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Australian Marine Parks in the Indian Ocean Territories

Director of National Parks Report on public comments
received on the draft *Proposal for the establishment
of marine parks in Australia's Indian Ocean Territories)*
Christmas Island and Cocos (Keeling) Islands)

REPORT

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**Australian
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Acronyms

AEZ - Australia's Exclusive Economic Zone

CI - Christmas Island

CINP - Christmas Island National Park

CKI - Cocos (Keeling) Islands

DITRDC - Department of Infrastructure, Transport, Regional Development and Communications

DNP – Director of National Parks

EPBC Act - Environment Protection and Biodiversity Conservation Act

IOT - Indian Ocean Territory/Territories (Christmas Island and Cocos (Keeling) Islands)

MARPOL - International Convention for the Prevention of Pollution from Ships

NRSMPA - National Representative System of Marine Protected Areas

PKNP - Pulu Keeling National Park

WTBF - Western Tuna and Billfish Fishery

1. Introduction

On 16 July 2021, the Director of National Parks (DNP) released a draft *Proposal for the establishment of marine parks in Australia's Indian Ocean Territories (Christmas Island and Cocos (Keeling) Islands)* (draft proposal). The draft proposal primarily described the design (area, location and zoning) of the proposed Indian Ocean Territory (IOT) marine parks. It was available for comment for a period of four weeks and is available to be viewed on the Parks Australia website:

parksaustralia.gov.au/marine/pub/draft-iot-proposal-2021.pdf.

This consultation was not a statutory requirement but was conducted by the DNP to ensure public visibility and engagement on the proposed marine parks prior to holding formal consultations on the proposal. The purpose of this report is to summarise the main comments received from public submissions on the draft proposal.

Comments on the draft proposal have been considered in preparing the *Proclamation proposal for the establishment of marine parks in Australia's Indian Ocean Territories (Christmas Island and Cocos (Keeling) Islands)* (proclamation proposal). Due to the strong support for the draft proposal, this has only resulted in a minor change to the design of the marine parks (see 3.2.4). Several (non-design) editorial and content comments on the draft proposal were (where relevant) used to assist with finalising the proclamation proposal. Some comments were not directly related to establishing marine parks (i.e. the draft proposal) or their future management. Therefore, these comments have not been summarised or considered in the preparation of the proclamation proposal.

The proclamation proposal will be released for public comment for at least 60 days, which is required under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) before the marine parks can formally be proclaimed. Appendix A provides an overview of the process and steps to establish IOT marine parks.

2. Overview of the draft marine park proposal (park designs)

The designs of the Christmas Island (CI) Marine Park and Cocos (Keeling) Islands (CKI) Marine Park (Indian Ocean Territory (IOT) marine parks) described in the draft proposal encompass nearly all of Australia's IOT waters, from their shorelines to the boundary of the Australia's Exclusive Economic Zone (AEEZ). The proposed zoning configurations and inshore exclusion areas for both of the marine parks were largely similar:

- The proposed Christmas Island Marine Park provided yellow zoning (Habitat Protection Zone) from 0-12 nautical miles from the shore (with most of the Port of Christmas Island excluded); and a green zone (National Park Zone) from 12 nautical miles to the outer boundary of the AEEZ.
- The proposed Cocos (Keeling) Islands Marine Park provided yellow zoning from 0-3 nautical miles from the shore of the Southern Atoll and North Keeling Island; and a green zone from this area to the outer boundary of the AEEZ. Small inshore green zones were proposed for the Rip and Trannies Beach, with areas important for critical shipping operations and shoreline infrastructure excluded from the marine park.

Maps and descriptions of the proposed marine parks described are provided in the draft proposal.

3. Summary of submissions and comments

3.1 Summary of submissions

In response to the release of the draft proposal, 60 unique submissions and 15,184 ‘campaign submissions’¹ were received (15,244 total submissions). Of these, 47 unique submissions and all campaign submissions supported the draft proposal. Unique submissions were from a range of stakeholders including: IOT organisations, groups/associations and individuals; mainland commercial fishers and representative bodies; recreational and local fishing groups; research and conservation organisations and mainland-based individuals. Campaign submissions were facilitated by conservation organisations. There were 10,602 campaign submissions facilitated by the Australian Marine Conservation Society and 4,582 facilitated by Save Our Marine Life.

