

Chapter 2—Consultation messages

Many stakeholders raised issues in the context of a particular reserve or network that applied across the entire CMR estate. This chapter describes these issues at that broad level. The process described in Chapter 1 sets out how specific issues were distilled into areas of contention that could potentially be addressed by zoning decisions. The issues that specifically applied to particular networks and reserves are outlined and discussed in the relevant sections of Chapter 4 and are provided in greater detail in Appendix G.

Some of the issues raised required an assessment or reassessment of scientific evidence and were appropriately referred to and addressed by the ESP. In a number of cases the advice of the ESP was specifically sought to inform consideration of zoning decisions within a reserve—for examples, seeking more recent information on the conservation values of particular CMRs and Fishing Gear Risk Assessments (FGRAs). The ESP report includes more detailed consideration of each of these issues.

Where ESP advice was sought it was taken into account by the co-Chairs along with the advice of the Regional Panels and other stakeholder inputs in the process of refining potential options to address areas of contention.

Expectations of the reserve estate and the review

A range of expectations about the reserve networks and the CMR Review itself became evident in the consultations. These distilled into 10 succinct messages that have a bearing on the zoning of the reserves and on their future management, although most of these expectations would not be limited to or could be satisfied by the CMR estate. This set of broad community expectations provided useful guidance for the review as it began to narrow down the vast array of issues and potential options that might address those issues. They were (in no priority order):

- My recreational experience will be better
- Fishing will be sustainable
- Climate resilience of our marine environment will be improved
- There will be economic gains from tourism
- There will be meaningful action on threatened, endangered and protected species
- There will be improved socio-economic outcomes for Indigenous and local communities
- Business will be able to invest with more certainty
- Biodiversity will be protected
- We will see benefits from the reserve system
- The reserves will be adequately resourced and effectively managed.

Issues raised at the estate level that related to zoning

Representativeness of the estate

Several submissions and scientific commentaries on the reserve estate raised concerns about how effectively the reserve estate captured Biologically Important Areas and included representative samples of Provincial and Meso-scale Bioregions, Depth Ranges, Key Ecological Features (KEFs), Biologically Informed Seascapes and Seafloor Features (referred in aggregate as primary conservation features). Some networks were more heavily criticised than others on these grounds. For example, the Temperate East Marine

Region was seen to have a lack of adequate representation of marine reserves, including fully protected MNPZs, on the shelf. Conversely the Coral Sea was seen to be over-represented, with a very large MNPZ in offshore, deep ocean areas. It was also noted that not all primary conservation features were represented in the estate.

Many of these concerns would only be addressed by changes to the outer boundaries of reserves, or by additional reserves, but such changes were out of scope for the CMR Review. However, in some cases inadequate representation had the potential to be addressed within the outer boundaries of a reserve. These opportunities were actively considered by the Regional Panels, taking into account socio-economic implications of any changed zoning.

Consistency of zoning

Many stakeholders expressed their concern about the lack of consistency in either zoning or allowable uses between different networks in the CMR estate. This concern also extended to a comparison with zoning in adjacent state or territory MPAs. Concerns were also expressed about the lack of consistency, particularly with state zoning systems, of the colours used for different zone types, generally in the context of users being able to understand the different rules, and to simplify the management of compliance and enforcement. There was generally an appreciation of the complexity of achieving this consistency given the different stages of development and implementation of state/territory systems.

The BAP was sympathetic to these concerns, but the complexity of a federal system and the existing substantial disparities between state and territory approaches to zoning categories and naming did not allow a simple or consistent approach to be developed. Where possible the BAP has recommended consistent zone descriptions and prescriptions for CMRs adjacent to state or territory marine reserves.

Inconsistent zone restrictions on commercial fishing activities

Many commercial fishing stakeholders expressed their concern about the lack of consistency in allowable uses between networks. For example demersal trawling was permitted in SPZs in the Temperate East CMR Network, but not in SPZs in the South-west network. Similarly, gillnetting (pelagic or demersal) was not an allowable activity in the Coral Sea CMR and Temperate East network but pelagic gillnetting was allowed in the North (SPZ) and North-west (MUZ and HPZ) networks, and demersal gillnetting was allowed in the South-west (SPZ) network. Stakeholders who raised these issues accepted, however, that in some cases there were regional differences, for example in habitat or fishing gear types, which might warrant region-specific approaches.

Inconsistent treatment of trawling on soft sediments was raised as an issue by stakeholders about the North and South-west networks, citing examples of where this activity had been proposed as an allowable activity in SPZs in the Temperate East network and the GUZ in the Coral Sea CMR.

It is important to note that SPZs, where certain normally incompatible fishing methods are allowed, are an exception introduced to deal with local socio-economic consequences of a restriction that would otherwise apply. They are gear specific and area specific and do not imply that that method is allowable in SPZs in other areas.

