**Great Barrier Reef Marine Park Authority
Regulator Performance Framework Self-assessment 2015-16**

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## AUSTRALIAN GOVERNMENT REGULATOR PERFORMANCE FRAMEWORK

The Australian Government Regulator Performance Framework (the Framework) was developed to ‘encourage regulators to undertake their functions with the minimum impact necessary to achieve regulatory objectives and to effect positive ongoing and lasting cultural change within regulators’.

The Framework includes six indicators against which regulators evaluate their performance:

1. regulators do not unnecessarily impede the efficient operation of regulated entities
2. communication with regulated entities is clear, targeted and effective
3. actions undertaken by regulators are proportionate to the regulatory risk being managed
4. compliance and monitoring approaches are streamlined and coordinated
5. regulators are open and transparent in dealing with regulated entities
6. regulators actively contribute to the continuous improvement of regulatory frameworks.

Quasi-regulation including procurement and grants and the setting of policy or standards is not covered by the framework.

All regulators subject to the Framework must self-assess their performance once every 12 months with the results to be made publicly available. The first reporting period is 2015‑16.

## GREAT BARRIER REEF MARINE PARK AUTHORITY

## Great Barrier Reef Marine Park Act 1975

The Great Barrier Reef Marine Park Authority (the Authority) is an Australian Government statutory agency, established under the [*Great Barrier Reef Marine Park Act 1975*](https://www.legislation.gov.au/Details/C2016C00551) (GBRMP Act). The Authority reports to the Australia Government Minister for the Environment and Energy and advises the Minister on the control, care and development of the Marine Park.

The purpose of the Authority’s management arrangements is to achieve:

*‘The long-term protection, ecologically sustainable use, understanding and enjoyment of the Great Barrier Reef for all Australians and the international community through the care and development of the Marine Park.’*

This is derived from the objects of the GBRMP Act

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| **Objects of the *Great Barrier Reef Marine Park Act 1975 —* Section 2A**1. The main object of this Act is to provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region.
2. The other objects of this Act are to do the following, so far as is consistent with the main object:
3. allow ecologically sustainable use of the Great Barrier Reef Region for purposes including the following:
	1. public enjoyment and appreciation
	2. public education about and understanding of the Region
	3. recreational, economic and cultural activities
	4. research in relation to the natural, social, economic and cultural systems and value of the Great Barrier Reef Region;
4. encourage engagement in the protection and management of the Great Barrier Reef Region by interested persons and groups, including Queensland and local governments, communities, Indigenous persons, business and industry;
5. assist in meeting Australia’s international responsibilities in relation to the environment and protection of world heritage (especially Australia’s responsibilities under the World Heritage Convention).
6. In order to achieve its objects, this Act:
7. provides for the establishment, control, care and development of the Great Barrier Reef Marine Park; and
8. establishes the Great Barrier Reef Marine Park Authority; and
9. provides for zoning plans and plans of management; and
10. regulates, including by a system of permissions, use of the Great Barrier Reef Marine Park in ways consistent with ecosystem‑based management and the principles of ecologically sustainable use; and
11. facilitates partnership with traditional owners in management of marine resources; and
12. facilitates a collaborative approach to management of the Great Barrier Reef World Heritage area with the Queensland government.
 |

In managing the Marine Park as a multiple use area, GBRMPA must have regard to, and seek to act in a way that is consistent with the objects of the Act and ecosystem based management, the protection of the world heritage values of the Great Barrier Reef World Heritage Area, and the principles of ecologically sustainable use as set out in the Act, namely:

(a) decision-making processes should effectively integrate both long-term and short-term environmental, economic, social and equitable considerations

(b) the precautionary principle

(c) the principle of intergenerational equity — that the present generation should ensure the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations

(d) the conservation of biodiversity and ecological integrity should be a fundamental consideration in decision making

(e) improved valuation, pricing and incentive mechanisms should be promoted.

In protecting and managing the Great Barrier Reef, three main management approaches are used:

Environmental regulation: Management tools such as regulations, zoning plans, management plans, permits and licences, and compliance are used to establish the statutory arrangements and environmental standards necessary to protect and manage the Reef.

Engagement: Managing agencies work with Traditional Owners, the community, business, industry and local government to influence best practice and encourage actions that will help to secure the future health of the Reef.

Knowledge, integration and innovation: Management is based on the best available science as well as drawing on traditional ecological knowledge and information from the wider community, and is informed by the results of ongoing monitoring.

## Management tool types, purpose and consideration in the self-assessment.

The types of tools, their purpose and whether they are to be considered under the Regulator Performance Framework self-assessment annual report are outlined below:

| Management tool | Purpose | Covered by the RPF |
| --- | --- | --- |
| Great Barrier Reef Marine Park Act and Regulations | The GBRMP Act and Regulations govern the protection and management of the Great Barrier Reef Marine Park. They provide for the Zoning Plan and plans of management, and govern permitting decisions. They include offence and penalty provisions (e.g. prohibition of mining). | Yes |
| Zoning Plan | Provides spatial control of use (predominantly extractive activities) and, to a lesser extent, access within the Great Barrier Reef Marine Park. Establishes the need for permits for some uses in the Marine Park, such as tourism, infrastructure and research. There are *c*omplementary arrangements in adjacent areas under Queensland jurisdiction. | Yes |
| Management plans | Set out specific arrangements for areas, species, ecological communities or activities (e.g. Cairns Area and Whitsundays Plans of Management). They complement zoning and permitting arrangements. Some components are legally binding. | Yes |
| Permits | Facilitate opportunities for commercial use of the Great Barrier Reef. Permits are issued mainly for marine tourism, research, harvest fisheries, dredging and infrastructure (e.g. jetties and marinas) and include detailed environmental impact assessments. Joint Queensland Government–GBRMPA permits are issued for activities which operate across jurisdictions. Fisheries licences are issued by the Queensland Government. | Yes |
| Traditional Owner Agreements | Formal agreements describing how Traditional Owner groups work with Australian and Queensland governments to manage traditional use activities in sea country. Indigenous Land Use Agreements are agreements between one or more native title groups and other people or parties about the use and management of land and waters. | Yes |
| Compliance | Activities that encourage adherence with legal requirements, both through education and enforcement. Includes formal (e.g. the Field Management Program jointly undertaken with the Queensland Government) and informal (e.g. the Eyes and Ears Incident Reporting program) activities. | Yes |
| Policy documents | Specific arrangements that guide decision makers and the public. These include:* strategies which outline a long-term approach to managing an issue
* policies which provide a statement of principles to guide decision-making
* site management arrangements which are localised plans for use of sites with significant values and/or use issues
* position statements which outline the Authority’s position on an issue where it has a strong interest but no direct regulatory control
* guidelines which detail recommended practice in support of a policy or position statement.
 | No – but considered in this self-assessment given the role of policy documents in the application of regulation |
| Site infrastructure | On-ground infrastructure installed to better protect the values of individual sites (e.g. reef protection markers, public moorings, signs). Implemented and maintained by the Authority and Queensland Parks and Wildlife Service through the Field Management Program. | No |
| Partnerships | Formal arrangements, often executed through a memorandum of understanding or an agreement to enable a partnership approach to management of the Marine Park (e.g. intergovernmental agreement with the Queensland Government, Reef Advisory Committees, Local Marine Advisory Committees, memorandum of understanding with a government authority). | No |
| Education and community awareness | Programs to inform and motivate members of the community about the Great Barrier Reef and its protection and management, including ways they can contribute (e.g. Reef HQ, the Authority’s website, information sheets, zoning maps). | No |
| Stewardship and best practice | Voluntary arrangements with stakeholders that provide the opportunity for contributions to protection and management (e.g. Reef Guardian Program, best environmental practices). | No |
| Research and monitoring | Undertaken or commissioned by the Authority to better inform decisions on protection and management of the Great Barrier Reef (e.g. Reef Health and Impact Surveys, Eye on the Reef monitoring, climate change research programs). | No |

Groups regulated by GBRMPA may also be partners with GBRMPA in management and presentation of Marine Park values, e.g. Traditional Owners, tourism industry, fishing industry, researchers.

