



Australian Government
Great Barrier Reef
Marine Park Authority

INFORMATION SHEET

New avenues to deal with compliance on the Great Barrier Reef

Overview

Amendments to the *Great Barrier Reef Marine Park Act 1975* (the Act) and the *Great Barrier Reef Marine Park Regulations 1983* (the Regulations) which came into effect on 25 November 2009 provide increased flexibility for addressing breaches of zoning rules in the Great Barrier Reef Marine Park but do not change zone boundaries. These legislative changes are a result of the Australian Government's review of the Act in 2006.

What are the changes?

The new laws mean there will now be other options to address zoning breaches, such as civil penalty provisions as an alternative to criminal prosecution. Infringement notices will also apply to a wider range of Marine Park offences as an alternative to criminal prosecutions, and officers investigating marine incidents will have broader scope for investigation and evidence collection.

Are there changes to zoning?

No, the new laws do not change zone boundaries in Great Barrier Reef but present a broader range of options to deal with breaches of the zoning rules and related offences.

How will these effect fishers?

These changes will have no impact on the majority of fishers and commercial operators who currently do the right thing and follow the zoning rules in place in the Great Barrier Reef Marine Park. Key new enforcement mechanisms and provisions include:

- Companies and individuals who breach zoning provisions and other Act offences can now be subject to civil penalties (large fines) or criminal prosecution, depending on the nature of the offence. Civil penalties have been available under Australian Government environmental legislation for many years, and are commonly used in environmental matters and matters involving companies. Civil penalties are an alternative to criminal prosecution that is particularly valuable when companies are involved and where costs to remediate damage to the Marine Park are being

sought (for example, where a ship runs aground on a reef).

- How illegal recreational fishing is dealt with has been already addressed with the introduction of on-the-spot fines for illegal fishing in 2006. To reduce legal processes, this system will be expanded so that infringement notices cover a broader range of offences under the Act and Regulations.
- Officers investigating marine offences in the Marine Park will have enhanced capacity for investigation and evidence collection.
- Where a serious risk to the Marine Park environment exists, the GBRMPA will be empowered to issue emergency directions that require a person or group to cease an activity to avoid, mitigate or eliminate the risk.
- There are also new arrangements for netting in Dugong Protection Area B – refer to the fact sheet for more information.

Why make changes?

In 2004, the Australian Government decided to review the *Great Barrier Reef Marine Park Act 1975*. The review was subsequently undertaken by the then Minister for the Environment and Heritage and his department in 2006. This second package of legislative reforms aims to establish a suite of amendments that establishes a regulatory framework and capability to deliver the long-term protection and ecologically sustainable use of the Great Barrier Reef and includes:

- A more up to date focus
- Better integration and consistency with related legislation
- Robust, streamlined assessments and approvals
- Improved investigation capacity
- A stronger and more flexible approach to enforcement
- Enhanced compliance and responsible use
- Improved emergency management capacity
- Indigenous membership and tourism industry membership (with specific Marine Park knowledge and experience) of the MPA Board