# Australian Ocean Governance – Initiatives, Challenges and Opportunities

**Associate Professor Marcus Haward[1,2] and Dr Joanna Vince[1]**

1. School of Government

2. Antarctic Climate & Ecosystems Cooperative Research Centre

University of Tasmania

# Australian Ocean Governance – Initiatives, Challenges and Opportunities

**Abstract**

The last decade has seen increasing attention to institutional arrangements and policy outcomes affecting the governance of the world's seas and oceans. Governance is linked to institutional capacity and to effectiveness of public organisations drawing attention to tools and approaches underpinning effective and efficient institutional arrangements. Australia has over 100 laws and policy instruments addressing aspects of the management of the marine environment. Many of these instruments incorporate post UNCED principles as well as reflecting a broader government reform agenda that saw government moving to more market and or collaborative oriented forms of governance. Australia has taken a high profile lead in oceans governance in these areas, developing marine protected area management in the 1970s, supporting stronger initiatives against marine pollution in the 1980s, and taking significant action against illegal, unreported or unregulated (IUU) fishing in the 1990s. Australia's international actions have been matched by the development of a number of oceans governance initiatives including a national Oceans Policy implemented by the Commonwealth and applied to Commonwealth jurisdiction. This paper outlines Australia's approach to ocean governance – highlighting the challenges of 'offshore federalism', and assesses the effectiveness of current governance arrangements integral to the Oceans Policy, drawing on the insights of Arild Underdal, where effectiveness is related to components such as the 'stringency and inclusiveness' of management provisions, 'level of compliance' and the impact of 'side effects' produced by the instrument.

**Introduction**

The last decade has seen increasing attention to institutional arrangements and policy outcomes affecting the management of the world's seas and oceans (Vallega 2001). Attention to 'ocean governance' has occurred at national, regional and international levels, most recently with the Oceans Summit in Lisbon in October 2005 (IISD 2005). Australia has taken a high profile lead in these areas, developing marine protected area management in the 1970s, supporting stronger initiatives against marine pollution in the 1980s, and taking significant action against illegal, unreported or unregulated (IUU) fishing in the 1990s (Haward 2003; Haward 2004). Australia's international actions have been matched by the development of oceans governance initiatives including a national Oceans Policy framework (Bergin & Haward 1999; Haward 2001; Vince 2003a; Vince 2004; Vince 2006). Australia has over 100 laws and policy instruments addressing aspects of the management of the marine environment (ACF 2006). Many of these instruments incorporate post-UNCED principles (Haward and VanderZwaag

1995) as well as reflecting a broader government reform agenda that saw government moving to more market and or collaborative oriented forms of governance.

**Ocean Governance - Key Issues**

Public sector reform in the 1970s-80s shifted focus to problems government overload and government or regulatory failure and increased use market models, including privatisation, inviting new approaches to the analysis of political institutions dealing with common pool resources (see Ostrom 1987 and 1990), and at the same time encouraging the emergence of the term 'governance' (see for example Pierre 2000; Kjær 2004). Reform of government administration in Australia as in New Zealand and Canada has been based on what Canadian political scientist Herman Bakvis notes as 'two overarching features ... the imperatives of the organization focusing on its core responsibilities, shunning those that are peripheral to its primary mission; and the emphasis on splitting policy responsibilities from operational responsibilities' (Bakvis 1997). While the literature on 'institutionalism' and 'governance' is vast, and to some extent contested (note Kjær 2004), it has focused attention on tools and processes that coordinate government activity (Rhodes 2000) emerging from this 'policy-operations split'.

The World Bank links governance to institutional capacity and to effectiveness of public organisations (World Bank 2000) drawing attention to tools and approaches underpinning effective and efficient institutional arrangements (Kjær 2004, 189). Governance is clearly more than government and as a process involves a number of instruments and actors. Concern with government or regulatory 'failure' has encouraged the 'search for new tools' in public institutions (Rhodes 1996, 666). One outcome has been the increasing use of market-based arrangements. In relation to oceans governance these tools are diverse and include transferable quotas in fisheries, user fees and charges for resource users, and the external certification of products and processes. Self-management – or community forms of governance are also important and have been promoted as other means to avoid regulatory failure. It is important to note that neither market nor community governance, while promoted as addressing government failure, is a complete replacement for legislation and regulation. Government, market and community are clearly not mutually exclusive approaches to governance. Indeed effective market or community approaches are based on appropriate legislative instruments.

