

# **AUSTRALIA'S OCEANS POLICY**

**REPORT OF THE FORUM HELD IN CANBERRA  
on  
2-3 December 1997**

**Department of Environment, Sport and Territories  
1998**

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***APPENDIX - PARTICPANTS***

## ***PREFACE: WELCOME AND INTRODUCTION TO THE FORUM***

**Dr. IAN MCPHAIL**  
**CHAIRMAN OF THE FORUM**

Welcome to the Oceans Policy Forum.

We have here in this group members of the Interdepartmental Committee on Oceans Policy; the State representatives from the Working Group of the Intergovernmental Committee on Ecologically Sustainable Development; the Ministerial Advisory Group on Oceans Policy; representatives from the Marine Science and Technology Working Group; and a broad range of industry, conservation and other non-governmental organisation representatives, who are not on those previously mentioned committees. Welcome also to Professor Frank Talbot who will be our rapporteur for the two days.

I would like to go through some of the introductory material for the forum and look at how we can be involved in the process. We are grateful to you all for attending and we look forward to your willing contribution to a policy framework for the integrated resource management of the oceans.

As you are probably aware the Cabinet has given approval for a whole-of-government process for development of an Oceans Policy. I think it is extremely important that it is a whole-of-government responsibility, and therefore the policy in its final form must represent the views across the entire spectrum of government.

The draft policy has to be prepared by some time in February and it is the Government's intention to finalise the Oceans Policy by the middle of the year.

Already the Cabinet and Government have established certain parameters for the Oceans Policy development. It is basically said that the Oceans Policy will establish a multiple use planning and management framework. It will address the legislative, jurisdictional and institutional arrangements underlying the oceans planning, management and use. It will encompass existing sectoral policies and programs, identify areas requiring further attention and provide for initiatives to integrate oceans planning and management and focus on identifying and promoting the economic opportunities from ecologically sustainable marine industries. It has also been decided that the Offshore Constitutional Settlement will not be reopened, but if there are some administrative arrangements that need to be adjusted, then these will be considered. However, it is very important that in the development of national institutional arrangements for managing the cross-sectoral implications of action affecting our oceans, the very heavy commitments that State and Territory governments have made to the management of coasts are recognised and we ensure that these are properly integrated into the final framework.

In creating national institutional arrangements, we will need to take account of the current well-developed sector-specific resource allocations and management systems, such as fisheries, petroleum and minerals. These must be maintained and provide a basis for cross-sectoral arrangements under the proposed framework.

The consultations we are having should explore the advantages and disadvantages of options for institutional arrangements for our marine jurisdictional zones, such as a national body with associated regional bodies for planning and management. This would include assessing the minimum regulatory and legislative requirements to make such arrangements effective.

The Oceans Policy will not be limited to Commonwealth waters, but will cover all our marine jurisdictions. It will build on the current cooperative arrangements between the Commonwealth and the States and Territories, recognising, for instance, existing State and Commonwealth coastal polices.

Conservation and sustainable use of the oceans' resources will be pursued on the basis that marine ecosystems and biogeographical regions should underpin oceans management arrangements which are integrated across sectoral uses. This recognises that arrangements for managing some sectoral resource use, such as petroleum, will probably continue to emphasise other geographical and administrative features.

Again, in accord with the Government's position, agreement will be pursued on how to apply key principles within the Oceans Policy, in particular multiple and sequential resource use principles and the precautionary principle.

These factors comprise the ground rules that have been established at this stage, but within these ground rules there are very significant issues of management that need to be thought through. That is very much the purpose of these next two days, where we hope those matters can be discussed in detail through a series of workshops, break-out sessions and plenary sessions.

\* \* \* \*

## ***KEYNOTE ADDRESS***

**SENATOR THE HON ROBERT HILL  
LEADER OF THE GOVERNMENT IN THE SENATE  
MINISTER FOR THE ENVIRONMENT**

Ladies and gentlemen,

It gives me a great deal of pleasure to welcome you here to Parliament House for this forum on Australia's Oceans Policy.

Today's forum is a central part of the consultation program we have put in place as we head towards completion of Australia's first comprehensive Oceans Policy.

To my mind the forum has four main purposes:

- \* to ensure that we have identified the full suite of issues that should be addressed in our Oceans Policy;

- \* to tap into your ideas and views on how the government should be proceeding on those issues;

- \* to provide an opportunity for us to test where there are areas of common ground amongst stakeholders; and finally

- \* to give those of you participating the opportunity to be exposed to the Oceans Policy development process, the early thinking of government and also the views of other stakeholders.

As many of you would be aware, the government has been using a variety of mechanisms to ensure that we do properly consult with stakeholders and the broader community.

This has ranged from the formal public submission period that followed the release by the Prime Minister of the Oceans Policy consultation paper back in April through to the community surveys that have been undertaken by the Marine and Coastal Community Network.

I have also established an Oceans Policy ministerial advisory committee under the chair of my former parliamentary colleague, David Connolly, which is making a valuable input into the policy development process.

This week's forum is therefore not a one off event in relation to public consultation but rather part of discussions which will occur with all stakeholders right through until the policy's completion in mid-1998.

While I don't intend to pre-empt your discussions or, for that matter, deliberations that are yet to occur within government, I do want to say something about the direction of the Oceans Policy.

The Government is committed to the development of the policy for two principal reasons.

Firstly, at the most pragmatic level, the policy is a means of asserting our sovereign rights over our exclusive economic zone. As most of you would know, under the Law of the Sea Convention, our marine jurisdiction is vast - covering more than 16 million square kilometres. We must show that we can manage, protect and fully utilise these resources, or we may be obliged to let other nations reap the benefits.

But secondly and more importantly, we see the policy as a critical step in ensuring the ecologically sustainable development of our ocean resources, both for wealth creation and environmental protection.

It is our intention to ensure that the Oceans Policy is meaningful and effective - we want a document that is more than just another dust collector on our collective book shelves.

Underpinning the Oceans Policy development process are a number of important principles.

Firstly, the policy will reflect a 'whole-of-government' approach at the Commonwealth level. I know that some here today have wondered whether the fact that I have been appointed lead minister for the policy means that it will principally be about environment issues or contain 'greener' leanings than otherwise might be the case.

The answer to that question is both yes and no.

\* Yes in that we are determined to ensure that we manage our oceans in a way that protects its environmental values and the viability of marine species.

Our marine environment is in a relatively healthy condition and it is my hope that the Oceans Policy will allow us to avoid the mistakes that we have tended to make on our land mass during the past 200 years.

\* But the answer is no if the question is based on the premise that such outcomes will be at the expense of other legitimate ocean interests.

The Oceans Policy will be both comprehensive and balanced. We are equally interested in ensuring that the policy facilitates an expansion of our ocean based industries and associated job opportunities.

We do not believe that those twin goals - environmental protection and economic expansion need conflict if we put in place the right policy framework.

Secondly, we want to ensure that the policy applies nationally.

The scope of management arrangements for our oceans cannot be limited by arbitrary jurisdictional boundaries. While you may be able to draw a line in the sand, it would be foolish to try to do so in the sea. Unless, therefore, the policy is a Federal arrangement - straddling the three nautical mile demarcation - we will be perpetuating a policy and management boundary which does not reflect the nature of the resources we are seeking to manage.

For large parts of the fisheries and petroleum resource sectors, Commonwealth/State arrangements have been established which attempt to avoid applying the three nautical mile boundary.

Our desire to ensure integration across State and Commonwealth boundaries does not, however, mean that we will be seeking to reopen the fundamentals of the Offshore Constitutional Settlement. Our preference is that the overall policy, planning and management arrangement for Commonwealth and

State waters is a fully cooperative venture by all governments. That means that both spheres of government should have shared responsibilities across our oceans.

We also recognise the key role that local governments in the central zone can and do play in protecting our marine environment and in determining the viability of ocean based industries. Their involvement is therefore also critical.

Our third and perhaps most important principle is that the policy must ensure that we manage our oceans in accordance with the objectives of ecologically sustainable development.

The National Strategy for Ecologically Sustainable Development defines ESD as:

"development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends."

The Strategy also sets out a number of core objectives and guiding principles which I would also commend to you and which are relevant to our oceans management.

Fourthly and finally, we believe that oceans management can and should occur within a multiple use framework. This does not mean open slather across our ocean territories - as the Prime Minister indicated in April there are some areas of environmental sensitivity in which other uses may be incompatible and unacceptable.

I think that everyone in this room would agree that multiple use management is desirable. I also suspect that everyone of you would see the implications of such management arrangements differently. The hard task will therefore be to enunciate the practical consequences of multiple use management within the detail of the Oceans Policy.

In that context, one of the key issues that we are considering is whether the current institutional arrangements governing our ocean territories are effective.

I have highlighted the need for cross-jurisdictional arrangements between the Commonwealth, states and local government.

Similarly, if we want multiple use and ecologically sustainable development principles to be adopted comprehensively and with consistency we need to ensure that solid cross-sectoral linkages are in place. That is frequently not the case at present. Australia's oceans are managed by a large number of separate government organisations ranging from fisheries agencies through to the number of scientific research bodies supported by government and the private sector. While each of those bodies can and mainly do play a positive role within their sectors there is often a less than desirable linkage between their activities. At the broadest level, the Oceans Policy itself will be designed to ensure that each sector operates in accordance with an overarching framework.

We must however consider where there are mechanisms for ensuring coordination that go beyond the Oceans Policy. I know, for example, that some have proposed the creation of various types of national marine coordinating bodies - ranging from new ministerial councils through to powerful statutory authorities.

Coalition governments are historically suspicious of new bureaucratic institutions. Too frequently the creation of such agencies is regarded as an easy panacea. That being said, while it is unlikely that this government would support an independent statutory authority approach, we do keep an open mind about other national institutional arrangements. We would need to be convinced that any new

arrangements didn't create more problems than they solved: that they provide tangible improvements to the way that we manage our oceans and that they have the capacity to effectively address the cross-jurisdictional and cross-sectoral issues I have previously highlighted.

The views of those of you here today on these issues would be of some assistance. While I keep an open mind on that issue I can say that I am keen to see - in whatever management arrangements we settle upon - a greater focus on ecosystem management.

By this I mean that we should be seeking to ensure that our management decisions reflect nature's boundaries rather than those created 100 years ago by the Imperial Parliament. Such an approach has been adopted in the marine bioregionalisation process adopted by ANZECC for the national representative system of marine protected areas. It is an approach that has a much wider relevance.

Ladies and gentlemen,

I have touched this morning on some of the broader issues that are facing the Commonwealth during the daunting task of preparing one of the world's first comprehensive ocean policies.

I indicated that the policy will be more than just a marine environment statement.

That being said, in the my few minutes I have remaining I did want to say something about the key priorities that I have in relation to environmental matters that will be considered within the Oceans Policy.

Firstly, I am keen to see the process of establishing a national representative system of marine protected areas expedited. The Government recognises the central role in conservation protection that marine protected areas can play. Within Commonwealth waters my Department has already begun the task of developing a program to achieve such a nationally representative system.

Our proposal to declare a marine park in the Great Australian Bight was a first and significant stage in that process. Significant not only because of the Park's size (the world's second largest) but also because it demonstrated our commitment to multiple use principles where they are consistent with environmental protection and our desire to address the under-representation of temperate waters in the existing MPA network.

Secondly, I think the majority of Australians would be disappointed if the Oceans Policy didn't give renewed vigour to the efforts of governments to reduce land-based sources of marine pollution.

