

# Draft Marine Parks Bill 2006

## What is the Draft Marine Parks Bill all about?

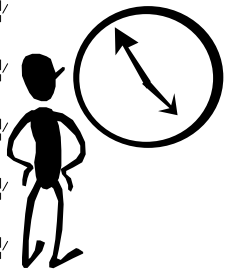


The Draft Marine Parks Bill is the first version of the law that will be used to establish and 'declare' marine parks in South Australia. 'Marine Park' is the name now given to an area that will be set aside in SA's marine environment for biodiversity conservation purposes. You may know them as:

- Marine Protected Areas
- Marine National Parks
- Marine Sanctuaries

Or maybe you have heard of the Blueprint for the SA Representative System of Marine Protected Areas that sets out what the SA Govt is trying to achieve with Marine Parks?

Once declared, Marine Parks *should* have protection similar to National Parks on land. The Bill will become law once it has been debated and passed by parliament, and be called the Marine Parks Act



## Why is it taking so long to get marine parks?

The SA Govt first committed to Marine Parks in 1999, and promised a system of 19 parks by 2001. There was a change of government and the promise went to 2003. With the

competing interests of conservation, aquaculture, commercial/recreational fishing and petroleum exploration all having different views of what marine parks should look like, policy development has blown the timeline out by many years.

Currently the SA Govt is committed to 19 marine parks in place by 2010.



## Can other legislation be used to proclaim marine parks?



Yes. There are other Acts suitable to proclaim parks. Advocates for Marine Parks have been arguing for a number of years now that the parks can be proclaimed under the *National Parks and Wildlife Act*, the *Wilderness Protection Act*, or even the *Fisheries Act* and the *Historic Shipwrecks Act*! However the government has decided that there should be new legislation to cover some gaps in the other laws.

## How do Marine Parks differ from Marine Planning?

Marine Parks are designed primarily for biodiversity conservation and will cover only representative samples of marine ecosystems.

Marine Plans will allow any use or development provided the impact of the use complies with the zone outlined for that particular area. They will entirely cover South Australia's marine and coastal environment.



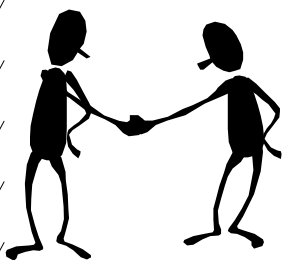
# How will marine parks help marine conservation?

Marine Parks under this Bill will be multiple use with a series of zones. The most important for marine conservation are Sanctuary Zones - also called no-take or fully protected zones. They offer the highest level of protection within Marine Parks (Restricted Access Zones are a special category for scientific study of the parks). Australian and overseas examples have shown that when all forms of extraction (eg fishing), and destructive practices (eg bottom trawling) are removed from a marine area, the species and habitat are able to recover from the impacts, as long as the area hasn't been too degraded.

In many Sanctuary zones in Australia and overseas, marine species have increased in number and diversity in a very short period of time, depending on the life-span of the particular species. Shorter lived species recover quickest with longer lived species taking more time.



Internationally, scientists are calling for large connected areas of fully protected marine and coastal areas world-wide to help stop the decline of marine species and help buffer the effects of Climate Change on the ocean.



## Will I be consulted?

Yes. Management Plans will be developed for each Marine Park and there will be two

formal opportunities for community input on them, but not on the proclamation of the Marine Park boundaries. The first opportunity will be an invitation to have a say during the development of each draft plan. The second will be when the plan is drawn up and released for public comment. There is likely to be a Consultative Committee set up for each park, with membership drawn from the public.

## Why won't I be consulted on the names and boundaries?

Good question! The location of the 19 Marine Parks "will be based on the best scientific understanding as well as nationally and internationally endorsed design principles" according to the SA Govt. This means that the government isn't looking for public input at this stage, leaving that until the management plans are being developed.

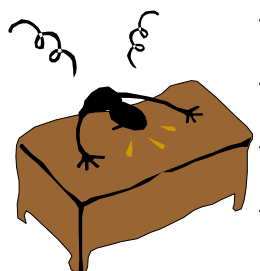
At least that is the case in this draft Bill, but any of this may change during the passage through parliament.

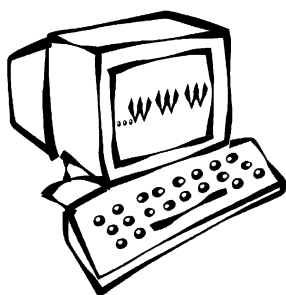


## What are other people saying about the Bill?

The conservation sector is making a submission with their thoughts on what is in the Bill and some of those issues are covered by the items in the table on the next page.

Marine industries such as the South Australian Fishing Industry Council and the SA Aquaculture Council will also make submissions. All submissions will be publicly available, but at this stage the various groups are still discussing the issues they wish to raise.





