



**Australian Government**  
**Director of National Parks**



# Report of the Director National Parks

**UNDER**

*Environment Protection and Biodiversity Conservation Act 1999*

**SECTION 351**

Concerning the Proposed Proclamation of 40 Commonwealth marine reserves;  
(The related revocation of seven existing Commonwealth reserves and the  
revocation of the Coral Sea Conservation Zone); and

The amendment of the names of four existing Commonwealth marine reserves

**23 October 2012**

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## EXECUTIVE SUMMARY

This report has been prepared in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) for consideration by the Minister for Sustainability, Environment, Water, Population and Communities in relation to the proposed Proclamation of 40 Commonwealth marine reserves under the EPBC Act and amendment of the names of four existing reserves. The reserves will finalise the Network of Commonwealth marine reserves. Associated with declaration of the new reserves will be revocation of seven reserves and one conservation zone as the areas will be included in the new reserves.

This report sets out all of the matters to be dealt with by the proposed Proclamation, the process for developing the proposal; including consideration of socio-economic issues and consultation with stakeholders and the public.

A Notice inviting public comment on the proposed Proclamations was published in accordance with the EPBC Act on 11 July 2012. The period for comment closed on 10 September 2012. Approximately 80 000 submissions were received, the majority of which were ‘campaign’ submissions organised through conservation, recreational fishing and boating and allied industry organisations. 87 per cent of submissions received supported proposed Proclamation. 12.5 per cent opposed the proposed Proclamation. A small percentage was either unclear in intent or not relevant to the proposal.

All submissions were read, including additional comments made in ‘campaign submissions’. Many detailed and complex submissions were received and this report is, of necessity, a summation of the comments received and of the issues raised in those comments. All of the submissions received have been attached to this report. As required by the EPBC Act, all of the comments received in response to the statutory invitation were considered in preparing the report and are reflected in summarised form in the report, along with the Director of National Parks’ views about them.

Comments have been grouped according to a number of themes and these, along with the Director’s views about them, are outlined in Part 6 of this report. In addition, comments received about particular reserves, along with the Director’s views about them, are outlined in Part 7.

The comments received canvassed a wide range of issues associated with the conservation outcomes achieved by the proposed marine reserves, the potential implications for users of the reserves and their communities and issues in relation to future management. Most of the issues raised in the public comments have been extensively canvassed previously through consultation and considered subsequently in decision-making, including at a whole of government level, in determining the final Proclamation proposals.

While the majority of submissions express support for the proposed Proclamation, a significant number of comments were received that raised issues or concerns. Although many of these comments do not directly relate to the matters to be considered in the proposed Proclamation,

they have been documented in the report and responded to in the Director's comments in order to provide additional context or explanation.

Submissions from and initiated/coordinated by the conservation sector generally reiterated comments made during previous consultation phases and were supportive of the stated conservation and protection purposes of the final Commonwealth marine reserves network proposal. Most of these submissions also suggested increased protection, either through inclusion of additional areas within the proposed reserves or through the use of more restrictive zoning categories in areas they identified as being of particular ecological or biodiversity value.

Submissions from the recreational, charter and commercial fishing interests, as well as from boating and other marine industries generally reiterated comments received during previous consultation phases and were predominantly opposed to the Proclamation. A clear theme in these submissions was that marine reserves should only be created to address identified threats to specific species or other conservation values that could not be addressed by other means. Many stakeholders also used this consultation process to comment on the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) socio-economic assessment and its outcomes, the Regulatory Impact Statement, which was informed by the ABARES analysis, and changes made to the network proposal as a result of the comments received during the 90 day consultation on each regional reserve network proposal.

## INTRODUCTION

This report has been prepared in accordance with s.351 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) in relation to the proposed Proclamation of 40 Commonwealth marine reserves and amendment of the names of four existing Commonwealth reserves. Associated with the Proclamation of the new reserves, seven existing reserves and one conservation zone will be revoked as the areas will be included in new reserves.

Section 351 of the EPBC Act requires that before the Governor-General makes a Proclamation relating to a Commonwealth reserve, the Minister must consider a report from the Director of National Parks on the matter to be dealt with by the Proclamation (the Director's report). In preparing the report the Director must publish a notice inviting public comments (with a minimum period of 60 days) on the matter to be dealt with by the Proclamation. The Notice published on 11 July 2012 relating to the proposed Proclamations is at **Annex A** to this report. Comments made in response to the Notice must be considered and included in the Director's report together with the Director's views on the comments. Copies of the submissions received in relation to the proposed Proclamations are at **Annex D** to the report. The report includes summaries and analysis of the submissions and the Director's views on them.

## **PART 1 – THE MATTERS TO BE DEALT WITH BY THE PROPOSED PROCLAMATIONS**

Section 344 of the EPBC Act provides that the Governor-General may declare Commonwealth reserves by Proclamation under that section. A reserve Proclamation may be revoked or amended by a Proclamation made under s.350 of the EPBC Act. The Proclamation of a Commonwealth reserve sets out the name of the reserve, the purposes for which it is declared, the depth of any land or seabed included in the reserve, and assigns the reserve to an International Union for Conservation of Nature (IUCN) category (s.346(1)). A Proclamation may also divide a reserve into zones and assign each zone to an IUCN category (s.346(2)).

The Notice published on 11 July 2012 under s.351(2) of the EPBC Act inviting comment on the proposed Proclamations included a statement of the matters required under s.346(1) in relation to each of the 40 proposed reserves, and a statement of the purposes for which it is intended to manage and use the reserves, as required by s.351(3).

The Commonwealth reserves proposed to be declared are:

1. Southern Kangaroo Island Commonwealth Marine Reserve
2. Western Kangaroo Island Commonwealth Marine Reserve
3. Western Eyre Commonwealth Marine Reserve
4. Murat Commonwealth Marine Reserve
5. Great Australian Bight Commonwealth Marine Reserve
6. Twilight Commonwealth Marine Reserve
7. Eastern Recherche Commonwealth Marine Reserve
8. South-west Corner Commonwealth Marine Reserve
9. Bremer Commonwealth Marine Reserve
10. Geographe Commonwealth Marine Reserve
11. Perth Canyon Commonwealth Marine Reserve
12. Two Rocks Commonwealth Marine Reserve
13. Jurien Commonwealth Marine Reserve
14. Abrolhos Commonwealth Marine Reserve
15. Shark Bay Commonwealth Marine Reserve
16. Carnarvon Canyon Commonwealth Marine Reserve
17. Gascoyne Commonwealth Marine Reserve
18. Montebello Commonwealth Marine Reserve
19. Dampier Commonwealth Marine Reserve
20. Eighty Mile Beach Commonwealth Marine Reserve
21. Roebuck Commonwealth Marine Reserve
22. Argo-Rowley Terrace Commonwealth Marine Reserve
23. Kimberley Commonwealth Marine Reserve
24. Joseph Bonaparte Gulf Commonwealth Marine Reserve
25. Oceanic Shoals Commonwealth Marine Reserve
26. Arafura Commonwealth Marine Reserve
27. Arnhem Commonwealth Marine Reserve



28. Wessel Commonwealth Marine Reserve
29. Limmen Commonwealth Marine Reserve
30. Gulf of Carpentaria Commonwealth Marine Reserve
31. West Cape York Commonwealth Marine Reserve
32. Coral Sea Commonwealth Marine Reserve
33. Gifford Commonwealth Marine Reserve
34. Norfolk Commonwealth Marine Reserve
35. Lord Howe Commonwealth Marine Reserve
36. Central Eastern Commonwealth Marine Reserve
37. Solitary Islands Commonwealth Marine Reserve
38. Cod Grounds Commonwealth Marine Reserve
39. Hunter Commonwealth Marine Reserve
40. Jervis Commonwealth Marine Reserve

The areas of each of the following existing reserves and conservation zone are to be included in the new reserves as indicated below; and the Proclamation of the existing reserve/conservation zone will therefore be revoked in conjunction with declaration of the new reserve:

- Great Australian Bight Marine Park (Commonwealth Waters) (with the area to be included in the area of the new Great Australian Bight Commonwealth Marine Reserve)
- Lord Howe Island Marine Park and Elizabeth and Middleton Reefs Marine National Nature Reserve (with the areas to be included in the area of the new Lord Howe Commonwealth Marine Reserve)
- Lihou Reef National Nature Reserve and Coringa-Herald National Nature Reserve (with the areas to be included in the area of the new Coral Sea Commonwealth Marine Reserve)
- Solitary Islands Marine Reserve (Commonwealth Waters) (with the area to be included in the area of the new Solitary Islands Commonwealth Marine Reserve)
- Cod Grounds Commonwealth Marine Reserve (with the area to be included in the area of the new Cod Grounds Commonwealth Marine Reserve)
- Coral Sea Conservation Zone (with the area to be included in the area of the new Coral Sea Commonwealth Marine Reserve)

The Proclamation of each of the following Commonwealth reserves is proposed to be amended to change the name of the reserve as follows (to ensure consistency with the naming of all other Commonwealth marine reserves):

- Mermaid Reef Marine National Nature Reserve to Mermaid Reef Commonwealth Marine Reserve
- Ningaloo Marine Park (Commonwealth Waters) to Ningaloo Commonwealth Marine Reserve
- Ashmore Reef National Nature Reserve to Ashmore Reef Commonwealth Marine Reserve
- Cartier Island Marine Reserve to Cartier Island Commonwealth Marine Reserve

The proposed new reserves are all located in Commonwealth marine areas (waters inside the outer limit of the 200 nautical mile exclusive economic zone around Australia and its external Territories, but not including waters within the coastal waters of the States and the Northern Territory). The proposed boundaries of each reserve and the zones into which reserves are to be divided are set out in the Notice published under s.351(2) of the EPBC Act at **Annex A** to this report.

Each reserve to be declared will include the seabed to a depth of 1000 metres, and for the reserves that include land areas, the land is included to a depth of 1000 metres.

The reserves are to be declared for the following purposes:

- to protect and maintain biological diversity in the reserve; and
- to contribute to the objectives of the National Representative System of Marine Protected Areas (NRSMPA).

The creation of the NRSMPA has been ongoing since 1998 when the Australian Government, the States and the Northern Territory agreed to establish it. The States and the Northern Territory are establishing marine protected areas in their coastal waters, while the Australian Government is establishing marine protected areas in Commonwealth waters around Australia. Once completed, the NRSMPA will meet Australia's international commitments as a signatory to the Convention on Biological Diversity to establish a representative system of marine protected areas within Australia's Exclusive Economic Zone.

The South-east Commonwealth Marine Reserves Network, established in 2007, was the first stage of the Australian Government's implementation of the NRSMPA in Commonwealth waters. The network comprises 14 reserves, of which 13 were declared on 28 June 2007, and the Macquarie Island Commonwealth Marine Reserve, which was declared on 27 October 1999. The reserves that are now proposed to be declared will complete the Commonwealth network of reserves under the NRSMPA.

The creation and management of marine reserves is an important strategy for the conservation and sustainable use of the marine environment. Marine reserves, when well designed and managed effectively, make an important contribution to maintaining the overall health and resilience of our oceans. This is recognised by the primary goal of the NRSMPA which is to establish and manage a comprehensive, adequate and representative system<sup>1</sup> of marine protected areas to contribute to the long term ecological viability of marine and estuarine systems, to maintain ecological processes and systems, and to protect Australia's biological diversity at all levels. The NRSMPA goals allow for a broad spectrum of activities, including recreation, tourism, shipping and the use or extraction of natural and living resources, where such activities are compatible with the primary goal.

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<sup>1</sup> Comprehensive – include MPAs that sample the full range of Australia's ecosystems; Adequate – include MPAs of appropriate size and configuration to ensure the conservation of marine biodiversity and integrity of ecological processes; Representative – include MPAs that reflect the marine life and habitats of the area they are chosen to represent.

*The Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters* were developed to guide the identification of areas representative of the diverse ecosystems and habitats in Commonwealth waters. They provide guidance about how to design regional networks of marine reserves that meet the principles of ‘comprehensiveness’, ‘adequacy’ and ‘representativeness’. There are four goals and 20 principles.

The four goals set out what features should be included in a representative network:

- Goal 1 indicates that marine reserves networks should include examples of all provincial bioregions occurring in a marine region (there are 41 provincial bioregions identified in the 2006 Integrated Marine and Coastal Regionalisation of Australia);
- Goal 2 indicates that the networks should include all oceans depths within each provincial bioregion (on the basis that different biological communities live at different depths);
- Goal 3 indicates that the networks should include examples of all types of marine benthic and demersal biological features known to occur at a sub-provincial scale (for example, the key ecological features identified through the marine bioregional planning program); and
- Goal 4 indicates that examples of the different types of physical seafloor features should be included in the reserve networks (for example, underwater seamounts, canyons, and plains, as different ecological communities associate with different types of seafloor habitats).

The 20 principles have further guided the design of the networks, based on ecological and policy considerations (for example, one principle states that, wherever possible, biodiversity features should be represented more than once; another principle is that the four goals should be met at the least socio-economic cost).

The proposed Commonwealth marine reserves have been identified through the Australian Government’s marine bioregional planning program in five marine regions in Commonwealth waters.

The reserves, and any zones within them, are intended to be managed and used for the purposes of biodiversity conservation, while also allowing the conduct of commercial, recreational and other activities consistent with the IUCN Category to which the area is assigned. They are to be managed consistently with the relevant Australian IUCN reserve management principles prescribed by Schedule 8 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (the EPBC Regulations), as stated in the Notice under s.351(2) of the EPBC Act inviting comments on the proposals.

## **PART 2 – DEVELOPMENT OF THE PROPOSALS AND CONSULTATION WITH STAKEHOLDERS**

The final Commonwealth marine reserves network proposal was developed through an extensive planning and public consultation process. There were a number of key steps in the process, which included opportunities for public input and consultation with stakeholders from the diverse industries and interests in Australia's marine environment. The key steps were:

- development and release of bioregional profiles for the South-west Marine Region, the North Marine Region, the North-west Marine Region and the East Marine Region (the East Marine Bioregional Profile included both the Temperate East and Coral Sea Marine Regions) between October 2007 and May 2009;
- the identification and release of areas for further assessment between May 2009 and March 2010. The release of the areas for further assessment was followed by the gathering of more information by the Department of Sustainability, Environment, Water, Population and Communities (the Department) about activities in these areas, as well as targeted consultation with marine industries and other interests to ensure that options for the location of reserves were developed with a sound understanding of their socio-economic implications;
- development of options for representative marine reserves in each region, culminating in the release of draft marine reserves network proposals which were subject to periods of consultation of 90 days in each region between May 2011 and February 2012; and
- announcement by the Minister for Sustainability, Environment, Water, Population and Communities of the final Commonwealth marine reserves network proposal on 14 June 2012, followed by publication of the Notice inviting public comment on 11 July 2012.

The consultation on the draft marine reserves network proposals was not a statutory requirement, but was undertaken in conjunction with the statutory consultation required on draft marine bioregional plans made under s.176 of the EPBC Act. Marine bioregional plans have been developed for four of Australia's marine regions – the South-west, North-west, North and Temperate East. During these formal consultation periods, 245 public and stakeholder meetings were held across Australia, which were attended by approximately 2 000 people. In total 566 377 submissions were received on the draft marine reserves network proposals and draft marine bioregional plans. The vast majority of submissions addressed issues about the reserves network proposals. As a result of the comments received during this consultation process a number of modifications were made and incorporated into the final Commonwealth marine reserves network proposal.

Stakeholders consulted in developing the final marine reserves network proposal included the commercial fishing industry, the oil and gas industry, the conservation sector, recreational fishing groups (including charter and game fishing), tourism operators, Indigenous representative bodies, port authorities, the shipping industry, local government, community organisations and the scientific community. Relevant Australian and state and territory government agencies were also consulted. Further details on this consultation process can be

found in Section 5 of Completing the Commonwealth Marine Reserve Networks Regulatory Impact Statement (RIS) at **Annex B**.

## PART 3 – SOCIO-ECONOMIC CONSIDERATIONS

The Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) was commissioned to undertake the socio-economic assessment in each of the five regions. In each region, ABARES consulted with, and was guided by, a working group comprising representatives from state/territory governments, fishing industry bodies and the Department. In conducting the assessments, ABARES analysed the catch history data held by fisheries management agencies for all commercial fisheries that would be potentially displaced from the proposed marine reserves. The ABARES assessments included a range of statistical analyses, social impact assessments, economic modelling and case studies to provide a variety of perspectives on potential impacts. As well as drawing on data from fisheries logbooks, ABARES obtained additional information by conducting a series of surveys, interviews and focus groups. The analyses undertaken by ABARES informed the Australian Government's decisions on the final network proposal and are summarised in the RIS (**Annex B**). The assessments were released publicly and are available on the Department's website.

ABARES concluded that the impacts of the draft and final marine reserves network proposals on economic activity and overall fisheries production were small to moderate, with around one per cent of annual average catch likely to be displaced. However, the Government has recognised that some fisheries, businesses, communities and individuals could be significantly affected by the proposed marine reserves networks and has announced that a fisheries adjustment assistance package will be delivered to support implementation of the proposed reserves. The ABARES analysis indicates that amendments made to the draft networks following public consultation resulted in an overall reduction in the total estimated displacement of fishing catch, although the ABARES analysis and some submissions received suggest that the impact on some operators may have increased.

While acknowledging that impacts on the charter fishing sector cannot be fully captured using quantitative data, principally because the value of charter fishing far exceeds the value of the fish caught, the ABARES assessment estimated that the overall impact on the charter sector would be low, with most of the impact experienced in the proposed Coral Sea Commonwealth Marine Reserve.

The ABARES assessment did not include an analysis of economic impacts associated with the displacement of recreational fishing. Under the proposal, recreational fishing would be excluded from marine reserves zoned Marine National Park (IUCN Category II). Although some Marine National Parks zones are close to state waters, where this is the case they generally are small or fairly distant from major population centres or key access points.

The ABARES assessment also modelled flow-on impacts of commercial and charter fishing displacement to regional economies. The ABARES modelling suggested a possible loss of 103 full time equivalent positions in the short term as a result of the final Commonwealth marine reserves network proposal, as compared to 125 positions associated with the draft marine reserve network proposals.

## PART 4 – INVITATION TO COMMENT ON RESERVE PROPOSALS

On 14 June 2012 the Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP, announced the final Commonwealth marine reserves network proposal which comprises the declaration of 40 new reserves under the EPBC Act, revocation of seven existing reserves and the Coral Sea Conservation Zone (the areas being included in a new reserve), and changing the name of four existing reserves (to include the title ‘Commonwealth Marine Reserve’ for consistency in naming).

In accordance with s.351(2) and s.351(3) of the EPBC Act and Part 16 of the EPBC Regulations, a Notice was published in the Australian Government Gazette and the Norfolk Island Government Gazette on 11 July 2012, as well as on the Department’s website. The Notice invited public comment by 10 September 2012 on the proposed Proclamation of the new reserves and amendment of the names of four existing reserves. The Notice included the associated revocation of seven Commonwealth reserves and the Coral Sea Conservation Zone. Copies of the Notices are at **Annex A**.

As required by s.351(3) of the EPBC Act the Notices stated:

- the proposed name of each reserve
- the proposed boundaries and any zones of each reserve
- the purpose for which the reserve is declared
- the IUCN category that each reserve and zone is to be assigned to the purposes for which the reserve is intended to managed; and
- the purposes for which it is intended to manage and use the reserve.

For each IUCN category to which the reserves and any zones within them were proposed to be assigned, the Notice also set out the activities that were intended to be allowed or not within the reserve/zone. A consultation paper, maps and zoning activity scheme for each region were published on the Department’s website to aid public comment on the proposal.

The future act provisions of the *Native Title Act 1993* require that native title holders, through their representative bodies, are informed of activities that may affect their native title rights. Although it is not believed that Proclamation of the final Commonwealth marine reserves network would affect native title rights, efforts have been made to ensure that native title holders are aware of the proposed Proclamation. Information regarding the Notice inviting comment and the consultation process was sent to relevant representative native title bodies and native title claimants.

The Minister for Sustainability, Environment, Water, Population and Communities issued a media release drawing attention to the Notice.

An invitation to comment on the proposed Proclamations, with reference to the Notice published in the Australian Government Gazette, was also:

- published in national, state and territory newspapers
- sent in a letter to relevant petroleum title holders
- sent in a letter to relevant Native Title Representative Bodies and peak Indigenous organisations
- sent in a letter to the holders of permits for activities in existing Commonwealth marine reserves for the relevant marine regions; and
- sent in an email to stakeholders included on the Department's marine bioregional planning email distribution lists for the relevant marine regions.

The Notices specified the addresses (post and email) to which comments could be sent.



## PART 5 – SUBMISSIONS RECEIVED IN RESPONSE TO INVITATION TO COMMENT

A total of 79 854 submissions were received in response to the formal Gazette Notices.

The majority of submissions received (79 467 or 99.5 per cent) were coordinated by organisations in the conservation, recreational fishing and boating sectors and have been classified as ‘campaign’ submissions. In addition, 378 individual or ‘non-campaign’ submissions were received from sectoral representative bodies, businesses, organisations and individuals.

Of the submissions received, 87 per cent were broadly supportive of the proposed Proclamation, while 12.7 per cent were opposed. A small percentage were either unclear or not relevant to the proposal.

**Table 1: Submissions received in relation to the final Commonwealth marine reserves network proposal (all submissions)**

	Number of submissions	Percentage of submissions
Broadly supportive	69 521	87.0
Not supportive	10 140	12.7
Mixed views or unclear / Not relevant	184	0.3

All of the submissions received were reviewed for the comments they contained. These comments were categorised according to the issues they raised, which have been grouped into themes. These comments are discussed in Part 6. Those comments that are specific to a particular marine reserve proposal are discussed in Part 7, although in some instances reserve specific issues have been discussed in Part 6.

In addition to the creation of new reserves, the proposed Proclamations include the renaming of four existing reserves (Mermaid Reef National Nature reserve, Ningaloo Marine Park (Commonwealth waters), Ashmore Reef National Nature Reserve and Cartier Island Marine Reserve). No comments were received either in relation to the renaming of the existing reserves or the names of the proposed new reserves.

No comments were received in relation to the revocation of existing reserves to allow the areas within them to be incorporated within the proposed new reserves.

## PART 6 – COMMENTS ON THE RESERVES NETWORK PROPOSAL

### PART 6.1 – OUTLINE OF ISSUES RAISED

A total of 79 845 submissions were received in response to the formal Gazette Notices. The majority of submissions received (79 467 or 99.5 per cent) were coordinated by organisations in the conservation, recreational fishing and boating sectors and have been classified as ‘campaign’ submissions. Campaign submissions contained standard text, although some contained additional comments. Standard text and additional comments included in campaign submissions have been considered in the analysis of submissions. In addition to campaign submissions, 378 individual or ‘non-campaign’ submissions were received from sectoral representative bodies, businesses, organisations and individuals.

Comments were received on a wide range of issues of interest to the public. The issues most frequently commented on related to commercial and recreational fishing and the conservation outcome achieved by the final marine reserves network proposal. **Table 2** provides an overview of the issues raised in relation to the final marine reserves network proposal. The reported number of comments received includes all comments received about the particular issue irrespective of sentiment.

**Table 2: The number of comments received concerning issues raised in relation to the final Commonwealth marine reserves network proposal (all submissions)**

Comments by theme	Number of Comments received
<b>Development of the final Commonwealth marine reserves network proposal and the purposes for which it is intended to manage and use the reserves</b>	<b>126 731</b>
Lack of scientific evidence/science not viewed as credible	9605
Confidence in the scientific evidence	25
Protection of specific areas or conservation values or features	34 636
Removal of specific areas or conservation values or features	4
Proposed changes to zoning*	71 908
Goals and principles of NRSMPA	681
Concerns regarding influence by lobby groups	8459
Concerns with consultation process	717
Support for consultation process	10
Socio-economic assessments not viewed as sufficient or credible	686

<b>Commercial fishing</b>	<b>57 512</b>
Don't support/oppose restrictions on commercial fishing operators (including operators in the Coral Sea)	26
Support for restrictions to commercial fishing operations (including operators in the Coral Sea)	12
Advocates further restrictions to commercial fishing operations	28 407
Concern/lack of clarity about Fisheries Adjustment Assistance Package (FAAP)	648
Support for an adequate FAAP	28 410
Concerns about potential increases in licence fees and quotas for commercial fishing	3
Concerns about shifts in fishing effort for commercial fishing	6
<b>Recreational fishing</b>	<b>9404</b>
Don't support/oppose restrictions on recreational fishers (including in the Coral Sea)	9390
Support for restrictions on recreational fishing (including in the Coral Sea)	5
Concerns about shifts in fishing effort for recreational fishing	9
<b>Charter and game fishing</b>	<b>13</b>
Don't support/oppose restrictions on charter and/or game fishers (including in the Coral Sea)	13
<b>Mining and offshore petroleum</b>	<b>28 291</b>
Don't support/oppose restrictions to oil and gas and mining industry (including in the Coral Sea)	3
Support for restrictions on oil and gas and mining industry (including in the Coral Sea)	28 283
Future arrangements for oil and gas	5
<b>Ports and Shipping</b>	<b>9</b>
Comments on Port activities and/or development	4
Comments on shipping activities	5
<b>Tourism</b>	<b>400</b>
Don't support/oppose restrictions on Tourism sector	1
Proposal will benefit Tourism sector	399

<b>Coastal communities</b>	<b>1452</b>
Detrimental impacts on coastal communities as a result of commercial fishing restrictions	15
Detrimental impacts on coastal communities as a result of recreational fishing restrictions	1425
Detrimental impacts on coastal communities arising from the proposal	10
Positive impacts for coastal communities from the proposal	2
<b>Indigenous perspectives</b>	<b>8</b>
Comments on native title rights	8
<b>Management of the Commonwealth marine reserves network</b>	<b>1877</b>
Comments about compliance and enforcement	1236
General management concerns	641
<b>General comments about the marine environment</b>	<b>6085</b>
General comments about the marine environment	57
General comments about fisheries issues	5956
Concerns over origin/accessibility of seafood	72

\* With regard to proposed changes to zoning; comments were received that proposed either more restrictive zoning (in most cases suggesting changes to Marine National Park (IUCN Category II) zones or less restrictive zoning (for example, changes to Multiple Use or Special Purpose (IUCN Category VI) zone. The proportion of comments proposing more restrictive zoning compared to those suggesting less restrictive zoning was broadly consistent with the proportions between support for and opposition to the Proclamation proposal (that is, 87 per cent to 12.7 per cent).

