

SESSION VI: CRITERIA AND CATEGORIES FOR ZONING  
AND METHODS OF REGULATION

DISCUSSION SESSION VI - CRITERIA AND CATEGORIESFOR ZONING AND METHODS OF REGULATIONCHAIRMAN: PROFESSOR K.P. STARK

Chairman: This session has been concerned with the criteria and categories for zoning and the methods of regulating those zones, and the first speaker will be Professor Oliver.

J. Oliver: I will try quickly to deal with the views of our group. First of all we started with the problem of what criteria we were going to use for zoning - the purpose of zoning - and the general view was that we were concerned with a "use" problem, we were attempting to be "eco-protective". In the light of that emphasis we established four zones of decreasing need of protection, correlating protection and impact. Where the dangers of impact were major, our protection needs became high. We moved towards other zones where although the impact dangers could be high, their seriousness was considered perhaps to be less and the degree or type of control was similarly adjusted.

We started then with a zone of maximum protection, where we were seeking to ensure that there was no disturbance of what our group members termed the naturally evolving ecosystem. We were conscious of the fact that the use of the term preservation has built into it a series of problems, and our main concern here was to maintain for posterity the natural environment in a state where it was least disturbed, which of course does not mean that preservation is the whole answer.

Secondly, we had a zone of controlled protection where we agreed that there was a need for minimal disturbance to take place. The basis of that disturbance was in terms of scientific enquiry. It was recommended here that there should be protection of the natural ecosystem to prevent deterioration but some access for specifically named groups and for fully identified purposes might be permitted.

We would continue through this spectrum of control to regulate for zones which have specific purposes where we felt we were dealing with renewable resources. In fragile areas that were thought only able to absorb limited disturbance, the impact should be limited to prevent any long term non-reversible destruction to occur.

We had two sub-headings in this category: recreational activity and commercial fishing. There was some debate as to whether the adjective "commercial" should be added to fishing because we recognised that there were forms of

recreational fishing which could take on a similar sort of degree of impact to commercial fishing.

We then moved into a fourth zone of controlled exploitation more likely to apply to non-renewable resources, where in fact any sort of utilisation and development of those resources had an inevitable one-way and destructive effect. The purpose of the control here was to ensure that the degree of exploitation, the amount of non-reversible use, was kept by the control down to the very minimum, so that its impact would not disturb the natural ecosystem to a critical degree.

The fifth zone protects the rights of agreed or accepted special groups. There was a point made that there were traditional aboriginal rights which extended over some parts of the Great Barrier Reef.

We then went on quickly to look at the problem of regulation. It was agreed first of all that to achieve regulation, an educational programme was necessary to explain to people the whole purpose of the Marine Park, the purpose of the zones, and to identify the people likely to be affected when regulation and control was involved. With regard to regulation and control, clearly some positive form of approval or licensing becomes necessary for those groups who were identified as having an interest in extractive activities on the Reef. This was recognised to be a big problem with large numbers of relatively passive users whose impact is individually small, and whose activities would be very difficult to police. Policing by rangers or inspectors would be necessary to lend impact to what could otherwise become just paper regulations. Finally, we felt it necessary to draw to the attention of the Authority that through the Act, legal powers could be given to various official personnel and this would clearly form part of a regulating procedure.

Chairman: Thank you Professor Oliver. The next leader is Professor Horridge.

G.A. Horridge: As we understand it, areas that are zoned would lose State jurisdiction, which at present extends to three miles from low water mark. When these areas are zoned the State legislation is over-ruled by Commonwealth legislation. This is probably the most important factor to bear in mind. Zones must be flexible, and hopefully they must combine several different usages. There follows a list of some of the reasons for creating zones. These headings could be zone types or they could also be to some extent criteria: most of them are obvious.

(a) The zone outside the Reef is part of the designated area. There it might be necessary to put restrictions on ships cleaning oil tanks in the ocean, although it is not within the Reef zone. This may come under the existing regulations.