Risks and impacts of mining and oil and gas development

Many stakeholders, including representatives of environment organisations, commercial and recreational fishers and local and Indigenous communities, expressed the view that seabed mining and oil and gas activities (including data collection by seismic vessels) should not be allowable activities in marine reserves.

Representatives of the oil and gas industry argued for the continuation of the existing approach whereby oil and gas exploration and production was an allowable activity in MUZs, recognizing prior usage rights, national energy security requirements, the existing regulatory controls over the industry, and their track record in effectively mitigating the risks and the relatively low impacts associated with their activities.

Recreational fishing in Marine National Park Zones

Some recreational fishing peak bodies raised their opposition to the exclusion of recreational fishing from MNPZs assigned as IUCN II zones. They used as precedent the assignment as IUCN II of the RUZs in the Ningaloo and Ashmore Reef CMRs where recreational fishing is allowed. They also argued that recreational fishing has no or minimal environmental impact (particularly pelagic fishing over benthic habitat) and therefore was consistent with international and Australian Government descriptions of IUCN II as allowing recreational use. Much of the argument used in support of recreational fishing generally was based on catch-and-release fishing and research findings from scientific studies that demonstrate low mortality of pelagic fish in catch-and-release techniques.

They also argued that the onus of proof for excluding recreational fishing from MNPZs should lie with reserve managers instead of assuming that recreational fishing should be excluded *a priori* from no-take zones.

Fishing gear drift

Some commercial fishers using longline or purse seine gear raised issues associated with gear drift, noting that they faced prosecution if their gear unintentionally drifted into marine reserves, for example from unexpected current speeds and changes or during retrieval. They noted that this created an artificial buffer around no-take areas that could be as large as 80–100 nm. It was suggested that zones where they were prohibited from operating should be reduced in size to compensate for this ‘buffer’ effect.

In a similar vein, trawl operators needed to haul gear and complete their fishing operations before reaching a prohibited zone, and argued that a similar ‘buffer’ effect applied to their operations.

In both cases there was an argument that their area for fishing was effectively reduced due to these boundary effects. Stakeholders making these points argued that these effects should be considered in zoning design and in assessing the socio-economic impacts of zoning decisions.

Estate issues raised not directly related to zoning

There were also a number of issues raised that did not directly relate to zoning options but were generally relevant to the CMR Review’s terms of reference.

Consultation fatigue

There was a considerable amount of ‘consultation fatigue’ expressed by many stakeholders in the face-to-face meetings. A common initial comment was ‘We’ve already been through this; can’t we just get on with it?’ Nonetheless when the opportunity came to discuss their concerns and ideas and opportunities for improvement in the networks, specific reserves, or past or future processes relating to management of the reserves, a wide diversity of issues and suggestions were forthcoming. Later in the process it became clear that many stakeholders had appreciated the opportunity for this further consultation.

Risk of further uncertainty and impact on business investment

A consistent message from many stakeholders was their concern about the risk of a further review of zoning if the CMR Review’s recommendations were not considered expeditiously by government and implemented through management plans that would be prepared, finalised and pass the statutory tabling process in the current Parliament.

Stakeholders with existing and potential businesses in the new reserves expressed their strong concern about ongoing uncertainty for their interests and future investment. They cited the long consultation process that led to the establishment of the new reserves, and the extension to this created by the current review. Some stakeholders with existing business interests have all or the majority of their operations occurring within one or more reserves. Some stakeholders have a large enough component of their business in one or more reserves that a small change in a zone or zone prescription could have a significant economic impact on them. Others may be only marginally affected.

Resourcing for effective management

Stakeholders from all sectors expressed their concern that future resourcing for reserve management would be inadequate. As a consequence the reserves would not be effectively managed, and compliance and enforcement would be ineffective. There were also concerns from users and commercial fishers in particular that they would be subject to new fees or charges to assist with reserve management. They were strongly opposed to this possibility.

Monitoring and evaluation

Many stakeholders wanted to be certain there would be adequate monitoring and evaluation of the reserves and their zoning to demonstrate the value of the networks for conservation, and to identify changes in the reserves, such as new threats, that might require management action. There was a broadly held view that with effective monitoring and evaluation, particularly with the involvement of stakeholders, and good communication, more informed discussions would be possible in the future on appropriate zoning and management of the reserves. This included the possibility to admit a previously prohibited activity into a specific zone, or to exclude a previously allowed activity, on the basis of scientific evidence and a transparent process to involve stakeholders in relevant assessment and advice on the implications of new evidence.

Past treatment of economic impacts

Commercial fishers expressed their concern about the approach used to assess the economic impacts of the reserves on their businesses. Many commercial fishing representatives questioned the accuracy of the ABARES data and the assumptions and methodology used to calculate economic impacts of zoning decisions.

