



**Australian Government**  
**Director of National Parks**

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**Report of the Director of National Parks**

**under**

***Environment Protection and Biodiversity Conservation Act 1999***

**Section 370**

**on the Preparation of the Temperate East Marine Parks Network Management Plan**

**2017**

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## 1 INTRODUCTION

This report has been prepared in accordance with section 370 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) for consideration by the Minister for the Environment in relation to approving the Temperate East Marine Parks Network Management Plan.

The Director of National Parks is responsible under the EPBC Act for the management of 58 marine parks around Australia (formerly named Commonwealth marine reserves), comprising the:

- North Network of marine parks
- North-west Network of marine parks
- South-west Network of marine parks
- South-east Network of marine parks
- Temperate East Network of marine parks
- Coral Sea Marine Park.

Australian Marine Parks are in Commonwealth marine areas defined by the EPBC Act - waters that generally start at the outer limit of state and territory coastal waters, three nautical miles (5.5 km) from the shore, and extend to the outer limit of Australia's exclusive economic zone, typically 200 nm from the shore.

These marine parks are Commonwealth reserves, proclaimed under section 344 of the EPBC Act for the protection and conservation of biodiversity, and to contribute to the National Representative System of Marine Protected Areas.

Section 366 of the EPBC Act requires a management plan to be made after a Commonwealth reserve is declared to set out the management arrangements, including what activities will be allowed. In preparing management plans, two rounds of statutory public consultation are required: the first inviting comment on the proposal to prepare a draft plan and the second inviting comments on the draft plan. Both rounds of consultation are required to be open for at least 30 days. A single management plan may be the plan for multiple reserves.

For the South-east network of 14 marine parks, this process was completed in 2012 and a management plan has been in operation since 2013.

For the remaining 44 marine parks in the in the North, North-west, South-west and Temperate East Networks and the Coral Sea, the Director of National Parks has undertaken the two rounds of statutory public consultation and has now completed management plans. These plans set out the management arrangements that will be implemented within these marine parks over the next ten years, including zoning and rules for activities.

This report summarises the 88 submissions received on the draft Temperate East Marine Parks Network Management Plan, during the second period of statutory consultation, as defined under EPBC Act. It outlines the comments that were made across all draft plans or multiple draft plans, that are of relevance to the plan for the Temperate East Network. The report provides the views of the Director of National Parks on those comments, noting where the plans have been amended, or where comments or suggestions provided have not been adopted.

## 2 THE MANAGEMENT PLANS

The mandatory content for Commonwealth reserve management plans is set out in Section 367 of the EPBC Act. In accordance with the section, the management plans for marine parks must provide for the protection and conservation of each park and may divide a park into zones. In particular, the management plan must:

- assign each park to an IUCN category
- state how each park, or each zone of the park, is to be managed
- state how the natural features of the park are to be protected and conserved
- specify any limitation or prohibition on the exercise of a power, or performance of a function, under an Act in or in relation to the park
- specify any mining operation, major excavation or other work that may be carried on in the park, and the conditions under which it may be carried on
- specify any other operation or activity that may be carried on in the park
- indicate generally the activities that are to be prohibited or regulated in the park, and the means of prohibiting or regulating them
- indicate how the plan takes account of Australia's international obligations
- be consistent with National and Commonwealth Heritage place principles.

The management plans as prepared meet these requirements by including a description of each park and the values of each park. They also set out the suite of management programs, activities and prescriptions to be implemented over the life of the plans.

The plan provides the overarching framework for management of the 8 marine parks in the Temperate East Network for ten years from its commencement. The plan addresses the requirements of the EPBC Act and associated regulations, and provides flexibility to allow management arrangements to be adapted as needed through the life of the plan.

In accordance with Section 368 of the EPBC Act, the management plan for marine parks in the Temperate East Network has been prepared taking account of:

- the report prepared for the proclamation of those marine parks
- the proclamation and associated purposes governing the use of the marine parks
- the interests of owners and leaseholders, traditional owners, Indigenous persons and holders of usage rights within the marine parks
- the protection, conservation and management of biodiversity and heritage within the marine parks
- the protection of the marine parks against damage
- Australia's obligations under international agreements relevant to the protection and conservation of biodiversity and heritage
- comments received on the initial Notice of Intent to prepare draft plans between 5 September and 31 October 2016
- comments received on the draft plans between 21 July and 20 September 2017.

## **3 CONSULTATION**

### **3.1 NOTICE OF INTENTION TO PREPARE THE MANAGEMENT PLANS**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice was published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website, inviting comments on the proposal to prepare draft management plans for marine parks in North, North-west, South-west, Temperate East and the Coral Sea.

As required under the EPBC Act, information on the Notice of Intent to prepare draft management plans including an invitation to comment was sent to all native title representative bodies and representatives of native title claimants in the vicinity of the marine parks. Also, an email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to the marine mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

Comments on the Notice of Intent closed on 31 October 2016, with a total of 54,322 submissions received. Of these, 212 were unique submissions from organisations, representative bodies, businesses and individuals and 54,110 were submissions from the general public using standard words or a template (from 16 different templates). The submissions using standardised words expressed views about conservation or recreational fishing.

The key comments raised during the first round of consultation included:

- the need for higher protection of environmental and cultural values
- requests for greater commercial and recreational access to fishing areas
- calls for more restrictions on extractive activities, including oil and gas exploration in marine parks
- importance of consistency in management arrangements between adjacent Australian and state and territory parks
- importance of appropriate resourcing for comprehensive, intelligent compliance arrangements, particularly where National Park zones have been proposed
- need for targeted communication about park management, including for different sectoral users
- concerns over restrictions on extractive activities such as oil and gas, commercial and charter fishing in marine parks
- importance of flexible / adaptive management approaches
- need for fisheries adjustment support for commercial fishing businesses affected by new rules in marine parks.

Those submissions received were considered in the preparation of the draft plans that were released for public comment in 2017. A summary of the issues raised in submissions was made available to the public on release of the draft plans.

### **3.2 PUBLIC CONSULTATION ON THE DRAFT MANAGEMENT PLANS**

In accordance with Section 368 of the EPBC Act, public comment was invited on the five draft management plans between 21 July and 20 September 2017.

Invitations to comment on draft plans were published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website. An email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to marine park mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

As required under the EPBC Act, a letter and information materials were posted to all native title representative bodies, representatives of native title claimants in the vicinity of the marine parks and all persons holding a usage right under Section 359B of the EPBC Act that existed prior to the parks being proclaimed. Copies of draft plans were made available on the Parks Australia website and through the department's Community Information Unit.

This report includes a summary of the public comments made on draft plans and the Director's views on those comments. It focuses in particular on comments made in relation to the draft plan for the Temperate East Marine Parks Network.

#### 4 SUMMARY OF COMMENTS RECEIVED

A total of 88 specific submissions were received on the draft Temperate East Marine Parks Network Management Plan. A total of 82,877 submissions (including 2,027 unique and 80,850 using standard words) were received in response to the invitation to comment on all five draft plans. Copies of all submissions, including examples of submissions using standardised wording, are on the Parks Australia website.

Submissions received contained comments on a broad range of issues. Some comments were directed towards all draft plans. Other comments received were about a particular draft plan, park or network. This report summarises the comments received across all draft plans, and the comments received in relation to the draft plan for the Temperate East Marine Parks Network.

Comments that relate to specific parts of the draft plans are discussed in Chapter 5.

Comments that are general in nature or relate to issues or processes outside of the draft plans, such as the *Independent Review of Commonwealth Marine Reserves*, or the level of funding for marine park management are discussed in Chapter 6.

##### Unique submissions

A total of 2,027 unique submissions were received from individuals, businesses, associations, organisations or representative bodies about all draft management plans (Table 4.1).

Table 4.1 Unique submissions received from different sectors

Sector	Total
General public	1 724
Recreational fishing	136
Conservation	50
Research	25
Commercial fishing	20

Government	16
Commercial tourism	12
Indigenous	11
Recreational scuba or snorkel	10
Commercial charter fishing	9
Oil, gas, or mining	3
Recreational boating	3
Other	3
Ports	2
Commercial media	2
Aquaculture	1

### Submissions using standardised words

A total of 80,850 submissions were received from members of the general public, using standardised words or a template (Table 4.2). For some of these submissions, wording was amended slightly, or additional text added.

*Table 4.2 Submissions received that used standardised words or a template*

Template or standardised words	Total
Save Our Marine Life - stop this madness and save our sanctuaries	27 133
Australian Marine Conservation Society	21 918
WWF - preserve our reserves	9 833
Save Our Marine Life - recreational fisher	6 342
Save Our Marine Life - stop the cutbacks, I fish	6 105
Wilderness cutbacks	5 011
Save Our Marine Parks	2 945
Keep Australia fishing	682
Keep the Rowley Shoals oil free	398
Save Bremer's whale nursery	359
Campaign Now – reject these cutbacks	124
<b>TOTAL</b>	<b>80 850</b>

## 5 COMMENTS ON THE DRAFT PLAN

### 5.1 COMMENTS ABOUT PART 1 OF THE PLAN

The following comments were raised in relation to the entire plan and Part 1:

#### General comments:

- Indigenous engagement and cultural values need to be considered throughout the plans, not just in the Indigenous engagement program.
- The term 'Aboriginal' should be used, not 'Indigenous' and the plan should refer to "Traditional Owners", not "traditional owners".
- More regionally specific photos should be included throughout the plans.

### Vision and objectives:

- Supported the vision for marine parks or the objectives of the plan.
- The primary focus of the vision and objectives should be on protection of the marine environment / biodiversity, or on sustainable use and enjoyment.
- Need to balance marine protection, with sustainable use and enjoyment in marine parks.

### Approach to managing Australian Marine Parks and ways of working:

- Supported, or generally supported, the approach and ways of working articulated in the plan.
- Concerned about ability to manage specific park issues using a network-wide plan.

