



Australian Marine Parks Management Planning Comments
Department of the Environment and Energy
Reply Paid 787
Canberra ACT 2601

WWF-Australia
Level 1, 17 Burnett Lane
Brisbane QLD 4000
www.wwf.org.au
20 September 15, 2017

Dear Sir/Madam,

WWF-Australia appreciates the opportunity to comment on the proposed draft Management Plans for the five regions of the Commonwealth Marine Reserves network. We consider the establishment and effective management of a comprehensive and representative network of marine reserves in Australia's marine jurisdiction one of the most significant steps that can be taken to ensure the long-term protection of our oceans and coastal waters.

WWF-Australia welcomed the 2012 declaration of the national network of marine reserves as this represented a major step forward in our ability to protect Australia's marine estate while at the same time allowing reasonable access by a variety of commercial and recreational users. However, we were deeply concerned in 2013 by the Abbott Government's suspension of regulations for management of the newly created marine reserves.

Since 2013 there have been significant impacts on key marine habitats around Australia as a result of elevated sea temperatures and extreme weather events linked with climate change. Drawing on work underway in the Great Barrier Reef Marine Park, a critical response to the impacts of climate change on the marine environment is to establish and maintain effective levels of resilience within our marine areas. A well planned and well managed network of marine parks, where both direct and off-park anthropogenic impacts are minimised, will be an important aspect of achieving and maintaining resilience. To achieve this, significant areas of highly protected, no-take zones will be required.

WWF considers the proposed changes outlined in the draft management plans for marine parks released on 21 July, 2017 to be an enormous leap backwards in protection for Australia's oceans. If these draft plans are implemented in their proposed form, a deeply inadequate management system will be locked in for decades to come. The proposed plans not only contradict the best available science on implementing an effective marine parks network, but propose a dramatic decrease in protection from that recommended by the independent Commonwealth Marine Reserves Review which was commissioned by the Australian Government and finalised in December 2015.

WWF has a long history on working on marine reserves in Australia and we look forward to further engagement with the Australian Government subsequent to the consultation period closing.

Best regards,

Richard Leck - Head of Oceans, WWF-Australia

Submission on Commonwealth Reserves Draft Management Plans

The following comments relate to all five proposed draft management plans.

1. The very large reductions of Marine National Park 'sanctuary' IUCN II zoning (MNPZ) across the Network are extremely disappointing. The Government's Independent Review recognised the extensive science and consultation that led to the creation of the 40 marine reserves in 2012. However, the 2017 draft management plans recommend reducing, relocating and in most cases completely removing the MNPZ protection over key habitats, particularly in the globally important Coral Sea. As discussed above, MNPZ coverage in Australia's marine reserves is even more important now with the increasing impacts of climate change. **WWF-Australia recommends that the 2012 IUCN II zoning in Australia's marine reserves is fully restored without delay.**

The Government's own Expert Science Panel found that the marine parks declared in 2012 were the result of sound science and consultation. Further, leading scientists found that the 2012 network would need more marine sanctuary coverage, not less¹. Marine park zoning must be science-based and, while recognising the secondary objective of sustainable use of marine parks, the primary objective of protecting and conserving biodiversity and other natural, cultural and heritage values should not be comprised in efforts to strike a balance.

2. Partial protection zones are not a substitute for high level 'sanctuary' (Marine National Park / IUCN II) protection. Claims by government that Habitat Protection zones (HPZs/yellow) are equal to Marine National Park zones (MNPZ/green zones) are misleading. Protecting the sea floor provides only partial protection and does not protect the marine life living within the water column. Each marine park should have adequately sized and located zones of high level MNPZ protection, with partial protection zones used in an ancillary way. It is well established in the scientific literature that partial protection does not generate biodiversity benefits comparable to full protection.
3. WWF-Australia does not support the Government's proposal to allow mining and pipelines in the vast majority of the parks. As emphasised at the 2016 IUCN World Conservation Congress, industrial activities like mining and mining exploration are not compatible with marine parks². Marine parks should be fully protected from mining as has been achieved in the Great Barrier Reef Marine Park. **We recommend that Marine Parks not currently containing mining exploration rights should be fully protected from mining.**
4. We are extremely concerned that the draft management plans will result in opening up 38 of the marine parks to commercial fishing practices including trawling, gillnetting and longlining. This proposal ignores the findings of the government-commissioned independent Fishing Gear Risk Assessments, which found that trawling, gillnetting and longlining are incompatible with many of the conservation values in the parks. Further, allowing these forms of commercial fishing puts at risk the benefits that marine parks provide not only to marine life, but also more broadly to tourism, recreational fishing and other types of commercial fishing that *can* operate sustainably inside parks alongside high level MNPZ zoning.

WWF-Australia notes with concern the release of data that suggests a massive spike in fisheries interactions with threatened, endangered and protected (TEP) species (see attachment 1). This data calls into question the wisdom of opening up the 38 marine parks to additional fishing effort. **We recommend that the levels of TEP interactions must be reconsidered in the development of the**

¹ Barr, L.M. and Possingham, H.P. (2013). *Are outcomes matching policy commitments in Australian marine conservation planning?* Marine Policy 42, 39-48. <https://doi.org/10.1016/j.marpol.2013.01.012>

² WCC-2016-Rec-102 <https://portals.iucn.org/library/sites/library/files/documents/IUCN-WCC-6th-005.pdf>

marine park provisions tables that specify what types of commercial fishing operations are allowed within each marine park zone before the draft management plans are finalised.

