

Marine Parks and  
Reserves Authority

**MPRA**

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# ANNUAL REPORT

29 AUGUST 1997-30 JUNE 1998



# Marine Parks and Reserves Authority

## ANNUAL REPORT

29 August 1997 - 30 June 1998

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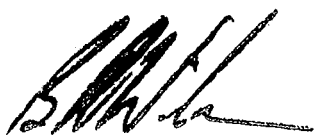
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# MPRA

MARINE PARKS &  
RESERVES AUTHORITY

HON MINISTER FOR THE ENVIRONMENT

In accordance with section 31 of the *Conservation and Land Management Act 1984*, I submit for your information and presentation to Parliament, the first annual report of the Marine Parks and Reserves Authority.



Dr Barry Wilson  
Chairman

27 November 1998

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# CHAIRMAN'S REVIEW

It is with great pleasure that I introduce the first annual report of the activities of the Marine Parks and Reserves Authority (MPRA) for the period 29 August 1997 to 30 June 1998.

The MPRA was established on proclamation of the *Acts Amendment (Marine Reserves) Act 1997* on 29 August 1997 as the vested body for Western Australia's marine conservation reserves. Vesting of the existing marine conservation reserves was transferred at this time from the National Parks and Nature Conservation Authority (NPNCA) to this Authority.

I would like to take the opportunity to introduce the members of the Authority. Mr Michael Hardy, who has been appointed Deputy Chairman, is a lawyer with extensive experience in environmental and planning law and is chairman of the Abrolhos Islands Management Advisory Committee; Mr David Hayes is chief executive chairman of Frontier Petroleum NL and has 33 years' experience in the international petroleum exploration and production industry; Professor Diana Walker is an expert on seagrasses and marine ecology and is head of The University of WA's Botany Department; Mr Ian Finlay is a former professional fisherman and has been involved in the fishing industry for 34 years; Ms Edwina Davies Ward is coordinator of the Marine and Coastal Community Network; Mr Angus Horwood is a primary producer and company director, former member of the NPNCA and a keen recreational fisherman; and I am managing director of Murex Consultants and a former Director of Nature Conservation with the Department of Conservation and Land Management (CALM).

The Authority has a key role in advising the Minister for the Environment, developing policies on conservation and management of marine fauna and flora and marine and estuarine environments, overseeing the development of reserve management plans and monitoring the implementation of management plans and the management of marine conservation reserves by CALM.

The proclamation of the Amendment Act also saw the establishment of the Marine Parks and Reserves Scientific Advisory Committee. Functions of the Advisory Committee include providing advice to the MPRA and I look forward to continuing to work closely with the Committee.

Understandably, a good portion of this year has been devoted by members to becoming familiar with the role of the Authority, considering what the Authority wants to achieve and gaining an understanding of the relevant legislation. The Authority has commenced the development of a Strategic Plan which will help outline objectives and the mechanisms for achieving them.

A major achievement has been the identification and subsequent announcement by the Minister for the Environment of three priority areas for consideration for reservation under the CALM Act. These are the Montebello-Barrow Islands, Dampier Archipelago and the Geographe Bay-Capes-Hardy Inlet area. These areas are in addition to the proposed Jurien Bay marine reserve, for which the establishment process is well underway.

The Authority has also recommended to the Minister for the Environment four further areas to be considered for priority reservation, these being the waters adjacent to Bernier, Dorre and Dirk Hartog Islands at Shark Bay; a southern extension to the Ningaloo Marine Park; Broke Inlet; and Walpole-Nornalup Inlet. These areas have been identified through other planning processes, including the report of the Marine Parks and Reserves Selection Working Group, as worthy of consideration for reservation because of their conservation and other values, and the MPRA believes they warrant priority consideration.

The Authority has made progress towards establishing the framework for a long-term and systematic approach to establishment of a Statewide, representative marine reserve system. A draft discussion paper on the prioritising framework, including criteria, has been considered by the MPRA and the Marine Parks and Reserves Scientific Advisory Committee. On finalisation of this framework the Authority will review the remaining recommendations of the Marine Parks and Reserves Selection Working Group report with a view to prioritising them.

I would also like to take this opportunity to pay tribute to the NPNCA for its excellent job in overseeing management of the marine conservation reserves since its formation. I am looking forward to a continuing, positive and close working relationship between the two authorities.

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In conclusion I would like to thank fellow members for their hard work and dedication over the last nine months. I also extend appreciation to CALM staff for their background briefings and advice and assistance at Authority meetings, as well as to the representatives of other Government agencies who have also attended Authority meetings.

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# GENERAL INFORMATION

## FUNCTIONS OF THE MARINE PARKS AND RESERVES AUTHORITY

The *Acts Amendment (Marine Reserves) Act 1997* (Amendment Act) was proclaimed on 29 August 1997 and included amendments to the *Conservation and Land Management Act 1984* (CALM Act), which established the Marine Parks and Reserves Authority (MPRA) as the vested body for Western Australia's marine conservation reserves. Vesting was transferred from the National Parks and Nature Conservation Authority (NPNCA) to this Authority. The MPRA was created as a Controlling Body under section 26A of the CALM Act. The Authority is responsible to the Hon Minister for the Environment.

