

1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

GREAT BARRIER REEF MARINE PARK AMENDMENT BILL

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for the Arts, Sport,
the Environment, Tourism and Territories,
the Hon Ros Kelly MP)



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OUTLINE

The object of the Great Barrier Reef Marine Park Act 1975 is to make provision for the establishment, control, care and development of a marine park in the Great Barrier Reef Region. The operation of the Act over the past 15 years has from time to time identified inadequacies that have required amendments to improve the management of the Great Barrier Reef Marine Park.

The Bill gives effect to these needs by providing for the inclusion of several definitions which will clarify the operation of the Statutory Marine Park Zoning Plans. Several terms used in the Zoning Plans have been found by a Court to be more limited in effect than is necessary to achieve the objectives of good management. The Bill seeks to clarify the meaning of these terms so as to confirm the provisions of the Zoning Plans which have passed through both Houses of Parliament.

FINANCIAL IMPACT STATEMENT

The amendments will not result in an increase in Commonwealth expenditure.

NOTES ON CLAUSES

CLAUSE 1 - SHORT TITLE

This clause provides for the Act to be cited as the Great Barrier Reef Marine Park Act 1990 and for the "Principal Act" to mean the Great Barrier Reef Marine Park Act 1975.

CLAUSE 2 - COMMENCEMENT

This clause provides that the Act will come into operation on the day it receives Royal Assent.

CLAUSE 3 - INTERPRETATION OF ZONING PLANS

This clause inserts a new section 3A into the Principal Act.

Subclause 3A(1) provides that section 3A should be considered as complementary to the interpretation of a Zoning Plan provided for in section 3.

Subclause 3A(2) provides that a provision of a Zoning Plan that specifies that an activity requires permission prevails over any provision that implies that permission is not required.

Subclauses 3A(3), (4), (5), (6), (7), (8) and (9) clarify the meaning of certain terms used in Zoning Plans.

Subclause 3A(10) provides that section 3A is not to be considered as amending a Zoning Plan and is not therefore subject to the 120 day period of grace which is provided under section 38B(2) when Zoning Plans are amended.