

MARINE PARK PERMITS TRANSFORMATION

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Great Barrier Reef
Marine Park Authority
P.O. Box 1379
Townsville, 4810*

MANAGING ROVING TOURIST
PROGRAM OPERATIONS

A REVIEW OF APPROACHES IN THE
GREAT BARRIER REEF MARINE PARK

october 1994

Gordon Claridge
NATURAL RESOURCE MANAGEMENT CONSULTANT

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DISCLAIMER

The Authority has committed itself to a course of simplification of certain categories of permits, including the roving tourist program operator permits which are the subject of this consultancy. If this simplification involves removing or reducing existing restrictions on permitted activities, in many cases this will involve an element of risk. Some references are made to risk in the analysis of individual permit conditions in Chapter 6 of this review. However the author strongly recommends that the Authority seek expert advice in each relevant field (including environmental protection, amenity, safety, administration, and law) before making any decision to remove, discontinue or vary the use of an existing permit condition or Schedule. No responsibility is accepted by the author for the actions of the Authority in reducing or varying in any way the level or types of conditions or restrictions applying to permitted activities.

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Prepared by: Gordon Claridge
Natural Resource Management Consultant
Cilla Pty Ltd
P.O. Box 562
Benalla Vic 3671
Australia

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Many of the proposals to simplify and streamline the permits for tourist program operations have their origins in ideas developed by GBRMPA and QDEH staff over a long period. Particular mention needs to be made of Max Haste of QDEH Northern Region whose seminal contribution to the development of the mooring/non-anchoring area concept and the practical application of operator association codes of practice significantly pre-dated the involvement of the author in this consultancy.

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EXECUTIVE SUMMARY

As a result of various criticisms of the system of permits for roving tourist program operators, the Great Barrier Reef Marine Park Authority initiated a review of the system with a view to achieving a radical transformation that would move the majority of restrictions into measures applying to specific sites and to all classes of users of the reef.

This consultancy report examines the management objectives behind the range of permit conditions attached to roving tourist program permits and offers recommendations for meeting those objectives through other measures. The report is based on the premise that the Authority is committed to the goal of greatly simplifying the current permit system and issuing standard permits for tourist programs. It is assumed that the Authority will identify and take into account any risks inherent in achieving this goal.

During the consultancy and particularly through a joint GBRMPA/QDEH workshop on transforming the permits system, it became apparent that roving tourist program permits shared a broad range of problems with other tourist program permit types. A range of approaches has been identified for simplifying tourist program permits generally. Many of these have already been developed to some extent by staff of the Authority and QDEH and some are already in place. As each of these approaches is brought into play, permit conditions will be able to be removed.

It is estimated that over the next two years the Authority should be able to develop a class assessment of tourist program operations that will lead to the issue of a simple, standard tourist program permit. Using this class assessment and other changes proposed in this report, applications for tourist program permits should be able to be processed within several days, rather than several months as is often the case at present. A key element of the application of this approach to site-specific tourist programs is the retention of detailed assessment of applications for installations associated with tourist programs.

The range of measures that is being proposed includes:

- sensitive site plans;
- mooring/non-anchoring areas;
- codes of practice;
- statutory management plans;
- regulations;
- booking systems; and
- site permits.

In the course of this review a number of "institutional" problems have been identified. Solutions proposed for these will contribute greatly to the operation of the permit system and the efficiency of park management generally. The problems include:

- an element of institutional culture which views the permits system as being routine, mundane and consuming a disproportionate amount of management resources;
- a range of different views on what the Authority's position on amenity is; and
- a lack of clarity in the hierarchy and role of different spatial planning mechanisms.

It is clear that the transformation of the permit system for tourist program operations will be a major project, involving many varied and interconnected initiatives and requiring the input of staff from many areas of the Authority and QDEH. If this is to succeed within any reasonable time frame it will need to be managed as an integrated project. A project management team should be established and formal project management approaches should be adopted.

The Authority should be aware throughout the transformation process that there are likely to be unfavourable reactions from sections of the public to some of the changes that need to be introduced. In particular, strong reaction can be expected from some sectors of the tourism industry. The authority should anticipate these reactions and develop mechanisms to explain the changes and their rationale to the public.

The priority actions recommended for transforming the permits system are:

- Develop and implement a strategy for changing the organisational attitude to the permits system. Develop and encourage an image of the permits system as the "cutting edge" of management of the Marine Park.
- Institute a program of regular (two-yearly) review of the permits system with the aim of:
 - ensuring that the permits system does not exceed its proper role in park management;
 - ensuring consistency in the application of controls;
 - ensuring that the permits system maintains the simplest form compatible with orderly and proper management;
 - ensuring that the system remains "user-friendly".
- Define, for each reef from which RTPOs are currently excluded because of the danger of coral damage or over-crowding, the areas where anchoring may and may not occur. The non-anchoring areas will be, at a minimum, the areas where moorings and associated tourist operations currently occur. These will be closed to all anchoring, whether commercial or private. Anchoring areas will effectively be the remainder of the reef. These areas and associated policies should be subjected to public consultation.
- Adopt a policy to the effect that any application for the installation of a mooring on a reef without existing moorings should be a trigger for a planning and public participation process. This process will determine: (i) whether it is appropriate to place moorings at the location (reef) in question; (ii) how large the mooring area should be; (iii) where it should be located; (iv) what density of moorings should be allowed; and what proportion of the reef should be available for anchoring.
- Form a joint GBRMPA/QDEH review panel to examine proposed non-standard permit conditions which are questioned by either GBRMPA or QDEH permit staff. This panel need not meet - its business can be conducted by phone, fax or e-mail, and it need not comprise more than two or three people. One of its members should have

some legal qualifications. However it should have the authority to make decisions on whether particular permit conditions can be used.

- As a matter of urgency considerable E/I resources should be directed to explaining the purposes, working, and objectives of the permits system to actual and potential permittees and to increasing the general appreciation of its role in park management. Tourist program operators, and particularly RTPOs, should be targeted in the first instance, however this should be an ongoing program.
- Task the Education/Information Section of the Authority with producing informative materials that convey the information that is currently included in permit conditions.
- Task the Education/Information Section of the Authority with producing materials which make tourist program operators aware of the restrictions that apply to their activities through the range of measures outside of the permit system. The importance of this activity will increase considerably with the shifting of restrictions out of the permit conditions, and this task is essential to the success of the permits transformation.
- Commission a position paper which accurately summarises and sets out the Authority's position on the relevance of, and the attention to be paid to, all aspects of amenity in the assessing of applications for permission in the Marine Park. This paper should set out all relevant decisions and policies and should clarify any apparent anomalies or contradictions. A draft of the paper should be circulated to DDM staff to ensure that it answers any uncertainties that they have. The paper should be made available to all management (including DDM) staff involved with the permits system.
- Commission a paper to be endorsed by the Authority which provides an overview of the current status, proposed future action, and hierarchical relationships of the existing range of spatial planning documents that exist or are in preparation. Documents reviewed should include: existing drafts and final versions of zoning plans, regional management plans and strategies, reef and island management plans, area statements, statements of interim management intent, etc. In particular this paper should set out the degree of reliance that the Authority is prepared to place on each category of document in the making of permit decisions.
- Institute ongoing development of a class assessment of tourist program activities against the criteria in Regulation 13AC(4).
- Revise the permit application form to ensure that the information necessary for processing applications for RTPOs is likely to be provided.
- Undertake a program to make it clear to all users of the Marine Park that the sites available for use on the Reef are finite, and that uncontrolled expansion of the tourist industry will inevitably mean that the proportion of those sites suitable for low density recreational activities will decrease.

- Develop a range of statutory management plans, including the redrafting of current draft management plans in an appropriate form.
- Create a range of regulations under the *Great Barrier Reef Marine Park Act* as proposed in Chapter 6.
- Create a range of regulations under Queensland legislation as proposed in Chapter 6.
- Develop in consultation with the community (including particularly tourist program operators) a range of activity-based Codes of Practice.

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GLOSSARY

AMPTO	Association of Marine Park Tourism Operators
ANCA	Australian Nature Conservation Agency
CGPFA	Cairns Professional Game Fishing Association
CHARROA	Cod Hole and Ribbon Reefs Operators' Association
CRIMPS	Cairns Reef and Island Management Planning Strategy
DDM	Day-to-Day Management
E/I	Education/Information
EIM	Environmental Impact Management
GBR	Great Barrier Reef
GBRMPA	Great Barrier Reef Marine Park Authority
MPA	Marine Park Authority (GBRMPA)
QDEH	Queensland Department of Environment and Heritage
RTPO	Roving Tourist Program Operator/Operation
TPO	Tourist Program Operator/Operation
WMA	Whitsunday Management Area

1. BACKGROUND

1.1 Tourism on the Great Barrier Reef

Current estimates of tourist visitation to the Great Barrier Reef are of the order of 2.2 million visitors per year. This figure is expected to double or triple in the next six years.

Most tourists who visit the Great Barrier Reef do so with tourist program operators (TPOs) who offer trips to specific sites on the Reef. However a significant number use the services of roving tourist program operators (RTPOs)^{1,2}. These are operators who do not necessarily market visits to one particular destination, but who are prepared to take clients to whatever reefs are the most appropriate for the experiences that they are seeking. Such operators may have a number of preferred sites for each type of experience, but they are generally willing to target different sites depending on the weather and the wishes of the client.

No up-to-date information is available on the proportion of reef visitors who use each type of service, possibly partly because of the difficulty of defining the different service types (see Section 2.1). Site-specific operations frequently use large vessels capable of carrying up to 400 passengers, but are not as numerous as roving operations. The latter use vessels with a wide range of capacities, but generally not more than forty to fifty passengers. There are currently around 330 permitted roving tourist program operations and 190 site specific operations (1) in the Marine Park.

In line with the increase in visitor levels to the region there have been substantial increases in the numbers of tourist program operations. Between 1992/93 and 1993/94 there was a 113 percent increase in the number of permits granted by the Authority for tourist program operations.

1.2 Overview of Impacts of Tourist Program Operations

A number of potential environmental impacts of commercial tourist programs are of concern to the agencies managing the Great Barrier Reef. These include: discharge of waste, litter and fuel; physical damage to the reef from anchors, people snorkelling, diving and reef-walking; disturbance to fauna, including seabirds, turtles and whales; and over-fishing or over-collecting (3). Some of these natural environment impacts represent a threat to the ecology of the reef. Others are significant mainly for their diminution of the environmental quality amenity of particular sites. A second category of impact which is of concern to these agencies in their role as managers of marine parks relates to the abiotic amenity values available to be enjoyed by visitors. These include: the visual amenity

¹TPO and RTPO are used interchangeably as an abbreviation for "tourist program operator" or "tourist program operation" and "roving tourist program operation", or "roving tourist program operator", depending on the context.

² The distinction between "site-specific" and "roving" tourist program operations is somewhat artificial and has, until now, been made within the permits system for convenience.

(intrusion of non-natural structures into the viewscape); social amenity (crowding); and spectrum of opportunity for recreation (recreational settings).

As a generalisation, the impacts of tourist program operations are not of ecosystem-level significance. It is highly unlikely that uncontrolled tourist program operations could threaten the survival, or even the stability, of the Great Barrier Reef ecosystem³. This is particularly unlikely while there are sufficient highly protected reefs to ensure that recruitment of the various groups of organisms from unaffected reefs can occur. Even at an individual reef level, tourist program operations are unlikely to threaten the survival of a reef. However, they may significantly alter the nature of local communities on parts of the reef, particularly in the sheltered back reef area where most tourist activities occur. These impacts are likely to be temporary, with sites recovering when impacting activities cease. For managers, the major concern associated with TPOs is to ensure that the individual reefs are maintained in a sufficiently natural condition to provide an enjoyable experience for, and to meet the expectations of, the users of the reef. From this point of view, most of the natural environment impacts that are likely to occur as a result of TPOs are amenity impacts.

1.3 Permits in the GBRMP

The zoning plans covering the various sections of the Great Barrier Reef Marine Park set out those activities which may be carried on 'as of right', and those which require the permission of the Authority. Commercial tourist operations have always required permission because of their perceived potential to cause environmental impacts, and because of park management issues associated with these activities. TPOs may be carried out with permission in all zones of the Marine Park other than Preservation and Scientific Research Zones. The area available to commercial tourist operations currently covers 99.8 percent of the Marine Park.

The issuing of permits was begun in July 1981. Research and tourism permits now comprise the largest categories of permits issued. In 1991-92 and in 1992-93 tourism-related permits constituted 32 percent of the total permits issued.

For some seven or eight years, tourist program permits have been issued as joint permits under both Commonwealth GBRMP legislation and Queensland Marine Parks legislation. This approach was adopted to expedite the approval process since operators would generally be using both Commonwealth and Queensland marine parks in the course of any activity. A process of joint assessment and approval has been continually refined over the years, with very high gains in efficiency being evident particularly in the last two years.

TPOs who operate in the GBRMP and also access Queensland National Parks (either on islands or on the mainland) also require Commercial Activity Permits under the Queensland *National Parks Act*.

³This refers only to the tourist activities, and does not include the impacts of infrastructure such as moorings or of waste discharges.

Recent years have seen a decline in the numbers of tourist program permits issued annually as one-year permits are gradually replaced by three-year (and now six-year) permits. This is not to say that the workloads in managing the permit system are decreasing in parallel with the decreasing numbers of permits issued. The longer life of permits means that operators are more likely to seek to vary the details of their permit during its currency. The number of variations to existing permits is increasing.

For a number of reasons there has been increasing dissatisfaction with the permits system for roving tourist program operations over the last five years or more. There have been claims that the permit system is becoming unwieldy, complex, ineffective, inequitable, and highly demanding of management resources. (These perceptions are dealt with in Chapters 3 and 16).

Certainly, the permits system has become more complex with time. This is partly a direct result of the increase in numbers of tourist operators in the Marine Park, with their resultant interactions, and partly because of changing technologies used in tourist programs. However a significant contribution to this increased complexity comes from the use of the permits system as an expedient way of addressing issues which, for various reasons, have not been taken up in Zoning Plans, management plans or regulations.

This complexity has been evidenced in an increase in the numbers of conditions and Schedules attached to the average permit and also in the increased complexity of restrictions applied. The effect of this is worsened by the poor drafting of some conditions which renders them unclear, ambiguous or sometimes incomprehensible.

1.4 Permits Review

A review of the Authority by Whitehouse (2) led to a recommendation that "The GBRMPA needs to carefully ensure that the amount of human and financial resources devoted to the processing of permit applications is commensurate with the benefit accruing to the GBRMP in terms of protection and management".

As a result of growing concern, both within the management agencies and among tourist program operators, it was decided to undertake a review of the system.

A Working Group was established by the management agencies in late 1993 to review the Marine Park permit system. The members of the Working Group include senior representatives from GBRMPA, QDEH, the Queensland Department of Tourism, Sport and Racing, and a representative of the Association of Marine Park Tourism Operators. The Group has had significant input from the Australian Littoral Society in relation to conservation and management issues. The Working Group has been directed to undertake "a radical transformation of the permit system" (3).

The Working Group's first report was presented in April 1994. The Marine Park Authority endorsed the recommendations of the report, including the principles of a

substantially modified approach to management of tourism, with transformation of the permit system being considered the highest priority among Authority programs.

The principles which the Authority has decided are to underlie the proposed revised tourism management approach include:

- greater emphasis on management of impacts and sites rather than regulation of users;
- greater emphasis on the use of plans and Regulations, with any necessary constraints applying, as far as practicable, to all user groups; and
- increased reliance on Codes of Practice, operator training and self-regulation.

With respect to RTPOs, the changes to be made to the permits system will be based on the following approaches:

- focus on protection and management of key sites and resources through control of user impacts on those sites and resources;
- impact mitigation measures generally to be applied to all user groups, normally through statutory instruments (Zoning Plans, Regulations, etc) rather than permits;
- some permit types should be abolished and many others reduced to simple licences issued by one management agency;
- use of plans (e.g. Regional Plans or Zoning Plans) developed with user participation to ensure a range of opportunities is provided for different uses;
- allowance to be made for greater user self-regulation, for example through training for tour managers and interpretive staff; and Codes of Practice;
- implementation of structured programs of monitoring of key sites and audit of impact assessment and management procedures (6).

Indications of the resulting changes which the Authority intends should be made to the roving tourist operator permits were provided in correspondence to the Chairman of the Queensland Charter Vessel Association Inc. in early 1994 (6). These are:

Short term changes:

- review existing permit schedules and conditions and retain only those which are needed to protect Marine Park resources and values;
- simplify and shorten permit, develop a standard permit which is not unduly restrictive;
- standard permit to be available quickly, without further detailed assessment being required;
- introduce Codes of Behaviour, etc;
- whenever possible, use Regulations to implement necessary restrictions so that they apply to all user groups, eg. to require use of moorings in areas where coral is sensitive to anchor damage.

Medium to Longer term:

- reduce permit to simple licence issued "over the counter";
- use Zoning Plans and Management Plans (rather than permits) to implement any necessary restrictions on use or access (eg to protect sensitive seabird rookeries).

1.5 Consultancy

In August 1994 the Authority engaged the author as a consultant to make a detailed examination of the roving tourist program operation permits and to develop approaches to simplify and streamline the handling and form of these permits. The terms of reference for the consultancy are at Appendix 1.

1.6 Tourist Operations Management Workshop

The agencies managing the Great Barrier Reef marine parks held a workshop entitled *New Directions in the Management of Tourist Operations* in Townsville between September 12 and 15, 1994. This workshop used as its starting point a working draft of this report, and examined ways in which the management of tourist program operations could be simplified, streamlined and made more effective.

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2. ROVING TOURIST PROGRAM OPERATIONS

2.1 Definition/Description

Roving tourist program operations (RTPOs) are generally described as those which range across many locations. They are contrasted with "site faithful", "site specific", or "site-dedicated" operations which use the same site, or small set of sites, on a regular basis. The factors which govern where a RTPO might be carried out on any day include: weather; requirements of clients; and the presence of other operators.

From a practical point of view it is not easy to define RTPOs precisely. The operator who roams randomly wherever the whims of weather or clients dictate is almost a myth¹.

The vast majority of tourist program operators who would generally be regarded as falling within the "roving" category will have a set of favoured sites for each activity. Generally this set will not be large for any particular Section of the Marine Park. Added to this is the tendency for their clients to want to be taken to "name" sites - those which have been marketed by other tourist program operators to the extent that they have become widely known.

In practice there is a spectrum of "site-faithfulness" among tourist program operators (Figure 2-2). This encompasses, at one end, those operators with site specific operations and the "true rover" at the other. There have been several attempts to arrive at workable definition of RTPOs for the purposes of the permit system. Probably the most widely used is the criterion that an operator who does not use any site for more than two days in any seven day period is a rover. There are several problems with this definition. These are dealt with in Section 7.1.

Another attempt at definition of RTPOs has been made by asking them to agree to a standard set of conditions and Schedules, including the "two in seven" condition, prior to assessment of their permit applications. Operators who agree to the standard restrictions (known by various names, e.g. R20 in the Central Section) effectively define themselves as RTPOs.

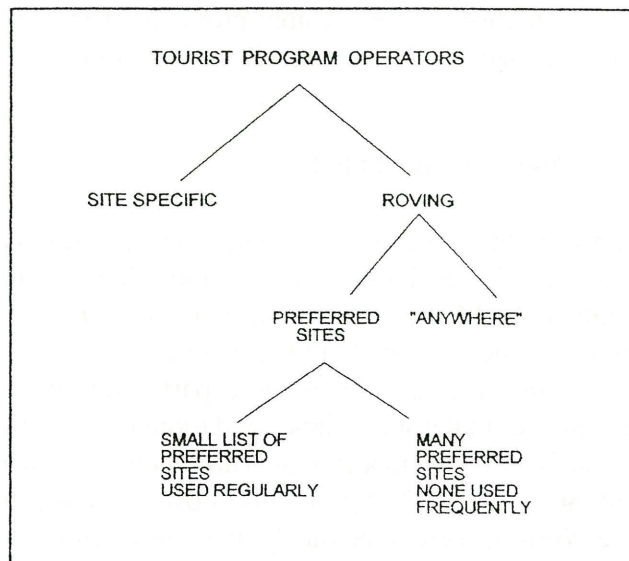


Figure 2-1: Tourist Program Operations

¹Even vessels operating for multi-purpose charter are fairly site faithful. For example, an assessment by a GBRMPA Planning Officer of an application for permission to operate a game-fishing mother ship said: "Non-gamefishing charter vessels are usually all-year users with more or less regular visitation [of] specific locations".

This approach has its uses, since it gives the operator the opportunity to "self define", after (at least in the case of the Central Section) considering a fairly detailed set of explanations for the conditions and exclusions proposed. Nevertheless, it is still subject to many of the problems discussed in Section 7.1 in relation to the "two in seven" criterion alone.

2.2 Numbers of RTPOs

Apart from the problem of defining what constitutes a RTPO, management staff are also faced with the difficulty of determining how many RTPOs are currently permitted to operate in the Marine Park. This is much more than a matter of not knowing the gross numbers. The pool of RTPOs constitutes a "latent user pool" of operators who might, on any one day, decide to use a particular site. Because of (largely unavoidable) inadequacies in the surveillance and monitoring capability of the managing agencies, it is not usually possible to know with any accuracy how many vessels are using a particular location regularly. Thus problems of overcrowding and local environmental damage can arise without there necessarily being any prior warning. Placing "2 in 7" type access restrictions on a site does not significantly reduce the unknown number of "latent users" among the permitted RTPOs who are likely to use the site at any time.

Because of problems related to the design of the permits database, it is not even possible to know with any certainty how many RTPOs have the standard set of conditions and exclusions for each Section of the Marine Park. Ignoring whether or not they have standard conditions and exclusions, a search of the database for operators with the codes for "tourist program" and "roving" shows that there are around 327 roving tourist program operations in the Marine Park². These have been issued with permits having different periods and can be broken down into:

one year permits	42
three year permits	160
six year permits	78
other period	47
<hr/>	
Total:	327

Not all of these have standard conditions or schedules. It is not possible to search the database for standard conditions, since conditions are entered into a text field and are treated as unique for each permit, even though in fact they are frequently common to many permits. However, an attempt was made to search the database for those RTPOs who have standard exclusions in their Permit Schedules (see Table 2-1).

²This is based on a search of the database for operators who have both TP (tourist program) codes and R (roving) codes.

Table 2-1: Estimate of RTPOs with Standard Exclusions

Section	Number with Roving Permit for the Section	Number with Standard Exclusion Set for the Section
Far Northern	138	131
Cairns	190	184
Central	171	157
Mackay/Cap	111	40

"Number with Roving Permit for the Section" is derived from a database query for the number of permits having the relevant Section code in the Inclusions field.

"Number with Standard Exclusion Set for the Section" is the number from the above set which has all of the exclusions set out in the relevant Schedule.

The total of permitted RTPOs for all Sections will not be exactly the 327 quoted above for the whole Marine Park because many operators have permits for more than one Section of the Marine Park.

In fact, this last data must be treated with considerable suspicion. An attempt to check a random sample of RTPO permit files to determine what proportion actually have standard sets of exclusions proved futile. The standard exclusion sets have changed relatively frequently, so that it appears that few operators share the same set of exclusions. This is a further example of the deficiencies in the suitability of the permits database for management purposes.

☞ The permits computer system and database should be reviewed and redesigned on the advice of a qualified systems analyst.

It is important to be aware that there are a number of sites from which operators are routinely excluded but which do not appear on the current standard Schedules. Examples are Cateran Bay and Blue Pearl Bay in the Whitsundays with 58 and 117 operators respectively having specific exclusions from these sites.

2.3 Other Types of Roving Tourist Program Operations

In addition to the charter boats for sightseeing, snorkelling, diving, fishing, etc, there are other types of commercial operations which come under the heading of roving tourist program operations. These are bareboat charters, aircraft tourist operations, and gamefishing charters. These are discussed below.

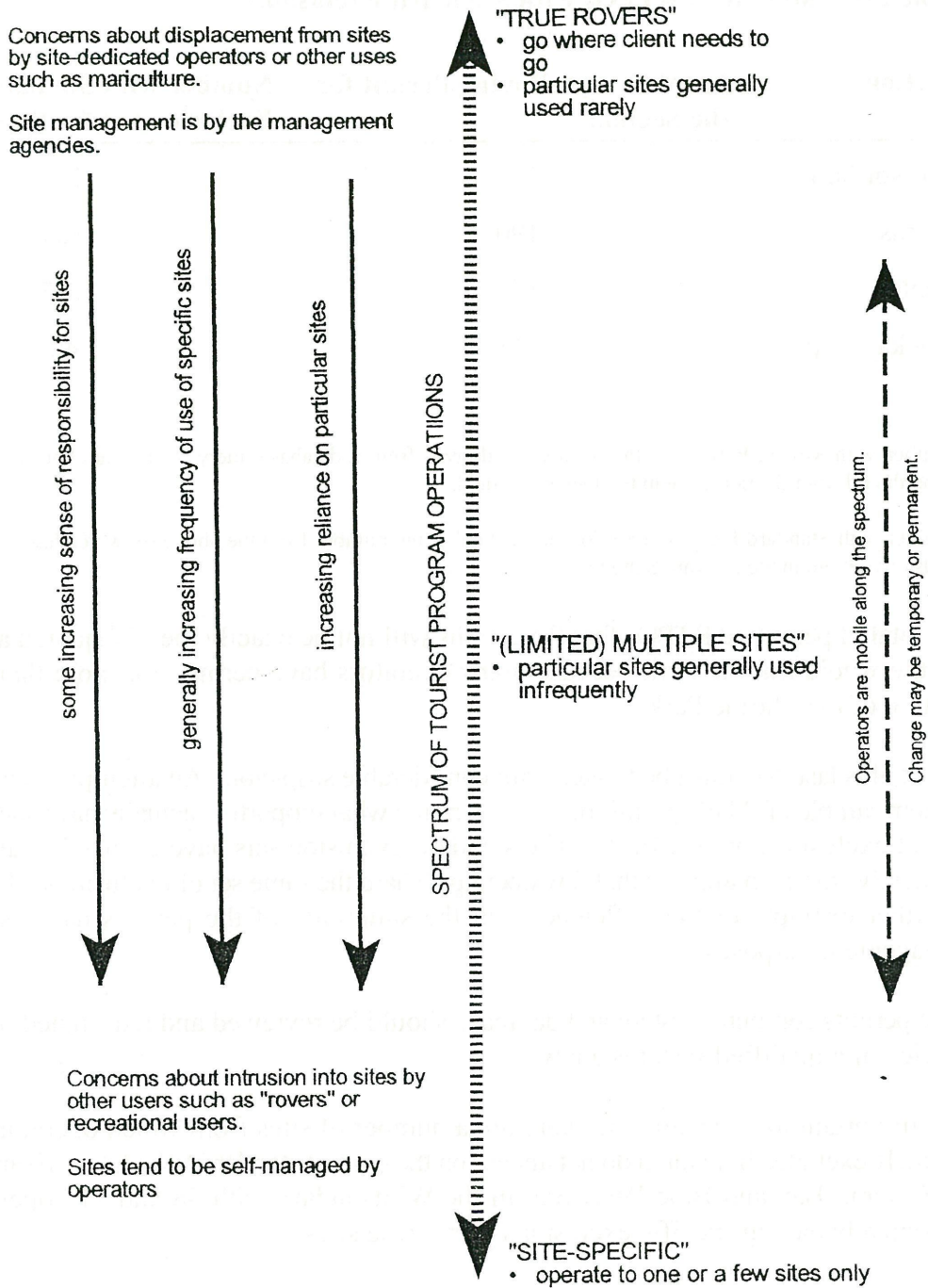


Figure 2-2: Spectrum of Tourist Program Operations (Roving to Site-Specific)

2.3.1 Bareboat Charters

A bareboat is defined as "a vessel available for hire by a person or group of persons to sail themselves" (15). "Sail guides", who are not required to be qualified skippers, may be provided on request. Some bareboat operators own and lease out their own vessels. Others employ agents who do the leasing for them. It is not unusual for an operators or agents to "borrow" boats from one another to match their level of demand.

Bareboat charter operations are fairly tightly regulated by the Queensland Department of Transport (DoT), with controls on vessel size, passenger capacity, cruising range, etc. Bareboats are required to anchor overnight in designated safe locations. Operators/agents also frequently place additional limitations on bareboat charter activities in order to protect their investment in the yachts.

In theory bareboat charters are true roving activities, going wherever the whims of the hirers take them. If this were true they would be indistinguishable from private yacht sailors. In practice, restrictions placed on them by the DoT and operators, as well as the preferences of sail guides, mean that they generally operate consistently to a small group of locations. Because most of the bareboat operations in the Marine Park are in the Whitsunday area they are operating in what is already one of the most heavily used parts of the Marine Park.

Bareboat charter operations are subjected to relatively few restrictions by the Authority. Restrictions on areas where they may operate are based on their survey limitations and effectively mirror those of the DoT. Other restrictions are placed on the maximum number of vessels which an operator may use. Since this is generally the number sought by the operator it does not represent a real limitation, but rather an upper limit known to the managers for planning purposes.

The likely impacts of bareboat operations in the Marine Park are associated with: damage to corals from anchoring and grounding as a result of inexperienced operators; social amenity impacts arising from crowding in heavily used locations; and safety considerations in crowded overnight anchorages (15).

2.3.2 Aircraft Tourist Charter Operations

The popularity of aircraft tourist operations has been growing steadily for a number of years. The majority of these operations use float planes capable of landing in the Marine Park.

In addition to the impacts associated with vessels, aircraft have the potential to cause significant amenity impacts because of their high noise levels. They also have a high potential for impacts on breeding seabird populations.

2.3.3 Game Fishing Boats

These are generally highly seasonal operations, e.g. marlin fishing between September and December. Many of the operators undertake typical roving tourist program operations outside the game fishing season.

The main impacts of game fishing operations are likely to be anchor damage.

2.4 Management Concerns with RTPOs

While it is generally accepted that the impacts of RTPOs are not a threat to the Great Barrier Reef ecosystem, there are, nevertheless, management concerns with particular aspects of these activities. These concerns cover both environmental and park management issues. They can be summarised as:

- damage to corals and other benthic communities from anchors;
- damage to corals from divers and snorkellers;
- damage to corals from grounding of vessels, including tenders;
- potential for over-fishing of particular localities;
- possible resource allocation conflicts between RTPOs;
- displacement of other users (e.g. private recreational users);
- displacement of RTPOs by other users;
- possible intrusion into areas used (and often managed) by site-specific operators (e.g. for coral viewing, diving, snorkelling, etc);
- amenity impacts through crowding of particular sites;
- the possibility of unknown but cumulative impacts;
- loss of future management options through the establishment of "claims" to particular sites through "historical use" arguments;
- loss of options for particular recreational settings at a location through establishment of a *de facto* setting by RTPOs;
- difficulties in monitoring compliance with management measures (including permit conditions and schedules);
- poor representation of RTPOs by industry associations, and poor downward communication from associations to members;
- lack of an upper limit on the number of permitted operators, and the potential for demand for appropriate destinations to exceed availability; and
- difficulty of knowing how many operators will use a particular site at any given time.

The managing agencies perceive a number of benefits associated with the activities of RTPOs. These include:

- their roving characteristic spreads impacts over a wider area than site-specific operators, thus resulting in reduced impact at any one site³;
- provision of a wide range of opportunities for enjoyment of the Great Barrier Reef;
- potential to provide information on remote or little-used sites which are difficult for management to monitor;

³This is also a disadvantage in that there is a more dispersed need for management.

- frequently high staff/client ratios provide opportunities for high quality interpretation; and
- resource-sharing - one operator does not monopolise a site.

