

# MPRA

MARINE PARKS &  
RESERVES AUTHORITY



## ANNUAL REPORT

1 July 2002 – 30 June 2003



# MPRA

MARINE PARKS &  
RESERVES AUTHORITY

## ANNUAL REPORT

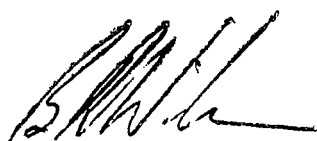
1 July 2002 - 30 June 2003

**Marine Parks and Reserves Authority**  
47 Henry Street, FREMANTLE  
Western Australia 6160  
Telephone (08) 9336 0100

**Address for correspondence:**  
C/- Department of Conservation and Land Management  
47 Henry Street, FREMANTLE  
Western Australia 6160

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 annual report of the Marine Parks and Reserves Authority for the year ending 30 June 2003.

A handwritten signature in black ink, appearing to read 'B. Wilson', written in a cursive style.

Dr Barry Wilson  
Chairman

**November 2003**

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# MARINE PARKS AND RESERVES AUTHORITY

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*The Marine Parks and Reserves Authority (MPRA) is the vesting authority (legal custodian) of Western Australia's marine conservation reserves. These reserves are protected by the State's conservation agency, the Department of Conservation and Land Management (the Department), which carries out day-to-day management of these waters. The community influences this management through the MPRA. The MPRA works closely with the Department in the management of marine conservation areas and reports directly to the Minister for the Environment.*

## **OUR VISION**

*Healthy, sustainable, marine and  
estuarine ecosystems*

## **OUR RESPONSIBILITIES**

- To oversee the development and management of the marine reserve system.*
- To advise the Minister for the Environment on marine conservation.*
- To develop policies to preserve and promote natural marine and estuarine environments.*

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## CHAIRMAN'S REVIEW

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Two important events concerning the role and functions of the Marine Parks and Reserves Authority (MPRA) occurred during this year.

Firstly, the Minister for the Environment appointed Mr Alex Errington to conduct a review of the operations and effectiveness of the MPRA (and the Marine Parks and Reserves Scientific Advisory Committee and the Conservation Commission of WA) as required by Section 26E of the CALM Act. Mr Errington submitted his report to the Minister in March 2003. As at 30 June 2003, the Minister had not yet released the report.

Secondly, in April this year, the Government announced its commitment to the creation of five new reserves in State coastal waters within the next 18 months. The five areas are those comprising the first priorities previously recommended by the MPRA and the commitment to establish them in a specific time frame is a challenge the MPRA welcomes.

These two events set the scene for a vigorous marine conservation program for the MPRA in this and coming years.

Western Australia has seven marine conservation reserves, which were established in the mid 1980s to 1990. Since then there have been changes in the legislation, including the establishment of the MPRA which set about planning for a statewide representative system of marine reserves.

While the MPRA has a variety of statutory functions (relevant activities are noted in the following report) two of the most important are to advise the Minister on the development of a marine conservation reserve system throughout the state and to prepare, submit and audit management plans for the existing marine reserves that are vested in it.

Performance of these functions involves similar processes. They include identification of natural values of the areas under consideration and the natural factors and human uses that impact on them. These processes involve marine science and information about biodiversity, habitats, ecology and distribution of marine organisms. They also involve social and commercial considerations about human activities and values. The science involved is rarely adequate as the information base on our marine environment is often rudimentary. And different user groups generally have very different expectations about required outcomes.

Inevitably, proposals for new marine reserves and for management of existing ones bring out differences in community opinion. Nevertheless, it is axiomatic that, for conservation reserves to be effective in the long term, community opinion must be fully canvassed when their selection and management planning are undertaken.

Procedures for community consultation are prescribed in the legislation. The MPRA acknowledges the professionalism and competence with which officers of the Department carry out this work. Yet this is an area of considerable difficulty. It is rarely possible to achieve complete consensus through a community consultation program. The aim is to find the "best fit" that achieves the desired conservation outcomes while accommodating users to an extent that is consistent with the principles of sustainability and equity. While this is usually achievable, there are always some stakeholders who feel aggrieved at the outcome.