5. We note that Australia's marine tourism industry is worth \$28b per year³, whereas the catch value being returned to commercial fishing from the network-wide MNPZ cuts is worth only \$4m per annum – only 0.3% of the total revenue of Australia's wild catch fisheries. Thus, the economic case for allowing fishing activities that could compromise the integrity of the proposed Marine Park network does not stack-up when compared with the economic returns from other, more conservation-compatible park uses.
6. We note that the vast majority of submissions to Parks Australia's first consultation round in 2016 strongly supported the restoration and increase in high level MNPZ protection. However, the Government is proposing the complete opposite to the consultation outcomes in all but 1 of the 44 marine parks.
7. We generally support the proposed programs outlined within each management plan, however are concerned that their implementation will be seriously compromised if adequate resources are not available. The commitment of \$56M over the first 4 years of the plans appears very modest given that it is expected to meet compensation for displaced commercial fisheries as well as ongoing management costs.
8. Australians from all over the country expect the Australian Government to implement a much higher level of protection for our oceans than is proposed in these management plans. 9,500 WWF supporters (at time of writing) have called on the Government to preserve the 2012 management plans in this consultation period. This is in addition to the tens of thousands of submissions that the government has received in previous consultation periods supportive of much stronger conservation measures.

We note that in preparing this submission we have drawn extensively on the critique of the draft management plans undertaken by the Centre for Conservation Geography⁴.

Draft Coral Sea Commonwealth Marine Reserve Management Plan specific comments

The Government's Expert Science Panel recognised the Coral Sea as a significant biodiversity hotspot for sharks, tuna and marlin. It acknowledged it as one of the few remaining areas globally that hasn't been impacted significantly by humans. The Panel also recognised the value of its unique reefs and acknowledged that they warrant higher protection.

We note, with concern, the large cuts of 53% and fragmentation of Marine National Park zone (MNPZ) coverage in the park. The large offshore oceanic MNPZ in the Coral Sea is Australia's major global contribution to the protection of intact tropical pelagic marine life at a large scale. With such values and little if any fishing, this area is intact and therefore an important, achievable and rare opportunity for inclusion in the marine parks network as a large area of high level protection. Under the government's proposals, most of the park will be available to longlining – a commercial fishing activity that the

³ Australian Institute of Marine Science, 2016. *The AIMS index of marine industry*, <http://www.aims.gov.au/documents/30301/0/AIMS+Index+of+Marine+Industry+2016/f2f7f8f3-6ae3-4094-b8d4-cb8aa90f5ae1>

⁴ Beaver, D. (2017). The New Management Plans for Australia's Marine Parks: Centre for Conservation Geography Critique. <http://www.conservationgeography.org/>

Government's independent Fishing Gear Risk Assessment concluded posed an unacceptable risk to the conservation values of marine parks.

We also note with concern the reduced protection proposed for a number of ecologically important reefs (Osprey, Shark, Vema, Flinders, Holmes, Marion and Wreck). The Government's Expert Science Panel recognised the need to increase protection at key reefs. However, the draft plan fails to do so, proposing MNPZ protection for only 7 of the Coral Sea's 40 or so reefs. Fully protecting reefs protects fish and shark populations that are highly valuable to the dive tourism industry and will help build reef resilience in the face of climate change. This is not only to the benefit of marine life but also delivers economic certainty to dive operators who need a diversity of reefs protected against extreme weather events such as cyclones and coral bleaching. The importance of protecting the Coral Sea's reef sharks was highlighted by the Expert Science Panel which noted: "Coral Sea reefs comprise a globally significant hotspot for reef sharks".

The role of partial protection zones (yellow or blue on the map) is to achieve particular social or economic outcomes, or to act as a buffer for marine national park zones which underpin the biodiversity conservation outcomes in the park. Scientific evidence clearly shows that full protection is one of five keys factor in effective conservation of marine life⁵. Furthermore, almost all the Habitat Protection Zones allow commercial fishing activities such as longlining, mid-water trawl, and purse seining which have been identified as posing an unacceptable risk to the conservation values of Australia's marine parks. Thus, partial protection (Habitat Protection Zones) is no substitute for full protection.

The Special Purpose Zone (trawl) that allows for bottom trawl in the Coral Sea Reserve seems to be in response to a developmental fishery currently being accessed by a single licence in Queensland⁶. The inclusion of specimen shells and crabs as 'take' species highlights this developmental fishery is expected to have contact with the seafloor where these species reside, an activity that is likely to have long term consequences for deepwater habitat types which are less resilient than inshore habitat types to disturbances.

The 2012 Coral Sea Marine Park provided protection of key sites and species that are important to the Coral Sea's biggest industry, namely dive tourism. The removal of longlining in the 2012 declaration was to protect the world's only known black marlin spawning area and the highly valuable recreational fishing in this area. By allowing significantly greater areas for commercial fishing activities, the 2017 draft plan may well disadvantage well established, existing dive tourism and recreational fishing activities which provide a far great economic return than the commercial fishing activities.

Recommendations

WWF-Australia makes the following recommendations to the Government in relation to the finalisation of the Coral Sea Commonwealth Marine Reserve Management Plan: -

1. Restore the large Marine National Park Zone (MNPZ) to reflect the 2012 management plan.

⁵ Edgar GJ, Stuart-Smith RD, Willis TJ, Kininmonth S, Baker SC, Banks S, Barrett NS, Becerro MA, Bernard ATF, Berkhout J, Buxton CD, Campbell SJ, Cooper AT, Davey M, Edgar SC, Forsterra G, Galvan DE, Irigoyen AJ, Kushner DJ, Moura R, Parnell PE, Shears NT, Soler G, Strain EMA, Thomson RJ (2014) Global conservation outcomes depend on marine protected areas with five key features, *Nature*, **506**, 216–220.

