

Marine Parks and Reserves Authority

ANNUAL REPORT

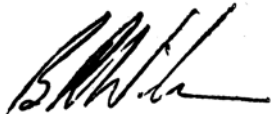
1 July 1999 - 30 June 2000

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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 2000.

A handwritten signature in black ink, appearing to read 'B. Wilson', written in a cursive style.

Dr Barry Wilson
Chairman

18 November 2000

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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 1999 to 30 June 2000.

This year again has seen a change to our membership. Mr Michael Hardy, Deputy Chairman resigned from the Authority on 23 November 1999. The Authority would like to take this opportunity to thank Michael for his participation and contribution during the term of his appointment and wish him well in his endeavours. During this reporting period Mr Tony Van Merwyk, from Freehill Hollingdale and Page, was appointed a member of the Authority. A warm welcome is extended to Tony. Mr Ian Finlay was also appointed Deputy Chairman. I sincerely appreciate Ian's support and continuing hard work on Authority matters.

An important achievement during the year has been the preparation of two reports by the MPRA to the Minister for the Environment pursuant to section 14(1a) of the *Conservation and Land Management Act 1984* (CALM Act). These reports were on the draft indicative management plan that has been prepared in association with the advisory committee for the proposed Jurien Bay Marine Park and the draft management plan for the Rowley Shoals Marine Park and the draft indicative management plan for extensions to the Rowley Shoals Marine Park. The MPRA recommended that the Minister seek necessary agreement from the Ministers for Mines and Fisheries to publish notices of intent and release the draft indicative management plans for public comment.

The marine and coastal environs of the Jurien Bay region provide a unique combination of offshore reefs, islands and sheltered lagoons. The proposed Jurien Bay Marine Park is considered to be broadly representative of the central west coast limestone reef system, a major marine ecosystem within this bioregion. The marine biota of the area consists of a mix of tropical and temperate species as well as many endemic species. The area is considered to be in a near pristine condition largely as a result of the relatively low human population. The draft indicative management plan for the Jurien Bay Marine Park provides a detailed description of the ecological and social values of the area, management objectives, strategies and targets.

The Authority noted that while there is very strong support for the proposal to have a marine park at Jurien Bay, the details of the draft indicative management plan are not to the complete satisfaction of all of the stakeholders. The

Authority advised the Minister that three aspects that remain especially contentious are the area of the proposed sanctuary ("no take") zones, the ecological impacts of rock lobster fishing and perceived inequities in the treatment of recreational and commercial fishing, notably rock lobster fishing.

The Rowley Shoals is a unique area that is of international significance. In a global context, the Shoals represent a pristine coral reef system typical of the Indo-West Pacific region. The Rowley Shoals are therefore an important conservation area and a reference point against which to assess ecological changes elsewhere. The draft management plan and proposed extensions reflect the Shoal's high conservation values.

Through the Jurien Bay and Rowley Shoals indicative management planning process, the MPRA has become aware that implementation of the statewide marine reserve program will take considerable time. The legislation requires a concentrated, resource-consuming consultation program prior to establishment of a marine reserve. In the case of the Jurien Bay Marine Park, experience indicates that each new proposal is likely to take several years to reach the point where the reserve can be established. The difficulty is partly due to the limited resources that can be directed to the planning and consultation programs. The MPRA is most anxious that Government now provides sufficient funds to allow the effective implementation of management strategies that the indicative management plans recommend.

A significant matter addressed by the MPRA during the year has been the structure and operations of advisory committees. Advisory committees are crucial to effective community consultation and in assisting with the development of indicative management plans that are required by the legislation prior to publication of notices that marine reserves are proposed. The Authority held a workshop on 6 June 2000 with the following objectives:

- to refine the planning and consultation process for consideration of marine conservation reserve proposals;
- to maximise confidence in the public participation process and ownership of the outcome;
- to minimise conflict and uncertainty during the process; and
- to increase MPRA involvement and provide guidance to advisory committees.

