



**Marine Parks Council**

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11 August 2014

Hon Ian Hunter MLC  
Minister for Sustainability, Environment and Conservation  
GPO Box 1047  
ADELAIDE SA 5001

Dear Minister

I write in response to your letter of 1<sup>st</sup> August 2014 requesting the Marine Parks Council review its role and functions and whether it should be retained.

Council considered this request at its meeting of 16<sup>th</sup> July 2014 and has prepared the following advice taking into consideration the following:

- 1 The statutory role and functions as outlined in the Marine Parks Act 2007;
- 2 Independence;
- 3 Efficiency;
- 4 Value add/benefits;
- 5 Risks;
- 6 Alternate delivery options.

### **1 The statutory role and functions as outlined in the Marine Parks Act 2007**

The Marine Parks Council (Council) was established under section 24 of the *Marine Parks Act 2007* (the Act). The *Marine Parks Act* was enacted to provide a system of marine parks for the State; and for other purposes as contained in Clause 8 (1):

(a) to protect and conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive, adequate and representative (CAR) system of marine parks; and

(b) to assist in—

- (i) the maintenance of ecological processes in the marine environment;
- (ii) the adaptation to the impacts of climate change in the marine environment;
- (iii) protecting and conserving features of natural or cultural heritage significance;
- (iv) allowing ecologically sustainable development and use of marine environments;
- (v) providing opportunities for public appreciation, education, understanding and enjoyment of marine environments

The role of the Council is to provide advice to the Minister for Sustainability, Environment and Conservation on matters associated with the establishment and management of the marine parks.

The Council's functions are defined in section 29 of the Act:

- (a) To provide advice to the Minister on the establishment of marine parks, including:
  - (i) advice on any community nominations for marine parks; and
  - (ii) advice on the areas to be specified as marine parks;
- (b) To provide advice to the Minister in relation to the introduction, variation or revocation of interim protection orders;
- (c) To provide advice to the Minister in relation to a proposal to alter the boundaries of a marine park;
- (d) To provide advice to the Minister in relation to a proposal to establish or alter a zone within a marine park;
- (e) To provide advice to the Minister in relation to the management of marine parks, the formulation and operation of management plans under this Act, and the extent to which the objects of the Act are being achieved through the implementation of management plans under this Act;
- (f) To provide advice to the Minister on ways to promote community participation in the management of marine parks and the conservation of relevant marine environments;
- (g) To carry out such other functions as may be assigned to the Council by or under this Act or by the Minister.

## **2. Independence**

The current Council (i.e. operating from 2011 to 2014) comprised nine members with background experience derived from the recreational and commercial fishing, conservation, indigenous, local government, science, media and the public sectors. Most importantly members recognise and have diligently contributed as individuals, not representatives of any sector. During the life of the current Council all resolutions and advice to the Minister have been unanimous.

For the establishment and future management of marine parks with at times contentious debates among stakeholders, this independent Council has offered alternative perspectives, provided unbiased and balanced advice to the Minister, which we understood was highly valued throughout the process.

## **3. Efficiency**

The development, implementation and ongoing monitoring, management and compliance of the state's marine park network requires integration of multiple inputs. Most notably these include the science and modelling of the natural marine resources, biodiversity, habitats and systems and their assessment. Monitoring, evaluation and reporting (MER) allows assessment against the objects and principles of the Marine Parks Act, consultation and engagement with community and stakeholder groups affected by and utilising the marine park network, analysis (ecological, social, economic and regional development) of the effectiveness of the parks and an objective, independent and informed source of advice integrating all of these. Advice for the design and concepts for MER and the essential integration of requirements has been effectively and economically delivered through the current Marine Parks Council (MPC) and the complementary specialist Scientific Working Group (SWG).

This Council has prepared an End of Term Report which includes further examples of efficient and constructive performance and which we will present in the coming days.

Key criteria on which the assessment will be considered are “value for money” and effectiveness”. Council has successfully addressed and advised on the following major issues with unanimity:

- Boundaries and zonation of the state’s marine parks network;
- Advice on the individual park Management Plans;
- Conservation, socio-economic and regional development values and opportunities of the state’s bioregions and marine parks;
- Community consultation and engagement with the ultimate aim of achieving “local community/stakeholder ownership and stewardship of their regional parks”;
- Objectively assessing and advising on competing stakeholder/sector demands for the available natural resources are based on;

#### **4. Value add/benefits**

When considering the Premier’s initiative and alternative delivery options, it is prudent to consider the issue of timing. The state’s marine park network is still being established, with 1 October the next critical date. The current Marine Parks Council has been working to a strategic agenda that has involved sequentially advising on the assessment of the conservation values underpinning the establishment of the marine park network, (IUCN guidelines, CAR, Marxan modelling), the zonation debate (key area validation, “restart” workshop), monitoring and evaluation (MER), community consultation and engagement (regional ownership and stewardship, citizen science, “friends of the parks”), park based regional economy and business opportunities, community appreciation and education) and most recently advising on the Opposition sponsored Marine Park (Amendment Bill) 2014. Council has a long planned schedule to deliver its past, present and future work program agenda. This work has yet to be completed. The Marine Parks unit management has highlighted the value of Council’s past and proposed contributions to the still emerging implementation of the marine parks network. Consequentially Council believes its disbanding at this time with the loss of Council’s considered inputs at this critical stage presents a risk to the fully effective rollout of the parks from 1 October 2014.

In a budgetary context the current Council delivers both “value for money and value add”. The annual Council budget is \$20,000 (not including departmental staff costs) to capture the committed diversity and independent capability required for undertake the statutory functions of the Marine Parks Act 2017.

