

# **Great Barrier Reef Marine Park Amendment Regulations 2002 (No. 2) 2002 No. 73**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 2002 No. 73**

ISSUED BY AUTHORITY OF THE MINISTER FOR THE ENVIRONMENT AND HERITAGE

*Great Barrier Reef Marine Park Act 1975*

Great Barrier Reef Marine Park Amendment Regulations 2002 (No. 2)

Subsection 66(1) of the *Great Barrier Reef Marine Park Act 1975* (the Act) provides that the Governor-General may make regulations, not inconsistent with this Act nor with a zoning plan, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act. Paragraph 66(2)(b) of the Act provides for the making of regulations giving effect to, and enforcing the observance of, zoning plans.

A zoning plan sets out the framework for planning and management for a section of the Great Barrier Reef Marine Park ("the Marine Park") and sets out the purposes for which that section may be used or entered.

Subsection 66(4) of the Act states that a regulation is taken not to be inconsistent with a zoning plan merely because it further regulates or prohibits an activity that is otherwise allowed or permitted by the zoning plan.

The purpose of the Regulations is to give effect to the new Far Northern Section Zoning Plan ("the zoning plan") which was tabled in Parliament on 6 March 2000.

The Regulations:

- Prescribe the matters which are to be addressed when applying for a relevant permission to conduct an activity in the Far Northern Section of the Marine Park (Items 6 - 13);
- Outline the matters that the Great Barrier Reef Marine Park Authority ("the Authority") must take into account when considering an application for a relevant permission to conduct an activity in the Far Northern Section of the Marine Park (Item 14);
- Declare the purposes for which the Authority must not grant a permission to use or enter the Remote Natural Area of the Far Northern Section of the Marine Park (Item 18);
- Declare the activities that are prohibited in the Habitat Protection Zone, Conservation Park Zone, Buffer Zone, National Park Zone, and the Preservation Zone (Item 18);
- Provide for the designation of areas of the Far Northern Section of the Marine Park as Seasonal Closure Areas, Restricted Access Areas, Replenishment Areas, Shipping Areas, or Cruise Ship Anchorage Areas (Item 19); and
- Provide for the declaration of the application of Special Management Provisions for designated areas (Item 19).

The Regulations also make other minor amendments to the Great Barrier Reef Marine Park Regulations 1983. The amendments ensure a consistent approach across all sections of the Marine Park for the processing of applications for relevant permissions.

Subsection 32(1) of the Act provides that as soon as practicable after an area has been declared to be part of the Marine Park, the Authority shall prepare a zoning plan in respect of that area. The Far Northern Section of the Marine Park was declared to be a part of the Marine Park on 25 August 1983 by a proclamation published in the *Gazette* on 31 August 1983. The zoning plan for the Far Northern Section of the Marine Park came into effect on 1 February 1986.

Subsection 37(1) of the Act provides that the Authority may at any time amend a zoning plan. Subsection 37(2) provides that a zoning plan in respect of an area may be revoked by a new zoning plan in respect of that area, but the revocation shall not take effect until the new zoning plan comes into operation. The new Far Northern Section Zoning Plan was tabled in Parliament on 6 March 2000. The Regulations give effect to that zoning plan.

A Regulation Impact Statement was prepared for the Far Northern Section Zoning Plan. Copies of that Regulation Impact Statement can be obtained by contacting the Great Barrier Reef Marine Park Authority on (07) 47 500 700.

The Regulations commence on gazettal.