



## Full Day Hansard Transcript (Legislative Council, 21 August 2013, Proof)

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Extract from NSW Legislative Council Hansard and Papers Wednesday, 21 August 2013 (Proof).

### MARINE PARKS AMENDMENT (MORATORIUM) BILL 2013

#### Second Reading

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [5.00 p.m.]: I move:

That this bill be now read a second time.

The Marine Parks Amendment (Moratorium) Bill 2013 amends the Marine Parks Act 1997. The New South Wales Liberal-Nationals Government is taking a different approach to protecting the New South Wales marine estate. This comes after years of political interference by the former Labor Government and decisions based on poorly understood or incomplete information. As a result, the credibility of marine parks and our fishing industry has suffered. A five-year moratorium was imposed in 2011 that prohibited, first, the creation of additional marine parks; secondly, the alteration or expansion of sanctuary zones; and, thirdly, a review of zoning plans while an independent scientific audit of marine parks in New South Wales was carried out. On coming to Government we made it clear that we would immediately commission an independent scientific audit of marine parks in New South Wales. That report was released in February 2012, and in March 2013 the Government released its response to the audit, supporting the principal recommendations, including the need for change.

This independent audit was a direct response to the concerns expressed by stakeholders in relation to how the State's six marine parks were established and managed by the former Labor Government. This bill removes some of the restrictions put in place during the term of the moratorium, such as reviews of zoning plans for marine parks. Once again the preparation of review reports will be permitted under section 17D of the Marine Parks Act 1997. The moratorium will also be lifted to allow the making of regulations under section 17B of the Marine Parks Act 1997, which alter the boundaries of sanctuary zones or classify new areas as sanctuary zones. However, the moratorium on the declaration of new marine parks will remain in place until further advice on this issue is received from the Marine Estate Expert Knowledge Panel. These amendments to the Marine Parks Act 1997 will permit some initial reforms to marine park management as part of the Government's new integrated, adaptive and evidence-based approach to managing the entire New South Wales marine estate.

Further, reform may be adopted based on the expert advice from the Marine Estate Expert Knowledge Panel chaired by Dr Andrew Stoeckel and guidance from the authority chaired by Dr Wendy Craik. This new approach, developed in response to the marine parks audit, will enable the management of marine parks to be better aligned with a more integrated and holistic approach to managing the entire New South Wales marine estate. I will provide some background on our marine parks. Currently New South Wales has six marine parks, which are located at Cape Byron in the north, Solitary Islands on the Coffs coast, Port Stephens-Great Lakes in the Hunter region, Jervis Bay, Batemans on the South Coast and the unique waters surrounding Lord Howe Island. The first park was established in 1998 and these marine parks cover about 345,000 hectares or almost 35 per cent of the New South Wales marine estate, including 6 per cent currently in sanctuary zones.

Marine parks are managed for the conservation of biodiversity. Importantly, these parks and the marine estate are also iconic areas used and enjoyed by our communities in many ways. This balance between conservation and use is reflected in the objects of the Marine Parks Act 1997. Marine parks sustain our commercial fishing industry, which contributes a total of \$80 million annually to the New South Wales economy from wild caught species. Marine parks also support our recreational fishing community, which injects more than \$550 million annually into the New South Wales economy, often into regional coastal communities. Recreational fishing is also a leisure pastime important to many fishing families and is often passed down from generation to generation. Marine parks support Indigenous cultural practices. They support our coastal tourism industry, including charter fishing and whale and dolphin watching, as well as snorkelling and scuba diving.

Marine parks are essential to our scientific research community and offer important education experiences to school groups, volunteers and the community. Of course, they support the New South Wales community more generally, including families that enjoy swimming, surfing and other leisure activities. The objects of the bill are, first, to allow regulations to be made under the Act within the current five-year moratorium period to alter the areas of existing sanctuary zones or to classify areas as new sanctuary zones within marine parks. This will allow changes to be made to sanctuary zones in marine parks where appropriate and in consultation with the community. Frankly, that is totally unlike the former Labor Government, which declared marine parks with the

wave of its wand, basing its decisions on poor or incomplete science and simply for political gain.

This means that any changes identified as a result of the recently announced assessment of recreational fishing access to beaches and headlands in marine park sanctuary zones can be put in place. This is consistent with the new approach, that is, management is based on a threat and risk assessment. Secondly, the bill allows for reviews of zoning plans to be carried out at the direction of the Minister for Primary Industries and the Minister for the Environment. It is clear that the community expects marine park management to be reviewed and for that to be done in new and improved ways. In response to the marine parks audit, the Government committed to a common-sense marine parks policy and to developing a better approach to the way marine parks are reviewed. In reviewing zones, we will more effectively meet social and economic objectives while continuing to conserve our important environmental assets.