This has been the case with all three current marine conservation reserve proposals, that is, for reserves at Jurien Bay, Montebello-Barrow Islands and Dampier Archipelago. In each case a community Advisory Committee has worked to produce a draft indicative management plan, as required by the CALM Act. Their work has included consultation with stakeholder groups, public workshops and media events as well as working planning sessions. The proposals that they have put forward have not been unanimous and they have drawn criticism from some sector groups but they represent significant advances for the conservation and wise management of the marine environment.

It is a function of the MPRA to consider draft indicative management plans for proposed new marine conservation reserves and to report to the Minister on our conclusions. After additional consultation with key stakeholders the MPRA reported to the Minister in May, 2001 on the proposal to establish a marine park at Jurien, recommending that, with some amendments, the proposal should be implemented. While there has been a long delay in achieving this result, due to attempts to improve its acceptance by key stakeholders, the MPRA is encouraged to believe that the proposal will be implemented in the near future.

In late 2002 a draft indicative management plan for a complex of marine conservation reserves in the waters surrounding the Montebello and Barrow

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Islands was completed by the Advisory Committee appointed to that project. Once again, a rigorous effort was made to resolve subsequent objections raised by key stakeholders. The MPRA has requested some amendments to the draft that take those objections into account and expects to report to the Minister early in the next financial year.

The Advisory Committee for the Dampier Archipelago/Cape Preston proposal also completed its work during this year. Its recommendations are still under consideration by the MPRA which expects to report to the Minister on this project early next financial year as well.

The MPRA is delighted that these three very important projects are nearing a conclusion. Though very different, each of the proposed marine reserves embraces an area of highly significant conservation value, with outstanding biodiversity and scenic attributes representing the best of Western Australia's diverse tropical and temperate marine environment. They will ensure sustainable management in perpetuity and promote scientific research and education as well as serving conservation and recreation objectives. The MPRA acknowledges the work of the three Advisory Committees whose voluntary members made such a major contribution to this achievement.

Preliminary work has been done to gather information on the natural resources and community uses of coastal waters in the Geographe Bay-Cape Naturaliste-Cape Leeuwin area and the Walpole-Nornalup Inlets. This is with a view to establishment of conservation reserves in those very different kinds of temperate marine and estuarine environments. An Advisory Committee is soon to be appointed to develop the Capes project and public meetings are planned early next year to promote the Walpole-Nornalup estuary proposal.

The MPRA and the Department will now turn attention to further proposals that will extend the representativeness of a statewide system of marine conservation reserves. The second tier of MPRA recommendations made in 1998 focused on the Abrolhos and the Kimberley and South Coast regions. The MPRA is conscious of national recommendations made more recently by the ANZECC Task Force on Marine Protected Areas and its gap analysis that showed lack of marine reserves in the Kimberley and South Coast. This year the Authority resolved to address those regions, on a bioregion basis, as the next stage in the development of a statewide system of marine conservation reserves.

While planning for new marine reserves is proceeding, the MPRA is responsible for preparation and review of management plans for

the existing seven reserves. Two of those, Rowley Shoals Marine Park and Shoalwater Islands Marine Park, have no management plan. During this year draft management plans were prepared for both these parks and soon will be forwarded to the Minister for consideration. The Rowley Shoals Marine Park includes a recommendation to extend the park which gives it the status of an indicative management plan as well as a management plan for the existing reserve.

The management plan for Ningaloo Marine Park, arguably Western Australia's highest profile marine reserve, is due for review. This process has been initiated and will contribute to the current planning review of the upper Gascoyne coast. It is proposed to re-establish the Coral Coast Parks Advisory Committee (CCPAC) and assign to it responsibility for developing draft management plans for both the Cape Range National Park and the Ningaloo Marine Park, which share a common shoreline boundary.

The MPRA is confident that the work during the current year, with draft indicative management plans completed for three new marine parks and initiation of projects for development of two more, plus the completion of two management plans for existing parks and initiation of the review of Ningaloo Marine Park Management Plan, constitutes significant progress and foreshadows important milestones in development of the State's marine conservation reserve program in the year to follow.

