



ANNUAL REPORT

1 July 2003 - 30 June 2004

Marine Parks and Reserves Authority

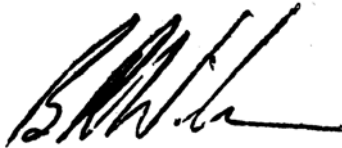
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HON MINISTER FOR THE ENVIRONMENT

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 2004.

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

Dr Barry Wilson
Chairman

August 2004

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MARINE PARKS AND RESERVES AUTHORITY

The Marine Parks and Reserves Authority (MPRA) was established in August 1997 subsequent to amendment of the Conservation and Land Management Act 1984. The Authority's prime role is to oversee the development of marine reserves policy and management plans and the implementation of these plans by the Department of Conservation and Land Management (the Department). The Authority also advises the Minister for the Environment on marine conservation and can develop policies to preserve the natural marine and estuarine environments outside marine conservation reserves. The Authority has formulated a strategic plan which has allowed it to develop vision and a strategy as set out below.

OUR VISION

Healthy, sustainable, marine and estuarine ecosystems

OUR RESPONSIBILITIES

- *To oversee the development and management of the marine reserve system.*
- *To advise the Minister for the Environment on marine conservation.*
- *To develop policies to preserve and promote natural marine and estuarine environments.*

OUR STRATEGIES ARE FORMULATED TO:

- *Guide MPRA decisions and actions by effective policy development and application.*
- *Promote marine and estuarine conservation in Western Australia.*
- *Consider proposals for marine and estuarine conservation reserves.*
- *Prepare effective management plans for marine conservation reserves.*
- *Implement and audit management plans for marine conservation reserves.*

CHAIRMAN'S REVIEW

During this year real progress has been achieved in the development of the Western Australian marine conservation reserve program. One new marine park has been formally established. Indicative management plans for two more new reserves have been finalised and referred to the Minister and an indicative management plan for another nears completion. In addition, indicative management plans for extensions to two existing marine parks have been completed and referred to the Minister, along with revised management plans for those parks. Details of these matters are set out in the following sections of this report.

All of these projects have received strong support from community advisory committees whose members have contributed essential local knowledge and personal expertise, as well as enthusiasm and commitment to the objectives. This has been a major factor in their successful outcomes and is a measure of community support for the principles of the marine conservation reserve program. Nevertheless, establishment of marine conservation reserves, and some of the constraints imposed by them, was not supported by everyone. During the public consultation phase many objections were raised to aspects of the proposals. Most commonly these related to fishing.

Spatial and temporal closures under fishery legislation often are controversial but are generally accepted as an aid in sustaining the fisheries. Permanent reservation of coastal areas for conservation and other public activities to the exclusion of fishing is more difficult for many people to accept. Consultation, with explanation of the reasons for so-called "no-take" areas helps resolve these difficulties but many fishers remain feeling disadvantaged.

There is wide acknowledgment that there is a global problem with progressive depletion of the living resources of the sea. With our growing population and improving technology, Australian coastal waters are not immune to this global trend. A contemporary view has developed that it is necessary for us to take a more rigorous stance in implementing sustainable practices in fishery and environmental management in the sea as well as on land. Linked to this is a new focus on the need for measures to enhance biodiversity protection. Sustainability and biodiversity protection are now firmly established as operational principles in our coastal resource and environmental management programs. The current Western Australian integrated fishery management and marine reserve

programs are two complementary, key elements of this approach.

The current Western Australian marine reserves program is part of a process to establish a National Representative System of Marine Protected Areas implementing Australia's national and state sustainability and biodiversity strategies. National marine reserve selection criteria and design standards have been adopted for the Western Australian program. The underlying principles of these are known as the CAR principles (Comprehensive, Adequate and Representative). Though these principles are the outcome of many years of discussion among marine managers and scientists, nationally and within this State, they are neither acknowledged nor clearly understood by some sections of the community and this remains an ongoing cause of concern and dispute as marine reserve proposals are put out for community comment.

A compounding factor is that the science base for these principles is still developing. As is usually the case in such circumstances, scientists themselves do not totally agree on many of the ecological issues involved. There is a great need for research on such matters as the occurrence of "trophic cascades" in marine ecosystems and the consequences for natural ecosystem processes of removing key species (for example, by fishing). There is clear evidence from around the world, that many coral reef systems are degrading, with shifts from coral-dominated to algal-dominated communities as a direct result of over-fishing. This is a concern to us in the context of sustainable management objectives for marine reserves like the Ningaloo Marine Park. Great care and caution need to be taken with fishing and tourism activities in our coral reef parks to limit the possibility that the calamities that have occurred in many coral reefs elsewhere do not occur here.

Much less is known about marine ecosystems in temperate waters and the potential impacts of disturbance by human activities. That lack of understanding does not release us from the need for caution in managing our southern marine parks. On the contrary, it requires us to increase diligent application of the "precautionary principle" while, at the same time, putting in place the research and monitoring programs needed to build a knowledge base.

In this regard there has been vigorous debate recently about the need for and effectiveness of no-take areas in our sustainable marine management programs. The MPRA is convinced that no-take

areas are an essential element in a multiple-use marine reserve system. As do other marine reserve management authorities, the MPRA strives to include representative and functionally adequate no-take areas in our marine parks, unpopular though these sometimes may be. Yet it is clear that they alone will not ensure sustainability. Nor are they themselves sustainable, as stand-alone reserves, in the marine environment which is so characterised by interconnectedness. It is also necessary that human activities in surrounding areas, within other zones of marine parks and beyond their boundaries, are managed to avoid major functional changes in ecological systems.

