

Marine Parks and Reserves Authority

ANNUAL REPORT

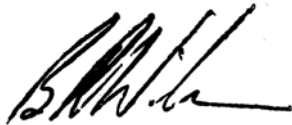
1 July 1998 - 30 June 1999

Address: Hackett Drive, Crawley
Western Australia 6009
Telephone (08) 9442 0300

Address for correspondence:
C/- Department of Conservation
and Land Management
Locked Bag 104
Bentley Delivery Centre WA 6983

HON MINISTER FOR THE ENVIRONMENT

In accordance with section 31 of the *Conservation and Land Management Act 1984*, I submit for your information and presentation to Parliament, the annual report of the Marine Parks and Reserves Authority for the year ending 30 June 1999.

A handwritten signature in black ink, appearing to read 'B.W. Wilson', with a stylized flourish at the end.

Dr Barry Wilson
Chairman

18 November 1999

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CHAIRMAN'S REVIEW

I welcome this opportunity of introducing this report on the activities of the Marine Parks and Reserves Authority for the period 1 July 1998 to 30 June 1999.

This year has seen a change to our membership, Mr David Hayes resigned from the Authority on 30 April 1999 in order to pursue interests overseas. I and the other members of the Authority would like to take this opportunity to thank David for his enthusiastic and capable participation during the term of his appointment and wish him well in his endeavours. We look forward to having this vacancy filled early in the next reporting period.

In 1997/98 it was reported that, following advice from the MPRA, the Government had initiated the planning and consultative processes for establishing marine reserves at the Dampier Archipelago, Montebello-Barrow Islands and the Leeuwin-Naturaliste Capes areas. This was in addition to the proposal for a marine reserve in the Jurien area initiated previously. Subject to the necessary endorsement through Parliamentary and public consultative processes, establishment of marine reserves in these four areas will add significantly to protection and management of the State's marine biodiversity and recreational resources. Development of these proposals has been a major focus of the MPRA during the past year.

Of particular interest to the MPRA has been the structure and operations of advisory committees which are established to assist with the development of the indicative management plans that are required by the legislation prior to publication of notices that marine reserves are proposed. Advisory committees are fundamental to effective community consultation on these matters. The MPRA is anxious that the committees should be fully briefed on the environmental, social and economic values of the areas under consideration and on the management principles that are involved, but that the work of the committees should then be community driven. The MPRA has devoted considerable time to this issue and communicated its views to the Minister.

Advisory committees for the proposed Dampier and Montebello-Barrow Islands marine reserves will be appointed early next year and the process for their establishment and their terms of reference have been reviewed. A set of guidelines has been developed for these committees outlining members' duties and responsibilities, highlighting important issues for each area, and providing study area boundaries.

Another significant matter addressed by the MPRA during the year has been the structure of reserve management plans and indicative management plans. The MPRA is conscious of its statutory responsibilities under marine reserve legislation for regular auditing of management plans and their implementation and seeks to ensure that the structure and content of plans lend themselves to that purpose. Accordingly, in consultation with the MPRA, the Department of Conservation and Land Management has developed a new format for management plans and this is being trialed for the Rowley Shoals Marine Park and the proposed Jurien marine reserve.

An important achievement during the year has been a review of recommendations of the Marine Parks and Reserves Selection Working Group (1994) report. Addition of the four new marine reserves currently under consideration will bring the total number of marine reserves under the CALM Act to eleven. For the purposes of forward-looking, the MPRA has developed criteria for prioritising the remaining recommendations of the Working Group. Using these criteria the MPRA held a workshop on 27 and 28 October 1998, attended by members of the Authority, the Marine Parks and Reserves Scientific Advisory Committee (MPRSAC) and representatives of government agencies and stakeholder groups. The outcome was a ranking of each of the areas recommended by the Working Group.

A joint meeting of the MPRA and MPRSAC was held on 6 May 1999 to give further consideration to the results of the October workshop. Ten marine areas, in two levels of priority, were identified as the next group to be considered for reservation. Once these were established, there would be 21 marine conservation reserves in Western Australia's coastal waters, protecting marine habitats and wildlife in each of the State's major bioregions. This would represent significant progress toward establishment of a statewide representative marine reserve system. The Minister was advised of these outcomes.

In the course of these deliberations, the MPRA has become aware that implementation of this marine reserve program will take a long time. The legislation requires an intensive, resource-consuming consultation program prior to establishment of a marine reserve. On the basis of the experience of the Jurien marine reserve project, each new proposal is likely to take several years to reach the point where the reserve can be

established. The expected long lead time for the implementation of the Government's representative marine reserve system policy has been drawn to the attention of the Minister. The difficulty is partly due to the limited resources that can be directed to the planning and consultation programs. The MPRA has suggested to the Minister that the difficulty could possibly be alleviated by greater involvement of community groups in the development of marine reserve proposals in their areas. This possibility will be explored further in the coming year.