Australia's approach to ocean governance indicates first the complexity of managing a maritime estate that is extremely diverse and enormous in magnitude. Sovereignty and jurisdiction are important variables, as is the range of institutions and instruments that contribute to current governance arrangements. The development of Australia's Oceans Policy has been a significant undertaking, yet its effectiveness has yet to be fully examined. While we are clearly aware of the problems of attempting to assess the effectiveness of a policy that is not yet fully implemented we nonetheless believe that the insights of Arild Underdal (2002), where effectiveness is related to components such as the 'stringency and inclusiveness' of management provisions, 'level of compliance' and the impact of 'side effects' produced by the instrument provides a useful framework through which to examine Australian ocean governance.

**Australian ocean governance**

Australia's 16 million square kilometres of ocean domain is almost twice the size of the continent's land mass. The vast size of the ocean area and its numerous resources has resulted in an oceans regime in Australia that has been fraught with jurisdictional and sectoral conflict since Federation (See Vince 2004, Haward 1991, Haward 2003). These disputes reached a high point in the late 1960s and early 1970s, when the Commonwealth asserted is jurisdiction from low water mark in the *Seas and Submerged Lands Act 1973*. The resultant High Court challenge – the *Seas and Submerged Lands* case[1] saw the High Court uphold Commonwealth power over the offshore, but its decision in December 1975 provided a challenge to the newly elected Fraser government who had promoted 'cooperative federalism'. This challenge was addressed through a series of negotiations from 1976 to 1979 that in turn led to the launching of the 'Offshore Constitutional Settlement' (OCS) in 1979 (see Haward 1989). The OCS 'stilled' rather than settled intergovernmental political disputes over offshore Australia, and utilised innovative legislation to provide the States with jurisdiction from low water mark to three miles offshore, with the Commonwealth retaining jurisdiction outside the three mile limit to 'state waters' (Haward 1989). Disputes over offshore resources in the 1960s and 1970s were, however, duplicated by intergovernmental tensions between the Commonwealth and states over coastal zone management in the 1990s. Similar intergovernmental issues have been influential in the implementation of Australia's Oceans Policy from 1998.

The development and implementation of Australia's oceans policy placed Australia as a world leader in this approach to ocean governance (Vince 2005, 2006). The policy was initiated on 8 December 1995 when Prime Minister Keating announced 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 (Keating 1995). 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' (Bateman 1997). The responsibility for oceans policy development was transferred to the Department of Environment, Sport and Territories (DEST). 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 (Wescott 2000, 862).

Prime Minister Howard announced the development of the oceans policy and launched a consultation paper titled *Australia's Oceans - New Horizons* for public comment on 3 March 1997. 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 oceans policy process as well as to promote public awareness (Vince 2003a).

In order to stimulate responses to the consultation paper, the Commonwealth government requested that the Marine and Coastal Community Network (MCCN) inform the community of the development of *Australia's Oceans Policy*. 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 (Wescott 2000, 863). Environment Australia organised several workshops and face-to-face interviews to gather a broader understanding of stakeholder's views. Again, the Commonwealth turned to NGOs 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 the oceans policy.  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 (ACIUN 1998, 3). Vince (2006, 425) argues that the 'Commonwealth deliberately allowed NGOs to participate in the decision making process as a strategic advantage – where friends are kept close, and in this case, 'enemies' kept closer.'

The states reacted positively to the *New Horizon's* paper and were involved in discussions with the Commonwealth until July 1998.  The 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' (Commonwealth of Australia 1998a).  At the time, the states and territories agreed that 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' (Commonwealth of Australia 1998a).  They were, nevertheless, concerned with the policy's institutional arrangements, financial commitments and obligations.  Considering the past difficulties with the Commonwealth over offshore jurisdictional arrangements, the states concerns were warranted. Some discussions were held between the Commonwealth and the states on institutional arrangements and financial commitments, however, by September 1998, Senator Hill indicated 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.

