

GREAT BARRIER REEF MARINE PARK ACT 1975

No. 85 of 1975

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GREAT BARRIER REEF MARINE PARK ACT 1975

No. 85 of 1975

An Act to establish a Great Barrier Reef Marine Park and for related purposes.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

PART I—PRELIMINARY

- Short title. 1. This Act may be cited as the *Great Barrier Reef Marine Park Act 1975*.¹
- Commence-
ment. 2. This Act shall come into operation on the day on which it receives the Royal Assent.¹
- Interpret-
ation. 3. (1) In this Act, unless the contrary intention appears—
“agreement” includes a treaty or convention;
“aircraft” means a machine or apparatus that can derive support in the atmosphere from the reactions of the air or from buoyancy, but does not include a hovercraft;
“animal” means any member, alive or dead, of the animal kingdom (other than man), and includes—
 (a) eggs or parts of eggs; and
 (b) the skin, feathers, shell or any other part of an animal;
“Australian coastal sea” means any sea or waters the sovereignty in respect of which is declared by the *Seas and Submerged Lands Act 1973* to be vested in the Crown in right of Australia, but does not include any waters referred to in section 14 of that Act;
“Authority” means the Great Barrier Reef Marine Park Authority established by this Act;
“Chairman” means the Chairman of the Authority;
“Committee” means the Great Barrier Reef Consultative Committee established by this Act;
“continental shelf of Australia” has the same meaning as in the *Seas and Submerged Lands Act 1973*;
“Director” means the Director of National Parks and Wildlife;
“Great Barrier Reef Region” means—
 (a) the area described in the Schedule; and

(b) such area (if any) contiguous with the northern boundary of that area as is prescribed,

other than any part of such an area that is referred to in section 14 of the *Seas and Submerged Lands Act 1973* or is an island, or a part of an island, that forms part of Queensland and is not owned by Australia;

“hovercraft” means a vehicle designed to be supported on a cushion of air;

“inspector” means—

(a) a person appointed as an inspector under section 43; or

(b) a person referred to in section 44;

“Marine Park” means the Great Barrier Reef Marine Park established by this Act;

“member” means a member of the Authority;

“National Parks Act” means the *National Parks and Wildlife Conservation Act 1975*;

“operations for the recovery of minerals” includes prospecting or exploration for minerals;

“park” means a park declared under the National Parks Act;

“part-time member” means a member appointed as a part-time member;

“plan of management” means a plan of management under the National Parks Act;

“plant” means any member, alive or dead, of the plant kingdom or of the fungus kingdom, and includes seeds and parts of plants;

“reserve” means a reserve declared under the National Parks Act;

“right” does not include sovereign rights;

“special zone” means a zone declared by a zoning plan to be a special zone;

“this Act” includes the regulations;

“vessel” means a ship, boat, raft or pontoon or any other thing capable of carrying persons or goods through or on water, and includes a hovercraft;

“zone” means a zone created by a zoning plan;

“zoning plan” means a zoning plan prepared in pursuance of section 32.

(2) In this Act, a reference to the sea-bed includes a reference to the surface of any coral formation, and a reference to the sub-soil includes a reference to the coral beneath the surface of any such formation.

(3) In this Act, a reference to public notice is a reference to notice published—

(a) in the *Gazette*; and

- (b) in each State and Territory, in a newspaper circulating throughout that State or Territory.

Operation of Act.

4. (1) This Act binds the Crown in right of Australia or of any State.
(2) This Act extends to every external territory other than Papua New Guinea.

Object of this Act.

5. (1) The object of this Act is to make provision for and in relation to the establishment, control, care and development of a marine park in the Great Barrier Reef Region in accordance with the provisions of this Act, to the extent that those provisions are within the legislative powers of the Parliament and, in particular but not to the exclusion of any other relevant power, its powers with respect to or in relation to—

- (a) the Australian coastal sea;
- (b) rights (including sovereign rights) and obligations of Australia in relation to the continental shelf of Australia;
- (c) external affairs;
- (d) fisheries in Australian waters beyond territorial limits;
- (e) places acquired by Australia for public purposes;
- (f) trade and commerce with other countries, including the import or export of animals and plants;
- (g) statistics relating to animals and plants; and
- (h) matters incidental to the execution of the powers of the Government of Australia,

and this Act shall be administered accordingly.

(2) It is the intention of the Parliament that this Act shall have effect in respect of a part of the Great Barrier Reef Region or a part of the Marine Park (whether or not separately declared under section 31) to the fullest extent that the Constitution permits irrespective of the extent of the effect of the operation of this Act in respect of any other part of the Great Barrier Reef Region or of the Marine Park.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE GREAT BARRIER REEF MARINE PARK AUTHORITY

Great Barrier Reef Marine Park Authority.

6. There is established by this Act an Authority by the name of the Great Barrier Reef Marine Park Authority.

Functions of Authority.

7. (1) The functions of the Authority are—
- (a) to make recommendations to the Minister in relation to the care and development of the Marine Park including recommendations, from time to time, as to—
 - (i) the areas that should be declared to be parts of the Marine Park; and

- (ii) the regulations that should be made under this Act;
- (b) to carry out, by itself or in co-operation with other institutions and persons, and to arrange for any other institutions or persons to carry out, research and investigations relevant to the Marine Park;
- (c) to prepare zoning plans for the Marine Park in accordance with Part V;
- (d) such functions relating to the Marine Park as are provided for by the regulations; and
- (e) to do anything incidental or conducive to the performance of any of the foregoing functions.

(2) The Authority shall perform its functions in accordance with any general directions given by the Minister not inconsistent with this Act.

(3) The Authority shall include in each report prepared under section 59 particulars of any directions given by the Minister under subsection (2) during the period to which the report relates.

8. (1) The Authority may do all things that are necessary or convenient to be done for or in connexion with the performance of its functions and, in particular, may— Powers of Authority.

