

Great Barrier Reef Marine Park Act Review **Background Paper**

Background

- There was an election commitment to review the *Great Barrier Reef Marine Park Act 1975* (the GBRMP Act) to improve the performance of the Great Barrier Reef Marine Park Authority (the Authority), its office holders and its accountability frameworks.
- The Authority is also to be assessed against the principles outlined in the Uhrig Review of the Corporate Governance of Statutory Authorities and Office Holders (the Uhrig Review).
- The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) is the Australian Government's primary legislation for environmental regulation. The review provides an opportunity to ensure the alignment of the GBRMP Act with the EPBC Act.
- In response to the stakeholder response to the rezoning of the Great Barrier Reef Marine Park (the Marine Park), the Authority commissioned a report on its consultation mechanisms, the "Futureye" report. The Authority is implementing the recommendations of the report.

Issues

Uhrig Review

- The Uhrig review developed two templates for best practice corporate governance of statutory authorities. The "board" template applies to authorities within the financial framework of the *Commonwealth Authorities and Companies Act 1997* (the CAC Act) and the "executive management" template applies to authorities within the financial framework of the *Financial Management and Accountability Act 1997* (the FMA Act).
- Uhrig recommends that only authorities with a primarily commercial focus should be CAC bodies with a board management structure and management boards should have full power to act, including the power to appoint and terminate the Chief Executive Officer.
- Uhrig supports the use of advisory boards under executive management arrangements under the FMA Act financial framework.
- Uhrig suggests that departments of state should develop policy while statutory authorities should implement policy.

EPBC Act

- The EPBC Act, which came into force in July 2000, applies in all parts of Australia including the Marine Park.
- The EPBC Act provides for a number of matters relevant to the Marine Park:
 - the protection of matters of national environmental significance, including the GBR World Heritage area, listed migratory and threatened species and the Commonwealth marine area;
 - the protection of listed marine species and cetaceans;
 - strategic assessment of export fisheries and Commonwealth managed fisheries; and
 - regulation of the international movement of wildlife and wildlife products.
- The EPBC Act contains provisions that reduce duplication of approval and authorisation processes between the EPBC Act and the GBRMP Act for activities proposed to be undertaken in the Marine Park.

Relationship with the Queensland Government

- The GBRMP Act provides for a close relationship with the Queensland government in the operations of the Authority, including membership of the board.
- The Great Barrier Reef Ministerial Council, consisting of two Australian Government and two Queensland government ministers, oversees the Authority.
- The Queensland government also provides the day-to-day management services in the Marine Park.

Stakeholder engagement

- The review will be seeking to ensure that all stakeholders are actively engaged with the Authority's processes.