

Chapter 1—Introduction

Background

This review was initiated by the Australian Government in August 2014¹ in response to concerns raised by a number of affected parties about zoning arrangements in Australia's network of 40 new Commonwealth Marine Reserves (CMR) established in 2012,² which with four existing reserves were re-proclaimed in 2013.³ The criticisms distilled into two key concerns—the extent and quality of the consultation processes and the science that informed the establishment and zoning of the reserves.

A number of international and domestic environmental policy commitments provided the impetus for the creation of a representative system of marine reserves. These are outlined in Appendix A. The new CMRs contribute significantly to the completion of the Commonwealth waters component of the National Representative System of Marine Protected Areas (NRSMPA)⁴ for an Australia-wide system of marine reserves to contribute to the long-term conservation of marine ecosystems and to protect biodiversity. Since then, successive Australian governments have affirmed this commitment and have progressed a program of work to establish networks of marine reserves around the country. Forty new CMRs were proclaimed in 2012, creating networks of CMRs in four regions: South-west, North-west, North, and Temperate East, and a single reserve in the Coral Sea, complementing the network established in the South-east in 2007 (Figure 1).

¹ <http://www.marinereservesreview.gov.au>

² <https://www.comlaw.gov.au/Details/F2012L02188>

³ <https://www.comlaw.gov.au/Details/F2013L02108>

⁴ ANZECC (Australian and New Zealand Environment and Conservation Council), Task Force on Marine Protected Areas. (1998). [Guidelines for Establishing the National Representative System of Marine Protected Areas](#). Environment Australia, Canberra.

