

Annual report

1 JULY 2012 – 30 JUNE 2013





ANNUAL REPORT

1 July 2012 - 30 June 2013

Marine Parks and Reserves Authority
17 Dick Perry Avenue, Kensington
Western Australia 6151
Phone: (08) 9219 9117

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 2013.

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

Dr Tom Hatton
Chairman

September 2013

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MARINE PARKS AND RESERVES AUTHORITY

The Marine Parks and Reserves Authority was established in August 1997 subsequent to amendment of the Conservation and Land Management Act 1984 (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 one change in the Marine Parks and Reserves Authority (MPRA) membership, and the creation of a new marine park: Eighty Mile Beach Marine Park.

On 31 August 2012, Ms Ida Holt was appointed as the seventh member of the MPRA.

The MPRA made significant progress toward realising the Western Australia Government's plan to add to the marine conservation estate when the Eighty Mile Beach Marine Park was created in January 2013. Our state's marine reserve system covers some 2.5 million hectares of which 20% will be "no take" areas (4% of state coastal waters) once all zoning schemes are fully established.

Progress was also made toward realising new Kimberley marine parks, including Roebuck Bay. In January 2013, the State Government announced that it would establish an additional marine park around Horizontal Falls. It will form part of the Greater Kimberley Marine Park network encompassing Camden Sound Marine Park and the proposed North Kimberley Marine Park (extended to the Northern Territory border). 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. The 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. This year, the MPRA performed periodic reviews of the Ningaloo Marine Park and Muiron Islands Management Area, and the Marmion Marine Park. In both cases, audits determined that the overall condition of the reserves was good, and that the amount of quantitative data available to make the assessments had improved.

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 applied policies largely in the development and assessment of marine parks management plans. Of note was the introduction of special purpose zones for Eighty Mile Beach Marine Park recognising locations of significant aboriginal cultural heritage. 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.

Note: The Department of Environment and Conservation was separated into the Department of Parks and Wildlife (DPaW) and the Department of Environment Regulation (DER) on 1 July 2013. Although the Department of Environment and Conservation had ceased operation at the time of publication of this report, ongoing departmental services and activities are referred to in the present tense as these will continue to be provided and undertaken by the two new agencies. DPaW will become the department responsible for the day to day management of marine conservation estates vested in the MPRA. DPaW will also provide 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 2012/2013 year there was one addition to the MPRA membership. On 31 August 2012, Ms Ida Holt was appointed for a term of two years.

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.

Professor Christopher Doepel PSM – Deputy Chair (appointed July 2006)

Chris is currently Dean of Business and Chair of College Committees for Arts & Sciences, Business and Law at Notre Dame University in Fremantle. 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 2008 Chris 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. Chris holds a Bachelor of Jurisprudence and a Bachelor of Laws and is an Associate Member of the Law Society of Western Australia, an Associate Member of the Chartered Institute of Arbitrators, and a Fellow of the Australian Institute of Management. He is currently Chairman of the Western Australian judging panel for the Australian-American Fulbright Commission. Chris 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 Oceans Institute and School of Plant Biology 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. Kim is also the Chair of the Combined Zone C Association (CZCA).

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.

Ms Ida Holt (appointed August 2012)

Ida has extensive commercial experience in the oil and gas industry, having worked in senior finance and management positions for a number of publicly listed companies. Ida holds a Bachelor of Commerce and a Post Graduate Diploma in Business, majoring in business law. Her experience in the oil and gas industry and her financial management and corporate governance experience brings new, but complementary skills to the MPRA.

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 2012/2013 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 2012/2013. 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 eleven occasions during 2012/2013. The dates of these meetings were:

16 August 2013
20 September 2012
18 October 2012
15 November 2012
20 December 2012
17 January 2013
22 February 2013
15 March 2013
19 April 2013
17 May 2013
21 June 2013

Member attendance at these eleven meetings was as follows:

Member	Meetings attended
Dr Tom Hatton	11
Professor Christopher Doepel	9
Emeritus Professor Diana Walker	10
Mr Kim Colero	9
Mr Jeff Cooper	10
Dr Kellie Pendoley	9
Ms Ida Holt	9

Representatives of the MPRA attended two meetings with the Minister for Environment during 2012 / 2013 in August 2012 and June 2013.