Table 1: Summary of submissions supportive and unsupportive of the draft proposal

Submission category by supportive/unsupportive	Number	Comments
Supportive (unique submissions)	47	There were 47 unique submissions in support of the draft proposal (with no changes to the proposed marine park designs recommended). Of these: 25 specified the CI and CKI (IOT) proposal; 17 specified the CI proposal and 5 specified the CKI proposal (see 3.2.1 for details).
Supportive (campaign submissions)	15,184	There were two different campaign submission templates, respectively generating 10,602 and 4,582 submissions and all supported the draft proposal.
Unsupportive	6	Four of the unsupportive submissions were from Western Tuna and Billfish Fishery concession holders and commercial fishing representative bodies (two each). The key issue identified was establishing marine parks with large offshore green zones, not necessarily establishing the parks themselves.
Mixed views	4	Four submissions supported the establishment of the parks (including the proposed offshore green zones) but wanted the zoning or location of inshore waters to be changed, to increase the level of protection of these waters.
Unclear	3	It was unclear from these submissions if they supported the draft proposal or not.
Total unique submissions	60	
Total campaign submissions	15,184	
Total submissions	15,244	

¹ ‘Campaign submissions’ refers to those submissions that were generated by individuals through a third-party website and providing identical or very similar comments (there were two different campaign submissions).

Table 2: Summary of unique submissions by sector

Sector	Number of submissions
IOT organisations and community groups/associations	10
Tourism industry*	10
Recreational fishing organisations	1
Wester Tuna and Billfish Fishery concession holders	2
Commercial fishing representative bodies	2
Commercial fishers (IOT based)	2
Conservation organisations**	6
	1
Philanthropic organisation	1
Research organisations***	5
Private individuals	20
TOTAL	60

* Nine IOT-based and one mainland-based tourism industry submissions.

** Six mainland based and one IOT based conservation organisation (to avoid double counting the IOT conservation organisation is not included in IOT community organisation and group/associations total in row one).

*** Five submissions from four research organisations.

3.2 Submission themes and comments

3.2.1. Support for the proposed marine parks

The major theme across all submissions was strong support for the draft proposal. Forty seven of the 60 unique submissions and campaign submissions supported the proposed marine parks, with no changes to their designs recommended (i.e. their area, location and zoning).

Of these 47 unique submissions, 27 were known to be from the IOT. These submissions included: one from local government; nine from the tourism industry, including tourism associations; several from cultural and representative bodies; two from fishing groups; two from commercial fishers as well as from several individuals (see Table 2).

The remaining submissions in support of the proposed marine parks included seven conservation organisations and one from a mainland based recreational fishing representative body, that indicated general support for the proposal.

All four submissions that were classified as having mixed views on the draft proposal indicated support for establishing the parks, including offshore green zones (see 3.2.4), but suggested changes to the design of the inshore waters of the parks.

Across the submissions received, the main issues and points raised were:

- Inshore yellow zones support subsistence, recreational and small-scale commercial fishing and the continued cultural use of these waters by locals.

- Offshore green zones will prevent industrial scale fishing and protect pelagic fish stocks, which migrate into inshore waters. This will help to ensure food security for islanders.
- Green zones will protect a large part of the only known southern bluefin tuna spawning area on earth, as well as habitats for other significant species, including yellow fin tuna, cetaceans and foraging areas for the endangered Abbott's booby and Christmas Island Frigatebird.
- Offshore waters are subject to limited human pressures and such intact marine systems of high biodiversity value are rare.
- Large offshore green zones will protect the area from industrial fishing, which will maintain fish stocks and ecological processes and enhance resilience to other pressures (e.g. climate change).
- The proposed marine parks will protect refuges for vulnerable species and sustain fishing in other areas by acting to replenish other areas (e.g. inshore waters).
- The designs provide a high level of protection for all the areas subregions, depth ranges, eight known ecological features, three biologically important areas and threatened species.
- The proposed marine parks would be amongst the world's premier parks. They would exceed the widely recommended minimum target of 30% for full level of protection and solidify Australia's commitment to marine conservation and strengthen regional protection.
- Australia only has the ninth-largest coverage of fully protected marine parks in the world, with less than 10% of currently protected. The marine parks will increase this to 17%.
- Large no take zones are a cost-effective way to conserve marine biodiversity.
- The green zones will have little to no negative impacts on the existing commercial fishing operations in Australia.
- The proposed marine parks will address significant gaps in Australia's National Representative System of Marine Protected Areas (NRSMPA).

