



Queensland

# Marine Parks (Commercial Whale Watching Program) Amendment Regulation 2018

## Subordinate Legislation 2018 No. 109

made under the

*Marine Parks Act 2004*

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[s 1]

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**1 Short title**

This regulation may be cited as the *Marine Parks (Commercial Whale Watching Program) Amendment Regulation 2018*.

**2 Regulation amended**

This regulation amends the *Marine Parks Regulation 2017*.

**3 Amendment of s 18 (Restriction on grant of permission for commercial whale watching program)**

(1) Section 18(3)—

*omit, insert—*

(3) However, the chief executive can not grant a permission authorising the conducting of a commercial whale watching program in the Point Lookout area within the Moreton Bay Marine Park unless—

(a) the applicant for the permission is—

(i) the registered native title body corporate for the area or a part of the area; or

(ii) a traditional owner for the area or a part of the area whom the registered native title body corporate for the area or part considers to be an appropriate person to conduct the program in the area; or

(iii) a corporation, an executive officer of which is a traditional owner for the area or a part of the area whom the registered native title body corporate for the area or part considers to be an appropriate person to conduct the program in the area; and

(b) there is no current authority applying for the marine park that authorises the conducting

of a commercial whale watching program in the area.

- (3A) Also, the chief executive may grant a permission authorising the conducting of a commercial whale watching program in the Point Lookout area within the Moreton Bay Marine Park if—
- (a) there are 3 current authorities applying for the marine park; and
  - (b) the applicant for the permission is—
    - (i) the holder of 1 of the current authorities; and
    - (ii) a person mentioned in section 18(3)(a); and
  - (c) there is no current authority applying for the marine park that authorises the conducting of a commercial whale watching program in the area.

- (2) Section 18(4)—

*insert—*

***registered native title body corporate*** see the *Native Title Act 1993* (Cwlth), section 253.

***traditional owner***, for an area of the Moreton Bay Marine Park, see the *Marine Parks (Moreton Bay) Zoning Plan 2008*, schedule 4.

- (3) Section 18(3A) and (4)—

*renumber* as section 18(4) and (5).

#### **4 Insertion of new s 46A**

After section 46—

*insert—*

##### **46A Restriction on particular transfers**

The holder of a permission that authorises the conducting of a commercial whale watching

[s 5]

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program in the Point Lookout area within the Moreton Bay Marine Park may transfer the permission only to a person mentioned in section 18(3)(a).

## **5 Amendment of s 47 (Considering transfer application)**

(1) Section 47—

*insert—*

(ba) if the permission authorises the conducting of a commercial whale watching program in the Point Lookout area within the Moreton Bay Marine Park—whether the proposed transferee is a person mentioned in section 18(3)(a);

(2) Section 47(ba) to (d)—

*renumber* as section 47(c) to (e).

## **6 Amendment of s 83 (Deciding transfer application)**

Section 83(1)—

*omit, insert—*

(1) The chief executive may approve the transfer only if—

(a) the chief executive is satisfied the buyer is a suitable person to be a party to the commercial activity agreement the subject of the authorisation; and

(b) if the authorisation allows the buyer to conduct a commercial whale watching program in the Point Lookout area within the Moreton Bay Marine Park—the buyer is a person mentioned in section 18(3)(a).

**7 Amendment of sch 6 (Dictionary)**

Schedule 6—

*insert—*

*Point Lookout area*, within the Moreton Bay Marine Park, see section 18(5).

ENDNOTES

- 1 Made by the Governor in Council on 26 July 2018.
- 2 Notified on the Queensland legislation website on 27 July 2018.
- 3 The administering agency is the Department of Environment and Science.

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