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Public Information Bulletin

AQUATIC RESERVES

Department of Fisheries and Wildlife

PERTH

1978

AN INFORMATION BOOKLET ON THE GENERAL
SUBJECT OF

AQUATIC RESERVES

1. AUTHORITY TO ESTABLISH AQUATIC RESERVES

In 1974 the Fisheries Act was amended to allow for the establishment of aquatic reserves. In this respect, the Fisheries Act now complements the Land Act under which reserves have been created.

A new section - Section 30 - was added empowering the Governor, by Order in Council, to reserve for a variety of purposes any part of "Western Australian waters" vested in the Crown, and the land at any time covered by those waters.

"Western Australian waters" are defined in Section 3 to -

"include the sea from high water mark to three nautical miles from low water mark, and every tidal river, and every

estuary and arm of the sea, and the waters of every river, stream, brook creek, swamp, lake or lagoon, notwithstanding that the water may be impounded or that the land covered by the water is private land alienated by the Crown or land reserved for any purpose and vested in any person or authority."

2. PURPOSES FOR WHICH THEY MAY BE CREATED

Sub-section (1) of Section 30 lists under four headings the objects and purposes for which aquatic reserves may be created.

These are -

- (a) for the use and requirements of Government;
- (b) for the preservation of all or any specified forms of marine or fresh-water animal or aquatic plant life, their products and fossils;
- (c) for the culture and propagation of fish or aquatic organisms, and for

experimental purposes connected
therewith; or

- (d) for such other purposes as the Governor
deems to be in the public interest in
relation to fisheries and allied
matters.

3. NOTICES AND PROCEDURES IN CREATING AQUATIC
RESERVES

Two months before the Governor makes any
Order in Council, the Director of Fisheries
is required to publish in a newspaper
circulating in the locality of a proposed
reserve, a notice specifying and describing -

- (a) the waters to be reserved; and
- (b) the purpose of the reserve;

and inviting persons wishing to object to the
proposal to make representations to the
Director.

In the course of normal administration,
copies of this notice will be sent to the
particular local authorities, statutory

authorities and Departments which may be concerned.

A leaflet will also be prepared and be made available. It will contain a sketch of the boundaries of the proposed reserve and set out in some detail why the area needs to be protected under this section and who will control it.

Objections received will be considered by the Director and submitted with comments to the Minister for Fisheries and Wildlife who will then make his final recommendations to the Governor.

Once made by the Governor in Council, the Order creating a reserve will be published in the *Government Gazette*. Objectors and other persons or authorities known to be interested may be notified by letter of the final decisions.

4. VESTING OF RESERVES

Sub-section (4) of Section 30 provides that the Minister for Fisheries and Wildlife may

vest control of any aquatic reserve in a body corporate. Local authorities, the Wildlife Authority and the National Parks Authority are examples of a body corporate with perpetual succession and a common seal.

5. CONTROL OF TYPES OF RESERVES

It is anticipated that those aquatic reserves -

- (a) that complement Nature Reserves mainly to protect the area's indigenous flora and fauna or other scientific values will be known as Aquatic Nature Reserves and will be vested in the Wildlife Authority;
- (b) that abut National Parks will be known as Aquatic National Parks and will be vested in that Authority;
- (c) that are set aside for the requirements of Government may be vested in the appropriate Minister; and
- (d) those set aside for recreational or other local purposes may be vested in

the appropriate Shire or Town Council.

The Act allows the Minister for Fisheries and Wildlife to specify conditions and limitations in relation to that vesting. He may also require the body corporate to do necessary things or not to do prejudicial things in respect of any reserve.

It also allows him to revoke any vesting by order in writing to the body corporate concerned.

6. CLASSIFICATION OF RESERVES

Section 31 empowers the Governor, by Proclamation, to classify any land or any part of Western Australian waters reserved under this Act to be of Class A.

Once so classified the reserved land and waters shall remain dedicated to that purpose until an Act of Parliament provides otherwise.

7. HOW TO OBJECT TO A PROPOSED AQUATIC RESERVE

Whether you wish to object to or find out more about a proposed reserve, write to -

Director of Fisheries
108 Adelaide Terrace
PERTH 6000

If objecting:-

1. Identify the proposal by quoting the name given to it in the press or in the special leaflet issued about it.
2. State your reasons clearly and as briefly as possible.
3. Ensure your name and address are clearly given.