3.2.2 Consultation and co-design processes

Just over one third of unique submissions that supported the marine park proposal, as well as campaign submissions, provided positive comments on the process used to co-design the parks with local communities. The majority of these unique submissions were from island-based organisations and individuals, but several were from mainland-based organisations (conservation organisations and a recreational fishing representative body).

Across the submissions received, the main issues and points raised were:

- The process to design the marine parks has been open, collaborative, productive, thorough and inclusive and encourage this to continue during the process to establish the parks.
- Genuine and rigorous efforts were made to listen to the community to design the parks and as a result there is good community consensus.
- Encouraging the government is working collaboratively to co-design the parks, to meet local aspirations and recognise the significant cultural values and connections to the ocean.
- The consultation with local communities and simplified zoning is positive, as it addresses local socio-economic factors.

- Support inclusive protected area planning, that considers the views of local communities.

3.2.3 Opposition to offshore zoning that restricts commercial fishing and adherence to marine park design principles

Six submissions commented on the potential impacts of the proposed marine parks on the mainland-based commercial fishing industry—the Western Tuna and Billfish Fishery (WTBF) in particular. Two submissions were from commercial fishing industry representative bodies; two were from concession holders in the WTBF and two were from individuals.

Five of these six submissions contained a number of comments that the offshore extent of the proposed marine parks should be reduced and/or the proposed offshore green zoning should be changed to yellow zones (Habitat Protection Zone) to enable pelagic commercial fishing to occur in the future. Four submissions also expressed concerns that the marine parks proposal does not account appropriately for fishing prospectivity in IOT waters.

Across the submissions received, the main issues and points raised were:

- The marine park designs are contrary to the principles of comprehensiveness, adequacy and representativeness that underpin goals and principles for the National Representative System of Marine Protected Areas (NRSMPA).
- Marine parks cannot address the most significant threats to the marine environment – such as climate change, so it makes no sense to prevent pelagic fishing over such a large area.
- It appears that the design is based on the IOT communities’ desire for commercial fishing not to occur in offshore waters. Marine parks should not be created for fisheries management purposes, especially to manage migratory pelagic species.
- The commercial fishing methods that would be used (e.g. pelagic longline) occur in upper water column and would not harm seafloor features. Australian fishers also use methods that minimise impacts on non-target species and wildlife (e.g. from bycatch).
- Australia should not exceed international targets for marine protection.
- Lack of recent commercial fishing in offshore IOT waters doesn’t mean there is no impact on the industry—the historical fishing productivity of the area in question should also be considered when assessing impacts on fishing.
- There has been no recent commercial fishing in offshore IOT waters because the Government has not facilitated industry access by Japanese ultra-low temperature fishing vessels.
- If Australian fishers can’t fish IOT waters, it will benefit international fishers who fish around them, due to the migratory nature of the target species.
- If the offshore green zoning of the draft marine park proposal is not changed to yellow zoning, then a fair and reasonable assistance or compensation package for impacted fishers must be provided (based on historical productivity of IOT waters, not catch history).
- The prospectivity of mining and commercial fishing are treated differently and that this results in disproportionate impact on the commercial fishing industry.

- The same level of engagement on the marine parks proposal has not occurred with the commercial fishing sector as has occurred with IOT communities.

3.2.4 Increasing the level and area of inshore protection

Three of the submissions from research organisations and one from a philanthropic organisation supported the establishment of the parks, but also wanted the zoning or location of the parks to be changed, to increase the level of protection of inshore waters.