We will draw on the best available science and knowledge to identify key threats, risks and mitigation strategies. We will promote multiple use and appropriate access, with restrictions on activity proportionate to the risk. We will also improve stakeholder and public participation by promoting genuine and open consultation. The New South Wales Liberal-Nationals Government also committed to better incorporating local Indigenous knowledge and developing a performance assessment system for marine parks. These amendments will allow for marine parks zoning rules to be reviewed so that marine parks are managed efficiently and effectively, the way our stakeholders expect. Thirdly, the bill permits the authority to conduct reviews of or take other action in relation to zoning plans for marine parks during the moratorium period. This will allow the Government to take action and get on with doing what it said it would do in response to the marine parks audit.

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The bill does not alter the moratorium on declaring new marine parks. The New South Wales Government remains committed to the prohibition on creating new marine parks, subject to advice from the Marine Estate Expert Knowledge Panel. That independent, non-statutory panel is being established to drive key initiatives under the new approach to managing the New South Wales marine estate that was announced in March 2013 in response to the Independent Scientific Audit of Marine Parks in New South Wales. The panel will ensure that the authority has direct access to independent expert advice spanning ecological, economic and social science disciplines to support evidence-based decision making and address key knowledge gaps.

I am pleased to update the House about the newly appointed members of the Expert Knowledge Panel. Dr Kate Brooks is a specialist in social science research with extensive experience in planning for sustainability through management systems and policy. Dr Brooks' key fields of specialisation are in social impact assessment, community capacity, community networking, and government and community interactions. Dr Neil Bryon is an economist specialising in the fields of economics and policy analysis, particularly as applied to environmental management, natural resources and development planning. Dr Bryon has a national and international reputation as an environmental economist and policy analyst and is an adjunct professor at the University of Canberra.

Dr Rick Fletcher has technical expertise in ecology, risk assessment and the development of practical governance frameworks. Currently working for Western Australian Fisheries, Dr Fletcher is experienced in developing and implementing holistic risk-based governance frameworks at the fishery and regional level and is knowledgeable about ecological processes and interactions that affect aquatic resources. Associate Professor Emma Johnston is an expert in human influence on the ecology of marine and coastal systems. Associate Professor Johnston has extensive research experience in New South Wales waters and brings to the panel expertise in marine ecology and biology, stressor interactions, ecotoxicology, invasion biology, estuarine health assessment and bio monitoring. Associate Professor Johnston is director of the Sydney Institute of Marine Science Sydney Harbour Research Program and was a member of the New South Wales Marine Parks Independent Scientific Audit Panel.

Mr Peter McGinnity has more than 30 years experience leading marine and integrated coastal planning and management reforms for the Great Barrier Reef Marine Park Authority. Mr McGinnity will contribute skills and technical advice in the application of risk-based approaches and has experience with management strategy evaluation and vulnerability assessment methodologies applied to climate change, biodiversity conservation and coastal ecosystem assessments. The newly appointed members will sit alongside the chair, Dr Andrew Stoeckel. Those members were identified through a competitive and open process, which demonstrates how rigorous this Government has been in choosing the right people for the job. This advice will be crucial to support evidence-based decision making, to guide threat and risk assessments and to address key knowledge gaps. The Marine Estate Expert Knowledge Panel will report directly to the Marine Estate Management Authority. A key aspect of the panel is its ability to draw on other experts to make sure we have the best people to informing better management of the marine estate.

The Government is committed to reducing red tape for industry, stakeholders and the community. These amendments to the Marine Parks Act 1997 will allow the Government to start the review process in the move towards a single, simpler, statutory management plan for each marine park. This will be part of broader changes that will be made to the regulation of the marine estate which are being developed and which will be the subject of another bill. The threat and risk assessment model recommended by the audit panel was developed as a result of extensive consultation by the audit panel through workshops, interviews and submissions. To ensure

this was a rigorous and transparent process, a further opportunity was provided to the public to make comment in relation to the audit panel's recommendations. These comments directly influenced the development of the Government's response and new approach to how the New South Wales marine estate, including the State's six marine parks, will be managed in the future.

In summary, this bill repeals two aspects of the current moratorium so that once again marine park zoning plans can be reviewed and, where appropriate, changes can be made to sanctuary zones. This will allow the Government to apply a new consultative and evidence-based approach, taking the politics out to deliver better balanced outcomes for all stakeholders. This is one of the first steps towards improving management of our parks, which are one component of the marine estate and one of our greatest natural assets. This holistic new approach to our marine estate reforms will deliver long-term benefits to New South Wales, its people, regions and industries and bring science back to the heart of all decisions. This is not an insignificant piece of work and it is what distinguishes this Liberal-Nationals Government from the previous Government. Our vision is for a clean, safe, healthy and productive marine estate that can be enjoyed, valued and sustainably managed now and in the future. I commend the bill to the House.