



Australian Government

Great Barrier Reef
Marine Park Authority

MANAGING BAREBOAT OPERATIONS IN THE GREAT BARRIER REEF MARINE PARK

July 2006



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The Great Barrier Reef Marine Park Authority (GBRMPA) has prepared this document in collaboration with the Queensland Government, following extensive stakeholder consultation. This policy will guide management of bareboat operations in the Great Barrier Reef Marine Park.

The GBRMPA will continue to liaise with bareboat permission holders and other key stakeholders to ensure the efficient application and implementation of this policy.

Disclaimers

- This Policy should be read in conjunction with, and subject to, the Great Barrier Reef Marine Park Act 1975 (Cth) and, to the extent relevant, all instruments made there under.
- Full implementation of this policy will require legislative amendment.
- A bareboat permission operates only for the term specified in that permission unless earlier surrendered, suspended or revoked. There is no guarantee (express or implied) of a further bareboat permission being granted beyond the operation of the existing bareboat permission.

TITLE

Managing Bareboat Operations in the Great Barrier Reef Marine Park.

PURPOSE

This policy aims to manage bareboat operations in the Great Barrier Reef Marine Park in an equitable, efficient and commercially realistic manner, consistent with maintenance of World Heritage values and principles of ecologically sustainable development.

The issues covered by the policy include bareboat operations, bareboat permits (divisibility, transferability, conversion, availability, allocation and latency management), Whitsunday Planning Area specific requirements, escorted bareboat flotilla tours, enforcement and compliance, use of public moorings and industry standards.

Well managed bareboat operations are considered a sustainable use opportunity of the Marine Park and bareboating is becoming an increasingly popular way to visit the Marine Park. This style of self guided visitation provides visitors an opportunity to tailor their exploration to an area at their own pace and indulge in activities such as swimming, snorkelling, fishing and visiting islands when it suits them. Bareboat operations are active throughout the Marine Park, with the sheltered waters of the Whitsunday Islands being the most popular destination for bareboat charterers.

EXPLANATION

This document is divided into three key sections. The first provides the formal policy wording, the second provides greater explanation on individual aspects of the policy, and the third section lists references and definitions.

CONSULTATION

The GBRMPA has developed this policy in collaboration with Queensland Government officers from the Queensland Parks and Wildlife Service and Maritime Safety Queensland, tourism industry associations (Association of Marine Park Tourism Operators, Whitsunday Bareboat Operators Association and the Whitsunday Charter Boat Industry Association) individual bareboat operators and a local community representative being the Chair of the Whitsundays Local Marine Advisory Committee. Working group meetings with these key stakeholders have been held to assist in developing this policy. Bareboat operators and other key stakeholders have been closely consulted throughout the policy development process.

DATE THIS POLICY COMES INTO EFFECT

July 2006

REVIEW

It is intended that this policy be reviewed as required.

POLICY

1 *Bareboat operations – general*

- 1.1 Bareboat operations are recognised as a reasonable use of the Great Barrier Reef Marine Park (Marine Park).
- 1.2 Bareboat operations are required to obtain the written permission (permit) of the Authority or its delegate, prior to operating in the Marine Park.
- 1.3 Bareboat operations are required to comply with the relevant legislative and regulatory requirements of the Commonwealth and Queensland, including Environmental Management Charge (EMC) obligations.

2 *Activities of a bareboat operation*

- 2.1 Bareboat operations may conduct a range of activities in the Marine Park. These activities are expressly listed on the permit and can include:
 - The hiring out of bareboats; and
 - The conduct of an escorted bareboat flotilla tour (including activities of sightseeing, swimming, snorkelling, scuba diving, fish feeding, non-motorised water sports and fishing).
- 2.2 Other bareboat-related activities will be considered on a case-by-case basis, in accordance with established Authority policy.

3 *Divisibility of bareboat permits*

- 3.1 A bareboat permit involving permissions to operate more than one bareboat is divisible into separate permissions for each bareboat.
- 3.2 Activities within a single-bareboat permission are not divisible into separate permissions.

4 *Transferability of bareboat permits*

- 4.1 Transfers of bareboat permits will be managed in accordance with established Authority policy on permit transfers.

5 *Use of sail guides*

- 5.1 The use of sail guides on bareboats is encouraged.

6 *Conversion of bareboat permits*

- 6.1 The Authority may allow the conversion of a bareboat permission to a crewed charter vessel permission and vice versa, subject to normal assessment and the provision of any relevant regulation, plan of management or trigger limit. Conversions will be on a 'first come first served basis'.
- 6.2 The conversion of a permission will require the surrender of the original permission.
- 6.3 In the Whitsunday Planning Area, a bareboat permission may be converted to a crewed charter vessel permission, providing that the total number of bareboat permissions does not vary by more than 10 either side of the total number granted at the time this policy is adopted. The total number granted includes any spare or unallocated permissions.

