

30 September 2005

Secretary
Department of the Environment and Heritage
GPO Box 787
CANBERRA ACT 2601

Review of the Great Barrier Reef Marine Park Act

Dear Sir,

The *Great Barrier Reef Marine Park Act* came into effect 30 years ago at a time when little was understood about the biology of the Great Barrier Reef and the Reef's capacity to handle impacts. Further, there were a number of perceived threats looming in connection with oil drilling, crown-of-thorns starfish infestations and plundering of the Reef's shellfish resources by Taiwanese fishermen. The Australian Government was at that time taking legislative action in order to address a range of national environmental concerns that had become the subject of public debate since the late 1960's. Further, in regard to the Reef, there were particular political issues concerning Commonwealth-Queensland relations. To add to the complexity, the extent of State and Commonwealth powers in regard to marine areas had yet to be clarified.

The creation of the *Great Barrier Reef Marine Park Act*, which provided for the establishment and management of a Great Barrier Reef Marine Park, was a visionary act, and the fundamental arrangements in that legislation has been proven through the years to have been most apt for management of the Reef in that period.

The context is now different. The Marine Park is contained within the Great Barrier Reef World Heritage Area, and Australia now has a very comprehensive suite of legislation other than the *Great Barrier Reef Marine Park Act*, to enable it to attend to its national responsibilities for the Reef. Meanwhile, the Queensland Government has demonstrated, through implementation of its own *Marine Parks Act*, through the carrying out of day-to-day management of the Great Barrier Reef Marine Park, and through its comprehensive water quality measures, a sophisticated capacity to manage the sensitive environments off its mainland coast.

Further, the Great Barrier Reef Marine Park is now fully established. (All but a few small places in the Great Barrier Reef Region remain outside the Park and these are not likely to be considered any further.) Any management regime for the area to the east (in the Coral Sea) would be more appropriately established through other institutions, e.g. the National Oceans Office. The Great Barrier Reef Marine Park is now fully zoned and the zoning for most of its area has been in place for about 20 years. That zoning has undergone revision and the latest 'definitive' zoning has been carried out in full regard of the comprehensive scientifically-acquired information about the area and our now well-grounded understanding of the prevailing user impacts and their consequences.

The matter of oil drilling anywhere in the Great Barrier Reef World Heritage Area has been put to rest.

The review is most timely. The vision I describe below is one that I had entertained when the current 'all bells and whistles' zoning plan was under development. The success and rigour of that plan I think confirms the appropriateness of the vision.

A reading of the *Great Barrier Reef Marine Park Act* as it now stands indicates to me that most of it could now be repealed. Much of it concerns the establishment of the Great Barrier Reef Marine Park and processes to achieve zoning and management planning in circumstances where ‘state of the art’ Reef plans had not been available. Remaining parts could be readily placed within other legislation. It believe it may now be fitting for the Great Barrier Reef Marine Park Authority to be subsumed within the Commonwealth Department of Environment and Heritage, much as had occurred with the Australian National Parks and Wildlife Service and the other former environmental management institutions. As I understand, the board of the Authority had minimal involvement in important recent strategic measures such as the establishment of Dugong Protection Areas and the winding back of fishing effort. By the time that the new zoning plan was decided on, the ground work with the commercial fishing industry had been done. Indeed, both initiatives have shown how effective ‘public servants’ working under Ministerial steerage can be in regard to Reef conservation.

The Marine Park Authority has had a very important role in providing advice to the Minister in regard to the Reef and Marine Park. This can continue. Advisory structures may operate within the framework of a Department of State.

My references to ‘the Authority’ above have a dual meaning – they cover both the board of the Authority and the ‘office of the Authority’, which are in practice quite distinct entities.

The current zoning plan could become a regulation made under the *Environment Protection and Biodiversity Conservation Act* and thus be better linked with the Commonwealth’s environmental obligations in regard to the Great Barrier Reef Marine Park World heritage Area. The Department of Environment and Heritage, through the Minister for the Environment, could take over administration of the Commonwealth’s functions, and the responsibility for much of the management of the Park could be vested in the Queensland Government. Socio-economic development and natural change will drive re-distribution of the Reef’s resources and alterations in patterns of use and accordingly the zoning plan will need amendment over time. However, I see that from now on, the fine-tuning amendments could be handled in a much more streamlined way. Public consultation is still desired but the laborious processes set out under the current *Great Barrier Reef Marine Park Act* are probably no longer necessary.

