



# Norfolk Island Chamber of Commerce, Inc.

19 September 2017

Australian Marine Parks Management Planning  
Department of the Environment and Energy  
CANBERRA ACT 2601

**By email to: [managementplanning.marine@environment.gov.au](mailto:managementplanning.marine@environment.gov.au)**

To Whom it May Concern

**RE: Norfolk Marine Park  
DRAFT Temperate East Commonwealth Marine Reserves Network  
Management Plan**

The Norfolk Island Chamber of Commerce, Inc. (herein Chamber) thanks Parks Australia officers Mr. Jason Mundy and Mr. John Lloyd for taking time to meet us on Island and provision of helpful information to support our considered view on the above mentioned Draft Management Plan (herein The Plan).

The Plans' overarching commitment to achieving a **Vision** that includes ensuring "*...natural, cultural, socio-economic and heritage values are understood, appreciated and conserved*" and "*...the protection and conservation of biodiversity and other natural, cultural and heritage values of marine parks in the Temperate East Network ...*" is agreed and therefore, in respect of the 'Norfolk Marine Park' signals revisions necessary. This position is highlighted at 2<sup>nd</sup> dotpoint of 1.4 pg 9: "Several inputs have contributed to the preparation of this plan, including: "*...knowledge and expertise of marine park users and traditional owners...*".

The Chamber identifies in Norfolk Island;

- **Marine Park users** including fishermen, glass bottom boat operators, tour and excursion operators, shipping agents, lighterage and stevedore operators, the local community broadly and visitors to the island: represented through the Norfolk Island Fishing Association, Norfolk Island Chamber of Commerce, Inc, Accommodation and Tourism Association and Norfolk Island Regional Council
- **Traditional Owners** meaning the People of Norfolk Island referred to on page 91 of the Plan as the third settlement as a whole community from Pitcairn Island who landed in 1856 and their descendants who have lived here continuously since. The representative body for the traditional owners being the Norfolk Island Council of Elders
- **The Box** meaning that area of Norfolk Inshore Fishery, an area of 67 X 40 nautical miles surrounding the island within the APZ. The Box remains subject to the *Fisheries Management Act 1991* (Cth) and was designed to include all shelf waters surrounding Norfolk Island. This area is of great importance to the Norfolk Island People, particularly as it affords some degree of protection. The existence of "the Box" and the associated Memorandum of Understanding (MOU) with the Australian Fisheries Management

Authority (AFMA) must be acknowledged and both must be reflected on the Map of the Norfolk Marine Park Plan and in the Temperate East Commonwealth Marine Reserves Network Management Plan 2017 – please refer to attached MOU and Policy.

**The Box** is defined by the following coordinates:

- 28°38' South; 167°40' East
- 28°38' South; 168°20' East
- 29°45' South; 167°40' East
- 29°45' South, 168°20' East

From our local discussions we are not able to identify where key Norfolk Island representation contributed to the development of the relevant text within the Plan: in particular when describing Cultural, Heritage and Socio-Economic Values. Regrettably this lack of preliminary engagement and inclusion has resulted in delivery of a Plan that does not accurately or fairly represent the key stakeholders of the Norfolk Marine Park.

It is noted that of the 8 marine parks within the Temperate East Network covering a total area of 284,000 km<sup>2</sup>; Norfolk Marine Park is by far the greatest area at some 188,444 km<sup>2</sup> representing 66% of the total Temperate East Network. Norfolk Island is entitled to a far greater role in the decisions and activities within this vast reserve than current arrangements provide which are not improved under the proposed Draft Plan.

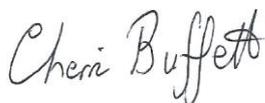
The Norfolk Marine Park is an extensive and generous reserve that has the capacity to sustain both the local community needs whilst also respecting the Australian Government's commitment to highest standards of conservation and protection of the environment and natural resources under the Environment Protection and Biodiversity Conservation Act and Regulations.