2.5 Resolving the Definitional Problem - Site-specific and Roving

The problem of defining RTPOs was discussed at the Townsville workshop. Management agency staff generally believe that the separate treatment of roving operators under the permits system will be unnecessary when new measures are introduced to replace permit conditions and schedules. These new measures will allow all tourist program operations to be treated in the same way, with detailed assessment reserved for novel operation types or for infrastructure such as moorings and pontoons.

- ☞ It is recommended that the distinction between roving and site-specific tourist program operations be removed from the permits system. Permissions should be granted for "the conduct of tourist programs". There should be separate applications and assessments for any associated infrastructure such as moorings and pontoons.

Such an approach will recognise that the majority of impacts and concerns associated with tourist program operations are common to the whole spectrum of program types. It will also facilitate the transfer of permit conditions (many of which are currently common to roving and site-specific operations) to other measures.

It might be suggested that, once all of the alternative measures to replace permit conditions and schedules are in place, it will be possible to do away with the requirement for permits for TPOs. However there are a number of valid reasons for retaining these permits, including:

- tourist program operators are different to private recreational users of the Marine Park in that they are deriving private profit from a common property resource. This should not be regarded as a right, and should be subjected to an approval process;
- tourist program operations have some potential to have significant impacts on the GBR resource, possibly though currently unforeseeable changes in technology or activities. A means of instituting controls should be retained;
- the use of the Marine Park by tourist program operators necessitates a particular level of management and therefore the permit system should be retained as a mechanism for levying the Environmental Management Charge; and
- the data provided through the permit system is useful for management purposes.

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3. PROBLEMS WITH THE PERMITS SYSTEM FOR ROVING TOURIST PROGRAM OPERATIONS

3.1 Perceived Problems

Most of the criticisms of the permits system for roving tourist program operations (RTPOs) can be summarised under the following headings¹:

- processing time from application to permit issue is too long
 - application forms are not appropriate to RTPOs
 - applicants do not provide sufficient information
 - applicants do not respond expeditiously to requests for information
 - urgent requests mean other applicants wait longer;
- the permit processing procedures are too labour intensive
 - there are some unnecessary stages in the joint assessment process
 - too much effort goes into the assessment of routine permits
 - some applicants want to negotiate restrictions as a matter of principle;
- the need to deal with offices in each region when applying for an "all zones and locations" permit is too cumbersome;
- restrictions are based on personal opinions of GBRMPA/QDEH staff;
- permits are too detailed and difficult to understand;
- some RTPOs do not take permit conditions seriously;
 - there is insufficient monitoring of compliance with permit conditions
 - management agencies do not take action against non-compliance;
- too many exclusions/restrictions;
 - there should not be any restrictions on anchoring
 - there are too many exclusions in the Schedules to permits;
- the "latent capacity" of permitted RTPOs who might decide to use any particular site is too high (i.e. there are too many operators with unrestricted permits);
- limitations on operation time in Sections of the Marine Park away from the home Section do not allow sufficient flexibility;
- RTPOs are discriminated against *vis a vis* the general public and other types of operators;
- permit system is too reactive, responding to problems only after they become serious;

¹This is based on: (i) lists of concerns of the Australian Marine Park Tourist Operators Association and GBRMPA/QDEH permits staff (15); discussions with staff of the Authority and QDEH; and a review of management of impacts of tourist operations in the GBRMP (1).

- permits are used in lieu of planning and policy development;
- permits are often used to resolve conflicts between operators which the industry should resolve;
- many RTPOs do not understand the relative roles of permits and zoning plans, or the role and principles of the GBRMPA;
 - some operators do not understand the requirements of other operators groups/users;
- "The permits tail is wagging the Authority dog" - administration of the permits system makes too great a demand on the Authority's resources;

4. APPROACH AND PRINCIPLES USED

4.1 Approach

The approach that will be taken in this review of the RTPO permit system will be to:

- i) examine the role of permits in the management of the Great Barrier Reef Marine Park;
- ii) review the role and usefulness of major components of the RTPO permits, particularly the conditions and exclusions which are applied;
- iii) examine the characteristics of RTPOs with a view to simplifying their treatment under the permits system, and in particular contributing to the development of class assessments;
- iv) review, to the extent possible in the time available, the permit application forms and processing procedures to identify possibilities for simplifying the approaches used;
- v) review, in the light of the above, the criticisms of the permits system as it applies to RTPOs.

4.2 Principles

The principles that will be applied in this review are: equity; simplicity; appropriateness of the use of permits; avoidance of unnecessary regulation; consistency with the Authority's legal obligations.

4.2.1 Equity

Equity considerations suggest that all similar uses/users of the Marine Park should be treated in the same manner. Thus someone who enters and uses the marine park for the purpose of sailing a private yacht should, so far as is reasonably possibly, be subjected to the same controls and conditions as another person entering and using the marine park on a yacht for the same purpose, but on a commercial tourist program operation.

At least some management staff are of the opinion that the impacts of most non-site specific tourist program operators and recreational users of the Marine Park do not differ greatly (1).

4.2.2 Simplicity

All aspects of the RTPO permit system should be as uncomplicated as possible. This will have the effect not only of making the procedures and purposes clear to the permittees, but also of reducing the resources necessary for managing the permits system and reducing processing time.

4.2.3 Appropriateness of the Use of Permits

Permits should not be used to achieve ends that are better achieved through zoning plans, management plans, regulations, publicity/educational material, correspondence, or face-to-face contact. Neither should they be used to achieve levels of orderly management of the Marine Park which are outside the recognised ambit of the Authority.

Thus permit documents should not be used to inform operators of the desirable ways of carrying out certain activities, or of the existence of controls under zoning plans. Neither should they be used to resolve conflicts between individual operators, unless this conflict has ramifications for the management of the Marine Park or the protection of the Great Barrier Reef and cannot be overcome in any more efficient manner.

4.2.4 Avoidance of Unnecessary Regulation

It is one of the aims of the Authority to *minimise regulation of, and interference in, human activities, consistent with meeting the goal and other aims of the Authority.* Consistent with this, the permit system should not lead to regulation of activities unless this is unavoidably necessary for meeting the goal and other aims of the Authority.

In some situations there may be some conflict between a wish to follow the spirit of this aim of the Authority and the need to maintain a system of joint permits. From time to time there will be a necessity for permit conditions and schedules which take into account the requirements of managers of parts of Queensland which may not be relevant to, or consistent with, the every aim of the Authority. In such situations the Authority ought to be able to rely on the permittee's having been made aware of the nature and limitations of the joint permits system.

4.2.5 Consistency with the Authority's Legal Obligations

The *Great Barrier Reef Marine Park Act* places certain obligations on the Authority in relation to the establishment and management of the Great Barrier Reef Marine Park and the protection of the Great Barrier Reef ecosystem. Streamlining and simplification of the permit system cannot be taken to a stage where the modified system gives rise to situations where the Authority's legal obligations are not met.

5. THE PLACE OF PERMITS IN THE MANAGEMENT OF THE MARINE PARK

5.1 The Management Philosophy

5.1.1 Goal and Aims

The goal and aims of the Authority succinctly express the general philosophy which guides management of the Great Barrier Reef Marine Park (see box).

5.1.2 Prudence

The *25 Year Strategic Plan for the Great Barrier Reef World Heritage Area 1993-2018* summarises the precautionary principle that has always guided the Authority in making resource decisions. It says: "... unless impacts associated with a proposed activity or use are known with reasonable assurance, we should proceed cautiously while ensuring that substantial and irreversible impacts are not imposed" (10).

As Carey (1) points out, this strategy is a very necessary one in situations where management is carried out in the absence of adequate information. In fact, almost all natural resource management is done with less than the optimal information. If managers did not take the view that decisions are made on the basis of the best available information, decision-making would be paralysed by the lack of complete data sets. In such situations, prudence and caution are sensible approaches.

GOAL OF THE AUTHORITY

To provide for the protection, wise use, understanding and enjoyment of the Great Barrier Reef in perpetuity through care and development of the Great Barrier Reef Marine Park

AIMS OF THE AUTHORITY

To protect the natural qualities of the Great Barrier Reef, while providing for reasonable use of the Reef Region.

To involve the community meaningfully in the care and development of the Marine Park.

To achieve competence and fairness in the care and development of the Marine Park through the conduct of research, and the deliberate acquisition, use and dissemination of relevant information from research and other sources.

To achieve integrated management of the Great Barrier Reef through active leadership and through constantly seeking improvements in coordinated management.

To achieve management of the Marine Park primarily through the community's commitment to the protection of the Great Barrier Reef and its understanding and acceptance of the provisions of zoning, regulations and management practices.

To minimise costs of caring for and developing the Marine Park consistent with meeting the goal and other aims of the Authority.

To minimise regulation of, and interference in, human activities, consistent with meeting the goal and other aims of the Authority.

To achieve its goals and other aims by employing people of high calibre, assisting them to reach their full potential, providing a rewarding, useful and caring work environment and encouraging them to pursue relevant training and development opportunities.

To make the Authority's expertise available nationally and internationally.

To adapt actively the Marine Park and the operations of the Authority to changing circumstances.

For Carey, this has had certain negative consequences for the permits system. In her view it

has led to an increasingly complex system of regulations, plans, permits, requirements, conditions, instructions, guidelines, many of which are often honoured only in the breach by those whose enjoyment, economic benefit and future heritage they are intended to protect. (1)

Others would argue that the principle of prudence has served the Great Barrier Reef and its users well. They would assert that the fact that the majority of visitors to the Reef can still enjoy the spectacle of healthy coral formations in relatively pleasant surroundings is a tribute to the success of this principle. It does not seem unreasonable to take the view that if there has been any widespread failure to observe permit conditions, it is more likely to stem from operators having learned over the past 13 years that the Authority is unlikely to enforce permit conditions or even, in most cases, to monitor their compliance. In such a situation, an operator's lack of regard for the permits system might be reinforced by being faced with conditions which are sometimes unenforceable and sometimes plainly nonsensical. Nevertheless, this is not to suggest that the permits system has become unworkable, merely that it has evolved to a stage where the problems should be addressed. It is also necessary to remember that the permits system is only one part of the armoury of management tools available to the Authority for protecting the Great Barrier Reef.

There is a feeling among some DDM staff that the increasingly complex system referred to by Carey is, at least in part, a result of attempts by management staff to operate in an environment where principles espoused by the Authority in higher levels of management (e.g. zoning plans) do not seem to be backed up in making decisions about individual operations. They see some permit decisions (and reconsideration/appeal decisions) as undermining the intent of zoning plans (see next Section).

5.2 Management Instruments Used in the Marine Park

5.2.1 Zoning Plans

Zoning plans have now been developed for all Sections of the Great Barrier Reef Marine Park. These plans divide the Park into a range of zones which are distinguished principally by different levels of restriction of use. These zone types range from General Use 'A' where a wide range of activities can be conducted without requiring permission, to Preservation Zones where most activities are prohibited.

Zoning plans provide a "broad-brush" level of management, setting out which activities can be carried on 'as of right', and which might be allowed subject to the permission of the Authority. Virtually no restrictions are placed on RTPOs under zoning plans.

Zoning plans go through two phases of public participation. This process is widely advertised. It would be unlikely that other public participation processes used by the Authority achieve anything like the same level of awareness as that associated with zoning

plans. Written submissions are received, recorded and analysed. Changes to proposed zoning are often made on the basis of these submissions. These public submissions represent a valuable expression of public attitudes and a snapshot of usage of some sections of the Reef. Nevertheless, once the zoning process is completed these submissions are not regarded as a resource for guiding future management decisions, such as permit issue, made under the zoning plan. In fact, they are not readily available to managers, and only a very abbreviated summary is available in the *Basis for Zoning* prepared to accompany recently completed zoning plans. For various reasons, including its telegraphic style, DDM staff seldom if ever consult this document when assessing permit applications.

- ☞ It is recommended that increased reference be made to the *Basis for Zoning* documents and public participation responses received during the zoning process in assessing permit applications.

Some management staff feel that, in certain situations, management decisions relating to permit applications subvert the intent of zoning plans and the wishes of the community as expressed through the public participation process. It is felt that the much more limited public advertisement procedure sometimes invoked in relation to permit applications is not adequate to justify ignoring comments made during the zoning process.

5.2.2 Regional Management Plans

The preparation of these subsidiary planning documents recognises the "rudimentary nature of the zoning plans and the necessity to provide for a more contemporary planning framework providing for planning objectives, strategies and actions to be undertaken and an assessment of priorities for implementation" (2)

So far none of these documents has received final Authority approval. The Whitsunday Management Plan is undergoing a public participation process following approval and release of the draft management plan. The Cairns Reef and Island Management Planning Strategy (CRIMPS) is at a very early stage and is not expected to be completed for at least two years, though parts of it can be expected to come into effect in six to eight months. The Offshore Cairns Strategy was adopted by the Authority as interim policy in early 1992, pending finalisation by the Authority and QDEH following public comment. It has apparently not yet been finalised.

The CRIMPS is expected to be developed during 1994/96 as a series of smaller actions to be coordinated for the Cairns region. The overall aim is to develop an effective way of managing the area within the requirements of the current zoning plan by concentrating on:

- streamlining permitting;
- developing better contacts between Marine Parks officers and people and groups with an interest in the Marine Park, especially at local levels; and
- planning for long-term management of areas, including:
 - clearer conservation management;

- systems for managing reasonable use up to ecologically sustainable limits at some sites; and
- management for preferred levels and types of use at other sites, where there is public support for such limits.

Developing the strategy as a series of smaller objectives is intended to allow provisions to be put in place as they are developed. It is intended that the majority of measures prepared under CRIMPS will be given legal force through regulations.

The exact nature of the policies developed under CRIMPS depends on whether the Authority is willing to clarify fundamental uncertainties among DDM staff about the objectives of management. This particularly concerns the extent to which management should be concerned with amenity values.

The Whitsunday Management Plan will come into effect in the next six to twelve months and should incorporate many restrictions now contained in permit conditions and schedules.

5.2.3 Island and Reef Management Plans

Management plans can take almost as long to prepare as zoning plans because of the necessity to ensure full public consultation (3).

So far management plans have been finalised for Low Isles Islands and Reef, Michaelmas Island and Reef, Green Island and Reef, Magnetic Island and Reef, and Lady Musgrave Island and Reef.

All management plans prepared so far are policy documents which can form a basis for making legal decisions. None has legal effect on its own. In fact, none has been drafted in a form which facilitates statutory implementation, although giving legal effect to certain provisions of these management plans would allow many conditions and exclusions to be removed from permits. The creation of statutory management plans will require finalisation of a regulation allowing management plans to have legal effect, and the redrafting of existing management plans in a form which can be put into legislation. This is expected to take around two years under present staffing levels.

A number of other management plans have been prepared but have not progressed beyond draft stage. Considerable work would be likely to be necessary to bring these draft plans up to date and to take them through public participation and the Authority and QDEH approval process. This would be necessary before they could be put into legislation and so take over some current permit conditions.

Once management plans achieve statutory force they will override permit conditions then in existence. This may lead to problems for (an unknown number of) existing permitted RTPOs as a result of conflict with existing permit conditions. **It may be necessary to express the associated regulations so that any permits currently in force with**

permissions or conditions which are in conflict with the management plans are exempted from the effect of those plans.

The Authority operates from a general principle that management plans should be kept as simple as possible. This has implications for any proposals to move permit conditions and restrictions into management plans, as this may lead to undesirable complication of the plans. This is not a matter which has been addressed by the Authority until now.

5.2.4 Area Statements

These are policy documents having no independent legal status. They set out the intended management goals for limited areas such as individual reefs.

No area statements are known to have been approved by the Authority and this approach is no longer in favour as a planning tool.

5.2.5 Designated Areas

Under the zoning plans, a range of special areas can be declared to assist in the management of the Marine Park. These include: special management areas; seasonal closure areas; areas to be avoided by aircraft; shipping areas; defence areas; and fisheries experimental areas.

These designated areas provide the opportunity for a more detailed and flexible approach to spatial management than can be achieved in the zoning plans. In theory they offer an opportunity to consolidate spatial restrictions currently expressed in permit conditions, including the exclusions in the Schedules. This approach is being followed, to some extent, by the Authority. However it is possible that the advent of statutory management plans will lead to designated areas not being used, or at least to a significant decrease in their use.

5.2.6 The Hierarchy of Planning Approaches

The abundance of planning documents (zoning plans, regional planning approaches, reef and island management plans, area statements and now statements of interim management intent) can cause confusion not only to outsiders but also to DDM staff as well. The Authority's use of these various planning tools is very much in the evolutionary stage, with methods sometimes being tried and then modified or abandoned. Frequently methods which have been discontinued for planning purposes remain current as the only expression of management policy for the area in question.

Whitehouse (2) recommended that "the GBRMPA in consultation with QDEH should prepare a formalised hierarchy of management plans recognising the role of zoning plans, issues based plans, area management plans and site specific plans". The purpose of this recommendation was "to ensure maintenance of a consistent and logical planning framework and ensure the relationships between the various components of the planning hierarchy are appreciated and understood".

There does not seem to have been any progress with the preparation of this formalised hierarchy or management approaches, so that confusion still exists in the minds of management staff. This is particularly the case in relation to the degree of reliance that it is acceptable to place on different types of documents in making permit decisions. Without this guidance they are uncertain whether their actions will be backed-up by the Authority in an appeal situation.

- ☞ It is recommended that in the near future a paper be prepared and endorsed by the Authority to provide an overview of the current status, proposed future action, and hierarchical relationships of the existing range of spatial planning documents that exist or are in preparation. Documents reviewed should include: existing drafts and final versions of zoning plans, regional management plans and strategies, reef and island management plans, area statements, etc. In particular this paper should set out the degree of reliance that the Authority is prepared to place on each category of document in the making of permit decisions.

5.2.7 Regulations and Statutory Management Plans

Whitehouse (2) foresaw a shift in emphasis from management through zoning plans to greater reliance on specific management plans and area statements. He also recommended that statutory recognition should be given to these instruments.

The *Great Barrier Reef Marine Park Act* contains wide regulation-making powers (s.66). Regulations can be drafted to give effect to many of the restrictions now included in permit conditions. For example, regulations may be made which apply to "a specified part of a zone" (s.66(3)) and can be for the purposes of, *inter alia*:

- providing for the protection and preservation of the Marine Park and property and things in the Marine Park;
- providing for the safety of persons in the Marine Park; and
- regulating the use of vessels in, the passage of vessels through, the Marine Park and the landing and use of aircraft in, and the flying of aircraft over, the Marine park.

The creation of Queensland Government Regulations will possibly be a more complex matter which may be delayed until the finalisation of the *Nature Conservation Act*. The development of natural resource management regulations under Queensland legislation is a notoriously lengthy process.

In its current form the Great Barrier Reef Marine Park Act does not provide legal power to implement management plans. However, specific provisions of management plans can be incorporated separately into regulations. This is a cumbersome and undesirable process and the Act is being amended to provide for giving legal force to management plans.

Actions to introduce this provision have been under way for around two years and it is likely to be at least early to mid-1995 before this amendment is in place. Further delay will arise from the process of preparing statutory management plans. Existing management plans are not in an appropriate form to be put into effect under the proposed

amendment. They will need to be recast in an appropriate form, and in some particulars this will involve resolution of policy issues. Management plans for new areas will take time to develop.

☞ Before moving any controls from the permit conditions and Schedules, regard should be had to the effect that this will have on the penalties which apply. Transferring permit conditions to regulations will have the effect of significantly reducing the penalties. Where the penalty for a company for a breach of a permit condition is currently \$50,000, under the regulations the maximum penalty that could be applied would be \$5,000. For an individual the reduction would be from \$10,000 to \$1,000.

5.2.8 Permits

The provisions of s.38A to s.38G of the *Great Barrier Reef Marine Park Act* provide that permission is required to undertake a range of uses or activities in both zoned and unzoned areas. The legislation clearly envisages that conditions will be attached to permissions to use or enter a zone. (see, for example, s.38B and s.38C). However the detailed operation of the permitting system is largely drawn from the provisions of zoning plans.

Regulation 13AC(4) sets out those matters to which the Authority is required to have regard in considering an application for permission¹ (see Box 5-1; and Sections 5.3 and 5.4).

REGULATION 13AC(4)

In considering an application for a relevant permission, the Authority shall have regard to:

- (a) the objective of the zone; and
- (b) the need to protect the heritage and heritage values held in relation to the Marine Park by traditional inhabitants and other people; and
- (c) the likely effect of granting permission on future options for the Marine Park; and
- (d) the conservation of the natural resources of the Marine Park; and
- (e) the nature and scale of the proposed use in relation to the existing use and amenity, and the future or desirable use and amenity, of the relevant area and of nearby areas; and
- (f) the likely effects of the proposed use on adjoining and adjacent areas and any possible effects of the proposed use on the environment and the adequacy of safeguards for the environment; and
- (g) the means of transport for entry into, use within or departure from the zone or designated area and the adequacy of provisions for aircraft or vessel mooring, landing, taking off, parking, loading and unloading; and
- (h) in relation to any structure, landing area, farming facility, vessel or work to which the proposed use relates:
 - (i) the health and safety aspects involved, including the adequacy of construction; and
 - (ii) the arrangements for remexpirationthe expiration of the permission of the structure, landing area, farming facility or vessel or any other thing that is to be built, assembled, constructed or fixed in position as a result of that use; and
- (i) the arrangements for making good any damage caused to the Marine Park by the proposed activity; and
- (j) any other requirements for ensuring the orderly and proper management of the Marine Park; and
- (k) any charge payable by the applicant in relation to a chargeable permission (whether or not in force) that is overdue for payment; and
- (l) if the application relates to an undeveloped project, the cost of which will be large - the capacity of the applicant to satisfactorily develop the project.

Box 5-1: Criteria for Making Permit Decisions

¹For the Far Northern Section of the Marine Park these criteria are set out in the Zoning Plan. The criteria are slightly different but will be brought into line with 13AC(4) when the Zoning Plan is reviewed.

5.3 The Role of Permits


The permits system provides a very sensitive tool for the fine scale management of parts of the GBRMP. Using this system, individual operations can be subjected to separate environmental assessment and have permit conditions tailored to their specific situation. The permit system provides a tool which can apply a specific control selectively to a particular operator or to a class of operators which might be difficult to define for the purposes of preparing regulations to achieve the same purpose.

Not only does the permit system provide a means for controlling the location and conditions applying to tourist operations, it also allows the Authority to review the conditions under which an operation is conducted at the time of permit renewal.

Where a novel type of operation is being permitted, the permit system provides a vehicle for detailed assessment of that type of operation and for developing relevant management controls which are consistent with the intent of zoning plans. The permit system has played an important role in the evolution of the approaches to managing commercial tourist operations in the Marine Park in line with changes in technology and public demand for recreational experiences.

In addition, the permits system provides a testing ground for approaches to emerging management problems in the Marine Park. Permit conditions can be introduced to new operations (and to renewed permits for existing operations) to put into effect evolving control strategies. When these strategies have been fully tested they can be effected through changes to permit conditions by seeking the agreement of existing operators for amendments to their permit conditions. The introduction of six-year permits has effectively removed the option for the authority to use evolutionary changes to permit conditions as the first stage in dealing with emerging issues and sensitivities at particular sites.

However, with most or all such types of operations, there is likely to come a time when the bulk of the restrictions applied to them can be standardised and moved into other management measures such as regulations, management plans or zoning plans.

 There should be regular review of the permits system with a view to simplifying it and maintaining its role *vis a vis* other management instruments used in the Marine Park.

The system is inherently management-intensive and cannot be used to its full potential with the resources currently available for permit assessment, issuing and field monitoring. The use of permits to provide the detailed management under a zoning plan also requires that the purposes and intent of specific zoning decisions are fully documented and available to those administering the permit system. Further, if the full effectiveness of the permits system is to be realised there also needs to be a consistent policy approach across zoning plans, management plans and permit decisions. This requires that there be a continual process of policy development, documentation and review, so that those

situations which were not foreseen in the preparation of the zoning plan can be addressed. These situations do not exist in the regime under which the GBR Marine Park is currently managed. As a result, it is probably true to say that the permits system is not being used to its full potential as a management tool by the agencies managing the Marine Park.

5.4 Possible Loss of Discretionary Powers

Alternatives to the current permit conditions and schedules are discussed Chapter 10. In considering these alternatives, and also in considering the proposal that the tourist program operation permits can eventually take the form of licences with more or less automatic issue, regard should be had to the role of permits in natural resource management.

The role of permits in any legislative management system is to allow the exercise of discretion by managers. In the framing of statutory plans and regulations it is not always possible to take into account the full variety of human activity. A requirement to make decisions in regard to individual applications provides the opportunity to make an assessment of aspects of a particular proposed activity. Examples of things which might need to be considered individually include:

- the relationship to and interaction with other nearby activities (which may have commenced after the drafting of the relevant legislation);
- the scale of the proposed operation;
- the effect of the proposed activity on future management options; and
- the transport arrangements proposed.

Many of the criteria listed in Regulation 13AC(4) (see Box 5-1) relate to things which are relevant to deciding whether an activity will be appropriate but could not have been known to the authors of the zoning plans and regulations.

The reduction of tourist program operation permits to a simple licence may largely remove the opportunity to exercise discretion in the case in individual operations.

- ☞ The Authority and QDEH should bear in mind when simplifying the tourist program operator permits system the possible loss of the discretionary decision-making which is inherent in the current system.

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6. REVIEW OF PERMIT CONDITIONS LIKELY TO BE APPLIED TO ROVING TOURIST PROGRAM OPERATION PERMITS

This Chapter contains a review of the set of standard permit conditions currently applied to RTPO permits. Some of the more recent non-standard conditions are also discussed.

The conditions applied to permits by the managing agencies in the Marine Park have been classified as (Woodley, 1989 in (1)):

- those aimed at preventing physical or biological impacts, or reducing them to an acceptable level;
- those intended to protect the Authority and taxpayers from the cost of cleanup, removal or the cost of litigation, usually involving requirements for a bond or bank guarantee and insurances;
- those allowing intervention during construction stage if impacts area exceeding predetermined limits;
- those which specify the limits of the operation in time, space, numbers and types of activity.

A more useful categorisation for the purposes of the current review and redesign of the roving tourist operations permits system (based on an examination of current permits) seems to be:

- *natural environment*: conditions aimed at protecting the natural environment of the Great Barrier Reef from unacceptable harm. This includes protection of the natural environment amenity values;
- *amenity*: conditions aimed at protecting the social/visual amenity values of the Marine Park for users. This can include visual amenity, social carrying capacity, etc;
- *safety*: conditions aimed at ensuring the safety of users of the Marine Park;
- *legal*: conditions aimed at ensuring the legal validity of the permission, or of ensuring that breaches of the permission or attached conditions can be successfully prosecuted;
- *administrative*: conditions aimed at facilitating the administration of the Marine Park;
- *education*: conditions aimed at supporting the educational role of the Great Barrier Reef Marine Park Authority;
- *informing the Permittee*: conditions which have as their purpose the conveying of information to the Permittee which is not strictly educational.

Many issues are raised in the "Comments" column of this table. The more significant of these are discussed in Chapter 7 of this report.

Definitions

CONDITION	CATEGORY	COMMENT
Various Definitions	Defines important terms used in the permit.	Should be retained because of its contribution to reduction of ambiguity.