⁶ <http://www.environment.gov.au/system/files/pages/6550ce1b-1213-4ca3-aa63-69323a186903/files/schulz-fisheries-pty-ltd-application.pdf>

2. Restore the levels of protection afforded Osprey Reef, Shark and Vema Reefs in the 2012 plan. Osprey Reef needs high level MNPZ protection in order to deliver economic security to the valuable dive industry.
3. Reinstate protection for Flinders, Holmes and Wreck Reef – reefs the Review found required protection.
4. Accept the proposed new MNPZ protection at the border with the Great Barrier Reef.
5. Remove the proposed opening up of the Coral Sea to longlining, purse seining and mid-water trawl in the 'Area E' Coral Sea Zone of the Eastern Tuna Billfish Fishery. Removal of these damaging commercial fishing techniques should be achieved in this area to ensure protection of the Queensland Plateau, Queensland Trough and the world's only known spawning ground for Black Marlin and their recreational fishing, economic and social values.
6. Restore MNPZ protection for Marion Reef. Marion Reef is the only location where protection is proposed for the coral reefs, cays and herbivorous fish of the Marion Plateau which is a key ecological feature of the Coral Sea.
7. Withdraw the proposed Special Purpose Zone (Trawl) within the Coral Sea and zone as Habitat Protection Zone (IUCN IV).
8. Ensure that levels of TEP interactions are considered in the development of the marine park provisions tables that specify what types of commercial fishing operations are allowed within each marine park zone before this draft zoning plan is finalised.
9. Finalise the management plan and make it operational within the next 12 months.

Draft Temperate East Commonwealth Marine Reserves Network Management Plan specific comments

WWF-Australia notes that the Temperate East marine region is recognised as an area of global significance for a number of protected marine species including the critically-endangered east coast population of grey nurse shark and the vulnerable white shark. The network includes: important offshore reef habitat at Elizabeth and Middleton Reefs (one of Australia's longest standing highly protected marine parks), Lord Howe Island and Norfolk Island that support the threatened black cod; the southernmost extent of many reef-building coral species; as well as important breeding, foraging and feeding areas for several species of seabird including the little tern.

We are particularly concerned with the Government's proposal to remove protection over part of the seamount ecosystem of Middleton Reef – one of Australia's longest and most highly protected remote coral reef habitats, declared 30 years ago in 1987. The catch value returned to the fishing industry by allowing access to this important ecosystem is estimated by ABARES to be just \$31,000 per annum, or \$770 per annum to each of the 40 active longlining vessels in the Commonwealth's Eastern Tuna and Billfish Fishery. Therefore, there is no economic justification for the loss of such an important legacy area of Australia's marine parks network.

We are also concerned that the Government is ignoring the advice of its expert Review, in downgrading the zoning in the northern half of the Lord Howe marine park outside the pre-existing Elizabeth and Middleton Reef area, from the recommended Habitat Protection Zone (yellow) to the very low level Multiple Use Zone (blue) which will allow mining.

We note with concern that the government does not propose high level MNPZ protection for any of the Norfolk Seamounts despite being identified by the Howard Government as one of Australia's 11 most unique habitats for marine life. The Government's proposals are contrary to the recommendation of the

Government's own Review, which found that the Vening Meinsez Fracture Zone some way south of Norfolk Island should be given MNPZ status. Additionally, the Government is again ignoring the advice of its own expert Review, by not upgrading the zoning outside the MNPZs and the Island's extended MOU Box, from the very low level Multiple Use Zone (blue) to Habitat Protection Zone (yellow). In doing so, the Government is opening up much of the marine park to the possibility of becoming an oil field, and/or the possibility of highly destructive seabed mining.

Despite the global significance of the Temperate East marine region the Government is not proposing to increase high level protection in the Temperate East marine region despite 96% of the region having no high level MNPZ protection, and 85% of the region having no protection at all. Further, the proposed zoning fails to implement the CSIRO recommendation for all marine reserves to contain at least one Marine National Park Zone, with the draft plan proposing no MNPZ for the Gifford, Hunter and Jervis Marine Parks.

Recommendations

WWF-Australia makes the following recommendations to the Government in relation to the finalisation of the Temperate East Commonwealth Marine Reserves Network Management Plan: -

1. We support the Government's proposal to increase protection from mining in the Central Eastern, Jervis and Hunter Marine Parks;
2. Reinstate MNPZ protection at the long standing highly protected Middleton Reef in the Lord Howe Marine Park;
3. Establish MNPZ over the Vening Meinsez Fracture Zone in the Norfolk Marine Park which was recommended for MNPZ protection by the Government's Review;
4. Reinstate protection from mining in Norfolk and Lord Howe Marine Parks which the Review recommended be protected as Habitat Protection Zone.
5. For each marine reserve establish at least one MNPZ, with a particular focus on ensuring that the shelf, continental slope and seamounts are better represented with MNPZ coverage. This would be consistent with the Government's own expert science panel who highlighted the importance of all marine parks having at least one Marine National Park zone.

