

Annual report

1 JULY 2011 – 30 JUNE 2012





ANNUAL REPORT

1 July 2011 - 30 June 2012

Marine Parks and Reserves Authority
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MINISTER FOR 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 2012.

A handwritten signature in black ink, appearing to be 'TH', located below the text of the letter.

Mr Tom Hatton
Chairman

November 2012

CONTENTS

MPRA Vision, Responsibilities and Strategies	1
Chairman's Review	2
General Information	4
Functions of the Marine Parks and Reserves Authority	4
Written direction by the Minister	4
MPRA membership	5
Meeting notice and attendance	6
MPRA meetings	7
Conflict of Interest	7
Public Interest Disclosure	7
The Marine Conservation Estate	7
Legislative background	7
Categories of reserve and functions	8
Reserve classifications and security of tenure	8
Area vested	9
Consideration of proposed changes for vested land and waters	9
CALM Act Controlling Bodies	9
Marine Parks and Reserves Authority and the Conservation Commission of WA	9
Policy Development	10
Legislative background	10
Policy statements	10
Policy Development Action during 2011/2012	10
Proposals for New Marine Parks and Reserves	10
Development of the marine parks and reserves program	10
Legislative background	11
Status of proposed new marine parks and reserves	11
Proposed Dampier Archipelago Marine Conservation Reserves	11
Proposed Eighty Mile Beach Marine Park	11
Proposed North Kimberley Marine Park	12
Proposed Roebuck Bay Marine Park	12
New Marine Parks	12
Ngari Capes Marine Park	12
Camden Sound Marine Park	13

Management Plans	13
Legislative background and management plan development	13
Status of management plans.....	15
Ningaloo Marine Park and Muiron Islands Marine Management Area.....	15
Rowley Shoals Marine Park.....	15
Shoalwater Islands Marine Park	15
Jurien Bay Marine Park	15
Marmion Marine Park.....	15
Shark Bay Marine Park and Hamelin Pool Marine Nature Reserve.....	15
Montebello/Barrow Islands Marine Conservation Reserves.....	16
Walpole and Nornalup Inlets Marine Park	16
Swan Estuary Marine Park and Adjacent Nature Reserves	16
Management Implementation and Audit	16
Assessment of the implementation of management plans	16
2010/2011 annual audit report	17
Interim management	18
Leases, licences and permits.....	18
Leases, licences and permit issues considered during 2011/2012	19
Advice to the Minister	19
Legislative background.....	19
Action during 2011/2012	19
Aquaculture and Pearlring	19
Background.....	19
State Government policy.....	19
MPRA involvement	19
Industry and Resources	20
Background.....	20
State Government policy.....	20
MPRA involvement	20
Issues considered during 2011/2012.....	20
Liaison	20
Background.....	20
Summary Action during 2011/2012.....	20
Communication.....	21
Resources	21
Funding and administrative arrangements	22

MARINE PARKS AND RESERVES AUTHORITY

The Marine Parks and Reserves Authority was established in August 1997 subsequent to amendment of the Conservation and Land Management Act 1984 (CALM Act). 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 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 parks and reserves system.*
- *To advise the Minister for 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 parks and reserves.*
- *Prepare effective management plans for marine parks and reserves.*
- *Implement and audit management plans for marine parks and reserves.*

CHAIRMAN'S REVIEW

The past year was highlighted by changes in the Marine Parks and Reserves Authority (MPRA) membership, and the creation of new marine parks: Ngari Capes in our southwest and Camden Sound in the Kimberley.

In December 2011, three new members including the present Chair were appointed, joining three long standing authority members. One vacancy remained unfilled at 30 June 2012 pending a search for a suitable person to round out the MPRA's skills and experience. The continuity and ongoing performance of the MPRA was greatly assisted through the generous time given by retiring members in the form of background briefings to the new Chair and to our Audit Committee. I offer my personal gratitude for their many years of service to the MPRA, and for maintaining their professionalism and commitment to our goals and our obligations to marine conservation beyond the strict terms of their tenure. Clearly, much of this year's performance reflects many years of dedicated contribution from these outgoing members.

The MPRA provides advice to the Minister for Environment in relation to proposals for marine reservations. Our role in the establishment of new reserves is primarily set out in Sections 14 and 26 of the CALM Act, consistent with the reservation framework provided under Section 13, and includes providing advice to the Minister in regard to the release for public comment of indicative management plans (IMPs) for marine conservation reserves. Once public comments are received, the MPRA provides a further report to the Minister in relation to the public comments received and associated planning matters, including recommendations for any changes to be included in a final management plan.

In January 2012, the MPRA received notification from the Minister for Environment about intended minor modifications to finalise the proposed Ngari Capes Marine Park. The MPRA advised that the proposed modifications were consistent with previous MPRA advice in that the total proportion of sanctuary area was not decreased but in fact was slightly increased. The necessary statutory concurrence of the Minister for Mines and Petroleum and the Minister for Fisheries was subsequently obtained and the Ngari Capes Marine Park was created on 12 June 2012.

The MPRA also received notification from the Minister for Environment about intended modifications to the proposed Camden Sound Marine Park compared to that proposed in the IMP released for public comment. These included the inclusion of a highly protected special purpose zone for wilderness conservation that allows restricted recreational fishing and a considerable expansion of the Montgomery Reef Sanctuary Zone. The MPRA provided advice on those modifications to the Minister, and the necessary statutory concurrence of the Minister for Mines and Petroleum and the Minister for Fisheries was subsequently obtained. The Camden Sound Marine Park was created on 19 June 2012. This is the first of four new multiple use marine parks proposed under the Western Australian Government's Kimberley Science and Conservation Strategy.

Proposals for other new marine conservation reserves at Dampier Archipelago/Regnard, Eighty Mile Beach and Roebuck Bay were under active development during the year. The MPRA looks forward to facilitating the work needed to make these areas part of the State's marine reserve system.

A key statutory responsibility of the MPRA is to audit the implementation of marine reserve management plans. The focus of auditing is on performance against the management outcomes set out in those plans, generally related to the condition of key marine assets. This year we reviewed and revised our audit policy to more effectively complement, and review, the ecological and fisheries monitoring undertaken by the Department of Environment and Conservation (DEC) and the Department of Fisheries (DoF). Significant progress was also made in coordinating the resources and efforts of the two departments in supplying the underlying data needed to assess the implementation of management plans and whether key outcomes are being achieved. The revised schedule of MPRA audits maintains our commitment to annual, periodic and ten yearly assessments of management plans, at a level appropriate to our role and resources.