In large measure, these achievements are the result of effective collaboration with many other people and organisations. In particular the MPRA wishes to acknowledge the essential contributions made by the observers from other Government agencies, and the Jurien, Montebello-Barrow and Dampier Advisory Committees who brought such a broad range of technical and community experience and local knowledge to development of the draft indicative management plans for the new marine reserve proposals.

Finally, the MPRA acknowledges the diligence, competency and professionalism of the Department staff who have supported our work.



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# GENERAL INFORMATION

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## 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 the MPRA. The MPRA was created as a Controlling Body under section 26A of the CALM Act. The MPRA 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 the Department of Conservation and Land Management (the Department).

In addition to being the vested authority for these conservation reserves, section 26B(1)(b) of the CALM Act prescribes the functions of the MPRA. 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 MPRA
  - (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 MPRA's advice. However, if the matter involves a specific area of land or waters, the MPRA 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 MPRA 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 MPRA - if it is practical for the MPRA to do so and if also in the public interest.

(Note: Except where otherwise indicated, the terms "the Minister", "the Department", "the CALM 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 MPRA in writing with regard to the exercise or performance of its functions.

If the Minister exercises the power of direction provided in section 26C(1) of the CALM Act, the MPRA is required under section 26C(2) to include the text of any direction given in its annual report.

The Minister did not provide any written direction to the MPRA under this section of the CALM Act during the 2002/2003 period.

## MPRA MEMBERSHIP

The MPRA is made up of 7 members who are appointed under the provisions of sections 26D(1) and 26D(2) of the CALM 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 MPRA.

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 as at the 30 June 2003 is recorded below.

### Appointed members

- (1) Dr Barry Wilson (Chair)
- (2) Mr Eric Streitberg (Deputy Chair)
- (3) Mr Angus Horwood
- (4) Mr Tony Van Merwyk
- (5) Professor Diana Walker
- (6) Ms Edwina Davies Ward
- (7) Mr Kim Colero

Mr Ian Finlay resigned as a member and Deputy Chair of the MPRA in November 2002. Mr Finlay was appointed as an inaugural MPRA member in 1997. Mr Eric Streitberg was appointed as Deputy Chair subsequent to Mr Finlay's resignation and Mr Kim Colero was appointed as a replacement member in December 2002.

Reasonable notice of meetings of the MPRA is required to be given to the Department 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.

The Department'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.

## MPRA MEETINGS

Formal meetings of the MPRA were held on twelve occasions during the period. These were:

18 July 2002  
15 August 2002  
19 September 2002  
17 October 2002  
21 November 2002  
19 December 2002  
16 January 2003  
20 February 2003  
20 March 2003  
17 April 2003  
15 May 2003  
19 June 2003

Members attendance at these meetings were as follows:

<u>Member</u>	<u>Meetings attended (12)</u>
Barry Wilson	9
Eric Streitberg	12
Angus Horwood	11
Tony van Merwyk	9
*Diana Walker (on sabbatical from Jan to Jun 03)	7
Edwina Davies Ward	9
*Ian Finlay (resigned Nov 02)	6
*Kim Colero (appointed Dec 02)	6

The MPRA also held extraordinary meetings as follows:

- A meeting to further discuss the framework paper for the review of the Ningaloo Marine Park Management Plan (State Waters) and consideration of adjacent proposed marine conservation reserves in January 2003;
- A meeting with the Appeals Convenor in January 2003 to discuss the appeals process of

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the Coral Coast Marina Development proposal;

- A joint meeting with the Marine Parks and Reserves Scientific Advisory Committee on the 4 April 2003;
- A meeting to further discuss the proposed Montebello/Barrow Islands marine conservation reserve on the 12 May 2003;
- A joint meeting with the Conservation Commission of Western Australia (the Commission) on the 20 May 2003;
- A meeting to further discuss the draft Management Plan for the Shoalwater Islands Marine Park on the 10 June 2003.

