



Australian Government
Director of National Parks



Draft North Commonwealth Marine Reserves Network management plan 2014–24

DRAFT NORTH COMMONWEALTH MARINE RESERVES NETWORK MANAGEMENT PLAN 2014–24

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Corrigendum – p. 46, Table 5.4 of the *Draft North Commonwealth Marine Reserves Network Management Plan 2014-24*

There is a typographical error in Table 5.4 in relation to zoning restrictions for set mesh net and pelagic gillnet. As per prescription 5.5.5 of the draft management plan, set mesh net and pelagic gillnet gear types must not be used in Multiple Use Zones (IUCN VI). The correct Table 5.4 is shown below.

Table 5.4: Summary of management arrangements for commercial fishing activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Commercial fishing (except as indicated below)	✗	CA	CA
Bottom trawl (including semi-pelagic demersal trawl and semi-demersal trawl)	✗	✗	✗
Demersal longline	✗	✗	✗
Set mesh net	✗	✗	CA
Pelagic gillnet	✗	✗	CA
Vessel transiting	✓	✓	✓

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).

✗ Activity is not allowed at all (i.e. totally prohibited).

CA Activity is allowable in accordance with a class approval from the Director of National Parks.

Note: Gear types not specified in a class approval as gear that may be used will require assessment before use may be approved.

Note: Refer to Appendix A for information on zones within specific marine reserves of the North marine reserves network.

Invitation to comment on the draft North Commonwealth Marine Reserves Network Management Plan

The North Commonwealth Marine Reserves Network comprises eight reserves. The proclamation of the marine reserves came into effect on 17 November 2012.

The primary purpose of the North Commonwealth Marine Reserves Network is to protect and maintain biological diversity, while also allowing for the sustainable use of natural resources in some areas. The reserves include a vast range of ecosystems, habitats and biological communities representative of the North Marine Region and the northernmost parts of the North-west Marine Region. The reserves will help to ensure that our marine environment remains healthy and more resilient to the effects of climate change and other pressures.

This draft Management Plan has been developed under the *Environment Protection and Biodiversity Conservation Act 1999* (s.366) and it provides a framework for consistent management of the North Commonwealth Marine Reserves Network as a whole. In preparing this draft Management Plan, the Director of National Parks has considered:

- the Marine Bioregional Plans for the North and North-west Marine Regions, which were completed in 2012, and the associated information
- the report prepared for the proclamation of the Commonwealth Marine Reserves within the North Commonwealth Marine Reserves Network
- the proclamations and purposes governing the use of each marine reserve within the North marine reserves network
- the protection and conservation of biodiversity and heritage in accordance with Australia's obligations under international agreements
- the impact on current uses
- the interests of owners, leaseholders and holders of usage rights
- the interests of Traditional Owners of any Indigenous people's land in the network and any other Indigenous persons interested in the network
- public comments received on the initial proposal to prepare a draft Management Plan (comment period from 17 November to 18 December 2012).

This draft Management Plan includes a description of the North Marine Region, the values of the North Commonwealth Marine Reserves Network and the known pressures affecting the marine environment of the region. It includes the suite of management objectives, strategies, actions and management prescriptions that will be implemented over the 10-year life of the Management Plan to protect the conservation values of the reserves network.

The Director of National Parks invites public feedback on the draft Management Plan.

All comments received will be considered and the draft management plan may be revised accordingly. To ensure your comments are clear and concise please:

- list your points in order, numbered according to the relevant sections or prescriptions (strategies and actions) of the draft plan
- state whether you agree or disagree with prescriptions and give your reasons
- if you disagree, suggest alternatives
- include any matters relevant to management of the reserves in the North Commonwealth Marine Reserves Network that are not covered by the draft plan.

There are two ways to submit feedback:

- Email your comments to:

North.draftplan@environment.gov.au

- Post your comments free of charge to:

Draft North Commonwealth Marine Reserves Network Management Plan,
Department of Sustainability, Environment, Water, Population and Communities
Reply Paid 787
Canberra ACT 2601

Comments on the draft Management Plan for the North Marine Reserves Network must be sent by 14 February 2013. Comments sent after this date or to addresses other than those above cannot be taken into account in finalising the Management Plan.

Please note that all comments may be treated as public documents and may be made public on the department's website.

This draft Management Plan is available at **www.environment.gov.au/marinereserves** and from the Department of Sustainability, Environment, Water, Population and Communities by telephoning the Community Information line on 1800 069 352.

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Department of Sustainability, Environment, Water, Population and Communities

Delegate of the Director of National Parks

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PART 1

INTRODUCTION

Australia has one of the largest marine jurisdictions in the world, containing a vast array of diverse and unique biological and physical features. Our marine environments range from tropical seas in the north to sub-Antarctic waters in the south. These waters are home to a wealth of biodiversity, much of it found nowhere else. The North Commonwealth Marine Reserves Network has been established to protect examples of the biodiversity, habitats and ecosystems of the North Marine Region and parts of the North-west Marine Region.

The North marine reserves network forms part of Australia's National Representative System of Marine Protected Areas (NRSMPA). The establishment of the NRSMPA has been ongoing since 1998 when the Australian, state and Northern Territory governments agreed to its creation. The states and the Northern Territory are establishing marine protected areas in their coastal waters, while the Australian Government has established marine protected areas in Commonwealth waters around Australia. Commonwealth waters start at the outer edge of state and territory waters, generally three nautical miles (5.5 kilometres) from the shore (territorial sea baseline), and extends to the outer boundary of Australia's exclusive economic zone, 200 nautical miles from the territorial sea baseline. The Commonwealth marine area is defined in s.24 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The NRSMPA aims to meet Australia's international commitments as a signatory to the Convention on Biological Diversity to establish a representative system of marine protected areas within Australia's exclusive economic zone.

The creation and management of marine reserves is an important strategy for the conservation and ecologically sustainable use of the marine environment. Marine reserves, when well designed and managed effectively, make an important contribution to maintaining the overall health and resilience of our oceans. The primary goal of the NRSMPA is to establish and manage a comprehensive, adequate and representative system of marine protected areas to contribute to the long-term ecological viability of marine and estuarine systems, to maintain ecological processes and systems, and to protect Australia's biological diversity at all levels.

Marine reserves are just one of a wide range of tools that support the conservation and ecologically sustainable use of the marine environment and its biodiversity. Other key tools include the adoption of ecosystem-based fisheries management, actions to recover threatened species and actions to avoid or mitigate threats such as invasive species, marine debris and land-based sources of pollution. There is substantial protection for the marine environment and threatened and migratory species under the EPBC Act, as well as under sectoral legislation at the Commonwealth and state level.

The North Commonwealth Marine Reserves Network was established in 2012. The network was proclaimed for the purpose of protecting and maintaining marine biodiversity, while allowing for the sustainable use of natural resources in some areas.

The North marine reserves network (Figure 1.1) comprises eight Commonwealth marine reserves, proclaimed under s.344 of the EPBC Act. Together these reserves represent examples of the ecosystems of the North and North-west Marine Regions. The eight reserves are:

- Joseph Bonaparte Gulf Commonwealth Marine Reserve
- Oceanic Shoals Commonwealth Marine Reserve
- Arafura Commonwealth Marine Reserve
- Arnhem Commonwealth Marine Reserve
- Wessel Commonwealth Marine Reserve

- Limmen Commonwealth Marine Reserve
- Gulf of Carpentaria Commonwealth Marine Reserve
- West Cape York Commonwealth Marine Reserve

The Director of National Parks (the Director) is required to prepare a management plan for each Commonwealth reserve under the EPBC Act (ss.366 and 367). The EPBC Act allows a single management plan to be prepared to cover a number of reserves. This approach has been adopted for marine reserves as it allows reserves to be managed at a scale that accommodates the dynamics and connectivity of marine ecosystems. The network approach also establishes consistent management arrangements across all reserves within the network.

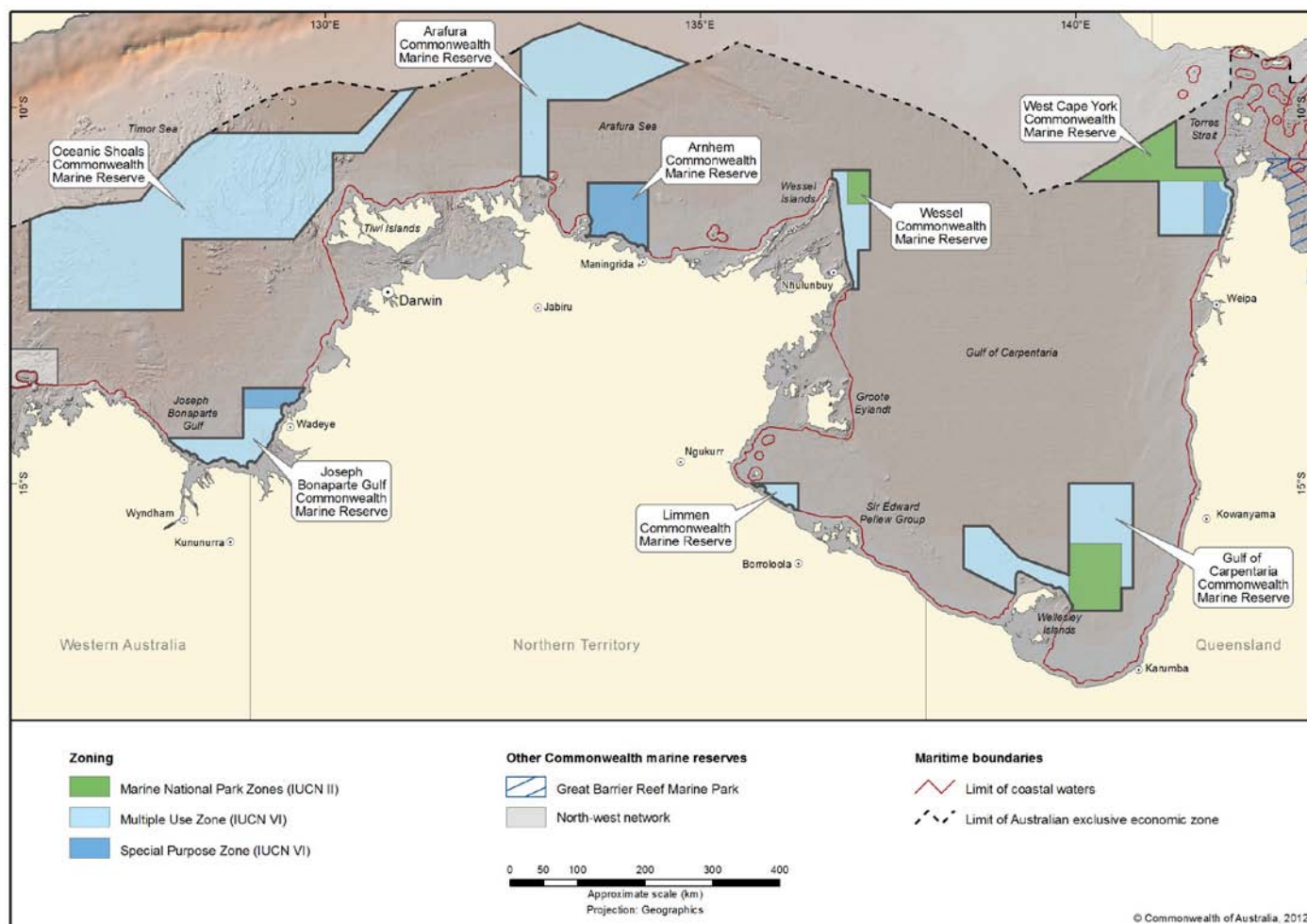


Figure 1.1: North Commonwealth Marine Reserves Network

1.1 Structure of this Management Plan

The Management Plan provides a broad description of the North Marine Region and a summary of regional features represented in the North Commonwealth Marine Reserves Network (see Part 2). It also identifies the conservation values protected by the network. The plan includes information about pressures and potential threats to these values, which require active management and monitoring over time to ensure the objectives of this Management Plan are achieved.

This Management Plan assigns an International Union for Conservation of Nature (IUCN) category to each marine reserve in the North marine reserves network, in accordance with the requirements of s.367(1)(a) of the EPBC Act (see Part 3). When a reserve is divided into zones, each zone is also assigned an IUCN category. The Australian IUCN reserve management principles, prescribed in Schedule 8 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations), provide administrative guidance for managing Commonwealth reserves, and also define broadly what activities are allowable in each reserve and zone and under what circumstances they may be undertaken.

Zoning is a fundamental planning tool in managing marine reserves and defines what activities can occur in which locations so as to protect the marine environment and to provide for ecologically sustainable use where this is allowed. Detailed information about the zoning arrangements is provided in Part 3 of this plan. Maps and descriptions for individual reserves are provided in Appendix A.

The Management Plan outlines the management strategies and actions for research and monitoring, assessment and permitting, compliance, community participation, Indigenous involvement and environmental management (see Part 4). These strategies and actions provide the framework for achieving the plan's objectives and outcomes. This Management Plan also allows for management of local scale, reserve-specific issues during the life of the Management Plan, as management needs change over time.

Included in this Management Plan are the management prescriptions applying to activities associated with human use in the reserves network. These management prescriptions provide the specific detail for how activities are allowed to occur in the reserves network and of prohibited activities in the marine reserves network (see Part 5). Together with Parts 3 and 4, Part 5 of the Plan provides certainty of management intentions, while providing for flexibility to adapt management responses to emerging needs over the life of the management plan. Legislative context and international agreements that influence the management of the reserves network are provided in Appendix B.

1.2 Objectives of the Management Plan

The objectives of the Management Plan are intended to provide clear direction for management of the marine reserves network. The objectives of this Management Plan for the North marine reserves network are to:

- 1. provide for the protection and conservation of biodiversity and other natural and cultural values of the North marine reserves network; and**
- 2. provide for sustainable use of the natural resources within the North marine reserves network where this is consistent with objective 1.**

The management strategies and actions outlined in Part 4 and the management prescriptions outlined in Part 5 aim to achieve the objectives of this plan.

1.3 Introductory provisions for the North marine reserves network

1.3.1 Short title

This Management Plan may be cited as the North Commonwealth Marine Reserves Network Management Plan or, the North marine reserves network Management Plan.

1.3.2 Commencement and termination

This Management Plan will come into operation on 1 July 2014. The plan will cease to have effect 10 years after commencement, unless revoked sooner or replaced with a new Management Plan.

1.3.3 Interpretation

Definitions of terms, concepts, legislation and abbreviations used in this Management Plan are provided in the Glossary.

PART 2

DESCRIPTION OF THE ENVIRONMENT, VALUES AND PRESSURES IN THE NORTH MARINE RESERVES NETWORK

2.1 Description of the North Marine Region environment

The North Commonwealth Marine Reserves Network is in the North Marine Region and extends marginally into the North-west Marine Region. It incorporates Commonwealth waters from west Cape York Peninsula to waters north of Wyndham in Western Australia.

The North Marine Region covers approximately 625 689 km² of tropical waters in the Gulf of Carpentaria and Arafura and Timor seas.

The region is made up of very shallow, generally nutrient poor waters that cover Australia's most extensive areas of continental shelf. It is characterised by shallow-water tropical marine ecosystems, with water depths generally less than 70 metres, and overall ranging approximately from 10 metres to 357 metres. The region is dominated by monsoonal climatic patterns, with a pronounced wet season between December and March and generally dry conditions for the remainder of the year. The interplay between predominantly dry south-east trade winds from May to October and moister north-westerlies over the wet season, contributes to the slow clockwise movement of waters in the Gulf of Carpentaria. Tropical cyclones are a dominant feature in the wet season.

The region is an area of global conservation significance for marine species and as an aggregation area and staging point for migratory birds. Waters in, and adjacent to, the region provide biologically important breeding, feeding and nursery areas for seabirds, marine turtles and dugongs. Six of the world's seven species of marine turtle are found in the region and all are listed as endangered or vulnerable under the EPBC Act. The Australian snubfin dolphin, a resident in the region, is endemic to the Australian continental shelf and is found along the Northern Territory coastline. Other protected species known to occur in the region include sawfish, 28 of the 35 known Australian species of sea snakes, the saltwater crocodile, and a vast array of seahorse and pipefish species. The coral reef systems of the region support some endemic species. However, flora and fauna are generally typical of oceanic reefs in the Indo-west Pacific region. Coral, invertebrates and phytoplankton are all highly diverse, while fish such as snapper, emperor and grouper are common higher-order predators of coral and rocky reef habitats.

Further information on the North Marine Region is available in the Marine Bioregional Plan for the North Marine Region and the associated materials.

2.2 Social, cultural and economic values

The waters of the North Marine Region are important for their cultural and social values and for their economic contributions to Australia and the region. The activities and industries of most significance within the North marine reserves network, based on the resources and values of the region include (in alphabetical order):

- Commercial fishing: there are a number of Commonwealth, state, Northern Territory and jointly managed fisheries operating in the network. The most productive and valuable fishing grounds are generally close to shore. Valuable species targeted in the region include prawns, mackerel and snapper. Land based activities

associated with commercial fishing contribute to the employment and economic activity of coastal communities adjacent to the network. At the time of making of this Plan, no aquaculture activities were occurring in the region.

- **Commercial shipping:** major international transit routes cross the network and shipping lanes throughout the network are some of the nation's busiest. Other major shipping activity is generally related to servicing the mining industry. Shipping is expected to increase in the network due to the expansion of oil and gas operations, onshore and offshore mining, export trade, and increasing cruise ship activity.
- **Commercial tourism and charter fishing:** the network supports a number of marine-based tourism activities. Charter fishing tourism is very popular in northern Australian waters. Other activities include cruise shipping, scuba diving and bird watching.
- **Indigenous uses:** many Aboriginal and Torres Strait Islander peoples have a close, long-standing relationship with coastal and marine environments and continue to rely on these environments and resources for their cultural identity, health and wellbeing, as well as their domestic and commercial economies. Indigenous people of northern Australia have significant interests in the marine environment and provide vital services to its conservation and management. In the Northern Territory, around 85 per cent of the coastline is owned exclusively by Indigenous people under *the Aboriginal Land Rights (Northern Territory) Act 1976*.
- **Petroleum and mining:** at the time of preparing this Management Plan, no extraction of oil or gas was occurring within the North Marine Region. However, there are a number of offshore basins considered to be of medium to highly prospective for economically viable extraction of oil and gas deposits (for example, the Bonaparte Basin which includes the Heron and Evans Shoal gas fields). There are also mining tenements in Commonwealth waters south of Groote Eylandt.
- **Recreational uses:** recreational pursuits are important in the north of Australia and have expanded in line with regional population growth and greater access to sea and air transport. Recreational fishing, diving, yachting and boating are all popular activities.

Other activities in the network include scientific research, commercial media activities and pipelines for the transport of energy transmission (gas).

2.3 Values represented in the North Commonwealth Marine Reserves Network

The North marine reserves network covers 157 483 km² of Australia's tropical marine environment, encompassing the entire North Marine region and extending marginally west into the North-west Marine Region.

The North marine reserves network was designed in accordance with the *Goals and Principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters*¹ to represent the region's biodiversity as it varies across provincial bioregions, depth ranges, large scale biological and ecological features and seafloor features. The network also protects habitats important for threatened species and some places listed under national environmental legislation for their heritage values.

2.3.1 Provincial bioregions

Provincial bioregions² are large areas of the oceans 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 Commonwealth Marine Reserves Network represents provincial bioregions (Figure 2.1):

¹ www.environment.gov.au/coasts/mbp/publications/general/goals-nrsmpa.html (accessed on 13/01/2013).

² Provincial bioregions are identified in the Integrated Marine and Coastal Regionalisation of Australia version 4.0. There are 41 provincial bioregions around Australia.

- Northwest Shelf Transition - contains complex geomorphologic features including coastal areas, the shelves and basins in the Joseph Bonaparte Gulf and banks, shoals, terraces and reefs dissected by valleys on the Van Diemen Rise. These features support diverse biological communities including coral communities, benthic sessile fauna, feeding and breeding habitats for seasnakes, fish, sharks, dolphins and marine turtles. The Northwest Shelf Transition is represented in the Joseph Bonaparte Gulf and Oceanic Shoals Commonwealth Marine Reserves;
- Timor Transition - is characterised by continental slope, canyons, ridges, terraces and the Arafura Depression. Pelagic species are prominent in the open water environment of the Timor Transition and the shelf-edge is believed to support benthic communities associated with cooler water upwellings as well as threadfin fish species. Marine turtles forage in the deeper canyon waters and cold water corals occur at depths of around 200 metres. The Timor Transition is represented in the Oceanic Shoals and Arafura Commonwealth Marine Reserves;
- Northern Shelf Province - extends over the continental shelf and is largely characterised by featureless sandy and muddy continental shelf and basin, turbid coastal waters and submerged barrier reefs at approximately the 30-50 metre water depth. This province encompasses the Gulf of Carpentaria which is the largest semi-enclosed body of water in Australia. Wind driven currents and eddies significantly influence the biology of the eastern and western parts of the Gulf. The animals that inhabit the shallower, coastal areas of the province are very different to those in offshore waters due to increased biological productivity. The province supports important breeding and feeding areas for migratory species such as dugongs, marine turtles and seabirds. The Northern Shelf Province is represented in the Wessel, Limmen, Gulf of Carpentaria and West Cape York Commonwealth Marine Reserves;
- Northeast Shelf Transition - extends from the north-eastern corner of the Gulf of Carpentaria to the Torres Strait. This province is principally located on the continental shelf and is typified by shallow waters and high sea-floor salinity. Tidal flows and currents between the Gulf of Carpentaria and the Torres Strait drive ecosystem processes in this bioregion. Biological communities include marine turtles that utilise the Torres Strait as a migratory corridor, deep water seagrasses and predatory fish. The Northeast Shelf Transition is represented in the West Cape York Commonwealth Marine Reserve.