**How can I make a submission?**

Well you have to be quick! Public submissions close on November 30  
 You can download the proforma from the DEH website at  
[www.environment.sa.gov.au/coasts/mpas.html](http://www.environment.sa.gov.au/coasts/mpas.html)

### What should I put in my submission?

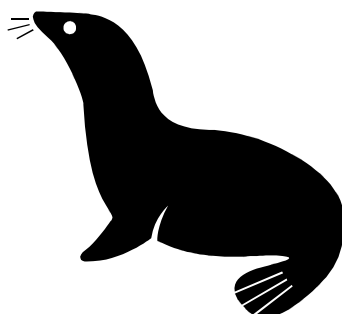
You can comment on any part of the Bill. Some of the areas that you might want to look at are listed in the following table

|   |  |
|---|--|
| <b>Will zones be declared under the Act or regulations?</b>                 | When marine parks are declared and named, only the outside boundary of the park will be defined. All Marine Parks will be multiple use. The zones will be outlined in the Management Plan for each Marine Park with activities allowed and not allowed declared under Regulations.<br>Under the <i>National Parks and Wildlife Act</i> , different types of parks are described in the Act, based on the conservation values. This difference would make the Draft Marine Parks Bill weaker on protection. |
| <b>Can the zones be changed once established under a management plan?</b>   | Yes. This decision will be up to the Minister for Environment and Conservation. Unfortunately the zones will be able to be changed without going back to parliament. The problem with that is the level of protection can be eroded too easily. The decision to change zones should rest with both houses of parliament.   |
| <b>Can Aboriginal people joint-manage marine parks like national parks?</b> | No. The Bill states that consideration be given to Aboriginal Heritage and to the rights of traditional owners in relation to ecological sustainable development. Consideration is not defined. There is no provision for joint management.  |
| <b>Is there an advisory committee established under this Act?</b>           | No. The <i>National Parks and Wildlife Act</i> the <i>Native Vegetation Act</i> and the <i>Wilderness Protection Act</i> have statutory advisory committees, the Marine Parks Bill relies on a non-statutory committee.  |
| <b>Is there a process for community nominations of marine parks?</b>        | Yes. Section 21(1)(b) allows for community nominations of new Marine Parks, but there is no process under the Act for dealing with such nominations. By contrast the <i>Wilderness Protection Act</i> outlines a process for dealing with nominations and establishes a statutory committee to assess such nominations.  |

### When will the Bill become law?

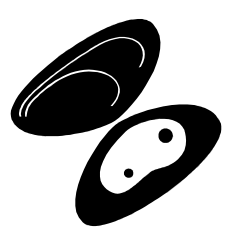
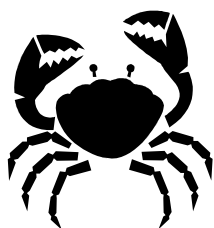
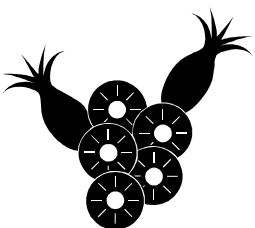
The draft Bill is the first stage of the process. Once submissions have been made, the Bill will be refined and presented to parliament for debate.

With less than 10 sitting days left this year, it is not likely to be presented to Parliament until well into 2007.



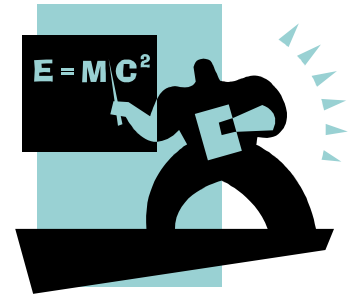
# Some Useful Links

- Department for Environment and Heritage for the Draft Bill, Explanatory Notes, submission proforma [www.environment.sa.gov.au/coasts/mpas.html](http://www.environment.sa.gov.au/coasts/mpas.html)
- Conservation Council of SA for a background paper on marine protected areas, assistance in making public submissions and links to policy, legislation and government departments [www.ccsa.asn.au/capacitybuilding](http://www.ccsa.asn.au/capacitybuilding)
- The IUCN World Commission on Protected Areas: [www.iucn.org/themes/wcpa/](http://www.iucn.org/themes/wcpa/)
- National Marine Bioregionalisation of Australia: [www.oceans.gov.au/NMB.jsp?flashDetected=1&clientType=Microsoft%20Internet%20Explorer&isMac=false](http://www.oceans.gov.au/NMB.jsp?flashDetected=1&clientType=Microsoft%20Internet%20Explorer&isMac=false)
- South Australian Fishing Industry Council (SAFIC) [www.safic.com.au/](http://www.safic.com.au/)
- South Australia Aquaculture Council PO Box 2099, Port Adelaide SA 5015
- Seafood Council of South Australia [www.seafoodsa.com/index.asp](http://www.seafoodsa.com/index.asp)
- Australian Marine Conservation Society [www.amcs.org.au/](http://www.amcs.org.au/)
- The Wilderness Society [www.wilderness.org.au/regions/sa](http://www.wilderness.org.au/regions/sa)
- Australian Conservation Foundation [www.acfonline.org.au/default.asp?section\\_id=114](http://www.acfonline.org.au/default.asp?section_id=114)
- WWF Australia [wwf.org.au/ourwork/oceans/](http://wwf.org.au/ourwork/oceans/)
- Fishers For Conservation [www.ffc.org.au](http://www.ffc.org.au)





