



Queensland

Marine Parks and Other Legislation Amendment Regulation 2024

Subordinate Legislation 2024 No. 25

made under the

Fisheries Act 1994

Marine Parks Act 2004

State Penalties Enforcement Act 1999

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
Part 2	Amendment of Fisheries (General) Regulation 2019	
3	Regulation amended	4
4	Amendment of sch 3 (Declared fish habitat areas)	4
Part 3	Amendment of Marine Parks (Declaration) Regulation 2006	
5	Regulation amended	10
6	Replacement of s 4 (References to latitudes and longitudes) . . .	10
	4 References to latitudes and longitudes	10
7	Insertion of new s 7A	11
	7A References to fish habitat areas by name	11
8	Insertion of new pt 4	12
	Part 4 Savings and transitional provisions	
	11 Declaration for Acts Interpretation Act 1954, section 20A	12
	12 Continuing entry to, and use of, land under existing development approval	12
9	Omission of pt 5 (Transitional provisions)	13
10	Replacement of sch 3 (Great Sandy Marine Park)	13

Contents

	Schedule 3	Great Sandy Marine Park	13
	1	Area of marine park	13
	2	Area before exclusions	14
	3	Areas excluded from marine park	28
11		Amendment of sch 4 (Dictionary)	34
Part 4	Amendment of Marine Parks Regulation 2017		
12		Regulation amended	34
13		Amendment of s 25 (Amendment by chief executive)	34
14		Amendment of s 26 (Amendment by application)	35
15		Amendment of s 29 (Procedure for non-immediate amendment)	35
16		Amendment of s 30 (Immediate amendment or suspension for safety or conservation)	35
17		Amendment of s 31 (Immediate amendment or suspension for failure to pay fee)	35
18		Omission of ss 34–36	35
19		Omission of s 38 (Replacing permission)	35
20		Replacement of s 39 (Surrender of permission)	35
	39	Surrender of permission	36
21		Amendment of s 50 (Steps to be taken after transfer approved)	36
22		Amendment of s 74 (Term and review of agreements)	36
23		Amendment of s 121 (Reasons for declaring restricted access area)	36
24		Amendment of s 122 (Public notice about declaration)	37
25		Insertion of new s 123A	38
	123A	Approval to enter and use restricted access area	38
26		Amendment of s 124 (Unlawfully entering restricted access area)	39
27		Amendment of s 126 (Declaration of prescribed commercial activity)	39
28		Amendment of s 130 (Public notice about proposed declaration)	39
29		Insertion of new s 131A	40
	131A	Approval to conduct special activity	40
30		Amendment of s 132 (Unlawfully conducting special activity)	41
31		Amendment of s 138 (Entry or use requiring notice)	41
32		Replacement of pt 12, div 1, hdg (Preliminary)	41
33		Amendment of s 179 (Definitions for part)	42
34		Replacement of pt 12, div 2, hdg (Provisions about permissions)	42
35		Replacement of pt 12, div 3, hdg (Provisions about commercial activity agreements)	42
36		Replacement of pt 12, div 4, hdg (Provision about accreditations)	42

37	Replacement of pt 12, div 5, hdg (Provisions about regulatory notices and declarations)	43
38	Replacement of pt 12, div 6, hdg (Other provisions)	43
39	Insertion of new pt 12, div 2	43
	Division 2 Transitional provisions for Marine Parks (Great Sandy Zoning Plan 2024)	
	Subdivision 1 Preliminary	
197	Definitions for division	43
198	References to corresponding part of new marine park	44
	Subdivision 2 Permissions	
199	Continuation of existing permission	44
200	Continuation of inconsistent activity under existing permission	45
201	Existing application for permission for activity no longer requiring permission	46
202	Existing application for permission for inconsistent activity	46
203	Existing application for permission for activity authorised with permission	47
	Subdivision 3 Commercial activity agreements	
204	Existing commercial activity agreement	48
205	Existing expression of interest process for commercial activity agreement	49
206	Existing application for commercial activity agreement	49
	Subdivision 4 Particular notices	
207	Existing regulatory notice	50
208	Existing restricted access area notice	50
209	Existing special activity notice	51
	Subdivision 5 Other matters	
210	References to part of former marine park in a document	51
40	Amendment of sch 6 (Dictionary)	51
Part 5	Amendment of State Penalties Enforcement Regulation 2014	
41	Regulation amended	52
42	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	52

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Marine Parks and Other Legislation Amendment Regulation 2024*.

2 Commencement

This regulation commences on 21 May 2024.

Part 2 Amendment of Fisheries (General) Regulation 2019

3 Regulation amended

This part amends the *Fisheries (General) Regulation 2019*.

4 Amendment of sch 3 (Declared fish habitat areas)

- (1) Schedule 3, entry for Baffle Creek FHA-031—
omit, insert—

Baffle Creek
FHA-031
(revision 1)

The declared fish habitat area excludes the following—

- lot 8 on plan USL43165
- lot 46 on plan FD268
- lot 87 on plan FD963
- lots 114 and 115 on plan FD1124.

The declared fish habitat area excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—

- lot 1 on plan SP143241
- lot 21 on plan USL43249
- lots 32 and 84 on plan FD381
- lot 154 on plan FD752.

(2) Schedule 3, entry for Beelbi FHA-030 (Revision 1)—
omit, insert—

Beelbi
FHA-030
(revision 2)

(3) Schedule 3, entry for Burrum FHA-029 (revision 1)—
omit, insert—

[s 4]

Burrum
FHA-029
(revision 2)

The declared fish habitat area excludes lot 1 on plan AP20962.

The declared fish habitat area excludes land within the following lots that is not tidal land—

- lot 16 on plan USL34557
- lot 45 on plan USL34559
- lots 53 and 65 on plan C37398.

The declared fish habitat area includes the following—

- lot 20 on plan CK3227
- lot 75 on plan CK3132
- the parts of the esplanades that are tidal land between the eastern boundary of lot 11 on SP295518 and the boat ramp identified as HB51 (as shown on the fish habitat plan for the area) near Burrum Heads Road that is within the outer boundary shown on the fish habitat area plan for the area.

(4) Schedule 3, entry for Elliott River FHA-052—

omit, insert—

Elliott River
FHA-052
(revision 1)

The declared fish habitat area excludes lot 21 on plan C371349.

The declared fish habitat area includes the part of the esplanade adjoining the eastern boundaries of lot 11 on RP171643, lot 7 on RP909282 and lot 8 on RP93267, that is within the outer boundary shown on the fish habitat area plan for the area.

(5) Schedule 3, entry for Fraser Island FHA-053—

omit.