We have come along way in the last few decades in reducing point sourced marine pollution - largely as a result of community pressure. While there is much more to be done an increasing focus must now be given to diffuse sources of such pollution - particularly from agricultural run-off.

And thirdly, I would hope that we can ensure that our nation's important fishing sector is operating on a truly sustainable basis. This means, for example, examining the resources we provide to vital research such as stock assessments. It also means working closely with industry - who I know are cognisant of their responsibilities and keen to take a lead - in reducing by-catch. This is particularly so in areas where threatened or endangered animals are at risk.

Ladies and Gentlemen,

In conclusion, can I thank you for making your time available this week.

While we are prepared to shoulder our national responsibilities if hard decisions are required, we will always seek, in the first instance, to work with stakeholders and the broader community to develop solutions.

I hope that the next two days will be part of such a process.

Thank you.

\* \* \* \*

## ***THE MARINE SCIENCE AND TECHNOLOGY PLAN***

**DR. RALPH JENSEN**  
**DEPARTMENT OF INDUSTRY, SCIENCE AND TECHNOLOGY**

I welcome this opportunity to speak briefly about the Marine Science and Technology Plan for three main reasons.

Firstly, it allows me to reaffirm that although we are working towards the preparation of a Plan which will be presented as a discrete, stand-alone document, it has always been intended that the Plan be an integral part of the Oceans Policy.

Fundamental to this integration is that the needs for marine science and technology arising from the Policy must be reflected in the Plan. This Forum provides an important opportunity to identify the needs for science and technology which are likely to arise in the Policy and to explore how these needs might be satisfied by activities encompassed by the Plan.

To this end, a paper on the needs for marine science and technology is included in your conference papers. We hope it will be useful in the workshop sessions, and would also welcome comments on it from delegates. Marine science and technology is not separated out as a separate workshop, for science and technology clearly underpins much of the policy. We would therefore wish you to give some thought to marine S&T within each of the workshops, and set aside time in each workshop to do so.

The second reason stems from the fact that because so much of the nation's marine science and technology is sponsored or undertaken by Commonwealth agencies, much of the Plan will necessarily involve the Commonwealth, but it has always been the intention that the plan should encompass, to the maximum extent possible, activities sponsored or undertaken by State and Territory Governments, universities, CRCs, and the private sector. The extent to which this can be achieved, however, depends largely on how much information is provided by the other, non-Commonwealth sectors. This Forum therefore provides an opportunity both to gather and explore this information.

Finally, a paper outlining the scope of the Plan was released in May of this year. I believe that all members of the Forum have had an opportunity to see this document. We have a few unbound copies available for those of you who have not had that opportunity. Since that time we have received 65 submissions on all aspects of the Plan and these are currently receiving considerable attention. They contain a wealth of information, concepts and ideas.

Some members of the Marine Science and Technology Plan Working Group and of the Secretariat are here today and will be present in the workgroups. The Forum, and particularly the workshops, give us an opportunity to discuss progress in the development of the Plan and to help us shape how we proceed.

We believe that we have made considerable progress in agreeing on a vision for marine science and technology through a workshop held in the course of a day in October and dedicated specifically to this issue. Again there is a summary of our vision statement in your papers. We believe it will be useful in the first of the workshops on 'vision and guiding principles'.

We also think we have made headway in the area of coordination and evaluation, and in the management of marine data. Both issues might be usefully canvassed within the workshop on Integrated Planning and Management.

The issue currently receiving most attention, and which is core to the Plan, is the formulation of major work programs.

You will have noted that the Oceans Policy is to be based on the concepts of understanding, using and caring for our oceans. Three of the major work programs in the marine Science and Technology Plan will also be based on these three themes.

The one dealing with 'understanding' will comprise activities aimed at describing and understanding components, processes and interactions in the marine environment.

The second theme 'using' will be reflected in a program dealing with science and technology underpinning economic, social and cultural uses of the marine environment and marine industry development. Within this program I expect there will be subdivisions reflecting, for example, the research priorities identified by the Standing Committee on Fisheries and Aquaculture, the Geoscience Council of Australia, and the Marine Industry Development Strategy. I expect that most of the workshops will be relevant to this theme but of particular relevance will be those on sustainable fisheries and aquaculture, energy and minerals, shipping, marine tourism and protecting the national interest.

The third theme 'caring for our oceans' will be reflected in a program comprising activities focussed on the ecological sustainability of human use of the marine environment. Clearly the workshops on conservation of marine biodiversity, and clean seas will be highly relevant here.

The area of major work programs is, however one where I regret to report we are to some extent limited by the lack of information on current and future activities. It is difficult, if not impossible, to identify deficiencies in the national effort without having a reasonable picture of what is currently being done and what is planned by key organisations.

We therefore look forward to the consultation process and hope to hear within each of the workshops the needs for science and technology likely to arise within the Policy, the extent to which existing activities go towards meeting those needs, and what more needs to be done, by whom, and when.

\* \* \* \*

## ***THE WORKSHOP SESSIONS***

### **Rapporteur's introduction**

#### *The Ocean Commons*

Australia's Oceans Policy sets the scene for better and more comprehensive management of the now vast area of oceans under our control. It describes our extended oceans area as having "a basis in community ownership of common resources under the stewardship of Australian governments and the community." They are our national ocean commons.

Commons have had a bad rap since Garrett Hardin's famous article "The tragedy of the commons" in the sixties. Hardin considered the English commons on which he based his ideas to have had open access and with no limits to use, but he has been shown to be in error. The commons were stable, multi-use systems for 500 years before they died primarily because of social and political reasons. They worked successfully for this long period because there was a) tight control over both access and resource use by individuals, b) enforcement and regulation by common consent, and c) jurisdiction by a court of local members (1).

We have had trouble with many of our common resources in the sea, on the land and with the air itself. But there is a message of hope, not tragedy, in Hardin's example. The resources of our ocean commons can be properly and sustainably used if we understand their physical and biological processes well enough; if we develop sound, commonly-agreed policies and regulations for the shared use of their resources within and across jurisdictional boundaries; and if we have adequate monitoring with enforcement of regulations. The development of Australia's Oceans Policy, with the wide stakeholder and governmental input being sought, is the first vital step in good management of these great marine provinces and their resources.

#### *The method of reporting the Oceans Policy Forum*

This *Report on the Oceans Policy Forum* does not stand on its own, but must be read with the *Work-in-Progress* draft on Oceans Policy\*. It is designed as an ephemeral document, meant to reflect the two-day Oceans Policy Forum meeting as fully as possible to help the drafters of the Australia's Oceans Policy. This important meeting was widely representative and was to develop public/stakeholder input to consider the issues in Australia's Oceans Policy. The form of the meeting was the study and comment of the *Work-in-Progress* document. In some 24 workshop meetings the document was worked over section by section in great detail. Each workshop reported back with comments and recommendations to the whole meeting in plenary sessions. In a majority of cases there were different groups of people looking at the same issue concurrently. Individual Rapporteurs and Chairs for each workshop provided detailed written records which are the basis for this *Report*. The first draft went back to Chairs and Rapporteurs and some further comments are incorporated for this final *Report*.

#### *The Marine Science and Technology Plan.*

The need for basic knowledge, the first concept of "understanding" the oceans, and for research and development to support the Oceans Policy, were mentioned in many discussions, particularly where the *Marine Science and Technology Plan* was considered, but with the time constraints these could not be

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#### \*Footnote:

The *Work-in-Progress* draft is a document on Australia's Oceans Policy, titled *Developing Australia's Oceans Policy; Understanding, Using and Caring for our Oceans; Vision, Principles and Major Directions*. This document was prepared from material provided to the Portfolio Marine Group, Environment Australia, from State, Territory and Commonwealth Government agencies and from submissions received in response to an earlier paper, the *Oceans Policy Consultation Paper*.

developed far. Understanding ocean processes and resources is still in its infancy and major questions, such as where and with what priorities to put research and development effort into the oceans, and how much science and technology effort is essential to use them well, remain open, though some guidance for the *Marine Science and Technology Plan* did come from the discussions.

#### *Rehabilitation*

A number of workshops made the point that where ocean ecosystems have been already damaged rehabilitation should be part of our oceans policy. This seems to be an important principle, but is not included in the core points of the document. The only references to rehabilitation in the Guiding Principles are in the Operating Principles in the *Work-in-Progress* document and relate specifically to discharge of pollutants, wastes and run-off from land-use practices. Many ecosystems have been damaged in other ways, including changes in ecosystems through severe depletion of some target species, and loss of fauna and flora (e.g. seagrass beds and mangrove systems) and rehabilitation/restoration where this is possible should be a core principle.

#### *Intrinsic value*

It was recommended that the intrinsic world value of the oceans as a vital part of global health could be more clearly stated in the policy. While regional and global responsibilities are mentioned in the Operational Principles, this is done in terms of conventions and agreements to which Australia is a party and not in terms of the fundamental issue of the oceans' contribution to global health (oxygen production, CO2 absorption, temperature balance, climate, weather).

#### *Aesthetics*

As I listened to and then read the rapporteurs' reports I was struck by the fact that to most of us the sea and the coast have deep appeal, yet the **Social and Heritage Interests** workshop had to plead that this value - which is expressed in art, books and poetry - does not appear strongly enough in the draft. Australians are drawn to the sea for recreation and inspiration, and it is a major attraction to our overseas visitors.

Charlton Ogburn says well what draws us to the oceans (2):-

“the sweep of the horizons; the sense of timelessness induced by the procession of waves plunging upon the strand with elemental power from an inexhaustible store; the astringency of the clean, spume-edged winds; and the emptiness and the vastness of the solitude it connotes.”

Frank Talbot

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(1) S. S. Hanna (1990) *Ocean and Shoreline Management*. **14**, pp. 155-172

(2) G. D. Blomberg (1982) *Coastal Zone Management Journal*. **10**, pp. 53-78

## ***WORKSHOP SESSIONS***

### **1. THE VISION STATEMENT**

#### ***Healthy and productive oceans, with benefits for all Australians***

The Vision Statement (above) caused much discussion, with differing views as to how effective it was.

Three workshops referred to the fact that it included no concept of sustainability, and it was stated that the addition of “for present and future Australians,” or ending with “now and in the future” would resolve this. Comments were also made that “healthy” was the most vital part of the statement, as if the oceans are not healthy all benefits will cease to flow.

Some felt the words ‘healthy’ and ‘productive’ and ‘benefits’ could be expanded to give something of what was meant. ‘Health’ was not clearly indicative of ecosystem integrity, for example; and ‘benefits’ could include spiritual, social, and economic benefits, as well as environmental benefits. Three main points were considered by one workshop: equity (as benefit for all), ecosystem integrity (as ocean health), and sustainable wealth generation (as one benefit). These needed to be in the document in some way. To explain or expand the vision terms strong, clear boxes could be used early in the text.

Comment made was that knowledge and understanding were not included in the Vision, though these were a necessary part of its achievement.

One group suggested adding “and security for all forms of life.”

The possibility of including ecologically sustainable development (EDS) was mentioned. There was some opinion that at this stage this concept was not clearly defined enough. One task force member suggested “Healthy and productive marine ecosystems providing equity and sustainable benefits for all Australians.”

A common view of the task force members was that they liked the brevity and clarity of the Vision, though it was argued that it could have more power. It was also thought to lack an aesthetic view, and to be too utilitarian.

