

Australian Marine Parks

DRAFT

North-west

Commonwealth Marine Reserves Network Management Plan

2017



Australian Government
Director of National Parks



Australian
Marine Parks

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Coral at Rowley Shoals (Michelle Glover)

FOREWORD



Australia is surrounded by magnificent oceans and a marine environment that is the envy of the world. Our oceans are distinctive and diverse, home to marine life found nowhere else.

Our oceans support people's livelihoods and the Australian lifestyle. They provide places for people to watch wildlife, dive and snorkel, go boating and fish. Importantly, they create jobs in industries like fishing and tourism, and are a source of food and energy.

Establishing marine parks is recognised as one of the best ways to conserve and protect marine species and habitats. In 2012, the Australian Government established 40 new marine parks around the country (formally called Commonwealth marine reserves). This was a significant achievement, expanding the total coverage of Australia's National Representative System of Marine Protected Areas to 3.3 million km²—some 36 per cent of our oceans.

Individual marine parks have been carefully located to include representative examples of Australia's marine habitats and features. This builds the resilience of our marine environment to withstand pressures such as climate change, cyclones, marine pollution and invasive species.

Australian Marine Parks are for all Australians and managing them is a balancing act. We need to protect important habitats and features while supporting communities and livelihoods. The *North-west Commonwealth Marine Reserves Network Management Plan 2017* provides that balance, setting out how our marine parks can be used and enjoyed, while providing protection through active management.

There are 13 marine parks off the coast of Western Australia that make up the North-west Network, covering an area of 335 341 km². The marine parks protect important ecosystems and habitats such as coral reefs and canyons, and a diversity of native species. These provide opportunities for unique visitor experiences such as fishing, snorkelling and diving on remote offshore reefs. The marine parks also support a range of important activities such as commercial fishing, mining and shipping that contribute to economic growth, employment and wellbeing of coastal towns and communities.

Australian Marine Parks are all about partnerships. We will work with you—traditional owners, tour operators, fishers, researchers, communities and conservationists—in managing the parks. This plan provides the actions we will take, supported by partnerships, in managing marine parks over the next decade. It identifies how, with your help, we will protect marine ecosystems, improve our scientific understanding, support tourism, improve awareness and appreciation of marine parks, work with Indigenous people to manage parks, and ensure the rules are followed.

As an adaptive organisation we will implement a rigorous approach to monitoring, evaluation and reporting to ensure we keep track of our progress, take account of new information and change our approach if necessary, based on evidence.

Australia's environmental legislation and policy provides a strong basis for these marine parks. We also have extensive experience and expertise to draw on, including through traditional owners who have sustainably used and managed Australia's sea country for thousands of years.

This plan has benefitted from extensive input, including feedback from various public consultation processes, the independent review of Commonwealth marine reserves publicly released in 2016, advice and expertise of traditional owners on managing sea country, experiences managing Australian and international marine parks, the best available science, and the Government's policies and approaches to supporting competitive and sustainable fisheries.

I look forward to working with you to manage these important places for the benefit of current and future generations. It is your passion that will make Australian Marine Parks work for all Australians.

Sally Barnes

Director of National Parks

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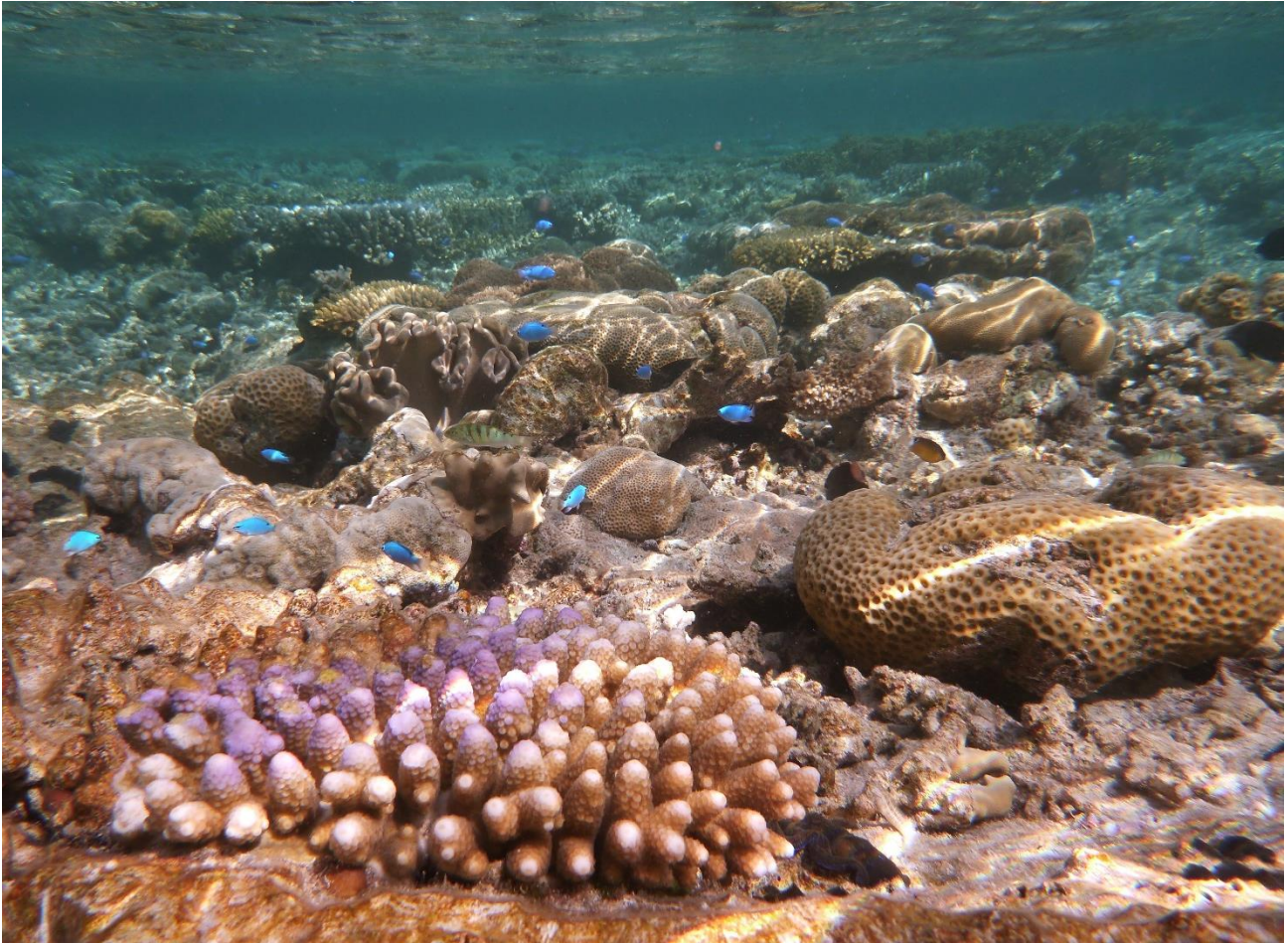
CHAPTER 1

INTRODUCTION



Whale shark (Tony Howard)

Part 1. MANAGING AUSTRALIAN MARINE PARKS



Coral reef, Rowley Shoals (Parks Australia)

1.1 INTRODUCTORY PROVISIONS

Name

This management plan (plan) is the *Draft North-west Commonwealth Marine Reserves Network Management Plan 2017*.

Commencement

This plan commences on DD MM 20YY.

Interpretation

Commonwealth marine reserves proclaimed by the Australian Government in 2013 and 2007 are referred to as Australian Marine Parks in this plan. The Glossary provides the meaning of certain words and expressions used, and includes references to certain words and expressions that are defined in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Authority

This plan is made under Section 370 of the EPBC Act. This plan replaces all previous approvals under s.359B of the EPBC Act that authorised a range of activities in the North-west Marine Parks Network in the period from proclamation of the Marine Parks to the commencement of this plan.

1.2 AUSTRALIAN MARINE PARKS

Australia is surrounded by ocean covering approximately 9.2 million km² and extending from the tropics to the sub-Antarctic. Australia's oceans are home to a wealth of plants and animals, many of them found nowhere else in the world. They help to support our way of life by providing beautiful places to enjoy, supporting businesses and jobs, and contributing to Australia's food and energy needs.

Marine protected areas are recognised as one of the best ways to conserve and protect marine habitats and species in our oceans. In light of this, the Australian, state and territory governments agreed in 1998 to establish a National Representative System of Marine Protected Areas (NRSMPA). The NRSMPA was designed to create a comprehensive, adequate and representative (CAR) system of marine protected areas, to contribute to the long-term viability of the marine environment and protect biodiversity. To identify areas to protect in the NRSMPA, the Australian Government undertook scientific research and consolidated the best available information on the natural, social and economic characteristics of Australia's marine environment.

On the basis of this work, in 2012, the Australian Government expanded the total coverage of Australia's National Representative System of Marine Protected Areas to 3.3 million km². This included new marine parks in the North, North-west, South-west, and Temperate East marine regions, and in the Coral Sea. This is in addition to marine parks already established in the South-east Network, the Great Barrier Reef and at Heard and McDonald Islands.

Australian Marine Parks (Commonwealth marine reserves proclaimed in 2013 and 2007) are located in Commonwealth waters that start at the outer edge of state and territory waters, generally three nautical miles (approximately 5.5 km) from the shore, and extend to the outer boundary of Australia's exclusive economic zone, 200 nautical miles (approximately 370 km) from the shore. Marine parks have also been established by state and territory governments in their respective waters under the NRSMPA.

Many other countries have moved to establish marine parks in their waters and are implementing a range of legislative, policy and management tools to manage these important places.

1.3 AUSTRALIAN MARINE PARKS VISION AND OBJECTIVES

Management of Australian Marine Parks requires a balance between protection of our marine environment, and opportunities for sustainable use and enjoyment of these special places.

The vision of the Director of National Parks (the Director) is that marine parks are healthy, resilient and well-managed to enhance Australia's wellbeing. This means ensuring that:

- their natural, cultural, socio-economic and heritage values are understood, appreciated and conserved ;
- marine parks support jobs and businesses;
- people have opportunities to enjoy marine parks;
- visitors and tourists can enjoy world-class nature-based experiences in marine parks; and
- Indigenous people and marine park users are partners in managing marine parks.

Australian Marine Parks are important places for the protection of the marine environment that should support national and regional economies for people to enjoy and make a living. The objectives of this plan are to provide for:

- a) the protection and conservation of biodiversity and other natural, cultural and heritage values of marine parks in the North-west Network; and
- b) ecologically sustainable use and enjoyment of the natural resources within marine parks in the North-west Network, where this is consistent with objective (a).

1.4 MANAGEMENT PLAN OVERVIEW

This plan is structured into two chapters and five schedules (Table 1.1). Chapter 1 provides an introduction to how Australian Marine Parks are managed, and Chapter 2 provides for the management of the North-west Marine Parks Network (North-west Network).

Several inputs have contributed to the preparation of this plan, including:

- public consultation during the preparation of this plan;
- knowledge and expertise of marine park users and traditional owners;
- the independent *Commonwealth marine reserves review* (publically released in 2016);
- the best available science and information on marine parks and approaches to marine park management, including insights from management of the South-east Network, the Great Barrier Reef Marine Park, and state and territory marine parks;
- the Integrated Marine and Coastal Regionalisation of Australia (IMCRA) framework;
- the *Marine bioregional plan for the North-west Marine Region* (2012);
- the *North-west marine bioregional plan: bioregional profile* (2008); and
- Government policies and commitment to the NRSMPA and to competitive and sustainable fisheries.

1.5 LEGISLATION AND POLICY SUPPORTING MARINE PARK MANAGEMENT

The EPBC Act is Australia's primary environmental legislation. In recognition of the importance of the marine environment, it is listed as a matter of national environmental significance under the EPBC Act. Under the Act, the Director is responsible for managing marine parks (supported by Parks Australia), and is required to make management plans for marine parks. Other parts of the Australian Government must not perform functions or

exercise powers in relation to these parks that are inconsistent with management plans (s.362 of the EPBC Act).

This plan complements a range of Commonwealth, state and territory laws, as well as international conventions and agreements that relate to protection of the marine environment (Schedule 1). Some of the ways in which the Australian Government protects the marine environment through national environmental law include management plans for Australian Marine Parks; marine bioregional plans for the Commonwealth marine environment; recovery plans for threatened species; and threat abatement plans for key threats, such as invasive species and marine debris.

Other Australian, state and territory government agencies also have statutory roles in managing fisheries, tourism, oil and gas activities, shipping, maritime pollution and biosecurity threats.

In the North-west Network, Australia has international responsibilities under the World Heritage Convention and the Ramsar Convention on Wetlands of International Importance, to manage the Ningaloo Coast World Heritage Property, and the Ashmore Reef Ramsar site. In addition, a Memorandum of Understanding between Australia and Indonesia allows Indonesian fishers to fish traditionally in an agreed area.

Table 1.1 Structure of this plan

Chapter 1 Introduction	
Part 1 Managing Australian Marine Parks	Outlines the context and approach to managing marine parks.
Part 2 The North-west Marine Parks Network	Provides a summary of the North-west Network including natural, cultural, heritage, social and economic values, the pressures facing the Network and the management actions to protect values and manage pressures.

Chapter 2 Management and prescriptions (the rules)	
Part 3 Zoning	Explains the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
Part 4 Managing activities	Provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes and the types of authorisations (permits, class approvals, commercial activity licences and leases).
Glossary	Lists terms and words used in this plan.

Schedules Supporting information	
Schedule 1 Summary of legislative and policy contexts	Includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
Schedule 2 North-west Network overview and values	Provides a summary of the marine parks as proclaimed, a description of values and a map for each park.
Schedule 3 Environmental features used in design of the North-west Network	Describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features, and key ecological features.
Schedule 4 North-west Network marine parks and zone boundary descriptions	Lists the coordinates of each marine park and zone.
Schedule 5 Supporting information	Lists references used in preparing this plan.

1.6 APPROACH TO MANAGING AUSTRALIAN MARINE PARKS

To achieve the best outcomes from Australian Marine Parks, the different uses of parks must be balanced with protecting important habitats and features. This plan outlines the Director's approach to managing Australian Marine Parks. This approach includes:

- **A vision** for Australian Marine Parks and management objectives.
- **Partnerships** with traditional owners, marine park users, stakeholders and governments to manage marine parks.
- **Management programs and actions** to protect the marine environment, improve scientific understanding, support tourism, improve awareness and appreciation of marine parks, work with Indigenous people to manage parks, and ensure people comply with the rules.
- **Zones** that set out what activities can be undertaken where and how.
- **Outcome-based decision-making** where each decision made balances enabling use with the need to protect natural, cultural and heritage values of marine parks.
- **Implementation plans** to support each management plan that set out the specific actions in the foundation phase (years 1–4), consolidation phase (years 5–8), and finalisation and review phase (years 9–10).
- **Adaptive management** including monitoring, evaluation and reporting to keep track of our progress and change our approach when necessary.

1.7 WAYS OF WORKING

In managing Australian Marine Parks, the Director will seek to be:

- **Respectful**—of the traditional owners of the sea, marine park users, stakeholders and other government agencies.
- **Collaborative**—seeking to co-design management programs and systems wherever possible, and manage in consultation with marine park users.
- **Balanced**—focused on protecting natural, cultural and heritage values, while facilitating sustainable use and enjoyment of marine parks.
- **Outcomes based**—considering outcomes for natural, social-economic, cultural and heritage values of marine parks when making decisions about activities.
- **Adaptive**—encouraging innovation, accommodating new information about values, pressures and technologies, and allowing for continual improvement in management.
- **Evidence and risk-based**—using information to guide management and decision-making, including evidence gathered through monitoring, research, evaluation and reporting.
- **Proactive**—taking proactive action to protect marine parks from pressures, to minimise damage, and to improve resilience, wherever possible.
- **Efficient and effective**—minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval mechanisms of other government agencies, while enforcing the rules established in this plan.

1.8 PARTNERSHIPS

Effective management of Australian Marine Parks will be achieved by working with traditional owners, marine park users and stakeholders, and other government agencies through the following:

Partnerships with government agencies

The Director will build on existing partnerships with Commonwealth government agencies with critical roles in managing and understanding Australia's marine environment, including Australian Fisheries Management Authority, Australian Maritime Safety Authority, Defence, Geosciences Australia, Great Barrier Reef Marine Park Authority, Maritime Border Command and National Offshore Petroleum Safety and Environmental Management Authority. The Director will also build on partnerships with state and territory fisheries and marine park agencies and research institutions that provide support to the day-to-day management of Australian Marine Parks, while ensuring a consistent approach to managing marine parks around Australia.

Network advisory committee

To support collaborative management and achieve the vision for marine parks, the Director intends to establish an advisory committee for the North-west Network. The Director will work closely with the advisory committee and stakeholders to develop and implement management programs and actions for the Network.

The role of the advisory committee will be to support and collaborate with the Director to manage marine parks by:

- helping to develop and deliver implementation plans, including assisting to prioritise management actions and develop performance measures;
- providing information about stakeholder and park user views, knowledge and needs; and
- contributing to the periodic evaluation and review of implementation plans.

Members will represent the broad range of marine park users, interests and knowledge about marine parks and may represent sectors such as commercial fishing, energy, Indigenous people, infrastructure, non-government organisations, recreational fishing, science, tourism, transport and the broader community. Membership and terms of reference for the committee will be developed in consultation with stakeholders as soon as practicable after the commencement of this plan.

Partnerships with traditional owners and Indigenous people

In implementing this plan, the Director acknowledges the national and international rights and cultural interests of Indigenous people and the deep understanding and experience that Indigenous people can contribute to the management of Australian Marine Parks. The Director also acknowledges that Indigenous people have been sustainably using and managing their sea country, including areas now in marine parks, for thousands of years.

The Director is committed to working with Indigenous people to manage sea country within marine parks and will achieve this through the Indigenous engagement program (Section 2.5). This includes building partnerships with traditional owners and Indigenous people with responsibilities for sea country.

The Director also acknowledges that traditional owners are the primary source of information on the value of their heritage. For this reason, the Director will seek the active participation of Indigenous people in the identification and management of cultural values in marine parks.

To inform our approach to managing marine parks, the Director has worked with representatives from land councils, native title representative bodies and Indigenous ranger groups to develop a set of collaborative management principles (Table 1.2) to support Indigenous involvement in the management of Australian Marine Parks. These principles will inform the approach to implementing this plan, as well as the development and implementation of actions in each marine park (Part 2).

Table 1.2 Principles supporting Indigenous people to engage in management of Australian Marine Parks

Principle 1:

It is recognised that Indigenous people have been sustainably using and managing their sea country, including areas now included within Australian Marine Parks, for thousands of years—in some cases since before rising sea levels created these marine environments.

Principle 2:

Management of Australian Marine Parks should be undertaken on the basis that native title exists in sea country within Commonwealth waters.

Principle 3:

Indigenous people should be engaged in planning and managing Australian Marine Parks on the basis of their nationally and internationally recognised rights and cultural interests, not as a 'stakeholder' group.

Principle 4:

Maximise opportunities for Indigenous people to enjoy the management and use of their sea country.

Principle 5:

Maximise opportunities for the development of Indigenous livelihoods, consistent with national 'closing the gap' commitments.

Principle 6:

Governance and management activities within Australian Marine Parks should respect and complement local Indigenous governance arrangements, plans, capacities and activities.

Principle 7:

Indigenous engagement in managing Australian Marine Parks should be undertaken through good faith negotiations, seeking to build on the common ground that exists between Indigenous people and the Australian Government to protect and sustainably use Australia's sea country environments and resources.

Principle 8:

Third party investment in management activities in Australian Marine Parks (e.g. through environmental offset investments) should include support for Indigenous people's interests, capacity-building and development of livelihoods, consistent with all other principles outlined above; such third party investments must not impact on native title compensation negotiations or on the right to compensation.

1.9 MANAGEMENT PROGRAMS AND ACTIONS

The Director will implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks. Management programs and actions may be adapted over the life of this plan, and include:

- **Communication, education and awareness**—actions that improve awareness, understanding and support for marine parks and park management.
- **Tourism and visitor experience**—actions that provide for and promote a range of environmentally appropriate, high quality, recreation and tourism experiences and contribute to Australia's visitor economy.
- **Indigenous engagement**—actions that recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.
- **Marine science**—actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.
- **Assessments and authorisations**—actions that provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to support sustainable use and protection of marine park values.
- **Marine park protection and management**—timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.
- **Compliance**—actions that ensure appropriate and high levels of compliance by marine parks users with the rules set out in this plan.

The specific actions that will be undertaken in each marine park will be determined in partnership with stakeholders and set out in implementation plans.

1.10 ZONES

Zoning and related rules for managing activities are important tools for managing marine parks to ensure protection of marine habitats and species while enabling use. Parts 3 and 4 of this plan set out the zones and rules for activities in the North-west Network.

In determining the zones and rules, the Director has considered the best available science, the advice of stakeholders, Indigenous people and the general public, the goals and principles of the NRSMPA and the Australian IUCN reserve management principles (Schedule 1). Zones established by this plan (Part 3) in marine parks in the North-west Network are summarised in Table 1.3.

Table 1.3 Summary of zones in the North-west Network

Special Purpose Zone (IUCN category VI) —managed to allow specific activities though special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.
Multiple Use Zone (IUCN category VI) —managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.
Habitat Protection Zone (IUCN category IV) —managed to allow activities that do not harm or cause destruction to seafloor habitats, while conserving ecosystems, habitats and native species in as natural a state as possible.
Recreational Use Zone (IUCN category IV) —managed to allow recreational use, while conserving ecosystems, habitats and native species in as natural a state as possible. The zone allows for recreational fishing, but not commercial fishing.
National Park Zone (IUCN category II) —managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities unless authorised for research and monitoring.
Sanctuary Zone (IUCN category Ia) —managed to conserve ecosystems, habitats and native species in as natural and undisturbed a state as possible. The zone allows only authorised scientific research and monitoring.

1.11 IMPLEMENTATION PLANS

The Director will work closely with stakeholders and the advisory committee to develop detailed implementation plans. Three stages of implementation plans will be developed to set out the management actions that will occur in the North-west Network and identify performance indicators.

- **Implementation plan 1**—Foundation (years 1–4). To be developed in the first year and include foundational management actions and development of robust natural, social and economic baselines.
- **Implementation plan 2**—Consolidation (years 5–8). To be developed following a review of the first implementation plan, and considering lessons learnt. To continue any ongoing foundational management actions.
- **Implementation plan 3**—Finalisation and review (years 9–10). To set out arrangements to review the lessons learnt from implementing this management plan over the first eight years, and to inform the development of the next management plan for the North-west Network.

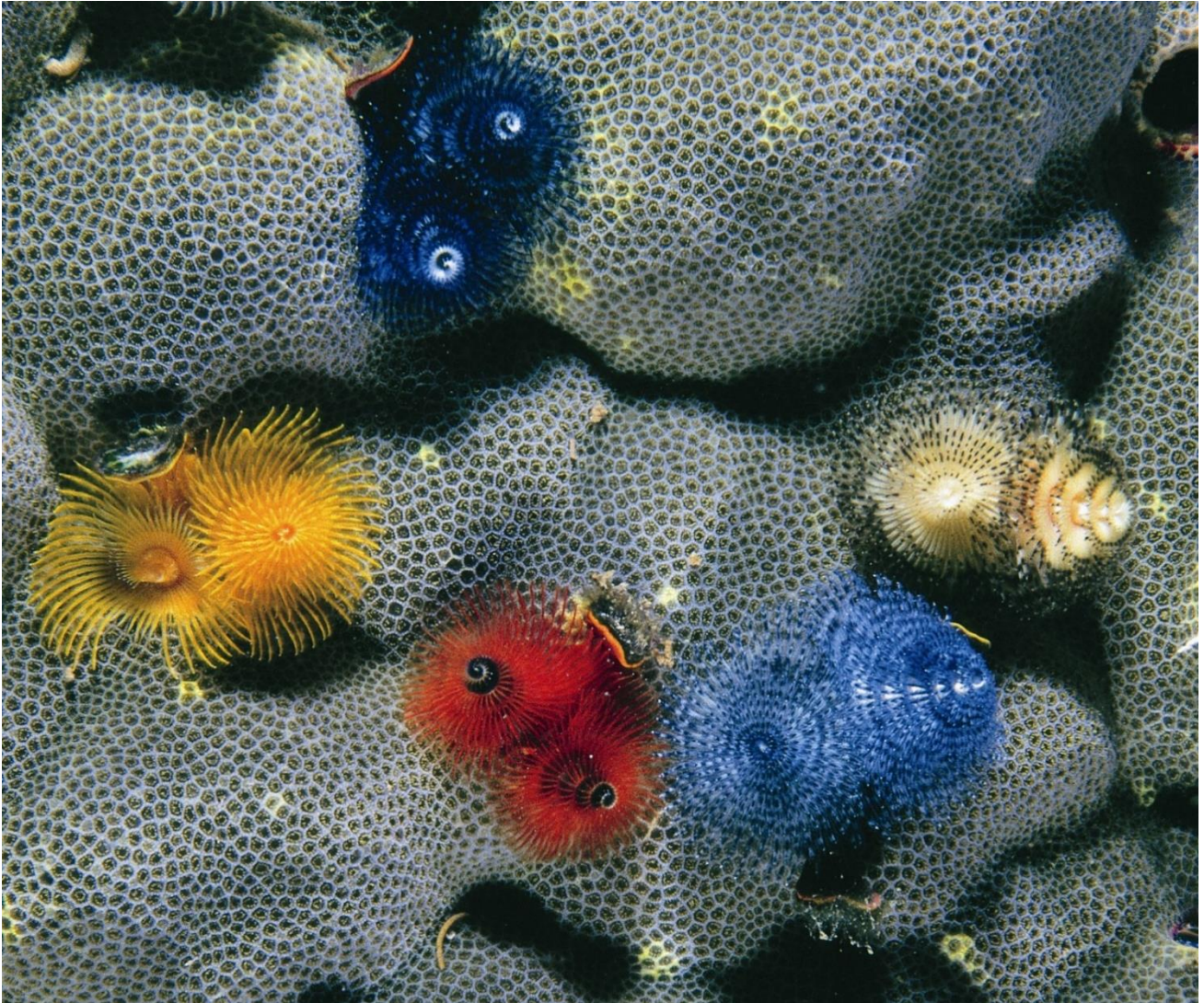
1.12 ADAPTIVE MANAGEMENT

Regular monitoring, evaluation, reporting and review of the implementation of this management plan will be essential to achieve the vision for Australian Marine Parks and the objectives for this plan. The Director will undertake periodic monitoring, evaluation, review and reporting on the implementation of this plan to:

- evaluate the effectiveness of this plan in achieving its objectives;
- track progress in meeting performance indicators identified in implementation plans;
- review the effectiveness of zoning and other management arrangements to protect and conserve marine park values;

- identify changes in management context and priorities;
- consider the adequacy of current knowledge of marine park values, uses, pressures, social and economic benefits and impacts;
- consider the effectiveness of monitoring and evaluation, and the appropriateness of key indicators and performance measures;
- identify and prioritise future management actions;
- provide information to enable adaptive management; and
- inform the development of a new management plan for the North-west Network at the conclusion of this plan.

Part 2. THE NORTH-WEST MARINE PARKS NETWORK



Christmas tree worms (Parks Australia)

2.1 THE NORTH-WEST MARINE REGION

The North-west Marine Region (region) extends from the Western Australia–Northern Territory border to Kalbarri, south of Shark Bay. The region covers approximately 1.07 million km² of sub-tropical and tropical waters of the Indian Ocean and Timor Sea (Figure 2.1).

Traditional owners have managed and used sea country within the region for thousands of years. They use and actively manage the coastal and marine environments of the region as a resource and to maintain cultural identity, health and wellbeing. Fishing, hunting and the maintenance of culture and heritage through ritual, stories and traditional knowledge continue as important uses of nearshore and adjacent areas.

The region is popular for activities such as fishing, snorkelling, diving and boating. Tourism operators offer unique experiences for visitors to enjoy the offshore reefs, islands, cays and deep-water environments. Although many of the marine parks are remote and far offshore, opportunities exist for recreational use, particularly around offshore atolls and reefs such as those at Mermaid Reef and Ningaloo Marine Parks.

There are significant industries in the region, including commercial fishing, mining and shipping that contribute to economic growth, employment and social wellbeing in adjacent towns and communities. Activities and businesses that support these industries such as marine industry suppliers and repair yards are also important sources of employment for coastal communities.

The marine environment of the region is characterised by shallow-water tropical marine ecosystems, a large area of continental shelf (including the narrowest part of continental shelf on Australia's coastal margin) and continental slope, with two areas of abyssal plain with depths to 6000 m. Habitats include coral reefs, soft sediments, canyons and limestone pavements. The region is subject to extreme tidal regimes and a high incidence of cyclones. It is influenced by a complex system of ocean currents that change seasonally and between years, generally resulting in surface waters that are warm, nutrient-poor and of low salinity. The southern part of the region transitions between tropical and temperate waters.

The region has high species diversity and globally significant populations of internationally threatened species. A small number of species are found nowhere else but most of the region's species are tropical and found in other parts of the Indian Ocean and the western Pacific Ocean. The region supports biologically important areas for a range of spectacular and unique species—seabirds, sharks, whales, dolphins, marine turtles and dugong (*Dugong dugon*). For example, the iconic whale shark (*Rhincodon typus*) aggregates at Ningaloo, and every year, humpback whales (*Megaptera novaeangliae*) migrate through the region to and from their breeding grounds off the Kimberley coast.

Further information about the region can be found in the *Marine bioregional plan for the North-west Marine Region* (2012) and the *North-west marine bioregional plan: bioregional profile* (2008) (available on the Department's website), and the marine park values in Section 2.3 (Values of the North-west Network) and Schedule 2 of this plan.

2.2 THE NORTH-WEST MARINE PARKS NETWORK

The North-west Network (Figure 2.2) covers 335 341 km² and includes 13 marine parks. An overview of the marine parks and their values is provided in Schedule 2.

The North-west Network comprises the following marine parks:

- Shark Bay Marine Park
- Carnarvon Canyon Marine Park
- Ningaloo Marine Park
- Gascoyne Marine Park
- Montebello Marine Park
- Dampier Marine Park
- Eighty Mile Beach Marine Park
- Roebuck Marine Park
- Mermaid Reef Marine Park
- Argo–Rowley Terrace Marine Park
- Kimberley Marine Park
- Ashmore Reef Marine Park
- Cartier Island Marine Park

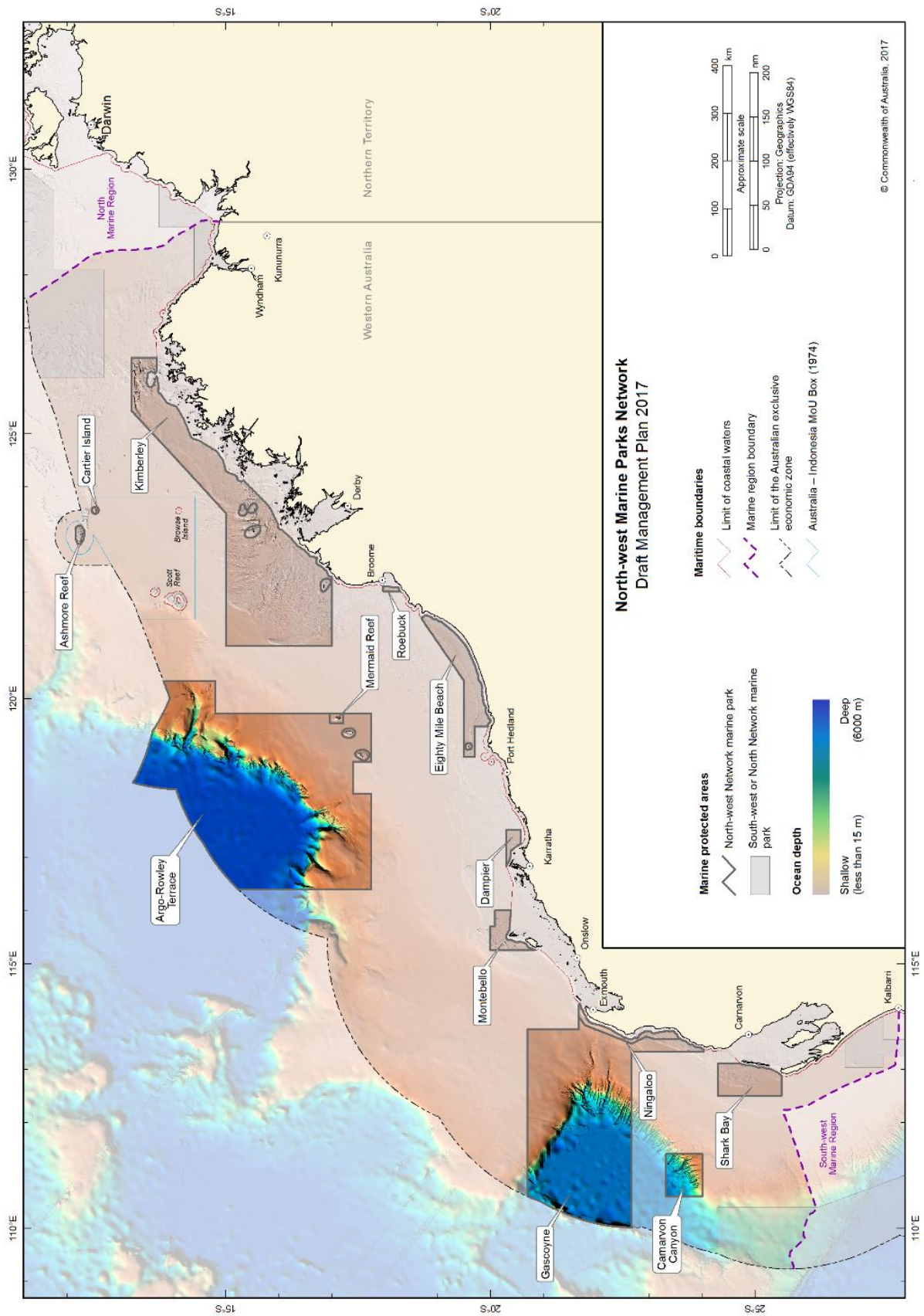


Figure 2.2 North-west Marine Parks Network

2.3 VALUES OF THE NORTH-WEST NETWORK

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of the marine parks for people, businesses and the economy.

A summary of the values of the North-west Network is provided in Table 2.1. As outlined in Part 1, in managing marine parks, the Director will need to make decisions about what can occur in the marine parks and what actions to take to manage them. This will involve the Director making decisions that carefully balance the need to protect natural, cultural, heritage and socio-economic values of marine parks, with enabling use and managing pressures.

In making these decisions, the Director will carefully consider the impacts and risks to natural, cultural, heritage or socio-economic values for the relevant marine park/s. The values of individual parks are set out in Schedule 2. The Director will also consider any positive impacts associated with allowing an activity, such as socio-economic or cultural benefits, and ensure activities are undertaken in a manner that minimises negative impacts.

For some marine parks, such as the Ashmore Reef Marine Park, there is a relatively strong understanding of park values. Where there is less information, environmental features are used as indicators for the types of species and habitats likely to occur. These include bioregions, water depth, seafloor features, and key ecological features (see Schedule 3 for more information).

As understanding of marine park values improves over the life of this plan, the Director will make new information about values available on the Department's website. Other important sources of information on values (also on the Department's website) include:

- Species profile and threats database for protected species;
- Directory of important wetlands in Australia;
- Australian heritage database for natural, historic and Indigenous heritage places;
- Australian national shipwreck database for known shipwrecks;
- National Conservation Values Atlas;
- *Marine bioregional plan for the North-west Marine Region* (2012); and
- *North-west marine bioregional plan: bioregional profile* (2008).