(6) Schedule 3, entry for Hay's Inlet FHA-012, column 1 and 2, 'Hay's'—

omit, insert—

Hays

(7) Schedule 3, entry for Kauri Creek FHA–055—

omit, insert—

Kauri Creek
FHA–055
(revision 1) The declared fish habitat area excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—

- lot 3 on plan USL37849
- lot 26 on plan MCH5091
- lot 506 on plan NPW555.

(8) Schedule 3—

insert—

K'gari
FHA–053

(9) Schedule 3, entry for Kinkuna FHA–002 (revision 1)—

omit, insert—

Kinkuna
FHA–002
(revision 2) The declared fish habitat area includes the following—

(a) the part of lot 112 on plan CK3120 within the outer boundary shown on the fish habitat area plan for the area

(b) the part of the esplanade on the northern bank of Coonar Creek within the outer boundary shown on the fish habitat area plan for the area.

(10) Schedule 3, entry for Kolan River FHA–032—

omit, insert—

[s 4]

Kolan River
FHA-032
(revision 1)

The declared fish habitat area excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—

- lot 9 on plan USL43090
- lot 12 on plan USL43095
- lot 27 on plan USL43085
- lot 49 on CP844223
- lots 54 and 58 on plan USL43100
- lot 59 on CP892216
- lot 66 on plan CK2294
- lot 90 on plan C37415
- lots 92 and 189 on plan CK3500.

(11) Schedule 3, entry for Maaroom FHA-056—
omit, insert—

Maaroom
FHA-056
(revision 1)

The declared fish habitat area excludes the following—

- lot 8 on plan USL34791
- lot 13 on plan FS84
- lot 14 on plan MCH1501
- lot 41 on plan MCH2695
- lot 47 on plan MCH3043.

The declared fish habitat area excludes the land within the following lots that is not tidal land within the outer boundary shown on the fish habitat area plan for the area—

- lot 1 on plan AP21285
- lot 1 on plan AP21287
- lot 1 on plan AP23486
- lot 4 on plan AP2756
- lots 4, 5, 7, 8, 9 and 10 on plan USL34794
- lots 7, 8, 9, 10 and 15 on plan USL34793
- lot 9 on plan SP219811
- lots 10 and 15 on plan USL36934
- lot 17 on plan AP20933
- lot 25 on plan SP107058
- lot 38 on plan MCH3464
- lot 46 on plan MCH5105
- lot 49 on plan MCH3542
- lot 506 on plan NPW555.

(12) Schedule 3, entry for Susan River FHA-054—
omit, insert—

[s 5]

Susan River
FHA-054
(revision 1)

- (13) Schedule 3, entry for Tin Can Inlet FHA-064, column 1, after 'FHA-064'—

insert—

(revision 1)

Part 3

Amendment of Marine Parks (Declaration) Regulation 2006

5 Regulation amended

This part amends the *Marine Parks (Declaration) Regulation 2006*.

6 Replacement of s 4 (References to latitudes and longitudes)

Section 4—

omit, insert—

4 References to latitudes and longitudes

- (1) The latitudes and longitudes used to describe an area mentioned in this regulation are worked out using—
- (a) for an area mentioned in schedule 1—AGD84; or
 - (b) for an area mentioned in schedule 2—GDA94; or
 - (c) for an area mentioned in schedule 3—GDA2020.
- (2) In this section—

AGD84 means the Australian Geodetic Datum 1984, commonly called ‘AGD84’, defined in the technical report by Allman, JS and Veebstra, C titled ‘Geodetic Model of Australia 1982’, Technical Report 33, published in 1984 by the Commonwealth Department of Resources and Energy, Division of National Mapping.

GDA94 means the Geocentric Datum of Australia 1994 under the repealed *Recognized-value standard of measurement of position 2012* (No. 1) (Cwlth) as in force immediately before its repeal by the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* (Cwlth).

GDA2020 means the Reference Frame under the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* (Cwlth) as in force on 1 July 2020.

7 Insertion of new s 7A

After section 7—

insert—

7A References to fish habitat areas by name

In schedule 3, a reference to a fish habitat area by name is a reference to the declared fish habitat area of that name, under the *Fisheries Act 1994*, as in effect on the commencement.

Note—

The declared fish habitat areas are mentioned in the *Fisheries (General) Regulation 2019*, schedule 3. See schedule 3 of that regulation as it was in force on the commencement.

[s 8]

8 Insertion of new pt 4

After part 3—

insert—

Part 4 Savings and transitional provisions

11 Declaration for Acts Interpretation Act 1954, section 20A

Section 19, as in force before the commencement, is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.

12 Continuing entry to, and use of, land under existing development approval

- (1) This section applies if—
 - (a) immediately before the commencement—
 - (i) a development approval was in effect; and
 - (ii) the development approval authorised development on land outside the former Great Sandy Marine Park; and
 - (b) on the commencement, the land is situated in the new Great Sandy Marine Park.
- (2) From the commencement, and while the development approval is in effect, a person may continue to enter and use the land, including a structure on the land, for carrying out the development.
- (3) This section applies despite any provision of the *Marine Parks (Great Sandy) Zoning Plan 2024* relating to the entry or use of the land.
- (4) In this section—

development means a development under the *Planning Act 2016* or the repealed *Sustainable Planning Act 2009*.

development approval means a development approval under the *Planning Act 2016* or the repealed *Sustainable Planning Act 2009*.

former Great Sandy Marine Park means the marine park described in schedule 3, as in force immediately before the commencement.

new Great Sandy Marine Park means the marine park described in schedule 3.

9 Omission of pt 5 (Transitional provisions)

Part 5—

omit.

10 Replacement of sch 3 (Great Sandy Marine Park)

Schedule 3—

omit, insert—

Schedule 3 Great Sandy Marine Park

section 10

1 Area of marine park

- (1) The Great Sandy Marine Park consists of the tidal waters and tidal land described in section 2 of this schedule.
- (2) However, the Great Sandy Marine Park does not include—
 - (a) freehold tidal waters and tidal land; and

[s 10]

- (b) tidal waters and tidal land the subject of a perpetual lease or term lease under the *Land Act 1994*; and
- (c) an area that was a protected area under the *Nature Conservation Act 1992* on the commencement; and
- (d) tidal waters and tidal land mentioned in section 3 of this schedule.

2 Area before exclusions

Tidal waters and tidal land within the following boundary—

- (aa) from where the mainland at H.A.T. intersects a prolongation of the southern boundary of the Great Barrier Reef Coast Marine Park as described in schedule 2, part 2, section 1;

Note—

The intersection is near Rules Beach.

