



Biodiversity Council

Submission to the South-east Marine Parks Network Management Plan Review

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The Biodiversity Council brings together leading experts including Indigenous knowledge holders to promote evidence-based solutions to Australia's biodiversity crisis. The Council was founded by 11 universities with the support of Australian philanthropists.

Summary

The Biodiversity Council welcomes the opportunity to provide a submission into the South-East Marine Parks Network Management Plan Review. We particularly welcome the two-staged approach of seeking broad input before a draft Plan of Management is put out for public consultation, via the statutory requirements¹.

Key Points:

1. Achieving biodiversity conservation outcomes, sustainable use and equitable outcomes for First Peoples should be central to the design of all protected areas.

¹ The statutory provisions for the Plan of Management for protection of marine areas are outlined within the current *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). However, the Government has indicated it will introduce new national environmental laws in this term of Government. The Biodiversity Council may later offer commentary on the effectiveness or otherwise of the EPBC Act regarding protection of marine ecosystems.

This will require a review of the current approach designed to minimise impact on existing and aspirational fishing and mining interests. High conservation value areas previously precluded because of fishing, oil or gas interests should be reviewed for inclusion.

2. To deliver the Australian commitment to the full protection of 30% of our oceans by 2030 (30x30) will require a significant increase in areas classified as IUCN category Ia and II.
3. Accurate interpretation and application of the IUCN MPA categories is essential. This may lead to precluding some existing industrial mining, seismic and fishing activities, particularly when considered against the effectiveness of partial protection approaches.
4. The South-East Marine Park Network requires reconfiguration, rigorous and transparent prioritisation with stakeholders, addition of new areas, and an increase the number of areas where fishing and mining are not allowed, to ensure the representation of all biodiversity in the region, including areas of high conservation and cultural value, biodiversity hotspots, and areas under greatest threat currently missing or outside of the current protected area.
5. To ensure adequate representation of all biodiversity values, a transparent and inclusive systematic conservation planning approach should be used. An IUCN principle is to aim to maintain or, ideally, increase the degree of naturalness of the system being protected.
6. The recommendations proposed by the Centre for Conservation Geography 2022 review provide excellent ways forward to address gaps in the current arrangements and contribute to Australia achieving its 30x30 commitment.
7. Climate response and adaptation needs should be incorporated into the design of the area and explicit climate goals reflected in the management plan.
8. The next plan of management must include adequate resourcing, monitoring, enforcement and regular review to ensure that the plan provides a sound framework for achieving the intended biodiversity outcomes.
9. Systematic conservation plans to achieve the objectives outlined above will require the full and effective equitable engagement of First Peoples.

Australia's commitment to ocean health – 30x30

Noting the need for more highly protected marine sanctuaries and greater connectivity between marine protected areas identified in the recent State of Environment Report (DCCEW 2022), the Biodiversity Council welcomes Australia's ambitious commitment to the protection of nature, through the High Ambition Coalition Leaders Pledge for Nature, the 30x30 Biodiversity commitment, and its endorsement of the application of principles of comprehensiveness, adequacy and representation to marine area protection.

The 15th COP on the Convention on Biological Diversity Convention in Montreal in December 2022 agreed to a new Global Biodiversity Framework, a key feature of which is Target 3, to have 30% of global land and oceans in protected areas by 2030, generally referred to as the '30x30' commitment.

In Australia there is bi-partisan support for this commitment. In February 2021 the then Australian Government gave a commitment to the Higher Ambition Coalition for Nature and People. The current Federal Minister for the Environment also declared support for the 30x30 goal on 19 July 2022 in her National Press Club release of the 2021 Australian State of the Environment Report.

Targets to protect oceans under the Biodiversity Convention:

10% of coastal and marine areas to be protected by 2020. (Aichi Target 11) – agreed Nagoya COP, October 2010
30% of coastal and marine areas by 2030 – agreed Montreal COP, December 2022

In Australia, 45% of our oceans are currently ‘protected’ in Marine Reserves with this potentially increasing to over 48% if the proposed additions regarding Macquarie Island are included (Plibersek, February 2023). However, this does not necessarily equate to representative, adequate or comprehensive protection of marine biodiversity or that such marine biodiversity is protected from threats. Pressey et al (2020) notes that zoning changes in Australian Marine Reserves resulted in a decline in fully protected areas dropping from 37% in 2012 to 22% in 2018. There needs to be greater transparency around reporting on areas that are fully protected. (Cockerell et al 2020)

The key imperative of protected areas is to achieve biodiversity conservation outcomes while respecting First Peoples’ rights and facilitating sustainable use. This must remain as the central focus of conversations about ensuring biodiversity conservation. Clear objectives for determining what areas should be included in marine protected areas based on evidence-based ecological and cultural values, the precautionary principle and threats to those values is vital.