Western Australia's marine nature reserves, marine parks and marine management areas are vested in the MPRA. Day to day management of these vested waters and lands is carried out by CALM.

In addition to being the vested authority for these conservation reserves, section 26B(1)(b) of the CALM Act prescribes the functions of the Authority. These are:

1. Development of policies
  - (a) to preserve the natural marine and estuarine environments of the State;
  - (b) to provide facilities for the enjoyment of those environments by the community;
  - (c) to promote appreciation of marine and estuarine flora and fauna and natural marine and estuarine environments; and
  - (d) to achieve and promote the management objectives of the various types of marine conservation reserve vested in it, as outlined at section 56 of the Act.
2. To consider and advise (in accordance with section 17) any proposed cancellation, change of purpose or boundary alteration in respect of land or water vested in it.
3. To advise the Minister on proposals for reservations (for the purposes of section 14).
4. To submit proposed management plans, for the marine conservation reserves vested in it, to the Minister for consideration and approval (Part V of the Act).

5. With the approval of the Minister, cause study or research to be undertaken to assist in policy development.
6. In relation to management plans for land and waters vested in the Authority
  - (a) to develop guidelines for monitoring the implementation of the management plans by the Department;
  - (b) to set performance criteria for evaluating the carrying out of the management plans; and
  - (c) to conduct periodic assessments of the implementation of the management plans.
7. Inquire into and advise the Minister on any matter on which the Minister has sought the Authority's advice. However, if the matter involves a specific area of land or waters, the Authority is required under section 26B(4), to first contact the relevant local government council to provide an opportunity for it to comment. If the matter relates to marine archaeology, the Authority is required under section 26B(6), to first contact the WA Museum to provide an opportunity for it to comment.
8. In response to requests, provide advice to any person or body on matters relating to conservation reserves vested in the Authority - if it is practical for the Authority to do so and if also in the public interest.

(Note: Except where otherwise indicated, the terms "the Minister", "the Department", "the Act" and "the Amendment Act" used in this report refer to the Minister for the Environment, the Department of Conservation and Land Management, the *Conservation and Land Management Act 1984* and the *Acts Amendment (Marine Reserves) Act 1997* respectively.)

## WRITTEN DIRECTION BY THE MINISTER

Section 26C(1) of the CALM Act provides the Minister with a discretionary power to direct the Marine Parks and Reserves Authority in writing with regard to the exercise or performance of its functions.



During the year the Authority resolved to adopt the term "marine reserve" rather than "marine conservation reserve" to collectively refer to marine nature reserves, marine parks and marine management areas and sought the comment of the Minister on this matter.

The Minister's subsequent written response asked the Authority to adopt and use the term "marine conservation reserve".

If the Minister exercises the power of direction provided in section 26C(1) of the CALM Act, the Authority is required under section 26C(2) to include the text of any direction given in its annual report. The relevant text of the Minister's direction of 12 March 1998 in this respect follows:

"In summary, it is the Government's view that "conservation" is the unifying and defining feature of the three reserve categories under the CALM Act and the term "marine conservation reserve" provides a much clearer sense of what is intended. It is for this reason that the soon-to-be-published revised *New Horizons* document\* uses "marine conservation reserves" and I would ask that the Marine Parks and Reserves Authority also adopts and uses this terminology."

\*On 5 June 1998 the Minister released *New Horizons - The Way Ahead in Marine Conservation and Management*. [See page 9 of this report]

## **AUTHORITY MEMBERSHIP**

The Authority is made up of 7 members who are appointed under the provisions of sections 26D(1) and 26D(2) of the Act, and are to be persons who, in the opinion of the Minister, have knowledge and experience or a particular function or vocational interest which is relevant to the functions of the Marine Authority.

One of the members shall, on the nomination of the Minister, be appointed by the Governor as chairman and another as deputy chairman (section 26D(3)).

Membership for the period 29 August 1997 to 30 June 1998 is recorded below.

### **Appointed Members**

- (1) Dr Barry Wilson (Chairman)
- (2) Mr Michael Hardy (Deputy Chairman)
- (3) Mr David Hayes
- (4) Professor Diana Walker
- (5) Ms Edwina Davies Ward

- (6) Mr Ian Finlay
- (7) Mr Angus Horwood

Reasonable notice of meetings of the Marine Authority is required to be given to CALM and to the chief executive officer of any other agency which, in the view of the chairman, is concerned with a matter to be considered at the meeting, and no resolution purportedly passed at a meeting shall be valid unless such notice of the meeting was given.

CALM's Executive Director, or his representative, is entitled to attend any meeting and take part in the consideration and discussion of any matter before a meeting, but shall not vote on any matter.