## Environment Protection (Sea Dumping) Act 1981

The [*Environment Protection (Sea Dumping) Act 1981*](https://www.legislation.gov.au/Details/C2016C00778) (Sea Dumping Act) fulfils Australia's international obligations under the London Protocol to prohibit ocean disposal of waste considered too harmful to be released in the marine environment and regulate permitted waste disposal to ensure environmental impacts are minimised. Under the Sea Dumping Act, a permit is required for the loading for the purpose of dumping material at sea (such as dredge material, sewage), creation of artificial reefs, dumping of vessels, platforms or other man-made structures and for burials at sea.

GBRMPA is delegated by the Minister to make permit decisions under the Sea Dumping Act for activities within the Marine Park

## OUTCOMES OF RECENT REVIEWS

## Independent Assessment of Management Effectiveness for the Great Barrier Reef Outlook Report 2014

Every five years, the Authority prepares an Outlook Report for the Great Barrier Reef.

The GBRMP Act and the [*Great Barrier Reef Marine Park Regulations 1983*](https://www.legislation.gov.au/Details/F2016C00383) (the Regulations) stipulate what the report must contain and that it must be given to the Australian Government Minister for the Environment and Energy every five years by 30 June for tabling in both houses of the Australian Parliament.

Part of the Outlook Report is an [independent assessment of management effectiveness](http://hdl.handle.net/11017/2857). The assessment follows the framework for assessing management effectiveness of protected areas developed by the International Union for the Conservation of Nature and Natural Resources (IUCN) World Commission on Protected Areas. This framework is based on a management cycle in which management is continuously evaluated and refined (Figure 1).

The independent assessment is broader than just GBRMPA’s management as it encompasses management within the Great Barrier Reef Region which includes many Australian and Queensland government agencies.


**Figure 1: Framework for assessing management effectiveness of
protected areas**
Source: Adapted from Hockings et al. 2006, [*Evaluating effectiveness: a framework for assessing management effectiveness of protected areas*](https://www.iucn.org/content/evaluating-effectiveness-framework-assessing-management-protected-areas-2nd-edition), 2nd edn, IUCN, Gland, Switzerland.

As part of the assessment, the three main management approaches – environmental regulation; engagement; and knowledge, integration and innovation – are considered.

The assessment of management effectiveness for the *Great Barrier Reef Outlook Report 2014* found managers of the Region are striving to manage effectively in all areas, and there has been considerable improvement in a number of areas since the *Great Barrier Reef Outlook Report 2009*. The trend for most indicators was either improving or stable. The exceptions were financial inputs and cross-jurisdictional cooperation.

While some updating and aligning is needed, environmental regulation was assessed to be generally contemporary and appropriate. Some inconsistencies with Queensland legislation were identified, often due to differences in legislative objectives.

The assessment found:

|  |
| --- |
| Some areas of assessment of management inputs (staffing and funding) have declined since the Outlook Report 2009. This appears to be largely a result of competing requirements for management of other high priority issues. In the face of essentially static resources for overall management outside specially funded programs such as Reef Rescue, Reef Plan and TUMRAs, redirection of effort is the main recourse for addressing these emerging priorities. However it has meant that management of issues such as tourism and research has not kept pace with plans or recognised needs. While not necessarily presenting a high risk to the Reef overall, the reputation of the Region’s management is likely to decline if additional resources to strengthen management in these areas cannot be found.Source: Hockings, M., Leverington, A. Trinder, C and Polglaze, J. 2014, [*Independent assessment of management effectiveness for the Great Barrier Reef Outlook Report 2014*](http://hdl.handle.net/11017/2857), Great Barrier Reef Marine Park Authority, Townsville. p. ix . |

The findings of the Outlook Report, including the review of management effectiveness, inform GBRMPA’s corporate planning. The speed with which improvements can be implemented is contingent on available resourcing and competing priorities.

## Independent Assessment of Management Effectiveness for the Strategic Assessment of the Great Barrier Reef Region

In parallel with the 2014 Outlook Report, GBRMPA also developed a [Strategic Assessment of the Great Barrier Reef Region](http://hdl.handle.net/11017/2861) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

An [independent assessment of management effectiveness](http://hdl.handle.net/11017/2862) was commissioned to support the strategic assessment.

Unlike the *Outlook Report* that considered management activities across the Australian and Queensland governments, this evaluation focused on the management activities within the Authority’s jurisdiction and any joint management arrangements with the Queensland Government (for example, joint permitting arrangements and the Field Management Program). While based on the method used in Outlook Reports,this evaluation was broadened to take more explicit account of matters of national environmental significance, including the outstanding universal value of the Great Barrier Reef World Heritage Area.

The assessment found:

|  |
| --- |
| Management effectiveness is strongest on issues limited in scale or intensity and presenting only minor or moderate complexity such as defence and research activities. Tourism operates across much of the region and is moderately complex. It has received significant management attention and is effectively managed.Management effectiveness challenges are evident for those broad scale issues which are complex socially, biophysically and jurisdictionally. These include ports, shipping, climate change and extreme weather, coastal development, water quality protection, commercial and recreational fishing, and Indigenous heritage.Source: Hockings, M., Leverington, A., Gilligan, B. 2013, [*Assessment of Management Effectiveness for the Strategic Assessment of the Great Barrier Reef Region*](http://hdl.handle.net/11017/2862), Great Barrier Reef Marine Park Authority, Townsville. p. 4. |

The findings of the review, together with the findings of the Strategic Assessment, informed the development of the [Great Barrier Reef Region Strategic Assessment: Program Report](http://hdl.handle.net/11017/2860) — GBRMPA’s 25-year plan for reef management — which outlines how the Reef will be managed for the years ahead.

The areas of environmental regulation identified in the Strategic Assessment as requiring strengthening are: regional standards for protection; managing cumulative impacts; enhancing protection and restoration; improving certainty; improving consideration of climate change impacts; strengthening consideration of heritage values and community benefits; improving compliance; improving incident response capacity; and streamlining and harmonising regulatory tools.

## ANAO Report No. 3 2015-16 – Regulation of Great Barrier Reef Marine Park Permits and Approvals

The Australian National Audit Office (ANAO) conducted a [performance audit to assess the effectiveness of GBRMPA’s regulation of permits and approvals within the Marine Park](https://www.anao.gov.au/sites/g/files/net1661/f/ANAO_Report_2015-2016_03.pdf).

The ANAO examined GBRMPA’s assessment of Marine Park permit applications, monitoring of permit holders’ compliance and response to permit holders’ non-compliance. The ANAO did not examine GBRMPA’s other regulatory activities, such as the Field Management Compliance Unit’s investigation and enforcement activities associated with activities not subject to a permit; the state marine park; or permits and licenses granted under state legislation.

To improve GBRMPA’s regulation of Marine Park permits and to inform the work being undertaken to enhance compliance management practices, the ANAO made five recommendations to strengthen the:

* processing of permit applications;
* rigour of the permit application assessment and decision-making processes;
* effectiveness of permit conditions;
* effectiveness of permit compliance monitoring; and
* response to instances of non-compliance.

GBRMPA agreed without qualification to all five recommendations from the ANAO. GBRMPA had already identified the need to strengthen its permission system through the commitments in the [*Great Barrier Reef Region Strategic Assessment Program Report*](http://hdl.handle.net/11017/2860) and commenced strengthening activities in 2014-15. The ANAO recommendations have been incorporated into this work as part of GBRMPA’s Corporate Plan.

Over the four years to 2020 GBRMPA is undertaking staged implementation of the initiatives designed to strengthen and enhance the permissions system, while maintaining high environmental standards. As part of this work the following actions are underway:

* Assessment and decisions enhancement project – commenced in 2014-15 and has been designed to enhance the effectiveness of the permission system to achieve objectives and outcomes for the protection and management of the Marine Park, as well as harmonise requirements with relevant Commonwealth and State legislation and reduce regulatory burden.
* Strengthening permissions compliance action plan 2015-2020 – was developed in 2014-15 and is facilitating the sustainable delivery of an enhanced permission compliance program, which demonstrates regulatory integrity and consistency with Australian Government requirements.
* Annual permissions compliance plan – outlines the activities, services and resources to be provided to the compliance management of permissions for the year. Actions have been designed to mitigate compliance risks, and cover education approaches, assisted self-regulation initiatives, and stronger mechanisms designed to coerce and enforce compliance.