The *Environment Protection Biodiversity Conservation Act 1999* [s354-355] specifies that certain activities are prohibited in a declared marine protected area (MPA) unless done so in accordance with the Plan of Management for the area. This in turn is guided by the IUCN Reserve Categories and Reserve Management Principles. Each area within the Marine Protected Network is ‘zoned’ in accordance with the IUCN categories. The following table (from the current 2013-2023 Management Plan, page 36) provides an indication of the categories for zoning and the activities that are allowed.

Table 5.1: General guide to allowed (✓), allowable (A) and prohibited (*) activities in the South-east Commonwealth Marine Reserves Network

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
General use / access (See Section 5.3)	*	✓	✓	✓	✓	✓
Commercial shipping – transit (See Section 5.4)	✓	✓	✓	✓	✓	✓
Commercial fishing (See Section 5.5)	*	*	A	*	*	A
Commercial tourism (See Section 5.6)	*	A	A	A	A	A
Commercial media (See Section 5.6)	A	A	A	A	A	A
Recreational fishing (See Section 5.7)	*	*	✓	✓	✓	✓
Mining (See Section 5.8)	*	*	*	*	A	A
Structures and works (See Section 5.9)	A	A	A	A	A	A
Research and monitoring (See Section 5.10)	A	A	A	A	A	A
Defence and emergency response (See Section 5.11)	✓	✓	✓	✓	✓	✓
Activities not otherwise specified (See Section 5.12)	A	A	A	A	A	A

✓ Activities are allowed in accordance with Plan prescriptions (without the need for a permit or class approval)

A Certain activities are allowable subject to Plan prescriptions (see the relevant section of Part 5 for provisions about specific activities).

* Activities are not allowed at all (i.e. totally prohibited).

Much of the South-east Marine Reserve is zoned as IUCN VI, which allows for multiple uses, including some commercial fishing and oil and gas exploration. According to the IUCN guidelines for applying IUCN protected area management categories to marine protected areas (Day et al 2019), the primary goal of a marine protected area should be biodiversity conservation and industrial activities and infrastructural developments (e.g. mining, industrial fishing, oil and gas extraction) are not compatible with MPAs and should be excluded from such areas. The guidelines expressly note that any fishing has ecological impact and alters ecosystems, while mining can alter or destroy deep-sea habitats, cause consequent loss of species, and generate noise and water pollution.

IUCN Ia and II categories do not permit extractive uses. Categories IV and VI permit long-term sustainable local fishing practices but explicitly prohibit industrial fishing and mining. Yet the Network Management Plan allows for commercial fisheries based on mid-water trawl or longline gear, seismic survey, and mining in Category VI areas. A review to ensure consistent interpretation and application of the IUCN categories is thus essential, particularly in conjunction

with evidence that partial protection approaches are ineffective in ensuring biodiversity goals (see below).

To deliver the Australian commitment to the full protection of 30% of our oceans by 2030 will require a significant increase in areas classified as IUCN category 1a and II.

30x30 target

The 30x30 target as written in the Convention on Biological Diversity framework adopted in December 2022 during the 15th Convention of Parties in Montreal Canada explicitly describes that parties should:

Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities including over their traditional territories.

The benefits of fully protected marine areas

The recent Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) report, involving scientists from more than 130 governments, underpinned the scientific argument for full protection of 30% of our global oceans (IPBES 2019). The report provided a critical assessment of the dire condition of the earth's biodiversity, illustrated the link between a healthy and flourishing humanity and abundant and diverse natural ecosystem, and concluded that effectively managed 'ecologically representative networks of interconnected areas covering key biodiversity hotspots' were critically important in ensuring maintenance of the biodiversity and natural systems that humans rely on for their survival.

