

## **AUSTRALIA'S OCEANS POLICY: INTEGRATED OCEANS MANAGEMENT AT A REGIONAL LEVEL**

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### **Abstract**

*Australia's Oceans Policy* was released in December 1998 to provide a framework for integrated and ecosystem-based planning and management for Australia's marine jurisdiction. It aims to promote the sustainable development of ocean resources while ensuring the protection of marine biological diversity. A key element of *Australia's Oceans Policy* implementation is regional marine planning.

The key drivers for the regional marine planning process are ecosystem-based and multiple-use management approaches. Regional marine planning covers all uses in the Commonwealth marine jurisdiction with the basic tenet of managing the marine ecosystem and the many industries on which regional livelihood depends on a sustainable management.

The National Oceans Office, the body responsible for regional marine planning, is currently developing two plans. The first, and more progressed, plan covers waters off South Australia, Victoria, NSW and Tasmania (including Macquarie Island). The second plan, in its infancy, covers the northern, tropical waters of the eastern Arafura Sea, the Gulf of Carpentaria and the Torres Strait.

To provide a credible foundation, the Commonwealth Government is undertaking a nation-wide program of regional marine planning which, in the process, is producing a comprehensive assessment of our marine ecosystems and their socio-economic values. This knowledge and the planning framework, in which it is being applied, will result in better-informed decisions based on an understanding of the marine environment and of the complex inter-relationships between marine resources users.

Regional marine planning is showcasing Australia's position as a leader in sustainable environmental management and will contribute to greater certainty for the many marine industries that together constitute a key sector of the Australian economy.

### **Introduction**

*Australia's Oceans Policy* represents a watershed in the way Australians manage their oceans. It marks an emerging awareness, both by the community and policy makers, that our oceans are not limitless but can, with care, continue to benefit Australia for generations to come. *Oceans Policy* was developed in response to perceived shortcomings in the current sectoral management arrangements that Australia, like many other nations, has historically applied to the management of its oceans.

Under the United Nations Convention on the Law of the Sea (UNCLOS) Australia has sovereign rights over 11 million square kilometres of ocean, and up to 16 million square kilometres when the claimable continental shelf is determined.

This area is nearly twice the landmass of Australia. It is one of the largest and most diverse Exclusive Economic Zones (EEZs) in the world both in terms of its geographic spread and in its physical and biological diversity. It includes an almost complete range of oceanic realms — from the tropic to the antarctic. It also borders five neighbouring nations.

Such diversity brings with it the opportunity for Australia to greatly benefit from the rights we enjoy over these ocean resources. It also, however, adds complexity to issues of managing these resources for the benefit of future and present generations of Australians.

### **History of oceans management in Australia**

Like other developed countries, Australia utilises its oceans for diverse outcomes including fisheries, oil and gas exploration and extraction, shipping, defence and tourism. These uses also pose potential threats to the marine environment — such as oils spills and the introduction of marine pests.

Over the last half-century Australia has had an evolving suite of ocean management arrangements and associated legislative instruments both at the state and Commonwealth levels. However, because these instruments have been framed largely independently of each other, reflecting the independent nature of sectoral developments, conflicts between sectors and the objectives of different interests has frequently occurred. These sectoral management arrangements were never intended to handle cumulative and cross-sectoral impacts and *Australia's Oceans Policy* was a response to the need to move Australia's oceans governance arrangements towards more integrated and forward looking arrangements.

### **The context for oceans governance**

In a process run parallel to the 1992 United Nations Conference on Environment and Development in Brazil, Australia released the *National Strategy for Ecologically Sustainable Development*. Within this report, ecologically sustainable development is defined as a way of:

‘using, conserving, and enhancing the community resources so that ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be increased (Commonwealth of Australia 1992, p.1).

The National ESD Strategy was the result of sectoral studies of the economy undertaken by specialist working groups. Of particular relevance to Oceans Policy was the fisheries working group report which concluded that Australia should aim to manage fisheries on an ecosystem basis.

As well as this recommendation, there were also a number of other drivers to the development of an oceans policy for Australia including:

- a growing body of evidence and concern within Australia that current oceans governance arrangements were failing to take account of the importance of ecosystem processes
- that international issues needed to be addressed, and
- Indigenous interests needed to be incorporated.

### National issues

Between 1989 and 1997 there were some 34 national enquires and reports on aspects of Australia's coastal and marine environment. Problems identified included:

- inadequacies in the frameworks and mechanisms for cross-sectoral and cross jurisdictional integration in planning and management for marine areas;
- undervaluation of natural marine systems in assessments of potential costs and benefits of development proposals; and
- inadequacies in management where there are high levels of uncertainty.

