



Joint Marine Parks permissions with Queensland

September / 2016

Objective

To explain how the Great Barrier Reef Marine Park Authority works with the State of Queensland to jointly administer, assess, decide and manage permissions which are required under both State and Commonwealth Marine Parks legislation.

Target audience

State and Commonwealth staff involved in the joint Marine Parks permission system; applicants for permission; the general public.

CONSULTATION NOTES:

1. This information sheet forms part of a broader package which has been released for public comment and should be read in conjunction with:
 - a. The draft revised [Environmental impact management policy: permission system](#) (Permission system policy) explains how the management of the permission system ensures consistency, transparency and achievement of the objects of the Act.
 - b. The draft [Risk assessment procedure](#) explains how GBRMPA determines risk level and the need for avoidance, mitigation or offset measures.
 - c. The draft [Guidelines: Applications for permission](#) (Application guidelines) explain when permission is required and how to apply.
 - d. The draft [Checklist of application information](#) proposes information required to be submitted before an application is accepted by GBRMPA.
 - e. The draft [Guidelines: Permission assessment and decision](#) (Assessment guidelines) explain how applications are assessed and decisions made.
 - f. The draft [Information sheet on deemed applications under the Environment Protection and Biodiversity Conservation Act](#) (EPBC deemed application guidelines) explains how application, assessment and decision processes work for those applications that require approval under both the *Great Barrier Reef Marine Park Act* and the *Environment Protection and Biodiversity Conservation Act* (EPBC Act).
 - g. The draft [Guidelines: Value impact assessment in the permission system](#) (Value assessment guidelines) provide further detail on specific values of the Marine Park, including how to determine risk and possible avoidance, mitigation or offset measures.
 - h. The draft [Guidelines: Location-specific assessment in the permission system](#) (Location-specific assessment guidelines) highlight places in the Marine Park that have site-specific management plans, policies or other information which may be relevant to decisions.
 - i. The draft [Guidelines: Activity impact assessment in the permission system](#) (Activity assessment guidelines) provide further detail on how GBRMPA assesses and manages specific activities.
 - j. The [Managing facilities discussion paper](#) and draft [Guidelines: Activity impact assessment in the permission system – Fixed facilities](#) propose changes to how GBRMPA manages facilities in the Marine Park.
2. Amendments are underway to the *Great Barrier Reef Marine Park Regulations 1983*, as outlined in the [Response Document](#) prepared after consultation in December 2015. This information sheet has been written to reflect the proposed amendments.
3. You can provide feedback on this document via our [online survey](#), which can also be accessed from our webpage at www.gbrmpa.gov.au/zoning-permits-and-plans/permits/improving-permissions

Purpose

1. Permission decisions affecting the Great Barrier Reef Commonwealth and State Marine Parks are complementary to the greatest extent possible. Application, assessment and decision making processes are handled efficiently and in partnership between the two levels of government.

Related legislation / standards / policy

2. See Appendix A of this document for a full list of relevant legislation, policies and guidelines.
3. The Great Barrier Reef World Heritage Area is managed jointly by the Australian and Queensland governments under an [Inter-Governmental Agreement](#) and complementary legislation, in particular:
 - a. the Acts – the Commonwealth’s [Great Barrier Reef Marine Park Act 1975](#) (the GBRMP Act) and Queensland’s [Marine Parks Act 2004](#) (the State Act);
 - b. the Regulations – the Commonwealth’s [Great Barrier Reef Marine Park Regulations 1983](#) (the GBRMP Regulations) and Queensland’s [Marine Parks Regulation 2006](#) (the State Regulations);
 - c. the Zoning Plans -- Commonwealth’s [Great Barrier Reef Marine Park Zoning Plan 2003](#) (the GBRMP Zoning Plan) and Queensland’s [Marine Parks \(Great Barrier Reef Coast\) Zoning Plan 2004](#) (the State Zoning Plan).
4. Additional site-specific management arrangements, both statutory and non-statutory, are described in the draft [Location-specific assessment guidelines](#).

