

# Chapter 4

## Protecting the marine environment

While utilisation decisions made over the last two hundred years have foreclosed some options for the inclusion of many ecological communities in the reserve system, especially in the terrestrial reserve system, Australia still has the opportunity for a truly representative system of MPAs.<sup>1</sup>

4.1 Australia's marine jurisdiction is one of the largest in the world at 16.1 million square kilometres. The mainland coastline, including Tasmania, is almost 70,000 km long and Australia's seas encompass all five oceanographic climatic zones from tropical to polar.<sup>2</sup> Australia's marine environment also covers a range of depth zones, from the intertidal, continental shelf (0 – 200 m), continental slope (200 – 1000 m), deep-sea mounts, and to the abyssal plains (4000 – 6000 m).<sup>3</sup> This vast marine jurisdiction contains a wide range of habitat types which supports a vast diversity of species, ecological communities, and ecosystems. As the Australian Marine Science Association submitted, habitats include:

- estuaries (>1000, only 50% considered to be pristine)
- rocky reefs (estimated to support 50% of our temperate fisheries)
- coral reefs (360 coral species in GBR; 300 species in Ningaloo, WA)
- mangrove systems (43 species, the highest in the world)
- seagrass systems (30 species, the highest in the world)
- beaches and dunes (50% of our coastline).<sup>4</sup>

4.2 The immensity and the uniqueness of Australia's marine environment was noted by many submitters<sup>5</sup> as was the importance of maintaining healthy marine ecosystems for biodiversity conservations and sustainable fisheries.

## Managing the marine environment

4.3 The management of Australia's marine environment is shared between the Australian, states and Northern Territory governments. The states and Northern Territory governments are primarily responsible for areas up to three nautical miles

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- 1 Australian and New Zealand Environment and Conservation Council, *Guidelines for establishing the National Representative System of Marine Protected Areas*, December 1998, p. 3.
  - 2 Australian Marine Conservation Society, *Submission 184*, p. 2.
  - 3 Australian Marine Sciences Association, *Submission 125*, Attachment 3, p. 2.
  - 4 Australian Marine Sciences Association, *Submission 125*, Attachment 3, p. 2.
  - 5 Australian Marine Conservation Society, *Submission 184*; Australian Marine Sciences Association, *Submission 125*, Attachment 1, p. 2; WWF Australia, *Submission 161*.

out from the territorial sea baseline (generally the low water mark). The Australian Government is responsible for all other waters within the outer limit of Australia's 200 nautical mile exclusive economic zone (EEZ). As the Department of Environment and Water Resources informed the committee:

The location of the Australian Government protected areas reflects the Commonwealth's constitutional responsibility for territories accepted by the Commonwealth under s.122 of the Constitution and for external affairs. In relation to marine protected areas, it reflects also Australia's rights and obligations under the United Nations Convention on the Law of the Sea with respect to the territorial sea and exclusive economic zone and takes account of the Offshore Constitutional Settlement between the Australian Government and the states and Northern Territory.<sup>6</sup>

## **Marine protected areas**

4.4 The need to provide a level of protection for sections of the marine environment is widely supported. The Australian Marine Science Association (AMSA) submitted that:

Terrestrial National Parks are widely accepted as critical for protection of land-based ecosystems. AMSA considers that an equivalent level of protection is appropriate for Australia's marine environment. An increasing number of international scientists are also advocating the creation of marine reserves to reverse declines in the health of marine ecosystems world-wide.<sup>7</sup>

4.5 A Marine Protected Area (MPA) is an area of marine environment, reserved by law, to protect all or part of the enclosed environment. The World Commission on Protected Areas (IUCN) defines a protected area as:

an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources, and managed through legal or other effective means (IUCN, 1994).<sup>8</sup>

4.6 The South Australian Department of Environment and Heritage note that the term 'marine protected area' is a generic term used to encompass a broad variety of protected areas in the marine environment. Each marine protected area may differ considerably in its objectives, size and the level of protection that it offers. Some examples of MPAs include:

- Aquatic Reserves
- Marine Sanctuaries and Reserves

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6 Department of the Environment and Heritage, *Submission 126*, p. 1.

7 *Submission 125*, p. 3.

8 *Submission 137*, p. 5.

- Historic Shipwreck zones
- National Parks with a marine extent, and
- Marine Parks.<sup>9</sup>

4.7 The Australian Government manages a number of marine protected areas located within Commonwealth waters. The Director of National Parks has delegated the management of 12 marine protected areas declared under the *Environment Protection and Biodiversity Conservation Act 2002* to the Marine Division of the Department of the Environment and Water Resources. The Division has three branches: The National Oceans Office, The Marine Conservation Branch, and, The Marine Environment Branch.<sup>10</sup>

4.8 In other jurisdictions, marine reserve systems vary significantly in their extent, management zonings, budgets and administration, as was evident from survey work undertaken for the Marine and Coastal Community Network (MCCN).<sup>11</sup>

#### *New South Wales*

4.9 In NSW, the Marine Park Authority in conjunction with NSW Fisheries and the NSW National Parks and Wildlife Service is responsible for managing marine parks for conservation of marine biodiversity and to maintain ecological processes. The Authority reports to both the NSW Minister for the Environment and the Minister for Primary Industries.<sup>12</sup>

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9 South Australian Department of Environment and Heritage, <http://www.environment.sa.gov.au/coasts/mpas/background.html>, accessed 18 September 2006.

10 Department of the Environment and Heritage, <http://www.deh.gov.au/md/index.html>, accessed 22 May 2006.

11 *Submission 193*, Attachment 2.

12 Marine parks are established under the *Marine Parks Act 1997* and aim to conserve biodiversity by protecting representative samples of the habitats in each bioregion. Zoning and operational plans are used to guide the protection of conservation values and manage activities that occur within the marine park. Four zones are used in marine parks - sanctuary zones, habitat protection zones, general use zones and special purpose zones.

Aquatic reserves are relatively small areas declared under the *Fisheries Management Act 1994* to conserve the biodiversity of fish and marine vegetation. They protect fish habitats, and can also be used specifically for fisheries management purposes, to protect threatened species, facilitate educational activities, or scientific research.

National parks and nature reserves are established under the *National Parks and Wildlife Act 1974*. All land (including submerged land) and all native plants and animals (except fish and marine vegetation) are protected within parks and reserves. Coastal parks and reserves often extend to low water and beyond, and sometimes include the beds of adjoining lakes or estuaries.

*Victoria*

4.10 The Victorian Department of Sustainability and Environment manages the land and resources of Victoria's 2000 kilometres of coastline and marine habitats. The Department delegates responsibility for the management of this coastal and marine environment to Parks Victoria. In November 2002 Victoria established thirteen marine national parks and eleven marine sanctuaries. Together the parks and sanctuaries cover nearly 54 000 hectares or 5.3 per cent of Victoria's marine waters.<sup>13</sup>

*South Australia*

4.11 The South Australian Department of Environment and Heritage is responsible for the management of over 60 000 km<sup>2</sup> of near shore territorial waters and a coastline which extends 4250 km (excluding the islands). The Natural and Cultural Heritage directorate of the Department for Environment and Heritage in South Australia is responsible for the development of strategies and policies relating to the department's Coast and Marine Conservation program. The program comprises two sub-programs – Coast and Marine Conservation Services and Coastal Protection Services – managed by the Coast and Marine Conservation Branch and the Coastal Protection Branch, respectively.<sup>14</sup>

4.12 On 1 September 2006, the Minister for Environment and Conservation, the Hon Gail Gago MLC, formally released the draft *Marine Parks Bill 2006* for public consultation. The draft Marine Parks Bill provides a legislative framework for the dedication, zoning and management of South Australia's marine parks. The South Australian Government has committed to developing 19 new marine parks within State waters by 2010.<sup>15</sup>

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13 Victorian Department of Sustainability and Environment, <http://www.dse.vic.gov.au/DSE/nrenem.nsf/childdocs/-2594CB2F087CB6D84A2567CA0081791F-108776D50A9F94004A256B660015507E?open>, accessed 18 September 2006.

14 South Australian Department of Environment and Heritage, <http://www.environment.sa.gov.au/coasts/about.html>, accessed 18 September 2006.

The role of the Coast and Marine Conservation Branch is to ensure the conservation and sustained productivity of South Australia's coastal, estuarine and marine environments. The role of the Coastal Protection Branch is to manage and protect coastal environments and assets across South Australia. The Coastal Protection Branch also provides technical and administrative assistance to the Coast Protection Board, which is the statutory authority responsible for managing the State's coastline and administering the *Coast Protection Act 1972*.

15 South Australian Department of Environment and Heritage, <http://www.environment.sa.gov.au/coasts/mpas.html>, accessed 18 September 2006.

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### *Western Australia*

4.13 Western Australia has a system of multiple-use marine conservation reserves. There are three types of reserve category: marine nature reserves, marine parks and marine management areas.

4.14 Marine nature reserves, along with sanctuary zones in marine parks, provide the highest level of environmental protection of all the marine conservation reserve categories, and are created for conservation and scientific research. They are no take areas or sanctuaries and allow low impact tourism activities. Hamelin Pool Marine Nature Reserve is currently the only marine nature reserve in Western Australia.

4.15 Marine parks are created to protect natural features and aesthetic values while allowing recreational and commercial uses that do not compromise conservation values. There are nine marine parks in Western Australia. Marine parks have four management zone options: sanctuary, recreation, general use and special purpose.

