraft, a motor vehicle or a vessel.

- (2) A reference in this Part to an offence involving a vehicle is a reference to an offence occurring as a result of the use of, or an attribute of, the vehicle.

Regulation 191

191 Infringement notices

- (1) An inspector may serve an infringement notice, or cause an infringement notice to be served, on a person in accordance with regulation 192 if there are reasonable grounds for believing that the person has committed an infringement notice offence.
- (2) An infringement notice must set out the following information:
 - (a) the name and address of the person served (unless the notice is served in accordance with subparagraph 192(1)(c)(ii));
 - (b) the nature of the alleged offence, including the provision that it is alleged has been contravened;
 - (c) the date, time and place of the alleged offence;
 - (d) the amount payable as the infringement notice penalty;
 - (e) the maximum penalty that a court may impose for the offence;
 - (f) a statement that, if the person prefers that the matter not be dealt with by a court, he or she may signify that preference by paying the infringement notice penalty;
 - (g) the period in which, and the place where, the infringement notice penalty may be paid;
 - (h) the effect of paying the infringement notice penalty;
 - (i) the period, and manner, in which the person served may notify the Authority of any facts or matters that the person believes ought to be taken into account in relation to the alleged offence;
 - (j) the name of the person who serves the notice.
- (3) An infringement notice may contain any other information that the inspector or the Authority considers necessary.

192 Service of infringement notices

- (1) An infringement notice may be served on a person:
 - (a) personally or by post; or
 - (b) by leaving the notice:
 - (i) at the last-known place of residence or business of the person; and
 - (ii) with a person, apparently over the age of 16 years, who appears to live or work at the place; or
 - (c) for an offence involving a vehicle:
 - (i) in the case of a person who appears to be in charge of the vehicle at the time of the alleged offence—personally; or
 - (ii) by securely placing the notice on the vehicle in a conspicuous position; or
 - (iii) if the Authority receives a statutory declaration under subregulation 201(3)—by serving the notice, in accordance with paragraph (a) or (b), on the person named in the statutory declaration as being the person in charge of the vehicle at the time of the alleged offence; or

- (d) by any other method the inspector who serves the infringement notice, or who causes the infringement notice to be served, considers appropriate.
- (2) If an infringement notice for an offence involving a vehicle is to be served by post, it must be sent:
- (a) to the last-known place of residence or business of the person who was the owner of the vehicle at the time the alleged offence occurred; or
 - (b) if the vehicle is registered under a law of a State or Territory—to the latest address of the owner in the record of registration of the vehicle; or
 - (c) for a person named in a statutory declaration under subregulation 201(3)—to the address given in the statutory declaration.
- (3) An infringement notice for an offence is of no effect if it is served on a person more than 12 months after the alleged commission of the offence by the person.

193 Payment of penalty

An infringement notice penalty must be paid:

- (a) before the end of 28 days after the day the infringement notice is served (the **28-day period**); or
- (b) if an application for a further period for payment is made under regulation 194 and the further period is granted, before the end of the further period; or
- (c) if an application for a further period for payment is made under regulation 194 and the further period is refused, before the end of the later of:
 - (i) 10 days after the date of the notice of the refusal; and
 - (ii) the 28-day period; or
- (d) if a notice is given under regulation 195 and the Authority refuses to withdraw the infringement notice, before the end of 28 days after the date of the notice of the refusal.

194 Extension of time to pay

- (1) A person on whom an infringement notice has been served may apply in writing to the Authority requesting a further period for payment of the infringement notice penalty, whether or not the period of 28 days after the date of service of the notice has ended.
- (2) If an application is made after the end of the 28-day period, the application must include a statement explaining why the alleged offender could not deal with the notice within that period.
- (3) On receiving an application, the Authority must:
 - (a) grant or refuse a further period; and
 - (b) give the person written notice of the decision; and
 - (c) if the decision is a refusal—state in the notice the reasons for refusal and the period in which the infringement notice penalty must be paid.

Regulation 195

195 Matters for Authority to take into account

If, before the end of 28 days after the day an infringement notice is served on a person, the person notifies the Authority, in the manner set out in the infringement notice, of any facts or matters that the person believes ought to be taken into account in relation to the alleged offence:

- (a) the period for payment of the infringement notice penalty is extended to the extent necessary to enable the Authority to consider those facts and matters; and
- (b) the Authority must make a decision under subregulation 196(2).

196 Withdrawal of infringement notices

- (1) The Authority may withdraw an infringement notice served on a person on its own initiative by giving written notice of the withdrawal to the person:
 - (a) before the end of 28 days after the day the infringement notice was served on the person; or
 - (b) if the Authority grants, under regulation 194, a further period for payment of the infringement notice penalty by the person—before the end of the further period.
- (2) If the Authority receives a notice from a person under regulation 195, the Authority must:
 - (a) decide to withdraw, or refuse to withdraw, the infringement notice; and
 - (b) give the person written notice of the decision in accordance with subregulation (4).
- (3) In making a decision under subregulation (1) or (2), the Authority must consider:
 - (a) if a notice has been given under regulation 195—the facts or matters in the notice; and
 - (b) the circumstances in which the offence mentioned in the infringement notice is alleged to have been committed; and
 - (c) whether the person has been convicted previously of an offence against these Regulations or the Act; and
 - (d) whether an infringement notice has previously been given to the person for an offence against these Regulations; and
 - (e) any other matter the Authority considers relevant.

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

- (4) If the Authority decides, under subregulation (2), to refuse to withdraw an infringement notice, notice of the decision must state:
 - (a) the reasons for the refusal; and
 - (b) that the amount of the infringement notice penalty must be paid within 28 days after the date of the notice of the decision; and
 - (c) that if that amount is not so paid, the person may be prosecuted for the alleged offence.

- (5) If an infringement notice is withdrawn after a person pays the infringement notice penalty, the Authority must refund to the person the amount paid.

197 Effect of payment of infringement notice penalty

- (1) If a person who is served with an infringement notice pays the infringement notice penalty in accordance with this Part and the infringement notice is not withdrawn by the Authority before the end of the period in which the notice may be withdrawn under regulation 196:
- (a) any liability of the person for the offence is discharged; and
 - (b) further proceedings against the person for the offence cannot be taken under that provision; and
 - (c) the person is not convicted of the offence.
- (2) If a cheque is given to the Authority in payment of the amount of an infringement notice penalty, the payment is taken not to have been made unless the cheque is honoured on presentation.

198 Admissions under regulation 195

Evidence of an admission made by a person in a notice under regulation 195 is inadmissible in a proceeding against the person for the alleged offence.

199 Matter not to be taken into account in determining sentence

- (1) This regulation applies if a person who is served with an infringement notice:
- (a) chooses not to pay the infringement notice penalty; and
 - (b) is prosecuted for, and convicted of, the alleged offence mentioned in the infringement notice.
- (2) In determining the penalty to be imposed, the court must not take into account the fact that the person chose not to pay the infringement notice penalty.

200 Evidence for hearing

- (1) At the hearing of a prosecution for an offence mentioned in an infringement notice, each of the following certificates is evidence of the facts stated in the certificate:
- (a) a certificate signed by an inspector stating that:
 - (i) the infringement notice was served on the alleged offender; and
 - (ii) the infringement notice penalty has not been paid in accordance with this Part;
 - (b) a certificate signed by the Authority stating that the notice was withdrawn on a day specified in the certificate;
 - (c) a certificate signed by the Authority stating that:
 - (i) under regulation 194, a further period for payment of the infringement notice penalty was refused; and

Regulation 201

- (ii) the infringement notice penalty has not been paid in accordance with this Part;
- (d) a certificate signed by the Authority stating that:
 - (i) under regulation 194, a further period, stated in the certificate, for payment of the infringement notice penalty was granted; and
 - (ii) the infringement notice penalty has not been paid in accordance with the notice or before the end of the further period.
- (2) A certificate that purports to have been signed by the Authority or an inspector is taken to have been signed by the Authority or the inspector unless the contrary is proved.

201 Offences involving a vehicle—liability of owner

- (1) This regulation identifies who it is that bears liability for the commission of an offence under these Regulations involving a vehicle.
- (2) If the offence is committed by the person in charge of the vehicle, the owner of the vehicle at the time the offence is committed is taken to have committed the offence.
- (3) However, the owner of the vehicle is not taken to have committed the offence if:
 - (a) the vehicle was, at the time of the offence, stolen or illegally taken; or
 - (b) for an owner who is not a body corporate—within 14 days after the date of an infringement notice served under regulation 192 or within 14 days after service of a summons for the alleged offence, the owner gives to the Authority a statutory declaration made by him or her stating:
 - (i) that it is made for subregulation (3) of this regulation; and
 - (ii) that he or she was not in charge of the vehicle at the time of the alleged offence; and
 - (iii) the name and address of the person who was in charge of the vehicle at that time; or
 - (c) for an owner that is a body corporate—within 14 days after the date of an infringement notice served under regulation 192 or within 14 days after service of a summons for the alleged offence, a director, manager or secretary of the body corporate gives to the Authority a statutory declaration made by him or her stating:
 - (i) that it is made for subregulation (3) of this regulation; and
 - (ii) that the vehicle was not being used by or for the body corporate at the time of the alleged offence; and
 - (iii) the name and address of the person who was in charge of the vehicle at that time.
- (4) At the hearing of a prosecution of an owner for an offence involving a vehicle, a certificate signed by the Authority stating that the owner has not given to the Authority a statutory declaration relating to the offence is evidence of the matter so stated.

- (5) For subregulation (4), a document that purports to have been signed by the Authority is to be taken to have been so signed unless the contrary is proved.
- (6) This regulation does not affect the liability of a person who is not the owner of a vehicle involved in an offence against these Regulations if the person would otherwise be liable for the offence.

202 Copy of statutory declaration to be served

- (1) This regulation applies if a person is named in a statutory declaration given under paragraph 201(3)(b) or (c) as being the person who was in charge of a vehicle at the time of an alleged offence involving the vehicle.
- (2) A copy of the statutory declaration must:
 - (a) if an infringement notice for the offence is to be served on the person after the statutory declaration is given—be attached to the infringement notice when it is served; or
 - (b) if the person is to be prosecuted for the offence and paragraph (c) does not apply—be attached to the summons for the offence when it is served on the person; or
 - (c) if the person is to be prosecuted for the offence and a summons for the offence was served on the person before the statutory declaration was given—be served on the person at least 3 days before the commencement of the hearing for the offence.
- (3) The statutory declaration is admissible in evidence in a prosecution for the offence against the person and is evidence that the person was in charge of the vehicle at that time.

203 Infringement notice not compulsory, etc

Nothing in this Part is to be taken to:

- (a) require that a person suspected of having contravened a provision of these Regulations be served with an infringement notice; or
- (b) affect the liability of a person to be prosecuted for an alleged offence, if:
 - (i) an infringement notice is not served on the person for the offence; or
 - (ii) an infringement notice is served on the person and later withdrawn; or
 - (iii) the person does not comply with an infringement notice; or
- (c) limit the penalty that may be imposed by a court on a person convicted of an offence; or
- (d) other than as provided in regulation 197, affect any power under these Regulations or the Act that the Commonwealth or Authority may exercise in relation to an alleged offence.

Part 15—Miscellaneous

204 Giving of notices

Without prejudice to any other method of giving notice, the Authority may give a notice to a person by sending the notice by post addressed to the person at his last-known place of residence or business.

205 Form of applications, documents and information

The Authority may require an application that is to be made, or a document or information that is to be given, to the Authority in writing to be made, or given, in an electronic form that meets particular information technology requirements.

Example

The Authority may require an application that is to be made in writing to be made in an electronic form that can readily be published on the Internet.

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 2A 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.

206 Form of identity card

For subsection 45(1) of the Act, the following form of identity card is prescribed:



Australian Government

Identity Card

The person whose name, signature and photograph appear on this card is an inspector under the *Great Barrier Reef Marine Park Act 1975* and the *Environment Protection and Biodiversity Conservation Act 1999*.

(*affix photograph*)

Name:

Identification No:

Dated:

Signature

Issuing officer:
Great Barrier Reef Marine Park Authority

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.

