



New South Wales

# Marine Estate Management Legislation Amendment Regulation 2014

under the

Marine Estate Management Act 2014

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Estate Management Act 2014*.

KATRINA HODGKINSON, MP  
Minister for Primary Industries

ROBERT STOKES, MP  
Minister for the Environment

## Explanatory note

The object of this Regulation is to revise Regulations under the *Marine Parks Act 1997* in connection with the repeal and replacement of that Act by the *Marine Estate Management Act 2014*.

This Regulation makes consequential, savings and transitional amendments to the *Marine Parks Regulation 2009* and the *Marine Parks (Zoning Plans) Regulation 1999*, including:

- (a) by revising certain references in conjunction with the abolition of the Marine Parks Authority and the vesting of some of the Authority's former functions in the Minister for the Environment and the Minister for Primary Industries by the *Marine Estate Management Act 2014*, and
- (b) by expanding the operation of certain provisions relating to activities in marine parks to apply to activities in aquatic reserves, and
- (c) by renaming the Regulations.

This Regulation is made under the *Marine Estate Management Act 2014*, including sections 39, 40, 42, 61, 70 and 83 (the general regulation-making power) and clause 1 of Schedule 2.

## **Marine Estate Management Legislation Amendment Regulation 2014**

under the

Marine Estate Management Act 2014

### **1 Name of Regulation**

This Regulation is the *Marine Estate Management Legislation Amendment Regulation 2014*.

### **2 Commencement**

This Regulation commences on 19 December 2014 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Marine Parks Regulation 2009

- [1] **Clause 1 Name of Regulation**  
Omit “*Marine Parks Regulation 2009*”.  
Insert instead “*Marine Estate Management Regulation 2009*”.
- [2] **Clause 2 Commencement**  
Omit the note.
- [3] **Clause 3 Definitions**  
Omit the definitions of *the Act*, *the relevant Ministers* and *zoning plan* from clause 3 (1).  
Insert in alphabetical order:  
*the Act* means the *Marine Estate Management Act 2014*.
- [4] **Clause 4 Regulation applies subject to other legislation**  
Omit “section 22” from clause 4 (1). Insert instead “section 65”.
- [5] **Clause 4 (1), note**  
Omit “Section 22” and “Part 3”. Insert instead “Section 65” and “Part 5” respectively.
- [6] **Clause 4 (3)**  
Omit “marine park closure under section 20A”.  
Insert instead “marine park notification or aquatic reserve notification under section 57”.
- [7] **Clause 5 Consent for activities**  
Omit “or the *Marine Parks (Zoning Plans) Regulation 1999*”.  
Insert instead “, the *Marine Estate Management (Management Rules) Regulation 1999* or a marine park notification or aquatic reserve notification under section 57 of the Act”.
- [8] **Clauses 6, 8 (1), 9, 10, 11 (1) and 12**  
Insert “or an aquatic reserve” after “a marine park” wherever occurring.
- [9] **Clauses 8 (2), 9 (h) and 16 (1) (b) and (c)**  
Insert “or aquatic reserve” after “the marine park” wherever occurring.
- [10] **Clause 9 Assessment criteria**  
Omit “section 18 (6)”. Insert instead “section 54 (6)”.
- [11] **Clause 9 (a1)**  
Insert after clause 9 (a):  
(a1) the purposes of marine parks and aquatic reserves (as specified in sections 22 and 33 of the Act respectively),
- [12] **Clauses 9 (c) and 14 (2)**  
Omit “zoning plan” wherever occurring. Insert instead “management rules”.

**[13] Clause 9 (d) and (d1)**

Omit clause 9 (d). Insert instead:

- (d) any operational plan for the marine park adopted by the Marine Parks Authority pursuant to section 25 (4) of the *Marine Parks Act 1997* (before its repeal) that continues to have effect because of clause 5 of Schedule 2 to the *Marine Estate Management Act 2014*,
- (d1) any management plan for the marine park or aquatic reserve,

**[14] Clause 10 Consent must be refused in certain circumstances**

Insert “or the purposes of marine parks and aquatic reserves” after “the Act” in clause 10 (1).