An important conclusion to be drawn from these considerations is that greater and more effective collaboration is needed between our conservation and fishery management agencies. The Errington review of the MPRA (March 2003) made the point that the working relationship between the Department of Conservation and Land Management and the Department of Fisheries is “in need of improvement”. Regrettably, while improvements have been made recently in this respect, a need for improved collaboration remains.

Another issue that must be addressed as the marine reserves program develops, is the allocation of adequate resources for management. It is not possible to sustain the development of a new marine reserve system on the scale the Government proposes without allocation of substantial new funding (to both CALM and Fisheries).

Until recently, funds for management of marine reserves was re-allocated from within the budgets of the two departments. New ground was established this year when a specific allocation was made for management of the new Jurien Bay Marine Park. Funds have also been specifically allocated to management and research of Ningaloo Marine Park, the State’s most prestigious marine reserve. These decisions of the Government are welcomed. As new marine reserves are established it will be necessary to continue this procedure.

There remains a backlog problem however. The Shark Bay Marine Park (a World Heritage Area), the Rowley Shoals Marine Park, and the metropolitan Marmion and Shoalwater Islands Marine Parks remain seriously under-funded. They are open to characterisation as “paper parks” – established on paper but having little operational reality. For marine reserves to fulfill the purposes for which they are established they must be supported by qualified staff and realistic budgets for compliance, education and research and monitoring operations. The MPRA believes that this is a vitally important matter that must be addressed urgently by the Government.

It is a truism that the best things happen when resources are stretched. And it is true that, with the developing marine reserves program, good things are happening even though resources are seriously stretched. But this principle only works when seriously committed and competent people are involved and willing to “go that extra yard”. The MPRA, while lauding the progress of the marine reserves program, wishes to acknowledge the fact that these good things are happening largely due to the enthusiasm, commitment and competence of many people.

In particular, the staff of the Marine Conservation Branch of the Department of Conservation and Land Management are unfailingly helpful and effective. Their professionalism, often under stressful conditions, is, in large measure, responsible for the progress being made. The MPRA also acknowledges the commitment and skills of the many people participating in the community advisory committees. Their contributions, made freely in the spirit of community involvement, are always impressive and are greatly appreciated. Also making a significant contribution are those many people who take the time and trouble to make submissions during the public consultation programs. The MPRA hopes that, as the new marine reserve projects come to fruition, all these people will find satisfaction in the knowledge that they have helped establish reserves that will protect the special parts of our magnificent coastal heritage for generations to come.

Dr Barry Wilson
Chairman

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.

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 (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 CALM Act" and "the Amendment Act" used in this report refer to the Minister for the Environment, the Department of Conservation and Land Management, the *Conservation and Land Management Act 1984* and the *Acts Amendment (Marine Reserves) Act 1997* respectively).

WRITTEN DIRECTION BY THE MINISTER

Section 26C(1) of the CALM Act provides the Minister with a discretionary power to direct the MPRA in writing with regard to the exercise or performance of its functions.

If the Minister exercises the power of direction provided in section 26C(1) of the CALM Act, the MPRA is required under section 26C(2) to include the text of any direction given in its annual report.

The Minister did not provide any written direction to the MPRA under this section of the CALM Act during the 2003/2004 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 CALM 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)).

The term of all members of the MPRA was extended in August 2002 pending the outcome of the statutory review of the three statutory authorities established under the CALM Act. Given the Cabinet decision to retain the MPRA following the review, and the expiry of members' terms of appointments, the Minister for the Environment called for expressions of interest for membership to the MPRA. An advertisement inviting expressions of interest was published in the Saturday 4 October 2003 edition of 'The West Australian' newspaper. Relevant Ministers were also invited to put forward their recommendations for membership nominations.

The Schedule to the CALM Act allows for members to be reappointed. Dr Barry Wilson, Mr Eric Streitberg, Mr Angus Horwood, Professor Diana Walker and Mr Kim Colero were reappointed to the MPRA in February 2004.

Previous MPRA members Mr Tony van Merwyk and Ms Edwina Davies Ward did not seek reappointment.

Dr Lynnath Beckley and Dr Iva Stejskal were appointed to the MPRA as replacement members in February 2004.

Membership as at the 30 June 2004 is recorded below.

Appointed members

- (1) Dr Barry Wilson (Chairman)
- (2) Mr Eric Streitberg (Deputy chairman)
- (3) Mr Angus Horwood
- (4) Professor Diana Walker
- (5) Mr Kim Colero
- (6) Dr Lynnath Beckley
- (7) Dr Iva Stejskal

Dr Barry Wilson is an inaugural member and Chair of the MPRA. Dr Wilson is a Marine Zoologist and holds a Bachelor of Science and PhD from the University of Western Australia and completed post doctoral studies at Harvard University, USA. Dr Wilson is a former Director of Nature Conservation with the WA Government and has considerable involvement in policy development in conservation and in the development of an Australian system of marine and estuarine protected areas. Dr Wilson has served on numerous statutory bodies and committees nationally and internationally.

Mr Eric Streitberg was appointed to the MPRA in August 1999 and appointed Deputy Chair of the MPRA in December 2002. Mr Streitberg is Chief Executive and Director of Arc Energy Limited. Mr Streitberg has followed a professional career in international oil and gas operations/exploration and holds a Bachelor of Applied Science in Geophysics. Mr Streitberg is a past member and Vice Chair of the Australian Petroleum Production and Exploration Council (APPEA) and Chair of APPEA Exploration Committee.

