

MARINE PARKS AND RESERVES AUTHORITY

ANNUAL REPORT

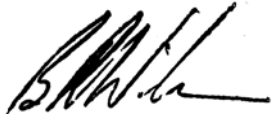
1 July 2001 - 30 June 2002

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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 2002.

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

Dr Barry Wilson
Chairman

November 2002

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CHAIRMAN'S REVIEW

Over the past year the Authority has continued to work with the Department to develop the frameworks that are needed to deliver the Government's marine conservation program, building on the Key Strategies and work program developed in the previous year. The development of these frameworks is now largely complete and represents an important step forward in regard to the Authority's key statutory audit and policy functions. With the completion of these frameworks, the issue of adequate resources for the marine conservation program remains the last major barrier to be overcome.

A significant advance this year has been development of a joint *Audit Policy* outlining the process of periodic assessment of the implementation of management plans, the resources allocated to them and the progress achieved, giving effect to that function of the Authority (section 26B (1) (f) of the Act). The policy provides for development of annual Marine Business Plans by Districts and Branches of the Department, and their consideration by the Authority. This process will facilitate a better understanding by the Authority of the Department's marine conservation program and will ensure agreement of priority issues to be addressed in the next financial year. It also provides the Authority with an improved capacity to strategically assist the Department in implementing the plans. The frameworks to develop the annual Marine Business Plans have been completed and are an important step forward in regard to the Authority's audit and policy functions.

An important statutory function of the MPRA is to advise the Minister on the development of a comprehensive and representative marine reserve system throughout the State. In this regard three proposals for new reserves are in late stages of development.

A proposal for a major marine park at Jurien, after a long period of community consultation and preparation of an Indicative Management Plan, was submitted to the Minister in May 2001. A need for further consultation with key stakeholders has delayed approval of this project which is still pending.

The work of community advisory committees on the development of Indicative Management Plans for proposed marine reserves in the Dampier Archipelago and Montebello-Barrow Islands has also neared completion. In collaboration with the Department and the MPRA, the committees have both produced draft plans. Some issues remaining

to be resolved are being negotiated with key stakeholders and the Authority expects to be in a position to forward the plans with recommendations to the Minister very soon.

Particularly satisfactory to the MPRA has been the collaboration and support of the petroleum industry in development of the Montebello-Barrow Islands marine reserve proposal. This area is the site of a major oil and gas field as well as having outstanding conservation and public recreational values. The concept of multiple use and the need for close management to ensure equitable access and conservation of the natural assets of the area has been embraced by the industry and the MPRA is very appreciative of the effort that has been made by all parties to achieve this objective.

As these projects near completion, the attention of the MPRA is turning to the priority list of other candidate areas around the long Western Australian coastline. In 1998 the Authority developed a procedure for prioritising the recommendations of the 1994 *Marine Parks and Reserves Working Group Report* and, with the assistance of the Scientific Advisory Committee and other experts in the field, identified a "short list" of coastal marine areas that would significantly increase the representativeness of the State marine reserve system and protect and manage key conservation and recreational assets.

A marine reserve on the "Capes" area (Geographe Bay/Cape Naturaliste-Cape Leeuwin/ Hardy Inlet) was identified as a high priority. Preliminary assessment of the natural values and human usage of this area has been completed. A community consultation program was undertaken over the past year. It is anticipated that the community-based advisory committee planning process will commence in 2002-2003 to consider the establishment of a marine reserve along this high profile part of Western Australia's coastline.

Acknowledging the complexity of the necessary community consultation in developing proposals for new marine reserves, and the difficulty in regard to resourcing, the MPRA resolved to approach the remaining recommendations of the 1994 *Marine Parks and Reserves Working Group Report* on a "bioregional" basis, where a number of candidate areas are considered in a planning process. Two of the major coastal bioregions of Western Australia, the Kimberley and the South Coast, currently lack any marine reserves. Accordingly, the Authority proposes to initiate a process in 2002-2003 that begins to address the priority areas of those regions.