- (ab) then easterly along a prolongation of, and along, the southern boundary of the Great Barrier Reef Coast Marine Park to its intersection with the limit of coastal waters;
- (ac) then generally south-easterly and easterly along the limit of coastal waters to where it intersects the meridian of longitude 153°15.000' east;

Note—

The intersection is north of Sandy Cape on K'gari.

- (ad) then generally southerly along the limit of coastal waters to where it intersects the parallel of latitude 25°56.917' south;

Note—

The intersection is south-east of Double Island Point.

- (ae) then west along the parallel of latitude 25°56.917' south to its intersection with the mainland at H.A.T.;
- (af) then generally northerly and southerly along H.A.T. around Double Island Point and north-westerly along H.A.T. on the mainland to where it intersects the meridian of longitude 153°03.850' east;

Note—

The intersection is on the northern shoreline of Inskip Point.

- (ag) then generally southerly along H.A.T. on the mainland to where it intersects the parallel of latitude 25°56.527' south on the eastern side of Searys Creek;
- (ah) then west along the parallel of latitude 25°56.527' south to its intersection with the mainland at H.A.T.;
- (ai) then generally north-westerly and southerly along H.A.T. on the mainland to where it intersects the parallel of latitude 25°56.580' south;
- (aj) then west along the parallel of latitude 25°56.580' south to its intersection with the mainland at H.A.T.;
- (ak) then generally south-westerly along H.A.T. on the mainland to the limit of tidal activity in Carland Creek;
- (al) then generally northerly along H.A.T. on the mainland to where it intersects the meridian of longitude 153°01.230' east, just east of the mouth of Teewah Creek;

[s 10]

- (am) then generally south-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}56.270'$ south on the southern side of Teewah Creek;
- (an) then westerly along a geodesic to where the mainland at H.A.T. intersects the parallel of latitude $25^{\circ}56.320'$ south;
- (ao) then generally northerly and south-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}54.874'$ south on the southern side of Snapper Creek;

Note—

The intersection is near Tin Can Bay.

- (ap) then west along the parallel of latitude $25^{\circ}54.874'$ south to its intersection with the mainland at H.A.T.;
- (aq) then generally northerly and south-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}54.874'$ south;
- (ar) then west along the parallel of latitude $25^{\circ}54.874'$ south to its intersection with the mainland at H.A.T.;
- (as) then generally northerly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}48.368'$ south;
- (at) then generally westerly and north-easterly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}47.636'$ south on the northern side of Kauri Creek;
- (au) then east along the parallel of latitude $25^{\circ}47.636'$ south to where it intersects the meridian of longitude $152^{\circ}56.850'$ east;

- (av) then south along the meridian of longitude 152°56.850' east to its intersection with the mainland at H.A.T.;
- (aw) then generally north-westerly and south-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude 25°45.550' south on the eastern side of Poona Creek;
- (ax) then west along the parallel of latitude 25°45.550' south to its intersection with the mainland at H.A.T.;
- (ay) then generally north-easterly and then westerly along H.A.T. on the mainland to where it intersects the parallel of latitude 25°41.970' south on the western side of Big Tuan Creek, upstream of its confluence with Rocky Creek;
- (az) then east along the parallel of latitude 25°41.970' south to its intersection with the mainland at H.A.T.;
- (ba) then generally north-easterly along H.A.T. on the mainland to where it intersects the parallel of latitude 25°40.365' south on the western side of Little Tuan Creek;
- (bb) then north-easterly along a geodesic to the point of latitude 25°40.343' south, longitude 152°52.547' east;
- (bc) then east along the parallel of latitude 25°40.343' south to where it intersects the meridian of longitude 152°52.630' east;
- (bd) then north-easterly along a geodesic to the point of latitude 25°40.249' south, longitude 152°52.765' east;
- (be) then south-easterly along a geodesic to where the mainland at H.A.T. intersects the parallel of latitude 25°40.295' south;

[s 10]

- (bf) then generally easterly and north-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}36.633'$ south;

Note—

The intersection is on the eastern side of the foreshore park at Maaroom.

- (bg) then generally northerly and southerly along H.A.T. on the mainland around a small spit north of the foreshore park at Maaroom to where it intersects the parallel of latitude $25^{\circ}36.633'$ south;
- (bh) then west along the parallel of latitude $25^{\circ}36.633'$ south to its intersection with the mainland at H.A.T.;
- (bi) then generally north-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}33.531'$ south on the western side of lot 118 on plan NPW567;

Note—

The intersection is on the eastern side of Kalah Creek.

- (bj) then west along the parallel of latitude $25^{\circ}33.531'$ south to its intersection with the mainland at H.A.T.;
- (bk) then generally northerly and westerly along H.A.T. on the mainland to where it intersects the meridian of longitude $152^{\circ}46.904'$ east on the southern side of the Mary River;
- (bl) then north along the meridian of longitude $152^{\circ}46.904'$ east to its intersection with the mainland at H.A.T.;
- (bm) then generally north-easterly along H.A.T. on the mainland to where it intersects the meridian of longitude $152^{\circ}47.419'$ east on

the southern side of an unnamed watercourse on the northern side of lot 2 on plan RP53742;

- (bn) then north along the meridian of longitude $152^{\circ}47.419'$ east to its intersection with the mainland at H.A.T.;
- (bo) then generally north-easterly along H.A.T. on the mainland to where it intersects the meridian of longitude $152^{\circ}50.600'$ east;

Note—

The intersection is near lot 60 on plan M37377.

- (bp) then north along the meridian of longitude $152^{\circ}50.600'$ east to its intersection with the mainland at H.A.T.;
- (bq) then generally north-westerly along H.A.T. on the mainland to where it intersects the meridian of longitude $152^{\circ}49.758'$ east;

Note—

The intersection is on the southern side of the Susan River.

- (br) then north along the meridian of longitude $152^{\circ}49.758'$ east to its intersection with the mainland at H.A.T.;
- (bs) then generally north-easterly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}23.401'$ south on the western side of Bunya Creek near the south-eastern corner of lot 63 on plan M37907;
- (bt) then east along the parallel of latitude $25^{\circ}23.401'$ south to its intersection with the mainland at H.A.T.;
- (bu) then generally south-easterly, northerly and westerly along H.A.T. on the mainland to where it intersects the parallel of latitude

[s 10]

25°16.861' south on the eastern side of
Tooan Tooan Creek;

Note—

The intersection is approximately 30m
downstream from the Esplanade Bridge.

