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Agreement

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Marine Park Authority
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BASIS

OF

AGREEMENT

BETWEEN THE

COMMONWEALTH AND QUEENSLAND GOVERNMENTS

FOR

DAY-TO-DAY MANAGEMENT

GREAT BARRIER REEF MARINE PARK

CAPRICORNIA SECTION

PREAMBLE.

This basis of agreement applies to the implementation of the Zoning Plan for the Capricornia Section. Nothing in the Agreement is to prevent the Authority from carrying out its function in accordance with the Great Barrier Reef Marine Park Act (1975).

PART I INTERPRETATION.

"Management Guidelines". Guidelines delineating principles and policies for the detailed management specifications and procedures for day-to-day management of the Capricornia Section. Schedule A of this document lists the basis for the Guidelines indicating the major areas of responsibility.

"Operational Procedures". An operations manual, based on the "Management Guidelines", setting out administrative structures and providing a detailed management plan and encompassing such matters as delineated in Schedule A.

"Three-Year Rolling Program". A program of activities developed for planning purposes covering administrative, operational and capital items that are proposed for implementation in the prospective three-year period.

"Annual Program". The activities and costs for day-to-day management that have been developed from the Three-Year Rolling Program and which provides a detailed breakdown of items of expenditure for the coming financial year. Such a program becomes "approved" when budget support has been agreed.

PART II STATEMENT OF RESPONSIBILITIES.

(a) The Queensland Government to determine which of its instrumentalities will undertake day-to-day management;

(b) Day-to-day Management to be subject to the Great Barrier Reef Marine Park Authority as set out herein;

(c) Management Guidelines are to be developed in accordance with Schedule A by the Great Barrier Reef Marine Park Authority in consultation with the Queensland Government;

(d) Operational Procedures are to be developed by the Queensland Government in consultation with the Great Barrier Reef Marine Park Authority, and approved by the Authority;

(e) Three-Year Rolling Program to be developed jointly by the Authority and the Queensland Government in accordance with the Management Guidelines;

(f) Three-Year Rolling Program to be approved by the Authority and endorsed by the Ministerial Council;

(g) Annual Program of expenditure to be developed by the Queensland Government in consultation with the Authority on the basis of the Three-Year Rolling Program;

(h) Annual Program to be approved by the Authority and submitted to the Governments for consideration in the context of their Budgets;

(i) Cost sharing arrangements for the approved Annual Program to be in accordance with this Agreement.

III MANAGEMENT ARRANGEMENTS.

(a) Management Guidelines.

(i) The basis of management guidelines are contained in the Schedule A to the Agreement;

(ii) The Management Guidelines are to encompass matters of policy and principle for the effective and efficient operation of the Capricornia Section of the Marine Park;

(iii) The Management Guidelines may be revised with the approval of the Ministerial Council.

(b) Operational Procedures.

(i) The detailed Operational Procedures are to be prepared in accordance with the Management Guidelines;

(ii) The Operational Procedures may be reviewed from time to time by the Management Committee.

(c) Financial Provisions.

- The sharing of the costs shall be on the following basis:

  . The Commonwealth will identify and finance an initial capital works program for the day-to-day management of the Capricornia Section of the Great Barrier Reef Marine Park. This program would be accomplished in the first three years or so. Queensland concurrence to the program will be obtained. This will also ensure that the operational costs resulting from these works are acceptable.

- Concurrently, an agreed recurrent program of management to be implemented.

- All capital costs after the initial capital works program and all recurrent costs to be shared 50:50. The recurrent costs would include those costs incurred by the Queensland Government in managing the Queensland National Parks and Marine Parks lying within the boundaries of the Capricornia Section, in accordance with an annually-agreed program. All the costs under this point would be for activities included in the agreed programs.

- All capital costs incurred by Queensland in Queensland National Parks and Marine Parks lying within the Section which are not for the Marine Park and not part of the initial agreed program, to be met by Queensland.

- Nothing in these arrangements prevents either side from undertaking work, at their own cost, that is additional to the agreed programs.

Under this arrangement, the initial capital works program would represent that required to place the day-to-day management operation on a sound footing - later capital expenditure would be treated as replacement expenditure.

- Where large capital works projects (e.g. underwater observatories) are proposed in the Section, and they are neither part of day-to-day management nor are constructed and operated by the private sector, special management and financing arrangements will be negotiated between the Governments.

- In accordance with this basis for sharing, each Government will appropriate funds in such amounts as to meet their obligation under the approved Detailed Annual Program.

(d) Accounting.

- These funds, shall, on a needs basis, be deposited in a bank account established in accordance with Section 55 of the Great Barrier Reef Marine Park Act. Payments from this account would be authorised jointly by the Chairman, Great Barrier Reef Marine Park Authority (or his delegate) and a nominated representative of the Queensland Government.

- Advances out of the bank account to the Queensland Government in respect of day-to-day management duties performed by its instrumentalities would be made in the form quarterly advances based on cash needs. Requests for advances would be made by the respective instrumentalities and be supported by appropriate documentation.

- Funds provided would be in the form of non-interest bearing, non-repayable grants.

- Funds held in the bank account at the end of a financial year shall be taken into account when determining the level of financial contribution by each Government in the ensuing year.