**[15] Clause 16 Cancellation of permit**

Insert “and the purposes of marine parks and aquatic reserves” after “the Act” in clause 16 (1) (h).

**[16] Clause 20 Restriction of number of permits that may be issued**

Omit “or a zone within a marine park” from clause 20 (1).

Insert instead “, an aquatic reserve or a zone within a marine park or an aquatic reserve”.

**[17] Clause 20 (1) (a) and (2) (a)**

Insert “, aquatic reserve” after “the marine park” wherever occurring.

**[18] Part 3, heading**

Omit “rangers and Authority”.

Insert instead “authorised officers and relevant Ministers”.

**[19] Clauses 21 (1) and (3), 22 (1) and (3) and 23 (1)**

Omit “A marine park ranger” wherever occurring. Insert instead “An authorised officer”.

**[20] Clauses 21 (1) and 22 (1)**

Omit “the marine park ranger” wherever occurring. Insert instead “the authorised officer”.

**[21] Clauses 21 (1) (a) and 22 (1) (a)**

Omit “Authority’s” wherever occurring. Insert instead “relevant Ministers”.

**[22] Clauses 21 (1) (c), 25, 26, 29 (b), 31 and 32 (1) and Schedule 1**

Omit “*Marine Parks (Zoning Plans) Regulation 1999*” wherever occurring.

Insert instead “*Marine Estate Management (Management Rules) Regulation 1999*”.

**[23] Clause 23 Removal of heavily fouled vessels from marine park**

Omit “the ranger” from clause 23 (1). Insert instead “the authorised officer”.

**[24] Clauses 24, 25 (b), 26 and 32 (2)**

Omit “Authority” wherever occurring. Insert instead “relevant Ministers”.

**[25] Clause 25 Things done by authorised officer or under direction of relevant Ministers**

Omit “a marine park ranger” wherever occurring. Insert instead “an authorised officer”.

**[26] Clause 26 Delegation of relevant Ministers' functions**

Omit clause 26 (a) and (b). Insert instead:

(b) an authorised officer,

**[27] Clauses 27 and 28**

Omit the clauses.

**[28] Clause 29 Seizure of things in marine parks or aquatic reserves**

Omit "section 36 (3)". Insert instead "section 67 (3)".

**[29] Clause 29 (a)**

Omit "section 20G (1) or (2)". Insert instead "section 62 (1) or (2)".

**[30] Clause 29 (b) (i)**

Omit "section 17A". Insert instead "section 41".

**[31] Clause 30 Penalty notice offences**

Omit "section 38". Insert instead "section 70".

**[32] Clause 32A**

Insert after clause 32:

**32A Transitional provision—fisheries permits**

It is a defence to a prosecution for an offence against section 62 of the Act in respect of a contravention of an aquatic reserve notification if the person charged satisfies the court that the act or omission of the person constituting the offence was authorised by a permit issued under section 37 of the *Fisheries Management Act 1994* before 19 December 2014 (being the date the *Marine Estate Management Act 2014* commenced).

**[33] Schedule 1 Penalty notice offences**

Omit the matter relating to Offences under the Act. Insert instead:

**Offences under the Act**

Section 41	\$500
Section 62 (1)	\$500
Section 62 (2)	\$500
Section 63 (3)	\$500
Section 68 (3)	\$500

**[34] Schedules 2 and 3**

Omit the Schedules.