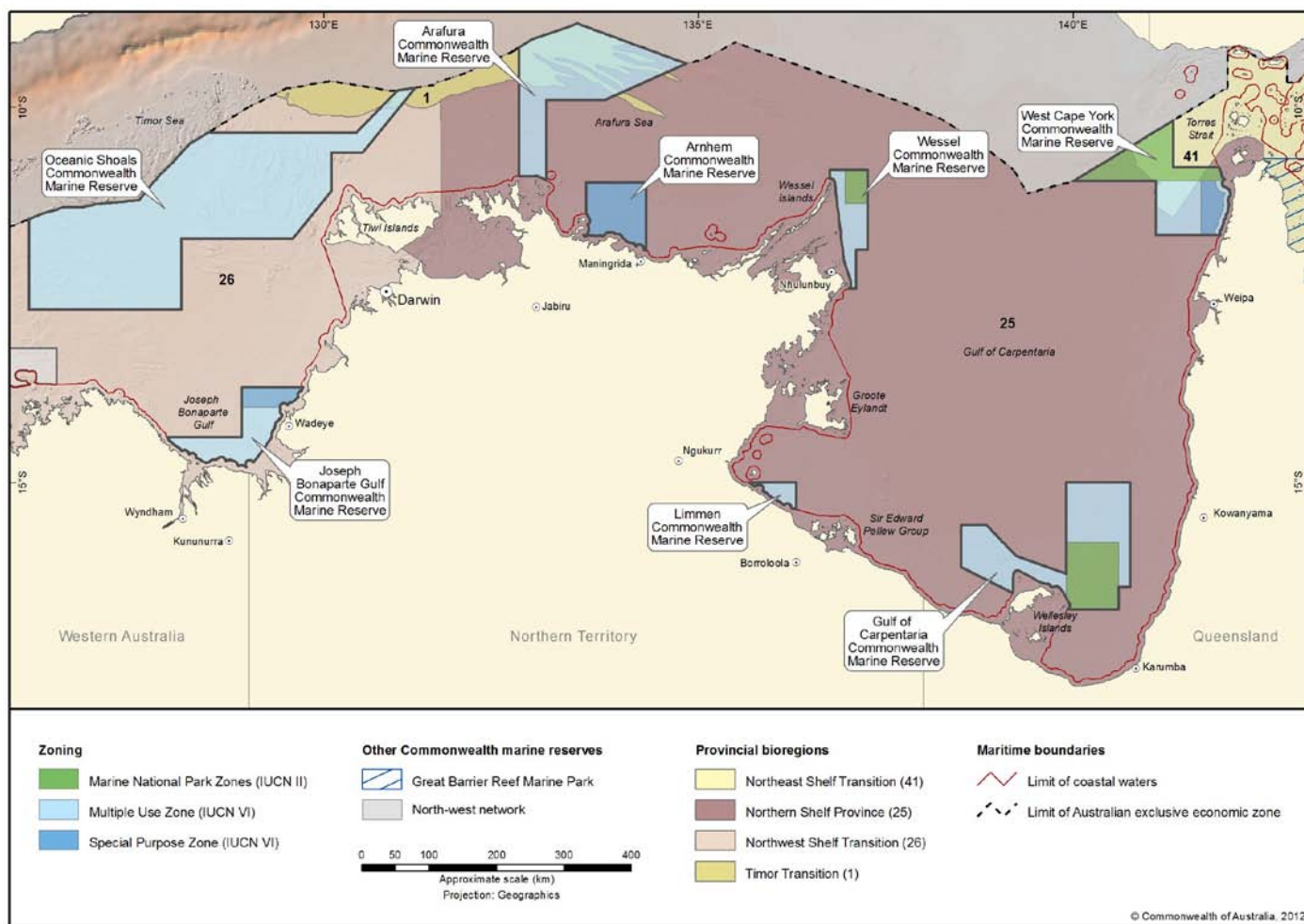
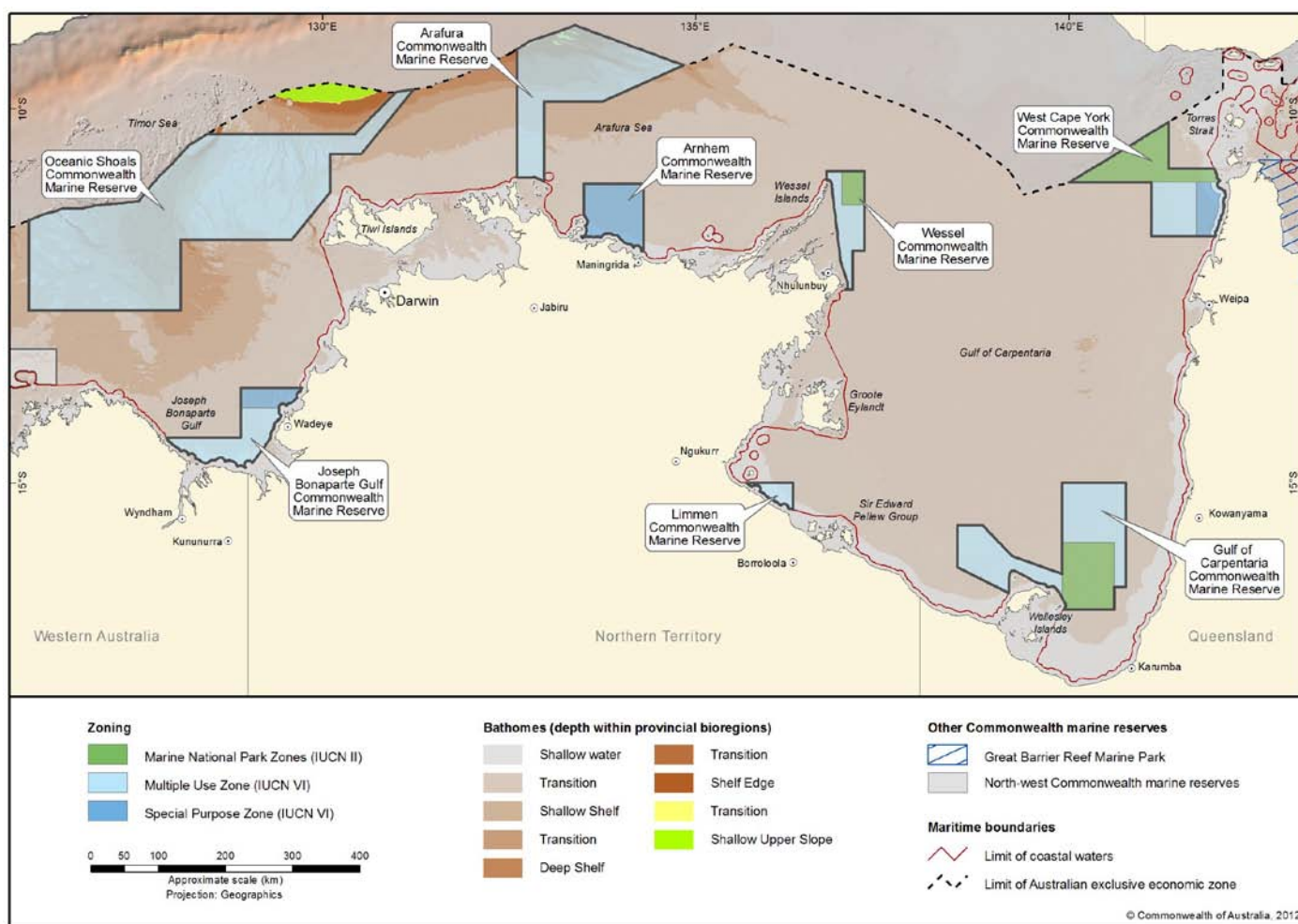


Figure 2.1: Provincial bioregions represented in the North Commonwealth Marine Reserves Network

2.3.2 Depths

Environments of the North marine reserves network are generally shallow, with an average depth of 70 metres and ranging from 10 metres to 350 metres. Marine biological communities change with depth, while similar depth ranges in different bioregions support different groups of species. Scientific assessment has shown that different biological communities live at different depths. Therefore, including different ocean depths within Commonwealth marine reserves networks will ensure that examples of all types of marine biodiversity will be represented. The network represents the various depth ranges that occur within each bioregion: a total of 22 the depth ranges (or bathomes) are represented in the network (Figure 2.2).

Figure 2.2. Depth ranges represented in the North Commonwealth Marine Reserves Network



2.3.3 Large scale biological and ecological features

The marine bioregional planning program identified large scale ecological features that support distinct or important ecological communities at a regional scale. Where these features are considered to be of regional importance for either a region's biodiversity or its ecosystem function and integrity, they are known as key ecological features. Eight key ecological features are represented in the North Commonwealth Marine Reserves Network (Figure 2.3):

- Carbonate Banks and Terrace System of the Sahul Shelf - are important because their likely ecological role in enhancing biodiversity and local productivity relative to their surrounds. The banks are thought to support a high diversity of organisms including reef fish, sponges, soft and hard corals, gorgonians, bryozoans, ascidians and other sessile filter feeders. The banks are known to be foraging areas for loggerhead, olive ridley and flatback turtles. Cetaceans and green and freshwater sawfish are likely to occur in the area. The Carbonate Banks and Terrace System of the Sahul Shelf are represented in the Joseph Bonaparte Gulf Commonwealth Marine Reserve.
- Pinnacles of the Bonaparte Basin – these limestone pinnacles are up to tens of kilometres in length and width. It is likely that the vertical walls generate local upwelling of nutrient rich water, leading to phytoplankton productivity that attracts aggregations of plankton-eating and predatory fish, seabirds and foraging turtles. The Pinnacles of the Bonaparte Basin are represented in the Oceanic Shoals Commonwealth Marine Reserves.
- Carbonate bank and terrace system of the Van Diemen Rise - is part of a larger system associated with the Sahul Banks to the north and Londonderry Rise to the east. Variability in water depth and in substrate composition contribute to the presence of unique ecosystems in the channels. Species present include sponges, soft corals and other sessile filter feeders. Olive ridley turtles, sharks and seasnakes are also associated with this feature. The Carbonate bank and terrace system of the Van Diemen Rise is represented in the Oceanic Shoals Commonwealth Marine Reserve.
- Shelf break and slope of the Arafura Shelf - is characterised by continental slope and patch reefs and hard substrate pinnacles. The ecosystem processes of the feature are largely unknown in the region; however, the Indonesian Throughflow and surface wind-driven circulation are likely to influence nutrients, pelagic dispersal and species and biological productivity in the region. Marine species of this bioregion are mostly related to species of the adjacent Timor–Indonesian Malay marine environment. The Shelf break and slope of the Arafura Shelf is represented in the Oceanic Shoals Commonwealth Marine Reserve.
- Tributary Canyons of the Arafura Depression - are approximately 80–100 metres deep and 20 kilometres wide. The largest of the canyons extend some 400 kilometres from Cape Wessel into the Arafura Depression, and are the remnants of a drowned river system that existed during the Pleistocene era. Sediments in this feature are mainly calcium-carbonate rich, although sediment type varies from sandy substrate to soft muddy sediments and hard, rocky substrate. Marine turtles, deep sea sponges, barnacles and stalked crinoids have all been identified in the area. The Tributary Canyons of the Arafura Depression are represented in the Arafura Commonwealth Marine Reserve.
- Gulf of Carpentaria Basin - is one of the few remaining near-pristine marine environments in the world. Primary productivity in the basin is mainly driven by cyanobacteria that fix nitrogen, but is also strongly influenced by seasonal processes. The soft sediments of the basin are characterised by moderately abundant and diverse communities of infauna and mobile epifauna dominated by polychaetes, crustaceans, molluscs and echinoderms. The basin also supports assemblages of pelagic fish species including plankton-eating and schooling fish, with top predators such as shark, snapper, tuna and mackerel. The Gulf of Carpentaria Basin is represented in the Wessel and Gulf of Carpentaria Commonwealth Marine Reserves.
- Plateaux and Saddle north-west of the Wellesley Islands - has a high abundance and density of species as a result of increased biological productivity associated with habitats rather than currents. Submerged reefs support corals that are typical of northern Australia, and particular reef fish species that are different to those found elsewhere in the Gulf of Carpentaria. Species present include marine turtles and reef fish such as coral

trout, cod, mackerel and shark. Seabirds frequent the plateaux and saddle, most likely due to the presence of predictable food resources for feeding offspring. The Plateaux and Saddle north-west of the Wellesley Islands Gulf of Carpentaria Commonwealth Marine Reserve.

- Submerged coral reefs of the Gulf of Carpentaria - are characterised by submerged patch, platform and barrier reefs that form a broken margin around the perimeter of the Gulf of Carpentaria basin, rising from the sea floor at depths of 30–50 metres. These reefs provide breeding and aggregation areas for many fish species including mackerel and snapper, and offer refuges for seasnakes and apex predators such as sharks. Coral trout species that inhabit the submerged reefs are smaller than those found in the Great Barrier Reef and may prove to be a localised subspecies. The Submerged Coral Reefs of the Gulf of Carpentaria are represented in the Gulf of Carpentaria Commonwealth Marine Reserve.
- Gulf of Carpentaria Coastal Zone - is near pristine and supports many protected species such as marine turtles, dugongs and sawfish. Ecosystem processes and connectivity remain intact; river flows are mostly uninterrupted by artificial barriers and healthy, diverse estuarine and coastal ecosystems support many species that move between freshwater and saltwater environments. The Gulf of Carpentaria Coastal Zone is represented in the Limmen, Gulf of Carpentaria and West Cape York Commonwealth Marine Reserves.

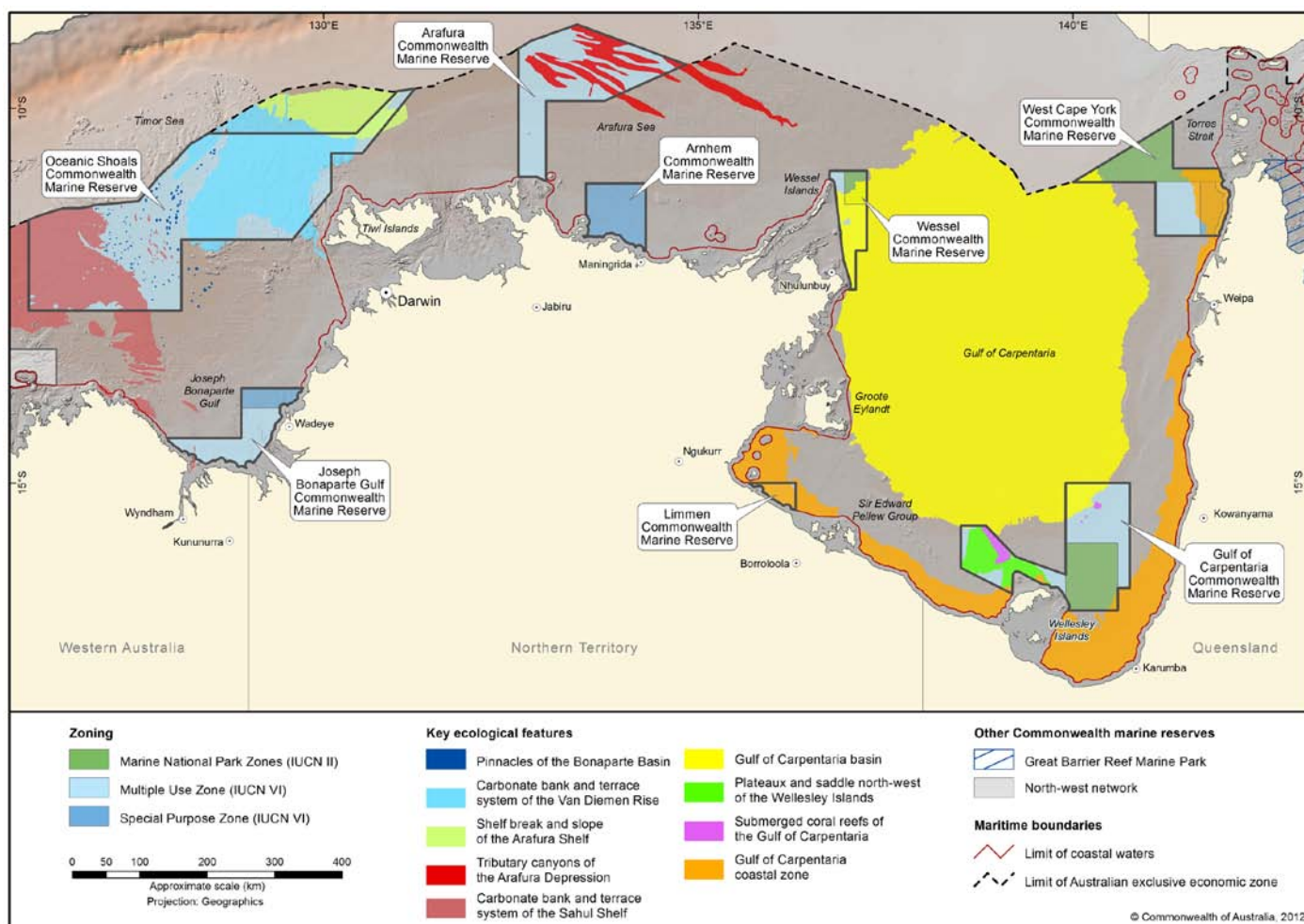


Figure 2.3: Key ecological features represented in the North Commonwealth Marine Reserves Network

2.3.4 Sea-floor features

The landscape-scale physical structure of the sea-floor is important in determining where habitats or species occur. Large physical sea-floor structures (tens to hundreds of kilometres in scale) are referred to as geomorphic or sea-floor features and include, for example, sea-floor pinnacles, underwater seamounts, canyons and reefs. There is a lack of detailed and comprehensive information on the distribution of biodiversity mainly due to the vastness, remoteness and inaccessibility of the deep ocean environments. There is strong scientific evidence that different types of sea-floor features provide different habitats and are associated with different marine species and communities. For this reason, sea-floor features were used as one of the surrogates for biodiversity to design marine reserves networks.

The North marine reserves network contains representative examples of 15 sea-floor types (Figure 2.4).

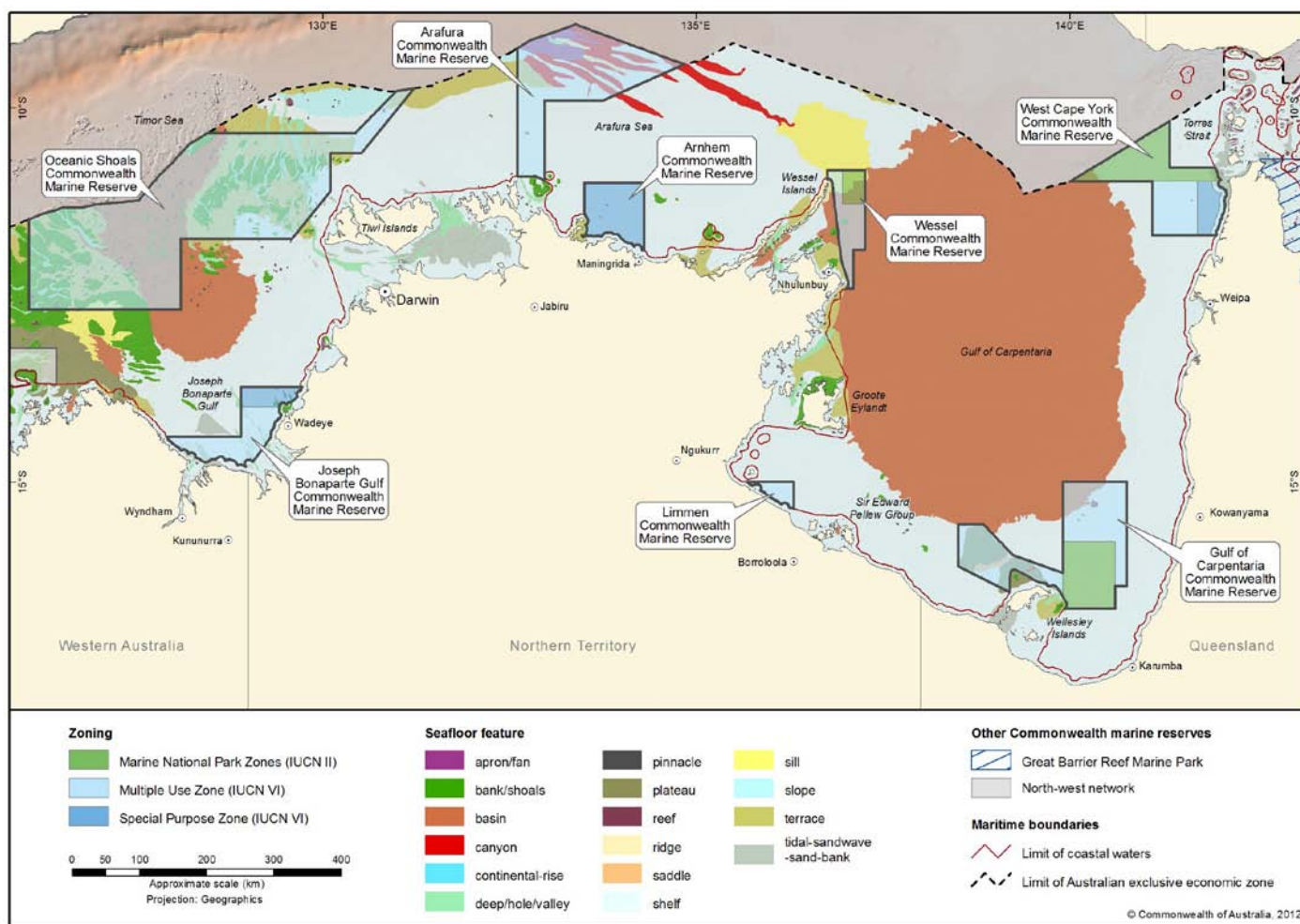


Figure 2.4 Seafloor features represented in the North Commonwealth Marine Reserves Network

2.3.5 Protected species and biologically important areas

The North marine reserves network provides protection to a number of species listed as endangered or vulnerable under Commonwealth legislation or international agreements including cetaceans, marine turtles, dugong, sawfish and a variety of seabirds. The network also contains areas important for species that are listed under:

- the Convention on the Conservation of Migratory Species of Wild Animals 1979 (CMS or Bonn Convention)
- the Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and their Environment 1974 (JAMBA)
- the 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 1986 (CAMBA)
- the Agreement between the Government of Australia and the Government of the Republic Of Korea on the Protection of Migratory Birds 2007 (ROKAMBA).

Biologically important areas are areas where aggregations of individuals of a protected species display behaviours such as breeding, foraging, resting and migration. Biologically important areas highlight those parts of the region that are particularly important for the protection and conservation of protected species. Information on the distribution and types of behaviours, such as foraging, breeding and migration, have been compiled for cetaceans, marine turtles and seabirds. Biologically important areas intersecting the North marine reserves network include:

- inter-nesting areas for threatened marine turtle species including flatback, hawksbill, green and olive ridley turtles
- foraging habitats for the threatened loggerhead turtle, green and olive ridley turtles
- foraging habitats for breeding colonies of the migratory seabirds Brown booby, Lesser frigatebird, Bridled tern, Crested tern, Roseate tern and Common noddy
- foraging habitats for the Australian snubfin dolphin, the Indo-Pacific humpback dolphin and the Indo-Pacific bottlenose dolphin.

Further information on protected species and biologically important areas can be found in the Marine Bioregional Plan for the North Marine Region.

2.3.6 Protected places

Protected places are areas protected under the EPBC Act as matters of national environmental significance (places listed as World Heritage, National Heritage, or wetlands of international importance). Protected places may also include places on the Commonwealth Heritage List or shipwrecks listed under the *Historic Shipwrecks Act 1976*.

At the time of writing this plan, there were no protected places within the North Commonwealth Marine Reserves Network.

