

TO: MINISTER FOR ENVIRONMENT AND CONSERVATION
FROM: WEST COAST MARINE PARKS WORKING GROUP
SUBJECT: FINAL COMMUNIQUÉ TO THE MINISTER

30 JUNE 2009

BACKGROUND

Working Group members attended an induction meeting on 9 April and met a further three times on 13 May, 20-21 May and 1 June to provide you with feedback on the outer boundaries and indicative zoning arrangements for the Far West and Nuyts Archipelago Marine Parks.

The objective of the Working Group was:

to reach agreement and provide feedback to the Minister for the Environment and Conservation (the Minister) by 31 May 2009 on the outer boundaries and indicative zoning arrangements for the Far West and Nuyts Archipelago Marine Parks.

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 parks 1 and 2;
- provide advice and recommendations to you on indicative zoning arrangements and any associated revisions to the outer boundaries for the marine parks;
- 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
 - any important values of the region;
- consider any other matters referred to it by you.

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

Marine Park 1 – Far West

The outer boundary of Marine Park 1 was agreed to be contained within the current area of the proclaimed Great Australian Bight Marine Park.

Marine Park 2 - Nuyts Archipelago

The group agreed on a revised outer boundary for Marine Park 2, with the exception of:

- Nuyts Reef
- Northern Streaky Bay (Acraman Creek area).

The exclusion of the Nuyts Reef area outside of 3 nautical miles from the mainland from the commercial, local government and recreational sector's boundaries reflects a concern that the conservation sector will seek to incorporate a significant proportion of this area within sanctuary zones.

The commercial, local government and recreational sectors would support this region being incorporated into the outer boundary if it was to be contained within a habitat protection zone only.

Given its ecological importance, the conservation sector has proposed that Nuyts Reef be protected by a sanctuary zone but acknowledges the need for continued discussions regarding the exact size and location of this sanctuary.

The conservation sector has agreed that Hart Island/Cannan Reef should be included in the park on this basis, in accordance with the attached proposal which does not include a sanctuary zone in this area. There was broad support from the commercial, community and recreational sectors for Cannan Reef to be contained within the boundary if it is classified as Habitat Protection Zone.

The Working Group agreed to amend the western boundary of Marine Park 2 to incorporate an area from the eastern boundary of the Wahgunyah Conservation Park and Cape Adieu. To complement the western alteration it was agreed to include the previously unrepresented areas between the former boundaries of the proposed Marine Park 1 and 2 within this park.

The revised area of Marine Park 2 as agreed by the Working Group is highlighted as light blue on the attached map whilst the areas of difference are highlighted in diagonal blue stripes.

Northern Streaky Bay (Acraman Creek) could be considered for possible boundary amendment during 2010-11, however such action would first need to be discussed with the Streaky Bay local community.

ADVICE REGARDING INDICATIVE ZONING ARRANGEMENTS FOR MARINE PARK 2

The Working Group noted you were seeking indicative zoning to inform the outer boundaries. At the conclusion of the timeframe given, there were still points of difference between Working Group members in relation to indicative zoning (see above). If further time had been available, it may have been possible to work through some of the points of difference. Nonetheless the Working Group produced sufficient information to enable a range of options to be considered during future detailed discussions with all interests during the development of management plans for the Marine Parks.

Data and Modelling

The need to fully understand the spatial considerations of the Government's policy commitments is critical to an informed process.

An area of uncertainty in the process was the lack of adequate and accurate data on the geomorphic and ecological characteristics of the region within the DEH modelling system. It is acknowledged this is being addressed and will be critical in any effective process of community engagement in the planning phase of the park design process.

Assessing values of the various options proposed was limited given the model's constraints. The commercial, recreational and local government sectors objected to the use of the MARXAN modelling tool to assess the proportion of habitats contained within protection given the limited data in the system and its inability to accurately reflect the values offered by those sectors.

Economic Value

With the limited information provided, the Working Group was not able to develop an estimation as to how much a sanctuary zone of a particular size in a particular area would be likely to cost when assessed in accordance with the methodology set out in 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.

