



Queensland

Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

Regulatory Impact Statement for SL 2004 No. 240

made under the

Marine Parks Act 1982

Summary

The Queensland Government remains committed to the protection of the Great Barrier Reef.

The commencement of the Commonwealth Government's new *Great Barrier Reef Marine Park Zoning Plan 2003* on 1 July 2004 will create uncertainty for the use and protection of inshore marine resources, due to the complex legal issues in defining the boundary between the Great Barrier Reef Marine Park (GBRMP) and the State of Queensland.

The GBRMP extends from low water to beyond the continental shelf, excluding waters internal to Queensland, while the Queensland marine parks can extend from highest astronomical tide (but are generally declared from mean high water spring tides) and include internal waters.

This Regulatory Impact Statement outlines a proposal to declare an amalgamated State marine park called the Great Barrier Reef Coast Marine Park, which will stretch along the coastline from the tip of Cape York to just north of Baffle Creek and to make a zoning plan for that marine park.

The Queensland Government does not consider it necessary to change the current arrangements in estuaries, rivers, creeks, channels or significant mangrove forests. Therefore the current use of these areas will not be affected. Where these areas are already in a marine park they will be in the

new marine park with the same zoning as they have now, and where they are not in an existing marine park they will not be included in the new one.

There are three key elements to this proposal—

- the same rules will apply in Queensland zones as in the adjacent Commonwealth zones;
- the same zoning will apply across uncertain boundaries; and
- there will be no change in areas where jurisdiction is clear, such as estuaries, rivers, creeks, channels or significant mangrove forests.

Introduction

Purpose

This Regulatory Impact Statement provides information on a proposed Queensland Government response to the new Commonwealth *Great Barrier Reef Marine Park Zoning Plan 2003* and meets the requirements of the *Statutory Instruments Act 1992*.

Background

The Great Barrier Reef is an area of outstanding natural, cultural, social and economic value. There are many benefits to Queenslanders from ensuring its ongoing protection and conservation. The Great Barrier Reef region supports a range of uses, including tourism, commercial, recreational and traditional fishing, cultural activities, aquaculture and shipping.

The Queensland Government continues to develop strategies to protect the Great Barrier Reef. Examples include—

- the Reef Protection Plan is designed to reduce land-based sources of pollution so that water quality in the lagoon improves;
- fisheries management plans are designed to manage the effects of fishing and ensure fisheries are ecologically sustainable;
- the State Coastal Management Plan provides a policy platform to manage developments in the coastal zone; and
- marine parks legislation ensures complementary management regimes with the Great Barrier Reef Marine Park for effective

conservation, management, consistency and continuity across the whole Great Barrier Reef region and adjoining estuarine areas.

It has been recognised since the State and Commonwealth Governments entered into the Offshore Constitutional Settlement in 1979 that the complex jurisdictional interfaces in the Great Barrier Reef made it highly desirable for the State and Commonwealth Governments to put matching and seamless legal and administrative regimes in place across uncertain jurisdictional boundaries. This relates not only to fishing interests, but also to minimising red tape and providing clarity and certainty for recreational users, tourism operators, coastal developers, shipping operators, port managers, Indigenous communities and others.

Queensland is the only Australian State to have a Commonwealth marine park directly adjoining its coast. All Commonwealth marine parks except the Great Barrier Reef Marine Park are restricted by the Offshore Constitutional Settlement to waters three nautical miles or further offshore.

The complementary legal, administrative and management arrangements implemented through the marine park regimes have been instrumental in allowing users of the reef to conduct their business with certainty and in a clear and consistent legal framework, despite the jurisdictional uncertainties. Joint State/Commonwealth marine park permits have been in place since the mid 1980s.

The principle of ecosystem-based management is now widely accepted. This means that conservation measures should not stop at arbitrary jurisdictional boundaries such as low water. The intertidal zone is intrinsically linked to the broader marine ecosystem, for example, many fish species feed in the intertidal area at high tide, and the nutrients that flow out of the mangrove forest in the intertidal area sustain benthic fauna off-shore. It is only through cooperative arrangements that an ecosystem-based approach to managing and conserving marine ecosystems can be implemented.

Current status of marine parks

The Commonwealth Government has declared and zoned four major 'sections' of the Great Barrier Reef, followed by the filling in of 28 small 'excluded areas' along the Queensland coast in 2000–2001, with the support of the Queensland Government. The new Commonwealth zoning plan amalgamates all these sections into one, with a single zoning plan.

The Queensland Government has declared four State marine parks to complement sections of the Great Barrier Reef Marine Park in inshore waters and around offshore islands between Baffle Creek near Bundaberg and Lizard Island near Cooktown (refer to Map 1).

In addition, the Environmental Protection Agency has already undertaken significant planning and public consultation on marine park proposals for eastern Cape York Peninsula and Port Clinton. Draft zoning plans for eastern Cape York Peninsula were released for public comment jointly with the Great Barrier Reef Marine Park Authority in 1998. Similarly, extensive planning for Port Clinton and the adjacent coast was undertaken jointly with the Great Barrier Reef Marine Park Authority following the 1994 Commonwealth Commission of Inquiry into Shoalwater Bay, which recommended extension of the marine parks in the area.

Finalising the planning for the two areas was subsequently put on hold pending outcomes of the Great Barrier Reef Representative Areas Program.

