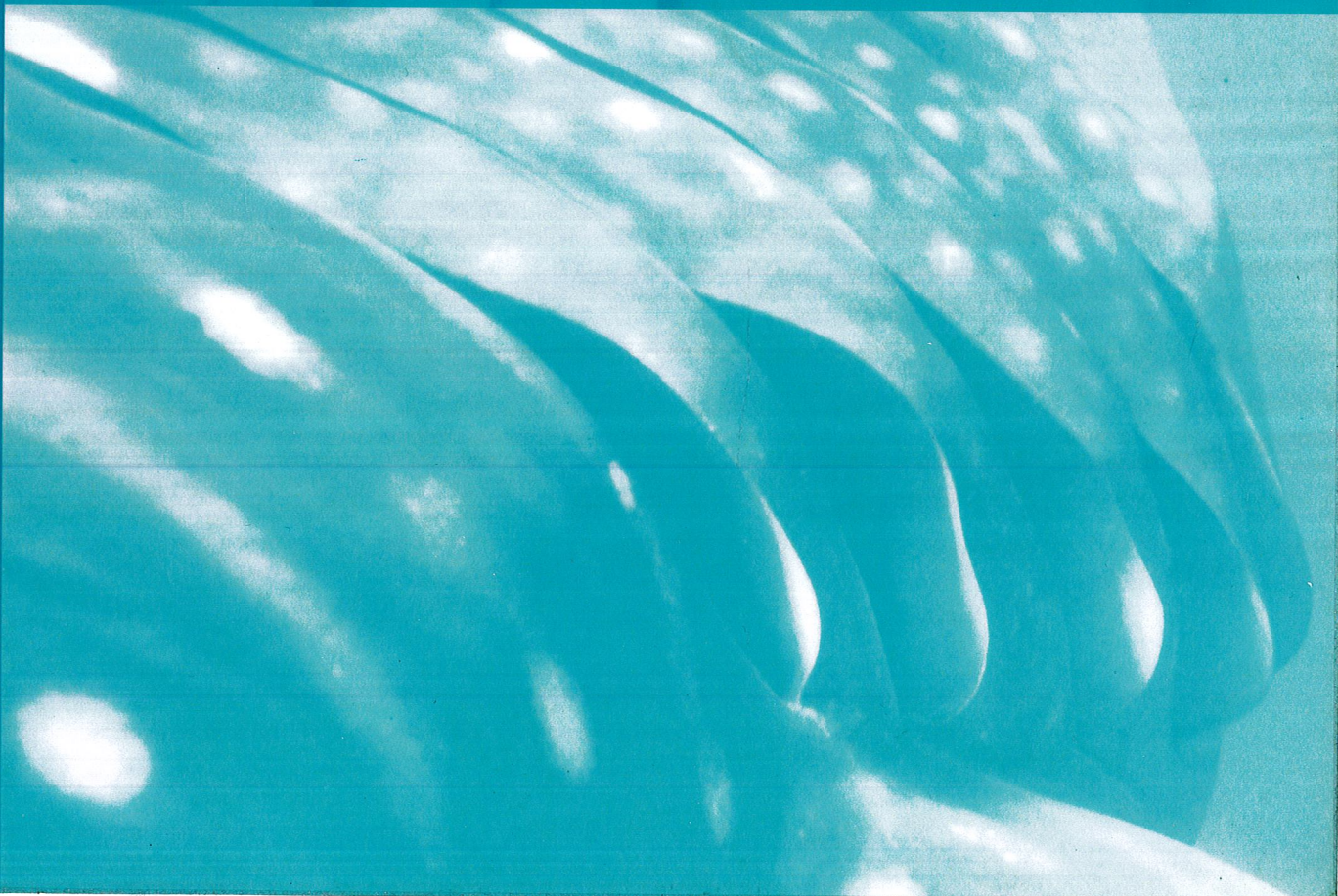




MPRA
MARINE PARKS &
RESERVES AUTHORITY

Annual Report

1 JULY 2004–30 JUNE 2005



MPRA

MARINE PARKS &
RESERVES AUTHORITY

ANNUAL REPORT

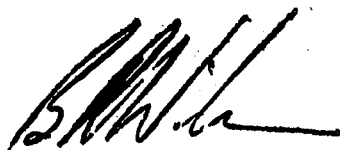
1 July 2004 - 30 June 2005

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HON MINISTER FOR THE ENVIRONMENT; SCIENCE

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 2005.

A handwritten signature in black ink, appearing to read 'B. Wilson', with a long horizontal stroke extending to the right.

Dr Barry Wilson
Chairman

August 2005

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MARINE PARKS AND RESERVES AUTHORITY

The Marine Parks and Reserves Authority was established in August 1997 subsequent to amendment of the Conservation and Land Management Act 1984. The Authority's prime role is to oversee the development of marine reserves policy and management plans and the implementation of these plans by the Department of Conservation and Land Management. The Authority also advises the Minister for the Environment on marine conservation and can develop policies to preserve the natural marine and estuarine environments outside marine conservation reserves. The Authority has formulated a strategic plan which has allowed it to develop a vision and strategy as set out below.

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.*

OUR STRATEGIES ARE FORMULATED TO:

- *Guide Authority decisions and actions by effective policy development and application.*
- *Promote marine and estuarine conservation in Western Australia.*
- *Consider proposals for marine and estuarine conservation reserves.*
- *Prepare effective management plans for marine conservation reserves.*
- *Implement and audit management plans for marine conservation reserves.*

CHAIRMAN'S REVIEW

The notion of marine conservation reserves, equivalent in purpose to that of national parks and nature reserves on land, developed in Australia during the 1960s, first formalised through a report by Dr D.F. McMichael to the Australian Academy of Science in 1968. In 1974 the Western Australian Conservation Through Reserves Committee (CTRC) reported to the Environmental Protection Authority (EPA) on development of the Western Australian conservation reserves system. Among its recommendations, the CTRC proposed establishment of a number of "aquatic reserves" in State coastal waters, although, at that time, there were no legislative means to reserve land below the low water mark except in the *Fisheries Act 1905*.

For example, in relation to one of its recommended areas, Ningaloo Reef, the CTRC recommended that:

"... when appropriate legislation is enacted, the Ningaloo Reef Tract be designated a national park for the dual purpose of recreation and conservation of flora and fauna and placed under the control of a committee of the National Parks Board and the Director of Fisheries ..."; and

"... that until legislation is enacted to allow National Parks to include submarine lands, the Fisheries Act be employed to protect the marine areas [of Ningaloo]."

Subsequently, the CTRC recommendations, with some amendments, were formally submitted to the State Government by the EPA in the so-called "Red Books". The Ningaloo recommendation was put in 1975, amended to vest the reserve in the National Parks Board but *"... managed on the advice of the Director of Fisheries and Wildlife."* Recommended vesting and management arrangements for the other proposed marine reserves varied, although use of the provisions of the Fisheries Act as an interim measure was suggested in most cases. The proposed vesting was either in the National Parks Board (for marine areas with dual recreation and conservation purposes) or the WA Wildlife Authority (for areas with primarily conservation purposes).

In the event, the provisions of the Fisheries Act were not applied to the EPA's marine reserve proposals and the envisaged new legislation for marine reserves was enacted in 1984 as part of the new *Conservation and Land Management Act* (CALM Act). The National Parks Board and the WA Wildlife Authority were abolished and their functions combined under a new body named the National Parks and Nature Conservation Authority, which became the vesting body for all conservation

reserves, including marine reserves. Subsequent amending legislation in 1997 split responsibility for terrestrial and marine reserves and established the Marine Parks and Reserves Authority (MPRA).

The CALM Act provided for two marine reserve categories, marine parks with dual recreation and conservation functions, and marine nature reserves with mainly conservation functions, picking up on the purposes expressed in the EPA's recommendations. A third category, marine management area, was introduced by an amendment in 1997.

In this review I seek to draw attention to two concepts explicit in the early CTRC and EPA recommendations.

