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Theme: *Environmental Assessment*

Regulation of Great Barrier Reef Marine Park Permits and Approvals

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Introduction

- The Great Barrier Reef Marine Park (Marine Park) was established to provide for the long term protection and conservation of the environment, biodiversity and heritage values of approximately 344 000 square kilometres of the Great Barrier Reef region.
- In 1981, the Great Barrier Reef was declared a World Heritage Area on the basis of its outstanding universal value.

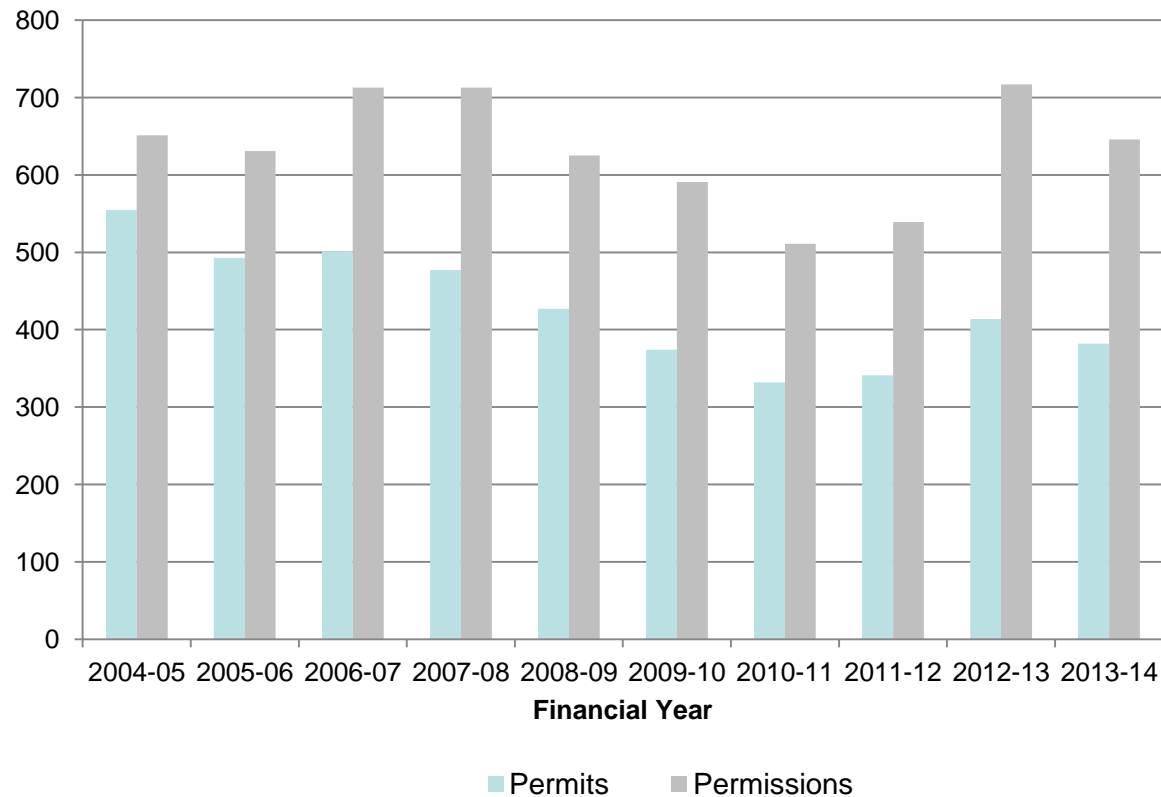


Background and context

- The Great Barrier Reef Marine Park Authority (GBRMPA) was established in 1975.
- GBRMPA grants permits for particular activities and monitoring/enforcing permit holders' compliance with permit conditions. Permits are generally required for:
 - most commercial activities, such as tourist programs;
 - the installation and operation of structures, such as jetties, marinas, pontoons, and moorings;
 - any significant works, such as dredging and spoil dumping; and
 - educational and research programs.
- Over the 10 years from 2004–05 to 2013–14, GBRMPA issued 4296 permits (excluding permit transfers) containing 6337 individual permissions

