



**MPRA**  
MARINE PARKS &  
RESERVES AUTHORITY



# Annual Report

1 JULY 2005–30 JUNE 2006





M A R I N E P A R K S &  
R E S E R V E S A U T H O R I T Y

# ANNUAL REPORT

1 July 2005 - 30 June 2006

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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 2006.

Mr Eric Streitberg  
Chairman

August 2006

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# MARINE PARKS AND RESERVES AUTHORITY

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*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 primary role is to oversee the development of marine reserves policy and management plans and the implementation of these plans by the Department of Environment and Conservation. 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.*

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# CHAIRMAN'S REVIEW

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The 2005/2006 year has seen substantial progress in the establishment of the marine reserves system in Western Australia, although much remains to be accomplished, both in the establishment of new reserves and the management of existing reserves.

The MPRA's activities in 2005/2006 were substantially influenced by the Government's recommitment, in early 2005, to work with the community to finalise marine reserves at:

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

The Government also added a commitment to create, through the regional marine planning process, a new marine park in the Recherche Archipelago on the South Coast, although no substantive progress was made on this during the year.

The Western Australian marine conservation reserve program is being developed according to the nationally agreed "CAR" principles (Comprehensive, Adequate and Representative). These principles require that the statewide marine reserve system should 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 18 bioregions in Western Australia. Seven of the identified bioregions now include representative marine conservation reserves. When the proposals for new marine conservation reserves set out above are implemented, nine of the State's bioregions will be represented.

On a regional basis, the State's southern tropical coast is 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 to temperate bioregions of the West Coast are reasonably represented, but like those of the far north, the bioregions of the South Coast remain unrepresented by marine reserves. The adequacy of the representation of the existing reserves and their management to achieve conservation objectives are still matters of contention, with considerable tension between community groups and planning and implementation agencies, particularly in regard to

the size and location of sanctuary zones and the management of both commercial and recreational fishing activity.

The formation of new reserves is undertaken through a comprehensive community consultation process which is then further subject to the concurrence process between the Ministers for Environment, Fisheries and Mines. This process is a very lengthy and often cumbersome and frustrating process for all those involved. The time taken and the substantial involvement of the various parties is set out in some detail in the following report.

An integral part of the community consultation process is the formation of community advisory committees of individuals with local knowledge and interest. These processes are run by officers of the Marine Conservation Branch (now the Marine Policy and Planning Branch) of the Department of Environment and Conservation (DEC). All those involved, the community members, and particularly the DEC officers, make very significant contributions to achieve balanced conservation outcomes and the Authority expresses its appreciation for their dedication and commitment.

The management of existing reserves is complicated by the lack of outcome-focused management plans for many of the reserves as set out in this report. The Authority's function in relation to the audit of management plans is 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.

This function has been progressively developed over the last three years, and the assistance of DEC regional staff in performing this function is gratefully acknowledged. The audits and reviews have shown that the marine conservation estate is in generally reasonable condition but that there is a relentless human use pressure which will require careful future management to ensure values are not compromised.

The MPRA's audit function will become increasingly significant as the level of expenditure on reserve management increases and full public accountability is required. The enhanced delivery of the audit function will require the more effective use of information systems in DEC to enable regional managers to present a higher level of information than is presently being delivered.

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The other major impediment to the implementation of management plans and, most importantly, to the Authority's ability to be able to satisfactorily demonstrate that reserves deliver the conservation outcomes required by the community, is the establishment of baseline scientific data on reserve values and condition and the ongoing structured and rigorous collection, analyses and reporting of this information. This process is wholly inadequate at present and the recent establishment of the Marine Science Program in the DEC Science Division is a very positive step to addressing this matter. The potential acceptance by fishing interests of sanctuary zones as tools for sustainable management will also be enhanced by the use of more comprehensive and rigorous local scientific data sets that demonstrate the effectiveness of sanctuary zones for biodiversity conservation.