Note: The number of comments does not equate to the number of submissions received because most submissions contained multiple comments.

### **Campaign submissions**

The following campaigns, coordinated through conservation non-government organisations, were broadly supportive of proclaiming the final Commonwealth marine reserves network proposal. The full list and numbers of campaigns is at **Annex C**.

### *Save Our Marine Life (SOML)*

The *SOML* campaigns were organised through an alliance of conservation organisations and, although supportive of the Proclamation, proposed a range of amendments to the proposed reserves to increase the level of protection provided by the network.

### *Protect Our Coral Sea*

The *Protect Our Coral Sea* campaigns were also organised through an alliance of conservation organisations. The campaigns supported the proposal to proclaim the Coral Sea Commonwealth Marine Reserve, while advocating amendments to provide increased protection in parts of the reserve.

The following campaigns, coordinated through a number of recreational fishing and boating organisations, were opposed to the Proclamation of the final Commonwealth marine reserves network proposal. The four campaigns questioned the scientific rationale for the proposal.

### *Keep Australia Fishing*

The two *Don't Lock Us Out* campaigns were opposed to the proposal on a number of grounds, including that it would have an unacceptable negative impact on recreational fishing, with flow-on impacts on coastal communities.

### *Boating Industry Association of Australia (BIAA)*

The *I do not support the Marine Reserves Network* campaign opposed the proposed Proclamation on the basis that the proposal did not address identified threats to biodiversity conservation and concerns about the cost of adjustment and future compliance and enforcement.

### *Billfish Foundation*

The *Exclusion of Anglers is Not Sound Fisheries Management / Stop the proposed Australian closures against sportfishing* campaign opposed the proposal and raised concerns about restrictions on access by recreational and sport fishers to the Coral Sea and waters off Western Australia.

### *Coral Sea Access Alliance*

The Coral Sea Access Alliance comprises marine and boating industry interests (including charter boat operators) and opposed Proclamation of the proposed Coral Sea Commonwealth Marine Reserve. It commented that the assessment of the Coral Sea Conservation Zone had not been thorough, that the RIS was incomplete and did not accurately reflect the reserve's impacts, that the proposal did not address identified threats and that consultation has not been adequate.

Many campaign submissions included comments additional to the standard text provided through the campaign. The majority of these additional comments were general or philosophical in nature and related to government policy matters or the marine environment more generally, rather than being specific to any one aspect of the proposed Proclamation. The additional issues raised in these submissions have been considered and are addressed in the remainder of this report. The full list of campaigns and the numbers received is at **Annex C** and copies of comments received are included at **Annex D** (on a cd/dvd).

### **Non-campaign submissions**

A total of 378 individual or non-campaign submissions were received. The list of respondents who made non-campaign submissions is at **Annex C**.

The remainder of this Part addresses the issues raised in all submissions under the broad following themes:

- Development of the final Commonwealth marine reserves network proposal and the purposes for which it is intended to manage and use the reserves
- Commercial Fishing
- Recreational Fishing
- Charter and Game Fishing
- Mining and Offshore Petroleum
- Ports and Shipping
- Tourism
- Coastal Communities
- Indigenous perspectives
- Management of Commonwealth marine reserves network; and
- General comments about the marine environment.

## ***PART 6.2 – DEVELOPMENT OF THE FINAL COMMONWEALTH MARINE RESERVES NETWORK PROPOSAL AND THE PURPOSES FOR WHICH IT IS INTENDED TO MANAGE AND USE THE RESERVES***

A total of 126 731 comments were received on the conservation and protection purposes for which the reserves are proposed to be declared, managed and used, as well as on the process for developing the final marine reserve network proposal.

All submissions from and initiated/coordinated by the conservation sector reiterated comments made during previous consultation phases and were supportive of the stated conservation and protection purposes of the final Commonwealth marine reserves network proposal. Most of these submissions also expressed support for increased protection, either through inclusion of additional areas within the proposed reserves or through the use of zoning categories which afforded higher levels of protection in areas they identified as being of particular ecological or biodiversity value.

Many of these area-specific comments calling for increased protection had been considered previously by Government in finalising the proposal. The suggested changes were:

- Proposed **Kangaroo Island** Marine Reserves (South-west region) – zoning should exclude all mining activities from the reserves, including oil and gas exploration and production, to protect blue whale feeding areas and important habitat for other cetacean species.
- Proposed **Eastern Recherche** Marine Reserve (South-west region) – the Special Purpose zone should be changed to a Marine National Park zone to fully protect large established southern right whale calving areas.
- Proposed **Bremer** Marine Reserve (South-west region) – the boundary of the Marine National Park zone should be extended westwards to abut state waters, in order to fully protect the large established southern right whale calving area.
- Proposed **Geographe** Marine Reserve (South-west region) – zoning should exclude all mining activities, including oil and gas exploration and production, from the entire reserve to protect blue and humpback whale resting areas.
- Proposed **Perth Canyon** Marine Reserve (South-west region) – zoning should exclude all mining activities, including oil and gas exploration and production, from the entire reserve.
- Proposed **Argo-Rowley Terrace** Marine Reserve (North-west region) – all four Rowley Shoals should be included in reserves and the Multiple Use zone should be zoned Marine National Park.
- Proposed **Gascoyne** Marine Reserve (North-west region) – the Multiple Use zone off Ningaloo Reef should be changed to a Marine National Park zone at the heads of Cloates and Cape Range Canyons; the Habitat Protection zone should be changed to a Marine National Park zone at Gnarlou (at the southern end of the reserve).
- Proposed **Kimberley** Marine Reserve (North-west region) – the two Marine National Park zones should be joined to better protect humpback whale nursery areas.
- Proposed **Limmen** Marine Reserve (North region) – the reserve should include a Marine National Park zone.

- Proposed **Arafura** Marine Reserve (North region) – part of the Arafura Canyons should be included in a Marine National Park zone.
- Proposed **Coral Sea** Marine Reserve (Coral Sea region) – the whole of the seamounts of Osprey, Shark and Vema Reefs should be included in the large Marine National Park zone and the southern boundary of the large Marine National Park zone should be extended to the 22<sup>nd</sup> parallel to include Marion, Frederick and Wreck Reefs and the Townsville Trough.
- Proposed **Central Eastern** Marine Reserve (Temperate East region) – zoning of Britannia Seamount should be changed from a Habitat Protection zone to a Marine National Park zone.

In addition to comments proposing changes to reserve zoning, the following comments in proposing the inclusion of additional areas in the reserves network were received:

- An extension of the **Jervis** Marine Reserve (Temperate East region) to join the Batemans and Jervis Bay NSW Marine Parks.
- Extending the southern boundary of the **Jervis** Marine Reserve (Temperate East region) to include shelf and slope edge canyons in the vicinity of Bateman's Bay to create a new reserve to include the **Fraser** upwelling, and waters around Wolf Rock and Breaksea Spit in the vicinity of Fraser Island.
- Inclusion of all the seamounts in the Temperate East region within marine reserves.
- Extend the **Lord Howe** Marine Reserve (Temperate East region) to include more of the Lord Howe plateau.
- Extend the **Central Eastern** Marine Reserve (Temperate East region) westwards to join the Solitary Islands marine reserves.
- Increase the **Cod Grounds** Marine Reserve (Temperate East region) to a diameter of 20 kilometres.
- Increase the extent of turtle and dugong habitat included in marine reserves in the Gulf of Carpentaria (North region).
- Include areas adjacent to the 'wild rivers' of Cape York in marine reserves (North region)
- Extend the boundary of the proposed **Limmen** Marine Reserve (North region) north to Groote Eylandt and east to the Sir Edward Pellew islands.
- Include more areas of important shark habitat in marine reserves including all of the North region and larger proportions of the South-west and Temperate East regions.
- Include Commonwealth waters adjacent to Roebuck Bay and Dampier Peninsula (including Quandong Point and James Price Point) in marine reserves (North-west region).
- Include the whole of the Mentelle Basin (South-west region) in an oil and gas exclusion area.
- Include the Albany and Bremer canyons and waters adjacent to the Fitzgerald Biosphere Reserve in marine reserves (South-west region).
- Extend the Special Purpose (Oil and Gas exclusion) zone of the **South-west Corner** Marine Reserve eastward around south-west Western Australia (South-west region).
- Creation of new marine reserves in the vicinity of Cocos-Keeling and Christmas Islands.

A number of comments suggesting inclusion of areas under state jurisdiction in the proposed Commonwealth marine reserve network were received.



Some comments proposed that all marine reserves be zoned Marine National Park (IUCN Category II), while others suggested that 30 per cent of all state and Commonwealth waters be included in sanctuary areas. Comments that the proposed Marine National Park (IUCN Category II) zones were too small, particularly in Western Australia, were also received.

Comments were also received from a range of commercial and charter fishing interests proposing changes to reserve boundaries or zones in order to reduce impacts on fishing activities. A number of offshore petroleum companies made comments relating to their interests in specific reserves. These are identified elsewhere in the report, primarily in Part 7.

### **Director's Views**

*The Government's objective has been to establish a representative system of marine reserves in Commonwealth waters, while seeking to minimise the socio-economic costs of doing so. The boundaries and zoning of the final Commonwealth marine reserves network proposal have been the subject of careful consideration and consultation. With respect to the identification and size of Marine National Park (IUCN Category II) zones in the networks, the policy aim has been to include some highly protected area in each bioregion (as outlined in the Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters). The Government's final marine reserves network proposal achieved this aim to a substantial degree, noting that the degree to which this was achieved varied between regions due to socio-economic considerations. The Proclamation of the Government's final marine reserves proposal, when combined with all existing marine protected areas in Commonwealth waters, would result in 34 out of the 39 provincial bioregions that have been the subject of marine planning, being represented in highly protected areas (that is, IUCN Categories I or II).*

*A number of comments specific to individual reserve proposals sought changes to the boundaries or IUCN category of a reserve or a zone within a proposed reserve. The Proclamation process under the EPBC Act does not allow the proclamation of a Commonwealth reserve to be made with substantive changes to the proposal on which comment was sought (without a further process under s.351 in relation to a revised proposal). The Director's report under s.351 on a reserve proposal must however be taken into account in the subsequent preparation of management plans for the reserve (s.368(3)(a)). Therefore, the comments addressed in this report would be considered by the Director in the development of the management plan for the reserves, should they be proclaimed. Section 367 of the EPBC Act sets out the matters that must be addressed in Commonwealth reserve management plans, which includes zoning and assignment of IUCN categories.*

The submission from the Centre for Policy Development (CPD) provided information on the findings of an assessment that the CPD has undertaken of the economic benefits that might ensue from the proposed Marine National Park (IUCN Category II) zones, based on the economic value provided by four categories of marine ecosystems: coral reefs, seagrasses, coastal shelf and open ocean. CPD concluded that the Marine National Park (IUCN Category II) zones in the final Commonwealth marine reserves network proposal would provide \$1.2 billion a year in ecosystem services bringing the total value in ecosystem services of Australia's fully protected marine reserves to \$2 billion a year. Based on these findings, the CPD suggested

that greater extents of coral reefs, seagrasses and coastal shelf habitats should have been included in areas zoned as Marine National Parks.

### ***Director's Views***

*The Australian Government's policy is to establish networks of Commonwealth marine reserves that are inclusive of a range of 'zones' (with different IUCN categories and specific management objectives as outlined in the IUCN reserve management principles in the EPBC Regulations). This is a practical approach to addressing the multiplicity of interests and uses of the marine environment and the requirements for fulfilling the Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters (see Part 1). In the context of a network that needs to be big enough to represent adequately all types of ecosystems and biodiversity, a mix of zones enables objectives other than biodiversity conservation (including private recreational and commercial objectives) to be pursued within marine reserves, provided these are compatible with the overarching biodiversity conservation objective.*

*Marine protected areas are not the sole means of achieving biodiversity conservation and environmental protection objectives. The marine reserves are intended to work alongside a range of other measures, including, for example, effective fisheries management and measures to reduce land-based sources of pollution and in doing so, sustain the capacity of our oceans to provide ecosystem services.*

*A persistent challenge in biodiversity conservation is that of placing economic values on the benefits of conservation actions. While not endorsing the methodology used by the CPD or the estimates it produced, its submission draws attention to the potentially significant non-use values associated with the proposed marine reserves. Comments made in a number of submissions on the proposed reserves (both supportive of the proposals and opposed to them) indicate that the public interest would be served well by providing more information on the value of ecosystem services and other non-use values of the reserves.*

A common theme in submissions received from the recreational, charter and commercial fishing interests, as well as from boating and marine-related industries, was that marine reserves should be created only to address identified threats to specific species or other conservation values that could not be addressed by other means. It was suggested that activities should be permitted in a marine reserve unless there is clear scientific evidence that a particular activity is a threat to the conservation values for which the marine reserve was created. A number of comments also questioned the scientific basis of the reserve proposals. The submissions coordinated through the *Don't Lock Us Out* campaign, for example, stated that the proposed closures appeared to lack credible backing by the broader scientific community and that unless it could be demonstrated via credible science that recreational fishing activities pose an unacceptable risk to the marine environment the 'closures' should not be proclaimed.

Few submissions discussed the role of the *Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters*. One submission criticised the application of the Goals and Principles in the design phase for the reserves network, suggesting that it increased the complexity of the network, and eroded any conservation value. It stated that the design of the reserves should have focused on those features which were either in need of protection, because

they were under threat, or that were worthy of protection because of their intrinsic conservation value.

The location and size of Marine National Park (IUCN Category II) zones within the proposed network was a focus of comment in some submissions from the commercial fishing sector. These submissions questioned the conservation values associated with some areas, including in deep ocean areas far offshore, as well as the benefits of the small Marine National Park (IUCN Category II) zones over the shelf in the proposed South-west marine reserves network.

#### ***Director's Views***

*The final Commonwealth marine reserves network has been developed based on the 1998 commitment by the Australian, state and territory governments to establishing a NRSMPA. A representative system of marine protected areas is one that includes examples of the biological diversity of the marine environment, that is, its species, communities, habitats and ecosystems, irrespective of whether these are under threat. A representative system, such as the one that Australia has been establishing over a long period, provides an insurance policy against unintended consequences of human activities and against large scale impacts such as those arising from global climate change. Such systems strengthen the health and resilience of ecosystems and in doing so enhance their capacity to withstand and adapt to pressures. While the impacts that particular activities are likely to have on the biodiversity and other values of a reserve have been a key consideration in decision-making about the location of reserves, zoning and allowable activities, they have not been the basis on which the reserve network has been developed. The focus has been on designing networks that include the diverse ecosystem and habitats in Commonwealth waters, while minimising the socio-economic impacts of doing so on marine based industries and coastal communities. The Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters were developed to guide identification of areas representative of the diverse ecosystems and habitats in Commonwealth waters, recognising from the outset that significant gaps exist in our current knowledge of biodiversity and ecosystems in some areas. They provide guidance about how to design regional networks of marine reserves that meet the general principles of 'comprehensiveness', 'adequacy' and 'representativeness'.*

Some submissions from the commercial fishing industry commented that the final Commonwealth marine reserves network proposal covered a greater proportion of the marine environment than was required to meet the undertakings Australia has given internationally. These comments included reference to the Convention on Biological Diversity's target of 10 per cent of coastal and marine areas to be conserved by 2020 in protected areas and commented that 10 per cent of Australia's marine territory was already included in marine reserves. Increasing the proportion of Commonwealth waters in marine reserves to 36.4 per cent as a result of the network proposal was considered to be excessive and therefore to have an unnecessary and unwarranted impact on the fishing industry.

#### ***Director's View***

*The Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters have guided the development of the marine reserves network proposal. The Goals and Principles, when applied, are intended to achieve a comprehensive, adequate and representative reserve*

*system. Percentage targets have not been used. The Goals and Principles include selection and design principles such as inclusion of continuous depth transects, replication of features and accounting for connectivity corridors and biological dispersal patterns where feasible. Although the final marine reserves network proposal includes 36.4 per cent of Commonwealth waters, the socio-economic impacts on marine based industries and coastal communities has been assessed as being modest.*

*In 2010, Australia and the other parties to the Convention on Biological Diversity adopted what are known as the Aichi Biodiversity Targets. Target 11 is that ‘by 2020, at least...10 per cent of coastal and marine areas especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures...’. The Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters are designed to achieve a reserves network that meets the Convention’s objective that the reserves created should be ecologically representative. The existing marine reserves estate, while globally significant at around 10 per cent of Australia’s Exclusive Economic Zone, is not representative of all the ecological regions (provincial bioregions) around Australia.*

Comments questioning the conservation and protection purposes of the proposed reserves were received from a range of marine users. A comment common to many submissions from the recreational and charter fishing sectors was that there were no grounds for excluding their activities from Marine National Park (IUCN Category II) zones on the basis that they posed no identifiable threat to either biodiversity or conservation values more generally. A number of submissions from commercial fishing interests made similar comments, for example, in relation to the use of purse seine and pelagic longlines in fishing for skipjack tuna and for billfish and tuna respectively. The Northern Prawn Fishery Industry (NPF) submission made similar comments with respect to demersal trawling for prawns in Multiple Use (IUCN Category VI) zones.

### **Director’s Views**

*Comments in relation to exclusion from Marine National Park zones were raised and considered in earlier consultations. The EPBC Act (s.357 and s.367) requires that reserves be managed consistently with the Australian IUCN reserve management principles developed in accordance with s.348 of the Act. The IUCN reserve management principles for Marine National Park (IUCN Category II) zones have been interpreted consistently as providing high levels of protection by the exclusion of extractive activities. This interpretation of the reserve management principles has influenced the location of Marine National Park zones, in accordance with the requirement to minimise the socio-economic impacts of the reserve proposals. Hence where Marine National Park zones have been proposed on the continental shelf they have been restricted in size, while more scope has existed in offshore areas to zone larger areas as Marine National Parks.*

*The 2012 Guidelines for Applying the IUCN Protected Area Management Categories to Marine Protected Areas recommend that IUCN Category II areas should be ‘managed for “ecosystem protection”, but should also provide for visitation, non-extractive recreational activities and*

*nature tourism.... and research....'. The guidelines indicate that 'extractive use (of living or dead material) is not considered consistent with the objectives of Category II'.*

Comments critical of aspects of the consultation process were received from a range of interests. References to inadequate public exposure of the proposals, inadequate opportunities for the public to engage, representative bodies not reflecting all views within a sector, as well as concerns about the influence of lobbying groups and the information they promoted publicly were received.

#### ***Director's Views***

*The EPBC Act requires that proposed reserves be subject to at least a 60 day public comment period as part of the statutory Proclamation process. In addition to the statutory requirements, stakeholder interests have been engaged throughout the development of the marine reserves network proposal and the draft reserve network proposals were subject to 90 days of public consultation in each region between May 2011 and February 2012. Two hundred and forty-five meetings with stakeholders and members of the public were facilitated by the Department during this consultation and 566 377 submissions on the draft proposals were received and considered in finalising the network proposal.*



### **PART 6.3 – COMMERCIAL FISHING**

A total of 57 512 comments were received in relation to commercial fishing. Those from the conservation sector – mainly in the form of campaign submissions – either supported the proposed restrictions to commercial fishing within reserves or called for further restrictions.

The majority of the submissions related to this theme came from the commercial fishing industry, including from representative organisations, fisheries-specific organisations, fishing companies and individual operators. They expressed concern about the potential impacts on the commercial fishing industry, individual fishing businesses, the associated upstream and downstream industries and coastal communities. Australia's peak fishing industry organisations made a joint *Commercial Fishing Industry Submission*. The submitting organisations were the National Seafood Industry Alliance and the following associated organisations: the Commonwealth Fisheries Association, the Western Australian Fishing Industry Council, the New South Wales Seafood Industry Council, the Queensland Seafood Industry Association, Seafood Industry Victoria, Wildcatch Fisheries South Australia, the Northern Territory Seafood Council, Tasmanian Seafood Industry Council and the National Aquaculture Council.

One industry representative body from the East coast (the Professional Fishermen's Association) indicated the impact from the proposed reserves had been minimised and would be manageable. However, in general commercial fishing industry submissions were opposed to the Proclamation of the final Commonwealth marine reserves network proposal and claimed that the impacts of the proposed reserves on the commercial fishing industry had been significantly underestimated. Nonetheless, the industry submission indicated that the peak bodies supported the creation of marine reserves, as was evidenced by the proposals made by industry in each region during the consultations conducted on the draft proposed marine reserves networks. The industry commented that the failure to integrate or coordinate separate marine reserves development processes between the Australian and state and territory governments had created an additional engagement burden for industry. It also commented that more recognition should have been given to the conservation benefits of other closures, such as those under fisheries management arrangements.

Most industry submissions reiterated issues that had been raised during each of the five 90 day regional consultation processes undertaken between May 2011 and February 2012. These issues included:

- aspects of the regional socio-economic assessments undertaken by ABARES
- the adequacy of how fishing prospectivity (future fishing potential) had been considered (particularly for the East Coast Demersal Trawl Sector; the offshore snapper fisheries in the North region; the Northern Territory Trepang Fishery; the Eastern Skipjack Tuna Fishery in the Coral Sea and Temperate East regions and the Western Tuna and Billfish Fishery in the South-west and North-west regions)
- the policy and scientific basis for the development of the marine reserves network proposal and its implications for commercial fishing; and
- impacts of specific reserves on individual sectors or operators.

### **Director's Views**

*Each of the matters outlined above was considered by the Government in finalising the marine reserves proposal that has been subject to this Proclamation consultation process. The ABARES socio-economic assessments are discussed further below.*

*The issue of prospectivity was considered in the ABARES assessments. It recognised that prospectivity was a complex issue with a number of variables that affected how it was valued, including, for example, the expected abundance and quality of stocks; the expected costs of accessing, harvesting and transporting the stocks; and the expected market price at the time at which the stocks will be sold. Issues about prospectivity have been taken into account in each stage of the marine reserves identification process. It is recognised that to some extent access to prospective fishing areas and stocks, however measured and valued, may be affected by the Proclamation of some reserves, notwithstanding changes to boundaries and zoning of proposed reserves made in response to this issue.*

*The policy and scientific basis for the development of the marine reserves network is addressed elsewhere in this report. The policy foundation lies in the commitment of all Australian Governments in 1998 to establish the NRSMPA. This commitment derives from Australia's obligations under the Convention on Biological Diversity.*

*There is a wide body of scientific advice, supported by the literature, that the establishment and effective management of marine protected areas can and should play an important role in the conservation of biodiversity for the contribution they can make to the health and resilience of marine habitats and ecosystems, and the life they support. This in turn benefits society through the provision of a range of ecosystem services. However, it is also recognised that marine protected areas work alongside a range of other measures, including, for example, effective fisheries management and initiatives to reduce land-based sources of pollution, to sustain these ecosystem services.*

*The challenges faced by industry in having to engage simultaneously in both national and state/territory marine reserves identification processes are acknowledged. The conservation benefits of other area closures, such as those related to fisheries management, were considered in the marine reserves identification process and resulted in some areas in the reserves being proposed over areas already closed to fishing so as to minimise the impact on industry.*

The *Commercial Fishing Industry Submission* raised a number of issues in relation to pressures and risk. The industry stated that the risk assessment process undertaken for the reserve network proposal was incomplete, inconsistent in its consideration of risk and placed disproportionate emphasis on the fishing industry. It commented that the zoning for the proposed reserves allowed a range of activities for which the evidence suggested the risks were greater than those posed by commercial fishing. It cited the pressure assessments conducted as part of the marine bioregional planning program as demonstrating the risks posed by other activities, including defence operations, petroleum exploration and development and shipping, to conservation values in the proposed marine reserves.

The fishing industry expressed concern about the fishing gear risk assessments used by the Department to inform decisions about which fishing methods would be allowed to be used in IUCN Category VI zones/reserves. Industry was dissatisfied with the policy, methodology and process used, and the results of the assessment.

