

## Comments from Professor Karen Edyvane - *'Our Coasts and Seas. Coastal and Marine Management. Northern Territory – Discussion Paper'*

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I commend the Northern Territory Government for its commitment to develop a strategic approach to the management of the Territory's globally-significant coastal and marine ecosystems. And particularly, for the opportunity, as an individual, to provide input/comments on the Discussion Paper: *'Our Coasts and Seas: Coastal and Marine Management. Northern Territory.'*

By way of background, I have 30+ years of professional experience in coastal and marine management, including coastal and marine policy development, both at a State/Territory level (Northern Territory, South Australia, Tasmania), nationally (through ICAG, MACC, OPSAG) and also, internationally through membership of international bodies (ATSEF, IUCN) and my more recent, international marine consultancy work (with ADB, UNDP, FAO, USAID and DFAT). Significantly, from 2005-2012, I was employed with the former Department of Natural Resources, Environment, Tourism and the Arts (NRETA) as the Director of the Marine Biodiversity Group, leading the Northern Territory's coastal and marine conservation, environment, planning and management programs. As a leading NT coastal and marine policy expert, I have also been specifically commissioned to review the state of coastal and marine management in the Northern Territory (by the NT NRM Board). More recently, I was the primary (and major author) of the Australian Marine Science Association-NT Branch (AMSA-NT)'s submission on the draft Strategy, to the Partnership Group.

The Northern Territory faces major challenges in implementing integrated coastal management (ICM), with overlapping and complex coastal tenures, legislative/administrative fragmentation, an evolving regulatory regime, lack of a lead agency and administrative clarity, limited coastal policy development and lack of implementation. Management is further constrained by the NT's remote geography and a small and highly transient, non-Indigenous workforce (including a very small pool of NT-based experts). While it is clear that the Discussion Paper (Strategy) is envisioned as being 'high-level' and 'strategic', the NT's unique and highly complex governance and major demographic challenges demand much greater detail to tackle these major coastal challenges.

Like AMSA-NT, I strongly assert that the Strategy should provide a sound, ICM framework, based on accepted 'best practice' global and national approaches to coastal and ocean management - including explicitly identifying key management issues, recognising and aligning with existing key NT (and national) policies/programs, and identifying specific actions and also, importantly, their implementation arrangements.

Like AMSA-NT, I also note that the Strategy has currently been developed without any resources, or significantly, the support of an 'expert-based' forum or dedicated committee, rather only identified key stakeholders and partners. While DENR is the lead government agency for this Strategy, coastal-marine expertise/capacity (technical and policy) and particularly 'corporate knowledge', is limited due to staff losses and high staff turnover (a major demographic feature of the NT). I further agree with AMSA-NT, that this critical lack of 'expert' NT coastal-marine technical or policy input into the current Strategy is a major failing and risks significantly reducing the capacity of this document to articulate a clear vision and sound, knowledge-based framework to progress integrated coastal and marine management in the NT.

Below are some of my major areas of concern in the current Discussion Paper (Strategy) open for consultation:

- 1) the lack of any policy context (Territory, national) in the document, as the basis for the Strategy (only legislation) - particularly (among others) the existing *NT Coastal Management Policy & Implementation Strategy (DLPE 2001)*, *Integrated Natural Resource Management Plan of the NT (2005)*, *Closing the Gap of Indigenous Disadvantage: A Generational Plan of Action (2007)*;
- 2) the lack of an evidence-based approach to policy development, ie. no references to, or understanding of current or past NT coastal, estuarine and marine programs, plans, strategies – leaving the Strategy actions/outcomes vulnerable to bias, duplication and non-alignment with past/existing programs in the NT;
- 3) the most important strategic issue, facing the NT, ie. the need for an integrated coastal management (ICM) does not rate a single mention in the Strategy (ie. need for a coastal agency or lead agency, ICM framework, or coastal legislation to support ICM);
- 4) no explicit references or recognition of current global and national 'best practice' approaches to coastal and ocean management – particularly in regard to ICM, EBM, protected area networks, bioregional spatial planning, MER, co-management, blue economy, etc.;
- 5) limited understanding of the biophysical characteristics, threats and risks facing the NT's globally-significant, coastal, estuarine and marine environments and biodiversity, including its pronounced land-sea connectivity and marine connectivity (within the Gulf of Carpentaria, and semi-enclosed Arafura and Timor Seas);

