The Development of *Australia's Oceans Policy*: Institutions and the 'Oceans Policy Community'

Joanna Vince

School of Government, University of Tasmania

Abstract

In December 1998, the Howard Government released Australia's Oceans Policy (AOP), a major initiative focussed at providing a framework for implementing integrated ecosystem based management of Australia's vast marine domain. This paper utilises a policy community approach to review the processes and institutions that led to the development of AOP. The paper argues that despite significant policy change affected by both external and domestic policy drivers, a key element in shaping responses to the AOP has been stability within the policy community shaped paradoxically by 'offshore federalism' that has made it difficult to implement a fully integrated oceans policy.

Analysis of the development and implementation of the AOP indicates that changes to ocean related policies embodied in the AOP have been driven by several interrelated factors. These include debates over appropriate management of resources within and between sectoral groups; coordination of marine resource management between state and Commonwealth governments; and Commonwealth commitments to international instruments. New institutional arrangements established by the AOP such as the National Oceans Office, National Oceans Ministerial Board, National Oceans Advisory Committee and Regional Marine Plan Steering Committees, reflect a commitment towards integrated ocean management but at the same time confront the legal and jurisdictional framework established following a quarter century of 'offshore federalism'.

1. Introduction

The management of ocean and marine resources in Australia has been a complex, political process shaped by sectoral and jurisdictional divisions. The logistics of coordinating management of Australia's vast marine domain, an area that covers 16 million square kilometres of ocean[1], has resulted in a multiplicity of actors involved in the development and implementation of ocean policies. The actors in this 'oceans policy community' have contributed to policy change and, in particular, the development of the Howard government's *Australia's Oceans Policy* (AOP) in December 1998.

The AOP is a comprehensive plan that reflects a commitment towards integrated, ecosystem based ocean management that at the same time confronts the legal and jurisdictional framework established following a quarter century of 'offshore federalism'.[2] The AOP development process attempted to address Commonwealth and state government tensions over the offshore whilst increasing intergovernmental integration. Despite this, state and Commonwealth consultation stopped six months before the release of the AOP.[3] Integration across sectors through the development

of new institutional structures has made a significant impact on policy implementation and the oceans policy community.

This paper examines the policy community approach, derived from the work of Pross[4] and Homeshaw[5], to review the processes and institutions that led to the development and implementation of AOP. The analysis of AOP 'oceans policy community' highlights that further conceptual development is required to explain policy change. 'Change networks' found within the oceans policy community demonstrate the effects of policy change by both external and domestic policy drivers and emphasise that stability within the policy community contributes to its continuity.

2. The policy community approach and the 'change network': new conceptual development

The policy community is a conceptual tool that demonstrates the relationships between interest groups, major policy actors and government in a single policy area during a particular point in time. The concept 'policy community' was introduced by British political scientists, Richardson and Jordan, to demonstrate how each policy area can be divided into different subsystems.[6] During the 1980s, a number of British and North American analysts explored policy communities and policy networks and it was clear that the continental divide and different political systems contributed to the varying interpretations and expectations of the concepts.[7] Most notably Pross, a Canadian political scientist, focussed on expanding the conceptual basis of the policy community. Pross defines the policy community as being

> part of a political system that - by virtue of its functional
> responsibilities, its vested interests, and its specialized knowledge -
> acquires a dominant voice in determining government decisions in a
> specific field of public activity, and is generally permitted by society
> at large and the public authorities in particular to determine public
> policy in that field.[8]

Pross then divides policy communities into two parts - the 'subgovernment' and the 'attentive public.' The subgovernment is composed of executive agencies and institutionalised interest groups and is the policy making centre of policy communities. The subgovernment has the resources to deal with the policy community from a day-to-day basis. By contrast Pross believes the attentive public includes various actors from government agencies, private institutions and pressure groups that do not participate in policy making on a regular basis.[9]

Although the attentive public lacks the power of the sub-government, it plays a vital role in policy development and implementation by reviewing policy decisions and upholding democratic and pluralistic ideals.[10] What makes Pross' analysis particularly interesting is his view that the primary policy makers are not always the most significant actors within a policy community, rather, it is the pressure groups that draw interests from the community and stimulate policy innovation.[11]

Homeshaw expands Pross' policy community approach through an Australian perspective and by introducing three new conceptual dimensions - the 'international attentive public', the 'coordinating subgovernment' and the 'executive core'. Although Pross recognises the importance of international policy actors within a policy community[12], Homeshaw argues that their role in the policy community needs to conceptualised and defines the international attentive public as "a network of organisations or individuals that interact across national boundaries to influence the policy process of individual nations in areas of special interest to its members."[13]

Homeshaw's executive core and coordinating subgovernment distinguish where the actors are and what functions they have in the subgovernment.[14] The executive core is made up of actors, such as the Prime Minister and Cabinet, which "do not make regular or routine decisions in a particular policy arena but without whose agreement crucial decisions about that policy arena could not be made."[15] The coordinating subgovernment, on the other hand, includes a set of agencies that are

specifically developed to co-ordinate policy formulation and implementation across two or more sectors of the policy community.[16]

Political analyst Richardson argues that as a conceptual approach the policy community cannot explain the dynamics that lead to stability or change in the policy process. Richardson argues that the stability that appears in some policy communities and networks becomes the source of "counter tendencies which leads to control, policy instability and unpredictable outcomes."[17] Too many interest groups in a policy community can contribute to a changing policy environment and can cause unpredictable behaviour. This, as a consequence, may result in policy failure. The crux of Richardson's argument is that other conceptual avenues rather than the policy community need to be explored to examine the dynamics of change in a policy community.[18]

Policy transfer, when used as an analogical model of policy change, provides insight into the process of change within a policy community. Dolowitz and Marsh identify eight categories through which particular elements of policy can be transferred. These include policy goals, policy content, policy instruments, policy programs, institutions, ideologies, ideas and attitudes, and negative lessons.[19] Despite the risks of policy failure, the actors involved in policy transfer find that innovation is increased in policy making. Policy makers, especially in this time of technological advances in communication, become aware of what other political systems are achieving through policy.

The policy transfer concept is flexible, adaptable and can be used on global, international, and transnational levels; between regions on the domestic level and on the inter-organisational level.[20] The transfer approach does not assess where actors are at a particular point in time or what their general relationship is with one another and this is where the policy community model is useful. Nevertheless, policy transfer can occur across time and across space[21] and this is one element that the

policy community approach fails to demonstrate. In order to conceptualise the notion that transfer occurs across time and space, Evans and Davies argue that at the time of change a 'policy transfer network' is formed. Evans and Davies believe that policy transfer networks

> are an ad hoc phenomenon set up with the specific intention of
> engineering policy change and thus no extensive process of
> bargaining or coalition building external to the transfer network is
> usually required.[22]

Most importantly, the policy transfer networks only exist when the transfer is occurring. When conjoined, policy transfer analysis alleviates major shortcomings of the policy community approach. It demonstrates that policy change can be a result of either domestic or international external influences. The transfer network also helps explain why spontaneous issue groups enter and exit a policy community.

The transfer network is limited to explaining change in the event of policy transfer, however, other phenomena can also contribute to policy change. The 'change network' is based on interest groups within a policy community that put aside their agenda to attempt to influence policy change by interacting with governments. The change network has a limited membership where the members involved have a shared set of casual beliefs specifically geared to achieve policy change at that point in time. Power is unequal in the change network as membership is not limited to any specific categories within the policy community. For example, interest groups found in the attentive public may be in involved in a change network that also includes interest groups found in the coordinating subgovernment. Once the change network achieves policy change, the network dissolves and the members return to their agenda.

