

# Chapter 2

## Background

2.1 This chapter provides some background relating to the management of the Great Barrier Reef, including a summary of the legal framework at the Commonwealth level. It also examines the World Heritage Committee deliberations and outlines some of the relevant recent policies, reports, plans and strategies.

### About the Great Barrier Reef

2.2 The Great Barrier Reef World Heritage Area stretches for approximately 2300 kilometres along the coast of Queensland from the northern tip of Queensland down to just north of Bundaberg. The Great Barrier Reef World Heritage Area was inscribed on the World Heritage List in 1981, and:

- covers 348 000 km<sup>2</sup>;
- includes the world's most extensive coral reef ecosystem; and
- includes some 3000 coral reefs, 600 continental islands, 300 coral cays and about 150 inshore mangrove islands.<sup>1</sup>

2.3 Coral reefs 'only comprise about seven per cent of the Marine Park and the World Heritage Area' and the rest is:

...an extraordinary variety of marine habitats, ranging from shallow inshore areas—such as seagrass, mangroves, sand, algal and sponge gardens, and inter-reefal communities—to deep oceanic areas more than 250km offshore.<sup>2</sup>

2.4 The Great Barrier Reef was inscribed in 1981 for meeting all four of the natural criteria for Outstanding Universal Value (OUV) and for its integrity. This includes having superlative natural phenomena and areas of exceptional natural beauty; being an outstanding example of major stages in the Earth's evolutionary history; representing significant ongoing ecological and biological processes and Traditional Owners' interaction with the natural environment; and containing the most important and significant natural habitats for *in situ* conservation of biological diversity.<sup>3</sup>

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1 Department of the Environment, *Fact Sheet – The Great Barrier Reef World Heritage Area*, September 2012: <http://www.environment.gov.au/system/files/resources/d9257a3b-566a-4f9c-98b1-779a3da78153/files/gbr-factsheet.pdf>; and also Great Barrier Reef Marine Park Authority (GBRMPA), *Facts about the Great Barrier Reef*, <http://www.gbrmpa.gov.au/about-the-reef/facts-about-the-great-barrier-reef> (accessed 27 June 2014).

2 GBRMPA, *Facts about the Great Barrier Reef*, <http://www.gbrmpa.gov.au/about-the-reef/facts-about-the-great-barrier-reef> (accessed 27 June 2014).

3 GBRMPA, *Great Barrier Reef Outlook Report 2014 (Outlook Report 2014)*, p. 7, <http://www.gbrmpa.gov.au/managing-the-reef/great-barrier-reef-outlook-report> (accessed 13 August 2014); Department of the Environment, *Great Barrier Reef World Heritage Values*, <http://www.environment.gov.au/heritage/places/world/gbr/values> (accessed 13 August 2014).



Figure 1- the Great Barrier Reef region<sup>4</sup>

4 Source: Australian and Queensland Governments, *Submission 34*, p. 5.

2.5 A distinction can be made between the Great Barrier Reef World Heritage Area, the Great Barrier Reef region and the Great Barrier Reef Marine Park (see Figure 1 above):

The Region's boundaries match those of the Great Barrier Reef Marine Park, except the Region includes the areas around major ports that are not part of the Marine Park. The Great Barrier Reef World Heritage Area also has similar boundaries to the Region, except that it includes all islands and all Queensland internal waters that are within its outer boundary.<sup>5</sup>

2.6 The Great Barrier Reef is the world's largest marine park, and is a multi-use area. Activities in the area include tourism, fishing, shipping, research, agriculture and defence.<sup>6</sup> It is estimated that the Great Barrier Reef's goods and services contribute around \$6 billion annually to the Australian economy and support around 69 000 jobs. These estimates are likely to be 'only a portion of the total economic value' of the Great Barrier Reef as 'most ecosystem services have not yet been calculated'.<sup>7</sup>

2.7 A significant proportion of the economic value of the area comes from the tourism industry:

The Great Barrier Reef is one of Australia's most iconic tourism assets receiving up to 2 million visits each year. Tourism is an important economic driver for the Great Barrier Reef, contributing \$5.7 billion to the national economy in 2012–13. The diverse range of tourism opportunities available on the Great Barrier Reef mean it is also an important creator of jobs.<sup>8</sup>

## **Legal framework**

2.8 There is a range of legislation specifically applicable to the Great Barrier Reef. Key Commonwealth legislation relevant to the Great Barrier Reef includes the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act); the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act) and the *Environment Protection (Sea Dumping) Act 1981* (Sea Dumping Act). Key aspects of these Acts are summarised below.<sup>9</sup>

### ***Environment Protection and Biodiversity Conservation Act 1999***

2.9 The EPBC Act is the primary piece of Commonwealth legislation regulating environmental matters, and has among its objects:

- to provide for the protection of the environment, especially those aspects which are a matter of national environmental significance;

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5 GBRMPA, *Outlook Report 2014*, p. 3.

6 Australian and Queensland Governments, *Submission 34*, p. 6.

7 GBRMPA, *Outlook Report 2014*, p. 109; AIMS, *Submission 36*, p. 1.

8 Australian and Queensland Governments, *Submission 34*, p. 6.

9 Note that there is a range of Queensland legislation that is also relevant to the protection and management of the Great Barrier Reef and its catchments: see further Australian and Queensland Governments, *Submission 34*, pp 10–12.