Possible solutions to resolve some of these criticisms of the Vision could be as follows:-

#### **Healthy and productive oceans, with benefits for all Australians, today and in the future**

This could be strengthened by being more proactive:

#### **Keeping our oceans healthy and productive, for the long term benefit of all Australians**

And the aesthetic side could be brought in with an addition.

**Keeping our oceans clean, healthy and productive, for the long term benefit of all Australians.**

Vision Statements are notoriously difficult, in part because of the necessary balance between inclusiveness and brevity, and are seldom satisfactory to all.

\* \* \* \*

## **WORKSHOP SESSIONS**

### **2. GUIDING PRINCIPLES**

#### **2.1 Core Principles**

Comments were made on duplication of ideas in core points, and that some could be more satisfactorily amalgamated, and that a number of issues should be included which were not. Some grouping suggestions are made below to aid redrafting the Core Point section, with additions and comments from the task forces. There was a concern that the principles were in isolation from outcomes. A further concern was that there was little linking, even linking wording, to the Vision. The phrase “healthy and productive oceans” could to advantage be included in the suggested first core point as suggested in the following paragraph. The “benefits for all Australians” is picked up in Core Point 2. One suggestion was for a restructuring using the terms in the Vision. Another was to separate broad over-riding principles; core principles needed for Oceans Policy, and Action related statements.

##### *The ecological base (Core Points, 1, 13 in part)*

“Accept the fundamental requirement that biological diversity, and ecosystem integrity must be maintained for a healthy and productive ocean, and that usage should be ecologically sustainable.” Comments were made that the first core point was fundamental to all others. A stronger term than “Recognise” (as used in the “Work-in-Progress” document) was recommended, such as “Accept” above.

Two task groups suggested the incorporation of ecologically sustainable development into the Core Principles, viewing the ESD principles as the base building blocks of an Oceans Policy. One suggested they should be included, and as they have been agreed to, the wording should not be changed. The concepts of the need for retaining ecosystem integrity, conserving biological diversity and promoting ecologically sustainable ocean use are contained in Points 1 and partially in Point 13. As basic to all use is a healthy, undamaged ocean, these basic concepts can be incorporated into a first core principle. It was thought that “recognise” was too weak a word here, and alternate words recommended.

##### *The oceans as a community resource or asset (Core Point 2,)*

“Recognise the oceans as a community asset with equity of use for all Australians, taking into account customary patterns of resource access and use, and other specifically assigned rights, including those of Aboriginal and Torres Straits Islander peoples.” Two task groups considered that the Core Principles took little recognition of Aboriginal and Torres Straits Islander people’s interests, common law and native title rights and it was recommended that this be made specific. These rights are inherent in Point 2 and Point 5, but Aboriginal and Torres Strait Islander people are not specifically named. A new point could be made, or this could be added or incorporated in the above. A recommendation was made that all international instruments to which Australia is a party recognise Aboriginal/Traditional owners’ rights. Some members felt that a less commercial term than “resource” should be used. The Biodiversity Convention was referred to which used the terms “equitably share.”

One group were unanimous that boxes with already recognised definitions of such words or phrases as “ecosystem,” “precautionary approach” and “biodiversity” should be included in the Core Principles pages.

*Other recognition points, with additions*

Recognising our global responsibilities and obligations and commitments under various international conventions and agreements. (It was recommended that this be brought in from the Operational Principles.)

Recognising the scaling of jurisdictional function (not included, but could be in the Core.)

Recognise the need to maintain and enhance international competitiveness (11)

*Promoting points*

Shared responsibility and stewardship (5). (see footnote)

Cooperation between sectors, early identification and management of conflicts of ocean use (7).

*Rehabilitation aim (new point)*

A number of comments were made concerning the need for a point that sought restoration/rehabilitation of damaged ecosystems where possible; restoring health and productivity where this had been lost or damaged.

*Support to industry aim*

Provide opportunities for marine based industries, contributing to strong, growing and diversified local, regional and national economies (10).

*Resource allocation aim*

To create a climate of increased certainty and transparency in resource allocation processes, to meet social and environmental needs (9). (A comment was made here that certainty is not a characteristic of marine living resources, though it may be in resource allocation!)

*Planning and management points:*

There should be broad community involvement (6).

There should be transparency and accountability in planning and decision-making (8).

Planning should be ecosystem based and at scales required for regional integration of multiple uses of ocean resources. (4). (One group felt (4) should be retained as it is, and multiple use needed a point of its own.)

Planning and decision-making processes should effectively integrate long- and short-term economic environmental, social and equity considerations and address issues at local, regional, national and global levels as determined by the issues involved (3).

Apply user-pays and polluter-pays principles in management, supporting common-good activities where required (12). (One group queried whether this was better in the Operational Principles. It could be in either, depending on the emphasis given.)

Planning and management should be on a best scientific knowledge basis, and scientific knowledge should underpin management. (This was a recommended point, and was considered to form the link

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Footnote: As responsibility for the care of the oceans is everyone's (casual recreational users, individual fishermen, fishing companies, mining and oil companies and their staffs, boat owners, governments at all levels, etc.), responsibility as a fundamental issue has probably been dealt with too lightly in the Core Principles, and could come after Core Point 2 or within it, indicating that the oceans are not only a community asset, but also a community and individual responsibility.  
Rapporteur]

with the Marine Science and Technology Plan. There was a consensus in one group on the essential underpinning of science).

#### *Governance instruments*

Ensure that cost-effective and flexible policy instruments are adopted in promoting ecologically sustainable ocean use (13)

#### *Other comments*

Recommendations included:-

- \* The removal of words such as recognise, promote, create, ensure - considered “weaselly,” and amend the introductory statement to “Management of Australia’s oceans will:- ”
- \* That reconciliation should also be mentioned
- \* That sustainable wealth generation is not covered
- \* That compensation, or the concept, should be in the core principles
- \* That the adaptive nature of management should be emphasised
- \* That terms like “community resource” raised concern among some, as it precluded tools like traded rights being used; though the general view within this group was that this was not the case.
- \* That multiple and sequential use should be included
- \* That understanding our oceans was a principle in its own right, which was needed for utilitarian purposes, but also for our increased understanding of the ocean world, and this could be stated.
- \* The first word of each dot point implied a weighting, and a group was concerned that these should be more carefully thought through. Particularly dot point 1 should be stronger. It was suggested the form of words in the Convention on Biological Diversity be used: “conserve, sustainably use and equitably share biological diversity and maintain ecosystem integrity.” Good wordings were in many documents and did not need to be reinvented. There was agreement in the group, however, that where concepts are used they should paraphrase existing agreed words. With the first dot point it was asked whether it was appropriate to integrate a number of existing policies and programs.
- \* If the Oceans Policy is to be a stand alone document the principles need to be spelt out.
- \* The word “Conserve biological diversity and maintain ecosystem integrity” should appear in the first point.
- \* Points that should be incorporated in the Core Principles and were not included:
  - Outcomes concerning marine reserves
  - Commitment to marine mammal protection
  - Threatened species protection
  - Existing initiatives on coral reef protection
  - Adjacent land use compatibility
  - Indigenous fishing rights.
- \* It was suggested that an additional point(s) should refer to implementation and enforcement. There was debate as to whether these were principles. [The latter now recommended in Operational Principles].
- \* If the precautionary principle is an operational principle, why are user pays and polluter pays core principles?
- \* Clarification between core and operational principles is needed. Possibly;
  - Core applied to all decisions
  - Operational to development and implementation of multiple use.
- \* A group argued against the precautionary principle being in the core principles, because of the number and complexity of definitions and interpretations.
- \* Recognise the special characteristics of the marine environment, and make the Core Principles more specifically related to the marine environment.
- \* There is not a clear statement that uses must be ecologically sustainable.
- \* If applied to all actions on access and use the focus is quite narrow.
- \* Stewardship could be included with the second point on community.

\* The policy has to be clear for governments, and be a basis for delivering outcomes. Strong agreement on this by one group.

\* A group flagged disquiet on Core Principle 4., feeling it was not clear and some were not sure what it meant. Doubt about ecosystem-based or ecologically based.

\* \* \* \*

## WORKSHOP SESSIONS

### 2. GUIDING PRINCIPLES (continued)

#### 2.2 Operational Principles

##### *Comments made:-*

- \* Concern was expressed over the term “sequential use,” which was considered to be adequately covered by the term “multiple use.” (e).
  - \* Pollution prevention should be covered more strongly (i).
  - \* One group considered the governance issue (m), discussing whether there was a conflict in co-management, where the lines between manager/regulator and user are blurred. They did refer to a successful regime in NSW water management.
  - \* In Regional and global responsibilities (o) the importance of land/water/atmospheric interactions nationally [and internationally?] should be considered.
  - \* The precautionary principle (g) needed further analysis and clarification, the question being asked “What is environmental damage - biological only, or also cultural?”
  - \* The precautionary principle as written was considered watered down by the first paragraph, not a proper statement of the principle as agreed to by governments under the IGAE.
  - \* The regional and global responsibilities (o) give “recognition of the full scope of Australia’s international commitments” in the oceans, but it was pointed out that this paragraph should also indicate the ongoing involvement at the regional country level, and the world level, to improve regional and international instruments for clean, healthy and productive oceans. Nor does it mention informal cooperation with other countries.
  - \* Incentive based instruments are not mentioned in the Operational Principles.
  - \* There is no clear indication of the need for ongoing scientific and technological information in these operational principles, and how operations might link with the Marine Science and Technological Plan. One group mentioned the need for information specifically on sustainable development.
- [\* While the regulatory function is clearly stated under governance (m), the enforcement of regulations will always be necessary as a vital issue, and is not indicated at all. This was raised by one group under the Core Principles, but clearly belongs here.]

##### *Ecosystem-based planning and management:*

The text should refer to the box definition to help readers (unless it is on the same page). The box assumes a knowledge of what an ecosystem is. As this document is to be read and understood by a wide variety of users, regulators, conservationists and the interested public a brief encyclopedia-type definition could be included (eg “an ecosystem is a community of plants and animals in an environment which includes the raw materials for life”). As “animals” in common parlance excludes humans, they could be added specifically. Such a definition, however, does not explain that an ecosystem also refers to a level of observation (or management), and could be an estuary, a rocky shore, or a whole coastal system that includes both. This could also be added.(Rapporteur)

##### *Managing for uncertainty and adaptive management*

In addition to allowing for the variability and uncertainty of oceanic living resources (e.g., by setting conservative resource allocations) delegates expressed the need for management plans and strategies to be capable of responding quickly to problems occurring with the target species or the ecosystem, using the “adaptive management” principles. This could be included in this section.

*The precautionary approach*

The term “high risk” differs from the Box definition “threats” of risk, and this was commented on as being weaker. The formally accepted definition by the Federal Government should be used. The point was discussed as to whether cultural damage should also be considered, and on reflection it seems that it should be incorporated.

*Regional and global responsibilities*

The point made (above) that involvement with regional and international cooperative instruments is an ongoing process in which Australia will continue to play a part could be added to this section. The effects that the atmosphere/water/land interfaces could have on the marine sphere at the international level were considered to need mention. [This could be referring largely to atmospheric pollution, to greenhouse gases and to ozone loss.]

*The Marine Science and Technology Plan R & D*

A section on the science and technology information base needed for both ecosystem health, sustainable use and marine industrial development could be added. This need for understanding for use, sustainable development, and for deeper understanding for its own sake has been referred to by groups here and under Core Principles, and by Dr. Ralph Jensen in the first Plenary Session.

