

AGREEMENT BETWEEN

THE STATE OF WESTERN AUSTRALIA AND

THE COMMONWEALTH OF AUSTRALIA

ON

LEGISLATIVE AND ADMINISTRATIVE ARRANGEMENTS

FOR

SHARK BAY WESTERN AUSTRALIA WORLD HERITAGE  
PROPERTY

## PRIMARY GOALS

- (a) Facilitate the implementation of Australia's international obligations under the World Heritage Convention; and
- (b) provide for the primary management of the property by the Western Australian Government, the Shire of Shark Bay and the Shire of Carnarvon.

## ADMINISTRATION

### General Approach

2. Western Australian Government and Commonwealth Government complementary legislation will be introduced into both the Commonwealth and State Parliaments with the intention of having the legislation come into force by the end of 1991, at the time of Shark Bay being inscribed on the World Heritage List.
  3. The complementary legislation will deal with management of the property. Both pieces of legislation will describe in technical detail the boundaries of the property.
  4. The Shark Bay Region Plan, developed by the Western Australian Government in consultation with the Shark Bay community and adopted by the Western Australian Government in June 1988, will be given statutory effect through the Western Australian component of the complementary legislation. More detailed management plans for particular areas will be developed by the State. Any future, major changes to land-use would require further public consultation as occurred with the original Region Plan and would require Parliamentary approval. The Region Plan and the management plans will inter alia facilitate the implementation of Australia's obligations under the World Heritage Convention to protect and conserve the property.
  5. The complementary legislation will outline administrative arrangements that will ensure that management control of the property remains with Western Australia while at the same time facilitating implementation of Australia's international obligations under the World Heritage Convention. Management will be in accordance with existing Western Australian legislation including the Fisheries Act, Local Government Act, Land Act, Conservation and Land Management Act and the Environmental Protection Act.
  6. The administrative arrangements will ensure continuation of existing commercial activities and will provide scope for new developments provided that they comply with existing State controls and are not a threat to the World Heritage values of the property.
- Management - Local Government
7. The Shire of Shark Bay and Shire of Carnarvon, in respect of their local government portions within the property, will continue to have responsibility for decision-making and management in respect of those activities prescribed in the Local Government Act and delegated under other State legislation.

8. The township of Denham and an area immediately offshore will be excluded from the property. The area of the Denham townsite excluded will allow for future urban growth and provision of appropriate facilities to support the enlarged population.

#### Management - Fisheries Areas

9. Both recreational and commercial fishing will be administered by the Western Australian Department of Fisheries.

10. Access to fishing grounds within the property will be in accordance with the Shark Bay Region Plan except in so far as the precise boundaries are to be modified through the creation of the marine park. The prawn trawlers and the scallop trawlers will continue to have access to the trawl grounds identified in Figure 2 of the Region Plan.

11. Beach seine and mesh net fishing will be completely within the area of the marine park and will be continued in accordance with the management plan for that marine park. Commercial line and trap fishing will be permitted throughout the property except within the Hamelin Pool Marine Nature Reserve; the existing licence for that area will not be transferred. Recreational fishing throughout the property will continue as provided for by the Department of Fisheries.

#### Management - Pastoral Lands

12. Administration of pastoral lands will be by the Pastoral Board constituted under the Land Act. Management oversight will be through the Department of Agriculture. Pastoral activities will continue on all those lands currently designated as pastoral leases except for the areas identified in the Shark Bay Region Plan (Figure 8) as proposed for inclusion in national parks and nature reserves.

13. Amendments to the Land Act dealing with changes to pastoral land tenure will not treat the pastoral leases in the property in anyway differently from pastoral leases elsewhere in the State.

#### Management - Conservation and Land Management Lands and Waters

14. The management of the marine park, the Hamelin Pool Marine Nature Reserve, the Zuytdorp National Park, the Cooloomia Nature Reserve, the proposed Peron National Park and any additional areas acquired by the Western Australian Government for conservation and recreation will be undertaken by the Department of Conservation and Land Management. Detailed management plans will be prepared through the public consultation process outlined in Part V of the Conservation and Land Management Act.

