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**POLICY**

# **DRAFT MARINE PARKS NETWORK MANAGEMENT PLAN**


**AN ANIMAL LIBERATION SUBMISSION**  
NSW MARINE ESTATE MANAGEMENT AUTHORITY

We acknowledge the  
Traditional Owners of  
country throughout  
Australia and recognise  
their continuing  
connection to land, waters  
and culture.

We acknowledge that this  
document was written on  
land stolen from and  
never ceded by the  
Gadigal People.

We pay our respects to  
their Elders past, present  
and emerging.





We don't have a duty to **speak** for the animals;  
we have an obligation to be **heard** for the animals.

Matt Ball (2006)

## DOCUMENT DETAILS

Animal Liberation. 2022. A submission by Animal Liberation in response to the Draft Marine Parks Network Management Plan published by the NSW Marine Estate Management Authority. Prepared by Lisa Ryan and Alex Vince.

## ABOUT ANIMAL LIBERATION

Animal Liberation has worked to permanently improve the lives of all animals for over four decades. We are proud to be Australia's longest serving animal rights organisation. During this time, we have accumulated considerable experience and knowledge relating to issues of animal welfare and animal protection in this country. We have witnessed the growing popular sentiment towards the welfare of animals, combined with a diminishing level of public confidence in current attempts, legislative or otherwise, to protect animals from egregious, undue, or unnecessary harm. Our mission is to permanently improve the lives of all animals through education, action, and outreach.

## INTELLECTUAL PROPERTY RIGHTS

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A vibrant underwater scene featuring a diverse coral reef. The water is clear and blue, with sunlight filtering through. Various types of coral, including branching and brain coral, are visible. Small fish are swimming around the reef.

## DISCLOSURE

Animal Liberation confirms its understanding of the Department of Regional NSW (the Department), and that the Department's privacy practices are regulated by the Privacy and Personal Information Protection Act 1998 (NSW) (PPIPA) and the Department's Privacy Management Plan (PMP).

We understand the Department only collects personal information for a lawful purpose which directly relates to its primary function as a NSW Government agency and for obtaining feedback about its services and that our submission may be shared to third parties such as other Government agencies.

31 January 2022



Draft Marine Parks Network Management Plan  
NSW Marine Estate Management Authority  
Locked Bag 1, Nelson Bay  
NSW 2315  
Via email: [contact.us@marine.nsw.gov.au](mailto:contact.us@marine.nsw.gov.au)

We present this submission on behalf of Animal Liberation.

Animal Liberation is pleased to lodge a submission in response to the NSW Marine Estate Management Authority's, Draft Marine Parks Network Management Plan ("the Draft Plan").

Animal Liberation's submission provides informed responses to the draft Plan's objectives and actions, and general commentary about the management and protection of the broader NSW marine park network. We understand the future Stage 2, will subsequently seek feedback on the rules for marine parks. We look forward to the progression of these matters and contributing to Stage 2 at the respective time.

We request that it be noted from the outset that the following submission is not intended to provide an exhaustive commentary or assessment in response to the draft Plan. Rather, our submission is intended to provide a general examination and responses to select areas of key concern.

As such, the absence of discussion, consideration or analyses of any particular aspect or component must not be read as or considered to be indicative of consent or acceptance. For the purposes of this submission, Animal Liberation's focus covers aspects that we believe warrant critical attention and response and we thank the Department for its objective consideration of our submission, as follows.

*Kind regards,*

**Lisa J Ryan**  
Regional campaign manager

**Alex Vince**  
Campaign director



# — PREAMBLE

- 1.1 In this current Stage 1, the Department is specifically seeking feedback on the draft management objectives and actions, outlined in the Draft NSW Mainland Marine Park Network Management Plan 2021-2031. In the future, Stage 2, the Department proposes seeking feedback on the rules for marine parks.
  - 1.1.1 Through the public consultation period, feedback is intended to help ensure the plan informs how decisions are made regarding the management of these parks over the next ten years.
- 1.2 The proposed approach to marine park planning includes two clear stages:
  - 1.2.1 Stage one is the development of the management Plan for the NSW mainland marine park network.
  - 1.2.2 Stage two is the development of the draft marine park management rules (including zoning) to implement those actions in the Plan that relate to rules.
- 1.3 According to the Department, the information in the draft plan has been informed by evidence and knowledge from the following projects:
  - 1.3.1 The Marine Estate Community Survey (2014);
  - 1.3.2 The Marine Estate Threat and Risk Assessment (2017);
  - 1.3.3 The Marine Estate Management Strategy (2018);
  - 1.3.4 The Batemans and Port Stephens-Great Lakes marine park pilot processes (2018 and 2019);
  - 1.3.5 Discussions with marine park advisory committees and agencies (2020).





