

South Australia

Marine Parks Variation Regulations 2014

under the *Marine Parks Act 2007*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Marine Parks Variation Regulations 2014*.

2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Marine Parks Regulations 2008*

4—Insertion of heading to Part 1

Before regulation 1 insert:

Part 1—Preliminary

5—Insertion of heading to Part 2

Before regulation 4 insert:

Part 2—General provisions supporting Act

6—Insertion of Part 3

After regulation 7 insert:

Part 3—Permits

Division 1—Application of Part

8—Application of Part

This Part applies in relation to applications relating to permits (whether for the grant of a permit, variation of conditions of a permit or transfer of a permit) made after the commencement of this Part.

Division 2—Permits for activities

9—Application fee for permit

The application fee payable for a permit is the fee set out in Schedule 1.

10—Variation of conditions of permit

For the purposes of section 19(8)(c)(ii) of the Act, an application for variation of a condition of a permit—

- (a) must be made to the Minister in the manner and form determined by the Minister; and
- (b) must be accompanied by the fee set out in Schedule 1.

11—Transfer of permit

For the purposes of section 19(9) of the Act—

- (a) a permit is for a prescribed activity if it is for an activity referred to in regulation 8(3)(g) to (k) (inclusive) of the *Marine Parks (Zoning) Regulations 2012*; and

- (b) the prescribed conditions to be complied with in respect of the transfer of such a permit are as follows:
 - (i) the permit may only be transferred with the consent of the Minister;
 - (ii) an application for consent to transfer the permit—
 - (A) must be made to the Minister in the manner and form determined by the Minister; and
 - (B) must be accompanied by the fee set out in Schedule 1;
 - (iii) the proposed transferee must, in the opinion of the Minister, be a fit and proper person to hold the permit;
 - (iv) the transfer must not result in a change in—
 - (A) conditions of the permit; or
 - (B) the expiry date of the permit.

12—Minister may require further information

A person who makes an application for a permit, or any application under this Part, must provide the Minister with any information required by the Minister in connection with the determination of the application, verified, if the Minister so requires, by statutory declaration.

13—Defects in applications

- (1) The Minister may request a person who makes an application for a permit, or any application under this Part, to remedy a defect or deficiency in an application or accompanying document or information required by or under the Act or these regulations.
- (2) The Minister may, in relation to such an application, request the applicant—
 - (a) to pay the relevant fee in connection with the application; or
 - (b) to provide any outstanding information required to be provided under these regulations by the applicant.
- (3) If the applicant to whom a request has been made under this regulation fails to comply with the request within 60 days or such longer period as the Minister may allow, the application lapses.

14—Waiver or refund of permit fees

The Minister may waive a fee payable in relation to an application for a permit, or any application under this Part, if satisfied that—

- (a) the application is made in connection with—
 - (i) a statutory authorisation; or

- (ii) an authorisation or matter under a law of the Commonwealth; or
- (b) it is otherwise appropriate to do so in a particular case.

15—Issue of duplicate permit

If—

- (a) the holder of a permit satisfies the Minister that the permit has been lost or destroyed; or
- (b) a permit that has been altered or defaced or has become illegible in a particular way is delivered by the permit holder to the Minister,

the Minister may, on payment of the fee set out in Schedule 1, issue a duplicate of the permit, in which case the former permit is null and void.

Division 3—Contravention of condition of permit

16—Expiation of offence

Pursuant to section 63(2)(d) of the Act, the expiation fee fixed for an alleged offence against section 20 of the Act is \$315.

7—Insertion of Schedule 1

After Part 3 (as inserted by regulation 6 of these regulations) insert:

Schedule 1—Fees

Fees relating to permits

- | | | |
|---|---|----------|
| 1 | Application fee for permit— | |
| | (a) in the case of a permit for an activity referred to in regulation 8(3)(g) to (k) (inclusive) of the <i>Marine Parks (Zoning) Regulations 2012</i> | \$370.00 |
| | (b) in any other case | \$582.00 |

Note—

If the application is for a permit authorising an activity under both paragraphs (a) and (b) above, the higher fee applies.

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|---|--|----------|
| 2 | Application fee for variation of condition of permit | \$180.00 |
| 3 | Application fee for consent to transfer a permit | \$180.00 |
| 4 | Issue of duplicate permit | \$21.20 |

Made by the Governor

with the advice and consent of the Executive Council
on 2 October 2014

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