

Chapter 8—Other recommendations and observations

A wide variety of issues relevant to the planning and management of the CMR estate were included in the submissions, survey and consultations. These are outlined in this chapter and, if appropriate, accompanied by a recommendation.

Business uncertainty and risk

Many of the stakeholders in the face-to-face consultations, including fishers and associated businesses, government and development authorities, and conservation representatives, expressed concern about continuing uncertainty surrounding the final zoning and management of the marine reserve estate. They referred to the lengthy consultation processes leading up to the 2012 proclamation and the subsequent development of management plans. While the opportunity to engage in the CMR Review was appreciated, there was considerable nervousness about what would happen once it reported. Many were concerned about further changes or another review, continuing the uncertainty. This was seen as a major disincentive by many businesses to invest in their future.

The desire for a more secure future for all affected parties is a clear focus for many. Most expressed the view that, while the zoning outcomes may not address all or indeed any of their issues, the need for certainty had become a significant priority.

During the final consultations in July and August to test proposed zoning options, virtually all stakeholders asked about the timetable for report submission, government response and the finalisation of management plans.

The Government should consider initiating the statutory Notice of Intent (NOI) process to prepare new management plans in concert with the public release of this BAP report. This would allow interested parties the opportunity to comment on the report's recommendations through the NOI consultation process. The Government's formal response to this report could then be released in much the same time as the release of draft management plans for public comment, as presumably its response would be encapsulated in these draft plans.

BAP Recommendation 8.1: The Australian Government should respond to and release this BAP report as soon as possible, ideally in conjunction with the commencement of the preparation of CMR management plans (see also BAP Recommendation 7.1).

Marine park agencies working together

The BAP heard of a number of existing business arrangements (contracts or service agreements) between Parks Australia and state agencies that delivered management services for specific CMRs, such as the Great Australian Bight CMR with SA, the Ningaloo CMR with WA, and the Solitary Islands CMR with NSW. Encouragingly these arrangements appeared to be well regarded in each case by both parties.

With the significant increase in the area and number of CMRs it seems sensible, where capability and interest exists in relevant state and territory agencies, to extend these business arrangements to new CMRs where appropriate. Given this additional complexity it may be prudent for Parks Australia to establish a regular dialogue with relevant partners and service providers to ensure a coordinated and consistent approach to

management of CMRs and, where relevant, adjacent reserves in state and territory waters.

BAP Recommendation 8.2: Parks Australia should play a lead role in coordinating the development of consistent and collaborative approaches to marine reserve management with state and territory agencies.

Improving coordination and collaboration between Commonwealth agencies with marine management responsibilities

A number of Commonwealth agencies have planning and operational responsibilities for activities in Commonwealth waters. These include the AMSA for shipping, the AFMA for fisheries, Geoscience Australia for mapping, the Australian Communications and Media Authority for submarine cables, the NOPSEMA for the oil and gas sector, the Australian Border Force for customs and immigration, and the Department of Defence, as well as Parks Australia for the management of the CMRs that cover one-third of these waters. While interagency cooperation between Parks Australia and individual agencies appeared to be effective, a mechanism for regular dialogue between these agencies did not appear to exist. Given the obvious benefits of a consistent and coordinated approach to managing Australia's ocean responsibilities, not the least for pure operational efficiency reasons, there should be a mechanism for such dialogue, if only on an annual basis.

BAP Recommendation 8.3: The Australian Government should consider establishing an annual interagency forum to help develop a consistent and coordinated approach to ocean management.

Complexity and consistency of fisheries management arrangements

Several stakeholders expressed their concerns relating to the complexity of fisheries management arrangements, seeing the matrices of allowed and prohibited activities for the CMR networks as a further layer of bureaucracy over already complicated ecosystem-based fisheries management arrangements. They pointed to the similar objectives of both fisheries and conservation legislation.

This complexity is evident through small but significant differences between CMR networks, where the same fishing gear types may be treated differently and where fishers could be subject to different rules and requirements in different locations.

Fisheries catch data is reported at different scales by different jurisdictions and in different fisheries. Particularly for state/territory managed fisheries this reporting was often not at a resolution useful for evaluating the potential impacts of zoning options for some reserves.

A common observation—and often plea for action—pertained to the different terminology between jurisdictions, the lack of alignment of reserve borders and zones between some Commonwealth and state/territory reserves or with fisheries management boundaries, the inconsistency of zone prescriptions across the Commonwealth estate and between Commonwealth and state/territory reserve estates in terms of allowable/prohibited activities, and even the lack of consistency of colour of the same zones in the maps of different jurisdictions.

These factors create unnecessary complexity for those charged with compliance and enforcement.

The CMR Review strove to reduce complexity and improve consistency of approach where this was within the scope of the review. However, many issues of complexity and lack of consistency remain and can only be addressed in a collaborative way between levels of government, and between different government departments and agencies.

BAP Recommendation 8.4: Governments and agencies should collaborate to progressively identify and resolve lack of consistency in terminology, objectives and management arrangements for marine users.

