

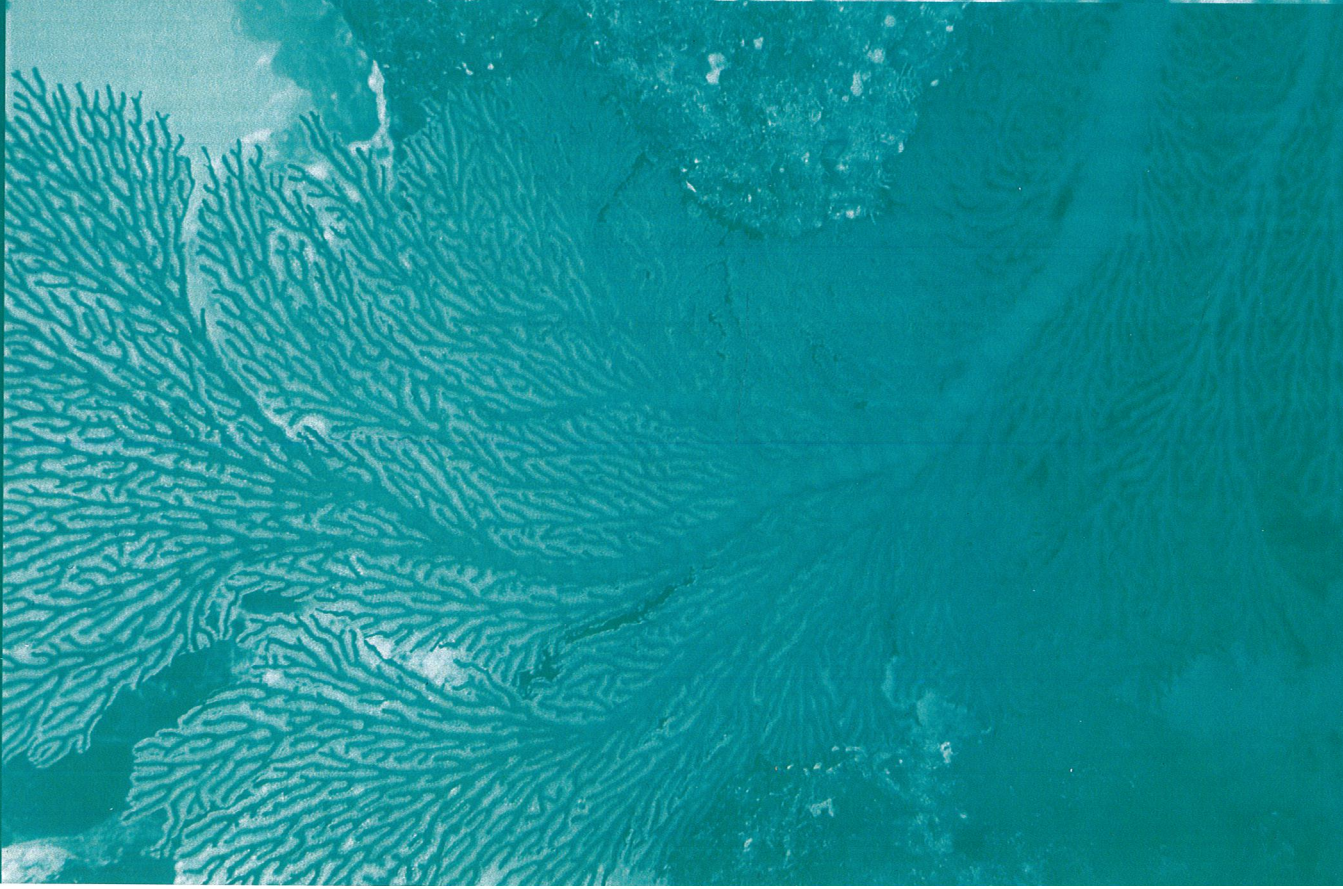
**ACT NOW  
FOR THE FUTURE**



**MPRA**  
MARINE PARKS &  
RESERVES AUTHORITY

# Annual Report

1 JULY 2006–30 JUNE 2007





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MARINE PARKS &  
RESERVES AUTHORITY

# ANNUAL REPORT

1 July 2006 - 30 June 2007

**Marine Parks and Reserves Authority**

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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 2007.

Mr Eric Streitberg  
Chairman

August 2007

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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 Marine Parks and Reserves Authority has at its vision *healthy, sustainable, marine and estuarine ecosystems* in the State of Western Australia. The Authority's members are committed and passionate about achieving this vision. The Western Australian marine environment is unique. The change in community attitudes as this fact is recognised, and the support of successive governments, has helped to establish a system of marine reserves that, although not perfect, provides the basis for a future where our marine natural heritage is valued and enjoyed by the whole community.

