

the way ahead in marine conservation and management

NEW HORIZONS



GOVERNMENT OF WESTERN AUSTRALIA





In 1994 the Government of Western Australia unveiled a policy that provided the framework for the conservation and management of the State's marine environment. In that policy - *New Horizons in Marine Management* - we committed ourselves to the conservation of our marine environment and the ecologically sustainable use of our natural resources.

A major component of the strategy was the establishment of a comprehensive and statewide system of multiple-use marine conservation reserves under the Conservation and Land Management Act.

The underlying principle of *New Horizons* was to strike a balance that would:

- ☞ Reinforce Western Australia's high marine environmental protection and management standards;
- ☞ Provide clear policy direction to industries in relation to marine conservation reserves; and
- ☞ Reduce uncertainty and minimise the potential for conflict between conservation and resources development.


The *Acts Amendment (Marine Reserves) Act 1997*, which commenced operation on 29 August 1997, gives effect to the Government's strategy that allows today's generation to have development and recreational opportunities that meet our needs without compromising the ability of future generations to enjoy the unique features of our marine environment.

The Act now provides Western Australia with the mechanisms to create a world class multiple-use marine conservation reserve system.

This booklet, *New Horizons - the way ahead in marine conservation and management*, explains the State Government's marine conservation and management policy and the processes involved in creating new multiple-use marine conservation reserves in WA.



Richard Court
Premier



Cheryl Edwardes
Minister for the Environment

Cover: *Western Australia has a magnificent marine environment that is habitat for an amazing array of sealife. The State's waters are also rich in resources. New Horizons - the way ahead in marine conservation and management aims to provide balance between ecologically sustainable use of our marine areas and their conservation for future generations. Photo - Eva Boogaard*

Previous page: *Dolphins are a popular attraction with visitors to Monkey Mia in the Shark Bay Marine Park. Careful management is required to ensure the marine environment is conserved for future generations of dolphins and other marine creatures. Photo - Jiri Lochman*

← *An aerial view of the Peron Peninsula in the Shark Bay Marine Park. Big Lagoon can be seen to the left. Photo - Jiri Lochman*

New Horizons - the way ahead

The key elements of the State Government's marine conservation and management strategy are:

- 📌 A Marine Parks and Reserves Authority in which marine conservation reserves are vested, supported by a specialist Scientific Advisory Committee.
- 📌 The adoption of a three-tiered approach to marine conservation reserve categories - Marine Nature Reserves, Marine Parks and Marine Management Areas.
- 📌 Extensive assessment, community consultation and management planning before a new marine conservation reserve is established.
- 📌 Specific guidelines for access by industry to the various categories of marine conservation reserves and the zones within those reserves.
- 📌 Specific guidelines for fishing, aquaculture and pearling interests in marine conservation reserves.



Western Australia's coastline extending 12 500 km from the warm, tropical waters off the Kimberley to the cooler, temperate waters off Eucla is a myriad of habitats and seascapes. It is home for a remarkable array of marine fauna such as corals, fish, starfish, sponges and shells as well as dugong, turtles, migratory whales, dolphins, sea-lions, penguins, great white sharks and crocodiles. The flora includes the world's most extensive seagrass meadows, diverse and abundant algal communities and extensive mangrove forests.

The potential of our marine life is virtually untouched and it may harbour compounds of untold benefit to humankind. Features such as the stromatolites in Hamelin Pool Marine Nature Reserve in the World Heritage listed Shark Bay are unmatched anywhere in the world.

The seas are rich in living natural resources such as rock lobsters, scallops, prawns and fish that are the economic base of many coastal communities. The giant whalesharks off North West Cape, the friendly dolphins at Monkey Mia in Shark Bay and at Bunbury, and migrating humpback and southern right whales off our west and south coasts attract many thousands of tourists each year.

The seabeds of the North West Shelf have been found to contain rich gas and oil reserves. More recently, diamonds are being found in Kimberley waters.

Our marine environment is the result of the interplay between two key factors - geology and climate - which have created distinct marine environments, a tropical zone north of North West Cape, and a temperate zone east of Cape Leeuwin, with an overlap zone in between.