- to provide for the protection and conservation of heritage;
- to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and
- to assist in the co-operative implementation of Australia's international environmental responsibilities.<sup>10</sup>

2.10 In general, the EPBC Act prohibits a person from taking an 'action' without approval from the environment minister if the action is likely to have a significant impact on a 'matter of national environmental significance'.<sup>11</sup> Matters of national environmental significance currently covered by the EPBC Act are:

- world heritage properties;
- national heritage places;
- wetlands of international importance (listed under the Ramsar Convention);
- listed threatened species and ecological communities;
- migratory species protected under certain international agreements;
- Commonwealth marine areas;
- the Great Barrier Reef Marine Park;
- nuclear actions (including uranium mines); and
- a water resource, in relation to coal seam gas development and large coal mining development.<sup>12</sup>

2.11 The Great Barrier Reef Marine Park has been recognised as a matter of national environmental significance under the EPBC Act in its own right since 25 November 2009. It is prohibited to take any action in, as well as outside, the Great Barrier Reef Marine Park that will have a significant impact on the environment within the Great Barrier Reef Marine Park, unless the action has previously been approved, or is being undertaken, by the Commonwealth.<sup>13</sup>

2.12 The Great Barrier Reef Marine Park is also protected under the EPBC Act, for example, as a world heritage area,<sup>14</sup> a national heritage place,<sup>15</sup> and to the extent that it

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10 EPBC Act, ss. 3(1).

11 Section 523 of the EPBC Act defines an 'action' to include a project, development, undertaking, activity or series of activities, or an alteration of any of these.

12 EPBC Act, Part 3, Division 1. See also Department of the Environment, *What is protected under the EPBC Act?*, <http://www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999/what> (accessed 8 July 2014).

13 *Environment Protection and Biodiversity Conservation Act 1999*, s. 24B.

14 The Great Barrier Reef was inscribed on the World Heritage List in 1981.

15 The Great Barrier Reef was included in the National Heritage List on 21 May 2007. See further: Department of the Environment, *The Great Barrier Reef, Queensland, Overview*, <http://www.environment.gov.au/heritage/places/world/great-barrier-reef/index.html> (accessed 27 June 2014).

provides habitat for listed threatened species and listed migratory species. There are also two internationally listed Ramsar wetlands in the Great Barrier Reef region: Bowling Green Bay and Shoalwater and Corio Bays.<sup>16</sup>

2.13 In 2014, the Department of the Environment released *EPBC Act Referral Guidelines for the Outstanding Universal Value of the Great Barrier Reef World Heritage Area*. The referral guidelines are intended to provide guidance to proponents on the need to refer an action to which the EPBC Act applies.<sup>17</sup>

### ***Great Barrier Reef Marine Park Act 1975***

2.14 The GBRMP Act established the Great Barrier Reef Marine Park (Marine Park) and the Great Barrier Reef Marine Park Authority (GBRMPA). The main object of the GBRMP Act is to provide for the long-term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef region.<sup>18</sup>

2.15 In the second reading speech to the Great Barrier Reef Marine Park Bill 1975, the then Minister for Environment and Conservation, Dr Cass, stated that:

Conservation and protection of the Great Barrier Reef will be the paramount aim of the [Great Barrier Reef Marine Park] Authority.<sup>19</sup>

2.16 To this end, the GBRMP Act and associated Regulations contain provisions which:

- provide a framework for planning and management of the Marine Park, including through zoning plans, plans of management and a system of permissions;
- prohibit mining operations (including prospecting and exploration) in the Great Barrier Reef region; and
- require compulsory pilotage for certain ships in prescribed areas of the Great Barrier Reef region.<sup>20</sup>

### ***Zoning under the GBRMP Act***

2.17 As noted above, the Great Barrier Reef Marine Park is recognised as a multiuse area that provides for a range of activities, including commercial marine

16 GBRMPA, *Great Barrier Reef Biodiversity Conservation Strategy 2013*, p. 7, <http://www.gbrmpa.gov.au/about-the-reef/biodiversity/biodiversity-conservation-strategy-2013> (accessed 27 June 2014).

17 Department of the Environment, *EPBC Act Referral Guidelines for the Outstanding Universal Value of the Great Barrier Reef World Heritage Area*, <http://www.environment.gov.au/resource/epbc-act-referral-guidelines-outstanding-universal-value-great-barrier-reef-world-heritage> (accessed 8 July 2014).

18 GBRMP Act, s. 2A.

19 The Hon Moses Cass, Former Minister for Environment and Conservation, *House of Representatives Debates*, 1975, vol. HR95 R2680.

20 GBMPA, *Legislation*, <http://www.gbrmpa.gov.au/zoning-permits-and-plans/legislation-regulations-and-policies/legislation> (accessed 9 July 2014).

tourism, fishing, recreation, scientific research, Indigenous traditional use and ports and shipping. The *Great Barrier Reef Marine Park Zoning Plan 2003* (Zoning Plan)<sup>21</sup> is the primary planning instrument for the conservation and management of the Marine Park. Each zone has different rules for the activities that are allowed, the activities that are prohibited and the activities that require a permit. Zones may also place restrictions on how some activities are conducted.<sup>22</sup> The Zoning Plan divides the Great Barrier Reef into eight zones and sets out the purposes for which each zone may be used or entered.<sup>23</sup> The major zones are:

- General Use (Light Blue);
- Habitat Protection (Dark Blue);
- Conservation Park (Yellow); and
- Marine National Park (Green).

2.18 Other zones include Preservation (Pink), Scientific Research (Orange), Buffer (Olive Green) and Commonwealth Island Zones, which make up less than five per cent of the Marine Park.<sup>24</sup>

2.19 Plans of management complement the Zoning Plan and address issues specific to an area or species.<sup>25</sup>

### ***Environment Protection (Sea Dumping) Act 1981***

2.20 The Sea Dumping Act regulates the disposal of waste at sea in waters surrounding Australia's coastlines. Under the Act, permits are required from the Department of the Environment for all ocean disposal activities, including dredging operations. The Sea Dumping Act fulfils Australia's international obligations under the London Protocol to prevent marine pollution caused by dumping of wastes and other matter.<sup>26</sup>

2.21 Some sea dumping projects may require approval under both the EPBC Act and the Sea Dumping Act. In these cases, applications can be assessed concurrently under both Acts. If sea dumping activities within the boundaries of the Great Barrier

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21 Available at: [http://www.gbrmpa.gov.au/\\_data/assets/pdf\\_file/0015/3390/GBRMPA-zoning-plan-2003.pdf](http://www.gbrmpa.gov.au/_data/assets/pdf_file/0015/3390/GBRMPA-zoning-plan-2003.pdf) (accessed 9 July 2014)

22 GBRMPA, *Zoning*, at: <http://www.gbrmpa.gov.au/zoning-permits-and-plans/zoning> (accessed 9 July 2014).

23 Australian and Queensland Governments, *Submission 34*, p. 12.

24 GBRMPA, *About Zoning*, <http://www.gbrmpa.gov.au/zoning-permits-and-plans/zoning/about-zoning> (accessed 9 July 2014).