Representative Areas Program

The Commonwealth Government has introduced a new zoning plan based on a Representative Areas Program (RAP). This program sought the best scientific advice on how to protect the Great Barrier Reef. The outcome is a system of highly protected areas selected on the basis of two sets of operational principles .

An independent Scientific Steering Committee developed a package of biophysical principles aimed at protecting the biodiversity of the entire GBRMP. These 11 biophysical principles make recommendations on, for example, the minimum size of no-take areas (green zones) for each of the 70 bioregions in the GBRMP. The biophysical principles helped to guide the implementation of the new green zones during the rezoning process.

Another independent steering committee developed a package of principles to protect the social, economic and cultural values that interest groups have towards the GBRMP. Implementation of these principles, together with input from local communities and stakeholders, will mean the new system of no-take areas (green zones) will be located where they will cause the minimum impact on GBRMP users.

After two extensive phases of public participation a final zoning plan has been approved to commence on 1 July 2004. The Commonwealth's new zoning plan not only creates these new and larger highly protected areas but amalgamates the various sections of the GBRMP into one section with

one zoning plan, therefore creating consistency throughout the GBRMP and streamlining some permitting procedures for researchers, traditional users of marine resources and harvest fisheries.

The new Commonwealth zoning plan increases the area of marine national park zone ('no-take' or 'green' zone) from 4.5 percent to 33.1 percent and decreases the amount of general use zone from 78 percent to 33.8 percent.

The Queensland Government chose to defer further planning for State marine parks until major Commonwealth Government decisions under the RAP were finalised.

The Commonwealth Government has announced there will be a structural adjustment package available to those who incur adverse financial impact from the introduction of the new zoning plan. The recent Commonwealth Budget allocated \$10.2 million towards attenuating the impact of the new zoning arrangement on the commercial fisheries and associated industries.

The issue for Queensland

When the Commonwealth zoning plan commences on 1 July 2004, there will be different rules and zoning between State and Commonwealth marine parks. There will be a number of marine national park 'green' and conservation park 'yellow' zones in the Commonwealth zoning plan, which will not apply in the adjacent intertidal area. Therefore the rules will change at the low water mark. This will create great uncertainty for users and compliance officers, especially in relation to fishing and commercial activities.

The Commonwealth's GBRMP extends from low water to beyond the continental shelf, excluding the internal waters of Queensland such as Hinchinbrook Channel, The Narrows and Gulnare Inlet. Low water is a complex and difficult boundary for legal and administrative purposes. Issues include—

- there are no clear principles to define which bays and channels are internal waters of Queensland and therefore not part of the Commonwealth marine park;
- there are no clear principles for delineating boundaries between jurisdictions across bays, estuaries and river mouths;
- the low water mark constantly moves with erosion and accretion;

- the low water mark is usually covered by water so it is difficult to inform the public of its precise location and is also impractical as a boundary from an enforcement perspective;
- the position of low water is not surveyed or marked in most parts of the coast and in some offshore areas it would be difficult to define owing to lack of survey reference points and tidal data; and
- the above problems are compounded in areas of broken and dissected reef flats around islands.

Therefore, it is impractical to have rules that change at such an indeterminate boundary. It is also in conflict with the principle of ecosystem-based management to have conservation management that stops at the low water mark.

Options

The options available to the Queensland Government are to either, do nothing and not respond to the new Commonwealth zoning plan, or to respond with new State zoning.

Costs and benefits of ‘doing nothing’

Costs

The costs of not addressing jurisdictional uncertainty include—

- the existing joint permitting arrangements between the State and Commonwealth become more complex or unworkable;
- new Commonwealth marine national park ‘green’, conservation park ‘yellow’ and habitat protection ‘dark blue’ zones will not include the full range of inshore habitats;
- net fishing may continue in the intertidal area adjacent to the new Commonwealth conservation park ‘yellow’ zones, potentially conflicting with other user groups;
- there will be uncertainty as to whether fishing can continue from some beaches, as the rules will change at an unknown line in the water; and

- commercial fishers will be unsure of the full impact of the new GBRMP zoning plan, making their decisions in relation to seeking access to the structural adjustment package difficult.

Benefits

There are no benefits of not responding to the new Commonwealth zoning plan at this time.

Assessment

Doing nothing to resolve the issues created by the new Commonwealth zoning plan is not acceptable. It would leave many issues and uncertainties unresolved. It would not be consistent with existing Government commitments to refine the zoning of State marine parks to complement, where practicable, the Great Barrier Reef Marine Park Authority's plans, and to the on-going protection of the Great Barrier Reef.

Proposed Solution

Policy objectives

The Queensland Government aims to—

- conserve the marine biodiversity and world heritage values of the Great Barrier Reef region;
- ensure use of the marine resources of the Great Barrier Reef region is ecologically sustainable; and
- simplify, where practicable, the complex legal situation created by uncertain boundaries between the Queensland and the Commonwealth jurisdictions.

The Queensland Government has previously committed to refining the zoning of State marine parks to complement, where practicable, the GBRMPA's zoning plan.

Proposal

To remove the problems created by an uncertain jurisdictional boundary the same rules should apply on both sides of that boundary. This has been achieved in the past by the use of Queensland Marine Parks legislation.

A new Queensland marine park zoning plan needs to be finalised as a matter of urgency for those intertidal areas of jurisdictional uncertainty immediately adjacent to the inshore boundary of the Commonwealth marine park at low water mark.