The outcomes of the workshop produced a proposed revised advisory committee process with the following objectives:

- identify the major ecological and social values of the reserve;
- develop agreed long-term management targets for the ecological values;
- develop agreed management objectives for the social values (uses);
- identify key pressures/threats to ecological values;
- identify the major scientific/conservation strategies (including research and monitoring, zoning etc) related to the threats to ecological values;
- identify the major scientific/conservation strategies (including research and monitoring, zoning etc) to manage usage;
- using the above to develop an ecological framework that broadly satisfies both conservation and scientific requirements and provides guidance on the optimum balance between the five generic strategies of zoning, public participation, education, surveillance and enforcement and research and monitoring.

Advisory committee members for the Dampier Archipelago/Cape Preston and Montebello/Barrow Islands have been appointed. A framework has been developed for these advisory committees outlining members' duties and responsibilities, highlighting important issues for each area, and providing a brief summary of the ecological and social/cultural values of the study area. The framework provides broad guidance for the community-based advisory committees in the planning of marine conservation reserves.

A joint meeting of the MPRA and MPRSAC was held on 3 December 1999 to discuss the statutory roles of the MPRA and MPRSAC, links between the MPRA, MPRSAC and marine reserve advisory committees, criteria for determining reserve purpose, criteria for fish habitat protection areas under the *Fish Resources Management Act 1994*, general resource issues in relation to the marine conservation reserve program and the adequacy of sanctuary zones in the proposed Jurien Bay Marine Park.

Significant progress has been made by the MPRA during the 1999/2000 period. It has been a very active period in which two indicative management plans (Jurien Bay and Rowley Shoals) have been reported on under s14 of the CALM Act by the Authority. The task of ensuring the effective ongoing management of marine reserves and balancing the principles of environmental protection, scientific research, recreation, equity and public education has been a complex and challenging undertaking.

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 Bay Marine Park Advisory Committee who have laboured so diligently to develop an indicative management plan for the 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 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 1999/2000 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 1999 to 30 June 2000 is recorded below.

Appointed Members

- (1) Dr Barry Wilson (Chairman)
- (2) Mr Michael Hardy (Deputy Chairman) (resigned as of 23 November 1999, vacant position from 24 November 1999 to 15 May 2000)
- (3) Mr Tony Van Merwyk from 16 May 2000. (vacant from 24 November 1999 to 15 May 2000)
- (4) Associate Professor Diana Walker
- (5) Ms Edwina Davies Ward
- (6) Mr Ian Finlay (Deputy Chairman from 16 May 2000)
- (7) Mr Angus Horwood
- (8) Mr Eric Streitberg

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:

19 August 1999
14 October 1999
3 December 1999
16 December 1999
17 February 2000
13 April 2000
15 June 2000

A one-day marine reserve planning process workshop was also held on 6 June 2000.

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 arise in the period 1999/2000.

RESOURCES

The Department provides the necessary secretarial staff to the Authority, being part of one officer's duties. 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 operating costs are met from the Consolidated Fund appropriation of the Department. Approximate expenditure for the 1999/2000 year (excluding CALM officers' salaries) was \$41,148.

In accordance with the requirements of Section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 1999/2000 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 vested in the MPRA 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 2000 one marine nature reserve, Hamelin Pool Marine Nature Reserve, totalling approximately 132,000 hectares was vested in the Authority.

Marine parks. As at 30 June 2000 six marine parks totalling approximately 1,013,940 hectares were vested in the Authority. These are Rowley Shoals Marine Park, Ningaloo Marine Park, Shark Bay Marine Park, Marmion Marine Park, Shoalwater Islands Marine Park and Swan Estuary Marine Park.

Marine management areas. As at 30 June 2000 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 reporting period the MPRA has received updates on the progress of proposed new marine conservation reserves – Montebello - Barrow Islands, Dampier Archipelago/Cape Preston, Geographe Bay–Capes-Hardy Inlet area, Jurien Bay and Broke and Walpole Normalup Inlets. Also updates have been provided on the proposed extensions to marine conservation reserves such as the waters adjacent to Bernier, Dorre and Dirk Hartog Islands and the proposed southern extension to Ningaloo Marine Park.

