



GOVERNMENT RESPONSE TO THE REVIEW OF GOVERNANCE OF THE GREAT BARRIER REEF MARINE PARK AUTHORITY

November 2017

REVIEW RECOMMENDATION	GOVERNMENT RESPONSE
<p>Recommendation 1:</p> <p>The 'executive management' model should be continued for future governance of the Authority; the position of the Chairperson and CEO should be separated; and the board should be supplemented with additional positions, skills and expertise.</p>	<p>Agree</p> <p>The Australian Government will seek to amend the <i>Great Barrier Reef Marine Park Act 1975</i> to ensure the Great Barrier Reef Marine Park Authority is guided by a multi-skilled, expert board. This will include replacing the existing full-time Chairperson with an independent part-time Chairperson and separate full-time Chief Executive Officer. One additional part-time board member will be appointed.</p> <p>Appointments to the board, including the independent part-time Chairperson and full-time Chief Executive Officer, are the responsibility of the Governor-General. The Minister responsible for the environment will propose appointments for approval by the Prime Minister or Cabinet.</p>

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<p>Recommendation 2:</p> <p>The Ministers responsible for the environment and science should issue joint Statements of Expectations for the Great Barrier Reef, for the Authority, Department of the Environment and Energy, Australian Institute of Marine Science, Bureau of Meteorology and CSIRO, including objectives, clarification of relative roles and responsibilities and coordination of activities.</p>	<p>Agree in principle</p> <p>The relevant Australian Government ministers will jointly issue a single Great Barrier Reef Statement of Expectations to the Great Barrier Reef Marine Park Authority, Department of the Environment and Energy, Australian Institute of Marine Science, Bureau of Meteorology and CSIRO. The joint statement will include organisation roles and responsibilities, and outline the Government's expectations for the coordination of activities between these organisations and with other key stakeholders in relation to management and protection of the Great Barrier Reef.</p> <p>Each organisation will have the opportunity to respond to the ministers in a Statement of Intent.</p> <p>The joint statement will only concern the Great Barrier Reef and be supplementary to organisations' existing Statement of Expectations.</p> <p>The Statement of Expectations and the corresponding Statements of Intent will be publically available.</p>
<p>Recommendation 3:</p> <p>The CEO should be the 'accountable authority' of the agency for the purposes of the PGPA Act.</p>	<p>Agree</p> <p>The Government will seek to amend the <i>Great Barrier Reef Marine Park Act 1975</i> to give effect to this recommendation.</p> <p>Under the PGPA Act, the 'accountable authority' is the person or group of persons responsible for, and with control over, the Commonwealth entity's operations.</p> <p>The Department of the Environment and Energy will articulate the roles and responsibilities of the CEO during documentation of the recruitment process (recommendation 12).</p>
<p>Recommendation 4:</p> <p>The CEO should be the 'agency head' for the Public Service Act.</p>	<p>Agree</p> <p>The Government will seek to amend the <i>Great Barrier Reef Marine Park Act 1975</i> to give effect to this recommendation.</p>

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<p>Recommendation 5:</p> <p>The CEO should be an <i>ex officio</i> member of the board.</p>	<p>Agree</p> <p>The Department will articulate the roles and responsibilities of the CEO during documentation of the recruitment process (recommendation 12).</p>
<p>Recommendation 6:</p> <p>The Chairperson, CEO or both must be able to present credibly on the ecology of the Reef and threats to management of the Marine Park in national and international fora.</p>	<p>Agree</p> <p>This capability will be included in recruitment processes for the Chairperson and CEO positions.</p> <p>This recommendation will be implemented in a manner consistent with recommendations 9 (develop a skills matrix) and 12 (document a formal recruitment process).</p>
<p>Recommendation 7:</p> <p>The board should continue to reflect Indigenous, Reef tourism and Queensland Government expertise, and be composed of people of significant standing in their fields of expertise.</p>	<p>Agree</p> <p>The provisions in the <i>Great Barrier Reef Marine Park Act 1975</i> for Indigenous and Reef tourism expertise, and nomination of a member by the Queensland Government, will remain. The Department will consider applicants' standing in their fields of expertise when undertaking recruitment and recommending appointment of new board members, drawing on the skills matrix to be developed (recommendation 9).</p> <p>This recommendation will be implemented in a manner consistent with recommendation 10 (board composition).</p>
<p>Recommendation 8:</p> <p>Board membership should continue to reflect Government policy on gender equity on boards and should, to the greatest extent possible, reflect Queensland, national and international perspectives.</p>	<p>Agree</p> <p>The Department will take these policies into account when undertaking recruitment and recommending appointment of new board members to the Minister responsible for the environment.</p> <p>This recommendation will be implemented in a manner consistent with recommendation 12 (document a formal recruitment process).</p>