- (a) enter into contracts;
- (b) occupy, use and control any land or building owned or held under lease by Australia and made available for the purposes of the Authority;
- (c) acquire, hold and dispose of real or personal property;
- (d) accept gifts, devises and bequests made to the Authority, whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Authority upon trust; and
- (e) do anything incidental to any of its powers.

(2) Notwithstanding anything contained in this Act, any moneys or property vested in the Authority upon trust shall be dealt with in accordance with the powers and duties of the Authority as trustee.

(3) The Authority has power to perform any of its functions in co-operation with Queensland, with an authority of that State or with a local governing body in that State.

PART III—CONSTITUTION AND MEETINGS OF THE AUTHORITY

9. (1) The Authority—

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and

Nature of
Authority.

(c) may sue and be sued in its corporate name.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was duly affixed.

Membership
of Authority.

10. (1) The Authority shall consist of a Chairman and 2 other members.

(2) The members shall be appointed by the Governor-General, the Chairman being appointed as a full-time member and the other members being appointed as part-time members.

(3) Subject to sub-section (4), one of the part-time members shall be a person appointed on the nomination of the Queensland Government.

(4) Where—

(a) the Australian Government has invited the Queensland Government to nominate to the Minister a person to be appointed to a vacant office of part-time member (whether or not the office has been previously filled); and

(b) at the expiration of 3 months after the invitation, the Queensland Government has not nominated a person having the qualifications referred to in sub-section (6) for appointment to the office,

a person other than a person nominated by the Queensland Government may be appointed to the office notwithstanding that, upon the appointment, there will not be a part-time member who is a person appointed on the nomination of the Queensland Government.

(5) The Chairman shall be a person who is suitable for appointment by reason of qualifications relevant to, and experience and reputation in, the field of biological conservation.

(6) A part-time member shall be a person with qualifications or extensive experience in a field related to the functions of the Authority.

(7) The performance of the functions or the exercise of the powers of the Authority is not affected by reason only of there being a vacancy or vacancies in the membership of the Authority.

(8) The appointment of a member is not invalidated and shall not be called in question by reason of a defect or irregularity in, or in connexion with, his selection or appointment.

Period of
appointment
of members
of Authority.

11. (1) Subject to sub-section (2), a member shall be appointed for such period, not exceeding 5 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

(2) A person who has attained the age of 65 years shall not be appointed or re-appointed as the Chairman and a person shall not be

appointed or re-appointed as the Chairman for a period that extends beyond the date on which he will attain the age of 65 years.

12. (1) A member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

Remuneration and allowances of members of Authority.

(2) A member shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act* 1973-1974.

13. The Minister may grant leave of absence to the Chairman on such terms and conditions as to remuneration or otherwise as the Minister determines.

Leave of absence of Chairman.

14. A member may resign his office by writing signed by him and delivered to the Governor-General, but the resignation does not have effect until it is accepted by the Governor-General.

Resignation of members of Authority.

15. (1) The Minister may appoint a person, including a part-time member, to act as Chairman—

Acting Chairman and members.

(a) during a vacancy in the office of Chairman, whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when the Chairman is absent from duty or from Australia or, for any other reason, is unable to perform the duties of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) Where a person is acting as Chairman in accordance with paragraph (1) (b) and the office of Chairman becomes vacant while that person is so acting, the person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(3) The Minister may appoint a person to act as a part-time member—

(a) during a vacancy in an office of part-time member, whether or not an appointment has previously been made to the office; or

(b) during any period or during all periods when a part-time member is acting as Chairman, is absent from duty or from Australia or, for any other reason, is unable to perform the duties of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(4) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed to act as Chairman or as a part-time member; and
- (b) at any time terminate an appointment under this section.

(5) The appointment of a person to act as Chairman or as a part-time member ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

(6) While the appointment of a person to act as Chairman or as a part-time member remains in force, he has, and may exercise, all the powers and shall perform all the functions of the Chairman or a part-time member, as the case may be.

(7) The validity of anything done by a person appointed under this section shall not be called in question on the ground that the occasion for his appointment had not arisen or that the appointment had ceased to have effect.

Termination
of
appointment
of members
of Authority.

16. (1) The Governor-General may terminate the appointment of a member by reason of misbehaviour or physical or mental incapacity.

(2) If a member—

- (a) being the Chairman, engages in paid employment outside the duties of his office without the approval of the Minister;
- (b) being the Chairman, is absent from duty, except on leave granted by the Minister, for 14 consecutive days or for 28 days in any 12 months;
- (c) is absent, except on leave granted by the Minister or otherwise with the permission of the Minister, from 3 consecutive meetings of the Authority;
- (d) becomes bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration for their benefit; or

(e) fails to comply with his obligations under sub-section (3),

the Governor-General shall terminate the appointment of the member.

(3) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(4) Sub-section (3) applies to and in relation to a person acting as Chairman or as a part-time member.

17. (1) The Chairman shall convene such meetings as he considers necessary for the performance of the functions of the Authority. Meetings of Authority.

(2) The Chairman shall, on receipt of a request in writing signed by the other members, convene a meeting of the Authority.

(3) At a meeting of the Authority, 2 members constitute a quorum.

(4) The Chairman shall preside at all meetings of the Authority at which he is present.

(5) If the Chairman is not present at a meeting of the Authority, the members present shall choose one of themselves to preside at the meeting.

(6) Subject to sub-section (8), questions arising at a meeting of the Authority shall be determined by a majority of the votes.

(7) The member presiding at a meeting of the Authority has a deliberative vote, and, subject to sub-section (8), in the event of an equality of votes, also has a casting vote.

(8) Where only 2 members are present at a meeting of the Authority and they differ on a question arising at the meeting, that question shall be deferred until the next meeting at which 3 members are present.

(9) In relation to a time when a person is acting as Chairman, references in this section to the Chairman shall be read as including references to that person.

(10) In relation to a time when a person is acting as Chairman or as a part-time member, references in this section to a member shall be read as including references to that person.

