Australian Marine Conservation Society

P.O Box 5136, MANLY 4179 ph: 61 7 3393 5811 fax: 61 7 3393 5833

email:amcs@amcs.org.au website:www.amcs.org.au

24 April 2006

Dear Sir/Madam

Re: Submission to Federal Senate Inquiry on *Australia's national parks, conservation reserves and marine protected areas*

The Australian Marine Conservation Society (AMCS) welcomes the opportunity to provide a submission to the Federal Senate Inquiry on Australia's national parks, conservation reserves and marine protected areas.

For the purpose of this submission, all comments with regards to the above inquiry relate to marine protected areas only.

Yours sincerely

Kate Davey

Director

Comments against the Terms of Reference

a. the values and objectives of Australia's national parks, other conservation reserves and marine protected areas;

Biodiversity Values

In 2004, the NRSMPA encompassed approximately 64,800,000 hectares or 7 per cent of Australia's marine jurisdiction, excluding the Australian Antarctic Territory. Most protection is concentrated on the Great Barrier Reef and the waters surrounding Heard and MacDonald Islands. The figure unfortunately misrepresents the lack of protection provided to most habitats throughout Australia's waters.

Australian marine jurisdiction is on one of the largest in the world (16.1 million km2). The mainland coastline, including Tasmania, is almost 70,000 km long. Australia's seas span 33 degrees of latitude (58 degrees including the Antarctic territory) and encompasses all five oceanographic climatic zones[1], making Australia one of the most biologically diverse nations on earth.

Australia's oceans are home to a spectacular array of species, many of which are unique to Australian waters. In our southern temperate waters as many as 80 percent of species are found no where else in the world (endemic). Our tropical northern waters are known for their rich biological diversity and tropical coral reef systems including the Great Barrier Reef and Ningaloo Reef.

Australia has some of the oldest land surface on earth and while rich in biodiversity its soils and seas are among the most nutrient poor and unproductive in the world[2]. While Australia has one of the world's largest marine jurisdictions, our total fishery production ranks very low, between 54th and 60th on an international scale according to the United Nations Fisheries and Agriculture Organisation. This low productivity both on land and in the sea means that we must adjust our management practices accordingly.

Cultural and Social Values

The State of the Marine Environment Report published in (1996) speaks to the significant cultural and social value placed on Australia's coasts and seas.

> *Australia is today a complex, dynamic multicultural society of mainly coastal peoples. Over a quarter of Australians live within three*

[1] Zann, L., (1996), State of the Marine Environment Report for Australia (SOMER), department of Environment, Sport and Territories,
[2] DFAT http://www.dfat.gov.au/facts/env_glance.html accessed April 2006

kilometres of the sea, three-quarters live within 50 kilometres of the coast, and Australians are increasingly moving to live along the seashores. The coast and sea are very important to the culture, lifestyle and social values and perceptions of Australians.

The beach and the marine environment are socially and culturally important to Australians. Australians live and play by the sea. The beach is one of our national icons and Australia has developed a characteristic beach sub-culture. The beach has become a cherished place and is entwined in the rites of passage of many Australians. The beach is the major centre for outdoor activities such as bathing, surfing, fishing, boating, exercising and just relaxing. The sea provides inspiration for Australian artists, writers and musicians, sailors and adventurers, and 'average Australians'.

Australia's commitment

The ANZECC Strategic Plan of Action for the National Representative System of Marine protected Areas[3] states that the primary goal of the NRSMPA is to:

Establish and manage a comprehensive, adequate and representative system of marine protected areas 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 following secondary goals are designed to be compatible with the primary goal:

- To promote the development of marine protected areas within the framework of integrated ecosystem management;
- To provide a formal management framework for a broad spectrum of human activities, including recreation, tourism, shipping and the use or extraction of resources, the impacts of which are compatible with the primary goal;
- To provide scientific reference sites;
- To provide for the special needs of rare, threatened or depleted species and threatened ecological communities;
- To provide for the conservation of special groups of organisms, e.g. species with complex habitat requirements or mobile or migratory species, or species vulnerable to disturbance which may depend on reservation for their conservation;

[3] ANZECC (1999), *Strategic Plan of Action for the National Representative System of Marine protected Areas: A guide for the Action by the Australian Government.*

- To protect areas of high conservation value including those containing high species diversity, natural refuges for flora and fauna and centres of endemism; and,
- To provide for the recreational, aesthetic and cultural needs of indigenous and non-indigenous people.

b. whether governments are providing sufficient resources to meet those objectives and their management requirements;

Over the last decade, the AMCS has played a very active and supportive role in the development of the NRSMPA, Oceans Policy and Regional Marine Planning.

