

It's TIME:

A proposal for a Tasmanian Integrated Marine Estate Act

Tasmania's patchwork approach to marine management should be replaced with an integrated approach. A Tasmanian Integrated Marine Estate Act would establish an independent authority responsible for a state-wide Marine Estate Management Strategy and Marine Spatial Planning Framework.

Discussion paper

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Summary

Oceans play a vital role in both global and human wellbeing—and there are few places to which they are more vital than the island state of Tasmania. But despite the importance of healthy oceans to the state’s economic and environmental wellbeing, Tasmania’s current approach to ocean management is out of date and incomplete.

One consequence of this fact is an absence of assessment and reporting, which means only limited information is available about the health of Tasmania’s oceans. The data that does exist, however, all suggests that things are growing worse. Human demands and climate change are impacting ocean resilience.

The Australia Institute has prepared *It’s TIME* to instigate public discussion about improving Tasmania’s marine estate management. This report responds to the current, once-in-a-generation review of Tasmania’s main marine law, the *Living Marine Resources Management Act 1995*.

Our key recommendation is the establishment of an Independent Marine Estate Authority, linked into existing government architecture and tasked with orchestrating the whole-of-government approach to ocean management. Under this Authority’s management, Marine Plans would identify zones for different activities, and be linked to state of the environment reporting. Scientific reference areas would be established to improve ecosystem assessment.

To achieve this, we recommend umbrella legislation that establishes a unified framework to link and integrate planning, decision-making and management arrangements across sectors, to enable a more comprehensive view of sustainability and the consideration of cumulative impacts and trade-offs. Individual, sector-focused arrangements are necessary—but alone, they are insufficient to achieve a healthy, thriving ocean. Integrated management is now widely recognised as essential.

Our recommendations draw on Victorian and New South Wales legislation to address the gaps in Tasmania’s existing resource planning and management system. These include recognising Aboriginal peoples’ rights; establishing shared objectives, principles and marine planning; addressing climate change and unsustainable aquaculture practices; and increasing habitat protection.

Tasmania’s relatively cool waters are in serious trouble – they are warming almost four times faster than the global average. Recognised for their globally significant diversity and endemism, they also punch above their weight economically. Tasmanians are already experiencing the degradation of their blue backyards and how this affects their own wellbeing. Without change, the situation will only get worse.

The development of a nation-wide Sustainable Ocean Plan provides an opportunity for Tasmania to lead states engagement in Australia’s new oceans era, while simultaneously addressing long overdue local reforms. This paper proposes a well-recognised approach that can be applied locally in order to reverse the current trajectory of Tasmania’s oceans. This requires a Tasmanian Integrated Marine Estate Act—because it’s TIME!

Introduction: A new blue era

The last few years have seen several promising developments in global ocean governance. After a decade in which Australia’s long-held reputation as a leader in ocean management took a battering, it is heartening that Australia is a key player in all these developments.

In 2018, Australia was one of the 14 countries that co-founded the High Level Panel for a Sustainable Ocean Economy (“the Ocean Panel”),¹ thus committing to sustainable management of 100% of the ocean within its national jurisdiction by 2025. In December 2022, as a Party to the Convention on Biological Diversity, Australia adopted the Kunming-Montreal Global Biodiversity Framework,² which sets out 23 targets for 2030 aimed at alleviating biodiversity loss, including several aimed at marine and coastal areas. And in March 2023, UN delegates reached a historic agreement on protecting marine biodiversity in international waters, referred to as the “High Seas Treaty”.³

All these international efforts support ecosystem-based, integrated approaches to managing ocean resources, and it is welcome to see Australia embracing them. However, while Australia has rediscovered its appetite for ocean management, Tasmania—home to some of the highest levels of marine diversity and endemism in the world,⁴ and some of Australia’s most rapidly changing marine environments⁵ —continues to lag behind.

In 2022, the Tasmanian government committed to improving the state’s primary marine law and strengthening its administration of the use, development, and protection of living marine resources in coastal waters. In modernising its management framework, Tasmania has an opportunity to lead the way states engage Australia’s new oceans era while simultaneously making long overdue reforms.

Tasmania’s coastal waters are special: they play a key role in the Great Southern Reef, an interconnected temperate reef ecosystem⁶ that spans some 71,000 km² and provides the southern-most refuge for cool-water marine life in seas that are warming almost four times

¹ High Level Panel for a Sustainable Ocean Economy (Ocean Panel) currently has 18 members
<https://oceanpanel.org/about-ocean-panel>

² Kunming-Montreal Global Biodiversity Framework <https://www.cbd.int/gbf>

³ UN delegates reach historic agreement on protecting marine biodiversity in international waters,
<https://news.un.org/en/story/2023/03/1134157>

⁴ Edyvane (2000) Tasmanian Marine Protected Areas Strategy Background Report Department of Primary Industries, Water and Environment.

⁵ Climate Council of Australia (2023), Code Blue: Our oceans in crisis, p17
<https://www.climatecouncil.org.au/resources/code-blue-our-oceans-in-crisis>

⁶ Bennett, et. al. (2015). *The ‘Great Southern Reef’: social, ecological and economic value of Australia’s neglected kelp forests*. Marine and Freshwater Research, 67(1), pp. 47-56

faster than the global average.⁷ Warming is only going to get worse: consensus projections are that more frequent, stronger and longer-lasting marine heatwaves are inevitable in the immediate future, and scientists are urging decision-makers across all marine sectors to prepare.⁸

Impacts from marine heatwaves are not limited to coral reefs. They also disrupt, threaten and damage temperature-sensitive species in cool waters—as Tasmanians know only too well. For example, in 2015-16, oysters and abalone in Tasmania’s east coast waters experienced high rates of mortality during particularly warm periods. Jobs were lost as a result. Experts recommend preparing industries for actions such as changing aquaculture feed, harvesting plans, reducing fisheries catch limits and closing areas, to allow species to cope with stress and prevent longer-term impacts. The impacts of marine heatwaves have the potential to run into billions of dollars.⁹

Overfishing is also an issue, as demonstrated by the virtual closure of flathead fishing recently.¹⁰ The Tasmanian Scalefish Fishery Assessment 2020/2021 found that high fishing pressure is a concern for six popular commercial and recreational species.¹¹ Sand Flathead, Striped Trumpeter, Bastard Trumpeter, Southern Garfish and Blue Warehouse stocks were all classified as depleted, while Southern Calamari stocks were found to be depleting.

More generally, as residents of an island state, many Tasmanians have a deep connection to the ocean, and Tasmanian Aboriginal people have cared for Sea Country for over 40,000 years. Kelp forests, rocky reefs, seagrass beds, sponge gardens and open water habitats support both Tasmanian ways of life on land and provide a home to a rich variety of marine life. Each of these environments has its own communities of fish, seabirds, marine mammals and invertebrates. From commercial uses such as fishing, aquaculture, ports and shipping, and emerging offshore industries, to a diverse range of cultural, tourism, recreational pursuits and more, Tasmanians’ own wellbeing depends on healthy oceans.

This Discussion Paper considers the state of the ocean and the multiple complex threats and issues that affect them. It considers problems with current management approaches, examines past policies, regulatory gaps, emerging opportunities and provides solutions.

It’s time for Tasmania to embrace the new ocean era. The key elements for a Tasmanian Integrated Marine Estate Act outline umbrella-like legislation that would link and coordinate

⁷ Hobday and Pecl (2014) *Identification of global marine hotspots: sentinels for change and vanguards for adaptation action*. Reviews in Fish Biology and Fisheries. 24, 415–425.

⁸ Hobday, et al. (2023). *With the arrival of El Niño, prepare for stronger marine heatwaves*, Nature 621, 38-41, doi: <https://doi.org/10.1038/d41586-023-02730-2>

⁹ Smith, et al. (2021), *Socioeconomic impacts of marine heatwaves: Global issues and opportunities*. Science 374, DOI:10.1126/science.abj3593

¹⁰ ABC News (2023) New rules for recreational fishers to protect at risk populations of sand flathead <https://www.abc.net.au/news/2023-10-29/new-flathead-limits-for-recreational-fishers/103035416>

¹¹ Fraser et al (2022) *Tasmanian Scalefish Fishery Assessment 2020/2021*, https://www.imas.utas.edu.au/__data/assets/pdf_file/0005/1632515/Scalefish-Assessment_2020-21.pdf

marine related legislation. This approach does not seek to start from scratch but rather to address gaps and bring together existing structures into an overarching framework with practical, pragmatic and well recognised approaches, applied locally. It identifies common objectives and addresses how to best manage shared threats. It considers emerging and competing uses and how they would benefit from a holistic approach to governance of coastal waters.

Background and context

THE IMPORTANCE OF HEALTHY OCEANS

At a federal level, Australia’s most recent national *State of the Environment (SOE) Report 2021* recognises “the health of the marine ecosystem in turn underpins human health and wellbeing—both for Australians and worldwide”.¹² It gives explicit recognition to the negative impact of a deteriorating environment on human health, living standards and connection to Country:¹³

The state of the environment has direct implications for human wellbeing. Humans depend on nature for life-sustaining services such as provision of food and water, climate regulation and cultural connection.

A healthy ocean is also of economic importance: the *National Marine Science Plan 2015-2025* estimated the value of Australia’s “blue economy” would grow from \$47.2 billion to \$100 billion per annum over that period.¹⁴ It is now estimated that Australia’s blue economy generates more than \$118 billion each year and supports 462,000 jobs.¹⁵

Australia voted in support when the UN General Assembly recognised the human right to a safe, clean, healthy, sustainable environment,¹⁶ and the Federal government is currently developing a national Sustainable Ocean Plan for all Australian waters, from the coasts to the edge of the Exclusive Economic Zone (EEZ). The Plan will support equitable use of the ocean, while ensuring a thriving, resilient ocean and support ocean-based solutions to climate change.¹⁷ As the Australian Government’s Department of Climate Change, Energy, Environment and Water explains:

A Sustainable Ocean Plan provides the opportunity to consider how Australia will manage our ocean in the future. We are working across governments, industry, research, conservation and communities. This will help identify a shared vision to guide our collective efforts.

¹² Trebilco et al (2021) *Australia: State of the Environment 2021 – Marine*, p 68.

