

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 16

Topic: Dugongs

Proof Hansard Page and Date 81 (24/5/11)
or Written Question:

Senator Birmingham asked:

Senator BIRMINGHAM: What are the current population understandings or estimates on the dugong?

Mr Routh: I do not have those in front of me, but I can take that on notice because that data does exist.

Senator BIRMINGHAM: If you could. I assume they are segmented by an east coast, Cape York et cetera type of regional basis.

Mr Routh: Yes.

Senator BIRMINGHAM: And the trends in that regard, such as they exist, would be useful as well. I will do prosecutions and enforcement tomorrow in the appropriate space, hopefully

Answer:

There is no overall estimate of the total dugong population in all Australian waters. It should be noted that significant areas of the Australian coastline have never been surveyed for dugong, while others have not been surveyed for up to a decade or more. The most current population estimate of dugongs for all the regions surveyed in Australia is approximately 57,000. This represents an aggregated estimate of all the regions that have been surveyed. The breakdown of this estimate is provided in the attached table.

The most important regions for dugongs have sustained large populations since aerial surveys began in the 1980s. These are areas such as:

- Shark Bay (WA) – approximately 9,000 dugongs
- Gulf of Carpentaria – approximately 12, 000 dugongs
- Torres Strait – approximately 15,000 dugongs
- Northern Great Barrier Reef – approximately 9,000 dugongs

In most regions there have, at times, been large fluctuations in numbers between surveys. The reasons for these changes are hard to interpret because dugong distribution may shift between survey regions.

Senate Standing Committee on Environment and Communications
Legislation Committee

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Table 1: Summary of most recent estimates for all regions in Australia that have been formally surveyed for dugongs

Region (from East to West)	Date of last survey	Population estimate ± std error (source)	General trends and comments
Moreton Bay	2005	454 ± 41 (Marsh and Lawler 2006)	Broadly stable – variable methods in late 1990s make comparisons difficult
Hervey Bay	2005	2547 ± 410 (Marsh and Lawler 2006)	Increased since major decline reported after flooding/cyclone in 1992. Suggests population has recovered.
Southern Great Barrier Reef	2005	2580 ± 271 (Marsh and Lawler 2006)	Broadly stable over the whole coast, but with substantial inter-survey variability at the bay scale.
Northern Great Barrier Reef	2006	8812 ± 1769 (Marsh <i>et al.</i> 2007)	Broadly stable over the whole coast, but with substantial inter-survey variability at the bay scale.
Torres Strait	2006	14767 ± 2292 (Marsh <i>et al.</i> 2007)	Large fluctuations between surveys suggest large scale movements of dugongs between the survey region and adjacent habitats, such as Papua New Guinea coast, which has not been surveyed.
Gulf of Carpentaria	2007	12438 ± 1951 (Marsh <i>et al.</i> 2008)	Broadly stable, but some evidence of shift in distribution between the NT and Qld sides of the Gulf.
Northern Territory	1995	1763 ± 956 (Saalfeld 2000)	Only one survey, no trend information available
Northern Western Australia	n/a	n/a	No formal surveys
Kimberley Coast Cape Bossut-Cape Leveque	2008	1708 ± approx. 250 RPS Environment and Planning (2010)	Surveys as part of Browse Basin LNG Environmental Impact studies. First survey so no trend information available
Pilbara Coast	2000	2046 ± 376 (Prince <i>et al.</i> 2001)	First survey so no trend information available
Exmouth Gulf/Ningaloo	2007	704 ± 354 Hodgson (2007)	Broadly stable, but with substantial inter-survey variability
Shark Bay	2007	9347 ± 1204 Hodgson (2007)	Broadly stable, but with substantial inter-survey variability
TOTAL	N/A – aggregated over surveys spanning several years	Approx. 57000 (summed from figures provided above)	This should be regarded as indicative only. There is no overall estimate of the total dugong population of Australia. Significant sections of the coast have not been surveyed at all, or for several years. The staggered nature of surveys also means that shifts in dugong distribution confound comparison or addition of estimates for adjacent regions.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 17

Topic: IWC meetings

Proof Hansard Page and Date 85 and 86 (24/5/11)
or Written Question:

Senator Birmingham asked:

(page 85)

Senator BIRMINGHAM: Who will be leading the delegation to this year's IWC?