The establishment of a Memorandum of Understanding between DEC and the Department of Fisheries setting out principles for co-operative management of marine parks with the aim of integrating conservation and recreation management, and the management of fishing in reserves also assisted in advancing the management of reserves and understanding between the two agencies.

Although much remains to be done, and the hard work of many in the community and Government is required to both establish the reserves currently in process and the proposed new reserves, I am optimistic that the State Government's marine conservation objective to establish a comprehensive, adequate and representative statewide system of marine conservation reserves as part of the National System of Marine Protected Areas will be achieved.

The revised marine reserve provisions of the CALM Act in 1997 were accompanied by the establishment of the Marine Parks and Reserves Authority in August 1997. Dr Barry Wilson was appointed the inaugural Chair of the Authority and held the position until January 2006 when he stepped down from the Authority. Barry's commitment to marine conservation in Western Australia is without equal. He has provided vision and drive in promoting the establishment of the existing marine reserves and leadership in chairing the MPRA since its inception and ensuring it weathered the challenges of seeing the parks implemented. The Authority records its sincere appreciation for his selfless dedication and enormous contribution to Western Australia's conservation estate.

MR ERIC STREITBERG  
CHAIRMAN



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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* 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. On 1 July 2006 the Department of Conservation and Land Management and the Department of Environment amalgamated to form the Department of Environment and Conservation (DEC). DEC is responsible for the day to day management of these vested waters and lands.

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 Environment and Conservation (DEC), the Marine Parks and Reserves Authority (MPRA), the *Conservation and Land Management Act 1984* and the *Acts Amendment (Marine Reserves) Act 1997*, respectively.

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## 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 2005/2006 period, the Minister provided written direction to the MPRA, under this section of the CALM Act, in respect to:

- Consideration of the advice of the reconvened Advisory Committee of the proposed Dampier Archipelago/ Cape Preston marine conservation reserves before preparing the Authority's formal advice under section 14 of the CALM Act.

## 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).

During 2005/2006 there were several changes to the MPRA membership. The Minister for the Environment called for expressions of interest for membership to the MPRA, to fill the vacant position left by Dr Iva Stejskal who resigned in August 2004. The advertisement inviting expression of interest was published in the 22 July 2005 edition of 'The West Australian' newspaper.

Emeritus Professor John Penrose was appointed to the MPRA as the replacement member on 31 January 2006.

The terms of appointment for four of the members expired in December 2005 and the Minister for the Environment called for expressions of interest for membership to the MPRA, in an advertisement published in the 17 March 2006 edition of 'The West Australian' newspaper.

The terms of membership of Professor Diana Walker, Associate Professor Lynnath Beckley and Mr Angus Horwood were extended pending the finalisation of the expressions of interest process.

MPRA member and inaugural Chairman Dr Barry Wilson did not seek reappointment and resigned as of 26 January 2006. The Minister for the Environment nominated the Deputy Chairman, Mr Eric Streitberg, as Acting Chairman pending the finalisation of the expressions of interest process.

Membership as at the 30 June 2006 is recorded below.

## Appointed members

- (1) Mr Eric Streitberg (Acting Chairman)
- (2) Mr Angus Horwood
- (3) Professor Diana Walker
- (4) Mr Kim Colero
- (5) Associate Professor Lynnath Beckley
- (6) Emeritus Professor John Penrose
- (7) Vacant

Mr Eric Streitberg was appointed to the MPRA in August 1999, appointed Deputy Chairman in 2002 and appointed Acting Chairman in February 2006. 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 and Geology. 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 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 Man 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

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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 and 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 of the Fisheries Adjustment Scheme. Mr Colero is currently Manager Development of Australian Ethanol Limited which is a Perth based company developing an Ethanol Plant in Swan Hill Victoria and a Biodiesel Plant in Nebraska USA.

