

Discussion Paper: Towards a Biodiversity Conservation Strategy for Western Australia  
Department of Conservation and Land Management  
Locked Bag 104  
BENTLEY WA 6983

Dear Sir:

**DISCUSSION PAPER: TOWARDS A BIODIVERSITY CONSERVATION STRATEGY FOR WESTERN AUSTRALIA**

WAFIC in formulating its response to the proposed strategy has taken particular cognisance of the draft submission provided to WAFIC by the industry's chief regulator the Department of Fisheries (DoF).

WAFIC has the following comments on the proposed Strategy:

- There are significant and major gaps in the presentation of marine biodiversity information and the natural systems which suggest that the authors of the report have little knowledge of issues surrounding marine biodiversity conservation in Western Australia (see DoF submission). As is demonstrated in the DoF submission the threats to marine biodiversity are low particular as a result of the activities of the commercial fishing industry. It is not only disappointing but also offensive to the fishing industry that this information was not included in the draft strategy. As a result the public of Western Australia has been misinformed as to the real state of marine biodiversity in Western Australia.
- There are also significant gaps in discussion on existing governmental programs, including those of the DoF which have maintained existing marine biodiversity;
- The first objective of the *Fish Resources Management Act (FRMA) 1994* is "to conserve fish and protect their environment" and many programs are already being undertaken by DoF to conserve marine and freshwater biodiversity. The DoF under its legislation is required "to conserve fish and protect their environment". Fish under the *FRMA* "means an aquatic organism of any species..." This needs to be acknowledged;
- A detailed supplementary document which competently examines marine biodiversity in Western Australia and existing programs (which largely protect biodiversity) should be provided;
- The differences between marine and terrestrial/freshwater systems require different approaches to biodiversity conservation;
- The draft strategy should provide an opportunity for a whole of government approach to biodiversity conservation which will build on existing programs in various government departments and fill in existing gaps to protect Western Australian biodiversity. Unfortunately in its current form the strategy is woeful inadequate in regard to achieving this objective in a marine biodiversity conservation context.

Of particular concern is that it is proposed that the *FRMA* will have what the authors' term partial relevance to the proposed Biodiversity Conservation Strategy and that for the Department of Conservation and Land Management (CALM) it will be what the authors' term core relevance. This is an odd proposition given that the area of CALM's responsibility in the marine environment is currently limited (with the exception of marine vertebrate species) to about 4% of State waters with the DoF responsible for not only 100% of State waters but also a substantial amount of Commonwealth waters under the Offshore Constitutional Settlement including meeting the requirements (for export fisheries) under the Commonwealth's *Environmental Protection and Biodiversity*

*Conservation Act*. In regard to effectiveness of coverage of a Biodiversity Strategy clearly the *FRMA* covers the field whereas the *CALM Act* is highly limited in scope. This observation will remain true even if the objective of 35% of State waters are incorporated into no take zones as some of the more extreme conservation groups have promoted.

The alternative proposition is that CALM assumes responsibility for all State waters for the purposes of marine biodiversity conservation and sideline the DoF in regard to this responsibility. This approach will have significant cost implications as it will result in a fundamental realignment of current Government responsibilities, programmes and staffing. Given that most of the fishing industry is subject to cost recovery this is clearly of concern. This approach is also at odds with recent Government commitments in which the Government undertook to consider:

*Review and reform the institutional/legislative/policy framework for Marine Park planning in consultation with stakeholders through the Statewide Marine Reference Group. This will include investigating the best institutional arrangements and will consider the proposal for establishing a single agency with responsibility for conservation and management of the marine environment.* (Ministers for Fisheries and CALM joint letter 6 Dec. 2004).

It is WAFIC's view that given the inadequacies of the proposed Biodiversity Conservation Strategy as it relates to marine biodiversity conservation there would be value in splitting the strategy into 2 sections- one for the terrestrial environment and the other for the marine environment. Clearly there is a need to redraft the strategy in the context of the marine environment. WAFIC encourages the Government to direct that this approach is adopted and a specific marine biodiversity strategy is devised and released for public input.

As part of this redraft it is essential that the Government clarifies its position in regard to the institutional arrangements that will apply in regard to carriage of not only a proposed Biodiversity Conservation Strategy but also responsibility for conservation and management in the marine environment. This matter has dragged on for years and is causing public confusion, animosity and little cooperation between Government agencies with marine conservation responsibilities, and gross inefficient use of Government resources. Government has a responsibility to address this matter in the public interest.

Yours sincerely,

Guy Leyland  
EXECUTIVE OFFICER  
19 April 2005

cc

Hon Jon Ford MLC, Minister for Fisheries  
Mr Peter Rogers, Executive Director, Department of Fisheries  
Mr Des Wood, Chairman, RECFISFWEST