Draft North Commonwealth Marine Reserves Network Management Plan specific comments

Australia's North region supports a wide range of marine biodiversity in relatively pristine condition. It includes the warm and shallow waters of the Timor and Arafura seas, a world biodiversity hot spot where the continental shelf is at its widest, and species travel freely from Australian up to Papua New Guinea and into Asia. It is home to relatively secure populations of a number of charismatic megafauna including dugong and the Australian Snubfin dolphin as well as a diverse range of shark species.

Hence, WWF-Australia is very concerned by the proposals to reduce the Marine National Park Zone (MNPZ) protection across the 8 parks in the region by 57% - leaving only 1% of the region in high level protection - when the Review and the science community is clear that there should be more, not less. Specifically, we are concerned that over half of the marine parks in the North region (Joseph Bonaparte, Arafura, Arnhem, Limmen and Wessel Marine Parks) do not have a Marine National Park zone.

Regarding West Cape York Marine Park, we are concerned with the proposal to reduce the size of the MNPZ by over 4600km² and split this zone into two isolated MNP zones. This reduction in MNP zone is the largest proposed in the North region, and much larger than reductions proposed by the

Government's own Review. The MNP zone has been re-zoned as Habitat Protection Zone, a zone which still allows trawling, longlining and hand collection. A Government commissioned ABARES report shows that these changes to West Cape York Marine Park will decrease the potential displacement by just \$141,200.

We are also concerned about the removal of the Multiple Use Zone adjacent to Queensland coastal waters - a change which opens the area within the Marine Park to gillnetting. Gillnetting has been designated as a destructive fishing by two Government reviews and is particularly dangerous for the local populations of dugong and marine turtles including those at Crab Island, the worlds largest nesting population of flatback turtles.

Regarding the Gulf of Carpentaria Marine Park, we do not support the proposal to reduce the size of the MNPZ from 7400km² to 3600km², moving much of the remaining MNPZ further offshore. The removal of high value shelf habitat adjacent to the Wellesley Islands will compromise the protection of this biodiversity hotspot – an important nesting site for the endangered Hawksbill turtle, the vulnerable Olive Ridley turtle as well as a known biologically important area for coastal dolphins. This is an area where the Traditional Owners declared one of Australia's first marine Indigenous Protected Areas – over the Wellesley Islands. This speaks to the opportunity to enhance the conservation and cultural outcomes that a well zoned Commonwealth marine park in the southern Gulf should deliver. Further, the Review recommended increasing the size of this MNP zone to provide additional protection for this important ecosystem which is representative of several Key Ecological Features including the Gulf's famous submerged coral reefs.

We note with concern the proposal to remove the MNP zone from the Wessel Marine Park. The Wessel Islands are known for their high level of endemism; it is a biodiversity hotspot which supports a range of pelagic fish such as sharks, snapper, tuna and mackerel, as well as variety of unique sponge and coral communities. As recommended by the Review this Marine National Park should be increased in size, to provide additional protection for this unique area.

The new Special Purpose Zone (trawling) that has been created within the Oceanic Shoals Marine Park is of concern. This new zone will open a large area of the Carbonate bank and terrace systems of the Van Diemen Rise to gillnets and demersal trawling. These fishing techniques have been deemed incompatible with the aims of marine parks by the Government's fishing gear risk assessment. The Northern Territory (NT) State government has already acknowledged the fragility of the reef fish stocks in the area, bringing in special Reef Fish Protection zones. Large offshore marine parks which protect these important fish stocks are required to complement these Reef Fish Protection zones.

Similarly, we are concerned by the proposal to introduce a large Special Purpose Zone (Trawl) into the Arafura Marine Park thus allowing the use of bottom trawling including over the unique tributary canyons. These canyons support a diversity of large predatory fish, endangered saw fish, marine turtle and whale sharks, species that may be significantly affected by increased destructive fishing techniques. We also note with concern that the Arafura Marine Park is one of four Marine Parks in the North without a MNP zone. The Government's own expert science panel highlighted the importance of all marine parks having at least one Marine National Park zone.

We note with concern the continued lack of a MNP zone within the Limmen Marine Park – an iconic marine area off the Top End and one of only two areas in the NT State waters to be a marine park. The Government's own Review recommended the addition of a MNP zone in the North-west of the Limmen Marine Park, to compliment the NT State marine park and provide additional protection for threatened dugong populations which feed around the labyrinth of shoals and sand banks in these shallow waters. It is representative of the near-pristine Gulf of Carpentaria Key Ecological Feature. We also note that the

Commonwealth and State waters of the Limmen Marine Park are at risk from seabed mining as the current moratorium runs out in 2018.

We note also that no MNP zone is proposed for either Joseph Bonaparte Gulf Marine Park or Arnhem Marine Park. A MNP zone in the Joseph Bonaparte Marine Park would satisfy the Government's long-standing commitment to create a Marine National Park zone within the Anson Beagle, Cambridge-Bonaparte and Bonaparte Gulf bioregions⁷. It would also provide the first ever protection within a MNP zone of the feeding habitats for endangered green turtles within the Bonaparte Gulf and the interesting habitats of one of the world's largest populations of flatback turtles nesting at Cape Dommet.

A MNP zone in the Arnhem Marine Reserve would also satisfy the Government's long-standing commitment to create a Marine National Park zone within the Arnhem-Wessel bioregion⁷. It would provide protection for known feeding grounds of a number of migratory seabirds nesting in Boucat Bay (Crested Tern/ Roseate Tern, Bridled Tern) and for Flatback turtles known to nest on the Cobourg peninsula and feed in these waters. Further, there are currently no oil and gas rights in the park, so a Special Purpose Zone (mining exclusion) should be declared as a complimentary measure to a MNPZ.

