

## Applications for Joint Permissions

Effective from 4 October 2017

### **Objective**

To provide information about applying for permissions, accreditations and exemptions to undertake activities in the Great Barrier Reef Marine Park (Cth) and the Great Barrier Reef Coast Marine Park (Qld) (the Marine Parks).

### **Target audience**

*Primary:* Staff of the Great Barrier Reef Marine Park Authority (the Authority) and Queensland Parks and Wildlife Service (QPWS) who are involved with applications.

*Secondary:* Applicants; permission holders; and the general public, particularly those who are considering undertaking activities in the Marine Parks which may require permission.

## Purpose

1. To deliver a consistent and transparent application process that complies with legislation, government standards and policy.
2. To streamline and integrate State and Commonwealth Marine Parks permission application processes while maintaining strong environmental protection.

## Related legislation / standards / policy

3. Complementary legislation allows for the operation of a joint permission system, and includes:
  - a. [Great Barrier Reef Marine Park Act 1975](#) (Cth) and [Marine Parks Act 2004](#) (Qld) (the Acts).
  - b. [Great Barrier Reef Marine Park Regulations 2019](#) (Cth) and [Marine Parks Regulation 2017](#) (Qld) (the Regulations).
  - c. [Great Barrier Reef Marine Park Zoning Plan 2003](#) (Cth) and [Marine Parks \(Great Barrier Reef Coast\) Zoning Plan 2004](#) (Qld) (the Zoning Plans).
4. These guidelines support and provide further information about the managing agencies' [Permission System Policy](#). Refer to Appendix A of that document for a full list of related legislation, standards and policy.

## Context

5. The Great Barrier Reef Marine Park Authority (the Authority) and the Queensland Parks and Wildlife Service (QPWS) (collectively – the managing agencies) implement a joint permission system. These guidelines provide further detail about how the Permission System Policy is applied in specific situations.
6. The Great Barrier Reef World Heritage Area is managed jointly by the Australian and Queensland Governments under the [Great Barrier Reef Intergovernmental Agreement 2015](#) and complementary legislation.
7. These guidelines relate only to applications for joint permissions for activities within the Great Barrier Reef Marine Park and Great Barrier Reef Coast Marine Park (Marine Parks). The State of Queensland will deal independently with applications which relate only to the Great Barrier Reef Coast Marine Park.
8. While the managing agencies' legislation is complementary, it is not always identical. It is possible for one agency to grant permission, while the other agency refuses permission. However, complementary legislation and zoning, combined with a long history of working collaboratively, means such cases are rare. Typically any differences are discussed and resolved prior to finalising the assessment report.

Where agreement is not reached, the issues are progressively escalated in both agencies to a more senior level.

9. As the Authority generally leads and administers the application and assessment process the Commonwealth legislation generally prevails in joint assessments where there are differences between the legislative requirements. However in some instances the State may impose specific State-only conditions for adjoining intertidal areas.

### Example

Queensland legislation allows a decision maker to change any aspect of a permit, while Commonwealth legislation prohibits changes to certain aspects of the permit after the permission has been granted. There would be no point in QPWS making a change to a joint permit if the Authority could not also make this change.

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## General Principles

### Key steps

10. Figure 1 summarises key steps in determining whether permission is needed, and if so, what processes need to be followed. See the sections indicated for more detail and guidance on each step.

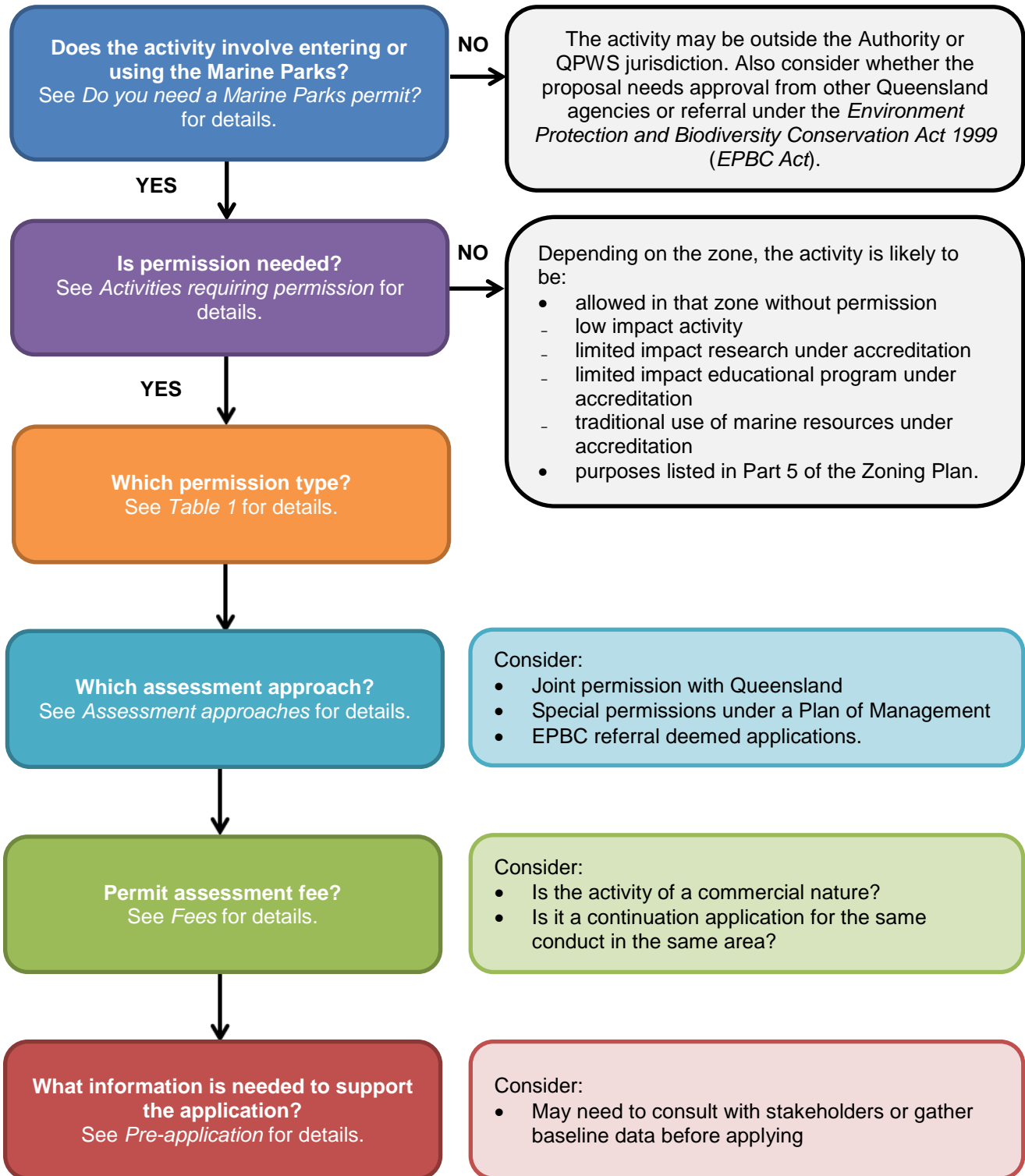


Figure 1: Key steps in the permission application process

### What is the difference between a permit and a permission?

11. Part 2 of the Zoning Plans identify the purposes which require written permission from the managing agencies before entering or using that part of the Marine Parks. See the section [Activities requiring permission](#) for more information.
12. A permit is a document issued by the managing agencies which details permission(s) granted and how activities are to be conducted, such as:
  - a. which activities are allowed
  - b. who is allowed to conduct the activities (the permission holder)
  - c. where in the Marine Parks (zones and locations) the activities can be conducted
  - d. how long the permission(s) remain in force (the permission term), and
  - e. conditions with which the permission holder must comply.
13. A permit may include one or more permissions.

#### Example

- One permit may contain permissions for three uses: one vessel charter permission, one permission to conduct a tourist program and one permission for operating a facility (mooring).
  - One permit may contain five permissions of the same type: each for conduct of a tourist program but using five different vessels.
14. All joint Marine Parks permits are publicly available on the Authority's public [permit database](#).
  15. The decision of whether to include multiple permissions on a single permit is an administrative matter which is not regulated by legislation and is therefore not explained in these guidelines. The managing agencies have agreed internal administrative procedures, which change from time to time, describing the preferred approach.

### Joint Marine Parks Permits

16. The managing agencies operate a joint Marine Parks permit process that generally is administered by the Authority. Joint Marine Parks permits grant access to both the Great Barrier Reef Marine Park (Commonwealth) and the Great Barrier Reef Coast Marine Park (State) for certain purposes.

### Deemed applications under the *Environment Protection and Biodiversity Conservation Act 1999*

17. In some cases, an activity which requires Marine Parks permission must also be referred to the Minister for the Environment and Energy under the national environmental legislation, the EPBC Act.
18. A separate [EPBC referral deemed application information sheet](#) explains how the permission system and EPBC Act processes are integrated.

### Do you need a Marine Parks permit?

19. Determine whether the activity (or part of the activity) will take place within the Marine Parks, or will require use of the Marine Parks. You can find detailed information on the boundaries and zones of the Marine Parks on the Authority website [here](#).
20. In general, the following areas are usually not within both Marine Parks and therefore are unlikely to require joint permission from the managing agencies but may require a State only permission:
  - a. land above Mean Low Water Mark, such as beaches and certain islands that are in Queensland jurisdiction (note that the Authority does manage 70 [Commonwealth islands](#), where permission from the Authority only may be needed even if the activities are above the Mean Low Water Mark)
  - b. waters within [Port Exclusion Zones](#)
  - c. south of Baffle Creek (near Bundaberg)
  - d. north of Cape York, including the Torres Strait Islands
  - e. more than 250km offshore, such as the Coral Sea Commonwealth Marine Reserve, e.g., Osprey Reef, Saumarez Reef and Willis Island.
21. A business or person may need permission from the managing agencies even if they don't intend to physically enter the Marine Parks.