*Compliance and enforcement*

Enforcement was raised by a number of delegates as a necessary evil, and inevitably an essential part of the Operational Principles. It should be included. It should function at every level, with community- based peer pressure as one of the levels. So many fisheries have collapsed or are collapsing around the world, the view was expressed that strong and enforceable provisions for compliance would be essential for proper sustainable use of Australia’s EEZ.

\* \* \* \*

## **WORKSHOP SESSIONS**

### **3. MAJOR ACTIONS**

#### **3.1 Governance**

##### **3.1.1 Institutional arrangements, integrated planning and management**

###### *Document structure*

- \* Chapter **2 Institutional Arrangements** should be combined with this chapter (one group).
- \* Reverse 2 and 3. Consider the needs of integrated planning and management before designing institutional arrangements to solve them (one group).
- \* There also needs to be a link between this management chapter and **26 Performance Assessment and Reporting**

Comment: **1.** The reversal of 2. and 3. would make the Policy document more readable.

**2. Performance Assessment and Reporting** is a large task, relating to monitoring for feedbacks to management at every level and for every resource. Bioregion and ecosystem health will also need the monitoring of indicators, and the Policy calls for regular performance review. Social and equity issues will also need reporting. Reported data and their analysis will be used by government regulators and planners, by industry, by conservation groups and by the general public. The chapter does link with other areas of the Oceans Policy document.

###### *Outcome*

- \* Add “transparent” to “adaptive and flexible.”
- \* Remove the term national in the second paragraph.

Comment: Leave out national? Change to Australian?

###### *Integration*

- \* Not enough on integration (both workshops). Too “sector” orientated.
- \* In this whole chapter much more emphasis should be given to integration. The document reads as though the sectors should do better but we need more, the incorporation of a “whole of system” approach. Specifically missing are:-
  - a) The whole ecosystem (and all uses, conservation and sustainable), recognising natural boundaries and doing away with political boundaries, and
  - b) The Commonwealth working with the states, for which an upper framework is essential.
- \* There has to be an adaptable and flexible approach.
- \* The planning and management focus of Australia’s marine resource use is too narrow, and needs to be widened to include the terrestrial environment (catchments, tide line) (both groups).
- \* Sectors and jurisdictions are discussed, but sectors and jurisdictions are not stated.
- \* Integrative processes that would facilitate sectoral input into government planning across all sectors are missing. Integration is just rhetorical unless there is a forum which offers participation to all stakeholders.
- \* There needs to be a national consistency of management combined with recognition of regional conditions (biophysical, socio-cultural, political).
- \* The map of 13 biologically defined marine areas is questionable as a management tool.

###### *Planning and Management: Background*

- \* One workshop suggested a new first paragraph on roles.

“Ownership of the resource lies in the community and other stakeholders, with the government putting in managements arrangements, with co-management supporting the delivery of targets.

\* An additional paragraph was suggested at the end of **Background:-**.

“Recognise that arrangements will be delivered by a partnership between community, industry and government.”

\* A central issue is resource allocation. There must be equity at all scales.

\* There should be a reference to the “inherent role” of Aboriginal and Torres Strait Islander peoples.

Comment: This last is a Guiding Principle of the Oceans Policy throughout, and is one of the primary Operational Principles (Principle b).

### *Institutional Arrangements*

\* Three options were suggested by one of the groups, but no preference given:-

Coastal and marine planning could be referred to a new institution;

Rationalising existing institutions was feasible; or

Existing statutory authorities could be pulled together to “Oceans Australia.”

\* The whole of the EEZ is too large for a single authority, many large groups will be needed, but not new statutory authorities (one group).

\* There is need for a strong secretariat (setting targets) (one group).

\* A different level of government is not needed, rather tighter coordination and enforcement power.

\* Local government should have a role - integrating existing coastal policies.

\* While the Offshore Constitutional Settlement does not define a framework, one could be established using a forum that has no jurisdictional powers but does address issues.

\* To manage at a regional scale may need a “province” sized regional body.

\* Queensland has zonal authorities (Regional Advisory Committees) that could be a model to consider. Two committees are recommended...an expertise committee, and a geographical committee. Such committees will vary across issues and scale. Where there is a large bioregion, committees would be put together by more than one jurisdictional authority (States, Commonwealth). Institutional arrangements will be needed to take account of multi-use.

\* Any zonal system should be “bottom up,” as stake holders get involved, and develop appreciation of the views of other users.

\* A potential system was proposed by one group:

A strong new group with an overarching mechanisms

A voluntary forum for cross sectional issues (regional), with the

participants with a regional focus, to depend on the issues discussed, and with collective interest in the resource or region.

\* But the question was raised whether “voluntary” was strong and efficient enough. The group felt that some organisation had to be the driving force.

\* There may be nested levels of ecosystems: e.g., biogeographical divisions, large provinces, estuaries.

### *Possible directions and policy options*

\* Research and the need for increasing the knowledge base should be put into the section **Possible Directions and Policy Options**. There was an agreement (strong support) in one group to foster data collection, which was critical for decision-making. This was recommended for the Marine Science and Technology plan.

\* True multiple use management is missing.

\* The largest economic contribution from the oceans comes from tourism, but references to this industry are missing. Current sectoral arrangements do not reflect tourism adequately.

\* Both environment and conservation are uses, but mechanisms are not in place to get these voices heard.

\* New sub-sections recommended for inclusion in this section under the heading Planning and Management:-

- focuses on achieving regional ecosystem objectives
- integrates consideration and “co-management” (change from management) of cross-sectoral issues
- acknowledges and manages overlap in responsibility
- provides effective conflict resolution mechanisms
- coordinates information collection, integration and access.

*Suggested change in the chapter*

\* The last section of this chapter should be changed from :-

**Commonwealth/State Cooperation**

to

**Partnership arrangements**, with the new text:-

Clearly identify the accountability of the three tiers of governments , industry and the community in partnership arrangements for the delivery of agreed management outcomes.

*Duty of care/stewardship*

\* Everybody has the duty of care, including industry.

\* The coastal and clean-sea efforts should be extended. State programs in coastal areas should be acknowledged.

*Previous experience*

\* There are many examples of cross-sectoral involvement. Marine parks (conservation, fishing) are an example. The programs are there, and we need to build on them. We should also learn from other countries’ experience.

\* Something could be learnt from fisheries sectoral and comanagement models.

*Cultural change and education*

\* A cultural change will be needed among managers presently using sectoral and jurisdictional boundaries. Persuasion and peer pressure should be the method, with a role for all governments in education for the new approaches.

The role of education, and the importance of all jurisdictions to be involved, as indicated in the comment above, is strongly reflected in **16 Capacity building, Information and Education.**

\* \* \* \*

## WORKSHOP SESSIONS

### 3.2 MAJOR USES

#### 3.2.1 Shipping

*Restructuring the Oceans Policy document*

\* Link shipping to other parts of the Oceans Policy: marine construction and engineering, pollution, search and rescue.

\* The Oceans Policy document could usefully combine this section with section **10 Marine Construction and Engineering**

\* The group was of the view that the following maritime sections should be brought together into one Maritime heading. **Section 10 Marine Construction and Engineering; Section 13 Land and Sea Sourced Pollution; and Section 25 Sea Safety and Maritime response.**

*(Rapporteur's comment: The group and individuals considered the separation of the maritime sections and came to different views. Discussions with the Chairman after the meeting led to the recommendation that **4, 10, and 25** should be close or linked, and that the material on pollution in **4 Shipping** be removed, and placed with **13 Land and Sea Sourced Pollution**. This latter (**4, 13**) has basically been done in the Working paper, but not in the group discussion.)*

\* A paragraph should be added on "sensitive sea areas." (see suggestion below under *Background*.)

*Background*

\* The major environmental concerns are of 'pollution'; ballast water and hull fouling introducing new and potentially damaging marine organisms, and pollution at sea (discarded material, oil pumping). These are mentioned elsewhere, but still should be mentioned here.

\* Address where the shipping trade is going.

\* Emphasise what we are doing about issues:-

PSC (Port State Control) ongoing or will increase.

If the Government opens up the coast, what extra PSC effort will be required.

Will ships only be required to meet international standards?

Need for Australian ships to comply with ISM (International Safety and Management Code) and STCW (International Convention on Standards of Training, Certification and Watchkeeping).

\* We should aim to provide leadership on global/regional safety and environmental protection measures in the context of international trade, including helping achieve compliance by other nations with international standards.

\* Small vessels need to be included. Uncertain as to the coverage of international visiting small craft; need for harmonised standards for environmental protection. Does this need regulation for quarantine, customs and pollution?

\* Sensitive sea areas. If we use the IUCN definition for non-shipping, and the IMO for shipping, there is a need to link. In such areas what limits of freedom of navigation (within international law) can there be? Can coastal states regulate? The Implementation Group for the ANZECC Strategy *Working together to reduce the impacts from shipping operations: ANZECC Strategy to protect the marine environment* has a project on sensitive sea areas, using IMO criteria, and including IUCN definitions. Sensitive areas will be defined and a register created. There should be a paragraph on cooperation and indication of where such a register would be held and how it would be used in management. (see also ANZECC reference under 3.3.1, Land and Sea Sourced Pollution.)

*(Rapporteur's comment: Small international vessels already have to comply with all customs, quarantine and local pollution regulations. New Zealand has applied unilateral safety regulations on all visiting international yachts which have been controversial and are under legal challenge.)*

*Economic development and trade*

Competitiveness of the Australian industry. Officers versus ratings. If Australia wants an Australian shipping industry, what is the need for financial incentives?

\* The reliance of Australia and external territories on shipping needs to be addressed. Are there prospects for additional competition.

\* What are the impacts of Oceans Policy measures on the competitiveness of shipping (eg., environmental measures)?

*General*

\* Do we have a good idea where the shipping industry is going? Are present policies appropriate?

\* How are the technologies, the patterns of trade, and the regulatory standards changing?

\* The Oceans Policy needs to address emerging issues and trends in trade and transport.

\* There are differing applications of the laws to vessels in different states.

\* There is need to recognise in the policy the objective of becoming a leader in new marine technology areas (eg. work of ASTEC); and to define how we are going to get there; and provide opportunities for specialists in hydrography, oceanography, new hydrodynamic facilities and other research infrastructures.

*(Rapporteur's comment: The Working Paper and the workshop discussion focus on local issues and on world issues. Regional considerations were not considered.*

\* \* \* \*

## **WORKSHOP SESSIONS**

### **3.2 MAJOR USES (continued)**

#### **3.2.2 Sustainable Fisheries and Aquaculture**

##### *Outcomes*

A drafting recommendation from a group to change “meets the social...” to “contributes to the social...”

##### *Aquaculture*

- \* Aquaculture is lost in the document.
- \* Separate fisheries from aquaculture, for perhaps the special needs of both are best served by dealing with them individually. Delegates pointed out clear conflicts between these two uses.
- \* There is need for a science and research base to underpin aquaculture and wild fish.
- \* Aquaculture decisions may affect other fishing sectors (both groups).
- \* Best practise and sustainability indicators are needed to classify and evaluate both wild and aquaculture practises.

##### *Resource allocation and equity*

- \* Resource allocation and equity may need explicit treatment, particularly in respect of aquaculture and across jurisdictions.

