



Frequently asked questions

WHAT IS THE NSW MARINE ESTATE?

The NSW marine estate includes marine waters, estuaries and coastal lands strongly influenced by ocean processes within the jurisdiction of NSW, which extends approximately three nautical miles from the mainland coastline.

WHY DO WE NEED NEW LEGISLATION TO BETTER MANAGE THE NSW MARINE ESTATE?

New legislation is needed to support the NSW Government's new approach to managing the entire marine estate.

This legislation has been developed and brought together in the Marine Estate Management Bill 2014.

The Independent Scientific Audit of Marine Parks, commissioned by the NSW Government in 2011, found that management of the marine estate in NSW was fragmented and deficient.

In March 2013, the NSW Government released its response to the audit and announced a new evidence-based and coordinated approach to marine estate management.

WHAT PRINCIPLES UNDERPIN THE MARINE ESTATE MANAGEMENT BILL 2014?

The Bill is underpinned by the following principles:

- » evidence based decision-making, by assessing threats and risks to the marine estate;
- » integrated management, coordinated through a Marine Estate Management Strategy;
- » effective management, through prioritisation of actions in the Strategy;
- » maximising community well-being, by developing a Strategy for determining the most equitable management arrangements that focus on the highest priority issues; and
- » shared understanding, by articulating environmental, economic and social considerations through the assessment of threats and risks.

WHAT DOES THE MARINE ESTATE MANAGEMENT BILL 2014 PROVIDE FOR?

The Bill provides for:

- » Establishment of a Marine Estate Management Authority, to advise the Minister for Primary Industries and Minister for the Environment on management of the marine estate consistent with the principles of ecologically sustainable development.
- » Establishment of a Marine Estate Expert Knowledge Panel, to provide the Authority with independent scientific expert advice across environmental, economic and social sciences.
- » The development of a Marine Estate Management Strategy, reviewed at least every ten years.
- » An assessment of threats and risks, at least once every ten years.
- » Improved processes for the declaration and management of marine parks and aquatic reserves.

WHAT DOES THE MARINE ESTATE MANAGEMENT BILL 2014 DO?

The Bill will put in place the legal framework to deliver on the vision for a healthy coast and sea, managed for the greatest well-being of the community, now and into the future.

The Bill enshrines the establishment of the Marine Estate Management Authority and the Marine Estate Expert Knowledge Panel in legislation. The Authority and Knowledge Panel will provide advice to Ministers. They will play an important role in ensuring that management strategies for the marine estate properly balance social, economic and environmental outcomes.

This new approach will reform marine estate management to be more strategic, evidence-based and transparent. The cornerstone of the new approach is an over-arching Marine Estate Management Strategy that will set out common principles and priorities for management.

WHAT IS THE PURPOSE OF THE MARINE ESTATE MANAGEMENT STRATEGY?

The whole-of-government Marine Estate Management Strategy will set out the vision and priorities for coordinated management of the marine estate. This will achieve the objectives of the Bill – sustainable management of the marine estate.

The Strategy will set out the management priorities for the marine estate, as informed by threat and risk assessment work. This will allow for effective and efficient management of the entire estate.

HOW WILL THE MARINE ESTATE MANAGEMENT STRATEGY BE DEVELOPED AND IMPLEMENTED?

The results of a state-wide community survey, commissioned by the Marine Estate Management Authority in early 2014, will inform the Strategy.

Further community consultation will also be an essential step in developing the Strategy. The Bill requires that a draft Strategy be publicly exhibited and that any community views be considered before the Strategy is made.

Consultation with Local Land Services is also required in order to ensure that land-based impacts on the marine estate are properly identified and addressed.

The Strategy will be implemented by NSW Government agencies through existing programs and new programs as identified. It will provide decision makers with relevant information and support them in addressing the significant issues across the marine estate.

WHAT IS THE THREAT AND RISK ASSESSMENT?

In a nutshell, this is an assessment of threats and risks to the environmental, economic and social benefits the community enjoys from the marine estate.

The Bill requires an assessment of threats and risks for the marine estate, which is to be completed for the marine estate at least every 10 years with community input.

The assessment is expected to take into account cumulative threats, present threats and those that are expected to have impacts in the future.

WHAT WILL THE THREAT AND RISK ASSESSMENT ACHIEVE?

The threat and risk assessment approach will underpin evidence based decision-making. This will allow the NSW Government to recognise the most significant issues affecting the health of our marine estate and broader community well-being.

This approach will pinpoint knowledge gaps and guide research priorities. It will also inform decisions about what the most cost-effective and equitable management actions are to avoid, mitigate or manage the most critical threats.

Management responses to the priority threats and risks will be articulated in the Marine Estate Management Strategy.

WHAT WILL HAPPEN TO CURRENT ZONING PLANS/REGULATIONS FOR MARINE PARKS?

Current zoning plans and regulations will continue to apply until they are reviewed.

As the Bill is implemented, zoning plans and operational plans will be replaced by a management plan for each marine park or aquatic reserve.

These plans will be underpinned by management rules that will regulate activities in marine parks where required.

To ensure the future direction of marine park management is guided by marine estate considerations and priorities, management plans will be developed having regard to the Strategy and the threat and risk assessment required by the Bill.