Firstly, the category of marine reserve that subsequently became designated as marine park was envisaged as a marine equivalent to the terrestrial national park with dual recreation and nature conservation purposes. Recreation fishing in marine parks was embraced by that concept, as it is in national parks (those that encompass rivers, estuaries and other water bodies), although this activity is much more prevalent in marine parks. However, in the CALM Act, allowance of recreational fishing in marine parks is qualified by the words *"... allowing only that level of recreational and commercial activity which is consistent with the proper conservation and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historical or scientific interest."* The provision in the CALM Act that allows commercial fishing in marine parks was an outcome of negotiations during preparation of the legislation and is subject to the same qualification.

Secondly, advice from the Director of Fisheries and his agency was clearly anticipated in management of marine reserves. In that regard the CTRC said *"... control of marine areas requires special skills and the Committee takes the view that, initially at least, the State should make use of the skills, equipment and personnel of the Fisheries Department."* In the event, the CALM Act provided that the Department of Conservation and Land Management is the lead management agency for marine reserves, on the basis that they are essentially conservation reserves, but fishing in a marine park, when it occurs, is subject to the fishery legislation and managed by the Fisheries Department.

Twenty years later, the administrative system established for the management of dual and

multiple purpose marine reserves still does not cope effectively with aspects of fishing activities and the integration of activities of the Department of Fisheries. Attempts were made to clarify these matters in the 1997 amendments to the marine reserve provisions in the CALM Act (see Second Reading, Hansard, 1997). The issues involved came into sharp focus in 2004/2005 during public debate about the efficacy of sanctuary zones proposed in amendments to the Ningaloo Marine Park Management Plan, and the objectives in regard to management of fishing activities in the remainder of the park.

The MPRA has taken the view that sanctuary zones (also referred to as "no-take" areas) are an essential, established tool in marine conservation/recreation management and that their value and effectiveness is well documented in marine science literature. Fishing is an activity (one of several) that selectively removes animals from an ecosystem and consequential changes to ecosystem communities have been convincingly demonstrated. Management of fishing in appropriate zones of marine parks must seek to promote the sustainability of the activity for its own sake but the CALM Act also requires that there are no unacceptable impacts on the ecosystem functions of the park. It is also necessary that there are places where other users of the park may enjoy areas which are not fished. No-take areas where fishing and other extractive activities are not permitted are not only essential for sustainable management purposes but also for monitoring, research, education and ecotourism.

A different issue is the net area of a marine park that should be managed as sanctuary zones. The MPRA believes that this issue relates to the "adequacy" component of the CAR principle which sets the nationally agreed guidelines for marine reserve selection and management (see section on *Advice to the Minister on Proposals for Reservation*). There does not need to be a set percentage of a park managed as sanctuary zone. Rather, a judgment must be made in each case on what is adequate to meet the management objectives. International experience has shown that a figure around 30% of the whole is usually needed to represent the variety of habitats and biota present, and provide the necessary buffers, but this general rule applies only to large marine parks and will vary according to local circumstances.

A contrary position was put during the public debate in relation to the Ningaloo proposal by representatives of fishing interests. It was claimed that the objective of sustainability can be met by fisheries management methods and that sanctuary zones are unnecessary. As is often the case in debates about technical matters, the divergence of opinion appears to be a consequence of different

starting points and a lack of success in bringing legitimate divergent views together. In this case fishery biologists and conservation biologists have spoken from different perspectives, even though they share the same fundamental objective, namely, perpetual conservation, sustainable management and enjoyment of the resource.

In this regard, the MPRA welcomes two very important initiatives taken by the Government during this year. Firstly, an independent panel of marine scientists is to be appointed to review the effectiveness of sanctuary zones and the roles they play in conservation reserve management. Secondly, the Department of Conservation and Land Management and the Department of Fisheries are to establish a Memorandum of Understanding setting out principles for dual management of marine parks with the aim of integrating conservation and recreation management, and the management of fishing in appropriate zones, in keeping with the purposes of reservation prescribed in the CALM Act. Taken together, these two initiatives will provide clearer direction for development of the State's marine reserve system and its management.

When fully established, the Western Australian marine reserves system is intended to be representative of the State's marine habitats and their biota. The basis of representativeness is a bioregional classification of the coast and its environmental types. A national regionalisation of the Australian coast has been established for that purpose. In July 2004, the MPRA held a day-long workshop with key agencies and stakeholders to consider the bioregional background of the current marine reserves program and to review the options for integrating this with the work of other bodies.

In the 2004/2005 year emphasis has been on the tropical bioregions in the north of the State where substantial additions have been made to the marine reserve system (see section on *Advice to the Minister on Proposals for Reservation*). In the Pilbara (Offshore) Bioregion, four new marine reserves were established - two marine parks and two marine management areas. In the Pilbara (Nearshore) Bioregion, an indicative management plan was completed and released for public comment for two proposed new reserves in the Dampier Archipelago/Cape Preston. In the Ningaloo Bioregion, a major extension was added to the Ningaloo Marine Park and a review of the management plan for the park was approved. The approved plan provides for a substantial increase in the area of sanctuary zones. Major extensions were added also to the Rowley Shoals Marine Park in the Oceanic Shoals Bioregion. Thus, bioregions in the western part of the State's tropical coast are now reasonably well represented by marine reserves but as yet the five bioregions further north (Eighty

Mile Beach, Canning, Kimberley, King Sound and Bonaparte) have no representation.

The subtropical-temperate bioregions of the West Coast are already represented by the Hamelin Pool Marine Nature Reserve and marine parks at Shark Bay, Jurien Bay, Marmion, Swan Estuary and Shoalwater Islands, supplemented by the Abrolhos Islands Fish Habitat Protection Area established under the *Fish Resources Management Act 1994*. A draft indicative management plan for a proposed marine park in the Geographe Bay/Cape Naturaliste - Cape Leeuwin/Hardy Inlet area was completed during the year and will soon be released for public comment.

Like those of the far north, the bioregions of the South Coast remain unrepresented by marine reserves. Work has proceeded in collaboration with a local community focus group regarding a proposal to reserve the waters of Walpole and Nornalup inlets as marine park, complementing the surrounding Walpole Nornalup National Park.

A refinement of the classical bioregional approach to planning the development of the reserve system has emerged during this year. It has been recognised that it is necessary to integrate conservation reserve planning with planning for other activities in the coastal zone. Discussion of this principle within Government has resulted in a decision to undertake a multi-disciplinary, regional planning study on the South Coast. This is to complement a regional planning study by Commonwealth agencies in the offshore Commonwealth waters. The proposal to establish a new marine reserve in the Recherche Archipelago is to proceed in that context.

Two further aspects of importance to the marine reserves program also warrant mention here. In establishing the new reserves and updating two existing reserves, the Government has allocated significant capital and recurrent funding for the operational establishment and on-going management of these reserves. In addition, the Government has allocated \$21M over six years for marine research through the establishment of the Western Australian Marine Research Institution, which includes the Ningaloo Research Fund. The Government funding for marine reserve management and the marine research initiatives will help ensure that the Western Australian marine reserve system is well managed and that management of these areas is under-pinned by an appropriate scientific knowledge base.

In summary, 2004/2005 has been a year when substantial advances have been made in the development of the statewide representative system of marine reserves. But as these developments have "rolled out", some old, unresolved management

issues have come to the fore and new ones have emerged that need to be addressed. In the following year the MPRA will seek to work with the Government and the management agencies, and consult with community groups and the principle stakeholders, to find satisfactory resolutions to these matters and better ways to make the marine reserves effective in meeting their conservation, scientific and social objectives.

The advances that have been made this year have been immeasurably assisted by community groups brought together so that essential local knowledge may be contributed to the planning process. In particular the MPRA wishes to acknowledge the work of the Coral Coast Parks Advisory Committee, the Montebello/Barrow Islands Advisory Committee, the Dampier Advisory/Cape Preston Advisory Committee, the 'Capes' Advisory Committee and the Walpole/Nornalup Inlets Focus Group. The people involved brought great skill and commitment to their respective projects and the resolution achieved to the many difficulties that arose was largely due to their input.

Thanks are also due to the officers of the Government agencies responsible for implementation of these projects, in particular, officers of the Department of Conservation and Land Management and representatives of the Department of Fisheries, Department of Industry and Resources, Department for Planning and Infrastructure, WA Museum and Tourism WA that attend the MPRA meetings as observers. Their professionalism is the other part of the reason for the success of the marine reserve program.

