

# Marine Investigation Draft Proposals Paper

For public comment

November 2013

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## WHAT IS THE VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL?

The Victorian Environmental Assessment Council (VEAC) was established in 2001 under the *Victorian Environmental Assessment Council Act 2001*. It provides the State Government of Victoria with independent advice on protection and management of the environment and natural resources of public land.

The five Council members are:

Hon. Phil Honeywood (*Chairperson*)

Mr Ian Harris

Dr Charles Meredith

Mr Ian Munro PSM

Ms Angela Reidy

## SCIENTIFIC ADVISORY COMMITTEE

The Marine Investigation Scientific Advisory Committee is independently chaired by Mr Rod Gowans.

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Mr Geoff Fisher,  
*VRFish*

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*Australian Petroleum and Production Exploration Association* (to October 2013)

Dr John Hawkins,  
*Scuba Divers Federation of Victoria*

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*Boating Industry Association of Victoria*

Mr Jeff Weir,  
*Dolphin Research Institute*

Ms Kimberley Millers,  
*Australian Marine Sciences Association*  
(Victorian branch)

## HOW TO MAKE A SUBMISSION

Written submissions are invited on the discussion paper.

The closing date for submissions is **Monday 3 February 2014**.

You may make an online submission via VEAC's website at [www.veac.vic.gov.au](http://www.veac.vic.gov.au) or send your written submission to VEAC by post or by email (see contact details). Only submissions sent directly to VEAC will be treated as submissions.

There is no required format for written submissions, except that you must provide your name and your contact details, including an email address if you have one. All submissions will be treated as public documents and will be published on VEAC's website. The name of each submitter will

be identified as part of each published submission, but personal contact details will be removed before publication.

Confidential submissions are discouraged. If there are exceptional circumstances that require confidentiality, please contact VEAC before making your submission.

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**November 2013**



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### **Acknowledgment of Country**

The Victorian Environmental Assessment Council acknowledges and pays its respects to Victoria's Native Title Holders and Traditional Owners within the investigation area, and the rich cultural and intrinsic connection they have to Country. The Council also recognises and acknowledges the contribution and interest of other Aboriginal peoples and organisations in the management of land and natural resources.

## Foreword

The biodiversity of Victoria's marine environment is increasingly understood to be rich and diverse, and is a significant asset to Victoria. Eleven years ago, as a result of the recommendations of our predecessor organisation, a system of 24 highly protected marine national parks and marine sanctuaries was established. These 'no-take' marine protected areas represent a sample of Victoria's marine environments, its habitats and associated plants and animals. They make up 5.3 per cent of Victorian waters. Six additional 'multiple-use' marine protected areas remain from earlier periods of park creation and are managed for a wider range of uses.

Effective management of marine protected areas to ensure their ongoing protection is critical. This investigation is an opportunity to take stock, and to assess how Victoria's marine protected areas are performing in meeting the purposes for which they were established, and to assess the threats and challenges that they may be facing now and into the future.

This draft proposals paper is the second of three reports for VEAC's Marine Investigation. The discussion paper released last year outlined the approach VEAC proposed to take to the investigation, and provided background information about Victoria's 30 marine protected areas. Since then, the Council has been conducting a formal assessment of the performance and management of Victoria's existing marine protected areas. Council is using internationally recognised approaches to assessments of this nature and expert scientific advice to ensure the technical quality of the investigation. The assessment is focusing on the ecological purposes for which the areas were established which, broadly, was for the long-term protection of examples of Victoria's marine environments for their intrinsic value. As well, Council is taking into account that Victoria's marine protected areas were also established for the enjoyment, appreciation and understanding of the natural environment.

This draft proposals paper is not a draft of the formal assessment. Rather it is an opportunity for Council to seek feedback on its current thinking. Documentation of the assessment is underway and will be included in the final report due by April 2014.



*Council members  
(left to right):  
Ian Munro, Angela Reidy,  
Phil Honeywood (Chairperson),  
Charles Meredith, Ian Harris*

Victoria's marine protected areas face threats both from within and outside their boundaries. The biodiversity of the marine protected areas has been changed in some ways since the areas were created by the establishment of marine pests which are unlikely to be able to be eradicated. We also note that Victoria's changing climate is expected to significantly further change the biodiversity of these areas, although the specific nature of these changes is currently difficult to predict. Victoria's growing population and its changing nature present ongoing challenges to the management of human impacts. Council does not, however, believe that these changes undermine the value of the marine protected areas in achieving their key ecological purposes.

Council has been assisted in the investigation by the advice of its Community Reference Group and Scientific Advisory Committee, and I want to thank the members of those groups for their valuable input. Council is also grateful for the thoughtful written submissions received in the first two periods of public consultation. These submissions have been carefully considered and taken into account in the preparation of this draft proposals paper.

Council welcomes comments on any aspect of the investigation, but is particularly keen to receive responses to the draft recommendations in this report.

**Phil Honeywood**  
Chairperson



## Structure of this report

### **Part A**      **Background**

**Section 1**      Introduces the investigation and summarises the scope and purpose of this draft proposals paper. Outlines Council's approach to the Marine Investigation. Includes the investigation's terms of reference and timeline. Provides an overview of community feedback and technical advice received by Council.

### **Part B**      **Draft recommendations**

**Section 2**      Outlines Council's draft recommendations for improving management of the no-take and multiple-use marine protected areas to achieve their ecological purposes. Includes draft recommendations for management of external threats, where relevant to achieving the ecological purposes of these areas.

**Section 3**      Provides draft recommendations for the management of the marine protected areas to achieve their purposes relating to enjoyment, appreciation and understanding of natural environments, and recognition of Aboriginal interests in these areas.

**References**      Provided as endnotes in order of citation in the report.

**Appendices**      1. Lists individuals and organisations who have made written submissions to Council.  
2. Extract of recommendations made by the Victorian Auditor-General's Office on environmental management of Victoria's marine protected areas following its 2011 audit.

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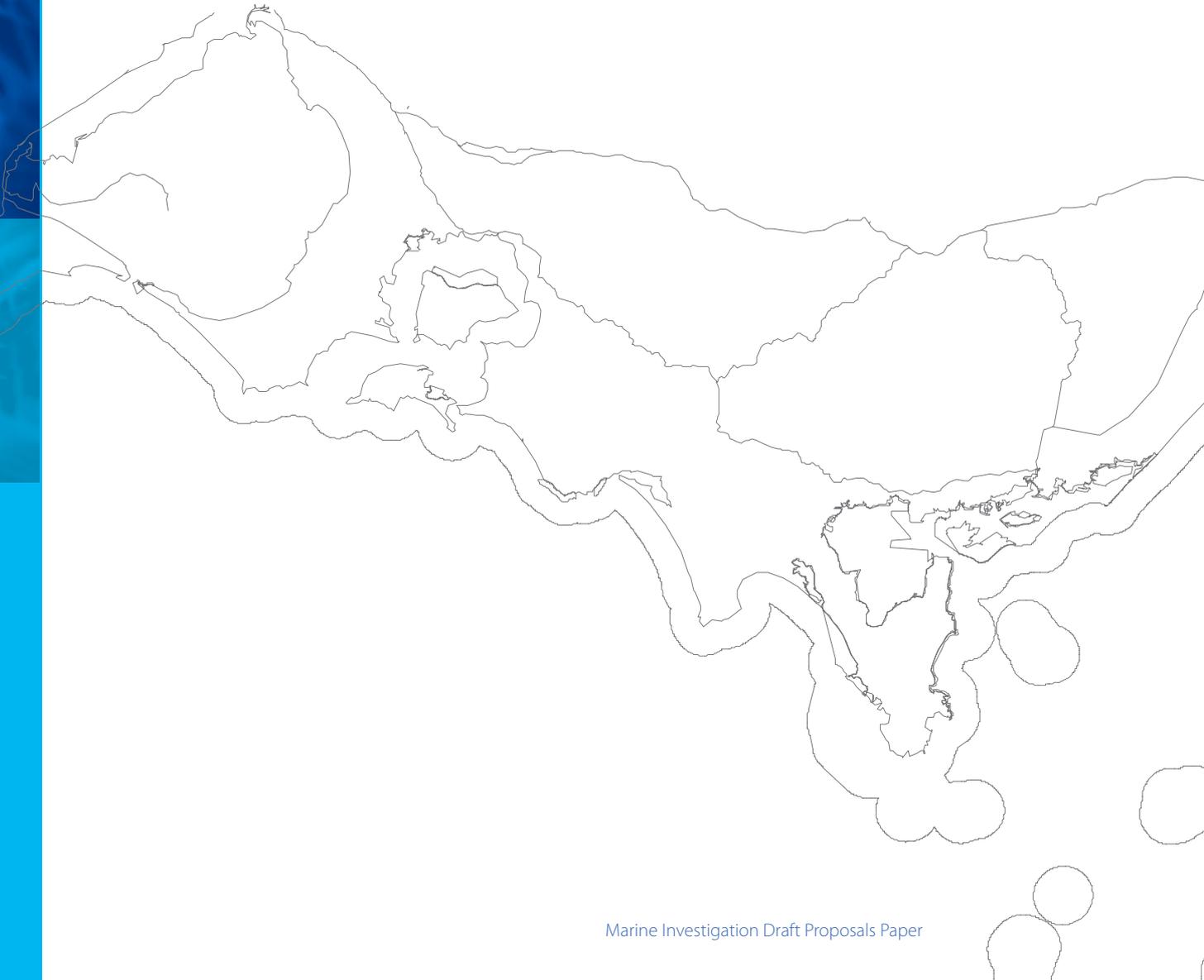
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# A

## Background



# 1. Introduction

In October 2011, the Minister for Environment and Climate Change, the Hon Ryan Smith, requested the Victorian Environmental Assessment Council (VEAC) to undertake the Marine Investigation. VEAC is required to complete the Marine Investigation by 30 April 2014, and submit a final report to the Minister. The final report will include recommendations to government. VEAC is also required to prepare a discussion paper and a draft proposals paper for public comment. The full terms of reference are provided in box 1 (Page 8).

The investigation focuses on Victoria's existing marine protected areas (figure 1), which are:

- the 13 marine national parks and 11 marine sanctuaries established as no-take marine protected areas in 2002
- the 6 marine parks, marine reserves and marine and coastal parks established as multiple-use marine protected areas in 1986 and 1991.

No extractive uses are permitted in no-take areas. Multiple-use areas are managed to accommodate the sustainable use of natural resources.

## 1.1 Purpose of this draft proposals paper

The terms of reference for the Marine Investigation require VEAC to conduct a detailed, technical assessment of both the performance and management of Victoria's existing marine protected areas, and identify any ongoing threats and challenges to the effective management of these areas towards their intended biodiversity and ecological outcomes. VEAC released a discussion paper for public comment in November 2012 outlining its proposed approach to this assessment. The discussion paper is available from VEAC's website [www.veac.vic.gov.au](http://www.veac.vic.gov.au) or by contacting VEAC.

Council is now documenting its assessment informed by submissions, international approaches to similar assessments, and scientific understanding. In an investigation such as this the quality of technical information is critical. The investigation has benefited from substantial expert advice from a Scientific Advisory Committee of nationally and internationally recognised scientists, and a number of targeted technical consultancy projects. Council has also considered the relatively recent audit of the marine protected areas conducted by the Victorian Auditor-General's Office.<sup>1</sup> The Community Reference Group has provided an important stakeholder perspective to assist Council's deliberations.

As Council draws together the management component of its assessment, it has identified a number of threats and challenges for the marine protected areas into the future. The purpose of this draft proposals paper is to outline Council's draft recommendations for addressing these threats and challenges. The assessment itself, together with the final recommendations, will be provided in the final report on the investigation.