In general, monitoring and other science-based evidence indicates that the majority of management objectives for the marine conservation reserves are being met and the reserves are in good ecological condition. Where the audits of individual reserves point to specific concerns, these serve to focus the attention of the MPRA and agencies on an effective response. The MPRA notes that the uneven knowledge, resources and monitoring across our reserves means there are aspects of management effectiveness about which we have high uncertainty and this translates to increased management risk.

The MPRA is also required to develop and provide policy advice in relation to its statutory functions as specified in Section 26 of the CALM Act. In doing so, we remain mindful of our obligations to develop and oversee policy that helps *preserve* the natural marine and estuarine environments of the State and achieve the objectives of approved management plans. The MPRA also develops policies that *provide facilities for the enjoyment* of those environments, and *promote appreciation* of the environment consistent with the marine reserve category, purpose and values. Over this past year, the MPRA reviewed and revised policies on seawrack management and artificial structures in marine parks and reserves. We also gave advice on a set of local issues related to managing our reserves. The MPRA believes we have brought intelligent balance to advice based on the best available scientific evidence and a high awareness of the need to protect, enjoy and promote our marine environment.

The MPRA continues to encourage the Government to progress the establishment of reserves under current consideration and to ensure that reasonable outcomes are obtained in a reasonable time frame. We also offer our appreciation for the direct support provided by the Department of Environment and Conservation and to the Western Australian community for supporting the development and management of Western Australia's marine reserves.

Dr Tom Hatton PSM
Chair

GENERAL INFORMATION

FUNCTIONS OF THE MARINE PARKS AND RESERVES AUTHORITY

The Marine Parks and Reserves Authority (MPRA) was established as the vesting body for Western Australia's marine parks and reserves in 1997 and is responsible to the Minister for Environment (the Minister).

The Department of Environment and Conservation (DEC) is responsible for the day to day management of these vested waters and provides administrative support to the MPRA.

In addition to being the vesting authority for marine parks and 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 CALM 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 DEC;
- (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 Western Australian 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 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.

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.

Refer to Section on *Advice to Minister*.

MPRA MEMBERSHIP

The MPRA members 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 for Environment, 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 the 2011/2012 year there were significant changes to the MPRA membership. On 13 December 2011, three new members were appointed for a term of three years. Dr Tom Hatton was appointed as both a member and Chairman and Dr Kellie Pendoley and Mr Jeff Cooper were appointed as members. Three existing members were also reappointed for a term of three years: Emeritus Professor Diana Walker and Mr Kim Colero as well as Mr Christopher Doepel who was also reappointed as Deputy Chairman.

The term of membership of past Chairman Eric Streitberg and members Dr Trevor Ward, Mr Angus Horwood and Emeritus Professor John Penrose concluded on 13 December 2011.

Appointed members

Dr Tom Hatton - Chair (appointed December 2011)

Tom is Group Executive, Energy for CSIRO. Tom previously directed the CSIRO *Wealth from Oceans Flagship*, Australia's largest marine science portfolio. The research delivered under his leadership directly underpins the efficient and responsible development of offshore and coastal resources while ensuring the conservation of the environmental and social values associated with the marine environment. Tom has a Bachelor of Science and Master of Science in Natural Resources from Humboldt State University. Tom completed his doctorate in the College of Natural Resources at Utah State University. In 2008, Tom received the CSIRO Chairman's Medal and the Australian Public Service Medal for his contributions to the management of Australia's water resources.

Mr Christopher Doepel - Deputy Chair (appointed July 2006)

Mr Doepel is currently Executive Dean (National) of the College of Business and Dean of Business (Fremantle) at Notre Dame University. Prior to undertaking this role he was Dean of the Faculty of Law and Business at Murdoch University in Perth. Before joining Murdoch University in early 2008

Mr Doepel was the Registrar and Chief Executive Officer of the National Native Title Tribunal. He has extensive experience as a senior manager in public administration and in the formulation of policy advice to governments. Mr Doepel has a Bachelor of Jurisprudence and a Bachelor of Laws and is an Associate Member of the Law Society of Western Australia and a 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.

Emeritus Professor Diana Walker (appointed August 1997).

Diana is an Emeritus Professor at the School of Plant Biology (Botany) at the University of Western Australia. She 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. Diana is an inaugural member of the MPRA and of the Australian World Heritage Advisory Committee. She is a member of the Shark Bay World Heritage Advisory Committee, and was former 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 (appointed December 2002)

Kim is Managing Director of JK Colero Enterprises P/L, an Australian fishing company, focusing on the Western Rock Lobster Industry. Kim was appointed to the MPRA in December 2002. He 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. He was appointed to the board of the Western Australian Fishing Industry Council (WAFIC) in January 2007 and was Chairman of WAFIC from October 2009 until 2011.

Dr Kellie Pendoley (appointed December 2011)

Kellie has over 25 years experience as an environmental practitioner within the oil and gas and mining industries in Western Australia. Kellie holds a BSc in Environmental Science, a MSc in Oceanography (Chemical) and a PhD in Biology. Her PhD studies were on marine turtles and the environmental management of industrial activities in the north-west of Western Australia, centred on the Barrow Island, Lowendal Island and Montebello Island groups. She has participated in the environmental management of multiple large-scale oil and gas developments in WA, providing advice on all aspects of development from seismic programs through to exploration drilling, production drilling, oil spill contingency planning,

dredging, onshore and offshore construction and plant operations.

Mr Jeff Cooper (appointed December 2011)
Jeff holds a Bachelor of Applied Science (Fisheries) and has been actively involved in the aquaculture industry for the past 15 years. He is currently the Portfolio Manager for the Maritime/Marine/Aquaculture/Security portfolio at Kimberley Training Institute, responsible for developing and implementing innovative strategies for the future direction of the Broome Aquaculture Centre and the Broome Maritime Simulation Centre. Jeff is an avid recreational angler and is currently a committee member of the International Game Fish Association and past President of the Broome Fishing Club.

Mr Eric Streitberg (past Chairman, appointment concluded December 2011)

Eric was appointed Deputy Chairman in 2002, Acting Chairman in February 2006 and Chairman in July 2006. He holds a Bachelor of Applied Science in Geophysics and Geology and has followed a professional career in international oil and gas operations/exploration. Mr Streitberg is a Director on the Australian Petroleum Production and Exploration Association (APPEA) board and Executive Director of Buru Energy Limited.

Mr Angus Horwood (appointment concluded December 2011)

Angus was a member of the National Parks and Nature Conservation Authority for four years and had been a member of the MPRA since its formation in 1997. Mr Horwood was the Owner/Operator of Dress Circle Farm, a broiler growing operation in the City of Wanneroo. Angus had 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.

The MPRA members were greatly saddened at the passing of Angus Horwood in August 2012.