Context

5. The Great Barrier Reef World Heritage Area (the World Heritage Area) covers an area of 348,000 square kilometres and includes areas managed by both the State and the Commonwealth. Figure 1 illustrates some of the legislated boundaries and jurisdictions within the World Heritage Area.
6. The Commonwealth is responsible for the management of the Great Barrier Reef Marine Park (the Commonwealth Marine Park), established under the GBMRP Act. The Great Barrier Reef Marine Park Authority (GBRMPA) is the Commonwealth statutory body responsible for managing the Commonwealth Marine Park.
 - a. The Commonwealth Marine Park extends 2,300 kilometres along the Queensland coastline and covers about 344,400 square kilometres.
 - b. The Commonwealth Marine Park generally extends over Queensland State coastal waters to the mean low water mark (refer to Figure 1). Internal waters of Queensland (such as rivers and small bays) and major commercial ports are usually not in the Commonwealth Marine Park.
 - c. About 70 Commonwealth islands are in the Commonwealth Marine Park.
7. The Queensland Department of National Parks, Sport and Racing’s Queensland Parks and Wildlife Service (QPWS) is responsible for the management of the Great Barrier Reef Coast Marine Park (the State Marine Park), established under the *Marine Parks Act 2004* (Qld).
 - a. The State Marine Park covers about 63,000 square kilometres contiguous with the Commonwealth Marine Park.
 - b. The State Marine Park covers the intertidal area between low and high water marks and many waters within the limits of the State of Queensland, which also extends seawards three nautical miles (refer to Figure 1).
 - c. There are around 1050 islands and cays within the World Heritage Area. These islands are not part of the State Marine Park, but many are also managed by QPWS as national parks under the *Nature Conservation Act 1992* (Qld). In addition, Green Island and adjacent reef is a declared Recreation Area under the *Recreation Areas Management Act 2006* (Qld).
8. Jointly, GBRMPA and QPWS are referred to as ‘the managing agencies.’

