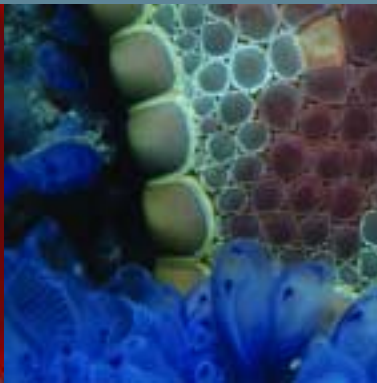




*Healthy oceans: cared for, understood and used
wisely for the benefit of all, now and in the future*

*Healthy
for the
oceans:*



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THE SOUTH-EAST REGIONAL MARINE PLAN



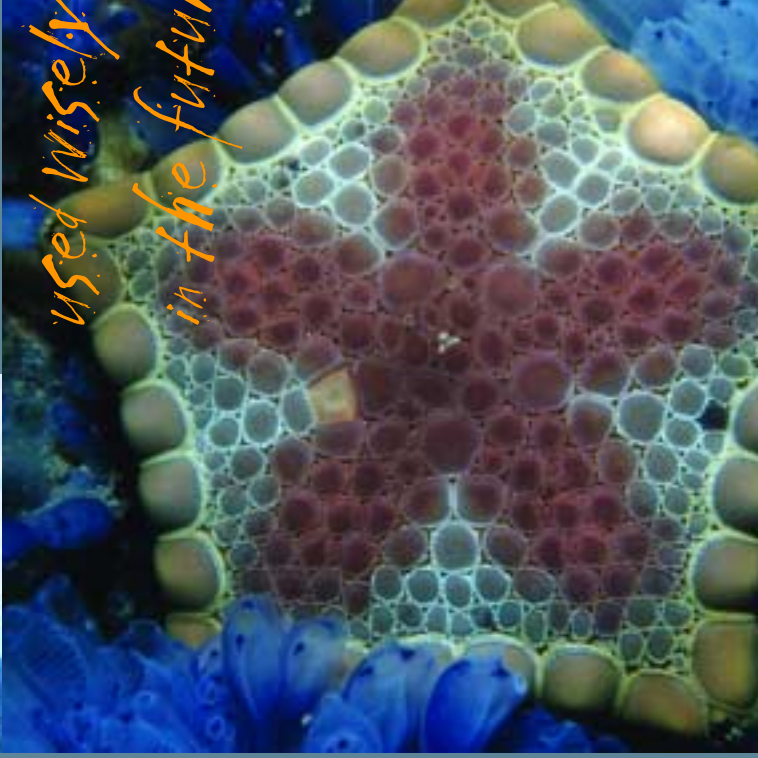


Healthy oceans: cared for, understood and used wisely
for the benefit of all, now and in the future Healthy
oceans: cared for, understood and used wisely for the





Healthy oceans: cared for, understood and
used wisely for the benefit of all, now and
in the future. Healthy oceans: cared for,





PURPOSE OF THE SOUTH-EAST REGIONAL MARINE PLAN SCOPING PAPER

This Paper will:

- give you information on the scope of the South-east Regional Marine Plan and the planning process; and
- ask for your feedback on the content of the Paper, so that your comments can be used to help shape the process as it develops from here.

Your comments will feed directly into shaping the scope of the South-east Regional Marine Plan and the process for its development, and not a revision of the Scoping Paper itself. Although there is no formal deadline please provide your comments by 16 March 2001.

Unless you indicate that you don't want to have your comments made available to others, all comments received by the National Oceans Office will be made available through our website (www.oceans.gov.au). The website will also contain updates on the planning process as it further develops.



The National Oceans Office is an Executive Agency
of the Commonwealth Government of Australia



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REGIONAL MARINE PLANNING

INTRODUCTION

This Scoping Paper is about developing Australia's first regional marine plan for the waters of the south-east of our oceans territory. The Commonwealth Government made a commitment to regional marine planning in *Australia's Oceans Policy* (1998).

The Paper outlines the planning process and summarises important issues and questions. It won't answer all the questions that the Plan will deal with, as these will be dealt with later in the planning process.

Because this is the first Regional Marine Plan, this Paper deals with issues that will apply to all Regional Marine Plans as well as those specific to the South-east Region. An important aim of the Paper is to get feedback on the planning process and the range of issues the South-east Regional Marine Plan will address.

This Paper, along with the document *A Snapshot of the South-east* (A Description of the South-east Marine Region) will tell you about the Region and some of the issues that could be relevant to you.

OCEANS POLICY

Australia's Oceans Policy sets '...the framework for integrated and ecosystem-based planning and management for all of Australia's marine jurisdictions' (*Australia's Oceans Policy*, Vol 1, p2). At the core of the Policy is regional marine planning.

Regional marine planning is a way of achieving a key plank of the *Oceans Policy* which promotes '...ecologically sustainable development of the resources of our oceans and the encouragement of internationally competitive marine industries, while ensuring the protection of marine biological diversity' (*Australia's Oceans Policy*, Vol 1, p2).

To maintain the integrity of marine ecosystems the *Oceans Policy* stresses the need to manage the use of ocean resources in a co-ordinated way. The Policy has suggestions for achieving rational and ecologically sustainable use of ocean resources. Many of these resources are not yet discovered, measured or tapped.

Another of the *Oceans Policy* cornerstones is stewardship: a shared responsibility for management and care.

Our actions are critical in maintaining ocean health. We should all share the responsibility for monitoring what occurs on and under the ocean surface. Stewardship is central to recent Australian and international policy directions in caring for oceans.

The *Oceans Policy* sets up a number of institutional arrangements to help the Policy succeed. The National Oceans Ministerial Board makes decisions that guide the Regional Marine Plans. Details on the Board and other structures are on pages 19 and 20.



The *Oceans Policy* states that each Regional Marine Plan will:

- identify ocean resources and economic and other opportunities;
- identify current and emerging threats to ecosystem health and determine planning and management responses to those threats;
- within the region, set out what is known of ecosystem characteristics and a broad set of objectives for those systems;
- identify the requirements and priorities for environmental baseline and basic biological inventory and other surveys in the development of Regional Marine Plans;
- identify priorities and put in place measures to meet conservation requirements and determine those areas that should be assessed for marine protected area declaration;
- identify community and sectoral interests, including the interests of Aboriginal and Torres Strait Islander communities;
- identify priorities for industry and economic development of the region;
- put in place a planning regime to prevent conflict between different sectors over resource access and allocation;
- provide a framework within which there is increased certainty and long-term security for marine-based industries; and
- establish indicators of sustainability and requirements for monitoring, reporting and performance assessment (*Oceans Policy*, Vol 1, p13).