Therefore, in recognition of the jurisdictional issues created by the Commonwealth's new zoning plan, and the management aims under which Queensland is operating for the marine park, the following is proposed.

1. Declare a single State marine park in and immediately adjacent to the Great Barrier Reef Region called the Great Barrier Reef Coast Marine Park (GBRCMP) by—
 - creating a new marine park in intertidal waters which are not currently State marine park, but not including estuaries, rivers, creeks, channels or significant mangrove forests; and
 - amalgamating this new marine park and the existing State marine parks to create the GBRCMP.
2. Prepare a new Queensland zoning plan for the GBRCMP that—
 - has the same use and entry provisions for zones as the new Commonwealth zoning plan;
 - has the same zoning as in the new Commonwealth zoning plan where the two marine parks meet at an uncertain jurisdictional boundary; and
 - retains existing zoning in internal waters of Queensland that are already in State marine parks where there is jurisdictional certainty.

The broad intent of this proposal is to create a seamless management regime across the jurisdictional boundary to provide the protection for inshore ecosystems of the Great Barrier Reef and create certainty and clarity for users.

How this proposal would be achieved (legislative intent)

To implement this proposal it is necessary to have new and amended regulations. It is reasonable and appropriate to have a regulatory response because the issue is created by changes to Commonwealth regulation. The response removes the potential for conflict between State and Commonwealth legislation and the uncertainty created by an impractical statutory boundary.

2 A new amalgamated marine park

The single new State marine park, called the Great Barrier Reef Coast Marine Park would be created by the *Marine Parks Amendment and Repeal Regulation 2004*. Firstly, an interim marine park would be declared over those waters adjacent to the Commonwealth's marine park, and this new marine park would then be amalgamated with the existing marine parks in the region to form the new GBRCMP. The existing marine parks would then be repealed. A new boundary for the amalgamated marine park will be included in the regulation using the latest standard for position referencing.

The amalgamated marine park will not include any internal waters of Queensland that are not already in marine parks. (The existing marine parks are shown in dark blue on map 1.) This means the estuaries, rivers, stream and narrow channels of the following areas (shown in pink in map 1) are not to be included in the new marine park.

- Eastern Cape York Peninsula (including Kennedy, Escape, Olive, Pascoe, Lockhart, Nesbit, and Stewart Rivers and numerous other streams)
- Mission Beach to Cardwell
- Lucinda to Cape Cleveland
- Cape Bowling Green to Bowen (including the Burdekin River)
- Eimeo to Armstrong Beach
- Port Clinton to Yeppoon

Port areas, not already in marine parks will also be excluded.

A new zoning plan

A zoning plan for the GBRCMP, the *Marine Parks (Great Barrier Reef) Zoning Plan 2004*, would be made as subordinate legislation under the *Marine Parks Act 1982* with relevant consequential amendments. There are two parts to the zoning plan, firstly the rules that apply to the use of, and entry to, each zone, and, secondly the location of each type of zone.

Use and entry provisions

For consistency, the use and entry provisions need to be the same as in the GBRMP zoning plan. These are summarised in the activity matrix attached.

Some provisions of existing Queensland zoning plans will be retained as they deal with matters solely within State jurisdiction. These include—

- the estuarine conservation zones in the existing Cairns and Trinity Inlet/Marlin Coast Marine Parks; and
- certain designated areas for works and special management.

Zoning arrangements

In undertaking zoning for the GBRCMP the following principles will be applied—

- where the Commonwealth and State marine parks meet at a boundary that is uncertain, then the Commonwealth zoning will be extended to the high water mark or a specified line; and
- existing State zoning will be retained in Queensland internal waters, for example—
 - some bays such as Rodds Bay, Corio Bay and Trinity Inlet;
 - narrow channels such as The Narrows and Hinchinbrook Channel;
 - estuaries such as the Mourilyan River and Daintree River; and
 - significant mangrove forest areas, such as parts of Shoalwater Bay and Broadsound.

Authorising law

The *Marine Parks Act 1982* was introduced to provide for the setting apart of tidal lands and tidal waters as marine parks (ss. 16 and 21) and zoning plans (s.17) thereby facilitating the conservation, management and protection of the marine environment, while allowing reasonable use and enjoyment.

The *Marine Parks Act 1982* was specifically enacted to implement elements of the 1979 Offshore Constitutional Settlement between the

Commonwealth and Queensland Governments and to provide for a complementary management regime for the Great Barrier Reef based on the concepts of large multiple-use marine parks.

Consistency with authorising law

This proposal will achieve the objectives of the *Marine Parks Act 1982* through the declaration of the new GBRCMP and zoning plan to create a complementary management regime with the Commonwealth in the Great Barrier Reef region. This is consistent with the policy intent of the authorising law.

Consistency with other legislation

The proposal will create consistency between State and Commonwealth legislation. In the absence of the proposal there will be major inconsistencies in areas of uncertain jurisdiction, leading to serious problems for users.

Impacts of the proposal (risk assessment)

Benefits

General

The single overall benefit of the Queensland Government's proposal to complement the new GBRCMP zoning plan is that both the State and Commonwealth Governments are able to act together to protect and manage the Reef. This means a significant opportunity for an ecosystem-based management approach for this region of international significance. The long-term protection of inshore marine ecosystems is intrinsic to the health and diversity of the reef. In turn, many Queensland coastal communities and industries depend on this health and vitality to sustain their own economic, social and cultural well-being.