A chief executive officer, or his representative, of another agency who receives notice of a meeting is entitled to attend any meeting and take part in the consideration and discussion of any matter before a meeting, but shall not vote on any matter.

## **AUTHORITY MEETINGS**

Meetings of the full Authority were held on six occasions during the period. These were:

- 16 October 1997 (inaugural meeting)
- 27 November 1997
- 9 February 1998
- 2 April 1998
- 14 May 1998
- 25 June 1998

In addition to the above meetings, the Authority formed smaller committees to deal with specific issue and policy matters. These committees met on an "as needs basis" during the period.

### **Attendance of Executive Director and other Chief Executive Officers**

In accordance with section 26D(5) of the Act, the Executive Director of the Department and Chief Executive Officers of other relevant Departments were advised of meetings of the MPRA so that they could take part in the discussion and consideration of the business before the Authority.

The attendance of and valuable contributions from Chief Executive Officers or their representatives at meetings was much appreciated by the Authority.

A situation necessitating the MPRA to invoke section 26D(6) of the Act to exclude Chief Executive Officers from part of a meeting did not arise in the period 1997/98.

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## RESOURCES

The Department provides the necessary secretarial staff to the Authority, being part of one officer's duties plus typing services. Other Departmental staff also provide substantial input to the Authority.

The MPRA has no financial functions. Costs relating to honoraria, travel costs and day to day running costs are met from the Consolidated Fund appropriation of the Department. Approximate expenditure for the 1997/98 year (excluding CALM officers' salaries) was \$40,000.

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# THE MARINE CONSERVATION ESTATE

## LEGISLATIVE BACKGROUND

Under sections 7(5) and 26B(1)(a) of the CALM Act, the MPRA is the vested authority for marine conservation reserves to which the Act applies. The Authority considers any cancellation and change of purpose or boundary for its reserves under section 26B(1)(c) and associated section 17.

## CATEGORIES OF RESERVE AND FUNCTIONS

Marine nature reserves, marine parks and marine management areas are the three main conservation reserve categories vested in the MPRA under the CALM Act. Other reserves vested in the NPNCA under the Land Act (now *Land Administration Act 1997*) for similar purposes have been transferred to the MPRA. The CALM Act marine conservation reserve categories are:

**Marine nature reserves.** Marine nature reserves are created for conservation and scientific research. Although low-impact tourism may be permitted, no recreational or commercial fishing, aquaculture, pearling, petroleum drilling or production is allowed in these areas. To date there is only one marine nature reserve established.

**Marine parks.** Marine parks are created to protect natural features and aesthetic values while at the same time enabling recreational and commercial use where these activities do not compromise conservation values.

There are four types of management zones applicable to marine parks.

### (i) Recreation Zones

Specified recreation activities consistent with conservation of natural resources are permissible in a recreation zone. Commercial fishing, aquaculture and pearling and hatchery activities are not permitted in recreation zones. Similarly, exploratory drilling for and the production of petroleum, and disturbance by mining are not permissible activities in marine park recreation zones.

### (ii) General Use Zones

Commercial and recreational activities consistent with the conservation of natural resources are permissible in a general use zone. For example, commercial and recreational fishing and aquaculture under the *Fish Resources Management Act 1994* are permissible activities, as are pearling and hatchery

activities under the *Pearling Act 1990*. Similarly, exploratory drilling for and the production of petroleum, and mining are permissible activities subject to petroleum and mining legislation and the *Environmental Protection Act 1986*.

### (iii) Sanctuary zones

A sanctuary zone provides for the total protection of environmental values, while the limited range of recreational uses consistent with the protection of these values is permissible. Exploratory drilling for and the production of petroleum, mining, commercial and recreational fishing, aquaculture and pearling are not permitted in sanctuary zones.

### (iv) Special purpose zones

A special purpose zone can be established for any purpose(s) where the purposes assigned to recreation, general use and sanctuary zones are inappropriate for the values intended to be protected and the activities to be managed in a particular area of a marine park. A combination of commercial and/or recreational uses could be permissible activities in a special purpose zone.

**Marine management areas.** To date no marine management areas have been established. Marine management areas will provide a formal integrated management framework over areas that have high conservation value and intensive multiple use. These areas will be selected primarily on the basis of their biological and recreational values and their existing or future commercial activities such as petroleum production and commercial fishing.

**Section 5(g) reserves.** Land reserves with purposes the same as those prescribed in the CALM Act for marine reserves have been reserved and originally been vested in the NPNCA under the Land Act (now *Land Administration Act 1997*) and are designated 'section 5(g)' reserves. To date, all of these land reserves, which are now vested in the MPRA, have the purpose 'marine park' and they comprise either islands within the waters or land adjoining the shoreline of a CALM Act marine park.

## RESERVE CLASSIFICATIONS AND SECURITY OF TENURE

All marine conservation reserves established under the CALM Act and all Land Act (now *Land Administration Act 1997*) reserves currently vested in the MPRA to date are Class A.

