



Australian Academy of Science

SUBMISSION TO THE

**GREAT BARRIER REEF MARINE PARK
AUTHORITY GOVERNANCE REVIEW**

FROM THE AUSTRALIAN ACADEMY OF SCIENCE / APRIL 2016

Australian Academy of Science Submission to Great Barrier Reef Marine Park Authority Governance Review

The Australian Academy of Science welcomes the opportunity to comment on the review of governance of the Great Barrier Reef Marine Park Authority (GBRMPA). The Academy promotes scientific excellence, disseminates scientific knowledge, and provides independent scientific advice for the benefit of Australia and the world. The Academy recognises Australia's leading scientists, each elected for their outstanding contribution to science. The Academy has drawn widely on the expertise of its distinguished Fellows with expertise in coral reef science, environmental policy, conservation planning, earth sciences, climate change, and threatened species to prepare this submission.

In its October 2014 submission on the Draft Reef 2050 Long Term Sustainability Plan, the Academy highlighted the need to re-empower and adequately resource the GBRMPA. The Academy continues to endorse the recommendations of that submission:

- *Separate the position of the CEO of the agency and the Chair of the Board*
- *Form a new skills-based board of the Great Barrier Reef Marine Park Authority with an independent Chair and an additional member appointed for their scientific expertise*
- *Appoint an appropriate mix of strategic and technical advisory committees to provide advice on critical issues to the Chair of the Board, the CEO and the Minister*
- *The Academy considers that the Great Barrier Reef Marine Park Authority should be identified in the draft 2050 plan as being the agency responsible for coordinating and monitoring implementation of the plan.*

What are the major issues facing the Reef and how are they impacting on governance of the Authority?

From the Academy's perspective, the most important issues are the following:

- (i) Broad-scale impacts, especially recurrent coral bleaching due to global warming, as well as escalating localised pressures (e.g. the unprecedented boom in industrialisation, port expansion and urbanisation of GBR coast), have changed and intensified the management challenges facing the GBR over the last decade.
- (ii) The above pressures, along with unresolved longstanding impacts on water quality from terrestrial runoff, have resulted in increasing management requirements and changing priorities for the GBRMPA that require increased levels of assessment, compliance, enforcement and stakeholder engagement.
- (iii) The GBRMPA is not currently resourced to address these increasing pressures and challenges, nor to achieve the targets for water quality set by the 2050 Plan.
- (iv) Interference in decision making and potential conflict of interest have undermined public perceptions of the legitimacy of the GBRMPA Board and the state and Commonwealth environment departments. For example, the issuance and subsequent revocation of a permit for dredge spoil disposal in the Marine Park adjacent to Abbot Point did not engender confidence in the scientific community or the public.

What, if any, issues do you perceive with the operation of the current governance arrangements of the Authority?

The role of the Joint Ministerial Council and subsequent arrangements: The joint GBR Ministerial Council was established in 1979 and comprised two ministers from the Commonwealth Government and two ministers from the Queensland Government. The GBRMPA provided a secretariat which ensured intergovernmental and inter-agency agreement and cooperation. In 2011, as part of a new Ministerial Council system, the Great Barrier Reef Ministerial Council was discontinued as a formal Australian Governments Council. The Secretariat role, previously provided by GBRMPA, was fulfilled by the (then) Commonwealth Department of the Environment, Water, Heritage and the Arts. Although the Council has re-emerged as an informal ministerial forum, these changes effectively reduced the role of the GBRMPA in intergovernmental and interagency decision-making.

The Executive Management Model: While a 2006 review of the *Great Barrier Reef Marine Park Act 1975* recommended that the Chairperson of the Authority also perform the role of Chief Executive Officer (CEO), a broader review of all statutory authorities in Australia recommended separating the positions of Chair and CEO. The GBRMPA Board also recommended this at the time. The current arrangements maintain the responsibility for GBRMPA's overall strategic direction, governance, and organisational management in a single individual, appointed by the Commonwealth Minister for the Environment. Robust management principles imply that the roles of the Chair and CEO should be complementary, but separate.