The activities of the MPRA during the year are described in more detail in the report that follows. It has been a very challenging period, the task of putting in place a representative system of marine reserves and ensuring their effective ongoing management, balancing the principles of environmental protection, scientific research, public education and enjoyment and equity of access is a daunting one indeed. Nevertheless, significant progress has been made.

The MPRA acknowledges the assistance of many people who have given us their advice on the issues before us. In particular, we thank the members of the Jurien Marine Reserve Advisory Committee who have laboured so diligently with the development of an indicative management plan for that proposed reserve. We also thank the staff of Fisheries WA who have liaised with us on many matters of mutual interest. Special thanks are due to staff of the Department of Conservation and Land Management who have so effectively serviced the operations of the MPRA, prepared our briefing papers and implemented our recommendations.

Finally, I would like to thank fellow members for their hard work and dedication over the last year.

GENERAL INFORMATION

FUNCTIONS OF THE MARINE PARKS AND RESERVES AUTHORITY

The *Acts Amendment (Marine Reserves) Act 1997* (Amendment Act) was proclaimed on 29 August 1997 and included amendments to the *Conservation and Land Management Act 1984* (CALM Act), which established the Marine Parks and Reserves Authority (MPRA) as the vested body for Western Australia's marine conservation reserves. Vesting was transferred from the National Parks and Nature Conservation Authority (NPNCA) to this Authority. The MPRA was created as a Controlling Body under section 26A of the CALM Act. The Authority is responsible to the Hon Minister for the Environment.

Western Australia's marine nature reserves, marine parks and marine management areas are vested in the MPRA. Day to day management of these vested waters and lands is carried out by CALM.

In addition to being the vested authority for these conservation reserves, section 26B(1)(b) of the CALM Act prescribes the functions of the Authority. These are:

1. Development of policies
 - (a) to preserve the natural marine and estuarine environments of the State;
 - (b) to provide facilities for the enjoyment of those environments by the community;
 - (c) to promote appreciation of marine and estuarine flora and fauna and natural marine and estuarine environments; and
 - (d) to achieve and promote the management objectives of the various types of marine conservation reserve vested in it, as outlined at section 56 of the Act.
2. To consider and advise (in accordance with section 17) any proposed cancellation, change of purpose or boundary alteration in respect of land or water vested in it.
3. To advise the Minister on proposals for reservations (for the purposes of section 14).
4. To submit proposed management plans, for the marine conservation reserves vested in it, to the Minister for consideration and approval (Part V of the Act).

5. With the approval of the Minister, cause study or research to be undertaken to assist in policy development.
6. In relation to management plans for land and waters vested in the Authority
 - (a) to develop guidelines for monitoring the implementation of the management plans by the Department;
 - (b) to set performance criteria for evaluating the carrying out of the management plans; and
 - (c) to 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 Authority's advice. However, if the matter involves a specific area of land or waters, the Authority 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 Authority is required under section 26B(6), to first contact the WA Museum to provide an opportunity for it to comment.
8. In response to requests, provide advice to any person or body on matters relating to conservation reserves vested in the Authority - if it is practical for the Authority to do so and if also in the public interest.

(Note: Except where otherwise indicated, the terms "the Minister", "the Department", "the Act" and "the Amendment Act" used in this report refer to the Minister for the Environment, the Department of Conservation and Land Management, 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 Marine Parks and Reserves Authority 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 Authority is required under section 26C(2) to include the text of any direction given in its annual report.

The Minister did not provide any written direction to the MPRA under this section of the CALM Act during the 1998/99 period.

AUTHORITY MEMBERSHIP

The Authority is made up of 7 members who are appointed under the provisions of sections 26D(1) and 26D(2) of the Act, and are to be persons who, in the opinion of the Minister, have knowledge and experience or a particular function or vocational interest which is relevant to the functions of the Marine Authority.

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)).

Membership for the period 1 July 1998 to 30 June 1999 is recorded below.

Appointed Members

- (1) Dr Barry Wilson (Chairman)
- (2) Mr Michael Hardy (Deputy Chairman)
- (3) Mr David Hayes (resigned as of 30 April 1999, vacant position from 30 April to 30 June 1999)
- (4) Associate Professor Diana Walker
- (5) Ms Edwina Davies Ward
- (6) Mr Ian Finlay
- (7) Mr Angus Horwood

Reasonable notice of meetings of the Marine Authority is required to be given to CALM 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.

CALM's Executive Director, 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.

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.