Sustainable fisheries

The growing commitment by a number of fisheries and operators to third-party certification of their operations (for example, Marine Stewardship Council certification) was raised by some fisheries representatives as an indication that their operations were compatible with the objectives of the CMR estate and therefore no further regulatory control or oversight was necessary. The BAP did not accept this proposition.

The certification of fisheries is a positive step in helping to improve the image of the sector as an industry of the future rather than the past. The continuing focus on sustainability and reducing impacts on the environment through improved technology and practices is positive and needs to be more effectively communicated to the public. The growing recognition of the importance of food in the visitor economy and the regional and national branding of Australia as a destination with sustainable and healthy food provides an opportunity for the seafood industry to communicate this message. Sustainability certification, and for relevant fisheries the catch being legitimately harvested from marine reserves, could become points of difference for marketing and promotion of sustainable Australian seafood domestically (see also Chapter 5)

BAP Recommendation 8.5: The DNP should collaborate with relevant parts of the seafood sector that operate in the CMR estate and are seeking third-party certification for sustainably harvested seafood and work with regional and national tourism promotion and marketing campaigns that promote Australia's sustainably harvested quality produce (see also BAP Recommendation 5.6).

Comprehensiveness and representativeness of the Commonwealth marine reserve estate

Many community, conservation and science stakeholders commented on the lack of comprehensiveness and representativeness of the proclaimed reserve estate against a number of criteria. This issue was considered by and is addressed in the ESP report for the proclaimed estate against the Goals and Principles.

The constraint for the CMR Review to remain within the proclaimed outer boundaries of reserves meant that there was very little scope for the BAP to address the overall representativeness and comprehensiveness of the estate, with the exception of principle 18: the inclusion of some highly protected areas (IUCN I and II) in each Provincial Bioregion. As indicated in Chapter 4, a range of socio-economic constraints limited the opportunities for improving this aspect of comprehensiveness.

The zoning recommended in Chapter 4 results in an additional 80 primary conservation features being represented in HPZs, and 21 primary conservation features in SZs or MNPZs. However, gaps remain in the coverage and comprehensiveness of the marine

reserve estate against most of the four goals in the Goals and Principles (Provincial Bioregion, Depth Ranges, KEFs and Biologically Informed Seascapes, and Seafloor Features).

As a number of stakeholders and submissions observed, the representation of conservation features in highly protected zones on the continental shelf in the Temperate East CMR Network and the North CMR Network could be considerably improved.

In addition, several stakeholders raised the absence of CMRs in the Indian Ocean Territories as a major gap in comprehensiveness of the CMR estate. The absence of any marine reserves in these territories is the most significant gap in the comprehensiveness of the reserve estate in Commonwealth waters. The ESP also noted this gap, citing a major report by the CSIRO on the conservation values of the Indian Ocean Territories.²⁶ This study could form the basis for an assessment and initial design of reserves to conserve representative samples of these values. The Government could use the Conservation Zone provisions in the EPBC Act (Part 15, Division 5) to initiate this assessment and design step.

A number of stakeholders, including conservation groups and a local tourism operator, documented an area within the Bremer Canyon system and to the west of the Bremer CMR as a biodiversity hotspot for a variety of marine species including cetaceans and seabirds. There would be value in further investigation of the area's conservation values and the merits of extending the western boundary of the Bremer CMR to include it. The Government could use the Conservation Zone provisions in the EPBC Act (Part 15, Division 5) to initiate this investigation and assessment of the area's conservation values.

Some stakeholders expressed concern about the potential for mining and oil and gas exploration and production to occur at some stage in the future in the Coral Sea CMR. The policy position of the previous Government to prohibit mining was given effect through the reserve's management plan (s5.8), which has been set aside. A new management plan would presumably include a similar provision. Given the role of management plans to implement, but also to alter, zoning and management objectives, a stronger and more secure expression of the intent to prohibit mining in the Coral Sea CMR would be to amend the EPBC Act and create a similar provision to that prohibiting mining in Kakadu National Park (EPBC Act section 387).

BAP Recommendation 8.6: Future reviews should consider improving the comprehensiveness of the CMR estate as identified in this report, particularly with respect to representation of continental shelf features in the CMR estate (see also the ESP report).

BAP Recommendation 8.7: The Australian Government should address the most significant current gap in the comprehensiveness of the CMR estate by designing and establishing CMRs in the Indian Ocean Territories, building on the existing CSIRO assessment of their conservation values and using the Conservation Zone provisions of the EPBC Act (Part 15, Division 5) to initiate and frame the necessary assessment and design processes.

²⁶ D. T. Brewer, A. Potter, T. D. Skewes, V. Lyne, J. Andersen, C. Davies, T. Taranto, A. D. Heap, N. E. Murphy, W. A. Rochester, M. Fuller and A. Donovan. (2009). Conservation values in Commonwealth waters of the Christmas and Cocos (Keeling) Islands remote Australian Territories. Report for Department of Environment, Water, Heritage and the Arts, Canberra. CSIRO, Canberra.