# — INTRODUCTION

2.1 In spite of years of political rhetoric, government undertakings and public commitments and past inquiries and reviews, the NSW State Government has failed to adequately listen to, or meet broad community expectations in response to concerns about the management and protection of marine sanctuaries.

2.1.1 Our oceans and all who depend on them are facing unprecedented, serious and irreversible risks and threats and cumulative threats from human overfishing, pollution and climate change. Our oceans and marine life are being increasingly plundered and exploited - they are extensively overused and inadequately protected.

2.2 Animal Liberation contends that through the proposals included in the Draft Plan, the NSW Government intends to use a new management system for marine parks which would allow further cutbacks to marine sanctuaries and further exacerbate the current risks and impacts experienced by our unique and threatened marine life.

2.2.1 As is the case with land based national parks, marine sanctuaries provide protection for wildlife and habitats, so that current and future human and nonhuman generations can enjoy them and the planet benefits from a healthy self-sufficient connected environment.

2.3 The primary purpose of marine parks is to protect our incredible and unique marine life. Australian and international scientists and experts around the world concur that the best tool for the protection of marine wildlife is the establishment and maintenance of marine sanctuaries. NSW sanctuaries have, however, been treated with contempt by successive NSW State Governments' for years. For example, in 2019 then-Fisheries Minister, Adam Marshall, and then-Environment Minister, Matt Kean, authorised illegal fishing in marine sanctuaries in Batemans Marine Park (Hannam 2020). Then, in 2020, Minister Marshall publicly confirmed his intention to get rid of sanctuaries across the entire state.

2.3.1 Oceans are fundamentally vital to life on Earth (Fleming 2019). Healthy oceans play an integral role to the water cycle (NASA 2022), shaping global weather patterns (Yin and Zhao 2021), absorbing carbon dioxide (Rosane 2019), and producing much of the world's oxygen (Gattuso et al. 2021). Our oceans also provide unique habitat to a diverse abundance of marine life, some which are yet to be

2.3.1 discovered (UNESCO 2021). When human intervention and disturbance is minimised, the ocean enables a balanced and secure food chain for those who inhabit it. When healthy, our oceans also secure human livelihoods to millions (OECD n.d.), and bring joy, inspiration and comfort to many who enjoy them in a range of recreational pursuits.

2.4 Tragically, across Australia and around the globe, our oceans are facing increased threats and challenges (McCauley 2018). These threats and challenges include, but are not limited to:

2.4.1 habitat decline;

2.4.2 pollution;

2.4.3 overfishing;

2.4.4 unsustainable development;

2.4.5 introduced species and;

2.4.6 climate change.

2.5 Each of the threats cited above are devastating marine habitats, species, communities and economies around the world.

2.5.1 The level of threats facing our oceans today are far in excess than anything previously experienced (Carrington 2018). While Australia has made some progress in recognising and trying to address these threats (Turnbull et al. 2021), our governments and decision makers have not undertaken the immediate, urgent and drastic action needed to halt and reverse the decline of healthy oceans that we are now witnessing.