Another submission questioned why certain areas were excluded from the Cocos (Keeling) Islands' Marine Park (e.g. around Direction Island), but this submission did not propose any changes to the park design.

Across the submissions received, the main issues and points raised were:

- Support the proposal to establish marine parks, including proposed offshore green zones.
- Inshore waters are not sufficiently protected as they are yellow zones, which are unlikely to maintain the conservation values of these areas (e.g. from pressures like climate change, overfishing).
- Provide more details of permitted activities in yellow zones and consider prohibiting activities that damage the seafloor and/or ways to prevent damage (e.g. install moorings).
- Include at least 30% of inshore waters as green zones to protect ecologically and culturally significant species and habitats. No take zones are fundamental for marine parks and are shown to provide considerable conservation benefits (e.g. recovery of fisheries).
- Recommend modifying the park designs to include inshore areas that are excluded from the park and contain important ecosystems (e.g. sensitive habitats in port/shipping areas).
- Should consider restrictions on extractive and destructive activities in ports that are not related to shipping/marine transport.

3.2.5 Tourism benefits and opportunities

There were 10 submissions that made comments on the benefits of the marine parks for tourism, and nine of these were from the IOT tourism industry (including the two tourism associations).

Across the submissions received, the main issues and points raised were:

- Marine parks will help protect the marine environment for tourism. Green zones would protect the area from industrial and illegal fishing and mining, helping to maintain health of the marine environment, thereby, supporting sustainable tourism and associated jobs.
- Christmas Island has some of the best diving and snorkeling in Australia and is home to tropical reef species, dolphins, whale sharks, manta rays and pelagic fish. A globally significant marine environment is a key attraction for tourism, which is increasingly an important aspect of the IOT economy.

- Except for the public service, tourism is the largest industry on Cocos and a pristine marine environment is critical for tourism, so welcome the proposed marine park including the large green zone. Marine parks would also benefit tourism marketing, visitation and jobs.
- The marine parks are likely to benefit recreational and charter fishing by protecting southern blue fish tuna spawning grounds and other pelagic species. Both islands are also 'bucket list' destinations for charter fishers, providing a wilderness experience unlike anywhere else.
- The requirement for commercial tourism licenses could help support and promote the sustainable use of the marine area (e.g. via best practice dolphin watching guidelines).

3.2.6 Socio-economic benefits for and the involvement of local communities

Several submissions from IOT groups and organisations, as well as individuals, commented about the opportunities and need for the marine parks to provide socio-economic benefits and engage IOT communities in their management. A few mainland-based conservation organisations and individuals also provided similar views, as did campaign submissions.

Across the submissions received, the main issues and points raised were:

- The marine park can and should provide opportunities to employ, train and engage locals to manage the parks.
- Governance and management arrangements for the marine parks should be participatory and collaborative. They should help support community aspirations, work to devolve responsibilities and involve shared decision making to plan, manage and monitor the parks.
- Using local cultural and ecological knowledge, alongside the best science and management practices, to manage the marine parks will enhance conservation and social outcomes and recognise ongoing cultural connections to the ocean.
- Marine parks will support the communities' social, economic and recreational interests, encourage tourism and align with the *Our Christmas Island 2030 Strategic Plan*.
- Revise the marine park's socio-economic objective so that it recognises the positive impacts marine parks can have for locals and other marine park users.
- Large scale offshore fishing would have limited economic benefit for locals, for example, because as there is little scope for refueling or restocking of boats.

3.2.7 Inshore subsistence, recreational and commercial fishing

Several submissions from the IOT commented on subsistence, recreational and commercial fishing. There were two submissions each from: commercial fishers, community fishing groups and (non-fishing) community groups. A few mainland-based conservation organisations and one mainland based recreational fishing representative body also provided comments, as did a few individuals.

Across the submissions received, the main issues and points raised were:

- Support working with communities to develop local fishing management arrangements.
- Inshore yellow zoning supports subsistence, recreational and commercial fishing and cultural practices, while offshore green zones will protect local fisheries for future generations.