Emeritus Professor John Penrose (appointment concluded December 2011)

John 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 1970s, specialising in marine acoustics. Professor Penrose was appointed to the MPRA in January 2006. He holds a PhD in Solid State Physics from the City University, London. Professor Penrose was Project Manager of the national Coastal Water Habitat Mapping Project of the Cooperative Research Centre for Coastal Zone, Estuary and Waterway Management and a Council Member of the Australian National Maritime

Museum. He is an Honorary Associate of the Western Australian Museum.

Dr Trevor Ward (appointment concluded December 2011)

Trevor is the Principal Marine Ecosystems and Biodiversity Consultant for Greenward Consulting. He was appointed to the MPRA in July 2006. Dr Ward is Visiting Professor at the University of Queensland (The Ecology Centre), Adjunct Senior Research Fellow at the University of Western Australia (Institute for Regional Development) and 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.

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 the Director General 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 2011/2012 so that they could take part in the discussion and consideration of the business before the MPRA.

Representatives of DEC, Western Australian Museum (WAM), Department of Fisheries (DoF), Department of Mines and Petroleum (DMP) and Department of Transport (DoT) attended MPRA

meetings throughout 2011/2012. The attendance and contributions from Chief Executive Officers or their representatives at meetings provided valuable input to the considerations of the MPRA during this year.

Where it was considered appropriate, the MPRA also invited persons with an interest in matters to attend meetings including representatives of peak bodies with an interest in marine conservation and marine resource management to develop stronger relationships (see section on *Liaison*).

MPRA MEETINGS

Formal meetings of the MPRA were held on ten occasions during 2011/2012. The dates of these meetings were:

21 July 2011
 15 September 2011
 20 October 2011
 17 November 2011
 19 January 2012
 16 February 2012
 15 March 2012
 19 April 2012
 17 May 2012
 21 June 2012

Member attendance at these ten meetings was as follows:

<u>Member</u>	<u>Meetings attended</u>
Dr Tom Hatton (appointed 13 Dec 11)	5
Mr Christopher Doepel (appointed 13 Dec 11)	7
Emeritus Professor Diana Walker (appointed 13 Dec 11)	9
Mr Kim Colero (appointed 13 Dec 11)	8
Mr Jeff Cooper (appointed 13 Dec 11)	5
Dr Kellie Pendoley (appointed 13 Dec 11)	5
Mr Angus Horwood	4
Mr Eric Streitberg	3
Emeritus Professor John Penrose	3
Dr Trevor Ward	4

Representatives of the MPRA attended four meetings with the Minister for Environment during 2011 / 2012, and one meeting with the Minister's staff.

Subcommittee meetings

The MPRA forms subcommittees to deal with specific issues and policy matters. Subcommittees

meet in accordance with a charter drawn up by the MPRA and provide recommendations to the full membership of the MPRA.

The MPRA audit committee is a standing subcommittee. From July to December 2011 subcommittee members were Trevor Ward (subcommittee Chair), John Penrose and Diana Walker. With changes to the MPRA membership in December 2011, the audit subcommittee membership also changed, and currently comprises of Diana Walker (subcommittee Chair), Kellie Pendoley and Jeff Cooper. Other members of the MPRA also participated in audit activities as required and appropriate.

The audit subcommittee met on 7 October 2011 for the annual review of the implementation of management plans by DEC in the 2010/2011 period (see section on *Management Plan Implementation and Audit*).

The audit subcommittee also met on several occasions during the year to discuss MPRA audit responsibility and to progress the report for the ten year audit of the Marmion Marine Park Management Plan.

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, and that are considered at any other time, for any conflict of interest.

PUBLIC INTEREST DISCLOSURE

In 2007/2008 the MPRA developed Public Interest Disclosure Procedures and Internal Guidelines in accordance with the *Public Interest Disclosure Act 2003*. The procedures were endorsed by the MPRA on 19 July 2007. Deputy Chairman, Christopher Doepel, was nominated by members as the MPRA's Public Interest Disclosure Officer. No public interest disclosures were made during the 2011/2012 period.

THE MARINE CONSERVATION ESTATE

LEGISLATIVE BACKGROUND

Under sections 7(5) and 26B(1)(a) of the CALM Act, the MPRA is the vesting authority for marine parks and 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* (FRM Act) 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*

Special purpose zones provide for a purpose or purposes specified in the management plan and in the CALM Act section 62 notice. They are primarily used to recognise and emphasize particular biodiversity conservation values (e.g. wildlife breeding, habitat protection). They can also be used to recognise cultural heritage protection (European or aboriginal), or particular social or commercial values (e.g. pearling). Where a particular social or commercial value is recognised in a special purpose zone, any complementary biodiversity conservation purpose (s) should also be specified.

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

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

AREA VESTED

Western Australia's marine nature reserves, marine parks and marine management areas cover approximately 2.3 million hectares. Of this, "no take" areas comprise approximately 300,000 hectares or about 13% of the current marine reserve system.

These "no take" areas cover approximately 2.4% of state waters and provide the highest level of protection and prohibit extractive activities to ensure that environmental values and ecosystem functions are maintained as much as possible in their natural condition.

The boundaries of the Ngari Capes Marine Park and the Camden Sound Marine Park were proclaimed in this reporting year. The management zoning for these marine parks is yet to be proclaimed. Once management zoning is proclaimed, the marine reserve system will contain approximately 20% "no take" areas. These "no take" areas will then cover approximately 3.5% of state waters.

Marine nature reserves. As at 30 June 2012, one marine nature reserve, Hamelin Pool Marine Nature Reserve, of approximately 132,000 hectares was vested in the MPRA. This reserve type provides the highest level of protection of environmental values.

Marine parks. As at 30 June 2012, 12 marine parks, totalling approximately 2 million 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, Barrow Island Marine Park, Walpole and Nornalup Inlets Marine Park, Ngari Capes Marine Park and Camden Sound Marine Park.

Marine management areas. As at 30 June 2012, two marine management areas, totalling approximately 143,000 hectares were vested in the MPRA. These are Muiron Islands Marine Management Area and Barrow Island Marine Management Area.

The quality of mapping of marine reserve boundaries is variable and as such area figures are approximate only. Improved mapping of watermark boundaries and historical boundaries may result in revised area figures in the future.

CONSIDERATION OF PROPOSED CHANGES FOR VESTED LAND AND WATERS

As the vesting and controlling body, the MPRA considers proposals presented to it throughout the year relating to boundary changes, classification changes, vesting or other matters. During 2011/2012 no such changes were considered by the MPRA.