### Partnerships:

- Interested in developing partnerships to protect the marine environment.
- Supported opportunities for collaboration and partnerships with state and territory governments (through annual business agreements), industry partners and in the management of service arrangements.
- Supported setting up an advisory committee / forum to engage users in park management.
- Suggested a specific member for one of the advisory committees or using an existing committee.
- Importance of strong ongoing consultation with people in the region.
- Partnerships are needed with native title holders to support the identification and management of cultural values.
- Sufficient Indigenous representation is needed on advisory committees or at least one funded representative.
- Supported the *Principles supporting Indigenous people to engage in management of Australian Marine Parks* and the commitment to partnerships with traditional owners and Indigenous people.
- Suggested the following amendments to the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*:
  - Principle 5 or other part should reference the *United Nations Declaration of Indigenous Rights*.
  - In Principle 1, “for thousands of years” should be replaced with “since time immemorial”.
  - Principle 8 should be amended to say “Third party investment in Australian Marine Parks “must” include support for Indigenous people’s interests etc.
- Unclear about joint management and what it entails.
- Suggested additional people should be considered traditional owners.
- Change Maritime Border Command to Australian Border Force.

### Management programs and actions, implementation plans and adaptive management:

- Supported, or generally supported, the management programs and actions identified and the commitment to ongoing active management.
- Sought involvement in development of implementation plans, specifically Indigenous groups.
- Supported, or generally supported, adaptive management.
- Concerned about adaptive management or the ability to monitor effectiveness of the plans.

### **Director’s views**

#### General:

I note the comments received in relation to the entire plan, particularly about the importance of Indigenous engagement.



I recognise that Aboriginal and Torres Strait Islander people have been managing their sea country for thousands of years. The plans commit to working closely with Indigenous people to manage marine parks and include specific actions in the management programs about working with Indigenous people.

In these plans, Aboriginal and/or Torres Strait Islander people are referred to collectively as Indigenous people. I recognise that some Aboriginal people prefer not to be referred to as 'Indigenous', however the plans cover waters in the Torres Strait and I am seeking to be inclusive. In referring to Indigenous people, I do not intend to give offence to Aboriginal people.

The plans will be read by many people and are important to communicating about our parks. Minimal use of capitals in the plan is intended to increase readability, including not using capitals in the term "traditional owner". Again, this is not intended to create offence.

I have included regionally specific photographs within the plans, on the website and in other communication materials wherever possible.

#### Vision and objectives:

I note the comments about the vision and the framework proposed for managing marine parks, with the majority of these expressing support for the partnership approach outlined.

My vision is that marine parks are healthy, resilient and well managed to enhance Australia's wellbeing. The vision seeks to balance protection of the marine environment and sustainable use and enjoyment of marine parks, for the benefit of all Australians. The objectives are drawn from the requirements under the EPBC Act and the stated purpose of the parks on their proclamation.

Of interest, some people commented that the vision should be more focussed on protection, while others thought it should be more focussed on sustainable use and enjoyment. This demonstrates the divergent views and the challenge in balancing sometimes competing values for marine parks.

#### Approach to managing Australian Marine Parks and ways of working:

I welcome the general support for the approach proposed in Part 1.6 and 1.7 of the plan.

While some submissions expressed concern that grouping together management of several parks under networks and plans won't address park specific issues, I am confident that the proposed approach will provide national consistency, while enabling sufficient flexibility to deliver park-specific outcomes and actions.

#### Partnerships:

I welcome the interest in, and support for, the partnership approach proposed.

I am committed to working in partnership with traditional owners, marine park users, other governments and stakeholders, to manage our parks collaboratively. Establishing advisory arrangements will provide me with valuable and ongoing input and advice about marine environments, values and uses of our parks. The establishment of advisory arrangements will be a priority when the plans come into force. I am not intending to duplicate existing arrangements or establish new advisory mechanisms where they are not considered necessary or useful, and welcome advice on this. I will also develop agreements with state and territory governments to encourage collaboration.

Support for collaboration between Parks Australia, traditional owners and native title holders is welcome. While I note the suggestions made about the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*, I was reluctant to make changes. This is because

they were drafted and endorsed by a number of Indigenous people and representatives of Indigenous organisations.

However, I have amended Section 1.8 of the plans to replace “for thousands of years” with “since time immemorial” and to reference the *United Nations Declaration in the Rights of Indigenous People*.

The text in Section 1.8 has also been amended to change Maritime Border Command to Australian Border Force.

Management programs and actions, implementation plans and adaptive management:

The management programs and actions listed in the plan provide a framework for how Parks Australia will actively manage our marine parks. I will be seeking advice from our advisory committees / forums once established about these programs and actions, and importantly how they are implemented in each park and network.

I note the range of views about adaptive management. Regular monitoring, evaluation, reporting and review of the implementation of the plans will be essential to achieve the vision for Australian Marine Parks. It will also help to keep track of our progress and change our approach when necessary. While we have a large amount of work ahead of us, I am satisfied that the proposed management programs and actions provide a sound and coherent framework for achieving the vision and objectives of the plans.

## **5.2 COMMENTS ABOUT PART 2 OF THE PLAN**

The following comments were received on Part 2.1, 2.2 and 2.3 of the plan and Schedule 2. Comments about values were also provided against Part 3 – zoning.

Values:

- Further information should be included about the social, heritage, aesthetic and cultural values of each network.
- Australia’s oceans have significant non-market value.
- Need to protect seamounts in the Temperate East, especially in the Norfolk Marine Park.
- Tourism, recreational and charter fishing are important to the Jervis Bay community.
- The most productive fishing grounds are highly variable in the Solitary Islands Marine Park.
- Fish stocks have been depleted in the Lord Howe Marine Park.
- Critical habitat in the region is underrepresented and fishing practices are incompatible with values.
- There are internationally significant natural and World Heritage values in the Lord Howe Marine Park.
- Suggested that there is a mistake in Figure 2.3, and that the correct title should be ‘Commercial’.
- The natural values of the Norfolk Marine Park have been impacted by radiation from the Fukushima disaster or a fish factory.
- Non-natural values of Norfolk Marine Park will be negatively impacted by commercial fishing and mining.
- Waste disposal into Norfolk Marine Park will impact on values.
- Natural values of the Solitary Islands Marine Park were impacted by its proximity to land.
- The plan does not adequately identify the high ecological values, especially of the Norfolk and Lord Howe marine parks.

- The Pitcairn Islanders should be identified in the cultural, heritage and socio-economic values for Norfolk Marine Park.
- The natural values of Norfolk Marine Park should include the inshore reefs and shallow coastal bays.

Pressures:

- Pressures have been adequately described and create a solid context.
- Concerned about pressures described and in light of these pressures, there should be higher levels of protection.
- Should have regard to past research by state and territory governments with respect to pressures on marine parks.

***Director's views***

Values:

I note the comments that sought or provided further information about the natural, cultural, heritage, social and economic values of marine parks.

The values outlined will form the basis of decision making about activities allowed in marine parks. The additional information provided about values is welcome. Descriptions of values in the plan need to be succinct, so not all information provided could be included. Additional information will be made available through the Department's website over time.

As a result of additional information provided, the plan has been amended to include additional information in Part 2.1 and Schedule 2.2 about values.

Under cultural values in Section 2.1 and in Schedule 2.2, the following text has been amended to include "tens of":

"Aboriginal/Indigenous people have been sustainably using and managing their sea country for tens of thousands of years."

Pressures:

I acknowledge the comments made about the pressures acting on marine parks.

Managing marine parks requires a balance between use and enjoyment of marine parks, with protecting the marine environment. To that end, the impact of pressures on marine park values will be considered when determining the management actions to be implemented, and when making decisions about the activities that will be allowed in each park. Pressures such as the extraction of living resources by fishing and habitat modification through installation of infrastructure, will also be managed through the zones and rules set out in the plan.

Climate change as a pressure cannot be reduced through this plan, however, effective marine park management is expected to assist in improving the resilience of marine ecosystems to recover from pressures, such as climate change.

I note the existing research on the pressures acting on marine environments, including by state and territory governments, and will seek to gather and consider that research through our partnerships and under the marine science program.

### **5.2.1 COMMENTS ON THE COMMUNICATION, EDUCATION AND AWARENESS PROGRAM**

The following comments were received on the communication, education and awareness program and actions:

- Supported the implementation of a program to improve community and stakeholder awareness and engagement, including ongoing engagement.
- Need to have clear and multi-channelled communications to encourage acceptance of marine parks and improved compliance.
- Concerned about funding being used for promoting marine parks, at the expense of science or other programs.
- Lack of consideration of the role that native title holders could play in delivering the communication, education and awareness program.

#### **Director's views**

I note the comments made about this program, which I regard as critical to engaging Australians in marine park management. Under this program, Parks Australia will work with park users, state and territory governments, Indigenous people, native title holders, key stakeholders and the broader community to manage marine parks for the benefit of all Australians. This program will build awareness about marine parks, their environmental, cultural and socio-economic values and the way Parks Australia is managing them.

While I note concerns about using resources to promote or market marine parks, as noted in many submissions, education programs are important to help people to understand the rules in marine parks and to encourage people to comply with the rules. The program will be implemented efficiently, using online resources and tools wherever possible, and working with our partners.

I agree with the comments that native title holders can assist with delivery and will be seeking input and support from Indigenous people to implement this program.

### **5.2.2 COMMENTS ON THE TOURISM AND VISITOR EXPERIENCE PROGRAM**

The following comments were received on the tourism and visitor experience program and actions:

- Supported the implementation of a program to improve visitation and visitor experiences in marine parks.
- Did not support increased tourism in marine parks, or expressed concern about the impacts of increased tourism on park values.
- Insufficient levels of marine park protection will undermine regional economies that are dependent on marine tourism.
- Tourism operators need to be regulated to ensure that they do not encroach on native title rights and interests or interfere with cultural sites.
- Commercial and recreational marine park users need to liaise with native title holders to ensure that access to traditional waters occurs in a culturally appropriate manner.
- Indigenous people are tourism operators.
- Cultural values have not been well understood / communicated.
- Cultural tourism opportunities with Aboriginal partnerships should be emphasised.

