

## PART 2



## 8. Challenges, priorities and framework for the future

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### 8.1 Achievements of the first 30 years

The establishment of the Great Barrier Reef Marine Park has been a 30-year journey beginning with the historic *Great Barrier Reef Marine Park Act 1975* and the founding of the Great Barrier Reef Marine Park Authority, moving through the progressive declaration of specific areas within the Great Barrier Reef Region as part of the Marine Park and arriving at the present-day integrated zoning of the Park.

The Marine Park is very large, covering around 344 400 square kilometres, an area roughly the size of Japan. Its water catchment area comprises 22 per cent of Queensland's land area. The operating environment is also highly complex. The *Great Barrier Reef Marine Park Act 1975* provides for the overall conservation and management of the Marine Park in conjunction with multiple use. Around 20 key pieces of Commonwealth and State legislation and eight international conventions are also applicable (see Appendix F). In addition, management of the Marine Park requires the Authority to interact with around 20 other Australian and Queensland government agencies (see Appendix G).

At the time the *Great Barrier Reef Marine Park Act 1975* was established, the main perceived pressures on the Great Barrier Reef were mining, oil spills from shipping, damage from the crown-of-thorns starfish and the rapid growth of tourism. The remoteness of large parts of the Marine Park afforded some protection from high use over the first two decades and the multiple use approach to park management was thus initially able to be delivered by separate regulatory approaches for each issue and sector.

The establishment of the Marine Park has been an evolutionary process, with the first section proclaimed in 1979 and the last 10 sections in 2001. A consolidation of the sections with a consistent method of zoning across the entire Marine Park was only achieved in 2004 under the *Great Barrier Reef Marine Park Zoning Plan 2003*. The 2003 Zoning Plan also brought about an eightfold increase in the parts of the Marine Park classified as 'green' and therefore closed to extractive activities. At the same time, Queensland introduced complementary zoning for the adjoining coastline, thereby providing a consistent approach across the area as a whole.

Over the last 30 years the *Great Barrier Reef Marine Park Act 1975* has achieved its original objective of establishing the Marine Park and putting in place an effective operational and institutional management framework. During this period, both the Australian and Queensland governments have continued to demonstrate a strong commitment to working together collaboratively for the long term to maintain and protect the Great Barrier Reef. Testimony to this is the fact that the Great Barrier Reef is in good condition relative to other reefs around the world (GCRNM 2000, 2004), further reinforcing its exceptionality and iconic status.

Nonetheless, there remain considerable challenges for the future delivery of the current objects of the *Great Barrier Reef Marine Park Act 1975*—'the establishment, control, care and development of a marine park in the Great Barrier Reef Region...'. The sheer size and scale of the Marine Park, the complex legislative and policy environment and the many emerging risks and pressures will present continuing challenges for both the Authority and for the Australian and Queensland governments.

## 8.2 Challenges for the future

Applying the concept of multiple use to the management of the Marine Park over the next 30 years will become increasingly challenging. Demands are increasing for access to and use of the Marine Park for commercial and recreational purposes. At the same time, the pressures and risks facing the Marine Park have heightened the need to preserve the long-term health and resilience of the Great Barrier Reef through conservation measures.

The way the Marine Park resource as a whole is accessed and used is currently defined in several ways: the application of a comprehensive Zoning Plan across the majority of the Marine Park, the use of detailed plans of management for areas of high usage or special significance and the introduction by Queensland of broad-based fisheries management controls.

The *Great Barrier Reef Marine Park Zoning Plan 2003* significantly increased levels of resource protection, introducing seven grades of zoning with varying restrictions on access and use. The area protected from extractive activities in the Marine Park has increased from 4 to 33 per cent and only 34 per cent of the Marine Park is classified for general use. Over the last decade Queensland has also issued a number of investment warnings and introduced management controls for two key commercial fisheries operating in the Marine Park. These factors, together with changes in other costs of production such as increasing fuel and labour costs, have seen a 20 per cent fall in actual catch in the East Coast Otter Trawl Fishery since 1996. In 2004 a 37 per cent reduction in Total Allowable Catch was introduced for the Coral Reef Fin Fish Fishery. Resource allocation in the Marine Park across commercial and recreational uses, in the context of conservation objectives, has thus emerged as a major issue.

The nexus between the sustainability of commercial and recreational activities and ecosystem conservation has come into sharper focus and a range of approaches to addressing resource use have emerged. A landmark measure in the approach to multiple use in the Marine Park was the introduction in 1993 of the Environmental Management Charge, a levy on the use of the Marine Park, mostly imposed on commercial tourism operators. The levy is appropriated to the Authority to fund programmes for research, education and Park management. Further recognition of this economic/conservation nexus is illustrated by actions associated with the implementation of Dugong Protection Areas in 1999 and the 2001 amendment to the *Fisheries (East Coast Trawl) Management Plan 1999*. Together these made available \$22.5 million in financial assistance from the Queensland and Australian governments to address structural impacts. More recently the Australian Government has made \$87 million available in 2004–05 and 2005–06 for assistance to both marine and upstream and downstream land-based businesses for social and economic impacts caused by the introduction of the *Great Barrier Reef Marine Park Zoning Plan 2003*.