The performance component of the assessment will lead to findings rather than recommendations. These findings will follow from the technical assessment being completed by VEAC which will be presented in the final report for the investigation. Performance of the marine protected areas is therefore not considered in this draft proposals paper.

**The purpose of this draft proposals paper is to present draft recommendations for public comment.**

**This draft proposals paper presents VEAC's draft recommendations for addressing threats and challenges to the effective management of the marine protected areas into the future. Council is seeking feedback on the draft recommendations.**

**The final report will present Council's assessment of performance and management of the marine protected areas, and its final recommendations.**

## 1.2 VEAC's approach to the Marine Investigation

The Marine Investigation focuses on the performance and management of Victoria's existing marine protected areas in meeting the purposes for which they were established, and any ongoing threats and challenges to achieving those purposes. The discussion paper, released in November 2012, described Victoria's existing marine protected areas and the purposes for which they were established.<sup>2</sup>

VEAC is using the International Union for the Conservation of Nature and World Commission on Protected Areas (IUCN-WCPA) framework for evaluating protected area management effectiveness<sup>3</sup> to structure its assessment of the management and performance of Victoria's marine protected areas. VEAC commissioned new assessments of environmental threats to marine protected areas, and used the results to focus on the most important aspects of management. Victoria's changing climate is expected to affect the marine environment in a variety of ways, and VEAC also commissioned a scientific review of the changes expected in marine protected areas, to inform the investigation. The performance component of VEAC's assessment, particularly for the no-take marine national parks and sanctuaries, is being guided by expert advice from the Scientific Advisory Committee and independent consultancies.

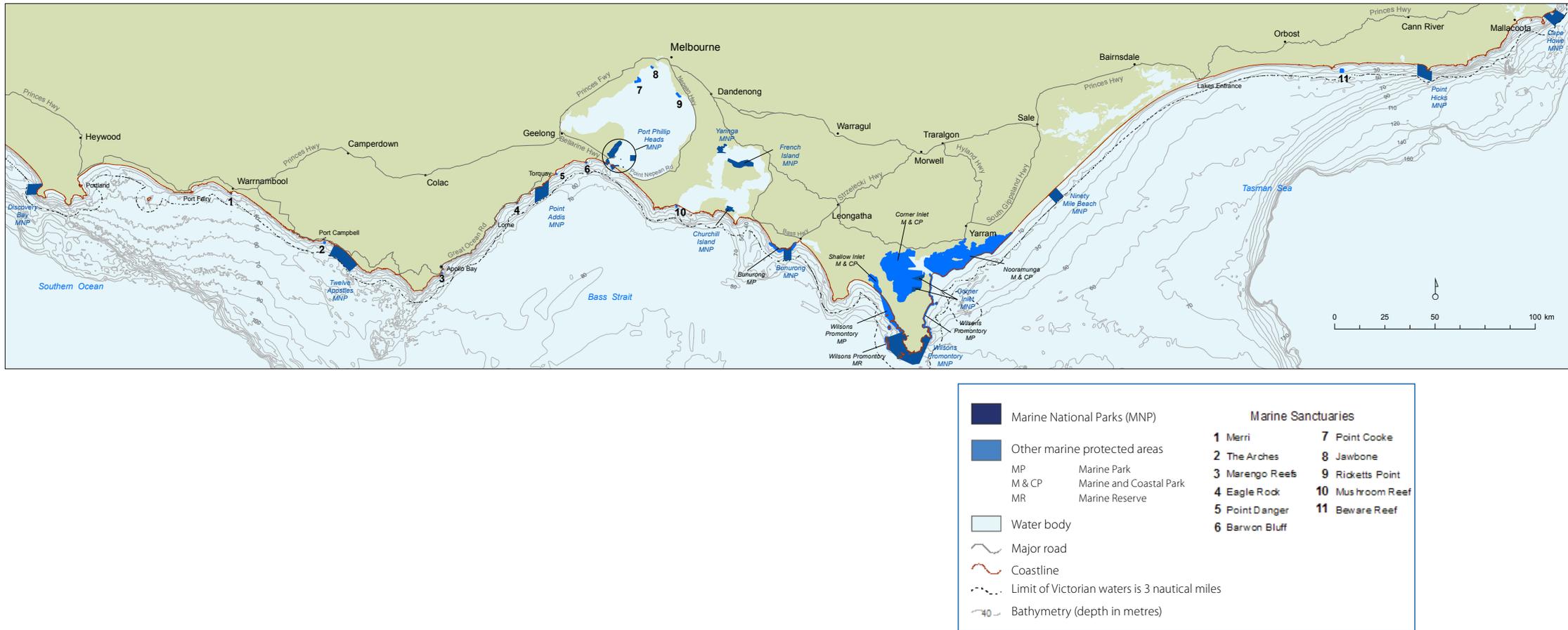
Due to differences in their history and management regime, VEAC is separately assessing the system of 24 'no-take' marine national parks and marine sanctuaries established in 2002 (referred to as the no-take areas), and the six longer-standing 'multiple-use' marine and coastal parks, marine reserves or marine parks (referred to as the multiple-use areas). As they have broadly similar purposes, VEAC has applied a closely comparable approach to the assessment of each category.

In the investigation, VEAC is differentiating between ecosystem-related purposes of the marine protected areas, generally expressed as conservation of biodiversity and natural or ecological processes; social purposes relating to enjoyment, appreciation and understanding of the natural environment; and Aboriginal cultural purposes.

VEAC is focusing particularly on the ecological purposes, which are prioritised in the terms of reference for the investigation. Since the publication of the discussion paper, VEAC has further analysed the ecological purposes in consultation with relevant scientific experts to provide a suitable operational definition for the investigation (see [section 2.1](#)).

VEAC is also considering the role that the marine protected areas play in encouraging enjoyment, appreciation and understanding of natural environments, and in recognising the relationship of Aboriginal people with their sea country within the boundaries of these areas. Although not explicitly referred to in the establishment purposes, the *Victorian Environmental Assessment Council Act 2001* (the VEAC Act) requires 'cultural interest or significance' to be taken into account when conducting an investigation. For the investigation, this includes the interests of Aboriginal people in the environment, resources and cultural sites within the marine protected areas. However, the relationship between Aboriginal people and the natural values of Victoria's marine protected areas is not well documented. The extensive consultation required to appropriately describe this relationship, and explore the aspirations of Aboriginal people for the marine protected areas, is beyond the scope of the investigation. VEAC is exploring some of the approaches that have been, or could be, applied to recognising the interests of Aboriginal people in the marine protected areas, to inform future engagement and management.

**Figure 1**  
Victoria's marine protected areas



### Box 1 Terms of reference

Pursuant to section 15 of the *Victorian Environmental Assessment Council Act 2001*, the Minister for Environment and Climate Change requests the Council to carry out an investigation into the outcomes of the establishment of Victoria’s existing marine protected areas<sup>#</sup>.

The purpose of the marine investigation is to examine and provide assessment of:

- (a) the performance and management of existing marine protected areas in meeting the purposes for which they were established, particularly the protection of the natural environment, indigenous flora and fauna and other natural and historic values; and
- (b) any ongoing threats or challenges to the effective management of existing marine protected areas, particularly in relation to the biodiversity and ecological outcomes.

In addition to the considerations in section 18 of the *Victorian Environmental Assessment Council Act 2001*, the Council must take into account the following matters:

- i. all relevant State Government policies and strategies, Ministerial statements and reports by the Victorian Auditor-General;
- ii. all relevant national and international agreements, policies and strategies, including ecosystem-based management approaches; and
- iii. relevant regional programs, strategies and plans.

Three public submission periods are to be held and a discussion paper and a draft proposals paper are to be prepared.

The Council must report on the completed investigation by February 2014.<sup>1</sup>

<sup>#</sup> For this investigation, marine protected areas means the 13 marine national parks, 11 marine sanctuaries, and six marine parks, marine reserves or marine and coastal parks established under schedules seven, eight and four respectively of the *National Parks Act 1975*.

<sup>1</sup> In August 2013 the Minister extended the completion date for the investigation to 30 April 2014.

## 1.3 The investigation process

The process for this investigation is specified in both the VEAC Act and the terms of reference for the investigation. The process and timeline are shown in figure 2 and include three formal submission periods of more than the minimum 60 days required under the Act. The terms of reference specify that VEAC is to release a discussion paper, a draft proposals paper and submit a final report.

A Community Reference Group is required to be established for each VEAC investigation (see section 1.4.2). Under the VEAC Act, the Council may also appoint any committees that it considers necessary. A Scientific Advisory Committee has been established for this investigation (see section 1.4.3).

**Figure 2**  
Investigation process and timeline



## 1.4 Community views and other advice

During the investigation VEAC has sought community and expert input from a number of sources. Consultation with the community, scientists and government is an important aspect of this investigation.

Public consultation and written submissions are key processes used by VEAC to better understand community views on relevant issues and values. During the first submission period, from April to June 2012, VEAC received 104 submissions which were taken into account during the development of the discussion paper. Thirty-eight submissions were received during the second submission period, which followed the release of the discussion paper in November 2012.

VEAC has established a Community Reference Group, made up of representatives of a broad range of interests related to the investigation. Members are listed on the inside front cover of this draft proposals paper. The Community Reference Group provides advice and input to VEAC on a range of issues associated with the investigation. Input from the Community Reference Group is discussed in [section 1.4.2](#).

The Council has also established a Scientific Advisory Committee to assist this investigation. Members are listed on the inside front cover of this draft proposals paper. Input from the Scientific Advisory Committee is discussed in [section 1.4.3](#). VEAC also commissioned a number of expert consultancies to inform key aspects of the investigation. These consultancies are discussed in [section 1.4.4](#).

In addition to receiving community and expert advice, Council will continue to ensure that it also has first-hand exposure to the key issues for the investigation through, for example, field inspections and discussions with on-ground managers.

### 1.4.1 OVERVIEW OF SUBMISSIONS

Submissions on the Marine Investigation have been received from a broad spectrum of stakeholders and covered a wide range of issues and views relating to Victoria's marine protected areas and marine environment. All submissions showed a high regard for, and strong sense of stewardship towards, the marine environment, although submitters often differed in their views about whether the marine protected areas are currently delivering against the purposes for which they were established.

The discussion paper asked for comments on the proposed approach to assessing performance and management of marine protected areas. Almost half the submissions received provided feedback on this question; in general the response was positive with the majority of these submitters agreeing that the approach was appropriate for the purposes of the investigation.

A high-level summary of the responses to the discussion paper is provided below in table 1. This summary draws out the broad observations and issues raised across the 38 submissions received. Organisations and individuals who made submissions to the investigation are listed in [appendix 1](#), and the submissions can be viewed at [www.veac.vic.gov.au](http://www.veac.vic.gov.au).

**Table 1** Overview of comments in submissions

Theme	Comments in submissions
<b>Views on the methodology for assessment</b>	<ul style="list-style-type: none"> <li>IUCN-WCPA framework is an appropriate tool for the purposes of this investigation</li> <li>concerns about how to measure change without sufficient baseline data</li> </ul>
<b>Views that threats are not being adequately managed in protected areas</b>	<ul style="list-style-type: none"> <li>management practices have contributed to an increase in pests and disease</li> <li>lack of resources allocated to enforcement has resulted in widespread poaching</li> </ul>
<b>Views that protected status has improved natural values and enjoyment in the no-take areas</b>	<ul style="list-style-type: none"> <li>eye-witness reports of increases in numbers and diversity of species in the no-take areas</li> <li>increases in species abundance and diversity enhances enjoyment and appreciation of visitors in marine parks</li> </ul>

#### 1.4.2 COMMUNITY REFERENCE GROUP

The Community Reference Group (CRG), drawing on its links with the wider community, continues to play an important role in advising the Council on the investigation from stakeholders' perspectives. The CRG confirmed to Council that there is a wide-ranging and passionate interest in the marine environment, particularly in the marine protected areas. CRG members highlighted the general support for the investigation amongst their communities and stakeholder groups, and the range of information and opinions held by these groups relating to the biodiversity and ecological performance of the marine protected areas. The CRG advised that its stakeholder groups wanted VEAC to conduct an authoritative assessment that is accepted by the scientific community. The group felt that the wider community would be interested in the outcomes and validity of the assessment, but not the full technical details. The CRG recommended that VEAC apply a transparent approach to the assessment and present a clear framework explaining how the range of available information had been interpreted for this purpose.

