



Queensland

# Marine Parks and Other Legislation Amendment Regulation (No. 1) 2008

## Explanatory Notes for SL 2008 No. 344

made under the

*Marine Parks Act 2004*

*State Penalties Enforcement Act 1999*

*Statutory Instruments Act 1992*

*Transport Operations (Marine Pollution) Act 1995*

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## General outline

### Short title

The short title of this regulation is the *Marine Parks and Other Legislation Amendment Regulation (No. 1) 2008* (the **amendment regulation**).

### Authorising legislation

The following legislation—

- *Marine Parks Act 2004*
- *State Penalties Enforcement Act 1999*
- *Statutory Instruments Act 1992*
- *Transport Operations (Marine Pollution) Act 1995*.

## **Background and reasons for the amendment regulation**

The *Marine Parks (Moreton Bay) Zoning Plan 1997* has undergone a review prior to expiry under the provisions of the *Statutory Instruments Act 1992*. This review is complete and consequential amendments are required to other legislation to support implementation of the *Marine Parks (Moreton Bay) Zoning Plan 2008* (the *zoning plan*).

## **Policy objectives of the proposed amendment regulation**

The *Marine Parks and Other Legislation Amendment Regulation (No. 1) 2008* updates and amends relevant legislation that supports the zoning plan to ensure consistent management of the marine park.

## **How policy objectives of the amendment regulation will be achieved**

The amendment regulation will complement the zoning plan by ensuring that other statutory instruments referring to the zoning plan are updated and that discharging vessel-sourced sewage in highly protected zones in the Moreton Bay Marine Park continues to be prohibited.

## **Consistency of the amendment regulation with other legislation**

To ensure consistency with the zoning plan the amendment regulation provides a number of consequential amendments to the following subordinate legislation—

- *Marine Parks Regulation 2006*
- *State Penalties Enforcement Regulation 2000*
- *Statutory Instruments Regulation 2002*
- *Transport Operations (Marine Pollution) Regulation 2008*.

## **Alternatives**

A regulatory impact statement and draft Public Benefit Test for the review of the Moreton Bay Marine Park zoning plan was provided in the ‘Have your say’ document released for public comment in December 2007. The

document contains consideration of alternative ways of achieving policy objectives and explanation of why the approaches adopted were chosen. The amendment regulation provides the minor changes to other legislation in line with the zoning plan.

### **Costs and benefits**

The draft Public Benefit Test contained in the ‘Have your say’ document released in December 2007 contains examination of the benefits and costs of the zoning plan in regard to the various stakeholder groups. The amendment regulation provides the minor changes to other legislation in line with these.

### **Estimated cost of Government implementation**

The amendment regulation updates and amends other supporting legislation in line with the zoning plan and does not apply additional costs for implementation.

### **Fundamental legislative principles**

The fundamental legislative principles provided in the *Legislative Standards Act 1992* aim to ensure that legislation has sufficient regard to the rights and liberties of individuals, and the institutions of Parliament. The Office of the Queensland Parliamentary Council has advised that the amendment regulation does not affect the fundamental legislative principles.

### **National Competition Policy**

The final public benefit test report for the zoning plan was completed in consultation with the national competition unit in the Treasury Department. The amendment regulation ensures the correct referencing and consistency with the zoning plan in other legislation and does not affect national competition policy

## **Consultation**

An extensive public consultation program was conducted throughout the review of the Moreton Bay Marine Park zoning plan to gain scientific advice and ensure stakeholder and community input into the plan. Consultation included releasing a draft zoning plan, regulatory impact statement and draft Public Benefit Test for formal public consultation. In conjunction with a comprehensive community engagement program, public notices announcing the release of the draft plan were featured in state and local newspapers inviting submissions on the draft zoning plan. This consultation process resulted in more than 8000 submissions in response to the draft zoning plan.

Targeted consultation was also undertaken with the departments administering the legislation being amended, including the Department of Justice and Attorney-General and Maritime Safety Queensland.

## **Notes on provisions**

### **Part 1                      Preliminary**

Part 1 states that the regulation may be cited as the *Marine Parks and Other Legislation Amendment Regulation (No. 1) 2008* and this regulation commences on 1 March 2009.

### **Part 2                      Amendment of Marine Parks Regulation 2006**

Part 2 outlines the changes that are required to sections of the *Marine Parks Regulation 2006* (the **regulation**).

This part also updates a specific section in the regulation to refer to the relevant section of the zoning plan.

To provide consistency with the management of domestic animals in other marine parks, this part includes an existing provision for Moreton Bay Marine Park that prohibits domestic animals adjacent to terrestrial national parks.

Additional provisions are inserted into the definition of appealable decision which enables a person to appeal a decision to refuse, amend, suspend or cancel an accreditation for a traditional use of marine resources agreement, or an accreditation for a educational or research institution, in the Moreton Bay Marine Park.

### **Part 3**    **Amendment of State Penalties Enforcement Regulation 2000**

Part 3 outlines the changes that are required to sections of the *State Penalties Enforcement Regulation 2000* to ensure they accurately reflect the offences within the zoning plan.

### **Part 4**    **Amendment of Statutory Instruments Regulation 2002**

This part amends this regulation by removing reference to the 1997 zoning plan from the list of legislation that will expire on 1 September 2009.

### **Part 5**    **Amendment of Transport Operations (Marine Pollution) Regulation 2008**

Part 5 outlines the changes that are required to schedule 9 of the *Transport Operations (Marine Pollution) Regulation 2008* which currently prohibits discharging vessel-sourced sewage in buffer zones and protection zones in

Moreton Bay Marine Park. This part updates this regulation to refer to marine national park zones under the new zoning plan.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Environmental Protection Agency.

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