

AUSTRALIA



1 BACKGROUND INFORMATION

Key Statistics:

Land mass	7,692,024 square kilometres (including offshore islands but not external territories) ¹
EEZ/land mass ratio	1.06 (excluding Antarctica) ² ; 1.43 (including Antarctic EEZ but not Antarctic land mass) ³
Coastline	59,736 kilometres (including offshore islands but excluding external territories) ⁴
Population in 2002 (approximately)	19,542,348
Population density (approximately)	2.5 persons per square kilometre
Gross National Income per capita:	US\$20 530

Notes:

¹ See the Geoscience Australia web site:

<http://www.ga.gov.au/education/facts/dimensions/areadime.htm>

² Based on Geoscience Australia figures: see *ibid.* for land mass and for EEZ figure of 8,148,250 km², see: <http://www.ga.gov.au/education/facts/dimensions/oceans.htm>

³ Based on a total claimed EEZ (including that of the Australian Antarctic Territory) of approximately 11 million km². See Commonwealth of Australia, "Australia's Marine Science and Technology Plan," The Marine Science and Technology Plan Working Group, Canberra, June 1999, p. 9. The ratio excludes the land mass of the Australian Antarctic Territory. Calculating the Antarctic land and ice mass/EEZ is difficult because the continent doubles in size during winter as the ice mass expands due to the freezing of the surrounding sea area.

See: <http://www.ga.gov.au/education/facts/dimensions/externalterr/antarcti.htm>

⁴ See <http://www.ga.gov.au/education/facts/dimensions/coastlin.htm>

Other facts: Australia is the world's largest island and the only island continent in the world.

2 ACTIONS WITH REGARD TO THE LAW OF THE SEA CONVENTION

Australia signed the Law of the Sea Convention on 10 December 1982 and ratified the Convention on 5 October 1994. Australia claims the following zones of jurisdiction under the Law of the Sea Convention:

- territorial sea: 12 nm (except around some islands in the Torres Strait where Australia claims 3nm under the Torres Strait Treaty with Papua New Guinea.)
- contiguous zone: 24 nm.
- exclusive economic zone: 200 nm from the baseline.
- continental shelf: 200 nm or to the edge of the continental margin.

Australia's EEZ covers 11 million square kilometres. It is the third largest EEZ in the world and its total area is larger than Australia's total land area.

Australia's maritime zones abut or overlap those of Indonesia, France (for New Caledonia and Kerguelen Island), New Zealand, Papua New Guinea, Solomon Islands and East Timor.

Australia has negotiated treaties on the following maritime boundaries:

- with Indonesia for the continental shelf and related fisheries zones,
- with France for New Caledonia and Kerguelen Island,
- with Papua New Guinea,
- with New Zealand, and
- with the Solomon Islands.

Australia is yet to settle its maritime boundaries with East Timor.

Australia has an interim arrangement with East Timor through the Timor Sea Treaty under Article 83 of the Law of the Sea Convention

3 MARINE INDUSTRIES INFORMATION¹

Australia's marine industries contribute around \$30 billion a year or 8 per cent of Gross Domestic Product to the Australian economy. Estimated marine industry earnings grew an average of 12.7 per cent per year between 1984/85 to 1995/96. A factor in this growth was the growth of marine tourism, which was worth \$5.9 billion in 1987/88 and grew to \$23 billion in 1995/96.² At the last major review it was estimated that Australia's marine industries may be worth \$50 billion per year by 2020.³

The commercial fishing sector is the fifth most valuable rural industry after wool, beef, wheat and dairy. Australia is one of the world's largest producers of rock lobster and abalone. The gross value of Australia's fishery production was about \$2.32 billion in 2000 (including aquaculture) while exports amounted to approximately \$1.99 billion in the same year. The primary fisheries sector (including aquaculture) employs around 27,000 people, the secondary sector employs 4,000 people.