Ms Petrachenko: Minister Burke is planning to attend the commission meeting.

Senator BIRMINGHAM: That will be his first, I assume.

Senator BOSWELL: And what a great spot to have it, in Jersey!

Senator BIRMINGHAM: Yes. Have you finalised the size of the delegation for this year?

Ms Petrachenko: We are in the process of doing that. I can tell you that we have two confirmed representatives from non-governmental organisations, as is the normal practice. We had a roundtable meeting with those NGOs with an interest in whales and they have nominated two individuals to be part of the delegation. They pay their own expenses. I will be there, as well as Ms Schweizer, our alternate commissioner. Dr Nick Gales from the Antarctic Division, who is head of our delegation to the Scientific Committee, will be there. There will be officers, yet to be finalised, from our department, from Foreign Affairs and from Attorney-General's.

Senator BIRMINGHAM: When they are finalised, could you provide that? If it is in time that would be greatly appreciated. ...

...

(page 86)

CHAIR: Ms Petrachenko, on whaling while we are there, how many IWC meetings have you attended?

Ms Petrachenko: The first meeting I attended was in Anchorage, which would have been five years ago if my memory serves me correctly.

CHAIR: So you have attended IWC meetings under the previous government and this government.

Ms Petrachenko: That is correct.

CHAIR: Are delegations getting bigger or smaller, or are they staying the same?

Ms Petrachenko: I think they are approximately the same size, but I can check that on notice.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Answer:

The Australian delegation to the 63rd annual meeting of the International Whaling Commission (IWC) will consist of 11 people:

- the Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP, and an advisor;
- five officers from the Department Sustainability, Environment, Water, Population and Communities, including the Secretary of the department, Australia's Commissioner to the IWC, Australia's Alternate IWC Commissioner and two policy officers;
- one officer from the Department of Foreign Affairs and Trade;
- one officer from the Attorney-General's Department; and
- two non-government organisation representatives.

The size of the Australian delegations to IWC annual meetings since the Anchorage meeting (59th annual meeting) in 2007 is set out below.

Australian delegation to IWC annual meetings			
Meeting	Location	Year	Delegation
IWC63	Jersey, Channel Islands	2011	11
IWC62	Agadir, Morocco	2010	13
IWC61	Madeira, Portugal	2009	12
IWC60	Santiago de Chile, Chile	2008	17
IWC59	Anchorage, USA	2007	12

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 018

Topic: Fishing gear assessment
process

Proof Hansard Page and Date 89 and 90 (24/5/11)
or Written Question:

Senator Siewert asked:

(page 89)

Senator SIEWERT: Thank you. Could I ask about the south-west process. I understand there has been a fishing gear assessment process undertaken as part of that process.

Mr Oxley: Yes, that is correct.

Senator SIEWERT: Is that being made publicly available?

Mr Oxley: It is not yet a public document; it is a draft in relation to which we are continuing to consult the fishing industry.

Senator SIEWERT: What is the time line for that, then?

Mr Oxley: I have not got a time line for the public release of that at this stage.

Senator SIEWERT: Is it likely to be within the time of the public consultation period? If you are consulting with industry over it, shouldn't it be available for all the stakeholders to have a look at?...

...

(page 90)

Senator SIEWERT: So that is why I am asking: why are other stakeholders not involved as well?

Mr Oxley: I have indicated that the intention at this stage is that the focus would be with the fishing industry but that we have an open mind about the potential involvement of other stakeholders in that. I think the real question is whether there is in the end value in continuing to go over the risk assessment work or whether the conversation actually needs to move on to its application in each of the proposed reserves.

Senator SIEWERT: And that is why I asked originally: when is it being released? And you cannot tell me.

Mr Oxley: And I will take that one on notice, Senator.