Table 2.1 Summary of values in the North-west Network

Statement of significance
<p>The North-west Network was designed to protect representative examples of the region's ecosystems and biodiversity in accordance with the <i>Goals and principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters</i> (ANZECC, 1998).</p>
Natural values
<p>Bioregions—the North-west Marine Region is divided into areas of ocean grouped by broadly similar characteristics based on the distribution of marine species and seafloor features (bioregions). The Network represents examples of the region's marine environments including ecosystems, species and habitats. There are eight bioregions represented in the North-west Network (Schedule 2).</p> <p>Key ecological features—elements of the marine environment considered to be of importance for biodiversity or ecosystem function and integrity, represented in the Network are:</p> <ul style="list-style-type: none"> • Ashmore Reef and Cartier Island and surrounding Commonwealth waters • Continental slope demersal fish communities • Canyons linking the Argo Abyssal Plain with the Scott Plateau • The ancient coastline at the 125-m depth contour • Mermaid Reef and the Commonwealth waters surrounding the Rowley Shoals • Exmouth Plateau • Canyons linking the Cuvier Abyssal Plain with the Cape Range Peninsula and • Commonwealth waters adjacent to Ningaloo Reef. <p>Species and habitats—all species and habitats are important components of the ecosystems represented in the North-west Network. Many species are protected under the EPBC Act and international agreements such as the Convention on the Conservation of Migratory Species (CMS or Bonn Convention), the Japan–Australia Migratory Bird Agreement (JAMBA), the China–Australia Migratory Bird Agreement (CAMBA), and the Republic of Korea–Australia Migratory Bird Agreement (ROKAMBA). Further information on these agreements is in Schedule 1.</p> <p>The North-west Network supports important habitats, including biologically important areas, for a range of protected species. Biologically important areas are where aggregations of individuals of a protected species breed, forage and rest during migration. More information on protected species and biologically important areas can be found in the <i>Marine bioregional plan for the North-west Marine Region</i> (2012) and the conservation values atlas on the Department's website.</p>
Cultural values
<p>Aboriginal people of north-western Australia have been sustainably using and managing their sea country for thousands of years, in some cases since before rising sea levels created these marine environments. Sea country refers to the areas of the sea that Aboriginal people are particularly affiliated with through their traditional lore and customs. Sea country is valued for Indigenous cultural identity, health and wellbeing.</p> <p>Aboriginal people continue to assert inherited rights and responsibilities over sea country within the North-west Network. It is recognised that spiritual corridors extend from terrestrial areas into nearshore and offshore waters, a number of marine animals are totems for Indigenous people, and that songlines pass through marine parks.</p> <p>Three native title determinations have been made over sea country within the Kimberley Marine Park. These determinations recognise in law that native title exists over sea country and preserve continuing</p>

rights to access sea country to hunt, fish, gather and use the resources of the waters for personal, domestic, communal, cultural and spiritual needs.

Traditional Indonesian fishers have also visited and used the northern coast of Australia and its islands and reefs since at least the early eighteenth century. Evidence of this, for example grave sites, is found within the Ashmore Reef Marine Park.

Heritage values

Protected places (world, national and Commonwealth heritage, Ramsar wetlands, historic shipwrecks)

The EPBC Act protects matters of national environmental significance that are classified as protected places, including world heritage properties, national heritage places and wetlands of international importance (Ramsar wetlands). Places on the Commonwealth Heritage List or shipwrecks listed under the *Historic Shipwrecks Act 1976* are also protected places.

Historic shipwrecks are a unique historic value and the region is an area of considerable importance in Australia's maritime history. Many of these vessels were lost in the cyclones that proved devastating to fleets working the pearling grounds. The North-west Network includes Australia's earliest historic shipwreck, the British East Indiaman *Trial*, wrecked in 1622, and many other famous shipwrecks.

More information on located wrecks and shipwrecks historically reported as lost can be found in the Australian national shipwrecks database.

The North-west Network includes, or is adjacent to the following internationally listed places:

The Ningaloo Coast World Heritage Property

An area of the Ningaloo Coast World Heritage Property is included in the Ningaloo Marine Park. The site was inscribed on the World Heritage List by the World Heritage Committee in 2011 on the basis of its outstanding universal value. The property includes high marine species diversity and abundance; in particular, Ningaloo Reef supports both tropical and temperate marine reptiles and mammals.

Ashmore Reef Marine Park Ramsar site

The Ashmore Reef Ramsar site is located within the boundary of the Ashmore Reef Marine Park. It is the largest of the atolls in the region, and West Island, Middle Island and East Island represent the only vegetated islands in the region. Ashmore Reef Ramsar site supports internationally significant populations of seabirds and shorebirds, is important for turtles (green, hawksbill and loggerhead) and dugong, and has the highest diversity of hermatypic (reef-building) corals on the West Australian coast.

Shark Bay, Western Australia World Heritage Property

The Western Australia World Heritage Property Shark Bay is adjacent to the Shark Bay Marine Park. The site was inscribed on the World Heritage List by the World Heritage Committee in 1991 on the basis of its outstanding universal value. The property includes large and diverse seagrass beds, stromatolites and populations of dugong and threatened species.

Social and economic values

The North-west Network supports a range of important social and economic uses that underpin the prosperity and wellbeing of regional communities.

Shipping, port-related activities, commercial fishing, pearling and aquaculture are industries of national economic significance. The Network also provides some opportunity for offshore mining operations.

Marine tourism activities, including charter fishing, snorkelling, diving and wildlife watching, are also important commercial activities that offer unique visitor experiences on reefs, islands and cays, and in deep-water environments, particularly around Mermaid Reef and Ningaloo Marine Parks.

2.4 PRESSURES IN THE NORTH-WEST NETWORK

Pressures are human-driven processes, events and activities that if left unchecked, may impact marine park values. Contemporary drivers of environmental change in the marine environment include population growth, economic activity and related pressures such as increased vessel activity, marine debris, climate extremes and ocean warming. Figure 2.3 shows the types of uses occurring across the North-west Network. These present challenges for biodiversity conservation and sustainable management of our marine resources.

Australia's 2016 *State of the environment report* reviewed pressures on Australia's marine environment and determined that they were low by global standards. However, given that more than 85 per cent of Australians live within 50 km of the sea, and with Australia's population of approximately 24.4 million projected to grow to 39.7 million by 2055, pressures on the marine environment are likely to increase.

Although pressures on marine ecosystems and biodiversity in the North-west Network may change over time, examples of pressures in the Network are outlined in Table 2.2.

Research in the Great Barrier Reef Marine Park and elsewhere in the world has demonstrated that effective management of marine parks, including through the approaches outlined in this plan, helps to maintain the resilience of marine park ecosystems. This helps them to withstand and recover from pressures.

In determining the management actions to be taken in the North-west Network and in making decisions about the activities that will be allowed to occur within marine parks, the Director will carefully consider how the values outlined in Section 2.3 and in Schedule 2 will be impacted by these pressures now and in the future.

Pressures such as the extraction of living resources by fishing, and habitat modification through installation of infrastructure and anchoring will be managed in part through the zones and rules set out in Parts 3 and 4 of this plan.

Table 2.2 Summary of pressures in the North-west Network

Climate change
The impacts of climate change on the marine environment are complex and may include changes in sea temperature, sea level, ocean acidification, sea currents, increased storm frequency and intensity, species range extensions or local extinctions, all of which have the potential to impact on marine park values. The International Panel on Climate Change recognises climate change as a major contributor to Australian marine ecosystem changes since 2007. Examples of habitat, key ecological features, and species vulnerable to the effects of climate change include Ashmore Reef and Cartier Island and surrounding Commonwealth waters, continental slope demersal fish communities, and species of sea snake, sawfish, shark, dolphin, seabird, marine turtle and dugong.
Changes in hydrology
Rivers, estuaries and other waterways have the potential to discharge increased sediment loads and pollutants into the marine environment from activities such as coastal development and agriculture. This can result in increased turbidity and siltation, impacting on species that inhabit or spawn in coastal, estuary and offshore waters. Examples of habitat and species vulnerable to changes in hydrology include reef and seagrass habitats and species of sawfish, dolphin and dugong.
Extraction of living resources
Australia's world class fisheries management, led by Commonwealth, state and territory governments is important for ensuring sustainable fishing practices. Fishing, including illegal, unregulated and unreported fishing (including illegal foreign fishing), can modify natural populations of target species. Bycatch of non-target species and/or physical disturbance to habitats can result from certain fishing methods, and may therefore potentially impact marine park values. Examples of habitat, key ecological features, and species vulnerable to such impacts include reef and shoal habitats, the pinnacles of the Bonaparte Basin, and

species of shark, sawfish, dolphin, marine turtle, sea snake, sea cucumber, trochus, fish and dugong.

Habitat modification

Commonwealth, state and territory governments play an important role in managing activities in the marine environment. For example, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) works with the mining industry to ensure their environment plans address environmental management issues. Impacts on habitat in marine parks can occur directly through physical disturbance or indirectly through the presence of infrastructure. For example, benthic communities are vulnerable to the discharge of sediments which can result in localised smothering of benthic biota and or reduction in the quality and quantity of light received at the seabed. In addition, modification of natural light through the installation of lighting associated with infrastructure can cause changes in animal behaviour. Examples of habitats and species vulnerable to habitat modification pressures include reef, shoal and pinnacle habitats and species of fish, sea snake, marine turtle, dolphin and dugong.

Human presence

Activities such as wildlife watching are a drawcard for people visiting marine parks. While enjoying the wildlife experience it is important to be aware of the potential impacts of human presence on the natural behaviour of wildlife. Activities such as boating, camping, diving and snorkelling have the potential to impact marine park values directly through contact from collision or indirectly through changes in behaviour from disturbance. These activities may result in changes to wildlife behaviour such as nesting, breeding, feeding or resting, or may damage fragile marine environments e.g. reefs. Examples of habitats and species vulnerable to human disturbance include reef habitats and species of dolphin, marine turtle and seabird.

Invasive species

Invasive species have the potential to impact on marine park values directly and indirectly. Potential sources of invasive species include vessel ballast and bilge water discharge, vessel biofouling, accidental or deliberate transport of species and land-based activities. Island, reef and other shallow-water ecosystems and native species are vulnerable to invasive species from direct impacts such as predation or damage to important habitat, e.g. nesting habitat, or indirect impacts such as competition with native species for habitat and food. Examples of habitat, key ecological features and species vulnerable to the impacts of invasive species include reef and island habitats, and nesting seabird and marine turtle such as those at Ashmore Reef Marine Park, and the predation threat posed by the tropical fire ant (*Solenopsis geminata*).

Marine pollution

Marine and land-based activities have the potential to result in marine pollution which may impact marine park values. Pollution includes the emission of noise or light, marine debris (for example plastics and lost fishing gear), and discharge of oil, chemicals or waste. Pollution can be detrimental to marine life, causing contamination of ecosystems or entanglement of, or ingestion by, marine species. Examples of habitat, key ecological features, and species vulnerable to marine pollution include island, reef, and other shallow-water habitats, Ashmore Reef and Cartier Island and surrounding Commonwealth waters and species of sawfish, dolphin, whale, dugong, marine turtle and seabird.

Further information on pressures in the region is provided in the *Marine bioregional plan for the North-west Marine Region* (2012).

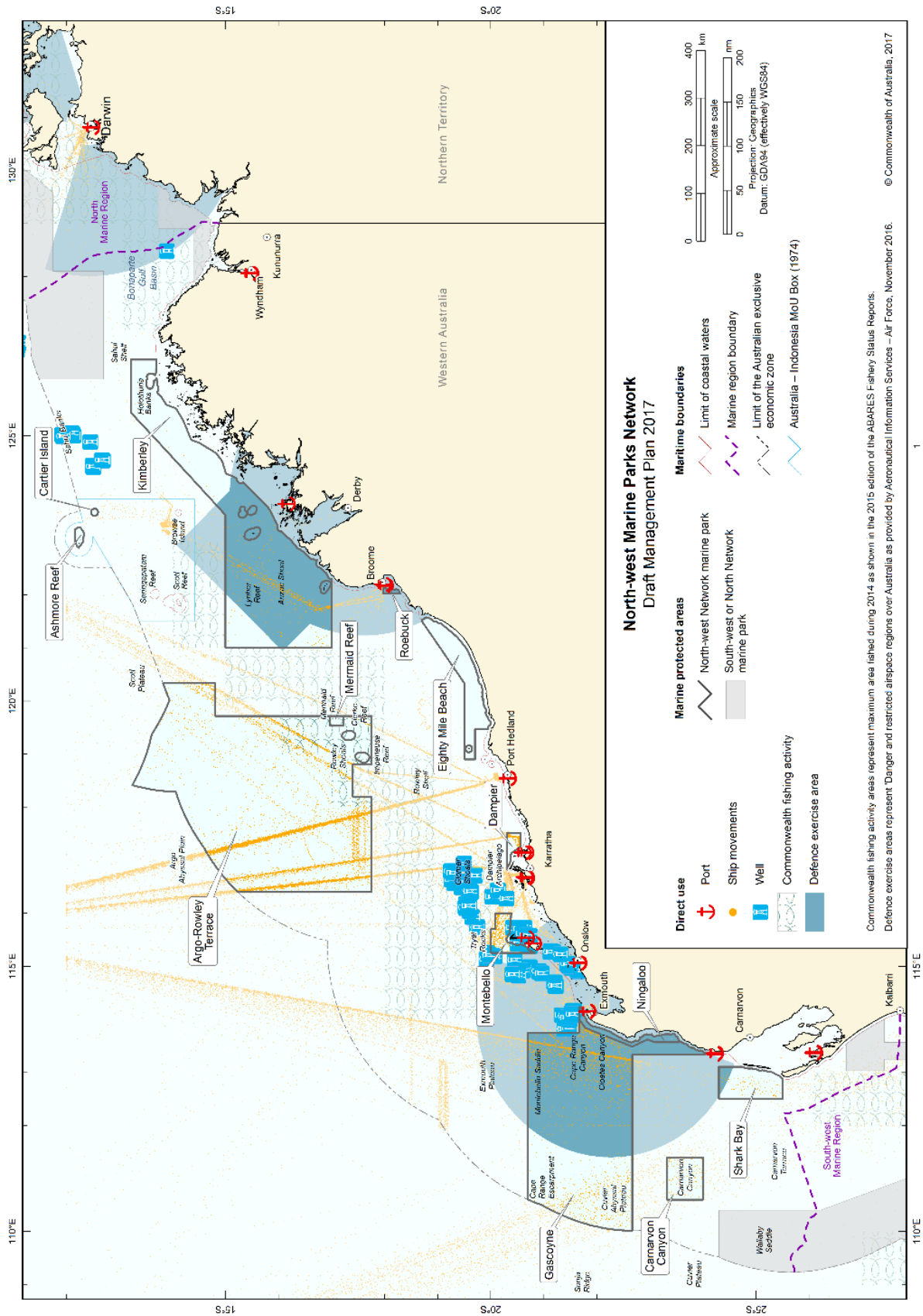


Figure 2.3 Direct use in the North-west Network

2.5 MANAGEMENT PROGRAMS AND ACTIONS IN THE NORTH-WEST NETWORK

As outlined in Part 1, the Director will proactively implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks.

These management programs and actions will be implemented on a national scale across all Australian Marine Parks. In addition, specific actions will be undertaken in the North-west Network. Table 2.3 outlines the management programs and actions likely to be undertaken in the North-west Network. These programs and actions may change during the life of this plan as new information and approaches become available. Additional actions will be developed in partnership with stakeholders and Indigenous people through a network advisory committee and in implementation plans.

Table 2.3 Management programs, outcomes and actions in the North-west Network

<p style="text-align: center;">Communication, education and awareness program</p> <p style="text-align: center;">Actions to improve awareness, understanding and support for marine parks and park management.</p>
<p>Outcome</p> <ul style="list-style-type: none"> Increased awareness, understanding and support for marine parks. <p>Actions—the Director will</p> <p><i>under a national program:</i></p> <ul style="list-style-type: none"> develop a marketing and communication strategy for Australian Marine Parks to raise awareness and understanding of the marine park values and the contribution marine parks make to enhancing Australia's wellbeing, develop online information resources to facilitate awareness of marine park values, management arrangements and visitor opportunities, maximise the use of new technologies and partnerships (including with schools, universities, museums and non-government organisations) to inspire people of all ages to become involved in marine park management and protection, establish network advisory committees for the marine parks to ensure users and interested stakeholders have on-going input to the management of Australian Marine Parks, and develop a customer focussed approach to tracking the aspirations and concerns of stakeholders in relation to marine parks. <p><i>in the North-west Network:</i></p> <ul style="list-style-type: none"> develop information on marine parks in the Network to encourage increased awareness and understanding of their values and management arrangements. For example, an Ashmore Reef Marine Park visitor guide, provide infrastructure in and adjacent to the Network, such as signs and marker buoys, to increase understanding of marine park values and rules, particularly at sites that are regularly visited, and establish a North-west Network advisory committee to support and collaborate with the Director in management.

Tourism and visitor experience program

Actions to provide for and promote a range of environmentally appropriate, high quality recreation and tourism experiences and contribute to Australia's visitor economy.

Outcomes

- High-quality visitor experiences that are appealing, engaging and raise awareness of the natural and cultural values of marine parks.
- Increased visitation to marine parks.
- Social and economic benefits from the contribution of marine parks to Australia's visitor economy.

Actions—the Director will

under a national program:

- develop a sustainable tourism and visitor experience strategy for Australian Marine Parks,
- work with national, state and local tourism authorities and operators to maximise the value of sustainable ecotourism opportunities associated with marine parks,
- develop a commercial tourism authorisation system to encourage best-practice and eco-accredited businesses operating in Australian Marine Parks,
- work with Tourism Australia, state and regional tourism and fisheries management authorities and the fishing industry to market and promote Australian Marine Parks, including opportunities to promote locally caught and sustainably caught seafood, and
- monitor visitor trends and levels of satisfaction with marine park experiences and products.

in the North-west Network:

- promote visitor experiences that foster curiosity and appreciation of natural and heritage values in the Network, for example whale shark watching at Ningaloo Marine Park, diving at Mermaid Reef Marine Park, and bird watching at Ashmore Reef Marine Park,
- work with other Commonwealth and state government agencies, and the tourism industry to support tourism initiatives, events and attractions that promote visitor experiences in marine parks, and
- facilitate partnerships between Indigenous people and tourism operators, and support the application of the Unguu Visitor Management pass system for the native title determination area.

Indigenous engagement program

Actions to recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.

Outcomes

- Social, cultural and economic benefits for traditional owners.
- Partnerships with traditional owners and Indigenous groups to manage sea country in marine parks.

Actions—the Director will

under a national program:

- develop an Australian Marine Parks Indigenous engagement and cultural heritage strategy, to improve understanding of cultural heritage, link management with sea country plans and maximise employment and enterprise opportunities for traditional owners, and
- develop agreements to support Indigenous ranger programs to deliver management in marine parks.

in the North-west Network:

- collaborate with traditional owners, Indigenous ranger groups and relevant partners to undertake marine park management such as surveillance, monitoring and threat mitigation including marine debris removal, and implement actions identified in sea country plans where applicable,
- implement cultural awareness training in association with traditional owners for staff and researchers working with Parks Australia,
- identify opportunities and mechanisms to engage traditional owners and Indigenous rangers in the management of marine parks, and
- increase understanding of traditional knowledge and cultural values.

Marine science program

Actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.

Outcomes

- Increase understanding of marine park values, pressures and adequacy of responses.
- Improve understanding of the effectiveness of marine park management in protecting park values.
- Informed decision-making and improved evidence-based decisions.

Actions—the Director will

under a national program:

- establish ecological, social and economic baselines to support evidence-based decision-making and adaptive management,
- develop an Australian Marine Parks science strategy to prioritise and encourage research and monitoring of park values, pressures and management effectiveness, and foster science communication and knowledge uptake,

- encourage and facilitate knowledge brokering to support collaboration and partnerships with the science community, private enterprise, citizen science organisations and other Commonwealth, state and territory agencies,
- establish an authorisation system for scientific research and monitoring by third parties, and encourage data to be made publicly available through appropriate information portals such as the Australian Ocean Data Network,
- collaborate with the science community (including through the National Marine Science Committee and the National Environmental Science Program) and other marine park users to assist in improving the understanding of marine park values, pressures and management effectiveness, and
- collaborate with the science community and other government agencies to increase the use of innovative and effective technology and systems including sensor technology.

in the North-west Network:

- monitor social and economic uses and their benefits and impacts on marine parks in the Network,
- monitor the condition of important habitats such as reef systems at Ningaloo, Mermaid, Kimberley, Ashmore and Cartier Marine Parks, and their vulnerability to climate change,
- monitor the impact of invasive species on marine park values and the effectiveness of management. For example, tropical fire ant impacts on seabirds and turtles at Ashmore Reef Marine Park, and the effectiveness of management such as baiting,
- collaborate with other Commonwealth and state government agencies, marine park users and the science sector to support long-term monitoring. For example monitoring of coral reefs, protected species and the effects of fishing on marine parks, and
- investigate opportunities to extend citizen science programs.

Assessments and authorisations program

Actions to provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to enable sustainable use and protection of marine park values.

Outcome

- Assessments and authorisations ensure ongoing protection of park values through the management of activities in parks.

Actions—the Director will

under a national program:

- develop and apply best-practice approaches to regulation and decision-making in the authorisation of activities within marine parks. This includes using Commonwealth or state assessment and authorisation processes, and class approvals, where possible and appropriate, to reduce the regulatory burden on marine park users,
- collaborate with industry to investigate innovative technologies and systems (including vessel monitoring systems) that can assist businesses and individuals to comply with regulatory requirements,
- develop an effective and efficient process to assess new technologies and gear types to allow for the use of new equipment during the life of this plan if appropriate,
- develop a guarantee of service for the regulated community that includes a commitment to work with key marine park users and interest groups whose interests are likely to be affected by regulatory decisions, and
- develop a customer focused online authorisation system for marine park users that includes publishing authorisations issued by Parks Australia on its website.

in the North-west Network:

- issue authorisations—a permit, class approval, commercial activity licence or lease—for activities in marine parks assessed as acceptable either by the Director or another government or industry policy, plan or program accepted by the Director, and
- work with other Commonwealth and state government agencies to improve experiences and consistency of approaches for people seeking authorisations.

Marine park protection and management program

Timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.

Outcomes

- Impact of pressures on marine park values are minimised as far as reasonably practicable.

Actions—the Director will

under a national program:

- develop a risk-based assessment process to prioritise park protection and management actions,
- develop an Australian Marine Parks critical incident strategy in collaboration with the Australian Maritime Safety Authority and other responsible agencies, to respond to critical incidents,

- develop a mooring and anchoring strategy to protect marine park values and improve visitor experience,
- support the removal of marine debris and ghost nets from marine parks through partnerships with Commonwealth, state and territory government agencies and other organisations involved in the management of marine debris, and
- contribute to actions, where appropriate, that support Australia's obligations under international agreements and national environmental law. This includes the World Heritage Convention, Ramsar Convention, recovery plans, wildlife conservation plans and threat abatement plans.

in the North-west Network:

- enable infrastructure such as moorings to protect habitats and enhance visitor safety,
- collaborate with and support other agencies that undertake invasive and protected species management and marine debris removal. For example, this may include biosecurity surveys and research on protected species or removal of ghost nets,
- work with other Commonwealth and state government agencies to respond to environmental incidents and accidents, and
- explore opportunities to collaborate with traditional owners and Indigenous ranger groups to undertake management actions.

Compliance program

Actions to support a high level of compliance by marine park users with the rules set out in this management plan.

Outcomes

- Improved user awareness of marine park rules.
- Increased levels of voluntary compliance and self-regulation by marine park users.
- High overall levels of compliance with the rules by marine park users.
- A decrease in the number of enforcement incidents and non-compliance.

Actions—the Director will

under a national program:

- develop a risk-based approach to compliance planning, targeted enforcement and compliance auditing,
- collaborate with Australian, state and territory government agencies by sharing assets and information, and
- investigate the use of new technologies and warning systems to assist in the detection of potential illegal activities.

in the North-west Network:

- work with other Commonwealth and state government agencies, particularly where parks adjoin state marine parks, in compliance planning, including implementing actions to deter illegal activities and encourage voluntary compliance, and
- collaborate with Commonwealth and state government agencies in surveillance, including water and aerial patrols.

CHAPTER 2

MANAGEMENT AND PRESCRIPTIONS



Moray eel (Michelle Glover)

Part 3. ZONING



Nautilus- Ashmore Reef (Parks Australia)

3.1 ZONE CATEGORIES, NAMES AND OBJECTIVES

The EPBC Act requires this plan to assign an IUCN category to each marine park. The Act also allows this plan to divide a marine park into zones and to assign a category to each zone, which may differ from the overall category of the marine park. Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each category (Schedule 1).

This Part assigns an IUCN category to each marine park of the North-west Network, divides some marine parks into zones with their own category and sets out the objectives for each zone (Table 3.1). Zoning takes into account the purposes for which the marine parks were declared, the objectives of this plan (Section 1.4), the values of the marine park (Schedule 2), and the requirements of the EPBC Act and EPBC Regulations. Figure 3.1 and Schedule 4 show the zones assigned to the North-west Network, and the management approach applied to activities within these zones is provided in Part 4.

Prescriptions

- 3.1.1 Each marine park in the North-west Network specified in Table 3.1 is assigned to the IUCN category specified in column 2 of Table 3.1.
- 3.1.2 Shark Bay, Carnarvon Canyon, Montebello, Eighty Mile Beach, Roebuck, Ningaloo, Mermaid Reef and Cartier Island marine parks are given the zone name specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.3 Gascoyne, Dampier, Argo–Rowley Terrace, Kimberley and Ashmore Reef marine parks are each divided into the zones shown in the map of the marine park in Figure 3.1 and described in Schedule 4, and each zone is assigned to an IUCN category and given the zone name, specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.4 The objective of the Special Purpose Zone (Trawl) (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species, while applying special purpose management arrangements for specific activities.
- 3.1.5 The objective of the Multiple Use Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species.
- 3.1.6 The objective of the Habitat Protection Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible, while allowing activities that do not harm or cause destruction to seafloor habitats.
- 3.1.7 The objective of the Recreational Use Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible, while providing for recreational use.
- 3.1.8 The objective of the National Park Zone (II) is to provide for the protection and conservation of ecosystems, habitats and native species in as natural a state as possible.
- 3.1.9 The objective of the Sanctuary Zone (Ia) is to provide for the conservation of ecosystems, habitats and native species in as natural and undisturbed a state as possible.

Table 3.1 North-west Network zoning and marine park management categories

Column 1 Marine park name	Column 2 IUCN category	Column 3 Zone name and IUCN category					
		Special Purpose Zone (Trawl) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Recreational Use Zone (IV)	National Park Zone (II)	Sanctuary Zone (Ia)
Shark Bay	VI		✓				
Carnarvon Canyon	IV			✓			
Ningaloo	IV				✓		
Gascoyne	IV		✓	✓		✓	
Montebello	VI		✓				
Dampier	VI		✓	✓		✓	
Eighty Mile Beach	VI		✓				
Roebuck	VI		✓				
Mermaid Reef	II					✓	
Argo–Rowley Terrace	VI	✓	✓			✓	
Kimberley	VI		✓	✓		✓	
Ashmore Reef	Ia				✓		✓
Cartier Island	Ia						✓

✓ Zone is assigned to the marine park named in column 1.

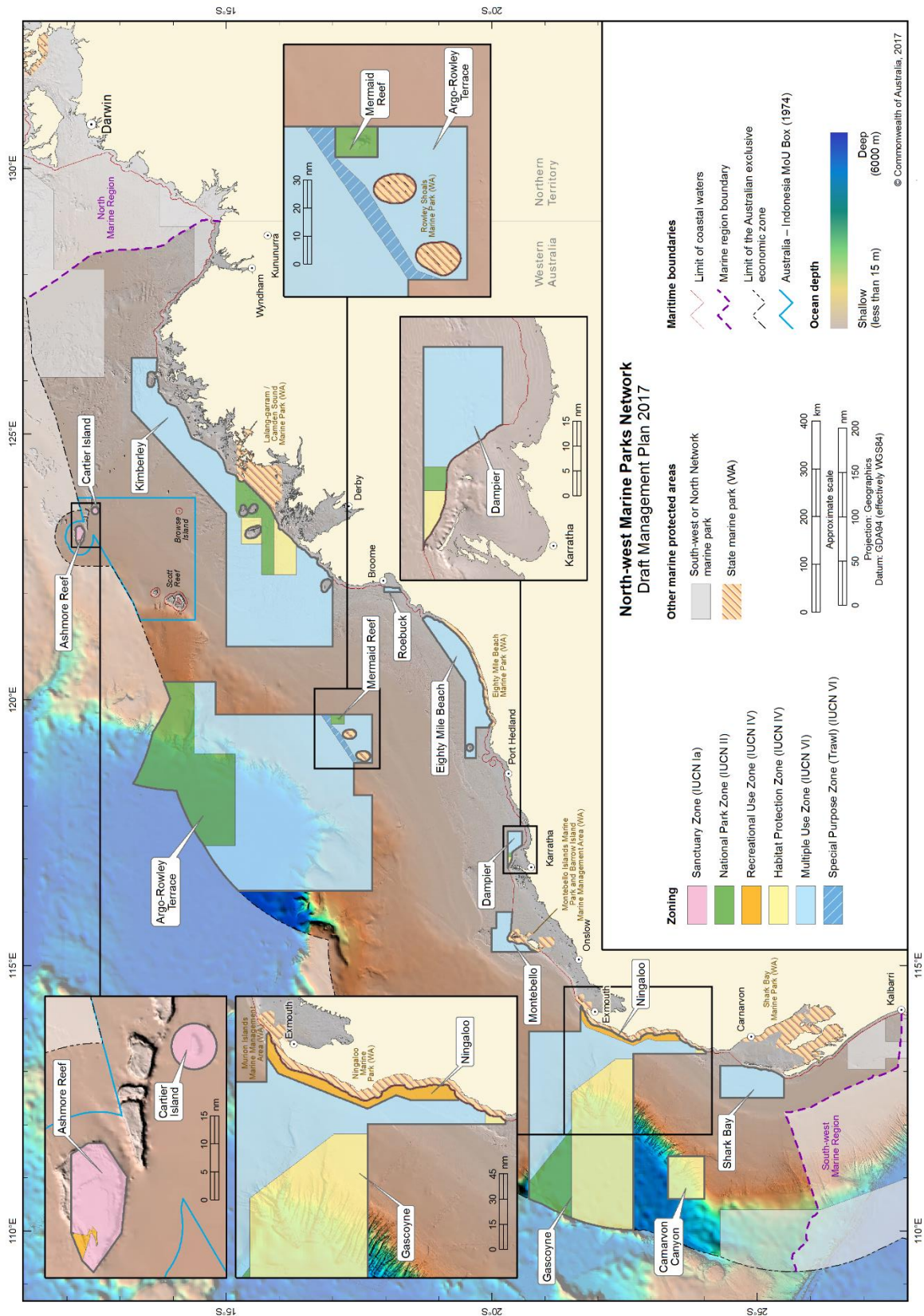


Figure 3.1 North-west Marine Parks Network showing zones

Part 4. MANAGING ACTIVITIES



Reef channel at Rowley Shoals (Michelle Glover)

4.1 OUTLINE OF PART 4

This plan enables a range of activities to be conducted that would otherwise be prohibited or controlled by the EPBC Act and EPBC Regulations (Schedule 1). This Part sets out for marine parks of the North-west Network, which activities are:

- a) allowed, without the need for authorisation, where consistent with zone objectives (Part 3) and conducted in accordance with this Part;
- b) allowable, and able to be conducted if an authorisation is issued (Section 4.4 Authorisation of allowable activities); or
- c) not allowed, because they are not consistent with zone objectives (Part 3).

For those activities that are allowed or allowable, this Part also sets out:

- a) the assessment and decision-making process for authorising an activity (Section 4.3 Making decisions about activities);
- b) the types of authorisations that may be issued (permits, class approvals, commercial activity licences and leases) (Section 4.4 Authorisation of allowable activities); and
- c) how activities must be undertaken in marine parks of the North-west Network (Section 4.2 Rules for activities).

The rules support an adaptive management approach to respond to new information. Any changes to the management of activities would be made in accordance with Section 4.3.1 (Decision-making).

Depending on the type of activity, other provisions of the EPBC Act or other legislation (e.g. fisheries and mining laws) may also apply to an allowed or allowable activity (Schedule 1).

In accordance with s.359A of the EPBC Act, this plan does not prevent Indigenous people from continuing, in accordance with law, the traditional use of an area in a marine park for non-commercial hunting or food gathering, and for ceremonial and religious purposes. Section 8 of the EPBC Act provides that this plan does not affect the operation of the *Native Title Act 1993*, which also includes provisions that preserve customary rights to use land and waters (Schedule 1).

4.2 RULES FOR ACTIVITIES

This plan enables activities to be conducted in zones consistent with the zone objectives (Part 3) while enabling the impacts to be effectively managed. The prescriptions in Section 4.2.1 (General use and access) apply to all marine park users of the North-west Network. Sections 4.2.2 to 4.2.12 prescribe the rules applying to particular uses. Section 4.2.13 (New activities and authorisations) enables new activities to be considered and new forms of authorisation to be used. Table 4.1 provides a summary of the rules for activities in zones shown in Figure 3.1 and Schedule 2.

Table 4.1 Summary of rules for activities in the North-west Network (see Part 4 for details)

Activity	Special Purpose Zone (Trawl) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Recreational Use Zone (IV)	National Park Zone (II)	Sanctuary Zone (Ia)
GENERAL USE AND ACCESS (Section 4.2.1)	✓	✓	✓	✓	✓	x ^B
COMMERCIAL SHIPPING (Section 4.2.2)	✓	✓	✓ ^C	✓ ^C	✓ ^C	x
COMMERCIAL FISHING (Section 4.2.3)	A	A	A	x	x ^C	x
PEARLING (Section 4.2.4)	A	A	x	x	x	x
AQUACULTURE (Section 4.2.5)	A	A	A	x	x	x
COMMERCIAL MEDIA (Section 4.2.6)	A	A	A	A	A	A
COMMERCIAL TOURISM (Section 4.2.7)	A	A	A	A	A	x
RECREATIONAL FISHING (Section 4.2.8)	✓	✓	✓	✓	x	x
MINING (Section 4.2.9)	A	A	x	x	x	x
STRUCTURES AND WORKS (Section 4.2.10)	A	A	A	A	A	A
RESEARCH AND MONITORING (Section 4.2.11)	A	A	A	A	A	A
NATIONAL SECURITY AND EMERGENCY RESPONSE (Section 4.2.12)	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

X Activity is not allowed.

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence or lease issued by the Director.

B Activity is allowable only if authorised by the Director as part of approved research or monitoring activity.

C Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

4.2.1 General use and access

The following prescriptions apply to all marine park users of the North-west Network, including those carrying out activities provided for under this plan. These are summarised in Table 4.2.

The EPBC Act and EPBC Regulations control or enable the Director to control a range of activities in marine parks. Some provisions apply to particular classes of activities, such as commercial activities, mining operations, and research. Other provisions relate to activities generally and include provisions (Schedule 1) enabling the Director to determine areas where waste may be disposed of, prohibit or restrict entry or activities, determine adventurous activities and areas where adventurous activities may be done, make determinations about the use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits, and make determinations about the use of aircraft in and over marine parks (r.12.58).

The EPBC Regulations prohibit camping (including overnight stays on vessels), disposal of domestic and industrial waste, and the operation of a drone in Australian Marine Parks unless authorised by or under a management plan.

At commencement of this plan prohibitions made under r.12.23 of the EPBC Regulations are in place prohibiting entry to Ashmore Reef Marine Park, other than parts of West Lagoon and West Island, to protect the fragile habitats and biodiversity, and to Cartier Island Marine Park due to the presence of unexploded ordnance. These have been in place for many years. Determinations made under r.12.56 of the EPBC Regulations prohibit anchoring in Mermaid Reef Marine Park and prescribe where vessels must be moored to minimise damage to the reef. These instruments continue subject to Section 4.2.1.1.