Schedule 1—Designated anchorages

(regulation 3)

Part 1—Far Northern management area

Item	Description
1	Boydong Cays South-Easterly Wind Designated Anchorage The area bounded by a notional line beginning at 11° 28.60' S, 143° 00.79' E and running progressively: North-easterly along the geodesic to 11° 28.49' S, 143° 00.90' E South-easterly along the geodesic to 11° 28.64' S, 143° 01.06' E South-westerly along the geodesic to 11° 28.76' S, 143° 00.94' E North-westerly along the geodesic to the point of commencement
2	Piper Islands South-Easterly Wind Designated Anchorage The area bounded by a notional line beginning at 12° 14.20' S, 143° 13.25' E and running progressively: North-easterly along the geodesic to 12° 14.09' S, 143° 13.36' E South-easterly along the geodesic to 12° 14.24' S, 143° 13.52' E South-westerly along the geodesic to 12° 14.36' S, 143° 13.40' E North-westerly along the geodesic to the point of commencement
3	Piper Islands North-Westerly Wind Designated Anchorage (weather alternative) The area bounded by a notional line beginning at 12° 14.96' S, 143° 12.84' E and running progressively: North-easterly along the geodesic to 12° 14.84' S, 143° 12.96' E South-easterly along the geodesic to 12° 15.00' S, 143° 13.11' E South-westerly along the geodesic to 12° 15.11' S, 143° 13.00' E North-westerly along the geodesic to the point of commencement
4	Night Island South Easterly Wind Designated Anchorage The area bounded by a notional line beginning at 13° 10.27' S, 143° 33.98' E and running progressively: North-easterly along the geodesic to 13° 10.16' S, 143° 34.10' E South-easterly along the geodesic to 13° 10.31' S, 143° 34.25' E South-westerly along the geodesic to 13° 10.42' S, 143° 34.14' E North-westerly along the geodesic to the point of commencement
5	Morris Island South-Easterly Wind Designated Anchorage The area bounded by a notional line beginning at 13° 29.30' S, 143° 42.89' E and running progressively: North-easterly along the geodesic to 13° 29.19' S, 143° 43.00' E South-easterly along the geodesic to 13° 29.34' S, 143° 43.16' E South-westerly along the geodesic to 13° 29.46' S, 143° 43.04' E North-westerly along the geodesic to the point of commencement

Item	Description
6	<p>Creech Reef South-Easterly Wind Designated Anchorage</p> <p>The area bounded by a notional line beginning at 13° 37.36' S, 144° 04.64' E and running progressively:</p> <p>North-easterly along the geodesic to 13° 37.24' S, 144° 04.75' E</p> <p>South-easterly along the geodesic to 13° 37.40' S, 144° 04.90' E</p> <p>South-westerly along the geodesic to 13° 37.51' S, 144° 04.79' E</p> <p>North-westerly along the geodesic to the point of commencement</p>
7	<p>Pipon Island South Easterly Wind Designated Anchorage</p> <p>The area bounded by a notional line beginning at 14° 06.80' S, 144° 30.19' E and running progressively:</p> <p>North-easterly along the geodesic to 14° 06.69' S, 144° 30.30' E</p> <p>South-easterly along the geodesic to 14° 06.84' S, 144° 30.46' E</p> <p>South-westerly along the geodesic to 14° 06.96' S, 144° 30.34' E</p> <p>North-westerly along the geodesic to the point of commencement</p>
8	<p>Flinders Island Group Wongal Beach Designated Anchorage</p> <p>The area bounded by a notional line beginning at 14° 08.30' S, 144° 14.99' E and running progressively:</p> <p>North-easterly along the geodesic to 14° 08.19' S, 144° 15.10' E</p> <p>South-easterly along the geodesic to 14° 08.34' S, 144° 15.26' E</p> <p>South-westerly along the geodesic to 14° 08.46' S, 144° 15.14' E</p> <p>North-westerly along the geodesic to the point of commencement</p>
9	<p>Flinders Island Group Stokes Bay Designated Anchorage (weather alternative)</p> <p>The area bounded by a notional line beginning at 14° 09.01' S, 144° 12.89' E and running progressively:</p> <p>North-easterly along the geodesic to 14° 08.89' S, 144° 13.00' E</p> <p>South-easterly along the geodesic to 14° 09.05' S, 144° 13.15' E</p> <p>South-westerly along the geodesic to 14° 09.16' S, 144° 13.04' E</p> <p>North-westerly along the geodesic to the point of commencement</p>
10	<p>Bathurst Bay/Cape Melville South-Easterly Wind Designated Anchorage</p> <p>The area bounded by a notional line beginning at 14° 10.70' S, 144° 25.89' E and running progressively:</p> <p>North-easterly along the geodesic to 14° 10.59' S, 144° 26.00' E</p> <p>South-easterly along the geodesic to 14° 10.74' S, 144° 26.16' E</p> <p>South-westerly along the geodesic to 14° 10.86' S, 144° 26.04' E</p> <p>North-westerly along the geodesic to the point of commencement</p>
11	<p>Ingram Island South-Easterly Wind Designated Anchorage</p> <p>The area bounded by a notional line beginning at 14° 24.50' S, 144° 52.29' E and running progressively:</p> <p>North-easterly along the geodesic to 14° 24.39' S, 144° 52.40' E</p> <p>South-easterly along the geodesic to 14° 24.54' S, 144° 52.56' E</p> <p>South-westerly along the geodesic to 14° 24.66' S, 144° 52.44' E</p>

Schedule 1 Designated anchorages
Part 1 Far Northern management area

Item	Description
	North-westerly along the geodesic to the point of commencement

Part 2—Cairns/Cooktown management area

Cairns planning area

Item	Description
12	<p>Lizard Island Designated Anchorage</p> <p>The area (other than areas of drying reef) bounded by a notional line commencing at the intersection of the Lizard Island coastline at mean low water and the parallel 14° 40.136' S (at or about 14° 40.136' S, 145° 26.677' E) then running progressively:</p> <p>North-westerly along the geodesic to 14° 39.710' S, 145° 26.264' E</p> <p>North-easterly along the geodesic to the intersection of the Lizard Island coastline at mean low water and the parallel 14° 39.185' S (at or about 14° 39.185' S, 145° 27.041' E)</p> <p>Southerly along the Lizard Island coastline at mean low water to the point of commencement</p>
13	<p>Ribbon Reef No. 5 (15-038) Location Designated Anchorage</p> <p>The area enclosed within the 500 metre line of Ribbon Reef No. 5 (15-038), excluding areas of drying reef</p>
14	<p>Ribbon Reef No. 2 (15-075) Location Designated Anchorage</p> <p>The area enclosed within the 500 metre line of Ribbon Reef No. 2 (15-075), excluding areas of drying reef</p>
15	<p>Agincourt Reef (15-096) Designated Anchorage</p> <p>The point located at 15° 57.252' S, 145° 47.57' E</p>
16	<p>Norman Reef (16-030) South-Easterly Wind Designated Anchorage</p> <p>The point located at 16° 24.887' S, 145° 58.709' E</p>
17	<p>Norman Reef (16-030) North-Westerly Wind Designated Anchorage</p> <p>The point located at 16° 26.654' S, 146° 00.696' E</p>
18	<p>Moore Reef (16-071) Designated Anchorage</p> <p>The point located at 16° 50.984' S, 146° 10.601' E</p>

Part 3—Townsville/Whitsunday management area

Division 1—Dunk Island

Item	Description
19	Dunk Island Designated Anchorage The area enclosed within 200 metres of a point located at 17° 56.00' S, 146° 07.50' E

Division 2—Hinchinbrook planning area

Item	Description
20	Cape Richards Designated Anchorage The area enclosed within 250 metres of a point located at 18° 11.70' S, 146° 12.70' E
21	Hecate Point Designated Anchorage The area enclosed within 500 metres of a point located at 18° 14.00' S, 146° 03.50' E

Division 3—Whitsunday Planning Area

Item	Description
22	Hardy Reef Designated Anchorage The area enclosed within 200 metres of a point located at 19° 44.45' S, 149° 08.40' E
23	South Hayman Designated Anchorage The area bounded by a notional line beginning at 20° 04.20' S, 148° 53.40' E and running progressively: South-westerly along the geodesic to 20° 04.70' S, 148° 53.20' E North-westerly along the geodesic to 20° 04.28' S, 148° 52.27' E North-easterly along the geodesic to 20° 03.90' S, 148° 52.51' E South-easterly along the geodesic to the point of commencement
24	Funnel Bay Designated Anchorage The area bounded by a notional line beginning at 20° 12.080' S 148° 42.973' E and running progressively: Easterly along the geodesic to 20° 12.878' S 148° 44.985' E Southerly along the geodesic to 20° 14.627' S 148° 44.207' E Westerly along the geodesic to 20° 13.830' S 148° 42.195' E Northerly along the geodesic to the point of commencement
25	Cid Harbour Designated Anchorage The area bounded by a notional line beginning at 20° 14.30' S, 148° 56.00' E and running progressively: South-easterly along the geodesic to 20° 15.00' S, 148° 56.20' E South along the meridian to 20° 15.70' S, 148° 56.20' E West along the parallel to 20° 15.70' S, 148° 55.80' E North-easterly along the geodesic to 20° 14.30' S, 148° 55.20' E East along the parallel to the point of commencement
26	Port Molle Designated Anchorage The area bounded by a notional line beginning at 20° 19.00' S, 148° 50.10' E and running progressively: South-easterly along the geodesic to 20° 19.80' S, 148° 50.60' E West along the parallel to 20° 19.80' S, 148° 50.00' E North-westerly along the geodesic to 20° 19.00' S, 148° 49.50' E East along the parallel to the point of commencement
27	Fitzalan Passage Designated Anchorage The area bounded by a notional line beginning at 20° 18.89' S, 148° 56.52' E and running progressively: South-easterly along the geodesic to 20° 19.31' S, 148° 56.80' E South-westerly along the geodesic to 20° 19.50' S, 148° 56.47' E North-westerly along the geodesic to 20° 19.09' S, 148° 56.19' E North-easterly along the geodesic to the point of commencement

Item	Description
28	Turtle Bay Designated Anchorage The area bounded by a notional line beginning at 20° 19.50' S, 149° 01.00' E and running progressively: South along the meridian to 20° 20.00' S, 149° 01.00' E West along the parallel to 20° 20.00' S, 148° 59.50' E North along the meridian to 20° 19.50' S, 148° 59.50' E East along the parallel to the point of commencement
29	South East Hamilton Designated Anchorage The area enclosed within 200 metres of a point located at 20° 22.10' S, 148° 59.25' E
29A	South Hamilton Designated Anchorage The area enclosed within a 200 metre radius of the point 20°22.900'S 148°57.700'E
29B	North West Dent Island Designated Anchorage The area enclosed within a 200 metre radius of the point 20°20.600'S 148°54.900'E

Part 4—Mackay/Capricorn management area

Item	Description
30	Great Keppel Island Designated Anchorage The area enclosed between the coastal line and the coastal 1 kilometre line of Great Keppel Island
31	Wistari Reef Designated Anchorage The area enclosed between the reef edge and the 1 kilometre line of Wistari Reef
32	Lady Elliot Island Designated Anchorage The area enclosed between the coastal line and the coastal 1 kilometre line of Lady Elliot Island

Schedule 1A—Superyacht anchorages

Note: See the definition of *superyacht anchorage* in subregulation 3(1).

1 Blue Pearl Bay, Hayman Island superyacht anchorage

- (1) The Blue Pearl Bay, Hayman Island superyacht anchorage is the area within 250 metres of the point 20°02.538'S 148°52.476'E.
- (2) The capacity of the Blue Pearl Bay, Hayman Island superyacht anchorage is one superyacht.

2 Bona Bay, Gloucester Island superyacht anchorage

- (1) The Bona Bay, Gloucester Island superyacht anchorage is the area within 250 metres of the point 20°02.350'S 148°26.252'E.
- (2) The capacity of the Bona Bay, Gloucester Island superyacht anchorage is one superyacht.

3 Border Island East superyacht anchorage

- (1) The Border Island East superyacht anchorage is the area within 250 metres of the point 20°09.916'S 149°02.744'E.
- (2) The capacity of the Border Island East superyacht anchorage is one superyacht.

4 Burning Point, Shaw Island superyacht anchorage

- (1) The Burning Point, Shaw Island superyacht anchorage is the area within 250 metres of the point 20°30.033'S 149°02.845'E.
- (2) The capacity of the Burning Point, Shaw Island superyacht anchorage is one superyacht.

5 Cape Conway/Repulse Bay superyacht anchorage

- (1) The Cape Conway/Repulse Bay superyacht anchorage is the area within 250 metres of the point 20°31.858'S 148°52.728'E.
- (2) The capacity of the Cape Conway/Repulse Bay superyacht anchorage is one superyacht.

6 CATERAN BAY, BORDER ISLAND SUPERYACHT ANCHORAGE

- (1) The CATERAN BAY, BORDER ISLAND SUPERYACHT ANCHORAGE is the area within 250 metres of the point 20°08.918'S 149°01.806'E.
- (2) The capacity of the CATERAN BAY, BORDER ISLAND SUPERYACHT ANCHORAGE is one superyacht.

7 Chance Bay, Whitsunday Island superyacht anchorage

- (1) The Chance Bay, Whitsunday Island superyacht anchorage is the area within 250 metres of the point 20°18.832'S 149°02.349'E.
- (2) The capacity of the Chance Bay, Whitsunday Island superyacht anchorage is one superyacht.

8 Gap Beach, Lindeman Islands superyacht anchorage

- (1) The Gap Beach, Lindeman Islands superyacht anchorage is the area within 250 metres of the point 20°25.685'S 149°02.692'E.
- (2) The capacity of the Gap Beach, Lindeman Islands superyacht anchorage is one superyacht.

9 Grassy Island superyacht anchorage

- (1) The Grassy Island superyacht anchorage is the area within 250 metres of the point 20°08.526'S 148°35.807'E.
- (2) The capacity of the Grassy Island superyacht anchorage is one superyacht.

10 Henning and Whitsunday Islands passage superyacht anchorage

- (1) The Henning and Whitsunday Islands passage superyacht anchorage is the area within 250 metres of the point 20°18.515'S 148°55.754'E.
- (2) The capacity of the Henning and Whitsunday Islands passage superyacht anchorage is one superyacht.

11 Luncheon Bay, Hook Island superyacht anchorage

- (1) The Luncheon Bay, Hook Island superyacht anchorage is the area within 250 metres of the point 20°03.670'S 148°56.025'E.
- (2) The capacity of the Luncheon Bay, Hook Island superyacht anchorage is one superyacht.

12 Macona Inlet, Hook Island superyacht anchorage

- (1) The Macona Inlet, Hook Island superyacht anchorage is the area within 150 metres of the point 20°09.323'S 148°55.574'E.
- (2) The capacity of the Macona Inlet, Hook Island superyacht anchorage is one superyacht.

13 Neck Bay, Shaw Island superyacht anchorage

- (1) The Neck Bay, Shaw Island superyacht anchorage is the area within 150 metres of the point 20°27.501'S 149°04.529'E.

- (2) The capacity of the Neck Bay, Shaw Island superyacht anchorage is one superyacht.