Recommendations

WWF-Australia makes the following recommendations to the Government in relation to the finalisation of the North Commonwealth Marine Reserves Network Management Plan: -

1. Reinstate in the North region Marine National Park zones as recommended by the Commonwealth Marine Reserves Review.
2. WWF-Australia supports the two increases of MNPZ:
 - (i.) in the Oceanic Shoals Marine Park; and
 - (ii.) the increase in protection around the north Wellesley Islands within the Gulf of Carpentaria Marine Park (notwithstanding the large loss of MNPZ in that park overall).
3. We do not support the draft management plan where the Marine National Park zones are reduced or removed entirely, namely:
 - (i.) West Cape York Marine Park, where the MNPZ has been reduced by over half;
 - (ii.) Wessel Marine Park, where the Marine National Park Zone has been removed entirely;
 - (iii.) Gulf of Carpentaria Marine Park where the MNPZ over the high value shelf habitats has been removed.
4. We recommend MNP zones are established in the following Marine Parks:
 - (i.) Limmen and Wessel Marine Parks, as recommended by the Government's own Review; and
 - (ii.) Arafura, Arnhem and Joseph Bonaparte Gulf Marine Parks.
5. We support the Draft Management Plan's proposal to put in place no mining 'Habitat Protection Zones' in the West Cape York, Oceanic Shoals, Limmen and Wessel Marine Parks. These zones do not go far enough though, still permitting mining infrastructure and pipelines to be constructed.

⁷ ANZECC TFMPA 1998. *Guidelines for Establishing the National Representative System of Marine Protected Areas*. Australian and New Zealand Environment and Conservation Council, Task Force on Marine Protected Areas. Environment Australia, Canberra.

6. We also recommend that the other key coastal communities adjacent to Commonwealth Marine Parks be given protection from mining – at Tiwi Islands (the Oceanic Shoals Marine Park), Port Keats and Wyndham (the Joseph Bonaparte Gulf Marine Park), Maningrida (the Arnhem Marine Park), and Minjilang (the Arafura Marine Park).

Draft North-west Commonwealth Marine Reserves Network Management Plan specific comments

WWF-Australia has long recognised the importance of the North-west region, and in particular the many iconic Australian marine species present. We also note that many species in the North-west region face serious threats to their survival elsewhere in the world.

We are very concerned that the draft management plan reduces MNP zoning protection across the 11 parks in the region by 49% when the Commonwealth Reserve Review and the science community is clear that there should be more, not less. Of particular concern, is that six marine parks in the North-west region have no high level MNPZ protection namely, at Roebuck, Eighty Mile Beach, Montebello, Carnarvon Canyon, Ningaloo and Shark Bay Marine Parks.

We do not support the proposal to open-up the globally significant Rowley Shoals ecosystem (Argo-Rowley Terrace Marine Park) to trawling and note that the risk of mining is not addressed. The Rowley Shoals is an iconic area for marine life, a key Australian tourism asset (being one of the world's greatest collections of coral atolls, and one of the best dive sites in Australia) and contains recreational fishing values. The draft plan's proposals are likely to compromise these values for a maximum economic benefit to fishers estimated by ABARES to be \$36,900 per annum or \$5,271 per annum to each license holder in the North-west Slope Trawl Fishery.

The draft fails to protect the Rowley Shoals from mining even though the Federal Environment Minister (when the Federal Resources Minister) last year rejected proposals to mine the area for oil and gas, by cancelling new acreage inside the park near the Shoals. No protection is afforded the tourism and recreation sector, despite the Shoals' standing

Additionally, we do not support the downgrading from high level MNPZ protection to the lowest level zoning, i.e. Multiple Use Zone, of a large area (29,730km²) of the Argo Rowley Terrace Marine Park. This represents a loss of 42% of the MNPZ in the park. The canyons at the north of the MNPZ feed the ecologically important Scott Plateau. These canyons are thought to be some 50 million years old and are responsible for creating upwellings of colder nutrient rich water from the abyssal plain onto the plateau. These upwellings create nutrient rich cold-water habitats, important food sources for predatory fish, sharks, toothed whales and dolphins. The Scott Plateau is an important breeding ground for sperm and beaked whales. The canyons linking the Argo Abyssal Plain to Scott Plateau are also considered a national Key Ecological Feature, and are fed by the ecological processes that occur in the Argo Abyssal Plain that would lose its protection under the draft plan.

Another proposal that we do not support is the downgrading from high level MNPZ protection to sea floor protection only of 24,305km² in the Gascoyne Marine Park; this represents a loss of 73% of the MNPZ in the park. The large deep water MNPZ in the Gascoyne Marine Park is located over the Cuvier Abyssal Plain. This abyssal plain feeds a series of canyons, linking the nutrient rich deep waters to the Cape Range Peninsula and so supports the rich diversity of marine life around the Cape Range Peninsula and Ningaloo Reef. The canyons that link the Cuvier Abyssal Plain with the Cape Range Peninsula are considered a national Key Ecological Feature. The upwelling at the heads of the canyons are known to

support species aggregations of humpback whales and the highest recorded aggregations of whale sharks in the world. These deep waters are the life blood of World Heritage Listed Ningaloo Reef.