To address these issues, improved integration and coordination across sectoral and jurisdictional interests was perceived as necessary if Australia was to move towards sustainable management of its oceans.

### International issues

By the mid 1990s, Australia recognised its international responsibilities to develop a coordinated approach to oceans governance:

- we needed to meet our obligations under the United Nations Convention on the Law of the Sea (UNCLOS) — which sets out Australia's obligation to protect and sustainably manage our entire Exclusive Economic Zone
- we needed to exercise and protect our extraterritorial interests.

As well, Australia also has extensive obligations under oceans-related conventions and cooperative arrangements dealing with many oceans matters such as shipping, pollution and conservation of marine mammals.

### The interests of Indigenous Australians

Australia's coastlines and seas have played an integral part in shaping Indigenous cultures over the last 50 000 years. It was recognised that the importance of the oceans environment to many of our Aboriginal and Torres Strait Islander communities needed to be acknowledged and that more opportunities had to be provided for these communities to play a role in, and benefit from, oceans management

### ***Australia's Oceans Policy***

In March 1997, the launch of *Australia's Oceans — New Horizons* started the public consultation process that assisted in developing an integrated oceans policy for Australia. A series of discussion and background papers were produced covering a range of relevant issues and several advisory groups were formed including one representing the views of non-government stakeholders. The consultation process culminated in a major Oceans Policy Forum and in May 1998 the main consultation paper was released. Over six hundred submissions were received and taken into account when developing the final policy document.

In December 1998, *Australia's Oceans Policy* was launched by the Prime Minister during the International Year of the Oceans. The Prime Minister also announced \$50 million in funding over 3 years to apply the vision and initiatives contained within the policy.

*Australia's Oceans Policy* sets out a framework to apply sustainable development principals to the management of Australia's oceans and to protect our extraterritorial interests. The framework is designed around a single primary vision:

Healthy oceans: cared for, understood and used wisely for the benefit of all, now and in the future (Commonwealth of Australia 1998a, p4).

### Main initiatives of Australia's Oceans Policy

To guide Australians in achieving the vision contained within *Australia's Oceans Policy* a number of primary goals are defined:

1. To exercise and protect Australia's rights and jurisdiction over offshore areas, including offshore resources.
2. To meet Australia's international obligations under the United Nations Convention on the Law of the Sea.
3. To understand and protect Australia's marine biological diversity, the ocean environment and its resources, and ensure ocean uses are ecologically sustainable.
4. To promote sustainable economic development and job creation.
5. To establish integrated oceans planning and management arrangements.
6. To accommodate community needs and aspirations.
7. To improve our expertise and capabilities in oceans-related management, science, technology and engineering.
8. To identify and protect our natural and cultural marine heritage.
9. To promote public awareness and understanding.

These goals are being achieved through the application of sustainable development principals to the management of Australia's oceans through the development of regional marine plans and other initiatives.

### Sustainable development of Australia's oceans

Our oceans not only provide a broad range of economic, social and cultural opportunities but also encourage, promote and foster aspirations and provide a range of essential environmental services. However, until the advent of Oceans Policy management generally did not take a holistic view of our oceans because management was predominantly concerned with sectorally specific practices. As a result, these practices not only risked diminishing the range of values derived from the oceans, but also posed a risk to the essential environmental services on which we all depend.

While within each sector progress has been made in improving the sustainability of sectoral management arrangements, regional marine planning and other Oceans Policy initiatives provide the means to view decision making and management arrangements more holistically. In other words, these initiatives are an important step in managing oceans, on an ecosystem basis planning and management arrangements, that integrate sectoral uses and equips managers with better information and a heightened awareness of the ecosystems in which they operate.

### Regional marine planning

Regional marine planning is a key element of *Australia's Oceans Policy*. It is designed to integrate sectoral interests and their needs with conservation requirements, and to provide a framework for a structured and orderly process to achieve the ecosystem-based allocation of resources within and between sectors. Better decision making supported by good information provides a climate of certainty for industry investment and greater community confidence that our natural resources and environment are well managed.

Planning is based on large marine domains – extensive areas of ocean which have relatively uniform ecosystems and ecological structures such as fish species distribution, topography and ocean currents. Large marine domains are viewed, within the planning process, as whole working systems in which natural processes and human activities interact. A key input to the planning process is identification of regional economic, social

and environmental values and sectoral operational objectives which in turn provide insight in to the current and potential impacts of sectoral activities in the region.