CALM ACT CONTROLLING BODIES

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

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

Areas of inter-tidal and coastal land may be vested in either the MPRA or the Commission. Reciprocal statutory requirements have been placed on the MPRA and the Commission so that when a matter before either body is about a reserve vested in the other body or otherwise relevant to the other body's functions it must be referred for comment and advice to the relevant vested body (sections 22(6) and 26B(7) of the CALM Act). Joint or reciprocal policies on matters of common interest are developed, particularly where integrated management of contiguous reserves vested in the MPRA and the Commission is to be addressed, and where island and coastal management issues relate to species conservation and environmental degradation.

The new Chairs of both the Authority and the Commission held a meeting on 24 April 2012, which included discussions on management planning for the subtidal and intertidal components of Roebuck Bay.

Please refer to the annual report of the Commission for details of its activities.

POLICY DEVELOPMENT

LEGISLATIVE BACKGROUND

A statutory function of the Authority under section 26B(1)(b) of the CALM Act is to develop policies for:

- the preservation of the natural marine and estuarine environments of the State, and the provision of facilities for the enjoyment of that environment by the community;
- 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

In accordance with its statutory functions under the CALM Act, the MPRA considers policy development to be one of its key functions and has developed a policy development process as described in the MPRA Policy Formulation Guidelines (2003) to formalise and expedite this function.

The MPRA has no directly engaged staff responsible for general policy development. Consequently, policy development has tended to be restricted to matters requiring urgent operational attention or support. However, executive, policy and planning support is provided by DEC as outlined in the MPRA's memorandum of understanding with DEC and annual financial schedule. DEC have assisted with a progressing a number of policy issues (detailed below) in the later part of the financial year. The MPRA also provides *ad hoc* policy advice to the Minister on specific matters as it considers appropriate. This advice is not generally translated into formal policies that are made publicly available.

Where directly relevant to the MPRA, DEC and other agency 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.

POLICY DEVELOPMENT DURING 2011/2012

The MPRA developed and/or endorsed the following documents:

- MPRA position statement – Seawrack Management in Marine Parks and Reserves (endorsed April 2012);
- Guidelines for Annual review and audit process (MPRA Audit Policy). (endorsed May 2012); and
- MPRA Policy statement – Special Purpose Zone in Marine Park (endorsed June 2012);

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

- Draft Guidelines for communication between DEC and the MPRA during evaluation of externally initiated development proposals in marine parks and reserves;
- Development of aquaculture in marine parks and reserves;
- Development of artificial structures in marine parks and reserves; and
- The CALM Act amendments and implications for joint management of marine parks and reserves.

PROPOSALS FOR NEW MARINE PARKS AND RESERVES

DEVELOPMENT OF THE MARINE PARKS AND RESERVES PROGRAM

There is an agreed classification of the bioregions of Australian waters, including those of Western Australia (*Integrated Marine and Coastal Regionalisation for Australia*, IMCRA, Commonwealth of Australia, 2006). 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 provide

guidance for development of the Western Australian representative marine reserves program.

The agreed regionalisation of Western Australian waters identifies 19 bioregions. Nine of these are now represented in marine parks and reserves.

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 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 park or 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*).

STATUS OF PROPOSED NEW MARINE PARKS AND RESERVES

The following section sets out the status of proposals for marine parks and reserves, and relevant activities undertaken during 2011/2012.

PROPOSED DAMPIER ARCHIPELAGO MARINE CONSERVATION RESERVES

Background

The MPRA submitted its report in respect of the indicative management plan for the Proposed Dampier Archipelago Marine Park and Cape Preston Marine Management Area to the then Minister for the Environment (under Section 14 (1a) of the CALM Act) on 29 August 2003.

On 27 April 2007, the then Minister provided the MPRA with directions on progressing the establishment of the proposed marine reserves, and on 14 May 2007 the MPRA provided its final report to the then Minister for the Environment under Section 14 (6a) of the CALM Act.

The then Minister for Resources and the then Minister for Fisheries provided concurrence to create the reserves and gazette the management plan on 16 August 2007 and 19 September 2007, respectively.

During 2009/2010 the then Minister for Environment requested and was provided with a revised indicative management plan for the proposed reserves and an updated package of letters seeking ministerial concurrence to gazette the reserves in March 2010. The then Minister for Environment considered the management plan for the proposed reserves and requested the MPRA provide its advice as to the progression of the proposal. The MPRA recommended the creation of the park should proceed but noted the complex zoning and interaction of the zoning with industrial development that had occurred since the management plan for the park was first drawn up in 2003.

Progress in 2011/12

The MPRA was briefed on the Dampier proposal on 17 May 2012. The MPRA subsequently wrote to the Minister for Environment in support of the Government proceeding to reserve the proposed Dampier Archipelago Marine Reserves.

PROPOSED EIGHTY MILE BEACH MARINE PARK

Background

DEC undertook substantial work in 2008/2009 in relation to planning for a potential network of marine parks along the Pilbara and lower west Kimberley (Eighty Mile Beach) coasts.

To ensure a whole-of-government approach to planning for this initiative, an Interagency Working Group (IWG) was established in 2007 with senior officers from relevant Government agencies.

An Aboriginal engagement program was progressed with groups whose claimed or determined native title areas were in the vicinity of proposed marine parks and reserves. Groups involved expressed general support for the concept of improved coastal and sea country protection through marine parks and reserves. Further consultation will be required to investigate these matters fully and to develop Indigenous Land Use Agreements for the intertidal and other areas subject to native title.

On 22 October 2010, the Government announced it would establish a marine park at Eighty Mile Beach. A draft indicative management plan (IMP) was prepared by DEC drawing initially on the information contained in the draft IMP prepared for the network of (previously) proposed marine parks in the Pilbara and Lower West Kimberley regions.

Progress in 2011/2012

On 30 September 2011, the IMP for the proposed Eighty Mile Beach Marine Park was released for the statutory three month public submission period, which closed on 20 January 2012. A total of 147 submissions were received. A summary of submissions was presented to MPRA on 16 February 2011. Work on finalising the management plan and reserve design is currently being completed.

PROPOSED NORTH KIMBERLEY MARINE PARK

Background

On 22 October 2010, the Government announced it would establish a marine park at North Kimberley. The proposed North Kimberley Marine Park, along with the Camden Sound Marine Park, will be referred to as the Great Kimberley Marine Park and will cover approximately 2.1 million hectares, representing the second largest marine park of any of the States' and Territory's coastal waters of Australia.

The preparation of a Resources Assessment document for the proposed North Kimberley Marine Park for internal planning purposes has been undertaken by DEC. Further collection of key planning information is being undertaken by DEC with a view to development of an indicative management plan commencing in 2013.

PROPOSED ROEBUCK BAY MARINE PARK

Background

On 22 October 2010, the Government announced it would establish a marine park at Roebuck Bay. In accordance with the Yawuru Area Agreement Indigenous Land Use Agreement (ILUA), DEC began developing an indicative management plan (IMP) for the proposed Roebuck Bay Marine Park.