AUTHORITY MEETINGS

Meetings of the full Authority were held on seven occasions during the period. These were:

3 September 1998
19 November 1998
11 December 1998
25 February 1999
15 April 1999
6 May 1999
17 June 1999

A two day marine conservation reserve prioritising workshop was also held on 27-28 October 1998.

In addition to the above meetings, the Authority formed smaller committees to deal with specific issues and policy matters. These committees met on an "as needs basis" during the period.

Attendance of Executive Director and other Chief Executive Officers

In accordance with section 26D(5) of the Act, the Executive Director of the Department and chief executive officers of other relevant Departments were advised of meetings of the MPRA so that they could take part in the discussion and consideration of the business before the Authority.

The attendance of and valuable contributions from chief executive officers or their representatives at meetings was much appreciated by the Authority.

A situation necessitating the MPRA to invoke section 26D(6) of the Act to exclude chief executive officers from part of a meeting did not arise in the period 1998/99.

RESOURCES

The Department provides the necessary secretarial staff to the Authority, being part of one officer's duties plus typing services. Other Departmental staff also provide substantial input to the Authority. I extend appreciation to CALM staff, particularly the Authority's Executive Officer and staff of the Marine Conservation Branch, for their background briefings and advice and assistance at Authority meetings, as well as to the representatives of other Government agencies who have also attended Authority meetings.

The MPRA has no financial functions. Costs relating to honoraria, travel costs and day to day running costs are met from the Consolidated Fund appropriation of the Department. Approximate expenditure for the 1998/99 year (excluding CALM officers' salaries) was \$44,000.

In accordance with the requirements of Section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 1998/99 year.

THE MARINE CONSERVATION ESTATE

LEGISLATIVE BACKGROUND

Under sections 7(5) and 26B(1)(a) of the CALM Act, the MPRA is the vested authority for marine conservation reserves to which the Act applies. The Authority 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 main conservation reserve categories vested in the MPRA under the CALM Act. Other reserves vested in the NPNCA under the Land Act (now *Land Administration Act 1997*) for similar purposes have been transferred to the MPRA. The CALM Act marine conservation reserve categories are:

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. To date there is only one marine nature reserve established.

Marine parks. Marine parks are created to protect natural features and aesthetic values while at the same time enabling recreational and commercial use where these activities do not compromise conservation values.

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

(i) Recreation Zones

Specified recreation activities consistent with conservation of natural resources are permissible in a recreation zone. Commercial fishing, aquaculture and pearling and hatchery activities are not permitted in recreation zones. Similarly, exploratory drilling for and the production of petroleum, and disturbance by mining are not permissible activities in marine park recreation zones.

(ii) General Use Zones

Commercial and recreational activities consistent with the conservation of natural resources are permissible in a general use zone. For example, commercial and recreational fishing and aquaculture under the *Fish Resources Management Act 1994* are permissible activities, as are pearling and hatchery activities under the *Pearling Act 1990*. Similarly, exploratory drilling for and the production of

petroleum, and mining are permissible activities subject to petroleum and mining legislation and the *Environmental Protection Act 1986*.

(iii) Sanctuary Zones

A sanctuary zone provides for the total protection of environmental values, while the limited range of recreational uses consistent with the protection of these values is permissible. Exploratory drilling for and the production of petroleum, mining, commercial and recreational fishing, aquaculture and pearling are not permitted in sanctuary zones.

(iv) Special Purpose Zones

A special purpose zone can be established for any purpose(s) where the purposes assigned to recreation, general use and sanctuary zones are inappropriate for the values intended to be protected and the activities to be managed in a particular area of a marine park. A combination of commercial and/or recreational uses could be permissible activities in a special purpose zone.

Marine management areas. To date no marine management areas have been established. Marine management areas will 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 have been reserved and originally been vested in the NPNCA under the Land Act (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 currently vested in the MPRA to date are Class A.

Any CALM Act marine conservation 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

Marine nature reserves. As at 30 June 1999 one marine nature reserve totalling approximately 132,000 hectares was vested in the Authority.

Marine parks. As at 30 June 1999 six marine parks totalling approximately 1,013,940 hectares were vested in the Authority.

Marine management areas. As at 30 June 1999 there were no marine management areas established.

Further details of the conservation estate are contained in the annual report of the Department.

CONSIDERATION OF PROPOSED CHANGES FOR VESTED LAND AND WATERS

As the vested controlling body, the Authority considered proposals presented to it throughout the year relating to boundary changes, classification changes, vesting or other matters. These are summarised below:

- During the 1997/98 period the MPRA provided advice and recommendations to the Minister on priority areas for consideration for reservation under the CALM Act. Acting on the Authority's advice the Minister announced in December 1997 that the Montebello-Barrow Islands, Dampier Archipelago and the Geographe Bay-Capes-Hardy Inlet area will be priority areas for consideration for reservation. This is in addition to the proposed Jurien Bay marine reserve, which was identified as a priority area before the establishment of the MPRA.