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 1999/2000 period a number of issues were considered by both the MPRA and NPNCA. The Swan Estuary Marine Park and Adjacent Nature Reserves and Jurabi and Bundegi Coastal Parks and Muiron Islands management plans were considered 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 1999/2000 period the Chairman of the Scientific Advisory Committee attended six of the seven MPRA meetings. The MPRA meeting on 3 December 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 planning process workshop held on 6 June 2000.

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 the Authority 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 Authority endorsed a MPRA Strategic Plan for 2000.

- The MPRA agreed to identify a list of policies that require revision so that specific MPRA policies may be developed.
- The Authority endorsed the MPRA Code of Conduct.
- The MPRA endorsed a guide to the *CALM Act 1984* which is a lay explanation of legislation and the Authority's role in regard to the legislation.
- The Authority endorsed a proposal for the development of a memorandum of understanding between the MPRA and the Department.

A framework for the proposed marine conservation reserve advisory committees was prepared by CALM and commented on by the MPRA. The framework outlines advisory committee members' duties and responsibilities, particularly in respect of highlighting some of the important issues for each area and providing a brief summary of the ecological and socio/cultural values of the study area. The framework provides broad guidance for the community-based advisory committees in the planning of marine conservation reserves.

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 or auditing system.

Formal monitoring will occur in the third, sixth and tenth year of the ten year term. Monitoring guidelines and setting of performance criteria for implementation will be part of this system. The MPRA completed a mid-term audit of the Marmion Marine Park management plan.

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 the Authority's advice may be sought as required. No advice was sought during the 1999/2000 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 1999/2000 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 1999/2000 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 noted the memorandum of understanding for the joint management of the Rowley Shoals Marine Park between State and Commonwealth agencies.
- The Authority considered information on a scientific study by the University of Tasmania in relation to West Coast marine conservation reserves and the Jurien Bay Marine Park proposal.
- The Authority agreed that the marking of sanctuary zones in areas of high recreational use is essential in order to assist park users to comply with regulations.
- The MPRA approved the installation of a sub-sea cable from Cape Peron to Garden Island, subject to conditions.
- The Authority resolved to support the proposal for a Coral Bay Ticketing Facility.
- The MPRA endorsed the Department's paper on managing marine tourism activities within Bill's Bay, Ningaloo Marine Park subject to a number of concerns being noted.
- The Authority resolved that a collated CALM/Fisheries WA analysis of resources for the proposed Jurien Bay Marine Park be developed.
- The Authority gave in principle approval for the review of the Ningaloo Marine Park management plan and the southern extension of Ningaloo Marine Park proposal to be undertaken jointly. The MPRA also agreed that Ningaloo Marine Park and Cape Range National Park be linked in terms of the review of both management plans.
- The Authority resolved to recommend that as part of the section 14 report the draft indicative management plan for the Jurien Bay Marine Park be forwarded to the Minister so that necessary agreement can be sought from other Ministers to publish a notice of intent to establish the Jurien Bay Marine Park and that the Minister release the draft indicative management for public comment.
- The Authority resolved to recommend that as part of the section 14 report the draft management plan for Rowley Shoals Marine

Park be forwarded to the Minister so that the draft management plan for the existing Rowley Shoals Marine Park be released for public comment, and the existing Rowley Shoals Marine Park management plan include an indicative management plan for the proposed extensions to the Marine Park.