25 There are currently four plans of management: for the Cairns Area, Whitsundays, Hinchinbrook, and a Shoalwater Bay (Dugong) Plan of Management: Australian and Queensland Governments, *Submission 34*, p. 12.

26 Department of the Environment, *Sea dumping*, <http://www.environment.gov.au/topics/marine/marine-pollution/sea-dumping> (accessed 27 June 2014). See also *1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972*.

Reef Marine Park are proposed, they will be assessed by the Great Barrier Reef Marine Park Authority.<sup>27</sup>

2.22 Through the Sea Dumping Act, to mitigate and manage environmental impacts, the Australian Government assesses proposals to load and dump wastes and other matter at sea, permits acceptable activities, and places conditions of approval. The *National Assessment Guidelines for Dredging 2009* set out the framework for the environmental impact assessment and for permissions relating to ocean disposal of dredged material. The guidelines set out a framework for:

- evaluating alternatives to ocean disposal;
- assessing sites for loading and disposal;
- assessing potential impacts on the marine environment and other users; and
- determining management and monitoring requirements.<sup>28</sup>

2.23 GBRMPA also has a policy on dredging and spoil disposal that guides assessment and management processes for dredging and dredge material disposal, which includes restrictions on: the location of dredging and dredge material disposal; contaminated dredge material disposal; and annual volumes of sea disposal within the Marine Park.<sup>29</sup>

### **Background—World Heritage Committee concerns**

2.24 As noted earlier, the Great Barrier Reef was inscribed on the World Heritage List in 1981. In recent years, the World Heritage Committee has considered the state of conservation of the Great Barrier Reef World Heritage Area and made a number of decisions and recommendations relating to the area. A summary of these is set out below.

#### ***UNESCO Reactive Monitoring Mission to Great Barrier Reef Report***

2.25 In response to a 2011 decision of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Committee,<sup>30</sup> the Committee researched and drafted a Reactive Monitoring Mission Report into the Great Barrier Reef in June 2012 (UNESCO report).<sup>31</sup> The UNESCO report noted that there had

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27 Department of the Environment, *Environment Protection (Sea Dumping) Act 1981*, <http://www.environment.gov.au/coasts/pollution/dumping/act.html> (accessed 27 June 2014).

28 Department of the Environment, *National Assessment Guidelines for Dredging*, available at: <http://www.environment.gov.au/coasts/pollution/dumping/publications/guidelines.html> (accessed 27 June 2014).

29 GBRMPA, *Outlook Report 2014*, p. 130; GBRMPA, *Dredging and Spoil Disposal Policy*, [http://www.gbrmpa.gov.au/\\_data/assets/pdf\\_file/0019/3844/gbrmpa\\_DredgingandSpoilDisposalPolicy\\_2004.pdf](http://www.gbrmpa.gov.au/_data/assets/pdf_file/0019/3844/gbrmpa_DredgingandSpoilDisposalPolicy_2004.pdf) (accessed 27 August 2014).

30 UNESCO World Heritage Committee, Decision 35 COM 7B.10, Great Barrier Reef (Australia), <http://whc.unesco.org/en/decisions/4418> (accessed 9 July 2014).

31 UNESCO, *Mission Report: Reactive Monitoring Mission to Great Barrier Reef (Australia)*, June 2012, p. 2, <http://whc.unesco.org/en/list/154/documents/> (accessed 27 June 2014).

been positive trends with regards to managing threats such as oil and gas development and fishing and tourism in the Great Barrier Reef, and water quality from catchment run-off. However, the report stated that:

Despite these positive trends, the future conservation of the Great Barrier Reef World Heritage area is at crossroads and decisions that will be taken in the immediate future will be decisive for the long-term health of the property as a whole. The mission concludes that the property is affected by a number of current and potential threats and that decisive and immediate action is required to secure its Outstanding Universal Value over the long-term. Climate change, catchment runoff, coastal development, ports and shipping and direct extractive use pose the most important threats to the long-term conservation of the property.<sup>32</sup>

2.26 In particular, the report stated that:

Considering the rapid increase of coastal developments, including ports infrastructure, and the fact that circa 35 new development proposals are awaiting determination by 2013, including in highly sensitive or already pressured areas, the mission concludes that this is of high concern to the conservation of the OUV for which the property is inscribed on the World Heritage List.<sup>33</sup>

2.27 Due to these concerns, the UNESCO report made 14 recommendations designed to keep the Great Barrier Reef off the 'List of World Heritage in Danger'.<sup>34</sup>

### ***World Heritage Committee decisions***

2.28 Following the UNESCO Mission Report, the committee has considered the state of conservation of the Great Barrier Reef at its meetings in 2012, 2013 and most recently in June 2014.

2.29 A summary of the World Heritage Committee's decisions and requests in relation to the Great Barrier Reef is set out below.

#### *2012 decision*

2.30 In 2012, the World Heritage Committee requested that Australia address a number of matters, including the mission report recommendations. Other matters included:

- to not permit any further port development or associated infrastructure outside existing major port areas within or adjoining the Great Barrier Reef property,

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32 UNESCO, *Mission Report: Reactive Monitoring Mission to Great Barrier Reef (Australia)*, June 2012, p. 4.