7 *Availability of bareboat permits*

- 7.1 Unless otherwise stated by the Authority, or restricted by legislation, bareboat permissions are available throughout the Marine Park.
- 7.2 In areas where there is no specific direction on the availability of bareboat permissions through regulation or plan of management, the Authority may introduce a numerical trigger limit for the size of the relevant bareboat fleet. The setting of this trigger limit will be the maximum number of permissions that can be granted in an area before the Authority will make a formal assessment of the appropriate size of fleet in that area.

8 *Latency, tenure and allocation management of bareboat permits*

- 8.1 Latency, tenure and allocation of bareboat permits is managed in accordance with Authority policy.

9 *Specific management arrangements for the Whitsunday Planning Area*

- 9.1 Bareboat operations in the Whitsunday Planning Area must comply with the Whitsunday Bareboat Industry Standards at Attachment A. Specific emphasis is to be placed on the following:
 - 9.1.1 Senior staff, persons responsible for briefing clients, and persons operating radio facilities must be registered with the Authority.
 - 9.1.2 Vessels must have protection and public liability indemnity insurance as required by the Authority.
 - 9.1.3 Vessels must have available on-board and on-shore facilities for disposal of garbage.
 - 9.1.4 Each vessel must display a unique identification number issued by the Authority when it operates in the Marine Park.
 - 9.1.5 Vessels must have onboard facilities to manage the discharge of sewage in accordance with relevant regulation.
- 9.2 The Authority will maintain a register of appropriately qualified persons for bareboat operations. Appropriately qualified persons will be issued with a Bareboat Briefer or Radio Operators registration card.
 - 9.2.1 The Authority will require that, to maintain registration on the Authority's register, a person must complete a refresher course, once available, at least every five years.
 - 9.2.2 The permittee will ensure that senior staff, persons responsible for providing briefings to clients, and radio operators are registered with the Authority.
- 9.3 Each permitted bareboat vessel operating in the Whitsunday Planning Area will be required to display unique vessel identifiers.
 - 9.3.1 The Authority will supply vessel identifiers for a fee determined on a cost recovery basis.
 - 9.3.2 An order for multiple vessel identifiers will not attract a discount.
 - 9.3.3 Replacement bareboat identifiers will be available on a cost recovery basis. Proof may be required in the form of a returned damaged bareboat vessel identifier or statutory declaration before a replacement is issued.
 - 9.3.4 All bareboat vessel identifiers will be distributed by registered mail.
- 9.4 The Authority may seek to introduce similar industry standards for bareboat operations in other parts of the Marine Park.

10 Bareboat delivery (i.e. pick up and drop off)

- 10.1 Bareboat deliveries in the Marine Park will be required to take place in areas immediately adjacent to major coastal settlements and resorts, or where there is appropriate infrastructure for berthing or mooring vessels.
- 10.2 Special provision will be made for bareboat deliveries to occur in other parts of the Marine Park in the event of an emergency or breakdown.

11 Escorted bareboat flotilla tours

- 11.1 An escorted bareboat flotilla tour is deemed to be a single entity when operating in the Marine Park and requires permission.
- 11.2 For flotilla tours of **up to 7 vessels** (including at least one escort vessel), the following requirements apply:
 - 11.2.1 Access provisions for a flotilla tour are the same as for a 35-metre vessel, where the group size of the flotilla tour is the total number of persons on all the vessels involved in the escorted bareboat flotilla tour (including the escort vessel); and
 - 11.2.2 Only one flotilla tour will be at any location at any one time.
- 11.3 For flotilla tours of **greater than 7 vessels**, the following requirements apply:
 - 11.3.1 Each application for a flotilla tour is considered on a case-by-case basis; and
 - 11.3.2 Access provisions for a flotilla tour are the same as for a vessel over 35 metres, where the group size of the flotilla tour is the total number of persons on all the vessels involved in the escorted bareboat flotilla tour (including the escort vessel); and
 - 11.3.3 Only one flotilla tour will be at any location at any one time; and
 - 11.3.4 The ratio of at least 1 escort vessel to every 6 bareboats is maintained throughout the flotilla tour; and
 - 11.3.5 Specific anchorages may be designated for escorted bareboat flotilla tours, with an associated booking system.

12 Compliance

- 12.1 The permittee is responsible for ensuring compliance with all the conditions of the permit that apply.
- 12.2 The permittee is deemed to be responsible for the activities associated with the hiring out and use of bareboats.
- 12.3 Bareboaters are required to comply with the relevant legislation, regulations and plans of management.
- 12.4 The permittee is deemed to be responsible for all the vessels involved in an escorted bareboat flotilla tour (including any escort vessels) and for all the associated activities undertaken during the course of that tour (e.g. snorkelling and fishing).

13 Use of public moorings

- 13.1 Bareboaters are encouraged to use public moorings where available and in the appropriate manner.
- 13.2 Escorted bareboat flotilla tours are encouraged to use anchorages and permitted moorings, rather than public moorings.
- 13.3 Use of public moorings is managed in accordance with established Authority policy.

14 Bareboat code of conduct

- 14.1 The Authority will work with interested bareboat industry groups in the development of, and compliance with, industry codes of conduct.