14 Roberta Bay, Shaw Island superyacht anchorage

- (1) The Roberta Bay, Shaw Island superyacht anchorage is the area within 250 metres of the point 20°29.507'S 149°05.375'E.
- (2) The capacity of the Roberta Bay, Shaw Island superyacht anchorage is one superyacht.

15 Scrub Hen Beach, Whitsunday Island superyacht anchorage

- (1) The Scrub Hen Beach, Whitsunday Island superyacht anchorage is the area within 250 metres of the point 20°10.251'S 148°57.066'E.
- (2) The capacity of the Scrub Hen Beach, Whitsunday Islands superyacht anchorage is one superyacht.

16 Stonehaven Anchorage, Hook Island superyacht anchorage

- (1) The Stonehaven Anchorage, Hook Island superyacht anchorage is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Stonehaven Anchorage, Hook Island superyacht anchorage

Item	Description
1	The point 20°05.507'S 148°53.644'E
2	East along the parallel 20°05.507'S to longitude 148°53.916'E
3	South along the meridian 148°53.916'E to latitude 20°06.073'S
4	West along the parallel 20°06.073'S to longitude 148°53.644'E
5	North along the meridian 148°53.644'E to the starting point

- (2) The capacity of the Stonehaven Anchorage, Hook Island superyacht anchorage is 2 superyachts.

17 Thomas Island superyacht anchorage

- (1) The Thomas Island superyacht anchorage is the area within 250 metres of the point 20°33.236'S 149°07.446'E.
- (2) The capacity of the Thomas Island superyacht anchorage is one superyacht.

18 Tongue Bay, Whitsunday Island superyacht anchorage

- (1) The Tongue Bay, Whitsunday Island superyacht anchorage is the area within 100 metres of the point 20°13.916'S 149°01.171'E.

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- (2) The capacity of the Tongue Bay, Whitsunday Island superyacht anchorage is one superyacht.

19 Turtle Bay, Whitsunday Island superyacht anchorage

- (1) The Turtle Bay, Whitsunday Island superyacht anchorage is the area within 250 metres of the point 20°18.933'S 148°59.631'E.
- (2) The capacity of the Turtle Bay, Whitsunday Island superyacht anchorage is one superyacht.

20 Whitehaven Beach South, Whitsunday Island superyacht anchorage

- (1) The Whitehaven Beach South, Whitsunday Island superyacht anchorage is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Whitehaven Beach South, Whitsunday Island superyacht anchorage	
Item	Description
1	The point 20°16.699'S 149°03.195'E
2	East along the parallel 20°16.699'S to longitude 149°03.516'E
3	South along the meridian 149°03.516'E to latitude 20°17.279'S
4	West along the parallel 20°17.279'S to longitude 149°03.075'E
5	North-westerly along the geodesic to 20°17.041'S 149°02.789'E
6	North-easterly along the geodesic to the starting point

- (2) The capacity of the Whitehaven Beach South, Whitsunday Island superyacht anchorage is 2 superyachts.

21 Woodwark Bay superyacht anchorage

- (1) The Woodwark Bay superyacht anchorage is the area within 250 metres of the point 20°11.187'S 148°39.939'E.
- (2) The capacity of the Woodwark Bay superyacht anchorage is one superyacht.

Schedule 1B—No-anchoring areas

Note: See the definition of *no-anchoring area* in subregulation 3(1).

1 Bait Reef no-anchoring area

The Bait Reef no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Bait Reef no-anchoring area	
Item	Description
1	The point 19°48.420'S 149°03.644'E
2	East along the parallel 19°48.420'S to longitude 149°03.803'E
3	South-easterly along the geodesic to 19°49.285'S 149°04.680'E
4	South along the meridian 149°04.680'E to latitude 19°49.381'S
5	West along the parallel 19°49.381'S to longitude 149°04.072'E
6	North-westerly along the geodesic to 19°49.202'S 149°03.836'E
7	Northerly along the geodesic to 19°48.592'S 149°03.644'E
8	North along the meridian 149°03.644'E to the starting point

Note: The Bait Reef no-anchoring area is an unmarked no-anchoring area.

2 Black Island no-anchoring area

The Black Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Black Island no-anchoring area	
Item	Description
1	The point 20°04.809'S 148°53.429'E
2	South-easterly along the geodesic to the intersection of the Black Island (20-017) coastline at mean low water and the parallel 20°04.869'S (at the point closest to 20°04.869'S 148°53.488'E)
3	Generally southerly along the Black Island (20-017) coastline at mean low water to the intersection of the Black Island (20-017) coastline at mean low water and the parallel 20°05.128'S (at the point closest to 20°05.128'S 148°53.493'E)
4	Westerly along the geodesic to the reef protection marker (at the point closest to 20°05.111'S 148°53.427'E)
5	Northerly along the geodesic to the reef protection marker (at the point closest to 20°04.975'S 148°53.419'E)
6	Northerly along the geodesic to the starting point

Clause 3

3 Blue Pearl Bay, Hayman Island no-anchoring area

The Blue Pearl Bay, Hayman Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Blue Pearl Bay, Hayman Island no-anchoring area	
Item	Description
1	The intersection of the Hayman Island (20-014) coastline at mean low water and the meridian 148°52.697'E (at the point closest to 20°02.892'S 148°52.697'E)
2	Northerly along the geodesic to the reef protection marker (at the point closest to 20°02.851'S 148°52.700'E)
3	North-easterly along the geodesic to the reef protection marker (at the point closest to 20°02.788'S 148°52.830'E)
4	Northerly along the geodesic to the reef protection marker (at the point closest to 20°02.625'S 148°52.865'E)
5	Northerly along the geodesic to the reef protection marker (at the point closest to 20°02.482'S 148°52.872'E)
6	Northerly along the geodesic to the reef protection marker (at the point closest to 20°02.267'S 148°52.798'E)
7	North-easterly along the geodesic to the intersection of the Hayman Island (20-014) coastline at mean low water and the parallel 20°02.210' S (at the point closest to 20°02.210'S 148°52.832'E)
8	Generally southerly then south-westerly along the Hayman Island (20-014) coastline at mean low water to the starting point

4 Butterfly Bay, Hook Island no-anchoring area

The Butterfly Bay, Hook Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Butterfly Bay, Hook Island no-anchoring area	
Item	Description
1	The intersection of the Hook Island (20-028) coastline at mean low water and the parallel 20°04.317'S (at the point closest to 20°04.317'S 148°55.200'E)
2	Easterly along the geodesic to the reef protection marker (at the point closest to 20°04.351'S 148°55.435'E)
3	Easterly along the geodesic to the reef protection marker (at the point closest to 20°04.362'S 148°55.539'E)
4	North-easterly along the geodesic to the reef protection marker (at the point closest to 20°04.308'S 148°55.605'E)
5	South-easterly along the geodesic to the reef protection marker (at the point closest to 20°04.420'S 148°55.755'E)

Butterfly Bay, Hook Island no-anchoring area

Item	Description
6	North-easterly along the geodesic to the reef protection marker (at the point closest to 20°04.295'S 148°55.873'E)
7	Northerly along the geodesic to the reef protection marker (at the point closest to 20°04.141'S 148°55.938'E)
8	North-easterly along the geodesic to the intersection of the Hook Island (20-028) coastline at mean low water and the parallel 20°04.119'S (at the point closest to 20°04.119'S 148°55.977'E)
9	Generally south-westerly then northerly then southerly then north-westerly along the Hook Island (20-028) coastline at mean low water to the starting point

5 Cateran Bay, Border Island no-anchoring area

The Cateran Bay, Border Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Cateran Bay, Border Island no-anchoring area

Item	Description
1	The intersection of the Border Island (20-067) coastline at mean low water and the meridian 149°01.825'E (at the point closest to 20°09.321'S 149°01.825'E)
2	North-easterly along the geodesic to the reef protection marker (at the point closest to 20°09.303'S 149°01.835'E)
3	South-easterly along the geodesic to the reef protection marker (at the point closest to 20°09.411'S 149°01.999'E)
4	North-easterly along the geodesic to the reef protection marker (at the point closest to 20°09.315'S 149°02.083'E)
5	Northerly along the geodesic to the reef protection marker (at the point closest to 20°09.135'S 149°02.155'E)
6	North-easterly along the geodesic to the intersection of the Border Island (20-067) coastline at mean low water and the parallel 20°09.124'S (at the point closest to 20°09.124'S 149°02.178'E)
7	Generally southerly then north-westerly along the Border Island (20-067) coastline at mean low water to the starting point

6 Dumbell Island no-anchoring area

The Dumbell Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Dumbell Island no-anchoring area

Item	Description
1	The point 20°10.268'S 149°00.599'E

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Dumbell Island no-anchoring area

Item	Description
2	South-easterly along the geodesic to the intersection of the Dumbell Island (20-068) coastline at mean low water and the meridian 149°00.610'E (at the point closest to 20°10.296'S 149°00.610'E)
3	Generally south-westerly along the Dumbell Island (20-068) coastline at mean low water to the intersection of the Dumbell Island (20-068) coastline at mean low water and the parallel 20°10.431'S (at the point closest to 20°10.431'S 149°00.320'E)
4	North-easterly along the geodesic to the reef protection marker (at the point closest to 20°10.337'S 149°00.339'E)
5	Easterly along the geodesic to the reef protection marker (at the point closest to 20°10.326'S 149°00.471'E)
6	North-easterly along the geodesic to the starting point

7 False Nara, Hook Island no-anchoring area

The False Nara, Hook Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

False Nara, Hook Island no-anchoring area

Item	Description
1	The intersection of the Hook Island (20-028) coastline at mean low water and the parallel 20°10.181'S (at the point closest to 20°10.181'S 148°53.272'E)
2	Northerly along the geodesic to the reef protection marker (at the point closest to 20°10.052'S 148°53.225'E)
3	North-westerly along the geodesic to the reef protection marker (at the point closest to 20°09.978'S 148°53.185'E)
4	Westerly along the geodesic to the reef protection marker (at the point closest to 20°09.945'S 148°53.059'E)
5	North-westerly along the geodesic to the intersection of the Hook Island (20-028) coastline at mean low water and the meridian 148°52.949'E (at the point closest to 20°09.764'S 148°52.949'E)
6	Generally north-easterly then southerly along the Hook Island (20-028) coastline at mean low water to the starting point

8 Langford Island no-anchoring area

The Langford Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Langford Island no-anchoring area

Item	Description
1	The intersection of the Langford Island (20-019b) coastline at mean low water and the meridian 148°52.376'E (at the point closest to 20°04.661'S 148°52.376'E)
2	Easterly along the geodesic to the reef protection marker (at the point closest to 20°04.667'S 148°52.437'E)
3	South-easterly along the geodesic to the reef protection marker (at the point closest to 20°04.788'S 148°52.634'E)
4	South-easterly along the geodesic to the reef protection marker (at the point closest to 20°04.917'S 148°52.824'E)
5	South-easterly along the geodesic to the reef protection marker (at the point closest to 20°05.032'S 148°53.002'E)
6	South-westerly along the geodesic to the intersection of the Langford Island/Spit (20-019c) coastline at mean low water and the parallel 20°05.090'S (at the point closest to 20°05.090'S 148°52.964'E)
7	Generally north-westerly along the Langford Island (20-019b) and Langford Island/Spit (20-019c) coastlines at mean low water to the starting point

9 Luncheon Bay, Hook Island no-anchoring area

The Luncheon Bay, Hook Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Luncheon Bay, Hook Island no-anchoring area

Item	Description
1	The intersection of the Hook Island (20-028) coastline at mean low water and the meridian 148°56.645'E (at the point closest to 20°03.800'S 148°56.645'E)
2	North along the meridian 148°56.645'E to the reef protection marker (at the point closest to 20°03.780'S 148°56.645'E)
3	Easterly along the geodesic to the reef protection marker (at the point closest to 20°03.787'S 148°56.715'E)
4	South-easterly along the geodesic to the reef protection marker (at the point closest to 20°03.868'S 148°56.818'E)
5	Easterly along the geodesic to the reef protection marker (at the point closest to 20°03.855'S 148°57.059'E)
6	North-easterly along the geodesic to the intersection of the Hook Island (20-028) coastline at mean low water and the parallel 20°03.751'S (at the point closest to 20°03.751'S 148°57.181'E)
7	Generally south-westerly then north-westerly along the Hook Island (20-028) coastline at mean low water to the starting point

Clause 10

10 Manta Ray Bay, Hook Island no-anchoring area

The Manta Ray Bay, Hook Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Manta Ray Bay, Hook Island no-anchoring area	
Item	Description
1	The point 20°03.559'S 148°57.181'E
2	East along the parallel 20°03.559'S to the intersection of the Hook Island (20-028) coastline at mean low water and the meridian 148°57.501'E (at the point closest to 20°03.559'S 148°57.501'E)
3	Generally southerly then westerly then south-westerly along the Hook Island (20-028) coastline at mean low water to the intersection of the Hook Island (20-028) coastline at mean low water and the parallel 20°03.751'S (at the point closest to 20°03.751'S 148°57.181'E)
4	North along the meridian 148°57.181'E to the starting point

Note: The Manta Ray Bay, Hook Island no-anchoring area is an unmarked no-anchoring area.

