

Marine Tourism Contingency Plan for the Great Barrier Reef Marine Park

April 2014

Objective

To provide business focused contingency arrangements for permittees operating tourist programs that are impacted by a severe environmental incident. Such arrangements must protect the environment and be compatible with other uses of the Great Barrier Reef Marine Park.

Target audience

Permittees operating tourist programs in the Marine Park and Marine Park delegates considering applications for permissions.

Purpose

1. The Great Barrier Reef Marine Park Authority (the Authority) intends to make every reasonable effort to support the continuity of permitted tourist programs when an area within the Great Barrier Reef Marine Park (Marine Park) is impacted by a severe environmental incident. The *Marine Tourism Contingency Plan for the Great Barrier Reef Marine Park* (the Plan) clarifies the options that the Authority and permittees can consider within the regulatory framework and management arrangements which support the continuity of tourist programs where possible.

Related legislation / standards / policies

2. *Great Barrier Reef Marine Park Act 1975* (Cth)–The main object of the Act is to provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region.
3. *Great Barrier Reef Marine Park Regulations 1983* (Cth)–In deciding whether or not to grant a permission, the Authority takes into account the mandatory and discretionary considerations identified in the Regulations.
4. *Great Barrier Reef Marine Park Zoning Plan 2003* (Cth)–In deciding whether or not to grant a permission, the Authority must consider the objectives of the Zone in which the proposal will take place.
5. *Cairns Area Plan of Management 2008*, *Hinchinbrook Plan of Management 2004* and *Whitsundays Plan of Management 2008*–In deciding whether or not to grant a permission, in a Planning Area, the Authority must consider management arrangements for the Cairns, Hinchinbrook and Whitsunday Planning Areas.
6. *Marine Tourism Coordination Framework for Environmental Incidents* (2012) - This Framework provides a guide to coordinate marine tourism industry and government responses to environmental incidents.
7. *Reef Health Incident Response System* (2011)–This system identifies the implementation process, resources and associated prioritisation of these, to respond to reef health incidents.
8. *Environmental Impact Management Policy* (2010)–This policy outlines the considerations and the assessment process for applications for permissions, including major developments, within the Marine Park.
9. *Structures Policy* (2010)–This policy is considered by the Authority when assessing an application for a permission to install any structure within the Marine Park.
10. *Policy on Moorings in the Great Barrier Reef Marine Park* (2005, under review)–This policy is considered by the Authority when assessing an application for a permission to install and operate a mooring within the Marine Park.

11. *Guidelines on Coral Transplantation at Tourism Sites (2004)*—These guidelines are considered by the Authority when assessing an application for a permission to transplant corals within the Marine Park in an effort to shorten the natural recovery periods of coral reefs to support tourist programs.
12. *Managing Tourism Permissions to Operate in the Great Barrier Reef Marine Park (including Allocation, Latency and Tenure) (2004)*—This policy, in part, provides for longer permission terms for tourist programs that have a valid certification from a certification scheme approved by the Authority and for special tourism permissions.
13. *Marine Parks Act 2004 (Qld) and Marine Parks (Declaration) Regulation 2006 (Qld)*—This legislation provides for conservation of the State marine environment and establishes Queensland Marine Parks.
14. *Marine Parks Regulation 2006 (Qld)*—In deciding whether or not to grant a permission in a Queensland Marine Park, the Queensland Minister responsible for the administration of the *Marine Parks Regulation 2006 (Qld)* must consider matters outlined in that Regulation.
15. *Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 (Qld)*—adopts similar zone objectives, and entry and use provisions to the Great Barrier Reef Marine Park Zoning Plan 2003.

Context

16. The Authority, other partner agencies and the marine tourism industry are committed to responding to environmental incidents in an effective and coordinated manner through the *Marine Tourism Coordination Framework for Environmental Incidents*.
17. The Plan, along with the *Marine Tourism Coordination Framework for Environmental Incidents*, forms part of the Marine Park management actions within the Authority's *Reef Health Incident Response System*.
18. Under the *Great Barrier Reef Marine Park Zoning Plan 2003*, a person must hold a permission from the Authority to operate a tourist program in the Marine Park.

General principles

19. The Authority's objectives under the Plan are to provide management arrangements that:
 - a. Protect the environment, enhance reef resilience and provide for existing uses such as other tourist programs, traditional owner activities, commercial operations and recreational use; while being responsive to marine tourism business needs.
 - b. Provide timely advice and where possible give priority consideration of valid applications received under the Plan.
 - c. Support the marine tourism industry to provide quality tourism experiences, including presenting the World Heritage values of the Great Barrier Reef World Heritage Area.
20. The Authority expects permittees operating tourist programs to:
 - a. Be stewards of the Great Barrier Reef and proactively monitor the health of the sites they regularly visit.
 - b. Anticipate and mitigate the impacts of a severe environmental incident by assessing the risks to their tourist program, from those potential impacts, and developing contingency plans in advance.
 - c. Ensure the environment at the impacted site is not subsequently damaged by equipment, structures or vessels following a severe environmental incident.