Many authors have contributed to the science supporting the need for the global protection of a minimum of 30% of land, inland waters and sea on earth to address biodiversity decline (see for example Dinerstein et al 2019; IPCC 2019; O'leary et al 2016; Sala & Giakoumi 2018; Woodley et al 2019). The Global Deal for Nature agreed that 30% of the earth must be formally protected (and further areas identified for climate stabilisation) to ensure protection of biodiversity in a climate-impacted environment, and developed a science-driven plan to achieve this (Dinerstein et al 2019). This plan is based on five fundamental principles of conservation biology, encompassing representation of all native ecosystem types and sessional stages across their natural range of variation; maintenance of viable populations of all natural patterns of abundance and distribution (saving species) and of ecological functions and services; and maximisation of carbon sequestration capacity of natural ecosystems and the capacity of the environment to adapt to climate change impacts.

Others have reported on the extensive evidence supporting the value of marine sanctuaries – particularly highlighting their role in species and habitat conservation and ecosystem resilience – as reference zones to assess human impacts; for the recovery of overfished areas; in generating significant increases in abundance and health of fish populations in surrounding waters; and in strengthening the delivery of socio-economic goals (see for example Costello 2014; Edgar 2017; McClanahan 2021; Turnbull 2020).

The principles of Comprehensiveness, Adequacy and Representation

- Australia has endorsed the application of comprehensiveness, adequacy and representative (CAR) principles in developing its system of marine protected areas, and originally defined these terms as: Comprehensiveness: the full range of ecosystems recognised at an appropriate scale within and across each bioregion.
- Adequacy: the required level of reservation to ensure the ecological viability and integrity of populations, species and communities.
- Representativeness: marine areas selected should reasonably reflect the biotic diversity of the marine ecosystems from which they derive. (TFMPA 1999, pp 15-16)

The goal of such principles is to build protected area systems which embrace a full range of viable representatives of all biodiversity, taking into consideration biodiversity composition, structure and function and evolutionary processes (Althaus et al 2017). In practice, this approach means the inclusion of ‘as many species as possible’ in reserves (Beger & Possingham, 2008).

However, their application has been patchy despite efforts to provide clearer guidelines at the operational level (Scientific Peer Review Panel for NRSMPA 2006; The Ecology Centre, University of Queensland 2009).

A recent assessment of the South-east Region Marine Reserves Network for comprehensiveness, adequacy and representativeness (CAR) found that the network does not meet CAR best practice principles for reserve system design (Beaver et al 2022). However, the authors note that the park system is “well placed and opportunities to resolve many of the gaps in marine sanctuary protection do lie within the existing marine parks network”.

Gaps in biodiversity protection in the South-east Marine Reserves Network

Australia currently has 4 million square kilometres in marine reserves. This is about 45% of Australian oceans (Parks Australia, downloaded 20 May 2023) and will increase to above 48% if the proposed additions to Macquarie Island Marine Reserve proceeds. The South-east Region Marine Reserves Network comprises approximately 9.7% of this marine reserve system. There is only one marine Sanctuary Zone (IUCN Category Ia), which lies within the Macquarie Island. Of the remaining marine parks in the Network, 42% is allocated to Category II, as Marine National Park, less than .5% to Category IV and 57% to the multiple uses Category VI. (See Table 1 below).

Reserve name	IUCN categ	IUCN categories in each reserve and management zone name and area (sq. km)								
		IUCN Ia	Area	IUCN II	Area	IUCN IV	Area	IUCN VI	Area	Total all zones
Apollo	VI		0		0		0	MUZ	1,184	1,184
Beagle	VI		0		0		0	MUZ	2,928	2,928
Boags	VI		0		0		0	MUZ	537	537
East Gippsland	VI		0		0		0	MUZ	4,137	4,137
Flinders	II		0	NPZ	25,812		0	MUZ	1,231	27,043
Franklin	VI		0		0		0	MUZ	671	671
Freycinet	II		0	NPZ	56,793	REC	323	MUZ	826	57,942
Huon	VI		0		0	Habitat	389	MUZ	9,602	9,991
Macquarie Island	IV	SA			0	North	27,000			
			58,000		0	South	77,000			162000
					0	Habitat				
Murray	II		0	NPZ	12,749		0	SPZ	7,147	25,803
			0				0			
Nelson	VI		0		0		0	SPZ	6,123	6,123
South Tasman Rise	VI		0		0		0	SPZ	27,704	27,704
Tasman Fracture	VI		0	NPZ	692		0	SPZ	21,313	42,501
			0				0			
Zeehan	VI		0		0		0	SPZ	18,967	19,900
			0				0			
Total			58,000		96,046		104712		129,706	388,464
% zones			14.9%		24%		27.0%		33.4%	