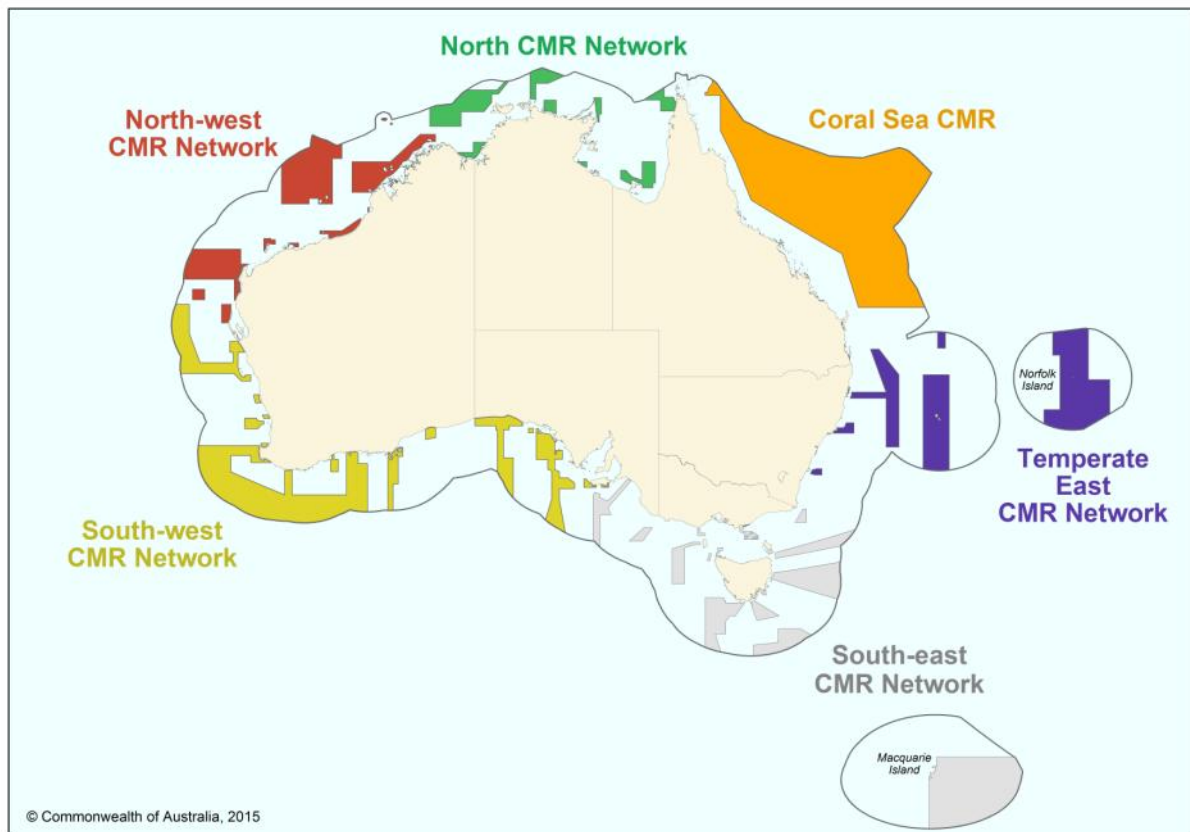


Figure 1 Australia's CMR networks

The primary goal of the NRSMPA was to establish a Comprehensive, Adequate and Representative (CAR) system of Marine Protected Areas (MPAs) to contribute to the long-term ecological viability of marine and estuarine systems, to maintain ecological processes and systems, and to protect Australia's biological diversity at all levels. This objective has guided the size and placement of marine reserves to represent biodiversity and marine ecosystems within the national network of reserves, while minimising adverse socio-economic impacts on coastal communities and people who use the marine environment. Representation is based on the Integrated Marine and Coastal Regionalisation of Australia (IMCRA),⁵ a spatial framework for classifying Australia's marine environment into bioregions that make sense ecologically and are at a scale useful for regional planning.

The objective of developing a marine reserve system that represents and protects biodiversity differs from what is commonly referred to as a 'threats-based approach', which is principally aimed at identifying and mitigating threats to the marine environment using spatial methods. Under the latter approach, the size and placement of marine reserves is determined by the level of threat facing a particular marine ecosystem, with the areas that are most under threat receiving the greatest level of protection regardless of whether they are representative of biodiversity.

The Australian Government developed a set of policy guidelines, the Goals and Principles for the Establishment of the National Representative System of Marine Protected Areas in

⁵ Commonwealth of Australia. (2006). [A Guide to the Integrated Marine and Coastal Regionalisation of Australia Version 4.0](#). Department of the Environment and Heritage, Canberra.

Commonwealth Waters (the Goals and Principles)⁶(Appendix B), to aid the design and establishment of the Commonwealth component of the NRSMPA. The goals state that each regional network should include examples of:

- The different large-scale ecological systems in the marine region, which are known as Provincial Bioregions (Goal 1)
- All Depth Ranges, because different biological communities live at different depths (Goal 2)
- All large-scale biological and ecological features (Goal 3)
- All types of seafloor features—for example, seamounts, canyons and reefs—because different ecological communities are associated with these features (Goal 4).

The 20 accompanying principles guide the location, selection, design (shape and size) and zoning of the reserves, and provide guidance in considering potential impacts on people when new CMRs are being proposed.

Terms of reference for the review

The terms of reference for the CMR Review outline the scope and process of the review and the roles of the Expert Scientific Panel (ESP) and Bioregional Advisory Panel (BAP) (Appendix C).

The BAP's tasks were to:

- Identify areas of contention and propose zoning options within the outer boundaries of the proclaimed reserves to address these concerns
- Consider how socio-economic issues could be better included in future decision-making
- Advise on the ongoing engagement of regional stakeholders
- Advise how the drafting of future management plans could be improved.

The ESP was tasked with reviewing the science supporting the CMRs, especially any relating to the understanding of threats to marine biodiversity within the marine reserves, and recommending future research and monitoring priorities, including ways to address the most significant information gaps hindering robust, evidence-based decision-making for the management of the marine reserves.

The two parallel processes of the BAP and ESP were asked to coordinate their work and to report separately.

The CMR Review was instructed to have regard to the Goals and Principles, and to the legislation and regulations for the development of management plans and managing activities within Commonwealth reserves contained within the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).⁷

Review process

To conduct the BAP process, the Minister for the Environment (the Minister) appointed

⁶ Department of the Environment. 'Goals and principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters. Available at <http://www.environment.gov.au/resource/goals-and-principles-establishment-national-representative-system-marine-protected-areas> [accessed 10 September 2015].

⁷ <https://www.comlaw.gov.au/Series/C2004A00485>

two people to co-chair five separate bioregional advisory panels (Regional Panels)—one for each of four bioregions and one for the Coral Sea. The Minister appointed three members with expertise to facilitate wide consultation with affected and interested parties to each of these panels. Both co-Chairs were also appointed to the ESP to ensure coordination and information sharing between the two processes. Membership of the Regional Panels is shown in Appendix D.