New implementation arrangements for oceans planning and management

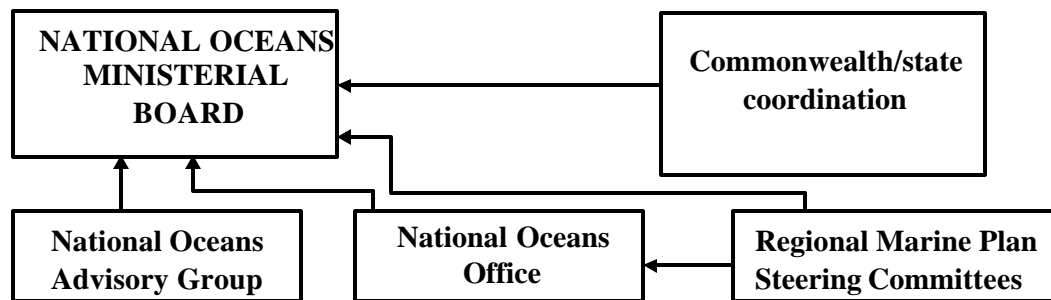
*Australia's Oceans Policy* has resulted in the establishment of a number of new coordinating and decision-making bodies. They are:

- National Oceans Ministerial Board
- National Oceans Advisory Group
- National Oceans Office
- regional marine plan steering committees.

These new institutional arrangements emphasise ministerial responsibility, consultation and stakeholder participation and well-coordinated government support (Commonwealth of Australia 1998, p. 3).

The lines of accountability of these bodies are outlined in Figure 1.

**Figure 1**



### *National Oceans Ministerial Board*

The National Oceans Ministerial Board has primary responsibility for the implementation and further development of *Australia's Oceans Policy*. The Ministerial Board consists of the Commonwealth Ministers responsible for industry, resources, fisheries, science, tourism, shipping and the environment. The Minister for the Environment and Heritage chairs the Ministerial Board.

In addition to the regular ministerial representatives on the Board, the Board can co-opt other Ministers (for example Ministers responsible for defence, Indigenous issues and foreign affairs) as necessary.

The Board also oversees the regional marine planning process and ultimately approves the outcome of each planning process.

### *National Oceans Advisory Group*

The Board has established the National Oceans Advisory Group — a non-government advisory body. The Advisory Group members were selected for their expertise in oceans and have backgrounds in maritime law, Indigenous issues, industry, science and conservation.

The role of the Advisory Group is to provide the Board with independent views on a range of issues, including the scope and effectiveness of the process for developing regional marine plans.

### *National Oceans Office*

The National Oceans Office is the lead Commonwealth agency with responsibility for supporting the National Oceans Ministerial Board to implement and further develop *Australia's Oceans Policy*. It also provides support to both the National Oceans Advisory Group and Regional Marine Plan Steering Committees.

The Office also liaises with other Government agencies responsible for ultimately implementing elements of *Oceans Policy* and acts as the main administrative coordination points between the Commonwealth, States and Territories on *Oceans Policy* implementation.

### *Regional Marine Plan Steering Committees*

The Ministerial Board is responsible for establishing regional marine plan steering committees to oversee the development of the plans. The Committees are made up of members selected for their expertise and experience in oceans related areas.

The role of a Steering Committee is to advise the Ministerial Board and the National Oceans Office on key issues in the strategic development of a Regional Marine Plan. One of their main functions is to achieve consensus-based options for integrated planning and management of the region.

## **Other key coordinating arrangements**

While the bodies established under *Oceans Policy* oversight the regional marine planning process, existing management arrangements have been strengthened to improve coordination of oceans governance throughout Australia. The existing management arrangements are still key to the whole process, as implementation of RMP outcomes will be undertaken by the institutions that currently have primary responsibilities for management within their sectors. For example, the Australian Fisheries Management Authority will retain primary responsibility for RMP outcomes relating to Commonwealth fisheries.

### Commonwealth agency coordination

*Australia's Oceans Policy* requires all Commonwealth Government agencies to operate in accordance with the outcomes of the regional marine planning process. This is an important development for oceans governance arrangements within Australia as currently there are at least twenty Commonwealth Government agencies with mandates affecting or affected by oceans governance. The requirement reflects the Government's intention to achieve better cross-departmental decision making.

It is to help ensure the sustainable development of Australia's oceans. The regulatory and administrative arrangements to implement outcomes of the regional marine planning process will primarily remain the responsibility of sectoral management agencies.