Table 4.2 Summary of prescriptions for general use and access in the North-west Network

GENERAL USE Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Ballast water discharge and exchange	✓	✓	✓	✓	✓	x
Disposal of waste from vessels (compliant with MARPOL)	✓	✓	✓	✓	✓	x
Camping	A	A	A	A	A	x ^B
Recreational use (non-fishing, nature watching, boating, etc.)	✓	✓	✓	✓	✓	x
Non-commercial remote piloted aircraft, drones etc.	A	A	A	A	A	x

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

X Activity is not allowed.

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial

activity licence or lease issued by the Director.

B Activity is allowable only if authorised by the Director as part of approved research or monitoring activity.

Note: Disposal of waste from vessels must comply with MARPOL requirements.

Prescriptions

4.2.1.1 The Director may make, amend and revoke prohibitions, restrictions and determinations under rr.12.23, 12.23A, 12.26, 12.56 and 12.58 of the EPBC Regulations where it is considered necessary:

- a) to protect and conserve biodiversity and other natural, cultural and heritage values; or
- b) to ensure human safety or visitor amenity; or
- c) where it is otherwise necessary to give effect to this plan;

and the Director may issue a permit for an activity that would otherwise be prohibited by such an instrument. This Section applies despite the prescriptions in Sections 4.2.3 to 4.2.13.

4.2.1.2 Waste may be disposed of, except in a Sanctuary Zone (Ia), from vessels to which the International Convention for the Prevention of Pollution from Ships (MARPOL) (Schedule 1) applies, in accordance with the requirements of MARPOL.

4.2.1.3 Disposal of waste in connection with activities authorised under Section 4.2.10 (Structures and works) will be managed in accordance with that Section.

4.2.1.4 Ballast water may be discharged or exchanged, except in the Sanctuary Zone (Ia), subject to compliance with:

- a) the Australian ballast water management requirements and relevant state ballast water management arrangements; and
- b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management.

4.2.1.5 A person may camp in areas above the high water mark, except in a Sanctuary Zone (Ia), in accordance with a permit. A person may only camp in a Sanctuary Zone (Ia) in connection with authorised research and monitoring.

Note: Camping in connection with commercial tourism activities must be authorised under Section 4.2.6 (Commercial Tourism)

4.2.1.6 Overnight stays on vessels do not require a permit to camp.

4.2.1.7 Remote piloted aircraft may be operated for non-commercial purposes, except in a Sanctuary Zone (Ia), in accordance with a permit, relevant provisions of Part 8 of the EPBC Regulations, and applicable aviation safety laws.

Note: Operation of remote piloted aircraft in connection with commercial media activities, commercial tourism activities, or research and monitoring must be authorised under Section 4.2.6, Section 4.2.7 or Section 4.2.11 respectively.

4.2.2 Commercial shipping (other than commercial fishing, pearling and aquaculture vessels)

The following prescriptions set out the rules for anchoring and transit of commercial ships in the North-west Network. These are summarised in Table 4.3.

Australia is a party to a number of international agreements relevant to commercial shipping, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and MARPOL (Schedule 1). UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and a right of freedom of navigation through Australia's exclusive economic zone.

There are also a range of national laws, policies and procedures relevant to commercial shipping including the *National plan for maritime environmental emergencies* in relation to maritime pollution incidents, and the *Biosecurity Act 2015* and Australian ballast water management requirements in relation to ballast water discharge. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 4.2.1 (General use and access).

Rules for transit and anchoring of vessels engaged in commercial fishing, pearling and aquaculture activities are dealt with in Sections 4.2.3 to 4.2.5.

Table 4.3 Summary of prescriptions for commercial shipping activities in the North-west Network

COMMERCIAL SHIPPING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Anchoring	✓	✓	x ^C	x ^C	x ^C	x
Vessel transiting	✓	✓	✓	✓	✓	x

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

X Activity is not allowed.

C Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

Note: Ballast water exchange is managed under national arrangements. Restrictions may apply in some areas (Section 4.2.1 General use and access).

Prescriptions

4.2.2.1 Commercial ships may transit through the North-west Network, except through a Sanctuary Zone (Ia), subject to compliance with the prescriptions in Section 4.2.1 (General use and access) and relevant prescriptions in Sections 4.2.6 to 4.2.13 relating to the activity in which shipping is involved.

4.2.2.2 Notwithstanding Section 4.2.2.1, commercial ships may stop and anchor in a:

- Special Purpose Zone (Trawl) (VI);
- Multiple Use Zone (VI); and
- Recreational Use Zone (IV), Habitat Protection Zone (IV), and National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

Note: For the avoidance of doubt, Sections 4.2.2.1 and 4.2.2.2 apply subject to Australia's rights and obligations under UNCLOS with respect to innocent passage through the territorial sea and freedom of navigation through the exclusive economic zone.

Note: This Section does not prevent the carrying out of activities, including stopping and anchoring, as part of operations authorised under Sections 4.2.6 to 4.2.13 and r.12.56 of the EPBC Regulations.

4.2.3 Commercial fishing

The following prescriptions set out the rules for commercial fishing activities in the North-west Network, including the types of fishing gear and methods allowed in different zones, and requirements for vessel monitoring systems. These are summarised in Table 4.4.

Commercial fishing is managed for sustainability by the Australian Government and state and territory fisheries management agencies. In the North-west Network commercial fishing is subject to regulation under the *Fisheries Management Act 1991* (Fisheries Management Act) or Western Australian fisheries laws (under arrangements made under Part V of the Fisheries Management Act).

Research in connection with commercial fishing activities will be managed in accordance with Section 4.2.11 (Research and monitoring).

Use of fishing gear not allowed at commencement of this plan may be authorised after satisfactory assessment that supports an adaptive management approach.

Table 4.4. Summary of prescriptions for commercial fishing activities in the North-west Network

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Dropline	A	A	A	x	x	x
Hand collection (including using hookah, scuba, snorkel)	A	A	A	x	x	x
Hand net (hand, barrier, skimmer, cast, scoop, drag, lift)	A	A	A	x	x	x
Longline (demersal, auto-longline)	x	x	x	x	x	x
Longline (pelagic)	A	A	A	x	x	x
Minor line (handline, rod & reel, trolling, squid jig, poling)	A	A	A	x	x	x
Net (demersal)	x	x	x	x	x	x
Net (pelagic)	x	x	x	x	x	x
Purse seine	A	A	A	x	x	x
Trap, pot	A	A	x	x	x	x
Trawl (demersal)	A	x	x	x	x	x

Trawl (midwater)	A	x	x	x	x	x
Trotline	x	x	x	x	x	x

X Activity is not allowed.

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence issued by the Director.

Note: Commercial fishing methods not listed in Table 4.4 will require assessment and approval.

Note: The authorisation of activities may be modified during the life of this plan in accordance with Section 4.2.3.5

Note: Transit is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

Note: Anchoring by commercial fishing vessels is allowed except in the National Park Zone (II) or the Sanctuary Zone (Ia). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations.

Prescriptions

4.2.3.1 Commercial fishing activities may be conducted in the North-west Network in accordance with and subject to:

- a) a class approval issued under Section 4.4.2 (Class approvals); or
- b) a permit issued under Section 4.4.1 (Permits) to a person who is not covered by a class approval; and
- c) the following prescriptions in this Section;
- d) the prescriptions in Section 4.2.1 (General use and access); and
- e) any determinations made under r.12.34 of the EPBC Regulations.

4.2.3.2 Commercial fishing activities may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Multiple Use Zone (VI); or
- c) Habitat Protection Zone (IV).

4.2.3.3 Subject to Section 4.2.3.5 the following fishing gear must not be used:

- a) Longline (demersal, auto-longline);
- b) Net (demersal, pelagic);
- c) Trawl (demersal, midwater) except in the Special Purpose Zone (Trawl) (VI); or
- d) Trotline.

4.2.3.4 Traps and pots must not be used in a Habitat Protection Zone (IV).

4.2.3.5 Subject to satisfactory assessment under Section 4.3.1 (Decision-making) and consultation with the relevant fisheries management agencies and the commercial fishing industry, the Director may authorise the use of:

- a) any fishing gear specified in Section 4.2.3.3 in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI); and
- b) pelagic fishing gear specified in Section 4.2.3.3 in a Habitat Protection Zone (IV).

4.2.3.6 Fishing gear or methods not specified in a commercial fishing class approval or permit, or the conditions of a class approval or permit, must not be used.

Note: A class approval or permit may be varied under Section 4.4 (Authorisation of allowable activities) to specify additional fishing methods and gear types following satisfactory assessment in accordance with Section 4.3.1 (Decision-making).

- 4.2.3.7 Commercial fishing activities must be conducted in accordance with a commercial fishing concession issued under Commonwealth, state or territory fisheries laws to the extent those laws are capable of operating concurrently with this plan.
- 4.2.3.8 Commercial fishing vessels may stop and anchor in a:
- a) Special Purpose Zone (Trawl) (VI);
 - b) Multiple Use Zone (VI);
 - c) Habitat Protection Zone (IV);
 - d) Recreational Use Zone (IV); or
 - e) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.
- 4.2.3.9 Commercial fishing vessels may transit through the North-west Network, except in the Sanctuary Zone (Ia), subject to compliance with the prescriptions in Section 4.2.1 (General use and access).
- 4.2.3.10 Fishing gear must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, a zone in which fishing operations are not authorised.
- 4.2.3.11 Fishing gear that is:
- a) specified in Sections 4.2.3.3 and 4.2.3.4;
 - b) not specified in a class approval or permit as gear that may be used; or
 - c) prohibited by a determination under r.12.34 of the EPBC Regulations,
- must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.
- 4.2.3.12 Following consultation with the relevant fisheries management agencies and the commercial fishing industry, the Director may require all commercial fishing vessels transiting or conducting fishing activities in the North-west Network to carry an operating vessel identification and monitoring system.
- Note:** At the commencement of this plan vessel identification and monitoring systems were required on all vessels operating in Commonwealth managed fisheries. A class approval or permit may be issued under Section 4.4 (Authorisation of allowable activities) to require the use of vessel identification and monitoring systems on all commercial fishing vessels operating in the North-west Network.
- 4.2.3.13 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial fishing.

4.2.4 Commercial pearling (includes pearling-related activities)

The following prescriptions set out the rules for commercial pearling in the North-west Network. These are summarised in Table 4.5.

Commercial pearling and related activities are managed under Western Australian laws relating to those activities (*Pearling Act 1990*). These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with pearling will be managed in accordance with Section 4.2.11 (Research and monitoring).

Table 4.5 Summary of prescriptions for pearling (including pearling-related activities) activities in the North-west Network

COMMERCIAL PEARLING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Pearling	A	A	x	x	x	x

X Activity is not allowed.

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence or lease issued by the Director.

Note: Transit and anchoring is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

Prescriptions

- 4.2.4.1 Commercial pearling (includes pearling-related activities) may be conducted in accordance with and subject to:
- a class approval issued under Section 4.4.2 (Class approvals); or
 - a commercial activity licence issued under Section 4.4.3 (Activity licences and leases); or
 - a permit issued under Section 4.4.1 (Permits) to a person who is not covered by a class approval or the holder of a commercial activity licence; and
 - the following prescriptions in this Section;
 - the prescriptions in Section 4.2.1 (General use and access); and
 - any determinations made under r.12.34 of the EPBC Regulations.
- 4.2.4.2 Commercial pearling (including pearling-related activities) may be conducted in a:
- Special Purpose Zone (Trawl) (VI); or
 - Multiple Use Zone (VI).
- 4.2.4.3 Commercial pearling (including pearling-related activities) must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.
- 4.2.4.4 Vessels engaged in commercial pearling activities may transit through, and stop and anchor in, the North-west Network, except in the Sanctuary Zone (Ia), subject to compliance with the prescriptions in Section 4.2.1 (General use and access).
- 4.2.4.5 Commercial pearling equipment not authorised for use by a class approval, commercial activity licence or permit as gear that may be used, and pearling equipment prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.
- 4.2.4.6 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial pearling operations.

4.2.5 Commercial aquaculture

The following prescriptions set out the rules for commercial aquaculture in the North-west Network. These are summarised in Table 4.6.

Commercial aquaculture and related activities are managed under Western Australian laws. These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with commercial aquaculture will be managed in accordance with Section 4.2.11 (Research and monitoring).

Table 4.6 Summary of prescriptions for commercial aquaculture activities in the North-west Network

COMMERCIAL AQUACULTURE Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Aquaculture	A	A	A	x	x	x

X Activity is not allowed.

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence or lease issued by the Director.

Note: Transit and anchoring is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

Prescriptions

4.2.5.1 Commercial aquaculture may be conducted in accordance with and subject to:

- a class approval issued under Section 4.4.2 (Class approvals); or
- commercial activity licence issued under Section 4.4.3 (Activity licences and leases); or
- a permit issued under Section 4.4.1 (Permits) to a person who is not covered by a class approval or the holder of a commercial activity licence; and
- the following prescriptions in this Section;
- the prescriptions in Section 4.2.1 (General use and access); and
- any determinations made under r.12.34 of the EPBC Regulations.

4.2.5.2 Commercial aquaculture may be conducted in a:

- Special Purpose Zone (Trawl) (VI); or
- Multiple Use Zone (VI); or
- Habitat Protection Zone (IV).

4.2.5.3 Commercial aquaculture must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.

4.2.5.4 Vessels engaged in commercial aquaculture activities may transit through, and stop and anchor in, the North-west Network, except in the Sanctuary Zone (Ia), subject to compliance with the prescriptions in Section 4.2.1 (General use and access).

4.2.5.5 Commercial aquaculture equipment not authorised for use by a class approval, commercial activity licence or permit as gear that may be used, or that is prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.5.6 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial aquaculture.

4.2.6 Commercial media

The following prescriptions set out the rules for commercial media in the North-west Network. These are summarised in Table 4.7.

Research in connection with commercial media activities will be managed in accordance with Section 4.2.11 (Research and monitoring).

Table 4.7 Summary of prescriptions for commercial media activities in the North-west Network

COMMERCIAL MEDIA Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Commercial media	A ^D	A ^D	A ^D	A ^D	A ^D	A ^D

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence or lease issued by the Director.

D News-of-the-day reporting is allowable subject to terms determined by the Director, and subject to the Director being notified.

Prescriptions

4.2.6.1 Commercial media activities other than reporting news of the day may be conducted in accordance with and subject to:

- a permit issued under Section 4.4.1 (Permits); or
- a class approval issued under Section 4.4.2 (Class approvals); or
- a commercial activity licence issued under Section 4.4.3 (Activity licences and leases); and
- the prescriptions in Section 4.2.1 (General use and access); and
- the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.6.2 Commercial media activities for the purposes of reporting news of the day may be undertaken on terms determined by the Director, and subject to the Director being notified.

4.2.7 Commercial tourism (includes charter fishing tours, scuba diving, nature watching tours)

The following prescriptions set out the rules for commercial tourism in the North-west Network. These are summarised in Table 4.8.

Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the North-west Network is part of the Sanctuary) are prescribed by Part 8 of the EPBC Regulations.

The prescriptions in Section 4.2.8 (Recreational fishing) apply to the clients of charter fishing tours. The prescriptions in Section 4.2.10 (Structures and works) apply to the installation and maintenance of moorings and other structures and works as part of commercial tourism activities.

Research in connection with commercial tourism will be managed in accordance with Section 4.2.11 (Research and monitoring).

Table 4.8 Summary of prescriptions for commercial tourism (including charter fishing, scuba diving and nature watching tours) in the North-west Network

COMMERCIAL TOURISM Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Non-fishing related tourism (including nature watching, scuba/snorkel tours)	A	A	A	A	A	x
Charter fishing tours (including spear diving tours)	A	A	A	A ^E	x	x
Commercial aviation tours (up to 3000 m above sea level)	A	A	A	A	A	A

X Activity is not allowed.

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence or lease issued by the Director.

E Recreational fishing may be limited by determination in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park.

Note: Transit and anchoring is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

Prescriptions

4.2.7.1 Commercial tourism activities may be conducted in the North-west Network in accordance with and subject to:

- a commercial activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- the following prescriptions in this Section;
- the prescriptions in Section 4.2.1 (General use and access);
- the prescriptions in Section 4.2.2 (Commercial shipping); and
- in relation to charter fishing, the prescriptions in Section 4.2.8 (Recreational fishing).

4.2.7.2 Commercial tours, other than charter fishing tours, may be conducted in a:

- Special Purpose Zone (Trawl) (VI);
- Multiple Use Zone (VI);
- Habitat Protection Zone (IV);
- Recreational Use Zone (IV); or

- e) National Park Zone (II).

4.2.7.3 Charter fishing tours may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Multiple Use Zone (VI);
- c) Habitat Protection Zone (IV); or
- d) Recreational Use Zone (IV).

Note: Recreational fishing may be limited by Determination in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park.

4.2.7.4 Fishing gear on charter fishing vessels must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which charter fishing tours are not allowed.

4.2.7.5 Commercial aviation tours may be conducted in the airspace up to 3000 m above sea level, in accordance with a permit and relevant provisions of Part 8 of the EPBC Regulations.

Note: The EPBC Act and EPBC Regulations do not apply to commercial aviation tours in airspace over 3000 m above sea level.

4.2.8 Recreational fishing

The following prescriptions set out the rules for recreational fishing in the North-west Network. These are summarised in Table 4.9.

Section 4.2.1 (General use and access) describes specific access and use arrangements in place for Ashmore Reef, Cartier Island and Mermaid Reef Marine Parks which affect recreational fishing in those marine parks.

Research in connection with recreational fishing will be managed in accordance with Section 4.2.11 (Research and monitoring).

Table 4.9 Summary of prescriptions for recreational fishing activities in the North-west Network

RECREATIONAL FISHING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Recreational fishing (including spear-fishing)	✓	✓	✓	✓ ^E	x	x

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

X Activity is not allowed.

E Recreational fishing may be limited by determination in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park.

Note: Transit and anchoring is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

Prescriptions

4.2.8.1 Recreational fishing may be conducted in the North-west Network in accordance with and subject to:

- a) the following prescriptions in this Section;

- b) the prescriptions in Section 4.2.1 (General use and access); and
- c) any determinations made under r.12.35(3) of the EPBC Regulations.

4.2.8.2 Recreational fishing may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Multiple Use Zone (VI);
- c) Habitat Protection Zone (IV); or
- d) Recreational Use Zone (IV).

Note: Recreational fishing may be limited by determination in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park.

4.2.8.3 Recreational fishing must be conducted in accordance with relevant laws of Western Australia applying to the area of the North-west Network in which the activity is conducted to the extent those laws are capable of operating concurrently with this plan.

4.2.8.4 The Director may make determinations under r.12.35 (3) of the EPBC Regulations relating to the conduct of recreational fishing.

4.2.8.5 Except in relation to recreational fishing in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park, rr.12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing conducted in accordance with this Section.

Note: As provided by Section 4.2.8.4, the Director may make determinations under r.12.35 (3) in relation to matters described in r.12.35 (4) and (5).

4.2.8.6 Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which recreational fishing is not allowed.

4.2.9 Mining operations (includes exploration)

The following prescriptions set out the rules for mining operations in the North-west Network, including the transportation of minerals by pipeline and oil spill response. Mining operations are defined under the EPBC Act, set out in Schedule 1 of this plan. These rules are summarised in Table 4.10.

Under s.359 of the Act, ss.355 and 355A do not apply to usage rights to conduct mining operations that were held immediately before the proclamation of the marine parks.

The prescriptions allow for the Director to authorise mining activities that are also subject to other legislative regimes and assessed and approved by other agencies under those regimes.

Mining operations that may be controlled actions under Part 3 of the EPBC Act will be subject to consideration and assessment in accordance with Chapter 4 of the Act. At the commencement of this plan petroleum and greenhouse gas activities undertaken in Commonwealth waters in accordance with the *Program report—strategic assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGS Act) were endorsed under Part 10 of the EPBC Act. Offshore petroleum and greenhouse gas activities covered by and excluded from the program are detailed in the class of actions approval issued by the Minister for the Environment under EPBC Act on 27 February 2014. Activities that have an environment plan accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under the endorsed program may be conducted in accordance with the relevant petroleum title under the OPGGS Act and a class approval under this plan. Accordingly, activities covered by the endorsed NOPSEMA program do not require additional assessment by the Director because the endorsed program takes account of impacts and risks to marine park values in a manner that satisfies the Director.

Offshore petroleum and greenhouse gas activities that are excluded from the endorsed NOPSEMA program

and associated class of actions approval will require an environment plan accepted by NOPSEMA under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Environment Regulations) and will also be considered and authorised by the Director in accordance with Section 4.2.13 (New activities and authorisations) of this plan if any activities are proposed).

The Director is a relevant person for the purposes of the Environment Regulations and must be consulted by title holders in the preparation of environment plans where a proposed activity or part of the activity is within a marine park, and/or activities proposed to occur outside a marine park may impact on the marine park values.

Mining operations also include activities regulated under the *Offshore Minerals Act 1994*. For non-petroleum mining operations, additional assessment by the Director may not be required where mining operations are assessed under Chapter 4 of the EPBC Act.

Actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act may be conducted in all zones. The Director should be notified in the event of an oil pollution incident that occurs within, or may impact upon, an Australian Marine Park and, so far as reasonably practicable, prior to a response action being taken within a marine park.

Research that is a mining operation as defined in s.355 of the EPBC Act, or is incidental to such an operation is covered by prescriptions in this Section. Mining-related research activities that do not require an environment plan under the OPGGS Act are covered by prescriptions in 4.2.11 (Research and monitoring).

Transit through the North-west Network for the purposes of mining operations conducted elsewhere is covered by Section 4.2.2 (Commercial shipping).

Table 4.10 Summary of prescriptions for mining operations in the North-west Network

MINING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Mining operations including exploration	A	A	x	x	x	x
Construction and operation of pipelines	A	A	A	A	A	x

X Activity is not allowed.

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence or lease issued by the Director.

Note: Proposed mining operations conducted under usage rights that existed immediately before the declaration of a marine park do not require approval from the Director.

Prescriptions

4.2.9.1 Mining operations may be conducted in accordance with and subject to:

- a permit issued under Section 4.4.1 (Permits); or
- a class approval issued under Section 4.4.2 (Class approvals); or
- a commercial activity licence issued under Section 4.4.3 (Activity licences and leases) for mining operations that are the construction and operation of pipelines; and

- d) the following prescriptions in this Section;
- e) the prescriptions in Section 4.2.1 (General use and access); and
- f) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.9.2 Mining operations may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI); or
 - b) Multiple Use Zone (VI),
- in accordance with Sections 4.2.9.3 and 4.2.9.4.

4.2.9.3 Mining operations in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI):

- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.2.9.4;
- b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act, may be conducted in accordance with the conditions of that authorisation and a class approval under Section 4.2.9.4; or
- c) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action if taken in a particular manner, may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.2.9.4.

4.2.9.4 Mining operations in a Multiple Use Zone (VI) or Special Purpose Zone (Trawl) (VI) not authorised by a class approval referred to in Section 4.2.9.3 may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or a class approval issued under Section 4.4.2 (Class approvals).

4.2.9.5 Mining operations that are the construction and operation of pipelines may be conducted in a:

- a) Habitat Protection Zone (IV);
- b) Recreational Use Zone (IV); or
- c) National Park Zone (II),

in accordance with Section 4.2.9.7.

4.2.9.6 The Director may issue an authorisation under Section 4.4 (Authorisation of allowable activities) for the construction and operation of pipelines through a Habitat Protection Zone (IV), Recreational Use Zone (IV) or National Park Zone (II) if the Director is satisfied that alternative routes are not feasible or practicable.

4.2.9.7 Mining operations must be conducted in accordance with an authorisation (however described) under the OPGGS Act or the Offshore Minerals Act 1994 to the extent those laws apply to the operations and are capable of operating concurrently with this plan.

4.2.9.8 Actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act, may be conducted in all zones. The Director should be notified in the event of an oil pollution incident that occurs within, or may impact upon a marine park and, so far as reasonably practicable, prior to a response action being taken.

4.2.9.9 Scientific research and environmental monitoring in connection with a particular mining operation may be conducted in all zones in accordance with Section 4.2.11 (Research and monitoring).

Note: For the avoidance of doubt, research and monitoring does not include activities or operations for the purpose of prospecting or exploration for minerals.

4.2.10 Structures and works

The following prescriptions set out the rules for structures and works in the North-west Network, where the activity is not covered by Sections 4.2.1 to 4.2.9. These are summarised in Table 4.11.

Research in connection with structures and works will be managed in accordance with Section 4.2.11 (Research and monitoring).

The prescriptions provide for a three-year transition period to allow existing structures to remain at their current location and to facilitate implementation and awareness of the management arrangements for structures and works. After the transition period existing structures may then be required by the Director to be removed or relocated after assessment of their suitability in accordance with Section 4.3.1 (Decision-making). The prescriptions do not affect any structures or works that were installed in a marine park under a usage right relating to the seabed that existed immediately before the proclamation of the North-west Network (and preserved by s.359 of the EPBC Act). During this transition period operators will be able to continue to conduct their activities in the North-west Network in the same manner that they were able to prior to the commencement of this plan.

Table 4.11 Summary of prescriptions for structures and works activities in the North-west Network

STRUCTURES AND WORKS Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Moorings, excavation and maintenance	A	A	A	A	A	A
Disposal of dredged material	A	A	x	x	x	x
Artificial reefs	A	A	A	A	A ^B	x
Fish aggregating devices	A	A	A	A	x	x

X Activity is not allowed.

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence or lease issued by the Director.

B Activity is allowable only if authorised by the Director for the restoration of habitats.

Prescriptions

4.2.10.1 Structures and works that were installed prior to commencement of this plan may remain in place for the period of three years (transition period) without an authorisation issued under Section 4.4 (Authorisation of allowable activities), and will be assessed in accordance with Section 4.3 (Making decisions about activities) and may be required to be removed or relocated after the end of the transition period.

4.2.10.2 Subject to Section 4.2.10.1, a person other than the Director may carry out an excavation, erect a structure (e.g. moorings and submarine cables) or carry out works and maintenance in the North-west Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) a class approval issued under Section 4.4.2 (Class approvals); or

- c) a commercial activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- d) the following prescriptions in this Section;
- e) the prescriptions in Section 4.2.1 (General use and access); and
- f) the prescriptions in Section 4.2.2 (Commercial shipping).

Note: An authorisation for the purposes of Section 4.2.10.2 may be part of an authorisation for another allowable activity, (e.g. a tourism licence that authorises the licensee to erect and/or maintain a mooring).

4.2.10.3 An authorisation may be issued for excavations, erection of structures (e.g. moorings, submarine cables), works and maintenance (e.g. weather stations, navigation beacons), other than in relation to artificial reefs and fish aggregating devices, in a Special Purpose Zone (Trawl) (VI), Multiple Use Zone (VI), Habitat Protection Zone (IV), Recreational Use Zone (IV), National Park Zone (II) and Sanctuary Zone (Ia) if the Director is satisfied that the action is necessary for:

- a) maritime or visitor safety, including aiding navigation; or
- b) maintaining the natural values of the North-west Network (e.g. a mooring may prevent anchor damage); or
- c) research and monitoring (e.g. marine weather station); or
- d) critical infrastructure in the national interest (e.g. telecommunications cables); and
- e) it is not practicable for the action to be taken outside the zone.

4.2.10.4 Excavations, erection of structures (e.g. moorings and submarine cables), works and maintenance, and disposal of dredged material, other than in relation to artificial reefs and fish aggregating devices, in a Special Purpose Zone (Trawl) (VI), and Multiple Use Zone (VI):

- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
- b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
- c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action if taken in particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or a commercial activity licence or lease issued under Section 4.4.3 (Activity licence or lease).

4.2.10.5 Excavations, erection of structures (e.g. moorings and submarine cables), and works and maintenance, other than in relation to artificial reefs and fish aggregating devices, in a Habitat Protection Zone (IV), Recreational Use Zone (IV), and National Park Zone (II) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or a commercial activity licence or lease issued under Section 4.4.3 (Activity licence or lease).

4.2.10.6 Excavations, erection of structures, and works and maintenance in relation to artificial reefs in a Special Purpose Zone (VI), Multiple Use Zone (VI), Habitat Protection Zone (IV), Recreational Use

Zone (IV), and a National Park Zone (II) that are authorised by a permit issued under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and an authorisation issued under Section 4.4 (Authorisation of allowable activities).

- 4.2.10.7 An authorisation may be issued for an artificial reef in a National Park Zone (II) if the Director is satisfied that the structure will help the restoration of habitats.
- 4.2.10.8 Excavations, erection of structures, and works and maintenance in relation to fish aggregating devices in a Special Purpose Zone (VI), Multiple Use Zone (VI), Habitat Protection Zone (IV), and Recreational Use Zone (IV) may be conducted in accordance with an authorisation issued under Section 4.4 (Authorisation of allowable activities).
- 4.2.10.9 The Director may carry out an excavation, erect a structure or carry out works and maintenance in the North-west Network after assessing consistency with the zone objectives and the likely impacts of the activity consistent with Section 4.3.1 (Decision-making).

4.2.11 Research and monitoring

The following prescriptions set out the rules for research and monitoring activities in the North-west Network. These are summarised in Table 4.12.

Research and monitoring activities that affect listed threatened species or ecological communities, listed migratory species, cetaceans or listed marine species must also comply with the provisions of Part 13 of the EPBC Act, unless conducted in accordance with this plan.

Where biological resources are sought for the purpose of research and development on their genetic or biochemical components, a permit is required under Part 8A of the EPBC Regulations, which operates subject to this plan.

Where authorisation for research and monitoring activities is provided the Director will require results of research and monitoring to be made available to inform adaptive management.

Table 4.12 Summary of prescriptions for research and monitoring activities in the North-west Network

RESEARCH AND MONITORING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Research	A	A	A	A	A	A

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence or lease issued by the Director.

Note: Transit and anchoring is allowed as part of activities authorised under this Section.

Prescriptions

- 4.2.11.1 The Director may conduct research and monitoring activities in the North-west Network that involves actions covered by ss.354 and 354A and Part 13 of the EPBC Act.
- 4.2.11.2 A person other than the Director may conduct research and monitoring activities in the North-west Network, including taking actions covered by the EPBC Act ss.354 and 354A and Part 13 of the EPBC Act in accordance with and subject to:
 - a) a permit issued under Section 4.4.1 (Permits); or
 - b) a class approval issued under Section 4.4.2 (Class approvals); and
 - c) the following prescriptions in this Section;
 - d) the prescriptions in Section 4.2.1 (General use and access); and
 - e) the prescriptions in Section 4.2.2 (Commercial shipping).
- 4.2.11.3 A class approval will not be issued for research and monitoring that involves activities covered by Section 4.2.11.7.
- 4.2.11.4 Research activities that involve access to biological resources within the meaning of Part 8A of the EPBC Regulations must comply with the requirements of that Part (in addition to the requirements of this Section).
- 4.2.11.5 In assessing permit applications or deciding whether to issue a class approval, the Director will consider the aim of the project, ethical issues and how knowledge from the proposed activity might benefit the understanding and management of the North-west Network.
- 4.2.11.6 A permit or class approval may be issued to carry out research and monitoring activities if the Director is satisfied that the activity is relevant to, or a priority for, the management of the North-west Network.
- 4.2.11.7 A permit may be issued to conduct research and monitoring that involves commercial fishing activities that are prohibited under Section 4.2.3 (Commercial fishing) if the Director is satisfied that:
 - a) the activity will provide information relevant to understanding the impacts of activities on the marine environment, or to supporting sustainable use in the marine environment; and
 - b) the activity is relevant to, or a priority for, the management of the North-west Network.
- 4.2.11.8 Permit and approval holders will be required to make results of research and monitoring available to the Director (in a specific format where relevant), where the Director is satisfied that the information will improve the knowledge and understanding of the values and management of the North-west Network.

4.2.12 National security and emergency response

The following prescription sets out the rules for defence, border protection, law enforcement and emergency response activities in the North-west Network. These are summarised in Table 4.13.

Provisions of the EPBC Act and EPBC Regulations (Division 12.2) relating to Australian Marine Parks apply generally to the Commonwealth and its agencies. In addition, s.362(2) of the EPBC Act requires the Commonwealth and Commonwealth agencies to perform functions and exercise powers in relation to Australian Marine Parks in a way that is not inconsistent with this plan.

Response to oil pollution events associated with petroleum and other mining operations by title holders are covered by prescriptions in Section 4.2.9 (Mining operations) of this plan.

Table 4.13 Summary of prescriptions for national security and emergency response activities in the North-west Network

NATIONAL SECURITY AND EMERGENCY RESPONSE Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Actions by Commonwealth and Commonwealth agencies—defence, border protection, law enforcement and emergency response	✓	✓	✓	✓	✓	✓
Actions by Commonwealth and other Commonwealth agencies not covered elsewhere by this plan	A	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable in accordance with a permit, class approval or commercial activity licence or lease issued by the Director.

Note: Transit and anchoring is allowed as part of activities authorised under this Section.

Prescription

4.2.12.1 The Commonwealth and Commonwealth agencies may take actions in the North-west Network that are covered by ss.354 and 354A and Part 13 of the EPBC Act, and activities covered by Division 12.2 of the EPBC Regulations:

- a) for the purposes of training and operations for defence, customs, border protection, law enforcement or emergency response, including response to maritime environmental emergencies in accordance with the *National plan for maritime environmental*

emergencies (without the need for a permit or class approval issued under Section 4.4 (Authorisation of allowable activities)); or

- b) for other purposes under a permit or class approval issued by the Director in accordance with Section 4.4 (Authorisation of allowable activities).

4.2.13 New activities and authorisations

New activities may be required or proposed in the North-west Network during the life of this plan that are not covered by the prescriptions in Sections 4.2.2 to 4.2.12 of the plan. The following prescriptions enable the Director to consider and authorise new activities in the North-west Network. They also enable the Director to authorise activities in new ways that are identified to be more efficient and effective and reduce unnecessary administrative burden.

Prescriptions

- 4.2.13.1 The Director may take actions that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act.
- 4.2.13.2 The Director may authorise (by a permit, class approval, commercial activity licence or lease under Section 4.4 (Authorisation of allowable activities)) actions by other persons that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act and EPBC Regulations.
- 4.2.13.3 The Director may issue permits, class approvals, commercial activity licences or leases, or other usage rights, in place of existing authorisations under this plan.
- 4.2.13.4 The Director may make determinations, prohibitions or restrictions under provisions of Division 12.2 of the EPBC Regulations that are not covered by prescriptions in this plan.

4.3 MAKING DECISIONS ABOUT ACTIVITIES

This plan provides for a higher level of protection within marine parks than applies to the Commonwealth marine area outside the Network. The following prescriptions outline the approach and considerations of the Director when assessing and making decisions about what activities will be authorised in marine parks.

4.3.1 Decision-making

Prescriptions

- 4.3.1.1 Decisions about activities will be consistent with the objectives of this plan, objectives for the zone or zones in which the activity will be or is being conducted, and the applicable reserve management principles (Schedule 8 of the EPBC Regulations).
- 4.3.1.2 Decisions will take into account the impacts and risks of the activity on the values of the North-west Network and those of specific marine park/s, acceptability of those impacts and risks, and potential impacts on marine park users, stakeholders and Indigenous people.
- 4.3.1.3 Impacts and risks of an activity will be assessed in accordance with the processes established under the assessments and authorisations program (Section 2.5).
- 4.3.1.4 The Director will not authorise an activity unless satisfied that:
 - a) the activity is consistent with the zone objectives for the zone or zones in which the activity will be conducted (Part 3); and
 - b) the potential impacts and risks of the activity on marine park values will be avoided or reduced to as low as reasonably practicable; and
 - c) the potential impacts and risks of the activity on marine park values and representativeness are acceptable.

Note: The Director will issue guidance on assessment of impacts.