And finally, I would like to acknowledge the collegiate spirit among the members of the MPRA itself and thank them all for their support and hard work.

Dr Barry Wilson
Chairman

GENERAL INFORMATION

FUNCTIONS OF THE MARINE PARKS AND RESERVES AUTHORITY

The *Acts Amendment (Marine Reserves) Act 1997* 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 vesting body for Western Australia's marine conservation reserves. Vesting was transferred from the National Parks and Nature Conservation Authority 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 (CALM).

In addition to being the vesting authority for these conservation reserves, section 26B of the CALM Act prescribes the functions of the MPRA. These are:

1. Development of policies to:
 - (a) preserve the natural marine and estuarine environments of the State;
 - (b) provide facilities for the enjoyment of those environments by the community;
 - (c) promote appreciation of marine and estuarine flora and fauna and natural marine and estuarine environments; and
 - (d) 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) develop guidelines for monitoring the implementation of the management plans by CALM;
 - (b) set performance criteria for evaluating the carrying out of the management plans; and
 - (c) 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 Authority", "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 (CALM), the Marine Parks and Reserves Authority (MPRA), 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.

During the 2004/2005 period, the Minister provided written direction to the MPRA, under this section of the CALM Act, in respect to:

- conducting additional time bound consultation with key stakeholders prior to recommending a draft indicative management plan for the proposed 'Capes' Marine Park for Ministerial approval; and
- working with the Environmental Protection Authority with a view to providing strategic advice in relation to the West Coast Dive Park concept and proposals for the sinking of dive wrecks in marine parks and reserves more generally.

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) of the CALM Act).

Membership as at the 30 June 2005 is recorded below.

Appointed members

- (1) Dr Barry Wilson (Chairman)
- (2) Mr Eric Streitberg (Deputy Chairman)
- (3) Mr Angus Horwood
- (4) Professor Diana Walker
- (5) Mr Kim Colero
- (6) Dr Lynnath Beckley
- (7) Vacant

Dr Iva Stejskal resigned from membership on the MPRA on 6 August 2004. The seventh position remained vacant for the remainder of the financial year.

Dr Barry Wilson is an inaugural member and Chair of the MPRA. Dr Wilson is a marine zoologist and holds a Bachelor of Science and PhD from the University of Western Australia and has completed post doctoral studies at Harvard University, USA. Dr Wilson is a former Director of Nature Conservation with the WA Government and has had considerable involvement in policy development in conservation and in the development of an Australian system of marine and estuarine protected areas. Dr Wilson has served on numerous statutory bodies and committees nationally and internationally.

Mr Eric Streitberg was appointed to the MPRA in August 1999 and appointed Deputy Chair of the MPRA in December 2002. Mr Streitberg is Managing Director of ARC Energy Limited. Mr Streitberg has followed a professional career in international oil and gas operations/exploration and holds a Bachelor of Applied Science in Geophysics. Mr Streitberg is a past member and Vice Chair of the Australian Petroleum Production and Exploration Council (APPEA) and Chair of the APPEA Exploration Committee.

Mr Angus Horwood was a member of the National Parks and Nature Conservation Authority for four years and has been a member of the MPRA since its formation in 1997. Mr Horwood is the Owner/Operator of Dress Circle Farm, a broiler growing operation in the City of Wanneroo. Mr Horwood is a current member of the Oceans Office Advisory Committee. Mr Horwood has a history of affiliation with recreational fishing and was Chair of the West Australian Recreation and Sport Fish Council (Recfishwest) for 10 years and President of the Australian Recreational and Sport Fishing Confederation Inc.

Professor Diana Walker is a Professor at the School of Plant Biology (Botany) at the University of Western Australia. Professor Walker has a Bachelor of Science in Marine Biology from the University of Liverpool, Isle of Mann and a PhD from the University of York, England. She has acted as a regular external examiner for Honours, Masters and PhD theses for a number of universities within and outside of Australia. Professor Walker is an inaugural member of the MPRA and Chair of the Shark Bay World Heritage Property Scientific Advisory Committee and member of the Shark Bay World Heritage Property Community Consultative Committee.

Mr Kim Colero is Managing Director of JK Colero Enterprises P/L, an Australian Fishing Company,

focusing on the Western Rock Lobster Industry. Mr Colero was appointed to the MPRA in December 2002. Mr Colero has a history of involvement in the commercial fishing industry. Mr Colero is a past president of the Dongara Professional Fisherman's Association Inc., past member of the Western Australian Fishing Industry Council Rock Lobster Sub-committee and past committee member Fisheries Adjustment Scheme.

Dr Lynnath Beckley is a Senior Lecturer in Marine Science at Murdoch University and holds a Bachelor of Science (Honours) and a Masters from the University of Port Elizabeth, South Africa and a PhD in Zoology from the University of Cape Town. Dr Beckley was appointed to the MPRA in February 2004. Dr Beckley currently supervises several Honours, Masters and PhD research students at Murdoch University. Dr Beckley has held a number of honorary positions and currently is a council member of the Australian Marine Sciences Association.

MEETING NOTICE AND ATTENDANCE

Reasonable notice of the MPRA meetings 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 (section 26D(4) of the CALM Act).

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 (section 26D(5)(a) of the CALM Act).

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 (section 26D(5)(b) of the CALM Act).

Attendance of Executive Director and other Chief Executive Officers

In accordance with section 26D(5) of the CALM 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 and contributions from Chief Executive Officers or their representatives at meetings provided valuable input to the considerations of the MPRA during the 2004/2005 period.

MPRA MEETINGS

Formal meetings of the MPRA were held on twelve occasions during the 2004/2005 period. These were:

- 15 July 2004
- 19 August 2004
- 16 September 2004
- 21 October 2004
- 18 November 2004
- 16 December 2004
- 20 January 2005
- 17 February 2005
- 17 March 2005
- 21 April 2005
- 19 May 2005
- 16 June 2005

Member attendance at these meetings was as follows:

<u>Member</u>	<u>Meetings attended (12)</u>
Barry Wilson	11
Eric Streitberg	11
Angus Horwood	11
Diana Walker	11
Kim Colero	10
Lynnath Beckley	11
Iva Stejskal (to Aug. 04)	0

The MPRA also held two extraordinary meetings of the full Authority as outlined below.

- A meeting was held on 9 September 2004, to conduct additional consultation to consider the viewpoints of key stakeholders in respect to the proposed Geographe Bay/Cape Naturaliste-Cape Leeuwin/Hardy Inlet ('Capes') marine park.
- A meeting was held on 8 October 2004, to consider public submissions to the Ningaloo Marine Park Draft Management Plan and Indicative Management Plans for the Extension to the Existing Marine Park and Muiron Islands Marine Management Area.

The MPRA also formed sub-committees to deal with specific issues and policy matters. These sub-committees met on an "as needs basis" during the 2004/2005 period. Sub-committees met in accordance with a charter drawn up by the MPRA

and provided recommendations to the full membership of the MPRA.

In accordance with the requirements of section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2004/2005 financial year.

The following MPRA sub-committee meetings were held during the 2004/2005 period:

- proposed Montebello/Barrow islands marine conservation reserves sub-committee meeting on 2 July 2004;
- Ningaloo Marine Park sub-committee meeting 25-27 August 2004;
- proposed 'Capes' marine park sub-committee meeting on 8 September 2004;
- Ningaloo Marine Park sub-committee meeting on 3 November 2004;
- research sub-committee meeting on 19 November 2004; and
- audit sub-committee meeting on 25 November 2004.

In addition to the above meetings, representatives of the MPRA attended four meetings with the Minister for the Environment (or her representative), three meetings with the Department of Premier and Cabinet, and several meetings with CALM and the Conservation Commission of WA (the Commission).

Representatives of the MPRA also attended one meeting of the Advisory Committee for the Proposed 'Capes' Marine Park, one meeting of the Walpole/Nornalup Focus Group, a field visit to Ningaloo Marine Park and a field visit to Swan Estuary Marine Park.

