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Department of Sustainability, Environment,
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MBP Submission – South West Marine Region
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Submission to the Marine Bioregional Planning process: South West

As the peak conservation body for South Australia, the Conservation Council of South Australia (Conservation Council SA) welcomes the opportunity to provide comment on the 'Proposal for the South-west Commonwealth Marine Reserves Network Consultation Paper'.

Conservation Council SA is an independent, non-profit and strictly non-party political organization representing over 50 of South Australia's environment and conservation organizations and their 60,000 supporters.

In 2009, Conservation Council SA developed a comprehensive view of environment policy in "South Australia in a Changing Climate: A Blueprint for a Sustainable Future" (<http://www.conservationsa.org.au/blueprint.html>). This document sets out, at a strategic level, policy positions in six key environmental areas. Conservation Council SA's Blueprint sets out its vision for the coast and marine areas of South Australia in pages 28 to 38 and (on pages 33 and 34) explicitly refers to the importance of marine parks in ensuring the long-term security of South Australia's marine environment.

At the outset, Conservation Council SA congratulates the Australian Government on the continued roll-out of the marine parks network. Conservation Council SA is convinced by the weight of scientific evidence, that a network of well designed marine parks with a core of highly protected, comprehensive, adequate and representative sanctuary zones is the best approach to reduce the current risks to marine biodiversity. An approach such as this has the best chance of providing an efficient and cost-effective strategy to protect our marine biodiversity from multiple, cumulative, known

and unknown threats. Its success is important to Australia's future in many ways, including:

- **Securing the future:** the initiative will assist in securing the future for the many unique species that inhabit the waters of South-Western Australia.
- **Climate Change insurance:** establishing marine parks should be seen as one of the arms of Australia's response to the challenge of climate change. By ensuring the existence of highly protected Marine Reserves, in particular, there is likely to be a higher probability that marine species and ecosystems will be resilient to changes in climatic conditions.
- **Long-term ecotourism impact:** Southern Australia has enormous potential for ecotourism ventures based around its unique and rich marine life. Without the protection of marine parks, there is no guarantee to prospective operators that these have long-term viability. The experience of the Great Barrier Reef is testament to the outcomes that can be achieved from well-planned and sustained marine parks.
- **Fishing viability:** while fishing management plans serve to manage the limits of a small number of commercial species, Conservation Council SA believes that the long-term viability of a fishery depends on the entire web of species that support those commercial species. Without marine parks and sanctuary areas, there are no guarantees that this complex web can be sustained.

Despite our support for the concept of Marine Reserves, Conservation Council SA is concerned and alarmed at a number of aspects of the Draft South-west Commonwealth Marine Reserves Network.

1. The failure of the draft plan to provide adequate high level protection to marine habitats near SA. Less than 3% of South Australian Commonwealth waters have been included as proposed Marine Sanctuaries (highly protected no-take zones).
2. The failure of the draft plan to provide an adequate percentage of shelf waters. To allocate high level protection as Marine Sanctuary areas to only 2.5% of shelf and upper slope waters, the areas under most anthropogenic pressure, is manifestly inadequate.
3. The draft system as proposed is not comprehensive, adequate or representative. These are the core principles underlying the concept of Marine Reserve network systems, and a failure to meet these principles will severely limit the ability of the network to achieve the desired ecological outcomes.

Conservation Council SA has outlined our concerns and responded in detail to the Consultation Paper. We have focused on the three areas particularly relevant to South Australians (Great Australian Bight, Western Eyre and Kangaroo Island). However, Conservation Council SA remains concerned at the overall failure across the entire South West plan in achieving the fundamental principles of comprehensiveness, adequacy and representativeness. Conservation Council SA also supports the detailed analysis and recommendations contained in the CCWA submission. Conservation Council SA gives permission for our submission to be publicly available.

Conservation Council SA urges the Federal Government to turn the tide on the continuing degradation of the marine environment, and make the establishment of the Marine Park network an effective conservation initiative. As a foundation conservation measure, the Commonwealth Marine Park Network must protect the marine biodiversity that is the natural heritage of all Australians. It is this biodiversity, as an integral part of a healthy, resilient marine environment, which will ultimately benefit all Australians, now and into the future.