4.3.1.5 Before authorising a proposed activity the Director must be satisfied that:

- a) the proponent suitably understands the marine park values;
- b) environmental impacts and risks on marine park values are suitably understood, evaluated and able to be mitigated;
- c) the proponent has the capacity to comply with the conditions of the authorisation; and
- d) that relevant regulatory requirements have been or will be met.

4.3.2 Assessments under other processes

Prescription

4.3.2.1 For the purposes of Section 4.3.1 (Decision-making) the Director may accept the assessment of activities made under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981* or under a government or industry policy, plan or program, where the Director is satisfied:

- a) the assessment is done in a manner consistent with Section 4.3.1.3; and
- b) the assessment process provides for appropriate consultation with the Director and consideration of the Director's views in relation to activities in the Network or potential impacts on the Network or marine park values.

4.3.3 Review of decisions

The following prescriptions outline the processes for seeking a review of a decision. A person whose interests are affected by a decision under this Part, including a decision about an authorisation, may seek review in accordance with the *Administrative Decisions (Judicial Review) Act 1977*. A person whose interests are affected by a decision about a permit under the EPBC Regulations may also seek review of the decision in accordance with the Regulations. This plan extends the same review rights to decisions about other authorisations made by the Director under this plan. Where the Director issues a class approval for an activity that has been assessed in accordance with Chapter 4 of the EPBC Act or other government or industry policy, plan or program, review is limited to the making of the class approval.

Prescriptions

4.3.3.1 The Director will comply with Division 14.3 of the EPBC Regulations in relation to the reconsideration of decisions about permits.

4.3.3.2 The Director will reconsider a decision about other types of authorisations made by the Director under this Part when requested by a person whose interests are affected by the decision. A request for reconsideration must be made and considered in the same manner as provided by Division 14.3 of the EPBC Regulations. Subject to the *Administrative Appeals Tribunal Act 1975*, a person who has requested a reconsideration of a decision may apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

4.4 AUTHORISATION OF ALLOWABLE ACTIVITIES

The Director may authorise allowable activities through a permit, class approval, commercial activity licence or lease in accordance with this Part. The following prescriptions describe those types of authorisations, the processes and consideration for issuing them, and the conditions that may be imposed by the Director.

4.4.1 Permits

A permit can be issued to authorise an activity by a person or persons to conduct an allowable activity, for example for an activity that is either one-off, time bound, or not conducted in the same way by all operators.

Prescriptions

- 4.4.1.1 A permit may be issued for an allowable activity where prescribed by Section 4.2 (Rules for activities) of this plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) relating to the particular activity.
- 4.4.1.2 In assessing a permit application, the Director may ask the applicant for more information if the Director considers there is insufficient information to decide whether to issue the permit.
- 4.4.1.3 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, or an assessment under the *Environment Protection (Sea Dumping) Act 1981*, the Director will consider any referral or assessment documents and related information.
- 4.4.1.4 A permit may be subject to conditions including but not limited to (and depending on the type of activity):
- a) specifying the area in which, and the periods during which, the approved activity may be conducted;
 - b) requiring the impacts of the permitted activity to be mitigated by specified actions developed in consultation with the Director;
- Note:** The Director will issue guidance specific to activity types on requirements for mitigation.
- c) regulating the use of, or requiring the use of, vessel identification and monitoring systems;
 - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
 - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
 - f) requiring reporting or auditing;
 - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
 - h) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with permit conditions; and
 - i) requiring, restricting or prohibiting the use of specified gear, equipment or practices.
- 4.4.1.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

4.4.2 Class approvals

This plan provides for the Director to issue class approvals to authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. This can include activities that have been authorised under Chapter 4 of the EPBC Act or effectively assessed and authorised under other government or industry processes. At the commencement of this plan fees were not payable for class approvals but may be introduced during the life of this plan.

Issuing class approvals reduces regulatory burden by avoiding duplication in assessment and approval processes for matters protected by Part 3 of the EPBC Act. Decision-making under Chapter 4 of the EPBC Act is well established and takes account of the impacts of individual projects on marine parks consistent with this plan. Reflecting this, a class approval may be given for commercial fishing, mining operations, and certain works where they have been considered and authorised under Chapter 4 of the EPBC Act. This includes assessments and decision making under policies, plans or programs endorsed under Part 10 of the Act, such as the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the

Class approvals may also be issued for activities regulated under other government or industry policies, plans or programs where the impacts of activities are subject to satisfactory assessment, and would be introduced in consultation with the relevant person or class of persons.

Prescriptions

- 4.4.2.1 The Director may issue a class approval for activities where prescribed by Section 4.2 (Rules for activities).
- 4.4.2.2 A class approval may be subject to conditions including but not limited to (and depending on the class of activities):
- a) specifying the area in which, and the periods during which, the approved activity or class of activities may be conducted;
 - b) requiring the impacts of the authorised activity to be mitigated by specified actions developed in consultation with the Director;
 - c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
 - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
 - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
 - f) requiring reporting or auditing;
 - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
 - h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
 - i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with class approval conditions; and
 - j) providing for the payment of fees.
- 4.4.2.3 A class approval may be varied, suspended or cancelled, and approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that:
- a) the activities, or an activity in the class of activities, to which the approval relates have not been, are not being, or likely will not be, conducted in accordance with the approval or a condition of the approval; or
 - b) assessment of impacts and decision-making under a policy, plan or program to which Section 4.4.2.1 applies is not being made, or is likely not to be made, in a manner consistent with Section 4.3.1 (Decision-making) or is not being made in accordance with the approval or a condition of the approval; or
 - c) the impacts of the activities, or an activity in the class of activities, to which the approval relates are no longer acceptable (Section 4.3.1 Decision-making); or
 - d) activities, or an activity in the class of activities, to which the approval relates are likely to cause an unacceptable risk to public health and safety; or
 - e) there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued, or would not be issued in the same terms or subject to the same conditions (for example, because of new information, or if a relevant matter that the Director took into account in deciding to issue an approval has changed or no longer exists).

- 4.4.2.4 Class approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that it is necessary or appropriate to do so for the efficient or effective management of the activities to which the approval relates.
- 4.4.2.5 Class approval conditions may be revoked if the Director is satisfied that the condition(s) is/are not necessary and the impacts of the activities to which the approval relates will remain acceptable (Section 4.3.1 Decision-making).
- 4.4.2.6 A class approval or conditions may be varied if the Director is satisfied that the impacts of the activities to which the approval relates will remain acceptable under the approval or conditions as varied (including, for example, to allow new or additional commercial fishing methods and gear types to be used).
- 4.4.2.7 A class approval may be varied to remove a person from the class of approved persons at the request of that person.
- 4.4.2.8 A class approval may be varied to remove a person from the class of approved persons if the Director is satisfied that the person:
 - a) has breached a condition of the approval; or
 - b) has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act, EPBC Regulations, or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.

Note: Where a person has been removed from a class approval, they may apply for a permit under Section 4.4.1 (Permits).

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

4.4.3 Activity licences and leases

A licence or lease may be issued to authorise a commercial activity where it is more appropriate than the use of a permit or class approval, such as for tourism activities or activities that involve the installation of infrastructure (such as moorings or marker buoys). For the majority of these types of commercial activities a licence will be the most suitable form of authorisation; however, the plan also provides for the Director to grant leases over land. Licences and leases are transferable and generally granted for a longer term than permits. They may include agreed fees reflecting the commercial value of the authorisation and, in the case of leases, provide security of tenure over land to support investment in infrastructure.

A commercial activity licence authorises the holder to conduct their activities in the area to which the licence relates. A commercial lease provides exclusive possession of the area of land in which an activity is to be conducted. Licences and leases enable continued growth of marine park services and allow for the growth of appropriate commercial business opportunities and partnerships with the Director that will maintain and promote marine park values.

Prescriptions

- 4.4.3.1 A commercial activity licence or lease may be granted where prescribed by Section 4.2 (Rules for activities), subject to the prescriptions (if any) relating to the activity.
- 4.4.3.2 A commercial activity licence or lease may be subject to conditions including but not limited to:
 - a) specifying the area in which, and the periods during which, the authorised activity may be conducted;
 - b) requiring the impacts of the authorised activity to be prevented or mitigated by specified actions developed in consultation with the Director;

- c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
- d) the provision of, or consent for access to data for compliance and monitoring purposes;
- e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
- f) requiring reporting or auditing;
- g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
- h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
- i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with licence conditions; and
- j) providing for the payment of fees.

4.4.4 Publication of authorisations

Prescription

- 4.4.4.1 The Director will publish on the internet a list of all authorisations issued under this plan, which may include the name of the authorised person or class of persons, the period for which the authorisation is issued, and a description of the authorised activities.

GLOSSARY

action	Has the meaning given by Subdivision A of Division 1 of Part 23 of the EPBC Act.
artificial reef	Has the meaning given by the <i>Environment Protection (Sea Dumping) Act 1981</i> , namely, a structure or formation placed on the seabed: (a) for the purpose of increasing or concentrating populations of marine plants and animals; or (b) for the purpose of being used in human recreational activities.
Australian Government or the Government	The Government of the Commonwealth of Australia.
Australia–Indonesia MoU	Australia–Indonesia Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Fishing Zone and Continental Shelf – 1974 and the 1989 Guidelines.
Australian Marine Parks or Marine Park	Commonwealth marine reserves comprising the South-west, North-west, North and Temperate East Networks and the Coral Sea Commonwealth Marine Reserve declared by the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> and the reserves declared by the Proclamations made under the EPBC Act on 28 June 2007 and comprising the South-east Commonwealth Marine Reserves Network.
authorisation	As described in Section 4.4 (Authorisation of activities) of this plan.
biodiversity or biological diversity	Has the meaning given by s.528 of the EPBC Act.
biologically important areas	Areas where a protected species displays a biologically important behaviour such as breeding, foraging, resting and migration. These areas serve to highlight the parts of a marine region that are particularly important for the conservation of protected species.
bioregion	A large area that has similar types of plants, animals and ocean conditions compared with other similarly sized areas, and, in this document, those bioregions as defined in the Integrated Marine and Coastal Regionalisation of Australia Version 4.0.
Bioregional plan	Has the meaning given by s.528 of the EPBC Act.
CAR	Comprehensiveness—includes the full range of ecosystems recognised at an appropriate scale within and across each bioregion. Adequacy—has the required level of protection to maintain the ecological viability and integrity of populations, species and communities. Representativeness—those marine areas that are selected for inclusion in reserves should reasonably reflect the biotic diversity of the marine ecosystems from which they derive.

class approval	As described in Section 4.4.2 (Class approvals) of this plan.
commercial aquaculture	Farming and culturing of aquatic organisms, such as fish, crustaceans and molluscs.
commercial fishing	Has the meaning given by s390SC(1A) of the EPBC Act: a fishing activity that is engaged in for a commercial purpose, and, to avoid doubt, does not include an activity that constitutes recreational fishing.
Commonwealth marine area	Has the meaning given by s.24 of the EPBC Act.
Commonwealth marine environment	The environment in the Commonwealth marine area.
Commonwealth reserve	A reserve established and managed under Division 4 of Part 15 of the EPBC Act.
Department	The Department responsible for the EPBC Act.
Director	The Director of National Parks established under s.514A of the EPBC Act, including any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the North-west Marine Parks Network.
dropline	A line that is vertically set or suspended in the water column between a weight (in contact with the seabed) and a buoy on the water surface. Baited hooks are attached to the mainline via smaller lines (branch-lines or snoods).
ecologically sustainable use	Has the meaning given by s.528 of the EPBC Act.
ecosystem	Has the meaning given by s.528 of the EPBC Act.
endemic/endemism	Native to or confined to a certain region.
environment	Has the meaning given by s.528 of the EPBC Act.
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> , including any Act amending, repealing or replacing the Act.
EPBC Regulations	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i> , including any Regulations amending, repealing or replacing the Regulations.

fish aggregating device	Has the meaning given by the <i>Sea Installation Act 1987</i> , namely: (a) a man-made structure that, when in, or brought into, physical contact with the seabed or when floating, is used solely for the purpose of attracting populations of fish so as to facilitate the taking of those fish; or (b) any electronic or other equipment designed or intended to be ancillary to, or associated with, such a structure while it is being used, or in order to facilitate the use of the structure, for that purpose; and do not include a net, trap or other equipment for taking, catching or capturing fish.
hand collection	Removing species from rocks, crevices, the seafloor or other benthic substrate by hand using dive hookah, self-contained underwater breathing apparatus (scuba) or snorkel.
hand net (hand, barrier, skimmer, cast, scoop, drag, lift)	A small mesh net that is operated by hand to trap fish including a hand net, barrier net, skimmer net, cast net, scoop net, drag net, lift net.
Integrated Marine and Coastal Regionalisation of Australia (IMCRA)	A spatial framework for classifying Australia's marine environment into bioregions that forms the basis for the development of a National Representative System of Marine Protected Areas.
IUCN	International Union for the Conservation of Nature.
Key ecological feature	Elements of the Commonwealth marine environment that, based on best available scientific understanding, are considered to be of regional importance for either the region's biodiversity or ecosystem function and integrity.
longline (demersal, auto-longline)	A line that is horizontally set along the seafloor between weights to maintain contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). An auto-longline is a longline where the hooks are baited by a machine rather than manually.
longline (pelagic)	A line that is horizontally set near the surface of the water and avoids contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are generally used intermittently along the main line to help maintain buoyancy in the water column. The line may be left to drift in the water or anchored by vertical lines to the seafloor.
management category	An IUCN category prescribed by Schedule 8 of the EPBC Regulations.
management plan, or the plan, or this plan	This management plan unless otherwise stated.

management principles	Australian IUCN reserve management principles prescribed by r.10.04 and Schedule 8 of the EPBC Regulations.
MARPOL	International Convention for the Prevention of Pollution from Ships.
mining operations	Has the meaning given by s.355(2) of the EPBC Act.
Minister	The Minister responsible for administering the EPBC Act.
minor line (handline, rod & reel, trolling, squid jig, poling)	Any line fishing with a small number of hooks, often just one (i.e. handline, rod and reel, squid jigging and pole fishing). Trolling is dragging a lure or baited hook behind a moving vessel and reeling it in (either by hand, reel or winches). Poling is dragging a lure or baited hook on a fixed length of line behind a vessel and flicking or gaffing the fish into the boat. Squid jigging involves vertical lines with several barbless lures being mechanically jigged up and down to attract squid.
National Representative System of Marine Protected Areas (NRSMPA)	A comprehensive, adequate and representative system of marine protected areas that contributes to the long-term ecological viability of marine and estuarine systems, maintains ecological processes and systems, and protects Australia's biological diversity at all levels.
native title	Has the meaning given by s.223 of the <i>Native Title Act 1993</i> .
net (demersal)	A rectangular mesh net anchored to the seafloor with weights. The net may have small floats along the upper line to maintain its shape in the water. Each end has a vertical line that is connected to buoys on the surface of the water.
net (pelagic)	A rectangular mesh net set near the surface of the water that is not in contact with the seafloor. The net generally has floats along the upper line to maintain buoyancy. Each end is connected to a buoy on the surface of the water. The net can be left to drift or connected to a boat.
news of the day	The reporting by newspaper, television, radio or other electronic media, of unanticipated events that happen from time to time, such as rescue events. It does not include general items about a marine park or planned activities in the park.
North-west Commonwealth Marine Reserves Network, or North-west Network, or the Network	The 13 areas described in Schedule 2 to the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and declared to be Commonwealth reserves by Section 6 of the proclamation.
Parks Australia	The Division of the Department that supports the Director of National Parks.
permit	As described in Section 4.4.1 (Permits) of this plan.
prescription	Mandatory rules for managing marine parks.

protected species	Species protected under the EPBC Act as listed threatened, migratory or marine species and/or cetaceans (whales, dolphins and porpoises).
purse seine	A semi-rectangular mesh net with floats along the top and a weighted line along the bottom. A vessel or buoy is used to anchor one end of the net while it is set around a fish aggregation in a circular pattern. The bottom of the net has a cable threaded through it which, when pulled, brings the bottom of the net together like a purse trapping the fish inside. The net is then pulled toward the vessel and the fish are either lifted or pumped on board the vessel.
recreational fishing	Taking marine species not for commercial purposes, and is not commercial fishing.
Sea country	Sea country refers to the areas of the sea that Aboriginal and Torres Strait Islander groups are particularly affiliated with through their traditional lore and customs.
stowed and secured	All fishing apparatus, including nets, lines are rendered inoperative in zones where fishing is not permitted, including that the apparatus is inboard the vessel and otherwise completely out of the water or as determined by the Director.
transit	Continuous and expeditious passage through an area. However, passage includes stopping and anchoring where allowed, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
trap, pot	Traps and pots are made in a variety of shapes and sizes from various materials. They are generally baited to attract fish or crustaceans through one or more entrances or openings. Traps and pots are set on the seafloor and connected to a vertical line with a buoy on the surface of the water.
trawl (demersal)	A cone-shaped mesh net towed through the water column on or near the seabed that may come into contact with the seabed during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening generally has chains, rubber or steel bobbins and spacers threaded along its length to help reduce snagging by slightly lifting the net off the seafloor. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations such as one or four nets.

trawl (midwater)	A cone-shaped mesh net towed through the water column that does not come into contact with the seabed at any stage during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening is weighted. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations, such as one or four nets.
trotline	A trotline is very similar to a demersal longline. It is a line that is horizontally set along the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are used intermittently along the mainline to lift baited hooks away from the seafloor.
UNCLOS	United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982
values	Defined in Part 2 of this plan.
vessel identification and monitoring system	A system whereby vessels are fitted with an electronic device that can transmit or provide information to a central management agency about the vessel's course or position, or other such information.

SCHEDULE 1. SUMMARY OF LEGISLATIVE AND POLICY CONTEXTS

S1.1 THE EPBC ACT AND EPBC REGULATIONS

The objects of the EPBC Act (s.3) are:

- a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- c) to promote the conservation of biodiversity;
- ca) to provide for the protection and conservation of heritage;
- d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples;
- e) to assist in the co-operative implementation of Australia's international environmental responsibilities;
- f) to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- g) to promote the use of Indigenous people's knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

Director of National Parks

The Director of National Parks is a corporation under the EPBC Act (s.514A) and a Commonwealth corporate entity for the purposes of the *Public Governance Performance and Accountability Act 2013*. The corporation is controlled by the person appointed by the Governor-General to the office that is called the Director of National Parks (s.514F of the EPBC Act).

The functions of the Director (s.514B) include the administration, management and control of Commonwealth reserves established under the EPBC Act. The Director generally has power to do all things necessary or convenient for performing the Director's functions (s.514C). The Director has a number of specified powers under the EPBC Act and EPBC Regulations, including to prohibit or control some activities, and to issue permits for activities that are otherwise prohibited. The Director performs functions and exercises powers in accordance with this plan.

Establishment of Commonwealth reserves

Commonwealth reserves, including Australian Marine Parks, are declared by proclamation by the Governor-General under the EPBC Act. The EPBC Act and the EPBC Regulations provide the legal basis and framework for management of Commonwealth reserves.

Commonwealth reserves can be declared over areas specified in s.344 of the EPBC Act, including the Commonwealth marine area as defined in s.24 of the Act (which extends generally from the three nautical mile limit of the coastal waters of the states and territories to the outer limit of Australia's exclusive economic zone). The Commonwealth marine area is also a matter of national environmental significance protected from significant impacts to the environment by Part 3 of the EPBC Act.

IUCN categories and management principles

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

General administrative principles

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation—management arrangements should, to the extent practicable, provide for broad and meaningful participation by the community, public organisations and private interests in designing and carrying out the functions of a reserve or zone;
2. effective and adaptive management—management arrangements should be effective and appropriate to the biodiversity objectives and the socio-economic context of the reserve or zone. They should be adaptive in character to ensure a capacity to respond to uncertainty and change;
3. the precautionary principle—a lack of full scientific certainty should not be used as a reason for postponing measures to prevent degradation of the natural and cultural heritage of a reserve or zone where there is a threat of serious or irreversible damage;
4. minimising impacts—the integrity of a reserve or zone is best conserved by protecting it from disturbance and threatening processes. Potential adverse impacts on the natural, cultural and social environment and surrounding communities should be minimised as far as practicable;
5. ecologically sustainable use—if resource use is consistent with the management principles that apply to a reserve or zone, it should be based on the principle (the principle of ecologically sustainable use) that:
 - a) natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature and
 - b) the benefit of the use to the present generation should not diminish the potential of the reserve or zone to meet the needs and aspirations of future generations;
6. transparency of decision-making—the framework and processes for decision-making for management of the reserve or zone should be transparent. The reason for making decisions should be publicly available, except to the extent that information, including information that is culturally sensitive or commercial-in-confidence, needs to be treated as confidential; and
7. joint management—if the reserve or zone is wholly or partly owned by Aboriginal people, continuing traditional use of the reserve or zone by resident Indigenous people, including the protection and maintenance of cultural heritage, should be recognised.

Principles for each IUCN category represented in the North-west Network

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the North-west Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

1. Strict nature reserve (IUCN category Ia)

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

3. National park (IUCN category II)

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

5. Habitat/species management area (IUCN category IV)

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.
- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.
- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.

- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.
- 5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.
- 5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

7. Managed resource protected area (IUCN category VI)

- 7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.
- 7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.

Management plans

The EPBC Act requires the Director to prepare a management plan for a Commonwealth reserve. When prepared, a plan is given to the Minister administering the EPBC Act for approval. A management plan is a 'legislative instrument' for the purposes of the Legislative Instruments Act 2003 and must be registered under that Act. Following registration, the plan is tabled in each House of the Commonwealth Parliament and may be disallowed by either House on a motion moved within 15 sitting days of the House after tabling.

A management plan for a Commonwealth reserve has effect for ten years, subject to being revoked or amended earlier by another management plan for the reserve. The Director must give effect to a management plan in operation for a Commonwealth reserve. The Commonwealth and Commonwealth agencies must also not perform functions or exercise powers in relation to the reserve inconsistently with the plan (s.362).

Under the EPBC Act (s.367) a management plan for a Commonwealth reserve must provide for the protection and conservation of the reserve.

A management plan for a Commonwealth reserve may divide the reserve into zones and assign each zone to an IUCN category (whether or not a proclamation has assigned the reserve or each zone of the reserve to that IUCN category). The category to which a zone is assigned may differ from the category to which the reserve is assigned.

The provisions of a management plan for a Commonwealth reserve that relate to the reserve or a particular zone of the reserve must not be inconsistent with the Australian IUCN reserve management principles for the IUCN category to which the reserve or zone is assigned by the plan.

If the management plan for a Commonwealth reserve assigns the reserve to one IUCN category and assigns a zone of the reserve to a different IUCN category, disregard the IUCN category to which the reserve is assigned for the purposes of the application of subsection (3) in relation to the zone.

A single management plan may be the management plan for more than one Commonwealth reserve.

A management plan for a Commonwealth reserve may include provisions relating to an area that is proposed to be included in the reserve, but they do not have effect until the area is included in the reserve.

Under the EPBC Act (s.368), in preparing a management plan for a Commonwealth reserve, the Director must take account of:

- (a) any report considered by the Minister under Section 351 before a proclamation declaring the reserve was made; and
- (b) the regulation of the use of the reserve for the purpose for which it was declared; and
- (c) the interests of:
 - (i) any owner of any land or seabed in the reserve; and
 - (ii) the traditional owners of any Indigenous people's land in the reserve; and
 - (iii) any other Indigenous persons interested in the reserve; and
 - (iv) any person who has a usage right relating to land, sea or seabed in the reserve that existed (or is derived from a usage right that existed) immediately before the reserve was declared; and
- (d) the protection of the special features of the reserve, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest; and
- (e) the protection, conservation and management of biodiversity and heritage within the reserve; and
- (f) the protection of the reserve against damage; and
- (g) Australia's obligations under agreements between Australia and one or more other countries relevant to the protection and conservation of biodiversity and heritage.

Control of actions in Commonwealth reserves

The EPBC Act (ss.354 and 354A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a management plan in operation for the reserve:

- a) kill, injure, take trade, keep or move a member of a native species; or
- b) damage heritage; or
- c) carry out an excavation; or
- d) erect a building or other structure; or
- e) carry out works; or
- f) take an action for commercial purposes.

Mining operations are also prohibited (ss.355 and 355A of the EPBC Act) except in accordance with a management plan. Section 358 allows the Director to grant a lease or a licence relating to land or seabed in a Commonwealth reserve in accordance with a management plan.

The EPBC Regulations control, or allow the Director to control, a range of activities in Commonwealth reserves. The Director applies the Regulations subject to and in accordance with the EPBC Act and management plan. The Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act. Activities that are prohibited or restricted by the EPBC Act may be carried on if they are authorised by a permit issued by the Director and/or they are carried on in accordance with a management plan or if another exception prescribed by r.12.06(1) of the Regulations applies.

Access to biological resources in Commonwealth areas is regulated under Part 8A of the EPBC Regulations. Access to biological resources is also covered by ss.354 and 354A of the EPBC Act if the resources are members of a native species and/or if access is for commercial purposes.

Environmental assessment and approval

Actions that are likely to have a significant impact on matters of national environmental significance are subject to the referral, assessment and approval provisions of Chapters 2 to 4 of the EPBC Act (irrespective of where the action is taken).

At commencement of this plan, the matters of national environmental significance identified in the EPBC Act are:

- a) world heritage properties;
- b) national heritage places;
- c) wetlands of international importance (Ramsar wetlands);
- d) listed threatened species and communities;
- e) listed migratory species;
- f) protection of the environment from nuclear actions (including uranium mining);
- g) marine environment (Commonwealth marine areas);
- h) the Great Barrier Reef Marine Park; and
- i) protection of water resources from coal seam gas development and large coal mining development.

The referral, assessment and approval provisions also apply to actions on Commonwealth land that are likely to have a significant impact on the environment and to actions taken outside Commonwealth land that are likely to have a significant impact on the environment on Commonwealth land.

Responsibility for compliance with the assessment and approvals provisions of the EPBC Act lies with persons taking relevant 'controlled' actions. A person proposing to take an action that the person thinks may be or is a controlled action should refer the proposal to the Minister. The Minister will decide whether or not the action is a controlled action. The Director of National Parks may also refer proposed actions to the Minister.

Wildlife protection

Part 13 of the EPBC Act contains provisions that prohibit and regulate actions in relation to listed threatened species and ecological communities, listed migratory species, listed marine species and cetaceans (whale, dolphin and porpoise).

Actions taken in accordance with a Commonwealth reserve in accordance with a management plan in relation to any native species listed under Part 13 of the EPBC Act are exempt from prohibitions in Part 13 of the Act.

Heritage protection

The EPBC Act world heritage protection provisions (s.12–15A, ss.320–324) provide:

- a) that the primary purpose of management of natural heritage and cultural heritage of a declared world heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the world heritage values of the property;
- b) that at least one management plan should be prepared for each declared world heritage property;
- c) that the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure it exercises its powers and performs its functions in relation to the property in a way that is not inconsistent with the World Heritage Convention, the Australian world heritage management principles; and if the property is on the World Heritage List and a plan for managing the property has been prepared as described in s.321—that plan;
- d) that an action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the world heritage values of the property.

The EPBC Act National and Commonwealth heritage protection provisions (ss.324A to 324ZC and ss.341A to 341ZH) provide:

- a) for the establishment and maintenance of a National Heritage List and a Commonwealth Heritage List, criteria and values for inclusion of places in either list and heritage management principles for places that are included in the two lists;

- b) that Commonwealth agencies must not take an action that is likely to have an adverse impact on the heritage values of a place included in either list unless there is no feasible and prudent alternative to taking the action and all measures that can reasonably be taken to mitigate the impact of the action on those values are taken and that Commonwealth agencies that own or control places must—
 - i. prepare a written heritage strategy for managing those places to protect and conserve their Commonwealth heritage values. The strategy must address any matters required by the EPBC Regulations, and not be inconsistent with the Commonwealth heritage management principles, and
 - ii. identify Commonwealth heritage values for each place, and produce a register that sets out the Commonwealth heritage values (if any) for each place (and do so within the timeframe set out in the place's heritage strategy).

The prescriptions in this plan are consistent with the Commonwealth heritage and national heritage management principles and other relevant obligations under the EPBC Act for protecting and conserving the heritage values for which the reserve has been listed on the National Heritage List.

Wetlands of international importance

The EPBC Act management of wetlands of international importance provisions (ss.325 to 336) provide:

- a) that the Commonwealth may designate a wetland for inclusion in the List of Wetlands of International Importance kept under the Ramsar Convention only after seeking the agreement of relevant states, self-governing territories and land holders;
- b) that the Minister must make plans for managing wetlands listed under the Ramsar Convention that are entirely in Commonwealth areas. The Commonwealth and Commonwealth agencies must not contravene such plans;
- c) that the Commonwealth must try to prepare and implement management plans for other wetlands listed under the Ramsar Convention, in cooperation with the relevant states and self-governing territories;
- d) that the Commonwealth and Commonwealth agencies have duties relating to declared Ramsar wetlands in states and territories; and
- e) that the Commonwealth can provide assistance for the protection or conservation of declared Ramsar wetlands.

The prescriptions in this plan are consistent with the Australian Ramsar management principles prescribed in Schedule 6 of the EPBC Regulations and other relevant obligations under the EPBC Act for the management of wetlands included in the List of Wetlands of International Importance kept under the Ramsar Convention.

EPBC Act and Indigenous traditional rights and native title rights

Native title rights may exist in offshore waters within Australia's jurisdiction. Native title determinations need not have been made in order for native title rights to exist.

The EPBC Act does not affect the operation of the *Native Title Act 1993* and s.211 in particular, which in certain circumstances allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence (s.8 EPBC Act). Prohibitions and other provisions of the EPBC Act and EPBC Regulations dealing with activities in Commonwealth reserves do not prevent Indigenous people from continuing their traditional use of an area in a reserve for hunting or gathering (except for purposes of sale), or for ceremonial and religious purposes, in accordance with the EPBC Act s.359A.

Access to biological resources

Access to biological resources in Commonwealth areas is regulated under the EPBC Regulations Part 8A and a permit from the Minister is required. Access to biological resources is defined in the EPBC Regulations and broadly means the taking of biological resources of native species for research and development on any

genetic resources, or biochemical compounds, comprising or contained in the biological resources. Biological resources are defined by the EPBC Act as genetic resources, organisms, parts of organisms, populations and any other biotic component of an ecosystem with actual or potential use or value for humanity. Genetic resources are defined by the EPBC Act as any material of plant, animal, microbial or other origin that contains functional units of heredity, and that has actual or potential value for humanity.

Penalties

Civil and criminal penalties may be imposed for breaches of the EPBC Act and criminal penalties may be imposed for breaches of the EPBC Regulations.

S1.2 OTHER RELEVANT LEGISLATION

The **Environment Protection (Sea Dumping) Act 1981 (Sea Dumping Act)** regulates the loading for the purpose of dumping and dumping of controlled material at sea (including certain wastes and other matter), and the placement of artificial reefs. The Act gives effect to Australia's obligations under the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol). Under the Sea Dumping Act, dumping at sea is prohibited, except for possibly acceptable wastes or other matter that may be considered under a permit.

The **Fish Resources Management Act 1994** and the **Pearling Act 1990** are the regulatory framework for the management of Western Australia's fisheries and aquatic biological resources. The **Fisheries Act 1988** and **Fisheries Regulations 1993** are the regulatory framework for the management of Northern Territory fisheries resources.

The **Fisheries Management Act 1991** regulates fishing activities in the Australian Fishing Zone, from the Australian coastline to 200 nm, including waters surrounding external territories.

The **Historic Shipwrecks Act 1976** provides for the protection of historic shipwrecks and associated relics and the establishment of protected zones around historic shipwrecks from the lowest astronomical tide mark to the exclusive economic zone. All shipwrecks and associated relics more than 75 years old whether located or not are protected under the Act by Ministerial declaration. A wreck less than 75 years old may also be protected by a declaration of the Minister.

The **Historic Shipwrecks Act 1976** prohibits conduct in relation to historic shipwrecks and relics without a permit, which includes conduct that destroys or causes damage to a historic shipwreck or relic, causes interference with a historic shipwreck or relic, causes the disposal of a historic shipwreck or relic, or causes a historic shipwreck or relic to be removed from Australia.

The most current information about the status of discovered shipwrecks, protected shipwrecks or shipwrecks that have a declared protected zone is in the Australian national shipwrecks database (www.environment.gov.au).

The **Offshore Minerals Act 1994** establishes the regulatory framework for offshore exploration and recovery of minerals beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The **Offshore Petroleum and Greenhouse Gas Storage Act 2006** is the regulatory framework for offshore exploration and production of petroleum, and greenhouse gas storage activities, beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The **Protection of the Sea (Prevention of Pollution from Ships) Act 1983** and the **Navigation Act 2012** address the protection of the marine environment from ship-sourced pollution. The Prevention of Pollution from Ships Act implements MARPOL and regulates normal operational discharges from ships. MARPOL annexes regulate the discharge of oil (Annex I), noxious liquid substances (Annex II), the disposal of sewage from ships (Annex IV) and garbage (Annex V), harmful substances carried by sea in packaged forms (Annex III) and air pollution from ships (Annex VI).

S1.3 INTERNATIONAL AGREEMENTS

This plan takes into account Australia's obligations under international agreements that are relevant to the North-west Network. These include:

Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment (JAMBA)

JAMBA provides for Australian and Japanese cooperation on the protection of migratory birds and birds in danger of extinction (listed in the annex to the agreement) and the management and protection of their environments. It requires both countries to take appropriate measures to preserve and enhance the environment of birds protected under the provisions of the agreement.

Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (CAMBA)

CAMBA provides for Australian and Chinese cooperation on the protection of migratory birds (listed in the annex to the agreement) and their environment. It requires both countries to take appropriate measures to preserve and enhance the environment of migratory birds.

Agreement between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds 2007 (ROKAMBA)

ROKAMBA provides for Australian and Korean cooperation on the protection of migratory birds (listed in the annex to the agreement) and their habitat and the prevention of the extinction of certain birds. It requires both countries to take appropriate measures to conserve and improve the environment of birds protected under the provisions of the agreement.

Agreement on the Conservation of Albatrosses and Petrels (ACAP)

This agreement provides for parties to conserve highly migratory and threatened seabirds over their normal range by protecting critical habitat, controlling non-native species detrimental to albatrosses and petrels, introducing measures to reduce the incidental catch of seabirds in fisheries, and supporting research into the effective conservation of albatrosses and petrels.

Australia–Indonesia Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Fishing Zone and Continental Shelf – 1974

This agreement between the Government of Australia and the Government of the Republic of Indonesia Relating to Cooperation in Fisheries (1992 Fisheries Cooperation Agreement) provides the framework for fisheries and marine cooperation between Australia and Indonesia. It includes the MoU Box, an area of Australian water in the Timor Sea where Indonesian traditional fishers are permitted to operate using traditional fishing methods only.

As part of negotiations to delineate seabed boundaries, Australia and Indonesia entered into the MoU which recognises the rights of access for traditional Indonesian fishers in shared waters to the north of Australia. This access was granted in recognition of the long history of traditional Indonesian fishing in the area. The MoU provides Australia with a tool to manage access to its waters while for Indonesia, it enables Indonesian traditional fishers to continue their customary practices and target species such as trepang, trochus, abalone and sponges. Guidelines were agreed in 1989 to clarify access boundaries for traditional fishers and take into account the declaration of the 200 nm fishing zones. Because of its approximate shape the MoU area became known as the MoU Box.

Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention)

The World Heritage Convention was adopted to ensure the proper identification, protection, conservation and presentation of cultural and natural heritage with outstanding universal value. Australian world heritage management principles are prescribed in Schedule 5 of the EPBC Regulations.

Convention on Biological Diversity (CBD)

Australia is a signatory to the CBD, which requires parties to pursue the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the use of genetic resources. Article 8 of the convention identifies that parties should 'establish a system of protected areas or areas where special measures need to be taken to conserve biodiversity'. The establishment and management of the North-west Network assists Australia in meeting its obligations under the CBD.