The Authority faces a difficult task in striking a balance between the multiple use nature of the Western Australian marine reserves system and the preservation and restoration of our biological and ecological heritage. The creation of any new marine reserve or the enhancement of an existing reserve involves a series of compromises that are in their nature going to cause frustration amongst the various parties. However, the planning and review processes involve extensive consultation at community and all Government levels that allows a full range of views and opinions to be considered.

The implementation of the Western Australian marine conservation reserve program is guided by the "CAR" principle (Comprehensive, Adequate and Representative). This principle requires that the State wide marine reserve system should (eventually) comprehensively protect the biodiversity of State waters and adequately represent each of the State's marine bioregions. To achieve the CAR principle each reserve should also be sited and designed so that it meets its designated management objectives. This provides one of the major challenges to the marine park planning systems as one of the cornerstones of the reserve program is the use of sanctuary or "no-take" zones to preserve and restore biological diversity and ecological values. Fully protected sanctuary zones are recognised internationally as a fundamental requirement in the achievement of conservation outcomes yet remain the most controversial aspect of the marine planning process. The area of sanctuary zones in Western Australia's marine reserves are generally less and in some cases very much less than the internationally recognised standards and this remains a fundamental problem that needs resolution across the community.

Progress in the last year in implementing the reserve system included the finalisation of management plans for the Montebello/Barrow Islands and the Rowley Shoals marine conservation reserves. This included implementation of the zoning scheme for each of these reserves, through

the CALM Act (Section 62) classified waters notices gazetted on 29 June 2007. The Authority has been gratified by the general community acceptance of these reserves. Barrow Island, in particular, encompasses areas of high conservation value yet at the same time overlay major industrial and resource project areas. The establishment of these reserves is a credit to all parties involved and a world class outcome.

In late 2006, the Government also made a commitment to expand marine parks and reserves along the lower west Kimberley and Pilbara coasts. The Department of Environment and Conservation's (DEC) Marine Policy and Planning Branch commenced initial planning initiatives during early 2007 to progress this commitment and the Authority is actively engaged in this process.

At a State policy level, the Government's commitment to regional marine planning (RMP) was progressed through the establishment of both the State Marine Policy Stakeholder Group (PSG) and the South Coast Regional Marine Planning Advisory Group. MPRA representatives attended a meeting of the PSG on 7 June 2007 and will continue to liaise with both these groups throughout the RMP process. A review of the Government's "New Horizons" marine parks and reserves policy statement is also planned during the next year.

At the operational level, members of the Authority consider a wide range of matters at their monthly meetings and regularly engage with the community and government agencies both in their official capacity and as members of the community.

During the 2006/2007 year the Authority focused on:

### *The progression of proposals for new reserves:*

New marine conservation reserves at Dampier Archipelago, the 'Capes' and Walpole and Nornalup inlets were substantially advanced during 2006/2007. It is anticipated that both the proposed Dampier Archipelago/Regnard marine conservation reserve and proposed Walpole and Nornalup Inlets Marine Park will be gazetted early in the 2007/2008 financial year and the proposed 'Capes' marine conservation reserve will be gazetted towards the end of 2007.

### *The implementation and review of management plans for existing reserves:*

The focus in this area was progressing the draft Shoalwater Islands Marine Park Management Plan and the implementation of the other management

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plans for recently gazetted reserves together with management of the numerous attendant complexities. The enforcement and surveillance functions of Department of Environment and Conservation in conjunction with the Department of Fisheries was also an area of activity.

*The audit and review of the marine reserves system:*

This is one of the principal responsibilities of the Authority which has been progressively developed. A functional audit of the reserves requires the determination of ecological and social baselines and establishment of statistically valid monitoring programs. It also requires access to activity and cost data as well as an assessment of outcomes. The audit function has been severely limited in its effectiveness by lack of data and this is a major impediment to the ability of the Authority to demonstrate to external observers that the reserves system is achieving its goals. However, steady progress is being made and the data is becoming progressively more available and comprehensive.

The Authority also acknowledges and thanks its supporting agency, the Department of Environment and Conservation, and the Departments of Fisheries, Industry and Resources, WA Museum and Tourism WA, all of whom have strong commitments to the conservation of WA's marine heritage. Additionally, particular thanks are due to the members and particularly the Chairs of the community advisory committees. These individuals enjoy the community support they receive but also bear the brunt of the difficult negotiations required to achieve satisfactory resolution of the many issues that are raised during these processes. We owe them a debt of sincere gratitude for achieving the conservation outcomes on behalf of the whole community.

I look forward to the completion of the current program of marine reserves during 2007/2008 and substantial progress on the establishment of reserves on the South Coast and in the Kimberley as well as progress in whole-of-state marine planning.

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.

On 27 April 2007, the Minister directed the MPRA to provide advice on the proposed Dampier Archipelago/ Cape Preston marine conservation reserves and the Shoalwater Islands Marine Park under section 14 and section 60 of the CALM Act, respectively (see section on *Advice to the Minister*).