Sanctuary Zones

The Working Group agreed on several sanctuary zones in Tourville Bay and Eyre Island, as highlighted in red on the attached map.

Sanctuary zoning proposed by the commercial, recreational and local government sectors is highlighted in the black vertically striped areas. Sanctuary zoning proposed by the conservation sector is highlighted in green.

The view held by the conservation sector that significant sanctuary zones, (or under the IUCN equivalent, Categories IA, IB or II) are required to provide an appropriate level of conservation for marine biodiversity and habitats is a major point of difference in the views on zoning.

Habitat Protection Zones

The conservation sector and the seafood, local government and recreational fishing sectors diverge over the question as to whether reasonably significant Sanctuary Zones are needed in marine parks in order to meet the objectives for adequate ecosystem protection.

It is the view of the non-conservation sectors that a habitat protection zone can and will meet conservation objectives for securing comprehensive, adequate and representative areas within the framework of a multiple-use marine park. These sectors consider that habitat protection zoning would provide a sufficient level of protection against the use of inappropriate practices, both within the marine environment and adjacent terrestrial areas, by driving management and planning process under other legislation.

General Managed Use Zones

All sectors disagreed with the broad use of general managed use zones in marine parks.

The preference of the seafood sector is to exclude from Marine Park 2 established aquaculture managed areas, particularly where they abut the coast, together with areas currently used by the prawn trawl fishery. However where this was not possible, there is agreement that these areas should be placed within general managed use zones.

The preference of the conservation sector is for all areas in the revised marine parks which are not zoned as sanctuaries to 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). The conservation sector's preference is for such areas to be zoned general managed use rather than excised from the park entirely.

A map showing the areas for zoning within habitat protection and general managed use zones as proposed by the seafood, local government and recreational fishing sectors is attached. The areas of difference are highlighted in blue stripes on the map and where these are underlain by green a sanctuary zone is proposed by the conservation sector.

Principles

The seafood sector does not support the Government's 14 design principles and suggests they are inconsistent with the guidelines established by the National Representative System of Marine Protected Areas, which are supported by industry.

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.

Whilst acknowledging that this commitment was made to allay fears held by other stakeholder groups relating to "boundary creep", the conservation sector remains of the view that the current legislation already contains sufficient safeguards with respect to the process for amending marine park boundaries and zones. 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.

Local government and recreational fishing sectors' support for this proposal is dependent on removing large mesh gillnetting as an allowed activity from habitat protection zones. The conservation sector would also like to see large mesh gillnetting removed as an activity from any habitat protection zone.

Local government and recreational fishing sectors strongly recommend that there is a need to distinguish between habitat protection zones where there are current netting bans and other areas that may be dedicated as habitat protection zones where netting is allowed.

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 should augment existing ecological, social and economic data held by the Government.
- Members request the opportunity to continue to inform the development of marine parks in the West Coast region throughout the forthcoming management planning process.

RECOMMENDATIONS

The West Coast Working Group recommends that:

- the outer boundary of Marine Parks 1 and 2 be amended as proposed above;
- further consideration be given to the activity and use arrangements proposed for habitat protection zones, particularly in relation to the types of commercial netting permitted. This is especially important in high conservation areas with Australian sea lions;
- any revision to the approval process within the legislation should provide a mechanism in which agreement by all relevant stakeholder groups could obviate the need for a full Parliamentary process; and
- more detailed information relating to local use of the marine environment, as well as its conservation values, is required in order to progress community discussion of zoning options within Marine Park 2.

