

### PAPER No. 6: Marine Protected Areas

#### Executive Summary

The NTSC supports fisheries management legislation as the primary tool to ensure protection of our fisheries resources. Marine Protected Areas (MPA's) are designed to provide an additional level of protection to Australia's marine ecology and biodiversity<sup>1</sup>. To this end the NTSC supports efforts to establish a comprehensive network of marine protected areas as a complimentary measure to the current management arrangements. This support is conditional on the adoption of the broad principles below and contingent on government making a firm commitment to fair and adequate compensation or adjustment assistance for any unavoidable impacts.

#### NTSC Policy Position:

The NTSC support for MPA's is contingent on:

- The Government agreeing up front<sup>2</sup> in writing that fair and adequate compensation or adjustment assistance will be paid for any unavoidable impacts such as those associated with the loss of access to fishing grounds and/or the value of commercial fishing licences.

Noting that the seafood industry is the stakeholder most impacted by MPAs the development and implementation of MPA's needs to be carried out under strong consultation and addressing the following principles:

- The development process for MPAs must have as a key principle the aim of minimising any impact on the commercial fishing sector
- All development costs must be met by government including the costs incurred by industry by their effective involvement in the development process.
- The environmental goals of any MPA system must be clearly stated at the onset of any MPA process
- That consideration be given to current fisheries management arrangements
- That a risk assessment process be implemented to consider fishing activity in any MPA zones.

<sup>1</sup> See definition of MPA under issues section

<sup>2</sup> the preferred option would be that any adjustment package principles be finalized before commencement of any MPA evaluation.

- As the key stakeholder industry must be involved in determining any boundaries and the rules and management plans for any MPA
- A socio-economic impact assessment must be completed as a priority for the area of the MPA, no later than the consideration of the draft boundaries
- MPA's will not be used as a tool for the reallocation of access between sectors.
- Where an MPA reduces the fishing area of one sector only it will be perceived as a reallocation of the resource, increasing the need for appropriate compensation or adjustment assistance.
- The costs of managing any MPA including any compliance or surveillance must be met by government and not impact on the budget received by fisheries agencies to manage the fisheries of the NT.
- Any perceived benefits of an MPA must be reviewed against a set of agreed measurable performance indicators
- Any national or territory legislation or policy considerations that override the implementation of a marine park must be identified at the onset of any process (ie policies in relation to mineral leases)

## **Issues**

The Northern Territory and Federal Governments are establishing a representative system of Marine Protected Areas (MPA's) in waters adjacent to the Northern Territory. Australia's definition of a marine protected area is;

*“an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources, and managed through legal or other effective means.”*

This definition was originally developed by the 1994 World Conservation Union's (IUCN) definition and has been adopted by Australian governments. The key points of this definition are that the primary objective is conservation of biological diversity, and that the protection is effective.

Within State, Territory and Commonwealth waters, marine protected areas can include, reefs, seagrass beds, tidal lagoons, mudflats, saltmarshes, mangroves, rock platforms, shipwrecks, archeological sites, underwater areas on the coast, and seabeds in deep water.

## **Territory and Commonwealth MPAs**

Depending on where they are located, marine protected areas in Australian waters may be managed by State, Territory or Commonwealth (Australian) government agencies, or a combination of government agencies.

Unless otherwise determined by legislation the Northern Territory government has primary responsibility for marine environments up to three nautical miles out from the territorial sea baseline. In general, the Commonwealth Government manages our oceans from the

Territory limit to the edge of our marine jurisdiction at the limit of the Australian Exclusive Economic Zone (EEZ) some 200 nautical miles out to sea.

As a result, the Commonwealth, and Northern Territory governments exercise separate jurisdictions over the marine environment. Marine protected areas can be declared under Commonwealth, and or Northern Territory legislation in seas within each government's jurisdiction.

Each government uses its own policies and laws to establish and manage marine protected areas. In addition, marine protected areas may be managed through a combination of fisheries and parks management laws administered by separate government agencies. All governments coordinate their efforts on national and cross-jurisdictional issues relevant to marine protected areas.

### **Type of MPA**

The kinds of activities that are allowed in a marine protected area depend on the reasons for protecting that area. There may be no environmental reason for excluding activities that extract natural resources such as fish or minerals from some types of marine protected area. For example, if the primary aim of a marine protected area is to protect a representative sample of biodiversity there may be no need to prohibit an extractive activity that is well managed and where we are confident the activity will not adversely affect biodiversity. Conversely, for other types of marine protected area there may be a need to restrict or exclude activities that do not extract resources.

### **Rationale**

The implementation of Marine Parks in Territory waters will inevitably lead to a reduction in commercial fishing access. Integral to industries support and input to any MPA process is that fair and adequate compensation or adjustment assistance will be paid for any unavoidable impacts such as those associated with the loss of access to fishing grounds and/or the value of commercial fishing licenses. In addition MPA's must be effective in meeting their goals and not simply used to reallocate access to our marine resources.