The MPRA also provided advice to the Minister during the 1997/98 period on several other areas for consideration for reservation, which in addition to having been identified by the Marine Parks and Reserves Selection Working Group report, have also been recommended through other planning processes. These include the waters adjacent to Bernier, Dorre and Dirk

Hartog Islands at Shark Bay, the southern extensions to Ningaloo Marine Park, and the Broke and Walpole-Nornalup Inlets. In the 1998/99 period the Minister supported progression of extensions to Shark Bay Marine Park, Ningaloo Marine Park and Shoalwater Islands Marine Park and supported the MPRA and CALM jointly pursuing the possibility of a local community group obtaining funds to collate the available information on the Walpole-Nornalup Inlets as an input to the indicative management planning process.

CALM developed a prioritising framework, including a set of criteria, to facilitate the prioritising of the remainder of the Marine Parks and Reserves Selection Working Group report recommendations. The Authority commenced the first step of this prioritising task in the form of a MPRA workshop held on 27 and 28 October 1998. Representatives from the MPRA, Marine Parks and Reserves Scientific Advisory Committee, relevant government agencies and stakeholder groups attended the workshop. The end result of the workshop was that each area was given a total weighting and ranking.

A joint meeting was held between the MPRA and Marine Parks and Reserves Scientific Advisory Committee on 6 May 1999 to further consider the results of the October Workshop and determine a group of areas to be recommended for consideration for reservation, following those already identified.

The Authority has advised the Minister that it has identified ten areas, in two levels of priority, as the next group to be considered for marine reservation (i.e. following the areas already identified and listed above):

First priority to advance

Houtman Abrolhos
Roebuck Bay
St George Basin
Buccaneer Archipelago
Cambridge Gulf

Second priority to advance

Recherche Archipelago
Fitzgerald River
Broke Inlet
Exmouth Gulf
Oceanic Coral Banks and Islands (Kimberley Region)

The Authority has not listed the above areas in any order of priority within the two groups.

With respect to the Abrolhos, the MPRA is aware that the Government has decided to proceed with the establishment of a Fish Habitat Protection Area under the *Fish Resources Management Act 1994*. Notwithstanding this, the MPRA included the Abrolhos in its list because the criteria it used were independent of such policy consideration by Government.

The MPRA also noted that it will be some time before the additional areas identified can be progressed, due to the availability of resources and the time consuming processes involved in considering areas for marine reservation as a consequence of the legislative requirement for an indicative management plan to be available at the time of issue of a notice of intent for reservation.

- The MPRA endorsed proposed boundaries for the study areas of the Dampier Archipelago and Montebello-Barrow Islands marine conservation reserve proposals.

CALM ACT CONTROLLING BODIES

NATIONAL PARKS AND NATURE CONSERVATION AUTHORITY

Prior to proclamation of the Amendment Act on 29 August 1997 the State's marine conservation reserves were vested in the NPNCA.

Reciprocal statutory requirements have been placed on the Marine Authority and the NPNCA 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 (CALM Act, sections 22(6) and 26B(7)). In addition, the Minister has expressed the view that both the Marine Authority and the NPNCA should be pro-active in developing joint or reciprocal policies on areas of common interest, particularly where integrated management of waters vested in the Marine Authority and land vested in the NPNCA is to be addressed and, generally, where island and coastal management issues as they relate to species conservation and environmental degradation may arise. The policy development functions of the Marine Authority and the NPNCA are analogous.

During the 1998/99 period a number of issues were considered by both the MPRA and NPNCA. The MPRA endorsed the trial of a new format for the management plan for the Rowley Shoals Marine Park and the indicative management plan for the proposed Jurien Bay marine reserve. The need for a consistent approach to all CALM Act management plans for conservation reserves (marine and terrestrial) was noted. The NPNCA was also briefed on the proposal and will give further consideration to adopting the approach on completion of the trial.

A proposal from the Australian Marine Conservation Society to carry out enhancement of bird roosting habitat at Milyu, in the Swan Estuary Marine Park and adjacent nature reserve, was considered and approved by both the NPNCA and MPRA.

The annual report of the NPNCA should be referred to for details of its activities.

MARINE PARKS AND RESERVES SCIENTIFIC ADVISORY COMMITTEE

On proclamation of the Amendment Act on 29 August 1997 the Marine Parks and Reserves Scientific Advisory Committee was established under section 26F of the CALM Act.