Our tropical marine life belongs to a huge region stretching from Polynesia in the central Pacific to south-east Asia. The temperate marine environment is part of the Southern Australian Region extending across the continent's south coast.

The warm Leeuwin Current, sourced from the tropics, is another distinct feature off the WA coast and brings tropical species well south, such as the corals growing around the Arolhos Islands and Rottneest Island. As a result, WA's marine richness is enhanced by an overlap zone between North West Cape and Cape Leeuwin that marks the transition between tropical and temperate waters.



↑ *Bryozoan or lace coral. Photo – Eva Boogaard*

← *Research provides the good scientific understanding that is essential for the management of the State's marine environments. Photo – Eva Boogaard*

The new Marine Parks and Reserves Authority opens the way for more specialised management of the State's marine environment. It is a focal point for community interest in marine conservation reserves - and their diverse wildlife and habitats - and provides the necessary overview of managing the many uses and benefits available from the marine environment.

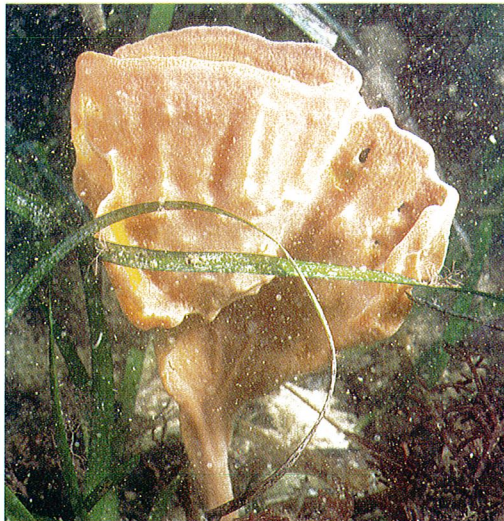
All marine nature reserves, marine parks and marine management areas are vested in the Authority.

The Authority's prime role is to oversee the development of marine reserve policy and management plans and their implementation by the Department of Conservation and Land Management (CALM). It also advises the Minister for the Environment on marine conservation and can develop policies to preserve the natural marine and estuarine environments outside marine conservation reserves.

The Authority has seven members, nominated by the Minister for the Environment and appointed by the Governor. Members are appointed for their expertise and do not represent sectoral interests. However, Ministers whose portfolios have a significant interest in the marine environment - such as Fisheries and Mines - can recommend nominees to the Minister for the Environment.

The chief executive officers of CALM and other agencies with marine interests can attend Authority meetings but do not have a vote.

The Authority also can set up temporary advisory committees of non-members to provide independent advice on matters relevant to a particular community or industry interest.



Marine Parks and Reserves Scientific Advisory Committee

A seven-member scientific advisory committee has been set up to advise the Minister for the Environment and the Marine Parks and Reserves Authority. This committee comprises marine scientists from the non-government sector, research institutions, CALM, the WA Museum and Fisheries WA.

Marine Conservation Branch

CALM is responsible for overall management of marine conservation reserves.

A specialist Marine Conservation Branch has been established within CALM and, among other things, provides support for the new authority and scientific advisory committee. The Branch staff have expertise in a wide range of marine sciences, management and policy.

Operational responsibility for day-to-day management of marine conservation reserves rests with CALM's extensive network of Regional and District staff.



A structured multiple-use marine conservation reserve system has two primary roles:

- 📌 To preserve representative as well as special ecosystems in the marine environment; and
- 📌 To put a formal management framework in place to ensure the various uses of marine conservation reserves are managed in an equitable, integrated and sustainable manner.

A major part of the *New Horizons - the way ahead* strategy is to develop a marine conservation reserve system so that the management of biological and recreational resources takes into account the essential and sometimes competitive activities of commercial and recreational fishing, aquaculture and pearling, tourism, recreation, scientific study and mineral and petroleum exploration and production.

The principal thrust of the marine conservation effort will be to have one comprehensive reserve system under the Conservation and Land Management Act.

Expanding the system of marine conservation reserves will ensure there is an equitable balance among the various uses of marine areas and that these uses do not have a detrimental impact on the marine environment.

