

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Additional Estimates, February 2011

Program: Division or Agency: 1.2: AWD

Question No: 14

Broad Topic: Review of the EPBC Act

Proof Hansard Page and Date Written
or Written Question:

Senator Birmingham asked:

When will the Government response to the report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (Hawke report) be released? What is the reason for the delay in the Department releasing the Government response?

Answer:

The Australian Government is currently considering the recommendations of the Hawke Report and remains committed to responding.

The Minister for Sustainability, Environment, Water, Population and Communities is committed to meaningful consultation on the report's recommendations to inform the Government's response. The Minister is currently holding a series of roundtable discussions with stakeholder groups. Timing of the Government response is a matter for the Minister and the Government.

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Program: Division or Agency: 1.2: AWD **Question No:** 15

Broad Topic: Arkaroola wilderness
sanctuary

Proof Hansard Page and Date Written
or Written Question:

Senator Birmingham asked:

What environmental values would the Arkaroola Wilderness Sanctuary need to qualify for protection from mining and/or mining exploration?

Answer:

The South Australian Government is responsible for allocation of land use within the Flinders Ranges. Consequently, the question of whether mining and exploration is a permitted use within the Arkaroola Wilderness Sanctuary is a matter that can only be determined by the South Australian Government. If mining is permitted, individual projects may also require State and Australian Government environmental assessment and decisions on approval.

A mining or exploration proposal will need to be assessed by the Australian Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and a decision made by the Minister for Sustainability, Environment, Water, Population and Communities on whether to approve the proposal, if the proposal is likely to have a significant impact on a matter of national environmental significance. The matters of national environmental significance potentially relevant to the Arkaroola Sanctuary and surrounding region include: listed threatened species and ecological communities; listed migratory species; wetlands of international importance; National Heritage places; and the whole of the environment in the case of a proposed nuclear action. In deciding whether or not to approve a proposal under the EPBC Act, the Minister is required to consider impacts on the relevant matters of national environmental significance and social and economic matters.

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Program: Division or Agency: 1.2: IMD **Question No:** 16
Broad Topic: Reef and Rainforest Research
Centre contract
Proof Hansard Page and Date 121 (21/2/11)
or Written Question:

Senator Macdonald asked:

Senator IAN MACDONALD—So you cannot tell me who it is, but the successful tenderer has been selected subject to a successful negotiation?

Dr Gunn—A successful negotiation.

Senator IAN MACDONALD—Okay. I will try again next estimates. Thank you.

Mr Tucker—Hopefully, Senator, it will be announced before next estimates.

Senator IAN MACDONALD—I would certainly hope so. Thank you, Mr Tucker. Can you make sure I get a copy of the press release?

Answer:

A tender process has been completed for provision of services as the administrator of the National Environmental Research Program's Great Barrier Reef and Torres Strait Hub. A contract has been signed with the Reef and Rainforest Research Centre Ltd for this service.

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Program: Division or Agency: 1.2: Marine **Question No:** 17

Broad Topic: Consultation – marine
bioregional planning and
displacement policy

Proof Hansard Page and Date 117-118 (21/2/11)
or Written Question:

Senator Boswell asked:

Senator BOSWELL—I have a number of questions. Can you provide a full list of agencies, organisations, including environmental groups, that the federal government has consulted during the bioregional marine planning process and the development of its displacement policy?

Mr Oxley—The department has provided answers to a number of questions on notice over the past 12 months, where we have outlined in quite some detail each of the organisations—

Senator BOSWELL—Could you tell us—

Mr Oxley—which have been consulted. I am happy to provide an update of that list to cover any groups which we have newly consulted since we last provided answers to questions from the Senate.

...

Senator BOSWELL—Okay. The latest is 15 February and that is when the advice has gone in. So obviously there will not be very many people consulted after that.

Mr Oxley—Senator, I would not expect that there would be a significant lengthening of that list but, to the extent that there are more organisations or individuals who have been consulted, I am happy to provide those on notice.

...

Senator BOSWELL—What consultation has occurred with key stakeholders in the development of federal government displacement policy? Which stakeholders have been involved in the consultation process? This is in relation to the displacement policy.

Mr Oxley—The development of the displaced activity policy has been ongoing over probably the best part of two years now. We have provided answers to a number of questions on notice. I think there were quite a few from Senator Colbeck previously about the composition of the stakeholder advisory group. It has been through the stakeholder advisory group that we have done a reasonably large amount of the consultation, and as part of that a number of different organisations have provided submissions to the department about what in their view should and should not be included in the displaced activities policy. That included the Commonwealth Fisheries Association on behalf of all fisheries organisations, as an example, but it also included engagement with the Australian Petroleum Production and Exploration Association and representatives of the recreational fishing sector more broadly.