HAB: Habitat Protection Zone
NPZ: Marine National Park Zone
MUZ: Multiple Use Zone
REC: Recreational Use Zone
SA: Sanctuary Zone
SPZ: Special Purpose Zone

The 'Partial Protection' Approach

The network was established without the proper use of systematic conservation planning tools or full engagement of First Peoples. Areas of high value for commercial fishing and oil and gas exploration and extraction were also excluded from consideration, irrespective of their conservation or cultural values.

This resulted in minimal focus directed at the principles of comprehensiveness, adequacy and representativeness, endorsed by Australia in 1992 (National Forest Policy statement) and 2010 (National Strategy for Conservation of Australia's Biological Diversity), which assume the establishment of protected areas on the basis of comprehensive coverage of viable representatives of all biodiversity features within the region selected.

The establishment process also explicitly aimed to minimise impact on existing and aspirational opportunities for the oil and gas and commercial fishing industry users. Further, many of the areas have not been subdivided to set aside smaller zones as sanctuaries where uses are restricted or prohibited.

Consequently, the Network is biased towards the 'residual' approach (Devillers et al 2015), where areas are set aside to minimise costs for most ocean uses and where the resulting configuration and (lack of) zoning are inadequate to provide the necessary biome coverage, diversity, and representativeness.

The Centre for Conservation Geography Review (Beaver et al 2022) supports this conclusion, noting that: The network currently fails to provide any marine sanctuary protection for eleven of the South-east's 17 bioregions. There is particularly poor protection for the biomes with the greatest conservation values and the highest threats – the shelf (0.4% marine sanctuaries) and upper slope (1% marine sanctuaries). There are significant gaps in sanctuary coverage, not all high conservation areas are covered, and it is inadequate to effectively contribute to Australia's 30 by 30 commitment.

With respect to the implementation of current strategies relating to maximising the health of biodiversity within the park network, the government-funded evaluation conducted by Sustineo (May et al 2022) noted significant concerns around the implementation of the strategy relating to minimising impacts of activities. It also highlighted some concerns around management of environmental incidents, understanding of the conservation values, and pressures on those values.

The south-east region has been identified as of significant conservation value, resulting from the upwelling of deep nutrient-rich water and consequent rich and diverse life, including many species endemic to this region. However, as noted above, extractive industries are permitted across much of the designated MPA Network.

Costello (2015) noted that 'any fishing tends to alter biodiversity at some or all of its levels, from genes to ecosystems', causing 'alteration in age structure, population size, relative abundance of predators and prey, food webs, and ecosystems'.

A recent evaluation of the protected areas in southern Australian showed 'no social or ecological benefits for partially protected areas relative to open areas' (Turnbull et al 2021 p 922); that fully protected areas had 'significantly more fish richness and biomass and greater human understanding of their purpose than open areas' (p 924); and that there was no clear cost advantage over fully protected areas (p 925).

According to the IUCN definition of a protected area, exploitation of resources can occur within an MPA provided that management strategies 'have the sustainable use of natural resources as a means to achieve nature conservation' (Dudley, 2008).

The majority of global MPAs are only partially protected, which means that although they restrict some extractive activities, they allow several others – often including damaging ones such as commercial fishing. This makes those MPAs significantly less effective at preserving biodiversity than areas with stronger restrictions, according to a recent study of MPAs along the southern coast of Australia (Turnbull 2021). This study found no difference in fish, invertebrates, or algae abundance in partially protected areas than in unprotected waters. Fully protected areas, in contrast, had 30% more fish species and 2.5 times more fish biomass compared with areas with no restrictions.

The report concluded that the benefits of partially protected marine areas was unclear as socio-economic benefits are dependent on the ecological effectiveness of the marine protected area. It is also less clear that partially protected areas provide the extent of ecological resilience necessary to build up fish stocks. Other factors necessary to build such ecological resilience are size of the area, adequate and evidence-based representation and the level of protection (i.e. fully protected) (Turnbull, 2020).

