



M A R I N E P A R K S &  
R E S E R V E S A U T H O R I T Y

# ANNUAL REPORT

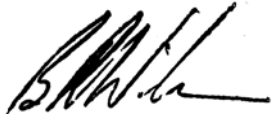
1 July 2000 - 30 June 2001

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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 2001.

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

Dr Barry Wilson  
Chairman

**September 2002**

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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 (MPRA) for the period 1 July 2000 to 30 June 2001.

This year the MPRA undertook a strategic planning exercise, seeking to review its purpose as designated in the Act, establish a vision and set strategic goals that are focused on its statutory functions. This process was addressed through a series of workshop sessions. The outcome was a Strategic Plan, formally adopted by the MPRA on 19 April 2001.

The MPRA adopted as its Vision Statement the following:

*A Healthy, Sustainable, Marine and Estuarine Ecosystem.*

Reflecting its statutory purpose, the MPRA adopted the following Key Strategies:

- 1. To guide MPRA decisions and actions by effective policy development and application.**
- 2. To promote marine and estuarine conservation in Western Australia.**
- 3. To consider proposals for marine and estuarine Conservation Reserves.**
- 4. To prepare effective management plans for marine Conservation Reserves.**
- 5. To implement and audit management plans for marine Conservation Reserves.**
- 6. To achieve the goals of the MPRA through effective and efficient operations of the MPRA.**

For each of the Key Strategies, the MPRA adopted a set of Implementation Strategies. Meeting agendas were then re-structured so as to focus sharply on these strategies. Each subsequent meeting has been preceded by a review of the time allocation afforded to each Key Strategy at the previous meeting. This procedure has proved to be very effective in determining what emphasis is being given to the various responsibilities of the MPRA.

As a result of this process, the MPRA identified a number of areas that required attention to make the Authority more effective and able to achieve its goals and the duties it has been charged with by Government and the community. This was formulated into an Action Plan and a structured work program.

It immediately became apparent that effective implementation of the Key Strategies, which flow directly from its statutory responsibilities, is beyond the present capability of the MPRA. For example, policy development and management plan audit require designated staff. A key Implementation Strategy that relates especially to development of the state-wide marine reserves program and preparation of reserve management plans requires "effective relationships with key stakeholders". The MPRA is anxious to develop a community-based approach to these matters but has very limited capacity for its members to travel to regions where reserve proposals and management planning are current.

This raised the issue of the resources that are provided to the MPRA and its capacity to perform its statutory functions independently. The funding that supports the work of the MPRA is provided through the Department budget. Secretarial and technical support is provided by Department staff. While highly appreciative of the effort and commitment of the staff concerned, the MPRA considers that the level of support provided is inadequate if it is to achieve the government's marine reserve program within a reasonable time-frame. Also, there is an issue regarding the independence of the MPRA, especially in regard to policy development and audit of management plans. The MPRA does not have the capacity to engage independent experts to conduct audits of management plans, or to carry out that statutory function itself.

A helpful development has been establishment of a Memorandum of Understanding between the MPRA and the Department in relation to funding and support staff provided to the MPRA. This has significantly improved the capacity of the MPRA to plan and implement its work program.

Notwithstanding the resourcing difficulties, there have been significant achievements during the year. Most notable has been the completion of an indicative management plan for the proposed Jurien Marine Park and its referral to the Minister on 8 May 2001 with a recommendation that the government proceed with the establishment of this

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reserve. While acknowledging that there was not complete stakeholder agreement to the proposal or the detail of the management plan, the MPRA is satisfied that the best possible outcome had been achieved through a rigorous and comprehensive community participatory process and that the proposed reserve will be a significant and positive achievement for conservation and sustainable management of the marine environment.

Also, very satisfactory has been the progress made by community advisory committees in regard to development of indicative management plans and reserve proposals in the Dampier Archipelago and Montebello-Barrow Islands. The contributions made by committee members has been outstanding and the MPRA anticipates that these planning and community consultation projects will be completed in the near future.

One matter that is of very great concern to the MPRA is the time it is taking to bring proposals for new marine reserves to fruition. The proposal for a marine reserve at Jurien was initiated prior to the establishment of the MPRA in 1997 and has only now reached the final stage. This long time-frame is partly due to the stringent statutory requirements for community participation in the planning process and the need for concurrence of several different agencies of government. The MPRA acknowledges the importance of community involvement and whole-of-government endorsement but feels that the present procedures are unnecessarily complex, expensive and time-consuming. The MPRA will give consideration in the coming year to means by which community participation may be maximised and inter-government procedures simplified so that there is better prospect of developing a representative marine reserve system in the State within a reasonable period of time.

