

Report on the administration of the
Marine Parks Act 2004
(reporting period 1 July 2023 to 30 June 2024)



Queensland
Government

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Introduction

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

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

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

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

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

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

The Plans and Regulations that support the MP Act are:

- Marine Parks (Declaration) Regulation 2006
- Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004
- Marine Parks (Great Sandy) Zoning Plan 2017 (repealed 21 May 2024)
- Marine Parks (Great Sandy) Zoning Plan 2024 (commenced on 21 May 2024)
- Marine Parks (Moreton Bay) Zoning Plan 2019
- Marine Parks Regulation 2017

Amendments

Marine Parks Act 2004

There were no amendments made to the MP Act in the 2023–24 financial year.

Marine Parks (Declaration) Regulation 2006

There were amendments made to the Marine Parks (Declaration) Regulation 2006 in the 2023–24 financial year as a result of making the Marine Parks and Other Legislation Amendment Regulation 2024 (Amendment Regulation 2024). The description of the Great Sandy Marine Park boundary in Schedule 3 was updated from a map-based description that referenced a low-resolution statutory plan (MP1), to a written ‘metes and bounds’ description. The updated description is now consistent with the method used in this Regulation to describe the boundaries of other marine parks. The metes and bounds description provides an accurate, logical and easy to interpret description of the outer boundary of the marine park that will better support the use of the marine park, and management and enforcement activities. The full extent of tidal land and waters in some estuaries and waterways that were intended to be included in the marine park when it was originally declared in 2006, are now included within the marine park boundary.

Further amendment to the Marine Parks (Declaration) Regulation 2006 included the repeal of all except one of the transitional provisions that related to permissions and authorised activities in the former Hervey Bay and Woongarra Marine Parks. These parks were incorporated into the Great Sandy Marine Park in 2006, and these transitional provisions were determined to be redundant. A new transitional provision was added to allow for the continuation of existing development approvals on land that was included within the Great Sandy Marine Park on commencement of the Amendment Regulation 2024, but which prior to this, had been located outside of the marine park.

Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

There were no amendments made to the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 in the 2023–24 financial year.

Marine Parks (Great Sandy) Zoning Plan 2017 and Marine Parks (Great Sandy) Zoning Plan 2024

The Marine Parks (Great Sandy) Zoning Plan 2017 was repealed by the Marine Parks (Great Sandy) Zoning Plan 2024 after the legislation was approved by the Governor in Council on 28 March 2024. The 2024 Zoning Plan commenced on 21 May 2024 and is the outcome of the first comprehensive statutory review of the Great Sandy Marine Park’s Zoning Plan since the Park was established in 2006. Changes made to the repealed Zoning Plan, now incorporated in the 2024 Zoning Plan, were informed by extensive community, stakeholder and First Nations peoples engagement. These changes ensure that the Zoning Plan for the Great Sandy Marine Park continues to meet the main purpose of the MP Act – to provide for conservation of the marine environment.

The 2024 Zoning Plan provides for:

- updated definitions and key zoning plan concepts
- revised entry or use provisions for each zone and designated area. These provisions specify activities that are either ‘as of right’ or require permission
- a revised list of additional purposes for which a person may enter or use an area of the marine park. These additional purposes include those that require a permission (e.g. carrying out particular non-conforming uses or taking a protected species), purposes that do not require permission but require notification to the chief executive (whereby conditions can be imposed on the entry or use), and those that do not require permission or notification (e.g. to deal with an emergency)
- accredited traditional use of marine resources agreements as retained from the repealed zoning plan but with minor changes to reflect contemporary drafting standards and better align these provisions with those in the Marine Parks (Moreton Bay) Zoning Plan 2019
- general restrictions on activities in the marine park that may be conducted under the zone entry or use provisions (e.g. details on what type of nets can be used for recreational and commercial bait netting), and restrictions on disturbing shorebirds in the marine park
- transitional provisions that address how changes in provisions relating to entry or use of a zone from the repealed zoning plan are dealt with
- revised schedules that:
 - prescribe the area of the Marine Park within each zone and designated area
 - list the non-conforming uses that can be carried out with and without permission
 - list species that are protected in the Marine Park or for which their take or possession is restricted, and
 - define particular terms used in the Zoning Plan.

- additional prescribed maximum penalty amounts for 2024 Zoning Plan offences and an increase to low penalty amounts that existed under the repealed Zoning Plan. These changes ensure the 2024 Zoning Plan penalties are consistent with similar offences under other State environmental and wildlife management legislation. Associated new and increased penalty infringement notice values have been implemented by amendment to the State Penalties Enforcement Regulation 2014. These largely relate to the enforcement of the 2024 Zoning Plan's designated area provisions.
- other minor changes to the repealed Zoning Plan include the removal of obsolete provisions, and changes to reduce unnecessary regulatory burden.

