



ARINE PARKS 16 July 2009

Mrs PENFOLD (Flinders) (14:33): My question is also to the Minister for Environment and Conservation on the same subject. Has the government considered the economic cost to Lower Eyre Peninsula communities as a consequence of declaring 2,627 square kilometres of the region's coastline a marine park, and will an economic impact statement be done? The Lower Eyre Peninsula is home to many of the state's most popular recreational fishing tourist destinations that underpin the economy of the local communities. These communities are heavily dependent on recreational fishing and all its attendant benefits to commerce, industry, accommodation, hospitality, entertainment, as well as various services, including banking and health, and they are also dependent on a critical mass of visitations. Real estate is also affected by the popularity and viability of these destinations. Local councils in the Lower Eyre Peninsula believe that Marine Park 6, if adopted as proposed in January 2009, will devastate the local economies. **The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:34):** I thank the honourable member for her question. In relation to her specific questions the answers are yes and yes. In relation to the marine parks, I will make this prediction: in the future the professional fishing interests across South Australia that make their living out of fishing within marine parks will actually be using them as a marketing tool in the future.

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Mr PEDERICK (Hammond) (15:30): One of the most difficult parts of being in opposition is bearing the brunt of constituents' anger at having been deceived by this government whose dishonesty in dealing with community and industry groups is surpassed only by its arrogance. When these complaints begin to take on a familiar pattern and become constant and repetitive, it becomes even more difficult to assist, because what we are then dealing with is a government that is inherently arrogant, deceptive and completely unrepentant. Such a pattern has emerged and it has infected most, if not all, ministers and many of their departments. That pattern is one of broken promises, of hopes raised and dashed, and decent citizens left wary and untrusting of government.

The latest group to suffer this fate is the commercial fishermen of the Lower Eyre

Peninsula whose fate is now in the hands of a minister and department who suffer from the Labor disease—so-called ‘open doors’ but closed minds. This government boasts it consults widely with the people about all manner of things. They will state boldly on their final report that they have done so. They would have the reader believe that the consultation was somehow incorporated into the final decision and therefore the conclusion is popular and acceptable. This is rarely the case.

Representatives of the Lower Eyre Peninsula, local government and commercial and recreational fishing communities were invited to contribute to discussions and planning for a marine park, a subject now affecting literally hundreds of thousands of South Australians. They diligently went about thoroughly researching and preparing a submission, consulting carefully with respected scientists whose knowledge is current and relevant. On current form, when the minister's determination is given, nothing of their input will be apparent. Instead, vague studies from many years ago will likely take precedence over current and topic-specific science.

Comparisons have been made with fisheries around the world and conclusions drawn that bear absolutely no relevance to local conditions. For the minister to include statistics showing a 550 per cent recovery rate of fish habitat following the cessation of commercial fishing sounds reasonable. To learn that these statistics come from a location in the Philippines where dynamite and cyanide were the preferred fishing technique highlights how unbelievable and ludicrous such a comparison is. South Australia is acknowledged as having among the best managed fisheries in the world, but, no, the Minister for Environment and Conservation and his departmental experts can do it better.

This is the Labor disease: hear everything but listen to nothing; look at everything but see nothing; ask everyone but learn nothing. They say they consult widely, but take no advice. They send staff out to run public meetings designed to deceive the people into believing their opinions matter and will be noted. They send guest speakers and panel members to these meetings whose agenda is set and no discussion or negotiation is accepted. They have been sent to sing the minister's song and nothing else. They call it ‘engaging with the community’. Nothing is more insulting than a broken engagement.

Well researched and presented submissions on bioremediation by community members have been ignored. Creative and cost-effective proposals for community projects to ease the water problems have been sidelined, only to find later that elements of their proposal appear in departmental plans. So much for engaging the community. Many disillusioned community members are already avoiding further community meetings in disgust.

