

# Marine Roundtable:

## Towards a sustainable management framework for Tasmania

### Communique

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A Marine Roundtable: *Towards a sustainable management framework for Tasmania*, hosted by the Australia Institute, was held on Monday 17 October 2022, in Hobart. The meeting was attended by representatives from Tasmanian Aboriginal communities, including the Tasmanian Regional Aboriginal Communities Alliance (TRACA), Victorian and Tasmanian governments, CSIRO, IMAS, UTAS, the Centre for Marine Socioecology, Tasmanian Rock Lobster Fishers Association, NRM South, Recreational Fishery Advisory Committee, Tasmanian Conservation Trust, Ocean Decade Australia, and the community. This communique summarises the discussion.

The first [Review of the Living Marine Resource Management Act 1995](#) (the LMRM Act Review), Tasmania's main marine law, is currently underway. The purpose of the Roundtable was to discuss building the right structure for managing activities in Tasmania's coastal waters, including legal frameworks and policies to fundamentally improve the way we use and care for our marine life. Discussion focused on priorities for improving legislation, visions for best practice marine governance, mechanisms for avoiding and resolving conflict, and engaging the community.

### 1. Priorities for improving marine legislation

The Victorian Government provided an overview of the development of Victoria's [Marine and Coastal Act 2018](#). The Act provides a framework for integrated coastal and marine management, including through a state-wide Policy, Strategy and [Marine Spatial Planning \(MSP\) Framework](#). These reforms recognise Traditional Owners as rights holders and provide a plan of action to improve the condition and ecological connectivity of habitats, respect and care for marine and coastal areas, adapt to the impacts of climate change, support sustainable use and development of the environment, implement the MSP Framework and identify resource needs for management.

The Tasmanian Government provided an overview of progress on the LMRM Act Review, including the [Summary Paper](#) which highlights key findings from consultation to date. Submissions included that there is lack of clarity on the purpose/objectives of Act and a number of undefined/evolving concepts; concern the State's fisheries are not managed by best practice tools such as harvest strategies; the Act does not recognise the Tasmanian Aboriginal community as traditional and ongoing custodians or sufficiently meet their needs; absence of the precautionary principle; overlap with other legislation; and the importance of best available science to inform decision making and management. Many contributors called for the formulation of a new Act.

The meeting discussed the possibility of implementing similar reforms to Victoria's in Tasmania. The LMRM Act Review provides the best opportunity since the legislation was adopted for significant reform. Some participants were concerned by the limited scope of the Review, including not considering related uses, such as aquaculture. The objectives of the Act and Tasmania's Resource Management and Planning System were discussed, including that sustainable development also requires effective protection of natural resources.

Priorities were identified including the need for clear guidance and prioritisation of objectives; improved returns to communities (community benefits); engagement with all users; a desire for more local ownership of access to resources (and flow-on employment/career incentives); the use of

best available science for management decisions; adaptation to climate change; and an integrated management system. Attendees canvassed examples of positive international, national and local drivers for Government action on implementing these reforms.

## **2. Visions for best practice marine governance**

CSIRO provided an overview of the Australian Academy of Science's [Sustainable Oceans and Coasts National Strategy 2021-2030](#) and Integrated Management (see Attachment A: Fact sheet on IM). Such management approaches are sustainable, equitable, and knowledge based. They promote resilient local communities, are wholistic, ecosystem-based, dynamic and iterative. They include planning, monitoring and reporting and are informed by a variety of voices, including First Nations peoples. Tasmania is the ideal scale for Integrated Management, as there is an ability to balance environmental, economic and social needs. The process for conducting MSP needs to recognise a shared vision, allow for consultation and participation, look for common objectives across sectors, consider trade-offs and culminative effects, be flexible and allow for review, evaluation and refinement and be given effective resources, capacity and tools. This process would be assisted by legal and policy frameworks. MSP is being used internationally and in Australia.

Most participants expressed support for improving integration of marine management, including through the use of MSP, even if this meant going beyond the current scope of the LMRM Act Review. The meeting considered bottom-up and top-down drivers for strengthening outcomes of the Review, including the Sustainable Oceans and Coasts National Strategy, the role of environment ministers, increasing scientific impact, and community engagement. Integrated Management around Australia was discussed, especially VIC, NSW and the GBR.

## **3. Mechanisms for avoiding and resolving conflict over marine resources**

IMAS provided an overview of Tasmanian fisheries, harvest strategies and current resource sharing arrangements, which included mechanisms to address conflict. Key points included that:

1. Harvest strategies with limit reference points, target reference points and decision rules can revolutionise management.
2. Objectives of legislation are critical. This example from Commonwealth legislation is clear: "maximising the net economic returns to the Australian community"
3. Resource sharing is not just catch splits and access to resources; it's also about maximising economic yield for the community. This involves decisions about 1. Reallocation of catch to where it's of higher value. And 2. Managing to different fishery targets / stock levels.

The meeting discussed the difference between maximum sustainable yield and maximum economic yield. The introduction of harvest strategies for all key Tasmanian fisheries, with clear decision-making rules, were considered critical to removing current ambiguity in decision-making. Ideas for decision-rules included when a fishery should be closed, the need for clear delegations, and removal of unnecessary political involvement (where decision-rules exist).

Non-monetary returns to community were also raised and methods to incorporate and reflect these in resource allocation were discussed. Intergenerational equity and concerns about inadequate habitat protection were raised by some participants. While habitat protection intersects with other laws, there is a provision of the LMRM Act on habitat protection that has never been used. The importance of scientific reference areas was discussed.

On the avoidance and resolution of conflict, the meeting identified several key mechanisms. If future legislation is clear about a hierarchy of objectives and contains adequate decision-making rules, it would provide guidance for decision-makers on how to resolve conflict. The Victorian legislation

prioritises Traditional Owners, the environment and climate change adaption above sustainable development. Marine spatial planning is another way to resolve conflict, as is a participatory process for all uses and users. MSP also provides a process that can be agreed to and followed. Statutory recourse to the Administrative (merit-based) Appeals Tribunal and demonstrable returns to communities, for example through royalties, were also considered appropriate mechanisms.

#### **4. Engaging the marine community**

The final session of the Roundtable discussed opportunities for engaging Tasmania's marine community more broadly. Other organisations expressed interest in participating in the Roundtable but were unavailable. The Centre for Marine Socioecology and the Australia Institute Tasmania are planning additional engagement activities (see [Tasmanian Ocean Summit](#) on 25 November).

Victoria produced a range of material aimed at engaging community members and improving marine literacy. The Roundtable discussed social media and the potential for people with influence have a key role in the LMRM Act Review. Emerging industries such as renewable energy, and coastal Councils are also important to engage. Issues considered likely to capture community attention included concerns about ocean health, e.g. marine plastics, as well as food provenance, seafood experiences, tourism and other marine recreation.

The next step in the LMRM Act Review is the release of the White Paper. The Department of Natural Resources and Environment are currently drafting a White Paper, which will inform the future direction of the legislation and reforms to be made in the short and longer term. The Review will continue over at least the next 18 months:

- February 2023: Draft White Paper released for consultation
- Mid-2023: Final White Paper delivered to Government
- Financial year 2023-24: reform, design and delivery of new marine legislation

Roundtable participants expressed a desire to meet again, once the LMRM Act Review White Paper is released in early 2023.