2.3.7 Other values

Data on marine biodiversity is relatively scarce when compared to terrestrial environments and the knowledge of the occurrence, distribution and ecology of species within the marine reserves of the North network is coarse, with fine scale data and understanding of local conditions and assets limited to a few better studied areas. Many of the biodiversity values of the North marine reserves are yet to be identified and understood. Strategy 1 of this Plan sets out actions and desired outcomes to ensure that the knowledge basis necessary to underpin management in the long term improves over the life of the plan.

While biodiversity values underpin much of the design of the North marine reserves network, each of its marine reserves is likely to contain a range of other values, including cultural, recreational and historical, that also need to be understood and documented. These intentions are articulated in Strategies 5 and 6 of this Plan.

2.4 Pressures on the conservation values of the North Commonwealth Marine Reserves Network

For the purpose of this plan, pressures are defined broadly as human-driven processes, events and activities that may detrimentally affect the values of the North marine reserves network. Pressures are characterised by two main types: those that are directly associated with human activities in the region and those that are related to the effects of climate change. Further information on pressures is available in the Marine Bioregional Plan for the North Marine Region.

Human pressures on marine ecosystems and biodiversity in the North are low by global standards. This is partly due to the relatively low levels of marine resource use and low coastal population pressure across the region (the exception being in proximity to the large urban centre of Darwin), and partly due to Australia's generally sound management of the marine environment. A number of sources of pressures potentially affecting the network's values nevertheless exist:

- extraction of living resources, associated with commercial fishing; recreational fishing; Indigenous traditional harvest; and illegal, unreported and unregulated fishing
- marine debris, including lost or discarded fishing gear
- chemical pollution/contaminants from onshore and seabed mining operations
- physical habitat modification and changes to hydrological regimes as a result of increasing industrial development in areas adjacent to the region.

Pressures related to the effects of climate change and the associated large-scale effects on the marine environment may include shifts in major currents, rising sea levels, ocean acidification, and changes in the variability and extremes of climatic features (e.g. sea temperature, winds, and storm frequency and intensity). There remains a high level of uncertainty about the effects that climate change related pressures will have on the conservation values protected by the North Commonwealth marine reserves.

This Management Plan is one of a suite of tools that contribute to the management of pressures on the North Commonwealth Marine Reserves Network and surrounding region. It operates alongside other Commonwealth and state programs to manage activities both within and in areas adjacent to the marine reserves network. Other agencies that have an important role in the management of pressures include maritime compliance agencies (e.g. Customs and Border Protection Service, Australian Maritime Safety Authority, National Offshore Petroleum Safety and Environmental Management Authority), fisheries management agencies at both the state and Commonwealth level (e.g. Australian Fisheries Management Authority) and research organisations (e.g. Commonwealth Scientific and Industrial Research Organisation, Geoscience Australia). Similarly, the legal provisions within this plan are only one part of the Commonwealth and state legislative frameworks that provide protection for the network.

This Management Plan establishes a framework for assessing activities and managing pressures on the conservation values of the marine reserves network. This framework includes the use of:

- zoning to reduce pressures across the network and to identify areas where activities can occur with management measures to reduce associated pressures (see Part 3)
- management strategies directed at developing a better understanding of the effects of pressure on the conservation values, avoidance and mitigation of impacts, incident response, compliance of marine reserve users with the provisions of the Management Plan and engaging marine users in collaborative management approaches (see Part 4)
- management prescriptions identifying the activities that require assessment for potential impacts, as part of the permitting or class approvals processes, before they can be undertaken in the marine reserves network (see Part 5)
- determinations, prohibitions and restrictions made under the Regulations to regulate activities (see Part 5).

PART 3

IUCN CATEGORIES AND ZONING OF NETWORK RESERVES

Each of the eight reserves in the North Commonwealth Marine Reserves Network is assigned to an IUCN category by this Management Plan. Four of the reserves - Joseph Bonaparte Gulf, Wessel, Gulf of Carpentaria and West Cape York Commonwealth marine reserves - are also divided into two or more zones by the plan. Each zone is also assigned to an IUCN category (see Sections 3.1–3.2 below).

As noted in Appendix B, the EPBC Act requires a Commonwealth reserve to be assigned to an IUCN category. The EPBC Act also allows a Management Plan to divide a reserve into zones and to assign the zones to an IUCN category (which may differ from the overall category of the reserve). Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each IUCN category. The principles for each IUCN category and the general administrative management principles relevant to the North marine reserves network are set out in Appendix B.

The categorisation and zoning scheme takes into account the purposes for which the reserves were declared, the objectives of this plan (see Section 1.2), and the requirements of the EPBC Act and EPBC Regulations, including relevant reserve management principles, and the IUCN category definitions in the *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. The IUCN categories and associated management principles for each category broadly determine how areas will be managed and which activities covered by the EPBC Act and Regulations can and cannot be conducted in them.

This Plan gives a ‘management zone name’ to each undivided reserve and each zone within the reserves that are divided into multiple zones. The management zone name reflects the objectives of the Plan and activities that can be carried on in each zone, consistent with the IUCN category and relevant management principles.

This Management Plan broadly applies the IUCN categories and management principles as described below.

Category II—National Park

- IUCN definition—Large natural or near natural areas protecting large-scale ecological processes with characteristic species and ecosystems of the area, which also have environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.
- Key management principle—An area that should be protected and managed to conserve its natural condition. The detailed management principles are set out in Appendix B.

Management zone name and management approach:

- *Marine National Park Zone* - Area protected and managed to preserve its natural condition. Intended to provide a high level of protection for the ecosystems, habitats and biodiversity within the area. Activities involving the taking or harvesting of either living or non-living resources will generally be prohibited.

Category VI—Managed Resource Protected Area

- IUCN definition— Areas which conserve ecosystems, together with associated cultural values and traditional natural resource management systems. Generally large, mainly in a natural condition, with a proportion under sustainable natural resource management and where low-level non-industrial natural resources use compatible with nature conservation is seen as one of the main aims of the area.
- Key management principle—Areas should be managed mainly for the ecologically sustainable use of natural ecosystems. The detailed management principles are set out in Appendix B.

Management zone names and management approach:

- *Multiple Use Zone* – Areas managed to provide a heightened level of protection of ecosystems, habitats and biodiversity, while also allowing activities that are compatible with the primary objective of biodiversity conservation and the protection and maintenance of natural values in the long term. Recreational fishing, other recreational uses, charter fishing, tourism and aquaculture will be allowed. Mining operations, including oil and gas exploration and development, will be allowed (depending on whether the operations have been authorised under the referral, assessment and approval provisions of the EPBC Act). Some forms of commercial fishing will be allowed, but not those using the following gear types: set mesh net, pelagic gillnet, bottom trawl (including semi-demersal and semi-pelagic demersal trawl) and demersal long-line.
- *Special Purpose Zone* - Areas managed to provide a heightened level of protection for ecosystems, habitats and biodiversity, while also allowing activities that are compatible with the primary objective of biodiversity conservation and the protection and maintenance of natural values in the long term. Recreational fishing, other recreational uses, charter fishing, tourism and aquaculture will be allowed. Mining operations, including oil and gas exploration and development, will be allowed (depending on whether the operations have been authorised under the referral, assessment and approval provisions of the EPBC Act). Some forms of commercial fishing will be allowed, but not those using the following gear types: bottom trawl (including semi-demersal and semi-pelagic demersal trawl) and demersal long-line.

Table 3.1 sets out the IUCN categories assigned to the network reserves and the zones within reserves, and the relevant management zone name. Details of each marine reserve are given in Appendix A, including a map showing the location of zones, and a general description and major values of each marine reserve.

Management strategies that give effect to the objectives, zoning, IUCN categories and management principles are set out in Part 4. Prescriptions that apply to different zones are set out in Part 5.

Categories and zones

- 3.1 Each Commonwealth marine reserve in the North marine reserves network is assigned to the IUCN category specified in column 2 of Table 3.1, adjacent to the name of the reserve.
- 3.2 Oceanic Shoals, Arafura, Arnhem and Limmen Commonwealth Marine Reserves are given the network management zone names specified in a Column of Table 3.1 adjacent to the name of the Reserve.
- 3.3 Joseph Bonaparte Gulf, Wessel, Gulf of Carpentaria and West Cape York Commonwealth Marine Reserves are each divided into the zones as shown in the map of the Reserve in Appendix A, and each zone is assigned to the IUCN category, and given the management zone name, specified in columns of Table 3.1, adjacent to the name of the Reserve.

Table 3.1: IUCN categories and management zone names in the North Commonwealth Marine Reserves Network

1. Reserve Name	2. IUCN category	3. IUCN categories in each reserve and management zone name	
		IUCN II	IUCN VI
Joseph Bonaparte	VI		Multiple Use Zone
			Special Purpose Zone
Oceanic Shoals	VI		Multiple Use Zone
Arafura	VI		Multiple Use Zone
Arnhem	VI		Special Purpose Zone
Wessel	VI	Marine National Park Zone	Multiple Use Zone
Limmen	VI		Multiple Use Zone
Gulf of Carpentaria	VI	Marine National Park Zone	Multiple Use Zone
West Cape York	VI	Marine National Park Zone	Multiple Use Zone
			Special Purpose Zone

PART 4

MANAGEMENT STRATEGIES

The IUCN categories and associated Australian IUCN reserve management principles (Part 3) guide how the North marine reserves network will be managed to achieve the objectives of this plan (Section 1.2). The principles also guide the application of provisions in the EPBC Act and Regulations relating to Commonwealth reserves, including whether actions and activities subject to those provisions can be carried on within reserve management zones. Parts 4 and 5 of the plan set out the management arrangements to achieve the objectives of the Management Plan consistent with the reserve management principles (Figure 4.1).

Part 4 identifies the management strategies and actions that will be used to achieve the objectives of this Plan, and effectively support the administration of management prescriptions in Part 5. The strategies and actions are consistent with relevant EPBC Act National and Commonwealth Heritage management principles and take account of Australia's obligations under relevant international agreements, including the World Heritage Convention and Ramsar Convention (see Section 2.3.6 – Protected Places).

Part 5 sets out the management prescriptions for specific activities in the network to ensure network management zones are managed consistently with the Australian IUCN reserve management principles. Prescriptions specify whether or not actions and activities subject to the EPBC Act and Regulations are allowed to occur, are allowable under a permit or class approval from the Director, or if they are prohibited in network management zones. Part 5 also sets out the rules for issuing and managing permits and class approvals.

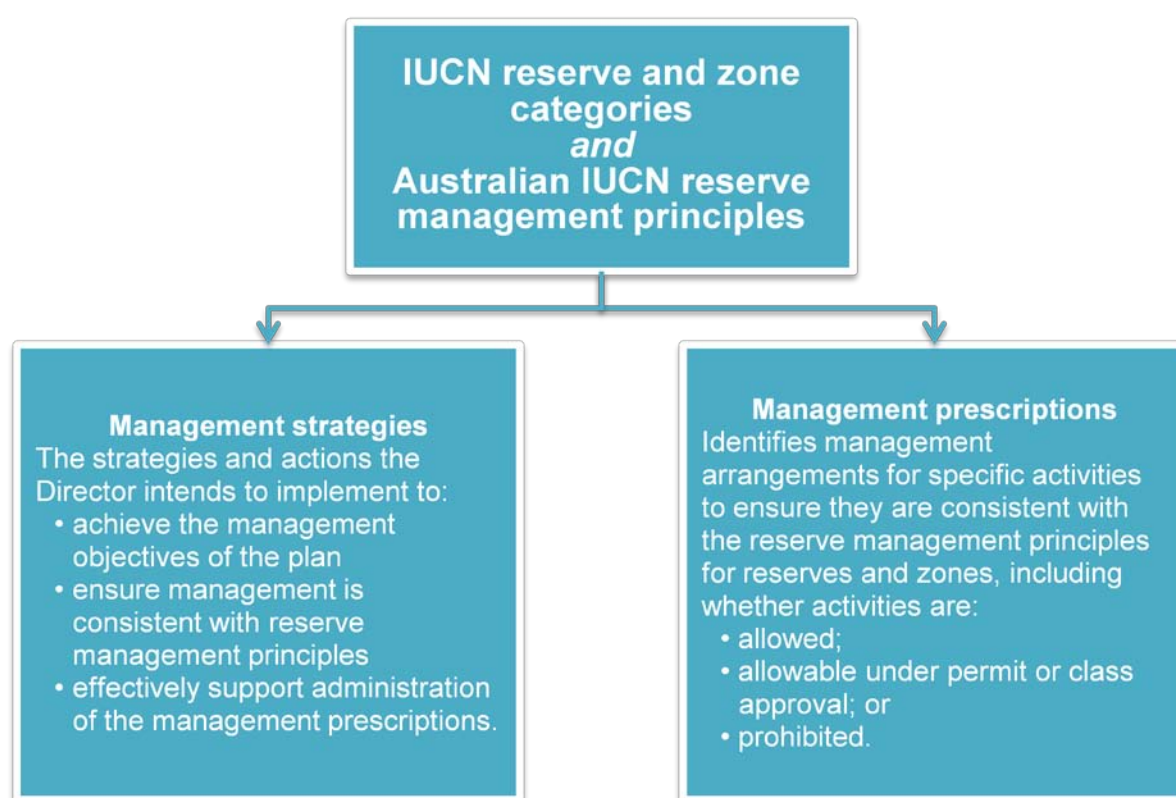


Figure 4.1: Overview of the relationship between the IUCN zone categories, Australian IUCN reserve management principles, management strategies and management prescriptions.

The management strategies and their associated actions provide a structured framework for achieving the objectives of this Management Plan. They collectively support protection of the conservation values of the marine reserves network while providing for sustainable use. The seven management strategies for this Management Plan are as follows:

1. Improve knowledge and understanding of the conservation values of the marine reserves network and of the pressures on those values.
2. Minimise impacts of activities through effective assessment of proposals, decision-making and management of reserve-specific issues.
3. Protect the conservation values of the marine reserves network through management of environmental incidents.
4. Facilitate compliance with this Management Plan through education and enforcement.
5. Promote community understanding of, and stakeholder participation in, the management of the marine reserves network.
6. Support involvement of Indigenous people in management of Commonwealth Marine Reserves
7. Evaluate and report on the effectiveness of this Management Plan through monitoring and review.

The management strategies identify how the objectives of this Management Plan will be achieved. Specific guidance on the mechanisms that will be developed to achieve each strategy is provided in the actions. This Management Plan provides for the development of supporting and further detailed policies, strategies and actions over the time of the Plan. These supporting documents will provide for location-specific reserve management and for engagement of users and other stakeholders as needed.

Strategy 1—Improve knowledge and understanding of the conservation values of the marine reserves network and of the pressures on those values

Improving knowledge and understanding of the conservation values of the marine reserves network and the pressures on those values will increase the capacity to meet the objectives of the Management Plan.

Between 2006 and 2012, the Australian Government undertook a comprehensive consolidation of the scientific basis underpinning environmental decisions relevant to the Commonwealth marine areas, through the Marine Bioregional Planning Program. The North Marine Bioregional Plan (2012) identified and described the region's conservation values, the level of concern with respect to local and global pressures and key knowledge gaps in relation to the marine biodiversity and ecosystems of the North Marine Region. Much of this information underpins the extent and design of the North marine reserves network and provides the foundation for improving, at a finer scale, the knowledge of the ecological communities that inhabit each marine reserve and the way they connect to the surrounding environment.

Climate change and its implications will influence Australia's tropical marine environment in ways that are yet to be understood. One of the benefits of representative systems of marine protected areas, such as the North marine reserves network, is the opportunity they offer for understanding and monitoring large-scale systemic shifts in ecosystem structure and functions. Establishing baseline data for marine reserves and setting up strategic scientific monitoring programs that build on past and current research and utilise Australia's growing ocean observation capabilities are a key focus of this Management Plan.

Research and monitoring activities in the marine environment are expensive; prioritising knowledge gaps, maximising the benefits and uptake of relevant research programs and facilitating partnerships with government agencies, research institutions and marine reserves users, must all be critical elements of the long-term strategy to build the knowledge basis necessary for managing and evaluating Australia's marine reserves estate.

Part 5.10 of this plan sets out the prescriptions for authorising and permitting research and monitoring activities in the network.

Actions

- A1 As part of a national-scale program, develop and implement a North Commonwealth Marine Reserves Network Research and Monitoring Strategy that contributes to increased understanding of the values of the reserves and provides for ongoing reporting of their condition.
- A2 Develop a framework for the long term scientific monitoring of changes in key conservation values protected by the Commonwealth marine reserves and on the pressures on those values.
- A3 Adopt standards and protocols for biophysical and ecological data collected within Commonwealth Marine Reserves.
- A4 Develop partnerships with marine reserve users and research institutions to deliver on strategic information needs and to inform research programs and government and industry investment in marine research.

Outcomes

- Understanding and knowledge of those conservation values identified as of priority for management improve over the life of this plan.

- Understanding of the pressures affecting key conservation values, improves over the life of this plan and management actions are adapted to take account of the latest available information.
- Data arising from monitoring and research conducted within the North marine reserves and the findings of the research can be easily accessed and shared.
- Research and monitoring needs are met in partnership with relevant research organisations and marine reserves users.

Strategy 2—Minimise impacts of activities through effective assessment of proposals, decision-making and management of reserve-specific issues

The primary purpose of the North Commonwealth Marine Reserves Network is to protect and maintain biological diversity, while also allowing for the sustainable use of natural resources in some areas. This is reflected in the objectives of this Plan (see Part 1). As described in Part 2 of this Plan a range of activities are carried out within and around the marine reserves of the North network. Ensuring that these do not impact on the values of the reserves while also reducing unnecessary administrative burdens on marine reserve management resources and stakeholders, is a key focus of this Plan.

The Strategies in this Part of the Plan set out how the Director will work to deliver the objectives of the Plan. The prescriptions in Part 5 set out how activities of users of the Network will be managed and provides that actions and activities that are otherwise prohibited in Commonwealth reserves by a provision of the EPBC Act or Regulations are:

- allowed (and can be done without the need for a permit or class approval);
- allowable (and can be done in accordance with a permit or class approval issued by the Director of National Parks); or
- prohibited (and cannot be authorised to be done).

Allowed activities under Part 5 of this Plan are those that are known to be likely to have minimal if any impact on the values of relevant network management zones, including if they are done in accordance with conditions prescribed in Part 5 and other applicable laws, and necessary limitations imposed by the Director in accordance with this Plan under the EPBC Regulations (these activities include recreational fishing and vessel transit).

Allowable activities will be authorised (where appropriate) by a permit or class approval issued by the Director under Section 5.2 of the Plan. Impacts of allowable activities require assessment before being authorised. A permit or class approval will not be issued if an activity is considered likely to have unacceptable impacts (that cannot be addressed through the conditions of a permit or approval). Allowable activities proposed to be undertaken by the Director of National Parks should also be assessed before proceeding.

This Plan provides for activity assessment that avoids duplication in processes in relation to consideration of actions that relate to matters protected by Part 3 of the EPBC Act, to reduce unnecessary administrative burdens on marine reserve management resources and stakeholders. Actions that have, will have or are likely to have a significant impact on the environment in Commonwealth marine areas and other matters of national environmental significance (e.g. endangered species), or another matter protected by Part 3, are subject to the referral and assessment provisions of Chapter 4 of the EPBC Act. This Management Plan provides for certain activities (e.g. mining operations) to be approved if they have been considered and authorised under Chapter 4. The EPBC Act referral and assessment processes will also be used to inform decision-making by the Director of National Parks in relation to approval of other allowable activities.

The impacts of some allowable activities may also be subject to assessment under other legislation and management frameworks. A separate assessment under this Management Plan may not be required if the Director is satisfied that the impacts of an activity have been adequately assessed under other laws and frameworks.

In carrying out an assessment and making a decision required under this Plan, the Director will assess and take into account likely impacts of the activity, alignment with the objectives of this Management Plan and consistency with the Australian IUCN reserve management principles applicable to the relevant network management zone.

Where Part 5 of this Plan provides that the Director may authorise an allowable activity, authorisation will generally be given by a permit applied for by the proponent and issued under Part 17 of the EPBC Regulations (see Section 5.2.2 of this Plan). Where provided for by Part 5, and considered appropriate having regard to the impacts of a type of activity, the Director may issue a class approval for the activity under Section 5.2.7 as an alternative to the need for each person conducting the activity to apply for a permit.

Permits and class approvals (including those that Part 5 provides the Director will issue) will be issued subject to conditions that are considered necessary, including to ensure the activity is conducted in a manner to avoid or minimise impacts. Permits or approvals may be varied, suspended or cancelled where conditions have not been complied with or it is necessary to protect values or achieve the objectives of this Plan.

The Director may also make prohibitions, restrictions or determinations under the EPBC Regulations and in accordance with relevant prescriptions in Part 5 relating to certain activities where doing so is necessary to protect values or otherwise achieve the objectives of this Plan (see Sections 5.3 (General access and use), 5.5 (Commercial fishing) and 5.7 (Recreational fishing)).

Actions

- A5 Establish efficient and effective processes for assessment, decision-making and authorisation of activities within the North Commonwealth Marine Reserves Network.
- A6 When the interests of stakeholders are likely to be affected by a decision under this Management Plan, as far as practicable consult with relevant users in a timely and appropriate way; provide an opportunity to comment on the proposed decision and associated actions; take any comments into account; give reasonable notice before decisions are taken or implemented (except in cases of emergency); and provide reasons for decisions.
- A7 Investigate further use of class approvals where there is a sound case for effectively assessing and efficiently approving users that carry out a class of activities in a uniform way.
- A8 Identify reserve specific issues and develop, implement and evaluate management responses where appropriate.

Outcomes

- Potential impacts of allowable activities on the conservation values of the marine reserves network are identified and avoided or mitigated by appropriate assessment and authorisation processes
- Authorisation processes are streamlined to improve efficiency and effectiveness, and reduce duplication.

Strategy 3—Protect the conservation values of the marine reserves network through management of environmental incidents

The objectives of the Management Plan provide for the protection and conservation of biodiversity and other natural and cultural values. An important part of the management arrangements is to protect these values from detrimental impacts resulting from unexpected or unforeseen incidents.

Environmental incidents have the potential to impact the conservation values of the network. For example, incidents such as the introduction of marine pests, oil and chemical spills, foundering vessels, lost cargo and ghost nets can occur with little or no warning. Because of this, it is important to be aware of any environmental incident as soon as possible so that any impact to the conservation values can be minimised. The establishment of systems that encourage users of the marine reserves network to report environmental incidents is required for the effective management of such incidents. Collaboration with government agencies and industry stakeholders that possess the capability and expertise to respond to environmental incidents is essential.

Actions

- A9 Establish systems for timely reporting of and response to environmental incidents.
- A10 Respond to environmental incidents that threaten the values of the marine reserves network.
- A11 Maintain effective liaison and partnerships with relevant Commonwealth and state environmental incident response authorities.