While the proposed Roebuck Bay Marine Park will only extend from lowest astronomical tide mark to the limit of State waters, the Department intends to integrate the planning processes for the Marine Park and intertidal reserves of Roebuck Bay and is developing two complementary management plans to cover the subtidal and intertidal areas. This approach will ensure integration of planning for subtidal and intertidal areas of Roebuck Bay is achieved within the required timeframes and meet the requirements under the CALM Act and ILUAs.

Under the Yawuru Joint Management Agreement, an IMP for the proposed Roebuck Bay Marine Park

was due to be completed and released within eighteen months of registration of the Agreement, and be informed by a Cultural Management Plan prepared by the Yawuru.

Progress in 2011/2012

The Yawuru Cultural Management Plan was produced by the Yawuru in September 2011. The Cultural Management Plan is being used to inform the development of the component management plans for the conservation estate and DEC is continuing to progress the indicative management plan for the marine park and the draft management plan for the intertidal reserve in conjunction with the Yawuru. As a result of concerns received by the Yawuru the Premier has advised that to ensure all planning issues are properly addressed, the marine park and intertidal plans will be released for public comment in May 2013.

NEW MARINE PARKS

NGARI CAPES MARINE PARK

Background

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 then 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 then Minister for the Environment'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 then Minister for the Environment (under Section 14 (1a) of the CALM Act) on 30 September 2004.

After additional consultation and review and a number of administrative matters being resolved, the MPRA provided its final report on the revised indicative management plan to the then Minister under Section 14 (6a) of the CALM Act on 7 August 2007. The MPRA's report included a recommendation for the inclusion of the Noongar word "Ngari" (meaning salmon fish) in the name of the marine park.

The then Minister for the Environment requested and was provided an indicative management plan for the proposed reserves and an updated package of letters seeking ministerial concurrence to gazette the reserves in March 2010. The then Minister for Environment considered the management plan for the proposed reserve and requested the MPRA provide its advice as to the progression of the proposal. The MPRA recommended that the park be gazetted substantially in the form of the agreed management plan.

Progress in 2011/12

The Minister for Environment received concurrence to create this marine park from the Minister(s) for Fisheries and Mines and Petroleum on 22 March 2012.

On 12 June 2012, the Ngari Capes Marine Park reservation order was published in the Government Gazette. This is Western Australia's 11th marine park.

CAMDEN SOUND MARINE PARK

Background

Planning for the proposed Camden Sound Marine Park in the Kimberley Region of Western Australia commenced by DEC in late 2009. On 3 October 2009, the Premier and Minister for Environment announced that a marine park would be created in the Camden Sound area of the Kimberley to recognise the importance of this place as one of the worlds most significant humpback whale calving areas and also to protect the biodiversity of the area more generally.

The MPRA worked with DEC to review the initial proposal and prepare an indicative management plan (IMP). In the course of its deliberations, and the preparation of the plan, reports were made to the MPRA on the results of consultation by DEC with various stakeholders. Three non-government stakeholders, the fishing industry (WAFIC), the science community, and the conservation sector, corresponded with the government and/or the MPRA in relation the proposal, including making specific comments in relation to boundaries, zoning and the consultation process.

On 27 November 2009, the MPRA prepared and provided detailed interim advice in relation to the proposal to the Minister for Environment. The MPRA also recommended in its interim advice that after the establishment of the Camden Sound Marine Park, a systematic and transparent process for the establishment of further protected areas in the Kimberley region should be implemented.

The MPRA provided a report to the Minister for Environment on 14 May 2010 as required under section 14 of the CALM Act, as well as advice to the Minister regarding consultation during the three month public submission period. The MPRA provided further advice to the Minister regarding consultation on 23 June 2010. The Minister obtained approval from the Minister for Mines and Petroleum and the Minister for Fisheries to publish a notice to reserve a part of the coastal waters of Western Australia as a marine park and to release the IMP for a statutory three month consultation period. As part of this consultation process a number of changes to the IMP were made by government.

A summary of submissions was presented to MRPA on 18 February 2011. The MPRA met again on 4 March 2011 to further discuss submissions and initiate preparation of their formal advice to the Minister for Environment. This advice under Section 14(6)(a) of the CALM Act was also informed by advice the MPRA received from the Temporary Science Advisory Committee to the MPRA in relation to the Camden Sound Marine Park.

Progress in 2011/2012

The Minister for Environment received concurrence to create this marine park from the Minister(s) for Fisheries and Mines and Petroleum on 10 April 2012.

The Camden Sound Marine Park reservation order was published in the Government Gazette on 19 June 2012. This is Western Australia's 12th marine park.

MANAGEMENT PLANS

LEGISLATIVE BACKGROUND AND MANAGEMENT PLAN DEVELOPMENT

As the relevant controlling body, the MPRA is responsible for the preparation of management plans for the marine parks and 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 DEC, having regard to the resources made 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.

For marine parks and reserves established prior to 1997 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 marine parks and 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.

Written submissions on the indicative management plan are analysed and the MPRA must then submit a report to the Minister in accordance with Section 14(6)(a) of the CALM Act. The Minister may then submit the proposal, modified as she/he thinks fit to give effect to submissions made under this section, to the Governor for the making of an order under Section 13. Before seeking these orders, the Minister must seek concurrence from the Ministers for Fisheries and Mines.

The MPRA has responsibility for development of guidelines for monitoring the implementation of management plans, and setting performance criteria against which periodic assessment of management plan implementation is undertaken. Since 2004, management plans prepared by DEC for the MPRA contain summaries of ecological and socio-economic 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 park and reserve are prepared by DEC, thus providing the basis by which periodic assessment may be made.

During 2011/2012 the relationship between management plan, work plans and performance assessment processes has continued to be refined under the MPRA's audit processes (see section on *Management Plan Implementation and Audit*).

Table 1 lists approved management plans for established marine reserves. **Table 2** shows indicative management plans released but reserves not yet created. **Table 3** lists reserves created Final management plan not yet approved by the Minister for Environment.

