

GREAT BARRIER REEF MARINE PARK AUTHORITY

ANNUAL REGULATORY PLAN 2011/12

Commonwealth agencies that have responsibility for business regulation are required to publish a Regulatory Plan. The Regulatory Plan contains information about:

- Changes to business regulation which occurred in the previous financial year
- Activities planned for the current financial year which could lead to changes in business regulation.

The 2011/12 Regulatory Plan

- [Description of regulatory changes during the 2010/11 financial year](#)
- [Description of regulatory activities planned for the 2011/12 financial year](#)

What regulation does a Regulatory Plan cover?

A Regulatory Plan covers business regulation. This includes primary legislation, subordinate legislation, quasi-regulation or treaties which directly affect business, have a significant indirect affect on business, or restrict competition.

Quasi-regulation refers to rules or arrangements where governments influence businesses to comply, but which do not form part of explicit government regulation.

A Regulatory Plan does not include information about the following:

- Regulations of a minor or machinery nature that do not substantially alter existing arrangements
- Regulations that involve consideration of specific government purchases
- Regulations of a state or self-governing territory that apply in a non-self governing territory
- Anticipated activity about which it would be inappropriate to publish information.

In addition, there may be regulatory activities undertaken during the next financial year which have not been included in the attached Regulatory Plan because these were not foreseen when the Plan was prepared at the start of the financial year. Users should therefore not take the Great Barrier Reef Marine Park Authority's Regulatory Plan as necessarily being a comprehensive source of information on all past or potential changes to business regulation.

Regulatory Plan 2011/12

Description of regulatory changes during the 2010/11 financial year

- The GBRMPA did not make any regulatory changes during the 2010/11 year.

Description of regulatory activities planned for the 2011/12 financial year

- [Amendments to the Great Barrier Reef Marine Park Regulations 1983 to provide for increased protection of dugong in Bowling Green Bay](#)
- [Amendments to Environmental Management Charge \(EMC\) provisions of the Great Barrier Reef Marine Park Act 1975 and the Great Barrier Reef Marine Park Regulations 1983](#)
- [Revocation of the Great Barrier Reef Marine Park \(Aquaculture Regulations\) 2000](#)
- [Amendments to 'bait netting' provisions of the Great Barrier Reef Marine Park Regulations 1983 to compliment changes to the Great Barrier Reef Coastal Marine Park](#)
- [Revocation of the Shoalwater Bay \(Dugong\) Plan of Management 1997 and consequent amendment to the Regulations](#)

Description of regulatory activities planned for the 2011/12 financial year (updated 26 July 2011)

Amendments to the *Great Barrier Reef Marine Park Regulations 1983* to provide for increased protection of dugong in Bowling Green Bay

Description of issue

Amendments to the *Great Barrier Reef Marine Park Regulations 1983* (Regulations) to provide increased protection to dugong from commercial net fishing are required to address recent unsustainable levels of dugong mortalities in Bowling Green Bay. The amendments will further restrict rules for commercial net fishing in part of the existing Bowling Green Bay Species Conservation (Dugong Protection) Special Management Area.

Consultation opportunities

Consultation with Fisheries Queensland, Queensland Boating and Fisheries Patrol, the Queensland Seafood Industry Association, Queensland Department of Environment and Resource Management and Queensland Parks and Wildlife Service has been undertaken.

Expected timetable

It is anticipated these amendments will be implemented as soon as practicable.