- Any impacts on Christmas Island fish stocks are unlikely to be due to local fishers, as large portions of the island are inaccessible during the year, making it like a seasonal closure.
- As IOT waters are not broadly regulated, this disadvantages local commercial fishing licensees who have to follow commercial license rules.
- The proposed yellow zone on Christmas Island means local commercial fishers can fish the entire area that they are permitted to under their fishing licenses.
- The proposed parks will have positive impacts for visiting recreational fishers, therefore, they are likely to receive their support.
- Need to ensure commercial fishing is monitored and well managed in inshore waters.
- Should define subsistence fishing in the IOT context and differences to recreational fishing.

3.2.8 Threats to the marine environment

Submissions with comments about marine threats were received from: mainland conservation and research organisations; an IOT-based conservation organisation; an IOT tour operator and campaign submissions. Two mainland based commercial fishing representatives also provided comments on threats (also see 3.2.3).

Across the submissions received, the main issues and points raised were:

- Major global threats to marine areas are overfishing, habitat loss, climate change, pollution and invasive species, which often act together. Large highly protected marine parks can optimise protection from threats and foster greater ecological resilience.
- The marine parks provide opportunities to further research, monitor and manage marine debris in the region and engage local communities to do this.
- Overfishing of pelagic species reduces baitfish from being driven to the surface, which provide food for seabirds, including the Abbott's booby and Christmas Island Frigatebird.
- The draft proposal identifies marine threats as climate change, commercial fishing, mining and development. However, commercial fishing doesn't threaten seafloor habitats.
- Reasons often put forward to justify the 30% targets for protection of marine areas include pollution, overexploitation, climate change, acidification and biodiversity loss. How marine parks will address these threats is uncertain.
- The proposal refers to the international convention for the prevention of pollution from ships (MARPOL). Concerned that ship waste can be discharged in a marine park.

3.2.9 Research, monitoring and management of marine parks

Several submissions raised comments about future research, monitoring and management of the marine parks. Comments were received from: research organisations; conservation organisations (mainland and an IOT based organisation) and IOT based individuals and groups, including one tour operator and two fishing groups.

Across the submissions received, the main issues and points raised were:

- Monitoring and assessing fish stocks and habitats should be done to understand what needs to be done to sustainably manage them.
- There should be a long-term program to research and monitor ecological aspects of the marine parks, including benthic habitats and species populations, as well as invasive species.
- The marine parks provide opportunities to work with local communities on management, monitoring and research projects.
- Encourage a bioregional assessment of the region's natural values.
- Recommend targeted seabird research, including tracking of foraging trips and assessing population recruitment.
- Assessing the impacts of cadmium on marine life should be a research project.
- The scientific information used for the proposal is unclear, so it's hard to assess if the park designs will have the desired effect/achieve objectives for inshore waters.
- Management should be based on best available science and management guidelines.
- Would like to continue working with government to prepare marine park management plans.

3.2.10 Existing IOT parks and links between terrestrial and marine environments

There were five submissions that commented on the existing IOT national parks (Christmas Island National Park – CINP, Pulu Keeling National Park - PKNP) and/or the ecological links between terrestrial and marine environments. These were from three IOT-based groups and one individual, as well as a mainland-based recreational fishing representative body.

Across the submissions received, the main issues and points raised were:

- Christmas Islanders have contributed to managing CINP and can do the same to help manage marine parks.
- Currently collaborate with CINP on several programs and see opportunities to also do this with Parks Australia to help manage the marine park.
- There is a unique relationship between Christmas Islands terrestrial and marine environments. For example, red crabs and seabirds rely on both environments and seabirds fertilise the forests that all terrestrial species rely on. However, some terrestrial species are threatened.
- The marine parks provide an opportunity to address irregularities of the existing marine boundaries of CINP and PKNP, through management plans. They could apply consistent zoning of these marine areas and the new marine parks, to simplify management and avoid confusion (e.g. to enable spearfishing in CINPs waters, which is currently prohibited).
- Support the yellow zone to three nautical miles for Cocos, including for North Keeling Islands/PKNPs waters.

4. Appendices

Appendix A - Process and steps to establish IOT marine parks

