

Queensland



*Marine Parks Act 1982*

# **MARINE PARKS REGULATION 1990**

**Reprinted as in force on 1 July 2003  
(includes commenced amendments up to 2003 SL No. 137)**

**Reprint No. 1D**

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# Queensland



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# MARINE PARKS REGULATION 1990

[as amended by all amendments that commenced on or before 1 July 2003]

## PART 1—PRELIMINARY

### 1 Citation

This regulation may be cited as the *Marine Parks Regulation 1990*.

### 4 Definitions

In this regulation—

“**aircraft**” means a machine or device that can derive support in the atmosphere from the reactions of the air or from buoyancy; it includes a helicopter but does not include a hovercraft.

“**apparatus**” means any net, dilly, crab pot, crayfish pot, dredge, implement, gear, equipment, contrivance, device, trap, spear or spear gun used or capable of being used to take any fish or marine product or a part of any of those things, and any hook, rod, line or underwater breathing equipment whether self-contained or not.

“**designated area**” means an area within a zone set aside by the zoning plan for special management.

“**environmental impact statement**” means a report analysing the environmental effects of a proposal on a marine park.

“**firearm**” means a firearm within the meaning of the *Firearms and Offensive Weapons Act 1979*, and includes—

- (a) a gun or other weapon—
  - (i) that is capable of propelling a projectile by means of an explosive; or
  - (ii) that is capable of propelling a projectile by any other means and which if used in a normal manner is capable of causing bodily harm; or

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- (iii) that is capable of discharging a blank fire cartridge;
- (b) a gun or weapon designed or adapted for the discharge of any noxious, corrosive, or irritant liquid, powder, gas, chemical or substance capable of causing bodily harm;
- (c) any thing whatsoever declared by order in council to be a firearm for the purposes of the *Firearms and Offensive Weapons Act 1979*;
- (d) a gun, weapon or other thing which, if any part or parts thereof were replaced or defect therein or condition thereof were remedied or rectified, would be a gun, weapon or thing defined in paragraph (a), (b) or (c);

but does not include—

- (e) a long-bow;
- (f) a crossbow;
- (g) a spear gun;
- (h) an explosive-powered tool as defined in the *Construction Safety Act 1971*;
- (i) a power head or similar device designed or intended for use in, though or under water;
- (j) a captive bolt weapon or humane killer of the captive-bolt type designed and used solely for the humane killing of live stock;

when not used as a weapon.

**“Great Barrier Reef marine park”** means—

- (a) Cairns Marine Park; or
- (b) Townsville-Whitsunday Marine Park; or
- (c) Mackay-Capricorn Marine Park.

**“H.A.T.”** means highest astronomical tide.

**“highest astronomical tide”** means the highest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

**“L.A.T.”** means lowest astronomical tide.

“**litter**” means any kind of rubbish, refuse or garbage, and any matter that, when in a marine park, causes, contributes to or tends to the defacement or defilement of that marine park.

“**lowest astronomical tide**” means the lowest level of the tides that can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions.

“**marine park**” means a marine park established or continued under the Act.

“**objects and sites of significance**” means objects and sites within a marine park, which are of scientific, cultural or other significance.

“**permission**” means a permission under this regulation to enter or use a marine park.

“**place**” includes any tidal land, tidal waters, building or other structure (including a pier, wharf, jetty, quay, or other like structure), other premises of any kind, an aircraft, a vehicle or vessel.

“**power-head**” means a device by means of which a fish may be taken, being a device that may be attached to a spear or spear gun and that consists of or contains an explosive charge.

“**special permission**” means a permission under this regulation to enter or use a marine park to carry out a tourism activity for which public notice is required to be given or an environmental impact statement is requested.

“**temporary restricted area**” means an area so declared under section 27.

“**the Act**” means the *Marine Parks Act 1982*.

“**unzoned area**” means an area of a marine park in respect of which no zoning plan is in force.

“**vehicle**” includes an off-road vehicle, caravan or trailer.

“**vessel**” includes a ship, boat, hovercraft or hulk and any vehicle that is capable of use on or in water whether floating or submersible and whether or not self-propelled.

“**zone**” means a zone created by a zoning plan.

## 5 Fees

(1) Subject to subsection (2) and section 5A, the fees payable for—

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- (a) assessing an application for a permission to carry out a tourism activity in a marine park are set out in schedule 1, part A; and
- (b) assessing an application for the continuation of a permission mentioned in paragraph (a) are set out in schedule 2, part A.

(2) The fee payable for assessing an application for a permission, or the continuation of a permission, to carry out an activity mentioned in more than 1 item in schedule 1, part A or schedule 2, part A is the higher or highest of the fees payable for the assessment.

(3) The fees payable for a permission, or the continuation of a permission, to carry out a commercial whale watching program in a marine park are set out in schedule 3.

(4) Subject to subsection (5) and section 5A, the fees payable for—

- (a) assessing an application for a special permission are set out in schedule 1, part B; and
- (b) assessing an application for the continuation of a special permission are set out in schedule 2, part B.

(5) The fee payable for assessing an application for a special permission or the continuation of a special permission may be another amount the chief executive considers to be reasonable that is less than the amount otherwise payable.

## **5A Indexation of fees**

(1) This section applies to an application made on or after 1 January 1998 for a permission or the continuation of a permission mentioned in section 5(1) or (4).

(2) The fee for the application is an amount worked out using the formula—

$$\frac{\text{scheduled fee} \times \text{CPI}}{119.1}$$

(3) In the formula—

“**scheduled fee**” is the fee for the application set out in schedule 1 or 2.

“**CPI**” is the all groups consumer price index for Brisbane (calculated using the reference base year 1989-1990) published by the Australian

Statistician for the financial year ending before the calendar year in which the application is made.

(4) In working out the fee under the formula, any part of the result under \$10 must be ignored.

*Example—*

If after applying the formula, the result is \$1 214, the fee is \$1 210.

## **PART 1A—DECLARATION OF MARINE PARKS**

### **5B Area declared to be marine park**

Each area of tidal waters and tidal land described in schedule 4 is set apart and declared as a marine park.<sup>1</sup>

### **5C Constituents of marine park**

For section 15 of the Act, the following are taken to be in a marine park and, for the purposes of the Act, part of an area described in schedule 4—

- (a) the subsoil beneath tidal land in the area to a depth of 1 000 m below the surface of the area;
- (b) the airspace above the area to a height of 915 m above the surface of the area.

### **5D Name of marine park**

Each area set apart and declared as a marine park in schedule 4 has the name given to it in the schedule.

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<sup>1</sup> The latitudinal and longitudinal positions used in the schedule to describe the area are described using the Australian Geodetic Datum 1984.

## **PART 2—ZONING PLANS**

### **6 Contents of zoning plan**

(1) A zoning plan prepared under the Act, or with respect to a marine park shall comprise such maps and other documents as the chief executive determines to be appropriate for the purposes of section 17 of the Act.

(2) Without limiting the generality of subsection (1), a zoning plan may include, within any zone, designated areas.

### **7 Designated areas**

(1) For the purpose of giving effect to the provisions of the zoning plan in respect of a designated area, the chief executive may from time to time by public notice—

- (a) specify the boundary details of the area so designated; and
- (b) specify the requirements which shall apply to the designated area; and
- (c) fix the day on which the specific requirements of the zoning plan in relation to the designated area shall come into operation; and
- (d) fix the day on which, or the period during which, such specific requirements shall cease to operate.

(2) The chief executive may, in respect of an area designated under subsection (1), from time to time by public notice vary the boundary details, specific requirements or the day on which, or the period during which, such specific requirements shall cease to operate.

(3) Public notice, for the purposes of this section, means publication—

- (a) in the gazette; and
- (b) in a newspaper that circulates throughout Queensland.

### **8 Saving**

Nothing in a zoning plan shall be construed as permitting the taking of any animal or plant or permitting any activity that is prohibited by any Act or other law.

## **PART 3—PERMISSION TO ENTER OR USE A MARINE PARK**

### **8A Entry and use of zones and designated areas**

A person must not enter or use a zone or designated area other than—

- (a) under a permission under this regulation; or
- (b) for a purpose for which the person may enter or use the zone or designated area under a zoning plan; or
- (c) under section 14.

Maximum penalty—100 penalty units.

### **9 Application for permission to enter or use marine park**

(1) An application for a permission must be in writing.

(3) An application must specify—

- (a) the name and address of the person (or persons) making the application; and
- (b) the location in the marine park that is to be entered or used; and
- (c) the purposes for which the location is to be entered or used; and
- (d) the proposed place of entry, movements within the marine park and the places where the proposed use is to be carried out; and
- (e) the period in respect of which the permission is sought; and
- (f) the means of transport to be used in respect of the use of, or entry to or departure from the marine park; and
- (g) the apparatus to be used within the marine park.

(4) The chief executive may request an applicant for a permission to give the chief executive further written particulars (including an environmental impact statement) as the chief executive may reasonably require to properly consider the application.

(4A) The particulars requested under subsection (4) are to be given within 60 days of the request, or such longer period as the chief executive allows.