**Note** - applicants should check whether creeks/rivers/streams (internal waters of Queensland) are within the Great Barrier Reef Coast Marine Park (State) or whether islands are National Parks Marine Park prior to submitting an application.

**Example**

- A hire boat company located on the mainland may require permission for operation of a tourist program if the boats will often be used by tourists within the Marine Parks.

22. Table 1 lists the types of uses which usually require permission from the managing agencies, depending on the zone. This includes activities such as:
  - a. tourist programs, boat hire, vessel charters and scenic flights
  - b. installation, operation and maintenance of facilities such as moorings, jetties, marinas, pontoons and aquaculture facilities
  - c. dredging and dumping of spoil, sea bed levelling and beach nourishment
  - d. anchoring or mooring for an extended period
  - e. waste discharge from a fixed facility (such as a land-based sewage or desalination plant outfall)
  - f. research, except for limited impact research under accreditation (see section [Activities not requiring permission](#))
  - g. educational programs, except under accreditation (see section [Activities not requiring permission](#))
  - h. filming and recording that may impact on the values of the Marine Park or other users – refer to the [Recording activity assessment guidelines](#).
23. If, after reading these guidelines, doubts remain about whether Marine Parks permission is needed, an email confirmation from the Authority ([assessments@qbrmpa.gov.au](mailto:assessments@qbrmpa.gov.au)) should be sought before starting the activity in the Marine Parks.
24. Also refer to [Activities not requiring permission](#).

**Activities requiring permission**

25. Table 1 lists the types of permissions which are recognised in the Zoning Plans.

**Table 1:** Types of permissions which are recognized in Part 2 of the Zoning Plans.

Permission types
Carrying out works – beach protection works
Carrying out works – dredging
Carrying out works – dumping of spoil
Carrying out works – harbour works
Carrying out works – reclamation
Carrying out works – other
Collecting – other than limited collecting
Conducting a tourist program
Conducting a vessel or aircraft charter operation
Conducting an aquaculture operation
Conducting an educational program, other than a limited educational program
Fishing involving – taking in a harvest fishery other than an accredited harvest fishery
Fishing involving – conduct of a developmental fishery program
Navigating a managed vessel, aircraft or ship
Operating a facility – building, assembling, fixing in position, maintaining or demolishing the facility
Operating a facility – constructing or operating mooring facilities for vessels or aircraft
Operating a facility – operating a landing area or facility for aircraft
Operating a facility – discharging waste from the facility
Operating a fishing industry service vessel
Operating a vessel or aircraft in 1 vicinity for more than 14 consecutive days
Operating a vessel or aircraft in 1 vicinity for more than 30 days in any period of 60 days
Program to take animals or plants that pose a threat to – human life or safety;
Program to take animals or plants that pose a threat to – marine ecosystems of the Marine Park;

Permission types
Program to take animals or plants that pose a threat to – the use or amenity of a part of the zone or an adjacent area
Research, other than limited impact research (extractive) or limited impact research (non-extractive)
Traditional use of marine resources
Any other purpose that is consistent with the objective for the zone

### Conducting a tourist program

26. Section 3A of the *Great Barrier Reef Marine Park Act 1975* defines a 'tourist program' and 'tourist' as follows:

*(3) In a zoning plan, a reference to the operation, to the conduct, or to the establishment, of a **tourist program** is a reference to an activity (whether consisting of a single act or a series of acts) that:*

- a) is in the course of carrying on business; and*
- b) is or includes the provision of transport, accommodation or services for tourists or for persons who include tourists.*

*(9) ...**tourist** means a person who is in the Marine Park principally for the purpose of recreation (which may include fishing or collecting).*

27. Generally recreation includes activities that people choose to participate in during their free or leisure time (outside of study or work duties) for the purpose of relaxation, enjoyment or exercise. Tourists may be local to the area, from within the same region or state, from other states, or from other countries.

28. An important consideration is whether the activity is being conducted in the course of carrying on business. Useful guidance information can be found on the [Australian Taxation Office's website](#). Examples of characteristics of a business may include:

- intending or desiring to make a profit
- repeating similar activities on a regular basis, even if seasonal
- keeping records and account books
- having a separate bank account
- registering a business name or applying for an Australian Business Number (ABN)
- marketing goods or services.

### Conducting an educational program

29. An educational program involves the systematic education of the participants in a particular skill or topic, where none of the participants are tourists. Examples of characteristic of educational programs may include:

- a. clear learning goals or objectives.
- b. a formal curriculum or lesson plan explaining how the learning goals will be achieved
- c. formal assessment and/or recognition of whether the participants have achieved the learning goals.
- d. an accredited course delivered by a registered training organisation; or as a component of a formal curriculum led by, or on behalf of, a primary or secondary school, tertiary institution or university.

30. Key points to consider when determining whether an activity qualifies as an educational activity include:

- a. Tertiary education - The Australian Government's Tertiary Education Quality and Standards Agency (TEQSA) regulates higher education providers such as universities and accredits individual courses. More information can be found on the [TEQSA website](#), including searches for registered institutions and accredited courses.
- b. Vocational training - The vocational training and education sector in Australia is regulated by the Australian Skills Quality Authority (ASQA), including:
  - i. [Registered training organisations](#) – Training providers who are nationally registered and allowed to deliver accredited vocational and educational courses.
  - ii. [Accredited courses](#) - Courses which are nationally recognised and meet an established industry, enterprise, educational, legislative or community need.

- iii. [CRICOS](#) - The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is a register of Australian education institutions that recruit, enrol and teach overseas students. Registration on CRICOS allows providers to offer courses to overseas students studying, or intending to study, in Australia on student visas.
  - c. Primary and secondary education – Public and private schools are accredited by their relevant Australian state. Primary or secondary school activities are only educational programs if they are part of a formal curriculum, rather than primarily a recreational outing.
    - i. If the educational program is organised and led by a third party (such as a tourism company or private individual), then either the party leading the activity OR the school needs permission to conduct an educational program, unless they already hold accreditation with the Authority (see section - [Accreditations: educational and research institutions](#)).
31. Activities which do not meet the above criteria are generally not considered to be educational programs by the managing agencies. If the activities don't meet the criteria, they are likely to be considered conduct of a tourism program or research, depending on the activities and type of participant.

### Research

32. Marine Parks legislation defines research project as “a diligent and systematic inquiry or investigation into a subject, in order to discover facts or principles that has its own objectives, sampling design and outcomes”.
33. Key points to consider when determining whether an activity qualifies as research include:
- a. Genuine research is carefully thought out and well planned. Research applicants are expected to explain the objective of their research and justify how the proposed sampling design will achieve this objective.
  - b. Research may be related to any subject, including biological, atmospheric, geological, social, cultural or historical matters.
  - c. Research has outcomes that may be assessed, measured and/or published.
  - d. Monitoring programs are considered research.
34. All research conducted in the Marine Parks requires permission, from the managing agencies unless it meets the definition of limited impact research by an accredited institution. More information can be found in the Authority's [Guidelines for managing scientific research](#).

### Examples

A tourism company regularly reports coral health and whale sightings to the Authority using the Eye on the Reef system. This reporting is incidental to their normal activities and is only done when they conduct it without compromising their tourism activities.

- This is unlikely to require permission for research, as it is not a 'diligent' or 'systematic enquiry.'

A tourism company has established a coral health monitoring program at the reef to which it operates. Staff complete a standardised survey every day and enter the data onto a computer system. The survey includes coral health as well as environmental conditions such as water temperature, wind speed and the number of visitors. The company reports its findings on its website and directly to the Authority. Over time, they are tracking coral health with the objective of understanding visitor impacts in order to further minimise these impacts.

- This is likely to require permission for research, as it meets the definition of a 'research project.'

### Edu-tourism and volun-tourism

35. 'Edu-tourism' or 'volun-tourism' programs are growing in popularity. Such programs offer people the opportunity to participate in research or rehabilitation activities to gain a more meaningful experience with the Great Barrier Reef. It is sometimes difficult to determine whether such programs require permission, and if so, what sort of permission.
36. The managing agencies differentiate between education, research, and tourist programs according to their primary purpose:
- a. Tourist program – the people taking part in the program are in the Marine Park principally for the purpose of recreation.



- b. Educational program – principally for the purpose of the systematic education of the persons taking part in the program.
  - c. Research – the primary purpose is to conduct a diligent and systematic investigation into a subject and does not form part of (a) or (b) above.
37. It is possible to undertake an educational program related to a recreational pursuit – for example, scuba diving or sea kayaking. Where such programs meet the criteria outlined above, they are likely to be considered educational programs rather than tourist programs.

### Example

A non-profit community group offers a half-day program where participants help to remove rubbish from a popular snorkelling site. It is marketed primarily to tourists (both international and domestic). The program is offered two afternoons every week throughout the tourist season. The cost of the program is designed to fully recover the community group's costs and also raise a small amount of money for the group's other projects.

- Tourist program.

A dive company offers a three-day diver training course. Participants follow a standard curriculum, are tested by written and practical assessments and, if successful, receive an internationally recognised accreditation. The dive company is a registered training organisation and delivering an ASQA-accredited course. The cost of the program is designed to fully recover the dive company's costs and to make a profit.

- Educational program.

A company offers an introduction to sailing program where participants spend two days sailing around islands. It is marketed as a low-key, no-pressure, come-and-try vacation where participants can sit back and enjoy the cruise, or if they wish can get hands-on and learn some key sailing skills. There is no formal training, curriculum or assessment.

- Tourist program.

A high school offers a subject in Ecology, which has a learning unit about coral reefs. The school partners with a local tourism company to take students to a reef. The tourism company provides transport, lunch, snorkelling equipment, safety briefings and safety look-outs while the students are snorkelling. School teachers prepare and deliver lessons on the boat and in the water while snorkelling. The tourism company may charge a fee, or may offer its services free-of-charge as a community service.

- Educational program – The school needs permission to conduct an educational program (unless they are accredited with the Authority).

