



New South Wales

Marine Parks Amendment (Moratorium) Act 2011 No 40

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Marine Parks Act 1997 No 64	3



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Marine Parks Amendment (Moratorium) Act 2011 No 40

Act No 40, 2011

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. [Assented to 13 September 2011]

The Legislature of New South Wales enacts:

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.

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- (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.

[Second reading speech made in Legislative Council on 6 May 2011

Agreement in principle speech made in Legislative Assembly on 10 August 2011]

BY AUTHORITY