EXPLANATORY NOTES

1 Bareboat operations – general

- 1.1 Bareboat operations are recognised as a reasonable use of the Great Barrier Reef Marine Park (Marine Park).
- 1.2 Bareboat operations are required to obtain the written permission (permit) of the Authority or its delegate, prior to operating in the Marine Park.
- 1.3 Bareboat operations are required to comply with the relevant legislative and regulatory requirements of the Commonwealth and Queensland, including Environmental Management Charge (EMC) obligations.

The Great Barrier Reef Marine Park (Marine Park) is a multiple use marine park where a diverse range of commercial and recreational activities is provided for under the zoning plan. The zoning plan directs that certain activities (such as tourist programs) require the written permission (permit) of the Authority or its delegate. A bareboat operation is a commercial operation that involves the use of a bareboat (self-sail vessel) and requires the written permission of the Authority or its delegate.

Applications for bareboat permits are dealt with according to the Authority's normal permit assessment procedures. However, a bareboat permit does not override the relevant regulatory requirements of the Commonwealth or Queensland governments, including Environmental Management Charge (EMC) obligations.

Bareboat operations already occur in the Marine Park and are currently focussed in the Whitsunday Planning Area. Bareboat operations outside the Whitsunday Planning Area are conducted primarily in the Hinchinbrook Planning Area, offshore Mackay, around Magnetic and Palm Islands, and in the Keppel Islands group.

The Authority, working with Queensland Parks and Wildlife Service (QPWS) and the Whitsunday bareboat industry, has a well-developed bareboat operations policy. The Authority has used the Bareboat Operations in the Great Barrier Reef Marine Park 2002 policy as the basis for this updated reef-wide bareboat operations policy.

2 Activities of a bareboat operation

- 2.1 Bareboat operations may conduct a range of activities in the Marine Park. These activities are expressly listed on the permit and can include:
- 2.2 The hiring out of bareboats; and
- 2.3 The conduct of an escorted bareboat flotilla tour (including activities of sightseeing, swimming, snorkelling, scuba diving, fish feeding, non-motorised water sports and fishing).
- 2.4 Other bareboat-related activities will be considered on a case-by-case basis, in accordance with established Authority policy.

Permits expressly list all activities permitted by the Authority. The hiring out of bareboats to tourists is the most frequent activity conducted by bareboat operators. The permittee is responsible for the initial hiring out of the bareboat.

An issue arose in the Whitsunday Planning Area where vessels and aircraft that provide support services (e.g. delivery of spare parts or equipment, Medivac support and assistance in pollution control) were confined to a 50-day permit, as they were not specifically exempted in the Whitsundays Plan of Management. In September 2001, the Authority decided to seek an amendment to the Cairns

Area and Whitsundays Plans of Management to provide 365-day access to the planning areas for support service operations (decisions MPA 183/4 and MPA 183/5 refer). As support services are quite distinct from bareboat hire, they are not listed as an activity on a standard bareboat permit, rather as a separate permission that can be held in conjunction with a standard bareboat permit.

An escorted bareboat flotilla tour is a tourist program activity in which a collection of bareboats operates together as a unit under the guidance of an escort vessel. An escorted bareboat flotilla tour may operate for one or more days and may operate to a number of locations. All associated activities being offered by the permittee, as part of the flotilla tour (such as swimming, snorkelling and fishing), must be expressly listed on the permit.

Recognising the variations on activities required by bareboat operations in the Marine Park, bareboat operators may request other activities that could be part of a tourist program or any other purpose (e.g. bareboat races). Such activities would be considered on a case-by-case basis, in accordance with established Authority policy and relevant legislation.

3 Divisibility of bareboat permits

- 3.1 A bareboat permit involving permissions to operate more than one bareboat is divisible into separate permissions for each bareboat.
- 3.2 Activities within a single-bareboat permission are not divisible into separate permissions.

Where a bareboat permit authorises the use of a number of bareboats, then that permit can be divided into separate permissions for each individual bareboat. For example, where a bareboat permit allows the use of ten different bareboats, it is possible to divide this permit into ten single-bareboat permissions or combinations thereof.

However, a single-bareboat permission that authorises various activities for one bareboat cannot be divided into separate permissions for each bareboat activity. This is because activities are not seen as separate permissions.

4 Transferability of bareboat permits

- 4.1 Transfers of bareboat permits will be managed in accordance with established Authority policy on permit transfers.

Under Regulation 106, 'chargeable permissions' can be transferred. All tourist program and vessel chartering permissions are chargeable and, therefore, bareboat permits can be transferred, subject to the approval of the Authority.

5 Use of sail guides

- 5.1 The use of sail guides on bareboats is encouraged.

Some bareboaters may have little sailing experience and so pose a higher risk to the environment in terms of potential anchor damage and groundings on fringing reefs. To address this environmental concern the use of sail guides, who are not responsible for the bareboat but can assist in awareness of environmental and marine safety issues, is encouraged on bareboats.