18. If the Chairman was, immediately before his appointment, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act* 1928-1975 applied— Officers' Rights Declaration Act.

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
- (c) that Act applies as if this Act and this section had been specified in the Schedule to that Act.

19. (1) For the purposes of sub-sections 4 (3A) and (4) of the *Superannuation Act* 1922-1974, the Chairman shall be deemed to be required, by the terms of his appointment, to give the whole of his time to the duties of his office. Super-annuation.

(2) For the purposes of the *Superannuation Act* 1922-1974, the termination under sub-section 16 (1) of this Act of the appointment of the

Chairman by reason of physical or mental incapacity shall be deemed to be retirement on the ground of invalidity.

(3) Nothing in this Act authorizes the provision of superannuation benefits otherwise than under the *Superannuation Act 1922-1974* for a person appointed or employed under this Act.

PART IV—THE GREAT BARRIER REEF CONSULTATIVE COMMITTEE

Great Barrier Reef Consultative Committee. **20.** There is established by this Act a committee by the name of the Great Barrier Reef Consultative Committee.

Functions of Committee. **21.** (1) The functions of the Committee are—

- (a) to furnish advice to the Minister, either of its own motion or upon request made to it by the Minister, in respect of matters relating to the operation of this Act; and
- (b) to furnish advice to the Authority in respect of matters relating to the Marine Park, including advice as to the areas that should be parts of the Marine Park, referred to it by the Authority.

(2) The Authority shall comply with all reasonable requests of the Committee for information relevant to the functions of the Committee.

(3) When the Minister is furnished with advice by the Committee, he shall cause particulars of the advice to be given to the Authority.

Membership of Committee. **22.** (1) The Committee shall consist of—

- (a) a member of the Authority nominated by the Authority; and
- (b) such number of other members, not being less than 12, as the Minister from time to time determines.

(2) Subject to sub-section (4), not less than one-third of the number of members referred to in paragraph (1) (b) shall be persons nominated for appointment by the Queensland Government.

(3) Before appointing any member or members referred to in paragraph (1) (b) at a time when there are not already members nominated by the Queensland Government not less in number than one-third of the number of members for the time being determined by the Minister in accordance with that paragraph, the Minister shall, in writing, invite the Queensland Government to nominate a person or persons for appointment to the Committee, but so that the number of persons nominated is not to exceed the number of appointments that are to be made or the number sufficient to cause the membership of the Committee to comply with sub-section (2), whichever is the less.

(4) To the extent that the Queensland Government does not nominate a person or persons in accordance with an invitation under

sub-section (3) within 3 months after receipt of the invitation, the Minister may appoint to the vacant place or places a person or persons not nominated by that Government.

(5) The members of the Committee shall be appointed by the Minister.

(6) A member of the Committee referred to in paragraph (1) (b) may be appointed to represent a Department or authority of Australia or an organization, being a Department, authority or organization with interests in the Great Barrier Reef or the Great Barrier Reef Region, and the Minister shall ensure that, as far as practicable, Departments and authorities of Australia with those interests are so represented.

(7) A member of the Authority is not eligible to be a member of the Committee referred to in paragraph (1) (b).

(8) The performance of the functions of the Committee is not affected by reason only of there being a vacancy or vacancies in the membership of the Committee.

23. (1) The members of the Committee shall be appointed for 3 years but are eligible for re-appointment. Period of appointment of members of Committee.

(2) If a member of the Committee ceases to hold office before the expiration of the period of his appointment, another person may, in accordance with section 22, be appointed in his place until the expiration of that period.

24. (1) A member of the Committee shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed. Remuneration of members of Committee.

(2) A member of the Committee shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act* 1973-1974.

(4) If the Chairman of the Authority is a member of the Committee, sub-section (1) does not apply to him.

25. (1) The Committee shall elect one of its members, other than the member who is a member of the Authority, to be the Chairman of the Committee. Chairman of Committee.

(2) The member elected as Chairman of the Committee holds office until the expiration of his term of office as a member that is current at the time of his appointment, but ceases to be Chairman if he ceases to be a member, and may resign his office of Chairman by writing signed by him and delivered to the Minister.

(3) A person is eligible to be re-elected as the Chairman of the Committee.

Resignation
of members
of
Committee.

26. A member of the Committee may resign his office by writing signed by him and delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

Termination
of
appointment
of members
of
Committee.

27. (1) The Minister may terminate the appointment of a member of the Committee by reason of misbehaviour or physical or mental incapacity.

(2) If a member of the Committee is absent, except with the permission of the Minister or the Chairman of the Committee, from 3 consecutive meetings of the Committee, the Minister may terminate the appointment of the member.

(3) If a member of the Committee appointed in accordance with sub-section 22 (6) ceases, by reason of a change in employment, residence or other circumstances, to be, in the opinion of the Minister, an appropriate representative of the Department, authority or organization that he was appointed to represent, the Minister may terminate his appointment.

(4) If a member of the Committee fails to comply with his obligations under sub-section (5), the Minister shall terminate the appointment of the member.

(5) A member of the Committee who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Committee.

Meetings of
Committee.

28. (1) The Committee shall hold such meetings as are necessary for the performance of its functions.

(2) The Chairman of the Committee may at any time convene a meeting of the Committee and shall ensure that at least 1 meeting is held in each year.

(3) The Minister may at any time convene a meeting of the Committee.

(4) The Chairman of the Committee shall, on receipt of a request in writing signed by 5 other members, convene a meeting of the Committee.

(5) At a meeting of the Committee, a majority of its members constitute a quorum.

(6) The Chairman of the Committee shall preside at all meetings of the Committee at which he is present.

(7) If the Chairman of the Committee is not present at a meeting of the Committee, its members present shall elect one of their number to preside at the meeting.

(8) Questions arising at a meeting of the Committee shall be determined by a majority of the votes of the members of the Committee present and voting.