Members attendance at these meetings were as follows:

<u>Member</u>	<u>Meetings attended (6)</u>
*Barry Wilson (ineligible to attend 1 meeting)	5
Eric Streitberg	5
Angus Horwood	6
Tony van Merwyk	6
*Diana Walker (on sabbatical from Jan – Jun 03)	
Edwina Davies Ward	5
*Kim Colero	6

In addition to the above meetings, the MPRA formed smaller committees to deal with specific issues 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 MPRA.

The attendance of and valuable contributions from chief executive officers or their representatives at meetings was much appreciated by the MPRA.

### **RESOURCES**

The Department provides the necessary executive support staff to the MPRA, that being one officer's full-time duties. Other Departmental staff also provide substantial input to the MPRA. I extend appreciation to Departmental staff, particularly the MPRA's Executive Officer and staff of the Marine

Conservation Branch, for their background briefings and advice and assistance at MPRA meetings, as well as to the representatives of other Government agencies who have also attended MPRA meetings.

The MPRA has no financial functions. Costs relating to honoraria, travel costs and day to day operating costs are met from the Consolidated Fund appropriation of the Department under the terms of an MOU between the Department and the MPRA. Approximate expenditure for the 2002/2003 year (excluding Departmental officer's salaries) was \$54 000.

In accordance with the requirements of Section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2002/2003 financial year.

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# THE MARINE CONSERVATION ESTATE

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## 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 CALM Act applies. The MPRA 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. 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.** Marine management areas 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 were originally vested in the NPNCA under the *Land Act 1933* (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 Administration Act 1997* reserves vested in the MPRA are Class A.

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.

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Before the Minister for Planning and Infrastructure 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 2003 one marine nature reserve, Hamelin Pool Marine Nature Reserve, totalling approximately 132,000 hectares was vested in the Authority.

*Marine parks.* As at 30 June 2003 six marine parks totalling approximately 1,013,940 hectares were vested in the Authority. These are Rowley Shoals Marine Park, Ningaloo Marine Park, Shark Bay Marine Park, Marmion Marine Park, Shoalwater Islands Marine Park and Swan Estuary Marine Park.

*Marine management areas.* As at 30 June 2003 there were no marine management areas established although one has been recommended in the Montebello/Barrow islands proposal.

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

## CONSIDERATION OF PROPOSED CHANGES FOR VESTED LAND AND WATERS

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

- The MPRA initiated the review of the Ningaloo Marine Park Management Plan (State Waters) and consideration of adjacent proposed marine conservation reserves in the 2002-2003 period. The MPRA endorsed a framework paper in March 2003 for provision to the Coral Coast Parks Advisory Committee (CCPAC). The Executive Director of the Department established the CCPAC in June 2003.

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# CALM ACT CONTROLLING BODIES

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Controlling bodies established under the *CALM Act 1984* include the Marine Parks and Reserves Authority (Section 26A – 26E), the Marine Parks and Reserves Scientific Advisory Committee (Section 26F – 26H) and the Conservation Commission of Western Australia (Section 18 – 26AC). The functions and membership of the Marine Parks and Reserves Authority is outlined on pages 3 and 4.

## CONSERVATION COMMISSION OF WESTERN AUSTRALIA

The Conservation Commission of Western Australia (the Commission) was formed on the 16 November 2000 under the CALM Act. All the State's National Parks, conservation parks, nature reserves, State forests and timber reserves are vested in the Commission.

Reciprocal statutory requirements have been placed on the MPRA and the Commission 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 MPRA and the Commission should be pro-active in developing joint or reciprocal policies on areas of common interest, particularly where integrated management of waters vested in the MPRA and land vested in the Commission 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 MPRA and the Commission are analogous.

During the 2002/2003 period the MPRA and Commission liaised over a number of issues including the review of Ningaloo Marine Park (State Waters) and consideration of adjacent marine conservation reserves; MPRA and Commission structure and operations; the structure of management plans; a bioregional approach to marine reserve planning; the review of the three statutory authorities; the proposal to amend the Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan; the amended consultation process with the Department for commercial activity licences; the Draft Forest Management Plan.