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

Emeritus Professor John Penrose is the former Director of the Centre for Marine Technology at Curtin University and has been a member of the Department of Physics at the university since the 1970's, specialising in marine acoustics. Professor Penrose holds a PhD in Solid State Physics from the City University, London. He is currently Project Manager of the Coastal Water Habitat Mapping Project of the Cooperative Research Center for Coastal Zone, Estuary and Waterway Management. He is a Council Member of the Australian National Maritime Museum.

## **MEETING NOTICE AND ATTENDANCE**

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

DEC's Director General, 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, observers and visitors**

In accordance with section 26D(5) of the CALM Act, the Director General of DEC 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.

Representatives of Western Australian Museum, Department of Fisheries, Department of Industry and Resources, Department of Planning and Infrastructure and Tourism Western Australia attended meetings throughout 2005/2006. The attendance and contributions from Chief Executive Officers or their representatives at meetings provided valuable input to the considerations of the MPRA during 2005/2006.

Where it considered appropriate the MPRA also invited stakeholders with an interest in matters to attend meetings.

## **MPRA MEETINGS**

Formal meetings of the MPRA were held on eleven occasions during the 2005/2006 period. These were:

21 July 2005  
18 August 2005  
15 September 2005  
20 October 2005  
17 November 2005  
15 December 2005  
19 January 2006  
10 March 2006  
20 April 2006  
18 May 2006  
15 June 2006

The 16 February 2006 meeting was cancelled as the required quorum was not met.

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Member attendance at these eleven meetings was as follows:

<u>Member</u>	<u>Meetings attended</u>
Barry Wilson (to Jan 06)	7
Eric Streitberg	8
Angus Horwood	10
Diana Walker	9
Kim Colero	11
Lynnath Beckley	8
John Penrose (from Feb 06)	3

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

- A meeting held on 20 October 2005 to discuss the MPRA strategic plan; and
- A meeting held on 30 March 2006 to discuss the licences to conduct wildlife interaction tours at Monkey Mia.

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 2005/2006 period. Sub-committees met in accordance with a charter drawn up by the MPRA and provided recommendations to the full membership of the MPRA.

The following MPRA sub-committee meetings were held during the 2005/2006 period:

- proposed Dampier Archipelago/ Cape Preston marine conservation reserve sub-committee meeting on 22 September 2005;
- audit sub-committee meeting on 17 October 2005.

In addition to the above meetings, representatives of the MPRA attended seven meetings with the Minister for the Environment (or representative) and several meetings with DEC and the Conservation Commission of WA (the Commission).

Representatives of the MPRA also attended:

- one meeting of the Advisory Committee for the Proposed Dampier Archipelago/ Cape Preston Marine Park,
- one meeting of the Shoalwater Islands Focus Group
- a field visit to Jurien Bay Marine Park
- a field visit to Shark Bay Marine Park/ Hamelin Pool Marine Nature Reserve.

## CONFLICT OF INTEREST

The MPRA has formally adopted a Conflict of Interest Policy (2002) and members are required to consider all matters discussed at meetings for any conflict of interest. No members reported a material conflict of interest during the 2005/2006 period.

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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 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

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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 2006 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 2006 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 2006 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 Dampier Archipelago/Cape Preston Marine Park and the submissions to this plan. The MPRA considered a draft indicative management plan for the proposed marine park and public submissions received on that proposal.
- The proposed Walpole and Nornalup Inlets Marine Park. The MPRA considered a draft indicative management plan for the proposed marine park and reported to the Minister on its recommendations (see section on *Advice to the Minister*).

- Shoalwater Islands Marine Park. The MPRA considered the revised draft management plan for the marine park and reported to the Minister on its recommendations (see section on *Advice to the Minister*).
- Proposed amendment to the Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan in respect of the inclusion of a dog exercise area within the marine park boundary.