### **Director's views**

I note the comments provided about this program and will pay careful attention to them in implementing the plans. Australian Marine Parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Creating amazing destinations for visitors is one of Parks Australia's core goals, and I want to work with operators to promote and support tourism in marine parks.

However, tourism activities do have the potential to impact on marine park values, including cultural values. All users of marine parks, including tourism operators, need to operate in a manner that is sustainable and minimises impacts.

I agree that we should support access to traditional waters occurring in a culturally appropriate manner. The plan has been amended to include an action to promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners.

I also agree that marine parks provide cultural tourism opportunities. The plan has been amended to include an action to work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

### **5.2.3 COMMENTS ON THE INDIGENOUS ENGAGEMENT PROGRAM**

The following comments were received on the Indigenous engagement program and actions:

- Support the Indigenous engagement program and management actions.
- Should emphasise cultural benefits, above social and economic benefits.
- Support engaging Indigenous people in the management of Australian Marine Parks.
- Need to engage with native title holders and traditional owners in an ongoing way.
- Long term funding is needed to support ongoing engagement and coordination with traditional owners and Indigenous rangers, to enable them to manage their sea country and create employment.
- Expressed support for specific Indigenous advisory structures to provide leadership and advice, implement ranger programs and capacity building initiatives and input into advisory committees/forums.
- Parks Australia could align meetings with Indigenous people with meetings arranged by state or territory agencies.
- Cultural advisors could support management plan implementation.
- Ranger groups could engage with traditional owners.
- Interested in opportunities available for traditional owners and Indigenous rangers to undertake actions in marine parks such as marine debris programs, megafauna management programs, long-term monitoring, maintenance for park infrastructure and water quality monitoring.
- Indigenous rangers could fulfil enforcement functions if trained and resourced.
- Need to focus on building capacity of Indigenous groups.
- Need greater linkages between state and federal initiatives for sea rangers.
- Need ongoing engagement to further identify cultural values, stories and sea country.
- Indigenous working groups should be established to develop the Indigenous engagement and cultural heritage strategy (with funding).
- Important to include traditional owners and rangers in research (and this needs to be funded).

- Need established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Unclear how traditional owners will input into authorisation decisions for certain activities.
- Need to produce simple posters like those produced for Indigenous Protected Areas to support traditional owners to understand marine park management activities.
- Sceptical about the willingness or approach to Indigenous engagement.

### **Director's views**

I note the comments provided about the Indigenous engagement program and welcome the overwhelming support it has received. These comments will be carefully considered in the implementation of the program.

Through the plan and the Indigenous engagement program, traditional owners, native title holders and Indigenous people will be engaged in managing sea country within marine parks, with the intention of developing Indigenous livelihoods and employment. This includes supporting Indigenous people and rangers to undertake surveys, monitoring, research and surveillance in our marine parks.

I welcome advice provided on the specific mechanisms to engage traditional owners, native title holders and Indigenous rangers in marine park management and will consider this input in the coming months as appropriate arrangements are established across Australia to implement this program.

The suggestion to produce information to support traditional owners understand marine park management activities is welcome. The plan has been amended to add an action to provide information to Indigenous people about marine park management.

In recognition of the importance of engaging with traditional owners and the need for increased cultural awareness, actions under the program have also been amended as follows:

- “collaborate with traditional owners and relevant partners such as the New South Wales Aboriginal Land Council on implementing the Indigenous engagement program, including supporting Indigenous groups to participate in marine park management
- implement cultural awareness training for Parks Australia staff in association with traditional owners
- establish protocols for researchers working with Parks Australia to guide engagement with traditional owners
- identify opportunities and mechanisms to engage traditional owners including through coastal Local Aboriginal Land Councils, established under the *Aboriginal Land Rights Act 1983* in the management of marine parks
- increase understanding of traditional knowledge and cultural values.”

### **5.2.4 COMMENTS ON THE MARINE SCIENCE PROGRAM**

The following comments were received on the marine science program and actions:

- Supported the implementation of a program to increase scientific knowledge and understanding of marine parks and their values and to inform park management.

- Parks Australia should work closely with research institutions, the oil and gas industry, Indigenous people, scientists, state/territory governments and other countries in implementing the marine science program.
- Need to involve resource users, especially traditional owners, in determining research priorities and in undertaking research activities in partnership with external researchers.
- More scientific information is needed about the impacts and benefits of fishing, tourism, oil and gas, habitats, species, biological communities, taxonomy and the effectiveness of zoning to inform management.
- In light of heritage and natural values, more research is required into specific marine parks.
- Support and interest in citizen science, including by recreational fishers to monitor or target specific knowledge gaps.
- Existing fishing tag and release programs and data from fishing clubs could contribute to research.
- Need to include traditional owners and rangers in research (including providing funding).
- Need to apply established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Research priorities should explicitly support collection and appropriate use of traditional knowledge.

#### ***Director's views***

I note the generally supportive comments received on the marine science program and the suggestions for priorities. I agree that science is fundamentally important to understanding and managing marine parks.

Science has formed the basis for establishing Australian Marine Parks and will remain key to successfully managing them. In recognition of the importance of science in managing marine parks, scientific research and monitoring will be prioritised in marine parks over the next decade. The marine science program will improve our understanding of marine systems, habitats, ecosystems and values. This includes the impacts and benefits of recreational and commercial use and enjoyment for fishing, tourism, oil and gas, conservation and heritage values. Through monitoring and research of park values, the pressures acting on those values, and the adequacy of management responses, the marine science program will play a major role in an adaptive evidence-based approach to marine park management.

To get the best outcomes from this program, Parks Australia will work closely with research institutions, including the National Environmental Science Program and the National Marine Science Committee, as well as traditional owners, Indigenous people, marine park users, state/territory governments and other countries.

I welcome advice provided on specific research priorities, datasets, collaboration and mechanisms to engage in implementing the marine science program. Inputs and advice from scientists, stakeholders and the community will be considered in the implementation of this program over the next decade.

Community involvement in management of our marine parks, such as through citizen science programs will also be encouraged.

I consider that the comments received are addressed through the plan or will be considered in the implementation of the marine science program, and no changes are required to the plan.

### **5.2.5 COMMENTS ON THE ASSESSMENTS AND AUTHORISATIONS PROGRAM**

The following comments were received on the assessments and authorisations program and actions:

- Supported using Commonwealth or state assessment and authorisation processes where possible, consultation between government departments and industry, class approvals, and an online authorisations system to reduce regulatory burden on users and ensure transparency in decision making.
- Concerned about increasing red tape and regulation.
- Support public release of information about authorisations.
- All licences and approvals should include the dollar value of the approval.
- Unclear how traditional owners will have input into authorisation decisions for certain activities.

#### **Director's views**

I welcome the comments received about this program and will consider them carefully in its implementation.

As set out in the "Ways of working", Parks Australia is committed to minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval processes of other agencies, aligning our authorisation systems with others and developing an online application process.

Parks Australia will consult closely with users about implementation of this program.

In the interests of transparency, Parks Australia will publish information about authorisations online and inform traditional owners about activities occurring on sea country. It is not however considered appropriate to publish "dollar values" or commercially sensitive information.

### **5.2.6 COMMENTS ON THE PARK PROTECTION AND MANAGEMENT PROGRAM**

The following comments were received on the park protection and management program and actions:

- Supported implementing a program to proactively manage threats on marine parks.
- Moorings or anchorages are needed, to reduce damage.
- Concerned about the potential for an oil spill and the impact.
- Supported the development of an Australian Marine Parks critical incident strategy in consultation with the oil and gas industry.
- Final action about Indigenous rangers should be amended to remove "explore opportunities to collaborate", to "ensure full collaboration" with traditional owners and Indigenous ranger groups.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.
- Indigenous ranger groups should be supported through funding and training to undertake monitoring programs and to strengthen and adapt traditional management systems to deal with changing pressures.

#### **Director's views**

I note the comments about the park protection and management program and general support as a mechanism to address pressures on marine parks.



Based on comments received, I have amended an action for the Temperate East network to collaborate with and support other agencies that undertake invasive and protected species management and marine debris removal. For example, this may include working in partnership with relevant agencies to foster high standards of biosecurity, particularly in sensitive marine ecosystems and World Heritage-listed areas of the Lord Howe Marine Park.

Under this program, Parks Australia will implement actions in marine parks to protect natural, cultural and heritage values from impacts. Actions will be undertaken in partnership with park users, governments, traditional owners, Indigenous rangers and the broader community. Where possible, traditional owners and Indigenous ranger groups will be supported to undertake these management actions.

The plan has been amended to strengthen the action about traditional owners and Indigenous ranger groups by changing “explore opportunities to collaborate”, to “collaborate”.

### **5.2.7 COMMENTS ON THE COMPLIANCE PROGRAM**

The following comments were received on the compliance program and actions:

- The outcome for the program should be changed from “a decrease in the number of enforcement incidents”, to a decrease in the number of non-compliances”.
- Supported implementing actions to improve compliance in marine parks, including enforcement actions; surveillance by members of the community; recreational fishers and Indigenous rangers; developing codes of practice; applying penalties; and using technology to provide accessible zoning maps.
- Supported encouraging voluntary compliance through education, such as alert services for recreational and commercial fishers, and educating fishers about sustainable practices.
- Need to work with other agencies to assist in detection and enforcement.
- Sceptical about Parks Australia’s ability to ensure compliance, given the location of marine parks, resourcing required and zoning proposed.
- Need additional information explaining how and where park management staff will be deployed.
- Need to consider accidental drift of fishing gear into no-take areas when enforcing plans, and need further consultation / guidance about this issue.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.

#### **Director’s views**

I note the comments received about the compliance program. They will be carefully considered as the program is implemented.

I agree that the outcome for the program should be changed from “a decrease in the number of enforcement incidents and non-compliance”, to “a decrease in the number of non-compliances” and have made this change.

Marine parks are large and often a long way offshore, making compliance and enforcement more difficult and costly. Parks Australia will collaborate with other agencies and park users, and investigate innovative technologies and systems to ensure compliance in our parks. This includes vessel monitoring systems, investing in online information and tools that explain zones and rules, and apps that alert people when they are entering marine parks.

