

MEMORANDUM OF UNDERSTANDING

between the
GREAT BARRIER REEF MARINE PARK AUTHORITY

and

JAMES COOK UNIVERSITY ("the Institution")

for the conduct of "as-of-right" scientific research in the Great Barrier Reef Marine Park

PREAMBLE

The Great Barrier Reef Marine Park Authority (the Authority) recognises the important role that research plays in contributing to our understanding of the Great Barrier Reef (GBR). Scientific research provides the Authority with a scientific basis for management decisions, which assists the Authority in protecting the biodiversity of the Great Barrier Reef Marine Park (the Marine Park).

The Authority recognises that there may not be a need for individual researchers to obtain permissions if their parent organisations are accredited research providers. Any organisation wishing to become accredited would have to meet specific performance and reporting criteria designed to demonstrate compliance with appropriate environmental practices and standards set by the Authority.

The *Great Barrier Reef Marine Park Zoning Plan 2003* (the Zoning Plan) provides for "as-of-right" research to be conducted in the Marine Park without the written permission of the Authority providing certain conditions are satisfied. One such condition is that the research being undertaken is a component of a research project or an educational program conducted by an accredited educational or research institution.

In accordance with Part 3 Division 3.2 Regulation 6E of the *Great Barrier Reef Marine Park Amendment Regulations 2004 (No. 2)*, the Authority may accredit a research or educational institution, by notification in the *Gazette*, if it is satisfied that the institution:

- (a) has adopted appropriate environmental practices and standards (including instruction and training of personnel); and
- (b) has an ongoing commitment to improve those practices and standards.

The mechanism to "accredit" research and/or educational institutions will be by notice published in the *Gazette* by the Authority. A pre-requisite to the Authority considering such accreditation is that the relevant institution will have entered into an appropriate Memorandum of Understanding with the Authority.

Purpose

This document establishes the minimum practices and standards by which any research or educational institution may become accredited by the Authority to undertake *limited impact research (non-extractive)* and *limited impact research (extractive)* activities without permission (see GBRMPA Policy on Managing Scientific Research).

Generally, throughout the Marine Park, researchers from accredited research and/or educational institutions will be allowed to conduct:

- any research that does not involve an activity that would require permission;
- social research that does not involve the conduct of archaeology excavations;
- limited impact research (extractive) in the General Use, Habitat Protection, Conservation Park, and Scientific Research Zones; and
- limited impact research (non-extractive) in the zones listed above and the Buffer and Marine National Park Zones.

TERMS OF THIS MEMORANDUM OF UNDERSTANDING

Strategic Planning

- The Authority will consult with the Institution in any significant strategic planning or policy development that affects research in the Marine Park and notify the Institution of any changes to best practice standards.
- The parties to this agreement will consider issues raised by the public or other stakeholders when developing and reviewing strategic plans or policies for the management of research activities, particularly in regard to research priorities.
- The Institution will advise the Authority of any long-term plans that involve changes to the manner in which research activities are conducted in the Marine Park.

Implementation of this Memorandum of Understanding

This Memorandum of Understanding (MOU) comes into effect upon both parties (or their delegates) signing this document.

The Institution will not be an accredited educational or research institution for the purposes of the Zoning Plan unless the Authority causes a notice to be published in the *Gazette* pursuant to the *Great Barrier Reef Marine Park Regulations 1983*.

Once the Institution is accredited as an accredited educational or research institution within the meaning of the Zoning Plan, all employees and affiliated staff conducting research under the auspices of the Institution are allowed to conduct research subject to compliance with this Memorandum of Understanding (MOU), the Zoning Plan, associated regulations, and all other legislation having application to research and educational activities in the Marine Park.

The Institution shall issue each researcher or other personnel undertaking research by or on its behalf in the Marine Park, with a letter of authorisation on the letterhead of the Institution. Prior to issuing such letter of authorisation, the Institution must be satisfied that the researcher or other personnel is aware of the requirements of this MOU, the Zoning Plan, associated regulations, and other relevant legislation.

All researchers and any other personnel (such as institution employees) undertaking research with the authorisation of the Institution, must at all times carry a letter of authorisation, on the letterhead of the Institution, signed by or on behalf of the Institution, naming the person or persons covered by the authorisation, stating the period during which the researcher can operate pursuant to this MOU, and detailing the nature of the research being conducted by the researcher or researchers. This letter must be carried with the research personnel or held on the vessel from which the personnel are working.

Note: The nature and extent of this research needs to comply with the requirements of the *limited impact research (extractive)* and *limited impact research (non-extractive)* as described in the Regulations.

Note: The letter of authorisation serves as an indication to compliance officers that researchers and/or other personnel are undertaking research under the auspices of an accredited educational or research institution for the purposes of the Zoning Plan. If a letter of authorisation is not able to be produced when required, the researcher or other personnel is liable to be prosecuted for contravention of the Zoning Plan.