The marine conservation network comprises:

Marine Nature Reserves

These reserves are created for conservation and scientific research. Although low-impact tourism may be permitted, no recreational or commercial fishing, aquaculture, pearling, petroleum drilling or production is allowed in these areas. Currently there is one Marine Nature Reserve in WA - Hamelin Pool in Shark Bay which has the finest examples of stromatolites on Earth.

Marine Parks

Western Australia has six marine parks - Rowley Shoals, Ningaloo, Shark Bay, Marmion, Shoalwater Islands and Swan Estuary. New marine parks will be created to protect natural features and aesthetic values while at the same time enabling recreational and commercial uses where these activities do not compromise conservation values.

In marine parks, four statutory management zones can be created:

- 📌 Sanctuary zones are 'look but don't take' areas managed solely for nature conservation and low-impact recreation and tourism.
- 📌 Recreation zones provide for conservation and recreation including recreational fishing (subject to bag limits and other conservation measures).
- 📌 General Use zones are areas of marine parks not included in sanctuary, recreation or special purpose zones. Conservation of natural resources in general use zones is the priority but activities such as sustainable commercial fishing, aquaculture, pearling and petroleum exploration and production are permissible provided they do not compromise conservation values.
- 📌 Special Purpose zones are managed for a particular priority use or issue. This could be protection of habitat, a seasonal event such as wildlife breeding or whale-watching or a particular type of commercial fishing. Uses compatible with the priority use or seasonal event are allowed in these zones.

Petroleum drilling and production are excluded from marine nature reserves and from sanctuary, recreation and certain special purpose zones in marine parks, but can take place elsewhere in marine parks in appropriate zones, subject to Environmental Protection Authority assessment.

In 1994 the Government of Western Australia announced that there would be no drilling for petroleum exploration and production in Ningaloo Marine Park. This policy remains in place.

Marine Management Areas

Marine management areas will provide a formal integrated management framework over areas that have high conservation value and intensive multiple-use. These areas will be selected primarily on the basis of their biological and recreational values and their existing or future commercial activities such as petroleum production and commercial fishing. As with other marine conservation reserves, marine management areas will be subject to environmental impact assessments for activities referable under the Environmental Protection Act.