The MPRA and Commission held a joint meeting on the 20 May 2003 and the Chairs of the MPRA and the Commission met on a number of other occasions.

The annual report of the Commission should be referred to for details of its activities.

## 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 (MPRSAC) was established under section 26F of the CALM Act.

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

During the 2002/2003 period the Chair of the MPRSAC attended eight of the twelve MPRA meetings. The MPRA and MPRSAC held a joint meeting on the 4 April 2003 to discuss the development of a marine research and monitoring program to support the Government's marine conservation program

The annual report of the MPRSAC should be referred to for details of its activities.

## REVIEW OF THE CALM ACT CONTROLLING BODIES

The requirement for a review of the MPRA, MPRSAC and the Commission arises from statutory and Government policy commitments including the Machinery of Government (MOG) review.

The CALM Act s. 26E requires that the Minister shall carry out a review of the operations and effectiveness of the MPRA as soon as is practicable after 29 August 2002 and in the course of that review shall have regard to –

- (a) the need for the continuation of the MPRA; and
- (b) such other matters as appear to the Minister to be relevant.

The Minister appointed former Deputy State Ombudsman Mr Alex Errington to conduct the review of the CALM Act statutory authorities and report to her. Mr Errington attended the December 2002 meeting of the MPRA.

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The MPRA held an out of session meeting to discuss the review of the CALM Act statutory authorities and provided a submission to the review.

As at the 30 June 2003, the Minister had not yet released the report.

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# POLICY DEVELOPMENT

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## 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 CALM Act.

## POLICY STATEMENTS

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

## ACTION DURING 2002/2003

The MPRA received briefings on the following, and when necessary provided comment:

- The Department's Ownership, Administration and Joint Management of Conservation Lands in WA.
- The Department's Policy No. 18 – Recreation, Tourism and Visitor Services.
- The Department's Identification and Management of Wilderness Policy.
- The Department's Guidelines for Manta Ray Interaction.
- The Department's Establishment of a Comprehensive, Adequate and Representative (CAR) Terrestrial Conservation Reserve System in WA.
- The Department's Draft Biodiversity Conservation Act – Discussion Paper.

- Fisheries Management Paper – Reseeding of Grazing Gastropods into the Marine Environment in WA.
- Fisheries Environmental Management Plan (FEMP) for the Gascoyne Region.
- Focus on the Future: The WA State Sustainability Strategy Consultation Draft.
- Draft Guidance Statement No. 29: Benthic Primary Producer Habitat Protection.

The MPRA undertook the following reviews:

- The MPRA Stakeholder Relationship Program 2002.

The MPRA developed and endorsed the following documents:

- MPRA Conflict of Interest Guidelines December 2002.
- MPRA Draft Guidance Statement for seeking MPRA comment or advice on proposals in marine conservation reserves April 2003.

The Chair of the MPRA attended a meeting of the Management Planning Review Committee in July 2002 and provided input to the review of the Departmental Policy No. 1 – Management Planning.



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# ADVICE TO MINISTER ON PROPOSALS FOR RESERVATIONS

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## PROPOSED JURIEN BAY MARINE PARK

The draft indicative management plan revised following the public submission period for the proposed Jurien Bay Marine Park was submitted to the Minister for the Environment in 2001. The plan underwent final consideration by Government to resolve several outstanding issues and is expected to be gazetted early in the coming year.

## PROPOSED MONTEBELLO/BARROW ISLANDS MARINE PARK AND MARINE MANAGEMENT AREA

At the Advisory Committee's request, an industry/government working group was formed to work through a number of key issues with regards to the proposed Montebello/Barrow islands marine conservation reserve. The main issues considered were specification of ecological management targets, environmental approvals processes and regulation of the petroleum industry in marine conservation reserves. This working group provided advice to the MPRA. The MPRA held an additional meeting to consider the Montebello/Barrow islands draft indicative management plan and amendments proposed that took account of the industry/government working group recommendations. The meeting was attended by the Chair of the Advisory Committee and the Chair of the working group.