¹³ Cresswell et al (2021) *Australia: State of the Environment 2021*, p 67 <https://soe.dcceew.gov.au/>

¹⁴ National Marine Science Committee (2015) *National Marine Science Plan 2015-2025: Driving the development of Australia’s blue economy*, p 9, <https://www.marinescience.net.au/nationalmarinescienceplan/>.

¹⁵ Sustainable Ocean Plan <https://www.dcceew.gov.au/environment/marine/sustainable-ocean-plan>.

¹⁶ UN General Assembly, *The human right to a clean, healthy, and sustainable environment*, UN Doc. A/RES/76/300 (28 July 2022).

¹⁷ Australian Government Department of Climate Change, Energy, Environment and Water <https://www.dcceew.gov.au/environment/marine/sustainable-ocean-plan>

THE NEED FOR INTEGRATED MANAGEMENT

International best practice is clear that ocean management requires a coordinated, integrated approach across all levels of government. As the Ocean Panel’s 2020 paper on the subject puts it:

Efforts to implement effective sectoral management... are necessary but insufficient for achieving a sustainable ocean economy. **Integrated ocean management is essential.** Extensive and diverse experiences with IOM provide a wealth of models, best practices and guidance for success.¹⁸

There have been previous attempts at achieving this integrated management in Australia. The most significant was the federal Australian Oceans Policy (AOP), introduced in 1998. Despite its achievements, the Policy ultimately failed to achieve the level of integration to which it aspired, largely because it did not resolve jurisdictional problems and lacked regulatory power. The AOP is discussed in more detail later in this report, and the lessons of its failure should be taken into account for today’s efforts to establish integrated approaches to ocean management.

THE TASMANIAN CONTEXT

Given its nature as an island state, the ocean is especially important to Tasmania. Tasmanians’ reliance on the ocean ranges from commercial uses—such as fishing, aquaculture, ports and shipping, and emerging offshore industries—to a diverse range of cultural, tourism and recreational activities. Tasmania was responsible for 3% of Australia’s total marine industry in 2020-2021.¹⁹

Tasmania also has some of the highest levels of marine diversity and endemism in the world. Despite their importance to the state, Tasmania’s waters are under threat from poor habitat protection and cumulative impacts, including from aquaculture, fishing, pollution and climate change. Managing this diversity of uses, values and impacts is essential for the health of Tasmanians.²⁰

Tourism is a major contributor to the socio-economic fabric of regional Tasmanian coastal communities, where marine-focused tourism such as fishing, scuba-diving, and other ecotourism ventures are a major drawcard. As far as we are aware, the value of marine tourism specifically has not been measured, again demonstrating how under appreciated the Great Southern Reef is.

¹⁸ Winther, et al. 2020. *Integrated Ocean Management*. Washington, DC: World Resources Institute. Available online at <https://oceanpanel.org/publication/integrated-ocean-management/>

¹⁹ Australian Institute of Marine Science (2023) *The AIMS Index of Marine Industry 2023*, https://www.aims.gov.au/sites/default/files/2023-05/AIMS_IndexOfMarineIndustry_24May2023FINAL.pdf.

²⁰ Ogier and Macleod (2013). *Your Marine Values – Public Report* IMAS Technical Report 120pp, UTAS

Total tourism employment and expenditure in coastal communities provides an approximate indication of its value. To take two examples from key destinations for tourists in regional coastal Tasmania (2021–22):

- The state’s west coast employed 230 people directly in filled jobs in tourism; direct tourism was valued at \$30 million (GVA); and direct tourism consumption was valued at \$132.2 million.²¹
- The state’s east coast employed 2,500 people in filled jobs in tourism; direct tourism was valued at \$103.1 million (GVA); and direct tourism consumption was valued at \$341 million.²²

THE GREAT SOUTHERN REEF

Seminal research on the importance of the interconnected temperate reef system around southern Australia, known as the Great Southern Reef, found public and political awareness of the significance of this ecosystem is low.²³ The underappreciation of it sits in stark contrast to its ecological, social and economic importance. In 2015, researchers estimated fishing and tourism activities emanating from the Great Southern Reef generated at least AU\$10 billion year.

In 2022, for the first time, researchers developed an estimate of the economic value of the ecosystem services (provisioning, regulating, and cultural) provided by the Great Southern Reef, which fringes southern Australia from New South Wales to southern Western Australia.²⁴ The detailed analysis also modelled the economic value associated with a 20% loss of ecosystem services—a level that the authors considered entirely plausible—from the reef over 20 years.

In such a scenario, many industries would suffer significant economic losses over 20 years:

- Commercial fishing (\$65 million);
- Carbon sequestration (\$74 million),
- Nutrient cycling (\$12,726 million);
- Recreational fishing (\$3,274 million);
- Diving and snorkelling (\$791 million);
- Other recreation (\$3,603 million); and

²¹ Tourism Research Australia (2023) *Regional Tourism Satellite Account - Annual data for Australia’s tourism regions* (see Tasmanian regional data tables) <https://www.tra.gov.au/en/economic-analysis/tourism-satellite-accounts/regional-tourism-satellite-account>

²² Ibid.

²³ Bennett, et. al. (2015). *The ‘Great Southern Reef’: social, ecological and economic value of Australia’s neglected kelp forests*. *Marine and Freshwater Research*, 67(1), pp. 47-56

²⁴ Eger, et., al. (2022) *Quantifying the ecosystem services of the Great Southern Reef. Report to the National Environmental Science Program*. University of New South Wales

- Existence value (\$8,830 million).

In total, the report estimates \$29.4 billion worth of benefit would be lost.

The problem: current approaches to marine management

TASMANIA'S REGULATORY ENVIRONMENT

Tasmania's marine management framework dates back nearly 30 years. The state's main marine law, the *Living Marine Resources Management Act 1995* ("the LMRM Act"), is only now being reviewed for the first time. The *State Coastal Policy 1996* has never been comprehensively updated. The deficiencies of the LMRM Act are discussed in the next section. However, before examining these, it will be helpful to have a more general overview of Tasmania's legislative framework for the management of its natural resources.

This framework is provided by the Tasmanian Resource Management and Planning System (RMPS), which was established in 1993 and sets out common objectives that apply across most relevant legislation, including the LMRM Act.^{25,26} All decisions, policies, and strategies that fall under the umbrella of the RMPS must reflect its objectives, which are:

- To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;
- To provide for the fair, orderly and sustainable use and development of air, land and water;
- To encourage public involvement in resource management and planning;
- To facilitate economic development in accordance with the objectives set out in the above paragraphs; and
- To promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the state.

Tasmania's Environment Protection Agency states the RMPS is an integrated system, linked through common objectives. There are provisions in its component pieces of legislation to require that they must seek to further RPMS objectives.

In reality, however, major deficiencies exist. While marine activities are included under the RMPS's rubric via the LMRM Act and the *Marine Farming Planning Act 1995*, these pieces of component legislation are not adequately integrated or comprehensive.

²⁵ More information, including the objectives of the RMPS, available at: <https://epa.tas.gov.au/about-the-epa/policy-legislation-cooperative-arrangements/about-policy-and-legislation/the-rmps>

²⁶ The Environmental Defenders Office have produced a plain-English *Overview of the Tasmanian Resource Management and Planning System*: <https://www.edo.org.au/wp-content/uploads/2023/06/Overview-of-Tasmanian-Resource-Management-and-Planning-System.pdf>

The exclusion of marine farming from the *Land Use Planning and Approvals Act 1993* (LUPAA) provides a good example of this. As provided for in LUPAA, planning provisions explicitly exclude fishing, marine farming, mining and forestry activities.^{27,28} The minimal planning that does occur in the marine space is haphazard and driven by resource and extractive industries (e.g. aquaculture and fisheries). This is not achieving the objectives of the RMPS.

It is also important to note that the way the *Marine Farming Planning Act 1995* operates, appears to give primacy of aquaculture over other activities, like fishing or land-based activities.²⁹ This prioritisation of marine farming is odd given the lack of integration between planning processes for adjacent areas of land, and the superficial consideration of other uses or activities by the Marine Farming Planning Review Panel when it is considering proposed Marine Farm Development Plans.

Deficiencies in Tasmania's RMPS are well recognised. Recent research summarising submissions to 2015 and 2019 Parliamentary inquiries into aquaculture found Tasmanian governance concerns included:³⁰

...the need for a legitimate independent environmental monitoring processes with open reporting; the further separation of powers between the planning and regulatory functions of government; and the need for rigorous enforcement of existing regulations regarding pollution control (i.e. noise, light, debris), nitrogen loads, and biosecurity. Questions were also raised as to whether decisions on the current rate of industry expansion and the location of farm lease sites had been based on scientific evidence.

This paper and its proposal for a Tasmanian Integrated Marine Estate Act address gaps in the RMPS by establishing a Marine Estate Authority to undertake marine planning and implement other aspects of integrated management (including by linking it to independent environmental monitoring and SOE reporting).

²⁷ *Land Use Planning and Approvals Act 1993*, s.11 (3)

<https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1993-070>

²⁸ Land-use planning in Tasmania is currently undergoing a protracted reform process but this paper does not respond to that. For a discussion of the merits of State Policies versus the government's new policy instrument Tasmanian Planning Policies, see: Planning Matters Alliance Tasmania's Draft TPPs submission: https://www.planning.tas.gov.au/__data/assets/pdf_file/0007/716047/Representation-58-Planning-Matters-Alliance-Tasmania-28-July-2023.PDF

²⁹ LUPAA s. 92 (1)(c) and (d) makes it an offence to "(c) do any act within or outside a lease area or an area to which a permit under the *Living Marine Resources Management Act 1995* relates that causes or is likely to cause harm or damage to a lease area, an area to which the permit relates or any marine farming equipment or fish stocks within a lease area or an area to which the permit relates; or (d) hinder or obstruct the operation of marine farming."