A matter of great importance to which the MPRA gave special attention during the year was a submission made to the EPA (14 February, 2001) regarding a proposal for a major resort development at Maud Landing in the Ningaloo Marine Park. The MPRA considers the Ningaloo Marine Park to be of the utmost importance and that protection of its natural values is paramount. Accordingly, the MPRA advised the EPA that it considered the proposed development to be inappropriate in scale and risked irreparable damage to a priceless community asset.

The MPRA acknowledges the assistance and support of many people during the year. In particular, we thank the observers from other government agencies who have attended our meetings and contributed so freely and effectively to our deliberations. And also, the members of the

Scientific Advisory Committee who have given us very helpful advice and support.

We thank also the members of the Jurien, Dampier and Montebello-Barrow Advisory Committees for their excellent and dedicated work in the development of the proposals for marine reserves in those areas.

And finally, special thanks to the staff of the Department of Conservation and Land Management who have been so efficient, tireless and cheerful in servicing the operations of the MPRA and providing technical advice and support over the wide range of matters that have come before us.

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# 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 the MPRA. The MPRA was created as a Controlling Body under section 26A of the CALM Act. The MPRA is responsible to the Hon Minister for the Environment and Heritage.

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 the Department.

In addition to being the vested authority for these conservation reserves, section 26B(1)(b) of the CALM Act prescribes the functions of the MPRA. 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 MPRA
  - (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 MPRA's advice. However, if the matter involves a specific area of land or waters, the MPRA is required under section 26B(4), to first contact the relevant local government council to provide an opportunity for it to comment. If the matter relates to marine archaeology, the MPRA is required under section 26B(6), to first contact the 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 MPRA - if it is practical for the MPRA to do so and if also in the public interest.

(Note: Except where otherwise indicated, the terms "the Minister", "the Department", "the 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).

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## **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 MPRA 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 2000/2001 period.

## **MPRA MEMBERSHIP**

The MPRA 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 MPRA.

One of the members shall, on the nomination of the Minister, be appointed by the Governor as chairman and another as deputy chairman (section 26D(3)).

Membership for the period 1 July 2000 to 30 June 2001 is recorded below.

### **Appointed Members**

- (1) Dr Barry Wilson (Chairman)
- (2) Mr Ian Finlay (Deputy Chairman)
- (3) Mr Angus Horwood
- (4) Mr Tony Van Merwyk
- (5) Mr Eric Streitberg
- (6) Professor Diana Walker
- (7) Ms Edwina Davies Ward

Reasonable notice of meetings of the MPRA is required to be given to the Department 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.

The Department'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.

## **MPRA MEETINGS**

Meetings of the full MPRA were held on eight occasions during the period. These were:

- 17 August 2000
- 19 October 2000
- 22 November 2000
- 14 December 2000
- 15 February 2001
- 19 April 2001
- 24 May 2001
- 14 June 2001

In addition to the above meetings, the MPRA 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 MPRA.

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

## **RESOURCES**

The Department provides the necessary secretarial staff to the MPRA, being part of one officer's duties. Other Departmental staff also provide substantial input to the MPRA. I extend appreciation to Department staff, particularly the MPRA's Executive Officer and staff of the Marine Conservation Branch, for their background briefings and advice and assistance at MPRA meetings, as well as to the representatives of other Government agencies who have also attended MPRA 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 2000/2001 year (excluding Department officers' salaries) was \$41 000.

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In accordance with the requirements of Section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2000/2001 financial year.

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# 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.

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Before the Minister for Planning and Infrastructure 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 2001 one marine nature reserve, Hamelin Pool Marine Nature Reserve, totalling approximately 132,000 hectares was vested in the MPRA.

**Marine parks.** As at 30 June 2001 six marine parks totalling approximately 1,013,940 hectares were vested in the MPRA. These are Rowley Shoals Marine Park, Ningaloo Marine Park, Shark Bay Marine Park, Marmion Marine Park, Shoalwater Islands Marine Park and Swan Estuary Marine Park.

**Marine management areas.** As at 30 June 2001 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 MPRA 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 including Shoalwater Islands Marine Park, Shark Bay Marine Park and Ningaloo Marine Park.

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# CALM ACT CONTROLLING BODIES

## **NATIONAL PARKS AND NATURE CONSERVATION AUTHORITY/CONSERVATION COMMISSION**

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

The Conservation Commission (CCWA) was formed on the 16 November 2000 under the *Conservation and Land Management Act 1984*. All the State's National Parks, conservation parks, nature reserves, State forests and timber reserves are vested in the CCWA.