33 UNESCO, *Mission Report: Reactive Monitoring Mission to Great Barrier Reef (Australia)*, June 2012, p. 4.

34 UNESCO, *Mission Report: Reactive Monitoring Mission to Great Barrier Reef (Australia)*, June 2012, pp 6–9. For further detail on the List of World Heritage in Danger, see: UNESCO, *World Heritage in Danger*, at: <http://whc.unesco.org/en/158/> (accessed 9 July 2014). There are currently 45 properties around the world on the List of World Heritage in Danger. The full list is available at: <http://whc.unesco.org/en/danger/> (accessed 9 July 2014).



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and to ensure that development is not permitted if it would impact on the values of the property;

- to complete the Strategic Assessment for the sustainable development of the Great Barrier Reef World Heritage Area and to ensure that the assessment fully addresses impacts on the reef;
- to sustain and increase its efforts and available resources to conserve the property, and to develop and adopt clearly defined and scientifically justified targets for improving its state of conservation and enhancing its resilience, and ensure that plans, policies and development proposals affecting the property demonstrate a positive contribution to the achievement of those targets, and an overall net benefit to the protection of OUV; and
- to undertake an independent review of the management arrangements for Gladstone Harbour to ensure that port development is consistent with international best practice standards.<sup>35</sup>

2.31 The World Heritage Committee requested a response to its recommendations by 1 February 2013, stating that a lack of substantial progress could place the Great Barrier Reef on the 'List of World Heritage in Danger'.<sup>36</sup>

*2013 decision*

2.32 In 2013, the World Heritage Committee's decision:

- welcomed Australia's progress with the Strategic Assessment and reiterated its request for Australia to ensure that the assessment and the long-term sustainable development plan follow the defined criteria for success, fully address direct, indirect and cumulative impacts on the reef, and lead to concrete measures ensuring the conservation of the OUV of the property;
- welcomed the establishment of an independent review of the management arrangements for Gladstone Harbour and requested that these efforts result in the optimisation of port development and operation in Gladstone Harbour and on Curtis Island, as well as other existing port developments, consistent with the highest internationally recognised standards for best practice, commensurate with the iconic World Heritage status;
- welcomed the renewed commitment to the Reef Water Quality Protection Plan and associated Reef Rescue measures and the positive results indicated in the Second Reef Plan Record Card; and
- noted with concern the limited progress on requests in relation to port developments, and urged Australia to rigorously ensure:

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35 UNESCO World Heritage Committee, Decision 36 COM 7B.8, 2012 <http://whc.unesco.org/en/decisions/4657> (accessed 9 July 2014).

36 UNESCO World Heritage Committee, Decision 36 COM 7B.8, 2012, <http://whc.unesco.org/en/decisions/4657> (accessed 9 July 2014).

- (a) that development is not permitted if it would impact individually or cumulatively on the OUV of the property or compromise the Strategic Assessment and resulting Long-Term Plan for Sustainable Development of the Property (LTPSD);
- (b) that no port developments or associated port infrastructure are permitted outside the existing and long-established major port areas within or adjoining the property; and
- (c) that the legislation protecting the property remains strong and adequate to maintain and enhance its OUV.

2.33 The World Heritage Committee requested a response to these recommendations by 1 February 2014, again stating that a lack of substantial progress could place the Great Barrier Reef on the 'List of World Heritage in Danger'.<sup>37</sup>

#### *2014 decision*

2.34 Most recently, earlier this year, the World Heritage Committee:

- welcomed Australia's progress with the Strategic Assessment and reiterated its request for Australia to complete this work, responding fully to the past decisions of the Committee in order to ensure that the LTPSD results in concrete and consistent management measures that are sufficiently robust, effectively governed and adequately financed from the point of view of addressing cumulative impacts and increasing reef resilience to ensure the overall long-term conservation of the property and its OUV;
- welcomed Australia's progress with regard to water quality, in particular the endorsement of the 2013 Reef Water Quality Protection Plan (Reef Water Quality Plan), the release of the 2013 Scientific Consensus Statement and the progress toward the Reef Water Quality Plan targets as stated in the most recent Reef Water Quality Plan Report Card, and encouraged Australia to sustain and, where necessary, expand these efforts and their funding to achieve the ultimate goal of no detrimental impact on the health and resilience of the Great Barrier Reef;
- welcomed Australia's intention to focus port development to 'Priority Port Development Areas' (PPDAs) and its confirmation that these will exclude the Fitzroy Delta, Keppel Bay and north Curtis Island, as well as the stated commitment to 'protect greenfield areas from the impacts of port development', and urged Australia to ensure that the finalised Queensland Ports Strategy fully integrates these commitments, is consistent with the LTPSD, and confirms that no port developments or associated port infrastructure are permitted outside the existing and long-established major port areas within or adjoining the property;

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37 UNESCO World Heritage Committee, Decision 37 COM 7B.10, 2013, <http://whc.unesco.org/en/decisions/4959> (accessed 9 July 2014).

- requested Australia to ensure the full completion of the independent review of the institutional and management arrangements for the property as a key input to the LTPSD, and considered that it would be premature to transfer decision-making powers from Federal to State levels, before the vision, framework with desired outcomes and targets and governance requirements to deliver the LTPSD have been adopted, and that it should be postponed to allow further consideration;
- noted with concern the recent approvals for coastal developments in the absence of the completed Strategic Assessment and resulting LTPSD, and regretted Australia's approval for dumping three million cubic metres of dredge material inside the property prior to having undertaken a comprehensive assessment of alternative and potentially less impacting development and disposal options, and requested Australia to ensure that the option selected does not impact the OUV of the property and is the least damaging option available; and
- noted with concern that the Queensland Ports Strategy cannot be applied retroactively and strongly urged Australia to:
  - (a) rigorously ensure that proposed development outside PPDA's is not permitted and that developments within PPDA's do not have an individual or cumulative impact on the OUV of the property, and
  - (b) ensure that plans to be developed for each PPDA exclude from development areas identified as being of conservation significance under the Zoning Plan.<sup>38</sup>

2.35 The World Heritage Committee requested that the Australian Government submit an updated report on the conservation of the property, and on the implementation of actions outlined in its decision, by 1 February 2015. The World Heritage Committee will consider the possible inscription of the Great Barrier Reef on the 'List of World Heritage in Danger' at its 39th session in 2015.<sup>39</sup>

### ***Responding to the World Heritage Committee recommendations***

2.36 In response to the World Heritage Committee's requests, Australia submitted State Party Reports to the World Heritage Committee in 2012, 2013 and 2014. These reports outlined the nature of the threats to the Great Barrier Reef as well as the initiatives taken in response to these challenges.<sup>40</sup> The Australian and Queensland

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38 UNESCO World Heritage Committee, Decision 38 COM 7B.63, 2014, pp 116–117, <http://whc.unesco.org/archive/2014/whc14-38com-16en.pdf> (accessed 9 July 2014).

