

# Annual report

1 JULY 2013 – 30 JUNE 2014





# ANNUAL REPORT

1 July 2013 - 30 June 2014

**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 2014.

A handwritten signature in black ink, appearing to be 'TH', with a long horizontal stroke extending to the right.

Dr Tom Hatton  
Chairman

September 2014

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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 Parks and Wildlife. 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 includes 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 assess management plans for marine parks and reserves.

# CHAIRMAN'S REVIEW

The 2013-2014 year saw substantial progress toward the establishment of the new marine parks intended under the Kimberley Science and Conservation Strategy, while maintaining our commitments to monitor and assess existing marine parks and reserves.

A key feature of the set of five Kimberley marine parks (Eighty Mile Beach, Roebuck Bay, Horizontal Falls, Lalang-garram / Camden Sound, and North Kimberley) is our commitment to co-management of these parks with their traditional owners. Appropriate Indigenous Land Use Agreements continue to be developed to give effect to this ambition, and in May 2014 we signed such an agreement with the Nyangumarta people toward co-management of Eighty Mile Beach Marine Park. The MPRA and the Department of Parks and Wildlife are working actively to secure further agreements with the traditional owners of the other proposed parks.

A key statutory responsibility of the MPRA is to assess the implementation of marine parks and reserve management plans. The focus of assessment 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 assessments 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 undertook a periodic review of the Shoalwater Marine Park and a ten year assessment and review of the Swan Estuary Marine Park. In both cases, audits determined that the overall condition of the reserves was good, noting some concerns regarding the health of the little penguin colony on Penguin Island.

As a result of our annual assessment process across the reserve system, monitoring and other science-based evidence indicates that the large majority of ecological assets and values are being managed with a “high” level of effectiveness and the reserves are in good ecological condition. Where the assessment 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. We also gave advice on a set of local issues related to managing our reserves including aquaculture development, public safety, marina development and commercial tourism

operations within our parks. 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 Parks and Wildlife 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 Parks and Wildlife 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 the Department of Parks and Wildlife;
  - 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”, “Parks and Wildlife”, “the Authority”, “the CALM Act” and “the Amendment Act” used in this report refer to the Minister for Environment, the Department of Parks and Wildlife (Parks and Wildlife), the Marine Parks and Reserves Authority (MPRA), the CALM Act 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).

Appointed members:

### **Dr Tom Hatton - Chair** (appointed December 2011)

Tom is Principal of Thomas Hatton Environmental Consulting. Tom recently retired as Group Executive at CSIRO, responsible for the delivery of that agency’s energy and oceans research as well as its earth sciences capability. He 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 and postdoctoral studies in mathematics at the University of New South Wales in 1988. 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. He is an adjunct professor at UWA.

### **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 has over 35 years experience as a marine and estuarine ecologist, researcher and educator. 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 was a former 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. 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. She is a Ministerial appointee on the Gorgon project Marine Turtle Expert Panel and is the Australasian Regional Vice-Co Chair for the IUCN Marine Turtle Specialist Group.

**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 a Portfolio Manager at the Kimberley Training Institute, responsible for developing and implementing innovative strategies for the future direction for training and 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 is a Chartered Accountant with 30 years of professional accounting, auditing and commercial experience. She has worked for over 20 years in senior finance and management positions for publicly listed oil and gas companies. Ida holds a Bachelor of Commerce and a Post Graduate Diploma in Business, majoring in business law. She is also an Associate Member of the Governance Institute of Australia. Her experience in the oil and gas industry and her commercial and corporate governance experience complements the strong skills base of the MPRA.

## **MEETING NOTICE AND ATTENDANCE**

Reasonable notice of the MPRA meetings is required to be given to Parks and Wildlife 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).

Parks and Wildlife'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 Parks and Wildlife and Chief Executive Officers of other relevant agencies were advised of meetings of the MPRA throughout 2013/2014 so that they could take part in the discussion and consideration of the business before the MPRA.