## MPRA MEMBERSHIP

The MPRA is made up of seven 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 2006/2007 there were several changes to the MPRA membership. 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 in an advertisement published in the 17 March 2006 edition of 'The West Australian' newspaper.

On 4 July 2006, inaugural members Professor Diana Walker and Mr Angus Horwood were reappointed and new members, Mr Christopher Doepel and Dr Trevor Ward were appointed to the MPRA. Mr Eric Streitberg was appointed as Chairman and new member Mr Christopher Doepel as Deputy Chairman.

Associate Professor Lynnath Beckley was not reappointed, and the MPRA takes this opportunity to acknowledge her commitment and contribution to the MPRA over the past two years.

In December 2006 the terms of appointment for two members, Mr Eric Streitberg and Mr Kim Colero expired. Both Mr Streitberg and Mr Colero were invited by the Minister to continue in their

tenure by way of Clause 1(2) of the Schedule to the CALM Act, until formal appointment arrangements are finalised.

Membership as at the 30 June 2007 is recorded below.

## Appointed members

- (1) Mr Eric Streitberg (Chairman)
- (2) Mr Christopher Doepel PSM (Deputy Chairman)
- (3) Mr Angus Horwood
- (4) Professor Diana Walker
- (5) Mr Kim Colero
- (6) Emeritus Professor John Penrose
- (7) Dr Trevor Ward

Mr Eric Streitberg was appointed to the MPRA in August 1999, appointed Deputy Chairman in 2002, Acting Chairman in February 2006 and Chairman in July 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 Association (APPEA) and past Chair of the APPEA Exploration Committee.

Mr Christopher Doepel is Registrar and Chief Executive Officer of the National Native Title Tribunal. He is based in the Tribunal's Principal Registry in Perth. He is responsible for decision making concerning the registration of native title applications and indigenous land use agreements and delivers public education and information about the native title system. Mr Doepel has a Bachelor of Jurisprudence and Bachelor of Laws and is an Associate Member of the Law Society of Western Australia and an Associate Fellow of the Australian Institute of Management. He was awarded a Public Service Medal (PSM) in the 2006 Australia Day Honours for his native title work.

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 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

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University of Liverpool, Isle of Man and a PhD from the University of York, England. 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 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 was appointed to the board of the Western Australian Fishing Industry Council (WAFIC) in January 2007. 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.

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 was Project Manager of the national Coastal Water Habitat Mapping Project of the Cooperative Research Center for Coastal Zone, Estuary and Waterway Management. He is an Honorary Associate of the Western Australian Museum and a Council Member of the Australian National Maritime Museum.

Dr Trevor Ward is the Principal Marine Ecosystems and Biodiversity Consultant for Greenward Consulting. He is an Adjunct Senior Research Fellow at the University of Western Australia (Institute for Regional Development) and an Adjunct Associate Professor at the University of the Sunshine Coast (Faculty of Science). Dr Ward's scientific expertise is in the fields of strategic policy and planning for ecologically sustainable development, marine environmental management, design and implementation of marine parks, reserves and protected areas. Dr Ward is currently engaged in research projects in decision support systems, ecological sustainability in marine fisheries, and tropical lagoon management.

## 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 agencies were advised of meetings of the MPRA throughout 2006/2007 so that they could take part in the discussion and consideration of the business before the MPRA.

Representatives of DEC, Western Australian Museum, Department of Fisheries (DoF), Department of Industry and Resources (DoIR), Department of Planning and Infrastructure (DPI) and Tourism Western Australia attended MPRA meetings throughout 2006/2007. The attendance and contributions from Chief Executive Officers or their representatives at meetings provided valuable input to the considerations of the MPRA during 2006/2007.

Where it was considered appropriate, the MPRA also invited persons with an interest in matters to attend meetings. On a rotating basis the MPRA also invited representatives of peak agencies with an interest in marine conservation and marine resource management to its regular monthly meetings to develop stronger relationships.

Representatives of ten marine interest groups attended MPRA meetings throughout 2006/2007 (see section on *Liaison*).

## MPRA MEETINGS

Formal meetings of the MPRA were held on twelve occasions during 2006/2007. The dates of these meetings were:

20 July 2006  
17 August 2006  
21 September 2006  
19 October 2006  
16 November 2006  
18 December 2006  
18 January 2007  
15 February 2007  
15 March 2007  
19 April 2007  
17 May 2007  
21 June 2007

Member attendance at these twelve meetings was as follows:

Member	Meetings attended
Eric Streitberg	11
Christopher Doepel	11
Angus Horwood	8
Diana Walker*	9
Kim Colero	12
John Penrose	12
Trevor Ward	11

\*granted leave of absence from 1<sup>st</sup> June - 1<sup>st</sup> October 2006.

The MPRA also formed subcommittees to deal with specific issues and policy matters. These subcommittees met on an "as needs" basis during 2006/2007. Subcommittees met in accordance with a charter drawn up by the MPRA and provided recommendations to the full membership of the MPRA.