The development of the oceans policy was carefully organised so that the final document would be released during 1998, the International Year of the Ocean. Preceding the release of the oceans policy four Background Papers and seven Issues Papers that were publicly consulted upon and analysed for the drafting of the final policy document.[2] The different sectors were represented in the consultation and development process through Commonwealth agencies that dealt with sectoral arrangements together with MAGOP.

The Australian Commonwealth Government released the national Oceans Policy on 23 December 1998 in two volumes: *Australia's Oceans Policy*, and *Specific Sectoral*

*Measures* (Commonwealth of Australia 1998b, 1998c). The Oceans Policy documents accompanied by Background and Issues Papers are the first thorough biophysical, environmental, social, cultural and legal examination of Australia's ocean domain.

The Oceans Policy includes an introduction from Prime Minister John Howard. He states that 'with the release of *Australia's Oceans Policy* we again demonstrate our world leadership by implementing a coherent, strategic planning and management framework capable of dealing with the complex issues confronting the long term future of our oceans' (Commonwealth of Australia 1998b, 1). The document outlines that the development of Regional Marine Plans (RMPs) will be the core of the Oceans Policy and all Commonwealth agencies are bound to those plans (Vince 2006).

The oceans policy framework established new institutional structures to implement the policy through RMPs. These were also developed in aid of the 'whole of government approach' to implementation put forward by the Government. The new institutions included the National Oceans Ministerial Board, Nation Oceans Office (NOO), Regional Marine Plan Steering Committees and the National Oceans Advisory Group (NOAG) (See Vince 2003a). The Australian and New Zealand Conservation Council (ANZECC) was an institutional body that was not new, but 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' (Commonwealth of Australia 1998b, 17). 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 (Hundloe 1998, 87-91).

The Australian states did not formally involve themselves with the oceans policy when it was released, however, they continued to participate in decisions made within the policy community through ANZECC. The state participation through ANZECC was limited as the ANZECC responsibilities are restricted to environmental matters. Broader marine issues that deal with fisheries or oil and gas proved difficult to address

through the ANZECC forum (Haward and Herr 2000). As of 2001, ANZECC was no longer operational and was replaced by the Natural Resource Management Ministerial Council. Its function is to monitor, evaluate and report on natural resource management, including marine and coastal issues in Australia (Environment Australia 2003).

The National Oceans Ministerial Board was also dissolved in early 2005 following a restructuring of the Australian ocean institutions. The NOO lost its executive agency status and is now located within the Marine Division of the Department of Environment and Heritage (Department of Environment and Heritage 2005). The Minister of Environment and Heritage has the responsibility for NOO through the department and reports to Cabinet on its progress (Interview 1AU2005, 2005).

**Implementation of** *Australia's Oceans Policy*
The South East RMP is first to have its Final Plan completed including a Representative System of Marine Protected Areas for the South East.  The South East marine region covers 2 million square kilometres of ocean that includes waters off the states of Victoria, Tasmania, southern New South Wales and eastern South Australia (Vince 2006). The South East RMP process has resulted in some communication between the states from the southern region and the Commonwealth on the state officer level, through the Southeast States Consultative Working Group (Sullivan 2004). Nevertheless, the establishment of this Working Group has not resulted in any formal state ministerial agreements.

The Northern RMP and South West RMP are in the early stages of development and implementation. The Northern region's Commonwealth/state relationship is vastly different to that in the South East. In October 2002, Queensland and the Northern Territory governments agreed on Memorandums of Understanding with the Commonwealth on activities regarding the Northern RMP (National Oceans Office 2003).  This was the first successful attempt at formal intergovernmental coordination since the implementation of *Australia's Oceans Policy*.