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<p>Recommendation 9:</p> <p>A skills matrix should be developed and maintained by the Authority and utilised to inform recruitment of board members. The general skills required by the board should be legislated and could include:</p> <ul style="list-style-type: none"> • public sector governance • science (including one or more fields related to climate change, marine science, coastal ecology, fisheries, social sciences and engineering) • business / industry • natural resource management and parks management • regulation • education and communications • scenario planning and strategic management, and • resource economics. 	<p>Agree</p> <p>The Authority will develop and maintain a skills matrix for the board. Advice from the Chairperson on current skill gaps and needs of the board will be provided to the Department for consideration during recruitment processes for board vacancies. This requirement will be set out in the Chairperson and CEO's letter of appointment.</p> <p>The Department will articulate how the skills matrix is to be used during documentation of the board member recruitment process.</p> <p>The Government will seek to amend the <i>Great Barrier Reef Marine Park Act 1975</i> to specify the general skills required by the board in line with this recommendation.</p>
<p>Recommendation 10:</p> <p>To ensure the board has access to skills and expertise commensurate with its functions, the board should comprise seven members, consisting of:</p> <ul style="list-style-type: none"> • an independent part time Chairperson of integrity, national credibility and standing who would not be perceived as representing a Reef interest group • the CEO, and • five members including continuation of the Indigenous, Reef tourism and Queensland expertise and two members reflecting other skills, backgrounds, and geographic perspectives. 	<p>Agree</p> <p>The Government will seek to amend the <i>Great Barrier Reef Marine Park Act 1975</i> to give effect to this recommendation. All board members must meet public expectations of a high standard of integrity, national credibility and standing.</p> <p>In line with recommendation 7 (board member expertise), the Department will consider applicants' standing in their fields of expertise when undertaking recruitment and recommending appointment of new board members to the Minister responsible for the environment.</p>
<p>Recommendation 11:</p> <p>Standard term limits of five years should be retained, while reappointments should be limited to a maximum of two terms.</p>	<p>Agree</p> <p>The Government will seek to amend the <i>Great Barrier Reef Marine Park Act 1975</i> for an individual to be appointed for a maximum of two consecutive terms. The standard term limit of five years will be retained.</p>

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<p>Recommendation 12:</p> <p>The Department should develop and document a formal process to guide the recruitment of board members and the CEO, aligned with Government guidance (such as APSC 2012b*; DPMC 2016a**). The process should include, at a minimum:</p> <ul style="list-style-type: none"> • open and targeted approaches to the identification of candidates • reference to a matrix documenting the skills, expertise and diversity required by the board and identifying gaps based on future needs • information on roles and responsibilities (including management of conflicts, frequency of meetings) to be provided to applicants or nominees • the role of the Chairperson and board in recommending and assessing nominees • the make-up of the selection panel • information on the role and Ministerial expectations that will be included in letters of appointment, and • articulation of the role of the Queensland Government in the selection processes. <p><i>*Merit and Transparency: Merit-based selection of APS agency heads and APS statutory office holders</i></p> <p><i>**Cabinet Handbook 9th ed.</i></p>	<p>Agree</p> <p>The Department will develop and document a formal process to guide the recruitment of all board members, including the Chairperson and CEO, in line with this recommendation.</p>
<p>Recommendation 13:</p> <p>The potential for conflicts of interest amongst board members should be reduced by legislated provisions requiring appointees not be a member of the governing body of a relevant interest group.</p>	<p>Agree</p> <p>The Government will seek advice on the most appropriate and effective way to legislate such provisions.</p> <p>This recommendation will be implemented in a manner consistent with recommendation 20 (managing conflicts of interest).</p>

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<p>Recommendation 14:</p> <p>The Authority and its staff should formalise induction processes for board members, including at a minimum:</p> <ul style="list-style-type: none"> • an appointment letter from the Minister outlining remuneration, terms and conditions, and expectations for the board and its members • induction meetings with the Chairperson and senior executive • an induction package reflecting the specific circumstances and policies of the Authority and including, at a minimum, the Board Charter briefing on decision-making processes, and relative organisational roles and functions (see 'Board charter and policy' and 'Delegations' below for further discussion), and • board member support 	<p>Agree in principle</p> <p>The process for recruiting and recommending to the Minister board members for appointment, including writing the letters of appointment, will be managed by the Department.</p> <p>The Authority will expand and formalise its induction process to ensure new board members understand their role and functions and the support available to them.</p>
<p>Recommendation 15:</p> <p>The board should consider whether it needs to meet more frequently than the four meetings per year at present.</p>	<p>Agree</p> <p>The Chairperson, in consultation with the board, will consider the frequency of meetings and out-of-session deliberations through the development of the board charter (recommendation 18). A request will need to be made to the Remuneration Tribunal to review the level of remuneration for part-time members (including the Chairperson) if workloads change.</p>
<p>Recommendation 16:</p> <p>The board should determine and implement an appropriate and ongoing mechanism to review and manage its performance.</p>	<p>Agree</p> <p>The Chairperson and CEO, in consultation with the board, will consider and put in place mechanisms for performance review. This requirement will be set out in the Chairperson and CEO's letter of appointment.</p> <p>This recommendation will be implemented in a manner consistent with recommendation 18 (board charter).</p>
<p>Recommendation 17:</p> <p>The Governor-General should have the power to terminate members, on the recommendation of the Minister, if they are consistently underperforming.</p>	<p>Agree</p> <p>The Government will seek to amend the <i>Great Barrier Reef Marine Park Act 1975</i> to give effect to this recommendation.</p>

