



Queensland

Marine Parks and Other Legislation Amendment Regulation 2019

Subordinate Legislation 2019 No. 64

made under the

Marine Parks Act 2004

State Penalties Enforcement Act 1999

Contents

		Page
Part 1	Preliminary	
1	Short title	3
Part 2	Amendment of Marine Parks (Declaration) Regulation 2006	
2	Regulation amended	3
3	Amendment of sch 4 (Dictionary)	3
Part 3	Amendment of Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004	
4	Zoning plan amended	3
5	Amendment of sch 11 (Dictionary)	4
Part 4	Amendment of Marine Parks (Great Sandy) Zoning Plan 2017	
6	Zoning plan amended	4
7	Amendment of s 7 (Zones generally—Act, s 24)	4
8	Amendment of s 20 (Areas established for special management—Act, schedule, definition designated area)	4
9	Amendment of s 21 (Application of division)	5
10	Amendment of s 22 (Application for a permission to enter or use zone)	5
11	Insertion of new pt 3, div 3A	5
	Division 3A Ex-HMAS Tobruk area	
	23A Objects	6

Contents

	23B	Entry or use of the area	6
12		Amendment of s 34 (Restriction on number of persons diving) .	7
13		Amendment of sch 3 (Dictionary)	8
Part 5		Amendment of Marine Parks (Moreton Bay) Zoning Plan 2008	
14		Zoning plan amended	8
15		Amendment of s 24 (Entry or use of marine national park zone with permission)	8
16		Amendment of s 35 (Restriction on number of persons diving) .	8
17		Amendment of sch 4 (Dictionary)	9
Part 6		Amendment of State Penalties Enforcement Regulation 2014	
18		Regulation amended	9
19		Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	10

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Marine Parks and Other Legislation Amendment Regulation 2019*.

Part 2 Amendment of Marine Parks (Declaration) Regulation 2006

2 Regulation amended

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

3 Amendment of sch 4 (Dictionary)

Schedule 4, definition *mangrove forest*—
omit, insert—

mangrove forest means a community of mangroves in which the leaves and branches of the mangroves in the community touch or overlap.

Part 3 Amendment of Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004

4 Zoning plan amended

This part amends the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*.

[s 5]

5 Amendment of sch 11 (Dictionary)

Schedule 11, definition *mangrove forest*—

omit, insert—

mangrove forest means a community of mangroves in which the leaves and branches of the mangroves in the community touch or overlap.

**Part 4 Amendment of Marine Parks
(Great Sandy) Zoning Plan 2017**

6 Zoning plan amended

This part amends the *Marine Parks (Great Sandy) Zoning Plan 2017*.

7 Amendment of s 7 (Zones generally—Act, s 24)

Section 7(2), ‘31 August 2006’—

omit, insert—

3 May 2019

8 Amendment of s 20 (Areas established for special management—Act, schedule, definition *designated area*)

(1) Section 20(1), before paragraph (a)—

insert—

(aa) ex-HMAS Tobruk area;

(2) Section 20(1)(aa) to (h)—

renumber as section 20(1)(a) to (i).

(3) Section 20(2), ‘5 September 2014’—

omit, insert—

3 May 2019

9 Amendment of s 21 (Application of division)

(1) Section 21, before paragraph (a)—

insert—

(aa) ex-HMAS Tobruk area;

(2) Section 21(aa) to (f)—

renumber as section 21(a) to (g).

10 Amendment of s 22 (Application for a permission to enter or use zone)

Section 22—

insert—

(3) Also, if the designated area is the ex-HMAS Tobruk area, the permission may only be granted for the following purposes—

(a) to carry out diving or snorkelling and activities relating to diving or snorkelling;

(b) to carry out research that the chief executive decides—

(i) is relevant to, and a priority for, the management of the marine park; and

(ii) can not reasonably be conducted elsewhere;

(c) to carry out another purpose, if the chief executive considers it would be beneficial to the natural and cultural resources of the marine park if the permission were granted.