Attachments:

- a) West Coast Working Group – members and advisors
- b) Map 1 – Revised Outer Boundaries for Marine Park 1
- c) Map 2 - Revised Outer Boundaries for Marine Park 2
- d) Map 3 – Indicative Zoning for Marine Park 2
- e) Conservation Sector Statement

Working Group Members

Leanne Burch (Chairperson)	Department for Environment and Heritage
Shen Dycer	Conservation
Neil MacDonald	Seafood Industry
Heather Montgomerie	Primary Industries and Resources South Australia
Peter Owen	Conservation
Justin Phillips	Seafood Industry
Mayor Allan Suter	Local Government
Perry Will	Recreational Fishing

Representative Advisors

Rex Richard	Abalone
James Brook	Conservation
Ian Cawood	Recreational fishing
Jon Hoffrichter	Recreational fishing
Trent Gregory	Northern Zone Rock Lobster
Richard Leech	Northern Zone Rock Lobster
Steve Moriarty	Northern Zone Rock Lobster
Bill Nicholls	Recreational fishing
Gus Oestmann	Scale fishing
Nick Paul	Prawn fishing
Julie Pettett	Conservation
Jane Cooper	Conservation
Barry Power	Northern Zone Rock Lobster
Bob Sim	Recreational fishing
Michael Tokley	Abalone/Rock lobster
Phillip Trowbridge	Recreational fishing
Trevor Watts	Recreational fishing
Kym Woods	Recreational fishing
Jonas Woolford	Abalone
Bruce Zippel	Oyster aquaculture

Minister's Observers

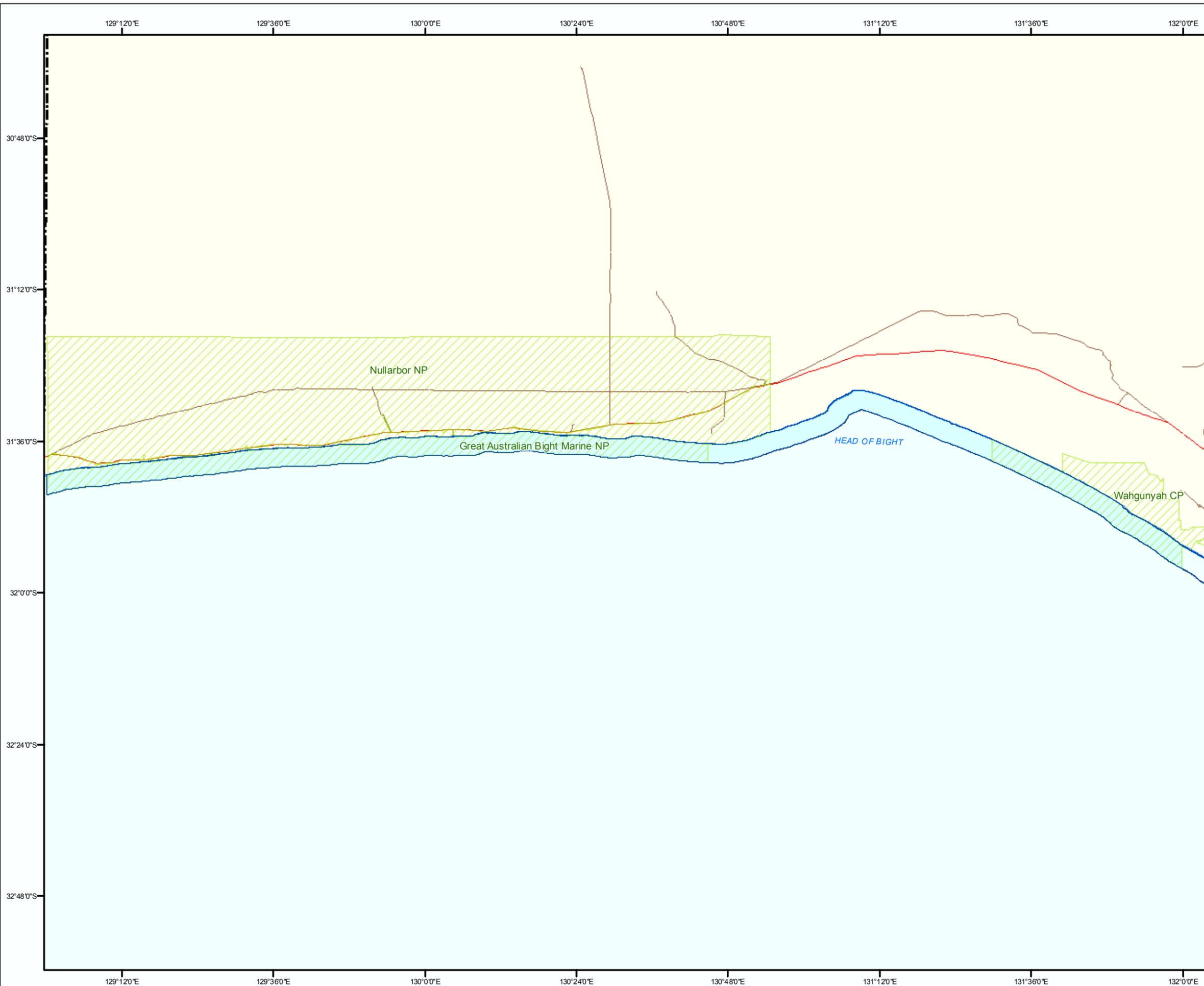
Simon Blewett	Chief of Staff
Lilia Bednarek	Ministerial Adviser – induction session