4.16 Marine management areas provide a formal integrated management framework over areas that have high conservation value and intensive multiple-use under the *Environmental Protection Act (EPA) 1986*. In a marine management area, conservation is a primary purpose within the broader purpose of managing and protecting the marine environment. Section 62 of the *Conservation and Land Management (CALM) Act 1984* classification of areas in marine management areas to facilitate management of a specific reserve, but this zoning is not mandatory as it is in marine parks. There are two marine management areas in Western Australia: Muiron Islands Marine Management Area and the Barrow Island Marine Management Area.<sup>16</sup>

### *Queensland*

4.17 The key management objectives for Queensland's multi-use marine parks are:

- to protect and preserve plants and wildlife, ecosystems and features of special scientific, archaeological or cultural importance;
- to encourage natural history appreciation and awareness; and
- to ensure the marine park remains a diverse, resilient and productive ecological system while allowing user groups to access its resources.

Each marine park has a zoning plan which defines the zones in the park and describes how each zone can be used.<sup>17</sup>

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16 Western Australian Department of Environment and Conservation, [http://www.naturebase.net/national\\_parks/marine/types.html#marine\\_parks](http://www.naturebase.net/national_parks/marine/types.html#marine_parks), accessed 23 October 2006.

17 Queensland Parks and Wildlife Services, [http://www.epa.qld.gov.au/parks\\_and\\_forests/marine\\_parks/managing\\_marine\\_parks/](http://www.epa.qld.gov.au/parks_and_forests/marine_parks/managing_marine_parks/), accessed 23 October 2006.

4.18 Over the past few years Queensland has amalgamated smaller marine parks along its coast to develop three state marine parks. These are the Great Barrier Reef Coast Marine Park, Moreton Bay Marine Park and the Great Sandy Marine Park. The state's best-known marine park is the Great Barrier Reef Marine Park (GBRMP) — a Commonwealth marine park jointly managed by the Great Barrier Reef Marine Park Authority (GBRMPA) and the Queensland Parks and Wildlife Service.

4.19 Having surveyed the status of the marine park estate in 2005, the Marine and Coastal Community Network's (MCCN's) summary of the situation in state and territory waters was:

- New South Wales has a comparatively small area (jurisdiction) with an MPA system that delivers limited protection (IUCN I & II), but it is comparatively well resourced.
- South Australia has a moderate area of MPA, largely dominated by the 1996 gazettal of the Great Australian Bight Marine Park, but offers only a small area of real protection (IUCN I & II), and has minimal resourcing.
- Queensland has a large area with reasonable to good protection (IUCN I & II) and appears well resourced. It would also appear to have good linkages with Commonwealth MPA process via the Great Barrier Reef Marine Park.
- Tasmania has a small to medium area with reasonable protection (IUCN I & II) but is under-resourced.
- The Northern Territory has a moderate area, but with very little real protection (IUCN I & II) and minimal resourcing.
- Victoria has a small area but with reasonable real protection (IUCN I & II) and appears well-resourced.
- Western Australia would appear to have a large area, but with limited real protection (IUCN I & II) and an undisclosed amount of resourcing.<sup>18</sup>

The committee recognises that things have changed in some jurisdictions since that time, but the survey is useful in highlighting the diversity of approaches to marine conservation around Australia, and the issue of how areas are zoned to provide protection, which will be discussed below.

4.20 The value of MPAs was acknowledged in a number of the submissions. The Australian Marine Science Association submitted:

MPAs may benefit human communities and marine environments in other ways. They may:

- provide educational opportunities,
- help sustain exploited species populations and their fisheries,
- improve scientific understanding of marine ecosystems,

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18 Marine and Coastal Community Network, *Submission 193*, p. 4.

- provide enriched opportunities for non-extractive human recreational activities,
- benefit regional communities through enhanced tourism activity.<sup>19</sup>

4.21 Mr Harold Adams from the Australian Association for Maritime Affairs noted that there are three essential areas in a comprehensive strategy for management of marine biodiversity and ecosystem processes under the IUCN system:

...firstly, strict protection reference incorporated within the strategy, with the establishment of site scale management through strictly protected areas, national parks or no-take reserves in which no harvesting of resources is permitted at any time; secondly, habitat protection through the establishment of habitat and species management areas where a range of activities including some harvesting of marine species may occur, provided that it does not damage or destroy the habitat or the survival of species; and, thirdly, sustainability, with large area ecosystem scale management of resources, uses and impacts to ensure that they are sustainable.<sup>20</sup>

### **A National Representative System of Marine Protected Areas**

4.22 On 18 June 1993, Australia ratified the Convention on Biological Diversity which came into force on 29 December 1993. At both the World Summit on Sustainable Development (2003) and the Conference of Parties to the Convention on Biodiversity (2004) the Australian government committed to a process for establishing representative networks of Marine Protected Areas (MPA's) worldwide by 2012.<sup>21</sup> The committee heard that:

The target of 2012 was set in recognition of the under-representation of marine habitats in protected areas, particularly in comparison to terrestrial protected areas, and due to the acknowledgment of the urgent need for greater protection of the world's oceans in the face of increasing threats.<sup>22</sup>

4.23 This commitment is being pursued in Australia under the initiative of the Australian and state and territory governments to establish the National Representative System of Marine Protected Areas (NRSMPA).<sup>23</sup> Australia's Oceans Policy (1999) outlines Australian Government actions towards the establishment of the NRSMPA in Commonwealth waters. The Commonwealth Marine Protected Area Programme, managed by the Marine Division of the Department, is the vehicle for establishing the NRSMPA as part of regional marine planning. The importance of Commonwealth leadership and the participation of the states in this process was highlighted by Mr Bohm:

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19 *Submission 125*, p. 3.

20 *Committee Hansard*, 16 June 2006, p. 27.

21 Australian Marine Conservation Society, *Submission 184*, p. 8.

22 Mr Richard Leck, WWF Australia, *Committee Hansard* 21 April 2006, p. 38.

23 Department of Environment and Heritage, *Submission 126*, p. 3.

We need a national network or networks of marine parks in both our offshore and our coastal zones. Their design and establishment should of course be led by the Commonwealth, but in coordination with the state and territory governments.<sup>24</sup>

4.24 Both the Australian and the state and territory governments have committed to the establishment of marine protected areas in line with the national representative system of marine protected areas. The committee was told that since 1992 significant progress has been made in all jurisdictions, with 78 new marine protected areas declared. Australia currently has 200 marine reserves around its coastline which cover 64.8 million hectares.<sup>25</sup>

4.25 The aim of the NRSMPA is to contribute to the long-term ecological viability of marine and estuarine systems, to maintain ecological processes and systems and to protect Australia's biological diversity at all levels. The NRSMPA consists of MPAs in Commonwealth, state and territory waters and some associated intertidal areas.

4.26 The primary goal of the NRSMPA is to build a national system of marine protected areas that will be:

- Comprehensive - include marine protected areas that sample the full range of Australia's marine ecosystems;
- Adequate - include marine protected areas of appropriate size and configuration to ensure the conservation of marine biodiversity and integrity of ecological processes; and
- Representative – include marine protected areas that reflect the marine life and habitats of the area they are chosen to represent.

4.27 Some secondary goals of the National Representative System of Marine Protected Areas include:

- to promote integrated ecosystem management;
- to manage human activities;
- to provide scientific reference sites;
- to provide for the needs of species and ecological communities; and
- to provide for the recreational, aesthetic, cultural and economic needs of Indigenous and non-Indigenous people, where these are compatible with the primary goal.<sup>26</sup>

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24 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 25.

25 Ms Donna Petrachenko, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 20 October 2006, p. 46.

26 Australian Marine Conservation Society, *Submission 184*, pp 3–4.



4.28 The Australian Marine Science Association (AMSA) argued that there are some features that should be incorporated into a nationally representative MPA, including:

biodiversity hot spots; known spawning aggregation sites of commercially, recreationally or ecologically important species; major feeding grounds for species...; representation of major habitat types like rocky reefs, seagrass meadows, kelp forests, coral reefs, sponge gardens, sea mounts et cetera; adequate proportions of shallower continental shelf areas versus deeper offshore regions because they have different ecosystem functions; and areas that incorporate important migration routes and pit stops.<sup>27</sup>

4.29 A number of scientific organisations were very supportive of the NRSMPA approach. The Australian Marine Science Association argued that the NRS would address the ad hoc and patchy approach to marine planning of the past:

AMSA considers the implementation of a National Representative System of Marine Protected Areas a policy question rather than a scientific decision; however, the benefits appear logical. Historically the implementation of Australian MPAs has been patchy and at times ad hoc. A national overview would seem prudent, to ensure consistency, share lessons learnt and facilitate other efficiencies.<sup>28</sup>

4.30 The NRSMPA approach is being implemented through consultation processes on a regional basis. There are five bioregional planning regions (Figure 4.1), with conservation proposals being developed for them on a staged basis.

4.31 On 14 December 2005, the Australian Government released proposals for a number of MPAs in Commonwealth waters of the South-east Marine Region off Tasmania, Victoria, eastern South Australia and far southern New South Wales. The Australian government identified the South-east Marine Region as the first of five Australian marine regions to undergo regional marine planning as part of the NRSMPA.<sup>29</sup> The proposed creation of protected areas within the South-east Marine Region was announced by the Minister on 5 May 2006,<sup>30</sup> with further consultations underway.<sup>31</sup>

4.32 Work has commenced on the establishment of MPAs in the South-west and North-west regions. It is anticipated that once these regions have been established the

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27 Dr Gina Newton, *Committee Hansard*, 16 June 2006, p. 39.

28 *Submission 125*, Attachment 1.