The BAP process was assisted and supported by a secretariat in Parks Australia. A wealth of existing information was made available to the panels, including the public submissions made on the draft marine reserve proposals (mid 2011 to early 2012), on the final proposed networks (mid 2012) and on the draft network management plans (late 2012 to early 2013). A detailed stakeholder list from these submissions was made available to the panels as an initial contact list.

The Regional Panels commenced by reviewing the information and submissions from earlier consultations on the draft and final reserve networks, and the set-aside management plans. They also reviewed an initial stakeholder list from these processes and, drawing on their knowledge and networks, identified additional contacts for their region for the CMR Review. As the review progressed, additional stakeholders were identified during the consultations, from submissions and through the website.

A CMR Review website (www.marinereservesreview.gov.au) was launched in September 2014. This website was progressively updated, providing ongoing information about the review, its progress and ways in which stakeholders and the public could engage with it.

Regular updates from the co-Chairs were sent out during the review. These updates were available on the website as well as being emailed to stakeholders who subscribed to receive information on CMRs.

Face-to-face stakeholder engagement began with a national stakeholder meeting in November 2014 to present an overview of the CMR Review, outline the proposed approach and listen to the views of these key stakeholder organisations. Participants included representatives from commercial fishing, recreational fishing, oil and gas, ports and shipping sectors, the science community, environmental non-government organisations (ENGOs), and government (the Australian Government Department of Agriculture and Water Resources and the Department of the Environment).

Stakeholders from around Australia were alerted to the CMR Review and asked to *'join the conversation'* by completing an online survey or providing a written submission either by email or reply-paid post. This message was also conveyed through national and regional newspaper advertisements. Particular emphasis was placed on the fact that previous submissions would be considered alongside new information.

The call for written submissions opened on 28 November 2014 and extended to 31 March 2015. The online survey opened on 19 December 2014 and also closed on 31 March 2015. A total of 1 859 survey responses and 13 124 written submissions were received. An overview of the three consultation streams and details of participants and organisations engaged in the process are at Appendix E.

Regional face-to-face consultation meetings across the Temperate East, South-west, North-west, North and Coral Sea marine regions were held between February and May 2015. The meetings included multi-sector forums along with smaller, more targeted

meetings with peak organisations, representatives of relevant business and ENGOs, government agencies and other interested parties. Stakeholders were asked to identify areas of contention and offer ideas as to how these areas could be addressed through zoning boundaries and management arrangements. They were encouraged to provide their input and any additional suggestions through written submissions to the CMR Review. A total of eight regional multi-sector forums and 173 individual meetings (including some via teleconference) were held across 15 locations. While every effort was made to contact and meet with all affected parties, the time frame precluded travel to some of the more remote communities. An overview of the online survey responses and a consolidated summary of the feedback received by the review is provided in Appendices F and G respectively.

A second national-level stakeholder meeting was held in April 2015 to provide an update on the progress of the review.

Following the round of regional consultations, the Regional Panels evaluated the inputs received from meetings, written submissions, the online survey and past submissions. This identified the major areas of contention. The Regional Panels then considered potential zone changes and management arrangements that could address these issues.

The Regional Panels used the following six criteria to determine whether an issue raised in a submission or by a stakeholder should be considered as an area of contention:

1. Was the issue raised as a result of changes that were made after the draft proposal stage, leading to a call of insufficient consultation/lack of awareness?
2. Has new relevant information been received since the proclamation/previous management planning process?
3. Was the issue raised by different people/sectors?
4. Was there an opportunity to deliver either:
 - a. A higher conservation outcome at no significant additional socio-economic cost (including for ongoing management)
 - b. A lower socio-economic cost with no significant change to the conservation outcome?
5. Has a change been suggested with clear and compelling evidence?
6. Was there a science question that could be referred to the ESP for advice?

Applying these criteria, the Regional Panels distilled the range and diversity of issues raised into a number of areas of contention, which are set out in Chapter 4. Potential zoning solutions were developed based on suggestions and submissions provided by stakeholders through the consultation period, and with the advice of the Regional Panels.

