

**MARINE ESTATE MANAGEMENT BILL 2014**

**Bill introduced on motion by Ms Katrina Hodgkinson, read a first time and printed.**

**Second Reading**

**Ms KATRINA HODGKINSON** (Burrinjuck—Minister for Primary Industries, and Assistant Minister for Tourism and Major Events) [3.38 p.m.]: I move:

That this bill be now read a second time.

The purpose of the Marine Estate Management Bill 2014 is to make provision for management of the New South Wales marine estate. The bill provides for effective and integrated management of the whole marine estate for the first time in New South Wales. I will jointly administer the new Act in my capacity as the Minister for Primary Industries with the Minister for the Environment. The primary industries portfolio will take the lead on day-to-day administration of this Act. Direct responsibility is a continuation of current arrangements and means that matters relating to the marine estate are appropriately considered from a resource management and conservation perspective.

The bill represents a landmark moment in the history of the management of the marine estate of New South Wales and will legislate comprehensive reforms that the Government is implementing.

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This bill has been more than three years in the making. In June 2011 the New South Wales Liberal-Nationals Government delivered on a key election commitment by commissioning an independent scientific audit of marine parks in New South Wales. The audit found that management of the marine estate in New South Wales was fragmented and deficient. In February 2013 we released the New South Wales Government's response to the audit, which announced a comprehensive new approach to the management of the marine estate. This new approach is about establishing a foundation for robust, scientific and evidence-based management of the marine estate into the future. Crucially, this new approach is about ensuring a thorough triple bottom line assessment process, which will consider social, economic and environmental impacts in the context of the entire marine estate. As lead Minister for these reforms, I can assure the House that New South Wales marine resources and marine park operations will be managed responsibly.

It is important to reflect upon from whence we came to reach this point. The bill addresses community concerns about how the State's six marine parks were established and managed by previous Labor governments. Our reforms stand in stark contrast to the non-strategic and politically motivated management of the marine estate by those opposite. This new approach will: provide a strategy for maximising social, economic and environmental values and benefits associated with the marine estate; better coordinate service delivery to reduce red tape and increase effectiveness across the management of marine parks and aquatic reserves, fisheries management, boating, shipping, and coastal land use planning; and introduce best practice evidence-based marine park and aquatic reserve planning, declaration and management. The bill will provide the legislative architecture for the New South Wales Liberal-Nationals Government's vision for a healthy coast and sea, managed for the greatest wellbeing of the community now and into the future. Projects such as

assessing threats and risks to the entire marine estate and piloting new management planning approaches at the Batemans Marine Park and Solitary Islands Marine Park will be done within the new management framework provided in the bill.

Stretching north to south for approximately 1,250 kilometres, the New South Wales marine estate is an area of about one million hectares of estuary and ocean. Almost six million residents live within 50 kilometres of the New South Wales coastline. The cornerstone of our new approach is an overarching Marine Estate Management Strategy, which sets out common principles and coordinated management while identifying priorities through a threat and risk assessment. This strategy will deliver better outcomes on the ground for coastal communities in New South Wales. Our coastline and marine waters support a wide range of commercial, recreational and cultural activities. The marine estate is also valued for the environmental benefits it provides as habitat to species, including threatened plants and animals, as well as such ecosystem services as nutrient cycling and climate regulation.

The objectives of this bill reflect this diversity of interests—for example, the estimated one million recreational fishers in New South Wales. Earlier this year the New South Wales Government completed a comprehensive survey of marine estate communities, which canvassed the views of more than 1,700 people. Key findings from that survey found that health of the marine estate is a core value that underpins the social, economic and environmental benefits derived from the estate. The survey also found that the marine estate is considered integral to the New South Wales community's social and cultural wellbeing. I turn now to specific aspects of the bill. The bill is in eight parts, which relate to preliminary matters, including the objects and definitions; administration, which covers establishment of the Marine Estate Management Authority and Marine Estate Expert Knowledge Panel; the Marine Estate Management Strategy; threat and risk assessment; marine parks and aquatic reserves; enforcement; finance; and miscellaneous provisions. I turn first to the objects and definition of the marine estate found in part 1 of the bill.