The regulatory, governance and policy environment for management of the Marine Park has also seen considerable change since the mid-1990s. The Australian Government introduced a new financial governance framework in 1997. In 1999 an integrated national approach to environmental regulation was introduced by the *Environment Protection and Biodiversity Conservation Act 1999*. Governance arrangements for statutory authorities became subject to the recommendations of the Uhrig review which reported to government in 2003. There have been equivalent changes in Queensland in State environment protection legislation, and the State became responsible for commercial fisheries management in coastal waters in 1995. A broad range of national policies now intersect with the regulation and management of the Marine Park, including oceans policy, fisheries management, natural resource management and climate change policies.

Other pressures on the Marine Park are largely external to or transcend Park boundaries and often have national, international and cross-jurisdictional policy implications. They include water quality issues, climate change impacts, population pressure and coastal development, all of which have become of increasing importance to the long-term sustainability of the Marine Park ecosystem. Measures to address these pressures require a consistent and integrated approach. In the future, therefore, there will be an even more acute need to integrate the assessment of ecosystem protection needs, and the nature of action required, with the likely economic and social impacts, both marine and on land.

## 8.3 Stakeholder views

The many challenges facing the Marine Park in the future mean that two things will be essential for successful management approaches and harmonious stakeholder relations—effective engagement with stakeholders, and transparency and accountability in the public domain. During the course of this Review, issues of stakeholder engagement, transparency and accountability have emerged as recurrent themes in stakeholder representations.

Two countervailing stakeholder perspectives on the Authority have been put forward. On the one hand, many felt that the Authority has been highly effective in delivering on its charter and that only evolutionary change was required to address future needs. On the other hand, some stakeholders see the Authority as biased and lacking accountability. Stakeholders expressing such dissatisfaction did so in the context of the Representative Areas Programme, in particular the outcome in relation to recreational and commercial fishing.

Overall, stakeholders considered that the transparency and accountability of the Authority could be improved. A number were also concerned that the resources allocated to day-to-day management were insufficient. Some commercial operators in the Marine Park expressed concern about duplicate or fragmented administrative processes at Australian Government and State level.

In relation to governance issues, many expressed the view that everything was working well and therefore the status quo should be maintained. Other stakeholders considered that the Authority had too much power and lacked accountability for its actions, and proposed that the functions of the Authority should become the responsibility of the Department of the Environment and Heritage. Similarly, there was a divergence of views as to whether policy functions were best located with the Authority or the Department.

## 8.4 Future considerations

The Authority is at a point of transition from its initial focus on establishing and zoning the Marine Park. It is now moving to a role that is centred on managing usage of the Park and its long-term protection. Neither of these functions can be undertaken in isolation, nor by the Authority alone. The challenges for the protection and management of the Marine Park will require an integrated approach in which the role of the Authority is set within a broader policy and governance framework. A number of specific considerations need to be taken into account to ensure that such a framework can provide for the following:

- an ecosystem-based approach to management of the Marine Park that allows for multiple use, subject to an overarching conservation objective
- the ability to assess and manage coast, catchment and marine pressures that transcend Park boundaries or are external to the Marine Park
- efficient administration of the Marine Park regulatory environment, as implemented through the *Great Barrier Reef Marine Park Zoning Plan 2003* and other regulatory measures
- effective monitoring and enforcement of zoning
- a means of assessing emerging pressures on and risks to the Marine Park ecosystem, and of determining the appropriate level of protection
- science-based assessment of any proposed changes to the level of protection in place across the Marine Park
- the capacity to assess the socio-economic impacts, both locally and regionally, of any changes to Marine Park protection levels

- a structure for decision making on resource allocation between alternative or competing uses of the Marine Park
- processes and decisions to be transparent to stakeholders.

The framework should also provide for an integrated approach to the management of the Marine Park ecosystem, biodiversity, habitats, fish-stocks, fishing and fisheries to:

- achieve commercial, social, cultural and conservation outcomes
- ensure the cost of measures and socio-economic impacts of sequential and concurrent changes are assessed
- streamline process and regulation across agencies and jurisdictions
- provide a clearer environment for business planning.