Mr Angus Horwood was a member of the National Parks and Nature Conservation Authority for 4 years and has been a member of the MPRA since its formation in 1997. Mr Horwood is owner/operator of Dress Circle Farm, a broiler growing operation in the City of Wanneroo. Mr Horwood is a current member of the Oceans Office Advisory Committee. Mr Horwood has a history of affiliation with recreational fishing and was Chair of the West Australian Recreation and Sport Fish Council (Recfishwest) for 10 years and President of the Australian Recreational and Sport Fishing Confederation Inc.

Professor Diana Walker is a Professor at the School of Plant Biology (Botany) at the University of

Western Australia. Professor Walker has a Bachelor of Science in Marine Biology from the University of Liverpool, Isle of Mann and a Phd from the University of York, England. She has acted as a regular external examiner for Honours, Masters and PhD theses for a number of universities within and outside of Australia. Professor Walker is an inaugural member of the MPRA and Chair of the Shark Bay World Heritage Property Scientific Advisory Committee and member of the Shark Bay World Heritage Property Community Consultative Committee.

Mr Kim Colero is Managing Director of JK Colero Enterprises P/L, an Australian Fishing Company, focusing on the Western Rock Lobster Industry. Mr Colero was appointed to the Authority in December 2002. Mr Colero has a history of involvement in the commercial fishing industry. Mr Colero is a past president of the Dongara Professional Fisherman's Association Inc., past member of the Western Australian Fishing Industry Council Rock Lobster Sub-committee and past committee member Fisheries Adjustment Scheme.

Dr Lynnath Beckley is a Senior Lecturer in Environmental Science at Murdoch University and holds a Bachelor of Science and a Masters in Zoology from the University of Port Elizabeth, South Africa and a PhD in Zoology from the University of Cape Town. Dr Beckley was appointed to the MPRA in February 2004. Dr Beckley currently supervises several Honours, Masters and PhD research students at Murdoch University. Dr Beckley has held a number of honorary positions and currently is a council member of the Australian Marine Sciences Association.

Dr Iva Stejskal is a Lawyer whose key responsibilities are in the provision of legal advice in environmental and resources law. Dr Stejskal holds a Bachelor of Science from Washington State University, a PhD in Marine Biology from the University of Queensland and a Bachelor of Law from Murdoch University. Dr Stejskal was appointed to the MPRA in February 2004. Dr Stejskal was involved in marine research, monitoring and environmental management in the oil and gas industry in Western Australia for over 15 years, prior to entering the legal profession. Dr Stejskal is the past Deputy Chair of the WA Marine Parks and Reserves Scientific Advisory Committee.

MEETING NOTICE AND ATTENDANCE

Reasonable notice of the MPRA meetings 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

Formal meetings of the MPRA were held on twelve occasions during the period. These were:

17 July 2003
 21 August 2003
 18 September 2003
 16 October 2003
 20 November 2003
 18 December 2003
 15 January 2004
 19 February 2004
 18 March 2004
 22 April 2004
 18 May 2004
 17 June 2004

Members attendance at these meetings were as follows:

<u>Member</u>	<u>Meetings attended (12)</u>
Barry Wilson	12
Eric Streitberg	11
Angus Horwood	11
Diana Walker	11
Kim Colero	12
Tony van Merwyk (to Jan 04)	6
Edwina Davies Ward (to Jan 04)	5
Lynnath Beckley (from Feb 04)	4
Iva Stejskal (from Feb 04)	2

The MPRA also held extraordinary meetings of the full Authority as follows:

- A meeting to further discuss the proposed Dampier Archipelago/Cape Preston marine conservation reserve on the 19 August 2003;

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- A meeting to review previous marine conservation reserve future priorities workshops on the 18 September 2003.

In addition to the above meetings, the MPRA formed sub-committees to deal with specific issues and policy matters. These sub-committees met on an "as needs basis" during the period. Sub-committees met in accordance with a charter drawn up by the MPRA and provided recommendations to the full membership of the MPRA. The following MPRA sub-committee meetings were held:

- Ningaloo Marine Park sub-committee meeting on 31 March 2004;
- Audit sub-committee meeting on 22 April 2004;
- Ningaloo Marine Park additional sub-committee meeting on 22 April 2004;
- Rowley Shoals sub-committee meeting on 13 May 2004.

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 and contributions from chief executive officers or their representatives at meetings provided valuable input to the considerations of the MPRA.

RESOURCES

The Department provides the necessary executive support staff to the MPRA, that being one officer's full-time duties. The MPRA Executive Officer and staff of the Marine Conservation Branch provided the essential assistance for the effective operation of the MPRA, particularly in regard to background briefings and advice and assistance at 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 under the terms of an MOU between the Department and the MPRA. The MOU requires that there should be a Financial Schedule each financial year detailing funds allocated to the MPRA for these purposes. There has been no Financial Schedule for the past three financial years.

In accordance with the requirements of Section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2003/2004 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 CALM Act applies. The MPRA considers any cancellation and change of purpose or boundary for its reserves under section 26B(1)(c) and associated section 17.

CATEGORIES OF RESERVE AND FUNCTIONS

Marine nature reserves, marine parks and marine management areas are the three main conservation reserve categories vested in the MPRA under the CALM Act. 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. Marine management areas provide a formal integrated management framework over areas that have high conservation value and intensive multiple use. These areas will be selected primarily on the basis of their biological and recreational values and their existing or future commercial activities such as petroleum production and commercial fishing.

Section 5(g) reserves. Land reserves with purposes the same as those prescribed in the CALM Act for marine reserves were originally vested in the NPNCA under the *Land Act 1933* (now *Land Administration Act 1997*) and are designated 'section 5(g)' reserves. To date, all of these land reserves, which are now vested in the MPRA, have the purpose 'marine park' and they comprise either islands within the waters or land adjoining the shoreline of a CALM Act marine park.