This positive message of protection will help to counter negative international publicity in recent times relating to coral bleaching, Crown-of-Thorns Starfish outbreaks, sedimentation and eutrophication.

Additionally, the proposal removes the need to have two legal regimes (Commonwealth and State) with associated permits and compliance costs. In doing so this approach delivers certainty for tourism and coastal

development, and for all users of the reef who require permits and authorities to carry on their business, such as, scientific researchers and educational institutions who will only need one 'joint' permit.

Conservation

This proposal means that the new marine national park zones will be more ecosystem-based and more representative of the bioregion than if the zone stopped at the jurisdictional boundary. Species and habitats, which cross the low water mark, will still be protected. Habitats that are predominantly in intertidal waters will be represented in new marine national park zones.

Recently documented research in inshore areas of the Moreton Bay Marine Park (south-eastern Queensland) found significantly increased abundance and diversity of fish and benthic organisms inside 'green' zones than in comparable fished areas.

Tourism

The GBRMP is arguably Australia's premier tourism icon and attracts more than 1.6 million commercially guided visitors annually generating over \$1.5 billion of expenditure in the regions adjacent to the Great Barrier Reef. The tourism industry has a demonstrated commitment to sustainable use and protection of the Reef and is generally supportive of proposals for reef protection as this is critical to the long-term sustainability of a reef-based tourism industry.

Tourism generally contributes \$4.3 billion per annum to the gross value of production in the Great Barrier Reef catchment area. This is more than ten times the combined total of commercial and recreational fishing in the same area (\$359 million).

The 48,000 tourism-related jobs ensure that the industry is by far the largest employer in the area. The Productivity Commission estimated that tourism would continue to grow steadily exhibiting a 72 percent increase by 2020. That growth is dependent on the ongoing environmental health of the Great Barrier Reef.

Marine tourism operators in the Great Barrier Reef have proactively supported measures to assess, manage and limit any adverse impact of their commercial activities. This has included strict operating conditions and charges imposed on them in the interest of the long-term sustainability of

the Great Barrier Reef. Any increase in the complexity of the tourism permitting system would impose a financial burden on the industry.

International publicity regarding the Great Barrier Reef has the potential to significantly affect levels of tourism to the region. This proposal sends a clear message to the international community that both State and Commonwealth Governments regard protection of the reef as among their highest priorities. These governments have set aside any potential for differences over jurisdictional issues to protect the Great Barrier Reef and signal that it is well and truly open for business.

The increased focus on nature-based tourism and the international demand for access to Australia's natural wonders are supported by increasing the extent of green 'no take' zones. The larger populations and increased diversity of fish will provide better sites for tourism opportunities.

Recreational fishing

Recreational fishing is a significant component of the community's enjoyment and use of the Great Barrier Reef inshore systems and a major dimension of the tourism industry. There are numerous examples where the GBRMP zoning plan specifically accommodates recreational fishing by having conservation park ('yellow') zone in a narrow strip adjacent to the Queensland coastline.

The new Commonwealth conservation park zones cover approximately 25 percent of the Great Barrier Reef coastline. This proposal will extend those conservation zones to the high water mark thereby increasing the area where recreational fishers are not competing with netting.

It is possible that over time the effect of increased protection afforded by conservation park zone along Queensland's coastline will boost the reputation of this region as a highly desirable fishing opportunity. The flow-on effect of this would be increased expenditure on items such as recreational fishing boats, motors and associated maintenance and support, as well as increased demand for the supply of equipment to support recreational fishing.

The application of conservation park zone does not impact on recreational bag limits under the *Fisheries Act 1994* (Qld).

Recreational fishers need certainty as to where they can and can not fish. This proposal creates certainty by introducing boundaries that can be

clearly communicated to the public. There will be no uncertainty about fishing off the beach, it will either be legal or not.

Commercial fishing

The GBRMPA in an assessment of the impacts of their new zoning plan claims the following benefits to commercial fishing—

- contribution to ecologically sustainable fisheries in the medium to long-term;
- increased numbers and larger individuals of target species than would be otherwise available in the medium to long-term due to ‘spill-over effects’;
- improved recruitment from increased reproductive output (more larvae) in the medium to long-term; and
- improved resilience and maintenance of the ecological sustainability of the Great Barrier Reef ecosystem.

This proposal does not mirror the Commonwealth zoning to the full extent that is available to the Queensland Government. That is, this proposal does not extend Commonwealth zoning into the estuaries, rivers, creek, channels and mangrove forests. To do so would have imposed an unacceptable impact on the mud crab fishery. The Queensland Government chose to limit this proposal to those areas of jurisdictional uncertainty, thus minimising the impact on the crabbing industry. Significant crabbing areas such as the mangrove forests of Shoalwater Bay and Broadsound, the mouth of the Burdekin River, Hinchinbrook Channel and The Narrows will not be affected.

Outlining the Queensland Government’s proposals for zoning in State marine parks will assist fishers to understand the full impacts of the Commonwealth’s zoning plan, for the purposes of considering whether to seek access to the Commonwealth’s structural adjustment package.

Aboriginal and Torres Strait Islander people

The proposed GBRCMP and zoning plan will not impact on any native title rights in those areas.

