



Queensland

Revision notice

Marine Parks Act 2004

Reprint No. 1

1 'Information about this reprint' page, from 'This Act' to 's 5(c)'.—

omit, insert—

'This Act is reprinted as at 31 August 2006. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).'

2 Section 21, 'A regulation may prescribe'—

omit, insert—

'The Governor in Council may approve'.

3 Section 23, 'The Minister'—

omit, insert—

'(1) The Minister'.

4 Section 23—

insert—

- ‘(2) The final zoning plan—
- (a) is subordinate legislation; and
 - (b) does not have effect until the later of the following—
 - (i) the day it is approved by the Governor in Council under section 21;
 - (ii) the commencement day stated in the plan.’.

5 Section 25(1), ‘A regulation may amend’—

omit, insert—

‘The Governor in Council may approve an amendment of’.

6 Section 27, ‘The Minister’—

omit, insert—

- ‘(1) The Minister’.

7 Section 27—

insert—

- ‘(2) The final amendment—
- (a) is subordinate legislation; and
 - (b) does not have effect until the later of the following—
 - (i) the day it is approved by the Governor in Council under section 25;
 - (ii) the commencement day stated in the amendment.’.

8 Section 28(2), ‘regulation prescribing or amending the zoning plan’—

omit, insert—

‘zoning plan or amendment’.

9 Section 43(2)—

omit.

10 Section 43(3) and (4)—

renumber as section 43(2) and (3).

11 Section 131(4), ‘165 penalty units’—

omit, insert—

‘1665 penalty units’.

12 Section 155(2), ‘prescribed’—

omit, insert—

‘approved’.

13 After section 155—

insert—

‘155A Continuation of making and approval of zoning plan or amendment

- ‘(1) This section applies if, before the commencement of this section—
- (a) a zoning plan, or an amendment of a zoning plan, was in preparation for making and approval under the 1982 Act but was not made; or
 - (b) a zoning plan, or an amendment of a zoning plan, was made under the 1982 Act, but was not approved by the Governor in Council under that Act.
- ‘(2) If this section applies because of subsection (1)(a), the chief executive may make the plan or amendment, and the Governor in Council may approve it, as if this Act had not been enacted.
- ‘(3) If this section applies because of subsection (1)(b), the Governor in Council may approve the plan or the amendment as if this Act had not been enacted.
- ‘(4) A zoning plan approved under subsection (2) or (3)—
- (a) is taken to be a zoning plan approved under section 21; and
 - (b) is to be read with the changes necessary to make it consistent with, and adapt its operation to, this Act; and
 - (c) may be amended or repealed under this Act.

- ‘(5) However, the zoning plan, as made and approved, may provide for matters in a way that is consistent with this Act, rather than the repealed Act.
- ‘(6) Also, the zoning plan—
- (a) may be for a marine park declared under section 8; and
 - (b) may provide for all the matters mentioned in section 24(2).
- ‘(7) An amendment of a zoning plan approved under subsection (2) or (3)—
- (a) is taken to be an amendment of a zoning plan approved under section 25; and
 - (b) is to be read with the changes necessary to make it consistent with, and adapt its operation to, this Act.
- ‘(8) However, the amendment, as made and approved, may provide for matters in a way that is consistent with this Act, rather than the repealed Act.
- ‘(9) In this section—
- 1982 Act* means the *Marine Parks Act 1982* as in force from time to time before its repeal under this Act.’.

14 After section 156—

insert—

‘156A Continuation of preparation and approval of management plan

- ‘(1) This section applies if, before the commencement of this section—
- (a) the preparation of a management plan under the 1990 regulation was started and was not finished; or
 - (b) a management plan was prepared under the 1990 regulation, but the Minister had not approved the plan under that regulation.
- ‘(2) If this section applies because of subsection (1)(a), the chief executive may continue and finish the preparation of the plan, and the Minister may approve it, as if this Act had not been enacted.
- ‘(3) If this section applies because of subsection (1)(b), the Minister may approve the plan as if this Act had not been enacted.

- ‘(4) A plan approved under subsection (2) or (3)—
- (a) is taken to be a management plan approved under section 29; and
 - (b) is to be read with the changes necessary to make it consistent with, and adapt its operation to, this Act; and
 - (c) may be amended or repealed under this Act.
- ‘(5) However, the management plan, as prepared and approved, may provide for matters in a way that is consistent with this Act, rather than the repealed Act.
- ‘(6) In this section—
- 1990 regulation** means the *Marine Parks Regulation 1990* as in force from time to time before the repeal of the *Marine Parks Act 1982*.’.

15 Schedule, definitions *management plan* and *zoning plan*—

omit.

16 Schedule—

insert—

‘***management plan***, for a marine park, means a management plan in force for the park under this Act.

zoning plan, for a marine park, means a zoning plan in force for the park under this Act.’.

17 Endnote 4, entry for Reprint No. 1—

omit, insert—

- ‘1 2005 Act No. 53 31 August 2006’.
- 2000 Act No. 5 (amd
 2006 Act No. 26)

18 Endnote 5, ‘amending legislation—’, first mention,—

omit, insert—

‘amending legislation—

Environmental Protection and Other Legislation Amendment Act 2005 No. 53 s 1, pt

7

date of assent 18 November 2005
commenced on date of assent’.

19 Endnote 6—

omit, insert—

‘6 List of annotations

Zoning plan

s 21 amd 2005 No. 53 s 115

Preparation of final plan

s 23 amd 2005 No. 53 s 116

Amendment of zoning plan

s 25 amd 2005 No. 53 s 117

Preparation of final amendment

s 27 amd 2005 No. 53 s 118

Tabling of statement with zoning plan or amendment

s 28 amd 2005 No. 53 s 119

Entry or use for a prohibited purpose

s 43 amd 2005 No. 53 s 120

Appointment and qualifications

s 52 amd 2000 No. 5 s 810 sch 4 (amd 2006 No. 36 ss 84, 86)

Proceedings for indictable offence

s 131 amd 2005 No. 53 s 121

Existing zoning plans

s 155 amd 2005 No. 53 s 122

Continuation of making and approval of zoning plan or amendment

s 155A ins 2005 No. 53 s 123

Continuation of preparation and approval of management plan

s 156A ins 2005 No. 53 s 124

PART 13—AMENDMENT OF MARINE PARKS ACT 1982

pt 13 (ss 167–168) om R1 (see RA ss 7(1)(k) and 40)

PART 15—CONSEQUENTIAL AMENDMENTS OF OTHER ACTS

pt 15 (ss 170–174) om R1 (see RA ss 7(1)(k) and 40)

SCHEDULE—DICTIONARY

sch def “**management plan**” sub 2005 No. 53 s 125

def “**zoning plan**” sub 2005 No. 53 s 125’.

Revision notice date of issue: 12 October 2006

Reprint No. 1—31 August 2006

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