RESERVE CLASSIFICATIONS AND SECURITY OF TENURE

All marine conservation reserves established under the CALM Act and all *Land Administration Act 1997* reserves vested in the MPRA are Class A.

Any CALM Act marine 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 2004 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 2004 seven marine parks 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, Swan Estuary Marine Park and Jurien Bay Marine Park.

Marine management areas. As at 30 June 2004 there were no marine management areas established although one has been recommended in the Montebello/Barrow islands proposal.

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 Executive Director of the Department established the Coral Coast Parks Advisory Committee (CCPAC) in June 2003. The MPRA continued to receive briefings from the Department and CCPAC throughout the 2003/2004 period on the review of the Ningaloo Marine Park Management Plan and consideration of the adjacent proposed marine conservation reserves;
- The MPRA referred the draft management plan for the Rowley Shoals Marine Park and draft indicative management plan for proposed extensions to the Park to the Minister in the 2003/2004 period;
- The MPRA considered a proposal from the Department of Planning and Infrastructure to amend the Marmion Marine Park boundary to accommodate modifications to the Hillarys Boat Harbour entrance.

CALM ACT CONTROLLING BODIES

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

REVIEW OF THE CALM ACT CONTROLLING BODIES

On 12 December 2002 the Minister for the Environment announced a review of the three statutory authorities established under the CALM Act. The requirement for a review of the MPRA, MPRSAC and the Commission arises from statutory and Government policy commitments including the Machinery of Government review.

A review of the MPRA operations and effectiveness was also required under s. 26E of the CALM Act as soon as practicable after 28 August 2002.

The Minister appointed former Deputy State Ombudsman Mr Alex Errington to conduct the review of the CALM Act statutory authorities and report to her.

The Minister released the *Review of the Statutory Authorities established by the CALM Act 1984* in August 2003. The main conclusion from the review was that although the MPRSAC should be abolished as a statutory body, there are “compelling reasons” which justify the retention of the MPRA and the Commission as separate “Commissions”.

CONSERVATION COMMISSION OF WESTERN AUSTRALIA

The Conservation Commission of Western Australia was formed on the 16 November 2000 under the CALM Act. All the State’s National Parks, conservation parks, nature reserves, State forests and timber reserves are vested in the Commission.

Reciprocal statutory requirements have been placed on the MPRA and the Commission so that when a matter before either body is about a reserve vested in the other body or otherwise relevant to the other body’s functions it must be referred for comment and advice to the relevant vested body (CALM Act, sections 22(6) and 26B(7)). In addition, the Minister has expressed the view that both the MPRA and the Commission 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 Commission 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 Commission are analogous.

During the 2003/2004 period the MPRA and Commission liaised over a number of issues including:

- The outcomes of the review of the CALM Act statutory authorities;
- MPRA and Commission structure and operations;
- Improving management plans;
- Vesting of intertidal areas.

The Commission convened a Management Planning workshop on the 17 – 18 May 2004 which was attended by representatives from the MPRA. The Chairs of the MPRA and the Commission met on a number of other occasions.

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

MARINE PARKS AND RESERVES SCIENTIFIC ADVISORY COMMITTEE

In accordance with the recommendations of the *Review of the Statutory Authorities established by the CALM Act 1984*, the MPRSAC was abolished.

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 CALM Act.

POLICY STATEMENTS

Where directly relevant to the MPRA, Departmental and other 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, Department policies may also be accepted as MPRA policy.

The MPRA also independently develops policy as one of its key functions and has developed a Policy Development process to formalise and expedite this function.

ACTION DURING 2003/2004

The MPRA received briefings on the following, and when necessary provided comment:

- The Environmental Protection Authority Guidance No. 29: Benthic Primary Producer Habitat Protection for Western Australia's Marine Environment.
- The Department's Identification and Management of Non-indigenous Cultural Heritage on the Lands and Waters Managed by the Department.
- The Department's Identification and Management of Wilderness Policy.
- The Department's Indigenous Ownership and Joint Management of Conservation Lands – Consultation Paper.

- The Department of Fisheries Draft Aboriginal Fishing Strategy.
- Focus on the Future: The WA State Sustainability Strategy Consultation Draft.
- The proposed Biodiversity Conservation Bill 2004.
- The Rottnest Island Taskforce Report.

The MPRA undertook the following reviews of internal policies:

- The MPRA Stakeholder Relationship Program (September 2003).
- The MPRA Strategic Plan (October 2003).

The MPRA developed and endorsed the following document:

- MPRA sub-committee guidelines and procedures (October 2003).

ADVICE TO MINISTER ON PROPOSALS FOR RESERVATIONS

DEVELOPMENT OF THE MARINE RESERVE PROGRAM

In last year's annual report note was made of the Government's announced commitment to creation of five new marine reserves in Western Australian waters by the end of 2004. The five areas nominated were:

- Jurien Bay Marine Park;
- Dampier Archipelago to Cape Preston Marine Park;
- Barrow and Montebello Islands Marine Parks and Marine Management Area;
- Cape Naturaliste and Cape Leeuwin ("the Capes" Marine Park);
- Walpole and Nornalup Inlets Marine Park.

The MPRA regarded this program as a formidable challenge which would require considerable support and funding to ensure its completion in the target timeframe. It is pleasing to report that substantial progress has been made toward that end and that there has been strong community support for these projects. One of the proposals, Jurien Bay Marine Park, has already been established. While it is unlikely that all the remaining proposed new marine reserves will pass through the complex consultative and legal processes involved in gazettal within the target time-frame, most of them will have reached the point where there is an agreed indicative management plan and a clear way forward.

