Great Barrier Reef Marine Park Amendment Bill 1988

Date Introduced: 1 September 1988
House: Senate
Presented by: Senator the Hon. Graham Richardson, Minister for the Arts, the Environment, Tourism and Territories

Digest of Bill

Purpose
To increase penalties for offences under the Great Barrier Reef Marine Park Act 1975 (the Principal Act) and provide for restoration of damage, recovery of costs, and enforcement of payments associated with damage to the Marine Park environment.

Background
The Commonwealth passed the Principal Act in June 1975 to establish and manage a Marine Park within an area defined as the Great Barrier Reef Region. The area defined in the Schedule of the Principal Act as the Great Barrier Reef region extends 2000 Km along Australia's east coast. The region comprises approximately 2500 individual reefs which range in size from less than one hectare to more than 100 square Km. The reef is one of Australia's important tourist destinations. It features prominently in overseas promotions and is a major attraction for domestic and international visitors.

The Great Barrier Reef Marine Park Authority (the Authority) was established under the Principal Act to make recommendations to the Minister on what areas should be declared Marine Park and what regulations should be made concerning such areas. The Authority is also to prepare zoning plans for new sections of the Marine Park and commission or carry out research relevant to the Marine Park. Each zone in the Marine Park allows for a different set of activities to be carried out to ensure the conservation of the reef. For example, General Use "A" Zone provides opportunities for some uses, including commercial shipping and trawl fishing, while the Scientific Research Zone provides an area where approved research can be carried out protected from the influences of recreational activities, fishing and collecting. If accepted by the Minister a zoning plan is laid before both Houses of Parliament for 20 sitting days during which disallowance motions can be passed. If at the end of the period no such resolution is passed the zoning plan comes into operation on the date specified in a notice published by the Minister.

The Great Barrier Reef region was placed on the register of the National Estate in June 1980 and the World Heritage List in October 1983.
Main Provisions

Clauses 9 and 12 will insert proposed sections 16A and 27A into the Principal Act to provide that members of the Authority and the Great Barrier Reef Consultative Committee must disclose any direct or indirect pecuniary interest they have in any matter being considered by the Authority or Committee respectively.

Clause 14 will insert proposed sections 38A – 38K into the Principal Act. The proposed sections reflect the transfer of the main offence provisions from the Regulations to the Principal Act. The proposed penalty provisions provide for fines up to $10,000 for natural persons and $50,000 for corporations. However, if the offence relates to the discharge of waste the corporate fine is up to $250,000 (proposed subsection 38J(5)).

Proposed section 38N authorises the granting of an injunction where a person has engaged, is engaging in, or is proposing to engage in, conduct that contravenes proposed sections 38A to 38K.

Proposed section 46A will allow an Inspector, who has lawfully taken a person into custody, to search the person and their property to determine if there is a concealed weapon. The Inspector will have to believe, on reasonable grounds, that such a search is necessary (clause 17).

Inspectors' powers may extend outside the Marine Park where an inspector, reasonably believes that it is not practicable to have a police officer available to exercise that power, or where one or more inspectors has pursued the person, aircraft or vessel from inside the Marine Park to outside the Marine Park (proposed section 48A).

Proposed new sections 61A, 61B, and 61C provide for the restoration of damage caused to the environment, recovery of costs, and enforcement of payment associated with restoration of the environment. Basically, the Minister may direct that action or omissions in breach of the Principal Act are to cease and that any damage so caused is to be rectified. If a person is convicted under the Principal Act, the Commonwealth will be able to recover the costs of rectification from that person.

For further information, if required, contact the Law and Government Group.

20 October 1988

Bills Digest Service
Legislative Research Service
This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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