The MPRA audit committee is a standing subcommittee whose members are Trevor Ward (committee Chair), John Penrose and Eric Streitberg. The audit committee met on 1 and 2 February 2007 to review the implementation of management plans by DEC in the 2005/2006 period (see section on *Management Plan Implementation and Audit*).

A special meeting of the full Authority was held on 17 May 2007 to review public submissions to the indicative management plan for the proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet Marine Park and to consider the recommendations of the community Advisory Committee.

In addition to the above meetings, representatives of the MPRA attended three meetings with the Minister for the Environment (or his representative) during 2006/2007.

Representatives of the MPRA also attended:

- meetings with DEC, DoF and the Conservation Commission of WA (the Commission);
- two meetings of the Advisory Committee for the Proposed Geographe Bay/ Cape Naturaliste/ Hardy Inlet Marine Park;
- two meetings of the Focus Group for Shoalwater Islands Marine Park;
- one meeting of the Focus Group for the proposed Walpole and Nornalup Inlets Marine Park;
- one meeting of the State Marine Policy Stakeholder Group (PSG);
- a field visit to inspect the proposed Dampier Archipelago/ Regnard Marine Conservation Reserves.

## 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.

Kim Colero reported a potential conflict of interest at the 96<sup>th</sup> MPRA meeting on 15 February 2007, regarding discussion of the Cervantes Marine Refuelling Facility within the Jurien Bay Marine Park. In accordance with the Conflict of Interest policy, Mr Colero was not present at the meeting during the discussion of this item.

No other members reported a material conflict of interest during the 2006/2007 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 2007 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 2007 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 2007 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 DEC.

## 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. During 2006/2007 these were:

- Proposed Dampier Archipelago/Regnard Marine Conservation Reserves. The MPRA considered a revised indicative management plan for the proposed marine conservation reserves and public submissions received on that proposal. (see section on *Advice to the Minister*).
- The proposed Walpole and Nornalup Inlets Marine Park. The MPRA considered a revised 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 public submissions on the revised draft management plan for the marine park and reported to the Minister on its recommendations (see section on *Advice to the Minister*).
- Excision of the Cervantes Boat Harbour from the Jurien Bay Marine Park (see section on *Advice to the Minister*).
- Proposed cancellation and transfer of vesting of intertidal areas, in particular respect to the island reserves within the proposed Dampier Archipelago/Regnard Marine Conservation Reserves.

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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 2006/2007 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/Regnard marine conservation reserves;
- the proposed amalgamation of the MPRA and the Commission into a Biodiversity Commission;
- the Parks and Protected Areas Forum;
- the appropriate vesting of Stokes Inlet, a candidate marine area; and
- the MPRA audit functions and development of performance assessment framework;

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 2006/2007 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;
- promoting the appreciation of flora and fauna, and the natural marine and estuarine environments; and
- achieving and promoting 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, DEC 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 2006/2007

The MPRA developed and endorsed the following documents:

- 2005-2006 Annual Review of Marine Conservation Reserves including Management Plan Implementation (June 2007).

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

- Draft State policy framework for regional marine planning in Western Australia;
- Review of the DEC/MPRA Mooring Policy No. 59;
- The draft 100-year Biodiversity Conservation Strategy for WA;

- Proposed amendments to the *Fish Resources Management Act 1994*;
- The Department of Fisheries Integrated Fisheries Management – Draft allocation report – Rock Lobster Resource June 2006;
- Review and endorsement of the Rowley Shoals Marine Park Mooring and Anchorage Strategy;
- Proposed amendments to the *Rottnest Island Authority Act 1987*.

The MPRA also undertook an internal review of its stakeholder strategy and in July 2006 endorsed the revised MPRA Stakeholder Relationship Program and Implementation Strategy.



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

These proposals were substantially advanced during the 2006/2007 period. It is anticipated that both the proposed Dampier Archipelago/Regnard marine conservation reserves and proposed Walpole and Nornalup Inlets Marine Park will be gazetted early in the 2007/2008 financial year.

In 2005, the Government also added a commitment to create, through the regional marine planning process, a new marine park at the Recherche Archipelago on the south coast of WA.

Progress was made on the State's regional marine planning process during 2006/2007 through the establishment of both the State Marine Policy Stakeholder Group (PSG) and the South Coast Regional Marine Planning Advisory Group. The MPRA are actively liaising with these groups and representatives of the Authority met with the PSG on the 7 June 2007.

In late 2006, the Government also made a commitment to expand marine parks and reserves along the lower west Kimberley and Pilbara coasts. The Department's Marine Policy and Planning Branch commenced initial planning initiatives during early 2007 to progress this commitment.

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/Regnard, '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 *Western Australian Government 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 2006/2007.

