

SUPPLEMENTARY EXPLANATORY STATEMENT

Issued by the authority of the Great Barrier Reef Marine Park Authority

Great Barrier Reef Marine Park Act 1975

*Great Barrier Reef Marine Park Amendment (Whitsundays Plan of Management)
Instrument 2017*

Documents incorporated by reference

Item 106 of Schedule 1 to the *Great Barrier Reef Marine Park Amendment (Whitsundays Plan of Management) Instrument 2017* (the Instrument) incorporates by reference regulations made under the *Great Barrier Reef Marine Park Act 1975* (the Act). This incorporation by reference should be construed as an incorporation of such regulations 'as in force from time to time' pursuant to section 10 of the *Acts Interpretation Act 1901* (as applied by paragraph 13(1)(a) of the *Legislation Act 2003*).

Definition of Regulations

Item 106 of Schedule 1 to the Instrument repeals and substitutes the definition of 'Regulations' in the *Whitsundays Plan of Management 1998* (the Plan). Previously 'Regulations' were defined by specific reference to the *Great Barrier Reef Marine Park Regulations 1983* (the 1983 Regulations). The new definition now refers to 'regulations made under the Act'.

A number of provisions of the Plan are also amended by the Instrument to remove reference to specific regulations in the 1983 Regulations, and to instead refer just to 'the Regulations'.

Pursuant to the *Legislation Act 2003* the 1983 Regulations will 'sunset' or cease to have effect on their 'sunsetting day', which is currently 1 April 2018. When this occurs, the replacement regulations will have a different name. The amendments to the Plan described above are therefore necessary to 'future-proof' the Plan so that it does not need to be updated when the 1983 Regulations are repealed and replaced.

The Authority's intention is that for as long as the 1983 Regulations continue to remain in force, all references in the Plan to 'the Regulations' should be interpreted as references to the 1983 Regulations. For example, to the extent that the following terms in Schedule 9—Definitions are defined as having 'the same meaning as in the Regulations', the 1983 Regulations should be referred to for the purposes of these definitions:

- designated anchorage;
- no-anchoring area;
- private mooring

- public mooring;
- superyacht;
- superyacht anchorage; and
- transiting.

The Authority's intention is that if the 1983 Regulations are repealed and replaced with new regulations, those new regulations will contain the above definitions and should be referred to for the purposes of references in the Plan to 'the Regulations'.

The Authority acknowledges that in future it is possible that multiple legislative instruments may be made as regulations under the Act. Should this occur, the Authority's intention is that the 1983 Regulations (or the regulations which replace the 1983 Regulations) will continue to define the above terms and should continue to be referred to for the purposes of references in the Plan to 'the Regulations'. To avoid any confusion, the Authority intends to ensure that any additional legislative instruments made as regulations under the Act use terminology and definitions that are consistent with the main regulations.