Reciprocal statutory requirements have been placed on the MPRA and the CCWA 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 MPRA and the CCWA should be pro-active in developing joint or reciprocal policies on areas of common interest, particularly where integrated management of waters vested in the MPRA and land vested in the CCWA 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 MPRA and the CCWA are analogous.

The annual report of the Conservation Commission 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 MPRA and any matters referred to the Advisory Committee by the MPRA.

During the 2000/2001 period the Chairman of the Scientific Advisory Committee attended seven of the eight MPRA meetings. The MPRA has also referred a number of matters to the Scientific Advisory Committee for advice during the period.

The annual report of the Scientific Advisory Committee should be referred to for details of its activities.

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# POLICY DEVELOPMENT

## LEGISLATIVE BACKGROUND

A statutory function of the MPRA 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 MPRA, Departmental policy statements will be presented to the MPRA for comment and formal endorsement. The Department produces policy statements that provide practical guidelines for Department staff in the performance

of their duties and also provide to the public a statement about these management guidelines. Once endorsed they may also be accepted as MPRA policy.

## OTHER POLICY AREAS

- The MPRA agreed to identify a list of policies that require revision so that specific MPRA policies may be developed. Six policies of priority importance were highlighted by the MPRA for initial consideration.
- The MPRA endorsed a MPRA Strategic Plan for 2001.

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# 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 MPRA 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 the Department.

The MPRA (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 MPRA 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.

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## 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". The Department's Administrative Instruction No. 23 "Interim Guidelines for Operations" applies to the implementation of necessary operations. It is not a requirement that necessary operations be referred to the MPRA, however the MPRA's advice may be sought as required.

**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 and Heritage 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 MPRA on compatible operations may be sought as required.

**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 MPRA, 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 2000/2001 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 resolved to recommend the Department of Transport (DOT) consider the following issues in relation to safety and congestion issues at Coral Bay:
  - develop a higher DOT presence in the southern Bill's Bay to combat speeding and congestion issues within the area;
  - implement recommendations made in the Departments "Risk Assessment for boating and swimming interaction in southern Bill's Bay" which are relevant to DOT;
  - investigate the establishment of delegated authority to Departmental "honorary officers" in regard to speeding and boating infringements; and
  - undertake an information campaign in the form of brochures and signage so that tourists and boat operators are aware of safety and boating concerns as soon as possible.
- The MPRA provided advice to the Department of Environmental Protection on the raising of Useless Loop road (section 56.73 – 57.52 SLK), Shark Bay Marine Park.
- The MPRA unanimously endorsed the proposed study area for the Ningaloo Marine Park review and the proposed additions to the reserve system, north and south of the existing Marine Park.
- The MPRA endorsed the proposed Geographe Bay-Capes-Hardy Inlet study area.
- The MPRA forwarded a Section 14(6)(a) report to the Minister for the Environment and Heritage as required under the CALM Act, recommending the Minister progress the gazettal of the marine park and finalisation of the management plan with the following amendment:
  - to amend the southern (within Jurien Bay) boundary of North Head Sanctuary Zone to allow recreational beach angling. This area would encompass a 100 m wide (from HWM) strip east of longitude 115 degrees East;
  - the insertion of clear recommendations for research on the ecological effects of rock lobster fishing on habitat and biodiversity and provisions for the review of the management of Scientific Reference Zones when the research is completed.

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- The MPRA provided comment to NAVA Networks Limited on the proposed installation of a telecommunications cable in Marmion Marine Park.
  - The MPRA held an extra-ordinary meeting to develop draft objectives for the management targets for Marmion Marine Park in relation to the Beenyup wastewater outlets. The MPRA provided comment that its broad position on the matter was that wastewater discharges should not affect the ecological and social values of the park apart from designated areas where some effects of the discharges are unavoidable. The MPRA supported the Environmental Protection Authority's approach to assess the Water Corporation's proposal to increase phosphorous discharge limit for the Beenyup Ocean Outfalls. The MPRA continued to liaise with the Water Corporation, Department of Environmental Protection, Department of Conservation and Land Management, and the Environmental Protection Authority, in the development of management targets that ensured that the social and ecological values of Marmion Marine Park are protected.
  - The MPRA resolved to establish a sub-committee to review the development of regulations in CALM Act marine conservation reserves. The MPRA agreed that the Department should be able to enforce "fishing related" compliance in management zones within CALM Act marine conservation reserves.
  - The MPRA endorsed the "Draft Management Guidelines for Maud Sanctuary Zone Ningaloo Marine Park" with the suggested amendments, as an appropriate statement of the MPRA expectations in managing human activities in MSZ, Ningaloo Marine Park.
  - The MPRA provided support to the comments made by the Department on the Public Environmental Review document – Coral Coast Resort – Phase 1, Mauds Landing (1322).
  - The MPRA considered and provided comment on the amended Public Environmental Review document – Coral Coast Resort – Phase 1, Mauds Landing (1322).
  - After meeting with the Environmental Protection Authority the MPRA resolved to write to the EPA reiterating their position on the Coral Coast Marina development proposal with particular regard to the issue of resourcing the additional management requirements this development would impose in Ningaloo Marine Park.
  - The MPRA provided advice to the Environmental Protection Authority on the "draft working party report on the compatibility of petroleum industry activities with the values of the Shark Bay World Heritage Property".