The MPRA would like to acknowledge the contribution and dedication of the community advisory committees and focus groups throughout 2006/2007, particularly the processes for new marine parks at Dampier Archipelago/Regnard, Geographe Bay/Leeuwin Naturaliste/Hardy Inlet and Walpole and Nornalup Inlets and the review of the draft management plan for Shoalwater Islands Marine Park.

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## **PROPOSED DAMPIER ARCHIPELAGO/REGNARD MARINE CONSERVATION RESERVES**

### **Background**

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 CALM 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, with 115 submissions received. The Department commenced the analysis of submissions, which were then 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 Advisory Committee would be reconvened to inform them of the rationale behind the Government's changes to the indicative management plan prior to release for public comment. It also provided 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 revised indicative management plan to the MPRA on 10 April 2006 and apart from one zone (West Enderby Special Purpose (Benthic Protection) Zone) the Advisory Committee reverted back to their original advice. They also recommended that the one 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 on the proposed zoning scheme and the progression of the revised indicative management plan.

### **Progress in 2006/2007**

After various changes to the Government's Environment Portfolio in late 2006 and early 2007, the MPRA provided further advice to the Minister on 16 January 2007 regarding the progression of the proposed Dampier Archipelago Marine Park and Cape Preston Marine Management Area.

In late March 2007, DoIR formally advised the Department and the MPRA that some areas of the proposed marine management area could not co-exist with areas identified in the *Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002*. This resulted in areas to the west of Cape Preston not being included in the proposed marine management area.

On 27 April 2007, the Minister provided the MPRA with direction on progressing the establishment of these marine conservation reserves, and on 14 May 2007 the MPRA provided its final advice to the Minister under Section 14 (6a) of the CALM Act. This advice included a recommendation that the name of the proposed marine management area be changed to the Regnard Marine Management Area, given the excision of all the area to the west of Cape Preston from the proposed reserve as a result of the State Agreement Act obligations and to reflect the geographical position of the reserve across a broad part of Regnard Bay.

The creation of the reserves and gazettal of the management plan is anticipated in mid 2007.

Considering the MPRA submitted its initial advice to the Minister in August 2003 and assuming no further impediments arise, the process of creation of the reserve including the original community consultation process will have taken over seven years. Whilst the Authority appreciates the complexities of this particular planning process, timelier outcomes must be achieved in the future.

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

### **Background**

A community-based Advisory Committee was formed in August 2003 to assist planning for the

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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 indicative management plan and provided its report to the Minister (under Section 14 (1a) of the CALM 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 DoF have further considered the zoning scheme with the boundaries of the Special Purpose (Surfing) Zones and the DoF 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 obtained approval from the Minister for Fisheries and the Minister for State Development on 22 May 2006 and 23 January 2006 respectively, to proceed with the publication of the notice of intent and release of the indicative management plan for public comment.

#### **Progress in 2006/2007**

The indicative management plan was released for public comment from 6 September 2006 to 15 December 2006, with 257 submission received.

A jointly funded DEC and DoF survey commenced in early 2007 to assess abalone stock in the proposed sanctuary zones to enable accurate estimation of potential compensation claims as provided for under the *Fishing and Related Industries Compensation (Marine Reserves) Act 1997*. It is anticipated the survey results will be considered by Government in the latter part of 2007.

The analysis of public submissions, prepared by the Department, was considered by the Advisory Committee at their meeting on 30 March 2007. The Advisory Committee subsequently provided written advice and recommendations to the MPRA on 9 May 2007.

The MPRA held a special meeting on 17 May 2007 to consider the public submissions to the indicative management plan and the advice of the Advisory Committee, prior to providing its formal advice to the Minister.

It is anticipated that the MPRA will provide its final advice on the revised indicative management plan to the Minister under Section 14 (6a) of the CALM Act in mid 2007.

## **PROPOSED WALPOLE AND NORNALUP INLETS MARINE PARK**

### **Background**

Planning for the proposed Walpole and Nornalup Inlets Marine Park 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 Focus Group provided a briefing at the MPRA meeting of 15 December 2005. The MPRA provided its report (under Section 14 (1a) of the CALM Act) to the Minister on 21 December 2005.

The Minister for the Environment obtained approval from the Minister for Fisheries and the Minister for Resources, on 14 July 2006 and 26 May 2006 respectively, to proceed with the release of the notice of intent and the indicative management plan for public comment.

#### **Progress in 2006/2007**

The indicative management plan was released for public comment from 27 August 2006 to 1 December 2006, with 38 submission received.

The Focus Group were reconvened on 3 March 2007 to review the analysis of public submissions prepared by the DEC.

Following a briefing from DEC in April 2007 on the public submissions and the outcomes of the Focus Group meeting in March, the MPRA provided its final advice to the Minister under Section 14 (6a) of the CALM Act on 14 May 2007.

The creation of the reserves and gazettal of the management plan is anticipated in mid 2007.