Other aspects of the MPRA activities during the year are summarised in the following report. In achieving these outputs, the Authority has been richly supported by many organisations and individuals. In particular we thank the observers from other government agencies who have attended our meetings and contributed so freely and effectively to our work. We thank also the members of the Dampier and Montebello-Barrow Islands Advisory Committees for their effort in developing Indicative Management Plans for marine reserves proposed in those areas.

Special thanks are due to the staff of the Department who have so effectively supported the MPRA and provided technical advice relating to the establishing and management of marine reserves and the development of marine conservation programs in Western Australia.

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 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.

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 of Conservation and Land Management.

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 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 and Heritage, 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 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 2001/2002 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 2001 to 30 June 2002 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 twelve occasions during the period. These were:

19 July 2001
16 August 2001
13 September 2001
18 October 2001
15 November 2001
13 December 2001
17 January 2002
14 February 2002
21 March 2002
18 April 2002
16 May 2002
20 June 2002

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 Departmental 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 2001/2002 year (excluding Departmental officer's salaries) was \$65 000.

In accordance with the requirements of Section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2001/2002 financial 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 MPRA considers any cancellation and change of purpose or boundary for its reserves under section 26B(1)(c) and associated section 17.

CATEGORIES OF RESERVE AND FUNCTIONS

Marine nature reserves, marine parks and marine management areas are the three 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 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 2002 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 2002 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 2002 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:

- The MPRA considered and provided advice on the proposed amendment to the Swan Estuary Marine Park boundary to the Department, the Conservation Commission of Western Australia (CCWA) and the Minister.

CALM ACT CONTROLLING BODIES

Controlling bodies established under the *Conservation and Land Management Act (1984)* include the Marine Parks and Reserves Authority (Section 26A – 26E), the Marine Parks and Reserves Scientific Advisory Committee (Section 26F – 26H) and the Conservation Commission of Western Australia (Section 18 – 26AC). The functions and membership of the Marine Parks and Reserves Authority is outlined on pages 3 and 4.

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 of Western Australia (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.

During the 2001/2002 period a number of issues were considered by both the MPRA and CCWA including amendment to the western boundary of Swan Estuary Marine Park; degradation of coastal land along the shore adjacent to Ningaloo Marine Park (south of the Cape Range National Park boundary); vesting of intertidal areas with marine conservation reserves. The MPRA and the CCWA held a joint meeting on the 17 January 2002 to discuss achieving a closer collaboration in future on issues of common interest.

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 (MPRSAC) 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 Scientific Advisory Committee by the MPRA.

During the 2001/2002 period the Chairman of the Scientific Advisory Committee attended ten of the twelve 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.

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 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

- Community initiated marine protected areas (in collaboration with conservation representatives).
 - Cross over areas between marine and terrestrial reserves (in collaboration with the Conservation Commission).
 - Multiple use vs No-take areas.
 - Identification and management of wilderness areas.
 - Indigenous joint management of marine conservation reserves.
- The MPRA endorsed a MPRA Strategic Plan for 2002.
 - The MPRA endorsed an MPRA Audit Policy in June 2002.
- During the year 2001/2002 the MPRA endorsed the Marine Management Area Policy in October 2001 and the Mooring Policy in November 2001.
 - The MPRA endorsed the draft Department of Conservation and Land Management Policy Statement Conserving Threatened Species and Ecological Communities in March 2002.
 - The Chairman of the MPRA had input into the review of the Departmental Policy No 1 – Management Planning.
 - The MPRA agreed to identify a list of policies that require revision so that specific MPRA policies may be developed. The MPRA endorsed the MPRA Policy Development Guidelines in March 2002. Six policies of priority importance were highlighted by the MPRA for initial consideration including:
 - Commercial activities in marine conservation reserves (in collaboration with the Department).