Standard Conditions - All Permits

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS ¹
1. Activities described in the 'purposes of use and entry' of this permit must only take place in the zones and locations described in 'Part A' of this permit.	LEGAL	Not strictly necessary. It clarifies the intent of the permit. It is more of a reminder of the limited nature of the permit rather than a permit condition. The placement of 'only' may lead to ambiguity. If retained should be reworded to read "... must take place only ..."	Little or none. The front of the permit could be modified to achieve the same objective.		Delete

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS ¹
<p>2. All activities must be undertaken in accordance with the provisions of the laws in force from time to time in the State of Queensland.</p>	LEGAL	<p>Has the useful effect of extending the operation of Queensland law to areas outside the State. This removes the necessity for the Commonwealth to develop laws which parallel those in force in Queensland. May have the effect of ensuring that the permit does not over-ride Queensland law. Also has the effect of warning operators that matters not addressed in the Marine Park legislation or permit conditions are likely to be subject to other laws. Cannot be moved into a Regulation because the regulation-making power is not sufficiently broad to allow this. There would be few operators who would object to this condition.</p>	<p>There may be issues which the Authority would prefer to see regulated under Queensland legislation, such as those relating to workplace safety and workers compensation.</p>		Retain

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>3. The Permittee must ensure that when operations are conducted in the Marine Park under this permit, the permit or a certified copy of the permit is available, at the site or sites of operation and on vessels during transit to and from that site or sites, for inspection on demand by an officer of the Managing Agency.</p>	<p>ADMINISTRATIVE</p>	<p>This is administratively useful as it provides that day-to-day management staff can expect to find permitted operators carrying copies of their permits. However, operators whose permits have been revoked may also be carrying copies of apparently valid permits. Management staff have available computer print-outs of currently permitted operators and can be expected to carry these on vessels in the field. Should apply to all operators, not just RTPOs. This can be achieved through a regulation. A regulation is currently being prepared which will allow inspectors under Marine Park legislation to see permits which are required to be available on vessels.</p>	<p>Complete removal of this requirement would lead to difficulties for field management staff in monitoring compliance with legislation.</p>		<p>Move to Regulations Preparation of a Regulation is currently in process, but the proposed Regulation should be broadened to have as nearly as possible the same effect as this condition. Consideration should also be given to whether or not a parallel Queensland Marine Parks regulation is required.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS'
<p>4. The Permittee must inform participants in the program of any restrictions applying under relevant zoning plans, Marine Park regulations and this permit.</p>	LEGAL	<p>This appears to have the effect of placing some responsibility on the operator for the awareness on the part of program participants of the restrictions which apply. Because of the number of restrictions which apply under all the instruments listed, this requirement could not realistically be met by operators. One option is to rephrase the condition to apply to only those restrictions which affect participants' activities while participating in the permitted program.</p>	<p>Deletion would have little impact in general situations. The Act already make owners and masters responsible for the actions of program participants (where they know of the action and do not take reasonable steps to stop it) so that it is in their interests to inform participants of any legal restrictions.</p>	<p>If retained as a condition, this should be reworded to: "The Permittee must inform participants in the program of any relevant restrictions applying under Zoning Plans, Marine Park regulations and this permit to activities in which the participants might be engaged".</p>	<p>Move into a Code of Practice for Tourist Program Operators</p>

Mini-Deed Conditions

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>MINI.DC1 Within 30 days of the date of commencement or transfer of this permit, the Permittee must execute, seal and deliver as a Deed to the Authority, a Deed in the form annexed to this permit and marked 'Attachment X'.</p>	<p>LEGAL</p>	<p>The required deed seems to be for the purpose of providing a civil remedy if the Permittee is in breach of permit conditions and problems are experienced in requiring cessation of activity through GBRMP legislation. It also has the benefit of providing an indemnity for the Authority - this cannot be done through a permit condition. Deeds have the added advantage of extending their provisions beyond the lifetime of the permit. There do not appear to have been any strong objections by operators to this requirement for a deed.</p>	<p>Deletion would remove the (possibly limited) indemnity provided to the Authority under the deed. (The Authority has had legal advice on this and may wish to review this before a decision is made on the fate of this condition).</p>		<p>Retain pending review of whether a deed of this nature is necessary for TPOs who do not put infrastructure into the Marine Park.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>MINI.DC2 The Permittee must effect removal of any works in the Marine Parks in accordance with the terms of the Deed referred to in condition 5 hereof.</p>	<p>NATURAL ENVIRONMENT LEGAL</p>	<p>Roving operators and bareboat operators generally do not install works in the Marine Park. However a boat is considered to be a part of the works for the purposes of this condition, so that there is some provision for the removal of wrecked boats. Since there do not appear to have been any wrecks of roving tourist operators vessels in the history of the Marine Park this element of the deed may be unnecessary. Regulation 13G seems to have the same effect as this condition, including providing a civil remedy.</p>	<p>Little risk in view of the low number of roving tourist vessels which are wrecked and the usually low cost of removal - and the apparently similar effect of Reg. 13G.</p>		<p>Delete from the permit conditions and also delete this requirement from the deed.</p>
<p>MINI.DC3 The Permittee must effect and maintain insurance in accordance with the terms of the Deed referred to in condition 5 hereof.</p>	<p>NATURAL ENVIRONMENT LEGAL (public interest)</p>	<p>Probably should be retained in the public interest.</p>	<p>Possible opening of the Authority to some claims for third party injuries if removed.</p>		<p>Retain.</p>
<p>MINI.DC4 The Permittee must observe and perform its obligations under and pursuant to such Deed and for purposes of this permit any breach by the Permittee of its obligations under and pursuant to such Deed shall be a breach of this condition.</p>	<p>LEGAL</p>	<p>Provides a mechanism for applying breach of conditions penalties to breaches of the provisions of the deed - e.g. revocation of the permission.</p>	<p>If the deed is kept then this condition should be kept.</p>		<p>Retain if deed is retained.</p>

Standard Tourist Program Conditions

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>ST02 The Permittee must publicise the Marine Parks to staff and guests of the tourist programs in the manner identified in the (communication) dated () which involves (method of publicising).</p>	<p>EDUCATION</p>	<p>The only direct connection between the observance of this condition and those criteria to which the Authority must have regard in assessing an application for permission seems to be "orderly and proper management". Even this connection seems highly tenuous. While it is desirable that this publicising occur, it would be unlikely that a court would take seriously an attempt at prosecution for breach of this condition. The condition would be difficult to enforce even if resources allowed it to be monitored. Its existence has contributed to the lessening of respect for permit conditions on the part of both operators and DDM staff.</p>	<p>Little or no immediate or discernible long-term physical or amenity effect. However the Authority would be missing an opportunity for public education and publicity.</p>		<p>Move to a Code of Conduct for all Tourist Program Operators. In the interim standardise the condition so that there is not the necessity to have a "personalised" condition for each applicant.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>ST03 After prior notification to and subject to the written approval of QDEH, vessel interchange (resulting from maintenance or repairs of the permitted vessel) can occur with another vessel of similar size and passenger capacity for a period of time agreed to by officers of QDEH at the time of approval of the interchange.</p>	ADMINISTRATIVE	<p>This is a common requirement of virtually all permits involving the use of vessels for the conduct of a permitted activity in the Marine Park. It can be allowed for in Regulations. It is not clear why the period of the substitution is important. The wording here does not allow for the situation where a vessel breaks down and must be put into operation before approval can be granted. One of the main reasons for this condition is to prevent an unauthorised substitution of a vessel with a larger capacity than that for which permission has been given.</p>	<p>Deletion would result in operators not being able to use alternative vessels when the permitted vessel is being serviced. In practice, they would be likely to substitute vessels anyway.</p>		<p>Move to Regulations (see comments on Alternatives 2 & 3).</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>[Alternative 1: ST03] Vessel interchange can occur with another vessel within the permitted size class provided an officer of the QDEH is notified within 24 hours of the time of the interchange.</p>		<p>This attempts to overcome the problem of sudden breakdown mentioned above, but the wording is vague and would allow permanent changeover to another vessel. Is this intended? See Column 5</p>	<p>see above</p>	<p>[suggested wording] ADMINISTRATIVE Where the vessel permitted under this permit cannot be used for reasons such as maintenance or repairs, another vessel not more than 115% of the length of the permitted vessel may be substituted provided (i) an officer of the QDEH is notified within 24 hours of the time of interchange; and (ii) no more passengers are carried than were permitted to be carried on the originally specified vessel.</p>	<p>see above</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>[Alternative 2: ST03]</p> <p>(1) Subject to condition (2) and after prior notification to and written approval from an officer of the Queensland Department of Environment and Heritage a vessel specified in this permit may be replaced with another vessel for the period specified in the approval if:</p> <p>(a) the specified vessel is incapable of being operated because it is being maintained or repaired;</p> <p>(b) the replacement vessel is no longer than 115% of the overall length of the specified vessel;</p> <p>(c) no more passengers are carried on the replacement vessel than could be carried under this permit on the specified vessel; and</p> <p>(d) the designed capacity of moorings is not exceeded.</p> <p>(2) Where a vessel specified in this permit becomes incapable of being operated for the reasons specified in paragraph (1)(a) outside the hours of 09.00 to 17.00 Monday to Friday, the vessel may be replaced for a period not exceeding 96 hours if:</p> <p>(a) paragraphs (1)(b), (c) and (d) apply to the replacement vessel; and</p> <p>(b) oral approval is given by an officer of the Queensland Department of Environment and Heritage.</p>	<p>This seems a very complex way to overcome the problem identified above of not being able to obtain approval in advance for vessel replacement. The condition is unnecessarily difficult to understand and legalistic in its phraseology. See Column 5 above.</p> <p>(1)(a) seems unnecessarily restrictive. What if it sinks at its moorings, for example.</p> <p>(1)(c) the statement of permission itself limits (or should limit) the number of passengers. This seems to be "information" and should not be in the condition.</p> <p>(2) Why can a vessel be substituted without permission on the weekend, but not on a weekday. This seems unnecessarily bureaucratic. Surely notification is sufficient if the other limitations are met.</p>	<p>see above</p>	<p>Move to Regulations.</p>		

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>ST04 This program is limited to a maximum of (x) passengers and (x) crew.</p>	<p>NATURAL ENVIRONMENT AMENITY</p>	<p>The restriction may be necessary in some situations in order to have some limits on the number of visitors to sites. The condition has the potential to place limits on the number of visitors to a site more cheaply than can be done through a booking system. However, it is difficult to see why the number of crew needs to be specified. Passenger/crew ratios are perhaps better left to codes of practice.</p> <p>This is a matter which can be put into the phrasing of the permission to enter or use the Marine Park and need not be in a condition.</p> <p>Alternatively it can be retained as a simple condition. DPP recommend that conditions be used to define the limits of permissions so that it is very clear what obligations are placed on the permit holder. However this is inconsistent with the desire for simpler permits and the benefit of clarifying the obligation in this fashion needs to be weighed against the increase in permit complexity. It is not clear that the condition is entirely</p>	<p>It may be desirable to have some limitation on roving permits so that they do not become a back door for permitting very large operations which are then converted to site-specific without an opportunity for refusal.</p> <p>If it is retained, the limitation needs to be in the statement of permission in some form.</p>		<p>Delete from permit conditions.</p> <p>Include the maximum numbers of passengers in the statement of permission.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>ST05 The Permittee must further comply with the conditions specified in Schedule(s) (x and y) when entering or using a zone of, or place in the Marine Park to which the relevant conditions relate.</p>	<p>VARIOUS See separate treatment of Schedules</p>	<p>This seems to be intended to link the Schedules with the conditions, possibly so as to introduce the possibility of a activating a penalty for breach of permit conditions where the Scheduled exclusions are not obeyed. Since the Schedules may be either (or both) conditions or core matters, breaching them would seem to have sufficient penalty of itself. The statement of permission should refer to any Schedules.</p>	<p>Deletion may involve some weakening of the Schedules, but this does not seem to be sufficient reason to retain the condition. It is intended that in the near future Schedules will no longer be used in permissions.</p>		<p>Delete</p>
<p>ST06 The Permittee must ensure that (fish feeding, reef walking etc) activities are conducted in accordance with the rules specified in Attachment (x) to this permit.</p>	<p>NATURAL ENVIRONMENT AMENITY SAFETY</p>	<p>Some controls on fish feeding are necessary to limit local changes in community structure and to prevent injuries resulting directly or indirectly from fish feeding. Equity considerations do not really arise, since private persons are unlikely to feed fish consistently in one location. There is no reason why restrictions on fish feeding need to be applied to specific operators. It can be applied generally through a Code of Practice.</p>	<p>Little ecological impact beyond the confines of the reef or site where feeding is done. Some changes in site community structure are likely. Safety issues may arise if participants are injured by fish as a result of fish feeding.</p>		<p>Delete from permit conditions. Move to a Code of Practice, possibly backed up by Regulations.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>ST07 The Permittee must not visit (name island locations) except to drop-off and pick up campers holding appropriate camping permits.</p>	<p>AMENITY NATURAL ENVIRONMENT</p>	<p>The primary intention of this condition is apparently to limit day-visitors to camping sites on islands. This restriction should apply to all users, or at least all commercial users. It would therefore be best applied through a Regulation. It may not be possible to achieve the objective of this condition through GBRMP regulations as the restriction applies to Queensland. Despite the need for complementary management, it does not seem appropriate to include this as a condition of a permit when it can be in a Queensland regulation - the islands presumably cannot be accessed without transiting Queensland Marine Parks.</p>	<p>No impact on the GBRMP. Impacts will be on Queensland islands. To fulfil complementary management agreements this condition should be retained until a Queensland regulation has been put in place.</p>		<p>Move to QDEH Regulations controlling access to beaches under Queensland Marine Parks legislation.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>ST08 The Permittee must not visit permitted locations in the () Section(s) more than twice in any seven (7) day period.</p>	<p>AMENITY FUTURE MANAGEMENT</p>	<p>This condition was originally intended as a definition of roving operators. It fulfils the essential function of preventing roving permits being used as a "back door" way of setting up site specific operations without detailed assessment and controls. In the past, some staff regard this as the limit of what can be permitted without having sufficient information to make a detailed evaluation of the permitting criteria. However it is difficult to justify the use of "2 in 7" other than as a way of preventing TPOs from becoming site-specific while using anchors. Consideration should be given to the question of whether use of a site seven days per week by one operator is different to sequential daily use by seven operators. Use of "2 in 7" can be difficult to defend when it is used as a means of protecting amenity when an operator seeks "3 in 7" or "4 in 7" for a specific site. This leads to case by case assessment and operator-specific sets of conditions, a situation which is undesirable.</p>	<p>Without some equivalent condition the roving operator permits can be used to establish site specific operations without assessment or control. While this might have little immediate impact outside of sensitive sites, there are issues of orderly and proper management, future use and amenity which need to be addressed. Removal of all restrictions on frequency of use of sites will have long-term implications as a result of <i>ad hoc</i> closure of options for type of use of sites through "first in" setting the use type for some sites.</p>		<p>Retain until appropriate mechanisms are in place.</p> <p>Treat RTPOs and site-specific operators in the same way and require detailed assessment only for infrastructure.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>ST09 The Permittee must not operate in the (include all permitted sections other than that section where Permittee is based) Section(s) for more than a total of (x) weeks in any twelve (12) month period.</p>	<p>AMENITY NATURAL ENVIRONMENT ADMINISTRATIVE</p>	<p>The purpose of this condition seems to be to prevent an influx of operators from another Section of the Marine Park, thus potentially increasing amenity and natural environment impacts unexpectedly in the affected Section. This seems to be inequitable, in that operators are discriminated against on the basis of the location of their home port. Other, more equitable, controls should be used to deal with the possible impacts, such as site specific regulations and designated areas. It would seem preferable to allow all RTPOs access to limited parts of all reefs (to the extent possible) and let them self-regulate if there is a problem.</p>	<p>Probably little or no impact as those operators who want more frequent access will have already negotiated it. If the "mooring/non-anchoring" approach is used, any problems arising from an influx of "outside" RTPOs will need to be handled by the industry. Since operators who are excluded under this condition for more than six weeks per year will have a set of exclusions in the Schedules to their permits, immediate deletion will have no significant effect.</p>		<p>Delete immediately.</p>
<p>ST10 The Permittee must notify the Queensland Department of Environment and Heritage (x) weeks prior to operating in the Marine Park.</p>	<p>ADMINISTRATIVE</p>	<p>This seems to be for the administrative convenience of QDEH staff and need not be a legal requirement. This condition is almost never observed.</p>	<p>No environmental impact. Possibly some difficulties for QDEH field staff where they are not aware of a particular operator being permitted, but given the requirement to have permit on board, this seems unlikely.</p>		<p>Delete immediately. Replace with a request in the covering letter which has the same effect.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATORS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>ST11 The Permittee may conduct approved activities at (locations) when prevailing conditions make (locations) unsafe for normal operations.</p>	<p>Should not used for non-site-specific permits.</p>	<p>This seems to be an unnecessary level of regulation for "roving" operators. It should be assumed that they will have a range of preferred sites based on a number of considerations, of which weather is only one. In any case, since the definition of "unsafe" is left to the operator, the condition would be unenforceable.</p>	<p>No impact if deleted from standard roving operator conditions.</p>		<p>Delete from standard roving operator permits.</p>
<p>ST12 Visitation to (list reef, cay, island, river, bay, etc) must not be between the hours of () and ().</p>	<p>AMENITY NATURAL ENVIRONMENT</p>	<p>This should apply to all operators (or at least all in the class) and can be done through the Regulations. Regard will need to be had to whether there are "historical users" of these sites when formulating Regulation. Site-by-site consideration should be given to removing this restriction.</p>	<p>There may be potentially significant amenity impacts on private recreational users of the listed sites if this is deleted. However it may be that private users have not been adequately consulted and, in particular, they may not have been made aware of all the implications of the restriction.</p>		<p>Retain in the short term. Review its validity for each situation where it is currently applied. Do not apply to any new areas. Eventually this requirement should be replaced with a provision in a statutory management plan.</p>

Aircraft Operations

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURST OPERATIONS
<p>AIR1 The Permittee must not visit any permitted location (except as specified below) (and/or (other than those reefs with permitted helipads) more than twice in any seven day period.</p>	<p>AMENITY</p>	<p>(See discussion of "2 in 7" conditions - Section 7.1)</p> <p>It is not clear what the objective of this condition might be. It may be intended to prevent the establishment of a site specific operation, or it may be to prevent nuisance to existing users from the operation of the aircraft. Since studies have shown that users will tolerate many more flights than two in seven days this does not seem reasonable.</p> <p>If the intent is to prevent the establishment of a site specific operation it is necessary to consider whether this is a valid objective.</p>	<p>Little immediate impact outside of sensitive sites. These are being managed under specific conditions and are not relevant to the broader class of roving operators.</p> <p>Long term implications as a result of <i>ad hoc</i> closure of options for type of use of sites through "first in" principle. For example, if an air charter operator decides to operate several flights per day, every day, to a particular location this may affect the amenity value of the site in such a way as to preclude other uses incompatible with this type of use.</p>		<p>Needs further discussion. "20 in 70" approach. may be a useful interim measure.</p> <p>Do not use as a way of limiting amenity impacts.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURST OPERATIONS
<p>AIR2 (Waters immediately adjacent to (name island resorts)) (or) (Permitted helipads) may be visited daily for the purpose of pick-up and drop-off of passengers.</p>	<p>AMENITY</p>	<p>The meaning and purpose of this condition are unclear. If the Permittee has permission to visit these locations then the condition is unnecessary. If it is meant to restrict the visits to only those for the purpose of pick-up and drop-off of passengers then the wording is inadequate. Similarly if the intention is to restrict visits to these locations to only one per day the wording is also inadequate. It has been suggested that this is a restatement of what was applied for by the operator. It seems to be a 'descriptive' condition rather than a necessary condition of the permission.</p>	<p>Probably no impact if deleted.</p>		<p>Delete. If the condition is necessary then this can be achieved through a Regulation.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURST OPERATIONS
<p>AIR3 (Name of specific locations(s)) may be visited daily subject to the following (delete if/as appropriate): (a) at (specific location), landing, taxiing and take-off must only take place in the area identified in Map (?), attached; and, (b) at (specific location), landing, taxiing and take-off must only take place at (nominate bay(s)) in the area(s) identified in Map (?), attached.</p>	<p>AMENITY SAFETY</p>	<p>This condition seems to be trying to achieve more than one objective - to inform that permission allows daily operation and to restrict landing, taxiing and take-off activities to certain locations to achieve separation from other uses. The purposes of this condition would seem to be able to be effected through a statutory management plan. In areas which are outside management plans there does not seem to be any requirement for this condition. There needs to be consideration of whether the Authority wants to tell the operator where landing, taxiing and take-off must be done, or only where they must not be done. Defining the areas where these activities must occur would seem to have some liability implications if the areas prove unsuitable under some conditions.</p>	<p>Immediate amenity and safety implications in some locations unless the condition is replaced by a requirement not to conduct the activities in certain areas where amenity and safety issues exist.</p>		<p>Short-term: Retain only if there are sites which clearly warrant this approach. Long-term: Move to statutory management plans, but consider whether the reverse approach of excluding landing, taxiing and take-off from certain areas would be better from a liability point of view.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURST OPERATIONS
AIR4 The Permittee must ensure that reefwalking is undertaken in accordance with the controls at Attachment (?) (and is not undertaken at the following locations: (a) within 1 km of the pontoon(s) at (nominate reef(s)); and (b) (any other restricted area)).	NATURAL ENVIRONMENT	This would seem to be a general measure that should apply to all commercial operators using the Marine Park. This can be achieved through statutory management plans and regulations (for the distances from pontoons) and Codes of Practice.	Amenity problems would result within a short space of time. These would be of a nature that would be likely to bring complaints from commercial operators using the pontoons referred to in the condition.		Move measures in the Attachment to a Code of Practice and the distance requirements to statutory management plans and regulations.
AIR5 The Permittee must not land at, or overfly at an altitude of less than 3000 feet or 1km lateral distance, the locations in the (name appropriate MP Section(s)) listed in Schedule (?), for the time period(s) specified.	NATURAL ENVIRONMENT AMENITY ?? WHICH??	This seems to apply to seabird islands. If so it can be achieved through a Regulation with a schedule. The altitude of 3000 feet should be checked against best available information. Some controls (e.g. Whitsunday Management Plan) use other distances (overfly 1,500 feet. Others use different lateral distances. Lateral distance should be standardised at one kilometre. Seabird guidelines now being prepared may suggest appropriate substitute controls.	Possible immediate and potentially significant impacts on some seabird populations. Significant effects on some seabird populations in the long-term.		Short-term: Retain, but standardise the overflight and lateral distances. Establish a liaison group of GBRMPA/QDEH/CAA (to deal with both seabird and amenity aspects of aircraft operations) Long-term: Wait for results of seabird guidelines project. If consistent with liaison group views, move to regulations with a Schedule of seabird breeding islands/colonies which would be likely to be impacted by aircraft overflight.

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURST OPERATIONS
<p>AIR6 The Permittee must not directly access cays in the Cairns Section by helicopter except as follows: (a) Vlassof Cay, Sudbury Cay - access permitted all year (b) Undine Cay - access permitted from 1 April to 30 September.</p>	<p>NATURAL ENVIRONMENT AMENITY</p>	<p>These seem to be restrictions of a type which should apply to all (or all commercial) helicopter operations. If this is the case they should be generalised through the Regulations. Since the cays referred to are part of Qld these should be QDEH regulations. The meaning of "directly access" is unclear. It probably means "land on".</p>	<p>Possible immediate and potentially significant impacts on some seabird populations. Significant effects on some seabird populations in the long-term. Possible amenity impacts.</p>	<p>Interim rephrasing: "The Permission does not extend to the landing of helicopters on cays in the Cairns Section other than the following: (a) Vlassof Cay, Sudbury Cay - access permitted all year (b) Undine Cay - access permitted from 1 April to 30 September".</p>	<p>Short-term: Retain Long-term: Move to QDEH Regulations, or designated areas around cays and islands under Qld Marine Park legislation. Investigate how to deal with any sites which are not National Parks. Possibly deal with these under the Nature Conservation Act</p>
<p>AIR7 The Permittee must not conduct helicopter landings at the permitted cays in the Cairns Section when: (a) there are other aircraft present at or adjacent to the cay; and (b) there are people on the cay or in adjacent waters.</p>	<p>SAFETY AMENITY</p>	<p>These seem to be restrictions of a type which should apply to all (or all commercial) helicopter operations. If this is the case they should be generalised through the Regulations. Since these are Qld cays the condition should be moved to QDEH Regulations. This is considered to be an important tool for separating conflicting uses.</p>	<p>Possible immediate amenity impacts and safety risks.</p>		<p>Short-term: Retain Long-term: Move to QDEH Regulations.</p>

Bareboat Conditions

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>BBT01 The Permittee must provide Zoning Information relevant to the area of operation of the vessel on each bareboat charter vessel.</p>	ADMINISTRATIVE	<p>While this is a highly desirable requirement it can be moved to a Code of Practice for bareboats. The condition is not sufficiently specific to ensure its usefulness. What is "Zoning Information"? A regulation might be drafted to require that bareboats have relevant zoning plans on board and that their existence and location on the vessel is prominently displayed.</p>	<p>Unlikely that there would be immediate significant impact. Possible increased work for field management staff as a result of hirers entering or anchoring in restricted areas.</p>		<p>Short-term: Retain Long-term: Move to Code of Practice (or Regulations).</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>BBT02 The Permittee must only operate: (a) bareboat charter vessels under this permit; (b) bareboat charter vessels with a combined survey capacity that does not exceed (?) passengers; and (c) the bareboat charter vessels listed on Schedule (?) to this permit.</p>	<p>AMENITY ADMINISTRATIVE</p>	<p>These restrictions should be able to be contained in the statement of the permission, so that there is no need for a specific condition. It is not clear that all of the restrictions in the condition are necessary. For example, why should be names of the vessels be listed. While this may be useful in some enforcement situations, the likelihood of any action being taken for an activity observed without boarding the vessel seems very slight, remembering that these are charter vessels. Unless the vessel is boarded there will not be any way of determining reliably whether a sail master was aboard at the time of any observed incident. Including the names of the vessels makes work for permits staff by requiring amendment when a vessel is added to or removed from the charter fleet of the operator. Also, given that the vessels are usually indistinguishable from private yachts, the number of vessels, within very broad limits, may not be particularly important. This seems to be a good example of an attempt to regulate the</p>	<p>Few problems if (a) and (b) are deleted moved to the statement of permission. (c) can be deleted without serious consequences for management.</p>		<p>Move the limitations in the permit conditions (a) and (b) to the statement of permission.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>BBT04 (Used when the Permittee uses an agent) Where the tourist program permitted herein is conducted on behalf of the Permittee by an agent, the Permittee must notify the QDEH (regional office) in writing of the name and address of the agent within 14 days of entering into any such arrangement. Where the Permittee changes the agent, the Permittee must notify the QDEH (regional office) in writing within 14 days of the change.</p>	<p>LEGAL ADMINISTRATIVE</p>	<p>This seems to be an unnecessarily complex way of ensuring the DDM staff are able to determine who is responsible for the rental of a particular bareboat at any time. Why can not this be achieved by a regulation under which the Permittee is obliged to ensure that boats carry documentation which identifies the agent? The only drawback would be that this would require boarding of the vessel to examine the documentation. However, if a breach which requires the managers to know the name of the agent occurs boarding would be likely anyway.</p>	<p>Administrative inconvenience. This could be overcome by the requirement suggested in the previous column.</p>		<p>Replace with a regulation requiring Permittees to ensure that vessels carry a document that identifies the agent responsible for the boat during the period of any particular rental.</p> <p>A less desirable alternative from the point of view of simplifying permits is to reword the condition more simply and retain it.</p>

Central Section Tourist Program Conditions

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>CEN01 The Permittee must not offer or conduct fishing in the area described in Attachment X.</p>	<p>NATURAL ENVIRONMENT AMENITY</p>	<p>Primarily used to manage the level of fishing activity in a particular area or to minimise conflict between fishing and activities such as fish-feeding and non-extractive tourism. This can be achieved through a designated area or a Regulation. The restriction is inequitable unless the public are also prevented from fishing in the same area.</p>	<p>Reduction in fish stocks and possibly diversity in areas where tourists expect to see examples of the diversity of the GBR. Poor impressions on the part of tourists of reef management because of seeing extractive activities in what they perceive to be a protected area.</p>		<p>Create a designated area, incorporate in WMA statutory management plan, or develop specific regulation if control should apply to the public as well?</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>CEN02 The Permittee must not visit permitted locations (list locations) in the (Central Section/ Whitsunday Management Area in the Central Section) more than (x) weeks in any twelve month period.</p>	<p>AMENITY NATURAL ENVIRONMENT ADMINISTRATIVE</p>	<p>The purpose of this condition seems to be to prevent an influx of operators from another Section of the Marine Park which would increase amenity and natural environment impacts unexpectedly in the affected Section. Other controls should be used to deal with this possibility, such as site specific regulations and designated areas. Before regulations can be put in place a condition might be used which excludes sites in the WMA and Cairns offshore</p>	<p>Probably little or no impact as those operators who want more frequent access will have already negotiated it. New roving operators will not impact the sensitive current sites if the suggested alternative exclusion from WMA and Cairns Offshore is used. On the other hand, if the "anchoring/mooring" approach is used any problems arising from an influx of "outside" RTPOs will need to be handled by the industry.</p>		<p>Delete.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>CEN06 The Permittee must conduct (list activities) only in the areas defined on the Maps at Attachment (x) to this permit.</p>	<p>NATURAL ENVIRONMENT AMENITY</p>	<p>These areas can be established legally as designated areas or put into the Regulations, possibly through a regional management plan. Specific Regulations would be difficult to prepare because of the need for maps or complex boundary descriptions.</p> <p>The confining of an activity to a particular area is contrary to an Authority decision that prohibitions should state where an activity cannot be carried out, so that in the greater part of the Park there will not be a requirement for a person to apply for permission to do a thing.</p> <p>It is probable that a more creative solution would be to decide what categories of areas are likely to be affected and to use regulations and statutory plans to prohibit the activities in these areas. The areas would be likely to be the vicinity of seabird islands and mooring areas.</p>	<p>Probably immediate amenity impacts from activities such as motorised watersports in proximity to other activities.</p>	<p></p>	<p>Identify areas where the activities are not acceptable and develop restrictions such as Regulations (e.g. for seabird breeding islands) and statutory plans (e.g. for mooring areas).</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
CEN07 Visitation to Balding Bay (Magnetic Island) is not permitted on Saturdays and Sundays.	AMENITY	This can be achieved through a Regulation. This and the following two conditions arose out of an appeal by an operator who objected to a 'weekend' exclusion from these areas. Since it is unlikely that the operator would take commercial visitors to these locations outside of the permitted hours in the next two conditions, it seems likely that the appeal was a symptom of frustration with management, rather than evidence of an overwhelming need to visit the locations on weekends. There should be closer examination of the need for these exclusions, and possibly a public participation exercise.	Immediate amenity impacts (of unknown significance) and possibly complaints from private recreational users of the site.		Move to Regulations, applying to tourist programs conducted using vessels.
CEN08 Visitation to the beach at Florence Bay (Magnetic Island) is not permitted between the hours of 10.00am and 5.00pm on Saturdays and between the hours of 10.00am and 5.00pm on Sundays.	AMENITY	Since the Florence Bay beach is a part of Queensland this restriction should be in Queensland legislation. The desired limit can be achieved through a Regulation. However, the justification of this exclusion should be examined and a public participation exercise should be considered.	Immediate amenity impacts (of unknown significance) and possible complaints from private recreational users of the site (if the restriction is justified).		Assess justification for this restriction. Move to QDEH Regulations, applying to tourist programs conducted using vessels.

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
CEN09 Visitation to Florence Bay (Magnetic Island) is not permitted between the hours of 10.00am and 5.00pm on Sundays. Anchoring must only take place in the southern half of the bay (see Attachment X).	AMENITY NATURAL ENVIRONMENT	This is two conditions combined into one. The first can be achieved through a Regulation. The second can be achieved through a designated area.	Immediate amenity impacts and probably complaints from private recreational users of the site. Coral damage from anchoring in an area which high recreational use.		Move to Regulations. Create a designated area to restrict anchoring.
CEN10 The Permittee must not visit the MNP'B' Zone in Five Beach Bay (Magnetic Island) more than two (2) times in any seven (7) day period.	AMENITY	This is an example of the "2 in 7" restriction being used to protect amenity. It is not suitable for this purpose (see Section 7.1). The restriction should be able to be achieved through use of a designated area.	Possible amenity impacts from increased level of use - possible complaints from private recreational users.		Assess the necessity for this restriction. If justified move to Regulations. Check whether QDEH regulations (or possibly parallel GBRMPA/QDEH Regulations). If commercial RTPO use is desirable find a mechanism for restricting the level of use e.g. designated area small enough to limit use.
CEN11 The Permittee must not anchor in Manta Ray Bay (Hook Island).	NATURAL ENVIRONMENT	This has recently been achieved through a designated area.	None. Overtaken by designated area declaration.		No further action necessary.

Cairns Section Tourist Program Conditions

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
CNS01 Visitation rate to the area known as the 'Cod Hole' must not exceed one visit in any seven day period (being the area which extends 100 metres seaward of the reef crest on the northern end of Ribbon Reef no.10 as shown in inset 1 of the Cairns Section Zoning Plan map, BRAQ 155).	AMENITY	The limit on visitation should be able to be achieved through a Regulation which applies to a specific category of Tourist Operation permit. Declaration of a designated area may be an option (this is being done). While this condition remains in use, the definition of the Cod Hole should be moved to the definitions part of the permit.	Amenity impacts at what is a very popular and heavily used but limited area. These would be likely to lead to complaints from established operators.		Short-term: Retain Long-term: Delete when designated area comes into force.
CNS02 Visitation rate to the Normanby Island anchorage must not be between the hours of 0900 and 1600.	AMENITY	This can be achieved through statutory management plan or a Regulation. It is difficult to see how such a poorly worded condition could be included in standard conditions. The limitation proposed is not a "rate".	Unclear		Depending on the purpose of the restriction, a statutory management plan or a designated area may be used.
CNS03 Visitation rate to the Snapper Island anchorage must not be between the hours of 0900 and 1600.	AMENITY	This can be achieved through a Regulation. However DDM staff say that this is no longer needed.	Unclear		Delete.

Mackay/Capricorn Section Tourist Program Conditions

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>MAC01 ST07 used for limitation of access to Masthead and Tryon</p>					<p>Use QDEH Regulations to implement this restriction.</p>
<p>MAC02 The Permittee must not visit Lady Musgrave Reef more than twice in any seven day period.</p>	<p>AMENITY NATURAL ENVIRONMENT</p>	<p>This is an attempt to use "2 in 7" to protect amenity (social and/or natural environment). Another method must be found. Can be achieved through a statutory management plan, or a specific regulation. [see discussion of the "2 in 7" condition]</p>	<p>Possible amenity impacts due to overcrowding at the site, though overcrowding would be likely only during rough weather when yachts and fishing vessels seek shelter. Natural environment amenity may be reduced.</p>		<p>Maintain in the short term. In the longer term develop a statutory management plan, designated area or specific regulation.</p>

Gameboat Conditions

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>GB01 When accessing the relevant zones and Milln Reef, Michaelmas Reef, Hastings Reef, Norman Reef and Flynn Reef (as detailed on Schedule ..number.. of this permit), the Permittee must use the moorings permitted to the Cairns Professional Game Fishing Association and must comply with the Association's 'Code of Practice for Moorings Use' (copy available from the CPGFA). Where these moorings are unavailable, access to these zones is not permitted.</p>	<p>AMENITY NATURAL ENVIRONMENT</p>	<p>This should be examined to see whether it is able to be achieved through a Regulation which applies to the mooring by vessels operated under certain classes of permit at the specified sites. An alternative is to use statutory management plans or designated areas. The condition may not offer any protection to the listed reefs as the last sentence refers to "zones", rather than "zones and reefs". The general approach of requiring use of moorings collectively owned by a group of operators appears useful for RTPOs who apply for moorings.</p>	<p>Anchor damage and amenity impacts to these heavily used locations.</p>		<p>Develop statutory management plans, designated areas or specific regulations.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
GB02 The Permittee must not use or conduct operations above Low Water Mark on Michaelmas Cay.	NATURAL ENVIRONMENT AMENITY	This might be able to be achieved by regulation, though this might be difficult as the condition is applied only to some operators. It would need to be a Qld Regulation as the area is above LWM. Is a Qld commercial activities permit required? Can this solve the problem? Is the condition being used partly to remind operators that they need such a permit? The condition would not be enforceable by GBRMPA.	Natural environment and amenity impacts on Michaelmas Cay. Potential impacts on the seabird breeding colony on this cay.		No clear alternative to retaining in the conditions. Examine possibility of developing appropriate regulations under QDEH legislation.