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. In 2012/2013 subcommittee members were Diana Walker (subcommittee Chair), Jeff Cooper, Kellie Pendoley and Ida Holt. Other members of the MPRA also participated in audit activities as required and appropriate.

The audit subcommittee also met on several occasions during the year to discuss MPRA audit responsibility and to progress the report for the periodic audit of the management plan for Ningaloo Marine Park and Muiron Islands Marine Management Area.

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. The MPRA received an update on their public interest disclosure obligations in June 2013. No public interest disclosures were made during the 2012/2013 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 provide for the proper conservation and restoration of the natural environment and preservation of features of archaeological, historic or scientific interest. They also provide for recreational and commercial use where these activities do not compromise conservation values.

There are four types of management zones applicable to marine parks.

(i) *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*.

(ii) *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.

(iii) *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.

(iv) *Sanctuary Zones*

Sanctuary Zones are 'no-take' areas and provide the highest level of protection for representative areas of marine habitat and wildlife. Sanctuary zones are managed for nature conservation and allow recreation and tourism activities that do not compromise their high protection focus. Exploratory drilling for and the production of petroleum, mining, commercial and recreational fishing, aquaculture and pearling are not permitted in sanctuary zones.

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 2.5 million hectares. Of this, "no take" areas comprise approximately 300,000 hectares or about 12% of the current marine reserve system.

These "no take" areas cover approximately 2.4% of Western Australia's coastal 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 subtidal portion of Eighty Mile Beach Marine Park was proclaimed in this reporting year. The management zoning for this marine park, along with Camden Sound Marine Park and Ngari Capes Marine Park 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 nearly 4% of Western Australia's coastal waters.

Marine nature reserves. As at 30 June 2013, 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 2013, 13 marine parks, totalling approximately 2.2 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, Camden Sound Marine Park and Eighty Mile Beach Marine Park.

Marine management areas. As at 30 June 2013, 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.

NOTE: 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 2012/2013 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.

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. 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. DEC produces policy statements that provide practical guidelines for DEC staff in the performance of their duties and also provide to the public a statement about these management guidelines. Once endorsed, DEC policies may also be accepted as MPRA policy.

POLICY DEVELOPMENT DURING 2012/2013

The MPRA did not develop any new policies during 2012/13, however the MPRA provided input and advice on a number of policy matters throughout the year including joint management of MPAs in the Kimberley and special purpose zones for cultural heritage. The MPRA received briefings on or considered the following policy issues and application:

- Development of aquaculture in marine parks and reserves;
- DEC's draft Events Policy
- The CALM Act amendments and implications for joint management of marine parks and reserves.
- DEC's draft Aboriginal Customary Activities Policy and Guidelines for Aboriginal Customary Activities in relation to 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 national bioregional classification system identifies 19 bioregions within Western Australian coastal waters. Ten of these bioregions now contain one or more marine park or reserve.

LEGISLATIVE BACKGROUND

The CALM Act (section 14) requires an indicative management plan which indicates how the reserve is to be managed once it is established, be released to the public for comment.

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 2012/2013.

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.

In 2010, the then Minister for Environment considered the management plan for the proposed reserves and requested the MPRA provide its advice. The MPRA recommended the creation of the park should proceed. It also 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.

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 ROEBUCK BAY MARINE PARK

Background

On 22 October 2010, the Government announced it would establish a marine park at Roebuck Bay under the Kimberley Science and Conservation Strategy. 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 meets 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. The Yawuru Cultural Management Plan was produced by the Yawuru in September 2011. The Cultural Management Plan has been used to inform the development of the component management plans for the conservation estate.

Progress in 2012/2013

DEC progressed the indicative management plan for the marine park and the draft management plan for the intertidal reserve in conjunction with the Yawuru. The Premier wrote to the Yawuru Registered Native Title Body Corporate, advising of his willingness to vary the release of the marine park and intertidal plans for public comment compared to that envisaged in the Yawuru Agreement to ensure all planning issues are properly addressed.

