



Environmental Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011

MARINE QUEENSLAND SENATE INQUIRY SUBMISSION

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PURPOSE SCOPE AND OBJECTIVES

PURPOSE

The Recreational and Light Commercial Marine Industry is a significant contributor to Regional, State and National economies. Queensland is at the forefront of the industry in Australia and is this nation's boating capital¹. This submission outlines the position of Queensland's peak recreational and light commercial marine industry organization to national Marine Bioregional Planning and identifies a range of key issues that underpin good planning, governance and management of this critical process. It is in response to the Senate's inquiry into the *Environmental Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011*.

SCOPE

The scope of this document focuses on the recreational and light commercial marine industry in Queensland. Whilst the practical application of the submission relates to the Eastern Bioregion, the broader marine bioregional planning process is at its core.

OBJECTIVES

The objectives of this submission are to:

1. Formally respond to the Senate's inquiry and outline the recreational and light commercial marine industry views on the bioregional planning process and its implications for the industry;
2. Identify key issues for both the short term and long term for the sustainable growth and operation of the industry as a result of the marine bioregional planning process;
3. Identify important next steps in this process from the industry's perspective;
4. Seek to highlight important issues for the industry and how they align to whole-of-Government priorities within Commonwealth waters.

THE RECREATIONAL AND LIGHT COMMERCIAL MARINE INDUSTRY

Australia has a biologically complex seascape that includes around sixty thousand kilometers of coastline and fifteen million square kilometers of ocean. As an island continent Australia has one of the largest exclusive economic zones of any country. Imbedded in the Australian culture is a deep affinity with our oceans.

¹ Of the estimated 796 thousand registered recreational vessels in Australia as at June 2010, 28.8% were registered in Queensland (Marine Queensland Annual Report - 2010 (Blackman, 2010)).

The Australian marine environments are extremely diverse. They encompass the tropical seas of the north to the Antarctic ice-shelves of the south. There is a vast array of diversity and biological richness in these waters. Waters adjacent to Queensland include world icons such as the Great Barrier Reef and the Coral Sea.

The recreational and light commercial marine industry is an important and growing industry in Queensland and a leader in environmental stewardship. The reason for this is simple – the future health and sustainability of the recreational and light commercial marine industry is contingent on clean, healthy and sustainable marine environments.

Over many years, the industry has acquired in-depth knowledge of and expertise in the management of marine environments in Queensland waters. It comprises:

- Manufacturers of boats and components
- Dealers, brokers and syndicators
- Marina operators and developers
- Infrastructure providers
- Marine tourism operators
- Boating clubs and user groups
- Educators, trainers and licensing providers
- Financiers and insurers
- Event managers and coordinators

In Queensland it includes approximately 1,800 businesses, directly employs 12,000 and indirectly employs up to 32,000.

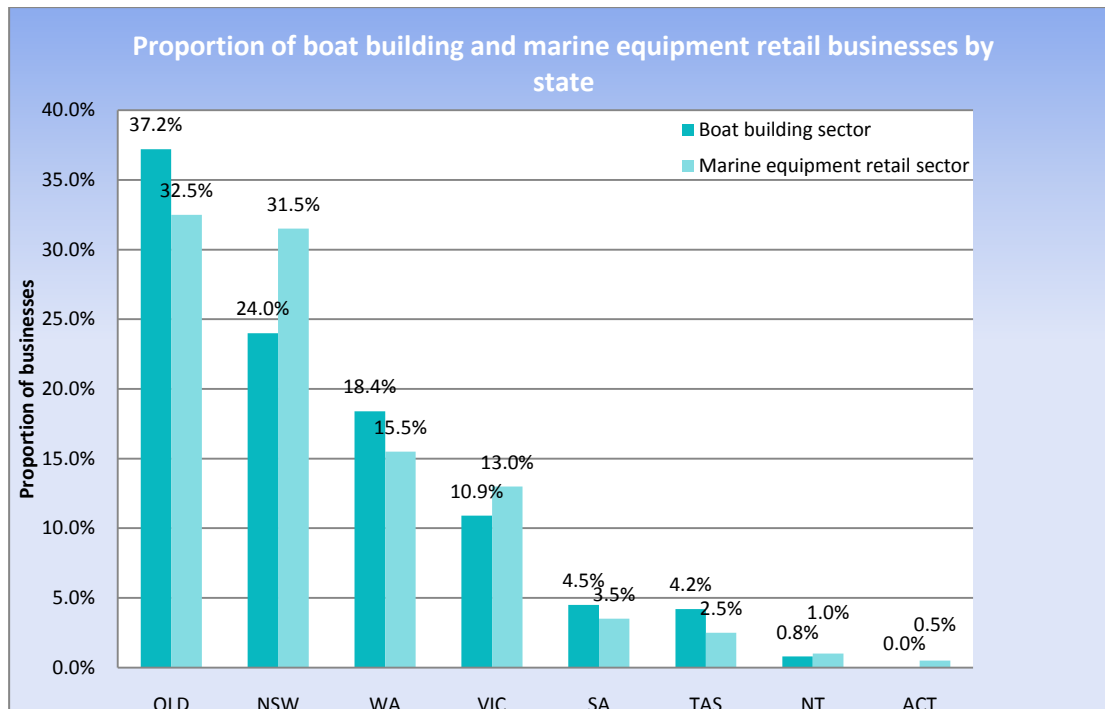


Figure 1: Proportion of boat building and marine equipment businesses by State.