Yours sincerely,

A handwritten signature in black ink that reads "Tim Kelly". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

Tim Kelly

**Chief Executive
Conservation Council of South Australia**



Conservation Council SA

Submission to the Marine Bioregional Planning Process: South West

8th August 2011
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The **Conservation Council of South Australia Inc (Conservation Council SA)** is the peak conservation body for South Australia, representing over 50 of the State's environment and conservation organisations.

Conservation Council SA is an independent non-profit, non party-political, community based organisation which provides resources, advice and representation for the SA environment movement, and which leads many of the key conservation campaigns in SA.

Conservation Council SA is known for its success in developing long term community development, education, and on-ground environmental restoration programs.

Conservation Council SA regularly liaises with Local, State and Federal Governments, Government agencies, media, educational institutions, NGOs, unions, industry, business and other groups on matters relating to the environment and social justice.

As a community organization, much of what Conservation Council SA achieves is through a large network of skilled volunteers from all walks of life – for its office, on-ground, governance and campaign activities.

Conservation Council SA is committed to a healthy environment for South Australia

1. General feedback on the South-west Commonwealth marine reserve network proposal

Conservation Council SA is concerned that in its present state the draft South West Commonwealth marine reserve network proposal fails the most fundamental test for marine protected areas by failing to be comprehensive, adequate and representative.

Conservation Council SA is deeply concerned to see the scientific failing of the plan highlighted in a recent report by the Centre for Conservation Geography¹. The report discussed a number of significant findings cataloguing the significant scientific shortcomings of the plan in its present state. Overall, there is a significant underrepresentation of shallower shelf and upper slope areas, with less than 5% of these waters in Marine National Park zoning. Additionally, and of great concern to Conservation Council SA, there is significant underrepresentation of bioregions and biological hotspots in highly protected areas in waters off South Australia. The nine key findings are of critical importance and warrant inclusion here. (Centre for Conservation Geography, 2011, pg, 2)

1. *Almost 75% of the areas recommended for protection by scientists from the University of Queensland, remain unprotected.*
2. *Less than 5% of the proposed marine sanctuaries occur on the shelf and upper slope where scientists report marine life to be most threatened.*
3. *Inadequate or no protection has been provided for eight of the ten underwater icons of the South-west.*
4. *Inadequate or no protection has been provided for thirteen of the sixteen key ecological features of the South-west.*
5. *Inadequate or no protection has been provided to four of the flagship species of the South-west planning region including the endangered southern right whale and the threatened Australian sea lion, Australian lesser noddy and white shark.*
6. *Of the 165 biologically important areas mapped within the South-west planning region, 163 fail to meet minimum scientific benchmarks for protection. For example, no protection has been provided for the critical feeding grounds of the endangered blue whale.*
7. *The proposed marine sanctuaries are biased towards waters off Western Australia with less than 3% of the proposed marine sanctuaries occurring within the waters off South Australia.*
8. *The proposals do not establish the comprehensive, adequate and representative network of marine sanctuaries required to protect marine life. Specifically:*
 - a. *Of the ten bioregions contained within the South-west planning region all ten contain unprotected features that are critical for the protection of biodiversity. Three bioregions contain no proposed marine sanctuaries.*

¹ Critical Gaps in the Marine Sanctuary Network proposed by the Federal Government for Australia's South-west (2011) Report by the Centre for Conservation Geography.

- b. Overall, the median representation of features important for the conservation of biodiversity within the South-west planning region is 0%.
 - c. Six of the seven proposed marine sanctuaries located on the shelf and upper slope fail to meet world's best practice guidelines for minimum size.
 - d. The marine sanctuaries proposed for the shelf and upper slope fail to form an interconnected network, with marine life protected within each proposed marine sanctuary likely to face major connectivity issues.
9. A number of areas critical to the protection of marine life are missing from the proposed marine sanctuary network..."

For the Parks system to be effective, the Government must act to address these concerns. These concerns are substantiated by 203 respected Australian and international scientists in the SW Science Statement of Concern².

Conservation Council SA recommends that protection for the 33 key locations be increased with reference to the two documents by the Centre for Conservation Geography, and The Ecology Centre, University of Queensland.