RESOURCES

The Department provides the necessary executive support staff to the MPRA, that being one officer's full-time duties. The MPRA Executive Officer and staff of the Marine Conservation Branch of CALM provided the essential assistance for the effective operation of the MPRA, particularly in regard to background briefings, advice and assistance at 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. The MOU requires that there should be a Financial Schedule each financial year detailing funds allocated to the MPRA for these purposes. There was no signed financial schedule for the 2004/2005 period. However, the Department allocated \$174,000 to its Marine Conservation Branch for administration and support of the MPRA.

THE MARINE CONSERVATION ESTATE

LEGISLATIVE BACKGROUND

Under sections 7(5) and 26B(1)(a) of the CALM Act the MPRA is the vesting 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 marine conservation reserve categories vested in the MPRA under the CALM Act. The CALM Act marine conservation reserve categories are outlined below.

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.

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 National Parks and Nature Conservation Authority 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.

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 2005 one marine nature reserve, Hamelin Pool Marine Nature Reserve, of approximately 132,000 hectares was vested in the MPRA.

Marine parks. As at 30 June 2005 nine marine parks, totalling approximately 1,261,062 hectares, were vested in the MPRA. These are Rowley Shoals Marine Park, Ningaloo Marine Park, Shark Bay Marine Park, Marmion Marine Park, Shoalwater Islands Marine Park, Swan Estuary Marine Park, Jurien Bay Marine Park, Montebello Islands Marine Park and Barrow Island Marine Park.

Marine management areas. As at 30 June 2005 two marine management areas, totalling 145,232 hectares were vested in the MPRA. These are the Muiron Islands Marine Management Area and the Barrow Islands Marine Management Area.

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 vesting controlling body, the MPRA considered proposals presented to it throughout the year relating to boundary changes, classification changes, vesting or other matters. These were:

- Proposed extensions to the existing Rowley Shoals Marine Park and the submissions to this plan. The MPRA considered a draft indicative management plan for the proposed extensions and public submissions received on that proposal, and reported to the Minister on its recommendations (see section on *Advice to the Minister on Proposals for Reservations*).
- A proposed southern extension to the existing Ningaloo Marine Park. The MPRA considered a draft indicative management plan for the proposed extension and public submissions

received on that proposal, and reported to the Minister on its recommendations (see section on *Advice to the Minister on Proposals for Reservations*).

- The MPRA reported to the Environmental Protection Authority on a proposal referred by the Department for Planning and Infrastructure in July 2004, to amend the Marmion Marine Park boundary to accommodate modifications to the Hillarys Boat Harbour entrance.

CONTROLLING BODIES

MARINE PARKS AND RESERVES AUTHORITY AND THE CONSERVATION COMMISSION OF WESTERN AUSTRALIA

Marine and terrestrial conservation reserves are vested in "Controlling Bodies" established under Part III of the CALM Act, marine reserves in the MPRA (Division 3A, sections 26A-26E) and terrestrial reserves in the Conservation Commission of Western Australia (the Commission) (Division 1, section 18-26A). The function and membership of the MPRA are outlined in the section on *General Information* in this report. Reserve management and policy development functions of the MPRA and the Commission are analogous.

Areas of inter-tidal and coastal land may be vested in either the MPRA or 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 (sections 22(6) and 26B(7) of the CALM Act). Joint or reciprocal policies on matters of common interest are developed, particularly where integrated management of contiguous reserves vested in the MPRA and the Commission is to be addressed, and where island and coastal management issues relate to species conservation and environmental degradation.

During the 2004/2005 period the MPRA and the Commission met on a number of occasions and liaised over a number of issues including:

- the proposed amalgamation of the MPRA and the Commission into a Biodiversity Commission;
- the MPRA and the Commission structure and operations;
- improving CALM Act management plans;
- vesting of intertidal areas, in particular areas associated with the proposed Dampier Archipelago/Cape Preston marine conservation reserves; and
- the formulation of advice on the Draft Swan and Canning Rivers Management Bill.

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

MARINE PARKS AND RESERVES SCIENTIFIC ADVISORY COMMITTEE

A Marine Parks and Reserves Scientific Advisory Committee is established by section 26F of the CALM Act with functions and membership set by sections 26G-H. The *Review of the Statutory Authorities established by the CALM Act 1984*, released by the Minister in August 2003, recommended that the Marine Parks and Reserves Scientific Advisory Committee should be abolished. The Committee did not meet during the 2004/2005 year.

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 CALM Act.

- the Discussion Paper: Towards a Biodiversity Conservation Strategy for Western Australia.

POLICY STATEMENTS

The MPRA independently develops policy as one of its key functions and has developed a policy development process to formalise and expedite this function.

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 2004/2005

The MPRA developed and endorsed the following documents:

- MPRA Position Statement on the Science Base of No-Take Zones in Ningaloo Marine Park.
- 2003-2004 Annual Review of Marine Conservation Reserves Including Management Plan Implementation.

The MPRA also received briefings and considered the following policy issues:

- Government's bioregional marine planning;
- the Department's Prosecution Policy Guidelines;
- the Turtle Tourism Interaction Management Strategy;
- the Draft State Environment (Cockburn Sound) Policy 2004; and

PROPOSALS FOR NEW MARINE RESERVES

DEVELOPMENT OF THE MARINE RESERVE PROGRAM

In April 2003, the Government announced its commitment to create five new marine reserves in Western Australian waters by the end of 2004. The five areas were:

- Jurien Bay;
- Montebello/Barrow islands;
- Dampier Archipelago/Cape Preston;
- Geographe Bay/Cape Naturaliste - Cape Leeuwin/Hardy Inlet (the 'Capes');
- Walpole and Nornalup inlets.

In early 2005, the Government reaffirmed this program and added a commitment to create, through a regional planning process, a new marine park at the Recherche Archipelago on the South Coast.

The first of these proposals, Jurien Bay Marine Park, was established in August 2003. The Montebello/Barrow Islands Marine Conservation Reserves were established in December 2004. The complex consultative and legal process involved in implementing three of the remaining new marine conservation reserve proposals were substantially advanced during the 2004/2005 period. In addition, proposals for significant extensions to the existing Ningaloo Marine Park and Rowley Shoals Marine Park were implemented. These achievements are detailed in the following section.

The Western Australian marine conservation reserve program is being developed according to the nationally agreed "CAR" principles (Comprehensive, Adequate and Representative). This principle requires that the statewide marine reserve system should (eventually) comprehensively cover the biodiversity of State waters and adequately represent each of the bioregions, and that each reserve should be sited and designed so that it is adequate to meet its designated management objectives.

There is an agreed classification of the bioregions of Australian waters, including those of Western Australia (*Interim Marine and Coastal Regionalisation for Australia*, Thackway *et. al.* Commonwealth Department of Environment, 1998). There is also an agreed national strategy for development of an Australian representative system of marine protected areas (*Strategic Plan of Action for the National Representative System of Marine Protected Areas*, ANZECC Task Force on Marine Protected Areas, 1999). These documents lay out

the guiding principles for development of the Western Australian representative marine reserve program.

The agreed regionalisation of Western Australian waters identifies 18 bioregions. Seven of these now include marine conservation reserves that may be regarded as representative of their respective bioregions and adequate to fulfil their management objectives. When the proposals for new marine conservation reserves in the Dampier Archipelago/Cape Preston, 'Capes', Walpole and Nornalup inlets and Recherche Archipelago have been established, nine of the States bioregions will be represented, though not all yet adequately.

LEGISLATIVE BACKGROUND

The CALM Act (section 14) requires that accompanying public notification of a new marine reserve proposal there must be an indicative management plan, that is, a plan that indicates how the reserve is to be managed once it is established. The legislative provisions referred to in the section on *Management Plans* in this report that deal with the content and objectives of management plans also apply to indicative management plans (except that the minimum public consultation period is 3 months). Following establishment of the new marine reserve, the Minister may approve the indicative management plan which becomes an operational management plan upon publication of a notice of that approval in the *Gazette* (see section on *Management Plans* in this report).

STATUS OF PROPOSED NEW MARINE RESERVES

The following notes summarise the status of proposals for new marine reserves, and relevant activities undertaken during 2004/2005.