WHAT ARE THE OBJECTIVES IN DEVELOPING THE SOUTH-EAST REGIONAL MARINE PLAN?

There are four objectives for the south-east planning process. They draw on the goals of *Australia's Oceans Policy* (see page 21) and the vision for Australia's oceans:

*"Healthy oceans; cared for,
understood and used wisely for the
benefit of all, now and in the future"*
(*Australia's Oceans Policy*, Vol 1, p4).

The objectives of the planning process are to:

1. Develop a shared understanding and appreciation of the characteristics of the South-east Region through assessing the current knowledge of its:
 - biological and physical characteristics;
 - community and cultural values;
 - current uses and pressures;
 - future uses and opportunities;
 - value of marine resources;
 - threats to the natural system; and
 - management and institutional arrangements.
2. Design a Regional Marine Plan that is a decision making and planning framework for management across sectors that:
 - identifies shared values of the Region, including environmental, economic, social and cultural values;



- identifies new information needed;
 - integrates resource management on an ecosystem basis;
 - identifies the methods for assessing performance;
 - is adaptive to changing conditions and improved knowledge; and
 - adds value to existing management arrangements.
3. Use the shared values of the South-east Region to guide development of economic, social and conservation opportunities.
 4. Accommodate community needs and aspirations by encouraging involvement and being inclusive, fair and transparent at all stages of the Plan.

WHAT IS REGIONAL MARINE PLANNING?

Regional marine planning uses large marine ecosystems as one of the starting points for planning. Large marine ecosystems are extensive areas of ocean that have relatively uniform broad-scale internal structures (eg fish species groupings, topography, ocean currents etc). These ecosystems are dynamic and complex, and they don't have fixed, readily definable boundaries.

For regional marine planning we view the South-east Region as whole working system in which natural processes and human activities interact. This means that we will integrate our understanding of the physical environment, biological communities, threats to the environment, and socio-economic considerations through multiple use management. This integration is fundamental to regional marine planning.

Ecologically sustainable development

For almost ten years, all Australian Governments have been committed to ecologically sustainable development. This is a way of 'using, conserving, and enhancing the community's resources so that ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be increased' (National Strategy for Ecological Sustainable Development, 1992, p1).

The principle of ecological sustainable development is now a fundamental part of environmental and resource management legislation at Commonwealth and State levels, and is part of the Intergovernmental Agreement on the Environment (1998).

Precautionary approach

Regional marine planning will put into practice the precautionary approach, building on existing legislation that already requires management agencies to apply the approach (eg Commonwealth fisheries and environment legislation).

In explaining the precautionary approach the *Oceans Policy* states that incomplete information on possible impacts should not postpone action intended to reduce or avoid unacceptable levels of change, or to prevent serious or irreversible environmental degradation of the oceans. Also, if the potential impact of an activity is uncertain, priority should be given to maintaining ecosystem health and productivity.

These ecosystems are dynamic and complex, and they don't have fixed, readily definable boundaries.



Multiple use management

Managing the oceans for multiple use is a major platform of the *Oceans Policy*. Although there may be pressures on the oceans from many uses, regional marine planning aims to manage these uses while promoting diverse, strong and sustainable marine industries.

In a report produced for the development of the *Oceans Policy*, Sainsbury et al (1997) state that multiple use management is underpinned by four fundamental principles:

- ecosystem integrity;
- wealth generation and resource use;
- equity; and
- participatory decision making.

The report states that implementation of multiple use management requires scientific support for decision making and in the operational use of performance measures (Sainsbury et al 1997). Australia's Marine Science and Technology Plan (1999), with the regional marine planning process, will add to current scientific knowledge and provide a scientific basis for the planning and implementation of sustainable multiple use management practices.

Multiple use management requires all ocean resource use (extractive and non-extractive) to be considered jointly. This allows the cumulative impacts of ocean resource use and the interactions between different uses to be understood. Measures can then be put into place to manage conflicting uses. Multiple use management maintains ecosystem health while providing opportunities for a variety of uses that offer the greatest long-term community benefits (taking economic, environmental, social and cultural values into account).

Outcome based planning

The National Oceans Ministerial Board wants regional marine planning to make a positive impact on the people and businesses of the South-east Region. The purpose is not to spend more money, do more research or create a bigger bureaucracy for its own sake.

The Plan will deliver outcomes that are based on ecosystems, ecological processes and the best use of resources across all sectors. These outcomes will be compatible with existing sectoral management arrangements. The Plan will be designed to be practical and cost effective.

WHY DO REGIONAL MARINE PLANNING?

Regional marine planning is a systematic decision making framework designed to improve the management of oceans.

Regional Marine Plans will not look like traditional management plans: they will provide a decision making and planning framework for the future. They will add value to what is already in place by developing a shared understanding and by integrating planning and management decisions across sectors. An aim is to give more certainty and long-term security to ocean resource users by



reducing current and potential conflicts between those users and ensuring that their activities are ecologically sustainable.

Recent advances in technology have increased our capacity for harvesting and mining natural resources and protecting the marine environment. Regional marine planning is designed to balance short-term technological capacity against long-term interests. We need to achieve true ecologically sustainable resource use so future generations will be able to enjoy a quality of life that we take for granted.

THE SOUTH-EAST REGIONAL MARINE PLAN

WHAT IS THE SOUTH-EAST REGION?