**(4B)** If a fee is payable under section 5(1) or (4), the chief executive must, by written notice, ask the applicant to pay the fee within 60 days of the giving of the notice, or such longer period as the chief executive allows.

**(4C)** If the applicant fails to comply with subsection (4), (4A) or (4B), the application lapses.

**(5)** In considering an application for a permission, but without limiting the power of the chief executive to consider all relevant matters, the chief executive shall have regard to—

- (a) the objectives of the zone or marine park; and
- (b) the orderly and proper management of the marine park; and
- (c) the conservation of the natural resources of the marine park; and
- (d) any management plan for the marine park approved by the Minister pursuant to section 17; and
- (e) the existing use and amenity, and the future or desirable use and amenity, of the area and of adjacent areas; and
- (f) the size, extent and location of any proposed use in relation to any nearby use; and
- (g) the likely effects of any proposed use on adjoining and adjacent areas and any possible effects of the proposed use on the environment; and
- (h) the proposed means of access to and egress from the marine park; and
- (i) the use and adequacy of provisions for vehicle, vessel or aircraft mooring, landing, parking, loading and unloading; and
- (j) the nature of the equipment to be used; and
- (k) the arrangements for making good any damage caused to the marine park by the proposed activity.

**(6)** If the chief executive considers that the grant of an application for a permission may restrict the reasonable use of a part of the marine park by persons other than the applicant, the chief executive may give the applicant a written notice that requires the applicant, within a specified period, to give public notice of the application.

**(6A)** The public notice must—

- (a) set out information the chief executive may reasonably require; and

- (b) invite interested persons to make written submissions to the chief executive, in relation to the application, at an address specified in the notice and within a specified period (not less than 30 days).

**(6B)** In subsections (6) and (6A)—

**“public notice”** means a notice published on 2 days in a 14 day period in—

- (a) the gazette; and
- (b) a newspaper that circulates throughout the State; and
- (c) a local newspaper that circulates in the part of the State that is adjacent to the part of the marine park to which the application relates.

(7) Before making a decision in respect of an application for a permission in relation to which public notice is required to be given under subsection (6), the chief executive must give due consideration to any written submissions received in response to such notice.

## **9A When fee payable—commercial whale watching program**

(1) This section applies if—

- (a) a person applies for a permission, or the continuation of a permission, to carry out a commercial whale watching program in a marine park; and
- (b) the chief executive decides to grant the application.

(2) The chief executive must, by written notice, ask the applicant to pay the appropriate fee within 60 days of the giving of the notice.

(3) The applicant must pay the fee before the permission is granted.

(4) If the applicant does not pay the fee within the stated period, the application is taken to have lapsed.

## **10 Grant or refusal of permission**

(1) If a person applies to the chief executive for a permission and has complied with any request duly made by the chief executive for further particulars in relation to the application and has paid all fees applicable, the chief executive must, by notice in writing—

- (a) grant such permission subject to any conditions necessary for the attainment of the objects and purposes of the Act; or
- (b) refuse to grant such permission.

(2) If a permission has been granted subject to conditions pursuant to subsection (1), the chief executive may vary those conditions or impose additional conditions if the chief executive considers that the conditions, as so varied or added to, are necessary for the attainment of the objects and purposes of the Act.

(3) A permission remains in force for the period specified in the permission unless it is sooner surrendered or revoked.

### **10A Restrictions on grant of permission**

(1) The chief executive must not grant a permission to carry out a commercial whale watching program in the following areas of special interest for whales<sup>2</sup>—

- (a) Queensland waters between latitude 24°30' south (approximately 20 km north of Sandy Cape) and latitude 25°30' south (approximately 35 km north of Inskip Point) if there are 20 current permits for the area;
- (b) Queensland waters between latitude 25°30' south (approximately 35 km north of Inskip Point) and latitude 27°05' south (approximately 6 km south of Cape Moreton) including all waters in Moreton Bay west of Moreton, North Stradbroke and South Stradbroke Islands if there are 3 current permits for the area;
- (c) Queensland waters south of latitude 27°05' south (approximately 6 km south of Cape Moreton) excluding all waters in Moreton Bay west of Moreton, North Stradbroke and South Stradbroke Islands.

(2) A reference in subsection (1) to a number of current permits is a reference to the number of any 1 or both of the following types of permits—

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2 Maps showing the boundaries of the areas of special interest for whales are included in the Management Program for the Conservation and Management of Whales and Dolphins (Order Cetacea) in Queensland 1997—2001 approved by the Minister on 8 October 1997. A copy of the management program is available for inspection or purchase at the department's head office and regional offices.

- (a) a commercial whale watching permit under the *Nature Conservation Act 1992*;
- (b) a permission under this regulation.

(3) After the commencement of this subsection, the chief executive must not grant a permission to feed dolphins in a marine park or a zone of a marine park.

(4) However, the chief executive must not refuse to renew, or cancel, a permission under this regulation, in force at the commencement of this subsection, merely because the chief executive may no longer grant a permission to feed dolphins in a marine park or a zone of a marine park.

## **11 Revocation of permission**

(1) The chief executive may, by notice in writing, revoke or suspend a permission on the failure of the holder of the permission to comply with any provision, condition or restriction to which the permission was subject.

(2) The chief executive may exercise the chief executive's power of revocation or suspension notwithstanding that the person to whom the permission has been granted has not been proceeded against for any offence constituted by failure to comply with any provision, condition or restriction to which the permission was subject.

(3) If a permission is revoked or suspended, the person to whom the permission was granted is not entitled to claim or receive any compensation in respect of such revocation or suspension or any expense the person may have incurred in acting or with a view to taking action under the permission.

## **12 Variation of permission**

(1) If a permission has been granted subject to conditions and it appears to the chief executive that (by reason of circumstances that were not foreseen and were not reasonably foreseeable at the time when the permission was granted), damage, degradation or disruption to the physical environment, or the living resources, of the marine park has occurred or there is an imminent threat that such damage, degradation or disruption will occur, the chief executive may revoke, suspend, vary the conditions of or impose additional conditions upon, the permission.

(2) If the chief executive revokes or suspends a permission, varies conditions or imposes conditions on the permission under subsection (1) or section 10(2), the chief executive shall, as soon as practicable, notify the person to whom the permission was granted of the fact.

### **13 Continuation of permission**

If—

- (a) at any time before a permission ceases to be in force, the person to whom that permission was granted applies for a further permission of the same kind in relation to the carrying on of the same activity in the same zone or area; and
- (b) the application has not been granted or refused before the expiration of the period specified in the permission as the period during which the permission remains in force;

the permission shall, notwithstanding the expiration of the original period, remain in force until the application is granted or refused.

### **14 Entry in emergency**

Notwithstanding the provisions of any zoning plan a person may, with or without a vessel, vehicle or aircraft, enter a zone for the purpose of—

- (a) saving a life or avoiding the risk of injury to a human being;
- (b) locating or securing the safety of a vehicle, vessel or aircraft which is, or may be, endangered by stress of weather or by navigational or operational hazards;
- (c) law enforcement;
- (d) dealing with an emergency involving a serious threat to the environment.

## **PART 4—MANAGEMENT PLANS AND PROGRAMS OF WORKS**

### **15 Preparation**

The chief executive may prepare, with respect to an area set apart and declared as a marine park or any zone or designated area thereof—

- (a) a management plan; and
- (b) a program of works.

### **16 Contents**

(1) A management plan shall set out particulars of the manner in which it is proposed to manage the marine park, zone or designated area.

(2) A program of works shall include a schedule of work proposed to be undertaken during a particular period.

(3) In the preparation of a management plan or program of works, the chief executive shall have regard to the following objectives—

- (a) the encouragement and regulation of the use and enjoyment of the marine park, zone or designated area by the public; and
- (b) the protection and conservation within the marine park, zone or designated area of marine products and objects and sites of significance.

### **17 Approval of plans and programs**

(1) Every management plan or program of works prepared by the chief executive must be given to the Minister who may approve the management plan or program of works submitted to the Minister.

(2) A management plan or program of works has force and effect under the Act when it is approved by the Minister.

**18 Amendment etc. of plans and programs**

(1) The chief executive may from time to time prepare amendments to a management plan or program of works approved by the Minister or prepare a management plan or program of works in substitution for a plan or program approved by the Minister or for any part thereof.

(2) Every such amendment to a management plan or program of works shall be furnished to the Minister and, if approved by the Minister, shall have effect in substitution for the previous plan or program.

**PART 5—CONDUCT OF PERSONS****19 Removal of materials etc. prohibited**

A person must not, without a permission—

- (a) remove or cause to be removed from a marine park any ballast, rock, stone, shingle, gravel, boulders, clay, earth, silt, mud, star sand, shell grit, coral limestone or other material whatsoever, or disturb or cause to be disturbed any such material in a marine park; or
- (b) deposit or cause to be deposited in a marine park any filling or other material; or
- (c) do or cause to be done any act which may cause a direct and substantial alteration to the physico-chemical environment in a marine park.