The functions of the Scientific Advisory Committee under section 26G of the CALM Act include providing advice to the MPRA on scientific matters relating to the functions of the Authority and any matters referred to the Advisory Committee by the MPRA.

During the 1998/99 period the Chairman of the Scientific Advisory Committee attended all of the seven MPRA meetings. The MPRA meeting on 6 May 1999 was a joint meeting with the Scientific Advisory Committee. The MPRA has also referred a number of matters to the Scientific Advisory Committee for advice during the period. The two bodies exchange meeting minutes.

Members of the Scientific Advisory Committee also attended the MPRA marine reserve prioritising workshop held on 27 and 28 October 1998.

The annual report of the Scientific Advisory Committee should be referred to 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; for promoting the appreciation of flora and fauna, and the natural marine and estuarine environments; and to achieve and promote the management objectives of the various types of vested marine conservation reserves as outlined at section 56 of the Act.

POLICY STATEMENTS

Where directly relevant to the Authority, CALM's departmental policy statements will be presented to us for comment and formal endorsement. The Department produces policy statements that provide practical guidelines for CALM staff in the performance of their duties and also provide to the public a statement about these management guidelines. Once endorsed they may also be accepted as MPRA policy.

OTHER POLICY AREAS

- The MPRA was briefed by Fisheries WA on the proposal to establish benchmark dates for proposed marine conservation reserves to assist in identifying 'long term and consistent' fishing history. The MPRA supported the principle of forming benchmark dates. The Authority also supported the benchmark date being set earlier in the process when there is formal government endorsement (i.e. agreement among the

Ministers for the Environment, Fisheries and Mines) of a proposal to consider establishment of a marine conservation reserve, in whatever form this endorsement takes (statutory or non-statutory). This benchmark would also apply for areas that already have government endorsement.

- During the 1998/99 period a draft prioritising paper prepared by CALM was commented on by the MPRA and finalised for use at the marine conservation reserve prioritising workshop held on 27-28 October 1998.
- Guidelines for future proposed marine conservation reserve advisory committees were prepared by CALM and commented on by the MPRA. These guidelines include outlining advisory committee members' duties and responsibilities and highlighting some of the important issues for each area.
- The MPRA agreed to the policy of CALM licensing all commercial charter operators that enter and use marine conservation reserves, in accordance with the CALM Act and Regulations, with Fisheries WA managing the taking of fish, in accordance with the *Fish Resources Management Act 1994*. The Authority agreed that CALM should liaise with Fisheries WA, Department of Transport and others to develop an approach to progress with CALM licensing all charter boat operators that enter and use the marine conservation reserves vested in the MPRA.

MANAGEMENT PLANS, LEASES, LICENCES AND PERMITS

LEGISLATIVE BACKGROUND AND MANAGEMENT PLAN DEVELOPMENT

The CALM Act prescribes a requirement to prepare an indicative management plan for a proposed marine conservation reserve to be released at the time public notification of the reservation proposal is made. Prior to publication of this notice of intent to reserve Western Australian waters, the Authority is required to report to the Minister on the proposed reserve (CALM Act, sections 14(1a) and 26B(1)(d)). Therefore, for marine conservation reserves established post-Amendment Act, the first management plan that will apply to the reserve is an indicative management plan which will effectively apply to management from the day on which reservation is made or as soon as practicable thereafter.

Indicative management plans are, in due course, replaced by CALM Act Part V management plans which are prepared by the MPRA through CALM.

The Authority (under section 26B(1)(e) and section 54 of the Act) is required to submit proposed management plans for waters and lands vested in it to the Minister.

For marine conservation reserves established pre-Amendment Act that did not have a management plan in place when the Amendment Act began operation, the first management plan that will apply to the reserve is a CALM Act Part V management plan. For those reserves established pre-Amendment Act which have an operative management plan, the plan continues in force.

Indicative management plans and CALM Act Part V management plans contain statements on the purpose and background of the plan; the resource information on which the plan is based; management issues and discussion of options where appropriate; and a summary of the operations proposed to be undertaken in respect of that land and waters during a period not exceeding 10 years. Indicative draft management plans and CALM Act Part V draft management plans are released for public comment for a period not less than three months and two months respectively. Written submissions are received from any interested person or group during that time.

The planning team for each plan analyses and summarises all public submissions and makes changes to the plan where appropriate. A suggested final plan is then forwarded to the Minister (with any amendments) for approval for adoption. Table 1 lists the CALM Act Part V management plans approved and Table 2 shows those currently in preparation. Table 3 shows the indicative management plans currently in preparation.