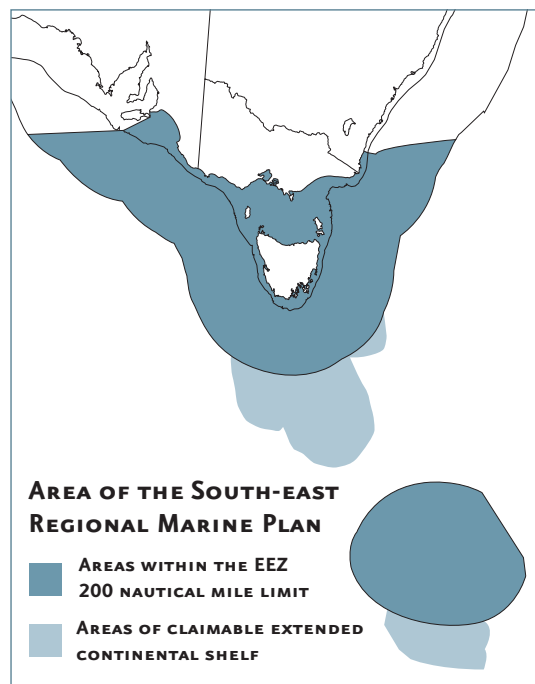
The South-east Region includes waters off Victoria, Tasmania, Macquarie Island, southern New South Wales and eastern South Australia. It covers over 2 million square kilometres.

The Region includes inshore or State waters (from the shore to 3 nautical miles outside the territorial sea baselines) and Commonwealth waters (from 3 to 200 nautical miles outside the territorial sea baselines) but the Plan will focus on activities managed by the Commonwealth.

Under the United Nations Convention on the Law of the Sea, Australia proposes to claim rights to the seabed resources of the continental shelf beyond Australia's Exclusive Economic Zone. Accordingly, the South-east Regional Marine Plan will also cover these areas.

The South-east Region has been defined by an initial assessment of large-scale ecosystems in Australia's marine jurisdictions. The region captures 3 large marine ecosystems (also referred to as domains):

- South-eastern;
- Sub-Antarctic (South Tasman Rise south of Tasmania); and
- Macquarie.



A Snapshot of the South-east, the accompanying document to this Paper, is a preliminary examination of the nature of the Region and its human uses.



WHAT ACTIVITIES OCCUR IN THE SOUTH-EAST REGION?

All activities that are managed by the Commonwealth Government or that happen in Commonwealth waters within the South-east Region will be considered under the Plan. These activities include:

- commercial, recreational, charter and Indigenous fishing;
- petroleum and mineral exploration and production;
- tourism;
- marine conservation;
- recreation;
- bioprospecting;
- research;
- cultural uses;
- defence; and
- shipping.

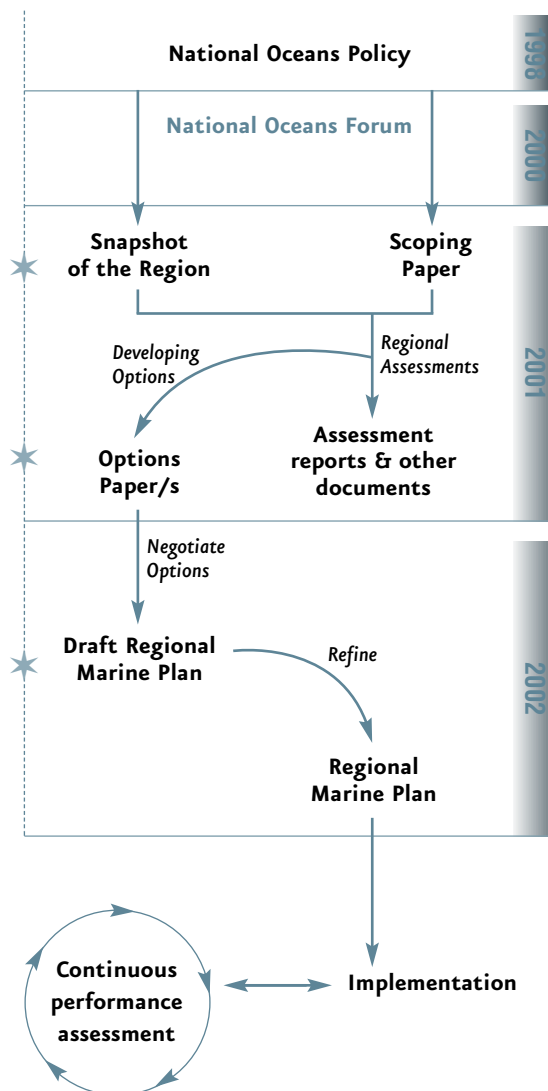
Although catchment waters and land based pollution impact on ocean health, the regional marine planning process under the *Oceans Policy* is not focussed on these State managed processes. The South-east Regional Marine Plan will not concentrate on activities under State jurisdiction unless they have a significant impact on the Commonwealth marine area or resources managed by the Commonwealth. It may however, examine issues that arise from the land and make suggestions for States' consideration if the issue is relevant.

HOW WILL THE PLAN DEVELOP?

As the South-east Regional Marine Plan is the first of its kind, it presents new opportunities and will break new ground.

The development of the Plan begins here in the scoping phase by describing the planning process, the Region's characteristics (see *A Snapshot of the South-east*) and the critical stages for consultation. The process will rely on the inputs and engagement of all those with interests in the Region.

SOUTH-EAST REGIONAL MARINE PLANNING PROCESS



— Ongoing community involvement

★ Public feedback on papers



WHAT CONSULTATION WILL OCCUR?

The Commonwealth Government is committed to broad participation in implementing the *Oceans Policy*. Broad participation is a key to promoting marine stewardship. It is also the best way to make sure that all interests are taken into account.

The National Oceans Office is encouraging and facilitating input from the community and sectoral groups. The ways to contribute are through the National Oceans Office, the South-east Regional Marine Plan Steering Committee and the National Oceans Advisory Group; through formal responses to documents released for public comment; and by participating in regional meetings, consultations and workshops.

The *Oceans Policy* also states that in developing Regional Marine Plans, stakeholders will be consulted on the need for, and form of, a statutory base for their development and implementation.

Details of meetings, presentations and workshops will be made available on the National Oceans Office website at (www.oceans.gov.au), in newspapers, and by direct contact with interest groups.

The Oceans Policy highlights the need to recognise the particular requirements of Indigenous Australians.

How will the planning process include Indigenous interests?

The *Oceans Policy* highlights the need to recognise the particular requirements of Indigenous Australians.

In developing integrated planning and management options for the South-east Region, the planning process will reflect the *Oceans Policy* guidance that :

- traditional conservation and use practices are valued;
- the reliance by many coastal Indigenous communities on marine resources is treated as an important ocean use; and
- Indigenous communities are given every opportunity to take up commercial activities related to the oceans.