“Sanctuary, no-take or fully protected areas are considered the gold standard for ecological effectiveness”
(Turnbull et al, 2020)

In addition, biomass increases in fully protected marine areas, making these areas important carbon sinks. These areas have also demonstrated to be more resilient to changes in our oceans due to climate change.

Another caveat is that even if marine areas are fully protected, these benefits are impacted if these areas are not well managed. Key issues in this regard are lack of resourcing, lack of monitoring, and lack of enforcement, coupled with inadequate mechanisms for timely strategic interventions.

The next Management Plan should address these issues comprehensively to provide a sound framework for achieving the intended biodiversity outcomes.

Incorporating climate change impact responsiveness

Climate change is another key pressure to our oceans. The 2021 State of the Environment Report states: ‘The physical characteristics of the ocean, such as temperature, salinity, oxygen content and pH, are clearly changing in Australia’s oceans as a result of climate change.’ (DCCEW 2022). Fully protected and representative networks of marine sanctuaries play a crucial role in building resilience, providing refugia, and maintaining biodiversity levels and sustainable fisheries in such a rapidly changing environment (Jacquemont et al 2022).

The South-east Marine Parks Network is particularly vulnerable to climate change (CSIRO 2021). As the South-east State of Knowledge summary states:

‘Climate change is a significant pressure for the South-east Network. The marine environments of South-eastern Australia are a global hotspot. Sea surface temperatures off Tasmania’s east coast are warming at a rate of 2.3 °C per century – between two and four times the global average. The

warm nutrient poor waters of the East Australian Current extend about 350 km further south than they did in the 1970s'. (Parks Australia 2023).

Having well-protected and representative marine sanctuaries is one way to build future resilience into marine ecosystems.

Effective and regular monitoring and review

The Biodiversity Council notes that while targets for marine protected areas are crucial, such targets only become meaningful in terms of biodiversity outcomes if the areas are well managed and regularly monitored and reviewed. To ensure protection afforded is adequate to account for known and unexpected threats including observed or projected changes in the environment, management decisions must be able to utilise best available scientific data.

Adequately resourced and recurrent monitoring is essential in such a process in conjunction with an adaptive management review framework. While acknowledging the cost and scientific constraints and challenges, particularly for deep and remote marine environments, an adaptive management system for monitoring and evaluating outcomes of interventions is fundamental. The ability of Parks Australia to have flexibility to put in place remedial measures in a timely manner in areas with lesser protection is also very important.

What is needed (to achieve 30% highly protected MPA coverage)

Greater Representation

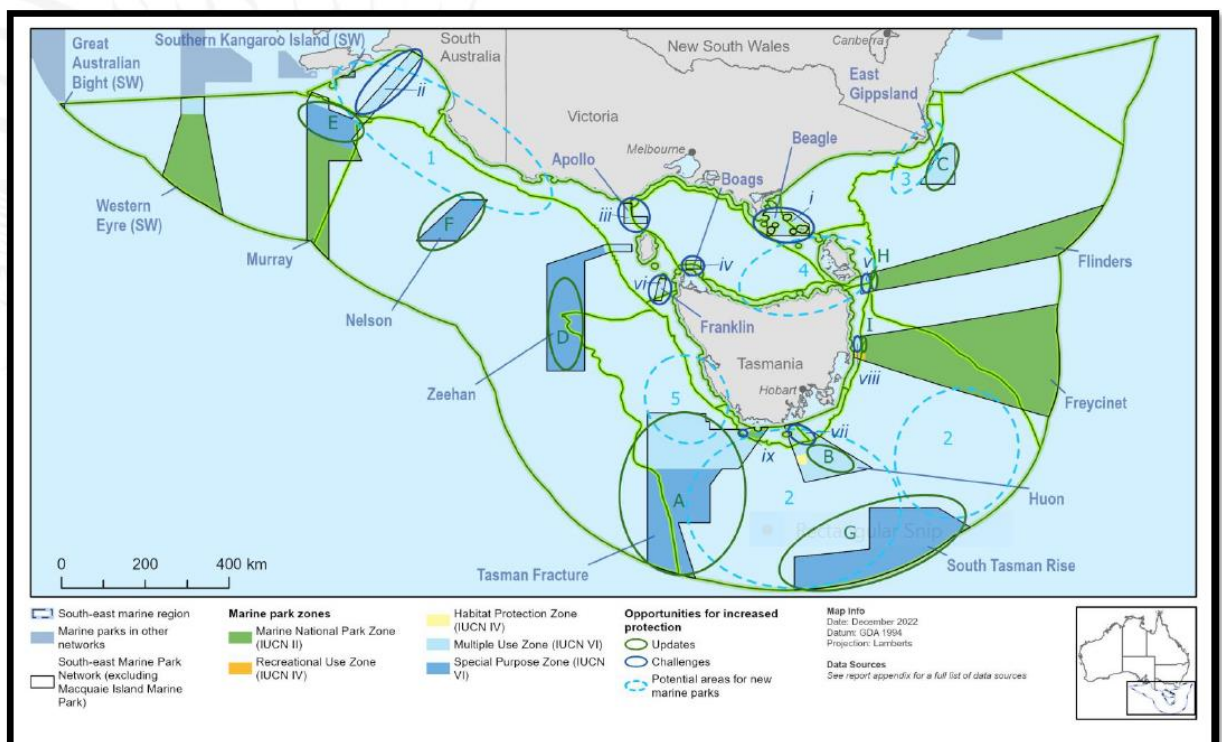
The plan requires a realignment to more fully incorporate CAR principles to ensure gaps in biodiversity coverage are addressed, focusing particularly on ensuring representation of all species of biodiversity found in the region.