11 Maureen's Cove, Hook Island no-anchoring area

The Maureen's Cove, Hook Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Maureen's Cove, Hook Island no-anchoring area	
Item	Description
1	The intersection of the Hook Island (20-028) coastline at mean low water and the meridian 148°56.012'E (at the point closest to 20°04.103'S 148°56.012'E)
2	North-easterly along the geodesic to the reef protection marker (at the point closest to 20°04.080'S 148°56.045'E)
3	Easterly along the geodesic to the reef protection marker (at the point closest to 20°04.117'S 148°56.148'E)
4	Easterly along the geodesic to the reef protection marker (at the point closest to 20°04.081'S 148°56.347'E)
5	Northerly along the geodesic to the reef protection marker (at the point closest to 20°03.906'S 148°56.372'E)
6	North-easterly along the geodesic to the intersection of the Hook Island (20-028) coastline at mean low water and the parallel 20°03.861'S (at the point closest to 20°03.861'S 148°56.430'E)
7	Generally southerly then westerly along the Hook Island (20-028) coastline at mean low water to the starting point

12 North Stonehaven Bay, Hook Island no-anchoring area

The North Stonehaven Bay, Hook Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

North Stonehaven Bay, Hook Island no-anchoring area

Item	Description
1	The intersection of the Hook Island (20-028) coastline at mean low water and the parallel 20°05.216'S (at the point closest to 20°05.216'S 148°54.334'E)
2	Southerly along the geodesic to the reef protection marker (at the point closest to 20°05.253'S 148°54.325'E)
3	South-easterly along the geodesic to the reef protection marker (at the point closest to 20°05.340'S 148°54.407'E)
4	Southerly along the geodesic to the reef protection marker (at the point closest to 20°05.478'S 148°54.410'E)
5	Southerly along the geodesic to the reef protection marker (at the point closest to 20°05.687'S 148°54.422'E)
6	Southerly along the geodesic to the intersection of the Hook Island (20-028) coastline at mean low water and the parallel 20°05.792'S (at the point closest to 20°05.792'S 148°54.379'E)
7	Generally north-easterly then northerly then north-westerly along the Hook Island (20-028) coastline at mean low water to the starting point

13 Pinnacle Bay, Hook Island no-anchoring area

The Pinnacle Bay, Hook Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Pinnacle Bay, Hook Island no-anchoring area

Item	Description
1	The intersection of the Hook Island (20-028) coastline at mean low water and the meridian 148°57.539'E (at the point closest to 20°03.551'S 148°57.539'E)
2	Easterly along the geodesic to the reef protection marker (at the point closest to 20°03.548'S 148°57.562'E)
3	South-easterly along the geodesic to the reef protection marker (at the point closest to 20°03.620'S 148°57.665'E)
4	North-easterly along the geodesic to the reef protection marker (at the point closest to 20°03.565'S 148°57.818'E)
5	East along the parallel 20°03.565'S to longitude 148°57.897'E
6	South-westerly along the geodesic to the intersection of the Hook Island (20-028) coastline at mean low water and the meridian 148°57.837'E (at the point closest to 20°03.671'S 148°57.837'E)
7	Generally south-westerly then westerly then northerly along the Hook Island (20-028) coastline at mean low water to the starting point

14 South Stonehaven Bay, Hook Island no-anchoring area

The South Stonehaven Bay, Hook Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

South Stonehaven Bay, Hook Island no-anchoring area	
Item	Description
1	The intersection of the Hook Island (20-028) coastline at mean low water and the parallel 20°05.823'S (at the point closest to 20°05.823'S 148°54.375'E)
2	Southerly along the geodesic to the reef protection marker (at the point closest to 20°05.903'S 148°54.392'E)
3	South-easterly along the geodesic to the reef protection marker (at the point closest to 20°06.035'S 148°54.490'E)
4	South-westerly along the geodesic to the reef protection marker (at the point closest to 20°06.178'S 148°54.364'E)
5	Westerly along the geodesic to the reef protection marker (at the point closest to 20°06.201'S 148°54.185'E)
6	Westerly along the geodesic to the reef protection marker (at the point closest to 20°06.215'S 148°54.122'E)
7	South-westerly along the geodesic to the reef protection marker (at the point closest to 20°06.303'S 148°54.015'E)
8	South-westerly along the geodesic to the intersection of the Hook Island (20-028) coastline at mean low water and the meridian 148°53.968'E (at the point closest to 20°06.356'S 148°53.968'E)
9	Generally south-easterly then north-easterly then north-westerly along the Hook Island (20-028) coastline at mean low water to the starting point

15 Sunlovers Bay, Daydream Island no-anchoring area

The Sunlovers Bay, Daydream Island no-anchoring area is the area bounded by the line starting at the point described in item 1 of the following table and running progressively as described in the table.

Sunlovers Bay, Daydream Island no-anchoring area	
Item	Description
1	The intersection of the Daydream Island (20-035) coastline at mean low water and the parallel 20°15.174'S (at the point closest to 20°15.174'S 148°48.764'E)
2	North-westerly along the geodesic to the reef protection marker (at the point closest to 20°15.146'S 148°48.742'E)
3	North-easterly along the geodesic to the reef protection marker (at the point closest to 20°15.053'S 148°48.799'E)
4	South-easterly along the geodesic to the intersection of the Daydream Island (20-035) coastline at mean low water and the meridian 148°48.817'E (at the point closest to 20°15.066'S 148°48.817'E)

Sunlovers Bay, Daydream Island no-anchoring area

Item	Description
5	Generally south-westerly along the Daydream Island (20-035) coastline at mean low water to the starting point

Schedule 2—Whale protection areas

(regulation 117A)

Part 1—Preliminary

Definition

In this Schedule, *1 nautical mile line* means the line every point of which is at a distance of 1 nautical mile seaward from the nearest point of the coastline at high water.

Part 2—Whitsunday whale protection area

Description of whale protection area

The area bounded by a notional line commencing at the intersection of the mainland coastline at mean low water and the meridian 148° 27.181' E (at or about 20° 03.602' S, 148° 27.181' E) then running progressively:

Item	Description
1	North-westerly along the geodesic to 19° 58.025' S, 148° 18.597' E
2	Easterly along the geodesic to 19° 57.960' S, 148° 52.796' E
3	South along the meridian to the intersection of the 1 nautical mile line of Hayman Island (at or about 20° 01.183' S, 148° 52.796' E)
4	South-easterly along the 1 nautical mile line of Hayman Island to the intersection of the 1 nautical mile line of Hook Island (at or about 20° 02.785' S, 148° 54.921' E)
5	Easterly along the 1 nautical mile line of Hook Island to the intersection of the 1 nautical mile line of Double Rock (North) and Double Rock (South) (at or about 20° 03.355' S, 148° 58.866' E)
6	Southerly along the 1 nautical mile line of Double Rock (North) and Double Rock (South) to the intersection of the 1 nautical mile line of Hook Island (at or about 20° 05.325' S, 148° 58.559' E)
7	Southerly along the 1 nautical mile line of Hook Island to the intersection of the 1 nautical mile line of Whitsunday Island (at or about 20° 08.319' S, 148° 57.870' E)
8	South-easterly along the 1 nautical mile line of Whitsunday Island to the intersection of the 1 nautical mile line of Dumbell Island (at or about 20° 09.577' S, 148° 59.759' E)
9	North-easterly along the 1 nautical mile line of Dumbell Island to the intersection of the 1 nautical mile line of Border Island (at or about 20° 09.362' S, 149° 00.210' E)
10	Easterly along the 1 nautical mile line of Border Island to the intersection of the 1 nautical mile line of Jester Rock (at or about 20° 08.391' S, 149° 03.278' E)
11	North-easterly along the 1 nautical mile line of Jester Rock to the intersection of the meridian 149° 04.321' E (at or about 20° 07.605' S, 149° 04.321' E)
12	South-easterly along the 1 nautical mile line of Jester Rock to the intersection of the 1 nautical mile line of Deloraine Island (at or about 20° 08.799' S, 149° 05.372' E)
13	Southerly along the 1 nautical mile line of Deloraine Island to the intersection of the parallel 20° 10.265' S (at or about 20° 10.265' S, 149° 05.410' E)
14	Westerly along the 1 nautical mile line of Deloraine Island to the intersection of the 1 nautical mile line of Border Island (at or about 20° 10.266' S, 149° 03.599' E)
15	South-westerly along the 1 nautical mile line of Border Island to the intersection of the meridian 149° 02.405' E (at or about 20° 11.996' S, 149° 02.405' E)
16	Southerly along the geodesic to the intersection of the 1 nautical mile line of Esk Island and the meridian 149° 02.427' E (at or about 20° 12.880' S, 149° 02.427' E)
17	South-easterly along the 1 nautical mile line of Esk Island to the intersection of the parallel 20° 14.564' S (at or about 20° 14.564' S, 149° 03.522' E)

Schedule 2 Whale protection areas
Part 2 Whitsunday whale protection area

Item	Description
18	South-easterly along the geodesic to the intersection of the 1 nautical mile line of U/N Island (20-077) and the meridian 149° 04.023' E (at or about 20° 14.970' S, 149° 04.023' E)
19	Easterly along the 1 nautical mile line of U/N Island (20-077) to the intersection of the 1 nautical mile line of Haslewood Island (at or about 20° 14.653' S, 149° 05.094' E)
20	Easterly along the 1 nautical mile line of Haslewood Island to the intersection of the meridian 149°07.056' E (at or about 20° 14.502' S, 149° 07.056' E)
21	North-easterly along the geodesic to the intersection of the 1 nautical mile line of Ireby Island and the parallel 20° 14.169' S (at or about 20° 14.169' S, 149° 07.577' E)
22	Northerly along the 1 nautical mile line of Ireby Island to the intersection of the parallel 20° 12.856' S (at or about 20° 12.856' S, 149° 07.750' E)
23	Easterly along the 1 nautical mile line of Ireby Island to the intersection of the 1 nautical mile line of Silago Island (at or about 20° 13.104' S, 149° 09.510' E)
24	South-easterly along the 1 nautical mile line of Silago Island to the intersection of the 1 nautical mile line of Edward Island (at or about 20° 13.527' S, 149° 10.545' E)
25	South-easterly along the 1 nautical mile line of Edward Island to the intersection of the 1 nautical mile line of Yuindalla Island (at or about 20° 14.368' S, 149° 11.573' E)
26	Southerly along the 1 nautical mile line of Yuindalla Island to the intersection of the 1 nautical mile line of Buddibuddi Island (at or about 20° 16.314' S, 149° 10.956' E)
27	Westerly along the 1 nautical mile line of Buddibuddi Island to the intersection of the 1 nautical mile line of Edward Island (at or about 20° 16.100' S, 149° 10.054' E)
28	North-westerly along the 1 nautical mile line of Edward Island to the intersection of the 1 nautical mile line of Harold Island (at or about 20° 15.685' S, 149° 09.421' E)
29	Westerly along the 1 nautical mile line of Harold Island to the intersection of the meridian 149° 08.881' E (at or about 20° 15.621' S, 149° 08.881' E)
30	South-westerly along the geodesic to the intersection of the 1 nautical mile line of Workington Island and the parallel 20° 15.838' S (at or about 20° 15.838' S, 149° 08.488' E)
31	South-westerly along the 1 nautical mile line of Workington Island to the intersection of the 1 nautical mile line of U/N Island (20-078h) (at or about 20° 17.372' S, 149° 07.836' E)
32	South-westerly along the 1 nautical mile line of U/N Island (20-078h) to the intersection of the 1 nautical mile line of Lupton Island (at or about 20° 17.518' S, 149° 07.720' E)
33	South-westerly along the 1 nautical mile line of Lupton Island to the intersection of the 1 nautical mile line of Nicolson Island (at or about 20° 18.331' S, 149° 06.924' E)
34	South-westerly along the 1 nautical mile line of Nicolson Island to the intersection of the 1 nautical mile line of Haslewood Island (at or about 20° 19.340' S, 149° 05.103' E)
35	Westerly along the 1 nautical mile line of Haslewood Island to the intersection of the 1 nautical mile line of Nunga Island (at or about 20° 19.334' S, 149° 04.971' E)
36	Westerly along the 1 nautical mile line of Nunga Island to the intersection of the 1 nautical mile line of U/N Island (20-041d) (at or about 20° 19.518' S, 149° 03.604' E)
37	South-westerly along the 1 nautical mile line of U/N Island (20-041d) to the intersection of the meridian 149° 02.911' E (at or about 20° 19.913' S, 149° 02.911' E)
38	South-westerly along the geodesic to the intersection of the 1 nautical mile line of Surprise Rock and the parallel 20° 20.555' S (at or about 20° 20.555' S, 149° 02.295' E)
39	South-westerly along the 1 nautical mile line of Surprise Rock to the intersection of the meridian 149° 01.558' E (at or about 20° 22.316' S, 149° 01.558' E)