To explore these commitments, the regional marine planning process may include the investigation of the following issues:

- integration between traditional conservation and use practices and marine protected areas;
- the relationship between native title and Regional Marine Plans;
- Indigenous subsistence marine resources and commercial and/or recreation exploitation;
- the provision of culturally appropriate information to all users of ocean environments and resources to increase understanding and respect for Indigenous interests in the ocean;
- training initiatives to facilitate greater Indigenous involvement in commercial activities;
- Indigenous membership of appropriate management boards and advisory committees; and
- the provision of training, logistical and other support for Indigenous representatives to enable them to contribute fully to decision-making and advisory processes.

To help guide this work there is Indigenous representation on the National Oceans Advisory Group and Indigenous expertise on the South-east Regional Marine Plan Steering Committee.



REGIONAL ASSESSMENTS

The next stage in the planning process is to gain an understanding of existing natural, economic, social and cultural values, ecosystem health and human impacts. This information will provide a basis for developing management options.

Our understanding of many relevant issues is inadequate and may remain so for many years. In developing the South-east Regional Marine Plan, we need to understand what we do know and also be aware of what we don't know.

Existing natural values and human activities will be assessed so that the interactions between the elements can be understood. This means that the South-east Regional Marine Plan will be based on an understanding of the whole system.

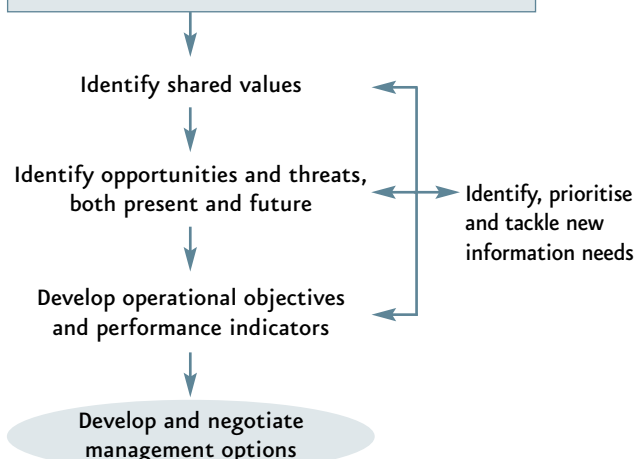
The four steps will be to:

- determine our current knowledge base;
- identify shared values for the region;
- identify opportunities and threats, both present and future; and
- develop operational objectives and performance indicators.

REGIONAL ASSESSMENTS & DEVELOPING MANAGEMENT OPTIONS

DETERMINE OUR CURRENT KNOWLEDGE BASE:

- biological and physical characteristics;
- community and cultural values;
- current uses and pressures;
- future uses and opportunities;
- value of marine resources;
- threats to the natural system; and
- management and institutional arrangements.



The shared values for the region will be drawn from the current knowledge base, including existing environmental, economic, social and cultural information. In the context of the South-east Regional Marine Plan, operational objectives are a way of translating the shared values for the region into something that can be measured.

The process will document usage patterns, identify current and potential interactions between uses and determine where these uses may conflict. The Plan will establish a mechanism for resolving conflict if it occurs.

The assessment process is dynamic. Throughout the process new information needs will be identified, prioritised and tackled. The National Oceans Office will be consulting widely to obtain information and advice critical to the assessment process. Specialist working groups, consisting of relevant stakeholders and experts, will be formed as necessary.

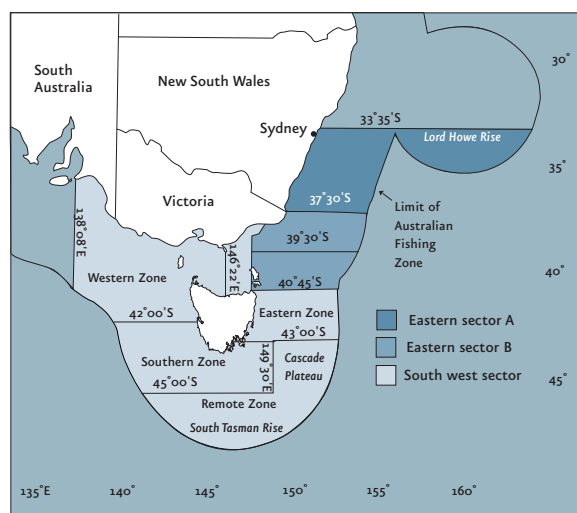
Documentation developed through the assessment process will be made available and will help develop the management options.

Examples of an ecosystem characteristic and of an ecosystem resource use that will be examined as part of the regional assessment process are provided here. (See Box 1 & 2).

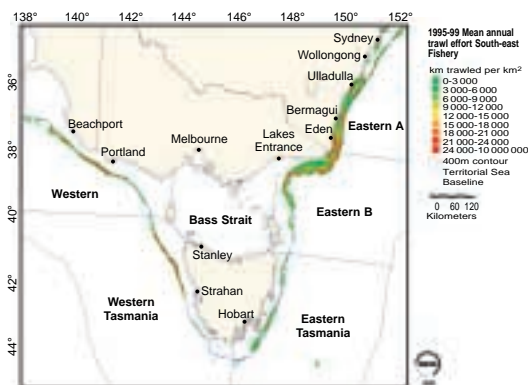
THE COMMONWEALTH SOUTH-EAST TRAWL FISHERY

The South-east Regional Marine Plan incorporates the majority of the waters of the Commonwealth South-east Trawl Fishery. The South-east Trawl Fishery is one of numerous Commonwealth fisheries in the Region, including scallop, squid, gillnet, dropline and pelagic longline. The fishery provides an important source of food, employment, trade and economic well-being for coastal communities and the wider Australian population. In 1999 the fishery catch was 32,759 tonnes worth about \$65m. More than 100 species are taken by the fishery, though 17 species or species groups provide the bulk of the catch.

SOUTH-EAST FISHERY BOUNDARIES



The major trawl grounds are reasonably well defined in terms of proximity to the edge of the continental shelf. The main trawl area runs south of Eden (NSW) into the area known as “The Horseshoe” in north-eastern Bass Strait. Other main areas are the NSW coast, western Tasmania north of Strahan (the winter blue grenadier fishery) and along the coast from Portland, Victoria to Beachport, South Australia. Little trawling takes place in waters deeper than 1,000 metres. Heavily trawled orange roughy grounds, such as the St Helens and Maatsuyker seamounts, tend to be very localised and located to the east and south of Tasmania. The extensive continental shelf shallows within and to the west of Bass Strait are subject to little trawling. However, the Danish seine fleet operates in north-east Bass Strait shelf waters.