(b) There must be shipping lanes. There is already designated air space.

(c) It is hoped that there could be wilderness areas where no-one is allowed access.

(d) Recreation uses are varied, and in those areas it will be necessary to have detailed by-laws. A contribution to the success of recreational facilities is that positive provision is made for people. This concentrates the people so that it limits the impact on other regions which may be of a more fragile nature. The provision of barbecue sites in parks is an example.

(e) Commercial activities include either fishing, mining or marine farming. These are clearly zones for special purposes.

(f) We also recognised the traditional aboriginals and Torres Strait Islanders, but did not identify any particular rights for them.

Surveillance and control, in the view of this group, is best obtained by education and by enlisting the sympathy and support of the public. However, it is necessary to have wardens as well as police. It was agreed that these forces must operate by boat, from Thursday Island and Cairns. All parties involved in surveillance should report to Marine Operations Centre in Canberra, which should remain the central clearing house as a National System is developed.

Finally the public should clearly understand who has jurisdiction and what laws apply to the area.

Chairman: Thank you Professor Horridge, and now Mr. Hegerl.

E. Hegerl: We started off by assuming there was a need for some wilderness areas which would be areas of maximum protection. Wilderness areas would be the places of difficult access which are at present little used, but it was recognised that there are inshore areas at present under use and we should also preserve representative samples of these. It was agreed that in areas of maximum protection or wilderness areas, there would be no destructive interference with the environment, except for monitoring of the biota.

Our next category was research areas, and we had two sub-categories there. It was resolved that research activities and areas could be divided into two main groupings - extractive/manipulative and purely non-manipulative. Research involving manipulation would only be permitted in certain areas, through the issue of permits by the Authority. The research areas should be representative of both inner-reefs and outer barrier reefs. We saw a need for the protection of historic sites both Aboriginal and European.

Recreational areas, another category, would be representative of as much of the Reef as possible. In some areas amateur fisheries would be permitted. It was agreed that around tourist resorts, fishing activities might have certain restrictions. It was thought that the Authority might wish to regulate spearfishing or amateur fishing, and also that the Authority might wish to rotate the zoning areas.

The final category for the lack of a better term, we called "open areas". We mainly saw these as buffer areas for the places of great protection. It was very important though that the "open areas" be large enough to sustain commercial fisheries. In the "open areas" the existing use of living resources would be permitted. We briefly looked at the problems of surveillance, using perhaps satellite techniques or dirigibles, in fact any number of possibilities existed and this remains a technical problem that needed considerable investigation. Thank you, Mr. Chairman.

Chairman: Thank you Mr. Hegerl. The next leader is Dr. Smith.

D. Smith: Just briefly we had decided in our committee to recommend the establishment of four zones.

The first one we described as totally restricted; the criteria here would include fringe park reserves representing reef ecosystems, but also perhaps more particularly, zone types of what might contain unique or endangered species, or sites used by certain species during the breeding season, like Raine Island. Entry to these areas would be restricted by permit, and only non-destructive research would be allowed.

The second type of zone we defined was also classed as restricted, but would be characterised by being more easily accessible areas. They might be established to employ as buffers for zone type 1, contain representative reef types and the usage permitted would be manipulative research, educational uses and what I would call non-destructive recreation like snorkelling and photography. Here again entry would be by permit and a ranger would be necessary to control any undesirable activity.

The third type of zone we listed as recreational again would probably be characterised by greater accessibility than some of the other areas. It would allow recreation, including the extraction of species, sport fishing, spear fishing and also resort construction. It was suggested minimisation of damage to this area be accomplished in part again by ranger protection. Also there might be the construction of walk-ways, swim-ways etc.

The fourth type of zone we defined as commercial. The commercial areas would include those of minimal ecological significance, where shipping areas, harbours and mining activities might occur. Under recommended controls, we suggested establishment of shipping lanes to minimise probability of accident.