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.

Recommendation

The Australian Marine Conservation Society (AMCS) recommends that increased resourcing are directed towards the delivery of the NRSMPA to;

- Accelerate the timeline for the roll-out of the NRSMPA to ensure the 2012 target is met;
- Protect at least of thirty to fifty percent of each marine habitat in fully protected areas (no-take). That these areas are of sufficient size, number and closeness to one another to maintain biological populations and reflect ecosystem linkages and connectivity;
- To achieve finer scale habitat mapping of Australia's inshore and offshore marine habitats;
- To strengthen the scientific rigor in the design and selection of the NRSMPA;
- Develop a comprehensive marine component of the National Land and Water Audit to develop a better national picture of the state of Australia's marine jurisdiction;
- Ensure to the GBRMP Authority to remain an independent statutory Authority while increasing its resources to deal with the increasing severity of threats impacting on the GBR from outside the marine park. Including, fishing, climate change coral bleaching, land-based sources of pollution, shipping and illegal fishing; and

- Ensure that the development and selections of marine protected areas in northern Australia is in close consultation with the indigenous communities of northern Australia and that Sea Ranger Program and the potential for joint management arrangements are effectively investigated and resourced.

c. any threats to the objectives and management of our national parks, other conservation reserves and marine protected areas;

Major threats to the management of marine protected areas includes;

1. Lack of real protection

Australia's commitment to the NRSMPA has been largely delivered through a multiple-use system with little commitment to the value of 'no-take' areas for the protection of biodiversity and the recovery of fish stocks. The Australian Marine Conservation Society (AMCS) supports multiple use MPA's, however they must be declared in conjunction with high levels of 'no-take' protection.

Recommendation

- Protect at least one third and as much as one half of each marine habitat in 'no take' areas. These areas must be of sufficient size, number and location to one another to maintain biological populations and reflect ecosystem linkages and connectivity;

2. Compliance.

Compliance is expensive; however it is also critically important to the success or failure of MPAs. If the performance of an MPA is undermined by compliance breaches, then its effectiveness will also be undermined and the gains achieved by its establishment will be eroded.

The large area of Australia's Exclusive Economic Zone, and remoteness of some MPAs, makes compliance resourcing particularly challenging. However, its importance cannot be undervalued and should be forecast and planned for well in advance of MPA declarations.

Penalties must also be adequate deterrents.

Recommendation

Use a forecasting approach to plan future investment in MPA compliance programs

Ensure that compliance penalties reflect the cost of resourcing and are adequate deterrents to compliance breaches

3. Overfishing

Three quarters of global fish stocks are fully exploited, over-exploited or depleted[4]. More than half of the world's deep sea coral reefs have been destroyed by deep sea trawlers[5].

In 2003, the Bureau of Rural Sciences declared that almost half of Australia's 70 principle fish species were fully fished or overfished[6]. In 2004, the Bureau of Rural Sciences stated that if Australia's wild fisheries are to continue to provide a reliable source of food, as well as giving social and economic benefits, then more effective management approaches to risk and uncertainty are needed now7.

Overfishing is principally caused by inadequate decision making. Decisions are simply are not precautionary enough.

Fisheries management structures are strongly weighted in favour of fishing interests due to the composition of management advisory committees. This prevents the difficult decisions being made.

The role of fisheries ministers is ill-defined. Fisheries ministers often play a role of industry promoters which significantly undermines public confidence in them acting as independent fisheries regulators.

The lack of recorded historic baselines of stock levels and aquatic ecosystem condition and our failure to quantify just how far fish stocks and marine ecosystems have been impacted by humans over the past 200 years, leads us to set artificial targets for conserving marine resources and ecosystem processes.

Recommendation

Fisheries managers require more finally tuned direction from fisheries policy makers about what sustainability targets they should achieve.

Fisheries management committees must be restructured to reduce the number of fishers directly sitting on influential fisheries management committees.

---

[4] Source: (10th April, UN News Page): http://www.un.org/apps/news/ story.asp?NewsID=17937&Cr=fish&Cr1 =
[5] 2.Source : http://www.cnn.com/2000/NATURE 10 August 2000 First International Symposium on Deep Sea Corals in Halifax, Nova Scotia.
[6] Bureau of Rural Sciences (2003). Fisheries Status Reports. www.brs.gov.au
[7] Bureau of Rural Sciences (2004). Fisheries Status Reports. www.brs.gov.au

Fisheries development must be clearly allocated to bodies such as state development agencies so that fisheries ministers can perform an unambiguous and transparent regulatory role of our fisheries on behalf of the Australian public.