The current gaps in comprehensive biodiversity representation within the network justify an expansion of areas designated as sanctuaries, and inclusion of biodiversity hot spots and areas of high conservation value not currently included. Beaver et al (2022) highlighted key ecosystems and species that are poorly or completely unrepresented in the sanctuary zones and provided specific recommendations on ways the network could address these gaps including:

1. Incorporating the nine areas below which cover over 100,000 square kilometres previously flagged for oil / gas exploration which has not occurred, and areas which are now closed to commercial fishing or in which commercial fishing is minimal and zoning these as sanctuaries.

Conservation updates	Conservation challenges	Potential new marine parks
A. Tasman Fracture	i. Beagle	1. Bonney Upwelling
B. Huon	ii. Murray	2. Tasmanian Seamounts
C. East Gippsland	iii. Apollo	3. Horseshoe Canyon / Eden Upwelling
D. Zeehan	iv. Boags	4. Bass Strait
E. Murray	v. Flinders	5. West Tasmania Canyons
F. Nelson	vi. Franklin	
G. South Tasman Rise	vii. Huon	
H. Flinders	viii. Freycinet	
I. Freycinet	ix. Tasman Fracture	

- Incorporating nine areas on the shelf which have significant conservation values. (Noting that these areas support commercial fishing, which would need to cease.)
- Four areas outside the current Zone network for inclusion.



Adopting these recommendations would contribute significantly to the 30x30 commitment of fully protected marine areas.

Significant increase in areas afforded full protection (as IUCN Category Ia and II areas).

In line with the science supporting full protection of 30% of our ocean areas, the level of protection within the network needs to be upgraded to incorporate significantly more IUCN Ia and II zones.

Effective, resourced monitoring and responsive evaluation

The Biodiversity Council notes that while targets for marine protected areas are crucial, such targets only become meaningful in terms of biodiversity outcomes if the areas are also fully protected from known threats; are well managed with appropriate recurrent resourcing; are regularly reviewed using an adaptive management framework; and the best available scientific information is used to guide decisions.

While noting the scientific constraints and challenges, an adaptive management system for monitoring and evaluating outcomes of interventions is fundamental, particularly for deep and remote marine environments. Baseline data is crucial. The ability of Parks Australia to have flexibility to put in place remedial measures in a timely manner in areas with lesser protection is also very important.

The Adaptive Management Framework should include clear linkages between the vision, objectives, management strategies (actions) and actual outcomes. It is particularly important that the actual impacts (outcomes) of specific management activities are able to be assessed. The steps for such a framework are well documented and as the 2022 State of the Environment report notes: 'What is now needed is the will and resources to achieve aspirations.' (DCCEEW, State of the Environment Report, 2021).

The objectives within the current plan are very high-level and more specific objectives for different zones or biophysical / ecological systems would be useful.

The importance of a clear Adaptive Management Framework is fundamental if we are to achieve objective one, as generally many indicators tell us our ocean health is on a trajectory of decline. (DCCEEW, State of the Environment Report, 2022)

With respect to the implementation of management strategies to maximise the health of biodiversity within the park network, the government-funded evaluation conducted by Sustineo (May et al 2022) noted significant concerns around the implementation of the management plan relating to minimising impacts of activities. It also highlighted some concerns around management of environmental incidents and the understanding of the conservation values and pressures on those values.