The CRG provided insights to Council on the views of their stakeholder groups about the extent to which the marine protected areas are achieving their additional purpose of providing for enjoyment, appreciation and understanding of the natural environment. While noting the range of views that had been raised in submissions, CRG members emphasised that written submissions are not equivalent to a representative survey conducted across the community. The CRG also advised that being excluded from using the no-take areas for preferred activities may have affected the enjoyment and appreciation of some stakeholders, such as recreational and commercial fishers. The CRG felt that the enjoyment and appreciation of these stakeholders may be enhanced by a clearer understanding of the rationale for excluding some activities from the no-take areas, including scientific evidence.

The CRG members representing Aboriginal organisations supported VEAC's inclusion in the investigation of the relationship between Aboriginal people and the natural values of Victoria's marine protected areas. The need for appropriate and considered consultation across the relevant stakeholders was emphasised.

#### 1.4.3 SCIENTIFIC ADVISORY COMMITTEE

The Scientific Advisory Committee (SAC) includes both ecologists and social scientists with specific expertise and experience relating to the scope of the investigation (see [inside front cover](#)). Its advice to VEAC has focused on a detailed technical approach for assessing the performance of the marine protected areas in the context of:

- the purposes of the areas
- relevant international scientific understanding, and
- relevant available information about the areas.

The SAC has worked with VEAC to develop a framework, as recommended by the Community Reference Group, for interpreting the available information and opinions about the biodiversity and ecological performance of the areas for the purpose of VEAC's performance assessment.

Council is now completing its assessment of the performance of the marine protected areas informed by advice from the SAC. This assessment will be provided in the final report for the Marine Investigation. The advice provided by the SAC to VEAC will be available alongside the final report.

#### 1.4.4 CONSULTANCIES TO PROVIDE TARGETED TECHNICAL ADVICE

VEAC commissioned nine consultancies to provide specific technical reviews and/or undertake projects to inform key aspects of the investigation. Funding for these consultancies was provided by the Victorian Government's Natural Resources Investment Program in 2011-12. Peer review processes, including review by the Scientific Advisory Committee where relevant, were used as a quality assurance process wherever possible.

The consultancies provide important input to VEAC's assessment and will be discussed in the final report. The consultancy reports will also be a useful resource for marine natural resource management more generally. The documents will be available on VEAC's website together with the final report for the investigation.

# B

## Draft recommendations



## 2. Management of the marine protected areas to achieve their ecological purposes

This section of the draft proposals paper outlines Council's draft recommendations for improving the management of the no-take (section 2.1) and multiple-use marine protected areas (section 2.3) to meet the ecological purposes for which these areas were established. This section also includes draft recommendations to improve management beyond the boundaries of the marine protected areas, where this is relevant to achieving these ecological purposes (section 2.2). Each draft recommendation is accompanied by a brief outline of the major considerations taken into account by Council. Some additional background information is provided on the multiple-use marine protected areas in section 2.3 to assist in the interpretation of draft recommendations for these areas.

VEAC is using the globally recognised framework developed by the International Union for the Conservation of Nature and World Commission on Protected Areas (IUCN-WCPA)<sup>3</sup> to structure its assessment of the management of both the no-take and multiple-use areas in achieving their respective ecological purposes. There are some differences in assessment approach, within the broad IUCN-WCPA framework, for the no-take and multiple-use areas due to the differences in their history and management regime. There are therefore some differences in the focus of the draft recommendations outlined in this section for the two groups of areas.

The biodiversity and ecological processes of both groups of marine protected areas is influenced by environmental management beyond, as well as within, their boundaries. Environmental threats and ecological processes can cross the boundaries of marine protected areas. VEAC is therefore also examining the management of external marine waters and external threats, including the threat posed by land-based pollution, where this management is relevant to achieving the ecological purposes of the marine protected areas. Council's draft recommendations for external waters and threats

have been developed from the perspective of achieving the ecological purposes of the marine protected areas. While these purposes are an important consideration for managing external marine waters and threats, it is acknowledged that they are not the only driver.

### 2.1 Management of the no-take areas to achieve their ecological purposes

Effective management to achieve the ecological purposes of the no-take areas requires appropriately resourced and targeted planning and management that addresses known or predicted threats, accompanied by research and monitoring that supports ongoing review and improvement. This broad adaptive management approach underpins the IUCN-WCPA framework for assessing protected area management effectiveness, and also underpins VEAC's draft recommendations for ecological management of the no-take areas outlined in sections 2.1.1.

In assessing management of known or predicted threats VEAC is particularly focusing on threats identified in the:

- i. expert analysis, commissioned by VEAC, of the threats that have significant potential to affect the ecological values of the no-take areas; and
- ii. relevant provisions of the *National Parks Act 1975*.

The expert analysis indicated that individual no-take areas are vulnerable to a variety of threats from within and beyond their boundaries. Victoria's changing climate is predicted to significantly affect the marine environment, including the marine protected areas. There is evidence that changes are occurring already.<sup>4</sup> Some of the important threats to the no-take system are expected to change in future due to factors such as population growth and climate change, but understanding of these

threats is still developing. Council has therefore identified a number of draft recommendations for improving the ongoing planning and management processes that are applied to identifying, prioritising and acting on the most important threats to individual no-take areas. As the manager of Victoria's marine protected areas, Parks Victoria is responsible for leading these processes, although it does not have responsibility for acting on all the relevant threats. Parks Victoria can, however, play an important role in advocating and facilitating action by other managers.

The National Parks Act includes provisions for management of the following activities or threats within the no-take areas:

- taking of flora and fauna including fishing
- petroleum exploration and extraction
- construction of pipelines and cables
- exotic flora and fauna including marine pests.

Council has identified draft recommendations for improving management of each of these activities or threats.

### 2.1.1 IMPROVING PLANNING AND MANAGEMENT OF THE NO-TAKE AREAS

#### ***Focusing management and communications on clearly defined ecological purposes***

Council notes that:

- The National Parks Act provides the formal underpinning with respect to the ecological purposes that the no-take system was established to achieve, but the guidance that it provides is broad.
- Both the IUCN-WCPA framework and the Scientific Advisory Committee for the investigation recommend that management of protected areas, and assessments of management and performance, focus on clearly and specifically defined purposes.
- Important considerations in developing a more detailed, operational interpretation of the ecological purposes of the no-take areas include: the policy processes that surrounded their establishment, the criteria used by the Environment Conservation Council (ECC) when it recommended no-take areas, the approaches applied to assessing ecological performance, an understanding of marine ecology, and an understanding of the implications of Victoria's changing climate to the no-take areas.

- The ECC recommended that the ecological purposes of the marine national parks include providing a reference against which other marine areas may be compared.<sup>5</sup> While the role of the marine national parks as benchmarks is not dependent on research or monitoring actually being conducted, they have been used for this purpose.
- *Victoria's System of Marine National Parks and Marine Sanctuaries: Management Strategy 2003-2010*<sup>6</sup> included a more detailed, operational interpretation of the ecological purposes of the no-take system, which does not appear to have been consistently and prominently communicated since then. These purposes do not explicitly consider the role of the no-take areas in Victoria's changing climate, which was not widely recognised at that time.
- Submissions to the investigation indicate that the ecological purposes of the no-take marine protected areas are understood in a variety of ways by stakeholders, which can affect perceptions about management and performance.

#### DRAFT RECOMMENDATION

R1

That:

- a. Management of and communication about Victoria's no-take marine protected areas be focused on the following interpretation of the ecological purposes: maintaining examples of Victoria's biodiversity and the associated ecological processes, including their variation in space and time, in a relatively natural condition for their intrinsic value to future generations. This statement of ecological purposes recognises that the biodiversity of the no-take areas is dynamic and will be affected by the changing climate, but its naturalness is expected to increase its resilience.
- b. Management of the marine national parks continue to also take into account their purpose of providing benchmarks against which other marine areas may be compared, and facilitate the responsible use of the marine national parks for appropriate monitoring and research programs that may inform the ecologically sustainable use of Victoria's marine environment.

### ***Ensuring adequate policy to guide management***

Council notes that:

- A statewide strategy to guide management planning for the no-take areas was developed shortly after their establishment in 2002.<sup>6</sup>
- Various management issues have arisen for the no-take areas that were not thoroughly considered in this statewide strategy and for which there do not appear to be clear and documented policies to guide decision-making. These include management of species that are native to the no-take areas, but are perceived by some stakeholders to have reached unnaturally high densities, and management of species that have extended their range into the no-take areas due to Victoria's changing climate.
- A review of the statewide strategy for the no-take system has been appropriately deferred until the completion of this investigation, and would be an opportunity to provide updated and comprehensive policy guidance for future management planning and decision-making relating to such issues.
- Future management issues may arise for the no-take areas that are not currently foreseeable. For example, Victoria's changing climate is predicted to lead to significant changes in Victoria's marine environment, including changes to the biodiversity of the no-take areas. Regular review of this policy guidance in the revised statewide strategy will therefore be required.

### **DRAFT RECOMMENDATION**

**R2**

That:

- a. The statewide strategy for management of the no-take marine protected areas be updated by the end of 2015. The revised strategy should provide updated policies to guide consistent and transparent management planning and decision-making for the no-take areas and include a mechanism to incorporate policies to address management issues that emerge in the future.
- b. Clear and transparent policies be developed, in the context of the ecological purposes of the system, to guide the management of issues relating to Victoria's changing climate that arise for the no-take system. These policies should be developed in consultation with other relevant managers to ensure a coordinated approach across Victoria's seascape.

### ***Ensuring adequate and targeted resources for planning and management***

Council notes that:

- Effective management to achieve the ecological purposes of the no-take areas requires that resources available for management are both adequate and appropriately targeted towards activities that have most impact on minimising avoidable threats to each area. Planning, threat-reduction actions, reporting, research and monitoring all contribute to addressing the important threats, but priorities for the allocation of resources amongst these activities should be guided by their relative impact.
- Parks Victoria's allocation and tracking of resources for the management of the no-take areas appears to have significantly increased in response to concerns identified by the Victorian Auditor-General's Office (VAGO) (see [appendix 2](#)).
- Parks Victoria's allocation of funding and staff resources to its planning and management activities does not yet, however, appear to be consistently aligned with the likely impact of these activities on minimising the important threats to each area. Planning, in particular,

- appears to receive far greater emphasis than implementation of actions to reduce threats and/or advocate reduction of threats by other managers or stakeholders.
- Allocation of resources to research and monitoring projects by Parks Victoria similarly does not appear to be systematically based on the relative potential for these projects to guide future threat management (see [recommendations R6](#) and [R7](#)).
- Many of the important threats to the no-take areas come from outside their boundaries. Minimising these threats requires allocation of adequate, and appropriately targeted, resources by other relevant agencies and stakeholders. Better prioritising its research, monitoring and advocacy activities would also allow Parks Victoria to more effectively assist these agencies to act on important threats to the no-take areas.
- The new management planning approach currently being developed by Parks Victoria may assist it to target its management resources, if appropriately reviewed, finalised and implemented (see [recommendations R4](#) and [R5](#)).