Outcomes

- Impacts associated with environmental incidents are identified and managed appropriately.
- Systems for timely reporting of and response to environmental incidents are effective.

Strategy 4—Facilitate compliance with this Management Plan through education and enforcement

People, businesses and organisations that use the marine reserves network are required to comply with this Management Plan.

A well-developed education and risk-based enforcement program tailored to people and industries that use marine reserves is a critical component for effectively managing marine reserves. As a priority, relevant information about the conservation values of the North marine reserves network and the zoning and management prescriptions will be produced to support the needs of marine reserve users. Voluntary compliance with this Management Plan will be promoted by increasing users' understanding of the conservation values of the network and the purpose of the North marine reserves network. Compliance measures may need to evolve to ensure that the conservation values are protected and that there are no unnecessary imposts on users of the network.

Effective enforcement is supported through risk-based planning, incorporating targeted monitoring and surveillance (e.g. aerial and vessel based), and the collection of intelligence from other sources. In this regard, strong links with Commonwealth and state enforcement agencies to share information and cooperate in joint enforcement activities are important. For example, the Director has agreements with the Australian Customs and Border Protection Service for the provision of surveillance services in marine reserves and with the Australian Fisheries Management Authority for fishing vessel monitoring.

Wardens are appointed under the EPBC Act to enforce compliance with the EPBC Act and Regulations. All Australian Federal Police and Australian Customs officers are wardens for the purposes of the EPBC Act. Officers of other Commonwealth agencies and of Northern Territory, Queensland and Western Australian government agencies may also be appointed as wardens in relation to the North marine reserves network.

The EPBC Act sets out civil and criminal penalties for breaches, and the EPBC Regulations set out criminal penalties. Administrative remedies, such as the issuing of infringement notices, may also be available in some circumstances.

Actions

- A12 Implement reliable methods for monitoring compliance with this Management Plan.
- A13 Develop, maintain and disseminate appropriate information to enable users of the marine reserves network to comply with the provisions of this Management Plan.
- A14 Consult with users of the network to identify opportunities to improve compliance measures.
- A15 Implement a risk-based annual compliance plan.
- A16 Establish a reporting system that supports users and visitors of the marine reserves network to report suspected non-compliant activity.
- A17 Build effective working partnerships and agreements with Commonwealth and state government agencies for the delivery of compliance services.
- A18 Investigate and monitor suspected non-compliant activity and, where appropriate, take enforcement action.
- A19 Support initiatives and programs which promote best practice standards that guide use, and minimise impacts on the marine environment.

Outcomes

- Marine reserves network users have a clear understanding of what is required to comply with this Management Plan.

- Marine reserves network users contribute to the management of the network through the reporting of suspected non-compliant activity.
- Activities within the marine reserves network are undertaken in a manner that is consistent with the management arrangements as specified in this Management Plan.

Strategy 5—Promote community understanding of, and stakeholder participation in, the management of the marine reserves network

Commonwealth marine reserves protect and maintain Australia's unique marine biodiversity. They are an important part of the overall management arrangements for ensuring our oceans and the life they support are healthy, resilient and used sustainably. It is important that the Australian community understands the importance of the marine reserves network and why it has been established. Marine reserve users can significantly contribute to management of the marine reserves network through sharing their knowledge and understanding of the marine environment and how people use it. Stakeholder participation is an important element of network management. To facilitate this participation it is intended that consultative structures will be established to engage users in the management of the North marine reserves network. The Director will use these consultative structures to address conservation issues and other issues of interest to reserve users and the wider public.

Actions

- A20 Develop and implement a communication and education Plan that increases community understanding of the importance of the marine reserves network and meets reserve-specific needs for communication about the values protected and management arrangements and requirements.
- A21 Maintain effective working relationships with user groups to facilitate the exchange of knowledge, understanding and participation in the management of the marine reserves network.
- A22 Establish consultative structures (e.g. committees) to engage in management of the marine reserves network.

Outcomes

- Stakeholders and the community understand the importance of the marine reserves network, the values it protects and management arrangements.
- Stakeholders effectively participate in the management of the marine reserves network.

Strategy 6 - Support involvement of Indigenous people in management of Commonwealth Marine Reserves

The Indigenous peoples of the North coast have been sustainably using and managing their sea country, including areas now included within Commonwealth Marine reserves, for thousands of years – in some cases since before rising sea levels created these marine environments. They continue to rely on coastal and marine environments and resources for cultural identity, health and wellbeing, and economic activities. The saltwater people of the North belong to discrete clan estates and language groups that occupy, or traditionally occupied, discrete areas or country. 'Country' refers to a place of origin – literally, culturally or spiritually and 'sea country' and/or 'saltwater country' are terms that refer to an estate or cultural domain in which no separation between land and sea is made.

In some locations, Indigenous communities have developed ranger capabilities. Indigenous rangers play a significant role in the management of coastal and marine resources. Activities undertaken include monitoring of the coastline for illegal fishing, protection of native flora and fauna, quarantine surveillance, cleaning up of marine debris (including ghost nets) from beaches, and research into and protection of key species such as dugongs and marine turtles.

The Australian Government recognises and respects the knowledge Indigenous people have in managing Australia's land, fresh water and sea, and in conserving biodiversity. It recognises Indigenous Australians as key partners in managing Australia's environment and cultural heritage.

Native Title is a term that refers to the recognition in Australian law that some Indigenous people continue to hold rights to their lands and waters that come from their traditional laws and customs. The *Native Title Act 1993* provides for the recognition of native title on land and in the sea. Section 8 of the EPBC Act provides that the Act does not affect the operation of the Native Title Act.

Indigenous people can contribute to the management of marine reserves networks through sharing their knowledge and understanding, of the marine environment and through participation the management and sustainable use of the resources of these reserves.

Actions

- A23 Drawing on the significant body of knowledge built as part of sea country planning and similar initiatives across Australia, and in consultation with relevant representative organisations, consolidate and communicate information about cultural values protected in the North Commonwealth marine reserves
- A24 Identify opportunities for Indigenous people to engage in the management of sea country in Commonwealth marine reserves, for example through the delivery of critical management services, such as monitoring and surveillance.
- A25 Build effective partnerships with Indigenous communities and organisations that have an interest in the marine reserves network.

Outcomes

- Indigenous people and organisations are partners in the management of sea country within Commonwealth marine reserves.
- Management activities within Commonwealth marine reserves respect and complement existing Indigenous governance arrangements and activities.

Strategy 7—Evaluate and report on the effectiveness of this Management Plan through monitoring and review

The primary focus of this strategy is on evaluating the effectiveness of the management arrangements outlined in this Management Plan in meeting the management objectives for the marine reserves network listed in section 1.2.

A monitoring, evaluation and reporting program will identify monitoring objectives based on the management objectives and information priorities for the network. The monitoring, evaluation and reporting program will establish arrangements to obtain the information needed to review the effectiveness of the implementation of the Management Plan before its expiry, while also enabling periodic reporting as required. Evaluations of effectiveness provide an important mechanism to identify refinements to and opportunities for improvement of the Management Plan and its implementation.

Actions

- A26 Establish a program that measures and monitors progress on actions and outcomes
- A27 Report annually on the North Commonwealth Marine Reserves Network in the Director of National Parks annual report.
- A28 Evaluate and report on the implementation of the Management Plan before its expiry. The report will consider:
 - an assessment of the existing measures to protect the North Commonwealth marine reserves network
 - progress of management plan strategies and actions towards achieving the stated outcomes
 - options for improving management of the network.

Outcomes

- Management is improved on the basis of new information and knowledge.
- Improved understanding of the conservation values, and the pressures on such values, of the marine reserves network.
- The establishment of a program which provides the foundation for the long-term monitoring, evaluation and reporting on the marine reserves network.
- Effective reporting on reserve management to inform stakeholders and meet statutory requirements.

PART 5

MANAGING USE OF THE NORTH COMMONWEALTH MARINE RESERVES NETWORK

This Part of the management plan prescribes how activities that are covered by provisions of the EPBC Act and Regulations relating to Commonwealth reserves will be managed in the North-west marine reserves network. It sets out, through management prescriptions, whether such activities can be undertaken and if so, how they will be managed. This includes the use of permits and class approvals to authorise activities; and determinations, prohibitions and restrictions made under the EPBC Regulations to regulate activities.

Approvals for actions and mining operations under s.359B provide interim authorisation while a management plan is not in operation and cease to have effect when a plan comes into operation. This plan provides for permits or approvals to be issued for these actions and mining operations to continue in appropriate network management zones, and that class approval will be given for commercial fishing and for mining operations in appropriate zones where the operations have been authorised under Chapter 4 of the Act.

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

5.1 Outline of Part 5

The EPBC Act (ss.354/354A and 355/355A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a Management Plan (Appendix B). These actions include killing, injuring, taking, trading, keeping or moving members of native species, actions for commercial purposes and mining operations. The EPBC Regulations control, or allow the Director of National Parks to control, a range of activities in Commonwealth reserves such as access, use of vessels, waste disposal, commercial fishing, recreational fishing and research.

An activity that is otherwise prohibited in the North marine reserves network by the EPBC Act or Regulations may be carried on if it is done in accordance with either:

- a prescription in Part 5 that allows the activity to be done (allowed activities)
- a permit or class approval issued by the Director of National Parks under a prescription in Part 5 (allowable activities).

Depending on the type of activity, other provisions of the EPBC Act and/or other Acts may also apply to the activity (e.g. fisheries laws and laws relating to oil and gas exploration and production).

Section 5.2 sets out the prescriptions that apply to the issuing and managing of permits and approvals that are required and provided for by Sections 5.3–5.12. Those sections set out specific prescriptions for different types of activities. Prescriptions in Section 5.3 (General use and access) apply to all activities in the North marine reserves network.

Table 5.1 provides a general guide as to whether activities are allowed, allowable under a permit or class approval, or prohibited in the network management zones within the North marine reserves network by Sections 5.3–5.12.

Table 5.1: Summary of management arrangements for activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
General use – including recreational use (non-fishing) and general transit (See Section 5.3)	✓	✓	✓
General use – ballast water discharge and exchange (See Section 5.3)	✓	✓	✓
Commercial shipping – including general transit (See Section 5.4)	✓	✓	✓
Commercial fishing (except as indicated below) (See Section 5.5)	✗	CA	CA
Bottom trawl (including semi-pelagic demersal trawl and semi-demersal trawl); demersal longline	✗	✗	✗
Set mesh net; pelagic gillnet	✗	CA	✗
Commercial tourism – fishing (including charter fishing tours) (See Section 5.6)	✗	P ¹	P ¹
Commercial tourism – non-fishing, including nature watching, scuba or snorkel tours and use of aircraft (See Section 5.6)	P ¹	P ¹	P ¹
Commercial media – including in-water filming and photography (See Section 5.6)	P ¹	P ¹	P ¹
Recreational use – fishing including spearfishing, organised fishing competitions and clients of charter fishing (See Section 5.7)	✗	✓	✓
Mining – authorised under Part 7 or 9 of the EPBC Act (See Section 5.8)	✗	CA	CA
Mining – other than mining authorised under Part 7 or Part 8 of the EPBC Act (See Section 5.8)	✗	P	P
Mining – construction and operation of pipelines (See Section 5.8)	P	P/CA	P/CA

Activity	Marine National Park Zone (IUCN II)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Structures and works-including moorings, excavation and maintenance (See Section 5.9)	P	P	P
Structures and works-disposal of dredge spoil (See Section 5.9)	✘	P	P
Research and monitoring (See Section 5.10)	P ¹	P ¹	P ¹
National security defence and emergency response (See Section 5.11)	✓	✓	✓
Activities not otherwise specified (See Section 5.12)	P ¹	P ¹	P ¹

- ✓ Activity is allowed in accordance with Plan prescriptions (without the need for a permit or class approval)
- ✘ Activity is not allowed at all (i.e. totally prohibited).
- CA Activity is allowable in accordance with a class approval issued by the Director of National Parks.
- P Activity is allowable in accordance with a permit from the Director of National Parks.
- P/CA Activity is allowable in specified zones in accordance with a permit (if the operation is not authorised under Part 7 or part 9 of the EPBC Act) or a class approval (if the operation is authorised under Part 7 or part 9 of the EPBC Act) issued by the Director of National Parks.
- ¹ Activity may also be authorised in accordance with a class approval issued by the Director of National Parks.
- Note: Only gear types specified in a commercial fishing class approval can be used in the conduct of that activity. Gear types not specified in an approval will be required to undergo assessment of the impacts on the area in which they are proposed to be used before a decision is made on whether to approve their use.

5.2 Permits and class approvals for allowable activities

As noted in Section 5.1, this plan provides for certain activities that are otherwise prohibited in Commonwealth reserves to be carried on in accordance with either a permit or a class approval issued by the Director of National Parks ('allowable activities'). Part 17 of the EPBC Regulations contains provisions for issuing and managing permits, including permit applications, preconditions and content of permits; and varying, suspending and cancelling permits. These provisions are adopted for permits authorised by this plan. Class approvals, and the rules for their issue and management, are established by this plan.

Permits are used to authorise the person(s) named in the permit to conduct an activity. Class approvals are used to authorise all persons, or a class of persons, carrying on a type of activity specified in the approval.

Decision-making about permits and approvals will be consistent with the objectives of this management plan in Section 1.2, the IUCN categories and zoning prescribed in Part 3, and the actions required for assessment of proposals and decision-making prescribed in Strategy 2 in Part 4 of this plan.

Prescriptions

5.2.1 This section applies where Sections 5.3–5.12 of this management plan provide that an activity may be done in accordance with a permit or class approval issued by the Director.

Permits

5.2.2.1 A permit may be issued for allowable activities where provided for by Sections 5.3–5.12 of this plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) in the section of this plan relating to the particular activity.

Permit rules

- 5.2.3 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.
- 5.2.4 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, the Director will consider any referral or assessment documents and related information.
- 5.2.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

Class approvals

Mining operations and commercial fishing

- 5.2.6 The Director will issue class approvals for:
- a) commercial fishing operations (subject to prescriptions in Section 5.5 of this Plan);
 - and
 - a) mining operations covered by Sections 5.8.4 and 5.8.5 of this Plan (subject to the other prescriptions of Section 5.8).

Other activities

- 5.2.7 A class approval may be issued for other allowable operations where provided for by Sections 5.3–5.12 of this Plan, if the Director is satisfied that:
- a) the operations are not likely to have an unacceptable impact on the values of the marine reserve; and

- b) the operations will be conducted in a manner consistent with achieving the objectives of this Management Plan.

Approval rules

5.2.8 A class approval may be issued subject to conditions, including (without limitation):

- a) to specify the area in which and the periods during which the approved activity may be carried on
- b) to regulate the use of, prohibit or require the use of, specified gear, equipment or practices
- c) the provision of or consent for access to data for compliance and monitoring purposes.

5.2.9 A class approval may be suspended or cancelled, and approval conditions may be varied or revoked if the Director is satisfied that:

- a) the operations to which the approval relates have not been, are not being, or likely will not be, carried on in accordance with the approval or a condition of the approval; or
- b) the operations to which the approval relates are having, or are likely to have, an unacceptable impact on the values of the area to which the approval relates; or
- c) the operations to which the approval relates are likely to cause an unacceptable risk to public health and safety;

and class approval conditions may also be:

- d) revoked if the Director is satisfied that the condition is not necessary and revocation will not likely result in the operation to which the approval relates having an unacceptable impact on the values of the area to which the approval relates; or
- e) varied if the Director is satisfied that the condition as varied
 - i is more appropriate, for protection of the values of the area to which the approval relates; or
 - ii will not be likely to result in the operation to which the approval relates having an unacceptable impact on the values of the area to which the approval relates.

5.2.10 A class approval issued under Section 5.2.6. or 5.2.7 may be varied, suspended or cancelled if the Director is satisfied there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued (for example because of new information, if a relevant matter that the Director took into account in deciding to issue an approval has changed or no longer exists.)

5.2.11 A class approval may be revoked at the request of the persons to whom the approval relates, and may be varied to remove a person from the class of approved persons at the request of that person.

5.2.12 A class approval may be varied to remove a person from the class of approved persons if the Director is satisfied the person:

- a) has breached a condition of the approval; or
- b) the person has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act or Regulations or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.

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.

5.3 General use of and access to the North Commonwealth Marine Reserves Network

Economic activity within the North marine reserves network includes international and domestic commercial shipping, petroleum resources exploration and development, commercial fishing, commercial tourism (including charter fishing) and boating. Recreational activities include nature watching and fishing.

As noted in Section 5.1 and Appendix B of this plan, the EPBC Act and Regulations control or enable the Director of National Parks to control a range of activities in Commonwealth reserves. 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 enabling the Director to:

- determine areas where waste may be disposed of (r. 12.14A and 12.14B) where this is consistent with any relevant Commonwealth law or international agreements
- prohibit or restrict entry or activities (rr.12.23 and 12.23A)
- determine adventurous activities and areas where adventurous activities may be done (r.12.26)
- make determinations about use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits (r.12.56); and
- make determinations about use of aircraft in and over reserves (r.12.58).

The prescriptions in this section apply to the operation of the general regulatory provisions that are of particular relevance to the North marine reserves network, and apply to all users of the network, including those carrying on activities provided for under other sections of this part of the plan.

Table 5.2 provides a general guide to the prescriptions in this plan applying to all users of the network.

Prescriptions

5.3.1 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 necessary:

- c) to protect and conserve natural and cultural heritage values
- d) to ensure human safety or visitor amenity; or
- e) 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 any other prescription in this Plan.

5.3.2 The Director may make a determination under r.12.14B of the EPBC Regulations specifying areas that may be used for the discharge, disposal of, release or leaving of industrial or domestic waste and may issue permits to do so in areas of the network not subject to such a determination.

- 5.3.3 Disposal of waste in connection with activities authorised under Section 5.9 of this Plan will be managed in accordance with that Section 5.9.
- 5.3.4 Ballast water may be discharged or exchanged, subject to compliance with:
- the Australian Ballast Water Management Requirements and relevant state ballast water management arrangements
 - relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management; and
 - relevant prohibitions, restrictions and determinations made by the Director under this plan.

Table 5.2: Summary of management arrangements for general use activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Recreational use - non-fishing (nature watching)	✓	✓	✓
Vessel transiting	✓	✓	✓
Ballast water discharge and exchange	✓	✓	✓

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).

Note: Refer to Appendix A for information on zones within specific marine reserves of the North marine reserves network.

5.4 Commercial shipping

Maritime transport is vital to Australia's economy. Sea transport is an important activity within the North marine region and in coastal waters adjacent to the region. The region is a major international transit route and shipping lanes through the region are some of the nation's busiest. Some of the shipping routes transect the North marine reserves network, particularly the Gulf of Carpentaria, West Cape York, Wessel, Arafura and the Oceanic Shoals Commonwealth Marine Reserves.

Sections 354 and 354A of the EPBC Act require commercial activities, including incidental activities such as transit, to be undertaken in accordance with this plan.

Australia is a party to a number of international agreements relevant to shipping, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and the International Convention for the Prevention of Pollution from Ships (MARPOL), which are outlined in more detail in Appendix B. UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and right of freedom of navigation through Australia's exclusive economic zone. MARPOL deals with the preservation of the marine environment through the prevention and minimisation of pollution from ships.

There are also a range of national policies and procedures relevant to shipping such as the National Plan to Combat Pollution of the Sea by Oil and the Australian Ballast Water Management Requirements. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 5.3 (General use and access).

A summary of management arrangements for shipping activities in the North marine reserves network is provided in Table 5.3.

Prescription

- 5.4.1 Commercial shipping may transit through the North marine reserves network, subject to compliance with prescriptions in Section 5.3 (General use and access) and relevant prescriptions in Sections 5.5–5.12 relating to the activity in which shipping is involved.

Table 5.3: Summary of management arrangements for shipping activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Vessel transiting	✓	✓	✓

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval)

Note: Section 5.3.4 applies to prescriptions regarding ballast water discharge or exchange

Note: Refer to Appendix A for information on zones within specific marine reserves of the North marine reserves network.

5.5 Commercial fishing

Commercial fishing is an important component of many coastal economies in the North of Australia. Associated activities, such as fish processing, trade and marketing, ship repair yards, marinas and dock facilities, transportation, boat construction, and the supply of marine equipment such as nets and rigging, are important to the region's employment and economic activity. At the time of making of this Plan, no aquaculture activities were undertaken in the North network.

Fisheries operating within the North marine reserves network are under Commonwealth, Northern Territory, Queensland or Western Australian jurisdiction. A range of fishing methods and gear types are used in the region to target a wide variety of species including valuable prawn and finfish species. Commercial fishing is generally managed by the Australian Fisheries Management Authority for Commonwealth fisheries, and by relevant state and Northern Territory fisheries management agencies for state/Northern Territory managed fisheries.

Under ss.354 and 354A of the EPBC Act, commercial fishing operations (being actions for commercial purposes that involve the taking, killing, injuring, moving or keeping of native species) are prohibited in the North marine reserves network unless done in accordance with this management plan. Regulation 12.34 of the EPBC Regulations, which operates subject to this plan, provides for the Director of National Parks to make determinations about the manner in which commercial fishing operations may be conducted.

Commercial fishing operations in the network are also subject to regulation under the *Fisheries Management Act 1991* or state/Territory fisheries laws (under arrangements made under Part V of the Fisheries Management Act). These laws apply to the extent that they can operate consistently with the EPBC Act and Regulations and this management plan.

The prescriptions in this section provide for commercial fishing in the network consistent with the objectives of the plan (Section 1.2) and the IUCN categorisation and zoning of the network reserves (Section 3).

A class approval for commercial fishing issued under Section 5.2 will specify methods and gear types that have been assessed and may be used. Other methods and gear types will need to be assessed before approval may be given.

Research in connection with commercial fishing operations will be managed in accordance with Section 5.10 of the plan.

A summary of management arrangements for commercial fishing activities in the North marine reserves network is provided in Table 5.4.

Prescriptions

5.5.1 Unless otherwise authorised in accordance with this plan, commercial fishing operations may be carried on in the North marine reserves network in accordance with and subject to:

- a) a class approval issued under Section 5.2
- b) the other prescriptions in this section
- c) the prescriptions in Section 5.3 (General use and access)
- d) the prescriptions in Section 5.4 (Commercial shipping); and
- e) any determinations made under r. 12.34 of the EPBC Regulations.

5.5.2 Commercial fishing operations may be carried on in the following network management zones:

- a) Multiple Use Zones (IUCN VI); and
- b) Special Purpose Zones (IUCN VI).

Note: Refer to the maps in Appendix A for the location of zones within the reserves network.

5.5.3 Operations must be carried on in accordance with a fishing concession issued under Commonwealth or state/Northern Territory fisheries laws (to the extent those laws are capable of operating concurrently with this plan).