The Australian Government must invest in determining marine ecosystem baselines and address the level of baseline shift that has occurred and is now impacting on our decision-making processes.

4. Limited habitats mapping

To date, there has been limited habitat mapping for the majority of Australia's marine jurisdiction. Intensive marine surveys have recorded only 5% of the Australia's ocean's physical terrain, and less than 2% of its life and habitats[8]. The delivery of the CAR system of MPAs however, depends significantly on knowing what habitats exist and where they are.

Recommendation

- Direct significant resources to achieve finer scale habitat mapping of Australia's inshore and offshore marine habitats;
- Develop a comprehensive marine component of the National Land and Water Audit to develop a better national picture of the state of Australia's marine jurisdiction;

5. Other threats

- Lack of management plans or adequate management plans for some marine protected areas;
- Lack of systematic threat assessment process (both sort term and long term impacts) to properly deal with direct and indirect threats;
- Lack of resourcing for the management of marine protected areas once declared;
- Lack of community understanding of the benefits of MPAs and the threats facing Australia's marine environment;
- Land based sources of pollution;
- Lack of resourcing for marine and coastal (including links to marine protected areas) in the delivery of regional NRM;
- Increased population and urban expansion throughout Australia's coastal zone;

[8] Edyvane KS, 2005, Current Status of the National, Representative System of Marine Protected Areas (NRSMPA), accessed *www.mccn.org.au* on 18.02.06.

- Poor freshwater management and understanding of the impacts on the marine environment (and-sea interface);
- Lack of political will;
- Lack of appreciate for the economic benefits of conserving Australia's natural heritage in protected areas;
- Lack of resourcing for the declaration and selection of marine protected areas;
- Lack of clear goals for marine protected areas and fisheries management.
- Lack of science understanding; and
- Lack of adaptive management practices.

d. 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; and

The importance of maintaining healthy marine ecosystems for biodiversity conservations and sustainable resource management, governments including Australia, committed to establishing representative networks of Marine Protected Areas (MPA's) worldwide by 2012 at both the World Summit on Sustainable Development (2003) and the Conference of Parties to the Convention on Biodiversity (2004).

This commitment was in recognition that the marine environment was the least protected parts of the planet. Those that do exist are often very small, located close to shore and not managed effectively.

In 2003, the IUCN World Parks Congress (2003) reiterated the call for the international community to meet the 2012 target. In doing so the Congress also recognized that:

'*Urgent action was required to restore fisheries that have collapsed, avoid over-fishing of stocks already fully utilised, minimise the ecological effects of by-catch, to species and ecosystems and limit habitat destruction. Marine protected areas (MPAs) have been shown to be an effective means to support biodiversity and species conservation as well as supporting ecologically and economically sustainable fisheries when managed in the context of human societies that are dependent on marine ecosystems*'.

The IUCN World Congress called on the international community to 'Establish by 2012 a global system of effectively managed, representative networks of marine and coastal protected areas, consistent with international law and based on scientific information, that:

- *Greatly increases the marine and coastal area managed in marine protected areas by 2012; these networks should be extensive and include strictly protected areas that amount to at least 20-30% of each habitat, and contribute to a global target for healthy and productive oceans.*

The Australian Government has committed to establishing a Comprehensive Adequate and Representative (CAR) NRSMPA by 2012 as part of its commitment under oceans policy and Regional Marine Planning.

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

The development of Strategic Plan of Action for the National Representative System of Marine Protected Areas (NRSMPA), Australia Oceans Policy, Regional Marine Planning and the rezoning of the Great Barrier Reef Marine Park helped to place Australia as a world leader in the management and conservation of the marine environment.

The shift from policy to implementation to on-ground (on-water) delivery outside of the Great Barrier Reef however, has been incredibly slow and mainly restricted to pursing declarations in remote offshore areas.

The southeast marine region and the delivery of the NRSMPA in that region, is Australia's first endeavor at delivering on its policy commitments in a systematic way. The lack of delivery of significant conservation outcomes from this process has placed Australia's leadership into serious question. The Government has failed in the area of;

1. Stakeholder consultation

AMCS has been involved in the countless working groups, committees and workshops as part of the government process to deliver a CAR system of MPA in the southeast. For over 6 years, stakeholders have contributed significant time and resources into the process and have received little in return outside of the fishing sector and oil and gas industry. Stakeholders have been subjected to too many meeting with limited or no outcomes, impossible expectations and infeasible negotiations.