### Commonwealth/State cooperation

In 1979, the Commonwealth Government concluded negotiation of the Offshore Constitutional Settlement (OCS Agreement) with the States and Northern Territory. This agreement gives states jurisdiction over coastal waters from the high tide mark to three nautical miles. The Commonwealth retains control from three nautical miles to the edge of the EEZ. Current jurisdictional boundaries in Australia, however, do not always reflect the boundaries of marine ecosystems.

In developing the regional marine plans, the Commonwealth seeks the participation of the relevant states and territories to ensure, as far as possible, that planning and management is complementary across state, territory and Commonwealth waters. For example, the Commonwealth is in the process of completing a Memoranda of Understanding with the Queensland and Northern Territory Governments which will govern the relationship between the three jurisdictions during the Northern Marine Planning process.

### Undertaking Regional Marine Planning

As indicated above, regional marine planning is a key element of *Australia's Oceans Policy* and perhaps the principle means by which the Policy is being implemented. Planning is focused on the large marine domains into which 15 million square kilometers of the Australia's EEZ have been divided.

In order to improve decision making capacity and management in each domain we need to develop a good understanding of its key biophysical, ecological, social and economic characteristics. We need to understand what human activities occur in the region, how they interact with other activities and what their impact and benefits are. High-quality

science, good economic information and a sound understanding of the social dimensions are crucial to successful regional marine planning.

The National Oceans Office works with scientific and other specialist agencies, Commonwealth and state departments and individual experts in academia, industry and the community sector, in order to identify what information currently exists and what information is missing but needed to support the planning process. The Office then seeks to ensure that the most important gaps in our understanding are addressed and has an important role in fostering collaborative research between organisations so as to drive the best research and best value for the taxpayer's investment. The research in the South-east Region facilitated by the Office through organisations like the Bureau of Rural Sciences, CSIRO Marine Research and Geoscience Australia, has provided startling new information and new insights into the nature of the region.

As part of the assessment phase of the South-east regional marine planning process, seven reports were prepared which together provide the most comprehensive understanding of the region ever obtained. The reports were:

Ecosystems – nature's diversity

Communities – connecting with the ocean

Sea Country – an Indigenous perspective

Resources – using the ocean

Resources – Macquarie Island's picture

Impacts – identifying disturbances

Oceans Management – the legal framework

The last report is significant because in addition to our understanding of the scientific, economic and social dimensions, a consolidated picture of institutional arrangements operating in or affecting management in the region is also required.

Institutional arrangements refers to Commonwealth and State legislation and regulations, the international obligations Australia has in regard to the marine domain, and the way sectoral management is actually undertaken.

#### Involving the community

Involving the community in the regional marine planning process is integral to the success of *Australia Oceans Policy*. Without effective stakeholder engagement regional marine planning will produce little of lasting value.

Public participation, consultation and input is vital at all stages of regional marine planning and is the best way to ensure that all interests are recognised and taken into account. The Oceans Office takes a whole-of-government approach and encourages and facilitates input from all interested parties including industry, conservation, indigenous and scientific organisations. It facilitates communication and stakeholder engagement by holding regional meetings, establishing consultative advisory groups, holding workshops and public forums and of course calling for public comment on discussion documents it prepares.

Work on the South-east planning process is now nearing completion and the National Oceans Office is working with the South-east Stakeholder Working Group in its final analysis of planning issues. Management options and monitoring mechanisms that address ecologically sustainable development in a complex, changing marine environment are being developed through the analysis. The outcomes of the planning process will be proactive to avoid further damage to the long-term productivity of the ocean, and precautionary and adaptive to meet new challenges and respond to improvements in knowledge and understanding.

The South-east Marine Region Draft Plan will be released for public comment in December 2002 and, following the accommodation of feedback, be finalised in 2003.

### Conclusion

*Australia's Oceans Policy* and regional marine planning is a bold initiative. Integrated, sustainable and ecosystem-based management of the marine environment has never been attempted anywhere on this scale. We are nearing the end of our first regional marine planning exercise and can reflect briefly on the most important aspects of the process.

Good information is vital. While we can never have perfect knowledge, a sound understanding of the key biophysical, ecological, social and economic characteristics is vital. So too is an understanding of the current management arrangements, their interactions, their benefits and their deficiencies.

A planning process that engages stakeholders is also essential. Industry, management agencies, community organisations and other interests must have confidence that they're given a real opportunity to contribute and have a stake in the outcomes.

Finally, cooperation is required if outcomes of lasting value are to be achieved. The high levels of engagement by stakeholders in the South-east planning process and increasing jurisdictional cooperation in marine issues encourages an optimistic outlook for regional marine planning and future development of *Oceans Policy*.