Map of trawl activity (Courtesy of Bureau of Resource Sciences)

Output controls in the form of individual transferable quotas (ITQs) were first introduced in the fishery in 1989 for eastern gemfish. Since that time 16 species, including gemfish and orange roughy, have been managed by setting total allowable catches each year and allocating ITQs to operators. As well as using ITQs as the principal management tool, a few input controls remain, including minimum mesh sizes and a limit on the number of boats in the fishery.

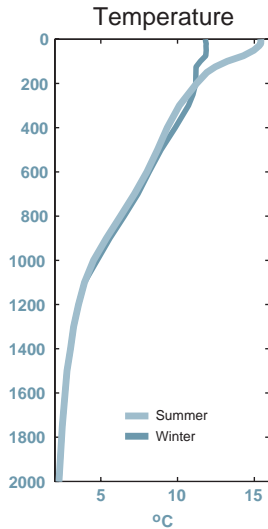


Unloading Orange Roughy (Courtesy of CSIRO Marine Research)

The South-east Trawl fishing industry has adopted a Code of Conduct for Responsible Fishing in which operators are encouraged to adopt “world’s best practice” to protect juvenile fish, avoid wastage and reduce the catch which is not sought or retained (bycatch). Trials are also being conducted in the fishery on gear that may minimise bycatch and the effects on the seabed from trawling operations. There is also a scientific monitoring program in place to provide bycatch data.

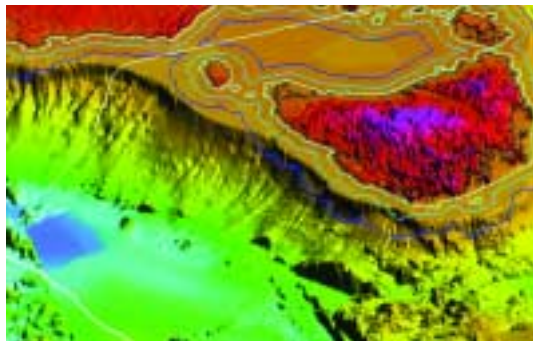
THE CONTINENTAL SLOPE

The continental slope is a dynamic boundary between the shallow continental shelf and deep-ocean environments. Within horizontal distances of



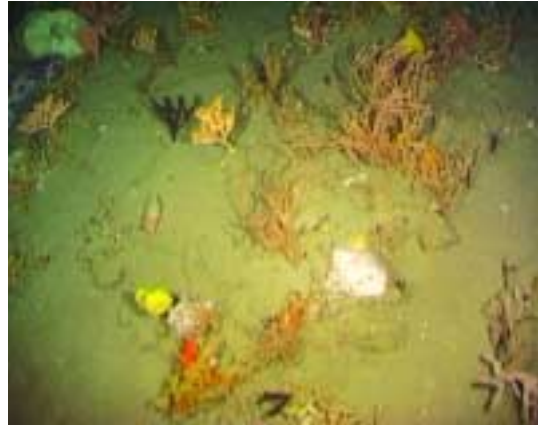
a few kilometres, or less from the shelf-break, water depth changes of more than a kilometre occur, with corresponding changes in seafloor-level water properties that are similar to changes experienced in going from temperate to polar regions.

Geological variations are equally diverse in the types of slope environments; they range from the narrow slopes associated with the Tasman Abyssal Plain off NSW, the broad coral reef structures on the Queensland Plateau, other plateau structures such as Exmouth, Naturaliste, East Tasman and South Tasman Rise, and the volcanic seamounts off south-east Tasmania.



The continental slope off south-western Tasmania
(Courtesy of the Australian Geological Survey Organisation)

This diversity of environments, and the relatively rapid and dramatic changes in water properties with depth, offer a rich strata of habitats which have been colonised by a diverse suite of species, many of which are endemic.



Sea bed habitat (Courtesy of CSIRO Marine Research)

New species are regularly found in research expeditions around the slopes of Australia's mainland, its deep-water islands and territories. Other species, such as the deepwater dogfish and the spikey crab are restricted in range to the continental slope.



Spikey crab (Courtesy of CSIRO Marine Research)

It is now considered inappropriate to treat the slope environment as a simple gradient change from shelf to deep-ocean, as has been done in the past. We now know that this is not the case and a broadly based effort is being made to deal with the management issues posed by such unique biogeological environments.



Performance Assessment

Assessing the performance of the Plan is needed to evaluate whether it is effective in maintaining the shared values of the South-east Region. Performance assessment will also help to identify ways of increasing management effectiveness. This will encourage flexible and innovative management that can adapt to changing ecosystem processes and human impacts.

Performance feedback will be given to sectoral managers and the community. This feedback may trigger a revision of the management measures. (See Box 3).

PERFORMANCE ASSESSMENT

Performance assessment is part of a systematic, adaptive approach to learning from the results of management actions, with the intention of accommodating change and improving management. It is a way for ocean managers to proceed responsibly in the face of uncertainty and allows management to adapt to changing conditions and improved knowledge. It is underpinned by operational objectives and performance indicators, which are used to measure the effectiveness of management.

It will not always be possible to measure accurately or precisely individual characteristics due to the nature of the marine environment and logistic constraints of surveys. Due to our incomplete understanding of complex, dynamic marine ecosystems and their response to human impacts there is also uncertainty in our capacity to exactly predict how ecosystems will respond to management interventions. To deal with uncertainty and to ensure that we can measure the effectiveness of the Plan, we will develop surrogates (eg area of habitat) that illustrate ecosystem health and sustainable use.

Performance assessment for the South-east Regional Marine Plan will have its foundation in the vision and goals for management of Australia's oceans (refer to pages 5 and 21). The first step in performance assessment will be to identify key attributes or specific values of the South-east Region that we wish to maintain. This will be done through the assessment phase of the regional marine planning process (refer to Diagram, p11).

This information will also be used to develop operational objectives. Operational objectives link a specific regional value we wish to maintain with a measurable characteristic of the South-east Region. For example, a value of the South-east Region we wish to maintain may be healthy ecosystems. An ecosystem characteristic that reflects this value may be the area covered by a specific habitat. The operational objective in this

instance would define the desired coverage of the habitat and limits of acceptable change over a period of time. In this way, the operational objectives serve as measurable surrogates for the values of the South-east Region and will guide the development and review of the South-east Regional Marine Plan.