Following the restructuring of the NOO in October 2005, Senator Ian Campbell, Environment Minister, announced that RMPs will be established under S176 of the *Environment Protection and Biodiversity Act* 1999 (EPBC Act). This Act will provide legislative basis and consistency in the implementation of RMPs, to be known as marine

bioregional plans. This action should provide some consistency across different regional marine plans and provide a legislative basis for their implementation. Under the Act the marine bioregional plans will also provide the platform for the National Representative System of Marine Protected Areas. The use of s176 of the EPBC Act addressed criticism of the lack a legislative base to the ocean policy, but does not go as far as instituting and *Oceans Act* as is the case in Canada (see ACF 2006; Vince 2005; Foster, Haward and Coffen-Smout 2005). Current advocacy centres on the development of an Australian *Oceans Act* (ACF 2006), although the Commonwealth government regards the linking of the Oceans Policy to the EPBC Act as providing a sufficient legislative anchor.

The lack of a Commonwealth Oceans Act reflects both practical and pragmatic response to challenges to Australian oceans governance. Traditionally ocean and coastal policy has been developed by the states with Commonwealth activities and influence increasing significantly post World War II, in response to, first, growing international attention to 'law of the sea' issues and, second, in response to perceived limitations to state jurisdiction beyond three miles offshore. The Commonwealth government developed legislation (and therefore had concomitant administrative responsibilities) for fisheries in the 1950s, and oil and gas in the 1960s. The establishment of the Great Barrier Reef Marine Park in the 1970s reflected increased concern with marine environmental protection (Haward 1989; Rothwell & Haward 1996). Legislation, and related policy instruments, was developed by state and Commonwealth governments in a fragmented, generally uncoordinated manner by sectoral agencies. These developments did, however, lead to increased intergovernmental interaction through ministerial councils and associated standing committees.

**Australian Ocean Governance: An Assessment**

The concept of effectiveness is complex, and at its most basic relates to the extent to which an instrument successfully performs the function or solves problems that led to its establishment (Underdal 2002, 5). While Underdal and his colleagues have focused on the analysis of international environmental regimes their insights are particularly apposite for the examining 'collective problems calling for joint solutions' (Underdal 2002; 3), multi-government arenas, the essence of the governance arrangements (and dilemmas) integral to Australia's Oceans Policy.

The development of collaborative arrangements and formal intergovernmental linkages is clearly an important element in ocean governance. So too is the strength of these intergovernmental linkages. In this case such vertical intergovernmental links have considerable importance, being described as 'rods of iron' and contrasted to the 'threads of gossamer' as a metaphor for the much weaker horizontal links between agencies of the same government (Warhurst 1983). These frameworks may also be tested by emergent issues such as indigenous people' concerns over access to resources and sea claims (see Bergin, 1991, 1993; Exel 1994). Gaining agreement within government involving agencies with necessarily different perspectives on the marine and ocean domain may well be more difficult than gaining agreement between governments in, for example, fisheries management or principles for marine protected areas (see Haward 2003). Such emergent issues and concomitant broadening of stakeholder involvement may provide governance challenges that call for a substantive rather than simply a symbolic 'spray-on solution' to organisational failure (see Bryson and Mowbray 1981).

Underdal defines 'effectiveness of a ... regime ($E_r$) as a function on the stringency and inclusiveness of its provisions ($S_r$), the level compliance on the part of its members ($C_r$) and the side effects it generates ($B_r$)' (Underdal 2002, 6). This can be expressed as an equation:

$$E_r = f(S_r C_r) + B_r$$

The 'stringency and inclusiveness' of management provisions, 'level of compliance' and the impact of 'side effects' produced by the instrument centres attention on the processes of decision making, the outputs and outcomes deriving from these decisions and impacts of these outcomes from the ocean policy process.

We have noted elsewhere that 'the traditional institutional framework governing ocean management has considerable strength' but also that the 'challenge is to build on this framework and establish new institutions and processes to deal with the demands of integrated management' (Haward 2003, 49). In relation to Underdal's key criteria 'the oceans policy and the regional marine planning process have clearly identified goals and objectives...' and that 'these objectives will provide a yardstick for ongoing assessment of performance' (Haward 2003, 49).