The increase in green zones will provide benefits to Indigenous people, as traditional use of marine resources will continue in these zones without

competition from other extractive activities. Indigenous communities will be able to formalise their traditional use of marine resources through the development of an agreement with the management agencies.

Researchers

The research and education community will benefit from continued cooperative management arrangements, as this allows for joint permits and a streamlined assessment process.

Costs

Commercial fishing

The total Gross Value of Production (GVP) for commercial fisheries in the Great Barrier Reef is approximately \$130 million per annum. The new Commonwealth zoning plan will remove about 10 percent of this value, that is, around \$13 million per annum.

The Commonwealth Government announced on 11 May 2004 that \$10.2 million over two years would be available in the structural adjustment package for fishers impacted by the new zoning plan. The Commonwealth Department of the Environment and Heritage is managing this package.

The Commonwealth zoning plan and the State zoning resulting from this proposal will impact commercial fishers in the inshore net and mud crab fisheries. The exclusion of mangrove forests and internal waters of Queensland significantly lessens the impact on the crab fishery. Those fishers who are negatively impacted by this proposal should access the Commonwealth structural adjustment package.

The inshore net fishery will be affected in the intertidal area on open beaches and seaward of the mangroves adjacent to the new marine national park and conservation park zones—notably, parts of Bowling Green Bay, Lookout Point to Cape Melville (especially around the Starke River) and Bathurst Head. In other areas there will be a relatively minor impact on the overall fishery. In some localised instances the impact will be significant for individual fishers. In such cases, fishers will need to either adapt their operations, or access the Commonwealth structural adjustment package.

The mud crab fishery will be impacted on the foreshore in front of mangrove forests in the new areas of marine national park and conservation

park zone. These areas are in Shoalwater Bay, parts of Broadsound, parts of Bowling Green Bay, southern Cleveland Bay, Missionary Bay on Hinchinbrook Island and Starke River.

However, this proposal does not extend the Commonwealth zoning to the fullest extent possible, that is, into the estuaries, rivers, creeks, channels and significant mangrove forests. Therefore, the mud crab fishery will not be impacted in Hinchinbrook Channel, Port Clinton/Corio Bay, Burdekin River delta and The Narrows, nor inside the mangrove forests of Shoalwater Bay, Broadsound, Bowling Green Bay, southern Cleveland Bay, Missionary Bay on Hinchinbrook Island and Starke River. Waterways within the mangrove forests are considered part of the forest and are also excluded from this proposal, further minimising the impact.

The specific exclusion of the mangrove forests and other internal waters of Queensland minimises the impact of the proposed zoning plan on Queensland's mud crab fishery. The mud crab fishery is not significant along the open coast.

There will be some impact on beam trawling for banana prawns in the intertidal area within southern Cleveland Bay near Townsville, however most of this effort is likely to be in the Commonwealth marine park. Those fishers should consider accessing the Commonwealth structural adjustment package.

Recreational fishing

There is loss of access to fish resources for recreational fishers over approximately 20 percent of the coast through the increase in marine national park (green) zones. These areas are generally fairly small or remote. There should be no negative impacts on the recreational fishing support industries as people who wish to continue to recreationally fish will still be able to do so.

This proposal does not impact on current recreational fishing in estuaries, rivers, creeks, channels or significant mangrove forests.

Aquaculture

No existing aquaculture operations will be affected by this proposal. Some intertidal areas may not be available for possible future aquaculture proposals.

Tourism

There is a small impact on the tourism charter fishing sector due to the expanded green zones, however the benefits of the proposal for other fisheries will also apply to the charter sector.

Management

The existing arrangements to share the cost of day-to-day management of the marine parks and island national parks in the Great Barrier Reef region will be able to absorb the cost of implementing the proposed GBRCMP zoning plan.

The Commonwealth Government has allocated an additional \$13.2 million to implement the new GBRMP zoning plan. There will be efficiencies for Queensland from this enhanced Commonwealth program with co-operative arrangements for enforcement and education programs for new zoning plans.

Overall

The proposal outlined in this Regulatory Impact Statement creates certainty for the protection of the inshore marine ecosystems, certainty for the users of the marine resources and certainty for those fishers who may wish to access the Commonwealth financial adjustment package. The short-term negative impacts of this proposal are clearly outweighed by the benefits of the proposal.

Fundamental Legislative Principles

The proposed amendments are consistent with fundamental legislative principles.

National Competition Policy

The guiding principle of the Competition Principles Agreement, under National Competition Policy (NCP), is that legislation should not restrict competition unless it can be demonstrated that—

- (a) the benefits of the restriction to the community as a whole outweigh the costs; and

- (b) the objectives of the legislation can only be achieved by restricting competition.

NCP issues have been considered. There are no NCP issues associated with the proposal. The proposal is necessary for effective management of marine natural resources, as well as being justifiable on the following grounds—

- while zoning results in the need for permission to conduct some activities, the proposed amendments are necessary to provide uniform legislation in the Great Barrier Reef region;
- the standardization of zoning provisions between existing State marine parks and between State and Commonwealth marine parks will provide consistent management and treatment of all users of the Great Barrier Reef region;
- all users would be required to comply with these proposals;
- zoning promotes equitable protection and allocation of all uses and values (ie cultural, environmental, economic and social) of the marine environment—
 - zoning helps to resolve and manage conflicts in the use of natural resources and ensures all reasonable uses can occur with minimal conflict;
 - permissions are required only where the proposed use or entry of the marine park may be inconsistent with the objectives for the zone or other reasonable uses of the area; and
 - mechanisms are provided to reduce permission requirements where the objectives of the zone can be satisfied.