Support Officers

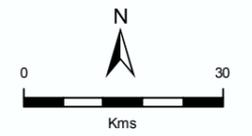
Simon Clark	Department for Environment and Heritage
Alison Wright	Department for Environment and Heritage
Jon Emmett	Department for Environment and Heritage

Marine Park 1 (Great Australian Bight Marine Park)

Working Group
Boundary Proposal
June 2009



- Existing Marine Park Boundary
- Proposed Marine Park Agreed
- Parks and Reserves
- Coastline (median high water)
- Coastal Waters of the State
- Major Road
- Minor Road



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Data Source Marine Parks, Parks and Reserves,
Topographic Data - DEH
Coastal Waters of the State - Geoscience Australia
1 July 2009

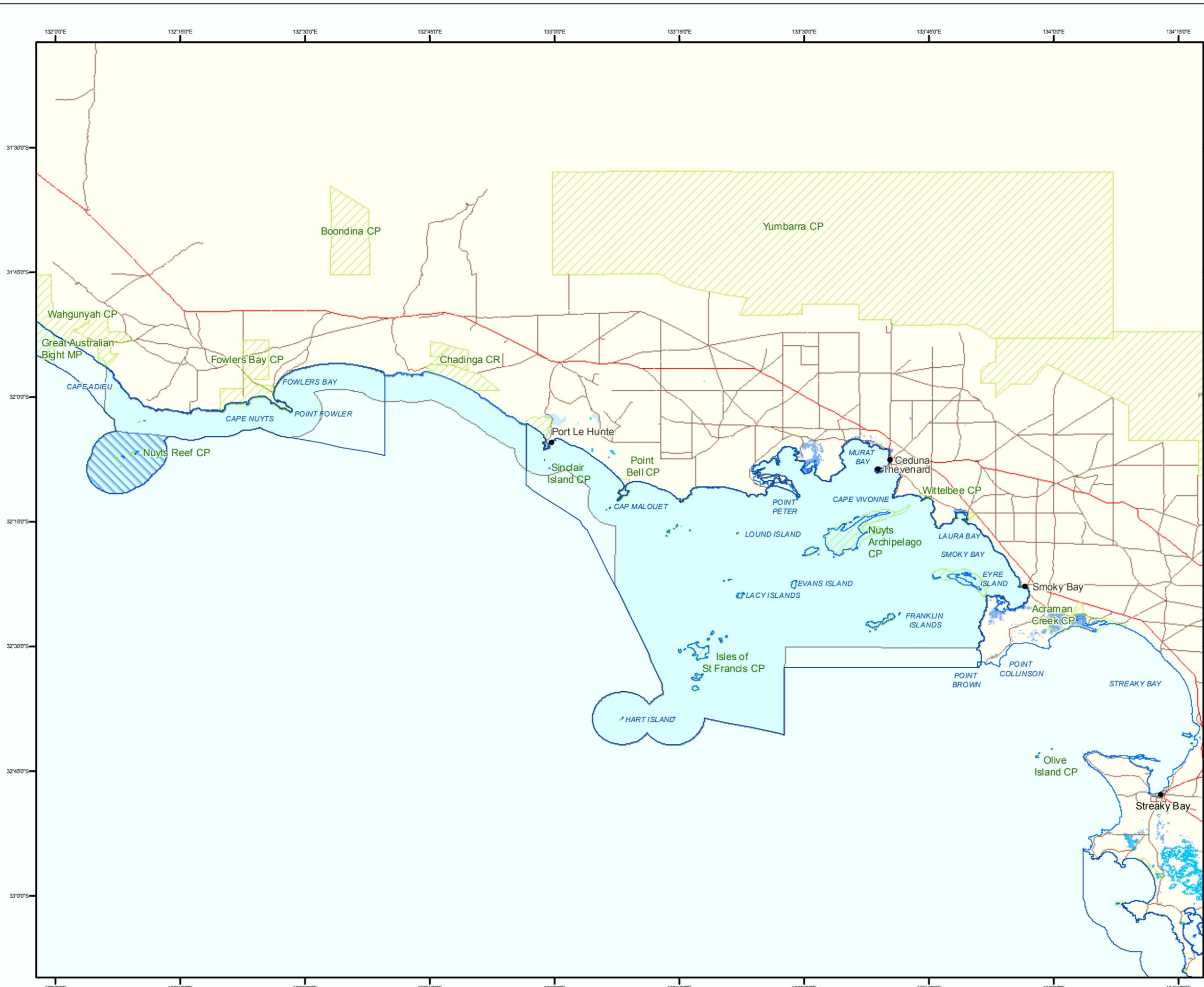
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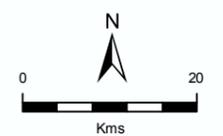
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West Coast Working Group