Applying Underdal's framework to the analysis of Australia's Oceans Policy draws attention to the challenge of governance arrangements managing 'collective problems

calling for joint solutions'. Clearly Australian ocean governance arrangements are very effective at the sectoral level, with longstanding intergovernmental arrangements providing stability and consistency. There is less evidence of success in relation to the attempt to implement integrated arrangements across sectors and across jurisdictions, with limited achievement of either the 'stringency and inclusiveness' of management provisions and 'level of compliance' with these provisions simply because the question of jurisdiction has not been satisfactorily resolved. The major challenge is, however, to provide frameworks and processes which can accommodate, and resolve, conflicts between the vast range of interests and values involved in Australia's maritime estate. Adopting adaptive management principles and practices, utilising the dynamics of the process to engage in policy learning, is the task set the NOO and those involved in the regional marine planning process (Haward 2003, 50). We do note the ongoing negotiations and recent release of the network of marine protected areas in the South East region as indicating that further opportunities in this area.

Underdal's third criteria – the impact of 'side effects' is also important. One important effect of the development of the oceans policy framework has been the examination of new tools and approaches to governance (regional management, increasing analysis of market-based approaches (Greiner et al 1997), a focus on co-management) and the increasing policy learning and transfer, both within Australian governments and to other governments such as Canada and New Zealand (Vince 2005). At the same time there has been ongoing interaction between officials from Australian governments that has led to a parallel discussion (to the oceans policy) on integrated ocean management (Foster and Haward 2003) and a national approach to coastal zone management.

**Conclusion**

Australian ocean governance is influenced greatly by the particular pattern of offshore jurisdiction that has developed over the past century. The introduction of the Ocean Policy in 1998 has provided opportunities for innovative, regionally based approaches to ocean management, yet the failure to fully 'solve the problem that motivated its establishment' (Underdal 2002, 40) – integration across sectors and jurisdictions – raises some significant questions over the effectiveness of this policy framework. Despite this relatively negative, and admittedly simplistic, assessment the ocean policy process has had other impacts. It is the impact of the 'side effects' generated by the ocean policy process that are important and have contributed to increased awareness

and improved ocean management. It is possible that the effectiveness of oceans governance arrangements in Australia will increase through ongoing intergovernmental negotiations that address the 'stringency and inclusiveness of management provisions', with concomitant increase in 'level of compliance'.

**Notes**

---

[1] *NSW and Ors v the Commonwealth* (Seas and Submerged Lands case) (1975) 135 *CLR* 337.

[2] See for example:

Commonwealth of Australia, 1997. *Australia's Oceans Policy: Oceans Facts and Figures, A Primer on Australia's Oceans and Exclusive Economic Zone*, Background Paper 1, A Report Commissioned by Environment Australia;

Herriman, M., Tsamenyi, M., Ramli, J. and Bateman, S. 1997. *Australia's Oceans Policy: International Agreements*, Background Paper 2, A Report Commissioned by Environment Australia, Canberra.

Australia's Oceans Policy: *Analysis of the Submissions to the Oceans Policy Consultation Paper*, Background Paper 3, Environment Australia Canberra;

Zann, L. and Earley, O. 1997. *Australia's Oceans Policy: Reviews and Recommendations, Analysis of Marine and Coastal Reviews and their Recommendations in Relation to Development of an Oceans Policy for Australia*, Background Paper 4, A Report Commissioned by Environment Australia;

Sainsbury, K., Haward, M., Kriwoken, L., Tsamenyi, M. and Ward, T., 1997. *Australia's Oceans Policy: Oceans Planning and Management, Multiple Use Management in the Australian Marine Environment: Principles, Definitions and Elements*, Issues Paper 1, A Report Commissioned by Environment Australia, Canberra;

Greiner, R., Young, M., McDonald, A. and Brooks, M., 1997. *Australia's Oceans Policy: Oceans Planning and Management, Management Instruments for Marine Allocation and Use*, Issues Paper 2, A Report Commissioned by Environment Australia, Canberra;

Pitts, D. 1997. *Australia's Oceans Policy: Oceans Planning and Management, Best Practice Mechanisms for Marine Use Planning*, Issues Paper 3, A Report Commissioned by Environment Australia, Canberra;