*(Rapporteur's comment:* This was an agreed statement by one working group

##### *Sustainability issues*

- \* The terms “ecological” and “environment” do not appear in the outcomes. Ecologically Sustainable Development (ESD) could be used, which would cover this.
- \* Is the aim genuinely ecologically sustainable development, or are the words merely being used? The Cultivated Fisheries Management Act and the State Acts all represent ESD, whereas the *Work-in-Progress* draft does not yet do so.
- \* ESD is becoming well incorporated into management practices in some jurisdictions.
- \* The section on sustainable fisheries practise is not adequate and needs to be expanded. There is a wealth of material available to draw on to fill out terms such as “precautionary principle.”
- \* Sustainability indicators need to be researched.
- \* ESD must apply to recreational fishing.
- \* Sustainable fisheries practises section needs to specifically mention the precautionary approach.
- \* The importance of sustainability was stressed, in the light of the precautionary principle. The question was asked whether there was a need to re-visit the question of sustainability, such as a five year audit.
- \* Socio-economic factors must be balanced with the biophysical fishery factors to achieve sustainability.

*(Rapporteur's comment:* A number of delegates called for the explicit expression of the precautionary principle in this section. It is noted that the precautionary principle is an over-riding principle in the Guiding Principles (Operational Principles).

##### *Ownership and incentives*

- \* Rights to a fishery that were secure and could be traded were needed before sustainability would be embraced by users. Some doubted the possible certainty of resource use in a multi-use realm, and

differing resources might demand differing rights. Incentives were needed, however, to achieve sustainability.

\* Incentive based systems need more emphasis in the document.

*(Rapporteur's comment:* The issue of "secure" rights that were tradeable was considered extremely important for the sense of ownership and therefore better protection of the resource for sustainable use.

### ***Recreational and Charter Fishing and Aboriginal and Torres Strait Islander Fishing:***

#### *Separation to two sections*

It was recommended that this section be divided, separating the ATSIC issues into a different section.

#### *Marine Protected Areas (MPAs)*

\* MPAs were discussed, and it was considered that they could help achieve a better system if they took the needs of fisheries into account. There was a need for understanding their value as well as their impact on fisheries and other users and their importance for the protection of biodiversity.

There was need for a national consensus, with understood goals and common terminology. Planning should then be on a regional basis, taking into account resource security and multiple use. While MPAs were considered a valid issue for sustainable fisheries, appropriate communication and advocacy would be needed to prevent a "protracted war" between the different stakeholders. It was considered that issues like this could not be usefully addressed sectorally.

\* MPAs and marine parks need some discussion in the document to avoid the misinterpretation of the need and value of closed areas.

\* Need for structural adjustments if MPAs alienate effort, or effort adjustments are needed.

\* Marine protected areas need to be considered as another 'user' in that MPAs use some of the resource and have an impact.

#### *Institutional arrangements*

\* There are major inconsistencies between the objectives of the eight Australian Fisheries Management Agencies, which need to be resolved.

\* There are differences in philosophy in different fisheries managements.

\* While fisheries must be managed on a regional basis, institutional arrangements are based on political boundaries.

\* There is a big range of strong local management arrangements in place and working, which will need to interface with the Oceans Policy.

\* New arrangements/institutions might be able to deal with more integrated solutions to impact on fisheries, but the key is the outcome, not the arrangements.

\* Do we need an ecosystem management authority? There was doubt about this, and the view was expressed that we already had good communication, and that existing institutions should be improved rather than new ones created in a difficult fiscal climate. Environmental management should be incorporated into resource management. Forums that work harmoniously are nevertheless needed at the ecosystem level.

\* Resource managers do need coordination, but to function environmentally soundly they also do need independent environmental advice.

*(Rapporteur's comment:* The views above could be taken as a reflection of the need for much more coordination and the development of common policy objectives.

#### *Other management issues*

\* No management in the section is in an ecosystem framework..

\* Integrated ecosystem management was considered difficult. It would need a reshaping of legislation, and the development of common goals.

- \* It was agreed that there was a need to manage at an ecosystem level, and that coordination was fundamental to management of sustainable fisheries.
  - \* Policy needs to be broad and not too detailed, lest it cross into fisheries management.
  - \* Policy should provide the process, a framework and desired outcomes.
  - \* Very careful attention is needed to interface policy with actual management.
  - \* Management planning applied to fisheries should especially consider linkages and impacts between fisheries and also other uses such as Marine Protected Areas. (Both groups).
  - \* It should be stressed that though the different sectors link (recreational, commercial, indigenous) they each need specific management. This is not to suggest that the current state of affairs is a disaster, as there are good examples of cooperation. There has been progress to good ecologically sustainable development since 1991. and this needs now to be built on.
  - \* Ecosystem needs that are separate from fisheries should be included.
- (Rapporteur's comment: Ecosystem-based management is called for a number of times by forum members. This is both a Core and an Operational Principle. Again there is a strong emphasis on management taking into account all users (including various forms of protected areas as uses), and looking at broad ecosystems or bio-regions, then devising use-strategies for the separate users needs.*

#### *Best Practise management*

- \* Best Practise and sustainability indicators should be used to classify and evaluate the various wild and aquaculture practices.
- \* Australia should use 'world best practice' in its fisheries management..

#### *Information needs and collection*

- \* Information needs are not well established.
- \* Information management and environmental reporting are important to understand the ecosystem and its changes. Some doubt was expressed as to whether the user groups would be the best agencies to provide such reporting. It was considered that the input of fish reporting into the National EDS reporting process was ineffective. The States recorded fish data, but this was not coordinated well enough, and the recreational and indigenous sectors were not appropriately recorded.

#### *Need for science and technology*

- \* With science and technology crucial to sustainable fisheries, should the Marine Science and Technology Plan address special research priorities of fisheries management?
- \* There is a need for a science and research base to underpin aquaculture and wild fish management.
- \* Needs include habitat mapping, indicators, external impacts, relationship of stocks to dependent species.
- \* A major impact on the fisheries, that of land use affecting seas and estuaries, needs to be addressed.
- \* Climate change should be addressed, and can be treated best as climate variability.
- \* Planning is needed for unexpected events and uncertainty, for response, and for risk assessment.
- \* Need to understand links between environmental conservation and fisheries management.
- \* There are insufficient resources to support stock assessment, though this was critical to management.
- \* The impacts of external influences - pesticides, pollution - on the sustainability of fisheries needs to be understood.
- \* Modelling and properly valuing the resource is important.

#### *Illegal fishing*

- \* Illegal fishing in a domestic context has not been addressed.
- \* International enforcement of illegal fishing is needed, with international and regional arrangements. Including Government to Government agreements, the use of the Navy, and the use of trade restraints.

*Additional issues for consideration*

- \* With 1991 Fisheries ESD as a starting point, developed before the start of native title recognition, should managers anticipate changes and should they anticipate and provide for them?
- \* Land-based users do not treat the marine area with sufficient care. This may be due to the lack of a coordinated advocate for the marine sphere. While a single legislative body may not be the right way, some structure may be needed.
- \* Cultural change should be recognised.
- \* Measures of bycatch improvement are needed, to show evidence of improvement.

\* \* \* \*

## ***WORKSHOP SESSIONS***

### **3.2 MAJOR USES (continued)**

#### **3.2.3 Petroleum and Minerals**

##### *Outcome*

- \* Need to include reference to ‘environmental responsibility’.
- \* Clarify meaning of offshore (different for different sectors).
- \* Note that not everyone believes there is need for further exploration, questioning continued reliance on fossil fuel.

##### *Background*

- \* There is need for greater consistency in the way that background information is presented throughout the document.
- \* Requires international competitiveness.
- \* Requires elaborate “safe” environmental protection
- \* Requires greater data collection of relevant data (not just geological, but also specific data for the area. eg. oceanographic).
- \* Note that historically impacts tend to be localised.
- \* Note existing high standards in operations.
- \* Note that there is a regional approach.
- \* Other than gas or oil minerals hardly mentioned.

##### *Directions and policy options*

- \* There should be an emphasis on a coordinated national approach, with cross-sectoral cooperation.

##### *Environmental Impact Assessment*

- \* Include cultural and indigenous rights to extent not included in ‘environmental definition.’
- \* Need “improved” rather than “streamlined” procedures for impact assessment.
- \* Consider the use of independent impact assessments (ie., not undertaken by proponents.
- \* There is a need to highlight the links between EIA and decision-making.
- \* EIA needs to address ongoing reporting and responsibilities from initial concepts through to the end of the project (through decommissioning).
- \* Life cycle analysis.
- \* Clarification of relationship between Marine Protected Areas (MPAs) and mineral, oil and gas exploitation.
- \* Extend to a regional EIA approach.
- \* Consultations to include the community.
- \* Assessment to include on-going effects and cumulative effects.
- \* Impacts may be broader than we have considered.

##### *Exploration Acreage*

- \* Consider sharing of survey information collected by private companies.
- \* There should be greater dissemination of data.
- \* Government-funded research for geological information is fine but the same consideration should be shown to other sectors.
- \* There should be promotion of investment through a competitive investment program

- \* There should be an explicit mechanism to resolve boundary issues at a practical operational level (not necessarily a legal delineation).

#### *Access to shore by pipelines*

- \* Access for pipelines in general - there should be EIA and risk assessment.(one group)
- \* Access to shore for pipelines; delete this section as these are covered by EIA and decision-making processes. (alternate group).

#### *Australian goods and services*

- \* While this is relevant, it should be an overall principle applying to all sectors
- \* Clarify and reword.
- \* The opportunities for local industries to provide goods and services should be promoted.
- \* Promote Australian capabilities, noting the GATT and WTO implications.

#### *Deep seabed exploration*

- \* This framework is not needed immediately.
- \* The need for specific projects should be addressed

#### *General comments*

- \* Ensure cross-coordination within the Oceans Policy document.
- \* Coverage to the Antarctic Territories - noting that there is mining prohibition under the Madrid Protocol.
- \* Possibly combine “Petroleum and Minerals” and “Energy sources” - perhaps under one heading.
- \* It is difficult to tie the outcomes and the policy directions to the Vision.
- \* Throughout the workshop there is not enough consideration of the need for knowledge, information and understanding.
- \* Freshwater may be taken from the marine area in the long term.

#### *Linkage with the Marine Science and Technology Plan*

- \* There should be further exploration of alternative energy from marine resources (tidal, thermal).
- \* Broader focus needed than oil and gas to include the minerals industry
- \* Extraction of freshwater and other raw materials from the ocean.
- \* Greater coordination between government agencies in relation to the collection of scientific data.
- \* Explore competitive advantages in energy technologies.
- \* Increase attractiveness of R & D investment in Australia.
- \* Investigate technologies for seabed mapping.

\* \* \* \*

## ***WORKSHOP SESSIONS***

### **MAJOR USES (continued)**

#### **3.2.4 Alternative Energy Sources**

##### *Outcome*

- \* Include “to develop, utilise and export.”

##### *Background*

- \* Add the statement that little is known about alternative energy in this area, and there is the need to investigate further, and look to the Marine, Science and Technology Plan.
- \* Research is a major issue here, which needs government funding or research incentives.

##### *Directions and Policy*

- \* Link to national greenhouse strategy should be addressed as part of the policy.
- \* Should link with state policies (eg NSW SEDA)
- \* The area is very limited in terms of current opportunities, therefore any statement in the Oceans Policy should consider the practical and economic realities, but without dampening enthusiasm.