This paper applies insights and concepts of Pross, Homeshaw, and Evans and Davies, to an analysis of the development of AOP. The objectives are to identify policy change in the AOP 'oceans policy community' and evidence to support the

formation of change networks to instigate that change. The institutions and processes that led to the development of the AOP are the key factors in examining policy change and, as the next section demonstrates, the Commonwealth's 'orthodox'[23] approach to maritime policy making has contributed to intergovernmental offshore disputes and divisions between marine based sectors.

4. The development and implementation of AOP and the AOP 'oceans policy community'

The act of federation provided for a clear distinction between the Commonwealth, state and Territory jurisdictional responsibilities affecting the marine environment. The states retained a majority of the powers and responsibilities over marine resources that were established during colonial rule.[24] As a consequence they established a sectoral focus in the regulation of marine resource management whilst Commonwealth powers are limited to regulating external affairs and fisheries beyond territorial limits[25] outlined through Section 51 (x) and (xxix) of the Constitution. Despite constitutional restrictions, the Commonwealth has acquired considerable responsibilities over ocean and marine resources. The Commonwealth's first legislation concerning the marine environment was the *Beaches, Fishing Grounds and Sea Routes Protection Act* 1932 which was followed by the post war *Fisheries* and *Pearl Fisheries Acts* 1952*.* The Fisheries Acts were not proclaimed until major intergovernmental issues were resolved with the states in 1955 and they reinforced Commonwealth jurisdictional responsibilities beyond territorial limits.

A decade later the Commonwealth pursued an interest in offshore oil and petroleum mining activities which heightened intergovernmental conflict with the states. The Whitlam Government's *Seas and Submerged Lands Act* 1973 declared Commonwealth sovereignty from the low water mark, which prior to the enactment of this legislation was the jurisdictional responsibility of the states. The states challenged the validity

of Section 51 (xxix) which was used by the Commonwealth as a 'constitutional anchor' for the *Seas and Submerged Lands Act*.[26] The majority of the High Court in its decision for the *1975 Seas and Submerged Lands Case*[27] supported the Commonwealth's sovereign rights established by the Act.

After three years of intense intergovernmental negotiations between the Commonwealth and the states, the Offshore Constitutional Settlement (OCS) returned the jurisdiction from the low water mark to the states. The development and implementation of the OCS was unique in that it addressed each sector's issues separately within its 'agreed arrangements'. The agreed arrangements were made up of a legislative package; an offshore 'petroleum package'; an offshore fisheries package; a Great Barrier Reef package; and new ancillary arrangements.[28] The sectoral approach used to implement the OCS along with jurisdictional divides resulted in a very segregated oceans management regime. The High Court's decision in 1975 and the OCS reinforced the Commonwealth's Constitutional and legal rights to control aspects of the offshore. The OCS remains the primary intergovernmental arrangement governing ocean and marine resources in Australia and makes up the jurisdictional framework for the development and implementation of AOP. After a century of policy making in ocean issues, despite being leisurely in its initial approach, the Commonwealth has secured its position as a major actor in marine resource management, and has dominated the executive core of the oceans policy community that has evolved with Commonwealth policy making.

The main instrument that instigated the development of AOP was the 1994 *United Nations Law of the Sea Convention* (LOSC)[29] which established Australia with a basis for claims over its vast marine territory. Australia's Exclusive Economic Zone (EEZ) was announced in 1991 and was formally proclaimed following ratification of LOSC in 1994. Australia's EEZ is the third largest in the world[30] and LOSC provides Australia with the sovereign rights over living and non-living resources within its boundaries. A requirement of LOSC was for nations to demonstrate that they can

effectively manage the resources within their EEZs and Australia fulfilled its obligation through the following policy developments.

Prime Minister Keating announced on 8 December 1995 that the Commonwealth government had agreed to the development of an "integrated oceans strategy" that would deal with the management of Australia's marine resources.[31] The Department of Prime Minister and Cabinet assumed responsibility for developing the policy, however, little progress was achieved as the federal election dominated the political agenda. The Keating government was defeated in March 1996 and the Howard government announced that it would continue the development of an oceans policy primarily with the intention of it being an "environmental protection policy."[32] The responsibility for oceans policy development was transferred to the Department of Environment, Sport and Territories (DEST).[33] During mid 1996, DEST established an intergovernmental committee to assist with the preparation of the policy which included members from major Commonwealth agencies involved in marine affairs.[34]

This process whereby DEST took the lead in developing the policy is described by Haward and Herr as "'grassroots' in orientation seeking the first instance to inform the Commonwealth more than to persuade the states."[35] The responsibility for the policy was placed with the Minister for Environment, Senator Robert Hill, and the Minister for Resources and Energy, Peter McGauran and both were aware that policy development was not proceeding as quickly as first anticipated and refused to publicly comment on the progress of the policy in January 1997.[36]

Prime Minister Howard announced the development of AOP and launched a consultation paper titled *Australia's Oceans - New Horizons* for public comment on 3 March 1997. This was the first opportunity for actors in the subgovernment and attentive public to contribute to policy development. In September 1997 the Minister for Environment and Heritage established the Ministerial Advisory Group on Oceans Policy (MAGOP) consisting of eighteen members that represented various key

interest groups. MAGOP's role was to provide advice to the Minister on the views of the broad range of stakeholders of the policy and any other issues the Group thought relevant to the development of the policy. It is also suggested that MAGOP was established to gain the support of NGOs during the AOP process as well as to promote public awareness.[37]

In order to stimulate responses to the consultation paper, the Commonwealth government requested that the Marine and Coastal Community Network (MCCN)[38] inform the community of the development of AOP. It was an unusual step for the executive core to choose an interest group from the attentive public to continue the consultation process, changing the process of implementation from the 'top down' to the 'bottom up'. The public consultation period ended in April 1997 with a commitment to another round of public consultation scheduled later that year followed by the final policy paper by the end of 1997.[39]

Environment Australia organised several workshops and face-to-face interviews to gather a broader understanding of stakeholder's views. Again, the Commonwealth turned to the attentive public and a National Workshop convened by the Australian Committee for the World Conservation Union (ACIUCN) was held during 15 – 17 May 1997 to provide a broader community input on the development of AOP. The main recommendation from the Workshop was support for the Commonwealth along with the continued and enhanced involvement of local and state governments in the development of the oceans policy.[40]

The states reacted positively to the *New Horizon's* paper and were involved in discussions with the Commonwealth until July 1998. The following consultation paper claimed that "the States and Northern Territory have embraced this [New Horizon's] initiative and joined with the Commonwealth in the cooperative development of the Oceans Policy."[41] At the time, the states and territories agreed that the there was a need for a better base to care for, use and understanding of

Australia's marine resources and that the "oceans are too vulnerable to the tyranny of small decisions."[42] They were, nevertheless, concerned with the AOP's institutional arrangements, financial commitments and obligations. Considering the past difficulties with the Commonwealth over offshore jurisdictional arrangements, the states concerns were warranted.

Environment Australia commissioned a series of Issues and Background Papers in 1997 to instigate debate on oceans policy in the community and government agencies. The Issues and Background Papers examined oceans planning and management, and the socio-cultural aspects of the development and implementation of AOP. In support of the Issues and Background Papers, a Senate report completed in the same month stated that, "the need for an oceans policy has been widely accepted."[43]

After the publication of the Issues and Background Papers a public forum reviewed the draft policy paper in December 1997. One hundred and thirty three delegates took part in the forum and represented a cross section of stakeholders, interest groups and individuals. Despite this attempt at interest group diversity, the forum was dominated by Commonwealth and state bureaucrats.[44] Senator Robert Hill reinforced the notion that AOP was to be implemented through a "whole of government approach".[45] Hill emphasised that the integration across state and Commonwealth boundaries did not mean that the OCS would be reopened.