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# CALM ACT

## CONTROLLING BODIES

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### 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 2005/2006 period the MPRA and the Commission met on a number of occasions and liaised over a number of issues including:

- Vesting of intertidal areas, in particular areas associated with the Proposed Dampier Archipelago/Cape Preston marine conservation reserves;
- the proposed amalgamation of the MPRA and Commission into a Biodiversity Commission

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 2005/2006 year.

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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 in section 56 of the CALM Act.

## 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 2005/2006

The MPRA developed and endorsed the following documents:

- 2004-2005 Annual Review of Marine Conservation Reserves Including Management Plan Implementation.

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

- Government's bioregional marine planning;
- The Department's Good Neighbour Policy;
- The Department of Fisheries Integrated Fisheries Management – Draft allocation report – Rock Lobster Resource;

- Environmental Protection Authority (EPA) Environmental Quality Management Framework for Pilbara Marine Waters.
- Review of joint MPRA/CALM Mooring Policy 59.
- Fisheries Management Paper 196 - The Aquaculture of live rock, live sand, coral and associated products - Discussion Paper and draft policy paper.
- Fisheries Management Paper No 215 Draft Policy on the granting, renewal and regulation of aquaculture leases in WA

The MPRA undertook the following review of internal policies:

- The MPRA Stakeholder Relationship Program and implementation strategy (Reviewed June 2006).



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# PROPOSALS FOR NEW MARINE RESERVES

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## DEVELOPMENT OF THE MARINE RESERVE PROGRAM

In early 2005, the Government reaffirmed its commitment to work with the community to finalise marine reserves at:

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

These proposals were substantially advanced during the 2005/2006 period.

The Government also added a commitment to create, through the regional marine planning process, a new marine park at Recherche Archipelago on the South Coast. No progress was made on this during the 2005/2006 financial year.

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) cover the biodiversity of State waters comprehensively and represent each of the bioregions adequately, 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, however, the reserves do not in all cases, adequately represent the bioregions.

## 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 section sets out the status of proposals for new marine reserves, and relevant activities undertaken during 2005/2006.

### PROPOSED DAMPIER ARCHIPELAGO/CAPE PRESTON MARINE CONSERVATION RESERVES

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. Concurrence was received from the Minister for State Development on 28 June 2004. Concurrence was received from the Minister for Fisheries on 18 November 2004 although as part of his concurrence he requested substantial amendments to the indicative management plan prior to it being released for public comment. This included changes to the zoning scheme, 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 were provided to the MPRA for consideration at a MPRA subcommittee meeting on 22 September 2005.

On 13 October 2005, the Minister for the Environment advised the MPRA that the Community Advisory Committee would be reconvened to inform them of the rationale behind the Government changes to the indicative management plan prior to release for public comment. It would also provide an opportunity for the Advisory Committee to consider the summary of public submissions before providing advice to the MPRA.

The Advisory Committee reconvened on 15 February 2006 and subsequently provided their advice and recommendations on the indicative management plan to the MPRA on 10 April 2006 and apart from one zone (West Enderby Special Purpose (Benthic Protection) Zone) the Committee reverted back to their original advice. They also recommended that the 1 nautical mile trawling exclusion zone in Nickol Bay be removed.

The Advisory Committee recommendations were discussed and endorsed at the MPRA's meeting of 18 May 2006.

The MPRA provided advice to the Minister on 1 June 2006 supporting the Advisory Committee recommendations and the progression of the indicative management plan. Approval of the final management plan and gazettal of the marine park is anticipated in early 2007.

#### **PROPOSED GEOGRAPHE BAY /LEEWIN-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. 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.

The MPRA considered the indicative management plan at a subcommittee meeting on 8 September 2004, and at the Minister's request, additional

consultation with stakeholder groups was undertaken on 9 September 2004. The MPRA considered the subcommittee report, the outcomes of the stakeholder consultation, and the draft plan and provided its report to the Minister (under Section 14 (1a) of the Act) on 30 September 2004.

