



The Maritime Union of Australia

Northern Territory Branch

Thomas Mayor
NT Branch Secretary
0437 650 221
Thomas.mayor@mua.org.au

Andy Burford
Hon Deputy Branch Secretary
0409 714 150
andy.burford@mua.org.au

NT Coastal and Marine Management Strategy
PO Box 496
Palmerston NT 0832
marinecoastal.strategy@nt.gov.au

Dear Sir/Madam

Re: Coastal and Marine Management Discussion Paper

Introduction

The Maritime Union of Australia Northern Territory Branch (MUA) welcomes the opportunity to comment on the Coastal and Marine Management Discussion Paper and to outline what we believe the Coastal and Marine Management Strategy and its implementation plan should aim to achieve.

The MUA has a proud history of fighting for workers' rights and protection of the marine environment; the MUANT and its members are committed to protection of the Territory's coasts and seas. These are sensitive and dynamic environments, some of the last near-pristine tropical waters but also some of the least protected. They are also critical to the culture of Traditional Owners and the lifestyle of Territorians.

Many of our members are recreational fishers, and they like nothing more than going outdoors, surrounded by remote and beautiful environments—if they catch a big fish, it's a bonus. But they are also seeing emerging in the Top End, threats that should have been dealt with years ago if it wasn't for the neglect of successive Territory governments.

The need for high worker safety and environmental standards in shipping and ports

The MUA is committed to high safety and environmental standards. As MUA national secretary Paddy Crumlin said in December 2015, this relies on a highly skilled and trained maritime workforce, and that Australian seafarers:

go far beyond... the Standards of Training, Certification and Watchkeeping for Seafarers—which is the IMO standard... We want to do better than the minimums... because in our view, as a nation, we want to be better than the

minimum at risk mitigation against environmental catastrophe and the consequential economic flow-on effects.

Paddy Crumlin was speaking at a hearing of the Senate Standing Committee on Rural and Regional Affairs and Transport looking into ships operating under Flags of Convenience (FOC), the number of which is increasing, and may increase in the Top End if new and larger ports are developed. These FOC ships are infamous for their low environment and safety standards and diminished seaworthiness, increasing the risk of compromised biosecurity that can include poor ballast water management and marine pollution, including biocides and waste, and marine pests transfer and oil spills. These and the risk of habitat damage from ship groundings can expose Australian jurisdictions to costly clean-ups.

Shipping and port operations must match the highest safety and environmental standards, including a strong regulatory framework with effective compliance and enforcement. Safe workplaces in ports and shipping are critical for the health and wellbeing of workers but they will also minimise the risk and harm to coastal and marine environments.

Unfortunately for the Northern Territory, more and more demands are being placed on ports and ships, yet our marine governance and regulatory processes are not fit for purpose. Ports all along the NT coast sustain communities and boost local development. Regional communities that rely on marine access need support to develop this infrastructure and to ensure that the needs of communities are balanced with commercial users.

In 2017, the MUA Northern Territory Branch released its report, *Planning for the Future: Agenda for safer ports and ships in the Northern Territory*. It recommended substantive reforms to port management legislation, as well as an audit of maritime infrastructure to identify shortfalls in health and safety, engineering and environmental standards. It also recommended that the ports scattered along the Territory's coast—Bing Bong (McArthur River), Nhulunbuy/Gove, Groote Eylandt, Port Melville, Maningrida, Port Keats/Wadeye, Elcho Island, Bickerton Island Umbakumba, Numbulwar, Tiwi Islands, Croker Island, Goulburn island Milinginbi and Ramingining—become designated ports to bring them under ports legislation and to be overseen by the Regional Harbourmaster. This oversight is important to ensure safety and environmental standards are strong and maintained.

The report also noted the lack of compliance and enforcement in the development of the Port of Melville on the Tiwi Islands, environmentally diverse and fragile area listed as internationally significant for wildlife. The port's development proceeded without a legally required impact assessment, nor did the company seek approval to begin construction of the port under Territory or federal laws.

The Coastal and Marine Management Strategy should support reform of port management in the Northern Territory because, without it, the risks to the environment are significant.

Comments on the Coastal and Marine Management discussion paper

Current and emerging threats

Page 8 of the discussion paper does a reasonable job of listing these threats (challenges) but is vague about their sources. A major threat is the under-resourced safety and compliance regulation for the maritime industry, which makes all of the following a threat: seabed mining; overfishing; marine pests; dredging; air pollution from ships; ship groundings. Other threats that should be included are: water extraction and manipulation of river flows; legacy and operational mine pollution; habitat clearance; drainage of coastal wetlands; inappropriate fire management; boat strikes on whales, dolphins and turtles; and entanglement of marine life.

Unless sources are identified, it is difficult to deal with the problems they cause. Further, two challenges listed on page 8 are 'Integrated marine planning' and 'implementing adaptive management'. Because they are listed here, they could be viewed negatively when in fact they need to be key outcomes of the strategy's implementation plan.