Senator SIEWERT: Obviously, we are interested in seeing it released before the end of the consultation period.

Answer:

The South-west fishing gear risk assessment was made publicly available during public consultation period. The report *Discussion Paper - Assessment of risks that commercial fishing methods may pose to conservation values of the South-west Marine Region* accompanied by detailed tables, was uploaded on the department's web site on 15 July 2011.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 19

Topic: North bioregional plan -
consultation

Proof Hansard Page and Date 91 (24/5/11)
or Written Question:

Senator Macdonald asked:

Senator IAN MACDONALD: We are running out of time; we only have 20 minutes for the rest of this. I have asked this before. I have indicated that there continue to be complaints in the gulf region that there is not sufficient consultation happening. I suspect you would deny that. Could you perhaps on notice just indicate to me what the consultation process has been and what it continues to be? Has it finished or is it still going on?

Mr Oxley: It is ongoing, Senator. I am happy to provide on notice some update for the benefit of the committee as to the consultation process, particularly in relation to the north.

Answer:

A list of stakeholders consulted as part of the North marine bioregional planning process was provided in response to a written Question on Notice from the May 2010 Budget Estimates (QoN 56) and updated in response to a question during the February 2011 Additional Estimates (QoN 17). Since then, consultations on the North Marine Bioregional Planning Program have continued.

Since late April, a number of key stakeholders with interests in the Gulf of Carpentaria region have been engaged in discussions with the department prior to the public launch of the draft Commonwealth marine reserve network proposal for consultation. All representatives involved in discussions are affiliated with groups that have previously been noted in response to Estimates Questions. The department has used a range of methods to consult these key stakeholders but most discussions have occurred through face to face meetings.

The draft Marine Bioregional Plan and draft Commonwealth marine reserve network proposal for the North Marine Region will be released for public consultation in the second half of 2011.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 20

Topic: Regional marine planning
program

Proof Hansard Page and Date 94 (24/5/11)
or Written Question:

Senator Birmingham asked:

Senator BIRMINGHAM: I am about to get cut off. Is there any funding beyond 2011-12?

Mr Oxley: My understanding, Senator, is that, firstly, we have a lapsing program. I understand that there would be an equivalent sum in the provisional forward estimates.

Senator BIRMINGHAM: In the provisional forward estimates?

Mr Oxley: That would be my understanding. So you will note in the budget papers—just let me find it; it was footnote No. 2 on page 24 of the portfolio budget statement—that \$9.7 million was previously provided for in the 2011-12 estimates for this measure. I understand, but I will correct it if I am wrong, that a similar amount appears in the forward estimates.

Senator BIRMINGHAM: If you could provide details of that forward funding and where that exists and where we might be able to find it in the budget papers, that would be most helpful, Mr Oxley. There are no plans or expectations of the government to provide any compensation or otherwise if there are fishers who are dislocated in some way out of this process?

Mr Oxley: It is not correct at all to suggest there are no plans—I missed the second descriptor—to provide structural adjustment assistance. The minister released on 3 May a fisheries adjustment policy that sets out the policy basis for providing financial support or structural adjustment assistance in circumstances where commercial fishers are impacted by the creation of new marine reserves or the rezoning of existing marine reserves. That policy sets out the process that the government will go through in terms of undertaking a socioeconomic impact assessment. They are the sorts of things that will be looked at as part of that process. Once we have done the socioeconomic impact assessment, it is at that point that the government will make a decision about the extent to which it provides structural adjustment assistance.

Senator BIRMINGHAM: Can you on notice just let us know what, where and if any funds are provided or contingencies are identified to provide for that compensation process.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Answer:

The extent of any adjustment assistance to be provided under the Australian Government's Fisheries Adjustment Policy for Commonwealth marine reserves established under the marine bioregional planning program is yet to be determined.