## PROPOSED DAMPIER ARCHIPELAGO/CAPE PRESTON MARINE CONSERVATION RESERVE

The Advisory Committee for the proposed Dampier/Archipelago/Cape Preston marine conservation reserve held two meetings and finalised its draft indicative management plan for the proposed reserve. This proposal involves a relatively complex planning process due to tenure legalities, the presence of existing major industry and proposals for future industrial development. The Advisory Committee recommended further consultation with the Aboriginal community to ensure they have had adequate input. The draft indicative management plan will be forwarded to the MPRA for consideration early in the next year.

## PROPOSED GEOGRAPHE BAY/LEEWIN NATURALISTE/HARDY INLET MARINE CONSERVATION RESERVE

The Minister for the Environment initiated the planning process for community consideration of the proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet marine conservation reserve. Associated education materials have been produced by the Department to assist the planning process including posters, a magazine and the development of content on the Department's website. Initial consultation with key stakeholders has been conducted and the Department has appointed an officer at the Busselton office to co-ordinate community consultation for the proposal. The appointment of a community based Advisory Committee is scheduled for early in the coming year.

## ROWLEY SHOALS MARINE PARK AND PROPOSED EXTENSIONS

A draft management plan for the Rowley Shoals Marine Park and a draft indicative management plan for proposed extensions have been completed. The MPRA expects to refer these plans to the Minister for the Environment for consideration within the next few months.

## PROPOSED MARINE CONSERVATION RESERVES ADJACENT TO NINGALOO MARINE PARK

A review of the Ningaloo Marine Park Management Plan (State Waters) including consideration of adjacent proposed marine conservation reserves has commenced. The MPRA released a framework paper in March 2003 to guide the Department and key community stakeholders in the review. Initial consultation with stakeholders in the Ningaloo region and Perth has been undertaken and the MPRA were briefed by the Department on submissions received from key stakeholders. The community-based Coral Coast Parks Advisory Committee has been established to facilitate community input to the review of both the Cape Range National Park and the Ningaloo Marine Park.

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**PROPOSED WALPOLE/NORNALUP  
INLETS MARINE CONSERVATION  
RESERVE**

Planning for the proposed Walpole/Nornalup inlets marine conservation reserve commenced at the end of the year.

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# MANAGEMENT PLANS, LEASES, LICENCES AND PERMITS

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## 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 MPRA 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 subsequent to the Amendment Act, the first plan that will apply to the reserve is described as an indicative management plan which will effectively apply 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 the Department.

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

For those marine conservation reserves established prior to the 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 prior to the 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. **Table 3** shows the indicative management plans currently in preparation.

## 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).

A major initiative for 2002/2003 was the introduction of 'marine work plans' for each marine conservation reserve for the first time. These plans specify an annual prioritised program of works and their associated budgets to progressively implement the approved management plan. The marine work plans are a significant achievement that will greatly assist management plan implementation.

The development of the marine work plans is consistent with the MPRA's Audit Policy (2002) which states that the MPRA will endorse the marine work plans by 31 May of each year.

As part of the Department's implementation programs it is pleasing to report that a set of permanent benthic monitoring sites has now been established across all existing marine conservation reserves, including for the Jurien Bay Marine Park. Over time, these and other monitored sites will help confirm whether key management objectives for the reserves are being achieved.

The Department commenced work on a performance assessment framework for marine conservation reserves that is consistent with the MPRA Audit Policy of 2002. The framework is based on the "State-Pressure-Response" model developed by the Organisation for Economic Co-operation and Development (OECD) in 1993. The OECD model is used internationally as well by

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most Australian States as the basis for 'State of the Environment' reports. The first set of annual performance assessment reports for the 2003/2003 year will be completed by December 2003.

## 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 CALM 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*". The Department'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 MPRA, however the MPRA's advice may be sought as required.

**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 MPRA on compatible operations may be sought as required.

**Leases, Licences and Permits.** The new *Conservation and Land Management Act Regulations 2002* were gazetted in May 2002. The *CALM Act Regulations* 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 MPRA, however MPRA 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.