MAGOP fulfilled its role when it reported to the Minister in early March 1998.[46] This report was released publicly in May 1998 along with *Australia's Oceans Policy - An Issues Paper*[47] which was known as the draft policy document. Both the Issues Paper and the MAGOP Report covered the options for new institutional models to govern the development and implementation of the oceans policy. Both emphasised that existing jurisdictional arrangements would not be altered through the introduction of new institutions.

The consultation period ended on 15 July 1998, and 502 submissions in response to the Issues Paper and questionnaires were returned.[48] This time a vast majority of the responses came from individuals rather than conservation groups as they did in the first round of public consultation. It was found, however, that the consultation process still excluded major members of the attentive public and that "even the government agencies have gone dumb on it [the consultation process] and the media does not appear to be bothered at all."[49]

Discussions were held between the Commonwealth and the states on institutional arrangements and financial commitments, however, by September 1998, it was clear that Environment Australia was to complete the final document - without the states. The drafting of the final policy document by Environment Australia emphasised that the policy was a Commonwealth initiative. AOP was released during the International Year of the Ocean, on 23 December 1998[50], and sealed Australia's commitment to comprehensively review its ocean and marine resource policies. The Commonwealth's decision to develop an oceans policy, rather than legislation, was a 'safe' decision as it proposed implementation methods that were new and untried.

AOP is set out in two volumes, *Australia's Oceans Policy* and *Specific Sectoral Measures*.[51] The aim of AOP is to overcome problems perceived to arise from a division of powers and responsibilities leading to jurisdictional overlap and inconsistencies in ocean management. The policy also intends to overcome the problems and limitations imposed by sector based management by supporting integration across sectors through regional marine planning. Regional Marine Plans (RMPs) are the core method of implementation of AOP and all Commonwealth agencies are bound to those plans.[52] A commitment to ecologically sustainable development and multiple use management is imbedded within the AOP framework emphasising a commitment to, *inter alia*, the *United Nations Conference on Environment and Development's* (UNCED) Agenda 21 principles and LOSC.[53] The *National Marine*

Science and Technology Plan was also released on 25 June 1999 by the Minister for Industry, Science and Resources, Senator Nick Minchin as a companion to AOP outlining immediate priorities identified within the programs that underpin regional marine planning.[54]

AOP establishes new institutions to oversee the implementation of the RMP process. The institutions have emphasised a departure from traditional sectoral arrangements whilst incorporating the legal and jurisdictional framework established through offshore federalism. The following institutions are located in the coordinating subgovernment and subgovernment within the AOP policy community, and demonstrate the implementation process of policy change.

The National Oceans Ministerial Board

The National Oceans Ministerial Board was initiated through AOP and established shortly after its release. Its responsibilities, as outlined in the policy, comprise of coordinating cross-sectoral issues relating to Commonwealth jurisdiction; consulting on priorities for programme expenditure; promoting coordination across agencies that deal with Australia's position in international symposiums; and guiding the National Oceans Office. The Board was also responsible for establishing the National Oceans Advisory Group and Regional Marine Plan Steering Committees.[55] The Board initially consisted of the Ministers for Environment and Heritage (Chair); Transport and Regional Services; Industry, Tourism and Resources; Agriculture, Fisheries and Forestry; and Science.

The Board met for the first time on 11 May 1999 where it agreed upon the constitution of the National Oceans Advisory Group.[56] It reports annually to the Prime Minister on its and the National Oceans Advisory Group's progress and gives an assessment on "the effectiveness of Commonwealth activities related to the oceans policy."[57] Changes to the Board took place following administrative restructuring

after the 2001 federal election. The members of the Board changed to include the

Minister for Environment and Heritage; Industry, Science and Resources; Sport and

Tourism; Transport and Regional Services; Forestry and Conservation; Agriculture,

Fisheries and Forestry.[58]

The National Oceans Office

The National Oceans Office (NOO) was established through AOP as a support

mechanism to the National Oceans Ministerial Board, NOAG, ANZECC and

Regional Marine Plan Steering Committees.[59] NOO makes daily decisions on the

development and implementation of the oceans policy and has secretariat and

technical support functions. NOO is

> the main administrative point between the Commonwealth, states
> and territories on oceans policy implementation, including the
> involvement of relevant state and territory agencies in the
> development and implementation of Regional Marine Plans.[60]

NOO is also responsible for implementing 390 initiatives announced in the oceans

policy. NOO was originally located in Environment Australia, however, this

changed in December 1999 when the Office was designated as an Executive Agency

under the Commonwealth's *1999 Public Service Act*.[61] The inclusion of a provision for

executive agencies in the Act enabled the government to separate the minister and

policy staff from the implementing agency.[62] Senator Hill explained that

"establishing the Office as an Executive Agency will ensure that it is able to report

directly to Ministers as a 'whole of government' agency rather than being a part of

the Department of Environment and Heritage."[63] Nevertheless, change to executive

agency status has meant that the NOO was able to incorporate further sectoral

interests into the implementation process.[64]

The origins behind the decision for NOO's location can be traced to 1996, when the

newly elected Howard government partially privatised Telstra, the major

government owned telecommunications organisation in Australia. As a result of the

sale, the Commonwealth committed A$2.5 billion to the Natural Heritage Trust (NHT).[65] The NHT is administered jointly by Agriculture, Fisheries and Forestry Australia (AFFA), and Environment Australia. Close to A$106 million was provided for the *Coasts and Clean Seas Initiative* that included plans for development and financial support of a national oceans policy.[66] As part of Senator Harradine's highly political deal with the Howard government in support of the sale of Telstra, NOO was relocated to the Senator's home state, Tasmania. Adler and Ward argue that

> the decentralisation of the NOO was done without the consultation
> with the states, territories, or Commonwealth agencies…Basing the
> NOO in a small state away from the national capital has distanced
> the majority of state governments and agencies from the policy
> process, is likely to impede orderly policy implementation, and may
> threaten the policy's national success.[67]

To date, NOO has functioned adequately in its Hobart location. It has secured its role in the coordinating subgovernment, and by doing so, has inadvertently changed the role of Environment Australia in the oceans policy community. Environment Australia continues to have close links to NOO, however, the responsibilities have changed from managing the oceans policy on a day to day basis during policy development to administering the programs from the *Coasts and Clean Seas Initiative.* In 2002, the Minister for Environment and Heritage, Dr David Kemp announced a commitment to develop a *National Coastal Policy* and A$1.8 million was granted to Environment Australia for the development and implementation of the *Coastal Catchments Initiative.*[68]

The National Oceans Advisory Group

The National Oceans Advisory Group (NOAG) was established on 13 May 1999 replacing MAGOP as the non-government based advisory group to the Minister. It is predominately comprised of former members of MAGOP with connections to industry, science, conservation and academia.[69] The Group is chaired by Dr Russell Reichelt, the Director of the Australian Institute of Marine Sciences and met for the

first time on 20 July 1999 in Canberra. NOAG's main responsibility is to report to and advise the National Oceans Ministerial Board on the scope and effectiveness of the RMP process and cross sectoral and cross jurisdictional issues.[70] In addition, NOAG examines emerging issues in ocean planning and management; and promotes the oceans policy to NGOs and stakeholders.[71]

ANZECC

The Australian and New Zealand Conservation Council (ANZECC) agreed to the role of facilitating intergovernmental (cross-jurisdictional) coordination for the oceans policy. The Council was made up of Environment Ministers from all states, the Commonwealth and Territories as well as New Zealand's Environment Minister. Members of the Ministerial Board who are also part of ANZECC and other relevant state/Commonwealth ministerial councils were to "ensure that linkages are made on issues of mutual interest."[72] ANZECC's main responsibility was to assist Commonwealth and state consultations on the implementation of the oceans policy. Additionally to consulting on intergovernmental issues, the Council discussed transboundary issues that relate to the environment and ocean resources.[73]