Item	Description
40	Southerly along the geodesic to the intersection of the 1 nautical mile line of Pentecost Island and the meridian 149° 01.577' E (at or about 20° 22.577' S, 149° 01.575' E)
41	South-easterly along the 1 nautical mile line of Pentecost Island to the intersection of the parallel 20° 24.300' S (at or about 20° 24.300' S, 149° 03.251' E)
42	Easterly along the geodesic to the intersection of the 1 nautical mile line of Maher Island and the parallel 20° 24.629' S (at or about 20° 24.629' S, 149° 04.299' E)
43	Easterly along the 1 nautical mile line of Maher Island to the intersection of the 1 nautical mile line of Baynham Island (at or about 20° 25.022' S, 149° 06.683' E)
44	Southerly along the 1 nautical mile line of Baynham Island to the intersection of the 1 nautical mile line of Comston Island (at or about 20° 26.788' S, 149° 07.151' E)
45	South-easterly along the 1 nautical mile line of Comston Island to the intersection of the 1 nautical mile line of Mansell Island (at or about 20° 26.834' S, 149° 07.224' E)
46	South-easterly along the 1 nautical mile line of Mansell Island to the intersection of the parallel 20° 28.436' S (at or about 20° 28.436' S, 149° 09.042' E)
47	South-westerly along the 1 nautical mile line of Mansell Island to the intersection of the meridian 149° 08.029' E (at or about 20° 29.977' S, 149° 08.029' E)
48	Southerly along the geodesic to the intersection of the 1 nautical mile line of Thomas Island and the parallel 20° 31.752' S (at or about 20° 31.752' S, 149° 08.021' E)
49	South-easterly along the 1 nautical mile line of Thomas Island to the intersection of the 1 nautical mile line of Fairlight Rock (at or about 20° 31.901' S, 149° 08.185' E)
50	South-easterly along the 1 nautical mile line of Fairlight Rock to the intersection of the parallel 20° 33.169' S (at or about 20° 33.169' S, 149° 09.055' E)
51	Westerly along the geodesic to 20° 39.169' S, 148° 45.825' E
52	North along the meridian to the intersection of the mainland coastline at mean low water (at or about 20° 28.791' S, 148° 45.825' E)
53	Northerly along the mainland coastline at mean low water to the intersection of the meridian 148° 44.025' E (at or about 20° 15.220' S, 148° 44.025' E)
54	North-westerly along the geodesic to the intersection of the mainland coastline at mean low water and the meridian 148° 40.870' E (at or about 20° 13.880' S, 148° 40.870' E)
55	North-westerly along the mainland coastline at mean low water to the point of commencement.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	Registration	Commencement	Application, saving and transitional provisions
1983 No. 262	4 Nov 1983	7 Nov 1983	
1985 No. 169	19 July 1985	19 July 1985	—
1986 No. 1	31 Jan 1986	1 Feb 1986	—
1987 No. 247	28 Oct 1987	28 Oct 1987	—
1988 No. 185	29 July 1988	1 Aug 1988	r 12
1989 No. 269	6 Oct 1989	6 Oct 1989	—
1989 No. 367	21 Dec 1989	1 Jan 1990	—
1989 No. 368	21 Dec 1989	1 Jan 1990	—
1990 No. 9	31 Jan 1990	31 Jan 1990	—
1990 No. 35	27 Feb 1990	27 Feb 1990	—
1991 No. 63	17 Apr 1991	17 Apr 1991	—
1991 No. 257	30 Aug 1991	30 Aug 1991	—
1991 No. 296	30 Sept 1991	1 Oct 1991	—
1992 No. 69	19 Mar 1992	3 Apr 1992	r 15
1993 No. 188	30 June 1993	1 July 1993	—
1993 No. 206	30 July 1993	30 July 1993	—
1993 No. 266	7 Oct 1993	7 Oct 1993	—
1996 No. 277	12 Dec 1996	1 Jan 1997	—
1997 No. 96	1 May 1997	1 May 1997	—
1997 No. 326	3 Dec 1997	Pt 3: 1 Apr 1998 Remainder: 3 Dec 1997	—
1999 No. 252	27 Oct 1999	27 Oct 1999	r 4
2000 No. 5	23 Feb 2000	23 Feb 2000	—
2001 No. 12	13 Feb 2001	13 Feb 2001	—
2001 No. 178	5 July 2001	1 Jan 2002	—
2001 No. 197	19 July 2001	19 July 2001 (r 2)	—
2001 No. 307	15 Oct 2001	r 1–3 and Sch 1: 15 Oct 2001 Remainder: 1 Jan 2005	—
as amended by			
2003 No. 293	27 Nov 2003	27 Nov 2003	—
2004 No. 60	15 Apr 2004	Sch 3: 2 July 2004	—
2002 No. 8	21 Feb 2002	21 Feb 2002	—
2002 No. 72	18 Apr 2002	18 Apr 2002	—
2002 No. 73	18 Apr 2002	18 Apr 2002	—
2002 No. 112	7 June 2002	7 June 2002	—

Endnote 3—Legislation history

Number and year	Registration	Commencement	Application, saving and transitional provisions
2002 No. 177	1 Aug 2002	1 Aug 2002	—
2002 No. 209	12 Sept 2002	12 Sept 2002 (r 2) Note: disallowed by the Senate on 23 Oct 2002	—
2002 No. 224	26 Sept 2002	26 Sept 2002	—
2002 No. 338	20 Dec 2002	20 Dec 2002	—
2003 No. 20	27 Feb 2003	27 Feb 2003	—
2003 No. 200	6 Aug 2003	6 Aug 2003	—
2003 No. 293	27 Nov 2003	27 Nov 2003	—
2004 No. 15	26 Feb 2004	26 Feb 2004	—
2004 No. 39	24 Mar 2004	r 1, 2 and 4 and Sch 3: 24 Mar 2004 Remainder: 1 July 2004	—
as amended by			
2004 No. 143	25 June 2004	30 June 2004	—
2004 No. 60	15 Apr 2004	r 1–3 and Sch 1: 15 Apr 2004 Remainder: 20 Apr 2004 (r 2(b))	—
2004 No. 333	2 Dec 2004	2 Dec 2004	—
2004 No. 379	23 Dec 2004	1 Jan 2005	—
2005 No. 155	11 July 2005 (F2005L01929)	12 July 2005	—
2005 No. 252	15 Nov 2005 (F2005L03455)	r 1–3 and Sch 1: 16 Nov 2005 Remainder: 1 Jan 2006	—
2005 No. 309	19 Dec 2005 (F2005L04030)	20 Dec 2005	—
2006 No. 132	16 June 2006 (F2006L01809)	17 June 2006	—
2006 No. 267	23 Oct 2006 (F2006L03349)	24 Oct 2006	—
2006 No. 342	14 Dec 2006 (F2006L04022)	15 Dec 2006	—
2007 No. 32	5 Mar 2007(F2007L00516)	6 Mar 2007	—
2008 No. 262	17 Dec 2008 (F2008L04577)	18 Dec 2008	—
2009 No. 304	16 Nov 2009 (F2009L04191)	25 Nov 2009	r 4
2011 No. 255	12 Dec 2011 (F2011L02645)	13 Dec 2011	—
2012 No. 36	23 Mar 2012 (F2012L00675)	1 Apr 2012 (r 2)	—
244, 2013	25 Nov 2013 (F2013L01973)	26 Nov 2013 (s 2)	—
264, 2013	17 Dec 2013 (F2013L02137)	18 Dec 2013 (s 2)	—
153, 2014	3 Nov 2014 (F2014L01469)	4 Nov 2014 (s 2)	—
68, 2015	20 May 2015 (F2015L00709)	21 May 2015 (s 2)	—
71, 2015	1 June 2015(F2015L00766)	2 June 2015 (s 2(1) item 1)	—

Endnotes

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Acts and Instruments (Framework Reform) (Consequential Amendments) Regulation 2016	29 Feb 2016 (F2016L00170)	Sch 1 (item 19): 5 Mar 2016 (s 2(1) item 1)	—
Great Barrier Reef Marine Park Amendment (Whitsundays Plan of Management) Regulations 2017	1 Aug 2017 (F2017L00977)	2 Aug 2017 (s 2(1) item 1)	—
Great Barrier Reef Marine Park Amendment (Permission System) Regulations 2017	21 Sept 2017 (F2017L01226)	4 Oct 2017 (s 2(1) item 1)	—
Great Barrier Reef Marine Park Amendment (Hammerhead Shark) Regulations 2018	5 Mar 2018 (F2018L00191)	6 Mar 2018 (s 2(1) item 1)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	Sch 2 (items 215-216A, 418, 419): 24 May 2001 (s 2(3))	Sch 2 (items 418, 419)

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Part 1 heading.....	ad 1985 No 169
r 1	rs 1999 No 252
r 2	rep LA s48D
r 3	am 1985 No 169; 1986 No 1; 1987 No 247; 1988 No 185; 1989 No 367; 1992 No 69; 1999 No 252; 2001 No 178; 2002 No 72;2002 No 112; 2002No 338; 2004 No 39;2004 No 60;2004 No 333; 2005 No 155; 2005 No 252;2005 No 309; 2008 No 262; 2009 No 304; 2011 No 255; No 244, 2013;No 264, 2013; F2017L00977; F2017L01226
r 3A	ad 2008 No 262 am 2009 No 304; F2017L00977
r 3B.....	ad 2008 No 262
r 3C.....	ad 2008 No 262
r 3D	ad 2008 No 262
r 4	ad 1993 No 206 am 2004 No 39
r 5	ad 2001 No 12 rs 2004 No 39 am 2008 No 262 rep 2009 No 304
Part 2	
Part 2 heading.....	ad 1992 No 69 rs 2004 No 39
Division 2.1	
Division 2.1 heading.....	ad 2002 No 73 rs 2004 No 39
r 6	ad 2004 No 39 am 2008 No 262; 2009 No 304
Division 2.2	
Division 2.2 heading.....	ad 2002 No 73 rs 2004 No 39
r 7	ad 2004 No 39 rs 2005 No 155
r 8	ad 2004 No 39 am 2009 No 304
r 9	ad 2004 No 39 rep 2009 No 304
r 10	ad 2004 No 39 rep 2009 No 304

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 11	ad 2004 No 39 rep 2009 No 304
r 12	ad 2004 No 39 rep 2009 No 304
r 13	ad 2004 No 39 rs 2009 No 304; No 153, 2014
r 14	ad 2004 No 39
r 15	ad 2004 No 39 am 2005 No 155 rs 2006 No 267 am 2007 No 32; 2009 No 304; F2017L01226
r 16	ad 2004 No 39 am 2009 No 304
r 17	ad 2004 No 39 am 2005 No 155
r 18	ad 2004 No 39 am 2005 No 155; F2017L01226
r 19	ad 2004 No 39 am 2005 No 155 rs F2017L01226
r 20	ad 2004 No 39 am 2005 No 155 rs F2017L01226
r 21	ad 2004 No 39 am 2009 No 304
r 22	ad 2004 No 39 rs 2009 No 304
r 23	ad 2004 No 39
r 24	ad 2004 No 39
r 25	ad 2004 No 39 am 2005 No 155; 2008 No 262
r 26	ad 2004 No 39 rs 2009 No 304; 2011 No 255
r 27	ad 2004 No 39
r 28	ad 2004 No 39 rs 2006 No 132
r 29	ad 2004 No 39 am 2009 No 304; F2017L01226 ed C52
r 30	ad 2004 No 39

Endnote 4—Amendment history

Provision affected	How affected
	am 2009 No 304
r 31	ad 2004 No 39
	am F2017L00977
r 32	ad 2004 No 39
r 33	ad 2004 No 39
r 34	ad 2004 No 39
	rs 2009 No 304
r 35	ad 2004 No 39
	am 2009 No 304
r 35A	ad 2005 No 155
r 36	ad 2004 No 39
	am F2017L00977
r 37	ad 2004 No 39
r 38	ad 2004 No 39
r 39	ad 2004 No 39
r 40	ad 2004 No 39
r 41	ad 2004 No 39
r 42	ad 2004 No 39
r 43	ad 2004 No 39
r 44	ad 2004 No 39
r 45	ad 2004 No 39
	am 2008 No 262; No 68, 2015
r 46	ad 2004 No 39
r 47	ad 2004 No 39
	rs 2009 No 304
	am 2011 No 255
r 48	ad 2004 No 39
r 49	ad 2004 No 39
r 50	ad 2004 No 39
r 51	ad 2004 No 39
r 52	ad 2004 No 39
r 53	ad 2004 No 39
r 54	ad 2004 No 39
	am 2005 No 155; 2009 No 304
r 55	ad 2004 No 39
r 56	ad 2004 No 39
r 57	ad 2004 No 39
	am 2005 No 155
r 58	ad 2004 No 39
r 59	ad 2004 No 39

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 60	ad 2004 No 39
r 61	ad 2004 No 39
	am 2009 No 304
r 62	ad 2004 No 39
r 63	ad 2004 No 39
r 64	ad 2004 No 39
r 65	ad 2004 No 39
r 65A	ad 2008 No 262
r 65B.....	ad 2008 No 262
	am 2009 No 304
r 66	ad 2004 No 39
	rep 2009 No 304
	ad No 68, 2015
r 66A	ad No 68, 2015
	am F2017L00977
r 67	ad 2004 No 39
	am 2005 No 155; F2016L00170
r 68	ad 2004 No 39
r 69	ad 2004 No 39
	am 2009 No 304; F2018L00191
r 70	ad 2004 No 39
	rep 2009 No 304
r 71	ad 2004 No 39
	rep 2009 No 304
r 72	ad 2004 No 39
	am 2009 No 304
r 73	ad 2004 No 39
	am No 264, 2013
Division 2.2A	
Division 2.2A	ad 2006 No 267
r 73A	ad 2006 No 267
	am 2006 No 342
r 73B.....	ad 2006 No 267
	am 2008 No 262; 2009 No 304
r 73BA.....	ad 2006 No 342
	am 2009 No 304
r 73C.....	ad 2006 No 267
	am2006 No 342; 2008 No 262
r 73D	ad 2006 No 267
	am 2009 No 304

Endnote 4—Amendment history

Provision affected	How affected
r 73E.....	ad 2006 No 267 am 2008 No 262
r 73F.....	ad 2006 No 267 am 2008 No 262
r 73G	ad 2006 No 267
r 73H	ad 2006 No 267 am 2008 No 262
r 73I.....	ad 2006 No 267 am 2008 No 262
r 73J.....	ad 2006 No 267
Division 2.3	rep 2009 No 304
r 74	ad 2004 No 39 am 2006 No 132; 2008 No 262 rep 2009 No 304
r 74A	ad 2008 No 262 rep 2009 No 304
r 75	ad 2004 No 39 rep 2009 No 304
r 76	ad 2004 No 39 rep 2009 No 304
r 77	ad 2004 No 39 am 2005 No 309 rep 2009 No 304
r 77A	ad 2008 No 262 rep 2009 No 304
r 78	ad 2004 No 39 rep 2009 No 304
r 78A	ad 2008 No 262 rep 2009 No 304
Division 2.4	
Division 2.4 heading.....	rs 2008 No 262
Division 2.4	ad 1999 No 252
r 78B.....	ad 2008 No 262
r 79	ad 1999 No 252 am 2004 No 60 rs 2008 No 262 am 2009 No 304
r 80	ad 1999 No 252 am 2004 No 60 rs 2008 No 262