The Minister for the Environment wrote to the MPRA on 16 May 2005, advising how the proposal would be progressed. Since that time, DEC and Department of Fisheries have further considered the zoning scheme with the boundaries of the Special Purpose (Surfing) Zones and the Department of Fisheries commercial rock lobster closure areas being aligned. The simplified zoning scheme has been approved by both the Minister for the Environment and the Minister for Fisheries.

The Minister for the Environment has obtained approval from the Minister for Fisheries and the Minister for Resources to proceed with the release of the notice of intent and the indicative management plan. The release of a draft indicative management plan is anticipated early in the third quarter of 2006.

#### **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.

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 attempt to resolve this issue. The draft indicative management plan was forwarded to the MPRA for consideration in December 2005 and representatives from DEC and the community focus group provided a briefing at the MPRA meeting of 15 December 2005. The MPRA provided its report (under Section 14 (1a) of the Act) to the Minister on 21 December 2005.

The Minister for the Environment has obtained approval from the Minister for Resources to proceed with the release of the notice of intent and the indicative management plan. Pending the approval of the Minister for Fisheries, the release of a draft indicative management plan for public comment is anticipated early in the third quarter of 2006.

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# MANAGEMENT PLANS

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## 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 Environment and Conservation, 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, but continue to have effect until replaced by a new approved management plan.

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, conservation values and other uses peculiar to itself. Such attributes, leading to specific management objectives, will be detailed in the management plan for the reserve.

For marine conservation reserves established prior to the Amendment Act that did not have a management plan in place when the Amendment Act became effective, 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 to have effect.

For marine conservation reserves established subsequent to the Amendments Act an indicative management plan is prepared in accordance with Section 14(2d) of the CALM Act. Once the MPRA has reported to the Minister on the proposed reserve (CALM Act, sections 14(1a) and 26B(1)(d)) a notice of intent is published in the *Gazette* and the indicative management plan is released for public comment for a period not less than three months.

The indicative management plan becomes a draft management plan after the public comment period. Written submissions on the indicative management plan are analysed and changes are made to the plan as appropriate.

The MPRA then forwards the draft management plan to the Minister for the Environment for final approval (CALM Act, 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 (s130 of the CALM Act,) to put in place necessary protection, management or control, including special zoning provisions (see section on *The Marine Conservation Estate*). Regulations may not, however, 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 2005/2006 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. **Table 2** shows reserves that have been created awaiting the final management plan. **Table 3** shows indicative management plans released but reserves not yet created and final management plans not yet approved by the Minister for the Environment. **Table 4** shows the indicative management plans being prepared

**Table 1**

**APPROVED MANAGEMENT PLANS  
by Department plan number**

<b>NUMBER</b>	<b>PLAN</b>	<b>DATE GAZETTED</b>
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**

**RESERVES CREATED - AWAITING FINAL MANAGEMENT PLAN**

<b>FINAL MANAGEMENT PLANS BEING PREPARED</b>	<b>DATE OF RELEASE</b>
<ul style="list-style-type: none"><li>• Shoalwater Islands Marine Park</li><li>• Rowley Shoals Marine Park (draft management plan and indicative management plan for extensions to the existing park)</li><li>• Montebello/Barrow Islands</li></ul>	27 October 1995 5 January 2004 17 February 2004

**Table 3**

**INDICATIVE MANAGEMENT PLANS RELEASED - RESERVE NOT YET CREATED AND  
FINAL MANAGEMENT PLAN NOT YET APPROVED BY THE MINISTER FOR THE  
ENVIRONMENT.**

<b>INDICATIVE MANAGEMENT PLANS RELEASED</b>
<ul style="list-style-type: none"><li>• Dampier Archipelago/Cape Preston (released 11 January 2005)</li></ul>

**Table 4**

**INDICATIVE MANAGEMENT PLANS BEING PREPARED**

<b>INDICATIVE MANAGEMENT PLANS BEING PREPARED</b>
<ul style="list-style-type: none"><li>• Geographe Bay/Leeuwin Naturaliste/Hardy Inlet</li><li>• Walpole and Nornalup Inlets</li></ul>

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## STATUS OF MANAGEMENT PLANS

The following notes summarise the status of management plans for existing marine reserves, and relevant activities undertaken during 2005/2006.

