

Appendix 1 Commonwealth Marine Reserves Review

Terms of Reference

Context

The Coalition Government committed to establish a national representative system of marine protected areas in 1998, and confirmed that commitment at the 2002 World Summit for Sustainable Development.

A key milestone towards the national representative system was the 2007 proclamation of the South-east network of Commonwealth Marine Reserves. In November 2012, forty new Commonwealth marine reserves were proclaimed in the South-west, North-west, North, Temperate East and Coral Sea marine regions, completing the Australian Government's contribution to Australia's national system of marine protected areas.

Commonwealth marine reserves are proclaimed and managed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), which requires that statutory management plans be developed and implemented by the Director of National Parks.

To fulfil its commitment, in December 2013 the Government set aside the management plans for the reserves in the South-west, North-west, North, Temperate East and Coral Sea marine regions. New management plans will be developed following a review to ensure that management arrangements reflect appropriate consultation with stakeholders and are informed by the best available science.

As stated in the Government's policy for a *More Competitive and Sustainable Fisheries Sector* an expert marine panel will be appointed to review the science supporting the boundary area for each zone. This process will reconsider proposed zoning boundaries in consultation with stakeholders. The review will restore confidence in the process by bringing genuine consultation.

Scope and process of the Review

The review will comprise two interrelated streams:

- An Expert Scientific Panel of five members including a Chair will review the science supporting the current marine reserves.
- Bioregional Advisory Panels of three members for each marine region covered by the review, with two co-chairs working across all panels, will facilitate enhanced consultation with stakeholders on marine reserves.

Terms of reference for these panels are described below.

The panels will operate and report separately, but will share information to ensure that review outcomes collectively reflect robust consideration of scientific, economic and social evidence. To facilitate this, the co-chairs of the Bioregional Advisory Panels will also participate as members of the Expert Science Panel.

Both components of the review will be conducted with regard for the *Goals and Principles for the Establishment of the National Representative System of Marine Protected Areas in Commonwealth Waters* (the Goals and Principles) and the legislation and regulations for the development of management plans and managing activities within Commonwealth reserves.

The review will only consider the reserves proclaimed in November 2012: that is, those reserves in the South-west; North-west, North, Temperate East and Coral Sea marine regions.

Secretariat support will be provided to the panels by the Department of the Environment. The Department will also facilitate the involvement of other relevant Australian Government departments in the review process, including the Department of Agriculture.

The panels will report to the Government within six months of the first meeting of the panels, unless extended by the Minister for the Environment. The reports will be transmitted to the Government via the Minister for the Environment. The panel chairs are responsible for transmitting the reports of the panels.

The reports of the Expert Scientific Panel and the Bioregional Advisory Panels will be made publicly available.

The Government's response to the reports will inform the development of new management plans for the marine reserves. Further public consultation on the development of new marine reserve management plans will be undertaken in accordance with the EPBC Act.

Terms of reference for the Expert Scientific Panel

The Expert Scientific Panel will advise the government on the science underpinning the Commonwealth marine reserves including proposed zoning boundaries and allowed uses. The Expert Scientific Panel will review the risk assessments that supported zoning, and zoning boundary, considerations and other scientific information related to zoning decisions for individual networks or reserves. Based on this review, the Expert Scientific Panel will advise on:

- options for zoning, and zoning boundaries, and allowed uses consistent with the Goals and Principles
- future priorities for scientific research and monitoring relating to marine biodiversity within the marine reserves, especially any relating to the understanding of threats to marine biodiversity within the marine reserves.
- options for addressing, the most significant information gaps hindering robust, evidence-based decision-making for the management of the marine reserves.

The Expert Scientific Panel will produce a single report addressing these issues. The report will be separate to the report of the co-chairs of the Bioregional Advisory Panels.

Membership

The Expert Scientific Panel will consist of five members selected through agreement between the Minister for the Environment and the Parliamentary Secretary to the Minister for

Agriculture. Two of these members are also the co-chairs of the Bioregional Advisory Panels, in order to facilitate sharing of information across the review panels.

Terms of reference for the Bioregional Advisory Panels

Bioregional Advisory Panels will be appointed for the South-west; North-west, North, Temperate East and Coral Sea marine regions. These panels will share two co-chairs, who will oversee the work of all of the panels and will consult with peak bodies for all relevant sectors. These co-chairs are also members of the Expert Scientific Panel. All Bioregional Advisory Panels will consult across sectors including: industry, recreational users, community groups, tourism, Indigenous communities, environmental interest groups and other parties as appropriate.

The Bioregional Advisory Panels will then provide the government with:

- advice on areas of contention with the marine reserves
- advice on options for zoning boundaries to address those areas of contention
- recommendations for improving the inclusion of social and economic considerations into decision-making for marine reserves, with particular regard for their management
- suggestions for ongoing engagement of regional stakeholders.

The Bioregional Advisory Panels will also report, or provide advice on, any information received through the consultation process they feel may influence, contribute to or improve the drafting of future management plans.

The co-chairs of the Bioregional Advisory Panels will produce a single report addressing these issues and reflecting the inputs of all of the panels. The report will be separate to the report of the Expert Scientific Panel.

Manner of consultation

The Panels will consider views of interested parties provided through a range of mechanisms that may include:

- regional meetings with key stakeholders or stakeholder organisations
- meetings with peak organisations representing relevant business and not-for-profit sectors and with relevant government agencies
- online survey
- other written representations.

Membership

The co-chairs of the Bioregional Advisory Panels have been selected based on their capacity to facilitate input into marine reserves planning from the full range of stakeholders, and based on agreement between the Minister for the Environment and the Parliamentary Secretary to the Minister for Agriculture.

The Bioregional Advisory Panels will consist of three members for each region. Members have been selected for their capacity to facilitate input from a broad range of stakeholders.