To follow specific comments are provided that summarise concerns with the Draft Plan. The clarifications and revisions requested will, if supported, provide an important partnership for the care and respectful access and use of resources within the Park for ours and future generations. This includes carefully considered commercial activity and sharing the benefit of that income in exchange for what is taken.

The Chamber would be very glad to assist the Department in facilitating reviews of the areas identified in the feedback that follows, that ensure the final Plan corrects the points of difference and mitigates the risk of placing further strain on the relationship between our communities.

We welcome advice on how the fifteen actions/ revisions identified by Chamber have been addressed before finalising the Temperate East Marine Park Plan.

Yours sincerely



**Cheri Buffett**  
**President**

## NORFOLK ISLAND CHAMBER OF COMMERCE FEEDBACK: DRAFT TEMPERATE EAST MARINE PARK PLAN

For ease of referencing feedback against the Plan - responses are itemised against the Plan numbering as follows;

Plan pg #	Plan reference	Chamber Response	Requested Revision
Pg9: 1.4: 2 <sup>nd</sup> dotpoint	Several inputs have contributed to the preparation of this plan, including: “... <b>knowledge and expertise of marine park users and traditional owners..</b> ”	<ul style="list-style-type: none"> <li>Chamber disputes this contribution in respect of the Norfolk Marine Park.</li> <li>The Statement of Significance, Natural Values, Heritage Values and Economic and Social Values described on pages 90-92 of the Plan do not reflect the sentiment of <b>marine park users or traditional owners</b> in Norfolk Island.</li> </ul>	1. Unless the Department is able to provide evidence <b>marine park users and traditional owners in Norfolk Island</b> provided the information used to determine Values – this section must be revisited and an open and transparent process undertaken to determine accurate and inclusive local Values.
Pg12: 1.6: 2 <sup>nd</sup> dotpoint	This approach includes: “ <b>Partnerships with traditional owners, marine park users, stakeholders and government to manage parks..</b> ”	<ul style="list-style-type: none"> <li>Chamber supports this undertaking in respect of the Norfolk Marine Park and requests the details of all parties included in the Partnership be included in the Plan.</li> </ul>	2. The Plan include a 6 <sup>th</sup> Schedule: <b>Parties to the Plan for the Norfolk Marine Park</b> and in particular formal recognition of the Norfolk Island Fishing Management Policy and MOU – recognising there are more than the Australian Government agencies involved at all levels.
Pg12: 1.6: 4 <sup>th</sup> dotpoint	This approach includes: “ <b>Zones that set out what activities can be undertaken where and how..</b> ”	<ul style="list-style-type: none"> <li>Chamber highlights that the lack of inclusion of the marine park users and traditional owners in determining the appropriate zoning for the Norfolk Marine Park brings the proposed activities into dispute</li> <li>Chamber supports the formalising of current arrangements that provide Norfolk Island exclusive rights and access over the area known as “the Box” to be zoned Multi Use and outside of this area the remaining area within the Norfolk Marine Park to be zoned Conservation – please refer map attached to this submission for clear representation of what is agreed.</li> <li>Chamber questions why the Norfolk Marine Park extends to the high water mark around the Island whereas in other States and Territories (Aus) commonwealth marine parks only extend to a distance of 5</li> </ul>	3. Unless the Department is able to provide evidence <b>marine park users and traditional owners in Norfolk Island</b> provision of information in respect of acceptable activities that have been considered in determining the Zones – this section must as a minimum be revisited and an open and transparent process in developing the Zones undertaken.