After completion of this program, complementing the existing marine reserves, the Western Australian marine reserve system will have few equals in terms of the variety of marine ecosystems it covers. It will then include major tropical coral reef ecosystems in the north and north-west, the very large shallow embayment ecosystems of subtropical Shark Bay, the highly diverse limestone ecosystems of Jurien, Marmion and Shoalwater Islands on the Midwest Coast, the equally diverse granitic coast of the Capes in the temperate zone of the south-west, important shore bird habitats in the Swan Estuary, and the beautiful estuarine environment of Walpole-Nornalup Inlets on the South Coast.

Yet this large and diverse marine reserve system will be still inadequately representative of Western Australian marine habitats and flora and fauna. The Bonaparte, Kimberley, King Sound, Canning and Eighty Mile Beach bioregions in the tropical north will remain without representation in the State's marine conservation reserve system. The WA South

Coast and Eucla bioregions will be represented only by the Walpole-Nornalup Inlets Marine Park without any representation of the dramatic rocky shores, oceanic beaches and sheltered marine embayments that characterise the temperate southern coast of the State. The MPRA has resolved that the next set of priorities, after completion of the current program, should focus on the Kimberley and the South Coast. A workshop held in March 2004 confirmed that proposal.

The MPRA is pleased to report as follows on progress with establishment of the proposed five new marine reserves in the current program and development of management plans and extensions to several of the existing ones.

JURIEN BAY MARINE PARK

The draft indicative management plan for the Jurien Bay Marine Park had been completed in 2001 and the MPRA had submitted its report to the Minister for the Environment (Section 14 (1a) of the Act) that year recommending that the plan be approved and the park established. There followed a long period of discussion within Government, and further consultation with key community sector groups before the necessary agreements were secured. The park was gazetted in August 2003.

In response to issues raised during these negotiations, the Minister appointed a working group to consider the possibility of establishing a recreation zone in the marine park immediately adjacent to Jurien Bay townsite. The working group examined the matter and briefed the MPRA on its conclusions at the meeting of 17 June 2004. The MPRA subsequently forwarded the working group report to the Minister, supporting its recommendations. Resolution of the matter is expected early in the next financial year.

The other major issue involved in creating this park concerned allocation of resources for its management. The Department of Conservation and Land Management and the Department of Fisheries, in consultation with the MPRA, developed and costed a workplan for the park and funds were duly allocated specifically for this purpose. The MPRA is especially pleased with this outcome.

Establishment of the Jurien Bay Marine Park is a highly significant event for marine conservation in Western Australia. It secures a large area of coastal habitat, in an area of very high species diversity,

under a management regime with environmental protection as a priority. Being also at the centre of a highly valuable rock-lobster fishery, this park will become a model for multiple-use management. The support of the fishing industry in establishing the park, and in ongoing sustainable management of its resources, is an encouraging indication that multiple-use can be an effective model that serves conservation as well as user interests.

PROPOSED MONTEBELLO/BARROW ISLANDS MARINE PARK AND MARINE MANAGEMENT AREA

A draft indicative management plan for the proposed Montebello/Barrow islands marine conservation reserves, prepared previously by the Department in consultation with a community advisory committee, was referred to the MPRA by the Minister for the Environment in July 2003 (Section 14 (1a) of the Act). With the approval of the Minister for Fisheries and the Minister for State Development, the draft plan was released for public comment in February 2004. The proposal provides for Marine Parks at the Montebello Islands and on the western side of Barrow Island and a Marine Management Area over much of the surrounding waters.

Public submissions to the plan closed in May 2004. The MPRA appointed a sub-committee to review the public submissions and consider any necessary amendments to the plan. The MPRA will make its report (under Section 14 (6a)) to the Minister in July 2004 and, with the concurrence of the Minister for Fisheries and the Minister for State Development, it should be possible to proceed to gazettal of these reserves by the end of 2004.

These marine reserves will encompass the highly diverse coral reef and associated lagoonal habitats of the Montebello Islands and the rocky shore and coral reef habitats of the western side of Barrow Island which are characteristic of the Pilbara (offshore) bioregion. They will also encompass intertidal flats of the eastern side of Barrow Island which are characteristic of the Pilbara (nearshore) bioregion. They include extremely important nesting habitat for threatened marine turtles. While these areas have exceptionally high conservation values, they also lie within one of the State's most important petroleum and gas production areas. The MPRA believes that the indicative management plan provides an appropriate balance between these seemingly conflicting public interests and that it too will become a model for multiple-use and a demonstration that conservation and industry can coexist. The support of the petroleum industry in developing the plan has been a large factor in the success of the project.

PROPOSED DAMPIER ARCHIPELAGO/CAPE PRESTON MARINE CONSERVATION RESERVES

The Department established a community advisory committee for this project and initiated a vigorous community consultation program in 2002. A draft indicative management plan was duly produced, recommending establishment of the Dampier Archipelago Marine Park and the Cape Preston Marine Management Area. The draft plan was referred to the MPRA by the Minister for the Environment in July 2003. The MPRA submitted its report to the Minister (under Section 14 (1a) of the Act) on 29 August 2003, recommending the release of the plan for public comment after additional public consultation with key stakeholders on certain issues. The Minister directed that further consultation take place and the Department sent out 106 information packages for a six-week comment period. Twenty one submissions were received. This preliminary public consultation program took place before the statutory requirement for release of an indicative management plan.

The submissions were considered by the MPRA and some further amendments to the draft plan were recommended. These related mostly to changes to the proposed sanctuary zones to accommodate concerns raised by recreational fishing interests. The MPRA then reported again to the Minister in February 2004 recommending the plan be released for public comment. The Minister forwarded the plan on 9 June 2004 to the Minister for State Development and the Minister for Fisheries seeking their approval for its public release (Section 14 (1b) of the Act). After release of the plan there will be a three-month period for public comment, submissions will be considered and any necessary amendments made, and the MPRA will report again to the Minister for the Environment. With this time-frame, it is unlikely that this proposal will proceed to gazettal until early 2005.

