

# **Marine Parks (Great Barrier Reef Coast) Amendment Zoning Plan (No. 1) 2016**

Explanatory notes for SL 2016 No. 12

made under the

*Marine Parks Act 2004*

## **General Outline**

### **Short title**

*Marine Parks (Great Barrier Reef Coast) Amendment Zoning Plan (No. 1) 2016*

### **Authorising law**

Section 25 of the *Marine Parks Act 2004*

### **Policy objectives and the reasons for them**

The objective of the amendment zoning plan is to adopt complementary Commonwealth marine park netting restrictions in Bowling Green Bay to support dugong conservation.

In December 2011, the Great Barrier Reef Marine Park Authority (GBRMPA) announced amendments to the Commonwealth *Great Barrier Reef Marine Park Regulations 1983*. These amendments restricted mesh netting in the Species Conservation (Dugong Protection) Special Management Area (SMA) in the Bowling Green Bay segment of the Great Barrier Reef Marine Park. The amendments arose, in part, from community concern expressed over 10 dugong mortalities in the area over a short period of time, with some alleged to be a result of incidental drowning in commercial fishing nets.

GBRMPA and the Department of National Parks, Sport and Racing operate joint management, education, compliance and enforcement of the Great Barrier Reef. While both agencies administer separate zoning plans to manage the Great Barrier Reef Marine Park (Commonwealth) and the Great Barrier Reef Coast Marine Park (State), these zoning plans complement one another in areas of jurisdictional overlap to ensure consistency.

Section 25 (1) of the *Marine Parks Act 2004* allows the Governor in Council to approve an amendment to a zoning plan in accordance with sections 26 and 27, unless the zoning plan is amended to become substantially uniform or complementary with another Act or a law of the

Commonwealth or another State. These amendments are needed to ensure the State *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* remains substantially uniform or complementary with the Commonwealth *Great Barrier Reef Marine Park Regulations 1983*.

Currently under section 56 of the State *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*, a person may only enter or use a SMA in accordance with subsection (a) for netting conducted in accordance with part 2 (Zone rules) of the zoning plan and, (b) complying with the provisions of the State *Fisheries Regulation 2008*, chapter 2, parts 11 and 12.

As the proposed amendment will apply within the boundaries of the SMA it is proposed to incorporate additional requirements into the Species Conservation (Dugong Protection) SMA provisions of the State *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*. The insertion of new provisions will reference the Commonwealth *Great Barrier Reef Marine Park Regulations 1983* (section 47) relevant to 'No netting (other than bait netting)' and 'Restricted netting' areas. The netting restrictions will apply in the Habitat Protection Zone (HP -19-5171) situated in the southern section of Bowling Green Bay.

The details of the proposed netting arrangements are:

1. The 'No netting (other than bait netting)' area, in the northern section of the Habitat Protection Zone, prohibits commercial mesh net fishing with the exception of bait netting.
2. The 'Restricted netting' area abuts the southern boundary of the 'No netting (other than bait netting)' area and extends over the nearshore and intertidal areas to the landward boundary of the Habitat Protection Zone. This area permits bait netting and commercial mesh netting provided it is in accordance with the list of acceptable mesh net dimensions within the Commonwealth's marine park legislation.

These requirements will apply outside any creeks and inlets along the mainland ensuring no impacts on commercial fishers operating in these internal waterways.

The netting requirements and areas to which these apply are described in the proposed amendment zoning plan. A similar drafting model has been adopted for other complementary Commonwealth provisions in the State *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*.

Implementation of complementary netting restrictions in the State zoning plan will ensure requirements extend from the Commonwealth jurisdiction at low water in a portion of Bowling Green Bay to the landward boundary of the State marine park (the high water mark). Netting rules in the remainder of Bowling Green Bay will remain unchanged. The rules for other activities, including recreational fishing and other forms of commercial fishing, also remain unchanged.

The amendments will address the concerns raised by the public regarding dugong mortality and enact an industry agreed approach to support dugong conservation. Further, the proposed amendments will eliminate jurisdictional issues, in terms of compliance, between State and Commonwealth Marine Park boundaries and ensure complementary management is maintained.

## **Achievement of policy objectives**

The policy objective will be achieved by inserting new provisions into the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* that reference the current Commonwealth marine park legislation governing commercial mesh netting in part of Bowling Green Bay. The proposed amendments will further restrict commercial net fishing in the Species Conservation (Dugong Protection) SMA to support dugong conservation. The proposed amendments will also address a key point in the Reef 2050 Long-Term Sustainability Plan by taking action to reduce human-related causes of dugong mortality.

## **Consistency with policy objectives of authorising law**

The amendment Zoning Plan is consistent with the main objectives of the *Marine Parks Act 2004* which is to provide for conservation of the marine environment.

The amendment Zoning Plan will also ensure State legislation remains complementary with the Commonwealth *Great Barrier Reef Marine Park Regulations 1983*.

## **Inconsistency with policy objectives of other legislation**

The amendments are consistent with the policy objectives of other legislation, such as the *Fisheries Act 1994*. It provides for dugong protection consistent with other State and Commonwealth laws governing commercial fishing net restrictions in the Bowling Green Bay area.

## **Benefits and costs of implementation**

Restricting commercial mesh netting activities in a small section of Bowling Green Bay will support government initiatives to protect threatened species and reduce anthropogenic impacts on dugong within Queensland waters. The amendment will specifically address community concerns by implementing an effective measure to help protect dugong and to eliminate any uncertainty between State and Commonwealth management measures. It will ensure seamless legislation for day-to-day management activities effectively making it easier to conduct compliance activities for enforcement agencies. Complementing the Commonwealth provisions on netting in Bowling Green Bay ensures the restrictions are extended into areas not covered by Commonwealth jurisdiction; between high and low water mark.

There are minimal overall costs with implementing the amendment Zoning Plan. No cost to the community, other than commercial net fishers, is expected as allowable activities remain the same. Commercial net fishers are the only group that will be affected; however, these fishers mainly operate in the area where the Commonwealth restrictions apply (i.e. below low water). The majority of commercial net fishers have changed their fishing equipment to ensure compliance with the Commonwealth rules supporting future compliance with the State requirements.

## Consistency with fundamental legislative principles

The amendment Zoning Plan is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## Consultation

The Queensland Office of Best Practice Regulation (OBPR) has been consulted regarding the need to prepare a Regulatory Impact Statement (RIS) for community comment. OBPR has advised that a RIS is not necessary because the amendments are considered unlikely to result in significant adverse impacts.

GBRMPA undertook extensive consultation prior to and when these restrictions first took effect in 2011. GBRMPA consulted with the Queensland Seafood Industry Association (QSIA), the former Department of Environment and Resource Management, the former Fisheries Queensland, and the Queensland Boating and Fisheries Patrol. GBRMPA also consulted with the local fishers who work in the area affected by the proposal through discussions with representatives. All parties consulted, supported the proposal.

Since the introduction of the Commonwealth rules commercial fishers, conservation groups, the Department of Agriculture and Fisheries and GBRMPA, have been expecting the State to adopt complementary marine park measures to provide consistent management and reduce the risk of non-compliance.

The proposed amendments will commence immediately following Governor in Council approval. The QSIA has no objection to the introduction of the State rules in 2016 given the previous support by industry. The majority of commercial net fishers are already undertaking their fishing practices in compliance with the Commonwealth rules.

Education and compliance will assist in raising awareness and the importance of adopting the requirements to support dugong conservation.

No changes to the amendment Zoning Plan were required as a result of the consultation.