



Enforcement powers of Indigenous Rangers in the Great Barrier Reef

Traditional owners have managed and cared for Sea Country within the Great Barrier Reef since time immemorial. This management continues today in many forms, including relevantly via Indigenous Ranger programs.

However, there are currently limits on the ability of Traditional Owners to effectively manage their Sea Country, as Indigenous Rangers do not hold powers to enforce compliance with legislation within the Great Barrier Reef.

Enforcement powers in the Great Barrier Reef

There are a number of pieces of legislation that apply to the Great Barrier Reef. These pieces of legislation create powers for certain people to enforce compliance with the law. These individuals are often employees of state or federal departments, such as the Great Barrier Reef Marine Park Authority (**Reef Authority**) and the Queensland Department of Environment, Science and Innovation. These laws and the enforcement powers they create are set out in detail at **Attachment 1**.

Powers of Indigenous Rangers

Indigenous Rangers undertake a range of activities to manage and care for Sea Country within the Great Barrier Reef. However, Indigenous Rangers do not have any legislated powers to enforce non-compliance with legislation within the Great Barrier Reef. This renders Traditional Owners reliant on the presence of Marine Park Inspectors or other individuals with enforcement powers to effectively manage their Sea Country.

There are a number of existing initiatives and programs which have provided opportunities for Indigenous Rangers to undertake training to become accredited as Marine Park Inspectors under the *Great Barrier Reef Marine Park Act 1975* (Cth) (**GBRMPA**), or to participate in compliance activities undertaken by other agencies.

Accreditation as Marine Park Inspectors

In 2015, funding was provided for 20 Indigenous Rangers to complete a Certificate IV in Government Statutory Compliance and then become accredited as Marine Park Inspectors under the GBRMPA.[1] In 2017, further funding was allocated over three years to provide 40 further Indigenous Rangers with access to this training.[2]

However, these programs do not appear to have continued, meaning that Traditional Owner organisations that were not able to participate in the initial programs will not have any Indigenous Rangers with compliance training. Such programs are also reliant on continued government funding.



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Participation in compliance activities

The Reef Joint Field Management Program, delivered jointly by the Reef Authority and the Queensland Parks and Wildlife Service (**QPWS**), seeks to include Indigenous Rangers in compliance activities within the Great Barrier Reef World Heritage Area.

In 2021, 17 per cent of dedicated compliance days (163 of 981 days) were delivered with trained Indigenous Rangers or First Nations people within the Reef Joint Field Management Program, while four per cent (43 of 981 days) included trained Indigenous Rangers who undertook compliance training.[3]

However, this approach of joint management leaves Traditional Owners reliant on the presence of the Reef Authority and QPWS to effectively manage their Sea Country. Indigenous Rangers who observe non-compliance outside of these limited compliance days are unable to immediately and effectively enforce applicable legislation when they are managing and caring for Country.

Importance of enforcement powers for Indigenous Rangers

Traditional owners within the Great Barrier Reef hold cultural responsibilities to care for their Sea Country. Through Indigenous Rangers, Traditional owners are able to act on these responsibilities, and actively manage and care for their Countries. However, Indigenous Rangers are limited in their abilities to effectively fulfil these responsibilities, as they do not hold any enforcement powers to ensure legislative compliance within the Great Barrier Reef.

While some Indigenous Rangers have had the opportunity to undertake compliance training and become accredited as Marine Park Inspectors, the programs that provided these opportunities do not appear to have continued. This leaves Indigenous Rangers reliant on the presence of enforcement officers from state and federal departments to effectively regulate non-compliance on their Sea Country.

Opportunities for increased enforcement powers

If Traditional owners are to be able to fulfil their cultural responsibilities to care for their Sea Country, they require effective mechanisms to enforce compliance on their Countries. Indigenous Rangers are already actively managing Sea Country within the Great Barrier Reef on a daily basis, and would be able to do so more effectively if they held powers to enforce compliance with legislation within the Great Barrier Reef.

There may be opportunities for amendments to be made to the relevant Commonwealth and State legislation (see **Appendix 1**) to extend enforcement powers of compliance officers to Indigenous rangers, to achieve this goal.