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Any CALM Act marine conservation reserve that is Class A cannot have its purpose amended or cancelled or its boundary changed, except by addition, unless this has been effected by an Act of Parliament.

Before the Minister for Lands can put any major change into effect under the *Land Administration Act 1997*, such as a change of purpose or a major excision, to Class A CALM Act section 5(g) reserves, it requires tabling in and the approval of both Houses of Parliament where it may be disallowed.

## AREA VESTED

**Marine nature reserves.** As at 30 June 1998 one marine nature reserve totalling 132,000 hectares was vested in the Authority.

**Marine parks.** As at 30 June 1998 six marine parks totalling approximately 1,013,940 hectares were vested in the Authority.

**Marine management areas.** As at 30 June 1998 there were no marine management areas established.

Further details of the conservation estate are contained in the annual report of the Department.

## CONSIDERATIONS OF PROPOSED CHANGES FOR VESTED LAND AND WATERS

As the vested controlling body, the Authority considered proposals presented to it throughout the year relating to boundary changes, classification changes, vesting or other matters. These are summarised below:

- The MPRA provided advice and recommendations to the Minister on priority areas for consideration for reservation under the CALM Act. Acting on the Authority's advice the Minister announced in December 1997 that the Montebello-Barrow Islands, Dampier Archipelago and the Geographe Bay-Capes-Hardy Inlet area will be priority areas for consideration for reservation. This is in addition to the proposed Jurien Bay marine reserve, which was identified as a priority area before the establishment of the MPRA.
- Provided advice to the Minister on several other areas for consideration for reservation, which in addition to having been identified by the Marine Parks and Reserves Selection Working Group report, have also been recommended by

the Environmental Protection Authority and through other planning processes. These include the waters adjacent to Bernier, Dorre and Dirk Hartog Islands at Shark Bay, the southern extension to Ningaloo Marine Park, and the Broke and Walpole-Nornalup Inlets.

- The MPRA provided advice to the Minister on the proposed extension to the Shoalwater Marine Park, further to that outlined in the report of the Marine Parks and Reserves Selection Working Group. The Authority supported the extension of the Shoalwater Islands Marine Park to the boundaries suggested by the Marine Parks and Reserves Selection Working Group, with the longer term objective of adding the western parts of Cockburn Sound when environmental problems there have been resolved.
- The MPRA considered a proposal and provided comments to the Shire of Carnarvon on the proposed change of vesting to Reserve 37500, Coral Bay. This reserve is vested with the NPNCA but is proposed to become part of the Ningaloo Marine Park and vested in the MPRA.

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# CALM ACT CONTROLLING BODIES

## NATIONAL PARKS AND NATURE CONSERVATION AUTHORITY

Prior to proclamation of the Amendment Act on 29 August 1997 the State's marine conservation reserves were vested in the NPNCA.

Reciprocal statutory requirements have been placed on the Marine Authority and the NPNCA so that when a matter before either body is about a reserve vested in the other body or otherwise relevant to the other body's functions it must be referred for comment and advice to the relevant vested body (CALM Act, sections 22(6) and 26B(7)). In addition, the Minister has expressed the view that both the Marine Authority and the NPNCA should be pro-active in developing joint or reciprocal policies on areas of common interest, particularly where integrated management of waters vested in the Marine Authority and land vested in the NPNCA is to be addressed and, generally, where island and coastal management issues as they relate to species conservation and environmental degradation may arise. The policy development functions of the Marine Authority and the NPNCA are analogous.

During the 1997/98 period the MPRA Deputy Chairman, on behalf of the Chairman, attended part of the NPNCA's November 1997 meeting and held initial discussions regarding liaison between the two authorities. The MPRA and NPNCA also held a joint meeting on 2 April 1998 to meet members and continue these discussions.

## MARINE PARKS AND RESERVES SCIENTIFIC ADVISORY COMMITTEE

On proclamation of the Amendment Act on 29 August 1997 the Marine Parks and Reserves Scientific Advisory Committee was established under section 26F of the CALM Act.

The functions of the Scientific Advisory Committee under section 26G of the CALM Act include providing advice to the MPRA on scientific matters relating to the functions of the Authority and any matters referred to the Advisory Committee by the MPRA.

During the 1997/98 period the Chairman of the Scientific Advisory Committee attended all of five MPRA meetings and part of one MPRA meeting. Other members of the Committee attended part of the MPRA's 27 November 1997 meeting. The MPRA has also referred a number of matters to the Scientific Advisory Committee for advice during the period.

The annual report of the Scientific Advisory Committee should be referred to for details of its activities.

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# POLICY DEVELOPMENT

## LEGISLATIVE BACKGROUND

A statutory function of the Authority under section 26B(1)(b) of the CALM Act is to develop policies: for the preservation of the natural marine and estuarine environments of the State, and the provision of facilities for the enjoyment of that environment by the community; for promoting the appreciation of flora and fauna, and the natural marine and estuarine environments; and to achieve and promote the management objectives of the various types of vested marine conservation reserves as outlined at section 56 of the Act.