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 81	ad 1999 No 252
r 82	ad 1999 No 252 am 2004 No 60; 2008 No 262
r 83	ad 1999 No 252 am 2004 No 60; 2008 No 262; 2009 No 304
r 84	ad 1999 No 252 am 2009 No 304
r 85	ad 1999 No 252 am 2009 No 304
r 86	ad 1999 No 252 am 2009 No 304
r 87	ad 1999 No 252 am 2009 No 304
Division 2.5	ad 2001 No 12 rs 2008 No 262 rep 2009 No 304
r 88	ad 2001 No 12 am 2004 No 39 rs 2008 No 262 rep 2009 No 304
r 88A	ad 2005 No 309 rs 2008 No 262 rep 2009 No 304
r 88B.....	ad 2005 No 309 rs 2008 No 262 rep 2009 No 304
r 88C.....	ad 2005 No 309 rs 2008 No 262 rep 2009 No 304
r 88D	ad 2008 No 262 rep 2009 No 304
r 88E.....	ad 2008 No 262 rep 2009 No 304
r 88F.....	ad 2008 No 262 rep 2009 No 304
r 88G	ad 2008 No 262 rep 2009 No 304
Division 2.6	ad 2005 No 309 rep 2008 No 262

Endnote 4—Amendment history

Provision affected	How affected
Part 2A	
Part 2A	ad 2009 No 304
Division 2A.1	
r 88	ad 2009 No 304
Division 2A.2	
Subdivision 2A.2.1	
Subdivision 2A.2.1 heading.....	ad F2017L01226
r 88A	ad 2009 No 304 am F2017L01226
Subdivision 2A.2.2	
Subdivision 2A.2.2 heading.....	ad F2017L01226
r 88AA.....	ad F2017L01226
Subdivision 2A.2.3	
Subdivision 2A.2.3 heading.....	ad F2017L01226
r 88B.....	ad 2009 No 304
r 88C.....	ad 2009 No 304 rs F2017L01226 ed C52
r 88D	ad 2009 No 304 rep F2017L01226
Subdivision 2A.2.4	
Subdivision 2A.2.4 heading.....	ad F2017L01226
r 88E.....	ad 2009 No 304 am F2017L01226
Division 2A.3	
r 88F.....	ad 2009 No 304
r 88G	ad 2009 No 304 am F2017L00977
r 88H	ad 2009 No 304
r 88I.....	ad 2009 No 304
r 88J.....	ad 2009 No 304
r 88K	ad 2009 No 304
r 88L.....	ad 2009 No 304
r 88M.....	ad 2009 No 304
r 88N	ad 2009 No 304
r 88O	ad 2009 No 304
r 88P.....	ad 2009 No 304
Division 2A.3A	
Division 2A.3A	ad F2017L01226

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Subdivision 2A.3A.1	
r 88PA	ad F2017L01226
r 88PB	ad F2017L01226
r 88PC	ad F2017L01226
Subdivision 2A.3A.2	
r 88PD	ad F2017L01226
r 88PE.....	ad F2017L01226
r 88PF.....	ad F2017L01226
r 88PG	ad F2017L01226
Subdivision 2A.3A.3	
r 88PH	ad F2017L01226
r 88PI.....	ad F2017L01226
r 88PJ.....	ad F2017L01226
r 88PK	ad F2017L01226
Subdivision 2A.3A.4	
r 88PL.....	ad F2017L01226
r 88PM.....	ad F2017L01226
r 88PN	ad F2017L01226
r 88PO	ad F2017L01226
Subdivision 2A.3A.5	
r 88PP.....	ad F2017L01226
r 88PQ	ad F2017L01226
Division 2A.4	
r 88Q	ad 2009 No 304 rs F2017L01226
r 88R.....	ad 2009 No 304 rep F2017L01226
r 88RA.....	ad No 71, 2015
r 88S	ad 2009 No 304 am F2017L01226
r 88T.....	ad 2009 No 304 am F2017L01226
r 88U	ad 2009 No 304 am F2017L01226
r 88V	ad 2009 No 304 am F2017L01226
r 88VA.....	ad No 68, 2015
r 88W.....	ad 2009 No 304 am F2017L01226

Endnote 4—Amendment history

Provision affected	How affected
Division 2A.5	
r 88X	ad 2009 No 304 am F2017L01226
r 88Y	ad 2009 No 304
r 88Z	ad 2009 No 304 am F2017L01226
Division 2A.6	
r 88ZA	ad 2009 No 304
r 88ZB	ad 2009 No 304
r 88ZC	ad 2009 No 304 am F2017L01226
r 88ZD	ad 2009 No 304
r 88ZE	ad 2009 No 304 am F2017L01226
r 88ZF	ad 2009 No 304
Division 2A.7	
Subdivision 2A.7.1	
r 88ZG	ad 2009 No 304
r 88ZH	ad 2009 No 304 rs F2017L01226
r 88ZI	ad 2009 No 304
r 88ZJ	ad 2009 No 304
r 88ZK	ad 2009 No 304
r 88ZL	ad 2009 No 304
Subdivision 2A.7.2	
r 88ZM	ad 2009 No 304
r 88ZN	ad 2009 No 304
r 88ZO	ad 2009 No 304 am F2017L01226
Division 2A.8	
r 88ZP	ad 2009 No 304
r 88ZQ	ad 2009 No 304 am F2017L01226
r 88ZR	ad 2009 No 304
r 88ZS	ad 2009 No 304 rep F2017L01226
r 88ZT	ad 2009 No 304 am F2017L01226
r 88ZU	ad 2009 No 304 am F2017L01226

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 88ZV	ad 2009 No 304
r 88ZVA	ad No 71, 2015 rep 3 June 2015 (r 88ZVA(3))
Division 2A.9	
r 88ZW	ad, 2009 No 304
r 88ZX	ad 2009 No 304
r 88ZY	ad 2009 No 304
Division 2A.10	
r 88ZZ	ad 2009 No 304
r 88ZZA	ad F2017L00977
Part 2B	
Part 2B	ad 2009 No 304
Division 2B.1	
r 89A	ad 2009 No 304
Division 2B.2	
r 89B	ad 2009 No 304
r 89C	ad 2009 No 304
r 89D	ad 2009 No 304
r 89E	ad 2009 No 304
r 89F	ad 2009 No 304
r 89G	ad 2009 No 304
r 89H	ad 2009 No 304
r 89I	ad 2009 No 304
r 89J	ad 2009 No 304
r 89K	ad 2009 No 304
r 89L	ad 2009 No 304
Division 2B.3	
r 89M	ad 2009 No 304
r 89N	ad 2009 No 304
r 89O	ad 2009 No 304
r 89P	ad 2009 No 304
r 89Q	ad 2009 No 304
Division 2B.4	
r 89R	ad 2009 No 304
r 89S	ad 2009 No 304
r 89T	ad 2009 No 304
Division 2B.5	
r 89U	ad 2009 No 304
Part 3 heading	rs 2002 No 72 rep 2009 No 304

Endnote 4—Amendment history

Provision affected	How affected
Part 3	ad 1985 No 169 rep 2009 No 304
Division 3.1 heading.....	ad 2002 No 72 rep 2009 No 304
r 89	ad 1985 No 169 rep 2009 No 304
r 90	ad 1985 No 169 am 1987 No 247; 1992 No 69; 1993 No 206; 2004 No 60; 2005 No 155 rep 2009 No 304
r 91	ad 1985 No 169 rep 2009 No 304
r 92	ad 1985 No 169 rep 2009 No 304
r 93	ad 1985 No 169 am 1989 No 367; 1993 No 206 and 266 rep 2009 No 304
Part 3A	
Part 3A	ad 2004 No 379
r 93A	ad 2004 No 379
r 93B.....	ad 2004 No 379 am 2009 No 304
r 93C.....	ad 2004 No 379
r 93D	ad 2004 No 379
r 93E.....	ad 2004 No 379
r 93F.....	ad 2004 No 379
r 93G	ad 2009 No 304
Part 4	
Part 4	ad 1985 No 169
r 94	ad 1985 No 169 am 1987 No 247; 1989 No 367; 1992 No 69 rs 1993 No 206; 2009 No 304
r 95	rs 2002 No 8 am 2003 No 200; 2004 No 39
r 96	ad 1987 No 247 am 1989 No 367 rep 2009 No 304
r 97	ad 1987 No 247 am 1989 No 269 and 367 rep 2009 No 304
r 98	ad 1987 No 247

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 99	am 1989 No 367 rep 2009 No 304 ad 1987 No 247
r 100	am 1989 No 367; 1993 No 266 rep 2009 No 304 ad 2001 No 197
r 101	am 2001 No 307; 2002 No 8; 2003 No 293 rep 2004 No 379 rs 2002 No 8
r 101A	am 2003 No 200; 2008 No 262 ad 2005 No 252
r 102	am 2009 No 304 am 1987 No 247 rep 1988 No 185 ad 1993 No 206 rs 2002 No 8 am 2003 No 200; 2008 No 262 rs No 244, 2013
r 103	am 1999 No 252; Act No 137, 2000; 2004 No 39
r 104	ad 1987 No 247 am 1993 No 266; 2004 No 39 rep 2009 No 304
r 105	ad 1987 No 247 am 1989 No 367 and 368; 1991 No 63; 1993 No 266; 1999 No 252; 2002 No 72 and 338; 2004 No 39 rep 2009 No 304
r 106	ad 1993 No 206 am 1993 No 266; 2002 No 338; 2004 No 15, 60 and 39 rep 2009 No 304
r 107	ad 1999 No 252 rep 2009 No 304
r 108	ad 1993 No 266 rep 2009 No 304
r 109	am 1985 No 169; 1987 No 247; 1989 No 367; 1993 No 206 and 266; 1999 No 252; 2002 No 72; 2004 No 39; 2005 No 309 rep 2009 No 304
r 110	ad 1993 No 206 am 1993 No 266; 1999 No 252; 2002 No 72; 2004 No 39 rep 2009 No 304
r 111	ad 1993 No 206

Endnote 4—Amendment history

Provision affected	How affected
	rs 1993 No 266; 2001 No 178; 2004 No 60
	rep 2009 No 304
r 112	am 1985 No 169; 1987 No 247; 1989 No 367; 1993 No 206 and 266; 1999 No 252; 2002 No 72; 2004 No 39; 2005 No 309
	rep 2009 No 304
r 113	ad 1987 No 247
	am 1999 No 252; 2002 No 72; 2004 No 39
	rep 2009 No 304
Part 4AA	
Part 4AA heading	ad 2009 No 304
r 114	ad 2000 No 5
	rs 2002 No 224
	am 2004 No 39; 2009 No 304; F2017L01226
r 115	ad 2000 No 5
	am 2002 No 224
r 116	ad 2000 No 5
	am 2002 No 224; 2009 No 304
r 117	ad 1989 No 368
	am 1993 No 266; 2004 No 39
	rep 2009 No 304
Part 4AB	
Part 4AB	ad No 264, 2013
r 116A	ad No 264, 2013
Part 4A	
r 117A	ad 2006 No 132
	am 2008 No 262
r 117B	ad 2006 No 132
	am 2008 No 262
r 117C	ad 2006 No 132
r 117D	ad 2006 No 132
	am 2007 No 32; 2008 No 262
r 117E	ad 2006 No 132
	am 2007 No 32; 2008 No 262
r 117F	ad 2006 No 132
	am 2007 No 32; 2008 No 262
r 117G	ad 2006 No 132
	am 2008 No 262
r 117H	ad 2006 No 132
	am 2008 No 262
r 117I	ad 2006 No 132

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 117J.....	am 2008 No 262 ad 2006 No 132
r 117JA.....	am 2008 No 262 ad 2008 No 262
r 117JB.....	am 2009 No 304 ad 2008 No 262
r 117K.....	ad 2006 No 132
r 117L.....	am 2008 No 262; 2009 No 304 ad 2006 No 132; 2009 No 304
r 117M.....	ad 2006 No 132 rep 2009 No 304
Part 5	
Part 5.....	ad 1991 No 296
r 118.....	ad 2001 No 197 rs 2004 No 39
r 119.....	ad 1991 No 296
r 120.....	ad 1991 No 296
r 121.....	ad 1991 No 296
r 122.....	ad 1991 No 296
r 123.....	ad 1991 No 296
Part 6	
Part 6.....	ad 2001 No 178
r 124.....	ad 2001 No 178 am 2008 No 262
r 125.....	ad 2001 No 178 am 2008 No 262 rep 2009 No 304
r 126.....	ad 2001 No 178 am 2003 No 200; 2009 No 304; F2017L01226
Part 7	
Part 7 heading.....	ad 1991 No 296 rs 1993 No 188; 2004 No 15
Part 7.....	ad 1989 No 368
r 127.....	ad 1989 No 368 am 1993 No 266; 2000 No 5; 2001 No 307; 2002 No 72; 2004 No 15 rs 2004 No 39 am 2009 No 304; F2017L01226
r 128.....	ad 1989 No 368 am 1991 No 63 rs 1991 No 296