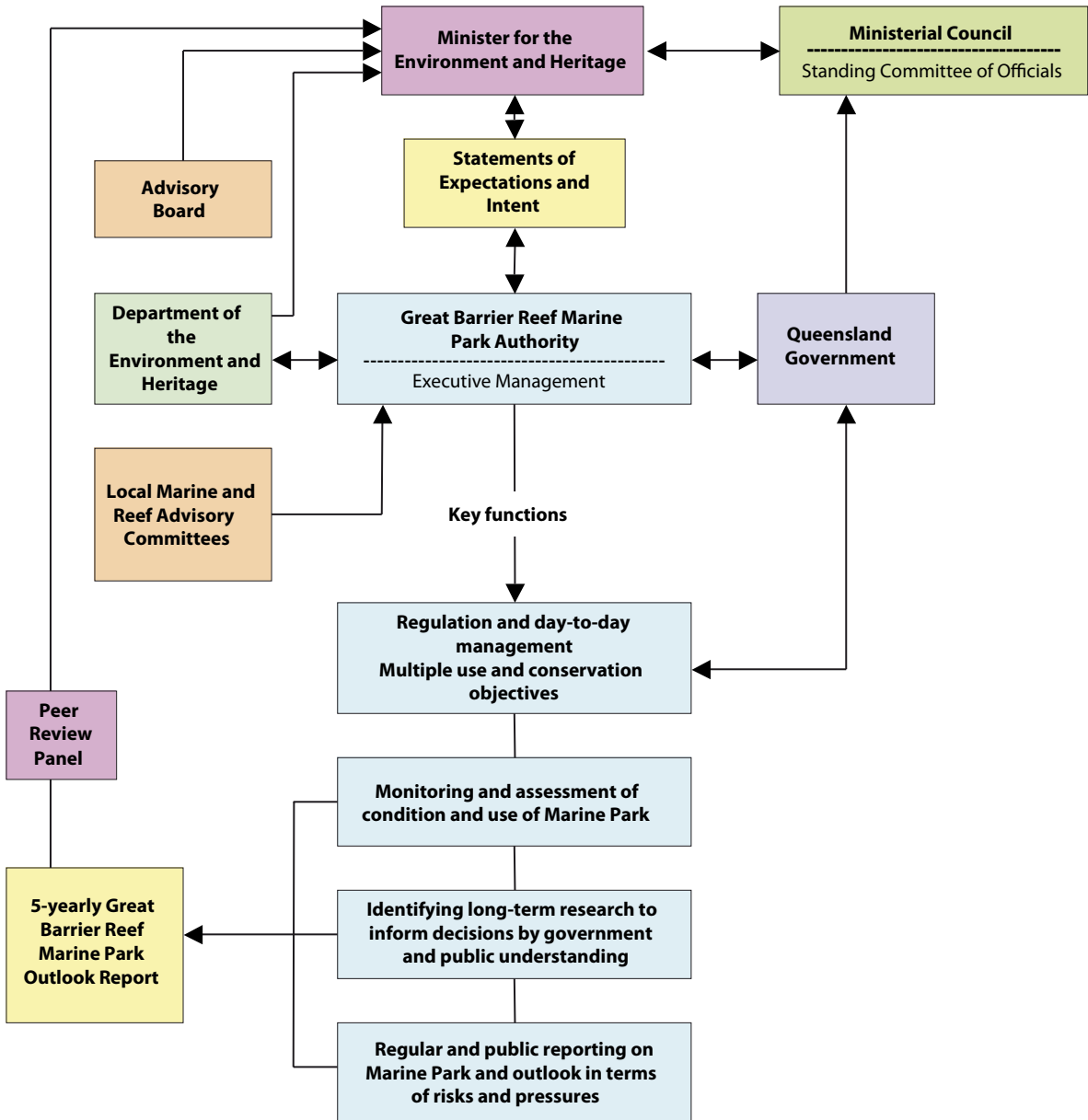
Finally, the framework needs to provide for cooperation between the Australian and Queensland governments so that they can make decisions and take action on the long-term critical issues that will impact on the Marine Park.

## 8.5 A framework for the future

With the above requirements in mind, the framework proposed to provide for the long-term protection of the Great Barrier Reef Marine Park is summarised below and outlined in Figure 13 as a guide to the second part of this report.

1. The future role and functions of the Authority require a renewed focus on the dual objectives of ongoing management and long-term protection of the Marine Park. A key part of this renewed focus should be an increased emphasis on using research, monitoring and reporting to measure performance, to inform management and policy considerations and to deliver transparency and accountability in the public domain.
2. To ensure that broader policy issues are addressed and the development of management measures is effective, the agreement between the Australian and Queensland governments should be updated to, among other things, provide greater clarity with respect to the charter and processes of the Ministerial Council. Effective collaboration between the Department of the Environment and Heritage and the Authority should be achieved through the application of principles defining roles and responsibilities for operational and policy matters.
3. Decision making across the whole framework should be underpinned by a periodic *Great Barrier Reef Marine Park Outlook Report* providing an integrated assessment of the use, risks, pressures on and condition of the Marine Park. This report should provide quantitative and qualitative information supported by biophysical, social and economic research.
4. The Authority should remain as a statutory authority, constituted as a body corporate and comprising a group of statutory officeholders. As a predominantly regulatory, service delivery and advisory body, an 'executive management' governance structure should be applied to the Authority. Consistent with the recommendations of the Uhrig review, the Authority's operations should also become subject to the *Financial Management and Accountability Act 1997* as a prescribed agency.

Figure 13: Proposed framework for the future



## 9. Roles and responsibilities

## 9 Roles and responsibilities

Management of the Great Barrier Reef is not something that can be achieved by the Authority alone. Effective management requires the involvement of the Queensland Government and the Australian Government departments and agencies, as well as the Authority.

This chapter discusses the roles and responsibilities of each of these entities. Subsequent chapters discuss the way in which these roles and responsibilities are performed: Chapter 10 discusses the engagement of users and communities, Chapter 11 the use of research, monitoring, reporting and socio-economic information as an underpinning for management, policy development and accountability, Chapter 12 the structures required to ensure good governance and Chapter 13 the regulatory powers and processes used to manage the Marine Park.