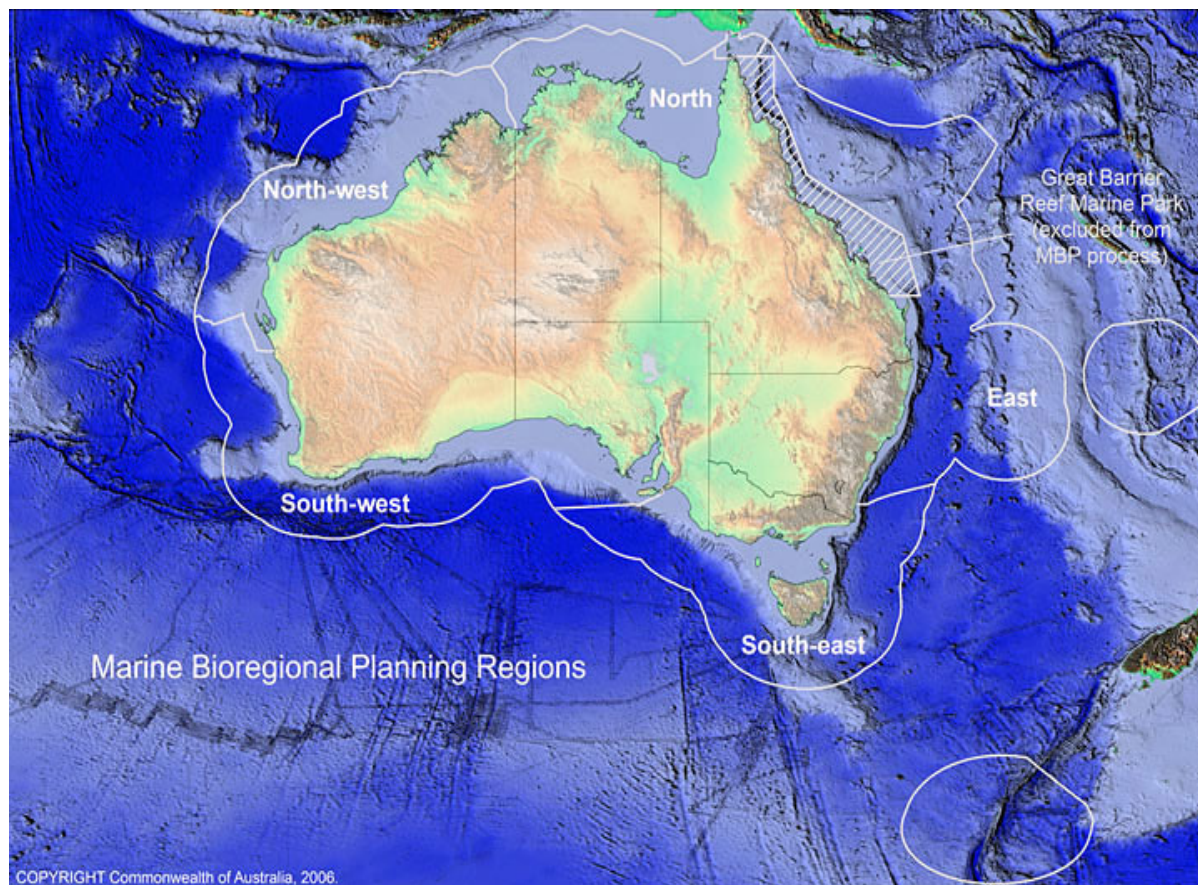
29 Ms Donna Petrachenko, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 48.

30 The Hon. Senator Ian Campbell, *Australia leads world with new Marine Protected Areas*, media release, 5 May 2006.

31 The Hon. Senator Ian Campbell, *National Marine Park network moves a step closer*, media release, 27 October 2006.

Commonwealth with then begin in the North, with the East making up the final region to be declared.

**Figure 4.1: Marine Bioregional Planning Regions**<sup>32</sup>



4.33 The Department of the Environment and Water Resources (DEW) anticipated that the Marine Bioregional Planning process will be completed by 2012.<sup>33</sup> Dr Kenchington from the Australian Association for Marine Affairs told the committee that while Australia is doing relatively well in the establishment of marine protected areas, compared with the rest of the world, it will be somewhere between 2067 and 2084 at current rates of progress before Australia reaches agreed targets.<sup>34</sup> Similarly, the Australian Marine Conservation Society raised concerns over meeting international targets by 2012:

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32 Department of Environment and Heritage, <http://www.deh.gov.au/coasts/mbp/regions.html>, accessed 24 October 2006.

33 Department of Environment and Heritage, *Marine Bioregional Planning*, <http://www.deh.gov.au/coasts/mbp/publications/pubs/mbp-brochure.pdf>, accessed 24 October 2006.

34 *Committee Hansard*, 16 June 2006, p. 28.

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Over the last five years however, timelines for the delivery of regional marine planning and the NRSMPA have continuously been stretched. Without increased recourses and renewed political commitment by the Australian government, Australia will not meet the 2012 target for a national system of marine protected areas.<sup>35</sup>

4.34 Similarly, Mr Richard Leck from WWF Australia argued:

In our submission, WWF outlined a number of ways in which we believe the roll-out of the NRSMPA can be improved, but in essence WWF believe that in order to fulfil its commitments the Australian government will need to provide greater resourcing and leadership... WWF see the additional resourcing as necessary to increase the momentum with which the NRSMPA roll-out can occur, not only to meet Australia's international commitments but also in recognition of the under-representation of large areas of Australia's waters in protected areas.<sup>36</sup>

4.35 The Department acknowledged that the time required for the process is much longer than had been originally anticipated.<sup>37</sup> However, Ms Petrachenko from the Marine Division of the Department of Environment and Water Resources told the committee that additional funds had been made available by the Government to enable objectives to be met:

...the government announced this year the \$37.7 million for us for the next four years, that will enable us to reach our objective, which is to complete the identification of marine protected areas in all Commonwealth waters, so around the EEZ, by 2012. That is in line with the international objective of having a complete network of MPAs.<sup>38</sup>

4.36 The establishment of the NRSMPA, while still in its early stages, has not been without impediments. During the course of this inquiry a range of issues were raised, such as problems in the consultation process and outcomes which were perceived as the result of forceful lobbying rather than scientific recommendations. A number of witnesses acknowledged the difficulty of this process. Mr Bohm from the Australian Marine Conservation Society told the committee:

To give the Commonwealth its due, regional marine planning is a fairly new idea. It is something that we as a country have embraced as a way of trying to grapple with better and integrated marine planning and management. It is a complex beast and I think it is going to take us some time to get our heads around what it means. In the meantime, people are

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35 *Submission 184*, p. 4.

36 *Committee Hansard*, 21 April 2006, p. 39.

37 Mr Stephen Oxley, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p 53.

38 Ms Donna Petrachenko, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 20 October 2006, p. 48.

still going to be sitting with their traditional focuses thinking, 'I hope nobody impacts on my territory'.<sup>39</sup>

4.37 The committee felt that as the NRSMPA process was so significant and necessary in order for Australia to meet its international obligations it was valuable to canvass the issues raised.

## Issues

### *Commonwealth and State partnerships*

4.38 The regional planning process to establish MPAs around Australia is occurring simultaneously at both the Commonwealth and state level. While the declaration of State marine parks is an area for each state and territory government, the Commonwealth's objective is to have complementary processes, respecting the authority of each jurisdiction. The NRSMPA seeks to establish complementarity between both the national and state systems of MPAs.

4.39 As the NRSMPA is an all-of-government agreement, both the states and Commonwealth governments need to share responsibility for its implementation.<sup>40</sup> However, the committee was made aware that some state governments were dissatisfied with the approach taken by the Commonwealth in the South-east region:

... the Commonwealth received quite a lot of encouragement from stakeholders and, through commonsense, went out and talked to the states trying to get them to sign on. The states did not like the deal they were being offered and they decided not to be involved.<sup>41</sup>

4.40 The Department acknowledges that while the state governments did not come on board as partners for the South-east they have begun negotiations with those governments involved in the next process:

At the beginning of the regional marine planning process, there were hopes that the states would be partners with that. That did not happen. That is why I mentioned earlier that we are hoping, with South Australia and Western Australia, to have an agreement with them to work cooperatively on complementary process in the future. We are hoping that will work out, and hopefully we will have some successful meetings next week.<sup>42</sup>

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39 *Committee Hansard*, 6 June 2006, p. 30.

40 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 33.

41 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 33.

42 Ms Donna Petrachenko, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 63.

4.41 A working group through the Australian Government Natural Resource Management (NRM) Ministerial Council and its subsidiary committees provides the vehicle through which Commonwealth officers can hold discussion with state and territory colleagues.<sup>43</sup>

4.42 The committee is pleased to see the Department entering into memorandums of understanding with relevant state and territory departments to progress the establishment of the NRSMPA in a more collegiate and therefore more timely manner. As Ms Petrachenko told the committee:

In that regard the department has recently entered into a memorandum of understanding with the Western Australian Department of Fisheries and Department of Environment and Conservation to enable us to take a cooperative approach to marine planning in the southwest marine region. The South Australian government is considering now whether to enter into a similar arrangement with us. The memorandum of understanding with Western Australia will be used as a model for planning in the north-west region, which is just beginning. We are looking for cooperation as well with the other states and the Northern Territory.<sup>44</sup>

### *The process*

4.43 The challenges in setting up the first MPA in the South-east region have been considerable. In large part the complexity of the task is attributable to the range of interest groups and stakeholder involved in the process and the outcomes which each sought. As the committee was told:

I think you have a significant set of challenges that revolve around the reality that the creation of marine protected areas, in one form or another, has the potential to be a resource re-allocation from commercial or recreational use to, potentially, biodiversity conservation at its highest level in a no-take area. That invariably presents challenges for all stakeholder interests, and you are always going to have a dynamic interchange between stakeholders who have different views.<sup>45</sup>

4.44 Sectorial interests, competition for resources and a degree of suspicion of the 'other side' were key stumbling block in the process:

The problem is where we have a sectoral competition which is saying, 'We want to take these areas for marine protection; we want to take these for

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43 Ms Donna Petrachenko, Marine Division, Department of the Environment and Heritage, *Committee Hansard* 16 June 2006, p. 62; Mr Stephen Oxley, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 63.