Table 1
APPROVED MANAGEMENT PLANS
by Department plan number

NUMBER	PLAN	DATE GAZETTED
23	Marmion Marine Park	15-May-92
34	Shark Bay Marine Park and Hamelin Bay Marine Nature Reserve	7-Mar-97
41	Swan Estuary Marine Park and Adjacent Nature Reserves	7-Apr-00
49	Jurien Bay Marine Park	1-Jul-05
52	Ningaloo Marine Park and Muiron Islands Marine Management Area	14-Jan-05
55	Montebello/Barrow Islands Marine Conservation Reserves	10-Apr-07
56	Rowley Shoals Marine Park	10-Apr-07
58	Shoalwater Islands Marine Park	30-Oct-07
62	Walpole and Nornalup Inlets Marine Park	2-Jul-09

Table 2
INDICATIVE MANAGEMENT PLANS
RELEASED - RESERVE NOT YET
CREATED

INDICATIVE MANAGEMENT PLANS
<ul style="list-style-type: none"> Proposed Dampier Archipelago/Regnard (formerly Cape Preston) Marine Conservation Reserves (released 11 January 2005) Eighty Mile Beach Marine Park (released 30 September 2011)

Table 3

RESERVES CREATED FINAL MANAGEMENT PLAN NOT YET APPROVED BY THE MINISTER FOR ENVIRONMENT

FINAL MANAGEMENT PLANS IN PREPARATION
<ul style="list-style-type: none">• Ngari Capes Marine Park (created 12 June 2012)• Camden Sound Marine Park (created 19 June 2012)

STATUS OF MANAGEMENT PLANS

The following section summarises the status of management plans for existing marine parks and reserves, and relevant activities undertaken during 2011/2012.

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 then Minister approved a revised management plan for Ningaloo Marine Park, including southern extensions to the marine park as well the new Muiron Islands Marine Management Area.

The CALM Act zoning notices were gazetted on 21 January 2005, formally putting the new zoning scheme into effect. An amendment to the CALM Act zoning notice to rectify some minor descriptive errors was gazetted on 11 April 2008.

Complementary orders relating to the regulation of fishing were gazetted by the Minister for Fisheries on 9 September 2005. FRM Act orders to implement the fishing restrictions for the Muiron Islands Marine Management Area were published in the *Government Gazette* on 30 December 2008.

The MPRA intends to undertake the statutory periodic (5 year) audit of the implementation of the Ningaloo Marine Park Management Plan during next financial year (2012/2013).

ROWLEY SHOALS MARINE PARK*

Rowley Shoals Marine Park was established in May 1990, covering Clerke and Imperieuse Reefs. An 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. FRM Act orders to implement the fishing restrictions were published in the *Government Gazette* on 13 February 2009.

SHOALWATER ISLANDS MARINE PARK

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 management plan was substantially amended so as to include sanctuary zones and bring the plan into line with the outcome-based format currently in use.

The management plan became operational on 30 October 2007 when notification of its approval was published in the *Western Australian Government Gazette*. The CALM Act notices to establish the zoning scheme were gazetted on 30 May 2008. The FRM Act orders were gazetted by the Department of Fisheries on 16 April 2010 and prohibit extraction of fish as defined under the FRM Act within sanctuary zones.

JURIEN BAY MARINE PARK

Jurien Bay Marine Park was gazetted in August 2003. The plan was approved on 1 July 2005. The CALM Act notices and FRM Act orders to establish the zoning scheme were gazetted on 21 October 2005 and 23 December 2005, respectively.

MARMION MARINE PARK

Marmion Marine Park was established in March 1987 and the management plan was approved in January 1992. The MPRA Audit subcommittee commenced a ten year audit of the implementation of this management plan in the third quarter of 2010. The Report was endorsed by the MPRA on 17 May 2012 and has been progressed to both DEC and DoF for initial review.

SHARK BAY MARINE PARK AND HAMELIN POOL MARINE NATURE RESERVE

These two marine reserves were established in November 1990 and a management plan was approved in March 1997. 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 a priority task. The MPRA undertook a ten year assessment

of the implementation of this management plan in 2008/2009, and the subsequent report has now been finalised. The report was formally submitted to the Minister in August 2010 and is available on the MPRA website (www.dec.wa.gov.au/mpra).

MONTEBELLO/BARROW ISLANDS MARINE CONSERVATION RESERVES*

Montebello Islands Marine Park, Barrow Island Marine Park and Barrow Island Marine Management Area were gazetted on 10 December 2004. The management plan for these reserves was approved on 10 April 2007.

The CALM Act zoning notices were gazetted on 29 June 2007. Complementary orders under the FRM Act were gazetted on 27 June 2008.

WALPOLE AND NORNALUP INLETS MARINE PARK

The Walpole and Nornalup Inlets Marine Park was gazetted on 8 May 2009 and the management plan was formally launched at a ceremony in Walpole on 2 July 2009. The CALM Act notices to establish the zoning scheme were gazetted on 17 November 2009. Existing DoF notices over the area are sufficient to give effect to commercial fishing closures indicated in the management plan.

SWAN ESTUARY MARINE PARK

Swan Estuary Marine Park was gazetted on 25 May 1990 and the management plan was approved in January 1999. The plan is now due for review but remains in operation until it is replaced by a new approved management plan.

* On 29 November 2011, the Minister for Fisheries published in the *Government Gazette*, notices to amend and/or revoke fishing prohibitions orders under section 43 of the *Fish Resources Management Act 1994*. The notices included the revocation of prohibitions on various recreational & commercial fishing activities in relevant recreation zones, special purpose zone (pearling) and special purpose zone (benthic habitat) of these marine reserves. For the full detail of revocations refer to the DoF Gazettal notice of 29 November 2011 or the Department of Fisheries.

MANAGEMENT IMPLEMENTATION AND AUDIT

ASSESSMENT OF THE IMPLEMENTATION OF MANAGEMENT PLANS

The MPRA's statutory responsibility to assess the implementation of management plans is put into effect by the development of the MPRA's audit policy and functions, which are continuing to evolve, with more information on the status of our marine parks becoming available. A fully functional audit of the reserves requires the determination of ecological and social baselines and establishment of statistically valid monitoring programs. Our audits also require access to activity and financial data as well as an assessment of outcomes. Significant progress has been made for many marine parks, and the system of audit is becoming more robust, allowing effective assessment of the efficacy of Western Australia's Marine Park program.

Under its audit policy, the MPRA conducts annual, periodic and ten yearly assessments of the management plans. The output from the annual audit review process is an Annual Audit Report. The timing of the audit process and the Annual Report means that the Annual Audit Report included in the Annual Report is for the preceding year.

The focus of the marine reserves management audit process is on the condition of the marine assets and the management outcomes associated with the Key Performance Indicators (KPIs) in the management plans. At a regional scale, there is no doubt about the integrity of the assets, but there is high uncertainty arising from uneven knowledge, resources and monitoring in different marine parks. The MPRA has concerns that, as yet, there are still aspects of management effectiveness that are not well evaluated, leading to potential risks of management failure.

The development of improved interaction between relevant departments in government is to be welcomed as is the increased capacity in DEC's Marine Science Program. Over time, the effectiveness of management will continue to increase as our understanding of the assets and their understanding also increase.