4 OCEAN RELATED LEGISLATION

Key Ocean Management Related Legislation⁴

Legislation	Description
Maritime Legislation (Amendment) Act 1994	This Act declares Australia's territorial sea, contiguous zone, EEZ and continental shelf.
Seas and Submerged Lands Act 1973	This Act addresses the management of Australia's offshore areas and vests all of the territorial sea in the Commonwealth, except those State waters that existed immediately before federation.
Coastal Waters (State Powers) Act 1980	This Act and the <i>Coastal Waters (State Title) Act</i> put into effect the arrangements agreed upon under the Offshore Constitutional Settlement.
Coastal Waters (State Title) Act 1980	This Act vests title to 3 nm of adjacent territorial sea in each State as if those waters and seabed were located within the limits of the State. It complements the <i>Coastal Waters (State Powers) Act</i> .
Environment Protection and Biodiversity Conservation Act 1999	This Act aims to protect the environment and conserve biodiversity, and applies to all areas over which the Commonwealth has jurisdiction. It promotes the conservation of biodiversity by providing strong protection for threatened species and communities in Commonwealth areas.
Fisheries Management Act 1991	This Act governs the management of all Commonwealth fisheries. Its main function is to provide a basis for fisheries management, including regulation, enforcement and compliance matters.
Antarctic Marine Living Resources Conservation Act 1981	This Act implements the Convention on the Conservation of Antarctic Marine Living Resources.
Quarantine Act 1908	This Act deals with the prevention of the introduction, establishment or spread of diseases or pests.

¹ Economic Data available at <http://www.fao.org/fi/fcp/en/AUS/profile.htm>.

² Australia's Marine Science and Technology Plan: An Overview.

³ Australia's Ocean Policy 1998.

⁴ www.austlii.edu.au.

Torres Strait Fisheries Act 1984	This Act is designed to give effect to the rights and obligations conferred on Australia by the Torres Strait Treaty, in particular to the traditional way of life and livelihood of traditional inhabitants, including rights in relation to traditional fishing.
Offshore Minerals Act 1994	This Act outlines the management scheme and licensing system for the mining and exploration for offshore minerals. The Act details conditions that may be attached to exploration and mining licences.
Petroleum (Submerged Lands) Act 1967	This Act establishes a management regime based on a system of permits, leases and licences for the exploration for and exploitation of offshore petroleum resources outside the coastal waters of States and Territories.
Pipeline Authority Act 1973	This Act establishes an Authority responsible for developing and managing pipelines for transporting petroleum in Australia.
Antarctic Treaty (Environment Protection Act) 1980	This Act promotes the conservation of Antarctic fauna and flora, provides for environmental impact assessment and defines the role of inspectors and offences against the Act.
Australian Maritime Safety Authority Act 1990	This Act establishes a Maritime Authority to promote maritime safety and to protect the marine environment from pollution and other environmental damage from shipping.
Navigation Act 1912	This Act provides the legislative basis for many of the Commonwealth's responsibilities with respect to maritime matters including ship safety, the coastal trade, employment of seafarers and shipboard aspects of the protection of the marine environment.
Environment Protection (Sea Dumping) Act 1981	The Act regulates dumping from all ships, aircraft or platforms.
Hazardous Wastes (Regulation of Exports and Imports) Act 1989	This Act gives effect to the Basel Convention. Under the Act, persons who wish either to import or export 'hazardous waste' must apply for a permit.
Protection of the Sea (Civil Liability) Act 1981	This Act gives power to make claims against a tanker that spills oil, or threatens to do so.
Protection of the Sea (Oil Pollution Compensation Fund) Act 1993	This Act gives effect to the Fund Convention. It provides for a contribution that oil companies must pay towards a Compensation Fund for oil pollution in the sea.
Protection of the Sea (Powers of Intervention) Act 1981	This Act gives effect to the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969
Protection of the Seas (Protection of Pollution from Ships) Act 1983	This Act expands on the <i>Navigation Act</i> 1912. It aims to prevent or minimise pollution from Australian ships by oils, noxious liquid substances, sewage and garbage.
Sea Installations Act 1987	This Act controls installations associated with exploring or exploiting natural mineral resources other than petroleum.
Submarine Cables and Pipelines Protection Act 1963	This Act sets up a system to protect cables and pipelines beneath the high seas.
Control of Naval Waters Act 1918	This Act provides for the declaration of 'naval waters' by Proclamation of the Governor-General. The Act provides an array of restrictions that can be imposed on vessels and aircraft near or in naval waters.
Defence Act 1903	This Act permits the making of regulations to establish defence practice areas, which can be closed to shipping or other activities during exercises.
World Heritage Properties Conservation Act 1983	This Act is designed to protect and conserve identified property for related purposes.

