

2. CONTEXT AND LINKAGE WITH OTHER POLICIES

None of the marine turtle species found in Australian waters are exclusively Australian; however, the flatback turtle nests only on Australian beaches and has not been reported off the Australian continental shelf¹. Thus, conservation of marine turtles requires efforts at the local, state, national, and international levels.

At the international level, Australia participates in several international conservation initiatives that apply to marine turtles, including the *Convention on Biological Diversity*, the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES), The World Conservation Union (IUCN), and the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention).

Nationally, the *Environment Protection and Biodiversity Conservation Act 1999* is the core conservation legislation applicable to marine turtles. In July 2000, this Act replaced the *National Parks and Wildlife Conservation Act 1975*, the *Whale Protection Act 1980*, the *World Heritage (Properties Conservation) Act 1983*, the *Endangered Species Protection Act 1992*, and the *Environment Protection (Impact of Proposals) Act 1974*. One of the objects of the Act is 'to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance'. The Commonwealth marine environment, world heritage areas, nationally threatened species, and migratory species protected under international agreements (such as the Bonn Convention) are considered to be matters of national environmental significance.

Another object of the Environment Protection and Biodiversity Conservation Act is to 'promote the conservation of biodiversity'. All species of marine turtles are nationally listed as threatened species and are listed under conventions protecting migratory species (including the Bonn Convention), thus receiving additional protection under the corresponding provisions of the Act. The Act requires that within 10 years of its commencement, inventories must be prepared that identify and state the abundance of marine turtles in Commonwealth marine areas.

The Environment Protection and Biodiversity Conservation Act provides a framework for the protection of species listed as endangered and vulnerable, and ecological communities listed as endangered. The Act provides for the preparation of recovery plans for all scheduled species and ecological communities. Each recovery plan must provide for the research and management actions necessary to stop the decline of, and support the recovery of, the species or community so that its chances of long-term survival in nature are maximised. As a Commonwealth agency, the Authority must not take any action that contravenes a recovery plan or threat abatement plan. All six species of marine turtles are scheduled as endangered or vulnerable under the Act. The Commonwealth Department of the Environment has developed a Draft *National Recovery Plan for Marine Turtles in Australia*. It is intended that the Recovery Plan will provide a base level of guidance, and that regional, temporal and species-specific issues will be addressed at the State, regional and local levels.

The Great Barrier Reef Marine Park Act also provides for the protection of marine turtles within the Marine Park, through zoning, issuing of permits and implementation of plans of management that collectively enable management of human activities. The Act establishes the requirement to obtain permits to undertake a range of activities in both zoned and unzoned areas of the Marine Park. Under the Regulations, the Authority must not grant a permit to enter, use, or carry on an

¹The species is considered reproductively endemic to Australia and has the most restricted range of all marine turtle species.

activity in the Marine Park unless an assessment has been made of the impact that entry, use or activity is likely to have on the Marine Park, including on marine turtles.

Under the Great Barrier Reef Marine Park Act, the Authority must have regard to the protection of World Heritage values of the Marine Park and the precautionary principle in preparing management plans. The 'precautionary principle' in the Act is defined by the *Intergovernmental Agreement on the Environment 1992*, which states that in the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and,
- (ii) an assessment of the risk-weighted consequences of various options.

In Queensland, the *Nature Conservation Act 1992* protects marine turtles Indigenous to Australia. All six species found in Queensland are listed as either 'Endangered' or 'Vulnerable' under the *Nature Conservation (Wildlife) Regulations 1994*. The Act provides for the development of conservation plans for wildlife. Also in Queensland, the *Marine Parks Act 1982* provides for the protection of marine turtles through zoning and the issuing of permits, similar to the Great Barrier Reef Marine Park Act.