In 2010, the Conference of Parties to the CBD adopted a 'Strategic Plan for Biodiversity'. It includes 'Target 11' relevant to protected areas:

By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.

The Strategic Plan complements, but does not replace, the commitment to establish representative networks of marine protected areas by 2012, made at the 2002 World Summit on Sustainable Development. Australia has met and exceeded this target.

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

CITES aims to ensure that the international trade of wild fauna and flora specimens does not threaten the survival of the species from which they are derived. It places controls on the international trade of specimens of certain species. At the time of preparing this plan, several marine mammal species found in the North-west Network were listed under CITES Annex II.

Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to this convention work together to conserve migratory species and their habitats. Species that are listed under the above migratory agreements and conventions are listed species under Part 13 of the EPBC Act.

Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (Ramsar Convention)

This international agreement is more commonly known as the Ramsar Convention on Wetlands, and originally aimed to conserve and wisely use wetlands primarily as habitat for waterbirds. Over the years, the Ramsar Convention's scope has broadened to cover all aspects of wetland conservation and wise use, recognising that wetland ecosystems are important for both biodiversity conservation and the wellbeing of human communities.

To achieve its aims, the Ramsar Convention requires international cooperation, policy-making, capacity-building and technology transfer from its members. Under the Ramsar Convention, a wide variety of natural and human-made habitat types can be classified as wetlands, including features in the marine environment.

All wetlands listed under the Ramsar Convention are recognised as matters of national environmental significance under the EPBC Act. As such, approval is required for actions that will have, or are likely to have a significant impact on the ecological character of a Ramsar-listed wetland.

International Convention for the Prevention of Pollution from Ships (MARPOL)

MARPOL deals with preventing and minimising the discharge of ship-generated pollution into the sea. MARPOL is given effect in Australia by the *Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012*. It is the basis for Australian and state government regulation of pollution from all ships, including fishing vessels, in Australian waters. The International Maritime Organization (IMO), a specialised agency of the United Nations, administers this convention and related conventions.

International Convention for the Regulation of Whaling

Australia is a member of the International Whaling Commission, which supports the conservation of whales and the management of whaling under the International Convention for the Regulation of Whaling. Through its membership of the Commission, Australia promotes international collaboration and research that helps to protect whales in Commonwealth waters and internationally. This includes initiatives to support the growing whale watching industry, better understand where and why collisions occur between whales and ships, and coordinate actions to protect the most at-risk populations of whales and dolphins. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

United Nations Convention on the Law of the Sea (UNCLOS)

UNCLOS defines the rights and responsibilities of nations in their use of the world's oceans. It establishes guidelines for businesses, the environment and the management of marine natural resources. It provides foreign vessels with a right of innocent passage through territorial seas.

In December 2012, the IMO endorsed an Australian submission to establish an Area to be Avoided (ATBA, an IMO ship routing measure), off the Ningaloo Coast in Western Australia. The ATBA, which came into effect on 1 June 2013 and applies to all ships over 150 gross tonnage and all ships engaged in towing operations, aims to

- a) mitigate the risk created by increasing coastal traffic and shipping activity, by maintaining a safer distance between ships and the reefs;
- b) prevent incursions by off-loading and offshore support ships servicing production facilities further north;
- c) reduce the risk of shipping accidents; and
- d) protect a world heritage-listed region from any ship-sourced pollution.

UN Declaration on the Rights of Indigenous Peoples

On 3 April 2009 the Australian Government announced its support for the UN Declaration on the Rights of Indigenous Peoples. Although the Declaration is non-binding and does not affect existing Australian law, it does set important international principles for nations to aspire to and many of its provisions are grounded in the core human rights treaties to which Australia is a party.

1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Protocol)

Australia is a party to the London Protocol, the objective of which is to protect and preserve the marine environment from all sources of pollution and prevent pollution caused by dumping or incineration at sea of wastes or other matter. The London Protocol limits the types of materials that can be considered for ocean disposal, and bans the incineration of wastes at sea. In Australia, the London Protocol is administered by the Australian Government under the Sea Dumping Act.

SCHEDULE 2. NORTH-WEST NETWORK OVERVIEW AND VALUES



Nudibranch (Parks Australia)

S2.1 NORTH-WEST NETWORK OVERVIEW

Table S2.1. Overview of the North-west Network

Marine Park name	Marine Park overview				
	Date of proclamation	Proclamation (including area description)	Zones and IUCN categories	Marine park IUCN category	Total marine park area
Shark Bay	14 December 2013	Federal Register of Legislation No. F2013L02108	Multiple Use Zone (VI) 7443 km ²	VI	7443 km ²
Carnarvon Canyon	14 December 2013	Federal Register of Legislation No. F2013L02108	Habitat Protection Zone (IV) 6177 km ²	IV	6177 km ²
Ningaloo	14 December 2013	Federal Register of Legislation No. F2013L02108	Recreational Use Zone (IV) 2435 km ²	IV	2435 km ²
Gascoyne	14 December 2013	Federal Register of Legislation No. F2013L02108	National Park Zone (II) 9164 km ² Habitat Protection Zone (IV) 38 950 km ² Multiple Use Zone (VI) 33 652 km ²	IV	81 766 km ²
Montebello	14 December 2013	Federal Register of Legislation No. F2013L02108	Multiple Use Zone (VI) 3413 km ²	VI	3413 km ²
Dampier	14 December 2013	Federal Register of Legislation No. F2013L02108	National Park Zone (II) 73 km ² Habitat Protection Zone (IV) 104 km ² Multiple Use Zone (VI) 1074 km ²	VI	1252 km ²

Marine Park name	Marine Park overview				
	Date of proclamation	Proclamation (including area description)	Zones and IUCN categories	Marine park IUCN category	Total marine park area
Eighty Mile Beach	14 December 2013	Federal Register of Legislation No. F2013L02108	Multiple Use Zone (VI) 10 785 km ²	VI	10 785 km ²
Roebuck	14 December 2013	Federal Register of Legislation No. F2013L02108	Multiple Use Zone (VI) 304 km ²	VI	304 km ²
Mermaid Reef	14 December 2013	Federal Register of Legislation No. F2013L02108	National Park Zone (II) 540 km ²	II	540 km ²
Argo–Rowley Terrace	14 December 2013	Federal Register of Legislation No. F2013L02108	National Park Zone (II) 36 050 km ² Multiple Use Zone (VI) 108 812 km ² Special Purpose Zone (Trawl) (VI) 1141 km ²	VI	146 003 km ²
Kimberley	14 December 2013	Federal Register of Legislation No. F2013L02108	National Park Zone (II) 6392 km ² Habitat Protection Zone (IV) 5665 km ² Multiple Use Zone (VI) 62 411 km ²	VI	74 469 km ²
Ashmore Reef	14 December 2013	Federal Register of Legislation No. F2013L02108	Sanctuary Zone (Ia) 550 km ² Recreational Use Zone (IV) 34 km ²	Ia	583 km ²
Cartier Island	14 December 2013	Federal Register of Legislation No. F2013L02108	Sanctuary Zone (Ia) 172 km ²	Ia	172 km ²

Note: Each marine park extends from 1000 m below the seabed (except for Ashmore Reef which extends from 200 m to 3000 m above sea level).

Note: zone areas for each marine park are rounded to the nearest km²; therefore, the sum of zone areas may not equate to the total marine park area in some instances.

S2.2 NORTH-WEST NETWORK VALUES

This Schedule describes the values represented in each marine park of the North-west Network.

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage values recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the value of the marine park for people, businesses and the economy.

Values will be used to inform the Director's decisions when authorising activities in marine parks. Activities will be assessed in relation to their impacts on and risk to values to ensure activities are undertaken in a manner that minimises impacts to as low as reasonably practicable (Section 4.2 Making decisions about activities).

As understanding of park values improves over time, more detailed information will be available on the Department's website.

Other sources of information on marine park values can be found on the Department's website, in particular, for protected species (species profile and threats database), wetlands (Australian wetlands directory), heritage places (Australian heritage database), and shipwrecks (Australian national shipwrecks database); and in the *Marine bioregional plan for the North-west Marine Region* (2012) and the *North-west marine bioregional plan: bioregional profile* (2008).

SHARK BAY MARINE PARK

The Shark Bay Marine Park (Figure S2.1) is located approximately 60 km offshore of Carnarvon, adjacent to the Shark Bay world heritage property and national heritage place. The Marine Park covers an area of 7443 km², extending from the Western Australian state water boundary, and a water depth range between 15 m and 220 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category VI and includes one zone assigned under this management plan, Multiple Use Zone (VI).

Coordinates for the Shark Bay Marine Park and zone are provided in Figure S2.1 and Schedule 4.

Statement of significance

The Shark Bay Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Western Shelf Province and Central Western Transition. This includes ecosystems associated with shallow (minimum 50 m) to very deep (maximum 5330 m) seafloor features. The Marine Park provides connectivity between the inshore waters of the Shark Bay world heritage property and deeper Commonwealth waters.

Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Western Shelf, a predominantly flat, sandy and low-nutrient area, in water depths 50–100 m. The bioregion is a transitional zone between tropical and temperate species; and
- Central Western Transition, a deep ocean area (maximum depth 5330 m) of continental slope and abyss. Terraces, rises and canyons are features of this bioregion.

Ecosystems represented in the Marine Park are influenced by the Leeuwin, Ningaloo and Capes currents.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding habitat for seabirds, internesting habitat for marine turtles, and a migratory pathway for humpback whales. The Marine Park and adjacent coastal areas are also important for shallow-water snapper.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years. The Gnulli and Malgana people have responsibilities for sea country in the Marine Park.

Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan, but the Marine Park is adjacent to the Shark Bay, Western Australia World Heritage Property and Shark Bay, Western Australia National Heritage Place.

Historic shipwrecks

The Marine Park contains approximately 20 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

Social and economic values

Commercial tourism, commercial fishing, mining and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

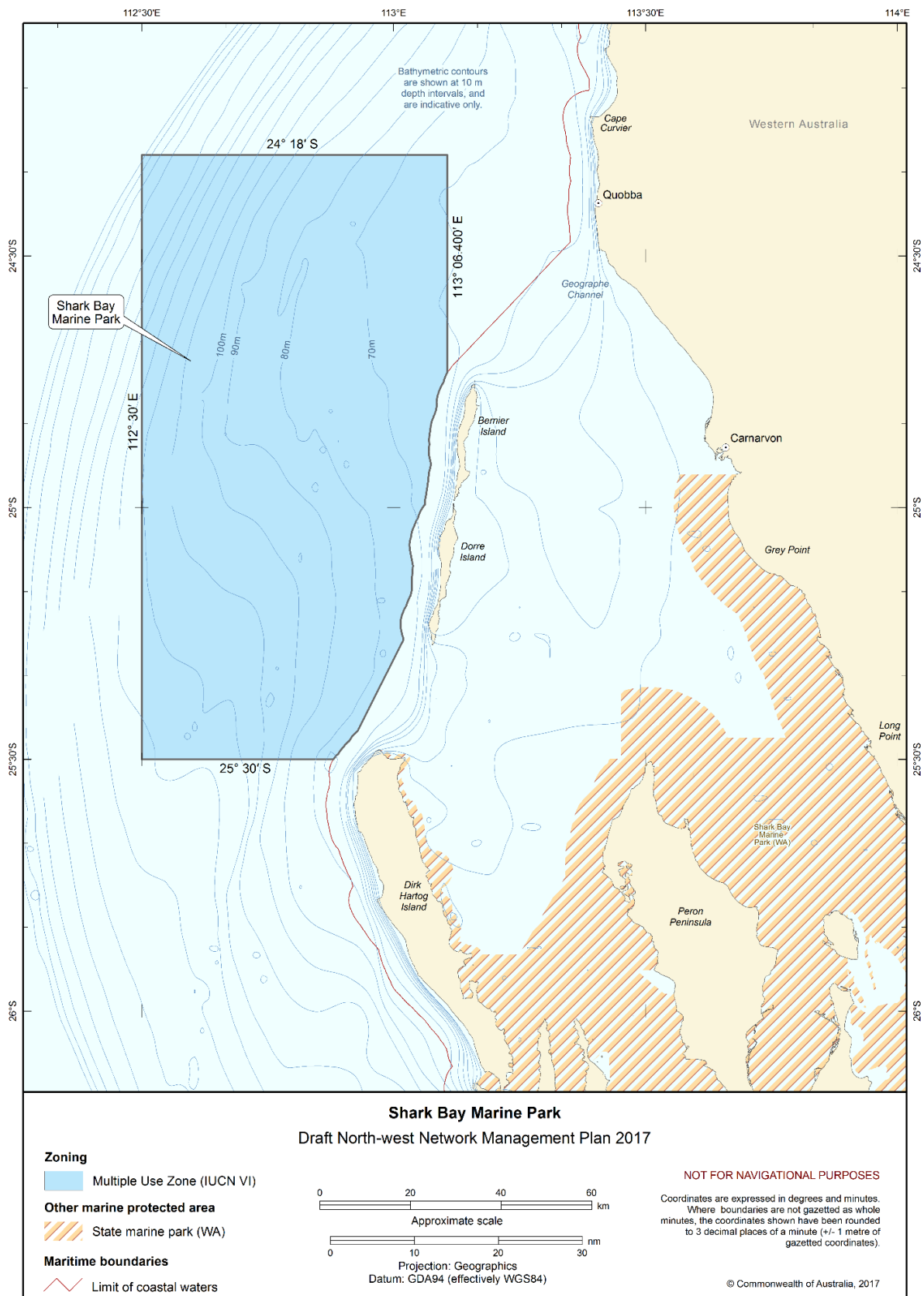


Figure S2.1 Shark Bay Marine Park

CARNARVON CANYON MARINE PARK

The Carnarvon Canyon Marine Park (Figure S2.1) is located approximately 300 km north-west of Carnarvon. It covers an area of 6177 km² and a water depth range of 1500–6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category IV and includes one zone assigned under this management plan, Habitat Protection Zone (IV).

Coordinates for the Carnarvon Canyon Marine Park and zone are provided in Figure S2.2 and Schedule 4.

Statement of significance

The Carnarvon Canyon Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Western Transition. This includes deep-water ecosystems associated with the Carnarvon Canyon. The Marine Park lies within a transition zone between tropical and temperate species and is an area of high biotic productivity.

Natural values

The Marine Park includes examples of ecosystems representative of Central Western Transition, a bioregion characterised by large areas of continental slope, a range of topographic features such as terraces, rises and canyons, seasonal and sporadic upwelling, and benthic slope communities comprising tropical and temperate species. It includes the Carnarvon Canyon, a single-channel canyon covering the entire depth range of the Marine Park.

Ecosystems of the Marine Park are influenced by tropical and temperate currents, deep-water environments and proximity to the continental slope and shelf. The soft-bottom environment at the base of the Carnarvon Canyon is likely to support species that are typical of the deep seafloor (e.g. holothurians, polychaetes and sea-pens).

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. There is limited information about species' use of this Marine Park.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years.

Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

Social and economic values

Commercial fishing and mining are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

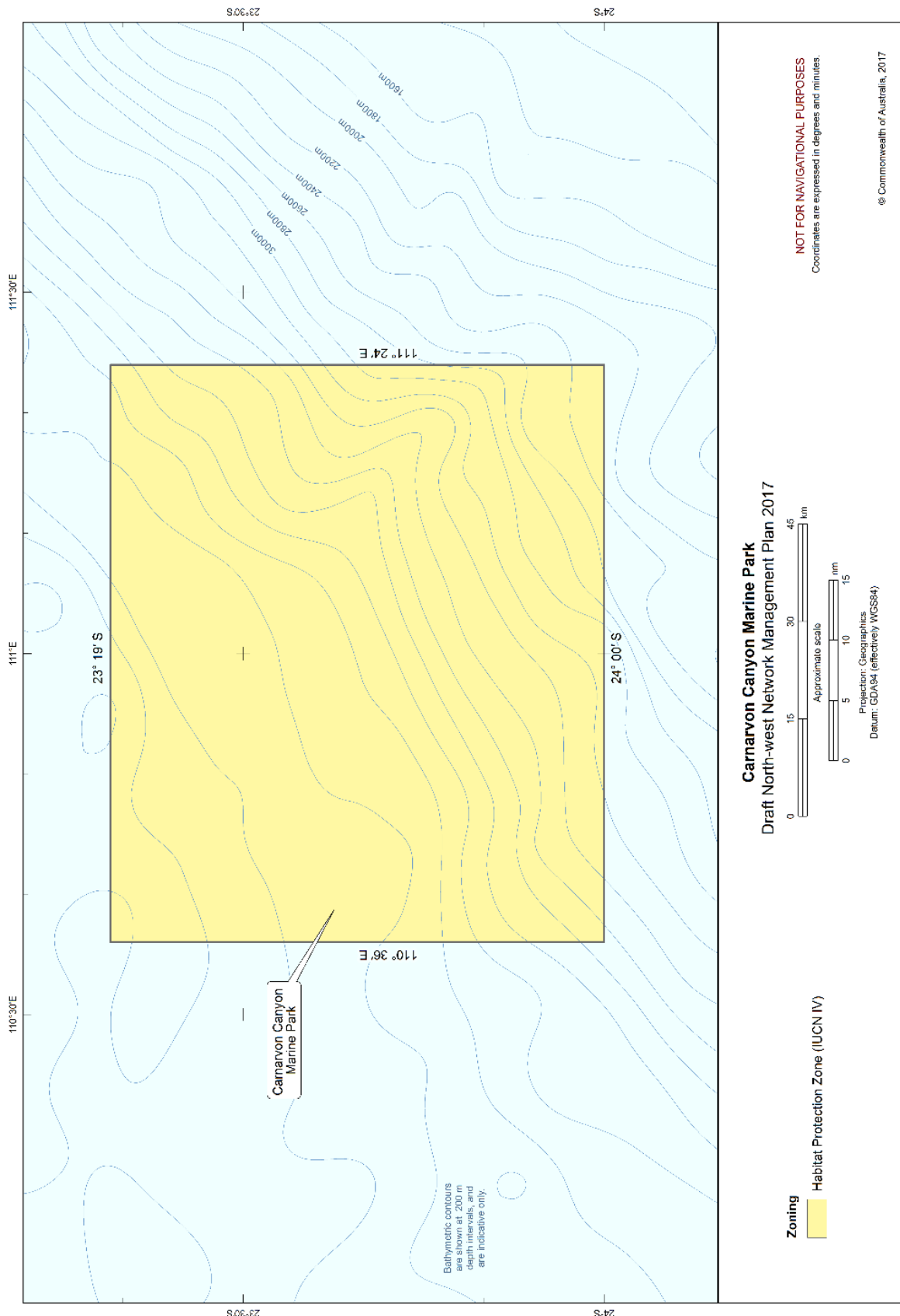


Figure S2.2 Carnarvon Canyon Marine Park

NINGALOO MARINE PARK

The Ningaloo Marine Park (Figure S2.3) stretches approximately 300 km along the west coast of the Cape Range Peninsula, and sits between the Western Australian Ningaloo Marine Park and the Gascoyne Commonwealth Marine Park. The Marine Park covers an area of 2435 km² and a water depth range of 30 m to more than 500 m.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 20 May 1987 as the Ningaloo Marine Park (Commonwealth Waters), and was renamed Ningaloo Commonwealth Marine Reserve under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category IV and includes one zone assigned under this management plan, Recreational Use Zone (IV).

Coordinates for the Ningaloo Marine Park and zone are provided in Figure S2.3 and Schedule 4.

Statement of significance

The Ningaloo Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Western Shelf Transition, Central Western Transition, Northwest Province, and Northwest Shelf Province. It includes three key ecological features: canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula (valued for unique seafloor features with ecological properties of regional significance); Commonwealth waters adjacent to Ningaloo Reef (valued for high productivity and aggregations of marine life); and continental slope demersal fish communities (valued for high levels of endemism and diversity).

The Marine Park provides connectivity between deeper waters of the shelf break and coastal waters, and includes some of the most diverse continental slope habitats in Australia, in particular the continental slope area between North West Cape and the Montebello Trough. Canyons in the Marine Park are important for their role in sustaining the nutrient conditions that support the high diversity of Ningaloo Reef.

The Marine Park is located in a transition zone between tropical and temperate waters and sustains tropical and temperate plants and animals, with many species at the limits of their distributions.

Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Western Shelf Transition—continental shelf of water depths up to 100 m, and a significant transition zone between tropical and temperate species;
- Central Western Transition—characterised by large areas of continental slope, a range of topographic features such as terraces, rises and canyons, seasonal and sporadic upwelling, and benthic slope communities comprising tropical and temperate species;
- Northwest Province—an area of continental slope comprising diverse and endemic fish communities; and
- Northwest Shelf Province—a dynamic environment, influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.

Key ecological features of the Marine Park are:

- Canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula—an area resulting in upwelling of nutrient rich water and aggregations of marine life;
- Commonwealth waters adjacent to Ningaloo Reef—an area where the Leeuwin and Ningaloo currents interact, resulting in enhanced productivity and aggregations of marine life; and

NINGALOO MARINE PARK

- Continental slope demersal fish communities—an area of high diversity among demersal fish assemblages on the continental slope.

Ecosystems represented in the Marine Park are influenced by interaction of the Leeuwin Current, Leeuwin Undercurrent and the Ningaloo Current.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and or foraging habitat for seabirds, internesting habitat for marine turtles, a migratory pathway for humpback whales, foraging habitat and migratory pathway for pygmy blue whales, breeding, calving, foraging and nursing habitat for dugong and foraging habitat for whale sharks.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years. The Gnulli people have responsibilities for sea country in the Marine Park.

Heritage values

World heritage

The Marine Park is part of the Ningaloo Coast World Heritage Property, recognised for its outstanding universal heritage values, meeting world heritage listing criteria vii and x. In addition to the Marine Park, the world heritage area includes the Western Australian Ningaloo Marine Park, the Murion Islands, the Western Australian Cape Range National Park and other terrestrial areas. The area is valued for high terrestrial species endemism, marine species diversity and abundance, and the interconnectedness of large-scale marine, coastal and terrestrial environments. The area connects the limestone karst system and fossil reefs of the ancient Cape Range to the nearshore reef system of Ningaloo Reef, to the continental slope and shelf in Commonwealth waters.

National heritage

The Ningaloo Coast overlaps the Marine Park and was established on the National Heritage List in 2010, meeting the national heritage listing criteria A, B, C, D, and F.

Commonwealth heritage

The Ningaloo Marine Area (Commonwealth waters) was established on the Commonwealth Heritage List in 2004, meeting Commonwealth heritage listing criteria A, B and C. The Ningaloo Marine Area overlaps the Marine Park.

Historic shipwrecks

The Marine Park contains more than 15 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

Social and economic values

Commercial tourism and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

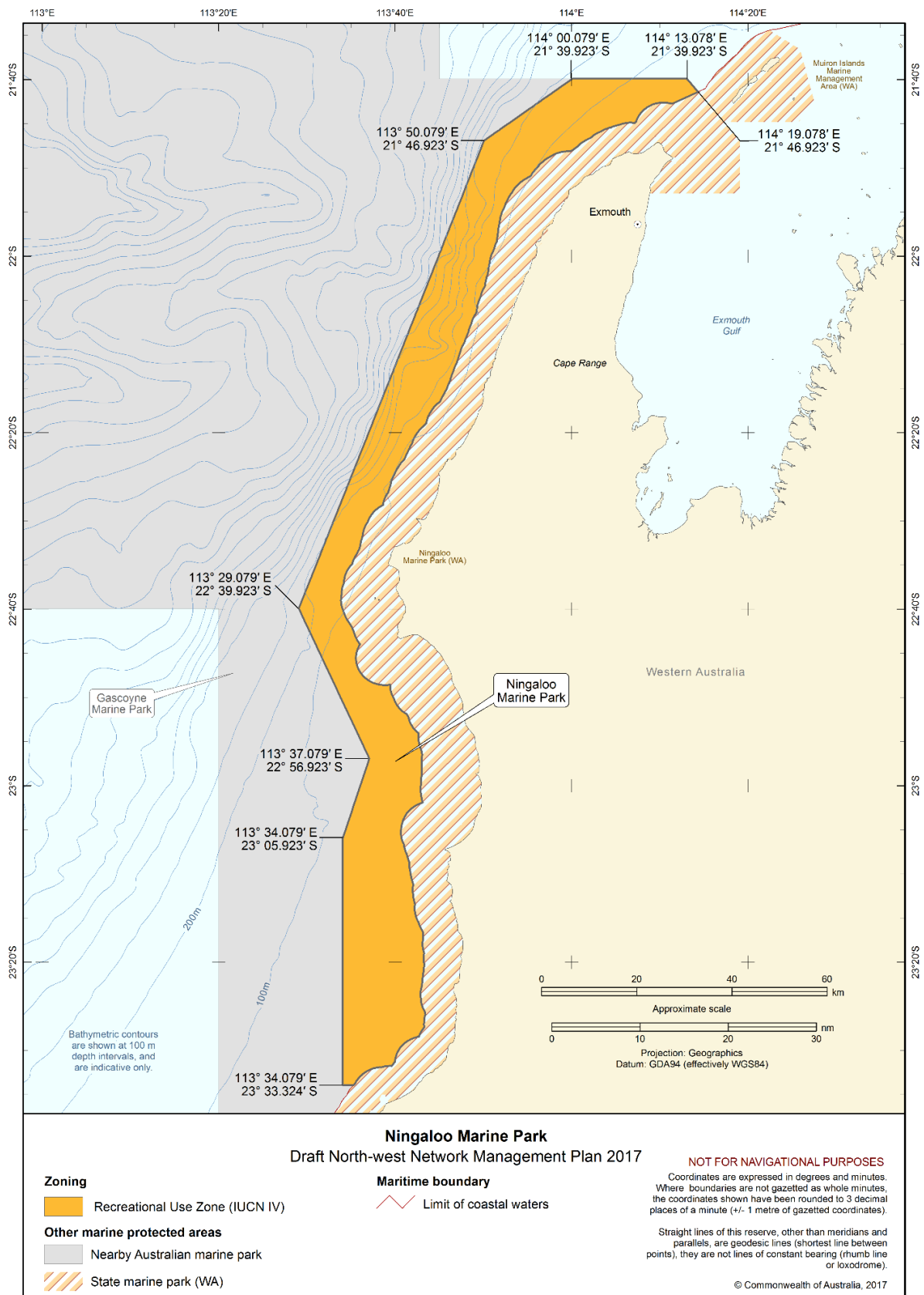


Figure S2.3 Ningaloo Marine Park

GASCOYNE MARINE PARK

The Gascoyne Marine Park (Figure S2.4) is located approximately 20 km off the west coast of the Cape Range Peninsula, adjacent to the Ningaloo Reef Marine Park and the Western Australian Ningaloo Marine Park, and extends to the limit of Australia's exclusive economic zone. The Marine Park covers an area of 81 766 km² and water depths between 15 m and 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category IV and includes three zones assigned under this management plan: National Park Zone (II); Habitat Protection Zone (IV); and Multiple Use Zone (VI).

Coordinates for the Gascoyne Marine Park and zones are provided in Figure S2.4 and Schedule 4.

Statement of significance

The Gascoyne Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Western Shelf Transition, Central Western Transition, and Northwest Province. It includes four key ecological features: Canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula (valued for unique seafloor features with ecological properties of regional significance); Commonwealth waters adjacent to Ningaloo Reef (valued for high productivity and aggregations of marine life); continental slope demersal fish communities (valued for high levels of endemism and diversity); and the Exmouth Plateau (valued as a unique seafloor feature with ecological properties of regional significance).

The Marine Park includes some of the most diverse continental slope habitats in Australia, in particular the continental slope area between North West Cape and the Montebello Trough. Canyons in the Marine Park link the Cuvier Abyssal Plain to the Cape Range Peninsula and are important for their role in sustaining the nutrient conditions that support the high diversity of Ningaloo Reef.

Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Western Shelf Transition—continental shelf with water depths up to 100 m, and a significant transition zone between tropical and temperate species;
- Central Western Transition—characterised by large areas of continental slope, a range of topographic features such as terraces, rises and canyons, seasonal and sporadic upwelling, and benthic slope communities comprising tropical and temperate species; and
- Northwest Province—an area of continental slope comprising diverse and endemic fish communities.

Key ecological features of the Marine Park are:

- Canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula—an area resulting in upwelling of nutrient rich water and aggregations of marine life;
- Commonwealth waters adjacent to Ningaloo Reef—an area where the Leeuwin and Ningaloo currents interact resulting in enhanced productivity and aggregations of marine life;
- Continental slope demersal fish communities—an area of high diversity of demersal fish assemblages on the continental slope; and
- Exmouth Plateau—a regionally and nationally unique deep-sea plateau in tropical waters.

Ecosystems represented in the Marine Park are influenced by the interaction of the Leeuwin Current, Leeuwin Undercurrent and the Ningaloo Current.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or

GASCOYNE MARINE PARK

cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding habitat for seabirds, interesting habitat for marine turtles, a migratory pathway for humpback whales, and foraging habitat and migratory pathway for pygmy blue whales.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years. The Gnulli people have responsibilities for sea country in the Marine Park.

Heritage values

World heritage

The Ningaloo Coast was listed as an area of outstanding universal value under the World Heritage Convention in 2011, meeting world heritage listing criteria vii and x. The Ningaloo Coast World Heritage Property is adjacent to the Marine Park.

Commonwealth heritage

The Ningaloo Marine Area (Commonwealth waters) was established on the Commonwealth Heritage List in 2004, meeting the Commonwealth heritage listing criteria A, B and C. The Ningaloo Marine Area is adjacent to the Marine Park.

National heritage

The Ningaloo Coast was established on the National Heritage List in 2010, meeting the national heritage listing criteria A, B, C, D, and F and is adjacent to the Marine Park.

Historic shipwrecks

The Marine Park contains more than five known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

Social and economic values

Commercial tourism, commercial fishing, mining and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

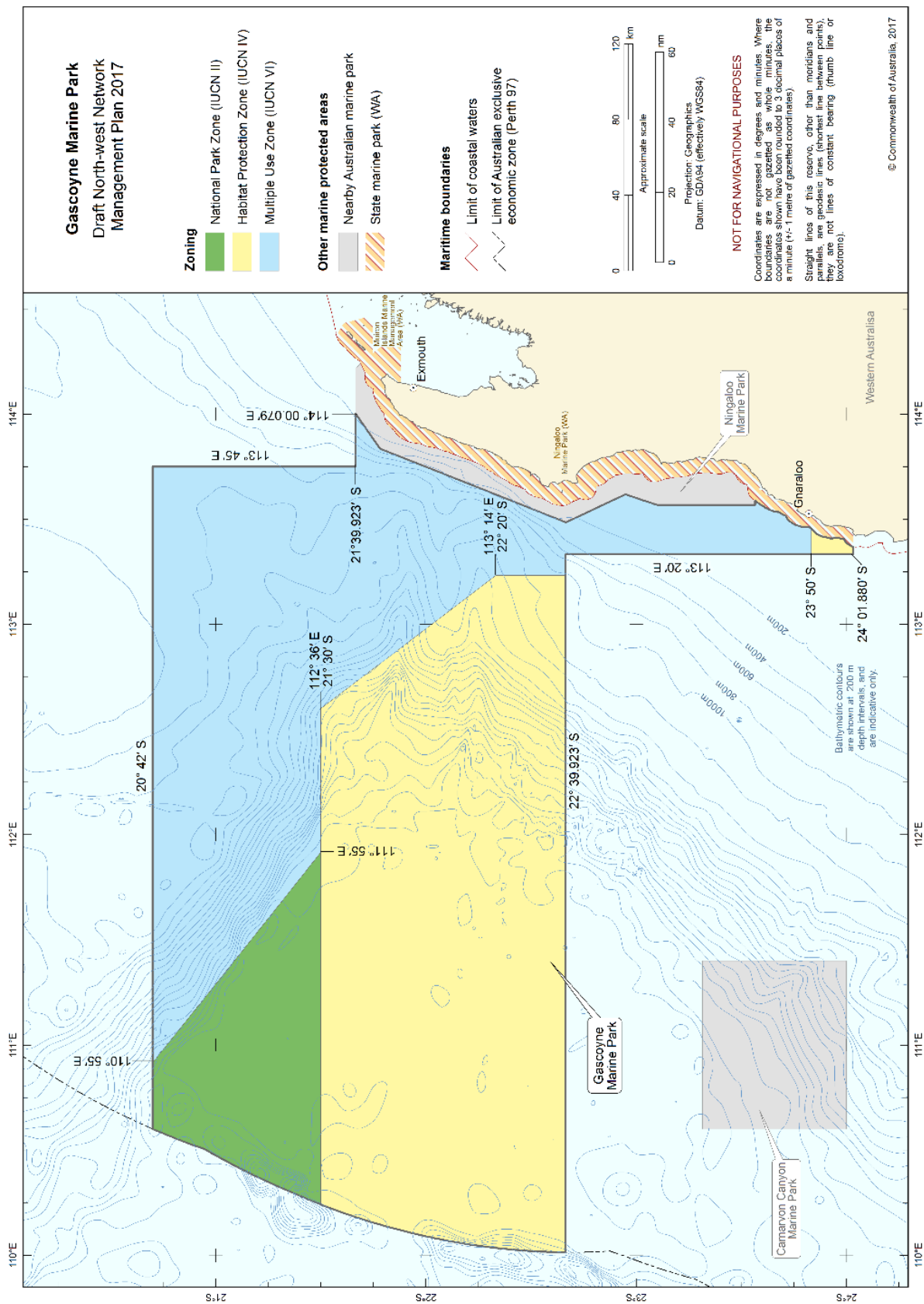


Figure S2.4 Gascoyne Marine Park

MONTEBELLO MARINE PARK

The Montebello Marine Park (Figure S2.5) is located offshore of Barrow Island and 80 km west of Dampier extending from the Western Australian state water boundary, and is adjacent to the Western Australian Barrow Island and Montebello Islands Marine Parks. The Marine Park covers an area of 3413 km² and water depths from less than 15 m to 150 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category VI and includes one zone assigned under this management plan, Multiple Use Zone (VI).

Coordinates for the Montebello Marine Park and zone are provided in Figure S2.5 and Schedule 4.

Statement of significance

The Montebello Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Province. It includes one key ecological feature: the ancient coastline at the 125-m depth contour (valued as a unique seafloor feature with ecological properties of regional significance).

The Marine Park provides protection for shelf and slope habitats. A prominent seafloor feature in the Marine Park is Trial Rocks consisting of two close coral reefs. The reefs are emergent at low tide.

Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Province, a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.

A key ecological feature of the Marine Park is the ancient coastline at the 125-m depth contour where rocky escarpments are thought to provide biologically important habitat in areas otherwise dominated by soft sediments.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding habitat for seabirds, internesting, foraging, mating, and nesting habitat for marine turtles, a migratory pathway for humpback whales and foraging habitat for whale sharks.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years.

Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan, however the Marine Park is adjacent to the Western Australia Barrow Island and the Montebello–Barrow Island Marine Conservation Reserves which have been nominated for national heritage listing.

Historic shipwrecks

The Marine Park contains two known shipwrecks listed under the *Historic Shipwrecks Act 1976*: *Trial* (wrecked in 1622), the earliest known shipwreck in Australian waters and *Tanami* (unknown date).