Green Island Tourist Program Conditions

(should Green Island be a total exclusion site for standard roving operator conditions?)

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
GI01 Visitation rate to Green Island Reef must not exceed two (2) visits per week.	AMENITY	Can be achieved through a statutory management plan. Since a booking system exists the restriction does not need to be in permit conditions but can be applied as a policy in allocating times under the booking system.	Amenity impacts on this heavily used reef if dropped entirely. No impact if this is made a policy under the booking system.		Delete and adopt the restriction as a policy for operating the booking system.

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>GI02 A booking number must be obtained from the Cairns office of the Queensland Department of Environment and Heritage (070 523096) prior to the Permittee accessing Green Island Reef under this permission.</p>	ADMINISTRATIVE	Can be achieved through a statutory management plan or specific regulation.	Difficulties for field management staff in determining which operators have permission to use the area on any given day.		Develop a statutory management plan or a specific regulation.
<p>GI03 "2 in 7" apparently deleted.</p>					
<p>GI04 When carrying more than 15 passengers, the Permittee must not visit Green Island more than once per month.</p>	AMENITY	<p>This seems to be a fairly nit-picking condition. If it must be used it seems likely to be applied only to a small number of operators. Seems to be a QDEH matter that should be taken up through Queensland legislation.</p>	Amenity impacts on this heavily used island.		Move to a statutory management plan or a specific regulation under Queensland legislation.
<p>GI05 The Permittee must not anchor in areas C, C1, D & E on Attachment X while visiting Green Island Reef. Access to areas C1 and D is only permitted if a permitted share mooring or public mooring is used.</p>	?	<p>Should be able to be achieved through a statutory management plan. Is this level of control really necessary?</p>	?		Move to a statutory management plan.

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>GI06 The Permittee must not conduct diving or snorkelling activities in area C on Attachment X while visiting Green Island Reef.</p>	?	<p>Should be able to be achieved through a statutory management plan. Is this level of control really necessary?</p>	?		<p>Move to a statutory management plan.</p>
<p>GI07 The Permittee must not, while visiting Green Island Reef, conduct diving or snorkelling activities in area C1 on Attachment X while coral viewing vessel operations are in progress in the area.</p>	SAFETY	<p>Could be achieved through a statutory management plan, designated area or specific regulation. This condition seems to have some practical difficulties. How does the Permittee cease these activities if the coral viewing vessel commences operation after they have started?</p>	<p>Safety implications.</p>		<p>Short term: Retain. Include in a statutory management plan.</p>

Fish Feeding Conditions

These conditions can be taken up in a Code of Practice. If necessary a permit condition might require adherence to the Code of Practice or the Code might be backed up by a Regulation requiring adherence.

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
FF1 The Permittee must not operate more than one fish feeding station at each site.		Site does not appear to have been defined. There is some doubt whether GBRMPA staff can formulate a coherent and justifiable definition of a site for the purpose of the controls proposed in these conditions.			Move to Code of Practice
FF2 The Permittee must ensure that a laminated and legible copy of Marine Parks 'Guidelines for fish feeding on the Great Barrier Reef (February 1993) is displayed at the fish feeding station.	ADMINISTRATIVE SAFETY NATURAL ENVIRONMENT	This requirement may serve in part to make participants aware of the dangers of being involved in fish feeding, and therefore move some liability away from the Authority to the operator. May also have the effect of encouraging staff and participants to become involved in enforcing the guidelines. However it is unenforceable - a successful prosecution for breach is very unlikely.	Possible increase in liability if injuries occur. Possible increase in localised environmental and amenity impacts. Possible increase in injuries due to fish bite.		Move to Code of Practice

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
FF3 The Permittee must ensure that the food used for fish feeding consists of fresh, raw marine products and / or manufactured aquaculture fish food pellets approved in writing by the Great Barrier Reef Marine Park Authority.	NATURAL ENVIRONMENT AMENITY	To protect the health of the fish being fed regularly.	Minor amenity and ecological impacts in that fish community structure at the feeding site will change.		Move to Code of Practice

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>FF4 The Permittee must ensure that the total amount of fish food used in fish feeding does not exceed 1 kg per day or, where fish feeding is carried out at more than one site per day, 2 kg per day.</p>	<p>NATURAL ENVIRONMENT AMENITY</p>	<p>Is the intention that only 1 kg will be used at any site? Where there are two sites in use, the wording would allow up to 1,999 kg to be used at one site. If this is the case then it seems reasonable that the total at one site should be increased to this figure. It seems more likely that only 1 kg is allowed at any one site, in which case the condition needs rewording. If this is an attempt to prevent fish feeding being used to justify garbage disposal, a separate regulation should be drafted which applies to garbage disposal. In any case, there seems not to be any basis (of either science or experience) for the 1 kg limit. The condition is not workable where large numbers of people (e.g. spread along the edge of a pontoon) wish to participate - the 1 kg limit is too low.</p>	<p>Possible loss of visual amenity due to excess food being seen in the water or on the bottom by visitors.</p>		<p>Move to Code of Practice</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
FF5 The fish must only be fed by the Permittee or its staff and such fish must not be fed by hand.	SAFETY	<p>Is this enforced, or enforceable? The restriction would be better placed in a Code of Practice, even if the intent is to avoid injury. The Code could make permittees aware of the reasons for the restriction.</p> <p>If maintained as a condition, it would be better expressed as "... must be fed only by ...". The current wording suggests that the restriction applies to feeding (and not some other activity). The condition should be expressed as two sentences. i.e. "...staff. Fish must not be fed by hand." The current wording is ambiguous.</p>	<p>Injuries to participants and to staff of the operation. Injuries may occur in any case where fish associate presence of people in the water with food supplies.</p>		Move to Code of Practice

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>FF6 The Permittee must ensure that the participants in the program are given practical and adequate warning of the potential dangers of fish feeding.</p>	SAFETY	<p>The meaning of this is very unclear. Are "participants" meant to be the staff doing the feeding? If the intention is that the participants referred to are the clients of the operator, two considerations arise. First, they are not strictly "participants", having been barred from participating by FF5 above. Second, what are the dangers of which the operator is assumed to be aware. The Authority should be more specific if it knows of any real risks involved. Perhaps the condition is intended to make the audience aware of the potential "impacts" of fish feeding? If the intention is to warn of the possibility of attack on underwater observers of fish feeding then it is important to give examples of the types of dangers which must be warned against.</p>	<p>Possible liability on the part of GBRMPA for not informing the participants of risks of which it had knowledge. Requiring the operator to inform may have the effect of transferring some risk, and in any case will result in fewer injuries.</p>		<p>Move to Code of Practice where it the nature of the dangers which must be warned against is made clear.</p>

Non-Standard Conditions - Cairns Section

The majority of these permit conditions have arisen through assessment of requests by individual operators to be allowed to do things outside the general limitations placed on RTPOs. In a number of cases the conditions have resulted either from an appeal to the AAT or from the threat of an appeal to the AAT.

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>Visitation rate to the area known as the Cod Hole must not exceed 16 visit in any calendar month. This permission is conditional on the use of the public moorings for a maximum of 8 visits in any calendar month and the grant of permission by the Ribbon Reef Operators Association (CHARROA) to use the CHARROA moorings for the balance of the 8 visits in any calendar month. The duration of each visit to a public mooring is restricted to a maximum of four (4) hours.</p>	<p>AMENITY</p>	<p>This is intended to prevent RTPOs from becoming site specific to the Cod Hole and monopolising the public moorings. The condition is badly worded and unclear.</p>	<p>RTPOs monopolise the public moorings.</p>		<p>Possible designation of SMA or regulation.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>Visitation rate to Beaver Reef must not exceed five (5) visits in any calendar year. Permission is conditional on the vessel "Mantaray" being anchored in sand during each visit.</p>	<p>AMENITY NATURAL ENVIRONMENT</p>	<p>This is targeted at one operator. It is unclear that there is any need for the restriction to only five visits. Designation of anchoring or mooring areas may remove the need for this condition - RTPOs would need to self-regulate over amenity issues in the anchoring area. Anchoring in sand can be taken up in a Code of Practice for RTPOS.</p>	<p>Possibly some amenity issues if deleted before mooring area can be designated. Probably not serious and might be handled by the industry.</p>		<p>Designate a mooring area to deal with the amenity issue. Anchoring in sand can be taken up in a Code of Practice.</p>
<p>Visitation rate to Hastings Reef must not exceed four (4) visits in any seven (7) day period. The Permittee must not anchor within 100 metres of an approved mooring system.</p>	<p>AMENITY NATURAL ENVIRONMENT</p>	<p>This is an attempt to ensure that a particular operator does not become site specific under the guise of a roving permit. The anchoring restriction is a messy solution to the problem of having RTPOs anchor next to moorings. Designating a mooring area would be a better approach.</p>	<p>Amenity impacts at this location. Operator may establish site specific status without adequate assessment and control.</p>		<p>Use "20 in 70" formula. If operator cannot accept this then apply site specific requirements. Designate a mooring area. A statutory management plan may be necessary for this reef.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>When accessing Norman Reef, Milln Reef, Flynn Reef and Saxon Reef the Permittee must only use permitted shared moorings detailed under an approved (by QDEH Cairns Regional Office) shared mooring arrangement. Visitation to Norman Reef, Milln Reef, Flynn Reef and Saxon Reef is permitted on a daily basis.</p>	AMENITY	<p>This seems to be a site specific condition - see mention of daily visitation. Condition is poorly worded - what else would the operator do with the mooring than use it? Declaration of mooring areas at these reefs and restriction of true RTPOs to anchoring outside this area would resolve most issues.</p>	<p>Operator would have to become either a RTPO or a site specific operator.</p>		<p>Do not use for RTPOs.</p>
<p>The Permittee must not access the Conservation Park Zone adjacent to Fitzroy Island more than ten (10) times in any calendar year.</p>	AMENITY	<p>This appears to be an attempt to ensure complementary low usage levels with the Island. Would it be useful to prohibit commercial tourist operations here and allow only private recreation? The issue should be re-examined to ensure that the Island is a low use area. If not, the condition is difficult to justify.</p>	?		<p>Statutory management plan? Prohibit use of one-off conditions on permits?</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
The Permittee must only conduct waterskiing at Lizard Island in the defined areas identified in Attachment B. No other motorised watersports activities are permitted at Lizard Island.	AMENITY	Poorly worded. "... must conduct waterskiing ... only in the defined areas ..." If this restriction is needed then it should be equitably applied through a statutory management plan or a specific regulation.	Some amenity impacts of uncertain significance.		Move to a statutory management plan or a specific regulation prohibiting motorised watersports other than waterskiing at Lizard Is.
Vessel interchange can occur with another vessel within the permitted size class provided an officer of the QDEH is notified within 24 hours of the time of interchange.	dealt with above				dealt with above

Non-Standard Conditions - Central Section

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
The Permittee must not visit Hazard Bay (Orpheus Island) and Pelorus Island except to transfer guests to and from the resort at Orpheus Island.	?	?			
The Permittee must not access waters adjacent to the Brook Islands more than eight (8) times in any 28 day period.		Can be taken up in a statutory management plan.			Transfer to a statutory management plan.
The Permittee must ensure that, when accessing waters adjacent to the Brook Islands, anchoring of the permitted vessel only occurs in sand.		Can be included in a general code of practice.			Move to a Code of Practice.
The Permittee must ensure that only one (1) of the permitted vessels accesses waters adjacent to the Brook Islands at any one time.	?	?			

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>Access to National Park locations is permitted for the same frequency as is specified in the current Commercial Activity Permit, issued to the Permittee, by the Director of Queensland National Parks and Wildlife.</p>		<p>The purpose of this condition is unclear. Is it to ensure complementary use levels offshore? Or is it a reminder that a CAP is required? Does National Park mean a particular zone type under a Marine Park or a terrestrial (Qld) National Park? If the latter, then the condition is out of place in a Marine Parks permit.</p>			<p>Review purpose of the condition and take appropriate action.</p>
<p>The Permittee must not use the beach, or conduct operations on the beach between Low Water Mark and High Water Mark at any island in the Brook Islands.</p>		<p>Can be taken up in a statutory management plan.</p>			<p>Move to a statutory management plan.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>Visitation rate to the reef flat between Haslewood Island and Lupton Island must not exceed four (4) times in any seven (7) day period and is subject to the following:</p> <p>(a) the vessel "Mantaray" anchor outside the Marine National Park 'B' Zone in the anchorage area identified on the map at Attachment A; and</p> <p>(b) that tender vessels operating within the adjacent Marine National Park 'B' Zone must operate at a maximum speed of five knots.</p>	<p>NATURAL ENVIRONMENT</p> <p>AMENITY</p>	<p>Applies to only one vessel, and mainly because of its size.</p> <p>Is the "4 in 7" justifiable on amenity grounds? Is the amenity on those 4 days somehow more robust than other days?</p> <p>Or is it an attempt to prevent site specific operation? If the latter, why not make this a site specific permit?</p> <p>Why are tenders of this operator subjected to a speed limit but not others? Should this be a regulation or a statutory management plan provision?</p>			<p>Review in the light of comments.</p>
<p>Visitation rate to Cateran Bay (Border Island) must not exceed four (4) times in any seven (7) day period and is subject to the following:</p> <p>(a) the vessel "Mantaray" anchor in the defined area on the north eastern edge of Cateran Bay on the map at Attachment B.</p>	<p>NATURAL ENVIRONMENT</p> <p>AMENITY</p>	<p>Applies to only one vessel, and mainly because of its size.</p> <p>See above comments.</p>			<p>See above.</p>

CONDITION	CATEGORY	COMMENT	IMPLICATIONS OF DELETING FOR STANDARD ROVING OPERATIONS	POSSIBLE ALTERNATIVE WORDING	RECOMMENDATION IN RELATION TO ROVING TOURIST OPERATIONS
<p>Visitation rate to Zoe Bay (Hinchinbrook Island) must not exceed two (2) visits per week. Shore access at Zoe Bay is only permitted for the same number of times per year as is specified in a Current Commercial Activity Permit issued by the Director of Queensland National Parks and Wildlife Service to the Permittee to Zoe Bay.</p>	AMENITY	<p>This is an attempt to control amenity using the "2 in 7" formula. This is not appropriate, unless it can be justified and is applied to all RTPOs and the general public. In this case a statutory management plan or a specific regulation would be required. The issue of Zoe Bay needs more attention to finding an alternative solution to permit conditions.</p>			<p>Review management goals and options for achieving them at Zoe Bay.</p>
<p>The Permittee must only conduct watersports activities within the Whitsunday Management Area (refer to Attachment E) at Stonehaven Bay (Hook Island).</p>		<p>Badly worded. "... the Permittee must conduct only watersports ...". Should be able to be taken up in the WMA statutory management plan.</p>			<p>Retain until can be taken up in the WMA statutory management plan.</p>

1. These recommendations are made on the understanding that the Authority will fully evaluate the risks applying in each situation and to each permit condition prior to taking any action on the basis of these recommendations.

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7. SPECIFIC ASPECTS OF THE USE OF PERMIT CONDITIONS

7.1 The "2 in 7" Condition

The Permittee must not visit permitted locations in the () Section(s) more than twice in any seven (7) day period.

This condition was originally intended as a definition of RTPOs, to distinguish them from "site faithful" operators. Any operator who used a site two days out of seven or less was to be considered a roving operator and therefore subject to a less stringent assessment and to a standard set of permit conditions¹. In this context the condition seems reasonable and useful, though it does have a number of difficulties. These are:

- the likelihood that a number of operators with site specific permits have less than this level of use of any particular site. These would be part-time operators, or those with a number of permitted sites. Thus they would be roving by definition but site specific by choice of permit type. From a management point of view this does not seem to be a real problem, since, under the present system, as site specific operators they have been subjected to a more detailed level of assessment and control. There is, however, an element of inequity, since by choosing to become site specific they have "staked claims" to sites which they are using less frequently than would a roving operator. The number of operators who are in this situation is not known and therefore it is not possible to state the significance of the problem.
- the difficulty of monitoring the frequency of use of sites by tourist program operators, particularly in the less intensively used areas of the Reef. Supposed RTPOs may be using sites more frequently than two days in seven².
- some operators who are otherwise indistinguishable from the general run of RTPOs will insist on having a permit which allows them to use a site more often than two days in seven - say three days in seven. Under strict application of the definition this automatically makes them site-specific operators.
- there is no scientific basis for the "two in seven" figure, so that it is easily challenged by operators who see it as a limitation, rather than a definition³. This issue seems to have arisen in situations where "2 in 7" has been used in an attempt to protect amenity values by limiting access. This is a use for which the condition is generally unsuited (see Section 7.3).

¹Tourist Permit Workshop participants reported that the existence of a "2 in 7" condition on permits has been used as a pre-requisite for access to the booking systems at Low Isles and Green Island. Since not allowing an operator to make more than two bookings in any seven-day period can be adopted as a policy for allocating bookings, there is no need for the condition to be retained to facilitate those booking systems.

²The data returns required under the EMC system may make a significant difference to knowledge of usage rates at particular sites, but there is not yet a full year of such returns available.

³This raises the issue of whether the operators understand that there are advantages and disadvantages to being classed as roving operators, even whether they are aware that such a class exists, or whether there has been any attempt to make them aware of the use of this definition and its purpose. The matter of the amount of the Authority's "education/information" resources which has been directed to the permits system is taken up elsewhere in this report.

One possible formula that could be considered to replace the "2 in 7" condition could be that used in the Cairns Zoning Plan in relation to restrictions on the use of vessels in the one location - not more than 30 days in any period of 60 days. While use of this proportion would introduce a degree of consistency, "30 in 60" (or effectively "every second day") is a level of usage that can probably be equated with many site specific operators. As "every second day", it is certainly a level of usage which, over the long term, would lead an operator to feel some "claim" to use of the site.

If a "2 in 7" proportion is to be maintained, a formula of "20 days in 70" or "10 days in 35" might provide a workable definition of a roving operator and would avoid some problems that "2 in 7" conditions have created for operators.

Concern has been expressed by management staff that removal across the board of a "2 in 7" type of approach would provide a back door by which site specific operators could quickly acquire permits without going through a detailed assessment process.

It is necessary therefore to examine the question of whether there is any real problem with the establishment of site specific tourist program operations without assessment by the managing agencies.

Concerns with site specific operations include:

- possible difficulty in removing these operations in the future if it is desirable to change the nature of use of the area;
- possible objections from Aboriginal and Torres Strait Islander (ATSI) users of the area to the ongoing presence of TPOs which they may feel will inhibit their use of the area;
- possible need for a mooring. The ability of operators to choose to become site specific at any time will result in the loss of the opportunity for managers to consider whether a mooring should be required at permit application⁴.

It is highly likely that there would be little less difficulty involved in removing a non-site specific operator who argued that a particular location was essential to the ongoing conduct of business than would be involved in removing a site specific operator. In reality the managing agencies are unlikely to remove operators from particular locations while they have valid permits and are meeting their legal requirements.

Unless there is a decision that use of an area will be restricted so as to meet ATSI concerns, ATSI users may find it easier to relate to one constant user of a location than to deal with several roving users. Under the proposed transformed permits system, where ATSI concerns are to be used as a basis for limiting the level or nature of use of an area this will have to be done by some mechanism other than permit conditions.

⁴A move to routine "licences" for tourist program operations will remove the assessment of applications for TPO permits and so will not allow assessment of whether or not a mooring should be required.

Until now it has been a general requirement in parts of the Marine Park that TPOs using a specific site on more than two days in seven should install a mooring. The reason for this was to avoid anchor damage to coral. The opportunity to require the installation of a mooring occurred at the time of granting of the permit.

There are two options for ensuring moorings to be used when a particular frequency of usage is exceeded.

The first is to make a Regulation to the effect that any vessel which uses a site at greater than a stated frequency must use a mooring. This will be equitable in that it will apply to all classes of users of the Marine Park - TPOs, recreational users, aquarium fish collectors, fishing vessels, etc. It will also serve to provide some degree of limit on the use of sites (but only to the same extent as the current "2 in 7" condition. However there may be undesirable consequences whereby moorings are required to be installed in areas where they are not necessary.

The second option relates to the proposed Code of Practice for Anchoring. Adherence to this code can be expected to reduce anchor damage considerably. It will be possible to include a requirement in the Anchoring Code that operators using a site with greater than a stated frequency should apply to install a mooring. While this will have less force than a permit condition, it is anticipated that Codes of Practice will have some backing to ensure compliance. Such a situation would not necessarily be worse than the current one where there is little or no monitoring of the frequency with which roving tourist program operators use a site.

7.2 Conditions Aimed at Protecting the Natural Environment

In the view of the Authority it "... is obliged to act so as to protect the ecological qualities of the Great Barrier Reef region ..." (12).

There has not generally been any contention about the need for controls which protect the natural environment. However management staff are starting to question the distinction between the need for conditions which ensure the survival of the reef ecosystem and those which protect the quality of an individual site. This latter is seen as more in the nature of an amenity issue. There is an emerging feeling that DDM staff need some very specific guidance from the Authority as to the degree to which they are to be concerned with amenity values, including site quality. Many of the restrictions currently placed on tourist operators have to do with protecting this latter aspect of amenity. Managers feel that there is a conflict between the pressure to remove constraints based on amenity and the requirement that they manage so as to maintain site quality.

This confusion was possibly further heightened by a decision of the Marine Park Authority (MPA 146/4, 1994) to adopt the policy that effort and resources of the Authority should generally be proportional to the environmental importance of the issues involved. Taken literally this appears to mean that little effort should be directed to preventing anchor damage by RTPOs in the Marine Park, since this has little

ecological significance in most locations (some Whitsunday fringing reefs being an exception).

The "2 in 7" condition has also been used from time to time in an attempt to limit the use of sites so as to protect the natural environment amenity (see recommendations under Section 7.3 in relation to considerations of amenity).

7.3 Conditions Aimed at Protecting the Amenity for Other Users

Section 5(1) of the *Great Barrier Reef Marine Park Act* states that:

The object of this Act is to make provision for and in relation to the establishment, control, care and development of a marine park in the Great Barrier Reef Region in accordance with the provisions of this Act ...".

Establishing and managing a park of whatever type is generally construed as including the responsibility for the good conduct of activities which occur within that park. In relation to national parks it is almost always taken to include the protection of amenity and ensuring the provision of a range of settings for enjoyment of the environment of the park. In the case of the GBRMP, this would suggest that the Authority has responsibilities in relation to amenity and opportunity spectrum at least in the National Park zones. This is confirmed by the *Great Barrier Reef Marine Park Regulations* (e.g. reg.13AC(4)) which require the Authority to have regard to existing and future amenity in considering an application for permission to use or enter a zone.

It is clear that the Authority intends that regard should be had to the maintenance of a spectrum of recreational settings available to users of the Marine Park (another aspect of amenity). For example, among the expected outcomes of the Authority's Corporate Plan for the period 1992-1997 is the provision of a range of opportunities for tourism and recreation.

Similarly in early 1992 the Authority decided (MPA 131/6) that management plans should "define management strategies to maintain the desired range of settings and opportunities for reasonable use of the Great Barrier Reef Marine Park:".

The Executive Officer of the Authority has characterised the amenity issue in the following way:

The amenity issue is important at two scales. Overcrowding, reef degradation or an inappropriate mix of facilities at a particular reef site may detract from the experience of tourists. On the larger scale there is a need to ensure that the appropriate mix of tourism developments, which provide a range of recreation opportunities, is provided in an area within reasonable access from major towns ...(3).

Clearly, the fact that concentrations of people in particular areas and the presence of tourist facilities may detract from the experience of some users is of concern to the Authority (3). It is also of concern to Park users. A series of Recreational User Workshops conducted by the Authority in early 1993 revealed that the management of amenity impacts was generally thought to require more attention by the managers of the Marine Park (1).

The views of RTPOs on the protection of social amenity values are somewhat contradictory. On the one hand, roving operators do not want any restrictions on themselves, they want to be able to go anywhere, but they want restrictions on others to ensure protection of amenity for their own passengers. For example - "Roving Vessel Passengers ... want as much privacy as possible and do not wish to venture onto areas with numerous other people" (Chairman QCVA in (5)), yet the Association of Marine Parks Tourist Operators wants controls on tourist program operations to be lifted so that they can go anywhere (presumably in unrestricted numbers).

Management plans being developed by the Authority and QDEH will attempt to ensure that a range of recreational experiences is available to users of the Marine Park (3). Measures are being built into the plans to ensure that alternative future opportunities are not precluded by current activities. For example, the draft Whitsunday Management Plan makes a firm commitment that a "range of opportunities for ecologically sustainable recreation will be maintained in national and marine parks ..." (15).

Nevertheless, there is a commonly held view among DDM staff that the Authority has not shown any support for the maintenance of a variety of recreational settings when faced with challenges to permit decisions.

The majority of amenity limits are currently applied through the permit conditions and schedules because of the lack of other legal vehicles such as management plans and regulations. This is a highly undesirable situation, since amenity problems are frequently the sum of the effect of the presence of a number of users, not all of whom will necessarily be tourist operators. Unless a completely consistent approach is taken to all of the users concerned, the amenity value of the site can easily be compromised - varying the conditions applied to even one operator at a site could negate the effectiveness of the amenity restrictions applied to all others. Since some management staff do not have confidence in the ability of the Authority to maintain a consistent approach in the face of appeals by individual operators, there is considerable uncertainty as to the effectiveness or even worth of trying to protect amenity through the permits system.

To some extent this situation has been exacerbated by a decision of the Authority to base management decisions in the Marine Park primarily on ecological criteria with amenity being addressed secondarily (MPA 131/7 quoted in (1)). Where limits are considered necessary for amenity reasons the Authority has decided that they are to be applied only where there has been a process of public participation to consider the proposed restrictions, and the results support those restrictions (4). This is a

reasonable position, given the primary objective of maintaining the integrity of the Great Barrier Reef ecosystem.

Yet, the Authority's approach to protecting social amenity values through the permits system appears to be somewhat different to that taken to protecting natural environment amenity values. No constraint of the type described in the previous paragraph is applied to permit conditions which protect the natural environment amenity values of a site.

Some DDM staff find difficulty in reconciling the two approaches. It is not clear to them why one aspect of amenity apparently has a secondary place compared with the other.

This confusion is added to by the current directives to remove conditions from RTPO permits and to "take some risks" in order to reduce regulation of the users of the Marine Park.

☞ It is recommended that the managing agencies commission a position paper which accurately summarises and sets out their position on the relevance of, and the attention to be paid to, all aspects of amenity in the assessing of applications for permission in the Marine Park. This paper should be made available to all management (including DDM) staff involved with the permits system.

Over time, the "2 in 7" formula has come to be used as a way of protecting the amenity of sites by attempting to limit the numbers of operators able to access the site. Theoretically, this condition provides little in the way of amenity protection. All RTPOs or others who have this condition in relation to a particular site could visit the site on any particular day, leading to extreme amenity and safety issues. In practice this would be unlikely to happen, though the reason for this has little to do with the "2 in 7" condition.

The use of this condition for amenity protection has resulted in increasing numbers of requests for reconsideration by RTPOs. Some of these requests seem to have been motivated by "in principle" objections to being subjected to such a closely defined restriction. However the majority apparently originate because the narrowness of the condition does not suit the way in which operators work. For example, an operator may be targeting a group of reefs with a variety of sites which generally allow this condition to be satisfied in certain weather conditions. In other conditions, the operator can be faced with the situation that all locations but one are rendered unusable for days at a time. The choice then is to breach the condition and use the site for more than two consecutive days, or to target another group of reefs if suitable reefs are available within the operator's range. A second situation arises when an operator moves into an area for a limited time and wishes to operate to a select group of sites for a short period, but feels unreasonably restricted by the "2 in 7" condition.

☞ It seems fairly clear, on the basis of its impreciseness for amenity protection and the number of requests for reconsideration that are arising, that the "2 in 7" condition should not be used for amenity protection.

7.4 Access by RTPOs to Heavily Used Sites

Many RTPOs, rightly or wrongly, see measures to protect amenity as an unreasonable restriction on their ability to take clients to desirable sites. They cite the lack of restriction on access by private users as an example of the lack of logic and fairness in the approach⁵.

However, for a variety of reasons it is no longer feasible for the Authority to totally remove restrictions on RTPOs and allow them unlimited access to any part of a reef in the heavily used parts of the Marine Park. Given that the Authority is committed to removing as many as possible of the restrictions on RTPOs, some way has to be found of keeping RTPOs from anchoring among moorings on heavily used reefs and, if possible, at the same time limiting their numbers to some extent (for social amenity reasons).

☞ It is proposed that this can be done by defining, for each reef where an access issue exists, the areas where anchoring may and may not occur. The non-anchoring areas will be, at a minimum, the areas where moorings and associated tourist operations currently occur. These will be closed to all anchoring, whether commercial or private. Anchoring areas will effectively be the remainder of the reef. The numbers of RTPOs and private users who can be accommodated will be determined by the size of the anchoring area. In effect the area which will define these numbers will generally be the area of sheltered anchorage - on all but a few days during the year the reef front will not be suitable for anchoring (see Figure 7-1). In some situations amenity issues may require that the area available for anchoring will need to be reduced to provide some greater limitation on numbers.

There is likely to be some concern expressed that such an approach will lead to unacceptable coral damage in the anchoring area. It is suggested that the Authority take the stance that this is a matter for the operators to manage for themselves. The Authority can provide guidelines relating to anchoring practices and anchor types and can cooperate with the industry in developing a mutually acceptable Code of Practice. The situation will provide an opportunity for RTPOs to exercise the self-regulation that they have been claiming.

It might be argued that private users will not be under the control of the RTPOs and may damage coral even when the operators have adopted practices to avoid this. In most situations the numbers of private operators are not likely to be such as to present a problem. Where a problem does exist, the operators have the option of providing

⁵In many cases the sites in question are not accessible to the majority of private users of the Marine Park because they are too far offshore to be reached with the types of vessels commonly owned by private operators. The lack of logic in the arguments of the RTPOs is most evident when they complain of having their access to some sites limited or curtailed, but at the same time expect the Authority to ensure that they are able to take their clients to uncrowded sites.