Parks Australia is already working closely with agencies like the Australian Fisheries Management Authority and Australian Border Force to detect illegal fishing. I have made reference to working with the Norfolk Island Regional Council and Lord Howe Island Board in response to comments received.

Under the Indigenous engagement program, Indigenous rangers and traditional owners will be engaged in compliance activities wherever possible.

Accidental drift of fishing gear into no-take areas has been carefully considered in developing zoning for marine parks. Engagement with the fishing industry about this issue will continue to seek ways to minimise the incidence and impacts of gear drift.

## **5.3 COMMENTS ABOUT PART 3 OF THE PLAN**

### **5.3.1 COMMENTS ABOUT PART 3 OF THE PLAN – GENERAL ZONING**

The following comments were received on Part 3.1 or zoning in general:

#### Zone objectives:

- Supported the application of the International Union for the Conservation of Nature (IUCN) categories and the zone objectives.
- Concerned about the application of the IUCN categories and the zone objectives.
- Unclear about the use of sub zones.
- Zoning should be unchanged from that proposed previously or proclaimed.
- Concerned about the economic impacts and benefits of the zoning, for example the benefits to fishing against the cost to tourism or in terms of ecosystem services.
- Need greater consistency in zoning and rules between the Australia Marine Parks and state and territory marine parks.

#### Protection for marine habitats and species:

- The level of protection offered by zoning and other arrangements is not sufficient, and won't allow conservation objectives to be achieved.
- Reduction in National Park zones or relocation of National Park zones is not appropriate / acceptable.
- Need to increase National Park Zones.
- Habitat Protection Zones do not offer the same level of protection as National Park Zones.
- Replacing National Park Zones with Habitat Protection Zones is not appropriate / acceptable.
- There should be a National Park zone in every marine park, bioregion, or over every primary conservation feature.
- The network does not provide a comprehensive, adequate and representative system of marine protected areas.
- Need National Park Zones to increase fish stocks.
- Need to protect reefs and habitats due to their tourism value.

#### Access for commercial fishing, pearling and aquaculture:

- Concerned that commercial fishing will be allowed in Australian Marine Parks, in light of the potential impacts of this activity.
- Supported access or increased access for commercial fishing, pearling and aquaculture, given economic importance and sustainability.

- Zoning that limits fishing effort will adversely affect food security and create greater reliance on imported seafood.

Access for tourism:

- Concerned that tourism, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Supported access or increased access for tourism, given its economic importance.
- Needs to be increased access for dive/non-extractive tourism, and reduced access for extractive uses.

Access for recreational fishing:

- Supported increased access for recreational fishing, a reduction in National Park Zones and sought no further reduction in access, given importance of recreational fishing to Australians.
- Recreational fishing should be allowed in National Park Zones.
- There should not be restrictions on recreational fishing, in particular surface trolling and catch and release, which are low impact.
- Concerned that recreational fishing, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Recreational fishing should be managed and regulated by states and territories to reduce duplication / confusion.

Access for mining:

- Concerned that mining will allowable across large parts of the estate, in light of the potential impacts of this activity.
- Need to consult about zoning with industry stakeholders, particularly in areas where petroleum operations are occurring or in areas of good petroleum prospectivity.

**Director's views**

I note the very large number of submissions that commented on Part 3 of the plans – zoning. These submissions reflected the broad and often conflicting views held by Australians on marine park zoning.

Zone objectives:

I note the comments on the zone objectives and the application of IUCN categories. The IUCN sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires that our marine parks, and any zones into which a park is divided, be assigned to one of the seven categories prescribed by the EPBC Regulations, which correspond to the categories identified by the IUCN. Park management must be consistent with the relevant Australian IUCN management principles prescribed for each category by Schedule 8 to the EPBC Regulations. The zone objectives and provisions set out for our marine parks are consistent with the established interpretation of the Australian IUCN Park management principles.

I acknowledge the comments seeking a return to previously proposed zoning. However, consultation on the independent review and on the development of plans demonstrated quite clearly that the previous zoning proposals created impacts on users, such as fishers, that were too great, and are inconsistent with the Government's policies on sustainable fishing and supporting economic development.

I also note the concerns raised about the balance between activities like fishing and tourism, and the economic implications associated with allowing or not allowing these activities. I believe the plans do

effectively balance the economic benefits associated with allowing activities like dive tourism, charter fishing and commercial fishing in different parts of parks.

I agree with comments seeking greater consistency in zoning and rules between Australian Marine Parks and state and territory marine parks. Wherever possible, zoning and rules have been made consistent. While this has not always been possible, Parks Australia will work with state and territory government colleagues to improve consistency and minimise confusion through the life of this plan.

Protection for marine habitats and features:

While I acknowledge the submissions calling for higher levels of protection for marine habitats and species through more National Park Zones, I consider that the levels of protection achieved through these plans is significant and will deliver positive conservation outcomes.

Australian Marine Parks have been located to cover representative examples of Australia's marine habitats and features, including key ecological features, seafloor types, biologically important areas for some protected species, bioregions, and habitats at different depth ranges.

Zoning has been carefully undertaken in marine parks to help protect these key features and habitats. Sanctuary and National Park Zones have been placed where I consider the strongest biodiversity and conservation benefits are achievable. Habitat Protection Zones have been placed in locations to protect the sea floor habitat and allow activities to occur in the water column.

This targeted approach to zoning protects conservation features (like canyons, seamounts and reefs), but reduces impacts on industries like fishing and tourism. It is based on the best available science and sees a significant increase in the area of Habitat Protection Zones (yellow) and a decrease in the area of National Park Zones (green), but not the level of protection.

I acknowledge the comments that National Park Zones and Habitat Protection Zones are not equivalent in terms of the protection they provide. This is true. However, Habitat Protection Zones, which exclude activities that impact and damage seafloor habitats, combined with effective management, can provide significant protection and conservation benefits, while reducing impacts on users. This was recognised in the *2015 Commonwealth Marine Reserves Report of the Expert Scientific Panel* which states that: "The Expert Scientific Panel considers there is high conservation benefit from zoning areas as Habitat Protection Zones to protect benthic and demersal habitats by excluding damaging activities while allowing activities such as regulated fishing in the water column, including take of pelagic species that do not compromise conservation values and management objectives for those areas."

Access for commercial fishing, pearling and aquaculture:

I acknowledge the submissions that commented on the importance of allowing commercial fishing, and those that commented on potential impacts.

The Australian Government is committed to supporting the fishing industry, including through the *Policy for a more competitive and sustainable fisheries sector* and policies on economic development more broadly. Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

However, commercial fishing, pearling and aquaculture may create impacts on marine environments. Marine parks are intended to work alongside a range of other measures, for example, effective fisheries management, to minimise these impacts. Rigorous compliance and enforcement programs will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Access for tourism:

I note the comments on the benefits and potential impacts associated with allowing tourism operations in marine parks.

Marine parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Tourism is also critical to the economies of many coastal communities around the country. Marine parks have been carefully zoned to provide for different types of tourism activities - for example, 'no-take' zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Notwithstanding, tourism activities can create impacts on marine environments. Parks Australia, together with other marine regulators and the tourism industry, will continue to work to minimise these impacts.

#### Access for recreational fishing:

I acknowledge the submissions that commented on the importance of allowing people to access and enjoy marine parks, to watch wildlife, dive and go boating, snorkelling and fishing. The zoning in the plans allows recreational fishing in 97 per cent of Commonwealth waters within 100 km of the coast.

A number of people suggested that recreational fishers should be able to access all areas of marine parks. I have not accommodated these requests because extensive scientific research demonstrates the benefits of no-take zones, including more and bigger fish. Allowing fishing in no-take IUCN II parks is also inconsistent with international standards and existing practice in other Australian Marine Parks, such as the Great Barrier Reef.

#### Access for mining:

I note concerns raised about mining in marine parks.

While marine park management is about protecting marine habitats and species, it is also about managing a shared resource. This means balancing protection, against the different uses and needs for that resource, to support people's livelihoods and way of life.

In developing these plans, I considered Australia's energy needs, now and in the future and the significant contribution that the oil and gas sector makes to some regional communities and the Australian economy.

Any proposed oil and gas activities will be subject to the world-leading environmental assessments and approvals process of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters. NOPSEMA will carefully assess any application to explore or mine in a marine park and the potential impact on marine park values. NOPSEMA will also regulate mining if it is approved, to avoid or minimise any impacts.

I agree with comments raised about the need for ongoing consultation with the mining industry. Parks Australia will continue to engage with the industry in relation to marine parks.

### 5.3.2 SPECIFIC COMMENTS ABOUT PART 3 OF THE PLAN – MARINE PARK ZONING

The following comments were received on zoning of the Temperate East Marine Parks Network:

- Decreases in National Park Zone across the network compared to zoning previously proposed or relocation to areas of less ecological importance are not acceptable.
- National Park Zones should be increased across the network.
- Arrangements for management of state and Australian Marine Parks need to be complementary.
- Sanctuary Zones should be included for scientific research purposes.
- The draft proposals are a workable compromise for all users or good for everyone.

#### Zoning of the Gifford Marine Park:

- Given the natural values of the Marine Park, there should be higher levels of protection, specifically a National Park Zone.
- Concerned about the impacts of access for oil and gas mining.

#### Zoning of the Norfolk Marine Park:

- Given the natural values of the Marine Park, there should be more protection and more National Park Zone.
- Zoning recommended by the independent review, the 2012 proposed zoning or a combination of zones should be implemented, that includes Habitat Protection and Recreational Use Zones.
- National Park Zone should be declared over the Norfolk Seamounts and the Vening-Meinsez Fracture Zone.
- Higher levels of protection are needed given the natural values of the Marine Park, in particular nearshore reefs and shallow bays, and water quality concerns.
- Concerned about the impacts of mining.
- Mining should be prohibited.
- Zoning will impact on commercial fishing, in particular the Eastern tuna and billfish fishery.
- Zoning does not align with the current local sustainable management of the surrounding areas which offer cultural, social, environmental and economic values to the people of Norfolk.
- Norfolk Island waters have been capably managed by the Norfolk Island Fishing Association.
- The 'Memorandum of Understanding (MoU) between the Australian Fisheries Management Authority (AFMA) and the Norfolk Administration (now Norfolk Island Regional Council) and arrangements should be indicated on the zoning maps or excised from the Marine Park.
- The "MoU Box" should be zoned Multiple Use, identified clearly on the map and a class approval put in place to cover fishers within the "MoU Box" without red tape or fees.
- Concerned about the impacts of commercial fishing.
- Zoning should support commercial shipping.
- Concerned about the impacts of fishing, including aquaculture.