### 9.1 The role of the Authority

The current role of the Authority, as set out in the *Great Barrier Reef Marine Park Act 1975* (s. 5), is to advise and act on behalf of the Australian Government in relation to 'the establishment, control, care and development of the Great Barrier Reef Marine Park'. Performing this role encompasses a number of functions, which in summary include:

- advising and making recommendations to the Minister in relation to the care and development of the Marine Park, including the areas that should be declared to be a part of the Park
- developing zoning plans and plans of management
- managing the Marine Park cooperatively with the Queensland Government. This includes performing permitting and approval functions and enforcing the Act, Regulations and zoning plan
- carrying out or arranging research relevant to the Marine Park
- providing or arranging for the provision of education, advisory and information services relating to the Marine Park.

These general functions remain paramount. Looking to the future, the challenge will be to manage the Great Barrier Reef in an integrated manner with the primary goal of maintaining ecological processes, biodiversity and functioning biological communities. This reflects an ecosystem-based approach to management of Marine Protected Areas, as detailed in the Australian Government's Oceans Policy.

The Authority will need to work even more closely with other Australian and Queensland government agencies, Marine Park users and local communities. Management of the Marine Park will need to be informed by robust scientific biophysical and socio-economic research and analyses. Regular assessment of the health and integrity of the ecosystem over time will be required, together with an understanding of the social, cultural and economic values and uses, the emerging pressures and risks, and the effectiveness of management responses.

Given these considerations, the Review Panel **recommends** that the primary objective of the Authority be:

*the long-term protection, wise use, understanding and enjoyment of the Great Barrier Reef.*

The Review Panel **recommends** that to achieve this objective, the Authority should focus both on Marine Park management and on ensuring that longer-term issues are effectively and accountably addressed. Accordingly, the Authority's main functions should be:

- managing the Marine Park on an ecosystem basis, whilst facilitating multiple use
- undertaking or facilitating research, monitoring and reporting to inform management, policy and accountability, which would include:
  - monitoring and assessing the condition of the Marine Park, having regard to the objectives of protection and wise use of the resource

- identifying long-term research needed to inform decisions by government and understanding by the public
- regularly and publicly reporting on the management of the Marine Park and the outlook in the context of risks and pressures.

In so doing, the Review Panel **recommends** that the Authority's functions set out in the current Act (ss. 7 & 8) should continue, in particular:

- advising and making recommendations to the Minister in relation to the care and development of the Marine Park, including the areas that should be declared to be a part of the Park
- developing zoning plans and plans of management
- managing the Marine Park cooperatively with the Queensland Government, including permitting and approval functions and enforcing the Act, Regulations and zoning plan
- carrying out or arranging research relevant to the Marine Park
- providing or arranging for the provision of education, advisory and information services relating to the Marine Park.

## Management of the Marine Park and facilitating multiple use

The management of the Marine Park into the future will provide considerable challenges, all the more so with the recent extension of zoning throughout the Commonwealth Marine Park and the complementary zoning of the Queensland marine park.

There are three key elements to operational management of the Marine Park as follows:

- the establishment of planning and regulatory instruments restricting and controlling use of the Marine Park
- the administration and enforcement of those plans and regulatory instruments
- on-ground field management.

The first of these elements includes the development of zoning plans, plans of management and Regulations under the *Great Barrier Reef Marine Park Act 1975*. The Review Panel considers that these tasks should continue to be undertaken by the Authority. Chapters 10 and 13 provide recommendations directed at improving the way in which this is done, for example, by increasing transparency and accountability in the development of zoning plans and enhancing engagement mechanisms to ensure that management is responsive to the needs and interests of Marine Park users and communities.

The second and third of these elements comprise a wide range of activities including administration of the permit system, the enforcement of regulatory requirements, day-to-day field management of the Marine Park, on-ground rehabilitation and management works and the establishment and maintenance of visitor facilities. These day-to-day management functions are currently delivered cooperatively by the Authority, the Queensland Government and other Australian Government agencies such that the Marine Park, the Queensland coastal marine park and island national parks are managed in a largely integrated manner. These arrangements have been successful to date and provide a sound foundation for future management.

The Review Panel considers that education about and ensuring compliance with the zoning plan should be a priority for management by the Authority in the future. Effective education and enforcement will be essential to ensure the integrity of the zoning plan and the multiple use approach.

Effective enforcement will be challenging given that the majority of the Great Barrier Reef Region has now been zoned, and given the likely increase in usage pressures into the future. The resources and delivery mechanisms required to effectively undertake education and enforcement need to be assessed in light of these factors. It is noted that much of the funding for monitoring and compliance activities is presently derived from a one-off grant provided through the Natural Heritage Trust (Chapter 4) that ends in 2006–07.

To help the Authority meet the challenge of effective enforcement, the Review Panel **recommends** that a comprehensive review of the investigation, enforcement and offence powers of the *Great Barrier Reef Marine Park Act 1975* be undertaken (Chapter 13). This review should be done in light of the importance of effective and efficient enforcement to future management as well as to achieve better consistency with the *Environment Protection and Biodiversity Conservation Act 1999*. Chapter 13 also provides recommendations relating to other aspects of the regulatory framework, such as the streamlining of permitting and environmental impact assessment processes. These recommendations are directed at producing a more consistent and streamlined regulatory environment and ensuring that the Authority has access to the regulatory and management tools necessary to ensure the efficient and effective protection and wise use of the Marine Park.