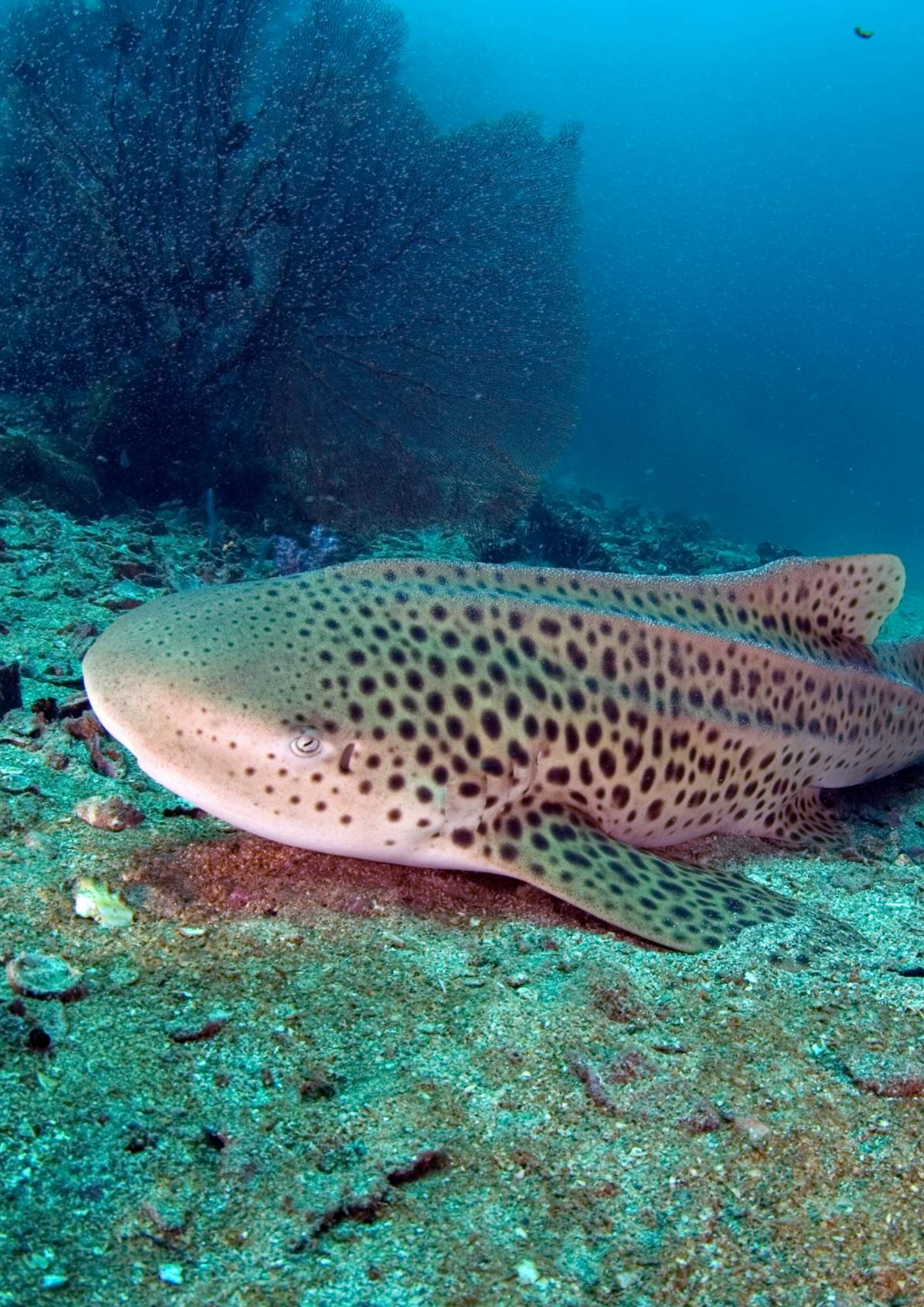
2.6 Australia is home to some of the most diverse and unique ocean wildlife on the planet (Cooper 2010), and global studies have confirmed that our northern oceans are some of the last remaining healthy tropical seas in the world (AMCS 2022). Our cool southern oceans, include an incredible 80% of the marine species that occur nowhere else in the world (Environment Australia 2003; AMCS 2022).

2.6.1 Tragically, many of our ocean specie, including turtles, whales and sharksm are threatened or endangered (AIMS 1996). If we lose these species from our oceans, as a result

2.6.1 of commercial fishing, pollution and climate change, the world will lose them forever. Commercial fishing, hunting and pollution in the form of abandoned fishing equipment have all had a disastrous impact on ocean wildlife (Laville 2019). The mere legal status of “threatened” does little to protect species – they need urgent and decisive actions to ensure meaningful legal protections.

2.7 The coming decade is critical in terms of the future of our oceans (Evans 2021). The steps we take to halt and reverse the extinction crisis currently eroding biodiversity, as well as the climate crisis undermining the health of all ecosystems, will be pivotal. It is imperative that evidenced-based strategies and planning underscores the protection and restoration of our oceans. The objectives of these must be to ensure meaningful resilience for the benefit of all, while recognising that our oceans are the shared planet’s life support.

2.7.1 Animal Liberation contends that all related decisions should recognise and work towards the Precautionary Principle, which requires decision-making to give the environment the benefit of the doubt. This should include the related concepts of “intergenerational equity” (Venn 2019) and “conservation of biological diversity and ecological integrity” (EDO 2020).