The objects of the bill are to provide for the management of the marine estate, consistent with the principles of ecologically sustainable development; facilitate economic, social, cultural, scientific and environmental opportunities; promote the coordination of functions by public authorities; and provide for a comprehensive, strategically managed system of marine parks and aquatic reserves. The objects set out the New South Wales Liberal-Nationals Government's clear commitment to a more integrated approach to managing the marine estate, including marine parks and aquatic reserves. This integrated approach will be more effective and better understood by the community.

The strategy developed under the bill will relate to the whole of the marine estate, which is defined to include coastal waters, estuaries, lakes, lagoons, wetlands and adjacent coastal lands strongly influenced by ocean processes. These adjacent lands include beaches, headlands, dunes and rock platforms. The advantage of this strategy is that it will support the development of a shared understanding of key threats and risks and coordination of actions across government. Importantly, adjacent coastal lands are included because they are the interface between marine waters and terrestrial land. I turn now to part 2 of the bill, which enshrines the establishment of the Marine Estate Management Authority and the Marine Estate Expert Knowledge Panel in legislation.

This is about getting the right advice from the right people. These two statutory advisory entities have been operating on an administrative basis for more than a year, and already have a proven track record in providing independent, scientific and expert advice. The authority and panel will play an important role in ensuring that management strategies for the marine estate properly balance social, economic and environmental outcomes. Next I turn to the centrepiece of our new approach: the Marine Estate Management Strategy. An overarching strategy in relation to our precious marine assets has been sadly lacking to date in New South Wales. Accordingly, the bill provides for a whole-of-government strategy to coordinate management of the marine estate. The strategy will set out the vision and management priorities for the marine estate, underpinned by a threat and risk assessment. It will also provide guidance about how pressures on the marine estate can be managed and mitigated.

The strategy will provide decision-makers with relevant information and support to address the significant issues across the marine estate. Under the new Act government bodies will have regard to the strategy when making decisions that may affect the marine estate. The bill requires that social, economic and environmental values must be clearly recognised in the strategy. In keeping with the New South Wales Liberal-Nationals Government's commitment to developing policies that make a real difference to communities, community consultation will be an essential step in developing the strategy. The bill requires that a draft strategy be publicly exhibited and that any community views be considered before the strategy is made. Consultation with Local Land Services is also required in order to ensure that land-based impacts on the marine estate are properly identified and understood.

The bill requires that the strategy must be independently reviewed at least once every 10 years. This will allow sufficient time for the strategy to be implemented and evaluated, but will also ensure that the strategy is adapted as required so that it remains responsive to the threats and risks to the marine estate over the long term. I turn now to part 4 of the bill which requires assessment of threats and risks to the marine estate. Comprehensive threat and risk assessment is essential. The bill sets out a process for assessing social, economic and environmental threats and associated risks to values that the community derives from the marine estate. This assessment must be undertaken at least once every 10 years and will be the product of extensive community consultation.

The bill requires that threats and risks be both identified and prioritised. The assessment is expected to take into account cumulative threats, present threats and those that are expected to have impacts in the future. Crucially, this assessment will help us focus on the critical issues for the marine estate. I turn now to part 5 of the bill relating to marine parks and aquatic reserves. The bill replicates the majority of the existing statutory provisions for the declaration, management and review of both marine parks and aquatic reserves. It links marine parks and aquatic reserves with the Marine Estate Management Strategy and threat and risk assessments. The bill provides that the primary purpose of marine parks and aquatic reserves is to conserve biological diversity and maintain ecosystem integrity and function. Where consistent with biodiversity conservation the secondary purposes under the bill will allow for other uses in marine parks and aquatic reserves. These include resource use consistent with the principles of ecologically sustainable development, research, education, appreciation, enjoyment and Aboriginal cultural uses.

