



Queensland

Marine Parks (Declaration) Regulation 2006

Explanatory Notes for SL 2006 No. 222

made under the

Marine Parks Act 2004

Transport Operations (Marine Pollution) Act 1995

Policy objectives of the legislation

The primary objective of making the proposed Regulation is to declare the boundaries of Queensland's marine parks.

Reasons for the subordinate legislation

The *Marine Parks Act 2004* will commence automatically on 13 October 2006 if its commencement is not proclaimed prior to that day.

The *Marine Parks Regulation 1990* has been remade and will commence at the same time as the Act to ensure consistency between the Act and its subordinate legislation.

The *Marine Parks Regulation 1990* provides the overall management framework for Queensland's marine parks. Zoning plans are also subordinate legislation under Act but are not being remade at this time. The *Marine Parks Regulation 1990* contains the boundary descriptions of the Great Barrier Reef Coast Marine Park and the Moreton Bay Marine Park.

The *Marine Parks Regulation 1990* will be replaced by the *Marine Parks Regulation 2006* and the declaration of State marine parks will be achieved in the *Marine Parks (Declaration) Regulation 2006*.

The *Marine Parks (Declaration) Regulation 2006* will form a single instrument containing the boundary descriptions of all State marine parks, creating a simpler system for users of marine park.

Alternatives to regulation

Potential alternatives to the creation of the *Marine Parks (Declaration) Regulation 2006* have been considered, including a 'no-legislation' option. This option and other potential alternatives to the proposed Regulations are unsatisfactory because they have a range of serious, highly undesirable environmental, economic and social consequences, namely—

- the declaration of marine parks is central to the State's ability to regulate activities and behaviours that contravene the management principles of *Marine Parks Act 2004* and zoning plans;
- a break down in collaborative management arrangements between the Queensland Government and the Australian Government for the joint management of the Great Barrier Reef; and
- an inability to implement the *Marine Parks Act 2004*, which commences on 13 October 2006 if its commencement is not proclaimed prior to that day.

Administrative costs

The Regulation will not impose further costs on either the EPA or other Government Departments.

Fundamental legislative principles

The proposed Regulation is consistent with fundamental legislative principles.

Consultation

A Regulatory Impact Statement (RIS), which detailed the proposed review and remake of the *Marine Park Regulation 1990* on 3 March 2006.

Submissions from all stakeholders expressed general support for the remaking of the *Marine Parks Regulation 1990* and the majority of the proposed amendments.

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

Notes on provisions

Part 1 Preliminary

Clause 1 Short title

Clause 1 states that the short title of the Regulation is the *Marine Parks (Declaration) Regulation 2006*.

Clause 2 Commencement

Clause 2 states that the Regulation commences on 31 August 2006.

Part 2 Interpretation

Clause 3 Definitions

Clause 3 states that relevant definitions for the Regulation are contained in Schedule 7.

Clause 4 References to latitudes and longitudes

Clause 4 states that the references to latitudes and longitudes are calculated using either the Australian Geodetic Datum 1984 or the Geocentric Datum of Australia 1994. The clause also states the relevant Datum used for each marine park boundary description.

Part 5 **Transitional provisions**

Part 5 contains transitional provisions to facilitate the transition between the pre existing Hervey Bay Marine Park and Woongarra Marine Park and the new Great Sandy Marine Park.

Part 6 **Amendment of Transport Operations (Marine Pollution) Regulation 1995**

Part 6 contains a minor amendment to the *Transport Operations (Marine Pollution) Regulation 1995* to update a reference to the *Marine Parks (Great Sandy) Zoning Plan 2006*.

Schedule 1 **Moreton Bay Marine Park**

Schedule 1 describes the Moreton Bay Marine Park.

Schedule 2 **Great Barrier Reef Coast Marine Park**

Schedule 2 describes the Great Barrier Reef Coast Marine Park.

Part 1 **Area of marine park**

Part 1 describes the area of the Great Barrier Reef Coast Marine Park.

Schedule 3 Great Sandy Marine Park

Schedule 3 describes the Great Sandy Marine Park.

Schedule 4 Dictionary

Schedule 4 provides the dictionary for this Regulation.

ENDNOTES

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

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