## Research, monitoring and reporting to inform management, policy and accountability

A key function of the Authority should be to carry out and/or arrange for research, monitoring and periodic public reporting.

As discussed in detail in Chapter 11, research, monitoring and reporting are essential for effective day-to-day management and the long-term protection of the Marine Park. Both short- and long-term management need to be informed by monitoring and assessment of Marine Park use and the effectiveness of existing management measures. Research should also be directed at providing timely information and analysis of ecosystem health and the risks and pressures on the Marine Park, and socio-economic information.

Such research and monitoring will show whether management measures are delivering expected outcomes in regard to conservation and multiple use objectives and will enable future management effort to be better targeted. This research and monitoring would also underpin accountability by ensuring that management actions and the level of protection are based on robust information and that performance is measured against objective indicators.

Periodically, research and monitoring should be brought together in a *Great Barrier Reef Marine Park Outlook Report*. This publication would report on the management of the Marine Park and the overall condition of the ecosystem, provide a risk-based assessment of the longer-term outlook, and address social and economic considerations. The report would both inform management and provide transparency and accountability for performance. The proposed report is discussed in greater detail in Chapter 11.

## 9.2 The roles of the Minister and the Department

The Uhrig review explains that Ministers are responsible for statutory authorities within their portfolios. It is the role of departments to assist Ministers in discharging this responsibility. This requires departments to support and advise their Minister in relation to the governance of statutory authorities.

Chapter 12 details recommended future governance arrangements for the Authority. In summary, it is recommended that an 'executive management' structure be applied to the Authority. This implies a role for the Minister in communicating the expectations of government for the operations of the Authority and in overseeing performance.

The primary mechanism for achieving this communication would be Statements of Expectations and Intent. Statements of Expectations are made by the Minister and communicate government expectations of a statutory authority in relation to performance, objectives, values and broader policies. Statements of Intent, made by the authority in response to Statements of Expectations, outline the initiatives the authority is undertaking, or proposes to undertake, to meet government expectations. These statements are discussed further in Chapter 12.

Statements of Expectations and Intent provide structure, formality and transparency in the setting of government expectations and oversight of performance and as such are an important mechanism in effective governance and accountability. Accordingly, the Review Panel **recommends** that they be introduced in relation to the Authority.

In addition to the use of Statements of Expectations and Intent, the Minister, supported by the Department, would:

- recommend the appointment of Authority members to the Governor-General
- oversee the performance of the Authority, for example, by considering performance reports.

The roles of the Minister and Department in the proposed governance framework for the Authority are discussed in greater detail in Chapter 12.

Importantly also, the Uhrig review recommends that the role of portfolio departments as the principal source of advice to Ministers be reinforced. It also notes that the role of statutory authorities is primarily in the implementation of policy, rather than its development.

This is not to say, however, that the Authority should not be the primary source of advice to the Australian Government on the control, care and development of the Marine Park. Indeed, as discussed above, a key function of the Authority into the future should be to undertake research, monitoring and reporting to inform management and policy development.

However, it is apparent that the risks and pressures on the Great Barrier Reef extend beyond Marine Park boundaries and that, in future, ways need to be found to manage the coast, the catchment and Marine Park as a single system. Achieving this integration will require whole-of-government, national, international and cross-jurisdictional policy and regulatory issues to be considered and addressed. Additionally, it is proposed that the Ministerial Council's charter (see Section 9.3) should include consideration of onshore, offshore and cross-jurisdictional matters.

It is difficult to define precisely the boundaries between the respective operational and policy responsibilities of the Authority and the rest of the Australian Government, as these boundaries depend on the specific nature of the issue in question and the context; for example when considering the management of islands in the World Heritage Area, shipping issues or an integrated approach to the ecosystem and fisheries management. A principles approach to responsibilities and to the relationship of the Authority to the Department, the Minister and to 'whole-of-government' objectives is therefore **recommended** as a guide for the future. This approach recognises the many dimensions of the operating environment in which the Authority will need to work. The principles proposed are based on respective roles, legal authority and whether the issues are local, State, Commonwealth, national or a combination.

The **recommended** principles are as follows:

The Authority should have primary responsibility for:

- those functions provided for in the *Great Barrier Reef Marine Park Act 1975* where the activity to be regulated or managed occurs within the boundaries of the Marine Park
- operational policy or guidelines, that is, policies related to the administration of an established government policy, regulatory regime and/or programme.

A whole of portfolio approach involving the Authority, Department and other relevant portfolio agencies should be developed where:

- the matter transcends Marine Park boundaries
- there is a need for an equivalent and consistent approach in areas adjacent to the Marine Park boundary
- a decision by the Australian Government is required.