Brown, V. and Spink, M. 1997. *Australia's Oceans Policy: Socio-Cultural Considerations, Caring for the Commons Socio-cultural Considerations in Oceans Policy Development and Implementation*, Issues Paper 4, A Report Commissioned by Environment Australia;

Claridge, G. and Claridge, C. 1997. *Australia's Oceans Policy: Socio-Cultural Considerations, Expanding the Role of Collaborative Management and Stewardship in the Conservation Management of Australia's Marine and Coastal Resources*, Issues Paper 5, A Report Commissioned by Environment Australia;

Smyth, D. 1997. *Australia's Oceans Policy: Socio-Cultural Considerations, Saltwater Country Aboriginal and Torres Strait Islander Interest in Ocean Policy Development and Implementation*, Issues Paper 6, A Report Commissioned by Environment Australia;

Ward, T., Alder, J., Margules, C., Sainsbury, K., Tarte, D. and Zann, L. 1997. *Australia's Oceans Policy: Biodiversity Conservation*, Issues Paper 7, A Report Commissioned by Environment Australia.

**References**

ACIUCN (Australian Committee for IUCN), 1998. '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.

ACF (Australian Conservation Foundation), 2006. *Out of the Blue: A Discussion Paper for an Australian Oceans Act,* Melbourne, ACF.

Bakvis, H. 1997. 'Pressure Groups and the New Public Management: From 'Pressure Pluralism' to 'Managing the Contract'' in M. Chariah ed. *Public Administration: Present and Future*, Institute of Public Administration of Canada, Toronto.

Bateman, Sam. 1997. 'Marine Industry Development and Oceans Policy in Australia', Paper presented for *COSU Conference*, Singapore, 12-14 May.

Bergin, Anthony, 1991. 'Aboriginal sea claims in the Northern Territory of Australia'. *Ocean and Shoreline Management.* 15 (3): 171-204.

Bergin, Anthony, 1993. *Aboriginal and Torres Strait Islander interests in the Great Barrier Reef Marine Park.* Townsville: GBRMPA.

Bryson, Lois, and Martin Mowbray. 1981. 'Community: The Spray-on Solution.' *Australian Journal of Social Issues.* 16 (4): 255-267.

Collis, B. 1997. 'Ocean awaits policy wake up call', *Canberra Times*, Saturday 18 January.

Commonwealth of Australia, 1997. *Australia's Oceans, New Horizons*, Oceans Policy Consultation Paper, Canberra: AGPS.

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

Commonwealth of Australia, 1998b. *Australia's Oceans Policy: Caring, Understanding and Using Wisely*, Canberra: AGPS, December.

Commonwealth of Australia*,* 1998c. *Australia's Oceans Policy: Specific Sectoral Measures*, Canberra: AGPS, December.

Commonwealth of Australia, 1999. *Australia's Marine Science and Technology Plan,* Canberra: AGPS.

Exel, M. 1994. 'Australian Fisheries Management – Resource Allocation and Traditional Rights'. *Outlook 94* (2); 231-237. Canberra: ABARE (Australian Bureau of Agriculture and Resource Economics).

Foster, Elizabeth and Marcus Haward, 2003.'Integrated Management Councils. A Conceptual Model for Ocean Policy Conflict Management in Australia', *Ocean and Coastal Management* 46: 547-563.

Foster, Elizabeth, Marcus Haward and Scott Coffen-Smout, 2005. 'Implementing Integrated Oceans Management: Australia's South East Regional Marine Plan (SERMP) and Canada's Eastern Scotian Shelf Integrated Management Initiative (ESSIM)' *Marine Policy* 29: 391-405.

Greiner, R., M. Young, A. McDonald, and M. Brooks, 1997. *Australia's Oceans Policy: Oceans Planning and Management, Management Instruments for Marine Allocation and Use, Issues Paper 2,* A Report Commissioned by the Commonwealth Department of Primary Industries and Energy.

Haward, Marcus. 1989. 'The Australian Offshore Constitutional Settlement', *Marine Policy*, 13: 334-348.

Haward, Marcus. 1991. 'The Offshore', in *Inter-Governmental Relations and Public Policy,* ed. Galligan, Brian, Owen Hughes and Cliff Walsh, C. Sydney: Allen and Unwin.