Regarding the Dampier Marine Park, we are concerned at the loss of two thirds of the original Marine National Park zone at the Dampier Archipelago and opening up 84% of the marine park to mining. The draft Plan's proposal to replace the original MNPZ with a smaller area not contiguous with the Archipelago and offering less continuity with the marine park being planned by the Western Australia (WA) Government is a poor outcome for one of Western Australia's highest conservation value marine environments.

We do not support the proposal to remove 2,860km² of MNPZ over critical tropical shelf habitats in the Kimberley Marine Park. This park is important not just for its conservation values but its economic value to the growing tourism industry. It will also play an important role as a buffer to the increasing mining activity in the Browse Basin and therefore should have its zoning upgraded in general. Like at the Bremer Marine Park, there are no mining permits or leases over the park, and very limited commercial fishing activity.

Additionally, we are disappointed that the Commonwealth Government is not proposing protection of the globally significant values of Adele Island within a MNPZ in the Kimberley Marine Park or to match the proposed MNPZs in the North Kimberley's State waters marine parks. The Government misses a key opportunity to improve the protection of one of Australia's most globally significant marine environments including around the Lacepede Islands which are one of the most important seabird and turtle breeding colonies in Australia; presently they receive no protection from mining development in this draft plan. Seabirds forage over a large area around the islands and any mining accidents would be particularly devastating to this important colony.

By leaving the north section of the Kimberley Marine Park without a MNPZ, the Government is missing an important opportunity to enhance the conservation outcome of this park – the WA Government has placed a green zone (MNPZ equivalent) in the adjacent North Kimberley Marine park, over Long Reef and the East Holothuria Reef. The Holothuria Banks in the Commonwealth Marine Park are important for flatback turtles, and so should also be protected with a MNPZ.

Regarding the 80 Mile and Roebuck Marine Parks we note that these parks are critical to the pearling industry, and that both are adjacent to Ramsar-listed wetlands of international importance and host migrating humpback whales – a species recovering from the threat of extinction and increasingly important to the Kimberley's \$68m tourism industry. As well as established impacts on cetaceans, new evidence suggests that seismic testing can kill pearl oyster larvae and any decline in water quality will be devastating to the economically important Kimberley pearling industry.

Recommendations

WWF-Australia makes the following recommendations to the Government in relation to the finalisation of the North-west Commonwealth Marine Reserves Network Management Plan:

1. Reinstate MNP zones in the Kimberley, Argo-Rowley, Gascoyne and Dampier Marine Parks as recommended by the Commonwealth Reserve Review.
2. Remove the proposed trawling zone close to the Rowley Shoals in the Argo Rowley Terrace Marine Park, and increase the protection of Rowley Shoals from mining by the establishment of Habitat Protection Zones (HPZs);
3. For the Kimberley Marine Park, we recommend:

- (i.) the replacement of the proposed HPZ for Adele Island with a MNPZ;
 - (ii.) the upgrading of the Multiple Use Zone around the Lacepede Islands to a higher-level zoning;
 - (iii.) the upgrading of the MUZ throughout the Kimberley Marine Park to either HPZ or Special Purpose Zone (mining exclusion);
 - (iv.) the establishment of a new large MNPZ in the north section of the Kimberley Marine Park to match the protection declared by the WA Government in State waters in the adjacent 'Great Kimberley Marine Parks network'.
4. Establish adequately placed and sized MNPZs in the six marine parks that do not currently have any high level/IUCN II protection, namely Roebuck, 80 Mile Beach, Montebello, Shark Bay, Ningaloo and Carnarvon Canyon.
 5. In addition to appropriately placed MNPZs that do not displace pearling operations, establish the remainder of the 80 Mile Beach and Roebuck Marine Parks as Special Purpose (mining exclusion) Zones.
 6. Increase the protection for the Ningaloo Marine Park by matching the protection provided in the adjacent WA State waters marine park (which has a network of IUCN II zones) with matching zoning in Commonwealth waters. This is consistent with the proposed boundary between the Coral Sea Marine Park and the Great Barrier Reef Marine Park.

Draft South-west Commonwealth Marine Reserves Network Management Plan specific comments

The South-west region encompasses the cooler, temperate waters of southern Australia, home to an extremely high number of unique species restricted to the Australian southern coastline including the fascinating Ruby seadragon, the Australian sea lion and the Western Rock Lobster. It includes the waters of the Great Australian Bight where many threatened species, such as the southern right whale and their calves, seek sanctuary at important stages of their life cycles.

Again, WWF-Australia is extremely disappointed that the draft management plan for the South-west region proposes to cut MNPZ protection by 40%, despite the Commonwealth Marine Reserves (CMR) Review and the science community finding the need for more high-level protection, not less.

We are concerned with the proposed removal of both MNP zones in the Geographe Bay Marine Park, replacing them with Habitat Protection (HP) zones which provide reduced protection. These HP zones have only been applied elsewhere in this region in waters more than 600m deep – a very different environment to the shallow, sheltered and heavily used Geographe Bay. The removal of the MNP zones is inconsistent with the CMR Review's science recommendations which recommended retaining the MNP zones, while reconfiguring them slightly to better align with immediately adjacent green zones in the Ngari Capes Marine Park established by the Barnett Government, and to improve ease of navigation for fishers. These two Marine National Park zones recommended by the Review would take up only about 4% of the Geographe Marine Park – a balanced approach that would deliver improved outcomes for everyone and a great tourism attraction for the region.