Eligibility under the Plan

21. The Authority will consider permittees to be eligible under the Plan if they hold one or more valid permissions for the operation of a tourist program at a site in the Marine Park, where a severe environmental incident occurs, and only when:
- a. The operation of the tourist program has been significantly impacted by a severe environmental incident.
 - b. The incident was beyond the reasonable control of, and not contributed to by, the permittee.
 - c. The permittee has been complying with obligations in relation to the permission and other Marine Park legislation.

Specific principles

Responses under the Plan

22. The Plan provides for three types of responses that may apply where the operation of a tourist program is impacted by a severe environmental incident, being immediate responses, recovery responses and adaptation responses. The range of applicable responses that can be made by a permittee and the Authority will depend on the nature and scale of the severe environmental incident and the time needed by the permittee to respond and recover. The responses may provide short, medium or long-term solutions depending on what is most appropriate in the circumstances.
23. Through these responses, the Authority aims to ensure protection of the Marine Park and the continuation of ecologically sustainable use, while balancing tourism with other uses of the Marine Park.
24. For responses within Planning Areas, the Authority must have regard to the relevant Plan of Management. Plans of Management specifically provide for consideration of applications under the Plan for temporary (short-term) relocation of a tourist program.
25. In the Planning Areas, the Authority will only consider like-for-like access for permittees who hold special permissions to operate tourist programs or permissions to install and operate moorings or pontoons, except in the circumstances outlined in paragraph 26.
26. Like-for-like access will not be granted where:
- a. The permittee has access to a site in a Sensitive Location and applies for a permission to access a site in another Sensitive Location (Cairns and Hinchinbrook Planning Areas).
 - b. The permittee has access to a site in a setting 5 area and applies for a permission to access a site in another setting 5 area (Whitsundays Planning Area).
27. Like-for-like access does not include access to a more restrictive setting than the setting of the original permitted site.
28. Like-for-like access relates to frequency of access and the group or vessel size allowed at specific Locations or setting areas. Some examples of like-for-like access include:
- a. In the Cairns Planning Area: For a permittee who has a permission providing more than 50 days anchoring access to a specific moderate use Location, like-for-like access would be more than 50 days anchoring access to a different moderate use Location. Similarly, for a permittee, who has permission for above group size access at a specific low use Location while using a mooring, like-for-like access would be a permission for above group size access to a different low use Location upon relocation of the mooring.
 - b. In the Hinchinbrook Planning Area: For a permittee, who has a permission providing above group size access to a specific moderate use Location, like-for-like access would be a permission for above group size access to a different moderate use Location.

- c. In the Whitsunday Planning Area: For a permittee, who has a mooring at a specific site in a setting 3 area, like-for-like access would be a permission to relocate the mooring to another site in the same or different setting 3 area.

Immediate responses

29. Immediate responses recognise the importance of resuming business as soon as possible after a severe environmental incident. Immediate responses are focussed on supporting actions that individual permittees can commence or implement immediately, that are within the scope of their current permission, or that permittees may apply for through modification to their existing permissions.
30. Permittees can review the range of activities or access allowed under their current permission as a way of immediately focusing on a different activity at the original site or using alternative sites allowed under that permission.
31. Immediate responses may include:
 - a. Greater use of roving access or different activities which are already permitted.
 - b. Sharing another permitted mooring, upon agreement from the mooring permittee, to gain access to another site.
 - c. Gaining access to different sites by seeking authority, in accordance with the *Great Barrier Reef Marine Park Regulations 1983* (the Regulations), from another permittee, to operate a tourist program under that permittee's permission.
 - d. Relocating a mooring or pontoon within the original site in accordance with conditions of an existing permission, following an assessment by the Authority to determine a suitable site.
32. If a longer term solution is required, immediate responses can allow a permittee to continue operating a tourist program while an application for an alternative solution is considered by the Authority under recovery responses.

Recovery responses

33. Recovery responses are focused on short to medium-term action that individual permittees can take by seeking additional permission(s) under the Plan. Where possible, the Authority intends that assessment of applications under the Plan will be given priority over routine permit application assessments.
34. Recovery responses may include the permittee applying to the Authority to:
 - a. Change the permitted tourist program at the current site.
 - b. Obtain access to another site, for example, anchoring access or relocating a mooring or pontoon. In Planning Areas this will only be like-for-like access at best.
 - c. Transfer a permission from another permittee to gain access to a site provided for under that permission.
 - d. Undertake restoration or rehabilitation activities at the original site. This may be a preferred alternative to relocating a facility such as a pontoon.
35. Assessment of an application for a recovery response may result in either a short or long-term permission, or it may result in no permission being granted at all.