## Joint Committee of Public Accounts and Audit Report 456 – Great Barrier Reef Regulation

The [Joint Committee of Public Accounts and Audit chose to inquire into the ANAO’s Report No. 3 2015-16 – Regulation of Great Barrier Reef Marine Park Permits and Approvals](http://www.aph.gov.au/~/media/02%20Parliamentary%20Business/24%20Committees/244%20Joint%20Committees/JCPAA/44p/Report456/Chapter%203.pdf?la=en). They were strongly concerned that shortcomings in regulating the permit system for the Great Barrier Reef Marine Park may be undermining the system as a means of managing risks to the Park. The Committee’s key recommendations were that the Authority accelerate its projected timeframe for implementation of the ANAO audit recommendations and report back on progress to the Committee. GBRMPA will provide its report back to the Committee by 1 March 2017.

## METHODOLOGY

For GBRMPA, the Regulatory Performance Framework covers its permission system, traditional use of marine resources, plans of management and compliance activities under the GBRMP Act; and its administration, as delegate, under the Sea Dumping Act (refer section [2.3](#_Environment_Protection_(Sea)).

In 2015 the metrics and data sources against which the six KPIs would be assessed were determined by GBRMPA. Key stakeholders were consulted on the metrics and data sources to inform assessment against the KPIs. There was a 20 per cent response rate from stakeholders. The stakeholder feedback was more general in nature, ie. not specifically about the metrics or data sources.

Our stakeholders supported:

* the strong link between the health of the Great Barrier Reef and the health of the industries that rely on the Reef for their livelihood;
* actions taken by GBRMPA being proportionate to the risk;
* actions by GBRMPA taking into account the impact and benefit to the Great Barrier Reef and all stakeholders; and
* ensuring the final document (*self-assessment annual report*) is easy to read and takes into account the level of understanding of all parties involved.

Following Ministerial approval the KPIs and relevant metrics were made available on the GBRMPA website – <http://www.gbrmpa.gov.au/about-us/legislation-regulations-and-policies/regulator-performance-framework>.

The self-assessment is based on qualitative data, and quantitative data where this was available. The data was provided by GBRMPA sections. The outcomes of recent reviews, as outlined in [Section 3](#_OUTCOMES_OF_RECENT), have also been taken into consideration to provide a more fulsome account.

GBRMPA has used a four-point rating scale to assess performance against each of the six KPIs. The scale is consistent with that used for the independent assessments of management effectiveness (refer sections [3.1](#_Assessment_of_Management) and [3.2](#_Assessment_of_Management_1)).

Rating scale:

|  |
| --- |
| **Effective**(81-100% of optimum) |
| **Mostly effective**(51-80% of optimum) |
| **Partially effective**(21-50% of optimum) |
| **Ineffective**(1-20% of optimum) |

Grading statements for each of the KPIs are provided at [Attachment A](#_Attachment_A_–).

Key stakeholders were provided with a copy of the draft self-assessment report for comment. No comments were received.

## ASSESSMENT

The following assessment provides an overview of the Authority’s work and how it relates to achieving the KPIs for the Framework.

## KPI 1 —- GBRMPA does not unnecessarily impede the efficient operation of regulated entities

Approved metrics

* *Demonstrated engagement with relevant international organisations to learn from peer experiences and share better practices.*
* *Environment scanning is undertaken regularly.*

Rating:

|  |
| --- |
| **Mostly effective**(51-80% of optimum) |

GBRMPA is seen as a world leader in marine park management. International meetings and forums represent invaluable opportunities to both share GBRMPA’s knowledge, as well as learning from our international peers. This engagement can build practical capacity on subjects such as coral reef resilience, world heritage protection and best practice marine park management.

In 2015–16, GBRMPA welcomed and assisted 17 international delegations from around the world, including Norway, Jamaica, Korea, the Philippines, Japan, Germany, Indonesia and India. Areas of interest covered:

* Marine Park management;
* Coastal ecosystems assessment and management;
* Reef Guardians/stewardship programs;
* Indigenous partnerships and engagement;
* Field management;
* World Heritage property management;
* Reef 2050 Long Term Sustainability Plan;
* incident response;
* tourism management;
* fisheries;
* crown-of-thorns starfish control program;
* water quality monitoring and improvement;
* zoning;
* coral bleaching response;
* monitoring and reporting; and
* compliance and enforcement.

GBRMPA also provided technical assistance to 13 international institutions on the subject of environmental management; participated in the 30th International Coral Reef Initiative General Meeting; the 5th International Tropical Marine Ecosystems Management Symposium; the Big Ocean Partnerships 7th Network Business Meeting; and the 13th International Coral Reef Symposium.

Two GBRMPA staff attended a think tank on the human dimensions of Large-scale Marine Protected Areas, facilitated by the Big Ocean network and the United States National Oceanic and Atmospheric Administration. The ‘human dimensions’ (social, cultural, political, economic and institutional aspects) of natural resource management is increasingly a feature in the science that underpins protected area management.

GBRMPA also supports, as needed, the Department of the Environment and Energy’s engagement with the London Protocol Secretariat; International Maritime Organisation; and London Protocol/Convention member parties. No contributions were required in 2015-16 and there was no specific international engagement relating to dredge disposal through conferences.

*Information services*

To support environment-scanning GBRMPA subscribes to 20 alerting services from the following providers:

* Attorney-General’s Department
* Auditing and Assurance Standards Board
* Australian Accounting Standards Board
* Australian Government Solicitor
* Australian National Audit Office
* Australian Public Service Commission
* Department of Finance
* National Archives of Australia
* PS News
* Office of the Queensland Parliamentary Counsel (no alerting service; requires a manual search)
* Australian Government Remuneration Tribunal
* Standards Australia Limited, and
* Safe Work Australia

The daily media clips, with a summary of the key issues, are emailed to all GBRMPA staff and made available on our electronic document recording system.

GBRMPA has a science coordination area that provides regular information dissemination on scientific and other journals, for example, an article was circulated to relevant staff on the impact of dredging-related sediment on corals.

Twenty-eight relevant scientific reports and papers were also summarised and disseminated to GBRMPA staff. Twenty seminars of relevant science for management were given by scientists as part of the GBRMPA seminar series.

RefWorks is used as the access tool for GBRMPA scientific paper and report collection.

While not covered within the scope of the RPF, within the 2015-16 financial year, GBRMPA also initiated and completed an audit of internal ‘quality documents’ which resulted in the identification and inclusion within our register of a comprehensive list of:

* governing/ influential legislation;
* whole of Australian Government policy;
* Standards; and
* Codes of Practice.

This has enabled an improved accuracy in identifying which of our documented internal controls (i.e., policies, procedures, templates and forms) require updating, in order to be responsive to changes made within the policies and instruments that influence governance of the agency.

*Permission system*

The ANAO sought comment from stakeholders as part of its review process of the agency’s permission system. There was a five per cent response rate (8 from 152 requests) from permit holders and a 25 per cent response rate (17 from 67 requests) from general stakeholders (including industry/environmental peak bodies, government agencies and reef research stations). There were also two unsolicited responses. The major issue raised was lack of timeliness – particularly for non-routine applications ([ANAO](https://www.anao.gov.au/sites/g/files/net1661/f/ANAO_Report_2015-2016_03.pdf), p.66). GBRMPA is working to improve the permission system for commercial operators — both to streamline the administrative process for users and maintain high environmental standards; however, a lack of contemporary operational policy and planning documents has delayed the implementation of more time-efficient decision making in the permissions system.

This large undertaking is taking place between 2015 and 2020 and has involved the revision of key policies and guidelines. It will also result in new guidance material and updates to our Environmental Impact Management Policy to make the basis for decisions clearer to permit applicants and the public.

The improved permission system will also ensure better integration with processes relating to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and address ANAO recommendations to improve transparency and consistency in decision-making. GBRMPA estimates the proposed streamlining measures to the permission system should generate about $3 million in savings annually to businesses, individuals and communities.

