

EXPLANATORY STATEMENT

MINISTER FOR THE ARTS, SPORT, THE ENVIRONMENT, TOURISM AND TERRITORIES

Great Barrier Reef Marine Park Regulations (Amendment)

1990 No. 35

Issued under the authority of the Minister for the Arts, Sport, the Environment, Tourism and Territories

The prime purpose of the Great Barrier Reef Marine Park Regulations (Amendment) is to repeal regulation 13 and replace it with a new regulation to remove the unintended consequence of requiring all operations of the type described in the regulation to have an additional permission to operate in the Marine National Park B Zone of the Cairns Section.

The existing regulation 13 was intended to close a loophole in the regulations that had been found to exist by a Magistrate. This finding could have allowed some commercial vessels to operate without a Marine Park permit. The regulation has been found to be defective because in addition to requiring operators of vessels to have a permit to discharge more than 20 people per day in the Marine National Park B Zone, it had the unintended consequence of also requiring similar operations outside this Zone to have another permission to operate in the Marine National Park B Zone. A regulation requiring operators of such services in the Marine Park to have a permit is necessary because an appeal against the Magistrate's decision will take several months and some areas of the Cairns Section are at risk from severe environmental disturbance in the absence of controls imposed by the permit system.

Details of the proposed amendments to the regulations follow:

Existing regulation 13 is to be repealed.

A new regulation 13 is to be inserted to limit to 20 the number of people that a person may discharge each day from a vessel or hovercraft in the Cairns Section unless that person already has a permission to:

- (a) provide a tourist or educational facility; or
- (b) establish a tourist program; or
- (c) establish an educational program; or
- (d) undertake research or construction;

using that vessel or hovercraft to gain access to that place, in accordance with the Cairns Section Zoning Plan. The penalty is \$5,000.

The 20 person limit is unlikely to affect private boat owners.

The new regulation 13 is intended as a transitional measure pending the introduction of an amended Zoning Plan for the Cairns Section of the Marine Park.

Authorised by
the Minister for the Arts, Sport,
the Environment, Tourism and Territories