Adaptation responses

36. Adaptation responses are focused on supporting long-term action where the nature of the severe environmental incident precludes short or medium-term recovery, or where the number of permittees impacted does not allow case-by-case assessment.

37. Adaptation responses may include:
- a. The permittee recognising that the tourism opportunity is no longer available at the original site and ceasing or altering their business accordingly.
 - b. The Authority, at its discretion, considering a regulatory change to protect the Great Barrier Reef while providing for multiple-use.
38. An adaptation response may run parallel to immediate or recovery responses and may require public consultation.

Application process

Making an application under the Plan

39. In order to make an application under the Plan, a permittee must be eligible (refer to paragraph 21 for eligibility requirements). In addition, applications for any permission made under the Plan must be in a form that is approved by the Authority and must meet any applicable requirements in the Regulations. Permittees can access the *Marine Tourism Contingency Plan Application Form* on the Authority's website. For the purpose of the Plans of the Management, the *Marine Tourism Contingency Plan Application Form* is equivalent to the *Temporary Relocation Application Form* referred to in the Plans of Management.
40. A permit application assessment fee will be charged in accordance with the Regulations.
41. The Authority has complementary management arrangements with Queensland Parks and Wildlife Service. Under these arrangements, it is often necessary for permittees to hold a joint permission and/or a Queensland permission which may include access to areas that are only within State jurisdiction, such as State island national parks, cays or intertidal areas. For these areas, Queensland Parks and Wildlife Service has indicated that it intends to consider the Plan in assessing any application for either a joint permission, or Queensland permission, which supports continuation of a tourism operation in the Marine Park consistent with this Plan (noting that different legislative provisions apply to Queensland).

Assessing an application under the Plan

42. Recognising the urgency for permittees to recommence their businesses, the Authority will make every reasonable effort to support the continuity of tourist programs.
43. The Authority will assess valid applications against the mandatory and discretionary assessment considerations in accordance with the Regulations including environmental, cultural and social considerations.
44. In considering an application for access to a Planning Area the Authority will ensure the intent of the relevant Plan of Management remains.
45. The Authority will only consider granting a permission for access to a site in a Planning Area where the relevant application is at best for like-for-like access and does not include the circumstances mentioned in paragraph 26.
46. When making an application for relocation of a tourist program under the Plan, permittees should propose alternative sites where there is minimal risk to conservation, minimal risk to cultural or heritage values and the relevant tourist program is not likely to displace or unduly impact on other Marine Park users.
47. Where multiple tourist programs are affected and competition for limited alternative opportunities is likely to be high, the need to ensure that available opportunities are allocated equally may preclude first-come, first-served assessment of applications by the Authority.
48. In such instances the Authority may give priority, in the following order, to applications where:
- a. There is a high risk of further environmental damage if the relevant tourist program is not relocated.

- b. The tourist program cannot continue without relocating.
 - c. The impacted site is a key component of the tourist program, for example a mooring.
49. In considering any of these circumstances, applications from tourist programs that are contributing to Reef resilience, such as programs operated by high standard tourism operators, will be given higher priority.

Outcomes of an application

50. The Authority does not guarantee that a permission under the Plan will be granted in any individual case. For example an incident may not be considered by the Authority to be a severe environmental incident or there may not be appropriate alternatives for the operation of the tourist program.
51. In some instances an application may result in a long-term solution through either a variation to an existing permission or a new permission being granted to replace an existing permission.
52. In some instances, especially in Planning Areas, the application may result in the granting of a short-term permission allowing operation of the tourist program at alternative sites within the Marine Park while longer term solutions are explored and implemented.
53. While operating under a short-term permission, the permittee is expected to be actively pursuing a return to the original site or making alternative business arrangements.
54. Where relevant, the Authority may place conditions on short-term permissions to ensure ecologically sustainable use is maintained as well as the orderly and proper management of the Marine Park.
55. The Authority may grant short-term permissions for up to 12 months.
56. A continuation of a short-term permission for up to a further 12 months may be considered by the Authority in those instances where the original site has not recovered to a condition where it can be used for the original permitted tourist program. This would require the permittee to demonstrate what actions have been taken towards resuming normal operations and/or exploring alternative options.
57. Subject to the exceptions identified in the Regulations, a person whose interests are affected by a decision in relation to an application for a permission under the Plan may apply under the Regulations for reconsideration of the decision.