#### Zoning of the Lord Howe Marine Park:

- Given the World Heritage and natural values of the Marine Park, the downgrading of protection from current levels in the Marine Park is not acceptable and protection should be increased.
- Zoning recommended by the independent review or the 2012 proposed zoning should be implemented.
- The World Heritage and natural values of the Marine Park have not been taken into account.
- The park has significant World Heritage and natural values.
- A Biosecurity Zone should be implemented, discharge of ballast and/or wastewater prohibited, and measures introduced to reduce biofouling.
- Aquaculture should be prohibited.
- Higher levels of protection are needed to safeguard the marine tourism industry.
- Supported prohibition on spearfishing.

- Concerned about the impacts of mining.
- Mining and construction of pipelines should be prohibited.
- Given the natural values of Elizabeth and Middleton Reefs, there should be higher levels of protection, specifically an extension of the proposed National Park Zone at Middleton Reef.
- Given the impacts of fishing, there should be higher levels of protection.
- Concerned about certain gear types (Danish seine, dropline, longline (demersal, pelagic and auto-longline), net (demersal and pelagic), purse seine, trap, pot, trawl (demersal and mid-water) and trotline, spearfishing) and sought prohibition in the Marine Park or Habitat Protection Zone (Lord Howe).
- Supported access for the local artisanal charter fishery and tourism operators.
- Consistent zoning arrangements are needed with the New South Wales Government.
- Concerned about the impacts of Fish Aggregating Devices and artificial reefs and these should be prohibited in the Marine Park.
- Supported Fish Aggregating Devices in the Marine Park provided they are properly secured.
- Concerned about the impact of Galapagos sharks on charter fishing tourism.
- Moorings are important and should be allowed in the Marine Park.
- The zoning will impact on commercial fishing, in particular the Eastern tuna and billfish fishery.
- Access to the Lord Howe Seamount Chain should be provided for longlining.
- Spearfishing should be permitted across the Marine Park.

#### Zoning of the Central Eastern Marine Park:

- Given the natural values of the Marine Park, National Park Zone should be extended and at least one seamount protected.
- Supported the proposed protection from mining.
- There is a lack of connectivity to the mainland and representation of shelf habitat.

#### Zoning of the Hunter Marine Park:

- Given the natural values of the Marine Park, a National Park Zone should be implemented.
- Supported the proposed protection from mining.
- Zoning will impact on commercial fishing, in particular the Eastern tuna and billfish fishery.
- It is important to have complementary zoning arrangements with the New South Wales Government.
- Environmental assets need greater protection.

#### Zoning of the Jervis Marine Park:

- Given the natural values of the Marine Park, there should be higher levels of protection, specifically National Park Zone or implementation of the zoning proposed by the independent review.
- Supported the proposed protection from mining.
- Concerned about the impacts of access for commercial fishing, noting the zoning allows all fishing to continue.
- It is important to have complementary zoning arrangements with the New South Wales Government.
- New South Wales and Australian Marine Parks should be made contiguous, or the Australian Marine Parks have higher protection, in alignment with the New South Wales Marine Park.

#### **Director's views**

I note the various comments raised in relation to zoning of the Temperate East Network and on the zoning of specific marine parks. I note the concerns in relation to protection of habitats, species and features, which are clearly important to people; the area of National Park Zone; and the impacts of fishing and mining. I also acknowledge the comments supporting access for commercial and recreational fishing.

Marine park management is a balance. In the Temperate East Network, this meant balancing protective zoning for significant habitats and species with enabling people to use and enjoy our marine parks. The Temperate East Network contains conservation features, bioregions and biologically important areas for marine species such as sharks, whales and seabirds. National Park and Habitat Protection Zones have been carefully placed to protect these features where possible, while minimising impacts on important human activities.

Impacts on commercial fishers, who rely on parts of the Temperate East Network for their businesses and livelihoods, have been minimised. The zoning in the management plan allows for the Eastern tuna and billfish, Norfolk Island inshore, East coast deep-water trawl, South and eastern scale fish and shark, Ocean trawl and lobster and Ocean trap and line fisheries.

Importantly, wherever possible, recreational and charter fishing has been allowed, subject to assessment and authorisation, to ensure people can enjoy our marine parks and to support jobs in the tourism industry.

I have carefully considered the comments about zoning of marine parks in the Temperate East Network. In most parks, I am satisfied that the zoning reflects an appropriate balance between the protection of marine habitats and species, and ecologically sustainable use.

However, in response to comments about the need to reflect existing arrangements at Norfolk Island, I have amended the zoning to change the Multiple Use Zone to Habitat Protection Zone, other than area corresponding to the AFMA “MoU Box”, which has been zoned as Special Purpose Zone (Norfolk).

This change recognises the strong and multi-generational connection and commitment that the Norfolk community have to both conservation and sustainable use within the “MoU Box.” It also increases the area of seafloor habitat and features within a more highly protected zone type that does not allow mining or disturbance to the seafloor.

With several New South Wales marine parks nearby to Australian Marine Parks, we will continue to work with the New South Wales Government to manage these parks into the future.

## **5.4 COMMENTS ABOUT PART 4 OF THE PLAN**

### **5.4.1 COMMENTS ABOUT GENERAL USE AND ACCESS PRESCRIPTIONS**

The following comments were received on the general use and access prescriptions:

- Supported the use of marine parks for recreation (non-fishing, nature watching, sailing, boating etc.).
- Anchoring and vessel speed should be restricted for recreational users.
- Cultural fishing cannot be considered to be non-commercial in all cases and plans need to provide cultural fishers rights to customary harvest.
- The use of modern fishing equipment cannot be classed as traditional hunting or used to hunt dugong and turtles.
- Concerned about ballast water exchange, sewage and other vessel waste disposal, particularly in or near National Park or Habitat Protection Zones, because of the threats to the environment and biosecurity, such as from invasive species.
- Need more information about the use of drones for environmental surveys and monitoring in response to oil spills.



### **Director's views**

I note the comments made about this section, particularly in relation to recreational use of marine parks, customary harvest, and concern about activities like ballast water discharge and drones. Relatively minor amendments have been made to this section to improve clarity.

Australian Marine Parks are intended for people to enjoy. Recreational uses, such as diving, snorkelling, sailing, boating and nature watching are low impact and are allowed across marine parks. In light of the limited access and impacts of these recreational uses in Australian Marine Parks, restrictions on their anchoring and vessel speed are not considered necessary.

The comments in relation to customary harvest are noted. While the Director of National Parks has a statutory role in managing Australian Marine Parks, this does not override Aboriginal and Torres Strait Islanders' traditional use and native title rights. The EPBC Act, under which management plans are made, does not affect the operation of the *Native Title Act 1993* or the *Aboriginal Land Rights (Northern Territory) Act 1976*. Both of these Acts preserve rights to traditional use of land and waters. Section 359A of the EPBC Act also provides that Commonwealth reserves, including marine parks, do not prevent Indigenous persons from undertaking non-commercial hunting or food gathering or using the reserves for ceremonial and religious purposes.

While the plans will allow for the discharge of ballast water and disposal of waste from vessels, it should be noted that these must be conducted in accordance with the requirements of the international Convention for the Prevention of Pollution from Ships (MARPOL) and the Australian ballast water management arrangements. These are implemented by the Australian Maritime Safety Authority and state and territory governments. They place very stringent requirements on discharge of ballast and disposal of waste, including that ballast should not normally be discharged less than 12 nautical miles from the nearest land, and in water less than 50 metres deep and where possible, should be discharged more than 200 nautical miles from the nearest land and in water greater than 200 metres deep.

To clarify requirements in relation to ballast water and disposal of water, amendments have been made to the plan. This includes clarifying that under this plan, waste from normal operations of vessels must be compliant with requirements under the MARPOL, and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes, and that ballast water discharge and exchange must be compliant with Australian ballast water requirements. A definition of MARPOL has also been included in the glossary.

The provisions in the plans allow for the use of non-commercial remote piloted aircraft, given the increasing use of drones for research and monitoring, in tourism activities and to take photographs and footage. However, people wishing to use these will need to apply and Parks Australia will carefully consider the potential impacts on marine species before issuing a permit, approval or licence.

### **5.4.2 COMMENTS ABOUT COMMERCIAL SHIPPING PRESCRIPTIONS**

The following comments were received on the commercial shipping prescriptions:

- There has been significant growth in shipping traffic, and there may be impacts of ships transiting and anchoring on marine species and habitats.
- Ships need to anchor in marine parks and Habitat Protection Zones at times. There needs to be anchoring areas determined to ensure protection of pipelines and cables that will be allowed in these zones.

### **Director's views**

I note some people's concerns about commercial shipping in marine parks and the potential impacts of this.

Commercial shipping and the potential for ship strike or spills is a pressure in Australian Marine Parks. Parks Australia will carefully consider the best location for anchorages for commercial ships to minimise impacts on the natural values in marine parks. Australia is party to a number of international agreements including the International Convention for the Prevention of Pollution from Ships (MARPOL) and has a number of national policies relevant to shipping including the National Plan to Combat Pollution of the Sea by Oil and the Australian Ballast Water Management Requirements. The Director will continue to work with shipping management and primary response agencies (such as the Australian Maritime Safety Authority) to assist with the prevention of and response to incidents.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial ships to anchor while minimising environmental impacts. To clarify requirements in relation to anchoring of commercial ships in marine parks, some minor amendments have been made to the plan, including the following note: "This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress."