Representatives of Parks and Wildlife, Western Australian Museum (WAM), Department of Fisheries (DoF), Department of Mines and Petroleum (DMP) and Department of Transport (DoT) attended MPRA meetings throughout 2013/2014. 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 2013/2014. The dates of these meetings were:

**Table 1: MPRA meetings for the 2013/2014 financial year**

MPRA 2013/2014 MEETINGS AND DATES	
17 July 2013	16 January 2014
16 August 2013	20 February 2014
27 September 2013	20 March 2014
18 October 2013	17 April 2014
15 November 2013	15 May 2014
20 December 2013	19 June 2014

**Table 2: Member attendance at the twelve MPRA meetings in 2013/2014**

MEMBER	MEETINGS ATTENDED
Dr Tom Hatton	11
Professor Christopher Doepel	9
Emeritus Professor Diana Walker	11
Mr Kim Colero	10
Mr Jeff Cooper	11
Dr Kellie Pendoley	9
Ms Ida Holt	11

Representatives of the MPRA attended one meeting with the Minister for Environment during 2013/2014 in May 2014.

### 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 Subcommittee is a standing subcommittee. In 2013/2014 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 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 Shoalwater Islands Marine Park and the ten year audit of the Swan Estuary Marine Park and Adjacent Nature Reserves.

## CONFLICT OF INTEREST

The MPRA has formally adopted a Conflict of Interest Policy (2002) and members are required to consider all matters discussed at meetings, 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 2013/2014 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.

### 1. 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*.

## 2. 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.

## 3. 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.

## 4. 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 by prohibiting extractive activities to ensure that environmental values and ecosystem functions are maintained as much as possible in their natural condition.

The management zoning for Eighty Mile Beach Marine Park, Lalang-garram / 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 2014, 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 2014, 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, Lalang-garram / Camden Sound Marine Park and Eighty Mile Beach Marine Park.

**Marine management areas.** As at 30 June 2014, 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 2013/2014 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 intertidal 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:

- a) 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;
- b) promoting the appreciation of flora and fauna, and the natural marine and estuarine environments; and
- c) 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 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 Parks and Wildlife as outlined in the MPRA’s memorandum of understanding with Parks and Wildlife

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, Parks and Wildlife and other agency policy statements will be presented to the MPRA for comment and formal endorsement. Parks and Wildlife produces policy statements that provide practical guidelines for Parks and Wildlife staff in the performance of their duties and also provide to the public a statement about these management guidelines. Once endorsed, Parks and Wildlife policies may also be accepted as MPRA policy.

## **POLICY DEVELOPMENT DURING 2013/2014**

The MPRA did not develop any new policies during 2013/14, 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;
- Parks and Wildlife Commercial Filming and Events Policies and Guidelines
- The CALM Act amendments and implications for joint management of marine parks and reserves.
- Parks and Wildlife 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 2013/2014.

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

#### **Background**

The MPRA submitted its report in respect of the indicative management plan (IMP) 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.

The creation of the marine park has not progressed in 2013/2014 as there are higher government priorities.

### **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 and in accordance with the Yawuru Area Agreement Indigenous Land Use Agreement (ILUA). Parks and Wildlife began developing an IMP for the proposed Roebuck Bay Marine Park with its joint management partners the Yawuru Registered Native Title Body Corporate (Yawuru) under the guidance of the ILUA and associated Joint Management Agreement (JMA) and Yawuru Park Council (Park Council).

Under the JMA, an indicative management plan (IMP) for the proposed Roebuck Bay Marine Park was due to be 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.

While the original ILUA proposal provides for the creation of a proposed marine Park to extend from lowest astronomical tide mark to the limit of State waters, current negotiations intend to extend the proposed marine park over the intertidal reserve in Roebuck Bay. This approach would ensure that full integration of planning for subtidal and intertidal areas of Roebuck Bay is achieved and provide for a simpler, more effective management regime. Additionally, this would allow for the relevant marine park provisions of the CALM Act to be applied to the intertidal area.

