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WWF-Australia

Level 13
235 Jones Street,
Ultimo NSW 2007

Tel: +61 2 8202 1227
Fax: +61 2 9281 1060

enquiries@wwf.org.au
www.wwf.org.au
GPO Box 528
Ultimo NSW 2001

The Secretary
Senate Standing Committee on Environment, Communication and the Arts
Department of the Senate
Via email

10 September, 2008

Re: Inquiry into the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008.

WWF Australia appreciates the opportunity to provide comment into the Senate Standing Committee on Environment, Communication and the Arts inquiry into the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008.

WWF welcomes the overview statements made by the Minister for Environment, Heritage, Water and the Arts, the Honourable Peter Garrett, in the explanatory memorandum to the Bill under consideration.

“The purpose of the Bill is to establish a modern and robust regulatory framework that provides the capability for the efficient and effective protection and management of the Great Barrier Reef into the future.”

“The changes proposed by the Bill address findings of a 2006 review of the GBRMP Act. That review found that the GBRMP Act has served its purpose well over the past 30 years, but needs to be updated and better integrated with other legislation in order to provide an effective framework for protection and management of the Great Barrier Reef into the future.”

“The Marine Park and associated zoning plan provide a strong framework for protecting the Great Barrier Reef and ensuring use is ecologically sustainable.”

The GBRMP Act has been in place for thirty years and has been administered during this time by the Great Barrier Reef Marine Park Authority (GBRMPA). The Australian Government, through the GBRMPA, has implemented a number of world-class conservation initiatives to protect the Great Barrier Reef during this time. WWF regards the GBRMPA as a global leader in marine conservation, and believes that its protection of the GBRMP provides a benchmark against which other marine park management arrangements are measured.

The Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 will facilitate building upon this strong record of achievement, through legislative changes that will better enable the GBRMPA to anticipate, respond to and manage the inevitable future pressures that the Great Barrier Reef Marine Park will face in the next thirty years, as well as carry out day-to-day management in an more efficient and effective manner.



Given the short time-frame available, WWF's submission is not intended to be a comprehensive overview of the full set of proposed amendments, but rather aims to focus on some of the issues of concern raised in recent debate, and areas of particular interest to WWF.

These include:

1. Precautionary Principle;
2. Enforcement and Compliance, and
3. The Outlook report.

WWF considers the Great Barrier Reef to be one of the world's most important marine biodiversity icons, and a global conservation priority and WWF is therefore keen to provide further input, as appropriate into the Great Barrier Reef Marine Park and Other Legislative Amendment Bill 2008 processes.

Please do not hesitate to contact Dr Gilly Llewellyn, WWF-Australia's Oceans Program Leader at gllewellyn@wwf.org.au for further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Llewellyn', written in a cursive style.

Ghislaine Llewellyn
WWF Australia
Program Leader - Oceans



1) The Precautionary Principle¹;

In Australia, the precautionary principle was first adopted formally as part of overall environment policy in 1992 through the National Strategy for Ecologically Sustainable Development (ESD) (Commonwealth of Australia, 1992), and the Intergovernmental Agreement on the Environment (IGAE). The legislation relies on the definition of the precautionary principle contained in the IGAE:

“Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and
- (ii) an assessment of the risk-weighted consequences of various options.

The EPBC Act operationalizes the IGAE, the National Strategy for ESD and the 1996 National Strategy for the Conservation of Australia's Biological Diversity. The objectives of the Act include the promotion of ESD, which is defined to include the application of the precautionary principle. The Act uses, essentially, the IGAE definition but excludes the two points on guidance for application.

The precautionary principle is also included in the Commonwealth fisheries legislation, through the amendment to objective 3(1)(b), known as the ESD objective, requiring AFMA to pursue the exercise of the precautionary principle. This amendment was made in 1997 and reflected the community's desire to improve the effectiveness of fisheries management from an ESD perspective.

“ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development *and the exercise of the precautionary principle*, in particular the need to have regard to the impact of fishing activities on non-target species and the long term sustainability of the marine environment.”

WWF see the inclusion of issues such as the Precautionary Principle, Ecologically Sustainable Development, and Ecosystem-Based Management in the schedule of Objects and Application as proposed in the GBRMPOLA Bill as importance amendments. Not only do they update the Act and provide consistency with other relevant legislation, but they help appropriately frame the “long-term protection of the environment, biodiversity and heritage values of the Great Barrier Reef as the primary objective of the Act.”

¹ This section draws from material contained in Sant, G. 2005, 'The evolution and impact of precautionary fisheries law and policy in Australia: an Environmental NGO perspective', in Cooney, R and Dickson, B (Eds) Biodiversity and the Precautionary Principle: Risk and Uncertainty in Conservation and Sustainable Use Earthscan, London, pp 97-116



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2) Enforcement and Compliance

In order to deliver efficient and effective protection and management, an efficient and effective enforcement and compliance regime needs to be in place. Without such a framework, there is a very real risk of a park becoming a ‘paper park’, with no effective management of activities that could threaten environment, biodiversity and heritage values.

WWF therefore strongly supports the set of proposed amendments aimed to

- enhance capability for investigation and evidence collection;
- provide a wider range of enforcement options allowing for a more tailored and targeted approach to enforcement, and
- enhance deterrence and encourage responsible use of the Marine Park

Of relevance to the discussion around enforcement and compliance issues within the proposed amendments are the findings of a recent report by the Australian Institute of Criminology in their study on Crime in the Australian Fisheries Industry <http://www.aic.gov.au/publications/rpp/76/rpp76.pdf>, which identified key areas of focus in order to increase capacity to deliver effective enforcement and compliance. Given that separate review processes have converged on similar elements to improve delivery of compliance with regulations governing activities on the water, include fishing, WWF considers these to be important amendments that will strengthen the foundation for efficient and effective protection of the Great Barrier Reef and its associated ecosystems and species.

WWF recognises that in addition to enforcement and compliance, there is a valuable role for education and outreach in raising, and notes that GBRMPA has extensive programs focused on education and community outreach programs, specifically aimed at educating users of the park on the zonation scheme and on the rules and regulations.

3) Outlook Report

Good adaptive management should have the ability to look backwards and evaluate success and management efficacy as well as look forward to anticipate future threats and emergent issues. Given the global backdrop of declines in ocean health

<http://www.sciencemag.org/cgi/content/abstract/319/5865/948> WWF believes it is very important that the GBRMP Act has provision to look towards the future management of the Marine Park and make the required legislative and regulatory changes to enable the Australian Government to anticipate, respond to, and manage the inevitable future pressures that the Marine Park will face.

Included in the Great Barrier Reef Marine Park Amendment Act 2007, is provision for a five-yearly, peer reviewed Outlook Report to be tabled in Parliament. This will provide an overall assessment of



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the status and health of the Great Barrier Marine Park ecosystem, a review of the efficacy of management efforts, as well as considering risks and future threats to the ecosystem.

WWF-Australia believes that the creation of the Outlook Report, its associated transparency of process, and the commitment it represents to adaptive management and bench-marking overall performance, is again an example of world leadership in the realm of marine park management by GBRMPA.