Final Stakeholder Proposal Without Sanctuary Zones June 2009



- Existing Marine Park Boundary
- Proposed Marine Park Agreed
- Conservation Proposed Boundary
- Parks and Reserves
- Lake, Perennial
- Land Subject to Inundation
- Lake, Intermittent
- Coastline (median high water)
- Coastal Waters of the State
- Major Road
- Minor Road



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Data Source
Marine Parks, Parks and Reserves,
Topographic Data - DEH
Coastal Waters of the State - Geoscience Australia
TWSSA and Ceduna Council

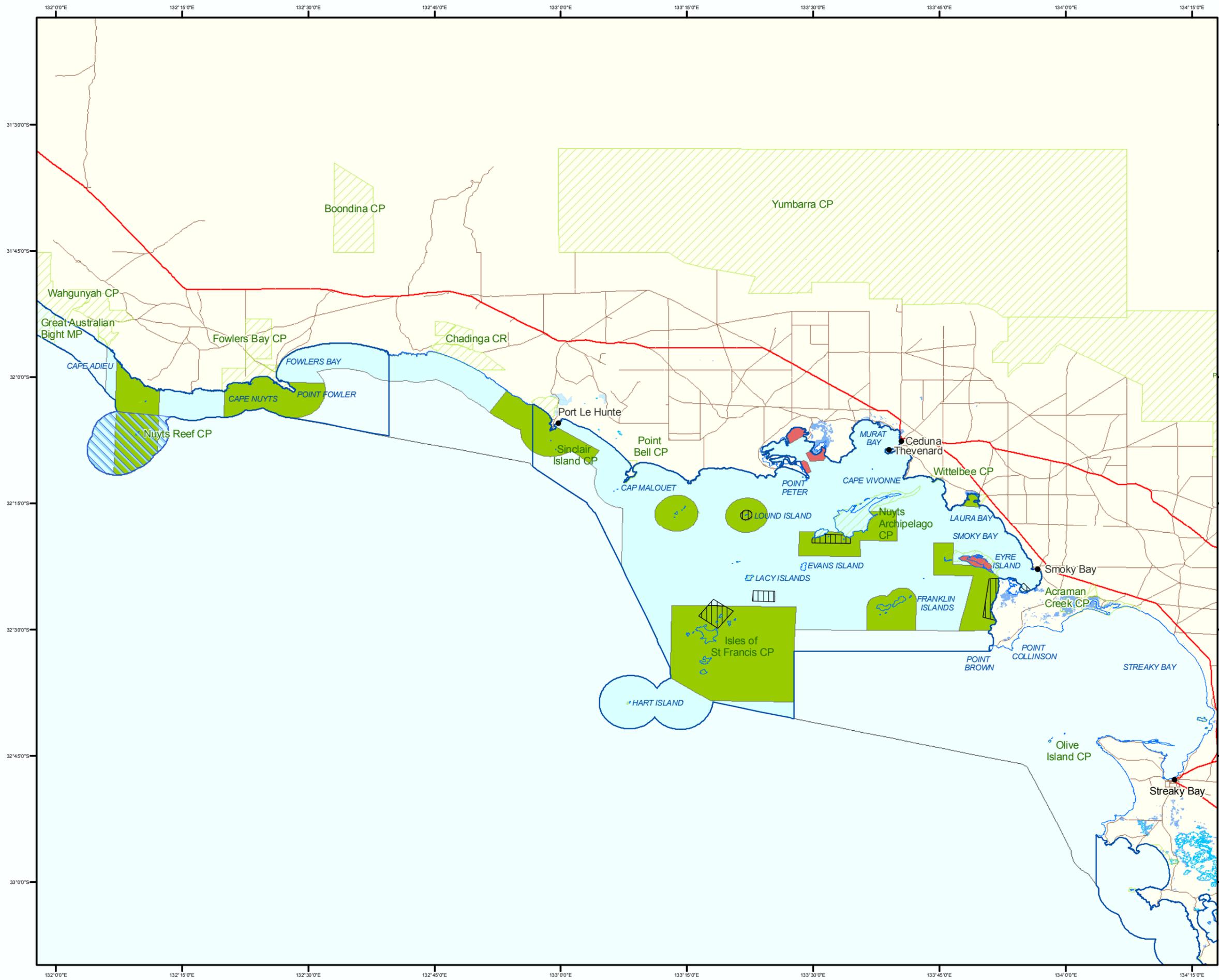
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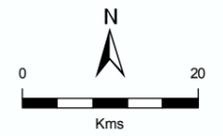
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West Coast Working Group

Final Stakeholder Proposal
With Sanctuary Zones (SZ)
June 2009



- Existing Marine Park Boundary
- Proposed Marine Park Agreed
- Conservation Proposed Boundary
- Agreed Indicative SZ
- Conservation Indicative SZ
- Industry Indicative SZ
- Parks and Reserves
- Lake, Perennial
- Land Subject to Inundation
- Lake, Intermittent
- Coastline (median high water)
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West Coast Marine Park Working Group

Conservation Sector Statement

16 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 West Coast Marine Parks 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 Parks 1 & 2 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.

Whilst the Working Group was unable to reach full agreement on indicative zoning arrangements and revised outer boundaries for Marine Parks 1 & 2, there are significant areas of overlap in the two positions being provided to the Minister. The Conservation Sector’s proposal is contained in the attached map (Attachment 1).

Representatives from all sectors agreed that the Working Group process was invaluable in opening up a constructive dialogue between the various interest groups and that a similar process (subject to less restrictive time constraints) should be adopted for the remainder of the marine park network.

