



CONSERVATION COUNCIL
OF WESTERN AUSTRALIA INC.

SUBMISSION IN RESPONSE TO:

***THE SENATE COMMITTEE FOR ENVIRONMENT,
COMMUNICATIONS, INFORMATION TECHNOLOGY
AND THE ARTS***

***INQUIRY INTO NATIONAL PARKS, CONSERVATION
RESERVES AND MARINE PROTECTED AREAS***

March 2006

We apologise for the delay in forwarding this submission and for its heavy use of previous submissions. Environmental advocacy is challenging at the best of times, but the Council has been particularly strained since Minister Campbell's retrospective decision to deny us the relatively tiny sum which we have received since the inception of the GVEHO program in the 1970s.

The values and objectives of Australia's national parks, other conservation reserves and marine protected areas

Values

The values of the current and proposed conservation estate are incalculable; they form a core component of the very systems that sustain the country. Apart from the economic value of the ecological processes that the conservation estate in many ways supports, and the key management role of having areas of land that are not subject to extractive pressures, our reserve system also includes some of Australia's most iconic tourist and cultural destinations. Our conservation estate is, in many ways, a repository of that which makes us feel Australian.

Other key values of the reserve system include:

- the potential biotechnology resource represented by native biodiversity, which is of course best preserved *in situ* within fully protected areas;
- the major contribution made to the long-term conservation of all species, all of which, many would argue, have an intrinsic right to exist.

Further strong statements about the values of conservation reserves are to be found in the State Government's December 2004 discussion paper relating to the proposed State

Biodiversity Strategy (in response to which we wrote the attached “Final BCS submission Apr 05”).

Objectives

Conservation reserves in Western Australia are vested in either the Conservation Commission or the Marine Parks and Reserves Authority, as the case may be. They are managed by the Department of Conservation and Land Management (CALM), which prepares management plans for the reserves for and on behalf of the vesting bodies. The objectives (and often the detailed values) of each reserve in WA are not found in statute but rather in the management plan that is to be prepared under the *Conservation and Land Management Act* for each area. The objectives of management plans are set out in section 56 of the CALM Act.

The process of generating management plans is not at all advanced, however, and recently the Conservation Commission estimated that at the current rate of progress a full complement of management plans would take 100 years to complete. In the vast areas of the conservation estate where there is an absence of management plans, the functions of CALM allow it to permit activities that are:

1. necessary activities, where those activities are to occur in either nature reserves or marine nature reserves.
2. compatible activities, where they are to occur elsewhere on the conservation estate, and they are defined to include activities that are deemed to be “compatible” by the Minister of the day. A Minister may “deem” an activity compatible even where it is patently incompatible. Unless that decision is grossly unreasonable, it is virtually beyond legal challenge.

The general conservation and protection policies that are on the CALM website are not binding or even mandatory considerations (i.e. it is not even required to have regard to them in relation to any particular administrative decision). In summary, the objectives applicable to the CALM managed lands are only certain where there is a current management plan, and in the majority of protected areas, there is no such document.

Overlaps in the function of protecting marine habitat exist between the Fisheries Department and CALM, arising from overlapping statutory responsibilities. The resulting turf wars are illustrated in Dr Nic Dunlop’s chapter of the book *Coast Law in WA* (Environmental Defender’s Office WA, 2002).

The potential to resolve these and other biodiversity law inefficiencies is presented by the State Government’s promised Biodiversity Conservation Act. A related opportunity arises from the review of the *Fish Resources Management Act* (WA) 1994, which was recently announced by the State Fisheries Minister and for which a discussion paper is awaited.

Whether governments are providing sufficient resources to meet those objectives and their management requirements

We are unable to think of examples of where the WA or the Australian Government has managed to adequately fund either the acquisition of additions to the conservation estate or the management of the current reserve system; more on this below.

The Council is keen to emphasise, however, that under-funded parks are still very worthwhile; simply protecting an area from exploitation is a big step on the way to ensuring the long-term conservation of that terrestrial or marine ecosystem, as the case may be.

In WA, priorities for increased funding include the conversion of long-standing pastoral land acquisitions to formal conservation reserves (approximately 2% of the State) and to purchase land to complement the formal reserve requirements in other parts of WA where the conservation estate is well short of “comprehensive, adequate and representative” (‘CAR’) principles; see more below.

At Federal level, the Department of Environment and Heritage resources its management of its WA responsibilities under the EPBC Act entirely from Canberra, despite:

- WA being the size of India and containing several World Heritage Areas, four MPAs and other conservation assets of critical size and importance; and
- having to fly people in regularly to deal with EIA issues arising under the EPBC Act and referred species threats, both of which would benefit from the expertise of WA trained and based ecologists.

In terms of funding for management, we note that the recent study commissioned by The Wilderness Society, “Cape York Parks in Crisis”, found that annual funding for the management (capital and operational funding) of Cape York’s Protected Areas was only \$1.30 per hectare. This was significantly short of the commonly agreed ‘best practice’ in Northern Australia for Kakadu National Park, which receives \$10.80 per hectare, which in turn lags far behind international best practice of Yellowstone National Park, which receives \$55 per hectare.

This level of chronic under-funding has negative impacts both on biodiversity protection and on the potential economic spin-offs from well-managed Protected Areas. In 2001, the Queensland Environmental Protection Agency estimated that each dollar invested in National Park management generated \$40 in related economic activity.