5.5.4 The following fishing methods must not be used:

- a) bottom trawl (including semi-pelagic demersal trawl and semi-demersal trawl);
- b) demersal longline.

5.5.5 The following fishing gear types must not be used in Multiple Use Zones (IUCN VI):

- a) set mesh net;
- b) pelagic gillnet.

5.5.6 Fishing methods and gear types not specified in a class approval, or conditions of a class approval, issued under this plan must not be used.

5.5.7 Fishing gear must be kept stowed and secured at all times during transit through network management zones in which commercial fishing operations are not authorised.

5.5.8 Fishing gear that is:

- a) used in operations covered by Section 5.5.4;
- b) specified in Section 5.5.5;
- c) not specified in a class approval as gear that may be used; or
- d) prohibited by a determination under r.12.34 of the EPBC Regulations

must be kept stowed and secured at all times during transit through network management zones in which that gear is not allowed.

5.5.9 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial fishing operations.

Table 5.4: Summary of management arrangements for commercial fishing activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Commercial fishing (except as indicated below)	✗	CA	CA
Bottom trawl (including semi-pelagic demersal trawl and semi-demersal trawl)	✗	✗	✗
Demersal longline	✗	✗	✗
Set mesh net	✗	CA	✗
Pelagic gillnet	✗	CA	✗
Vessel transiting	✓	✓	✓

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).

✗ Activity is not allowed at all (i.e. totally prohibited).

CA Activity is allowable in accordance with a class approval from the Director of National Parks.

Note: Gear types not specified in a class approval as gear that may be used will require assessment before use may be approved.

Note: Refer to Appendix A for information on zones within specific marine reserves of the North marine reserves network.

5.6 Commercial tourism (including charter fishing tours) and commercial media

Marine and coastal tourism is an important industry in the North region, with commercial tour operations including offshore charter fishing and yachting, charter boat hire, nature watching, charter flights and scuba diving tours. Incidents and events that take place in the region occasionally will be of interest to the commercial media.

Under ss.354 and 354A of the EPBC Act, commercial activities, including commercial tours and commercial media operations, are prohibited in the North marine reserves network unless done in accordance with this management plan. Under r.12.36 of the EPBC Regulations, commercial tourism flights over the network (up to 3000 metres above sea level) are similarly prohibited. Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the marine reserves network is part of the sanctuary) are set out in Part 8 of the EPBC Regulations.

The prescriptions in this section provide for sea-based commercial tourism to be conducted in most network management zones under either a permit or class approval from the Director of National Parks. Aviation tourism is allowed over the North marine reserves network subject to the prescriptions of this section. A permit or class approval may be issued for commercial media operations (including filming, video or audio recording and photography) in all zones.

A summary of management arrangements for commercial tourism and media activities is provided in Table 5.5.

Prescriptions

- 5.6.1 Commercial tourism and media operations may be carried on in the North marine reserves network in accordance with and subject to:
- a) a permit or class approval issued under Section 5.2;
 - b) the other prescriptions in this section;
 - c) the prescriptions in Section 5.3 (General use and access);
 - d) the prescriptions in Section 5.4 (Commercial shipping); and
 - e) in relation to charter fishing tours, the prescriptions in Section 5.7 (Recreational fishing).
- 5.6.2 Commercial media operations for the purposes of reporting news and events of the day may be carried on without a permit or class approval.
- 5.6.3 Charter fishing tours may be carried on in the following network management zones:
- a) Multiple Use Zones (IUCN VI); and
 - b) Special Purpose Zones (IUCN VI).
- 5.6.4 Fishing gear on charter fishing tour vessels must be kept stowed and secured at all times during transit through network management zones in which charter fishing tour operations are not authorised.
- 5.6.5 Commercial aviation tours may be carried on in the airspace up to 3000 metres above sea level over the North-west marine reserves network, and tour operators may land aircraft in network reserves, in accordance with a permit issued under Section 5.2 and relevant provisions of Part 8 of the EPBC Regulations.

Table 5.5: Summary of management arrangements for commercial tourism (including charter fishing) and commercial media activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Commercial tourism – fishing, including charter fishing tours	✘	P	P
Commercial tourism – non-fishing, including nature watching, scuba and snorkel tours	P	P	P
Commercial aviation tours	P	P	P
Commercial media – including in-water filming and photography	P	P	P
Commercial media – reporting news and events of the day	✓	✓	✓
Vessel transiting	✓	✓	✓

- ✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).
- ✘ Activity is not allowed at all (i.e. totally prohibited).
- P Activity is allowable in accordance with a permit issued by the Director of National Parks
- Note: Refer to Appendix A for information on zones within specific marine reserves of the North marine reserves network.

5.7 Recreational fishing (including clients of charter fishing tours and organised fishing competitions)

Recreational (i.e. non-commercial) fishing is a very popular pastime in Northern Australia and it attracts a high proportion of tourists to the area. Most recreational fishing occurs in state and the Northern Territory internal and coastal waters (i.e. within 3 nautical miles of the shore), notably in bays and estuaries. However, increasingly, recreational fishing is taking place in Commonwealth waters, bringing the activity within areas of the North marine reserves network.

Recreational fishing includes individual/group fishing, clients of charter fishing tours, organised fishing competitions, and consists of all forms of recreational taking of fish and other marine life, including line fishing, netting, trapping, spear fishing and hand collecting.

Under ss.354 and 354A of the EPBC Act, recreational fishing (i.e. taking native species of fish for non-commercial purposes) is prohibited in the North marine reserves network unless done in accordance with this management plan. Regulation 12.35 of the EPBC Regulations, which operates subject to this plan, provides for the Director of National Parks to make determinations about the manner in which recreational fishing operations may be done (r.12.35(3)) and prohibits certain fishing equipment and practices (rr. 12.35 (4) and (5)).

The recreational fishing laws of Western Australia, the Northern Territory or Queensland also apply to recreational fishing in Commonwealth waters and in the reserves. They apply to the extent they can operate consistently with the EPBC Act and Regulations and this management plan. Special rules may apply to recreational fishing done as part of licensed charter fishing tours.

The prescriptions in this section provide for recreational fishing in most network management zones, without the need for a permit or approval from the Director, consistent with the objectives of the plan (Section 1.2) and the IUCN categorisation and zoning of the network reserves (Section 3). Fishing will be subject to relevant Western Australia, the Northern Territory or Queensland laws and any determinations under r.12.35 (3) of the EPBC Regulations. The limitations in regulations 12.35 (4) and (5) of the Regulations will not apply (as they are not necessary or appropriate to recreational fishing in the network) except that the use of equipment that allows a person to breathe under the surface of the water by means of compressed air must not be used for the purpose of recreational fishing.

A summary of management arrangements for recreational fishing activities in the North marine reserves network is provided in Table 5.6.

Prescriptions

- 5.7.1 Recreational fishing (taking fish for non-commercial purposes) may be carried on in the North marine reserves network in accordance with and subject to:
- a) the other prescriptions in this section
 - b) the prescriptions in Section 5.3 (General use and access)
 - c) any determinations made under r.12.35(3) of the EPBC Regulations.
- 5.7.2 Recreational fishing may be carried on in the following network management zones:
- a) Multiple Use Zones (IUCN VI); and
 - b) Special Purpose Zones (IUCN VI).
- 5.7.3 Recreational fishing must be carried on in accordance with relevant state and Northern Territory laws applying to the area of the network in which the activity is being done (to the extent those laws are capable of operating concurrently with this plan).

- 5.7.4 The Director may make determinations under r.12.35(3) of the EPBC Regulations relating to the conduct of recreational fishing.
- 5.7.5 Regulations 12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing carried on in accordance with this section.
- 5.7.6 A person may possess and use a hand spear or spear gun for the purposes of recreational fishing in accordance with this section.
- 5.7.7 Notwithstanding Section 5.7.5, equipment that allows a person to breathe under the surface of the water by means of compressed air must not be used for the purposes of recreational fishing.
- 5.7.8 Fishing gear must be kept stowed and secured at all times during transit through network management zones in which recreational fishing is not allowed.

Table 5.6: Summary of management arrangements for recreational fishing activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Recreational use – fishing ^a (including spearfishing); organised fishing competitions	✗	✓	✓
Clients of charter fishing	✗	✓	✓
Vessel transiting	✓	✓	✓

✓ Activity is allowed in accordance with plan prescriptions (permit or class approval not required).

✗ Activity is not allowed at all (i.e. totally prohibited).

a Recreational fishing is managed by the states and the Northern Territory. State and Territory laws apply to recreational fishing in the network unless they are inconsistent with this management plan.

Note: Refer to Appendix A for information on zones within reserves of the North marine reserves network.

5.8 Mining operations (including exploration)

Oil and gas exploration occurs in the North Marine Region. Prospective offshore basins include the Bonaparte (including Heron and Evans Shoal gas fields), Money Shoal, Arafura and Carpentaria. Deposits of offshore minerals may occur in some areas of the North marine region, although systematic exploration had not occurred at the time of preparation of this plan.

Mining operations are prohibited in the North Commonwealth Marine Reserves Network by the EPBC Act (ss.355 and 355A) unless done in accordance with this management plan. Mining operations include all operations and activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals (s.355 (2)). 'Mineral' is defined as a naturally occurring substance or mixture of substances (s.355 (3)). Mining operations do not include capture and storage of greenhouse gases, including carbon dioxide. 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 network reserves.

The prescriptions in this section provide for mining operations in the network to be undertaken consistent with the objectives of the Plan (Section 1.2) and the IUCN categorisation and zoning of the reserves (Section 3). They allow for

the possible authorisation of the transport of minerals by pipeline through zones where mining is not allowed where doing so is critical for the effective conduct of mining operations in zones where this activity is allowed. The prescriptions in this section and Section 5.2 also remove duplication of processes where mining operations have been authorised under Chapter 4 of the EPBC Act.

Mining operations that may be controlled actions under Part 3 of the Act will be subject to consideration and assessment under Chapter 4 and will not be allowed to proceed if the operations are likely to have unacceptable impacts. Decision-making under Chapter 4 of the Act is well established and takes account of the impacts of individual projects on marine reserves. Mining operations are also subject to assessment and approval processes under either the *Offshore Petroleum or Greenhouse Gas Storage Act 2006* (OPGGs Act) or the *Offshore Minerals Act 1994*. Additional assessment by the Director of National Parks is not required because these mining operations will be assessed under Chapter 4 of the EPBC Act and these assessments will take account of impacts on marine reserves values.

Transit through the network for the purposes of mining operations conducted elsewhere is covered by Section 5.4 of this plan.

Prescriptions

5.8.1 Unless otherwise authorised in accordance with this plan, mining operations may be carried on in the North marine reserves network in accordance with and subject to:

- a) a permit or class approval issued under Section 5.2
- b) the other prescriptions in this section
- c) the prescriptions in Section 5.3 (General use and access); and
- d) the prescriptions in Section 5.4 (Commercial shipping).

5.8.2 Mining operations:

- a) may be carried on in:
 - i. Special Purpose Zones (IUCN VI); and
 - ii. Multiple Use Zones (IUCN VI)

in accordance with Sections 5.8.4 to 5.8.6; and

- b) that are the construction and operation of pipelines for the transport of minerals may be carried on in:
 - i. Marine National Park Zones (IUCN II)

in accordance with Section 5.8.7.

See Table 5.7 and Appendix A for the location of zones within marine reserves.

5.8.3 Mining operations must be carried on in accordance with an authorisation (however described) under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* or the *Offshore Minerals Act 1994* (to the extent those laws are capable of operating concurrently with this plan).

5.8.4 Mining operations in Multiple Use and Special Purpose zones that have been approved under Part 9 of the EPBC Act may be carried on in accordance with conditions of that approval and a class approval issued under Section 5.2.6.

- 5.8.5 Mining operations in Multiple Use and Special Purpose zones that are the subject of a decision under Part 7 of the EPBC Act that the operations are not a controlled action if taken in particular manner may be carried on in that manner and in accordance with the conditions of a class approval issued under Section 5.2.6.
- 5.8.6 Mining operations in Multiple Use and Special Purpose zones not authorised by a class approval referred to in Sections 5.8.4–5.8.5 may be carried on in accordance with a permit issued under Section 5.2.3, or a class approval issued under Section 5.2.7.
- 5.8.7 The Director may issue a permit for the construction and operation of pipelines for the transport of minerals through Marine National Park zones (IUCN II) if the Director is satisfied that:
- the operations cover the transport of minerals that is necessarily critical to the mining or recovery of minerals being conducted elsewhere;
 - it is not practicable for the operations to be conducted outside the zone;
 - the operations are not likely to have an unacceptable impact on the values of the zone or the reserve, and
 - the operations will be conducted in a manner not inconsistent with achieving the objectives of this management plan.

Table 5.7: Zoning arrangements for mining activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Mining – authorised under Part 7 or 9 of the EPBC Act	✗	CA	CA
Mining – other than mining authorised under Part 7 or Part 8 of the EPBC Act	✗	P	P
Mining – construction and operation of pipelines	P	P/CA	P/CA
Vessel transiting	✓	✓	✓

✓ Activity is allowed in accordance with plan prescriptions (permit or class approval not required).

✗ Activity is not allowed at all (i.e. totally prohibited).

CA Activity is allowable in specified zones in accordance with a class approval issued by the Director of National Parks.

P Activity is allowable in accordance with a permit issued by the Director of National Parks.

P/CA Activity is allowable in specified zones in accordance with a permit (if the operation is not authorised under Part 7 or part 9 of the EPBC Act) or a class approval (if the operation is authorised under Part 7 or part 9 of the EPBC Act) issued by the Director of National Parks.

Note: Refer to Appendix A for information on zones within specific marine reserves of the North marine reserves network.

5.9 Structures and works

The installation of structures and carrying out of other works including excavation may be necessary to support commercial, recreational and public good activities in the North marine reserves network. Examples of such installations include moorings to minimise anchoring damage to the seabed habitats, maritime navigation aids, and weather or ocean monitoring stations.

Carrying on an excavation, erecting a structure or carrying out works, and associated commercial activities, is prohibited in the North marine reserves network under ss.354 and 354A of the EPBC Act unless done in accordance with this management plan. Structures and works may include for example, shipping channel dredging, construction of critical infrastructure (eg. for telecommunications and navigation aids) and the disposal of dredge spoil associated with port development. Actions of this type related to mining operations are covered by ss.355 and 355A of the Act and will be managed in accordance with Section 5.8 of this plan.

The prescriptions in this plan allow for actions of this type, consistent with the plan and not covered by Sections 5.3 to 5.8, to be carried out in the network.

A summary of management arrangements for structures and works operations in the North marine reserves network is provided in Table 5.8.

Prescriptions

- 5.9.1 The Director may carry out an excavation, erect a structure or carry out works in the North marine reserves network where the action is consistent with the objectives of the plan (Section 1.2) and the IUCN categorisation and zoning of the network reserves (Section 3).
- 5.9.2 Unless otherwise authorised in accordance with this Plan, a person other than the Director may carry out an excavation, erect a structure or carry out works in the North marine reserves network in accordance with and subject to:
- a) a permit issued under Section 5.2
 - b) the other prescriptions in this section; and
 - c) the prescriptions in Section 5.3 (General use and access).
- 5.9.3 A permit may only be issued for excavations, structures or works in Marine National Park Zones (IUCN II) if the Director is satisfied the action is necessary for:
- a) maritime or visitor safety, including aiding navigation
 - b) maintaining or enhancing the natural values of the North marine reserves network (e.g. a mooring may prevent anchor damage);
 - c) scientific monitoring purposes (e.g. marine weather station); or
 - d) critical infrastructure in the national interest (e.g. telecommunication cables), and
 - i. it is not practicable for the action to be conducted outside the zone,
 - ii. the action is not likely to have an unacceptable impact on the values of the zone of the reserve, and
 - iii. the action will be conducted in a manner not inconsistent with achieving the objectives of this management plan.
- 5.9.4 Dredge spoil must not be disposed of in Marine National Park Zones (IUCN II).
- 5.9.5 A permit may be issued for disposal of dredge spoil in Multiple Use Zones (IUCN VI) and Special Purpose Zones (IUCN VI) if the Director is satisfied:
- a) the operation is necessarily critical to other operations in the zone or elsewhere;
 - b) it is not practicable for the operation to be conducted outside the zone
 - c) the operation is not likely to have an unacceptable impact on the values of the zone or reserve; and

- d) the operation will be conducted in a manner not inconsistent with achieving the objectives of this management plan.

Table 5.8: Summary of management arrangements for structures and works activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Structures and works – including moorings, excavation and maintenance	P	P	P
Structures and works – disposal of dredge spoil	✘	P	P

✘ Activity is not allowed at all (i.e. totally prohibited).

P Activity is allowed in accordance with a permit issued by the Director of National Parks.

Note: Refer to Appendix A for information on zones within specific marine reserves of the North marine reserves network.

5.10 Research and monitoring activities

Research and monitoring is important for understanding marine biodiversity and improving capacity for sustainable use, weather prediction and understanding climate change. Research and monitoring activities in the North network are conducted by both public and private institutions, including, on occasion, by foreign institutions and companies.

Research and monitoring activities in the North marine reserves network are prohibited by r. 12.10 of the EPBC Regulations unless authorised by this management plan. Research and monitoring that involves actions which affect members of native species are prohibited by ss.354 and 354A of the EPBC Act unless done in accordance with this plan. Actions 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 carried out in accordance with this plan.

Where biological resources are sought for 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.

The prescriptions in this section enable research and monitoring to be undertaken in the North marine reserves network. Research and monitoring will be allowable in all zones of the North marine reserves network in accordance with a permit issued by the Director of National Parks. In Marine National Park zones, extractive activities are generally considered inconsistent. However, in recognising the important contribution that scientific research makes to the effective management of marine reserves, this Plan provides for authorisation of extractive research activities.

A summary of management arrangements for research and monitoring activities in the North marine reserves network is provided in Table 5.9.

Prescriptions

5.10.1 The Director may carry out research and monitoring in the North marine reserves network that involves actions covered by ss.354 and 354A and Part 13 of the EPBC Act.

5.10.2 A person other than the Director may carry out research and monitoring in the North marine reserves 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 or class approval issued under Section 5.2
- b) the other prescriptions in this section; and
- c) the prescriptions in Section 5.3 (General use and access).

5.10.3 A class approval will not be issued for research that involves activities covered by Sections 5.10.6 and 5.10.7.

5.10.4 Research that involves 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).

5.10.5 In assessing permit applications, consideration will be given to the nature of and potential impacts of the actions, the aim of the project, ethical issues and how knowledge from the project might benefit the understanding and management of the North marine reserves network.

5.10.6 A permit may be issued to carry on extractive research and monitoring activities in Marine National Park zones (IUCN II) in the North marine reserves if the Director is satisfied

- a) it is not practicable for the action to be conducted outside the zone;
- b) the research is relevant to, or a priority for, the management of the marine reserve network;
- c) the action is not likely to have an unacceptable impact on the values of the zone or the reserve, and
- d) the action will be conducted in a manner not inconsistent with achieving the objectives of this Management Plan.

5.10.7 A permit may be issued to carry on, in the North marine reserves network, research and monitoring that involves activities that are prohibited under Section 5.5 if the Director is satisfied:

- a) the project is proposed to be conducted in an area where the same or similar research and monitoring has been conducted previously
 - b) it is not practicable for the project to be conducted outside the proposed area,
- and,
- c) the project will provide information relevant to understanding the impacts of the activities on the marine environment or to supporting sustainable use within the marine reserves;
 - d) the project activities will not have an unacceptable impact on the values of the area in which the research or monitoring will be conducted;
 - e) the project will be conducted in a manner not inconsistent with achieving the objectives of this management plan.

5.10.8 Approval and permit holders must make results of research and monitoring available to the Director (and in a specific format where relevant), where that information will improve the knowledge and understanding of the biodiversity and ecosystems of the North marine reserves network and might benefit management of the marine reserves network.

Table 5.9: Summary of management arrangements for research and monitoring activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Research and monitoring activities	P	P	P

P Activity is allowable in accordance with a permit issued by the Director of National Parks. Research and monitoring activities may also be authorised under a class approval issued under Section 5.2.7, but not where 5.10.6 and 5.10.7 apply.

Note: Refer to Appendix A for information on zones within specific marine reserves of the North marine reserves network.

5.11 Defence, border protection, law enforcement and emergency response

A number of Commonwealth agencies enter marine reserves for purposes relating to defence, border protection, law enforcement and emergency response. These agencies include the Australian Defence Force, the Australian Customs and Border Protection Service, Australian Fisheries Management Authority, the National Offshore Petroleum Safety and Environmental Management Authority and the Australian Maritime Safety Authority. There is no intention to limit training or operations for the Australian Defence Force, Customs and Border Protection Service, law enforcement or emergency response through the marine reserves network.

Provisions of the EPBC Act (ss.354 and 354A) and the Regulations (Division 12.2) relating to Commonwealth reserves 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 Commonwealth reserves in a way that is not inconsistent with this management plan. This plan allows for the conduct of necessary government operations in the North marine reserves network.

A summary of management arrangements for defence, border protection, law enforcement and emergency response activities in the North marine reserves network is provided in Table 5.10.

Prescriptions

5.11.1 The Commonwealth and Commonwealth agencies may take actions in the North marine reserves 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 (without the need for a permit or class approval issued under Section 5.2); or
- b) for other purposes under a permit or class approval issued by the Director in accordance with Section 5.2 of this plan, subject to the prescriptions in Section 5.3 (General use and access).

5.11.2 The Commonwealth and Commonwealth agencies should, so far as practicable, liaise with the Director in relation to the performance of functions and exercise of powers in the North marine reserves network to minimise the risk of unacceptable impacts and unnecessary interference with use of the network by other users.

Table 5.10: Summary of management arrangements for defence, border protection, law enforcement and emergency response activities in the North Commonwealth Marine Reserves Network

Activity	Marine National Park Zone (IUCN II)	Multiple Use Zone (IUCN VI)	Special Purpose Zone (IUCN VI)
Actions by Commonwealth and Commonwealth agencies - Defence, border protection, law enforcement and emergency response	✓	✓	✓
Actions by Commonwealth and Commonwealth agencies- other and not covered elsewhere by this plan	P	P	P

- ✓ Activity is allowed in specified zones in accordance with plan prescriptions (permit or class approval not required).
- P Activity is allowable in accordance with a permit or class approval issued by the Director of National Parks. **This activity may also be authorised under a class approval issued under Section 5.2.7.**
- Note: Refer to Appendix A for information on zones within specific marine reserves of the North marine reserves network.

5.12 New activities and authorisations

Circumstances may arise or proposals may be brought forward for activities that were not known or anticipated at the time this management plan was prepared.