### Assessment approaches

38. Some assessment approaches require applicants to seek public comment, while others do not. The managing agencies are likely to require that a proposal undergoes some form of public comment if:
- a. it may restrict the public's reasonable use of part of the Marine Parks, and/or
  - b. it may have significant impact on one or more values of the Marine Parks.
39. Under the GBRMP Regulations routine assessment and tailored assessment approaches do not require the applicant to seek public comment. Public information package, public environment report and environmental impact statement all require the applicant to seek public comment.
40. In some cases, the managing agencies may seek the views of specific stakeholders for proposals that have been determined to be tailored assessments.

### Examples

- 1. The managing agencies asking the manager of a scientific research station about the acceptability of research that is proposed near that station.
- 2. The managing agency engaging with Traditional Owners to determine whether a site specific research proposal may impact on Traditional Owner values.

41. In evaluating whether the proposal may restrict the public's reasonable use of the Marine Parks, the managing agencies consider:

- a. whether a relevant [Plan of Management](#) or other statutory management plan requires public comment for that activity
  - b. whether a relevant Site Management Arrangement (or other policy or site plan) recommends public comment – refer to the [Location specific assessment guidelines](#) for details.
  - c. new or existing use – new uses are more likely to require public comment
  - d. degree to which the proposed activity may impact on other users
  - e. the location of the activity and proximity to towns or activity centres
  - f. other recreational and commercial activities taking place in the location
  - g. history of use of the area including any conflicts in uses
  - h. duration of the proposed activity and its impacts
  - i. whether the location is sensitive or unique in terms of environment, biodiversity, heritage, social or economic values
  - j. whether there has been media or public interest.
42. In evaluating whether the proposal may have significant impact on a value of the Marine Parks, the managing agencies firstly consider potential impacts on any matters of national environmental significance, using the national [significant impact guidelines](#). The managing agencies then consider potential impacts to values at a local, regional or widespread scale (see the individual [value assessment guidelines](#) for details).
43. [Table 2](#) gives some examples of different activities that may trigger each assessment approach. It is important to note that these are only hypothetical examples. Each application is judged on its own merits and a decision made as to its complexity, risk level and potential impact on the values of the Marine Parks.
44. In general, the assessment approach will be determined as follows:
- a. **Routine assessment** - the managing agencies have sufficient information to understand the relevant impacts of the proposed activity with a high level of confidence. The risks associated with the activity are known to be low and the activity is unlikely to restrict the public's reasonable use of the Marine Parks.
  - b. **Tailored assessment** – the managing agencies have sufficient information to understand the relevant impacts of the proposed activity with a high level of confidence. The risks associated with the activity are known to be low or can be mitigated to low and the activity is unlikely to restrict the public's reasonable use of the Marine Parks. Despite this, there are certain matters requiring detailed consideration in deciding whether the permission should be granted, for example: use of a specific site; request for daily access to a Planning Area; matters relating to an applicant's suitability, request to take a larger vessel or group size to a setting or location in a Planning Area.
  - c. **Public information package** – the managing agencies have identified that the proposed activity is likely to pose a medium risk to the values of the Marine Park or significantly impact matters of national environmental significance. In addition, there may be an impact to the public's reasonable use of the Marine Park or Traditional Owner heritage values. The application requires public comments to be undertaken to assist in assessing those risks.
  - d. **Public environment report** – the managing agencies have identified that the proposed activity is likely to pose a medium or high risk to the values of the Marine Parks including Traditional Owner heritage values, significantly impact matters of national environmental significance or impact on the public's reasonable use. Detailed consideration of the risks and impacts are needed, including general public consultation and possible targeted consultation, for example with Traditional Owners.
  - e. **Environmental impact statement** – due to the nature and scale of the proposal, the managing agencies have identified that the proposed activity is likely to pose a high or very high risk to the values of the Marine Parks including Traditional Owner heritage values; significantly impact matters of national environmental significance; or impact on the public's reasonable use. The proposal is large and complex with many aspects that require detailed consideration and assessment to fully understand the risks and impacts. The application requires public advertising and may also require targeted consultation, for example with Traditional Owners, subject matter experts or other government agencies.

45. The following elements need to be considered and will usually require a more complex assessment approach:
- a. Variety of activities – proposals for multiple activities or facilities.
  - b. Impacts on values – activities that have potential for significant impacts, or may impact on many values of the Marine Parks.
  - c. Impacts on other users – activities that may limit other people’s reasonable use of an area of the Marine Parks, now or in the future.
  - d. Zones or locations – activities proposed in highly protected zones, sensitive locations, or areas with the potential for competing or conflicting uses; activities proposed near major towns.
  - e. Scale or extent – activities that may impact a large area.
  - f. Duration or recurrence – activities that may have impacts that last for a long time, or repeat over the years.
  - g. Public interest – activities that may be contentious or attract a high degree of public interest.
  - h. New technology – methods or materials that have not been robustly tested within the Marine Parks.
  - i. Applicant history – applicants who have a history of non-compliance with Marine Park permits, have a poor environmental history, have recent court convictions and/or owe fees or fines to the managing agencies.
  - j. Uncertain knowledge – activities or locations for which recent or background knowledge is not readily available.
  - k. Site visits – proposals that are likely to require one or more site visits by the managing agencies to adequately understand potential impacts and mitigation options.
  - l. Expert advice – proposals that require the managing agencies to seek detailed review by internal or external experts in a specific field.
  - m. Further information – proposals that require the managing agencies to seek further, more detailed information from the applicant, and/or ongoing discussions with the applicant.
  - n. Engagement with other regulators – coordination and harmonisation across jurisdictions, such as EPBC Act and other Queensland legislation.

**Revising the assessment approach**

46. With all applications, the managing agencies expect the applicant to provide enough detail to allow the managing agencies to determine the most appropriate assessment approach. This should be done by the applicant during scoping and pre-application stages. The application form and [information checklists](#) will assist applicants in determining the correct information to be provided.
47. If however after the decision on the assessment approach is made, extra information becomes available to the managing agencies (such as new information about relevant impacts) that justifies the making of a new decision on the assessment approach, the decision maker may re-assign the application to a different assessment approach. The managing agencies do not intend to make this reassignment regularly. This decision will not be made without due consideration and should be the exception rather than the rule.

Table 2: Examples of activities that might trigger each of the assessment approaches

Type of permission	Routine	Tailored	Public information package	Public environment report	Environmental impact statement
<i>Examples only</i>					
<b>Tourist program</b> <b>Vessel or aircraft charter operation</b>	<ul style="list-style-type: none"> <li>Tourist programs for vessels, aircraft and activities listed on the Routine tourism and charter permit application form.</li> </ul>	<ul style="list-style-type: none"> <li>Any tourist activity that is not listed Routine Tourist and Charter permit application form.</li> <li>Using new technology.</li> <li>Navigating a cruise ship outside the Designated Shipping Area.</li> <li>Cruise ship tourism.</li> <li>Bareboat operations.</li> </ul>	<ul style="list-style-type: none"> <li>Activities in locations with site arrangements that recommend public comment.</li> </ul>	<ul style="list-style-type: none"> <li>Unlikely, except as part of a larger proposal usually involving a fixed facility.</li> </ul>	<ul style="list-style-type: none"> <li>Unlikely, except as part of a larger proposal usually involving a fixed facility.</li> </ul>
<b>Research or education</b> <i>Other than limited impact research done by an accredited research or educational institution</i>	<p>In development:</p> <ul style="list-style-type: none"> <li>Certain research programs.</li> </ul>	<ul style="list-style-type: none"> <li>Most research programs not conducted under accreditation.</li> <li>Take of specimens above limits in section 20.</li> <li>Extractive research in a Marine National Park Zone.</li> <li>Take of a protected Species.</li> <li>Navigating a research ship outside the Designated Shipping Area.</li> </ul>	<ul style="list-style-type: none"> <li>Installing large-scale and/or long-term research equipment that may limit people's use of an area.</li> <li>Activities in locations with site arrangements that recommend public comment.</li> </ul>	<ul style="list-style-type: none"> <li>Long-term study that has potential to significantly impact on a Marine Park value or reasonable use of the Marine Park or that may limit people's use of an area.</li> </ul>	<ul style="list-style-type: none"> <li>Long-term study that is likely to significantly impact on a Marine Park value or reasonable use of the Marine Park or that may limit people's use of an area.</li> </ul>
<b>Dredging and spoil disposal</b> <i>(Note: Capital dredge spoil disposal above 15,000 m3 is generally prohibited)</i>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Small-scale maintenance dredging (&lt;50,000 m3 per year).</li> <li>Sea bed levelling.</li> </ul>	<ul style="list-style-type: none"> <li>Approach to be determined based on individual project specifics, including scale and site sensitivities, but generally:                             <ul style="list-style-type: none"> <li>any capital (new) dredging</li> <li>some maintenance dredging at decision maker's discretion</li> <li>any disposal that has the potential to significantly impact on a value or reasonable use of the Marine Park.</li> </ul> </li> </ul>		
<b>Discharge</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Discharge of desalination brine or uncontaminated seawater.</li> <li>Small-scale or one-off discharge of sewage or aquaculture waste.</li> <li>Existing discharge seeking continued permission.</li> </ul>	<ul style="list-style-type: none"> <li>New medium-scale or seasonal discharge of sewage or aquaculture waste.</li> <li>New small-scale or one-off discharge of industrial waste.</li> </ul>	<ul style="list-style-type: none"> <li>New large-scale or routine discharge of sewage or aquaculture waste.</li> <li>New medium-scale or seasonal discharge of industrial waste.</li> </ul>	<ul style="list-style-type: none"> <li>New large-scale or routine discharge of industrial waste.</li> </ul>

