



Queensland

Environmental and Other Legislation Amendment Regulation (No. 1) 2007

Subordinate Legislation 2007 No. 61

made under the

Marine Parks Act 2004

Nature Conservation Act 1992

State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental and Other Legislation Amendment Regulation (No. 1) 2007*.

Part 2 Amendment of Marine Parks Regulation 2006

2 Regulation amended in pt 2

This part amends the *Marine Parks Regulation 2006*.

3 Amendment of s 20 (Permission can not be granted if plan restricts the grant)

Section 20(2)—

omit, insert—

‘Example of inconsistency—

A zoning plan or management plan applying to the marine park provides that permissions for the park may be granted for particular purposes. The proposed permission is for, or includes, a purpose other than those purposes.’.

4 Amendment of s 50 (Existing permission taken to be in force while new application is considered)

Section 50(2)(d)—

omit.

5 Amendment of s 99 (Reasons for declaring restricted access area)

Section 99(2), ‘temporary restricted access area’—

omit, insert—

‘temporary restricted area’.

6 Amendment of s 100 (Public notice about declarations)

(1) Section 100(2)(c) and (d)—

renumber as section 100(2)(d) and (e).

(2) Section 100(2)—

insert—

‘(c) that, among other things, the restriction under section 127 prevents entry under a permission unless it specifically authorises the entry;’.

7 Amendment of s 112 (Entry or use requiring notice)

Section 112(2)—

omit.

8 Amendment of s 116 (Entry or use requiring notice)

Section 116(2)—

omit.

9 Amendment of s 140 (Restriction on bringing domestic animals into marine park)

(1) Section 140(2)(b)—

omit, insert—

‘(b) adjacent to an island national park.’.

(2) Section 140(4)—

insert—

‘*island national park* means a national park or national park (scientific) under the *Nature Conservation Act 1992* to the extent the park is not located on the mainland.’.

10 Amendment of s 163 (Fees payable)

Section 163, ‘for an application’—
omit.

11 Amendment of sch 5 (Matters for deciding whether person is a suitable person to hold permission)

(1) Schedule 5, heading, ‘to hold permission’—
omit.

(2) Schedule 5, section 1, definition *associated person*—
omit, insert—

‘associated person, of a person who is being considered as suitable or not suitable to hold a permission or be a party to a commercial activity agreement, means—

- (a) if the person being considered is a corporation—each executive officer of the corporation; or
- (b) if the person being considered is an individual—another person who—
 - (i) is, or will be, regularly or usually in charge of the individual’s activity or business, or proposed activity or business, that relates, or will relate, to the permission or agreement; or
 - (ii) regularly directs staff of the activity or business in their duties; or
 - (iii) is, or will be, in a position to control or substantially influence the activity or business, or proposed activity or business.’.

Part 3 **Amendment of Marine Parks (Declaration) Regulation 2006**

12 Regulation amended in pt 3

This part amends the *Marine Parks (Declaration) Regulation 2006*.

13 Amendment of sch 2 (Great Barrier Reef Coast Marine Park)

Schedule 2, part 2, item 1, ‘24°24.910’—
omit, insert—
‘24°29.900’.

Part 4 **Amendment of Nature Conservation (Administration) Regulation 2006**

14 Regulation amended in pt 4

This part amends the *Nature Conservation (Administration) Regulation 2006*.

15 Amendment of s 140 (Reduced application fee for commercial activity permits or agreements)

- (1) Section 140, heading, from ‘activity’—
omit, insert—
‘**or group activity permits or commercial activity agreements**’.
- (2) Section 140(1), before paragraph (a)—
omit, insert—

- (1) This section applies to an application (each the ***NCA application***) for a commercial activity permit or group activity permit or for a commercial activity agreement if—
- (3) Section 140(1)(a), ‘commercial’—
omit.
- (4) Section 140(1)(b), ‘(a ***related application***)’—
omit, insert—
‘(the ***related application***)’.

16 Amendment of s 142 (Reduced additional daily fee for commercial activity permits if equivalent fee paid under another Act)

- (1) Section 142, heading, after ‘commercial’—
insert—
‘**or group**’.
- (2) Section 142(1)(a), after ‘photography,’—
insert—
‘or of a group activity permit (the ***NCA permit***)’.
- (3) Section 142(1)(a), ‘the commercial activity’—
insert—
‘the activity’.
- (4) Section 142(2), ‘commercial activity permit’—
omit, insert—
‘NCA permit’.

17 Amendment of sch 2 (Matters for deciding whether person is a suitable person for relevant authority)

Schedule 2, section 1, definition *associated person*—
omit, insert—

‘***associated person***, of a person who is being considered as suitable or not suitable to hold a relevant authority, means—

- (a) if the person being considered is a corporation—each executive officer of the corporation; or
- (b) if the person being considered is an individual—another person who—
 - (i) is, or will be, regularly or usually in charge of the individual’s activity or business, or proposed activity or business, that relates, or will relate, to the authority; or
 - (ii) regularly directs staff of the activity or business in their duties; or
 - (iii) is, or will be, in a position to control or substantially influence the activity or business, or proposed activity or business.’.

18 Amendment of sch 3 (Fees)

- (1) Schedule 3, part 1, division 2, item 5, after ‘commercial activity permit’—
insert—
‘(other than a commercial activity permit for filming or photography)’.
- (2) Schedule 3, part 2, division 1, item 3(b)(iii), second occurring—
omit.
- (3) Schedule 3, part 3, item 4, from ‘type A’ to ‘type B restricted’—
omit, insert—
‘protected’.

19 Amendment of sch 7 (Dictionary)

Schedule 7, definitions *relevant record particulars*, paragraph (e)(i), and *whole protected plants record particulars*, ‘type A restricted’—

- (a) is on a designated landing area; or
- (b) has been authorised in writing by the chief executive; or
- (c) is part of an emergency response.

Examples of aircraft landings that are part of an emergency response—

- the landing of an aircraft involved in a medivac
- the landing of a fire-fighting helicopter’.

24 Amendment of sch 9 (Dictionary)

Schedule 9, definition *group activity*, paragraph 1, examples, after ‘, wedding’—

insert—

‘or wedding, or a group bushwalk or nature study’.

Part 6 Amendment of State Penalties Enforcement Regulation 2000

25 Regulation amended in pt 6

This part amends the *State Penalties Enforcement Regulation 2000*.

26 Amendment of sch 2 (Environmental legislation)

- (1) Schedule 2, entry for *Marine Parks Regulation 2006*, ‘s 112(1)’—

omit, insert—

‘s 112’.

- (2) Schedule 2, entry for *Marine Parks Regulation 2006*, entries for sections 112(2) and 116(2)—

omit.

- (3) Schedule 2, entry for *Marine Parks Regulation 2006*, ‘s 116(1)’—
omit, insert—
‘s 116’.
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ENDNOTES

- 1 Made by the Governor in Council on 19 April 2007.
- 2 Notified in the gazette on 20 April 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Environmental Protection Agency.