

# Marine Parks Amendment (Moratorium) Act 2011 No 40

[2011-40]



New South Wales

## Status Information

### Currency of version

Repealed version for 13 September 2011 to 13 September 2011 (accessed 24 December 2024 at 6:11)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 14.9.2011.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Marine Parks Amendment (Moratorium) Act 2011 No 40



New South Wales

An Act to amend the *Marine Parks Act 1997* to impose a moratorium on the declaration of additional marine parks or the alteration or creation of sanctuary zones within existing marine parks.

## 1 Name of Act

This Act is the *Marine Parks Amendment (Moratorium) Act 2011*.

## 2 Commencement

This Act commences on the date of assent to this Act.

## Schedule 1 Amendment of *Marine Parks Act 1997* No 64

### [1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

***moratorium period*** means:

- (a) the period of 5 years commencing on the commencement of the *Marine Parks Amendment (Moratorium) Act 2011*, or
- (b) if an order is made under section 48B specifying a shorter period commencing on that commencement, that shorter period.

### [2] Section 6 Declaration of marine parks

Insert after section 6 (5):

- (6) A proclamation declaring an area to be a marine park may not be made during the moratorium period.

**[3] Section 17B Regulations relating to zoning plans for marine parks**

Insert “(other than subsection (5))” after “Division” in section 17B (4).

**[4] Section 17B (5) and (6)**

Insert after section 17B (4):

- (5) A regulation that alters the area of an existing sanctuary zone within a marine park, or that classifies an area within a marine park as a new sanctuary zone, may not be made during the moratorium period.
- (6) In this section:

**existing sanctuary zone** means an area classified as a sanctuary zone by a zoning plan for a marine park that was in force immediately before the commencement of the *Marine Parks Amendment (Moratorium) Act 2011*.

**new sanctuary zone** means an area of a marine park classified as a zone (of whatever name) by a zoning plan for the marine park if the zoning plan prohibits within that zone the same or substantially the same activities as were prohibited immediately before the commencement of the *Marine Parks Amendment (Moratorium) Act 2011* within a sanctuary zone for that marine park.

**[5] Sections 48A and 48B**

Insert after section 48:

**48A Independent scientific audit of marine parks**

- (1) As soon as practicable after the commencement of the *Marine Parks Amendment (Moratorium) Act 2011*, the relevant Ministers are to arrange for the carrying out of an independent scientific audit of marine parks.
- (2) A written report on the results of the audit is to be given to the relevant Ministers and forthwith made publicly available by the relevant Ministers.

**48B Moratorium period**

- (1) The Governor may, by order published on the NSW legislation website, specify a period commencing on the commencement of the *Marine Parks Amendment (Moratorium) Act 2011* for the purposes of the definition of **moratorium period** in section 4 (1).
- (2) An order under this section may be made only on the recommendation of the relevant Ministers.

- (3) The relevant Ministers are not to recommend the making of the order unless:
  - (a) they have considered the report given to them under section 48A and any recommendations contained in the report, and
  - (b) they have provided a written response to the report that is publicly available.
- (4) During the moratorium period:
  - (a) the Authority must not conduct or continue to conduct any review of a zoning plan for a marine park under section 17D, and
  - (b) no other action is to be taken under that section in relation to a zoning plan for any marine park.
- (5) The regulations may, as a consequence of the operation of subsection (4):
  - (a) modify the time within which any requirement of section 17D is to be complied with in relation to a zoning plan or class of zoning plans, and
  - (b) alter the review date under that section for any zoning plan or class of zoning plans.