- The MPRA appointed MPRA support members for the Dampier Archipelago/Cape Preston and Montebello/Barrow Islands Advisory Committees.
- The Department and the Department of Transport briefed members of the Authority on safety and congestion issues at Coral Bay in the Ningaloo Marine Park. The area is experiencing an increase in swimmers and boat activity in Coral Bay. The protected waters of southern Bill's Bay contain extensive coral gardens and is a popular swimming and snorkelling area. The proximity of both boating and swimming activities in the southern Bill's Bay area has led to concerns about congestion and safety as well as possible environmental impacts. The MPRA requested that the Department in liaison with the Department of Transport undertake a formalised risk assessment to examine safety and risk management issues at Coral Bay.
- The MPRA was updated on the progress of new conservation reserves, proposed extensions to marine conservation reserves and the management of existing marine conservation reserves by the Department.
- The MPRA provided comment on the department's five year management plan program.
- The MPRA approved the raising of Useless Loop Road (section 56.73 – 57.52 SLK) over the supra tidal zone of a portion of the Shark Bay Marine Park, provided that suitable culverts be included to allow for tidal flow and that the Department is consulted during the planning and construction of this section of road.

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
41	Swan Estuary Marine Park and Adjacent Nature Reserves	7 April 2000

*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	27 October 1995
2. DRAFT PLANS BEING PREPARED	
Rowley Shoals Marine Park	

Table 3

INDICATIVE MANAGEMENT PLANS BEING PREPARED

1. INDICATIVE MANAGEMENT PLANS BEING PREPARED
Jurien Bay
Dampier Archipelago/Cape Preston
Montebello/Barrow Islands

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 1999/2000

The MPRA:

- Submitted comments to the Walpole and Nornalup Inlet Systems Advisory Committee regarding the proposal for them to collate the available information on the Walpole Nornalup Inlets as an input to the indicative management planning process.
- Provided comments to the Environmental Protection Authority on the Shark Bay Salt Joint Venture proposed dredging in the Denham Channel, Shark Bay marine Park.
- Provided comments to Fisheries WA's discussion paper on "A Quality Future for Recreational Fishing in the Gascoyne".
- Provided advice to the Department of Transport on the draft public environmental review document for the proposed Coral Bay boating facility.
- Provided comments to the Department of Environmental Protection on the Coral Bay to Yardie Creek Road public environmental review guidelines.

- Provided comments to Bowman, Bishaw and Gorham regarding a proposed sub-sea cable from Cape Peron to Garden Island.
- Provided comments to the Cottesloe Marine Protection Group on management plan options for a fish habitat protection area at Cottesloe.
- Provided comments to the Department on the Coral Bay, Ningaloo Marine Park expression of interest guidelines.
- Provided comments to Environment Australia regarding the Mermaid Reef Marine National Reserve Plan of Management.
- Provided comments to the Department on its draft Kimberley Regional Plan.
- Provided comments to the Department of Environmental Protection on the document "Perth Coastal Waters Environmental Values and Objectives".
- Provided comments to the Department on the proposal to develop a "Biodiversity Conservation Strategy for Western Australia".
- Provided comments to the Department of Environmental Protection on the assessment of development proposals in the Shark Bay World Heritage Property.
- Provided comments to the Department of Environmental Protection on the new public jetty and refuelling facility in Cervantes.
- Provided comments to the Department and the Department of Transport on safety and congestion issues at Coral Bay.
- Provided comments on the Environmental Protection Authority discussion paper "The Future of Perth Coastal Waters: Have your say".
- Provided advice to the Minister on the structure and composition of advisory committees for marine conservation reserve proposals.

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.

1999/2000 AQUACULTURE AND PEARLING ISSUES CONSIDERED

The MPRA:

- Provided comments to Fisheries WA on the draft management plan for aquaculture in the Houtman Abrolhos Islands
- Received detailed information on an aquaculture licence at Red Cliff Bay within the Shark Bay Marine Park near Monkey Mia. The information indicated that there was a significant risk that the lease extension may impact negatively on 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. In April 2000 the Minister refused the application.
- Provided comments to Fisheries WA on an aquaculture application located 0.5 km outside the western boundary of Marmion Marine Park. The MPRA supports, in principle, the development of the type of technology that is proposed because, if successful, it will provide fish farmers with technology for farming away from relatively sensitive near-shore lagoon environments. The Authority expressed concerns relating to further nutrient enrichment of Park waters from this proposal. This was in relation to the existing nutrient enrichment of the Marmion Marine Park from treated wastewater discharged from the Beenyup wastewater outlet which is a current concern for the Authority. Any scaling up of the aquaculture project should require formal assessment and potential effects of the nutrient loads into the marine park would need to be adequately quantified. The MPRA supported a pilot phase of this project provided that the nutrient plumes are adequately monitored.
- Resolved to not object to the application for an aquaculture licence for Pearl Oysters in the Shark Bay Marine Park subject to the following conditions:
 - the application to have regard for aesthetics (eg buoys to be of a standard design and colour);
 - navigation requirements be subject to international standards; and
 - the application to include the issue of decommissioning.



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.

- The MPRA was briefed by the Department of Resources Development and the Department of Minerals and Energy regarding petroleum exploration and development activities in the Dampier Archipelago area.

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.

1999/2000 PETROLEUM ISSUES CONSIDERED

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 met with the Minister to discuss the progress of the proposed Jurien Bay Marine Park, community involvement in preparation of indicative management plans and resourcing of the MPRA.
- The Authority was briefed by Departmental staff on the proposed Jurien Bay Marine Park.
- The Authority was briefed by the Department of Environmental Protection, Shark Bay Resources and Sinclair Knight and Merz on the Shark Bay Salt Joint Venture proposed dredging in the Denham Channel, Shark Bay.
- The Authority was briefed by the World Wide Fund for Nature on the marine stewardship council program.
- A representative from the MPRA attended a workshop to explore options for integrating marine conservation, both within and outside formal protected areas in September 1999.
- The Authority was briefed by the Chairman of the Advisory Committee for the proposed Jurien Bay Marine Park on progress of the Committee.
- Representatives from the MPRA met with representatives from the Conservation Council, RECFISHWEST, Shire of Dandaragan and the science sector to discuss the proposed Jurien Bay Marine Park.
- The Authority was briefed by the Department of Environmental Protection on a proposal for increased nutrient inputs to Marmion Marine Park.
- The Authority was briefed by the Department on the Coral Coast Marina Development draft heads of agreement.
- The Authority was briefed by Departmental staff and the Coral Coast Marina Development group regarding the proposed Coral Coast Marina Development, Mauds Landing.
- A representative from the Authority met with the Minister to discuss independence, statutory functions, priorities and resourcing of the MPRA.
- The Authority was briefed by the Department and Fisheries WA on management resources required for the proposed Jurien Bay Marine Park.
- The Authority was briefed by the Department on its draft Kimberley Regional Plan.
- An Authority member visited Coral Bay to assess first hand some of the issues under consideration by the Authority.
- Representatives of the Authority attended a meeting with the Department and Fisheries WA regarding the Jurien Bay Marine Park draft indicative management plan and resources required for management.
- The Authority was briefed by the Department and the Department of Transport on safety, conservation and congestion issues at Coral Bay.
- The Authority was briefed by the Department of Resources Development and Department of Minerals and Energy regarding petroleum exploration development activities in the Dampier Archipelago area.
- The Authority was briefed by the Department on native title in relation to the creation of marine conservation reserves.
- The Authority was briefed by the Department on the ecological and social values of the Dampier Archipelago/Cape Preston and Montebello/Barrow Islands in terms of study areas, oceanography, human usage and attitudes.
- The Authority was briefed by the Department on the "Framework for the Advisory Committees for the proposed Dampier Archipelago/Cape Preston and Montebello /Barrow Island Marine Conservation Reserves".
- Representatives from the Authority attended a meeting of the Coral Coast Parks Advisory Committee and undertook a familiarisation tour of Coral Bay/Ningaloo Marine Park and the Exmouth area.
- The Authority was briefed by the Minister and Departmental staff on changes to the CALM Act.