As noted in Appendix B and other sections in this part of the plan, a range of actions and activities are prohibited or may be controlled by the Director of National Parks in Commonwealth reserves under the EPBC Act and Regulations, and certain actions may only be taken by the Director of National Parks in accordance with this plan.

The purpose of this section is to allow the Director to respond to circumstances that are not covered by prescriptions in other sections of this plan, provided that doing so is consistent with the objectives of the plan in Section 1.2, the IUCN categories and zoning in Part 3 and the strategies in Part 4.

Ensuring activities do not impact on the values of the reserve while also reducing unnecessary administrative burdens on marine reserve management resources and stakeholders, is a key focus of this Plan as reflected in Strategy 2 in Part 4 of the Plan. It is possible that during the life of this Plan more efficient and effective means of authorising actions under this Plan may be identified. Consistent with Strategy 2 this section would enable the Director to implement such mechanisms.

Note: Proposals for actions not covered by Prescriptions in other sections of this Plan will be subject to assessment as outlined in Part 4 (strategy 2) of this Plan.

Prescriptions

5.12.1 The Director may take actions that are not covered by specific prescriptions in this management plan, including actions covered by ss.354 and 354A of the EPBC Act.

- 5.12.2 The Director may authorise (by a permit or class approval under Section 5.2) actions by other persons that are not covered by specific prescriptions in this management plan, including actions covered by ss. 354 and 354A of the EPBC Act and the EPBC Regulations.
- 5.12.3 The Director may grant new authorisations (approvals, permits or usage rights) in place of existing authorisations under this plan.
- 5.12.4 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 other sections of this part of the plan.

Appendix A

The North Commonwealth Marine Reserves Network—marine reserve descriptions, values and maps

The following sections provide an overview of the eight marine reserves in the North Commonwealth Marine Reserves Network, providing information on the proclamation, the assigned zones, the total area, the values, the location, a general description and a map for each reserve.

The individual activity tables in Part 5 should be referred to when determining the allowable activities in each of the eight reserves and their respective zones.

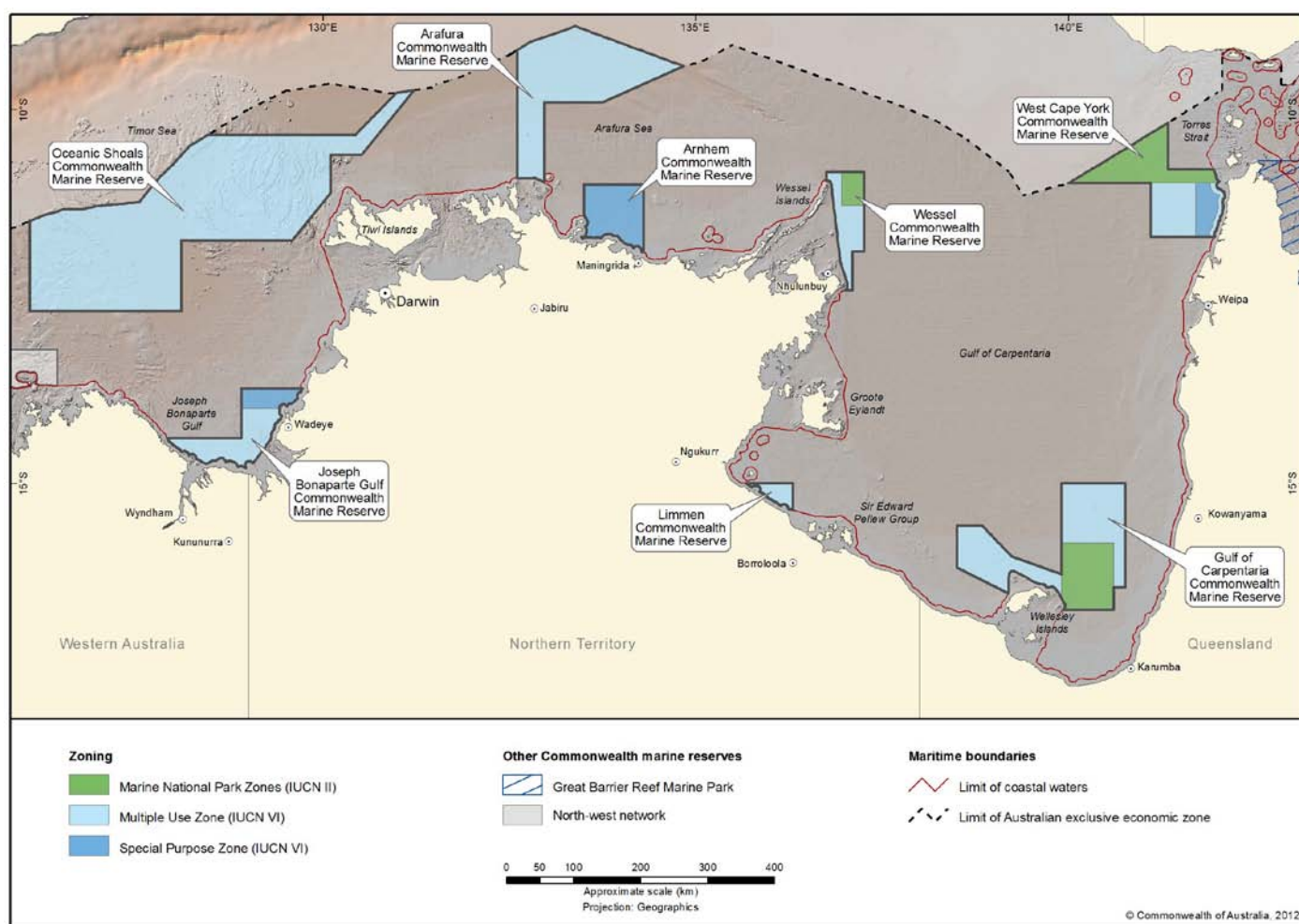


Figure A1: North Commonwealth Marine Reserves Network

Joseph Bonaparte Gulf Commonwealth Marine Reserve

Date of effect	17 November 2012
IUCN category assigned to this reserve	IUCN VI
Assigned zones in reserve under this management plan	Special Purpose Zone (IUCN VI) (2251km ²) Multiple Use Zone (IUCN VI) (6345 km ²)
Depth of reserve below seabed	1000 m
Total area	8597 km ²
Major conservation values	<ul style="list-style-type: none"> • Important foraging area for: <ul style="list-style-type: none"> - threatened and migratory marine turtles (green and olive ridley) - the Australian snubfin dolphin • Examples of the shallow water ecosystems and communities of the Northwest Shelf Transition Province, the second largest of all the provincial bioregions on the shelf, which includes the extensive banks that make up the Van Diemen Rise and the Sahul Shelf, broad shelf terraces and the shallow basin in the Joseph Bonaparte Gulf (including the Cambridge–Bonaparte, Anson Beagle and Bonaparte Gulf meso-scale bioregions) • One key ecological feature– carbonate bank and terrace system of the Sahul Shelf (unique seafloor feature)
Location	The Joseph Bonaparte Gulf Commonwealth Marine Reserve (Figure A2) is in the Joseph Bonaparte Gulf, north of Wyndham in Western Australia and to the west of Wadeye in the Northern Territory.
General description	<p>The reserve covers approximately 8597 km² of the Commonwealth marine environment at the southern end of the Joseph Bonaparte Gulf.</p> <p>It covers waters of approximately 75 m depth and experiences some of the highest tidal ranges in northern Australia, with waves of over seven metres in height. The large tidal ranges and wide intertidal zone near the marine reserve create a physically dynamic and turbid marine environment. There is high primary productivity within the marine reserve, and it lies within a broader ecological transition zone between eastern and western Australia.</p> <p>The marine reserve is adjacent to coastal areas that are considered to be of national significance for nesting flatback turtles, and international significance for migratory shorebirds in the East Asian Australasian Flyway migration corridor. Major breeding areas for saltwater crocodiles are situated in coastal areas near to the reserve.</p> <p>The Joseph Bonaparte Gulf marine reserve lies close to the Legune coastal floodplain which is an area recognised by the Northern Territory Government as a Site of Conservation Significance. The Marri–Jabin (Thamurrurr —Stage</p>

1) land-based Indigenous Protected Area lies to the east of the marine reserve.

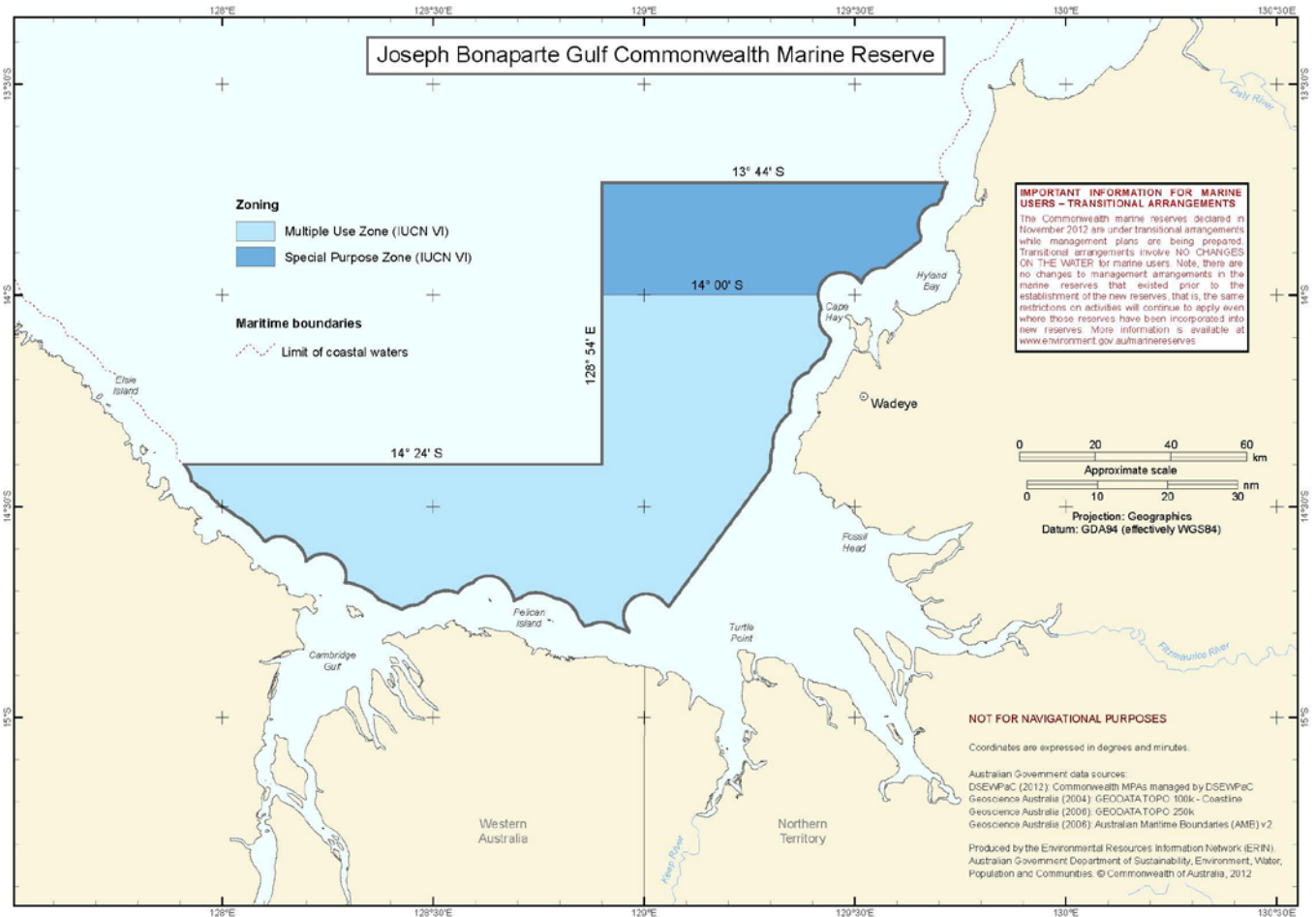


Figure A2: Joseph Bonaparte Gulf Commonwealth Marine Reserve

Oceanic Shoals Commonwealth Marine Reserve

Date of effect	17 November 2012
IUCN category assigned to this reserve	IUCN VI
Assigned zones in reserve under this management plan	Multiple Use Zone (IUCN VI) (71 744 km ²)
Depth of reserve below seabed	1000 m
Total area	71 744 km ²
Major conservation values	<ul style="list-style-type: none"> • Important resting area between egg laying (internesting area) for the threatened flatback turtle and olive ridley turtle • Important foraging area for the threatened loggerhead turtle and olive ridley turtle • Examples of the ecosystems of two provincial bioregions: the Northwest Shelf Transition Province (which includes the Bonaparte, Oceanic Shoals and Tiwi meso-scale bioregions) and the Timor Transition Province • Four key ecological features are represented in the reserve: <ul style="list-style-type: none"> - carbonate bank and terrace system of the Van Diemen Rise (unique sea-floor feature) - carbonate bank and terrace system of the Sahul Shelf (unique sea-floor feature) - pinnacles of the Bonaparte Basin (enhanced productivity, unique sea-floor feature) - shelf break and slope of the Arafura Shelf (unique sea-floor feature)
Location	The Oceanic Shoals Commonwealth Marine Reserve (Figure A3) lies within the Timor Sea, with its north boundary on the edge of Australia's exclusive economic zone. East of the reserve are Bathurst and Melville islands (Tiwi Islands).
General description	The reserve represents a significant area of the Bonaparte Basin and includes some of the deepest waters found in the North Marine Region, at approximately 300 metres. The reserve contains a number of shoals, channels and valleys that are found in the carbonate bank and terrace system of the Van Diemen Rise and Sahul Shelf. These key ecological features support rich sponge gardens, octocorals, pelagic fish, sharks and seasnakes. The reserve also includes the Pinnacles of the Bonaparte Basin which are a key ecological feature and are presumed to support high biodiversity, including hard and soft corals, sponges, and aggregations of demersal fish. Threatened flatback, olive ridley and loggerhead turtles are known to forage around the pinnacles, and whale sharks and other shark species occur in the area. The reserve also covers part of the shelf break and slope of the Arafura Shelf which supports at least 284 demersal fish

species.

The waters within the reserve provide important inter-nesting habitat for flatback and olive ridley turtles preparing successive egg clutches for laying on nearby coasts. Marine communities dominated by beds of *Halimeda* algae occur in the reserve and play an important role in fixing carbon and at rates that are amongst the highest known.

The reserve lies near the Tiwi Islands which are an area recognised by the Northern Territory Government as a Site of Conservation Significance.

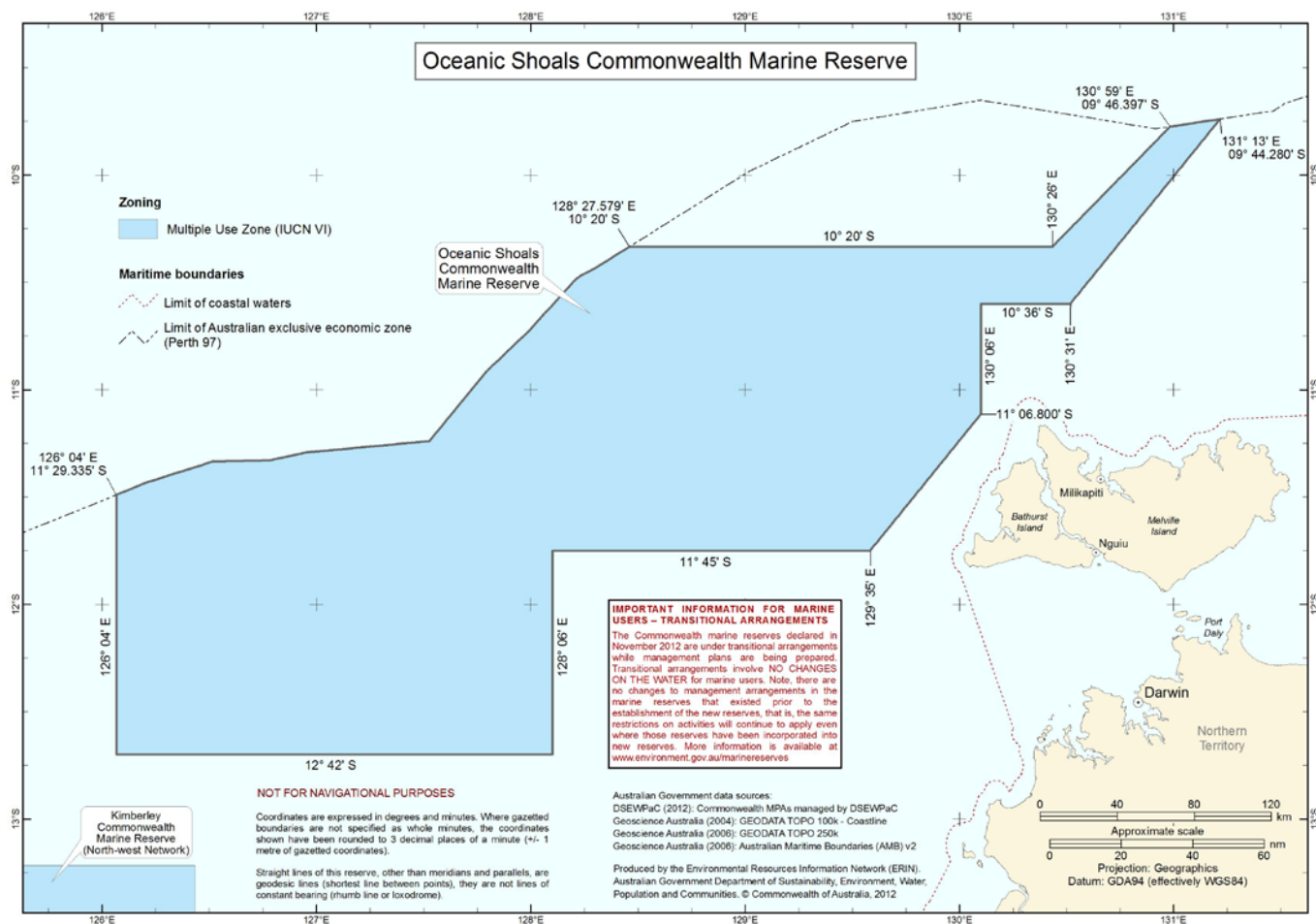


Figure A3: Oceanic Shoals Commonwealth Marine Reserve

Arafura Commonwealth Marine Reserve

Date of effect	17 November 2012
IUCN category assigned to this reserve	IUCN VI
Assigned zones in reserve under this management plan	Multiple Use Zone (IUCN VI) (22 924 km ²)
Depth of reserve below seabed	1000 m
Total area	22 924 km ²
Major conservation values	<ul style="list-style-type: none"> • Important inter-nesting areas for the threatened flatback, green, hawksbill and olive ridley turtles. • Important foraging habitat for breeding aggregations of the migratory roseate tern • Examples of the Northern Shelf Province (which includes the Arafura and Cobourg meso-scale bioregions) and the Timor Transition Province • One key ecological feature: <ul style="list-style-type: none"> - Tributary canyons of the Arafura Depression (unique seafloor feature)
Location	The Arafura Commonwealth Marine Reserve (Figure A4) is located in the Timor Sea and extends from northwest of Croker Island to the tributary canyons of the Arafura Rise. The marine reserve includes a continuous transect from the edge of Northern Territory waters to the limit of Australia's exclusive economic zone.
General description	<p>The reserve incorporates four of the eight Tributary Canyons of the Arafura Depression. These canyons are the remnants of a drowned river system that existed during the Pleistocene era and they are a key ecologic feature. The steep topography of the canyons, their diverse current regimes, nutrient enrichment and entrapment, detritus funnelling and diverse substrate types form widely divergent ecosystems which, in combination with the regional setting and geological origins of the area, strongly influence species biodiversity.</p> <p>At least 245 macroscopic species have been recorded from the canyons, including a diverse variety of invertebrates such as sponges, corals, sea anemones, tunicates, worms, crustaceans, brittle stars and feather stars.</p> <p>The waters within the marine reserve provide important interesting habitat for threatened flatback, green, hawksbill and olive ridley marine turtles preparing successive egg clutches for laying on nearby coasts. Waters within and adjacent to the southern boundary</p>

of the marine reserve are also important foraging habitats for breeding aggregations of migratory roseate terns.

The Northern Territory Garig Gunak Barlu National Park lies approximately 30 kilometres from the Arafura reserve and the Croker Island Group Site of Conservation Significance lies adjacent to the reserve.