A socio-economic assessment of the proposed South-west Commonwealth marine reserves network is underway. That study, and other information received during the public consultation on the government's proposal, will be considered in finalising the regional marine reserves network and deciding on the extent and nature of any assistance measures. The same process will be applied in the other planning regions as draft Marine Bioregional Plans and proposed Commonwealth marine reserves networks are released for public consultation during 2011.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 21

Topic: Demersal trawling

Proof Hansard Page and Date Written
or Written Question:

Senator Siewert asked:

1. What are the main impacts of demersal trawling on Australia's marine environment?
2. How is this activity incompatible with marine reserves?
3. Having proposed that 41% of the South West region be off limits for demersal trawl, does the Department expect to wind-back significant amounts of that important protection? And if so, why?

Answer:

- 1 – 2. The factors affecting the degree of impact demersal trawling has on marine environments include the nature of the seafloor, the composition of the benthic community and the characteristics of the fishing gear itself. The use of heavy trawling gear on hard substrates supporting a rich fauna of sessile animals can result in significant impacts. On the other hand, the impacts of lighter gear on soft substrates can potentially be relatively minor.

The proposed zoning for the South-west marine reserve network proposal identifies the gear type as being incompatible with marine reserves because demersal trawling has the potential to have significant impacts on benthic environments and the ecological communities they support.

3. The Government's decisions in relation to the final marine reserve network in the South-west Marine Region will be informed by the submissions received during the public consultation process.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 022

Topic: Dieback Threat Abatement
Plan

Proof Hansard Page and Date Written
or Written Question:

Senator Siewert asked:

1. What progress has been made in drafting a new Threat Abatement Plan to address Dieback?
2. What consultation has occurred to date? Who has been consulted? Is further consultation planned, if yes, with who and how?
3. When can we expect the new TAP to be completed?

Answer:

1. The department is developing a revised draft threat abatement plan for dieback caused by the root-rot fungus *Phytophthora cinnamomi*.
2. The department has contacted key stakeholders (listed in Table 1 attached) and obtained an update on new research and information relating to the management of *Phytophthora cinnamomi*. The information is being used to assist with the development of the revised threat abatement plan.

The draft plan will be released for public comment for a three month period. As part of the public comment period, the department will also contact key stakeholders directly to seek their comments on the draft plan.
3. The department expects the threat abatement plan to be completed in 2012.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Table 1. Key stakeholders contacted by the department to obtain an update on new research and information relating to the management of *P. cinnamomi*.

Organisation
Department of Primary Industries, Victoria
Department of Sustainability and Environment, Victoria
Department of Primary Industries, NSW
Department of Environment and Climate Change, NSW
National Parks and Wildlife Service, NSW
Department of Environment and Conservation, WA
Biosecurity Queensland
Forestry Plantations Queensland
Department of Environment and Natural Resources, SA
Department of Primary Industries, Parks, Water and Environment, Tas
Department of Agriculture and Food, WA
Department of Environment and Conservation, WA
Department of Environment, Climate Change and Water, NSW
Murdoch University
The University of Sydney
The University of Adelaide
Deakin University
The University of Melbourne
Project Dieback - South Coast NRM, Albany, WA

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Sustainability, Environment, Water, Population and Communities portfolio
Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine **Question No:** 23
Topic: Marine Bioregional Planning - funding
Proof Hansard Page and Date Written
or Written Question:

Senator Siewert asked:

1. How much has been spent by the Department in progressing the Marine Bioregional Planning program since its inception?
2. What funding is available over the next 3 years for the implementation of the election commitment to deliver national CAR system of marine reserves in Australia's commonwealth waters?
3. Specifically, what funding is available to compensate fishers who may be displaced, and for ongoing management?
4. Why was there no funding allocated in this year's budget, even in forward estimates, beyond ongoing program costs, for this purpose?
5. To what degree has the lack of funding likely to be available, compromised the Department's work in developing the draft reserve system in the South West?
6. What funding has the Department provided the fishers in recent years, to enable their engagement in the marine bioregional planning process?

