

Chapter 7—Comments and advice on Commonwealth marine reserve management plans

Introduction

The BAP terms of reference invited advice and the inclusion of information received in the course of the consultations that could influence, contribute to or improve the drafting of future management plans. Many stakeholders were familiar with the process and some of the content of the set-aside management plans, and specific suggestions were made for the improvement of the process, the content or both. Some comments, however, reflected a lack of detailed understanding of the content of the former plans.

This chapter outlines the issues raised. In addition, a number of other observations are made that are relevant to management plans. These are included in the last part of this chapter.

Process for development of management plans

The BAP found broad acceptance of the concept of a network management plan for each of the four CMR networks, and one for the Coral Sea. The BAP supports this approach.

Most stakeholders understood that management plans provide the legal means to implement new zoning arrangements for CMRs and that two statutory periods of consultation were mandated for developing new management plans. Most were very keen to see the end of the lengthy consultation processes of reserve design and zoning that led up to the 2012 proclamation and the development of the set-aside management plans. They understood, however, that the management planning process that will follow the CMR Review is the necessary end point before there can be certainty about the allowed and prohibited activities and the rules and decision processes for activities that may be allowed in different zones.

Many stakeholders showed considerable apprehension about further delays or uncertainty about how the reserves would be managed. Given the extent and comprehensiveness of the BAP consultations, the feedback received on management plans (outlined in this chapter), and the ‘consultation fatigue’ that was articulated by many stakeholders, adopting the statutory minimum consultation periods for developing new management plans would help bring the lengthy establishment phase of the CMRs to a close.

BAP Recommendation 7.1 The DNP should initiate the process of developing new management plans as soon as practicable, and adopt the minimum statutory consultation periods (see also BAP Recommendation 8.1).

Many comments on management plans were applicable across the regional networks and the Coral Sea CMR. These are summarised under the following broad headings.

Indigenous cultural values

A number of common themes emerged from consultations with Indigenous people and their representatives, although logistical and time constraints prevented engagement with each and every community adjacent to marine reserves:

- Management plans should recognise and include reference to cultural values of

reserves

- Indigenous values and interests should inform and be reflected in the plans
- Best practice principles and concepts for Indigenous engagement should be identified in management plans and adopted in management practice
- There should be alignment between management plans and Saltwater Country Plans or Sea Country Plans
- Indigenous rights should be protected through measurable targets
- Traditional practices and knowledge of sea country should be recognised in conserving biodiversity values and should inform management activities
- Management plans should identify and support opportunities for Indigenous people to engage in the management of sea country in CMRs, such as through the delivery of management services like monitoring, compliance and research.

A number of Indigenous people and representatives identified aspirations for the development of small-scale tourism and fishing businesses in or adjacent to CMRs, although this is not strictly an issue for management plans.

Management plan terminology

The BAP heard many comments that related to the definition and clarity of terms and process in management plans. They include:

- Provide more detailed descriptions of conservation values of specific CMRs
- Make a clearer distinction between the commercial activities of charter boats (tourism and recreation) and commercial fishing
- Make a clear distinction (if any) between vessel transit (on innocent passage) and vessels associated with supply and servicing of offshore oil and gas facilities (potentially defined as mining activities) when transiting zones, where mining is prohibited
- Provide a clear definition of commercial vessel transit with respect to anchoring, drifting and route, and any restrictions in relation to ballast water exchange or rubbish disposal
- Acknowledge existing governance and regulatory controls on shipping
- Provide more definition of and clarity on class approvals and how they would operate. Class approvals should be developed in consultation with the affected marine users and other relevant interests (for transparency)
- Clarify the circumstances where an activity requires no further approval if it has received approval under Part 9 of the EPBC Act, or is subject to a decision under Part 7 that the action is not a controlled action if undertaken in a particular manner, or is otherwise authorised under another part of the Act
- Identify how the laying and maintenance of submarine cables is regulated
- Provide more clarity on how new information, technologies and efficiency improvements will be taken into account in management decision-making.

