



New South Wales

# Marine Parks Amendment Regulation 2001

under the

Marine Parks Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Parks Act 1997*.

BOB DEBUS, M.P., and The Hon EDWARD OBEID, M.L.C.,  
Minister for the Environment, and Minister for Fisheries

## Explanatory note

The object of this Regulation is to amend the *Marine Parks Regulation 1999* so as to make provision with respect to:

- (a) the nomination of members of the Marine Parks Advisory Council to represent the interests of marine conservation, and
- (b) the saving of the positions of those members of the Marine Parks Advisory Council who are affected by the amendments to section 32 of the *Marine Parks Act 1997* to be made by the *Marine Parks Amendment Act 2000*.

This Regulation also repeals Division 2 of Part 3 of the *Marine Parks Regulation 1999*. Those provisions are to be superseded by Division 3 of Part 3 of the *Marine Parks Act 1997*.

This Regulation is made under the *Marine Parks Act 1997*, including section 48 (the general power to make regulations), section 32 (the establishment of the Marine Parks Advisory Council) and clause 1 of Schedule 3 (the power to make regulations of a savings or transitional nature).

## 2001 No 168

Clause 1                      Marine Parks Amendment Regulation 2001

---

# Marine Parks Amendment Regulation 2001

## 1 Name of Regulation

This Regulation is the *Marine Parks Amendment Regulation 2001*.

## 2 Commencement

This Regulation commences on 1 March 2001\*.

## 3 Amendment of Marine Parks Regulation 1999

The *Marine Parks Regulation 1999* is amended as set out in Schedule 1.

## 4 Notes

The explanatory note does not form part of this Regulation.

---

\* The regulation (statutory rule) appointed 1 March 2001 as the date of its commencement. Pursuant to section 39 (2A) of the Interpretation Act 1987, the regulation is not invalid merely because the regulation was published in the Gazette after the day on which one or more of its provisions is or are expressed to take effect, but provides, in that case, for that or those provisions to take effect from the day on which it is published in the Gazette, instead of from the earlier day.

---

## Schedule 1 Amendments

(Clause 3)

**[1] Part 3, Division 2**

Omit the Division.

**[2] Clause 40**

Omit the clause. Insert instead:

**40 Marine Parks Advisory Council members (marine conservation interests)**

- (1) For the purposes of section 32 (2) (b) of the Act, the Nature Conservation Council (the *NCC*) is the peak group or body to represent the interests of marine conservation.
- (2) If a vacancy arises in the office of the member of the Marine Parks Advisory Council appointed on the nomination of the NCC (the *NCC member*), the relevant Ministers must call on the NCC to nominate (within such period as the relevant Ministers may specify) at least 2 candidates from whom a new NCC member is to be appointed.
- (3) The relevant Ministers are to appoint, as the new NCC member, whichever of the candidates nominated by the NCC the relevant Ministers consider most suitable for appointment as the NCC member.
- (4) If the NCC:
  - (a) fails to nominate candidates when called on to do so by the relevant Ministers, or
  - (b) fails to nominate a candidate who the relevant Ministers consider suitable for appointment as the NCC member,the relevant Ministers may call on some other group or body to nominate candidates (an *alternative peak group*) and, in that event, the alternative peak group is taken to be the peak group or body to represent the interests of marine conservation for the purposes of section 32 (2) (b) of the Act.

**2001 No 168**

Marine Parks Amendment Regulation 2001

Schedule 1      Amendments

---

- (5) Subclauses (3) and (4) apply in relation to an alternative peak group in the same way as they apply in relation to the NCC.
- (6) The amendments to section 32 of the Act made by the *Marine Parks Amendment Act 2000* do not affect the positions held by the members of the Marine Parks Advisory Council immediately before that commencement, and those members continue to hold office (subject to the other provisions of the Act) until the end of the terms for which they were appointed.

BY AUTHORITY