In May 2013, the Yawuru Board and Park Council endorsed the plans for final review and progression through the agency and relevant statutory vesting authority. The MPRA is scheduled to prepare its report in respect of the indicative management plan under Section 14 (1a) of the CALM Act) in the first quarter of 2013/2014.

PROPOSED HORIZONTAL FALLS AND NORTH KIMBERLEY MARINE PARK INCLUDING A NEW PARK TO THE NORTHERN TERRITORY BORDER

Background

On 28 January 2013, the Government announced that it would establish a marine park which encompassed Horizontal Falls in the Kimberley. The park will cover approximately 300,000 hectares.

In addition to the proposed Horizontal Falls Marine Park, the Government's Biodiversity Policy (March 2013), committed to create an additional marine park from the proposed North Kimberley Marine Park to the Northern Territory border.

The proposed North Kimberley Marine Park, along with the Camden Sound Marine Park, proposed Horizontal Falls Marine Park, as well as a new marine park to extend from the North Kimberley Marine Park to the Northern Territory border, will collectively be referred to as the Great Kimberley Marine Park. It will cover approximately 2.6 million hectares.

In association with terrestrial conservation reserves, the Kimberley marine parks will contribute to an integrated land and seascape management approach for Kimberley conservation estate, which will be jointly managed with traditional owners wherever possible.

Progress in 2012/2013

Collation of information to complement an initial planning report on key ecological and social values for the proposed North Kimberley Marine Park has been undertaken. Further momentum on development of indicative management plans for the Great Kimberley Marine Park network, and engagement with traditional owner joint management partners, is scheduled for 2013/14 with particular emphasis on the proposed Horizontal Falls Marine Park.

NEW MARINE PARKS

EIGHTY MILE BEACH MARINE PARK

Background

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 and on 30 September 2011, the IMP for the proposed Eighty Mile Beach Marine Park was released for the statutory three month public submission period. The submissions period closed on 20 January 2012. A total of 149 submissions were received.

Based on the submissions received, there were a number of changes to zoning arrangements including the introduction of five new special purpose zones. These include four special purpose zones (cultural heritage) and one special purpose (shore-based activities). Eighty Mile Beach is the first marine park in WA to include

special purpose zones (cultural heritage). These provide for additional recognition and protection of Aboriginal cultural heritage values. The Banningarra Creek Special Purpose Zone (shore based activities) provides for additional shore based fishing opportunities. Other amendments to the IMP include the introduction of new management strategies to address concerns relating to park management, cultural heritage, ecological and socio-economic values.

Progress in 2012/2013

The Eighty Mile Beach Marine Park was created on 29 January 2013 through publication of the reservation order in the *Government Gazette*. A final management plan is anticipated to be completed in 2013/14 after which the intended zoning scheme can be gazetted.

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 2012/2013 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*).

The status of marine reserve proposals including their reservation status and progress towards an approved management plan, is outlined in Tables 1-4 below.

Table 1 lists approved management plans for established marine reserves. **Table 2** lists established marine reserves for which a final approved management plan is not yet completed. **Table 3** lists indicative management plans released for proposed marine reserves. **Table 4** lists indicative management plans in preparation for proposed marine reserves.

Table 1
APPROVED MANAGEMENT PLAN
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
74	Ngari Capes Marine Park	5-Feb-13

Table 2
RESERVE CREATED – FINAL MANAGEMENT PLAN NOT YET APPROVED BY THE MINISTER FOR ENVIRONMENT

FINAL MANAGEMENT PLANS IN PREPARATION
<ul style="list-style-type: none"> • Camden Sound Marine Park (created 19 June 2012) • Eighty Mile Beach Marine Park (created 29 January 2013)

Table 3

INDICATIVE MANAGEMENT PLANS RELEASED – RESERVE NOT YET CREATED

INDICATIVE MANAGEMENT PLANS
<ul style="list-style-type: none">Proposed Dampier Archipelago Marine Park/ Regnard (formerly Cape Preston) Marine Management Area (released 11 January 2005)

Table 4

INDICATIVE MANAGEMENT PLANS IN PREPARATION FOR PROPOSED MARINE RESERVES

INDICATIVE MANAGEMENT PLANS
<ul style="list-style-type: none">Proposed Roebuck Bay Marine Park

STATUS OF KEY MANAGEMENT FRAMEWORKS AND PLANS

The following section summarises the 2012/2013 status of key legal, administrative and management frameworks for effective management, including approved management plans, for existing marine parks and reserves.