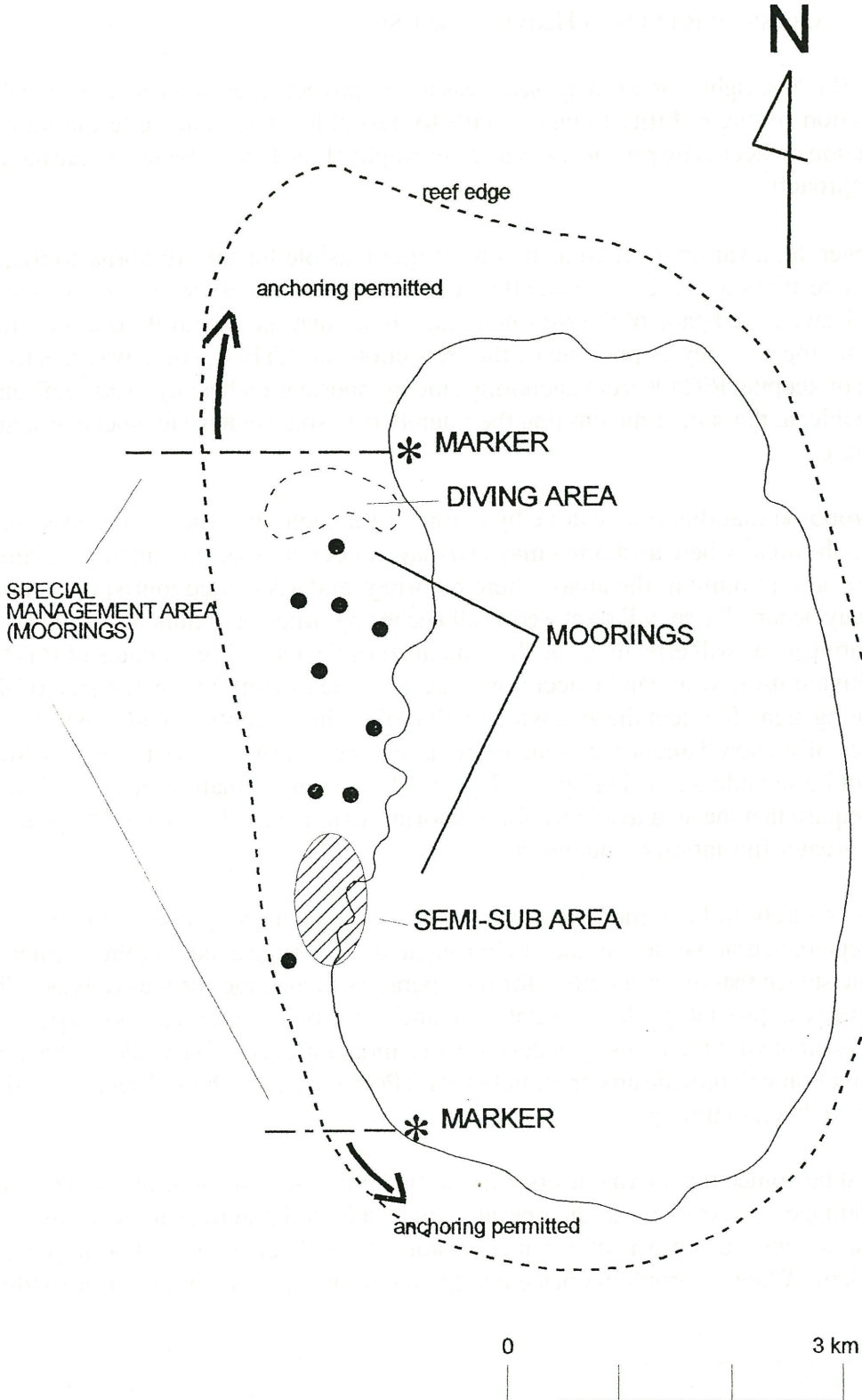


Figure 7-1: Example of Proposed Mooring Area to Allow Anchoring

advice to private users on good anchoring practice (thereby playing a positive role in managing the resource which they utilise). Alternatively the operators may make a convincing public case for action by the Authority to control private use. Public moorings (for private users) financed by RTPOs would be an option to explore should this situation arise.

If there is coral damage in the anchoring areas this need not be a matter of great concern to the Authority. Within the limited part of the anchoring area which is likely to be heavily used, the damage will have no significant ecological impact on the reef in question, and none on the GBR ecosystem overall. In the established mooring area where site specific operators are involved in limiting and monitoring coral damage, anchor damage will be virtually absent. The Authority will thus be able to demonstrate that it has managed the individual reefs in such a way that there will still be ample opportunity for enjoyment of good quality coral, while not having excluded RTPOs from the location.

There should not be any suggestion that the anchoring areas are "sacrificial" areas where the Authority has abandoned any regard for quality of the natural environment. This is unnecessarily negative and not in accord with the intention that these anchoring areas provide an opportunity for self-regulation by industry to contribute to the maintenance of its resource.

Within the non-anchoring areas the Authority will have the opportunity to manage for social amenity goals by such measures as the spacing of moorings. Some control over amenity can also be exercised by the size of the sheltered part of the anchoring area.

This approach should be applied to all locations where there has been exclusion of RTPOs on amenity grounds, regardless of the zoning of the area.

➡ Further, any application for the installation of a mooring on a reef without existing moorings should be a trigger for a planning and public participation process. This will determine: (i) whether it is appropriate to place moorings at the location (reef) in question; (ii) how large the mooring area should be; (iii) where it should be located; (iv) what density of moorings should be allowed; and what proportion of the reef should be available for anchoring.

Such an approach will introduce a degree of forward planning into the management regime to compensate for the time taken to develop management plans.

7.5 Access to Wilderness Camping Islands

In some cases there has been an attempt to use Marine Parks permit conditions to control the numbers of people and types of activities on Queensland islands (e.g. condition ST07). In many cases these are islands where the management objectives call for low levels of use and sometimes maintenance of wilderness experience opportunities. Often use of the beaches is an issue, either directly or because it is difficult to prevent movement from the beaches to the land areas. In most such

situations it is not possible to use Queensland National Parks legislation to control what happens on the beaches since, in general, the parks extend only down to Mean High Water. Marine Parks TPO permit conditions are not an appropriate instrument for this purpose because they restrain TPOs but not other classes of users who may have similar impacts (e.g. recreational users, commercial fishermen, etc).



The best solution would seem to be the creation of a regulation under Queensland Marine Parks legislation which has the same effect as ST07, but applying to all users of the Queensland Marine Park.

An alternative, longer-term, solution might be the creation of a wilderness zone in the Marine Park to which access could be had only through a booking system or a site permit.

Other alternatives include extending Queensland National Parks to low water and having provisions in the Queensland Marine Parks legislation for Commercial Activity Permits, so as to regulate tourist program operations on beaches.

7.6 Enforceability and Relevance

There must be considerable doubt whether some permit conditions are enforceable. In some situations it would not be possible to gather evidence of a breach because of the wording of the condition. In the case of other conditions, a magistrate would be unlikely to consider the matter sufficiently serious to justify prosecution. For example, some conditions have only passing relevance to the regulation of the activity being permitted. A good example is the condition (ST02) which requires permittees to "publicise the Marine Park to staff and guests" In many cases this lack of enforceability will be plain to operators, a situation which does nothing to instil in the minds of operators respect for permit conditions generally.

-  Permit conditions should not be used merely to inform tourist program operators.
-  Neither should they be used in an attempt to bring about a situation which, though highly desirable, has nothing to do with the regulation of the activity being permitted.

7.7 Ambiguity and Meaning

Some permit conditions are so badly worded as to be at best ambiguous and at worst meaningless. In between there is a large category which consists of those conditions whose wording is difficult to interpret. The condition:

The Permittee must not visit permitted locations in the () Section(s)
more than twice in any seven (7) day period.

is fairly easy to understand. However, when it is modified to read:

The Permittee must not visit permitted locations in the Cairns Section, except in accordance with the provisions of conditions 13 & 18 herein, more than twice in any seven (7) day period.

it becomes very difficult to comprehend.

- ☞ More stringent control should be exercised on the clarity of wording of permit conditions.
- ☞ Changes to standard conditions should be discouraged.
- ☞ There should be regular reviews of permit conditions.

7.8 Creative Condition Writing

Unfortunately there seems to be a school of thought that sees permit conditions as a substitute for any other resource management approach, whether it be zoning plans or face-to-face contact with operators. Marine Park permit conditions have been pressed into service for a variety of purposes, some verging on the bizarre.

It might be expected that the two-tiered system of permit processing (QDEH/GBRMPA) would provide for review and elimination of the more creative of these conditions. This does not seem to be happening with any certainty. A now famous example concerns a certain *Casuarina* tree on Lizard Island. While it is recognised that the realities of the dual permit system require a degree of flexibility in allowing conditions which do not necessarily directly serve the purposes of the Commonwealth Marine Park, there is a need for more stringent vetting of the quality and usefulness of new permit conditions.

- ☞ It is recommended that the use of one-off permit conditions be strongly discouraged.
- ☞ It is also recommended that a joint GBRMPA/QDEH review panel be constituted to examine proposed non-standard permit conditions which are questioned by either GBRMPA or QDEH permit staff. This panel need not meet - its business can be conducted by phone, fax or e-mail, and it need not comprise more than two or three people. One of its members should have some legal qualifications. However it should have the authority to make decisions on whether particular permit conditions can be used.

7.9 Information-Giving Through Permit Conditions

Permit conditions are meant to be a means for placing conditions on the permission to use or enter parts of the Marine Park for a particular purpose. They are not a vehicle for informing permittees of facts that the management agencies would like them to know. The use of permit conditions for giving information adds unnecessarily to the

length and complexity of permit documents and makes them more difficult to understand.

- ☞ The Education and Information Section of the Authority should be tasked with producing informative materials that convey the information that is currently included in permit conditions.

This raises the question of the role of the Authority's Education/Information (E/I) Section in the management of activities through permits in the Marine Park.

The E/I Section plays a major role in the preparation and finalisation of zoning plans. Considerable resources are directed to ensuring that those members of the public who have an interest in the use and management of the Section being zoned are informed of the implications of the proposed zoning and of their opportunities to participate in the planning process. No similar effort has been made to make those most directly affected by the permits system aware of the purpose, nature or implications of the permits system. There are no simple, informative, easy-to-understand products directed at potential permittees that are in any way comparable to the materials produced to assist in the acceptance of zoning processes.

Similarly, considerable E/I resources are directed to communicating with professional fishermen in the Marine Park, even though these users are hardly affected by the operation of the Marine Park outside of zoning processes. There have not been any similar initiatives directed to actual or potential permittees, even though they are far more directly affected by the management of the Marine Park, and, it might be argued, their good will is far more important to the long-term reputation of the Park and its management. As an example, excellent videos are prepared regularly to inform professional fishermen of the management approaches being used and to ensure that they have a favourable impression of the management regime. Within the zoning/permits management system there are many pieces of information that it is important to communicate to tourist program operators. Many of these are standard, unchanging messages that have found their way into the permit conditions. No attempt has been made to produce a video to deliver these messages. It is difficult to escape the conclusion that there is something wrong with the priorities applied to E/I programs.

This is a situation which is characteristic of the corporate attitude to the permits system within the Authority (see Chapter 10). The permits system is not seen as a key component in the management of the Marine Park requiring extensive education/information support, but as a routine, unexciting bureaucratic burden.

- ☞ It is strongly recommended that as a matter of urgency considerable E/I resources be directed to explaining the purposes, working, and objectives of the permits system to actual and potential permittees and to increasing the general appreciation of its role in park management. Tourist program operators, and particularly RTPOs, should be targeted in the first instance. As the permits system for TPOs is simplified these resources should be switched to explaining the measures which take over the role of permit conditions.

7.10 Conditions Which Provide "Legal Reinforcement"

A number of the standard conditions common to all permits are being used, in one way or another, to support the effect of restrictions on the permission, or to increase the likelihood of successful prosecutions for breaches of the permission.

These conditions add to the complexity of the permit, but make little direct contribution to the protection of the GBR or the management of the Marine Park.

- ☞ The Authority should seek legal advice on the consequences of discarding from RTPO permits conditions which are used only to provide legal reinforcement to the permit.

7.11 Defensible Conditions and Schedules

There have been a number of cases in which RTPOs have appealed successfully against specific aspects of permit condition or permit Schedules. This has led to a perception amongst operators that permit conditions are not well justified and are relatively easy to challenge, and a perception among the managing agencies that enforcing limits to use through permit conditions is unlikely to be successful and should be discontinued. In many of these situations there has been argument over a restriction on the number of operators/clients allowed at a site or the number of days on which a site can be used.

In these situations the limitation has usually been a general one, applied to a group of operators, that has originated either in a (draft) management plan or in a less formal policy developed for a particular site. The Authority has found it difficult to defend numerical limits against the argument that "one more won't matter". This has to some extent been due to an impression that the limits were somewhat arbitrary, and not based on "firm" figures. This impression is particularly fostered by two circumstances.

The first arises when a limit is developed as the result of a particular permit application - what might be seen as making policy "on the run". This is not to suggest that the limit is necessarily invalid, but that it can be seen as an arbitrary and inexact decision.

The second situation is one in which the limit is taken from a spatial planning document such as a management plan or area statement. Until now there has not been any focus on the need for these documents to provide an underpinning to permit decisions - the focus has rather been that the permits system is a means for implementing the planning document. As a result, it appears that no planning document has overtly addressed all of the criteria that are legally required to be addressed in making a decision on a permit application. The same is true of policy documents. This has the result that, when a condition based on one of these documents is reviewed, it is not possible to show that the condition is based on


detailed considerations which take into account all of the criteria to which the Authority is legally required to have regard in making decisions.

The incorporation of these criteria into planning and policy documents will serve to demonstrate that limitations are being developed and applied in a consistent manner, rather than there being an impression that they are somewhat arbitrarily formulated.

7.12 Use of Deeds for RTPO Permits

The attachment of deeds to Marine Park permits was introduced as part of the approach to permitting major structures in the Park. Their extension to RTPOs is comparatively recent. Permittees are required to enter into a deed that binds them to: (i) removing the "works" (including wrecked vessels) from the Marine Park; (ii) insuring against certain eventualities; and (iii) indemnifying the Authority against actions by third parties.

While the use of these deeds may appear to be "overkill" in the case of RTPOs, it is necessary to remember that they are frequently involved in activities which include some degree of risk and consequent liability. The deeds provide a means (though somewhat imperfect) of reducing the liability of the Authority.

 The use of deeds for RTPOs should not be discontinued without a fully-informed decision on the part of the Authority.

7.13 The Need for Regular Critical Review of the Permits System

The permits system has quite properly been used as a test-bed for developing ways of dealing with novel situations. Many new approaches and policies have been tried on a number of problems and, in the majority of cases, workable and acceptable ways have been found for managing in each situation.

As a result, the permits system has accumulated a considerable amount of "baggage" from both successful and unsuccessful initiatives. Unfortunately there has not been any effective and regular review of the system to determine the ongoing relevance of conditions which have accumulated, and whether each measure is best applied through the permits system, should be moved to other management tools, or should be discarded.

Some attempts have been made to initiate annual, "in-house" reviews of the permits system, however this has had very limited success and has not received wide support. This is possibly because those participating in the review were too familiar with the range of arguments for and against each component under review. In some cases it might have been that some participants felt some personal "investment" in particular components as a result of having been closely involved in their development. In some

situations, participants might have unconsciously stopped listening to different points of view about particular issues, possibly as a result of having heard them many times.

- ☞ It is suggested that an outside reviewer be tasked with examining the permits system every two years, with a view to simplifying the system, and recommending on changes to elements of the system to ensure that it maintains its proper role in the management of the Marine Park.

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8. REVIEW OF SCHEDULES LIKELY TO BE APPLIED TO ROVING TOURIST PROGRAM OPERATION PERMITS

This Chapter contains a review of the set of standard Schedules currently applied to RTPO permits.

Schedules to permits are generally intended to place restrictions on the locations which can be accessed by the permittee in using the Marine Park for the permitted purpose. In the case of RTPOs these restrictions typically relate to:

- seabird, Torresian Imperial Pigeon and turtle breeding sites;
- locations which are already intensively used and potentially subject to unacceptable impact (to the natural environment or to amenity values) from increased use;
- locations which have been identified as settings for natural and semi-natural recreation;
- locations where other use (or breeding by sensitive species) would be likely to be disrupted by motorised watersports.

Many issues are raised in the Comments column. The more significant of these are discussed in Chapter 9 of this report.

LOCATIONS	PURPOSE	COMMENT	RECOMMENDATION
Preservation Zones	Information (Zoning Plans already prohibit entry).	To ensure that the permit does not override the Zoning Plan.	Delete Inform through professionally packaged education and information material.
Scientific Research Zones	Information (Zoning Plans already prohibit entry)	To ensure that the permit does not override the Zoning Plan.	Delete Inform through professionally packaged education and information material.
Special Management Areas	Do all Special Management Areas require separate permission for entry?	Permittees should be informed separately of the SMAs which are relevant to their activities and should receive well-packaged information which sets out the purpose of each SMA (or each category of SMA).	Delete Inform through professionally packaged education and information material.
Historic Shipwreck Protected Zones ¹	This requires permission from the Queensland Government under the <i>Historic Shipwrecks Act</i> .	This is not a necessary permit condition. Queensland law seems to provide sufficient protection. Why not use education/information products to advise of this restriction?	Delete Inform of Queensland restrictions through education and information product.

¹These zones are declared under the Historic Shipwrecks Act 1976.

LOCATIONS	PURPOSE	COMMENT	RECOMMENDATION
Marine National Park 'A' Zones: Central Section			
• Bait Reef;	AMENITY NATURAL ENVIRONMENT	The text of the Whitsunday Management Plan states that anchoring will be prohibited, while the map in this Plan shows an anchoring area. The reef is comparatively heavily used.	Remove from the Schedule after establishing an anchoring area (or prohibiting anchoring in the mooring area and leaving all other areas available to anchoring) under the Regulations. Allow unrestricted access to the anchoring area.
• Zoe Bay;	AMENITY NATURAL ENVIRONMENT	The purpose of this exclusion is to preserve the wilderness values of this part of the Thorsbourne Track on Hinchinbrook Island where it comes to a waterfall and pool near the coast at Zoe Bay. These features are the main attraction for passengers on vessels visiting the Bay. While use of these features requires a Commercial Activity Permit, this does not control access to the beach - visitors to the beach are likely to follow a clear track to the falls and pool. The level of visitation of the Bay is to some extent limited by its exposed nature, so that there are only a few days each year when most types of vessels can access it.	There are several options: The walking track might be routed to avoid the waterfall and pool. Alternatively the managing agencies might accept that this one point on a long track would not have true wilderness values on some days. A third option would be to introduce a Commercial Activity Permit category to Queensland Marine Parks legislation so that TPO access to the beach could be controlled.
• Sunlovers Beach;	AMENITY NATURAL ENVIRONMENT	A small bay with room for only a few vessels and having a good fringing reef. Provision should be made in the Whitsunday Management Plan to limit the use of this bay for all vessels - possibly through the establishment of a mooring area over the whole bay and then restrictions on the number of moorings. One or more public moorings may be necessary.	Remove from the Schedule when adequate provisions are put in place under the Whitsunday Management Plan.

LOCATIONS	PURPOSE	COMMENT	RECOMMENDATION
National Park Zones: FN&Cairns Section			
• Beaver Reef;	AMENITY NATURAL ENVIRONMENT	The Authority decided in MPA 126/9 to restrict use to the then prevailing real levels (see Michaelmas Cay below). This does not seem to be justified at the present time as there is no significant seabird breeding and there are available sites for tourist program operators.	Remove from the Schedule when an anchoring area has been defined and an appropriate Regulation has been prepared.
• Daintree River;	NATURAL ENVIRONMENT AMENITY	There are concerns over erosion and disturbance in the Daintree River. Access to the river is treated on a case-by-case basis. QDEH do not believe that this should be within standard RTPO permit access. This should either be backed up by a Regulation under Queensland law or access allowed under some approach which provides for natural limits on numbers.	Requires urgent review and action by QDEH to determine how to remove from exclusions.
• Green Island Reef;			
• Low Island and Low Islets Reef;	NATURAL ENVIRONMENT AMENITY	Management Plan approved MPA 139/6, Feb 1993. Booking system used for roving operators. This needs to be put into regulation so as to be able to remove the permit condition.	Remove from the Schedule when controls in the management plan have been put into regulations.
• Michaelmas Reef within 1 nautical mile of Michaelmas Cay;	NATURAL ENVIRONMENT AMENITY	Michaelmas Cay has a large seabird breeding colony. The area is comparatively heavily used by tourist programs which generally do not rely on the attraction of the seabird colony. The breeding populations at the colony have been decreasing. MPA decision 126/9 determined that the Authority's "immediate aim in regard to Michaelmas and Beaver Reefs is to maintain the existing real level of use at both reefs ...".	Remove from the Schedule when a small anchoring area has been defined that will limit real use to existing levels, and an appropriate Regulation has been prepared.

LOCATIONS	PURPOSE	COMMENT	RECOMMENDATION
<ul style="list-style-type: none"> • Milln Reef; • Hastings Reef; • Norman Reef. 	NATURAL ENVIRONMENT AMENITY SAFETY	<p>The sheltered parts of these reefs suitable for tourist program operations have been taken up by moorings and operating areas for site-specific tourist programs. Anchoring in the mooring area would cause what existing operators would consider unacceptable impacts. There are also safety and orderly and proper management concerns associated with allowing anchoring among the moorings. Anchoring can be allowed outside the mooring area, though this would be unlikely to occur frequently because of the lack of suitability of the remainder of the area.</p>	<p>Remove from the Schedule e when anchoring areas have been defined (or when a no-anchoring mooring area has been defined) and inappropriate Regulation has been prepared.</p>

LOCATIONS	PURPOSE	COMMENT	RECOMMENDATION
Buffer Zones:			
FN&Cairns Section			
<ul style="list-style-type: none"> • Beaver Reef; 	ENVIRONMENTAL PROTECTION AMENITY	<p>see above</p>	<p>see above</p>
<ul style="list-style-type: none"> • Euston Reef; 	ENVIRONMENTAL PROTECTION SCIENTIFIC RESEARCH	<p>A Buffer Zone was created around Euston Reef Preservation Zone to allow trolling fishing by game fishing operators. The Draft Offshore Cairns Strategy provides for "an area in a completely natural state with a minimum of human use No tourist program permits ... other than pelagic trolling with no anchoring". In order to maintain the proposed completely natural state of the Buffer Zone and to protect the Preservation Zone, no anchoring should be allowed.</p>	<p>Remove from the Schedule when a Regulation has been prepared which prohibits anchoring at Euston Reef Buffer Zone other than for management and scientific purposes.</p>

LOCATIONS	PURPOSE	COMMENT	RECOMMENDATION
<ul style="list-style-type: none"> Green Island Reef; 	<p>AMENITY ENVIRONMENTAL PROTECTION</p>	<p>A management plan is in place for Green Island (but does not yet have statutory force). If public access via private vessels is not prohibited then there should not be a general prohibition on RTPOs. However, no RTPO access should be allowed other than to public anchoring areas, if these exist. Controls on access to the island should be implemented through Queensland Government Regulations.</p>	<p>Remove from the Schedule when designated areas have been gazetted (if appropriate) and a Regulation has been prepared.</p>
<ul style="list-style-type: none"> Low Islets Reef. 	<p>AMENITY ENVIRONMENTAL PROTECTION</p>		<p>Remove from the Schedule when designated areas have been gazetted (if appropriate) and a Regulation has been prepared.</p>

LOCATIONS	PURPOSE	COMMENT	RECOMMENDATIONS
<p>Marine National Park 'B' Zones: Central Section</p>			
<ul style="list-style-type: none"> waters adjacent to the Brook Islands; 	<p>AMENITY NATURAL ENVIRONMENT</p>	<p>There are amenity and natural environment reasons for limiting the use of this area. A draft management plan has been prepared but this seems at present to be based on an assumption that permit conditions will be used to achieve these limits.</p>	<p>Examine other means for limiting use of this area, including establishing a booking system and issue of site permits if spatial measures applying to all users cannot be developed.</p>
<ul style="list-style-type: none"> Lovers Bay; 	<p>AMENITY</p>	<p>A small bay with limited space for vessels. There may be conflicts between TPO and private recreational vessels if this restriction is lifted.</p>	<p>Review the need for this exclusion. If a need exists develop spatial measures such as mooring/ non-anchoring areas and remove from the Schedule.</p>
<ul style="list-style-type: none"> White Bay. 	<p>AMENITY</p>	<p>A small bay with limited space for vessels. There may be conflicts between TPO and private recreational vessels if this restriction is lifted.</p>	<p>Review the need for this exclusion. If a need exists develop spatial measures such as mooring/ non-anchoring areas and remove from the Schedule.</p>

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
Conservation Park Zones: FN&Cairns Section			
• Daintree River;	AMENITY ADMINISTRATIVE	This area has been experiencing a strong growth in tourism. A management plan is in the final stages of preparation (currently draft). The exclusion is designed to establish a moratorium on new TPOs so as not to alienate any options before the management plan can be finalised.	Expedite introduction of the management plan which is currently in draft stage. Remove exclusion from the Schedule when management plan is in place.
• Fitzroy Island Reef.		This area has been experiencing a strong growth in tourism. A management plan is in the final stages of preparation (currently draft). The exclusion is designed to establish a moratorium on new TPOs so as not to alienate any options before the management plan can be finalised.	Expedite introduction of the management plan which is currently in draft stage. Remove exclusion from the Schedule when management plan is in place.

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
General Use 'A' Zones: Central Section			
• Wilson Bay.	AMENITY	A small bay with limited space for vessels. There may be conflicts between TPO and private recreational vessels if this restriction is lifted.	Review the need for this exclusion. If a need exists develop spatial measures such as mooring/ non-anchoring areas and remove from the Schedule.

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
Habitat Protection Zones: FN&Cairns Section			
• Fitzroy Island Reef;	AMENITY ADMINISTRATIVE	see Fitzroy Island Reef on previous page	see Fitzroy Island Reef on previous page
• Flynn Reef; • Saxon Reef;	AMENITY NATURAL ENVIRONMENT SAFETY	The sheltered parts of these reefs suitable for tourist program operations have been taken up by moorings and operating areas for site-specific tourist programs. Anchoring in the mooring area would cause what existing operators would consider unacceptable impacts. There are also safety and orderly and proper management concerns associated with allowing anchoring among the moorings. Anchoring can be allowed outside the mooring area, though this would be unlikely to occur frequently because of the lack of suitability of the remainder of the area.	Remover from the Schedule e when anchoring areas have been defined (or when a no-anchoring mooring area has been defined) and inappropriate Regulation has been prepared.
• Sudbury Reef within 1 nautical mile of Sudbury Cay;	NATURAL ENVIRONMENT	Seabirds	
• Upolu Cay Reef;	NATURAL ENVIRONMENT	Seabirds	
• Vlasoff Cay - the area enclosed by Middle Reef reef edge around the cay.	AMENITY	Set aside in the Offshore Cairns Strategy for recreational use. There are issues which need to be resolved by the Authority relating to its willingness to set limits on levels of access to areas identified as providing specific low use recreational settings.	

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
Intertidal Areas (in Queensland Marine Parks): FN&Cairns Sections			
• Eagle Is. (all year);	NATURAL ENVIRONMENT	Seabirds, large raptors	Remove from the Schedules when closures have been reviewed following completion of the seabird island visitation guidelines and necessary Regulations are in place to prevent access where necessary.
• Mabel Is. (all year);	NATURAL ENVIRONMENT	Seabirds, TIPs, large raptors	
• Normanby Is. (1/10-31/3);	NATURAL ENVIRONMENT	Seabirds, TIPs, large raptors	
• Nymph Is. (1/10-31/3);	NATURAL ENVIRONMENT	Seabirds, TIPs, large raptors	
• Rocky Is. (1/10-31/3);	NATURAL ENVIRONMENT	Seabirds	
• Seabird Is. (all year);	NATURAL ENVIRONMENT	Seabirds	
• Sisters Is. (1/10-31/3);	NATURAL ENVIRONMENT	Seabirds	
• Stephen Is (all year);	NATURAL ENVIRONMENT	Seabirds, TIPs, large raptors	
• Three Is. (all year);	NATURAL ENVIRONMENT	Seabirds, TIPs, large raptors	
• Two Isles (1/10-31/3);	NATURAL ENVIRONMENT	TIPs	
• West Hope Is. (1/10-31/3).	NATURAL ENVIRONMENT	TIPs, large raptors	

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
<p>Intertidal Areas (in Queensland Marine Parks): Central Section</p>	<p>NATURAL ENVIRONMENT (Seabird nesting)</p>	<p>The need for seasonal or permanent closures should be reviewed after completion of the seabird island visitation guidelines. Closures should be maintained pending this. Restriction of commercial operators but not the public is inequitable and does not constitute good conservation management.</p>	<p>Remove from the Schedules when closures have been reviewed following completion of the seabird island visitation guidelines and necessary Regulations are in place to prevent access where necessary.</p>
<ul style="list-style-type: none"> • Armit Is. (all year); • Double Cone Is. (all year); • Bird Is. (1/10-31/3); • Grassy Is. (1/10-31/3); • Holbourne Is. (1/10-31/3); • Little Armit Is. (1/10-31/3); • Little Grassy Is. (1/10-31/3); • Mackerel Bay (1/10-31/3); • North Repulse Is. (1/10-31/3); • Pig Bay (1/10-31/3); • Repair Is. (1/10-31/3); • Saga Bay (1/10-31/3); • Tancred Is. (1/10-31/3); • Windy Bay (1/10-31/3). <ul style="list-style-type: none"> • Gloucester Is. (weekends and public holidays); • Gumbrell Is. (weekends and public holidays); • Saddleback Is. (weekends and public holidays); • South Repulse Is. (weekends and public holidays). 	<p>AMENITY</p>	<p>Heavy visitation by private users on weekends and public holidays. Addition of commercial tourist operations at these times is considered to make an unacceptable impact on social amenity.</p>	<p>Check justification. If not justified, remove immediately. If justified as an exclusion, remove from the Schedules when controls can be implemented through Regulations.</p>

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
Intertidal Areas (in Queensland Marine Parks): Mackay Capricorn Section			
• Masthead Is. (all year);	AMENITY NATURAL ENVIRONMENT	The main reason for the exclusion is to maintain the wilderness values of the island for a permitted small number of campers. The exclusion is inequitable in that it does not apply to private vessels. The island has significant nesting seabird and turtle breeding and low levels of use also serve to protect these values.	Introduce measures under Queensland legislation to limit access to the island. Ensure complementary management in the GBRMP to ensure that activities there do not detract from wilderness values or threaten natural environment values.
• Tryon Is. (all year).	AMENITY	The main reason for the exclusion is to maintain the wilderness values of the island for a permitted small number of campers. The exclusion is inequitable in that it does not apply to private vessels.	Introduce measures under Queensland legislation to limit access to the island. Ensure complementary management in the GBRMP to ensure that activities there do not detract from wilderness values

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
Permanent Closure Areas (areas including and within 500 metres of the following cays): Mackay Capricorn Section			
• Bell Cay; • Frigate Cay; • Gannet Cay; • Price Cay; • Riptide Cay; • Thomas (Twin) Cay.	NATURAL ENVIRONMENT	Seabird breeding islands.	Remove from the Schedules when closures have been reviewed following completion of the seabird island visitation guidelines and necessary Regulations are in place to prevent access where necessary.

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
Seasonal Closure Areas (areas including and within 500 metres of the following islands): Mackay Capricorn Section			
<ul style="list-style-type: none"> • Bushy Is. (1/10-31/3); • East Fairfax Is. (1/10-31/3); • East Hoskyn Is. (1/10-31/3); • Erskine Is. (1/10-31/3); • Redbill Is. (1/10-31/3); • West Fairfax Is. (1/10-31/3); • West Hoskyn Is. (1/10-31/3). 	NATURAL ENVIRONMENT	Seabird breeding islands.	Remove from the Schedules when closures have been reviewed following completion of the seabird island visitation guidelines and necessary Regulations are in place to prevent access where necessary.

LOCATIONS	PURPOSE	COMMENT	RECOMMENDATIONS
Locations where motorised watersports are not permitted: In all sections			
<ul style="list-style-type: none"> • within 1 km or QDEH campgrounds. 	AMENITY	Motorised watersports have the potential to impact on other users of the Marine Park, particularly as a result of the associated noise levels. It is assumed that the majority of campers will not have come to the Marine Park to participate in these activities and will not be expecting noise from them to be a part of their camping experience. Public participation associated with the Whitsunday Management Plan elicited many proposals that motorised watersports be restricted to the vicinity of resorts (15). These activities can be restricted to certain defined locations (or excluded from others, as in the present example) by Regulations.	Remove from the Schedules when an appropriate Regulation has been put in place.