\* \* \* \*

## **WORKSHOP SESSIONS**

### **3.2 MAJOR USES (continued)**

#### **3.2.5 Marine Tourism**

##### *Environmental issues*

- \* Protection of the resource is vital in enabling sustainable development of tourism.
- \* Determination of carrying capacity is important, which should involve both the limits to acceptable change as well as biophysical planning.
- \* Strategic planning of industry development must build in environmental factors.
- \* There needs to be a recognition of cumulative and flow-on impacts of tourism, and the impact assessment process is important for developments in the tourist industry
- \* Restriction of access in certain areas rather than overlapping multiple use leading to damage (eg, Antarctica).

##### *Tourist development including Aboriginal and Torres Strait Islanders*

- \* Recognition of indigenous aspirations and knowledge in development and tourism opportunities. Tourists seeking to understand Australia are extremely interested in meeting indigenous people because they reflect such a rich facet of Australia and its population. Recognition and encouragement of those who wish to work in the marine tourist industry at any level can only add value.

##### *Understanding tourism; a management need*

- \* Recognition and promotion of different tourism experiences at different locations.
- \* The need for Federal aid for knowledge and research, and the provision of leadership and guidance, particularly for local government.

##### *Management*

- \* The need to facilitate industry development
- \* The importance of inter-governmental arrangements and the need to streamline regulations and management systems.
- \* Recognition of inter-jurisdictional differences (Commonwealth, state and local) and getting each to sign off and deliver.
- \* Coordinating policies more effectively (with harmonisation of national approaches where relevant).
- \* Building flexibility into management structures.
- \* the importance of the relationship to national tourism, and other strategies.
- \* Among the ways to facilitate industry development identified above and in the background documents are the encouragement of better knowledge and information about the industry, the encouragement of voluntary codes of conduct, and accreditation.

*(Rapporteur's comment:* The industry was described as highly fragmented and statements related to national approaches, coordination of policies and the streamlining of regulations within and between the three layers of government.

##### *The 'user pays' principle*

- \* Adopting a user/beneficiary pays approach (but how should this be done?).
- \* Information of where and how the principle has been applied and tested in the marine tourist industry (and its costs and benefits) could be shared by all levels of government.)

\* \* \* \*

## ***WORKSHOP SESSIONS***

### **3.2 MAJOR USES (continued)**

#### **3.2.6 Other Industries**

*Scope, structure and linkages of this chapter*

\* The group considered that there were common elements, and possible combination with, chapters 3-9. They defined other industries for the workshop purposes as:-

Service industries

environmental

consulting and value-adding, and

capacity-building and training

Other industries (small industries not covered elsewhere)

Emerging industries

(Reference in this chapter is made to the “Marine Industry Development Strategy,” 1997, Australian Marine Industries Science Council. Cross referencing could be made for definitions for some of the above, and other relevant areas. Reference could also be made to “Australia: The State of the Environment, 1996.”)

\* The Oceans Policy document should specifically highlight and categorise the various forms of industry, according to the listing above. Nationally, a database of existing industries and their needs would be desirable.

\* Access to less well coordinated industries is a problem. Reference might be made to non-government industry associations - and should reflect different levels of size and maturity of the industries.

\* There should be more subheadings to cover the complexity of this sector.

\* The draft document reflects its Commonwealth authorship. There is need specifically to reflect state and private sector perspectives.

*Recreation*

\* Recreation was not considered to be adequately covered in the Oceans Policy.

\* As a large and diffuse industry, Recreation deserved a separate chapter in the Oceans.

*Data*

\* There was strong concern about the adequacy of coverage on data (acquisition, ongoing processing, and private value-adding).

\* Data was a cross-cutting issue deserving prime attention, but the value-adding of data was itself a service industry.

*Standardisation*

\* The Oceans Policy should positively pursue a move to commonality of standards between the Commonwealth, State and local governments and the private sector. While some progress has already been made with respect to environmental protection, this should be extended.

*The promotion of industry*

\* The policy should be positive in promoting opportunistic industrial development, especially the exporting of expertise and services as well as products.

\* In addressing the links between business competitiveness and deregulation it was noted that simple removal of standards could be disharmonising, and that easing, monitoring and feedback could be better.

### *Capacity building*

\* The special role of Capacity Building as an emerging industry was considered to have separate dimensions of :-

- 1) Filling national gaps and deficiencies
- 2) Providing an opportunity to be developed for policy, e.g. ports and infrastructure, (navies as a business incentive)
- 3) Specialised services (e.g. Antarctic service)
- 4) Saleable expertise in training (e.g., fisheries, environment)

\* The Commonwealth Coastal Policy (“Living on the Coast”) covers capacity building, and the Oceans Policy should be consistent with this.

### *The Precautionary Principle and EIA*

\* There should be the reflection of the precautionary principle in the context of industries...but also a corollary to the principle that, “the lack of full scientific certainty should not be an excuse to prevent responsible development.” The application of the precautionary principle should:-

- link expansion to good practise (e.g., in waste management, ecologically sustainable development)
- encourage new industries to act consistently with the (revised as here) precautionary principles
- encourage environmental impact assessment to be both a requirement and an exportable industrial opportunity

\* EIA. is an exportable industry.

### *Other*

\* There was a loop to close between involving industries in policy making, then using them as a shop front for the implementation of national policy. Incentives were needed.

\* \* \* \*

## WORKSHOP SESSIONS

### 3.2 MAJOR USES (continued)

#### 3.2.7 Conservation of Marine Biological Diversity

##### *Oceans Policy draft structure*

\* There was examination of this chapter (12), compared with 20, **Biological Diversity and Ecosystem Processes**. The difference was considered useful, with this chapter focussing on management, and 20 focussing on understanding and information needs. It was agreed that the two should be kept separate but that the different intent of each be made clear in the redraft. The next point also relates to positioning of chapter 12.

##### *General*

- \* Two issues are encompassed in this chapter.
- \* The first is that the maintenance of biodiversity and supporting ecosystem processes underpins the sustainability of all sectoral uses, therefore providing an essential underlying principle or broad goal of management. Therefore this chapter should precede the individual sections and should not be considered a use at all.
- \* The second is that conservation of biology as a use in that it can compete for space with other resource allocations (some conservation groups did not agree). It is different from most other uses, in that it does not itself extract from or impact the environment.
- \* It was recommended that the redraft should more clearly reflect this duality and the logical flow from the general to the specific.
- \* A group agreed that conservation of biodiversity should be more prominent in the Oceans Policy, coming earlier in the document.

##### *Outcomes and background*

- \* The Outcome statement needs rephrasing away from the process and towards preferred futures.
- \* It needs to acknowledge explicitly current activities and obligations.
- \* Most of one workshop were of the view that the existing outcomes were reasonable, with some minor modifications. These are:
  - \* Existing paras 1 & 2 are governance objectives, and this should be reflected in the text more clearly.
  - \* Existing para 3 is a conservation use and resource allocation objective. This was necessary but should be preceded by a new objective- which would point out the need for regional ecosystem management that takes a system-wide approach to ecosystem health and biodiversity, and that marine reserves are an integral part of this approach. In this context all other uses should be managed consistent with biodiversity conservation.

Suggested wording came from some in the workshop:-

- \* Outcome: “Effective and efficient national institutional approach to managing at an ecosystem scale to maintain biodiversity and ecosystem processes.”
- \* Background: “A healthy ecosystem is fundamental to achieving assured sustainable use. Measures to address the health of ecosystems need to be built into all institutional and planning systems dealing with marine management. The allocation of resources to reserve areas is considered to be an exclusive use.”
- \* This chapter of the Oceans Policy should more fully reflect Issues Paper 7. (both groups)
- \* In particular it was agreed that:-

- \* the 6 key developments on p. 45 should be incorporated (by one group) and that
- \* the 7 areas of specific actions on p. 46-47 should be incorporated (by both groups).

*(Rapporteur's comment:* The sense of the suggested Outcome statement above I take to be “An effective and efficient national cooperative approach...” as institutional could suggest a single institution.

#### *Definitions*

- \* Certain words needed definitions in the final document such as: biodiversity, marine protected area (and how this relates to the IUCN categories 1-6), marine reserves (highly protected area), environment (ensuring a broad definition).

#### *Management and science needs for conservation of marine biodiversity*

- \* The redraft should make clear the linkages between the Oceans Policy and existing Federal/state legislation. (e.g., the Commonwealth Wetlands Policy)
- \* It is necessary to understand, integrate and manage all uses to deliver the outcome of marine biodiversity conservation in bioregions.
- \* Practical applications of conservation management will need exploratory case studies and adaptive management.
- \* A strong science base is a necessary management underpinning.
- \* Taxonomy is a critical national gap. (Should be referred to the Marine Science and Technology Plan.)
- \* Essential data is dispersed in the private and government sector.
- \* Management of climate change.

#### *Off-reserve conservation*

- \* Conservation and management outside reserves needs to reflect more clearly a) linkages, with MPAs (e.g., through IUCN category 6 MPAs); and b) other policies with biodiversity objectives like by-catch policy, species translocation policy, fishing closed times and areas etc.
- \* There should be a link between tourism and both off- and within -reserve marine biodiversity conservation.

#### *Defining bioregions*

- \* Rewording should reflect the urgent extension of the present detailed bioregionalisation into deeper waters of the EEZ.
- \* Maps of bioregions should be available for planning and management now, even though later information would improve and might adjust them.

#### *The National Representative System of MPAs*

- \* Definitions in the Oceans Policy should make it clear that this refers to the full range of IUCN criteria, and not just to reserves; (both groups preferred IUCN definitions)
- \* Should indicate the commitment of all Australian governments;
- \* Should recognise that criteria are being developed for MPAs
- \* Remove “Accelerated;” and replace “as a component of” by “consistent with.

#### *Marine species conservation*

- \* It should be made clear that this relates to key species identified as important for some reason, over and above ecosystem integrity or regional ecosystem considerations.
- \* The Oceans Policy should make clear that we need to identify species at risk urgently, but that in the marine context we have little knowledge of the species we are dealing with, so do not know what we are risking or losing.

*Other*

- \* Relevant points from issues paper 7 p.41 (common biodiversity pool with Papua New Guinea and Indonesia); and p.47. should be included.
- \* The group agreed on the need for facilitation of the participation of indigenous interest groups in decision processes concerning benefits, and in sharing in them, and
- \* Their traditional responsibilities and actions for conservation should be recognised.
- \* Cultural aspects of marine biodiversity conservation should be considered.
- \* Argued but not agreed: that the Oceans Policy should recognise all Australians (including indigenous people) were covered adequately by equity provisions, and no group needed treatment as a separate and distinct category with different rights.

\* \* \* \*

## WORKSHOP SESSIONS

### 3.3 CLEAN SEAS

#### 3.3.1 Land and Sea Sourced Pollution

##### *Omission*

- \* The omission of habitat protection and restoration was considered, and the questions asked whether it should have a section to itself in this chapter, whether it should form a complete chapter, or whether it should be a section within the **Conservation of Biological Diversity** chapter.
- \* There is no mention of atmospheric pollution.
- \* The language throughout needs to suggest a quantum shift...not just tweaking. (one group).  
(*Rapporteur's comment: A number of forum members have referred to the lack of policy on restoration and rehabilitation in the Working document.*)
- \* **Pollution of the Seas** recommended as the title,

##### *Outcome*

- \* Wording suggested from one group: "As a matter of urgency, progressive reduction of pollution of the oceans from land, sea, and atmospheric sources, working towards the elimination of pollution."
- \* The removal of "To assist in" was suggested.
- \* There was discussion that there needed to be an explicit statement that pollution should be prevented.
- \* Two outcomes seem to be aimed for; to maintain healthy and fully functional marine ecosystems, and where they have been impacted to assist restoration by progressive reduction of land- and sea-sourced pollution. These could be reflected in the Outcome statement.