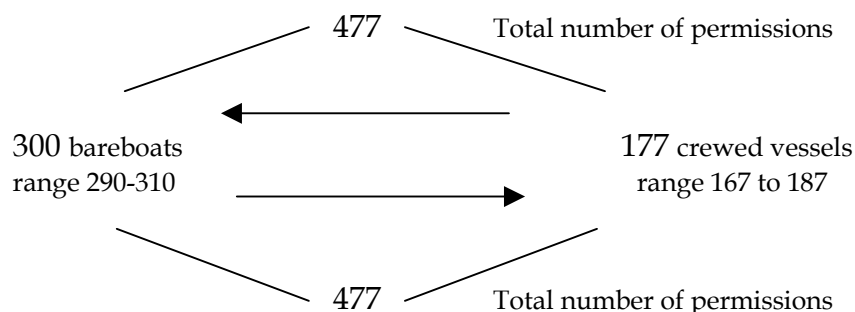
6 Conversion of bareboat permits

- 6.1 The Authority may allow the conversion of a bareboat permission to a crewed charter vessel permission and vice versa, subject to normal assessment, and the provision of any relevant regulation, plan of management or trigger limit. Conversions will be on a 'first come first served basis'.
- 6.2 The conversion of a permission will require the surrender of the original permission.
- 6.3 In the Whitsunday Planning Area, a bareboat permissions may be converted to a crewed charter vessel permission, providing that the total number of bareboat permissions does not vary by more than 10 either side of the total number granted at the time this policy is adopted. The total number granted includes any spare or unallocated permissions.

The Authority may provide for the conversion of bareboat permits to crewed vessel permissions upon request and vice versa, unless specifically stated otherwise. The conversion of permissions is subject to normal assessment processes. Where a cap or limit of permissions is in place, the conversion of permissions must take into account any such cap and any spare or unallocated permissions. In order for a permission to be converted the permission to be converted must first be surrendered. This specifically prevents a permission authorising the operation of a bareboat and a crewed charter vessel on the same permission. This does not necessarily prevent, however, an operator applying for a new bareboat permission, unless bareboat permissions are specifically limited.

In the Whitsunday Planning Area it has become necessary to limit further conversions such that no more than ten above the number of bareboat permissions are in effect at the time this policy comes into effect. This has been necessary to maintain future opportunities for the bareboat industry and maintain a sustainable level of crewed charter vessels permitted in the planning area.

An amendment to the Whitsunday Plan of Management 1998 will be requested to provide for the corresponding conversion of crewed charter vessel permissions to bareboat and to limit the conversion of permissions. The amendment will limit both bareboat and crewed charter vessel permissions to a maximum number of 10 above the number of permissions as at the time this policy is adopted. This total is to be calculated including any spare or unallocated permissions. The overall number of bareboat and crewed charter vessel permissions will not increase. This provides continued flexibility and opportunity whilst maintaining a sustainable tourism environment. An example is provided below, the numbers used are only indicative.



The example is provided above and the numbers used are only indicative.

7 Availability of bareboat permits

- 7.1 Unless otherwise stated by the Authority, or restricted by legislation, bareboat permissions are available throughout the Marine Park.
- 7.2 In areas where there is no specific direction on the availability of bareboat permissions through regulation or plan of management, the Authority may introduce a numerical trigger limit for the size of the relevant bareboat fleet. The setting of this trigger limit will be the maximum number of permissions that can be granted in an area before the Authority will make a formal assessment of the appropriate size of fleet in that area.

Generally, the Authority does not limit the number of permits available but responds to applications against assessment criteria. Environmental concerns in certain areas can lead to limits on the number of certain types of permits.

The Whitsundays Plan of Management 1998 caps the number of bareboats permitted to operate in the Whitsunday Planning Area. This limit was set in response to the potential for environmental impacts, such as anchor damage to coral and groundings, concerns of overcrowding of suitable overnight anchorages and the existing unused permit capacity. At the time the cap was introduced there were 323 permitted bareboats. Since this time there has been additional supporting regulation introduced for bareboat operations and a significant investment in supporting infrastructure such as reef protection markers and public moorings. As of February 2006, the number of bareboat permissions has reduced to 300 permitted bareboats as a result of one-way conversions to crewed charter vessels (as provided for in the Whitsundays Plan of Management).

The Hinchinbrook Plan of Management caps bareboat operations in the Hinchinbrook Planning Area. These management arrangements do not provide for new bareboat permissions to be granted for the Hinchinbrook Planning Area, noting that existing bareboat operations can continue operating.

Outside of the Whitsunday Plan of Management Area and the Hinchinbrook Plan of Management Area to assist in managing sustainable levels of bareboat fleets, it may be necessary for the Authority to introduce trigger limits to the number of bareboat permits that may be granted in a particular area. The trigger limits are not designed to introduce a permanent cap on the number of bareboat permissions available in areas but to provide managing agencies with an opportunity to assess further growth potential against environmental concerns, impacts on other users, community concerns and the level of supporting infrastructure before exceeding the trigger limit. An application to exceed a trigger limit may warrant the application requiring public advertisement.