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<p>Recommendation 18:</p> <p>The Authority, led by the new Chair, should develop a comprehensive board charter including information on:</p> <ul style="list-style-type: none"> • board values • considerations for decisions • frequency of meetings (discussed above) • the formation and operation of subcommittees • procedures for making decisions out-of-session • procedures for setting agendas, including attendance by non-members • values of the board • procedures for the declaration and management of conflicts of interest (discussed below) • guidance on members' interactions with media and other stakeholders • the role of the board in monitoring performance of the CEO (discussed above), and • performance reviews for the board and its members (discussed above). <p>The charter should be a public document.</p>	<p>Agree</p> <p>The Chairperson will lead the development of a comprehensive board charter and associated policies to support the transition to the new governance structure. The charter will be made available on the Authority's website and be reviewed by the board, at a minimum, each time a new Chairperson is appointed. This requirement will be set out in Chairperson's letter of appointment.</p> <p>This recommendation will be implemented in a manner consistent with recommendation 15 (frequency of meetings), 16 (managing performance), and 20 (managing conflicts of interest).</p>
<p>Recommendation 19:</p> <p>The Authority should establish clear policies governing:</p> <ul style="list-style-type: none"> • the risk appetite of the agency • guidance for staff when exercising delegations (discussed below), and • guidance for staff around reporting to the board. 	<p>Agree</p> <p>The new CEO, as the accountable authority under the PGPA Act, will lead the development of policies and guidance consistent with this recommendation. This requirement will be set out in the CEO's letter of appointment.</p> <p>This recommendation will be implemented in a manner consistent with recommendation 21 (guidance on exercising delegations).</p>
<p>Recommendation 20:</p> <p>The board could consider processes for members in relation to the management of conflicts of interests while gaining valuable relevant information.</p>	<p>Agree</p> <p>The Government expects the board to establish clear processes for dealing with the identification and management of conflicts of interest consistent with the PGPA Act and reflect this in the board charter (recommendation 18). This requirement will be set out in the Chairperson and CEO's letter of appointment.</p>

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<p>Recommendation 21:</p> <p>Delegation instruments should be supported by guidance on how and when delegations should be exercised. This guidance should be written in light of the Authority's risk appetite, and reflecting the potential outcomes of different types of decisions.</p>	<p>Agree</p> <p>The new CEO, as the accountable authority under the PGPA Act, will lead the development of guidance to support staff in exercising delegations, in line with this recommendation.</p> <p>This recommendation will be implemented in a manner consistent with recommendation 19 (develop clear policies).</p>
<p>Recommendation 22:</p> <p>The CEO with advice from the board should consider enhancing senior executive management capacity in support of the needs of the agency, including a clear second in command able to fulfil the duties of an acting CEO when the CEO is absent.</p>	<p>Agree</p> <p>The new CEO, in consultation with the board, will review the senior executive management capacity of the Authority in recognition of the increase in scale and complexity of the tasks undertaken by the Authority over the past decade. This requirement will be set out in the CEO's letter of appointment.</p>
<p>Recommendation 23:</p> <p>The board should regularly review and update the committee structures in place to support it with expertise and advice in relation to the major issues affecting the Marine Park.</p>	<p>Agree</p> <p>The Government expects that any review and update of the committee structures will be cognisant of established arrangements and avoid duplication and additional burden on stakeholders. This requirement will be set out in the Chairperson and CEO's letter of appointment.</p>
<p>Recommendation 24:</p> <p>The Authority should seriously consider establishing a broad-based, high-level stakeholder consultative committee for the provision of advice on stakeholder perspectives on matters affecting the management of the Marine Park.</p>	<p>Agree in principle</p> <p>The Government recognises the valuable contribution stakeholders make to management of the Reef, and has established an advisory committee under the Reef 2050 Plan.</p> <p>The Government encourages the Authority to leverage existing structures where possible to obtain advice on matters affecting the management of the Marine Park.</p>