## POLICY STATEMENTS

Where directly relevant to the Authority, CALM's departmental policy statements will be presented to us for comment and formal endorsement. The Department produces policy statements that provide practical guidelines for CALM staff in the performance of their duties and also provide to the public a statement about these management guidelines. Once endorsed they may also be accepted as MPRA policy.

## OTHER POLICY AREAS

- The Department prepared eight draft marine conservation reserve "guides" addressing changes to the CALM Act marine reserve provisions made by the Amendment Act, associated changes to other Acts and related policies and procedures. They are titled:
  1. Initial Management Planning and Reservation Process;
  2. Establishment of Management Zones (Classified Areas);
  3. Management Plans;
  4. Aquaculture and Pearling;
  5. Commercial Fishing;
  6. Recreational Fishing;
  7. Petroleum Exploration and Production; and
  8. Mining Tenements and Mining.

The MPRA considered these guides at a number of meetings and gave final endorsement for the guides to be printed under the auspices of both the Authority and the Department. The guides are intended to provide detailed information to agency staff, industry organisations and the like, rather than meeting the need for educational and interpretive

information for the general public and user groups.

- CALM has also undertaken a review of the available scientific information on "no take" areas in marine conservation reserves and has developed a discussion paper. No take areas can be established under the CALM Act as Marine Nature Reserves or as Sanctuary Zones in marine parks. No take areas are clearly defined zones that are closed, permanently or temporarily, to all direct extractive or harvest activities, but are usually still open for non-extractive or low impact activities, such as tourism or research. The paper focuses on the replenishment function of no take areas and is general enough to be applied to any area. The MPRA considered and provided comments on the discussion paper.
- As the successor to the *New Horizons in Marine Management* strategy released in 1994, the revised and updated strategy, *New Horizons – The Way Ahead in Marine Conservation and Management* was released by the Minister on World Environment Day, 5 June 1998. The updated strategy describes the Government's marine conservation reserve policy. In tandem with the new legislation, it provides clear policy direction to the community and industries in relation to marine conservation reserves, reduces uncertainty and minimises the potential for conflict between conservation and resources development, and sets out the process for areas to be considered as a marine conservation reserve.
- The MPRA developed a draft strategic framework which outlines the Authority's objectives and strategies.
- The Authority requested advice from the Marine Parks and Reserves Scientific Advisory Committee on a methodology for prioritising the Marine Parks and Reserves Selection Working Group report recommendations. During the 1997/98 period the MPRA considered a draft position paper prepared by CALM on the prioritising framework, including a set of criteria. This framework will allow for the establishment of a long term, systematic approach to establishment of a Statewide, representative marine reserve system.

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# MANAGEMENT PLANS, LEASES, LICENCES AND PERMITS

## LEGISLATIVE BACKGROUND AND MANAGEMENT PLAN DEVELOPMENT

The CALM Act prescribes a requirement to prepare an indicative management plan for a proposed marine conservation reserve to be released at the time public notification of the reservation proposal is made. Prior to publication of this notice of intent to reserve Western Australian waters, the Authority is required to report to the Minister on the proposed reserve (CALM Act, sections 14(1a) and 26B(1)(d)). Therefore, for marine conservation reserves established post-Amendment Act, the first management plan that will apply to the reserve is an indicative management plan which will effectively apply to management from the day on which reservation is made or as soon as practicable thereafter.

Indicative management plans are, in due course, replaced by CALM Act Part V management plans which are prepared by the MPRA through CALM.

The Authority (under section 26B(1)(e) and section 54 of the Act) is required to submit proposed management plans for waters and lands vested in it to the Minister.

For marine conservation reserves established pre-Amendment Act that did not have a management plan in place when the Amendment Act began operation, the first management plan that will apply to the reserve is a CALM Act Part V management plan. For those reserves established pre-Amendment Act which have an operative management plan, the plan continues in force.

Indicative management plans and CALM Act Part V management plans contain statements on the purpose and background of the plan; the resource information on which the plan is based; management issues and discussion of options where appropriate; and a summary of the operations proposed to be undertaken in respect of that land and waters during a period not exceeding 10 years. Indicative draft management plans and CALM Act Part V draft management plans are released for public comment for a period not less than three months and two months respectively.

Written submissions are received from any interested person or group during that time.

The planning team for each plan analyses and summarises all public submissions and makes changes to the plan where appropriate. A suggested final plan is then forwarded to the Minister (with any amendments) for approval for adoption. Table 1 lists the CALM Act Part V management plans approved and Table 2 shows those currently in preparation.

During the year the Authority approved for forwarding to the Minister for her approval the final management plan for Swan Estuary Marine Park and Adjacent Nature Reserves. The NPNCA also approved this plan for forwarding to the Minister as the adjacent nature reserves are vested in the NPNCA.