## ISSUES CONSIDERED DURING 2002/2003

The MPRA received briefings on the following, and provided comment when necessary:

- The review of the Ningaloo Marine Park Management Plan (State Waters) and consideration of adjacent marine conservation reserves.
- The MPRA held an out of session meeting to develop a framework paper for the review of the Ningaloo Marine Park (State Waters) and consideration of adjacent proposed marine conservation reserves in January 2003. The MPRA endorsed the framework paper at its March 2003 formal meeting. The MPRA were briefed on the stakeholder response to the framework paper in May 2003.
- The Department's Coral Bay Boating Strategy Public Environmental Review (PER), an important issue in the management of the Ningaloo Marine Park.
- The Coral Bay Boating Submissions Analysis Report and recommendations. The MPRA endorsed amendments to the Coral Bay Boating Strategy.
- The Public Environmental Review (PER) for two proposals for the development of a single boating facility at either Monck Head or North Bills Bay, near Coral Bay, in Ningaloo Marine Park.
- The Water Corporation's proposal for a wastewater treatment plant at Coral Bay, in the Ningaloo Marine Park.
- Turtle management in Ningaloo Marine Park.
- The Coral Coast Marina Development proposal in the Ningaloo Marine Park. The MPRA reviewed its advice on the Coral Coast Marina Development proposal and resolved to reaffirm the advice provided to the EPA by the MPRA in its correspondence of 16 February 2001.

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- The Department of Fisheries new recreational fishing bag and possession limits for the Gascoyne region.
  - The impacts of recreational fishing on the pink snapper populations of Shark Bay.
  - The MOU for the management of treated wastewater discharges from the Beenyup Waste Water Treatment Plant to the Marmion Marine Park.
  - The proposed West Coast Dive Park, within and adjacent to the Shoalwater Islands Marine Park.
  - The Shoalwater Islands Marine Park Draft Management Plan. The MPRA requested that the plan be reformatted into the style of the Department's current indicative management plans.
  - An amended consultation process for commercial activity licences between the Department and the MPRA in October 2002.
  - The Department's proposed 2003-2004 marine work plans (priority strategies and indicative budgets) for existing marine conservation reserves.

**Table 1**  
**APPROVED MANAGEMENT PLANS**  
 by Department 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
41	Swan Estuary Marine Park and Adjacent Nature Reserves	7 April 2000

\*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>
<ul style="list-style-type: none"> <li>• Shoalwater Islands Marine Park</li> </ul>	27 October 1995
<b>2. DRAFT PLANS BEING PREPARED</b>	
<ul style="list-style-type: none"> <li>• Rowley Shoals Marine Park (draft management plan and indicative management plan for extensions to the existing park)</li> <li>• Review of the Ningaloo Marine Park Management Plan</li> </ul>	

**Table 3**  
**INDICATIVE MANAGEMENT PLANS BEING PREPARED**

<b>1. INDICATIVE MANAGEMENT PLANS BEING PREPARED</b>
<ul style="list-style-type: none"> <li>• Jurien Bay (submitted to the Minister in May 2001)</li> <li>• Dampier Archipelago/Cape Preston (final stages)</li> <li>• Montebello/Barrow Islands (final stages)</li> <li>• Geographe Bay/Leeuwin Naturaliste/Hardy Inlet</li> <li>• Walpole/Nornalup Inlets</li> <li>• Murion/Sunday Islands</li> <li>• Southern extension of the Ningaloo Marine Park</li> </ul>

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# ADVICE TO THE MINISTER

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## LEGISLATIVE BACKGROUND

The MPRA provides advice to the Minister for the Environment 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 MPRA - if it is practical for the MPRA to do so and if also in the public interest. (Refer section 26B(1)(g) and (i) of the CALM Act).

- Provided advice to the Minister on the Environmental, Social and Economic Review of the Gorgon Gas Development Proposal on Barrow Island, in relation to possible impacts on management of the proposed Montebello/Barrow islands marine reserves.

