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SUBMISSION TO DIRECTOR PARKS AUSTRALIA:

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DRAFT MANAGEMENT PLAN FOR THE JERVIS COMMONWEALTH MARINE RESERVE

The opinions expressed in this submission are my own, formed from extensive research, consultation with members of the Jervis Bay community, consultation with the Bioregional Review Panel and from my own personal experience as a resident/business owner of Jervis Bay for more than 2 decades.

In 1998, the federal government at the time committed to establishing a National Network of Marine Protected Areas. In 2002, this commitment was confirmed at the World Summit for Sustainable Development. It is my understanding that the system of marine reserves has bi-partisan support within Federal Parliament and it was the current government that set aside management plans, initiating the review of all Commonwealth Marine Reserves.

The views in this submission are provided in response to the Draft Management Plan to assist the federal government's review of the Commonwealth Marine Reserves, determined under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The objects of this Act are, inter alia, to:

- A: provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and
- B: promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and
- C: promote the conservation of biodiversity.

The Jervis Commonwealth Marine Reserve was proclaimed under the EPBC Act on 14 December 2013 and covers an area of more than 2400 km² at a Depth range of between 120–5000 metres. The current boundaries of the Jervis Commonwealth Marine Reserve, covers a mere 0.65% of the complete Temperate East Region. The recommended action in the draft plan is to change the zoning of the deepest section of the park (1965 km²) from a Multiple Use Zone (IUCN Category VI) to a Habitat Protection Zone (IUCN IV). The remaining section of the park (508 km²) remains a Special Purpose Zone (IUCN Category VI) which offers the minimum possible protection.

The Jervis Commonwealth Marine Reserve is significant because it contains habitats, species and ecological communities associated with the Central Eastern Province and the Southeast Shelf Transition. It includes two key ecological features; both valued as unique seafloor features with ecological properties of regional significance.

- 1: canyons on the eastern continental slope
- 2: shelf rocky reefs

I do not believe that the current and the proposed changes to the zoning are suitable given the major conservation values of the total area assigned, nor does it meet the management principles as a Managed Resource Protected Area, as set out by the IUCN category VI. Creating a marine reserve area that does not afford protection to the whole ecosystem within it, is near-sighted and contradictory to the objectives of the marine reserves management plan. The boundaries, being directly adjacent Jervis Bay have significant environmental values that have not been given any consideration. Nor has consideration been given to the many migratory, pelagic, endangered and protected species that can be found in the Jervis Bay Marine Park as well as in the area zoned the Jervis Commonwealth Marine Reserve.

The recommended change in zoning for Jervis Commonwealth Marine Reserve aims to improve the conservation outcome for this reserve 'without impacting further on recreational or commercial fisheries'. The Habitat Protection Zone that will cover nearly 80 per cent of the reserve area provides for an increased level of protection to six conservation features in the Temperate East Network, however, the recommended zoning for the Jervis Commonwealth Marine Reserve will not change the level of access for recreational and charter fishers or the impact on commercial fishing from the 2012 proclaimed zoning. Of major concern is the current allowance of commercial fishing activities to operate within the Jervis Commonwealth Marine Reserve boundaries, including all waters surrounding the Reserve, extending into some areas of the adjacent State waters within the Jervis Bay Marine Park and the Commonwealth waters of Booderee National Park.

The recommendations of the expert panel were based largely on consultation with stakeholders given the absence of scientific research, monitoring or evaluation and the absence of any baseline data to make robust decisions. As noted by the scientific panel in their report.

A robust adaptive management approach is required if management investment for the CMR estate is to be effective and efficient. Well-targeted, long-term scientific research, monitoring and evaluation are essential. Baseline information is critical for measuring environmental change and management effectiveness. Initial baselines must be established and data collected as soon as possible across the estate before this opportunity is lost.

The consultation process was heavily influenced by the fishing industry to the point that the advice on the status of the marine parks appears to be more about protecting trawling rather than the marine environment. Trawling could undoubtedly be regarded as a threatening process under the EPBC Act however the focus of extending marine protection was "not pursued due to the operational impact on trawl and the popularity of the canyon edges for recreational and charter fishing". In effect, the government is considering the continuation of a threatening process even though it has no knowledge of its impact and has made no additional effort to find out what species or ecological communities might be involved.

There also appears to be a serious oversight in the report of the panel with little consideration of the precautionary principle enshrined within the EPBC Act.