The ability of statutory authorities to provide effective advice to Ministers: The Commonwealth Department of the Environment and Energy has in recent years taken a far greater role in the governance of the GBR. However, the departmental staff will have priorities other than those legislated in the *Great Barrier Reef Marine Park Act 1975*. The Academy considers that GBRMPA officers will necessarily have a greater level of interaction with GBR stakeholders and a deeper exposure to the issues facing the GBR. As such, GBRMPA officers are better placed to provide advice and make decisions affecting the GBR. For this reason, the GBRMPA should be considered the primary source of advice to Ministers on the management of the GBR.

Confidence in the Board: The Board of the GBRMPA is appointed by the Minister, with some positions involving joint agreement between both the Commonwealth and state governments. Reluctance to update the GBRMPA executive management model has reduced the Board to an advisory role with little power to act as an objective critic of the Chair and CEO. Recent appointments to the GBRMPA Board of members with perceived conflicts of interest have undermined the outside perceptions of legitimacy and effectiveness of the Board.

Decreased focus on the long-term protection of the Values of the GBR: The *Great Barrier Reef Marine Park Act 1975* established a clear hierarchy of objectives for the management of the GBR. The Act explicitly prioritises the 'long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region' over all other objectives, including sustainable use and industrial development. The Academy

recommends that all other objectives, assessments and decision-making need to be clearly subject to the primary objective of the Act (i.e. protecting the GBR). In particular, the Academy recommends against the use of untested or ineffectual 'environmental offsets' in order to allow damage to occur within or adjacent to the GBR Marine Park area.

What future challenges do you consider likely to impact on effective governance of the Authority?

- (i) The increased costs of protecting the GBR against a backdrop of funding shortfalls and uncertainties, together with the continuation of large-scale impacts and threats (e.g. global climate change), will require a strong and enduring commitment to long-term planning and resourcing.
- (ii) There is a demonstrated need to simplify and clarify complex jurisdictional arrangements, and to improve communication between the Commonwealth and Queensland departments.
- (iii) Interference in decision-making and perceived conflicts of interest have a strong potential to undermine public and scientific confidence in the Authority.

What arrangements would most effectively support the governance and operation of the Authority? Why?

The Academy recommends the following:

Ensure the GBRMPA is the key coordinating agency for all matters relating to the GBR Marine Park and World Heritage Area. The Academy considers that this coordination role should extend across all agencies, both federal and Queensland, dealing with the GBR.

Provide a robust, formal decision-making forum at the highest possible level. The Academy recommends a regularly-meeting forum to decide on issues requiring intergovernmental and interagency agreement and cooperation. The GBRMPA would be best placed to provide secretarial and advisory support in this scenario. The GBRMPA Chair—as distinct from the CEO—and Chair of the Reef 2050 Plan Independent Expert Panel should be *ex officio* attendees at all forum meetings. The forum should also consider the impact to the GBR of the national climate mitigation challenge that Australia supported at COP21 in Paris.

Update the Authority's executive management arrangements: The Academy continues to recommend that the Chair and the CEO of the GBRMPA be separate roles. We recommend the appointment by the Minister, in consultation with the Queensland Government, of a part-time independent Chair of international eminence and expertise. A full-time CEO (ex-officio Board member) would be appointed as agency Head, reporting to the Board, and copying all formal reports to the relevant Ministers.

Improve the role and composition of the Authority's board: The Academy recommends that the Board move from its current 'representational advisory board' model to a 'skills-based governing board' model with full accountability and the power to appoint and terminate the CEO. The Board should meet regularly and be regularly audited. The Board would be re-

formed to consist of 'Directors' with relevant national and international expertise, comprising:

- An independent Chair of international eminence and expertise, appointed by the Minister after consultation with the Queensland Government (part-time).
- Four or five directors appointed by the Minister (part-time), at least three of whom will be agreed with the Queensland Government, with internationally recognised expertise in the main objectives of the Act, namely:
 - GBR biodiversity
 - the environment and its drivers
 - GBR heritage
 - ecologically sustainable use of the GBR.
- At least one director who is either an Indigenous person or a person endorsed by at least two of the Indigenous Land Councils with sea country within the GBR, who has knowledge of, or experience concerning, indigenous issues relating to the Marine Park (part-time)
- A senior representative of the Queensland Premier (e.g. the Director-General of Premier and Cabinet) (part-time)
- The full-time CEO of the GBRMPA (*ex officio* member).