

Information sheet

Marine Park Management

Permits for (State only) marine parks

This information sheet relates specifically to Queensland marine parks which are declared under the Marine Parks Act 2004 and managed in accordance with the Act and the Marine Parks Regulation 2006 and zoning plans declared there-under. Please note this document does not cover activities proposed within the Great Barrier Reef Marine Park (GBRMP). Information on Commonwealth and/or joint marine park permits can be obtained from www.gbrmpa.gov.au

When is a State marine park permit required?

Marine parks in Queensland administered by the Queensland Parks and Wildlife Service (QPWS) include:

- Great Barrier Reef Coast Marine Park (GBRCMP)
- Great Sandy Marine Park
- Moreton Bay Marine Park

In the Great Barrier Reef World Heritage Area, permits for activities which involve both the Commonwealth GBRMP and the State GBRCMP are issued under a joint permit assessment process administered by the Great Barrier Reef Marine Park Authority (GBRMPA) in consultation with QPWS. In this area, zoning is complementary, with matching requirements for both the State and Commonwealth marine parks.

This information sheet provides details regarding permits issued by QPWS in State marine parks only.

Zoning plans describe activities that can occur as of right, or with permission. Most visitors to a marine park will not require a permit for recreational activities, however, proponents should check the relevant zoning plan first to determine whether a marine park permit is required to enter or use the zone for their activity. As a general guide, the following activities require a marine park permit:

- tourist programs
- charter vessel operations
- collecting marine plants or animals
- commercial fisheries (including aquarium fish collecting)
- discharging waste
- research
- operating an oyster ground or aquaculture operations
- operating a managed vessel (such as hovercraft or hydrofoil)
- commercial whale watching
- operating an aircraft (in the Moreton Bay & Great Sandy Marine Parks)
- building or removing structures such as jetties, moorings, boat ramp
- dredging and disposing of dredged material

- extraction and mining activities
- media activity (but not in the GBRCMP unless there are environmental impacts involved)
- filming (where it involves the use of structures, protected animals, pyrotechnics or exclusive use of the marine park).

It is important that applicants refer to the relevant zoning plan or contact the relevant marine park office for specific information. Some other activities may also require a permit, such as navigating a vessel through certain marine park zones.

Permitting process

Please note that the granting of a permit is not automatic or guaranteed and is subject to assessment against criteria set out in the Marine Parks Regulation 2006. Applicants should provide enough information for QPWS to clearly understand what the proposed activity is and where it will be located. In addition, applications must contain enough information for QPWS to adequately assess the impact of the proposed activity on the marine park against the assessment criteria contained in the Marine Parks Regulation 2006. Furnishing false or misleading information in a permit application is an offence.

To allow sufficient time for investigation and assessment applicants should apply at least three (3) months before they propose to start the activity.

Public notice of application

If it is considered that a proposal is likely to have a significant impact on values of the marine park or restrict the reasonable use and enjoyment of the marine park (or a part of the marine park) by persons other than the applicant, QPWS may require the applicant to publicly advertise the proposal and invite public comments. These comments would then be considered in assessing the application.

In assessing an application, the Chief Executive must consider all of the following criteria. Please ensure you provide suitable information to address each of these, to allow faster processing of your application.

- the objectives to be achieved for the marine park
- the need to conserve the natural and cultural resources in the marine park
- the impact that the applicant's proposed use for the marine park (including, by reference to the size, extent and location of it) may have on –
 - the current, future or desirable use or amenity of a marine park and its adjacent areas; and
 - the environment
- the means of transport proposed to be used for the entry to, use of and departure from the marine park
- the adequacy of facilities for mooring, landing, parking, loading and unloading a vehicle, vessel or aircraft to be used for the applicant's proposed use for the marine park
- the adequacy of the design and construction of any structure, landing area, farming facility, vessel or other thing to be used for the applicant's proposed use for the marine park in relation to the health and safety of persons using the structure, landing area, farming facility, vessel or other thing
- the arrangements for the removal, upon expiry of the permission, of any structure, vessel or other thing that is to be constructed or fixed in position for the applicant's proposed use
- the arrangements for making good any damage caused by the applicant's proposed use

- any other matter relevant to ensuring the orderly and proper management of the marine park
- whether the applicant owes any fee or other amount payable under the *Marine Parks Act 2004*
- if the application relates to an undeveloped project of significant cost – the capacity of the applicant to satisfactorily develop the project
- whether the applicant is a suitable person to hold the permission
- if the marine park is a zoned marine park – any other matter mentioned in the zoning plan applying to the area
- the impact the applicant’s proposed use for the marine park may have on the values of the marine park
- the likely cumulative effect of the applicant’s proposed use and other uses on a marine park
- any relevant Australian or international code, statutory instrument, protocol or standard or any relevant intergovernmental agreement
- the nature of the equipment to be used for the applicant’s proposed use for the marine park
- the precautionary principle
- public health and safety
- the public interest, including the effect the grant of the permission will have on public appreciation, understanding and enjoyment of the marine environment
- anything else the Chief Executive considers appropriate to achieve the purpose of the *Marine Parks Act 2004*

Structure of a marine park permit

Marine park permits authorise activities to be undertaken in particular zones or locations.