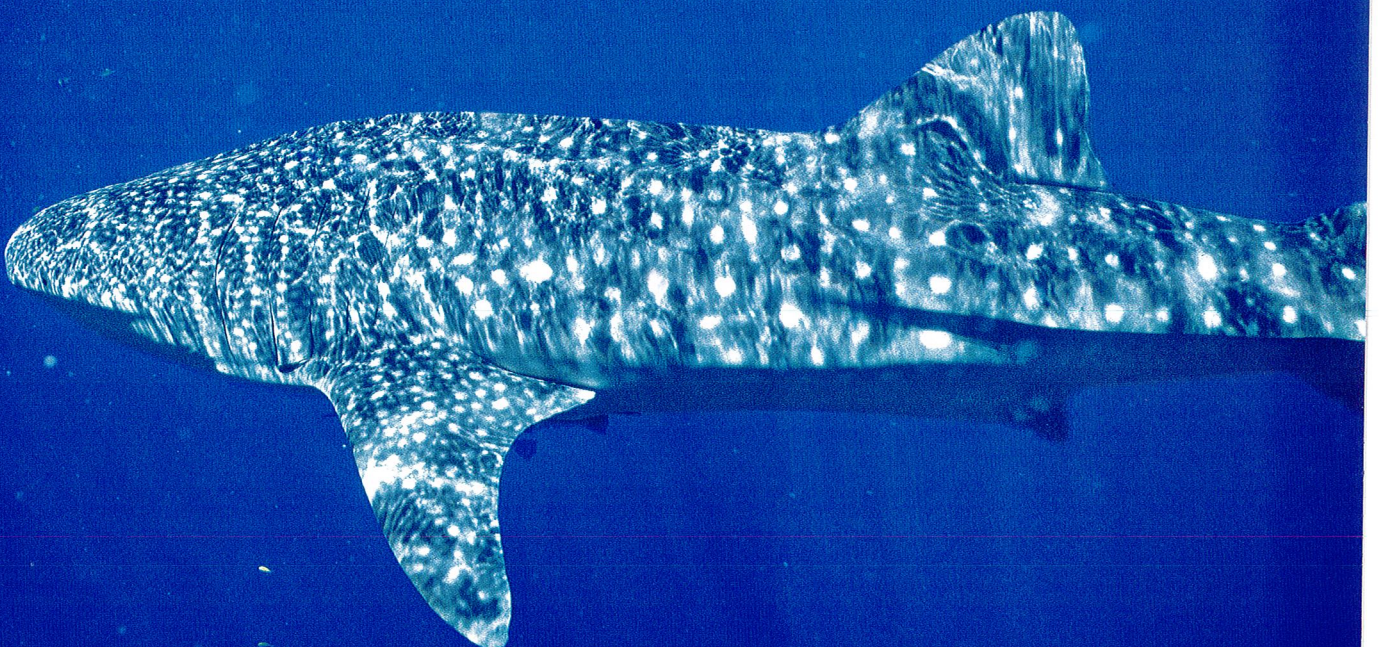
Fish Habitat Protection Areas

Fish Habitat Protection Areas can be created under the Fish Resources Management Act to protect fish and fish habitats.

As Fish Habitat Protection Areas and CALM Act marine conservation reserves cannot co-exist in the same location, existing Fish Habitat Protection Areas cease to exist if a marine conservation reserve is established over the same area and a management plan becomes operative.

Rottnest Island Reserve

The waters around Rottnest Island are reserved and managed under the Rottnest Island Authority Act.



The *New Horizons - the way ahead* strategy embraces a commitment to a high level of public participation in determining the establishment and management of future marine conservation reserves.

As part of that public consultation process, in 1994 the Government released the report of the Marine Parks and Reserves Selection Working Group that looked at a representative marine reserve system for WA. The Working Group was chaired by Dr Barry Wilson, a former Director of Nature Conservation with CALM. Its report was the culmination of a seven-year investigation of the State's 12 500 km of coastline from the Kimberley to the Great Australian Bight.

The working group identified about 70 areas, representing the range of marine ecosystems, as candidates for reservation. These areas will be further assessed for their biological, recreational and commercial values as part of the process of considering their declaration as marine conservation reserves.

In line with its policy for conservation of the environment and ecologically sustainable development, the Government sought public comment on the report and held a series of public briefings to receive feedback from local communities and a range of user, interest and industry groups.

A report collating and analysing public comments on the Working Group Report was published in October 1997.



The Working Group Report recommendations will be progressively assessed, but this is likely to take many years, especially where further scientific investigations and surveys are required.

Nevertheless, priority areas will be identified for further investigation as marine conservation reserves. These areas will be selected because of the need for conservation management, increasing pressures of use and public interest in expanding the marine conservation reserve system.

The Government will progressively announce its marine conservation reserves program priorities after considering the advice of the Marine Parks and Reserves Authority. While the Working Group Report provides a valuable source of information and advice to the Government, the report's recommendations for individual areas have no formal Government endorsement until the process described below in *The community's role in the reservation process* has been followed in accordance with the Conservation and Land Management Act.

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↑ Unusual rock formations - such as the 'Sharks Teeth' in Cambridge Gulf in the Kimberley - add to the beauty of the State's marine environment. Photo - Kevin Coate

← Marine mammals such as these Australian sea-lions are being found in increasing numbers along the Western Australian coast. Photo - Eva Boogaard

The Government is committed to full and open consultation before an area is dedicated as one of the three categories of marine conservation reserve. The Government therefore has clearly defined the process that will have to be followed for an area to be considered as a marine conservation reserve.