The Safety in Recreational Water Activities Regulation 2024 contained a consequential amendment to section 47(5) of the Marine Parks (Great Sandy) Zoning Plan 2024 (to commence 1 August 2024) to update the definition of a recreational dive training organisation.

Marine Parks (Moreton Bay) Zoning Plan 2019

The Safety in Recreational Water Activities Regulation 2024 contained a consequential amendment to section 41(4) of the Marine Parks (Moreton Bay) Zoning Plan 2024 (to commence 1 August 2024) to update the definition of a recreational dive training organisation.

Marine Parks Regulation 2017

There were amendments made to the Marine Parks Regulation 2017 in the 2023–24 financial year, as a result of making the Marine Parks and Other Legislation Amendment Regulation 2024. The amendments complement the Marine Parks (Great Sandy) Zoning Plan 2024 and enhance the Department of Environment, Science and Innovation's (the department) management capability in all Queensland State marine parks.

The transitional provisions in the Marine Parks Regulation 2017 have been revised to allow for the continuing effect, or otherwise, of various management arrangements that applied to the Great Sandy Marine Park before the commencement of the 2024 Zoning Plan. Other amendments to the Marine Parks Regulation 2017 were made to improve clarity of some definitions, remove redundancy, reduce unnecessary regulatory burden for the holders of permissions and commercial activity agreements, and to enable the department to better respond to requests from First Nations peoples for the management of areas of cultural significance within each marine park.

The definition of *smoking product* was amended by the Tobacco and Other Smoking Products and Other Legislation Amendment Regulation 2023, to update the cross reference to the *Tobacco and Other Smoking Products Act 1998*. This amendment was required as a result of the relocation of this definition in that Act. A further amendment was made to this definition in the Marine Parks Regulation 2017 as a consequence of the renumbering of the *Tobacco and Other Smoking Products Act 1998*.

Funding

In 2023–24, the Queensland Government contributed \$19.2 million to the Great Barrier Reef Joint Field Management Program. Together with the Australian Government's contribution and other revenue, the budget allocation for the Program in 2023–24 was \$41.5 million. The Program operates across the (Commonwealth) Great Barrier Reef Marine Park, the (State) Great Barrier Reef Coast Marine Park, island national parks of Queensland and Commonwealth Islands within the Great Barrier Reef World Heritage Area. As such, only a portion of the Program's funds are spent on the (State) Great Barrier Reef Coast Marine Park. The total expenditure (excluding depreciation) for the joint Program in 2023–24 was \$39.1 million¹.

The combined operational costs (operating (excluding depreciation) and capital) for the Great Sandy and Moreton Bay Marine Parks in 2023–24 totalled \$4.7 million including \$0.93 million towards the replacement of the 12-metre patrol vessel C.H. Thompson for the Great Sandy Marine Park.

¹ This figure is current as at 29 August 2024 based on information available at the time of drafting. The final figure will be published in the Reef Joint Field Management Plan Annual Report 2023-24

Management plans

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

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

During 2023–24, there were no new management plans for marine park areas approved.

Authorities

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

A summary of authorities granted, suspended, or cancelled, applications refused in 2023–24, and related information is outlined in **Table A**.

Offences and enforcement

In 2023–24, a total of 90 marine park penalty infringement notices were issued under the MP Act or subordinate legislation.

The department finalised five prosecutions in 2023–24 with convictions by a court, resulting in fines of \$101,500.00 and \$3,903.30 in costs.

A summary of offences and prosecutions are provided in **Table B** and **Table C**.

Accreditations

Accreditations are a form of approval that removes the need for organisations and individuals to obtain a permit to carry out activities.

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

Traditional Use of Marine Resources Agreements describe how First Nations groups work in partnership with the Queensland and Commonwealth governments to manage traditional use activities on their sea Country.

A summary of accreditations that are in place is provided in **Table D**.

Other legislative provisions

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

Table E outlines the Part 6 legislative provisions in place for each marine park.

Tables

Table A – Permissions² and authorities granted, refused, and suspended or cancelled during 2023–24

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

Category	Number current as at 30/06/2024	Number issued	Number refused, suspended or cancelled
State-Commonwealth joint³ Marine Park permissions²			
Aquaculture	2	0	0
Taking animals or plants posing a threat ⁴	134	7	0
Collecting ⁵	0	0	0
Educational program	122	28	0
Exploration/mining ⁶	0	0	0
Harvest fishery ⁷	123	13	0
Media activity (film, photography) ⁸	0	0	0
Operate a facility ⁹	1,240	37	0
Operating/navigating vessels and aircraft ¹⁰	69	4	0
Research	277	80	0
Ship and managed vessel operation ¹¹	150	7	0
Tourist program	2,217	104	0

² A permit may include a number of individual permissions for different activities. Table A includes the total number of individual permissions.

