**Great Barrier Reef Marine Park
 Amendment Act 1990**

No. 44 of 1990

**An Act to amend the** Great Barrier Reef Marine Park Act 1975**for the better interpretation of zoning plans**

[Assented to 16 June 1990]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title etc.**

**1**. **(1)** This Act may be cited as the Great Barrier Reef Marine Park Amendment Act 1990.

**(2)** In this Act, **“Principal Act”** means the Great Barrier Reef Marine Park Act 19751.

**Commencement**

**2.** This Act commences on the day on which it receives the Royal Assent.

**3.** After section 3 of the Principal Act the following section is inserted:

**Interpretation of zoning plans**

“3a. (1) In the interpretation of a zoning plan, this section has effect in addition to section 3.

“(2) If:

(a) a provision of a zoning plan (in this subsection called the **‘first provision’**) has the effect that a particular activity in a particular area requires permission; and

(b) another provision of the zoning plan (in this subsection called the **‘second provision’**) would, apart from this subsection, have the effect that the same activity in the same area does not require permission;

the first provision prevails over the second provision.

“(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.

“(4) In a zoning plan, a reference to the provision of a tourist facility is a reference to the provision, in the course of carrying on business, of a facility for tourists or for persons who include tourists.

“(5) In a zoning plan, a reference to the construction or provision of a facility for a tourist program is a reference to the construction or provision, in the course of carrying on business, of a facility for an activity (whether consisting of a single act or a series of acts) that is or includes the provision of transport, accommodation or services for tourists or for persons who include tourists.

“(6) In a zoning plan, a reference to the operation, to the conduct, or to the establishment, of an educational program is a reference to the provision (whether as a single act or a series of acts) of transport, accommodation or services for a group or groups of 6 or more persons (none of whom is a tourist) principally for the purpose of systematically educating those persons.

“(7) In a zoning plan, a reference to the provision of an educational facility is a reference to the provision of a facility for a group of 6 or more persons (none of whom is a tourist) principally for the purpose of systematically educating those persons.

“(8) In a zoning plan, a reference to the construction or provision of a facility for an educational program is a reference to the construction or provision of a facility for the provision (whether as a single act or a series of acts) of transport, accommodation or services for a group or groups of 6 or more persons (none of whom is a tourist) principally for the purpose of systematically educating those persons.

“(9) In this section, and in a zoning plan:

**‘facility’** includes a building, a structure, a vessel, goods, equipment or services;

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

“(10) For the purposes of subsection 38b (2), this section is not to be regarded as amending a zoning plan.”.

NOTE

1. No. 85, 1975, as amended. For previous amendments, see No. 37, 1976; Nos. 36 and 140, 1978; No. 155, 1979; No. 70, 1980; No. 80, 1982; No. 97, 1983; No. 63, 1984; Nos. 65, 166 and 193, 1985; No. 105, 1988; and No. 60, 1989.

[Minister’s second reading speech made in—

House of Representatives on 15 May 1990

*Senate on 30 May 1990*]