- (bv) then west along the parallel of latitude
25°16.861' south to its intersection with the
mainland at H.A.T.;
- (bw) then generally northerly and southerly along
H.A.T. around Point Vernon to where it
intersects the parallel of latitude 25°16.257'
south on the eastern side of Eli Creek;
- (bx) then west along the parallel of latitude
25°16.257' south to its intersection with the
mainland at H.A.T.;
- (by) then generally westerly along H.A.T. on the
mainland to where it intersects the parallel
of latitude 25°14.830' south on the southern
side of Beelbi Creek;
- (bz) then west along the parallel of latitude
25°14.830' south to where it intersects the
meridian of longitude 152°39.963' east;
- (ca) then south along the meridian of longitude
152°39.963' east to its intersection with the
mainland at H.A.T.;
- (cb) then generally north-westerly and southerly
along H.A.T. on the mainland to where it
intersects the parallel of latitude that passes
through the most southern point of lot 25 on
plan NPW642;

Note—

The intersection is on the eastern side of Beelbi
Creek. Lot 25 on plan NPW642 is known as
Burrum Coast National Park and is located on the
western side of Beelbi Creek.

- (cc) then west along the parallel of latitude that passes through the most southern point of lot 25 on plan NPW642 to its intersection with the mainland at H.A.T.;
- (cd) then generally north-westerly, westerly and southerly along H.A.T. on the mainland to where it intersects the meridian of longitude $152^{\circ}33.812'$ east on the southern side of the Burrum River downstream from Burrum River weir No 1;
- (ce) then north along the meridian of longitude $152^{\circ}33.812'$ east to its intersection with the mainland at H.A.T.;
- (cf) then generally northerly and south-westerly along H.A.T. on the mainland to its intersection, on the southern side of the Cherwell River, with a prolongation of the western boundary of lot 1270 on plan C37509;

Note—

The boundary of the marine park aligns with the upstream boundary of the Burrum Fish Habitat Area in the Cherwell River. Lot 1270 on plan C37509 is located on the northern side of the Cherwell River.

- (cg) then generally northerly along a prolongation of the western boundary of lot 1270 on plan C37509 to its intersection with the mainland at H.A.T.;
- (ch) then generally northerly and westerly along H.A.T. on the mainland to where it intersects the meridian of longitude $152^{\circ}27.135'$ east on the southern side of the Isis River;

Note—

The intersection is approximately 150m downstream of the rail bridge.

[s 10]

- (ci) then north along the meridian of longitude $152^{\circ}27.135'$ east to its intersection with the mainland at H.A.T.;
- (cj) then generally easterly, north-easterly and westerly along H.A.T. on the mainland to where it intersects the meridian of longitude $152^{\circ}27.858'$ east on the southern side of the Gregory River;
- (ck) then north along the meridian of longitude $152^{\circ}27.858'$ east to its intersection with the mainland at H.A.T.;
- (cl) then generally easterly and north-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}04.784'$ south on the southern side of Theodolite Creek;
- (cm) then west along the parallel of latitude $25^{\circ}04.784'$ south to its intersection with the mainland at H.A.T.;
- (cn) then generally south-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}05.137'$ south on the eastern side of Lagoon Creek;
- (co) then west along the parallel of latitude $25^{\circ}05.137'$ south to its intersection with the mainland at H.A.T.;
- (cp) then generally north-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude $25^{\circ}04.361'$ south on the southern side of Theodolite Creek on the western side of lot 116 on plan CK3499;
- (cq) then west along the parallel of latitude $25^{\circ}04.361'$ south to its intersection with the mainland at H.A.T.;
- (cr) then generally easterly and north-westerly along H.A.T. on the mainland to where it

-
- intersects the parallel of latitude 24°58.671' south on the eastern side of Coonarr Creek;
- (cs) then west along the parallel of latitude 24°58.671' south to its intersection with the mainland at H.A.T.;
 - (ct) then generally northerly along H.A.T. on the mainland to where it intersects the parallel of latitude that passes through the most western point of lot 17 on plan CK1084;
 - (cu) then east along the parallel of latitude that passes through the most western point of lot 17 on plan CK1084 to its intersection with the mainland at H.A.T.;
 - (cv) then generally northerly and south-westerly along H.A.T. on the mainland to its intersection with a prolongation of the western boundary of lot 3 on plan RP127815;

Note—

The boundary of the marine park aligns with the upstream boundary of the Elliott River Fish Habitat Area in the Elliott River.

- (cw) then generally northerly along a prolongation of the western boundary of lot 3 on plan RP127815 to its intersection with the mainland at H.A.T.;
- (cx) then generally north-easterly and northerly along H.A.T. on the mainland to where it intersects the parallel of latitude 24°52.392' south on the western side of Palmer Creek;
- (cy) then northerly along a geodesic to where the mainland at H.A.T. intersects the parallel of latitude 24°52.374' south;
- (cz) then generally northerly along H.A.T. on the mainland to where it intersects the parallel of latitude 24°51.754' south on the southern

[s 10]

side of an unnamed creek near lot 89 on plan RP150263;

- (da) then north-westerly along a geodesic to where the mainland at H.A.T. intersects the parallel of latitude $24^{\circ}51.746'$ south;
- (db) then generally north-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude $24^{\circ}50.810'$ south on the northern side of Rifle Range Creek;
- (dc) then north-easterly along a geodesic to where the mainland at H.A.T. intersects the parallel of latitude $24^{\circ}50.807'$ south;
- (dd) then generally north-westerly along H.A.T. on the mainland to where it intersects the meridian of longitude $152^{\circ}27.468'$ east;

Note—

The intersection is near Nielson Park, Bargarra.

- (de) then north-westerly along a geodesic to where the mainland at H.A.T. intersects the meridian of longitude $152^{\circ}27.459'$ east;
- (df) then generally north-westerly along H.A.T. on the mainland to where it intersects the meridian of longitude $152^{\circ}26.062'$ east on the southern side of an unnamed creek near lot 17 on plan RP7212;
- (dg) then north along the meridian of longitude $152^{\circ}26.062'$ east to its intersection with the mainland at H.A.T.;
- (dh) then generally north-westerly along H.A.T. on the mainland to where it intersects a prolongation of the southern boundary of the Port of Bundaberg;

Note—

The limits of the Port of Bundaberg are described in the *Transport Infrastructure (Ports) Regulation 2016*, schedule 2, section 3.