**DRAFT RECOMMENDATION****R3**

That:

- a. Funding for management of the no-take marine protected areas be maintained at adequate levels to allow the important, avoidable threats to the biodiversity of the system to be minimised, as far as practical, in the long term. This needs to be demonstrated through transparent, regular reporting.
- b. Resources for management of the no-take areas be focused on minimising the important, avoidable threats to the biodiversity of each area, as far as practical, in the long term to achieve the ecological purposes. Allocation of resources to management activities should be transparent and guided by their relative impact on reducing important threats and achieving the ecological purposes.

**Ensuring appropriate and targeted planning**

Council notes that:

- Management plans were prepared and approved for each marine national park and marine sanctuary between 2005 and 2008.
- The 2011 audit by VAGO identified significant concerns with Parks Victoria's management planning approach (see [appendix 2](#)).
- Parks Victoria recently released the *Marine Protected Areas Program Plan 2012-2014*<sup>7</sup> to guide improvements to management in response to the VAGO audit while this investigation is in progress. This plan, along with the findings of VEAC's investigation, will then inform review of the statewide strategy.
- Parks Victoria has advised Council that it is developing conservation action plans for the marine national parks and sanctuaries that will inform revision of management plans. This approach is intended to include multi-year and annual implementation plans that target specified conservation outcomes, which describe the desired ecological condition and levels of threat for each area.
- Parks Victoria has provided an initial draft of parts of these conservation action plans to Council. The draft plans appear to include significant potential improvements including their focus on identifying important threats to the biodiversity of each marine protected area, prioritising strategies to act on threats, and aligning research and monitoring with management. The draft plans are incomplete and could be improved by ensuring the ecological values and threats are identified with scientific rigour. The threat assessment commissioned for this investigation should assist this process.
- Development of the conservation action plans does not appear to have been informed by a systematic reconciliation against progress with actions in the existing management plans.
- The draft plans appear to give insufficient priority to managing recreational activities within the no-take areas. While these activities contribute to achieving the social purposes of the no-take areas (see [section 3](#)), it is important that they do not undermine its ecological purposes. There is evidence that some recreational activities can have localised effects

on the biodiversity of no-take areas, such as the impacts of visitor trampling on intertidal 'Neptune's Necklace' seaweed beds. Such activities are under direct management control of Parks Victoria, but this evidence does not appear to have significantly informed the draft plans or a substantive management program.

- If finalised and translated to practical on-ground implementation plans in a timely manner, this new planning approach should help to address the concerns about management of the current system raised by VAGO and in submissions to this investigation. However, this cannot be assured until the approach has been fully documented and reviewed.
- It is difficult for Council or the community to make any further comment on the developing approach or plans in the absence of publicly available and complete documentation. A transparent and consultative process is required to finalise these plans, to maximise their acceptance by agencies that Parks Victoria seeks to involve in their implementation and by the wider community.

#### DRAFT RECOMMENDATION

R4

That the conservation action plans for the marine national parks and sanctuaries be:

- finalised in consultation with stakeholders when the revised statewide strategy is completed (see [recommendation R2](#)),
- informed by the best available science, and appropriate quality assurance procedures including expert review of ecological attributes and threats, and
- systematically reconciled against conservation actions in the existing management plans.

The plans should be finalised in partnership with agencies that would be involved in their implementation.

#### Ensuring effective management of the no-take system

Council notes that:

- Ongoing mitigation of key threats to biodiversity is fundamental to achieving the ecological purposes of the no-take system. The important biodiversity threats can vary in space and time, and identifying, targeting and reviewing the important threats to each no-take area over time is a key aspect of effective management.
- While priority was placed on gathering ecological information, the initial management plans for each area included many strategies to act on key threats, or to advocate action by other managers.
- Several submitters advised Council that they believe management of threats to the no-take areas has been inadequate. Some referred to the VAGO audit, which identified several concerns about management of the no-take areas (see [appendix 2](#)) and found 'little management activity is evident within the marine protected areas'<sup>1</sup>
- While programs targeting threats to wider marine areas will have benefited the no-take areas, Council has identified few publicly reported actions that have been specifically implemented to address threats to the no-take areas. Actions that are publicly reported include fisheries prosecutions, and recent responses to marine pest incursions in and near no-take areas. While Fisheries Victoria now publishes fisheries enforcement statistics and summaries of offences quarterly on its public website, there do not appear to be regular, consolidated and systematic reports of the range of management actions that have been implemented to address threats to the no-take areas.
- Parks Victoria is now identifying key current threats to the biodiversity of each no-take area and priority strategies to act on those threats as part of its new management planning approach for the no-take system. While this approach has potential to improve management of threats, it is difficult for Council or the community to comment on the developing approach any further in the absence of publicly available and complete documentation (also see [recommendation R4](#)).

- Public reporting on the finalisation and implementation of these conservation action plans, supported by independent reviews of management effectiveness, would help to assure stakeholders that concerns about the management of the no-take areas have been addressed and that the no-take system is effectively managed in the long term. It would support the biodiversity scorecards approach currently being developed by Parks Victoria for the no-take areas, and assist with adaptive management. Parks Victoria has already signalled its intention to broaden its use of the IUCN-WCPA framework for regular reporting on management effectiveness in triennial State of the Parks reports.<sup>7</sup>

**DRAFT RECOMMENDATION****R5**

That:

- a. A consolidated system be established by the end of 2014 to publicly report on:
  - (i) delivery of actions to address specific threats to no-take marine protected areas
  - (ii) progress with finalising and/or implementing the marine protected area program plan, draft conservation action plans for the no-take areas and associated implementation plans, and
  - (iii) estimated levels of key threats to each no-take area. This reporting should be timely, transparent and systematic (i.e. not selected highlights).
- b. Regular, independent reviews of the effectiveness of management of the no-take marine protected areas be conducted, using the current State of the Parks approach or a suitable alternative. These reviews should consider the implementation of relevant recommendations from this investigation, and continue to be based on globally recognised best practice approaches, such as the IUCN-WCPA framework.
- c. Continued priority should be given to implementing and/or advocating implementation of actions to address important threats to the biodiversity of the no-take areas while planning is finalised.

**Ensuring targeted research that guides adaptive management**

Council notes that:

- Parks Victoria's management strategy, plans and reports emphasise its intention to apply adaptive management to the no-take marine protected areas.
- Parks Victoria invests significant funds in research and monitoring, and has gathered substantial information about the natural values of the no-take areas. Examples such as the recent BioScans have been highlighted in newspaper articles which help promote these values to the community and stakeholders.<sup>8,9</sup>
- This research investment, if appropriately targeted, has major potential to inform ongoing management improvements, for example by better understanding key threats and effective mitigation actions. Such information can provide a compelling evidence base for advocating action by other managers or stakeholders.
- While Council has identified some examples in which Parks Victoria has used research information in this way, there is substantial potential to strengthen the focus and impact of its research for this purpose if supported by appropriate priority-setting, and scientific advisory and information exchange processes.
- Parks Victoria has advised Council that it has identified priority research themes and issues that guide where its research efforts will be concentrated. However, Parks Victoria does not appear to focus its research investment on a specific list of priority research questions, or to apply quality assurance processes such as independent peer review to guide its research investment.
- Parks Victoria's marine program plan includes a commitment to develop a new marine research and monitoring plan consistent with its statewide research strategy.
- Other organisations and scientists also lead and conduct research in the no-take areas. This research is managed by a permit system and can contribute to realising the purposes of the no-take areas in providing a benchmark against which other marine areas may be compared. However, not all ecological research needs to be conducted within the no-take

areas, and research which detrimentally affects the biodiversity of the no-take areas is inconsistent with their primary ecological purposes.

#### DRAFT RECOMMENDATION

R6

That:

- a. A research strategy be finalised by the end of 2015 that defines the strategic and targeted research priorities for the no-take marine protected areas. The targeted research priorities should focus on practically informing adaptive management of threats to achieving the ecological purposes, taking into account Victoria's changing climate. Improvement in the understanding of the impacts of recreation on the no-take areas should also be included in the scope of the strategy. This research strategy should be used by Parks Victoria to guide its research funding and should be updated at least every five years.
- b. Appropriate independent scientific advisory processes be established and used to guide both the development and implementation of the research strategy, and generally oversee the research and monitoring programs for the no-take areas.
- c. The suitability of all research proposed within the no-take areas be carefully assessed before granting permits, taking into account:
  - (i) its potential impacts on biodiversity,
  - (ii) whether it must necessarily be conducted in a no-take area, and
  - (iii) the likely usefulness of its results for management. Where necessary, the scientific advisory process described in R6(b) should be used to inform decision-making.
- d. The results of research conducted in the no-take areas continue to be communicated to all relevant stakeholders, particularly including those that contribute to causing or managing threats to these areas.

#### Monitoring to guide adaptive management

Council notes that:

- Parks Victoria has monitored reefs in some of the no-take areas and reference sites since the no-take areas were established. The data across this extensive monitoring period have not been quantitatively analysed according to the intended sampling design. This limits the capacity of these data to inform this investigation and management of the no-take areas. The information from this monitoring program does not appear to be significantly linked to, or informing, management of the no-take areas, apart from one example involving illegal fishing impacts.
- The Scientific Advisory Committee (SAC) has advised Council that robust ecological assessments should be based on a comparison of information from the no-take areas and suitable reference sites, ideally using information from multiple sites and from a time series extending before and after the area's establishment. The SAC does not consider that alternative approaches (i.e. that do not involve comparisons with reference sites) are currently suitable for interpreting the available information about biodiversity of the no-take areas with respect to their ecological purposes.
- Parks Victoria advised Council that it is reviewing both its monitoring indicators and reporting process as part of its new management planning approach, to ensure clear linkages with identified key ecological attributes and threats for the no-take areas.
- The SAC advised Council that it believes that monitoring to inform management of the no-take marine protected areas should in future focus on:
  - directly assessing the ecological performance of the no-take areas
  - assessing and/or understanding threats, and the effects of management actions where applicable.
- While SAC members highlighted Parks Victoria's long-term commitment to funding monitoring, and noted the practical impossibility of monitoring all habitats, they were concerned that reefs were not necessarily either the most sensitive habitat to threats or representative of wider-scale patterns.

- While Parks Victoria releases detailed technical reports about each of its reef monitoring surveys, there is significant opportunity to better communicate the overall results of this monitoring to the range of interested stakeholders.
- Community volunteers, including Friends groups, also devote substantial enthusiasm and effort to assisting with monitoring activities that are largely developed and overseen by Parks Victoria. Parks Victoria's recently released SeaSearch Manual describes a range of qualitative and quantitative monitoring activities intended to be implemented by interested volunteers to contribute to management of the no-take areas.<sup>10</sup>
- The SAC highlighted the significant potential for community volunteers to collect information about important threats to the no-take areas, at spatial and temporal scales that would not otherwise be practically feasible, that could provide direct and real assistance with management. Observations of new marine pests (where easily identifiable) and systematic surveys of human activities were considered particularly valuable.
- The SAC also highlighted the real practical challenges, including taxonomy of the numerous and diverse temperate marine species, that limit the potential for volunteers to contribute to ecological monitoring programs for the no-take areas without dedicating very significant time to training and quality assurance. Application of developing technology has the potential to increase future opportunities in this area. In the meantime, anecdotal observations by stakeholders about unusual ecological events or patterns in the no-take areas can be extremely valuable when accompanied by a structured description of their context.