#### **Director's Views**

*The pressure assessments undertaken as part of the marine bioregional planning program will be taken into account in the future management of marine reserves. The majority of the non-fishing activities that may overlap with proposed reserves are localised and generally time-limited in comparison to fishing. For activities such as petroleum resources exploration and development, legislative impact assessment and approval provisions apply at the time the specific activity is proposed and include the consideration of risk at the site of the proposed activity. Where such activities are proposed to be conducted in marine reserves, the environmental impact assessment will need to take account of the values of the reserve so that any activity approved is undertaken consistently with the IUCN reserve management principles for the IUCN zone category in which it is located. While risk is assessed as a key aspect of fisheries management, ecological risk assessments generally are undertaken at a whole of fishery level. Marine reserves are smaller management units and it is appropriate to consider risk at this finer scale.*

*The assessment of the compatibility of fishing gear types with the biodiversity conservation objectives of the reserves (the fishing gear risk assessment) was conducted early in the network design process, so that areas important to fisheries operating gear types considered not compatible, could be avoided where possible. Exclusions were based largely on the potential impacts of these methods where there was no proven effective mitigation measure available. The fishing gear risk assessments were peer reviewed by independent scientists who supported the methodology as appropriate and the findings about compatibility of gear with reserves objectives as reasonable. While improvements to the work were suggested, the reviewers believed these would not have changed the findings.*

*There is an opportunity for ongoing consultation with industry and fisheries managers in relation to managing the risks of commercial fishing in marine reserves. Clarity will need to be provided about the future assessment process for fishing activities in marine reserves, given that in IUCN Category VI zones a range of fishing methods are allowed. An assessment framework should be developed so that sustainability innovation in fisheries is not discouraged by lack of certainty. This would help ensure that future decisions about new gear types and changes in fisheries practices are based on best available information and clear parameters that reflect marine reserves management objectives.*

A number of submissions contained comments about the way in which the interests of commercial fishers had been considered compared to those of other sectors. One submission, for example, commented that the location of Marine National Park (IUCN Category II) zones in the proposed marine reserves network in the North-west affected the fishing industry while avoiding impacts on the offshore petroleum industry. Similarly, in the North Marine Region the fishing industry commented that impacts for commercial fishers were significantly greater than those for the offshore petroleum and shipping sectors.



### **Director's Views**

*The wide geographic extent of commercial fishing means it is not possible to establish a marine reserves system without displacing some commercial fishing. The Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters have been applied with the aim of minimising impacts on the sector, while delivering on the key conservation objectives of the policy. This recognition is also embedded in the Government's 2011 Fisheries Adjustment Policy, the application of which is subject to ongoing consultation with the industry. The Department worked with the commercial fishing sector, fisheries management agencies and with ABARES in order to understand, and where possible to minimise the impacts on the commercial fishing sector in establishing the reserve system. Low levels of commercial fishing are displaced from the proposed North-west marine reserves network.*

*In identifying and selecting areas for inclusion in marine reserves in the North, North-west, South-west and Temperate East marine regions, areas of particular interest to the petroleum sector, including existing petroleum titles, areas released for petroleum exploration by the Government, and areas of medium to high prospectivity for hydro-carbons or as carbon storage reservoirs have largely been avoided.*

*Where avoidance of these areas was not possible in developing reserve networks that are representative of the habitats and ecosystems of each region, areas of interest to the petroleum sector have generally been zoned Multiple Use (IUCN Category VI) so as not to prohibit exploration and development. Some small Marine National Park zones, in which petroleum activities would be prohibited, have been included in areas of interest to the sector, although none intersect with existing permits or acreage releases.*

Some comments were received, including from commercial fishing interests, about the potential for other nations to gain access to Australia's fisheries resources as a result of the proposed marine reserves. These comments argued that under the United Nations Law of the Sea Convention, a nation's exclusive rights to the resources in its Exclusive Economic Zone are dependent upon resource utilisation and that the proposed reserves could result in other nations petitioning for access to under-utilised resources.

### **Director's Views**

*Australia's management of its Exclusive Economic Zone serves both economic and conservation objectives, which are inter-dependent. The biodiversity conservation objective for the proposed Commonwealth marine reserves network would help underpin the overall health and resilience of the marine ecosystems on which fisheries depend. The proposed reserves network does not exclude all commercial fishing. Consistent with the IUCN reserve management principles, many of the proposed reserves/zones would allow ongoing sustainable use of living resources where this is compatible with the primary objective of biodiversity conservation.*

A common theme in submissions from the commercial fishing industry and individuals was the relationship between the reserves network proposal and Australia's food security and the quality, availability and health importance of seafood available to Australian consumers. These

submissions also commented that the reserves would increase Australia's reliance on seafood imported from countries with poorer environmental and fisheries management standards.

#### **Director's Views**

*The displacement of catch likely to arise from the new marine reserves (estimated to be up to 1530 tonnes) is similar to or smaller than the seasonal variations in catch experienced by Australia's wild catch sector over the last two years for which data is available (decline of 9235 tonnes between 2007-08 and 2008-09 and decline of 921 tonnes between 2008-09 and 2009-10). The extent to which product sourced from the proposed marine reserves is consumed locally or exported is unclear. The estimates of catch displaced also do not take account of the potential for the industry to recover the lost supply in other areas where it is ecologically and economically sustainable to do so. Given these factors, the level of catch estimated to be displaced by the proposed reserves seems unlikely to have any significant impact on the supply chain either in Australia or overseas.*

The commercial fishing industry commented on what it described as the 'unquantified impacts' on the management of fisheries adjacent to marine reserves. The industry was concerned that the potential benefits of marine reserves to fisheries were being over-stated, that the extent to which fisheries would need to be adjusted (catch reduced) was unknown, and that where fisheries were reduced in scale, this would lead to higher management costs being paid by the remaining fishers. The industry suggested that the marine reserves should not be proclaimed until the flow-on effects to fisheries were understood. The industry said potential reductions in the scale of fisheries could reduce funding for and the capacity to engage in research and that the exclusion of fishers from some areas could disrupt industry research if it had been located in the closed areas, with the potential to affect key activities such as stock assessments.

#### **Director's Views**

*It is recognised that displacement of commercial fishing from marine reserves has potential flow-on effects in the fisheries from which effort is being displaced. The flow-on effects are best assessed by fisheries management agencies. While the displaced effort is estimated to be low for most affected fisheries, it may take 12 months or more for fisheries agencies to review management settings once the new reserves and zoning take effect. The Government is developing a fisheries adjustment assistance package to address displaced fishing and it has proposed this package would include effort removal where this is necessary on the advice of fisheries management agencies. It is acknowledged that the so-called 'spill-over' benefits of marine reserves for fisheries would not occur uniformly and would vary from reserve to reserve and species to species. Given the uncertainty at this time about the actual adjustment that would be required if the proposed reserves were established, it is difficult to assess the implications for future fisheries management costs or financial support for research.*

*The IUCN reserve management principles set out in the EPBC Regulations provide for research to be undertaken in marine reserves. This is discussed further in the Director's views on the proposed Gulf of Carpentaria Commonwealth Marine Reserve.*

The *Commercial Fishing Industry Submission* suggested there had been an inappropriate application of the precautionary principle in decision-making about the proposed marine reserves network. This concern related to Principle 20 of the *Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters* which indicates that a precautionary approach to threats should be taken when resolving the zoning of proposed reserves. The industry stated that the approach taken to the zoning and scaling of the proposed reserves was inconsistent with the definition of the precautionary principle and had resulted in a proposed reserves network that was substantially larger than was required.

The industry submission also suggested that a range of significant threats to marine biodiversity would not be addressed effectively by the creation of marine reserves. This included pressures such as climate change, resource use, land-based impacts (for example, nutrient and sediment run-off), invasive species and marine pollution.

### **Director's Views**

*The precautionary principle (or approach) was not applied in determining the scale of the proposed marine reserves network. Reserve scale contributes to meeting the objectives of adequacy and comprehensiveness in a 'comprehensive', 'adequate' and 'representative' reserves system. The Goals and Principles also influenced the scale of individual reserves as one of the principles is that whole seafloor features should be included where possible. Given that biodiversity conservation is the primary objective for all marine reserves, the use of a precautionary approach to zoning, that is, an approach that has a lower tolerance of risk, is appropriate.*

*The proposed marine reserves have not been established on the basis of dealing explicitly with the range of threats identified. The marine reserves are being established to protect representative samples of the diverse range of ecosystems and habitats found in Australia's waters and the life they support. They will help sustain the overall health and resilience of the marine environment, but ongoing endeavour is needed in other areas to address those threats that originate outside the marine reserves. This comment is addressed in more detail elsewhere in this report.*

One matter concerning commercial fishing that was raised in submissions both by industry and by the CPD was fisheries adjustment assistance. The *Commercial Fishing Industry Submission* expressed concern about the design and adequacy of the package and the lack of detail about the package, its implementation and the process of engagement of industry in its further development. The submission was critical that sufficient detail was not available during the public comment period on the Proclamation proposal. The CPD submission commented that based on the ABARES estimates the \$100 million to fund the package announced by the Government would appear generous. The CPD commented that the package should be implemented along the lines of the previous 'Securing Our Fishing Future' package.

### **Director's Views**

*This matter is being considered separately by the Government. The Minister for Sustainability, Environment, Water, Population and Communities and the Minister for Agriculture, Fisheries and Forestry on 14 June 2012 jointly announced that up to \$100 million would be made available to assist commercial fishers significantly affected by final Commonwealth marine reserves network proposal. The Government has committed to working with the commercial fishing industry in development of the Fishing Industry Adjustment Assistance Package (FAAP). A discussion paper outlining possible components and features of the package was released on 11 September 2012. The purposes of the proposed fisheries adjustment assistance package and the 'Securing Our Fishing Future' package are different. The latter was aimed at improving the overall economic and ecological sustainability of Commonwealth managed fisheries as part of a wider set of reforms in those fisheries. The provision of assistance in relation to the creation of marine reserves recognises that in the absence of such assistance, the cost of achieving the public good of biodiversity conservation will be borne disproportionately by the commercial fishing industry.*

The *Commercial Fishing Industry Submission* and some submissions from individual sector organisations and operators raised a number of matters that had not been included in submissions in the earlier consultation processes. These included comments relating to changes to proposed zoning and boundaries between the draft reserves networks (subject to the 90 day consultation) and the final proposals, as well as the identification of proposed new reserves that had not been included in draft network proposals. A key concern in relation to these changes was that the impacts associated with these changes would be borne differently by the industry; by different businesses and fisheries, and also at different levels by individually affected businesses. The industry also raised issues about potential implications for future management of the reserves should they be declared.

### **Director's Views**

*The rationale for conducting the 90 day consultation process was that doing so provided the Government with the flexibility to respond to comments made by the public. This has been the outcome, with reserve boundaries and zoning adjusted, and some proposed new reserves identified, in response to issues raised by the full spectrum of stakeholder groups. There have been changes that have reduced the displacement of commercial fishing activities in some areas, while in other areas changes have been made that have improved the overall conservation outcome. Overall, the level of fishing effort displaced is lower for the final proposed reserves than was the case for the draft proposed reserves. However, the distribution of displaced catch has changed geographically and between fisheries. These changes were assessed by ABARES and the ABARES reports were considered by the Government in making decisions on the final marine reserves network proposal.*

The majority of submissions from the commercial fishing sector questioned the adequacy of the socio-economic assessments undertaken by ABARES. A review by Ernst and Young (E&Y) commissioned by the industry organisations identified a number of matters that it and the industry argued should have been taken into account in the socio-economic assessments. Additionally, the industry/E&Y analysis questioned the appropriateness of using the value of catch displaced (Gross Value of Production (GVP)) as the key indicator of industry direct

impact. The E&Y analysis criticised this approach on two key grounds: firstly, that it may overstate the value of the fisheries to the industry as it does not “net off” the industry costs incurred in harvesting the resource; and secondly, that the assessment did not take into account a number of relevant factors that would have been considered if a cost/benefit analysis had been undertaken. These additional factors included: increased production costs/inefficiencies as a result of the reserves; lost surpluses to downstream businesses; and lost fisheries prospectivity. The analysis also argued that the costs would include the cost of implementation (adjustment assistance and future management), while noting that the benefits had not been estimated.

The *Commercial Fishing Industry Submission* commented that the combination of these issues resulted in the ABARES assessments underestimating the socio-economic impacts of the reserves proposal.

### ***Director’s Views***

*The ABARES reports provide a detailed appraisal of the social and economic effects of the proposed reserves on the commercial fishing industry. The assessments provided Government with a sound basis on which to make judgements about the likely socio-economic implications of the final marine reserve network proposal. It is noted that the E&Y critique of the ABARES assessment itself acknowledged that some of the alternative approaches it suggested for measuring impact may not be possible to apply. It did not make an estimate of these benefits.*

*The analysis undertaken by ABARES was not a full cost/benefit analysis of the draft and final Commonwealth marine reserves network proposals. ABARES was engaged by the Department to assess the level of displaced fishing catch (measured by tonnage and as GVP) and the likely displacement of economic activity in regional economies. The emphasis was placed on catch displacement because a key policy objective was to minimise direct impacts on the industry. Additionally, past experience in similar initiatives underscored the importance of understanding the level of catch displaced because this knowledge was essential for fisheries managers to be able to adjust the scale of affected fisheries so that they remained sustainable.*

*The social and economic assessments for each marine region employed a range of statistical analyses, social impact assessment and economic modelling to provide a variety of perspectives on potential impacts. ABARES drew on data from fisheries logbooks, a survey of fishing businesses, interviews and focus groups. ABARES worked closely with the commercial fishing sector and fisheries managers in Commonwealth and state fisheries agencies through dedicated industry liaison officers and working groups established in each marine region.*

*The assessments of each region examined large-scale aggregate impacts across the entire marine reserves network, as well as at a finer scale covering the potential impacts on towns, businesses and people. Case studies specific to each region are included. Assessments were undertaken in two stages that relate to the draft regional reserves networks released for public comment at various times during 2011 and 2012, and then the final proposed reserve networks released on 14 June 2012.*



*The surveys, focus groups and interviews identified a range of potential business, community and personal impacts relating to the draft marine reserves network in each region. ABARES concluded that the nature of those potential impacts and the broader issues exacerbating impacts identified for the draft network are likely to be analogous to those for the final proposed network.*

*The reports indicate that the extent of displacement varies between regions, but is generally low to moderate. The impacts on some fisheries, particularly in the Coral Sea, would be significant. The ABARES reports demonstrate that overall the level of catch displaced is less in the final proposed reserves than that which was assessed for the original draft reserves. However, the reports noted that some impacts would be borne disproportionately by some fisheries, businesses, communities and individuals.*

The criticisms of the ABARES analysis reflected in the *Commercial Fishing Industry Submission* were also made in a number of submissions from commercial fishing businesses. These raised concerns about the impact on the reserves proposal on the value of a range of property rights, including statutory fishing rights, and on capital assets, including investments made on the basis of anticipated future returns from commercial fishing. One fishing business suggested that due to the scale of the impacts on its operations, an investment warning should have been provided in relation to the potential impacts of the proposed reserves in the Temperate East region on the East Coast Deep Water Trawl sector.

#### ***Director's Views***

*The potential implication of the proposed marine reserves network for asset values is difficult to assess. Asset value issues are complex given the normal volatility of entitlement values and the many other factors that influence them, but are capable of being addressed through the design of the fisheries adjustment assistance package.*

*Generally fisheries investment warnings warn potential or existing investors that any future catches or investment in a fishery from a particular date will not be taken into account in later processes for allocating fishing rights or assessing applications for future access entitlements following implementation of any new management arrangements or the like. While such an approach is not relevant in the context of marine reserves, publication of and consultation on the areas for further assessment, initial draft marine reserve networks and proposed final marine reserve networks have served to flag the future intentions of the Government to establish marine reserves networks.*

The *Commercial Fishing Industry Submission* included an assessment of the RIS accompanying the final Commonwealth marine reserves proposal by Professor Daryl McPhee of Bond University. The submission questioned the adequacy of the RIS when assessed against the guidelines established by the Office of Best Practice Regulation (OBPR). The submission/assessment contained two main areas of criticism: firstly, the underlying rationale for the proposed reserves (the so-called 'problem definition') and the justification for them as an acceptable approach; and secondly, the approach taken to assessing the impacts of the proposal (that is, both costs and benefits).

### **Director's Views**

*The Director's views on the assessment approach are outlined above in the comments on the adequacy of the ABARES assessments. The RIS was developed in accordance with guidance provided by the OBPR and has been accepted by that agency as fulfilling the Government's administrative and decision-making requirements.*

*The RIS took as its starting point the Government's commitment to establish the NRSMPA in Commonwealth waters by the end of 2012. The development of the NRSPMA has been an objective of consecutive Australian Governments since agreement was first reached in 1998 between the Australian, state and territory governments to establish it. These commitments give effect to international obligations under the Convention on Biodiversity, but also represent an approach to biodiversity conservation that is widely supported by marine scientists and for which the benefits are evidenced in the scientific literature. In this context, it was concluded that an extensive discussion of the marine biodiversity conservation problem and potential solutions was not required. The options considered in the RIS for the establishment of the NRSMPA in Commonwealth waters were the original draft proposed marine reserves and the proposed final marine reserves. Both options satisfied the Government's policy objectives. Based on the ABARES assessments, the option approved by the Government has reduced socio-economic impacts, while also delivering a stronger conservation outcome against the Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters.*

Comments were received that suggested trawling should not be permitted in any reserves, and that fishing should not be permitted in important breeding areas such as those for grey nurse shark. Conversely, comments proposing the inclusion of a Special Purpose (IUCN Category VI) zone in which trawling would be permitted in the North region were received.

### **Director's View**

*The zoning in the proposed reserves does not permit trawling other than in a small area within the Coral Sea Marine Reserve and within a Special Purpose (IUCN Category VI) zone in the Temperate East region which has been proposed in order to reduce impacts on the fishing industry. Decisions about the fishing gear permitted in reserves has been determined on a region by region basis, taking into consideration the reserve's zoning (and the Australian IUCN management principles for the reserve), the outcomes of fishing gear risk assessments and the objective of minimising the reserves network's socio-economic impacts.*

### **Impacts on the commercial fishing industry arising from specific reserves**

Reserve specific issues were raised mostly in submissions prepared by sectoral organisations or individual operators. The comments listed below pertain to individual reserves. In some cases the issues raised relate to changes made following the 90 day public consultation process in response to issues raised by stakeholders, including the identification of proposed new reserves that were not included in the original proposals. In other cases the issues raised are a reiteration of comments received during earlier stages in the marine reserves identification process.

Proposed **Bremer** and **Eastern Recherche** Reserves (South-west region) and proposed **Kimberley** Reserve (North-west region) – Far West Scallops holds a number of trawl licences in the North-west and South-west marine regions. The company indicated that the impacts on

its business in the South West Trawl Managed (Zone B) and Kimberley Prawn fisheries are small and ‘on the margins of the company’s business’. However, the company commented that the reserve proposals would limit the future productivity of its business and impact on the company’s future viability. Much of this impact is related to the highly variable spatial and temporal settlement patterns of scallops. Far West Scallops suggested alternatives to permanent closures. The company was not satisfied with the process or outcome because the impacts increased from a very low level in the draft reserves network to a much higher level under the final proposal.

#### **Director’s Views**

*The design of these reserves was informed by available information on the patterns of scallop fishing over a number of years. The sizing and location of the reserves aimed to minimise impacts on the scallop trawl and prawn trawl fisheries by avoiding historical scallop grounds and areas understood to be important for the Kimberley Prawn Trawl Fishery. Non-permanent, or temporary, closures are not a type of zone recognised in the Australian IUCN reserve management principles, as embedded in the EPBC Regulations. Temporary management arrangements, involving different levels of restrictions on certain activities at different times, have been implemented in some instances in the existing Commonwealth marine reserves, for example, to ensure greater protection at times when a species’ vulnerability to disturbance is higher. These arrangements are considered in the context of the development and implementation of management plans. Any extraction of living resources would not be permitted – even on a seasonal or temporary basis – within Marine National Park (IUCN Category II) zones, in line with the IUCN Guidelines (2012) and the management principles in the EPBC Regulations 2000.*

Proposed **Gulf of Carpentaria** Reserve (North region) – The NPFI submission commented on impacts of the proposed Gulf of Carpentaria Marine Reserve on on-going research activities it described as critical. It stated that the proposed reserve encompasses monitoring sites for annual recruitment and spawning surveys that support the harvest strategy. Surveys are undertaken at two sites in the proposed reserve by Northern Prawn Fishery (NPF) vessels under commercial fishing operation conditions (during the seasonal closures) to establish recruitment and spawning indices for banana and tiger prawns. The submission stated that the monitoring sites have been used for nine years and that the bio-economic model on which the management of the fishery is based would be compromised if they could not continue to be used. Benthic surveys to monitor the ecosystem effects of trawling have also been undertaken within the area of the proposed Gulf of Carpentaria Marine Reserve. The NPFI said the surveys measure the rate of depletion of seabed organisms following exposure to known trawling intensities, and the recovery rate of seabed biota. This made them critical to determining the spatial and temporal extent of overall fishing effort at a fine scale and to helping develop an NPF trawl simulation model to evaluate alternative options for achieving environmental and fisheries objectives. The proposed Gulf of Carpentaria Marine Reserve also would encompass one of the NPF gear trial areas used by industry to test trawl gear prior to the commencement of the fishing season.



### **Director's Views**

*It is acknowledged that monitoring sites for annual recruitment and spawning surveys that have been used for almost a decade play an important role in the management of the Northern Prawn Fishery. The IUCN reserve management principles set out in the EPBC Regulations provide for research to be undertaken in marine reserves. Consideration could be given in the management plan for the North Network of Commonwealth marine reserves permitting continued access to those sites within the Gulf of Carpentaria Reserve for this purpose. Similarly, in regard to the sites used for surveys to identify and monitor the effects of trawling on the seafloor environment, consideration could be given in the development of the management plan to allowing continuing access to these sites, including consideration of whether current and future alternatives exist. While acknowledging the importance to the industry of gear trials prior to the commencement of each fishing season, alternatives to those sites currently used within the proposed Gulf of Carpentaria Marine Reserve are likely to exist.*

Proposed **Eighty Mile Beach** Reserve (North-west region) – The Australian pearling industry has described this area as being the last remaining sustainable and commercially viable wild stock of pearl oysters in the world. As such, the industry identified continued access to the fishery as being of fundamental importance to the ongoing viability of the industry. While the proposed Multiple Use (IUCN Category VI) zoning for the Eighty Mile Beach Commonwealth Marine Reserve would allow drift diving (the method by which wild pearl oysters are collected), the industry is concerned about potential restrictions to ancillary activities that are vital to the operation of the industry. These ancillary activities include holding sites for pearl oysters, the seeding of pearl oysters, resting and attending seeded pearl oysters in holding sites and the cleaning of oysters (activities which require the passage and mooring of vessels and the use of seaplanes).

### **Director's Views**

*Pearling activities are consistent with Australia's IUCN Management Principle in relation to IUCN Category VI Multiple Use reserves. The concept of class approvals for classes of activities in marine reserves has been introduced through the draft management plan for the South-east Marine Reserves Network. The potential application of class approvals for pearling would be appropriately considered in the management planning process for the North and North-west marine reserve networks. Options capable of providing flexible and effective management with long-term certainty for industry, either under the management plan framework or ancillary to it, can be explored with the pearling industry.*

Proposed **Kimberley** and **Roebuck** Reserves (North-west region) – Similarly to the Eighty Mile Beach Reserve, the pearling industry is concerned about arrangements for establishing new pearling leases within marine reserves and about the potential impacts on holding or grow-out areas across the North and North-west regions, but particularly in the proposed Kimberley and Roebuck Reserves.

### **Director's Views**

*The Director's views are the same as those regarding the proposed Eighty Mile Beach Reserve.*

Proposed **West Cape York** Reserve (North region) – The Gulf of Carpentaria Commercial Fishermans Association and individual operators have requested the inshore component of the Multiple Use (IUCN Category VI) zone be zoned Special Purpose to allow access to net fishers in the grey mackerel fishery. The group's concern arises from exclusion from future fishing areas as a result of the marine reserves process as well as the proposed extension to a Rio Tinto bauxite mine.

***Director's Views***

*The introduction of Special Purpose zoning, which was not included in the draft reserve proposal, was intended to minimise what would have been significant impacts on the offshore component of the Queensland managed Inshore Finfish Fishery (net) and any potential flow-on effects within fishing dependent communities in the Gulf of Carpentaria. The proposed reserve overlaps only marginally with the inshore component of the fishery. The location, size and zoning of the reserve were the result of consultation with a broad range of stakeholders and assessment of the impacts on commercial fishing, including consideration of the implications for fishing-dependent communities.*

Proposed **Lord Howe** Reserve (Temperate east region) – A submission received from a fishing business did not agree with the extension to the existing Middleton Reef Marine Reserve because the Marine National Park (IUCN Category II) zone would exclude the East Coast Demersal Trawl Fishery. The company indicated that the socio-economic assessment significantly under-estimated the potential impact on the business. The submission also noted that the Temperate East Marine Reserves Network zoning tables did not identify the status of mid-water trawling and therefore questioned the administrative fairness of the fishing gear assessment that fed into the zoning tables.

***Director's Views***

*There have been changes made as a result of the consultation on the draft marine reserves network proposal that have reduced the displacement of commercial fishing activities in some areas, while in other areas changes have been made that have improved the overall conservation outcome. Overall, the level of fishing effort displaced is lower for the final proposed reserves than was the case for the draft proposed reserves. Mid-water trawl was assessed as part of the fishing gear risk assessment relevant to the Temperate East marine region. The final proposal for the Temperate East Marine Reserves Network allows mid-water trawl to continue in the Special Purpose (IUCN Category VI) zone, Multiple Use (IUCN Category VI) zone and Habitat Protection (IUCN Category IV) zone. This will be reflected in the zoning scheme within the management plan for the Temperate East marine region.*

## **PART 6.4 – RECREATIONAL FISHING**

A large number of comments were received in relation to recreational fishing issues in the proposed marine reserves. The substantial majority of these (9355 or 99.5 per cent) were campaign submissions coordinated by recreational fishing organisations under the banner *Don't Lock Us Out*. The standard text of the submissions received under the *Don't Lock Us Out* banner changed through the course of the public comment period. The key points made by these submissions were initially:

- Concern that five million Australians anglers could be prevented from fishing in large areas without any sound scientific or socio-economic justification
- The importance of the recreational fishing sector to the national economy and coastal communities as a large employer and source of income
- Australian anglers caring for the environment and on this basis questioning the rationale for excluding them from marine reserves; and
- Multiple socio-economic benefits of recreational fishing, including their presence providing a practical and cost effective way of ensuring Australian marine reserves are effectively protected.

