

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 36

Issued by the Authority of the Minister for Sustainability,
Environment, Water,
Population and Communities

Great Barrier Reef Marine Park Act 1975

Great Barrier Reef Marine Park Amendment Regulation 2012 (No. 1)

Subsection 66(1) of the *Great Barrier Reef Marine Park Act 1975* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act or with a zoning plan, prescribing all matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act establishes the Great Barrier Reef Marine Park Authority (the Authority) and makes provision for and in relation to the establishment, control, care and development of a Marine Park in the Great Barrier Reef Region.

The Regulation amends the *Great Barrier Reef Marine Park Regulations 1983* (the Principal Regulations) to provide for a temporary reduction of the amount of the Standard Tourist Program Charge (STPC) that is payable by visitors who take part in tourist programs provided in the Great Barrier Reef Marine Park (the Marine Park).

Issues

The Marine Park tourism industry is experiencing a challenging time resulting from a number of recent pressures, including adverse weather events (such as cyclones and floods), reduced visitor numbers and the strength of the Australian dollar.

The *Great Barrier Reef Marine Park (Environmental Management Charge – General) Act 1983* and the *Great Barrier Reef Marine Park (Environmental Management Charge – Excise) Act 1993* (the Charge Acts) impose the Environmental Management Charge (EMC) payable in accordance with Part VA of the Act. Part 8 of the Principal Regulations provides for the amount of EMC and how it is to be collected.

The STPC is a form of EMC payable by visitors to the Marine Park who take part in tourist programs in the Marine Park. The Act requires the holder of a chargeable permission to collect the STPC from their clients on behalf of the Authority. The Regulation will reduce the STPC payable by tourists who visit the Marine Park from 1 April 2012 to 31 March 2015 by \$2.50. On 1 April 2015 the STPC will revert to

being calculated only in accordance with the formula that is currently prescribed in Part 8 of the Principal Regulations.

The Authority did not undertake consultation on the Regulation as there will be no negative impact on the holders of chargeable permissions. The Authority undertook preliminary regulatory assessment. The Office of Best Practice Regulation advised that no further regulatory impact assessment is required. A copy of that advice is at Attachment A.

The Regulation is outlined in more detail at Attachment B.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation commences on 1 April 2012.

Statement of Compatibility with Human Rights

(Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*)

The Regulation is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Regulation does not engage any of the applicable rights or freedoms.

The Regulation is compatible with human rights as it does not raise any human rights issues.

ATTACHMENT A

From: Cull, Stephen [Stephen.Cull@finance.gov.au]
Sent: Tuesday, 10 January 2012 9:08 AM
To: Althea Harding
Cc: Abel, Andrew
Subject: OBPR advice [SEC=UNCLASSIFIED]

Dear Althea

As advised by phone this morning, no RIS is required for the proposal that your colleague, Ms Jameelie Fletchett, sent to us on 21 December 2011.

Please retain this email as a record of the OBPR's advice, quoting reference number 13406. If you have any further queries, please call me on 6215 3649.

Kind regards,

Stephen Cull

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ATTACHMENT B

Details of the proposed *Great Barrier Reef Marine Park Amendment Regulation 2012 (No. 1)*

Regulation 1 – Name of Regulation

This regulation provides that the title of the Regulation is the *Great Barrier Reef Marine Park Amendment Regulation 2012 (No. 1)*.

Regulation 2 – Commencement

This regulation provides for the Regulation to commence on 1 April 2012.

Regulation 3 – Amendment of the *Great Barrier Reef Marine Park Regulations 1983*

This regulation provides that the Principal Regulations are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item [1] After subregulation 141 (3), including the example

Item 1 inserts new subregulations 141 (4) and (5) into regulation 141. Subregulation 141 (4) has the effect of reducing the Standard Tourist Program Charge (STPC) calculated in accordance with subregulation 141 (3) by \$2.50 from 1 April 2012 to 31 March 2015.

Consequently, subregulation 141 (4) also has the effect of reducing the charge payable pursuant to regulations 146 (Very short tours) and 147 (Tours that arrive late or depart early) by \$1.25 from 1 April 2012 to 31 March 2015. This is because, whenever regulations 146 or 147 apply, the charge payable under those provisions is half of the STPC.

Subregulation 141 (5) provides for the cessation of subregulations 141 (4) and (5) at the end of 31 March 2015 as if they had been repealed by another legislative instrument. From 1 April 2015 calculation of the STPC continues to be calculated in accordance with subregulation 141 (3) but will no longer be reduced by \$2.50.