#### **5. Risks**

As indicated throughout this submission the marine parks network implementation and ongoing program rollout is at a critical stage. Council has been instrumental in contributing to the development of the Government’s policy, legislation and strategies to this stage. At the time of the Premier’s announcement Council was finalising a number of key advices to government and management relating to the rollout of programs over the initial years of the park network’s operations aimed at providing the necessary foundation to deliver on the objectives as well as ensure the availability of required information for out-year assessment of the network’s performance. Council believes that a premature cessation of this input is an increased risk to achieving the targeted outcomes from the parks. The risk rating in the table below is presented in this context.

## 6 Alternative delivery options

Council considered the following alternative delivery options for its functions:

### *Portfolio department*

Some may argue that the functions could be absorbed within the portfolio department. It is acknowledged that the department has technical, scientific, management and compliance capacity relevant to many of the requirements for marine parks. However these do not replace the role and contribution of the Council, especially the source of independent advice and the links Council provides into the various stakeholder sectors. The department does not have the diversity of knowledge and experience currently contained in the Council and is not able to undertake an independent function and advisory capability.

### *Merge with other Board/Council/Local Government*

There are a number of potential Boards/Councils that could be considered for integration. These could be the NRM Councils (currently an overarching policy Council with public sector dominance), NRM Advisory Boards (currently regional) and the National Parks Board. The Government may wish consider integration of the SWG as a sub-committee of the MPC as part of the Premier's initiative.

These options have one or more of the following disadvantages: those with a regional presence would result costly distributed duplication of function and the need for an additional coordinating structure, those involving integration with existing Councils and Boards would dilute the specific interest of the constituent groups and the specific expertise of the members (unless membership of those Councils and Boards is considerably expanded to ensure the full extent of skills based representation required).

### *Consultancies*

There is the option that the government could outsource the provisions of its "independent" advice on the statutory requirements of the Marine Parks Act and their implementation to private sector consultants. However this is considered not practical due the very significant increased cost this option would bring, the short term nature and limited focus of consultancies as well as the individual consultant organisation's lack of the collective skills and capability currently found in the Marine Parks Council.

### *Marine Park Authority*

There is the option of the Council and the Marine Parks unit of the Department integrating in a fully independent Marine Parks Authority (ie the Great Barrier Reef Marine Parks Authority). A benefit from application of this model would be to strengthen the independence of the marine parks' governance and management and the current provisions of the Marine Parks Act 2007 seeking to better connect marine park management with broader planning as well as pollution and external (pollution and urban/industrial runoff) impacts. It is believed this option would not be attractive to the Government, principally due to significantly greater organisation and budgetary requirements.

### *Whole of Marine "Estate" coordination*

This option, an extension of the previous option, would entail integration of all government portfolio departments and independent Boards/Councils relating to the marine environment to oversee the sustainable management of the full range of competing sectors and activities. It is believed this option would not be attractive to the Government.

The options identified are scored against the key criteria identified in the Premier’s and Minister’s requests to Council in the following table (ranked 0 (low) to 3 (high). The rankings are not a reflection of the alternatives *per se* but their ability to deliver on the range of functions as required by the Marine Parks Act 2007 (see above).

|  | Efficiency | Independence | Value for money | Skills and experience diversity | Effectiveness | Risk (as presented at current time) |
|--|------------|--------------|-----------------|---------------------------------|---------------|-------------------------------------|
| <b>Continuation of current Council</b> | 3          | 3            | 3               | 3                               | 3             | 0                                   |
| <b>Portfolio department</b>            | 2          | 0            | 2               | 0                               | 2             | 1                                   |
| <b>Merge with other Boards/Council</b> | 2          | 3            | 2               | 1                               | 2             | 3                                   |
| <b>Consultancies</b>                   | 1          | 3            | 1               | 1                               | 2             | 3                                   |
| <b>Marine Park Authority model</b>     | 2          | 3            | 1               | 3                               | 3             | 2                                   |
| <b>Marine “Estate” model</b>           | 1          | 1            | 1               | 2                               | 1             | 3                                   |

## Conclusion

The Marine Parks Council has objectively reviewed alternative governance models to deliver the requirements and functions of the Marine Parks Act 2007 in response to the Premier’s request of 8<sup>th</sup> July 2014. This included consideration against the criteria identified by the Premier and yourself.

Council also considered the additional issue of timing at what is a critical period of the implementation of the state’s marine parks network; particular the introduction of zonation, monitoring and evaluation programs (MERI), community consultation and engagement programs (regional ownership and stewardship, citizen science, “friends of the parks”, park based regional economy and business opportunities, community appreciation and education) and most recently advising on the Opposition sponsored Marine Park (Amendment Bill) 2014.

Council urges continuation of the current governance arrangement at least for the life of the requirement under the Marine Parks Act 2007 (Section 14) for “the Minister to review the Park Management Plans within 10years”.

If government does not wish to accept this recommendation, Council urges that the current arrangements at least be retained for 3 years (October 2017). This will enable the Council to finish its programs and activities overseeing and directing, with management, the establishment of the key programs underpinning the effective implementation of the full marine park network and its ongoing monitoring, evaluation, community engagement, regional economy development, management and compliance strategies.

For consideration.

A handwritten signature in black ink, appearing to read 'Rob Lewis', with a horizontal line underneath the name.

Yours sincerely  
Professor Rob Lewis  
Presiding Member  
On behalf of the  
**MARINE PARKS COUNCIL**