

Marine Parks and Other Legislation Amendment Regulation (No. 2) 2019

Explanatory notes for SL 2019 No. 176

made under the

Marine Parks Act 2004

State Penalties Enforcement Act 1999

General Outline

Short title

Marine Parks and Other Legislation Amendment Regulation (No.2) 2019.

Authorising law

Sections 25 and 150 of the *Marine Parks Act 2004*

Section 165 of the *State Penalties Enforcement Act 1999*

Policy objectives and the reasons for them

Under Part 7 of the *Statutory Instruments Act 1992*, the *Marine Parks (Moreton Bay) Zoning Plan 2008* expires on 1 September 2019. The *Marine Parks (Moreton Bay) Zoning Plan 2019* (Zoning Plan) remakes, with minor amendments, the *Marine Parks (Moreton Bay) Zoning Plan 2008* prior to its expiry, to provide for the effective operation of the *Marine Parks Act 2004*. The Zoning Plan will commence on 1 September 2019.

The policy objectives of the *Marine Parks and Other Legislation Amendment Regulation (No. 2) 2019* (Amendment Regulation) are to:

1. update references and section numbers of the Zoning Plan in the *Marine Parks Regulation 2017* and the *State Penalties Enforcement Regulation 2014*;
2. amend the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* to correct a technical error in the boundary description of the Internal Habitat Protection Zone (QI HP-20-06) at Rabbit Island; and
3. amend the *Marine Parks (Declaration) Regulation 2006* to correct a technical error in the area description of the Broad Sound Segment of the Mackay/Capricorn Management Area, in the Great Barrier Reef Coast Marine Park.

Achievement of policy objectives

The policy objectives are achieved by:

1. making the consequential amendments to the *Marine Parks Regulation 2017* and the *State Penalties Enforcement Regulation 2014*, to update references and amend section numbers as a result of making the Zoning Plan;
2. amending the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* to correct the geographic coordinates in Schedule 3, Part 8, describing the Internal Habitat Protection Zone (QI-HP-20-06) at Rabbit Island; and
3. correcting coordinates in Schedule 2, Part 2, Section 3 of the *Marine Parks (Declaration) Regulation 2006*, which describes areas in the Broad Sound Segment of the Mackay/Capricorn Management Area, in the Great Barrier Reef Coast Marine Park.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objective of the *Marine Parks Act 2004* which is to provide for the conservation of the marine environment. The correcting of technical errors in the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* and the *Marine Parks (Declaration) Regulation 2006* are required to ensure that the marine park's management arrangements are clear to the public and other stakeholders.

The Amendment Regulation is also consistent with the main objectives of the *State Penalties Enforcement Act 1999* which include:

- maintaining the integrity of fines as a viable sentencing or punitive option for offenders;
- maintaining confidence in the justice system by enhancing the way fines and other monetary penalties may be enforced; and
- reducing the cost to the State of enforcing fines and other monetary penalties.

The Amendment Regulation is also consistent with section 165 of the *State Penalties Enforcement Act 1999* which allows for a regulation to prescribe an offence to be an infringement notice offence and to provide for an infringement notice fine. Penalty infringement notice offences are an alternative to prosecution through the court system, providing an appropriate and proportionate response to the offending behaviour.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with any other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

The Amendment Regulation will not result in the need for additional government resources. The consequential amendments made to subordinate legislation by the Amendment Regulation impose no cost to the Government or the community. The correction of technical errors in the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* and the *Marine Parks (Declaration) Regulation 2006* will not incur any costs or require any government resources, and will provide a benefit in supporting compliance activities.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles prescribed in section 4 of the *Legislative Standards Act 1992*.

Consultation

Public consultation on the Amendment Regulation was not undertaken as the amendments are considered to be consequential in nature and correcting technical errors.

Section 25 of the *Marine Parks Act 2004* necessitates that zoning plan amendments require prior public notice; however, this does not apply to minor amendments to correct an error or to make a change that is not a change of substance.

In recognition of the joint management arrangements with the Commonwealth Government in the Great Barrier Reef region, the Great Barrier Reef Marine Park Authority (GBRMPA) was consulted regarding the need to amend the *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004* and the *Marine Parks (Declaration) Regulation 2006*. GBRMPA raised no objections to the amendments.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Environment and Science applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category a – Regulatory proposals that make consequential amendments and Category f – Regulatory proposals that correct technical errors or amend legislation to take account of current Queensland drafting practice).