		miles from the coast with the 5 mile coastal waters being controlled by the particular state or territory	
Pg 23: 2.3: 4 <sup>th</sup> dotpoint	<i>“Socio-economic values – the benefit of the marine parks for people, businesses and the economy”</i>	<ul style="list-style-type: none"> <li>Chamber is of the view that the benefits of the marine park for the people, business and the economy in Norfolk Island is not adequately established and requires negotiation and agreement before the 10 year Plan for the Norfolk Marine Park is adopted</li> </ul>	4. A Treaty or Bilateral Agreement be settled in respect of the Norfolk Marine Park <b>before</b> the Management Plan for this area is adopted that clearly provides an agreed share of the economic values raised from resource use within the Park.
Pg 24: 2.1: Cultural Values	<i>“Aboriginal people...”</i>	<ul style="list-style-type: none"> <li>This summary of Cultural Values must also separately identify the Norfolk Island People consistent with page 91 of the Plan</li> </ul>	5. Include Norfolk Islanders as well as Aboriginal: both having distinct heritage and cultural connections with the ocean which is an intrinsic part of their cultural identity.
Pg 26: 2.4: 5 <sup>th</sup> para	<i>“In determining the management actions to be taken ...and in making decisions about the activities that will be allowed to occur within marine parts, the Director will carefully consider how the values outlined...will be impacted”</i>	<ul style="list-style-type: none"> <li>This provision highlights the importance of accurate description and agreement of the Values in respect of the Norfolk Marine Reserve</li> </ul>	6. Revise Schedule 2 to accurately reflect the Norfolk Island Values for the Norfolk Marine Park.
Pg 26: 2.4: 6 <sup>th</sup> para	<i>“Pressures such the extraction of living resources by fishing, and habitat modification through installation of infrastructure and anchoring will be managed in part through the zones and rules set out in Parts 3 and 4 of this plan”</i>	<ul style="list-style-type: none"> <li>This provision highlights the importance of accurate description and agreement of the Zones in respect of the Norfolk Marine Reserve</li> <li>Norfolk Island does not wish to place <b>any</b> pressure on the living resources and seabed within the Norfolk Marine Park and supports the continued and formalising of existing arrangements described in the Norfolk Island Fishing Management Policy and MOU</li> </ul>	7. Revise Parts 3 and 4 to accurately reflect the Norfolk Island Values in determining the appropriate Zones for the Norfolk Marine Park.
Pg 32: 2.4: 6 <sup>th</sup> dotpoint	<i>“Actions – the Director will...in the Temperate East Network ... issue authorisations- permit, class approval, commercial activity licence or lease – for activities in marine parks assessed as acceptable either by the Director or another government or</i>	<ul style="list-style-type: none"> <li>In accordance with the Values of the Temperate East Network – specifically socio-economic (pg 23) <b>the benefit of the marine parks for people, businesses and the economy</b> – in respect of the Norfolk Marine Park transparency in the system of registering authorisations must be established that includes <b>all</b></li> </ul>	8. The Management Programs and Actions for the Norfolk Marine Park and <b>all</b> licences and approvals issued from the date the Plan is adopted include the \$value of the approval

	<i>industry policy, plan or program ...”</i>	approvals and licences issued including their value	
Pg 38: 3.1: Norfolk	<p>“- <b>Column 2 IUCN category: VI</b></p> <ul style="list-style-type: none"> <li>- <b>ticked box (VI) Multiple Use Zone</b></li> <li>- <b>ticked box (III) National Park Zone ”</b></li> </ul>	<ul style="list-style-type: none"> <li>• Senior Australian Government representatives have continuously denied the existence of commercial activities and licences within the Norfolk Marine Park area – any change in Policy to new use of this area must include stakeholders in Norfolk Island</li> <li>• Chamber objects to allowing mining and wholesale expansion of commercial fishing within the Norfolk Island Marine Park and seeks the current arrangements that provide Norfolk Island exclusive rights and access over the area known as “the Box” to be zoned Multi Use and outside of this area the remaining area within the Norfolk Marine Park to be zoned Conservation – please refer map attached to this submission for clear representation of what is agreed.</li> </ul>	<ul style="list-style-type: none"> <li>9. Amend Table 3.1 and Figures 3.1 &amp; S2.2 to reflect the requested inclusion of the Box as Multi Use (VI)</li> <li>10. Rezone the area outside of the Box as a Habitat Protection Zone (IV) – refer attached map.</li> </ul>
Pg 63: 4.4.2	<b>“Class Approvals ”</b>	<ul style="list-style-type: none"> <li>• The MOU and Box predate the proclamation of the Marine Park, and must be acknowledged and honoured by Marine Parks on each and every map including supporting explanatory text outlining the history of management and use by the Norfolk Island community</li> <li>• The Box is an integral part of the Marine Park and must be treated as a distinct zone.</li> <li>• The Draft Plan already includes the concept of “zoning” - any argument claiming the Box not able to be identified as the “Norfolk Island Domestic Fishery Zone” or similar is nonsense: a case example of similar zoning policy can be found in the NI National Park Plan of Management where the “Forestry Zone” exists within the National Park and permits a separate management and reporting arrangements within that zone</li> </ul>	<ul style="list-style-type: none"> <li>11. A separate Class Approval must be issued to the Norfolk Island Fishing Association for fishers inside the “Box”. Class approvals licences for fishers outside the “Box” must have specific conditions within that class approval which excludes them from fishing within the “Box”. Vessel Monitoring Systems must also be programmed to recognise the legal boundaries of the “Box”.</li> </ul>