## MANAGEMENT PLAN IMPLEMENTATION

The MPRA has a responsibility under the CALM Act to monitor the implementation of approved management plans (section 26B(1)(f) of the CALM Act). The Authority has commenced the development of a draft management plan monitoring system.

Formal monitoring should be initiated during a management plan's mid-term. This is about four to six years into a ten year term. Monitoring guidelines and setting of performance criteria for implementation will be part of this system. The Authority gave preliminary consideration to monitoring guidelines and performance criteria, and will further consider these matters during 1998/99.

The MPRA will conduct assessment of the implementation of the Ningaloo and Marmion Marine Park management plans during the 1998/99 period.

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## MANAGEMENT ISSUES

### Interim Management

**Necessary Operations.** In the absence of an approved management plan for MPRA vested land and waters certain necessary operations may be undertaken by the Department on marine nature reserves in accordance with section 33(3)(b)(i) of the Act. Such operations are defined as "those that are necessary for the preservation or protection of persons, property, land, waters, flora or fauna, or for the preparation of a management plan". CALM's Administrative Instruction No. 23 "Interim Guidelines for Operations" applies to the implementation of necessary operations. It is not a requirement that necessary operations be referred to the Authority, however our advice may be sought as required. No advice was sought during the 1997/98 period.

**Compatible Operations.** Section 33(3)(b)(ii) provides that "compatible operations" may be undertaken in marine parks and marine management areas where there is no approved management plan. Compatible operations include "necessary operations" (see above) but may also include operations approved by the Minister for the Environment as being compatible with the purpose for which the marine park or marine management area is managed. Before the Minister can approve such an operation it must be publicly notified and an opportunity for public submissions must be provided as for management plans. Advice from the Authority on compatible operations may be sought as required. Advice was sought on one compatible operation during the 1997/98 period.

**Leases, Licences and Permits.** The *Conservation and Land Management Regulations 1992* require that commercial operations on MPRA vested land and waters are licensed. The issuing of licences enables the Department to monitor access and use of land and waters under its control and to ensure, through application of conditions, that the conservation values of these areas are maintained. Leases can also be issued on MPRA vested land and waters. It is not a requirement that leases and licences be referred to the Authority, however our advice may be sought as required. Under section 99 of the CALM Act licences and leases require approval of the Minister for the Environment before they can be granted by the Executive Director. Commencement of the Amendment Act enabled the Minister to declare under the CALM Act that a permit was required to carry out a certain activity in a reserve. This power can be applied to activities which are not subject to the commercial operations regulations. During the 1997/98 period

no permit declaration affecting a marine reserve was made.

### Issues Considered

Issues relating to management plans and interim management matters considered during the year included:

- The MPRA recommended that the management zones prescribed in the management plan for the Shark Bay Marine Reserves be classified areas under section 62 of the CALM Act.
- The MPRA recommended that the management zones prescribed in the management plan for the Marmion Marine Park be classified areas under section 62 of the CALM Act.
- The MPRA considered a request from the Water Corporation for an increase in phosphorus loads into the Marmion Marine Park from the Beenyup Ocean Outfall. Representatives from the Authority attended a presentation by the Water Corporation on results of the Perth Long-term Ocean Outlet Monitoring. The Water Corporation and its environmental consultants also briefed members at an Authority meeting. The MPRA advised the Department of Environmental Protection that it has no objections to the Water Corporation's proposal to increase phosphorus loadings to the Marmion Marine Park given that nitrogen is the dominant macro nutrient limiting plant growth in Perth's coastal waters and hence there is a low likelihood of significant impacts on the ecology of these waters in response to increased phosphorus loading.
- The MPRA noted the Tamala-Carrarang Draft Recreation and Tourism Plan.

### Licences

During the year the Authority considered a number of licences including:

- The MPRA endorsed the issuing of commercial tourist activity licences as consistent with 'compatible operations' for the Rowley Shoals Marine Park.
- The MPRA approved the issuing of two commercial wildlife charter boat operator licences for the Red Cliff Bay area, Monkey Mia, Shark Bay Marine Park, subject to a monitoring program on the potential impacts



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of commercial dolphin and dugong interactions at Monkey Mia being undertaken within the three year licence period.

## **WILDLIFE MANAGEMENT PROGRAMS**

The MPRA endorsed a Wildlife Management Program which addresses management of human-whale shark interactions in marine reserves, with particular reference to the Ningaloo Marine Park. The Wildlife Management Program provides a statement of the administrative, compliance auditing and research and monitoring measures to be followed to ensure that human-whale shark interactions, are a sustainable activity. The program assists CALM in meeting both its statutory conservation and recreation objectives.