Footnotes

[1] <https://www.indigenous.gov.au/news-and-media/stories/indigenous-rangers-protecting-great-barrier-reef>

[2] <https://www.indigenous.gov.au/news-and-media/stories/40-rangers-patrol-great-barrier-reef>

[3] Reef Joint Field Management Program, *Annual Report Summary 2021-22* (2022) 22.

Attachment 1 - Enforcements Powers in the Great Barrier Reef

Legislation	Application	Enforcement officer	Eligibility	Enforcement Powers
<p>Great Barrier Reef Marine Park Act 1975 (Cth) (GBRMPA)</p> <p>Great Barrier Reef Marine Park Regulations 2019 (Cth) (GBRMPR)</p>	Great Barrier Reef Marine Park	Marine Park Inspectors	<p>The Great Barrier Reef Marine Park Authority can appoint any person to be an inspector, and can specify the powers they may exercise.</p> <p>(s 43(1) GBRMPA)</p>	<p>Powers to enforce compliance with the GBRMPA and GBRMPR, including to:</p> <ul style="list-style-type: none"> • give reasonable directions • require people to leave the Marine Park • require people to provide permission or permits • issue infringement notices <p>(ss 240-250 GBRMPR)</p>
<p>Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)</p>	Great Barrier Reef World Heritage Area	Inspectors	<p>The Minister may, in writing, appoint a person to be an inspector. Each of the following is also an inspector:</p> <ul style="list-style-type: none"> • members of the Australian Federal Police • persons appointed as an inspector under the GBRMPA • customs officers <p>The Minister may enter into an arrangement for public service employees or police officers of a state or territory to be inspectors.</p> <p>(s 396-398 EPBC Act)</p>	<p>Powers to:</p> <ul style="list-style-type: none"> • board vehicles, vessels and aircraft • access premises • search and take things into possession • ask for a person's name and address • enforce compliance with the GBRMPA and GBRMPR <p>(ss 403-428, 444 EPBC Act; s 43(1) GBRMPA)</p>
<p>Coastal Protection and Management Act 1995 (Qld) (CPMA)</p> <p>Coastal Protection and Management Regulation 2017 (Qld) (CPMR)</p>	<p>The coastal zone, being Queensland waters and land shown as the coastal zone on the coastal zone map</p> <p>(s 15 CPMA)</p>	Authorised Person	<p>The chief executive may appoint the following as an authorised person:</p> <ul style="list-style-type: none"> • public service officers • Department of Environment, Science and Innovation (DESI) employees • other persons prescribed in regulation as “authorised persons” <p>A person may be appointed as an authorised person only if:</p> <ul style="list-style-type: none"> • in the chief executive's opinion, the person has the necessary expertise or experience to be an authorised person; or • the person has satisfactorily finished training approved by the chief executive <p>(ss 125, 127 CPMA)</p>	<p>Powers to conduct investigations and inspections to monitor and enforce compliance with the CPMA, including to:</p> <ul style="list-style-type: none"> • inspect or survey the land or works on the land • remain on the land for a reasonable time • require persons committing or suspected of committing an offence under the CPMA to state their name and address and give evidence of the accuracy of their answer <p>(ss 126, 129, 134, 137 CPMA)</p>
<p>Environmental Protection Act 1994 (Qld) (EPA)</p> <p>Environmental Protection Regulation 2019 (Qld) (EPR)</p>	<p>Great Barrier Reef catchments</p> <p>(s 75(1) EPA)</p>	Authorised Person	<p>The chief executive may appoint the following as an authorised person:</p> <ul style="list-style-type: none"> • public service officers • DESI employees • a person included in a class of persons declared by regulation to be an approved class of persons <p>Administration and enforcement may also be delegated to a local government, whose chief executive officer may appoint an employee of the local government to be an authorised person.</p> <p>A person may be appointed to be an authorised person only if, in the opinion of the chief executive, the person has the necessary expertise or experience to be an authorised person.</p> <p>(s 445 EPA; s 143 EPR)</p>	<p>Powers to:</p> <ul style="list-style-type: none"> • enter land and vehicles • search, inspect, examine, test, measure, photograph, film, the vehicle/place or anything in/on it (and seize samples) • require people to state their name and address and to answer a question about a suspected offence or produce for inspection various documents • give an emergency direction <p>(ss 447, 452-461, 464-467 EPA)</p>