Social and economic values

Commercial tourism, commercial fishing, mining and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

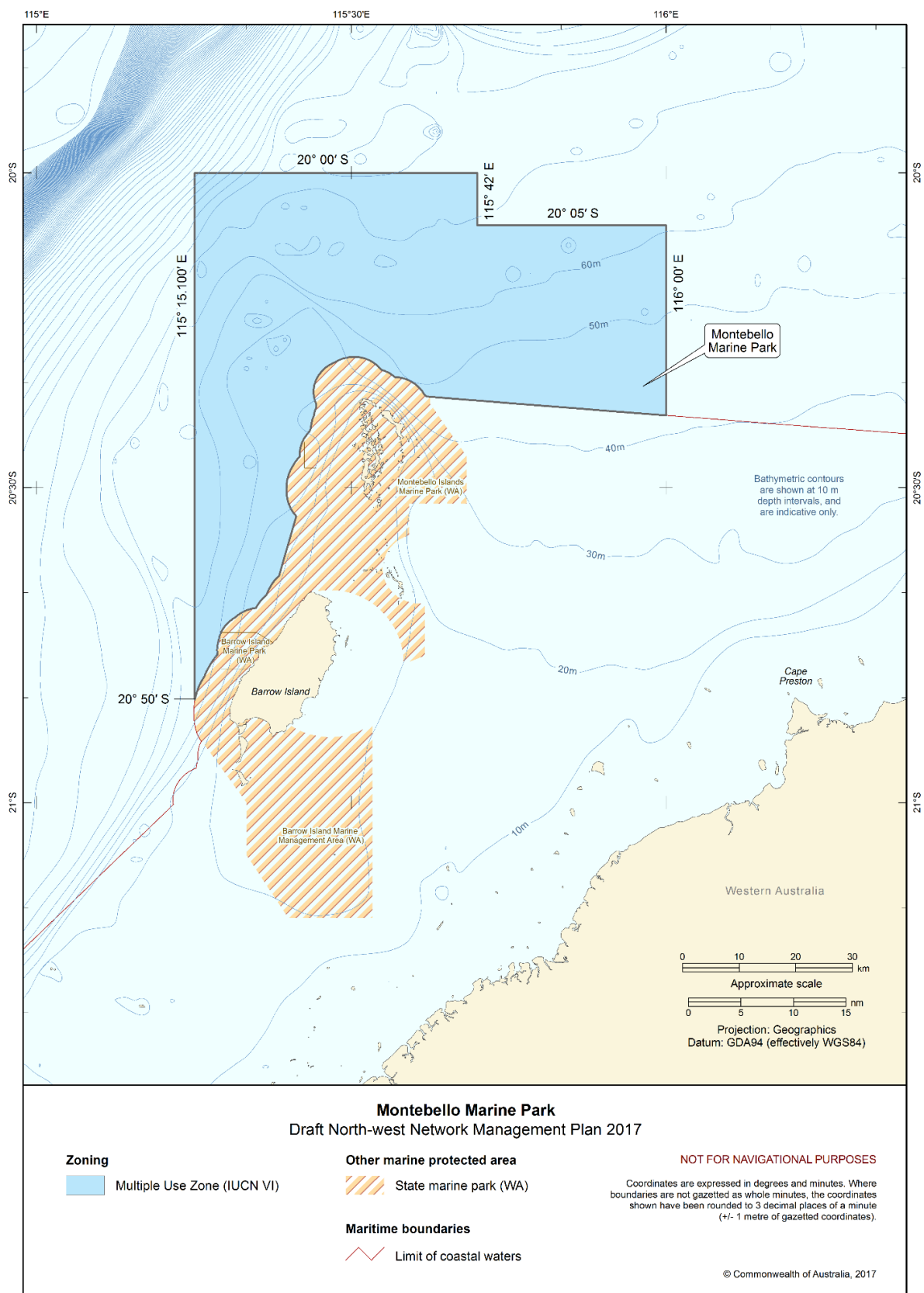


Figure S2.5 Montebello Marine Park

DAMPIER MARINE PARK

The Dampier Marine Park (Figure S2.6) is located approximately 10 km north-east of Cape Lambert and 40 km from Dampier extending from the Western Australian state water boundary. The Marine Park covers an area of 1252 km² and a water depth range between less than 15 m and 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category VI and includes three zones assigned under this management plan: National Park Zone (II); Habitat Protection Zone (IV); and Multiple Use Zone (VI).

Coordinates for the Dampier Marine Park and zones are provided in Figure S2.6 and Schedule 4.

Statement of significance

The Dampier Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Province. The Marine Park provides protection for offshore shelf habitats adjacent to the Dampier Archipelago, and the area between Dampier and Port Hedland, and is a hotspot for sponge biodiversity.

The Marine Park includes several submerged coral reefs and shoals including Delambre Reef and Tessa Shoals.

Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Province, a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.

The Marine Park supports a range of species including those listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, interesting habitat for marine turtles and a migratory pathway for humpback whales.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years. The Ngarluma, Yindjibarndi, Yaburara, and Mardudhunera people have responsibilities for sea country in the Marine Park.

Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan, however the Marine Park is approximately 10 km north of the Dampier Archipelago (including Burrup Peninsula) national heritage listing, which has significant Indigenous heritage values including rock art sites.

Social and economic values

Port activities, commercial fishing and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

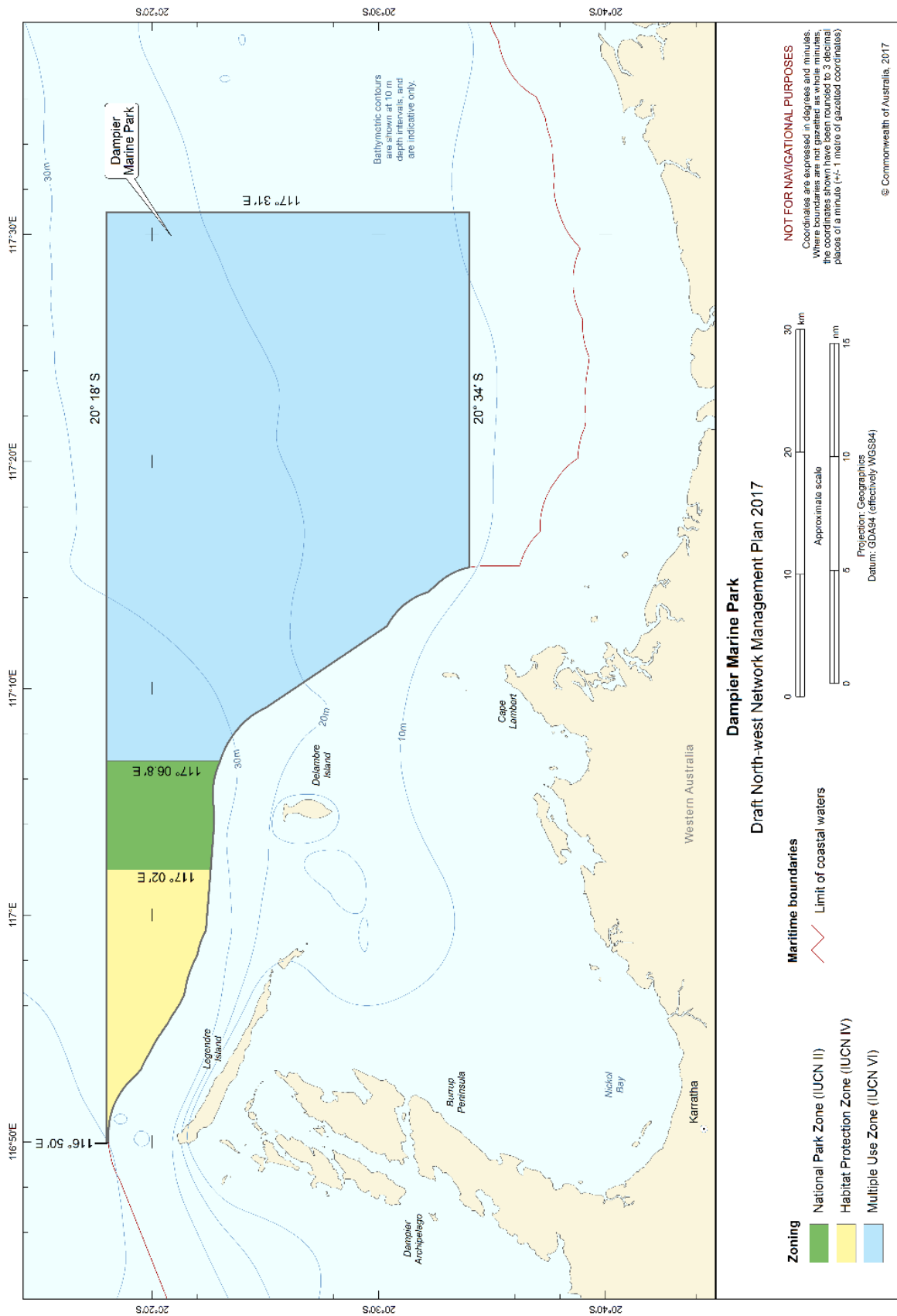


Figure S2.6 Dampier Marine Park

EIGHTY MILE BEACH MARINE PARK

The Eighty Mile Beach Marine Park (Figure S2.7) is located approximately 74 km north-east of Port Hedland, adjacent to the Western Australian Eighty Mile Beach Marine Park. The Marine Park covers an area of 10 785 km² and a water depth ranges between less than 15 m and 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category VI and includes one zone assigned under this management plan, Multiple Use Zone (VI).

Coordinates for the Eighty Mile Beach Marine Park and zone are provided in Figure S2.7 and Schedule 4.

Statement of significance

The Eighty Mile Beach Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Province and consists of shallow shelf habitats, including terrace, banks and shoals. The Marine Park is adjacent to the Eighty Mile Beach Ramsar site that is recognised as one of the most important areas for migratory shorebirds in Australia.

Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Province, a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding, foraging and resting habitat for seabirds, internesting and nesting habitat for marine turtles, foraging, nursing and pupping habitat for sawfish and a migratory pathway for humpback whales.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years.

The sea country of the Nyangumarta, Ngarla and the Karajarri people extends into Eighty Mile Beach Marine Park. The Nyangumarta, Ngarla and the Karajarri people have an unbroken, deep spiritual connections to their sea country and maintain spiritual practices.

Sea country is culturally significant for the Nyangumarta, Ngarla and Karajarri people, and is important to their cultural identity.

Staple foods of living cultural value for the Nyangumarta, Ngarla and Karajarri people include saltwater fish, turtles, dugong, crabs and oysters. Access to sea country by families is important for cultural traditions, livelihoods and future socio-economic development opportunities.

Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan.

Historic shipwrecks

The Marine Park contains three known shipwrecks listed under the *Historic Shipwrecks Act 1976*: *Lorna Doone* (wrecked in 1923), *Nellie* (wrecked in 1908), and *Tifera* (wrecked in 1923).

Social and economic values

Commercial tourism, commercial fishing, pearling and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

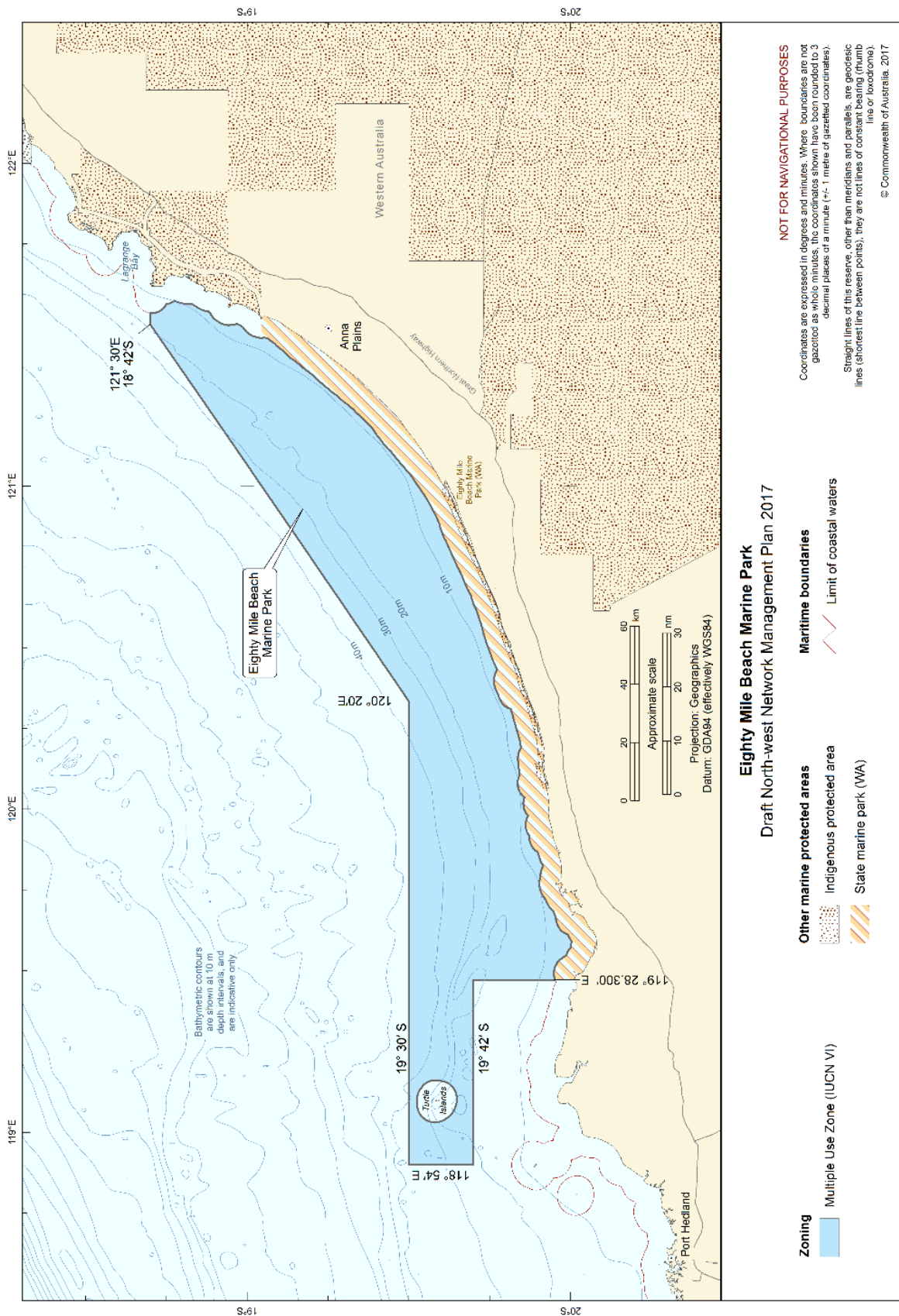


Figure S2.7 Eighty Mile Beach Marine Park

ROEBUCK MARINE PARK

The Roebuck Marine Park (Figure S2.8) is located approximately 12 km offshore of Broome extending from Western Australian state waters. The Marine Park covers an area of 304 km² and a water depth range of less than 15 m to 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category VI and includes one zone assigned under this management plan, Multiple Use Zone (VI).

Coordinates for the Roebuck Marine Park and zone are provided in Figure S2.8 and Schedule 4.

Statement of significance

The Roebuck Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Province and consists entirely of shallow continental shelf habitat. The Marine Park provides important connectivity between offshore and inshore coastal waters of Roebuck Bay, and is adjacent to the Roebuck Bay Ramsar site, which is recognised as one of the most important areas for migratory shorebirds in Australia.

Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Province, a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and resting habitat for seabirds, foraging and internesting habitat for marine turtles, a migratory pathway for humpback whales and foraging habitat for dugong.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years.

Yawuru people have always recognised the waters of Roebuck Bay as nagula (Yawuru sea country). The Yawuru people have a deep spiritual connection to offshore landscapes from Bugarrigarra (creator beings). The Yawuru people believe that snake-like metaphysical beings inhabit the sea, and have cultural sites in sea country that are a source of law.

The Yawuru people harvest marine resources according to the six Yawuru seasons. They have customary responsibilities to look after nagula (Yawuru sea country). They have harvested pearl shell for food and cultural purposes.

Fish are a staple food source for the Yawuru, and fishing is a form of cultural expression, connecting people to their country, modelled on tradition and based in traditional law. Access to sea country by families is important to cultural traditions, livelihoods and future socio-economic development opportunities.

Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan, however the Marine Park is adjacent to the West Kimberley National Heritage Place.

Social and economic values

Commercial tourism, commercial fishing, pearling and recreation are important activities that occur in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

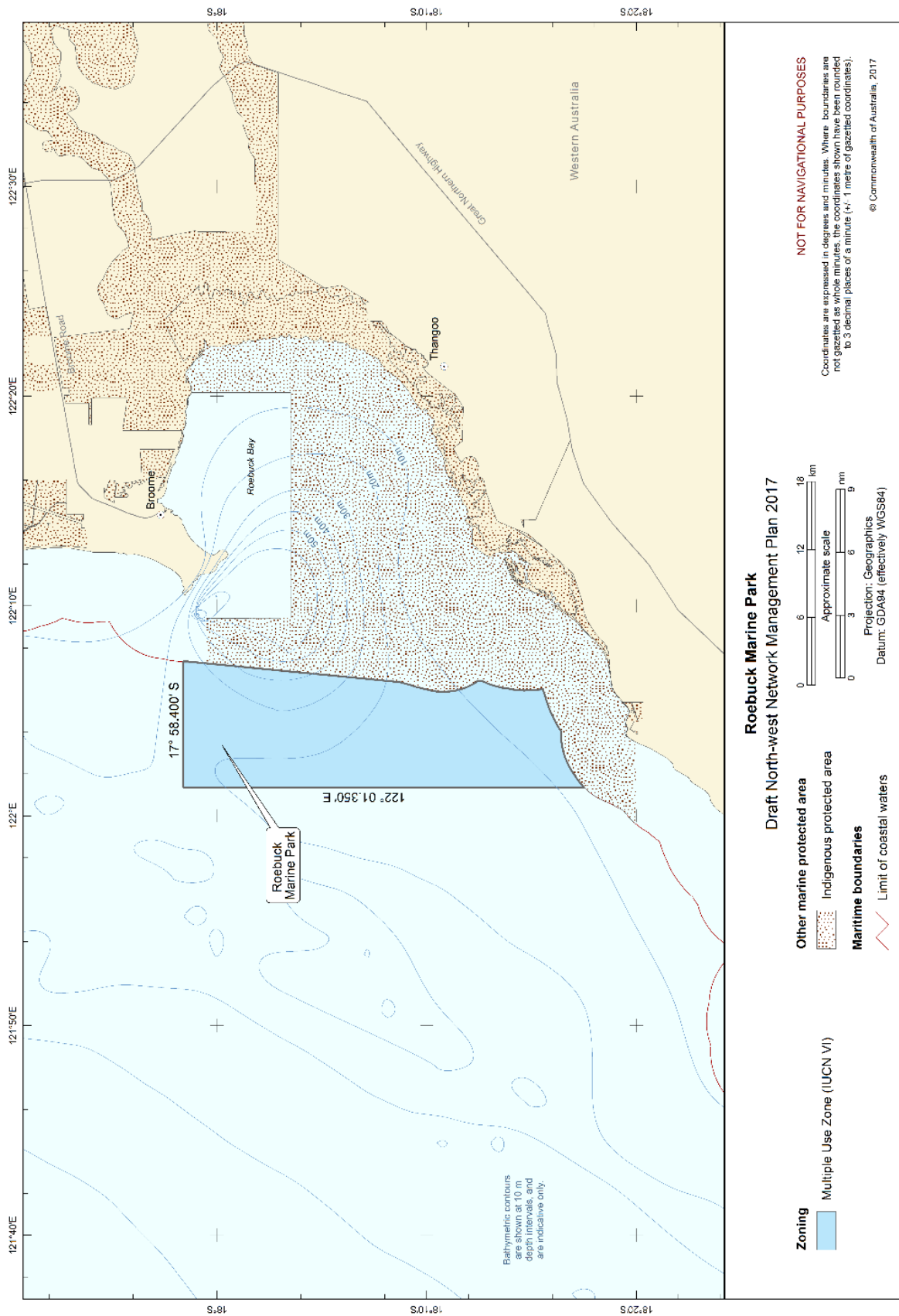


Figure S2.8 Roebuck Commonwealth Marine Park

MERMAID REEF MARINE PARK

The Mermaid Reef Marine Park (Figure S2.9) is located approximately 280 km north-west of Broome, adjacent to the Argo–Rowley Terrace Marine Park and approximately 13 km from the Western Australian Rowley Shoals Marine Park. The Marine Park covers an area of 540 km² and water depths from less than 15 m to 500 m.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 10 April 1991 as the Mermaid Reef Marine National Nature Reserve, and was renamed Mermaid Reef Commonwealth Marine Reserve on 14 December 2013 under the EPBC Act. The Marine Park is assigned IUCN category II and includes one zone assigned under this plan, National Park Zone (II).

Coordinates for the Mermaid Reef Marine Park and zone are provided in Figure S2.9 and Schedule 4.

Statement of significance

The Mermaid Reef Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Transition. It includes one key ecological feature: Mermaid Reef and Commonwealth waters surrounding Rowley Shoals (valued for its high productivity, aggregations of marine life and high species richness).

Mermaid Reef is one of three reefs forming the Rowley Shoals. The other two are Clerke Reef and Imperieuse Reef, to the south-west of the Marine Park, which are included in the Western Australian Rowley Shoals Marine Park. The Rowley Shoals have been described as the best geological examples of shelf atolls in Australian waters.

The reefs of the Rowley Shoals are ecologically significant in that they are considered ecological stepping stones for reef species originating in Indonesian/Western Pacific waters, are one of a few offshore reef systems on the north-west shelf, and may also provide an upstream source for recruitment to reefs further south.

Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Transition, an area of shelf break, continental slope, and the majority of the Argo Abyssal Plain. Key topographic features include Mermaid, Clerke and Imperieuse Reefs which collectively are a biodiversity hotspot.

Mermaid Reef and Commonwealth waters surrounding Rowley Shoals is a key ecological feature, an area of enhanced productivity and high species richness thought to be facilitated by internal wave action generated by internal tides in the lagoon.

Ecosystems of the Marine Park are associated with emergent reef flat, deep reef flat, lagoon, and submerged sand habitats.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding habitat for seabirds and a migratory pathway for the pygmy blue whale.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

Heritage values

No international or national listings apply to the Marine Park at commencement of this plan.

Commonwealth heritage

MERMAID REEF MARINE PARK

Mermaid Reef–Rowley Shoals was established on the Commonwealth Heritage List in 2004, meeting Commonwealth heritage listing criteria A, B, C and D.

Historic shipwrecks

The Marine Park contains one known shipwreck listed under the *Historic Shipwrecks Act 1976: Lively* (wrecked in 1810).

Social and economic values

Commercial tourism, recreation, and scientific research are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

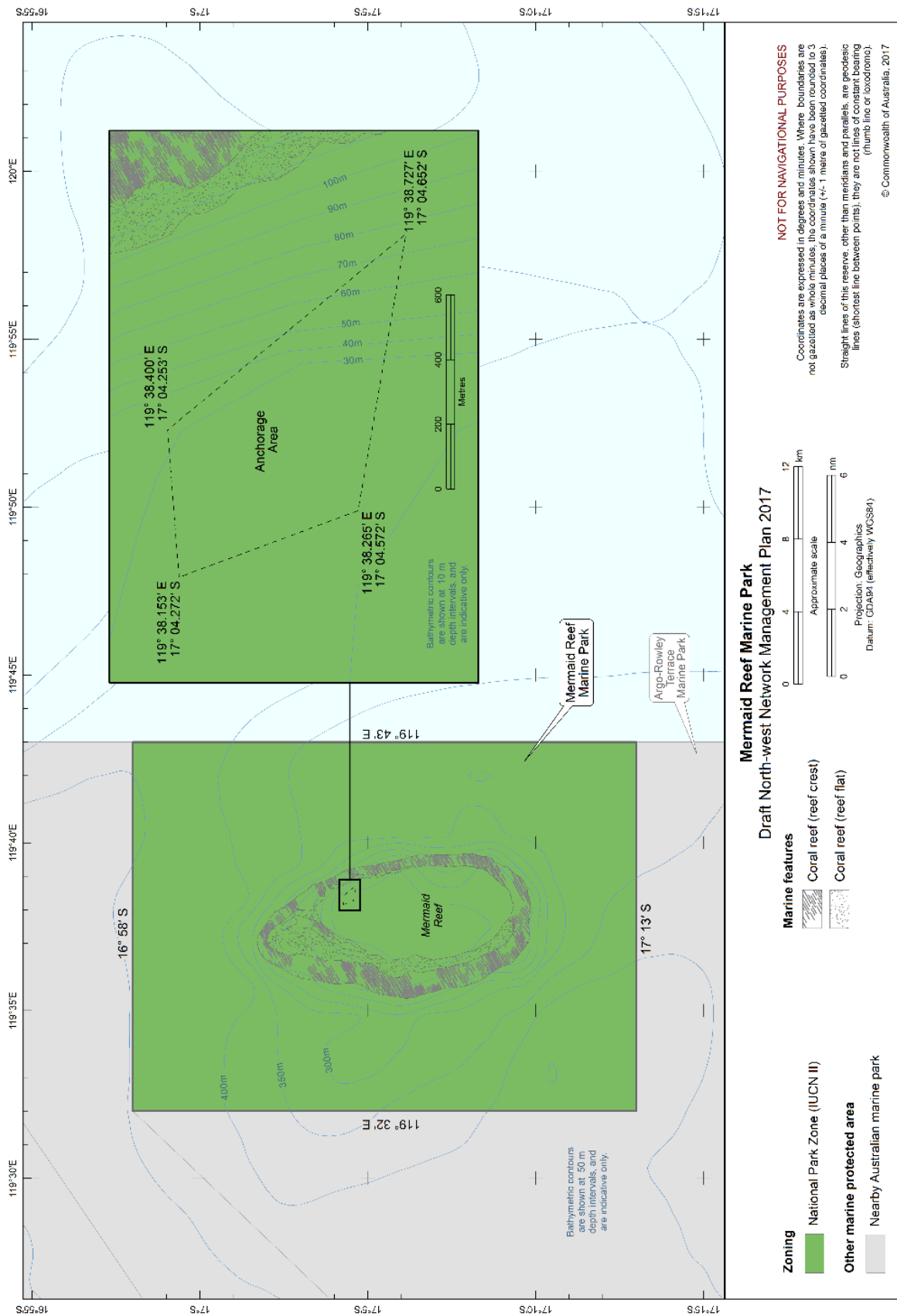


Figure S2.9 Mermaid Reef Marine Park

ARGO–ROWLEY TERRACE MARINE PARK

The Argo–Rowley Terrace Marine Park (Figure S2.10) is located approximately 270 km north-west of Broome, Western Australia, and extends to the limit of Australia’s exclusive economic zone. The Marine Park is adjacent to the Mermaid Reef Marine Park and the Western Australian Rowley Shoals Marine Park. The Marine Park covers an area of 146 003 km² and water depths between 220 m and 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category VI and includes three zones assigned under this management plan: National Park Zone (II); Multiple Use Zone (VI); and Special Purpose Zone (Trawl) (VI).

Coordinates for the Argo–Rowley Terrace Marine Park and zones are provided in Figure S2.10 and Schedule 4.

Statement of significance

The Argo–Rowley Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Transition and Timor Province. It includes two key ecological features: canyons linking the Argo Abyssal Plain with the Scott Plateau (valued for high productivity and aggregations of marine life); and Mermaid Reef and Commonwealth waters surrounding Rowley Shoals (valued for enhanced productivity, aggregations of marine life and high species richness).

The Marine Park is the largest in the North-west Network, surrounding the existing Mermaid Reef Marine Park and reefs of the Western Australian Rowley Shoals Marine Park and the deeper waters of the region. The Marine Park includes a range of seafloor features such as canyons on the slope between the Argo Abyssal Plain, Rowley Terrace and Scott Plateau. These are believed to be up to 50 million years old and are associated with small, periodic upwelling that results in localised higher levels of biological productivity.

Natural values

The Marine Park includes examples of ecosystems representative of:

- Northwest Transition—an area of shelf break, continental slope, and the majority of the Argo Abyssal Plain. Key topographic features include Mermaid, Clerke and Imperieuse Reefs which collectively are a biodiversity hotspot; and
- Timor Province—an area dominated by warm, nutrient-poor waters. Canyons are an important feature in this area of the Marine Park and are generally associated with high productivity and aggregations of marine life.

Key ecological features of the Marine Park are:

- Canyons linking the Argo Abyssal Plain with the Scott Plateau, an area likely to result in upwelling of nutrient rich water and aggregations of marine life; and
- Mermaid Reef and Commonwealth waters surrounding Rowley Shoals, an area of enhanced productivity and high species richness, thought to be facilitated by internal wave action generated by internal tides.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include resting and breeding habitat for seabirds and a migratory pathway for the pygmy blue whale.

Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years. At the commencement of this plan there is limited information about the cultural significance of this Marine Park.

Heritage values

ARGO–ROWLEY TERRACE MARINE PARK

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan.

Historic shipwrecks

The Marine Park contains two known shipwrecks listed under the *Historic Shipwrecks Act 1976*: *Alfred* (wrecked in 1908) and *Pelsart* (wrecked in 1908).

Social and economic values

Commercial fishing, mining and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

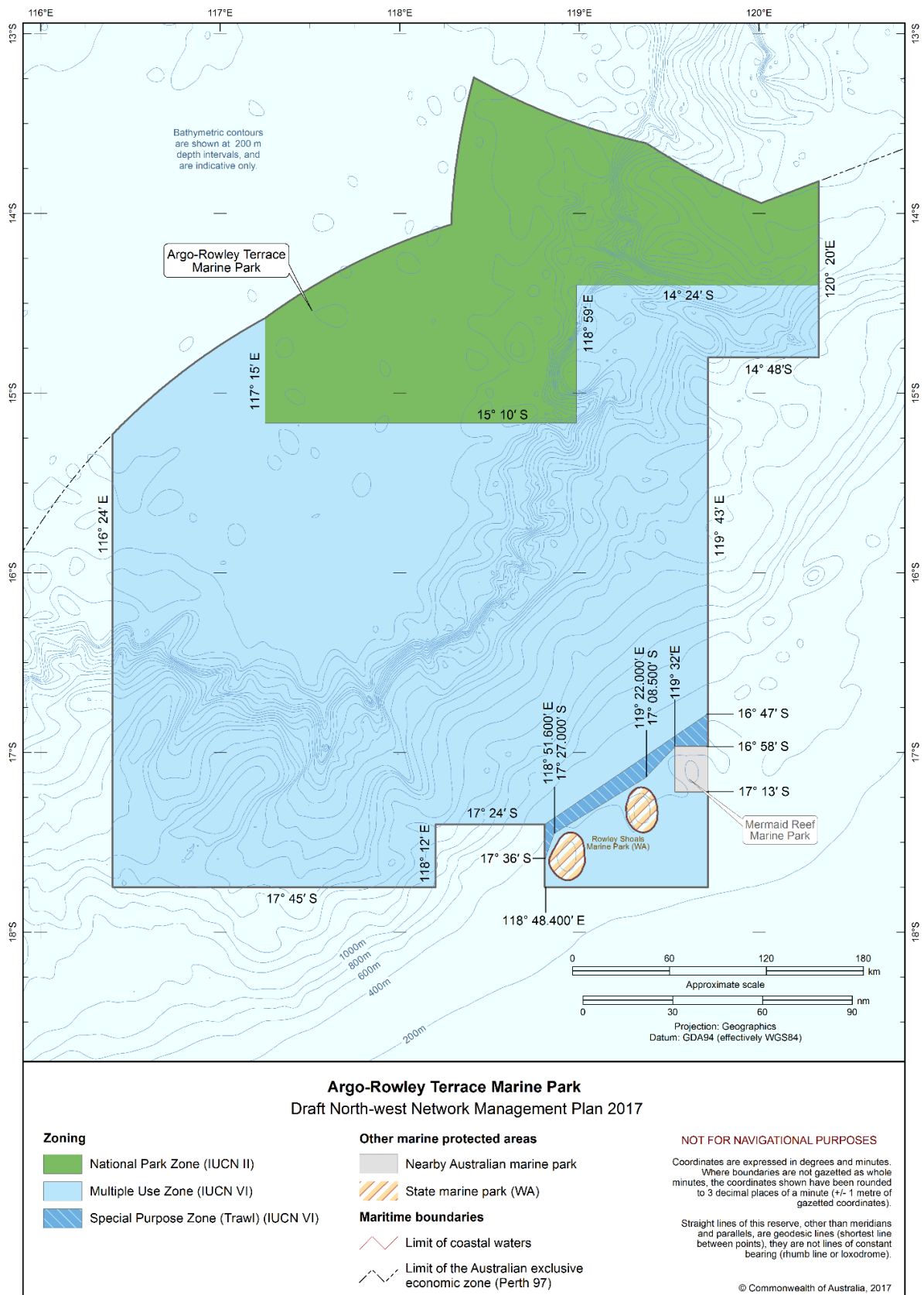


Figure S2.10 Argo-Rowley Terrace Marine Park

KIMBERLEY MARINE PARK

The Kimberley Marine Park (Figure S2.11) is located approximately 100 km north of Broome, extending from the Western Australian state water boundary north from the Lacepede Islands to the Holothuria Banks offshore from Cape Bougainville. The central part of the Marine Park is adjacent to the Western Australian Lalang-garram/Camden Sound State Marine Park. The Marine Park covers an area of 74 469 km² and water depths from less than 15 m to 800 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013. The Marine Park is assigned IUCN category VI and includes three zones assigned under this management plan: National Park Zone (II); Habitat Protection Zone (IV); and Multiple Use Zone (VI).

Coordinates for the Kimberley Marine Park and zones are provided in Figure S2.11 and Schedule 4.

Statement of significance

The Kimberley Marine Park is significant because it includes habitats, species and ecological communities associated with the Northwest Shelf Province, Northwest Shelf Transition and Timor Province. It includes two key ecological features: the ancient coastline at the 125-m depth contour (an area of enhanced productivity and migratory pathway for cetaceans and pelagic marine species); and continental slope demersal fish communities (valued for high levels of endemism and diversity and the second richest area for demersal fish species in Australia).

Natural values

The Marine Park includes examples of ecosystems representative of:

- Northwest Shelf Province, a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and an ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.
- Northwest Shelf Transition, which straddles the North-west and North Marine Regions. In the North-west it includes shelf break, continental slope, and the majority of the Argo Abyssal Plain and is subject to a high incidence of cyclones. Benthic biological communities in the deeper parts of the bioregion have not been extensively studied, although high levels of species diversity and endemism occur among demersal fish communities on the continental slope.
- Timor Province. Water depths in this bioregion range from about 200 m near the shelf break to 5920 m over the Argo Abyssal Plain. The reefs and islands of the bioregion are regarded as biodiversity hotspots. Endemism in demersal fish communities of the continental slope is high; two distinct communities have been identified on the upper and mid slopes.

Key ecological features of the Marine Park are:

- the ancient coastline at the 125-m depth contour, where rocky escarpments are thought to provide biologically important habitats in areas otherwise dominated by soft sediments; and
- the continental slope demersal fish communities, characterised by high diversity of demersal fish assemblages.

The Marine Park supports a range of species, including protected species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, interesting and nesting habitat for marine turtles, breeding, calving and foraging habitat for inshore dolphins, calving, migratory pathway and nursing habitat for humpback whales, migratory pathway for pygmy blue whales, foraging habitat for dugong and foraging habitat for whale sharks.

Cultural values

KIMBERLEY MARINE PARK

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years.

The Wunambal Gaambera, Dambimangari, Bardi Jawi and the Nyul Nyul people's sea country extends into the Kimberley Marine Park. The Wunambal Gaambera, Dambimangari, Bardi Jawi and the Nyul Nyul people have an unbroken connection to their sea country, having deep spiritual connection through Wunggurr (creator snakes) that still live in the sea.

Staple foods of living cultural value include saltwater fish, turtles, dugong, crabs and oysters. Access to sea country by families is important for cultural traditions, livelihoods and future socio-economic development opportunities.

The national heritage listing for the West Kimberley recognises the following key cultural heritage values:

- Wanjina Wunggurr Cultural Tradition which incorporates many sea country cultural sites;
- Log-raft maritime tradition, which involved using tides and currents to access warrurru (reefs) far offshore to fish;
- Interactions with Makassan traders around sea foods over hundreds of years;
- Important pearl resources that were used in traditional trade through the wunan and in contemporary commercial agreements.

The Wunambal Gaambera, Dambimangari and Bardi Jawi people consider that these values extend into the Kimberley Marine Park. The Wunambal Gaambera, Dambimangari and the Bardi and Jawi people have had native title determined over parts of their sea country included in this Park.

