

## 7. JURISDICTIONAL LIMITATIONS

The previous sections have clearly demonstrated that the major sources of water quality problems for DPAs and the GBRWHA originate from land uses in the adjacent river catchments. The catchments are outside the boundaries of the GBRMP and the GBRWHA. Thus the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act) provides little opportunity for GBRMPA to control activities within these catchments. There is a provision in Section 66(2)(e) of the GBRMP Act that enables the Commonwealth Minister for Environment and Heritage to develop regulations pertaining to activities (whether in the Marine Park or elsewhere) that may pollute water in a manner harmful to animals and plants in the Marine Park. This provision has recently been utilised with the introduction of the *Great Barrier Reef Marine Park (Aquaculture) Regulations 2000* to regulate aquaculture discharges in waters contingent to the GBRWHA.

The Commonwealth Government has an obligation with regard to the areas of 'National Environmental Significance', such as the GBRWHA, under the *Environmental Protection and Biodiversity Conservation Act 1999*. This Act came into force on 16 July 2000 and under this Act it is an offence for someone to take an action that has a significant impact on a matter of 'National Environmental Significance' without approval from the Commonwealth Minister. For example, an action outside the Marine Park but within the GBRWHA may require Commonwealth Ministerial approval. Several areas, which potentially fall within the jurisdiction of the new Act, are located within or adjacent to the DPAs. Issues identified as matters of 'National Environmental Significance' are:

World Heritage;

Wetlands of international importance;

Listed migratory species and threatened species and communities;

Protection of the environment from nuclear actions;

Marine environment; and

Additional matters of national environmental significance (related to constitutional issues such as international trade or commerce).

Management of catchment contamination sources is primarily under the control the Environmental Protection Agency (Queensland *Environmental Protection Act 1994*) and the Department of Natural Resources and Mines (Queensland *Water Act 2000*). Management of point source discharges adjacent to the GBRWHA is a less complex situation and a majority of these discharges are licensed under the Queensland *Environmental Protection Act 1994*.

A range of regional planning processes exists in the GBR Catchment—both statutory and non-statutory—including the development of the Regional Coastal Management Plans under the *Coastal Protection and Management Act 1995*. Eleven areas have been identified along the Queensland coast for these plans, nine of which include the GBR coast. Twenty local governments adjoin the boundary of the GBRWHA, with a total of 42 in the GBR Catchment. Local governments play a significant role in development assessment and approvals through Planning Schemes. The *Integrated Planning Act 1997* (IPA), with a primary aim to achieve ecologically sustainable development, is the basis for those schemes and most local government's are reviewing existing schemes to meet the requirements of the IPA by 2003. The GBRMPA has the opportunity to comment on the strategies contained in these schemes from the initial stages of development.