PROPOSED DAMPIER ARCHIPELAGO/CAPE WESTERN MARINE CONSERVATION RESERVES PRESTON

The MPRA submitted its report in respect to the Indicative Management Plan for the Proposed Dampier Archipelago Marine Park and Cape Preston Marine Management Area, to the Minister (under Section 14 (1a) of the Act) on 29 August 2003. Subsequent to additional consultation

requested by the Minister, the MPRA reported again to the Minister in February 2004 recommending the plan be released for public comment. The Minister forwarded the plan on 9 June 2004 to the Minister for State Development and the Minister for Fisheries seeking their approval for its public release (Section 14 (1b) of the Act). Concurrence was received from the Minister for State Development on 28 June 2004 and from the Minister for Fisheries on 18 November 2004.

As part of his concurrence, the Minister for Fisheries requested substantial amendments to the indicative management plan prior to it being released for public comment. This included changes to the zoning scheme including changing the Rosemary Island Sanctuary Zone to a recreation zone, changing the West Enderby Island and Goodwyn Island sanctuary zones to special purpose (benthic protection) zones that allow for recreational trolling, changing the general use zone in the western portion of the proposed Dampier Archipelago Marine Park to a special purpose zone that excludes all forms of commercial fishing (except for commercial aquarium fishing which is proposed to be phased out in three years). Other amendments include a proposal to implement closures to commercial trawling within one nautical mile of the Nickol Bay coast and the implementation of reduced recreational fishing bag limits for the Dampier Archipelago.

The amended indicative management plan was released for public comment from 11 January to 10 May 2005, although late submissions were accepted. The Department commenced the analysis of submissions, which is anticipated to be provided to the MPRA for consideration and advice to the Minister early in the 2005/2006 financial year.

The waters of the Dampier Archipelago/Cape Preston have exceptionally high species and habitat diversity and outstanding scenic qualities. They are heavily used for recreational purposes, especially fishing, and the Archipelago has great potential for ecotourism. The area is also the centre of intensive industrial development. The MPRA believes that establishment of conservation reserves within the region, and the implementation of multiple-use management will provide an appropriate and effective management regime capable of resolving the many usually complex and potentially conflicting interests in this highly valued area. Public submissions made to the proposal for marine reserves will be considered in that context.

MONTEBELLO/BARROW ISLANDS MARINE CONSERVATION RESERVES

An Indicative Management Plan for the Proposed Montebello/Barrow Islands Marine Conservation Reserves, prepared by the Department in consultation with a community advisory committee, was released for public comment by the Minister for the Environment on 17 February 2004. Public submissions to the plan closed on 24 May 2004.

In the 2004/2005 period the MPRA appointed a sub-committee to review the public submissions. The subcommittee reported to the full Authority at its July meeting and the MPRA made its report on the proposal (under Section 14 (6a)) to the Minister on 12 August 2004 recommending some amendments to the indicative management plan. The Minister sought the concurrence of the Minister for Fisheries and the Minister for State Development on 20 September 2004. Concurrence was received, subject to certain additional amendments, from the Ministers in November 2004. The reserves were gazetted on 10 December 2004. Approval of the final management is anticipated to occur early in the 2005/2006 financial year.

The Varanus and Barrow port areas were excised from the original proposal as a result of legal advice and submissions to the indicative management plan during the public comment period. The Department will be working with key stakeholders and the Department for Planning and Infrastructure to negotiate areas of high conservation value and low port usage back into the reserves for further consideration by the MPRA.

In addition, the Minister for Fisheries, as part of his concurrence to create the reserves, requested several changes be made to the zoning scheme of the Montebello Islands Marine Park and the Barrow Island Marine Management Area. These included the removal of the Barrow Shoals (Flora/Fauna Protection) Area, amendment to the Southern Montebello Sanctuary Zone, and an excision from the Northern Montebellos Sanctuary Zone which was made into a new zone, the Northern Montebellos Special Purpose (Benthic Protection) Zone. These changes are disappointing from a conservation perspective as they result in significantly reduced levels of protection for areas of high conservation value. This matter may be addressed in future reviews of the zoning scheme.

The MPRA believes that the reserves will become a model for multiple-use and a demonstration that conservation and industry can coexist. The support of the petroleum industry in developing the plan has been a large factor in the success of the project.

PROPOSED GEOGRAPHE BAY /LEEUWIN-NATURALISTE/HARDY INLET MARINE PARK

A community-based advisory committee was formed in August 2003 to assist planning for the proposed marine reserve encompassing the western part of Geographe Bay, the Leeuwin-Naturaliste coast, and Hardy Inlet. This area is referred to as the 'Capes'. A representative of the MPRA attended all advisory committee meetings including the final meeting on 6 August 2004. In August 2004, the advisory committee provided advice and the draft indicative management plan was forwarded to the Minister for the Environment, who then referred it to the MPRA for its report.

On 8 September 2004, the MPRA formed a subcommittee to give preliminary consideration to the draft indicative management plan. At the Minister's request, the full Authority undertook additional consultation with stakeholder groups at a hearing on 9 September 2004 at the Esplanade Hotel. This hearing was attended by peak bodies from various sectors, observers from Government Departments and members of the advisory committee. Subsequently (16 September 2004) the MPRA considered the subcommittee report, the outcomes of the stakeholder hearing, and the draft plan and provided its report to the Minister (under Section 14 (1a) of the Act) on 30 September 2004.

Further consideration of this proposal by the Government was deferred pending resolution of a number of issues relating to other new marine reserve proposals at Montebello/Barrow islands, Muiron Islands and proposed extensions to the existing Ningaloo Marine Park and Rowley Shoals Marine Park. The Minister wrote to the MPRA on 16 May 2005, advising that the matter would now be progressed and that release of a draft indicative management plan could be anticipated early in 2005/2006.

PROPOSED EXTENSIONS TO ROWLEY SHOALS MARINE PARK

The Rowley Shoals Marine Park was established in May 1990, covering Clerke and Imperieuse Reefs. There is no approved management plan in place for this park. A draft management plan for the marine park (see section on *Advice to the Minister on Management Plans*) and an indicative management plan for proposed extensions to the existing marine park was released for public comment (under Section 14 of the Act) on 5 January 2004 to 12 April 2004. The MPRA formed a sub-committee in May 2004 to consider the public submissions to the plan, which reported to the full MPRA in June 2004.

The MPRA provided advice to the Minister on 5 August 2004. The Minister sought the concurrence of the Minister for Fisheries and the Minister for State Development on 20 September 2004. Concurrence was received from the Minister for Fisheries and the Minister for State Development in November 2004. The extension to the marine park was gazetted on 10 December 2004. Approval of the final management is anticipated to occur early in the 2005/2006 financial year.

PROPOSED SOUTHERN EXTENSION TO NINGALOO MARINE PARK AND THE MUIRON ISLANDS MARINE MANAGEMENT AREA

A management plan for Ningaloo Marine Park was approved in November 1989 and became due for review in 1999. The review project was initiated in July 2003 and included the review of the management plan for the existing marine park (see section on *Advice to the Minister on Management Plans*), consideration of a southerly extension to the existing marine park and the proposed new Muiron Islands Marine Management Area. The community-based Coral Coast Parks Advisory Committee (CCPAC), which is also responsible for advice on the Cape Range National Park, was given the task of assisting with this project.

The Department completed draft indicative management plans for the proposed southern extension to the Ningaloo Marine Park and the proposed new Muiron Islands Marine Management Area and, with advice from the CCPAC, the proposal was forwarded to the Minister in March 2004. These draft indicative management plans were put together with the revised draft management plan for the existing Ningaloo Marine Park (see section on *Management Plans*). The MPRA duly reported to the Minister and the draft plans were released for public comment on 26 July 2004.

More than 5,600 public submissions were received to these proposals with a high degree of support. However, aspects of the proposals for a southern extension to Ningaloo Marine Park and a new reserve around the Muiron Islands were controversial. The public submissions exhibited highly divergent views. Some considered that the sanctuary zone proposals in the southern extension were inadequate while others objected to them on the grounds that there are other means to protect the habitats and biodiversity of the area, namely, by regulation under fishery legislation. Some considered that the proposed classification of the Muiron Islands reserve was inappropriate for an area of such biological importance, and that designation as marine park was necessary, or

inclusion of the area within the Ningaloo Marine Park. Submissions from recreational fishers objected to reservation of the area at all. The petroleum industry objected to marine park status but supported reservation as marine management area.