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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 Amendment 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 (under sections 14(1a) and 26B(1)(d) of the CALM Act) a notice of intent is published in the *Western Australian Government 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 (Section 60 of the CALM Act). 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 *Western Australian Government 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 Department for 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 2006/2007 this relationship of management plan, work plans and performance assessment processes has been successfully refined (see section on *Management Plan Implementation and Audit*).

**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 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
55	Montebello/Barrow Islands Marine Conservation Reserves	10 April 2007
56	Rowley Shoals Marine Park	10 April 2007

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

**Table 2**  
**RESERVES CREATED - AWAITING FINAL MANAGEMENT PLAN**

FINAL MANAGEMENT PLANS BEING PREPARED	DATE OF RELEASE
Shoalwater Islands Marine Park	27 October 1995

**Table 3**  
**INDICATIVE MANAGEMENT PLANS RELEASED - RESERVE NOT YET CREATED AND FINAL MANAGEMENT PLAN NOT YET APPROVED BY THE MINISTER FOR THE ENVIRONMENT.**

INDICATIVE MANAGEMENT PLANS RELEASED
<ul style="list-style-type: none"> <li>Proposed Geographe Bay/Leeuwin Naturaliste/Hardy Inlet Marine Park (released 6 September 2006)</li> <li>Proposed Walpole and Nornalup Inlets Marine Park (released 27 August 2006)</li> <li>Proposed Dampier Archipelago/Regnard (formally Cape Preston) Marine Conservation Reserves (released 11 January 2005)</li> </ul>

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## STATUS OF MANAGEMENT PLANS

The following section summarises the status of management plans for existing marine reserves, and relevant activities undertaken during 2006/2007.

### 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. On 7 January 2005, the Minister approved the revised management plan for Ningaloo Marine Park, including southern extensions to the marine park as well as a new marine management area surrounding Muiron Islands.

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 DoF orders to implement the conservation areas for the Muiron Islands Marine Management Area have not yet 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 2007.

### ROWLEY SHOALS MARINE PARK

The Rowley Shoals Marine Park was established in May 1990, covering Clerke and Imperieuse Reefs. The extension to the marine park was gazetted on 10 December 2004. The management plan became operational on 10 April 2007 when notification of its approval was published in the *Western Australian Government Gazette*. The CALM Act zoning notices were gazetted on 29 June 2007. It is anticipated that DoF will proceed with the gazettal of the FRM Act orders in the latter part of 2007.

### 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 never 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.

After additional consultation was undertaken with the community Focus Group in 2006, the revised draft management plan was released for public comment from 22 July 2006 to 27 October 2006, with 86 submissions being received.

After reviewing the public submission to the draft management plan and the advice of the community Focus Group, the MPRA provided its final advice to the Minister under Section 60 of the CALM Act on 11 May 2007. Approval of the final management plan is anticipated in mid 2007.

### 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 *Western Australian Government Gazette*. An analysis of public submissions report was published and made available on 1 July 2005. The CALM Act and FRM Act 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 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

The Montebello Islands Marine Park, the Barrow Island Marine Park and the Barrow Island Marine Management Area were gazetted on 10 December 2004. The management plan for these reserves became operational on 10 April 2007 with notification of its approval published in the *Western Australian Government Gazette*.

The CALM Act zoning notices were gazetted on 29 June 2007. It is anticipated that DoF will proceed with the gazettal of the FRM Act orders in the latter part of 2007.

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# MANAGEMENT IMPLEMENTATION AND AUDIT

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## MANAGEMENT PLAN IMPLEMENTATION AND AUDIT

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) of the CALM Act) 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 Authority's audit policy and functions are steadily evolving. A functional audit of the reserves requires the determination of ecological and social baselines and establishment of statistically valid monitoring programs. It also requires access to activity and cost data as well as an assessment of outcomes. The audit function has been severely limited in its effectiveness by lack of data.

The performance assessment framework adopted by the MPRA 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 specifies a triennial audit by the MPRA for each marine conservation reserve, and a statutory ten-year review of the management plan.

On 1 and 2 February 2007, an MPRA audit subcommittee undertook the fourth 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 subcommittee on the activities and outcomes of managing the marine reserves for the 2005/2006 financial year. This enabled the subcommittee to assess the Department's implementation of the marine conservation reserve management plans and the outcomes achieved in that period.

At the level of each reserve, the majority of key ecological and social values were assessed as being in good to satisfactory condition, with key management targets largely being met and conservation outcomes progressively achieved. There are serious concerns, however, about the high level of uncertainty of some of these assessments due to the low level of supporting data available.