LOCATIONS	PURPOSE	COMMENT	RECOMMENDATIONS
<p>Locations where motorised watersports are not permitted: Far Northern Section</p>	<p>NATURAL ENVIRONMENT (Seabird breeding)</p>	<p>It has been judged by management staff that the noise from motorised watersports would be likely to constitute an unacceptable disturbance to seabirds which breed on these islands. The restrictions should be reviewed after completion of the seabird island visitation guidelines. Closures should be maintained pending this. Restriction of commercial operators but not the public is inequitable and does not constitute good conservation management.</p>	<p>Remove from the Schedules when the restriction has been reviewed following completion of the seabird island visitation guidelines and necessary Regulations are in place to prevent access where necessary.</p>
<ul style="list-style-type: none"> • Combe Is. (MNP'B'); • Stapleton Is. (MNP'B'); • Denhan Is. (MNP'A'); • Clack Is. (MNP Buffer); • Unnamed Is near Clack (MNP Buffer); • Burkitt Is. (GU'B'); • Pelican Is. (GU'B'); • No.7 Sandbank (MNP'B'); • No.8 Sandbank (MNP'B'); • Night Is. (MNP'A'); • Quoin Is. (GU'B'); • Sir Charles Hardy Group (MNP'B'); • Magra Islet (GU'B'); • North Bird Islands (MNP'B'); • Saunders Islet (MNP'B'); • Macarthur Island (MNP'B'); • Boydong Is. (MNP'B'); • Wallace Islet (MNP'B'); • Cholmondeley Islet (MNP'B'); • Milman Is. (MNP'B'); • Sinclair Islet (MNP'B'); • Raine Is. (MNP'B'); • Moulter Cay (MNP'B'); • Maclennan Cay (MNP'B'); 			

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
<p>Locations where motorised watersports are not permitted: Cairns Section</p>			
<ul style="list-style-type: none"> • Stephen Is. (Buffer); • Sisters Is. (Buffer); • Normanby Is. (Conservation); • Marbel Is. (Conservation); • Daintree River (NP); • Daintree River (Conservation); • Snapper Is. (Conservation); • Cape Tribulation (NP); • Mackay Cay Reef (Habitat Prot'n); • Undine Cay Reef (Habitat Prot'n); • Cedar Bay (NP); • East Hope Is. (Conservation); • West Hope Is. (Conservation); • Three Is. (NP); • Two Isles (Habitat Prot'n); • Rocky Islets (Buffer); • Eagle Islet (Buffer); • Seabird Islet (NP); • Lizard Is. (NP); • Lizard Is. (Buffer); • Nymph Is. (Buffer) 	<p>AMENITY NATURAL ENVIRONMENT</p>	<p>more information needed on which are for amenity reasons and which for NATURAL ENVIRONMENT.</p>	<p>Remove from the Schedules when the restrictions relating to seabird breeding have been reviewed following completion of the seabird island visitation guidelines and necessary Regulations are in place to prevent access where necessary.</p> <p>Amenity restrictions can be removed from the Schedules when appropriate Regulations have been prepared.</p>

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
<p>Motorised watersports controls: Cairns Section</p>			
<p>Motorised activities will only be permitted at Mackay Cay under the following conditions:</p> <ul style="list-style-type: none"> • no such activities are to be undertaken while there are any other vessels anchored or moored within 500 metres of the cay; • no such activities are to be undertaken between the months of October and March due to the occurrence of seabird nesting and roosting. 	<p>AMENITY NATURAL ENVIRONMENT</p>	<p>See above on noise impacts on amenity values.</p> <p>See above on noise impacts on seabird breeding colonies.</p>	<p>Remove restriction relating to other vessels when a Regulation has been put in place dealing with locations where motorised watersports may be carried out.</p> <p>Remove seasonal closure from the Schedules when the restriction has been reviewed following completion of the seabird island visitation guidelines and necessary Regulations are in place to prevent access where necessary.</p>

LOCATIONS	PURPOSE	COMMENTS	RECOMMENDATIONS
<p>Locations where motorised watersport activities are not permitted: Central Section</p>			
<ul style="list-style-type: none"> • Florence Bay (MNP'A'); • Balding Bay (MNP'B'); • Orpheus Is except Hazard Bay (MNP'B'); • Dunk Is except waters adjacent to the spit (MNP'A'); • Blue Pearl Bay (MNP'A'); • CATERAN Bay (MNP'B'); • East Rock (MNP'A'); • Gulnare Inlet (GU'B'); • Little Grassy Is. (GU'A'); • between Haselwood and Lupton Is. (MNP'B'); • Nara Inlet (NMP'A'); • Macona Inlet (GU'B'); • northern bays of Hook Is. (MNP'B'); • Sunlovers Beach (MNP'A'); • White Rock (GU'B'). 	<p>AMENITY</p>	<p>See above on noise impacts on amenity values.</p>	<p>Remove restriction relating to other vessels when a Regulation has been put in place dealing with locations where motorised watersports may be carried out.</p>

9. SPECIFIC ASPECTS OF SCHEDULES


9.1 Use of Schedules to Protect Seabird Populations from Disturbance

A significant proportion of the exclusions in the Schedules relate to the protection of seabird populations¹, usually by prohibiting access (totally or seasonally) to seabird breeding islands. A detailed consideration of the management of seabird islands in the GBR Region is to be found in Stokes *et al.* (9) and will not be repeated here.

A number of seabird species breeding in the GBR Region are extremely sensitive to disturbance, so that if breeding populations are to be maintained visitation to the colonies during the breeding season cannot be allowed. In general the precautionary approach has been used, and where impacts are unknown visitation is not allowed to significant seabird islands.

In the time available for this consultancy it has not been possible to carry out an analysis of the data on which these exclusions are based. Even were the data immediately available, this is a task that would probably take several weeks. In addition, there are valid reasons for not reviewing these exclusions immediately. The first is that the whole body of relevant data is not available. Some is with Professor Hal Heatwole, currently in the USA. This is being compiled by a QDEH staff member. Other information was to have been assembled into a database by Dr Kees Hulsman, but he has left the country for an extended period without completing this. Both datasets are expected to be available in the first half of 1995. The second reason is that guidelines for controlling visitation to seabird islands are currently being developed for Australia under a consultancy to GBRMPA and ANCA. The testing of the guidelines will be carried out in the GBR Region in March 1995 and the final guidelines will be presented in June 1995.

A third reason for not proposing any changes to the seabird island schedules at this stage, prior to the availability of the data and the guidelines, is that it can be assumed that the current exclusions have been developed or approved by professional staff of QDEH and/or GBRMPA on the basis of the best available information. Some of the persons responsible for making recommendations on the sensitivity of GBR seabird islands would be regarded as leaders in their field in Australia, if not more widely. In the absence of better information, the Authority ought to be able to rely on the judgement of these professionals.

 It is recommended that no changes be made to the Schedules which restrict access to seabird breeding sites until the completion of seabird island visitation guidelines in mid-1995.

¹Including large raptors and Beach Thick-knees.

9.2 Use of Schedules to Limit Disturbance from Motorised Water Sports

Motorised water sports include: jetskiing, water-skiing, paraflaying, "sausage rides", and other similar activities. Few private users of the Marine Park carry out these activities any distance from the mainland.

One category of exclusions through Schedules relates to the separation of motorised water sports from other uses on the grounds that, mainly because of the associated noise levels, these activities are not compatible with most other recreational uses of the Marine Park.

Other problems with these activities relate to their potential for disturbance of wildlife, including breeding seabirds, turtles, and whales.

The Marine Park Authority decided (MPA 134/03, May 1992) that:

- locations where waterskiing and/or jetskiing may not be undertaken should be specified on operators' permits; and
- restrictions through the Regulations and/or Zoning Plans should be considered to prohibit private and commercial motorised water sports from areas where it has been determined to be incompatible with other uses of the GBRMP.

It was noted by the Authority that pending the outcome of the Whitsunday Management Plan, restrictions on motorised water sports would be achieved by denoting areas where they should not take place.

Listing exclusion areas in permit conditions does not appear to be an effective way of dealing with these concerns for the following reasons:

- an exclusion approach results in a very long list of sites, even if only the heavily used recreational sites are listed;
- use in tourist program permit conditions is inequitable because it does not apply the same restrictions to private users of the same sites; and
- exclusion creates a negative image of the managing agencies.

However, this exclusion approach is in line with Authority decision MPA 134/02 that any necessary restriction should be done, as far as practicable, on the basis of denoting those areas where activities must not take place, rather than those locations where they may occur.

It is not clear that the restriction on motorised water sports is based on a sound analysis of the amenity values of particular sites, rather than on the (common) perception that these are disturbing activities.

Where exclusion of motorised water sports has been done for the purpose of protecting amenity values the Authority has the option of simply removing the exclusions, at least until the magnitude of the problem has been researched. It might be argued that this is a matter which operators can deal with among themselves. If a significant proportion of the group of operators using a site wishes it to be free of

disturbance of this type they might be expected to make arrangements with those offering motorised activities for more remote parts of the site to be used, or use to be restricted to certain times of the day. (But see Chapter 10 for a discussion of industry self-regulation).

Such an approach would not be likely to be effective in certain situations. These are where:

- the conflict is between island camping and inshore motorised water sports;
- clients of commercial users are affected by private use of motorised equipment; or
- private recreational users of the park are the ones affected.

The island campers and private users of the park have no long-term presence in the area, and no easy way of organising a collective voice. In any case, they have no direct "leverage" with the tourist program operators and would have to rely on a political process to achieve their ends.

- ☞ The managing agencies should examine the question of compatibility of motorised water sports with other recreational activities to determine the magnitude and nature of the problem.

Where the exclusion is to protect breeding wildlife populations from disturbance the principle of voluntary regulation is not appropriate. Some form of Regulation is necessary to provide controls on both private and commercial activities in the vicinity of breeding sites.

- ☞ A Regulation to prevent motorised water sport impacts on wildlife populations should not be put in place before the finalisation of guidelines for visitation to seabird breeding islands.

9.3 Use of Schedules to Protect Amenity at Heavily Used Sites

Many of the exclusions in the permit Schedules are intended to prevent further user pressure at heavily used sites, generally in the Offshore Cairns area and the Whitsunday Management Area. These exclusions are generally based on either social amenity (intended to prevent perceptions of overcrowding of a site) or natural environment amenity (to prevent site impacts such as anchor damage to corals). In some situations there may be concerns over unacceptable impact on visual amenity through the presence of too many vessels at a site.

It is important to be aware that rescinding the Schedules which apply exclusions on amenity grounds will result in a fairly large pool of latent use for these sites (see Table 9-1).

Table 9-1: Current Exclusions from Scheduled Amenity Sites

SECTION	SITE	CURRENT EXCLUSIONS
Cairns Section	Beaver Reef	177
	Milln Reef	148
(Cairns continued)	Green Island Reef	171
	Michaelmas Reef	172
	Hastings Reef	125
	Norman Reef	172
	Low Isles Reef	189
	Euston Reef	64
	Sudbury Reef	118
	Fitzroy Island Reef	113
	Flynn Reef	142
	Vlassoff Cay	89
	Saxon Reef	177
	Upolu Cay Reef	140
Central Section	Bait Reef	170
	Zoe Bay	105
	Sunlovers Beach	109
	Brook Islands	163
	Lovers Bay	52
	Cateran Bay	29
	Manta Ray Bay	28
	White Bay	70
	Wilson Bay	52

While it is not possible to know how many of these operators will access the sites if the exclusions are lifted, it is likely that, over time, some proportion will decide to avail themselves of the opportunity. If even one-quarter visit the sites regularly (up to their

"two in seven" limit) this will mean that the increase in vessel numbers each day will be of the order of:

$$\text{number excluded} \times \frac{1}{4} \times \frac{2}{7}$$

For many sites this represents a substantial increase in usage. For example at Norman Reef this suggests that there will be another 12 operators using the reef every day. **It is therefore crucial that the managing agencies put some effort into convincing operators of the need to adopt and follow an appropriate code of practice to prevent coral damage and over-crowding.**

9.4 Exclusions Other Than in Standard Schedules

It is also important to note that more sites than those listed in the Schedules are the subject of exclusion conditions on amenity grounds.

In some cases it is difficult to determine why sites are not on the standard Schedules, since they have been excluded for a considerable number of operators. It is not clear how many such sites exist, but it seems likely that in the Whitsunday Management Area there is a significant number. Thus the lifting of access restrictions on RTPOs is not merely a matter of rescinding the Schedules. It will be necessary to find some mechanism for identifying other sites with exclusions and developing a mechanism for lifting these restrictions.

Examples include CATERAN Bay and Blue Pearls Bay, with 58 and 117 operators respectively having specific exclusions from these sites².

Other sites are excluded from those which an operator can access as a result of interim policies applied pending the finalisation of draft management plans. Examples include the Frankland islands and the Brook and Family Islands. MPAs 134 and 135 decided that there should be limits placed through the permits system on numbers and types of use of the Marine Park in the vicinity of these islands so as to maintain the natural setting and recreational opportunities.

Unless the Authority rescinds these decisions it will not be possible to remove the restrictions applied through the permits system until statutory management plans are in place. Even when this occurs, it is difficult to see how the graduated restrictions proposed will be applied other than through permit conditions. For example, the MPA decision in relation to the Frankland Islands says that:

"management of the GBRMP in the vicinity of the Frankland Islands will be primarily for nature conservation and for maintenance of the natural setting and recreational opportunities, with this to be achieved by:

²On the basis of an SQL query of the permits database.

- assessing applications for permission to use or enter the area in order to ensure that the proposed use of the area will complement the desired setting;
- ensuring that, while it may be appropriate to permit a limited increase in the number of regular reef-based operations;
 - the size and style of reef-based operations should be consistent with the vessels currently using the area (i.e. one commercial vessel with maximum 60 passengers and small recreational vessels); and
 - the focus of tourism operations should be nature appreciation with no additional permanent facilities on Russell Island; and
 - continuing negotiations with the Australian Maritime Safety Authority to ensure that the primary use of Russel Island, apart from operation of the navigation light, will be camping and recreation".

☞ It is imperative that current draft management plans for islands and reefs be either abandoned or finalised (including establishment of statutory management plans) if restrictions placed on the use of sites through the permits system are to be lifted.

The exclusions to protect amenity values at heavily used sites should not be retained in the Schedules to RTPO permits. The options are:

- to remove the exclusion entirely so that if overcrowding or anchor damage occurs, unfavourable client perceptions will lead to a reduction in custom for operators to that site. This will tend to be a cyclical situation where numbers reach unacceptable overcrowding, the reputation of the site and/or operators suffers, numbers are reduced, then after a time begin to build up again. There is some possibility that operators will cooperate in such a situation to self-limit use of the site. This is regarded as an unlikely scenario. In such a situation the established site-specific operators will be impacted more than the RTPOs. The latter have more capacity to move on to another reef if conditions deteriorate;
- to place the exclusion in a Regulation (either directly, or through a statutory management plan), so that it applies equally to all users. While this serves the purpose of reducing the volume of the permit document, it does not reduce the level of restriction on the access to sites by RTPOs; or
- to declare a non-anchoring area on each heavily used reef, sufficiently large and appropriately located so that the numbers and locations of RTPOs are limited and their impacts are minimised and/or localised. (See Section 7.4 and Figure 7-1).

10. ALTERNATIVES TO PERMIT CONDITIONS AND SCHEDULES

10.1 General Considerations

The controls currently placed in permit conditions could conceivably be dealt with in a number of ways. They might be:

- subsumed under the controls in a statutory plan;
- implemented under the provisions of designated areas (mooring areas, anchoring areas, etc);
- moved into regulations under the GBRMP Act or a QDEH Act;
- incorporated into a Code of Practice;
- dealt with by another agency with more appropriate powers under a Memorandum of Understanding;
- taken up by a site-specific permit requirement;
- adopted as a policy for allocating visits under a booking system;
- distributed as part of education/information/extension material in a variety of forms; or
- dropped altogether.

There are a number of other measures which, while not replacing permit conditions, have the potential to enhance the effectiveness of these methods. They are discussed in Chapter 11.

Over the past decade the Authority has been moving toward plan-based approaches to management of use and user conflicts in the Marine Park. Evidence of this is provided by the increasing number of management plans and area statements being developed, the development of the Offshore Cairns Strategy, the Whitsunday Management Plan, CRIMPS, and increasing use of designated areas.

It is therefore entirely consistent with the Authority's evolving management strategy that restrictions should be moved out of permit conditions and schedules and into spatial planning measures and regulations.

Similarly, the Authority's goal of managing through the understanding and cooperation of users would be served by allowing RTPOs a measure of self-regulation through the incorporation of some conditions and Schedules into a Code of Practice.

10.2 Statutory Plans

10.2.1 Regional Plans and Strategies and Reef and Island Plans

Regional management plans and strategies and reef and island management plans can directly replace permit conditions and schedules only if they have some statutory force. Typically such documents can be expected to have policy components and statutory

components, though until now they have been only policy documents. As discussed elsewhere, the Authority is moving to statutory management plans.

10.2.2 Sensitive Site Plans

Many of the common restrictions currently applied through the permit conditions and schedules are intended to ensure the proper management of sites which are referred to as "sensitive sites". In general this means either that the location has some particular characteristic which is sensitive to impacts likely to arise from TPOs or, more likely, the site has a high density of site-specific operators, generally with moorings.

The main problem for management at these sites is usually to prevent anchoring in a particular location. The locations in question are frequently concentrations of moorings where site-specific operators are dependent on the quality of coral for the operation of coral-viewing activities or for snorkelling or diving. In many cases these operators are managing the sites through controls over their activities and an ongoing monitoring program.

It is proposed that a model for sensitive site plans be developed and applied to identified sensitive sites in the Cairns Offshore and Whitsunday Management Area as soon as possible. Such a model approach would incorporate:

- identification of the position of the site in the regional amenity/setting strategy;
- identification of any high conservation values at the site;
- delineation of a mooring/non-anchoring area to accommodate any high value areas sensitive to anchor damage and, where mooring in this area is appropriate, existing moorings, plus any desirable increase in moorings. The proportion of sites given to the mooring/non-anchoring area (and the area remaining as sheltered anchorage) will have some bearing on the level of use of the site. (see Section 7.4 and Figure 7-1 for a more detailed discussion of these concepts);
- determination of the number of moorings to be allowed in the mooring area, taking into account the amenity desired;
- public participation to gain commitment to the size and location of the mooring/non-anchoring area and its location as well as the proposed maximum number of moorings;
- statutory designation of the mooring/non-anchoring area; and
- removal of the site from permit schedules and lifting of any restrictive permit conditions which apply to the site.

In some circumstances this rapid early stage of sensitive site planning might involve making decisions about the number and location of public moorings. However this is generally a separate issue to the lifting of restrictions in the permits system, and can be dealt with at a later stage.

The management approach proposed for sensitive sites can be summarised as:

- inside mooring areas anchor damage will not occur and site-specific operators with mooring permits will be responsible for protection of environmental quality;

- access to mooring areas will be available to any user of the reef who does not anchor within the area¹;
- there will not be any restriction through permits on access by tourist program operators to the reef; and
- outside of mooring areas all users will share responsibility for maintenance of environmental quality through the observance of an agreed Anchoring Code of Practice.

10.3 Mooring/Non-Anchoring Areas and Anchoring Areas

☞ On any reef where moorings exist or are proposed it is recommended that mooring areas be defined. In general no anchoring would be permitted in such areas, though anchoring of a small vessel such as a tender might be permitted subject to the use of an appropriate anchor².

Boundaries of mooring areas would generally be able to be indicated by markers on the reef. Standardisation of design would be required and preferably the design adopted should indicate, to an observer at a distance, whether the mooring area was on the right or left of the marker. In some situations buoys might be more appropriate for marking these areas.

Mooring areas will be established only after effective public participation which will seek comments on the size and location of the area and the number of moorings to be permitted.

☞ The designation of mooring/non-anchoring areas should not be allowed to be delayed by deliberations over the installation of public moorings or the possible resumption of existing commercial moorings.

10.4 Regulations

A wide range of the current restrictions in the permit conditions and schedules can be moved into regulations. These are generally discussed elsewhere in this report, however the following are worthy of comment.

10.4.1 Proposed "No Coral Damage" Regulation

It has been proposed that a regulation be introduced to prohibit anchoring on coral, possibly by framing the regulation as a prohibition of damage to corals.

¹Some form of anchoring may be permitted, such as use of reef picks on vessels of small size.

²The control of anchoring within mooring/non-anchoring areas might be accomplished through the adoption of appropriate definitions of what constitutes "anchoring". This might relate to certain types of anchors and/or vessel size.

Such a regulation would be difficult to police and it is likely that it would be extremely difficult to secure a conviction on the basis of an alleged breach. There are many circumstances in which lighting, wind, water quality, or water depth would render it impossible for operators to know whether they were over coral or not when they dropped an anchor. Unless an enforcement officer were alongside an offending vessel and recording these circumstances at the time of anchoring it is highly unlikely that a conviction could be secured.

Such a regulation is not essential to the resolution of the problems of restrictions included in permit conditions or schedules.

- ☞ It is recommended that no regulation be introduced that would make it an offence to anchor on coral or to damage coral with an anchor.

10.4.2 Public and Private Moorings

The establishment of public moorings in the Marine Park would be likely to require the creation of appropriate regulations. Similarly, many of the issues surrounding the control and use of private (commercial) moorings are likely to be resolved through the use of regulations.

There has been considerable discussion over many years of the issues surrounding the installation of public moorings and the "site ownership" associated with private (commercial operator) moorings.

Most of these issues do not have any bearing on the complexity of the current TPO permits system. Issues of this type do not need to be resolved before other measures can be implemented. Appendix II offers some suggestions for moorings policies which are generally outside the terms of reference of this consultancy.

- ☞ It is recommended that issues associated with the introduction of public moorings or concern over "site ownership" associated with private (commercial) moorings, not be allowed to delay the introduction of mooring areas to sensitive sites.

10.5 Codes of Practice

One possible solution to the problem of relocating some of the components of permit conditions and Schedules may be to incorporate them into Codes of Practice. This would, to some extent, answer criticisms that there is too much regulation of TPOs, and meet their professed wish for self-regulation.

At first glance this may appear an attractive option that would allow a reduction in the resources directed to management of RTPO permits by the managing agencies. However, there are several considerations that need to be borne in mind in deciding whether to follow this course of action.

Regulation through codes of practice really covers a spectrum of levels of control. These range from a situation in which there are no legislative controls and only a voluntary code of practice to be adhered to by individual operators, through a situation where a code of practice is enforced on a day-to-day basis by an industry association, but is backed up by legislative measures should industry enforcement fail, to a code which is monitored by the managing agency and where non-compliance has an immediate legal penalty.

There are few, if any, examples of successful long-term self-regulation by industry that do not have some form of sanction that can be applied against those who transgress the accepted behaviours.

Experience in the Marine Park and in other natural resource management areas has shown that self-regulation by industry can work well in situations where there is some leverage that can be applied to encourage compliance with codes of practice.

Examples of situations where self-regulation works under a system with a form of sanction short of legislation include:

- the management of gamefishing and dive charter boats off Cairns. There are associations (CHARROA and CPGFA) which own moorings available for use by members. The associations are able to enforce compliance with management controls because they have the power to deny access to moorings. Since it is a condition of permission to operate in the Marine Park that the association's moorings are available, this is a powerful incentive to follow the associations codes.
- hot air balloons in the Alice Springs area are self-regulated in a semi-formal way. When operators do not abide by the agreed standards of conduct, the other group members will remove the advertising of the offending member from display racks at key sites and request site owners not to accept advertising from that operator.

Examples of situations in which Codes of Practice are able to be legally enforced are:

- in the health and fitness industry in South Australia. Regulations under the South Australian *Fair Trading Act* provide that "a trader to whom the code of practice prescribed by the schedule applies must not contravene or fail to comply with the code of practice. There is a \$1,000 penalty for breach.
- in the plantation timber industry in southern New South Wales. Contractors extracting timber from plantations are required to abide by a detailed environmental code of practice. Where operators are found to be breaching the code they are banned by the management agency from working in the forest for one month. Contractors are then obliged to find another operator or have expensive equipment idle for the month. Breaches of the code are apparently uncommon. This can be compared with the situation in Victoria where a recent audit of forestry practices has found that up to 30 percent of the logging breached the voluntary industry code. The audit found that 18 percent of logging coupes were subject to serious or multiple breaches. A further 12 percent were subject to minor breaches of the code.

One way for managing agencies to gauge whether voluntary codes of practice or other self-regulatory measures would be likely to work would be to examine the level of compliance with existing controls.

A situation in which a significant number of TPOs is voluntarily operating to higher standards than those set out in permit conditions will indicate that the operators generally regard the controls as being in their own interest and have improved on those controls. Such a situation would suggest that self-regulation through codes of practice would be likely to succeed.

Anecdotal information indicates that some (possibly many) operators are not complying with permit conditions. This is one of the justifications for the current review of the permits system (see, for example, Section 3.1). This suggests that self-regulation without effective deterrence is not an appropriate strategy for TPOs in the Marine Park³.

In a situation where self-regulation is desired but there is uncertainty about likely voluntary compliance, a "regulatory pyramid" is an appropriate strategy (16) (see figure 10-1). At the bottom of the pyramid is the self-regulation policy, where compliance is voluntary. Above this are increasingly deterrence-oriented strategies which are not only available to the management agency but are known to the community of operators to be real possibilities. Thus they have the choice of voluntary compliance, possibly with the first level of monitoring being done by industry groups, and the management agency (and the public) have the assurance that measures exist to ensure that the resource is not threatened by ongoing non-compliance.

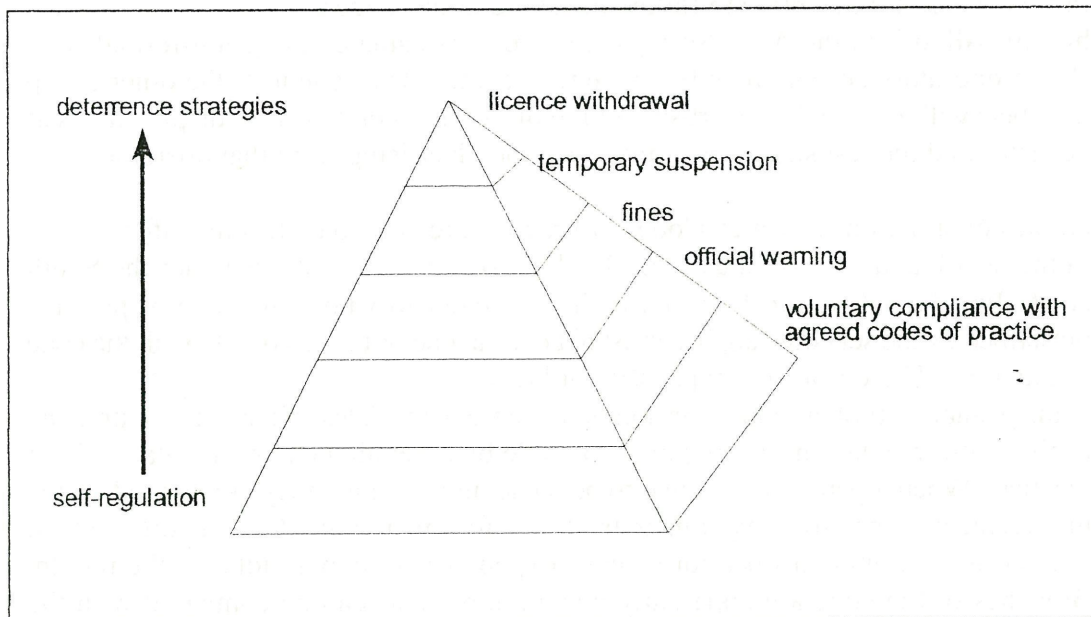


Figure 10-1: Regulatory Pyramid

³Unfortunately there is no good data on the rate of compliance with permit conditions. As with much else in this proposed "transformation" of the permit system, there has not been any detailed analysis of the supposed problems.

☞ It is recommended that the managing agencies not enter into any arrangement for self-regulation by RTPOs in the Marine Park without some form of sanction that can be applied, either by a reputable and representative industry group or, preferably, by the managing agencies through legislation.

There is some doubt among DDM staff that self-regulation would be feasible for TPOs because of the lack of cohesion and cooperation in the industry. The only current industry group which claims to represent the broad range of TPOs is AMPTO. Only a very small proportion of roving operators is believed to have individual membership in this organisation, and DDM staff report that roving operators generally do not regard it as representative of their interests. There are a number of other groups which represent specific segments of the industry, such as the Whitsunday Bareboat Operators Association, the Charter Vessel Association Inc. and CHARROA. While it would be possible (though difficult) to ensure a reasonable level of consultation on draft codes of practice through consultation with these groups and public meetings, it is difficult to envisage a system of industry enforcement of a code in such a fragmented group.

The view has been expressed (1) that most tourism operators would be unlikely to be enthusiastic about an approach which transferred too much responsibility to industry control. The reasons given for this are that they are unsure of their ability to manage their industry by cooperative or other means, have an undeveloped mutual support network, fear open competition, and want the Authority to arbitrate when conflicts arise or decisions are difficult.

Even if the problem of industry fragmentation could be overcome, this does not solve the problem of ensuring observance of the codes by the general public. The application of codes of practice to tourist program operators but not to other classes of users such as the general public or fishermen who might engage in similar activities would perpetuate one of the inequities of the current permit system.

In practice, components of any industry-specific code would be likely to be applicable to other groups of users of the Marine Park. This suggests that what is required is a series of activity-specific codes of practice, similar to the current guidelines for fish-feeding, reef-walking, and whale-watching and that these should be developed through a process of broad community consultation and participation.

☞ It is recommended that codes of practice be developed as activity-specific codes rather than industry-specific codes and that these be developed through a broad community consultation process.

It is likely that many of the concerns that industry groups will want to see incorporated into a code of practice will not necessarily coincide with those that the managing agencies will have in mind. Examples of this have already emerged, where draft codes of practice for bareboat charter operations contained virtually no environmental measures. On the other hand, they contained a range of issues which are outside the ambit of the managing agencies.

It is entirely possible that codes of practice prepared by industry groups may contain elements aimed at entrenching the position of those organisations or at giving one group of operators some advantage over other groups. Such issues will result in considerable delay in finalising codes of practice. This is less likely to occur if codes of practice are restricted to environmental matters.

- ☞ It is recommended that the managing agencies restrict their involvement with codes of practice to only those components which deal with issues of relevance to the management of the Marine Park. Industry should be encouraged to develop separate codes to meet other objectives which are not directly relevant to management and conservation of the Great Barrier Reef Marine Park.

There are some aspects of management of the Marine Park which both the managing agencies and TPOs may wish to see incorporated into codes of practice but which are not crucial to the transformation of the permits system. Aspects of TPOs which relate to quality of visitor experience fall into this category.

These matters should not be given the same priority as the development of codes which will replace aspects of the permits system.

- ☞ Highest priority in the development of codes of practice should be given to those issues which will allow conditions to be removed from the permits system. The inclusion of other issues should not be allowed to delay the process.

One of the key issues for management of tourist program operations and particularly for the streamlining of the permit conditions for tourist program operations is the impact of anchor damage on corals.

- ☞ As a matter of priority a code of practice for anchoring in the Great Barrier Reef Marine Park should be developed.

It is unlikely that the industry groups or most other user groups will possess any great deal of expertise in park management, and in most cases they will be unfamiliar with the statutory responsibilities of government bodies. They are also likely to be unaware of the breadth of the managing agencies' concerns with specific issues. As a result they are unlikely to fully comprehend the range of concerns of the managing agencies.