44 Ms Donna Petrachenko, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 20 October 2006, p. 46.

45 Mr Stephen Oxley, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 55.

fishing,’ and there is not a rationale which links them clearly. That is where sitting around a table turns into a screaming match.<sup>46</sup>

4.45 This was not viewed as a desirable process:

We have to make them work, particularly in relation to consultative frameworks, which are collaborative consultative frameworks rather than sectoral opposition frameworks in designing protected areas—and remembering that we do not manage marine areas; we manage what people do. It is about managing people.<sup>47</sup>

4.46 From the outset of the NRSMPA process, the Australian Government endeavoured to build a system that had a high level of stakeholder engagement and input. Mr Stephen Oxley outlined for the committee the process which the Department undertook in the establishment of the South-east MPA:

when the government put out its network of MPAs in December, it was a draft network of MPAs, a ‘best go’ based on our understanding of the science and of stakeholder interests, for public consultation—and for public consultation that contemplated the movement of both boundaries and of changes to zoning.<sup>48</sup>

4.47 Between the draft release and the network announced by the Minister at the beginning of May, there were significant changes to both boundaries and zoning in response to concern raised by the fishing and oil and gas sectors and also from the conservation sector.<sup>49</sup>

4.48 Despite evidence that the Department had engaged in consultations with a range of stakeholders and amended boundaries and zoning accordingly, the committee heard from some sectional groups that the process to establish the South-east MPA was problematic as the objectives for the process were unclear to many of the stakeholders. Mr John Harrison, from the Australian Recreational and Sport Fishing Industry Confederation told the committee:

Bring people into the debate and into the discussion when it starts and say: ‘This is what we are trying to achieve. This is the big picture and the long-term objective. How can you help us in that process? Where is it going to impact on you? What are the areas that are critical to the long-term requirements for your particular sector—again, whether it be rec or commercial?’ I think the best way to get an enemy is to force-feed

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46 Dr Richard Kenchington, Australian Association for Maritime Affairs, *Committee Hansard*, 16 June 2006, p. 28.

47 Dr Richard Kenchington, Australian Association for Maritime Affairs, *Committee Hansard*, 16 June 2006, p. 28.

48 Mr Stephen Oxley, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 56.

49 Mr Stephen Oxley, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 56.

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someone—you know, the carrot and the stick. But, if you encourage people to contribute and participate, to be involved and to be part of the solution, you will get a good outcome.<sup>50</sup>

4.49 The fishing industry saw that there was a need for a clear definition and enunciation of the objectives of the marine protected areas and of how the process was to be rolled-out. The committee heard evidence which suggested that while it is critical to set out the objectives of the MPA this is not enough. The process also needs to set out clear outcomes, such as catch limits:

I think the objectives should be clearly stated so that that committee can handle it, and it helps adjust borders or placing. So I think objectives are very important... [Just] to set aside protected areas is not enough to protect the marine scene, and I think it is pretty obvious. You really need an overall system which has perhaps catch limits for anglers or a total take limit for commercial fishers and so on, so that you try and manage the whole. But the marine protected areas are a vital part of that management system.<sup>51</sup>

4.50 There was industry support for the development of marine protected area networks whose principal objective was the identification and protection of marine areas of high conservation values.<sup>52</sup> However, there was industry suspicion that some of the areas earmarked for conservation were designed to address perceived weaknesses in fisheries management rather than conservation objectives.

I am saying that in the future it should be clear from the outset what the objectives of the marine protected area are, and it should be clear from the outset that it is not about fisheries management. It seemed to us that we had to establish that clearly during our process.<sup>53</sup>

4.51 This opinion was galvanised during the negotiation and discussion phases to establish the South-east MPA when the fishing industry felt that the process was more about issues of fisheries management rather than conservation. From industry's perspective, this led to the view that the industry was fighting a threat rather than working collegially to develop a better conservation outcome.<sup>54</sup>

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50 *Committee Hansard*, 21 April 2006, p. 50.

51 Professor Frank Talbot, Australian Marine Sciences Association, *Committee Hansard*, 16 June 2006, p. 43.

52 Mr Peter Franklin, Commonwealth Fisheries Association, *Committee Hansard*, 16 June 2006, p. 13.

53 Mr Peter Franklin, Commonwealth Fisheries Association, *Committee Hansard*, 16 June 2006, p. 15.

54 Mr Peter Franklin, Commonwealth Fisheries Association, *Committee Hansard*, 16 June 2006, p. 15.

4.52 The Department acknowledged that there was a need to more clearly define the process in establishing an MPA,<sup>55</sup> but refuted claims that policy objectives were not put on the table at the beginning of the process:

I think one of the key parts ... is to state up front what the overall policy objectives are, what the objectives for the marine protected areas are. We did that in the south-east, based on detailed scientific specifications that said, 'In each of these areas, these are the important features,' whether it be sea mounts, critical habitats or specific species. So it is very important to have that up front.<sup>56</sup>

4.53 Concerns were raised by the fishing industry that they were not involved in the process prior to the release of the draft plan. Mr Neil MacDonald from the South Australian Fishing Industry Council:

We believe it can only happen with the full understanding of the impacts of such proposals. Decisions then need to ensure that there are improved outcomes and that this type of work is a prerequisite to management models, and that is clearly a case where the industry is of the view that it should not be necessary for it to have to fight rearguard actions. When draft plans are put on the table, we would like to consider that the planning process is rigorous enough that it actually seeks the correct information and then balances it up before it releases even a draft plan, let alone seeks to finalise an arrangement.<sup>57</sup>

4.54 Similar concerns were raised by Narooma Port Committee regarding planning processes for the creation of Batemans state marine park in NSW.<sup>58</sup>

4.55 However, the committee believes that such concerns are generally unwarranted. It is the Department's brief to draw up draft plans based on the scientific data available and not on the interests of particular sections of the community. There is clearly a difference between the argument that a group was not adequately consulted, or was not consulted earlier enough in the process, and the fact that some interests may be disappointed with the outcome of the process and may therefore seek to dismiss it. As Mr John Harrison from the Australian Recreational and Sport Fishing Industry Confederation told the committee:

In a lot of cases where they do not like the outcome they will say they have not been consult[ed] properly. That needs to be recognised—and I think any level-headed person will recognise it. But what we are saying is, 'Get the processes in place so that the consultation can take place from the start.' If the outcome is not to the liking of the person, tough. If they have had a fair

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55 Mr Stephen Oxley, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 53.

56 Ms Donna Petrachenko, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 55.

57 *Committee Hansard*, 6 June 2006, p. 15.

58 *Submission 127*, pp 4–6.



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shot, a fair hearing and opportunities to have an input and do not get exactly what they want and want to pick up their bat and ball and go home, let them. The reality is, as I said, that you are not going to stop the tide; MPAs are here to stay. But we want to be able to have an opportunity to influence the outcome. Whether your influence works is a completely different set of questions.<sup>59</sup>

4.56 Mr Stephen Oxley from the Department of Environment and Water Resources also noted that while some stakeholders did not like the outcome the Department had always sought stakeholder input into the process:

Not all stakeholders have liked the way we have done that, but we have tried to never go out to stakeholders with a *fait accompli*.<sup>60</sup>

4.57 The committee notes that a process where goals are unclear can encourage stakeholders to circumvent consultation procedures:

It is that lack of leadership and direction-setting. What are we trying to aim for; what is the target? Those questions are at the core of any achievement. In my view, the south-east marine protected area process was a classic example of where that failed. The biodiversity targets were not set, so people did not know what they were working towards and so they worked through a 'process process' and then everybody jumped towards the politicians to try to get the biggest chunk of the pie for their interests. That is a fatally flawed way of trying to manage our marine resources and our marine natural heritage.<sup>61</sup>

### ***The fishing sector***

4.58 Under offshore constitutional arrangements the states and Commonwealth have agreed that certain fisheries would be managed by the states, some would be jointly managed, and the Commonwealth would also manage some fisheries. In such a complex management environment there is a range of national and state bodies which represent the interests of Australian fishing and seafood industries. At a national level the Commonwealth Fisheries Association (CFA) represents the interests of those operating in Commonwealth fisheries. The CFA's membership includes fishers operating in the following commercial fisheries:

- Northern Prawn Fishery;
- South East Trawl Fishery;
- Gillnet Hook and Trap Fishery;
- Great Australian Bight Fishery;

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59 *Committee Hansard*, 21 April 2006, p. 53.

60 Mr Stephen Oxley, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 56.

61 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 27.

- Western Tuna Fishery;
- Southern Bluefin Tuna Fishery;
- Sub-Antarctic Fisheries;
- Coral Sea Fisheries;
- East Coast Tuna and Billfish; and
- Southern Squid and Bass Strait Scallop fisheries.<sup>62</sup>

4.59 The industry has a clear interest in ensuring that fishing stocks are well managed. The committee was told about the strong incentives for fishermen to manage the fish stock responsibility:

In fact, if you look at it bluntly, it is my members who have more to lose than anybody through the poor conservation of fisheries resources. They are the ones who have statutory fishing rights and they are the ones who have invested millions of dollars in fishing vessels and onshore facilities. It is certainly in their interests not to overfish in the longer term but to take a responsible conservation position.<sup>63</sup>

4.60 Similarly, Mr Neil MacDonald from the South Australian Fishing Industry Council told the committee that industry provided their expertise to ensure fish stock protection:

Fisheries have a strong history with management, particularly in terms of managing spatial and temporal areas to protect fish stock sustainability, ensure habitat integrity and protect ecological processes. Management areas have been introduced in a lot of instances with industry support and in many instances with industry's information and insistence in order to secure their future.<sup>64</sup>

4.61 The establishment of marine protected areas is of concern to the fishing industry as it is believed that limiting access to fisheries will impact negatively on the financial interests of those in the industry.