Many called for improved understanding and recognition of the value chain and associated businesses including downstream processing, distribution, wholesale and retail sales, and supporting suppliers. Stakeholders, particularly from fishing cooperatives, were very concerned about the cumulative social and economic impacts on their members of relatively small decisions that reduced effort in or displaced effort out of their areas to the extent that their overall businesses became unviable. Many cited past actions, such as area closures, licence buyouts, state and territory marine reserves and the implementation of harvest strategies that reduced quota or effort, that had already impacted on the economies of scale critical for fishing cooperatives to operate. They argued that the additional burden of impacts from CMR decisions was a particular concern for these stakeholders and should be considered in this wider context.

Recreational fishing representatives argued that the proposed exclusion of recreational fishing from MNPZs had a social and economic cost for anglers and associated supply businesses such as retail and commercial tackle and bait suppliers. They argued that this would require some adjustment or compensation for these impacts. Suggestions for such compensation included the funding and placement of moorings and of artificial reefs and other fish-attracting devices.

While the issue of how the future impacts of zoning decisions on affected businesses might be addressed was outside the CMR Review's terms of reference, the BAP did consider the estimated direct economic impacts on commercial fishing as a key element in its assessment of potential zoning options.

Displaced fishing effort

Stakeholders from many sectors expressed a concern about displaced fishing effort that could intensify the pressure on remaining fishing grounds.

Prospective fisheries

A number of commercial fishers and their representatives raised concerns about the impact, intended or not, of reserve zoning on prospective fisheries. Examples were raised of potential fisheries that had been the subject of detailed investigation but were not yet formalised and managed as fisheries and would or could be prevented from achieving their potential through zoning decisions that excluded them. Some operators argued that they had included their estimated value of this prospectivity when purchasing their access right.

Some with interests in prospective fisheries argued that the CMR Review and the Government should consider opportunity costs before making decisions that could prevent these potential economic interests from being realised.

Recreational fishing representatives argued that, as their sector had a significant social and economic value, restricting potential recreational fishing activity had a cost that should be quantified and addressed by government.

Objectives and conservation values of reserve networks

There were many calls for better articulation of the conservation objectives of zones, reserves and networks. Stakeholders from different sectors suggested that this would assist users to better understand the purpose of CMRs and to identify and address potential risks and impacts of their activities more efficiently and robustly. Greater clarity

of objectives would also improve user and general public understanding of activity restrictions (including fishing gear restrictions) and assist in developing performance indicators to measure whether reserve objectives were being met.

There was some confusion on the purpose of the new networks of marine reserves, with many stakeholders seeing or portraying them as fisheries management measures and others claiming they were a tool for conservation groups to specifically target fisheries.

Management plans

A number of stakeholders made comments on management plans in general or made specific comments on the set-aside management plans. Most appreciated the key role of management plans in providing the legal basis and certainty for ongoing management. Many wanted to know how quickly new management plans could be brought in and to be assured that the CMR Review and the Government's response were the final stage, so that they could have greater certainty about their future use of a reserve or network. Some sought greater clarity in some of the management processes proposed in the management plans, for example how the proposed class approvals would work. Others sought greater clarity for some of the definitions used (for example clarifying what constituted 'stowed gear' for recreational fishers when traversing MNPZs and what 'transit' meant for shipping interests).

Some issues arising from the 2012 proclamation that had been addressed wholly or in part through the set-aside management plans were raised by relevant stakeholders in the expectation that these issues would be addressed through the CMR Review. These issues were raised with, and considered by, the Regional Panels through stakeholder meetings and submissions to the review, as well as through consideration of previous management plans, the public submissions received on the draft plans, and associated reports of the Director of National Parks (DNP).

Indigenous engagement in planning and management

All Indigenous groups and representatives that met with Regional Panels expressed their strong desire to be closely involved in the planning and management of marine reserves adjacent to or included within their areas of responsibility and geographic region, and particularly if they had a native title claim, determined or not, that intersected with a marine reserve. All expressed their desire to participate as co-managers of CMRs where they had a native title interest (determined or not). While cultural connection to sea country was a key element in these consultations, the future economic potential of these areas, and the opportunities that were seen to come from involvement in the management of the reserves, including compliance and enforcement roles, were also raised. Indigenous groups also strongly preferred to see Indigenous objectives, values, rights and interests reflected throughout management plans rather than relegated to an Indigenous-specific section or strategy.

Collaborative management, including citizen science

Many stakeholders expressed their strong interest in the future management of reserves and were keen to contribute to their design and management. Many users saw themselves as custodians or stewards of the environments within which they worked, and expressed their interest in actively contributing to research and monitoring activities in the reserves where they operated. Some saw themselves contributing in a citizen science role, collecting information on reserves as operators or involving their customers—for example divers participating in collection of observational data, recreational fishers

tagging and releasing fish, and commercial fishers providing catch data.

Many stakeholders, particularly those with businesses operating in reserves, were keen to participate in regular consultations on reserve management issues, seeking to engage in and receive feedback on research, monitoring and evaluation activities. Many sought, and were keen to participate in, forums where management decisions were discussed and considered, either at a reserve or a network level.

Chapters 5 to 8 discuss these issues along with recommendations for consideration by the Government.