We do not support the proposal in the Perth Canyon Marine Park to move the MNP Zone protection away from the key blue whale feeding grounds at the head of the Perth Canyon to an area of far less ecological importance. The blue whale is a protected species, still a long way from recovering from being threatened with extinction. This area is the only area of its critical habitat feeding ground to be included in Australia's marine parks network.

Regarding Twilight Marine Park we are concerned about the proposal to reduce over 1,000km² of Marine National Park Zone in this park. We note that the maximum economic benefit of this proposal to fisheries is estimated by the Government commissioned ABARES report to be only \$82,500 per annum, or \$2,500 per annum to each license holder in Zone 2 of the WA Temperate Gillnet Fishery. Combined with the loss of critical continental shelf protection at Peaceful Bay (in the SW Corner Marine Park) and at the head of the Bremer Marine Park (western side) this proposal leads to an overall loss of shelf protection across the South-west marine reserve network when there was too little to start with⁸.

We do not support the proposal in the South West Corner Marine Park to reduce a very large area of MNP Zone over the Diamantina Fracture Zone. This is a Key Ecological Feature whose ridges and seamounts are thought to act as 'stepping stones' for species dispersal and migration across the region and the wider abyssal plain. Further, its size, physical complexity and isolation indicate that it is likely to support deep-water communities characterised by high species diversity and uniqueness⁹. The zoning proposed is a downgrade to the lowest level of protection in the park system, Multiple Use zone, which will allow mining and most forms of fishing, despite its extremely remote, rough and deep location.

Despite there being no oil and gas leases over the Western and Southern Kangaroo Island Marine Parks and strong local community support, we are concerned that these two parks have not been zoned 'Special Purpose Zone (Mining Exclusion)', which would be consistent with the proposal for the northern most section of the Great Australian Bight Marine Park. This is perplexing as the area around Kangaroo Island is considered to be highly prospective for oil and gas discovery, and therefore at significant risk of such operations being allowed in the foreseeable future. Creating an oil or gas field in these near-shore marine parks would put the Island's important fishing and lucrative tourism industries at risk.

Recommendations

WWF-Australia makes the following recommendations to the Government in relation to the finalisation of the South-west Commonwealth Marine Reserves Network Management Plan:

1. We support the draft management plan where the Marine National Park Zone areas have not changed from what was declared in 2012, or where there are new and/or increased Marine National Park zones, namely,
 - (i.) the new Marine National Park zones in the Bremer Marine Park (the transect and over the Bremer Canyon);
 - (ii.) the new Marine National Park zone transect over the Swan Canyon in the SW Corner Marine Park; and

⁸ 2011 Science Statement of Concern

http://www.meeuwig.org/wpcontent/uploads/2015/08/2011_ScienceStatement_SW-National-System-Reserves.pdf

⁹ <https://www.environment.gov.au/sprat-public/action/kef/view/22;jsessionid=ACF4D013818E181DD36A2CF029BE5656>

(iii.)the increased Marine National Park zone area in the Two Rocks Marine Park.

2. We do not support the draft management plans where the Marine National Park zones are reduced or removed entirely, namely,
 - (i.) in the South West Corner Marine Park (Diamantina Fracture Zone section), the Twilight Marine Park and the western inner-shelf area in the Bay at Bremer Marine Park;
 - (ii.) in the Geographe Marine Park, and the Peaceful Bay section of the South West Corner Marine Park where the MNPZs are removed entirely; and
 - (iii.) In the Perth Canyon Marine Park where the MNPZ over the Head of the Canyon has been moved away from the critical habitat of a protected species, to an area of far less ecological importance.
3. We recommend the expansion of Marine National Park zone in the Great Australian Bight Marine Park westwards to the South Australian border. There is very little MNPZ protection on the continental shelf in the Commonwealth waters marine reserves network. This proposal would create Australia's largest area of high level protection on the continental shelf, in an area with globally recognised values, and with no displacement of mining and very little additional fishing displacement.
4. We support the Draft Management Plan's proposal to put in place a large no-mining zone 'Special Purpose Zone (Mining Exclusion)' in the Great Australian Bight Marine Park, and recommend that the Western and Southern Kangaroo Island Marine Parks are given the same zoning upgrade throughout. We also recommend that other key coastal communities adjacent to Commonwealth marine parks be given protection from mining including at Esperance (the South West Corner and Eastern Recherche Marine Parks), Peaceful Bay (South West Corner Marine Park) and Perth Canyon Marine Park.
5. We also recommend that the provision of permanent protection for Australian Sea Lions from gillnetting be provided in the relevant Commonwealth marine parks by ensuring that the zoning provides at least the same level of protection as existing fisheries closures.



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Head of Oceans
WWF-Australia

Attachment 1. Threatened, endangered and protected species interactions for Commonwealth fisheries.

Ecological Risk Assessments for Commonwealth fisheries and for the Commonwealth Marine Reserves management planning process have been identified as totally inadequate with the release of data that suggests a massive spike in fisheries interactions with threatened, endangered and protected (TEP) species.

Using the East Tuna and Billfish Fishery (ETBF) as an example, the first 6 months of logbook reporting^{i,ii} for 2017 highlight a disturbing level of interactions with a broad range of protected species including the capture of 127 marine turtles, 1018 mako sharks, 15 whales or dolphins, and 15 seabirds. These levels, for just six months of fishing, already far exceed the levels included in the Australian Fisheries Management Authority's 2014 submission for EPBC WTO approval which indicated TEP interactions were limited to just 15 marine turtles in the entire 2012 fishing year. Disturbingly, so far this year 22 EPBC listed endangered leatherback turtles and 16 endangered loggerheads, as well as five short finned pilot whales, have been caught by the fishery.