### **Progress in 2013/2014**

In May 2013, the Yawuru Board and Park Council endorsed the draft plans (separate subtidal and intertidal) for final review and progression through the agency and relevant statutory vesting authority. The MPRA held a workshop in July 2014 to develop advice and recommendations on the draft IMP to be provided to the Minister under Section 14 (1a) of the CALM Act. At this point in time, discussions between Yawuru and the Government opened the possibility for the intertidal area to be incorporated into the proposed marine park resulting in the provision of advice to the Minister being postponed.

An integrated subtidal and intertidal draft IMP is currently being developed with Yawuru to support these discussions and is intended to be released for public comment during the first quarter of 2014/15. Should Yawuru decide to fully support the proposal, a new ILUA will be required prior to gazettal of the marine park and release of the final management plan.

## **PROPOSED HORIZONTAL FALLS AND NORTH KIMBERLEY MARINE PARKS**

### **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 extend the proposed North Kimberley Marine Park to the Northern Territory border.

The proposed North Kimberley and Horizontal Falls Marine Parks, along with the already established Lalang-garram / Camden Sound Marine Park will collectively be referred to as the Great Kimberley Marine Park. It will cover approximately 2.6 million hectares.

In conjunction 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 2013/2014**

Collation of information in a literature review on key ecological and social values for the Great 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. An IMP for the proposed Eighty Mile Beach Marine Park was prepared by Parks and Wildlife and the IMP was released for the statutory three month public submission period in 2011.

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.

### **Progress in 2013/2014**

The Eighty Mile Beach Marine Park was created on 29 January 2013. The initial reservation action was to gazette the marine park boundary seaward of the low water mark, pending the negotiation of Indigenous Land Use Agreements (ILUAs) with native title holders. The first ILUA was signed by the Nyangumarta people on 19 May 2014. Negotiations are continuing for the remaining ILUAs to be signed with the Karajarri and Ngarla people in 2014/15.

The management plan has undergone an editing process based on further advice from Traditional Owners, the Department of Fisheries, the Office of the Environmental Protection Authority and Parks and Wildlife's Marine Science Program, as well as input from Parks and Wildlife's West Kimberley District on operational matters. A final management plan will be completed in 2014/15 after which the intended zoning scheme can be gazetted.

Formal joint management of the marine park will be given effect under the CALM Act through section 56A joint management arrangements (JMAs) developed in partnership between Traditional Owners and the State. For the purposes of the Eighty Mile Beach Marine Park, joint management will require four JMAs to be executed, one for each of the four native title determination areas. The JMAs will be signed as soon as practicable following approval of the management plan.

# EXISTING MARINE PARKS

## 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 Parks and Wildlife, 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 IMP 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 IMP is released for public comment for a period not less than three months.

Written submissions on the IMP 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 and Petroleum.

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 Parks and Wildlife for the MPRA contain summaries of ecological and social values, summaries of existing and potential uses, threats and pressures, strategic management objectives, and performance measures and targets. Work plans that relate to the management strategies, performance measures and targets for each marine park and reserve are prepared by Parks and Wildlife, thus providing the basis by which periodic assessment may be made.

During 2013/2014 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 3** lists approved management plans for established marine reserves. **Table 4** lists established marine reserves for which a final approved management plan is not yet completed. **Table 5** lists indicative management plans released for proposed marine reserves. **Table 6** lists indicative management plans in preparation for proposed marine reserves.