- ☞ The managing agencies should offer expert assistance to user groups to assist in the development of codes which meet the concerns of park management.

10.6 Memoranda of Understanding (MOUs)

In a number of instances controls on tourist program activities which are desirable to protect the Great Barrier Reef ecosystem or to manage the Marine Park will be best implemented through existing legislation which is the province of other government agencies.

These controls include:

- restrictions on aircraft access to certain sensitive areas or in certain situations (Civil Aviation Authority, ANCA - through the *Whale Protection Act*); and
- limitations on vessel speed and size (Department of Transport).

In order to initiate MOUs it will be necessary to convince the implementing agency of the need for the exercise of its powers in the management of the Marine Park. This will require careful preparation of arguments by GBRMPA.

As a condition of becoming a party to an MOU other agencies may require some undertaking on GBRMPA's part not to use powers in its legislation which are seen as "invading" the responsibilities of the proposed party.

While it may be possible to implement restrictions on aircraft movements in the vicinity of seabird breeding islands through CAA controls, experience suggests that establishing an MOU with that agency may be a protracted process. If the managing agencies regard the removal of seabird island schedules from permits as a high priority this potential delay should be taken into account in deciding on mechanisms to achieve this.

10.7 Booking Systems

Booking systems are currently used under the Low Isles and Reef and Green Island and Reef management plans. Tourist program operators who do not have a site-specific operation at these locations are able to apply for bookings for particular tourist program visits. This procedure is regarded as a viable way of ensuring equity of access to the areas while exercising close control on visitor numbers as set out in the management plans. It has the advantage over a "2 in 7" type of approach that the managers are able to control the numbers who access the area on any given day.

As usage levels increase at other islands or reefs it is conceivable that there will be other booking systems in operation in the Marine Park.

This management instrument is potentially labour-intensive, and should be avoided where other options are available.

10.8 Site Access Permits

Site access permits are not currently used in the Marine Park, though the framing of some permissions means that they are *de facto* site permits, in that the permission is to carry out an activity at a stated site.

Site access permits would be one variation on a booking system, though the workload in administering them would be less since there would be contact with the operator only once during each permit period.

If TPO permits are reduced to a licence-type of approach, and the numbers of sensitive or heavily used sites in the Marine Park continues to increase, then it may become necessary to consider the establishment of this second tier of permit. Operators might have a general Marine Park Tourist Program Licence, with one or more Site Access Permits to particular locations. These latter permits would need careful assessment and the problems inherent in the current RTPO system - including particularly the latent operator pool problem.

While site access permits might be preferable to a booking system on the grounds of lower labour requirements, the managing agencies should resist a proliferation of this type of permit. Otherwise the resulting system could be considerably more complex than the current situation.

11. SUPPORTING MECHANISMS

Apart from those measures (dealt with in Chapter 10) which can be used to replace restrictions currently expressed in permit conditions and Schedules, there is a variety of approaches which the managing agencies might adopt to encourage high standards in tourist program operations. These include operator awards for excellence, accreditation, operator staff training, and information/education material.

These measures are not suitable repositories for current permit conditions or Schedules to permits. Nevertheless they have some potential to enhance the effectiveness of the measures discussed in Chapter 10. This is particularly true of information/education material.

11.1 Awards

The presentation of different categories of awards to tourist program operators has the potential to encourage the adoption of desirable standards of operation. Awards might be made for the "most environmentally sensitive tourist operation" or the "best interpretive program" for example.

11.2 Accreditation

There have been a number of proposals for the establishment of an "Accredited Operator Scheme". While at first glance the concept seems simple, it contains a number of complexities of which the managing agencies should be aware.

In effect the granting of a tourist program operation permit is an accreditation that the proposed activity has been satisfactorily assessed against a fairly exhaustive list of criteria. If any accreditation scheme is adopted it will be necessary to take care not to suggest that operators who have been granted permits but not awarded "accreditation" are somehow sub-standard. Such a situation would reflect badly on the Authority and on the legislation that it administers.

Rather than using the term "accredited" it may be better to refer to different "levels of excellence" in relation to specific aspects of tourist program operations. Under such a scheme, all legally permitted TPOs might be recognised as "level one" ("one star" operations), with higher levels being recognised for standards sufficiently in excess of the basic acceptable level.

From this point of view, "levels of excellence" cannot replace permit conditions, which are a statement of those standards/behaviours necessary to meet legal management requirements.

11.3 Training of Tourist Program Operations' Staff

The degree of adherence to controls on TPOs will be likely to be substantially enhanced if their staff are aware of and understand those controls. One way in which this awareness and understanding can be imparted is through training programs.

However it needs to be recognised that this is an expensive way of imparting knowledge which can also be communicated through a range of information/education methods (see Section 11.4). Because of the rapid turnover of staff in TPOs (of the order of several months) and the large number of TPOs on the reef, it would be necessary to have training programs running continuously.

Where training programs for tourist program operations' staff can be justified for other purposes, elements should be included to increase the awareness and understanding of matters which are currently dealt with in permit conditions and Schedules.

11.4 Information/Education Materials

Reference has been made elsewhere to the importance of high quality, well targeted, appropriate information/education materials in managing tourist program operations (see, for example, Sections 7.9 and 16.12).

It is vitally important that a clear, ongoing and significant commitment of Education/Information resources is made to the carrying out of environmental impact management responsibilities in the Marine Park.

- ☞ It is recommended that, when all necessary mechanisms are in place for the simplification of TPO permits, all processing and issuing of applications for these permits should be done from the GBRMPA office. When a regional database has been installed and is providing rapid and trouble-free access to permit records, the situation should be reviewed with a view to moving this routine processing to QDEH regional offices. [16.2]
- ☞ Unless the Authority has accepted the role of protecting locally-based operators from competition or amenity impacts resulting from the entry of permitted operators from other locations, there should not be any attempt to restrict the time a permitted TPO operates in any Section of the Marine Park. [16.7]
- ☞ The managing agencies need to make it clear to all users of the Marine Park that the sites available for use on the Reef are finite, and that uncontrolled expansion of the tourist industry will inevitably mean that the proportion of those sites suitable for low density recreational activities will decrease. [16.8]

12. CORPORATE CULTURE - ATTITUDES TO THE PERMITS SYSTEM

In the course of carrying out this review it has become evident that there exists in the managing agencies, particularly the Marine Park Authority, a collective negative perception of the permits system and of the role of permits in Marine Park management.

This has been referred to in several places in this report.

This perception has become a component of the corporate culture of the Authority, and extends virtually throughout the organisation. Its existence is evident to permits staff. In addition, they have recognised that people working in the permits area have a tendency to downgrade the significance of their work. Line managers in this area have attempted (with some success) to deal with the problem in their own sphere of responsibility. However it is possible that they may not have realised how widely these values are held outside their area.

The low level of appreciation of the role of the permits system in managing the Marine Park and the view of permits work as unglamorous, unexciting, routine, and onerous is having a real and significant impact on the Authority's ability to achieve its goal and aims. Management resources are only grudgingly allocated to the area, partly as a result of the impression that the permits system is taking an unjustifiably large share of organisational resources (see Section 16.13). Other areas in the Authority are slow to join in cooperative endeavours with the permits area because of its perceived lack of glamour as a field of work. DDM permits staff are regarded as part of a bureaucratic process rather than as the front line of the Authority's management of the Great Barrier Reef.

This problem has been recognised by the Executive Group of the Authority and some commitment was made by members of the Executive in 1993 not to speak disparagingly of the permits system. However it is clear that this commitment has not had any significant effect on the situation. In any case, what is needed is much more than simply ceasing disparagement. There must be a well orchestrated campaign to improve the image of the permits system.

- ☞ It is strongly recommended that significant and high priority actions be taken to reverse the corporate attitude to the permits system, so that it becomes regarded as an exciting and key component of the Authority's management of the Marine Park.

The first of the two main parts of the report is a description of the current situation in the country. This part is divided into two sections: a general overview and a more detailed analysis of the economic situation.

The second part of the report is a forecast for the future. This part is also divided into two sections: a general forecast and a more detailed analysis of the economic situation.

The general overview of the current situation shows that the country is facing a number of challenges. The most serious of these is the high level of unemployment, which is causing a significant amount of social unrest. In addition, the country's infrastructure is in a state of disrepair, and the government is struggling to maintain its services.

The detailed analysis of the economic situation shows that the country's economy is in a state of stagnation. The main problem is the lack of investment, both from the government and from private companies. This has led to a decline in productivity and a loss of jobs. In addition, the country's debt is increasing, which is putting a further strain on the economy.

The general forecast for the future is pessimistic. Unless the government takes action to address the current challenges, the country's economic situation is likely to worsen. The high level of unemployment is expected to continue, and the government's services are likely to become even more inadequate.

The detailed analysis of the economic situation for the future shows that the country's economy is likely to continue to stagnate. The lack of investment is expected to persist, and the country's debt is likely to continue to increase.

13. REVIEW OF PROCESSING PROCEDURE - RTPO PERMITS

It is clear that the permit processing procedure for RTPO permits is unnecessarily complex.

In particular it involves too many communications and exchanges of correspondence between managing agencies and between managing agencies and the applicant (see Figure 13-1). However, while there is a requirement for processing to be conducted in both GBRMPA and QDEH offices this complexity is unavoidable. Ideally processing should be able to be done in the office which receives the application. However the need for consultation over assessment criteria and to take into account the way in which permit conditions mesh in with local management means that permit applications need to be considered by staff in a number of offices before they can be issued. The requirement for signature by GBRMPA and QDEH delegates further complicates the process.

The moving of solutions to management issues out of the permits system will allow one-office, rapid processing of standard RTPO applications since there will not be any need to develop operator or site specific sets of permit conditions¹. This should be regarded as an ongoing goal of the transformation of the permits system, but one which can be achieved some time before the introduction of an overall class assessment of tourist program operations. It seems likely that once mooring/non-anchoring plans have been introduced for sensitive sites that there will be little to stop the centralisation of processing of TPO applications in the Authority's Townsville office.

Once an efficient computer database link has been developed between the QDEH regional offices and GBRMPA processing of TPO permit applications should be done by QDEH regional offices.

At present, while there is a need for moving information between widely separated offices the managing agencies should investigate the advantages of establishing e-mail links between the permits area in GBRMPA and the permits areas in the QDEH regional offices.

It should be noted that even when one-office processing can be implemented there may still be a need for contact between the DDM staff and the applicant for information-giving. There is also the important consideration that new operators frequently do not understand the situation and opportunities on the Reef. They may be unaware of such things as existing controls on access and anchoring, usage levels at popular sites, qualities of alternative destinations, effects of sea conditions on passengers to certain destinations, etc. An interview with a DDM officer will often help to clarify what their options are and help to define what is being sought in the permit application form. For this reason any changes introduced to streamline permit

¹This will require cross-delegation of powers from QDEH to GBRMPA.

processing should not limit opportunities for applicants to interact with a local DDM officer.

- It is recommended that the processing procedure for RTPO permits be greatly simplified. Class assessments should be used wherever practicable. Permit processing and issue should be done by one office (GBRMPA permits section), and a cross delegation to that office should be put in place to allow permits to be signed on behalf of both managing agencies.

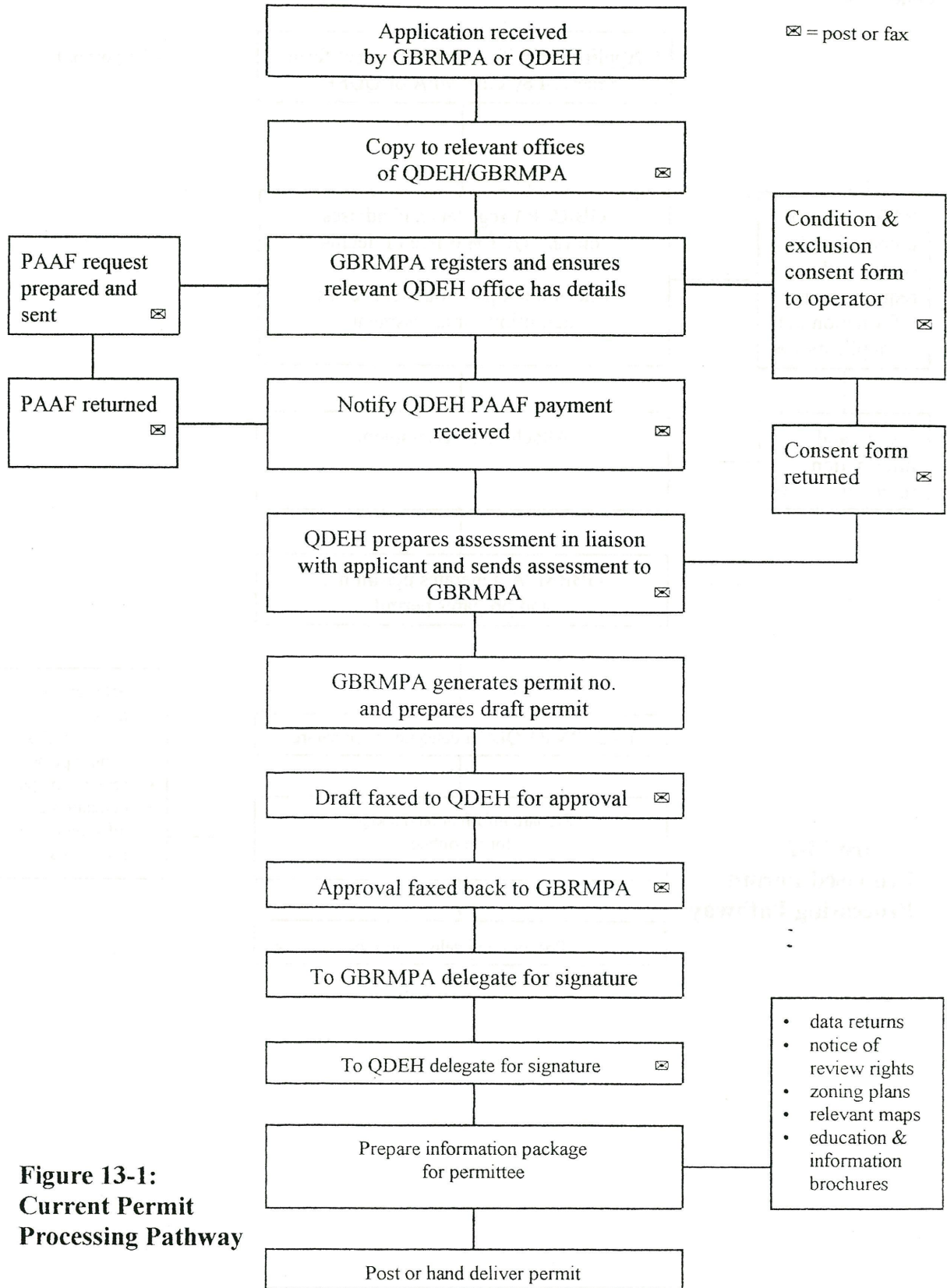


Figure 13-1:
Current Permit
Processing Pathway

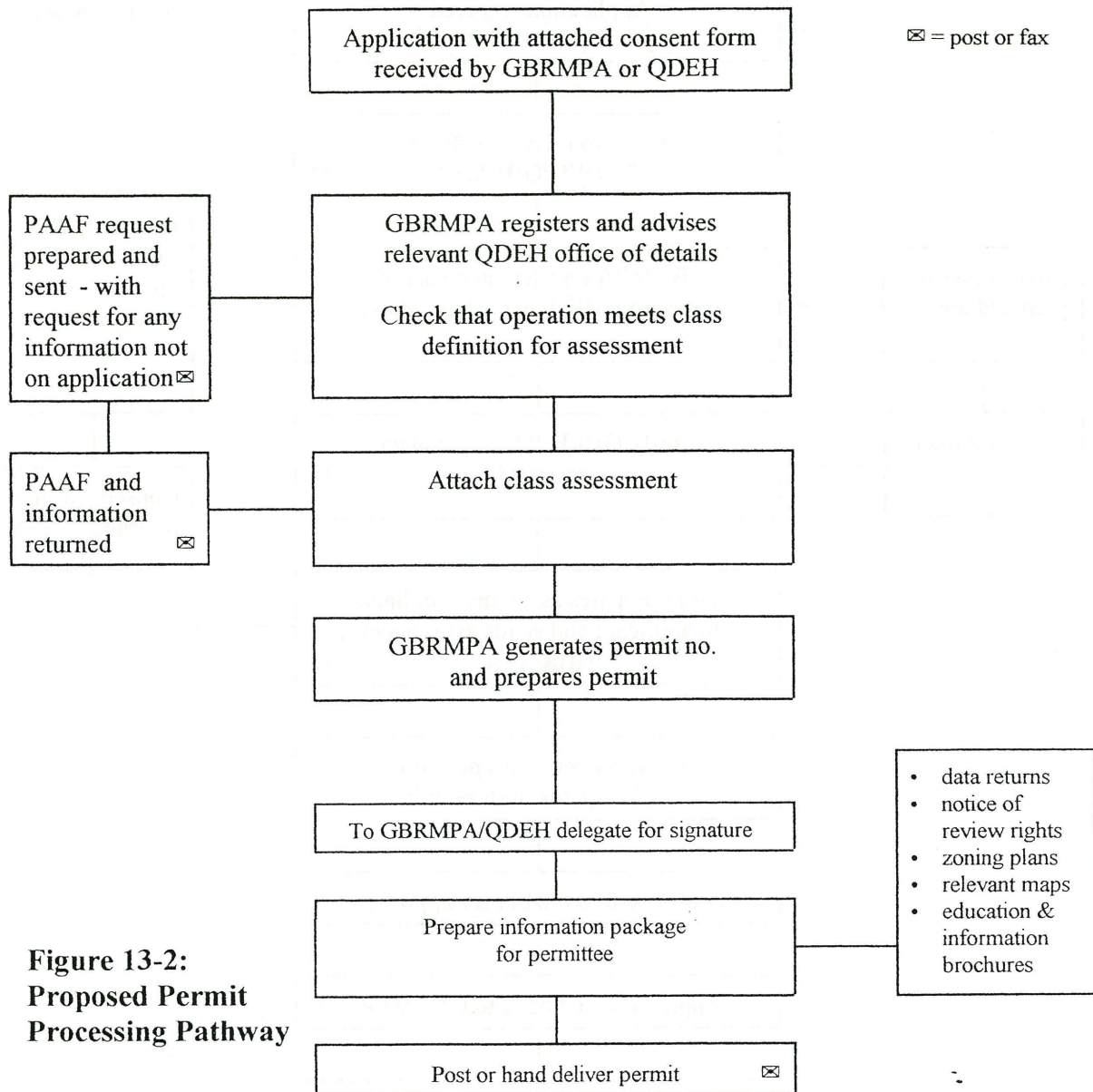


Figure 13-2:
Proposed Permit Processing Pathway

14. REVIEW OF THE APPLICATION FORM

It is clear that the current application form generally does not elicit the full set of information necessary for the assessment and processing of an application for a permit to conduct a tourist program.

Some parts of the application form need to be re-designed to eliminate confusion over what is required. Examples are the question about whether applicants will use National Parks, and the request for information about ways in which they will publicise the Marine Park.

As an example of the problems, in the Rockhampton region, only about fifty percent of terrestrial tourist program applicants need to be contacted by DDM staff for further information, whereas nearly one hundred percent of marine parks applicants need to be contacted for clarification and further information. DDM staff believe that this is due to problems with the marine parks application form.

As a first step, the tourist program permit application form needs to be separated from applications for other permit types. There is also a need for considerably more explanatory material on the form.

- ☞ The permits application form should be redesigned to ensure that the information that is required for assessment is likely to be provided by applicants. This should be given high priority since it will result in an immediate reduction in workloads and processing time for permit applications.

Permit Application Form

PART A To be completed by all applicants

NAME/ORGANISATION/COMPANY (registered business name)

Postal Address _____

_____ Postcode _____ Telephone _____ Facsimile _____

DETAILS OF INCORPORATED COMPANIES OR ASSOCIATIONS

Registered Office Address _____

Postcode _____ Telephone _____ Facsimile _____ Registered Company Number ACN _____

Names of Directors _____

Is this application to renew an existing permit? YES NO If yes, what is the number of existing permit/...../.....

DESTINATION OR LOCATION OF ACTIVITIES			
SECTION	SPECIFIC LOCATION	ZONE	FREQUENCY OF USE

Time period for which permit is sought: from/...../..... to/...../.....

MEANS OF TRANSPORT Do you operate a vessel YES NO

VESSEL/AIRCRAFT INFORMATION (Include details for all vessels to be used)					
NAME AND LENGTH	REGISTRATION NUMBER	MAXIMUM* CAPACITY	MAXIMUM NUMBER INTENDED TO CARRY		PORT OF DEPARTURE
			passengers	crew	

*Maximum Capacity - state the maximum passenger numbers for each survey class that you can utilise at the locations you wish to access
IF NOT using own transport, how will transportation needs be met?

Have you considered any prudent and feasible alternatives to your proposal (eg. different sites or activities). If so, please give details.

Maximum number of employees and associates who will be undertaking permitted activities on your behalf:
I declare that the information I have given on this form is correct to the best of my knowledge.

NAME - Block letters

Signature

Date

(Applications by companies are to be signed owner/manager/director)

NOTE: There are penalties for deliberately making false or misleading statements. - \$1000

Please complete the following page and attach any supporting information

PART B Additional information

PERMIT TYPE *(Mark appropriate box)*

- 1) COLLECTING EDUCATION PROGRAM TOURIST PROGRAMS AND FACILITIES
 RESEARCH TRADITIONAL HUNTING, TRADITIONAL FISHING & GATHERING OTHER ACTIVITIES - please state _____
- 2) Is your operation of a commercial nature? YES NO

EDUCATION PROGRAM

Please attach a description of the following:

- (a) Your proposed activity including details of proposed collecting or other manipulative fieldwork involved (e.g. number and types of species to be collected, duration, frequency, type and extent of any proposed disturbance)
 (b) Your proposed timetables, duration of trip(s), number of people involved, transport needs

RESEARCH

Please attach a Research Plan including:

- (a) Project title and explanation of the objectives of the proposed research project
 (b) The approximate sequence of tasks on a time scale, including fieldwork, specifying starting and finishing dates and staff involved
 (c) Brief explanation of the experimental design and proposed method of analysis
 (d) Details of proposed collecting or other manipulative fieldwork involved (e.g. number and types of species to be collected, duration, frequency, type and extent of any proposed disturbance)
 (e) The perceived relevance of the research project to the management of the Great Barrier Reef Marine Park.

COLLECTING OR TRADITIONAL HUNTING, FISHING & GATHERING

Please attach a description of the following:

- (a) The purpose of the collecting, e.g. sale, trade, own use, ceremony (for traditional hunting, fishing & gathering)
 (b) Types of animals, plants and marine products you wish to take, how many of each type and the method you propose to use to take these animals, plants and marine products
 (c) How often you plan to do this activity and how many people will be involved.

TOURIST PROGRAMS AND FACILITIES

How do you intend to publicise the Marine Park in your operation ? (attach any materials e.g. brochures where available)

Proposed activities to be conducted, main activity (e.g. fishing trips):

Other activities (e.g. occasional diving trips):

Do you wish to install or use moorings at any location? Yes No
 If yes, please give details (Note: the installation of moorings may be required at some sites).

Do you intend to use a National Park as part of your operation Yes No

Is any expansion to your operation planned in the next 12 months and beyond? Yes No

Permit Application

Marine Parks



Great Barrier Reef
Marine Park
Authority



Queensland
Department of
Environment and
Heritage

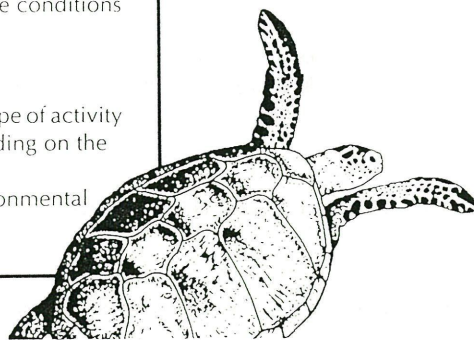
This permit application form is to be used when applying for permission to undertake activities in the Great Barrier Reef Marine Park and/or Queensland Marine Parks. Permits are required before some activities may be undertaken in Marine Parks. Detailed information about Marine Parks permit requirements may be obtained by checking relevant zoning plans and regulations. Most visitors will not require a permit for recreational activities. Before any activity is undertaken in Marine Parks, you should check the Zoning Plan for that area to see if that activity is allowed, and whether the activity requires a permit. For more details contact the Great Barrier Reef Marine Park Authority (GBRMPA) or the Marine Parks section of the Queensland Department of Environment and Heritage (QDEH) (see addresses on following page).

The use of permits helps the GBRMPA and the QDEH to ensure the conservation of the Marine Parks. The permits system allows these organisations to:

- limit impacts on high usage and sensitive areas
- separate potentially conflicting activities
- encourage responsible behaviour in all Marine Parks users
- collect data for planning of Marine Parks
- monitor activities which may become damaging to the Marine Parks

POINTS TO NOTE ABOUT PERMITS

- Marine Parks permits for commercial activities require a Permit Application Assessment Fee - for further information please contact the GBRMPA or the QDEH.
- Marine Parks permits are usually issued for a maximum of 3 years.
- Usually a joint permit with effect under the *Queensland Marine Parks Act* and the *Great Barrier Reef Marine Park Act* is issued.
- Permits must be available in the Marine Parks for inspection.
- Furnishing false or misleading information in a permit application is an offence, penalty \$1000.
- Permits may be suspended, revoked or varied if conditions are not met or an offence is committed.
- Entry into a zone without a permit or in contravention of the conditions of a permit is an offence,
penalty \$10 000 - for a person
\$50 000 - body corporate.
- All permits carry conditions. These vary depending on the type of activity proposed, and may vary within a proposed activity, depending on the impact of the specific activity on the Marine Parks.
- The onus is on permit applicants to establish that the environmental impacts of their proposed operation are acceptable.



OTHER PERMITS

Separate permits may also be required from relevant Government agencies for certain activities, including but not limited to:

QUEENSLAND GOVERNMENT

- Marine Parks section of QDEH for island National Parks and also for moorings and erection of certain structures
- Lands Department for other islands
- Department of Primary Industries (Fisheries) in relation to mariculture and harvest fisheries

COMMONWEALTH GOVERNMENT

Department of the Arts, Sport, the Environment and Territories for some aspects of sea dumping.

HOW TO APPLY

To apply for permission to use the Great Barrier Reef Marine Park and/or Queensland Marine Parks, please complete the application form and forward it to either:

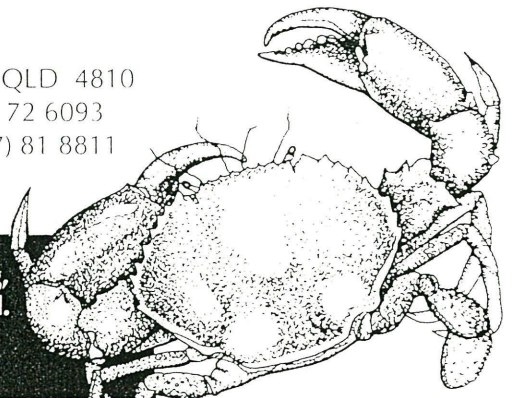
The Regional Director
Queensland Department of
Environment and Heritage
PO Box 2066
CAIRNS QLD 4870
Facsimile (070) 52 3080
Telephone (070) 52 3043

The Regional Director
Queensland Department of
Environment and Heritage
PO Box 5391 TMC
TOWNSVILLE QLD 4810
Facsimile (077) 21 1742
Telephone (077) 74 1544

The Regional Director
Queensland Department of
Environment and Heritage
PO Box 3130
Rockhampton Shopping Fair
ROCKHAMPTON QLD 4700
Facsimile (079) 362 212
Telephone (079) 360 511

The Chairman
Great Barrier Reef Marine
Park Authority
PO Box 1379
TOWNSVILLE QLD 4810
Facsimile (077) 72 6093
Telephone (077) 81 8811

Applications should be lodged as early as possible in writing, preferably two months prior to the date a permit is required. Please contact the GBRMPA or any office of the QDEH by telephone for more information about permit requirements.



15. CLASS ASSESSMENTS OF PERMIT APPLICATIONS

Class assessments of permit applications are done where a class of applicants can be defined in such a way that their characteristics in relation to the criteria in Regulation 13AC(4) (see page 5-7) are sufficiently similar to allow all members of the class to be dealt with in one assessment¹.

If class assessments are to succeed, applications should be able to be assigned easily and unambiguously to a particular class.

It is highly desirable that all tourist program operations (excluding any associated installations) can be dealt with under a single class assessment. In order for this to occur it is necessary to be able to say that the result of the assessment of each criterion is the same for all members of the class. Generally this will be possible when a particular characteristic is so similar across all members of the class that a generalised statement can be made about it. Alternatively the Authority might be satisfied that a mechanism exists which can be relied on to avoid or mitigate any impacts which might arise, even where there is some variation in the characteristics of the operations.

The transfer of the majority of the restrictions currently found in permit conditions and Schedules to other instruments will mean that the criteria in Regulation 13AC(4) will be largely satisfied by the application of those instruments. Any criteria that are not met by these measures may be found to be the responsibility of another agency. This opens the way for a single class assessment of all tourist program operations.

If a class assessment of tourist program operations is adopted the Authority should bear in mind the potential for unexpected cumulative effects to emerge with increasing numbers of operators. For this reason any class assessment should be reviewed regularly. Another important consideration is that novel and unexpected forms of TPO activity may arise which do not fit under the class assessment. For this reason a screening procedure should be adopted to ensure that novel activities will receive individual assessment. This may require specific questions on the application form.

It will be easier to make the case that the criteria under Regulation 13AC(4) have been satisfied by particular measures if, in the preparation of those measures regard is had to the satisfaction of the 13AC(4) requirements. This means that the preparation of management plans, regulations, codes of practice, etc should include the completion of a statement of the way in which each measure contributes to the satisfaction of the criteria.

The managing agencies have the option of introducing class assessments separately for each criterion, thus gradually reducing the work involved in assessing tourist program permit applications until a comprehensive class assessment is achieved.

¹The criteria in Regulation 13AC(4) are so broad as to approximate to a summary of the elements of sound environmental management. For this reason regard to these criteria should be had in the framing of management measures for the Marine Park.

Prior to the adoption of class assessment for tourist program operations generally, one option for streamlining the assessment and issuing of TPO permits is to develop class assessments for categories of operators (e.g. bareboats, aircraft). However the preparation of such category assessments could be expected to take at least two months and would divert resources that could be used to initiate elements of the permits transformation. There is a possibility that it would not be feasible to adopt such interim assessments prior to the introduction of measures to take over particular permit conditions. It would therefore be preferable not to attempt such interim assessments but to proceed by developing class assessments for specific criteria as measures are introduced to take over from permit conditions. It is likely that some criteria could have class assessments prepared immediately. Class assessments of other criteria would be adopted as the necessary mechanisms were introduced.

☞ It is recommended that class assessments of tourist program operations for each criterion under Regulation 13AC(4) be prepared as soon as appropriate management measures have been introduced and that these be progressively adopted as they are developed.

In order to test whether a class assessment of all tourist program operations is feasible it is worthwhile considering each of the criteria under Regulation 13AC(4) (see following table).