**20 Discharging etc. of wastes**

(1) A person must not, otherwise than in accordance with a permission given for the purposes of this regulation, discharge or deposit household, industrial, commercial or any other waste in a marine park.

(2) Subject to the requirements of any zoning plan or a permission given pursuant to section 22, subsection (1) does not apply—

- (a) to the discharging or depositing of waste in a zone where the relevant zoning plan makes provision for the zone to be used or entered for that purpose;

- (b) to the discharging from a vessel or an aircraft of—
- (i) human waste where the vessel or aircraft, as the case may be, does not contain a storage tank of a kind designed for the storage of human waste; or
  - (ii) offal from a fish caught within a marine park; or
  - (iii) biodegradable waste, other than waste to which subparagraphs (i) and (ii) apply, where the aircraft or vessel, as the case may be, is more than 500 m seawards from the seaward edge of a reef.

## **21 Building prohibited**

A person must not, without a permission, erect or cause to be erected any structure in a marine park.

## **22 Living on vessels, vehicles, aircraft or structures**

A person must not, without a permission, use a vessel, vehicle, aircraft or structure in a marine park for the purpose of a dwelling.

## **23 Littering prohibited**

A person must not deposit litter in a marine park.

## **24 Abandonment of vessels, vehicles or aircraft**

A person must not without a permission cast, place, leave or abandon or cause to be cast, placed, left or abandoned in a marine park any vessel, vehicle or aircraft.

## **25 Introduction of animals, marine products or plants**

Except as provided in section 26, a person must not, without a permission, introduce or cause to be introduced into a marine park any animals, marine products or plants.

## **26 Entry of domestic animals**

(1) For the purpose of this section—

“**specified area**” means—

- (a) all areas within a preservation zone, scientific research zone, marine national park zone or operative seasonal closure area within a marine park;
- (b) an area which the chief executive has declared to be a specified area and for which the chief executive has caused notices to be displayed prohibiting the entry of domestic animals or a class of domestic animals.

(2) Subject to the provisions of any zoning plan in force in respect of an area, a person must not bring any domestic animal into a specified area within a marine park.

(3) Subsection (2) does not apply if—

- (a) such domestic animal is kept on board a vessel, vehicle or aircraft and is not permitted to leave the vessel, vehicle or aircraft while it is in the specified area; or
- (b) such domestic animal is a guide dog accompanying an unsighted or deaf person.

## **27 Temporary restricted areas**

(1) The chief executive may, if a situation exists which the chief executive considers constitutes a risk to human life or a serious threat to the environment, by public notice declare any area within a marine park to be a temporary restricted area.

(2) Public notice for the purposes of this section, means—

- (a) publication in the gazette and in a newspaper that circulates throughout Queensland; or
- (b) if the chief executive considers that an emergency exists, such notice by way of signs, radio announcements or otherwise, as is practicable in the circumstances.

(3) Without a permission, a person—

- (a) must not enter or remain in a temporary restricted area;

- (b) must remove from the temporary restricted area any vessel, vehicle or aircraft.

(4) An area declared as a temporary restricted area shall, unless the declaration is earlier revoked by the chief executive, remain as such for—

- (a) the period of 120 days from the date of its declaration; or
- (b) such lesser time as is specified in the notice by the chief executive; or
- (c) with the concurrence of the Governor in Council, such longer period as may be specified by notice.

## **28 Signs to be obeyed**

A person must obey and comply with any direction expressed in a sign or notice erected pursuant to section 26 or 27.

## **30 Use of firearms**

(1) A person must not use any firearm in an marine park.

(2) Subsection (1) does not apply where a person uses a firearm for the purpose of protecting the person or other persons from shark attack.

## **31 Trading and other activities**

A person must not, in a marine park, without a permission—

- (a) conduct any trade or business, or conduct a fete or stall; or
- (b) advertise any product or service; or
- (c) conduct any public entertainment or public meeting; or
- (d) organise or promote any contest or competition for speedboats, hovercraft or self-propelled vehicles; or
- (e) organise or promote any spearfishing contest or competition other than those arranged by and restricted to bona fide members of a single club or association and involving fewer than 30 participants.

### **32 Disorderly behaviour**

A person must not behave in a disorderly, improper, indecent or unseemly manner within a marine park.

#### **32A Motorised watersports**

(1) This section applies only if a zoning plan for a marine park states that it applies to the marine park or part of the marine park.

(2) A person must not enter or use the marine park, or the part of the marine park stated in the zoning plan, to participate in a motorised watersport including, for example, water skiing, jetskiing or paraflaying.

Maximum penalty—20 penalty units.

(3) However, subsection (2) does not apply to a person using a jetski in the marine park to carry passengers between locations at a speed of less than 4 kn.

## **PART 6—MARINE PRODUCTS**

### **33 Prohibition on taking marine products in marine parks**

(1) Subject to subsection (2), a person must not in a zone or designated area within a marine park—

- (a) use or have in the person's possession, apparatus the use of which in that zone or designated area is not permitted under the zoning plan, unless that apparatus is stowed away and unavailable for immediate use;
- (b) take or have in the person's possession any marine product the taking of which in that zone or designated area is not permitted.

(2) Subsection (1) does not apply if—

- (a) the person holds a permission for the taking of the marine products specified in such permission from the zone or designated area of a zone in a marine park for the purposes of research or marine park management; or

- (b) the person holds a permission for the use of specified devices, explosives or substances in taking marine products for the purpose of research or marine park management.

### **34 Offences relating to spearfishing**

(1) A person must not, in a marine park, use for the purpose of spearfishing—

- (a) an underwater breathing apparatus; or
- (b) a power-head.

(2) Subsection (1) does not apply where a person uses a power-head for the purpose of protecting the person or other persons from attack by shark.

### **35 Prohibition on taking large cod or groper**

A person must not, otherwise than in accordance with a permission, given for the purposes of this section, take, or have in possession in the marine park, a fish of a species of the Family *Serranidae* subfamily *Epinephelinae* (gropers and cods) and having a total length exceeding 1200 mm.

## **PART 7—INSPECTORS**

### **36 Appointment of inspectors**

(1) The chief executive may, by instrument in writing appoint—

- (a) any officer of or person employed by a department of the government or any local government; or
- (b) any police officer;

as an inspector for the purposes of this Act.

(2) An appointment as an inspector may be made by the appointment of the holder of an office without naming the holder and, in every such case, each successive holder of that office shall during his or her continuance in that office be an inspector in terms of such appointment.

(3) The appointment of any person as an inspector pursuant to the *Marine Parks Regulation 1983* shall continue as if the appointment was made under this regulation.

(4) The chief executive may by instrument in writing terminate the appointment of an inspector.

### **37 Identity cards**

(1) The chief executive shall cause to be issued to each inspector an identity card bearing thereon the name, signature and photograph of that inspector.

(2) A person whose appointment as an inspector is terminated shall forthwith return his or her identity card to the chief executive.

### **38 Powers of inspectors**

(1) An inspector at any time may—

- (a) for the purposes of the Act, enter any place in a marine park;
- (b) make such examination, investigation or inquiry as is necessary to ascertain whether the provisions of the Act are being complied with in respect to any place in a marine park;
- (c) question, for the purposes of the Act, a person found by the inspector in any place in a marine park or found by the inspector in possession of any apparatus, to ascertain whether the Act is being complied with and require a person so found to answer the questions put;
- (d) require a person found by the inspector committing an offence against the Act or who the inspector believes on reasonable grounds has committed an offence against the Act, or whose name and address are reasonably required for the purposes of the Act, to state the person's full name and the address of the person's usual place of residence and, if the inspector considers it necessary, the name and address of the usual place of residence of any other person and if the inspector suspects on reasonable grounds that the name and address so stated is false, may require evidence of the correctness thereof;

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- (e) direct a person found by the inspector unlawfully in a marine park or zone or location within a marine park or who has committed or is committing an offence against the Act to leave the marine park or the zone or location within a marine park or to desist from committing the offence, and the person shall comply with such direction;
- (f) require a person to produce to the inspector a permission or other authority under the Act granted and issued to that person or alleged by that person to have been granted and issued to the person, or any record, list or other writing that is required under the Act to be kept or exhibited by that person or that is, in the opinion of the inspector, material to any examination, investigation or inquiry under paragraph (b) and inspect, examine and take copies of or extracts therefrom;
- (g) for the purposes of the Act, stop any person, vessel, vehicle or aircraft in a marine park;
- (h) search any place in a marine park if the inspector suspects on reasonable grounds that an offence against the Act has been or is being committed or is likely to be committed or that there is likely to be in that place any marine product, apparatus, or other thing of any kind with respect to which that offence was or is being committed or is likely to be committed or that will afford evidence as to the commission of that offence, and may break open and search every bag, package, bottle or other receptacle of any kind in that place;
- (i) seize and detain any marine product (and any bag, package, bottle or other receptacle containing it) or any apparatus in respect of which an offence against the Act has been or is being committed or in respect of which the inspector suspects on reasonable grounds that an offence has been or is being committed or that the inspector believes will afford evidence as to the commission of that offence;
- (j) remove any marine product or any apparatus seized by the inspector under the Act from the place where it was seized to such place as the inspector determines, or may allow that marine product or apparatus to remain at the place of seizure and in the latter case make such arrangements as the inspector considers necessary to protect it;
- (k) call to the inspector's aid—