'The Minister must take account of the precautionary principle in making a decision listed in the table in subsection (3), to the extent he or she can do so consistently with the other provisions of this Act'.

Overfishing is a global problem well recognised in the literature. The 2011 National State of the Environment Report highlighted that:

The impacts of fishing – such as the large and broad scale reductions in biomass that persist even when fishing ceases – have been observed in many large species that are fished, across all global oceans and in Australian waters. It is possible for biodiversity to recover when pressures are reduced as has been observed in the case of humpbacked whales in Australia's waters. However, the recovery is usually much slower than the rate of decline and often more uncertain.

Two major commercial fisheries that are permitted to operate within the Jervis Commonwealth Marine Reserve are the South East Trawl Fishery and the Eastern Tuna and Billfish Fishery. Few controls are in place to give effect to the conservation objectives of the Environment Protection and Biodiversity Conservation Act 1999. The main fishing method used by the Eastern Tuna and Billfish Fishery to catch target species is by longline, while the main method used by the South East Trawl Fishery is trawling. Both methods have a recognised by-catch of non-target species, many of which are listed as endangered or protected. All species such as Sharks, Rays, Sea Turtles, Cetaceans, Syngnathids, Seabirds and many others migrate through the Jervis Commonwealth Marine Reserve, even stopping in or passing through Jervis Bay with water current movements. To permit these fishing practices within this reserve is a problem that is likely to have a considerable negative effect on the ecology of the marine reserve and adjacent Marine Park.

With very little research and knowledge about the marine environment and biodiversity found in the Jervis Commonwealth Marine Reserve, it would be more prudent to take a long-term, precautionary approach to conservation, with an emphasis on further research to enhance our understanding of why these areas are significant. As a minimum, the value of the Jervis Commonwealth Marine Reserve would be greatly enhanced if the zoning was upgraded to a Habitat Protection Zone (IUCN IV), as is provided for in the Lord Howe Island Marine Reserve. Given the almost insignificant size of the Jervis Commonwealth Marine Reserve, I see no reason why any commercial fishing vessel can't fish outside the zone boundaries.

Socially and economically, the Jervis Commonwealth Marine Reserve has the potential to greatly affect the recreational and charter fishing industry, which targets the same species as the commercial fishers, such as Marlin and Tuna (seasonal). Jervis Bay itself is world renowned for its recreational game fishing opportunities. Many residents of the Jervis Bay community are small business owners, sole traders like myself who rely on the tourism industry and the health of the marine environment as a means to earn an income.

In any application of government legislation there needs to be due consideration of the appropriate level and resourcing for compliance and reporting to provide the community with a degree of transparency and to hold government agencies accountable for their actions. I appreciate the challenges of compliance in relation to marine reserves, however, there does need to be an adequate level of compliance action to give the community the confidence in our government's decision making. It is not uncommon to witness evidence of illegal fishing activities. As a diver, I regularly find marine life affected by fishing tackle and pollution, as well as litter discarded by fishers (land based and from boats).

Genuine consultation and public education is a very important part of any process of change to marine reserves. After consulting with my local community, it is quite apparent that there is very limited knowledge and much confusion regarding the State Marine Parks and Commonwealth Marine Reserves. This would suggest that more effort needs to be given to engaging the local community in the ongoing processes of managing these reserves. It is my opinion that the proposed name change from Marine Reserve to Marine Park is not practical and will only increase confusion within the community, especially in the Jervis Bay region where we already have a Jervis Bay Marine Park.

I consider that there is a strong argument for enhancing the protection of marine reserves in Australia and in particular, the Jervis Commonwealth Marine Reserve. Unsustainable overfishing has been, and continues to be, a problem in Australia that can, in part, be addressed through strong and effective protection in marine reserves. There needs to be well designed boundaries of the reserves that reflect good scientific data on the species and communities that require protection. The Commonwealth and State governments need to work together to provide contiguous areas to protect identified species. The benefits of more sustainable practices should be recognised in any social/economic analysis and appropriate compliance, education and reporting is needed to give the community confidence in the Government's commitment to the environment. Finally, strong ongoing consultation will help to give

the management of the reserve a credibility and profile commensurate with the importance of the marine environment to the people in the Jervis Bay region.

I hope this submission has been helpful in guiding the decisions and recommendations to enhance the conservation values, sustainability and protection of the Jervis Commonwealth Marine Reserve for future generations. I give permission for my submission to be made public and am open to discussing this further, as required.

Yours sincerely,

Susan Newson