(9) The person presiding at a meeting of the Committee has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

29. (1) Administrative assistance required for the purposes of the Committee shall be provided by persons who are members of the staff of the Authority. Assistance for the Committee.

(2) The Authority shall provide such moneys as are necessary for the performance of the functions of the Committee.

PART V—THE GREAT BARRIER REEF MARINE PARK

30. There shall be a marine park, to be known as the Great Barrier Reef Marine Park, consisting of such areas in the Great Barrier Reef Region as are, for the time being, declared under section 31 to be parts of that Marine Park. Great Barrier Reef Marine Park.

31. (1) Subject to sub-section (5), the Governor-General may, by Proclamation, declare an area specified in the Proclamation, being an area within the Great Barrier Reef Region, to be a part of the Marine Park and assign a name or other designation to that area. Areas part of Marine Park.

(2) Where an area is, for the time being, declared by Proclamation under sub-section (1) to be a part of the Marine Park—

- (a) the waters of any sea within the area;
- (b) the sea-bed beneath any sea within the area;
- (c) the subsoil beneath any such sea-bed, extending to such depth below the sea-bed as is specified in the Proclamation;
- (d) the sub-soil beneath any land within the area, extending to such depth below the surface as is specified in the Proclamation; and
- (e) the airspace above the area, extending to such height above the surface as is specified in the Proclamation,

shall be taken to be in the Marine Park and, for the purposes of this Act, part of the area.

(3) Subject to sub-section (4), the Governor-General may, by Proclamation, revoke or amend a Proclamation made under sub-section (1).

(4) A Proclamation made under sub-section (3) by virtue of which any area in the Great Barrier Reef Region ceases to be within the Marine Park shall not be made except in accordance with a resolution passed by each House of the Parliament in pursuance of a motion of which notice has been given not less than 15 sitting days of that House before the motion is moved.

(5) The Governor-General shall not make a Proclamation under this section except after consideration by the Executive Council of a report by the Authority in relation to the matter dealt with by the Proclamation.

Zoning
plans.

32. (1) As soon as practicable after an area has been declared to be part of the Marine Park, the Authority shall prepare a zoning plan in respect of that area.

(2) Before preparing a zoning plan in respect of an area in the Marine Park, the Authority shall, by public notice—

- (a) state that it intends to prepare a zoning plan in respect of that area;
- (b) invite interested persons to make representations in connexion with the proposed plan by such date, not being less than 1 month after the date of publication of the notice in the *Gazette*, as is specified in the notice; and
- (c) specify an address to which such representations may be forwarded.

(3) A person may, not later than the date specified in the notice, make representations to the Authority in connexion with the proposed plan, and the Authority shall give due consideration to any representations so made.

(4) The zoning plan shall provide that, for the purposes of this Act, the area—

- (a) constitutes a single zone; or
- (b) is divided into 2 or more zones described in the plan,

and shall assign a name or other designation to the zone or each of those zones, as the case may be.

(5) A zone may be declared by the zoning plan to be a special zone and a zone that is so declared shall be managed in accordance with the National Parks Act as if it were a park or as if it were a reserve, and shall be named or designated accordingly.

(6) In respect of a zone, other than a special zone, a zoning plan shall make provision with respect to the purposes for which the zone is to be, or may be, used or entered.

(7) In the preparation of the plan, regard shall be had to the following objects:—

- (a) the conservation of the Great Barrier Reef;
 - (b) the regulation of the use of the Marine Park so as to protect the Great Barrier Reef while allowing the reasonable use of the Great Barrier Reef Region;
 - (c) the regulation of activities that exploit the resources of the Great Barrier Reef Region so as to minimize the effect of those activities on the Great Barrier Reef;
 - (d) the reservation of some areas of the Great Barrier Reef for its appreciation and enjoyment by the public; and
 - (e) the preservation of some areas of the Great Barrier Reef in its natural state undisturbed by man except for the purposes of scientific research.
- (8) When the Authority has prepared the plan, it shall, by public notice—
- (a) state that the plan has been prepared;
 - (b) invite interested persons to make representations in connexion with the plan by such date, not being less than 1 month after the date of publication of the notice in the *Gazette*, as is specified in the notice;
 - (c) specify an address or addresses at which copies of the plan may be inspected or purchased; and
 - (d) specify an address to which representations in connexion with the plan may be forwarded.
- (9) A person may, not later than the date specified in the notice, make representations to the Authority in connexion with the plan, and the Authority shall give due consideration to any representations so made and, if it thinks fit, alter the plan accordingly.
- (10) The Authority shall thereupon submit to the Minister—
- (a) the plan; and
 - (b) if representations have been made under sub-section (9)—those representations, together with the comments of the Authority on those representations.
- (11) The Minister may—
- (a) accept the plan as so submitted; or
 - (b) refer it to the Authority, together with his suggestions, for further consideration.
- (12) Where the plan has been so referred to the Authority, it shall, as soon as practicable after the receipt of the plan, give further consideration to the plan, having regard to the suggestions of the Minister, and again submit the plan, with or without alterations, to the Minister, together with its comments on the suggestions of the Minister.

(13) When the plan is again submitted to the Minister, he shall, as soon as practicable after receipt of the plan, accept the plan as so submitted or after making such alterations as he thinks fit.

(14) Where the Minister makes alterations to a plan under sub-section (13), he shall prepare a report specifying the alterations and setting out any views expressed by the Authority in respect of the matters to which the alterations relate, and the report shall accompany the plan when it is laid before both Houses of the Parliament under section 33.

Zoning plans
to be laid
before
Parliament.

33. (1) The Minister shall, as soon as practicable after a zoning plan has been accepted under section 32, cause it to be laid before both Houses of the Parliament.

(2) Either House of the Parliament, within 20 sitting days after the plan has been laid before that House, may, in pursuance of a motion upon notice, pass a resolution disallowing the plan.