#### *Minimising the impact on industry*

4.62 The committee heard from a range of fishing industry bodies as well as from the recreational fishing sector. As discussed above, all were critical of the process to establish marine protected areas. However, most acknowledged that while the discussion was difficult both state and Commonwealth departments responsible for the establishment of MPAs had supported the involvement of the fishing industry and accommodated the fishing sector.

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62 Commonwealth Fisheries Association, *Submission 158*, Attachment A.

63 Mr Peter Franklin, Commonwealth Fisheries Association, *Committee Hansard*, 16 June 2006, p. 21.

64 *Committee Hansard*, 6 June 2006, p. 15.

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The department, I must say, was very supportive of our involvement in the process. That is not to say that it was always an easy process.<sup>65</sup>

4.63 The committee was told on a number of occasions that at the end of the process the fishing industry was satisfied with the outcome.<sup>66</sup> In regard to the South-east MPA, the financial impact on the fishing industry is minimal. In late 2005 the initial proposed network was believed to have a potential impact of approximately \$15 million a year in displaced fishing catch. After successful negotiation on the part of industry it is now estimated that final impact on industry of the South-east marine protected area will be approximately \$500 000 per year.

Firstly, the industry's first reaction to the proposal that was put on 14 December was one of extreme disappointment because of the direct impacts it had on the fishing industry... We worked with the Tasmanian Aquaculture and Fisheries Institute and the Department of the Environment and Heritage over a period of time to try to identify an alternative network that came up with improved outcomes. In the end, the network that was developed had substantially greater conservation values and reduced the impact on industry by something like 90 per cent. I thought that was a good outcome all round.<sup>67</sup>

4.64 Similarly, the committee was told that the revised rezoning of the South-east MPA resulted negligible impact of the rock lobster industry in South Australia.<sup>68</sup> The limited impact of the fishing industry was seen by the conservation sector as a failure of the process:

the NRSMPA has had very little impact on the South Australian Fishing Industry Council. That is an indictment of its failure to deliver on biodiversity conservation, because it has not excluded fishing from anywhere where it is having an impact.<sup>69</sup>

4.65 The committee was informed of the efforts that the Department to ensure that the concerns of the fishing industry were addressed:

The approach, working with the fishing industry, was to look at how we could achieve biodiversity conservation and minimise the impact on fishermen... We have worked quite closely since December with the fishing industry. We adjusted boundaries for the MPAs, in response to their

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65 Mr Peter Franklin, Commonwealth Fisheries Association, *Committee Hansard*, 16 June 2006, p. 15.

66 Mr Peter Franklin, Commonwealth Fisheries Association, *Committee Hansard*, 16 June 2006, p. 15.

67 Mr Peter Franklin, Commonwealth Fisheries Association, *Committee Hansard*, 16 June 2006, p. 16.

68 Mr Neil MacDonald, South Australian Fishing Industry Fishing Industry Council, *Committee Hansard*, 6 June 2006, p. 16.

69 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 30.

concerns. We recognise the importance of dealing with the fishing industry in the future and, hopefully, they will think it was, on balance, a relatively positive outcome in the south-east.<sup>70</sup>

4.66 A primary concern for the fishing industries was if statutory fishing rights in Commonwealth waters were subject to restrictions, industry felt that there should be adequate compensation for those impacts.<sup>71</sup> A Commonwealth Fisheries Association Policy Position Paper states that:

MPA's involve the compulsory transfer of access rights from the fishing industry to the broader community. This has clear and direct implications for the commercial viability and the value of the SFR's of fishers operating in the area that should be compensated. There will also be impacts on allied industries and communities that need to be addressed. Compensation or adjustment assistance should cover the following categories:

- The buy-out of fishers that are substantially affected by the proposed MPA;
- Compensation or adjustment assistance for fishers affected by the MPA but who wish to remain in the industry; and
- Adjustment assistance to allied industries and communities affected by a reduction or relocation of commercial fishing activity.<sup>72</sup>

4.67 In November 2005, the then Australian Fisheries and Conservation Minister, The Hon. Ian Macdonald, and the then Minister for the Environment and Heritage, The Hon. Ian Campbell, announced *Securing our Fishing Future*, a \$220 million initiative of one-off, capped structural adjustment assistance and improved management measures for those fisheries managed by the Australian Government (see Appendix 8).

4.68 Of the \$220 million, \$150 million was set aside for one-off structural adjustment assistance or compensation aimed at reducing the high level of fishing capacity in those fisheries that are subject to over-fishing or are at significant risk of over-fishing. The package also included a further \$70 million in complementary assistance, designed to assist other on-shore businesses most directly impacted by the changes.<sup>73</sup>

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70 Ms Donna Petrachenko, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, pp 61– 62.

71 Mr Peter Franklin, *Committee Hansard*, 16 June 2006, p. 14.

72 Commonwealth Fisheries Association, *Submission 158*, Attachment 1.

73 Minister for the Environment and Heritage, Senator the Hon. Ian Campbell & Minister for Fisheries, Forestry and Conservation, Senator Ian Macdonald, *Government acts for a sustainable fishing future*, Joint Media Release, 23 November 2005.

4.69 Professor Frank Talbot from the Australian Marine Sciences Association highlighted the difficulty in assessing the level of compensation to be paid to fisherman due to the practice of underestimating catch size:

There is no doubt in my mind that you really have to make some compensation, and this has caused problems all around. It has caused problems to fishermen because they often declare a low catch and have for years and sell illegally. It is very common practice. Then, when asked what their actual take was, it is too low for reasonable compensation. That has hit fishermen... But I think, if you are going to take something away, you have to compensate people.<sup>74</sup>

4.70 Similarly, Dr Richard Kenchington, from the Australian Association for Maritime Affairs, raised concerns that exit strategies currently available to fisherman were inadequate and often had the perverse effect of pushing fisherman into other sectors of the fishing industry thereby increasing pressure elsewhere:

There are many very sensitive and concerned fishermen who are stuck in the industry. They cannot sell boats—nobody wants to buy them; there are too many there. They get trapped into an investment in order to get a competitive edge, which ironically increases the impact on the available stocks. I heard the previous witness talking about exit strategies for fishermen. Our threat there is that, one, we do not have adequate exit strategies; and, two, the exit strategies that we have should be true exit strategies, not strategies where you go out of one piece of the industry and then come back in again.<sup>75</sup>

4.71 Access to compensation is decided on a number of factors. In regard to the South-east Marine Protected Area the committee was told that compensation was not available for fishermen affected by the marine protected area who stay in the fishery. Rather, only those who leave the fishing industry are compensated. Mr Peter Franklin from the Commonwealth Fisheries Association told the committee that:

From our point of view, that is a significant deficiency and a principle that we would not want to see adopted as the marine protected areas are rolled-out around the coast. We were very disappointed with that outcome.<sup>76</sup>

4.72 However, the committee was informed that as the Commonwealth had put an enormous amount of effort into designing an MPA network that minimised impacts on industry, and on the fishing industry in particular, the only measure that needed to be offered was the licence buy-out for those fishermen significantly impacted as a result of the MPA.<sup>77</sup>

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74 Australian Marine Sciences Association, *Committee Hansard*, 16 June 2006, p. 42.

75 *Committee Hansard*, 16 June 2006, p. 30.

76 *Committee Hansard*, 16 June 2006, p. 19.

77 Mr Stephen Oxley, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 59.

4.73 In principle support for compensation to buy out of licences was articulated in the marine conservation sector. However, concerns were raised that most of that \$220 million federal package was allocated for fishery management to restructure the South-east trawl fishery and the closing of the Bass Strait Central Zone Scallop Fishery. Consequently, very little of the funding went to assist the fishing industry structurally adjust to a marine protected area system in the region.<sup>78</sup> Critics of the program saw the package as a 'bail-out' of an unviable industry:

... industries not being able to autonomously adjust to the new world order and having to restructure, so basically, in my view, getting a bailout—we may have ended up with a better conservation outcome on the shelf and the slope; the industry might have been more open to compromise on more areas because structural adjustment money for that purpose would have been available.<sup>79</sup>

### ***Oil and gas in the marine environment***

4.74 The committee received little evidence on the oil and gas industries in regard to the NRSMPA. It was however, made aware of the sentiment among other stakeholder groups that while not formally excluded from the process for the South-east region, existing oil and gas leases were off limits in terms of the marine protected area because of their commercial value and significance to Australia's energy policy. Mr Peter Franklin from the Commonwealth Fisheries Association told the committee:

I think you will find if you get a map of the oil and gas leases and an area map of the marine protected areas that there is not too much intersection. The difficulty we had, I guess, was not so much with the leases, because we knew where they were, but the fact that the area of the prospective leases is highly confidential. So we were confronted with a bit of a guessing game as to where we could possibly look for alternative areas.<sup>80</sup>

4.75 Mr Craig Bohm from the Australian Marine Conservation Society also highlighted the fact that oil and gas reserves were protected under the South-east regional process:

I am not targeting anybody specifically but we have been told on a number of occasions that national energy policy overrides everything. Marine parks come a poor second place to oil and gas interests. On the south-east marine protected area process, we can all see by looking at the maths that a marine park will come up and there will be a straight line down the edge of an oil and gas reserve.<sup>81</sup>

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78 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 31.