## ACTION DURING 2002/2003

The MPRA:

- Invited the Minister to attend the December 2002 meeting of the MPRA.
- Provided advice to the Minister on the proposed Coral Coast Marina Development in the Ningaloo Marine Park.
- Provided advice to the Minister on the issue of aquaculture leases and licences in marine conservation reserves.
- Advised the Minister on the proposal for naval waters "special purpose zone", within the Ningaloo Marine Park.
- Provided advice to the Minister on the draft Indicative Management Plan for the Proposed Montebello/Barrow islands marine conservation reserves.
- Provided comment to the Minister on the Government's commitment to the WA marine reserve program.
- Advised the Minister on compliance activities in marine conservation reserves.

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# AQUACULTURE AND PEARLING

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## 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, prevent or restrict 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 Agriculture, Forestry and 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 the Department of Fisheries for comment. Given the number of applications that the MPRA 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.

## ISSUES CONSIDERED DURING 2002/2003

The MPRA:

- Provided comment to the Department of Fisheries on the application by Shark Bay Tuna Farms Pty Ltd for an aquaculture licence to farm non-maxima pearls at Blind Strait, within the Shark Bay Marine Park.
- Provided comment to the Department of Fisheries on the application by Morgan and Co Pty Ltd to vary their pearl oyster lease within the area proposed for marine reservation at the Montebellos.
- Liaised with the Department of Fisheries and the Aquaculture Council of WA on the issue of aquaculture leases and licences in marine conservation reserves.
- Provided comment to the Department of Fisheries on the application for an aquaculture licence for Marine Farms Pty Ltd – Mahi Mahi – South of Exmouth.
- Provided comment to the Department of Fisheries on the application to vary an aquaculture licence from Blue Lagoon Pearls Pty Ltd in Red Cliff Bay, within the Shark Bay Marine Park.



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# INDUSTRY AND RESOURCES

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## 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 MPRA 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.

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, lease or licence is about to be granted in respect of a marine conservation reserve under the *Petroleum Act* or the *Petroleum (Submerged Lands) Act*. The Minister can then seek the advice of the MPRA. Current involvement of the MPRA also relies on the *Environmental Protection Act 1985* processes and on administrative arrangements.

## ISSUES CONSIDERED DURING 2002/2003

The MPRA received briefings on the following and when necessary provided comment:

- The dredging of Denham Channel, Bar Flats and the Slope Island Shipping Berth, Freycinet Estuary, within the Shark Bay Marine Park.
- Bhpbilliton's Macedon Gas proposal, within the Ningaloo Marine Park.
- The Environmental, Social and Economic Review of the Gorgon Gas Development Proposal on Barrow Island in relation to any potential impact on the proposed Montebello/Barrow island marine conservation reserve.
- A proposal for naval waters "special purpose zone", Exmouth by the Department of Defence.
- The Department of the Environment and the Department of Industry and Resources MoU for Environmental Assessment of Offshore Petroleum.

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## LIAISON

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In carrying out its functions the MPRA 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:

- A Sub-committee of the MPRA met with representatives from Department of Planning and Infrastructure to receive an update on Natural Heritage Trust – Phase 2 program in WA.
- Representatives from the Conservation Council of WA (CCWA) and the World Wide Fund for Nature (WWF) attended the July 2002 meeting of the Authority to discuss the establishment of community initiated marine conservation reserves.
- The Minister for the Environment's Chief of Staff attended the October 2002 meeting of the MPRA.
- The Minister for the Environment attended the December 2002 meeting of the MPRA.
- The MPRA convened an out of session meeting with representatives from the Office of the Commissioner of Public Sector Standards with a view to amendments to the Code of Practice applied by the Authority.
- The MPRA met with the Appeals Convenor in January 2003 to discuss the appeals process for the Coral Coast Marina Development proposal, within the Ningaloo Marine Park.
- Representatives from the MPRA undertook a field excursion to the Shoalwater Islands Marine Park with community representatives.

**Marine Parks and Reserves Authority**

Australia II Drive, Crawley  
Western Australia 6009  
Telephone: (08) 9336 0100

**Address for correspondence:**

C/- Department of Conservation and Land Management  
47 Henry Street, Fremantle  
Western Australia 6160