Criterion Under Reg. 13AC(4)	Comment
(a) the objective of the zone	<p>Tourist program operations can be permitted in all zones other than Preservation Zones and Scientific Research Zones. Therefore there does not seem to be any conflict likely between TPOs (excluding any associated infrastructure which would be separately assessed) and the objectives of most zones. This assumes of course that appropriate measures are in place to take into account specific aspects of each operation.</p> <p>Since any permit which is issued under the proposed new permits system would be for operations in the whole Marine Park but subject to any legislative controls or restrictions, the question of operations in Preservation and Scientific Research Zones need not arise in the assessment. The argument has been raised that in some situations the nature or scale of the operation might be in conflict with the objectives of a zone. However it seems likely that the conflict would arise not from the tourist program activities but from the associated infrastructure which would be assessed and permitted separately. The managing agencies should give more attention to this consideration in preparing a class assessment of this criterion.</p>

Criterion Under Reg. 13AC(4)	Comment
(b) the need to protect the cultural and heritage values held in relation to the Marine Park by traditional inhabitants and other people	<p>These values will vary from place to place within the Marine Park, though for ATSI interests concerns will generally include: the possibility of TPOs displacing ATSI use of an area or disturbing hunted species; a dislike for the presence of observers in close proximity to hunting activities; and possible effects on sites of cultural significance.</p> <p>At present there are no measures outside of permit conditions which can be used to deal with these concerns, and such measures are not likely to be in place for some considerable time.</p> <p>Until such measures can be developed it will be necessary to continue individual assessment of applications for TPOs against this criterion. However interim measures can be developed which will speed up the process of assessment. These include reaching agreements with traditional groups on the types and locations of activities likely to be of concern. Activities which likely to cause concern will need to be assessed separately. It may be useful, once this information is available, to redesign the application form to provide the necessary details.</p>
(c) the likely effect of granting permission on future options for the Marine Park	<p>It will only be possible to make a class assessment of all TPOs in relation to this criterion if it can be stated that TPOs have no significant effect on the future management options for the Marine Park. It needs to be borne in mind that tourist program activities are unlikely to have significant effects on future options. These generally come from either the existence of the permission to use a particular site, or from the installations associated with an activity. In many instances the expiry of the permit will remove the effects on future options. In addition, other measures will act to reduce some categories of impacts on future options.</p> <p>At first glance it seems likely that a class assessment could be developed for this criterion, but the managing agencies should consider this carefully.</p>
(d) the conservation of the natural resources of the Marine Park	<p>Since tourist program operations are not known to have any significant long-term impacts on the natural resources of the Marine Park this criterion is amenable to class assessment.</p> <p>Mooring/anchoring plans and codes of practice will provide a significant degree of conservation of coral reef values at sites where these exist.</p> <p>There should not be any problem with making a class assessment of this criterion once relevant measures are in place.</p>

Criterion Under Reg. 13AC(4)	Comment
(e) the nature and scale of the proposed use in relation to the existing use and amenity, and the future or desirable use and amenity, of the relevant area and of nearby areas	<p>Before a class assessment of this criterion can be issued mechanisms will need to be in place to ensure that tourist program operations do not compromise amenity values. Such mechanisms include mooring/anchoring plans for "sensitive" sites which include restrictions appropriate to amenity goals and which have been considered through a public participation program. It will also be necessary for the Authority to accept either that TPOs will not have an unacceptable impact on the amenity of locations which do not have specific amenity measures in place, or that it is acceptable to assume that once an amenity issue arises it will be dealt with expeditiously by appropriate measures. Consideration of this criterion may lead the Authority to conclude that class assessment of TPOs is possible only up to a certain size of operation.</p>
(f) the likely effects of the proposed use on adjoining and adjacent areas and ...	<p>In relation to adjoining and adjacent areas, it will be necessary for the Authority to be able to state that in any situations where there is the potential for unacceptable impact on these areas there are mechanisms in place which will mitigate or avoid these impacts. These measures might include mooring/anchoring areas, other designated areas, booking systems, site permits, and regulations. This criterion should not present any problems for class assessment.</p>
(f) ... any possible effects of the proposed use on the environment and the adequacy of safeguards for the environment	<p>If a class assessment is to be made in relation to this criterion it will be necessary to be able to state that where TPOs might have any unacceptable impact on the environment other measures are in place which will mitigate or avoid these impacts. Such measures will be diverse and will need to deal with discharges to air and water, noise and other disturbance, and impacts on wildlife. It is likely that these measures already exist. Consideration will need to be given to the whether the effects of large TPOs will be adequately covered. It seems likely that this criterion is amenable to class assessment.</p>
(g) the means of transport for entry into, use within or departure from the zone or designated area and the adequacy of provisions of aircraft or vessel mooring, landing, taking off, parking, loading and unloading	<p>It may be adequate for the purposes of this criterion for the Authority to decide that the provisions of legislation administered by other agencies relating to the use of vessels or aircraft satisfactorily address these matters. Moorings will be assessed separately. TPOs using aircraft should receive careful consideration in the development of a class assessment for this criterion.</p>

Criterion Under Reg. 13AC(4)	Comment
<p>(h) in relation to any structure, landing area, farming facility, vessel or work to which the proposed use relates:</p> <p>(i) the health and safety aspects involved, including the adequacy of construction</p>	<p>Structures and farming facilities will be the subject of separate applications and will not be included under this class assessment.</p> <p>It may be adequate for the purposes of this criterion for the Authority to decide that the provisions of legislation administered by other agencies relating to health, safety and construction standards satisfactorily addresses these matters.</p>
<p>(h) in relation to any structure, landing area, farming facility, vessel or work to which the proposed use relates:</p> <p>(ii) the arrangements for removal upon the expiration of the permission of the structure, landing area; farming facility or vessel or any other thing that is to be built, assembled, constructed or fixed in position as a result of that use</p>	<p>This criterion is adequately addressed by Regulation 13G in conjunction with Sections 38H, and 61A, B and C of the <i>Great Barrier Reef Marine Park Act</i>.</p> <p>This criterion appears to be confined to things "that are built, assembled, constructed or fixed in position". If this is the case it would not apply to a tourist program activity.</p>
<p>(i) the arrangements for making good any damage caused to the Marine Park by the proposed activity</p>	<p>This should be able to be covered adequately by a standard deed attached to tourist program permits and/or by a regulation.</p>
<p>(j) any other requirements for ensuring the orderly and proper management of the Marine Park</p>	<p>The Authority would have to decide that, in relation to tourist program operations, there are no aspects of these activities needing to be considered in assessing an application for permission which are not covered by available management measures</p>
<p>(k) any charge payable by the applicant in relation to a chargeable permission (whether or not in force) that is overdue for payment</p>	<p>This could be checked as part of an initial screening of applications prior to issue of a permit.</p>

Criterion Under Reg. 13AC(4)	Comment
(1) if the application relates to an undeveloped project, the cost of which will be large - the capacity of the applicant to satisfactorily develop the project.	This does not apply to tourist program operations, though it may apply to the infrastructure on which they are based.

16. SUMMARY REVIEW OF PERCEIVED PROBLEMS

16.1 Processing Time is Too Long

16.1.1 The Application Form

There can be no doubt that the application form used for Marine Parks permits is inappropriate for the task. It is not easy to understand, does not elicit the correct information, and attempts unsuccessfully to serve as an application for multiple permit types. In addition, it does not provide operators with useful information concerning the permits system and its implications for them. These problems lead directly to delays in the processing of applications while the necessary information is obtained.

There have been sporadic attempts at assessing the requirements for a more suitable permit application form. These have generally been given low priority. This is regarded as symptomatic of the previous lack of a systematic and analytical approach to dealing with problems with the permits system. Some attempt has been made in Chapter 14 to define the requirements for an appropriate application form.

16.1.2 Responses from RTPOs

Permits processing staff have found that it is often not possible to contact applicants by phone because of the nature of their business. They are often not available during the day and/or are at sea for extended periods. In addition, many RTPOs take several months to respond to written requests for clarification or further information in relation to their permit applications. The lack of any E/I materials which explain the significance of the permits system and the importance of providing accurate information plays some role in this failure to respond in a timely fashion.

16.1.3 Urgent Requests Change Priorities

In the past the principle that "the urgent displaces the important" often led to delays in the processing of routine permit applications. However following a review of delays in the system this problem has been considerably reduced.

16.2 Permit Processing Procedures are Too Labour Intensive and

Need to Deal with Offices in Each Region to Get One Permit

The labour inputs are not regarded as a significant problem in the assessing of RTPO permits. The main causes of lost time and increased labour requirements are the steps which involve the transfer of documents between the QDEH offices and GBRMPA. For routine permit applications these steps should not be necessary. If appropriate policies are in place and routine applications are easily defined, there is no reason why routine applications cannot be handled in one office. For ease of administration and

to make the best use of staff resources, that office should, for the time being, be the GBRMPA Townsville office.

☞ It is recommended that, when all necessary mechanisms are in place for the simplification of TPO permits, all processing and issuing of applications for these permits should be done from the GBRMPA office. When a regional database has been installed and is providing rapid and trouble-free access to permit records, the situation should be reviewed with a view to moving this routine processing to QDEH regional offices.

16.3 Restrictions are Based on Personal Opinions of GBRMPA/QDEH Staff

In general this criticism cannot be substantiated. Staff in both organisations are dedicated professionals with a strong commitment to their work. However, in some instances, it is difficult to avoid the conclusion that some non-standard permit conditions are not backed up by sound professional judgement. These may come under the heading of "personal opinions". It is a serious indictment of the permits system as a whole that such idiosyncratic conditions are allowed to be attached to final drafts of permits. This has already been dealt with under Section 7.8.

16.4 Some RTPOs Do Not Take Permit Conditions Seriously

The problems of lack of respect for permit conditions on the part of RTPOs has been dealt with in several places in this report. In summary this can be attributed to:

- a long history of inadequate monitoring of compliance with permit conditions;
- failure to act on evidence of non-compliance;
- failure to inform the permittees adequately of the purpose and significance of the permit system and permit conditions;
- inclusion of permit conditions which are irrelevant to the management of the activity being permitted; and
- inclusion of permit conditions which are unclear, ambiguous, or clearly unenforceable.

16.5 Too Many Exclusions and Restrictions

Allowing RTPOs unrestricted access to all areas of the Marine Park which are available for tourist program activities could not be considered to be good management of the Marine Park under the present usage levels. Some restriction is unavoidable.

However, a considerable number of recommendations have been made for reducing the number of exclusions and restrictions attached to permits (see particularly Chapters 6-9).

Allocation of E/I resources to explaining the purpose of, and need for, restrictions on TPOs will go a long way toward avoiding such criticisms in future.

16.6 Latent Capacity of Permitted RTPOs is Too High

Without placing restrictions on either the growth of the industry or the locations accessible to RTPOs, it is not possible to do anything to reduce the latent capacity in respect of any particular site.

The latent capacity is only too high if the levels of site usage are causing problems. Unless operators or their clients are reporting such problems the Authority would not seem to have any cause to place major restrictions on RTPO access to a particular site. Clearly some such problems have emerged in the heavily used areas off Cairns and in the Whitsundays, and measures are being developed to deal with these.

16.7 Limitations on Operation Time Away from Home Section are Too Restrictive

This relates to the condition STO9 which restricts "foreign" operators to a certain number of weeks in any twelve month period in Sections of the Marine Park other than their home Section.

✎ Unless the Authority has accepted the role of protecting locally-based operators from competition or amenity impacts resulting from the entry of permitted operators from other locations, there should not be any attempt to restrict the time a permitted TPO operates in any Section of the Marine Park.

16.8 RTPOs are Discriminated Against *vis a vis* the General Public and Other Types of Operators


This has, to some extent, been a valid criticism. However in the majority of instances it is possible that the discrimination has been more hypothetical than real. Regard needs to be had in any situation where this criticism is made, to the likelihood that the general public would actually undertake the activity which the RTPO has been prevented from doing, in the place where the restriction applies.

While this criticism has been dealt with in other parts of this report, it is worthwhile making some observations here.

First, the management agencies are not able to quantify the private use of the Marine Park. There appears to be no up-to-date credible estimate of the level or location of private use. If management is seriously concerned about the need for equity (or with managing the impacts of private users) then the collection of this information should be given some priority.

Second, in attempting to ensure equity between RTPOs and private users, there is a danger of unnecessarily complicating the management of many areas. Much of the area of the park that is used by commercial operators, particularly RTPOs, is outside of the reach of most private users because of limitations on the range of the types of vessels generally owned by private users. Complicating the management of these areas in order to achieve some hypothetical equity can sometimes place an unnecessary burden on management and can become a barrier to the implementation of what are otherwise good management approaches. To some extent, private use of the Marine Park can be considered as a special case - to be addressed in those areas where it is highly likely to occur.

Another aspect of this criticism is that RTPOs see a creeping change in use of the Marine Park toward intensive, site specific use. They believe that this change endangers their continued operation as roving operators to sites with low usage density. They are correct in this observation, but apparently have erroneously attributed the major cause of the change to the managing agencies, rather than to the great increase in tourist programs on the Great Barrier Reef.

 The managing agencies need to make it clear to all users of the Marine Park that the sites available for use on the Reef are finite, and that uncontrolled expansion of the tourist industry will inevitably mean that the proportion of those sites suitable for low density recreational activities will decrease.

16.9 Permit System is Too Reactive, Responding to Problems Only When They Become Serious

In general this has not been a valid criticism. It is difficult to see how it can stand alongside assertions that the system has been too cautious and has placed too many restrictions on RTPOs. The principle of prudence has generally guided the operation of the permits system.

However in the case of what are referred to as "sensitive sites" the permits system has clearly been reactive to a degree detrimental to good management of the Marine Park. In these situations, the fault can be traced to the lack of any level of spatial planning mechanisms between the zoning plans and the permits system. It is believed that the combination of the development of statutory management plans and the proactive assessment of mooring areas proposed in Section 7.4 will make the system sufficiently proactive in future.

16.10 Permits are Used in Lieu of Planning and Policy Development

This has certainly been the situation in some areas, occasioned in part by the lack of any spatial planning measures at more detailed scales than the zoning plans.

However, it must be remembered that the implementation of spatial controls through permits is not of itself a problem. Permits are meant to provide mechanism for the detailed management under the zoning plans and other management approaches. From time to time this will necessarily involve the implementation of spatial restrictions through the permits system. However the question arises as to whether it is appropriate to apply spatial restrictions to TPOs through the permits system.

It should also be recognised that the Authority has been breaking new ground in its multiple-use management of the marine environment during the whole of its existence. In such a situation it is unavoidable that some applications to undertake activities will involve the development and use of new policies and planning measures through the permits system. This is a valid management approach.

However, the failure to take the time to step back from the day-to-day pressures of management and critically review the procedures being used and their implications has led the Authority into a situation where, to some extent, the permits system was being used inappropriately.

16.11 Permits Used to Resolve Conflicts Between Operators

While there is no doubt that permit conditions have been used to resolve conflicts between operators, this is not, of itself, a problem. The orderly and proper management of natural resources frequently involves the avoidance or resolution of conflict between users of those resources.

It is a matter for debate whether the permits system has been used to resolve conflicts which should have been resolved by the tourist industry rather than by the Authority. In the absence of any clear statement of policy by the Authority as to the limits of its involvement in resolving such disputes, it would seem that any conflict which threatens the orderly and proper management of part of the Marine Park is a subject for management intervention.

In response to operator complaints of being over-regulated there have been views expressed within the Authority that more opportunity should be given for self-regulation by the tourist program operators. One option open to managers is to pass the initiative to the RTPOs to resolve their own intra-sectoral conflicts. If this self-regulation is not seen to be working there is still the opportunity for the Authority to become involved, possibly at the clear invitation of the operators.

16.12 Many RTPOs Do Not Understand the Relative Roles of Permits and Zoning Plans, or the Role and Principles of the Management Agencies

Considering the types of criticisms of the management agencies being made by the RTPOs, it seems a valid observation that they do not understand the nature and purpose of the management approaches being used. This is hardly surprising,

considering the very small effort that has been directed to explaining the purpose and operation of the permits system to the operators.

While there have been a number of meetings and workshops, and some operators have regular contact with DDM staff, little or no Education/Information resources have been directed at facilitating the operation of the permits system. This is a major oversight on the part of the management agencies. Since the Authority has a well established Education/Information Section, the problem can be regarded as one of misplaced priorities rather than a severe lack of resources. This is reflected in the attitudes to communication of information in different spheres. Clearly the Authority believes that communicating its message is a vital and specialised undertaking - hence the existence of the Education/Information Section with 18 staff and an annual budget in excess of \$1million. These resources are directed toward a variety of important functions, including informing the public about zoning plan development and encouraging public participation in this process. Yet communication of vital information about zoning restrictions, desirable practices and other aspects of tourist program operations is left to permit conditions. In these conditions the information has been presented in a simple word-processed document which the management agencies themselves consider to be too legalistic, complex and difficult to understand. No Education/Information resources have been directed to the packaging of this information.

In part the problem arises out of the organisational attitude to permits work, but it is at least equally a result of the structure and method of operation of the Authority. The Education/Information Section seems to have become an entity in itself, with its own goals and priorities which do not necessarily intermesh smoothly with those of the other sections of the organisation.

16.13 "The Permits Tail is Wagging the Authority Dog"

This is a common criticism, and is one that has been current for several years.

The suggestion that the administration of the permits system is making demands on the total resources of the Authority which are out of proportion to its importance in the management of the Marine Park is difficult to substantiate.

It is fairly clear that the permits system is the functional component of the zoning system - that is, of the Authority's whole approach to active management of the Marine Park¹. Zoning Plans place few restrictions on the majority of uses of the Park. Those activities which are likely to have any significant impact on the Park are required, under the zoning plans, to seek permission through the permits system before being allowed to occur. The process of assessment, placing of conditions, and ongoing

¹As distinct from the educational, information-giving aspect of management which seeks cooperation with management goals through understanding of their rationale.

monitoring that occurs under the permits system is the front line of protection of the Park from significant impacts of use.

The permits system (Environmental Impact Management Section) has typically around 10 percent of Authority staffing and used around 11 percent of the total Authority budget in 1994-95, compared with Planning and Management Section - 13% of staff, 15% of budget, and Education/Information Section - 13% of staff and 11% of budget.

Taken as a percentage of the whole Commonwealth expenditure on the Marine Park, the allocation to the permits area in the Authority has decreased from 8 percent in 1991-92 to 7 percent in 1992-93 and 5 percent in 1993-94². No comparable figures are available for QDEH permits staffing costs, however it appears that total QDEH staffing levels for marine parks permits have not increased over the past three years, despite considerable increases in tourist program permits. This has been achieved in large part through greater efficiency in processing, but also through a decrease in the time spent in the field by these staff.

One conclusion that can be drawn from the examination of this criticism is that it is a part of the organisational attitude to the permits system, and does not have any significant basis in fact³.

²Between 1992/93 and 1993/94 there was a 32 percent increase in the total number of permits granted and a 113 percent increase in the number of tourism permits granted.

³This conclusion is based on an assumption that, as the "pointy end" of management of the Marine Park, the permits system should play a very significant role in achieving the Authority's primary goal and aims.

The first part of the document is a letterhead containing the name of the organization and the date of the document.

The second part of the document is a list of items that are being discussed or reviewed.

The third part of the document is a detailed description of the items listed in the previous section.

The fourth part of the document is a summary of the findings and conclusions of the review.

The fifth part of the document is a list of recommendations for future action.

The sixth part of the document is a list of references and sources used in the document.

The seventh part of the document is a list of appendices and additional information.

The eighth part of the document is a list of contact information for the author and other relevant parties.

The ninth part of the document is a list of acknowledgments and thanks to those who assisted in the work.

The tenth part of the document is a list of footnotes and additional notes.

The eleventh part of the document is a list of the author's contact information and a closing statement.

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by proper documentation, such as receipts and invoices. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both qualitative and quantitative approaches, as well as the use of statistical tools to identify trends and patterns. The goal is to provide a comprehensive overview of the current state of affairs.

The third section focuses on the challenges faced during the data collection process. These include issues related to data quality, consistency, and the availability of resources. The author provides several strategies to overcome these challenges and ensure the integrity of the data.

Finally, the document concludes with a summary of the findings and recommendations for future work. It highlights the key insights gained from the analysis and offers practical advice on how to improve the data collection and analysis process.

APPENDIX I:

TERMS OF REFERENCE

1. Briefly review the role of the permits system in managing the impacts of tourist operations on the Great Barrier Reef Marine Park.
2. Carry out a detailed analysis of the management objectives of the range of permit conditions and schedules used in permits for roving tourist operators, bareboats, and aircraft.
3. On the basis of the above review and analysis, develop proposals for simplification of permit assessment and permit documents for particular classes of tourist operations.
4. Where possible and feasible contribute to the preparation of class assessments for particular classes of tourist operations, including the development of outline class assessments.
5. Make recommendations for action in relation to the controls contained in the currently used permit conditions and schedules for roving tourist operators, bareboats, and aircraft.
6. Examine the permit handling procedures for the above classes of tourist operations and make suggestions for streamlining those procedures.
7. Investigate the relationship between any proposed changes to permit content and procedures and the proposed development of codes of practice for tourist operations.
8. Prepare background documentation which discusses the ramifications of changes proposed to the permits system.

APPENDIX II: SOME OPTIONS FOR MOORING POLICIES

POLICY PROPOSAL 1.

Define, for each reef experiencing problems of coral damage or overcrowding (the current sensitive sites), the areas where anchoring may and may not occur.

- The non-anchoring areas will be, at a minimum, the areas where moorings and associated tourist operations currently occur.
- The non-anchoring areas will be closed to all anchoring, whether commercial or private.
- Anchoring areas will effectively be the remainder of the reef.
- Tourist program operators (and the general public) will not be restricted from accessing the anchoring areas.
- There will be an accompanying program to raise the awareness of operators and the public of the dangers of anchor damage on coral and the real potential for destruction of the resource on which a major segment of the tourist industry depends.
- This will be accompanied by assistance to the industry to develop a Code of Practice which includes measures to protect coral from damage from anchors, snorkelling/diving, grounding, and small boat impacts.

POLICY PROPOSAL 2.

Adopt a policy to the effect that any application for the installation of a mooring on a reef without existing moorings should be a trigger for a planning and public participation process. This process will determine: (i) whether it is appropriate to place moorings at the location (reef) in question; (ii) how large the mooring area should be; (iii) where it should be located; (iv) what density of moorings should be allowed; and what proportion of the reef should be available for anchoring.

POLICY PROPOSAL 3.

Restrict issue of individual moorings to

- operators who can demonstrate the capability to use the mooring on more than four days per week; and
- not more than two per permitted vessel.

POLICY PROPOSAL 4.

Issue moorings permits to incorporated associations of at least ten currently permitted tourist program operations.

- Mandatory requirements for membership of association that no member allowed to belong to more than one association, and no member may have a mooring permit in own name.
- Associations allowed only one mooring per site (up to 50 members) or two moorings per site (>50 members).
- Moorings allocated on a "first come, first served" basis.


POLICY PROPOSAL 5.


Allow permission to install moorings on "Build/Operate/Transfer" (BOT) basis.


- Moorings to be designed and installed to the same criteria developed by the Authority and installed under Authority supervision (or consultant to the Authority).
- Permittee owns and operates the mooring for the life of the permit (six years) or until the permit expires or is revoked or surrendered, after which time the ownership of the permit is automatically transferred to the Authority - if the Authority does not waive or defer this requirement at that time.
- At transfer, the Authority has the option of passing (temporary) ownership of the mooring to another permittee (or a permitted association), converting it to a public mooring, or removing it (removing the tackle).
- On receiving the mooring the Authority might be advised to have an inspection done and refit any necessary tackle.
- Owners of moorings have as a condition of permission the requirement to maintain the mooring in a proper condition for use.
- Ownership of moorings would give the Authority option of leasing or selling the mooring to operators if at some future time this was an appropriate option.


APPENDIX III: LIST OF RECOMMENDATIONS


- ☞ The permits computer system and database should be reviewed and redesigned on the advice of a qualified systems analyst. [2.2]
- ☞ It is recommended that the distinction between roving and site-specific tourist program operations be removed from the permits system. Permissions should be granted for "the conduct of tourist programs". There should be separate applications and assessments for any associated infrastructure such as moorings and pontoons. [2.5]
- ☞ It is recommended that increased reference be made to the *Basis for Zoning* documents and public participation responses received during the zoning process in assessing permit applications. [5.2.1]
- ☞ It is recommended that in the near future a paper be prepared and endorsed by the Authority to provide an overview of the current status, proposed future action, and hierarchical relationships of the existing range of spatial planning documents that exist or are in preparation. Documents reviewed should include: existing drafts and final versions of zoning plans, regional management plans and strategies, reef and island management plans, area statements, etc. In particular this paper should set out the degree of reliance that the Authority is prepared to place on each category of document in the making of permit decisions. [5.2.6]
- ☞ Before moving any controls from the permit conditions and Schedules, regard should be had to the effect that this will have on the penalties which apply. Transferring permit conditions to regulations will have the effect of significantly reducing the penalties. Where the penalty for a company for a breach of a permit condition is currently \$50,000, under the regulations the maximum penalty that could be applied would be \$5,000. For an individual the reduction would be from \$10,000 to \$1,000. [5.2.7]
- ☞ There should be regular review of the permits system with a view to simplifying it and maintaining its role *vis a vis* other management instruments used in the Marine Park. [5.3]
- ☞ The Authority and QDEH should bear in mind when simplifying the tourist program operator permits system the possible loss of the discretionary decision-making which is inherent in the current system. [5.4]
- ☞ It is recommended that the managing agencies commission a position paper which accurately summarises and sets out their position on the relevance of, and the attention to be paid to, all aspects of amenity in the assessing of applications for permission in the Marine Park. This paper should be made available to all management (including DDM) staff involved with the permits system. [7.3]
- ☞ It seems fairly clear, on the basis of its impreciseness for amenity protection and the number of requests for reconsideration that are arising, that the "2 in 7" condition should not be used for amenity protection. [7.3]


-  It is proposed that that the Authority define, for each reef where an access issue exists, the areas where anchoring may and may not occur. The non-anchoring areas will be, at a minimum, the areas where moorings and associated tourist operations currently occur. These will be closed to all anchoring, whether commercial or private. Anchoring areas will effectively be the remainder of the reef. The numbers of RTPOs and private users who can be accommodated will be determined by the size of the anchoring area. In effect the area which will define these numbers will generally be the area of sheltered anchorage - on all but a few days during the year the reef front will not be suitable for anchoring . In some situations amenity issues may require that the area available for anchoring will need to be reduced to provide some greater limitation on numbers. [7.4]


-  Any application for the installation of a mooring on a reef without existing moorings should be a trigger for a planning and public participation process. This will determine: (i) whether it is appropriate to place moorings at the location (reef) in question; (ii) how large the mooring area should be; (iii) where it should be located; (iv) what density of moorings should be allowed; and what proportion of the reef should be available for anchoring. [7.4]


-  Permit conditions should not be used merely to inform tourist program operators. [7.6]


-  Neither should they be used in an attempt to bring about a situation which, though highly desirable, has nothing to do with the regulation of the activity being permitted. [7.6]


-  More stringent control should be exercised on the clarity of wording of permit conditions. [7.7]

-  Changes to standard conditions should be discouraged. [7.7]

-  There should be regular reviews of permit conditions. [7.7]

-  It is recommended that the use of one-off permit conditions be strongly discouraged. [7.8]

-  It is also recommended that a joint GBRMPA/QDEH review panel be constituted to examine proposed non-standard permit conditions which are questioned by either GBRMPA or QDEH permit staff. This panel need not meet - its business can be conducted by phone, fax or e-mail, and it need not comprise more than two or three people. One of its members should have some legal qualifications. However it should have the authority to make decisions on whether particular permit conditions can be used. [7.8]

-  The Education and Information Section of the Authority should be tasked with producing informative materials that convey the information that is currently included in permit conditions. [7.9]

- ☞ It is strongly recommended that as a matter of urgency considerable E/I resources be directed to explaining the purposes, working, and objectives of the permits system to actual and potential permittees and to increasing the general appreciation of its role in park management. Tourist program operators, and particularly RTPOs, should be targeted in the first instance. As the permits system for TPOs is simplified these resources should be switched to explaining the measures which take over the role of permit conditions. [7.9]
- ☞ The Authority should seek legal advice on the consequences of discarding from RTPO permits conditions which are used only to provide legal reinforcement to the permit. [7.10]
- ☞ The use of deeds for RTPOs should not be discontinued without a fully-informed decision on the part of the Authority. [7.12]
- ☞ It is suggested that an outside reviewer be tasked with examining the permits system every two years, with a view to simplifying the system, and recommending on changes to elements of the system to ensure that it maintains its proper role in the management of the Marine Park. [7.13]
- ☞ It is recommended that no changes be made to the Schedules which restrict access to seabird breeding sites until the completion of seabird island visitation guidelines in mid-1995. [9.1]
- ☞ The managing agencies should examine the question of compatibility of motorised water sports with other recreational activities to determine the magnitude and nature of the problem. [9.2]
- ☞ A Regulation to prevent motorised water sport impacts on wildlife populations should not be put in place before the finalisation of guidelines for visitation to seabird breeding islands. [9.2]
- ☞ It is imperative that current draft management plans for islands and reefs be either abandoned or finalised (including establishment of statutory management plans) if restrictions placed on the use of sites through the permits system are to be lifted. [9.4]
- ☞ On any reef where moorings exist or are proposed it is recommended that mooring areas be defined. In general no anchoring would be permitted in such areas, though anchoring of a small vessel such as a tender might be permitted subject to the use of an appropriate anchor. [10.3]
- ☞ The designation of mooring/non-anchoring areas should not be allowed to be delayed by deliberations over the installation of public moorings or the possible resumption of existing commercial moorings. [10.3]
- ☞ It is recommended that no regulation be introduced that would make it an offence to anchor on coral or to damage coral with an anchor. [10.4.1]



- ☞ It is recommended that issues associated with the introduction of public moorings or concern over "site ownership" associated with private (commercial) moorings not be allowed to delay the introduction of mooring areas to sensitive sites. [10.4.2]
- ☞ It is recommended that the managing agencies not enter into any arrangement for self-regulation by RTPOs in the Marine Park without some form of sanction that can be applied, either by a reputable and representative industry group or, preferably, by the managing agencies through legislation. [10.5]
- ☞ It is recommended that codes of practice be developed as activity-specific codes rather than industry-specific codes and that these be developed through a broad community consultation process. [10.5]
- ☞ It is recommended that the managing agencies restrict their involvement with codes of practice to only those components which deal with issues of relevance to the management of the Marine Park. Industry should be encouraged to develop separate codes to meet other objectives which are not directly relevant to management and conservation of the Great Barrier Reef Marine Park. [10.5]
- ☞ Highest priority in the development of codes of practice should be given to those issues which will allow conditions to be removed from the permits system. The inclusion of other issues should not be allowed to delay the process. [10.5]
- ☞ As a matter of priority a code of practice for anchoring in the Great Barrier Reef Marine Park should be developed. [10.5]
- ☞ The managing agencies should offer expert assistance to user groups to assist in the development of codes which meet the concerns of park management. [10.5]
- ☞ It is strongly recommended that significant and high priority actions be taken to reverse the corporate attitude to the permits system, so that it becomes regarded as an exciting and key component of the Authority's management of the Marine Park. [12]
- ☞ It is recommended that the processing procedure for RTPO permits be greatly simplified. Class assessments should be used wherever practicable. Permit processing and issue should be done by one office (GBRMPA permits section), and a cross delegation to that office should be put in place to allow permits to be signed on behalf of both managing agencies. [13]
- ☞ The permits application form should be redesigned to ensure that the information that is required for assessment is likely to be provided by applicants. This should be given high priority since it will result in an immediate reduction in workloads and processing time for permit applications. [14]
- ☞ It is recommended that class assessments of tourist program operations for each criterion under Regulation 13AC(4) be prepared as soon as appropriate management measures have been introduced and that these be progressively adopted as they are developed. [15]