# What do all these words mean?



**Adequate**— the ability to maintain conservation objectives of individual marine national parks (eg each unit large enough) and of a marine national park system (eg units close enough together). The size of each marine national park based on its status, condition, vulnerability and disturbance (from Oceans Eleven—Australian Conservation Foundation)

**Biodiversity**— the variety of living organisms, their genes and the ecosystems of which they form a part—shortened from biological diversity (from National Strategy for the Conservation of Australia's Biological Diversity)

**Comprehensive**— the full range of biophysical diversity (habitat types) is included in a system of marine national parks (from Oceans Eleven—Australian Conservation Foundation)

**Conservation**— the official care and protection of natural resources

**Displaced Effort**— the amount of fishing effort potentially displaced to other areas (from DEH Commonwealth)

**Ecologically Sustainable Development**— ESD has 3 core objectives:

- 1 Improving individual and community welfare and wellbeing
- 2 Increasing equity within and between generations
- 3 Maintaining biodiversity and ecological process

(from Principle 4 of the Rio Declaration on Environment and Development)  
**Ecosystem**— dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit (from the Convention on Biological Diversity)

**Multiple Use**— most activities will still be allowed in a marine park (Blueprint for system of MPAs—SA Govt)

**Precautionary Principle**— Urges caution when considering development proposals, planning and management, when scientific

knowledge is incomplete or uncertain

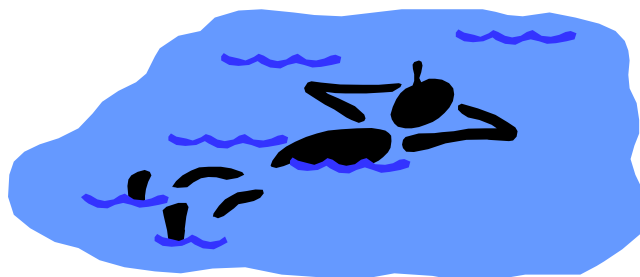
(from Principle 15 of the Rio Declaration on Environment and Development)

**Protection**— to shield from injury, danger or loss; defend

**Proclaim**— to announce officially

**Representative**— represented at the levels of biogeographic region, bioregion, ecosystem, habitat and community types. A minimum amount of each bioregion should be included (from Oceans Eleven—Australian Conservation Foundation)

**Statutory**— fixed or authorised by law





## Conservation Council of South Australia Inc

This paper is one of a series produced by the Conservation Council of South Australia to support and encourage engagement in the development of policies, plans and legislation which impact on the marine, estuarine and coastal environments in South Australia.

The papers are designed to provide people involved in managing our marine, estuarine and coastal environments, and the broader community, with a concise, easy to read, summary of relevant policies, plans and legislation that are developed by the State and Australian Governments, and the regional Natural Resources Management Boards.

The Conservation Council of SA (CCSA) website hosts all of these papers, and is designed to be a one-stop shop for:

- Summary papers on some of the major coastal estuarine & marine policies;
- Current information on documents out for public consultation;
- A comprehensive table of policies and legislation with all the relevant links to take you straight to the documents and the relevant government websites;
- Regular updates on coast & marine policy, planning and legislation;
- Information on how to make an effective public submission and links to some Conservation Council examples;
- Links to all of the SA Natural Resources Management Boards.

If you are the holder of the *SA Coast & Marine Policy, Planning & Legislation* folder, you will find updated versions of all the Summary Papers and an electronic version of the information previously known as the 'Matrix', on the Capacity Building home page. Hard copies of the Matrix will no longer be sent out.

How do you find it? [www.ccsa.asn.au/capacitybuilding](http://www.ccsa.asn.au/capacitybuilding).

Or follow the 'Marine & Coastal' link. Follow the 'Capacity Building' link (click on the photo of the folder). Make sure you Bookmark the site!

Feedback and additions most welcome.

Additional information and support is available through the Conservation Council's Coast and Marine Facilitator, Paul Hastings, who can be contacted on 8223 5155 or at [paul.hastings@ccsa.asn.au](mailto:paul.hastings@ccsa.asn.au)

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