Senator BOSWELL—Can you give us a list of those stakeholders? You mentioned some of them. Can you give us a comprehensive list?

Mr Oxley—Yes. We will provide you with a list that adds to that already provided by the department in answers to previous questions on notice.

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Answer:

A list of stakeholders consulted as part of the marine bioregional planning process was provided in response to a written Question on Notice from the May 2010 Budget Estimates (QoN 56). Since that time there have been a number of consultations with stakeholder organisations. The groups additional to those listed previously that have been engaged in the marine bioregional planning process are:

- Outdoor Engine Distributors Association
- International Foundation for Animal Welfare (IFAW)

A list of stakeholders consulted during the development of the Displaced Activities Policy was provided in response to a written Question on Notice from the February 2010 Additional Estimates (QoN 43). An update advising that no new groups had been involved in consultations on the Displaced Activities Policy was provided in response to a written Question on Notice from the October 2010 Supplementary Budget Estimates (QoN 18).

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Program: Division or Agency: 1.2: Marine **Question No:** 18

Broad Topic: Marine bioregional planning

Proof Hansard Page and Date Written
or Written Question:

Senator Colbeck asked:

1. Can the Department provided updated timelines for each of the four marine bioregional plans currently under development?
2. Will the Department be commissioning ABARES to undertake similar socio-economic reporting of the proposed East marine bioregion as has been completed for the North-West, South-West and North bioregions? If not, why not?
3. Will the Department release publicly the reports prepared by ABARES regarding the socio-economic effects of new marine reserves in the South-West, North-West and North bioregions? If not, why not? If so, when will it be available?

Answer:

1. The department is working towards the Australian Government's election commitment to complete the four marine bioregional plans by the end of 2011. The timing for the release of each plan is a matter for the Government to determine. The South-west draft plan will be released first for a 90 day public consultation period. The North, North-west and East plans will be released later in the year.
2. The department is considering its approach to the socioeconomic assessment work that will support the marine bioregional planning program and the development of new marine reserves, including for the East marine region. Socioeconomic analyses of marine reserve proposals for all regions will be prepared during the public consultation phase. Stakeholders will be consulted during the socioeconomic assessment. The department has not yet decided which organisation will provide the required analytical services.
3. The ABARES analyses of potential displacement impacts of marine reserve options in the South-west, North-west and North regions constitute internal working documents produced during the course of the development of earlier marine reserve network options. As such the department is not proposing to publically release these documents. Full socio-economic analyses of the marine reserve options will be undertaken during the public consultation periods of each draft regional marine plan.

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Program: Division or Agency: 1.2: Marine **Question No:** 19

Broad Topic: Consultation – south-west
bioregion and displaced effort
policy

**Proof Hansard Page and Date
or Written Question:** Written

Senator Colbeck asked:

1. Can the Department provide a list of all stakeholders, Commonwealth departments, agencies etc. who have been consulted with regard to the South-West bioregion plan, including the number of times each has been met with, spoken to or emailed, prior to the public release of the draft South West Bioregion Plan's Draft Network Proposal?
2. Can the Department provide a similar list of stakeholders who have been consulted with regard to the displaced effort policy, prior to its public release?

Answer:

1. A list of stakeholder groups consulted on the marine bioregional planning process (broken down into regions including the South-west), was provided in response to a written Question on Notice from the May 2010 Budget Estimates (QoN 56). Since then, a number of groups previously consulted have been engaged in discussions prior to the launch of the South-west marine region, however, no new stakeholder groups or government agencies or other groups have been consulted on the South-west marine region. The department uses a range of communications methods to consult with these stakeholders, including meetings, teleconferences and email. It is not practical for the department to provide details of every contact.
2. A list of stakeholders consulted during the development of the Displaced Activity Policy was provided in response to a written Question on Notice from the February 2010 Additional Estimates (QoN 43). An update advising that no new groups had been involved in consultations on the Displaced Activities Policy since February 2010 was provided in response to a written Question on Notice from the October 2010 Supplementary Budget Estimates Hearing (QoN 18).