Conclusion

The Great Barrier Reef is an icon. Its natural wonders have international prestige. Queenslanders benefit significantly from the flow-on effects of its international recognition, and the viable industries it sustains. For these reasons, the Queensland Government remains committed to the protection of the Great Barrier Reef.

To maintain a commitment to the best possible protection of the Great Barrier Reef, it is necessary that Queensland respond to the new

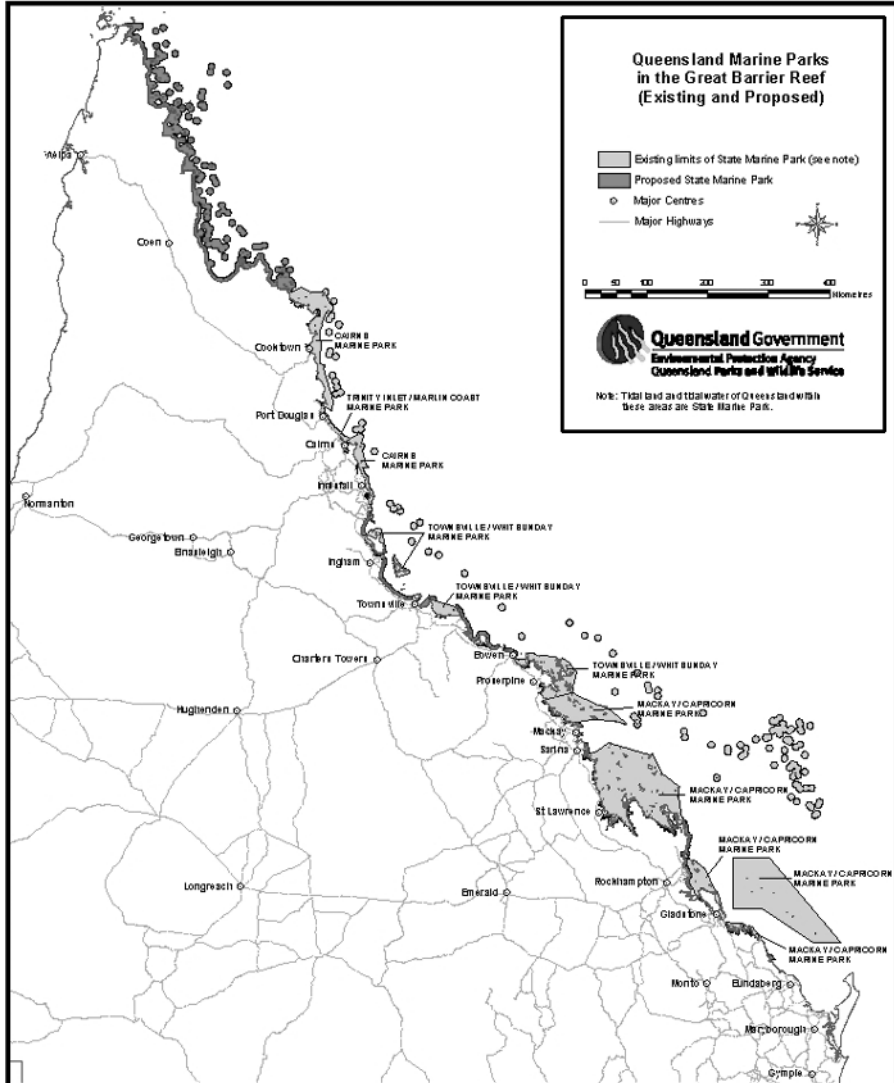
Commonwealth zoning plan. To do otherwise would not only place the Great Barrier Reef at risk but also increase complexity for those who seek to use its inshore resources.

This proposal enhances the ecosystem-based approach to management and overcomes the uncertainty in the jurisdictional boundary. It also minimises the impact to existing users by not including areas where the jurisdiction is clear.