**DRAFT RECOMMENDATION****R7**

That:

- a. The data from Parks Victoria's reef monitoring programs be analysed by the end of 2014, across the entire monitoring period, using quantitative statistical methods that compare the biodiversity of the no-take marine protected areas to that of suitable reference sites. The results of this analysis should be used as appropriate to inform management, research and future monitoring for the no-take areas.
- b. A review be conducted by June 2015 of the practicality and ecological basis for expanding monitoring of the no-take areas and, where appropriate, suitable reference sites, to include other marine habitats, environmental threats and the effectiveness of management actions. This review should be overseen by independent expert scientists and where appropriate include detailed monitoring program designs.
- c. Community volunteers who are interested in contributing to monitoring of the no-take areas be supported by appropriate and targeted advice, feedback, databases and questionnaires to assist them to provide observations and data that are most practically useful for management. Monitoring of human activities, and reporting observations of new marine pests, should be particularly encouraged. Ongoing interaction between interested volunteers and local marine scientists should also be facilitated.

### 2.1.2 ADDRESSING RELEVANT PROVISIONS OF THE NATIONAL PARKS ACT 1975

#### **Compliance programs for the no-take marine protected areas**

Council notes that:

- All flora and fauna are protected in marine national parks and sanctuaries in order to maintain examples of Victoria's marine biodiversity in a relatively natural condition, for their intrinsic value.
- Fishing prohibitions are achieved through provisions in both the *National Parks Act 1975* and *Fisheries Act 1995*. Both Parks Victoria and Fisheries Victoria play key roles in preventing and responding to illegal fishing.
- The wording of the initial funding commitment in 2002 for enforcement of fishing prohibitions in the marine national parks and sanctuaries has, over time, been interpreted in different ways. VAGO's 2011 audit of management of marine protected areas observed that there was a difference of opinion between the (then) Department of Primary Industries and Parks Victoria about the application of those funds - whether specific to marine protected areas or statewide. VAGO noted that Fisheries Victoria "was compliant in application of these funds".<sup>1</sup> Accountability for effective compliance in marine national parks and sanctuaries lies with Parks Victoria, while delivery is largely the role of Fisheries Victoria. Following several machinery-of-government changes since the no-take areas were established in 2002, this accountability has become blurred.
- There are two key elements to ensuring compliance with fishing prohibitions within no-take areas:
  - ensuring awareness, understanding and acceptance
  - enforcement of offence provisions.
- Fisheries Victoria's statewide program also reduces risks of illegal fishing to the no-take areas by applying an intelligence-based approach to address the highest compliance risks across all Victorian waters. This includes targeting major poachers who operate both within and outside marine national parks and sanctuaries.
- While the statewide program contributes to reducing illegal fishing in no-take areas, marine protected area programs require additional measures.
- The VAGO audit found that Fisheries Victoria's fishing compliance activities covered the marine protected areas but were developed in isolation from Parks Victoria. Since then there has been some increased coordination between Parks Victoria's and Fisheries Victoria's programs, including combined priority-setting workshops, but the potential costs and benefits of increased collaborative management between these two agencies are yet to be formally determined. The overall cross-agency agreement and program is not currently documented in one place or publicly available.
- Cross-agency discussions have not been concluded, but some legitimate legal and practical challenges to collaboration have been identified, for example, relating to the powers required for enforcing aspects of the legislation and the inability to share confidential information.
- Submitters to the investigation have reported incidences of illegal fishing in no-take areas. Most relevant submissions focused on enforcement, which was largely seen to be inadequate. This suggests that the importance of prevention strategies, such as education and communication programs to ensure awareness and understanding of fishing prohibitions, is not widely appreciated among stakeholders.
- Both Parks Victoria and Fisheries Victoria are monitoring emerging technology for remote surveillance, which may help target compliance programs, particularly in remote areas.
- A range of programs is in place to encourage enjoyment and appreciation of natural environments in the no-take areas (see [section 3.1](#)), which contribute to ensuring awareness, understanding and acceptance of fishing prohibitions. Clear communication of boundaries and of prohibited activities is critical, and is a high priority in park management programs.

**DRAFT RECOMMENDATION****R8**

That:

- a. Options, costs and benefits of a more coordinated cross-agency approach to enforcing prohibition of fishing in the no-take marine protected areas be formally reviewed by the end of 2015. Agreed roles and accountabilities arising from this review should be appropriately documented. Parks Victoria should then ensure that an agreed and adequate cross-agency program for enforcing fishing prohibition in the no-take areas is publicly available. This program should be regularly updated informed by best available information and technology.
- b. Sufficient ongoing funding be agreed and available, by the end of 2014 and into the future, to support focused enforcement of fishing prohibitions in no-take areas, to supplement the risk-based, statewide program for enforcing fishing restrictions.
- c. An audit be conducted by the end of 2015 to ensure that boundaries of all no-take areas are clearly able to be recognised, and adequate onshore signage or other effective means of locating boundaries (such as mobile phone apps) are in place to communicate the fishing prohibitions. A program should then be implemented to address the findings of the audit and ensure ongoing effective maintenance.
- d. Education and interpretation programs continue to encourage compliance with fishing prohibitions, and clearly communicate that effective compliance involves preventative strategies as well as on-ground enforcement.

***Management of earth resources and seabed infrastructure in the no-take areas***

Council notes that:

- Marine national parks extend to 200 metres below the seabed. The seabed beneath the 200 metre limit is not subject to the National Parks Act, and petroleum extraction is therefore permitted by directional drilling from outside the park to access resources underneath the park. Marine sanctuaries do not have a depth limit.
- The National Parks Act prohibits the grant of an extractive industry work authority in respect of land in marine national parks and marine sanctuaries, and restricts petroleum exploration operations to those done from a vessel or aircraft and carried out in a manner that is not detrimental to the seabed or any flora or fauna of the park, with the consent of the Minister and in accordance with any conditions the Minister imposes.
- In the case of petroleum exploration in terrestrial national parks and the intertidal area of marine national parks and sanctuaries, the advice of the National Parks Advisory Council (NPAC) must be obtained before consent can be given. Advice of the NPAC is not required for areas of marine national parks and sanctuaries below low water.
- For terrestrial national parks, mineral resources licences, consents and other authorities must be tabled in both houses of Parliament and may be disallowed.
- In 2003, the Minister refused consent for exploration via a three-dimensional seismic survey within the Twelve Apostles Marine National Park. In 2004, the Government announced that it would not release any further acreage in marine national parks and sanctuaries for the purposes of exploration for oil and gas. Vessels would continue to be able to travel through marine national parks and sanctuaries while conducting exploration in adjacent areas provided that there is no discharge of seismic sources within the park. In 2005/06 consent was granted for transit of the Twelve Apostles Marine National Park by a seismic survey vessel without discharging airguns while conducting a survey program in adjacent areas outside the park.

- The National Parks Act prohibits pipelines and seafloor cables within marine national parks except with the consent of the Minister and if there is no reasonable alternative outside the park, and prohibits pipelines and seafloor cables within marine sanctuaries. No Ministerial consent for pipelines or seafloor cables in marine national parks has been granted to date.
- Submissions to the investigation indicate that there is some community concern over the adequacy of protection of Victoria's no-take marine protected areas in regard to petroleum exploration.
- Since 2005 when the most recent consents were considered for petroleum exploration in marine national parks, scientific knowledge has grown about the effects of seismic surveys on marine life.

**DRAFT RECOMMENDATION****R9**

That:

- a. Consideration be given to amending the *National Parks Act 1975* to ensure consistency in provisions for marine national parks and sanctuaries by providing for the advice of the National Parks Advisory Council to be obtained prior to giving consent to petroleum exploration; and for tabling and disallowance provisions for consents to be similar to those for terrestrial national parks (sections 40(5) and 40(6) of the Act).
- b. A review of current scientific understanding of the effects of seismic survey on marine life be conducted and, if warranted, the Government considers appropriate amendments to the National Parks Act to strengthen the current policy that does not allow discharge of seismic sources within marine national parks and sanctuaries.

**Reducing the threat posed by marine pests within the no-take areas**

Council notes that:

- The National Parks Act requires the Secretary to:
  - promote the prevention of the introduction of exotic flora and fauna into the parks and;
  - provide for the eradication or control of exotic flora and fauna found in the park.
- While there are many species of exotic flora and fauna in Victoria's marine waters, only a few have major ecological effects and are considered marine pests. These marine pests\* pose a very significant threat to the biodiversity of the no-take areas. Once introduced, they are generally difficult if not impossible to eradicate.
- The hierarchy of approaches to managing the ecological threat posed by marine pests is described in Victoria's Biosecurity Strategy (2009) as:
  - prevent the entry of new high-risk species
  - eradicate, where possible, species that are at an early stage of establishment
  - contain, where possible, species that are beyond eradication
  - manage, where possible, widespread species using an asset-based approach.<sup>11</sup>
- Marine pests can be introduced by bio-fouling of surfaces or by ballast water and bilge systems. Once introduced, they can naturally disperse between marine areas. This means that no-take areas are likely to be colonised over time by marine pests that are established in surrounding marine waters to which they are ecologically connected. Management of marine pests within the no-take marine protected areas can therefore play an important, but relatively small, role in preventing new introductions to the no-take system.
- Ecologically significant marine pests are well established in the no-take areas, just as ecologically significant weeds are established in Victoria's terrestrial national parks. It is not feasible to remove existing pests or completely remove the threat of new introductions with current technology. Eradication of some marine pests from some no-take areas may be possible, if targeted soon after the pest

\* Native species that extend their distributional range naturally, for example under climate change, are not included in the marine pest management system, and are considered separately in [recommendation R2](#) of this section.

- establishes, depending on the characteristics of the species and its wider distribution. Collaborative, cross-agency early eradication responses have recently been implemented for several marine pests identified in or near no-take areas.
- Early eradication requires early identification of new marine pests. Parks Victoria is using a range of targeted and opportunistic surveillance methods, including community-based monitoring, but these do not address all aspects of the nationally agreed approach to marine pest monitoring in Australia (see [www.marinepests.gov.au](http://www.marinepests.gov.au)).
- VAGO considered marine pests in its 2011 audit, recommending that the cross-agency Biosecurity Standing Committee assign responsibility to developing a marine pest biosecurity plan. Development of this plan has commenced, but now requires consideration of marine biosecurity arrangements in the new Department of Environment and Primary Industries.

**DRAFT RECOMMENDATION****R10**

That:

- a. Continued high priority be given to assessing options for preventing translocation of new marine pests to the no-take marine protected areas, and for quickly eradicating newly established pests to the no-take areas. All implementation plans resulting from these assessments should be accompanied by a transparent cost-benefit analysis that takes into account the likelihood that the pest will re-establish from ecologically connected surrounding areas.
- b. Marine pest surveillance programs in the no-take areas should, wherever possible, be systematic, comprehensive and consistent with national standards.
- c. Adequate permits and operating procedures be in place to ensure that marine pest 'removal and disposal' activities conducted by stakeholders do not inadvertently spread the pests, that the ecological impacts of such activities do not outweigh their benefits, and that the likelihood that the pests will re-establish are transparently considered.

## 2.2 Management of external threats to achieving the ecological purposes of the marine protected areas

The expert analysis of threats to the marine protected areas (both no-take and multiple-use areas) commissioned by VEAC identified several threats that have potential to significantly affect the ecological values of a number of the areas, including:

- marine pests
- pollution inputs from catchments
- coastal and marine infrastructure
- oil spills.

These threats largely arise from beyond the boundaries of the marine protected areas, and are managed by a range of agencies. They have potential to affect Victoria's wider marine environment, which is ecologically connected to the marine protected areas, as well as the marine protected areas themselves. The draft recommendations that follow focus on improving the management of environments and threats that are beyond the boundaries of the marine protected areas, from the perspective of achieving the ecological purposes of the marine protected areas. The draft recommendations in this section apply to both the no-take and the multiple-use areas.