##### *Background*

- International agreements need to be integrated in the Policy, not just listed in appendix.
- \* Remove "for effective management." It was considered that lack of information need not prevent effective pollution management. This is what the Precautionary Principle and other adaptive management mechanisms are about.
  - \* This section should include reference to the 7 key issues in the State of the Marine Environment Report (also Issues Paper 7. ).
  - \* A definition of pollution should be included (eg, UNCLOS definition).
  - \* There needs to be an explicit statement that the concept of "assimilative capacity" is no longer acceptable in the aim to achieve pollution prevention and cleaner production.
  - \* The ocean was still treated as a "free good," which resulted in much pollution. It is necessary to move on to cleaner production with a focus on economic instruments.
  - \* There was acceptance that the public had a "right to know" both type and source of pollution as a basic principle.
  - \* Better coordination was needed of initiatives that were now under way.

##### *Background: a) Pollution from land-based sources*

- \* Mention both point and diffuse sources.
- \* 80% should be deleted or differentiated to give an idea of priorities.
- \* The last sentence should read "With a wide diversity of users and management agencies responsible for these pollution sources, land-based pollution is not addressed in a systematic way."
- \* There is currently no nationally coordinated mechanism for assessing cumulative impacts and reducing pollution in a systematic way.

- \* Good information is needed for regional hot spots of pollution.

*Background: b) Pollution from sea based sources*

- \* Not just IMO, mention other international mechanisms and conventions.
- \* A major issue is compliance by all vessels with maritime safety and international, national and state pollution controls.

*Possible directions and policy options*

- \* Addition: “Devise appropriate benchmarks for water quality standards and monitoring....”
- \* Benchmarks and standards should be implemented by approval bodies.
- \* The third paragraph in this section, on COAG water reforms, should be in Land-based Sources. (In the final Oceans Policy we assume that terms such as this will be explained.)
- \* With the National Pollution Inventory (NPI) slow and *ad hoc*, the Policy Options here should state the aim to better and accessible information so that better priorities can be set.
- \* Last paragraph in this section would be better as:-
  - “Use, where appropriate, economic instruments to provide disincentives to polluters, incentives to non-polluters, and tools for the use of ‘best practise’.”
- \* It was stressed that economic instruments should be used within a ceiling (no extra pollution could be ‘purchased’) and the instruments should be geared towards pollution reduction, not just to stand still.
- \* It would be important also that the economic instruments and pollution control mechanisms are plugged in to the strategic planning and environmental framework proposed for regions.
- \* The existing environmental impact assessment should be improved, e.g., agricultural run-off should be subject to EIA.
- \* There was a consensus in opposing the tendency of governments to exempt developments from assessment requirements.
- \* Industries, fisheries and others affected need more support in pursuing polluters through the legal system. Better local monitoring would help this.
- \* Action particularly needed at local and state levels.

*a) Land based sources*

- \* Prevention, reduction, and control of land-based pollution should be linked to integrated catchment management (including acid sulphate soil strategies).
- \* The ANZECC water quality strategy should be implemented, and explained in the document.
- \* The NEPMS should not be allowed to be at the lowest common denominator.
- \* Environmental flows would be better in the habitat section.

*b) Sea based sources*

- \* Under the first paragraph:-
  - with particular attention to reducing marine debris
  - States and Territories to ensure that appropriate waste reception facilities are provided
  - maintain appropriate port state control measures with regard to foreign ships visiting Australian ports and flag state responsibilities regarding Australian ships
- \* Consider options for a single national agency to manage marine ballast water both nationally and inter- and intra-state.
- \* Remove the paragraph “Australia should become a signatory.....”
- \* The oil spill contingency plans:
  - “Maintain oil spill contingency plans”
  - there should be a reference to chemical spill contingency plans.
- \* Ratify and plan for early implementation of :-
  - Annex 4 (sewage) and Annex 6 (air pollution)
  - 1996 Protocol to the London Convention.

\* The Implementation Group for the ANZECC strategy on “*Working together to reduce the impacts from shipping operations: ANZECC strategy to protect the marine environment*” is currently undertaking a project to develop and pilot a garbage management system and auditing strategy for small vessels. While larger vessels are required to comply with MARPOL 73/78 regulations in relation to garbage record keeping, it is anticipated that recording and auditing systems being developed will apply to all commercial vessels under 400grt in coastal waters, and the auditing strategy will need a “home.” This should be referred to and linked with the Oceans Policy.

\* The ANZECC Strategy Implementation Group is also working (including a 1998 workshop on “*Working Together on Preventing Ship-based Pollution in the Asia Pacific Region*”) to develop a regional strategy and action plan on preventing ship-based pollution. This strategy could also be referred to and linked.

#### *Additions*

\* Australia should continue to play a leading role internationally.

\* Extra references are needed to:-

- sea dumping (both groups)
- recreation use
- open water aquaculture
- buffer zones for any discharge from vessels.
- pollution from aquaculture
- pollution from the minerals and petroleum industry
- hull fouling and in-water hull cleaning
- ready response capability to identify and combat new incursions

#### *Duty of care*

\* This section on pollution should have some section on commitment to citizens individual responsibilities. (both groups)

\* And in the same section commitment to extended producer responsibility to control packaging.

#### *Education*

\* There was support for community and industry education programs to be mentioned here.

\* A generational change is needed.

\* \* \* \*

## **WORKSHOP SESSIONS**

### **3.4 SOCIAL, CULTURAL AND HERITAGE**

#### **3.4.1 Indigenous Interests**

The workshop suggested this section in the Oceans Policy should be called  
**“Aboriginal and Torres Strait Islander Peoples’ Rights, Responsibilities and Interests”**

##### *Native title*

- \* Recognise that native title in oceans is currently uncertain.
- \* The current Native Title Act provides for the possibility of native title in the sea and permits all future acts by governments in the sea.
- \* Comprehensive recognition of indigenous rights and interests in ocean planning and management will minimise impact of recognition of native title.
- \* If governments exercise their legal powers to extinguish or impair native title rights in the sea (if they exist) this will lead to compensation claims.
- \* The possibility of native title and the cultural/kinship relationship between indigenous peoples and oceans means that they are more than a “user group” - they are a major stakeholder, with possibly legal access and management rights.

##### *Economic*

- \* Do indigenous peoples have an economic dependence on the ocean.? Yes. They may use the oceans for subsistence, and they have a broad understanding of its economics.
- \* Partnerships between indigenous peoples and marine resource industries should be given support/encouragement.
- \* Indigenous peoples’ ocean development rights should be considered, as recognised in New Zealand.
- \* Some redistribution of resources may be required (e.g., license buy-back) to ensure equitable access to marine economic resources for indigenous peoples.

##### *International issues*

- \* These include international indigenous issues, such as existing or potential rights of PNG or Indonesian fishers - some of these rights are addressed in international treaties e.g., Torres Strait Treaty, ILO, Biodiversity Convention, etc.

##### *Resource versus environment*

- \* The ocean should not be referred to as only a “resource” in **Outcomes** in the Working draft. Indigenous peoples have wider environmental and cultural interests.

##### *Traditional understanding and knowledge*

- \* Replace “utilise Indigenous understanding and knowledge” with “Treat Indigenous knowledge with recognition and respect, to help manage the marine environment, and effect the protection of their indigenous property rights.”

##### *Traditional rights*

The Oceans Policy should recognise three forms of rights:

- Statutory Indigenous rights
- Common law (native title) rights, Native Title Act

- International rights through conventions Australia has signed. (e.g., Biodiversity Convention)

*Remote territories (e.g., Norfolk Island)*

Communities have special interests in oceans which should be reflected in the policy, separate from Indigenous interests.

*Education and Training*

\* The Policy should explicitly identify the need for education and training for white Australians to help them understand Indigenous rights and interests : and education and training for Indigenous communities to help them understand wider ocean management issues.

*Indigenous Fisheries Strategy*

\* The Policy should continue to support the Strategy and its implementation.

*Regional level management.*

\* The regional approach is appropriate to address Indigenous issues, with:-

- Regional planning
- regional agreements
- regional aboriginal licenses

\* Regional agreements should be encouraged as a mechanism for resolving diverse Indigenous interests, including native title.

*Indigenous involvement in enforcement*

\* Ocean management arrangements involving Indigenous people such as Aboriginal Community Rangers in remote communities should be encouraged, and addressed as part of wider cooperative arrangements.

*Reconciliation*

\* Oceans Policy should contribute to the process of reconciliation.

\* Programs flowing from this Policy can enhance reconciliation through involvement, cooperation and the building of understanding and respect.

*Co-management*

The Oceans Policy should require Indigenous participation and co-management at all levels of planning and management.

*Monitoring*

The Policy should include social performance indicators to monitor the recognition of Indigenous rights, responsibilities and interests..

\* \* \* \*

## WORKSHOP SESSIONS

### 3.4 SOCIAL, CULTURAL AND HERITAGE (continued)

#### 3.4.2 Social and Heritage Interests

##### *General*

- \* Terms through the text are confused
- \* The **Title** is Social and Heritage Interests, but - the **Outcome** states Recreational and Social.
- \* Natural and Cultural Heritage should form one section
- \* Social and Recreational another.

(*Rapporteur*: There has been a recurrent theme to have a separate section for recreation)

##### *Outcome*

- \* Suggest: End **Outcome** statement at “oceans.” The remainder devalues social, cultural and recreational values (see also below).
- \* Aspirations also include a clean, healthy environment.

##### *Background*

- \* The intrinsic value of the ocean does not appear. The group considered that the oceans had an intrinsic value...a value “just being.” They are part of the global systems of weather, climate, ecosystems and species. This intrinsic value should not be confused with human perceptions of value. This latter set of values can be defined by the importance of the oceans in art, novels, plays, and poetry.
- \* The Oceans Policy does not explicitly recognise the relationship between coastal communities and the productivity and health of the oceans. Some information on the social values of Australians relating to oceans has been established (Commonwealth Coastal Zone Inquiry 1993, Reports from the Resource Assessment Commission)), but more may be needed.
- \* The legitimacy of social, cultural and recreational uses are currently undervalued in oceans management and use. The concept of “equitable access” waters down these uses, and needs strengthening. The document needs to strongly reinforce the equality of this use compared to other uses. We want the Minister to ensure that all values are fully represented in the Oceans Policy.
- \* The first paragraph is very negative...needs to be killed.
- \* This section should indicate that planning and recreational use of the oceans should respect the diverse aspirations of our whole multicultural community. Planning should not be based on misconceptions and dominated by some groups to the detriment of others.

##### *Possible directions and policy*

- \* There is a need for the community to be in oceans decision making right from the start; the policy should show a commitment to community partnership.
- \* Collaborative resource management arrangements do not establish instantaneously but evolve -with the optimum arrangements developing over time. This should be reflected.
- \* More research is needed on social values, including in all population groups.
- \* Economic return should not dominate over other uses and values.

### *Stewardship*

\* The stewardship ethic is needed in all sectors and this should be included, with also a strengthening of the Core Principle dot point 5. (e.g., “by all Australians - individuals, communities, governments and industry”)

### *Heritage*

\* The Policy needs to recognise heritage in the oceans. A fishing representative sees this section as particularly inadequate.