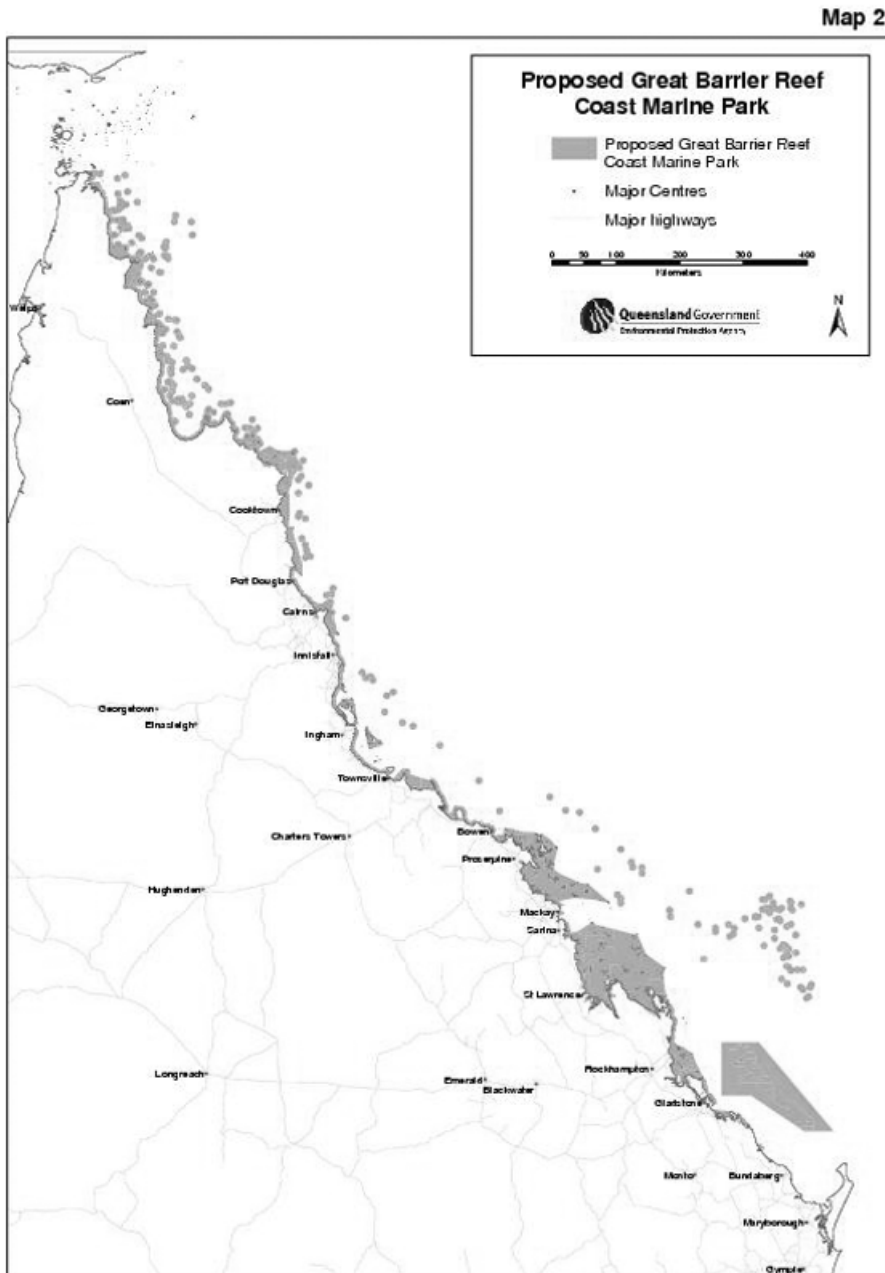
It is necessary to implement a response as soon as possible, but not before the public and affected parties have a chance to comment on the proposal. It is not possible to change the Commonwealth Government decisions regarding their zoning plan, however Queensland will respond in the best way to protect the Great Barrier Reef while minimising the impacts on users.