Implementation

58. Update application form for responses under the Plan.
59. Develop guidelines for use within the Authority to identify triggers and significance of severe environmental incidents.
60. Explore options to improve and streamline processes, including reviewing applicable fees, for permittees who have been impacted by a severe environmental incident.
61. Review and update management arrangements, including Plans of Management, relevant policies and guidelines, where possible and necessary.

Definitions

Authority means the Great Barrier Reef Marine Park Authority established by the *Great Barrier Reef Marine Park Act 1975 (Cth)*.

Great Barrier Reef Region has the meaning given in the *Great Barrier Reef Marine Park Act 1975 (Cth)*.

Great Barrier Reef World Heritage Area has the meaning given in the *Great Barrier Reef Marine Park Act 1975 (Cth)*.

High standard tourism operators means permittees certified by an independent certification scheme recognised by the Authority who contribute to Reef resilience and present the values of the Marine Park to a high standard.

Joint permission means a document issued by the Authority and the Queensland Parks and Wildlife Service which details the permission(s) granted by the Authority to which Part 2A of the Regulations applies and, if applicable, any Queensland permission(s) granted by the Queensland Parks and Wildlife Service under the *Marine Parks Act 2004 (Qld)* to undertake an activity or place a structure in a Queensland Marine Park.

Like-for-like access means access which is equivalent to or less than the original access allowed under an existing permission and relates to frequency of access and the group or vessel size allowed at specific Locations or setting areas.

Location has the meaning given under the Cairns Area and Hinchinbrook Plans of Management.

Low use Location has the meaning given in the Cairns Area Plan of Management.

Marine Park means the Commonwealth Great Barrier Reef Marine Park established by the *Great Barrier Reef Marine Park Act 1975 (Cth)*.

Moderate use Location has the meaning given in the Cairns Area Plan of Management.

Operation of a tourist program and **operating a tourist program** has the same meaning as in subsection 3A(3) of the *Great Barrier Reef Marine Park Act 1975 (Cth)* and includes the construction, maintenance or operation of a building or other facility (or its removal or demolition) in the Marine Park, for a purpose of the tourist program (and **tourist program** has a corresponding meaning).

Permission means a permission to which Part 2A of the Regulations applies (for example, a permission to engage in conduct in a Zone, including the person's use of, or entry to, the Zone).

Permittee means a person, company or entity issued a permission by the Authority or by the Authority and Queensland Parks and Wildlife Service.

Planning Area means an area of the Marine Park for which a Plan of Management has been developed.

Plan of Management has the meaning given by the *Great Barrier Reef Marine Park Act 1975 (Cth)*.

Principles of Ecologically Sustainable Use has the meaning given in the *Great Barrier Reef Marine Park Act 1975 (Cth)* and **Ecologically Sustainable Use** has a corresponding meaning.

Queensland Marine Park means the marine parks established pursuant to the *Marine Parks Act 2004 (Qld)* and *Marine Parks Regulation 2006 (Qld)*.

Queensland permission means a permission granted pursuant to the *Marine Parks Regulation 2006 (Qld)* or an authority granted pursuant to the *Nature Conservation (Administration) Regulations 2006 (Qld)*.

Sensitive Location has the meaning given under the Cairns Area and Hinchinbrook Plans of Management.

Setting means the management arrangements that are set out in Plans of Management, which provide for a range of experiences across a range of sites in the Marine Park and include the limitations on group size and vessel size.

Setting area has the same meaning as in the Whitsundays Plan of Management.

Severe environmental incident means an incident, or series of incidents which degrades an area in the Marine Park to such a degree that it significantly affects the ability of the permittee to conduct the original permitted tourist program at that site. Examples include extreme cases of: coral bleaching, coral disease outbreaks, crown-of-thorns starfish infestations, cyclones, storm surges, extreme flood events, oil and chemical spills and vessel groundings. A severe environmental incident does not include changes to Marine

Park ecosystems that are transitory or ephemeral in nature, such as the movement of sand cays and fluctuations in migratory animal populations.

Special permission has the meaning given by the Regulations and includes a special tourism permission.

Steward means permittees promoting responsible use and protection of the natural environment through conservation and sustainable practices.

World Heritage Values has the meaning given by the *Great Barrier Reef Marine Park Act 1975 (Cth)*.

Zone has the meaning given by the *Great Barrier Reef Marine Park Act 1975 (Cth)*.

Supporting information

1. Australian Government Great Barrier Reef Marine Park Authority (2013). *Information Sheet – Supporting Information to the Marine Tourism Contingency Plan*. The Information Sheet provides background information relating to the Plan.

Further information

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