BACKGROUND

Marine planning seeks to protect the marine, coastal and estuarine environments by ensuring that their development and use is compatible with those environments. It is a form of planning that focuses primarily on the ecosystem and its surrounding habitat. Most in the community are familiar with the idea of planning and associate this term with land and land organization. However it is now possible, through the use of various policy agreements, to plan just as effectively for the marine environment. The benefits of marine planning are similar to those for planning on the land particularly when it comes to fostering growth and development of commercial and industry activity. However, the mainstream community is less familiar with marine environments.

The Australian Government's regional marine bioregional planning program commenced under Australia's Oceans Policy in 2001 with a focus on the South-east Marine Region. In 2004, the South-east Regional Marine Plan was completed and released with broad support from the recreational and light commercial marine industry.

In order to provide the greatest certainty possible for the sustainable use of our marine resources and to provide a clear focus on building a knowledge base of the conservation values of a marine region, in 2005, the Commonwealth brought regional marine planning under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Under that Act, the Minister for the Environment and Heritage was tasked with making a series of Marine Bioregional Plans for large sectors of the Commonwealth's marine area and for detailing the Australian Government's conservation objectives and environmental management measures, such as Marine Protected Areas, listed marine species protection, and sustainable fisheries.

Biodiversity conservation, in the context of ecologically sustainable development, is the central objective of the EPBC Act and underlined the Government's strong commitment to ensuring the long-term sustainability of the Australian marine environment, as envisaged in Australia's Oceans Policy (1998).

At the time, the Government stated clearly that the approach would give marine industries clearer guidance and help to streamline the operation of approval processes under the EPBC Act, thereby improving the information available to Government on which to base its decisions.

While there were substantial achievements through regional marine planning with the release of the world's first regional marine plan in the South-east Marine Region, the Rudd Government decided on a deviation from that process with a much increased emphasis on marine conservation. This change also resulted in a different approach by government to industry engagement and resulted in a significant loss in confidence by the industry in the process and government's commitment to it.

The recreational and light commercial marine industry remains committed to a planning process that – put simply, objectively analyses and allocates parts of three dimensional marine spaces (often referred to as “ecosystems”) to specific uses to achieve ecological, economic and social objectives for the benefit of the community.

WHAT ARE THE USES OF THE MARINE ENVIRONMENT?

Pressure on our seas is growing. Therefore it is essential that Government is in a position to make informed decisions about activity and increasing demands and pressures in our waterways. The recreational and light commercial marine industry needs for the planning process to be undertaken in a transparent and objective way, as its future sustainability relies on it. In that regard, the critical importance of this process cannot be overstated.

Following is a summary of the scope of activities currently undertaken on and within these waters:

- Vessel traffic routes;
- Vessel traffic separation zones and precautionary zones;
- Areas to be avoided by vessels;
- Safety zones around vessels and terminals;
- Anchoring and no anchoring areas;
- Security zones and military activity zones;

- Oil and gas lease and concession areas;
- Dredging sites and areas (including spoil dumping areas);
- Oil and gas pipeline rights of way;
- Submarine communications cable rights of way;
- Energy transmission line rights of way;
- Sand and gravel extraction areas;
- Commercial fisheries;
- No trawl areas;
- Critical habitat designations;
- Offshore aquaculture areas;
- Marine protected areas;
- Protected archeological areas such as ship wrecks and war memorials;
- Cultural (indigenous activity) or areas of religious significance;
- Tourism activity areas;
- Recreational activity areas;
- Scientific research areas.

In recent times there has been much debate about fishing and fishing related issues. Given the scope of activities undertaken in our waters and the multiple use demands and risks associated with each of these activities, it is critical that integrity of the planning process is assured by appropriate Parliamentary scrutiny.