The objectives of this Management Plan are to:

- provide for the protection and conservation of biodiversity and other natural and cultural values of the South-east Marine Reserves Network; and
- provide for ecologically sustainable use of the natural resources within the South-east Marine Reserves Network where this is consistent with objective 1

Three key areas were identified in risk assessment and prioritisation for the next South-east Marine Park Network Management Plan. These are:

1. The capacity to actually monitor the priorities identified using valid techniques and verified research operating procedures applied to establishing a baseline, followed by periodical monitoring frequency to produce sufficient data points for tracking their status.
2. Establishing understanding of spheres of influence, particularly in relation to values affected by cumulative effects of multiple pressures.
3. Where this monitoring of priorities reveals negative trends in the status of values or concerning impacts of pressures, what actions is Parks Australia willing to take, or willing to facilitate?

The Biodiversity Council supports these issues being a clear priority in the development of the next Plan of Management.

Inclusion of climate-response goals

As noted above, the South-east Network is particularly vulnerable to climate change. Marine Protected Areas play a crucial role in maintaining biodiversity and building resilience into marine ecosystems highly affected by the impact of climate change. The Management Plan should incorporate explicit climate adaptation and response goals, including adjusting areas to ensure they can support climate resilience and act as carbon sinks; incorporating a more precautionary approach to address the current lack of certainty around predicted effects of rapid climate change on individual species and broader ecosystems; the provision of feedback loops; and proactive research and monitoring to enhance early detection and understanding of climate change effects.

Improving Outcomes for First People's Rights and Sea Country

Unlike recent plans of the Australian Government, the current South-east Marine Parks Management Plan lacks an up-front recognition of Australia's Indigenous Peoples. We would point to the Government's Nature Positive Plan as a good example.

There is very little acknowledgment of the culture, language groups, history or values of the diverse First Peoples that the footprint of this plan encapsulates. We suggest that this could be an exceptional way to set the context for the plan and posit two examples:

1. **Section 2.2.4** which deals with Cultural and Heritage Features is light on the Aboriginal values, both tangible and non-tangible and cultural/traditional sustainable use. An example of this is the movement by Maar people to protect the breeding grounds of culturally significant Southern Right Whales. This call for protection of habitat extends to the intangible elements of sea country which represents the species songlines and their relevance to Maar culture.
2. **Section 2.2.5** fails to acknowledge the complex systems of economy and trade that predate colonisation. It is well documented that Aboriginal people before colonisation traded resources from that region across the east coast to other tribal regions.

Part 4 of the current plan which relates to Management Strategies needs to have Aboriginal people as a key part of all actions. Strategy 6 specifically needs to be updated to reflect the changes in society and institutional arrangements that require a documented consultative process with Aboriginal peoples to occur.

Section 5.5 of the current plan which relates to commercial fishing will need to comply with the Fisheries Management Act 1991. The objectives of the FMA now include 'having regard to Indigenous and Recreational fishers'. This change should be highlighted in the plan. And **Section 5.7** should be extended to cover traditional/cultural fishing and other uses.

Conclusion

The Biodiversity Council recommends that the forthcoming draft plan of management address:

1. Placing achievement of biodiversity conservation outcomes as the central and primary objective of the network while achieving First Peoples' objectives and facilitating sustainable use;

2. How the plan will address Australia's commitment to the 30x30 ambition;
3. The significant gaps in sanctuary coverage in the South-east Marine Park Network, and in particular coverage of all biodiversity found in the region, and biodiversity hot spots and high conservation areas not currently included;
4. The required significant increase in areas zoned as IUCN category Ia and II to ensure delivery of the Australian commitment to the full protection of 30% of our oceans by 2030;
5. Consistent interpretation and application of the IUCN categories, including cessation of commercial fishing activities, seismic and other oil and gas activities;
6. The incorporation of explicit climate adaptation and response goals;
7. The implementation of a well-resourced recurrent monitoring program and a comprehensive adaptive management framework, with indicators that reflect First Peoples' objectives; and
8. Systematic conservation plans to achieve conservation, cultural and sustainable use objectives must have the full and effective engagement of First Peoples.

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