(3) If, before the expiration of 20 sitting days of a House of the Parliament after the plan has been laid before that House—

- (a) that House is dissolved or, being the House of Representatives, expires, or the Parliament is prorogued; and
- (b) a resolution for the disallowance of the plan has not been passed by that House,

the plan shall, for the purposes of this section, be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.

(4) If either House of the Parliament passes a resolution in accordance with sub-section (2) disallowing the plan, the Minister shall direct the Authority to prepare a fresh plan and the Authority shall thereupon reconsider the matter and prepare a fresh plan, and section 32 applies accordingly.

(5) If neither House of the Parliament passes a resolution in accordance with sub-section (2) disallowing the plan, the Minister shall, as soon as practicable after the expiration of the last day upon which such a resolution could have been passed, by public notice state that the plan is to come into operation on a date specified in the notice (not being a date earlier than the date of publication of the notice in the *Gazette*) and the plan shall come into operation on that date.

(6) A notice referred to in sub-section (5) shall specify an address or addresses at which copies of the plan may be inspected or purchased and may contain a description of the zone or zones to which it relates or any other particulars of the plan.

34. (1) Where a zoning plan provides for a special zone, then, so long as it so provides, the National Parks Act, other than section 7, and the regulations under that Act, apply in respect of the zone as if it were a park or a reserve, as the case may be.

Special zones.

(2) Upon the coming into operation of a zoning plan that provides for a special zone, all right, title and interest held by Australia in respect of the land (including any sea-bed or any sub-soil) within the zone, but not in respect of any minerals, becomes, by force of this sub-section, vested in the Director.

(3) Sub-sections (1) and (2) do not authorize any operations in a zone that are prohibited by section 38 or authorize provision for such operations in a plan of management.

35. (1) Where the Authority decides that a zoning plan is to provide for a special zone—

Plan of management in respect of special zone.

- (a) the Authority shall inform the Director of that decision and supply him with particulars of the zone; and
- (b) as soon as practicable after the Director has been so informed, he shall prepare a plan of management in respect of that zone as if it were a park or a reserve, as the case may be, and sub-sections 11 (2) to (16) and, subject to sub-section (3) of this section, sections 12 and 13 of the National Parks Act apply in relation to the plan of management as if it were a plan of management prepared in pursuance of sub-section 11 (1) of that Act.

(2) A plan of management in respect of a zone prepared under paragraph 1 (b) shall not provide for any operations in that zone that are prohibited by section 38 of this Act.

(3) Where, but for this sub-section, a plan of management in respect of a zone would come into operation before the coming into operation of the zoning plan in respect of the area constituting, or containing, the zone, the plan of management shall come into operation on the coming into operation of the zoning plan.

36. (1) While a zoning plan is in force in relation to a zone, other than a special zone, the Authority shall perform its functions and exercise its powers in relation to the zone in accordance with that plan and not otherwise.

Authority, &c., to comply with zoning plans.

(2) While a zoning plan or a plan of management is in force in relation to a zone, each Minister shall give all such directions and do all such things as can be given or done by him for ensuring that the Department administered by him and each authority of Australia in relation to which he has ministerial responsibilities performs the functions and exercises the powers that it has in relation to the zone in accordance with that plan.

Amendment
or revocation
of zoning
plan.

37. (1) Subject to sub-section (3), the Authority may at any time amend a zoning plan.

(2) Subject to sub-section (5), a zoning plan in respect of an area may be revoked by a new zoning plan in respect of that area, but the revocation shall not take effect until the new plan comes into operation.

(3) Where a zoning plan provides for a special zone, the plan shall not be amended so that the whole or part of the special zone ceases to be, or to be included in, a special zone except in accordance with sub-section (4).

(4) The Governor-General may, by Proclamation, amend a zoning plan that provides for a special zone so that the whole or part of the special zone ceases to be, or to be included in, a special zone.

(5) Where a zoning plan provides for a special zone, the plan shall not be revoked except in accordance with sub-section (6).

(6) The Governor-General may, by Proclamation—

(a) declare that a zoning plan in respect of an area that provides for a special zone shall be revoked on the coming into force of a new zoning plan in respect of that area; and

(b) direct that a new zoning plan be prepared in respect of that area.

(7) A Proclamation made under sub-section (4) or (6) shall not be made except in accordance with a resolution passed by each House of the Parliament in pursuance of a motion of which notice has been given not less than 15 sitting days of that House before the motion is moved.

(8) If, by virtue of a Proclamation made under sub-section (4) or (6), any area in the Great Barrier Reef Region ceases to be within a special zone, all right title and interest held by the Director in respect of the land (including any sea-bed or any sub-soil) in the area becomes, by force of this sub-section, vested in Australia.

(9) Sub-sections 7 (11) and (12) of the National Parks Act apply in relation to a Proclamation under sub-section (4) or (6) as if it were a Proclamation under sub-section 7 (8) of that Act.

(10) Sections 32 and 33 apply in relation to an amendment of a zoning plan or in relation to a new zoning plan in like manner as they apply to a zoning plan required to be prepared in accordance with section 32.

No drilling
or mining in
Marine Park.

38. (1) This section has effect notwithstanding any law of Australia or of a State or Territory.

(2) Subject to sub-section (3), no operations for the recovery of minerals shall be carried on in the Marine Park.

(3) Operations referred to in sub-section (2) may be carried on in the Marine Park by, or with the approval of, the Authority for the purpose of research and investigations relevant to the establishment, care and development of the Marine Park or for scientific research.

(4) A person who—

(a) contravenes sub-section (2); or

(b) having obtained the approval of the Authority under sub-section (3) for the carrying on of operations for the recovery of minerals, carries on operations for the recovery of minerals otherwise than in accordance with that approval,

is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000 for each day during which the offence continues.

39. The Governor-General shall not make a Proclamation under section 7 of the National Parks Act in respect of an area in the Great Barrier Reef Region.

Section 7 of National Parks Act not to apply.

PART VI—ADMINISTRATION

40. (1) The staff of the Authority shall be persons appointed or employed under the *Public Service Act* 1922-1975.