**Table 3: 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
73	Lalang-garram / Camden Sound Marine Park	5-Nov-13

**Table 4: Reserve created – final management plan not yet approved by the Minister for the Environment**

FINAL MANAGEMENT PLANS IN PREPARATION
Eighty Mile Beach Marine Park (created 29 January 2013)

**Table 5: Indicative management plan approved – reserve not yet created**

INDICATIVE MANAGEMENT PLANS
Proposed Dampier Archipelago Marine Park/ Regnard (formerly Cape Preston) Marine Management Area (released 11 January 2005)

**Table 6: Indicative management plans in preparation for proposed marine reserves**

INDICATIVE MANAGEMENT PLANS
Proposed Roebuck Bay Marine Park
Proposed Horizontal Falls Marine Park
Proposed North Kimberley Marine Park

## STATUS OF KEY MANAGEMENT FRAMEWORKS AND PLANS

The following section summarises the 2013/2014 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, Parks and Wildlife 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 undertook the majority of work associated with the statutory periodic (5 year) assessment of the implementation of the Shoalwater Islands Marine Park Management Plan during 2013/2014. The final assessment report was completed at the end of June 2014 and was forwarded to the Minister later in 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 2012/2013. The report was submitted to the then 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 then 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 MARINE PARK AND ADJACENT RESERVES**

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 undertook the majority of work associated with the statutory 10 year assessment of the implementation of the Swan Estuary Marine Park and Adjacent Reserves Management Plan during 2013/2014. The final assessment report was completed at the end of June 2014 and was forwarded to the Minister later in 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 to the CALM Act being completed.

## **LALANG-GARRAM / CAMDEN SOUND MARINE PARK**

Lalang-garram / Camden Sound Marine Park was gazetted on 19 June 2012. The final management plan was gazetted 5 November 2013. The zoning scheme is yet to be legally established pending some minor legislative amendments to the CALM Act being completed. The name of the marine park was changed to Lalang-garram / Camden Sound Marine Park, 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 2014/2015 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.

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 Performance Assessment Report. The timing of the assessment process and the Annual Report means that the Annual Performance Assessment Report included in the MPRA Annual Report is for the preceding year.

#### **Annual Performance Assessment Report 2012/2013**

The Performance Assessment Report is a summary of the results of the Marine Parks and Reserves Authority's (MPRA) annual performance assessment of the implementation of management plans for the 16 Western Australian marine parks and reserves, for the 2012/2013 financial year.

The review process consisted of two parts; a performance assessment of the implementation of management plans based on detailed annual reports prepared by Parks and Wildlife and a supporting workshop where further information is provided on each park. From this process, this Annual Assessment Report is prepared by the Parks and Wildlife for the MPRA.

The Annual Performance Assessment for 2012/2013 found that Parks and Wildlife regional offices spent approximately \$5.6 million for the operational management of the State's 16 marine parks and reserves with Parks and Wildlife expending an additional \$1.3 million on research and monitoring. The Department of Fisheries spent approximately \$1.2 million on additional responsibilities associated with the 7 marine parks where funding was allocated.

Using targets outlined in each marine park management plan, the assessment showed that a large majority of marine park ecological assets and values were being managed with a 'high' level of effectiveness. It also showed that over 90% of social and cultural high key management strategies were either partially complete, substantially complete or complete.

This report highlights concerns around the status of key performance indicators in two metropolitan marine parks; targeted finfish in Marmion Marine Park and little penguins in the Shoalwater Islands Marine Park. The MPRA are also concerned with the currency of some of the marine park management plans which have exceeded their 10 year life span. These management plans (Shark Bay, Marmion and Swan Estuary) remain in effect until new outcome based plans are prepared. The MPRA emphasized their continued concern that the current out dated plans do not adequately address changing pressures and priorities in these marine parks.

The Annual Performance Assessment Reports and workshop presentations are reviewed by the MPRA's Audit Subcommittee and a series of recommendations are put forward. For the 2012/2013 financial year 11 recommendations were made and these are detailed in Table 1.