The MPRA acknowledges the role of the former chair of the Audit committee, Dr Trevor Ward, for his unwavering commitment and contribution to the development of the MPRA's audit process. His

assistance with the transfer of knowledge and understanding to the new members of the audit committee was generous and adds to his legacy for Western Australian Marine Reserves.

2010/2011 Annual Audit Report

The findings of the Annual Audit Report provide the context for the ongoing improvement of the management of Western Australia's marine parks and reserves. The 2010/2011 Annual Audit Report noted that a number of issues identified in earlier audits remain to be resolved largely as a result of limited resources. A number of additional findings related to the current performance of management are set out in detail in the body of the report.

The 15 marine parks and reserves received funding of approximately \$6.7 million from DEC, with direct operational expenditure accounting for a high proportion of this total. As in 2009/2010, operational expenditure in the Ningaloo Marine Park accounted for the largest allocation of funds, approximately 46 % of the total DEC expenditure on marine parks and reserves in 2010/11.

The budget amount that is shown in the MPRA Annual Audit report, and summarised above reflects original government allocations, some of which have been reduced through various government savings program over the years such as efficiency dividends.

In 2010/2011, the Department of Fisheries was allocated approximately \$1.3 million for additional fisheries responsibilities arising from the creation of marine parks and reserves, including compliance with full or partial fishing restrictions in some zones.

Insufficient resources continue to limit operational management and monitoring in specific parks and reserves, and this is becoming increasingly acute with the rapid growth of coastal and resource developments across the whole state that provide for escalating pressures on the values of the marine conservation network.

The 2010/2011 annual review identified that the majority of key ecological and social values in each marine park or reserve had been qualitatively assessed as being in a good or satisfactory condition. However, a number of values were assessed as having unsatisfactory condition ratings, high pressure and/or unsatisfactory management responses. In addition, the qualitative nature of many assessments had for some years resulted in a relatively low level of confidence in those assessments. The 2010/2011 reports have however shown an increase in the proportion of quantitative data being used to inform the asset condition ratings, a trend that is welcomed by the MPRA.

The DEC Marine Science Program annual report for 2010/11 reported that ten permanent and five contract staff were employed in the program. This increase is reflected in the increasing maturation of the DEC Marine Science Program and reporting.

Research and monitoring provide critical baseline and historical quantitative information which can be applied to park assessment. DEC is making considerable progress in establishing its Western Australian Marine Monitoring Program (WAMMP), a comprehensive marine monitoring program developed by the Marine Science Program. This has contributed to significantly more quantitative information on asset condition and pressures being available for the 2010/2011 audit. This is being partly addressed through the compilation of research bibliographies for reserves, and the implementation of data sharing arrangements with tertiary institutions and other State and Commonwealth agencies. A much stronger focus on quantitative condition reporting for all the KPIs continues to be required. This will focus attention to the development of appropriate conservation benchmarks at the park-level, including for exploited species.

DoF also undertake some research within individual marine parks or reserves. Much of this work focuses on fish species at the stock scale for fishing production purposes rather than at the finer marine park or reserve scale for conservation purposes. The establishment of the DEC Marine Science Program has the potential to facilitate outcomes through the development of research relationships with DoF and an increased focus on research outcomes for marine park and reserve management (as specified in management plans and the KPIs).

Shark Bay Marine Reserves (SBMR) audit

The Shark Bay Marine Park and Hamelin Pool Marine Nature Reserve, known collectively as the *Shark Bay Marine Reserves* audit was undertaken in 2009/10 and finalised in 2010. The findings of the MPRA's audit and review of the management plan is available on the MPRA website (www.dec.wa.gov.au/mpra).

This was the first ten-year statutory review undertaken by the MPRA, consistent with the requirements of the CALM Act to review and report on expiry of each management plan for any marine conservation reserve vested in the MPRA.

The purpose of the audit and review, which has been conducted consistent with the MPRA's Audit Policy, was to consider the efficiency and effectiveness of management of the SBMR as

implemented under the direction of the management plan. The performance assessment has resulted in 19 findings and 17 specific recommendations in relation to present or impending issues that relate to the management of the SBMR.

Marmion Marine Park audit

Under the audit policy of the MPRA a ten-year audit and review of the implementation of Marmion Marine Park Management Plan commenced in 2011. The report, containing 10 recommendations, was endorsed by the MPRA in May 2012 and has been progressed to both DEC and DoF for agency consideration. Due to the annual reporting timeframe, the outcomes of this audit will be reported on next financial year.

Ningaloo Marine Park audit

Under the MPRA audit policy and 'Rolling Schedule' the initial planning for the five-year audit and review of the implementation of Ningaloo Marine Park Management Plan commenced in June 2012. It is anticipated that the audit will be completed in the latter half of 2012.

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 2011/2012.

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 2011/2012.

MANAGEMENT IMPLEMENTATION AND AUDIT ISSUES CONSIDERED DURING 2011/2012

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

- DoF Aquatic Biosecurity Activities 2011-2013;
- Proposed snorkel trail at Jurien Bay Marine Park;
- Replacement of Monkey Mia Commercial jetty and proposed additional boat ram adjacent to Monkey Mia Finger jetty;
- Management of Coral Bay Boating Facility; and
- City of Rockingham proposal to construct a navigation channel in Shoalwater Islands marine Park, adjacent to Bent Street boat Ramp.

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.

A number of commercial tour operator licence applications were considered by the MPRA during 2010/2011 for a variety of activities within marine parks and reserves in Western Australia. All applications were approved as recommended.

Leases, licences and permits issues considered during 2011/2012

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

- Sustainability Audits and 'E' Class licence extensions; and
- Mangles Bay Marina Tourist Precinct – Public Environmental Review.

ADVICE TO THE MINISTER

LEGISLATIVE BACKGROUND

The MPRA may provide advice to the Minister for 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 marine parks and 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).

ACTION DURING 2011/2012

The Chair and relevant members of the MPRA had meetings with the Minister (or the Minister's policy advisers) on a periodic basis as necessary.

During 2011/12 the past and current chairs met with Minister (or Minister's staff) on three occasions.

On 16 January 2012, the Minister for Environment requested written advice from the MPRA on both Camden Sound and Ngari Capes indicative management plans.

The MPRA provided written advice to the Minister on a number of matters including:

- Advice on both the Camden Sound and Ngari Capes marine park proposals (31 January 2012);

- The proposed Ngari Capes Marine Park (10 August 2011); and
- The progression of the proposed Dampier Archipelago Marine Park (3 July 2012).