Although the states had not 'formally' involved themselves by signing Memorandums of Understanding with the Commonwealth in support of the AOP, they continued to participate in policy decisions through ANZECC. The state participation through ANZECC was, however, limited as its responsibilities were restricted to environmental matters. Broader marine issues that deal with fisheries or oil and gas proved difficult to address through the ANZECC forum.[74] Nevertheless, ANZECC produced a number of reports that dealt with coastal regionalisation, marine protected areas and environmental indicators for reporting on the State.[75] As of 2001, ANZECC was no longer operational and was replaced by the Natural Resource Management Ministerial Council.[76] The Natural Resource Management Ministerial Council's function is to monitor, evaluate and report on natural resource

management, including marine and coastal issues in Australia, and is still a key instrument in the AOP process.[77]

Regional Marine Plan Steering Committees

Regional Marine Plan Steering Committees are key institutional arrangements in the implementation of AOP. The Committees are made up of key government and non-government stakeholders, and are be established by the National Oceans Ministerial Board when a new RMP is commenced. The AOP outlines that they will oversee the development of RMPs along with NOO and report to the Ministerial Board.[78] Notably, AOP indicates that "state and Territory governments and agencies will be encouraged to participate on the Steering Committees where they are involved in Regional Marine Plans".[79] Interestingly though, the first Regional Marine Plan Committee for the South East Regional Marine Plan (SERMP) established in November 2000 does not include any Commonwealth or state government representatives. The SERMP Steering Committee consists of nine members from a broad range of relevant disciplines including planning; indigenous; economic and social; environmental; fishing industry; resource management; legal; tourism; and ecology.[80]

5. The South East Regional Marine Plan – processes and new institutions

The SERMP area includes 2.5 million square kilometres of ocean from southern New South Wales, Tasmania, Victoria and South Australia including the waters around Macquarie Island.[81] Approximately fifty percent of Australia's population lives in adjacent coastal lands to the south east ocean area.[82] The RMPs are based on large marine ecosystems dividing the areas into "natural boundaries" where the ecosystem of each region can be considered as a whole. Morrison argues that by selecting regions based on their ecosystems is "attractive and scientifically advantageous".[83]

The oceans policy RMPs aim to integrate and complement state and Commonwealth interests whilst using existing organisational structures.

The RMP process began with the first Regional Marine Planning Workshop which was held in May 1999 and the participants consisted mainly of government representatives. Little progress was made on the scope, nature and format of RMPs as the participants were experts in their fields but few had planning experience in multisector issues. The states made it clear that they refused to cooperate fully on the formulation of the RMPs and the Workshop failed to achieve support for intergovernmental integration.

The development of the SERMP took much longer than anticipated and a year following the release of AOP, only three out of the five key institutions were established; the implementation process for the RMP had only been drafted and not finalised; and the commitment to hold the National Oceans Forum in December 1999 was also reorganised for April 2000. The SERMP was launched at the long awaited National Oceans Forum held in Hobart attended by 185 individuals who represented Commonwealth agencies, NGOs including conservation groups, and key research institutions. State and local government representation included the New South Wales Cabinet Office; Local Government Association of Tasmania; Western Australian Department of Environmental Protection; New South Wales Fisheries; Victorian Department of Natural Resources and Environment; Queensland Environmental Protection Agency; Department of Premier and Cabinet, Victoria; and Department of Primary Industries, Water and Environment, Tasmania.[84] The participation of the state representatives did not secure state support in the RMP process.

The SERMP process has four phases of development including the initial notice and scoping of the Plan; determining the economic, social, environmental and cultural characteristics of the Region via assessments; negotiation of options; and drafting

and approving options to implement the Plan.[85] NOO began the SERMP process with the CSIRO and the Australian Geological Survey Organisation (AGSO) by jointly funding A\$2.7 million for the mapping of the seabed and assessing the marine life in deep waters in the south east region during April and May 2000.[86] Whilst of scientific interest, this activity also fulfilled Australia's obligation to LOSC that requires each nation who has declared and EEZ to explore and map the area within its boundaries and to verify the extent of the continental shelf. Senator Calvert rightly stated that the seabed mapping was "*Australia's Oceans Policy* in action, and it is just the beginning."[87]

Environment Minister Robert Hill released the *Scoping Paper for the South East Regional Marine Plan* and *A Snapshot of the South East*, a description of the SERMP on 31 January 2001.[88] The *Scoping Paper* reinstated similar policy goals for the SERMP outlined in AOP.[89] The *Snapshot* described the south east region's marine environment and its uses. Interestingly, the environmental and cultural background history of the people in the region is detailed in the document.[90]

In 2002, NOO released Assessment Reports and a Discussion Paper as part of the assessment phase of the South East RMP. The Reports covered a range of issues from the use of ecosystems to the use of resources in the region. The Reports were divided into six key themes that include biological and physical characteristics; uses within the south east region; impacts on the ecosystem; community and cultural values; indigenous uses and values; management and institutional arrangements.[91] The Reports comprehensively detailed all aspects of the region to an extent that has not been detailed before. Maps of the sea bed and continental shelf from the joint venture of NOO, CSIRO and AGSO were used to illustrate aspects of the region.[92]

The Legal Framework Assessment Report was particularly interesting as it revisited the legal aspects of marine management within the south east region. Moreover, it addressed stakeholder concerns with the current management regime dealing with

living marine resources. The largest concerns were from the fishing sector who argued that commercial fisheries are over managed by Commonwealth agencies (AFFA, AFMA and Environment Australia) and there is "inadequate coordination" between the agencies.[93] Recreational fishing is not addressed in the OCS and representatives of the recreational fishing sector indicated that they would like to be managed by the Commonwealth.[94]

The Conservation sector argued that legislation should be enacted to enforce the goals of AOP. The sector's particular concern was the overlap of Commonwealth and state regulations and the limitations of the OCS.[95] The petroleum industry, on the other hand, claimed that it would accept multiple use management, however, it did not "need more regulation."[96] The commercial fishing industry argued that cooperative implementation arrangements were more flexible and advantageous to stakeholders than more regulation. State legislation and states' positions as stakeholders in marine management were not covered in this report. The states have not yet signed the Memorandums of Understanding formalising their support for the oceans policy despite the SERMP process being in its last stages of completion. Although some evidence suggests that state support has occurred on the officer level through the establishment of a State Working Group, formal recognition is yet to occur.[97] Despite the lack of intergovernmental integration, the states have continued to be located in the subgovernment of the oceans policy community, managing sector based activities within their jurisdiction.

An open consultation process has resulted in high stakeholder input and interest in the AOP and the oceans policy community. In March 2003, the Victorian National Parks Association, Whale and Conservation Society, Australian Marine Conservation Society and Australian Conservation Foundation released the *Oceans Eleven* report on the implementation of AOP and ecosystem based regional marine planning. Eighteen national and regional NGOs are signatories to the report which contains six major recommendations to improve regional marine planning.[98] The Report

reinstated the view that the Conservation sector believes oceans legislation is the key to successful implementation. The Report was specifically released during the beginning of 2003 to be considered during the final drafting of the SERMP. The conservation groups were concerned that AOP will not deliver an ecosystem based approach and that "five years on, the movement from policy to action has stalled."[99]

The *Draft South East Regional Marine Plan*[100] addresses many of the issues identified in the *Oceans Eleven* report, and it was launched by the Minister for Environment and Heritage, Dr David Kemp, on 18 July 2003.[101] The Plan was released for public comment with a companion *Principles and Processes*[102] document and a stakeholder submission form. At the end of the three month public consultation period (October 2003), NOO will collate the stakeholder responses and work towards the completion of the final SERMP. The Draft Plan "outlines the way in which the government and stakeholders are working (and will continue to work) together to maintain ecosystem health while promoting ecologically sustainable development in the Region."[103] It proposes specific actions that include *inter alia*, further development of Marine Protected Areas; development of a performance assessment system for both the environment and industries; and improved cross jurisdictional coordination. The draft Plan emphasises that it is not new regulatory regime or layer of management but it uses existing sectoral based management arrangements for its implementation. Nevertheless, it stresses that "clearer links and more consistent approaches for management are required to allow management decisions to better recognise natural ecosystems and the needs of resource users."[104]