Determining operational objectives is also dependent on our understanding of the threats to maintaining specific regional values, or the interaction between human uses and ecosystem health. As the availability of information about the relationships between the regional values and the threatening processes improves, the operational objectives may need to be revised.

Performance indicators will measure the degree to which the operational objectives have been achieved. They may be qualitative or quantitative measures that demonstrate trends over time. The identification of specific performance indicators will depend on our state of knowledge of the ecosystem and the relationships between uses and ecosystem status.

Performance indicators will be used to improve the effectiveness of management in two main ways. First, they will provide a measure of how well management is meeting the stated operational objectives. Second, the information obtained from monitoring performance will be used to refine our understanding of the dynamics of the South-east Region and its response to management intervention.

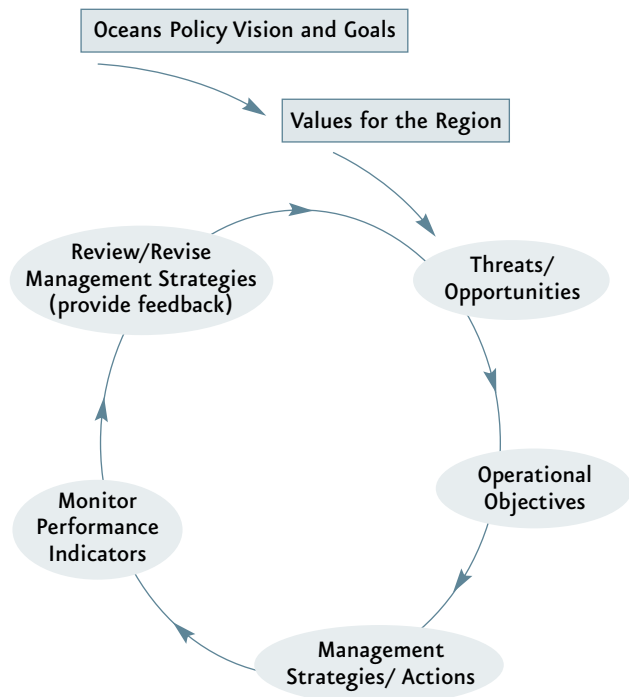
The operational objectives and performance indicators established early in the assessment phase will be refined as additional information becomes available.

Integrating Performance Assessment

A key component of implementing the performance assessment framework for the South-east Regional Marine Plan will be integrating existing sectoral monitoring programs. This will ensure that the information from existing programs is used in an ecosystem context while minimising unnecessary duplication. The South-east Regional Marine Plan performance indicators will be developed or derived by combining existing sectoral level performance indicators and supplementing where necessary to create ecosystem indicators.

Implementing outcomes-based management will allow management to evolve with social and technological developments and respond to increasing knowledge of ocean ecosystem processes.

Assessing Performance





Data Management

Another task will be developing data management arrangements. These will ensure that everyone who has an interest in the planning process has adequate access to data – subject to confidentiality and privacy considerations.

The National Oceans Office will look at how to display information in a way that everyone involved in the process can appreciate the overlap and linkages within the South-east Region (eg ecosystem, social, cultural, use and management).

DEVELOPING AND NEGOTIATING OPTIONS

At this early stage we can only indicate what the broad steps are in the process for developing options for integrated planning and management. Any options that are developed will be guided by the goals of the *Oceans Policy* and by the shared values of the South-east Region that emerge during the regional assessments. We need to understand any threats to those values and use risk management and the precautionary approach to develop and prioritise management options.

Similarly to the assessment process, specialist working groups will be established to assist in developing options. Their advice will be provided to the Steering Committee to consider and will be made publicly available.

Following are examples of issues that will be dealt with in the development and negotiation of options. This choice of issues is based on stakeholder interests raised at the National Oceans Forum in Hobart on 14-15 April 2000.

How will the Plan enhance economic development?

The Commonwealth Government, through the South-east Regional Marine Plan, will foster ecologically sustainable development within the Region. In line with the *Oceans Policy*, the Plan will apply multiple use principles to assist in the generation of income and employment and to optimise long-term benefits to the community.

Part of this process will be to provide, within the Plan, for increased certainty and long term security for marine-based industries. This certainty will be generated through the explicit recognition of existing rights and the use of existing regulation to implement multiple use management principles under the Plan. The National Oceans Office will be seeking input on what rights need to be considered in this context.

The South-east Regional Marine Plan might also identify mechanisms by which economic development could be promoted. The form of these mechanisms is still to be determined and your input to these considerations are welcome. Examples include:

- cross-sectoral and within sector tradeable rights;
- recommending the removal of unnecessary regulatory impediments; and
- providing high quality and cost-effective baseline data and other information to stakeholders.

For example, information that is being collected through the regional marine planning process, such as detailed bathymetric (seafloor) mapping and ecological surveys, will be made publicly available and may be of great use in the identification of potential fisheries, oil, gas and minerals resources and marine protected areas.

Ideally, these mechanisms will not only avoid duplication but also increase regulatory efficiency.

The assessment phase of the planning process will also help existing and new industries identify where further development will be ecologically sustainable.



Will the Plan seek to allocate resources in the Region?

In line with the *Oceans Policy*, ocean resources within the South-east Region should be allocated to the mix of uses that offers the greatest long-term community benefits (taking economic, environmental, social and cultural values into account) and is compatible with long-term ecosystem health.

A major output of the planning process is an agreed mechanism for integrating allocation of resource access and use. Any allocation mechanism will encourage ecologically sustainable multiple use of resources and deal with issues of current and potential conflict. It will require Commonwealth agencies to operate within the agreed mechanism with allocations delivered principally through existing responsible sectoral management arrangements.

Where existing arrangements are assessed as meeting the Plan's operational objectives, these arrangements will be acknowledged. The responsibility for deciding on a resource allocation mechanism will ultimately rest with members of the Ministerial Board.

The *Oceans Policy* also states that the values of ocean resources (economic, environmental, social and cultural) and the impacts of proposed uses on those values, should be assessed before resource allocation decisions are made. These decisions for the South-east Region should only be made after an efficient and transparent decision making process.

How will the declaration of marine protected areas be treated as part of the planning process?