The procession of complaints through my office is staggering. They cover almost every ministry. They include: aquatics, music education, country transport, prisons, education, police services and facilities, workers compensation, emergency services, roads, shared services, agriculture, country health—what a total fiasco that was (they called it ‘consultation’), River Murray, Lower Lakes and other water management issues—an international disgrace, and now we have environmental marine parks—and that is just complaints to my office. In every one of these areas I have had individuals or groups complain to me that their opinion was sought and their input invited only to be completely discounted or simply ignored. South Australian electors should remember at the next election that this government suffers from an incurable disease—so-called

open doors but a closed mind.

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Mr PEDERICK (Hammond) (14:27): In light of the last question, my question is to the Minister for Environment and Conservation. In determining the boundaries for Marine Park 6 adjacent to the Lower Eyre Peninsula, will the minister be adopting advice provided by the Marine Park 6 pilot working group established by his department? At the government's invitation, representatives of the Lower Eyre Peninsula recreational and commercial fishing industries and local government provided through this pilot group an exhaustive submission that was supported by extensive input from highly credentialled scientists. There is a strongly held belief in the community that their findings and recommendations will be ignored.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:28): I am more than happy to take into account the advice that emerges from the working groups that I have established. I would also be grateful to know what the Liberal Party's position is on marine parks, because the honourable member has stated that there is actually no good reason for marine parks. So, he clearly does not actually agree with marine parks. We have the former minister for the environment, who is urging us to actually get on with marine parks, saying that they are such a great idea. I must say that I am a bit puzzled about who the shadow minister for the environment is. I do not think that that has been clarified.

The Hon. P.F. Conlon: I think they're all in the audition phase.

The Hon. J.W. WEATHERILL: That's right. What emerged in the course of discussions about marine parks is that all parties to the debate—the environmental group and the industry group representing both aquaculture and other wild catch fisheries—really came to a pretty clear consensus, and that is that the idea of actually talking about and consulting on outer boundaries by themselves was not really the most effective way of dealing with it. Who actually imposed that amendment on the government's bill in the upper house? It was those members sitting opposite. They amended the legislation in the upper house to have us consulting on outer boundaries which do not change any of the rights and responsibilities.

Mr VENNING: I rise on a point of order. The minister is debating the issue.

Members interjecting:

The SPEAKER: Order! No, I do not think the minister is. I will listen more closely to what the minister is saying, but I do not think that he has strayed into debate.

The Hon. J.W. WEATHERILL: Thank you, sir. It is a very important to understand the context of the question, because of the frustration of all groups (the conservation sector and the industry sector) which have been consulting on outer boundaries ahead of the process of zoning. What people want to know about is what you can do within the parks.

Why are we consulting on outer boundaries? We are consulting on outer boundaries because those members opposite, and their colleagues in the upper house, imposed

on us an amendment to do so. So, I have to try to deal with the legislation that I have been presented with, which is to try to graft a process on to that, which is to have some preliminary looks at what the zoning would look like.

That was what both industry and conservation groups put to me. They said to me, 'Let's have a preliminary exercise to look at what the zoning might look at so that we can consider the outer boundaries in that context,' and I, of course, agreed to that. They are very confident that they can reach agreement. Indeed, I must say that in the far West Coast there has been substantial agreement, and that will obviously be very influential in the way in which we choose to configure those outer boundaries.

In the South-East there has also been a fair measure of agreement about these matters, and that will obviously influence our thinking. In the area that the member asks about, that is, the Port Lincoln area, park No. 6, there has been a very wide divergence in points of view between the various sectors. The working groups have not been able to come up with an agreed position, so that puts me in the position of having to consider the competing contentions, which I will do, and make a decision based on those competing contentions.

I must say that I think that all groups that have participated in the process have found it to be a valuable process. Despite those opposite trying to whip up community concern and fear around the marine park process, despite the most intemperate remarks stating that recreational fishers will be locked out of almost half the state's waters (a complete misrepresentation of the position), despite the fact of the former shadow minister urging interested parties, particularly local governments along the coast and recreational and professional fishing associations reliant upon marine-based activities for their viability, to actively campaign against the current proposals—despite all that—those groups have actually been in active dialogue with the government and we will come up with a sensible solution which will deliver world class marine parks, but also strong viable commercial industries, while also protecting the lifestyles of recreational fishers.