79 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 31.

80 *Committee Hansard*, 16 June 2006, p. 23.

81 *Committee Hansard*, 6 June 2006, pp 34–35.

4.76 Witnesses did not view having oil and gas exploration or extraction within MPAs as necessarily mutually exclusive. Their concerns were more that such a key stakeholder in the South-east regional process was not required to come to the negotiating table and therefore all other interests were secondary and a holistic approach to planning could not be undertaken:

That is somebody saying, ‘You cannot go into my turf; stay out.’ We are not going to achieve good marine conservation outcomes, and even to some degree good fisheries management outcomes, when there is a line that says, ‘You will not deal with this sector,’ and that sector says, ‘You will not deal with us; we are sacred.’... the south-east process showed that they were not a player. They were taken out of the equation. For a government touting regional marine planning and holistic government et cetera, this really does need to be overcome.<sup>82</sup>

4.77 Similarly,

I think what we are seeing play out in the South-East Regional Marine Plan process at the moment is that, in areas where you have oil and gas leases or even areas of prospectivity that are impeding MPA establishment in areas of high conservation value, the government really needs to weigh up whether it is appropriate to accommodate these industry interests and forgo the opportunity to apply conservation and management.<sup>83</sup>

## **Recommendation 1**

**4.78 The committee recommends that in all future negotiations for the establishment of Marine Protected Areas, the oil and gas industry be part of the process so that all stakeholders are fully aware of the range of issues that impact upon the marine environment.**

### ***Zoning***

4.79 Zoning for different uses is a critical part of the management of MPAs. This is in part because, unlike most terrestrial reserves, MPAs often host extractive uses, such as oil and gas exploration, commercial fishing and recreational fishing. Deciding on access to and uses of marine reserves is thus a much greater part of the planning process than it is on land.

4.80 The Australian Government has agreed to assign all protected areas, including marine ones, to a World Commission on Protected Areas (IUCN) conservation category at the time of declaration.<sup>84</sup> Each zone within a reserve must also be assigned

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82 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, pp 34–35.

83 Mr Richard Leck, ,WWF Australia, *Committee Hansard*, 21 April 2006, p. 40.

84 Department of Environment and Heritage, Fact Sheet: *Zoning in the South-east Commonwealth Marine Reserve Network*, <http://www.deh.gov.au/coasts/mpa/southeast/publications/pubs/zoning.pdf>, accessed 30 October 2006.

to an IUCN category. In this way, zoning is linked to the conservation aims set out in internationally recognised IUCN conservation standards.

4.81 The IUCN categories were described in Chapter 2. Commonwealth marine reserves in the South-east marine region are being assigned to IUCN categories Ia, II or VI, using the following zoning guidelines:

- (i) Sanctuary Zone (IUCN category Ia) scientific reference site – no extractive use.
- (ii) Benthic Sanctuary Zone (IUCN category Ia) benthic environment from 500 metres below sea level to 100 below the sea floor – no extractive use. Pelagic fishing allowed in the area from the sea surface to 500 metres below sea level.
- (iii) Recreational Use Zone (IUCN category II) recreational activities allowed including recreational and charter fishing. No commercial extractive activities allowed.
- (iv) Multiple Use Zone (IUCN category VI) closed to demersal trawl, Danish seine, mesh netting, and scallop dredge methods of fishing. Other forms of commercial fishing allowed subject to conditions outlined in the Management Plan. Oil and gas exploration, development and associated activities and geosequestration of carbon are allowed.
- (v) Special Purpose Zone (IUCN category VI) closed to commercial fishing: allowable activities include recreational fishing, charter fishing, oil and gas exploration, development and associated activities and geosequestration of carbon.<sup>85</sup>

4.82 The decision on how to zone areas, and thus what conservation aims will be met in those areas, has been central to the Commonwealth's strategy for creating a national network of marine protected areas, as well as topic of much discussion amongst stakeholders. The Commonwealth's approach has been that:

All zoning decisions will take account of the potential impact of activities on conservation values, social and economic issues, management effectiveness, other conservation measures and Australian Government policies related to resource access and use.<sup>86</sup>

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85 Department of Environment and Heritage, Fact Sheet: *Zoning in the South-east Commonwealth Marine Reserve Network*, <http://www.deh.gov.au/coasts/mpa/southeast/publications/pubs/zoning.pdf>, accessed 30 October 2006.

86 Department of Environment and Heritage, Fact Sheet: *Zoning in the South-east Commonwealth Marine Reserve Network*, <http://www.deh.gov.au/coasts/mpa/southeast/publications/pubs/zoning.pdf>, accessed 30 October 2006.



4.83 Under the zoning model the areas of highest conservation, IUCN Category I sanctuary zones, do not allow any extraction. Colloquially these zones are known as no-take or green zones. The prime purpose of no-take marine reserves is to provide maximum protection of their marine ecosystems from human disturbance.<sup>87</sup> No-take zones are not solely about the prohibition of extraction but about habitat protection from the impact of activities such as seabed trawling.<sup>88</sup> As greater areas of the marine environment become available for extraction the need to provide some degree of strict protection is also increasing:

Historically—going back to, say, the early times of white settlement—there were large areas of the sea that our fishing fleets could not reach. I suppose you could say these were natural reserves. These were the natural areas where life thrived and was very, very productive and fed those coastal systems where we fished and helped to keep them afloat to some degree, perhaps for a lot longer than they otherwise would. What we see today is that there are very few of those areas left. We need to consider that when we think of marine parks and their role. In our view, we need to restore some of these natural refugia or natural places in the sea which can remain in their own state, be productive and feed the broader system.<sup>89</sup>

4.84 Research done on no-take areas by Callum Roberts and Julie Hawkins in 2000 found that no-take areas:

- provide a refuge for threatened species;
- prevent habitat damage;
- promote development of natural biological communities that are different from communities in fishing grounds;
- enhance the production of offspring, which can restock fish populations;
- facilitate recovery from catastrophic human and natural disturbances; and
- allow spill-over of adults and juveniles into adjacent fishing areas.

More specifically, their research found that no-take areas:

- increase the number of species by 33 per cent;
- benefit exploited and unexploited species – resulting in positive impacts throughout the food web;
- double the abundance of fish; and

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87 Australian Marine Sciences Association, *Submission 125*, Attachment 1, p. 3.

88 Dr Richard Kenchington, Australian Association for Maritime Affairs, *Committee Hansard*, 16 June 2006, p. 34.

89 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 24.

- increase fish size by one third, which in turn can increase egg production by 240 per cent.<sup>90</sup>

4.85 A Scientific Consensus Statement signed by 161 marine scientists in 2001 agreed that 'existing scientific information justifies the immediate application of fully protected marine reserves as a central management tool'.<sup>91</sup> The World Commission on Protected Areas (IUCN) reports that an 11 year study by the CRC Reef into the effects of line fishing in Queensland's north east coast showed an increase in fish size and number in protected areas, compared with the nearby areas open to fishing, emphasising the role 'no take' zones have in increasing fish stocks.<sup>92</sup>

4.86 The committee heard evidence on the benefits of sanctuary zones from a range of scientific organisations. The importance of these zones to endangered species was highlighted by Professor Frank Talbot from the Australian Marine Sciences Association:

But in our area we have overfished quite drastically. Orange Roughy, a trawled species in the upper continental shelf area,... is now being considered for endangered status, and gemfish populations—another species in that area—are down to about three per cent of their original population size. There are some smaller species that ...were down to one per cent of their original populations. They are really stuffed... We are not alone; other countries have the same problems of overfishing. The only way you can deal with this in the long term is to have set aside areas and no-take zones.<sup>93</sup>

4.87 Further, it was argued that sanctuary zones provide an insurance policy for stock rejuvenation:

Some scientific papers show a spill-over effect where fish grow up and travel outside the areas, but I think it is probably far more important as a safety device, if you like, where you can get fish growing to original population sizes and to large size. Large fish produce massively more eggs, for instance, than small fish that have just reached reproductive stage. From this, you have a base from which you can restock naturally into areas if you really overdamage them. So it is a sort of insurance policy for areas that are not protected.<sup>94</sup>

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90 Great Barrier Reef Marine Park Authority, *Zoning in the Barrier Reef*, [http://www.gbrmpa.gov.au/\\_data/assets/pdf\\_file/7333/tech\\_sheet\\_02.pdf](http://www.gbrmpa.gov.au/_data/assets/pdf_file/7333/tech_sheet_02.pdf), accessed 26 October 2006.

91 National Center for Ecological Analysis and Synthesis (2001), *Scientific Consensus Statement on Marine Reserves and Marine Protected Areas*, p. 3.

92 *Submission 137*, p. 14.

93 *Committee Hansard*, 16 June 2006, p. 40.

94 Professor Frank Talbot, Australian Marine Sciences Association, *Committee Hansard* 16 June 2006, p. 40.

4.88 In their submission to the inquiry the Australian Marine Science Association argued:

No-take reserves thus provide a “second line of defence” should current management fail. Protected populations of exploited species may assist stock recovery outside a reserve in two ways:

- through movement of mature individuals outside reserve boundaries, and;
- by dispersal of planktonic life stages beyond reserve boundaries by water currents which move through a reserve.