The review indicated that the degree to which annual marine work plans were implemented and the number and range of outputs generated varied widely amongst the twelve 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 or progressed by the Department during 2005/2006 including:

- Continued progress in the planning of the proposed Walpole and Nornalup Inlets Marine Park, Geographe Bay/ Leeuwin-Naturaliste/Hardy Inlet Marine Park and Dampier Archipelago Marine Park and Regnard (formally Cape Preston) Marine Management Area;
- Progress towards finalisation of management plans and development of gazettal notices for Montebello/Barrow Islands marine conservation reserves and Rowley Shoals Marine Park;
- Development of draft Collaborative Operational Plans jointly with DoF;
- Jurien Bay Marine Park Management Plan became operational on 1 July 2005, with CALM Act notices and *Fish Resources Management Act 1994* orders gazetted on 21 October 2005 and 23 December 2005 respectively;
- Progress towards the review of the draft Shoalwater Islands Marine Park Management Plan;

The 2005/2006 review identified a number of outstanding areas where improvements are required. Some of these are listed below.

- Outcome-based management plans still need to be developed for four marine conservation reserves;
- The statutory ten year review of management plans are overdue for both Marmion and Shark Bay marine parks and should be progressed as a matter of priority;
- Research needs to be progressively undertaken to address key gaps in scientific knowledge and to establish baseline data with existing research and monitoring data from various sources to be fed into the performance assessments;
- Assessments on targeted finfish and invertebrate condition and pressure require further input and advice from DoF. A method to integrate DoF reporting and monitoring data into the annual performance assessments needs to be developed;
- Management Advisory Committees need to be established as a matter of priority for all reserves where they do not currently exist;
- Strategic and tactical education and communication programs are required to address current deficiencies 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 2006/2007.

**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 2006/2007.

## 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 set to 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 Director General and require approval of the Minister. The CALM Act also requires that the Director General consults with the MPRA before issuing leases for commercial activities within marine reserves vested in the MPRA.

## MANAGEMENT ISSUES CONSIDERED DURING 2006/2007

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

- DPI's proposal for staged development of a new boat launching facility at Monck Head, Coral Bay;
- Draft Management Plan for the proposed Burrup Peninsula Conservation Reserve;
- Draft Management Plan for the Walpole Wilderness and adjacent Parks and Reserves;
- Redevelopment of the Bundegi Boat Ramp, within Ningaloo Marine Park, Exmouth;
- Proposed development of the Port Kennedy Boat Launching Facility, within Shoalwater Islands Marine Park;



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- Extension of the Monkey Mia marine mammal interaction restriction area, within Shark bay Marine Park;
  - Esperance Coastal Reserves Issues Paper;
  - Management of the Cervantes Marine Refuelling Facility within Jurien Bay Marine Park, and Timberlane Nominees application to the Shire of Dandaragan to use Lot 362 Catalonia Street, Cervantes for bulk fuel storage and the Cervantes Recreation Reserve 31303 for the refuelling of crayfishing vessels.

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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 meetings with the Minister (or his representative) when they are able. During 2006/2007 three meetings were held.

## ACTION DURING 2006/2007

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

- 11 May 2007, in respect to the revised draft management plan for the Shoalwater Islands Marine Park;
- 11 May 2007, in respect to the revised indicative management plan for the proposed Walpole and Nornalup Inlets Marine Park;
- 14 May 2007, in respect to the revised indicative management plan for the proposed Dampier Archipelago/Regnard Marine Conservation Reserves.

The MPRA provided advice to the Minister on a number of other marine related issues including:

- Coral Bay Boating Launching Facility, Monck Head;
- South Coast regional marine planning;
- Proposed Biodiversity Commission;

- Excision of the Cervantes Boat Harbour from the Jurien Bay Marine Park; and

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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, FRM 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 only considers and comments on those that either involve an existing marine conservation reserve or proposed marine conservation reserve.

## ISSUES CONSIDERED DURING 2006/2007

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

- MG Kailis Group - Australian Sea Pearls Pty Ltd - partial relinquishment of pearl farm leases at Roebuck Bay (A) and Swift Bay;
- Abrolhos Pearls WA Pty Ltd - applications to vary an aquaculture licence - Houtman Abrolhos Pelsaert Group;
- Paspaley Pearling Company Pty Ltd - applications for variations to existing pearl oyster farms at Vansittart Bay, Encounter Cove, Seaflower Bay, Red Island and Osborne Island West and SW;
- Expansion of an existing Barramundi aquaculture venture - Maxima Fish Farms Pty Ltd;
- Morgan & Co Pty Ltd - application for a minor variation to an existing pearl oyster farm lease - Montebello Islands;
- Blue Seas Pearls Pty Ltd - application to vary existing pearl oyster farms - King Sound;
- No. 0702.01 Radar Holdings Pty Ltd application to vary an aquaculture licence - Abrolhos Islands;
- Emama Nguda Aboriginal Corporation - application for an aquaculture licence - Derby;
- Exmouth Pty Ltd application for pearl oyster farm leases at Serrurier Island and Whalebone Island South; and
- Australian Sea Pearls Pty Ltd - application for a pearl oyster farm lease - Whirlpool Pass;
- Marine Farms Limited - application to vary an aquaculture licence - Exmouth No. 0607.