AQUACULTURE AND PEARLING

BACKGROUND

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

Licensing and leasing of aquaculture sites/operations other than aquaculture of the pearl oyster *Pinctada maxima* are subject to the FRM Act. Pearling and hatchery activities using *P. 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 permitted 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. However, the MPRA only considers and comments on those proposals that involve existing or proposed marine parks or reserves.

MPRA considered the following aquaculture activities during the 2011/12 year:

- Paspaley Pearling Co application to DoF to vary a lease area at Montebello Islands Marine Park; and
- Proposed Ocean Grown Abalone project at Flinders Bay, Ngari Capes Marine Park.

INDUSTRY AND RESOURCES

BACKGROUND

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

STATE GOVERNMENT POLICY

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

MPRA INVOLVEMENT

The MPRA has a role in reviewing applications to mine or explore for minerals in marine conservation reserves vested in it and to provide advice to the Minister for Environment on such proposals.

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 1986* processes and on administrative arrangements. The MPRA has instituted regular briefings by DMP staff in regard to general industrial development that is likely to affect existing or proposed marine parks.

INDUSTRY AND RESOURCES ISSUES CONSIDERED DURING 2011/2012

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

- The completion of the Gorgon dredging program and report on the Gorgon dredging activities and monitoring findings for Barrow Island; and
- A briefing provided from the Department of Mines and Petroleum on the petroleum and mineral legislation for State and Commonwealth waters.

LIAISON

BACKGROUND

In carrying out its functions the MPRA visited existing and proposed marine parks and reserves during the year, attended meetings with other organisations and was briefed by representatives from Government, private industry, and marine stakeholder groups.

SUMMARY OF ACTION DURING 2011/2012

- Jurien Bay Marine Park Advisory Committee presented a proposal to establish an interpretive snorkel trail in Jurien Bay Marine Park at the MPRA 149th meeting on 21 July 2011;
- Commonwealth Department of Sustainability, Environment, Water, Population and Communities presented on the North-west Marine Bioregional planning process at the MPRA's 151st Meeting on 15 September 2011;
- DEC provided updates on the Gorgon dredging program off the east coast of Barrow Island and adjacent to the Barrow Island Marine Management Area at the MPRA's 151st Meeting (15 September 2011) and 156th meeting (16 February 2012);
- The Department of Fisheries provided a presentation on DoF Aquatic Biosecurity Activities 2011-13 at the MPRA's 152nd Meeting on 20th October 2011;

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- Proposed replacement of Monkey Mia Commercial Jetty within Shark Bay Marine Park at the MPRA's 152nd Meeting on 20th October 2011;
 - Proposed additional Boat Ramp adjacent to Monkey Mia Finger jetty within Shark Bay Marine Park at the MPRA's 152nd Meeting on 20th October 2011;
 - DEC presented Installation by the Department of Transport (DoT) of a floating universal access pontoon, attached to the existing Coral Bay Maritime Facility at the MPRA's 152nd Meeting on 20th October 2011;
 - The Department of Fisheries provided a presentation on draft MPRA/ DEC Guidance Statement 2008 – Requirement of Aquaculture and Pearling Applications at the MPRA's 153rd Meeting on 17th November 2011;
 - DEC presented the CALM Regulations 2002 in relation to regulation of Aboriginal customary activities at the MPRA's 155th Meeting on 19th January 2012;
 - The Department of Fisheries provided a briefing on the DoF Southwest Fish Enhancement trial at the MPRA's 156th Meeting (16th February 2012) and 159th Meeting (17th May 2012);
 - DEC and the City of Rockingham presented a proposal to construct a navigation channel in the Shoalwater Islands Marine Park adjacent to Bent Street boat ramp at the MPRA's 156th Meeting on 16th February 2012;
 - DEC provided an overview of the proposed changes to Maud Sanctuary Zone – Mooring Control Area in Ningaloo Marine Park at the MPRA's 156th Meeting on 16th February 2012;
 - DEC presented a preliminary overview of a issue arising from public submission on the IMP for Eighty Mile Beach at the MPRA's 156th Meeting on 16th February 2012;
 - The Department of Mines and Petroleum provided a briefing on the petroleum and mineral legislation for State and Commonwealth waters at the MPRA's 156th Meeting (16th February 2012) and 157th Meeting (15th March 2012);
 - DEC provided an update on the WAMSI Kimberley Marine Research Program at the MPRA's 157th Meeting on 15th March 2012;
 - DEC provided an overview of the history of negotiation with Paspaley Pearling Co in respect to the proposed variation of a pearl oyster farm lease in the Montebello Islands Marine Park at MPRA's 157th meeting on 15th May 2012;
 - DEC provided a brief history of the development of the seawrack position paper updated policy statement at the MPRA's 158th Meeting (19th April 2012) and 160th Meeting (21st June 2012);
 - DEC provided an overview of the proposal and key points of the DEC submission to the Mangles Bay Public Environmental Review document at the MPRA's 158th Meeting on 19th April 2012;
 - DEC provided an overview of the Wilderness fishing concept and it's application in the IMP for the Camden Sound Marine Park - Special Purpose Zones at the MPRA's 159th Meeting on 17th May 2012;
 - Ocean Grown Abalone (OGA) provided a brief overview of the future proposal to vary an aquaculture lease at Flinders Bay at the MPRA's 159th Meeting on 17th May 2012;
 - DEC provided an overview of the updated policy statement of Special Purpose Zones in Marine Parks at the MPRA's 160th Meeting on 21st June 2012;
 - DEC provided a update on progress being made on amendments to the Conservation and Land Management Act and implications for joint management of marine reserves at the MPRA's 160th Meeting on 21st June 2012;and
 - The Environmental Protection Authority presented draft *Environmental Assessment Guidelines for the Environmental Protection Authority on the implementation of a marine environmental quality management framework over Western Australian coastal waters* at the MPRA's 160th Meeting on 21st June 2012.

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. Information on the MPRA is contained on the DEC website at (www.dec.wa.gov.au/mpra).

RESOURCES

FUNDING AND ADMINISTRATIVE ARRANGEMENTS

The MPRA Executive Officer and staff of DEC's Marine Policy and Planning Branch provide assistance to support the MPRA, particularly in regard to background briefings, advice and assistance for MPRA meetings.

Funding for the operation of the MPRA is allocated by the Department annually after receipt of a proposed financial schedule from the MPRA.

In the financial schedule for the 2011/2012 period the Department allocated \$213,000 to its Marine Policy and Planning Branch for administration and support of the MPRA.

Purpose	Allocation (\$)
Honoraria (sitting fees etc)	93,100
Executive Officer	80,000
Operations	5,000
Assessment of the implementation of management plans (Audit)	32,000
Miscellaneous	2,900
TOTAL	213,000

In accordance with the requirements of section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2011/2012 financial year.

Marine Parks and Reserves Authority

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