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.

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 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 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.

The MPRA intends to undertake the statutory periodic (5 year) audit of the implementation of the Shoalwater Islands Marine Park Management Plan during next financial year (2013/2014).

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 completed a ten year assessment of the implementation of the management plan in 2012/13. The report was submitted to the Minister for Environment and it is available on the MPRA website (<http://www.dpaw.wa.gov.au/mpra>).

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 been finalised. The report was formally submitted to the Minister for Environment in August 2010 and is available on the MPRA website (<http://www.dpaw.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

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.

The MPRA intends to undertake the 10 year assessment of the implementation of the Swan Estuary Marine Park Management Plan during next financial year (2013/2014).

NGARI CAPES MARINE PARK

Ngari Capes Marine Park was gazetted on 12 June 2012. The management plan was approved by the Minister on 29 January 2013, and publicly notified in the *Government Gazette* on 5 February 2013. A zoning scheme for the park is yet to be legally established pending some minor legislative amendments being completed.

CAMDEN SOUND MARINE PARK

Camden Sound Marine Park was gazetted on 19 June 2012. Preparation of a final management plan was well advanced at the close of 2012/2013. The zoning scheme is yet to be legally established pending some minor legislative amendments being completed. The name of the marine park is intended to be changed to Lalang-garram Camden Sound Marine Park in 2013-2014, to represent the joint management arrangements for the park.

EIGHTY MILE BEACH MARINE PARK

The Eighty Mile Beach Marine Park was created on 29 January 2013 through publication of the reservation order in the *Government Gazette*. A final management plan is anticipated to be completed in 2013/2014 after which the intended zoning scheme can be gazetted.

* 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 and 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. These continue to evolve as more information on the status of our marine parks become available. A fully functional audit of the reserves requires the determination of ecological and social baselines and establishment of statistically valid monitoring programs. 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 audit system 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 MPRA's output from the annual 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 MPRA 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 different levels of knowledge, resources and monitoring in different marine parks. The MPRA has concerns that there are still aspects of management effectiveness that are not well evaluated, leading to the potential risk 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 also increase.

2011/2012 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 2011/2012 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 13 marine parks and reserves received funding of approximately \$5.9 million from DEC, with direct operational expenditure accounting for a high proportion of this total. In addition, DEC's Marine Science Program expended \$1.1 million on research and monitoring for marine park related programs. As in 2010/2011, operational expenditure in the Ningaloo Marine Park accounted for the largest allocation of funds, approximately 42% of the total DEC expenditure on marine parks and reserves in 2011/12.

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 2011/2012, the Department of Fisheries was allocated approximately \$1.2 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 2011/2012 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. A number of values, however, 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 2011/2012 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.

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 over the last few years. 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 key performance indicators (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 research work within marine parks and reserves is increasingly contributing to ecosystem based fisheries matters, much of which can contribute to appropriate monitoring at the marine park scale as well as at broader fisheries management scale.

Audit of the management plan for Ningaloo Marine Park and Muiron Islands Marine Management Area

The periodic audit of the management plan for Ningaloo Marine Park and Muiron Islands Marine Management Area was undertaken during 2012/13 and finalised in 2013.

This was the first periodic statutory review undertaken by the MPRA for this marine park, consistent with the requirements of the CALM Act to review and report on management plans for marine conservation reserves 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 Ningaloo Marine Park and Muiron Islands Marine Management Area as implemented under the direction of the management plan.