While we congratulate what appears to be an improvement in the quality of reporting of TEP interactions by industry associated with the introduction of electronic monitoring devices, we are deeply concerned with the likely consequences of the historical miss-reporting by commercial fishers. Not only does this have grave implications for the status of TEP populations, but it has limited the management responses to what could have been preventable deaths of hundreds, if not thousands of TEP species. Furthermore, it is likely to have influenced the current marine parks planning process by hiding the actual impacts these commercial fisheries are having on Australia's matters of national environmental significance, that is, our unique and diverse listed threatened species and ecological communities.

Additionally, there still appears to be anomalies in the reporting of the health status for TEP species. This is best illustrated by the very low rate of 'alive' mako sharks reported through the logbook system compared to the very high rates of 'alive' categories for air breathing species of whales, turtles and birds. While the Scientific Advisory Panel was confident most sharks were returned to the water aliveⁱⁱⁱ, the ability to land only dead mako sharks^{iv}, and perceived negative implications of reporting dead air-breathing species, seems to be influencing the health status of species reported through the logbook reporting process.

The scale of this 'under reporting' has grave consequences for the community's faith in the environmental standing of Australia's commercial fisheries and the agencies responsible for managing them. Clearly in light of the increase in reported interactions all current EPBC WTO's must be urgently reviewed to reflect the massive difference in current interaction reporting rates compared to those submitted to the EPBC assessment process. This review should include full public disclosure of the estimated accuracy of the historical TEP reporting rates, the current TEP logbook reporting rates, the rates of TEP interactions observed via the electronic monitoring program, an audit of the logbook and e-monitoring reporting and the compliance actions taken for non-reporting. As an immediate pre-cursor to this work, the annual reports^v produced to address the EPBC Recommendation 7 i, ii should be made publicly available.

Furthermore, full details of each interaction must be released publicly so that appropriate management interventions can be formulated. This essential data that must be incorporated into the Commonwealth Marine Park planning processes to ensure the ongoing viability of TEP species while minimising the potential impacts of both marine biodiversity and fisheries closures. For the Coral Sea Marine Park, the locations of interactions with all TEPs, in particular marine turtles, must be reviewed against the known feeding and nesting locations to help better understand the movement patterns of the species.

During a recent live Facebook Chat with the recreational fishing community, the Director of Parks Australia recently made public commitments to take an adaptive management approach to the types of fishing operations that can be conducted in each of the zones over the first ten years of the zoning plans for the proposed Commonwealth marine parks. The levels of TEP interactions must be reconsidered in the development of the marine park provisions tables that specify what types of commercial fishing operations are allowed within each marine park zone before the draft management plans are finalised. If this 'adaptive' model is not applied now before the zoning plan is finalised, we are deeply concerned this statement implies an expansion of commercial fishing operations within the Coral Sea Marine Reserve.

Our concerns are not unsubstantiated. The 2016 Coral Sea Fishery Stakeholder Panel Meeting^{vi} made a number of broad ranging recommendations that would see the expansion of existing fisheries and outlined the process for opening of the Coral Sea Fishery area to new fisheries. These recommendations and actions for AFMA included:

- Doubling the effort limit for the marine aquarium fish fishery from 200 to 400 days – a quadrupling of recent fishing effort. A second recommendation was to remove the cap of 40,000 individuals which was being approached under existing fishing effort of less than 100 days.
- Replacing existing 450 t (Level 1) and 1000 t (Level 2) total catch triggers for the line, trap and trawl sector with new (but unpublished) 'triggers based on the outcomes of the RUSS project (which will include revised mortality estimates for several key reef fish species)'.
- Investigation of replacing existing one-year permits with five-year renewable permits and replacement of permits with statutory fishing rights for the Coral Sea Fishery.

Additionally, the proposed establishment of the Special Purpose Zone (trawl) that allows for bottom trawl in the Coral Sea Marine Reserve seems to be in response to a developmental fishery currently being accessed by a single licence in Queensland^{vii}. The inclusion of specimen shells and crabs as 'take' species highlights this developmental fishery is expected to have contact with the seafloor where these species reside, an activity that is likely to have long term consequences for deepwater habitat types which are less resilient than inshore habitat types to disturbances

ⁱ <http://www.afma.gov.au/wp-content/uploads/2017/08/Q2-2017-Preliminary-Report.pdf>

ⁱⁱ <http://www.afma.gov.au/wp-content/uploads/2017/08/Q1-2017-Final-Report.pdf>

ⁱⁱⁱ <http://www.environment.gov.au/system/files/pages/23061bf8-df19-4b74-b867-5a57ccbc5c8b/files/cmrreviewexpertsscientificpanelreportfinalchapter3.pdf>

^{iv} <http://www.environment.gov.au/marine/fisheries/commonwealth/eastern-tuna-billfish>

^v <http://www.environment.gov.au/system/files/pages/86a7fd10-6577-4e14-8caa-e6240f8842bd/files/letter-colbeck-2014.pdf>

^{vi} <https://www.environment.gov.au/system/files/pages/29af4f6d-d3ce-4f6b-a397-93d10f98dac8/files/coral-sea-2017-annual-status-report-attachment.pdf>

^{vii} <http://www.environment.gov.au/system/files/pages/6550ce1b-1213-4ca3-aa63-69323a186903/files/schulz-fisheries-pty-ltd-application.pdf>