

Legislative Council

Marine Parks Amendment Bill

Schedule of amendments agreed to in Committee of the Whole
Thursday 30 November 2000

- R Jones** No. 1 Page 3, Schedule 1 [1]. Insert after line 8:
- owner* has the same meaning as in the *Local Government Act 1993*, and includes a native title holder.
- R Jones** No. 2 Page 3, Schedule 1 [4], line 28. Omit “and the occupier”.
- R Jones** No. 3 Page 4, Schedule 1 [5]. Insert after line 9:
- Insert after “, but may only vary a marine park to remove an area if the relevant Ministers certify in writing that the area is no longer required to be part of the marine park for the purpose of attaining the objects of this Act” after “marine park” in section 9 (1).
- [6] Section 9 (3)**
- R Jones** No. 4 Page 4, Schedule 1 [6], line 17. Omit “and occupiers”.
- R Jones** No. 5 Page 4, Schedule 1 [6], line 18. Omit “or occupier”.
- R Jones** No. 6 Page 4, Schedule 1 [6], line 23. Omit “or occupier”.
- R Jones** No. 7 Page 5, Schedule 1. Insert after line 1:
- Insert “or such further period as the relevant Ministers allow” after “notice” in section 16 (5) (a).
- [9] Section 16 (5)**
- R Jones** No. 8 Page 5, Schedule 1 [8], line 4. Omit “or comments”.
- R Jones** No. 9 Page 8, Schedule 1 [12], lines 17-29. Omit all words on those lines. Insert instead:

- (1) The notification of a marine park closure is to be published:

- (a) in the Gazette, and
- (b) in a newspaper circulating, or by radio or television broadcast, in the area adjacent to the marine park to which the closure applies, and
- (c) by causing a copy of the notification to be exhibited in a **prominent** place or places adjacent to the marine park to which the closure applies.

(2) However, if the relevant Ministers consider that the marine park closure is required urgently, they may publish the notification in accordance with subsection (1) (b) or (c) so long as they publish the notification in the Gazette as soon as practicable.

R Jones No. 10 Page 8, Schedule 1 [12], line 31. Insert “first” before “publication”.

R Jones No. 11 Page 9, Schedule 1 [12], line 2. Insert “, but may be remade (with or without modification) by a further notification in accordance with this Division” after “notification”.

R Jones No. 12 Page 9, Schedule 1 [12], line 25. Omit “animal or plant”. Insert instead “animal, plant, rock, sand or other thing”.

R Jones No. 13 Page 9, Schedule 1 [12], line 34. Omit “animal or plant”. Insert instead “animal, plant, rock, sand or other thing”.

R Jones No. 14 Page 10, Schedule 1 [12]. Insert after line 28:

- (6) Except in the case of an emergency, the Authority must not give a direction for the removal of any unused property, or remove or authorise the removal of any unused property, that the Authority is of the opinion is likely to have significant cultural or ecological value unless the Authority:
 - (a) has made an assessment of that cultural or ecological value, and
 - (b) has forwarded a copy of that assessment to the relevant advisory committee at least 4 weeks before giving the direction or removing or authorising the removal of the unused property.

R Jones No. 15 Page 10, Schedule 1 [13]. Insert after line 29:

Insert “or such further period as the relevant Ministers allow” after “subsection (4)” in section 25 (6) (a).

[14] Section 25 (6)

R Jones No. 16 Page 11, Schedule 1. Insert after line 2:

[15] Section 25 (8)

Insert after section 25 (7):

- (8) The relevant Ministers are to ensure that an operational plan for a marine park is adopted as soon as practicable and, in any event, within 12 months after the making of the first regulation that sets out a zoning plan for the marine park (as referred to in section 16). However, the operational plan is not invalid merely because it was adopted after that 12-month period.

R Jones No. 17 Page 11, Schedule 1. Insert after line 2:

[16] Sections 26A-26C

Insert after section 26:

26A Annual review of operational plan for marine park

- (1) The advisory committee for a marine park may review the operational plan for the marine park every 12 months to determine whether or not the plan is effective and is being satisfactorily implemented.
- (2) The advisory committee must forward a report on the outcome of the review to the relevant Ministers, the Authority and the Advisory Council as soon as practicable after its completion.
- (3) The report is to include any recommendations of the advisory committee as to how the operational plan could be made more effective or could be better implemented.

26B Review of operational plan for marine park

- (1) The Authority is to commence to conduct a review of the operational plan for each marine park before the expiration of the period of 5 years after the adoption of the operational plan.
- (2) If the Authority considers that significant changes have been made to the zoning plan for a marine park (as referred to in section 16), the Authority is to commence to conduct a review of the operational plan for the marine park as soon as practicable after the making of the regulation containing those changes.
- (3) The Authority is to cause public notice to be given of a proposed

review under this section.

- (4) The notice is:
 - (a) to invite submissions to be made within the period specified in the notice (being a period of not less than 3 months after the date of the notice), and
 - (b) to specify the address to which such submissions are to be forwarded.
- (5) In conducting the review, the Authority is to consider any submissions made within the period specified for that purpose in the notice or such further period as the Authority allows.
- (6) The Authority must forward a report on the outcome of the review to the relevant Ministers, the Advisory Council and the relevant advisory committee within 3 months after the expiration of the period allowed under this section for the making of submissions in respect of the review.

26C Preparation of new operational plan for marine park following review

- (1) On the completion of a review under section 26B of an operational plan for a marine park, the Authority is to cause a new operational plan to be prepared for the marine park.
- (2) The provisions of this Part (section 23 excepted) apply to an operational plan required to be prepared under this section in the same way as those provisions apply to an operational plan required to be prepared under section 23.
- (3) However, an operational plan for a marine park required to be prepared under this section must be referred to the Advisory Council and the advisory committee for the marine park within 3 months after the report is forwarded as referred to in section 26B (6).
- (4) An operational plan for a marine park required to be prepared under this section is not invalid merely because the relevant report is forwarded after the 3-month period referred to in section 26B (6) or the operational plan is referred to the Advisory Council or the advisory committee for the marine park after the 3-month period referred to in subsection (3).
- (5) On the adoption of an operational plan for a marine park required to be prepared under this section the previous operational plan for the marine park is revoked.

R Jones No. 18 Page 11, Schedule 1. Insert after line 6:

[15] Section 32 Establishment of Marine Parks Advisory Council

Omit “at least one being an expert in marine conservation” from section 32 (2) (b).

Insert instead “one being an expert in marine conservation and one being nominated by a peak group or body generally recognised for its interest in conservation, as provided for in the regulations”.

[16] Section 32 (3)

Omit “subsection (2) (a)”.

Insert instead “the position referred to in subsection (2) (a) and the position for which a person is required to be nominated in accordance with subsection (2) (b)”.

R Jones No. 19 Page 11, Schedule 1 [18], line 30. Insert “and whether any particular use of the marine park is not ecologically sustainable” after “marine park”.

R Jones No. 20 Page 15, Schedule 1 [23], line 5. Omit “and occupier”.