³⁰ Condie, et al (2022) *Increasing polarisation in attitudes to aquaculture: Evidence from sequential government inquiries*, Marine Policy 136, <https://doi.org/10.1016/j.marpol.2021.104867>

The *Living Marine Resource Management Act 1995*

The LMRM Act is the primary legislation for administering the protection, development, and management of living marine resources in Tasmanian State waters. The long title of the Act describes it as “An Act to promote the sustainable management of living marine resources, to provide for management plans relating to fish resources, to protect marine habitats and to repeal the Fisheries Act 1959”.³¹ The Act’s stated purpose is to:

- ...achieve sustainable development of living marine resources having regard to the need to:
- (a) increase the community's understanding of the integrity of the ecosystem upon which fisheries depend; and
- (b) provide and maintain sustainability of living marine resources; and
- (ba) take account of a corresponding law; and
- (c) take account of the community's needs in respect of living marine resources; and
- (d) take account of the community's interests in living marine resources

There are three key areas in which the Act currently fails to meet its stated current objectives:³²

- Community interests, particularly cultural and human wellbeing;
- Protecting marine habitats, particularly by establishing marine protected areas; and
- Sustainable management of living marine resources.

These failures manifest in many ways. These are examined in the next section of this report, but examples include depleted fish stocks, ignored ecosystem flow-on effects, threatened species, the decline of key ecosystems, paltry habitat protection, poor community returns, and a lack of community involvement in planning and management decisions.

The LMRM Act also fails to address a range of objectives and principles that are now well established in comparable legislation and contemporary resource management frameworks. These include:

- Recognition of Aboriginal peoples’ rights;
- Addressing the impacts of climate change;
- Embedding a precautionary approach; and
- Addressing cumulative impacts.

Aquaculture is regulated under the LMRM Act through the grant of marine farming licences. However, it is unclear if or how impacts of aquaculture on other marine users, fisheries and habitats are considered and managed under the process provided by the LMRM Act.³³

³¹ *Living Marine Resource Management Act 1995*

³² Environmental Defenders Office (2022) *Submission in response to the Review of the LMRM Act*, p. 6.

³³ *Ibid*, p. 8.

There are also a range of other activities and new, emerging industries, such as energy generation, carbon capture projects, and multi-trophic aquaculture, that are not regulated by the Act because they didn't exist when it was written. The environmental impacts of these industries—along with other pressures on Tasmania's coastal waters—will only intensify with the increased effects of climate change, agricultural run-off, urban development, and population growth.

The review of the LMRM Act provides an opportunity to address current shortcomings and adopt a fundamentally improved management framework for Tasmania's coastal waters. Addressing regulatory gaps and conflicting mandates is a fundamental aim of integrated management.³⁴ This has not yet been attempted for Tasmania's coastal waters and is a key purpose of a new Tasmanian Integrated Marine Estate Act.

MARINE MANAGEMENT SHORTFALLS

The fact that Tasmania's main marine law is the best part of three decades old, means it fails to reflect how best practice has evolved since it was implemented. In particular, marine governance in Tasmania lacks integration: between federal and state governments; across sectors; and between government departments.

Tasmania's siloed approach to managing the multiple uses of the marine environment continues to be dominated by economic imperatives. As a result, it is allowing the health of marine ecosystems to decline. Legislation to protect the marine environment is heavy on process but light on performance measurement, with inadequate tools to ensure statutory goals are achieved.

The State of the Environment report (or lack thereof)

Tasmanian law requires the state's government to produce a State of the Environment (SOE) report every five years.³⁵ Despite this, the Tasmanian government has not conducted a state-wide assessment of the condition of the state's marine environment for 14 years.

This represents a major failure of government and Tasmania's Resource Management and Planning System. In the absence of state reports, the most recent examination of Tasmanian waters is the national *Australia: State of the Environment Report 2021*, which confirmed that the state's oceans are facing multiple significant pressures. While the national report gives a detailed assessment of the status and trends of Australia's environment at the national scale, it notes that these assessments are often generalised, and emphasises the

³⁴ Environmental Defenders Office (2019) *More than just Fish and Ships*, p.15-17

³⁵ State Policies and Projects Act 1993 s29.

necessity of regular, detailed sub-national reporting so that finer scale trends and pressures can be recorded, and state-specific policy responses developed.

A range of concerns about the state of Tasmania's coastal waters were highlighted in the national SOE report, including:

- **First Nations rights, knowledge and cultural values:** Tasmania is the only Australian state without formal joint management of parks and protected areas between the government and Tasmanian Aboriginal peoples. The report also noted the impact of changes to the marine environment on the continuation of Tasmanian Aboriginal peoples' cultural practices, such as shell stringing.³⁶
- **Coastal environment:** Wastewater treatment, industrial discharges and organic loads from finfish aquaculture were identified as key pressures on Tasmanian estuaries and enclosed coastal waters.³⁷
- **Marine ecosystems:** The decline in giant kelp-dominated communities and invasive marine species are a primary threat to biodiversity and ecosystem health.³⁸
- **Threatened species:** The health of handfish was cited as a biodiversity concern.³⁹ Notably absent was the nationally listed, endangered Maugean skate, endemic to Macquarie Harbour. Its population declined by 47% between 2014 and 2021.⁴⁰
- **Natural heritage:** Major increases in aquaculture are cited as having adverse impacts on natural heritage.⁴¹

After concerted efforts from communities and civil society organisations, in late 2022 the Tasmanian government committed to complete a SOE report by 30 June 2024.⁴²

Climate change

Marine scientists are telling us that globally, oceans are changing faster than models have predicted. This is unsurprising, considering they absorb more than 90% of the heat from

³⁶ Green and Moggridge (2021) *Australia: State of the Environment 2021 – Water*, <https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-inland-water.pdf>

³⁷ Clark, et al (2021) *Australia: State of the Environment – Coasts*, <https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-coasts.pdf>

³⁸ Trebilco et al (2021) *Australia: State of the Environment 2021 – Marine*, <https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-marine.pdf>

³⁹ Murphy and Stephen (2021) *Australia: State of the Environment – Biodiversity*, <https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-biodiversity.pdf>

⁴⁰ Moreno and Semmens (2023) *Interim report - Macquarie Harbour Maugean skate population status and monitoring*, [Maugean-skate-2021-interim-report-FINAL.pdf](https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-biodiversity.pdf).

⁴¹ McConnell et al (2021) *Australia: State of the Environment 2021 – Heritage*, <https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-heritage.pdf>

⁴² Carr (2022) *Win for Tassie Environment as Government Agrees to State of Environment Report* <https://australiainstitute.org.au/post/win-for-tassie-environment-as-government-agrees-to-state-of-environment-report/>

climate change and more than 30% of the carbon dioxide emitted from human activities. Recent research finds:⁴³

Parts of the ocean could reach a near-permanent heatwave state a near permanent heatwave state by the end of this century, unless urgent action is taken to reduce fossil fuel emissions.

Tasmania's east coast is a climate change hotspot.⁴⁴ The East Australian Current now extends further south, creating an area of rapid warming in the Tasman Sea. The rapid decline of giant kelp forests is now well-known - over 95% have been lost in recent decades. Long-spined sea urchins (*Centrostephanus rodgersii*) are ravaging east coast reefs and are now regarded as one of the greatest threats to marine ecosystems in south-eastern Australia.⁴⁵

We are also seeing increasing 'tropicalisation' of temperate reefs, where warmer water species replace cooler water ones.⁴⁶ Scientists warn that this summer it is almost 100% guaranteed to have serious marine heatwaves all down the eastern Australian seaboard. Part of the Tasman Sea around Tasmania could be at least 2.5°C warmer than average this summer.

Aquaculture

Both national and state inquiries into aquaculture have raised concerns about the environmental impacts of salmonid farming, and highlighted the many problems caused by the salmon industry.⁴⁷ Environmental impacts associated with the industry include:

- Higher nutrient loads, which affect macroalgal assemblages on reefs some distances from farms;
- Blooms of jellyfish and algae;
- Seal relocations;
- Biosecurity risks,
- Impacts on rare, threatened, and endangered species; and

⁴³ Climate Council of Australia (2023), Code Blue: Our oceans in crisis, pi

⁴⁴ Hobday et al (2014) *Ocean warming hotspots provide early warning laboratories for climate change impacts*, <https://link.springer.com/article/10.1007/s11160-014-9355-9>

⁴⁵ ABC News (2023) Senate inquiry recommends \$55-million investment into managing long-spined sea urchin - <https://www.abc.net.au/news/2023-11-03/long-spined-sea-urchin-senate-inquiry-report-findings-55-million/103034136>

⁴⁶ Climate Council of Australia (2023), Code Blue: Our oceans in crisis, p17-18 <https://www.climatecouncil.org.au/resources/code-blue-our-oceans-in-crisis>

⁴⁷ These include: a 2015 Senate Inquiry into the Finfish Aquaculture Industry in Tasmania, a 2021 House of Representatives Australian Aquaculture Sector Inquiry, and a 2019 Tasmanian Legislative Council Inquiry into Fin Fish Farming.

- Marine debris.⁴⁸

The 2017–18 environmental disaster in Macquarie Harbour in 2017–18 provides a devastating example of how destructive these impacts can be. It involved significantly reduced dissolved oxygen levels, an abundance of Dorvilleid worms (reliable indicators of anoxia in the benthos), outbreaks of fish diseases, and mass mortality events, totalling over 1.3 million fish deaths.⁴⁹

Eutrophication (excessive enrichment leading to oxygen depletion) and depleted dissolved oxygen levels have continued in the area, leading to a crisis for the endangered Maugean skate: the skate's numbers have almost halved since 2014.⁵⁰ It is at imminent risk of becoming the world's first ray or shark to become extinct in modern times due to human activity. In September 2023, the Federal government released Conservation Advice for the skate; the Advice found that the “important anthropogenic contributor to the oxygen debt in Macquarie Harbour [is] ongoing salmonid aquaculture”, and identified “significantly reducing fish biomass and feeding rates” by summer 2023–24 as “the fastest and most simple way to ... reduce the impacts of salmonid aquaculture on dissolved oxygen concentrations.”⁵¹

The 2019 Tasmanian Legislative Council Inquiry into Fin Fish Farming made 194 findings and 68 recommendations to address industry impacts and improve its regulation, including through an integrated approach to management.⁵² The top recommendation called for the next salmon industry plan to be developed as one aspect of an overarching Marine Plan for Tasmania, through a process that includes comprehensive stakeholder consultation, informed by assessment of environmental, social and recreational values, with a transparent evidence base. It also recommended using marine spatial planning and developing a plan to reduce inshore salmon farming, with priority given to ceasing operations in sensitive, sheltered, and biodiverse areas. In other words, the Inquiry called for an integrated approach to ocean management.