Variations to this Memorandum of Understanding

In the event that the Institution, or the Authority, wishes to vary the terms of this MOU, it must notify the other party to the MOU in writing, and include the following information:

- (a) the matters to be addressed by the variation;
- (b) the proposed date of effect of the variation; and
- (c) the grounds for the proposed variation, provided always that such grounds are consistent with the Authority's statutory obligations and the requirements of the Zoning Plan and other applicable legislation.

No agreement or understanding varying this MOU will have any force or effect unless in writing and agreed to by both parties.

Communication and consultation

A notice, consent, or other communication given under this MOU must be in writing and sent to the address nominated below, for the attention of the principal contact specified below, or such other address and/or principal as may be notified in writing by certified mail, personal delivery for which a receipt is obtained, or facsimile for which acknowledgment of receipt has been obtained. The address must include a physical or street address, post office box number(s), telephone and/or facsimile number(s) and/or electronic mail addresses.

Any change of principle contact information must be notified in writing to the Authority within 14 days of such change, to the Manager - Environmental Management Systems at the Authority.

Authority's Details:

Principal contact: Manager – Environmental Management Systems

Address: Great Barrier Reef Marine Park Authority
2-68 Flinders Street
TOWNSVILLE QLD 4810

PO Box 1379
TOWNSVILLE QLD 4810

Telephone: (07) 4750 0700

Facsimile: (07) 4772 6093

Institution's Details:

Principal contact: Professor T. Norman Palmer
Pro Vice Chancellor (Research and International)

Address: Office of the Pro Vice Chancellor (Research and International)
James Cook University
Townsville QLD 4811

Telephone: (07) 4781 6884

Facsimile: (07) 4781

Email: norman.palmer@jcu.edu.au

Managing Research Activities

The Authority encourages the Institution to adopt appropriate environmental practices and standards, and to have an ongoing commitment to improve those practices and standards in all activities undertaken in the Marine Park to help protect the GBR.

In order for the Authority to accredit an educational or research institution, it must be satisfied that the institution:

- (a) has adopted appropriate environmental practices and standards (including instruction and training of personnel); and
- (b) has an ongoing commitment to improve those practices and standards;

relating to research being undertaken in the Marine Park by the institution or on its behalf.

Note: It is expected that an ongoing commitment to improve practice standards be demonstrated by regular review of these practices and a commitment to improving these practices inline with any new information about best environmental practice. In addition, an accredited institution must demonstrate a commitment to training researchers working in the Marine Park with regards to the content of the MOU and provision of update practices to these researchers.

A summary of the Legal Requirements and Best Environmental Practices and Standards have been prepared for a range of activities and can be found at http://www.gbrmpa.gov.au/corp_site/key_issues/tourism/best_environmental_practice.html.

These also apply to research activities:

- Anchoring
- Bird Watching
- Boating
- Collecting
- Diving and Snorkelling
- Dugong Watching
- Fishing
- Moorings
- Motorised Water Sports
- Reef Walking
- Spear Fishing
- Turtle Watching
- Waste Disposal
- Whale and Dolphin Watching
- Yachting

The Institution hereby adopts these environmental practices and standards as its own, and will ensure that all researchers and other personnel to whom the Institution has issued a letter of authorisation under this MOU, are informed of, and comply with, these practices and standards.

Recognising that these practices and standards may change and/or be updated and/or extended over time, the Institution agrees to ensure that all researchers and other personnel to whom the Institution has issued a letter of authorisation under this MOU, are informed of, and comply with, any such changes, updates or extensions.

In addition to the above, the Institution will ensure that all researchers and other personnel to whom a letter of authorisation is given under this MOU, are informed of, and comply with, the following. In the event of the researcher or other personnel failing to comply with any such requirement, the Institution itself agrees to so comply.

- Recognising that the Marine Park is a multiple use marine park, that all researchers and other personnel are aware of other users (eg tourists, traditional owners, commercial fishers etc) in any area where research is being conducted and that they minimise the potential for negative interactions whenever possible.