39 UNESCO World Heritage Committee, Decision 37 COM 7B.10, 2013, <http://whc.unesco.org/en/decisions/4959> (accessed 9 July 2014).

40 These reports are available at: Department of the Environment, *The Great Barrier Reef, Queensland - More Information*, <http://www.environment.gov.au/heritage/places/world/gbr/more-information> (accessed 9 July 2014).

Governments noted that a further State Party Report will be provided by 1 February 2015.<sup>41</sup>

2.37 The Australian and Queensland Governments' submission also contained a table outlining Australia's progress in responding to the World Heritage Committee's 2013 decision, claiming that 'significant progress' has been made in relation to a number of recommendations.<sup>42</sup> The two Governments submitted that further progress will be made in 2014 on a number of matters, including:

- release of a Reef Water Quality Report Card for 2012 and 2013;
- release of a draft of the Reef 2050 Long-Term Sustainability Plan for comment;
- introduction of Queensland legislation relating to port planning and development;
- finalisation of the North-East Shipping Management Plan; and
- release of the first tranche of strategic investment through the new Reef Trust.<sup>43</sup>

### **Plans, policies and strategies relating to the Great Barrier Reef**

2.38 There are a plethora of plans, policies and strategies relating to the Great Barrier Reef, many of which have been prepared in response to the World Heritage Committee's concerns and requests. This section provides a brief overview of some of the key policies, plans and strategies relating to the Great Barrier Reef, including, amongst others:

- the Strategic Assessments by the Australian and Queensland Governments;
- the proposed Reef 2050 Plan
- the Outlook Report 2014;
- the Scientific Consensus Statement 2013 and Reef Water Quality Protection Plan 2013;
- the Queensland Ports Strategy 2014;
- the proposed North-East Shipping Management Plan; and
- the reports of the Independent Review of the Port of Gladstone and Gladstone Harbour Bund Wall Review.

### ***Great Barrier Reef region and Coastal Zone Strategic Assessment 2014***

2.39 The Australian Government and the Queensland Government have completed a comprehensive Strategic Assessment of the Great Barrier Reef World Heritage Area and adjacent coastal zone under section 146 of the EPBC Act. The final Strategic

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41 Australian and Queensland Governments, *Submission 34*, p. 17.

42 Australian and Queensland Governments, *Submission 34*, p. 7.

43 Australian and Queensland Governments, *Submission 34*, pp 16–17.

Assessment was released on 12 August 2014 and was described as a 'comprehensive analysis of issues affecting the reef and what is needed for its protection'.<sup>44</sup>

2.40 The comprehensive Strategic Assessment had two key components—a marine component led by GBRMPA (the Great Barrier Reef Region Strategic Assessment) and a coastal component led by the Queensland Government (the coastal zone Strategic Assessment).<sup>45</sup> The coastal zone Strategic Assessment focused primarily on the terrestrial values of the coastal zone adjacent to the Great Barrier Reef while the Great Barrier Reef Region Strategic Assessment focused mainly on the marine values of the Great Barrier Reef region. Where there were areas of joint management or overlap in values, they were covered in both Strategic Assessments.<sup>46</sup>

2.41 Each component of the Strategic Assessment culminated in two reports—a program report which outlined the suite of policies, plans and programs being assessed, and a Strategic Assessment Report, which analysed how effective these policies, plans and programs have been at protecting matters of national environmental significance, including the Outstanding Universal Values of the Great Barrier Reef.<sup>47</sup>

2.42 The Great Barrier Reef Region Strategic Assessment Report found that:

The Reef remains one of the most resilient tropical marine ecosystems in the world. However, the accumulation of impacts through time and over an ever-increasing area is diminishing the Reef's resilience and its health in the southern two-thirds is declining...A decade of extreme weather, including

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44 The Hon Greg Hunt MP, 'Strategic assessment bolsters protection of the Great Barrier Reef', *Media release*, 12 August 2014, <http://www.environment.gov.au/minister/hunt/2014/mr20140812.html> (accessed 20 August 2014).

45 Department of the Environment, *Strategic assessment—Great Barrier Reef*, at: <http://www.environment.gov.au/protection/assessments/strategic/great-barrier-reef> (accessed 15 August 2014); see also Australian and Queensland Governments, *Submission 34*, p. 30.

46 Queensland Department of State Development, Infrastructure and Planning, *Great Barrier Reef Coastal Zone Strategic Assessment 2014, Strategic Assessment Report*, July 2014, Executive Summary, p. 4, <http://www.dsdip.qld.gov.au/resources/report/gbr/full-report-chapters-1-5.pdf> (accessed 15 August 2014).

