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28th September 2005

Dr Diana Wright
Executive Policy Advisor
Department of the Environment and Heritage
GPO Box 787
CANBERRA ACT 2601

Dear Dr Wright

Great Barrier Reef Marine Park Act Review

As the cruiseship coordinator for Australian Reef Pilots, the pilotage provider company that provides licensed coast pilots for cruiseships transiting the GBR and visiting GBR destinations, I am very involved with the operation of cruiseships in Great Barrier Reef waters. In addition, as a consultant to the cruise industry, I advise cruiseline itinerary planners on GBR schedules and destinations; I also develop new destinations for cruiseships in GBR waters.

These roles require me to have constant contact with GBRMPA operatives. While several years ago the GBRMPA's focus on the needs of the cruise industry was appalling, this is not the case today. The change came with your appointment of Annie Ilett about six years ago, and then the appointment of <text deleted> as Chair. You now have a very energetic, focused and efficient Tourism and Recreation Department to thank for a very strong and harmonious working relationship with the cruise industry.

Over the last decade I have worked with many GBRMPA operatives on a range of issues. I believe my involvement over these years qualifies me to comment on any potential changes that might be considered.

I make the following points:

1. Decision-making for the Great Barrier Reef must stay in Townsville with the GBRMPA structure as it exists there. It would be a severe retrograde step to move this role to Canberra – one that would be met with considerable consternation and objection from the Queensland tourism industry.
2. The existing Townsville-based GBRMPA operatives demonstrate a very sound attitude to partnerships and undertake proactive inclusive consultation – initiatives that are highly appreciated by the Queensland tourism industry.
3. The Great Barrier Reef Marine Park Authority should remain a statutory authority with the ability to make decisions and recommendations to the Minister. It should not

become part of an Australian Government department (especially the Department of the Environment and Heritage).

4. The GBRMPA needs to be better resourced, particularly to continue its current direction of increasing community liaison and establishing regional liaison officers. As recreational use of the Marine Park continues to increase, pressure will be put on tourism resources and more resources, not less, along the Great Barrier Reef coast will be necessary to ensure the wise, multiple-use management of this world-renowned World Heritage Area.
5. The GBRMPA has a strong partnership with the Queensland Government, and the continuation of this is essential at regional and local levels to maintain the inextricable links between the state and Great Barrier Reef Marine Parks.

In conclusion, regarding the suggestions by some to relocate GBRMPA's decision-making responsibilities to Canberra, I remind you of the laughing-stock that the Australian Maritime Safety Authority became when it was established in Canberra – a *maritime* organization seemingly deliberately placed as far as possible from its subject of responsibility; the *sea*.

Yours sincerely,

John C.H. Foley
Captain – Licensed GBR Coast Pilot



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Department of the Environment and Heritage
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CANBERRA ACT 2601

Dear Dr Wright

Great Barrier Reef Marine Park Act Review Clarification of the term ‘Ship’s Operator’.

In the amendments to the Act following the grounding of the ‘Bunga Teratai Satu’ certain liabilities were prescribed for persons or organizations found guilty of breaching the Act.

The provisions included reference to the ‘Operator’ of the vessel. In two subsequent incidents licensed coast pilots were at risk of being classed as an operator in a legal sense – and thus potentially liable for enormous penalties for which indemnity insurance cannot be obtained.

Your CEO Gregor Manson, at a meeting between GBRMPA, AMSA and coast pilots in mid-2004, stated that the provisions of those amendments were never intended to classify a coast pilot as a ship’s operator.

This review gives you an opportunity to clarify the definition of ‘operator’ in the Act, and I urge you to do so.

Kind regards,

John C.H. Foley
Captain – Licensed GBR Coast Pilot