		<ul style="list-style-type: none"> <li>• If the Box is not formally recognised by Marine Parks how will Class Approvals be granted, taking into account the need to exclude non-resident fishers from intrusion in the Box?</li> <li>• Chamber is of the view that the benefits of the marine park for the people, business and the economy in Norfolk Island is not adequately established and requires negotiation and agreement before the 10 year Plan for the Norfolk Marine Park is adopted</li> <li>• Fees for licences and leases to be approved in the area must be established to include a benefit to the Norfolk Island community for activities within the Norfolk Marine Reserve</li> </ul>	
Pg 65: 4.4.3.2 (j)	<i>“Activity licences and leases – Prescriptions ... (j) providing for the payment of fees ”</i>	<ul style="list-style-type: none"> <li>• Additional and related to feedback above (Pg 23: 2.3: 4<sup>th</sup> dotpoint) re benefits from the Norfolk Marine Park;</li> <li>• Chamber is of the view that the benefits of the marine park for the people, business and the economy in Norfolk Island is not adequately established and requires negotiation and agreement before the 10 year Plan for the Norfolk Marine Park is adopted</li> <li>• Fees for licences and leases to be approved in the area must be established to include a benefit to the Norfolk Island community for activities within the Norfolk Marine Reserve</li> </ul>	12. A Treaty or Bilateral Agreement be settled in respect of the Norfolk Marine Park <b>before</b> the Management Plan for this area is adopted that clearly provides an agreed share of the economic revenue raised from resource use within the Park including an agreed fee structure for access to and use of resources within the Norfolk Marine Park.
Pg 66: 4.4.4.1	<i>“Publication of authorisation’s ”</i>	<ul style="list-style-type: none"> <li>• Noted that the Prescription includes obligation to publish on the internet a list of all authorisations issued under the Plan including name, period and a description of the activities</li> <li>• Chamber requests that <b>all</b> published authorisations also identify the value of the activity to ensure transparency in accounting take of natural resources and shared contribution amongst resource owners</li> </ul>	13. Authorisations published for licenses and leases approved in the Norfolk Marine Park include the \$value of the contract.

Pg 85: Norfolk	<b><i>“Multiple Use Zone (VI) 146 783km2 ”</i></b>	<ul style="list-style-type: none"> <li>• As per feedback above – Chamber requests this total area be rezoned to Habitat Protection Zone (IV) in order to protect the <i>Natural, Cultural, Heritage and Socio-economic Values</i> of the Norfolk Marine Park for the valued resource and cultural significance to Norfolk Island.</li> </ul>	14. Revise Temperate East Network Overview for Norfolk to reflect the requested inclusion of the Box as Multi Use (VI) and rezone the area outside of the Box as a Habitat Protection Zone (IV) – refer attached map.
Pgs 91 & 92	Norfolk Marine Park	<ul style="list-style-type: none"> <li>• Include Cultural Heritage Values following consultation with the Norfolk Island People</li> <li>• Revise Social and economic Values following consultation with the Norfolk Island People</li> </ul>	15. Uphold the principles of the EPBC Act and Regulations and provide Norfolk Island their rightful inclusion in developing Values that are representative of their strong connection with the Norfolk Marine Park and amend the Plan accordingly