MARINE PARKS 20 November 2007

Mrs PENFOLD (Flinders): When this bill was put before the house I felt very angry. Once again, Eyre Peninsula (most of which I represent) is targeted with the possibility of 11 of the proposed 19 marine parks despite this region producing about 65 per cent of the state's seafood while having what are widely acknowledged as the best practice fisheries in the world, for example, the prawn and rock lobster fisheries.

The implementation of the Great Barrier Reef Marine Park in North Queensland has caused a huge amount of grief to users, with compensation blowing out from an estimated \$500,000 to \$2 million (suggested by the Great Barrier Reef Marine Park Authority) to more than \$200 million since its inception.

This government's initial marine park at Encounter Bay on Kangaroo Island caused a major uproar—about 13 per cent of which was designated as sanctuary and restricted-access zones, that is, no take areas. However, in reality, a much larger area has been segregated and quarantined. In fact, it is about 35 per cent of the fishable area, with no compensation to fishers. The outcome has resulted in a greater effort in a smaller area putting more pressure on what is already deemed to be fully exploited fish stocks.

A number of factors determine the waters where commercial fishing and aquaculture industries operate, therefore effort occurs only in areas where production is viable. In South Australia this equates to a very small percentage of the total marine environment. Fishing and aquaculture industries have voiced concerns that a significant proportion of this productive water will be designated for marine protection, just as it was at Encounter Bay.

To avoid the angst that was caused with this initial marine park, the government turned the process around so that the legislation would be passed without actually designating the locations and boundaries of marine parks. This is a very risky option from the point of view of users of these areas who will have to rely on subordinate legislation to ensure that their interests are protected. Hopefully, the formation of the Marine Parks Council will now provide a conduit to stakeholders to voice their knowledge and opinions to the minister, but will the minister listen? Further to this, each marine park should have a local consultative committee that will provide a tangible medium to engage adjacent communities, local knowledge and even encourage some local ownership.

Chris Thomas, who was involved with the Great Barrier Reef Marine Park Authority, is in charge of South Australia's marine parks, and in an ABC transcript of 6 December last year, is quoted as saying:

The Department for Environment and Heritage says the state's 19 new marine parks will be located where they will inconvenience the least number of people.

Debate adjourned. Adjourned debate on second reading (resumed on motion) **Mrs PENFOLD (Flinders)**: I will continue with a quote from an ABC transcript, as follows:

The Department for Environment and Heritage says that the state's 19 new marine parks will be located where they will inconvenience the least number of people. Marine Parks Program Manager Chris Thomas says that is part of the reason why most of the 19 proposed parks will be located in the waters off Eyre Peninsula. None is proposed for the seas near Adelaide.

I think the restoration of the waters off Adelaide and other coastal cities is of vital importance, and it is for this reason that I had an amendment drafted specifically asking that the minister investigate whether a marine park should be established as a restoration area in Gulf St Vincent, adjacent to metropolitan Adelaide. However, I believe this can be done within the existing legislation, as could areas adjacent to our other coastal cities, and I have decided not to proceed with the amendment.

However, marine environments in areas adjacent to our cities are even more important, with desalination plants being proposed on Gulf St Vincent off Adelaide and Spencer Gulf off Whyalla. This is particularly so if, as I have been reliably informed from several sources, the government marine scientists (who have the greatest knowledge of these areas) have been gagged from voicing their concerns about the proposed desalination plant at Whyalla.

The approach of the Department for Environment and Heritage to the introduction of

this bill is in direct conflict with the government's regional impact assessment statement (RIAS) policy. This supposedly mandatory policy requires government agencies to conduct a RIAS before any government decision that significantly impacts on communities is implemented. However, to date no economic or social impact study has been conducted to evaluate the implications and consequences of the introduction of marine protected areas on regional communities and industry stakeholders. It is not acceptable to be told that they will occur 'in due course'. Before proceeding any further with this bill, a regional economic and social impact study should be undertaken.