Marine parks and aquatic reserves are two spatial management tools focused on the conservation of biodiversity that can be used to deliver on the vision for the marine estate. They do this by protecting a range of biological diversity, which contributes to better productivity of our land and water, benefitting people and society. Aquatic reserves will remain a flexible and responsive spatial management tool. These reserves can be focused on a specific component of biodiversity and applied to particular areas of the marine estate. Where consistent with the strategy, I will be able to declare an aquatic reserve by notice in my capacity as the Minister for Primary Industries, with the Minister for the Environment, in order to conserve a specific component of biodiversity or ecological community that is important in a particular local area.

Where sensible and effective, the bill does include some changes to the existing legislative regime for marine parks and aquatic reserves, and I turn to those now. These changes do not affect the fundamental role of marine parks and reserves as areas that help conserve biological diversity in the marine estate. The first of these changes is that aquatic reserves and marine parks will now be managed under one Act. Formerly aquatic reserves were managed under the Fisheries Management Act 1994, while marine parks were managed under the Marine Parks Act 1997. This was inefficient and led to inconsistent management approaches. Bringing marine parks and aquatic reserves together under a single piece of marine estate legislation makes sense. I have already highlighted another important change: the establishment of the Marine Estate Management Authority to advise the New South Wales Government regarding marine park management. This has led to the abolition of the Marine Parks Authority. As a statutory advisory entity the Marine Estate Management Authority will not have the operational or decision-making powers of the Marine Parks Authority.

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Ongoing responsibility for the Marine Parks Authority's operational functions now lies with me as the Minister for Primary Industries, jointly with the Minister for the Environment. Day-to-day management of marine parks will continue to be done by the Department of Primary Industries, together with key marine and aquatic functions. This ensures that, like the new legislative framework for the marine estate, core functions, operations and delivery are integrated and coordinated.

The next important change from the existing legislative requirements relates to how marine parks are established and their boundaries are varied. The provisions of the bill make it clear that a marine park may now only be declared by the Governor or varied on the recommendation of the relevant Ministers following consideration of the strategy and any relevant threat and risk assessment. This will ensure declarations are strategic and consistent with broader principles and priorities across the marine estate. There have also been some changes to the way that plans are developed for marine parks and aquatic reserves. These changes will make a significant contribution to ensuring that management planning for marine parks and aquatic reserves achieves the New South Wales Government's plan for an integrated and strategic approach to the marine estate.

To support integrated management, the bill provides for management plans to be made for marine parks and aquatic reserves. The plans are intended to be a single source of information for the community in relation to the values and uses of a particular park or reserve and must be published on the website of the Department of Primary Industries. Under the bill, the plans must be developed having regard to the strategy, any relevant threat and risk assessment, and any submissions made by

the community following a two-month public consultation period. The bill requires that management plans set out management objectives, identify threats and risks, and specify management actions and programs. It is envisaged plans will be both strategic and operational in nature. They will not only describe a range of uses suitable within marine parks and aquatic reserves but also establish links between research projects and other programs aimed at improving management outcomes for our marine conservation areas.

While management plans will provide a broad outline of the management initiatives relevant to a marine park or aquatic reserve, regulatory controls will be included in management rules in regulations. Under the bill, these rules in the regulations may provide for the classification of areas into zones to clearly set out permissible and prohibited uses in marine parks and aquatic reserves. The community will be consulted on the range of uses that may be prescribed for a particular zone, with a mandatory two-month consultation period built into the requirements for the making of management rules. The bill continues the existing prohibition on mining in marine parks and aquatic reserves, as it is the view of the New South Wales Liberal-Nationals Government that these activities are incompatible with conservation outcomes, which are the primary purpose of marine parks and aquatic reserves.

Management plans and rules must be reviewed at least once every 10 years under the bill. This time frame is long enough to allow sensible assessment and adjustment of management arrangements, while providing a high degree of certainty for the community, including commercial businesses. For consistency, marine park closures and aquatic reserve notifications will now both be known as notifications under this bill. To date they have effectively been the same power by a different name in two different Acts. Notifications will allow the prohibition of specified activities within designated areas. This will continue to provide a responsive tool for managing areas in marine parks and aquatic reserves. Notifications will now simply be published on the website of the Department of Primary Industries and exhibited in a prominent place at the relevant area.