Haward, Marcus and David VanderZwaag. 1995. 'Implementation of UNCED Agenda 21 Chapter 17 in Australia and Canada: A Comparative Analysis', *Ocean and Coastal Management,* 29, 1-3: 279-295.

Haward, Marcus and Richard Herr. 2000. *Australia's Oceans Policy: Policy and Process*, ACORN Phase 2 Workshop, Vancouver, 10-11 December 2000.

Haward, Marcus. 2003. 'The Ocean and Marine Realm', in *Managing Australia's Environment,* ed. Dovers, Steve and Su Wild River. Sydney: The Federation Press.

Hundloe, Tor. 1998. 'The environment: how to solve problems that don't respect borders', *Australian Journal of Public Administration* 57, no.3, (September): 87-91.

Interview 1AU2005, 2005. Interview with Government official, 1 August 2005. Hobart, Tasmania, Australia.

Keating, Paul. J. 1995. *Oceans Policy: Statement*, Press Release, the Prime Minister, the Hon P. J. Keating, No. 144/95, dated 8 December 1995.

Kjær, A. M. 2004. *Governance*, Cambridge, Polity Press.

National Oceans Office, 2003. *Annual Report*, Hobart: AGPS.

Ostrom E. 1987 'Institutional Arrangements for Resolving Commons Dilemmas: Some Contending Approaches' in B. M McCay & J. M Acheson (eds.) *The Question of the Commons,* Tucson, University of Arizona Press.

Ostrom, E. 1990 *Governing the Commons: The Evolution of Institutions for Collective Action* Cambridge, Mass. MIT Press.

Pierre, J (ed.) 2000. *Debating Governance*, Oxford, Oxford University Press.

Rhodes, R. A. W. 1995. 'The Institutional Approach' in D. Marsh and G. Stoker, (eds) *Theory and Methods in Political Science*, London, Macmillan.

Rhodes R. A. W. 1996. 'The New Governance: Governing without Government' *Political Studies,* XLIV: 652-667.

Rothwell, Donald. R. and Marcus Haward. 1996. 'Federal and International Perspectives on Australia's Maritime Claims', *Marine Policy,* 20, (1): 29-46.

Sullivan, S. 2004. 'Beyond our coasts – Australia's Oceans Policy', Paper presented at the *Coast to Coast Conference*, Hobart, April 19-23.

Underdal, A. 2002. 'One Question, Two Answers' in Miles, E. M., Underdal, A., Andresen, S., Wettesad, J., Skjaeseth, J. K., and Carlin, E. M. *Environmental Regime Effectiveness: Confronting Theory With Evidence*, Cambridge, Mass. MIT Press: 3-45.

Vince, Joanna. 2003a. '*Australia's Oceans Policy*: Five Years of Integration Across Sectors and Jurisdictions?', *Maritime Studies*, 133 (Nov/Dec): 1-13.

Vince, Joanna. 2003b. 'The Development of *Australia's Oceans Policy*: Institutions and the 'Oceans Policy Community'', *Presented at the Australasian Political Studies Association Conference*, Hobart, 29 September – 1 October 2003**.**

Vince, Joanna. 2004. *The Development of Australia's Oceans Policy: Change and Stability in a Policy Community,* PhD Thesis, University of Tasmania.

Vince, Joanna. 2005. 'Policy Transfer in Ocean Governance: Australia, Canada and New Zealand' *Proceedings of the Australasian Political Studies Association Conference*, Dunedin, New Zealand, 27- 30 September 2005.

Vince, Joanna. 2006 'The South East Regional Marine Plan: Implementing *Australia's Oceans Policy*' *Marine Policy* 304 (July):420-430.

Warhurst, John. 1983. 'Intergovernmental Managers and Cooperative Federalism: The Australian Case'. *Public Administration.* 61 (3): 308-317.

Wescott, Geoffrey. 2000. 'The Development and Initial Implementation of Australia's 'Integrated and Comprehensive' Oceans Policy', *Ocean and Coastal Management* 43.