*Marine Parks Regulation 1990*

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- (i) another inspector or a police officer in a case where the inspector is obstructed or has reasonable grounds to believe that the inspector will be obstructed in the exercise of the inspector's powers or the performance of the inspector's functions and duties;
  - (ii) a person who the inspector thinks is competent to assist the inspector in the exercise of the inspector's powers or the performance of the inspector's functions and duties;
- (l) use such force as is reasonably necessary in the exercise of the powers or the performance of the functions and duties conferred or imposed upon the inspector by the Act;
- (m) by notice in writing, require—
- (i) any person found by the inspector in possession of any apparatus or marine product that the inspector is, under the Act, authorised to seize, to deliver the same to the inspector or to a third person specified in the notice at the place and within the time specified therein;
  - (ii) the holder of a permit or other authority under the Act to notify the inspector forthwith upon that holder's arrival in the port specified in the notice and of all marine products in the holder's possession;
  - (iii) the holder of a permit or other authority under the Act upon the notification referred to in subparagraph (ii) being given, to produce for inspection by the inspector or a third person specified in the notice such marine products notified as being in the holder's possession as are specified in the notice.

(2) For the purposes of gaining entry to any place in the marine park an inspector may call to the inspector's aid such persons as the inspector thinks necessary and those persons, while acting in aid of an inspector in the lawful exercise by the inspector of the inspector's power of entry, shall have a like power of entry.

(3) Where an inspector makes any requirement of a person in pursuance of section 38(1) or (2) the inspector must, if required by that person, produce his or her identity card for inspection by that person.

(4) A person is not obliged under the Act to answer any question or give any information or evidence tending to incriminate the person.

**39 Report by inspector**

Upon the seizure or detention of any marine product or apparatus by an inspector, the inspector must within 14 days submit a written report to the chief executive setting out—

- (a) the circumstances of the seizure or detention;
- (b) the arrangements made by the inspector for the temporary safe keeping or protection of the marine product or apparatus so detained or seized.

**40 Return of marine products or apparatus**

A marine product or apparatus which has been seized or detained by an inspector must be returned, where practicable, to the person to whom it was taken within 12 months from the date of such seizure or detention except where such marine product or apparatus—

- (a) is required by the chief executive for any proceeding for an offence against the Act which is not finally determined, in which case, but subject always to paragraph (b), it shall be returned within 30 days of the final determination of such proceedings; or
- (b) is forfeited in accordance with the provisions of the Act or a zoning plan.

**PART 8—MISCELLANEOUS****42 Offences and penalties**

(1) A person who contravenes or fails to comply with any provision of this regulation commits an offence against this regulation.

(2) A person who—

- (a) fails to do that which the person is directed or required to do; or
- (b) does that which the person is forbidden to do;

by a person acting under the authority of this regulation commits an offence against this regulation.

(3) A person who fails to comply with a condition imposed on him or her by the chief executive, being a condition to which the grant of a permission under this regulation was made subject, commits an offence against this regulation.

(4) A person who commits an offence against this regulation is liable to a penalty not exceeding 100 penalty units.

### **43 Liability for offences**

If, by the use of a vessel or aircraft, an offence is committed against any section, each of the following persons commits the offence and punishable accordingly, whether or not the person did the act that constitutes the offence—

- (a) the master or other person in charge of the vessel, or the person in charge of the aircraft, at the time the offence is committed;
- (b) the owner of the vessel or aircraft (including each person who is co-owner of, or an owner of any part or share in, the vessel or aircraft) at the time the offence is committed.

### **44 Giving of notices**

Without prejudice to any other method of giving notice, the chief executive may give a notice to a person by sending the notice by post addressed to the person at his or her last known place of residence or business.

**SCHEDULE 1****FEEs FOR ASSESSMENT OF APPLICATION FOR  
PERMISSION TO CARRY OUT TOURISM ACTIVITY**

section 5(1) and (4)

**PART A**

	\$
<b>1.</b> Activity that requires the use of an aircraft or vessel with a capacity of—	
(a) 1–24 passengers . . . . .	440.00
(b) 25–50 passengers . . . . .	640.00
(c) 51–100 passengers . . . . .	1 150.00
(d) 101–150 passengers . . . . .	1 920.00
(e) 151 or more passengers. . . . .	3 200.00
<b>2.</b> Activity that requires the use of a facility or structure in a marine park . . . . .	1 400.00
<b>3.</b> Activity not mentioned in item 1 or 2 . . . . .	440.00

**PART B**

	\$
<b>4.</b> Activity for which—	
(a) public notice is required to be given. . . . .	5 120.00
(b) an environmental impact statement must be prepared	
(i) for an activity in a Great Barrier Reef marine park . . . . .	69 130.00
(ii) for an activity in another marine park. . . . .	25 600.00

**SCHEDULE 2****FEEES FOR ASSESSMENT OF APPLICATION FOR  
CONTINUATION OF PERMISSION TO CARRY OUT  
TOURISM ACTIVITY**

section 5(1) and (4)

**PART A**

	\$
<b>1.</b> Activity that requires the use of an aircraft or vessel with a capacity of—	
(a) 1–24 passengers .....	440.00
(b) 25–50 passengers .....	510.00
(c) 51–100 passengers .....	700.00
(d) 101–150 passengers .....	1 020.00
(e) 151 or more passengers.....	1 280.00
<b>2.</b> Activity that requires the use of a facility or structure in a marine park .....	1 400.00
<b>3.</b> Activity not mentioned in item 1 or 2 .....	440.00

**PART B**

	\$
<b>4.</b> Activity for which—	
(a) public notice is required to be given.....	1 920.00
(b) an environmental impact statement must be prepared.....	3 200.00

**SCHEDULE 3****FEES FOR PERMISSION, OR CONTINUATION OF  
PERMISSION, TO CARRY OUT A COMMERCIAL  
WHALE WATCHING PROGRAM**

section 5(3)

	\$
<b>1.</b> Permit for vessel with a length of—	
(a) 15 m or less . . . . .	531.00
(b) more than 15 m but not more than 20 m . . . . .	850.00
(c) more than 20 m . . . . .	1 593.00
<b>2.</b> Daily fee for each passenger—	
(a) passenger less than 5 years . . . . .	nil
(b) passenger 5 years or more but less than 15 years . . .	1.25
(c) passenger 15 years or more . . . . .	2.45

## **SCHEDULE 4**

### **AREAS DECLARED TO BE MARINE PARKS**

sections 5B and 5D

#### **PART 1—MORETON BAY MARINE PARK**

##### **1 Name of marine park**

The name Moreton Bay Marine Park is assigned to the area set apart and declared as a marine park in section 2.

##### **2 Area declared to be marine park**

(1) The area of tidal waters and tidal land (other than freehold tidal land) enclosed by the boundary that—

- (a) starts at the most easterly point of H.A.T. level at Caloundra Head; and
- (b) then runs in a generally south-easterly direction along a geodesic that is tangential to, and connects with, an arc of 3 n miles radius from 26°58.80' south, 153°29.00' east (Flinders Reef), at a point on the arc generally north-east of its centre; and
- (c) then runs in a generally south-easterly and then generally southerly direction along the arc to the parallel of latitude 26°58.80' south (the most easterly point of the arc); and
- (d) then runs in a generally southerly direction along a geodesic to a point 3 n miles east of the most easterly point of North Stradbroke Island; and
- (e) then runs in a generally southerly direction along a line 3 n miles seaward of the eastern side of North Stradbroke Island and South Stradbroke Island to a point 3 n miles east of the most easterly point of the Gold Coast Seaway rock wall on South Stradbroke Island; and

## SCHEDULE 4 (continued)

- (f) then runs in a westerly direction along the parallel of latitude to the most easterly point of the H.A.T. line on the Gold Coast Seaway rock wall on South Stradbroke Island; and
- (g) then runs in a generally westerly and then generally north-westerly direction along the H.A.T. line along the southern edge of the rock wall to the intersection of the H.A.T. line by the 27°56.00' south parallel of latitude on the western side of South Stradbroke Island; and
- (h) then runs in a westerly direction along the parallel of latitude to the point where it intersects the 153°25.15' east meridian; and
- (i) then runs in a generally northerly direction along successive geodesics that run in turn to each of the following points—
  - (i) 27°55.08' south, 153°24.73' east;
  - (ii) 27°53.79' south, 153°24.22' east;
  - (iii) 27°53.12' south, 153°24.33' east;
  - (iv) 27°52.77' south, 153°24.55' east;
  - (v) 27°52.59' south, 153°24.73' east;
  - (vi) 27°51.98' south, 153°24.54' east; and
- (j) then runs in a generally south-westerly direction along successive geodesics that run in turn to each of the following points—
  - (i) 27°52.13' south, 153°23.91' east;
  - (ii) 27°52.45' south, 153°23.72' east;
  - (iii) 27°52.60' south, 153°23.56' east;
  - (iv) 27°52.64' south, 153°23.37' east;
  - (v) 27°52.69' south, 153°23.14' east; and
- (k) then runs in a generally south-westerly direction along a geodesic to the point 27°52.85' south, 153°22.93' east, under the bridge linking Jabiru Island to Oxley Drive, Paradise Point; and
- (l) then runs in a generally southerly direction along successive geodesics that run in turn to each of the following points—
  - (i) 27°52.97' south, 153°22.90' east;