**Table 7 Recommendations from the MPRA Annual Performance Assessment Report 2012/2013**

REFERENCE	KEY RECOMMENDATION
1-12/13	Status of Little Penguin remains a serious concern. Innovative management solutions are required.
2-12/13	Increased presence by Parks and Wildlife staff in remote marine parks such as Rowley Shoals should be considered.
3-12/13	It is important to continue to emphasize the significant role of public participation in the management of parks.
4-12/13	Monitoring techniques need to be standardized across all parks – possibly using Standard Operating Procedures
5-12/13	Techniques for assessing fish and invertebrate assemblages need to be standardized
6-12/13	Moorings use and management needs to be standardized across all parks – possibly using Standard Operating Procedures
7-12/13	Consistency in reporting, especially when reporting 'no data', needs to be maintained between marine parks
8-12/13	Condition/pressure/response data should indicate whether there is quantitative data to support assessment.
9-12/13	Seascapes and wilderness values need to be determined to ensure management objective can be achieved
10-12/13	Consistent, clear and appropriate signage continues to be a vital requirement in marine park management to ensure that marine park messages are available to the public
11-12/13	Access to marine parks from adjacent lands must be maintained to ensure effective management of the park. In areas where pastoral leases are adjacent to conservation estate, access must be negotiated.

A periodic assessment of implementation of the Ningaloo Marine Park Management Plan was also completed during the 2012/2013 year. The assessment found that a large proportion of the management plan strategies had been implemented and that all of the key ecological and social values were in a good to satisfactory condition. However, a number of key management issues need to be addressed to allow Parks and Wildlife to effectively manage the marine park.

## Swan Estuary and Shoalwater Islands Marine Park assessments

Under the MPRA audit policy and 'Rolling Schedule' the periodic assessment (5 year) of the implementation of Shoalwater Islands Marine Park Management Plan and the ten year assessment and review of the implementation of the Swan Estuary Marine Park and Adjacent Reserves Management Plan were due to be completed in 2013/2014.

In March 2014 stakeholder workshops, stakeholder consultation and site visits occurred for both of these metropolitan marine parks. Final reports for these assessments were completed at the end of June 2014 and forwarded to the Minister in August 2014.

## 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). Parks and Wildlife'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 2013/2014.

**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 2013/2014.

## MANAGEMENT IMPLEMENTATION ISSUES CONSIDERED DURING 2013/2014

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

- Shark net trial in the Ngari Capes Marine Park
- Aquaculture licence variation for Ocean Grown Abalone Pty Ltd
- Proposed MRS Amendment for Ocean Reef Marina
- Parks and Wildlife's Policy Statement No. 55 Commercial filming CALM managed lands and Corporate Guideline No. 20 Guidelines for the management of events and organised activities on CALM Act land

## **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 2013/2014 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 2013/2014**

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 Parks and Wildlife, 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 2013/2014**

On 4 October 2013, under section 56A(7)(a) of the CALM Act, the MPRA provided written support to the Minister for Environment for the joint management agreement for the Lalang-garram / Camden Sound Marine Park with the Dambimangari Traditional Owners.

On 20 December 2013, under section 56A(7)(a) of the CALM Act, the MPRA provided written support to the Minister for Environment for the joint management agreement for the Eighty Mile Beach Marine Park with the Nyangumata Warrarn Aboriginal Corporation

The Chair and Deputy Chair of the MPRA held a meeting with the Minister on 28 May 2014.

# 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*.

## STATE GOVERNMENT POLICY

Subject to certain constraints, current Government policy allows aquaculture and pearling in marine conservation reserves in accordance with the *Pearling Act 1990*, *FRM Act 1994* and the *CALM Act 1984*. 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.

The MPRA considered the following aquaculture activities during the 2013/2014 year:

- Ocean Grown Abalone Pty Ltd application to DoF to vary a lease area within the 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 1978*, *Petroleum Act 1967*, *Petroleum Pipelines Act 1969* and *Petroleum (Submerged Lands) Act 1982*.

## **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 1967* or the *Petroleum (Submerged Lands) Act 1982*. 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 from the Department of Mines and Petroleum staff in regard to general industrial development that is likely to affect existing or proposed marine reserves.

## **INDUSTRY AND RESOURCES ISSUES CONSIDERED DURING 2013/2014**

The MPRA received no additional briefings or provided comment on any industry and resources issues other than within general meetings in 2013/2014.