⁴⁸ Legislative Council Sessional Committee Fin Fish Farming in Tasmania Inquiry Final Report, https://www.parliament.tas.gov.au/__data/assets/pdf_file/0024/56607/inq.finfish.rep.20220519.finalreport.jm.001.pdf

⁴⁹ Kirkpatrick et al, ‘The reverse precautionary principle: science, the environment and the salmon aquaculture industry in Macquarie Harbour, Tasmania, Australia’, *Pacific Conservation Biology* 25(1).

⁵⁰ Moreno and Semmens (2023) *Interim report - Macquarie Harbour Maugean skate population status and monitoring*, Institute for Marine & Antarctic Studies

⁵¹ Australian Government (2023), *Conservation Advice for *Zearaja maugeana* (Maugean skate)* <http://www.environment.gov.au/biodiversity/threatened/species/pubs/83504-conservation-advice-06092023.pdf>

⁵² Parliament of Tasmania (2022) *Legislative Council Report on Fin Fish Farming in Tasmania* https://www.parliament.tas.gov.au/__data/assets/pdf_file/0024/56607/inq.finfish.rep.20220519.finalreport.jm.001.pdf

Habitat protection

As a parties to the Convention on Biological Diversity and a member of the Ocean Panel, the Australian government recognises that 30% of marine areas require protection to ensure resilient, biodiverse and replenishing oceans. There is a growing body of evidence that supports the global target of protecting 30% of the ocean by 2030.⁵³

Since 2014, however, the Tasmanian government has imposed a moratorium on the creation of any new marine reserves. This represents a significant misalignment between federal and state policies, especially as only 1.1% of the Tasmanian waters are fully protected from the impacts of human activities, and only 2.7% are partially protected.⁵⁴ Four of Tasmania's nine geographically distinct marine bioregions are not represented by any type of marine reserve. In 2003–04, the first inquiry into establishing marine parks in Tasmania was undertaken and resulted in the Kent Group National Park marine extension and Port Davey Marine Reserve being declared.⁵⁵

The next inquiry in the Bruny Bioregion resulted in 14 Marine Conservation Areas being proclaimed in 2009, however, fishing continues to be permitted in all of these areas. Whilst these 'paper parks' identify areas of conservation value, there is no additional protection found within them, compared to adjacent waters. Efforts to establish any further reserves were halted entirely by the imposition of the moratorium.⁵⁶

Cumulative impacts from multiple threats and pressures

At an individual level, threats and pressures on oceans are increasingly relatively well understood. However, this is not the case when multiple pressures are occurring either simultaneously or at different times in the same space, creating cumulative impacts.⁵⁷ These have compounding effects and can erode ecosystem health and resilience.

The interactions and feedback among cumulative impacts remain a key challenge for the sustainable management of marine environments and one of the main reasons to adopt integrated management.⁵⁸ Such approaches allow management systems to overcome current problems of different groups managing different activities in different ways, with an

⁵³ Ocean Panel <https://oceanpanel.org/about-ocean-panel>

⁵⁴ Wescott and Fitzsimons (2016). *Big, Bold & Blue: Lessons from Australia's Marine Protected Areas*. CSIRO Publishing

⁵⁵ Resource Planning and Development Commission (2003). *Inquiry into the establishment of marine protected areas within the Davey and Twofold Shelf Bioregions. Final recommendations report*.

⁵⁶ The story of the early development of MPAs in Tasmania is covered in Kriwoken and Haward (1991) *Marine and Estuarine Protected Areas in Tasmania, Australia: The Complexities of Policy Development, Ocean and Shoreline Management*: 143-163.

⁵⁷ Trebilco et al (2021) *Australia: State of the Environment 2021 – Marine*, <https://soe.dccew.gov.au/sites/default/files/2022-07/soe2021-marine.pdf>

⁵⁸ Stephenson, et., al (2019), *A practical framework for implementing and evaluating integrated management of marine activities*, *Ocean & Coastal Management*, Vol 177, <https://doi.org/10.1016/j.ocecoaman.2019.04.008>

incomplete and different set of objectives, no clear way of evaluating trade-offs (among objectives or activities), and insufficient consideration of cumulative impacts of management. They also provide an opportunity for dealing strategically with climate and societal change.

The Independent review of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) found that cumulative impacts are currently not well managed. Professor Graeme Samuel AC noted:⁵⁹

Individually developments may have minimal impact on the natural environment, but their combined impact can result in significant long-term damage...project level decisions fail to fully factor in other pressures on the environment, resulting in an underestimation of the broadscale cumulative impacts on a species, ecosystem or region.

Forming an understanding the cumulative effects of various pressures is critical in Tasmania, where fragile ecosystems are being confronted by multiple threats. The national *Australia: State of the Environment (SOE) 2021* report describes cumulative impacts on species threatened with extinction, marine heatwaves, decimated giant kelp forests, range extended species and introduced pests, increasing salinity, overfishing and depleted fish stocks, along with harmful algal blooms and eutrophication, which are also linked to other ecological disturbances.⁶⁰

Eutrophication, in particular, is a globally recognised problem for coastal waters. The UN's *Sustainable Development Report 2023* provides a sobering perspective on the significance of this problem, pointing to suffocating seas linked to coastal eutrophication as a prime example of how “we are at war with nature”. The suggested solution is to “safeguard our ocean and preserve biodiversity”.⁶¹

The 2021 SOE Report describes algal growth and eutrophication as the main issues in Australian estuaries and some enclosed coastal waters.⁶² Identified primary drivers of this are increased intensity of rural and urban catchment land use, wastewater treatment plants, industrial discharges and organic loads from finfish aquaculture.

⁵⁹ Final report | Independent review of the EPBC Act (environment.gov.au)

⁶⁰ Cresswell et al (2021). *Australia: State of Environment Report 2021* <https://soe.dcceew.gov.au>

⁶¹ United Nations (2023), *The Sustainable Development Report 2023: Special Edition video*, <https://www.youtube.com/watch?v=zF361a019zA>

⁶² Clark, et al (2021) *Australia: State of the Environment – Coasts*, <https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-coasts.pdf>

Jurisdictional wrangling

Jurisdictional conflict—over resources, maritime boundaries, use of the coastal zone, and environmental protection—has shaped oceans policy in Australia since federation.⁶³ The situation with offshore resources was made clear by the 1979 Offshore Constitutional Settlement, which allows states to make laws for coastal waters (but not necessarily to exclude the Commonwealth), from low water to three nautical miles from shore, while the Commonwealth retains responsibility beyond that, out to 200 nautical miles. Today, the majority of the wrangling is less over resources and more over who has (and doesn't have) responsibility for a given issue.

The plight of the endangered Maugean skate (*Zearaja maugeana*) provides a topical example of this continued wrangling—or buck-passing—between state and federal governments. The globally unique, brackish-water skate is a micro-endemic, stingray-like marine animal found only in Macquarie Harbour on Tasmania's west coast. One-third of the Harbour lies within the Tasmanian Wilderness World Heritage Area, where wild rivers flow into the sea. The skate is a Gondwana-era relict of World Heritage value.

In 2012, the Federal government decided that large-scale fish farming should be allowed in Macquarie Harbour. The scientific evidence that has emerged in the intervening decade suggests strongly that this decision should be overturned.⁶⁴ However, the only action on the issue has been an ongoing argument between state and Federal governments as to whose responsibility this is.

The Federal environment minister maintains that primary responsibility lies with the Tasmanian Government.⁶⁵

...we urge the salmon industry and Tasmanian Government to take the action needed to clean up Macquarie Harbour so the Maugean skate can survive for another 100 million years. We will cooperate wherever possible.

A public statement by the Secretary of Tasmania's Department of Natural Resources and Environment, meanwhile, argues the exact opposite:⁶⁶

⁶³ Vince (2018) *The twenty year anniversary of Australia's Oceans Policy: achievements, challenges and lessons for the future*, Australian Journal of Maritime & Ocean Affairs, 10(3), 182-194. <https://doi.org/10.1080/18366503.2018.1490882>.

⁶⁴ The Australia Institute Tasmania, *Federal Government Is Legally Obligated to Protect the Endangered Maugean Skate* <https://australiainstitute.org.au/post/federal-government-is-legally-obliged-to-protect-the-endangered-maugean-skate/>

⁶⁵ Minister for the Environment and Water, the Hon Tanya Plibersek MP Media Release: *National Threatened Species Day: New Steps to save the Maugean Skate*, <https://minister.dccew.gov.au/plibersek/media-releases/national-threatened-species-day-new-steps-save-maugean-skate>

⁶⁶ Secretary of the Department of Natural Resources and Environment Tasmania, 8 August 2023, ABC Radio Tasmania Mornings program interview, 08:39.25 – 08:49.55am <https://www.abc.net.au/listen/programs/hobart-mornings/mornings/102808180>

The salmon aquaculture industry are [sic] operating under an approved EPBC [Act] decision from 2012. They continue to have a licence to operate to that effect and that is a matter that will have to be considered by both the Commonwealth and by the state.

A key aim of a fully integrated ocean management is to resolve jurisdictional dissonance between state and Federal governments, and thus avoid wrangling that allows both governments to duck responsibility for difficult decisions. The benefits of such an approach, along with the manner in which it could be implemented, are discussed in the next section of this report.

The solution: integrated management

What is integrated management? What can it achieve—and how? This section addresses these questions and proposes key elements for a Tasmanian Integrated Marine Estate (TIME) Act. It also explains how that legislation would fit in with other relevant existing laws.

It will be useful to have a working definition of exactly what the term “integrated management” means. In the 2019 paper *A Practical Framework for Implementing and Evaluating Integrated Management of Marine Activities*, a collaboration of global ocean management experts, based across Australian and Canadian research institutions, described integrated management as:⁶⁷

An approach that links (integrates) planning, decision-making and management arrangements across sectors in a unified framework, to enable a more comprehensive view of sustainability and the consideration of cumulative effects and trade-offs.