### **5.4.3 COMMENTS ABOUT COMMERCIAL FISHING PRESCRIPTIONS**

The following comments were received on the commercial fishing prescriptions:

#### Allowed gear types and locations:

- Concerned about the impact of commercial fishing, in particular trawling, gillnetting, drop-lining, trapping, potting, longlining, purse-seining and super trawlers (mid-water trawl) and suggested not allowing certain activities or gear types in certain zones.
- Concerned about the impacts of fishing in specific marine parks.
- Need complementary management arrangements between Australian Marine Parks and state and territory marine parks.

#### Compliance:

- Sceptical about ability to ensure compliance with the prescriptions.
- Enforcement should include a warning to fishers operating just inside protection zones.
- Supported vessel monitoring systems, and proposed extension of this to all vessels.
- Concerned about vessel monitoring systems and burden on smaller scale fisheries.
- Need further engagement on the requirement for vessel monitoring systems.

#### Fishing gear risk assessments:

- Disagreed with the findings of previous fishing gear risk assessments.
- Government ignored the findings of fishing gear risk assessments.
- Fishing gear risk assessments findings were not equally applied.
- Concerned about the validity of future gear assessment processes.
- Plans should reference a National Fishing Gear Risk Assessment Framework to ensure explicit review and assessment of allowed activities based on clear, transparent process and science.
- Supported future assessment and approval of fishing technologies.

### Anchoring and transiting:

- Commercial fishing vessels need to anchor in National Park Zones - the Director needs to quickly determine appropriate anchoring areas.
- Fishing gear should be stowed and secured at all times when fishers are transiting or anchoring in a zone in which they are not permitted to operate.
- Stowing fishing gear while anchored or in transit during rough weather may create safety issues.
- Fishing gear cannot always be stowed out of site, lines out of the water should be adequate.
- More clarity in instructions to fisheries managers and anglers is needed about stowing and securing fishing gear.
- Supportive of allowing towing of commercial aquaculture cages in National Park Zones.

### Approvals and authorisations:

- Activity tables in the plans should be amended from saying that commercial fishing is allowable (A) and requires authorisation, to say it is allowed (tick) with a footnote to indicate that the EPBC Act requires an approval to be put in place.
- There needs to be consultation, transparency and input about permits and class approvals.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.
- High impact extractive activity should be subject to a 12 month 'renewable upon review' condition, not five year as proposed.
- Class approvals cannot remove pre-existing rights and authorisations (to fishing grounds, seasonal access, gear types) which would devalue business.
- Any restrictions to grounds or gear (under the proposed conditions of a class approval) should be subject to scrutiny by state agencies and require mandatory co-signature between Commonwealth and state Ministers.

### ***Director's views***

#### Allowed gear types and locations:

I note the concerns raised about allowing commercial fishing in marine parks, the impact of commercial fishing, and of particular gear types. I also acknowledge that many submissions, particularly from the fishing industry, expressed concern about the impacts that restrictions on commercial fishing would have on their livelihoods.

I believe that it is possible to achieve strong conservation outcomes, while allowing fishing in marine parks. The careful placement of zones and consideration of gear types allowable in zones, will achieve an appropriate balance for marine parks.

Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

I acknowledge that commercial fishing may create impacts on marine environments. Rigorous compliance and enforcement will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Compliance:

I note concerns raised about how I will ensure compliance with the rules. I consider it is vitally important to achieve effective and efficient compliance in marine parks.

Australia is a world leader in environmental regulation. Parks Australia will implement rigorous compliance and enforcement in Australian Marine Parks to ensure users, including commercial fishers,

understand and comply with management arrangements. This will include Parks Australia collaborating with industry to investigate innovative technologies and systems - including vessel monitoring systems - that can assist marine users to follow the rules in marine parks.

I note that some people supported the use of vessel monitoring systems, while others expressed concern about the burden of implementing this technology.

Vessel monitoring systems are recognised globally as a valuable tool for spatially-based management of the marine environment and have been widely implemented around the world. The Australian Fisheries Management Authority already requires operators accessing Commonwealth fisheries to have vessel monitoring systems. Vessel monitoring systems, which use an alert service to tell fishers when they are entering a zone where their fishing method is not allowed, have proven to be effective in assisting businesses and individuals to comply with marine park zones. The fishing industry will be consulted before any new requirements for vessel monitoring systems are implemented.

#### Fishing gear risk assessments:

There were a number of comments about previous fishing gear risk assessments and the proposal to assess new gear types and technologies as the plan is implemented and new information becomes available.

The issue of what fishing activities can be undertaken in zones has been extensively canvassed through previous consultation and considered subsequently in decision-making in establishing the draft plans. Fishing gear risk assessments were undertaken early in the process of designing Australian Marine Parks. They were one input into designing management plans, but there were other considerations, such as minimising the economic and social impacts of the marine parks. Since 2010 when the assessments were undertaken, our understanding of fisheries impacts has progressed.

I acknowledge that fishing technologies will change over the next decade, and our understanding of marine parks and impacts on them will improve over time. I am committed to adaptive management and will establish an efficient and effective process to assess new technologies and gear types to allow for the use of new equipment during the life of the plan if appropriate.

#### Anchoring and transiting:

I acknowledge the concerns raised about not being allowed to anchor in certain areas, and about the rules for stowing fishing gear while transiting and anchoring.

The plan has been amended to clarify where anchoring and vessel transit is allowed, and that the plan does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial fishers to anchor, to minimise impacts on the natural values in marine parks.

#### Approvals and authorisations:

There appeared to be some confusion about how class approvals will work and whether these will increase the burden on commercial fishers. That is not my intention. I place a high priority on minimising regulatory burden on users of marine parks. I believe that class approvals represent the most efficient and low impact way of discharging my responsibilities under law to authorise commercial fishing activities.

Under the EPBC Act, commercial activities are prohibited in marine parks unless authorised by the Director of National Parks. One way to authorise commercial activities is to issue a class approval. Class approvals authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. Class approvals will be subject to conditions specifying where in Australian Marine Parks these activities can occur, as well as the methods that may be used, reflecting the rules set out in the management plans.

Class approvals will minimise red tape, costs or administrative overheads. For example, a class approval for commercial fishing will mean that commercial fishers who hold an existing Commonwealth or state government fishing concession will generally not require an individual permit or individual licence and will not have to apply or pay any new or additional fees to operate in Australian Marine Parks.

Class approvals will be developed for Australian Marine Parks in consultation with industry representatives, in time to come into effect with the final management plans.

#### **5.4.4 COMMENTS ABOUT COMMERCIAL AQUACULTURE PRESCRIPTIONS**

The following comments were received on the commercial aquaculture prescriptions:

- Supported allowing commercial aquaculture in marine parks.
- Aquaculture has a number of impacts and should be prohibited.
- Input, transparency and consultation with governments and industry is required in developing permits and class approvals.
- References to specific legislation in different states are incorrect.

#### ***Director's views***

I note the comments about commercial aquaculture.

Commercial aquaculture is an important industry in some parts of Australia, supporting jobs in regional communities.

I welcome the additional information with respect to legislation and have amended the plans as suggested.

#### **5.4.5 COMMENTS ABOUT COMMERCIAL MEDIA PRESCRIPTIONS**

The following comments were received on the commercial media prescriptions:

- Commercial news and television journalists should not have to seek approval for 'day-to-day news' and there should not be any restrictions when in marine parks.

#### ***Director's views***

I support commercial media accessing marine parks to increase public awareness of their values, pressures affecting parks and to report any news-worthy items. However, to ensure I understand the incidence and impacts of the use of marine parks, and for safety, I think it is sensible that commercial media should notify and work with Parks Australia to manage these activities. It is not intended that

restrictions would normally be placed on media, except where their activities may impact important species or habitats.

#### **5.4.6 COMMENTS ABOUT COMMERCIAL TOURISM PRESCRIPTIONS**

The following comments were received on the commercial tourism prescriptions:

- Supported tourism (charter boat) operators receiving permits to continue their operations.
- There should be different classes for non-extractive and extractive tourism, (separate from recreational fishing), given that these activities have different impacts.
- Unclear whether class approvals would apply or whether permits would need to be sought for commercial tourism.

#### ***Director's views***

I note the comments about commercial tourism and welcome the support for tourism in marine parks. Offering world-class natural and cultural experiences and enhancing Australia's visitor economy is one of Parks Australia's corporate goals.

Australian Marine Parks provide exciting and interesting destinations for visitors. The plans set out where different tourism activities can occur – for example, National Park Zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Over the coming months, Parks Australia will work with the tourism industry to determine the most appropriate mechanisms for authorising different commercial tourism activities in different zones of marine parks. Applications to conduct tourism operations in marine parks will be carefully considered in terms of the potential impacts to natural values and significant species, with conditions applied where appropriate.

#### **5.4.7 COMMENTS ABOUT RECREATIONAL FISHING PRESCRIPTIONS**

The following comments were received on the recreational fishing prescriptions:

- Supported the approach to management of recreational fishing in marine parks, equal treatment of gear types and allowing recreational fishing in most zone types.
- Recreational fishing should be allowed in National Park Zones.
- Recreational fishing has not been allowed in some areas based on inappropriate science.
- Different types of recreational fishing could be allowed in different areas.
- Spearfishing should be prohibited in some parks.
- Spearfishing should be allowed in some parks.
- Recreational fishers should need a licence or permit.
- Anchoring by recreational fishers should be allowed.
- Concerned that anchoring by recreational fishers is not allowed.
- Concerned about how marine park zones will be identified by recreational fishers.
- Supported good fisheries management.

#### ***Director's views***

I note the high level of interest in recreational fishing in marine parks and the support for the proposed zoning, which enables recreational fishing to occur across much of the estate and in 97 per cent of Commonwealth waters within 100 km of the coast.

Despite comments received, recreational fishing will not be allowed in National Park or Sanctuary Zones. There is clear scientific evidence from around the world about the ecological benefits of no-take areas, and that you can catch more and bigger fish when you have no-take areas nearby.

It should be noted that recreational fishers will be able to anchor in Australian Marine Parks. The plans have been amended to improve clarity about the rules for anchoring and transiting.