### **Director's View**

*All comments above, submitted as part of the recreational fishing campaign, appear to be based on the misapprehension that the final Commonwealth marine reserves network proposal would result in significant restrictions on access to Commonwealth waters by recreational fishers. Under the proposed zoning, recreational fishing would be excluded from highly protected Marine National Park (IUCN Category II) zones, which are mostly located far offshore or away from key access points used by recreational fishers, such as boat ramps. The reserves are in Commonwealth waters, which generally start three nautical miles from shore, but can be much further out in some areas where the boundary between state and Commonwealth jurisdiction is set around the furthest most islands from the mainland. While the power and reach of recreational fishing vessels is increasing, a substantial proportion of recreational fishing is undertaken in state waters.*

Later in the public comment period the 'Don't Lock Us Out' campaign text was modified to make the following key points:

- The final Commonwealth marine reserves network proposal would exclude fishing families from popular fishing waters forever, based on conservation objectives that were not based on science. Access should be maintained for future generations
- The development of marine conservation strategies must recognise frameworks already in place for the management of sustainable fisheries. Any controls developed in marine reserves must be complementary to, rather than seeking to replace, existing management arrangements
- Concern about the proposed closure of key recreational fishing areas of value and importance to the community. The areas include:

- Marion Reef, Kenn Reef, Vema Reef, Shark Reef and Osprey Reef in the Coral Sea
- Geographe Bay and the Rottnest Trench (Perth Canyon CMR proposal) in the proposed South-west Commonwealth marine reserves network
- Dampier Reserve in the proposed North-west Commonwealth marine reserves network; and
- Areas should not be closed unless it can be demonstrated via credible science that the activities of recreational fishers posed an unacceptable risk to the marine environment.

Submissions were also received from recreational fishing representative bodies and individuals. They commented that the network proposal would significantly and adversely affect recreational fishers' access to Commonwealth waters throughout Australia. Most submissions received commented that adverse impacts on recreational fishers had not been considered in finalising the network proposal or had been underestimated, while one comment called for a parliamentary inquiry into how changes were made between the draft and final network proposals.

Some comments suggested that recreational fishers should receive compensation including reimbursement for gear and vessels that would no longer be used.

Comments were also received on individual reserves.

#### **Director's Views**

*Comments that existing fisheries management arrangements negate the need for marine reserves may misunderstand the basis of the NRSMPA policy and the rationale for establishing the proposed networks (this is also considered in 6.2). The purpose of the marine reserves network is not to manage specific activities or mitigate specific threats. A representative system of marine protected areas is intended to set aside for the primary objective of biodiversity conservation, examples of the biological diversity of the marine environment, that is, its species, communities, habitats and ecosystems. It is recognised that representative systems of protected areas must work alongside other management measures focused on managing specific activities: there is increasing evidence that the combination of such measures is effective in maintaining ecological resilience and protecting biological diversity over time.*

*The boundaries and zoning of the final Commonwealth marine reserves network proposal have been the subject of careful consideration and consultation over a long period. Adverse comments specific to particular reserves related to changes made late in the process which, in some cases, had not been subject to the same degree of consultation. These include some reefs in the Coral Sea, the Dampier Marine Reserves and the introduction of Marine National Park zones in Geographe and Perth Canyon Marine Reserves. Notwithstanding the introduction of these areas late in the process, the overall impact on recreational fishing access remains small.*

*Marion, Kenn, Vema, Shark and Osprey reefs in the Coral Sea Marine Reserve – The design of the proposal for these reefs reflects the clear intent to allow game, charter and recreational*

*fishing to continue to occur close to these reefs while providing high level protection to the reef environments.*

*Geographe and Perth Canyon (the Rottnest Trench) Reserve proposals in the South-west region – The size and location of these highly protected zones reflects an intent to provide high level protection to key ecological features included in the network, while seeking to minimise impacts on recreational and game fishing. It is recognised that there will be some impacts. In the proposed Perth Canyon Reserve, the smaller Marine National Park zone is located some kilometres away from the closest Fish Aggregating Device, while the larger Marine National Park zone has been located west of a longitude nominated by game fishing representatives as bounding the area of important game fishing activities. In relation to Geographe Bay, the two Marine National Park zones have been sized so that any impact on access to recreational fishers is minimised.*

*Dampier Reserve in the North-west region – The majority of the proposed reserve is zoned Habitat Protection zone (IUCN Category IV) in which recreational fishing would be permitted.*

*The recreational fishing community, in light of the contribution it makes to understanding marine species (for example, through mark-recapture programs) and to protecting the marine environment, represents a valuable partner in contributing to the sound management of Australia's oceans and of the marine reserves in which it operates. On-going engagement with this sector, particularly in those parts of the networks where high level protection occurs in waters close to important recreational fishing locations, has the potential to deliver benefits for biodiversity conservation.*

*The suggestion for a parliamentary inquiry is a matter for the Parliament to consider.*

Almost all recreational fishing sector submissions suggested that recreational fishing had minimal impact on the marine environment and on this basis argued that recreational fishing should be allowed in Marine National Park (IUCN Category II) zones. In particular, the Australian Recreational Fishing Foundation (ARFF) submission commented that there was no valid legislative, scientific, economic or social reason why recreational fishing should be excluded from any IUCN Category II zones. This submission also commented that the Director of National Parks has the regulatory power through a determination to allow recreational fishing in IUCN Category II zones.

Comments were also received supporting wilderness fishing areas (in which catch and release fishing only would be permitted), and spear fishing while free diving as a sustainable and controlled fishing method. There was also a request for consistency with state and territory recreational fishing rules rather than rules specific to Commonwealth marine reserves.

### **Director's View**

*Catch and release fishing and spear fishing while free diving are types of recreational fishing that are allowed in a range of zones categorised as IUCN IV and VI. However, recreational fishing activities generally are not allowed in IUCN Category II Marine National Park zones (noting that for historical reasons recreational fishing is allowed in the Commonwealth waters*



*component of the Ningaloo Reef Marine Park). The EPBC Act (s.357 and s.367) requires that reserves be managed consistently with the Australian IUCN reserve management principles developed in accordance with s.348 of the Act. Since commencing the identification of representative networks of marine reserves in the South-east Marine Region in 2004, the IUCN reserve management principles for Marine National Park (IUCN Category II) zones have been interpreted consistently as providing high levels of protection with the exclusion of extractive activities. This interpretation of the reserve management principles has influenced significantly the location of Marine National Park zones, in accordance with the requirement to minimise the socio-economic impacts of the reserve proposals. Hence, where Marine National Park zones have been proposed on the continental shelf they have been restricted in size while more scope has existed in offshore areas to zone larger areas as Marine National Parks.*

*It is agreed that consistency with state and territory recreational fishing rules is important in ensuring clarity, awareness and compliance within marine reserves. State and territory laws around bag limits and size restrictions generally apply in Commonwealth waters and existing Commonwealth reserves. This approach should be continued in the development of future management arrangements for recreational access to Commonwealth marine reserves.*

Some submissions commented that the consultation process in developing the final reserves network proposal had been inadequate and had failed to engage many people with a direct interest in the Commonwealth marine environment. Some submissions criticised the changes between the draft reserves proposals and the final network proposal. The comments noted that the draft proposal purported to meet the Government's goals and principles for reserve identification and questioned the rationale for changes in the final network that reduced access by recreational fishers to some areas.

#### ***Director's Views***

*The final marine reserves network proposal is the culmination of extended consultation with a broad range of stakeholders and interests. Changes between the draft and final proposals in particular, reflect the consideration of issues raised during the 90 day public consultation period undertaken in 2011 and early 2012 in each of the five marine regions.*

Some submissions commented about downstream impacts on coastal communities resulting from restrictions on recreational fishers. It was commented that fewer recreational fishers would visit coastal communities and that this could have a significant impact on local economies, particularly those with a level of reliance on seasonal tourism associated with recreational fishing such as Karumba, Weipa and Cairns.

#### ***Director's Views***

*Community concerns about the potential impacts on businesses that support the recreational fishing sector are noted. However, these effects would appear likely to be limited and isolated based on the information discussed elsewhere in this report about the limited extent of accessible areas from which recreational fishing is proposed to be excluded.*

The submissions coordinated through the Boating Industry Alliance Australia (BIAA) commented that the final Commonwealth marine reserves network proposal will impact

Australians' enjoyment of the oceans and their ability to utilise the resources of the seas in a sustainable way. The submissions also suggested that the proposal would not meet the objective of protecting Australia's marine environment.

The BIAA coordinated submissions also stated that 'the consultation process does not uphold the guidelines set out in the OECD code for public consultations, particularly with regard to transparent negotiations and sufficient and effective community engagement'.

The BIAA submissions also commented critically on the RIS and the ABARES socio-economic assessment, suggesting the latter did not address impacts in detail, including by the omission of an assessment of impacts on recreational uses.

### ***Director's Views***

*Recreational fishing would be allowed in all zones in the proposed marine reserves except Marine National Park (IUCN Category II) zones. Areas important to recreational fishers have largely been avoided in locating Marine National Park (IUCN Category II) zones and a majority of these areas are far offshore or remote from access points such as boat ramps. Two thirds of the proposed reserves are zoned to allow recreational fishing.*

*The EPBC Act requires a public comment period of at least 60 days on the proposal to proclaim the final marine reserves network. The marine reserves network was developed as part of the Government's marine bioregional planning program, which included undertaking public consultation on draft network proposals for 90 days in each marine region between May 2011 and February 2012. Given the divergent views among stakeholder groups about marine reserves, it is unlikely that negotiation could have led to a marine reserves network that satisfied the expectations of all groups.*

## **PART 6.5 – CHARTER AND GAME FISHING**

Thirteen comments were received about charter and game fishing activities. The majority of the comments related to this theme came from the charter and game fishing sector, including from Australian and international game fishing representative organisations, and individual charter fishing operators. In general, these submissions were opposed to the Proclamation of the final Commonwealth marine reserves network proposal. Although critical of the Coral Sea Reserve proposal and of aspects of the North-west and South-west reserve networks, the Australian National Sportfishing Association (ANSA) submission also commented that ‘generally speaking the ANSA has no problems with the proposed bio regional locations within the network or the zoning’ with respect to the Temperate East and North reserve networks.

A number of other submissions, mostly from the conservation sector, either supported the final marine reserve proposal or called for further restrictions, including in relation to charter and game fishing, to increase the levels of protection.

Most submissions received commented on issues that were previously raised during each of the five 90 day regional consultation processes undertaken between May 2011 and February 2012. These issues were:

- the policy and scientific basis for the development of the marine reserves proposal that restrict recreational fishing activities
- the level of impact game fishing has on the marine environment
- aspects of the socio-economic assessment undertaken by ABARES
- the potential impact of ‘negative publicity’ on regional tourism businesses and support industries
- the influence of what were described as ‘foreign-funded’ environment lobby groups on the development of the marine reserve proposals; and
- the potential impacts of specific reserves on individual operators.

### ***Director’s Views***

*Each of the matters outlined above was considered by the Government in finalising the marine reserves proposal that has been subject to this Proclamation consultation process.*

*The policy foundation for the marine reserves network proposal lies in the commitment of all Australian Governments in 1998 to establish the NRSMPA. This commitment derives from Australia’s obligations under the Convention on Biological Diversity. There is a wide body of scientific advice, supported by the literature, that the establishment and effective management of marine protected areas can and should play an important role in the conservation of biodiversity for the contribution they can make to the health and resilience of marine habitats and ecosystems, and the life they support. This in turn benefits society through the provision of a range of ecosystem services. However, it is also recognised that marine protected areas work alongside a range of other measures, including, for example, effective fisheries management and initiatives to reduce land-based sources of pollution, to sustain these ecosystem services.*



*ABARES was commissioned by the Department to assess the impacts of the marine reserves network on commercial and charter fishing. The assessment looked at both the direct and indirect impacts of the proposed marine reserves networks on the fishing industry – including possible impacts on the communities that rely on these industries for jobs and economic activity.*

*ABARES worked with representatives of the charter fishing sector and state fisheries managers in each region to consider impacts on this sector. The potential impacts on the charter industry are more difficult to quantify than on the commercial fishing sector due to the variance in reporting requirements across the managing agencies and that the value of the charter industry is not connected to the weight of fish caught. Where available, ABARES drew on data from charter fisheries logbooks and also undertook surveys of individual charter fishing operators, interviews and focus groups. Charter fishing case studies were also undertaken for the South-west and Coral Sea regions.*

*ABARES estimated that the charter fishing potentially displaced by the final proposed Coral Sea Marine Reserve was likely to be smaller than under the draft marine reserve. However, it indicated there may be additional localised impacts because of the increase in area of the Marine National Park zone around Shark and Osprey reefs, and the addition of a Marine National Park zone around Bougainville Reef.*

*The zoning in the proposed Coral Sea Marine Reserve would remove some forms of commercial fishing from the region adjacent to the Great Barrier Reef Marine Park (GBRMP), while allowing continuing access for game, charter and recreational fishing. The areas of most importance for game fishing are adjacent to the GBRMP and these areas remain open for charter and game fishing. While it is recognised that some relatively lightly fished but iconic reefs are proposed to be included in highly protected Marine National Park zones, there may be an overall improvement in sports fishing opportunities that improve the attractiveness of the combined Great Barrier Reef and Coral Sea region to game fishers in Australia and overseas. The way the potential fishing experience is marketed is a matter for the industry and tourism authorities.*

*Overall, it is unclear whether the final Commonwealth marine reserves network proposal, or changes to the fishing grounds charter and game fishers can use will affect the quality of the fishing experience individual operators can provide and therefore the effects on these businesses.*

In addition to the comments above, sector submissions received reiterated issues regarding the Coral Sea Reserve proposal that had been raised during each of the five 90 day regional consultation processes undertaken between May 2011 and February 2012. These issues were:

- concerns that over 50 per cent of the reserve proposal proposed to be zoned Marine National Park (50.8 per cent in the final proposal compared with 51.3 per cent in the draft proposal) is too high;
- continued access to Mellish and Kenn reefs;

- continued access for trolling between Cairns and Papua New Guinea;
- questions about the need for the reserve given the area's remoteness and relatively low use;
- the implications for charter and game fishers of limiting commercial long-line operations in the Coral Sea; and
- the scope and implementation of a fisheries adjustment package.

### **Director's Views**

*The Coral Sea is recognised for its rich biodiversity, unique physical features and important heritage values. The Coral Sea is one of the last remaining areas of the world's oceans where large-scale and biologically rich ecosystems remain relatively intact. It also provides refuge for a wide range of threatened, migratory and commercially valuable species under serious threat elsewhere. Compared to the majority of Australia's marine estate, human use within the Coral Sea is relatively low due to its remote and isolated location. Some submissions have commented that this low level of pressure demonstrates that existing commercial activities should be allowed to continue because they do not pose a threat to the environment. The alternative proposition put in other submissions is that it is the absence of such pressures that provides the opportunity to secure ongoing protection to the large scale ecosystems of the Coral Sea with relatively low socio-economic effects.*

*Comments in relation to exclusion from Marine National Park zones and continued access to Mellish and Kenn reefs and access for trolling within the proposed Marine National Park zone adjacent to the edge of Australia's Exclusive Economic Zone were raised and considered in earlier consultations. Charter and game fishing would be allowed in all zones in the proposed marine reserves except Marine National Park (IUCN Category II) zones. Areas important to charter and game fishers have largely been avoided in locating Marine National Park (IUCN Category II) zones and a majority of these areas are far offshore or remote from access points such as boat ramps. Two thirds of the proposed reserves are zoned to allow recreational fishing (including charter and game fishing).*

*The charter and game fishing case study in the ABARES assessment indicates that some charter and game fishers in the Coral Sea engage with commercial fishers operating in the area to help locate target species for their clients. It is unclear whether the final Commonwealth marine reserves network proposal will have a long term impact on the successful targeting of species by the charter and game fishing sector.*

*Comments about the scope and implementation of a fisheries adjustment package are being considered separately by the Government.*

Submissions from the charter and game fishing sector also raised a number of issues that had not been included in submissions in the earlier consultation processes. These included comments relating to changes to proposed zoning and boundaries between the draft reserves networks (subject to the 90 day consultation) and the final proposals, as well as the identification of proposed new reserves that had not been included in draft network proposals. A key concern in relation to these changes was that the impacts associated with these changes would be borne

differently by the sector and also at different levels by individually affected businesses. The sector also raised issues about potential implications for future management of the reserves should they be declared.

#### ***Director's Views***

*The rationale for conducting the 90 day consultation process was that doing so provided the Government with the flexibility to respond to comments made by the public. This has been the outcome, with reserve boundaries and zoning adjusted, and some proposed new reserves identified, in response to issues raised by the full spectrum of stakeholder groups. There have been changes that have reduced the displacement of charter and game fishing activities in some areas, while in other areas changes have been made that have improved the overall conservation outcome and may have negative effects on the sector. Overall, the potential impact on charter and game fishing effort is comparable with the draft proposed reserves. However, the potential impact has changed geographically.*

*There will be scope in the development and implementation of management plans to work with the recreational, charter and game fishing sector at the regional level to identify how to accommodate recreational fishing interests, while ensuring the reserves are managed with the relevant IUCN reserve management principles for each type of zone as set out in the EPBC Regulations.*

Some sector submissions commented that the establishment of a recreational fishing trust fund by the Commonwealth could offset the impacts on charter and recreational fishing. The Cairns Professional Game Fishing Association and others commented that such a fund should be administered by recreational fishers and should be used to support communication and education programs, fish stocking and recovery, tag and release programs, research activities, the development of artificial reefs and installation of fish aggregation devices.

#### ***Director's View***

*Comments pertaining to establishment of a recreational fishing trust fund are outside the scope of this report.*

The American Sportfishing Association submission noted that a potential knock-on effect of Australia's establishment of new marine reserves is other nations restricting access for game fishing.

#### ***Director's Views***

*The Australian Government has committed to establishing a NRSMPA in order to meet commitment we share with other nations as a signatory to the Convention on Biological Diversity. What other nations may do in relation to the management of the oceans under their jurisdictions is not relevant to the Proclamation of marine reserves in Australia's waters.*

#### **Impacts on the charter and game fishing arising from specific reserves**

Reserve specific issues were raised mostly in submissions prepared by sectoral organisations or individual charter operators. The comments listed below relate to individual reserves, the final proposed design of which in some cases represents a change that came late in the planning

process and over which, as a result, there had been less consultation. Others raised issues over which there had been limited consultation with relevant stakeholders:

#### *Proposed Coral Sea Marine Reserve*

The submissions received from sectoral organisations and individual charter operators sought continued access for charter, game and recreational fishing to those reefs where the zoning changed from the draft proposal to the final proposal. They commented on the increase in the proportion of Coral Sea reefs included in Marine National Park (IUCN Category II) zones in the final Coral Sea proposal. The submissions commented that the proportion of reefs in highly protected zones in the final proposal was beyond that required to ensure protection of this habitat. The reefs that changed zoning from the draft proposal to the final proposal include Marion, Osprey, Shark, Vema and Bougainville reefs. A submission from a Coral Sea charter fishing operator commented that access to the lagoons at Marion Reef was essential for shallow water pelagic fishing and another operator commented that Osprey, Shark, Vema and Bougainville reefs were important reefs for line fishing and the safe undertaking of spear fishing. A number of submissions from Australian and international recreational and game fishing bodies including the Cairns Professional Game Fishing Association, the American Sportfishing Association and the Billfish Foundation commented that further restrictions on access to reefs in the Coral Sea would result in international recreational fishers looking to international locations other than Australia as a fishing destination.

Comments received on this issue in other submissions (mostly from the conservation sector), advocated for the extension of Marine National Park (IUCN Category II) zoning around Marion, Osprey, Shark, Vema and Bougainville reefs to include the whole of the reefs and seamounts and for Marion, Frederick and Wreck reefs to also be included in a Marine National Park zone. The Association of Marine Park Tourism Operators (AMPTO) argued for more protection of the north-western corner of Osprey Reef to ensure that sharks in this area, which attract divers from all over the world, are not impacted by fishing immediately adjacent to the dive site. However, AMPTO also indicated game fishing should not be restricted other than at Osprey Reef.

A number of comments were received on allowable activities in different zone types, mostly from the Queensland Game Fishing Association and individual charter operators. The proposed restriction of ‘one line, one hook when line fishing and three lines when trolling’ that would apply in the Conservation Park (IUCN Category IV) zone were described as unnecessary and unwarranted. Some alternatives were suggested, for example, seeking a return to ‘catch and consume’ areas (as had been proposed for Habitat Protection (IUCN Category IV) zones in the draft proposal) or ‘pelagic only’ fishing areas combined with the capping of charter fishing activities at current levels.

#### ***Director's Views***

*The final Coral Sea Marine Reserve proposal improves the level of protection for the high conservation values of Bougainville, Shark, Osprey, Vema and Marion reefs through their inclusion in a Marine National Park (IUCN Category II) zone. The boundaries of the Marine National Park zones maintain fishing access to the deep water on the western side of Shark, Osprey and Vema reefs and around Marion Reef in recognition of the importance of these reefs*

*for the recreational, charter and game fishing sectors while providing high level protection to the reef environments. It is in these ‘near reef’ waters that the majority of recreational, charter and game fishing is understood to occur. It is recognised that the proposed zoning for these reefs will preclude spearfishing, shallow water pelagic fishing and fishing for reef species, including where visiting vessels are moored overnight.*

*The inclusion of the Conservation Park (IUCN Category IV) zones (mirroring arrangements in the GBRMP with its associated fishing restrictions of one line, one hook for line fishing and three lines when trolling) was made in response to comments received on the draft Coral Sea Reserve proposal. The draft proposal had included Habitat Protection zones (IUCN Category IV) in which catch and release fishing (or catch and consume on the trip) would be allowed.*

Two submissions (Cairns Professional Game Fishing Association and Coral Sea Access Alliance) commented that the ‘assessment process to determine the need for any permanent protection measures’ for the Coral Sea was not thorough. The main concern related to the charter fishing permit requirement to operate within the Coral Sea Conservation Zone that included a condition that allowed departmental staff to accompany trips from time to time at no cost to the Department (subject to the availability of space and the provision of reasonable notice) ‘for the purpose of evaluating the Permitted Activity’. These submissions commented that as no members of the Cairns Professional Game Fishing Association had been approached by the Department to carry out an evaluation of the permitted activity, the assessment of the Conservation Zone could not have been thorough.

#### ***Director’s Views***

*The Coral Sea Conservation Zone was assessed for inclusion in a Commonwealth marine reserve as part of the Marine Bioregional Planning Program. This assessment took into consideration a range of scientific and socio-economic documentation, in addition to significant input through extensive consultation with stakeholders, users of the area, the scientific community and the general public.*

*The fact that the Director’s prerogative under Coral Sea Conservation Zone charter fishing permits to send an observer on fishing trips is not directly relevant to the overall assessment of the Coral Sea Conservation Zone.*

The Cairns Professional Game Fishing Association was concerned that ABARES had not undertaken additional consultation with the charter sector on the final Coral Sea Marine Reserve proposal following the consultation with the sector that ABARES undertook on the draft reserve proposal. The Association’s submission commented that there were major changes between the draft and final Coral Sea Reserve proposals which would have significantly larger impacts on charter fishing operators.

#### ***Director’s Views***

*Concerns about the approach used by ABARES in assessing the socio-economic implications of Coral Sea proposal are noted. The ABARES assessment estimated that charter fishing potentially displaced by the final proposed Coral Sea Marine Reserve was likely to be smaller than under the draft marine reserve. However, it indicated there may be additional localised*



*impacts because of the increase in area of the Marine National Park zone around Shark and Osprey reefs, and the addition of a Marine National Park zone around Bougainville Reef.*

#### *Reserves in Western Australia*

The Game Fishing Association of Australia advocated continued access to other ‘popular fishing areas’ including Geographe Bay, the Rottnest Trench and the proposed Dampier Marine Reserve. This comment was also made by the Perth Game Fishing Club and ANSA.

#### **Director’s Views**

*The final South-west and North-west marine reserve network proposals include relatively small Marine National Park zones that were not present in the draft network proposals. Their introduction was in response to the public comments received on the draft network proposals in relation to the ‘under representation’ of shelf environments in highly protected areas. The proposed new zones are generally small, the largest being that within the Perth Canyon Marine Reserve. The Marine National Park zone in the proposed Dampier Marine Reserve is 150 km<sup>2</sup> or 12 per cent of the total area of the proposed reserve. The smallest zone, in the proposed Two Rock Marine Reserve, is only 7 km<sup>2</sup>, while the combined area of the Marine National Park zones in the proposed Geographe Marine Reserve is 36 km<sup>2</sup> or less than 4 per cent of the total reserve area.*

*The size and location of these highly protected zones reflects primarily the intent to minimise impacts on recreational and game fishing, while providing high level protection to key ecological features included in the network. In the proposed Perth Canyon Marine Reserve, the smaller Marine National Park zone is located some kilometres away from the closest Fish Aggregating Device, while the larger Marine National Park zone has been located west of a longitude nominated by game fishing representatives as bounding the area of important game fishing activities. In relation to Geographe Bay, the Marine National Park zones have been located in areas to enhance the conservation outcome while minimising impacts on recreational fishers. The majority of the proposed Dampier Marine Reserve is zoned for Habitat Protection (IUCN Category IV) where recreational, charter and game fishing are proposed to be allowed.*

## ***PART 6.6 – MINING AND OFFSHORE PETROLEUM***

Comments about the implications of the final Commonwealth marine reserves network proposal for the resources sector were received from the Minerals Council of Australia, the South Australian Chamber of Mines and Energy (SACOME) and a number of resources companies. Some comments specific to the potential implications of the proposed Dampier Marine Reserve were received and are discussed in Part 6.7.