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Program: Division or Agency: 1.2: Marine **Question No:** 20

Broad Topic: IUCN protected area
guidelines

Proof Hansard Page and Date Written
or Written Question:

Senator Siewert asked:

1. Has the Department submitted a submission to the WCPA Marine group that has drafted marine guidance on how to apply the IUCN Protected Areas guidelines?
2. Is the Department aware that the draft affirms that IUCN Category II – the National Park zone – should only allow non-extractive recreational uses?
3. Is it the Department of the view that the draft document is internally consistent?
4. Given the green zone network in the GBRMP does not allow any type of fishing (recreational or commercial), isn't it desirable for the Commonwealth to have a consistent marine definition of IUCN II?
5. Is the IUCN IV the most appropriate category (moving from 1A to VI) to allow extractive recreational uses?
6. Does the Department support adaptive management? Isn't a consistent no-take position in IUCN II a case of positive adaptive management by the Department?

Answer:

1. Yes.
2. Yes.
3. The department has provided its views on the draft document to the World Commission on Protected Areas (WCPA) Marine group.
4. The Australian Government does not propose to adopt an inconsistent definition of International Union for Conservation of Nature (IUCN) II.
5. The choice of IUCN category should be based on the primary objective(s) stated for each marine reserve or marine reserve network. The IUCN system is not intended to be hierarchical.
6. The department recognises the benefits of adaptive management in the effective management of marine reserves. Management arrangements should be designed to meet the objectives for each reserve.

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Program: Division or Agency: 1.2: Marine **Question No:** 21

Broad Topic: Great Barrier Reef Structural
Adjustment Program

Proof Hansard Page and Date Written
or Written Question:

Senator Siewert asked:

1. The review of the SAP report states that without a well-defined set of structural adjustment or compensation package guidelines and boundary conditions, there is increased probability of “political influence”. Can you comment on the degree to which political influence had a role to play?
2. Were there changes to the boundary conditions of the Program?
3. If so, how many times did the program change its boundary conditions?
4. Who initiated any changes and why?
5. Can you give a summary of the lessons learnt from the SAP implementation experience?
6. What role did GBRMPA play in developing the SAP policy?
7. What role did GBRMPA play in administering the SAP program?
8. To what extent is the GBRMPA responsible for the problems encountered in implementing the SAP?
9. The report found that a wide range of stakeholders commented that the Government’s \$214 million adjustment investment could have best been used to conduct a more complete buyout of the GBR fishing fleets. Is it the view of the Department that this should be the focus of future SAP programs?
10. The report is dated June 2010, but the document date is 6 Jan 2011. Was the document changed in any way between June 2010 and the date it was uploaded on the SEWPaC website?

Answer:

1. The department is unable to comment. The program was administered by the previous government.
2. Yes.
3. Six times (see Section 3.4 of the review).
4. Changes to the package were initiated by the Australian Government on the advice of the then Minister for Environment and Heritage, Senator the Hon Ian Campbell. The changes were made primarily in response to stakeholder concerns that the level of assistance available under

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the package was not sufficient to mitigate the financial impacts on businesses resulting from the rezoning of the Great Barrier Reef Marine Park.

5. The key lessons learnt from the Structural Adjustment Package (SAP) implementation experience are provided in the executive summary of the review, which contains more than 60 findings and 40 recommendations. Key lessons learnt would include, but not be limited to:
 - the importance of undertaking detailed socioeconomic impact assessment to inform the development and design of structural adjustment assistance measures;
 - the importance of understanding how changes in access to fisheries resources flow through regional economies;
 - the importance of ensuring that effort removal programs (e.g. licence buy-outs) are capable of reducing effort in affected fisheries (i.e. that the underlying fisheries management arrangements do not allow latent effort to be activated and increase pressure on the resource);
 - the importance of implementing adjustment measures in advance of changes to resource access taking effect; and
 - that the objectives of any structural adjustment program should be clear, the program elements as simple as possible and the measures should be able to be delivered in a timely way.
6. The Great Barrier Reef Marine Park Authority (GBRMPA) played no role in developing the policy under which the SAP was developed.
7. The GBRMPA played no role in administering the SAP.
8. The GBRMPA played no role in implementing the SAP.
9. The purchase of fishing licences and related entitlements is a widely used adjustment tool to support the creation and/or rezoning of marine protected areas.
10. No.

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Program: Division or Agency: 1.2: Marine

Question No: 22

Broad Topic: Dugongs

Proof Hansard Page and Date Written
or Written Question:

Senator Birmingham asked:

1. Does the Government accept there are problems regarding the poaching of dugongs?
2. What measures, if any, has the Government taken in response to the dugong killings?
3. Will the Government undertake to do anything? If not, why not?

