



Overview

New legislation to underpin a new approach to managing the NSW marine estate

WHAT IS THE MARINE ESTATE?

The NSW **marine estate** extends from the Queensland border down to the Victorian border. It includes:

- » the ocean seaward out to the three nautical mile limit of NSW State waters;
- » the coastline, including beaches, dunes, headlands, rock platforms and coastal wetlands;
- » estuaries up to the highest astronomical tide, including semi-enclosed waterbodies which are connected to the sea either permanently or periodically, and saltmarsh, mangroves and seagrass;
- » islands including Lord Howe Island.

WHY IS NEW LEGISLATION NEEDED?

The NSW Government is taking a new, holistic management approach to deliver on the vision of a:

“clean, safe, healthy, biologically diverse and productive NSW marine estate, enjoyed, valued and sustainably managed to balance economic growth and environmental protection and deliver long term benefits to NSW, its people, regions and industries”.

We have developed new legislation to support the government’s commitment for a more integrated and effective set of rules for the marine estate that are more easily understood.

The legislation will set the broad framework for how the marine estate will be managed and provides the opportunity to:

- » increase integration and coordination of operations across government departments;
- » formalise the new threat and risk assessment based approach for managing the marine estate and evidence based decision making that considers ecological, economic and social factors;
- » update marine park planning and management to more contemporary practices; and
- » reduce red tape and cost to NSW businesses and communities.

WHAT PRINCIPLES IS THE LEGISLATION BASED ON?

In November 2013 the Marine Estate Management Authority outlined a set of principles in its paper, *Managing the Marine Estate: Purpose, Underpinning principles and priority setting*. The aim is to embody the following key principles within the legislation:

- » **Evidence based decision making** – the best available information will be used where trade-offs must be made, based on assessing threats and associated risks to key economic, social and environmental benefits derived from the marine estate.
- » **Effectiveness** – preference will be given to efficient and cost-effective management that aligns private incentives and behaviours with results desired by the broader community.
- » **Transparency** – management decisions will be made clear, transparent and accessible, and adjust in response to new information.
- » **Well-being of future generations** – the quality of life, living conditions, and socio-economic and natural systems that future generations depend on will be respected.

WHAT HAS THE GOVERNMENT ALREADY AGREED THE LEGISLATION WILL DO?

The NSW Government is committed to better management of the state's marine environment, one of our greatest natural assets, by:

- » providing for integrated, sustainable management of the marine estate through a Marine Estate Management Strategy;
- » establishing the Marine Estate Management Authority and Marine Estate Expert Knowledge Panel;
- » reviewing procedures for marine park declaration and management, including the making of management plans. Existing marine parks will be maintained;
- » considering providing for the declaration and management of aquatic reserves within the new marine estate legislation as these are currently under the *Fisheries Management Act 1997*;
- » re-establishing the local advisory committee for each marine park; and
- » abolishing the Marine Parks Authority and Marine Park Advisory Council, and repealing the *Marine Parks Act 1997*.

Agencies will still have their current statutory obligations and deliver specific programs across the marine estate.

Regulations, the statewide strategy and specific management plans will be prepared to complement the legislation and provide more guidance for users of the marine estate.

WHAT CONSULTATION WILL THERE BE?

Comments regarding legislative issues that were received during the course of the independent, scientific audit of marine parks in NSW, as well as on the audit report, have been considered. Issues that were raised included the following:

- » improve legal frameworks for managing coastal development, land based pollution, water quality and health, and biosecurity;
- » better coordinate the work of government departments with marine responsibilities;
- » strengthen/relax recreational and commercial fishing rules;
- » strengthen/relax compliance and enforcement including fines and penalties;
- » management of marine protected areas must be consistent with international law; and
- » simplify marine park zoning.

A statewide marine estate community survey was undertaken in early 2014 will also inform the legislation.

Input from the public will be sought following passage of the Act. Community views will be critical to informing the regulations as these, along with management plans, will detail the marine park rules.

WHERE CAN I GET MORE INFORMATION?

More information on the new approach is available at www.marine.nsw.gov.au