The following process applies:

- 📄 The area is identified and its proposed boundaries determined.
- 📄 A comprehensive assessment of the area's biological and economic resources and social values is carried out.
- 📄 Community liaison and advisory committees are normally set up to assist in the process, including preparation of the management plan and determining the various management zones proposed.
- 📄 A report on a reservation proposal is prepared for the Minister for the Environment by the Marine Parks and Reserves Authority.
- 📄 An indicative management plan outlining the reserve's proposed management objectives and zones is prepared.
- 📄 The Ministers for Mines and Fisheries are provided with a reservation proposal for their consideration and agreement before a notice of intent to reserve the area is published.
- 📄 When these steps have been completed, the Minister for the Environment formally publishes a notice of intent to declare a marine conservation reserve and releases the indicative management plan for public comment. (All marine conservation reserve proposals will be subject to a minimum three-months public comment period before a final decision by Government.)
- 📄 The Marine Parks and Reserves Authority provides the Minister for the Environment with a report on the public submissions received in response to the reservation proposal and the indicative management plan for the proposed marine conservation reserve.
- 📄 The concurrence of the Ministers for Fisheries and Mines is obtained.
- 📄 The reserve is then created by an Order of the Governor.
- 📄 The Minister for the Environment also tables in each House of Parliament the order to reserve the new marine reserve. Either House can resolve to disallow a reservation order.

For established marine conservation reserves, public consultation is required in the development of management plans and zoning schemes.



Conserving our marine ecosystems and their biological resources is paramount. The *New Horizons - the way ahead* policy is a balanced approach for conservation of the marine environment and commercial activities such as petroleum and mineral exploration and production, as well as fishing and tourism.

Petroleum

This balanced approach means that some areas are set aside purely for nature conservation from which drilling for petroleum is expressly excluded (to a depth of 200 metres below the seabed). Petroleum drilling and production may be permitted in multiple-use zones of marine parks and in marine management areas so long as these activities are approved through the Environmental Protection Act assessment process.

The chart shows the various levels of petroleum activity allowed in each of the categories of marine conservation reserves.

The Government's policy on petroleum exploration and development in marine conservation reserves is:

- 📌 Petroleum drilling and production will be prohibited in marine nature reserves, both sanctuary and recreation zones of marine parks and in those special purpose zones of marine parks where such activity would be incompatible with the conservation purpose of the zone.
- 📌 Petroleum drilling and production will be permitted in parts of general use and special purpose zones of marine parks subject to assessment through the Environmental Protection Act process.
- 📌 Petroleum drilling and production can be undertaken in marine management areas subject to the Environmental Protection Act process.
- 📌 The Minister for the Environment requires the consent of the Minister for Mines before creating any marine conservation reserve or management zone within a marine park or marine management area.

All marine conservation reserves are limited to a depth of 200 metres below the seabed. This will enable directional drilling as part of petroleum exploration and production activities below the 200 metre limit while preserving the integrity of the reserves.