During the first round of public consultation, GBRMPA received valuable feedback that was used to inform work to improve the system. Further consultation will occur in 2016/17.

GBRMPA acknowledge that the timeframes for assessment of applications will continue to be of concern to stakeholders while our limited staff resources are dedicated to the permission system improvement project.

GBRMPA’s local and regional engagement is described under [KPI 2](#_KPI_2_–).

## KPI 2 — GBRMPA’s communication with regulated entities is clear, targeted and effective

Approved metrics

* *Demonstrated appropriate consultation with stakeholders prior to significant regulatory or policy changes.*
* *Decisions are accompanied by a statement of reasons and advice about relevant review or appeal mechanisms, where appropriate.*

Rating:

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| --- |
| **Effective**(81-100% of optimum) |

Working with local communities in the Great Barrier Reef catchment is an important part of GBRMPA’s role. GBRMPA policy development and review procedures, as approved by the GBRMPA Board, include a requirement for a minimum of 30 days public consultation for development of new policy documents or for major reviews of existing policy documents.

Relevant documents are made available on the GBRMPA website and the agency has a dedicated email address for input – consultation@gbrmpa.gov.au

The GBRMP Act and subordinate legislation also set out consultation requirements, for example Division 2 of the GBRMP Act establishes the requirements for preparation, amendment and revocation of zoning plans.

GBRMPA seeks input on Reef-wide management and local issues through our 12 [Local Marine Advisory Committees](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees) from Cape York to the Burnett region. The 205 members of the committees represent a range of groups, including Traditional Owners, fishers, conservationists, councils, farmers, port operators, shipping representatives and tourism operators. The committees provide an avenue for local communities to discuss areas of concern directly with GBRMPA.

Each of the 12 Local Marine Advisory Committees met five times in 2015-16. These meetings are attended by a GBRMPA Director. A meeting communique is produced and posted to the GBRMPA website after the meeting of each committee:

* [Cape York LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/cape-york-lmac/cape-york-communique)
* [Douglas LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/douglas/douglas-communique)
* [Cairns LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/cairns/cairns-communique)
* [Cassowary Coast LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/cassowary-coast/cassowary-coast-communique)
* [Hinchinbrook LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/hinchinbrook/hinchinbrook-communique)
* [Townsville LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/townsville/townsville-communique)
* [Bowen-Burdekin LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/bowen-burdekin/bowen-burdekin-communique)
* [Whitsunday LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/whitsunday-lmac/cape-york-communique)
* [Mackay LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/mackay/mackay-communique)
* [Capricorn Coast LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/capricorn-coast/capricorn-coast-communique)
* [Gladstone LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/gladstone-region/gladstone-communique)
* [Burnett LMAC](http://www.gbrmpa.gov.au/about-us/local-marine-advisory-committees/burrnett/burnett-communique)

The [Tourism Reef Advisory Committee](http://www.gbrmpa.gov.au/our-partners/reef-advisory-committee/tourism-reef-advisory-committee) was established in 2014. Members are appointed for a three-year term. The committee advises the agency about tourism matters relating to the management of the Marine Park.

In 2015–16, the committee met twice and helped GBRMPA to improve uptake of best practice and stewardship in the Marine Park by providing specific advice on:

* best practice for wildlife interactions
* improvements to the High Standard Tourism program, including ways for the industry to better present World Heritage Area values to visitors
* ways to better engage with industry, through the Eye on the Reef program
* ways to advocate for Reef resilience, using the Eye on the Reef and crown-of-thorns starfish management program.

The committee provided a standing item on the status of the marine tourism industry. This provides insights into the Reef’s social and economic values, so that these can be considered in management decisions.

In addition, the committee helped the agency to strengthen engagement — in particular, to deliver effective environmental regulation — by advising on:

* cumulative effects of intensive use;
* net benefits and offsets policy principles, and the tourism sector plan (for example, Reef 2050 Plan initiatives);
* amendments to the Whitsundays Plan of Management;
* the Tourism Management Strategy; and
* how to improve the permissions system.

After each meeting, the committee provided advice to GBRMPA about its work programs and initiatives from a tourism and recreational perspective. This advice was also [made publicly available as a communique](http://www.gbrmpa.gov.au/about-us/reef-advisory-committee/tourism-reef-advisory-committee) on GBRMPA’s website.

The [Indigenous Reef Advisory Committee](http://www.gbrmpa.gov.au/about-us/reef-advisory-committee/indigenous-reef-advisory-committee) was established in 2015. Members are appointed for a three-year term. The committee advises GBRMPA about traditional ecological knowledge and how Traditional Owners want to protect their sea country for the long term.

In 2015–16, three meetings (Sep/Oct, Feb; May) of the Indigenous Reef Advisory Committee provided advice including:

* development of guidelines for the protection of Indigenous heritage values;
* scope for the development of an Indigenous heritage strategy, and the sharing of culturally sensitive information to better inform management; and
* development of draft a policy on the Traditional Use of Marine Resources.

Outcomes of the meetings are [made publicly available as a communique](http://elibrary.gbrmpa.gov.au/jspui/browse?type=series&value=Indigenous+Reef+Advisory+Committee+%28IRAC%29&sort_by=2&order=DESC&rpp=35&etal=0&submit_browse=Update) on GBRMPA’s website.

GBRMPA works closely with Traditional Owner groups, the traditional custodians of the Great Barrier Reef for more than 60,000 years, particularly through [Traditional Use of Marine Resources Agreements](http://www.gbrmpa.gov.au/our-partners/traditional-owners/traditional-use-of-marine-resources-agreements). These agreements describe how individual Traditional Owner groups wish to manage traditional use of marine resources in their sea country areas, and incorporate specific management strategies for:

* the conservation and sustainable use of key species and habitats;
* maintenance and protection of significant heritage values, including important places, traditional ecological knowledge, culture and language;
* research and monitoring of sea country, including partnerships with the agency, and other leading research institutes and researchers;
* leadership and governance, including knowledge management;
* education and information exchange; and
* compliance.

There are currently eight Traditional Use of Marine Resources Agreements in place, covering 24.6 per cent of the total Marine Park coastline. Our partnership with Traditional Owners incorporates shared science, knowledge and environmental management for the ongoing protection of the Great Barrier Reef.

*Plans of Management*

GBRMPA continued its [review of the Whitsundays Plan of Management 1998](http://www.gbrmpa.gov.au/zoning-permits-and-plans/plans-of-management/whitsunday-plan-of-management), which sets out the rules for specific activities in this area of the Marine Park.

The Plan was established in 1998 and outlines how tourism and recreation in the Whitsundays can be managed to provide for a range of user experiences – from popular tourist destinations to low key nature based experiences. In preparing proposed amendments, GBRMPA consulted a range of stakeholders.

In August 2015, the agency visited representatives from three families who form part of the Ngaro Traditional Owner group. The visit was highly successful in progressing discussion and engagement with this stakeholder group.

The review of the Plan, which started in 2014, has been supported by a partnership with Queensland Parks and Wildlife Service. All proposed amendments to the Whitsundays Plan of Management were approved by the GBRMPA Board on 22 June 2016. This was a major milestone for the project, allowing the legal drafting to start.

The review will continue in 2016–17, when public consultation is scheduled. After considering public feedback the Plan will be finalised and provided to the Great Barrier Reef Marine Park Authority Board for consideration. Consequential updates to the Great Barrier Reef Marine Park Regulations are also likely.

Implementation of the plan will then occur with any changes to the way the Whitsundays Planning Area is currently used being communicated to those that use the area and permissions updated accordingly.

*Defence engagement*

The Great Barrier Reef Marine Park Zoning Plan provides for use and entry for defence activities without permission after notification to GBRMPA. These activities are subject to any directions from the agency. The agency renewed a Memorandum of Understanding with the Department of Defence to continue the strong working relationship with the Department. Staff provided advice on ways to avoid or minimise impacts from a number of defence operations and exercises in the Marine Park.

*Permission system*

The Zoning Plan establishes what activities require permission to use and enter the Marine Park. The applications are assessed against criteria set out in the GBRMP Regulations.