To guide the development of potential solutions to the key areas of contention, Regional Panels considered the following:

1. Was the nature of the solution:
 - a. A zoning change
 - i. To a boundary
 - ii. To the zone type
 - iii. To add a new/change an activity within a zone type
 - b. A management planning response
 - c. A policy recommendation?
2. Who/what would be impacted by the change?
3. Did the solution provide for ease of management and marine user compliance?

4. What was the nature and quantum of the potential socio-economic impact?
5. Would the proposed change be acceptable to other stakeholders?
6. How might the impacts of a change (that is, zoning, management planning response or policy recommendation) be designed to be more acceptable to other sectors?
7. Were there any barriers to reaching agreement between the parties?

There were a number of instances where the areas of contention required a review of new scientific information to inform the development of potential solutions. Where this was the case, the area of contention was referred to the ESP for advice.

The co-Chairs then further refined potential zoning options in the light of additional information on conservation values, revised fishing gear risk assessments, and other advice from the ESP and government agencies. Analysis of the estimated economic impact of potential zoning options on the commercial fishing sector was provided to the co-Chairs by the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES).

Drawing on these inputs the co-Chairs developed a smaller set of potential options and presented these to affected stakeholders at 82 meetings at 11 locations in July and August 2015 to test the extent to which the changes addressed their areas of contention.

Many of the options were again revised by the co-Chairs in the light of the feedback received during these meetings. Following further analysis and evaluation, a final set of zoning recommendations for 26 of the new CMRs (plus reassignment of the Ningaloo, Ashmore Reef and Mermaid Reef CMRs) was produced. These options are presented and described in this report.

Bioregional Advisory Panel report

This report has been prepared by the BAP co-Chairs after taking into account the input from the BAP process and from a range of other sources including the ESP and relevant government agencies. A range of other information sources⁸ that supported the development of the CMR estate and management planning phase informed the CMR Review and were used in the preparation of the BAP report.

Throughout this report the term Bioregional Advisory Panel (BAP) is used to represent the overall process outlined above, including the advice and input from Regional Panels and from stakeholders, scientific and economic advice, and the submissions and consultations for this review.

The report includes a summary of the information obtained through the consultations (Chapter 2), and recommendations for alternative zoning and/or management arrangements for more than half of the proclaimed reserves within scope of the review to address key areas of contention identified during the review (Chapter 4). It also includes advice and recommendations on the inclusion of socio-economic considerations into management decisions (Chapter 5), the engagement of regional stakeholders in the future management of the reserves (Chapter 6), advice on improving management plans (Chapter 7), and commentary from the co-Chairs on a range of issues relevant to the CMR

⁸ Including but not limited to Marine Bioregional Plans, available at <https://www.environment.gov.au/marine/marine-bioregional-plans>.

Review's terms of reference (Chapter 8).

The ESP findings on matters referred by the BAP are provided in Chapter 3 of this report. The report's appendices include the consultation messages received from meetings and submissions, a summary of the online survey results, and lists of meetings held and stakeholders met.

The report adopts the following terminology, recognising that some of these terms are used in different ways by different stakeholders:

Marine reserve—areas established as CMRs under the EPBC Act. They must be, under the EPBC Act, proclaimed as one or more zones, with each assigned to an International Union for Conservation of Nature (IUCN) protected area category.

Sanctuary Zone (SZ)—zones within CMRs defined by management objectives that are consistent with, and formally assigned to, IUCN Protected Area Category Ia.

Marine National Park Zone (MNPZ)—zones within CMRs defined by management objectives that are consistent with, and formally assigned to, IUCN Protected Area Category II.

Habitat Protection Zone (HPZ)—zones within CMRs defined by management objectives that are consistent with, and formally assigned to, IUCN Protected Area Category IV.

Recreational Use Zone (RUZ)—zones within CMRs defined by management objectives that are consistent with, and formally assigned to, IUCN Protected Area Category IV.

Multiple Use Zone (MUZ)—zones within CMRs defined by management objectives that are consistent with, and formally assigned to, IUCN Protected Area Category VI.

Special Purpose Zone (SPZ)—zones within CMRs defined by management objectives that are consistent with, and formally assigned to, IUCN Protected Area Category VI and that provide for specific activities that are not generally allowed in MUZs (usually for socio-economic reasons) or that exclude activities that may be generally allowed in MUZs (e.g. mining).

General Use Zone (GUZ)—zones within CMRs defined by management objectives that are consistent with, and formally assigned to, IUCN Protected Area Category VI.