#### Salt/Gypsum Production

15. The area of the Useless Loop Salt Works including that proposed for future expansion as indicated under the Shark Bay Solar Salt Industry Agreement Act together with an area around the Slope Island loading facility and around the Heirrisson Prong will be excluded from the property. The Solar Salt production will continue under that Agreement Act.

16. Gypsum deposits, M09/6, M09/21-24 will be excluded from the property. Any further mining for gypsum will be in accordance with the Mining Act.

Sandalwood

17. Continuation of the existing sandalwood operation will be in accordance with the provisions of the Sandalwood Act administered by the Department of Conservation and Land Management.

COMPLEMENTARY LEGISLATION

18. General Objectives.

- (a) To facilitate the implementation of Australia's obligations under the World Heritage Convention.
- (b) To make provision for the proper management of the property including the development of management plans and the undertaking of necessary research.
- (c) To facilitate consultation with the local community and promotion of the property.

Shark Bay Ministerial Council

19. (a) Terms of Reference.

- (i) Coordinate policy between Western Australia and the Commonwealth on all matters concerning the property.
- (ii) Provide advice and make recommendations to both Governments on:
  - management requirements;
  - management plans;
  - research and education;
  - presentation and promotion;
  - boundary modifications;
  - community consultation and liaison; and
  - financial matters.
- (iii) Refer matters to the Management Committee and Scientific Advisory Committee and consider reports from these bodies.
- (iv) Resolve any disputes that might arise between the two Governments.

(b) Membership.

- (i) Equal representation with up to two members from each of the Commonwealth and Western Australia.

(c) Operation.

- (i) Chaired by Western Australian Minister responsible for the proposed Shark Bay legislation.
- (ii) A quorum shall be two members, with at least one from each Government.
- (iii) To meet on an as required basis provided that at least one meeting is held per calendar year.
- (iv) Decisions to be made on a consensus basis.
- (v) Serviced by Western Australia.

**Shark Bay Management Committee**

20. The Western Australian component of the complementary legislation will define the relationship and role of the Shark Bay Management Committee vis a vis the existing statutory bodies with responsibility for the management of parks and reserves, fishing zones, and pastoral lands, eg the NPNCA, Pastoral Board and Department of Fisheries.

(a) Terms of Reference.

- (i) To advise the Ministerial Council, either at the request of Council or at its own volition on matters relating to the protection, conservation, presentation and management of the property from the view point of the community.

(b) Membership.

- (i) A majority of members to be residents of the Shark Bay region.
- (ii) Members to have knowledge or background in fields such as, fishing, local government, tourism, Aboriginal matters, park management, agricultural activities, conservation or heritage.
- (iii) Members appointed in their own right and not as representatives of particular organisations.
- (iv) No greater than 9 members, with equal nominations up to a maximum of 4 from each of the Commonwealth and Western Australia.

- (v) Chair agreed by both Governments.
- (vi) Provision for Government employees to be observers.
- (c) Appointments.
  - (i) By the Chair of the Council for a period of up to three years, with members eligible for reappointment.
- (d) Termination.
  - (i) By the Chair of the Council with the written agreement of the senior Commonwealth member of the Council. Grounds for termination to be specified in the legislation.
- (e) Operation.
  - (i) A quorum shall be a simple majority of members.
  - (ii) To meet as necessary, or at the request of the Council, or if a majority of members request a meeting, provided that at least one meeting is held each calendar year.
  - (iii) Serviced by Western Australia.
  - (iv) A report of each meeting to be forwarded to the Chair of the Council within 21 days of each meeting.
  - (v) Decisions to be by a majority of the votes of the members present.
  - (vi) The Chair to have a deliberative vote and also a casting vote.
  - (vii) If Chair absent, members present elect a Chair.
  - (viii) Members to be paid sitting fees and allowances as are prescribed in the Remuneration Tribunal determinations or a Western Australian equivalent.