Legislation	Application	Enforcement officer	Eligibility	Enforcement Powers
<p>Fisheries Act 1994 (Qld) (FA)</p> <p>Fisheries (General) Regulation 2019 (Qld) (FGR)</p>	<p>Land within the limits of the State, and Queensland waters</p> <p>All recreational fishing (by Australian boats) in the Australian fishing zone that is the adjacent area for Queensland, and activities in the Australian fishing zone to which a State law cooperative fishery applies</p> <p>(s 11 FA)</p>	Inspector	<p>The chief executive may appoint the following as an inspector:</p> <ul style="list-style-type: none"> employees of the Department of Agriculture and Fisheries officers of the public service police officers an employee of a local government a person with relevant knowledge of fisheries resources or fish habitat in a particular area a person appointed to enforce other fisheries legislation other persons prescribed by regulation <p>The chief executive may appoint a person as an inspector only if:</p> <ul style="list-style-type: none"> in the chief executive's opinion, the person has the necessary expertise or experience to be an inspector; or the person has satisfactorily finished training approved by the chief executive <p>(s 140 FA; s 132 FGR)</p>	<p>Powers to conduct investigations and inspections to monitor and enforce compliance with the FA, including powers to:</p> <ul style="list-style-type: none"> enter and search a place, boat or vehicle seize evidence stop persons require people to state their name and address, answer questions about a suspected offence or produce for inspection various documents. <p>(ss 140A-156A, 170-173A FA)</p>
<p>Marine Parks Act 2004 (Qld) (MPA)</p> <p>Marine Parks (Declaration) Regulation 2006 (Qld) (MPDR)</p> <p>Marine Parks Regulation 2017 (Qld) (MPR)</p>	<p>Queensland state marine parks, including the Great Barrier Reef Coastal Marine Park</p> <p>(s 8 MPA; s 9 MPDR)</p>	Inspector	<p>The chief executive may appoint the following as an inspector:</p> <ul style="list-style-type: none"> a public service employee an APS employee an employee of a local government a police officer another individual (with their consent) <p>The chief executive may appoint an individual as an inspector only if they are satisfied the individual is qualified for appointment because the individual has the necessary expertise or experience.</p> <p>(s 52 MPA)</p>	<p>Powers to investigate, monitor and enforce compliance with the MPA, including powers to:</p> <ul style="list-style-type: none"> enter and search a place require people to state their name and address and to answer a question about a suspected offence or produce for inspection various documents stop persons give directions to leave an area board or enter a vessel, vehicle or aircraft seize evidence give a compliance notice give directions in an emergency remove property restore the environment bring a proceeding for enforcement orders <p>(ss 52A- 59-93, 99, 100-104, 109, 111 MPA)</p>
<p>Nature Conservation Act 1992 (Qld) (NCA)</p> <p>Nature Conservation (Protected Areas Management) Regulation 2017 (Qld) (NCPAMR)</p> <p>Nature Conservation (Protected Areas) Regulation 1994 (Qld) (NCPAR)</p>	<p>Protected areas, including national parks, conservation parks, resources reserves, special wildlife reserves, nature refuges and coordinated conservation areas</p> <p>(s 14 NCA; Schedules 1-6 NCPAR)</p>	<p>Conservation officer</p> <p>Honorary protector</p>	<p>The Minister may appoint the following to be a conservation officer:</p> <ul style="list-style-type: none"> an employee of DESI a public service officer a police officer another individual (with their consent) <p>The Minister may appoint a qualified person, with their consent, to be an honorary protector.</p> <p>A qualified person is a person who:</p> <ul style="list-style-type: none"> in the Minister's opinion, has the necessary expertise or experience to be an honorary protector; or has satisfactorily completed a course of training approved by the Minister. <p>(ss 127, 128 NCA)</p>	<p>A conservation officer has powers to investigate, monitor and enforce compliance with the NCA, including powers to:</p> <ul style="list-style-type: none"> stop and search vehicles, boat or aircraft enter and search a place require people to state their name and address require information about an offence require production of licences and permits seize things for protection of native wildlife give reasonable directions in a protected area <p>An honorary protector has the powers of a conservation officer to require a person to state their name and address, and any other powers prescribed by the Minister.</p> <p>(ss 127A, 144-154D NCA; ss 93, 94, 113, 115, 120, 126, 133, 143, 151, 152 NCPAR)</p>