The marine habitats of the Dampier region are extremely varied and represent the Pilbara (nearshore) bioregion which is characterised by high species diversity and a high level of regional endemism. The archipelago is also very scenic. In addition to these conservation values, the area is a major industrial centre and there is a high level of recreational activity, especially fishing, in its coastal waters. And there is significant indigenous interest in its cultural resources. The MPRA believes that, with the exclusion of the port areas, reservation for multiple-use is an appropriate and effective way of providing a management regime capable of resolving the many unusually complex and potentially conflicting interests in this highly valued area.

PROPOSED GEOGRAPHE BAY /LEEUVIN-NATURALISTE/HARDY

INLET MARINE CONSERVATION RESERVE

A community-based advisory committee was formed in August 2003 to assist planning for the proposed marine reserve encompassing the western part of Geographe Bay, the Leeuwin-Naturaliste coast, and Hardy Inlet. The advisory committee met six times between September 2003 and May 2004, and extensive additional community consultation was undertaken through additional public workshops and meetings.

An authority representative attended each advisory committee meeting and the MPRA also received regular briefings on progress throughout the year from the Department. The final indicative management plan is expected to be formally referred to the MPRA by the Minister early in the next financial year.

ROWLEY SHOALS MARINE PARK AND PROPOSED EXTENSIONS

The Rowley Shoals Marine Park was established in May 1990, covering Clerke and Imperieuse Reefs. There is no approved management plan in place for this park. A draft management plan was released for public comment in January 2004 (under Section 57 of the Act), the required three-month public comment period closing in April 2004. The MPRA formed a sub-committee to consider the public submissions to the plan in May 2004 and made some amendments to the draft accordingly.

This process has been complicated by the fact that the project also proposed extensions which would increase the boundaries of the existing marine park from 100m seaward of the reef edge at Clerke and Imperieuse Reefs to the three nautical mile limit of State waters. The extensions require treatment as new reserves and preparation of an indicative management plan for them.

Thus, the draft plan combines a management plan for the existing marine park which requires approval of the Minister for Environment after giving effect to the submissions of the Minister for State Development and the Minister for Fisheries (under Section 60 of the Act) and an indicative management plan for the extensions which require the concurrence of those Ministers (under Section 14 of the Act). The MPRA intends to forward the draft plan to the Minister for the Environment early in the new financial year recommending that these procedures be followed with a view to approval of the plan and gazettal of the extensions.

The Rowley Shoals are unique shelf-edge atolls and are rare examples of pristine coral reef ecosystems. Coral atolls around the world are generally in

serious decline through unwise and excessive use. With the proposed extensions to this park implemented and the management plan in place, the Rowley Shoals Marine Park will represent one of Australia's most significant marine reserves.

REVIEW OF THE NINGALOO MARINE PARK MANAGEMENT PLAN (STATE WATERS) AND PROPOSED ADJACENT MARINE CONSERVATION RESERVES

A management plan for Ningaloo Marine Park was approved in November 1989 and became due for review in 1999. The review project was initiated in July 2003. The community-based Coral Coast Parks Advisory Committee (CCPAC), which is also responsible for advice on the Cape Range National Park, was given the task of assisting with this project.

The CCPAC met five times between July 2003 and April 2004. The Chair of the CCPAC attended the November 2003 meeting of the MPRA to advise on progress. The MPRA also received regular briefings from the Department throughout the year.

The plan has been extensively revised to bring it into line with the outcome-based format now used by the MPRA. In addition, several new sanctuary zones and substantive extensions to the existing sanctuary zones have been included in the draft to improve their representation of the park's habitats, improve their adequacy as functional ecosystems, improve their facility for monitoring environmental change, and provide protection for certain heavily used observation areas. The MPRA considers that these changes make the park's zoning scheme now consistent with current marine reserve design standards.

The review project included considerations of proposals for substantive additions. It is proposed that the park be extended southwards to Red Bluff, thus encompassing the whole of the Ningaloo Reef. It is also proposed to reserve the waters around the Muiron Islands north of North West Cape. The latter area was suggested previously as an extension to the Ningaloo Marine Park but separate designation as a marine management area is now recommended.

Like the Rowley Shoals Marine Park proposal, this draft plan combines a management plan for the existing marine park as well as an indicative management plan for the proposed extensions. The latter requires the approval of the Minister for State Development and the Minister for Fisheries before the plan is released. Accordingly, the MPRA forwarded the draft plan to the Minister for the Environment in April, 2004 recommending that the necessary procedures be followed with a view to release of the plan for public comment as early as possible in the new financial year. If that is achieved, and following the required three-month comment period, it should be possible to take this project to gazettal by the end of 2004.

Ningaloo Marine Park is arguably Western Australia's premier marine conservation reserve. Its fringing/barrier coral reef is unique and is an outstanding tourist attraction. It has long been a favourite destination for recreational fishers. While the coral reef ecosystems of Ningaloo are presently in pristine or near-pristine condition, rapidly increasing access to and use of its natural resources require that special attention be given to their management. The Government has provided funds specifically for increased management effort and research at Ningaloo and the MPRA is confident that, with this management plan in place it will be possible to sustain the environment of this special place for the enjoyment of present and future generations.