WILL THE RULES IN MARINE PARKS OR AQUATIC RESERVES BE CHANGED?

The Bill does not change the current rules for marine parks and aquatic reserves. These rules will continue to apply until they are reviewed.

The development of new management plans will be piloted at Batemans Marine Park and Solitary Islands Marine Park once the Act has commenced and new regulations are in place. A timetable for reviewing the remaining marine parks will be set once the pilots have been evaluated.

The Bill requires that marine parks and aquatic reserves be managed primarily to conserve biological diversity. New management plans will need to consider the suite of environmental, economic and social values to be conserved by a marine park or aquatic reserve, threat and risk assessment, as well as the Marine Estate Management Strategy.

HOW DOES THE BILL AFFECT THE CURRENT AMNESTY ON RECREATIONAL, SHORE-BASED LINE FISHING FROM OCEAN BEACHES AND HEADLANDS IN MARINE PARK SANCTUARY ZONES?

The Bill will have no direct impact on the amnesty on recreational shore-based line fishing from ocean beaches and headlands in marine park sanctuary zones.

The amnesty was put in place when the NSW Government tasked the Marine Estate Expert Knowledge Panel with assessing the threats and risks posed by recreational fishing ocean beaches and headlands.

While the Bill sets out the framework for implementing specific management arrangements such as those considered by the beaches and headlands assessment, this assessment is still under consideration by the Government. Any further changes to on-the-ground arrangements will be done separately to the Bill.

WHAT WILL CHANGE IN TERMS OF MARINE PARK COMPLIANCE AND ENFORCEMENT?

There are no new offences and only minor changes to marine park enforcement provisions in the new Bill.

Enforcement powers previously allocated to marine park rangers will be attributed to 'authorised officers'. To increase efficiency, these functions will now be carried out by other on-water officers, primarily fisheries officers appointed under the *Fisheries Management Act*. To facilitate this, fisheries officers will automatically be authorised officers under the Bill.

WILL NEW MARINE PARKS BE DECLARED?

There is a presently a moratorium on declaring new marine parks.

The Bill itself does not include a provision that maintains the moratorium, but the Government intends to maintain the moratorium as a policy setting, subject to advice from the Marine Estate Expert Knowledge Panel.

Under the Bill, a marine park may only be declared or varied on the recommendation of the relevant Ministers, and only once they have considered the Strategy and relevant threat and risk assessment. This will ensure declarations are underpinned by common marine estate management principles, and the best and latest available science about the social, economic and environmental impacts of that decision.

WILL I HAVE AN OPPORTUNITY TO HAVE A SAY ON HOW THE MARINE ESTATE IS MANAGED IN THE FUTURE?

Extensive consultation with the community and interest groups will be an essential step in informing the future direction of marine estate management.

Community consultation will be welcomed during various stages of preparing the Marine Estate Management Strategy, threat and risk assessment, and during pilot management planning at Batemans Marine Park and Solitary Islands Marine Park.

Opportunities for engagement will be publicised as these projects are put into action.

WHAT HAPPENS TO EXISTING LEGISLATION AND ORGANISATIONS?

The Marine Parks Act 1997 will be repealed and replaced by the Marine Estate Management Act, once the Bill has been passed by Parliament and comes into force.

Additionally, Division 2 of Part 7 of the *Fisheries Management Act 1994* relating to declaration and management of aquatic reserves will be repealed as the Marine Estate Management Bill 2014 includes the relevant powers.

The Marine Parks Authority and Marine Parks Advisory Council, which were established under previous legislation, will be abolished.

Responsibility for the Marine Park Authority's functions will sit with the Minister for Primary Industries and the Minister for the Environment. The new Marine Estate Management Authority will set the strategic framework for marine park and aquatic reserve management but does not have operational or decision-making powers.

The delivery of day-to-day operations for marine parks and aquatic reserves will continue to be led by Fisheries NSW within the Department of Primary Industries.

Local marine park advisory committees, while not formally established under the Bill, are being revitalised and vacancies filled. They will no longer be statutory committees but they will continue to provide valuable input on local marine park issues, as well as management across the marine estate where appropriate.

WHY DOES THE BILL ESTABLISH THE TWO AUTHORITIES THAT ARE ALREADY IN PLACE?

The Bill introduces a statutory basis for establishing the Marine Estate Management Authority, and provides for establishment of the independent Marine Estate Expert Knowledge Panel.

These two advisory committees have already been operating on an administrative basis for over a year to allow reforms to progress as quickly as possible. They have a proven track record in providing quality advice.

Their inclusion in the Bill provides certainty around their role as a key part of the architecture of the new approach. They provide essential, considered and independent expertise across the range of portfolios interests and triple bottom line considerations.

Authority membership includes:

- » An independent chairperson;
- » Secretary of NSW Trade & Investment;
- » Chief Executive of the Office of Environment and Heritage;
- » Secretary of the Department of Planning and Environment;
- » Secretary of Transport for NSW; and
- » Chairperson of the Marine Estate Expert Knowledge Panel.

Knowledge Panel membership includes independent experts across the environmental, economic and social sciences.

WHERE CAN I FIND MORE INFORMATION?

More information is available at www.marine.nsw.gov.au