A permit can be granted to nominated persons or registered companies and is for a specified length of time. It identifies the activities that are permitted, the locations where they may be conducted and any conditions that apply. The conditions are imposed to help ensure protection of the values of the marine park and other users. They vary depending on what the applicant wishes to do and where the applicant wishes to go.

Permits will normally be issued for not more than one year for new applicants. This allows time for permit holders to establish their operation and it provides both the permit holder and QPWS an opportunity to review the operation. Existing permit holders with an established record of operation and compliance with permit conditions may be issued a permit for up to six years, depending on the activities.

Reviews and appeals

Decisions made under the Marine Parks Regulation 2006 are subject to review and appeal. Should an applicant be dissatisfied with the final decision on their application, they are encouraged as a first step and before commencing the internal review process, to contact QPWS to discuss any concerns. Applications for internal review must be made within 28 days after the day the applicant is notified of the decision.

Should the applicant remain dissatisfied with the reviewed decision, they have a formal right under the Marine Parks Regulation 2006 section 151 to lodge an appeal with the Queensland Civil and Administrative Tribunal (QCAT) for independent external review.

Amendment, suspension or cancellation of permits

The holder of a permit is required to apply for an amendment of the permit if a change of name or place of business occurs. The holder of a permit must also apply to add or change a vessel, undertake different activities and to operate in different locations. In this instance the permit holder needs to apply for an amendment at least 10 days before the holder intends for the amendment to take effect.

Depending upon the perceived seriousness of the situation, the Chief Executive may amend, suspend or cancel a marine park permit. This may happen if the permit was obtained because of incorrect or misleading information, the holder of the permit has contravened a condition of the permit or committed an offence under the *Marine Parks Act 2004* or if the activity being conducted under the permit is having an unacceptable impact on the marine park or poses a threat to the safety of persons or property.

The maximum penalty for contravening or failing to comply with a provision of the *Marine Parks Act 2004* is 3000 penalty units.

Transfer of marine park permits

Marine park permits may be transferred. Applications for transfer must be made to QPWS at least 28 days before the day on which a transfer is intended to take effect and must be signed by the holder of the permit and the proposed transferee.

Environment Protection and Biodiversity Conservation Act

Most of the GBRCMP and parts of the Great Sandy Marine Park fall within declared World Heritage areas and are habitat to migratory species protected under Commonwealth legislation. Under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act) a person must not, without relevant approval, take an action that has, will have, or is likely to have, a significant impact on:

- the world heritage values of a declared World Heritage property
- the ecological character of a declared Ramsar wetland
- a threatened species or endangered community listed under the Act
- a migratory species listed under the Act
- the environment in a Commonwealth marine area or on Commonwealth land. The EPBC Act also prohibits the taking without an approval, of:
- a nuclear action
- an action in a Commonwealth marine area or on Commonwealth land that has, will have, or is likely to have, a significant impact on the environment.

The EPBC Act requires a person proposing to take an action that the person thinks may be prohibited by the EPBC Act without an approval, to refer the action to the Commonwealth Minister for Environment for a decision on whether or not the action needs an approval. If a Commonwealth environmental approval is required, this will be in addition to relevant State approvals.

For further information, contact the Department of the Environment on 1800 803 772 or www.environment.gov.au

Public liability and insurance requirements

To comply with the conditions of the permit, the permit holder's insurance policy must provide at least the minimum public liability cover specified for the activity covered by the permit, in respect of the death of or injury

to any person, or the loss of or damage to any property. For further details, refer *Operational policy: Insurance and indemnity requirements for QPWS authorities*, available at www.npsr.qld.gov.au

Lodgement

Application forms can be downloaded from our website at www.npsr.qld.gov.au. To discuss lodgement of an application contact the relevant office.

Disclaimer

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of National Parks, Sport and Racing should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

Jason Jacobi

Signature

4 September 2013

Date

A/Deputy Director-General
Queensland Parks and Wildlife Service

Enquiries:
Assessments and Approvals
parkaccess@npsr.qld.gov.au