PROPOSED WALPOLE/NORNALUP INLETS MARINE CONSERVATION RESERVE

Planning for the proposed Walpole-Nornalup inlets marine conservation reserve on the south coast of WA commenced in late 2003 with the formation of a community-based focus group. Three focus group workshops were held between December 2003 and April 2004. An Authority representative attended each focus group meeting. It is anticipated that an indicative management plan will be produced later in 2004 when the Minister for the Environment will initiate the procedures required for release of the plan for public comment.

SHOALWATER ISLANDS MARINE PARK

The Shoalwater Islands Marine Park was established in May 1990. There is no approved management plan in place for this park. A draft management plan was released for public comment in 1995 but was not implemented. In December 2002, the Department commenced a new round of community consultation, putting forward several zoning scheme options. The original draft was substantially amended so as to include sanctuary zones and bring the plan into line with the current outcome-based format.

The amended draft management plan was considered by the MPRA in July 2003. There was not unanimous agreement about the best procedure to follow, given the long time that had elapsed since the original plan had been released for public comment and the substantial changes that had since been made to it. The matter was referred to the Minister in October 2003.

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 subsequent to the Amendment Act, the first plan that will apply to the reserve is described as an indicative management plan which will effectively apply 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 CALM Act) is required to submit proposed management plans for waters and lands vested in it to the Minister.

For those marine conservation reserves established prior to the 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 prior to the 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).

A significant advance this year has been the implementation of the MPRA/Departmental performance assessment framework for marine conservation reserves. The development of the performance assessment framework is consistent with the MPRA's Audit Policy (2002). The framework includes the preparation of annual marine work plans for each reserve. The work plans facilitate the implementation of respective management plans by detailing the management actions and resourcing of annual work programs. For each marine conservation reserve the framework requires completion of a performance assessment report. The report includes an assessment of the condition, pressures and management responses for key values. In addition, an assessment is made of the progress in implementing the marine work plans and management plans. The framework also requires a formal triennial audit by the MPRA for each marine conservation reserve, and a statutory ten-year review of the management plan.

In March 2004, the MPRA Audit sub-committee undertook the first annual review for all existing marine conservation reserves as is required under the MPRA Audit Policy. Department staff throughout the State provided comprehensive briefings to the sub-committee on the activities and outcomes of managing the marine reserves for the 2002-2003 financial year. The review's preliminary assessment indicated that, overall, the marine conservation reserves are in a satisfactory to good condition and their management by the Department is efficient and effective. However a number of

areas where improvements are required were identified. These included:

- Management plans for the older reserves need to be converted into an outcome-based format.
- The older reserves have no formal budget process, this needs to be addressed.
- The process for gazettal of zones in reserves needs to be reviewed and expedited.
- Management strategies for high human use areas need to be reviewed.
- Community education and awareness of the values of marine conservation reserves needs to be increased.
- Additional focus and funding is necessary for research and monitoring in marine reserves.

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 CALM Act. Such operations are defined as "*those that are necessary for the preservation or protection of persons, property, land, waters, flora or fauna, or for the preparation of a management plan*". 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 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 MPRA advice may be sought as required. Under section 99 of the CALM Act licences and leases require approval of the Minister 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.

ISSUES CONSIDERED DURING 2003/2004

The MPRA received briefings on the following, and provided comment when necessary:

- The review of the Ningaloo Marine Park Management Plan (State Waters) and consideration of adjacent marine conservation reserves.
- EPA Bulletin 1073: Coral Coast Resort.
- The Carnarvon-Ningaloo Coast Regional Strategy.
- The Coral Bay Boating Facility (EPA Assessment No. 1186).
- The Department's Carnac Island Nature Reserve Management Plan.
- The proposed Safety Bay boat launching facility upgrade (Shoalwater Islands Marine Park).
- The Port Kennedy Development (Shoalwater Islands Marine Park).
- The Department of Fisheries research and education facility at Hillarys Boat Harbour (Marmion Marine Park).
- The decommissioning of a CSIRO pipeline by GHD Pty Ltd (Marmion Marine Park).
- The Department of Planning and Infrastructure's proposal to amend the boundary of the Marmion Marine Park to

accommodate modifications to the Hillarys Boat Harbour entrance.

- The outcomes of the working group established to consider a recreation zone in Jurien Bay Marine Park.
- MGA Town Planning Consultants – Turquoise Coast Development Plan 1 (Jurien Bay Marine Park).
- An amended consultation process for commercial activity licences, E class licence renewals between the Department and the MPRA in June 2004.

Table 1
APPROVED MANAGEMENT PLANS
 by Department plan number

NUMBER	PLAN	DATE 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 IN PROCESS

1. DRAFT PLANS RELEASED (and final plans being prepared)	DATE OF RELEASE
<ul style="list-style-type: none"> Shoalwater Islands Marine Park Rowley Shoals Marine Park (draft management plan and indicative management plan for extensions to the existing park) 	27 October 1995 5 January 2004
2. DRAFT PLANS BEING PREPARED	
<ul style="list-style-type: none"> Review of the Ningaloo Marine Park Management Plan (due for release in July 2004) 	

Table 3
INDICATIVE MANAGEMENT PLANS IN PROCESS

1. INDICATIVE MANAGEMENT PLANS BEING PREPARED
<ul style="list-style-type: none"> Jurien Bay (Final management plan ready for approval) Montebello/Barrow Islands (released 17 February 2004) Dampier Archipelago/Cape Preston (ready for release) Geographe Bay/Leeuwin Naturaliste/Hardy Inlet Walpole/Nornalup Inlets Murion/Sunday Islands (due for release in July 2004) Southern extension of the Ningaloo Marine Park (due for release in July 2004)

ADVICE TO THE MINISTER

LEGISLATIVE BACKGROUND

The MPRA provides advice to the Minister for the Environment on:

- the development of policies for the conservation and management of the marine and estuarine flora and fauna and natural environments of the State;
- 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).

