

TO: MINISTER FOR ENVIRONMENT AND CONSERVATION

FROM: SIR JOSEPH BANKS GROUP MARINE PARK WORKING GROUP

SUBJECT: FINAL COMMUNIQUÉ TO THE MINISTER

7 JULY 2009

BACKGROUND

The Working Group members attended an induction meeting on 9 April and met on two further occasions, once on 25 May¹, and on 3 - 4 June to provide you with feedback on the outer boundary and indicative zoning arrangements for the Sir Joseph Banks Group Marine Park.

The objective of the Working Group was:

to reach agreement and provide feedback to the Minister for the Environment and Conservation (the Minister) by 14 June 2009 on the outer boundaries and indicative zoning arrangements for the Sir Joseph Banks Marine Park.

The outcomes sought from the Working Group were:

1. an indicative zoning arrangement for each marine park and, if necessary, revised outer boundaries to accommodate that zoning;
2. indicative zoning arrangements that could be used as a starting point to inform the statutory zoning and consultation process outlined in the *Marine Parks Act 2007* (the Act).
3. revised outer boundaries that could be considered for proclamation within the six month timeframe provided under the Act – by 28 July 2009.
4. agreed positive outcomes, however where agreement has not been achieved, the presentation of the various views for the consideration of the Minister.

The functions of the Working Group were to:

- identify indicative zoning arrangements for marine park 6;
- provide advice and recommendations to you on indicative zoning arrangements and any associated revisions to the outer boundaries for the marine park;
- consider recommending any agreed principles, including:
 - areas such as beaches which should remain open to activity,
 - what impacts, including impacts on activity and economic impacts, will arise from the indicative zoning arrangements, and
 - any important values of the region.
- consider any other matters referred to it by you.

¹ Recognising that working group from park 6 was not notified until 27 April that it would commence.

The Working Group was well supported by advisors throughout the process who provided the members with local knowledge about the region. See Attachment (a) for a list of advisors.

ADVICE REGARDING OUTER BOUNDARY REVISION

The Working Group was not able to come to an agreed position on the location of the outer boundary.

The seafood, recreational fishing and local government sectors proposed a revised outer boundary depicted by the blue horizontally striped area in Attachment (b).

The conservation sector proposed a revised outer boundary depicted by the yellow area.

The points of difference were significant and prevented the completion of the task in the time available. Discussion of the two key positions is to be found in Attachments (c) and (d).

The seafood sector notes that the Sir Joseph Banks Marine Park Working Group confined its considerations to Marine Park 6, as per its terms of reference. As a consequence the sector did not list alternative zoning locations in the Eyre Bioregion for consideration.

ADVICE REGARDING INDICATIVE ZONING ARRANGEMENTS

The Working Group noted you were seeking indicative zoning to inform the outer boundary. The Working Group agreed on one sanctuary zone in Second Creek (denoted by overlap of the green horizontal and orange diagonal striping).

The seafood, recreational fishing and local government sectors agreed on:

- an area within a 5 km (2 nautical mile) radius around English and Sibsey Islands (as sanctuary zone), which is highlighted as the green striped patterns on the attached map;
- the remaining area covered by the Sir Joseph Banks Conservation Park (including Dangerous Reef) as habitat protection zone (blue horizontally striped area)

At the conclusion of the time frame provided, there were still points of difference between Working Group members in relation to indicative zoning. For example, additional sanctuary zones proposed by the conservation sector, but not agreed to by other sectors, are highlighted by the orange diagonally striped areas. If further time had been available, it may have been possible to work through some of the points of difference.

Principles

The seafood sector does not support the Government's 14 Design Principles (refer to 4.1.3 Terms of Reference) and stipulates that they are inconsistent with the guidelines established by the National Representative System of Marine Protected Areas, which are supported by industry (See supporting document for further explanation).

Local government, recreational fishing and seafood sectors support your commitment to amend the legislation to improve the existing accountability to Parliament. This amendment will provide an added level of certainty that additional areas will not be

added to sanctuary zones in the future without a high level of community ownership and agreement. The seafood, recreational fishing and local government sectors' proposal is contingent on fulfilment of the commitment to make the changes to the legislation as outlined above.

Whilst acknowledging that this commitment was made to allay fears held by other Working Group members relating to "boundary creep", the conservation sector remains of the view that the current legislation already contains sufficient safeguards in this respect. In light of the Minister's legislative commitment, the conservation sector submits that significant sanctuary zones must be delivered from the beginning of the marine parks program.

Economic Value

With the limited information available, the Working Group was unable to determine whether the zoning proposals being discussed were consistent with the Government commitments regarding the impact of marine parks on the seafood sector in accordance with the Econsearch Report.

(Ref: The Government has made a commitment that it will seek to avoid even a potential 5% impact on our world class fishing industry, as presented in the 2007 Econsearch report commissioned by the Eyre Regional Development Board.)

This is a matter that requires significant further work during the development of management plans for the marine parks.

ADVICE REGARDING THE PROCESS

- The Working Group believes this has been a valuable process and has contributed greatly to a shared understanding of each sector's perspectives.
- Local stakeholders also possess considerable local knowledge of the marine environment that would augment existing ecological, social; and economic data held by the Government.
- Members request the opportunity to continue to inform the development of this marine park throughout the forthcoming management planning process.

RECOMMENDATIONS

The Sir Joseph Banks Marine Park Working Group recommends that:

- you note this report, including attachments;
- further habitat mapping and/or ground-truthing in this region would benefit this process. The Seafood Sector is going to ground-truth the benthic habitats around English and Sibsby Islands; and
- more detailed information relating to local uses and the varying intensity of local use is needed to progress discussions.