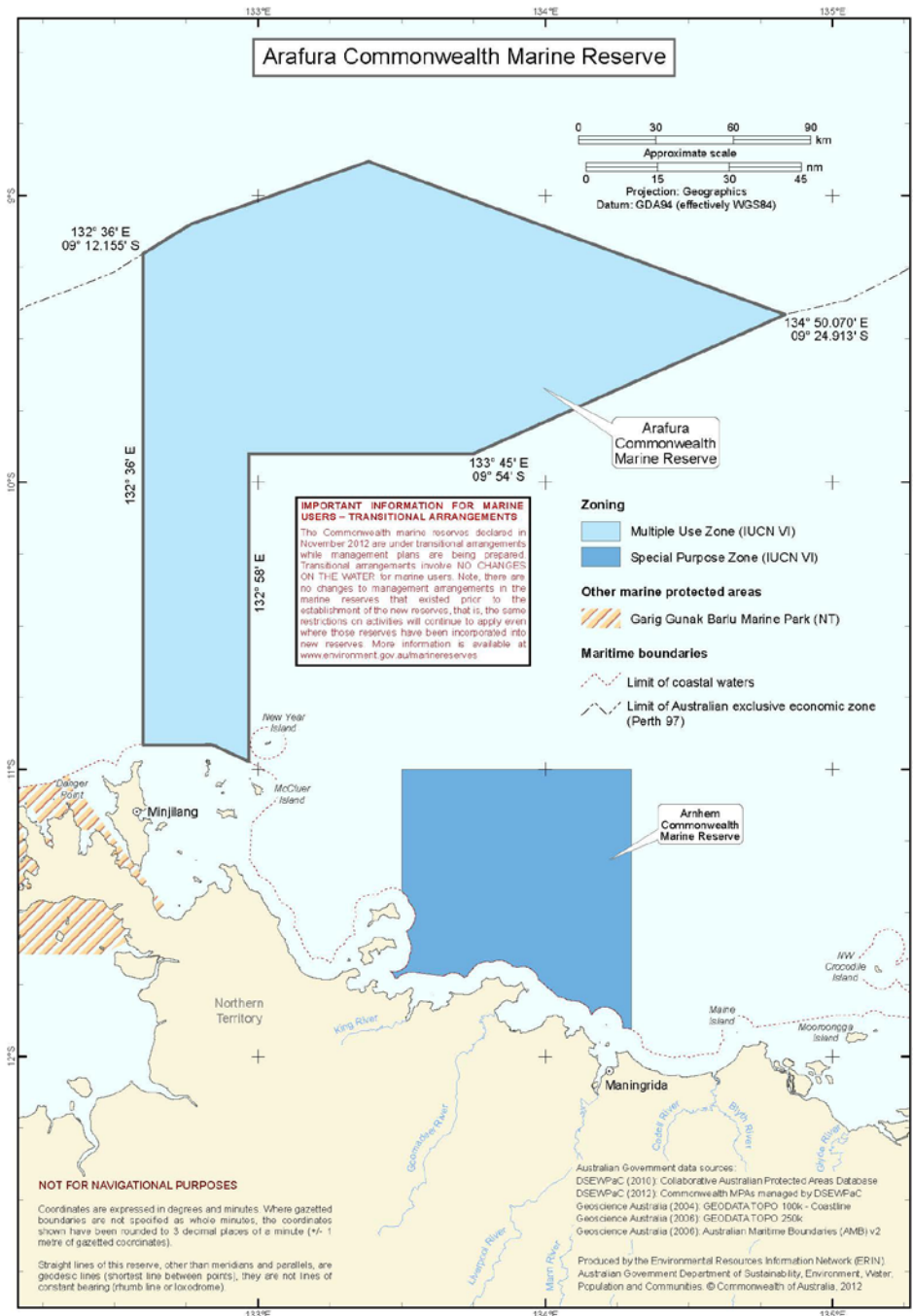


Figure A4: Arafura Commonwealth Marine Reserve

Arnhem Commonwealth Marine Reserve

Date of effect	17 November 2012
IUCN category assigned to this reserve	IUCN VI
Assigned zones in reserve under this management plan	Special Purpose Zone IUCN VI (7125 km ²)
Depth of reserve below seabed	1000 m
Total area	7125 km ²
Major conservation values	<ul style="list-style-type: none"> • Important resting area for threatened flatback turtle between egg laying events (inter-nesting area) • Important foraging habitat for breeding aggregations of the: <ul style="list-style-type: none"> - migratory bridled tern - migratory roseate tern - listed marine crested tern • Examples of the ecosystems of the Northern Shelf Province (including the Arafura, Arnhem–Wessel and Cobourg meso-scale bioregions)
Location	The Arnhem Commonwealth Marine Reserve (Figure A5) is adjacent to the Northern Territory waters surrounding the Goulburn Islands, to the waters north of Maningrida.
General description	<p>The reserve covers an area of gently sloping shelf topped with a number of pinnacles at depths ranging from five to 30 metres. The rivers and catchment near the marine reserve are generally small, so the turbid coastal waters that tend to characterise the North Marine Region occur in a narrower margin here than elsewhere. Tidal eddies around islands induce localised upwellings and hotspots of productivity, which correspond with aggregations of marine life within the marine reserve.</p> <p>Higher-order predators including false killer whales, small toothed whales, offshore and inshore dolphins, and shark species (e.g. black tip and bull sharks) occur in the Arafura Shelf subsystem, of which the marine reserve represents a part.</p>

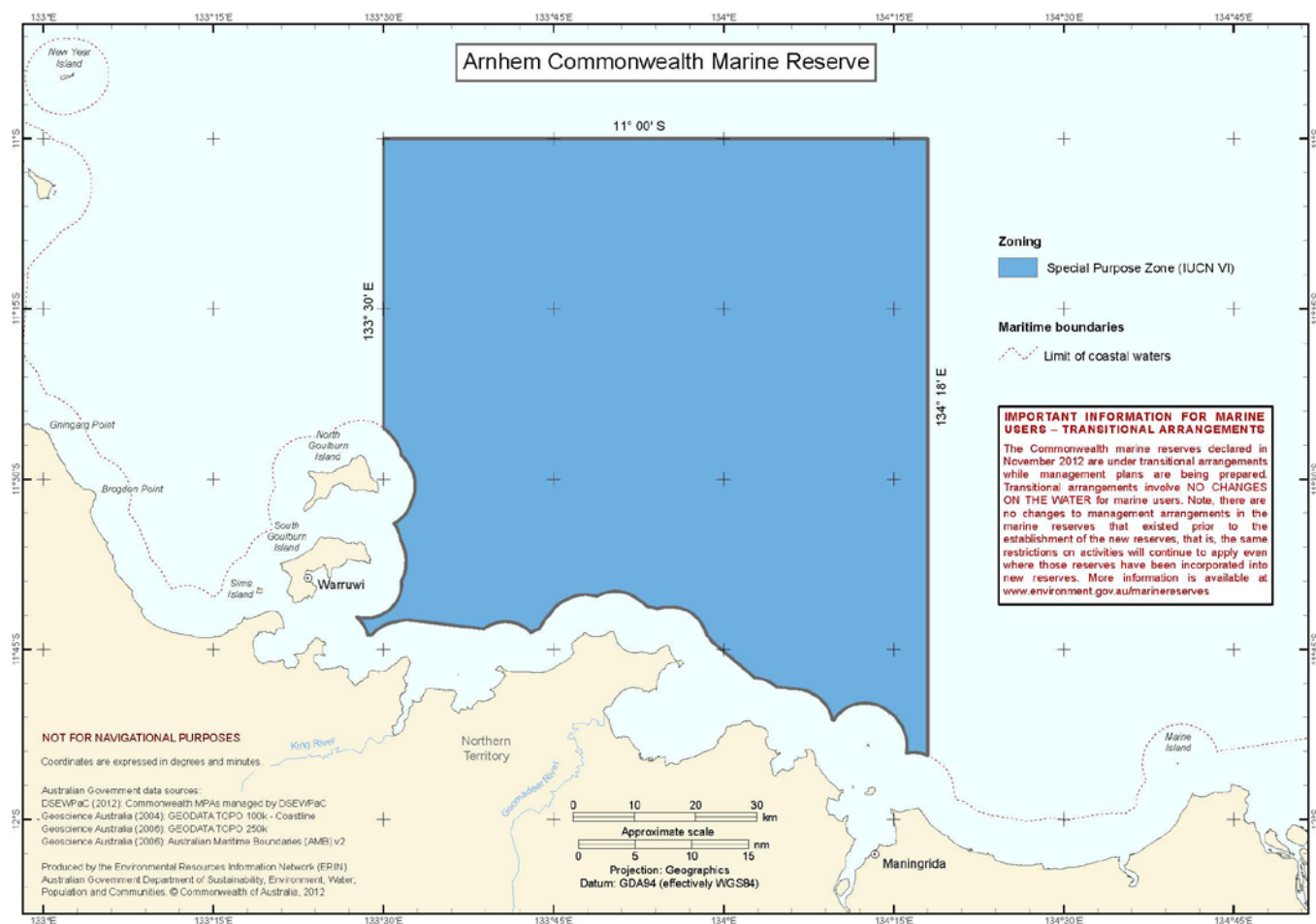


Figure A5: Arnhem Commonwealth Marine Reserve

Wessel Commonwealth Marine Reserve

Date of effect	17 November 2012
IUCN category assigned to this reserve	IUCN VI
Assigned zones in reserve under this management plan	Marine National Park Zone (IUCN II) (1632 km ²) Multiple Use Zone (IUCN VI) (4276 km ²)
Depth of reserve below seabed	1000 m
Total area	5908 km ²
Major conservation values	<ul style="list-style-type: none"> • Important resting area between egg laying (internesting area) for the threatened: <ul style="list-style-type: none"> - flatback turtle - green turtle - hawksbill turtle - olive ridley turtle • Important foraging habitat for breeding aggregations of the: <ul style="list-style-type: none"> - migratory common noddly - migratory roseate tern listed marine crested tern • Examples of the ecosystems of the Northern Shelf Province (including the Arafura, Arnhem–Wessel and Carpentaria meso-scale bioregions) • Includes one key ecological feature: <ul style="list-style-type: none"> - Gulf of Carpentaria basin (biodiversity; aggregations of marine life)
Location	The Wessel Commonwealth Marine Reserve (Figure A6) covers waters adjacent to the tip of the Wessel Islands to waters adjacent to the Bromby Islands.
General description	<p>The reserve covers a depth range of approximately five to 60 metres. It overlaps the Arafura Sill which is the only feature of its type in the North Marine Region. The sill is a seafloor barrier that restricts movement of water into the Gulf of Carpentaria basin and forms a distinct biogeographical transition area for sessile invertebrate (e.g. sponges and corals) and fish species.</p> <p>The waters surrounding the Wessel Islands support some of the most diverse and species-rich environments in the North Marine Region, including at least 70 per cent of the coral reef biodiversity of the Great Barrier Reef. There are a number of endemic species known to occur in the area, and the wide range of habitats around the Wessel Islands support diverse species of fish. The waters within the marine reserve provide important interesting habitat for threatened hawksbill, olive ridley, green and flatback marine turtles preparing successive egg clutches for laying on nearby coasts. These waters are also important foraging habitat for breeding aggregations of migratory birds such as the common noddly and roseate tern, and for the listed marine crested tern.</p> <p>The reserve lies approximately 25 kilometres north of the Dhimurru Indigenous</p>

Protected Area. The Wessel and English Company island groups, Gove Peninsula and the north-east Arnhem coast are all recognised by the Northern Territory Government as Sites of Conservation Significance and they lie within approximately 25 kilometres of the Wessel Commonwealth Marine Reserve.

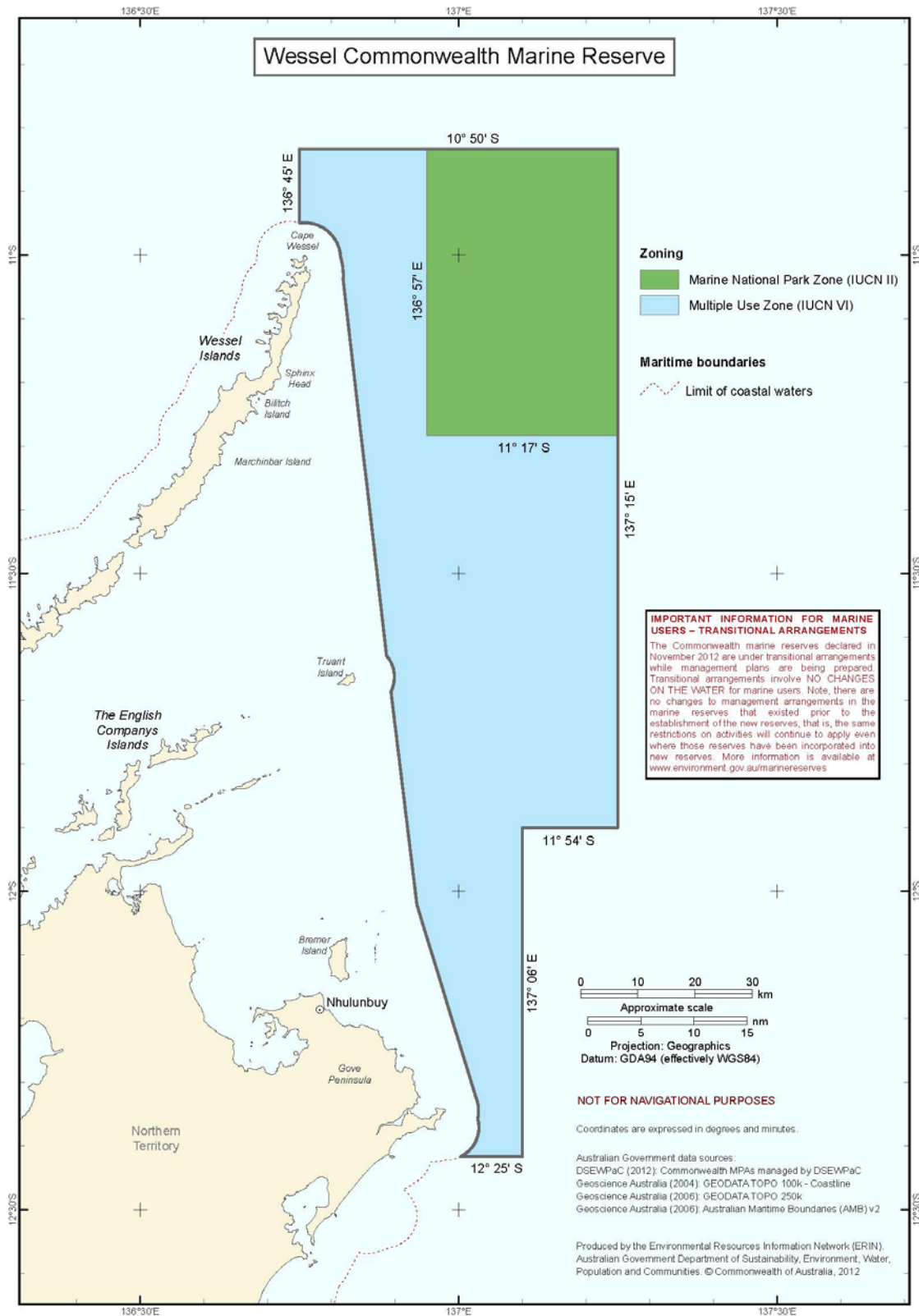


Figure A6: Wessel Commonwealth Marine Reserve

Limmen Commonwealth Marine Reserve

Date of effect	17 November 2012
IUCN category assigned to this reserve	IUCN VI
Assigned zones in reserve under this management plan	Multiple Use Zone (IUCN VI) (1399 km ²)
Depth of reserve below seabed	1000 m
Total area	1399 km ²
Major conservation values	<ul style="list-style-type: none"> • Important resting area between egg laying (internesting area) for the threatened flatback turtle • Example of an ecosystem of the Northern Shelf Province (including the Pellew meso-scale bioregion) • Includes one key ecological feature: <ul style="list-style-type: none"> - Gulf of Carpentaria coastal zone (high productivity; biodiversity and endemism; aggregations of marine life)
Location	The Limmen Commonwealth Marine Reserve is located in the south-west of the Gulf of Carpentaria between the Sir Edward Pellew Group of Islands and Maria Island in the Limmen Bight.
General description	<p>The reserve (Figure A7) overlaps with the Gulf of Carpentaria coastal zone key ecological feature. Nutrients that flow with rivers into the coastal zone support high productivity and some of the most diverse and abundant biota in the North Marine Region.</p> <p>Species found within the key ecological feature include marine turtles, sea snakes, colonial and solitary seabirds, and aggregations of fish and sharks. Bottlenose dolphins are numerous, and sawfish (freshwater and green), sea dragons and seahorses, rays and sharks also occur. The waters within the marine reserve provide important internesting habitat for flatback turtles preparing successive egg clutches for laying on nearby coasts.</p> <p>The marine reserve is also near to some of the most extensive intertidal mudflats in the Northern Territory which support large aggregations of migratory waders.</p> <p>The marine reserve overlaps with the Northern Territory Limmen Bight and associated coastal floodplains which have been identified by the Northern Territory Government as a Site of Conservation Significance.</p>

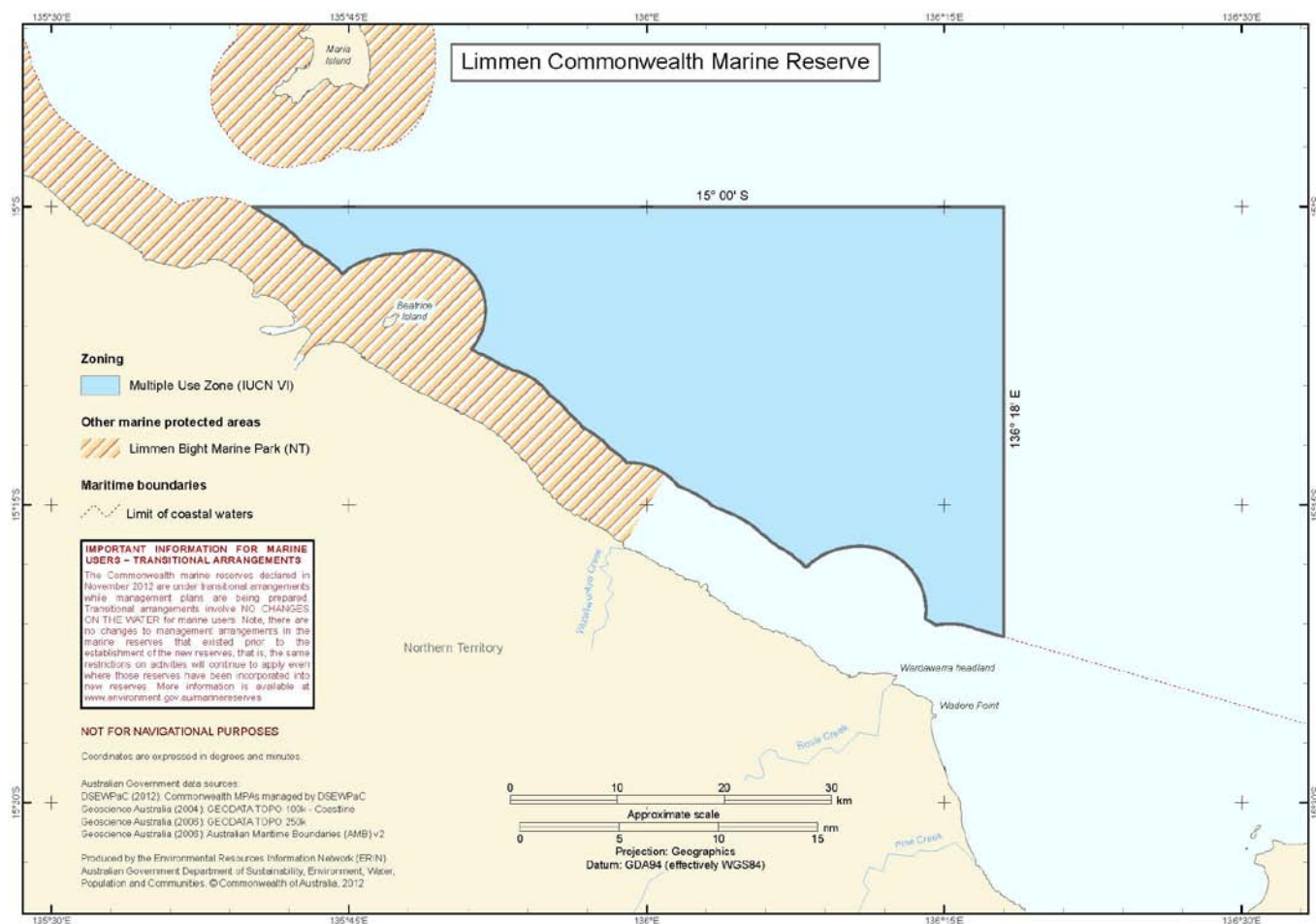


Figure A7: Limmen Commonwealth Marine Reserve

Gulf of Carpentaria Commonwealth Marine Reserve

Date of effect	17 November 2012
IUCN category assigned to this reserve	IUCN VI
Assigned zones in reserve under this management plan	Marine National Park Zone (IUCN II) (7388km ²) Multiple Use Zone (IUCN VI) (16 387 km ²)
Depth of reserve below seabed	1000 m
Total area	23 775 km ²
Major conservation values	<ul style="list-style-type: none"> • Important resting area between egg laying (internesting area) for the threatened flatback turtle and green turtle • Important foraging habitat for breeding aggregations of the: <ul style="list-style-type: none"> - migratory brown booby - migratory lesser frigatebird - migratory roseate tern - listed marine crested tern • Examples of the ecosystems of the Northern Shelf Province (including the Carpentaria, Karumba–Nassau and Wellesley meso-scale bioregions) • Includes four key ecological features: <ul style="list-style-type: none"> - Gulf of Carpentaria coastal zone (high productivity; biodiversity and endemism; aggregations of marine life) - Gulf of Carpentaria basin (biodiversity; aggregations of marine life) - plateau and saddle north-west of the Wellesley Islands (biodiversity and endemism; high aggregations of marine life) - submerged coral reefs of the Gulf of Carpentaria (biodiversity and endemism; high aggregations of marine life)
Location	The Gulf of Carpentaria Commonwealth Marine Reserve (Figure A8) lies adjacent to the Wellesley Islands in the south of the Gulf of Carpentaria basin.
General description	<p>The reserve covers a depth range of approximately 10-55 metres. It includes the plateaux and saddle of the Wellesley Islands which have been identified as a key ecological feature in the North Marine Region. This feature is made up of living patch reefs that support reef fish that are unique within the Gulf of Carpentaria. Octocorals, sponges, acsidiens and gorgonians are also likely to occur in the area.</p> <p>The reserve also includes a number of submerged coral reefs that support large plate corals (<i>Turbinaria</i> spp.), abundant hard corals and a large proportion of soft corals as well as breeding and aggregation habitats for many fish species, refuges for seasnakes and apex predators (such as sharks), and</p>