### ***Adequate policy to guide ecologically sustainable management of the marine environment that surrounds the marine protected areas***

Council notes that:

- The surrounding marine environment has potential to affect the ecological values of the marine protected areas but also has ecological values that are important in their own right.<sup>12</sup> It has many uses that are highly valued socially and economically by Victorians but which can, however, if not carefully managed, threaten the underlying ecological processes upon which many of the uses rely. Australia is committed to Ecologically Sustainable Development, which is defined as 'using, conserving and enhancing the community's resources so that the

ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be increased'.<sup>13</sup>

- Several sectoral, spatial and issues-based management systems are applied by a number of government agencies to work towards ecologically sustainable management of uses.
- The draft Victorian Coastal Strategy 2013 recommends development of a framework for an integrated approach to Victoria's marine environments.<sup>14</sup>
- Victoria has integrated water quality targets and policy; however, VAGO observed in 2011 that Victoria has not developed a policy to 'direct management of the marine environment – one that encompasses all uses, integrates well across catchments and coastal areas, and enables consistent planning across both marine protected areas and other marine areas to achieve agreed outcomes'.<sup>1</sup>
- The Department of Environment and Primary Industries is responsible for leading statewide marine environmental policy in Victoria.

#### **DRAFT RECOMMENDATION**

**R11**

That development of statewide policy be commenced by the end of 2014, in consultation with community and industry stakeholders, to guide ecologically sustainable management and use of Victoria's marine environment. This policy should include:

- a statewide strategic framework to guide planning and decision-making and;
- sufficient regionally-specific policy direction and targets to guide practical management of uses and threats. In developing regional policy direction and targets, initial priority should be given to areas under most environmental threat.

### **Reducing the threat posed by marine pests from outside the marine protected areas**

While marine pests may be introduced to the marine protected areas directly, it is more likely that they will reach the areas either by natural dispersal or translocation from established populations in surrounding marine waters. Council outlined its draft recommendations about the management approaches applied to marine pests within the no-take areas in [section 2.1.2](#), in the context of the provisions of the National Parks Act for these areas. Council also makes the following draft recommendations about management of marine pests outside the marine protected areas, with respect to achieving the ecological purposes of both the no-take and multiple-use areas.

Council notes that:

- Preventing the introduction of high risk marine pests to both the marine protected areas themselves, and the ecologically connected waters in Victoria and beyond, is the most effective approach to reducing the threat that marine pests pose to these areas. Management approaches that prevent marine pest introductions, or rapidly eradicate new pests, in ecologically connected marine waters are therefore critical to reducing the threat that marine pests pose to the marine protected areas.
- For marine pests that are established in ecologically connected marine waters, minimising preventable translocations to the marine protected areas is also a priority but the dispersive nature of many marine pest species can present practical limitations.
- National ballast water and biofouling management arrangements are still developing, but Victoria has led nationally in developing a domestic ballast water system for vessels over 400 tonnes.
- Not all introduced species become pests and the establishment of introduced species is affected by environmental conditions. The 'trigger list' of marine pest species of concern is currently being updated to guide national response arrangements.
- Some national guidance on marine pest surveillance is available, but applying it across Victoria's marine waters poses practical and financial challenges. The principle that those who generate environmental risks should contribute to the cost of containment, avoidance and abatement is well established in Victoria's environmental policy.
- Collaborative, cross-agency eradication responses have been implemented for several marine pests identified in or near marine protected areas. However, informal collaboration is not necessarily a reliable approach to addressing the threat posed by marine pests in the long term.
- Victoria is currently refining its emergency response arrangements across agencies.

#### **DRAFT RECOMMENDATION**

**R12**

That:

- a. Appropriate administrative arrangements and resourcing be established, integrated with Victoria's wider biosecurity arrangements, for responding to marine pest emergencies.
- b. A systematic but practical surveillance approach be established for priority marine pests at priority locations outside the marine protected areas, taking into account national standards, capacity for industry and community involvement, and potential for developing technology to increase effectiveness and cost-effectiveness.
- c. Management approaches be established to reduce the threat posed by biofouling in Victoria, while national approaches are developing.
- d. The marine pest trigger lists, and any other associated management arrangements, be appropriately updated over time to consider the implications of Victoria's changing climate.

### **Reducing the threat posed by catchment pollution from outside the marine protected areas**

Pollutant inputs from catchments can be delivered by waterways and drains that discharge directly to marine protected areas, or enter marine protected areas indirectly after first being delivered to surrounding marine waters. Advocacy by park managers for action on direct inputs of catchment pollutants is an important part of the management processes for the no-take areas considered in [section 2.1](#). Council also makes the following draft recommendations about management of catchment inputs to surrounding marine waters, with respect to achieving the ecological purposes of the no-take and multiple-use marine protected areas.

Council notes that:

- Human activities in catchments can deliver a range of pollutants, including nutrients, various toxicants and suspended sediments to receiving marine waters, often via waterways or drains. The threats that these inputs pose to marine biodiversity depend on a range of factors including the pollutants that they contain and the characteristics of the marine receiving environment. Pollutant inputs from catchments tend to pose a greater threat to more enclosed and sheltered waters.
- Victoria's changing climate is predicted to affect the dynamics of catchment runoff to marine waters, which may in turn affect the impacts.<sup>4</sup>
- Victoria's major bays and inlets have heavily used and/or populated catchments. The threat that catchment-based inputs of nutrients, sediments and toxicants pose to some of the associated marine ecosystems is well established. If not well managed, the impacts of these inputs to such enclosed marine waters can be ecosystem-wide and difficult or impossible to reverse. Managing the marine protected areas in these locations towards their ecological purposes involves minimising the threat posed by catchment pollution as far as practical.
- Management of the threat posed by catchment-based pollution to Victoria's marine waters is guided by specific marine water quality objectives and/or targets for pollutant loads that enter marine waters from

waterways. These objectives and targets are part of Victoria's relatively well developed and integrated marine water quality policy framework.

- Marine ecosystems can be vulnerable to different pollutants than those in waterways, and often require specific marine-focused water quality targets that are informed by the best available science as well as social and economic considerations.
- Catchment-based pollutant inputs to Victoria's marine waters are likely to be significantly affected by population growth and associated land-use changes within catchments, and also by the changing climate. The statutory water quality objectives and targets, and associated policy framework, for marine water quality in Victoria's bays and inlets has not been updated for many years, and the targets established in the subsequent Better Bays and Waterways plan for Port Phillip Bay and Western Port are scheduled to expire in the near future.
- A water quality improvement plan for Corner Inlet is currently under development.<sup>15</sup>

#### **DRAFT RECOMMENDATION**

**R13**

That:

- a. The existing policy, objectives and targets for marine water quality in Victoria be reviewed as soon as practicable, taking into account the need for these reviews to be informed by the best available science. Initial priority should be given to Port Phillip Bay, Western Port and Corner Inlet.
- b. Effective and adequately resourced management programs to address these targets be maintained, supported by coordinated administrative arrangements, transparent reporting and effectively targeted monitoring and review processes.

***Reducing the threat posed by infrastructure developments outside the marine protected areas***

Council notes that:

- While infrastructure developments are unlikely to occur within marine protected areas, the biodiversity of the marine protected areas could be threatened by infrastructure developments within Victoria’s wider coastal and marine environment depending on factors including the nature, location and scale of the development and characteristics of the area in question.
- Some coastal and marine developments outside the marine protected areas could threaten the extent to which individual areas can achieve their ecological purposes in the long term.
- A range of approvals systems apply to coastal and marine infrastructure developments in Victoria.
- Examining these approvals systems in detail is beyond the scope of this investigation.

**DRAFT RECOMMENDATION**

**R14**

That biodiversity of the marine protected areas continue to be carefully considered in approvals mechanisms and other decisions relating to marine and coastal infrastructure developments in Victoria.

***Reducing the threat posed by oil spills from outside the marine protected areas***

Council notes that:

- Management systems that aim to minimise the risk of oil spills, and ensure preparedness to respond to any spills that do occur, are vital. As for all pollution, prevention is the highest priority.
- Oil spills can affect the marine protected areas from within or outside their boundaries and, although uncommon, they can have major ecological consequences.
- Parks Victoria maintains Emergency Response Plans for its parks and reserves, including the marine protected areas, which are intended to integrate with relevant wider-scale emergency management systems including for oil spills.
- Marine protected areas are among the priority areas identified in oil spill atlases used in responses.
- Detailed examination of the systems applied to minimising the risk of, and responding to, oil spills is beyond the scope of this investigation.

**DRAFT RECOMMENDATION**

**R15**

That protection of the ecological values of marine protected areas continues to be given high priority in Victoria’s oil spill response system.

### 2.3 Management of the multiple-use marine protected areas to achieve their ecological purposes

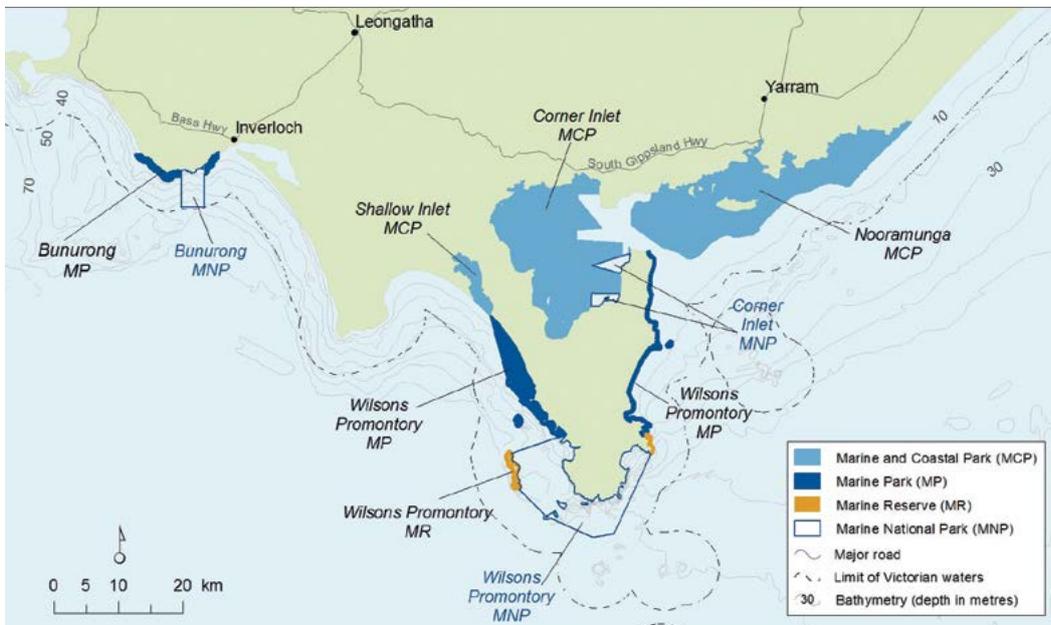
Earlier sections in this draft proposals paper discussed Council’s draft recommendations for management of the no-take marine national parks and marine sanctuaries, and external threats and challenges to management of all marine protected areas.

The complex history of multiple-use marine protected areas affects its current management. The history of these areas is therefore relevant to assessing their performance and management. A brief overview is provided here, focused on their establishment and management, to assist in understanding the rationale for Council’s draft recommendations. Further information and a description of each area are available in VEAC’s discussion paper for the Marine Investigation.

Victoria’s six existing multiple-use marine protected areas (see figure 3) all occur in the South Gippsland and West Gippsland regions and consist of three marine and coastal parks, situated in inlets or embayments and including terrestrial land, and three other marine protected areas located on the open coast. These areas were established prior to the establishment of the marine national parks and marine sanctuaries. Parts of three of the marine protected areas were subsumed into the new Bunurong, Corner Inlet and Wilsons Promontory marine national parks in 2002. Other multiple-use marine protected areas in Port Phillip Bay were entirely incorporated in new marine national parks or sanctuaries, and no longer exist.