A whole of portfolio and/or whole-of-government approach involving the Authority, the Department and other relevant Australian Government departments and agencies should be taken where:

- the matter, or its impacts, are external to the Marine Park
- there are national or cross-jurisdictional policy implications or issues of precedent
- there is a major budget impact, such as with structural adjustment assistance
- there is a need for consequential change in policy, legislation and regulation by the Department or other Australian Government agencies.

These principles can readily be applied within the current management processes and arrangements as a number of mechanisms to facilitate information flow and collaboration are already in place. Primary among these is the weekly meeting of the Departmental Executive, Departmental Division Heads and Portfolio Agency Heads (including the Chairperson of the Authority). The Authority provides reports to this forum three times a year on strategic priorities, emerging issues, risks, performance and other issues.

Finally, as covered above and in Chapter 11, development of management practices and policy directions in future should be more closely integrated with the research and analysis of measures, risks and pressures. This will also require an integrated approach by the Australian and Queensland governments.

The Review Panel **recommends** that to improve the interaction between the Department and the Authority, senior management of the Department and the Authority should meet at least twice annually to systematically review research, policy, operational and budget issues.

### 9.3 The role of Queensland

The Great Barrier Reef is a complex ecosystem that crosses jurisdictional boundaries and areas of responsibility, which are themselves complex and in many cases overlapping.

These factors make collaborative management of the Great Barrier Reef by the Australian and Queensland governments essential. There are two key reasons for this. Firstly, because management of the Great Barrier Reef is beyond the power and remit of any one jurisdiction, successful and cost effective management requires coordinated action by both governments. Secondly, where the interests and responsibilities of the two governments overlap, collaborative effort provides for greater efficiency and effectiveness in achieving both common and individual goals and objectives.

A number of examples illustrate the need for and value of collaboration. One example relates to the creation and management of marine parks. As noted earlier in this report, the Australian Government does not have the legislative power to declare the Marine Park over intertidal areas, Queensland islands and the 'internal waters' of Queensland. However, such areas are ecologically significant and in some cases, form a part of the World Heritage Area. The Queensland Government has therefore established marine and terrestrial national parks in relation to such areas, so as to ensure almost complete coverage of the Great Barrier Reef ecosystem through a network of parks. This in turn creates further imperatives for collaboration, in particular in the management and regulation of the multiple parks. Through measures such as joint permitting, mirror zoning and joint field management, collaboration delivers a more consistent and streamlined regulatory environment and greater efficiency in government service delivery. Collaboration is also all the more important because the boundary between the Australian Government and Queensland parks is in most places difficult to delineate due to geographical and legal uncertainties.

Another example of the importance of collaboration relates to the management of water quality within catchments feeding into the Great Barrier Reef. This is primarily a role for the Queensland Government, although the Australian Government can also play a role through natural resource management programmes such as the Coastal Catchments Initiative of the Natural Heritage Trust.

One final example of the importance of collaboration relates to areas of common, yet differentiated, responsibility, most notably the management of fishing. In summary, the Queensland Government is responsible for managing fisheries within the Marine Park, the Department of the Environment and Heritage for assessing the sustainability of Queensland management arrangements, and the Great Barrier Reef Marine Park Authority for managing the Great Barrier Reef ecosystem. A collaborative and integrated approach by all agencies is likely to provide for better outcomes at lower cost and impact than would unilateral, issue-specific action by each agency.

## Current collaborative management arrangements

Collaborative management of the Great Barrier Reef is currently provided for in a variety of institutional and operational arrangements. These arrangements facilitate Queensland involvement at all levels of governance and management.

At a Ministerial level, collaboration is provided for through the Great Barrier Reef Ministerial Council. The Council comprises two Ministers from each government representing the environment, tourism, marine parks and/or science. The role of the Council includes agreeing arrangements for day-to-day management, agreeing to the declaration of sections of the Marine Park and overseeing scientific research.

At Authority level, the *Great Barrier Reef Marine Park Act 1975* (s.10) provides Queensland with the capacity to nominate one of the four members of the Authority. As a matter of practice, the Queensland nominee is the Director-General of the Queensland Department of Premier and Cabinet. This facilitates whole-of-government involvement by Queensland in setting the strategic direction and priorities of the Authority, approving the Authority's operational policies and overseeing significant initiatives such as zoning plans and plans of management, as well as the general operations and performance of the Authority.

At officer level, collaboration is facilitated through working relationships and formal mechanisms such as consultative bodies. Under the *Great Barrier Reef Marine Park Act 1975* (s. 22), the Queensland Government may nominate members of the Great Barrier Reef Consultative Committee. Current Committee members include senior officials from Queensland Government departments responsible for the Premier and Cabinet, the environment and fisheries. Queensland Government officials are also members of the Authority's Reef Advisory Committees and participate in Local Marine Advisory Council meetings. Similarly, officials of the Authority are involved in Queensland consultative committees, notably Marine Advisory Committees established under the Queensland *Fisheries Act 1994*.

At an operational level, collaboration is achieved through measures such as joint permitting and mirror zoning, which seek to effectively manage and regulate the Commonwealth and Queensland parks as a single park. The *Great Barrier Reef Marine Park Act 1975* (s. 8) facilitates such collaboration, by providing the Authority with the power to perform its functions in cooperation with the Queensland Government and its agencies.