The commercial, recreational and local government sectors recommend that:

- you clarify in writing your commitment to change the Marine Parks Act 2007 to require a Parliamentary approval process to alter a marine park management plan (boundary and/or zones);

Attachments:

- a) Sir Joseph Banks Marine Park Working Group – members and advisors
- b) Map – Sir Joseph Banks Group Marine Park Working Group proposals for boundaries and zoning
- c) Seafood Sector Explanatory Note
- d) Conservation Sector Explanatory Note

Attachment (a)

Working Group Members

Leanne Burch (Chairperson)
Shen Dycer
Gary Flack
Neil MacDonald
Julie Pettett
Christian Pyke
Tom Tierny
Will Zacharin

Department for Environment and Heritage
Conservation
Recreational Fishing
Seafood
Conservation
Seafood
Local Government
Primary Industries and Resources South Australia

Representative Advisors

Rex Richard
Ruth Beach
Jeff Dale
David Ellis
Barry Evans
Neil Evans
Bill Ford
Steve Moriarty
Peter Owen
Justin Phillips
Norm Pope
Barry Power
Michael Tokely
Peter Treloar
Darren Tressisor
Dion Watson
Trevor Watts
Michael Whallis

Abalone
Conservation
Rock Lobster
Aquaculture (Tuna)
Prawn Fishing
Scale Fishing
Abalone
Rock Lobster
Wilderness Society
Rock Lobster
Recreational Fishing
Rock Lobster
Abalone/Rock Lobster
Liberal Candidate
Aquaculture (Abalone/miscellaneous)
Local Government
Recreational Fishing
Aquaculture (Oyster farming)

Minister's Observers

Simon Blewett
Lilia Bednarek

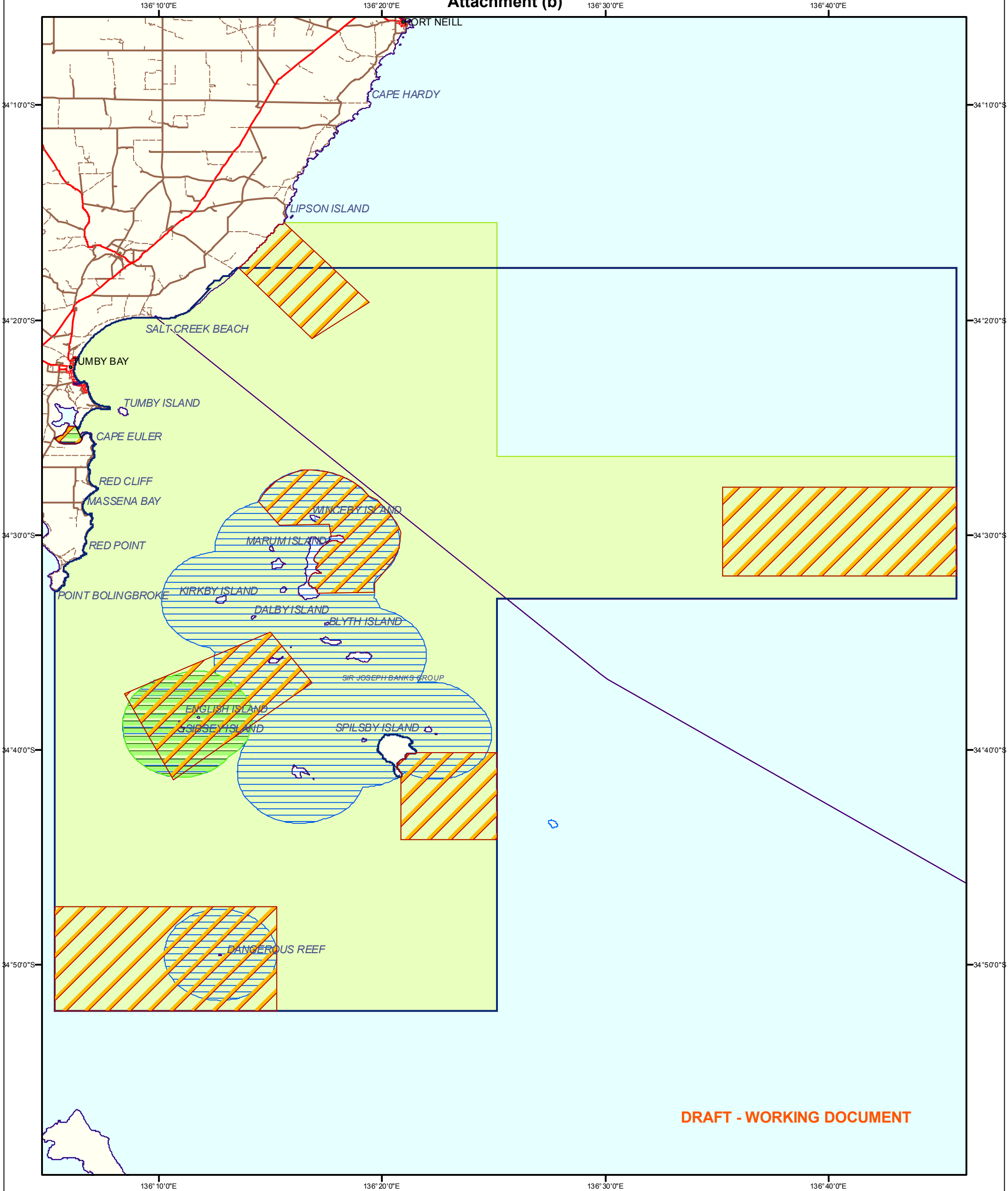
Chief of Staff – induction session
Ministerial Adviser

Advisors

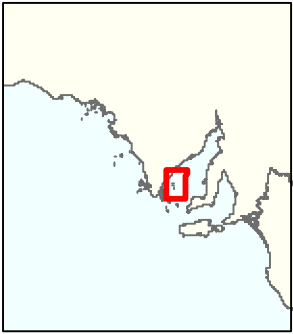
Simon Clark
Jon Emmett
Alison Wright

Department for Environment and Heritage
Department for Environment and Heritage
Department for Environment and Heritage

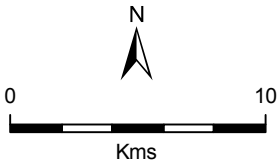
Sir Joseph Banks Group, Marine Park 6 Working Group Outcomes
Indicative Zoning to Inform Outer Boundary Process
Attachment (b)



DRAFT - WORKING DOCUMENT



- Existing State Marine Park Boundary
- Industry Suggested Outer Boundary (and indicative HPZ)
- Conservation Suggested Outer Boundary (and indicative HPZ)
- Industry Indicative Sanctuary Zone
- Conservation Indicative Sanctuary Zone
- Marine Bioregions
- Coastline (Mean High Water)



Produced by Coast & Marine Conservation Branch
Department for Environment and Heritage
PO Box 1047, Adelaide 5000
www.deh.sa.gov.au
Data Source Seafood Industry, SARFAC, LGA
Conservation Council & TWSSA
DEH
Compiled 7 July 2009
Projection Geographic
Datum Geocentric Datum of Australia, 1994

© Copyright Department for Environment and Heritage 2009.
All Rights Reserved. All works and information displayed are subject to Copyright. For the reproduction or publication beyond that permitted by the Copyright Act 1968 (Cwth) written permission must be sought from the Department.
Although every effort has been made to ensure the accuracy of the information displayed, the Department, its agents, officers and employees make no representations, either express or implied, that the information displayed is accurate or fit for any purpose and expressly disclaims all liability for loss or damage arising from reliance upon the information displayed.