- 6) limited appreciation of the unique, complex coastal governance challenges in the NT – or the range and extent of current ‘sea country’ programs, activities and partnerships currently underway (in this regard, the NT is arguably leading Australia);
- 7) limited understanding or appreciation of the Commonwealth substantial Aboriginal interests, programs (and legal responsibilities) in the NT – including failure to link or align with the current Commonwealth’s major Aboriginal programs, coastal programs (ie. North Bioregion ocean planning, biosecurity, fisheries) and the very relevant ‘Developing Northern Australia’ policy and economic development initiative;
- 8) the need to establish the Independent Expert Panel (IEP) as a priority, to assist with finalising the Strategy, and also, to formally assist the Northern Territory Coastal and Marine Stewardship Group (and Interim Partnership Group) –knowledge and expertise (technical, policy) are critical to tackle the complex coastal issues facing the NT;
- 9) limited understanding of the very significant capacity constraints (and critical need for capacity-building and training) in the NT – including, the very small, transient, narrow pool of experts; heavy reliance on external research partners (ie. Commonwealth, universities); and the increasing demand for ‘sea country’ research and training;
- 10) the critical importance of research partnerships in the NT and the NT’s heavy reliance on external regional and national partners (Commonwealth, universities, industry) - ie. INPEX Coastal Offset Strategy (\$91M), North Australia Marine Research Alliance (NAMRA), North Australia Hub, Marine Biodiversity Hub, NTG-CDU Partnership – and the critical need for the NT to support greater, long-term, formal government-university-industry coastal-marine institutional partnerships (eg. WAMSI, MISA models);
- 11) lack of references to, or understanding of major, industry and publicly-funded, NT coastal-marine programs/projects already underway (or completed and not publicly released) – including (among others), *INPEX Coastal Offset Strategy, NT MPA Strategy, NT Coastal, Estuarine and Marine Strategy & Action Plan, Darwin Harbour Integrated Monitoring and Research Program, NT Coastal and Marine Monitoring, Evaluation and Reporting Framework, NT Coastal and Marine Atlas, Identification of Potential MPAs in the NT*, etc.);
- 12) identified ‘actions’ in the Strategy are generally high-level and general –and do not specific ‘who’ ( ie. the responsible agencies), or ‘how’ (ie. implementation arrangements), or importantly, include any measurable performance indicators to guide and monitor implementation.

In summary, I believe that the current Discussion Paper falls significantly short of a sound coastal-marine ICM policy framework for the NT.

To this end, I note that AMSA-NT has already recommended critical NT coastal-marine expert-based, policy and technical input (and review) into the Strategy, as a matter of priority, and prior to its public release. This could be undertaken via a consultancy or convening a panel, of recognised experts under the proposed IEP. AMSA-NT and the Northern Land Council should be approached to assist in the identification (and selection) of relevant NT coastal and marine technical and policy experts.

By way of comparison and potential ICM templates, I note similar coastal-marine and ICM strategies developed by other Australian jurisdictions, which can potentially be used for guidance. For example, the policy frameworks developed by South Australia in 1998 (*‘Our Seas and Coasts’*) and 2004 (*‘Our Living Coast’*) – both of which, I significantly helped develop and draft. While developed almost 20 years ago, they remain useful templates to assist the NT Strategy.

To assist DENR and your Consultant, I kindly provide more detailed comments and suggested edits, on the Discussion Paper (see below). I am also available to provide further technical and policy comment on subsequent drafts or documents (as appropriate and upon request).

Kind Regards



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## Comments on 'Discussion Points'

1. **What do you value most about our coasts and seas?** It's global significance – as the world's most near-pristine tropical coastal and marine ecosystems and also, as a regional/global refugia for some of the world's most threatened tropical marine species.
2. **Are there any other environmental, social, cultural and economic values and benefits do we need to consider when developing the Strategy?**
  - (i) *Pronounced land-sea connectivity* - the NT low profile coastline has the largest river systems in Australia, and largest extent of coastal wetlands (and tidal lands) in Australia.
  - (ii) *High marine connectivity* - within the Gulf of Carpentaria and the 'semi-enclosed' waters of the Arafura and Timor Seas, the NT also 'shares' its waters, marine biodiversity and resources (especially marine megafauna, pelagic resources), and ecosystem impacts with other national (WA, Qld) and international jurisdictions (Indonesia, Timor-Leste).
3. **What are the major opportunities to protect and sustainably develop our coast and seas?**

Too many to list, but some of the key potential opportunities:

  - (i) Clarification of coastal governance (planning and management) in the NT, including consideration of coastal legislation, particularly in light of, and incorporating the legal outcomes of the Blue Mud Bay High Court Decision.
  - (ii) Integrated coastal management (to manage coastal development, environmental impacts/assessments, catchment impacts, coastal offsets).
  - (iii) Investment and improved management of coastal and marine biodiversity, particularly rare, endangered and threatened species, wetlands of International Importance (in partnership with Aboriginal custodians and managers and national/global conservation stakeholders).
  - (iv) Improved coastal and marine environmental regulatory frameworks.
  - (v) Training, support and development of 'sea country' management capacity, in partnership with relevant Indigenous, NT and Commonwealth stakeholders.
  - (vi) Public release and implementation of past, important, draft NT coastal-marine policies – NT Marine Protected Areas Strategy, NT Marine and Coastal Biodiversity Strategy (and Action Plan), NT Coastal-Marine Monitoring, Evaluation and Reporting (SoE reporting), NT Marine GIS
  - (vii) Development of an NT coastal adaptation plan to mitigate against the impacts of climate change.
  - (viii) NT State of the Environment Reporting – the NT remains the only State/Territory NOT to have jurisdiction-wide SoE reporting.
  - (ix) Implementation of bioregional, integrated ocean management (IOM), with relevant partners – including potential support from national and global conservation partners.
  - (x) Investment and development of government-Indigenous-industry-research hubs partnerships to build technical capacity in the NT and improve understanding of coastal-marine ecosystems.
4. **Do these challenges reflect the key issues in our coasts and seas?** Far too simplistic to comment. No basic understanding of the biophysical, demographic, socio-economic characteristics of the NT, or its complex coastal governance arrangements. For eg. marine debris (ie. ghostnets) is largely from offshore fishing activity in the Indonesian waters of the Arafura Sea !
5. **Is the goal appropriate and reflective of the NT needs?** A very utilitarian, parochial vision and goal for the NT's ecosystems. The NT is in a unique position – ie. looking after the world's most intact, tropical coastal ecosystems and populations of marine species, particularly globally-threatened and endangered species. Where is the recognition of global standards and best-practice in IOM and ICM – and particularly the recognition of ecosystem-based management (EBM) as the fundamental basis for sustainable development and management – and the fundamental need to protect biodiversity, ecosystems and their goods and services ?
6. **Are the management principles relevant and appropriate? Is their purpose clear?** ESD is no longer the accepted national or global terminology in coastal and marine policy development – it's ecosystem-based management (EBM), and integrated coastal management (ICM) and integrated ocean management (IOM).
7. **Are these objectives appropriate and reflective of the key issues?** Far too simplistic. What is DENR's problem with mentioning conservation or protection of the NT's coastal and marine environments (and biodiversity) as a key objective? 'Safeguarding' implies security, not stewardship. The following need to be incorporated into the objectives:
  - (i) ecosystem-based management (EBM), including integrated catchment management (ICM), clarifying and improving coastal governance,
  - (ii) protecting biodiversity & ecosystems - CAR network of protected areas, bioregional spatial planning, recovering threatened species,
  - (iii) recognising and supporting 'sea country' management, co-management,

- (iv) data management systems, education and public awareness, ensuring science-based decision-making,
- (v) growing the 'blue economy' (particularly sustainable fisheries, aquaculture, tidal energy, marine tourism, carbon offsets) [increasing employment is vital particularly in the remote regions of the Northern Territory]
- (vi) monitoring, evaluation and reporting; data and knowledge sharing; accessible data management systems

**8. Do these outcomes reflect what you would expect to see in the Strategy?**

- To use of the term 'outcome' in M&E and program evaluation theory, implies that the outcomes are medium-term, measurable and clearly link directly to the project goal or objectives, for eg. "the percentage of NT coastal and marine environments protected as Marine Protected Areas or Indigenous Protected Areas". None of the current 'outcomes' recommended are measurable, so the entire current Strategy cannot be assessed on its performance.
- If this document is to reflect and honour the NT Government's formal commitments to national/global coastal-marine policies/strategies - these objectives need to reflect these formal commitments, and adopt current national (and international) 'best practice' approaches to integrated coastal and ocean management. Including a clear articulation and commitment to:
  - (i) improved coastal governance, including integrated catchment management (ICM), coastal legislation, improved regulatory frameworks
  - (ii) ecosystem-based management (EBM) and biodiversity protection - CAR network of protected areas, bioregional spatial planning, recovering threatened species,
  - (iii) recognising and supporting 'sea country' management, co-management
  - (iv) recognising a changing climate and the need for climate change assessment, mitigation, adaptation and adaptive management
  - (v) recognising 'shared' regional, national and international interests and obligations (this is particularly important for the Gulf of Carpentaria and the 'semi-enclosed' Arafura and Timor Seas
  - (vi) monitoring, evaluation and reporting, accessible data management systems, ensuring science-based decision-making,
  - (vii) growing the blue economy, developing industry partnerships
  - (viii) improved coastal and marine training (higher education, VET), education and public awareness programs.