MANAGEMENT PLAN IMPLEMENTATION

The MPRA has a responsibility under the CALM Act to monitor the implementation of approved management plans (section 26B(1)(f) of the CALM Act). The Authority has commenced the development of a draft management plan monitoring system.

Formal monitoring should be initiated during a management plan's mid-term. This is about four to six years into a ten year term. Monitoring guidelines and setting of performance criteria for implementation will be part of this system. The MPRA endorsed the trial of a new format for the management plan for the Rowley Shoals Marine Park and the indicative management plan for the proposed Jurien Bay marine reserve. Monitoring procedures will need to be developed to reflect this approach taken to management plans.

MANAGEMENT ISSUES

Interim Management

Necessary Operations. In the absence of an approved management plan for MPRA vested land and waters certain necessary operations may be undertaken by the Department on marine nature reserves in accordance with section 33(3)(b)(i) of the 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". CALM'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 Authority, however our advice may be sought as required. No advice was sought during the 1998/99 period.

Compatible Operations. Section 33(3)(b)(ii) provides that "compatible operations" may be undertaken in marine parks and marine management areas where there is no approved management plan. Compatible operations include "necessary operations" (see above) but may also include operations approved by the Minister for the Environment as being compatible with the purpose for which the marine park or marine management area is managed. Before the Minister can approve such an operation it must be publicly notified and an opportunity for public submissions must be provided as for management plans. Advice from the Authority on compatible operations may be sought as required. No advice was sought during the 1998/99 period.

Leases, Licences and Permits. The *Conservation and Land Management Regulations 1992* require that commercial operations on MPRA vested land and waters are licensed. The issuing of licences enables the Department to monitor access and use of land and waters under its control and to ensure, through application of conditions, that the conservation values of these areas are maintained. Leases can also be issued on MPRA vested land and waters. It is not a requirement that leases and licences be referred to the Authority, however our advice may be sought as required. Under section 99 of the CALM Act licences and leases require approval of the Minister for the Environment before they can be granted by the Executive Director. Commencement of the Amendment Act enabled the Minister to declare under the CALM Act that a permit was required to carry out a certain activity in a reserve. This power can be applied to activities which are not subject to the commercial operations regulations. During the 1998/99 period no permit declaration affecting a marine reserve was made.

Issues Considered

Issues relating to management plans and interim management matters considered during the year included:

- The MPRA considered a paper outlining a proposed structure for future marine conservation reserve management plans. The paper proposed a greater emphasis in management plans on outcomes rather than on management strategies, with measurable performance indicators and management targets. The MPRA endorsed evaluation of an approach which incorporates a risk analysis based approach to marine conservation reserve management and an outcome based approach to management planning. The Authority also endorsed the trial of the new format for the management plan for the Rowley Shoals Marine Park and the indicative management plan for the proposed Jurien Bay marine reserve. Audit procedures are to be developed to reflect this approach taken to management plans.

The need for a consistent approach to all CALM Act management plans for conservation reserves (marine and terrestrial) was also noted. The National Parks and Nature Conservation Authority was also briefed on the proposal and will give further consideration to adopting the approach on completion of the trial.

- The MPRA was briefed on shark cage activities operating in the Ningaloo Marine Park. The Authority recommended a number of steps be taken in relation to this issue including
 - an assessment of the increased public liability risk from allowing this activity in marine conservation reserves;
 - liaison with Fisheries WA to ensure consistency of management of shark feeding outside of marine conservation reserves;
 - assessment and monitoring of the shark feeding operation in Ningaloo Marine Park; and
 - development of draft licence conditions and an operational code of conduct for the activities.
- The MPRA was briefed on the scientific results of flushing studies carried out in the Monkey Mia lagoon and their implications for management. It was noted that a review of waste management practices has been

recommended in light of the poor flushing behaviour indicated by the results.

- The MPRA approved a proposal from the Australian Marine Conservation Society to carry out enhancement of bird roosting habitat at Milyu, in the Swan Estuary Marine Park and adjacent nature reserve. The proposal involves slightly modifying the shoreline of Milyu by creating two stretches of limestone rubble along the beach. The proposal was also considered and approved by the National Parks and Nature Conservation Authority.
- The MPRA was updated on progress of management planning for the Rowley Shoals Marine Park. The Authority approved the zoning scheme to be included in the draft management. The MPRA decided that given that recreational fishing occurs outside the lagoons in the Park, and the high conservation and wilderness/tourism values of the Rowley Shoals, the zoning scheme should place a priority on protection of the lagoon areas from extractive activities. This will help maintain the unique values of the Shoals. It is also proposed that the Marine Park boundary be extended to the boundary of State water, three nautical miles seaward of the outer reef edge.
- The MPRA provided comment on the department's five year management plan program. It was noted that the indicative management plans for Jurien Bay marine reserve, Montebello-Barrow Islands marine reserve, Dampier Archipelago marine reserve, and Geographe Bay-Capes-Hardy Inlet marine reserve are on the program. The MPRA requested that the Walpole-Nornalup Inlet be added to the indicative management plan list.
- The MPRA considered a proposal from Fisheries WA to alter the Shark Bay prawn trawl boundary. The Authority did not have any objections to the proposed alteration and noted that this change should be taken into account when the Shark Bay Marine Park boundaries are reviewed, as recommended in the Shark Bay Marine Reserves Management Plan.
- The MPRA endorsed the proposed objectives and broad process for the review of the Ningaloo Marine Park Management Plan.