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Amendments to Environmental Management Charge (EMC) provisions of the *Great Barrier Reef Marine Park Act 1975* and the *Great Barrier Reef Marine Park Regulations 1983*

Description of issue

The proposed amendments are intended to:

- update the formula for calculating EMC for chargeable permissions, including updating the indexation provisions;
- simplify and amalgamate various EMC categories and amend the charge structure to better reflect the EMC liability that should be imposed on activities that have different levels of impact on the environment (ie high impact versus low impact);
- clarify some definitions and the wording of various provisions to reflect current policy intent;
- insert new kinds of activities for which EMC should be imposed, and remove redundant EMC categories;
- insert new provisions regarding the timing for payment of some kinds of EMC (eg allowing instalment payments and payment plans in special circumstances);
- amend the *Great Barrier Reef Marine Park Act 1975* (Act) in relation to late payment penalties;

- insert additional powers for EMC inspectors;
- limit the ambit of the protection afforded by section 39P(4) of the Act to bodies corporate in order to assist the GBRMPA's ability to pursue sanctions for breaches of the provision requiring collection and payment of EMC amounts; and
- amend sections 2A, 7 and 7A and Part VA of the Act to allow use of EMC visitation data for purposes other than determining EMC liability and to allow the GBRMPA to disclose such data to the Queensland Parks and Wildlife Service.

Consultation opportunities

A Regulatory Impact Statement will be prepared for the proposed amendments.

GBRMPA intends to consult with tourism operators about proposed changes to EMC regulation through the Tourism and Recreation Reef Advisory Committee, various industry publications, and targeted consultation with peak industry bodies. Targeted consultation will also be conducted with other stakeholders likely to be affected by the changes (eg commercial developers and aquaculture operators).

Expected timetable

The amendments are intended to be implemented in stages over the next two financial years. Changes to the EMC charge structure will likely form part of the second phase of amendments, to be implemented following appropriate stakeholder consultation and regulatory assessment.

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Revocation of the Great Barrier Reef Marine Park (Aquaculture Regulations) 2000

Description of issue

It is proposed that the *Great Barrier Reef Marine Park (Aquaculture) Regulations 2000* be repealed to rectify inconsistencies with current Queensland legislation. The *Environmental Protection and Biodiversity Conservation Act 1999* (EPBCA) currently provides the GBRMPA with adequate protection with respect to aquaculture and the Aquaculture Regulations are no longer necessary.

Consultation opportunities

As these amendments are intended to simply rectify inconsistencies with Queensland legislation by removing provisions which are now adequately dealt with under the EPBCA, they will not alter current management intent and are unlikely to have significant impacts on business or the not for profit sector. Therefore, the GBRMPA does not propose to conduct stakeholder consultation.

Expected timetable

It is anticipated the amendments will take effect in 2012.

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Amendments to 'bait netting' provisions of the *Great Barrier Reef Marine Park Regulations 1983* to compliment changes to the Great Barrier Reef Coastal Marine Park**Description of issue**

Amendment to regulation 13(3)(b) of the Regulations is proposed to prohibit the take of bream, whiting and flathead species by commercial netting in Conservation Park Zones ('CPZs'). The proposed amendments will give effect to the intent of zoning in CPZs and maintain consistency with Queensland legislation.

Consultation opportunities

Key stakeholders are proposed to be consulted in due course.

Expected timetable

It is anticipated these amendments will take effect in late 2011.

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Revocation of the Shoalwater Bay (Dugong) Plan of Management 1997 and consequent amendment to the Regulations

Description of issue

It is proposed to revoke the *Shoalwater Bay (Dugong) Plan of Management 1997* ('SB POM'), as most of the management provisions contained in that plan have been superseded by the *Great Barrier Reef Marine Park Zoning Plan 2003*. Concurrently, the GBRMPA proposes to implement provisions in the Regulations which would prohibit the possession of fishing nets onboard vessels in the Shoalwater Bay area, thereby complementing similar provisions under the Queensland fisheries regulations and giving effect to the only provision of the SB POM which has not been duplicated by the Zoning Plan.

Consultation opportunities

As the proposed amendments are merely removing obsolete provisions that have been superseded, they will not alter current management intent and are unlikely to have significant impacts on business or the not for profit sector. Therefore, the GBRMPA does not propose to conduct stakeholder consultation.

Expected timetable

It is anticipated these amendments will take effect in 2012.

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