## SCHEDULE 4 (continued)

- (ii) 27°53.31' south, 153°22.88' east; and
- (m) then runs in a generally southerly direction along a geodesic to the point on the eastern bank of Coombabah Creek at which the H.A.T. line is intersected by an imaginary extension of the northern property boundary of lot 7V on W311837 (Daisy Elms Park); and
- (n) then runs in a generally south-westerly direction along the H.A.T. line along the south-eastern bank of Coombabah Creek and Coombabah Lake to the intersection of the H.A.T. line by the north-eastern side of the Gold Coast Highway bridge spanning Coombabah Creek at Helensvale; and
- (o) then runs in a generally north-westerly direction along the north-eastern side of the bridge to the intersection of the north-eastern side of the bridge by the H.A.T. line on the north-western bank of Coombabah Creek; and
- (p) then runs in a generally north-easterly direction along the H.A.T. line on the north-western side of Coombabah Lake and Coombabah Creek to the most easterly point of lot 65 on W3134, Helensvale; and
- (q) then runs in a generally westerly direction along a geodesic to the H.A.T. line at the most southerly point of lot 322 on RP81555; and
- (r) then runs in a generally north-easterly and then generally northerly direction along the H.A.T. line to the most north-easterly point of the H.A.T. line on the south bank of Hope Harbour in the vicinity of Boykambil, Hope Island; and
- (s) then runs in a generally northerly direction along successive geodesics that run in turn to each of the following points—
  - (i) 27°52.15' south, 153°22.84' east;
  - (ii) 27°51.70' south, 153°22.85' east;
  - (iii) 27°51.56' south, 153°22.76' east;
  - (iv) 27°51.39' south, 153°22.60' east;
  - (v) 27°51.31' south, 153°22.12' east;
  - (vi) 27°51.12' south, 153°21.83' east; and

## SCHEDULE 4 (continued)

- (t) then runs in a generally north-westerly direction along a geodesic that passes through the most westerly point of the boundary of lot 2 on RP50850 to the intersection of the geodesic by the H.A.T. line on the north bank of the north branch of the Coomera River; and
- (u) then runs in a generally easterly and then generally northerly direction along the H.A.T. line to the point where the boundary started.

(2) However, the area does not include the following non-freehold tidal waters and tidal land—

- (a) in the vicinity of Jabiru Island—the bridge that connects Broadwater Avenue and Oxley Drive to Jabiru Island;
- (b) in the vicinity of the unnamed creek immediately south of Hope Harbour—all areas upstream from the eastern side of the Boykambil Esplanade road crossing;
- (c) in the vicinity of the Pimpama River—all areas upstream from the eastern side of the Kerkin Road crossing;
- (d) in the vicinity of Behm Creek—all areas upstream from the eastern side of the Stapylton-Jacobs Well Road crossing;
- (e) in the vicinity of Logan River—all areas upstream from a geodesic drawn between the most easterly point of the boundary of lot 94 on S31102 and a point on the H.A.T. line on the south-eastern bank of Logan River south-east (at a bearing of 135°) of the most easterly point of the boundary of lot 94 on S31102;
- (f) in the vicinity of Weinam Creek—the area of Special Lease No. 50765A over lot 200 on SL12672;
- (g) in the vicinity of Moogurrapum Creek—all areas upstream from a geodesic drawn between the most southerly point of lot 101 on RP887472 and the most westerly point of lot 992 on RP894060;
- (h) in the vicinity of Erapah Creek—all areas upstream from the north-eastern side of the Cleveland-Redland Bay Road crossing;
- (i) in the vicinity of Toondah Harbour—lot 19 on CP904126;
- (j) in the vicinity of Ross Canal, Raby Bay—all areas landward of a geodesic drawn between the most north-easterly point of the

## SCHEDULE 4 (continued)

H.A.T. line on the western side of the mouth of Ross Canal and the most north-westerly point of the H.A.T. line on the eastern side of the mouth of Ross Canal;

- (k) in the vicinity of Endeavour Canal, Raby Bay—all areas landward of a geodesic drawn between the most north-easterly point of the H.A.T. line on the western side of the mouth of Endeavour Canal and the most north-westerly point of the H.A.T. line on the eastern side of the mouth of Endeavour Canal;
- (l) in the vicinity of Hilliards Creek—all areas upstream from a geodesic drawn between the most southerly point of lot 3 on RP 219149 and the most westerly point of lot 2 on RP165282;
- (m) in the vicinity of Wood Canal, Birkdale—all areas upstream from a geodesic drawn between the most easterly point of the H.A.T. line on the western side of the mouth of Wood Canal and the most westerly point of the H.A.T. line on the eastern side of the mouth of Wood Canal;
- (n) in the vicinity of Tingalpa Creek—all areas upstream from the north-eastern side of the Brisbane to Cleveland railway line crossing;
- (o) in the vicinity of Lota Creek—all areas upstream from the eastern side of the Brisbane to Cleveland railway line crossing;
- (p) in the vicinity of Manly Boat Harbour—all areas landward of a geodesic drawn between the most easterly point of the H.A.T. line on the rock wall forming the northern side of the entrance to Manly Boat Harbour and the most northerly point of the H.A.T. line on the rock wall forming the southern side of the entrance to Manly Boat Harbour;
- (q) in the vicinity of Fisherman Islands and Brisbane River—all areas landward of the boundary that—
  - (i) starts at the most easterly point of the H.A.T. line on the existing Fisherman Islands rock wall; and
  - (ii) then runs in a generally north-easterly direction to the point 27°21.27' south, 153°12.07' east; and

## SCHEDULE 4 (continued)

- (iii) then runs in a generally north-westerly direction along a geodesic to the point 27°20.68' south, 153°11.00' east, on the north-western side of the Brisbane River Entrance Channel; and
- (iv) then runs in a generally south-westerly direction along a geodesic to the most easterly end of the northern boundary of lot 41 on SL482 in the vicinity of Luggage Point;
- (r) in the vicinity of Luggage Point—lot 41 on SL482;
- (s) in the vicinity of Jubilee Creek—lot 52 on SL3587;
- (t) in the vicinity of the Brisbane Airport proposed cross-runway extension—all areas landward of the boundary that—
  - (i) starts on the H.A.T. line at the intersection of the H.A.T. line with the meridian 153°07.56' east; and
  - (ii) then runs in a generally north-westerly direction along a geodesic to the point 27°20.55' south, 153°06.91' east; and
  - (iii) then runs in a generally south-westerly direction along a geodesic to the point 27°20.74' south, 153°06.56' east; and
  - (iv) then runs in a generally south-easterly direction along a geodesic to the point of intersection between the H.A.T. line and the meridian 153°06.88' east;
- (u) in the vicinity of Shultz Canal (Kedron Brook Floodway), Brisbane Airport—all areas upstream from a geodesic drawn between the most easterly point of the H.A.T. line on the western side of the mouth of Shultz Canal and the most northerly point of the H.A.T. line in the vicinity of Jacksons Creek on the eastern side of the mouth of Shultz Canal;
- (v) in the vicinity of Nundah Creek—all areas upstream from the northern side of the Gateway Arterial Road crossing;
- (w) in the vicinity of Cabbage Tree Creek—all areas upstream of the boundary that—
  - (i) starts on the H.A.T. line at Shorncliffe, in the vicinity of Baxters Jetty, at the intersection of the H.A.T. line by an imaginary extension of the south-western side of Sunday Street, Shorncliffe; and

## SCHEDULE 4 (continued)

- (ii) then runs in a generally south-easterly direction along a geodesic that forms a continuation of the imaginary extension of the south-western side of Sunday Street, to the mid channel line of Cabbage Tree Creek; and
- (iii) then runs in a generally south-westerly direction along the mid channel line to the point of juncture of the mid channel line with the mid channel line of Nundah Creek; and
- (iv) then runs in a generally south-westerly direction along a geodesic to the most northerly point of the H.A.T. line in the vicinity of the juncture of the south bank of Cabbage Tree Creek and the south-western bank of Nundah Creek;
- (x) in the vicinity of Bald Hills Creek—all areas upstream from a geodesic formed by an imaginary extension of the south-western property boundary of lot 232 on SL3085 in a generally south-easterly direction to the H.A.T. line on the eastern bank of Bald Hills Creek;
- (y) in the vicinity of Pine River—all areas upstream from a line 50 m downstream from, and parallel to, the eastern side of the Bruce Highway (Gympie Arterial Road) crossing;
- (z) the 2 bridges in the vicinity of Hays Inlet that connect Clontarf and Brighton;
- (za) in the vicinity of Hays Inlet—all areas upstream from the eastern side of the Anzac Avenue road crossing;
- (zb) in the vicinity of Scarborough Boat Harbour—all areas landward of a geodesic drawn between the most easterly point of the H.A.T. line on the rock wall forming the northern side of the entrance to Scarborough Boat Harbour and the most westerly point of the H.A.T. line on the rock wall forming the southern side of the entrance to Scarborough Boat Harbour;
- (zc) in the vicinity of Newport Waterways Canal Estate—all areas upstream from a geodesic drawn between the most northerly point of the H.A.T. line on the western side of the mouth of Albatross Canal and the most north-westerly point of the H.A.T. line on the eastern side of the mouth of Albatross Canal;