For the last type of area we defined fishing type five, and that simply means all areas other than areas one and two.

There were some comments that were made that I want to pass on. The committee was concerned over the uncertainty as to the control within the reef flat area and that questions of jurisdiction should be cleared up as it is not possible to protect the Reef without protecting the area above low tide. It was also suggested that the Authority might investigate the possibility of preservation of some of the estuarine areas adjacent to the northern part of the Reef in particular.

Other than this, suffice to say, I believe our conclusions were similar to those reached before.  
Thank you Mr. Chairman.

Chairman: Thank you Dr. Smith. Dr. Milward is the next Chairman.

N.E. Milward: The work group agreed that the central objective in regard to the use of this area was as a national heritage and also a world heritage. The group recognised that this part of the Reef is closest to the wilderness state, an area that has received least attention or interference by man, and this is one important reason for adopting this philosophy of preventing change, if this can be achieved.

Secondly it has centres of particular significance, like the bird rookeries, turtle nesting sites, as well as having a very high diversity of both plant and animal life. Perhaps it acts as a natural reservoir for supplying organisms to the southern part of the Reef.

It is recommended that research programmes or research activities to be carried out in the area, are brought to the attention of the Great Barrier Reef Marine Park Authority so that the Authority can provide a data bank facility for information coming out of the programmes, and possibly get in a co-ordinating capacity.

One of the final points considered by the sub-group was an issue which had been raised earlier in the workshop, and this was in relation to the proposals for the beche-de-mer fishery. The group was concerned over the proposals for the re-establishment of the beche-de-mer industry. These appear to be contrary to the aims of good management, and hence the protection and utilisation of the area. The fact that decisions of a political nature have been taken based on outdated information, and with little recent reliable information, highlights the need for investigative programmes and management planning.

I would like to finish with a comment made by one of the members. It is recognised that the area is presently used in various ways, and that it could possibly be utilised in other ways in the future. Traffic through the area, shipping lanes, recreational extraction by the amateur fishermen and shell collectors, and non-extractive recreation are perhaps activities that should be catered for in any zoning plan. We feel, however, that before actually defining zones to provide for each of these activities, a great deal more information is required on which to base any reasonable proposals. Obviously if we are going to obtain this information, additional research programmes have to be developed. We feel that even with the existing knowledge, it should be possible to draw up a list of areas which would be recognised as important for carrying out this research and for providing the information on which to draw up the zoning and regulatory procedures.

It is suggested that perhaps, if it can be done within the terms of the Act, a temporary moratorium should be placed on these areas so that other developments do not take place which might conflict with the research programmes. It was also agreed that consideration should be given to a moratorium being imposed on the whole area to prevent further development in the way of utilisation or tourist activities, until a specifically based management programme is available. As one member of the group said "You should not crack a diamond until you really appreciate its full value", a truism which we should keep in mind when thinking about the Reef. Thank you.

Chairman: Thank you Dr. Milward. I would just make the comment that I thought I stressed this morning, that you will never have full information. I think there is a danger therefore from the viewpoint of conservationists, that if it is always that nothing be done, then the decisions will be made as political decisions, and there are bigger dangers inherent in that.

J.T. Baker: I think it would be wise if we could say in respect to rezoning, ( in answer to Mr. Hegerl's comment) Section V of the Act, 37(1) which I think is important, says that subject to sub-section (3), the Authority may at any time amend the zoning plan, and the zoning plan that was in existence remains until the new one comes over, so that the Authority can in fact put up a zoning plan and amend it progressively and rotate on a three year basis if desired. The exception being that if the Authority declares a special zone, then the Governor General has to be involved in changing that. But so long as you do not nominate a special zone, the Authority can rezone it any time.

Chairman: I think the concept of incorporating some dynamics into an original zoning plan is important; for example, the plan may incorporate a three year rotation of specified usage types, which as you suggested is both possible and desirable.

I would like to thank the speakers of this Session for their contribution.