Staff of Authority.

(2) The Chairman has all the powers of, or exercisable by, a Permanent Head under that Act so far as those powers relate to the branch of the Australian Public Service comprising the staff of the Authority as if that branch were a separate Department of the Australian Public Service.

(3) For the purposes of sub-sections 25 (5) and (6) of that Act, the Chairman shall be deemed to be a Permanent Head.

41. Notwithstanding section 40, the Authority may, with the consent of the Minister and on terms and conditions approved by the Public Service Board, engage persons, not being persons referred to in that section, to provide services for the Authority.

Performance of service by other persons.

42. (1) The Australian Government may make arrangements with the Queensland Government for the performance of functions and the exercise of powers under this Act by officers or employees of Queensland or of an authority of that State or of a local governing body in that State, or by members of the Police Force of that State.

Officers and employees of Queensland and government authorities.

(2) The Authority may make arrangements with the Permanent Head of a Department of the Australian Public Service, or with an authority of Australia, including the Director, for the performance of functions and the exercise of powers under this Act by officers or employees of the Department or of the authority, as the case may be.

- Appointment of inspectors.** **43.** The Authority may, by instrument in writing, appoint—
- (a) a member of the staff of the Authority; or
 - (b) a person referred to in section 42, as an inspector.
- Inspectors *ex officio*.** **44.** By force of this section, every member of the Commonwealth Police Force is an inspector.
- Identity cards.** **45.** (1) The Authority shall cause to be issued to each inspector, other than a member of a police force, an identity card in the form prescribed containing a photograph of the holder.
- (2) A person who ceases to be an inspector shall forthwith return his identity card to the Authority.
- Penalty: \$100.
- Arrest without warrant.** **46.** (1) An inspector may, without warrant, arrest any person in the Marine Park, if the inspector reasonably believes—
- (a) that the person has committed an offence against this Act; and
 - (b) that proceedings against the person by summons would not be effective.
- (2) Where an inspector (other than a member of a police force who is in uniform) arrests a person under sub-section (1), he shall—
- (a) in the case of a member of a police force—produce, for inspection by that person, written evidence of the fact that he is a member of a police force; or
 - (b) in any other case—produce his identity card for inspection by that person.
- (3) Where a person is arrested under sub-section (1), an inspector shall forthwith bring the person, or cause him to be brought, before a Justice of the Peace or other proper authority to be dealt with in accordance with law.
- (4) Nothing in this section prevents the arrest of a person in accordance with any other law.
- Confiscation and forfeiture.** **47.** (1) Where a court convicts a person of an offence against this Act, the court may order the forfeiture to Australia of any vessel or article used or otherwise involved in the commission of the offence.
- (2) An inspector may seize any vessel or article that he reasonably believes to have been used or otherwise involved in the commission of an offence against this Act and may retain it until the expiration of a period of 60 days after the seizure or, if a prosecution of an offence against this Act in the commission of which it may have been used or otherwise involved is instituted within that period, until the prosecution is terminated.

(3) Where a vessel or article seized under sub-section (2) and retained for a period exceeding 7 days was not used or otherwise involved in the commission of an offence, any person who has suffered loss or damage by reason of the seizure is entitled to reasonable compensation.

(4) The Authority may authorize a vessel or article seized under sub-section (2) to be released to its owner, or to the person from whose possession it was seized, either unconditionally or on such conditions as it thinks fit, including conditions as to the giving of security for payment of its value if it is forfeited.

(5) A vessel or article forfeited under this section may be sold or otherwise disposed of as the Authority thinks fit.

(6) A warden may seize any animal or plant that he reasonably believes to have been killed or taken in contravention of this Act.

(7) Where an animal or plant has been seized under sub-section (6), the Authority may cause it to be—

- (a) retained; or
- (b) sold or otherwise disposed of.

(8) Where an animal or plant seized under sub-section (6) was not killed or taken in contravention of this Act, any person who has suffered loss or damage by reason of the seizure is entitled to reasonable compensation.

(9) Compensation under this section is payable by Australia and may be awarded—

- (a) by a court dealing with an alleged offence against this Act in relation to which the vessel, article, animal or plant was seized; or
- (b) by any federal court or court of a State or Territory having jurisdiction in actions for the recovery of debts up to an amount not less than the amount of compensation claimed.

48. (1) An inspector may, in the Marine Park, other than in a special zone, search a vessel for the purpose of ascertaining whether there is in or on that vessel— General powers of inspectors.

- (a) any animal, plant or article in respect of which an offence against this Act has been committed; or
- (b) anything that will afford evidence as to the commission of an offence against this Act,

and for that purpose stop or detain a vessel.

(2) An inspector may, in the Marine Park, other than in a special zone—

- (a) require any person whom he finds committing, or whom he reasonably suspects of having committed, an offence against this Act to state his full name and usual place of residence;
 - (b) require any person whom he finds committing, or whom he reasonably suspects of having committed, an offence against this Act to leave the Marine Park; and
 - (c) require any person whom he reasonably suspects of having done an act in respect of which the person is required to hold a licence, permit or other authority under this Act to produce such a licence or permit or evidence of such an authority.
- (3) Where an inspector (other than a member of a police force who is in uniform) stops, or proposes to search or detain a vessel, he shall—
- (a) in the case of a member of a police force—produce, for inspection by the person in charge of the vessel, written evidence of the fact that he is a member of a police force; or
 - (b) in any other case—produce his identity card for inspection by that person,

and, if he fails to do so, he is not authorized to search or detain that vessel.

(4) Where an inspector (other than a member of a police force who is in uniform) makes a requirement of a person in pursuance of sub-section (3), he shall—

- (a) in the case of a member of a police force—produce, for inspection by that person, written evidence of the fact that he is a member of a police force; or
- (b) in any other case—produce his identity card for inspection by that person,

and, if he fails to do so, that person is not obliged to comply with the requirement.