The Wunambal Gaambera people's country includes daagu (deep waters), with about 3,400 km² of their sea country located in the Kimberley Marine Park.

The Wanjina Wunggurr is law of the Wunambal Gaambera and Dambimangari people. The Wunambal Gaambera and Dambimangari people recognise that all of the sea country, land, plants and animals were put there by Wanjina Wunggurr. Under Wanjina Wunggurr law, the Wunambal Gaambera and Dambimangari people also have a responsibility to manage country, to maintain the health of the country and all living things.

Heritage values

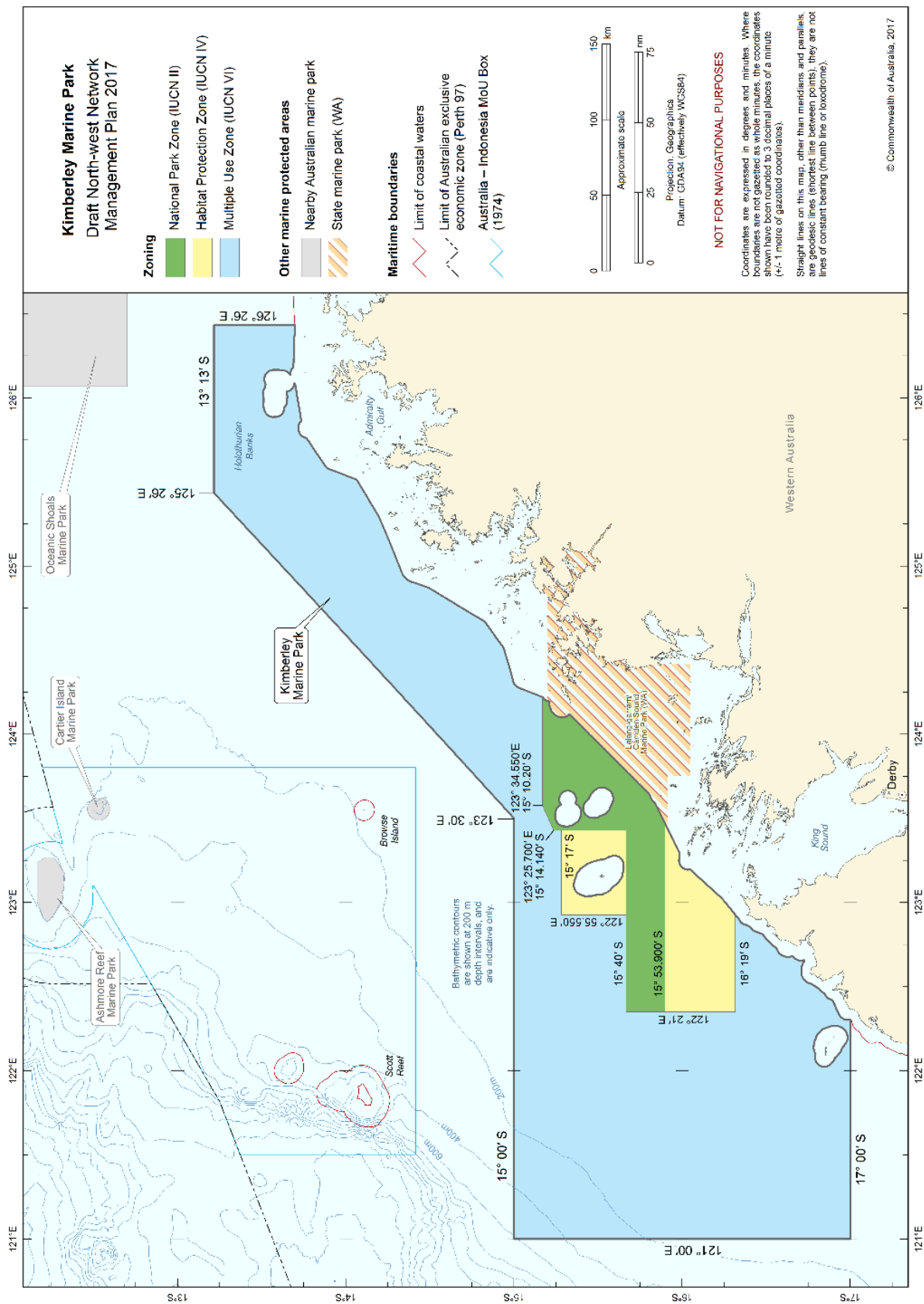
No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan, however the Marine Park is adjacent to the national heritage place of The West Kimberley.

Historic shipwrecks

The Marine Park contains more than 40 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

Social and economic values

Commercial tourism, commercial fishing, mining, recreation and traditional use are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



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Figure S2.11 Kimberley Marine Park

ASHMORE REEF MARINE PARK

The Ashmore Reef Marine Park (Figure S2.12) is located approximately 630 km north of Broome and 110 km south of the Indonesian island of Roti. The Marine Park is located in Australia's External Territory of Ashmore and Cartier Islands and is within an area subject to a Memorandum of Understanding (MoU) between Indonesia and Australia, known as the MoU Box. The Marine Park covers an area of 583 km² and water depths from less than 15 m to 500 m. The Marine Park contains three vegetated sand cays that are permanently above water: West, Middle and East islands.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 16 August 1983 as the Ashmore Reef National Nature Reserve, and was renamed Ashmore Reef Commonwealth Marine Reserve on 14 December 2013 under the EPBC Act. The Marine Park is assigned IUCN category Ia and includes two zones assigned under this management plan: Sanctuary Zone (Ia); and Recreational Use Zone (IV).

Coordinates for the Ashmore Reef Marine Park and zones are provided in Figure S2.12 and Schedule 4.

Statement of significance.

The Ashmore Reef Marine Park is significant because it includes habitats, species and ecological communities associated with the Timor Province. It includes two key ecological features: Ashmore Reef and Cartier Island and surrounding Commonwealth waters (valued for high productivity and breeding aggregations of birds and other marine life); and continental slope demersal fish communities (valued for high levels of endemism).

Ashmore Reef is the largest of three emergent oceanic reefs in the region and the only one with vegetated islands. The Marine Park is an area of enhanced biological productivity and a biodiversity hotspot, supporting a range of pelagic and benthic marine species and an important biological stepping stone facilitating the transport of biological material to the reef systems along the Western Australian coast via the south-flowing Leeuwin Current which originates in the region.

Ashmore Reef is internationally significant, listed as a wetland of international importance under the Ramsar Convention in 2002, and known for its abundance and diversity of sea snakes. However, since 1998 populations of sea snakes at Ashmore Reef have been in decline.

Natural values

The Marine Park includes examples of ecosystems representative of the Timor Province. Water depths in this bioregion range from about 200 m near the shelf break to 5920 m over the Argo Abyssal Plain. The reefs and islands of the bioregion are regarded as biodiversity hotspots. Ashmore Reef is an important feature of the bioregion. Endemism in demersal fish communities of the continental slope is high with two distinct communities identified: one on the upper slope, the other mid slope.

Key ecological features of the Marine Park are:

- Ashmore Reef and Cartier Island and surrounding Commonwealth waters—areas of enhanced productivity in an otherwise low-nutrient environment, of regional importance for feeding and breeding aggregations of birds and marine life; and
- continental slope demersal fish communities, an area of high-diversity demersal fish assemblages.

The marine environment of the Marine Park includes habitats associated with two extensive lagoons, sand flats, shifting sand cays, extensive reef flat and large areas of seagrass. The reef ecosystems are comprised of hard and soft corals, gorgonians, sponges and a range of encrusting organisms, with the highest number of coral species of any reef off the Western Australian coast.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding,

ASHMORE REEF MARINE PARK

foraging and resting habitat for seabirds, resting and foraging habitat for migratory shorebirds, foraging, mating, nesting and interesting habitat for marine turtles, foraging habitat for dugong, and a migratory pathway for pygmy blue whales.

Cultural values

Indigenous

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years. At the commencement of this plan there is limited information about the cultural significance of this Marine Park.

Indonesian

The Marine Park contains Indonesian artefacts and grave sites and Ashmore lagoon is still accessed as a rest or staging area for traditional Indonesian fishers travelling to and from fishing grounds within the MoU Box.

Heritage values

No international or national heritage listings apply to the Marine Park at commencement of this plan.

Commonwealth heritage

Ashmore Reef was listed on the Commonwealth Heritage List in 2004, meeting Commonwealth heritage listing criteria A, B and C.

Social and economic values

Commercial tourism, recreation and scientific research are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

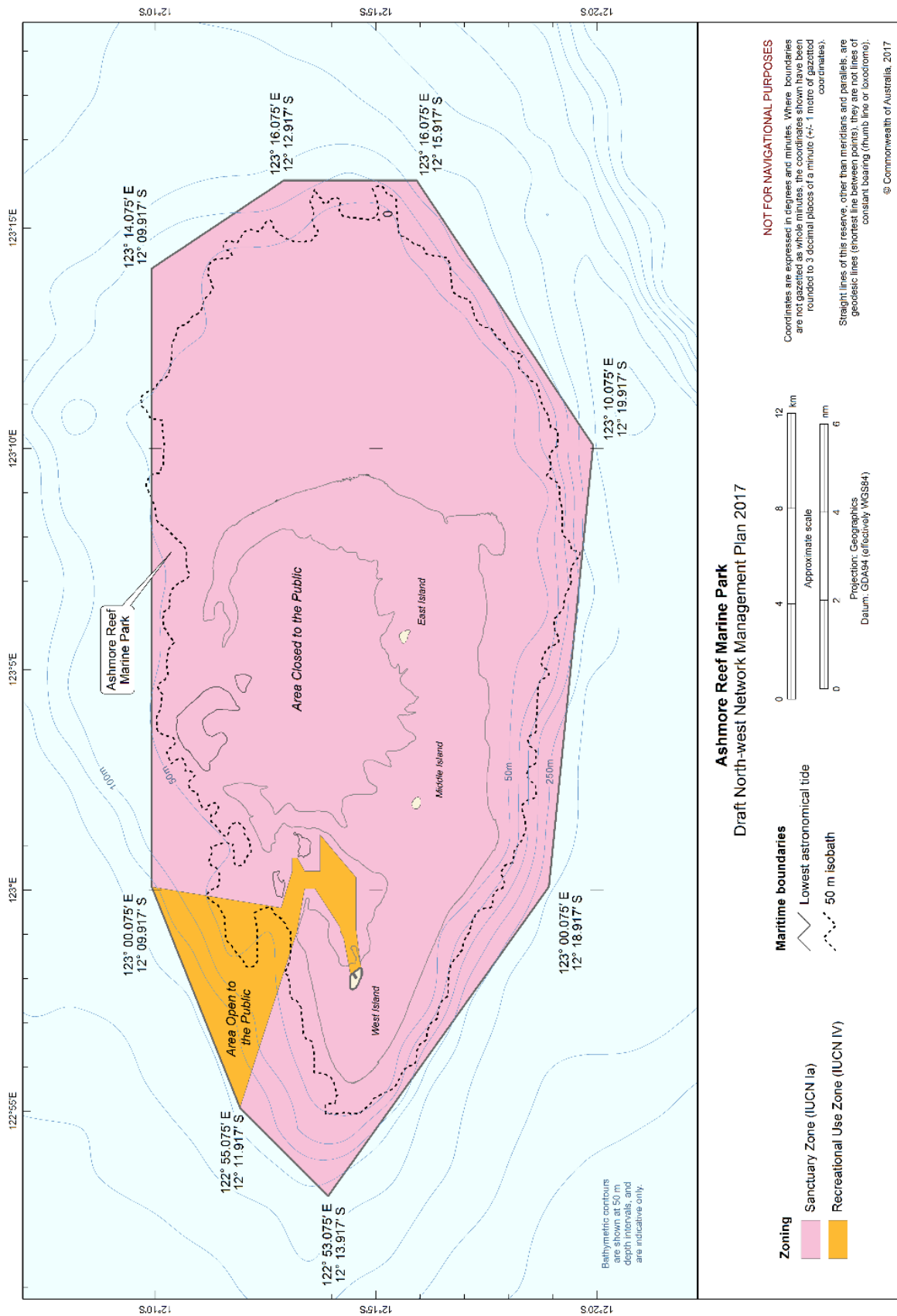


Figure S2.12 Ashmore Reef Marine Park

CARTIER ISLAND MARINE PARK

The Cartier Island Marine Park (figure S2.13) is located approximately 45 km south-east of Ashmore Reef Marine Park and 610 km north of Broome, Western Australia. Both Marine Parks are located in Australia's External Territory of Ashmore and Cartier Islands and are also within an area subject to a Memorandum of Understanding (MoU) between Indonesia and Australia, known as the MoU Box. The Marine Park covers an area of 172 km² and water depths from less than 15 m to 500 m.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 21 June 2000 as the Cartier Island Marine Reserve, and was renamed Cartier Island Commonwealth Marine Reserve on 14 December 2013 under the EPBC Act. The Marine Park is assigned IUCN category Ia and includes one zone assigned under this management plan: Sanctuary Zone (Ia).

Coordinates for the Cartier Island Marine Park and zone are provided in Figure S2.13 and Schedule 4.

Statement of significance

The Cartier Island Marine Park is significant because it includes habitats, species and ecological communities associated with the Timor Province. It includes two key ecological features: Ashmore Reef and Cartier Island and surrounding Commonwealth waters (valued for high productivity and breeding aggregations of birds and other marine life); and continental slope demersal fish communities (valued for high levels of endemism).

Like the islands of Ashmore Reef, Cartier Island is a biodiversity hotspot and an important biological stepping stone, facilitating the transport of biological material to the reef systems along the Western Australian coast via the south-flowing Leeuwin Current which originates in the region.

Natural values

The Marine Park includes examples of ecosystems representative of the Timor Province. Water depths in this bioregion range from about 200 m near the shelf break to 5920 m over the Argo Abyssal Plain. The reefs and islands of the bioregion are regarded as biodiversity hotspots. Endemism of demersal fish communities of the continental slope is high with two distinct communities identified, one on the upper slope, the other mid slope.

Key ecological features represented in the Marine Park are:

- Ashmore Reef and Cartier Island and surrounding Commonwealth waters, areas of enhanced productivity in an otherwise low-nutrient environment, of regional importance for feeding and breeding aggregations of birds and marine life; and
- Continental slope demersal fish communities, an area of high diversity in demersal fish assemblages.

The Marine Park includes an unvegetated sand island (Cartier Island), mature reef flat, a small, submerged pinnacle (Wave Governor Bank), and two shallow pools to the north-east of the island. It is also an area of high diversity and abundance of hard and soft corals, gorgonians (sea fans), sponges and a range of encrusting organisms. The reef crests are generally algal dominated, while the reef flats feature ridges of coral rubble and large areas of seagrass.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, internesting, nesting and foraging habitat for marine turtles and foraging habitat for whale sharks.

The Marine Park is important for a range of other species and internationally significant for its abundance and diversity of sea snakes, some of which are listed species under the EPBC Act.

Cultural values

CARTIER ISLAND MARINE PARK

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan.

Historic shipwrecks

The Marine Park contains one known shipwreck listed under the *Historic Shipwrecks Act 1976*: the *Ann Millicent* (wrecked in 1888).

Social and economic values

The Marine Park receives relatively few visitors but scientific research is an important activity in the Marine Park.

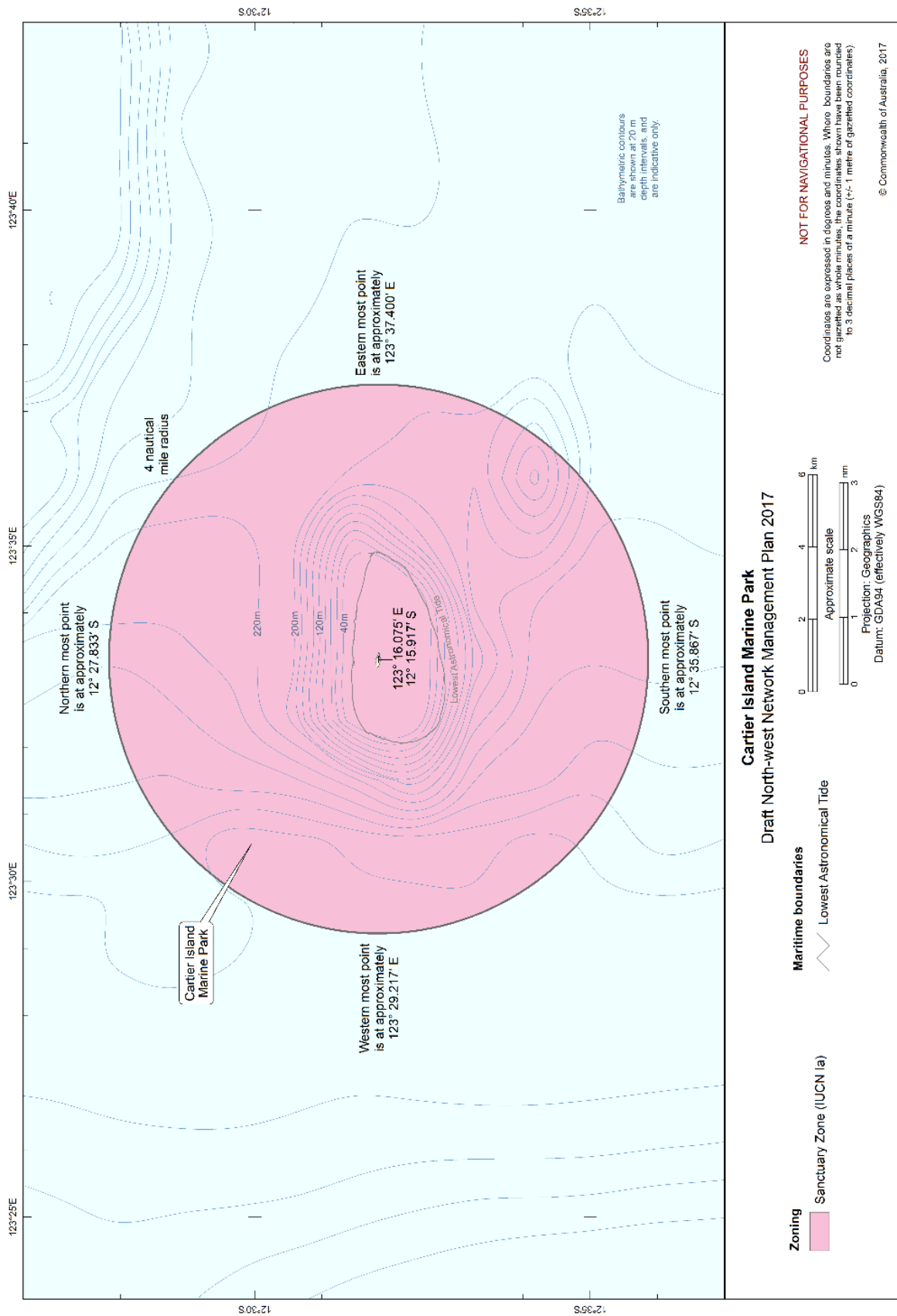


Figure S2.13 Cartier Island Marine Park

SCHEDULE 3. ENVIRONMENTAL FEATURES USED IN THE DESIGN OF THE NORTH-WEST NETWORK

Four types of environmental features were used in the design of the Marine Parks of the North-west Network to help identify areas for protection. These features were identified based on the scientifically known relationships between biodiversity and the physical environment and include bioregions, water depth, seafloor features, and key ecological features. They are identified below.

More information on these features can be found in the *Marine bioregional plan for the North-west Marine Region (2012)*, the *North-west marine bioregional plan: bioregional profile (2008)*, and the conservation values atlas on the Department's website.

Bioregions

Bioregions are identified in the *Integrated Marine and Coastal Regionalisation of Australia (IMCRA)* as large areas of ocean with broadly similar characteristics that have been classified by scientists based on the distribution of fish and other marine species, seafloor types and ocean conditions. The North-west Network represents all eight of the bioregions found in the region: Northwest Shelf Transition, Timor Province, Northwest Shelf Province, Northwest Transition, Northwest Province, Central Western Shelf Transition, Central Western Transition and Central Western Shelf Province (Figure S3.1).

Depth ranges

The North-west Network represents the full range of depths found in the region, from shallow waters of less than 15 m to approximately 6000 m depth. Marine biological communities change with depth, and similar depth ranges in different bioregions support different groups of species. The range of ocean depths in each bioregion, represented as bathomes in Figure S3.2, have been included in the Network to ensure that examples of marine biodiversity are represented.

Seafloor features

The landscape-scale physical structure of the seafloor is important in determining where habitats or species occur. There is strong scientific evidence that different types of seafloor features provide different habitats and associated marine species and communities. The Network represents 15 of the 19 seafloor features found in the region: abyssal plain/deep ocean floor, apron/fan, bank/shoal, canyon, continental rise, deep/hole/valley, knoll/abyssal hills/hills/mountain/peak, pinnacle, plateau, reef, ridge, shelf, slope, terrace, and trench/trough (Figure S3.3).

Key ecological features

Key ecological features were identified through the marine bioregional planning program as areas or features that support distinct or important ecological communities at a regional scale. The North-west Network represents eight of the 13 key ecological features found in the region: Ashmore Reef and Cartier Island and surrounding Commonwealth waters; continental slope demersal fish communities; canyons linking the Argo Abyssal Plain with the Scott Plateau; ancient coastline at the 125-m depth contour; Mermaid Reef and the Commonwealth waters surrounding the Rowley Shoals; Exmouth Plateau; canyons linking the Cuvier Abyssal Plain with the Cape Range Peninsula; and Commonwealth waters adjacent to Ningaloo Reef (Figure S3.4).

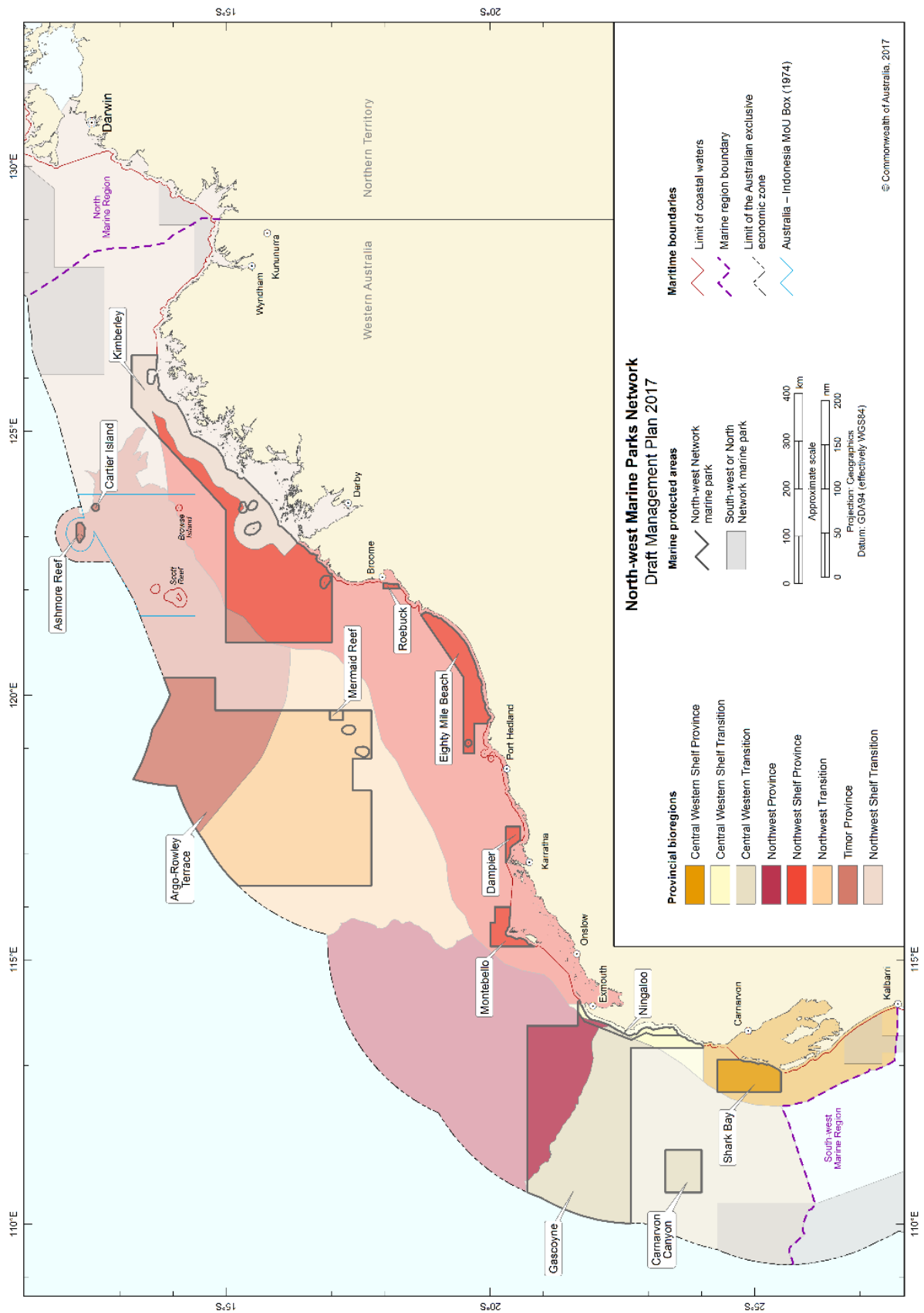


Figure S3.1 Bioregions represented in the North-west Network

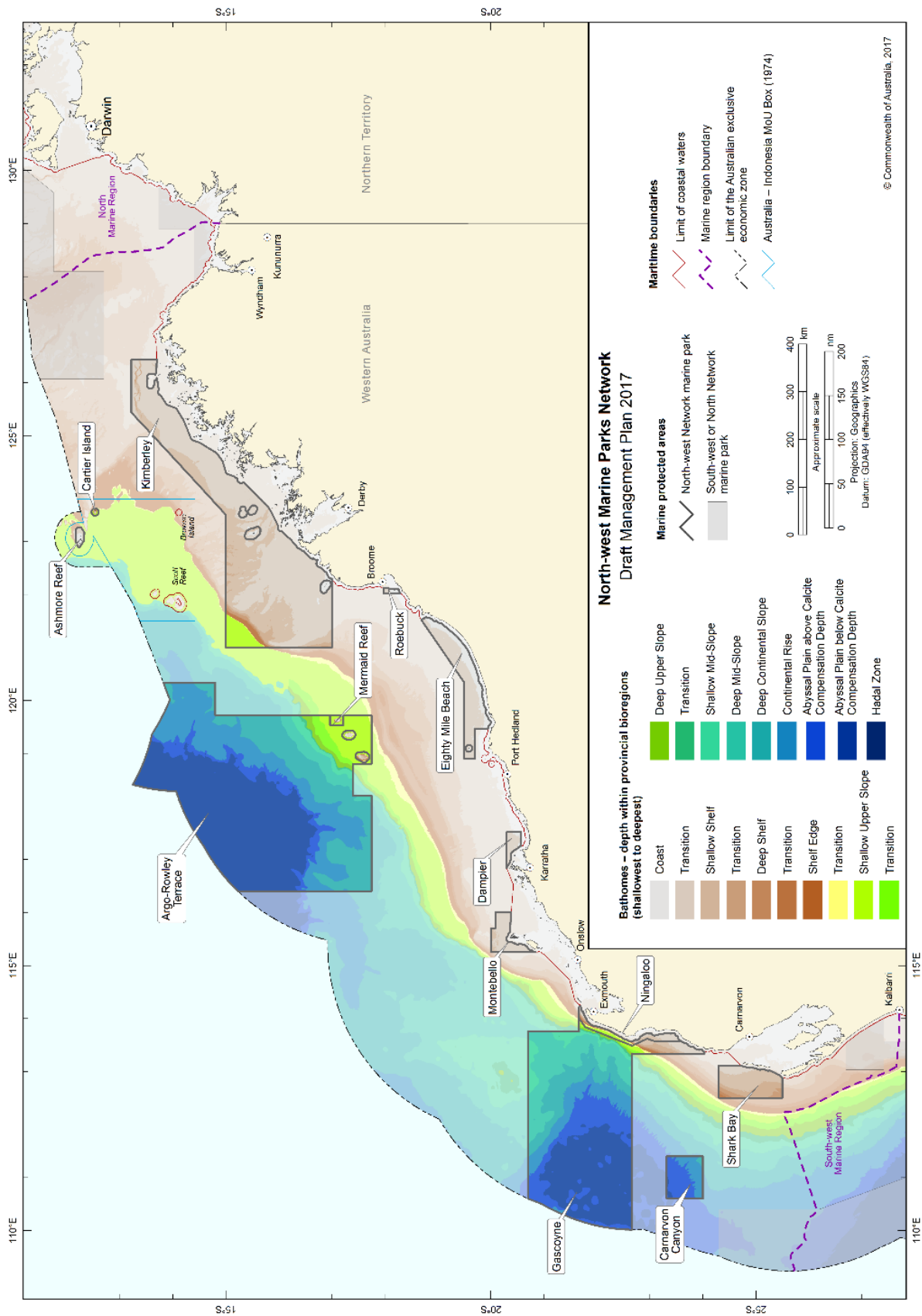


Figure S3.2 Bathomes indicating depth ranges represented in the North-west Network

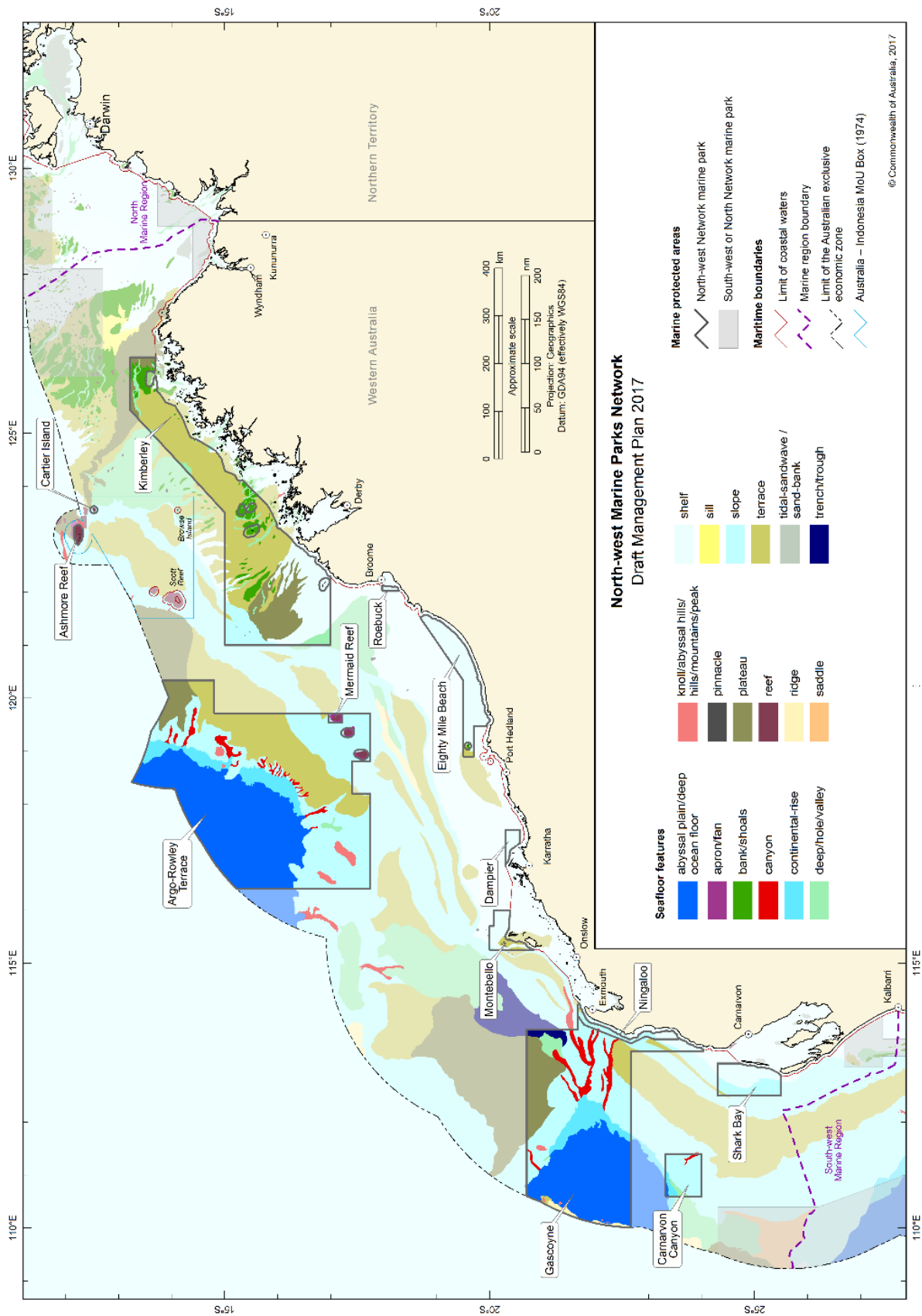


Figure S3.3 Seafloor features represented in the North-west Network

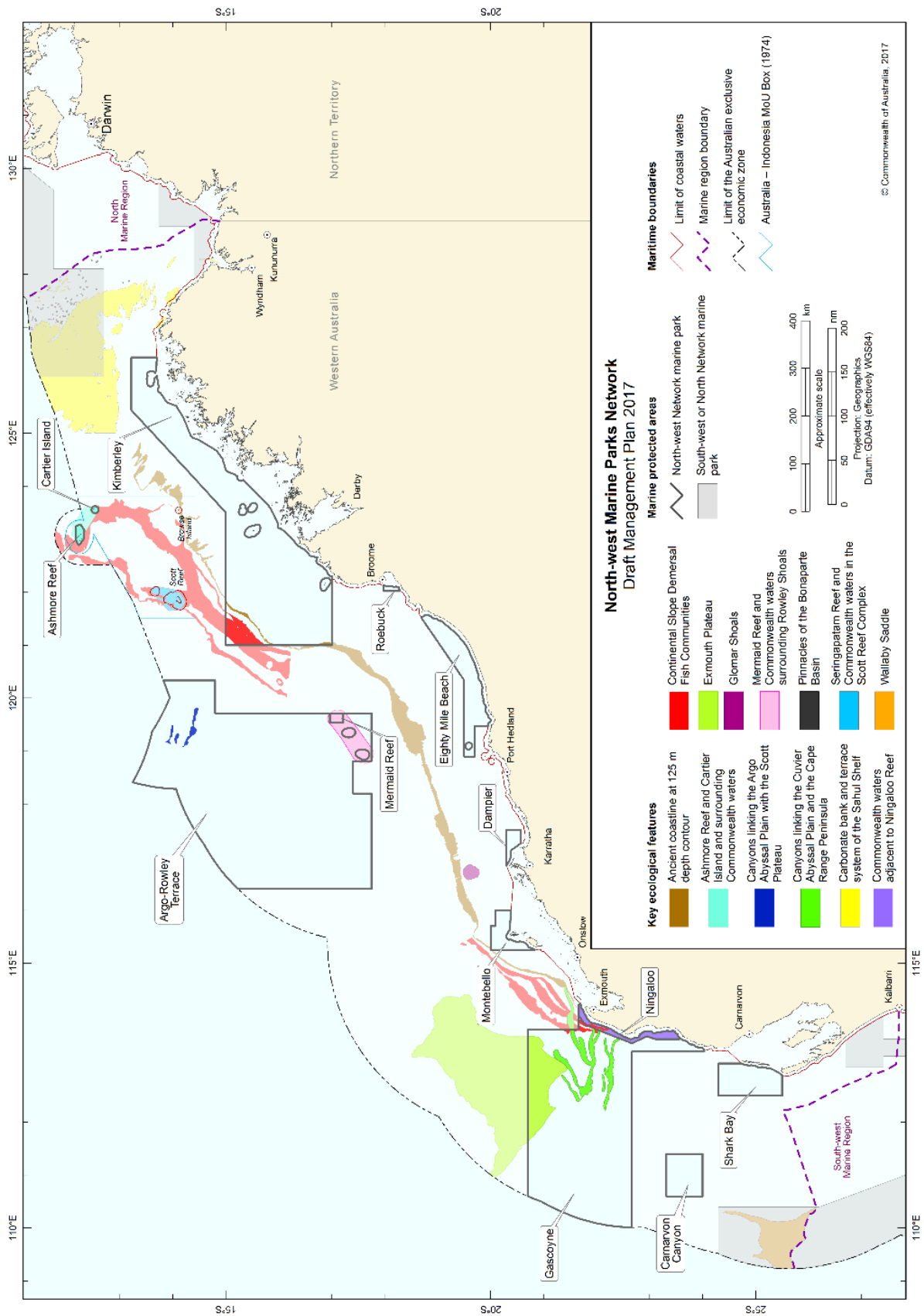


Figure S3.4 Key ecological features represented in the North-west Network

SCHEDULE 4. NORTH-WEST NETWORK MARINE PARKS AND ZONE BOUNDARY DESCRIPTIONS

In this Schedule:

State waters has the same meaning as **coastal waters of the State** in subsection 3 (1) of the *Coastal Waters (State Powers) Act 1980*.