The MPRA provided informal feedback to Morgan and Company Pty Ltd regarding the proposed rationalisation of pearl lease areas within the Montebello Islands Marine Park on 4 July 2006, 3 August 2006 and 1 June 2007.

The MPRA provided formal advice to the Department of Fisheries on 4 December 2006 regarding the Morgan and Company Pty Ltd application for a variation to an existing pearl oyster farm lease within the Montebello Islands Marine Park.

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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 2006/2007

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

- EPA report and recommendations for Gorgon Gas Development Barrow Island (Bulletin 1221);
- EPA report and recommendations for the dredging program for the Hamersley Iron Dampier Port upgrade (Assessment No. 1645);
- Changes to Environmental Conditions - Hamersley Iron Dampier Port Upgrade to a Throughput Capacity of 120 Million Tonnes Per Annum (Assessment No. 1646);
- Apache Energy Limited - Gobi-1 and South Gibson-1 Exploration Wells;
- Yannarie Solar Salt Environmental Review and Management Programme (Assessment No. 1521);
- Review of Apache Energy Limited Generic Environment Plan for drilling activity along the North West Shelf;
- Woodside LNG development proposals at Scott Reef and Browse; and
- Draft Ministerial conditions for the dredging program for the Cape Lambert port upgrade (Assessment No. 1672).

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# LIAISON

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## 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, private companies, and marine stakeholder groups.

## ACTION DURING 2006/2007

- A representative of the Department for Planning and Infrastructure attended the MPRA's 89<sup>th</sup> and 90<sup>th</sup> meetings on 20 July 2006 and 17 August 2006 respectively, and provided a briefing on the Coral Bay Boating Launching Facility, Monck Head.
- Representatives of Morgan and Company Pty Ltd attended the MPRA's 89<sup>th</sup> meeting on 20 July 2006, and provided a briefing on the proposed rationalisation of their pearl lease areas in the Montebello Islands Marine Park.
- A representative of the Marine Futures Program attended the MPRA's 90<sup>th</sup> meeting on 17 August 2006 and provided a briefing on the Securing WA's Marine Futures Research Project.
- A representative of the Conservation Commission attended the MPRA's 91<sup>st</sup> meeting on 21 September 2006 and provided a briefing on the planning for the Park and Protected Areas Forum anticipated in September 2007.
- The Department provided a briefing on the new Marine Science Program at the MPRA's 91<sup>st</sup> meeting on 21 September 2006.
- The MPRA held its 92<sup>nd</sup> meeting in Karratha and conducted field inspections of the proposed Dampier Archipelago/Regnard marine conservation reserves on 19 and 20 October 2006. MPRA met with local stakeholders including Dampier Port Authority, Tourism WA, the Shire of Roebourne and local recreational fisherman;
- A representative of the MPRA attended the meeting of the advisory committee for the proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet Marine Park on 31 August 2006 and 30 March 2007;
- The MPRA liaised with the Department regarding the proposed amendments to the Monkey Mia Marine Mammal Interaction Restriction Area;
- A representative of the MPRA attended the meeting of the Focus Group for the Shoalwater Islands Marine Park on 7 November 2006 and 11 November 2006;
- A representative of the MPRA attended the meeting of the Focus Group for the proposed Walpole and Nornalup Inlets Marine Park on 7 March 2007;
- Representatives of the MPRA attended a meeting of the State Marine Policy Stakeholder Group on 7 June 2007;
- DEC's Environmental Management Branch provided various briefings throughout the year regarding development proposals, including Chevron Gorgon Gas, Woodside Pluto LNG and Straits Resources Yannarie Solar Salt proposals.

## 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.

In 2006/2007, the MPRA developed and launched a new website ([www.naturebase.net/mpra](http://www.naturebase.net/mpra)) to promote marine conservation and the role of the MPRA.

As part of its communication strategy the MPRA requested briefings from key stakeholders. Throughout 2006/2007, representatives from ten marine interest groups attended MPRA meetings to discuss collaborative involvement in marine conservation; those groups were –

- Conservation Council of WA;
- Recfishwest;
- WA Marine Science Institute;
- Pearl Producers Association;
- National Oceans Office;
- Wilderness Society WA Inc.;
- Abalone Industry Association of WA;
- WWF
- Aquarium Specimen Collectors Association of WA, Inc; and
- Australian Petroleum Production and Exploration Association.

### FUNDING AND ADMINISTRATIVE ARRANGEMENTS

The Department provides executive support staff consisting of one full time executive officer to the MPRA. The MPRA Executive Officer and staff of the Marine Policy and Planning Branch of DEC provide 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 2006/2007 period the Department allocated \$186,000 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	\$67 000
Travel, projects, workshops	\$20 000
Miscellaneous	\$ 8 000
<i>Total</i>	\$186 000

An additional allocation of funds for independent policy and technical support was provided under the MOU Financial Schedule, however these funds were not spent during 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 2006/2007 financial year.





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