The Conservation Sector representatives 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 Commercial Sector 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

The Conservation Sector's proposed outer boundary reductions as shown in the attached map (Attachment 1) represent a significant 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 key factors which enabled the Conservation Sector to propose an outer boundary reduction were as follows:

1. Agreement by all Working Group members that the vast majority of the revised marine park (outside of sanctuary zones) should be zoned habitat protection;
2. Agreement by all Working Group members that within the revised marine park, large-mesh gillnetting should be a prohibited activity within habitat protection zones in recognition of the interaction risk such activities pose to Australian Sea Lion populations;

3. Agreement by all Working Group members that current Marine Parks 1 & 2 should be joined to form one park; and
4. Recognition by all Working Group members of the following locations as “areas of interest” for high levels of protection (as set out in the Working Group Minutes of 20 May 2009):
 - Nuyts Reef;
 - Fowlers Bay;
 - Point Bell/Point James and/or Point Sinclair;
 - Purdie Island;
 - Lounds Island;
 - St Francis Isles;
 - St Peter’s Island;
 - Tourville Bay;
 - Eyre Island including Little Eyre Island;
 - Fowlers Bay; and
 - Laura Bay.

In addition to the above, there was also a general recognition that Acraman Creek is an area of high ecological importance. Acraman Creek is currently excluded from the existing outer boundaries of Marine Park 2 but it is included in the Conservation Sector’s HCV Maps. Whilst Acraman Creek has been included in the attached map, the Conservation Sector is not proposing that the area be part of Marine Park 2 at this stage. Nonetheless, Acraman Creek is still an area of interest for future discussion, possibly in relation to Park 3 given that this area is apparently more frequently utilised by the Streaky Bay community. If it is to be considered for inclusion in the network at a later date, there maybe a need to refer back to Marine Park 2 Working Group Members. We note that the inclusion of Acraman Creek in the network was also supported by at least one public submission on the proposed outer boundaries.¹

On 19 May 2009, the Commonwealth Government released a map of Areas for Further Assessment (**AFA**s) for possible inclusion in a network of new marine protected areas in the south-west marine region (Attachment 3). The boundary of the Western Eyre AFA partly corresponds with the current boundary of Marine Park 2. One of the proposed conservation objectives of the Western Eyre AFA is to contribute to the recovery and long-term protection of the endemic, biologically unique and threatened Australian Sea Lion, including the genetic diversity of the species. Seven of the 10 populations of Australian Sea Lions thought to be at most risk in South Australia are located within the current boundaries of Marine Park 2². Protection of this iconic marine mammal could be vastly improved if the boundaries of

¹ DEH, May 2009, *Preliminary analysis of public submissions for Nuyts Archipelago Marine Park to support the Marine Parks Working Group*.

² Goldsworthy SD& Page BC (2007) A Risk-Assessment Approach to Evaluating the Significance of Seal Bycatch in two Australian Fisheries. *Biological Conservation* 139: 269-285

Marine Park 2 and the boundaries of the Western Eyre AFA are aligned wherever possible to maximise coverage of foraging grounds.

4. INDICATIVE ZONING ARRANGEMENTS

The Conservation Sector's proposal for indicative zoning arrangements within the revised outer boundaries for Marine Parks 1 & 2 is contained in the attached map (Attachment 1).

Sanctuary zones have been proposed in the following locations:

1. Nuyts Reef
2. Adjacent to Fowlers Bay Conservation Park including Point Fowler
3. Point Sinclair
4. Purdie Islands
5. Lound Island
6. St Francis Isles
7. Tourville Bay
8. St Peter's Island, Goat Island, and the adjacent sea lion colonies at Breakwater Reef and Gliddon Reef
9. Franklin Islands
10. Laura Bay
11. Little Eyre Island/Eyre Island/Cape Missiessy
12. Acraman Creek

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.³ 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 most diverse and unique marine waters left on Earth, South Australia should 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 relevant state, national and international marine protection commitments, targets and consensus statements is attached (Attachment 4).
- 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 biodiversity and ecological processes. In particular, they have use as scientific reference areas for rigorously assessing the depletion of natural

³ 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.

resources and the ecological impacts of fishing⁴. Such areas are also a necessity for informed management during a period when marine communities are changing in response to changing climate⁵.

