



Ocean Protection: Its Time to ACT

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Introduction

This year, the Australian Marine Conservation Society (AMCS) celebrates 40 years of coastal and ocean activism. Over these years, Australia has come a very long way, particularly in the last decade or so, towards improving our respect for and management of our oceans.

It was, in fact, only half a decade ago, at a gathering in Hobart that a small team was privileged enough to view a three dimensional sonar map of the ocean floor around south eastern Australia. This was the first time in Australia's history that the underwater mountain ranges, deep sea canyons, seamounts, spikes, spires and mid-ocean ridges had been seen in three dimensions by human eyes. For many of us it was a poignant moment, both personal and professional, and one which would shape the nature of ocean governance into the future – i.e. through oceans planning.

Since that sonar map was commissioned by Australia's National Oceans Office we have:

- Developed our first Regional Marine Plan (RMP) in south eastern Australia
- Implemented one of the world's first oceans policies
- Protected 33 per cent of the Great Barrier Reef Marine Park in "no-take areas"
- Seen the environmental assessment of many of Australia's fisheries by the Federal Environment Minister using the EBPC Act.

Despite this progress however, Australia's oceans face many ongoing threats which need to be tackled before we can claim that they are sustainably managed.

The Greatest Threats

The three greatest threats facing Australia's oceans today are:

1. Human-induced climate change
2. Lack of strategic leadership in oceans management
3. Commercial and recreational fishing.

Little is known about the impact of climate change on marine species, habitats or fisheries. However, marine scientists are concerned that ocean temperatures only fluctuate a few degrees Celsius from year to year and thus a one degree Celsius rise in average ocean temperature could devastate many marine species, communities and biological processes. We must therefore ensure that our oceans retain a high level of integrity and thus resilience to cope with the pressures of climate change.

This means we need to achieve a high level of oceans protection (and thus retain the oceans naturalness) and minimise fishing and other impacts which threaten marine ecosystems.

The lack of a coordinated and cooperative approach to oceans management is a clear impediment to protecting marine ecosystems. In particular, the lack of a statutory mandate to guide the development of effective Regional Marine Plans (RMPs) and the National Representative System of Marine Protected Areas (NRSMPA), which can deliver conservation outcomes, is of great concern.

Commercial and recreational fishing pose the most immediate threat to Australia's oceans. Our oceans are biologically diverse and encompass the largest fishing area in the world. Yet according to the United Nations Food and Agriculture Organisation (FAO), Australia only rates at about 55th in the world in terms of volume of fisheries production. Despite our low productivity, we are a nation which has imported industrial fishing technologies and practices from the northern hemisphere and now suffers a legacy of habitat impacts, species declines and diminishing industry returns.

Solutions in Oceans Law

So what can be done to stem the threat of climate change, ineffective oceans management and fisheries over-exploitation?

Realistically, climate change can only be directly addressed through proactive government policies which reduce Australia's greenhouse gas emissions. Needless to say, such policies will only be effective if all the world's nations follow suite.

National Oceans Act

The creation of a National Oceans Act which gives legislative direction to the implementation of Australia's Oceans Policy (including RMPs and the NRSMPA) can help ensure marine ecosystems are protected and thus resilient to climate change, fishing and other impacts.

Central tenants to Australia's Oceans Policy include (but are not limited to):

- Establishing Regional Marine Plans (RMPs) to improve our understanding, conservation and sustainable use of Australia's oceans at a regional scale;
- Establish the National Representative System of Marine Protected Areas (NRMSPA); and
- Ensure that *Ecosystem Based Management* and the *Precautionary Principle* underpin all policies and practices which impact our oceans.

Some progress is being made to develop RMPs and to progress the NRSMPA. However, the poor quality of our first RMP (the South East Regional Marine Plan) and the continued stalling of the NRSMPA demonstrate that without a statutory framework to implement these instruments, conservation outcomes are being delayed and in some cases compromised.

A National Oceans Act could:

- Provide the legislative basis for ecosystem-based oceans planning and management
- Ensure integrated management across the land/sea interphase, and between state/territory and Commonwealth jurisdictions
- Ensure that cumulative impacts are addressed

- Improve coordination of existing Commonwealth legislation
- Ensure that enforcement powers are streamlined
- Establish one lead agency, such as a statutory Oceans Authority, to oversee the implementation of ecosystem based oceans planning and management.

Protection of fish and marine invertebrates

Fish and aquatic invertebrates are still managed under state/territory and federal fisheries legislation and not under environmental legislation. This has increased the scope for exploitation and has hindered efforts to conserve fish and invertebrates. It is therefore our view that all native fish and aquatic invertebrates should be declared protected species. Their exploitation would thus be managed in these terms.

Australia's terrestrial vertebrates are managed based on the premise that they are protected species, a status afforded to them under respective state/territory and federal environment legislation. Marine mammals, reptiles and birds are also protected in this way. This does not preclude them from being killed or culled (e.g. kangaroos, ducks, seals). However, it does mean that an individual or company must consider this protective status when planning to harvest (i.e. kill or cull) them.

Interestingly, hunting is basically prevented in terrestrial protected areas such as national parks and nature reserves. A person may not, for example, take a rifle into a national park and take pot shots at the birds. Yet, it is seldom that one cannot hunt fish in a national park or nature reserve. Why is there a distinction made between the terrestrial and aquatic life of these reserves?

Fishing Terminology

It is time to re-educate Australia's policy and law makers about how the conservation and use of fish and aquatic invertebrates should be considered. Firstly, it is time to re-capture the language used to refer to fish and fishing, to call a spade a spade, and re-dignify aquatic species as part of Australia's wildlife. For example, we should begin calling 'fishing' 'hunting' – which is exactly what fishing is. Seafood 'harvesting' should perhaps be called seafood 'killing' or 'culling', for animals cannot be harvested and re-planted like wheat or corn. Their loss from the sea has flow on affects to a wider and highly complex marine ecosystem. Perhaps then we should also refer to 'wild-capture fisheries' as 'wild-kill fisheries' and fisheries 'bycatch' as 'fish waste'.

Sharks and rays

The first group of fish AMCS is working hard to protect is the class of fish called the "*chondrychthians*" –sharks, rays and chimeras. This ancient and vulnerable class of fish share many characteristics with whales and dolphins. They are mostly long-lived, bear few young, can have pregnancies as long humans and are late to mature. Many or most have complex life histories and social groupings and are apex predators or keystone species in marine food chains. As a group they are also under significant pressure from commercial and recreational fishing and many may not recover once their populations have been fished down.

It is perhaps time for us to help broader society to realise that fish are wildlife too.

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