Where a trigger limit is introduced, an investment warning should be issued, advising permittees that reasonable use provisions under the Policy on Managing Tourism Permissions in the Great Barrier Reef Marine Park may apply in the future.

8 Latency, tenure and allocation management of bareboat permits

- 8.1 Latency, tenure and allocation of bareboat permits is managed in accordance with Authority policy.

The Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park 2003 policy establishes latency, tenure and allocation management arrangements for tourism operations across the Great Barrier Reef Marine Park. Bareboat permissions will be managed in accordance with this policy.

The Whitsundays Plan of Management limits the number of bareboats permitted to operate in the Whitsunday Planning Area. The plan does not provide for new bareboat permissions to be granted, but recognises that existing bareboat operations are able to continue operating or be transferred (traded).

The Hinchinbrook Plan of Management limits the number of bareboat operations generally permitted to operate in the Hinchinbrook Planning Area. The management arrangements do not provide for new bareboat permissions to be granted, but recognise that existing bareboat operations are able to continue operating or be transferred (traded).

Should the Authority have available spare bareboat permissions that are Special Tourism Permissions (e.g. available through latency provisions, revocation, surrender or expiry), allocation will be in accordance with Authority policy.

9 Specific management arrangements for the Whitsunday Planning Area

- 9.1 Bareboat operations in the Whitsunday Planning Area must comply with the Whitsunday Bareboat Industry Standards at Attachment A. Specific emphasis is to be placed on the following:
 - 9.1.1 Senior staff, persons responsible for briefing clients, and persons operating radio facilities must be registered with the Authority.
 - 9.1.2 Vessels must have protection and public liability indemnity insurance as required by the Authority.
 - 9.1.3 Vessels must have available on-board and on-shore facilities for disposal of garbage.
 - 9.1.4 Each vessel must display a unique identification number issued by the Authority when it operates in the Marine Park.
 - 9.1.5 Vessels must have onboard facilities to manage the discharge of sewage in accordance with relevant regulation.
- 9.2 The Authority will maintain a register of appropriately qualified persons for bareboat operations. Appropriately qualified persons will be issued with a Bareboat Briefer or Radio Operators registration card.
 - 9.2.1 The Authority will require that, to maintain registration on the Authority's register, a person must complete a refresher course, once available, at least every five years.
 - 9.2.2 The permittee will ensure that senior staff, persons responsible for providing briefings to clients, and radio operators are registered with the Authority.
- 9.3 Each permitted bareboat vessel operating in the Whitsunday Planning Area will be required to display unique vessel identifiers.
 - 9.3.1 The Authority will supply vessel identifiers for a fee determined on a cost recovery basis.
 - 9.3.2 An order for multiple vessel identifiers will not attract a discount.
 - 9.3.3 Replacement bareboat identifiers will be available on a cost recovery basis. Proof may be required in the form of a returned damaged bareboat vessel identifier or statutory declaration before a replacement is issued.
 - 9.3.4 All bareboat vessel identifiers will be distributed by registered mail.
- 9.4 The Authority may seek to introduce similar industry standards for bareboat operations in other parts of the Marine Park

The Whitsunday Planning Area has the largest bareboat fleet in operation in the Marine Park. Management arrangements specifically for the Whitsunday Planning Area have been established to ensure the sustainability of bareboat operations in this area.

The management arrangements have been industry standard for many years and are reflected in regulation. The focus of these arrangements is on environmental awareness and safety. They also assist industry flexibility in vessel interchange, in informing bareboaters of their responsibilities whilst enjoying the Marine Park, and in ensuring key staff in bareboat operations are adequately trained.

The Whitsunday Bareboat Industry Standards at Attachment B was introduced in 2002 to ensure a minimum standard of operation across the industry. These standards are to ensure operations are conducted in a safe and ecologically sustainable manner and to address quality of briefing, and the level of supervision, maintenance and support to be provided.

10 Bareboat delivery (i.e. pick up and drop off)

- 10.1 Bareboat deliveries in the Marine Park will be required to take place in areas immediately adjacent to major coastal settlements and resorts, or where there is appropriate infrastructure for berthing or mooring vessels.
- 10.2 Special provision will be made for bareboat deliveries to occur in other parts of the Marine Park in the event of an emergency or breakdown.

Retail and hire operations, such as bareboat operations, can attract a number of other craft and people, increasing the potential for localised use conflicts, particularly at more remote or low use sites. To address this issue in the Whitsunday Planning Area, the locations of bareboat deliveries are restricted to Setting 1 areas, as listed in the Whitsundays Plan of Management.

In order to extend this principle reef-wide, the Authority will limit the locations of bareboat deliveries within the Marine Park to those areas immediately adjacent to major coastal settlements and resorts (equivalent to Setting 1 areas in the Whitsunday Planning Area), or where there is appropriate infrastructure for berthing or mooring vessels. However, in the event of an emergency or breakdown, bareboat operations may need to undertake bareboat deliveries in other parts of the Marine Park.