Opportunities

'Integrated marine planning' and 'implementing adaptive management' should be included in the section on opportunities, which should also include:

- 85% ownership of the coast, including to the low-water mark, by Traditional Owners who have managed their saltwater country for thousands of years and more formally implemented that through Indigenous Protected Areas, management plans and the work of Indigenous Ranger groups.
- The neglect of the Top End's coasts and seas by successive governments provides the current government the opportunity to start afresh, carve out new legislative and institutional arrangements that will drive integrated coastal and marine spatial planning and adaptive management to look after the Top End coasts and seas, as well as the community and maritime workers.

We dispute one of the opportunities listed on page 7: 'The NT is unique in that it has fish stocks that are underutilised and have scope for development and industry growth'. There is already plenty of evidence of Top End overfishing, including barramundi, mud crabs and reef fish (that is why reef fish protection areas were established). These same fish populations are also under threat from climate change, chemical and plastic water pollution, and invasive species. Contrary to some opinions, the fish are not just there for commercial and recreational fishers. They also have value for divers, scientists, subsistence fishers, and the broader

community, and need greater protection so that coastal and marine habitats can function properly, with ecological integrity maintained. There has never been an assessment of the ecological sustainability of commercial and recreational fishing in the Territory. Here is the opportunity for the Territory to get it right, unlike other jurisdictions.

The goal

It is our view that the 'productive' goal, must be toward improved social outcomes. We propose that the first sentence merge with elements of the second, otherwise culture and lifestyle will be forgotten as the focus becomes 'healthy and productive' which is too focused on the commercial.

The principles

The principles included in the discussion paper are generally fine but will need to be reflected in future policy and legislation, otherwise they will simply remain as words. Further, how legislation is enforced, through improved maritime capacity as controlled by the NT Government, such as at NT Worksafe must be included as an outcome to meet the principles.

In regards to the principle: 'Extent of regulation must be commensurate with the level of risk', this could be taken to mean that checks and balances will be weakened at a time when the Top End coasts and seas are facing a variety of serious threats. Identifying the level of risk can be problematic, especially in data-poor situations like that in the Territory. In other places, impacts on the marine environment have not been predicted in advance by risk assessments, only becoming evident after the event e.g. the effects of industrial contamination. When there is uncertainty, a precautionary approach is needed.

Whenever we've seen the shipping industry cut corners, it often ends up costing workers and the environment dearly. Why start weakening regulations after years of neglect, especially when risk assessments struggle to predict future impacts? Rather than weakening regulations, it would be better to use management measures that provide resilience against a broad range of threats and deliver clear environmental and social benefits with low associated costs e.g. marine national park zones, a Maritime Safety Board, . Science has proven these to be one of the best ways to protect marine life and they have been positive for regional economies, culture and tourism.

Partnerships

As for partnerships raised in the questions on page 12, they should be used to overcome the current fragmented, ad-hoc and piecemeal approach to coastal and marine planning and management that has led to the problems we are now

experiencing. Partnerships between unions, agencies and departments could be used to drive the integration of sector-based planning and management, along with an advisory body like the existing strategy partnership group. But there needs to be a body that oversees the work of agencies and departments to ensure they are working in support of and not against the objectives of the Coastal and Marine Management Strategy. Going forward, this should include a representative of the MUA. It won't be good enough to maintain the existing coastal and marine planning and management framework—well, there is no framework. There also needs to be a process in which Traditional Owners are directly involved in coastal and marine planning and management.

What the Coastal and Marine Management Strategy should support

We urge the Gunner Government to use the implementation of its Coastal and Marine Management Strategy to support the following initiatives:

- reform of the Port Management Act to strengthen oversight to ensure the highest possible safety and environmental standards
- The implementation of a Maritime Safety Board that will scrutinise Port Safety Plans and all matters of safety and standards for port safety and compliance
- Strengthened licensing regimes for towage and stevedoring, including a more detailed definition of those industries, and what minimum standards are required for safety and environmental care with the Port Management Act
- expansion of the Territory's marine parks network and inclusion of marine national park zones, which are one of the best ways to protect the marine environment
- joint management of marine parks with Traditional Owners
- expansion of Indigenous Protected Areas to include marine waters, and capacity building for Indigenous ranger groups to manage them
- legislative reform that establishes a framework for coastal and marine spatial planning, that includes a maritime workers voice through the MUA
- a comprehensive climate change adaptation policy
- community capacity building for engagement in coastal and marine planning and management
- a rigorous and well-funded scientific research and monitoring program to fill the gaps in our knowledge about coastal and marine environments so that decisions are based on science, not political pressure from vested interests.

Regards,



Thomas Mayor
Northern Territory Branch Secretary
Maritime Union of Australia