Historic Shipwrecks Act 1976	This Act aims to protect the heritage values of shipwrecks and relics.
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	This Act preserves and protects areas or objects that are of particular significance to Aboriginals, in accordance with the Aboriginal tradition, from injury or desecration.
Native Title Act 1993	This Act provides the framework for the recognition and protection of native title and seeks to regulate transactions that impact on native title.

5 LEAD AGENCIES FOR OCEANS GOVERNANCE

(1) Departments/Ministries

Agency	Ocean Related Function
Department of the Environment and Heritage (DEH)	DEH is the Commonwealth's major environmental agency. It is responsible for achieving the Government's environmental objectives, domestically and internationally. DEH administers a number of environmental programs and Australian environmental laws, including those relating to the Australian Antarctic Territory.
Department of Transport and Regional Services	This Department's broad goal is to promote economic, social and regional development by enhancing Australia's infrastructure performance. The Department is involved in various initiatives that are geared towards protecting the environment. One such initiative is the minimisation of risk from harmful aquatic organisms in ballast water and on ship hulls.
Department of Industry, Tourism and Resources	This Department's primary role is to foster economic advances and scientific achievements that continue to strengthen Australia's international competitiveness. To fulfil its role, the Department develops, implements and administers diverse industry, science and resources policies, programs and services. It is responsible for the administration of the <i>Petroleum (Submerged Lands) Act 1967</i> , the main piece of legislation regulating Australia's petroleum resources.
Department of Foreign Affairs and Trade (DFAT)	This Department manages Australia's external relations. The Legal Branch of DFAT is responsible for treaties and legal questions, including the Law of the Sea.
Department of Agriculture, Fisheries and Forestry (DAFF)	This Department aims to assist the agricultural, food, fisheries and forest industries become more competitive, profitable and sustainable. In terms of marine living resources, DAFF aims to assist in the commercial development of the Australian fishing and aquaculture industries while ensuring the sustainability of the marine ecosystem

(2) Statutory Bodies

Agency	Ocean Related Function
The National Oceans Office	This is the lead Commonwealth agency responsible for supporting the National Oceans Ministerial Board to implement and further develop Australia's Oceans Policy. The major functions of the Office are to coordinate the development of Regional Marine Plans, distribute information to stakeholders and coordinate the overall implementation and further development of Australia's Oceans Policy. The Office also acts as the main administrative coordination point between the Commonwealth, States and Territories on oceans policy issues, and has the Commonwealth lead on some international oceans matters including UNICPOLOS and the APEC MRCWG.
Australian Fisheries Management Authority (AFMA)	AFMA is responsible for the day-to-day management of Commonwealth fisheries. It was created under the <i>Fisheries Administration Act 1991</i> and the <i>Fisheries Management Act 1991</i> . AFMA's organizational model is structured to enable the Minister with portfolio responsibility for fisheries to operate at arms length from day-to-day decisions on fisheries management. The responsibility for these decisions passes to an expertise based Board and a Management Advisory Committee/Consultative Committee structure which draws its membership from relevant stakeholder groups, including the commercial fishing industry.
Australian Maritime Safety Authority (AMSA)	This is an independent authority with responsibility to improve the efficiency in the delivery of safety and other services to the Australian maritime industry. This is to be achieved by continuing to develop an understanding of, and relationship with, stakeholders (the Australian Government, the community and the maritime industry) and by applying the latest management techniques and technology.

(3) Coordinating Bodies

Agency	Ocean Related Function
Council of Australian Governments (COAG)	COAG is comprised of representatives of Australia's States and Territories and the Commonwealth. It created the Heads of Agreement on Commonwealth/ State Roles and Responsibilities for the environment in recognition of the need to make the Intergovernmental Agreement on the Environment operate more effectively. The Heads of Agreement established a framework for intergovernmental relations on the environment with Commonwealth responsibility focused on matters of national environmental significance.
Australian and New Zealand Environment and Conservation Council (ANZECC)	ANZECC is a ministerial council consisting of Ministers responsible for the environment and conservation from Australia, New Zealand and Papua New Guinea. The Council was established to provide a forum for member governments to exchange information and experience, and develop coordinated policies in relation to national and international environment and conservation issues.

