

Submission to the Review of the GBRMPA

From Joe Baker, Chief Scientific Advisor, QDPI&F

Introduction and Background

I shall address each of the items identified in the scope of the review, and am happy to provide additional information, if required.

It is noted that the Government made an election commitment "to review the (GBRMP Act) to improve the performance of the Authority, its office holders and its accountability frameworks".

It is also noted that "The Authority is subject to the Uhrig corporate government principles" and that "the findings of this review will also inform the implementation of the Uhrig outcomes in relation to the Authority"

[I agree with the evaluation of the Uhrig report that "its focus was misplaced", that "it ignored the continuing need to protect regulatory agencies from 'regulatory capture', and focused instead on the need for an effective dialogue with business". Dr Ian Holland, and others, have argued that "scrutiny of Statutory Agencies should be the task of the Parliament, not Departmental Secretaries" and I agree strongly with that. The Parliamentary process is open to the public, the Departmental process is not.

I also believe that the Uhrig report did not take adequate recognition of environmental values, as opposed to the narrower economic values. (I suspect that the significance of the EPBC Act is not less than that of either the FMA act or the CAC Act). This is particularly relevant to the consideration of the situation of the GBRMP Authority, and the relationship of its operations to the EPBC Act. In that Act and "in terms of actions involving the Commonwealth, 'environment' is broadly to include:

- ecosystems and their constituent parts, including people and communities; and
- natural and physical resources; and
- the quality and characteristics of locations, places and areas; and
- the heritage value of places; (and)
- the social, economic and cultural aspects of a thing mentioned above."

Successful management of the GBRMP World Heritage and Australian Heritage Area (and volume) considers factors way beyond simply the economic issues. The challenge is to achieve environmentally sustainable development, thus recognising the natural, social, economic and cultural components of environmental best practice]

The items in the Scope of the Review

(i) the role of Office Holders

I see no difficulty with this factor. The role of Office Holders can be clearly defined relative to the functions of the Authority and to the description of duties of each Office Holder within the organisational arrangements.

I believe there is merit in considering a proposal that there should be separate appointments for the positions of Chairman and of Chief Executive Officer of the Authority.

(ii) the Functions of the Authority

I support the Uhrig proposal for a "Statement of Expectations and Intent" which will "give clients greater certainty in their dealings with agencies and greater confidence to raise issues of concern", and suspect that the GBRMPA virtually has that already.

Consideration of this item (ii) effectively involves consideration of the structure of the Authority as well as of its functions.

The functions of the Authority have to be clearly understood with respect to International, National and State of Queensland obligations.

The International respect is higher than for any other Agency involved in multiple-use World Heritage Management. Its National respect remains very high, despite the efforts of different "interest groups" to advance their specific self-interests, rather than consider the obligations of operating in, or allowing operations in, Australian and World heritage sites.

The respect between State of Queensland and the GBRMPA is very high.

The best way to sustain these varied functions is for the GBRMPA to remain a Statutory Authority, as a distinctive and dedicated management body to satisfy World Heritage requirements, and with its obligations directly aligned with those of the EPBC Act, which has high international credibility, as does the GBRMPA. (I believe that much of the EPBC Act was derived from the GBRMP Act, and from the lessons learned from "test cases" that the GBRMPA faced in its development of practices to cope with multiple use of a World Heritage Area. In 1995 the GBR Marine Park Act 1975 was amended to reflect the World Heritage listing of the Great Barrier Reef. Under s. 39Z "*the Authority in preparing management plans must have regard to the protection of world heritage values of the Marine Park...*". The Commonwealth's EPBC Act 1999 also has strong provisions for the protection of World Heritage values in any declared World Heritage property (s. 12-15A).)

As well as remaining a Statutory Authority, the Headquarters of the Authority must remain in Townsville, not only because of its location "central" to the Great Barrier Reef region, but also because of the wide range of relevant research and educational institutions which exist in that area. The GBRMPA, AIMS, JCU, CSIRO and Queensland State Agencies have made Townsville the world-recognised centre for experience in research, training and management of tropical marine (and terrestrial) ecosystems.

The interactions with Queensland have developed wonderfully well, from the early days of mis-trust and suspicion to become those of respected partners in such activities as those of complementary zoning, day to day management, and in the issue of joint permits.

The structure of the "Authority" (what is often loosely referred to as the Board) may merit consideration, but caution should be exercised in the temptation to make it "big and representative". It can never be representative.

One has to consider the diverse range of Advisory bodies which assist with the development of advice to the Authority, and the ready ability that the Authority has to call Chairpersons of those bodies, and other expert opinion from the range of scientific, social, economic and cultural organisations and institutions.

Initially, there was one person "from the Commonwealth", "one from Queensland", and "one independent person". Experts and practitioners were called in, as needed, to provide advice.

If the "Right people" are there, with deep commitment to the objectives of the Authority, three, to me is enough.

If the positions of Chairman and CEO are separated, I believe the CEO should be *ex-officio* and a full voting member.

One could also consider that the Secretary of the Federal Department responsible for the Environment, could be *ex-officio* but my preference would be for that person to have formal status as an Observer.

My suggestion for the Board/Authority would be:

Chairman ("appointed" by the Commonwealth and agreed by Queensland)

One person, not being a public servant, nominated by the Commonwealth;

One person, not being a public servant, nominated by Queensland

One person nominated to ensure the interests of Traditional owners are properly considered.

The GBRMPA CEO, *ex-officio*

The Secretary, Commonwealth "Department responsible for the Environment", Observer.

The Head of Premiers and Cabinet, Queensland, Observer.

("Observer" may not be the correct title - they are essential participants, but not voting members)

I would also recommend that the GBRMPA Ministerial Council be formally recognised in the Legislation. That has been a remarkable success, and was pivotal to the development of respect between Commonwealth and State, in the formative years.

I am concerned at the Uhrig Review required that "that statutory authorities report to departmental secretaries as well as to the Minister". (It is hopefully a typing error that "secretaries" is plural and "Minister" singular). Nobody can report to two masters and all survive. One of the 3 entities will perish. It should be that the Statutory Authorities report to the Minister with copies to the Departmental secretary.

(iii) Accountability Frameworks

These will emerge from the "Statement of Expectations and Intent" and should be readily developed from the existing practices of the Authority.

(iv) Consultation Mechanisms

The GBRMPA has developed robust consultative mechanisms from day 1 of its operations. A detailed study will show that the GBRMPA has maintained a very high level of integrity in all consultations. I am sure that the GBRMPA will continue to seek to improve in this regard.

The second part of the "Terms of Reference" relate to the fact that "the review will provide advice, in light of the Uhrig principles, on some 6 topics.

Most of those I have touched on in discussion on the four points, above.

I have mentioned concerns, shared by others, on some aspects of the Uhrig report, but have also expressed support for specific features of his report. My concern is that the generality of the Uhrig Review may have undervalued, in the holistic sense, the challenges of comprehensive environmental management of a World Heritage site.

I therefore hope that the review considers the roles of the Authority in a holistic way, noting its International, National, and State obligations and relevance to the environmentally sustainable development of the Great Barrier Reef region.

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*former - and inaugural - member of the "Board" of the GBRMPA; former Director of AIMS; former Chairman of the Australian Heritage Committee; former Chairman of the National Landcare Advisory Committee; former Chairman of the North Queensland Economic Development Council; current Chairman of the Cardwell-Hinchinbrook Coastal Zone Planning Community Advisory Committee; current Chairman of the Gulf of Carpentaria Fisheries Management Advisory Committee.