11 Escorted bareboat flotilla tours

- 11.1 An escorted bareboat flotilla tour is deemed to be a single entity when operating in the Marine Park and requires permission.
- 11.2 For flotilla tours of **up to 7 vessels** (including at least one escort vessel), the following requirements apply:
 - 11.2.1 Access provisions for a flotilla tour are the same as for a 35-metre vessel, where the group size of the flotilla tour is the total number of persons on all the vessels involved in the escorted bareboat flotilla tour (including the escort vessel); and
 - 11.2.2 Only one flotilla tour may be at any location at any one time.
- 11.3 For flotilla tours of **greater than 7 vessels**, the following requirements apply:
 - 11.3.1 Each application for a flotilla tour is considered on a case-by-case basis; and
 - 11.3.2 Access provisions for a flotilla tour are the same as for a vessel over 35 metres, where the group size of the flotilla tour is the total number of persons on all the vessels involved in the escorted bareboat flotilla tour (including the escort vessel); and
 - 11.3.3 Only one flotilla tour will be at any location at any one time; and

11.3.4 The ratio of at least 1 escort vessel to every 6 bareboats is maintained throughout the flotilla tour.

11.3.5 Specific anchorages may be designated for escorted bareboat flotilla tours, with an associated booking system.

An escorted bareboat flotilla tour is a collection of bareboats operating together as a unit under the guidance of an escort vessel. An escorted bareboat flotilla tour has the potential to concentrate large numbers of people (e.g. 7 vessels x 8 people each = 56 people in total), and in certain situations, such numbers may cause environmental impact and have a displacement or amenity effect on other users.

The Strategic Plan for Management of the Whitsunday Marine and National Parks (adopted at MPA 167, July 1997) states that the impacts and benefits of bareboat flotilla tours needs to be investigated to determine whether such flotilla tours are an appropriate use of the Marine Park.

As a result of further investigation, an interim position for escorted bareboat flotilla tours in the Whitsunday Planning Area was developed in early 2001. In developing this interim position, consideration was given to the number of vessels involved in an escorted bareboat flotilla tour and the 'huddling' of these vessels, which may contribute to impacts, such as anchor damage, noise, displacement and amenity.

A series of controls have been developed to minimise the impact of escorted bareboat flotilla tours. The permittee provides an escort vessel(s) with staff on board who have greater knowledge of safety issues in relation to the local area, best practice and Marine Park management issues.

The total number of vessels involved in the escorted bareboat flotilla tour can be used to moderate the likely impact of that flotilla tour. A flotilla tour with up to 7 vessels (including at least one escort vessel) is regarded as approximating the presence of a 35-metre vessel and is provided equivalent access to the Marine Park. A flotilla tour of greater than 7 vessels bareboats is provided access to the Marine Park equivalent to that of a vessel over 35 metres. In the Whitsunday Planning Area, for example, vessels larger than 35 metres can access Setting 1 areas, cruise ship anchorages and outside setting areas, which is considered to be appropriate for a large flotilla tour. Permit applications for a flotilla tour of more than 7 vessels is considered on a case-by-case basis.

Where there are more than 7 vessels involved in the flotilla tour, the ratio of 6 bareboats to at least 1 escort vessel should be maintained for the duration of the flotilla tour in addition to the above provisions. This complements Queensland's Transport Operations (Marine Safety-Bareboat Ships) Standard 2000, which outlines procedures that operators should follow to ensure the safety of bareboaters and bareboats.

To prevent competing uses and localised displacement issues at particular locations, escorted bareboat flotilla tours will be limited to one at a time at any location. If more formal arrangements are required, designated flotilla tour anchorages and an associated booking system will be implemented.

Although much of the investigation into bareboat flotilla tours has been focussed in the Whitsunday Planning Area, the Authority will apply the same rationale and requirements for escorted bareboat flotilla tours throughout the Marine Park.

12 Compliance

- 12.1 The permittee is responsible for ensuring compliance with all the conditions of the permit that apply.
- 12.2 The permittee is deemed to be responsible for the activities associated with the hiring out and use of bareboats.
- 12.3 Bareboaters are required to comply with the relevant legislation, regulations and plans of management.
- 12.4 The permittee is deemed to be responsible for all the vessels involved in an escorted bareboat flotilla tour (including any escort vessels) and for all the associated activities undertaken during the course of that tour (e.g. snorkelling and fishing).

There are two differing aspects for compliance depending on the activities being conducted under the permit. Any permittee must ensure compliance with all the conditions of the permit that apply to it (GBRMP Act, section 38C). Where a permittee is hiring out bareboats, the permittee is deemed to be responsible for providing compliance with the permit.

Bareboaters visit locations and undertake activities as per any other recreational user of the Marine Park and, as such, are required to comply with the relevant legislation and regulations that apply to recreational users including setting limits under plans of management. However, where, by use of a bareboat, an offence is committed, and the permittee as a 'responsible person':

- (i) knew, or had reasonable grounds to suspect, that the vessel would be used in committing the offence; and*
- (ii) did not take reasonable steps to prevent the use of the vessel in committing the offence; the permittee may also be guilty of the offence, for example, where the permittee did not provide relevant management information to their client. The permittee is responsible for ensuring that bareboaters are adequately briefed on Marine Park management arrangements and have access to this information onboard the bareboat. This includes Marine Park Zoning, relevant Plans of Management and best environmental practices.*

When conducting an escorted bareboat flotilla tour, the permittee is deemed to be responsible for the conduct of the escorted bareboat flotilla tour and all the associated activities, such as snorkelling and fishing. Therefore, at all times the permittee is responsible for ensuring compliance with all the conditions of the permit that apply to it.