The GBRMP Act and its associated regulations seek to protect and conserve the environmental, biodiversity and heritage values of the Great Barrier Reef Region, while supporting recreation, economic and cultural activities within the Marine Park. They also provide a framework for planning and permits.

If an application may restrict the public’s reasonable use of part of the Marine Park, GBRMPA may require the proponent to conduct public advertising and public consultation.

In 2015-16, 327 permits were granted. All Permittees are informed of their rights to seek a review of the decision. One request for a statement of reasons was received. All permit application decisions were published on the agency’s website as required by Regulation 183.

In 2015–16, no applications for permits were refused by the delegate. This is because GBRMPA works closely with applicants to ensure they apply for a permission that is acceptable. As such, many applications change and evolve during the assessment period into applications that are eventually approved.

In ANAO’s performance audit of the permission system, they found that:

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| Permit holders were generally satisfied with their communication with GBRMPA as their permit applications progressed through the assessment process. However, some general stakeholders held mixed views, with some satisfied with their communication with GBRMPA while others were dissatisfied.Source: [ANAO Report No.3 2015–16 Regulation of Great Barrier Reef Marine Park Permits and Approvals](https://www.anao.gov.au/sites/g/files/net1661/f/ANAO_Report_2015-2016_03.pdf), p. 67 |

This result was consistent with a client satisfaction survey undertaken by GBRMPA as part of public comment on the permission system in October-December 2015. The survey results indicated that 53 per cent of clients were satisfied with the permission system and most (65 per cent) used the agency’s website to find out information about the permission system.

One Sea Dumping permit was issued by GBRMPA in 2015-16. The decision to issue this Sea Dumping permit was gazetted in the Commonwealth of Australia Gazette providing a contact number and contact officer for any permit related questions. No requests for a statement of reasons or for review rights and procedures were received. Information on [dredging and dredge material disposal](http://www.gbrmpa.gov.au/managing-the-reef/how-the-reefs-managed/Managing-multiple-uses/ports/dredging-and-dredge-material-disposal) is available on the GBRMPA website.

The Department of the Environment and Energy is responsible for the Sea Dumping Act and would lead any process for amendment to that legislation.

There are a range of operational policy documents which guide GBRMPA delegates in making permit decisions. These are available on the GBRMPA [website](http://www.gbrmpa.gov.au/about-us/legislation-regulations-and-policies/policies-and-position-statements).

## KPI 3 —- Actions undertaken by GBRMPA are proportionate to the regulatory risk being managed

Approved metrics

* *Demonstrated engagement with regulated entities to inform them of the regulators’ expectations.*
* *Risk management policies and procedures are available to regulator staff and the public.*
* *Documented enforcement strategy which allows for the compliance records of regulated entities to be considered in determining regulatory actions.*

Rating:

|  |
| --- |
| **Effective**(81-100% of optimum) |

The Great Barrier Reef Marine Park is a multiple-use area. Zoning helps to manage and protect the values of the Marine Park that users enjoy. Zoning Plans define what activities can occur in which locations both to protect the marine environment and to separate potentially conflicting activities.

The [*Great Barrier Reef Zoning Plan 2003*](http://www.gbrmpa.gov.au/__data/assets/pdf_file/0015/3390/GBRMPA-zoning-plan-2003.pdf), provides for a range of ecologically sustainable recreational, commercial and research opportunities and for the continuation of traditional activities. Marine Park zoning is an important component in managing marine areas. It helps ensure:

* the continued existence of the unique marine animals, plants and habitats that are found only in the Great Barrier Reef and provide additional protection for threatened species such as dugong and marine turtles;
* those industries that rely on the health of the Marine Park are able to continue, providing social and economic benefits to local communities and the wider economy;
* that a diverse range of other benefits and values of the Marine Park, including recreational, cultural, educational and scientific values are protected; and
* that future generations are able to continue to use and enjoy the Marine Park.

Zoning defines the activities that can occur in which locations. The level of protection increases from the General Use (Light Blue) Zones up to the most restrictive, Preservation Zone. Each zone has different rules for the activities that are allowed, the activities that are prohibited and the activities that require a permit. Zones may also place restrictions on how some activities are conducted.

Hard copy zoning maps and an introductory guide explaining zoning and responsible reef practices are available free of charge from bait and tackle shops, Community Access Points, the Queensland Parks and Wildlife Service and by contacting GBRMPA on 1800 990 177. There are also [Visit the Reef](http://www.gbrmpa.gov.au/visit-the-reef), [Zoning](http://www.gbrmpa.gov.au/zoning-permits-and-plans/zoning), [Plan of Management](http://www.gbrmpa.gov.au/zoning-permits-and-plans/plans-of-management), [Permits](http://www.gbrmpa.gov.au/zoning-permits-and-plans/permits) and [TUMRA](http://www.gbrmpa.gov.au/our-partners/traditional-owners/traditional-use-of-marine-resources-agreements) sections on the GBRMPA website.

GBRMPA’s Environmental Assessment and Management [Risk Management Framework](http://www.gbrmpa.gov.au/__data/assets/pdf_file/0008/4949/gbrmpa_EAMRiskManagementFramework.pdf) is available to regulator staff and to the public on the GBRMPA website.

The [Environmental Impact Management policy](http://www.gbrmpa.gov.au/__data/assets/pdf_file/0004/3847/gbrmpa_EnvironmentalImpactManagementPolicy_2004.pdf) recommends applicants discuss proposals with GBRMPA as a first step.

In addition to the regular consultation with stakeholders outlined at KPI 2, information is available on the GBRMPA website about [permit applications](http://www.gbrmpa.gov.au/zoning-permits-and-plans/permits). This includes a dedicated email – assessments@gbrmpa.gov.au.

The [Great Barrier Reef Marine Park Regulations 1983](http://www.comlaw.gov.au/Series/F1996B01950) (the Regulations) set out mandatory (88Q) and discretionary (88R) considerations for GBRMPA delegates deciding on whether or not to grant a permission or to impose conditions on the permission. Suitable person is one of the criteria considered before granting a permission – GBRMPA Reg 88R(j) – which allows the delegate to consider the applicant’s environmental history.

Tourism operations are encouraged by GBRMPA to adopt high standards for protection, presentation and partnership within the Marine Park. GBRMPA relies on independent certification to identify high standard operations that enhance environmental protection, reef resilience and tourism sustainability.

Tourism operators who are certified with the ECO Certification Program (Ecotourism and Advanced Ecotourism levels) are eligible to apply for an extended permit term of 15 years for certified tourism products. In addition, certified operators are listed on GBRMPA's website and are showcased at various trade events (e.g. Australian Tourism Exchange) and in publications (e.g. Australian Ecotourism Directory).

In 2015–16, three new operators received ECO Certification, bringing total operators in the program to 67. In the reporting period, 30 fifteen-year permits were granted to high standard tourism operations. [High standard tourism operators](http://www.gbrmpa.gov.au/our-partners/tourism-industry/high-standard-tourism) carry more than 69 per cent of tourists to the Marine Park.

While responsibility for fisheries is led by the Queensland Government, GBRMPA liaises with the industry. In 2015-16, two meetings were held with the Queensland Seafood Industry Association.

GBRMPA also runs a [Reef Guardian Fishers](http://www.gbrmpa.gov.au/our-partners/reef-guardians/reef-guardian-fishers) program, which recognises commercial fishers who are fishing sustainably and maintaining the health of the Great Barrier Reef while building the future of their fishery and their business. Seventeen (17) fishing operations are recognised under the program. Participants in the program:

* set robust voluntary protocols for their operations;
* develop innovative practices to minimise impacts on the environment and non-target species;
* share knowledge with other fishers and their communities; and
* assist with research and trialling new technologies, e.g. voluntary vessel tracking.

For many users, the public face of the Australian and Queensland governments' Great Barrier Reef management is the Joint Field Management Program officers they meet while using the reef and islands. The Joint Field Management Program officers provide publicly available information on how to enjoy the Reef responsibly as well as being responsible for enforcing compliance.

GBRMPA has a graduated range of responses that correlate to the level of non-compliance:

* awareness, education and information;
* surveillance, monitoring and warnings;
* audit, administrative action and penalties; then
* investigation and prosecution.

