

South Australia

## **Marine Parks Regulations 2008**

under the *Marine Parks Act 2007*

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### **Contents**

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|---|--|
| 1 | Short title  |
| 2 | Commencement   |
| 3 | Interpretation   |
| 4 | Notice of establishment of marine park (section 10(7))                                       |
| 5 | Applications for warrants (section 34(6))  |
| 6 | General duty of care—prescribed circumstances (section 37(3))                                |
| 7 | Action on non-compliance with order etc—prescribed rate of interest (sections 39, 41 and 42) |
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#### **1—Short title**

These regulations may be cited as the *Marine Parks Regulations 2008*.

#### **2—Commencement**

These regulations will come into operation on the day on which section 10 of the *Marine Parks Act 2007* comes into operation.

#### **3—Interpretation**

In these regulations—

*Act* means the *Marine Parks Act 2007*.

#### **4—Notice of establishment of marine park (section 10(7))**

For the purposes of section 10(7) of the Act, the Minister must give notice of the making of a proclamation to establish a marine park by notice in the Gazette, in a newspaper circulating generally within the State and on a website determined by the Minister.

#### **5—Applications for warrants (section 34(6))**

- (1) The grounds of an application for a warrant under section 34 of the Act made personally must be verified by affidavit.
- (2) If an application for a warrant is made by telephone—
  - (a) the applicant must inform the magistrate of the applicant's name and identify the position that he or she holds for the purposes of the Act, and the magistrate, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and
  - (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought; and

- (c) if it appears to the magistrate from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
- (d) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant; and
- (e) the warrant is taken to have been issued, and comes into force, when signed by the magistrate; and
- (f) the magistrate must inform the applicant of the terms of the warrant; and
- (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c).

#### **6—General duty of care—prescribed circumstances (section 37(3))**

For the purposes of section 37(3) of the Act, any circumstance involving the exercise of a statutory power by a public authority in an emergency situation is prescribed.

#### **7—Action on non-compliance with order etc—prescribed rate of interest (sections 39, 41 and 42)**

- (1) For the purposes of sections 39(5)(a), 41(5)(a) and 42(8)(a) of the Act, the prescribed rate of interest per annum on an unpaid amount will be the prime bank rate for any financial year for which the amount remains unpaid.
- (2) In this regulation—

*prime bank rate* for a particular financial year means the corporate loan reference rate applied by the Commonwealth Bank of Australia for corporate lending on the first trading day of the Bank in that financial year.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 6 November 2008

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