There are already a number of marine protected areas in both the Commonwealth and State waters of the South-east Region, and there is an agreed national approach on how the development of marine protected areas should continue (*Strategic Plan of Action for the National Representative System of Marine Protected Areas 1999*).

The *Oceans Policy* states that future representative marine protected area proposals under the Commonwealth's National Representative System of Marine Protected Areas program will be developed as part of the regional marine planning process. Areas of known outstanding conservation significance will, however, continue to be assessed for protection in accordance with the existing processes. The process of then negotiating final marine protected area outcomes will be undertaken by the Department of the Environment and Heritage as the agency with the statutory responsibility under the *Environment Protection and Biodiversity Conservation Act 1999* for declaring and managing marine protected areas in Commonwealth waters.

The Commonwealth Government has a proven approach to the development of marine protected areas involving all relevant Commonwealth agencies and other stakeholders. The agreed national approach will also apply where there is the possibility of adjoining marine protected areas in Commonwealth and State waters.

The declaration and management of marine protected areas for biodiversity conservation range from highly protected areas to areas managed for multiple use.



IMPLEMENTATION

The *Oceans Policy* is a whole of government policy with the Commonwealth agencies responsible for industry and resources, tourism, environment, fisheries, transport, and others as necessary, working cooperatively to develop and subsequently implement the South-east Regional Marine Plan.

As Commonwealth agencies will be required to abide by the outcomes of the Plan, the National Oceans Office will examine possible implementation arrangements for the Plan. The National Oceans Ministerial Board will, following consultation by the National Oceans Office with stakeholders and government agencies, consider the need for and form of possible legislation to support the development and implementation of Regional Marine Plans. Decisions from the Ministerial Board will be further considered by Cabinet.

Discussions with other jurisdictions involved in ocean management, namely State and relevant local governments, will decide their level of participation and integration of planning and management across State and Commonwealth jurisdictions. The Australian and New Zealand Environment and Conservation Council (ANZECC) provides the formal mechanism for such consultation.

At this stage it is difficult to outline an implementation model. Depending on the intervention necessary to ensure ecosystem health and the sustainable use of resources, some elements could be strategic and others prescriptive.

Although a proposed implementation model can't be floated in this Scoping Paper some issues about implementation are identified. The Regional Marine Plan aims to add value to existing arrangements so it will avoid unnecessary duplication of existing

legislation and increase regulatory efficiency. The foundations for developing the Plan are the current pieces of legislation that manage use and ecosystem health in the Region.

All bodies dealing with regional marine planning recognise that existing sectoral management arrangements will remain. Likewise the Offshore Constitutional Settlement remains the basis for the management of specific sectors across jurisdictional boundaries.

Different implementation models

Some of the options that could be considered, solely or in combination are:

- codes of conduct;
- memoranda of understanding between Government agencies;
- administrative arrangements;
- Executive Orders through Cabinet; and
- legislation where gaps exist.

Environment Protection and Biodiversity

Conservation Act 1999

We also need to understand the relationship between the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the regional marine planning process. The EPBC Act is relevant in a number of ways. The EPBC Act:

- protects the Commonwealth marine environment from actions which will have a significant impact on it;
- protects individual members of certain listed species in the Commonwealth marine area;
- establishes the Australian Whale Sanctuary;
- provides for bioregional planning;
- provides for strategic assessment of the environmental impacts of policies, plans or programs and accredits existing Commonwealth processes under legislation; and
- provides for bilateral agreements which can accredit State processes under legislation.

Once the relationship is understood, we can determine the applicability of the EPBC Act to implementing parts of the Plan.

It is possible that the South-east Regional Marine Plan will need to be assessed for approval under the EPBC Act.

International context

In addition to the existing Commonwealth legislation, the South-east Regional Marine Plan will need to fulfil Australia's rights and obligations under international conventions and agreements which have a direct bearing on the Region. These include agreements dealing with shipping, fisheries, pollution and conservation of marine species. We must also consider the United Nations Convention on the Law of the Sea, which establishes Australia's rights to explore, exploit, conserve and manage our ocean resources (Law of the Sea 1983).

HOW TO PARTICIPATE

At all stages of the process you can get involved by contacting the National Oceans Office. Staff will be available for consultation, advice, information and to answer questions. You can also provide input and comment to the South-east Regional Marine Plan Steering Committee and the National Oceans Advisory Group through the National Oceans Office. All written comments received by the National Oceans Office will be responded to and be made available to the Steering Committee. Contact information is on the back cover.



National Oceans Office

The National Oceans Office was established in December 1999 to support the National Oceans Ministerial Board, the Regional Marine Plan Steering Committees and the National Oceans Advisory Group.

The National Oceans Office:

- coordinates the development of Regional Marine Plans;
- coordinates the overall implementation and further development of the *Oceans Policy*;
- acts as the main administrative co-ordination point between the Commonwealth and States and Territories on *Oceans Policy* and the development and implementation of Regional Marine Plans;
- coordinates and distributes information on *Oceans Policy* implementation and regional marine planning matters to all stakeholders; and
- provides advice to the Ministerial Board on marine research priorities that relate to developments of the *Oceans Policy*.

National Oceans Ministerial Board

The National Oceans Ministerial Board comprises the Ministers responsible for the following portfolios:

- Environment and Heritage;
- Agriculture, Fisheries and Forestry;
- Industry, Science and Resources;
- Sport and Tourism; and
- Transport and Regional Services.

These Ministers are supported by Commonwealth Government agencies responsible for the implementation of most *Oceans Policy* initiatives.



South-east Regional Marine Plan Steering Committee

The South-east Regional Marine Plan Steering Committee is an expertise-based committee specifically formed to help the National Oceans Office and advise the Ministerial Board on the development of the South-east Regional Marine Plan.

The Committee's terms of reference are:

1. Contribute to and advise on the planning process for the South-east Region, including key tasks and milestones as a means of facilitating clearly specified outcomes for inclusion in the South-east Regional Marine Plan;
2. Assist with Regional Marine Plan assessments including the ecological, social, cultural and economic value of marine resources, opportunities for regional economic development, and the assessment of impacts of proposed outcomes; and
3. Provide for peer review throughout the regional marine planning process.

Membership of the South-east Regional Steering Committee is on page 21.

Appointments to the Steering Committee are for the life of the South-east regional marine planning process.