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Type of permission	Routine	Tailored	Public information package	Public environment report	Environmental impact statement
<i>Examples only</i>					
<b>Fixed facility</b>	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Most existing fixed facilities seeking continued permission.</li> <li>Moorings that are not likely to impact on other users or values of the Marine Park, such as a person's mooring in front of their private home or alternate weather moorings for tourism operations.</li> <li>Applications made under the marine tourism contingency plan.</li> </ul>	<ul style="list-style-type: none"> <li>New moorings that are likely to impact on other users or values of the Marine Park (generally only if the area is not covered by a site plan or policy, or if the proposed mooring is inconsistent with a site plan or policy).</li> <li>Most new or unpermitted small fixed facilities, for example a jetty, tourist pontoon, heli-pontoon, commercial anchorages, short distance utilities cable or pipeline, statue or memorial, cyclone moorings.</li> </ul>	<ul style="list-style-type: none"> <li>Construction of new, small seawall, breakwater, or boat harbour (&lt;20 berths).</li> <li>New technology - pilot stage (such as tidal energy generation).</li> </ul>	<ul style="list-style-type: none"> <li>Any new or unpermitted large fixed facility, for example a resort, research station, long distance utilities cable or pipeline, marina &gt;20 berths.</li> <li>New technology – full implementation (such as tidal energy generation).</li> </ul>
<b>Aquaculture operation or fishery (including developmental fishery)</b>	<p>In development:</p> <ul style="list-style-type: none"> <li>Existing harvest fisheries - new or continuation applications.</li> </ul>	<ul style="list-style-type: none"> <li>Continuation of an aquaculture operation.</li> </ul>	<ul style="list-style-type: none"> <li>Small marine aquaculture facility (&lt;10 ha), such as a pearl farm.</li> </ul>	<ul style="list-style-type: none"> <li>Large marine aquaculture facility (&gt;10 ha).</li> <li>New developmental fishery (pilot stage).</li> </ul>	<ul style="list-style-type: none"> <li>New developmental fishery (full-scale implementation).</li> </ul>
<b>Transport</b>	<ul style="list-style-type: none"> <li>Transport associated with activities on the Routine tourism and charter permit application form.</li> </ul>	<ul style="list-style-type: none"> <li>Transport of bulk fuel or bulk hazardous materials.</li> <li>Navigating a ship outside the Designated Shipping Area.</li> <li>Commercial vessels operating in the Marine Park, such as cranes, tugs and work platforms.</li> </ul>	<ul style="list-style-type: none"> <li>Activities in locations with site arrangements that recommend public comment.</li> <li>Fuel transfer at sea.</li> </ul>	<ul style="list-style-type: none"> <li>Unlikely.</li> </ul>	<ul style="list-style-type: none"> <li>Unlikely.</li> </ul>

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**Examples** of significant new information might be:

- a. Traditional Owners identifying a significant cultural site at the location
- b. a researcher discovering a new or threatened species at the location
- c. changes to the applicant, such as new owners of the company (also refer to [Change in Beneficial Ownership](#))
- d. significant new public interest or media attention in the location or activity.

48. In evaluating whether new information relating to relevant impacts justify the making of a new decision, the managing agencies consider if the information relates to a core matter, which is explained in the section *Changes to permits*. A rule of thumb is whether the new information might affect:
  - a. the decision on whether permission should be granted or what conditions are required
  - b. the public's view on the possible impacts of the proposal
  - c. requirements under the Native Title Act related to future act notices.
49. If the original decision on assessment approach is revoked and substituted for a new decision on assessment approach, changes to fees may also be required. See the section on *Fees*. In general:
  - a. If reassigned to a higher assessment level, a higher fee would apply. In this case normal invoicing procedures would be used.
  - b. If reassigned to a lower level of assessment, the initial fee would stand and no refund would be payable. The basis for this is that the managing agencies have already incurred administration and assessment costs.
  - c. If there are any further fees (related to public information package, public environment report or environmental impact statement assessment approaches) that are not yet due, these would not need to be paid if the new assessment approach did not require such fees.

#### Pre-application - what to think about before applying

50. It is important that applicants consider their needs and the requirements of the managing agencies thoroughly before applying. The relevant information checklist explains the information required to be submitted before an application is accepted by the managing agencies. The [Assessment Guidelines](#) provide more detail about things to consider and provide information on.

#### Matters for consideration for all applications

51. Most permits are issued for a number of years, so it is important for applicants to consider their needs into the future.

##### Example

Does the business have plans to expand in the next few years with a larger vessel, new locations or a mooring? Allowing for these future plans when making an application will avoid the need for additional changes and fees later.

52. Legislation and the Authority's policy on [Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park \(including Allocation, Latency & Tenure\)](#) explain how special tourism permissions are allocated under [Plans of Management](#) and how latency is managed for tourism permissions.
53. For all assessment approaches, applicants should be careful about proceeding too far along the concept design stage before engaging with the managing agencies. This can lead to false expectations within the community or with investors. Also, the applicant may needlessly spend money on vessels, materials or professional services developing a concept which is unlikely to gain approval. It is always best to engage early with the managing agencies.
54. For all types of proposals, applicants are encouraged to meet with Traditional Owners and interest groups. The managing agencies and many Traditional Owner groups have in place [Traditional Use of Marine Resources Agreements](#). The Authority can help with providing contact details for Traditional Owners.
55. Applicants are responsible for identifying and obtaining any other approvals, permits or licences which may be required from Local, State or Australian Government agencies. In particular, the Great Barrier Reef Marine Park is a matter of national environmental significance under the EPBC Act. The national [significant impact guidelines](#) will assist in determining whether an action is likely to have a significant impact on these matters and hence whether it should be referred under the EPBC Act. Refer to the Information sheet for EPBC referral deemed applications.

56. The pre-application phase differs somewhat depending on which of the five assessment approaches is likely to apply.

**Pre-application considerations for routine assessment**

57. Currently, the routine assessment approach is only available for certain activities (refer [Table 2](#)).
58. Any pre-application enquiries should be emailed to [assessments@qbrmpa.gov.au](mailto:assessments@qbrmpa.gov.au), and advice will be provided primarily by email.

**Pre-application considerations for tailored assessment**

58. The tailored assessment approach will be considered for activities where the managing agencies have a high level of certainty about the risks, impacts and mitigation measures but some further information is required from the applicant. This assessment approach is intended for low risk proposals which are unlikely to impact on the values of the Marine Parks or the public's reasonable use.
59. Applicants should consider and explain in their application:
- a. details of planned locations, activities, equipment, vessels and aircraft
  - b. passenger numbers, frequency and duration of activities
  - c. potential direct and indirect impacts and benefits to the Marine Parks
  - d. how impacts to the Marine Parks' values will be avoided or mitigated
  - e. whether the proposal complies with relevant plans, policies, guidelines and standards
  - f. whether any alternatives have been considered and why the activity is proposed within the Marine Parks.
60. The relevant Checklist of application information explains the information required to be submitted before an application is accepted by the managing agencies as being properly made.
61. Tailored assessments require the applicant to provide more information and require the managing agencies to undertake a more detailed assessment than a routine assessment. Applicants should carefully consider whether they could achieve the same outcome by modifying their proposal so it fits within a routine assessment. Some applications may require the provision of minor background information about Marine Parks' values for the location.

**Example**

- Small-scale maintenance dredging of a boat ramp should comply with the Authority's Dredging and Dredge Spoil Material Disposal Policy and Use of Hydrodynamic Numerical Modelling for Dredging Projects in the Marine Parks. Several months of background data may need to be collected before submitting an application.
- Discharge of desalination brine may require the applicant to collect and submit some background water quality data over a number of weeks or months.

**Pre-application considerations for public information package assessment**

62. This assessment approach will be considered when the proposal may pose a higher risk to the values of the Marine Parks at a local scale, and/or the public's reasonable use. The managing agencies require further information for the decision maker to adequately assess the potential impacts and risks to the Marine Parks and/or the public's reasonable use.
63. Applicants should consider and explain the same things as for a tailored assessment, plus:
- a. How the proposal might impact on other people's use of the Marine Parks, and how any conflicts might be managed.
  - b. Any consultation that has already been undertaken with other agencies, the community or specific stakeholders such as Traditional Owners, and the views expressed.
  - c. Any prudent and feasible alternatives that have been considered and why the proposed option was determined the most appropriate.
  - d. Groups or individuals who may have an interest in the proposal and therefore should be consulted in the future, including nearby commercial users, recreational users, Traditional Owners, local councils and key industry groups.
  - e. Potential impacts and benefits over the full life of the proposal (construction, operation and decommissioning or removal).

64. The applicant is encouraged to organise a pre-application teleconference or in-person meeting with the managing agencies to explain the proposal, discuss any lower risk alternatives, confirm the information needed to make a decision (including whether a draft Environmental Management Plan is required with the application) and confirm the requirements likely to apply for seeking public comment.
65. Follow-up meetings or teleconferences may be requested by either the applicant or managing agencies after the application is lodged.

**Pre-application considerations for public environment report and environmental impact statement assessment**

66. These proposals are more complex and likely to significantly impact to the values of the Marine Parks and/or the public's reasonable use. Significant information may be required to adequately assess the potential impacts of the proposed action.
67. The applicant should organise a pre-application meeting with relevant managing agencies. A whole-of-government workshop/telephone conference with relevant regulatory authorities may also be useful early in the concept design stage. Having all the regulatory agencies together greatly assists in working through potential issues, opportunities and options.
68. At any pre-application meeting, the applicant should explain the same things as for a public information package assessment, plus:
  - a. The proposal at a concept level (including presentation of maps and concept plans).
  - b. Prudent and feasible alternatives that have been investigated, and why the proposed option has been selected.
  - c. Proposed timelines and stages.
  - d. Location-specific information on the existing condition and trend of values in the proposed area of the activity.
69. The managing agencies will confirm what information is required to support the application, including whether a draft Environmental Management Plan is required. The parties should also discuss whether site visit is desired or required.
70. The applicant is encouraged to meet with Traditional Owners and interest groups soon after holding the initial meeting with the managing agencies. These meetings should discuss initial concepts, explore alternatives and identify potential impacts of the proposed activity. Early and open engagement is the best way to minimise controversy and decide on the best option(s).
71. Follow-up meetings or teleconferences may be requested by either the applicant or the managing agencies after the application is lodged.
72. See the EPBC referral deemed application information sheet for specific details about proposals that may need to be referred under the *EPBC Act*.