A general lack of commitment and ongoing changes to timelines has resulted in stakeholder burn-out and frustration.

2. Lack of clear management and conservation goals

The southeast process has suffered significantly as a result of a lack of clear conservation (based on scientific advice) of management goals.

Despite contrary advice from CSIRO, the southeast MPA process has lacked clear conservation and management targets. The lack of clear targets has contributed significantly to stakeholder frustration and has resulted in a proposed system of MPAs with limited or no scientific integrity.

Recommendation

That the Australian Government use Australia's leading marine scientists to develop clear conservation and biodiversity targets for the NRSMPA. As recommended by CSIRO, these targets would need to include minimum levels of high level protection (i.e. 'no-take') in order achieve adequacy in the system. CSIRO has stated:

> '*To assess the Adequacy of the system of MPAs, it is necessary to consider how much of a biome (eg shelf) or sub-biome (e.g. the biological distinct inner or outer sections of the shelf) needs to be protected to maintain ecosystem processes and their connectedness. This is not known for the SEMR {southeast marine region} but crude estimates suggest that 15-30% is realistic'.*[9]

3. Scientific Integrity

The findings of the Governments own 'Southeast MPA Scientific reference Panel' including;

1. *'The system fails to meet the design specifications and is unlikely to achieve the CAR aims fully, because it does not include the diversity of depth, location, productivity, sedimentary and geomorphological units, which are our main surrogates for biodiversity.;*
2. *'... examined how the proposed MPAs relate to satellite estimates of chlorophyll (a very rough proxy for primary production).This suggests that, with the exception of the south coast of Kangaroo Island and possibly Banks Strait off northeastern Tasmania, the highly productive areas in the SE have been largely excluded'.;*
3. *'The proposed MPA system under-represents the shelf, upper and mid-continental slope. Importantly, benthic values in these depths are also those most under threat from human impacts, especially from direct fishing impact inside 1500 m depth'; and*
4. *'Given the lack of knowledge, we should perhaps be less concerned that all geomorphological features are represented than we are about depth zones...'.*

[9] CMAR comments on proposed candidates MPAs in the SE marine planning regions (28/02/06) http://www.deh.gov.au/coasts/mpa/southeast/publications/se-mpa-submissions.html

Further, the formal submission from CSIRO – Marine and Atmosphere Research (CMAR)[10] begins with the statement *'It is important to note that CMAR has had no direct previous input into the design of the proposed MPAs*'. This makes it clear that no scientific input was sought in the designing and selection of the proposed system of MPAs in the SE. This is despite the fact the Government has contracted CSIRO to provide this input.

The CMAR submission also '*notes series shortcomings in the {Governments} proposed {marine protected Area} network*' and recommends that fifteen – thirty percent of each depth zone should be protected to maintain ecosystem processes and their connectedness.

Given that the shelf and upper slope in the southeast have a proposed no-take protection of less than 2% the Governments proposed marine parks system falls along way short of scientific advice.

The disappointing process and proposed level of protection in the SE is in direct contrast to the outcome achieved for the Great Barrier Reef Marine Park. The Representative Area Program and the conservation outcomes delivered is worthy of Australia's reputation as a world leader.

Undue influence by Industry

The Strategic Plan of Action for the NRSMPA (1999)[11] states that '*biodiversity and environmental criteria' are the primary criteria for the identification of candidate areas. Social, cultural and/or economic criteria are applied primarily in the selection of MPA sites from the candidate areas.'*

While this principle was largely followed in the case of the GBR Representative Area Program, it appears to have been completely ignored in the southeast process.

The CSIRO – CMAR submission comments on this issue '*It appears that the location of existing and new release oil and gas release has been an important design constraint for the proposed SE MPAs. The result is an underepresentation of continental shelf and upper slope biomes, and thereby a significant reduction in the biodiversity values of the of many of the proposed MPAs'*.

[10] CMAR comments on proposed candidates MPAs in the SE marine planning regions (28/02/06) http://www.deh.gov.au/coasts/mpa/southeast/publications/se-mpa-submissions.html

[11] [11] ANZECC (1999), *Strategic Plan of Action for the National Representative System of Marine protected Areas: A guide for the Action by the Australian Government.*

This undue influence is also noted in the area of fisheries where the areas of high fishing effort have minimal proposed protection while those areas with little or no fishing effort received high levels of protection.

Recommendation

That the Australian Government remain true to the NRSMPA Action Plan finalised in 1999 and ensure that the identification of candidate MPAs are based on 'biodiversity and environmental criteria' using the best available scientific advice.