### NINGALOO MARINE PARK AND 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 was initiated in July 2003 and 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.

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 were gazetted by the Department of Fisheries on 9 September 2005, although orders to implement the conservation areas for the Muiron Islands Marine Management Area have not been gazetted. It is anticipated that the Department of Fisheries will proceed with the gazettal of the conservation areas for Muiron Islands Marine Management Area in the latter part of 2006.

### 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 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.

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 plan and gazettal of the zoning scheme under the CALM Act and the FRM Act is anticipated to occur in the latter part of 2006.

### 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 finalised. In December 2002, the Department commenced a new round of community consultation, and the original draft was substantially amended so as to include sanctuary zones and bring the plan into line with the outcome-based format currently in use.

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. Additional community consultation was undertaken at a Focus Group meeting held on 7 February 2006 with an updated draft management plan due for release in July 2006 for a three month public comment period.

### JURIEN BAY MARINE PARK

The Jurien Bay Marine Park was gazetted in August 2003. 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. The CALM Act and *Fish Resources Management Act 1994* zoning notices were gazetted on 21 October 2005 and 23 December 2005 respectively.

### 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 it is replaced by a new approved management plan.

### 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

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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.

### **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.

The MPRA made its report on the proposal (under Section 14 (6a)) to the Minister on 12 August 2004 and 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 plan and gazettal of the zoning scheme under the CALM Act and the FRM Act is anticipated to occur in the latter part of 2006.

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# MANAGEMENT IMPLEMENTATION

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## 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 an annual 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.

On 17 October 2005, an MPRA audit sub-committee undertook the third 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 2004/2005 financial year. This enabled the sub-committee to assess the Department's implementation of the marine conservation reserve management plans and the outcomes achieved.

Overall, the key ecological and social values of the marine conservation reserves were assessed as being in good to satisfactory condition, with key management targets being met and conservation outcomes progressively achieved.

The review indicated that the degree to which annual marine work plans were implemented varied widely amongst the assessed marine conservation reserves due to funding allocations and the degree of technical and operational capacity to implement strategies.

In addition to the outputs delivered under the annual marine work plans, a number of strategic outputs were delivered during 2004/2005 including:

- the gazettal of the Muiron Islands Marine Management Area;
- Extensions to Rowley Shoals and Ningaloo marine parks. Release of the Ningaloo Marine Park and Muiron Islands Marine Management Area management plan;
- Continued progress in the planning of the proposed Walpole and Normalup Inlets Marine Park, Geographe Bay/ Leeuwin-Naturaliste/Hardy Inlet Marine Park and Dampier Archipelago Marine Parks and Cape Preston Marine Management Area.

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

- Funding and the subsequent level of management of some existing reserves should be addressed as a high level priority, in particular marine reserves at Shark Bay and Shoalwater Islands require additional funding to achieve an appropriate level of management.
- Outcome-based management plans need to be established for each marine conservation reserve, in particular for marine reserves at Marmion, Shoalwater Islands and Shark Bay.
- The gazettal of zones in marine reserves must occur as soon as practicable after gazettal of a new reserve and outstanding zone implementation must be completed 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 and to establish baseline data.
- Strategic and tactical education and communication programs are required to address current deficiency in community awareness, understanding and support for DEC's management efforts.

## INTERIM MANAGEMENT

Section 33 of the CALM Act makes provisions for management actions in respect of 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 referred to the MPRA in 2005/2006.