The MPRA formed a subcommittee to give preliminary consideration to the public submissions. On 8 November 2004, the subcommittee reported to a special meeting of the full MPRA, which resolved to endorse the draft indicative plans for the proposed southern extension a new Muiron Islands Marine Management Area, subject to certain amendments that took account of public submissions. Most notably, changes were proposed to the boundaries of the proposed sanctuary zones and special conservation zones to accommodate recreational fishing interests and a new conservation zone was included to include the shores of Sunday Island in the Muiron Islands Marine Management Area which have habitats not present elsewhere in the reserve.

The MPRA then reported to the Minister on the proposals as required by section 14 (6) of the CALM Act. With the necessary concurrence of the Ministers for Fisheries and State Development, the new reserved areas were gazetted on 30 November 2004.

PROPOSED WALPOLE AND NORNALUP INLETS MARINE CONSERVATION RESERVE

Planning for the proposed Walpole and Nornalup inlets marine conservation reserve on the south coast of Western Australia commenced in late 2003 with the formation of a community-based focus group. Representatives of the MPRA attended all focus group meetings including the final meeting on 28 August 2004.

The major outstanding issue relating to this planning process was resolving concerns raised by commercial tour operators about licensing arrangements. A meeting was held on the 26 May 2005 between the Minister for the Environment and the local commercial tour operators to resolve this issue. It is expected that the draft indicative management plan will be forwarded to the Authority for consideration early in the 2005/2006 financial year following further liaison with focus group representatives.

MANAGEMENT PLANS

LEGISLATIVE BACKGROUND AND MANAGEMENT PLAN DEVELOPMENT

As the relevant controlling body, the MPRA is responsible for the preparation of management plans for the marine reserves that are vested in it and for the review of expiring plans and preparation of further management plans (Section 54 of the CALM Act). The plans are prepared through the Department of Conservation and Land Management, having regard to the resources available for the purpose. Management plans are to contain statements of the policies or guidelines to be followed and summaries of operations that are to be undertaken. They remain in force for a specified period not exceeding 10 years.

In preparation of a management plan the MPRA shall have the objective of achieving or promoting the purpose for which the marine reserve is established. The general purposes of the three marine reserve categories are given in the section on *The Marine Conservation Estate* of this report. Each marine reserve may also have specific natural features or conservation values peculiar to itself. Such attributes, leading to specific management objectives, will be detailed in the management plan for the reserve.

Draft management plans are published, according to procedures specified in the CALM Act (sections 57-59) and there is a minimum 2-month period during which public submissions may be made to the management proposals they contain. The MPRA must submit draft management plans to the relevant local government authorities and to the Ministers for Fisheries and Mines (and the Minister for Tourism if the plan is relevant to that function). After amending the draft management plan, as it sees fit, having regard to the submissions made, the MPRA forwards the plan to the Minister for the Environment for final approval (section 60). In approving a plan the Minister must give effect to any submission made by the Ministers for Fisheries and Mines. A notice that a management plan has been approved must then be published in the *Gazette*.

After approval of a management plan, regulations may be made (CALM Act, section 130) to put in place necessary protection, management or control, including special zoning provisions (see section on *The Marine Conservation Estate*). However, regulations may not be made under the CALM Act relating to commercial or recreational fishing or aquaculture. Regulations governing those activities in a marine park or marine management area are

made under the *Fish Resources Management Act 1994*.

The MPRA has responsibility for development of guidelines for monitoring the implementation of management plans, and setting performance criteria and conducting periodic assessment of their implementation. Contemporary management plans prepared by the MPRA contain summaries of ecological and social values, summaries of existing and potential uses, threats and pressures, strategic management objectives, and performance measures and targets. Work plans that relate to the management strategies, performance measures and targets for each marine reserve are prepared by the Department, thus providing the basis by which periodic performance assessment may be made. During 2004/2005 this relationship of management plan, work plans and performance assessment processes has been successfully refined (see section on *Management Plan Implementation*).

Table 1 lists approved management plans for established marine reserves and **Table 2** shows those currently in preparation. **Table 3** shows the indicative management plans currently in preparation.

Table 1

**APPROVED MANAGEMENT PLANS
by Department plan number**

NUMBER	PLAN	DATE GAZETTED
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
49	Jurien Bay Marine Park	1 July 2005
52	Ningaloo Marine Park and Muiron Islands Marine Management Area	14 January 2005

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

Table 2

MANAGEMENT PLANS IN PROCESS

DRAFT PLANS RELEASED (and final plans being prepared)	DATE OF RELEASE
<ul style="list-style-type: none">• Shoalwater Islands Marine Park• Rowley Shoals Marine Park (draft management plan and indicative management plan for extensions to the existing park)	27 October 1995 5 January 2004

Table 3

INDICATIVE MANAGEMENT PLANS IN PROCESS

INDICATIVE MANAGEMENT PLANS BEING PREPARED
<ul style="list-style-type: none">• Montebello/Barrow Islands (released 17 February 2004)• Dampier Archipelago/Cape Preston (released 11 January 2005)• Geographe Bay/Leeuwin Naturaliste/Hardy Inlet• Walpole and Normalup Inlets

STATUS OF MANAGEMENT PLANS

The following notes summarise the status of management plans for existing marine reserves, and relevant activities undertaken during 2004/2005.

NINGALOO MARINE PARK

A management plan for Ningaloo Marine Park was approved in November 1989 and became due for review in 1999. The review was initiated in July 2003. As noted in a previous section of this report, this planning project included consideration of a southern extension to the existing marine park and a new proposal for a marine management area surrounding the nearby Muiron Islands, as well as the required review of the management plan for the existing marine park.

The community-based Coral Coast Parks Advisory Committee (CCPAC), which is also responsible for advice on the Cape Range National Park, assisted with this project. The CCPAC formalised its advice in March 2004, which was then referred to the MPRA for its consideration.

The combined plans were released for public comment on 26 July to 29 October 2004. More than 5,600 submissions were received. The MPRA formed a subcommittee in November 2004 to review the submissions. The full MPRA considered the recommendations of the subcommittee on 8 November 2004, endorsing several amendments, mainly in order to make the sanctuary zone system more effective and accommodate public submissions made regarding recreational fishing.

Ningaloo Reef and its shallow lagoon comprise especially vulnerable habitats. The system is linear and there are some changes in its community structure from north to south. The original sanctuary zone system, that is, in the original management plan for the existing park, comprised a series of reef and lagoonal habitats along the length of the park. Some of the sanctuary zones were located so as to protect areas used by recreational divers and ecotourism operations but collectively they provided a replicated north-south series of high protection areas intended to support the conservation of the whole reef system and provide pristine sites for research and monitoring. After review, the planning team, supported by the majority of public submissions, concluded that the original sanctuary zone system was inadequate to meet its intended multiple functions. The revised draft plan proposed a significant increase in the area of sanctuary zones in the park. It was also proposed that several of them should be extended seaward to include reef-front and offshore habitats. Most public submissions focused on these proposed changes.

There were submissions that suggested further increase of sanctuary zone area, with additional large areas at the centre of the park. Others, mainly from recreational fishers, objected to the size and number of the proposed sanctuary zones. After considering these submissions, the MPRA adjusted the boundaries of some proposed sanctuary zones to exclude areas of special importance to recreational fishers. In particular, in many places the inner boundaries were positioned a short distance from the shore so that beach fishing would not be impeded. Another significant change was made to the zone category of one proposed major offshore area (off Mandu) from sanctuary zone to special purpose zone for protection of benthic habitats. This change would allow surface trolling to continue there.

Accompanying these proposed changes, there were recommendations for implementation of a research program that would test the effectiveness of the zoning scheme and a monitoring program in sanctuary and non-sanctuary areas that would determine environmental change over time as a result of natural events and human impact.

After consideration of the very strong public support for the proposals, but taking heed of many of the suggested amendments, the MPRA drew its conclusions and forwarded the revised draft management plan to the Minister on 8 November 2004. The Minister approved the revised management plan on 7 January 2005.

The CALM Act zoning notices were gazetted on 21 January 2005, formally putting the new zoning scheme into effect. Complementary zoning notices relating to regulations of fishing will be gazetted by the Department of Fisheries during the 2005/2006 period.