The Chair and the Deputy Chair of the MPRA hold bimonthly meetings with the Minister.

ACTION DURING 2003/2004

The MPRA:

- Forwarded the MPRA Strategic Plan 2003 to the Minister.
- Provided advice to the Minister on the draft indicative management plan for the proposed Montebello/Barrow islands marine conservation reserve.
- Provided advice to the Minister on the Dampier Archipelago marine park and the Cape Preston marine management area and in August 2003.
- Provided additional advice to the Minister on the proposed Dampier Archipelago marine park and Cape Preston marine management area in February 2004.
- Provided advice to the Minister on the Rowley Shoals Marine Park draft management plan and indicative management plan for extensions to the existing marine park.
- Provided advice to the Minister on the proposed Coral Coast Marina Development in the Ningaloo Marine Park.

- Provided advice to the Minister on the issue of aquaculture leases and licences in marine conservation reserves.
- Forwarded the endorsed Shoalwater Islands Marine Park draft management plan to the Minister in October 2003.
- Endorsed the Ningaloo Marine Park draft management plan and indicative management plan for the proposed reserve additions and provided advice to the Minister in April 2004.
- Advised the Minister on MPRA annual work plan audit functions.

The Minister for the Environment requested the MPRA convene a workshop to determine the next tier of marine conservation reserve priorities and a way forward. The MPRA Future Priorities workshop was held on the 12 March 2004 at Perth Zoo and attended by over 50 delegates from various Government departments, key stakeholder groups, tertiary institutions and the community. The MPRA provided the outcomes of the workshop and their recommendations for a way forward for the marine conservation reserve program to the Minister in May 2004.

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, prevent or restrict 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.

ISSUES CONSIDERED DURING 2003/2004

The MPRA:

- Provided comment to the Department of Fisheries on the revised application by Shark Bay Tuna Farms Pty Ltd for an aquaculture licence, within the Shark Bay Marine Park.
- Provided comment to the Department of Fisheries on the rationalisation plan submitted by Morgan and Co Pty Ltd as per the Authority's request (Montebello Islands).
- Liaised with the Department of Fisheries on the issue of aquaculture leases and licences in marine conservation reserves.
- Received a briefing on the Draft Strategy for the Development of the Western Australian Aquaculture Industry.
- Provided comment to the Aquarium Speciman Collectors Association of WA Inc. on the marine aquarium fishery.

INDUSTRY AND RESOURCES

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 on such proposals. A policy to facilitate this role has been developed.

With respect to MPRA involvement concerning petroleum exploration and production in marine nature reserves, marine parks and marine management areas, current legislation does not contain a formal requirement for comment by the MPRA. However, the Minister administering the CALM Act receives prior notification that a permit, lease or licence is about to be granted in respect of a marine conservation reserve under the Petroleum Act or the Petroleum (Submerged Lands) Act. The Minister can then seek the advice of the MPRA. Current involvement of the MPRA also relies on the *Environmental Protection Act 1985* processes and on administrative arrangements.

ISSUES CONSIDERED DURING 2003/2004

The MPRA received briefings on the following and when necessary provided comment:

- The Hamersley Iron Dampier Port Upgrade to 95 MTPA Capacity (Assessment No. 1489).
- The Iron Ore Mine, Processing and Port, Cape Preston, Pilbara (Assessment No. 1114).
- The Gorgon Gas Development Proposal on Barrow Island.
- Straits Resources solar salt proposal in Exmouth Gulf.

LIAISON

BACKGROUND

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.

ACTION DURING 2003/2004

- The Chair of Recfishwest attended the October 2003 meeting of the Authority to discuss Recfishwest's proposal for a new system for marine conservation reserve implementation in WA.
- The Executive Director of the Department of Fisheries attended the November 2003 meeting of the Authority to brief the Authority on the Department of Fisheries view of the marine reserve program in WA.
- The Chair of the Coral Coast Parks Advisory Committee meeting attended the November 2003 meeting of the Authority.
- The Chair of the Conservation Commission of WA attended the November 2003 meeting of the Authority to discuss the Management Planning Workshop.
- Representatives from the Conservation Council of WA (CCWA) attended the December 2003 meeting of the Authority to discuss regional marine planning.
- The Chair of the MPRA met with the Executive Director of CALM to discuss the Audits for marine conservation reserves.
- The MPRA received a briefings on current research in the WA marine parks throughout the year.
- Representatives from the WA Tourism Commission attended the January 2004 meeting of the Authority to discuss whale shark licences in WA.
- The A/Director of the Conservation Commission attended the February 2004 meeting of the Authority to discuss the Management Planning Workshop.
- Scientists from the Department of Fisheries attended the March 2004 meeting of the Authority to brief the Authority on the Department of Fisheries view of marine reserve planning.
- The Chair of the MPRA attended the Recreational Fishing Advisory Committee Regional Planning Day.
- The MPRA received a presentation on marine protected areas in fisheries management from Dr Trevor Ward.
- Representatives from the MPRA attended the proposed Capes marine conservation reserve public meetings.
- Representatives from the MPRA attended the proposed Walpole marine conservation reserve public meeting.
- The Department of Environment representatives briefed the MPRA on community-derived marine quality objectives for the North West Shelf.
- The Department Executive Director provided a briefing to the Authority on the Department's budget for 2004-2005.
- Representatives from the MPRA met with Department for the Premier and Cabinet staff to discuss bioregional marine planning.
- The Chair of the MPRA briefed the Cabinet Standing Committee on Environmental Policy.
- The Chair of the Working Group established to consider the recreation zone proposal for Jurien Bay Marine Park attended the June 2004 meeting.