Key findings included:

- A large proportion of management strategies had been implemented (either completed or partially completed) since the management plan's inception in 2005.
- The condition of key performance indicators (KPIs) for ecological and social values were reported to be in good to satisfactory condition. The amount of quantitative data available to make these assessments has improved greatly in recent years with the work of DEC Marine Science Program and the WA Marine Science Institution (WAMSI). No KPIs or any key values were assessed as unsatisfactory or poor condition.
- There was strong community support and stewardship for the marine park, and the relationship between DEC and the majority of key stakeholders has been demonstrated as good with positive outcomes for the marine park.
- A number of key management issues need to be addressed in the near future in order for DEC to continue to manage the marine park in an efficient and effective manner, including access to the southern coastal strip and quantifying wilderness and seascape KPI values.

The MPRA report contains 9 recommendations and suggested priorities for the remaining life of the management plan are:

- Priority is given to any High-Key Management Strategies (H-KMS) which have not yet been implemented to date .
- DEC to investigate the means for the transfer of science knowledge (particularly from WAMSI) to management decision making.
- DEC to determine methods for measuring wilderness and seascape values and undertakes a quantitative assessment of the condition of these values (KPIs) for the marine park.

The full report of the MPRA's audit and review of the management plan is available on the MPRA website (<http://www.dpaw.wa.gov.au/mpra>). The report has been reviewed by DEC, Department of Fisheries, Department of Mines and Petroleum and the Minister for Environment.

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 was endorsed by the MPRA, DoF and the former Minister for Environment in 2012. The performance assessment resulted in 14 findings and 10

recommendations in relation to present or impending issues that relate to the management of Marmion Marine Park.

The principal findings of the review were:

- Despite the urban setting of the marine park and the subsequent pressures acting upon it, the Park is generally in good condition with the exception of targeted finfish.
- Management by DEC appears to be efficient and effective within the limits of the allocated resources.
- The Department of Fisheries receives no funding to undertake marine park specific management activities. Patrols and enforcement are undertaken on an opportunistic basis as part of metropolitan wide compliance activities and this activity focuses on core Fisheries compliance activities in relation to the recreational and commercial abalone, rock lobster and finfish fisheries.

The audit found that the overall condition of the reserve was good, and the management system operates efficiently despite a significant historical lack of resources. Recent allocations of resources have been much better, but are still inadequate given the scale of the Marmion Marine Park and the importance of the values that are subject to increasing human use. It was recognised that there were a number of management risks that need to be addressed in the short term, and followed up with longer term and broader scale responses.

Swan Estuary and Shoalwater Islands Marine Park audits

Under the MPRA audit policy and 'Rolling Schedule' the periodic audit and review of the implementation of Shoalwater Islands Marine Park Management Plan and the ten year audit and review of the implementation of the Swan Estuary Marine Park Management Plan are both anticipated to commence in late 2013, pending available resources.

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 2012/2013.

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 2012/2013.

MANAGEMENT IMPLEMENTATION AND AUDIT ISSUES CONSIDERED DURING 2012/2013

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

- Proposed snorkel trail in Jurien Bay Marine Park
- Implementation of the Commonwealth Marine Network
- DEC 2013 Marine Handbook amendments
- The DEC Commercial Filming and Photography Handbook

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 2012/2013 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 2012/2013

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

- ‘E’ and ‘T’ Class licence extensions and renewals

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 2012/2013

On 19 October 2012, the MPRA provided the then Minister for Environment with Section 14(6)(a) written advice on amendments to the Eighty Mile Beach Marine Park indicative management plan after public submissions were received.

The Chair and Deputy Chair of the MPRA held a meeting with the new Minister and the Minister's policy advisers to discuss the role and function of the MPRA. The Minister then joined the MPRA at a meeting on 21 June 2013.

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.

There were no formal aquaculture applications referred to the MPRA in 2012/2013.

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 *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 2012/2013

The MPRA received no additional briefings or provided comment on any industry and resources issues other than within general meetings in 2012/2013.

