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To Australian Marine Parks Management Planning Comments
Department of the Environment and Energy

Submission: Draft management plans for 44 marine parks in the North, North-west, South-west, Temperate East and the Coral Sea

I am an environmental lawyer who has worked as a consultant on coastal and oceans management both in Australia and in the Asia Pacific region. The content of this submission does not address the detail of particular management plans but the overall approach taken in making changes to zoning within the existing network of MPAs. It is notable that whilst a national map of the current zoning is available online http://www.environment.gov.au/system/files/pages/2ed9e96f-d06b-460b-81de-8cd11f2ea66f/files/national-map_0.pdf the government has not made readily available a map of proposed zoning changes for the purpose of easy comparison. I am concerned that insufficient justification has been given for the proposed zoning changes beyond what the government sees as the 'correct balance' between interests involved in marine extractive industries and those who are concerned with environmental protection. I believe it is time for the Australian government to revisit the application of the CAR principles (comprehensive, adequate and representative) in setting the boundaries of MPAs and their zoning requirements in collaboration with state governments for a more integrated approach to managing the coastal and marine environment.

In relation to the content of the management plans, I have read the submission prepared by the Dive Industry Association of Australia which goes into the detail of particular management plans and fully support their recommendations <http://www.diveindustry.com.au/marine-parks/>. I urge the Australian government to take particular note of their submission given that the diving industry is the sector most likely to be familiar with the state of the environment in the marine realm.

CAR principles and high protection zoning

A generally accepted expert position is that at least 30% of the ocean realm, and up to 50%, is needed in high protection to be ensure that ecological integrity can be maintained. Protection is needed for the integrity of *the full range of species and ecosystems* found in our coastal and marine environment, particularly in view of increasing impacts arising from rising sea temperatures and ocean acidification as well as other pressures from marine pollution including plastic debris.

Across Australia, discussion about MPAs (both Commonwealth and State), is not focused on providing assurance for the diversity of species and ecosystems found in Australia's marine and coastal environment. The vast majority of MPAs either

- a) permit exploitation at levels that are at least equal to the historic levels, or
- b) provide zoning for high protection in areas where biodiversity is not under imminent threat, usually at a vast distance from the coast.

The allocation of scarce public resources to protection in places that least need protection is a waste of resources. It also gives a false impression as to the effectiveness of the overall MPA zoning regime. This tendency is referred to as the 'residual MPA' story meaning that it is both ineffective and

inefficient. Some would say that it is more aligned to diversionary tactic than actual nature conservation.¹

This point has been made by groups such as the **Australian Panel of Experts on Environmental Law**, who have recently prepared a Blueprint for the Next Generation of Environmental Law <http://apeel.org.au/>. Based on recommendations of marine scientists, APEEL has proposed that there needs to be a far more systematic allocation of high protection zones based on the CAR principles and this means that marine parks/sanctuaries should not only be found in far-flung marine regions but closer to shore in marine ecosystems that are already extensively exploited or otherwise impacted such as in coastal areas or on the continental shelf.

To support the CAR principles, each marine bioregion should have an adequately sized and located national park/sanctuary zone. Some marine scientists and experts concerned with marine and coastal policy were hopeful that the government's review would allow for stronger protection for those areas of our marine and coastal environment that clearly need protection against existing threats. Before the review, it seemed that the door could still be open to establishing an MPA system that was truly based on the CAR principles and not focused on residual areas.

Removal and size reduction of areas within National Park zone (IUCN II/ 'sanctuary')

The government is proposing a net reduction in highly protected areas but has not been fully open about the full extent of the changes to National Park zone (IUCN II/ 'sanctuary') protection in the marine parks network. This zoning will be reduced in the Wessels Marine Park, Geographe Bay Marine Park, and the Peaceful Bay section of the SW Corner Marine Park. In other areas, the National Park zone areas will be smaller, for example, in the Coral Sea Marine Park, Cape York West Marine Park, Gascoyne Marine Park, Argo Rowley Terrace Marine Park, the SW Corner Marine Park (Diamantina Fracture Zone section), Lord Howe Marine Park, Dampier Marine Park and Twilight Marine Park). The original size of these areas was determined after an extensive public consultation process and much deliberation by stakeholders. That they should be eliminated or reduced in such a way, without any clear scientific justification, is beyond comprehension. Indeed, in last year's first round of consultation, as I understand it, 54,000 people provided comment, the vast majority calling for a significant increase in marine national park zones, not less.

Expansion of Habitat Protection Zone to replace reduction of National Park zone

There is a clear distinction to be made between Habitat Protection (HPZs/yellow zones) and National Park zoning (IUCNII/green zones). In particular, commercial fishing will be allowed in yellow zoned areas. However, the Australian government's presentation of this distinction is unclear and appears designed to obscure the fact that HPZs have replaced areas previously zoned as National Park. It is important for the public to know that commercial fishing will be allowed in the yellow zone. Indeed, the video that appears at the Australian Marine Parks website <https://parksaustralia.gov.au/marine/> only mentions that commercial fishing is allowed in yellow habitat protection zones in passing as part of the explanation of possible activities in the blue multiple use zones - it says 'here *and in yellow zones* Australian fishers will be able to continue to provide us with the seafood we love'. This presentation appears designed to obscure a very important point about the scope of activities allowed in yellow zones.

There is a scientific basis for arguing that the protection of the sea floor within yellow zones provides only partial protection and does not generate biodiversity benefits comparable to sanctuaries. It is apparent that the proposed major reduction in high protection has been designed to service

¹ See Devillers et al 2014 - AQUATIC CONSERVATION: MARINE AND FRESHWATER ECOSYSTEMS Aquatic Conserv: Mar. Freshw. Ecosyst (2014) published online in Wiley Online Library (wileyonlinelibrary.com). DOI: 10.1002/aqc.2445.

economic interests such as the commercial fishing sector. Shamefully, the government has not taken upon itself to transparently review their set of assertions.

Opportunities for marine tourism

As I understand it, National Park zone protection will be reduced at one of Australia's premiere reefs and tourism destinations – Osprey Reef – and at other important tourism assets including Flinders and Holmes Reefs in the Coral Sea, and at Rowley Shoals in the NW marine region. This appears to ignore the opportunities for growing marine tourism in these areas. A similar comment can be made in relation to the National Park zoning in the Coral Sea. It appears that deep cuts have been made to the Coral Sea's large National Park zone and only 7 of the Coral Sea's 37 reefs will be fully protected. This was to be Australia's largest fully protected area, and the only one of a size and nature able to protect both the giants of the sea and a series of unique and important deep water reefs. It was an outstanding example for the rest of the world and one that all Australians could be proud of.

Oil and gas

Oil and gas exploitation is permitted beyond the boundaries of the marine reserves and this allocation should be sufficient to meet Australia's ongoing economic needs. There has been no justification for granting permission for oil and gas extraction activities within the boundaries of our MPAs which, in reality, would fly in the face of the purpose of a national reserve system given the risks posed by such activities. The only truly protective arrangement is found in the Great Barrier Reef Marine Park and the Coral Sea Marine Park.

Recommendations

I urge the Government to make the following changes to the proposed draft management plans:

- a) No removal or reduction of marine National Park/sanctuary zone areas declared in 2012;
- b) New marine National Park/sanctuary zones are declared for each bioregion covered by the NRSMPA; and
- c) All marine parks be fully protected from oil and gas mining.

Yours sincerely,



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