Endnote 4—Amendment history

Provision affected	How affected
	am 2004 No 15
	rs 2004 No 39
	am 2009 No 304; F2017L01226
r 129	ad 1989 No 368
	am 1991 No 296; 2004 No 15
r 130	ad 1989 No 368
	am 2004 No 15; 2009 No 304
r 131	ad 1989 No 368
	am 2004 No 15
	rs 2004 No 39
	am F2017L01226
r 132	ad 1989 No 368
	am 2004 No 15
r 133	ad 1991 No 296
	am 1993 No 206
r 133A	ad 2009 No 304
r 133B	ad 2009 No 304
r 134	ad 2004 No 15
	am 2004 No 39; 2005 No 309; 2008 No 262; 2009 No 304; F2017L01226
Part 8	
Part 8	ad 1993 No 188
Division 8.1	
r 135	ad 1993 No 188
	am 1993 No 206 and 266; 1996 No 277; 1997 No 326; 2001 No 307; 2004 No 60
r 136	ad 1993 No 188
	am 1993 No 206; 2001 No 12
r 137	ad 1997 No 326
	am 2004 No 39; 2004 No 60; 2009 No 304
r 138	ad 1997 No 326
	am 1999 No 252; 2004 No 60
r 139	ad 1997 No 326
Division 8.2	
Subdivision 1	
Subdivision 1 heading	ad 1997 No 326
r 140	ad 1997 No 326
r 141	ad 1997 No 326
	am 2012 No 36
	(4) rep 31 Mar 2015 (r 141(5))
	(5) rep 31 Mar 2015 (r 141(5))
r 142	ad 1993 No 188

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am 1993 No 206 and 266; 1996 No 277
	rs 1997 No 326; 2004 No 60
r 143	ad 1997 No 326
	rs 2004 No 60
	am 2008 No 262
r 144	ad 1997 No 326
	am 2002 No 8; 2003 No 200; 2004 No 60
r 145	ad 1997 No 326
	am 2004 No 60
r 146	ad 1997 No 326
	am 2004 No 60
r 147	ad 1997 No 326
	am 2004 No 60
r 148	ad 1997 No 326
	rs 2004 No 60
Subdivision 2	
Subdivision 2 heading	ad 1997 No 326
r 149	ad 1993 No 188
	am 1993 No 206; 2004 No 60
r 150	ad 1993 No 188
	am 1993 No 206; 2004 No 60
r 151	ad 1993 No 188
	am 1993 No 266; 2004 No 60; 2008 No 262
r 152	ad 1993 No 188
	am 1993 No 206 and 266; 1996 No 277
	rs 2004 No 60
r 153	ad 1993 No 188
	am 1993 No 206 and 266; 1996 No 277
	rs 2004 No 60
r 154	ad 1993 No 188
	am 1993 No 206 and 266; 1996 No 277; 2004 No 60
r 155	ad 1993 No 188
	am 1993 No 206; 1996 No 277; 2004 No 60
r 156	ad 1993 No 188
	am 1993 No 206; 1996 No 277; 2004 No 60
r 157	ad 1993 No 188
	am 1993 No 206 and 266; 1996 No 277
	rs 2004 No 60
r 158	ad 1993 No 188
	am 1993 No 206 and 266; 1996 No 277

Endnote 4—Amendment history

Provision affected	How affected
	rs 2004 No 60
	am 2009 No 304
r 159	ad 1993 No 188
	am 1993 No 206; 1996 No 277; 2004 No 60
r 160	ad 1993 No 188
	am 1993 No 206; 1996 No 277
	rs 2004 No 60
r 161	ad 1993 No 188
	am 1993 No 206 and 266; 1996 No 277; 1997 No 326; 2004 No 60
r 162	ad 1993 No 188
	am 1996 No 277; 2004 No 60
Subdivision 3	
Subdivision 3 heading	ad 2004 No 60
r 163	ad 2004 No 60
r 164	ad 1993 No 206
	am 2002 No 338; 2004 No 39 and 60; 2009 No 304
r 165	ad 1993 No 206
	rs 1993 No 266
	am 2004 No 60
Division 8.3	
r 166	ad 1993 No 188
	am 1993 No 206 and 266; 1997 No 326; 2002 No 8; 2003 No 200; 2004 No 60; 2008 No 262; No 264, 2013
r 167	ad 1993 No 188
	am 1996 No 277; 2004 No 60
	rs 2009 No 304
	am No 264, 2013
r 168	ad 2004 No 60
Part 9	
Part 9	ad 1997 No 96
r 169	ad 1997 No 96
	am 1997 No 326; 1999 No 252
r 170	ad 1997 No 96
	rep F2017L00977
r 171	ad 1997 No 96
	am 1997 No 326; 2002 No 8; 2003 No 200; 2008 No 262
Part 10	
Part 10	ad 1999 No 252
r 172	ad 1999 No 252
	rep F2017L00977

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 173	ad 1999 No 252 rs 2002 No 112 am 2004 No 60; 2004 No 333; 2005 No 252; 2008 No 262 rep F2017L00977
r 174	ad 1999 No 252 am 2002 No 8; 2002 No 112; 2003 No 200; 2004 No 60; 2008 No 262; 2009 No 304; F2017L00977
r 175	ad 1999 No 252 rep 2008 No 262
Part 11	
Part 11	ad 1999 No 252
r 176	ad 1999 No 252 rep F2017L00977
r 177	ad 1999 No 252 rs 2002 No 112 am 2004 No 60 rs 2005 No 252 am 2008 No 262 rep F2017L00977
r 178	ad 1999 No 252 am 2002 No 8; 2002 No 112; 2003 No 200; 2004 No 60; 2008 No 262; 2009 No 304; F2017L00977
r 179	ad 2002 No 112 rs 2004 No 39 rep 2008 No 262 ad F2017L00977
Part 12	
Part 12	ad 2004 No 60
r 180	ad 2004 No 60 rep F2017L00977
r 181	ad 2004 No 60 rep F2017L00977
r 182	ad 2004 No 60 am 2008 No 262; F2017L00977
Part 13	
Part 13 heading.....	ad 1999 No 252
r 183	am 1985 No 169; 1987 No 247; 1989 No 269, 367 and 368; 1991 No 257 rs 1997 No 326 am 1999 No 252; 2000 No 5; 2001 No 178; 2002 No 72; 2004 No 39; 2005 No 309; 2006 No 132; 2009 No 304; F2017L01226
r 184	ad 1985 No 169

Endnote 4—Amendment history

Provision affected	How affected
	rs 1997 No 326
	am 1999 No 252; 2001 No 178; 2006 No 132; 2009 No 304
r 185	ad 1997 No 326
	am 1997 No 326; 1999 No 252; 2001 No 12 and 178; 2002 No 72 and 112; 2004 No 39; 2005 No 309; 2006 No 132; 2008 No 262; 2009 No 304; F2017L01226
r 186	ad 1997 No 326
	am 1999 No 252; 2009 No 304
r 187	ad 1997 No 326
	am 1999 No 252
r 187A	ad 2009 No 304
Part 13A	
Part 13A	ad 2009 No 304
r 187B	ad 2009 No 304
r 187C	ad 2009 No 304
Part 14	
Part 14	ad 2003 No 200
r 188	ad 2003 No 200
	rs 2004 No 39
r 189	ad 2004 No 39
	am 2005 No 252; 2006 No 267 and 342; 2009 No 304; No 244, 2013
r 190	ad 2003 No 200
r 191	ad 2003 No 200
	am 2004 No 39
r 192	ad 2003 No 200
r 193	ad 2003 No 200
r 194	ad 2003 No 200
r 195	ad 2003 No 200
r 196	ad 2003 No 200
r 197	ad 2003 No 200
	am 2004 No 39
r 198	ad 2003 No 200
r 199	ad 2003 No 200
r 200	ad 2003 No 200
r 201	ad 2003 No 200
r 202	ad 2003 No 200
r 203	ad 2003 No 200
Part 15	
Part 15 heading	ad 1999 No 252
r 205	ad 2002 No 224
r 205A	ad F2017L01226

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
	am F2018L00191
r 206	rs 2004 No 39
	am 2009 No 304
r 207	ad 1989 No 368
	rep 2008 No 262
Part 16	
Part 16	ad F2017L01226
r 207	ad F2017L01226
Schedule 1	
Schedule 1	ad 2008 No 262
Part 3	
Division 3	
Division 3 heading.....	rs F2017L00977
Division 3	am F2017L00977
Part 4	
Part 4	am 2009 No 304
Schedule 1A	
Schedule 1A	ad F2017L00977
c 1	ad F2017L00977
c 2.....	ad F2017L00977
c 3.....	ad F2017L00977
c 4.....	ad F2017L00977
c 5.....	ad F2017L00977
c 6.....	ad F2017L00977
c 7.....	ad F2017L00977
c 8.....	ad F2017L00977
c 9.....	ad F2017L00977
c 10.....	ad F2017L00977
c 11	ad F2017L00977
c 12.....	ad F2017L00977
c 13.....	ad F2017L00977
c 14.....	ad F2017L00977
c 15.....	ad F2017L00977
c 16.....	ad F2017L00977
c 17.....	ad F2017L00977
c 18.....	ad F2017L00977
c 19.....	ad F2017L00977
c 20.....	ad F2017L00977
c 21	ad F2017L00977
Schedule 1B	

Endnote 4—Amendment history

Provision affected	How affected
Schedule 1B.....	ad F2017L00977
c 1.....	ad F2017L00977
c 2.....	ad F2017L00977
c 3.....	ad F2017L00977
c 4.....	ad F2017L00977
c 5.....	ad F2017L00977
c 6.....	ad F2017L00977
c 7.....	ad F2017L00977
c 8.....	ad F2017L00977
c 9.....	ad F2017L00977
c 10.....	ad F2017L00977
c 11.....	ad F2017L00977
c 12.....	ad F2017L00977
c 13.....	ad F2017L00977
c 14.....	ad F2017L00977
c 15.....	ad F2017L00977
Schedule 2	
Schedule 2.....	ad 2008 No 262

Endnotes

Endnote 5—Miscellaneous

Endnote 5—Miscellaneous

Repeal tables

The amendment history of the repealed provisions of the *Great Barrier Reef Marine Park Regulations 1983* up to and including the *Great Barrier Reef Marine Park Amendment Regulations 1999 (No. 1)* (1999 No. 252) appears in the table below.

Provision affected	How affected
r. 5	rep. 1988 No. 185
Heading to Part II	ad. 1985 No. 169 am. 1987 No. 247; 1988 No. 185 rep. 1992 No. 69
r. 8	rep. 1989 No. 367
r. 13	am. 1985 No. 169; 1986 No. 1; 1987 No. 247 rep. 1989 No. 367 ad. 1990 No. 9 rs. 1990 No. 35 rep. 1991 No. 257
Heading to Part IIA	am. 1988 No. 185 rep. 1992 No. 69
r. 13AH.....	ad. 1987 No. 247 rep. 1989 No. 367
r. 13A	ad. 1985 No. 169 rep. 1989 No. 367
r. 15	am. 1987 No. 247 rep. 1989 No. 367
rr. 19A, 19B.....	ad. 1987 No. 247 rep. 1989 No. 367
r. 22	
Renumbered r. 64	1999 No. 252
r. 22A	
Renumbered r. 65	1999 No. 252
r. 22B	
Renumbered r. 66	1999 No. 252
r. 22C	
Renumbered r. 67	1999 No. 252
r. 22D	
Renumbered r. 68	1999 No. 252
r. 23	
Renumbered r. 69	1999 No. 252
r. 24	

Endnote 5—Miscellaneous

Provision affected	How affected
Renumbered r. 70 r. 25	1999 No. 252
Renumbered r. 71	1999 No. 252
Heading to Part V	rep. 1991 No. 296
Schedule 1D	ad. 1992 No. 69
	rep. 1993 No. 266

Endnotes

Endnote 5—Miscellaneous

The amendment history of the repealed provisions of the *Great Barrier Reef Marine Park Regulations 1983* up to and including the *Great Barrier Reef Marine Park Amendment Regulations 2004 (No. 2)* (2004 No. 39) appears in the table below.