The SACOME submission argued for a management model that allowed for the economic utilisation of highly prospective areas for resources in a manner sensitive to conservation values and enables the delivery of good environmental outcomes. It indicated that the Multiple Use zone and Special Purpose (IUCN Category VI) zone categories fitted this model. The submission also commented that the detail in the management plans would determine whether the multiple use objectives of these zones were delivered and cautioned against setting rigid conditions in management plans.

The Minerals Council of Australia's submission noted the potential for the Proclamation of the marine reserves network to lead to impacts on industry beyond those anticipated by the objectives of the reserves.

Submissions were received from several petroleum companies. These submissions addressed the implications of proposed reserves for their individual interests. Those issues were also of relevance to the sector as a whole.

A number of submissions coordinated through conservation organisations and from the commercial fishing sector made comments about the offshore petroleum sector as it relates to the final Commonwealth marine reserves network proposal.

Comments were received supporting the prohibition on offshore petroleum exploration and development in the Coral Sea and supporting the proposed oil and gas exclusion Special Purpose (IUCN Category VI) zone in the South-west Marine Reserves Network. No comments were received opposing either proposal, but there were comments critical of permitting petroleum exploration and development in marine reserves. While some of these comments were specific to particular reserves, a general concern was the potential impacts of petroleum exploration and development for cetaceans and other protected species. A comment raising concerns about decisions taken to allow oil and gas exploration in the Great Australian Bight was received. Some comments suggested that the offshore petroleum sector had received favourable treatment through the reserve development process in comparison to the commercial fishing industry.

Of primary concern to the offshore petroleum companies that made submissions was the potential for the proposed marine reserves network to result in increased administrative and regulatory requirements that could adversely affect industry operations, increase sovereign risk and drive up costs. Comments were received regarding the absence of detail about future management arrangements, and in relation to the potential for additional approval requirements for existing petroleum industry infrastructure in close proximity to the proposed reserves.

Some comments called for approval requirements to be clarified prior to the reserves being proclaimed. Comments were also received about the implications of the establishment of reserves for the development of new petroleum infrastructure including pipelines, particularly in areas zoned other than Multiple Use (IUCN Category VI).

Petroleum resources companies sought assurances that the Proclamation of the marine reserves would not interfere with rights under pre-existing petroleum titles, including by the imposition of additional approval requirements. A number of comments supported the Government's proposed introduction of class approvals through the draft South-east Commonwealth Marine Reserves Management Plan and advocated their wide application. Some comments suggested a collaborative approach between Government and industry in the development of conditions for class approvals. Submissions from the industry supported the Government's intention to integrate assessment and approvals processes under Parts 7 and 9 of the EPBC Act with Part 15 (the reserve management provisions). Concerns were raised about the potential for approval conditions designed to satisfy different parts of the EPBC Act becoming an unreasonable burden due to complexity and the potential for increased information requirements being placed on proponents.

Some comments were critical of the consultation process and in particular of the creation of the proposed Montebello and Bremer Marine Reserves, which had not been identified in the draft marine reserves network proposals. The companies making these comments requested discussions with the Department to clarify the implications these proposed reserves could have for their operations. Two submissions sought changes to the boundaries of the proposed marine reserves to exclude their existing leases from them.

One company commented that it had been denied 'due process' because it did not have the opportunity to discuss issues raised in its submission on the draft marine reserve network proposal directly with the Department and on this basis opposed Proclamation of the Commonwealth marine reserves network proposal.

#### **Director's Views**

*There is a strong public expectation that Australia's offshore petroleum sector should operate to high environmental standards. There has been a significant program of regulatory reform in response to the Montara incident and the Commission of Inquiry Report, including by the establishment of the National Offshore Petroleum, Safety and Environmental Management Authority. The industry itself has taken significant steps to improve well integrity, personnel competencies and response capability in the event of loss of control of an offshore well.*

*The offshore petroleum industry's experience and technical capacity potentially make it a valuable partner in ensuring sound management of Australia's oceans and of the marine reserves in which it operates. On-going engagement with the industry in the development and implementation of reserve management arrangements has the potential to deliver benefits for biodiversity conservation.*

*The operation of the prior usage rights provisions (s.359) of the EPBC Act mean that companies with pre-existing petroleum resources titles may continue to exercise the rights*



*associated with those titles in newly established marine reserves. The Government has indicated that it intends to simplify the administration of the prior usage rights arrangements. New administrative procedures are being implemented to ensure a single integrated process for the assessment and approval (as appropriate) of activities proposed within marine reserves. The draft management plan for the South-east Commonwealth Marine Reserves Network, also subject to public consultation at the same time as the proposed final marine reserves, signalled the use of class approvals under Part 15 of the EPBC Act for activities which do not warrant case by case assessment or for which high standards of environmental assessment already exist. These undertakings have addressed industry's most pressing concerns, noting that industry has expressed a desire to work through the detail with regard to the use of class approvals and integration of EPBC Act assessment processes. This ongoing engagement with the industry is essential to the effective management of marine reserves.*

*The boundaries and zoning of a number of reserves in the final network proposal have been modified as a result of comments received on draft network proposals. In some instances, zone boundaries were adjusted to enable petroleum resources companies to effectively explore the full extent of their titles. Where additional reserves were proposed as a result of the consultation on the draft marine reserves proposals, there was limited opportunity for engagement with industry. The management framework established by the EPBC Act provides sufficient flexibility to address the key concerns raised by the industry about management implications for petroleum activities in and adjacent to marine reserves. All companies potentially affected by the Proclamation of the new reserves will be advised about the process for development of the reserves' management arrangements and how to engage in it.*

*The possible need to accommodate petroleum infrastructure within reserves through the management planning process was highlighted in public information released by the Department during the public comment period with respect to the proposed Kimberley Marine Reserve. This need may also arise in relation to other reserves and should be considered in the development of management plans for the relevant regions.*

## **PART 6.7 – PORTS AND SHIPPING**

The Minerals Council of Australia's submission noted the potential for the Proclamation of the marine reserves network to lead to impacts on industry beyond those anticipated by the objectives of the reserves. The submission commented that the future implications for the minerals industry and its related port and shipping activity could be significant. The Minerals Council pointed to uncertainty about whether current or proposed shipping operations could intersect with Commonwealth environmental approvals processes in light of the increased focus on shipping as part of port development approvals on the Queensland coast, where shipping transits through the GBRMP. Comments were made in relation to potential for the EPBC Act approval processes and the reserve proposal to increase the levels of regulatory burden and lead to cost increases. It was also commented that these matters, as well as the importance of maintaining access for existing and future shipping, should be considered as part of management plan development.

A submission from a commercial fishing interest commented about the environmental implications and loss of access to fishing areas as a result of port development and expansion in northern Australia. The Norfolk Island Government suggested that additional port infrastructure could be established on Norfolk Island to support marine reserves compliance and enforcement activity.

Submissions from API Management Pty Ltd, Rio Tinto and Dampier Port Authority all commented about the implications of the proposed Dampier Commonwealth Marine Reserve for shipping, port development and port operations at Cape Lambert and the proposed Anketell Point development near Karratha.

The proposed Dampier Marine Reserve Habitat Protection (IUCN Category IV) zone intersects with dredge spoil dumping grounds, ship anchorage areas and the dredged shipping channel for the Cape Lambert Port from which Rio Tinto exports iron ore and which is undergoing expansion. The zone also intersects with spoil grounds and ship anchorage areas for the Anketell Point port development which is being managed by API Management Pty Ltd as part of the West Pilbara Iron Ore Project, a joint venture between American Metals and Coal International Inc and Aquila Resources.

The submissions commented on the potential implications for port operations and development, shipping and related mining investments of the Dampier Marine Reserve proposal. The API Management and Rio Tinto submission was concerned that the proposed marine reserve and the activities associated with the ports' development and maintenance would be incompatible. The submissions commented that the Dampier Marine Reserve proposal was not included in the draft North-west Marine Reserves Network proposal released for public consultation between August and November 2011 and, as key stakeholders in the area, expressed disappointment that they were not informed and consulted in its development.

**Director's Views**

*The Cape Lambert port development was approved under Part 9 of the EPBC Act in October 2010 and the activities approved are covered under the prior usage right provisions of s.359 of the EPBC Act. The Anketell Point port development was deemed a controlled action under Part 7 of the EPBC Act in November 2009. The Western Australian government is currently finalising the environmental approval process for this proposal, which will subsequently be considered by the Department as part of the Commonwealth's EPBC Act approval process. The marine reserves management planning process under the EPBC Act provides capacity to address matters in relation to the management of activities at a reserve or network level. The issues raised in relation to both port developments will be addressed in the management planning process for the North-west marine reserves network management plan in consultation with the proponents and the Dampier Port Authority, consistent with s.368 of the EPBC Act.*

*The draft management plan for the South-east Commonwealth Marine Reserves Network, also subject to public consultation at the same time as the proposed final marine reserves, signalled the use of class approvals for certain activities and allows the transit of shipping through all zones within the network. The draft management plan for the South-east Commonwealth Marine Reserves Network is being used as a template for the development of management arrangements in other regions, taking into account regional issues.*

*The suggestion to develop new port infrastructure on Norfolk Island to support increased compliance and enforcement capacity is noted.*

## **PART 6.8 – TOURISM**

One submission was received from a tourism organisation, although a number of submissions commented on the potential implications of the reserves proposal for marine based tourism. Most of the comments received related specifically to the Coral Sea and the majority of these comments were concerned that restrictions on charter and recreational fishing would have negative impacts for marine based tourism. Comments in other submissions suggested that the reserves would be beneficial for marine-based tourism. Additional comments made in submissions received through the *Protect Our Coral Sea* campaign suggested there would be positive flow-on benefits for the tourism sector from visiting international diving tourists.

The submission from the Association of Marine Park Tourism Operators commented specifically on the proposed Coral Sea Commonwealth Marine Reserve and its implications for diving and charter fishing operators in Cairns. The submission's comments were critical of the Coral Sea Marine Reserve's potential impact on Cairns-based charter fishing and argued for all areas to be open to game fishing, with the exception of an area of at least one kilometre around the north-west corner of Osprey Reef where it indicated one of the world's best shark dives takes place.

The Cairns Regional Council's (CRC) submission raised concerns about negative impacts on the Cairns economy should a drop in visitor numbers occur due to the exclusion of recreational and charter fishers from parts of the proposed Coral Sea Marine Reserve. The Council commented that the flow-on impacts on the regional economy had been under-estimated by the ABARES socio-economic assessment and that the economy's capacity to absorb impacts had been over-estimated. It requested that the Government undertake a more comprehensive assessment of the potential economic and community impacts of the proposed reserves.

### **Director's Views**

*The long term net impact of the final Commonwealth marine reserves network proposal on marine based tourism will depend on the capacity of the tourism sector to capture the opportunities created by the proposed reserves. For example, the zoning in the proposed Coral Sea Marine Reserve would remove some forms of commercial fishing from the region adjacent to the GBRMP, while allowing continuing access for game, charter and recreational fishing.*

*The ABARES assessment indicated that the amendments made to the final Coral Sea Marine Reserve proposal as a result of comments received from recreational and charter fishing interests on the draft proposal would result in a decrease in the number of charter fishing days lost from about 53 to 14 days, with the number of boats affected decreasing from nine to five. Those changes were intended to allow game, charter and recreational fishing to occur closer to a number of reefs than had originally been proposed.*

## **PART 6.9 – COASTAL COMMUNITIES**

A number of submissions expressed concern about the potential effects of the proposed marine reserves at the local community level. These concerns related to loss of income, employment and business opportunities in the commercial fishing industry and in allied businesses upstream and downstream of the sector. The adequacy of the ABARES socio-economic assessment in measuring these effects was questioned in a number of submissions. Another commonly raised issue was the potential for the proposed reserves to impact on recreational fishing opportunities in local communities, with flow-on implications for coastal towns in terms of lost tourism opportunities affecting a range of businesses such as tackle shops.

### **Director's Views**

*The concerns about the potential for the proposed reserves to impact at the local community level are recognised, particularly in areas that lack economic diversity and which may experience higher relative impacts due to their dependence on the fishing industry. Regional economic status and trends will need to be monitored to enable the extent of impacts to be assessed. Overall, the level of commercial and recreational activity likely to be displaced by the proposed reserves – and therefore the flow-on effects to local communities – appears to be low, although for some places and some businesses, the impacts will be higher.*

Submissions were received from the Cairns Regional Council (CRC) and Gulf Savannah Development about the implications of the proposed reserves for the Cairns and Gulf of Carpentaria communities. The CRC did not support Proclamation of the Coral Sea Commonwealth Marine Reserve proposal. It commented that Cairns and Far North Queensland would be the region most impacted by the marine reserves network proposal and expressed concern that impacts associated with the proposed Coral Sea Marine Reserve would exacerbate current economic difficulties in the Cairns and Far North Queensland regional economy.

The CRC was critical of the scope of and methodology used in the ABARES socio-economic assessments. It was also concerned that the economic resilience of the region had been over-estimated. The CRC cited an economic assessment it commissioned from Cummings Economics as evidence of potentially much more substantial losses to the Cairns economy than was indicated in the ABARES assessment. The Cummings Economics assessment estimated the long term cost of the proposed reserves to the Cairns and wider regional economy could be between \$202 million and \$1 billion over 30 years (net present value). The CRC submission commented that further socio-economic analysis was required, including the implications for upstream and downstream businesses potentially affected by the proposed reserves in both the Coral Sea and North marine reserves network proposals.

Gulf Savannah Development (GSD) is drawn from five local governments in the Gulf of Carpentaria hinterland: Burke, Carpentaria, Doomadgee, Etheridge and Mornington. GSD's submission welcomed changes to boundaries to the Gulf of Carpentaria and Western Cape York marine reserves in the final proposal, but commented that the impacts on Karumba and the Gulf regional economy remained unacceptably high. GSD was critical of the ABARES assessment in regard to consideration of the loss of future economic opportunity and secondary and tertiary impacts on the Gulf business community. It noted that the ABARES supplementary

report had identified Karumba as one of the communities most affected by the final marine reserves network proposal due to its reliance on commercial fishing and low adaptive capacity. GSD stated that Karumba was a special case and that as a result gillnetting should be allowed in parts of the proposed West Cape York Marine Reserve and that investment in economic diversification projects should be available under the adjustment assistance arrangements. Similar views were made in other comments received. The GSD submission also commented that there had been insufficient community engagement in the development of the network proposal and insufficient public information released on the proposed Proclamation.

Local government representatives, local businesses and community members from the Streaky Bay area provided submissions that supported the change of location for the Marine National Park (IUCN Category II) zone off the Streaky Bay/Sceale Bay area (Eyre Peninsula, SA). The change was made in response to concerns expressed during the 2011 consultation on the draft marine reserves proposal, about the proximity of the proposed zone to areas of importance for local and visiting recreational fishers. Submissions noted that the final proposal, which adopted the alternative location for the Marine National Park zone recommended by the community, succeeded in protecting recreational fishing interests and avoiding potential impacts on the local economy.

A submission was received from a group of Norfolk Island residents who commented that there was constitutional uncertainty in relation to the status of Norfolk Island and that this had potential implications for development and implementation of marine reserves in the vicinity of Norfolk Island.

### **Director's Views**

*The analysis undertaken by ABARES was not a full cost/benefit analysis of the draft and final Commonwealth marine reserves network proposals. ABARES was engaged by the Department to assess the level of displaced fishing catch (measured by tonnage and as GVP) and the likely displacement of economic activity in regional economies. The emphasis was placed on catch displacement because a key policy objective was to minimise direct impacts on the industry.*

*The social and economic assessments for each marine region employed a range of statistical analyses, social impact assessment and economic modelling to provide a variety of perspectives on potential impacts. ABARES drew on data from fisheries logbooks, a survey of fishing businesses, interviews and focus groups. Assessments of each region examined large-scale aggregate impacts across the entire marine reserves network, as well as at a finer scale covering the potential impacts on towns, businesses and people. Case studies specific to each region were undertaken and these included Karumba and Cairns.*

*The ABARES assessment noted the comparatively high dependence of the Karumba economy on commercial fishing with about 14 per cent of the value of goods and services in the 'Carpentaria economy' attributed to commercial fishing. In contrast, the Cairns economy is much larger and more diversified with the contribution of fishing to the total value of goods and services being about two per cent.*

*The ABARES assessment indicated that Karumba would be one of the most impacted towns under the final proposed marine reserves network, due to the large amount of catch flowing to it and its low adaptive capacity. The extent to which these impacts will materialise is difficult to assess. There may be capacity for the fishing industry to adapt to the marine reserves and make up lost catch in other areas. The range of government programs that monitor regional economic status and trends could be expected to provide indicators of the actual extent of impacts on Karumba, Cairns and other affected towns following the establishment of the reserves and the delivery of the Government's proposed fisheries adjustment assistance measures.*

*There were several phases of public consultation that led to the release of the final proposed marine reserves network. Consultations with businesses and the wider community were undertaken in a number of Gulf towns, including Karumba, Weipa and Normanton.*

*Norfolk Island has been an integral part of the Commonwealth of Australia since 1914, when it was accepted as an Australian territory under section 122 of the Constitution. The Island has no international status independent of Australia and there is no impediment to the establishment of marine reserves in the vicinity of Norfolk Island, within Australia's Exclusive Economic Zone.*



## **PART 6.10 – INDIGENOUS PERSPECTIVES**

Three submissions were received from indigenous organisations or representative bodies together with a number of comments from individuals. The submissions from Indigenous organisations were broadly supportive of the Proclamation of the proposed final Commonwealth marine reserves network, but were critical of the consultation with Indigenous people and their representative bodies in the development of the final network proposal. These submissions advocated increased levels and appropriate forms of consultation with Native Title holders and Traditional Owners in the development of management arrangements for the reserves. The submissions also commented on the capacity Indigenous rangers can bring to the delivery of management services on country.

Another comment was that no indication had been given about what would happen to Native Title claims in areas within which marine reserves had been declared, while concerns about the implications of the reserves for Native Title were also raised. There were also comments that native fishing grounds should not be included in reserves and that there should be no ‘concessions’ for Indigenous hunting in marine reserves.

### **Director’s Views**

*The proposed marine reserves will not affect the exercise of Native Title rights or conduct of Native Title claims in accordance with the Native Title Act 1993. All government agencies are required to comply with the Future Acts regime established by the Native Title Act 1993. Relevant Traditional Owners will need to be consulted in developing management plans and arrangements for the delivery of management plans.*

*Indigenous organisations, including land councils and native title representative bodies, were consulted during the development of the marine reserves proposals. The desire of Indigenous people for wider and ongoing consultation is acknowledged. The opportunities to work with Traditional Owners and indigenous communities should be fully explored as part of the development and implementation of management plans.*



## **PART 6.11 – MANAGEMENT OF THE COMMONWEALTH MARINE RESERVES NETWORK**

Submissions from a range of stakeholders across a range of sectoral interests made comments about the future management of the proposed marine reserves. Some of the management issues raised have been addressed in other parts of this report where those issues were raised by a specific sector or in relation to a specific reserve and it was best to address them in that context.

The Australian Association for Maritime Affairs commented that the reserves would need to be backed up with world class management if the proposals were to protect the marine environment in the long term and expressed concern that there had been no indications of additional funding for Commonwealth and state agencies for delivery of management measures. The BIAA commented that the Commonwealth had allocated \$9.7 million for enforcement of Commonwealth marine reserves and suggested that such a budget would be unlikely to cover management costs. There were also comments about the delay in releasing a draft management plan for the South-east Marine Reserves Network and whether the proposed new marine reserves would be managed in a timely way.

The *Commercial Fishing Industry Submission* commented that the costs associated with management, compliance, monitoring and dedicated research in the proposed reserves should be met by Government on the community's behalf. Industry commented that the costs associated with the implementation and administration of the reserves network was likely to be significant and suggested they had not been costed or communicated to the public. The industry also suggested that the proposed network was both larger and more complex than required and as a consequence management will also be more complex and costly than necessary. The industry encouraged the Government to engage relevant stakeholder groups in the development of appropriate regimes for management, compliance, monitoring and research. Submissions from recreational fishing interests also raised these issues, including the logistical and financial resources required to manage a marine reserve estate of the scale proposed. Some comments from the recreational fishing interests suggested that existing recreational fishing regulations, potentially involving tighter bag and size limits and seasonal rotations, were a sufficient management tool and marine reserves were not required.

### **Director's Views**

*Funding for the management of the proposed marine reserves network is a matter for consideration by the Government on the advice of the Director of National Parks as to the extent of management activities that will be required over time. The \$9.7 million referred to by the BIAA would appear to be the ongoing annual funding allocated in the 2012-13 federal budget for the regional marine planning program.*

*While the release of the South-east management was delayed, the interim management arrangements in place in this region were developed in consultation with key stakeholder groups. The delay in releasing the draft plan also allowed issues raised during the consultation on the proposed draft marine reserves in other regions to be taken into account of finalising the draft. This has been beneficial in that the South-east management plan is intended to be used as a template for the plans in the other regions.*

The fishing industry made comments in relation to the South-east Marine Reserves Network draft management plan, which was released for public comment at the same time as the marine reserves network proposal. The South-east draft management plan has been characterised by the Department as a template for the other regions. The industry submission on the Proclamation proposal commented that the draft South-east management plan was underdeveloped in a number of areas and suggested this raised questions about the ability of the Government to effectively manage, review and resource the proposed marine reserves network. The key areas in which the industry suggested further work was needed to improve the draft management plan were the need for a research and monitoring strategy, further information in relation to compliance and enforcement arrangements, further detail about education programs, and a review process for interim management arrangements.

#### ***Director's Views***

*The comments made about the South-east draft management plan will be taken into account in the finalisation of that plan. The draft management plan provides a high level framework for the management of the South-east marine reserves over a 10 year period. The management plan sets the foundation from which the range of core activities identified by the industry will be addressed. Separate strategies for core activities such as compliance and enforcement and research and monitoring either exist or will be developed at the national level and then applied at the regional and reserve level.*

Some comments suggested that management costs will be increased in part by the need for surveillance of illegal incursions by foreign fishers in the absence of Australian fishers who currently provide an effective deterrence against incursions. Submissions coordinated through the Coral Sea Access Alliance also commented that by reducing or excluding the activities of commercial and charter fishing operators in the Coral Sea, one of the more important surveillance methods for protection of areas from illegal activities would be removed. The *Don't Lock Us Out* campaign submissions commented that not allowing recreational fishing in marine reserves would result in the loss of what it described as the only practical and cost effective way of ensuring Australian marine reserves are protected.

#### ***Director's Views***

*Border Protection Command conducts surveillance missions around Australia's coast using Customs and Border Protection and Royal Australian Air Force maritime patrol and aerial surveillance assets. Extensive aerial surveillance is also undertaken through contracted satellite services. The transit of vessels would continue to be allowed across the entire network and commercial fishing operators would continue to access large areas of the proposed network.*

A number of submissions commented that the range of sectoral groups operating in marine reserves should be included in the management of the reserves. This included the commercial fishing industry, tourism operators, Indigenous groups and recreational fishers. These comments also extended to the use of cooperative management arrangements between the Australian Government and state marine park management agencies.

Submissions from natural resource management groups in Western Australia commented on the desirability for management arrangements for the new reserves to consider the strategic management plans in areas adjacent to the reserves and on the potential role that natural resource management groups could play in delivering management services across land and seascapes.

Submissions from Indigenous organisations commented on the interests that Traditional Owners and their representative organisations have in the management of sea country and the role that Aboriginal rangers could play in managing the reserves.

#### **Director's Views**

*The management of a substantially expanded new marine reserves estate would require collaboration with and the cooperation of a range of industry sectors, community interests and government agencies. Community support for the nation's marine reserves is essential to their effective management. A number of industries and community based sectors potentially have much to contribute to management of marine reserves, particularly at the regional and local levels. These include the offshore petroleum sector, the commercial fishing sector, recreational fishers and Indigenous people. On-going engagement with community based sectors and Indigenous communities, particularly in those parts of the networks close to important recreational fishing locations or including Traditional Owners' sea country, has the potential to deliver benefits for biodiversity conservation. The petroleum sector's technical and management expertise in offshore environments also makes it a potentially valuable partner in management.*

*Opportunities to engage the community and marine reserve users in management the reserves will be explored. The draft South-east Marine Reserves Network management plan, released for public consultation at the same time as the final marine reserves network proposal, indicated an intention to establish a stakeholder reference group to engage users in the management of the South-east Marine Reserves Network. This approach is applicable to the other reserve networks.*

Recreational fishing interests commented that there needed to be consistency in the rules applying to recreational fishing between state and Commonwealth waters. There was also a concern to resolve permitting issues in relation to Fish Aggregation Devices (FADs) in Commonwealth marine reserves. Comments were received that state and territory based management arrangements (which may include permit systems) for recreational fishing (and in respect of commercial fishing in the case of the Northern Territory) may be inadequate to meet the protection embodied in the proposed zoning schemes for the proposed reserves.