- (di) then northerly along a geodesic to the point of latitude 24°45.175' south, longitude 152°24.825' east;
- (dj) then north-westerly along a geodesic to where the western boundary of the Port of Bundaberg intersects the parallel of latitude 24°43.400' south;
- (dk) then southerly along the western boundary of the Port of Bundaberg to its intersection with the mainland at H.A.T.;
- (dl) then generally westerly along H.A.T. on the mainland to its intersection with the northern boundary of lot 110 on plan C371026;
- (dm) then generally south-westerly along the northern boundary and western boundary of lot 110 on plan C371026 to where it intersects the northern boundary of lot 4 on plan SP203241;
- (dn) then generally westerly along the boundary of lot 4 on plan SP203241 to where it intersects the parallel of latitude 24°44.916' south;
- (do) then west along the parallel of latitude 24°44.916' south to its intersection with the boundary of lot 4 on plan SP203241;
- (dp) then generally north-westerly along the northern boundary of lot 4 on plan SP203241 and then along the eastern boundary of lot 2 on plan SP247033 to where it intersects the eastern boundary of lot 2 on plan RP130787;

[s 10]

- (dq) then generally north-westerly along the eastern boundary and northern boundary of lot 2 on plan RP130787 to the north-western corner of lot 2 on plan RP130787;
- (dr) then northerly along a prolongation of the western boundary of lot 2 on plan RP130787 to where it intersects H.A.T on the foreshore of Moore Park Beach;
- (ds) then generally north-westerly and southerly along H.A.T. on the mainland to its intersection with a geodesic that passes through the following points—
 - latitude 24°44.268' south, longitude 152°10.030' east;
 - latitude 24°44.208' south, longitude 152°09.882' east;

Note—

The boundary of the marine park generally aligns with the upstream boundary of the Kolan Fish Habitat Area in the Kolan River.

- (dt) then generally westerly along a geodesic, that passes through the following points, to its intersection with the mainland at H.A.T.—
 - latitude 24°44.268' south, longitude 152°10.030' east;
 - latitude 24°44.208' south, longitude 152°09.882' east;
- (du) then generally north-easterly and south-westerly along H.A.T. on the mainland to where it intersects the parallel of latitude 24°43.216' south on the eastern side of Yandaran Creek;

- (dv) then west along the parallel of latitude 24°43.216' south to its intersection with the mainland at H.A.T.;
- (dw) then generally north-easterly along H.A.T. on the mainland to where it intersects the parallel of latitude 24°40.180' south;

Note—

The intersection is located on lot 192 on plan CK2847.

- (dx) then east along the parallel of latitude 24°40.180' south to its intersection with the mainland at H.A.T.;
- (dy) then generally north-westerly and south-westerly along H.A.T. on the mainland to where it intersects the meridian of longitude 152°06.210' east on the southern side of Littabella Creek;
- (dz) then north along the meridian of longitude 152°06.210' east to its intersection with the mainland at H.A.T.;
- (ea) then generally northerly and westerly along H.A.T. on the mainland to where it intersects the parallel of latitude 24°31.099' south on the eastern side of Bottle Creek;
- (eb) then west along the parallel of latitude 24°31.099' south to its intersection with the mainland at H.A.T.;
- (ec) then generally westerly along H.A.T. on the mainland to where it intersects the parallel of latitude 24°30.503' south on the southern side of Baffle Creek;
- (ed) then easterly along a geodesic to where the mainland at H.A.T. intersects the parallel of latitude 24°30.478' south on the northern side of Baffle Creek;

[s 10]

- (ee) then generally easterly and north-westerly along H.A.T. on the mainland to the point of commencement.

3 Areas excluded from marine park

- (1) Tidal waters and tidal land within the following areas—

- (a) the Port of Bundaberg;

Note—

The limits of the Port of Bundaberg are described in the *Transport Infrastructure (Ports) Regulation 2016*, schedule 2, section 3.

- (b) the Burnett River;

- (c) lot 11 on plan SP295518;

Note—

The lot is at Burrum Heads, adjoining Lions Park and includes the boat ramp identified as HB58.

- (d) lot 49 on plan AP17243;

Note—

The lot is near Burrum Heads.

- (e) the part of the unnamed tributary of Beelbi Creek, east of the boat ramp at Toogoom, upstream of the geodesic that passes through the following points—

- the north-eastern corner of lot 8 on plan RP45303;
- the point where H.A.T. on the mainland intersects the meridian of longitude 152°40.073' east;

- (f) lot 161 on plan MCH2506;

Note—

The lot is near O'Regan Creek.

- (g) lot 3 on plan SP257049;

Note—

The lot is near Eli Creek.

- (h) the area landward of a line starting at the intersection of the boundary of the marine park and the parallel of latitude $25^{\circ}14.687'$ south, then running progressively—
 - (i) westerly along a geodesic to the point of latitude $25^{\circ}14.702'$ south, longitude $152^{\circ}48.700'$ east; and
 - (ii) southerly along a geodesic to where the mainland at H.A.T. intersects the meridian of longitude $152^{\circ}48.721'$ east;

Note—

The area bounded by these points is on the north-western side of Point Vernon and includes the Gatakers Bay boat ramp identified as HB38.

- (i) the Urangan Boat Harbour, a State managed boat harbour under the *Transport Infrastructure (Public Marine Facilities) Regulation 2023*;
- (j) the area within 500m of the Urangan Boat Harbour;
- (k) the part of Pulgul Creek upstream of the geodesic that passes through the following points—
 - the most eastern point of lot 237 on plan MCH5021;
 - the most northern point of lot 95 on plan MCH3582;
- (l) lot 1 on plan AP2757;

Note—

The lot is near Wangoolba Creek on K'gari.

- (m) lot 1 on plan SP135765;

[s 10]

Note—

The lot is near Inskip.

- (n) Snapper Creek Boat Harbour, a State managed boat harbour under the *Transport Infrastructure (Public Marine Facilities) Regulation 2023*;
- (o) the area landward of a line starting at the intersection of the boundary of the marine park and a parallel of latitude that passes through the most north-western corner of lot 7 on plan CP865252, then running progressively—
 - (i) westerly along a geodesic to latitude 25°53.812' south, longitude 153°03.285' east; and
 - (ii) southerly along a geodesic to latitude 25°53.983' south, longitude 153°03.286' east; and
 - (iii) easterly along a geodesic to where the boundary of the marine park intersects a parallel of latitude that passes through the northern most corner of lot 3 on plan AP23026.

Note—

The area bounded by these points is near Carlo Point and includes the boat ramp identified as WI31.

- (2) Also, the Great Sandy Marine Park does not include the area under, or within 30m of, each of the following boat ramps, jetties, and stand alone pontoons—

Note—

The codes mentioned in most of the following paragraphs are identifier codes used by Maritime Safety Queensland to identify particular recreational boating facilities that it manages.