The Field Management Compliance Unit (FMCU) has established a strategic risk register that outlines the key compliance risks to the Reef.

Only a small proportion of the ‘Extreme’ and ‘Very High’ rated compliance risks relate to GBRMPA permitted activities—with most relating to commercial fishing, vessel groundings or the illegal take of protected species.

The FMCU monitors identified compliance risk treatments on a quarterly basis. As part of its annual business planning cycle, the FMCU reviews, and where necessary, updates it strategic risk register—in consultation with other areas of GBRMPA and partner agencies.

Details on Field Management Program operations are included in the [2015-16 GBRMPA Annual Report](http://www.gbrmpa.gov.au/about-us/corporate-information/annual-report/annual-report-2015-16) pp. 66-85 and the [Field Management Program Annual Report Summary](http://hdl.handle.net/11017/3109).

## KPI 4 — GBRMPA’s compliance and monitoring approaches are streamlined and coordinated

Approved metrics

* *Demonstrated effort to coordinate inspections with similar regulators, where appropriate.*
* *Evidence of collected information being acted upon, stored and re-used.*
* *Demonstrated effort to share and receive information among regulators, where appropriate.*
* *Monitoring and enforcement strategies that allow for a range of regulatory responses.*

Rating:

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| --- |
| **Mostly effective**(51-80% of optimum) |

The [Great Barrier Reef Intergovernmental Agreement 2015](http://www.environment.gov.au/marine/gbr/protecting-the-reef/intergovernmental-agreement) (IGA) between the Australian and Queensland governments provides the framework for both governments to work together to protect the Great Barrier Reef World Heritage Area.

The IGA outlines the roles of the Great Barrier Reef Ministerial Forum and establishes arrangements for a Joint Field Management Program funded on a shared 50:50 basis.

The IGA requires the development of a Field Management Business Strategy to guide the Joint Field Management Program over a five-year period and of Annual Business Plans, Annual Reports and five-yearly reviews of the entire Program.

The [Field Management Program](http://www.gbrmpa.gov.au/managing-the-reef/how-the-reefs-managed/field-management-of-the-great-barrier-reef-marine-park) is delivered jointly by GBRMPA and the Queensland Parks and Wildlife Service and is responsible for planning and executing field operations in the Commonwealth and Queensland Marine Parks (including Commonwealth islands) and on island national parks within the Great Barrier Reef World Heritage Area.

Traditional Owner engagement and involvement in field management is an intrinsic part of program delivery.

The Joint Field Management Program coordinates vessel, aerial and land-based surveillance activities across the World Heritage Area.

Eleven Compliance Operation Group meetings were held to coordinate strategic forward planning of surveillance activities. A cooperative multi-agency approach to patrolling allows a broad range of compliance management tools to be applied in an efficient whole-of-government manner.

Across the participating agencies, there were 735 dedicated compliance patrol vessel days, 13 land-based days and 90 days of targeted chartered flights (across all partner agencies) during the reporting period. In the reporting period, 81 per cent of the 32 special operations conducted had multi agency participation – this exceeds the 70 per cent target.

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| The Prime Minister’s Awards for Excellence in Public Sector Management is a national Awards program run annually by the Institute of Public Administration Australia. In 2015, the collaboration under the Joint Field Management Program was recognised with a silver award and a collaboration award. |

During the reporting period, 273 information reports, relating to a wide variety of issues and activities, were recorded and analysed. They enable greater understanding, and enhance responses to ongoing compliance issues and emerging trends in the World Heritage Area.

Of these reports, 139 related to illegal recreational fishing activity. Illegal recreational activity continues to be high, with the trend reflecting the long-term increase in illegal recreational fishing.

The reporting period was also the first full year in which on-the-spot warnings, known as Commonwealth caution notices, were issued. This system was introduced to empower inspectors so they could warn fishers about low-risk alleged non-compliant behaviour at the point of detection — thereby reducing the double-handling of information.

The Field Management Compliance Unit (FMCU) within GBRMPA is responsible for the management of compliance for the Great Barrier Reef World Heritage Area. In the conduct of this responsibility, the FMCU collects, stores and disseminates personal information that is subject to the *Privacy Act 1988* and the Australian Privacy Principles (APPs).

For the purposes of the Privacy Act, GBRMPA is considered a law enforcement agency with this status granted in 2014. This means GBRMPA can share information between regulators for law enforcement purposes

FMCU maintains a Compliance Management Information System database with on-line access to facilitate the recording, storage, searching and retrieval of compliance-related information.

Memoranda of Understanding with Maritime Border Command (MBC) and Queensland Boating and Fisheries Patrol (QBFP) detail agency roles and responsibilities, to enable effective and coordinated surveillance and compliance.

*Permission system performance audit*

ANAO found that:

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| Overall, permit monitoring undertaken by GBRMPA has been insufficient to determine permit holders’ compliance with permit conditions. Improved monitoring of permit holders’ compliance with post-approval reporting requirements and the establishment of a risk-based program of supplementary monitoring would better position GBRMPA to manage the risks posed to the Marine Park by permitted activities.Source: [ANAO Report No.3 2015–16 Regulation of Great Barrier Reef Marine Park Permits and Approvals](https://www.anao.gov.au/sites/g/files/net1661/f/ANAO_Report_2015-2016_03.pdf), p. 22 |

To improve monitoring and management of compliance risks associated with permits and permitted activities, GBRMPA introduced an Action Plan to guide development of the compliance program and an Annual Permissions Compliance. Refer to pages 29-30 in the [Annual Report](http://www.gbrmpa.gov.au/about-us/corporate-information/annual-report/annual-report-2015-16) for Action Plan for achievements in 2015-16.

The Annual Plan identifies and analyses the compliance risks associated with permissions, notifications and accreditations. It then prioritises them and identifies treatments for implementation, based on the available resources and the application of appropriate compliance tools.

Treatments range from educational approaches to assisted self-regulation to stronger mechanisms designed to enforce compliance. Achievement of actions in the annual plan is dependent on resources. Refer to [Annual Report](http://www.gbrmpa.gov.au/about-us/corporate-information/annual-report/annual-report-2015-16) pages 55-61 for a summary of permission system compliance activities and results.

*Joint permission system*

As part of measures to reduce regulatory burden on applicants, for more than thirty years, GBRMPA, together with the Queensland Parks and Wildlife Service. Many activities across require permission for both the GBRMP and the State Marine Park. Because of this, a joint permission system has been established for nearly 30 years to streamline the process for applicants and to ensure a complementary approach between State and Commonwealth Marine Parks. In most cases, the joint permission system includes processes that meet both State and Commonwealth requirements, such as:

* A single application meets the requirements of both Acts.
* Where required, a single public comment period meets the requirements of both Acts.
* A single assessment report is prepared with contributions from both managing agencies.
* Two separate decisions are made on each application by the QPWS delegate and the GBRMPA delegate.
* Where both delegates agree to the grant of permission, a single permit document is issued which details the permissions granted under both jurisdictions.

GBRMPA leads the administrative and assessment processes for these applications and works with QPWS staff from the Field Management Program during the implementation of the joint permission system.

*Streamlining with the EPBC Act*

GBRMPA also works with the Commonwealth Department of the Environment and Energy to jointly assess proposals requiring permission under the GBRMP Act and referral under the *Environment Protection and Biodiversity Conservation Act 1999*.

In some circumstances, a proposal may require assessment under both the EPBC Act and GBRMPA’s legislation. A 2009 Memorandum of Understanding (MOU) between GBRMPA and the Department sets out how the two agencies will work together to assess activities which require assessment under both the EPBC Act and the GBRMP Act. The goal of the MOU is to provide effective integration and streamlining of regulatory requirements. The MOU also describes how GBRMPA will give advice to the Department on EPBC Act assessments for activities which are not located in the Marine Park and therefore do not require GBRMPA’s permission.

In 2015-16, GBRMPA provided advice to the Department on 20 referrals and approved projects.