Table 1

**APPROVED MANAGEMENT PLANS
by CALM plan number**

NUMBER	PLAN	DATE APPROVAL OF MINISTER GAZETTED
12	Ningaloo Marine Park	24 November 1989
23	Marmion Marine Park	15 May 1992
34	Shark Bay Marine Reserves*	7 March 1997

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

Table 2

MANAGEMENT PLANS BEING PREPARED

1. DRAFT PLANS RELEASED (and final plans being prepared)	Date of Release
Shoalwater Islands Marine Park	26 October 1995
Swan Estuary Marine Park and Adjacent Nature Reserves	2 March 1997
2. DRAFT PLANS BEING PREPARED	
Rowley Shoals Marine Park	

Table 3

INDICATIVE MANAGEMENT PLANS BEING PREPARED

1. INDICATIVE MANAGEMENT PLANS BEING PREPARED
Jurien Bay

ADVICE TO THE MINISTER AND OTHERS

LEGISLATIVE BACKGROUND

The Authority provides advice to the Minister on:

- the development of policies for the conservation and management of the marine and estuarine flora and fauna and natural environments of the State;
- any matter on which advice is sought by the Minister

and to any other body, including the Department on matters relating to conservation reserves vested in the Authority - if it is practical for the Authority to do so and if also in the public interest. (Refer section 26B(1)(g) and (i) of the CALM Act.)

ACTION DURING 1998/99

The MPRA:

- Provided, on request, advice to the Environmental Protection Authority on the geo-heritage values of Doctors Creek, a tidal creek system across the mud flats immediately north of Derby. The request for this advice resulted from a tidal power station proposal at Doctors Creek. The MPRA advised the Environmental Protection Authority that the MPRA does not consider that the values of the site are 'of such importance at State, national and international levels to warrant its reservation' at this time.
- Provided comments to the Department of Environmental Protection on the Consultative Environmental Review and report for construction of additional crystallizers, Useless Loop, Shark Bay.
- Provided comments to the Minister on a proposed boating facility at Coral Bay and development at Mauds Landing.
- Provided comments on the Environmental Protection Authority/CSIRO discussion paper "The future of Perth coastal waters: Have your say".
- Provided comments on Environmental Protection Authority Bulletin 907 – The Marine Environment of Cockburn Sound.
- Provided comments to the Australian Heritage Commission on the proposal to enter the Shark Bay area in the Register of the National Estate.
- Provided advice to the Minister on the structure and composition of advisory committees for marine conservation reserve proposals.
- Provided comments to the Environmental Protection Authority on proposed development at Mauds Landing.
- Provided comments to the Environmental Protection Authority on the guidelines for the Public Consultative Review for the proposed Coral Bay to Yardie Creek Road.
- Provided comments on the Fisheries WA documents prepared as part of the planning process for future aquaculture activity in the Recherche Archipelago.
- Provided advice to the Minister on ten new areas as the next priority group to be considered for marine reservation, following the areas that have already been identified as a priority.

AQUACULTURE AND PEARLING

BACKGROUND

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

Licensing and leasing of aquaculture sites/operations other than aquaculture of the pearl oyster *Pinctada maxima* are subject to the *Fish Resources Management Act 1994*. Pearling and hatchery activities using *Pinctada maxima* are subject to the licensing and leasing requirements of the *Pearling Act 1990*.

Apart from possible conservation and environmental impacts, the occupation of sites for aquaculture and pearling purposes may also effectively or necessarily deny or prevent access to those sites by other users of the marine environment.

STATE GOVERNMENT POLICY

Subject to certain constraints, current Government policy allows aquaculture and pearling in marine conservation reserves in accordance with the Pearling Act, Fish Resources Management Act and the CALM Act. These activities are not allowed to commence in marine nature reserves or sanctuary zones, recreation zones and some special purpose zones in marine parks.