\* Heritage is of different kinds, and this needs to be recognised in the Policy:-

- Natural Heritage (e.g., seamounts, ecosystems)

- Cultural Heritage (e.g., shipwrecks)

- Indigenous Heritage (e.g., sacred sites)

\* The Heritage section needs to acknowledge and support the international agreements and conventions that we are signatory to. They need listing.

\* \* \* \*

## ***WORKSHOP SESSIONS***

### **3.5 RESOURCING THE COMMUNITY**

#### **3.5.1 Capacity Building, Information and Education Public Participation**

##### *Background*

- \* Capacity building has too much focus on managers, rather than others.
- \* The question arose on “resourcing” in general. Taxing a “rent” on the oceans is a possibility.
- \* A definition might be needed for “community” which is used differently in different places.
- \* The document needs to discuss the responsibilities that community members have. The community is accountable, as is the government.

##### *Education*

- \* Commonwealth process can be used for capacity building: coastal programs, ARC Coastal Inquiries, Coastcare, short-course training, the Marine and Coastal Community Network, - this might be extended to the oceans.
- \* Through polls we know the community has a concern about water quality. How can this be linked to Oceans Policy? Did we need an Oceans Policy? The group response was that the Commonwealth is showing leadership and this should be applauded. Now more is needed to be effective. Capacity building must be beyond managers, and include:-
  - taxonomy
  - organised groups to get involved
  - individuals to get involved
- \* Raising general awareness of the oceans and Oceans Policy is an incremental process, but is needed if the Policy is to be supported.
- \* A long term public education policy is needed on oceans and the marine environment...a marine education policy in the broadest sense.

##### *Data and information*

- \* Government responsibility is to collect data on the “commons” (the oceans) and to make the information available to the community.
- \* This availability of public funded data should be a basic principle, and include:-
  - disclosure of information
  - efficiency in the form and delivery of information
  - contestability of information
- \* Raw data are needed as well as information (analysed, refined data).
- \* Agencies can play a role in value-adding to the data, but access to basic data as well as information is needed.
- \* Oceans Policy is about thinking ahead because it is cheaper than trying to fix afterwards.

##### *Stewardship*

- \* Individuals and community groups need to be involved in decision making, and to be responsible for their own impacts on the marine environment. This is a democratic right and responsibility for the Australian citizen.
- \* Stewardship is a private sector industry responsibility as well as a community one. Outsourcing (e.g., of ports) shifts what has been public responsibility, and the private sector’s duty of care is of

increasing importance. Governments must retain some responsibility, and also develop codes of practise. In moving to new arrangements assistance (financial) may be important.

- \* Appropriate accreditation schemes could be encouraged.

- \* The group expressed two opinions on how assertive the government should be.

  - An assertive policy

  - A policy of guidance and encouragement

- \* The desired outcome was the same...that individuals understood and assumed their responsibility.

#### *Public Participation: Outcome*

- \* The last paragraph reference to altruism is logically inconsistent with sourcing the community and the concepts of “duty of care” and “responsibility of stewardship.”

#### *Evaluation*

- \* Any public resourcing program needs evaluation.

#### *Cross-linking*

- \* The links across the document are many, and there needs to be some method of cross referencing.

#### *Public participation in educational programs*

- \* A specific program (distinct from the Coastcare/Clean Seas initiative) that highlighted the Oceans Policy was considered as possible.

\* \* \* \*

## **WORKSHOP SESSIONS**

### **3.6 PROTECTING THE NATIONAL INTEREST**

#### *General*

- \* Most interests were on International and Surveillance and Enforcement.
- \* The general view of the three chapters was that they were not comprehensive enough.
- \* There was a strong view that sometimes State/Territory involvement in the international processes is contentious.

#### **3.6.1 International**

##### *Outcome*

- \* The **Outcome** was seen as overly resource based and it should be altered to reflect a more general commitment that is not so resource specific. More focus on exercising our rights and fulfilling our obligations, environmental and regional, was needed.
- \* Our national interests should be reflected in the instruments signed and consideration given to our role as global citizens.

##### *Gaps*

- \* Our international obligations are not in the Working draft.
- \* Also missing is the issue of external impacts to other countries (e.g., when we change a practice to one that may have a detrimental impact outside our jurisdictional boundaries on another country).

##### *General*

- \* The language was considered very passive (one group). Would not stimulate one to action.
- \* This group also felt the section was very shallow...leaps into doing things which are expressed as outcomes.

##### *Possible directions and policy options*

- \* Resources will be needed for action in this area. A total strategic plan is needed, which could attract commitments for funding.
- \* Leadership: When we identify areas we wish to get involved in we should work in a leadership capacity, rather than waiting for others to lead. This reinforces our credibility and improves our standing.
- \* It was considered important for us under UNCLOS to demonstrate interest and involvement from 200nm to the edge of the continental shelf where the latter was wider; undertaking activities such as research and surveillance. (This could be cross-referenced to **19 Physical and Chemical Attributes**)
- \* We have a range of international environmental treaties and conventions affecting the oceans and coasts and could be looking at performance auditing ( e.g., the Convention on Biological Diversity, the Ramsar Convention). Other international arrangements are or can be important (e.g., APEC). We can also use positions on UNDP. Foreign affairs should be more involved.

##### Transboundary issues:

- \* Oceans cannot be managed without taking into account the linkages across their boundaries.
- \* The transboundary nature of issues needs addressing, such as seeking better management and exercise of jurisdiction by other states over their fishing fleets. (e.g. Indonesia)

### Implementation of international agreements:

- \* Implementation is a significant issue for Australian States and there is a need for greater consultation before international agreements are entered into. There was much discussion on this issue. It was noted, however, that the Commonwealth had amended its consultative processes to include more State involvement (in place for 3 months).
- \* National interest should be considered prior to the signature of international treaties. (Kyoto mentioned).
- \* Other programs outside the formal treaty process (e.g., satellite monitoring, sea level monitoring) should be encouraged.

### *Strategic regional leadership, capacity building and technology transfer*

In the promotion of regional capacities, the question was asked whether we identify the Australian role in assisting other nation states with resource management e.g., fish stock (tuna) management and security issues.

\* \* \* \*

## **3.6.2 Surveillance and enforcement**

### *Outcome*

- \* This was rewritten:-
  - “The establishment of an integrated, cost effective surveillance system and enforcement system, to ensure activities in marine areas accord with Australian security, sovereignty, sovereign rights and international obligations.”
- \* “Environmental protection needs” was seen to be included in the above.
- \*\* The term surveillance is seen to incorporate a wide use of resources including satellite monitoring.

### *General*

- \* The Australian Defence Force (ADF) plays a vital role in this area, but is not well represented in the Oceans Policy draft. While they are exempted from many rules they usually comply voluntarily. They have a role in the collection, analysis and dissemination of spatial data such as oceanographic and hydrographic surveys.

### *Background*

- \* The structure and content of this part should be expanded to include issues like:-
  - Recognition of the size of the EEZ
  - “On the water” enforcement capability is essential to assert one’s sovereign rights.
  - There is need to ensure that sovereign jurisdiction can be exercised.

### *Possible directions and policy options*

- \* The workshop was strongly of the view that:-
  - cost effectiveness should not be used as an excuse to not protect our sovereignty or sovereign rights
  - There was a need to optimise our seagoing resources for multiple purposes.
- \* There was discussion, with two views, over the current method used for the assessment and allocation of resources to service stakeholders’ needs for civilian surveillance. This method, managed by Coastwatch in consultation with a committee of stakeholders, was seen to be working well. Priority of service is given to the issue most relevant to the national interest with service of issues/needs of lesser priorities being attended to equitably.
- \* The current consultative process managed by Coastwatch was strongly supported (one group).

\* Coastwatch needs more integration with state activities. (alternative view...this group discussed the current surveillance and enforcement extensively, and what follows are some of their major points.) :-

\* The surveillance of international poachers may be reasonable, but of 870 detected, only 130 were arrested. If only 50% were detected which is possible, the chances of being caught are low. With good planning and co-operation it is possible to find funds in this important area, and it certainly needs beefing up.

\* Points considered:

- Drugs, smuggling of goods, illegal fishing, and environmental protection are involved.

- Should there be a new coastguard? This would probably be costly, though there is overlap and lack of co-ordination which is costly now.

- The States have different vessels (fisheries, maritime services) but very little training and co-ordination

- While there is a role for the navy it is probably not inshore. New technology - OTH radar, sonar and satellite surveillance may become important.

- There may be a role for amateurs with boats.

- Do indigenous people have a role in some areas? Yes, they already help with Coastwatch

- Most fisheries breaches are by Australians within 50 nm of the shore.

- Domestic enforcement/surveillance does need strengthening.

- Strong State agencies, with coastwatch to value-add, could be a win-win situation.

- Education and awareness campaigns may help

\* The cost and difficulties of surveillance and enforcement was discussed with particular reference to the Sub-Antarctic Territories and Australia's claim to an EEZ in the Antarctic.

There was a need seen for:-

- Bilateral Port State Control arrangements with Indian Ocean states.

- Southern Ocean joint enforcement agreements.

- Satellite surveillance could play a role

\* While these needs were mostly directed towards the prevention and enforcement of illegal fishing activities, there was strong support for the protection of the environment by the same processes.

Current environmental damage being caused by vessels "trashing" the Antarctic waters should have significant bearing on surveillance and enforcement resource allocation for the Southern Ocean Territories. Such actions support (and indeed strengthen) Australia's claim to an Antarctic Territory, as do all actions associated with the protection and management of the Offshore Jurisdictional Zones.

\* The workshop recognised the links between the various illegal activities at sea, particularly immigration, customs, drug trafficking, illegal fishing and quarantine issues.

(Rapporteur Doug Mackinnon informed the group of a submitted proposal for a critical issues workshop examining the issues of regulation and enforcement of maritime crime, and the group gave strong support)

\* The role of the Australian Defence Force and the projected improved capability of Customs through the acquisition of better vessels was addressed. Involvement by the ADF, in spite of limitations, was held necessary for effective surveillance and enforcement, and strongly supported.

\* The recent seizure of delinquent vessels in the Sub Antarctic raised the issue of cost recovery.

There was strong support to seize assets to offset costs.

\* The view was expressed that as an emerging Flag State, Australia needed to examine how to manage our assets on the high seas and in the jurisdictional zones of other states.

\* A more integrated surveillance and enforcement capability was supported.

\* \* \* \*

### **3.6.3 Sea Safety and Maritime Response.**

*Outcome*

\* The stated **Outcome** was seen to be flat and needed to be more active and positive. It was seen necessary to include in this part:

- “A modern efficient response capability.”

*Background*

\* There is a national system for yachting safety standards.

\* Costs for rescue could be linked to compliance with the standards, and good quality training (seagoing certificates are available).

*Possible directions and policy options*

\* Recreation vessels; key components of the National Maritime Safety Strategy should be incorporated into this part.

\* Adequacy of navigational charts;

- User education of standard and ECDIS needs to be included

- There is need to promote user responsibility for the standard of charts used (antiquated charts and low quality electronic charts/copies).

- Should more resources be provided to the Navy for hydrographic survey? Information to make navigation safer should be made available at the cheapest possible price. It is not on a user/pays basis at present.

\* Safety management systems; implement safety management systems for all marine industries and recognise the achievements of those industries that have established successful systems such as the petroleum industry and Dive Safety.

\* \* \* \*

## ***FORUM PARTICIPANTS***