Sir Joseph Banks Marine Park Working Group

Seafood, Recreation and Local Government Sector Statement

Principles

1. Seafood sector does not support the Government's 14 design principles (refer to 4.1.3 of the MP6 WG Terms of Reference) and stipulated they are inconsistent with the guidelines established by the National Representative System of Marine Protected Areas.
2. That, where possible, the seafood industry find common ground with the other stakeholder groups so that a whole of community position on outer boundaries and indicative zoning could be formulated.
3. The seafood industry submission was based on the following;
 - a. **CAR Principle** – The sanctuary and habitat protection areas proposed by industry (and recreational fishers and local government) are indicative of the requirements of representative habitat types in the Eyre Bio-Region.
 - b. **ESD Principle** – The sanctuary and habitat protection areas proposed by industry minimised economic and social impacts and presented an acceptable level of risk / impact to the eco-system that is likely to result due to displaced and relocating fishing effort as a result of the implementation of the proposed sanctuary zones. This principle was established in agreement with the recreational fishing and local government representatives of the working group.
 - c. **Cost Effective Management** – The location of Marine Park outer - boundaries should compliment rather than duplicate existing management zones. The seafood industry aimed to minimise the location of sanctuary zones in designated food production zones for e.g. Aquaculture zones in the region.
 - d. **Low Impact / Low Cost** – The areas identified as sanctuary zones result in a low displacement equation which aims to minimise economic impact on the communities that depend on income being generated from uses within MP6 and on the experience of recreational users of the region. By addressing this principle the industry aimed for a zero to low compensation cost.
4. Provided advice on indicative zoning arrangements with the understanding that Minister Weatherill will 'make good' on his commitment to amend the legislation (*Marine Parks Act 2007*) so that any changes to outer boundaries or zones are subject to an approval process involving both houses of parliament.

Advice regarding indicative zoning arrangements

The Local Government, Recreational Fisher & Seafood Industry Position

A joint agreement regarding indicative zoning arrangements was reached between the local government, recreational fishers and seafood industry representatives.

As indicated in the accompanying maps to this document, the joint position identified the area surrounding Little English and Sibsey Islands and an area within Second Creek as indicative Sanctuary Zones.

The remainder of the Sir Joseph Banks Group and an area around Dangerous Reef was identified as being zoned habitat protection.

The indicative zoning proposed by the agreed parties met Principles 1 – 4 as detailed above.

It was noted by the joint position that coastal deepwater habitat (>30m) is not picked up in the indicative sanctuary zones proposed due to the high displacement cost of doing so in this part of the Eyre Bio-Region. It was submitted that habitat in depths 30m+ identified for sanctuary zoning be identified in another part of the Eyre Bioregion. It was explained by the DEH facilitators prior to and at the meeting that this was beyond the scope of this working group.

However – a representative portion of habitat 30m + is located in the joint proposal in the indicative habitat protection zone south of Stickney Island.

Further to the above – the identification of the Sanctuary Zone around English and Sibsey Islands was based on the extensive knowledge of marine users in the region, particularly commercial and recreational divers and fishers. This information enabled the agreed parties to locate an indicative sanctuary zone that represented the majority of habitats in the Eyre Bio-Region.

The seafood industry submitted that it will ground truth the information provided by undertaking a video mapping exercise in the areas surrounding English and Sibsey Islands. The first stage of this process is being actioned today and tomorrow – 17 & 18 June 2009.

The joint position also fits with existing aquaculture zones in the region and the government policy of not having sanctuary zones in areas zoned for aquaculture production.

Comments on the Conservation Sector Proposal

Local Government Representative:

“Local Government strongly opposed the Conservation Sector’s proposed sanctuary zones indicating they believed the zones were totally unacceptable due to their size and quantity and the likely socioeconomic impacts they would create for Lower Eyre Peninsula communities.”

Recreational Fishers (as provided by Trevor Watts):

“Unlike the other two working groups, this group is being asked to negotiate options in such a small area by comparison (all of which is important to the extraction sectors), and it is therefore unrealistic to have large sanctuary zones in such a small area of Islands and coast line. We will always find it hard to offer alternatives because there is no scope to consider alternatives.”

Seafood Industry:

It became apparent to the seafood industry representatives that the conservation proposal for indicative zoning became a “grab for water” rather than addressing conservation principles.

The initial conservation proposal tabled 3 June and citing – connectivity, transition, comprehensiveness changed considerably in light of aquaculture zoning information being tabled. This resulted in the placement of indicative sanctuary zones in all corners of the original outer-boundary and an area in an adjoining (separate) bio-region that proposes to extend the northern boundary of the proposed park.

It was disappointing the conservation sector adopted a “water grab” approach. It concerns the industry that the impact of such an approach presents unmitigated socio-economic risk to the communities that utilise the area.

Sir Joseph Banks Marine Park Working Group

Conservation Sector Statement

19 June 2009

1. SUMMARY

This statement has been prepared by The Wilderness Society (SA) Inc, the Conservation Council of South Australia and the Environment Defenders Office of South Australia (**the Conservation Sector**).

The Conservation Sector strongly supports the establishment of marine parks in South Australia. However, to be considered a success, the marine parks program must deliver a network of sanctuary zones large enough to achieve the primary object of the *Marine Parks Act 2007*, namely to protect and conserve marine biodiversity and habitats.

The Sir Joseph Banks Marine Park Working Group (**the Working Group**) was established to provide feedback to the Minister for Environment and Conservation (**the Minister**) on indicative zoning arrangements for Marine Park 6 and if necessary, revised outer boundaries to accommodate that zoning.

Whilst the Conservation Sector does not disapprove of the size of the current outer boundaries and would in fact like to see them made larger in certain areas, we acknowledge that other stakeholder groups have serious reservations, particularly in relation to the issue of “boundary creep”. Accordingly, the Conservation Sector has expressed a willingness to support smaller outer boundaries in return for broad stakeholder agreement on the size and location of significant sanctuary zones.