I turn now to part 6 of the bill, which provides for compliance and enforcement measures across marine parks and aquatic reserves. All existing compliance and enforcement functions for marine parks and aquatic reserves have been included in the bill, with some improvements. There are no new offences in the bill. Compliance functions are presently carried out by marine park rangers. However, to increase efficiency and integration with existing processes, these functions will now be carried out by other authorised officers within the Department of Primary Industries, primarily fisheries officers. This will allow for functional alignment, as these officers already carry out the bulk of compliance and enforcement work.

The bill allows for recovery of administrative costs associated with the issuing of notices relating to the removal of wrecked vessels and other property in marine parks and aquatic reserves. It will now be possible to recover those costs through civil proceedings, if necessary. Inclusion of this new power is only reasonable. Wrecked vessels and other property may create significant safety and environmental hazards. It is essential that they should be removed promptly from areas where the primary purpose is conservation of biodiversity. Those who create such hazards should be held responsible for their actions, including for the associated costs.

I turn now to the Marine Protected Areas Fund established in part 7 of the bill. The bill abolishes the current fund, which only accommodated marine parks, and transfers any balance to the new fund. The bill specifies that fund money is now to be expended on marine park and aquatic reserve administration, research and consultation. Administration of the fund is vested in the Secretary of NSW Trade and Investment. This administration system will be consistent with this agency having operational responsibility for marine parks and aquatic reserves.

The Government has made it clear, in its response to the Independent Scientific Audit of Marine Parks conducted by Professor Bob Beeton of the University of Queensland, that marine park advisory committees will continue to be vital sources of local and cultural knowledge. The importance of these committees is recognised. However, it is also recognised that it is important not to overly constrain their role. In order to allow a more adaptive and responsive community consultative committee model to develop, the bill does not provide a specific statutory role for the committees. These community consultative committees will continue to provide advice on management of marine parks and also input on management issues across the marine estate as required. The Government is committed to reducing red tape. The bill is expected to consolidate and streamline existing processes. This includes new regulations that will reduce the types of permits required in marine parks and aquatic reserves by focusing on high-impact activities as informed by threat and risk assessment.

The final part of the bill, part 8, includes transitional and savings provisions. These will minimise issues arising from the implementation of the new legislative framework for managing the New South Wales marine estate. Under the bill current zoning plans and operational plans for marine parks remain in force until such time as relevant management plans and rules can be finalised. The start of the 10-year review period will commence on enactment of the bill. This means that the previous zoning plan review dates under the Marine Parks Act will no longer apply. However, the New South Wales Government remains committed to setting a timetable for reviewing the existing plans for the other four marine parks after the completion of pilot management planning at Batemans and Solitary Islands marine parks.

At present there is a moratorium on declaring new marine parks. This remains strongly supported by the New South Wales Government at this time. Although the bill does not include a provision maintaining the moratorium, it does provide confidence to the community that all future decisions about marine parks will be underpinned by the best and latest available science about the social, economic and environmental impacts of that decision. The New South Wales Government has undertaken targeted and robust consultation on the reforms the bill will legislate. There is strong support in the community for establishing a legislative framework for a more balanced and considered approach to managing the marine estate.

The bill is consistent with the coastal reforms being led by my colleague the Minister for the Environment. Across the board this Government stands by the principle that coastal land in New South Wales—its beautiful beaches, rock pools, dunes and estuaries—should be available for the use and enjoyment of all the people of New South Wales, now and in the future. This bill introduces important reforms that will facilitate strategic, coordinated and sustainable management of the marine estate, including marine parks and aquatic reserves, for all users. The bill will deliver long-

term benefits to New South Wales, its people, regions and industries. I commend the bill to the House.

**Debate adjourned on motion by Ms Tania Mihailuk and set down as an order of the day for a future day.**