Answer:

1. There have been some reports of illegal hunting/poaching (i.e. dugong are taken other than in accordance with a lawful right to do so) in north Queensland in recent months. Every reported incident of the take of dugong is investigated to determine the legitimacy of the activity.
2. A multi-agency approach, comprising staff from the Great Barrier Reef Marine Park Authority, Queensland Parks and Wildlife Service and Queensland Boating and Fisheries Patrol is in place to respond to the issue of reported illegal dugong take in a number of ways, including:
 - investigations;
 - increasing patrols;
 - seizing illegally set fishing nets;
 - developing and implementing a training framework for indigenous engagement in compliance, including an 'Eyes and Ears' training program;
 - employing Indigenous liaison compliance officers; and
 - working with Traditional Owners and supporting them to develop and implement Traditional Use of Marine Resource Agreements.
3. The Australian and Queensland governments have established an intergovernmental dugong task force to address dugong sustainability in the waters off Queensland. The findings of the taskforce will provide a platform to enable both governments to coordinate and direct resources towards addressing the range of threats impacting dugong and to ensure that traditional hunting is undertaken in a sustainable manner.

The taskforce will review and make recommendations on ways to modify and further improve the current management framework, including regarding compliance and enforcement, science and monitoring, stakeholder engagement and conservation and management programs.

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Program: Division or Agency: 1.2: Marine **Question No:** 23

Broad Topic: NSW ocean trap and line fishery

Proof Hansard Page and Date Written
or Written Question:

Senator Siewert asked:

1. What is the most recently applied quota for schedule 1 shark that has been allocated to this fishery?
2. What is the historic average catch for shark fishing in this area?
3. What scientific advice about the shark populations in this area informed the quota allocation?
4. Has the lack of scientific data on the historic catch and the shark population involved affected the Department's ability to set criteria for the ecological sustainability of this fishery with respect to the most recent renew of fishing rights?
 - a. If yes, in what way?
 - b. If no, why not?
5. How long until the shark quota is reviewed?
6. Is further research into the shark populations both current and historic, going to be undertaken?
7. If yes, can you please outline what research is planned?

Answer:

1. Annual quotas in the NSW Ocean Trap and Line Fishery are set by the relevant New South Wales agency, in this case, Industry and Investment New South Wales. A catch limit of 110 tonnes (landed weight) for "Schedule 1" shark species applies for the 2011 fishing season, from 1 February 2011 to 31 January 2012. "Schedule 1" species are all species of whaler sharks (excluding sandbar shark), blue shark, hammerhead sharks, mako sharks and tiger shark.
2. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) report - *Review of shark catches in the New South Wales Ocean Trap and Line Fishery – February 2010* indicates that prior to the commencement of targeted shark fishing in 2006, from 1997/98 to 2005/06 the historic average annual harvest of whaler sharks (whaler sharks comprise the majority of "Schedule 1" species) in the fishery was approximately 76 tonnes (landed weight).

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3. The following scientific advice about shark populations informed Industry and Investment New South Wales' decision to set the catch limit at 110 tonnes for "Schedule 1" shark species:
- a) CSIRO's - *Review of shark catches in the New South Wales Ocean Trap and Line Fishery – February 2010*;
 - b) Additional unpublished CSIRO analyses of shark data collected since the completion of CSIRO's initial review in February 2010, which was presented by CSIRO to Industry and Investment New South Wales at a workshop in September 2010;
 - c) the Industry and Investment New South Wales report - *Observer-based study of targeted commercial fishing for large shark species in waters off northern New South Wales*; and
 - d) Industry and Investment New South Wales' preliminary report from its Commercial Line-fishing Observer Program.
4. The department commissioned CSIRO to undertake additional research to inform its assessment of the management arrangements for the fishery against the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*. This research [3a) and 3b), above] and the other information itemised in the response to part 3 enabled Industry and Investment New South Wales to set a catch limit in consultation with the department.
5. A condition of the approved wildlife trade operation declaration for the Ocean Trap and Line Fishery requires Industry and Investment New South Wales to conduct annual reviews (with the first of these being in December 2011) of the management arrangements for sharks in the fishery, which includes shark catch limits.
- 6 and 7. As part of the approved wildlife trade operation declaration for the Ocean Trap and Line Fishery, Industry and Investment New South Wales is required to continue to implement (for the three year duration of the declaration) a scientifically robust observer program for the shark permit component of the Ocean Trap and Line Fishery to collect biological data relating to the current shark population.

Industry and Investment New South Wales will undertake additional shark related research as part of the general management of the shark component of the fishery.