**Applying for permission (the GBRMP Regulations Part 3. Division 2 Subdivision A / Marine Parks Regulation Part 3, Division 1)**

73. The applicant is responsible for compiling and submitting all information that managing agencies need to make a decision on the application. The applicant is responsible for demonstrating that the proposed activity is acceptable and, where necessary, that any lower risk alternatives have been fully considered for feasibility.

**Who can make an application?**

74. Generally speaking, the managing agencies may accept an application from a:
  - a. private individual
  - b. company
  - c. government agency or statutory body
  - d. government-owned corporation
  - e. incorporated association, such as a community group or club
  - f. any combination of the above, as 'joint applicants' for a single permission.



75. An authorised person needs to make the application:
- a. Individuals may lodge an application in their own names. As most permits have conditions requiring the permission holder to provide indemnities, take out insurance or enter into agreements with the managing agencies, applications are not accepted from people who are legally classified as minors.
  - b. Legislation outside the managing agencies' jurisdiction determines who is authorised to act on behalf of a business or organisation. This legislation includes the *Corporations Act 2001* (Cth), *Corporations (Queensland) Act 1990* (Qld), and *Associations Incorporation Act 1981* (Qld). The managing agencies defer to these acts and expect applicants to understand which officers within their organisation have the authority to act on behalf of the organisation.
76. While the managing agencies will take reasonable steps to validate that a person making a permit application is an authorised person to do so, a person purporting to make an application on behalf of another legal entity is responsible for ensuring that they are appropriately authorised under relevant legislation and any business procedures internal to their organisation.

#### **Authorised contacts**

77. An applicant can nominate one or more authorised contact/s who can act on their behalf in all future dealings. This should be done in writing by completing the relevant online form.
78. The details of an application and any subsequent permission will only be discussed with the applicant and with people who are authorised contacts in regards to the application. This ensures confidentiality and control for the applicant and compliance with the *Privacy Act 1988*. Applicants should therefore give careful consideration to who is an authorised contact on their behalf.
79. An applicant can restrict the authorised contact/s role, for example limiting them to only handling administrative matters. This should be clearly indicated in any request to make someone an authorised contact. The applicant is responsible for keeping the authorised contact/s details up to date, including removing those people who are no longer authorised to act on their behalf.

#### **Lodging an application**

80. The most up-to-date instructions for lodging an application can be found on the Authority's website. The preference is for online applications.
81. Enough information about the proposed activity is required to allow an assessment of potential impacts and determine the most appropriate risk management measures. The checklists of application information detail the information that must be submitted with an application. The application will generally not be accepted until all of this information is provided.
82. If the application is not accepted because required information has not been provided, the Authority will notify the applicant advising them why the application has been rejected. No fee is charged until an application is accepted as being properly made. This means that the applicant can simply revise the application with the correct information and submit a new application for consideration.
83. In special circumstances, the managing agencies can accept other forms of application including via telephone or an incomplete application. Applicants should contact the Authority if they have a unique circumstance. A decision to accept an application not made in the required form must be appropriately recorded by the Authority and supported by reasons.
84. Further information may be required after the application is accepted. Refer to the Assessment Guidelines for more information on Further Information Requests.

#### **Fees (GBRMP Regulations Part 12)**

##### **Who needs to pay a fee?**

85. Fees are established in the GBRMP Regulations (see Part 12) as partial cost recovery for government. The fees have been set to reflect the amount of time spent administering and/or assessing the request for permission, and therefore vary according to the complexity of the request.
86. Any application for a permission (or other application or request listed in section 209 of the GBRMP Regulations) will be charged a fee unless:
- a. The application is for the traditional use of marine resources.
  - b. The purpose of the activity is not of a commercial nature.

- c. The Authority decides that the assessment is minimal.
  - d. The activity is being undertaken solely in the Great Barrier Reef Coast Marine Park.
87. The managing agencies consider whether the purpose of the activity is of a commercial nature, not whether the applicant is of a commercial nature.
88. In determining if an activity is of a commercial nature, the managing agencies consider if the activity constitutes, or has sufficient connection with, the provision of goods or services for reward (either monetary or non-monetary). This includes activities that are carried out with a view to profit or an intention to make a profit, but may also cover goods or services for non-monetary reward such as free publicity or free trips on a boat.

#### Example

Activities that may be of a commercial nature include:

- a. Conducting tourism activities in the Marine Park for a fee.
- b. Giving sailing lessons in the Marine Park for a fee.
- c. Conducting an aquaculture operation with the purpose of selling the animals/plants produced.

89. It is possible for non-profit community groups, government agencies, research agencies and educational institutions to conduct an activity with a purpose that is of a commercial nature. The specific activity needs to be evaluated as to its primary purpose in order to determine whether it is of a commercial nature.

#### Example

Educational program offered by an Australian public university

- No fee is charged, because the program is considered to be non-commercial as the institution is publicly funded.

Research conducted by a person funded by a grant, who intends to publish findings in a peer-reviewed journal

- No fee is charged, because the purpose of the research is considered to be non-commercial (for the purpose of adding to scientific knowledge).

Research conducted by a person who has been contracted by local government to investigate options for a new public boat ramp

- No fee is charged, because the purpose of the research is considered to be non-commercial (for the purpose of public use).

Research conducted by a person who has been contracted by a tourist operator to investigate options for a new tourism pontoon

- A fee is charged, because the purpose of the research is considered to be commercial (for the purpose of establishing a new tourism venture).

#### **Which fee applies?**

90. The table in the GBRMP Section 202 specifies the fees payable for different applications for permission. This table includes two columns which set out fees for different types of activities and different assessment approaches. Unless an application is an application to continue a permission which relates to the same activity in the same area as the original permission, then the higher of the two fees (set out in columns 3 and 4 of the table under Section 202) is likely to apply as the assessment will need to cover any proposed changes.
- a. To be clear, where the zone, permission holder or permission changes, the higher of the two fees will apply (column 3 of the table, Section 202).
  - b. Where the activity (including number of passengers) or location changes and additional assessment are required, then the higher of the two fees will apply (column 3 in the table, Section 202).
91. The table in the GBRMP Section 205 specifies the fees payable for other types of applications or requests.
92. An updated version of these tables (reflecting legislated increases for Consumer Price Index) is available [here](#) on the Authority website.

93. See Table 3 below for guidance on which fee applies for routine assessment and tailored assessment approaches for different permission types and assessment approaches. Fees for applications undergoing public information package, public environment report or environmental impact statement assessment are the same across all permission types.

**Example**

Maria holds a current permission to conduct a tourist program using a vessel, with activities including sightseeing, snorkelling and swimming. Before it expires, she applies for a permission to carry out the same activity in the same area. She is not seeking any changes to the permission.

- Fee in column 4, table 128 applies: same activity and area = lower fee.

Richard holds a current permission to conduct a tourist program using an aircraft (scenic flights). Before it expires, he applies for a permission to carry out the same activity in the same area, but he also wants to add permission to install a new helicopter landing pontoon.

- Fee in column 3, table 128 applies: the additional permission sought is not of the same kind and the new activity needs to be assessed, in addition to existing activities = higher fee.

Debbie holds a current permission to lead guided kayak tours in the Keppel Islands. Before it expires, she applies for a permission to carry out the same activity in the same area, but she also wants to add permission to lead guided kayak tours at Lady Musgrave Island.

- Fee in column 3, table 128 applies: the new location needs to be assessed = higher fee.

Penelope holds a current permission to conduct a tourist program for a maximum of 25 passengers. Before it expires, she applies for a permission to carry out the same activity in the same area, but she wishes to increase the passenger capacity to 50 passengers.

- Fee in column 4, table 128 applies: table 128 groups 25-50 passengers together, therefore a change in passenger capacity from 25 to 50 is considered to be the same activity. The increase in passengers would have been assessed under the original permission and no additional assessment is required so a lower fee applies. Note though, if the application was to increase the passenger capacity to 51 passengers, this would be considered to be a different activity and the assessment would need consider the maximum passenger capacity in that grouping, i.e. 51-100. The new assessment of 51-100 passengers would therefore attract the higher fee (fee in column 3, table 128).

**Table 3:** Guide to fees for different permission types for routine and tailored assessment approaches.  
**Note:** Fees only apply for commercial activities.

Permission type	Permit fee category (The table of the GBRMP Section 202)
Carrying out works - beach protection works.	Other activity.
Carrying out works – dredging.	Activity that requires the use of a facility or structure in the Marine Park.
Carrying out works - dumping of spoil.	Other activity.
Carrying out works - harbour works.	Other activity.
Carrying out works – reclamation.	Activity that requires the use of a facility or structure in the Marine Park.
Collecting.	Other activity.
Conducting a tourist program.	Activity that requires use of an aircraft or vessel having a maximum passenger capacity of: (a) fewer than 25 passengers (b) 25 to 50 passengers (c) 51 to 100 passengers (d) 101 to 150 passengers (e) more than 150 passengers. OR Other activity - If the applicant does not need permission for their own aircraft or vessel – for example, leading snorkel tours off someone else’s boat which already has its own permit.