47 GBRMPA, *Great Barrier Reef Region Strategic Assessment, Strategic Assessment Report*, August 2014, pp 1–9, [http://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/2861/1/GBR%20Region%20SA\\_Strategic%20Assessment%20Report\\_FINAL.pdf](http://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/2861/1/GBR%20Region%20SA_Strategic%20Assessment%20Report_FINAL.pdf) (accessed 13 August 2014); Queensland Department of State Development, Infrastructure and Planning, *Great Barrier Reef Coastal Zone Strategic Assessment 2014, Strategic Assessment Report*, August 2014, Executive Summary, p. 4, <http://www.dsdip.qld.gov.au/resources/report/gbr/full-report-chapters-1-5.pdf> (accessed 15 August 2014).

severe cyclones and floods, has contributed to the decline, and reduced the capacity of the ecosystem to recover from these and other disturbances.<sup>48</sup>

2.43 According to the Minister for the Environment, a number of initiatives are to be adopted by the Australian and Queensland Governments, as a result of the Strategic Assessments, including:

- a cumulative impact assessment policy and guidelines for a transparent, consistent and systematic approach to identifying, measuring and managing collective impacts on the region and its values;
- a net benefit policy to guide actions aimed at restoring ecosystem health and improve the condition of values;
- a new approach to decision making based on clear targets for maintaining the reef's Outstanding Universal Value;
- no port development outside the key long-established ports of Townsville, Abbot Point, Hay Point-Mackay and Gladstone;
- a reef recovery program to support local communities and other stakeholders to protect and restore sites of high environmental value and critical ecosystem functions through cooperative regional-scale management approaches; and
- reef-wide integrated monitoring and reporting that underpins GBRMPA's adaptive management and provides good feedback on the effectiveness of management actions.<sup>49</sup>

2.44 The outcomes of the Strategic Assessment will inform the Reef 2050 Long-Term Sustainability Plan.<sup>50</sup>

### ***Proposed Reef 2050 Plan***

2.45 The 'Reef 2050 Plan' is being developed by the Australian Government, Queensland Government and GBRMPA. It will 'guide the sustainability and management of the Great Barrier Reef, to continue efforts to protect species such as dugongs and turtles, and deal with key threats like nutrient run-off and

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48 GBRMPA, *Great Barrier Reef Region Strategic Assessment, Information Sheet*, August 2014, p. 2, [http://www.gbrmpa.gov.au/\\_data/assets/pdf\\_file/0007/180457/GBRMPA\\_InfoSheet\\_Strategic\\_Assessment.pdf](http://www.gbrmpa.gov.au/_data/assets/pdf_file/0007/180457/GBRMPA_InfoSheet_Strategic_Assessment.pdf) (accessed 15 August 2014).

49 The Hon Greg Hunt MP, Minister for the Environment, 'Strategic assessment bolsters protection of the Great Barrier Reef', *Media release*, 12 August 2014, <http://www.environment.gov.au/minister/hunt/2014/mr20140812.html> (accessed 20 August 2014).

50 Australian and Queensland Governments, *Submission 34*, pp 30–31; see also Department of the Environment, *Strategic assessment—Great Barrier Reef*, at: <http://www.environment.gov.au/protection/assessments/strategic/great-barrier-reef> (accessed 15 August 2014).

crown-of-thorns starfish outbreaks'. The Reef 2050 Plan will be supported by the Reef 2050 Long-Term Sustainability Plan and the new Reef Trust.<sup>51</sup>

#### *Reef 2050 Long-Term Sustainability Plan*

2.46 The Reef 2050 Long-term Sustainability Plan aims to inform future development by drawing together the Strategic Assessment, providing an overarching framework to guide protection and management of the Great Barrier Reef World Heritage Area from 2015 to 2050.<sup>52</sup>

#### *Reef Trust*

2.47 As part of the Reef 2050 Plan, the Australian Government has committed \$40 million to the Reef Trust program to 'build on existing investment in the Great Barrier Reef focusing on known critical areas for investment—improving water quality and coastal habitat, controlling the current outbreak of crown-of-thorns starfish, and protecting threatened and migratory species, particularly dugong and turtles'.<sup>53</sup> Funding for the Reef Trust will also be derived from the pooling of offset funds that target specific impacts on the Great Barrier Reef from development activities, and there may be opportunity for future funding through private investments and philanthropic contributions. The program will draw on advice from the Australian Institute of Marine Science, CSIRO and other science organisations and is jointly coordinated by the Australian Government and the Queensland Government.<sup>54</sup>

2.48 The trust is 'designed to consolidate investments in the Great Barrier Reef and disburse funds strategically to maximise outcomes that improve the health and resilience of the Great Barrier Reef'. The program is designed to build on, and not duplicate, existing programs and to complement new initiatives, such as the Green Army and the National Landcare Programme.<sup>55</sup>

#### *Great Barrier Reef 2014 Outlook Report*

2.49 Under the GBRMP Act, GBRMPA is required to prepare an 'outlook report' every five years to assess the health of the reef ecosystem and its management.<sup>56</sup> GBRMPA published the first *Great Barrier Reef Outlook Report* in 2009 and has recently released its Outlook Report 2014. The 2014 report identified climate change,

51 Australian and Queensland Governments, *Submission 34*, pp 8, 31; see also Department of the Environment, *About the Reef 2050 Plan*, <http://www.environment.gov.au/marine/gbr/reef2050> (accessed 7 August 2014).

52 Australian and Queensland Governments, *Submission 34*, p. 31.

53 Department of Environment, *Reef Trust—Frequently asked questions*, p. 1, <http://www.environment.gov.au/system/files/pages/e40fbc03-3d32-4116-b7bf-fcad4702b2b4/files/reef-trust-faqs.pdf> (accessed 14 August 2014); see also Australian and Queensland Governments, *Submission 34*, p. 32.

54 Department of the Environment, *Reef Trust—Frequently asked questions*, pp 1–2; see also Australian and Queensland Governments, *Submission 34*, p. 32.