The Conservation Sector’s proposal is contained in the attached map (Attachment 1).

The Conservation Sector’s proposal is significantly different to that being put forward by the Seafood Industry, Recreational Fishing and Local Government sectors. Nonetheless, the Conservation Sector considers that the Working Group process was invaluable in opening up a constructive dialogue between the various interest groups and that a similar process should be adopted for the remainder of the marine park network, subject to amendments informed through evaluation of the progress made by the initial three working groups. There are a number of changes to the process, such as less restrictive time constraints, which would be likely to enhance the opportunity for future working groups to produce successful outcomes.

The Conservation Sector representatives and their advisors thank the Minister for the opportunity to participate in the working group process.

2. AREAS OF HIGH CONSERVATION VALUE IDENTIFIED BY CONSERVATION SECTOR

Some months prior to the Working Group being established, the Conservation Sector provided the Seafood Industry with maps identifying South Australia’s marine

environments of high conservation value (**HCV Maps**) (Attachment 2). These maps draw on a number of sources and were commissioned by The Wilderness Society (SA) Inc.

In determining whether a specific area is of high conservation value, the following factors, consistent with international, national and state guidelines, were taken into account:

- habitat types & physical influences;
- biogeographic significance;
- species richness;
- rare, endemic and protected species and/or species of limited range;
- other species of conservation concern;
- significant features including notable feeding, breeding/spawning and nursery areas, cultural heritage sites and popular diving locations;
- national estate features; and
- previous marine protected area nominations.

The HCV Maps were not put forward by the Conservation Sector as either an outer boundary or sanctuary zone proposal. Rather, the HCV Maps were provided to the Seafood Industry at their request, and subsequently to the Working Group, as an indication of focus locations for potential sanctuary zones on the basis that these areas are ecologically worthy of sanctuary zone status. It was always envisaged by the Conservation Sector that any agreed sanctuary zones would need to be buffered by habitat protection zones extending beyond the areas identified in the HCV Maps.

In addition, the HCV Maps were not adjusted in an attempt to pre-emptively avoid conflict with existing and/or potential future uses. The Conservation Sector is not best placed to identify the areas which would result in unacceptable displacement of those commercial and/or recreational activities which are inconsistent with sanctuary zone status. The Conservation Sector requested that this type of information be provided by representatives of the relevant stakeholders groups at the commencement of the Working Group process.

3. REVISED OUTER BOUNDARIES

Unlike on the West Coast, where agreement on a number of key outcomes enabled the Conservation sector to propose large outer boundary reductions, the extent of disagreement between the Conservation Sector and other Working Group representatives in relation to zoning arrangements for Marine Park 6 is significant. Accordingly, the outer boundary reductions proposed by the Conservation Sector in relation to Marine Park 6 are minimal.

The Conservation Sector's proposed outer boundary reductions as shown in the attached map (Attachment 1) represent a genuine attempt at compromise given that the most important precondition for reducing the boundaries has not yet been met, namely broad stakeholder agreement on the size and location of significant sanctuary zones.

The reason for extending the coastal boundary northward to 500m south of Lipson Island Conservation Park was to allow for a coastal sanctuary zone with minimal impact on recreational fishing. Failure to include a coastal sanctuary zone within Marine Park 6 (in addition to the mangrove area at Second Creek) will inevitably impact upon the ability of the park to satisfy the CAR principles.

During the Working Group process, the Conservation Sector had previously proposed coastal sanctuary zones at Pt Bollingbroke and/or Salt Creek Beach. These locations were rejected by the Local Government and Recreational Fishing representatives due to the perceived impact on recreational fishing and potential socio-economic impacts on the wider community. In this regard, the Conservation Sector notes that Pt Bollingbroke is situated on privately-owned land and so is not available to tourists as a recreational fishing spot. The landowner does however make this part of the coast available to local recreational fishers and they consider it to be an important refuge away from the seasonal influx of tourists. The section of coast from Red Point to Cape Euler is apparently also heavily utilised by recreational fishers, the crenulated nature of this coastline providing welcome shelter from prevailing winds. In comparison, the coastline at Salt Creek Beach is said to be used somewhat less and the section of coast south of Lipson Island Conservation Park, even less so.

Whilst a sanctuary zone at Salt Creek Beach would better encapsulate the transition zone between the Eyre and Spencer Gulf Bioregions, the Conservation Sector agreed to shift this proposed sanctuary northward in order to accommodate the concerns expressed by the Local Government and Recreational Fishing representatives. The Local Government representative indicated that this specific aspect of the Conservation Sector proposal would be considered by the District Council of Tumby Bay at a council meeting on Tuesday 9 June, however, it appears from the minutes of that meeting that this issue was not specifically discussed. In order to accommodate the northward extension of the outer boundary, the Conservation Sector has proposed an outer-boundary reduction in the north-eastern corner of Marine Park 6, noting that the total area of this reduction greatly exceeds the total area of the northward extension.

One of the key reasons for the L-shaped outer boundary of Marine Park 6 is to capture deep waters within Spencer Gulf. In order to satisfy the relevant international, national and state design principles, at least some of these waters need to be represented within a sanctuary zone. Upon request from the Conservation Sector, the Seafood Industry was unable and/or unwilling to identify an adequate area of deep water within Marine Park 6 which would have the least impact on commercial fishing activities. Accordingly, the Conservation Sector included a portion of deepwater in the south-eastern corner of the park to represent this habitat type within the network.

4. INDICATIVE ZONING ARRANGEMENTS

The Conservation Sector's proposal for indicative zoning arrangements within the revised outer boundaries for Marine Park 6 is contained in the attached map (Attachment 1).

Sanctuary zones have been proposed in the following locations:

1. Coastal zone south of Lipson Island CP;
2. Winceby Island/Reevsby Island;
3. Sibsey Island/English Island/Langton Island;
4. Dangerous Reef;
5. South-eastern Spilsby Island; and
6. Deep waters – Spencer Gulf.

The conservation values of these areas (including the habitat types and ecological communities they represent) are already well documented in a number of DEH reports.¹ If required, further information can be provided on the conservation values of any of the sanctuary zones proposed in the attached map (Attachment 1).