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**Table 1**

**APPROVED MANAGEMENT PLANS  
by CALM plan number**

<b>NUMBER</b>	<b>PLAN</b>	<b>DATE APPROVAL OF MINISTER GAZETTED</b>
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**

<b>1. DRAFT PLANS RELEASED (and final plans being prepared)</b>	<b>Date of Release</b>
Shoalwater Islands Marine Park	27 October 1995
<b>2. DRAFT PLANS BEING PREPARED</b>	
Rowley Shoals Marine Park	

**Table 3**

**INDICATIVE MANAGEMENT PLANS BEING PREPARED**

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

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# ADVICE TO THE MINISTER AND OTHERS

## LEGISLATIVE BACKGROUND

The MPRA 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 MPRA - if it is practical for the MPRA to do so and if also in the public interest. (Refer section 26B(1)(g) and (i) of the CALM Act.)

## ACTION DURING 2000/2001

The MPRA:

- Provided comment to the Department and the Department of Transport on the safety and congestion issues at Coral Bay.
- Provided comment to the Department of Environmental Protection on the new public jetty and refuelling facility, Cervantes.
- Provided support to the comments made by the Department on the EPA draft guidance for assessment of Environmental Factors No. 49 –

Assessment of development proposals in Shark Bay World Heritage Property.

- Provided support to the comments made by the Department on the draft Environmental Protection Amendment Bill 2000.
- Provided advice to the Department of Environmental Protection on the EPA draft guidance for assessment of environmental factors No. 1 – Guidance for the protection of tropical arid zone mangroves along the Pilbara coastline.
- Provided comment to the Cottesloe Marine Protection Group on the Fish Habitat Protection Area over the Cottesloe Reefs proposal.
- Provided comment to Environment Australia on the Ningaloo Marine Park (Commonwealth Waters) Draft Management Plan.
- Provided comment to the Department on dugong and whale shark research.
- Provided advice to the Minister on the change to Environmental Conditions – Beenyup wastewater ocean outlet duplication into Marmion Marine Park.

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# 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 the Department of Fisheries for comment. Given the number of applications that the MPRA 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.

## 2000/2001 AQUACULTURE AND PEARLING ISSUES CONSIDERED

The MPRA:

- Provided comment to the Department of Fisheries on the application by Cape Peron Pearls at Herald Bight, Shark Bay located in the Shark Bay Marine Park. The MPRA resolved to not object to the application subject to the following conditions:
  - the application have regard for aesthetics (eg buoys to be of standard design and colour);
  - navigation requirements to be subject to international standards; and
  - application to include conditions relating to decommissioning the site.

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# 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 MPRA 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 and Heritage on such proposals. A policy to facilitate this role has been developed but the MPRA 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 MPRA. Current involvement of the MPRA also relies on the Environmental Protection Act processes and on administrative arrangements.

## 2000/2001 PETROLEUM ISSUES CONSIDERED

- 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.

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# LIAISON

In carrying out its functions the MPRA 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 MPRA 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 MPRA was briefed by Departmental staff on the proposed Jurien Bay Marine Park.
- 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 MPRA was briefed by the Department on the Coral Coast Marina Development draft heads of agreement.
- The MPRA was briefed by Departmental staff and the Coral Coast Marina Development group regarding the proposed Coral Coast Marina Development, Mauds Landing.
- The MPRA was briefed by the Department and the Department of Fisheries on management resources required for the proposed Jurien Bay Marine Park.
- Representatives of the MPRA attended a meeting with Department and Department of Fisheries representatives regarding the Jurien Bay Marine Park draft indicative management plan and resources required for management.
- The MPRA was briefed by the Department and the Department of Transport on safety, conservation and congestion issues at Coral Bay.
- The MPRA 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 MPRA was briefed by the Minister and Departmental staff on changes to the CALM Act.