This objective should be achieved by linking and modifying existing sector-based plans into an overarching framework, a practical and pragmatic approach that avoids reinventing systems and provides opportunities to deal more strategically with climate and societal change. Figure 1 below demonstrates how this approach works, setting out nine key features of integrated management, along with five phases of implementation (and ongoing examination of the framework’s effectiveness).⁶⁸

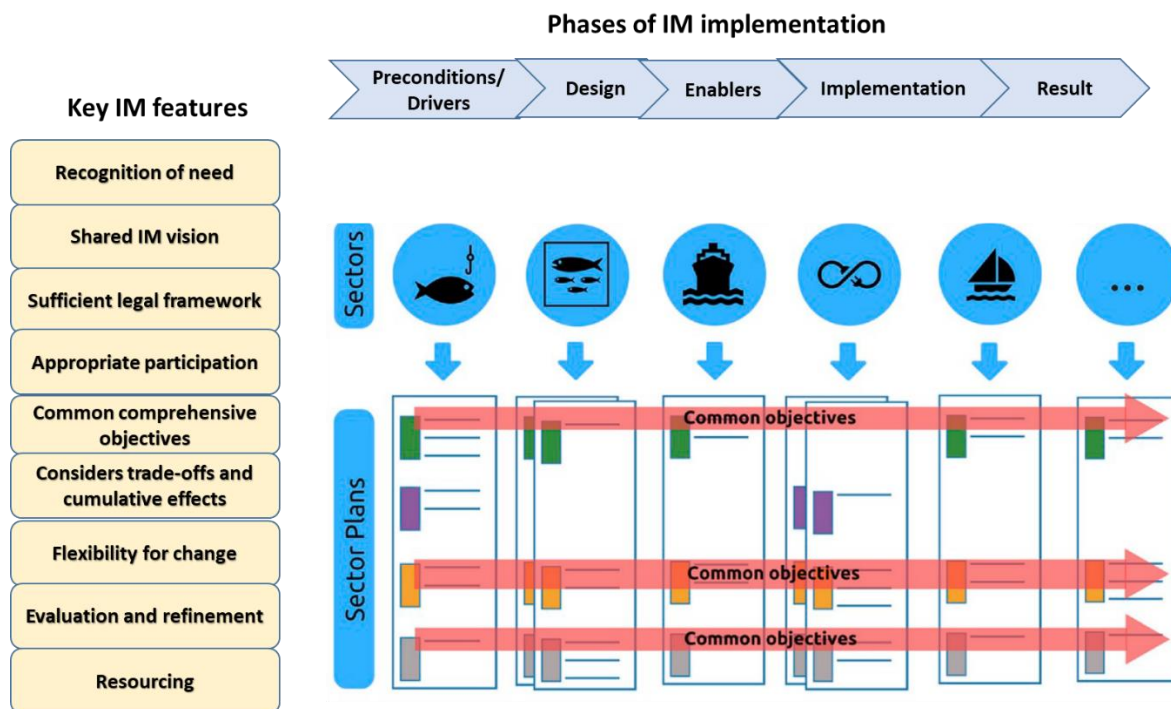
Although not necessarily interchangeable, terminology such as Ecosystem Based Management, Integrated Ocean Management, and Integrated Management, among others, often have overlapping meanings. For example, Integrated Coastal Zone Management extends the concept to include coastal catchments and is often considered to be the most comprehensive form of integrated management.⁶⁹

⁶⁷ Stephenson, et., al (2019), *A Practical Framework for Implementing and Evaluating Integrated Management of Marine Activities*, Ocean & Coastal Management, Vol 177, <https://doi.org/10.1016/j.ocecoaman.2019.04.008>

⁶⁸ Stephenson, et. al. (2023) *Integrating management of marine activities in Australia*, Ocean & Coastal Management, Vol 234, <https://doi.org/10.1016/j.ocecoaman.2022.106465>

⁶⁹ Stephenson et al (2021) *The Quilt of Sustainable Ocean Governance: Patterns for Practitioners* <https://www.frontiersin.org/articles/10.3389/fmars.2021.630547/full>

Figure 1: A practical framework for integrated management



Source: reproduced from Stephenson et al 2023.

An objective of this paper is to help move Tasmania into the design phase of integrated management by contributing an appropriate legal framework that addresses the key features required. The state has an abundance of drivers for change—and integrated approaches, if well designed and adequately resourced, are well recognised as the most effective way to manage oceans.⁷⁰

VISION

This paper proposes a new shared vision for integrated management:⁷¹

That Tasmania has an outcome-focused, comprehensive, coordinated and effective system of integrated management to ensure healthy and productive oceans, actively involving all relevant users, sectors and jurisdictions both within and beyond waters under Tasmania’s jurisdiction, to protect and preserve the marine environment, including by conserving and sustainably managing marine resources and by protecting and restoring their environmental, economic and social value, from the coast of Tasmania to the farthest reaches of Australia’s oceans and beyond.

⁷⁰ Vince (2018) *The twenty year anniversary of Australia’s Oceans Policy: achievements, challenges and lessons for the future*, Australian Journal of Maritime & Ocean Affairs, 10(3), 182-194. <https://doi.org/10.1080/18366503.2018.1490882>.

⁷¹ An outcome-focused management system requires specific objectives, with measurable performance indicators. This vision statement is adapted from EDO (2019). *More than just Fish and Ships*, p.15-17, http://www.edo.org.au/wp-content/uploads/2019/11/more_than_just_fish_and_ships.pdf

THE LESSONS OF THE AUSTRALIAN OCEANS POLICY

It has been 25 years since Australia's first effort to introduce integrated ocean management: the 1998 Australian Oceans Policy (AOP). The AOP led to several significant achievements, including a robust understanding and biophysical classification of Australia's oceans, as well as engagement with sectors not previously involved with ocean governance. It set out a national structure for integrated management, with a bold, clearly articulated vision. This vision was rightly hailed as world-leading, and adequate resourcing in the early stage allowed successful consultation on its aims. Some of its components have been used in later initiatives (e.g., Bioregional Marine Planning and the National Representative System of Marine Protected Areas).

Nevertheless, the Policy has been deemed ultimately unsuccessful at achieving integrated management—largely because it did not resolve jurisdictional problems and lacked regulatory power. From early in its development, the AOP was intended to be policy, layered over existing laws, rather than being introduced as overarching legislation. Using existing frameworks was not a problem in and of itself, but a lack of regulatory muscle meant the sector-based laws prevailed. Without the political will for a legislative approach, the AOP was doomed to failure.

Several papers have considered the important lessons from this process, and how they should be applied to future efforts to establish integrated management.⁷² In a 2012 paper, the Australia National Centre for Oceans Resources & Security suggested that a key breakdown in the original AOP was the change in governance architecture changed from a multi-ministerial/multi-departmental integrated approach to a sectoral, environment-led activity with consultation. This meant that the AOPO became another sector-based solution, not an integrated one, as “an overarching authority of the department of the head of government, or an agency with specific legislation for integrated planning, monitoring and oversight, but no direct sectoral regulatory responsibility” is needed for effective integration.

A recent synthesis of seven Australian case studies of integrated, holistic approaches to management confirmed appropriate legal and institutional frameworks are the most important criteria for success.⁷³ After reviewing the AOP, Great Barrier Reef, New South Wales Marine Estate and other examples, researchers found that while most of the key

⁷² This section provides a summary of the findings of the following papers: Vince et al (2015) *Australia's Ocean Policy: Past, present and future*, <https://www.sciencedirect.com/science/article/pii/S0308597X15000494>; Vince (2018) *The twenty year anniversary of Australia's Oceans Policy: achievements, challenges and lessons for the future*, <https://doi.org/10.1080/18366503.2018.1490882>; Stephenson, et. al. (2023) *Integrating management of marine activities in Australia*, *Ocean & Coastal Management*, Vol 234, <https://doi.org/10.1016/j.ocecoaman.2022.106465>; and Tsamenyi and Kenchington (2012), *Australian Oceans Policymaking*, *Coastal Management*, DOI:10.1080/08920753.2012.652519

⁷³ Stephenson, et. al. (2023) *Integrating management of marine activities in Australia*, *Ocean & Coastal Management*, Vol 234, <https://doi.org/10.1016/j.ocecoaman.2022.106465>.

features of integrated management were important, legal and institutional frameworks had the most influence on outcomes. This is followed by effective stakeholder participation, effective resourcing, capacity and tools, and recognition of the need for integrated management.

INTEGRATED MANAGEMENT IN LAW

Given the vital role legislation plays in successful integrated management,⁷⁴ The Australia Institute has compared relevant laws in Victoria, New South Wales, and Canada. Tasmania's *Living Marine Resource Management Act 1995* has been considered against the same principles.

Victoria's *Marine and Coastal Act 2018*⁷⁵ improves the state's previous management framework by providing a simpler, more integrated and more coordinated approach to planning and managing the marine and coastal environment, by:

- Enabling protection of the coastline and the ability to address the long-term challenges of climate change, population growth and ageing coastal structures; and
- Ensuring that partners work together to achieve the best outcomes for Victoria's marine and coastal environment.

The Act was complemented by a Transition Plan with 45 actions to establish the new approach by 2022. The state-wide Marine and Coastal Policy, including the Marine Spatial Planning Framework, and the state-wide Marine and Coastal Strategy comprised key transition actions.

The NSW *Marine Estate Act 2014*⁷⁶ provides for strategic and integrated management of the entire NSW marine estate—marine waters, coasts and estuaries. This has involved intentional rearrangement of management to ensure a more holistic, coordinated and transparent approach, aimed at reducing the major threats to the environmental, social, cultural and economic values of the NSW marine estate.⁷⁷ The Act achieves this by:

- Providing for the management of the marine estate consistent with the principles of ecologically sustainable development;
- Establishing two advisory committees: the Marine Estate Management Authority and the Marine Estate Expert Knowledge Panel;
- Requiring the development of a Marine Estate Management Strategy to address priority threats identified through threat and risk assessment;

⁷⁴ Stephenson, et. al. (2023) *Integrating management of marine activities in Australia*, Ocean & Coastal Management, Vol 234, <https://doi.org/10.1016/j.ocecoaman.2022.106465>.

⁷⁵ *Marine and Coastal Act 2018* (VIC), <https://www.marineandcoasts.vic.gov.au/marine-and-coastal-act>

⁷⁶ *Marine Estate Act 2014* (NSW) <https://www.marine.nsw.gov.au/marine-estate-programs/marine-legislation>

⁷⁷ Stephenson, et. al. (2023) *Integrating management of marine activities in Australia*, Ocean & Coastal Management, Vol 234, <https://doi.org/10.1016/j.ocecoaman.2022.106465>

- Facilitating the maintenance of ecological integrity, and economic, social, cultural and scientific opportunities;
- Promoting the coordination of government programs; and
- providing for a comprehensive system of marine parks and aquatic reserves.