13 Use of public moorings

- 13.1 Bareboaters are encouraged to use public moorings where available and in the appropriate manner.
- 13.2 Escorted bareboat flotilla tours are encouraged to use anchorages and permitted moorings, rather than public moorings.
- 13.3 Use of public moorings is managed in accordance with established Authority policy on public mooring use.

The Authority has installed a number of public moorings to provide environmentally sensitive access for the public to popular day use sites. This is especially prevalent in the Whitsunday Planning Area where public moorings have been installed primarily to protect coral and to maintain access for reef appreciation activities. These public moorings are available for use by all stakeholders, including tourism operations. Recreational users and bareboaters are particularly encouraged to make use of these facilities, in the appropriate manner.

14 Bareboat code of conduct

14.1 The Authority will work with interested bareboat industry groups in the development of, and compliance with, industry codes of conduct.

Bareboat operations hold many attractions for their clients, however, these clients should be made aware of the most responsible ways to behave when at a reef or island, especially in relation to beach access and noise levels and how this may disturb local wildlife and displace other users.

These issues are further compounded by flotilla tours that create the opportunity for a larger number of bareboaters to socialise in the Marine Park. This activity may also lead to the inappropriate practice of rafting of bareboats while at anchor or at a mooring.

It is considered that issues such as these could be dealt with effectively by the development of an appropriate code of conduct. This code of conduct would be primarily developed by the bareboat industry in conjunction with the Authority, QPWS and Queensland Transport.

REFERENCES AND DEFINITIONS

Relevant parts of the Great Barrier Reef Marine Park Act 1975

- Section 3: contains interpretation, including that “this Act” includes the regulations.
- Section 5: states the object of this Act, which is to make provision for and in relation to the establishment, control, care and development of a marine park in the Great Barrier Reef Region in accordance with the provisions of this Act.
- Section 7: states the functions of the Authority and provides that the Authority is responsible for the management of the Marine Park.
- Section 8: empowers the Authority to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- Section 38B: prohibits a person from using or entering a zone for a purpose requiring the Authority’s permission unless authorised by such a permission.
- Section 38C: prohibits contravention of permission conditions.
- Section 38J: establishes offences relating to the discharge of waste in the Marine Park.
- Section 38K: renders a **responsible person** in relation to a vessel guilty of an offence committed against sections 38A to 38H (inclusive) by use of the vessel where the ‘responsible person’:
- (i) knew, or had reasonable grounds to suspect, that the vessel would be used in committing the offence; and
 - (ii) did not take reasonable steps to prevent the use of the vessel in committing the offence.
- Section 38L: renders a **responsible person** in relation to a vessel guilty of an offence committed against section 38J by use of the vessel where the ‘responsible person’:
- (i) knew, or had reasonable grounds to suspect, that the vessel would be used in committing the offence; and
 - (ii) did not take reasonable steps to prevent the use of the vessel in committing the offence.
- responsible person**, in relation to a vessel or aircraft, means:
- (a) a person who, at the time the offence was committed, was the master of the vessel; or
 - (b) a person who, at the time the offence was committed, was the owner, a co-owner, or an owner of any part of or share in, the vessel; or
 - (c) a person (the **operator**) who, at the time the offence was committed, was a party to an agreement with a person referred to in paragraph (a) or (b) under which the operator, or the operator and the other party to the agreement, may determine the activities for which the vessel or aircraft is used.
- Section 61: empowers the Authority to delegate any of its powers under this Act, other than this power of delegation.
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Relevant parts of the Great Barrier Reef Marine Park Regulations 1983

- Regulation 74: states what the Authority must consider in applications for relevant permissions.
- Regulation 75: states that the Authority may require advertising of an application of a relevant permission.
- Regulation 76: states that the Authority may, in considering an application for a relevant permission, request further particulars about an application.
- Regulation 77: states that the Authority must grant or refuse an application for a relevant permission.
- Regulation 106: states when and how a permission may be transferred.
- Regulation 110: states that the Authority may suspend a permission, vary the condition or impose additional conditions if it appears to the Authority that the permission holder is failing to comply with a condition of that permission.
- Regulation 112: states that the Authority may revoke a permission if, 60 days after suspension of the permission, the permission holder continues to fail to comply with a condition.
- Regulation 124: states that the Authority must keep a register of appropriately qualified personnel for bareboat operations.
- Regulation 125: states that the Authority may suspend (and if necessary revoke) a bareboat permission in the Whitsunday Planning Area if the operation fails to comply with requirements to registration of staff, insurance, disposal of garbage and unique vessel identifiers specified bareboat industry standards relevant to Marine Park management.
- Regulation 126: states the offences related to vessel identification numbers