55 Department of the Environment, *Reef Trust—Frequently asked questions*, p. 1.

56 GBRMPA Act, s. 54.

poor water quality from land-based run-off, impacts from coastal development and some remaining impacts from fishing as the main threats to the health of Great Barrier Reef ecology. The report noted that a series of major storms and floods in recent years affected the ecosystem, which was already under pressure. These natural events highlighted the fact that the accumulation of all impacts has the potential to further weaken the resilience of the Great Barrier Reef ecology, which will affect its capacity to recover from further serious disturbances, such as major coral bleaching events, which are predicted to become more frequent in the future.<sup>57</sup> The report concluded that:

Even with the recent management initiatives to reduce threats and improve resilience, the overall outlook for the Great Barrier Reef is poor, has worsened since 2009 and is expected to further deteriorate in the future. Greater reductions of all threats at all levels, Reef-wide, regional and local, are required to prevent the projected declines in the Great Barrier Reef and to improve its capacity to recover.<sup>58</sup>

### ***Scientific Consensus Statement 2013 and Reef Water Quality Protection Plan 2013***

2.50 The *Great Barrier Reef Water Quality Protection Plan* (Reef Water Quality Plan) is a joint initiative of the Australian and Queensland Governments, and has been in existence since 2003. The Reef Water Quality Plan is a collaborative program of coordinated projects and partnerships aimed at improving the quality of water entering the Great Barrier Reef. The long-term objective is to ensure that by 2020 the quality of water entering the reef from broadscale land use has no detrimental impact on the health and resilience of the reef.<sup>59</sup>

2.51 The Reef Water Quality Plan is primarily focused on diffuse source pollution from broad-scale land use and aims to take an innovative, targeted and whole-of-catchment approach to reducing agricultural run-off and improving water quality outcomes through the implementation of three priority areas: prioritising investment and knowledge; responding to the challenge of maximising improvements to reef water quality; and evaluating the performance of all stakeholders. The plan also states that:

Reducing the impacts of land use on reef water quality is not solely the responsibility of governments. Achieving the goals of [the] Reef [Water Quality] Plan will rely on a partnership involving all levels of government, industry, community groups and individual landholders.

The Australian and Queensland Governments will incorporate Reef [Water Quality] Plan goals, targets and actions into relevant planning processes (e.g. business and strategic plans) to ensure actions are achieved in appropriate timeframes with maximum efficiency. The lead organisations

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57 GBRMPA, *Outlook Report 2014*, p. v, <http://www.gbrmpa.gov.au/media/external-links/external/outlook-report-flipbook> (accessed 13 August 2014).

58 GBRMPA, *Outlook Report 2014*, p. vi, <http://www.gbrmpa.gov.au/media/external-links/external/outlook-report-flipbook> (accessed 13 August 2014).

59 Australian and Queensland Governments, *Submission 34*, pp 17–18.



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are responsible for driving implementation of the actions and working with the identified stakeholders to achieve outcomes.<sup>60</sup>

2.52 The Reef Water Quality Plan is renewed every five years, and was last signed in July 2013. The updated plan built on the successful Reef Rescue program, which provided funds to land managers to improve land management practices with a mind to deliver water quality improvements.<sup>61</sup>

2.53 An annual report card measures progress towards the Reef Water Quality Plan's goals and targets. The first Report Card was based on 2008-09 data and established the baseline for future reports. Report Card 2012 and 2013, released in June 2014, has shown positive trends in land management practice change which have been translated into reductions of key pollutants.<sup>62</sup>

2.54 The 2013 Reef Water Quality Plan was guided by the *2013 Scientific Consensus Statement*, which was made by a multidisciplinary group of scientists, with oversight from the Reef Water Quality Plan Independent Science Panel, engaged to support the development of the updated Reef Water Quality Plan and 'to review and synthesise the significant advances in scientific knowledge of water quality issues in the Great Barrier Reef and to reach consensus on the current understanding of the system'.<sup>63</sup> The scientists found:

The overarching consensus is that key Great Barrier Reef ecosystems are showing declining trends in condition due to continuing poor water quality, cumulative impacts of climate change and increasing intensity of extreme events.<sup>64</sup>

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60 Australian and Queensland Governments, *Reef Water Quality Protection Plan 2013: Securing the health and resilience of the Great Barrier Reef World Heritage Area and adjacent catchments*, p. 7, <http://www.reefplan.qld.gov.au/about/assets/scientific-consensus-statement-2013.pdf> (accessed 6 August 2014).

61 Australian and Queensland Governments, *Reef Water Quality Protection Plan 2013: Securing the health and resilience of the Great Barrier Reef World Heritage Area and adjacent catchments*, p. 7, <http://www.reefplan.qld.gov.au/about/assets/scientific-consensus-statement-2013.pdf> (accessed 6 August 2014); see also Australian Government National Landcare Program, *Reef Rescue 2008–2013*, <http://www.nrm.gov.au/about/key-investments/reef-rescue.html> (accessed on 15 August 2014).

62 See Queensland Government, *Reef Water Quality Protection Plan: Report Cards*, <http://www.reefplan.qld.gov.au/measuring-success/report-cards.aspx> (accessed 2 September 2014).

63 Australian and Queensland Governments, *Submission 34*, pp 27–28; see also Reef Water Quality Protection Plan Secretariat, *2013 Scientific Consensus Statement: Land use impacts on Great Barrier Reef water quality and ecosystem condition*, p. 1, <http://www.reefplan.qld.gov.au/about/assets/scientific-consensus-statement-2013.pdf> (accessed 5 August 2014).

64 Reef Water Quality Protection Plan Secretariat, *2013 Scientific Consensus Statement: Land use impacts on Great Barrier Reef water quality and ecosystem condition*, p. 1.

### ***Queensland Ports Strategy 2014***

2.55 The Queensland Government recently released the Queensland Ports Strategy, which outlines the Queensland Government's framework for port development over the next 10 years. The vision of the strategy is to:

Drive economic growth through the efficient use and development of Queensland's long-established major port areas, while protecting and managing Queensland's outstanding environmental assets.<sup>65</sup>

2.56 The strategy proposes a new Ports Act to prohibit dredging within and adjoining the Great Barrier Reef World Heritage Area for the development of new, or the expansion of existing port facilities, outside Priority Port Development Areas (PPDAs) at Gladstone, Hay Point/Mackay, Abbot Point and Townsville, over next 10 years.<sup>66</sup>