11 Insertion of new pt 3, div 3A

Part 3—

[s 11]

insert—

Division 3A Ex-HMAS Tobruk area

23A Objects

- (1) The objects for the ex-HMAS Tobruk area are—
 - (a) to manage and maintain the wreck of the ex-HMAS *Tobruk*; and
 - (b) to provide safe opportunities for public appreciation, understanding and enjoyment of the area; and
 - (c) to minimise damage, disturbance or any other interference to the wreck of the ex-HMAS *Tobruk* caused by entry to, or use of, the area; and
 - (d) to minimise harm or distress to the living organisms in the area, and disturbance to other natural resources in the area, caused by entry to, or use of, the area.
- (2) The objects mentioned in subsection (1) are in addition to the objects for the zone in which the area or part of it is located.

23B Entry or use of the area

- (1) A person must not, without a permission or authority under a commercial activity agreement, enter or use the ex-HMAS Tobruk area for any purpose, unless the person has a reasonable excuse.

Maximum penalty—80 penalty units.

Note—

See section 22(3) for the purposes for which a permission to enter or use the ex-HMAS Tobruk area may be granted.

- (2) A person must not, without a permission granted under section 22(3)(b), carry out fishing or collecting in the ex-HMAS Tobruk area, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (3) A person must not, without a permission granted under section 22(3)(b), interfere with the wreck of the ex-HMAS *Tobruk*, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (4) In this section—

commercial activity agreement means a commercial activity agreement under the *Marine Parks Regulation 2017*, section 52.

interfere with, a wreck, includes the following—

- (a) damaging, defacing or destroying the wreck;
- (b) disturbing, exposing, moving or removing the wreck.

12 Amendment of s 34 (Restriction on number of persons diving)

- (1) Section 34(1)(a), ‘guides’—

omit, insert—

certified assistants

- (2) Section 34(4)—

omit, insert—

- (4) In this section—

certified assistant means a person who holds a current qualification from a recreational dive training organisation, designed to qualify the person to assist a dive instructor.

dive instructor means a person who holds a

[s 13]

current qualification from a recreational dive training organisation, designed to qualify the person as a scuba instructor.

recreational dive training organisation see the *Safety in Recreational Water Activities Regulation 2011*, schedule.

13 Amendment of sch 3 (Dictionary)

Schedule 3, definition *cultural resources*—
omit.

**Part 5 Amendment of Marine Parks
(Moreton Bay) Zoning Plan
2008**

14 Zoning plan amended

This part amends the *Marine Parks (Moreton Bay) Zoning Plan 2008*.

15 Amendment of s 24 (Entry or use of marine national park zone with permission)

Section 24(2), ‘subsection (1)(i)’—
omit, insert—

subsection (1)(g)

16 Amendment of s 35 (Restriction on number of persons diving)

(1) Section 35(1)(b), ‘guides’—
omit, insert—

certified assistants

(2) Section 35(4)—

omit, insert—

(4) In this section—

certified assistant means a person who holds a current qualification from a recreational dive training organisation, designed to qualify the person to assist a dive instructor.

dive instructor means a person who holds a current qualification from a recreational dive training organisation, designed to qualify the person as a scuba instructor.

recreational dive training organisation see the *Safety in Recreational Water Activities Regulation 2011*, schedule.

17 Amendment of sch 4 (Dictionary)

Schedule 4, definition *mangrove forest*—

omit, insert—

mangrove forest means a community of mangroves in which the leaves and branches of the mangroves in the community touch or overlap.

Part 6 Amendment of State Penalties Enforcement Regulation 2014

18 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

[s 19]

19 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for *Marine Parks (Great Sandy) Zoning Plan 2017*—

insert—

s 23B(1)	3
s 23B(2)	5
s 23B(3)	5

ENDNOTES

- 1 Made by the Governor in Council on 2 May 2019.
- 2 Notified on the Queensland legislation website on 3 May 2019.
- 3 The administering agency is the Department of Environment and Science.

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