## SCHEDULE 4 (continued)

- (zd) in the vicinity of the Little Burpengary Creek—all areas upstream from a geodesic formed by an imaginary extension of the northern property boundary of lot 31 on RP133297 in a generally westerly direction to the H.A.T. line on the western bank of Little Burpengary Creek;
- (ze) in the vicinity of the Burpengary Creek—all areas upstream from a geodesic formed by an imaginary extension of the eastern property boundary of lot 1 on RP51144 in a generally northerly direction to the H.A.T. line on the northern bank of Burpengary Creek;
- (zf) in the vicinity of the Caboolture River—all areas upstream from a geodesic formed by an imaginary extension of the north-eastern property boundary of lot 24 on S31125 in a generally north-westerly direction to the H.A.T. line on the northern bank of Caboolture River;
- (zg) in the vicinity of King Johns Creek—all areas upstream from the south-western side of the Beachmere Road;
- (zh) the bridge that connects Benabrow Avenue, Bellara, Bribie Island to the Caboolture-Bribie Island Road at Toorbul;
- (zi) in the vicinity of the western branch of Bells Creek—all areas upstream of the western branch of Bells Creek from the parallel of latitude that passes through the most northerly point of lot 10 on RP812042, west of the most northerly point of lot 10 on RP812042;
- (zj) in the vicinity of the northern branch of Bells Creek—all areas upstream from a geodesic formed by an imaginary extension of the northern property boundary of lot 14 on RP857217 in a generally westerly direction to the H.A.T. line on the western bank of the creek;
- (zk) in the vicinity of Lamerough Creek, Golden Beach—all areas upstream from the eastern side of Landsborough Parade;
- (zl) in the vicinity of Dux Creek—all areas upstream from a geodesic drawn between the most southerly point of the H.A.T. line on the northern side of the mouth of Dux Creek and the most westerly point of the H.A.T. line on the southern side of the mouth of Dux Creek.

## SCHEDULE 4 (continued)

(3) Also, the area includes the following freehold tidal waters and tidal land—

- (a) all tidal waters and tidal land of lot 212 on WD5230 and lot 4 on RP841229 (Phil Hill Environmental Park);
- (b) in the vicinity of Behm Creek—all tidal waters and tidal land of lot 495 on W311031 and lot 258 on WD943;
- (c) all tidal waters and tidal land of lot 4 on RP184503 (Point Halloran Conservation Area);
- (d) all tidal waters and tidal land of R244 (Geoff Skinner Reserve);
- (e) in the vicinity of Glass Mountain Creek—all tidal lands and tidal waters of lot 24 on C31539, lot 2 on RP93905, lot 26 on C31778 and lot 35 on C311542.

## **PART 2—TRINITY INLET/MARLIN COAST MARINE PARK**

### **3 Name of marine park**

Trinity Inlet/Marlin Coast Marine Park.

### **4 Area of marine park**

The Trinity Inlet/Marlin Coast Marine Park consists of the tidal waters and tidal land within the boundaries of the management areas described in sections 5 to 7, but does not include—

- (a) protected areas dedicated or declared under the *Nature Conservation Act 1992*; and
- (b) alienated tidal land, other than alienated tidal land mentioned in this part.

## SCHEDULE 4 (continued)

**5 Trinity Inlet management area**

(1) The Trinity Inlet management area consists of—

- (a) the Trinity Inlet fish habitat area<sup>3</sup> as it was immediately before the commencement of the *Marine Parks (Trinity Inlet/Marlin Coast) Zoning Plan 2001*, section 9; and
- (b) Ellie Point sand reserve, the boundary of which—
  - (i) starts at the H.A.T. line on the right bank of the Barron River at the point 16°52' south and 145°46' east; and
  - (ii) then runs along the geodesic line towards the most northerly point of False Cape until the intersection with the L.A.T line on the western side of Trinity Inlet; and
  - (iii) then runs in a southerly direction along the L.A.T. line to a point due east of Ellie Point; and
  - (iv) then runs due west to Ellie Point; and
  - (v) then runs from Ellie Point to the south eastern corner of lot 51 on plan NR3159; and
  - (vi) then follows the eastern boundary of lot 51 on plan NR3159 to the point where the boundary started.

(2) The Trinity Inlet management area includes the alienated tidal land within the following—

- (a) lots 1 to 4 on plan C19823;
- (b) lot 92 on plan NR3051;
- (c) lot 146 on plan NR7874;
- (d) lot 151 on plan NR4172;
- (e) the part of lot 1 on RP736304 within the Trinity Inlet fish habitat area.

(3) The Trinity Inlet management area does not include the following—

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3 See the *Fisheries Regulation 1995*, schedule 7, section 71 (Trinity Inlet) and plan FHA-003.

## SCHEDULE 4 (continued)

- (a) the area within 10 m either side of the centre-line of the vehicular track that traverses lot 151 on plan NR4172 to Swallows Landing;
- (b) the area within 10 m either side of the centre-line of the vehicular track from Airport Avenue to the sand stockpile area on lot 1 on RP736304;
- (c) the sand stockpile area on lot 1 on RP736304.

**6 Marlin Coast management area**

(1) The Marlin Coast management area consists of—

- (a) the Marlin Coast between White Cliffs and the Barron River, the boundary of which—
  - (i) starts at the most easterly point on the mainland at the right bank of the mouth of the Barron River at the H.A.T. line; and
  - (ii) then runs in a north-easterly direction for approximately 10 km until it reaches the point 16°48.5' south and 145°50.5' east; and
  - (iii) then runs in a north-westerly direction for approximately 5.5 km until it reaches the point 16°47' south and 145°46' east; and
  - (iv) then runs along the 5 km line in a generally northerly and north-westerly direction to its intersection with the 500 m line around Korea Reef (16-080); and
  - (v) then follows the 500 m line around Korea Reef in a south-westerly direction to the most southerly point of the 500 m line; and
  - (vi) then runs in a generally westerly direction to the most southerly point of the 500 m line around Yule Reef (16-081); and
  - (vii) then runs in a south-westerly direction along the geodesic line to the H.A.T. line at the most easterly point of White Cliffs; and

## SCHEDULE 4 (continued)

- (viii) then runs in a generally southerly and south-easterly direction along the H.A.T. line on the mainland to the point where the boundary started on the right bank of the Barron River; and
- (b) Half Moon Creek, the boundary of which—
- (i) starts on the right bank of the mouth of Half Moon Creek at the north eastern corner of lot 50 on plan USL9567; and
  - (ii) then runs along the eastern boundary of the lot in a southerly direction to the north-eastern corner of lot 34 on plan USL9567 where the boundaries of the 2 lots meet; and
  - (iii) then runs in a southerly and easterly direction along the eastern boundary of lot 34 on plan USL9567 to the north-eastern corner of lot 3 on plan USL9661; and
  - (iv) then runs in a southerly and westerly direction to the most northerly corner of lot 187 on plan NR6708; and
  - (v) then follows the eastern boundary of the lot in a southerly direction to the eastern boundary of lot 3 on plan USL9661; and
  - (vi) then runs in a southerly and westerly direction along the boundary of the lot to the eastern boundary of lot 188 on plan NR6708; and
  - (vii) then runs in a south-westerly direction along the eastern boundary of the lot to the southern boundary of lot 3 on plan USL9661; and
  - (viii) then runs in a westerly and northerly direction along the southern boundary of the lot to the south-eastern corner of lot 2 on plan USL9661; and
  - (ix) then runs in a westerly and northerly direction along the southern boundary of the lot to the most westerly corner of lot 27 on plan USL9569; and
  - (x) then runs in a northerly and then south-easterly direction along the western boundary of the lot to the left bank of Half Moon Creek; and
  - (xi) then runs downstream along the left bank of Half Moon Creek to the creek mouth; and