³ 'Joint' Marine Park permissions relate to the Great Barrier Reef area where permissions are issued jointly by the State (Queensland Parks and Wildlife Service) and GBRMPA to cover activities occurring in both the State and Commonwealth Marine Park respectively.

⁴ Provides authority to carry out a program for taking a plant, animal or marine resource that poses a threat to human life and safety (e.g., mosquito control, shark control program), marine park ecosystems (e.g. toxic algae, Crown of Thorns Starfish), or to the use/amenity of an area or adjacent marine park (e.g. mangrove trimming).

⁵ Collecting can include non-commercial collecting (e.g. shell clubs) or commercial collecting of species that are not part of a harvest fishery (e.g. oysters).

⁶ Exploration/mining includes exploring or mining for minerals, exploring or producing petroleum and carrying out geothermal exploration.

⁷ Harvest fishery includes commercial collecting of coral, shell, and aquarium fish.

⁸ An authority may be considered necessary if, for example, pyrotechnics are involved or exclusive access is required.

⁹ Operate a facility can include buildings, vessels, or structures (e.g. pontoons, jetties, barge landings, pipelines, aircraft landing areas, and moorings (Great Barrier Reef Coast Marine Park (GBRCMP) only), as well as constructing, building, assembling, fixing in position, discharging waste, operating, maintaining or decommissioning the facility.

¹⁰ Operating/navigating vessels and aircraft includes anchoring.

¹¹ Operating/navigating ships, includes anchoring. Managed vessel types include hovercraft, wing in ground effect craft, hydrofoils and airboats.

Category	Number current as at 30/06/2024	Number issued	Number refused, suspended or cancelled
Vessel or aircraft charter operation ¹²	1,817	92	0
Works ¹³	50	1	0
Other ¹⁴	910	62	0
State-only¹⁵ Marine Park authorities (permits² and agreements)			
Permits ² under the Marine Parks Regulation 2017			
Aquaculture	2	1	0
Taking animals or plants posing a threat ⁴	2	0	0
Collecting ⁵	12	5	0
Educational program	24	7	0
Exploration/ mining ⁶	0	0	0
Harvest fishery ⁷	4	0	0
Media activity (film, photography) ⁸	2	0	0
Operate a facility ⁹	57	15	0
Operating/navigating vessels & aircraft ¹⁰	5	1	0
Research	93	20	0
Ship and managed vessel operation ¹¹	22	0	0
Tourist program	183	36	0
Vessel or aircraft charter operation ¹²	110	20	0
Works ¹³	85	25	0
Other ¹⁴	22	5	0

¹² Vessel charter includes skippered and bare boat charters.

¹³ Works includes coastal works such as beach nourishment, buoy and pile moorings (excl. GBRCMP), maintenance dredging (GBRCMP only), capital dredging (Moreton Bay Marine Park (MBMP) and Great Sandy Marine Park (GSMP) only), spoil disposal, foreshore protection, access structures (e.g. pontoons, jetties, boat ramps), marinas, reclamation, sand extraction and submarine pipelines. Major works that involve large scale coastal works (MBMP only) may require declaration of a works area.

¹⁴ Other includes activities such as conducting a developmental fishery program, traditional use of marine resources, operating a fishing industry service vessel, aquatic events, sporting events, fireworks display, and taking of broodstock.

¹⁵ State-only permissions relate to the GBRCMP, GSMP and MBMP.

Category	Number current as at 30/06/2024	Number issued	Number refused, suspended or cancelled
Commercial Activity Agreements under section 52 of the Marine Parks Regulation 2017			
Tourism ¹⁶ (excluding Whale Watching)	5	1	0
Whale Watching	20	4	1
Other (e.g. filming, competitive & corporate events)	8	3	0

¹⁶ Includes commercial tour operations within the ex-HMAS Tobruk Area of the GSMP which are a prescribed commercial activity under section 126 of the Marine Parks Regulation 2017.

Table B – Enforcement activity under the MP Act and related subordinate legislation during 2023–24

Category		Number
Penalty infringement notices	Number issued	90
	Number withdrawn	5
	Number of court elects	7
	Number of reviews	8
Formal investigations	Number completed	2
Prosecutions	Number progressed in 2023–24	4
	Number of matters finalised in 2023–24	5

Table C – Prosecutions finalised with conviction by a court¹⁷ under the MP Act and related subordinate legislation during 2023–24