ADVICE TO MINISTER ON PROPOSALS FOR RESERVATIONS

Throughout the 2001/2002 year the MPRA received monthly updates at their formal meetings from Departmental staff on the progress of the proposed marine conservation reserves.

Proposed Jurien Bay Marine Park

The management plan revised following the public submission period for the proposed Jurien Bay Marine Park was submitted to the Minister for the Environment and Heritage in May 2001. The Minister is considering the proposal before proceeding to seek the concurrence from the Minister for Agriculture, Forestry and Fisheries and the Minister for State Development for the gazettal of the marine park.

Proposed Montebello/Barrow Islands Marine Park and Marine Management Area

The Advisory Committee for the proposed Montebello/Barrow Islands marine conservation reserve met for the fifth and final time during December 2001. The Committee has endorsed a draft indicative management plan for the area. Some outstanding issues were not resolved through the Committee process. Subsequently the Advisory Committee's request, the Department of Conservation and Land Management formed an industry/government working group to consider these issues. MPRA representatives attended the Australian Petroleum Production and Exploration Association (APPEA) meeting and workshop on the 12–13 December 2001. MPRA members received copies of the minutes of the Montebello/Barrow Islands Advisory Committee meetings.

Proposed Dampier Archipelago/Cape Preston Marine Conservation Reserve

The Advisory Committee for the proposed Dampier Archipelago/Cape Preston marine conservation reserve met for the seventh time during May 2002. The Advisory Committee will next meet in November 2002 at which time the Committee hope

to finalise the proposed zoning, decide on recommendation for reserve category and consider the draft indicative management plan. MPRA members receive copies of the minutes of the Dampier Archipelago/Cape Preston Advisory Committee meetings.

Proposed Geographe Bay/Cape Naturaliste-Cape Leeuwin/Hardy Inlet Marine Conservation Reserve

The proposed Geographe Bay-Capes-Hardy Inlet marine conservation reserve is still in the early stages of consideration. Background information on the ecological and social values have been compiled, and an assessment of community attitudes to the proposed reserve has been undertaken. A community consultation program is ongoing for this high profile area.

Rowley Shoals Marine Park and Proposed Extensions

The draft management plan for the Rowley Shoals Marine Park and the indicative management plan for the proposed extensions has been completed. The next step will be the consideration of this plan by the Minister for the Environment and Heritage.

Ningaloo Marine Park Management Plan Review

The review of the management plan for the Ningaloo Marine Park has commenced. As part of this review, the MPRA have supported the concept of considering reserve proposals to the north and south of the existing park in the same planning/consultative process.

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.

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 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 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 new *Conservation and Land Management Act Regulations 2002* were gazetted in May 2002. The CALM Act regulations 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 2001/2002 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 were briefed by the Department on the public consultation process for the proposed Geographe Bay-Capes-Hardy Inlet process.
- The MPRA received a presentation from the Department on the degradation in the 40m terrestrial component of Ningaloo Marine Park and resolved to provide advice to the CCWA and the Minister.
- The MPRA provided comment to the Cockburn Sound Management Council on the proposed extensions to the Shoalwater Islands Marine Park.
- The MPRA established a sub-committee to consider and provide a submission to the Commonwealth Coral Coast Resort Public Environmental Report.
- The MPRA requested a briefing from the Department on the status of the Shoalwater Islands Marine Park Management Plan.
- The MPRA provided comment to the Western Australian Fishing Industry Council (WAFIC) on the Shoalwater Islands Marine Park Management Plan.
- The MPRA considered and provided a submission to the draft Environmental Protection Policy (EPP) and Environmental Management Plan (EMP) for Cockburn Sound.
- The MPRA liaised with the Marine Conservation Branch (MCB) and drafted a joint position paper on adopting a bioregional approach to marine reserve planning in regard to identifying the next priorities for the marine conservation reserve system.
- The MPRA provided comment on the EPA report and recommendations *Dredging of Denham Channel, Bar Flats and the Slope Island Shipping Berth, Freycinet Estuary, Shark Bay* to the Environmental Protection Authority and the Minister for the Environment and Heritage.
- The MPRA endorsed the *Conservation and Land Management (Coral Bay) Notice 2002*

-
- The MPRA was briefed by Departmental staff on the *CALM Act Regulations 2002*.