Canada's *Oceans Act 1997* was a world leader in integrated ocean management legislation when it was introduced. It established ecologically sustainable development and a framework for objectives such as integrated, ecosystem-based management and marine protected area implementation.

However, the legislation did not mandate these objectives, a failing that has led to key targets and commitments established under the Act not being met. It has also allowed decision-making by the Canadian Government that does not take adequate account of the Act's objectives. Along with a number of other factors—including a lack of strong leadership from the Government, poor coordination of its agencies, inadequate funding, and an accountability framework with inadequate performance measures—this has meant the original objectives of the Oceans Act have not been met, and that the Canadian example ultimately functions as a cautionary tale that emphasises the need for strong legislation.⁷⁸

A Tasmanian “Sea Council” aka Marine Estate Authority

Although Tasmania is currently home to a Marine Farming Planning Review Panel (established under the *Marine Farming Planning Act 1995*) and various fisheries advisory councils (under the LMRM Act), there is no single agency, authority, or minister solely responsible for planning the marine estate. This gap should be addressed with the establishment of a Tasmanian Marine Estate Authority, which would fulfil planning functions that are provided on land by local councils and the Tasmanian Planning Commission.⁷⁹

As with land use planning, marine planning takes into account both existing uses and natural/socioeconomic values in determining where it is, and is not, appropriate to undertake certain uses or activities. In some ways, however, marine planning is more straightforward than the equivalent processes on land. Although exclusive use is allowed for some marine resources, there is no private ownership of coastal waters in the way land is privately owned. Instead, all oceans within Australia's EEZ are commonly owned. This means a planning authority can act more easily on everyone's behalf when creating planning instruments.

The division of responsibility between state and Federal governments is largely based on distance from shore. Coastal waters—those that extend from the low tide mark out to three

⁷⁸ Bailey et al (2016) *Canada at a crossroad: The imperative for realigning ocean policy with ocean science*, <https://doi.org/10.1016/j.marpol.2015.10.002>.

⁷⁹ There are likely to be consequential amendments to relevant legislation, in particular the *Tasmanian Planning Commission Act 1997* would require amendment to broaden its remit to include marine planning.

nautical miles from shore—are managed on the public’s behalf by state governments, while the Federal government has responsibility for waters between three nautical miles and 200 nautical miles out, along with all matters of national environmental significance.

Marine planning could be incorporated easily and sensibly into Tasmania’s existing Resource Management and Planning System, using the existing framework of the Environment Protection Authority (EPA), the Tasmanian Planning Commission (TPC), these bodies’ respective legislation, and other key components of the RMPS.⁸⁰

The functions of the existing Marine Farming Planning Review Panel would be subsumed into a new Marine Estate Authority (MEA). This would provide an opportunity to strengthen the integrity of the panel, which has been under a cloud since Louise Cherrie and Prof Barbara Nowak resigned in late 2018 over concerns it was "inherently compromised".⁸¹

The establishment of a MEA would provide a planning body to take on a similar role to that of local governments in land-use planning. The MEA would act like a “sea council” for the purposes of marine planning. Dr Rob Stephenson, an internationally renowned integrated management expert, likens the role of a body like the MEA to that of a conductor, without which the orchestra lacks critical leadership, coordination and accountability.⁸² After all, there’s little use having a bold new vision if nobody is responsible for ensuring its success.

In a marine plan, zoning could be created in a similar way to the zones outlined in the Tasmanian Planning Scheme. When a new development, use or activity that requires a licence or permit is proposed in a particular zone—for example, an offshore wind farm—it would be assessed by the MEA against the relevant zone provisions in the marine plan (as it would with the planning scheme if the windfarm was based on land). If it was deemed eligible for a permit under the Marine Plan, the windfarm application would also be referred by the MEA to the EPA for assessment, as is the case for wind farms on land.⁸³

This is a practical and pragmatic approach to implementation of integrated management of coastal waters that could be incorporated relatively easily into Tasmania’s existing RMPS. Figure 2 provides a simplified outline of how the Marine Estate Authority could link into the existing planning system in Tasmania.

⁸⁰ *Environmental Management and Pollution Control Act 1994* and *Tasmanian Planning Commission Act 1997*

⁸¹ Experts' scathing comments about 'independent' Tasmanian fish farm review panel revealed - ABC News, www.abc.net.au/news/2020-11-03/scathing-comments-about-fish-farm-review-panel-revealed/12840010

⁸² Stephenson, R., personal communication, 13/4/2023

⁸³ Wind Energy Facilities generating more than 30MW are “level 2 activities” and so are subject to assessment by the EPA: *Environmental Management and Pollution Control Act 1994*, ss 25, 27, and schedule 2.

Figure 2: Key players within the proposed Tasmanian marine planning system

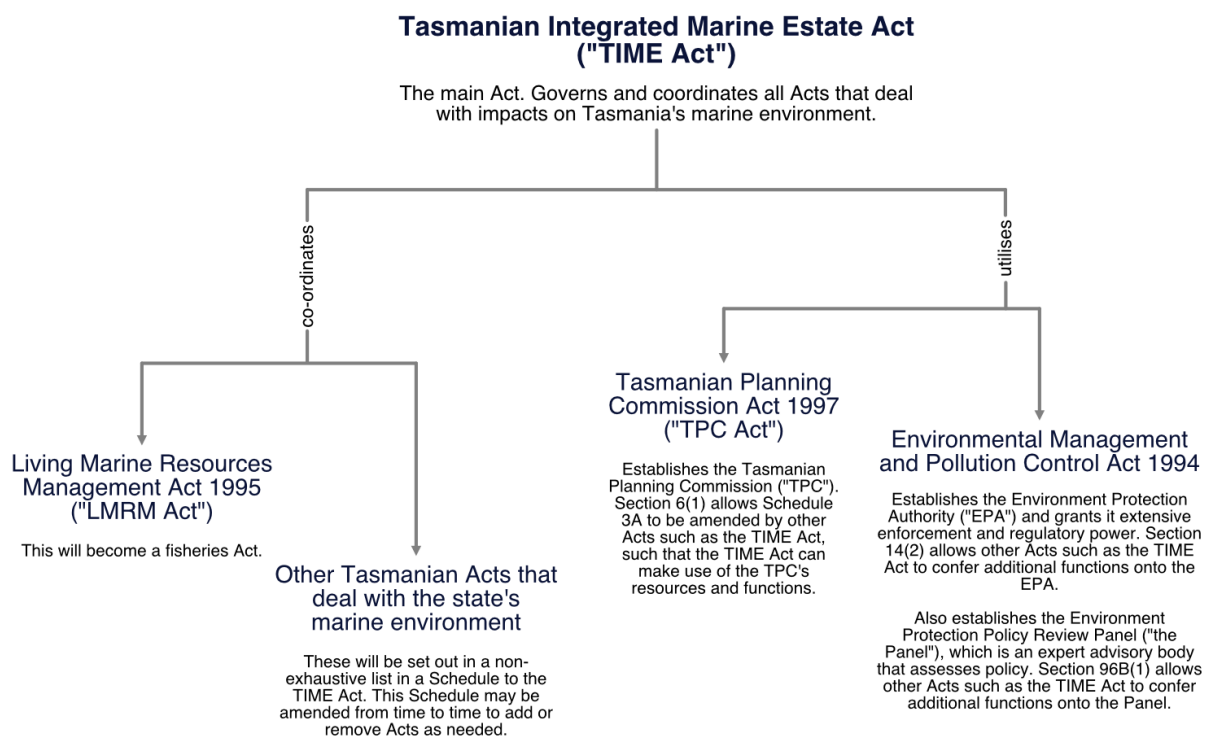


Source: adapted from *Key players within the Tasmanian planning system*, <https://planningreform.tas.gov.au/planning/key-players-within-the-tasmanian-planning-system>

KEY ELEMENTS OF A TASMANIAN INTEGRATED MARINE ESTATE ACT

A new Tasmanian Integrated Marine Estate Act (“the TIME Act”) would apply to the whole marine estate, including coastal waters, bays and estuaries, in accordance with similar legislation elsewhere.⁸⁴ It would not contain the details of the regulatory regimes for every sector; the majority of relevant assessment and decision-making processes would remain in relevant sectoral legislation. Figure 3 below outlines the proposed Tasmanian legislative framework and how it interacts with other existing marine laws.

Figure 3: Umbrella legislation that links (coordinates) across other marine legislation.



As framework legislation, the TIME Act would establish overarching elements, standards, governance and review powers. Once the TIME Act was in place, some existing sectoral legislation might require amendment to ensure that its objectives, mechanisms and standards were consistent and appropriate for delivering the state-wide vision. Further policy work would be required to provide necessary detail to decision makers, including further articulation, or unpacking, of objectives (ecological, economic, social/cultural and institutional/governance) to ensure they are outcome-based with measurable performance indicators.

⁸⁴ Victoria defines its marine environment in the *Marine and Coastal Act 2018* as extending from the high-water mark for 3 nm, or 5.5 km, to the edge of the State’s jurisdiction, including all bays, inlets, estuaries (as well as the Gippsland Lakes).

The key elements of the Tasmanian legislation are based on existing Victorian and NSW legislation (described in the previous section). The proposed approach also draws on research and proposals for similar legislation nationally conducted by the Australian Conservation Foundation and National Environmental Law Association,⁸⁵ and the Environmental Defenders Office and Humane Society International.⁸⁶

We recommend an Act that comprises seven parts, detailed further below:

- Part 1: Purpose, objectives and principles
- Part 2: Marine Estate Management Strategy
- Part 3: Marine spatial planning
- Part 4: Marine Estate Authority
- Part 5: Public participation
- Part 6: Compliance and enforcement
- Part 7: Review
- Schedules

Part 1: Purpose, Objectives and Principles

The purpose of the TIME Act is to provide framework legislation that recognises the need to implement integrated management in Tasmanian coastal waters, including by:⁸⁷

- Recognising Tasmanian Aboriginal peoples' rights to marine resources and cultural heritage in Sea Country;
- Establishing a Marine Estate Authority;
- Requiring the preparation of a Marine Estate Management Strategy, including a Marine Spatial Planning Framework; and
- Requiring the development of a comprehensive, adequate and representative system of marine reserves.