### ***Proposed North-East Shipping Management Plan***

2.57 The North-East Shipping Management Plan is being developed by the Australian Maritime Safety Authority in consultation with a range of government agencies and stakeholders. The draft plan 'sets out Australia's intentions to enhance ship safety and environmental protection' in the Great Barrier Reef, Torres Strait and Coral Sea regions'. The plan was made available for public comment and consultation in late 2013. The Australian and Queensland Governments advised that the plan will be finalised in 2014.<sup>67</sup>

### ***Independent Review of the Port of Gladstone and Gladstone Harbour Bund Wall Review***

2.58 As part of its response to the 2012 decision of the World Heritage Committee, the Australian Government commissioned an Independent Review into the Port of Gladstone. The review provided an initial report on findings to the Australian Government on 30 July 2013. Interested parties were invited to provide comments on the initial report by 6 September 2013. The review delivered a Supplementary Report focused on port optimisation issues on 1 November 2013.<sup>68</sup>

2.59 According to the submission from the Australian and Queensland Governments, the review found 'that environmental management and governance

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65 Queensland Government, *Queensland Ports Strategy 2014*, p. 1, <http://www.dsdp.qld.gov.au/infrastructure-and-planning/queensland-ports-strategy.html> (accessed 8 July 2014).

66 Australian and Queensland Governments, *Submission 34*, p. 14.

67 Australian and Queensland Governments, *Submission 34*, pp 17 and 31; Australian Maritime Safety Authority, *North-East Shipping Management Plan*, <http://www.amsa.gov.au/community/consultation/nsm-consultation.asp> (accessed 31 July 2014).

68 Department of the Environment, *Independent review of the Port of Gladstone*, July 2013, at: <http://www.environment.gov.au/topics/marine/great-barrier-reef/port-gladstone-review> (accessed 27 June 2014).

within the Port of Gladstone is generally comprehensive'. The three key areas for improvement are:

- the need to incorporate better World Heritage and other environmental protection considerations in a single, comprehensive and consultative port planning process;
- the need for better assessment and consideration of cumulative impacts; and
- the need for more meaningful and ongoing stakeholder engagement to improve the amount of information and community confidence in environmental management and governance.<sup>69</sup>

2.60 After the review reported on its findings in 2013 information came to light regarding the design and construction of the reclamation bund wall at the Port of Gladstone. As a result, on 30 January 2014, the Minister for the Environment commissioned an addendum to the independent review so that an independent panel could examine the latest information. On 9 May 2014, the Minister accepted and released the independent review into the leaking bund wall incidents at the Port of Gladstone. The review contained 37 findings and 19 recommendations.<sup>70</sup>

2.61 The Australian and Queensland Governments advised that 'the relevant findings will be used to inform the assessment of future developments with reclamation areas in coastal environments' and that an Australian Government response to the reviews is being prepared.<sup>71</sup>

### **Other relevant reports**

2.62 The following reports are also relevant to the management of the Great Barrier Reef.

#### ***Great Barrier Reef Biodiversity Conservation Strategy 2013***

2.63 GBRMPA has also published the *Great Barrier Reef Biodiversity Conservation Strategy 2013*, which 'provides a framework for improving biodiversity conservation in the Great Barrier Reef Region'. The GBRMPA website states that:

In developing the strategy it has become clear that inshore habitats along the developed coast and many of the species that rely on them are impacted by a range of threats. These include declining water quality due to catchment run-off, loss of habitat due to coastal and port development, and climate change. Illegal fishing and poaching are also having some impact.<sup>72</sup>

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69 Australian and Queensland Governments, *Submission 34*, p. 24.

70 See further Department of the Environment, *Gladstone Bund Wall Review*, May 2014, <http://www.environment.gov.au/topics/marine/gbr/gladstone-bund-wall-review> (accessed 6 August 2014); and also Australian and Queensland Governments, *Submission 34*, p. 24.

71 Australian and Queensland Governments, *Submission 34*, p. 24.

72 GBRMPA, *Biodiversity Conservation Strategy 2013*, <http://www.gbrmpa.gov.au/about-the-reef/biodiversity/biodiversity-conservation-strategy-2013> (accessed 9 July 2014) and see also GBRMPA, *Great Barrier Reef Biodiversity Conservation Strategy 2013*, p. 18.

2.64 The strategy further states that 'there is an urgent need for a systematic approach to addressing the cumulative impacts on inshore biodiversity'.<sup>73</sup>

***Senate Environment and Communications Legislation Committee Report: Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013***

2.65 In June 2013, the Senate Environment and Communications Legislation Committee considered the Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013. The Bill was a private senators' bill which proposed to prohibit certain port developments on the Great Barrier Reef coastline in order to implement recommendations made by the World Heritage Committee to ensure that the Great Barrier Reef is not included on the 'World Heritage in Danger' list. Although the report recommended that the bill not be passed, it did make a number of recommendations, including that:

- port development in the Great Barrier Reef be confined to existing (already developed) major port areas, pending the outcomes of the Strategic Assessments being conducted by the Commonwealth and Queensland Governments (recommendation 1);
- if the Minister decides to approve any port developments or port-related activities in existing (already developed) major port areas in the Great Barrier Reef region, these developments and activities should be subject to stringent conditions under the EPBC Act, including robust monitoring and reporting requirements (recommendation 2);
- the Commonwealth Government review the regulatory regime surrounding sea dumping in the Great Barrier Reef region, with a view to ensuring that dumping of any dredge spoil in the Great Barrier Reef World Heritage Area is subject to the highest scientific and environmental analysis and taken only as an option of last resort; and
- the Commonwealth Government closely examine any additional safeguards arising from the Strategic Assessments and independent review with a view to developing robust regulatory and legislative safeguards to protect the Great Barrier Reef World Heritage Area.<sup>74</sup>

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73 GBRMPA, *Great Barrier Reef Biodiversity Conservation Strategy 2013*, p. 18.

74 Senate Environment and Communications Legislation Committee, *Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013*, June 2013, pp 44–46, [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/Completed\\_inquiries/2010-13/greatbarrierreef2013/report/index](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Completed_inquiries/2010-13/greatbarrierreef2013/report/index) (accessed 6 August 2014).