Map 1 Existing and proposed State Marine Parks

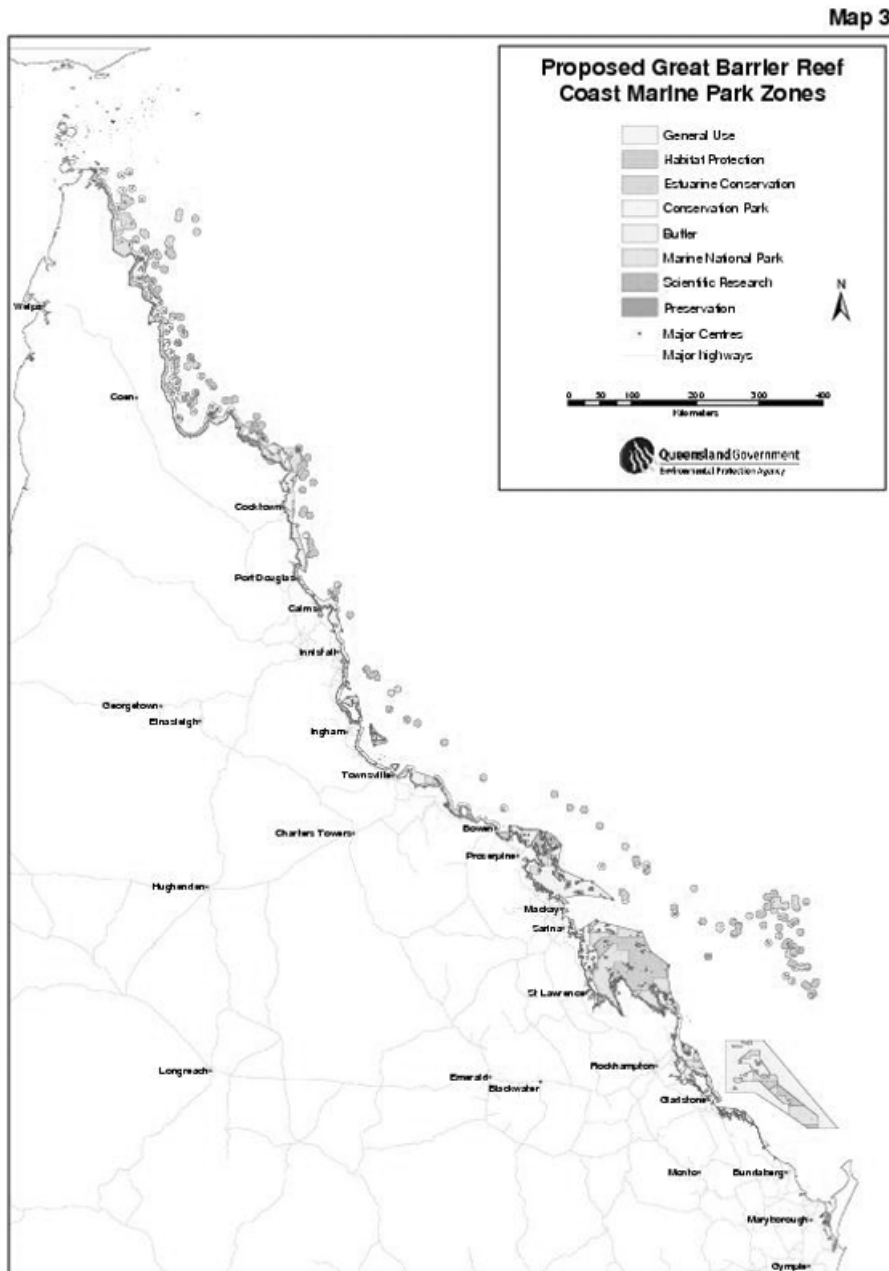
Map 1



Map 2 Proposed Great Barrier Reef Marine Park



Map 3 Proposed Great Barrier Reef Marine Park Zone



Marine Parks (Great Barrier Reef Coast) Zoning Plan No. 240, 2004
2004

Activities Matrix

Activities Guide (see relevant <i>Zoning Plans</i> and <i>Regulations</i> for details)	General Use Zone (GUA)	Habitat Protection Zone (GUB)	Conservation Park Zone (MNP A)	Buffer Zone	Scientific Research Zone	Marine National Park Zone (MNPB)	Preservation Zone	State Zoning Only	Estuarine Conservation Zone
Aquaculture	Permit	Permit	Permit ¹	X	X	X	X	State Zoning Only	Permit
Bait netting	√	√	√	X	X	X	X		√
Boating, diving, photography	√	√	√	√	√ ²	√	X		√
Crabbing (trapping)	√	√	√ ³	X	X	X	X		√
Harvest fishing for aquarium fish, coral and beachworm	Permit	Permit	Permit ¹	X	X	X	X		√
Harvest fishing for sea cucumber, trochus, tropical rock lobster	Permit	Permit	X	X	X	X	X		√
Limited collecting	√ ⁴	√ ⁴	√ ⁴	X	X	X	X		√
Limited spearfishing (snorkel only)	√	√	√ ¹	X	X	X	X		√
Line fishing	√ ⁵	√ ⁵	√ ⁶	X	X	X	X		√
Netting (other than bait netting)	√	√	X	X	X	X	X		√
Research (other than limited impact research)	Permit	Permit	Permit	Permit	Permit	Permit	Permit		Permit
Shipping (other than in a designated shipping area)	√	Permit	Permit	Permit	Permit	Permit	X		Permit
Tourism program	Permit	Permit	Permit	Permit	Permit	Permit	X		Permit
Traditional use of marine resources	√ ⁷	√ ⁷	√ ⁷	√ ⁷	√ ⁷	√ ⁷	X		√ ⁷
Trawling	√	X	X	X	X	X	X		X
Trolling	√ ⁵	√ ⁵	√ ⁵	√ ^{5,8}	X	X	X		√

PLEASE NOTE: This guide provides an introduction to Zoning in the Great Barrier Reef Marine Park. The names in brackets under the Great Barrier Reef Marine Park Zones, refer to the equivalent Queensland State Marine Park Zones. Relevant Queensland Marine Park Zoning Plans or the Queensland Environmental Protection Agency should be consulted for confirmation of use or entry requirements.

- Restrictions apply to aquaculture, spearfishing and harvest fishing for aquarium fish, beachworm and coral in the Conservation Park Zone.
- Except for One Tree Island Reef (SR-23-2010) and Australian Institute of Marine Science (SR-19-2008) which are closed to public access and shown as orange, all other Scientific Research Zones are shown as green with an orange outline.
- Limited to 4 catch devices (eg. crab pots, dillies and inverted dillies) per person.
- By hand or hand-held implement and generally no more than 5 of a species.
- Maximum of 3 lines/rods per person with a combined total of 6 hooks.
- Limited to 1 line/rod per person and 1 hook per line. Only 1 dory detached from a commercial fishing vessel.
- Apart from traditional use of marine resources involving an activity otherwise 'as of right', a permit or an accredited Traditional Use of Marine Resources Agreement is required.
- Pelagic species only. Seasonal Closures apply to some Buffer Zones.

Detailed information is contained in the Great Barrier Reef Marine Park Zoning Plan and Regulations.

Permits are required for most other activities not listed above. Commonwealth owned Islands in the Great Barrier Reef Marine Park are zoned "Commonwealth Islands Zone" - shown as cream.

All Commonwealth Islands may not be shown. Special Management Areas may provide additional restrictions at some locations. The Zoning Plan does not affect the operation of s.211 of the Native Title Act 1993.

ACCESS TO ALL ZONES IS PERMITTED IN AN EMERGENCY.

ENDNOTES

- Laid before the Legislative Assembly on . . .
- The administering agency is the Environmental Protection Agency.

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