(5) A person who, without reasonable excuse, fails to comply with a requirement made of him by an inspector under sub-section (1) or (2) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$1,000.

Assaulting,
&c.,
inspector.

49. A person who assaults or threatens an inspector acting in the performance of his duties under this Act is guilty of an offence and is punishable—

- (a) upon summary conviction—by a fine not exceeding \$1,000, or imprisonment for a period not exceeding 6 months, or both; or
- (b) upon conviction otherwise—by a fine not exceeding \$2,000, or imprisonment for a period not exceeding 2 years, or both.

Personation.

50. A person who, by words or conduct, falsely represents that he is an inspector is guilty of an offence and is punishable—

- (a) upon summary conviction—by a fine not exceeding \$1,000, or imprisonment for a period not exceeding 6 months, or both; or
- (b) upon conviction otherwise—by a fine not exceeding \$2,000, or imprisonment for a period not exceeding 2 years, or both.

51. An inspector shall not, without the permission of the Director, exercise any power or perform any duty under this Act in a special zone.

Inspectors not to operate in special zones.

PART VII—FINANCE

52. (1) There are payable to the Authority such moneys as are appropriated by the Parliament for the purposes of the Authority.

Moneys payable to Authority.

(2) The Treasurer may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the Authority.

53. The moneys of the Authority shall be applied only—

Application of moneys.

- (a) in payment or discharge of the costs, expenses and other obligations of the Authority or the Committee under this Act; and
- (b) in payment of remuneration, expenses, fees and allowances payable to any person under this Act.

54. (1) The Authority shall prepare estimates, in such form as the Minister directs, of its receipts and expenditure for each financial year and, if so directed by the Minister, for any other period and shall submit those estimates to the Minister not later than such date as the Minister directs.

Estimates.

(2) Moneys shall not be expended by the Authority except in accordance with estimates of expenditure approved by the Minister.

55. (1) The Authority may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

Bank accounts.

(2) The Authority shall pay all moneys received by it into an account referred to in this section.

(3) In this section, “approved bank” means a bank for the time being approved by the Treasurer.

56. The Authority shall not, without the approval of the Minister—

Power to purchase and dispose of assets.

- (a) enter into a contract involving the payment or receipt of an amount exceeding \$50,000 or, if a higher amount is prescribed, that higher amount; or
- (b) enter into a lease of land for a period exceeding 10 years.

Proper
accounts to
be kept.

57. The Authority shall cause to be kept proper accounts and records of the transactions and affairs of the Authority and shall do all things necessary to ensure that all payments out of the moneys of the Authority are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the incurring of liabilities by the Authority.

Audit.

58. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Authority and the records relating to assets of, or in the custody of, the Authority, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

(3) The Auditor-General shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Authority relating directly or indirectly to the receipt or payment of moneys, or to the acquisition, receipt, custody or disposal of assets, by the Authority.

(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

(6) The Auditor-General or a person authorized by him may require a person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

Exemption
from
taxation.

59. The Authority is not subject to taxation under the laws of Australia or of a State or Territory.

PART VIII—MISCELLANEOUS

60. (1) The Authority shall, as soon as practicable after each 30 June, prepare and furnish to the Minister a report of its operations during the year ending on that date together with financial statements in respect of that year in such form as the Treasurer approves. Annual reports.

(2) Before furnishing financial statements to the Minister, the Authority shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Authority during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The Minister shall cause the report and financial statements of the Authority, together with the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

(4) The first report and financial statements of the Authority under this section shall be furnished as soon as practicable after 30 June 1976, and shall relate to the operations of the Authority during the period that commenced at the commencement of this Act and ended on that date.

61. (1) The Authority may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to a person any of its powers under this Act, other than this power of delegation. Delegation.

(2) A power so delegated, when exercised by the delegate, shall for the purposes of this Act, be deemed to have been exercised by the Authority.

(3) A delegation under this section does not prevent the exercise of a power by the Authority.

62. In any proceedings for an offence against this Act, an averment of the prosecutor, contained in the information or complaint, that— Averment in relation to Marine Park.

- (a) the place where the defendant is alleged to have been at the time of the alleged offence was in the Marine Park or in a specified zone; or
- (b) the place where an animal, plant, aircraft, vessel or article referred to in the information or complaint is alleged to have

been at the time of the alleged offence was in the Marine Park or in a specified zone,

is *prima facie* evidence of the matter averred.

Jurisdiction
of courts.

63. (1) A provision of the *Judiciary Act* 1903-1973 by which a court of a State is invested with jurisdiction with respect to offences against the laws of Australia has effect, in relation to offences against this Act, as if that jurisdiction were so invested without limitation as to locality.

(2) Subject to section 80 of the Constitution, where a person has committed an offence against this Act outside a Territory and is found in, or brought into, the Territory, a court of the Territory has the same jurisdiction in respect of the offence as it would have if the offence had been committed in the Territory.

(3) The trial on indictment of an offence against this Act not committed within a State may be held by a court of competent jurisdiction at any place where the court may sit.

(4) In this section, "Territory" does not include Papua New Guinea.

Prosecution
of offences.

64. (1) An offence against this Act may be prosecuted summarily or upon indictment or, where the law of the State or Territory in which the proceedings are brought makes provision for an offender who pleads guilty to a charge of an indictable offence to be dealt with by the court otherwise than on indictment, the court may deal with an offender in accordance with the law.

(2) Where proceedings for an offence against this Act are brought in a court of summary jurisdiction, the court may commit the defendant for trial or to be otherwise dealt with in accordance with law or, with the consent of the defendant and of the prosecutor, may, if the court is satisfied that it is proper to do so, determine the proceedings summarily.

Act to apply
subject to
international
obligations.

65. (1) Subject to this section, this Act applies, according to its tenor, to all persons, including foreigners, and to all vessels and aircraft, including foreign vessels and aircraft, whether or not they are within the limits of Australia and the Australian coastal sea.