In developing the attached proposal, the Conservation Sector adopted the following guiding principles:

- As home to some of the Earth's most diverse and unique marine waters, South Australia must play its part in meeting international marine protection targets. The overwhelming consensus of the global scientific community is that all nations must establish networks of highly protected no-take areas covering at least 20-30% of all marine habitat types within each bioregion. A summary of the most relevant state, national and international marine protection commitments, targets and consensus statements is attached (Attachment 3).
- Sanctuary zones are not necessarily being proposed in response to particular localised threats but are an important tool for managing the overall impact of extractive uses on marine biodiversity and ecological processes. In particular, sanctuary zones have use as scientific reference areas for rigorously assessing the depletion of natural resources and the ecological impacts of fishing.² Such areas are also a necessity for informed management during a period when marine communities are changing in response to changing climate.³
- Sanctuary zones should be located adjacent to existing terrestrial parks wherever possible (Design Principle 8 – Seek synergies with existing protected areas⁴).
- Sanctuaries should be of a size of several kilometres extent, ideally extending more than seven kilometres along the coast. Correspondingly, the

¹ See Baker (2004) *Towards a system of Ecologically Representative Marine Protection Areas in South Australian Marine Bioregion – Technical Report*. Prepared for the Coast and Marine Conservation Branch, Department for Environment and Heritage, South Australia. See also Edyvane (1999) *Conserving Marine Biodiversity in South Australia – Part 2 – Identification of Areas of High Conservation Value in South Australia*. Prepared for the South Australian Research and Development Institute, South Australia.

² Barrett N., Buxton C and Gardner C., 2009. Rock lobster movement patterns and population structure within a Tasmanian Marine Protected Area inform fishery and conservation management, *Marine and Freshwater Research*, 60, 417–425

³ Consensus statement by nine of Australia's leading marine scientists and marine planners (led by Associate Professor Graham Edgar of the University of Tasmania), released 7th May 2009

⁴ DEH (2008) *Design principles guiding the development of South Australia's marine park boundaries*. Coast and Marine Conservation Branch, DEH, South Australia, pp. 11-12.

Conservation Sector expressed a preference for a few large sanctuaries rather than many smaller sanctuaries. This principle is based on highly relevant experience from Tasmania.⁵

- All areas in the revised marine park which are not zoned as sanctuaries should be zoned habitat protection, unless there is a demonstrated need to accommodate an existing activity the continuance of which is inconsistent with the objects of habitat protection zoning (i.e. prawn trawling).
- Large-mesh gillnetting should not be allowed within habitat protection zones in recognition of the risk such activities pose to threatened Australian Sea Lion populations, and interactions with other species of conservation significance, including Western Blue Groper.⁶
- Whilst the Conservation Sector has reservations about the utility of general managed used zones, particularly where they do not abut the coast, any prawn trawling grounds located within the boundaries of the revised park which are to remain open to trawling activity should be zoned as general managed use rather than excised from the park altogether.
- Within the Sir Joseph Banks Group, it is important to protect a variety of shoreline types and exposures (i.e. north facing coasts vs south facing coasts, northern islands vs southern islands) to fully meet the CAR principles. Geologically, the southern islands are very different to the northern islands. For example, English Island and Sibsey Island on their own are not representative of the whole group in that there are no beaches on either island and little to no calcarenite capping. Compare this to Reevesby Island which is characterised by long curved beaches on its eastern side. Further information regarding the varying intertidal and subtidal habitat types surrounding around each of the islands can be provided if required.

The flexibility of design options for zoning arrangements within Marine Park 6 was severely hampered by the existence of two very large areas identified by PIRSA for future aquaculture expansion. The first of these is located in and adjacent to the south-eastern corner of the park (adjacent to Spilsby Island) whilst the second occupies much of the northern portion of the park surrounding the Sir Joseph Banks group. The existence of this second area was not revealed to the Working Group until the second day of the final two day meeting, which meant that the Conservation Sector had to rapidly revise its zoning proposals.

For example, the Conservation Sector initially expressed a preference for (amongst others) a large sanctuary zone abutting the coast at Salt Creek Beach, extending in a south-easterly direction to encompass Winceby Island and portions of Reevesby

⁵ Barrett N., Buxton C. and Edgar G., 2009. Changes in invertebrate and macroalgal populations in Tasmanian marine reserves in the decade following protection. *Journal of Experimental Marine Biology and Ecology* 370 pp. 104–119; and Edgar G & Barrett N (1999) Effects of the declaration of marine reserves on Tasmanian reef fishes, invertebrates and plants. *Journal of Experimental Marine Biology and Ecology* 242:107-144.

⁶ See Goldsworthy et al (2007) *Assessment of the implications of interactions between fur seals and sea lions and the southern rock lobster and gillnet sector of the Southern and Eastern Scalefish and Shark Fishery (SESSF) in South Australia*. SARDI, South Australia.

Island and then extending in an easterly direction to the most eastern boundary of the park. This continuous transect would protect a variety of connected inshore, offshore island and deep water habitats including the transition zone between the Eyre and Spencer Gulf Bioregions. The subsequent overlay of an enormous area for future aquaculture effectively jettisoned this proposal, given the Minister's commitment that future aquaculture expansion in this area will be accommodated within the marine park. It is unfortunate that this information was not provided ahead of time to enable the Conservation Sector to make better informed design decisions regarding zoning arrangements within Marine Park 6. The Conservation Sector queries the need for such a large aquaculture zone in this area. If further assessment by PIRSA Aquaculture results in a smaller area being proclaimed as an aquaculture policy zone, the Conservation Sector would seek to revise its current proposal.

The Conservation Sector has a vastly different view to that held by the other Working Group members as to how extensive sanctuary zone protection must be in order for the network to be considered adequate. Nonetheless, within the boundaries of what "adequacy" will allow, the Conservation Sector has wherever possible attempted to design its zoning proposals to take into account existing use information provided by other Working Group members and their advisors. The following example demonstrates the Conservation Sector's willingness to listen to local use information and adapt its zonings proposals accordingly: the Local Government and Recreational Fishing representatives indicated that Langton Island is subject to less intensive recreational use than Blyth, Hareby and Roxby Islands which are favoured by locals for "island hopping". Accordingly, the final Conservation Sector proposal includes a sanctuary zone surrounding Langton Island rather than Roxby Island, even though Roxby Island received a higher "conservation index rating" in an assessment of the conservation value of 113 South Australian islands, based on a number of factors including island area, distance from mainland, degree of isolation and disturbance, aesthetic value and other biological parameters such as the number of rare species.⁷

5. POLICY COMMITMENTS

5.1 A MEASURABLE CONSERVATION COMMITMENT FOR A CONSERVATION PROGRAM

The Local Government, Recreational Fishing and Seafood Industry sectors have been assured that in designing the marine park network, the Government will seek to avoid even a 5% impact on South Australia's fishing industry, and will not displace any aquaculture activity. Given that the focus of the marine parks program is on conservation, these commitments need to be balanced with a commitment to sanctuary zones protecting a minimum percentage of each bioregion representing all habitats, that will enable the Government to honour its international obligations and provide a target for all stakeholders. In addition, achieving genuine conservation outcomes from the beginning of the marine parks program will provide ongoing certainty for all stakeholders into the future.