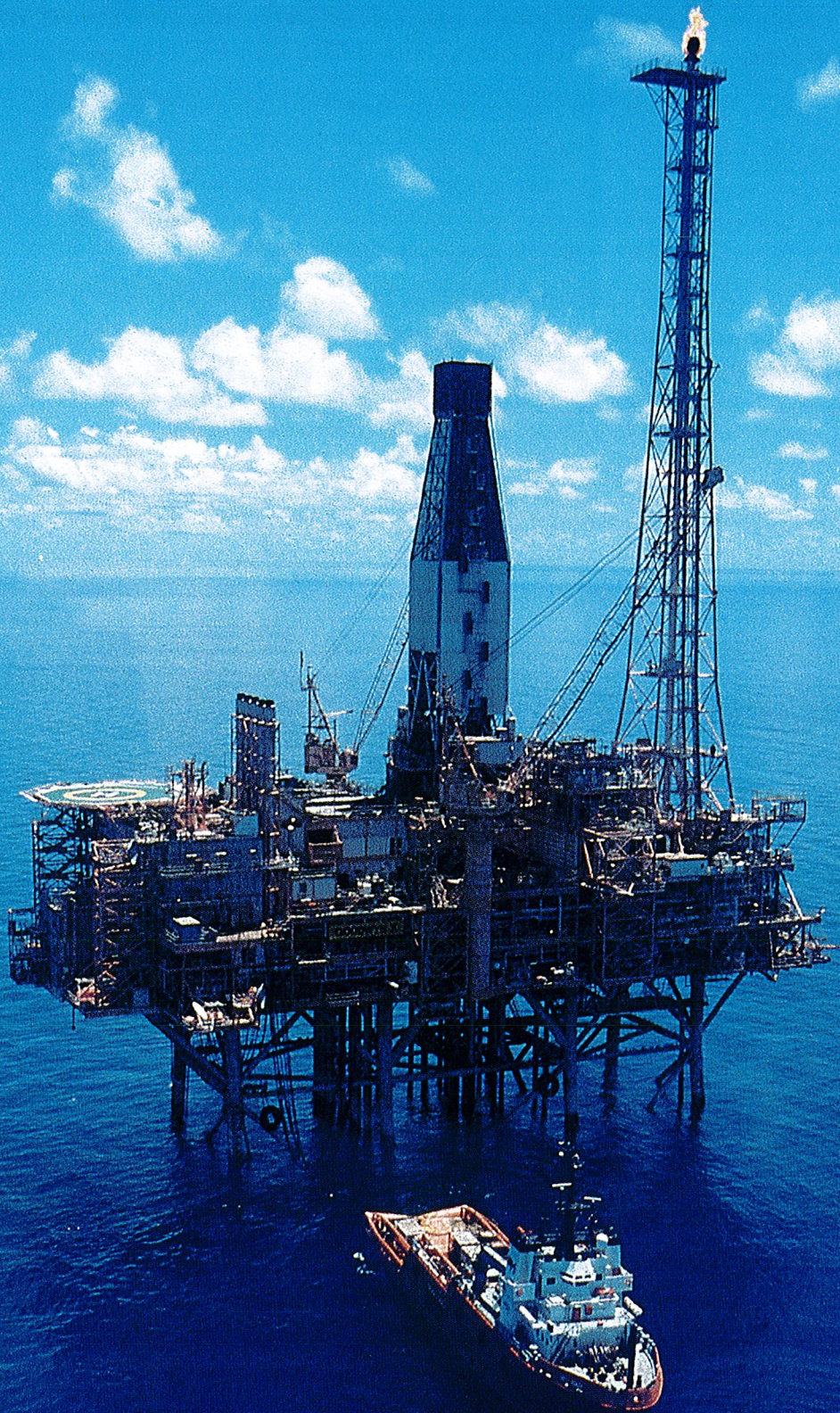
Granting tenements

Petroleum tenements may be granted to overlap existing marine conservation reserves or proposed marine conservation reserves endorsed by State Cabinet. However, petroleum drilling in these reserves will be allowed only in marine management areas or in general use and certain special purpose zones of marine parks as outlined above.

Seismic surveys

Marine management areas and marine parks will be accessible for seismic surveys subject to environmental impact assessment processes agreed by the Environmental Protection Authority in consultation with CALM and the Fisheries Department.

Seismic surveys may be permitted, subject to environmental impact assessment processes, to extend into marine conservation reserve areas that are not available for drilling, to complete data collection for resource targets that are either outside or accessible from outside the reserve.



Commercial and recreational fishing, aquaculture and pearling

In line with the Government's multiple-use policy in marine conservation reserves, commercial and recreational fishing - including aquaculture and pearling - will be provided for in marine management areas and in certain zones in marine parks.

Commercial fishing will not be permitted in sanctuary, recreation and certain special purpose zones of marine parks. No fishing will be permitted in marine nature reserves and in sanctuary zones of marine parks. Fishing, aquaculture and pearling in marine conservation reserves will continue to be managed under fisheries legislation.

Existing authorisations for commercial fishing, aquaculture and pearling will continue to be valid if the area to which they apply becomes a marine conservation reserve. If an area becomes a marine nature reserve, or, for example, a sanctuary zone in a marine park, the authorisation will continue until its expiry date. In areas that become marine conservation reserves, authorisations for commercial fishing, aquaculture and pearling will be able to be renewed if the activity is in an area where it is permitted. Leases will be preserved for their full term irrespective of where they are located.

If the commercial value of an authorisation is apparently diminished by the establishment of a marine nature reserve or exclusion zone in a marine park, then the holder of the authorisation will be eligible to apply for compensation.

Compensation also can be made for land associated with a pearling or aquaculture lease that is acquired for the purpose of establishing a marine conservation reserve.

In marine management areas, fishing and related industries continue subject to fishing and pearling legislation.