- The Institution will encourage researchers and other personnel to learn more about the tradition, culture and heritage of Aboriginal and Torres Strait Islander people and to respect the values and many special cultural and heritage sites of Traditional Owners throughout the Marine Park.
- That all researchers and other personnel must be familiar with all relevant requirements and restrictions applying under this MOU, the Zoning Plan, the *Great Barrier Reef Marine Park Act 1983*, relevant Plans of Management, and the *Great Barrier Reef Marine Park Regulations 1983* as relevant to the researchers program.
- That all researchers and other personnel lodge in an appropriate curated museum collection within Australia, a portion of any new taxonomic material (including all holotypes and at least half the number of paratypes of new species) collected as part of a research project in the Marine Park.
- That all vessels used in connection with the research are clearly marked "Research Vessel" while being used for those activities in the Marine Park.
- That all equipment, including minor research aids, placed in the Marine Park in connection with a research project is clearly marked with the name, institution and research project duration or, in the event that this information cannot be placed on the equipment, the researcher must record a dGPS or GPS location for the equipment. The GPS location should be lodged with the Director - Environmental Impact Management, GBRMPA, on placement of the apparatus.
- That all research activities are undertaken in accordance with the provisions of the laws in force from time to time in the State of Queensland.
- That, within 30 days of concluding the research project in the Marine Park, all equipment and material used in connection with the project has been removed from the Marine Park. If for any unforeseen circumstances the Institution may not be able to remove the research equipment and material, the Authority must be notified, in writing, within the 30 day period providing reasons for the delay and providing a timetable for removal of the equipment and material.
- That when undertaking research in a part of the Scientific Research Zone in the vicinity of the locations listed below, the researcher must discuss the study sites with the appropriate person (as specified), and comply with any approved Environmental Management Plan for conducting research in that area:

LOCATION

APPROPRIATE PERSON

- | | |
|---------------------------------|--|
| • Day Reef SR-14-2001 | Co-Directors, Lizard Island Research Station |
| • Yonge Reef SR-14-2002 | Co-Directors, Lizard Island Research Station |
| • MacGillivray Reef SR-14-2003 | Co-Directors, Lizard Island Research Station |
| • Lizard Island Reef SR-14-2004 | Co-Directors, Lizard Island Research Station |

- North Direction Reef SR-14-2005 Co-Directors, Lizard Island Research Station
- Green Island Reef SR-16-2006 Manager, Monkman Research Station
- Orpheus Island north SR-18-2007 Manager, Orpheus Island Research Station
- AIMS SR-19-2008 Director, Australian Institute of Marine Science
- Heron Island Reef east SR-23-2009 Station Manager, Heron Island Research Station
- One Tree Island Reef SR-23-2010 Resident Officer, One Tree Island Research Station

In addition to the above, the Institution hereby agrees:

- That within 60 days of signing this MOU, the Institution will have in place a Code of Conduct for the conduct of research in the Marine Park.
- For the duration of this MOU, that the Institution will at its own cost, take out, keep in full force and effect, and comply with the following policies of insurance:
 - (a) public liability insurance to the value of at least \$5,000,000 with a reputable insurance company, such policy to provide insurance against risks of personal injury (including death) and property damage;
 - (b) to the extent applicable, workers' compensation insurance;

in respect of research and associated activities being undertaken in the Marine Park by or on behalf of the Institution (including all researchers and other personnel to whom a letter of authorisation has been issued by the Institution).

- The Institution must each and every 12 months, forward to the Authority a report detailing the research projects conducted under this MOU in the Marine Park in the preceding 12 month period, together with copies of final publications and a list of progress reports and/or field reports arising from such projects.

Revocation of accreditation

The Authority may revoke accreditation of an accredited educational or research institution by publication of a notice in the *Gazette*, if the Authority is satisfied that the institution:

- (a) has ceased to hold appropriate environmental practices and standards; or
- (b) no longer has the commitment to improve those practices and standards;

relating to research being undertaken in the Marine Park by the institution or on its behalf.

Matters which may lead the Authority to revoke accreditation of an accredited educational or research institution, include:

- (a) the Authority considers that the accredited educational or research institution and/or any person undertaking research with the written authorisation of such institution has contravened the terms or conditions of this MOU; or

- (b) the accredited educational or research institution and/or any person undertaking research with the written authorisation of such institution, has failed to comply with a lawful direction given by or on behalf of the Authority; or
- (c) the Authority has grounds for concern about the ecological sustainability of the research.

Note: This is not intended to be an exhaustive list.

Review of Revocation of accreditation

Where the Authority has revoked the accreditation of an accredited educational or research institution, the Institution may request a review of this revocation within 21 days after the revocation date. The request for review of the revocation must be made in writing and be accompanied by a written statement of the reasons for making the request. The Authority will review the revocation decision and provide a written response to the Institution within 40 days of the date of receipt of the review request.

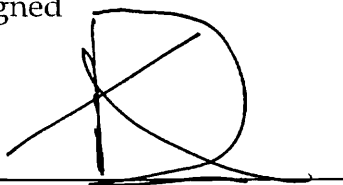
Register of Accredited Institutions and related information

The Authority must keep a register of accredited educational or research institutions, and information and documentation related thereto.

The register may be kept:

- (a) solely in electronic form; or
- (b) in any form that the Authority decides.

Signed



Prof. T. Norman Palmer
PVC (Research and International)
James Cook University

Date 25 . 8 . 04

Signed:

Delegate of the
Great Barrier Reef Marine Park Authority

Date