Collaboration at an operational level is also facilitated through arrangements for day-to-day field management of the Commonwealth and Queensland parks. Under these arrangements, the multiple parks are managed as a single park by Queensland and the costs shared by the two governments. Officials from the Queensland Government and the Authority work together through committees to establish strategic and annual business plans for day-to-day management and to oversee implementation of those plans.

Finally, collaboration is provided for in relation to some specific issues through agreements and memoranda of understanding. An example is the *Reef Water Quality Protection Plan*. This Plan, agreed to by the Prime Minister and Queensland Premier, sets out strategies and actions for improving the quality of water flowing into the Great Barrier Reef. Actions in the Plan are the responsibility of various Queensland and Australian government agencies and local governments.

Another example is a 1988 Memorandum of Understanding on fishing and collecting in the Marine Park. This Memorandum of Understanding differs somewhat from the *Reef Water Quality Protection Plan*, however, in that it attempts to delineate and differentiate responsibilities for fishing, rather than attempting to foster collaborative effort to address common objectives.

## Enhancing collaboration

While there is a strong history of collaboration between the Australian and Queensland governments in management of the Great Barrier Reef, the Review Panel considers collaborative management arrangements should be enhanced by:

- establishing a comprehensive intergovernmental agreement
- enhancing the Ministerial Council as a forum for joint policy development and policy coordination between governments
- improving collaboration and coordination on fisheries management and other substantive matters such as the management of islands within the marine parks.

Each of these proposals is discussed in turn.

### *An intergovernmental agreement*

Arrangements for the collaborative management of the Great Barrier Reef rely on a high level of goodwill between the Australian and Queensland governments and their agencies. This has been forthcoming, but it cannot be taken for granted, especially in the absence of a comprehensive intergovernmental agreement setting out the objectives of collaboration and the institutional and operational arrangements established to achieve those objectives.

The Review Panel considers that the Emerald Agreement of 1979 (Appendix E) does not provide an adequate overarching framework. The Agreement is limited in scope and detail and much of its substance implied, rather than explicit. It establishes only two aspects of collaborative management arrangements—that there will be a Great Barrier Reef Ministerial Council and that Queensland will be responsible for day-to-day field management, subject to the Authority. Other arrangements for collaborative management have their basis in the *Great Barrier Reef Marine Park Act 1975* (which preceded the Emerald Agreement), in other formal and informal agreements and in established practices, understandings and relationships.

The Review Panel believes that a comprehensive intergovernmental agreement is an essential foundation and framework for good governance and effective collaboration. More specifically, such an agreement would establish:

- the purpose and objectives of collaboration, as well as mechanisms through which expectations of performance can be established and communicated
- an institutional and operational framework for collaborative effort, by clearly defining the roles, responsibilities and powers of relevant institutions
- mechanisms for ensuring transparency and accountability.

Accordingly, the Review Panel considers the establishment of an intergovernmental agreement for the Great Barrier Reef an essential component of organising for successful management into the future.

This agreement should have as its clear objective facilitating the integrated and collaborative management of marine and land environments so as to provide for the protection and wise use of the Great Barrier Reef.

The agreement should clearly describe the nature, functions, powers, accountability, operational protocols and interrelations between the governments, the Ministerial Council and the Authority. The agreement should also confirm that Queensland will continue to be responsible for day-to-day management of the Marine Park, subject to the Authority. More detailed arrangements for day-to-day management should remain in separate agreements.

## ***Enhancing the Ministerial Council***

The Ministerial Council has a key role to play in facilitating collaborative management by providing a forum for the development of joint policies and for policy coordination. At present, however, the responsibilities and powers of the Ministerial Council are somewhat unclear and it is apparent that the Council has not always been effective as a forum for policy collaboration and coordination.

To address this, it is recommended that the responsibilities and powers of the Council be clearly defined in the new intergovernmental agreement. The agreement should provide the Ministerial Council with a clear charter for joint policy development and policy coordination in relation to both onshore and offshore issues affecting the protection and use of the Great Barrier Reef. The Council should also continue to play a role in providing broad oversight of day-to-day field management.

A standing committee of officials should be established to support the Ministerial Council. In general terms, its role should be to identify issues requiring joint policy development or policy coordination and, subject to the direction of the Council, to progress these issues through steering committees with the appropriate responsibilities and expertise. Such matters could include assessing pressures and risks, managing the current *Reef Water Quality Protection Plan*, consideration of fisheries management activities and management of the islands within the State and Commonwealth marine parks.

## ***Improving collaboration on fisheries management and related activities***

As noted above, the Authority, the Department and the Queensland Government are all involved in regulatory activities that affect fisheries management.

The Queensland Government is responsible for managing fisheries, including within the Marine Park, with the objective of the economically and ecologically sustainable use of fisheries resources. This is achieved through means such as the development of management plans and input controls, including licensing requirements, equipment limits, size limits and closed seasons.

The Department is responsible for 'managing the managers' by assessing and approving the fisheries management arrangements put in place by the Queensland Government to ensure fishing occurs within a framework of ecologically sustainable development. Most fisheries in the Marine Park are currently approved by the Department of the Environment and Heritage on a prospective basis, that is, they are recognised as sustainable on the basis that certain identified measures will be implemented. Furthermore, in some cases, accreditation has been provided, in part, on the basis of management actions put in place under the *Great Barrier Reef Marine Park Act 1975*, notably the 2003 Zoning Plan.