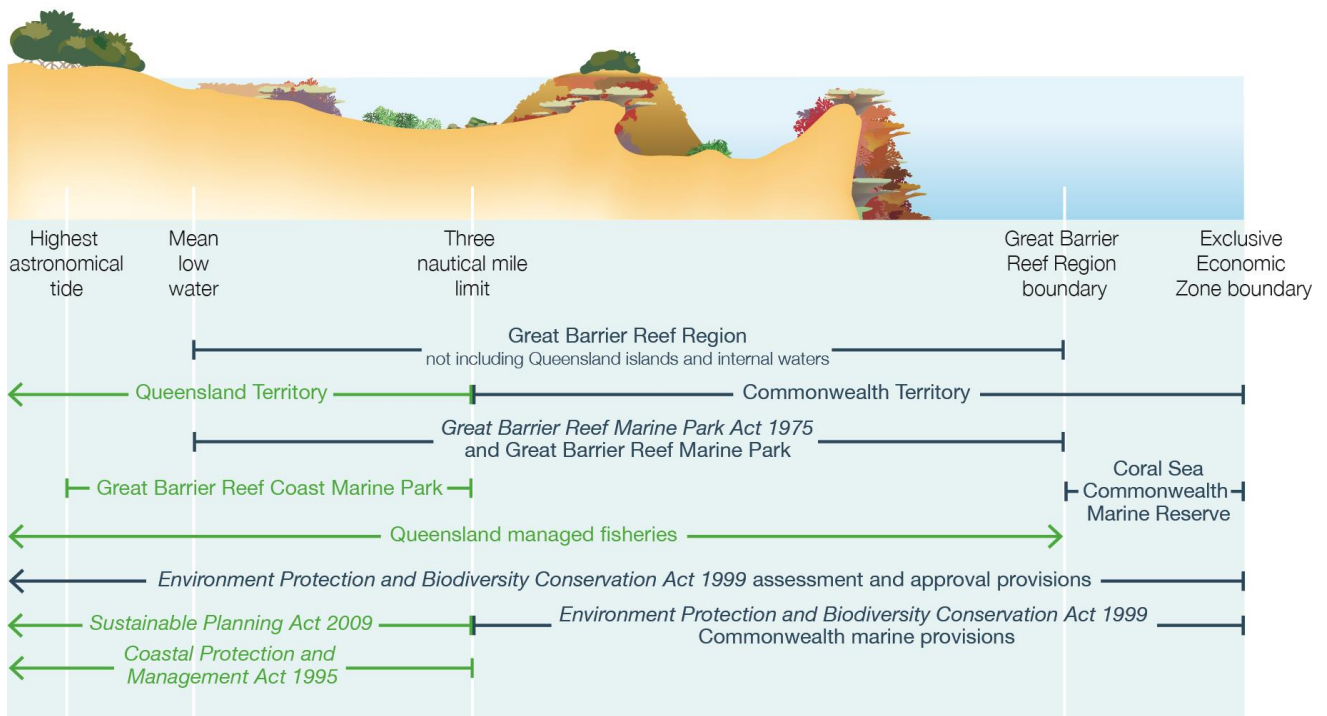


Figure 1. Jurisdictional boundaries relevant to the World Heritage Area

General principles

9. Because of the complexities of jurisdictions (as shown in Figure 1), the [Inter-Governmental Agreement](#) commits to maintaining complementarity and improving the efficiency and effectiveness of the permission system. The agreement includes the following guiding principles:
 - a. A collaborative and cooperative approach is fundamental to the effective long-term protection, conservation and management of the Great Barrier Reef.
 - b. The marine and land environments within and adjacent to the World Heritage Area will be managed in an integrated manner consistent with ecosystem-based management and the principles of ecologically sustainable use.
10. Zoning is complementary across the Commonwealth Marine Park and State Marine Park, with similar zones, zone objectives and rules about use and entry. One exception is the Estuarine Conservation Zone, which only applies to the State Marine Park.
11. Statutory plans and non-statutory policies provide additional guidance for managing the Marine Parks. See Appendix A for a list of those that are most relevant. Most plans and policies are jointly developed by the managing agencies to ensure complementarity across terrestrial and marine protected areas. Refer to the [Guidelines: Location-specific assessment in the permission system](#) for details.
12. Some activities require permission for both Marine Parks. Because of this, a joint permission system has been established to streamline the process for applicants and to ensure a complementary approach between State and Commonwealth Marine Parks.

EXAMPLE

A charter fishing business would require Queensland permission when visiting intertidal areas around islands and rivers; and Commonwealth permission when visiting the lagoon, reef and open ocean.

13. In most cases, the joint permission system includes processes that meet both State and Commonwealth requirements, such as:
 - a. A single application meets the requirements of both Acts.
 - b. Where required, a single public comment period meets the requirements of both Acts.
 - c. A single assessment report is prepared with contributions from both managing agencies.
 - d. Two separate decisions are made on each application by the QPWS delegate and the GBRMPA delegate.

- e. Where both delegates agree to the grant of permission, a single permit document is issued which details the permissions granted under both jurisdictions.

Pre-application and applications

14. Applicants may approach either GBRMPA or QPWS to begin discussing their proposal. GBRMPA and QPWS keep one another informed of such meetings, unless an applicant requests confidentiality.
15. If site visits are needed to better understand the proposal, the managing agencies conduct these jointly whenever practical.
16. See the [Application guidelines](#) for more information.

Assessment

17. In most cases, GBRMPA administers and manages the assessment process, including preparation of an assessment report.
18. For certain types of applications that have been pre-agreed, GBRMPA refers the application to QPWS for consideration of State matters. Internal procedures established between GBRMPA and QPWS determine to what extent QPWS is involved in the assessment process. Steps where GBRMPA may seek QPWS input include:
 - a. determining the most appropriate assessment process, including whether public comment is required
 - b. requesting further information from the applicant and reviewing this information
 - c. reviewing the assessment report and identifying any other State considerations.

Decision

19. Two separate decisions are made under two separate pieces of legislation – State and Commonwealth.
20. It is possible for one agency to grant permission, while the other agency refuses permission. However, complementary legislation and zoning, combined with a long history of working collaboratively, means such cases are rare. Typically any differences are discussed and resolved prior to finalising the assessment report. Where agreement is not reached, the issues are progressively escalated in both agencies to a more senior level. Unresolved differences likely to result in conflicting or inconsistent decisions are acknowledged at a senior level in both agencies.
21. Conditions for use and entry of the State Marine Park are set by QPWS, while GBRMPA sets conditions for use and entry to the Commonwealth Marine Park.

Monitoring and compliance

22. GBRMPA usually administers and manages permission compliance activities, with QPWS providing support through the Joint Field Management Program. Joint activities may include patrols, audits or supervision of permitted works.

Implementation

23. This draft information sheet has been prepared for the purpose of seeking public feedback.
24. After the consultation closes, GBRMPA will consider public submissions in finalising it.
25. The final information sheet is planned for public release in July 2017, to coincide with amendments to the Regulations taking effect.

Definitions

Activity

Engaging in conduct within the Marine Parks, including use of, or entry to, the Marine Parks, for the purpose of conducting a program, project, development, undertaking, action or operation.

Applicant

A person, as defined by common law, who has made a valid application to undertake an activity in the Marine Parks

Delegate

A decision maker; an officer of GBRMPA or QPWS who has been provided with decision making power under relevant delegations of the Acts.