## KPI 5 — GBRMPA is open and transparent in dealings with regulated entities

Approved metrics

* *Enforcement strategy and risk approach are published.*
* *Performance measurement results are published.*
* *Performance information is made publicly available, where appropriate.*
* *Advice and guidance is widely available to stakeholders, with feedback mechanisms in place to support and inform continuous improvement.*

Rating:

|  |
| --- |
| **Mostly effective**(51-80% of optimum) |

GBRMPA’s Environmental Assessment and Management [Risk Management Framework](http://www.gbrmpa.gov.au/__data/assets/pdf_file/0008/4949/gbrmpa_EAMRiskManagementFramework.pdf) is available to regulator staff and to the public on the GBRMPA website.

GBRMPA has a Compliance Management Strategy, but this is not published.

GBRMPA also has an internal policy ‘Compliance Framework – Environmental Management Charge’ and guidelines for compliance with the remittance of the charge. Also in development in an internal policy ‘Compliance Framework – Permission System’ with associated guidelines, procedures and templates; these are due for completion in 2016-17. Once complete GBRMPA will publish both policies on it’s website as well as permission system compliance priorities based on themes identified in each Permission System Annual Compliance Plan.

As outlined at [KPI 3](#_KPI_3_-), GBRMPA has a graduated range of responses that correlate to the level of non-compliance: The compliance network structure supports these responses.

Field Management Program operations are published in the [GBRMPA Annual Report](http://www.gbrmpa.gov.au/about-us/corporate-information/annual-report/annual-report-2015-16) (pp.66-85) and the [Field Management Program Annual Report Summary](http://hdl.handle.net/11017/3109).

Permission System operations are published in the [GBRMPA Annual Report](http://www.gbrmpa.gov.au/about-us/corporate-information/annual-report/annual-report-2015-16) (pp.58-65).

As noted at [KPI 2](#_KPI_2_–) all permit decisions were accompanied by information about ‘review procedures and rights’.

As noted at [KPI 3](#_KPI_3_-) the GBRMPA website provides a first point of information including:

* [Visiting the Reef](http://www.gbrmpa.gov.au/visit-the-reef)
* [Zoning](http://www.gbrmpa.gov.au/zoning-permits-and-plans/zoning)
* Permit applications
* [Plans of Management](http://www.gbrmpa.gov.au/zoning-permits-and-plans/plans-of-management)
* [Risk Management Framework](http://www.gbrmpa.gov.au/__data/assets/pdf_file/0008/4949/gbrmpa_EAMRiskManagementFramework.pdf)
* [Environmental Impact Management policy](http://www.gbrmpa.gov.au/__data/assets/pdf_file/0004/3847/gbrmpa_EnvironmentalImpactManagementPolicy_2004.pdf)
* [Environmental Management Charge](http://www.gbrmpa.gov.au/zoning-permits-and-plans/environmental-management-charge) requirements

As noted in [KPI 3](#_KPI_3_-), hard copy zoning maps and an introductory guide explaining zoning and responsible reef practices are available free of charge from bait and tackle shops, Community Access Points, the Queensland Parks and Wildlife Service (QPWS), by contacting GBRMPA on 1800 990 177 and in GBRMPA’s offices in Cairns, Townsville, Mackay, Rockhampton and Canberra.

## KPI 6 — GBRMPA actively contributes to the continuous improvement of regulatory frameworks

Approved metrics

* *Documented procedures are in place to allow active and regular engagement with stakeholders.*
* *Stakeholder events held regularly to facilitate participation in the development and/or amendment of regulatory frameworks.*
* *Documented procedures are in place to facilitate the flow of information between the regulator and policy departments.*

Rating:

|  |  |
| --- | --- |
| **Partially effective**(21-50% of optimum)* *Documented procedures are in place to allow active and regular engagement with stakeholders.*
 | **Mostly effective(51-80% of optimum)*** *Stakeholder events held regularly to facilitate participation in the development and/or amendment of regulatory frameworks.*
* *Documented procedures are in place to facilitate the flow of information between the regulator and policy departments.*
 |

*Stakeholder engagement*

GBRMPA’s local and regional engagement is described under [KPI 2](#_KPI_2_–).

The Terms of Reference for the Local Reef Advisory Committees (LMACs) were updated in November 2015 and will cover the current membership term. To ensure that the LMACs Terms of Reference remain consistent with the objectives of GBRMPA, they will be reviewed by GBRMPA prior to advertising the next LMAC term (July 2018-June 2021), or on an "as needed" basis.

The Tourism Reef Advisory Committee and the Indigenous Reef Advisory committee operate under the [GBRMPA Reef Advisory Committees Charter of Operation](http://www.gbrmpa.gov.au/__data/assets/pdf_file/0008/4976/RAC_Charter_as_at_29_November_2010.pdf) endorsed by the GBRMPA Board on 29 November 2010. The Charter sets out the procedures by which the committees function, including terms of reference, reporting requirements, members’ responsibilities, attendance, the relationship between the Reef Advisory Committees and other committees, and the support provided by GBRMPA.

While the terms of reference for both the Tourism and Indigenous Reef Advisory Committees contained in the Charter is generally consistent with their roles, there is a need for the Charter to be updated to reflect current governance.

*Permission system engagement*

Permission system pre-application and assessment meetings with regulated entities occur on a regular basis as needed. Technical, advisory and community consultation meetings, e.g. with individual developers, are attended.

Targeted meetings and public information sessions associated with public consultation on improving the permission system were held in October to December 2015.

Monthly meetings are held between the Department of the Environment and Energy (EPBC Act assessments area) and GBRMPA (Environmental Assessment and Protection section).

GBRMPA’s Audit Committee receives updates at each meeting on the implementation of recommendations from the ANAO performance audit of the permission system.

The Marine Park Authority Board receives a quarterly update on permission system trends, major projects and emerging issues.

GBRMPA’s policy, assessment and compliance areas engage with each other to facilitate the flow of information. For example, referrals of permit application are sent to technical experts within GBRMPA, and also to QPWS for advice including policy interpretation and impact mitigation.

GBRMPA seeks to consult internally and with key stakeholders on regulatory improvements, including through the establishment of working groups. Short timeframes, competing priorities and availability of key GBRMPA staff means this does not always occur consistently.

*Review of policy tools*

GBRMPA has also identified a need to review and rationalise all external policy documents and commenced this work in 2015-16. It is expected that the review will contribute to a more targeted and prioritised approach to the development, review and revocation of policy documents – which will be of benefit to regulated entities, other stakeholders and GBRMPA staff. Due to limited resources and competing priorities, the review has been deferred a number of times and will not recommence before 2017-18.

GBRMPA will also be undertaking a significant amount of policy work that will be reflected in the 2016-17 report.

## Attachment A – Rating scale

Details of the KPIs, agreed metrics and the assessment criteria used to determine the rating for each of the KPIs are outlined below:

**KPI 1 - GBRMPA does not unnecessarily impede the efficient operation of regulated entities**

*Approved metrics*

* Demonstrated engagement with relevant international organisations to learn from peer experiences and share better practices.
* Environment scanning is undertaken regularly.

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| --- | --- |
| **Effective(81-100% of optimum)** | * Networking, collaboration and exchange (including internationally) are core organisational principles and a key part of organisational culture and regulatory capability, and are subject to continual review and improvement.
* Environment scanning and surveys of regulated entities are planned and regularly undertaken. Results are incorporated into business practices.
 |
| **Mostly effective(51-80% of optimum)** | * Environment scanning and international collaboration is regularly undertaken, but does not include regular surveys of regulated entities.
 |
| **Partially effective(21-50% of optimum)** | * International engagement has occurred in one or more GBRMPA sections with regulatory responsibility and environment scanning is planned.
 |
| **Ineffective(1-20% of optimum)** | * Environment scanning and international collaboration are not undertaken.
 |

**KPI 2 – GBRMPA’s communication with regulated entities is clear, targeted and effective**

*Approved metrics*

* Demonstrated appropriate consultation with stakeholders prior to significant regulatory or policy changes.
* Decisions are accompanied by a statement of reasons and advice about relevant review or appeal mechanisms, where appropriate.

|  |  |
| --- | --- |
| **Effective(81-100% of optimum)** | * Consultation with stakeholders is a required part of regulatory of policy change and this is adhered to in all circumstances.
* Information about regulatory decisions is routinely published.
 |
| **Mostly effective(51-80% of optimum)** | * Consultation with stakeholders is a required part of regulatory of policy change and this is adhered to in the majority of circumstances.
* Information about regulatory decisions is made available if requested, or if there is significant stakeholder interest.
 |
| **Partially effective(21-50% of optimum)** | * Consultation with stakeholders is a required part of regulatory of policy change and this is adhered to in some circumstances.
* Some information about regulatory decisions is made available
 |
| **Ineffective(1-20% of optimum)** | * Consultation with stakeholders does not occur and information about regulatory decisions is not made available.
 |

**KPI 3 - Actions undertaken by GBRMPA are proportionate to the regulatory risk being managed**

*Approved metrics*

* Demonstrated engagement with regulated entities to inform them of the regulators’ expectations.
* Risk management policies and procedures are available to regulator staff and the public.
* Documented enforcement strategy which allows for the compliance records of regulated entities to be considered in determining regulatory actions.