# **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 2013/2014**

- Cockburn Sound Management Council presented on environmental publications regarding the water quality in Cockburn Sound at the MPRA's 173<sup>rd</sup> meeting on 19 July 2013.
- The Department of Mines and Petroleum presented an update on petroleum titles administration at the MPRA's 173<sup>rd</sup> meeting on 19 July 2013
- The Department of Fisheries presented an update on aquarium fisheries in Western Australia at the MPRA's 174<sup>th</sup> meeting on 16 August 2013
- Parks and Wildlife presented on the Burial of Aboriginal People on CALM land policy and guidelines at the MPRA's 175<sup>th</sup> meeting on 27 September 2013
- Parks and Wildlife presented on the proposed aquaculture licence variation for Ocean Grown Abalone Pty Ltd at the MPRA's 175<sup>th</sup> meeting on 27 September 2013
- Parks and Wildlife and the Department of Premier and Cabinet presented on the progress of the Lalang-garram / Camden Sound joint management agreement at the MPRA's 175<sup>th</sup> meeting on 27 September 2013

- The CSIRO presented on the Pilbara Marine Conservation Partnership at the MPRA's 176<sup>th</sup> meeting on 18 October 2013
- The Department of Fisheries presented an overview of the new Abalone Aquaculture Policy at the MPRA's 176<sup>th</sup> meeting on 18 October 2013
- The State Solicitors Office presented an overview of the proposed Indigenous Land Use Agreement (ILUA) between the State and the Nyangumarta Warrarn Aboriginal Corporation for Eighty Mile Marine Park at the MPRA's 177<sup>th</sup> meeting on 15 November 2013
- The Department of Fisheries presented an overview of the Restocking and Stock Enhancement policy at the MPRA's 177<sup>th</sup> meeting on 15 November 2013
- Parks and Wildlife provided an update on the site visit to the proposed Horizontal Falls marine park at the MPRA's 179<sup>th</sup> meeting on 16 January 2014
- Parks and Wildlife provided further information regarding the proposed MRS Amendment for the Ocean Reef Marina development at the MPRA's 179<sup>th</sup> meeting on 16 January 2014
- The Department of the Premier and Cabinet provided an update on the progress of the proposed Roebuck Bay Marine Park at the MPRA's 180<sup>th</sup> meeting on 20 February 2014
- The Department of Mines and Petroleum, Department of Transport and the Parks and Wildlife presented on the oiled wildlife and oil spill contingency plans for State waters at the MPRA's 180<sup>th</sup> meeting on 20 February 2014
- Parks and Wildlife presented on sustainability audits to ensure commercial operations with wildlife interactions are operating sustainably at the MPRA's 181<sup>st</sup> meeting on 20 March 2014
- The Department of Fisheries presented their assessment of Demersal Scalefish and Near Shore Stock Assessment at the MPRA's 182<sup>nd</sup> meeting on 17 April 2014
- Parks and Wildlife presented on its revised policies for commercial filming, events and organised activities on CALM managed lands at the MPRA's 183<sup>rd</sup> meeting on 15 May 2014
- The CSIRO presented on the Ningaloo Research Project at the MPRA's 183<sup>rd</sup> meeting on 15 May 2014

## **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 Parks and Wildlife website at (<http://www.dpaw.wa.gov.au/mpra>).



# RESOURCES

## FUNDING AND ADMINISTRATIVE ARRANGEMENTS

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

In the financial schedule for the 2013/2014 period Parks and Wildlife allocated \$91,639 to the Planning Branch for member sitting fees, as well as administration and support of the MPRA.

PURPOSE	ALLOCATION (\$)
Honoraria (sitting fees etc)	66,639
Authority Operations (including catering, travel for stakeholder consultation, annual report)	10,000
Assessment of the implementation of management plans (including workshops)	15,000
<b>TOTAL</b>	<b>91,639</b>

In accordance with the requirements of section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2013/2014 financial year.

## Marine Parks and Reserves Authority

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