Answer:

1. Funding for the Marine Bioregional Planning program since its inception in 2006/07 up to and including 2011/12 is \$55,502,000.
2. The government will consider future funding for delivery of Marine Bioregional Planning program outcomes in the context of future budget year processes.
3. The government will also consider future funding for application of the Fisheries Adjustment Policy in the context of future budget year processes.
4. See answer to question 3 above.
5. Program funding for Marine Bioregional Planning has been adequate to progress the development of the proposed marine reserve network in the South-west. While some stakeholders have recently expressed concern about the lack of a specific budget allocation for assistance measures, the accurate costing of assistance will be completed later in the process.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

6. In recent years, funding for stakeholder engagement in Marine Bioregional Planning has been on an “as needs” and case-by-case basis, mostly in the form of travel assistance for key meetings. The department is currently finalising longer term funding arrangements with commercial fishing organisations to facilitate industry liaison and communication activities during and following the public consultation processes in each planning region. Support for other stakeholder groups to engage in Marine Bioregional Planning continues to be provided on a case-by-case basis.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 024

Topic: Marine Bioregional Planning –
Oil and gas

Proof Hansard Page and Date Written
or Written Question:

Senator Siewert asked:

1. Oil and gas covers a vast area off Australia's coastline – particularly off Western Australia, including over a number of important features, habitats and ecosystems. It would appear that the Network design specifically avoids oil and gas (both leasehold areas and areas considered by Geoscience Australia to be prospective). Eg: in the South West Draft Plan, it is proposed that 41% of the region be made off limits to demersal trawl, but not one area of petroleum interest is restricted. How has the Department dealt with the issue of oil and gas in developing its methodology?
2. In April this year the Resources portfolio opened up an unprecedented amount of Australia's ocean territory to oil and gas – particularly off WA's coastline. The new acreage includes areas that have been mooted for inclusion in the NRSMPA, including off the Abrolhos Islands, and surrounding Rowley Shoals – two of the most important areas for biodiversity in Australian waters. Was the Department consulted by the resources portfolio? And if so, what was the Department's input and to what degree was it heeded?

Answer:

1. The marine reserves network proposed for the South-west Marine Region seeks to include representative examples of the diversity of marine ecosystems in the region under conservation management. The Goals and Principles that guide the development of marine reserve networks in Commonwealth waters require that the socio-economic impacts of creating the reserve networks are carefully considered and minimised where possible.

The proposed South-west marine reserves network includes extensive areas zoned for high protection within which no extraction of either living or non-living resources will be permitted. Activities associated with the exploration and development of oil and gas resources will be permitted within multiple use and special purpose zones, subject to assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* of the particular activities proposed.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

2. The Department of Resources, Energy and Tourism (DRET) consults the department prior to making its recommendations on annual acreage release areas to the Minister for Resources and Energy. The department's advice included information about the marine environment and conservation values in the areas being considered for release. DRET is also kept informed about the marine bioregional planning process in each region. The department's advice is considered by DRET in developing its recommendations to the Minister for Resources and Energy.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 025

Topic: Marine Bioregional Planning –
South East region

Proof Hansard Page and Date Written
or Written Question:

Senator Siewert asked:

Despite its inadequacies, the Draft South West Plan marks a marked departure from the conservation result delivered in the South East region. What are the factors that have led to this?

Answer:

The Regional Marine Plan for the South-east Marine Region was completed in 2004 through an earlier regional marine planning process established under *Australia's Oceans Policy*. In 2006, the regional marine planning process was revised and the Marine Bioregional Planning Program commenced, with the planning process being given a legislative basis under section 176 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This section of the EPBC Act requires the Commonwealth Environment Minister to have regard to a bioregional plan in making any decision under the Act for which the plan has relevance.