**Table 1**

**APPROVED MANAGEMENT PLANS  
by CALM plan number**

<b>NUMBER</b>	<b>PLAN</b>	<b>DATE APPROVAL OF MINISTER GAZETTED</b>
12	Ningaloo Marine Park	24 November 1989
23	Marmion Marine Park	15 May 1992
34	Shark Bay Marine Reserves*	7 March 1997

\*this plan applies to the Shark Bay Marine Park and the Hamelin Pool Marine Nature Reserve

**Table 2**

**MANAGEMENT PLANS BEING PREPARED**

<b>1. DRAFT PLANS RELEASED (and final plans being prepared)</b>	<b>Date of Release</b>
Shoalwater Islands Marine Park	26 October 1995
Swan Estuary Marine Park and Adjacent Nature Reserves	2 March 1997
<b>2. DRAFT PLANS BEING PREPARED</b>	
Rowley Shoals Marine Park	

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# ADVICE TO THE MINISTER AND OTHERS

## LEGISLATIVE BACKGROUND

The Authority provides advice to the Minister on:

- the development of policies for the conservation and management of the marine and estuarine flora and fauna and natural environments of the State;
- any matter on which advice is sought by the Minister

and to any other body, including the Department on matters relating to conservation reserves vested in the Authority - if it is practical for the Authority to do so and if also in the public interest. (Refer section 26B(1)(g) and (i) of the CALM Act.)

## ACTION DURING 1997/98

The MPRA:

- Provided advice and recommendations to the Minister on priority areas for consideration for reservation under the CALM Act. Acting on the Authority's advice the Minister announced in December 1997 that the Montebello-Barrow Islands, Dampier Archipelago and the Geographe Bay-Capes-Hardy Inlet area will be priority areas for consideration for reservation. This is in addition to the proposed Jurien Bay marine reserve, which was identified as a priority area before the establishment of the MPRA.
- Provided advice to the Minister on several other areas for consideration for reservation, which in addition to having been identified by the Marine Parks and Reserves Selection Working Group report, have also been recommended by the Environmental Protection Authority and through other planning processes. These include the waters adjacent to Bernier, Dorre and Dirk Hartog Islands at Shark Bay, the southern extension to Ningaloo Marine Park, and the Broke and Walpole-Nornalup Inlets.

- Provided advice to the Minister on proposed extensions to the Shoalwater Islands Marine Park.
- Provided advice to the Minister on the proposed establishment of a marine park in South Australian and Commonwealth waters of the Great Australian Bight.
- Provided comments to Fisheries WA on a discussion paper on the Future Management of the Aquatic Charter Industry in WA.
- Provided comments to Fisheries WA on the status of Shark Bay Pink Snapper stocks.
- Submitted comments to the Abrolhos Islands Management Advisory Committee on the draft management plan for the management of the Houtman Abrolhos System.
- Provided comments to the Department of Environmental Protection on the Consultative Environmental Review for the Chelonia 1 and Chelonia 2 Exploration Wells.
- Provided comments to the Department of Environmental Protection on the Public Environmental Review for the White Opal Petroleum Exploration Well, Cape Range Peninsula.
- Provided comments to Environment Australia on the *Guidelines for establishing the National Representative System of Marine Protected Areas*.
- Provided comments to Environment Australia on the issues paper for Australia's Oceans Policy.
- Provided comments on the Department of Transport's proposal for a boating facility at Coral Bay.
- Provided comments to the Shire of Carnarvon on its proposal to the change the vesting of Reserve 37500, Coral Bay.

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# AQUACULTURE AND PEARLING

## BACKGROUND

Aquaculture and pearling are activities which require the setting aside and occupation of specified sites and the establishment of infrastructure at those sites.

Licensing and leasing of aquaculture sites/operations other than aquaculture of the pearl oyster *Pinctada maxima* are subject to the *Fish Resources Management Act 1994*. Pearling and hatchery activities using *Pinctada maxima* are subject to the licensing and leasing requirements of the *Pearling Act 1990*.

Apart from possible conservation and environmental impacts, the occupation of sites for aquaculture and pearling purposes may also effectively or necessarily deny or prevent access to those sites by other users of the marine environment.

## STATE GOVERNMENT POLICY

Subject to certain constraints, current Government policy allows aquaculture and pearling in marine conservation reserves in accordance with the *Pearling Act*, *Fish Resources Management Act* and the *CALM Act*. These activities are not allowed to commence in marine nature reserves or sanctuary zones, recreation zones and some special purpose zones in marine parks.

## MPRA INVOLVEMENT

In accordance with the processes set down in the Minister for Fisheries' Ministerial Policy Guideline No. 8 *Assessment of applications for authorisations for aquaculture and pearling in coastal waters of Western Australia*, all aquaculture and pearling applications are referred to the MPRA by Fisheries WA for comment. Given the number of applications that the Authority receives for comment, it has decided to only consider and comment on those that either involve an existing marine conservation reserve or a proposed marine conservation reserve that is subject to formal consideration.