The Authority is responsible for managing the Marine Park so as to protect the environmental and cultural values of the Great Barrier Reef and to provide opportunities for ecologically sustainable use. This requires the Authority to manage the Great Barrier Reef ecosystem as a whole, which encompasses, but is broader than, the management of fisheries resources. Thus, while management actions such as zoning plans restrict fishing activities (among other things), they are not targeted simply at maintaining the viability of fish stocks for extractive uses, but at managing the health of the ecosystem as a whole.

The involvement of the Authority in fisheries management was a point of contention for many people making submissions to the Review. Some such submissions assert that the Authority's role in fisheries management duplicates management actions by the Department and the Queensland Government. Other submissions express concern that there do not appear to be any clear and stable policy framework or objectives guiding the Authority's involvement in fisheries management, which is a cause of industry uncertainty. Yet other submissions assert that the Authority's actions on fisheries management have not been based on robust and objective science.

The Review Panel believes that the Authority has a legitimate role in relation to fishing activities. As noted above, as manager of the Marine Park the Authority, under the *Great Barrier Reef Marine Park Act 1975*, has a responsibility to protect the environmental and cultural values of the Marine Park and to provide opportunities for ecologically sustainable use. This requires the Authority to regulate fishing activities through means such as zoning plans and to participate in management of fishing by the Department and the Queensland Government, with the objective of managing the health of the Great Barrier Reef ecosystem as a whole.

That said, the Review Panel considers that there is a need for a clearer framework for fisheries management actions by the Authority, the Department and the Queensland Government. This framework should clearly identify roles and responsibilities and seek to promote collaborative and cooperative effort directed at common goals and objectives. It should also ensure that management actions by all agencies concerned are based on robust and objective research and monitoring data.

It is recommended that the Ministerial Council provide the medium for achieving these objectives. In so doing, the Council may wish to develop an approach similar to that used to manage water quality (the *Reef Water Quality Protection Plan*).

This approach should identify:

- the objectives and goals of the Australian and Queensland governments in relation to ecosystem and fisheries management within the Great Barrier Reef World Heritage Area
- strategies and actions for achieving the goals and objectives based on robust and objective scientific and socio-economic data
- agencies and organisations responsible for implementing actions and the associated milestones and timeframes
- the monitoring and evaluation that will be undertaken to assess the effectiveness of management actions and inform continuous improvement and adaptive management.

In doing these things, the objective is to bring together and integrate planning and fisheries management actions by the Queensland Government, assessment and monitoring by the Department for *Environment Protection and Biodiversity Conservation Act 1999* purposes and Marine Park management by the Authority.

Such a cooperative and integrated approach will improve the efficiency and effectiveness of management by taking advantage of synergies, while removing duplicate effort. It would also improve industry certainty by setting clear objectives, processes and responsibilities in relation to fisheries management actions by governments. Accountability would be enhanced through ongoing monitoring, evaluation and reporting against defined requirements. Finally, the fisheries framework proposed would also help to ensure that management actions by all agencies are based on common, robust and integrated scientific and socio-economic information.

The division of roles and responsibilities for fisheries management and living marine resource management is a matter of policy preference. It is not the role of this Review to examine the 1995 Offshore Constitutional Settlement regarding fisheries adjacent to Queensland. However, the Review Panel notes that in any future review of the Offshore Constitutional Settlement, consideration could be given to simplifying the intergovernmental relationship between the Queensland and Australian governments regarding living marine resources and fisheries management in the Marine Park.

## Summary of recommendations

To sum up this section on the role of Queensland, the Review Panel **recommends** the collaborative arrangements between the Australian and Queensland governments in management of the Great Barrier Reef be enhanced by:

- establishing a comprehensive intergovernmental agreement that:
  - has as its clear objective facilitating the integrated and collaborative management of marine and land environments so as to provide for the protection and wise use of the Great Barrier Reef
  - clearly describes the nature, functions, powers, accountability, operational protocols and interrelations between governments, the Ministerial Council and the Authority
  - confirms that Queensland will continue to be responsible for day-to-day management of the Marine Park, subject to the Authority, with the detailed arrangements for day-to-day management in separate agreements
- strengthening the Ministerial Council by providing it with:
  - a clear charter for joint policy development and policy coordination in relation to both marine and land issues affecting the protection and use of the Marine Park and World Heritage Area
  - the role of overseeing day-to-day field management of the marine parks
  - a standing committee of officials established to support the Ministerial Council to identify issues requiring joint policy development or policy coordination and, subject to the direction of the Council, progress these through steering committees with the appropriate responsibilities and expertise
  - responsibility for the *Reef Water Quality Protection Plan*
  - a clear role of improving collaboration and coordination of regulatory activities that affect fisheries and of other substantive matters such as the management of islands within the marine parks. The Council may wish to develop an approach similar to that used to manage water quality (the *Reef Water Quality Protection Plan*) in relation to fisheries issues.