Conservation Council SA is concerned that in assessing the effects of marine sanctuaries the Government has overlooked the many significant benefits to the community of marine sanctuaries and has placed undue emphasis on the costs of this protection.

Conservation Council SA recommends the Government not limit the assessment to the potential costs of creating marine sanctuaries and considers the growing overwhelming scientific and economic evidence that marine sanctuaries yield significant and diverse economic benefits.

The level of community concern about the lack of protection in Australia's South-west led to the formation of Australia's largest environment protection alliance - Save Our Marine Life, of which Conservation Council SA is a member. Polling has shown 70% of the community supports 30% of commonwealth waters being protected within Marine Reserves. Community concern related to the effects of climate change and overfishing on our unique marine life is extraordinarily high.

Conservation Council SA recommends that Government recognise the widespread community support for marine sanctuaries in the South West and incorporates this in the final decision making.

Conservation Council SA is concerned budget allocations have not been made to support the Marine Reserve Network.

² Developing Australia's national system of marine reserves : A statement of concern about the proposal for Australia's South West Marine Region Coordinator: Professor Hugh Possingham, The University of Queensland, 5 August 2011

Conservation Council SA recommends funding be allocated for buyout and management for the South-west marine region at a level which ensures the reserve system reflects established scientific principles for marine conservation.

Conservation Council SA is also concerned the Australian Government's recently announced carbon package does not include funding for a climate response for marine biodiversity. Sufficient monitoring and research must be funded as part of the ongoing management of Australia's waters.

Conservation Council SA recommends the Government considers extending its current carbon package to include measures that will help mitigate the risks posed to the marine environment from climate change.

Conservation Council SA is concerned the oil and gas industry have received undue allowances in the development of the South West Marine Park Network proposal. Important areas identified for inclusion in the reserve system (such as the Great Australian Bight- BP, and Western Kangaroo Island, Bight Petroleum) have been recently been opened up for further oil and gas exploration. Oil and gas operations are not compatible with a number of particularly sensitive and diverse biological hotspots in waters off South Australia, such as the Great Australian Bight, and Western Kangaroo Island. The consequences of oil spills from the high-risk deep sea extraction would be catastrophic for the marine life of the area including a major portion of South Australian and Commonwealth fisheries.

Conservation Council SA recommends that:

- **new areas of proposed petroleum acreage be subject to public consultation.**
- **acreage proposed over areas identified for possible inclusion in the marine reserve system, be granted only through the concurrence both of the federal petroleum and environment ministers.**
- **there is a mandatory review of areas of acreage which are not taken up by explorers, and exploration permits or production leases that are relinquished or which have expired and that these areas are considered for inclusion in the marine sanctuary network.**
- **a best practice protocol be negotiated by government with the petroleum industry which provides a mechanism which would allow surplus areas of petroleum permits and leases to be voluntarily relinquished for inclusion in sanctuary zones where warranted and agreed.**
- **specifically, that the new exploration permits in the Great Australian Bight and west of Kangaroo Island not be granted environmental approvals to proceed, and that sanctuaries be declared there.**

2. Proposed Great Australian Bight (GAB) Marine Reserve

The current 'Marine National Park Zoning in this area is inadequate. Importantly the zoning as currently proposed fails to protect the foraging grounds of Australian sea lions from the impacts of gillnetting. Gillnetting, in particular the gillnet sector of the Commonwealth Southern and Eastern Scalefish and Shark Fishery (SESSF) has been identified as a significant threat to populations of threatened Australian sea lions. Considering these foraging grounds have been identified by SEWPaC as a 'Major Conservation Value' of this reserve, the actual protection afforded the ASL by this reserve is extremely limited, and confined to an increase in the closure of the existing GAB Marine Park from a 6 month closure to a year-round closure. 'Special purpose' zoning is inadequate due to the significant impact of Benthic gillnetting in this area on the Australian Sea lion. The Australian sea lion colonies at Bunda Cliffs 1, Bunda Cliffs 2, Bunda Cliffs 4, Bunda Cliffs 6, Bunda Cliffs 7 and Bunda Cliffs 9 will remain at high risk of extinction.