Management planning commenced for the marine protected areas around Wilsons Promontory in the late 1980s and draft management plans were released, but finalisation of plans was deferred indefinitely when the Land Conservation Council (LCC) commenced its Marine and Coastal Special Investigation in 1991.

**Figure 3**  
Victoria’s multiple-use marine protected areas



### **Marine and coastal parks**

The LCC recommended the establishment of Shallow Inlet, Corner Inlet and Nooramunga marine and coastal parks (originally termed marine and wildlife reserves) to protect the significant ecological values of these areas, particularly internationally significant migratory wading bird habitats. The 1982 declaration of the Corner Inlet – Nooramunga area as a Ramsar Wetland of International Significance coincided with this recommendation. The Ramsar listing recognises the ecological importance of this area through a complementary international management framework.

Marine and coastal parks, unlike Victoria's other marine protected areas, contain areas of coastal land and, in the case of Nooramunga Marine and Coastal Park, substantial island areas. The inclusion of these terrestrial areas was intended to protect highly significant natural values in their own right as well as their connections to the marine environment, with a particular focus on protecting roosting areas of wading birds. Most terrestrial land within the marine and coastal parks was already reserved under the *Land Act 1958* or *Crown Land (Reserves) Act 1978*.

The Victorian Government established the marine and coastal parks in 1986 through a gazettal process which involved reserving any previously unreserved public land within the boundary under the Crown Land (Reserves) Act and listing it on Schedule Four of the National Parks Act. Pre-existing reserves within the boundaries of the marine and coastal parks retained their existing reservations, and land subject to leases and licences was also excluded. This was originally intended to be a temporary arrangement, to be resolved through a later parliamentary process that was deferred for a number of reasons, including the LCC and ECC marine, coastal and estuarine investigations and subsequent responses by Government that together ran from 1991 to 2002. Reserves that were in place at the time of establishment in 1986 – almost all the coastal land, including islands, and some of the seabed – have not yet been re-reserved and included in the parks as intended. The incomplete establishment process has resulted in marine and coastal park boundaries which are sometimes difficult to define on the ground, and

a range of sometimes inappropriate or obsolete legislation continuing to apply to the parks.

A small part of the Corner Inlet Marine and Coastal Park was established as the Corner Inlet Marine National Park in 2002.

### **Marine parks and marine reserve – open coast**

There are three multiple-use marine protected areas on Victoria's open coast, all in Gippsland and all established prior to the establishment of the no-take system of marine national parks and sanctuaries.

The areas known as the South Gippsland Marine and Coastal Parks established in 1986 includes the three marine and coastal parks discussed above, and two marine protected areas on the open coast - the Wilsons Promontory Marine Reserve and Wilsons Promontory Marine Park. Most of the original marine reserve was included in the Wilsons Promontory Marine National Park in 2002.

Attempts to prohibit commercial fishing in the Wilsons Promontory Marine Reserve in accordance with Government decisions were challenged in the Supreme Court in 1987\* which determined that the plaintiff could not be lawfully prevented at the time from taking abalone in the marine reserve. Commercial fishing continued in the Wilsons Promontory Marine Reserve until the establishment of the marine national parks and sanctuaries in 2002, when it was excluded from that part of the marine reserve incorporated in the Wilsons Promontory Marine National Park.

The third multiple-use marine protected area on the open coast is the Bunurong Marine Park to the east and west of the Bunurong Marine National Park near Inverloch. The Bunurong Marine Park was established in 1991 after extensive community consultation. The central no-take sanctuary zone of the marine park was entirely subsumed within the Bunurong Marine National Park in 2002.

\* *Springall v. Kirner & Ors (1988) VR 159*

### 2.3.1 CONSOLIDATING BOUNDARIES OF MULTIPLE-USE MARINE PROTECTED AREAS

Council notes that:

- Clear legal boundaries and regulatory provisions are a fundamental basis for effective protected area management.
- For various reasons, appropriate reservation of coastal land proposed in 1986 to be included in the three South Gippsland marine and coastal parks has not occurred.
- The range of pre-existing reservations and the absence of appropriate regulations or regulatory provisions for the coastal areas of Shallow Inlet, Corner Inlet and Nooramunga marine and coastal parks impedes effective management, particularly for the islands of the pre-existing Nooramunga State Faunal Reserve, and some other significant areas along the mainland coast.
- The marine and coastal parks are on Schedule Four of the National Parks Act.
- Schedule Four of the National Parks Act was established as a means to provide protection under the Act to areas 'as though they were a park' through gazettal rather than through Parliament as for other parks. Current Schedule Four marine and coastal parks are managed as though they were Schedule Three parks ('other parks'). If flexibility is not required, Schedule Four is not the most appropriate long-term reservation to secure protection of the significant natural values of the three marine and coastal parks.
- Survey reports on coastal boundaries were prepared in the early 1990s, and a survey project re-commenced in 2004 to analyse the coastal boundary issues for the three marine and coastal parks, to prepare boundary rationalisation reports and to determine actions to resolve boundary issues. Issues include complex boundary anomalies arising from the position of seawalls and levee banks in relation to the Crown land/freehold boundary.
- Detailed land status maps are available for the three marine and coastal parks, but the options for action to resolve the boundary issues are resource intensive and long term, and decisions on actions have not been made. The project is currently not resourced and appears unlikely to be a priority in the medium term.
- The areas of Wilsons Promontory Marine Reserve that were not incorporated into the Wilsons Promontory Marine National Park in 2002 are now managed in the same way as the adjoining multiple-use Wilsons Promontory Marine Park. Management arrangements would be clarified and the nomenclature for marine protected areas in Victoria would be simplified by incorporating the marine reserve into the marine park.

#### DRAFT RECOMMENDATION

R16

That:

- a. The boundary of the Nooramunga Marine and Coastal Park be consolidated to include the current marine areas in the park to mean high water mark, the pre-existing Nooramunga State Faunal Reserve, Gellions Run and historic sites at Old Settlement Beach and Tarraville.
- b. The boundary of the Corner Inlet Marine and Coastal Park be consolidated to include the current marine areas in the park to mean high water mark (except where adjacent to Wilsons Promontory National Park), all islands in the inlet (except those in the Wilsons Promontory National Park), and coastal Crown land south of Yanakie Landing.
- c. The boundary of the Shallow Inlet Marine and Coastal Park be consolidated to include the current marine areas to mean high water, the sand spit, and the beach and foreshore on the western side of the inlet.
- d. The consolidated marine and coastal parks be moved to Schedule Three of the *National Parks Act 1975* (see note).
- e. Coastal Crown land adjacent to the parks be managed in a complementary way and, as resources permit, be assessed and identified for possible addition to the relevant marine and coastal park in the future.
- f. Management agreements with landowners be developed for private land containing areas of saltmarsh, mangroves and mudflats abutting the marine and coastal parks.
- g. Wilsons Promontory Marine Reserve be incorporated into the Wilsons Promontory Marine Park.

**Note:** the parks are currently managed as though they were Schedule Three parks and no changes to the current uses are proposed.

### 2.3.2 ACCOMMODATING SUSTAINABLE USES IN MULTIPLE-USE AREAS

Council notes that:

- Environmental management of the marine areas within the multiple-use parks is generally the same as that of the surrounding marine environment.
- The ECC in its final report to Government in 2000 generally did not recommend changes to the current management practices of the existing parks, except where all or part was recommended as a marine national park or marine sanctuary, but noted that the current practices should be subject to reviews resulting from new information and the usual reviews of management.
- Natural values of the multiple-use areas were comprehensively documented in draft management plans and associated reports, but have not been updated since then and natural values reports have not been prepared for these areas as they have for the no-take areas.
- Parks Victoria conducts research to inform its management of marine protected areas but this is currently focused on the no-take areas.
- Parks Victoria has indicated to Council its intention to include the multiple-use marine protected areas in its revised management planning approach.
- Management of extractive uses within the boundaries of the areas is an additional requirement for multiple-use marine protected areas.
- Neither managers nor the community appear to have a clear understanding of the goals and objectives for management in multiple-use marine protected areas that would provide for protection of the ecological values while accommodating sustainable extractive uses.

#### DRAFT RECOMMENDATION

R17

That:

- a. By the end of 2014 existing scientific knowledge of natural values in the multiple-use marine protected areas be updated and consolidated.
- b. By mid-2015 the research strategy Council has recommended to be developed for the no-take marine protected areas (see [recommendation R6](#)) also includes multiple-use areas.
- c. By 2015 a process be commenced, involving all relevant managing agencies and the community, to provide independent advice to government on agreed objectives and management processes to guide ecologically sustainable use in the multiple-use marine protected areas.
- d. Management plans and management arrangements then be developed and/or updated consistent with the agreed objectives.

## 3. Management of the marine protected areas to achieve their social and cultural purposes

Ecological values were a key driver for the establishment of Victoria's marine protected areas, and are the focus of VEAC's Marine Investigation. However, Victoria's marine protected areas were also established to provide opportunities for enjoyment, understanding and appreciation of the natural environment.

There are obvious interdependencies between ecological purposes and these social purposes; for example a healthy environment enhances opportunities for enjoyment, appreciation and understanding, and appreciation and understanding of the natural environment can support greater protection through increased awareness of and compliance with regulations. Perhaps due to these linkages these aspects have often been considered together in assessing marine protected area management effectiveness. However, as emphasised by the IUCN-WCPA, clear objectives are fundamental to assessment of progress against these objectives. VEAC is therefore considering ecological and social purposes separately in its assessment.

This section of the report includes some background information on the concepts of enjoyment, appreciation and understanding of natural environments in order to provide some context for Council's draft recommendations relating to this group of purposes for which the marine protected areas were established.

Although not explicitly referred to in the purposes for which marine protected areas were established, the VEAC Act requires 'cultural interest or significance' to be taken into account when conducting an investigation. For this investigation, this includes the interests of Aboriginal people in the environment, resources and cultural sites within the marine protected areas.

### 3.1 Enjoyment, appreciation and understanding of natural environments

While the purpose of providing opportunities for enjoyment, appreciation and understanding of natural environments is common for protected areas, it is approached differently for marine areas than for terrestrial areas. The aim of providing these opportunities is not restricted to the relatively small proportion of the community that actually visit Victoria's marine protected areas. Remoteness, limited access and environmental conditions (e.g. cold water, areas of high wave or tidal energy) form physical barriers limiting access to these areas. Further, there can be social barriers such as lack of skill, confidence or companionship to directly experiencing the marine protected areas. In its assessment Council is therefore also considering:

- the 'virtual' visitor; a person who may engage with the natural environment in Victoria's marine protected areas remotely such as via an electronic medium like a website, mobile phone application or social media network, in zoos and aquaria, via a face-to-face presentation or classroom program, or via photographs in an illustrated book or a display, and
- 'non-visitors' who may not engage with Victoria's marine protected areas directly or indirectly but when probed about them may hold attitudes, understanding and beliefs about the environments in these areas.

Enjoyment, appreciation and understanding of natural environments can be interpreted from a range of theoretical perspectives within the field of social science e.g. from philosophical and psychological perspectives. To inform this investigation, and provide a resource for future management of Victoria's marine protected areas, an expert review of contemporary

literature was commissioned. This review provided a current understanding of the many dimensions of the concepts of enjoyment, appreciation and understanding as relevant to Victorian marine protected areas. The review revealed that many factors can affect an individual's experience of Victoria's marine protected areas including:

- their knowledge, attitudes, feelings and beliefs
- the activity they are undertaking, how engaged they are with it and the extent to which it fulfils their needs and desires
- the marine protected area they are engaging with – or environment within the area, and
- their past experience with respect to the area/s and its declaration of protection.