The Marine Park model has had its flaws, one being its focus on the minutae and not the big picture. Coral reefs are both sensitive yet very robust, provided that particular environmental parameters are not exceeded. I am convinced that future management for the Great Barrier Reef has to look to a better understanding of marine systems that influence the Reef. I believe that, as long as users continue to operate within the now-established limits, the natural attributes of the Marine Park are unlikely to be damaged irreparably through use. This of course assumes that day-to-day management effort will be maintained, that both the Commonwealth and Queensland Governments will be responsive to problems and emerging issues, and that the public will continue to be kept well-informed.

I believe that strategic Reef management will come to rely more and more on systems-focused measures. A good recent example has been the catchment management water quality initiative involving all levels of government along the Reef coast. This is something the Great Barrier Reef Marine Park Authority could not have brought about alone through its limited charter and jurisdiction. The initiative was able to capitalize on the significance of the unity of systems within the Great Barrier Reef Province, i.e. that area extending eastwards of the Great Dividing Range to the continental shelf. The *Environment Protection and Biodiversity Conservation Act* places the Commonwealth in a strong position to attend to matters affecting World Heritage properties, key

Great Barrier Reef species (many of which have a home range extending beyond the Great Barrier Reef Marine Park), maintenance of biodiversity, and the marine environment in general.

Not even the Great Barrier Reef Province defines the geographic limits of the Great Barrier Reef-related systems. The need for big-picture management gains further relevance when one thinks about the major current system in north-east Australian waters, which is an important one for the Great Barrier Reef. It flows westerly across the Coral Sea to the outer edge of the Great Barrier Reef where it divides – one arm flowing northwards and the other southwards. This water enters the Coral Sea variously between the Solomon Islands, Vanuatu and New Caledonia. The latitude of entry determines the latitude at which it reaches the Reef. Occurrences far away will have their effects on the Great Barrier Reef.

Perhaps the single largest achievement of the Act has been to provide a framework and focus which had led to significant investment in scientific research and enquiry into the Great Barrier Reef and coral reefs in general. The knowledge gained has enabled Australia to approach Reef management much more confidently and to be a world leader in this regard. Without this investment, the critical mass of marine scientists needed would never have eventuated.

One thinks that in this day and age that the Reef has been ‘saved’. From what, I am not sure. But it is all too easy to regard the Great Barrier Reef Marine Park and World Heritage Area as covering all of the Great Barrier Reef. This is not the case. Some 10% of the Great Barrier Reef lies outside those areas. Whilst most of that 10% is afforded the protection offered under the Australia-Papua New Guinea Treaty as Protected Zone, is it now time for the Commonwealth to move to bring the Torres Strait reefs under the World Heritage umbrella. Were the Department of Environment and Heritage to take a more direct role in regard to the Great Barrier Reef, this might be more achievable than at present.

I am making this submission as a former staff member of the Great Barrier Reef Marine Park Authority (1978 to 2002). During much of this time I provided the secretariat services for the board of the Authority and to the statutory Great Barrier Reef Consultative Committee. I was assigned to assist the Department’s team involved in the other major review of the Authority and its Act – by John Whitehouse. Between 2000 and 2002, I compiled a fully indexed and consolidated register of all of the policy decisions made by the board of the Authority since its inception.

Whilst the tone of this submission may seem contrary to the line that would be expected to be taken by someone with my background (and it may not endear me to my colleagues), I do not believe that the ‘if it ain’t broke, don’t fix it’ line, which many submissions at the time of Whitehouse had offered, is still appropriate. The time is ripe to set new directions in regard to the Commonwealth’s responsibilities for the Great Barrier Reef. Perhaps my vision is too challenging to be adopted in full, but I am cautiously aware that if we continue to place too much reliance on the *Great Barrier Reef Marine Park Act* and the perpetuation of the Authority and its role, a comfortable idea for many, we will lose sight of the very significant environmental changes looming that have the potential to disturb the Reef well beyond Mankind’s greatest efforts.

Yours sincerely

Chris Smalley