**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 referred to the MPRA in 2005/2006.

## LEASES, LICENCES AND PERMITS

Commercial operations on MPRA vested land and waters are required to be licensed according to the *Conservation and Land Management Act Regulations 2002*. This enables access and use to be monitored and licence conditions ensure 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 2005/2006

The MPRA received briefings and/or provided comment on the following where necessary:

- The Department of Planning and Infrastructure's proposal for development of the Coral Bay Boating Facility, Monck Head.
- The removal of a limestone intrusion at Hillarys, Marmion Marine Park.
- The placement of boating channel navigation markers for the Coral Bay Boating Facility
- Ningaloo Hilton Tourist Resort, Lot 1 Robinson Street, Coral Bay.
- Penguin Island south beach rehabilitation project, Shoalwater Islands Marine Park.
- Cape Range National Park Draft Management Plan.
- North West Cape – Ningaloo Reef proposed World Heritage Nomination.
- Revised draft management plan for Shoalwater Islands Marine Park.
- Wildlife interaction licences involving Dolphin interactions (vessel-based) at Red Cliff Bay, Monkey Mia
- Tour operator licence to operate a floatplane in Rowley Shoals Marine Park.



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# ADVICE TO THE MINISTER

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## 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 regular meetings with the Minister (or representative). During the 2005/2006 period seven meetings were held.

## ACTION DURING 2005/2006

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

- 22 July 2005 and 26 June 2006, in respect to the Shoalwater Islands Marine Parks Management Plan;
- 21 December 2005, in respect to proposed Walpole/Normalup Inlets Marine Park Indicative Management Plan.

The MPRA also provided advice to the Minister on the wildlife interaction licences involving Dolphin interactions (vessel-based) at Red Cliff Bay, Monkey Mia.

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# AQUACULTURE AND PEARLING

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## 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 2005/2006

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

- Application to vary an aquaculture licence No. 0210.2 - Sea Urchin Pty. Ltd. Pelsaert Group, Abrolhos Islands;
- Proposal for the Extension of Mussel Farming at Southern Flats, Cockburn Sound;
- Application for Pearl Oyster Farm Leases - Broome Pearls Pty Ltd. NW Mundurrall Bay and Arbidej Island;
- Application for a pearl oyster farm lease variation - Paspaley Pearling Company P/L. Gourdon Bay A & B;
- Application to vary pearl oyster farm lease - Fantome Pearls Pty Ltd. Lowendal Islands B;
- Application to vary an aquaculture licence No. 0511.1 - Shark Bay Tuna Farms Pty Ltd. Abrolhos Islands;
- Application for a pearl oyster farm lease - Paspaley Pearling Company Pty Ltd - Mura Bay;
- Application to vary an aquaculture licence No.0605.1 Aquaculture Development Unit - Challenger Tafe Fremantle;
- Application for a pearl oyster farm lease - Paspaley pearling company Pty Ltd - Point Lefroy - Exmouth Gulf.

The MPRA did not provide comment on any aquaculture or pearling proposals during the 2005/2006 period.

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# INDUSTRY AND RESOURCES

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## 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 reviewing 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 2005/2006

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

- The Hamersley Iron Dampier Port Upgrade to 120 MTPA Capacity (Assessment No. 1586).
- The draft environmental impact statement/environmental review and management program for the proposed Gorgon Gas Development on Barrow Island.
- Koolan Island iron ore mine and port facility, Shire of Derby-West Kimberley (Assessment No. 1605)

## BACKGROUND

In carrying out its functions the MPRA visited a number of marine reserves during the year, attended meetings with other organisations and was briefed by representatives from Government and private companies.