5.2 INTERACTION WITH FISHERIES MANAGEMENT

⁷ Robinson et al (1996) *South Australia's Offshore Islands*, Department of Environment & Natural Resources, South Australia, pp. 323-324.

The Whole of Government Marine Park Commitments for Marine Parks state that commercial fishing activities are managed by PIRSA Fisheries pursuant to the *Fisheries Management Act 2007* and the marine parks network will not alter this arrangement.

However, a lack of understanding within the working groups regarding the scope of current fisheries management practices, particularly in relation to ecosystem based management and the broader ecosystem effects of fishing (e.g. predator/prey interactions), has led to some working group members rejecting the need for spatial closures to assist in biodiversity conservation. Although the guidelines for assessing sustainability under the EPBC Act clearly include such ecosystem considerations within the realm of fisheries management, there is less certainty regarding the extent to which PIRSA Fisheries' management practices currently address these issues. The statement read by Leanne Burch on behalf of the Government at the final West Coast working group meeting provided the most clarity to date, and firmly limited the scope of fisheries management in SA to the management of stocks, bycatch and physical impacts on habitat.

The most important point to take from the above discussion is that there are impacts of fishing that go beyond the realms of fisheries management as undertaken by PIRSA Fisheries, namely impacts on ecosystem integrity, trophic structure and biological diversity. Spatial closures are recognised as an important tool for managing such impacts, with a particular benefit of providing reference areas which allow comparison between fished and unfished areas.⁸ The need to implement spatial closures for biodiversity conservation should be distinguished from PIRSA's implementation of spatial closures for stock management purposes, through management plan responses⁹ and through existing and proposed Aquatic Reserves.¹⁰ Closures implemented for biodiversity conservation and closures implemented for fisheries stock management won't always have compatible outcomes. Nonetheless, stock management considerations and broader ecosystem based management practices should be integrated wherever possible.

To date, the Conservation Sector has not sought to question the sustainability of South Australia's fisheries management practices. However, it should be acknowledged that despite South Australia being recognised as a world leader in sustainable fisheries management, a significant proportion of our marine fisheries are classified as overfished.¹¹ A further consideration is that however well regarded the management of South Australia's fish stocks may be, few if any jurisdictions in the world can claim to have adequately implemented an ecosystem based fisheries management regime. In this regard, Marine Parks can be an important supplementary fisheries management tool to address the cumulative impacts of a number of different fishing sectors that would otherwise not be addressed. The interactions between Marine Parks and fisheries management therefore need to be

⁸ For example, see Recommendation 13 from the Australian Government's Assessment of the South Australian Rock Lobster Fishery, October 2003.

⁹ For example, see the 2007 Southern Rock Lobster Management Plan.

¹⁰ Agreed outcomes, Fisheries Council meeting #3, 12th February 2008.

¹¹ See PIRSA (2007) *South Australian Fisheries Resources: Current Status and Recent Trends 2006*, South Australian Fisheries Management Series Paper No. 49, PIRSA, South Australia, 2007.

addressed as part of a more informed discussion between PIRSA, DEH and stakeholders.

5.2 DISPLACED EFFORT

One of the barriers which prevented the Working Group from reaching full agreement on indicative zonings was the lack of accurate displaced effort data. The Conservation Sector's aspirations for large sanctuary zones were continually rebutted with the assertion that anything other than very small sanctuaries would be totally unaffordable in terms of displaced effort. As indicated above, the Conservation Sector was not provided with any material against which to objectively test these assertions. Whilst the Conservation Sector is supportive of displaced effort payments being made to the commercial fishing industry where appropriate, we emphasise the need for an open, robust and informed discussion regarding this issue.

For example, in quota managed fisheries, it should not be assumed that placing a sanctuary zone over existing fishing grounds will automatically result in the need for displaced effort compensation. In some cases, it will be possible to close certain areas to fishing without negatively impacting upon the ability of a particular fishery to meet its TACC. Displaced effort considerations also need to take into account, to the extent possible, potential stock enhancement benefits that may arise from the establishment of marine parks.

If the working group process or some variation thereof is to be rolled out for the remainder of the marine park network, there needs to be some way for the working groups to obtain a relatively accurate picture of how much a sanctuary zone of a particular size in a particular area is likely to cost in terms of compensation for displaced effort. We suggest that PIRSA needs to work closely with industry to gather the data necessary for this information to be made available to future working groups. An independent review of the outcomes from the Displaced Effort Working Group by a suitably qualified individual or organisation should also be prioritised in order to give those stakeholder groups not involved in the process confidence in the outcomes.

The Seafood Industry and Local Government representatives have consistently stated that the size of sanctuary zones must be limited in order to meet a budget for displaced effort compensation, referencing the Minister's commitment to avoid even a 5% impact on South Australia's fishing industry. Although the Conservation Sector acknowledges that there are financial limitations to how big sanctuary zones can be in the current economic climate, we believe that Working Groups members must nevertheless give due consideration to the adequacy of such sanctuary zones. The current state of scientific knowledge strongly suggests that the small sanctuary zones being proposed by the Local Government, Seafood Industry and Recreational Fishing sectors are unlikely to be effective in achieving the objectives of the *Marine Parks Act*, namely the protection and conservation of marine biodiversity and habitats.¹²

¹² See Attachment 3; Barrett N., Buxton C. and Edgar G., 2009. Changes in invertebrate and macroalgal populations in Tasmanian marine reserves in the decade following protection. *Journal of Experimental Marine Biology and Ecology* 370 pp. 104–119; and Edgar GJ & Barrett NS (1999) Effects of the