## **Schedule 2 Amendment of Marine Parks (Zoning Plans) Regulation 1999**

- [1] **Part 1, heading**  
Omit “zoning plans”. Insert instead “management rules”.
- [2] **Clause 1.1 Name of Regulation**  
Omit “*Marine Parks (Zoning Plans) Regulation 1999*”.  
Insert instead “*Marine Estate Management (Management Rules) Regulation 1999*”.
- [3] **Clause 1.3 Definitions**  
Omit the definitions of *permit*, *the Act* and *zoning plan* from clause 1.3 (1).  
Insert in alphabetical order:  
*permit* means a permit under Part 2 of the *Marine Estate Management Regulation 2009*.  
*the Act* means the *Marine Estate Management Act 2014*.
- [4] **Clause 1.3 (1) (definitions of “general use zone”, “habitat protection zone”, “sanctuary zone” and “special purpose zone”)**  
Omit “zoning plan” wherever occurring. Insert instead “management rules”.
- [5] **Clause 1.4 Regulation applies subject to other legislation**  
Omit “section 22” from clause 1.4 (1). Insert instead “section 65”.
- [6] **Clause 1.4 (1), note**  
Omit “Section 22” and “Part 3”. Insert instead “Section 65” and “Part 5” respectively.
- [7] **Clause 1.4 (3)**  
Omit “marine park closure under section 20A”.  
Insert instead “marine park notification or aquatic reserve notification under section 57”.
- [8] **Clause 1.5 Reference to relevant Ministers**  
Omit clause 1.5 (1).
- [9] **Part 1, Division 2, note**  
Omit “Division 2 of Part 3”. Insert instead “Division 6 of Part 5”.
- [10] **Part 1, Division 2, note**  
Insert “or an aquatic reserve” after “a marine park” wherever occurring.
- [11] **Part 1, Division 2, Subdivision 1, heading**  
Omit “Zoning plans”. Insert instead “Management rules”.
- [12] **Clause 1.6 Management rules**  
Omit “zoning plans” from clause 1.6 (1). Insert instead “management rules”.
- [13] **Clause 1.6 (2)**  
Omit “A zoning plan”. Insert instead “The management rules”.

- [14] **Clauses 1.10 (c), 1.14 (1), 1.17 (1) (e) and (2) (b), 1.18 (2), 1.20 (1) and (2), 1.23 (1), 1.25 (1A), 1.30 (1) (a) and (b), 1.35 (1) and (2), 1.36 (1), 1.37 and 1.40 (1)**  
Omit “zoning plan” wherever occurring. Insert instead “management rules”.
- [15] **Clauses 1.11 (3) and 1.30 (2)**  
Omit “section 17A” wherever occurring. Insert instead “section 41”.
- [16] **Clause 1.12 Aquaculture not permitted in sanctuary zone**  
Omit “Section 12 (2)” and “section 12 (3)” from the note.  
Insert instead “Section 29 (2)” and “section 29 (3)” respectively.
- [17] **Clauses 1.16 (3), 1.19 (3), 1.22 (3) and 1.25 (3A)**  
Omit notes wherever occurring. Insert instead:  
**Note.** See section 67 of the Act and clause 29 of the *Marine Estate Management Regulation 2009*.
- [18] **Clauses 1.26, 1.38 (1), 2.30 (5), 3.26 (3), 3.27 (3), 4.20, 5.24 (3), 6.41 (3) and 7.29 (3)**  
Omit “Authority” wherever occurring. Insert instead “relevant Ministers”.
- [19] **Clause 1.41 Consent by relevant Ministers not required for certain activities**  
Omit “section 19” from clause 1.41 (1). Insert instead “section 55”.
- [20] **Clause 1.41, note**  
Omit “Section 19”. Insert instead “Section 55”.
- [21] **Clause 1.42 Defences relating to harm to animals, plants or habitat**  
Omit “zoning plan for the marine park concerned declares” from clause 1.42 (2).  
Insert instead “management rules for the marine park concerned declare”.
- [22] **Part 2, heading**  
Omit “**Zoning Plan**”. Insert instead “**Management Rules**”.
- [23] **Part 2, note**  
Omit “the Act”. Insert instead “the *Marine Parks Act 1997* (immediately before its repeal)”.
- [24] **Clauses 2.1 (1), 3.1 (1), 4.1, 5.1, 6.1 (1) and 7.1 (1)**  
Omit “the Act” wherever occurring in definitions of *marine park*.  
Insert instead “the *Marine Parks Act 1997* (immediately before its repeal)”.
- [25] **Clause 2.1 (1), definition of “marine park”, note**  
Omit “zoning plan for”. Insert instead “zones in”.
- [26] **Clauses 2.6, 2.29, 2.30 (5), 3.4–3.6, 3.23–3.26, 5.8, 5.9, 5.13, 5.24, 6.10, 6.11, 6.20, 7.8, 7.9 and 7.29**  
Omit “zoning plan” wherever occurring in notes. Insert instead “management rules”.
- [27] **Clauses 2.21, 3.21, 4.15, 5.20, 6.34 and 7.26 (1)**  
Omit “a zoning plan” wherever occurring in notes.  
Insert instead “the marine park’s management rules”.