9. **Are there any additional outcomes you think should be included in the Strategy?** Lots. See my comments above (Q.7 and Q.8). This is the most important section of the current Strategy – as it details the directions and 'high-level' priorities of the Strategy. I have also already provided very extensive comments on this section of the Strategy (including potential Actions). I prepared the AMSA-NT comments to the Partnership Group and DENR's Consultant. At some stage, the Consultant hired by DENR needs to do some extensive re-working of the outcomes (and also, suggested actions), and also, to ensure the outcomes/actions are 'measurable'. As such it is essential that any re-worked list of Outcomes and Actions be open to further public consultation and particularly expert technical/policy input (which is currently not on the Partnership Group). The document circulated among the Partnership Group states: *"To be able to gauge the efficiency and effectiveness of the Strategy in achieving its goal and objectives a Monitoring and Evaluation Program (MEP) will need to be developed and implemented. A regular reporting and communication protocol will need to be developed and implemented that includes both an annual report on progress with implementation of the Coastal and Marine Management Strategy (MEP) and regular reporting from the CSMEP."*

**10. What kind of partnership arrangements do you think could support the implementation of the Coastal and Marine Management Strategy?** The Partnership Group have already identified:

- (i) a multi-sectoral **Northern Territory Coastal and Marine Stewardship Group** (CMSG) will be established. It will primarily be made up of Traditional Owners, land councils, industry groups, recreational fishing and conservation organisations, natural resource managers and government officials and will be chaired by an independent person. The committee will provide advice to government and facilitate engagement between, various sectors and the broader community on implementation and review of the Strategy. The committee will evolve from the current Coast and Marine Management Partnership Group, and may include members from that group. The independent chair will also provide an annual report to the Minister/s responsible for the Strategy, describing the progress on implementation of the strategy and any identified or emerging issues. **Comment** - Given the major lack of marine technical, policy expertise in the current Partnership Group and also, lack of key regional/national partners, it is imperative any CMSG address these important membership 'gaps'.
- (ii) an **Independent Expert Panel** (IEP) to provide expert advice on implementation and review of the Strategy, including objectives and targets, knowledge gaps and science priorities for delivery of identified outcomes

and actions. The panel will include members with scientific (biophysical, heritage, social and economic) and cultural expertise. **Comment** - Agree, as long as IEP representatives are appointed on merit, via a public call for nominations. Why are independent “experts” or an expert panel, NOT being considered to assist in the development and finalisation of this current important, Strategy? This is standard practice in developing evidence-based policies. Why wait until the Strategy is finalised to establish the IEP?

- (iii) A **Government Operations Committee** (GOC) of senior officials from the Northern Territory Government agencies with primary responsibility for delivery of outcomes and actions outlined in the Strategy. They will oversee implementation of, and facilitate coordination of, Strategy activities and report annually to the relevant Ministers. **Comment** - 85% of the Northern Territory coastline is under Aboriginal ownership and tenure under ALRA. DENR and the Consultant urgently need to read and understand the legal implications of the Blue Mud Bay High Court decision.

**11. What is the best way for the community and industry to be involved in management and decision making of our coasts and seas?**

**Other Specific Comments on the Discussion Paper**

- a) **What is the purpose and scope of the Strategy? (page 1).** The Strategy has not been “based on extensive consultation with the community”. The current very short formal public consultation process does not include a schedule of public meetings; ‘briefings’ by DENR have been limited ONLY to organisations already on the Partnership Group; and significantly, no resources have been provided at all for any consultation with Indigenous ‘sea country’ stakeholders, who own 85% of the coastal estate in the Northern Territory under ALRA.
- b) **How was this document developed? (page 2)** Where is the expert (technical, policy) input in this entire Strategy development process? With its current membership, the Partnership Group is a stakeholder group representing ‘organisational interests’ – it is not a forum for ‘expert input’ (ie. marine policy, Indigenous sea country, marine science). Similarly, it is important to recognise that the 2-day workshop in June 2017 was primarily a ‘stakeholder workshop’ representing ‘organisational interests’ – not an ‘expert-based workshop’ (only 4 of the 22 NT participants had any marine science or marine policy qualifications).
- c) Where are the very important regional and national experts, partners and donors in this process? Due to population size and geography, the NT has one of smallest, narrow-based and most ‘transient’ pool of experts in Australia (particularly within the NT Government), the highest level of dependency on Federal Government revenues, and a continuing ‘outsourcing’ of governance responsibilities to the Federal Government (to reduce particularly the costs of remote area and indigenous population management) (Carson 2010). For these reasons, the majority of current (and past) coastal-marine programs in the NT have been funded and undertaken in partnership with Commonwealth, regional and national partners. As a consequence, most of the coastal-marine technical and policy ‘expertise’ in the NT, actually resides outside of the NT Government and outside the NT – in Commonwealth agencies, universities, NGOs, private consultants. None of these very significant regional and national partners (and importantly, donors) appear to have been consulted throughout the Strategy process. This input (technical, policy) is essential to inform this very important Strategy. The lack of this very important input to-date provides further evidence of the significant lack of marine technical and policy expertise within DENR (the agency leading the development of this Strategy).
- d) **Who is responsible for managing our coasts and seas? (page 3).** Where is the list of relevant Northern Territory and Commonwealth coastal and marine legislation and very importantly, major existing policies and plans?