- Funds advanced to the Queensland Government but not spent in the financial year may be deemed to be an advance in respect of the program for the subsequent financial year.

- The accounts, books, vouchers, documents and other records of the Queensland instrumentalities relating to the carrying out of the works under this Agreement shall be subject to audit by the Auditor-General of Queensland.

- The Queensland Auditor-General shall report the result of his audit to the Authority and to the Minister for Finance.

- A statement of expenditure on day-to-day management shall be submitted to both the Commonwealth and Queensland Governments, through the appropriate Ministers, as soon as practicable after the end of the financial year. This statement shall be in a form approved by the Minister for Finance.

(e) Revenues Received.

Revenues collected in accordance with regulations under the GBRMP Act shall be paid to the Great Barrier Reef Marine Park Authority and held in its account for application towards the succeeding year's total financial requirement.

PART IV OPERATION OF THE AGREEMENT.

- To commence upon its signing.
- May be reviewed by either Government at any time.
- May be amended by mutual agreement between the parties.

PART V PROGRAMS.

(a) Three-Year Rolling Program.

(i) Submitted by the Authority to the Ministerial Council as soon as practicable after signing of the Agreement in 1980/81.

(ii) In future years, revised and submitted by the Authority to the Great Barrier Reef Ministerial Council for endorsement by the end of February each year.

(iii) May include plans for:

(1) Planning, co-ordination, supervision and administration;
(2) Surveillance and enforcement;
(3) Visitor services, community liaison and education;
(4) Monitoring;
(5) Facilities (design construction and maintenance);
(6) Other agreed activities;

and shall contain details and cost estimates for each item.

(iv) May apply to works and services on islands owned by Queensland and the Queensland mainland, funded under this Agreement, where such works are identified as integral to day-to-day management of the Section, and where control and ownership of such assets is agreed.

(v) May be revised from time to time after consideration by the Ministerial Council.

(b) Annual Program.

(i) Provides the basis for the financing of day-to-day management activities.

(ii) Shall be submitted to the Great Barrier Reef Marine Park Authority for approval. It would then be submitted to the Commonwealth and Queensland Governments seeking budgetary support.

(iii) Shall indicate scheduling and phasing of expenditure associated with the items listed in the Three-Year Rolling Program.

(iv) May apply to works and services on islands owned by Queensland and the Queensland mainland, funded under this Agreement, where such works are identified as integral to day-to-day management of the Section, and where control and ownership of such assets is agreed.

(v) The program for 1980/81 shall be submitted to the Authority, as soon as possible after the endorsement by the Great Barrier Reef Ministerial Council of the Three-Year Rolling Program and thereafter to be submitted to the Authority by the end of February each year.

(vi) May be revised from time to time within the parameters of the Three-Year Rolling Program by agreement in writing between the Authority and the Queensland Government.

SCHEDULE A

BASIS OF MANAGEMENT

This document defines in general terms the content of the Management Guidelines to be developed by the Authority in consultation with the Queensland Government. Section 1 of this document outlines the planning activities related to day-to-day management and Section 2 defines the day-to-day management activities which will be undertaken by Queensland. These activities are listed in Table 1 to this schedule.

Expenditure on these activities will be reimbursed to the extent that such activities are contained in an agreed annual program and in accordance with the cost sharing arrangements outlined in Basis of agreement for day-to-day management.

1.0 PLANNING.

The Management Guidelines will describe in detail the following activities comprehended under planning:

- Operational procedures
- Institutional arrangements
- Three year rolling program
- Annual program
- Review of programs
- Administrative structure and proceedings
- Procurement of facilities and equipment
- Staff training.

Operational Procedures.

- definition of activities which are integral to day-to-day management of the Capricornia Section, whether those activities are outside or inside the Section; and

- definition of those activities, including development of surveillance regimes.

Institutional Arrangements.

- define instrumentality reporting arrangements (The Queensland Government will specify its reporting arrangements, for incorporation in the guidelines).

Three-Year Rolling Program.

(The scope and purposes of this program are specified in the document Basis of agreement for day-to-day management).

Annual Program.

(The scope and purposes of this program are specified in the document Basis for agreement for day-to-day management).

Review of Programs of Work.

- review of work programs, operational procedures, and other matters, through the regular consultation and quarterly meetings of a management committee comprising the Chairman of the Authority, the Queensland Co-ordinator-General and the heads of the relevant Queensland instrumentalities, or the delegates of those officers.

Administrative Structures and Procedures.

- structures and procedures for organisation, finance, office services, personnel practices, etc.

Facilities and Equipment.

- procedures for the procurement and maintenance of facilities and equipment.

Staff Training.

- programs for training of field staff, associated with day-to-day management (program developed jointly by Queensland instrumentalities and the Authority and undertaken by the appropriate Queensland instrumentalities).

2.0 OPERATIONS.

2.1 Administration.

Exercise of delegations under Queensland and Commonwealth legislation.

Functions to be exercised by the Queensland Government under delegations pursuant to the Great Barrier Reef Marine Park Act. Issue of licences and permits, collection and accounting for fees and the keeping of records. Apprehension, prosecution and other enforcement activities including disposal of property.