Objectives

The TIME Act would include **objectives** for the planning and management of the marine environment.^{88, 89}

- (a) to protect and enhance the marine environment; and
- (b) to promote the resilience of marine ecosystems, communities and assets to climate change; and

⁸⁵ Australian Conservation Foundation and National Environmental Law Association (2006), *Out of the Blue: An Act for Australia's Oceans*, <https://ro.uow.edu.au/cgi/viewcontent.cgi?article=2680&context=lhapapers>

⁸⁶ Environmental Defenders Office and Humane Society International (2019). *Integrated Oceans Management in Australia: More than just Fish and Ships - the case for an Oceans Act*, p. 21-26, http://www.edo.org.au/wp-content/uploads/2019/11/more_than_just_fish_and_ships.pdf

⁸⁷ The proposed purposes of the Act can be found in further detail in Appendix B.

⁸⁸ These objectives are adapted from: *Marine and Coastal Act 2018* (Vic) and *Marine Estate Act 2014* (NSW).

⁸⁹ The aims of the RMPS objectives are captured within the objectives of the TIME Act. However, as with all RMPS-related legislation, RMPS objectives should be provided in a schedule of the TIME Act.

- (c) to respect natural processes in planning for and managing current and future risks to people and assets from climate change; and
- (d) to establish an integrated and coordinated whole-of-government approach to protect and manage Tasmania’s marine environment; and
- (e) to acknowledge Tasmanian Aboriginal peoples' knowledge, rights and aspirations for Sea Country;⁹⁰ and
- (f) to build scientific understanding of the marine environment; and
- (g) to establish a comprehensive adequate and representative system of marine reserves; and
- (h) to promote a diversity of experiences in the marine environment; and
- (i) to promote the ecologically sustainable use and development of the marine environment and its resources in appropriate areas; and
- (j) to improve community, user group and industry stewardship and understanding of the marine environment; and
- (k) to recognise the rights of Aboriginal parties to have an established role in decisions concerning the marine estate,⁹¹ and
- (l) to engage with communities, user groups and industry in marine planning, management and protection; and
- (m) to give effect to commitments under international agreements, including Australia’s Sustainable Ocean Plan, that contribute to the protection of marine biodiversity and the conservation and sustainable use of marine resources.⁹²

Principles

A TIME Act would elevate existing RMPS principles and address gaps by including the following **Principles**:⁹³

Free, prior and informed consent

It is a principle for the management of the marine environment that free, prior and informed consent is obtained from Tasmanian Aboriginal peoples concerned, through their own representative institutions, before adopting and implementing legislative or administrative measures that may affect them.

Integrated management

⁹⁰ This is consistent with Warner, K., McCormack, T. & Kurnadi, F. (2021) *Pathway to Truth-Telling and Treaty: Report* to Premier Peter Gutwein, Recommendation 16, https://www.dpac.tas.gov.au/__data/assets/pdf_file/0005/627242/Pathway_to_TruthTelling_and_Treaty_251121.pdf

⁹¹ Consistent with the UN Declaration of the Rights of Indigenous People to free, prior & informed consent.

⁹² This objective is new and provides an explicit mechanism for integration nationally.

⁹³ These principles are adapted from: *Marine and Coastal Act 2018* (Vic) <https://content.legislation.vic.gov.au/sites/default/files/2021-06/18-26aa005%20authorised.pdf>; precautionary approach taken from *Environmental Management and Pollution Control Act 1994* (Tas) <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1994-044>

- 1) It is a principle for the management of the marine environment that planning and management be co-ordinated and integrated, as appropriate, across—
 - a) the inshore marine environment;
 - b) the water cycle, including as it relates to estuaries, oceans, bays and coastal waters, groundwater and waterways, where this affects the marine environment and water quality;
 - c) industry sectors and users of the marine and coastal environment; and
 - d) land tenure where this affects the marine environment.
- 2) Planning and management should also take into account long-term and short-term environmental, social and economic considerations.

Ecosystem-based management

- 1) It is a principle for the management of the marine environment that the maintenance and, where appropriate restoration, of marine ecosystem structure and function is fundamental to the current and future use and enjoyment of Tasmania’s marine environment, its resources, and the ecosystem services provided. This shall be the first priority when considering all aspects of management of coastal waters.
- 2) An ecosystem-based approach is to underpin Tasmania’s marine planning and management system, incorporating—
 - a) avoiding detrimental cumulative or incremental ecosystem impacts;
 - b) working with natural processes where practical; and
 - c) building ecosystem resilience to climate change impacts where possible.

Ecologically sustainable development

It is a principle for the management of the marine environment that use and development that affects the marine environment should be focused on improving the total quality of life of Tasmanians, across current and future generations, in a way that maintains the ecological processes on which life depends.

Evidence-based decision-making

It is a principle for the management of the marine environment that marine planning and management decisions should be based on best available and relevant environmental, social and economic understanding, recognising that information will often be limited.

Precautionary approach

It is a principle for the management of the marine environment to adopt a precautionary approach when assessing environmental risk to ensure that all aspects of environmental quality, including ecosystem sustainability and integrity and beneficial uses of the environment, are considered in assessing, and making decisions in relation to, the environment.

Proportionate and risk-based principle

It is a principle for the management of the marine environment that risk management and regulatory approaches should be proportionate to the risk involved.

Adaptive management

It is a principle for the management of the marine environment that decision-makers should learn from the outcomes of operational and policy programs and their effectiveness at achieving specified objectives and, in light of that, change policies and practices.

Part 2: Marine Estate Management Strategy

The new legislation would require the development of a state-wide Marine Estate Management Strategy. This would provide policy detail, management requirements and a roadmap for integrated management across all relevant jurisdictions and sectors. It would provide a clear legislative context and direct implementation of the new regime.

The Marine Estate Management Strategy would include a Marine Spatial Planning Framework. The Framework would guide planning, management and decision making for marine sectors. In accordance with legislation elsewhere, it would have four key purposes:⁹⁴

- To support integrated and coordinated planning and management across marine sectors, the sea, and jurisdictions;
- To recognise the rights of Aboriginal parties to have an established role in decisions concerning the marine estate;
- To support marine sectors, marine users and the community to participate in marine planning and management; and
- To provide a process for determining initiating, approving and undertaking marine spatial planning.

A Marine Estate Management Strategy, including a Marine Spatial Planning Framework, would be developed by a Marine Estate Authority, in consultation with local government, sectoral interests, marine estate users, Sea Country custodians and the public. The final Strategy would be reviewed and recommended for approval by the Tasmanian Planning Commission, with ultimate sign-off by the Tasmanian Government.

The Act would require clear goals and targets to be set in the Marine Estate Management Strategy, with mechanisms to facilitate monitoring and review. These should be SMART⁹⁵ overarching targets that have to be delivered by each relevant sector. The new Act would require targeted monitoring programs and reporting of progress against targets by relevant

⁹⁴ Marine Spatial Planning Factsheet:

www.marineandcoasts.vic.gov.au/__data/assets/pdf_file/0028/514585/What-is-the-Marine-Spatial-Planning-Framework.pdf

⁹⁵ Targets that are: Specific, Measurable, Achievable, Relevant, and Time-bound.

sectors to the new Marine Estate Authority. Measuring progress against targets would be facilitated by establishing a link to State of the Environment reporting.

The Marine Estate Management Strategy would be subject to five-yearly reviews by the Marine Estate Authority to ensure the strategy—including specific goals and targets—can be strengthened or modified to respond to changes in the marine environment if required.

Part 3: Marine Spatial Planning

Marine spatial planning (MSP) is used to create place-based plans that identify what spaces of the ocean are appropriate for different activities.⁹⁶ It is a tool used to create a management plan that minimises conflicts between user groups, and maintains ecosystem health through the identification of areas where different activities are appropriately undertaken. It is recognised as a practical way to organise the use of marine space and the interactions between uses, transparently allowing for development while recognising the need to maintain ecosystem health. It achieves social, economic and environmental objectives in an open and planned way and can be used to develop representative marine reserves.

The Ocean Panel identifies the key aspects of effective marine spatial planning as being:

- Ecosystem-based, balancing ecological, economic and social goals and objectives toward sustainable development;
- Integrated across sectors, agencies and levels of government;
- Area-based;
- Adaptive and capable of learning from experience;
- Strategic and anticipatory, focused on the long term; and
- Focused on participation, with stakeholders actively involved in the process.

The Victorian Government describes marine plans as a key output of marine spatial planning.⁹⁷ Such a plan is a comprehensive management document that provides information on existing arrangements, uses/activities, and areas of a planning area. Marine plans inform and guide planning and management decisions in the area to which it applies.

Marine plans guide the sharing of marine space by different marine industries, supporting management of cross-sector objectives and outlining priorities that consider individual marine sector policies, strategic plans, and broader environmental goals. A marine plan brings together Traditional Owners, marine and coastal sectors, entities with planning or management responsibilities and stakeholders with interests in the marine planning area.

⁹⁶ High Level Panel for a Sustainable Ocean Economy (2020). *Integrated Ocean Management*. p. 5. <https://oceanpanel.org/wp-content/uploads/2022/05/Integrated-Ocean-Management.pdf>

⁹⁷ Marine Spatial Planning Factsheet: https://www.marineandcoasts.vic.gov.au/__data/assets/pdf_file/0028/514585/What-is-the-Marine-Spatial-Planning-Framework.pdf

To date in Tasmania, marine spatial planning has only been used for sector-specific, aquaculture-related planning. Spatial planning as used by this industry is not marine spatial planning by its usual definition; such planning should include all sectors and values, and when used correctly, is an excellent way to plan for the various uses of Tasmania's ocean resources as they continue to expand and compete with one another in the future.

The TIME Act would outline the requirements for the development of the Marine Spatial Planning Framework, to be developed as part of the preparation of a Marine Estate Management Strategy. The Act would require marine plans to be developed, consulted upon, made and reviewed by the new Authority. They are crucial for marine management and would have a legislative basis under the Act.⁹⁸ These plans would be ecosystem-based, cross-sectoral and set rigorous criteria.