CRITICAL ELEMENTS OF THIS PLANNING PROCESS

For the goals and objectives of marine bioregional planning to be successfully implemented, they must include a range of related elements within a holistic process. The following diagram details each of these and identifies their relationships:

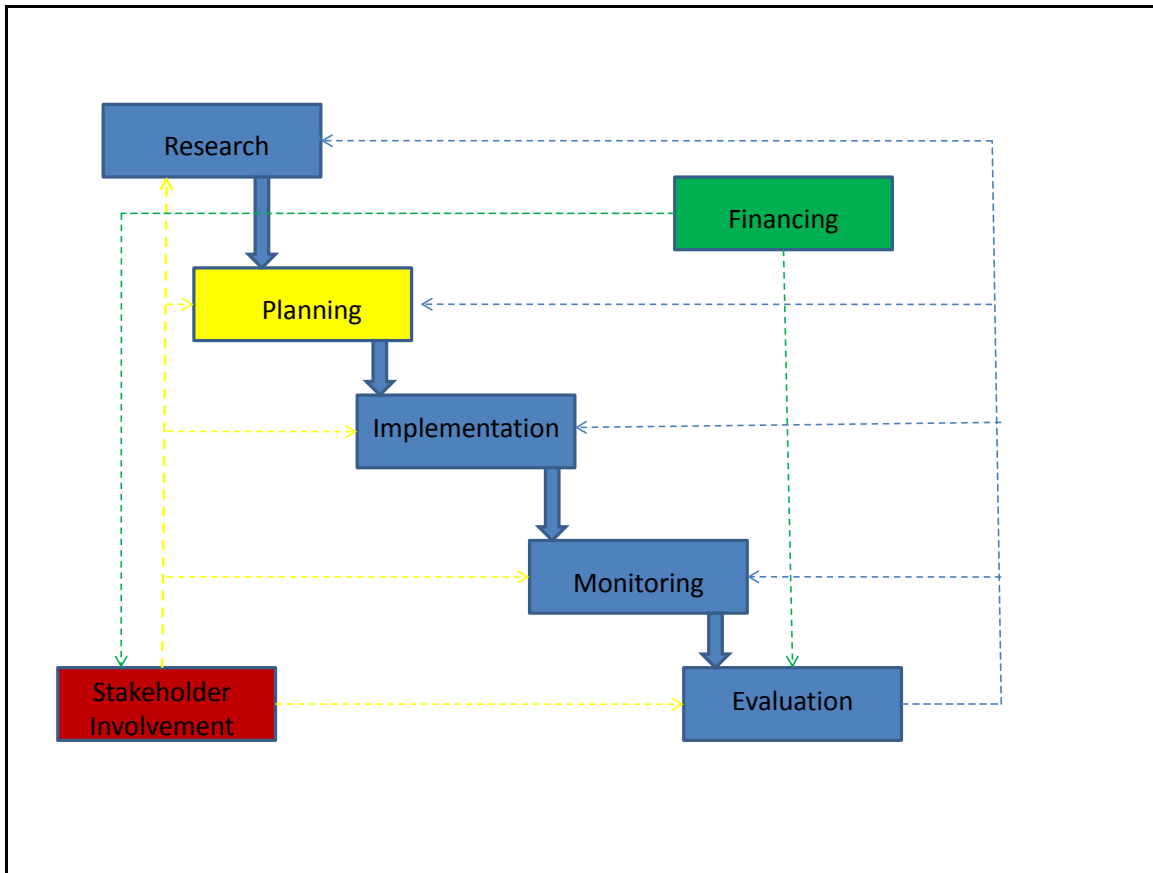


Figure 2: A holistic planning model.

Planning is critical and integral to the overall approach. To date the planning process has been found wanting in respect to the accurateness and suitability of research being used for stakeholder engagement. When errors were identified by industry members, departmental representatives advised that, due to timeframes imposed by the Minister, the analysis and planning process would have to continue regardless. Naturally that type of decision significantly undermines stakeholder confidence in the process and in its likely outcomes.

Similarly, a unilateral decision by the then Minister to exclude the Coral Sea Conservation Zone from Eastern Bioregion planning processes further eroded stakeholder confidence in the process' integrity. This was further exacerbated by a literature review by Dr Ben Diggles of the science used to justify the decision. That review suggested that much of the science that had been relied upon to justify the decision had little or no relevance to it or to the need to depart from established processes.

That these fundamental flaws have resulted in a tainted planning process further highlights the critical importance of a transparent and objective process that is subject to review – in this case by the Parliament via a disallowance declaration. The present situation in which sole power rests with the Minister to decide outcomes from the planning process is neither desirable nor acceptable.

THE BENEFITS OF ACCOUNTABLE PLANNING PROCESSES

The benefits of an open, transparent and accountable process for the community include:

- Identification of compatible uses for development;
- Reduced conflict between uses and users;
- Greater certainty for planning new commercial activity and investment;
- Efficient use of resources and space and reduced or eliminated impacts on the environment;
- Established areas of importance or sensitivity and reduced risk of conflict with planned development;
- Enabling biodiversity commitments to be at the heart of marine planning and management;
- Ensuring space for biodiversity and nature conservation; and
- Providing context for an appropriate network of marine protected areas where need and threats have been identified.