	<p>important habitat for invertebrates such as crustaceans and polychaete worms. The environment of the Gulf of Carpentaria basin is inhabited by species such as heart urchins and sand dollars, sponges, solitary corals and sea cucumbers, as well as top predators such as snappers and sharks.</p> <p>The marine reserve also overlaps the Gulf of Carpentaria coastal zone which is a key ecological feature and supports some of the most diverse and abundant biota in the North Marine Region. The waters within the reserve provide important interesting habitat for threatened green and flatback marine turtles preparing successive egg clutches for laying on nearby coasts. Waters within the reserve also support important foraging habitat for breeding aggregations of migratory birds, including the lesser frigatebird, brown booby and roseate tern, and for the listed marine crested tern. Large aggregations of dugong also occur within the reserve.</p>
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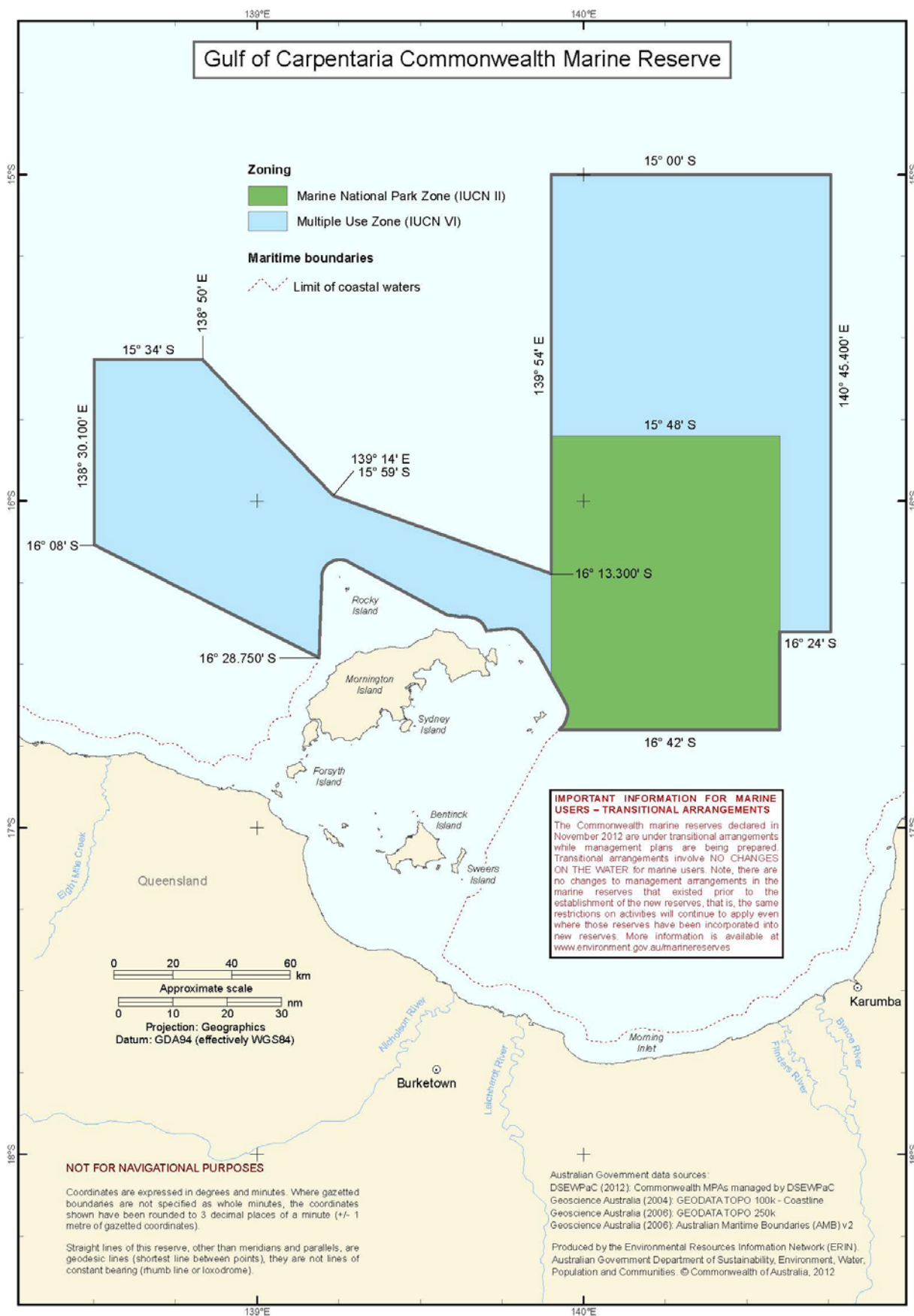


Figure A8: Gulf of Carpentaria Commonwealth Marine Reserve

West Cape York Commonwealth Marine Reserve

Date of effect	17 November 2012
IUCN category assigned to this reserve	IUCN VI
Assigned zones in reserve under this management plan	Marine National Park Zone (IUCN II) (7957 km ²) Special Purpose Zone (IUCN VI) (2184 km ²) Multiple Use Zone (IUCN VI) (5871 km ²)
Depth of reserve below seabed	1000 m
Total area	16 012 km ²
Major conservation values	<ul style="list-style-type: none"> • Important resting area between egg laying (internesting area) for the threatened: <ul style="list-style-type: none"> - flatback turtle - hawksbill turtle - olive ridley turtle • Important roosting area for aggregations of the migratory lesser frigate bird • Examples of the ecosystems of two provincial bioregions: the Northern Shelf Province (which includes the Carpentaria and West Cape York mesoscale bioregions) and the Northeast Shelf Transition Province (which includes the Torres Strait meso-scale bioregion) • Includes two key ecological features: <ul style="list-style-type: none"> - Gulf of Carpentaria coastal zone (high productivity; biodiversity and endemism; aggregations of marine life) - Gulf of Carpentaria basin (biodiversity; aggregations of marine life)
Location	The West Cape York Commonwealth Marine Reserve (Figure A9) extends from the boundary of Queensland waters adjacent to the northern end of the Cape York Peninsula and north-west to the edge of Australia's exclusive economic zone.
General description	<p>The reserve includes the environment of the Gulf of Carpentaria basin which is a key ecological feature in the North Marine Region. The basin environment is characterised by heart urchins, sand dollars, sponges, solitary corals and sea cucumbers, as well as top predators such as snappers and sharks. The reserve also includes the Gulf of Carpentaria coastal zone key ecological feature which supports some of the most diverse and abundant biota in the North Marine Region.</p> <p>The coastline adjacent to the reserve is subject to higher wave energy than elsewhere in the Gulf of Carpentaria, and is consequently highly dynamic. It also shares some biological characteristics (such as extensive tidal sandbanks and offshore reefs) with the Torres Strait.</p>

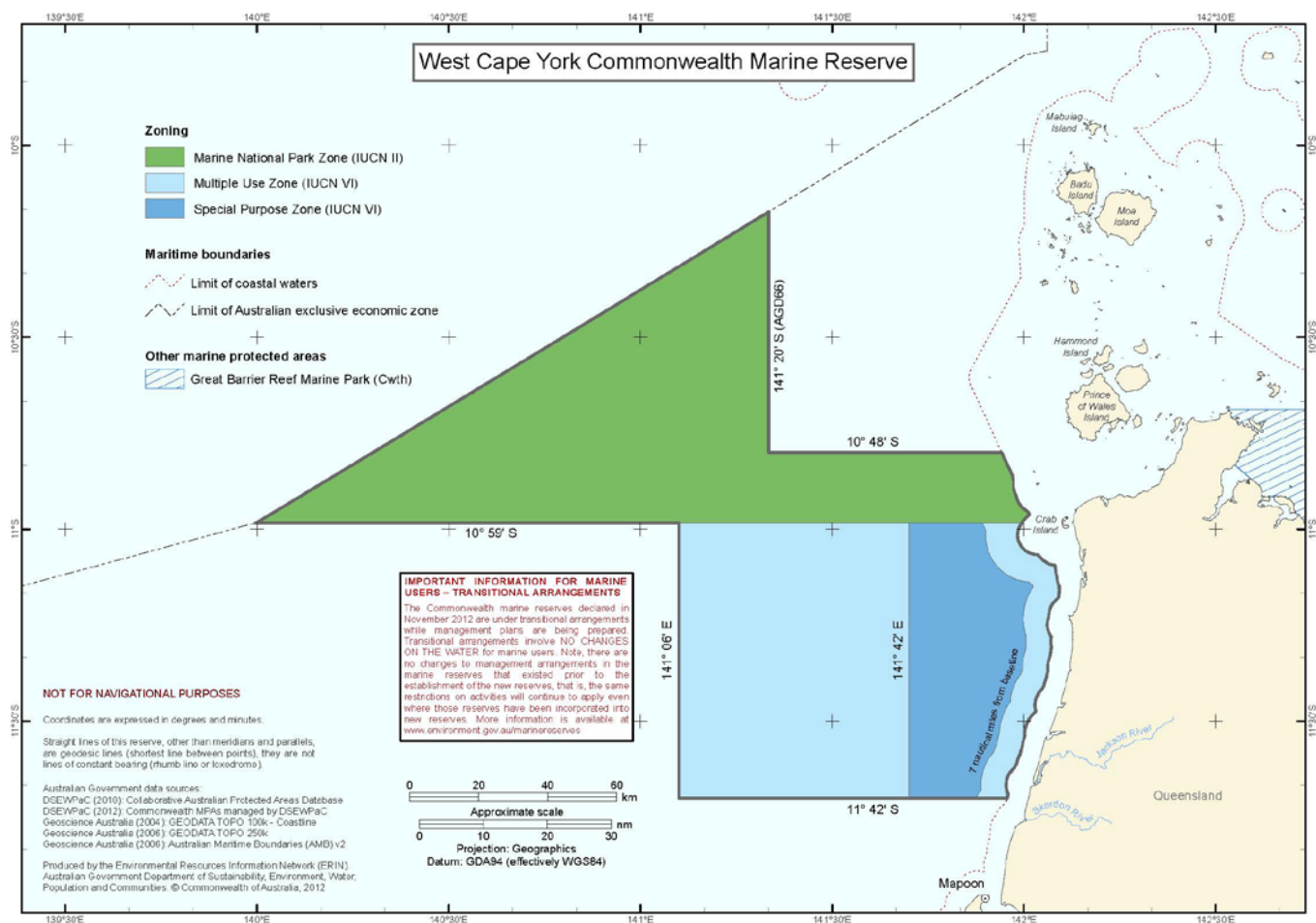


Figure A9: West Cape York Commonwealth Marine Reserve

APPENDIX B

Legislative framework for the Reserves Network

The reserves of the North Commonwealth Marine Reserves Network are established under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Act and the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) under the Act provide the legal basis and framework for management of the network reserves. Other laws referred to in this Appendix may also be relevant to activities in the reserves. A number of international agreements relevant to management of the reserves are also described.

EPBC Act

Director of National Parks

The Director is a corporation under the EPBC Act (s.514A) and a Commonwealth authority for the purposes of the Commonwealth Authorities and Companies Act 1997. 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 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. The Director can delegate all or any of the Director's powers or functions under the EPBC Act (s.515) and EPBC Regulations (r.19.01A).

IUCN categories and management principles

The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven IUCN categories prescribed by the EPBC Regulations (r.10.03H), which correspond to the protected area management categories identified by the IUCN (see Appendix C):

- strict nature reserve;
- wilderness area;
- national park;
- natural monument;
- habitat/species management area;
- protected landscape/seascape; or
- managed resource protected area.

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 described below.

General administrative principles

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

- 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

- 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
- 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
- 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
- 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:
 - natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature, and
 - 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
- 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
- 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

Part 2 of the Schedule sets out management principles applicable to each IUCN category. 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)

The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles:

- 1.1 Habitats, ecosystems and native species should be preserved in as undisturbed a state as possible.
- 1.2 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.3 Established ecological processes should be maintained.
- 1.4 Structural landscape features or rock exposures should be safeguarded.
- 1.5 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.
- 1.6 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.7 Public access should be limited to the extent it is consistent with these principles.

2. National Park (IUCN Category II)

The reserve or zone should be protected and managed to preserve its natural condition according to the following principles:

- 2.1 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 2.2 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.

- 2.3** 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.
- 2.4** Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 2.5** Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 2.6** 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.
- 2.7** 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.

3. Habitat/Species Management Area (IUCN Category IV)

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:

- 3.1** 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.
- 3.2** Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 3.3** 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.
- 3.4** 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.
- 3.5** 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.

4. Managed Resource Protected Area (IUCN Category VI)

The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles:

- 4.1** The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 4.2** Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 4.3** 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 the reserves. 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 and, so far as relevant to the reserves, must:

- assign the reserve to an IUCN category
- state how the reserve, or each zone of the reserve, is to be managed
- state how the natural features of the reserve, or of each zone of the reserve, are to be protected and conserved
- specify any limitation or prohibition on the exercise of a power, or performance of a function, under the EPBC Act in or in relation to the reserve
- specify any mining operation, major excavation or other works that may be carried on in the reserve, and the conditions under which it may be carried on
- specify any other operation or activity that may be carried on in the reserve
- indicate generally the activities that are to be prohibited or regulated in the reserve, and the means of prohibiting or regulating them.

A management plan must also:

- indicate how the plan takes account of Australia's obligations under each agreement with one or more other countries that is relevant to the reserve (including the World Heritage Convention and the Ramsar Convention, if appropriate);
- if the reserve includes a National Heritage area
- not be inconsistent with the National Heritage management principles
- address the matters prescribed by regulations made for the purposes of paragraph 324S (4)(a); and
- if the reserve includes a Commonwealth Heritage area
- not be inconsistent with the Commonwealth Heritage management principles
- address the matters prescribed by regulations made for the purposes of paragraph 341S(4)(a).

A management plan may:

- divide a reserve into one or more zones, and must assign each zone to an IUCN category; and
- cover more than one Commonwealth reserve (s.367(5)), as is the case with the North Commonwealth Marine Reserves Network management plan.

In preparing a management plan the EPBC Act (s.368) requires account to be taken of various matters. In relation to the network reserves these matters include:

- the regulation of the use of the reserves for the purpose for which they were declared;
- the protection of the special features of the reserves, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest;
- the protection, conservation and management of biodiversity and heritage within the reserves;
- the protection of the reserves against damage; and
- 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. These actions are:

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

The EPBC Act (ss.355 and 355A) also prohibits mining operations being taken in Commonwealth reserves except in accordance with a management plan.

Section 358 allows the Director to grant a lease or a licence relating to land or sea-bed 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. Activities that are prohibited under the EPBC Regulations (Division 12.2) may be carried on if an exemption applies (r.12.06); for example, where an activity is authorised by a permit issued by the Director, or where a management plan that is in force for a Commonwealth reserve allows for the activity. The EPBC Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act who are carrying out their duties.

Actions that may require additional approval under the EPBC Act

Environmental Impact Assessment

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 the time of preparing this plan, the matters of national environmental significance identified in the EPBC Act are:

- World Heritage listed properties
- National Heritage listed places
- Ramsar wetlands of international importance
- nationally-listed threatened species and ecological communities
- listed migratory species
- nuclear actions (including uranium mining)
- Commonwealth marine areas
- Great Barrier Reef Marine Park.

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 for the Minister's decision 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 in Commonwealth areas and to cetaceans (whales and dolphins) in the Australian Whale Sanctuary (encompassing all Commonwealth waters) established by the Act.

All whales, dolphins and porpoises are protected under the EPBC Act through the establishment of the Australian Whale Sanctuary, which includes all Commonwealth waters. Within the Australian Whale Sanctuary it is an offence to kill, injure or interfere with cetaceans. They are also protected in State and Territory waters.

Migratory species listed under the EPBC Act are species listed under international agreements (to which Australia is a signatory) as species whose protection requires, or would significantly benefit from, international cooperation. These international agreements are discussed in more detail in Appendix B.

Marine species listed under the EPBC Act are species occurring naturally in the Commonwealth marine area that the Australian Government recognises require protection to ensure their long-term conservation. Species listed as marine species are identified in Section 3.3 of the Act.

In relation to threatened species and communities, the EPBC Act also provides for the identification and listing of key threatening processes and the preparation of threat abatement plans and species recovery plans.

Actions taken in accordance with a Commonwealth reserve management plan that is in operation are exempt from prohibitions in Part 13 of the Act.

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.

EPBC Act and Indigenous traditional rights and native title rights

Native title rights can exist in waters over which Australia asserts sovereign rights under the *Seas and Submerged Lands Act 1973*. Native title determinations need not have been made in order for native title rights to exist. To the extent a Commonwealth reserve may intersect with native title rights and interests, the Commonwealth has no intention of impacting native title rights and interests. If native title parties consider that their native title rights and interests may be affected by the Proclamation of a Commonwealth reserve or the content of a reserve management plan the Commonwealth invites them to make a submission detailing their concerns.

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.

The EPBC Act also does not affect the operation of s.211 of the *Native Title Act 1993*, 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).

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.

Other relevant laws

Historic Shipwrecks Act 1976

The *Historic Shipwrecks Act 1976* protects historic wrecks and associated relics, which are more than 75 years old and in Commonwealth waters, extending from below the low water mark to the edge of the continental shelf. The Minister can also make a declaration to protect any historically significant wrecks or articles and relics that are less than 75 years old.

The Act aims to ensure that historic shipwrecks are protected for their heritage values and maintained for recreational, scientific and educational purposes. It also seeks to control actions that may result in damage, interference, removal or destruction of an historic shipwreck or associated relic. Divers can use wreck sites for recreational purposes, but relics must not be removed from the wreck site and the physical fabric of the wreck must not be disturbed, unless a permit has been obtained.

Some historic shipwrecks lie within protected or no-entry zones. These zones may cover an area up to a radius of 800 metres around a wreck site, and may be declared where circumstances place it at particular risk of interference. Permits are required to transit or enter a protected zone for activities such as diving, fishing or commemorative ceremonies. Permits are also required to undertake any activities otherwise prohibited or restricted by the Act.

Environment Protection (Sea Dumping) Act 1981

Australia regulates the loading and dumping of waste at sea under the *Environment Protection (Sea Dumping) Act 1981* (the Sea Dumping Act). This Act also fulfils Australia's international obligations under the London Protocol to prevent marine pollution by controlling dumping of wastes and other matter.

Under the Sea Dumping Act, the Commonwealth aims to minimise pollution threats by:

- prohibiting ocean disposal of waste considered too harmful to be released in the marine environment; and
- regulating permitted waste disposal to ensure environmental impacts are minimised.

The Sea Dumping Act applies to all vessels, aircraft and platforms in Australian waters and to all Australian vessels and aircrafts in any part of the sea.

Permits are required for all sea dumping operations. Permits are most commonly issued for dredging operations and the creation of artificial reefs. Permits have also been issued for the dumping of vessels, platforms or other man-made structures, and for burials at sea.

International agreements

This management plan takes into account Australia's obligations under international agreements that are relevant to the North marine reserves network.

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

The convention, which was agreed in 1982 and came into force for Australia in 1994, provides a framework to regulate many aspects of the uses of the sea and conservation of the marine environment. UNCLOS includes the right of innocent passage of foreign ships through the territorial sea, and of freedom of navigation through Australia's exclusive economic zone (EEZ).

UNCLOS requires foreign ships in territorial seas to comply with the relevant country's laws relating to certain matters, including conservation of the living resources of the sea; prevention of infringement of the fisheries laws; preservation of the environment and the prevention, reduction and control of pollution of the environment; and marine scientific research and hydrographical surveys.

Within Australia's EEZ, foreign ships have rights closely associated with their rights on the high seas, including the freedom of navigation.

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

The MARPOL deals with preventing and minimising ship-generated pollution from being discharged 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 1912*. It is the basis for Australian and state government regulation of pollution from all ships, including fishing vessels, in Australian waters. The International Maritime Organisation, a specialised agency of the United Nations, administers this convention and related conventions.

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

Australia is a signatory to the London Convention 1972, the objective of which is to control all sources of marine pollution and prevent pollution through the regulation of waste dumping into the sea. In Australia, the deliberate loading, dumping and incineration of waste at sea is regulated by the *Environment Protection (Sea Dumping) Act 1981*.

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.

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 utilisation 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 marine reserves network assists Australia in meeting its obligations under the CBD.

In 2010, the Conference of Parties to the Convention on Biological Diversity adopted a 'Strategic Plan for Biodiversity'. It includes the following target relevant to protected areas:

Target 11

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. The strategic plan commitment acknowledges the unfortunately slow progress towards the 2012 target. The Australian Government has met and exceeded this target.

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

As a party to the Bonn Convention, Australia has agreed to protect migratory species and to negotiate and implement agreements for the conservation and management of migratory species with other range states, including cooperation and support of research relating to migratory species:

- The agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and their Environment 1974 (JAMBA).
- The agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds in Danger of Extinction and their Environment 1986 (CAMBA).
- The agreement between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds 2007 (ROKAMBA).

International Convention for the Regulation of Whaling

Australia has obligations as a member of the International Whaling Commission and as a signatory to the International Convention for the Regulation of Whaling. Some of these obligations include providing for the conservation of whale species through the complete protection of certain species and designation of whale sanctuaries, and through promoting relevant research. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

GLOSSARY

Australian Fisheries Management Authority (AFMA)	Australian Government agency responsible for the management and sustainable use of Commonwealth fish resources on behalf of the Australian community.
Australian Government	The Government of the Commonwealth of Australia.
biodiversity	According to the EPBC Act, the variability among living organisms from all sources (including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part) and includes: <ul style="list-style-type: none"> (a) diversity within species and between species; and (b) diversity of ecosystems.
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 <i>Integrated Marine and Coastal Regionalisation of Australia Version 4.0</i> .
Commonwealth area	Has the meaning given by s.525 of the EPBC Act.
Commonwealth reserve	A reserve established and managed under Division 4 of Part 15 of the EPBC Act.
controlled action	Has the meaning given by s. 67 of the EPBC Act.
department	The Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC), including any agency that succeeds to the functions of the department.
Director	The Director of National Parks under s. 514A of the EPBC Act, and includes any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the North Commonwealth Marine Reserves Network.
endemic	Native to or confined to a certain region.
<i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i>	The Australian Government's key environmental Act, which came into effect on 16 July 2000, and includes any Act amending, repealing or replacing the Act.
<i>Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations)</i>	The Australian Government's key environmental regulations, which came into effect on 16 July 2000, and includes any Regulations amending, repealing or replacing the Regulations.
gazette	The <i>Commonwealth of Australia Gazette</i> .

Integrated Marine and Coastal Regionalisation of Australia (IMCRA or IMCRA v4.0)	A spatial framework for classifying Australia's marine environment into bioregions that form the basis for the development of a National Representative System of Marine Protected Areas.
International Union for the Conservation of Nature (IUCN)	A democratic membership union with more than 1000 government and non-government organisation member organisations, and almost 11 000 volunteer scientists in more than 160 countries that brings governments, non-government organisations, United Nations agencies, companies and local communities together to develop and implement policy, laws and best-practice environmental management and sustainable development.
management plan	This draft management plan unless otherwise stated.
management principles	The Australian IUCN reserve management principles set out in Schedule 8 of the EPBC Regulations.
mining operations	Mining operations as defined by s.355(2) of the EPBC Act.
Minister	The Minister administering the EPBC Act.
National Representative System of Marine Protected Areas (NRSMPA)	A comprehensive, adequate and representative system of marine protected areas that contribute to the long-term ecological viability of marine and estuarine systems, maintain ecological processes and systems, and protect Australia's biological diversity at all levels.
proclamation	A proclamation by the Governor-General that is registered on the Federal Register of Legislative Instruments
North Commonwealth Marine Reserves Network (North marine reserves network or the marine reserves network)	Eight Commonwealth marine reserves managed as a network that contain representative examples of the major sea-floor features of the North Marine Region:
stowed and secured	All fishing equipment, including nets and lines, are not in contact with the water, are onboard the nominated vessel, and lines are unrigged, unless otherwise determined by the Director.
transit	Passage of a vessel through a reserve without any other activity occurring in the reserve, whereby the transit is in a straight direction and the vessel does not stop for any reason other than a notified emergency.
unrigged	All tackle must be removed, leaving only a bare line on the reel.

SUPPORTING INFORMATION

ANZECC (Australian and New Zealand Environment and Conservation Council) (1998), *Guidelines for establishing the National Representative System of Marine Protected Areas*, ANZECC Task Force on Marine Protected Areas, Canberra.

ANZECC (Australian and New Zealand Environment and Conservation Council) (1999), *Strategic plan of action for the National Representative System of Marine Protected Areas: a guide for action for Australian Governments*, ANZECC Task Force on Marine Protected Areas, Canberra.

Commonwealth of Australia (1999), *Environment Protection and Biodiversity Conservation Act 1999*, Environment Australia, Canberra.

Commonwealth of Australia (2000), *Environment Protection and Biodiversity Conservation Regulations 2000*, Environment Australia, Canberra.

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