Monitoring and evaluation of conservation values

Ensure that there is an ongoing monitoring program for key conservation features and values and that the information gained is used in assessing the plan's effectiveness and informing the next management cycle. Biodiversity surrogates should be progressively verified as accurate indicators of biodiversity patterns and used to build a better understanding of biodiversity and ecological systems. As discussed in the ESP report, baseline information is critical in being able to ascertain changes in biodiversity and

ecological systems within and outside CMRs, to efficiently target management actions, including addressing threats to biodiversity, and to measure management effectiveness.

Communication and education

The content of management plans should be readily available, and education programs developed to inform the public of the values of the reserves, how they are being managed and the results of monitoring programs. Particular attention should be given to local communities, local government, regional development and tourism organisations as important audiences.

Climate change

Climate change is recognised as one of the most significant threats and challenges facing the marine environment and the conservation of marine biodiversity. Understanding of the implications of climate change and its potential impacts on marine biodiversity and ecological processes is increasing rapidly and is providing strong evidence of a change in community composition as many species move to higher latitudes. Planning for such change is challenging, particularly in terms of the representation and management of biodiversity in static zones. Management plans will need to provide flexibility so that an adaptive management approach can be taken to address climate impacts.

Goals and performance indicators

Management plans need to include more explicit goals and indicators that measure the condition and trends in condition of marine reserve values including those associated with biophysical and management performance.

Flexibility to adapt to change

Management plans should provide for explicit review and assessment of prohibited and allowed activities to accommodate and respond to new information, technologies, and scientific advice in a clear and transparent process.

Research and monitoring of socio-economic aspects of Commonwealth marine reserve management

Research and monitoring programs should include assessing the social and economic impacts of reserves, and patterns of use of the marine environment, and should provide for the periodic updating of relevant datasets and ensuring they are publicly accessible.

Site-specific issues—Norfolk Island

Specific site plans should be developed to protect key habitats and effectively manage industrial activities and high usage in sensitive habitats like coral reefs and inshore areas around Norfolk Island.

Improving and communicating the content of management plans

Management plans are statutory documents and necessarily follow and comply with legal format and content requirements. As such they may be relatively inaccessible for many readers. As many of the issues outlined above were included and dealt with in the set-aside management plans, there is clearly a need for appropriately worded and targeted communication products that set out how the CMRs will be managed once management plans are finalised.

BAP Recommendation 7.2: The DNP should note the issues identified in Chapter 7 of this report, take them into account in the preparation of new management plans and, when new management plans are finalised, develop and disseminate appropriately worded and targeted communication products that set out how the CMRs will be managed.

Compliance and enforcement of management plans

A number of stakeholders expressed the view that the Australian Government would not be able to implement a successful compliance and enforcement regime over such a large estate. The establishment of such a nationally and globally significant marine conservation initiative will undoubtedly fail from the perspective of effective biodiversity protection and public confidence if there is poor compliance with CMR rules and requirements and inadequate monitoring of use.

Advice was received from Parks Australia on the approach taken in the South-east CMR Network to compliance and enforcement, with particular regard to the use and utility of VMS data received by the AFMA and available to Parks Australia. This approach was regarded as underpinning a cost-effective compliance and enforcement regime for this network, although the compulsory requirement for VMS installation and operation only applied to vessels operating in Commonwealth fisheries. While this approach is expected to also underpin an efficient and effective approach to monitoring the activities of Commonwealth-licensed commercial fishers, its major deficiency is that no similar requirement or capability exists for vessels operating in state- or territory-licensed fisheries, many of which operate in CMRs.

BAP Recommendation 7.3: The Australian Government must institute and adequately fund a compliance and enforcement program across the CMR estate.

BAP Recommendation 7.4: The Australian Government should facilitate the requirement for the installation and operation of VMS on all fishing vessels licensed in state or territory managed fisheries that operate in Commonwealth waters.