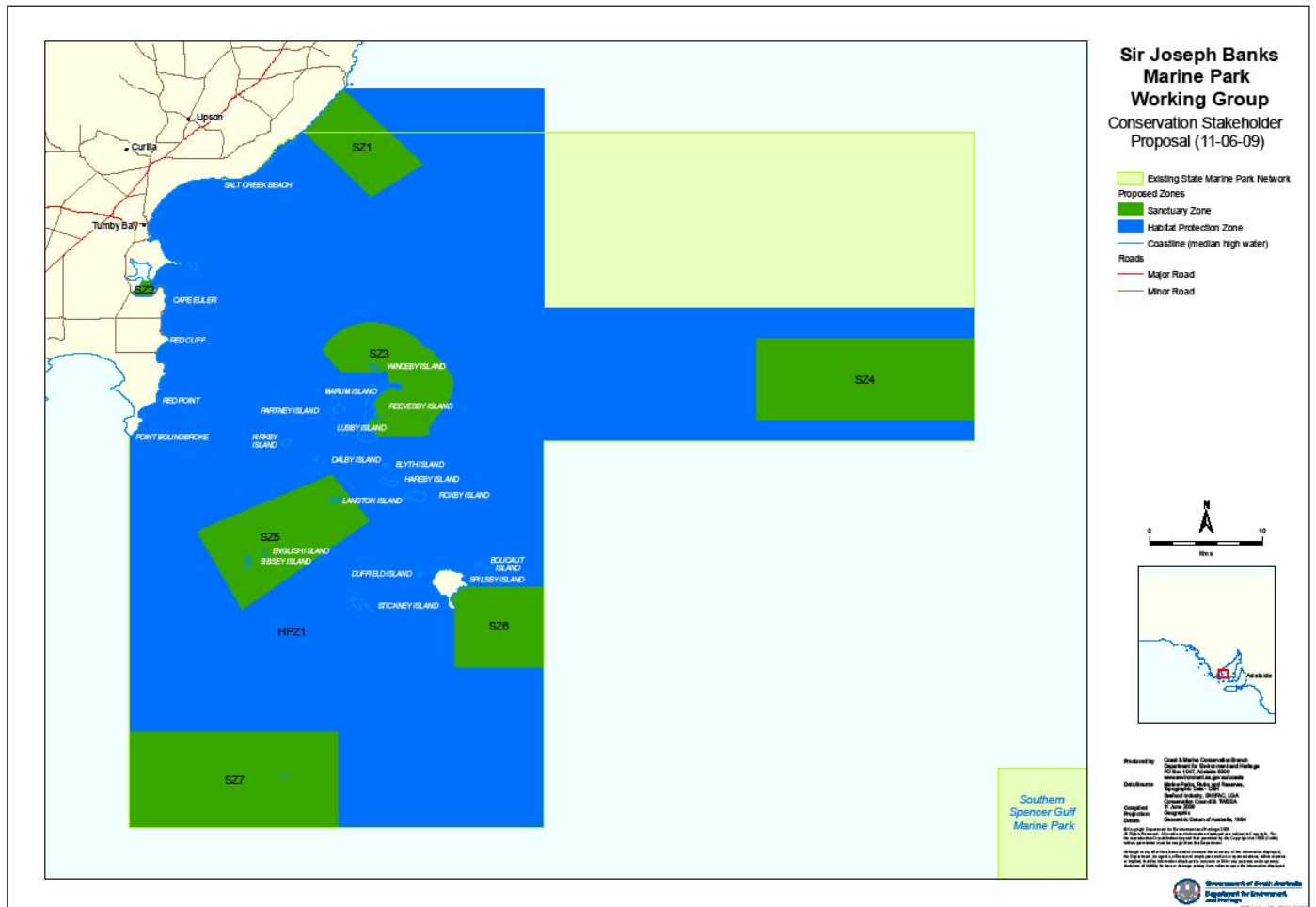
5.3 LEGISLATIVE CERTAINTY

The Minister has committed to amending the *Marine Parks Act 2007* to ensure that any future changes to marine park management plans (i.e. change to zones within a marine park) will be subject to a parliamentary process. Whilst acknowledging that this commitment was made to allay fears held by other Working Group members relating to “boundary creep”, the Conservation Sector remains of the view that the current legislation already contains sufficient safeguards in this respect. In practical terms, the Minister’s commitment means that decisions made now in relation to zoning arrangements within South Australia’s marine parks will be likely to remain with us for generations. Political processes dictate that obtaining approval from both Houses of Parliament for management plan changes will be virtually impossible without the support of all key stakeholders. This only reinforces the need to ensure that current zoning decisions are made with future conservation needs firmly in mind, noting that scientific knowledge and practice in the marine protected areas field is progressing at a rapid pace. There is a real risk that in trying to appease present (or even retired) users of the marine environment, current processes will lock-in a marine park network which fails to adequately protect our biodiversity assets for future generations. In light of the Minister’s legislative commitment, significant sanctuary zones must be delivered from the beginning of the marine parks program.