A permit to fish recreationally is not required in Australian Marine Parks. Fishers in Australian Marine Parks will need to continue to comply with the relevant state and territory fishing rules and regulations. An instrument may be made to manage recreational fishing access in the Recreational Use Zone at Elizabeth Reef, consistent with longstanding arrangements prior to the commencement of the plan.

Parks Australia will work with recreational fishers and park users over the life of the plan to improve understanding about where recreational fishing is allowed.

#### **5.4.8 COMMENTS ABOUT MINING PRESCRIPTIONS**

The following comments were received on the mining prescriptions:

- Mining, oil and gas extraction and/or shipping should be prohibited in marine parks.
- Further information is required on existing usage rights and mining operations already in place.
- Habitat Protection Zones should prohibit mining infrastructure and pipelines.
- Construction and operation of pipelines should be allowed in marine parks, subject to assessment.
- Supported utilising NOPSEMA authorisation process, as the oil and gas industry is already subject to stringent and rigorous environmental regulation.
- Class approvals should be issued for low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act to ensure that activities that are intended to continue in the marine park zone are not unduly restricted.
- Should maintain prior usage rights/rights to convert to production licences with no new conditions.
- Unintentional operational constraints for mining activities adjacent to marine parks has the potential to erode the value of exploration titles and potentially remove the rights granted to operators by Government.
- The Director of National Parks should provide guidance to titleholders via NOPSEMA as to the expectations of information to be provided and the process for providing this information.
- The Director of National Parks should be notified in the event of an oil pollution event rather than requiring Director of National Parks authorisation prior to initiating spill response.

#### ***Director's views***

I note the concerns raised with respect to mining and construction of pipelines in marine parks. My views on these concerns are addressed in Chapter 6.3.1 of this report.

I acknowledge concerns about duplicating processes to assess and approve mining with other agencies. NOPSEMA will remain the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters, as the NOPSEMA program takes account of impacts on marine park values. The Director of National Parks is a relevant person for the purpose of consultation on environment plans where an activity overlaps a marine park. Detailed guidance material will be prepared to assist the petroleum industry to determine when they are required to consult with the Director of National Parks, the process for consultation and expected outcomes to be included in an environment plan to ensure that impacts on marine park values are acceptable.

Additional assessment will not be required in Special Purpose and Multiple Use Zones. However, additional approval from the Director of National Parks will be required for pipelines in Habitat Protection, Recreational Use and National Park Zones.

I note concerns raised with respect to low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act and have amended the plans to ensure that these activities are not unduly restricted.

I have also amended the plans as suggested so that the Director of National Parks should be notified in the event of an oil pollution event, rather than requiring Director of National Parks authorisation prior to initiating spill response.

#### **5.4.9 COMMENTS ABOUT STRUCTURES AND WORKS PRESCRIPTIONS**

The following comments were received on the structures and works prescriptions:

- Structures and works should not be allowed to be constructed in National Park Zones.
- Pipelines should not be allowed in certain areas.
- Artificial reefs and fish aggregating devices should be allowed, including to compensate recreational fishers for any loss of access.
- The Director of National Parks should not need to approve an activity that been assessed under other processes e.g. under EPBC Act, *Environment Protection (Sea Dumping) Act 1981*.
- Need consultation when determining anchoring areas.
- Need clarification about the installation and operation of fibre optic cable to support mining activities, class approvals for existing port infrastructure and activities, and decommissioning of pipelines.
- 'Maintenance' should be separated from 'moorings, excavation and maintenance'. Maintenance should be allowed without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

#### **Director's views**

I note concerns and support for constructing structures and works, including pipelines, artificial reefs and fish aggregating devices, in marine parks.

Proposals to install structures and works, including moorings, artificial reefs and fish aggregating devices will be carefully considered, in terms of compatibility with zone type and zone objectives, potential impacts on natural values and the benefits in terms of visitor safety, research and monitoring or the national interest.

I note concerns raised with respect to streamlining process under the EPBC Act and have amended wording to enable streamlining of these processes, including to increase efficiency and reduce any prospect of regulatory duplication.

I have also made some minor amendments to clarify arrangements for maintenance, excavation and erection of structures and works, as opposed to dredging and disposal of dredged material.

#### **5.4.10 COMMENTS ABOUT PRESCRIPTIONS FOR RESEARCH AND MONITORING ACTIVITIES**

The following comments were received on the research and monitoring prescriptions:



- Supported access to marine parks for research and monitoring, particularly to understand impacts of use.
- Supported research into fishing activities to inform effective management.
- Sought confirmation on whether activities for research and monitoring approved through an EPBC Act referral would also be considered authorised through a class approval, and therefore do not require additional permitting.

#### **Director's views**

These comments were noted, but no changes were required. I strongly support research and monitoring in marine parks to further increase the scientific knowledge base, upon which marine park management rests.

#### **5.4.11 COMMENTS ABOUT PRESCRIPTIONS FOR NATIONAL SECURITY AND EMERGENCY RESPONSE**

The following comments were received on the national security and emergency response prescriptions:

- Concerned about impacts of defence activities on natural values in particular sonar.
- The Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, such as offshore petroleum operators.
- Authorisation of contractors should not be required to undertake emergency responses on behalf of government agencies.

#### **Director's views**

I have taken on board the suggestion that the Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, by amending the related prescription to authorise to read "Actions by or under the direction of Commonwealth or Commonwealth agencies" may be conducted without authorisation.

#### **5.4.12 COMMENTS ABOUT MAKING DECISIONS AND AUTHORISING ACTIVITIES**

The following comments were received on decision making and authorisation:

- Supported deregulation/reduced regulatory burden or exemption from additional approval where an activity is assessed under other processes (such as the *Environment Protection (Sea Dumping) Act 1981*) or by other agencies.
- Concerned about delegation of Commonwealth authorisation processes to state or territory governments.
- Concerned that the Director of National Parks may make, amend and revoke prohibitions, restrictions and determinations of the EPBC Regulations and the Director may issue a permit for an activity that would otherwise be prohibited by such an instrument.
- Extra conditions may be placed on class approvals for mining, oil and gas, resulting in regulatory creep and an unnecessary regulatory burden on operators.
- Further information is needed about the terminology 'acceptable impacts'.
- Needs to be a formal mechanism for involving traditional owners in authorisations and research permit conditions should require engagement of traditional owners.

- Further information is needed about how approvals will be granted, criteria for assessment and approval.
- The Director should only authorise new activities where they are consistent with the zone objectives.
- Concerned about the Director of National Parks charging fees, and the impact of this on business.
- Supported the Director of National Parks charging fees.

### **Director's views**

I note the comments about these prescriptions, in relation to duplication with other assessment processes, additional conditions being applied to approvals, concern about assessment and approval processes, and support and concern about charging fees.

Parks Australia will continue to seek to streamline, deregulate and simplify assessment and authorisation procedures, including by working with other agencies wherever possible.

I have considered the concerns raised about approvals made under other legislation, such as the *Environment Protection (Sea Dumping) Act 1981* and amended the plans such that class approvals will be issued for activities that have received a permit under the *Environment Protection (Sea Dumping) Act 1981*.

I also note the interest of traditional owners in assessment and authorisation processes. Parks Australia will also consult with Indigenous people and traditional owners to inform them about assessments and authorisations and to understand which activities are of most interest and concern.

Further information about the processes for assessment and approval will be provided when the plans are finalised and implementation commences.

## **5.5 COMMENTS ON THE PLAN'S SCHEDULES**

The following comments were received on the glossary and schedules. Please note, comments about the values outlined in Schedule 2 are discussed in Chapter 5.2 of this report.

### Glossary definitions:

- Unclear about Indigenous Protected Areas.
- Confused about the legislation applying to pollution from ships.
- Several terms are used when referring to a Marine National Park Zone, including 'no-take', 'IUCN category II' and 'green zone'.

### Schedules:

- There are incorrect references to fisheries legislation in some plans.
- Need to acknowledge international fishing agreements where they relate to marine parks.
- Suggested an amendment to clearly articulate how plans will interact with the statutory requirements of the EPBC Act and *Environment Protection (Sea Dumping) Act 1981* in Schedule 1.
- Plans are inconsistent with Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making.
- Bioregions need to be described at different scales.

- The Temperate East Plan should include a sixth schedule: Parties to the Plan for the Norfolk Marine Park and in particular formal recognition of the Norfolk Island Fishing Management Policy and Memorandum of Understanding.

### **Director's views**

#### Glossary:

In light of some confusion about definitions, the glossary has been amended to add definitions for commercial pearling, Commonwealth marine reserve, Indigenous protected area, MARPOL and traditional owners. Clarifications have also been made to definitions of Australian Marine Parks, recreational fishing and transit.

#### Schedules:

I note the comments about a need to correct legislation descriptions. I have amended Schedule 1 as suggested, where required, to reference the correct fisheries legislation in each plan.

Amendments have been made to the plans in relation to clarify process when assessment is required under the EPBC Act and *Environment Protection (Sea Dumping) Act 1981*. These were outlined in the previous section.

I note the concerns about inconsistency with elements of Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making. However, I am confident that the plans are consistent with the regulations.

I note the comment about bioregions. The bioregions outlined in plans were those used in the design of all Australian Marine Parks.

An additional schedule was not considered to be warranted on the Parties to the Plan for the Norfolk Marine Park.

## **6 GENERAL COMMENTS ON THE DRAFT PLAN**

This chapter summarises the general comments received in relation to the draft plan. Comments that relate to specific parts of the draft plan are addressed in Chapter 5 of this report. The following general comments were received on the management plans, or marine park management:

#### Support:

- Supported the management plans and the balanced and scientific approach for the parks.
- Supported a national network of marine parks.
- Did not support the management plans.

#### Independent review:

- Management plans have not adopted the recommendations of the *Independent Review of Commonwealth Marine Reserves*.
- Supported the findings of the review in specific parks.
- Disappointed the review did not consider outer boundaries of marine parks.

- Rejected findings or statements made by the review, such as about consultation on zoning, reducing protection on the shelf and upper slope, Eighty Mile Beach Marine Park, Roebuck Marine Park and impacts of recreational fishing.
- Disagreed with the findings of the review in relation to the extension of marine parks and uncertainty for commercial fishers.