- (aa) the boat ramp on the north bank of Baffle Creek near Long Island and Flat Rock Road;
- (ab) the boat ramp identified as BT10 on the south bank of Baffle Creek near Rocky Point Road, Winfield;
- (ac) the boat ramp identified as GO11 on the south bank of Baffle Creek near Winfield Road, Winfield;
- (ad) the boat ramp on the north bank of Kolan River adjacent to the caravan park near Miara Road, Miara;
- (ae) the boat ramp identified as GO21 on the north bank of Kolan River near Boat Ramp Road, Miara;
- (af) the boat ramp identified as GO31 on the south bank of Kolan River near Bailles Road, Booyan;
- (ag) the boat ramp identified as WO41 near Burkitt Street, Bargara;
- (ah) the boat ramp identified as WO31 near the Esplanade, Innes Park;
- (ai) the boat ramp identified as WO11 and the stand alone pontoon identified as WO12 on the north bank of Elliott River near McIntosh Avenue, Riverview;
- (aj) the boat ramp on the south side of Theodolite Creek near Theodolite Creek Drive, Theodolite Creek;
- (ak) the boat ramp identified as IS21 near First Avenue, Woodgate;
- (al) the boat ramp identified as IS11 on the north bank of the Burrum River near Manley Smith Drive, Walkers Point;

[s 10]

- (am) the boat ramp identified as IS31 and the stand alone pontoon identified as IS32 on the north bank of Burrum River near Powers Street, Buxton;
- (an) the boat ramp identified as HB46 on the west bank of Burrum River near Walls Camp Road, Pacific Haven;
- (ao) the boat ramp identified as HB62 on the west bank of Burrum River near Power House Road, Howard;
- (ap) the boat ramp identified as HB56 and the stand alone pontoon identified as HB74 on the south bank of Burrum River near Ross Street, Burrum Heads;
- (aq) the boat ramp within the Burrum Heads Caravan Park east of Ross Street, Burrum Heads;
- (ar) the boat ramp identified as HB51 on the south bank of Burrum River near Burrum Heads Road, Burrum Heads;
- (as) the boat ramp identified as HB41 on the south bank of Beelbi Creek near Toogoom Road, Toogoom;
- (at) the boat ramp identified as HB35 near Gables Point on the eastern side of the Point Vernon Headland near Aplin Street, Point Vernon;
- (au) the boat ramp identified as HB26 adjacent to Maryborough Sailing Club near Frank Street, Scarness;
- (av) the boat ramp identified as HB25 adjacent to Hervey Bay Sailing Club near Bideford Street, Torquay;

- (aw) the jetty called ‘the Urangan Pier’, near Dayman Point and Charlton Street, Urangan;
- (ax) the boat ramp identified as HB11 on the north bank of the Mary River on the eastern side of North Head near North Esplanade, River Heads;
- (ay) the barge ramp identified as HB13 on the north bank of the Mary River on the eastern side of North Head near North Esplanade, River Heads;
- (az) the boat ramp identified as HB12 on the north bank of the Mary River on the western side of North Head near North Esplanade, River Heads;
- (ba) the boat ramp identified as MB31 on the south bank of the Mary River near Beaver Rock Road, Beaver Rock;
- (bb) the boat ramp identified as MB51 on the north bank of Maaroom Creek near Granville Road, Maaroom;
- (bc) the boat ramp identified as MB43 at Boonooroo Point near Bates Street, Boonooroo;
- (bd) the boat ramps identified as MB40 and MB41 on the west bank of Big Tuan Creek near Bottlebrush Drive, Tuan;
- (be) the boat ramp identified as MB61 at Poona Point near Owen Cox Street, Poona;
- (bf) the boat ramp identified as TI81 near Boat Ramp Drive, Tinnanbar;
- (bg) the boat ramp adjacent to Log Dump camping area in Tuan State Forest, near Tinnanbar Road on the north bank of Kauri Creek;

[s 11]

- (bh) the boat ramp identified as WI21 at the mouth of Teewah Creek near Toolara Road, Toolara;
 - (bi) the barge ramp identified as WI50 near Bullock Point Road, Bullock Point.
- (3) In this section—
- stand alone pontoon* does not include a floating walkway attached to a boat ramp.

11 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

geodesic means a line between 2 points that follows the curvature of the earth.

Great Barrier Reef Coast Marine Park means the marine park of that name described in schedule 2.

limit of coastal waters means the extent of coastal waters of the State of Queensland under the *Coastal Waters (State Powers) Act 1980* (Cwlth).

Part 4 Amendment of Marine Parks Regulation 2017

12 Regulation amended

This part amends the *Marine Parks Regulation 2017*.

13 Amendment of s 25 (Amendment by chief executive)

Section 25(6), note—

omit.

-
- 14 Amendment of s 26 (Amendment by application)**
Section 26(6), note—
omit.
- 15 Amendment of s 29 (Procedure for non-immediate amendment)**
Section 29(5), note—
omit.
- 16 Amendment of s 30 (Immediate amendment or suspension for safety or conservation)**
Section 30(4), note—
omit.
- 17 Amendment of s 31 (Immediate amendment or suspension for failure to pay fee)**
Section 31(4), note—
omit.
- 18 Omission of ss 34–36**
Sections 34 to 36—
omit.
- 19 Omission of s 38 (Replacing permission)**
Section 38—
omit.
- 20 Replacement of s 39 (Surrender of permission)**
Section 39—

[s 21]

omit, insert—

39 Surrender of permission

- (1) The holder of a permission may, by notice given to the chief executive, surrender the permission.
- (2) The surrender takes effect on the later of the following days—
 - (a) the day the notice is given to the chief executive;
 - (b) the day stated in the notice.

21 Amendment of s 50 (Steps to be taken after transfer approved)

Section 50(4)—

omit.

22 Amendment of s 74 (Term and review of agreements)

Section 74(1) and (2), ‘10 years’—

omit, insert—

15 years

23 Amendment of s 121 (Reasons for declaring restricted access area)

(1) Section 121(1)(c)—

insert—

- (iv) to manage a significant Aboriginal area in the marine park or part in a way that is consistent with Aboriginal tradition; or
- (v) to manage a significant Torres Strait Islander area in the marine park or part in a way that is consistent with Island custom; or

(2) Section 121(1)—

insert—

- (g) to protect infrastructure or equipment for a service in the marine park or part; or

Example of infrastructure—

a water supply facility

Example of equipment for a service—

equipment for generating power

- (h) to ensure the orderly or proper management of the marine park or part.

- (3) Section 121(3)—

insert—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

24 Amendment of s 122 (Public notice about declaration)

- (1) Section 122, heading—

omit, insert—

122 Notice of declaration of restricted access area

- (2) Section 122(1)—

omit, insert—

- (1) Before making a declaration under section 119, the chief executive—
 - (a) must publish a notice of the proposed declaration on the department’s website; and
 - (b) may publish the notice in another way the chief executive considers is reasonably likely to come to the attention of a person who may be interested in making a submission about the proposed declaration.