Permission type	Permit fee category (The table of the GBRMP Section 202)
Conducting a vessel or aircraft charter operation.	Activity that requires use of an aircraft or vessel having a maximum passenger capacity of: (a) fewer than 25 passengers (b) 25 to 50 passengers (c) 51 to 100 passengers (d) 101 to 150 passengers (e) more than 150 passengers.
Conducting an aquaculture operation.	Activity that requires the use of a facility or structure in the Marine Park
Conducting an educational program, other than a limited educational program.	Other activity
Fishing involving - taking in a harvest fishery other than an accredited harvest fishery.	Other activity
Fishing involving – conduct of a developmental fishery program.	Other activity
Navigating a managed vessel or aircraft.	Activity that requires use of an aircraft or vessel having a maximum passenger capacity of: (a) fewer than 25 passengers (b) 25 to 50 passengers (c) 51 to 100 passengers (d) 101 to 150 passengers (e) more than 150 passengers
Operating a facility - building, assembling, fixing in position, maintaining or demolishing the facility.	Activity that requires the use of a facility or structure in the Marine Park.
Operating a facility - constructing or operating mooring facilities for vessels or aircraft – 4 or more moorings.	Activity that requires the use of a facility or structure in the Marine Park.
Operating a facility - constructing or operating mooring facilities for vessels or aircraft – 1 to 3 moorings.	Other activity.
Operating a facility - operating a landing area or facility for aircraft.	Activity that requires the use of a facility or structure in the Marine Park.
Operating a facility - discharging waste from the facility.	Activity that requires the use of a facility or structure in the Marine Park.
Operating a fishing industry service vessel.	Other activity.
Operating a vessel or aircraft in 1 vicinity for more than 14 consecutive days.	Activity that requires use of an aircraft or vessel having a maximum passenger capacity of: (a) fewer than 25 passengers (b) 25 to 50 passengers (c) 51 to 100 passengers (d) 101 to 150 passengers (e) more than 150 passengers.
Operating a vessel or aircraft in 1 vicinity for more than 30 days in any period of 60 days.	Activity that requires use of an aircraft or vessel having a maximum passenger capacity of: (a) fewer than 25 passengers (b) 25 to 50 passengers (c) 51 to 100 passengers (d) 101 to 150 passengers (e) more than 150 passengers.

Permission type	Permit fee category (The table of the GBRMP Section 202)
Program to take animals or plants that pose a threat to - human life or safety.	No fee applies.
Program to take animals or plants that pose a threat to - marine ecosystems of the Marine Park.	No fee applies.
Program to take animals or plants that pose a threat to - the use or amenity of a part of the zone or an adjacent area.	No fee applies.
Research, other than limited impact research (extractive) or limited impact research (non-extractive).	Other activity.
Traditional use of marine resources.	No fee applies.
Any other purpose that is consistent with the objective for the zone.	Depends on nature of the activity - select the fee category that most closely matches the activity (for example, vessel or facility).

**Payment or non-payment of fees**

94. The required fee needs to be paid before an application will be assessed and decided by the managing agencies. The GBRMP Regulations set up processes for notifying applicants of fees and timelines for applicants to pay fees.
95. Failure to pay the required application fee within the specified timeframe will result in the application lapsing (see GBRMP section 204). There is no ability to extend this timeframe.
96. In the case of applications triggering a public environment report or environmental impact statement approach, an initial part payment of \$10,000 is due after the application is accepted as properly made and the Authority gives a written notice under section 203(1),(2)(c)(ii) of the Regulations. The remaining fee balance is due once the draft report or statement is released for public consultation and the Authority gives the applicant written notice under section 203 (3)(d) of the Regulations. If there are multiple versions of the public document released (for example, a supplementary document is released following public comment), the remaining fee balance is generally invoiced when the first public document is released.
97. For more information relating to applications requiring permission that also require EPBC Act referral, see the [EPBC referral deemed applications information sheet](#).

**Waiving or reducing a fee**

98. Section 209 provides the Authority with the ability to waive a fee for an application or request made under section 209 that will involve minimal activity by the Authority to act on. Whether any such fee will be waived, is a decision made at the Authority’s discretion and will be on a case-by-case basis. It is highly unusual for the Authority to waive a fee given the administrative processes involved in recording new applications and issuing permits.
99. The GBRMP Regulations do not give the Authority any ability to reduce a permit application assessment fee.

**Changing an application**

100. After the application has been accepted by the managing agencies, if the applicant wants to change the application substantially, the applicant may either:
  - a. withdraw the application and make a new application, thus forfeiting any fees already paid; or
  - b. request a change to the application by writing to the managing agencies, explaining how the proposal has changed; the managing agencies will consider this and may decide on a new assessment approach or whether a new application is needed, given the changes.
101. Withdrawing an application does not attract an additional fee, but making a new application will require a new fee to be paid. See also the section on Fees.
102. Requesting a change to an application attracts a processing fee and may require a new assessment fee. Current information about permit fees is available on the Authority’s website [here](#).

### Withdrawal of an application (GBRMP Regulations Section 78 to 80 / Marine Parks Regulation s12 and s15)

103. An applicant may decide not to proceed with the application and withdraw their application at any time before the managing agencies notify the applicant of a final decision on the application. No reasons need to be given.
  - a. The applicant should use the online permit system to withdraw their permit application.
  - b. Written confirmation will be given that the application has been withdrawn.
  - c. Permit fees are not refundable if the applicant chooses to withdraw their permit application, unless the application is withdrawn before the fee is paid.
104. An application is automatically taken to be withdrawn if the applicant fails to complete certain steps during the public information package, public environment report, or environmental impact statement assessment process. These are:
  - a. If the applicant fails to advertise for public comment in accordance with the Terms of Reference for the relevant assessment approach (in accordance with GBRMP section 96, 98, and 101).
  - b. If the Authority directs the applicant to do something in relation to the assessment, and the applicant fails to do that thing, or otherwise satisfy the Authority that the assessment should continue, within the specified time (as per GBRMP section 102).
105. Refer to the Assessment Guidelines for more information about the above situations.
106. If the application is an EPBC referral deemed application please refer to the relevant information sheet.

### How does an application get assessed and decided?

107. The Regulations specify what matters must be considered in making a decision on a permission application. The Assessment Guidelines explain in more detail how the managing agencies consider and decide on applications. The Assessment Guidelines support the Permission System Policy, which is the managing agencies' position on environmental assessment and management for the permission system.

### Permit expiry and continuation (GBRMP Regulations Section 114 to 116 / Marine Parks Regulation Part 3)

108. Permits can be granted for any period of time and are generally granted for between eight (8) and 20 years. The Permission System Policy and Assessment Guidelines explain the managing agencies' principles for setting permit terms. The Assessment Guidelines include likely permit terms for specific types of activities.
109. Should the permission holder wish to continue the permitted activity, the permission holder is responsible for lodging a properly made application **before** the permit expires, including providing the required information to support the application (for example, inspection or maintenance certificates for facilities). This type of application is called a continuation application. Holders of special permissions can apply to continue the special permission if the permit has expired only where an explanation of the extenuating circumstances are provided in writing. The Assessment Guidelines provide more information about special permissions.
110. The permission holder is responsible for knowing when their permit is nearing its expiry date. Permission holders need to be aware that if they do not submit a continuation application before the expiry date, the permit will expire on that date, and operations must cease.
111. If a continuation application is submitted before the expiry date but is incomplete, the applicant will be notified in writing specifying what information is lacking and by what date this information must be supplied. Under the managing agencies' Regulations, the applicant will be given 30 business days (from the date that the notice is issued) to provide the outstanding information. If the outstanding information is not supplied by the date specified, the application is taken to be withdrawn. There is no ability for the managing agencies to grant any further extension of time. Once the previous permit expires, operations must cease.
112. **Figure 2** outlines a simplified process relating to the expiration of a permit. The circumstances around individual permits may require additional steps in the process.
113. If an application is accepted by the managing agencies before the permit expires (or within the timeframe specified in the Regulations), both GBRMP Regulations and Marine Parks Regulations allow the permitted activity to continue operating under the original permit after it expires. Any activities applied for, which are not included in the original permit, must not be undertaken until a decision on the application is made. The permit remains in force beyond the expiry date until the new application is either decided, withdrawn by the applicant or lapses.

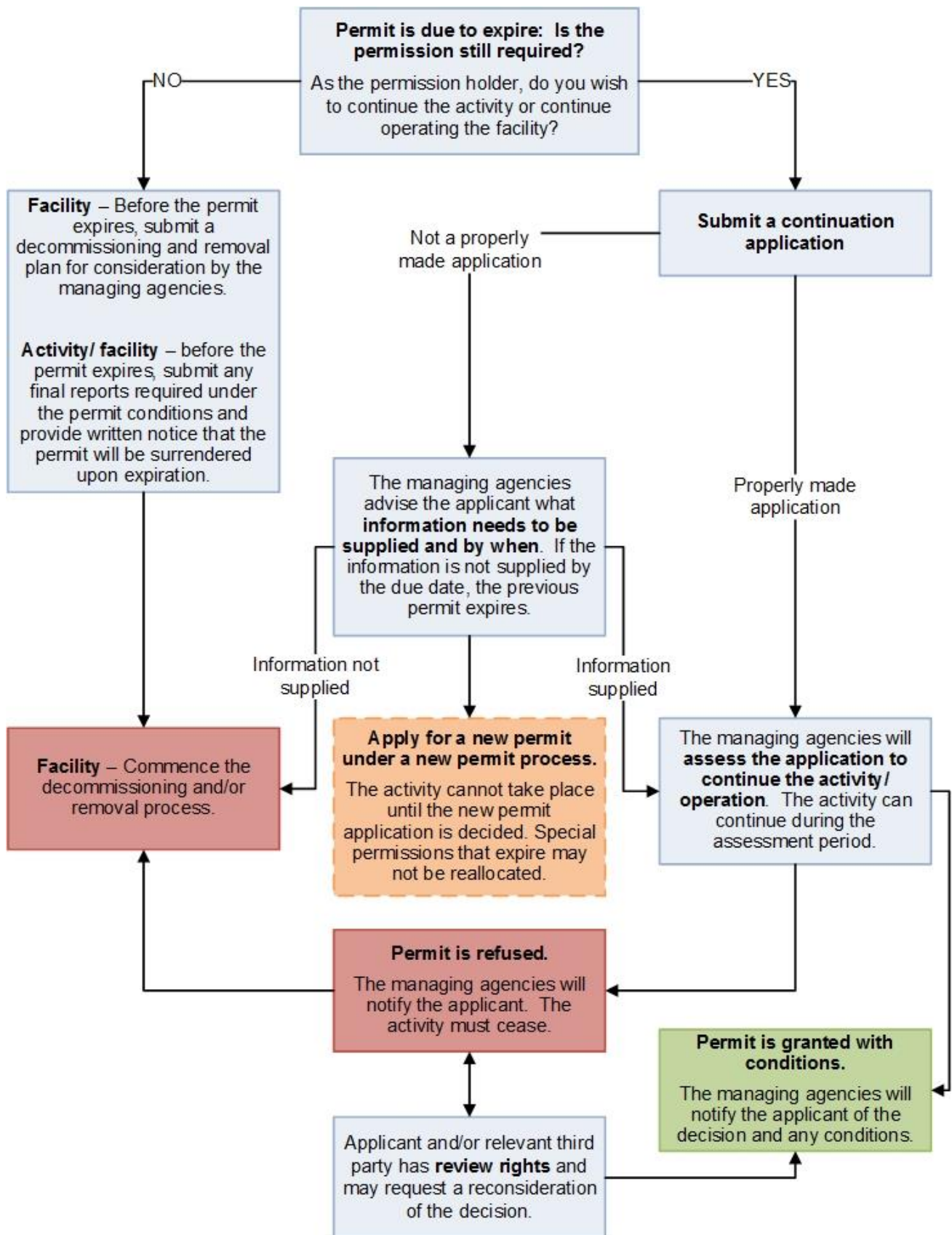


Figure 2: General process relating to permit expiry and possible continuation - refer to text for details and explanations