Note: Geographic coordinates are expressed in terms of the Geocentric Datum of Australia 1994.

Note: The Geocentric Datum of Australia 1994 (also known as GDA94) was published in Gazette No. GN 35 of 6 September 1995.

PART 1 — SHARK BAY MARINE PARK

1.1 Area of marine park

The Shark Bay Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 24° 18' 00" S, longitude 112° 30' 00" E
2	East along the parallel of latitude 24° 18' 00" S to its intersection by the meridian of longitude 113° 06' 24" E
3	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
4	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 25° 30' 00" S
5	West along that parallel to its intersection by the meridian of longitude 112° 30' 00" E
6	North along that meridian to the point of commencement

1.2 Zone for marine park

(1) The Shark Bay Marine Park has the following zone:

(a) the Multiple Use Zone (VI) described in Section 1.1 of this Part.

PART 2 — CARNARVON CANYON MARINE PARK

2.1 Area of marine park

The Carnarvon Canyon Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 23° 19' 00" S, longitude 110° 36' 00" E
2	East along the parallel of latitude 23° 19' 00" S to its intersection by the meridian of longitude 111° 24' 00" E

Item	Description
3	South along that meridian to its intersection by the parallel of latitude 24° 00' 00" S
4	West along that parallel to its intersection by the meridian of longitude 110° 36' 00" E
5	North along that meridian to the point of commencement

2.2 Zone for marine park

(1) The Carnarvon Canyon Marine Park has the following zone:

- (a) the Habitat Protection Zone (IV) described in Section 2.1 of this Part.

PART 3 — NINGALOO MARINE PARK

3.1 Area of marine park

The Ningaloo Marine Park consists of an area in the Indian Ocean, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 21° 39' 55.36" S, longitude 114° 00' 04.72" E
2	South-westerly along the geodesic to the point of latitude 21° 46' 55.37" S, longitude 113° 50' 04.73" E
3	South-westerly along the geodesic to the point of latitude 22° 39' 55.39" S, longitude 113° 29' 04.76" E
4	South-easterly along the geodesic to the point of latitude 22° 56' 55.39" S, longitude 113° 37' 04.75" E
5	South-westerly along the geodesic to the point of latitude 23° 05' 55.40" S, longitude 113° 34' 04.76" E
6	South along the meridian of longitude 113° 34' 04.76" E to its intersection by the parallel of latitude 23° 33' 55.42" S
7	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
8	Generally north-easterly, northerly and north-easterly along that outer limit to its intersection by the geodesic line between the point of latitude 21° 46' 55.36" S, longitude 114° 19' 04.69" E, and the point of latitude 21° 39' 55.36" S, longitude 114° 13' 04.70" E
9	North-westerly along that geodesic to the point of latitude 21° 39' 55.36" S, longitude 114° 13' 04.70" E
10	West along the parallel of latitude 21° 39' 55.36" S to the point of commencement

3.2 Zone for marine park

(1) The Ningaloo Marine Park has the following zone:

(a) the Recreational Use Zone (IV) described in Section 3.1 of this Part.

PART 4 — GASCOYNE MARINE PARK

4.1 Area of marine park

The Gascoyne Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 20° 42' 00" S, longitude 113° 45' 00" E
2	South along the meridian of longitude 113° 45' 00" E to its intersection by the parallel of latitude 21° 39' 55.36" S
3	East along that parallel to its intersection by the meridian of longitude 114° 00' 04.72" E
4	South-westerly along the geodesic to the point of latitude 21° 46' 55.37" S, longitude 113° 50' 04.73" E
5	South-westerly along the geodesic to the point of latitude 22° 39' 55.39" S, longitude 113° 29' 04.76" E
6	South-easterly along the geodesic to the point of latitude 22° 56' 55.39" S, longitude 113° 37' 04.75" E
7	South-westerly along the geodesic to the point of latitude 23° 05' 55.40" S, longitude 113° 34' 04.76" E
8	South along the meridian of longitude 113° 34' 04.76" E to its intersection by the parallel of latitude 23° 33' 55.42" S
9	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
10	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 24° 01' 52.816" S
11	West along that parallel to its intersection by the meridian of longitude 113° 20' 00" E
12	North along that meridian to its intersection by the parallel of latitude 22° 39' 55.39" S
13	West along that parallel to its intersection by the outer limit of the exclusive economic zone
14	Generally northerly and north-westerly along that outer limit to its intersection by the parallel of latitude 20° 42' 00" S
15	East along that parallel to the point of commencement

4.2 Zones for marine park

(1) The Gascoyne Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 4.3 of this Part;
- (b) the Habitat Protection Zones (IV) described in Section 4.4 and 4.6 of this Part;
- (c) the Multiple Use Zone (VI) described in Section 4.5 of this Part.

4.3 Zone 1 for marine park—National Park Zone (II)

Zone 1 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 of marine park—National Park Zone (II)	
Item	Description
1	The point of latitude 21° 30' 00" S, longitude 111° 55' 00" E
2	North-westerly along the geodesic to the point of longitude 110° 55' 00" E, latitude 20° 42' 00" S
3	West along the parallel of latitude 20° 42' 00" S to its intersection by the outer limit of the exclusive economic zone
4	Generally southerly along that outer limit to its intersection by the parallel of latitude 21° 30' 00" S
5	East along that parallel to the point of commencement

4.4 Zone 2 of marine park—Habitat Protection Zone (IV)

Zone 2 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 of marine park—Habitat Protection Zone (IV)	
Item	Description
1	The point of latitude 22° 39' 55.39" S, longitude 113° 14' 00" E
2	North along the meridian of longitude 113° 14' 00" E to its intersection by the parallel of latitude 22° 20' 00" S
3	North westerly along the geodesic to the point of latitude 21° 30' 00" S, longitude 112° 36' 00" E
4	West along the parallel of latitude 21° 30' 00" S to its intersection by the outer limit of the exclusive economic zone
5	Generally southerly along that outer limit to its intersection by the parallel of latitude 22° 39' 55.39" S
6	East along that parallel to the point of commencement

4.5 Zone 3 of marine park—Multiple Use Zone (VI)

Zone 3 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 3 of marine park—Multiple Use Zone (VI)

Item	Description
1	The point of latitude 20° 42' 00" S, longitude 113° 45' 00" E
2	South along the meridian of longitude 113° 45' 00" E to its intersection by the parallel of latitude 21° 39' 55.36" S
3	East along that parallel to its intersection by the meridian of longitude 114° 00' 04.72" E
4	South-westerly along the geodesic to the point of latitude 21° 46' 55.37" S, longitude 113° 50' 04.73" E
5	South-westerly along the geodesic to the point of latitude 22° 39' 55.39" S, longitude 113° 29' 04.76" E
6	South-easterly along the geodesic to the point of latitude 22° 56' 55.39" S, longitude 113° 37' 04.75" E
7	South-westerly along the geodesic to the point of latitude 23° 05' 55.40" S, longitude 113° 34' 04.76" E
8	South along the meridian of longitude 113° 34' 04.76" E to its intersection by the parallel of latitude 23° 33' 55.42" S
9	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
10	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 23° 50' 00" S
11	West along that parallel to its intersection by the meridian of longitude 113° 20' 00" E
12	North along that meridian to its intersection by the parallel of latitude 22° 39' 55.39" S
13	West along that parallel to its intersection by the meridian of longitude 113° 14' 00" E
14	North along that meridian to its intersection by the parallel of latitude 22° 20' 00" S
15	North-westerly along the geodesic to the point of latitude 21° 30' 00" S, longitude 112° 36' 00" E
16	West along that parallel to its intersection by the meridian of longitude 111° 55' 00" E
17	North-westerly along the geodesic to the point of latitude 20° 42' 00" S, longitude 110° 55' 00" E
18	East along the parallel of latitude 20° 42' 00" S to the point of commencement

4.6 Zone 4 of marine park—Habitat Protection Zone (IV)

Zone 4 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 4 of marine park—Habitat Protection Zone (IV)	
Item	Description
1	The point of latitude 23° 50' 00" S, longitude 113° 20' 00" E
2	East along the parallel of latitude 23° 50' 00" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 24° 01' 52.816" S
4	West along that parallel to its intersection by the meridian of longitude 113° 20' 00" E
5	North along that meridian to the point of commencement

PART 5 — MONTEBELLO MARINE PARK

5.1 Area of marine park

The Montebello Marine Park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 20° 00' 00" S, longitude 115° 15' 06" E
2	East along the parallel of latitude 20° 00' 00" S to its intersection by the meridian of longitude 115° 42' 00" E
3	South along that meridian to its intersection by the parallel of latitude 20° 05' 00" S
4	East along that parallel to its intersection by the meridian of longitude 116° 00' 00" E
5	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
6	Generally westerly and south-westerly along that outer limit to its intersection by the parallel of latitude 20° 50' 00" S
7	West along that parallel to its intersection by the meridian of longitude 115° 15' 06" E
8	North along that meridian to the point of commencement

5.2 Zone for marine park

(1) The Montebello Marine Park has the following zone:

- (a) the Multiple Use Zone (VI) described in Section 5.1 of this Part.

PART 6 — DAMPIER MARINE PARK

6.1 Area of marine park

The Dampier Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 20° 18' 00" S, longitude 116° 50' 00" E
2	East along the parallel of latitude 20° 18' 00" S to its intersection by the meridian of longitude 117° 31' 00" E
3	South along that meridian to its intersection by the parallel of latitude 20° 34' 00" S
4	West along that parallel to its intersection by the outer limit of the State waters of Western Australia
5	Generally north-westerly and westerly along that outer limit to its intersection by the meridian of longitude 116° 50' 00" E
6	North along that meridian to the point of commencement

6.2 Zones for marine park

(1) The Dampier Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 6.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 6.4 of this Part;
- (c) the Multiple Use Zone (VI) described in Section 6.5 of this Part.

6.3 Zone 1 of marine park—National Park Zone (II)

Zone 1 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 of marine park—National Park Zone (II)	
Item	Description
1	The point of latitude 20° 18' 00" S, longitude 117° 02' 00" E
2	East along the parallel of latitude 20° 18' 00" S to its intersection by the meridian of longitude 117° 06' 48" E
3	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
4	Generally westerly along that outer limit to its intersection by the meridian of longitude 117° 02' 00" E
5	North along that meridian to the point of commencement

6.4 Zone 2 of marine park—Habitat Protection Zone (IV)

Zone 2 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 of marine park—Habitat Protection Zone (IV)

Item	Description
1	The point of latitude 20° 18' 00" S, longitude 116° 50' 00" E
2	East along the parallel of latitude 20° 18' 00" S to its intersection by the meridian of longitude 117° 02' 00" E
3	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
4	Generally north-westerly along that outer limit to its intersection by the meridian of longitude 116° 50' 00" E
5	North along that meridian to the point of commencement

6.5 Zone 3 of marine park—Multiple Use Zone (VI)

Zone 3 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 3 of marine park—Multiple Use Zone (VI)

Item	Description
1	The point of latitude 20° 18' 00" S, longitude 117° 06' 48" E
2	East along the parallel of latitude 20° 18' 00" S to its intersection by the meridian of longitude 117° 31' 00" E
3	South along that meridian to its intersection by the parallel of latitude 20° 34' 00" S
4	West along that parallel to its intersection by the outer limit of the State waters of Western Australia
5	Generally north-westerly along that outer limit to its intersection by the meridian of longitude 117° 06' 48" E
6	North along that meridian to the point of commencement

PART 7 — EIGHTY MILE BEACH MARINE PARK

7.1 Area of marine park

The Eighty Mile Beach Marine Park consists of an area in the Indian Ocean, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 19° 30' 00" S, longitude 118° 54' 00" E
2	East along the parallel of latitude 19° 30' 00" S to its intersection by the meridian of longitude 120° 20' 00" E

Item	Description
3	North-easterly along the geodesic to the point of latitude 18° 42' 00" S, longitude 121° 30' 00" E
4	East along the parallel of latitude 18° 42' 00" S to its intersection by the outer limit of the State waters of Western Australia
5	Generally southerly, south-westerly and westerly along that outer limit to its intersection by the meridian of longitude 119° 28' 18" E
6	North along that meridian to its intersection by the parallel of latitude 19° 42' 00" S
7	West along that parallel to its intersection by the meridian of longitude 118° 54' 00" E
8	North along that meridian to the point of commencement

7.2 Zone for marine park

(1) The Eighty Mile Beach Marine Park has the following zone:

(a) the Multiple Use Zone (VI) described in Section 7.1 of this Part.

PART 8 — ROEBUCK MARINE PARK

8.1 Area of marine park

The Roebuck Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 17° 58' 24" S, longitude 122° 01' 21" E
2	East along the parallel of latitude 17° 58' 24" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally southerly and south-westerly along that outer limit to its intersection by the meridian of longitude 122° 01' 21" E
4	North along that meridian to the point of commencement

8.2 Zone for marine park

(1) The Roebuck Marine Park has the following zone:

(a) the Multiple Use Zone (VI) described in Section 8.1 of this Part.

PART 9 — MERMAID REEF MARINE PARK

9.1 Area of marine park

The Mermaid Reef Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 16° 58' 00" S, longitude 119° 32' 00" E
2	East along the parallel of latitude 16° 58' 00" S to its intersection by the meridian of longitude 119° 43' 00" E
3	South along that meridian to its intersection by the parallel of latitude 17° 13' 00" S
4	West along that parallel to its intersection by the meridian of longitude 119° 32' 00" E
5	North along that meridian to the point of commencement

9.2 Zone for marine park

(1) The Mermaid Reef Marine Park has the following zone:

(a) the National Park Zone (II) described in Section 9.1 of this Part.

PART 10 — ARGO-ROWLEY TERRACE MARINE PARK

10.1 Area of marine park

The Argo-Rowley Terrace Marine Park consists of an area in the Indian Ocean, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 17° 45' 00" S, longitude 116° 24' 00" E
2	North along the meridian of longitude 116° 24' 00" E to its intersection by the outer limit of the exclusive economic zone
3	Generally north-easterly and northerly along that outer limit to its intersection by the parallel of latitude 13° 16' 10" S
4	Northerly along the geodesic to the point of latitude 13° 14' 33.6148" S, longitude 118° 24' 44.0819" E
5	South-easterly along the arc of a circle of radius 200 nautical miles, passing through the following points: <ul style="list-style-type: none"> (a) 13° 18' 43.8147" S, 118° 32' 28.2819" E; (b) 13° 22' 34.0147" S, 118° 40' 23.3819" E; (c) 13° 26' 03.7147" S, 118° 48' 28.3819" E; (d) 13° 29' 12.5147" S, 118° 56' 42.3819" E; (e) 13° 32' 00.1146" S, 119° 05' 04.3818" E; (f) 13° 34' 26.1146" S, 119° 13' 33.4818" E
6	South-easterly along that arc to the point of latitude 13° 36' 30.2146" S, longitude 119° 22' 08.6818" E

Item	Description
7	South-easterly along the geodesic to the point of latitude 13° 40' 34.1146" S, longitude 119° 28' 46.0818" E
8	South-easterly along the arc of a circle of radius 200 nautical miles, passing through the following points: (a) 13° 45' 04.5145" S, 119° 36' 29.2818" E; (b) 13° 49' 14.5145" S, 119° 44' 24.4817" E; (c) 13° 53' 03.7145" S, 119° 52' 30.6817" E
9	South-easterly along that arc to the point of latitude 13° 56' 31.7145" S, longitude 120° 00' 46.8817" E
10	North-easterly along the geodesic to the point of latitude 13° 49' 13.7266" S, longitude 120° 20' 00" E
11	South along the meridian of longitude 120° 20' 00" E to its intersection by the parallel of latitude 14° 48' 00" S
12	West along that parallel to its intersection by the meridian of longitude 119° 43' 00" E
13	South along that meridian to its intersection by the parallel of latitude 16° 58' 00" S
14	West along that parallel to its intersection by the meridian of longitude 119° 32' 00" E
15	South along that meridian to its intersection by the parallel of latitude 17° 13' 00" S
16	East along that parallel to its intersection by the meridian of longitude 119° 43' 00" E
17	South along that meridian to its intersection by the parallel of latitude 17° 45' 00" S
18	West along that parallel to its intersection by the meridian of longitude 118° 48' 24" E
19	North along that meridian to its intersection by the parallel of latitude 17° 24' 00" S
20	West along that parallel to its intersection by the meridian of longitude 118° 12' 00" E
21	South along that meridian to its intersection by the parallel of latitude 17° 45' 00" S
22	West along that parallel to the point of commencement

10.2 Zones for marine park

(1) The Argo-Rowley Terrace Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 10.3 of this Part;
- (b) the Multiple Use Zones (VI) described in Section 10.4 and 10.5 of this Part;
- (c) the Special Purpose Zone (Trawl) (VI) described in Section 10.6 of this Part.

10.3 Zone 1 of marine park—National Park Zone (II)

Zone 1 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 of marine park—National Park Zone (II)	
Item	Description
1	The point of latitude 15° 10' 00" S, longitude 117° 15' 00" E
2	North along the meridian of longitude 117° 15' 00" E to its intersection by the outer limit of the exclusive economic zone
3	Generally north-easterly and northerly along that outer limit to its intersection by the parallel of latitude 13° 16' 10" S
4	Northerly along the geodesic to the point of latitude 13° 14' 33.6148" S, longitude 118° 24' 44.0819" E
5	South-easterly along the arc of a circle of radius 200 nautical miles, passing through the following points: (a) 13° 18' 43.8147" S, 118° 32' 28.2819" E; (b) 13° 22' 34.0147" S, 118° 40' 23.3819" E; (c) 13° 26' 03.7147" S, 118° 48' 28.3819" E; (d) 13° 29' 12.5147" S, 118° 56' 42.3819" E; (e) 13° 32' 00.1146" S, 119° 05' 04.3818" E; (f) 13° 34' 26.1146" S, 119° 13' 33.4818" E
6	South-easterly along that arc to the point of latitude 13° 36' 30.2146" S, longitude 119° 22' 08.6818" E
7	South-easterly along the geodesic to the point of latitude 13° 40' 34.1146" S, longitude 119° 28' 46.0818" E
8	South-easterly along the arc of a circle of radius 200 nautical miles, passing through the following points: (a) 13° 45' 04.5145" S, 119° 36' 29.2818" E; (b) 13° 49' 14.5145" S, 119° 44' 24.4817" E; (c) 13° 53' 03.7145" S, 119° 52' 30.6817" E
9	South-easterly along that arc to the point of latitude 13° 56' 31.7145" S, longitude 120° 00' 46.8817" E
10	North-easterly along the geodesic to the point of latitude 13° 49' 13.7266" S, longitude 120° 20' 00" E
11	South along the meridian of longitude 120° 20' 00" E to its intersection by the parallel of latitude 14° 24' 00" S
12	West along that parallel to its intersection by the meridian of longitude 118° 59' 00" E

Zone 1 of marine park—National Park Zone (II)

Item	Description
13	South along that meridian to its intersection by the parallel of latitude 15° 10' 00" S
14	West along that parallel to the point of commencement

10.4 Zone 2 of marine park—Multiple Use Zone (VI)

Zone 2 of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 of marine park—Multiple Use Zone (VI)

Item	Description
1	The point of latitude 17° 45' 00" S, longitude 116° 24' 00" E
2	North along the meridian of longitude 116° 24' 00" E to its intersection by the outer limit of the exclusive economic zone
3	Generally north-easterly along that outer limit to its intersection by the meridian of longitude 117° 15' 00" E
4	South along the meridian of longitude of 117° 15' 00" E to its intersection by the parallel of latitude 15° 10' 00" S
5	East along that parallel to its intersection by the meridian of longitude 118° 59' 00" E
6	North along that meridian to its intersection by the parallel of latitude 14° 24' 00" S
7	East along that parallel to its intersection by the meridian of longitude 120° 20' 00" E
8	South along that meridian to its intersection by the parallel of latitude 14° 48' 00" S
9	West along that parallel to its intersection by the meridian of longitude 119° 43' 00" E
10	South along that meridian to its intersection by the parallel of latitude 16° 47' 00" S
11	South-westerly along the geodesic to the point of latitude 17° 24' 00" S, longitude 118° 48' 24" E
12	West along the parallel of latitude 17° 24' 00" S to its intersection by the meridian of longitude 118° 12' 00" E
13	South along that meridian to its intersection by the parallel of latitude 17° 45' 00" S
14	West along that parallel to the point of commencement

10.5 Zone 3 of marine park—Multiple Use Zone (VI)

Zone 3 of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 3 of marine park—Multiple Use Zone (VI)	
Item	Description
1	The point of latitude 17° 45' 00" S, longitude 118° 48' 24" E
2	North along the meridian of longitude 118° 48' 24" E to its intersection by the parallel of latitude 17° 36' 00" S
3	North-easterly along the geodesic to the point of latitude 17° 27' 00" S, longitude 118° 51' 36" E
4	North-easterly along the geodesic to the point of latitude 17° 08' 30" S, longitude 119° 22' 00" E
5	North-easterly along the geodesic to the point of latitude 16° 58' 00" S, longitude 119° 32' 00" E
6	South along the meridian of longitude 119° 32' 00" E to its intersection by the parallel of latitude 17° 13' 00" E
7	East along that parallel to its intersection by the meridian of longitude 119° 43' 00" E
8	South along that meridian to its intersection by the parallel of latitude 17° 45' 00" S
9	West along that parallel to the point of commencement

10.6 Zone 4 of marine park—Special Purpose Zone (Trawl) (VI)

Zone 4 of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 4 of marine park—Special Purpose Zone (Trawl) (VI)	
Item	Description
1	The point of latitude 17° 36' 00" S, longitude 118° 48' 24" E
2	North-easterly along the geodesic to the point of latitude 17° 27' 00" S, longitude 118° 51' 36" E
3	North-easterly along the geodesic to the point of latitude 17° 08' 30" S, longitude 119° 22' 00" E
4	North-easterly along the geodesic to the point of latitude 16° 58' 00" S, longitude 119° 32' 00" E

Zone 4 of marine park—Special Purpose Zone (Trawl) (VI)

Item	Description
5	East along parallel of latitude 16° 58' 00" S to its intersection by the meridian of longitude 119° 43' 00" E
6	North along the meridian of longitude 119° 43' 00" E to its intersection by the parallel of latitude 16° 47' 00" S
7	South-westerly along the geodesic to the point of latitude 17° 24' 00" S, longitude 118° 48' 24" E
8	South along the meridian of longitude 118° 48' 24" E to the point of commencement

PART 11 — KIMBERLEY MARINE PARK

11.1 Area of marine park

The Kimberley Marine Park consists of an area in the Indian Ocean, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 15° 00' 00" S, longitude 121° 00' 00" E
2	East along the parallel of latitude 15° 00' 00" S to its intersection by the meridian of longitude 123° 30' 00" E
3	North-easterly along the geodesic to the point of latitude 13° 13' 00" S, longitude 125° 26' 00" E
4	East along the parallel of latitude 13° 13' 00" S to its intersection by the meridian of longitude 126° 26' 00" E
5	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
6	Generally westerly and south-westerly along that outer limit to its intersection by the parallel of latitude 17° 00' 00" S
7	West along that parallel to its intersection by the meridian of longitude 121° 00' 00" E
8	North along that meridian to the point of commencement

11.2 Zones for marine park

(1) The Kimberley Marine Park is divided into the following zones:

- (a) the Multiple Use Zone (VI) described in Section 11.3 of this Part;
- (b) the National Park Zone (II) described in Section 11.4 of this Part;
- (c) the Habitat Protection Zones (IV) described in Sections 11.5 and 11.6 of this Part.

11.3 Zone 1 of marine park—Multiple Use Zone (VI)

Zone 1 of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 of marine park—Multiple Use Zone (VI)	
Item	Description
1	The point of latitude 15° 00' 00" S, longitude 121° 00' 00" E
2	East along the parallel of latitude 15° 00' 00" S to its intersection by the meridian of longitude 123° 30' 00" E
3	North-easterly along the geodesic to the point of latitude 13° 13' 00" S, longitude 125° 26' 00" E
4	East along the parallel of latitude 13° 13' 00" S to its intersection by the meridian of longitude 126° 26' 00" E
5	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
6	Generally westerly and south-westerly along that outer limit to its intersection by the parallel of latitude 15° 10' 12" S
7	West along that parallel to its intersection by the meridian of longitude 123° 34' 33" E
8	South-westerly along the geodesic to the point of latitude 15° 14' 08.40" S, longitude 123° 25' 42" E
9	South along the meridian of longitude 123° 25' 42" E to its intersection by the parallel of latitude 15° 17' 00" S
10	West along that parallel to its intersection by the meridian of longitude 122° 55' 33" E
11	South along that meridian to its intersection by the parallel of latitude 15° 40' 00" S
12	West along that parallel to its intersection by the meridian of longitude 122° 21' 00" E
13	South along that meridian to its intersection by the parallel of latitude 16° 19' 00" S
14	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
15	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 17° 00' 00" S
16	West along that parallel to its intersection by the meridian of longitude 121° 00' 00" E
17	North along that meridian to the point of commencement

11.4 Zone 2 of marine park—National Park Zone (II)

Zone 2 of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 of marine park—National Park Zone (II)	
Item	Description
1	The point of latitude 15° 40' 00" S, longitude 122° 21' 00" E
2	East along the parallel of latitude 15° 40' 00" S to its intersection by the meridian of longitude 123° 25' 42" E
3	North along that meridian to its intersection by the parallel of latitude 15° 14' 08.40" S
4	North-easterly along the geodesic to the point of latitude 15° 10' 12" S, longitude 123° 34' 33" E
5	East along the parallel of latitude 15° 10' 12" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 15° 53' 54" S
4	West along that parallel to its intersection by the meridian of longitude 122° 21' 00" E
7	North along that meridian to the point of commencement

11.5 Zone 3 of marine park—Habitat Protection Zone (IV)

Zone 3 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 3 of marine park—Habitat Protection Zone (IV)	
Item	Description
1	The point of latitude 15° 53' 54" S, longitude 122° 21' 00" E
2	East along the parallel of latitude 15° 53' 54" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 16° 19' 00" S
4	West along that parallel to its intersection by the meridian of longitude 122° 21' 00" E
5	North along that meridian to the point of commencement

11.6 Zone 4 of marine park—Habitat Protection Zone (IV)

Zone 4 of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 4 of marine park—Habitat Protection Zone (IV)	
Item	Description
1	The point of latitude 15° 17' 00" S, longitude 122° 55' 33" E
2	East along the parallel of latitude 15° 17' 00" S to its intersection by the meridian of longitude 123° 25' 42" E
3	South along that meridian to its intersection by the parallel of latitude 15° 40' 00" S
4	West along that parallel to its intersection by the meridian of longitude 122° 55' 33" E
5	North along that meridian to the point of commencement

PART 12 — ASHMORE REEF MARINE PARK

12.1 Area of marine park

The Ashmore Reef Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
1	The point of latitude 12° 09' 55" S, longitude 123° 00' 04.50" E
2	East along the parallel of latitude 12° 09' 55" S to its intersection by the meridian of longitude 123° 14' 04.50" E
3	South-easterly along the geodesic to the point of latitude 12° 12' 55" S, longitude 123° 16' 04.50" E
4	South along the meridian of longitude 123° 16' 04.5" E to its intersection by the parallel of latitude 12° 15' 55" S
5	South-westerly along the geodesic to the point of latitude 12° 19' 55" S, longitude 123° 10' 04.50" E
6	Westerly along the geodesic to the point of latitude 12° 18' 55" S, longitude 123° 00' 04.50" E
7	North-westerly along the geodesic to the point of latitude 12° 13' 55" S, longitude 122° 53' 04.50" E
8	North-easterly along the geodesic to the point of latitude 12° 11' 55" S, longitude 122° 55' 04.50" E
9	North-easterly along the geodesic to the point of commencement

12.2 Zones for marine park

(1) The Ashmore Reef Marine Park is divided into the following zones:

- (a) the Sanctuary Zone (Ia) described in Section 12.3 of this Part;
- (b) the Recreational Use Zone (IV) described in Section 12.4 of this Part.

12.3 Zone 1 of marine park—Sanctuary Zone (Ia)

Zone 1 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 of marine park—Sanctuary Zone (Ia)	
Item	Description
1	The point of latitude 12° 09' 55" S, longitude 123° 00' 04.50" E
2	Southerly along the geodesic to the point of latitude 12° 12' 51" S, longitude 122° 59' 36" E
3	South-easterly along the geodesic to the point of latitude 12° 13' 06" S, longitude 123° 00' 26" E
4	East along the parallel of latitude 12° 13' 06" S to its intersection by the meridian of longitude 123° 00' 44" E
5	South along that meridian to its intersection by the parallel of latitude 12° 13' 13" S
6	South-westerly along the geodesic to the point of latitude 12° 13' 23" S, longitude 123° 00' 26" E
7	South along the meridian of longitude 123° 00' 26" E to its intersection by the parallel of latitude 12° 13' 44" S
8	East along that parallel to its intersection by the meridian of longitude 123° 01' 15" E
9	South-westerly along the geodesic to the point of latitude 12° 14' 33" S, longitude 123° 00' 17" E
10	West along the parallel of latitude 12° 14' 33" S to its intersection by the meridian of longitude 122° 59' 05" E
11	Westerly along the geodesic to the south-eastern most point on the coastline of West Island at mean high water
12	Generally north-westerly along that high water mark to the point closest to the point of latitude 12° 14' 29.20" S, longitude 122° 58' 08.10" E
13	South-westerly along the geodesic to the point of latitude 12° 14' 33.70" S, longitude 122° 58' 01.10" E
14	North-westerly along the geodesic to the point of latitude 12° 14' 32.30" S, longitude 122° 58' 00.20" E
15	North-easterly along the geodesic to the point on the coastline of West Island at mean high water closest to the point of latitude 12° 14' 27.80" S, longitude 122° 58' 07.10" E

Zone 1 of marine park—Sanctuary Zone (Ia)

Item	Description
16	Generally north-westerly along that high water mark to the north-eastern most point of the West Island
17	Easterly along the geodesic to the point of latitude 12° 14' 16" S, longitude 122° 58' 55" E
18	North-easterly along the geodesic to the point of latitude 12° 14' 12" S, longitude 122° 59' 03" E
19	Easterly along the geodesic to the point of latitude 12° 14' 11" S, longitude 122° 59' 10" E
20	North-easterly along the geodesic to the point of latitude 12° 13' 37" S, longitude 123° 00' 02" E
21	North along the meridian of longitude 123° 00' 02" E to its intersection by the parallel of latitude 12° 13' 23" S
22	Westerly along the geodesic to the point of latitude 12° 13' 12" S, longitude 122° 59' 02" E
23	North-westerly along the geodesic to the point of latitude 12° 11' 55" S, longitude 122° 55' 04.50" E
24	South-westerly along the geodesic to the point of latitude 12° 13' 55" S, longitude 122° 53' 04.50" E
25	South-easterly along the geodesic to the point of latitude 12° 18' 55" S, longitude 123° 00' 04.50" E
26	Easterly along the geodesic to the point of latitude 12° 19' 55" S, longitude 123° 10' 04.50" E
27	North-easterly along the geodesic to the point of latitude 12° 15' 55" S, longitude 123° 16' 04.50" E
28	North along the meridian of longitude 123° 16' 04.50" E to its intersection by the parallel of latitude 12° 12' 55" S
29	North-westerly along the geodesic to the point of latitude 12° 09' 55" S, longitude 123° 14' 04.50" E
30	West along the parallel of latitude 12° 09' 55" S to the point of commencement

12.4 Zone 2 of marine park—Recreational Use Zone (IV)

Zone 2 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 of marine park—Recreational Use Zone (IV)

Item	Description
1	The point of latitude 12° 09' 55" S, longitude 123° 00' 04.50" E
2	Southerly along the geodesic to the point of latitude 12° 12' 51" S, longitude 122° 59' 36" E
3	South-easterly along the geodesic to the point of latitude 12° 13' 06" S, longitude 123° 00' 26" E
4	East along the parallel of latitude 12° 13' 06" S to its intersection by the meridian of longitude 123° 00' 44" E
5	South along that meridian to its intersection by the parallel of latitude 12° 13' 13" S
6	South-westerly along the geodesic to the point of latitude 12° 13' 23" S, longitude 123° 00' 26" E
7	South along the meridian of longitude 123° 00' 26" E to its intersection by the parallel of latitude 12° 13' 44" S
8	East along that parallel to its intersection by the meridian of longitude 123° 01' 15" E
9	South-westerly along the geodesic to the point of latitude 12° 14' 33" S, longitude 123° 00' 17" E
10	West along the parallel of latitude 12° 14' 33" S to its intersection by the meridian of longitude 122° 59' 05" E
11	Westerly along the geodesic to the south-eastern most point on the coastline of West Island at mean high water
12	Generally north-westerly along that high water mark to the point closest to the point of latitude 12° 14' 29.20" S, longitude 122° 58' 08.10" E
13	South-westerly along the geodesic to the point of latitude 12° 14' 33.70" S, longitude 122° 58' 01.10" E
14	North-westerly along the geodesic to the point of latitude 12° 14' 32.30" S, longitude 122° 58' 00.20" E
15	North-easterly along the geodesic to the point on the coastline of West Island at mean high water closest to the point of latitude 12° 14' 27.80" S, longitude 122° 58' 07.10" E
16	Generally north-westerly along that high water mark to the north-eastern most point of the West Island
17	Easterly along the geodesic to the point of latitude 12° 14' 16" S, longitude 122° 58' 55" E
18	North-easterly along the geodesic to the point of latitude 12° 14' 12" S, longitude 122° 59' 03" E

Zone 2 of marine park—Recreational Use Zone (IV)

Item	Description
19	Easterly along the geodesic to the point of latitude 12° 14' 11" S, longitude 122° 59' 10" E
20	North-easterly along the geodesic to the point of latitude 12° 13' 37" S, longitude 123° 00' 02" E
21	North along the meridian of longitude 123° 00' 02" E to its intersection by the parallel of latitude 12° 13' 23" S
22	Westerly along the geodesic to the point of latitude 12° 13' 12" S, longitude 122° 59' 02" E
23	North-westerly along the geodesic to the point of latitude 12° 11' 55" S, longitude 122° 55' 04.50" E
24	North-easterly along the geodesic to the point of commencement

PART 13 — CARTIER ISLAND MARINE PARK

13.1 Area of marine park

The Cartier Island Marine Park consists of an area in the Indian Ocean enclosed within the circumference of a circle of radius 4 nautical miles, the centre of which is at the point of latitude 12° 31' 50.8" S, longitude 123° 33' 18.8" E.

13.2 Zone for marine park

(1) The Cartier Island Marine Park has the following zone:

- (a) the Sanctuary Zone (Ia) described in Section 13.1 of this Part.

SCHEDULE 5. SUPPORTING INFORMATION

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