MPRA INVOLVEMENT

In accordance with the processes set down in the Minister for Fisheries' Ministerial Policy Guideline No. 8 *Assessment of applications for authorisations for aquaculture and pearling in coastal waters of Western Australia*, all aquaculture and pearling applications are referred to the MPRA by Fisheries WA for comment. Given the number of applications that the Authority receives for comment, it has decided to only consider and comment on those that either involve an existing marine conservation reserve or a proposed marine conservation reserve that is subject to formal consideration.

1998/99 AQUACULTURE AND PEARLING ISSUES CONSIDERED

The MPRA:

- Provided comments on a draft aquaculture plan for Shark Bay.
- Provided comments on the Fisheries WA documents prepared as part of the planning process for future aquaculture activity in the Recherche Archipelago.
- Considered a proposal for extension of an aquaculture lease at Red Cliff Bay within the Shark Bay Marine Park near Monkey Mia. Initially the MPRA expressed no objection to the proposed extension. Later, the Authority was made aware that the area covered by the proposed extension was significant habitat for the "beach dolphins" at Monkey Mia and there were concerns about the impacts of the extension of the dolphins. The MPRA requested that Fisheries WA take this information into consideration and seek a detailed report from the dolphin researchers.

Following this the MPRA received further detailed information on the issue which indicates that there is a significant risk that the lease extension may impact negatively on these individual dolphins that inhabit Red Cliff Bay and which are the centre of the tourism operations in the bay and on the beach at Monkey Mia. In light of this the MPRA advised the Minister for the Environment that it is strongly opposed to the extension of the pearling lease as proposed. The Authority is supportive of pearl culture in the marine park in principle but not at this location. At the end of the financial year, a determination on this issue had not been finalised.

PETROLEUM AND MINING

BACKGROUND

Petroleum and mineral development within WA 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 Authority has a role in scrutinising applications to mine or explore for minerals in marine conservation reserves vested in it and to provide advice to the Minister for the Environment on such proposals. A policy to facilitate this role has been developed but the Authority has yet to have a mineral exploration or mining proposal referred to it because of the present low level of these activities in the marine environment.

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 etc. 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 Authority. Current involvement of the MPRA also relies on the Environmental Protection Act processes and on administrative arrangements.

1998/99 PETROLEUM ISSUES CONSIDERED

- The MPRA wrote to the Department of Environmental Protection expressing its interest in being involved in a study being prepared regarding environmental aspects of petroleum exploration and development activities in the Shark Bay World Heritage Property (which includes the Shark Bay Marine Park and Hamelin Pool Marine Nature Reserve).

LIAISON

In carrying out its functions the Authority visited a number of places during the year, attended meetings with other organisations and was briefed by representatives from Government and private companies. These included:

- Representatives from the Authority attended a workshop in relation to the proposed expansion of the CSIRO Marine Research Division in Western Australia.
- The Chairman attended an inter-agency meeting regarding a proposed boating facility at Coral Bay.
- The Authority was briefed by the Chairman of the Advisory Committee for the proposed Jurien Bay marine reserve on progress of the Committee.
- The Authority was briefed by departmental staff on the zoning schemes being considered by the Advisory Committee for the proposed Jurien Bay marine reserve.
- The Chairman and Deputy Chair of the Environmental Protection Authority and representatives from the Department of Environment Protection attended an MPRA meeting to discuss general policy issues.
- The Authority was briefed by representatives from the Department of Environmental Protection on the Environmental Protection Authority/CSIRO discussion paper "The future of Perth coastal waters; Have your say".
- Representatives from the Authority attended the Southern Ocean: Wonders, Wealth and Wisdom Conference in Denmark, in October 1998.
- Representatives from the Authority attended a presentation on environmental impacts of pearling by the Pearl Producers Association.
- The Authority was briefed by representatives from Fisheries WA on the situation with the pilchard herpes virus in WA.
- The Authority was briefed by representatives from Fisheries WA on the Department's regional planning program for recreational fishing.
- Representatives from the MPRA met with representatives from the Conservation Council to discuss the proposed Jurien Bay marine reserve process.
- The Authority was briefed by representatives from Fisheries WA on development of an aquaculture plan for the Recherche Archipelago.
- Representatives from the MPRA attended a Southern Oceans Conference and briefed a public meeting at the invitation of the Shire of Esperance in relation to the marine reservation process, in May 1999.
- The Chairman met with representatives from the Navy to discuss proposed extensions to the Shoalwater Islands Marine Park.
- The Authority was briefed by departmental staff on the Indigenous Protected Areas Program of the Natural Heritage Trust.
- The Authority was briefed by departmental staff on the proposed CALM administrative arrangements resulting from the Regional Forest Agreement.
- The Authority was updated by staff from Fisheries WA on the Fish Habitat Protection Areas program for WA.