## Change to a current permission (GBRMP Regulations Division 8 / Marine Parks Regulation s13)

### Changes to core matters

114. The managing agencies consider that some aspects of permission are material to the decision, and any change would be so substantial that it would require a new application for permission. These aspects of permission are called core matters and are to be clearly indicated on the permit document. It is intended that conditions of permissions do not contain core matters as these elements cannot be changed through modification processes.
115. Permission holders wishing to change a core matter must apply for a new permission.

### Changes to conditions

116. Some aspects of permission are identified as conditions of permission. Conditions usually limit or specify how the activity is to be conducted, monitored or managed to avoid or reduce risks to the Marine Parks.
117. The managing agencies may modify permission conditions to ensure protection to the Marine Parks values and the environment, or to conduct an investigation. For more information, refer to the Assessment guidelines.
118. The Regulations do not contemplate Permit Holders approaching the managing agencies to request changes to permission conditions. The managing agencies discourage permission holders from requesting changes to conditions:
  - a. If however a permission holder has serious concerns with a condition, they should email the managing agencies explaining their situation.
  - b. In some cases a permission holder may request a variation to permission conditions due to minor changes in the way they wish to conduct the permitted activities. These requests may be received at any time and the assessment will consider the changes proposed.
119. Any change to a permit requested by the permission holder is likely to attract a processing fee (see the section [Which fee applies](#)), and in some cases may trigger modification of conditions or a new application for permission including an assessment.
120. If the permitted activity is also subject of an EPBC Act approval, the managing agencies must seek endorsement from the relevant Commonwealth Department prior to making a decision on whether to modify the permit. Refer to the Information sheet for EPBC deemed applications.

### Death of a permission holder

121. Permissions granted by the managing agencies are considered to be the property of the permission holder. For this reason, if a permission holder dies, the permission holder's interest in the permission will vest in their beneficiary.
122. The estate or beneficiary should notify the managing agencies as soon as possible. A copy of the death certificate and a copy of the relevant probate instrument, such as the will, must be provided to the managing agencies.
123. The managing agencies will issue an updated permit which reflects the details of the person(s) now holding the interest in the permission. In Queensland, if a trustee has not been nominated in the deceased person's will, then the public trustee will take ownership of the permit until such time as the estate matters are resolved.

## Transfer of permission (GBRMP Regulations Part 3 Division 7 Subdivision A / Marine Parks Regulation Part 3, Division 6)

124. Subject to the approval of the managing agencies, a permission which is current (not under suspension, has not been revoked or has not expired) may be transferred to another person or group. In addition, the managing agencies do not transfer permissions that are under assessment for continuation (see section [Permit expiry and continuation](#)). The expiry date of the permission must also be after the proposed date of transfer, that is, there must be enough time remaining on the permit to allow for the transfer.



125. Legislation requires that an application be made in the form approved by the Authority at least 20 business days before the desired transfer date. From a practical perspective, the managing agencies recommend that the permission has at least 30 days remaining until its expiry date. Otherwise, there may not be enough time to complete the transfer and for the new permission holder to lodge a continuation application before the permission expires.
126. A single permit document may contain multiple permissions. It may be possible for individual permissions to be transferred, if those individual permissions can appropriately be split into separate permits.
127. Both the existing permission holder (transferor) and the proposed new permission holder (transferee) must apply to transfer the permission. The preference is for online applications.
128. Legislation specifies that:
  - a. If the transfer application is incomplete, the managing agencies must notify the applicant and allow at least 30 business days for the applicant to provide the missing information. If the applicant does not provide the missing information by the date specified in the notice, the application is taken to be withdrawn.
  - b. A transfer cannot be granted until the relevant fee has been paid.
129. The managing agencies may seek further information from the transferor or transferee before making a decision. Refer to the Assessment guidelines for more information on Further Information Requests.
130. Legislation requires that if a permission is transferred, the new permission has identical effect and identical conditions, unless:
  - a. The transferee agrees to change the permit conditions.
  - b. The managing agencies believe it is necessary to add any of the following new conditions to the permit:
    - i. Provision of a security such as a bond, guarantee or cash deposit.
    - ii. Requirement to pay the managing agencies' reasonable costs associated with inspections and supervision of the permitted activity.
    - iii. Requirement to indemnify the managing agencies for costs incurred as a result of the permitted activity.
    - iv. Requirement to insure against the costs of the managing agencies repairing and mitigating damage to the Marine Park caused by the permission holder's activities.
131. The Assessment guidelines provide further information on the transfer of permission, including the criteria for determining whether permission can be transferred.
132. Either party may withdraw from the proposed transfer by notifying the managing agencies in writing prior to the transfer date. The application is taken to be withdrawn if one party withdraws – it is not necessary for both parties to agree on the withdrawal.
133. If the permission relates to an activity which has also been approved under the EPBC Act, the Authority cannot grant a transfer of the permission unless the EPBC Act approval has been transferred or consent has been issued by the relevant Minister to transfer the approval.
134. Separate processes, potentially including additional assessment fees, may be required under the *Environment Protection (Sea Dumping) Act 1981* if the permit is subject to approvals under this legislation.

#### **Change in beneficial ownership (GBRMP Regulations Part 3 Division 7 Subdivision B)**

135. A permission holder may be a company or other body corporate. A change in beneficial ownership of a company occurs when there is a change in the persons (whether individuals or bodies corporate) holding an interest in 50 per cent or more of the total voting shares of the company; or the company becomes a subsidiary of another company.
136. A permission holder that is a company must notify the managing agencies in writing if there is a change in the beneficial ownership. This must be provided to the managing agencies within 20 business days after the change occurs.
137. The Assessment guidelines provide more information in relation to how matters relating to a change in beneficial ownership are considered. Generally, the managing agencies will consider whether the permission can remain in effect based on the company's ability to hold and comply with the permission.

138. If there are reasonable grounds to believe that the company is not a suitable person to hold such permission, the permission may be modified, suspended or revoked following notification of the change in beneficial ownership.

### Activities not requiring permission

#### Low impact activities

139. The Zoning Plans establish that all zones except Preservation (pink) Zones can be entered and used without permission to conduct low impact activities, including low impact recreational activities that do not involve the taking of plants animals or marine products. Such use may however be further restricted by a Special Management Area.
140. See the [Permission System Policy](#) for guidance on what constitutes a low impact activity.

#### Transiting the Marine Parks

141. GBRMP Section 38 establishes that a person is not conducting a vessel or aircraft charter operation (and therefore in most cases does not require permission to use or enter most zones pursuant to the zoning plan) if they are operating a vessel or aircraft that is merely transiting through the Marine Parks by the most direct and reasonable route to a place outside the Marine Parks.

#### Example

An island resort charters a helicopter to deliver supplies and workers. The helicopter starts its trip on the Queensland mainland (outside the Marine Parks) and ends its trip on a Queensland island (outside the Marine Parks).

If the helicopter enters the airspace of the Marine Parks to transit through the Marine Park by the most direct and reasonable route, this will not be considered to be a charter operation.

- No permission would be required in most cases.

If, however, the helicopter deviates from its direct course to fly low over a scenic reef to take photos, then the helicopter is not merely transiting the Marine Parks. Note - there are specific requirements relating to altitude depending on where the operation is taking place, such as over significant bird sites in the Whitsundays Planning Area.

- Permission would be required to conduct an aircraft charter operation.

#### Accreditations: Traditional Use of Marine Resource Agreements (GBRMP Regulations Part 4 Division 2 & Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004, Part 5)

142. Whilst the Zoning Plans do not extinguish any native title rights and interest, nor affect the operation of section 211 of the *Native Title Act 1993*, the Zoning Plans and the Regulations provide for the establishment of Traditional Use of Marine Resource Agreements (TUMRAs) between the managing agencies and Traditional Owners. TUMRAs allow the use and entry of certain zones to undertake Traditional Owner activities without the need for individual permission or a Native Title determination. TUMRAs describe how the Traditional Owners work with the Authority and Queensland government to manage traditional use activities in their sea country.
143. Some traditional activities may also be allowed without permission under the Zoning Plans or under the [Native Title Act 1993](#).
144. Traditional Owners who wish to develop a TUMRA should contact the Authority. Funding may be available to assist Traditional Owner groups with developing a TUMRA. More information about Traditional Owner connections to sea country is available in on the [Authority's web site](#).
145. In general a TUMRA application must identify:
- a. the area of sea country to be covered
  - b. the Traditional Owner group and holder(s) of the TUMRA
  - c. the species to be harvested
  - d. where a protected species is proposed to be harvested, the proposed number to be taken
  - e. management arrangements including collecting, monitoring and reporting of information
  - f. the process used for the development of the TUMRA including any consultation undertaken.
146. Assessments and decisions about proposed TUMRA accreditations are covered in the Assessment guidelines.