Specialist Working Groups

Specialist working groups will work with the National Oceans Office and the Steering Committee and will provide technical or other expert advice on particular issues. During the planning process specialist working groups may be formed to work on, for example, ecological assessments, social assessments, specific economic and industry issues, Indigenous matters, integration, information and data management.

The working groups will broaden input and involvement in the planning process and allow another avenue for interested groups to engage.

National Oceans Advisory Group

The National Oceans Advisory Group is made up primarily of members from non-government organisations representing interests such as science, industry, Indigenous communities and conservation.

The National Oceans Advisory Group reports directly to the National Oceans Ministerial Board and will generally examine the overall scope and effectiveness of the regional marine planning process and content from a national perspective.

The membership and the terms of reference of the National Oceans Advisory Group are on page 22.

What will emerge from the south-east regional marine planning process?

The Regional Marine Plan will have a term specified for undertaking a formal review of the Plan. The performance assessment process described in this Paper will be an important component of the ongoing and formal review procedures for the Plan.

But there will be more emerging from the south-east regional marine planning process than just the final Plan.

We will have a better appreciation of the extent of human activities in the Region, and of their interactions with each other. We will list the Region's resources, and arrive at a shared understanding of how to manage them sustainably.

We could expect an increased willingness to solve any difficulties that lie in the way of this.

By improving our knowledge of the Region we should be better able to apply a real precautionary approach in caring for the ocean.

Our shared understanding will increase through observation not just of the ecosystem processes but also through observation of the effect and effectiveness of management arrangements.

OCEANS POLICY GOALS

In seeking to care for, understand and use our oceans wisely, *Australia's Oceans Policy* has the following broad goals.

1. To exercise and protect Australia's rights and jurisdiction over offshore areas, including offshore resources.
2. To meet Australia's international obligations under the United Nations Convention on the Law of the Sea and other international treaties.
3. To understand and protect Australia's marine biological diversity, the ocean environment and its resources, and ensure ocean uses are ecologically sustainable.
4. To promote ecologically sustainable economic development and job creation.
5. To establish integrated oceans planning and management arrangements.
6. To accommodate community needs and aspirations.
7. To improve our expertise and capabilities in ocean-related management, science, technology and engineering.
8. To identify and protect our natural and cultural marine heritage.
9. To promote public awareness and understanding. (Oceans Policy, Vol 1, p4).



SOUTH-EAST REGIONAL MARINE PLAN STEERING COMMITTEE

Members

Ms Diane James, Chair

Mr Joe Agius

Mr Bob Annells

Ms Jane Beck

Mr Alistair Graham

Dr Gary Poore

Mr Stuart Richey

Mr David Trebeck

Prof Martin Tsamenyi

Terms of Reference

1. Contribute to and advise on the planning process for the South-east Region, including key tasks and milestones as a means of facilitating clearly specified outcomes for inclusion in the South-east Regional Marine Plan;
2. Assist with regional marine plan assessments including the ecological, social, cultural and economic value of marine resources, opportunities for regional economic development, and the assessment of impacts of proposed outcomes; and
3. Provide peer review throughout the regional marine planning process.



NATIONAL OCEANS ADVISORY GROUP

Chair

Prof Russell Reichelt, CRC Reef Research Centre

Members representing organisations or sectors:

- Mr Mike Burgess, Tourism Council Australia
- Mr Rodney Dillon, Aboriginal and Torres Strait Islander Commission
- Mr Henry Garnier, Torres Strait Regional Authority
- Prof Alistair Gilmour, World Wide Fund for Nature
- Mr John Hirst, Association of Australian Ports and Marine Authorities
- Mr Angus Horwood, Recfish Australia
- Mr Barry Jones (TBC), Australian Petroleum Production and Exploration Association
- Dr John Keesing, Australian Marine Sciences Association
- Mr Terry Moran (TBC), Australian Seafood Industry Association
- Mr Lachlan Payne, Australian Shipowners Association
- Dr James Stoddart, Minerals Council of Australia
- Ms Diane Tarte, Australian Marine Conservation Society
- Dr Geoff Wescott, Marine and Coastal Community Network

Members in their personal capacities:

- Mr Sam Bateman, Centre for Maritime Policy, University of Wollongong
- Mr Martijn Wilder, Baker and McKenzie Solicitors

Terms of Reference

The National Oceans Advisory Group will:

1. Work through and advise the National Oceans Ministerial Board on:
 - (a) cross-sectoral and cross-jurisdictional oceans issues, focussing on gaps, overlaps and priorities and examining matters such as integration issues and ecosystem-based planning and management;
 - (b) the scope and effectiveness of the regional marine planning process,
 - (c) the views of a broad range of relevant non-government stakeholders on the implementation of *Australia's Oceans Policy*;
 - (d) regional and economic opportunities and impediments to marine industry development;
 - (e) other matters related to oceans planning and management, as requested by the Board;
2. Examine and identify emerging issues in ocean planning and management; and
3. Promote awareness of *Australia's Oceans Policy* amongst non-government and other stakeholders.



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Other Selected References

Volumes 1 and 2 of *Australia's Oceans Policy* contain a list of selected references relating to *Oceans Policy* issues and development.

ACKNOWLEDGEMENTS

The National Oceans Office wishes to acknowledge the significant input and thank the variety of people and organisations who are playing a part in developing the planning process and scope of the proposed Regional Marine Plan as outlined in this Scoping Paper. We look forward to your continuing input as we shape and develop this process together.

PHOTO CREDITS

Cover:

Boat welder – CSIRO Marine Research

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Inside front colour spread:

Morgan Mansell with Mutton Birds – ATSIC

Oil Rig – ESSO Pty Ltd.

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Inside back colour spread:

Ocean – CSIRO Marine Research



*Healthy oceans: cared for, understood and used wisely
for the benefit of all, now and in the future Healthy
oceans: cared for, understood and used wisely for the*



"We want to have a fairly big stake in the South-east region and what's going on because it's not only for your children, it's for our children as well. If we're all going to come together and work

together, we need to at least have a fair standing."



Quote: Councillor Rodney Dillon ATSIC Commissioner for Tasmania – "Towards a Regional Marine Plan for the South-east – Forum"

*Healthy oceans: cared for, understood and used wisely
for the benefit of all, the future healthy
oceans: cared for, understood and used wisely for the*



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