[s 25]

- (3) Section 122(2), ‘public’—
omit.
- (4) Section 122—
insert—
 - (2A) The chief executive must ensure the notice is published on the department’s website during the stated period.
- (5) Section 122(3), ‘public’—
omit.
- (6) Section 122(2A) and (3)—
renumber as section 122(3) and (4).

25 Insertion of new s 123A

After section 123—

insert—

123A Approval to enter and use restricted access area

- (1) This section applies if the chief executive considers—
 - (a) it is necessary for a person to enter and use a restricted access area declared under a restricted access area notice—
 - (i) for a purpose or reason mentioned in section 121(1)(a) to (g); or
 - (ii) to carry out activities relating to the management of the area; and
 - (b) because of urgency, it would be impracticable for the person to be required to enter or use the area under a permission or commercial activity agreement.
- (2) The chief executive may, by notice given to the

person, approve the entry and use by the person of the restricted access area.

- (3) Subsection (2) is not limited, or otherwise affected, by the restricted access area notice.

26 Amendment of s 124 (Unlawfully entering restricted access area)

- (1) Section 124(1)—

insert—

(ba) enters the area under an approval given under section 123A; or

- (2) Section 124(1)(ba) and (c)—

renumber as section 124(1)(c) and (d).

27 Amendment of s 126 (Declaration of prescribed commercial activity)

- (1) Section 126(1), ‘may, by public notice, declare’—

omit, insert—

may declare

- (2) Section 126(2), ‘public notice’—

omit, insert—

declaration

- (3) Section 126(3), ‘also publish a copy of the public notice’—

omit, insert—

publish the declaration

28 Amendment of s 130 (Public notice about proposed declaration)

- (1) Section 130, heading—

omit, insert—

[s 29]

130 Notice of declaration of special activity

(2) Section 130(1)—

omit, insert—

(1) Before making a declaration under section 128, the chief executive—

- (a) must publish a notice of the proposed declaration on the department’s website; and
- (b) may publish the notice in another way the chief executive considers is reasonably likely to come to the attention of a person who may be interested in making a submission about the proposed declaration.

(3) Section 130(2), ‘public’—

omit.

(4) Section 130—

insert—

(2A) The chief executive must ensure the notice is published on the department’s website during the stated period.

(5) Section 130(3), ‘public’—

omit.

(6) Section 130(2A) to (4)—

renumber as section 130(3) to (5).

29 Insertion of new s 131A

After section 131—

insert—

131A Approval to conduct special activity

(1) This section applies if the chief executive considers—

-
- (a) it is necessary or appropriate for a person to conduct a special activity declared under a special activity notice; and
 - (b) because of urgency, it would be impracticable for the person to be required to conduct the activity under a permission or commercial activity agreement.
- (2) The chief executive may, by notice given to the person, approve the conduct of the special activity.
- (3) Subsection (2) is not limited, or otherwise affected, by the special activity notice.

30 Amendment of s 132 (Unlawfully conducting special activity)

Section 132(1)—

insert—

- (c) under an approval given under section 131A.

31 Amendment of s 138 (Entry or use requiring notice)

Section 138, note 2, paragraph (b), ‘*Marine Parks (Great Sandy) Zoning Plan 2017*, section 51’—

omit, insert—

Marine Parks (Great Sandy) Zoning Plan 2024, section 68

32 Replacement of pt 12, div 1, hdg (Preliminary)

Part 12, division 1, heading—

omit, insert—

Division 1

**Transitional provisions for
SL No. 154 of 2017**

[s 33]

Subdivision 1 Preliminary

33 Amendment of s 179 (Definitions for part)

(1) Section 179, heading, ‘part’—

omit, insert—

division

(2) Section 179, ‘this part’—

omit, insert—

this division

34 Replacement of pt 12, div 2, hdg (Provisions about permissions)

Part 12, division 2, heading—

omit, insert—

Subdivision 2 Provisions about permissions

35 Replacement of pt 12, div 3, hdg (Provisions about commercial activity agreements)

Part 12, division 3, heading—

omit, insert—

Subdivision 3 Provisions about commercial activity agreements

36 Replacement of pt 12, div 4, hdg (Provision about accreditations)

Part 12, division 4, heading—

omit, insert—

Subdivision 4 Provision about accreditations

37 Replacement of pt 12, div 5, hdg (Provisions about regulatory notices and declarations)

Part 12, division 5, heading—

omit, insert—

Subdivision 5 Provisions about regulatory notices and declarations

38 Replacement of pt 12, div 6, hdg (Other provisions)

Part 12, division 6, heading—

omit, insert—

Subdivision 6 Other provisions

39 Insertion of new pt 12, div 2

Part 12—

insert—

Division 2 Transitional provisions for Marine Parks (Great Sandy) Zoning Plan 2024

Subdivision 1 Preliminary

197 Definitions for division

In this division—

corresponding part, of the new marine park, see section 198.

[s 39]

existing permission see section 199(1).

former marine park means the Great Sandy Marine Park described in the *Marine Parks (Declaration) Regulation 2006*, schedule 3, as in force immediately before the commencement.

new marine park means the Great Sandy Marine Park described in the *Marine Parks (Declaration) Regulation 2006*, schedule 3.

new plan means the *Marine Parks (Great Sandy) Zoning Plan 2024*.

repealed plan means the repealed *Marine Parks (Great Sandy) Zoning Plan 2017*.

198 References to *corresponding part* of new marine park

A reference in a provision to the *corresponding part*, of the new marine park, is a reference to the part of the new marine park corresponding to the part of the former marine park mentioned in the provision.

Subdivision 2 Permissions

199 Continuation of existing permission

- (1) This section applies to a permission (an *existing permission*), granted for a part of the former marine park, that was in effect immediately before the commencement.
- (2) From the commencement, the existing permission continues to have effect in relation to the corresponding part of the new marine park until the permission expires or is sooner suspended or cancelled.
- (3) The permission continues to have effect under

subsection (2) as if—

- (a) the *Marine Parks (Declaration) Regulation 2006*, schedule 3, as in force immediately before the commencement, had not been repealed; and
 - (b) the repealed plan had not been repealed and the new plan had not been approved.
- (4) However, the permission does not authorise a person to enter or use the corresponding part of the new marine park for conducting an activity to the extent the granting of a permission to conduct the activity in that part of the park would be inconsistent with the new plan.
- (5) This section is subject to section 200.