Shark Bay Scientific Advisory Committee

21. (a) Terms of Reference.

- (i) To provide advice, either at the request of the Ministerial Council or the Management Committee, or at its own volition on:
  - scientific research priorities which will contribute to the protection and conservation of the property and understanding of its natural history;

- . new information or developments in science relevant to protection, conservation or presentation of the property;
- . scientific basis of management principles and practices;
- . appropriateness of research funded by agencies in terms of scope, quality and relevance to management of the property; and
- . maintenance of World Heritage values and integrity of the property.

(b) Membership.

- (i) Members are to be persons having qualifications relevant to, or special experience or interest in the protection and conservation of the property for example botany, zoology, ecology, marine science, geomorphology.
- (ii) No greater than seven members, with equal nominations up to a maximum of 3 from each of the Commonwealth and Western Australian Governments.
- (iii) The Chair to be agreed by both Governments.
- (iv) Members appointed in their own right and not as representatives of organisations.

(c) Appointments.

- (i) As per Management Committee.

(d) Termination.

- (i) As per Management Committee.

(e) Operation.

- (i) As per Management Committee, except that the Scientific Advisory Committee will report to the Management Committee, with a copy of the report being provided to the Chair of the Council.

**Management**

22. (a) Western Australia to undertake planning and management.

(b) Management to be undertaken in accordance with Plans of Management adopted under Western Australian legislation and the Shark Bay Region Plan which will be given statutory effect by the Western Australian component of the complementary legislation.

- (c) The Region Plan and Plans of Management will inter alia facilitate implementation of Australia's obligations under the World Heritage Convention.
- (d) The Western Australian Department of Conservation and Land Management in terms of World Heritage responsibilities to be the lead management agency and to be responsible for:
- (i) oversight of the development of Management Plans;
  - (ii) liaison with agencies to ensure that their activities on the property comply with the protection of the World Heritage values of the property;
  - (iii) conduct or arranging for the conduct of research;
  - (iv) compilation/collation of reports on implementation of management arrangements and monitoring the status of the property. An annual report on protection, conservation and rehabilitation of the property to be provided to the Ministerial Council;
  - (v) compilation and maintenance of a comprehensive database for management purposes; and
  - (vi) implementation of promotional activities.
- (e) The Western Australian complementary legislation to override the provisions of any other State statutes relating to management of the property in the event of an inconsistency.
- (f) Recognise the dispute resolution role of the Council in relation to management of the property.

#### Plans of Management

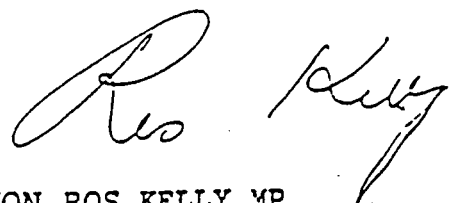
23. (a) Developed in accordance with a public consultation process such as is provided for in the Western Australian Conservation and Land Management Act 1984.
- (b) Draft plans to be considered by the Management Committee and the Scientific Advisory Committee.
- (c) Draft plans for lands and waters vested in the National Parks and Wildlife Authority to be referred to the Ministerial Council for agreement prior to adoption through the processes outlined in the Western Australian Conservation and Land Management Act 1984.
- (d) Draft plans for all other areas to be agreed to by the Ministerial Council.



- 1 (e) A review of the plans to be undertaken every five years.
- (f) Any proposal to amend the Plans to be referred to the Ministerial Council for consideration initially and be subject to the normal public consultation processes, prior to agreement by Council and proclamation.

Property Boundary

- 24. (a) A technical description of the property boundary to be a schedule to the legislation.



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COMMONWEALTH MINISTER FOR THE  
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16 OCT 1990



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18 OCT 1990