#### **Director's Views**

*Recreational fishing in Commonwealth waters is managed by the states and the Northern Territory under state recreational fishing laws. The same rules apply in those zones of Commonwealth marine reserves where recreational fishing is allowed. The placement and use of FADs in Commonwealth marine reserves can be addressed through the management planning process.*

*State and territory governments will be consulted in the development of management arrangements for the Commonwealth marine reserves. The adequacy of current state and territory management arrangements will be considered through this consultation process, although it is the Commonwealth's intention to achieve a high degree of consistency between management arrangements in state/territory and Commonwealth waters. The day to day management of a number of existing Commonwealth marine reserves is undertaken by state agencies under business agreements. The expansion of this model will be explored.*

## **PART 6.12 – GENERAL COMMENTS ABOUT THE MARINE ENVIRONMENT**

Some comments raised concerns about marine environmental issues including the general statements about the expansion and geographical extent of mining and petroleum exploration and potential interactions with cetaceans and other marine species, shipping and port activities in the Great Barrier Reef, marine pollution, invasive species, climate change, and other threats to marine biodiversity. Comments were also made in relation to broader fishing-related issues, including illegal foreign fishing, overfishing and the so-called ‘super trawler’ (*FV Margiris/FV Abel Tasman*) and its potential impacts on fish stocks.

### **Director’s Views**

*Although the large number of comments received (more than 6000) reflects the importance of the marine environment for many Australians, comments received about the marine environment in general are not directly relevant to the Proclamation proposal. The new reserves have been designed to contribute to the NRSMPA. The primary goal of the NRSMPA is to establish and manage a comprehensive, adequate and representative system of marine protected areas to contribute to the long term ecological viability of marine and estuarine systems, to maintain ecological processes and systems and to protect Australia’s biological diversity at all levels.*

## PART 7 – COMMENTS ON INDIVIDUAL RESERVES

### PART 7.1 – INTRODUCTION

Part 7 summarises the comments received in relation to specific reserves. Comments about the overall reserves network proposal have not been considered as applying to each reserve individually and therefore are reported and addressed in Part 6 of this report.

#### ***Introductory Views of the Director***

*Comments specific to individual reserves often recommended changes in zoning and/or boundaries. A number of comments specific to individual reserve proposals sought changes to the boundaries or IUCN category of the reserve or a zone within the reserve; or changes to the range or type of activities that may be allowed within a reserve or zone under its proposed IUCN categorisation (without proposing a boundary or IUCN category change). In this Part references to proposed zoning changes may relate to each of these comments.*

*Changes to the boundaries and zoning of the proposed reserves are outside the scope of the consultation process. The Proclamation process set out under s.351 of the EPBC Act does not allow the Proclamation of a reserve with different boundaries or zoning to those proposed and subject to public comment. Section 368(3) of the EPBC Act indicates that in preparing a management plan for a Commonwealth reserve, the Director of National Parks must take account of the report considered by the Minister under s.351 before a Proclamation declaring the reserve was made. Therefore, the issues raised in this report would be considered by the Director in the development of the plans for the reserves, should they be proclaimed. Section 367 of the EPBC Act sets out the content required to be included Commonwealth reserve management plans.*

*In many of the submissions, the reason for suggesting changes to boundaries and zoning in individual reserves was to increase the level of protection to species protected under the EPBC Act. While the proposed marine reserves network may assist in addressing specific threats to biodiversity, including protected species, they work alongside a range of other management regimes and measures that together provide for resilient ecosystems, conservation of biodiversity and ecologically sustainable use of marine resources. This view is relevant to each of the reserves and instances in which the issue raised relates to changes that would increase protection for marine wildlife.*

*The Director's views given in response to issues discussed in Part 6 of this report apply where relevant to each of the reserves and should be considered when reading the summary of issues raised in Part 7 and the views of the Director in relation to each of the issues raised about individual proposed reserves.*

## **PART 7.2 – SOUTH-WEST COMMONWEALTH MARINE RESERVES NETWORK**

### **Southern Kangaroo Island Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve but suggested change in zoning to a Marine National Park (IUCN Category II) zone in order to exclude oil drilling and mining activities.
- Supported the reserve but suggested greater protection to calving southern right whales from interference from fishing boats and mining.

#### ***Director's Views***

*Comments specific to this proposed reserve supported the proposal and suggested changes in zoning to provide greater protection to a range of values. The zoning of this proposed reserve seeks to strike a balance between the sustainable use of natural resources and the protection of the biodiversity in this area. The marine reserve proposal was finalised following consultation with all interested stakeholders and consideration of potential socio-economic impacts. This area is not known to be prospective for oil and gas resources. The Director's introductory views to Part 7 are also relevant to this reserve.*

### **Western Kangaroo Island Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve but suggested changes in zoning to a Marine National Park (IUCN Category II) zone in order to exclude oil drilling and mining activities.
- Supported the reserve but suggested changes in zoning to increase protection for protected species, including Australian sea lion, white shark, blue whale, sperm whale, shearwaters and terns.

#### ***Director's Views***

*The proposed zoning recognises that this area is prospective for petroleum resources and should be accessible to this sector, subject to the assessment and approvals processes of the EPBC Act. These processes are rigorous in considering the presence of, and possible effects on, cetaceans. The Director's introductory views to Part 7 are also relevant to this reserve.*

### **Western Eyre Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve but raised concerns about the shifting of the Marine National Park (IUCN Category II) zone because of decreased protection to the southern right whales calving habitat from fishing.



- Welcomed the shifting of the Marine National Park (IUCN Category II) zone off Streaky Bay in response to concerns expressed by recreational fisheries and the local community during consultation on the draft marine reserves proposals.
- Supported proposed IUCN Category VI zoning because it allows oil and gas activities to continue in highly prospective areas.
- Opposed the zoning and suggested reducing the size of the large offshore Marine National Park (IUCN Category II) zone to reduce impacts on purse seine fishing from an area that might become increasingly important for skipjack tuna. Claimed exclusion of purse seine from IUCN Category II zones is unjustified, as purse seine does not pose a threat to the reserve's values.

#### **Director's Views**

*Comments in relation to the proposed Western Eyre Reserve were mostly supportive of the proposal. The main issue with the proposed reserve related to potential impacts on the Skipjack Tuna Fishery. The Marine National Park (IUCN Category II) zone off Streaky Bay was altered from the draft proposal to reduce impacts on recreational fishing and the local communities that depend on fishing related tourism. Southern right whales calving habitat occurs within state waters across the south coast of Australia and no specific high number calving ground (such as, for example, the Head of the Bight or Israelite Bay) is known close to this area. The large Marine National Park (IUCN Category II) zone offshore to the edge of the Exclusive Economic Zone was also amended to reflect recent evidence of changes in southern bluefin tuna fishing patterns and to avoid future impacts on the fishery. Purse seine is excluded from IUCN Category II zones because Category II zones are intended to exclude all types of extraction of living resources, consistent with the IUCN Guidelines (IUCN 2012). The Director's introductory views to Part 7 are also relevant to this reserve.*

### **Murat Commonwealth Marine Reserve**

#### **Summary of Comments**

One comment was received specifically referring to this reserve:

- Supported the addition of the reserve to the South-west Marine Reserves Network.

#### **Director's Views**

*The comment in support of this reserve is noted.*

### **Great Australian Bight Commonwealth Marine Reserve**

#### **Summary of Comments**

Comments received in relation to this reserve:

- Supported the reserve but expressed concern about the perceived lower protection to calving southern right whales resulting from the changes in the Marine National Park (IUCN Category II) zone from the draft proposal.
- Supported proposed IUCN Category VI zoning because it allows oil and gas activities to continue in highly prospective areas.

### **Director's Views**

*The Head of the Bight calving grounds for the southern right whale are of global significance and it is considered that the proposed Marine National Park (IUCN Category II) zone will provide increased protection compared to the existing Great Australian Bight Marine Park (Commonwealth Waters), which does not include any highly protected zone. Changes from the draft to the final proposal, were mostly intended to reduce impacts on commercial activities following significant consultation with all stakeholders. The final proposed Marine National Park (IUCN Category II) zone achieves an improved conservation outcome by protecting a larger depth gradient on the shelf and slope within a highly protected zone. The Director's introductory views to Part 7 are also relevant to this reserve.*

## **Twilight Commonwealth Marine Reserve**

### **Summary of Comments**

One comment was received specifically referring to this reserve:

- Supported the addition to the South-west Marine Reserves Network given the significance of the area for southern right whales and the Australian sea lion.

### **Director's Views**

*The comment in support of this reserve is noted.*

## **Eastern Recherche Commonwealth Marine Reserve**

### **Summary of Comments**

Comments received in relation to this reserve:

- Supported the balance of IUCN Category II zoning within the reserve but expressed concern as to whether the Special Purpose (IUCN Category VI) zone would be effective in providing protection to calving habitat for the southern right whale.
- Supported the proposal and suggested exploring the inclusion of more of the Recherche Archipelago in the reserve.
- Raised the opportunities that exist for the South Coast Natural Resource Management group to be involved in ongoing management of the reserve.
- Opposed the changes to the draft proposal as it would impact negatively on commercial fishing operations that accessed seasonally important scallop grounds in the area; also claimed the reserve might limit future expansion of finfish trawling by scallop trawl operators.
- Opposed the zoning and suggested reducing the size of the large offshore Marine National Park (IUCN Category II) zone to reduce impacts on purse seine fishing and claimed exclusion of purse seine from IUCN Category II zones is unjustified, as purse seine does not pose a threat to the reserve's values.

### **Director's Views**

*The boundaries and zoning of the proposed reserve were designed to minimise impacts on commercial activities while providing adequate protection for conservation values including the biodiversity associated with a key ecological feature of the region, that is, the waters*

*surrounding the Recherche Archipelago, which is located in state waters. It is recognised that while generally the aim of minimising socio-economic impacts has been met, some individual operators may be affected detrimentally. These impacts would be addressed through the fisheries adjustment assistance package being developed by the Government. Purse seine is excluded from IUCN Category II zones because Category II zones are intended to exclude all types of extraction of living resources, consistent with the IUCN Guidelines (IUCN 2012). Opportunities for involvement of local communities and marine users in the ongoing-management of individual reserves should be considered in preparing the management plans. The Director's introductory views to Part 7 are also relevant to this reserve. Comments on the proposed Eastern Recherche Marine Reserve are also included in Parts 6.2 and 6.3.*

### **South-west Corner Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the large offshore Marine National Park (IUCN Category II) zone given the high species diversity and endemism of the area.
- Suggested extension of the Marine National Park (IUCN Category II) zoning to provide protection to the entire Mentelle Basin feature from oil exploration and extraction.
- Opposed the zoning and suggested reducing the size of the large offshore Marine National Park (IUCN Category II) zone to reduce impacts on purse seine fishing and claimed exclusion of purse seine from IUCN Category II zones is unjustified, as purse seine does not pose a threat to the reserve's values.
- Opposed the area of the reserve east and west of Walpole, as it would impact on future development of finfish trawling as part of scallop fishery operations.
- Supported the reserve but suggested a change from the zoning of the Special Purpose (IUCN Category VI) zone near the town of Walpole in order to exclude long lining and gillnetting.
- Suggested there should be increased protection from impacts of some fishing methods.
- Supported the proposed IUCN Category VI zoning because it does not impact on recreational fishers.
- Acknowledged the changes made to the boundaries of the Marine National Park zones (IUCN Category II) south and west of Esperance to accommodate concerns of petroleum title holders operating in the Bremer sub-basin.

#### ***Director's Views***

*Changes were made in response to consultation on the draft proposal. The main issues were in relation to impacts on the future expansion of commercial fishing operations (purse seine and finfish trawling). See also Director's Views on the proposed Eastern Recherche Marine Reserve in relation to extractive uses in IUCN Category II. The changes in boundaries and zoning from the draft South-west Corner Marine Reserve proposal were intended to minimise impacts on commercial activities and petroleum title holders, while maintaining protection for a range of conservation values of the area. The Director's introductory views to Part 7 are also relevant to this reserve.*

## Bremer Commonwealth Marine Reserve

### *Summary of Comments*

Comments received in relation to this reserve:

- Supported the reserve and the protection afforded by the Marine National Park (IUCN Category II) zone to the Southern right whale calving habitat and suggested a shift to a balance of zoning towards highly protected areas, to increase protection for other protected species (sperm and killer whales; threatened seabirds).
- Opposed the addition of this reserve because of impacts on seasonally important scallop grounds; also commented that the reserve might limit future expansion of finfish trawling by scallop trawl operators over the Bremer canyon area.
- Opposed Proclamation of the proposed Special Purpose and Multiple Use (both IUCN Category VI) zones because of existing petroleum exploration permits.
- Opposed Proclamation of this reserve, based on lack of justification for its addition to the draft network proposal and the proximity to centres important to recreational fishers on the south coast.
- Suggested further extension of the Marine National Park (IUCN Category II) zone westward to increase protection to the adjacent southern right whale calving area.
- Supported the proposal and suggested exploring the inclusion of the Albany canyons.
- Raised the opportunities that exist for the South Coast Natural Resource Management group to be involved in ongoing management of this reserve.
- Supported the Proclamation of the proposal and highlighted areas that would require attention in the future, specifically increasing the protection to the Albany Canyons group and considering exclusion of oil and gas from the Bremer Canyon area.

### *Director's Views*

*This reserve was included in the proposed network in response to comments received on the draft network proposal and was intended primarily to increase the ecological connectivity across protected areas on the southern continental shelf environments. It also provides increased protection to an important calving area for southern right whales off Bremer Bay and to aggregation areas for sperm and killer whales in the Bremer Canyon. The sizing and location of the reserve were intended to minimise impacts on scallop trawl fishery by avoiding historical scallop grounds. While the aim of minimising socio-economic impacts has been met, some individual operators may be affected. These impacts would be addressed through the fisheries adjustment assistance package (see comments in Part 6.3). The size and location of the Marine National Park (IUCN Category II) zone were intended also to keep to a minimum the impacts on recreational fishing. The Multiple Use and Special Purpose (both IUCN Category VI) zoning of the offshore parts of the reserve were selected to minimise interference with the operations of petroleum title holders in the Bremer sub-basin in response to issues raised during consultation on the draft proposal. Opportunities for involvement of local communities and marine users in the ongoing-management of individual reserves should be considered in preparing the management plans. The Director's introductory views to Part 7 are also relevant to this reserve. Comments on the proposed Bremer Reserve are also included in Parts 6.2 and 6.6.*

## Geographe Commonwealth Marine Reserve

### *Summary of Comments*

Comments received in relation to this reserve:

- Opposed the implementation of the proposal in light of restrictions it places on recreational fishers and given existing fisheries management arrangements.
- Opposed the addition of the Marine National Park (IUCN Category II) zones because of impacts to recreational, game and charter fishing, lack of scientific basis, lack of evidence of impacts of recreational and game fishing and lack of consultation with the sector on late changes to the draft proposal.
- Claimed the proposed Marine National Park (IUCN Category II) zones would create confusion among marine users as the boundaries do not align with the adjacent zones of the state Ngari Capes Marine Park.
- Claimed recreational fishing should be allowed in the reserve's Marine National Park (IUCN Category II) zones because no evidence of impacts; claimed the IUCN Category II has been wrongly interpreted in the proposal.
- Supported the reserve but suggested exclusion of all mining activities to protect humpback and blue whales and greater exclusion of fishing methods from the Multiple Use and Special Purpose (both IUCN Category VI) zones.
- Opposed the proposed reserve based on concerns about impacts on South West Trawl Managed Fishery licence holders, because of the overlap with the Capel trawl ground, part of the fishery's Zone B. Additional concerns pertain to potential impacts on future exploitation of scallop grounds within this fishery.
- Supported the proposal and reported on research work showing the area is a resting and nursing habitat for the humpback, blue and southern right whales. On this basis, suggested there should be a reduced speed limit within the reserve coinciding with the whale migration season and appropriate signage for boat owners to raise awareness of the risk of collision.
- Supported the proposal but claimed the small size of the Marine National Park (IUCN Category II) zones might not be adequate to protect the conservation values of the area.

### *Director's Views*

*In the draft proposal, the reserve area off Geographe Bay extended further north and west and linked up with and was included in the proposed Southwest Corner Marine Reserve. The primary reason for the split and reduction in size was to limit the impacts on commercial fishing operations. The proposed Marine National Parks (IUCN Category II) zones were added in this area to provide high level protection to important seagrass beds that represent a key ecological feature of the region. The size of these zones was intended to limit impacts on recreational and commercial fishing activities. Recreational extractive activities, even at low levels are considered incompatible with IUCN Category II objectives (IUCN 2012). The boundaries of the two Marine National Park (IUCN Category II) zones were aligned with relevant internal boundaries of the Western Australian Ngari Capes Marine Park to assist marine users with compliance. Matters related to signage and regulation of boat speeds are not pertinent to the Proclamation but would be considered in preparing a reserve network management plan. The Director's introductory views to Part 7 are also relevant to this reserve.*

*See the Director's comments in Part 6.4 relevant to the contribution of the recreational sector in the ongoing management of marine reserves. Comments on the proposed Geographe Marine Reserve are also included in Parts 6.2 and 6.5.*

## **Perth Canyon Commonwealth Marine Reserve**

### ***Summary of Comments***

Comments received in relation to this reserve:

- Opposed the small proposed Marine National Park (IUCN Category II) zone because of impacts on game fishing, including competitions; indicated that three Fish Aggregating Devices are within five nautical miles of the zone and highly mobile species targeted by game fishers (for example, marlin) would easily straddle the reserve boundaries. Suggested trolling should be allowed or zoning changed.
- Opposed the addition of the Marine National Park (IUCN Category II) zones because of impacts to recreational, game and charter fishing and implications for fishing tourism and associated industries; the significance of the area for recreational fishers due to the numerous scuttled vessels functioning as fish attracting habitats; lack of scientific basis; lack of evidence of impacts of recreational and game fishing, and lack of consultation with the sector on late changes to the draft proposal.
- Supported the reserve but suggested seasonal fishing closures across the area known for blue whale aggregations and extending IUCN Category II zones to increase protection on sperm and humpback whales and migratory shearwaters and petrels.
- Claimed recreational fishing should be allowed in the reserve's Marine National Park (IUCN Category II) zones, because no evidence of impacts, and that the IUCN Category II has been wrongly interpreted in the proposal.
- Suggested the exclusion of oil and gas activities from the reserve.
- Opposed the large offshore Marine National Park (IUCN Category II) zone based on impacts on the Western Tuna and Billfish Fishery.

### ***Director's Views***

*The proposed Marine National Parks (IUCN Category II) zones were added to the draft marine reserve network proposal to provide high level protection to a key ecological feature of the region. The location and size of these zones reflected consideration to limiting impacts on recreational and commercial fishing activities. Recreational extractive activities, even at low levels, are considered incompatible with IUCN Category II objectives (IUCN 2012). Comments from the recreational and charter fishing sectors in relation to the proposed Perth Canyon Reserve are considered in more detail in Parts 6.4 and 6.5. The Director's introductory views to Part 7 are also relevant to this reserve. Comments on the proposed Perth Canyon Marine Reserve are also included in Parts 6.2.*



## Two Rocks Commonwealth Marine Reserve

### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve but suggested an increase in the area of reserve zoned Marine National Park (IUCN Category II) zone to increase the protection of protected species (for example, soft-plumaged petrel; Australian sea lion; terns, shearwaters and noddys; humpback whales) from interactions with commercial fishing and boat collisions.
- Opposed the addition to the draft proposal of Marine National Park (IUCN Category II) zone off Hillary (north of Perth) because of impacts on recreational fishers.

### ***Director's Views***

*The proposed Marine National Park (IUCN Category II) zone was added to the draft marine reserve network proposal in response to previous consultation and in order to provide highly protected representation in the network to a key ecological feature of the region (the inshore reef lagoon environments). The size of the zone was intended to minimise impacts on recreational activities. The Director's introductory views to Part 7 are also relevant to this reserve.*

## Jurien Commonwealth Marine Reserve

### ***Summary of Comments***

Comments received in relation to this reserve:

- Opposed the proposal because of the impacts resulting from the size of the reserve on recreational fishers based in Jurien.
- Supported the reserve and suggested greater connectivity with state Jurien Bay Marine Park and an increase in the area of reserve zoned Marine National Park (IUCN Category II) to increase the protection of the soft-plumaged petrel, Australian sea lion, white shark and seabirds (terns, shearwaters and noddys) from interactions with commercial fishing.
- Opposed the addition of the Marine National Park (IUCN Category II) zone to the draft proposal, based on concerns about impacts to recreational, game and charter fishing, lack of scientific basis, lack of evidence of impacts of recreational and game fishing and lack of consultation with the sector on late changes to the draft proposal.

### ***Director's Views***

*Recreational activities would be allowed in the reserve with the exception of the small Marine National Park (IUCN Category II) zone located at the edge of the continental shelf.*

*Recreational extractive activities, even at low levels are considered incompatible with IUCN Category II objectives (IUCN 2012). The proposed Marine National Park (IUCN Category II) zone was added to the draft marine reserve network proposal in response to consultation on the draft proposals and was intended to provide high level protection to examples of the Southwest Shelf Transition bioregion. The size and the location were aimed at minimising impacts on recreational fishing. See also Director's Views in Part 6.4. The Director's introductory views to Part 7 are also relevant to this reserve.*



## Abrolhos Commonwealth Marine Reserve

### *Summary of Comments*

Comments received in relation to this reserve:

- Supported the reserve but suggested greater connectivity with state Jurien Bay Marine Park and an increase in the area of reserve zoned Marine National Park (IUCN Category II) to increase the protection of Australian lesser noddy; Australian sea lion; wedge-tailed shearwater; and terns; humpback and sperm whales, from interactions with commercial fishing.
- Opposed the addition of the Marine National Park (IUCN Category II) zone to the draft proposal, based on concerns about impacts to recreational, game and charter fishing, lack of scientific basis, lack of evidence of impacts of recreational and game fishing and lack of consultation with the sector on late changes to the draft proposal.
- Supported the increased protection of the Houtman Canyon.
- Supported the addition of Marine National Park (IUCN Category II) zones to the draft proposal.

### *Director's Views*

*The final reserve proposal includes three Marine National Park (IUCN Category II) zones in response to previous consultation and to provide protection to examples of the Central Western Shelf Province, the Zuytdorp bioregion and to the Houtman Canyon. The size and location of the two zones on the continental shelf were intended primarily to minimise impacts on commercial fishing, particularly the Western Rock Lobster Fishery. Much of the recreational fishing in the area occurs in proximity of the Houtman Abrolhos Islands, which are in state waters. There is anecdotal evidence of increased use by charter operators of the area offshore of the archipelago, which has been zoned Multiple Use and Special Purpose (both IUCN Category VI) to allow these and other activities (for example, oil and gas; gillnet and line fishing) to continue. The Director's introductory views to Part 7 are also relevant to this reserve.*

## **PART 7.3 – NORTH-WEST COMMONWEALTH MARINE RESERVES NETWORK**

### **Shark Bay Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the proposal and recommended a change in zoning to Marine National Park (IUCN Category II) zone to protect species, such as humpback whales, dugongs and migratory seabirds, from commercial fishing, mining and shipping.

#### ***Director's Views***

*The Director's introductory views to Part 7 are relevant to this reserve.*

### **Carnarvon Canyon Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the addition of a Habitat Protection (IUCN Category IV) zone to restrict mining activities in the area.
- Supported zoning of the reserve as Multiple Use (IUCN Category VI).

#### ***Director's Views***

*The zoning of the final reserve proposal provide enhanced protection to the Carnarvon Canyon, one of the region's key ecological features, while allowing commercial pelagic fishing to continue. There are no anticipated impacts on recreational fishing from this offshore reserve.*

### **Gascoyne Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the Habitat Protection (IUCN Category IV) zone in the south of the reserve but opposed changes from the draft proposal of the Marine National Park (IUCN Category II) zone to Habitat Protection (IUCN Category IV) zone and proposed the entire reserve be zoned Marine National Park (IUCN Category II) zone to protect threatened species from commercial fishing (particularly gillnetting and long lining), mining activities and increased shipping activities.
- Proposed zoning as Marine National Park (IUCN Category II) zone over the Cloates and Cape Range Canyons and in the Gnarlou area.
- Questioned the positioning of the zones within the reserve with respect to the adjacent Ningaloo Reef and called for a change in zoning of this area to Marine National Park (IUCN Category II) zone.
- Supported the zoning within the reserve and the access for recreational fishing, noting the flow-on benefits to the coastal communities from recreational fishing.

- Opposed the Marine National Park (IUCN Category II) zone because of impacts on current and future commercial fishing; claimed the area protected is neither under threat nor of particular ecological value.
- Opposed the zoning and advocated reducing the size of the large offshore Marine National Park (IUCN Category II) zone to reduce impacts on purse seine fishing. Claimed exclusion of purse seine from IUCN Category II zones is unjustified, as purse seine does not pose a threat to the reserve's values.
- Sought assurance that the Proclamation of this reserve would not interfere with existing rights under petroleum titles in this area.
- Supported the changes to the Marine National Park (IUCN Category II) zone so that the boundaries are no longer contiguous with petroleum permit boundaries.

#### **Director's Views**

*Purse seine is excluded from IUCN Category II zones because these zones are intended to exclude all types of extraction of living resources. The final reserve proposal includes a new, small Habitat Protection (IUCN Category IV) zone in the far south of the reserve, which will better protect sponge and filter feeder communities. A change in zoning from Marine National Park (IUCN Category II) to Habitat Protection zone (IUCN Category IV) elsewhere within the proposed Gascoyne Reserve is intended to reduce impacts on the commercial fishing industry, while continuing to afford protection to some of the key ecological features of this area and maintaining connectivity between the inshore waters of the existing Ningaloo Marine Park and deeper waters. Pre-existing petroleum titles are covered by the prior usage rights under the EPBC Act (see also comments in Part 6.6). The Director's introductory views to Part 7 are also relevant to this reserve. Comments on the proposed Gascoyne Marine Reserve are also included in Part 6.2.*

### **Montebello Commonwealth Marine Reserve**

#### **Summary of Comments**

Comments received in relation to this reserve:

- Supported the addition of this reserve but suggested a change in zoning to increase protection for seabirds, whale sharks, marine turtles and humpback whales.
- Raised concerns in regard to the late addition of this reserve to the proposal, inadequate stakeholder consultation and the potential impacts of the reserve and associated management on petroleum permit holders. Sought assurance that the Proclamation of this reserve would not interfere with existing rights under petroleum titles in this area.