Attachment 1

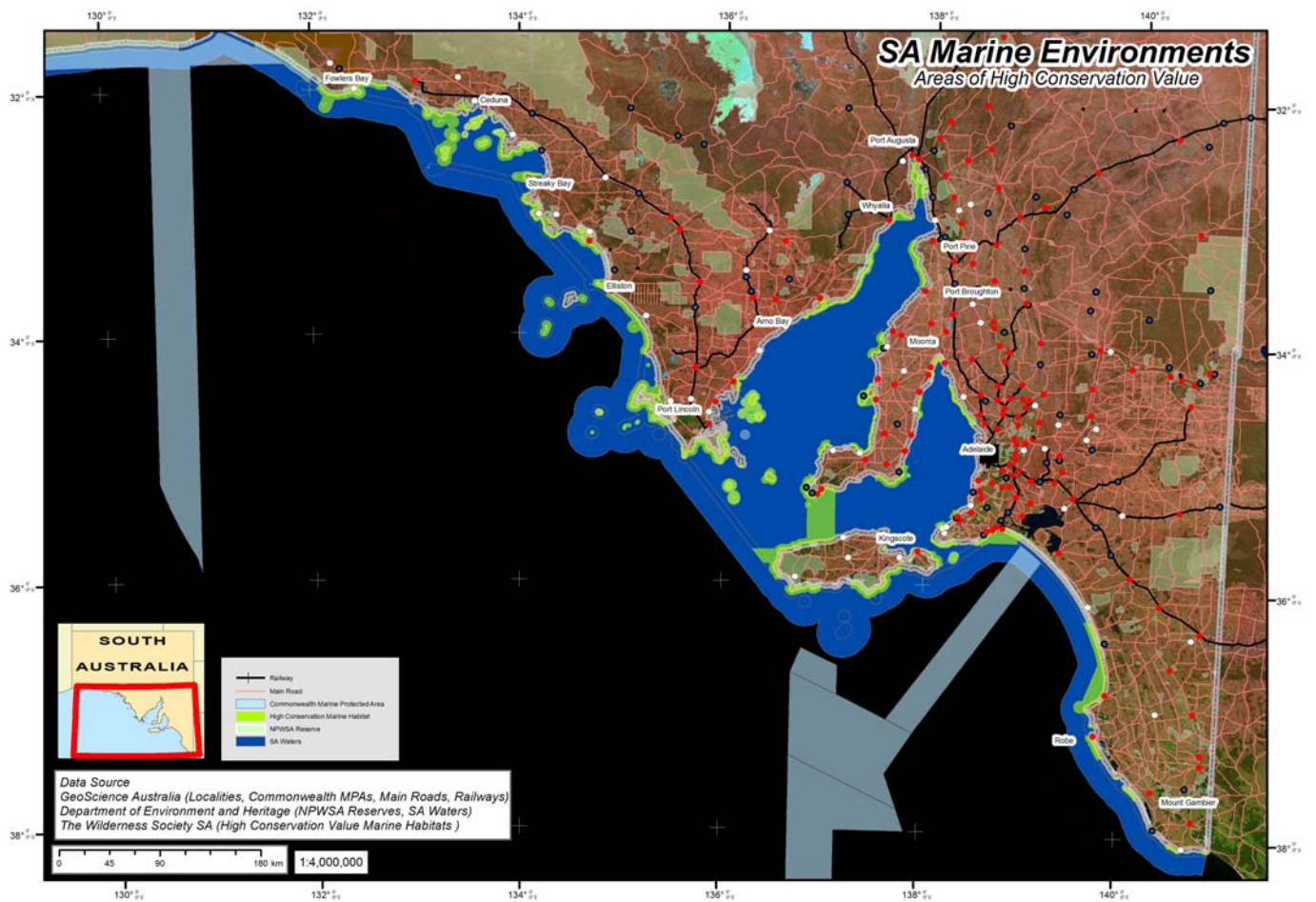
Marine Park 6 – Conservation Sector Proposal

Indicative Zoning Arrangements & Revised Outer Boundaries



Attachment 2

SA Marine Environment – Areas of High Conservation Value





Attachment 3

Marine Protected Areas

International, national and state commitments, targets & consensus statements

1988

- The 17th General Assembly of the International Union for the Conservation of Nature (IUCN) called for “the creation of a global representative network of MPAs” (Resolution 17.38).

1990

- At the 18th Session of the General Assembly of the IUCN, held in Perth, the Australian Government publicly committed to the expansion of Australia’s marine reserve system.

1991

- The Australian Government launched a 10 year marine conservation program called Ocean Rescue 2000 incorporating the establishment of a national representative system of marine protected areas (NRSMPA).

1992

- In signing the *Intergovernmental Agreement on the Environment*, the South Australian Government agreed to play its part in establishing a NRSMPA (Schedule 9, Clause 12).

1993

- Australia ratified the *UN Convention on Biological Diversity*, further committing itself to the protection of marine biodiversity and ecological integrity and the sustainable use of marine resources.

2001

- The American Association for the Advancement of Science published a *Scientific Consensus Statement on marine reserves and marine protected areas* signed by 160 scientists stating the networks of reserves will be necessary for long-term fishery and conservation benefits.

2002

- At the UN World Summit on Sustainable Development, global leaders (including the Australian Government) committed to establishing representative networks of MPAs worldwide by 2012 (*Plan of Implementation*, Chapter IV, Paragraph 32.c).

2003

- The IUCN Worlds Parks Congress recommended that at least 20-30% of each marine habitat across the globe be strictly protected within a global system of effectively managed, representative networks of marine and coastal protected areas by 2012 (Recommendation V.22).

- A technical advisory body to the UN Convention on Biological Diversity subsequently adopted this target recommending 10% with a longer term goal of 20-30% of each habitat type protected within effectively managed protected areas (UNEP, Convention on Biological Diversity, subsidiary body on scientific, technical and technological advice, 9th meeting, Montreal, November 2003).

2004

- 190 signatory countries to the *UN Convention on Biological Diversity* (including Australia) agreed to work towards establishing by 2012 a network of marine protected areas representing 10% of the world's marine and coastal regions (COP 7, Decision VII/28).
- In the State Strategic Plan, the State Government committed to creating a network of marine protected areas by 2010 (updated in 2007 to include the aim of maximising ecological outcomes – Target 3.4)

2005

- The PEW Fellows in Marine Conservation released a policy statement in support of no-take zones and other marine protected areas recommending that all nations place “no less than 10% and as much as 50% of each ecosystem in no-take zones, according to identified needs and management options in a particular ecosystem”.

2007

- The *European Scientists' Consensus Statement on Marine Reserves*, signed by 275 scientists states that fully protected marine reserves are essential for conservation, necessary for effective management of the sea and have important benefits to scientific understanding of the environment.

2008

- Australia's peak body of marine scientists, the Australian Marine Sciences Association released a Position Statement on Marine Protected Areas endorsing a minimum target of 10% of all habitat types under full no-take protection by 2012, noting that rare and vulnerable ecosystems and communities should be provided with greater protection of up to 100%. AMSA also warned that a figure of 10% would slow but not prevent biodiversity loss, concluding that “the current no-take level in the Great Barrier Reef Marine Park of 33% is more likely to achieve substantial and sustained conservation benefits” .

2009

- More than 40 scientists who have an active involvement in the planning and management of marine protected areas in Australia released a paper entitled “*Scientific Principles for Design of Marine Protected Areas in Australia: A Guidance Statement*” stating that as a minimum, 30% of each individual conservation features (i.e. habitat type) should be represented in high protection zones.

- Nine of Australia's leading marine scientists and marine planners (led by Associate Professor Graham Edgar of the University of Tasmania) released a consensus statement on marine protected areas in South Australia strongly supporting the inclusion of no-take sanctuary zones of an adequate size.