## ACTION DURING 2005/2006

- A representative of the Department for Planning and Infrastructure attended the MPRA's 79<sup>th</sup> meeting on 15 September 2005, and provided a briefing on the Monck Head Boating Facility, Coral Bay.
- The Department provided a briefing to the MPRA on the heritage listing of Norwegian Bay whaling station, Ningaloo Marine Park at the MPRA's 80<sup>th</sup> meeting on 20 October 2005.
- The MPRA held its 81<sup>st</sup> meeting in Jurien Bay and conducted field inspections of the Jurien Bay Marine Park on 17 and 18 November 2005.
- Representatives of the focus group of the Walpole/ Nornalup Inlets Marine Parks attended the MPRA's 82<sup>nd</sup> meeting on 15 December 2005, during discussions of the indicative management plan for the proposed marine park.
- A representative from Department of Premier and Cabinet (Office of Science and Innovation) attended the MPRA's 82<sup>nd</sup> meeting on 15 December 2005 and provided a briefing on the Ningaloo Research Program.
- A representative of the MPRA attended the meeting of focus group for the Shoalwater Islands Marine Park on 7 February 2006.
- A representative of the MPRA attended the meeting of the re-convened Advisory Committee for the Proposed Dampier Archipelago/ Cape Preston Marine Park on 15 February 2006.
- The MPRA held its 85<sup>th</sup> meeting and regional visit to Shark Bay from 9 to 11 March 2006. The MPRA attended a field visit to Shark Bay Marine Park/ Hamelin Pool Marine Nature Reserve and were guests at the opening of the Shark Bay Interpretive Centre. The MPRA also received briefings from the dolphin tour

operator and inspected the dolphin provisioning operation at Monkey Mia..

- Representatives of the MPRA attended a meeting on 7 March 2006 with key stakeholders to provide direction on *Securing WA's Marine Futures*, a major marine habitat mapping and biodiversity assessment project.
- A representative of the MPRA attended the Environmental Protection Authority meeting of 13 April 2006 for discussions on the Gorgon Gas development proposal for Barrow Island.
- The MPRA has liaised with the Department regarding the wildlife interaction licences involving Dolphin interactions (vessel-based) at Red Cliff Bay, Monkey Mia. The MPRA was provided with briefings on this issue at its meetings on 20 October 2005 and 17 November 2005 and at a meeting with the Department on 9 March 2006.
- The MPRA liaised with the Great Barrier Reef Marine Park Authority (GBRMPA) regarding fishing in marine parks.
- The MPRA received briefings on current research in Western Australian marine reserves throughout the year.

## COMMUNICATION

One of the key strategies of the MPRA is to promote marine and estuarine conservation in Western Australia. The MPRA has adopted a formal Stakeholder Relationship Program and Implementation Strategy to assist in this.

Funding constraints restricted the MPRA's ability to implement this strategy in 2005/2006 but the Authority has requested additional funds to allow the strategy to be more effectively implemented during the next year including the provision of a more suitable and comprehensive website.

As part of its renewed focus on communications the MPRA has requested briefings from key stakeholders. The first of these was held on 15 June 2006 when representatives from the Western Australian Fishing Industry Council (WAFIC) attended the MPRA's 88<sup>th</sup> meeting for discussion of WAFIC and MPRA collaborative involvement in marine conservation.

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# RESOURCES

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## FUNDING AND ADMINISTRATIVE ARRANGEMENTS

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 Policy and Planning Branch of DEC 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. Funding for the operation of the MPRA is obtained from the Department, via an annual allocation at the Department's discretion, formalised in a Memorandum of Understanding 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 the purposes of honoraria, administrative support and Authority operations. It includes limited funding for the Authority to attend to matters outside of the Metropolitan Area.

In the signed financial schedule for the 2005/2006 period the Department allocated \$174,000 to its Marine Policy and Planning Branch for administration and support of the MPRA. The allocation of funding was as follows:

Honoraria	\$85 000
Travel costs for meetings	\$ 6 000
Executive Officer support	\$55 000
Travel, projects, workshops	\$20 000
Miscellaneous	\$ 8 000
<i>Total</i>	\$174 000

The Authority has requested an allocation of funds under the MOU Financial Schedule, for independent policy and technical support in the 2006/2007 period.

In accordance with the requirements of section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2005/2006 financial year.



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