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| **Effective(81-100% of optimum)** | * There is regular engagement with the regulated and wider community so they have a clear understanding of GBRMPAs approach to regulation, compliance and enforcement.
* All regulatory staff are trained to undertake a risk based approach to regulation and this is consistently applied.
* GBRMPA’s regulatory approach is supported by a published compliance and enforcement policy that outlines a graduated response to these activities and is regularly showcased and recognised as best practice in the sector
 |
| **Mostly effective(51-80% of optimum)** | * Engagement with the regulated and wider community occurs at least than once a year.
* All regulatory staff understand the approach to risk based regulation and apply it in their day to day work.
* Risk management policy, and compliance and enforcement strategy are in place to assist in ensuring GBRMPAs actions are proportionate to the risk being managed.
 |
| **Partially effective(21-50% of optimum)** | * Engagement with the regulated and wider community occurs less than once a year.
* Less than half of GBRMPA’s regulatory staff understand the approach to risk based regulation and apply it in their day to day work.
* Risk management, compliance and enforcement approach are in development, under review, or are not yet implemented consistently by regulatory staff.
 |
| **Ineffective(1-20% of optimum)** | * Engagement with the regulated and wider community does not occur.
* No risk management policy or compliance and enforcement strategy are in place to assist in ensuring GBRMPAs actions are proportionate to the risk being managed.
 |

**KPI 4 – GBRMPA’s compliance and monitoring approaches are streamlined and coordinated**

*Approved metrics*

* Demonstrated effort to coordinate inspections with similar regulators, where appropriate.
* Evidence of collected information being acted upon, stored and re-used.
* Demonstrated effort to share and receive information among regulators, where appropriate.
* Monitoring and enforcement strategies that allow for a range of regulatory responses.

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| **Effective(81-100% of optimum)** | * Partnerships are proactively built and maintained and are used to coordinate regular inspections with similar regulators.
* Clear processes and systems facilitate collection, storage and reuse of information.
* Information exchange protocols are in place to enable proactive exchange of information among regulatory partners.
* Monitoring, compliance and enforcement regimes follow published guidelines and policies, enable a range of responses and are applied consistently.
 |
| **Mostly effective(51-80% of optimum)** | * Partnerships are used to coordinate inspections with similar regulators.
* Clear processes and systems facilitate collection, storage and reuse of most information.
* Information exchange protocols are in place to enable exchange of most information among regulatory partners.
* Monitoring, compliance and enforcement regimes follow published guidelines and policies, enable a range of responses and are applied in most circumstances.
 |
| **Partially effective(21-50% of optimum)** | * Inspections with similar regulators occur, but are not initiated by GBRMPA.
* Collection, storage and reuse of information occurs on an ad hoc basis without clear processes.
* Information exchange protocols are in place to enable limited, reactive exchange of information among regulatory partners.
* While monitoring, compliance and enforcement regimes follow published guidelines and policies and enable a range of responses – they are only applied less than half of the time.
 |
| **Ineffective(1-20% of optimum)** | * GBRMPA operates in isolation to other similar regulators.
* There are no clear processes or systems in place to facilitate collection, storage and reuse of information.
* Information is not exchanged with regulatory partners.
* Monitoring, compliance and enforcement regimes do not allow for a range of responses.
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**KPI 5 – GBRMPA is open and transparent in dealings with regulated entities**

*Approved metrics*

* Enforcement strategy and risk approach are published.
* Performance measurement results are published.
* Performance information is made publicly available, where appropriate.
* Advice and guidance is widely available to stakeholders, with feedback mechanisms in place to support and inform continuous improvement.

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| **Effective(81-100% of optimum)** | * The organisation has a published compliance and enforcement and risk policies that are regularly showcased and recognised as best practice.
* Regulatory performance is systematically measured, has mechanisms to involve stakeholders and is published annually.
* The regulated and wider community has a clear understanding of regulatory requirements and access to accurate and timely advice and guidance.
* All regulatory staff understand how to best provide guidance and advice to regulated entities.
* Feedback is proactively sought on a regular basis and used to support continuous improvement.
 |
| **Mostly effective(51-80% of optimum)** | * The organisation has published compliance and enforcement and risk policies that are subject to continuous improvement.
* Regulatory performance is systematically measured and is published annually.
* Most of the regulated and wider community have a clear understanding of regulatory requirements and access to accurate and timely advice and guidance.
* Most regulatory staff understand how to best provide guidance and advice to regulated entities.
* Feedback is proactively sought on key regulatory issues and used to support continuous improvement.
 |
| **Partially effective(21-50% of optimum)** | * The organisation has agreed compliance and enforcement and risk policies but these are not published.
* Regulatory performance is considered internally on an ad hoc basis.
* Understanding of regulatory requirements and access to accurate and timely advice and guidance is limited.
* Less than half of the regulatory staff understand how to best provide guidance and advice to regulated entities.
* Feedback is not proactively sought, but when provided it is used to support continuous improvement.
 |
| **Ineffective(1-20% of optimum)** | * The organisation does not have an agreed approach to compliance and enforcement or risk.
* There is no consideration of regulatory performance.
* The regulated and wider community do not have a clear understanding of regulatory requirements or access to accurate and timely advice and guidance.
* Guidance and advice to regulated entities is ad hoc in nature.
* Feedback is not sought or used to support continuous improvement.
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**KPI 6 – GBRMPA actively contributes to the continuous improvement of regulatory frameworks**

*Approved metrics*

* Documented procedures are in place to allow active and regular engagement with stakeholders.
* Stakeholder events held regularly to facilitate participation in the development and/or amendment of regulatory frameworks.
* Documented procedures are in place to facilitate the flow of information between the regulator and policy departments.

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| **Effective(81-100% of optimum)** | * There are clear processes in place to facilitate active and regular engagement with stakeholders to seek contributions to the improvement of regulatory functions.
* Networking, collaboration and exchange are core organisational principles and a key part of organisational culture. The organisation actively plants and organises regular events to facilitate stakeholder input into the development and maintenance of the organisations regulatory regimes.
* There are clear and systematic processes in place to share information between policy and regulatory areas.
* Resources are always available to deliver continuous improvement of regulatory frameworks.
 |
| **Mostly effective(51-80% of optimum)** | * There are formalised process in place to improve the organisations regulatory functions including involving stakeholders.
* The organisation regularly holds events to engage stakeholders to participate in the development of new and maintenance of existing regulatory regimes.
* Information is routinely shared between policy and regulatory areas.
* Limited resources are available to deliver continuous improvement of regulatory frameworks.
 |
| **Partially effective(21-50% of optimum)** | * Some resources have been set aside to promote stakeholder involvement in the development, maintenance and improvement of regulatory regimes.
* Staff are supported to share information between policy and regulatory areas, however there are no formalised processes.
* Limited resources are available to deliver continuous improvement of regulatory frameworks, when competing priorities allow.
 |
| **Ineffective(1-20% of optimum)** | * There are no active or formal procedures or mechanisms to maintain or improve regulatory functions or to involve stakeholders into these process.
* Information is not shared between regulator and policy areas.
* Resources are not available to deliver continuous improvement of regulatory frameworks.
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