## SCHEDULE 4 (continued)

- (xii) then crosses the mouth of the creek to the point where the boundary started on the right bank of Half Moon Creek; and
- (c) Yorkeys Creek and Richters Creek, the boundary of which—
  - (i) starts at the north-eastern corner of lot 105 on plan USL9612 at a point where the lot meets the esplanade and the H.A.T. line; and
  - (ii) then runs generally southerly following the seaward boundary to the south-eastern corner of the lot; and
  - (iii) then runs in a southerly direction to the mouth of Richters Creek; and
  - (iv) then follows the right bank of Richters creek upstream to the south western corner of lot 121 on plan NR840892; and
  - (v) then follows the boundary of the lot in an easterly direction to the north-western corner of lot 235 on plan NR5479; and
  - (vi) then runs in a south-easterly direction along the boundary of the lot to a point where the south-eastern corner of the lot meets Acacia Street, Holloways Beach; and
  - (vii) then follows the south-western alignment of Acacia Street generally southerly to Poinsettia Street; and
  - (viii) then runs in a southerly direction along Poinsettia Street to Casuarina Street; and
  - (ix) then runs in a southerly direction along Casuarina Street to the south-eastern corner of lot 1 on plan USL9604; and
  - (x) then runs in a westerly and northerly direction along the boundary of the lot to the boundary of lot 120 on CP857579; and
  - (xi) then runs in a generally westerly direction around the boundary of the lot to the boundary of lot 115 on plan NR3359; and
  - (xii) then runs in a southerly and westerly direction along the boundary of the lot to the right bank of Thomatis Creek; and
  - (xiii) then runs in a north-easterly direction crossing Thomatis Creek to the left bank where the southern corner of lot 16 on plan USL9940 meets the creek; and

## SCHEDULE 4 (continued)

- (xiv) then follows the boundary of the lot in a north-westerly and easterly direction to the right bank of Richters Creek; and
  - (xv) then crosses Richters Creek to the left bank; and
  - (xvi) then follows the left bank of Richters Creek downstream to the northern boundary of lot 12 on plan USL9940; and
  - (xvii) then runs easterly along the northern boundary of the lot to Richters Creek; and
  - (xviii) then runs along the left bank of Richters Creek to the most southerly corner of lot 139 on plan NR3818; and
  - (xix) then follows the western boundary of the lot in a northerly direction to lot 105 on plan USL9612; and
  - (xx) then follows the western boundary of the lot to the point where the boundary started; and
- (d) Barr Creek, the boundary of which—
- (i) starts at the right bank at the mouth of Barr Creek at the most north-easterly corner of lot 72 on RP714006; and
  - (ii) crosses Barr Creek to the north-western boundary of lot 2 on RP857530; and
  - (iii) then follows the boundary of the lot in a south-westerly direction to the eastern boundary of lot 49 on plan N157300; and
  - (iv) then runs in a southerly and easterly direction to the eastern boundary of lot 15 on plan USL9633; and
  - (v) then follows the south-eastern boundary of the lot to the south-eastern boundary of lot 147 on plan NR4789; and
  - (vi) then follows the boundary in a south westerly and northerly direction to the north-western boundary of lot 15 on plan USL9633; and
  - (vii) then follows the left bank to the mouth of Barr Creek; and
  - (viii) then runs in a southerly direction crossing the mouth of Barr Creek to the point where the boundary started; and
- (e) Barron River and Redden Creek, the boundary of which—

## SCHEDULE 4 (continued)

- (i) starts at the most easterly point on the right bank of the mouth of the Barron River at the H.A.T. line; and
- (ii) then follows the right bank of the Barron River upstream to a point 50 m downstream from the Cook Highway bridge; and
- (iii) then crosses the Barron River; and
- (iv) then follows the left bank of the Barron River downstream to the left bank of Redden Creek; and
- (v) then follows the left bank of Redden Creek downstream to the mouth of the creek; and
- (vi) then runs due south to the right bank of Redden Creek; and
- (vii) then follows the right bank of the creek upstream to its intersection with the Barron River; and
- (viii) then runs downstream along the left bank of the Barron River to the mouth of the Barron River; and
- (ix) then runs in a south-easterly direction crossing the Barron River to the point where the boundary started on the right bank of the river.

(2) The Marlin Coast management area does not include the tidal waters and tidal land of the rivers, creeks and streams within its boundaries other than the tidal waters and tidal land of Half Moon Creek, Yorkeys Creek, Richters Creek, Barr Creek, Redden Creek and the Barron River mentioned in subsections (1)(b), (c), (d) and (e).

## **7 Wonga Beach management area**

(1) The Wonga Beach management area consists of—

- (a) the area between the Mossman River and a point on the mainland approximately 4 km south of the mouth of the Daintree River, the boundary of which—
  - (i) starts at the H.A.T. line at the most north-easterly corner of lot 5 on USL8735 on the right bank at the mouth of the Mossman River; and

## SCHEDULE 4 (continued)

- (ii) then runs due east along the geodesic line to the 5 km line; and
  - (iii) then runs generally northerly, north-easterly and north-westerly along the 5 km line to the point 16°20' south and 145°28' east; and
  - (iv) then runs along the geodesic line in a north-westerly direction to the H.A.T. line at the point 16°19' south and 145°24.5' east; and
  - (v) then runs generally southerly, south-easterly and south-westerly along the H.A.T line to the point where the boundary started on the right bank of the mouth of the Mossman River; and
- (b) Saltwater Creek, the boundary of which—
- (i) starts at the south-eastern corner of lot 5 on plan SR906 at the H.A.T. line; and
  - (ii) then runs in a westerly and then northerly direction along the southern boundary of the lot to the right bank of Coop Creek; and
  - (iii) then runs in a northerly line across Coop Creek to the intersection of the left bank of Coop Creek and the southern boundary of lot 10 on plan N157233; and
  - (iv) then follows the southern boundary of the lot in an easterly direction to the southern boundary of lot 6 on plan SR412; and
  - (v) then follows the boundary of the lot to the south-eastern corner of lot 6 on RP712142; and
  - (vi) then runs in a northerly direction along the eastern boundary of the lot to the point on the right bank of Saltwater Creek directly east of the point where the anabranch diverges; and
  - (vii) then runs north across Saltwater Creek to the left bank; and
  - (viii) then runs downstream along the left bank of Saltwater Creek to the boundary of lot 1 on plan USL8767; and

## SCHEDULE 4 (continued)

- (ix) then runs in a clockwise direction around the northern boundary of the lot to the boundary of lot 1 on plan USL8674; and
  - (x) then runs westerly along the northern boundary of the lot to the meridian of longitude 145° 24.5' east; and
  - (xi) then runs north along the meridian to the southern boundary of lot 42 on plan SR6; and
  - (xii) then runs east then north along the eastern boundary to the north-eastern corner of the lot; and
  - (xiii) then runs due east to the H.A.T. line; and
  - (xiv) then runs in a southerly direction along the H.A.T. line to the left bank of the mouth of Saltwater Creek; and
  - (xv) then crosses Saltwater Creek and follows the H.A.T. line to the point where the boundary started; and
- (c) the Mossman River, the boundary of which—
- (i) starts at the most easterly intersection of the mainland at the H.A.T. line with the most north-easterly corner of lot 5 on plan USL8735 on the right bank of the mouth of the Mossman River; and
  - (ii) then runs upstream along the right bank of the Mossman River, following the northern, western and southern boundaries of lot 5 on plan USL8735 to a point where the lot meets lot 1 on plan C9641; and
  - (iii) then runs in a south-easterly direction around the boundary of the lot to the most north-westerly corner of lot 3 on plan C9641; and
  - (iv) then runs in a southerly direction along the western boundary of the lot and the adjoining lots 4, 5, 6, 7, 8 and 9 on plan C9641 to the most south-westerly corner of lot 9 on plan C9641; and
  - (v) then runs in a straight line to the north-eastern corner of lot 1 on RP720137; and

## SCHEDULE 4 (continued)

- (vi) then runs in a south-westerly direction along the northern boundary of the lot to the north-eastern corner of lot 11 on RP709171; and
- (vii) then runs in a south-westerly direction along the northern boundary of the lot and the adjoining lot to the west to the most north-easterly corner of lot 12 on RP709171; and
- (viii) then runs in a south-westerly direction along the northern boundary of the lot to its most north-westerly corner; and
- (ix) then runs in a straight line to the most north-easterly corner of lot 265 on plan N15783; and
- (x) then follows the northern and then the eastern boundary of the lot to its most south-westerly corner; and
- (xi) then runs in a southerly direction to the north-eastern corner of lot 1 on plan RL1156 where it meets the south-western corner of lot 4 on plan T4371; and
- (xii) then runs in a westerly direction along the northern boundary of lot 1 on plan RL1156 to the most north-westerly corner of the lot; and
- (xiii) then crosses the Mossman River to the most south-easterly corner of lot 5 on RP711228 on the left bank of the river; and
- (xiv) then runs in a northerly direction along the eastern boundary of the lot to the southern boundary of lot 7 on RP715390; and
- (xv) then runs in an easterly and northerly direction along the southern and eastern boundary of the lot to the most south-westerly corner of lot 1 on plan USL8787; and
- (xvi) then runs in a generally easterly direction along the boundary of the lot to the south-western corner of lot 382 on plan SR864; and
- (xvii) then runs in an easterly direction along the southern boundary of the lot; and
- (xviii) then runs in a straight line to the mouth of the Mossman River; and

## SCHEDULE 4 (continued)

(xix) then runs due south crossing the mouth of the river to the point where the boundary started on the right bank.