# RESPONSES AND COMMENTARY

- 3.1 In general, Animal Liberation has a number of concerns about the proposed Plan. Notably, these relate to the potential for further spending cuts to marine sanctuaries. We also have a declining level of confidence concerning the diminished level of transparency and accountability in decision-making processes relating to NSW marine parks.
- 3.1.1 Animal Liberation strongly supports marine parks and especially highly-protected areas ('sanctuaries') within them. We contend that marine sanctuaries are the most effective tool for conserving and protecting marine biodiversity (Jefferson et al. 2021).
- 3.1.2 While we acknowledge an underlying vision which supports a consistent and holistic approach to the management of marine parks in NSW, we are extremely concerned that the Draft Plan does not recognise marine parks and sanctuaries themselves as unique tools of conservation.
- 3.2 Animal Liberation is strongly opposed to the related proposals that appear to enable increased extractive and damaging activities within marine parks.
- 3.2.1 The Marine Estate Management Act 2014 ('the Act') describes the primary purpose of marine parks as "to conserve the biological diversity, and maintain ecosystem integrity and ecosystem function, of bioregions in the marine estate" (see Part 5, s22). According to the Act, while other purposes of marine parks are "to provide for the management of use of resources, development and activity should only be provided for in instances "where [it is] consistent with the primary purpose". It is our view that the Draft Plan fails to accommodate the intent and purpose of the Act, including in the so-called "trade off" Outcomes, Threats, and Action items. As such, we hold that it does not accurately or reliably reflect the spirit of the Act.
- 3.3 Alarming, the Draft Plan excludes two bioregions (the Hawkesbury Shelf and Twofold Shelf) which remain completely unprotected in NSW under the nationally agreed Comprehensive Adequate and Representative ('CAR') principles. Nor does the Draft Plan make any reference to any objective or action intended to increase sanctuary protection in line with CAR principles for the next critical ten years.

3.3.1 It is our view that the Draft Plan includes action items which will enable or facilitate future downgrading of protections in sanctuaries and other zones. This is in stark contrast to the increased protections being implemented in other jurisdictions (Foley 2021; Readfearn 2021).

3.3.2 When considering the 152 Actions for Implementation, of significant concern is the fact that the Draft Plan details less than 15 partnerships with non-governmental local, state or national conservation groups, marine educators, researchers, academic institution, or marine science professional bodies. This includes Actions which are clearly associated with interested parties and expert stakeholders. This is in stark contrast to more than 120 partnerships with non-governmental stakeholders who exploit marine resources.

3.4 Animal Liberation strongly contends a “revised” Plan should include:

3.4.1 Action items and “trade off” strategies that fully integrate the first three principles of Ecologically Sustainable Development (‘ESD’). These should, for example, include the use of the Precautionary Principle, assure intergenerational equity and conserve biological diversity and ecosystem integrity consistently throughout the Plan.

3.4.2 Enhanced engagement with local, state and national NGOs, marine scientists, educators, citizen scientists, and local community groups to reflect Action items and partnerships that are non-biased and reflect the valuable expertise of non-fisheries stakeholders within the broader NSW community. Improved engagement would enable critical input from those who have collective decades of learning and experience in marine science, education, conservation practice, data collection, and associated expertise in marine park management.

3.4.3 Increased Objectives and Actions to ensure meaningful and progressive sanctuary protections (within marine parks and across the Marine Estate) to fulfil NSW’s commitment to CAR principles over the next ten years.



# SUMMARY AND CONCLUSION

- 4.1 Our valid and informed concerns concerning the contents of the Draft Plan and related proposals emanate from the recognition of the current state of decline in our oceans and the NSW government's appalling record on marine protection. This includes its willingness to disregard expert advice and a historical lack of open engagement and transparency.
- 4.1.1 This was highlighted by decisions made by government ministers', without consultation or scientific evidence, to allow illegal fishing in Batemans Marine Park sanctuaries and the publicly stated intention to remove further sanctuary areas in NSW marine parks.
- 4.2 Our submission outlines many of our legitimate concerns which will no doubt be voiced by other informed individuals and organisations. If the Department is genuine about meaningful community consultation, we encourage an objective review of our submission points and a focus on robust scientific evidence and critical environmental considerations.
- 4.3 In line with public transparency and sound governance practices, we would also encourage the Department to compile and publish a formal report outlining public feedback obtained during the consultation process on the Draft Plan, noting that this approach is frequently undertaken in other jurisdictions.
- 4.4 Thank you for reading and considering our formal submission on the draft NSW Mainland Marine Park Network Management Plan 2021-2031, and we look forward to future developments.





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