National Resources Management Council (NRMC)	This Council was established by the Prime Minister, Premiers and Chief Ministers to develop a coordinated approach to issues affecting the sustainability of Australia's land and water resources. The Council has dealt with such issues as: reviewing the progress of the National Action Plan for Salinity and Water Quality and introducing new approaches to coastal management that could benefit from national cooperation.
Australian Transport Council (ATC)	This Council is composed of Commonwealth, State, Territory and New Zealand Ministers with transport portfolio responsibilities and was established to provide a forum for the consultation and giving of advice to governments on the coordination and integration of all transport issues at a national level. Its vision is to maximise the contribution of effective transport to Australia's productivity, quality of life and equity.

6 OCEANS GOVERNANCE POLICY FRAMEWORK

Key Oceans Governance Policies

Policy	Description
National Oceans Policy (1998)	This is the most significant ocean's governance policy in Australia. It sets the framework for integrated and ecosystem-based planning and management for all Australia's marine jurisdictions. It was developed in response to the need for national coordination and consistency of policy following the Law of the Sea Convention and other international commitments. The Policy recognises that ocean ecosystem health and integrity is fundamental to ecologically sustainable development. It recognises the environmental, economic and social dimensions of the oceans. The Policy also establishes regional marine planning as the way to advance the development of an integrated and ecosystem-based planning and management of Australia's oceans.
Commonwealth approach to integrated coastal zone management policy	This is an integrated and cooperative approach by the Commonwealth Government for the management of Australia's coasts. It enables the Commonwealth Government to manage its own coastal activities but also facilitates all Australian governments working together to ensure best management of the coast.
National Heritage Trust- Coasts and Clean Seas	This Trust is the foundation for the program to conserve Australia's environment. It focuses on four key programs – Landcare, Bushcare, Rivercare, and Coastcare. The Trust takes an integrated and long-term approach that aims to preserve and enhance Australia's unique and diverse environment. It does this by providing funding for environmental activities at all levels of government. One initiative of the Trust is the Coastcare Program which aims to protect and restore the coastal, estuarine and marine habitats of threatened species and ecological communities. Coastcare initiatives are aimed at combatting introduced marine pests; managing a comprehensive, adequate and representative system of marine protected areas; and improving the condition of coastal, estuarine and marine resources.

National Strategy for the Conservation of Australia's Biological Diversity	The main goal of the Strategy is to protect biological diversity and maintain ecological processes and systems. The strategy aims to achieve the conservation of biological diversity through the adoption of ecologically sustainable fisheries management practices. In particular, it is actively pursuing the improvement of the knowledge base and improving management of fisheries.
National Strategy for Ecologically Sustainable Development	This Strategy is aimed at achieving ecologically sustainable development (ESD). It intends to provide overarching guidance for policies developed, adopted and implemented by governments in line with the principles of ESD.
Wetlands Policy	This Policy promotes the conservation, ecologically sustainable use and where possible enhancement, of wetland functions by guiding the federal Government's activities in regard to wetlands.
Aquaculture Action Agenda	This policy is designed to promote the long-term development of sustainable aquaculture in Australia.
AQUAPLAN	This is Australia's national strategic plan for aquatic animal health.
Australian Marine Pest Plan	This provides a thorough and extensive guide on how to respond to marine pest incursions.
Australian Shellfish Sanitation Control Program	This Program formulates export management protocols.
Fisheries Action Program	The goals of this program are, inter alia, to ensure quality fishing and to maintain or enhance fish stocks and their habitats
National Bycatch Policies	These Policies are an attempt to ensure that fisheries are ecologically sustainable through bycatch reduction, protection for vulnerable/threatened species is increased and the adverse impacts of fishing on the marine environment are minimised.
National Recreational Fishing in Australia Policy 1994	This Policy guides the management and development of recreational fishing.
Marine Pollution Accidents and Pollution Strategy	This Strategy is designed to prevent or reduce the incidence of marine pollution from vessels.
National Plan to Combat Pollution of the Sea by Oil and other Noxious/Hazardous Substances (NATPLAN)	This Plan deals with the response to spills of noxious and hazardous substances in Australian waters.
Strategy to Manage Discharges of Ballast Water	This Strategy is designed to reduce the risk of introducing unwanted aquatic organisms into Australian Waters. It is believed to have been the world's first such plan.