Recreational fishing will be permitted in marine management areas and in general use zones and certain recreation and special purpose zones of marine parks, but not in sanctuary zones of marine parks.

Tourism

Tourism, particularly nature-based tourism, is a rapidly developing industry. Nature-based tourism has the potential to make a major contribution to protecting the State's unique ecosystems, especially in coastal environments. Providing high quality experiences of the natural environment will foster greater understanding and sympathy for the environment.

The *New Horizons - the way ahead* strategy recognises the relationship between the marine conservation reserve system and the tourism industry. Appropriate tourism development will be encouraged to maximise the opportunity for visitors to enjoy marine conservation reserves while at the same time ensuring such development does not impact adversely on the conservation values or conflict with other uses in particular zones.

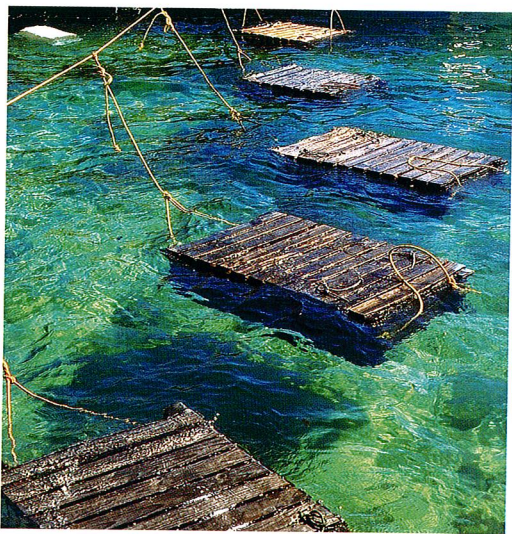
Minerals

The Mining Act now provides for consultation processes on the granting of mining tenements and the authorisation of mining operations in marine conservation reserves in a similar manner to those applying to terrestrial conservation reserves. Mineral exploration and mining in marine conservation reserves are subject to the same constraints that apply to petroleum exploration, drilling and development.

The scale of mining in the marine environment currently is very small compared with other industries.

Possible Activities in Marine Conservation Reserves

MARINE MANAGEMENT AREA	MARINE PARK				MARINE NATURE RESERVE
	General Use Zone	Special Purpose Zone	Recreational Zone	Sanctuary Zone	
Petroleum Drilling and Production					
Mining					
Commercial Fishing					
Aquaculture					
Pearling					
Recreational Fishing					
Recreation and Tourism					





Department of Conservation and Land Management

CALM manages all marine conservation reserves vested in the Marine Parks and Reserves Authority. The Department also is responsible for preparing and implementing management plans for each conservation reserve.

CALM's responsibilities include nature conservation, recreation and nature -based tourism, management planning, wildlife research and management, information and education programs in conservation and recreation, and liaison with interest groups and national and international organisations. CALM will ensure integrated management of marine conservation reserves with adjoining mainland and island conservation reserves.

Fisheries Western Australia

Fishing, aquaculture and pearling in marine conservation reserves are under the jurisdiction of Fisheries Western Australia. The Minister for the Environment also must obtain the consent of the Minister for Fisheries before creating any marine conservation reserve or management zone within a marine park or marine management area.

Department of Transport

The Department of Transport is responsible for all boating regulations including licensing, safety standards, marker buoys, moorings and jetties. Mooring controls can be delegated to other agencies.

Department of Minerals and Energy

Mineral and petroleum exploration and development are carried out under several acts administered by the Department of Minerals and Energy. The Minister for the Environment also must obtain the consent of the Minister for Mines before creating any marine conservation reserve or management zone within a marine park or marine management area.

Environmental Protection Authority

The Environmental Protection Authority assesses, reports and makes recommendations on proposals that may significantly affect the marine environment, including marine conservation reserves. The Department of Environmental Protection assists the EPA in this process, and in addition administers pollution control legislation.



↑ *Nudibranchs - pronounced 'nudi-branks' - are brightly coloured but store distasteful and noxious chemicals in their skin to deter predators. Photo - Clay Bryce/Lochman Transparencies*

← *Yachting in the Shark Bay Marine Park - Western Australia's marine environment is a recreational paradise. Photo - Jeremy Colman*