- Sanctuary zones should be located adjacent to existing terrestrial parks wherever possible (Design Principle 8 – Seek synergies with existing protected areas⁶).
- Sanctuary zones should be of a size of several kilometres extent, ideally extending more than seven kilometres along the coast. This principle is based on highly relevant experience from Tasmania⁷.
- 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.⁸
- Whilst the Conservation Sector has reservations about the utility of general managed used zones, particularly where they don't 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.

Whilst the Conservation Sector broadly supports the design principles guiding the development of South Australia's marine park network, it also emphasises the need to protect "special places" in their entirety such as the St Francis Isles. The Nuyts Archipelago and St Francis Isles have both been the subject of previous nominations and/or recommendations for high levels of protection. In 1998, a coalition of Australia's peak conservation organisations submitted a joint nomination for these island groups to be declared Wilderness Protection Areas under the *Wilderness Protection Act 1992*. In 2006, the State Government made a commitment to ensure that the proposal to give wilderness protection status to the Nuyts Archipelago and St Francis Isles be given urgent assessment.

⁴ 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

⁵ 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

⁶ 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.

⁷ 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.

⁸ 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.

The Wilderness Advisory Committee subsequently assessed these offshore islands as being of high wilderness value however the State Government is yet to act on that recommendation. The wider conservation movement has not actively pursued this nomination on the basis of reassurances that these island groups will be adequately protected via the marine parks program. Failure to deliver a significant sanctuary zone surrounding the St Francis Isles will result in a renewed call for wilderness protection status.

5. POLICY COMMITMENTS

5.1 A MEASURABLE CONSERVATION COMMITMENT FOR A CONSERVATION PROGRAM

Local Governments and commercial fishing sectors have been given assurances in the form of the Minister's commitment that the Government will seek to avoid even a 5% impact on South Australia's fishing industry, and will not displace any aquaculture activity. These commitments need to be balanced with a conservation commitment to Sanctuary Zones protecting a percentage of each bioregion, representing all habitats, that will enable the Government to honour its international obligations and provide a target for and greater certainty to all stakeholders.

5.2 INTERACTION WITH FISHERIES MANAGEMENT

The Whole of Government Marine Park commitments 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, the working groups have been faced with considerable confusion over the scope of fisheries management, particularly in relation to ecosystem based management and the broader ecosystem effects of fishing (e.g. predator/prey interactions). Although the guidelines for assessing sustainability under the EPBC Act clearly include such considerations within the realm of fisheries management, there has been less certainty on the position of PIRSA fisheries with regard to this matter. 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 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 in general (as acknowledged in the various fisheries management plans).

Spatial closures are an important tool for managing such impacts, and have in fact been highlighted in fisheries assessment reports by DEWHA (e.g. Rock lobster). Furthermore, PIRSA has made provision for additional spatial closures for fisheries management purposes, through management plan responses⁹ and proposed Aquatic Reserves¹⁰.

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

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

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

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 different fishing sectors that are not otherwise addressed.

Therefore we contend that there are important interactions between Marine Parks and fisheries management that should be considered 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 zoning 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. The Conservation Sector was not provided with any material against which to objectively test these assertions. Whilst the Conservation Sector is broadly 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, and an independent review by a suitably qualified individual or organisation.

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. There are likely to be cases where it is possible to close some areas to fishing without negatively impacting upon the ability of a particular fishery to meet its TACC.

If the working group process or some variation thereof is to be rolled out for the remainder of the marine parks 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.

The Seafood Industry and Local Government representatives have consistently stated that the size of sanctuary zones needs to be limited in order to meet a budget for displaced effort payouts. Although we acknowledge that there may be economic limitations to what can be achieved, we believe that the working group must nevertheless give due consideration to the adequacy of sanctuary zones. The small sanctuary zones proposed by the alliance are unlikely to be effective given the most relevant conservation management literature (see Attachment 4) and scientific literature¹¹.

5.3 LEGISLATIVE CERTAINTY

¹¹ 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 declaration of marine reserves on Tasmanian reef fishes, invertebrates and plants. *Journal of Experimental Marine Biology and Ecology* 242:107-144.

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 most likely 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.