Provision affected	How affected
r. 3	rep. 2004 No. 39
Part 2	ad. 1989 No. 367 rep. 2004 No. 39
r. 6	ad. 1989 No. 367 am. 1993 No. 266; 2001 No. 197; 2002 Nos. 73 and 338 rep. 2004 No. 39
r. 7	ad. 1989 No. 367 rep. 2004 No. 39
r. 8	ad. 1987 No. 247 am. 1988 No. 185; 1992 No. 69; 1993 No. 206; 2002 No. 73 rep. 2004 No. 39
r. 9	am. 1985 No. 169; 1986 No. 1; 1987 No. 247; 1989 No. 367; 1993 No. 206; 2002 No. 73; No 209, 2002 (disallowed) rep. 2004 No. 39
r. 10	am. 1985 No. 169; 1987 No. 247; 1989 No. 367; 1993 No. 206; 2002 No. 73; No 209, 2002 (disallowed); 2004 No. 60 rep. 2004 No. 39
r. 11	am. 1985 No. 169; 1993 No. 266; 2002 No. 73 rep. 2004 No. 39
r. 12	rs. 1985 No. 169 rep. 2004 No. 39
r. 13	am. 1985 No. 169; 1987 No. 247; 1993 Nos. 206 and 266 rep. 2004 No. 39
r 13AA.....	ad No 209, 2002 (disallowed)
r. 13A	ad. 2002 No. 73 rep. 2004 No. 39
r. 13B.....	ad. 2002 No. 73 rep. 2004 No. 39
r. 14	am. 1985 No. 169; 1987 No. 247; 1988 No. 185 rs. 2002 No. 73 rep. 2004 No. 39
r. 14A	ad. 2002 No. 73 rep. 2004 No. 39
r. 14B.....	ad. 2002 No. 73 rep. 2004 No. 39
r. 14C.....	ad. 2002 No. 73

Endnote 5—Miscellaneous

Provision affected	How affected
	rep. 2004 No. 39
r. 14D	ad. 2002 No. 73
	rep. 2004 No. 39
Heading to Part 4.....	ad. 1992 No. 69
	rep. 2004 No. 39
Part 4	ad. 1987 No. 247
	rep. 2004 No. 39
Heading to Div. 1	ad. 1999 No. 252
of Part 4	rep. 2004 No. 39
r. 15	ad. 1987 No. 247
	am. 1988 No. 185; 1992 No. 69; 1993 No. 206; 2002 No. 73
	rep. 2004 No. 39
r. 16	ad. 1987 No. 247
	am. 1992 No. 69; 1993 No. 206
	rep. 2004 No. 39
r. 17	ad. 1993 No. 266
	rep. 2004 No. 39
r. 18	ad. 1987 No. 247
	am. 1992 No. 69; 1993 No. 206; 2002 No. 73; 2004 No. 60
	rep. 2004 No. 39
r. 19	ad. 1993 No. 206
	rep. 2004 No. 39
r. 20	ad. 1987 No. 247
	am. 1989 No. 269; 1993 No. 266; 2002 No. 73
	rep. 2004 No. 39
r. 21	ad. 1987 No. 247
	rep. 2004 No. 39
r. 22	ad. 1987 No. 247
	am. 1993 Nos. 206 and 266
	rep. 2004 No. 39
r. 22A	ad. 2002 No. 72
	rep. 2004 No. 39
r. 23	ad. 1987 No. 247
	rep. 2004 No. 39
Part 4A	rep. 2004 No. 39
r. 32B.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32C.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32D	ad. 2002 No. 338

Endnotes

Endnote 5—Miscellaneous

Provision affected	How affected
	am. 2004 No. 60
	rep. 2004 No. 39
r. 32E.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32F.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32G.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32H.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32I.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32J.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32K.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32L.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32M.....	ad. 2002 No. 338
	rep. 2004 No. 39
r. 32N.....	ad. 2002 No. 338
	rep. 2004 No. 39
Div. 5.2 of Part 5.....	ad. 2002 No. 72
	rep. 2004 No. 39
r. 37A.....	ad. 2002 No. 72
	rep. 2004 No. 39
r. 37B.....	ad. 2002 No. 72
	rep. 2004 No. 39
r. 37C.....	ad. 2002 No. 72
	rep. 2004 No. 39
r. 37D.....	ad. 2002 No. 72
	rep. 2004 No. 39
r. 37E.....	ad. 2002 No. 72
	rep. 2004 No. 39
r. 37F.....	ad. 2002 No. 72
	rep. 2004 No. 39
r. 37G.....	ad. 2002 No. 72
	rep. 2004 No. 39
r. 37H.....	ad. 2002 No. 72
	rep. 2004 No. 39

Endnote 5—Miscellaneous

Provision affected	How affected
Division 5.3	rep. 2003 No. 200
Heading to Div. 5.3	ad. 2002 No. 72
of Part 5	rep. 2003 No. 200
r. 38	ad. 1988 No. 185
	am. 2002 No. 8
	rep. 2003 No. 200
	ad. 2003 No. 200
	rep. 2004 No. 39
r. 40	am. 1987 No. 247; 1993 No. 206; 2002 No. 8; 2003 No. 200
	rep. 2004 No. 39
r. 40A	ad. 2002 No. 72
	rep. 2004 No. 39
r. 41	ad. 1993 No. 206
	am. 1993 No. 266; 2002 No. 8
	rs. 2002 No. 177
	rep. 2004 No. 39
Note to r. 45A (2)	rep. 2001 No. 307
r. 45B.....	ad. 2001 No. 307
	rep. 2004 No. 39
r. 47	rep. 2003 No. 200
r. 60	ad. 1987 No. 247
Renumbered r. 41A	2000 No. 5
r. 79	ad. 1993 No. 188
	rs. 1993 No. 206
	rep. 2004 No. 60
r. 89	ad. 1997 No. 326
	rep. 2004 No. 60
r. 122D	ad. 2003 No. 200
	rep. 2004 No. 39
Schedule 1A	ad. 2002 No. 72
	rep. 2004 No. 39
Heading to Schedule 1	rs. 2002 No. 338
	rep. 2004 No. 39
Schedule 1	am. 1985 No. 169; 1986 No. 1; 1987 No. 247; 1992 No. 69
	rs. 1993 No. 206
	am. 1993 No. 266; 2001 No. 178
	rep. 2004 No. 39
Schedule 2	ad. 1985 No. 169
	am. 1986 No. 1
	rs. 1993 No. 206

Endnotes

Endnote 5—Miscellaneous

Provision affected	How affected
Heading to Schedule 3	rep. 2002 No. 73
	rs. 2002 No. 338
	rep. 2004 No. 39
Schedule 3	ad. 1987 No. 247
	am. 1992 No. 69
	rs. 1993 No. 206
	am. 1993 No. 266
	rep. 2004 No. 39
Heading to Schedule 4	rs. 2002 Nos. 73 and 338
	rep. 2004 No. 39
Schedule 4	ad. 1992 No. 69
	rs. 1993 No. 206
	am. 1993 No. 266; 2002 No. 73
	rep. 2004 No. 39
Schedule 5	rs. 1987 No. 247; 1993 No. 206
	am. 2003 No. 200
	rep. 2004 No. 39
Schedule 6	am. 1991 No. 296
	rep. 2004 No. 39
Heading to Schedule 7	rs. 2004 No. 15
	rep. 2004 No. 39
Schedule 7	ad. 1989 No. 368
	am. 1991 No. 296; 2004 No. 15
	rep. 2004 No. 39
Schedule 8	ad. 2001 No. 197
	rep. 2004 No. 39
Schedule 9	ad. 2002 No. 112
	am. 2003 No. 20
	rep. 2004 No. 39
Schedule 10	ad. 2003 No. 200
	am. 2004 No. 60
	rep. 2004 No. 39

Endnote 5—Miscellaneous

Renumbering tables

The renumbering of provisions of the *Great Barrier Reef Marine Park Regulations 1983*, made by the *Great Barrier Reef Marine Park Amendment Regulations 1999(No. 1)* (1999 No. 252) appears in the table below.

Old number	New number	Old number	New number
Part 1	Part 1	13AH	24
Regulation	Regulation	13AI	25
1	1	13AJ	26
2	2	13AK	27
3	3	13AL	28
4	4	13AM	29
4A	5	Regulation	Regulation
Part 1A	Part 2	13AN	30
Regulation	Regulation	13AO	31
5	6	13AP	32
5A	7	Part III	Part 5
Part 2	Part 3	Regulation	Regulation
Regulation	Regulation	13B	33
6A	8	13C	34
6	9	13D	35
7	10	13E	36
9	11	13F	37
10	12	13FA	38
11	13	Part IV	Part 6
12	14	Regulation	Regulation
Part 2A	Part 4	13G	39
Division 1	Division 1	14	40
Regulation	Regulation	14A	41
13AA	15	15A	42
13AB	16	15B	43
13ABA	17	15C	44
13AC	18	15D	45
13ACC	19	16	46
13AD	20	17	47
13AE	21	18	48
13AF	22	19	49
13AG	23	19C	50
Division 2	Division 2	19D	51
Regulation	Regulation	Regulation	Regulation

Endnotes

Endnote 5—Miscellaneous

Old number	New number	Old number	New number
19E	52	36B	81
19EA	53	37	82
19F	54	37A	83
20	55	37B	84
20A	56	37C	85
20B	57	37D	86
21	58	37E	87
21A	59	37F	88
21B	60	37G	89
26	61	Subdivision B	Subdivision 2
Part 4A	Part 7	Regulation	Regulation
Regulation	Regulation	38	90
26A	62	39	91
26B	63	40	92
26C	64	Regulation	Regulation
26D	65	41	93
26E	66	42	94
Part 5	Part 8	43	95
Regulation	Regulation	44	96
27	67	45	97
28	68	46	98
29	69	47	99
30	70	48	100
31	71	49	101
32	72	50	102
33	73	51	103
Part 5A	Part 9	51A	104
Division 1	Division 1	51B	105
Regulation	Regulation	Division 3	Division 3
34	74	Regulation	Regulation
35	75	52	106
35A	76	53	107
35B	77	Part 6	Part 10
35C	78	Regulation	Regulation
36	79	54	108
Division 2	Division 2	55	109
Subdivision A	Subdivision 1	56	110
Regulation	Regulation	Part 7	Part 11
36A	80	Regulation	Regulation

Endnote 5—Miscellaneous

Old number	New number	Old number	New number
57	111	Regulation	Regulation
58	112	69	123
Regulation	Regulation	70	124
59	113	71	125
60	114	Schedule 1	Schedule 1
Part 8	Part 12	Part 1	Part 1
Regulation	Regulation	Part 2	Part 2
61	115	Part 3	Part 3
62	116	Part 4	Part 4
63	117	Schedule 1A	Schedule 2
Part 9	Part 13	Schedule 1B	Schedule 3
Regulation	Regulation	Schedule 1C	Schedule 4
64	118	Part 1	Part 1
65	119	Part 2	Part 2
66	120	Schedule 2	Schedule 5
67	121	Schedule 3	Schedule 6
68	122	Schedule 4	Schedule 7
Part 10	Part 14		

Endnotes

Endnote 5—Miscellaneous

The renumbering of provisions of the *Great Barrier Reef Marine Park Regulations 1983*, made by the *Great Barrier Reef Marine Park Amendment Regulations 2004* (No. 2) (2004 No. 39) appears in the table below.

Old number	New number	Old number	New number
Part 1	Part 1	8Q	28
Regulation	Regulation	8U	29
1	1	9C	30
2	2	9G	31
4	3	9K	32
5	4	9O	33
5A	5	9W	34
Part 3	Part 2	Regulation	Regulation
Division 3.1	Division 2.1	10A	35
Regulation	Regulation	10C	36
6A	6	10E	37
Division 3.2	Division 2.2	10M	38
Regulation	Regulation	10Q	39
6E	7	10U	40
6I	8	10Y	41
6J	9	11C	42
6M	10	11G	43
6O	11	11H	44
6P	12	11J	45
6R	13	11K	46
6U	14	11KA	47
Regulation	Regulation	11L	48
6X	15	11LA	49
7C	16	11M	50
7G	17	11MA	51
7K	18	11N	52
7O	19	11NA	53
7P	20	11NB	54
7R	21	11NC	55
7S	22	11ND	56
7W	23	11O	57
8A	24	11OA	58
8E	25	11OB	59
8I	26	11P	60
8M	27	Regulation	Regulation

Endnote 5—Miscellaneous

Old number	New number	Old number	New number
11PA	61	34	90
11Q	62	35	91
11QA	63	36	92
11R	64	37	93
11RA	65	Part 6	Part 4
11S	66	Regulation	Regulation
12I	67	39	94
12M	68	41A	95
12N	69	42	96
12P	70	43	97
12Q	71	44	98
12U	72	45	99
12Y	73	45A	100
Division 3.3	Division 2.3	Regulation	Regulation
Regulation	Regulation	46	101
14E	74	48	102
14F	75	49	103
14G	76	50	104
14H	77	51	105
14I	78	52	106
Division 3.4	Division 2.4	53	107
Regulation	Regulation	54	108
24	79	55	109
25	80	56	110
26	81	57	111
27	82	58	112
Regulation	Regulation	59	113
28	83	59A	114
29	84	59B	115
30	85	59C	116
31	86	61	117
32	87	Part 7	Part 5
Division 3.5	Division 2.5	Regulation	Regulation
Regulation	Regulation	61A	118
32A	88	62	119
Part 5	Part 3	63	120
Division 5.1	Division 3.1	64	121
Regulation	Regulation	65	122
33	89	66	123

Endnotes

Endnote 5—Miscellaneous

Old number	New number	Old number	New number
Part 7A	Part 6	92	151
Regulation	Regulation	93	152
66A	124	94	153
66B	125	95	154
66C	126	96	155
Part 8	Part 7	97	156
Regulation	Regulation	98	157
67	127	99	158
68	128	100	159
69	129	101	160
70	130	102	161
71	131	Regulation	Regulation
72	132	103	162
73	133	Subdivision 3	Subdivision 3
73A	134	Regulation	Regulation
Part 9	Part 8	103A	163
Division 1	Division 8.1	104	164
Regulation	Regulation	105	165
74	135	Division 3	Division 8.3
75	136	Regulation	Regulation
76	137	106	166
77	138	107	167
78	139	107A	168
Division 2	Division 8.2	Part 10	Part 9
Subdivision 1	Subdivision 1	Regulation	Regulation
Regulation	Regulation	108	169
80	140	109	170
81	141	110	171
82	142	Part 11	Part 10
83	143	Regulation	Regulation
84	144	111	172
85	145	112	173
86	146	113	174
87	147	114	175
88	148	Part 12	Part 11
Subdivision 2	Subdivision 2	115	176
Regulation	Regulation	116	177
90	149	117	178
91	150	Regulation	Regulation

Endnote 5—Miscellaneous

Old number	New number	Old number	New number
117A	179	122E	192
Part 12A	Part 12	122F	193
Regulation	Regulation	122G	194
117B	180	122H	195
117C	181	122I	196
117D	182	122J	197
Part 13	Part 13	122K	198
Regulation	Regulation	Regulation	Regulation
118	183	122L	199
119	184	122M	200
120	185	122N	201
121	186	122O	202
122	187	122P	203
Part 13A	Part 14	Part 14	Part 15
Regulation	Regulation	Regulation	Regulation
122A	188	123	204
122AA	189	123A	205
122B	190	124	206
122C	191	125	207