Party	Statute	Marine Park	Description	Court result		
				Court date	Penalty	Costs (legal and investigative)
Individual	Marine Parks Regulation 2017	Great Barrier Reef Marine Park	One charge of entering or using a marine park for a prohibited purpose, contrary to section 135(1)(a) of the Marine Parks Regulation 2017.	17/10/2023	\$13,000 fine Conviction recorded	\$1,750 legal costs \$101.40 court costs
Individual	<i>Marine Parks Act 2004</i>	Moreton Bay Marine Park	Three charges of wilfully entering a marine park for a prohibited purpose involving the taking of natural or cultural resources, contrary to section 43(1)(a) of the <i>Marine Parks Act 2004</i> .	15/01/2024	\$8,000 fine No conviction recorded	\$250 legal costs
Individual	<i>Marine Parks Act 2004</i>	Moreton Bay Marine Park	One charge of entering a marine park for a prohibited purpose contrary to section 43 of the <i>Marine Parks Act 2004</i> .	08/05/2024	\$80,000 fine Conviction recorded 9 months imprisonment (wholly suspended for 18 months)	\$750 legal costs \$101.40 court costs
Individual	Marine Parks Regulation 2017	Great Barrier Reef Marine Park	One charge of entering a restricted access area contrary to section 124(1) of the Marine Parks Regulation 2017. One offence of bringing a domestic animal onto tidal land within the Great Barrier Reef Marine Park, contrary to section 158(2) of the Marine Parks Regulation 2017.	20/06/2024	\$300 fine No conviction recorded	\$250 legal costs \$200 investigation costs \$50.50 court costs
Individual	Marine Parks Regulation 2017	Great Barrier Reef Marine Park	One charge of entering a restricted access area contrary to section 124(1) of the Marine Parks Regulation 2017. One offence of bringing a domestic animal onto tidal land within the Great Barrier Reef Marine Park, contrary to section 158(2) of the Marine Parks Regulation 2017.	20/06/2024	\$200 fine No conviction recorded	\$250 legal costs \$200 investigation costs

¹⁷ Prosecutions under the *Marine Parks Act 2004*, Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004, Marine Parks (Great Sandy) Zoning Plan 2017/2024, Marine Parks (Moreton Bay) Zoning Plan 2019, and Marine Parks Regulation 2017.

Table D – Summary of accreditations¹⁸ in place over State marine parks during 2023–24

Marine Park	Party or instrument accredited	Purpose	Date issued	Expiry date ¹⁹
Moreton Bay Marine Park	Oyster Industry Plan for Moreton Bay Marine Park (Department of Agriculture and Fisheries)	Oyster industry	22/04/2016	N/A
Great Sandy Marine Park	Great Sandy Regional Marine Aquaculture Plan (Department of Agriculture and Fisheries)	Aquaculture	23/01/2012	N/A
Great Barrier Reef Coast Marine Park	Whitsundays Plan of Management 1998	Protection and conservation of identified values	18/09/2020	N/A
	Woppaburra TUMRA (Queensland Parks and Wildlife Service (QPWS)/GBRMPA)	Traditional Use of Marine Resources	30/06/2014	29/06/2025 ²⁰
	Yirrganydji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	29/04/2014	30/04/2027 ²⁰
	Lama Lama TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	01/08/2013	31/07/2025 ²⁰
	Yuku-Baja-Muliku TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	16/08/2013	30/06/2025 ²⁰
	Gunggandji TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	28/06/2016	30/06/2025 ²⁰
	Wuthathi TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	25/06/2008	30/06/2025 ²⁰
	Darumbal TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	29/11/2021	31/01/2037
	Port Curtis Coral Coast TUMRA ²¹ (QPWS/GBRMPA)	Traditional Use of Marine Resources	02/04/2019	02/04/2029
	Girringun TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	06/11/2019	31/10/2029
	Mandubarra TUMRA (QPWS/GBRMPA)	Traditional Use of Marine Resources	04/04/2018	04/04/2028

¹⁸ State-only and joint State-Commonwealth accreditations.

¹⁹ There is no requirement to specify an expiry date for accreditations (other than TUMRAs), however, an accreditation requires review if a new zoning plan for the marine park, to which it applies, is made.

²⁰ This TUMRA is a continuation of a previous agreement as an extension to the original expiry date has been granted. The TUMRA continues to remain in effect until a 'new' TUMRA with the traditional owners is executed.

²¹ TUMRA extends into Great Sandy Marine Park.

Marine Park	Party or instrument accredited	Purpose	Date issued	Expiry date ¹⁹
	The University of Queensland	Limited impact research	10/02/2006	N/A
	Australian Museum	Limited impact research	10/02/2006	N/A
	The Queensland Museum	Limited impact research	10/02/2006	N/A
	Central Queensland University	Limited impact research	10/02/2006	N/A
	University of Sydney	Limited impact research	10/02/2006	N/A
	Department of Agriculture and Fisheries (Qld)	Limited impact research	10/02/2006	N/A
	James Cook University	Limited impact research	10/02/2006	N/A
	The University of Technology, Sydney	Limited impact research	04/08/2006	N/A

Table E – Summary of other legislative provisions²² in place over State marine parks during 2023–24

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

²² State-only and joint State-Commonwealth.