BAP Recommendation 8.8: The Australian Government should assess the merits of protecting a biodiversity hotspot identified to the west of the Bremer CMR and, to this end, could employ the Conservation Zone provisions of the EPBC Act (Part 15, Division 5) to initiate and frame this assessment.

BAP Recommendation 8.9: The Australian Government should provide greater certainty about the prohibition of mining in the Coral Sea CMR by providing the same legislative protection that applies to Kakadu National Park in the EPBC Act (section 387).

Prospectivity

A number of commercial fishers and government representatives expressed their concerns that the socio-economic considerations in the CMR estate design focused only on existing fisheries and current knowledge, assumed all fisheries were at capacity, and failed to account for or accommodate prospective fisheries. They argued there are many prospective areas for fishing, either because they are currently not fished, for economic or other reasons, or because they may hold stocks of fish that are undiscovered or not exploited due to current technological limitations. They also argued for a greater recognition of food security issues as a consideration in the design and zoning of the CMR estate.

The South-west Corner CMR contains three very substantial north–south MNPZ transects from the continental slope to the EEZ boundary, and the validity of the inclusion of the large east–west MNPZ south of 36°42S was questioned by fishing industry representatives as being unlikely to further contribute to the conservation values of the area, given it is well offshore and in very deep water. The area, however, holds significant potential for the Western Tuna and Billfish Fishery if economic conditions change (including fuel costs, exchange rates and other market conditions). While a change to this zone is not recommended in this report, the Government could include consideration of this fisheries potential at a future review opportunity.

Similar issues were raised by stakeholders for the Coral Sea, Oceanic Shoals, Lord Howe and Norfolk CMRs. The extensive areas of MNPZ that were zoned when the Coral Sea CMR was proclaimed were seen by fisheries representatives as precluding the realisation of significant economic potential for the ETBF from harvesting pelagic tuna species. A large area in the southern part of the Coral Sea CMR adjacent to the boundary with the GBRMP has been identified as having the potential for a new deepwater prawn fishery. Consideration was given to formally identifying this area in the zoning of the reserve but, as there is no established fishery, licence or permit to operate and there was little information on which to base a zoning decision, this issue has been left for a future management decision when these information gaps have been adequately addressed.

In the Oceanic Shoals CMR the extensive areas excluding midwater and semi-demersal trawl were argued to preclude the realisation of potential economic benefits from the development of these NT fisheries. Provision has been made in the recommended zoning of this CMR for a current permitted developmental fishery with established catch records, but it is recognised that potential exists to expand this fishery in future

While some of these issues were addressed in part through this Review, the issues assessing and accounting for prospective economic activity, the opportunity cost of its

exclusion, and lack of knowledge of the resource are likely to remain significant for future governments.

A further element of prospectivity that was drawn to the BAP's attention related to unknown prospectivity in the mining and petroleum sectors. Similar to the above, current decisions have been made based on existing knowledge of mineral and oil and gas resources and prospectivity.

Adequacy of funding and managing effectively

Many stakeholders expressed their concern that, following the intensive and lengthy consultations on the design of the CMR estate, it would not be adequately funded or effectively managed.

The whole CMR estate, including the South-east CMR Network, is nationally and globally significant in extent, ambition and comprehensiveness. It very deliberately embraces a multiple-use approach that includes a wide variety of uses and users, along with significant areas managed with no extractive activity and limited disturbance to act as reference areas, and places where natural processes can operate with minimal impact from human activity. This vast estate, larger than all but seven countries of the world, and six times larger than the CMR estate existing before 2012, will require a high degree of active management.

Key management issues will be working in partnership with other agencies, organisations and businesses, monitoring and evaluation, building the knowledge base to manage effectively, compliance and enforcement, the capacity to identify and respond to threats as they emerge, and communication with users and the broader public.

The substantial investments made over the last two decades to design and establish this estate will be wasted if it is not effectively managed, and effective management requires adequate funding.

While there will undoubtedly be efficiencies to be gained from applying the approaches and lessons learned from the management of the South-east network more broadly, an overall estate that is six times larger will by necessity require some proportionate increase in resourcing for effective management.

BAP Recommendation 8.10: The Australian Government must adequately fund CMR management to ensure that the estate is managed effectively and responsibly, so that the benefits of establishing this estate are not lost for future generations.

Conclusion

While the primary focus of the CMR estate is and must continue to be a system that represents and conserves biodiversity with no-take zones at its core, it adopts a multiple-use management approach to embrace a wide diversity of uses and users of the marine environment. In doing so, managers and decision-makers must weigh up the costs and benefits of including and excluding a range of activities. While the relevant decisions can only be made on the best available knowledge and understanding, it is inevitable that these will improve and that past decisions will therefore eventually need to be reviewed and revised.

The ecological integrity of the CMR estate should be the primary consideration. However,

while there are undoubtedly very significant non-market benefits produced, there are also considerable direct economic and social benefits from economic activities in the reserves. Balancing these objectives is likely to remain a difficult and contentious task, but the goal should be the maintenance of a healthy marine environment that sustains a wide variety of uses and users and is valued, widely enjoyed and appreciated by current and future generations.