Communities are concerned about the lack of detail and explanation by the state government about how the existing and potential commercial and recreational fishing and aquaculture activities will operate once the marine parks are implemented, so many are unaware of the possible long-term implications for their businesses—another reason why RIAS is critical. There is further worry in that there are no safeguards for cost shifting and cost recovery.

This bill has a smell about it, similar to the Natural Resources Management Act which has created an art form in cost shifting. If the general populace wants the warm, cuddly notion of protecting the marine environment, then the entire state should pay for it. However, in line with NRM funding I am concerned that it will be the people in the areas of the marine parks who will end up paying, not their city counterparts whose coastal waters, I am told, are already so degraded that they are not being considered for the location of a marine park.

Labor's lack of understanding of business and how communities work is supported by the bland dismissal of the impact that the implementation of this bill may have on supporting industries, such as tackle and bait shops, fuel suppliers, marine mechanics, the tourism industry, caravan parks, accommodation, and so on. That is in direct contrast with the experience of the Great Barrier Reef Marine Park, when a number of people, including members of parliament, took about two years to come to an arrangement to help fishers and businesses, all of whom were impacted upon by the legislation.

We are being asked to vote on a bill that gives a minister unprecedented power; a bill that impacts on individuals, communities and businesses associated with commercial and recreational fishing, without knowing what the compensation will be. How will fishers be compensated without having to go to court? Is this another River Murray net fishing debacle, where net fishers had to take compensation through the courts and, I believe, received less than their costs in compensation despite winning the class action? The proposals for compensation are still too vague.

We also have to vote on whether or not the bill will protect species or prevent a species from becoming extinct, precisely where the parks will be, what will be allowed, and how much a bureaucratic enforcement regime will cost and who will pay for it. An August 2007 article in *Ausmarine* states:

Australia's marine protected areas now comprise about one-third of the global total and with planned additions this is set to soon become close to half the world's MPAs. Yet not a single marine species in Australia has been lost or is in danger of loss. A much more empirical, rational, evidence-based approach to management is sorely needed.

Professionals in the various branches of fisheries in South Australia are concerned that since all six fisheries in the state are fully exploited, what arrangement will the government undertake to buy out 15 per cent or more if the Encounter Bay model is the norm?

Some 11 of the proposed 19 parks will be located along the coast of Eyre Peninsula. The Great Australian Bight Marine Park already takes in a large area west of Ceduna. The region's economy is dependent on fishing, aquaculture, farming and tourism industries. As stated, Eyre Peninsula produces approximately 65 per cent of the state's \$500 million plus retail seafood industry. Therefore, sustainable industries, as well as sustainable fisheries, are extremely important, particularly with the drought on the land impacting so severely. The commercial fishing sector is a major employer in the region and the activities of the industry generate significant economic and social flow-on benefits to the region, the state and, indeed, the nation.

The aquaculture industry on Eyre Peninsula is also acknowledged as a key driver of the region's future economic growth. In recent years, the industry has grown dramatically, with an increasing range of species being commercially produced. South Australia has developed a strong international reputation for sustainably producing a consistently high quality, premium seafood product for overseas markets. Oyster farming, for example, is labour intensive, providing hundreds of jobs in isolated rural communities.

Tourism is the third largest industry on Eyre Peninsula. In summer, there is a significant influx of visitors in all the coastal towns and many visitors return to the same local area and stay from one week to several months.

The seafood and recreational fishing industries have a history of contributing towards long-term sustainability for the marine environment, with existing rules and regulations in place to ensure that specific and cumulative harvest rates and practices are sustainable. So why is the government ignoring these effective decision-making partnerships and adding yet another layer of bureaucracy, requiring compliance, surveillance, enforcement and possibly 'user pays' funding?

Regional stakeholders are very concerned, particularly about exactly where the boundaries and no-take areas of the marine parks will be. Marine parks should be about sustainability of the environment and the industry. It is important that the criteria and decisions about the boundaries are not just based on technical and scientific information from bureaucrats and scientists who have no local and historical practical knowledge but include those in the industry who have good practical and historical understanding of the areas. Boundaries should include landmarks, not just be designated GPS points, as many small recreational boats do not have the necessary equipment to detect exactly where they are.