Any threats to the objectives and management of our national parks, other conservation reserves and marine protected areas

Threats to the conservation estate include:

- climate change (see attached “Climate change and biodiv submission Oct 03”);
- industry planning without sufficient regard to environmental issues (see attached “Draft Industry Policy submission Sep 03” and “Letter about St Inf Strat Feb 06”);
- IUU fishing, especially in the North;
- weeds and pests (see attached “Final weeds and pests submission Oct 03”); and
- fire management based on the highly simplistic belief that burning reduces the risk of wildfires rather than more appropriate fire regimes that take account of fire

sensitive plants, animals and ecosystems(see attached “Fire review submission Aug 04” and the “Kimberley fire issues paper” from December 05).

The responsibilities of governments with regard to the creation and management of national parks, other conservation reserves and marine protected areas, with particular reference to long-term plans

We strongly submit that governments should retain the exclusive capacity to create conservation reserves. Management of those areas should also remain primarily a government responsibility, although we do support (Indigenous) joint management of the conservation estate in certain circumstances (see attached “Jt mgt subn 30 Jan 04”).

Government is also best placed to facilitate long-term planning for management of the conservation estate, although clearly such management must be designed in partnership with all stakeholders, and with the clear recognition of the vital need for management of an off-reserve network that complements the formal reserve system.

In taking this position the Council is in no way endorsing all of the current management practices of the key State and Federal biodiversity agencies. We do not take the view that the existence of deficient agencies is an argument in favour of a reduced role for government in biodiversity conservation, however. Rather, it is an argument for urgent reform of those agencies and their legislation.

Please refer again to the attached BCS submission from April 05 for further comments about the role of the different levels of government in biodiversity planning.

The record of governments with regard to the creation and management of national parks, other conservation reserves and marine protected areas

Since the creation in 1879 of the second national park in the world, Royal National Park in NSW, it's fair to say that Australia has not led the world in terms of progressing the creation of conservation reserves. In recent decades in particular, an increase in community understanding of the need for the conservation estate has mostly not been matched by government action.

The south west of WA, Ningaloo and the Great Barrier Reef provide welcome exceptions to the above statement, but still the State and the country significantly lag behind national and international reserve creation CAR commitments (please refer to page 39 of the discussion paper for the proposed BCS http://www.naturebase.net/haveyoursay/pdf_files/biodiversity_draft_lores.pdf for a good illustration of the terrestrial deficiencies and gaps, and note that only 2.6% of WA's marine environment is in fully protected areas).

For further comments on terrestrial acquisition and management deficiencies, please see the attached (very recent) “National Reserve System subn Feb 06”.

For further comments about the failure of the State's marine park planning process to generate a CAR network of sanctuary zones, please see the attached “10 point plan” documents. Note that the proposed new bioregional marine planning process in WA has stalled, although the State Government remains notionally committed to good outcomes in this area.

In the lead up to the 2005 State election, the then Gallop Government promised as follows:

Marine parks

The Gallop Government will:

- Work with the community to finalise marine parks at Geographe Bay / Leeuwin-Naturaliste / Hardy Inlet; Dampier Archipelago; Walpole / Nornalup;
- Work with the community through the regional marine planning process to create a new marine park at the Recherche Archipelago.

Marine Science

The Gallop Government recognises that our management of our unique marine environment must be backed by world class science. The Gallop Government will invest \$21 million to establish the Western Australian Marine Science Institution, a collaborative venture bringing together the expertise of Western Australian universities, State Government departments and national research bodies such as the CSIRO. The State Government funding of \$21 million will attract an investment of approximately \$100 million in cash and in-kind contributions from other participants.

The Institution will undertake focused research programs that contribute to outcomes including the following:

- A better scientific understanding of the marine environment;
- World-leading, science-based marine conservation, including for iconic marine tourism areas like the Ningaloo Reef;
- Ecologically sustainable fisheries management;
- Sustainable development of existing and new marine industries.

Regional Marine Planning

The Gallop Government will:

- In consultation with a Statewide Marine Reference Group to be comprised of peak bodies with interests in the marine environment, develop a comprehensive and integrated approach to the conservation and sustainable use of the marine environment through regional marine plans;
- Finalise the Biodiversity Conservation Act and any consequential amendments to the Conservation and Land Management Act and Fish Resources Management Act as a priority. The Biodiversity Conservation Act will include a specific section on Regional Marine Planning;

- As part of the bioregional marine planning initiative establish an independent, high level scientific panel to develop a scientific statement on the role of marine sanctuaries in biodiversity conservation, fisheries management and natural resources management as the basis for a new marine sanctuaries policy for Western Australia.

This statement will provide a sound basis for the development of a sanctuaries policy and for the implementation of the bioregional marine planning framework. It will also provide the basis for establishing bioregional targets for marine sanctuaries that are based on independent scientific advice.

- In the context of the new bioregional approach to marine planning, review the institutional , legislative and policy framework for marine park planning in consultation with stakeholders.

The status of the above commitments since Alan Carpenter has taken over as Premier is uncertain. It is also worth noting that subsequent to the above commitments, the ALP State conference passed the following resolution:

227

Labor will set aside representative areas of each marine bioregion as fully protected areas to conserve WA's marine biodiversity and achieve marine sustainability, thus developing a system of marine protected areas that meets or exceeds the internationally recommended scientific targets set at the 2003 World Parks Congress, by 2012. Labor will achieve this through establishing and resourcing a scientifically-based bioregional planning process which will involve all main stakeholders and consult the wider community. As the first step in achieving this, Labor will establish an independent scientific committee of marine ecologists to determine the role of fully-protected areas in biodiversity conservation and set targets for levels of protection to guide stakeholders in each bioregion.

Labor is committed to making laws and governmental institutions more efficient and effective in marine protection, management and planning by undertaking legislative and institutional reforms which assist in reducing departmental overlap and contributing toward ecologically sustainable management of our marine environment.