Furthermore the critical nursery habitat of the endangered southern right whales is still largely unprotected.

Critical habitat zones for sharks such as great white sharks, mako shark and dusky whaler shark remain unprotected. In particular likely feeding, pupping and high density habitats are not included.

There are numerous species listed under the *Environment Protection and Biodiversity Conservation Act* (EPBC) that use the GAB as significant habitat. Southern bluefin tuna, are listed as Conservation Dependent and Southern Right whales listed as Endangered and both are well known for migrating through the GAB. The GAB serves as important open ocean habitat for numerous marine mammals, sharks and seabirds, all of which are listed marine species under the EPBC Act.

The South-west plan presents an ideal opportunity to augment the protection provided by the existing GAB Benthic Protection Zone. The current draft zoning presents additional management and compliance difficulties by allowing mid-water trawling over a protected benthos. Accidental or deliberate compliance breaches will be incredibly hard to detect and or act upon in this scenario.

Conservation Council SA recommends that:

- **The new GAB 'Marine National Park' zone be extended southward to include a greater area of critical habitat.**
- **a 'Marine National Park' extension westward of the existing GAB to protect a more representative sample of the bioregion, and include adequate protection for a number of iconic and threatened species.**

- **the current GAB Benthic Protection Zone is further protected through zoning as 'Marine National Park'.**

3. Proposed Western Eyre Marine Reserve

The new SP zoning Does very little to protect ASL foraging habitat, with the Western Eyre ASL pop predicted to have the greatest rates of decline in the state due to gillnetting mortalities (p.81 Si). The proposed Marine National Parks Zones fail to meet adequate minimum size limits. They also fail to offer any significant protection to 8 extremely vulnerable sub-populations of Australian sea lions at nearby Olive Island, Nicholas Baudin Island, Pt. Labatt, Waldegrave Island, Jones Island, Ward Island, Pearson Island and Dorothee Island with most of the foraging grounds outside of the highly protected area, therefore still vulnerable to gillnetting.

Conservation Council SA recommends that:

- **The 'Marine National Park' zone around Streaky Bay is extended to ensure adequate size and to afford better protection to threatened species in particular the Australian Sea lion.**
- **the 'Marine National Park' zone around Investigator Islands is extended to ensure adequate size.**
- **an additional 'Marine National Park' zone is created based around Nuyts Archipelago.**

4. Proposed Western Kangaroo Island Marine Reserve

This area is an enormously important biodiversity hotspot, which has been identified by DSEWPaC as a 'key ecological feature'. The complete omission of this area for high level protection as Marine National Park is contrary to the scientific evidence of its enormous conservation value.

The zoning of this area as 'Special Purpose' provides virtually no protection to those rare, threatened, or endangered marine species, particularly those vulnerable to gillnetting such as the Australian sea lion, dolphins and shark species. A number of rare and poorly understood cetaceans utilise this area, including the pygmy blue whale, sperm whale and the strap-toothed beaked whale.

The Australian sea lion sub-populations on Kangaroo Island are among those predicted to suffer the greatest rates of decline due to gillnetting in the SESSF. Continued gillnetting under the guise of a 'Special Purpose Zone' will expose the

western Kangaroo Island sub-populations such as North Casuarina, Cape Bouguer, and Cave Point, and potentially Black Point and Seal Slide to unacceptable risk of a quasi-extinction time of only 1 or 2 years³.

Suspected spawning grounds of a number of poorly understood or at risk fish species such as orange roughy, blue grenadier, and western gemfish occur in this region and warrant a high level of protection. Furthermore school shark (an overfished and now conservation dependent species) is thought to use this area as a pupping ground.

Conservation Council SA recommends that:

- **the Western Kangaroo Island warrants higher level protection in the form of 'Marine National Park' zoning.**
- **the Marine National Park' zone is extended to include an adequate and representative area of the KI Canyons and the KI Pool.**

³ Goldsworthy, S.D., Page, B., Shaughnessy, P.D., Linnane, A., (2010) Mitigating Seal Interactions in the SRLF and the Gillnet Sector SESSF in South Australia. FRDC Project No. 2007/041. SARDI Publication No. F 2009/000613-1. SARDI Research Report Series No. 405