## 1997/98 AQUACULTURE AND PEARLING ISSUES CONSIDERED

The MPRA:

- Provided comments on six applications for aquaculture licences within the Shark Bay Marine Park. Four of these were for variations to existing licences and two of these were for new licences.
- Provided comments on one application for a new pearl oyster trial farm lease within the Shark Bay Marine Park.
- Provided comments on one application for a new aquaculture licence within the Shoalwater Islands Marine Park.
- Provided comments on one application for a new pearl oyster farm lease within the area being considered for the Dampier Archipelago marine conservation reserve.
- Provided comments on one application for a new aquaculture licence within the area being considered for the Dampier Archipelago marine conservation reserve.
- Provided comments on two applications for aquaculture licences within the area being considered for the Jurien Bay marine conservation reserve. One of these was for a variation to an existing licence and the other was for a new licence.
- Provided comments on two applications for new pearl farm leases within the area being considered for the Montebello-Barrow Islands marine conservation reserve.

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# PETROLEUM AND MINING

## BACKGROUND

Petroleum and mineral development within WA is permitted under a variety of tenements (licences, leases, permits) which are regulated under petroleum laws and the *Mining Act 1978*. The *Mining Act 1978*, *Petroleum Act 1967*, *Petroleum Pipelines Act 1969* and *Petroleum (Submerged Lands) Act 1982* generally prevail over the CALM Act, although the CALM Act imposes restrictions on petroleum drilling and production in marine nature reserves and specified zones in marine parks. Environmental conditions imposed on tenements and projects vary according to the nature of the project and the tenure of the waters or land affected.

## STATE GOVERNMENT POLICY

Current Government policy, subject to certain constraints, allows exploration, production and mining in terrestrial and marine conservation areas in accordance with the *Mining Act*, *Petroleum Act*, *Petroleum Pipelines Act* and *Petroleum (Submerged Lands) Act*.

## MPRA INVOLVEMENT

The Authority has a role in scrutinising applications to mine or explore for minerals in marine conservation reserves vested in it and to provide advice to the Minister for the Environment on such proposals. A policy to facilitate this role has been developed but the Authority has yet to have a mineral exploration or mining proposal referred to it because of the present low level of these activities in the marine environment.

With respect to MPRA involvement concerning petroleum exploration and production in marine nature reserves, marine parks and marine management areas, current legislation does not contain a formal requirement for comment by the MPRA. However, the Minister administering the CALM Act receives prior notification that a permit etc. is about to be granted in respect of a marine conservation reserve under the *Petroleum Act 1967* or the *Petroleum (Submerged Lands) Act 1982*. The Minister can then seek the advice of the Authority. Current involvement of the MPRA also relies on the *Environmental Protection Act* processes and on administrative arrangements.

## 1997/98 PETROLEUM ISSUES CONSIDERED

- The MPRA noted the report *Potential Arrangements for Multiple Use Management in the Montebello Islands – Barrow Islands Region: A Petroleum Industry Perspective*.
- The MPRA was briefed by Apache Energy on the proposed Denise 2D and Shelley 3D Seismic program between the Montebello and Lowendal Islands.
- The MPRA provided comments to the Department of Environmental Protection on the Public Environmental Review for the White Opal Petroleum Exploration Well, Cape Range Peninsula.
- The MPRA provided comments to the Department of Environmental Protection on the Consultative Environmental Review for the Chelonia 1 and Chelonia 2 Exploration Wells.

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## LIAISON

In carrying out its functions the Authority visited a number of places during the year, attended meetings with other organisations and was briefed by representatives from Government and private companies. These included:

- Briefed by staff from Fisheries WA on the use of Fish Habitat Protection Areas under the Fish Resources Management Act 1994.
- Held a joint meeting with the NPNCA.
- Held a meeting in Jurien with the Advisory Committee for the proposed Jurien Bay marine reserve. Conducted a field inspection of the Jurien Bay area with the Advisory Committee.
- Briefed by the Chairman of the Advisory Committee for the proposed Jurien Bay marine reserve on progress of the Committee.
- Met with representatives from the Marine Parks and Reserves Scientific Advisory Committee.
- Briefed by staff from the Shire of Carnarvon, Department of Transport and D. A. Lord and Associates on a proposed Coral Bay boating facility.
- Representatives from the Authority attended a presentation by the Water Corporation on results of the Perth Long-term Ocean Outlet Monitoring. The Authority was also briefed by staff from the Water Corporation and its environmental consultants on a proposed phosphorus increase in discharge into the Marmion Marine Park from the Beenyup Ocean Outfall.
- Briefed on the programs undertaken by the Marine and Coastal Communities Network WA.
- Briefed by departmental staff on congestion issues in relation to moorings at Coral Bay, Ningaloo Marine Park. The MPRA requested CALM and the Department of Transport take a number of actions to address this issue.
- Briefed by Morgan and Co. Pty Ltd on its pearling applications for waters around the Montebello Islands.
- Representatives from the Authority met with the Department of Environmental Protection to discuss details of the draft Environmental Protection (State Coastal Waters) Policy.
- Representatives from the Authority attended a technical workshop held by the Environmental Protection Authority on the proposed Derby Tidal Power Station and operations of the Kimberley Prawn Company.

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