Good practice, as experienced through the South-eastern Bioregional planning process resulted in outcomes with broad stakeholder support. Outcomes included:

1. Place based and area based activity areas;
2. Appropriate eco-system protection areas;
3. Achievement of multiple objectives including:
 - a. Ecological;
 - b. Socio-economic; and
 - c. Governance objectives.
4. Integrated outcomes across economic sectors and multiple government agencies;
5. A longer term perspective on the protection and management of our waters;
6. Commencement of appropriate adaptive management mechanisms including monitoring and evaluation arrangements; and
7. Strong stakeholder support for the process and outcomes.

PLANNING PRINCIPLES AND CONTEXTS

The recreational and light commercial marine industry advocates the application of the following principles to the marine planning processes:

PRINCIPLE 1 - MARINE PROTECTION MEASURES THAT WILL ADDRESS IDENTIFIABLE THREATS TO MARINE ENVIRONMENTS.

Marine protection measures, where deemed necessary, will address objective threats to marine environments. Measures based on philosophy such as minimum percentages are not within the scope of this Principle.

PRINCIPLE 2 – MARINE PROTECTION MEASURES THAT ARE VIABLE AND EFFECTIVE.

The marine environment is subject to ongoing stresses both natural and human induced. Protection measures that are viable and effective will facilitate increased levels of sustainability of marine environments and be more likely to allow them to withstand and recover from any such impacts. Viability will depend on the:

- nature of protection;
- nature of actual and potential threats to marine environments for example extreme weather events, oil spills, etc.;
- ability of any proposed protection measure to mitigate impacts.

Protection measures could be developed and administered at an industry level and should not only take the form of statutory regulation.

PRINCIPLE 3 – NATIONAL PRIORITIES FOR MARINE PROTECTION MEASURES THAT ARE SUBJECT TO REGULAR ASSESSMENT AND REVIEW.

National priorities for marine planning should be set in a national plan that is subject to review by the Parliament and subject to an annual review to confirm priorities, effectiveness and emerging threats. National priorities must guide and inform regional planning processes. This process will be transparent and engage fully with industry, indigenous and other stakeholders at a regional level.

PRINCIPLE 4 – ADVERSE IMPACTS ON EXISTING USERS OF THE MARINE ENVIRONMENT SHOULD BE MINIMIZED.

Marine protection measures are more likely to be established in a timely and efficient manner where appropriate recognition is given to the rights and responsibilities of users of the marine environment.

Marine protection measures should aim, wherever possible, to minimize adverse impacts on users. This should be undertaken within the context of appropriate management of foreseeable threats. Where adverse impacts will result, appropriate displaced activity compensation should apply.

PRINCIPLE 5 – UNDERTAKING AN ANNUAL EVALUATION.

The national policy framework should be subject to annual evaluation to assess its effectiveness in achieving program aims and objectives. The evaluation process will need to assess:

- Progress in implementing the policy;
- Consistency with implementation across regions.

A public report will be published annually on the outcomes of the evaluation.

PRINCIPLE 6 – RESEARCH WILL BE UNDERTAKEN.

Research is important for a number of reasons. These include the need for objectivity in assessing marine environments, threats and potential impacts of protection measures in meeting threats. In addition, research into economic and social consequences of proposed measures is needed to ensure that unintended consequences do not result from marine protection measures. These assessments will be taken from appropriate baseline assessments.

GOVERNANCE

The governance processes for the national marine planning framework needs to be within a co-management model encompassing government, industry and community stakeholders. Key design principles for the governance framework include;

- a) Regional governance with national coordination;
- b) Engagement of regional industry and communities in open and transparent processes;
- c) Within a national framework, delegation of authority to regional management groups;
- d) Delegation of authority for industry based regulation for the operation of marine businesses in and around marine protected areas;
- e) A focus on developing regional measures that enhance community understanding and result in behavior change that foster environmental understanding and awareness.

CONCLUSIONS AND RECOMMENDATIONS

The proposed bill seeks to increase the level of transparency, accountability and if appropriate enable a mechanism for debate and decision by the Parliament of proposals for Commonwealth waters.

The Recreational and light commercial marine industry supports the concept outlined in the Bill given the critical importance of this process for:

- The long term sustainability of marine environments against a background of increasing demands on these waters;
- The critical importance of well managed marine environments within Australian waters for the recreational and light commercial marine industry;
- The importance of an open, transparent and accountable process for the community generally and specifically for those sectors that rely on access and management of these waters.

We thank the Senate for the opportunity to advance this information as part of its deliberations on this important issue.