

Amendments to the *Great Barrier Reef Marine Park Act 1975*

An overview

The Great Barrier Reef Marine Park is one of the largest and best protected marine parks in the world and is widely recognised as a leading example of marine management and conservation.

About the *Great Barrier Reef Marine Park Act 1975*

The Act has been in place for more than 30 years. It is the Australian Government's legislative framework for ensuring the long term protection and management of the World Heritage listed Great Barrier Reef.

The Act provides for the creation of the Great Barrier Reef Marine Park, for the establishment of the Great Barrier Reef Marine Park Authority (as the agency responsible for managing the Marine Park and advising the Australian Government on matters relating to it) and for the development of zoning and other plans regulating use of the Marine Park.

Why amend the Act?

A great deal has changed since the inception of the Act. A review of the Act in 2006 highlighted a number of areas where changes were needed to give the Act a more appropriate and up to date regulatory framework for the Great Barrier Reef.



What do the amendments achieve?

A more up to date focus

Administration of the Act and management of the Marine Park will be guided by modern management concepts like ecological sustainability, the precautionary principle (that is where there is scientific uncertainty and a risk of serious environmental risk or irreversible harm, we should err on the side of caution) and ecosystem-based management.

The World Heritage status of the Great Barrier Reef is recognised and will be a key consideration in management and regulation.

Better integration and consistency with related legislation

The amendments provide for better integration with key environmental laws, particularly the EPBC Act. This helps simplify regulation, remove duplication and address gaps in protection.

Robust, streamlined assessments and approvals

The Great Barrier Reef is now recognised as a being of “national environmental significance” under the EPBC Act and the changes mean activities within the marine park are assessed and approved with the same robust processes used under that Act.

This streamlined approach places statutory timeframes on decision-makers. It is designed to be transparent and provides opportunity for public input.

This means environmental assessment and approval is needed for any action that will or is likely to have a significant impact on the Marine Park.

The Great Barrier Reef Marine Park Authority becomes a “shopfront” for all environmental approvals within the Marine Park. Changes are being made to the administrative arrangements to enable this.



Improved investigation capacity

The amendments establish an up to date, comprehensive and balanced regime for investigating compliance with the Act.

This is achieved by making the investigations powers of the EPBC Act available for the purposes of the *Great Barrier Reef Marine Park Act* so that a single investigation regime applies to the Great Barrier Reef.

Marine Park inspectors will continue to be appointed by the authority, and Queensland Government agencies will continue to be involved in ensuring compliance with the Act.

A stronger and more flexible approach to enforcement

The amendments provide a more flexible and tailored approach to enforcement by providing a wider range of enforcement options.

Infringement notices are available for a wider range of minor contraventions.

Civil penalty provisions are introduced as an alternative to criminal prosecution for a range of breaches. Legally binding enforcement options allow the Minister to direct a person who has breached the Act to undertake action to ensure ongoing compliance and fix any environmental harm that has been caused.

Criminal prosecution and formal warnings are also possible options.

The decision as to which form of enforcement action is taken will depend on circumstances. The seriousness of any environmental harm caused and whether the activity was being done for a commercial purpose will be taken into account.

Enhanced compliance and responsible use

The amendments include a number of incentives to encourage people to do the right thing while using the Marine Park.

Penalties are adjusted to ensure they are neither too lenient nor too harsh. As a part of this, a new class of “aggravated offence” with higher maximum penalties is established. Offences involving commercial activity or serious environmental harm fall in to this category. “Base” offences carry lower penalties. The changes mean recreational fishers can be treated differently to commercial fishers.

A wider range of potential penalties is introduced. For example, a wrongdoer could be ordered to fix the environmental harm they have caused, publicise the fact they have breached the Act, or forfeit the proceeds of illegal behaviour. Users will be expected to be aware of their location within the Marine Park and the rules that apply.





The Minister is able to restrict entry and use of the marine park by a person that has breached the Act three or more times in a 10-year period.

An “environmental duty” is also established, similar to that applying in most states. It requires Marine Park users to take reasonable steps to prevent or minimise environmental harm. Breach of the duty is not an offence, but may be enforced through administrative means.

Improved emergency management capacity

The amendments enhance the Authority’s ability to respond to emergencies that present a risk of serious environmental harm to the Marine Park. This complements the capacity of other emergency response agencies, such as the Australian Maritime Safety Authority.

Indigenous membership of the Authority

There are more than 70 traditional owner groups with a long and continuing connection to the Great Barrier Reef. The amendments establish a requirement for one member of the Authority to be an Indigenous person with knowledge of Indigenous issues relevant to the Marine Park. This ensures traditional owner knowledge and interests are central to management of the Marine Park.

When will the changes take effect?

The changes take effect in two stages – the first commencing by early 2009 and the second within a further 12 months.

The first stage changes relate to the administration of the Act – for example, the new objects (or purposes), recognition of World Heritage values and the requirement for Indigenous membership of the Authority.

The second stage brings into effect changes to environmental impact assessment, investigation and enforcement and offences and penalties. These changes will start in late 2009 once necessary administrative arrangements are established, and information relating to the new requirements is made available.