#### **Director's Views**

*The Multiple Use (IUCN Category VI) zone of the reserve allows for oil and gas exploration and development subject to the assessment and approval process of the EPBC Act. Pre-existing petroleum titles have prior usage rights under the EPBC Act. The Director's introductory views to Part 7 are also relevant to this reserve. Comments on the proposed Montebello Reserve are also included in Part 6.6.*

## Dampier Commonwealth Marine Reserve

### *Summary of Comments*

Comments received in relation to this reserve:

- Opposed the addition of the Marine National Park (IUCN Category II) zone because of impacts to recreational, game and charter fishing, lack of scientific basis, lack of evidence of impacts of recreational and game fishing on biodiversity/conservation values and lack of consultation with the sector on late changes to the draft proposal.
- Opposed the addition of Marine National Park (IUCN Category II) zone because of the impacts on charter and recreational fishing in the context of an area with per capita boat ownership among the highest in the world.
- Suggested recreational fishing should be allowed in the reserve's Marine National Park (IUCN Category II) zone, because no evidence of impacts on biodiversity; claimed the IUCN Category II has been wrongly interpreted in the proposal.
- Supported the additional of the reserve but suggested the inclusion of more area under Marine National Park (IUCN Category II) zoning to protect species such as marine turtles, seabirds and humpback whales from interactions with commercial fishing activities.
- Opposed the addition of this reserve (with an emphasis on the Habitat Protection (IUCN Category IV) zone because of risk to the West Pilbara Iron Ore Project and expansion and operation of the Cape Lambert port; failure to apply due process/consultation; lack of scientific basis and incompatibility of uses (spoil grounds and maintenance of shipping channels).
- Noted loss of prospectivity for sea cucumber fishery.

### *Director's Views*

*The location of the Marine National Park (IUCN Category II) zone furthest from Karratha aims to reduce impacts on recreational users. The marine reserves management planning process under the EPBC Act provides capacity to address matters in relation to the management of activities at a reserve or network level. The points raised in relation to both port developments could be addressed in the development of the North-west Marine Reserves Network management plan in consultation with the proponents and the Dampier Port Authority, consistent with s.368 of the EPBC Act. With respect to future development of the sea cucumber fishery, hand collection would be allowed in the proposed Habitat Protection (IUCN Category IV) zone. Comments on this proposed reserve are also included in Parts 6.4, 6.5 and 6.7. The Director's introductory views to Part 7 are also relevant to this reserve.*

## Eighty Mile Beach Commonwealth Marine Reserve

### *Summary of Comments*

Comments received in relation to this reserve:

- Supported the reserve and suggested changes in zoning to increase protection for humpback whales and flatback turtles from noise disturbance, pollution and interaction with fishing activities.

- Raised concern regarding the lack of clarity about whether activities associated with the pearling industry (such as mooring vessels and landing seaplanes related to holding, seeding and turning oysters) would be permitted in the reserve. Concern was also raised about investment uncertainty with the 10 year cycle of management planning, given the eight year maturation cycle of pearls. Noted that this proposed reserve overlaps entirely with the industry's pearl oysters collection grounds.
- Supported the zoning (IUCN Category VI) of the reserve as it allowed access to recreational fishing.
- Noted loss of prospectivity for sea cucumber fishery and impacts on the Nickol Bay Prawn Fishery.

#### **Director's Views**

*The proposed zoning was designed to avoid impacts on the pearling industry and to reduce impacts on mining and commercial fishing (particularly the Nickol Bay Prawn Fishery, the grounds of which were avoided). Management plans that specify the permitted activities within a reserve are valid for 10 years. The pearling industry's concerns can be considered in the development of management arrangements for this reserve. Options capable of providing flexible and effective management with long-term certainty for industry, either under the management plan framework or ancillary to it, can be explored with the pearling industry. Further comments regarding the commercial pearling industry can be found in Part 6.3. With respect to future development of the sea cucumber fishery, hand collection would be allowed throughout the proposed reserve (IUCN Category VI). The Director's introductory views to Part 7 are also relevant to this reserve.*

### **Roebuck Commonwealth Marine Reserve**

#### **Summary of Comments**

Comments received in relation to this reserve:

- Suggested the reserve be zoned as Marine National Park (IUCN Category II) zone to protect foraging habitat for migratory seabirds and resident flatback turtles and whales, dolphins and sawfish species from interaction with commercial fishing activities.
- Supported the zoning (IUCN Category VI) of the reserve and the access permitted to recreational fishing.
- Raised concern regarding the lack of clarity about whether activities associated with the pearling industry (such as mooring vessels and landing seaplanes related to holding, seeding and turning oysters) would be permitted in the reserve now and in the future. Concern was also raised about investment uncertainty with the ten year cycle of management planning, given the eight year maturation cycle of pearls.
- Supported extension of the reserve to include Quondong Point and Roebuck Bay.

#### **Director's Views**

*The proposed zoning was designed to avoid impacts to the pearling industry and the recreational fishing sector and to reduce impacts on mining and commercial fishing. The Director's views in relation to the pearling industry are the same as those expressed in relation to the proposed Eighty Mile Beach Commonwealth Marine Reserve and are also considered in*

*Part 6.3. With regard to potential extensions to the proposed reserve, the location and size were intended to minimise socio-economic impacts on commercial fishing. The Director's introductory views to Part 7 are also relevant to this reserve.*

### **Argo-Rowley Terrace Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Opposed the reduction of the Marine National Park (IUCN Category II) zone from the draft proposal and raised concerns about the potential impacts of commercial fishing and mining activities on protected species (seabirds; sharks); suggested greater level of protection to Mermaid Reef and surrounding areas.
- Opposed the zoning and suggested reducing the size of the large offshore Marine National Park (IUCN Category II) zone to reduce impacts on purse seine fishing. Claimed exclusion of purse seine from IUCN Category II zones is unjustified, as purse seine does not pose a threat to the reserve's values.
- Supported the proposal but suggested inclusion of all four Rowley shoals into the reserve.
- Supported the proposal but suggested the Multiple Use (IUCN Category VI) zone to be changed to a Marine National Park (IUCN Category II) zone to protect the shoals and adjacent areas from the impacts of offshore petroleum and commercial fishing.

#### ***Director's Views***

*Purse seine is excluded from IUCN Category II zones because Category II zones are intended to exclude all types of extraction of living resources. Changes were made to the southern boundary of the proposed reserve, and in the boundary between the Marine National Park (IUCN Category II) zone and the Multiple Use (IUCN Category VI) zone, in response to comments received during the consultation on the draft reserves network proposal and to reduce impacts on commercial fishing and the petroleum sector. The Director's introductory views to Part 7 are also relevant to this reserve. Comments on this proposed reserve are also included in Part 6.2.*

### **Kimberley Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Proposed that the Marine National Park (IUCN Category II) zone be reduced by approximately five per cent to allow recreational and charter fishing within a 30 km radius of Cape Leveque.
- Opposed the reduction in size of the Marine National Park (IUCN Category II) zone from the draft proposal and suggested the entire reserve should be zoned as Marine National Park (IUCN Category II) zone in view of its biological richness and endemism and to protect species (dugongs; dolphins; migratory seabirds; humpback whale; green, olive ridley and flatback turtles) from interactions with commercial fishing, mining activities and collisions with vessels.



- Supported the proposal and claimed it would benefit the tourism industry.
- Opposed the proposal because of impacts on catch and licence values in the Kimberley Prawn Fishery.
- Suggested joining the two Marine National Park (IUCN Category II) zones to protect the humpback whale nursery area.
- Suggested extending the Marine National Park (IUCN Category II) zone to include seagrass off the Dampier Peninsula.
- Opposed restrictions on recreational and charter fishing in the Marine National Park (IUCN Category II) zones and noted the social and economic significance of these activities for the local communities.
- Suggested extending the Multiple Use (IUCN Category VI) zone to the Northern Territory border to complement the proposed state North Kimberley Marine Park.
- Raised concern regarding the lack of clarity about whether activities associated with the pearling industry (such as mooring vessels and landing seaplanes related to holding, seeding and turning oysters) would be permitted in the reserve now and in the future.

#### **Director's Views**

*Changes to the proposed reserve were the result of consultation on the draft proposal. Changes in design and zoning were intended to reduce impacts on charter and recreational fishing, which is allowed in the Habitat Protection (IUCN Category IV) zone. Potential impacts on the Kimberley Prawn Trawl Fishery were difficult to estimate because of the coarseness of the fishing data and lack of input from licence holders during the consultation on the draft proposal. It is noted that, while generally the aim of minimising socio-economic impacts has been met, individual operators may be affected. Fisheries impacts would be addressed through the fisheries adjustment assistance package. The Director's introductory views to Part 7 are also relevant to this reserve. The Director's views in relation to the pearling industry are the same as those expressed in relation to the proposed Eighty Mile Beach Commonwealth Marine Reserve and considered in Part 6.3. Comments on this proposed reserve are also included in Part 6.2.*



## **PART 7.4 – NORTH COMMONWEALTH MARINE RESERVES NETWORK**

### **Joseph Bonaparte Gulf Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve but suggested tighter zoning to increase protection to foraging habitats for the flatback, olive ridley and loggerhead turtles from commercial fishing and called for a ban on mining in this area.
- Proposed zoning as Marine National Park (IUCN Category II) to ensure greater protection of the values of this area.

#### ***Director's Views***

*The comments in support of this reserve are noted. The Director's introductory views to Part 7 are relevant to this reserve.*

### **Oceanic Shoals Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve and the exclusion of pelagic gillnet fishing but suggested Marine National Park (IUCN Category II) zoning to increase protection to the resting areas (between egg laying) for flatback and olive ridley turtles, from other commercial fishing practices and mining.
- Opposed Proclamation of the North Marine reserve Network proposal because of lack of consultation and concerns about implications for title holders operating in the Heron Gas Field and potential for increased regulatory impost.
- Suggested zoning as Marine National Park (IUCN Category II) to ensure greater protection of the values of this area.

#### ***Director's Views***

*The design of the proposed reserve reflects feedback received from the petroleum sector and commercial fishing industry during consultations on the draft proposal and is intended to minimise impacts on these sectors. Petroleum licences granted prior to the Proclamation of the reserve are covered by the prior usage rights provisions of the EPBC Act. With respect to concerns about increase in regulatory burden, the Government is working towards integrating assessment and approval processes under the EPBC Act, so that a single process will be undertaken to assess proposed activities within marine reserves. In relation to these matters, see also Part 6.6). The Director's introductory views to Part 7 are relevant to this reserve.*

### **Arafura Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve and the exclusion of pelagic gillnet fishing but suggested Marine National Park (IUCN Category II) zoning to increase protection to the resting areas for flatback, olive ridley, green and hawksbill turtles and the migratory roseate tern, from other commercial fishing practices and mining.
- Suggested the reserve boundaries should be changed to achieve connectivity with the Northern Territory's Garig Gunak Barlu National Park.
- Suggested zoning as Marine National Park (IUCN Category II).

#### **Director's Views**

*The proposed zoning is intended to minimise impacts on commercial and recreational fishing. The proposed reserve does not adjoin the Northern Territory's Cobourgh Marine Park, which is the marine park adjacent to the Northern Territory's Garig Gunak Barlu National Park, in order to avoid impacts on the commercial fishing industry including both the Commonwealth managed Northern Prawn Fishery and Northern Territory managed fisheries. The Director's introductory views to Part 7 are relevant to this reserve. Comments on this proposed reserve are also included in Part 6.2.*

### **Arnhem Commonwealth Marine Reserve**

#### **Summary of Comments**

Comments received in relation to this reserve:

- Supported the reserve but suggested tighter zoning restrictions to increase protection to the resting habitat for the flatback turtle and breeding aggregations of the migratory bridled, roseate and crested terns, from commercial fishing and mining.
- Suggested the reserve boundaries should be changed to achieve connectivity with the Djelk Indigenous Protected Area (IPA).
- Suggested the reserve should include Marine National Park (IUCN Category II) zoning.

#### **Director's Views**

*The proposed zoning restrictions are intended to minimise impacts on commercial and recreational fishing. With respect to connectivity with the Djelk IPA, it should be noted that this IPA extends into sub-coastal sea country well inshore and within Northern Territory waters. The Director's introductory views to Part 7 are relevant to this reserve.*

### **Wessel Commonwealth Marine Reserve**

#### **Summary of Comments**

Comments received in relation to this reserve:

- Supported Multiple Use (IUCN Category VI) zone as it protects marine turtles from gillnet fishing but opposed reduction in size of the proposed Marine National Park (IUCN Category II) zone because of concerns about impacts from fishing and mining on threatened turtles and migratory seabirds.
- Opposed the reserve because of impacts on the Northern Prawn Fishery, specifically loss of catch; loss of access to historical fishing grounds; loss of value of entitlements.

Also suggested the reserve did not meet the Government's policy objectives as it does not minimise socio-economic impacts. Suggested option of re-zoning to a Special Purpose (IUCN Category VI) zone that would allow trawl fishing.

#### **Director's Views**

*Changes made to the North marine reserves network proposal were in response to extensive consultation with a range of users and were intended to reduce socio-economic impacts, including on the Northern Prawn Fishery. The issue of zoning restrictions that apply to specific types of fishing gear is considered in Part 6.3. It is noted however that, while across the network proposal the aim of minimising socio-economic impacts has been generally met, some sectors and individual operators might be affected. The fisheries adjustment assistance package is intended to address such impacts. The Director's introductory views to Part 7 are relevant to this reserve.*

### **Limmen Commonwealth Marine Reserve**

#### **Summary of Comments**

Comments received in relation to this reserve:

- Supported the reserve and the exclusion of pelagic gillnet fishing but supported tighter zoning restrictions to increase protection to the threatened flatback turtle and the endemism values of the area.
- Supported the reserve and proposed zoning as Marine National Park (IUCN Category II) to ensure greater protection of the values of this area.
- Suggested extending the reserve to encompass Commonwealth waters from around Groote Eylandt in the north and to the Sir Edward Pellew Islands to the south, to increase protection to the cultural heritage and environmental values of the area.

#### **Director's Views**

*Changes were made to the western boundary of the reserve primarily to better align the proposed reserve with the Northern Territory's Limmen Bight Marine Park; the change also improves representation of the Pellew meso-scale bioregion. The location and size of the reserve were intended to minimise socio-economic impacts. The Director's introductory views to Part 7 are relevant to this reserve. Comments on this proposed reserve are also included in Part 6.2.*

### **Gulf of Carpentaria Commonwealth Marine Reserve**

#### **Summary of Comments**

Comments received in relation to this reserve:

- Supported the Marine National Park (IUCN Category II) zone but suggested it should extend further inshore to increase protection to the area's endemic species.
- Supported the reserve as proposed.
- Opposed the reserve because of impacts on the Northern Prawn Fishery, specifically loss of catch; loss of access to historical fishing grounds; loss of value of entitlements.

Also suggested the reserve does not meet the Government's policy objective to minimise socio-economic impacts.

- Indicated the reserve overlaps with important survey sites for the Northern Prawn Fishery, which support ongoing sustainable management of the fishery. Also indicated overlap with gear trial sites used ahead of the commencement of the fishing season. Noted industry had provided alternative configuration in response to consultation on the draft proposal.
- Opposed the reserve because of impacts on the Queensland Inshore Finfish Fishery.
- Opposed because of concerns about impacts of the proposed Marine National Park (IUCN Category II) zone on the Queensland Spanish Mackerel Fishery.
- Opposed restrictions to sustainable fisheries because of impacts on local communities and economies, while supporting protection of biodiversity from future impacts.
- Opposed the reserve because of impacts on future development of the Queensland Gulf of Carpentaria Sea Cucumber Fishery and suggested an approach where zoning remains flexible in all but small strict nature reserves of special significance.

#### **Director's Views**

*The size and location of the Marine National Park (IUCN Category II) zone were intended to minimise impacts on commercial fishing. Concerns about impacts of the proposed reserve pertain to prawn, sea cucumber and net fisheries and generally the flow-on impacts on local communities. Impacts on communities are discussed in Part 6.9. With respect to impacts on the net fishers, the proposed reserve overlaps only marginally with the area of the Queensland Inshore Finfish Fishery. The issues raised in relation to the Northern Prawn Fishery and the potential impacts on survey sites, are discussed in Part 6.3. With respect to Sea Cucumber fisheries, the fishing method would be permitted in all but Marine National Park (IUCN Category II) zones. The Director's introductory views to Part 7 are relevant to this reserve.*

#### **West Cape York Commonwealth Marine Reserve**

#### **Summary of Comments**

Comments received in relation to this reserve:

- Supported the Marine National Park (IUCN Category II) zone but suggested it should extend further inshore to increase protection to turtles nesting in the area and frigate bird roosting in the area.
- Expressed concern about the impact of the Multiple Use (IUCN Category VI) zone between three and seven miles offshore on the inshore component of the Queensland managed Inshore Finfish Fishery (net). Proposed that the Special Purpose (IUCN Category VI) zone be extended inshore to the limit of state waters to reduce impact on this fishery.
- Expressed concerns about flow on impacts of the reserve on commercial fishers (from shifting effort into other fisheries/areas) and more generally on the Gulf and Cape communities; suggested these impacts should be addressed by building infrastructure (for example, unloading/refuelling facilities; sealing roads) to support remote communities and to assist the recreational, Indigenous and commercial sectors.

- Opposed the reserve because of potential impacts on businesses and local economy in remote areas, resulting from reducing access to net fishers.
- Opposed because of concerns about impacts of the proposed Marine National Park (IUCN Category II) zone on the Queensland Spanish Mackerel Fishery.
- Supported the proposal and suggested the inclusion of additional areas adjacent to wild rivers catchment.
- Supported the reserve as proposed.
- Opposed because of flow of impacts on local communities and economy, particularly Karumba; suggested zoning to be changed to further reduce access restrictions on gill net fishers.

#### ***Director's Views***

*The introduction of Special Purpose (IUCN Category VI) zoning in the reserve was intended to reduce what would have been significant impacts on the offshore component of the Queensland managed Inshore Finfish Fishery (net) and the potential flow-on effects within fishing dependent communities in the Gulf of Carpentaria. The proposed reserve overlaps only marginally with the area of the inshore component of the Queensland managed Inshore Finfish Fishery (net). Similarly the overlap with the Queensland Spanish Mackerel Fishery with Marine National Park (IUCN Category II) zone, which would exclude this fishery, is small. The issue of flow on effects on local communities is addressed in Part 6.9. Hand collection is allowed in all zones of the proposed reserve except Marine National Park (IUCN Category II) zone. The Director's introductory views to Part 7 are relevant to this reserve. Comments on this proposed reserve are also included in Part 6.3.*

## **PART 7.5 – CORAL SEA MARINE RESERVE**

### **Coral Sea Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve in its proposed form.
- Supported the reserve and the additional protection provided for the reefs in the Coral Sea, particularly Mellish, Kenn, Marion, Vema, Shark, Osprey and Bougainville reefs in Marine National Park (IUCN Category II) zones.
- Supported the increased protection provided for Holmes and Flinders reef systems in Conservation Park (IUCN Category IV) zone.
- Supported the reserve and suggested including Holmes and Flinders reef systems in Marine National Park (IUCN Category II) zones.
- Supported the reserve and suggested including the whole seamounts / slope areas of Osprey, Shark and Vema reefs in the large Marine National Park (IUCN Category II) zone to ensure deep-water coral reef communities occurring on the deeper flanks of these reefs are protected.
- Supported the reserve and the Marine National Park (IUCN Category II) zone in the eastern half of the proposed reserve which now protects more reefs than the draft proposal.
- Supported the exclusion of mining and oil exploration from the reserve.
- Supported the reserve and suggested extending the western boundary of the northern Coral Sea reefs (around Osprey, Shark and Vema reefs) to the same longitude as the draft proposal's Habitat Protection (IUCN Category IV) zone while maintaining the Marine National Park (IUCN Category II) zone to allow the protection of important and healthy reef-associated pelagic populations.
- Supported the reserve and suggested greater restrictions on fishing activities.
- Supported the reserve and suggested extending the Marine National Park (IUCN Category II) zone to at least one kilometre around important dive sites at the north-western corner of Osprey Reef to ensure that the shark population is not impacted by fishing immediately adjacent to the dive site.
- Supported the reserve and suggested extending the Marine National Park (IUCN Category II) zone south to 22 degrees latitude to include a range of unique ecological features including the Townsville Trench and Marion, Frederick and Wreck reefs.
- Supported the reserve and disagreed with the protection afforded by the Habitat Protection (IUCN Category IV) and General Use (IUCN Category VI) zones and suggested that these should be zoned Marine National Park (IUCN Category II).
- Supported the reserve and suggested that research activities would not require permit approval.
- Supported the reserve and proposed that a permit system was needed for boating, tourism and diving activities (snorkelling and scuba) within the reserve.
- Supported the reserve encompassing almost one million km<sup>2</sup> (the whole of the Coral Sea Conservation Zone and the existing reserves Coringa-Herald and Lihou Marine

National Nature Reserves) and just over 500 000 km<sup>2</sup> Marine National Park (IUCN Category II) zoning.

- Supported the reserve and suggested additional protection of the southern pelagic systems in the Coral Sea.
- Supported the exclusion of longlining from three quarters of the proposed reserve as many pelagic species receive very limited protection when compared to those species occurring closer to the coast.
- Supported the exclusion of bottom trawling in all except a small area of the proposed reserve.
- Supported the reserve and suggested excluding bottom trawling from the proposed reserve.
- Supported the reserve and suggested extending the Marine National Park (IUCN Category II) zone, or increasing protection through the use of buffer zones around key areas.
- Supported the reserve and suggested higher protection for biologically important areas for whales and sharks in the Queensland Plateau area.
- Stated restrictions on game fishing were not warranted as the primary activity is catch, tag and release.
- Supported the reserve and suggested all fishing should be excluded from the reserve.
- Supported the reserve and suggested reefs including Kenn, Marion and Osprey to return to the draft proposal of catch and release fishing.
- Supported the reserve and suggested greater protection of the knolls within the Queensland Trough (known as 'Gloria Knolls') to provide greater protection for the only known cold-water coral habitat in Queensland.
- Suggested breaking up the large Marine National Park (IUCN Category II) zone into smaller zones on sensitive areas, iconic locations (for example, Osprey Reef) and some shipwrecks.
- Suggested rezoning the Habitat Protection (Coral Sea) (IUCN Category IV) zone to Multiple Use (IUCN Category VI) zone to allow limited longlining to continue.
- Acknowledged that some concession has been given to allow trawling to continue to operate in the General Use (IUCN Category VI) zone but concerned that it does not allow for future expansion.
- Opposed the reserve as Coral Sea fisheries are already subject to fisheries management and the GBRMP protects all Coral Sea species and biotopes.
- Opposed the reserve as the zoning will significantly impact the Coral Sea Fishery operations (including demersal trap and line and harvest fisheries) and collection of sea cucumber at Marion Reef in particular.
- Opposed the reserve and proposed amending the zoning to include 'pelagic only' or 'no take away' zones to enable recreational and/or charter fishing to continue in areas zoned Marine National Park (IUCN Category II) zone.
- Suggested capping of charter fishing permits at current levels.
- Suggested the inclusion of access for trolling through the Marine National Park (IUCN Category II) zone extending from Cairns to Papua New Guinea.
- Opposed the reserve removing commercial fishing from the area as this may lead to foreign fishing vessels accessing the area undetected.



- Opposed the reserve as the level of recreational fishing use is low and exclusion from an area should be based on sound, comprehensive science.
- Opposed the reserve and exclusion of commercial fishing that would reduce Australia's sustainable fishing harvest.
- Opposed the exclusion of recreational fishing at Marion, Kenn, Vema, Shark and Osprey reefs based on the lack of science to support the proposed restrictions and to maintain the world class recreational fishing experiences for local and visiting fishers to visit iconic fishing locations in the Coral Sea.
- Opposed the reserve as the assessment process has not fulfilled the original obligations detailed by the then Minister for the Environment, Water, Heritage and Arts in May 2009.
- Opposed the reserve as the RIS did not reflect the potential impact of the proposed reserve on all affected marine-related industries.
- Suggested that the IUCN II category should be altered to allow recreational fishing under Queensland State fishing rules and regulations.
- Opposed the reserve on the basis that the risks commercial fishing pose are less than other pressures for example, shipping and shipping-related activities) and that exclusions should be based on scientific justification.
- Opposed the reserve and protection for additional reefs given a number of reefs are currently within existing reserves.
- Opposed the reserve and raised concerns about imports on the local seafood industry, potential increases in the importation of seafood as a result of the Coral Sea Commonwealth Marine Reserve and suggestions that foreign vessels may poach Coral Sea fish stock for resale into Australia.
- Opposed the reserve on the basis that the consultation process conducted made little effort to include the affected communities, preferring to meet with selected representatives in small groups and that international template submissions were given relevance in the process and supporting documentation (for example, the RIS).
- Opposed the reserve on the basis that the economic and social impact assessment of the proposal on regional communities was inadequate; requested that further assessment of the economic impact of the proposed reserve on Indigenous employment and training in the Cairns region fishing/marine industry be undertaken and requests the Australian Government to acknowledge the level of support required for the local economy and community to address potential impacts.
- Opposed the reserve on the basis that the area can be sufficiently managed by capping use to current levels and through other management measures (for example, bag and size limits for fish, protected species legislation, memorandum of understandings between sectors) and that most of the Coral Sea is protected by weather for the majority of the year so there is no need for Marine National Park (IUCN Category II) zones.
- Opposed the reserve on the basis that there is no evidence of any activity operating in the Coral Sea under current management doing any harm to the environment and that charter and game fishing is already heavily regulated by both state and Federal Government.