Part 4: Establishes the Tasmanian Marine Estate Authority

There is an urgent need for a state-wide agency, responsible for shaping and delivering initiatives that support sustainable management of Tasmania's coastal waters. A key purpose of the TIME Act would therefore be to establish a new independent Authority to drive reform and implement a coordinated vision for the management of Tasmania's marine environment.⁹⁹

The Act would state a mission for the Authority, with which all relevant sectors must comply and coordinate. A new Authority would work with other agencies and authorities, and clearly articulate Tasmania's ambition to attend to developments nationally and globally. These would be incorporated through updates to the Marine Estate Management Strategy and Marine Spatial Planning Framework.

Duties of the Tasmanian Marine Estate Authority would include:

1. Acting as an independent statutory authority responsible for administering the TIME Act;
2. Preparing and overseeing the implementation of a statewide Marine Estate Management Strategy and Marine Spatial Planning Framework; and
3. Undertaking marine spatial planning and produce and implement a Tasmanian Marine Plan.

The Tasmanian Planning Commission, which has similar functions for land-use planning, would provide oversight of the preparation of the Strategy and recommend it for final approval by the Tasmanian Government.

⁹⁸ Environmental Defenders Office (2019) *More than just Fish and Ships*, p. 24, http://www.edo.org.au/wp-content/uploads/2019/11/more_than_just_fish_and_ships.pdf

⁹⁹ Environmental Defenders Office (2019) *More than just Fish and Ships*, p. 24, http://www.edo.org.au/wp-content/uploads/2019/11/more_than_just_fish_and_ships.pdf

Part 5: Public participation

The new Act would include genuine opportunities for meaningful public participation in planning and management of coastal waters. Education about impacts of activities on the marine environment is also essential. There are at least three recommended avenues and opportunities for active public involvement:¹⁰⁰

- In the development of the statewide Marine Estate Management Strategy developed under the Act, via a consultation and engagement process established by the Marine Estate Authority;
- In the preparation and implementation of marine spatial plan planning and Marine Plans; and
- Via extended standing for third parties to ensure accountability and that the new legislation is working effectively; consultation should be genuine and iterative, with opportunities for participation at the regular review stages of the Act, Marine Estate Management Strategy and Marine Plans.

Part 6: Compliance and enforcement

The TIME Act should establish a general duty not to carry out any unauthorised activities in coastal waters and establish offences for failing to comply with plans, permits, or consents. It is worth noting that the EMPC Act environmental harm offence is currently limited to harm caused by pollution. Consideration of broader environmental harm offences may be warranted.

Clear objective standards for defining harm would need to be set out, along with procedural requirements that must be followed by decision makers. Standards and definitions for harm offences will need to appropriately consider cumulative impacts.

In addition to the offence provisions, a TIME Act would need to provide compliance and enforcement powers appropriate to contemporary regulatory legislation.¹⁰¹ These should include a number of key elements. First, a TIME Act should set out tiered penalty regimes that reflect the degree of culpability (for example, intentional and reckless conduct, strict liability and absolute liability). Second, the Act should include innovative Court and administrative orders that effectively deter unlawful conduct. Third, the legislation should include explicit extended third-party rights for injunctions, judicial and merits review.¹⁰²

The regulatory arm should be within the Environment Protection Authority (EPA). Investigation powers of authorised officers would need to be included (and potentially strengthened) under relevant sectoral legislation.

¹⁰⁰ Environmental Defenders Office (2019) *More than just Fish and Ships*, p. 24, http://www.edo.org.au/wp-content/uploads/2019/11/more_than_just_fish_and_ships.pdf

¹⁰¹ As recommended in Environmental Defenders Office (2019). *More than just Fish and Ships*, http://www.edo.org.au/wp-content/uploads/2019/11/more_than_just_fish_and_ships.pdf

¹⁰² For example, see EPBC Act 1999 sections 475 and 487.

Part 7: Review

The TIME Act and Marine Estate Management Strategy would be independently reviewed within five years of their date of commencement. Marine Plans would also be subject to clear independent review requirements every five years. The Act would require public engagement in review processes. All review reports and responses would be tabled in Parliament, and any submissions to reviews published.¹⁰³

Schedule

For clarity, the TIME Act would include a schedule listing activities and sectors that come under the umbrella of the ME Authority. This could be added to over time as new impacts or issues arise in marine estate management. This could be done by listing operationally relevant legislation.¹⁰⁴

TRANSITION PLANNING

Victoria's marine and coastal reforms sensibly included a transition plan that identified a program for implementation and on-the-ground actions to transition the state to the new system over time. The plan contained 45 actions that helped implement the complete package of environmental reforms. Each action item included a brief background/description, lead partners, likely delivery timeframe, scope of work, and measures of success.

RECOGNISING SOCIAL DRIVERS FOR CHANGE

Tasmania's coastal waters are in trouble and Tasmanians know it. Various surveys by the Australia Institute have asked Tasmanians a range of questions about their level of concern for the health of their coastal waters.¹⁰⁵ Three quarters (76%) of Tasmanians surveyed are concerned, or very concerned, about the health of their marine environment.

Tasmanians want their government to strengthen marine protection beyond fish farming. Over 80% supported one or more key management actions, including reducing catch limits, protecting fish nurseries, and immediately banning recreational gill netting. The most popular response was to support all of the proposed management actions, and only 5.6% did not support any.

The Australia Institute's research shows that while Tasmanians have little confidence in the Government to undertake meaningful environmental protection, the message is clear:

¹⁰³ As recommended in Environmental Defenders Office (2019). *More than just Fish and Ships*, p. 24, http://www.edo.org.au/wp-content/uploads/2019/11/more_than_just_fish_and_ships.pdf

¹⁰⁴ Ibid, p. 26

¹⁰⁵ The Australia Institute (2023), *Polling: Reduce Inshore Salmon Farming to Protect Tassie Coast* <https://australiainstitute.org.au/post/reduce-inshore-salmon-farming-to-protect-tassie-coast-research/>

public opinion backs the science. An overwhelming number of Tasmanians support what the evidence is telling us we need to do.

Conclusion and recommendations:

There is a concerning disjunction between the lack of political willingness to invest in Tasmania's coastal waters and the high environmental, social and economic value of those waters. The picture is clear: ensuring oceans remain healthy and productive is critical to our own wellbeing. Internationally, there is broad agreement—approaching consensus—acknowledging that integrated approaches to marine management are essential to achieving this goal. The need for integrated ocean management has been a fundamental public policy issue for many coastal states since the UN Convention on the Law of the Sea originated in 1994.

An important precursor is a recognition of the urgent need to address crises and resolve conflict. Tasmania has both. Policy action is required to halt the current decline in marine ecosystem health and resolve discord between sectors and jurisdictions. Tasmania's inability to respond appropriately to growing pressures will result in species extinctions, deteriorating ecosystem health, and poor social, environmental, and economic outcomes unless decisive action is taken.

Integrated management is especially relevant where there is overlap among activities—and this is increasingly the situation in Tasmania. Activities and industries that have until now been restricted to terrestrial and nearshore environments, such as aquaculture and renewable energy generation, are seeking to move offshore. In the long term, it is likely that integrated management will reduce costs through avoidance of conflict and more effective administration.

Integrated management can be difficult to achieve but Tasmania has the advantage of being able to learn from previous national and nearby state-based efforts. Success requires active and committed leadership, including from political and industry leaders, as well as appropriate resourcing. The science is clear, and Tasmania's "blue" communities want action that reflects that clarity. Political, management, and industry champions need to step up to deliver such action.

A Tasmanian Integrated Marine Estate Act would provide an appropriate legal framework for coordinated decision-making, effective processes for stakeholder participation, a common and comprehensive set of operational objectives, explicit consideration of trade-offs and cumulative impacts, and flexibility to adapt to changing conditions.

The Australia Institute recommends that as part of modernising the LMRM Act, Tasmania should adopt an integrated approach to managing its marine estate, through the adoption of new overarching legislation. Key elements of a TIME Act include:

- Implementing integrated management in Tasmania's coastal waters;

- Recognising Tasmanian Aboriginal peoples' rights to marine resources and cultural heritage in Sea Country;
- Establishing a Marine Estate Authority with responsibility for:
 - preparation of a Marine Estate Management Strategy, including a Marine Spatial Planning Framework;
 - undertaking marine spatial planning and preparation of marine plans; and
 - establishing a comprehensive, adequate and representative system of marine reserves;
- Establishing a link with State of the Environment reporting as well as to other key aspects of Tasmania's Resource Planning and Management System.

Without decisive action, substantial, continued and increasingly widespread degradation of Tasmania's ocean environments is likely to continue. These will, in turn, affect marine industries, as well as human health and wellbeing.¹⁰⁶ A suite of international commitments prompted Australia's first efforts towards integrated management, and it is perhaps the current round of renewed international leadership that will see it finally delivered.

Now is the moment for Tasmania to establish a new marine Act. It's TIME!

¹⁰⁶ Trebilco et al (2021) *Australia: State of the Environment 2021 – Marine*, <https://soe.dcceew.gov.au/sites/default/files/2022-07/soe2021-marine.pdf>

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Appendix A: Purpose of the TIME Act

The purposes of a TIME Act would include to:¹⁰⁷

(a) to establish an integrated and coordinated whole-of-government approach to protect and manage Tasmania's marine environment; and

(b) to provide for integrated and co-ordinated policy, planning, management, decision-making and reporting across marine areas; and

(c) to establish objectives and principles for ecologically sustainable planning, management and decision-making under this Act; and

(d) to establish the Tasmanian Marine Estate Authority; and

(e) to provide for the preparation of a Marine Estate Management Strategy, which includes priority actions and a Marine Spatial Planning framework; and

(f) to provide for other planning mechanisms in the form of marine management plans; and

(g) to provide for the giving of consents to use or develop, or undertake works in the marine environment and establish an application process; and

(h) to allow the Secretary to prepare and make guidelines to assist with the implementation of this Act; and

(i) to create offences and other enforcement mechanisms relating to the unauthorised use or development of, or works in the marine environment; and

(j) to amend various other Acts to provide for integrated and coordinated management of the marine environment of Tasmania; and

(k) to provide for effective community engagement and education in planning and management.

¹⁰⁷ These purposes are drawn from the *Marine and Coastal Act 2018* (VIC), <https://www.marineandcoasts.vic.gov.au/marine-and-coastal-act>