Background and context

Permits and permissions granted by GBRMPA



Audit objective, scope and criteria

- The objective of the audit was to assess the effectiveness of the Great Barrier Reef Marine Park Authority's regulation of permits and approvals within the Great Barrier Reef Marine Park.
- To form a conclusion against this objective, the ANAO adopted the following high-level criteria:
 - an effective process to assess permit applications and attach enforceable conditions has been established;
 - a structured risk management framework to assess and manage compliance risks has been implemented;
 - an effective risk-based compliance program to communicate regulatory requirements and to monitor compliance with permit conditions and regulatory objectives has been implemented; and
 - arrangements to manage non-compliance are effective.

Methodology

In undertaking the audit, we:

- reviewed files and documentation;
- observed air and vessel patrols;
- reviewed IT system controls; and
- interviewed staff and sought the views of relevant stakeholders.



Fieldwork



Fieldwork (cont.)



Audit conclusions

- In relation to the regulation of permits, identified shortcomings in GBRMPA's regulatory processes and, more particularly, its regulatory practices had undermined the effectiveness of the permitting system as a means of managing risks in the Marine Park.
- These shortcomings were identified across a broad range of GBRMPA's regulatory activities, including its:
 - assessment of permit applications—weaknesses in quality and completeness
 - monitoring of permit holder compliance—insufficient to determine permit holders' compliance with permit conditions
 - response to non-compliance—many instances of non-compliance not identified, limited enforcement guidance for investigators, poorly documented reasons for enforcement actions.

Recommendations

- The ANAO made five recommendations designed to improve GBRMPA's permit regulation, including to:
 - review and revise permit assessment operating procedures, assessment templates and risk assessments;
 - better document permit application assessments;
 - periodically review the adequacy of standard permit conditions to address risks to the Marine Park;
 - implement a coordinated, risk-based program of compliance monitoring activities
 - improve processes for responding to instances of permit non-compliance

All recommendations were agreed to by GBRMPA

Impact and results

- When the audit report was tabled in the Australian Parliament and released publicly on the ANAO's website, it received both online and newspaper media coverage.
- The audit was also selected for an inquiry by the Australian Parliament's Joint Committee of Public Accounts and Audit (JCPAA). The JCPAA inquiry supported the ANAO's audit findings and conclusions and made three additional recommendations for GBRMPA to:
 - accelerate the implementation of the ANAO's recommendations;
 - report back to the committee on progress; and
 - establish and implement more effective regulatory performance indicators and targets.
- GBRMPA has since commenced a major review of its permission system.

Challenges, barriers and lessons learned

- **General sampling approach**—the ANAO selected samples broadly in proportion with the key parameters of the populations of permit applications and current permits. On this basis, the ANAO was able to ‘project’ the audit findings from the sample examined to the respective populations.
- **Value of observations**—participating in aerial and vessel compliance patrols within the Marine Park proved valuable as they demonstrated the extent to which, and the limitations of, patrols as a means of monitoring permit holders’ compliance with their Marine Park permits.



Challenges, barriers and lessons learned (continued)

- **Engagement with the auditee**—throughout the audit, the audit team communicated regularly with the auditee regarding audit progress and preliminary findings and conclusions as these became evident. This ‘no-surprises’ approach assisted the ANAO to refine its findings and conclusions based on feedback from the auditee and also helped to ensure that the auditee was aware of emerging findings and conclusions.
- **Variations in the population of permit applications**—one of the small number of high-risk permit applications selected in the ANAO’s sample consumed a highly disproportionate amount of time and effort to examine relative to others in the sample. This was because of the the complex and protracted nature of the assessment process. A key lesson learned is to not underestimate the impact that a small proportion of a sampled population can have on audit resourcing and timing.

Thank you!

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