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 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 2001/2002

The MPRA:

- Wrote to the Minister outlining their concerns regarding the degradation in the 40m terrestrial component of Ningaloo Marine Park and suggested that prompt action was necessary to rectify the situation.
- Wrote to the Minister outlining their concerns with the resourcing of the establishment and ongoing management of the proposed Jurien Bay Marine Park and advised that the Minister ensures the Government provides a level of funding for the Jurien Bay Marine Park which will ensure that the objectives of the final management plan can be achieved.
- Provided advice to the Minister on whale shark licences.
- Subsequent to a briefing from Professor Janet Mann and correspondence from the dolphin authorities of the US National Oceanic & Atmospheric Administration (Washington), provided advice to the Minister on the Monkey Mia dolphins. The MPRA advised the Minister that the only option for long term succession of provisioned dolphins and continuance of people-dolphin interaction at the Monkey Mia beach is to encourage daughters of the present group to carry on the provisioning tradition of their matri-line.
- Forwarded correspondence to the Minister informing her of:
 - the compliance issue with Department of Fisheries;
 - the matter of reactivating Department of Fisheries cross-authorisation for Department officers;
 - encouragement to develop an over-arching MoU between both Departments;
 - urging the Minister to discuss these issues with the Minister for Agriculture, Forestry and Fisheries.
- Provided advice to the Minister on the proposed Coral Coast Marina Development.
- Provided correspondence to the Minister outlining their concerns over the safety and environmental issues in Coral Bay.
- Provided further advice to the Minister following their visit to the proposed Coral Coast Marina Development site.
- Considered and provided advice to the Minister on the proposed amendment to the Swan Estuary Marine Park boundary.
- Provided advice to the Minister on the proposal to amend the Swan Estuary Marine Park Management Plan.
- Provided a submission on the draft Carnarvon Coastal Strategy to the Shire of Carnarvon.
- Provided advice to the A/Executive Director of the Department of Conservation and Land Management on dugong and whale shark research.
- Provided comment to the Department for Planning and Infrastructure (DPI) on the Coral Bay Boating Guide pamphlet. The MPRA suggested that the water ski area just outside the southern boundary of Maud Sanctuary Zone be degazetted.
- Provided advice upon request to Mr Robert Floyd on proposed marine reserve Vansittart Bay, Kimberley Coast.
- Provided comment on the management arrangements for the marine aquarium fish managed fishery to the Department of Fisheries.
- Provided comment to Ardross Estates Pty Ltd on their proposal – Seawater Lagoons, Jurien Bay.

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- Provided regular advice to the Department on the tourism licences and leases applications in marine conservation reserves.
 - Formed a sub-committee to meet and review the draft options paper for Ningaloo Marine

Park put forward by the Marine Conservation Branch (MCB).

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 Agriculture, Forestry and 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.

2001/2002 AQUACULTURE AND PEARLING ISSUES CONSIDERED

The MPRA:

- Provided comment to the Department of Fisheries on the pearl oyster lease application – Middle Channel – Osborne Islands (793/01).
- Provided comment to the Department of Fisheries on the pearl oyster lease application – Cone Bay, Sites 1 & 2.
- Provided comment to the Department of Fisheries on the pearl oyster lease variation application – Port George IV (1011/01).
- Provided comment to the Department of Fisheries on aquaculture applications in marine parks.
- Provided comment to the Department of Fisheries on the Shark Bay Tuna Farms application for an aquaculture (pearling) lease at Blind Strait, Shark Bay.

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.

