



Queensland

Marine Parks (Zoning Plans) Amendment Zoning Plan (No. 1) 2006

Explanatory Notes for SL 2006 No. 224

made under the

Marine Parks Act 2004

Policy Objectives of the Legislation

The primary objective of making the proposed zoning plan is to provide consequential amendments to the existing zoning plans so that they are consistent with the *Marine Parks Act 2004* and the *Marine Parks Regulation 2006*.

Reasons for the Subordinate Legislation

The *Marine Parks Regulation 1990* was scheduled to expire on 1 September 2001 under section 54 of the *Statutory Instruments Act 1992 (SIA)*. However the *Marine Parks Regulation* was exempted from automatic expiry under the SIA, section 56A(2) because the *Marine Parks Act 1982*, under which it was made, was under review.

On 25 August 2005, the date of expiry of the *Marine Parks Regulation 1990* was extended from 31 August 2005 to 31 August 2006. The *Marine Parks Regulation* cannot be extended further.

The *Marine Parks Regulation 2006 (the Regulation)* will—

- commence on 31 August 2006 immediately after the uncommenced parts of the *Marine Parks Act 2004* commence and will provide for the ongoing management of Queensland's marine parks; and

- satisfy the obligations under the *Statutory Instruments Act 1992* to review the *Marine Parks Regulation 1990* to ensure it is relevant to the economic, social and general wellbeing of the people of Queensland and that it is drafted to the highest standard.

The commencement of the *Marine Parks Act 2004* and the *Marine Parks Regulation 2006* changed the drafting style and content of these instruments, which necessitates consequential amendments to the zoning plans to ensure that they align with the new Act and regulation.

Alternatives to Regulation

Potential alternatives to the creation of a new zoning plan have been considered, including a ‘no-legislative intervention’ option (i.e. allow the zoning plans to continue in force without amendment). The ‘no legislative intervention’ option are unsatisfactory because they have a range of serious, highly undesirable environmental, economic and social consequences, including—

- affecting the State’s capability to regulate activities and behaviours that contravene the management principles in the marine park environment that are established under the *Marine Parks Act 2004* and zoning plans, because of inconsistencies between these instruments
- break down of the collaborative management schemes in place between the Queensland and Australian Government for the joint management of the Great Barrier Reef Marine Park coast area because of inconsistent State and Commonwealth legislation.
- Inability to implement the *Marine Parks Act 2004*, which commences on 13 October 2006 if its commencement is not proclaimed by a separate regulation before that date (see *Acts Interpretation Act 1954*, section 15DA (Automatic commencement of postponed law)); and
- Inability to deliver on government initiatives, including the introduction of the tourism in protected areas (TIPA) initiative.

Administrative costs

The zoning plan will not impose further costs on either the EPA or other Government Departments. Implementation costs will be met from existing EPA allocations. The zoning promotes a coordinated and integrated approach with other legislation, thus encouraging the formulation of arrangements to improve efficient management.

Fundamental legislative principles

The legislation conforms to fundamental legislative principles.

Consultation

A Regulatory Impact Statement (RIS) which detailed the proposed review and remake of the *Marine Parks Regulation 1990* was released on 20 January 2006. Public submissions on the RIS were accepted until 3 March 2006.

Submissions from all stakeholders expressed general support for the remaking of the nature conservation regulations and the majority of the proposed amendments.

Additional consultation with Queensland Government Departments has occurred in preparing the Regulation.

Notes on provisions

Part 1 Preliminary

Part 1 states the short title of the Regulation and that it will commence on 31 August 2006.

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