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 2012/2013

- DEC Swan Coastal District presented the Swan Estuary Marine Park – Rehabilitation and Infrastructure Protection Plan at the MPRA’s 160th meeting on the 16th August 2012.
- Strategen Consultancy presented a proposal to develop and extend the Ocean Reef Marina at the MPRA’s 160th meeting on the 16th of August 2012.
- DEC Jurien Bay provided an update on the proposed snorkel trail and fishing closure at Jurien Bay at the MPRA’s 160th meeting on the 16th of August 2012.
- DEC provided an overview of the public submissions process for the proposed Eighty Mile Beach Marine Park at the MPRA’s 163rd meeting on the 20th of September 2012.
- DEC provided an update on the proposed amendments to the Conservation and Land Management Regulations 2002 regarding Aboriginal customary activities at the MPRA’s 164th meeting on the 18th of October 2012.
- The City of Rockingham presented a proposal to construct a geotextile sand container groyne at Point Peron, in the Shoalwater Islands Marine Park at the MPRA’s 164th meeting on the 18th of October 2012.
- DEC provided an overview of the draft Aboriginal Customary Activities Policy and Guidelines for Aboriginal Customary Activities at the MPRA’s 165th meeting on the 15th of November 2012.
- The Department of Fisheries presented plans to upgrade the intake and discharge pipes at the Indian Ocean Marina Research Centre (Watermans) at the MPRA’s 165th meeting on the 15th of November 2012.
- DEC presented on proposed seismic survey work in the Muiron Islands Marine Management Area at the MPRA’s 166th meeting on the 20th of December 2012.

- Oceanic Consulting presented in response to DEC's report "*Summary of findings of a preliminary review regarding the impacts of Ocean Reef Outfall on the water quality and biodiversity of Marmion Marine Park*" at the MPRA's 167th meeting on the 17th of January 2013.
- DEC presented on the 2013 Marine Handbook Amendments at the 167th meeting of the MPRA on the 17th of January 2013.
- DEC presented on the Commercial Filming and Photography handbook at the 167th meeting of the MPRA on the 17th of January 2013.
- DEC presented on Collaborative Operational Plans with the Department of Fisheries at the MPRA's 168th meeting on the 22nd of February 2013.
- DEC Swan Coastal District in consultation with DEC Marine Science Program presented on the findings of Oceanica Consulting's water quality monitoring of the Beenyup Outfall Pipe at the MPRA's 168th meeting on 22nd February 2013.
- The Department of Transport and Oceanica Consulting presented the results of two years of monitoring the sand bypassing trials at Ocean Reef Marina in the Marmion Marine Park at the MPRA's 168th meeting on 22nd February 2013.
- Aroona Alliance and the Water Corporation presented a proposal to complete maintenance on the Beenyup Outfall pipe located in the Marmion Marine Park at the MPRA's 168th meeting on 22nd February 2013.
- The Department of Fisheries provided a presentation on the Houtman Abrolhos Islands management and governance at the MPRA's 170th meeting on the 19th of April 2013.
- The Department of Fisheries presented on the state of fisheries in Shark Bay, specifically snapper and invertebrates at the MPRA's 171st meeting on the 17th of May 2013.
- The Department of Fisheries presented on biosecurity at the MPRA's 171st meeting on the 17th of May 2013.
- DEC Ningaloo provided a briefing note on Irukandji Syndrome cases in the Ningaloo region at the MPRA's 172nd meeting on the 20th of June 2013.
- Chevron presented on biosecurity procedures and protocols with specific reference to Barrow Island at the MPRA's 172nd meeting on the 20th of June 2013.

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 DPaW website at (<http://www.dpaw.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 2012/2013 period the Department allocated \$199,230 to the Marine Policy and Planning Branch for member sitting fees, as well as administration and support of the MPRA.

PURPOSE	ALLOCATION (\$)
Honoraria (sitting fees etc)	66,639
Operations (including catering)	5,000
Executive Officer	93,091
Assessment of the implementation of management plans (inc Ningaloo Marine Park Audit)	32,000
Miscellaneous (annual report, workshops)	2,500
TOTAL	199,230

In accordance with the requirements of section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2012/2013 financial year.

Marine Parks and Reserves Authority

17 Dick Perry Avenue, Kensington

Western Australia 6151

Phone: (08) 9219 9117

Fax: (08) 9334 0556

Web: www.dpaw.wa.gov.au/mpira

Address for correspondence

C/- Department of Parks and Wildlife

Locked Bag 104, Bentley Delivery Centre

Western Australia 6983