Great Barrier Reef Marine Park Amendment Regulations 2004 (No. 4)\(^1\)

Statutory Rules 2004 No.\(^2\) 143

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Great Barrier Reef Marine Park Act 1975.

Dated 24 JUN 2004 2004

PM Jeffery
Governor-General

By His Excellency's Command

DAVID KEMP
Minister for the Environment and Heritage
1 Name of Regulations
These Regulations are the *Great Barrier Reef Marine Park Amendment Regulations 2004 (No.1)*.

2 Commencement
These Regulations commence on 30 June 2004.

3 Amendment of *Great Barrier Reef Marine Park Amendment Regulations 2004 (No. 2)*
Schedule 1 amends the *Great Barrier Reef Marine Park Amendment Regulations 2004 (No. 2)*.

Schedule 1 Amendments
(regulation 3)

[1] Schedule 1, item [8], inserted regulation 8U, Table 8U, item 14, column 3

*substitute*
Green turtle, loggerhead turtle, olive ridley turtle, hawksbill turtle, flatback turtle
Schedule 1, item [8], inserted regulation 11KA, excluding the table or note

substitute

11KA Species Conservation (Dugong Protection) SMAs — special management provisions

(1) The special management provision that applies to a Species Conservation (Dugong Protection) SMA is that netting and bait netting in the area must be carried on in accordance with the provisions of Schedule 2 to the Fisheries Regulation specified in the table to subregulation (3).

(2) In subregulation (1):

**bait netting** does not include netting using a cast, scoop or seine net:

(a) that complies with the relevant subsection or subsections of section 12 of Schedule 8 to the Fisheries Regulation; and

(b) that is used in accordance with section 13 of Schedule 8 to the Fisheries Regulation.

(3) For subregulation (1), the following table sets out the provisions of Schedule 2 to the Fisheries Regulation that are applicable to each SMA:

Schedule 1, item [8], inserted regulation 11N, Table 11N, Part 1

substitute

Table 11N Part 1 MacLennan Cay Reef (11-070) Restricted Access SMA

The area bounded by a notional line commencing at 11° 18.820' S, 143° 48.282' E then running progressively:

1 east along the parallel to its intersection with the meridian 143° 49.041' E;

2 south along the meridian to its intersection with the parallel 11° 19.684' S;
3 west along the parallel to its intersection with the meridian
143° 48.282' E;
4 north along the meridian to the point of commencement

[4] Schedule 1, item [8], inserted regulation 11NB
omit
(except a ship or managed vessel, or an aircraft)
insert
(except a ship, or a managed vessel or aircraft)

[5] Schedule 1, after item [12]
insert

[12A] Subregulation 32A (3)
substitute
(3) Subregulations (1) and (2) do not affect the operation of
subregulations 14E (1) and (5).

[6] Schedule 1, after item [41]
insert

[41A] Subregulation 76 (2), note
substitute

Note Applications for relevant permissions are dealt with in regulation
14E.
Schedule 1, item [49], inserted regulation 122AA, Table 122AA

Table 122AA  Infringement notice offences and penalties

<table>
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<th>Item</th>
<th>Provision</th>
<th>Infringement notice penalty (penalty units)</th>
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<tr>
<td>1</td>
<td>regulation 12Y (Commercial activities on Low Island)</td>
<td>10</td>
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<tr>
<td>2</td>
<td>subregulation 41A (1) (Certain animals not to be taken onto Commonwealth islands)</td>
<td>2</td>
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<td>3</td>
<td>subregulation 46 (1) (Littering prohibited)</td>
<td>2</td>
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<td>subregulation 48 (1) (Authority moorings)</td>
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<tr>
<td>5</td>
<td>subregulation 66C (1) (Offences — identification numbers)</td>
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<tr>
<td>6</td>
<td>subregulation 84 (1) or (2) (Offence — altering ticket etc)</td>
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<tr>
<td>7</td>
<td>subregulation 106 (1), (2), (3) or (4) (Record-keeping etc)</td>
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<tr>
<td>8</td>
<td>subregulation 113 (1) (Offences — Cairns Area Plan of Management enforcement provisions)</td>
<td>3</td>
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<td>9</td>
<td>subregulation 117 (1) (Offences — Whitsundays Plan of Management enforcement provisions)</td>
<td>3</td>
</tr>
<tr>
<td>10</td>
<td>subregulation 117D (1) (Offences — Hinchinbrook Plan of Management enforcement provisions)</td>
<td>3</td>
</tr>
</tbody>
</table>

Notes
1. These Regulations amend Statutory Rules 2004 No. 39.