The *Principles and Processes* document sets out to make AOP "more operational" and describes major mechanisms to achieve this including an Integrated Ocean Process; Oceans Guidelines; Regional Marine Planning; Cross-sectoral Institutional Arrangements; and Assessing Management Performance.[105] Of particular significance to the oceans policy community is the introduction of new institutional

arrangements, the Oceans Policy Science Advisory Group and the Oceans Board of Management. The purpose of the Science Advisory Group is to advise on the further development of scientific work programs to support regional marine planning and the implementation of AOP. The Board of Management will comprise of the heads of relevant Commonwealth departments and will advise the National Oceans Ministerial Board on implementation issues.[106] The Draft SERMP reinforces that AOP is being implemented through a whole of government approach with a commitment through the institutional arrangements for integration across sectors. Whilst full integration between jurisdictions is yet to be achieved, a number of actions within the Draft SERMP cannot be implemented without state support.

6. The AOP change network

While the patterns of interaction between groups of actors within the AOP oceans policy community are clear, the reason why the level of interaction altered to instigate policy change can be found through change network analysis. The process by which actors from various categories of the oceans policy community (coordinating subgovernment, subgovernment, attentive public and international attentive public) lobbied the executive core for policy change can be traced to both external and domestic policy drivers.

The ratification of LOSC and the declaration of Australia's EEZ in 1994 reinforced the notion that a comprehensive review of Australia's ocean and marine policies was required. Australia's obligations to LOSC alone did not persuade groups of actors in the oceans policy community to advocate policy change. An array of international instruments focussed on global environmental issues, including UNCED, stimulated international, national and local nongovernmental interest in the implementation of ecologically sustainable development principles to marine resource policies. The issues placed the Commonwealth's agenda were influenced by pressure from two groups: the international attentive public and the attentive public.

The international attentive public was made up of parties to relevant international instruments; international environmental nongovernmental organisations (NGOs); global science organisations; Canadian and New Zealand governments. Whilst they have not directly influenced the AOP change network, the Canadian and New Zealand governments have nevertheless openly observed and partaken in the AOP development and implementation process. Their presence in the international attentive public is noteworthy as they too were obligated to develop and implement a comprehensive approach to marine management within their EEZs. Their observation of the AOP process was not accidental, both nations deliberately observed an oceans policy development and implementation process that was new and untried. Arguably, they formed a transfer network to transfer policy ideas, goals, programs, institutions and content to their political systems. Reinforcing this is the fact that the Australian Commonwealth invited both New Zealand and Canadian representatives to participate in development processes.[107]

New Zealand was involved in ANZECC and the Natural Resource Management Ministerial Council[108] and being part of the main institutional structure of oceans policy implementation has meant that New Zealand has had 'inside' access to policy decisions and institutions. Cozens argues that AOP has provided New Zealand a "point of reference, giving guidance and principles of direction, to national and local policy makers…"[109] During 2000, New Zealand announced the development of its own Oceans Policy. Similarly to the Australian oceans policy process, the New Zealand government is developing the policy in stages with a focus on public consultation between each stage and the inclusion of new institutional structures.[110] The policy is to be released in late 2003 and will establish the following institutional arrangements: Ad Hoc Ministerial Group; Oceans Policy External Reference Group; Officials Steering Group; Oceans Policy Secretariat; Working Groups; Oceans Policy Group Chair; and Departmental Reference Group.[111]

Unlike New Zealand, Canada has already implemented a number of 'oceans policies' and ocean issues are governed by its 1997 *Oceans Act.* The *Oceans Act*

> has been criticised for being to general and lacking firm
> commitments or deadlines; failing to embrace other important
> guiding principles such as pollution prevention, polluter pays, public
> participation, community-based management, intergenerational
> equity, and indigenous rights; failing to achieve the level of
> integration promised in the Act; and allowing too much political
> discretion too ensure effective implementation.[112]

Canada's observation of the AOP process has primarily been to seek policy solutions, however, Australian policy makers have also learned from the Canadian experience. In fact, the Second Background Paper suggested that if AOP is to succeed, lessons from Canada's policy failures and difficulties must be examined.[113] If anything, the Canadian experience demonstrated to the AOP policy community that immediate legislation in the form of an Oceans Act would not solve the difficulties of ocean and marine resource management that have arisen from decades of offshore federalism.

In 2002, the Canadian government released *Canada's Oceans Strategy*, which builds upon the *Oceans Act* and provides an "integrated approach to ocean management, coordination of policies and programs across governments, and an ecosystem approach."[114] Similarly to AOP, the Strategy establishes a framework based on sustainable development, integrated management and the precautionary approach.[115] Evidence of policy change occurring through transfer is clear as the AOP process and community did influence change in Canada and New Zealand's oceans policies. Although it is too soon to evaluate these oceans policies, it will be interesting to see whether further policy transfer occurs.

International NGOs influenced the formation of the AOP change network and encouraged their regional representatives to ensure that principles and measures established by international instruments to protect the marine environment were implemented through domestic policies.[116] Australian environmental NGOs, found

in the attentive public began lobbying for a national ecologically sustainable approach to the management of ocean resources.[117] Their role in the change network was crucial as it increased their contact with the subgovernment which in times of stability was normally not so frequently exercised.

The aforementioned description of AOP's policy development process demonstrates that a number of environmental NGOs actively took part in the process of policy change. They include first, the MCCN which was commissioned by Environment Australia to establish the policy consultation program and enabled other actors within the policy community to continue with policy development issues.[118] It was particularly productive in representing general NGO interests in AOP's development. Second, the ACIUCN increased broader community input on the development of AOP through its National Workshop in 1997[119], and this was followed by public responses to the AOP process by the Australian Conservation Foundation (ACF),[120] Greenpeace, World Wide Fund for Nature (WWF)[121] and the Humane Society International.[122]

The main actors in the change network that responded to NGO calls for change included Commonwealth agencies and sector based groups. Division between sectors dominated relationships in the change network, however, the need for policy change was prioritised and accepted. The Department of Prime Minister and Cabinet in 1995 was first influenced by Australia's commitments to LOSC and NGO activity.[123] It was this department that gave precedence to the development of an oceans policy for the Prime Minister and Cabinet, the heart of the oceans policy community's executive core. Environment Australia became the leading agent for policy change following the change of government and coordinated other Commonwealth agencies such as the Department of Industry, Science and Resources (DISR), Department of Transport and Regional Services (DTRS), Agriculture, Fisheries and Forestry Australia (AFFA), and Australian Fisheries Management Authority (AFMA) in the development of AOP. Actors representing different

sectors, such as science, fishing, indigenous groups and offshore oil mining companies, did not agree with all aspects of the Commonwealth's approach to developing AOP, however, they recognised that change was imminent for sector based management.

7. Conclusion

When assessed through Evans and Davies' characteristics[124] (membership, integration, resources and power) used to describe policy communities and transfer networks, the change network is an integral factor in the process that led to the development and implementation of AOP and its institutional structures. The power in the AOP change network was unequal amongst members and leadership was ultimately with Environment Australia who accepted the need for change and took charge in its implementation. The frequency of interaction between the actors, within the change network was high, although membership was limited, in order to succeed in policy change. Many of the alliances with the specific intention of policy change were no longer active once the AOP development process was underway. For instance, Environment Australia's relationships with other Commonwealth agencies changed when NOO became responsible for the day to day administration of the policy. The agencies such as DISR and DTRS also had their own agenda to fulfil through the implementation of the policy.