The fringing/barrier coral reef of Ningaloo Marine Park is an outstanding tourist attraction as well as an iconic natural feature of world significance. The park's management plan and zoning scheme is now consistent with current marine reserve design standards. The Government has provided funds specifically for increased management effort and research at Ningaloo and the MPRA is confident that a sound basis is now established for the sustainable management of this priceless natural resource.

ROWLEY SHOALS MARINE PARK

The Rowley Shoals Marine Park was established in May 1990, covering Clerke and Imperieuse reefs. A draft management plan for the marine park and an indicative management plan for proposed extensions were released for public comment on 5 January 2004. The MPRA formed a sub-committee in May 2004 to consider the public submissions to the plans

and provided advice to the Minister on 5 August 2004, that is, it submitted the amended management plan for the existing park to the Minister for approval, together with its report on the proposed extensions.

Approval of the final management is anticipated to occur early in the 2005/2006 financial year.

SHOALWATER ISLANDS MARINE PARK

The Shoalwater Islands Marine Park was established in May 1990. A draft management plan was released for public comment in 1995 but was not implemented because there was little public support for the zoning scheme that was then proposed. In December 2002, the Department commenced a new round of community consultation, putting forward several zoning options. The original draft was substantially amended so as to include sanctuary zones and bring the plan into line with the outcome-based format currently applied.

In June 2004, the Minister requested further information on appropriate courses of action for progressing this matter. In January 2005, the MPRA wrote to the Minister recommending that the current version of the management plan should be released for public comment and that proposed extensions to the park should be deferred and considered separately. Following additional community consultation, an amended draft management plan for the existing marine park will be released for public comment during 2005/2006.

JURIEN BAY MARINE PARK

The Jurien Bay Marine Park was gazetted in August 2003. Subsequently the Minister appointed a working group to consider the possibility of establishing a recreation zone in the marine park, immediately adjacent to Jurien Bay town site, that had not been part of the original indicative management plan. The MPRA forwarded the working group report to the Minister in June 2004, supporting its recommendations, namely that the proposed recreation zone was not needed. After resolution of this matter, final approval of the indicative management plan for the park was able to proceed. The plan became an operational management plan on 1 July 2005 when notification of its approval was published in the *Gazette*. An analysis of public submissions report was published and made available on 1 July 2005. It is anticipated that the CALM Act and *Fish Resources Management Act 1994* zoning notices will be gazetted during the 2005/2006 period.

The establishment of the Jurien Bay Marine Park has provided the impetus for a number of research projects that will increase the knowledge base of the Park. A fourth survey of the effectiveness of the marine park's zones was undertaken in October 2004 by the University of Tasmania, in collaboration with CALM, as part of nation-wide study of MPA effectiveness. A large multi-disciplinary ecological study initiated in 2003, funded primarily by the Strategic Research Fund for the Marine Environment, and involving the CSIRO, Edith Cowan University, University of Western Australia and Murdoch University, continues to generate basic knowledge of Park's natural attributes. Additional research projects funded by the Natural Heritage Trust were also concluded in 2004/2005.

MARMION MARINE PARK

The Marmion Marine Park was established in March 1987 and a management plan was approved in January 1992. The plan became due for review in 2002, but remains in operation until such time as resources are available to undertake the review task.

SHARK BAY MARINE PARK AND HAMELIN POOL MARINE NATURE RESERVE

These two marine reserves were established in November 1990 and a management plan was gazetted in March 1997. The plan is due for review in 2007. Given that these marine reserves are a significant component of the Shark Bay World Heritage Property, the MPRA considers that revision of the management plan is an important task and expects to give it priority as soon as possible after the due date.

MANAGEMENT IMPLEMENTATION

MANAGEMENT PLAN IMPLEMENTATION

The functions of the MPRA in relation to management plans for land and waters vested in the MPRA (as outlined in section 26B(1)(f)) are to:

- develop guidelines for monitoring the implementation of the management plans by the Department;
- set performance criteria for evaluating the carrying out of the management plans; and
- conduct periodic assessments of the implementation of the management plans.

The adopted performance assessment framework includes the preparation of annual marine work plans for each reserve. The work plans facilitate the implementation of respective management plans by detailing the management actions and resourcing of annual work programs. The framework requires completion of a performance assessment report for each marine conservation reserve. The report includes an assessment of the condition, pressures and management responses for key values and the progress in implementing the marine work plans and management plans. The framework also requires a triennial audit by the MPRA for each marine conservation reserve, and a statutory ten-year review of the management plan.

These procedures are still being refined. In November 2004, an MPRA audit sub-committee undertook the second annual review for existing marine conservation reserves as required under the MPRA Audit Policy (2002). Department staff from throughout the State provided briefings to the sub-committee on the activities and outcomes of managing the marine reserves for the 2003/2004 financial year. The review indicated that the overall majority of planned marine work plan actions in marine reserves were completed, and identified a number of especially satisfactory achievements. Some of these were:

- Successful reduction of fox predation of turtles along key areas of the Ningaloo coast.
- Expansion of community participation in monitoring projects, including for turtles at Ningaloo and Shark Bay.
- Establishment of management zones at Shark Bay.
- Implementation of education (schools) program in Jurien Bay area.
- Commencement of baseline water quality and human usage monitoring program at Jurien Bay Marine Park.

- Substantial progress in marine conservation reserve planning processes.

In some cases there was inadequate information available to make assessments with confidence due both to the still early stage of marine reserve performance assessment process and the lack of baseline data.

The review identified a number of areas where improvements are required. Some of these are listed below.

- Funding and management of the existing reserves should be addresses as a high level priority, in particular marine reserves at Shark Bay and Shoalwater Islands require additional funding to achieve an appropriate core level of management.
- Outcome-based management plans need to be established for each marine conservation reserves, in particular for marine reserves at Marmion, Shoalwater Islands and Shark Bay.
- The gazettal of zones in marine reserves must be streamlined to occur as soon as practicable after gazettal of a new reserve and outstanding zone implementation must be complete with urgency.
- Monitoring programs need to be implemented commensurate with the threats and the need to establish baselines.
- Research needs to be progressively undertaken to address key gaps in scientific knowledge.
- Strategic and tactical education and communication programs are required to address current deficiency in community awareness, understanding and support for CALM's management efforts.

During the 2004/2005 period significant improvements were made to the performance assessment process and format of the review. The MPRA considers the annual review of all marine conservation reserves an important initiative is committed to the continued improvement of the performance review framework.

INTERIM MANAGEMENT

Section 33 of the CALM Act makes provisions for management actions in respect MPRA vested land and waters, in circumstances where there is no approved management plan. These provisions relate to two kinds of circumstances.

Necessary Operations (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" (section 33A(1) of the CALM Act). 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.

No necessary operations were conducted this year.

Compatible Operations (Section 33(3)(b)(ii) of the CALM Act). Such operations include necessary operations (see above) but may also include "... operations approved by the Minister as being in his opinion compatible with the purposes for which the park or management area is managed ..." (section 33A(2) of the CALM Act). Before the Minister approves 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.

No compatible operations were conducted this year.

LEASES, LICENCES AND PERMITS

The *Conservation and Land Management Act Regulations 2002* were gazetted in May 2002. The Regulations require that commercial operations on MPRA vested land and waters are licensed enabling access and use to be monitored. Through application of licence conditions, the conservation values and public amenity of these areas are maintained.

Leases can also be issued on MPRA vested reserves. Under section 99 of the CALM Act, licenses and leases are issued by the Executive Director and require approval of the Minister. The CALM Act also requires that the Executive Director consults with the MPRA before issuing leases for commercial activities on marine reserves.

ISSUES CONSIDERED DURING 2004/2005

The MPRA received briefings and provided comment on the following:

- The review of the Ningaloo Marine Park Management Plan (State Waters) and

extension to the existing marine park and adjacent Muiron Islands marine conservation reserve.