Research into no-take marine reserves has shown dramatic increases in size (and as a consequence, also in fecundity) and abundance of commercially exploited marine species within them.<sup>95</sup>

4.89 However, the Coast and Wetland Society's submission questioned the objective of MPAs as an 'insurance policy' against fish stock depletion:

There is, however, an important difference between the objectives for marine protected areas and for terrestrial conservation reserves. One of the justifications for establishing MPAs is that they provide ‘safe’ areas for the recruitment of fish stocks which will in the future be available for harvest in areas outside the MPA. There is increasing evidence that harvestable yields are positively increased through establishment of conservation areas. In the terrestrial environment, reserves are not established so as to increase the numbers of (for example) kangaroos which might be shot elsewhere.<sup>96</sup>

4.90 Dr Richard Kenchington, from the Australian Association for Maritime Affairs argued that as we do not yet know how to sustainably manage multiple use within marine environments, no-take zones provided sanctuary sites for marine species recovery but also provided reference sites to benchmark and measure the health of the marine environment more generally:

Therefore, there is a strong precautionary argument which says that we need no-take areas as reference sites, as sanctuaries and as recovery areas. So if the areas we are using are not managed sustainably we have (a) a reference to know what was going on and (b) a site from which recruits may go out to repopulate the areas which have been damaged.<sup>97</sup>

4.91 The value of these zones to provide marine science with undisturbed base line data was made on a number of occasions:

They also give us an undisturbed base line. If things are changing in a fished area outside a protected area, the only way you can understand what is happening is to look at an area which has not been affected to see what the changes are and then maybe come to reasons. If it is a global warming issue, it would affect both areas the same. If it is a pollution or an

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95 *Submission 125*, Attachment 1, p. 3.

96 *Submission 7*, p. 2.

97 *Committee Hansard*, 16 June 2006, p.34.

overfishing issue, you would see a clear difference. But, unless you have that reference point, you do not have a clue as to what is happening. That is an important one.<sup>98</sup>

4.92 Asked whether he preferred a reserve model based on smaller no-take areas or larger protected areas that have zoning across them, Professor Frank Talbot replied that he would prefer a reserve system that incorporated both models:

One of the issues here is what your fish actually do, what your organisms do—the distribution pattern of your organisms. If you were trying to protect an area fairly thoroughly where there are species that are migratory and they migrate well beyond that area and get into a fishery, you will do just as much damage as if it were not there. So you really have to look at what you are trying to protect. If it is the total ecosystem, there is no question; you need a sort of fairly bigish area to be somewhat protected... yet there may be important small areas. Breeding spaces, for instance, on the Great Barrier Reef for some species are very tight. In other words, they come to the same spot every year and they may travel kilometres away to live. There you could put a very small marine protected area or a no-take area, which would protect that stock quite considerably. So I suppose it really depends on the science.<sup>99</sup>

4.93 However, despite the identified scientific and conservation values of sanctuary zones, the benefits of these zones to surrounding fisheries is highly contested. This is partly because it can be difficult to show a direct correlation between setting aside an area as no-take and improvements in fish stocks elsewhere. The issue of no-take, and in particular targets for and locations of no-take zones within the MPA, is highly divisive for the different interest groups:

... the lobbyists inevitably come to me and say: ‘This is great. This is fantastic. But our position is that “no take” is a wedge issue and we will not go politically with you on that.’<sup>100</sup>

4.94 The committee also heard evidence which was critical of the zoning approach arguing that it excluded certain sectional interests. The commercial fishing industry contended that their exclusion based upon industry type was discriminatory as no consideration was given to the impact upon the marine environment of other fishing sectors, which may cause equivalent or more damage than the well-informed professional sector. Mr Neil MacDonald from the South Australian Fishing Industry Council argued:

On the issue of multiple use, parks and management zones are used to exclude one type of stakeholder while supporting access by other

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98 Professor Frank Talbot, Australian Marine Sciences Association, *Committee Hansard*, 16 June 2006, p. 40.

99 Australian Marine Sciences Association, *Committee Hansard*, 16 June 2006, p. 43.

100 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 27.

stakeholders with similar or consistent practices. The measure of impact on the environment is not whether it is commercial or recreational but rather the scope and extent of that activity and the manner in which it is undertaken. All users seek to maximise their benefit from their involvement in the marine ecosystem. Commercial fishers have a greater understanding of that system in which they operate so they generally tend to practise a greater degree of husbandry.<sup>101</sup>

4.95 The committee received a large amount of evidence which highlighted the need for scientific information and analysis to inform decisions about MPA establishment and zoning.<sup>102</sup> Concerns were raised that currently the areas within MPAs classified as sanctuary zones are minimal and fall below the recommended percentage of each bio-region:

Although the Marine Conservation Society is supportive of multiple use and no-take—both are complementary in our view—the no-take does have to be at the core of any such system. The level of the no-take is debatable but scientists are giving us strong advice: 30 to 50 per cent of each habitat type across every marine biome. That is the quite substantial level that we should be protecting which the World Parks Congress came up with in 2003. We are nowhere near those targets.<sup>103</sup>

4.96 The committee was made aware of the importance of MPA design.<sup>104</sup> While commenting specifically on the design of marine parks in Victoria, over the use of straight arbitrary lines to establish park boundaries, such criticism can be level at the process more generally:

The new Marine National Parks, have simplistic geometric boundaries that bear little or no resemblance to physical features and/or water movements that are important when attempting to isolate site with important biological or ecological values. They appear to be borne more of ideology and expediency rather than science.<sup>105</sup>

4.97 Mr Craig Bohm from the Australian Marine Conservation Society similarly highlight the need for science not ideology and political interest to drive the process of MPA development:

I must emphasise that such networks cannot be designed purely between stakeholders in the negotiation processes. Science has to drive the way

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101 *Committee Hansard*, 6 June 2006, p. 15.

102 Mr Richard Leck, WWF Australia, *Committee Hansard*, 21 April 2006, p. 44; Mr Grahame Byron, Department for Environment and Heritage, South Australia, *Committee Hansard*, 6 June 2006, p. 41.

103 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 28.

104 Dr Richard Kenchington, Australian Association for Maritime Affairs, *Committee Hansard*, 16 June 2006, p.30.

105 Mr Andrew Chapman, *Submission 114*, p. 3.

because scientists know best. They will have to make judgments, but they will know better than we do and we need to follow their lead.<sup>106</sup>

4.98 Similarly, the committee heard that the lack of clear operating protocols also enabled political interest to override science:

... by having strong scientific input, clear operating protocols for how the zoning plan was to be implemented and consultation that involved all stakeholders, was not applied in the case of the Great Sandy. Therefore, you got an outcome that was driven much more by stakeholders rather than by science.<sup>107</sup>

4.99 The establishment of MPAs and the zoning of the MPA is, as discussed above, a political and contested process between sectional interests.<sup>108</sup> The committee heard that consequently relationships between various stakeholders were strained:

the relationship between industry and conservationists has been a big topic. There is a lot of spilt blood, a lot of anxiety. We probably need a break from each other in that area for a while. We need to go and work on some other relationships and look at where there are some collaborative approaches we can apply in other regional marine areas.<sup>109</sup>

4.100 Similarly, officers from the Department of the Environment and Water Resources alluded to the impact of the process on participants:

I think that all stakeholders—including departmental officials, if we are allowed to be described as stakeholders—have got some level of bruising as a result of the whole process.<sup>110</sup>

4.101 The committee is concerned that sectoral interests are set against each other. This and the perception that certain sectoral interests have undue influence over the size and location of sanctuary zones, ultimately undermines the MPA establishment.

That is partly because often the outcome of a marine park process at either a state or Commonwealth level—and this is a general statement; it does not apply to every marine park—is highly politicised at the final hour of where the line on the map goes. We can have a relatively good scientific process but, at the end of the day, the areas that look like they would be good no-take areas, particularly around coastlines, are often excised from the final draft. This means people like me and the Marine Conservation Society lose faith the process. This is why we have our constant mantra that we want

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106 *Committee Hansard*, 6 June 2006, p. 25.

107 Mr Richard Leck, WWF Australia, *Committee Hansard*, 21 April 2006, p. 42.

108 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 28.

109 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 35.

110 Mr Stephen Oxley, Marine Division, Department of the Environment and Heritage, *Committee Hansard*, 16 June 2006, p. 53.

scientifically driven processes with biodiversity conservation targets set up front by those scientists using their best judgements. Then we can have faith and confidence in the process.<sup>111</sup>

### ***NRM – Not remotely marine?***

4.102 Under previous the Natural Heritage Trust (NHT) arrangements, there was a specific Coastcare program which focused upon marine projects. Additionally, there was a memorandum of understanding between all three levels of government to deliver the Coasts and Clean Seas program. When the Natural Resource Management (NRM) framework replaced the Natural Heritage Trust, it was largely felt the marine and coastal slipped from a place of prominence.

Until we see marine and coastal issues dealt with effectively through natural resource management frameworks, I do not think we will have integrated natural resource management. It was an attempt to put the ‘i’ back into NRM and to change what many considered NRM to stand for—‘Not Remotely Marine’—to ‘Now Really Marine.’<sup>112</sup>

4.103 The committee heard evidence which raised some concerns over the National Resource Management (NRM) approach to marine environment management at a regional and community level. While there was support for the use of NRM to bridge the gap between science and policy and the local community, considerable concerns were raised over the level of support and capacity that some coastal NRM groups to actually deliver marine conservation outcomes.<sup>113</sup>

I really appreciate the Commonwealth taking the direction of helping coastal NRM bodies to become more directly engaged in marine management, but certainly there is more that needs to be done. In my view, most of those committees do not have the marine expertise they need to help them understand exactly what role they might play in the marine environment ... But NRM bodies do not really have the expertise within them to, for example, pursue those things themselves—apart from a few communities that, fortuitously, have people with marine interests and expertise who become involved and drive the message home.<sup>114</sup>

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111 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 29.

112 Mr Anthony Flaherty, Marine and Coastal Community Network, *Committee Hansard*, 6 June 2006, p. 9.

113 Mr Richard Leck, , National Marine and Coastal Policy Officer, WWF Australia, *Committee Hansard*, 21 April 2006, p. 45.