Despite significant policy change affected by both external and domestic policy drivers, a key element in shaping responses to the AOP has been stability within the policy community shaped paradoxically by offshore federalism that has made it difficult to implement a fully integrated oceans policy. Although it is too soon to evaluate AOP and the South East Regional Marine Plan, the most significant goal for ocean institutions, key stakeholders and interest groups involved in policy implementation will be the continual support of integration across sectors and jurisdictions.

Endnotes:

[1] Commonwealth of Australia, Australia's Oceans Policy: Caring, Understanding and Using Wisely, (AGPS: Canberra), 1998, 7.

[2] Commonwealth of Australia, Australia's Oceans Policy: Caring, Understanding and Using Wisely, (AGPS: Canberra), 1998.

[3] Foster, E. and Haward, M. "Integrated Management Councils A Conceptual Model for Ocean Policy Conflict in Australia", *Ocean and Coastal Management* 46, 2003: 547-563.

[4] Pross, A. P. *Group Politics and Public Policy*, 2nd ed., (Toronto: Oxford University Press), 1992.

[5] Homeshaw, J. "Policy community, policy networks and science policy in Australia", *Australian Journal of Public Administration* 54, no.4, December 1995.

[6] Richardson, J. and Jordan, A. *Governing Under Pressure*, (Oxford: Martin Robertson and Company), 1979.

[7] See Gage, R. "Key intergovernmental issues and strategies: an assessment and prognosis", in Gage, R. and Mandell, M. Strategies *for Managing Intergovernmental Policies and Networks*, (New York: Praeger Publishers), 1990; Wilks, S. and Wright, M. *Comparative Government-Industry Relations*, (Oxford: Claredon Press) 1987; Atkinson, M. and Coleman, W. "Strong states and weak states", *British Journal of Political Science* 19, 1989.

[8] Pross, A.P. *Group Politics and Public Policy*, (Toronto: Oxford University Press), 1992, 98.

[9] Pross, A.P. *Group Politics and Public Policy*, (Toronto: Oxford University Press), 1992, 99.

[10] Pross, A.P. *Group Politics and Public Policy*, (Toronto: Oxford University Press), 1992, 99.

[11] Pross, A. P. *Group Politics and Public Policy*, 107. Other authors who expand Pross' interpretation of the concept 'policy community' include Coleman, W and Skogstad, G. *Policy Communities and Public Policy in Canada: A Structural Approach*, (Ontario: Copp Clark Pitman Ltd) 1990; and Atkinson, M and Coleman, W. "Policy networks, policy communities and the problems of Governance", *Governance* 5, no.2, April 1992.

[12] Pross, A. P. Group Politics and Public Policy, 124-125.

[13] Homeshaw, J. "Policy community, policy networks and science policy in Australia", *Australian Journal of Public Administration* 54, no.4, December 1995: 529.

[14] Homeshaw's term 'executive core' should not be mistaken for Rhode's 'core executive' that exists in a policy network. See Rhodes, R. *Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability*, (Buckingham: Open University Press), 1997.

[15] Homeshaw, J. "Policy community, policy networks and science policy in Australia", *Australian Journal of Public Administration* 54, no.4, December 1995: 527.

[16] Homeshaw, J. "Policy community, policy networks and science policy in Australia", *Australian Journal of Public Administration* 54, no.4, December 1995: 529.

[17] Richardson, J. "Government, interest groups and policy change", *Political Studies* 48, 2000.

[18] Richardson, J. "Government, interest groups and policy change", *Political Studies* 48, 2000: 1022.

[19] Dolowitz, D. and Marsh, D. "Learning from abroad: the role of policy transfer in contemporary policy making", *Governance: An International Journal of Policy and Administration* 13, no.1, January 2000: 12.

[20] Jacobs, K and Barnett, P. "Policy transfer and policy learning: a study of the 1991 New Zealand Health Services Taskforce", *Governance: An International Journal of Policy and Administration, and*

Institutions 13, no.2, April 2000: 187; Evans, M. and Davies, J. "Understanding policy transfer: a multi-level, multidisciplinary perspective", *Public Administration* 77, no.2, 1999: 367.

[21] Stone, D. "Learning lessons and transferring policy across time, space and disciplines", *Politics* 19, no. 1, 1999: 51-59.

[22] Evans, M. and Davies, J. "Understanding policy transfer: a multi-level, multidisciplinary perspective", *Public Administration* 77, no.2, 1999: 376.

[23] See Burmester, H. "Australia and the Law of the Sea", in Crawford, J. and Rothwell, D. eds., The *Law of the Sea in the Asia Pacific Region,* (The Netherlands: Martinus Niijhoff Publishers) 1995, 51.

[24] Advisory Council on Inter-governmental Relations, *Studies in Comparative Federalism, Australia, Canada and West Germany – An Information Report*, (Washington DC), November 1981.

[25] The 'territorial limit' refers to a distance three nautical miles from the low water mark.

[26] Rothwell, D. and Haward, M. "Federal and international perspectives on Australia's maritime claims", *Marine Policy* 20, no.1, 1996: 33.

[27] *New South Wales* v *The Commonwealth* (1975) 135, CLR 337.

[28] Commonwealth of Australia, *The Offshore Constitutional Settlement: A Milestone in Cooperative Federalism*, (AGPS: Canberra), 1980.

[29] See Reichelt, R. and McEwan, A.D. "Australia's Marine Science and Technology Plan: An Action Plan for Australia's Oceans Policy", *Marine Freshwater Research*, no.50, 1999: 711-716; Eadie, E. "Evaluation of Australia's Oceans Policy as an example of public policy making in Australia", *Maritime Studies,* no.120, September – October 2001: 1-14; Alder, J. and Ward, T. "Australia's Oceans Policy: sink of swim?", *Journal of Environment and Development* 10, no.3, September 2001: 266-289.

[30] Fisheries Research and Development Corporation, "Fisheries natural resources", http://www.frdc.com.au/industry/resources.html, Accessed: 1/6/2003.

[31] "Oceans Policy: Statement", Press Release, the Prime Minister, the Hon P. J. Keating, No. 144/95, dated 8 December 1995.

[32] Bateman, S. *Marine Industry Development and Oceans Policy in Australia,* paper for COSU Conference, Singapore, 12-14 May 1997.

[33] Bateman, S. *Marine Industry Development and Oceans Policy in Australia,* paper for COSU Conference, Singapore, 12-14 May 1997.

[34] Wescott, G. "The development and initial implementation of Australia's 'integrated and comprehensive' Oceans Policy", *Ocean and Coastal Management* 43, 2000: 862.

[35] Haward, M. and Herr, R. *Australia's Oceans Policy: Policy and Process,* ACORN Phase 2 Workshop, Vancouver 10-11 December 2000.

[36] Collis, B. "Ocean awaits policy wake up call", *Canberra Times*, Saturday 18 January 1997.

[37] Personal communication with member of MAGOP, Tuesday 6 July 1999.

[38] The Marine and Coastal Community Network is a NGO funded by the Australian government by way of a contract with the Australian Marine Conservation Society. See Tarte, D. "Community awareness, understanding and participation in Australia", *Maritime Studies*, no. 102, September-October 1998.

[39] Wescott, G. "The development and initial implementation of Australia's 'integrated and comprehensive' Oceans Policy", *Ocean and Coastal Management* 43, 2000: 863.

40 ACIUCN, "Conserving Australia's oceans: development of an Oceans Policy for Australia," Outcomes of a national workshop convened by the Australian Committee for IUCN to provide input to the development of the Commonwealth Government's Oceans Policy 15-17 May 1997, *ACIUCN Occasional Paper Number 7*, March 1998: 3.