(2) This Act has effect subject to the obligations of Australia under international law, including obligations under any agreement between Australia and another country or countries.

Regulations.

66. (1) The Governor-General may make regulations, not inconsistent with this Act or with a zoning plan, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of sub-section (1), regulations may be made—

(a) conferring functions on the Authority for the purposes of the regulations;

- (b) providing for giving effect to, and enforcing the observance of, zoning plans;
- (c) conferring functions and powers, and imposing duties upon, inspectors;
- (d) providing for services and facilities in, or in connexion with, the Marine Park;
- (e) regulating or prohibiting acts (whether in the Marine Park or elsewhere) that may pollute water in a manner harmful to animals and plants in the Marine Park;
- (f) providing for the protection and preservation of the Marine Park and property and things in the Marine Park;
- (g) providing for the removal from the Marine Park of persons unlawfully in the Marine Park or committing offences against this Act in the Marine Park;
- (h) providing for the safety of persons in the Marine Park;
- (i) regulating the conduct of persons in the Marine Park;
- (j) regulating or prohibiting the carrying on of any trade or commerce in the Marine Park;
- (k) providing for fees and charges to be imposed by the Authority upon persons using services or facilities provided by the Authority in or in connexion with the Marine Park;
- (l) providing for the imposition and collection of charges for—
 - (a) the mooring of vessels;
 - (b) the landing of aircraft; or
 - (c) the use of vessels,in the Marine Park;
- (m) providing for the removal of vessels from places in the Marine Park where they have been left in contravention of the regulations or have been abandoned and for the impounding of such vessels;
- (n) enabling a person who is alleged to have contravened a provision of the regulations relating to—
 - (i) littering;
 - (ii) the use of vessels;
 - (iii) the mooring or landing of vessels; or
 - (iv) the landing, use or flying of aircraft,to pay to the Authority, as an alternative to prosecution, a specified penalty, not exceeding the maximum penalty by which a contravention of that provision is otherwise punishable;
- (o) regulating the use of vessels in, and the passage of vessels through, the Marine Park and the landing and use of aircraft in, and the flying of aircraft over, the Marine Park;
- (p) regulating or prohibiting the taking of animals or plants into, or out of, the Marine Park;

- (q) providing for the impounding, removal, destruction or disposal of animals found straying in the Marine Park;
 - (r) regulating or prohibiting the taking into the Marine Park, and the use in the Marine Park, of weapons, traps, nets, snares, fishing apparatus and other devices;
 - (s) regulating or prohibiting the laying of baits and the use of explosives and poisons in the Marine Park;
 - (t) providing for the collection of specimens and the pursuit of research in the Marine Park for scientific purposes;
 - (u) providing for the issue of licences, permits and authorities, the conditions subject to which they are issued and the charging of fees by the Authority in respect of such licences, permits and authorities; and
 - (v) providing for any matter incidental to or connected with any of the foregoing.
- (3) Without limiting the generality of sub-section (1) or (2), the regulations may be expressed to apply to or in relation to—
- (a) the Marine Park other than special zones;
 - (b) a specified part of the Marine Park in respect of which no zoning plan is in force;
 - (c) a specified zone, other than a special zone; or
 - (d) a specified part of a zone, other than a special zone.
- (4) Regulations under this Act shall not apply in respect of a special zone.
- (5) Regulations shall not apply to an area within the Marine Park in respect of which no zoning plan is in force if more than 12 months has elapsed since that area became part of the Marine Park.
- (6) Subject to sub-sections (7) and (8) and to any contrary intention appearing in a law made after the commencement of this Act, a provision of the regulations has full force and effect notwithstanding that it is inconsistent with a law of Australia made before or after the commencement of this Act.
- (7) A provision of the regulations regulating navigation in the Marine Park does not have any force or effect to the extent to which it is inconsistent with a law of Australia, but such a provision shall not be taken for the purposes of this sub-section to be inconsistent with such a law if it can be complied with without contravention of that law.
- (8) A provision of the regulations regulating the flying of aircraft over the Marine Park does not have any force or effect to the extent to which it is inconsistent with a law of Australia, but such a provision shall not be taken for the purposes of this sub-section to be inconsistent with such a law if it can be complied with without contravention of that law.

(9) The power to make regulations conferred by this Act may be exercised—

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised, the same provision for all those cases or different provision for different cases or classes of case.

(10) The power to make regulations conferred by this Act shall not be taken not to include the power to make provision for or in relation to a matter by reason only of the fact that—

- (a) a provision is made by this Act in relation to that matter or another matter; or
- (b) power is expressly conferred by this Act to make provision by regulation for or in relation to another matter.

(11) The regulations may provide, in respect of an offence against the regulations, for the imposition of—

- (a) a fine not exceeding \$5,000; or
- (b) a fine not exceeding \$1,000 for each day during which the offence continues.

(12) The limitation imposed by sub-section (10) on the penalties that may be prescribed by the regulations does not prevent the regulations from requiring a person to make a statutory declaration.

SCHEDULE

Section 3

The area the boundary of which commences at the point that is the intersection of the coastline of Queensland at mean low water by the parallel of Latitude 10°41' South, and runs thence easterly along that parallel to its intersection by the meridian of Longitude 145° 00' East, thence southerly along that meridian to its intersection by the parallel of Latitude 13° 00' South, thence south-easterly along the geodesic to a point of Latitude 15° 00' South, Longitude 146° 00' East, thence south-easterly along the geodesic to a point of Latitude 17° 30' South, Longitude 147° 00' East, thence south-easterly along the geodesic to a point of Latitude 21° 00' South, Longitude 153° 30' East, thence south-easterly along the geodesic to a point of Latitude 24° 30' South, Longitude 154° 00' East, thence westerly along the parallel of Latitude 24° 30' South to its intersection by the coastline of Queensland at mean low water, and thence northerly along that coastline at mean low water to the point of commencement.

NOTE

1. Act No. 85, 1975; assented to 20 June 1975.