114 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 26.

## Recommendation 2

**4.104 The committee recommends that specific consideration be given to the level of capacity for coastal NRM groups and to the funding arrangements made available to NRM groups to assist in acquiring the necessary marine expertise.**

4.105 The committee was concerned to hear that despite the fact that the size and number of marine protected areas are increasing Commonwealth Government funding to marine NGOs is decreasing.

We are looking at moving to a very part-time organisation in the next funding arrangement, which will reduce our ability to facilitate discussion on a whole range of marine issues—not just marine protected areas but also marine pests and a range of policy issues that we deal with at both national and state levels... But at the moment it is difficult to maintain a national presence and also to give our attention to a whole range of issues, particularly in the area of coastal policy and coastal management, which is back and taking an ever-increasing lead in discussion<sup>115</sup>

4.106 The committee was made aware of the Marine and Coastal Community Network's (MCCN) NRM guide. It was argued that, despite the useful contribution that this publication can make to educating NRM groups, no funding was available for extension work to allow the MCCN and others to go out and assist NRM groups to interpret the guide in their local context.<sup>116</sup>

## Great Barrier Reef Marine Park

4.107 Australia's most famous, most visited, and one of the most carefully managed Marine Parks is the Great Barrier Reef Marine Park. At different stages in its evolution it has illustrated many of the issues facing marine parks, but also some of the successes in addressing those issues through effective management, zoning, public consultation and planning, issues which are also discussed further in Chapter 10.

4.108 The Great Barrier Reef Marine Park extends more than 2300 km along the Queensland coast, and covering approximately 344 400 square kilometres. It is one of the largest marine protected areas in the world (larger than the total area of Victoria and Tasmania combined) and extends from low water mark on the mainland coast, to the outer (seaward) boundary up to 280 km offshore.

4.109 Established in 1975 the Great Barrier Reef Marine Park is a multiple-use marine park, allowing a range of ecologically sustainable uses with an overriding conservation objective. It was declared a World Heritage Area in 1981, recognised internationally for its outstanding natural values. It comprises one of the world's

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115 Mr Anthony Flaherty, Marine and Coastal Community Network, *Committee Hansard*, 6 June 2006, p. 2.

116 Mr Craig Bohm, Australian Marine Conservation Society, *Committee Hansard*, 6 June 2006, p. 26.



largest and most complex ecosystems, ranging from fringing coastal reefs to mid-shelf lagoons, outer reefs and then to the open ocean. As the world's largest coral reef ecosystem, and a comparatively pristine area with lower human pressure compared to other coral reef systems in the world, it is acknowledged as a critical global resource.<sup>117</sup>

4.110 The Great Barrier Reef is also a significant element in the Australian economy which, along with other attractions in the region, contributes \$5.8 billion annually. This comprises \$5.1 billion from the tourism industry, \$610 million from recreational activity and \$149 million from commercial fishing. This economic activity generates about 63 000 jobs, mostly in the tourism industry, which brings over 1.9 million visitors to the Reef each year. About 69 000 recreational vessels are registered in the area adjoining the Reef. The flow-on effect of these industries, which rely on the continued health of the Reef system for long-term economic sustainability, underpins a significant and growing proportion of Queensland's regional economy.<sup>118</sup>

4.111 The management of the Great Barrier Reef Marine Park is undertaken by the Great Barrier Reef Marine Park Authority. The Authority is the principal adviser to the Australian and Queensland Governments on the care, development and management of the Great Barrier Reef Marine Park. The Authority was established by the *Great Barrier Reef Marine Park Act 1975* as statutory authority.

4.112 In July 2004, the Great Barrier Reef Marine Park Zoning Plan 2003 consolidated the zoning of the Marine Park and significantly increased the area and level of protection. The 2003 Zoning Plan implemented the Representative Areas Programme and, in conjunction with associated State processes, put in place a level of protection that will place the ecosystem in a strong position to maintain its resilience over the longer term.<sup>119</sup> The Authority engaged in an extensive consultation process in regard to the zoning of the marine park. Despite the extensive nature of consultation the zoning process was highly contested. However, the Authority was able to achieve sanctuary or green zones for approximately 30% of the marine park. The committee commends the Great Barrier Reef Marine Authority for this achievement.

4.113 Overwhelmingly, the committee heard that the Great Barrier Marine Park was considered worlds best practice model of marine management. Dr Gina Newton, from the Australian Marine Sciences Association told the committee:

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117 Department of the Environment and Heritage, *Submission 126*, p. 2.

118 Department of the Environment and Heritage, *Submission 126*, p. 4.

119 Department of the Environment and Heritage, *Review of the Great Barrier Reef Marine Park Act 1975 Review Panel Report*, 2 October 2006:  
<http://www.deh.gov.au/coasts/publications/pubs/gbr-marine-park-act.pdf>, accessed 19 December 2006.

Australia has a very good best practice example in the Great Barrier Reef Marine Park. It is world-leading marine management and we can learn a lot of good lessons from the processes that have occurred there.<sup>120</sup>

4.114 Similarly, Mr Craig Bohm, from the Australian Marine Conservation Society argued:

The Great Barrier Reef Marine Park's outcome of the representative areas program was excellent, and I think it is right for the Australian government to run around the world trumpeting it as an excellent outcome.<sup>121</sup>

4.115 A number of submission highlighted that the Authority's management of the marine park was recognised as international best practice and consequently the model was being adopted and developed in other parts of the world:

WWF regards the Great Barrier Reef Marine Park as one of the world's best managed large ecosystems and has awarded the Australian government our highest accolade, the Gift to the Earth, in recognition of this. This regard for the management of the Great Barrier Reef Marine Park is a widely held view amongst an array of international and domestic scientific, planning and conservation institutions. As a measure of this success, WWF is working to replicate the achievements in the Great Barrier Reef in areas as diverse as Belize, the Bering Sea and the Fiji islands.<sup>122</sup>

4.116 Three key elements to the success of the Authority's model of management were identified. First were the Authority's governance arrangements: as a single agency based locally the Authority has enabled an ecosystem wide approach to management to be implemented. The second element was the strong collaborative relationships:

the marine park authority has been very effective in working with a range of stakeholders to implement its management decisions. Without these relationships, particularly the strong relationship it has with the Queensland government but also those with regional NRM groups, reef based industry, scientists and community environment groups, it could not have achieved the management successes it has in recent times.<sup>123</sup>

4.117 This view was echoed by the Association of Marine Park Tourism Operators.<sup>124</sup> The third element was the extent of:

the consultation that the marine park authority has undertaken in recent times involved one of the largest public consultation exercises in Australia's history during the rezoning of the marine park. They also

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120 *Committee Hansard* 16 June 2006, p. 42.

121 *Committee Hansard* 6 June 2006, p. 30.

122 Mr Richard Leck, WWF Australia, *Committee Hansard* 21 April 2006, p. 39.

123 Mr Richard Leck, WWF Australia, *Committee Hansard* 21 April 2006, p. 38.

124 *Submission 197*.

continue to be highly active in local communities along the length of the GBR coastline, and the success of those communication programs is reflected in the overwhelming interest that local communities have in the management of the reef and also the overwhelming support of those measures to protect it.<sup>125</sup>

4.118 The committee notes the recently released Review Panel Report of the *Review of the Great Barrier Reef Marine Park Act 1975*, in particular the committee notes the findings that:

The current level of protection in place for the Marine Park provides a sound base for achieving a balance of commercial activities, while maintaining the health of the Great Barrier Reef in the future. However, the Review Panel considers that improvements can be made to increase the capacity of governments and the Authority to deliver the goal of the long-term protection of the Great Barrier Reef. This view is based on three considerations. Firstly, it recognises the importance of addressing the pressures on the Marine Park ecosystem in an integrated manner, including developments along the coast and in the catchments. Secondly, the maintenance of effective collaboration with the Queensland Government and its agencies is essential and needs to be underpinned by a more clearly articulated framework. Thirdly, there is a need for trends in the health of the Great Barrier Reef to be regularly reported and consideration of any changes in future planning and zoning arrangements to be undertaken in a robust, transparent and accountable way.<sup>126</sup>

4.119 Further, the committee acknowledges the useful findings of the review which suggest amendments to both the administrative and legislative framework under which the Authority operates.

## Conclusion

4.120 Governments across Australia are currently working towards developing a system of MPAs. In part this is a response to international commitments and in part in order to meet the need for greater marine protection in the face of increasing pressures on the marine environment.

4.121 As discussed in this chapter, the process of establishment and zoning marine parks is highly contested regardless of whether it is a Commonwealth MPA such as those being established in the south east marine region or a state marine park, such as

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125 Mr Richard Leck, WWF Australia, *Committee Hansard* 21 April 2006, p. 38.

126 Department of the Environment and Heritage, *Review of the Great Barrier Reef Marine Park Act 1975 Review Panel Report*, 2 October 2006: <http://www.deh.gov.au/coasts/publications/pubs/gbr-marine-park-act.pdf>, accessed 19 December 2006.

the Batemans Marine Park in NSW.<sup>127</sup> The committee feels that how the process is managed is central to whether sectoral interests will oppose or support the process.

4.122 The committee commends all those involved in achieving greater protection of the Australian marine environment and acknowledges that Australia is recognised internationally for its achievements in this area. As the committee was told by Mr Harold Adams, the Chairman of the Australian Association for Maritime Affairs:

one-third of the world's national marine parks are to be found in Australia's sovereign ocean areas. It is therefore an area of national administration which, if we get it right, has the potential to become a blueprint for the world.<sup>128</sup>

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127 Narooma Port Committee, *Submission 127*.

128 *Committee Hansard*, 16 June 2006, p. 26.