41 Commonwealth of Australia, "Australia's Oceans Policy Background", *Australia's Oceans Policy – An Issues Paper*, (Canberra: AGPS), May 1998.

42 Commonwealth of Australia, "Australia's Oceans Policy Background", *Australia's Oceans Policy – An Issues Paper*, (Canberra: AGPS), May 1998.

43 Senate Environment, Recreation, Communications and the Arts Reference Committee, Inquiry on Marine Pollution, (Canberra: Senate Printing Unit, Parliament House), 1997, 81.

44 Wescott, G. "The development and initial implementation of Australia's 'integrated and comprehensive' Oceans Policy", *Ocean and Coastal Management* 43, 2000: 865.

45 Hill, R. Speech by Senator the Hon. Robert Hill presented to the Environment Australia Oceans Policy Forum, Parliament House, Canberra, 2 December 1997.

46 Ministerial Advisory Group on Oceans Policy, *Australia's Oceans Policy: A Report of the Ministerial Advisory Group on Oceans Policy*, (Environment Australia, Canberra: AGPS), March 1998.

47 Commonwealth of Australia, *Australia's Oceans Policy – An Issues Paper*, (Canberra: AGPS), May 1998.

48 Bergin, A. and Haward, M. "Current legal developments: Australia", *The International Journal of Marine and Coastal Law* 14, no.3, 1999: 393.

49 Appiah-Mensah, S. "'Popular consciousness' of maritime Australia: some implications for a national oceans policy development", *Journal of the Australian Naval Institute*, July/September 1998: 32.

50 Senator the Honourable Robert Hill, "World First Plan to Safeguard Our Oceans", *Media Release, Environment Australia*, 23 December 1998.

51 Commonwealth of Australia, *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998; *Commonwealth of Australia, Australia's Oceans Policy: Specific Sectoral Measures*, (Canberra: AGPS), 1998.

52 Commonwealth of Australia, "Executive Summary", *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998, 2

53 Commonwealth of Australia, *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998, 37.

54 Senator Minchin's Office, "Australia's new vision for marine science", *Press Release*, Friday 25 June 1999.

55 Commonwealth of Australia, *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998, 15.

56 Minister for Environment and Heritage, the Hon Senator Robert Hill, *Media Release*, 13 May 1999.

57 National Oceans Office, "National Oceans Ministerial Board", National Oceans Office http://www.oceans.gov.au, date page last modified: 27 July 2001, date accessed: 14 November 2002.

58 National Oceans Office, *Annual Report*, (Hobart: AGPS), 2001.

59 Commonwealth of Australia, *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998, 16.

60 Commonwealth of Australia, *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998, 16.

[61] See Wettenhall, R. "These executive agencies!" *Canberra Bulletin of Public Administration*, no. 106, February 2003. Executive agencies are created by notice in the *Gazette* by the Governor General and are not statutory bodies. Nevertheless, each executive agency must submit an annual report to its Minister to present to Parliament.

[62] O'Faircheallaigh, C., Wanna, J. and Weller, P. *Public Sector Management in Australia: New Challenges and Directions*, 2nd ed, (Australia: Macmillan Education), 1999, 155.

[63] The Honourable Senator Robert Hill, "National Oceans Office established as an executive agency", *Media Release, National Oceans Office*, 20 December 1999.

[64] Adler, J. and Ward, T. "Australia's Oceans Policy: sink or swim?" *Journal of Environment and Development* 10, no.3, September 2001.

[65] Commonwealth of Australia, "Natural Heritage Trust", http://www.nht.gov.au, cited 25 October, 2001, and last modified 1999.

[66] Commonwealth of Australia, "Natural Heritage Trust", http://www.nht.gov.au, cited 25 October, 2001, and last modified 1999.

[67] Adler, J. and Ward, T. "Australia's Oceans Policy: sink or swim?" *Journal of Environment and Development* 10, no.3, September 2001.

[68] The Honourable Dr David Kemp, "$1.8 million to protect coastal water quality hotspots", *Media Release, Environment Australia*, 5 November 2002; The Honourable Dr David Kemp, "Increased protection for the Great Barrier Reef", *Media Release, Environment Australia*, 30 January, 2003.

[69] Commonwealth of Australia, *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998, 15. Senator the Hon Robert Hill, "New peak oceans advisory group established", *National Oceans Office Media Release*, 13 May 1999. Available at http://www.oceans.gov.au

[70] Adler, J. and Ward, T. "Australia's Oceans Policy: sink or swim?" *Journal of Environment and Development* 10, no.3, September 2001.

[71] National Oceans Office, "National Oceans Advisory Group", National Oceans Office internet site http://www.oceans.gov.au , date page last modified: 27 July 2001, date accessed: 14 November 2002.

[72] Commonwealth of Australia, *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998, 17.

[73] See Hundloe, T. "The environment: how to solve problems that don't respect borders", *Australian Journal of Public Administration* 57, no.3, September 1998: 87-91.

[74] Haward, M. and Herr, R. *Australia's Oceans Policy: Policy and Process*, ACORN Phase 2 Workshop, Vancouver 10-11 December 2000.

[75] See ANZECC Task Force on Marine Protected Areas, *Guidelines for Establishing the National Representative System of Marine Protected Areas*, (Environment Australia: AGPS), 1998; ANZECC IMCRA Technical Group, *Interim Marine and Coastal Regionalisation for Australia: An Ecosystem Based Classification for Marine and Coastal Environments*, (Environment Australia: AGPS), 1998; ANZECC, *Strategic Plan of Action for the Establishment of the National Representative System of Marine Protected Areas*, (Environment Australia: AGPS), 1999; ANZECC, *Australian National Guidelines for Cetacean Observation and Areas of Special Interest for Cetacean Observation*, (Environment Australia: AGPS), 2000; ANZECC State of the Environment Reporting Task Force, *Core Environmental Indicators for Reporting on the State of the Environment*, (Environment Australia: AGPS), 2000.

[76] Environment Australia, "About ANZECC", http://www.ea.gov.au/cooperation/anzecc, Date last modified: 1 July 2003, Accessed: 4 July 2003.

[77] Environment Australia, "Natural Resource Ministerial Council", http://www.ea.gov.au/nrm/nrmmc/index.html, Date last modified: 1 July, 2003, Date Accessed: 4 July, 2003.

[78] Commonwealth of Australia, *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998, 16.

[79] Commonwealth of Australia, *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, (Canberra: AGPS), 1998, 17.

[80] The Honourable Senator Robert Hill, "South East Regional Marine Plan Steering Committee", *Media Release, Environment Australia,* 22 November 2000.

[81] National Oceans Office, "Marine Plan moves forward", *Press Release for Senator Robert Hill*, 31 January 2001.

[82] Morrison, R. "Regional marine planning: some general considerations and Australian experiences", *Maritime Studies* 110, January/February 2000: 16.

[83] Morrison, R. "Regional marine planning: some general considerations and Australian experiences", *Maritime Studies* 110, January/February 2000: 12.

[84] NOAG, *Towards a Regional Marine Plan for the South East*, Proceedings of a Forum convened by NOAG to develop the inputs to the first phase of the implementation of *Australia's Oceans Policy*, the development of the marine planning process for the South East region. Held in Hobart, Tasmania, 14-15 April 2000, (Hobart: National Oceans Office) June 2000.

[85] National Oceans Office, "Regional assessments for the South-East Regional Marine Plan", http://www.oceans.gov.au/reg_ass_intro.html, 2001.

[86] National Oceans Office, "A voyage of discovery", *Sea Bites: A National Oceans Office Newsletter*, October 2000.

[87] Joint statement by the Acting Minister for Industry, Science and Resources, Joe Hockey, and Senator for Tasmania, Paul Calvert, "Images of seabed in Australia's south east seas a first", *Media Release,* 12 January 2000.