The science-based *Goals and Principles for the Establishment of the National Representative System of Marine Protected Areas in Commonwealth waters* were developed in 2007. The use of the goals and principles to set conservation objectives, the use of reserve design tools such as MARXAN to inform decisions about site location and access to better information about the distribution of biodiversity have all strengthened the planning process.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1.2: Marine

Question No: 026

Topic: Marine Bioregional Planning –
South West draft plan

Proof Hansard Page and Date Written
or Written Question:

Senator Siewert asked:

1. Does the Department acknowledge that very little of the continental shelf and slope in the South West region is proposed for sanctuary zone protection? This is in sharp contrast to the Great Barrier Reef Marine Park where most of the 35% high level Green Zone protection is on the shelf/slope area. Why has so little been proposed for protection? Does the Department believe that Australia's SW is not as important as the GBR?
2. The Draft SW Plan proposes to put the least amount of protection over the area of greatest biodiversity – the shelf and slope area (called 'the zone of importance' by scientists). Will this be addressed in the final plan?
3. The Draft SW Plan relegates what marine sanctuaries are proposed to areas where fishing and mining do not occur, with less than 5% of marine sanctuaries occurring in the shelf 'zone of importance'. How has the imperative to minimise economic cost compromised the conservation result proposed in the Draft Plan?
4. Why is so little of the waters off South Australia proposed for protection? Less than 3% of the proposed marine sanctuaries occur in the waters off SA.
5. There are three known blue whale feeding areas in Australia's EEZ – the Bonney Upwelling off the Victorian coastline, the waters west of Kangaroo Island, and the Perth Canyon. The blue whale feeding grounds off the Bonney upwelling were not protected when the South East region was done some years ago. The Draft Plan for the South West provides no high level protection for the blue whales in their two remaining known feeding areas. Given that the blue whale is endangered and showing no signs of recovery, why are there no sanctuary zones proposed for the Perth Canyon or over the Kangaroo Island Canyons?
6. Will the Department commission an independent scientific review of the Draft SW marine reserve network before the Plan is finalized?

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Answer:

1. The identification of new marine reserves is being guided by the *Goals and Principles for the Establishment of the National Representative System of Marine Protected Areas in Commonwealth Waters* (Goals and Principles). The application of the Goals and Principles in the South-west region has resulted in the identification of a proposed marine reserve network that has extensive representation of the continental shelf. A large proportion of the proposed marine reserves on the continental shelf is proposed to be zoned as multiple use because a key objective of the government is to establish the network of marine reserves in a way that minimises the social and economic costs associated with their creation while maximising conservation outcomes.

The proposed reserve network is based on the conservation value of the South-west marine region.

2. Submissions received during the consultation period will inform the government's decision on final marine reserves network proposed for proclamation.

3. The draft reserve network was designed to be consistent with the Goals and Principles. It also takes into account socio-economic factors and seeks to optimise conservation objectives.

4. The national network of Commonwealth marine reserves will represent the 41 provincial-scale bioregions recognised in Commonwealth waters, as identified by the *Integrated Marine and Coastal Regionalisation of Australia Version 4.0* (IMCRA v.4.0). These provincial bioregions are the result of scientific analysis that has classified Australia's marine environment into broadly similar ecological regions. These boundaries do not follow state jurisdictional boundaries.

5. The declaration of sanctuary zones is not the only means by which improvements in biodiversity conservation can be achieved and in many cases they are not required to provide the level of protection necessary to meet the needs of a particular species or conservation feature. There are several existing conservation measures in place that contribute to blue whale protection, including the Australian Whales Sanctuary and a recovery plan. The *Draft Marine Bioregional Plan for the South-west Marine Region* provides regional advice in relation to the matters of national environmental significance in the region, including the blue whale. The blue whale, as a listed endangered and migratory species under the *Environment Protection and Conservation Act 1999* (EPBC Act) is a matter of national environmental significance.

Under the EPBC Act, an action requires approval from the Environment Minister if it has, will have or is likely to have a significant impact on a matter of national environmental significance. The regional advice for the blue whale includes specific advice on the Perth Canyon and Kangaroo Island and aims to assist proponents to decide whether or not they need to refer a proposed action to the Minister for a decision. The Minister will be required to consider the Plan, once it is finalised, when making any decision under the Act for which the plan is relevant.

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

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

6. Significant scientific work was used in designing the draft reserve network. The department welcomes submissions from the scientific community during the public consultation phase. The department is not proposing to commission an independent scientific review of the draft South-west marine reserves network proposal.