MPA decisions

- MPA 166/ Adoption of the Strategic Plan for the Management of the Whitsunday Marine and National Parks 1998 (see further amendments).
- MPA 170/11 Adoption of the Whitsundays Plan of Management (see further amendments).
- MPA 181/7 Adoption of the Whitsunday Bareboat Accreditation Policy (which incorporated
- MPA 173/8 Whitsunday Bareboat Industry Standards and MPA 174/8 - Regulations re Whitsunday bareboat accreditation process).
- MPA 184 Adoption of the Policy on Bareboat Operations in The Great Barrier Reef Marine Park
- MPA 191/2 Adoption of the Hinchinbrook Plan of Management 2004
- MPA 189/7 & Managing Tourism Permissions in the Great Barrier Reef Marine Park
- MPA192
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DEFINITIONS

Agent agreement	An agreement between a permission holder and another person that authorises that other person to act as an agent of the permission holder's tourist program pursuant to a tourism permission granted by the GBRMPA for that program
Appropriately certified	Having a valid certification from a certification scheme approved by the GBRMPA
Appropriately qualified	<p>For the principal/senior staff and bareboat briefer, persons who are registered by the Authority as holding (at least) the following current certificates: Statement of Attainment from the Barrier Reef Institute of TAFE or equivalent (Whitsunday Bareboat Course – Briefer); Restricted Radio Operators Certificate; Australian Yachting Federation (TL4 Inshore Certificate), or equivalent.</p> <p>For bareboat ships less than 15 metres in length - a Restricted Coxswain's licence; and</p> <p>For bareboat ships 15 metres or more in length - a Restricted Master Class 5 licence.</p> <p>For the Radio Operator, persons who are registered by the Authority as holding (at least) the following current certificates: Statement of Attainment from the Barrier Reef Institute of TAFE or equivalent (Whitsunday Bareboat Course – Briefer); and Restricted Radio Operators Certificate.</p>
Bareboat	<p>Means a vessel that is: More than 6 metres in length; and When hired out or otherwise made available under a commercial operation or business arrangement (including timeshare or similar arrangements), made available - for a person's recreational use; and without a master or crew.</p> <p>Example of a bareboat – a cruiser, houseboat or yacht.</p>
Bareboat operation	Means a commercial operation that involves the use of a bareboat.
Bareboat vessel identifier	<p>Has the following specification: Made of exterior grade gravoply, yellow in colour with black text. Dimensions 150mm by 110mm Carries the GBRMPA logo and a unique, three-digit</p>

reference number.

These are commonly referred to as bareboat identification numbers or BINs.

Bareboater	Means a person who charts a bareboat from a bareboat operation.
Escort vessel	Means a vessel that accompanies a flotilla tour of bareboats to provide support services to those bareboats and compliance with set itinerary.
Escorted bareboat flotilla tour	An activity associated with a bareboat operation where a collection of bareboats operates together as a unit under the guidance of one or more escort vessels.
Hinchinbrook Planning Area	‘Hinchinbrook Planning Area’ for the Great Barrier Reef Marine Park has the meaning given by the Hinchinbrook Plan of Management 2004.
Sail guide	Means a person who can assist the bareboater in awareness of environmental issues and guide the safe operation of the bareboat without becoming responsible for the bareboat’s operation.
Whitsunday Planning Area	‘Whitsunday Planning Area’ means for the Great Barrier Reef Marine Park has the meaning given by the Whitsundays Plan of Management 1998.

ATTACHMENT A: Whitsunday Bareboat Industry Standards

- 1 The following staff or personnel must be trained and registered:
 - The principal or a senior staff member (e.g. Operations Manager)
 - The briefing staff
 - The radio operator
 - 2 The operation must provide on-board and onshore facilities for the disposal of garbage.
 - 3 The operation must meet the bareboat identification requirements of the relevant authorities at all times when operating in the Marine Park.
 - 4 The operation must ensure that all its bareboats have Protection and Indemnity (public liability).
 - 5 The operation must ensure that all its bareboats have onboard facilities to manage the discharge of sewage in accordance with regulation.
 - 6 The operation must ensure that all its bareboats are fully insured under a Comprehensive Hull and Machinery policy, and have adequate land-based insurance protection.
 - 7 The operation must have access to a dedicated licensed radio base where the accredited operator has direct access to the charterer and the technical bareboat information at all times. This base must be manned between the hours of 8 a.m. and 5 p.m. with the appropriate after-hours emergency numbers available (the radio base may be operated as part of the permitted operation, or by contractual arrangement with an alternative registered radio base).
 - 8 The operation must employ or have access to staffing, infrastructure and facilities to be able to maintain the bareboats in the fleet to a high standard (mechanical, structural and appearance).
 - 9 The operation must have adequate contingency planning procedures, staffing and resources to be able to cater for emergencies and all charter back-up services.
 - 10 The operation must comply with all the regulatory requirements of the relevant authorities.
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