2001/2002 PETROLEUM ISSUES CONSIDERED

- The Chair and the Deputy Chair of the MPRA met with the Chair of the EPA and the CEO of the Department of Minerals and Petroleum Resources (DMPR) to discuss the development of an approvals process within the marine conservation reserve context.
- The MPRA endorsed the Marine Management Area (MMA) Policy in October 2001.
- Representatives from the MPRA attended the Australian Petroleum Production and Exploration Association (APPEA) meeting and workshop on the 12 – 13 December 2001.
- The MPRA were advised by the Department on the progress of the Government/Industry Working Group set up to work through the remaining issues with the petroleum industry in relation to the Montebello/Barrow Islands marine reserve proposal.
- The MPRA attended a day tour of the petroleum activities on Varanus Island with representatives from APPEA, Apache and Chevron.

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 and other matters.
- The Chair of the MPRA met with the Minister to discuss the MPRA statutory review process.
- The MPRA was briefed by the Department of Fisheries on the recreational take of corals.
- The MPRA was briefed by the Department on the public consultation process for the Geographe Bay-Capes-Hardy Inlet marine reserve proposal and advised of the Authority's role.
- The MPRA was briefed by the Department on the Mooring Policy.
- The MPRA received a presentation from the Department on the levels of use and degradation in the 40m terrestrial component of the Ningaloo Marine Park.
- Representatives from the MPRA met with the Chair of the EPA to establish whether there is a need for the production of an Environmental Position Paper for the coastal strip adjacent to Ningaloo Marine Park.
- The MPRA was briefed by the Department on the proposal to amend the boundary of the Swan Estuary Marine Park.
- The MPRA met with representatives from the Conservation Council and World Wide Fund for Nature to discuss the matter of community initiated marine conservation reserves.
- The MPRA received a briefing from the Department on the extent of pearling licences in the Kimberley region.
- The MPRA met with the CCWA to discuss a range of issues including the vesting of intertidal areas, regional plans and joint policy formation.
- The MPRA held their April 2002 formal meeting in Exmouth at the Department of Conservation and Land Management Exmouth Office. The MPRA visited Coral Bay and the proposed Coral Coast Marina Development site.
- The MPRA was briefed by the Department on the draft options paper for Ningaloo Marine Park.
- The MPRA was briefed by the Department on the status of the Shoalwater Islands Marine Park Management Plan.
- The Chairman of the MPRA attended a meeting of the Cockburn Sound Management Council to discuss the proposed extension to the Shoalwater Islands Marine Park.
- Representatives from the Department of Fisheries attended a meeting of the MPRA to discuss the issue of compliance activities in marine conservation reserves.
- The MPRA met with representatives from the Sustainability Unit to discuss the units relationship to the role of the MPRA.
- The MPRA received a briefing from the Environmental Protection Authority on the renewal of Cockburn Cement's licence.
- The MPRA received a briefing from the Department on the extent of tourism concessions in marine conservation reserves.
- The MPRA received a briefing from Professor Janet Mann on the issue of the provisioning of dolphins at Monkey Mia.
- The MPRA received a briefing from the Department on the issue of whale shark interaction licences.
- The Authority received an update from the Department of all existing relevant policies under review by the MPRA, Conservation Commission and the Department.
- Representatives of the MPRA attended the Department of Conservation and Land Management inaugural marine conference in June 2002.
- The MPRA received a briefing from the Department on the Aboriginal Involvement in National Parks and Nature Conservation Policy.
- The MPRA received an update from the Department on the national guidelines

developed at the Tourism Protected Areas Management Forum.

- The MPRA received a briefing from the Department on the status of the draft Policy Statement on the Identification and Management of Wilderness.
- Representatives from the MPRA and MCB met with representatives from the CCWA to discuss the input of the MPRA and the CCWA to the review of *Policy No. 1 – Management Planning*.
- The MPRA was briefed by the Department on the progress of the marine community awareness program.