**Accreditations: Educational and research institutions (GBRMP Regulations Section 13 & Marine Parks Regulations, Part 5, Division 3)**

147. Certain educational and research activities can be conducted in the Marine Park without permission from the managing agencies if they:
  - a. meet the definition of limited impact research in accordance with GBRMP Regulations section 19 and 20
  - b. meet the definition of limited educational program in accordance with the GBRMP Zoning Plan
  - c. are conducted by an accredited educational or research institution.
148. The managing agencies encourage institutions to consider applying for accreditation as it avoids the need for multiple individual permits for limited impact activities. There is no formal system for applying to become accredited. Institutions should contact the Authority ([assessments@gbmpa.gov.au](mailto:assessments@gbmpa.gov.au)) to enquire about their individual situation.
149. The Authority may accredit an educational or research institution if the institution has appropriate environmental standards and practices in place and a commitment to improve those practices and standards. In order for an institution to be accredited, the institution may be requested to enter into a Memorandum of Understanding with the Authority.
150. The Assessment guidelines explain how the Authority makes decisions on whether to accredit an institution.

**Accreditations: Harvest fisheries (GBRMP Regulations section 18 & Marine Parks Regulation Part 5, Division 4)**

151. GBRMP Regulations section 18 establishes ten (10) harvest fisheries:
  - a. Aquarium Fish Fishery
  - b. The Sea Cucumber Fishery (East Coast)
  - c. Coral Fishery
  - d. Commercial Crayfish and Rocklobster Fishery
  - e. Pearl Fishery
  - f. Shell Fishery
  - g. Trochus Fishery (East Coast)
  - h. Beachworm Fishery
  - i. Bloodworm Fishery
  - j. Marine Yabby Fishery.
152. The managing agencies may accredit a harvest fishery if satisfied that the management arrangements in place under Queensland fisheries legislation provide a sound basis for an ecologically sustainable harvest fishery. The accreditation would be provided to Queensland Department of Agriculture and Fisheries.
153. If a fishery is accredited, individual fishers do not need to obtain permission from the managing agencies.
154. As of 1 September 2017, no harvest fisheries were accredited by the managing agencies.

**Pilotage exemptions (Part 10 of the GBRMP Regulations)**

155. Ships do not generally require the Authority's written permission to operate, provided they are merely transiting the Marine Park and navigate within the [Designated Shipping Area](#).
156. There are three (3) compulsory pilotage areas within the Marine Parks as established by section 192 of the GBRMP Regulations. These are:
  - a. Inner Route (from Cape York to Cairns)
  - b. Hydrographers Passage (near Mackay)
  - c. Whitsundays (Whitsunday Passage, Whitsunday Group and Lindeman Group).
157. Under Part VIIA of the *GBRMP Act*, regulated ships are required to embark a licensed pilot when navigating a compulsory pilotage area.
158. A pilot is a licensed professional mariner with local knowledge and expertise in handling large ships through navigationally challenging waters. The pilot's role is to work with the Ship's Master or Officer of the Watch to ensure a safe passage is achieved.

**CAUTION:** Only the electronic copy of a document sourced from either the Authority's internal [Master Document List](#) or external [eLibrary](#) is controlled. Check the revision number of printed copies against these lists to verify currency.

159. Pilotage licenses are administered by the Australian Maritime Safety Authority, and more information can be found on the [AMSA website](#).
160. Upon application, the Minister may grant an owner or master of a regulated ship an exemption from the requirement to navigate with a pilot in the compulsory pilotage area if in the Minister's opinion:
  - a. A pilot would not improve environmental protection.
  - b. The ship does not pose a threat to the environment because it is likely to remain stationary or in a limited area within the compulsory pilotage area.
161. An exemption, if granted, is usually granted for a limited period of time (generally around five years) and may be subject to specified conditions.
162. Applications for a compulsory pilotage exemption application attract a fee of \$750, must be in writing and should include the following information:
  - a. the 'prescribed information' required by Section 193; and
  - b. other information that may help the Minister assess the application, such as:
    - i. the proposed duration and purpose of the ship's stay within the compulsory pilotage area
    - ii. whether the ship will be navigating or stationary
    - iii. photos, drawings or technical specifications (such as tank capacity) of the ship.
163. The master and owner of the ship have responsibility for the pilotage exemption. The exemption can be terminated if the conditions of the exemption are contravened or if the master or owner of the ship fail to inform the Minister of changes to the information provided in the original application.
164. The *Great Barrier Reef Marine Park Act 1975* (Section 59B) establishes significant penalties for navigating without a pilot in the compulsory pilotage area and without a pilotage exemption.
165. Pilotage is also regulated by the *Navigation Act 2012*, so permission is also required from the Australian Maritime Safety Authority to navigate without a pilot. This is additional and separate to any pilotage exemption granted by the Minister under the *Great Barrier Reef Marine Park Act 1975*. An exemption granted by one agency does not equate to an exemption by the other agency.

#### ***Cetacean (whales and dolphins) exemptions***

166. Part 9 of the GBRMP Regulations governs how people, vessels and aircraft may interact with cetaceans (whales and dolphins). It sets up limits on approach distances, swimming-with-whales activities, feeding and general behaviour.
167. Under GBRMP Regulations section 188(1)(b), the Authority may on application under section 189 the GBRMP Regulations grant a person an exemption from any or all of the provisions of Part 9 if a person holds a permission to:
  - a. undertake research in relation to cetaceans
  - b. undertake photography, filming or sound recording of cetaceans
  - c. conduct a tourist program that includes swimming-with-whales or whale watching or
  - d. operate a vessel (other than a prohibited vessel) or aircraft; the exemption may also apply to the vessel or aircraft used for the photography, filming or sound recording activity for the time it is operating in support of this activity.
168. GBRMP Regulations section 189 explains the process for making such an application.
169. Cetacean exemptions cannot be granted to holders of permissions to operate prohibited vessels, as defined in GBRMP Regulations Division 5, being jet skis, parasails, hovercraft, hydrofoils, wing-in-ground-effect craft (also called WIGEs, WIGs or GEVs) and motorised diving aids.
170. Refer to the following policies and guidelines for information on how the Authority makes decisions on applications for cetacean exemptions:
  - a. [Guidelines: Activity impact assessment in the permission system – Tourism program involving whale watching or swimming with whales](#) (Whale-based tourism activity assessment guidelines).
  - b. [Policy on Managing Scientific Research in the Great Barrier Reef Marine Park](#)
  - c. [Policy on Managing Activities that include the Direct Take of Protected Species for the Great Barrier Reef Marine Park](#).

## Implementation

171. These guidelines will be reviewed and updated if required at least every three (3) years.
172. The Permission System Policy and other guidelines are available which provide further detail on how the managing agencies assess, decide and manage specific aspects of the permission system and the application process.
173. For actions that are wholly or partially outside the Marine Parks, the Authority will continue to liaise with the Commonwealth Department responsible for the EPBC Act. Where a bilateral agreement exists between the Australian Government and the Queensland Government, depending on the terms of the agreement the Commonwealth Department's role may be delivered by the Queensland Government. The Authority will work with both levels of government according to agreed procedures, such as a Memorandum of Understanding, to provide advice on matters that may affect the Great Barrier Reef.

## Definitions

Refer to the [Permission System Policy](#) for a list of general definitions relating to the permission system.

### **Bond**

A form of financial security (cash, bank guarantee or undertaking) provided by the permission holder to the Authority, as required under the terms of a deed of agreement, executed by the permission holder and the Authority.

### **Core matter**

An element of an application which, if changed, could change the public's views on the proposal or the decision maker's view as to whether permission should be granted. Examples are given in the Permission System Policy and these guidelines.

### **Continuation application**

means an application for a permission for which the following conditions are met:

- a) the permission is of the same kind and relates to the same conduct as a permission (the original permission) the applicant holds or held;
- b) either:
  - i. the application was made before the original permission ceased to be in force; or
  - ii. the application was made after the original permission ceased to be in force but the Authority decided under section 83(2) to treat the application for the permission as having been made before the expiry of the original permission. (Special permissions).

### **Deed of agreement**

A binding agreement attached to a permission which details obligations of the permission holder, indemnities and any requirement for insurance or a bond.

### **EPBC referral deemed application**

A referral under the *Environment Protection and Biodiversity Conservation Act 1999* of a proposal to take an action that, under section 37AB of the *Great Barrier Reef Marine Park Act 1975*, is taken to be an application for a permission

### **Edu-tourism**

A combination of education and tourism.

### **Limited educational program**

Has the meaning given by the *Great Barrier Reef Marine Park Zoning Plan 2003*.

### **Matters of national environmental significance (MNES)**

Those matters defined in the *Environment Protection and Biodiversity Conservation Act 1999*.

### **Mean High Water Mark**

The average height of all high tides over a 19-year period.

### **Regulated ship**

Has the meaning given by the *Great Barrier Reef Marine Park Act 1975*

### Special tourism permission

means a permission to conduct a tourist program, or to conduct an activity under a tourist program, where:

- a) the Regulations or a plan of management has imposed a limit on the number of such permissions that may be granted; or
- b) a plan of management declares such permissions to be special tourism permissions for the purposes of the Regulations; or
- c) a special permission as defined in Section 82(1).

### Traditional Use of Marine Resource Agreement (TUMRA)

Has the meaning given by the *Great Barrier Reef Marine Park Zoning Plan 2003*.

**Transiting** a vessel or aircraft is *transiting* an area (however described), or from a place (the *origin*) to another place (the *destination*), if the vessel or aircraft is travelling:

- a) through the area, or from the origin to the destination, by the most direct and reasonable route; and
- b) in the case of a vessel—in such a manner that, at all times when the vessel is on that route, the vessel is being propelled (whether by engine, sail or human power) through the water in a forward direction and is not adrift.

For this purpose, it does not matter where the origin or the destination is, whether the origin is a point or an area or whether the destination is a point or an area.

### Volun-tourism

A combination of volunteering and tourism.

## Supporting information

Links to supporting information are provided throughout this document.

## Further information

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#### Document control information

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