- [28] Clause 2.30 Areas in which use of vehicles prohibited**  
Omit “*National Parks and Wildlife (Land Management) Regulation 1995*” from clause 2.30 (4) (a).  
Insert instead “*National Parks and Wildlife Regulation 2009*”.
- [29] Part 2, Division 11**  
Omit the Division.
- [30] Part 3, heading**  
Omit “**Zoning Plan**”. Insert instead “**Management Rules**”.
- [31] Part 3, note**  
Omit “the Act”. Insert instead “the *Marine Parks Act 1997* (immediately before its repeal)”.
- [32] Clause 3.7 Aquaculture**  
Omit “the Act” from the note. Insert instead “the *Marine Parks Act 1997* (immediately before its repeal)”.
- [33] Clauses 3.26 (3), 5.24 (3), 6.41 (3) and 7.29 (3)**  
Omit “another” wherever occurring. Insert instead “a”.
- [34] Clause 3.27 Anchoring and mooring**  
Omit “Authority” where firstly occurring in clause 3.27 (2).  
Insert instead “relevant Ministers”.
- [35] Clause 3.27 (3), note**  
Omit “Authority”. Insert instead “relevant Ministers”.
- [36] Part 3, Division 12**  
Omit the Division.
- [37] Part 4, heading**  
Omit “**Zoning Plan**”. Insert instead “**Management Rules**”.
- [38] Part 4, note**  
Omit “zoning plan for”. Insert instead “zones in”.
- [39] Part 4, Division 8, note**  
Omit “zoning plan”. Insert instead “management rules”.
- [40] Clause 4.20 Moorings**  
Omit “Authority” from the note. Insert instead “relevant Ministers”.
- [41] Part 4, Division 10, Map 1, heading**  
Omit “**Overview of zoning plan**”.  
Insert instead “**Lord Howe Island Marine Park (Overview)**”.
- [42] Part 5, heading**  
Omit “**Zoning Plan**”. Insert instead “**Management Rules**”.



- [43] **Part 5, Division 9, note**  
Omit “zoning plan”. Insert instead “management rules”.
- [44] **Part 5, Division 10, note**  
Omit “zoning scheme for”. Insert instead “zones in”.
- [45] **Part 6, heading**  
Omit “**Zoning Plan**”. Insert instead “**Management Rules**”.
- [46] **Clause 6.3 Description of sanctuary zones**  
Omit “the Act” from the matter relating to Twelve Mile Creek sanctuary zone (map 20).  
Insert instead “the *Marine Parks Act 1997*”.
- [47] **Clause 6.15 Use of lights in Cabbage Tree Island habitat protection zone**  
Omit “the *Navigation Act 1901* or” from clause 6.15 (2) (a).
- [48] **Clauses 6.29 and 7.25**  
Omit the clauses.
- [49] **Part 6, Division 7, note**  
Omit “zoning plan”. Insert instead “management rules”.
- [50] **Part 6, Division 8, note**  
Omit “zoning scheme for”. Insert instead “zones in”.
- [51] **Part 6, Division 8, Map 1, heading**  
Omit “**Zoning plan overview**”.  
Insert instead “**Port Stephens–Great Lakes Marine Park (Overview)**”.
- [52] **Part 7, heading**  
Omit “**Zoning Plan**”. Insert instead “**Management Rules**”.
- [53] **Part 7, Division 9, note**  
Omit “zoning plan”. Insert instead “management rules”.