- The draft management plan for Rowley Shoals Marine Park and consideration of extensions to the existing marine park.
- Cape Range National Park Draft Management Plan.
- Cape Range – Ningaloo World Heritage Nomination.
- The Department for Planning and Infrastructure's proposal to extend the breakwater of the Hillarys Boat Harbour, as provided in the final *Hillarys Boat Harbour Entrance Modifications Environmental Management Plan* (Dal Science and Engineering, 2004).
- The Coral Bay Boating Facility, Monck Head, Coral Bay (EPA Assessment No. 1186).
- Expansion of the Monkey Mia Dolphin Resort Public Environmental Review (EPA Assessment No. 1455).
- The West Coast Dive Park proposal and scuttling of the Saxon Ranger within Shoalwater Islands Marine Park.

ADVICE TO THE MINISTER

LEGISLATIVE BACKGROUND

The MPRA may provide 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; and
- any matter on which advice is sought by the Minister.

The MPRA may provide advice 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 (section 26B(1)(g) and (i) of the CALM Act).

The Chair and the Deputy Chair of the MPRA hold bimonthly meetings with the Minister (or her representative). During the 2004/2005 period four meetings were held.

ACTION DURING 2004/2005

The MPRA provided advice (under sections 14(6)(a) and 60(1) of the CALM Act) to the Minister on:

- 5 August 2004, in respect to the Rowley Shoals Marine Draft Park Management Plan and Indicative Management Plan for Proposed Extensions to the Existing Marine Park.
- 12 August 2004, in respect to the indicative management plan for the proposed Montebello/Barrow islands marine conservation reserves.
- 30 September 2004, in respect to the draft indicative management plan for the proposed 'Capes' marine park.
- 8 November 2004, in respect to the Ningaloo Marine Park Draft Management Plan and Indicative Management Plans for the Extension to the Existing Marine Park and the Proposed Muiron Islands Marine Management Area.
- 15 November 2004, in respect to the *MPRA Statement on the Science Base of Sanctuary (No-Take) Zones in the Ningaloo Marine Park*.
- 27 January 2005, in respect to the options for progressing the draft management plan for the Shoalwater Islands Marine Park.
- 11 May 2005, in respect to the MPRA's and Conservation Commission of WA's joint

advice on the Draft Swan and Canning Rivers Management Bill.

- 20 May 2005, in respect to the Monkey Mia Resort Expansion – Public Environmental Review.
- 31 May 2005, in respect to the amendment of the Ningaloo Marine Park (Classified Waters) Notice 2005.
- 27 June 2005, in respect to the proposed 'Capes' marine park.
- 27 June 2005, in respect to the proposed Dampier Archipelago marine park and Cape Preston marine management area.
- 27 June 2005, in respect to the Shoalwater Islands Marine Park.

AQUACULTURE AND PEARLING

BACKGROUND

Aquaculture and pearling are activities that 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 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 proposed marine conservation reserve that is subject to formal consideration.

ISSUES CONSIDERED DURING 2004/2005

The following aquaculture and pearling proposals were referred to the MPRA:

- Application to vary aquaculture licence - No. 0407.1 - Latitude Fisheries Pty. Ltd. Abrolhos Island.
- Application to vary an aquaculture licence No. 0402.1 - Maxima Pearling Company Pty. Ltd. - Cone Bay
- Application to vary pearl oyster farm lease SJ & JD Arrow - Gantheaume Point.
- Application for a Pearl Oyster Farm Lease - Port Nelson - Paspaley Pearling Company P/L, Roebuck Pearl Producers P/L & Pearls P/L as Tenants in Common.
- Application for a Pearl Oyster Farm Lease - Gale Island - Paspaley Pearling Company P/L, Roebuck Pearl Producers P/L & Pearls P/L as Tenants in Common.
- Application for a Pearl Oyster Farm Lease - Gourdon Bay 'E' - Paspaley Pearling Company P/L, Roebuck Pearl Producers P/L & Pearls P/L as Tenants in Common.

The MPRA did not provide comment on any aquaculture or pearling proposals during the 2004/2005 period.

INDUSTRY AND RESOURCES

BACKGROUND

Petroleum and mineral development within Western Australia 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 2004/2005

There were no proposals referred to the MPRA for comment concerning petroleum exploration and production in marine nature reserves, marine parks and marine management areas during the 2004/2005 period.

LIAISON

BACKGROUND

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.

ACTION DURING 2004/2005

- Representatives of the MPRA, CALM and the Department of Premier and Cabinet met on 4 August to discuss bioregional marine planning and the development of a marine sanctuary zone policy.
- A representative of the MPRA attended the final meeting of the Advisory Committee for the Proposed 'Capes' Marine Park on 6 August 2004.
- The Chair of the Advisory Committee for the Proposed 'Capes' Marine Park attended the MPRA's 66th meeting on 19 August 2004, during discussions of the indicative management plan for the proposed marine park.
- The Department provided a briefing to the MPRA on the Coral Coast Park Council at the MPRA's 66th meeting on 19 August 2004.
- Representatives of the MPRA attended the Walpole/Nornalup Focus Group meeting on 28 August 2004.
- The MPRA held a special half-day meeting to consider the viewpoints of key stakeholders in respect to the proposed 'Capes' marine park on 9 September 2004. The meeting was attended by all MPRA and 'Capes' Advisory Committee members, representatives of the Minister for the Environment and the Minister for Fisheries, staff from CALM and other relevant Government departments and representatives of peak bodies including Abalone Association, Australian Anglers Association, Recfishwest, Scientific Reference Group for the Capes, Shire of August, Shire of Margaret River, Southwest Aboriginal Land and Sea Corporation, Southwest Development Commission, Surfing WA, WA Diving Association, WA Fishing Industry Council and Western Rock Lobster Council.
- The World Heritage Consultative Committee attended the MPRA's 67th meeting on 16 September 2004, and provided a briefing on the Cape Range – Ningaloo World Heritage Nomination.
- Representatives of the MPRA visited Exmouth from 25 to 27 September 2004, to discuss amendments to the Ningaloo Marine Park Management Plan with stakeholders including Shire of Exmouth, Gascoyne Development Commission, Coral Coast Parks Advisory Committee, Exmouth Chamber of Commerce, and local tour operators.
- A representative of the Department for Planning and Infrastructure attended the MPRA's 68th meeting on 21 October 2004, and provided a briefing on the Coral Bay Boating Facility, Monck Head, Coral Bay (EPA Assessment No. 1186).
- The Chair and five members of the Recreational Fishing Advisory Committee attended the MPRA's 68th meeting on 21 October 2004, for a sharing of views regarding recreational fishing in marine conservation reserves.
- Representatives of the MPRA attended a meeting with key stakeholders on policy, institutional and legislative reform to support bioregional marine planning on 25 October 2005.
- The MPRA liaised with the Department of Fisheries in respect to the role of marine reserves in the management of Western Australia's aquatic resources. Representatives of the Department of Fisheries provided briefings on their Department's Ecological Sustainable Development Program and Integrated Fisheries Management at the MPRA's 67th meeting on 26 September 2004 and at the MPRA's 69th meeting on 18th November 2004, respectively.
- Representatives of the Department of Housing and Works, Commonwealth Department of Environment and Heritage and DG Artificial Reefs Consultants attended the MPRA's 72nd meeting on 17 February 2005, during discussions of the West Coast Dive Park and scuttling of the Saxon Ranger.
- The MPRA has liaised with the Department of Fisheries regarding commercial collection of coral, live rock and live sand from marine

conservation reserves. The MPRA was provided with a briefing on this issue at its 73rd meeting on 17 March 2005.

- Representatives of the MPRA attended a field visit to Ningaloo Marine Park on 15 April 2005.
- A representative of the Department for Planning and Infrastructure attended the MPRA's 74th meeting on 21 April 2005, and provided a briefing on the proposal to extend the southern breakwater of the Hillarys Boat Harbour.
- Representatives of the Swan River Trust and the Conservation Commission of WA attended the MPRA's 74th meeting on 21 April 2005, during discussions about vesting and management issues associated with the Swan River.
- Representatives of the MPRA attended a field visit to Swan Estuary Marine Park on 16 June 2005, and were briefed by CALM and Friends of Attadale Foreshore on rehabilitation work in the area.
- The MPRA liaised with the Environmental Protection Authority and the Department for Planning and Infrastructure in regard to the proposal to extend the southern breakwater of the Hillarys Boat Harbour.
- The MPRA received briefings on current research in Western Australian marine reserves throughout the year.