**(2)** The Wonga Beach management area does not include the tidal waters and tidal land of the rivers, creeks and streams within its boundaries, other than the tidal waters and tidal land of Saltwater Creek and the Mossman River mentioned in subsection (1)(b) and (c).

## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2003. Future amendments of the Marine Parks Regulation 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

### TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	to 1997 SL No. 73	1 April 1997	5 June 1997
1A	to 1997 SL No. 384	1 December 1997	18 February 1998
1B	to 2001 SL No. 237	1 December 2001	14 December 2001
1C	to 2001 SL No. 283	21 December 2001	11 January 2001 (Column discontinued) Notes
1D	to 2003 SL No. 137	1 July 2003	

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed names and titles	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

### **Marine Parks Regulation 1990**

made by the Deputy Governor on 16 August 1990

pubd gaz 18 August 1990 pp 2323–43

commenced 19 August 1990 (see s 2)

exp 31 August 2003 (see SIA s 56A(2) and SIR s 5 sch 3)

[prev exp 31 August 2002 (see SIA s 56A(2) and SIR s 16 sch 16)]

[prev exp 31 August 2001 (see SIA s 56A(1)(b) and SIR s 11 sch 11)]

[orig exp 1 September 2000 (see SIA s 54)]

amending legislation—

### **regulations published gazette (pre SL series)—**

1 September 1990 p 104

commenced on date of publication

**Marine Parks Amendment Regulation 1991 SL No. 35**

pubd gaz 27 July 1991 pp 1825–7  
 commenced on date of publication

**Marine Parks Amendment Regulation (No. 1) 1993 SL No. 38**

notfd gaz 19 February 1993 pp 597–600  
 commenced on date of notification

**Marine Parks Amendment Regulation (No. 2) 1993 SL No. 195**

notfd gaz 4 June 1993 pp 782–5  
 commenced on date of notification

**Marine Parks Amendment Regulation (No. 1) 1997 SL No. 73**

notfd gaz 27 March 1997 pp 1333–6  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 April 1997 (see s 2)

**Environmental Legislation Amendment Regulation (No. 1) 1997 SL No. 379 pts 1–2**

notfd gaz 7 November 1997 pp 967–8  
 commenced on date of notification

**Marine Parks Amendment Regulation (No. 2) 1997 SL No. 384**

notfd gaz 14 November 1997 pp 1164–5  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 December 1997 (see s 2)

**Marine Parks Amendment Regulation (No. 1) 2001 SL No. 237**

notfd gaz 30 November 2001 pp 1179–82  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 December 2001 (see s 2)

**Environmental Legislation Amendment Regulation (No. 1) 2001 SL No. 283 s 1, pt 6**

notfd gaz 21 December 2001 pp 1482–8  
 commenced on date of notification

**Environmental Legislation Amendment Regulation (No. 1) 2003 SL No. 137 pts 1, 3**

notfd gaz 27 June 2003 pp 749–56  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2003 (see s 2)

## 7 List of annotations

**Commencement**

s 2 om R1 (see RA s 37)

**Repeal**

s 3 om R1 (see RA s 40)

**Definitions**

prov hdg sub 2001 SL 237 s 4(1)

s 4 def “**Director**” om 1997 SL No. 73 s 4(1)

def “**environmental impact statement**” ins 1997 SL No. 73 s 4(2)

def “**Great Barrier Reef marine park**” ins 1997 SL No. 73 s 4(2)

def “**H.A.T.**” ins 1997 SL No. 384 s 4  
 def “**highest astronomical tide**” ins 1997 SL No. 384 s 4  
 def “**impact assessment study**” om 1997 SL No. 73 s 4(1)  
 def “**L.A.T.**” ins 2001 SL No. 237 s 4(3)  
 def “**lowest astronomical tide**” ins 2001 SL No. 237 s 4(3)  
 def “**permission**” sub 1997 SL No. 73 s 4  
 def “**special permission**” ins 1997 SL No. 73 s 4(2)  
 def “**vehicle**” amd 2001 SL No. 237 s 4(2)

**Fees**

s 5 sub 1993 SL No. 195 s 3; 1997 SL No. 73 s 5

**Indexation of fees**

s 5A ins 1997 SL No. 73 s 5

**PART 1A—DECLARATION OF MARINE PARKS**

pt 1A (ss 5B–5D) ins 1997 SL No. 384 s 5

**Contents of zoning plan**

s 6 amd 1997 SL No. 73 s 17

**Designated areas**

s 7 amd 1997 SL No. 73 s 17

**PART 3—PERMISSION TO ENTER OR USE A MARINE PARK**

pt hdg sub 1997 SL No. 73 s 6

**Entry and use of zones and designated zones**

s 8A ins 1997 SL No. 73 s 7

**Application for permission to enter or use marine park**

prov hdg sub 1997 SL No. 73 s 8(1)

s 9 amd 1993 SL No. 195 s 4; 1997 SL No. 73 ss 8(2)–(3), 17, 18

**When fee payable—commercial whale watching program**

s 9A ins 1997 SL No. 73 s 9

**Grant or refusal of permission**

s 10 amd 1997 SL No. 73 s 17, 18

**Restrictions on grant of permission**

s 10A ins 1997 SL No. 379 s 3

**Revocation of permission**

s 11 amd 1997 SL No. 73 s 17, 18

**Variation of permission**

s 12 amd 1997 SL No. 73 s 17, 18

**Continuation of permission**

s 13 amd 1997 SL No. 73 s 18

**Preparation**

s 15 amd 1997 SL No. 73 s 17

**Contents**

s 16 amd 1997 SL No. 73 s 17

**Approval of plans and programs**

s 17            amd 1997 SL No. 73 s 17

**Amendment etc. of plans and programs**

s 18            amd 1997 SL No. 73 s 17

**Removal of materials etc. prohibited**

s 19            amd 1997 SL No. 73 s 19

**Discharging etc. of wastes**

s 20            amd 1997 SL No. 73 s 19

**Building prohibited**

s 21            amd 1997 SL No. 73 s 19

**Living on vessels, vehicles, aircraft or structures**

s 22            amd 1997 SL No. 73 s 19

**Abandonment of vessels, vehicles or aircraft**

s 24            amd 1997 SL No. 73 s 10

**Introduction of animals, marine products or plants**

s 25            amd 1997 SL No. 73 s 10

**Entry of domestic animals**

s 26            amd 1997 SL No. 73 s 17

**Temporary restricted areas**

s 27            amd 1997 SL No. 73 ss 11, 17

**Unlawful entry into or use of zone or designated area**

s 29            om 1997 SL No. 73 s 12

**Trading and other activities**

s 31            amd 1997 SL No. 73 s 19

**Motorised watersports**

s 32A          ins 1997 SL No. 73 s 13

**Prohibition on taking marine products in marine parks**

s 33            amd 1997 SL No. 73 s 14

**Prohibition on taking large cod or groper**

s 35            amd 1997 SL No. 73 s 19

**Appointment of inspectors**

s 36            amd 1997 SL No. 73 s 17

**Identity cards**

s 37            amd 1997 SL No. 73 s 17

**Report by inspector**

s 39            amd 1997 SL No. 73 s 17

**Return of marine products or apparatus**

s 40            amd 1997 SL No. 73 s 17

**Permissions**

s 41 om 1997 SL No. 73 s 15

**Offences and penalties**

s 42 amd 1997 SL No. 73 ss 16, 17, 18

**Giving of notices**

s 44 amd 1997 SL No. 73 s 17

**PART 9—REVOCATION OF MARINE PARKS**

pt 9 (ss 45–47) ins 1993 SL No. 38 s 3

sub 1997 SL No. 384 s 6

exp 1 December 1997 (see s 47)

**SCHEDULE 1—FEES FOR ASSESSMENT OF APPLICATION FOR PERMISSION TO CARRY OUT TOURISM ACTIVITY**

amd reg pubd gaz 1 September 1990 p 104; 1991 SL No. 35 s 3

sub 1993 SL No. 195 s 5; 1997 SL No. 73 s 20

**SCHEDULE 2—FEE FOR ASSESSMENT OF APPLICATION FOR CONTINUATION OF PERMISSION TO CARRY OUT TOURISM ACTIVITY**

ins 1993 SL No. 195 s 5

sub 1997 SL No. 73 s 20

**SCHEDULE 3—FEE FOR PERMISSION, OR CONTINUATION OF PERMISSION, TO CARRY OUT A COMMERCIAL WHALE WATCHING PROGRAM**

ins 1993 SL No. 195 s 5

sub 1997 SL No. 73 s 20; 2001 SL No. 283 s 12; 2003 SL No. 137 s 6

**SCHEDULE 4—AREAS DECLARED TO BE MARINE PARKS**

ins 1997 SL No. 384 s 7

**PART 1—MORETON BAY MARINE PARK**

pt hdg amd 2001 SL No. 237 s 5(1)

**PART 2—TRINITY INLET/MARLIN COAST MARINE PARK**

pt 2 (ss 3–7) ins 2001 SL No. 237 s 5(2)