[88] Senator The Honourable Robert Hill, Marine Plan Moves Forward, *Media Release, National Oceans Office* 31 January 2001.

[89] National Oceans Office, *The South East Regional Marine Plan Scoping Paper*, (AGPS: Hobart), 2001.

[90] National Oceans Office, *Snapshot of the South East: The South East Regional Marine Plan*, (Hobart: National Oceans Office), 2001.

[91] The 2002 Reports included: *Ecosystems – Natures Diversity*, (National Oceans Office); *Resources – Using the Ocean*, (National Oceans Office); *Resources – Macquarie Island's Picture*, (National Oceans Office); *The Right Bait: Social Contributions of Tourism Fishing Charter Operations to St Helens, Tasmania*, (National Oceans Office and the Bureau of Rural Sciences); *Marine Matters: Social Contributions of Marine Uses to Communities in the South East Region of Australia*, (National Oceans Office); *Marine Matters: Atlas of Marine Activities and Coastal Communities in Australia's South East Marine Region*, (National Oceans Office); *Non-market Economic Values and the South East Marine Region*, (prepared by Hassall and Associates Pty Ltd for the National Oceans Office); *Pressures on the Uses in the South East Marine Region*, (prepared by DCafe for the National Oceans Office); *Impact of Aquaculture*, (National Oceans Office); *Impacts of Petroleum*, (National Oceans Office); *Impacts of Shipping*, (National Oceans Office); *Risk Assessment for Environmental Management of the Marine Environment*, (National Oceans Office); *Impact from the Ocean/Land Interface,* (National Oceans Office); *Technical* Review of Impacts Matrices: Final Report, (National Oceans Office); Communities – *Connecting with the Ocean*, (National Oceans Office); *Sea Country – An Indigenous Perspective*, (National Oceans Office); *Ocean Management – The Legal Framework*, (National Oceans Office).

[92] National Oceans Office, *A Summary Paper: Glimpses of the South East Marine Region*, (Hobart, National Oceans Office), 2002: 8.

[93] National Oceans Office, *Ocean Management – The Legal Framework, The South East Regional Marine Plan Assessment Reports*, (National Oceans Office), 2002, 98.

[94] National Oceans Office, *Ocean Management – The Legal Framework, The South East Regional Marine Plan Assessment Reports*, (National Oceans Office), 2002, 98.

[95] National Oceans Office, *Ocean Management – The Legal Framework, The South East Regional Marine Plan Assessment Reports*, (National Oceans Office), 2002, 99.

[96] National Oceans Office, *Ocean Management – The Legal Framework, The South East Regional Marine Plan Assessment Reports*, (National Oceans Office), 2002, 99.

[97] Foster, E. and Haward, M. "Integrated management councils a conceptual model for ocean policy conflict management in Australia", *Ocean and Coastal Management* 46, 2003: 553.

[98] Smyth, C., Prideaux, M., Davey, K., Grady, M., *Oceans Eleven*, (Victoria: Australian Conservation Foundation), 2003.

[99] Smyth, C., Prideaux, M., Davey, K., Grady, M., *Oceans Eleven*, (Victoria: Australian Conservation Foundation), 2003.

[100] National Oceans Office, *Draft South East Regional Marine Plan,* (Hobart: National Oceans Office), 2003.

[101] Dr David Kemp, Minister for Environment and Heritage, "Howard Government achieves world first in sustainable oceans management", *Media Release*, National Oceans Office, 18 July 2003.

[102] National Oceans Office, *Oceans Policy: Principles and Processes,* (Hobart: National Oceans Office), 2003.

[103] National Oceans Office, "Executive Summary", *Draft South East Regional Marine Plan,* (Hobart: National Oceans Office), 2003.

[104] National Oceans Office, *Draft South East Regional Marine Plan,* (Hobart: National Oceans Office), 2003, 3.

[105] National Oceans Office, *Oceans Policy: Principles and Processes,* (Hobart: National Oceans Office), 2003.

[106] National Oceans Office, *Oceans Policy: Principles and Processes,* (Hobart: National Oceans Office), 2003, 9.

[107] The following international representatives attended the National Oceans Forum held in Hobart 14 – 15 April 2000 – Mr Sam Baird, Department of Fisheries and Oceans, Canada; and Miss Megan Linwood, Ministry for the Environment, New Zealand.

[108] Environment Australia, "About ANZECC", http://www.ea.gov.au/cooperation/anzecc, Date last modified: 1 July 2003, Accessed: 4 July 2003.

[109] Cozens, P. "An Australasian Oceans Policy?" *Maritime Studies*, no. 115, November – December 2000.

[110] New Zealand, "Oceans Policy – Developing the Policy", http://www.oceans.govt.nz/policy/develop.html, Date Accessed: 15 July 2003.

[111] New Zealand, "Stage Two Project Structure", http://www.oceans.govt.nz/policy/develop.html, Date Accessed: 15 July 2003.

[112] Herriman, M., Tsamenyi, M., Ramli, J. and Bateman, S. "Other countries of interest", *Australia's Oceans Policy: International Agreements, Background Paper 2*, A Report Commissioned by Environment Australia, October 1997.

[113] Herriman, M., Tsamenyi, M., Ramli, J. and Bateman, S. "Other countries of interest", *Australia's Oceans Policy: International Agreements, Background Paper 2*, A Report Commissioned by Environment Australia, October 1997.

[114] Fisheries and Oceans Canada, *Canada's Oceans Strategy*, (Ottawa: Fisheries and Oceans Canada), 2002.

[115] Fisheries and Oceans Canada, *Canada's Oceans Strategy*, (Ottawa: Fisheries and Oceans Canada), 2002.

[116] The NGO interest in the whole development and implementation process is best observed through the *Oceans Eleven* document. Whilst many of the NGOs involved in the drafting of the document are Australian NGOs, the following are branches of international NGOs or have strong international influence with other NGOs: Greenpeace; Humane Society International; International Fund for Animal Welfare; The Wilderness Society; Whale and Dolphin Conservation Society and World Wide Fund for Nature. See Smyth, C., Prideaux, M., Davey, K., Grady, M., *Oceans Eleven*, (Victoria: Australian Conservation Foundation), 2003.

[117] Tarte argues that environmental NGOs "have been strongly advocating the development and implementation of an oceans policy for all Australian waters since the United Nations Convention on the Law of the Sea came into force in late 1994." See Tarte, D. "Australia's Oceans Policy", *Australian Marine Conservation Society Bulletin* 20, no.3, Autumn 1999.

[118] Wescott, G. "The development and initial implementation of Australia's 'integrated and comprehensive' Oceans Policy", *Ocean and Coastal Management* 43, 2000.

[119] See ACIUCN, "Conserving Australia's oceans: development of an Oceans Policy for Australia," Outcomes of a national workshop convened by the Australian Committee for IUCN to provide input to the development of the Commonwealth Government's Oceans Policy 15-17 May 1997, *ACIUCN Occasional Paper Number 7*, March 1998.

[120] See Horstman, M. "Oceans: big blue looming?", *Habitat Australia* 25, no.3, June 1997.

[121] See Moore, M. "Oceans Policy: dollar driven?", *Bogong* 19, no.4, 1998

[122] See Prideaux, M. "Oceans Policy: providing a safer harbour", *Habitat Australia* 26, no. 3, June 1998 and Beynon. N. "Sustainable seas?", *Bogong* 19, no.4, 1998.

[123] "Oceans Policy: Statement", Press Release, the Prime Minister, the Hon P. J. Keating, No. 144/95, dated 8 December 1995.

[124] See Evans, M. and Davies, J. "Understanding policy transfer: a multi-level, multidisciplinary perspective", *Public Administration* 77, no.2, 1999: 375.