200 Continuation of inconsistent activity under existing permission

- (1) This section applies if—
 - (a) before the commencement, a person was authorised under an existing permission to enter or use a part of the former marine park to conduct an activity; and
 - (b) from the commencement, the granting of a permission to conduct the activity in the corresponding part of the new marine park would be inconsistent with the new plan.
- (2) From the commencement, the person continues to be authorised under the existing permission to enter or use the part of the former marine park to conduct the activity as if—
 - (a) the *Marine Parks (Declaration) Regulation 2006*, schedule 3, as in force immediately before the commencement, had not been repealed; and

[s 39]

- (b) the repealed plan had not been repealed and the new plan had not been approved.
- (3) This section stops applying at the end of 120 days after the commencement.

201 Existing application for permission for activity no longer requiring permission

- (1) This section applies if—
 - (a) before the commencement, a person applied to the chief executive for a permission to conduct an activity in a part of the former marine park; and
 - (b) immediately before the commencement, the application had not been withdrawn or decided; and
 - (c) on the commencement, the person is authorised, under the new plan, to do the following without a permission—
 - (i) enter the corresponding part of the new marine park to conduct the activity; or
 - (ii) conduct the activity in the corresponding part of the new marine park.
- (2) On the commencement, the application is taken to have been withdrawn.

202 Existing application for permission for inconsistent activity

- (1) This section applies if—
 - (a) before the commencement, a person applied to the chief executive for a permission to conduct an activity in a part of the former marine park; and

- (b) immediately before the commencement, the application had not been withdrawn or decided; and
- (c) on the commencement—
 - (i) the activity is not authorised to be conducted under a permission in the corresponding part of the new marine park under the new plan; or
 - (ii) the granting of a permission to conduct the activity in the corresponding part of the new marine park would otherwise be inconsistent with the new plan.
- (2) On the commencement, the application is taken to have been refused.
- (3) This section does not apply in relation to an application to which section 201 applies.

203 Existing application for permission for activity authorised with permission

- (1) This section applies if—
 - (a) before the commencement, a person applied to the chief executive for a permission to conduct an activity in a part of the former marine park; and
 - (b) immediately before the commencement, the application had not been withdrawn or decided.
- (2) On the commencement—
 - (a) the application is taken to be an application to conduct the activity in the corresponding part of the new marine park; and
 - (b) the new plan applies in relation to deciding the application.
- (3) This section does not apply in relation to an

application to which section 201 or 202 applies.

Subdivision 3 Commercial activity agreements

204 Existing commercial activity agreement

- (1) This section applies to a commercial activity agreement—
 - (a) authorising a person to enter and use a part of the former marine park for conducting a commercial activity; and
 - (b) that was in effect immediately before the commencement.
- (2) From the commencement, the commercial activity agreement continues in effect for conducting the commercial activity in the corresponding part of the new marine park until—
 - (a) the term of the agreement ends; or
 - (b) the authorisation for conducting the activity under the agreement is suspended; or
 - (c) the agreement is cancelled.
- (3) The commercial activity agreement continues to have effect under subsection (2) as if—
 - (a) the *Marine Parks (Declaration) Regulation 2006*, schedule 3, as in force immediately before the commencement, had not been repealed; and
 - (b) the repealed plan had not been repealed and the new plan had not been approved.
- (4) However, the commercial activity agreement does not authorise a person to enter or use the corresponding part of the new marine park for conducting a commercial activity to the extent the

conduct of the activity in that part of the park would be inconsistent with the new plan.

205 Existing expression of interest process for commercial activity agreement

- (1) This section applies if—
 - (a) before the commencement, the chief executive invited expressions of interest for a commercial activity agreement for conducting a commercial activity in a part of the former marine park; and
 - (b) immediately before the commencement, the chief executive had not decided which, if any, expressions of interest that were submitted should be further negotiated for signing a commercial activity agreement.
- (2) From the commencement—
 - (a) any expression of interest submitted in response to the invitation is taken to be an expression of interest for conducting the commercial activity in the corresponding part of the new marine park; and
 - (b) the new plan applies in relation to deciding which expressions of interest should be further negotiated toward signing a commercial activity agreement.

206 Existing application for commercial activity agreement

- (1) This section applies if—
 - (a) before the commencement, a person applied to the chief executive for a commercial activity agreement for conducting a commercial activity in a part of the former marine park; and

[s 39]

- (b) immediately before the commencement, the chief executive had not made a decision about negotiating the signing of a commercial activity agreement for the application.
- (2) On the commencement—
- (a) the application is taken to be an application for a commercial activity agreement for conducting a commercial activity in the corresponding part of the new marine park; and
 - (b) the new plan applies in relation to deciding the application.

Subdivision 4 Particular notices

207 Existing regulatory notice

- (1) This section applies if, immediately before the commencement, a regulatory notice applied to a part of the former marine park.
- (2) From the commencement, the regulatory notice applies to the corresponding part of the new marine park while the notice is in effect.

208 Existing restricted access area notice

- (1) This section applies if, immediately before the commencement, a restricted access area notice applied to a part of the former marine park.
- (2) From the commencement, the restricted access area notice applies to the corresponding part of the new marine park until the notice is revoked.

209 Existing special activity notice

- (1) This section applies if, immediately before the commencement, a special activity notice applied to a part of the former marine park.
- (2) From the commencement, the special activity notice applies to the corresponding part of the new marine park until the notice is revoked.

Subdivision 5 Other matters

210 References to part of former marine park in a document

- (1) This section applies to a reference to a part of the former marine park in a document mentioned in any of subdivisions 2 to 4 or another document.
- (2) The reference may, if the context permits, be taken to be a reference to the corresponding part of the new marine park.

40 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *unzoned marine park* and *zoned marine park*.

omit.

- (2) Schedule 6—

insert—

unzoned marine park means—

- (a) a marine park to which no zoning plan applies; or
- (b) a part of a marine park that is not in a zone.

zoned marine park means—

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 36(1)	4
s 38(1)	5
s 43(1)	4
s 43(2)	6
s 44(3)	2
s 44(4)	4
s 46	2
s 47(2)	4
s 48(2)	2
s 48(3)	4
s 51	6
s 54(1)	4
s 54(2)	4
s 54(3)	4
s 54(4)	4
s 56(1)	5
s 58(1)	4
s 60	3
s 62(1)	5
s 62(3)	5
s 62(4)	5
s 64	5
s 104(2)	5

[s 42]

Authorised person for service of infringement notices—an inspector appointed under the *Marine Parks Act 2004*, section 52

- (2) Schedule 1, entry for *Marine Parks Regulation 2017*, entries for sections 34(2), 35(2) and 36—

omit.

ENDNOTES

- 1 Made by the Governor in Council on 28 March 2024.
- 2 Notified on the Queensland legislation website on 29 March 2024.
- 3 The administering agency is the Department of Environment, Science and Innovation.

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