#### Design:

- Did not support government reducing or removing marine parks.
- Area of marine parks should be increased, marine park boundaries increased or new marine parks declared.
- Given natural values of areas outside of marine parks, these areas should be included in marine parks.
- Australian Marine Parks should be adjacent to state marine parks.
- Marine parks can't protect the marine environment or pelagic and migratory species.
- Marine park boundaries should be based on science data and recommendations, particularly connectivity and spacing.
- Did not support specific marine parks.

#### Resourcing:

- Government needs to commit adequate resources for marine park management to implement the plans.
- Levies should not be placed on the commercial fishing industry and other users to cover costs of marine park management.
- Insufficient funds are available for fisheries adjustment and implementation of management plans.
- Parks Australia should work with other programs, such as the National Landcare Program, to get best outcomes for marine parks from investment.
- Fundraising would fund better outcomes.
- Funding is needed for regular scientific monitoring, including of key ecological features.
- Resources should be allocated to both habitat mapping and taxonomic identification.

#### International:

- There should be greater focus on protection further offshore and work with international governments, due to concerns about foreign fishing.
- Concerned about Australia's international reputation.
- Australia should follow recent recreational fishing allocation in the United States marine park network.

#### Policy and scientific basis:

- Questioned the policy and scientific basis for the management plans.
- There is a lack of scientific evidence for the benefits of Marine National Park Zones.
- There is a lack of evidence regarding economic impacts on commercial fishers.
- Concerned about Australian Fisheries Management Authority Ecological Risk Management.
- Benefits of marine parks and sustainable practices should be included in social / economic analysis.
- There has been a lack of consideration given to turtle habitats, and this presents a clear scientific error.

#### Concern for the marine environment:

- Concerned about the marine environment, in the face of threats and pressures, including the need to manage terrestrial runoff.

- Need to manage the environment for future generations.
- Questioned the ability of government to deliver environmental outcomes.

#### Fisheries adjustment:

- Noted Government's commitment to fair and reasonable adjustment assistance.
- Important to provide adequate resources to enable commercial fishers who have been affected by the management plans to adjust.
- Important to clearly define a process of assessing and managing displaced effort, including prospective fishing rights.
- Requested detail on the proposed assistance.
- Queried whether assistance will apply to vessel monitoring systems.
- Government does not have the resources that will be required for assistance.
- Full compensation should occur prior to being excluded from fishing grounds and funding should be provided assist in applying.
- There will be a direct and continual impact of commercial fishers' livelihoods due to loss of grounds and impact on license values and assets.
- The economic viability of regional coastal communities including harbours will be impacted, with the flow on impacts from the parks.
- Compensation is required for recreational fishers for loss of access e.g. installation of infrastructure (moorings, FADs, artificial reefs).

#### Consultation:

- Supported the consultation process on draft management plans.
- Suggested additional consultation.
- There was not sufficient opportunity to understand and comment on the proposed arrangements.
- Submissions from previous consultation were ignored or not taken into account.
- All submissions should be treated equally.
- Submissions from direct users should be given greater weighting.
- Supported the renaming of marine parks.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.

#### Business certainty:

- Concerned about the impacts of marine parks on local economy.
- Need to finalise plans as soon as possible.
- It has taken too long to establish management plans.
- Welcomed the business certainty that finalised plans will provide.
- Planning process has impacted business growth.
- Sought security of access to fishing grounds providing business certainty moving forward.
- Class approvals process provides no certainty for commercial fishers.

#### Not related to management plans:

- Commented on the Australian Government, elected officials and staff of Parks Australia.
- Commented on Australia's energy supply.
- Commercial fishing should be banned and recreational fishing be allowed in lakes and tributaries.
- Key coastal communities adjacent to Australian Marine Parks should be protected from mining.

### ***Director's views***

I note the additional comments that I received that provided general feedback, commented on issues relating to plan consultation or implementation, or that were not related to the text in the draft plans. My position on these comments is detailed below. Many of these comments could not be addressed through amendments to plans, but will be taken into account by Parks Australia as the plans are implemented.

#### Support:

The comments in relation to support are noted.

#### Independent review:

I note the comments about the independent review and concerns that the recommendations of the review have not been adopted in full.

Prior to preparing management plans, the Government commissioned the *Independent Review of Commonwealth Marine Reserves*. The review comprised an expert scientific panel and five bioregional advisory panels. The review involved extensive consultation, including regional meetings and a submissions process.

I found the review's recommendations an important and extremely helpful input to the draft management plans. But feedback received during public consultations on plans and related discussions with stakeholders demonstrated that the review's recommendations had not resolved all stakeholder concerns. More work needed to be done to implement a balanced approach to managing our marine parks that protects marine biodiversity and health, and also enables sustainable use and access.

Review-recommended zoning has been adopted in full or in large part for the majority marine parks. Where the review's zoning proposals were not incorporated in the plans, it was because the impact on users, such as fishers, was too great, inconsistent with the Government's policy on sustainable fishing.

#### Design:

A large number of submissions expressed concern about reducing the area or changing the boundaries of Australian Marine Parks. There appeared to be confusion about the intentions of the Australian Government and the purpose of the management plans.

Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). The Australian Government remains committed to the National Representative System of Marine Protected Areas. The management plans do not propose to increase, change the boundaries of, or decrease marine parks in Australian waters. They do, however, outline zoning within marine parks. The comments received in relation to zoning within marine parks, and my views on these were discussed earlier in this report.

#### Resourcing:

I agree with comments that appropriate resourcing will be important to the management of marine parks.

The Government committed \$56.1 million over four years to establishing and managing marine parks. This will support commercial fishers directly affected by marine park management; support increased engagement of marine users in the management of marine parks; establish systems to manage the nation's marine parks; and enable scientific research and monitoring to better understand marine parks.

Actions within the plan will, of necessity, be prioritised according to available resources. Establishing effective partnerships will be critical to effective implementation of the plans. Parks Australia will work with other agencies and funding programs to ensure maximum benefits arise for marine parks from Government investment.

International:

I agree that international cooperation is important to managing marine parks and am committed to consulting closely with other governments to deliver complementary and effective management of marine parks. This includes to combat the threat and impacts of illegal fishing.

In response to concerns about Australia's reputation, I note that implementation of the plans as proposed would reconfirm Australia's place at the absolute forefront of marine protection. Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). With 36 per cent of Australia's waters included in marine parks, we are well ahead of both the international benchmark 'Aichi target' of 10 per cent by 2020, and a recent World Conservation Congress resolution calling for 30 per cent by 2030.

Policy and scientific basis:

I acknowledge comments about the policy and scientific basis for marine parks and the plans.

The policy basis for marine parks lies in the commitment of all Australian governments in 1998, derived from Australia's obligations under the Convention on Biological Diversity, to establish the National Representative System of Marine Protected Areas. It has been elaborated on through other policies developed since that time, including the 2013 *Policy for a more competitive and sustainable fisheries sector*.

The scientific basis for Australian Marine Parks is a wide body of advice and scientific literature, that demonstrates that the establishment and effective management of marine protected areas plays an important role in the conservation of biodiversity, the health and resilience of marine habitats and ecosystems, and the life they support. This in turn benefits society through the provision of a range of ecosystem services and supporting use of marine environments and resources.

The independent review's expert scientific panel confirmed that the science that underpins the establishment of our marine parks is sound and that network design draws on the best available scientific information.

Management plans are based on the best scientific information available, best practice management, and many years of bioregional planning. In recognition of scientific evidence about the importance of no-take areas to ecosystem health and biodiversity, no-take areas have been maintained over large parts of marine parks. In preparing plans, information about the location of conservation features (like canyons, seamounts and reefs) was reviewed, and as many of these features as possible are covered under no-take areas.

Advice about the socio-economic values and uses of marine parks was also considered and impacts on industries and users minimised whenever possible.

Concern for the marine environment:

It is clear from the comments received that Australians love the marine environment. I am confident that these plans appropriately balance the need to protect these special places, with enabling people to use and enjoy them for years to come.

#### Fisheries adjustment:

I note comments about assistance for commercial fishers to adjust to the arrangements outlined in these plans. I also note that the plans will have a significantly reduced impact on commercial fishers compared to those proposed in 2013.

The Government is committed to providing fair and reasonable assistance to those commercial fishers who are directly affected by the new management arrangements for marine parks. The Government will assess the need for assistance when it finalises management plans. Any adjustment assistance program will be developed in consultation with the fishing sector. Any adjustment assistance program will be guided by the Australian Government's Fisheries Adjustment Policy and delivered collaboratively by Parks Australia and the Department of Agriculture.

#### Consultation:

I note the comments about consultation in developing the plans and concerns about whether submissions received through various consultations have been adequately considered.

I consider that the plans have benefitted from and been informed by an exceptionally high degree of community consultation and engagement. I would like to express my thanks to the many Australians who have taken the time to submit comments through public consultation processes – these have been invaluable in finalising the plans.

The *Independent Review of Commonwealth Marine Reserves* also involved extensive consultation, including regional meetings, a submissions process and an expert scientific forum.

Chapter 3 of this report outlines the extensive public consultation processes to develop these plans, including the number of submissions received and considered. All comments received through these process were carefully considered in the finalisation of management plans. All comments received were equally weighted.

The consultation process outlined went above and beyond the statutory requirements under the EPBC Act.

Between 21 July and 20 September 2017, the Director also consulted on a proposal to rename marine reserves to marine parks. This was a separate process and is outlined in a separate report.

The release of final management plans does not signal the end of consultation and engagement on Australia Marine Parks. Management plans provide for ongoing engagement with parks users, traditional owners, Indigenous people and the community about marine parks, and for the negotiation of approvals, including class approvals, with park users.

#### Business certainty:

I acknowledge the need for certainty for people who rely on Australian Marine Parks for their livelihoods, and have endeavoured to finalise management plans as quickly as possible.

#### Not related to management plans:

These comments are not addressed as they are outside the scope of the management plans.