That was an issue in Queensland where, until on-the-spot fines were imposed, accidental transgressions have left some people with a criminal record. The issues of compliance, management and ongoing monitoring do not appear to have been given serious consideration by the government. The evidence in other states has shown that the lack of resources is linked directly to large numbers of fishing violations.

Any concept of marine protected areas is worthless unless funding is provided for comprehensive compliance. Due to the size of the areas, the cost implications for

enforcement will be substantial. There is good evidence that government officers in the regions are severely under-resourced, particularly when looking at a region the size of Eyre Peninsula. The under-resourcing of our land-based parks are proof of this. It would be physically impossible for the existing staff to take on this additional responsibility, that is, four staff covering an area from Venus Bay to the Western Australian border. Is the government expecting regional communities to undertake monitoring in some sort of voluntary capacity, as they have for our land environment? A detailed and cost compliance plan should be prepared for all existing and proposed marine protected areas prior to any further action being taken.

The South Australian Strategic Plan is the government's strategic vision for the state. The established targets apply to all South Australians and the regions have an important role in the South Australian Strategic Plan. Regional industries are expected to drive economic growth, build sustainable communities, treble the value of exports, reduce regional unemployment rates and increase productivity. I believe the Marine Parks Bill and the MPAs are in direct conflict with these targets, as the underlying philosophy of this entire concept is essentially about reducing the areas available for aquaculture and fishing effort. Therefore, it is difficult to see how the fishing and aquaculture industries will be able to achieve these targets when they will have a less productive area to work with than ever before. Consequently, Eyre Peninsula's contribution will also be impeded as these industries, the tourism industries and local communities struggle with fewer businesses and operators.

Ninety per cent of the state's population lives in half a dozen cities and they do not really have much contact with the realities of food production within our environment. It is more a romantic notion of the Outback and an unspoiled marine environment that is driving this bill. Eyre Peninsula's industries are vulnerable as the viable commercial areas are relatively small and any closure through the introduction of marine protected areas could potentially mean the displacement of many fishers from regional communities. This will be devastating for coastal communities on Eyre Peninsula and for South Australia.

No-one denies that a balanced approach to the protection of the marine environment must be taken. There is no commitment to or mention in this bill of restoring the marine environment. Chris Thomas, the Acting Manager of Coast and Marine Conservation, said:

This is not the policy; the idea is to save what we have in a Noah's Ark type scenario that will then flow over into the rest of the environment.

Marine life does not move freely from protected areas to non-protected or degraded areas. I refer again to the Aquamarine article which states:

The primary beneficiaries of the establishment of the park are acknowledged by the Marine Parks Authority to be those who manage and promote the park. This group constitutes the marine parks authority.

In other words, another government bureaucracy.

Finally, I draw the attention of the house to the emergence of new opportunities that are sometimes stymied by red tape and bureaucracy, and laws made before such opportunities are recognised. One such is seafloor massive sulphide (SMS) deposits

with high concentrations of valuable minerals that may well be better and more environmentally sound sources of minerals than the mostly land-based ones currently being mined. One such example is in Tonga. I refer to Nautilus Minerals Chief Executive Officer, David Heydon, who said:

The exploration licences granted in Tonga cover a strike of over 900 km of highly prospective geology known to contain seafloor massive sulphide ('SMS') occurrences. The prospectivity of the granted exploration licences has been demonstrated by initial survey work undertaken by marine scientific research ('MSR') groups, including groups from the USA, Japan, Korea and Germany. These MSR groups have identified at least 10 prospects where SMS accumulations have been observed. Surface sampling by these MSR groups over just five prospects returned average results of 22.7 per cent zinc, 4.7 per cent copper, 2.0 g/t gold and 77 g/t silver from 231 samples. These results are similar to our experience in PNG [Papua New Guinea] where MSR groups initially discovered a number of systems, with further work by Nautilus confirming the tenor of mineralisation in these systems and rapidly discovering others.

Will these marine parks be able to accommodate similar opportunities off our coast, I wonder, or will the mining companies be entangled in endless red tape and go elsewhere?