Impact

the result or effect that happens when a Marine Park value is exposed to a hazard; may be positive or negative.

Permission holder

A person, company or entity given written permission by the managing agencies to engage in certain activities.

Permission system

Legislation, policies, guidelines, procedures and systems related to how the managing agencies manage permissions and accreditations that are regulated under the Acts, the Regulations and/or the Zoning Plans; and activities outlined in Part 5 of the Commonwealth Zoning Plan.

Permit

A written document issued by the managing agencies which specifies permitted activities and the conditions of permission(s). A single permit may contain multiple permissions (that is, written permission for several different activities).

Risk

Defined by the Australia/New Zealand Standard for Risk Management (AS/NZS 31000:2009) as “effect of uncertainty on objectives;” within the permission system, “risk” relates to uncertainty as to whether the objects of the Acts can be achieved.

Further information

Director – Environmental Assessment and Protection

Great Barrier Reef Marine Park Authority

2 - 68 Flinders Street
PO Box 1379
Townsville Qld 4810
Australia

Phone + 61 7 4750 0700

Fax + 61 7 4772 6093

Email: consultation@gbmpa.gov.au

www.gbrmpa.gov.au

Appendix A – List of related legislation, standards and policy

GBRMPA legislation and policy

1. *Great Barrier Reef Marine Park Act 1975 (the Act)*
2. *Great Barrier Reef Marine Park Regulations 1983 (the Regulations)*
3. *Great Barrier Reef Marine Park Zoning Plan 2004 (the Zoning Plan)*
4. *Great Barrier Reef Marine Park (Aquaculture) Regulations 2000*
5. [Great Barrier Reef Climate Change Strategy and Adaptation Plan 2012-17](#)
6. [Great Barrier Reef Biodiversity Conservation Strategy 2013](#)
7. [Great Barrier Reef Marine Park Heritage Strategy](#)
8. *Policy on Moorings in the Great Barrier Reef*
9. *Cruise Shipping Policy for the Great Barrier Reef Marine Park (under review)*
10. *Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park (including Allocation, Latency and Tenure)*
11. *Policy on Managing Bareboat Operations in the Great Barrier Reef Marine Park*
12. *Marine Tourism Contingency Plan for the Great Barrier Reef Marine Park*
13. *Managing Scientific Research in the Great Barrier Reef Marine Park*
14. *Managing Activities that Include the Direct Take of a Protected Species from the Great Barrier Reef Marine Park*
15. *Operations Policy on Whale and Dolphin Conservation in the Great Barrier Reef Marine Park*
16. *Dredging and Spoil Disposal Policy*
17. *Dredging coral reef habitats policy*
18. *Sewage Discharges from Marine Outfalls to the Great Barrier Reef Marine Park*
19. *Guidelines on Coral Transplantation*
20. *Guidelines for the Emergency Disposal of Foreign Fishing Vessels*
21. *Guidelines for the Management of Artificial Reefs in the Great Barrier Reef Marine Park*
22. *Guidelines for Managing Visitation to Seabird Breeding Islands*
23. *Management of Commercial Jet Ski Operations Around Magnetic Island*
24. *Indigenous Participation in Tourism and its Management*
25. *Permits Information Bulletin – No Structure Sub-Zones*
26. *Guidelines for the Use of Hydrodynamic Numerical Modelling for Dredging Projects in the Great Barrier Reef Marine Park*
27. *Great Barrier Reef Intergovernmental Agreement*

Other Commonwealth legislation and policy

1. *Environment Protection and Biodiversity Conservation Act 1999*
2. *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*
3. *Environment Protection (Sea Dumping) Act 1981*
4. *Sea Installations Act 1987*
5. *Historic Shipwrecks Act 1976*
6. *Native Title Act 1993*
7. *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*

Queensland Legislation and Policy

1. *Marine Parks Act 2004*
2. *Marine Parks Regulations 2006*
3. *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004*
4. *Recreation Areas Management Act 2006*
5. *Transport Operations (Marine Safety) Act 1994*
6. *Fisheries Act 1994*
7. *Sustainable Planning Act 2009*
8. *Coastal Protection and Management Act 1995 (Qld)*

9. *Environmental Protection Act 1994 (Qld)*
10. *Native Title (Queensland) Act 1993 (Qld)*
11. *Nature Conservation Act 1992 (Qld)*
12. *National Park [Management plans](#)*
13. *National Park [Management statements](#)*

DRAFT