The expert advice received by Council indicates that management that works towards the purpose of providing opportunities for enjoyment, appreciation and understanding of natural environments for the marine protected areas requires careful and thorough consideration of many personal, societal and environmental dimensions. This emphasises the need to both focus management programs on this specific purpose, drawing on this understanding, and separately assess performance to guide adaptive management towards this purpose. These social purposes should be considered distinctly from ecological purposes, mindful of their interdependencies and the priority of ecological purposes where there may be a conflict, and taking into account the diverse perspectives and aspirations of the community for management of these areas.

Council notes that:

- The concepts of 'enjoyment, appreciation and understanding' of marine protected areas are complex.
- The community makes major contributions in initiating and delivering opportunities for enjoyment, appreciation and understanding of the natural environment in Victoria's marine protected areas.
- Excellent tools are being developed by agencies and Friends groups to help educate the wider community about the boundaries and ecological values of some of the marine national parks and sanctuaries.
- The media communication, marketing, and education and interpretation functions of Parks Victoria in marine protected areas are guided by its three-year communications plan which will direct visitor communications until a longer-term strategy is developed following the conclusion of this investigation. The focus of visitor communications is on the no-take areas, reflecting both that there are several agencies involved in managing uses in multiple-use areas, and the absence of a clear understanding of the goals and objectives for management in these parks.
- Parks Victoria and some other organisations have undertaken monitoring over the last 15 years or so that is relevant to understanding 'enjoyment, appreciation and understanding' outcomes for marine protected areas. Data includes community perceptions and awareness, and visitor numbers, frequency, experience, appreciation, satisfaction, and attitudes. Some data are also obtained from licensed tour operators, volunteers, and education or interpretation providers. Very little information is available for multiple-use marine protected areas.
- Several of Parks Victoria's broader programs are also delivered in marine protected areas such as programs working with people from culturally and linguistically diverse backgrounds to support greater multicultural visitation to parks, and programs that specifically engage persons with a disability to be active in parks.

#### DRAFT RECOMMENDATION

R18

That:

- a. Consideration be given to providing opportunities for enjoyment, appreciation and understanding across a spectrum of visitors, virtual visitors and non-visitors.
- b. Parks Victoria continues to support community groups (e.g. Marine Care and Friends groups) in educating the broader community about the boundaries and ecological values of some of the no-take areas.
- c. Visitor research and monitoring be extended to include the multiple-use marine protected areas.
- d. Education and engagement activities aiming to encourage enjoyment, appreciation and understanding of the no-take marine protected areas be strategically focused on a selected subset of the no-take areas, and that these areas be used to profile the role and function of the marine national parks and sanctuaries.

## 3.2 Recognising Aboriginal interests in Victoria's marine protected areas

In Australia, Indigenous people continue to have a close relationship with coastal and marine environments. Sea country holds significant social, spiritual and economic importance for Aboriginal people in Victoria. Many culturally significant sites are within Victoria's marine protected areas; and along the Victorian coast archaeological sites of Aboriginal significance have been identified from dates as far back as 12,000 years.

In the past, the importance of the relationship of Aboriginal people to sea country was not fully recognised by government agencies. This is starting to change, and now there are a number of strategies, frameworks and policies across government that are designed to increase involvement of Aboriginal people in management and planning.

Council notes that:

- A variety of models are currently utilised in Victoria for co-management and joint management of protected areas with traditional owners.
- Parks Victoria recognises the connection of Aboriginal Traditional Owners with sea country in its planning and management, and that this connection with sea country can be expressed through active involvement in marine management, use of cultural resources, and the interpretation of cultural stories.
- Parks Victoria has developed and documented partnership strategies to provide the framework for Aboriginal cultural heritage management.
- Since the establishment of the Victorian *Traditional Owner Settlement Act 2010*, an agreement between Gunaikurnai and the State of Victoria was reached in 2010 for land in Gippsland. A second agreement was reached in March 2013 with representatives of the Dja Dja Wurrung people for lands

in central Victoria. Both recognition and settlement agreements involve the granting of parks and reserves as Aboriginal Title to be jointly managed with the State, subject to entering into a traditional owner land management agreement. As further applications for recognition and settlement agreements are determined, Council envisages these agreements increasingly forming the framework for involvement of traditional owners and other Aboriginal groups in management of the marine protected areas.

### DRAFT RECOMMENDATION R19

That models for co-management and joint management be extended as appropriate to marine protected areas as the framework for developing partnerships with traditional owners and other Aboriginal groups with interests in the marine protected areas.

## References

- <sup>1</sup> Victorian Auditor-General's Office (2011) *Environmental management of marine protected areas*, State of Victoria, Melbourne.
- <sup>2</sup> Victorian Environmental Assessment Council (2012) *Marine investigation discussion paper*, Victorian Environmental Assessment Council, Melbourne.
- <sup>3</sup> Hockings, M, Stolton, S, Leverington, F, Dudley, N and Courrau, J (2006) *Evaluating effectiveness: a framework for assessing management effectiveness of protected areas, second edition*, IUCN, Gland, Switzerland and Cambridge, United Kingdom.
- <sup>4</sup> Klemke, J and Arundel, H eds (2013) *Implications of future climate for Victoria's marine environment*, Glenelg Hopkins Catchment Management Authority, Victoria.
- <sup>5</sup> Environment Conservation Council (2000) *Marine, coastal and estuarine investigation: final report*, Environment Conservation Council, Melbourne.
- <sup>6</sup> Parks Victoria (2003) *Victoria's system of marine national parks and marine sanctuaries - management strategy 2003-2010*, Parks Victoria, Melbourne.
- <sup>7</sup> Parks Victoria (2013) *Marine protected areas program plan 2012-2014*, Parks Victoria, Melbourne.
- <sup>8</sup> Smith, B (2013) 'Maps reveal Prom's underwater secrets', *The Age*, 19 June 2013, p.8.
- <sup>9</sup> Himmelreich, E (2013) 'Our colourful coast: detailed underwater survey reveals rare species', *Warrnambool Standard*, 30 July 2013, p.4.
- <sup>10</sup> Parks Victoria (2013) *Sea Search manual: a guide for community based monitoring of Victoria's marine national parks and marine sanctuaries*, Parks Victoria, Melbourne.
- <sup>11</sup> Department of Primary Industries (2009) *Biosecurity strategy for Victoria*, State of Victoria, Victoria.
- <sup>12</sup> Marine Assets Spatial Layer for Victoria  
<http://services.land.vic.gov.au/SpatialDatamart/dataSearchViewMetadata.html?anzlicId=ANZV10803004772&extractionProviderId=1>
- <sup>13</sup> Council of Australian Governments (1992) *The national strategy for ecologically sustainable development*, Australian Government, Canberra.
- <sup>14</sup> Victorian Coastal Council (2013) *Draft Victorian coastal strategy 2013*, Victorian Coastal Council, Melbourne.
- <sup>15</sup> West Gippsland Catchment Management Authority (2013) *Draft Corner Inlet water quality improvement plan*, West Gippsland Catchment Management Authority, Victoria.

## Appendix 1

### Submissions received

● Period 1 ● Period 2

Abalone Industry Committee	●	
Allardice, Russ	●	
Australian Fishing Trade Association	●	
Australian Marine Ecology	●	
Australian Marine Sciences Association		●
Barwon Coast Committee of Management Inc.	●	
Baxter, Lou	●	
BirdLife Victoria Conservation Committee	●	
Black Rock Underwater Dive Group		●
Blum-Caon, Sharon	●	
Boyle, William	●	
Buck Diving Enterprises Pty Ltd.		●
Christie, Andrew		●
Costanzo, Melanie	●	
Costanzo, Tracey	●	
Coutin, Patrick	●	
Crowcroft, Peter	●	
Daniel, Chris	●	●
Department of Primary Industries	●	
Dolphin Research Institute		●
East Gippsland Shire Council	●	
Eastern Zone Abalone Industry Association Inc.	●	●
Environment Defenders Office (Victoria) Ltd.	●	
Fishermen Direct Pty Ltd	●	
Framlingham Aboriginal Trust		●
Friends of Beware Reef	●	
Friends of Eagle Rock Marine Sanctuary (FERMS)	●	
Friends of the Bluff	●	
Gippsland Ports	●	
Gleeson, Regina	●	
Glenelg Shire Council	●	
Hartigan, Cecilia	●	
Hayes, Don		●
Hosking, Rebecca	●	
Hosking, Simson & Small, Rebecca, Mark & Sophie	●	
Hurley, Shannon	●	
Jan Juc Coast Action Group	●	
Jawbone Marine Sanctuary Care Group	●	
Kerin, Jim	●	
Kirkman, Hugh	●	

Law Institute of Victoria		●
Lorne-Aireys Inlet P-12 College - Grade 3/4*	●	
Marine Care Point Cooke	●	
Marine Care Ricketts Point Inc.	●	●
McDougall, John	●	
Millman, Ray	●	
Monash Area Scuba Club		●
Monash University Underwater Club		●
Mordialloc Beaumaris Conservation League Inc.	●	
O'Neill, John		●
O'Toole, Marg		●
Parker, Bobby		●
Parks Victoria		●
Pfeifer, Horst		●
Port of Melbourne Corporation	●	
Portland Professional Fishermen's Association		●
RMIT Underwater Club	●	●
Schinkel, Maurice	●	●
Scuba Divers Federation of Victoria		●
Scullin, Ben	●	
Seafood Delicacies Limited		●
Seafood Industry Victoria	●	●
Shields, Brian	●	
South Gippsland Conservation Society		●
Stanilovic, Daniel	●	●
Stevenson, Jonathon	●	
Surfers Appreciating the Natural Environment	●	●
Tasmanian Seafoods Pty Ltd.	●	●
Thomas, Clyde		●
Victorian Abalone Council	●	●
Victorian Abalone Divers Association Inc.		●
Victorian Abalone Processors Association		●
Victorian National Parks Association	●	●
VRFish	●	●
Wescott, Geoff		●
Western Abalone Pty Ltd.		●
Western Coastal Board	●	
Wilson, Geoff	●	●
World Conservation Trust		●

\*Multiple submissions

## Appendix 2

### Recommendations relating to environmental management of the marine protected areas by the Victorian Auditor-General's Office (2011)

The Victorian Auditor-General's Office (VAGO) released a report on the *Environmental Management of Marine Protected Areas* in March 2011. The audit assessed Parks Victoria's planning frameworks, management activities and monitoring, evaluation and reporting activities relevant to marine protected areas. VAGO also assessed the then Department of Sustainability and Environment's role in relation to marine policy and biosecurity, and fishing compliance activities undertaken by the then Department of Primary Industries in marine protected areas.

#### AUDIT RECOMMENDATIONS

1. Parks Victoria should:
  - document its marine environmental management programs, including program logic, implementation plans, reporting frameworks and evaluation plans
  - implement a system to track time spent by staff on specific activities, particularly on activities related to protecting marine protected areas
  - allocate funding dedicated to the management of marine protected areas, to that activity, as intended
  - develop a capable and sufficient workforce to discharge its obligations to environmentally manage marine protected areas.
2. The Biosecurity Standing Committee should assign expertise to develop a marine pest biosecurity plan.
3. Parks Victoria should:
  - develop park management plans for all marine protected areas with supporting plans that specify actions, targets, performance indicators, accountabilities and time frames for delivery
  - develop management reporting that enables the assessment of performance against park management plans
  - regularly and routinely review its risk assessments, including prioritisation, for marine protected areas
  - as park manager, develop and lead collaboration with other agencies to better inform its planning
  - review, for effectiveness, *Victoria's System of Marine National Parks and Marine Sanctuaries: Management Strategy 2003–2010*, to inform the development of a new strategy.
4. The Department of Sustainability and Environment should implement a new services agreement with Parks Victoria that clearly specifies the responsibilities of both agencies, performance standards and indicators, funding levels and reporting requirements.