- Opposed the reserve on the basis that documentation accompanying the proposal does not list fishing activities as being a significant threat to the Coral Sea Region.
- Suggested reducing the size of the large offshore Marine National Park (IUCN Category II) zone to reduce impacts on purse seine fishing from an area that might become increasingly important for skipjack tuna. Suggested exclusion of purse seine from IUCN Category II zones is unjustified, as purse seine does not pose a threat to the reserve's values.
- Suggested alternatives to the Conservation Park (IUCN Category IV) zone line fishing restriction of 'one line, one hook when line fishing and three lines when trolling' including seeking a return to 'catch and consume' areas (as had been proposed for Habitat Protection (IUCN Category IV) zones in the draft proposal) or 'pelagic only' fishing areas combined with the capping of charter fishing activities at current levels.
- Suggested game fishing should not be restricted other than at Osprey Reef.
- Suggested changes to the scope and scale of the fisheries adjustment package to include onshore and upstream businesses.
- Stated that the proportion of the reserve in Marine National Park zones was excessive and more than required to meet the *Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters*.
- Proposed that instead of Marine National Park (IUCN Category II) zones that satellite video cameras could be used to monitor commercial fishing hauls in the Coral Sea.
- Expressed concern about potential for negative impacts on the Cairns economy should a drop in visitor numbers occur due to the exclusion of recreational and charter fishers from parts of the proposed reserve.
- Requested that the reference to migratory species in the major conservation values area of the proposal documentation be removed as these fisheries are sustainably managed under strict fisheries management arrangements.
- Stated that the assessment process to determine the need for any permanent protection measures for the Coral Sea was not thorough.
- Expressed concern that the proposal will not be able to be implemented as Government has not allocated appropriate resources and equipment to manage the proposal. Further, given the vast geographic size of the waters, the likelihood of ever applying the appropriate resources to manage the proposal as currently drafted is very remote.
- Expressed concern about the potential impact on pelagic fishing activities and suggested allowing long lining and purse seining to continue.
- Expressed concern about the potential impact on the trawler fleet in Bundaberg and the potential flow-on impacts to the community.
- Expressed concern about the implications for charter and game fishers of limiting commercial long-line operations in the Coral Sea.

#### ***Director's Views***

*The Coral Sea is recognised for its rich biodiversity, unique physical features and important heritage values. The Coral Sea is one of the last remaining areas of the world's oceans where large-scale and biologically rich ecosystems remain relatively intact. It also provides refuge for a wide range of threatened, migratory and commercially valuable species under serious threat elsewhere. Compared to the majority of Australia's marine estate, human use within the*

*Coral Sea is relatively low due to its remote and isolated location. Some submissions have commented that this low level of pressure demonstrates that existing commercial activities should be allowed to continue because they do not pose a threat to the environment. The alternative proposition, put in other submissions, is that it is the absence of such pressures that provides the opportunity to secure ongoing protection to the large scale ecosystems of the Coral Sea with relatively low socio-economic effects.*

*Comments specific to the Coral Sea Marine Reserve often recommended changes in zoning and/or zone boundaries. Changes to the zoning of the proposed reserve are outside the scope of the consultation process (see introductory comments to Part 7).*

*The boundaries and zoning of the final reserves proposal have been the subject of careful consideration and consultation. At the time of proclaiming the Coral Sea Conservation Zone, the Australian Government indicated that the Coral Sea region would not become a single 'no-take' marine reserve. The marine reserve proposal was finalised following consultation with all interested stakeholder groups and consideration of potential socio-economic impacts. It is recognised that while the proposed reserve does not exclude all extractive activities from occurring, some individual commercial fishing operators would be affected significantly. These impacts would be addressed through the fisheries adjustment assistance package being developed by the Government.*

*Comments suggesting changes to the allowable activities in each zone were, for the most part, supportive of a wider range of activities to occur. Conversely, some comments suggested the exclusion of recreational or commercial fishing or further restricting fishing activities in the entire reserve. The final proposal introduces some new zones and changes to the name of some zones: the introduction of a Conservation Park (IUCN Category IV) zone, the introduction of a Habitat Protection (Seamounts) (IUCN Category IV) zone, the introduction of a General Use (IUCN Category VI) zone, and the change in name and IUCN category of Special Purpose (IUCN Category VI) zone to Habitat Protection (Coral Sea) (IUCN Category IV) zone. The new zones provide increased protection for a number of additional reefs and conservation values while providing for a range of activities to continue.*

*Changes made in response to consultation on the draft proposal to reduce impacts on the commercial fishing sector were acknowledged. South of 22 degrees latitude reserve zoning seeks to strike a balance between the sustainable use of natural resources and the protection of the biodiversity in this area. The proposed General Use (IUCN Category VI) zone was designed to reduce impacts to the trawl sector.*

*Purse seine is excluded from IUCN Category II zones because Category II zones are intended to exclude all types of extraction of living resources, consistent with the IUCN Guidelines (IUCN 2012). Similarly, recreational, charter and game fishing, even at low levels are considered incompatible with IUCN Category II objectives (IUCN 2012).*

*Osprey, Shark and Vema, Marion and Bougainville reefs were included in Marine National Park (IUCN Category II) zones following consultation on the draft proposal in order to provide a higher level protection to the unique reef systems (key ecological features of the*

region). Comments suggesting additional protection of these areas, in particular the northern-end of Osprey Reef, in recognition of the areas' importance for tourism are noted. The location of the zone boundaries, in particular the western boundary of the Marine National Park (IUCN Category II) zone at Osprey, Shark and Vema reefs and the Marine National Park (IUCN Category II) zone at Marion Reef were placed close to the reef edge to minimise impacts on recreational, charter and game fishing activities.

Wreck, Cato and Frederick Reefs were zoned Habitat Protection (Seamount) (IUCN Category IV) zone to provide enhanced protection to these seamounts, one of the region's key ecological features (Tasmantid seamount chain), while allowing for pelagic fishing to continue.

The inclusion of Conservation Park zones (mirroring arrangements in the GBRMP with its associated fishing restrictions of one line, one hook for line fishing and three lines when trolling) was made in response to comments received on the draft proposal. The draft proposal included Habitat Protection (IUCN Category IV) zones in which catch and release fishing (or catch and consume on the trip) would have been allowed.

A number of submissions highlighted socio-economic issues that may stem from the creation of the proposed reserve. In particular, issues were raised regarding the potential negative impact upon the Cairns economy (and other regional economies) through a reduction in commercial fishing activity (including in relation to indigenous workers in the industry) or through reduction in charter fishing or recreational fishing based tourism. The ABARES assessment further recognises that the Cairns economy may experience regionally significant reductions in commercial fish landings as a result of the proposed reserve. A fisheries adjustment assistance package is being developed to assist fishing businesses and eligible employees adjust to a post marine reserve operating environment.

The design of the Marine National Park (IUCN Category II) zones at Marion Reef, Vema Reef, Shark Reef and Osprey Reef reflects the clear intent to allow game, charter and recreational fishing to continue to occur close to these reefs while providing high level protection to the reef environments.

The proposed reserve seeks to provide protection to key features and habitats within the region while maintaining access for certain types of commercial fishing and recreational, charter and game fishing through the use of the General Use (IUCN Category VI) zone, Multiple Use (IUCN Category VI) zone, Habitat Protection (Seamounts) (IUCN Category IV) zone, Habitat Protection (Coral Sea) (IUCN Category IV) zone and the Conservation Park (IUCN Category IV) zone.

The zoning in the proposed Coral Sea Marine Reserve would remove some forms of commercial fishing from the region adjacent to the GBRMP, while allowing continuing access for game, charter and recreational fishing. The areas of most importance for game fishing are adjacent to the GBRMP and these areas remain open for charter and game fishing. While it is recognised that some relatively lightly fished but iconic reefs are proposed to be included in highly protected Marine National Park zones, there may be an overall improvement in sports fishing opportunities due to a combined Great Barrier Reef and Coral Sea game fishing

*experience. The way the potential for fishing in this region is marketed is a matter for the industry and tourism authorities.*

*Comments in relation to exclusion from Marine National Park (IUCN Category II) zones and continued access to Mellish and Kenn reefs and access for trolling within the proposed Marine National Park (IUCN Category II) zone adjacent to the edge of Australia's Exclusive Economic Zone were raised and considered in earlier consultations. Charter and game fishing would be allowed in all zones in the proposed marine reserves except Marine National Park (IUCN Category II) zones. Areas important to charter and game fishers have largely been avoided in locating Marine National Park (IUCN Category II) zones with the majority of these areas located far offshore or remote from access points such as boat ramps. Two thirds of the proposed reserves are zoned to allow recreational fishing (including charter and game fishing).*

*The charter and game fishing case study in the ABARES assessment indicates that some charter and game fishers in the Coral Sea engage with commercial fishers operating in the area to help locate target species for their clients. The potential loss of this relationship is noted.*

*The Coral Sea Conservation Zone assessment was undertaken consistent with s.390D of the EPBC Act as part of the Australian Government's Marine Bioregional Planning Program. The assessment considered whether the Conservation Zone's biodiversity, other natural features and heritage values should be protected by including the area in a Commonwealth reserve. The assessment used information sources including available science and a range of socio-economic documentation, in addition to input from key stakeholders and the wider public gathered through public consultation undertaken on the Region since 2010. The assessment determined that the Conservation Zone's biodiversity, other natural features and heritage values should be protected by including the area in a Commonwealth reserve.*

*The final marine reserve proposal for the Coral Sea is the culmination of extended consultation with a broad range of stakeholders and interests. Changes between the draft and final proposals in particular, reflect the consideration of issues raised during the 90 day public consultation period undertaken between 2011 and early 2012 when five public information sessions in regional areas in Queensland were held. The public information sessions were open to everyone, were advertised locally and provided opportunities for members of the public to view consultation materials and talk to departmental staff. In addition to the public information sessions, 14 targeted stakeholder meetings were also held throughout the public consultation period.*

*Comments on the relationship between the reserve proposal and Australia's food security and reliance on imported seafood are considered in Part 6.3 to this report.*

*Comments on the use of state and territory laws around bag limits and size restrictions applying in Commonwealth waters are considered in Part 6.4 to this report.*

*Comments on the ABARES assessment and adequacy of the RIS are considered in Parts 6.3.*



## **PART 7.6 – TEMPERATE EAST COMMONWEALTH MARINE RESERVES NETWORK**

### **Gifford Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve but suggested a change in zoning to Marine National Park (IUCN Category II) zone in order provide additional protection to the Gifford Guyout / Eastern Seamounts.

#### ***Director's Views***

*The Director's introductory views to Part 7 are also relevant to this reserve.*

### **Norfolk Commonwealth Marine Reserve**

#### ***Summary of Comments***

Comments received in relation to this reserve:

- Suggested extending the Marine National Park (IUCN Category II) zone to encompass the Wanganella Banks in order provide additional protection to this area.
- Suggested extending the Marine National Park (IUCN Category II) zone to encompass the Central Norfolk and Eastern Norfolk Seamounts in order provide additional protection to these areas.
- Suggested that the Multiple Use (IUCN Category VI) zone should be replaced with a zone of higher protection to provide an improved buffer to the Marine National Park (IUCN Category II) zone in order provide additional protection to the aggregations of marine life, biodiversity and endemism of the area.
- Suggested the inshore fishery should cease because of the importance of the island for species survival.
- Opposed the zoning and suggested reduction in the size of the large offshore Marine National Park (IUCN Category II) zone to reduce impacts on commercial fishing.
- Raised concerns in relation to the constitutional status of Norfolk Island and the potential implications for development and implementation of marine reserves in the vicinity of Norfolk Island.
- Suggested additional port infrastructure should be provided to assist with compliance and enforcement activity.

#### ***Director's Views***

*The zoning of this proposed reserve acknowledges the isolated location of those residents of Norfolk Island and seeks to strike a balance between the sustainable use of natural resources and the protection of the biodiversity in this area. The proposed Marine National Park (IUCN Category II) zone would provide protection for important habitat, including canyons and pinnacles and part of two key ecological features: the Norfolk Ridge and the Tasman Front and Eddy Field within a highly protected zone. The Central Norfolk and Eastern Norfolk Seamounts were included in a Habitat Protection (IUCN Category IV) zone in the final marine reserve proposal to provide additional protection to these seamounts. The marine reserve*

*proposal was finalised following consultation with all interested stakeholders and consideration of potential socio-economic impacts. Norfolk Island has been an integral part of the Commonwealth of Australia since 1914, when it was accepted as an Australian territory under section 122 of the Constitution. The Island has no international status independent of Australia (see also comments in Part 6.9). There is no impediment to the establishment of marine reserves in the vicinity of Norfolk Island, within Australia's Exclusive Economic Zone. The suggestion on port infrastructure is noted (as in Part 6.7). The Director's introductory views to Part 7 are relevant to this reserve.*

## **Lord Howe Commonwealth Marine Reserve**

### ***Summary of Comments***

Comments received on this reserve:

- Supported the reserve but suggested extending the Marine National Park (IUCN Category II) zone to encompass certain seamounts and reefs in the Temperate East Marine Region, specifically Elizabeth and Middleton reefs, the Lord Howe Ridge and Lord Howe Plateau.
- Disagreed with the decrease of the Marine National Park (IUCN Category II) zone on the eastern side of Lord Howe Island and suggested reinstatement to the size in the draft marine reserve proposal.
- Proposed that the Recreational Use (IUCN Category IV) zone should be rezoned to a Multiple Use (IUCN Category VI) zone in which compatible fishing methods including purse-seine would be allowed.
- Opposed the exclusion of certain fishing practices in the Habitat Protection (Lord Howe) (IUCN Category IV) zone because of impacts on the Eastern Skipjack Tuna Fishery and suggested that purse seine and other fishing methods should be allowed.
- Opposed the extension of the Marine National Park (IUCN Category II) zone around Middleton Reef due to the impacts on commercial fishing, in particular purse seine and mid-water trawl.
- Suggested that recreational fishing should be allowed within the Marine National Park (IUCN Category II) zone.
- Suggested that recreational spearfishing should be allowed within the Habitat Protection (IUCN Category IV) zone.
- Raised concerns that mid-water trawl was not listed on the table of commercial fishing activities for the zoning scheme and that the activity does not appear to be assessed elsewhere in the proposal for the Temperate East region.

### ***Director's Views***

*The main concern with the proposed reserve related to potential impacts on the Skipjack Tuna Fishery, the East Coast Deepwater Trawl Fishery and suggested changes to a zone type or compatible activities within zones, as well as a reassessment of the displacement to commercial fishers. The zoning of this proposed reserve acknowledges the isolated location of those residents of Lord Howe Island and seeks to strike a balance between the sustainable use of natural resources and the protection of the biodiversity in this area. The proposed Marine National Park (IUCN Category II) zone around Middleton Reef would protect reef and reef*



*slope outside the existing Elizabeth and Middleton Marine National Nature Reserve and part of three key ecological features: Elizabeth and Middleton Reefs, the Lord Howe seamount chain and the Tasman Front and Eddy Field within a highly protected zone. The existing Elizabeth and Middleton Reefs Marine National Nature Reserve Habitat Protection (IUCN Category II) zone was proposed to be changed to Recreational Use (IUCN Category IV) zone in the draft reserve proposal and then maintained in the final proposal. The final proposal would maintain the current management arrangements for these areas (for example, the exclusion of all commercial fishing activities) and minimise potential confusion with the proposed Habitat Protection (IUCN Category IV) zone within the same reserve. Purse seine and recreational spearfishing are proposed to be excluded from the Habitat Protection (Lord Howe) (IUCN Category IV) zone as this zone would maintain the current management arrangements for this area and minimise potential confusion with the new proposed Habitat Protection (IUCN Category IV) zone within the same reserve. Recreational fishing is excluded from IUCN Category II zones because Category II zones are intended to exclude all types of extraction of living resources, consistent with the IUCN Guidelines (IUCN 2012). The final proposal will allow mid-water trawl to continue in line with proposed purse seine fishing activities. Mid-water trawl is allowed in the final Special Purpose (IUCN Category VI) zone, Multiple Use (IUCN Category VI) zone and Habitat Protection (IUCN Category IV) zone and will be reflected in the zoning scheme for the Temperate East Marine Region. Comments on this proposed reserve are also included in Part 6.3. The Director's introductory views to Part 7 are relevant to this reserve.*

## **Central Eastern Commonwealth Marine Reserve**

### ***Summary of Comments***

Comments received on this reserve:

- Suggested extending the Marine National Park (IUCN Category II) zone to include seamounts additional to the Derwent-Hunter seamount and suggested enhanced protection for protected species to the north and south of this zone.
- Suggested extending the western boundary to the west to meet the NSW Solitary Islands Marine Park and that a representative area should be included in a Marine National Park (IUCN Category II) zone.
- Suggested extending the Marine National Park (IUCN Category II) zone to encompass certain seamounts in the Temperate East Marine Region, including the Britannia, Barcoo and Taupo seamounts.
- Supported the reserve and identified the importance of maintaining access to emerging recreational fishing locations such as Taupo and Barcoo seamounts.
- Concerned that the parallel process of potential gulper shark closures in areas contiguous with and within the marine reserves network proposal may result in loss of livelihood with no access to adjustment assistance for the gulper shark closures process being conducted by fisheries management agencies.

### **Director's Views**

*The zoning of this proposed reserve seeks to strike a balance between the sustainable use of natural resources and the protection of the biodiversity in this area. The proposed Marine National Park zone (IUCN Category II) provides a significant conservation outcome by protecting the Derwent-Hunter Seamount (part of a key ecological feature) within a highly protected zone. Taupo, Barcoo, Britannia and Queensland Seamounts were included in a Habitat Protection zone (IUCN Category IV) in the final marine reserve proposal to provide additional protection to these seamounts. The Director's introductory views to Part 7 are relevant to this reserve. The marine reserve proposal was finalised following consultation with all interested stakeholders and consideration of potential socio-economic impacts. The conservation status of two species of gulper shark is under consideration by the Threatened Species Scientific Committee and associated protection measures are under consideration by fisheries managers as part of the export requirement for the Southern and Eastern Scalefish and Shark Fishery under the EPBC Act. Any resulting fisheries management measures for these species are outside the scope of this report.*

## **Solitary Islands Commonwealth Marine Reserve**

### **Summary of Comments**

Comments received in relation to this reserve:

- Stated that the size of the Marine National Park (IUCN Category II) zone would not afford sufficient protection for threatened species.
- Supported the reserve but suggested extending the Marine National Park (IUCN Category II) zone around Pimpernel Rock to be extended to 1500 metres around habitat for the critically endangered east coast population of grey nurse sharks.
- Suggested the exclusion of pelagic long line and drift line fishing in the Multiple Use (IUCN Category VI) zone to increase protection for seabirds and sharks.
- Suggested the exclusion of mining in the Multiple Use (IUCN Category VI) zone to avoid impacts on whales.
- Suggested maintaining the current Habitat Protection (IUCN Category IV) zone in the existing Solitary Island Marine Reserve (Commonwealth Waters) instead of the proposed Multiple Use (IUCN Category VI) zone.

### **Director's Views**

*Comments specific to this proposed reserve were all supportive of greater level of protection through changes to the zone type or to the activity restrictions within zones. The intent of the proposed zoning and activity restrictions of this proposed reserve seeks to maintain the existing activities in the vast majority of the area and to strike a balance between the sustainable use of natural resources and the protection of the biodiversity in this area. The Marine National Park (IUCN Category II) zone around Pimpernel Rock is proposed to be extended in recognition of the importance of the area for grey nurse sharks. The marine reserve proposal was finalised following consultation with all interested stakeholders and consideration of potential socio-economic impacts. The Director's introductory views to Part 7 are relevant to this reserve. A range of potential activities possible in multiple use and special purpose zones are subject to the assessment and approvals processes of the EPBC Act.*

## Cod Grounds Commonwealth Marine Reserve

### *Summary of Comments*

Comments received in relation to this reserve:

- Supported the reserve but suggested extending the Marine National Park (IUCN Category II) zone to be consistent with international marine reserve design principles of a minimum width of 20 kilometres and to incorporate a minimum level of protection as recommended for the critically endangered east coast population of grey nurse sharks.
- Proposed that recreational fishing should be allowed within the Marine National Park (IUCN Category II) zone.
- Proposed that the Marine National Park (IUCN Category II) zone be complemented by buffer zones to increase protection for threatened species.

### *Director's Views*

*Comments suggested changes to compatible activities within the Marine National Park (IUCN Category II) zone or changes in the size of the reserve to provide greater protection to a range of values. The Marine National Park (IUCN Category II) zone is proposed to be extended in recognition of the importance of the area for grey nurse sharks. The Government has not pursued minimum size principles in developing the network, but has applied the Goals and Principles for the Establishment of the NRSMPA in Commonwealth waters to guide the identification of areas representative of the diverse ecosystems and habitats in Commonwealth waters. The Director's introductory views to Part 7 are relevant to this reserve. Recreational fishing is excluded from IUCN Category II zones because Category II zones are meant to exclude all types of extraction of living resources, consistent with the IUCN Guidelines (IUCN 2012). The marine reserve proposal was finalised following consultation with all interested stakeholders and consideration of potential socio-economic impacts.*

## Hunter Commonwealth Marine Reserve

### *Summary of Comments*

Comments received in relation to this reserve:

- Suggested that trawling should be excluded from the reserve.
- Supported the reserve and the Special Purpose (IUCN Category VI) zone to allow trawling to continue in order to minimise the impact on commercial fishers.
- Supported the reserve and the increased protection this will provide to shelf rocky reefs and species such as the black cod and grey nurse sharks and other predators.
- Suggested that the entire reserve be zoned Marine National Park (IUCN Category II) zone for the protection of threatened species from interactions with commercial fishing.
- Suggested including a Marine National Park (IUCN Category II) zone within the reserve.

### *Director's Views*

*Changes made in response to consultation on the draft proposal to reduce impacts on the commercial fishing sector were acknowledged. The zoning of this proposed reserve seeks to*

*strike a balance between the sustainable use of natural resources and the protection of the biodiversity in this area. The marine reserve proposal was finalised following consultation with all interested stakeholders and consideration of potential socio-economic impacts. The Director's introductory views to Part 7 are relevant to this reserve.*

## **Jervis Commonwealth Marine Reserve**

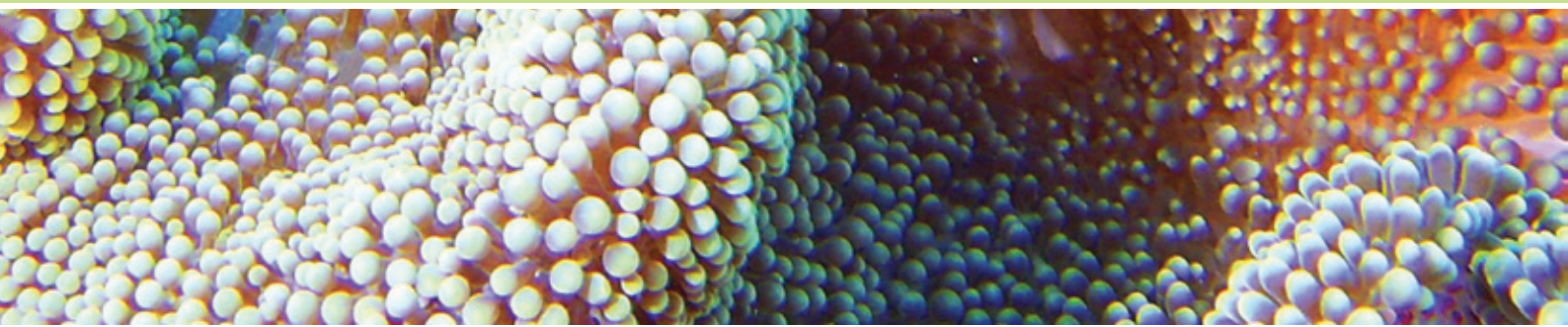
### ***Summary of Comments***

Comments received in relation to this reserve:

- Supported the reserve and the Special Purpose (IUCN Category VI) zone to allow trawling to continue in order to minimise the impact on commercial fishers.
- Supported the reserve and suggested an extension to the reserve to join the Batemans and Jervis Bay NSW marine parks to provide for increased connectivity and to include an adequate no-take zone.
- Supported the reserve and suggested the southern boundary to be extended to include the shelf and slope edge canyons in Batemans Bay.
- Supported the reserve and suggested the north-western boundary be extended to include the two canyon heads outside reserve to ensure entire canyons are protected.
- Opposed the use of a Special Purpose (IUCN Category VI) zone that would allow demersal trawl, demersal longline and Danish seine to continue and suggested that the entire reserve be zoned Marine National Park (IUCN Category II) zone to protect representative features, habitats and threatened species from these activities.
- Suggested the exclusion of mining to avoid impacts on whales.

### ***Director's Views***

*Changes made in response to consultation on the draft proposal to reduce impacts on the commercial fishing sector were acknowledged. The zoning of this proposed reserve seeks to strike a balance between the sustainable use of natural resources and the protection of the biodiversity in this area. The Director's introductory views to Part 7 are relevant to this reserve. The marine reserve proposal was finalised following consultation with all interested stakeholders and consideration of potential socio-economic impacts. A range of potential activities possible in multiple use and special purpose zones are subject to the assessment and approvals processes of the EPBC Act.*



Cover image: Cathy Zwick