

# Annual Report

1 JULY 2014 – 30 JUNE 2015





# Annual Report

1 July 2014 - 30 June 2015

**Marine Parks and Reserves Authority**  
17 Dick Perry Avenue, Kensington  
Western Australia 6151  
Phone: (08) 9219 9117

Hon. Albert Jacob, MLA  
MINISTER FOR 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 2015.

A handwritten signature in black ink, appearing to be 'TH', written in a cursive style.

Dr Tom Hatton  
Chairman

September 2015

# CONTENTS

<b>CHAIRMAN'S REVIEW .....</b>	<b>2</b>
<b>GENERAL INFORMATION .....</b>	<b>4</b>
FUNCTIONS OF THE MARINE PARKS AND RESERVES AUTHORITY .....	4
WRITTEN DIRECTION BY THE MINISTER .....	5
MPRA MEMBERSHIP .....	5
MEETING NOTICE AND ATTENDANCE .....	7
MPRA MEETINGS .....	8
SUBCOMMITTEE MEETINGS.....	8
CONFLICT OF INTEREST .....	9
PUBLIC INTEREST DISCLOSURE.....	9
<b>THE MARINE CONSERVATION ESTATE .....</b>	<b>9</b>
LEGISLATIVE BACKGROUND .....	9
CATEGORIES OF RESERVE AND FUNCTIONS .....	9
RESERVE CLASSIFICATIONS AND SECURITY OF TENURE .....	10
AREA VESTED .....	11
CONSIDERATION OF PROPOSED CHANGES FOR VESTED LAND AND WATERS.....	11
<b>CALM ACT CONTROLLING BODIES .....</b>	<b>12</b>
MARINE PARKS AND RESERVES AUTHORITY AND THE CONSERVATION COMMISSION OF WESTERN AUSTRALIA .....	12
<b>POLICY DEVELOPMENT .....</b>	<b>12</b>
LEGISLATIVE BACKGROUND .....	12
POLICY STATEMENTS .....	12
POLICY DEVELOPMENT DURING 2014/2015 .....	13
<b>PROPOSALS FOR NEW MARINE PARKS AND RESERVES.....</b>	<b>13</b>
DEVELOPMENT OF THE MARINE PARKS AND RESERVES PROGRAM .....	13
LEGISLATIVE BACKGROUND .....	13
STATUS OF PROPOSED NEW MARINE PARKS AND RESERVES.....	14
PROPOSED ROEBUCK BAY MARINE PARK.....	14
PROPOSED HORIZONTAL FALLS MARINE PARK .....	14
PROPOSED NORTH KIMBERLEY MARINE PARK.....	15
PROPOSED DAMPIER ARCHIPELAGO MARINE CONSERVATION RESERVES .....	15
<b>NEW MARINE PARKS .....</b>	<b>16</b>
<b>EXISTING MARINE PARKS .....</b>	<b>16</b>
LEGISLATIVE BACKGROUND AND MANAGEMENT PLAN DEVELOPMENT.....	16
STATUS OF KEY MANAGEMENT FRAMEWORKS AND PLANS .....	18
NINGALOO MARINE PARK AND MUIRON ISLANDS MARINE MANAGEMENT AREA.....	18
ROWLEY SHOALS MARINE PARK.....	18
SHOALWATER ISLANDS MARINE PARK.....	18
JURIEN BAY MARINE PARK .....	19
MARMION MARINE PARK .....	19
SHARK BAY MARINE PARK AND HAMELIN POOL MARINE NATURE RESERVE .....	19
MONTEBELLO/ BARROW ISLANDS MARINE CONSERVATION RESERVES* .....	19
WALPOLE AND NORNALUP INLETS MARINE PARK .....	19
SWAN ESTUARY MARINE PARK AND ADJACENT RESERVES .....	19
NGARI CAPES MARINE PARK .....	20
LALANG-GARRAM / CAMDEN SOUND MARINE PARK .....	20
EIGHT MILE BEACH MARINE PARK.....	20
<b>MANAGEMENT IMPLEMENTATION AND AUDIT .....</b>	<b>20</b>

ASSESSMENT OF THE IMPLEMENTATION OF MANAGEMENT PLANS.....	20
ANNUAL PERFORMANCE ASSESSMENT REPORT 2013/2014 .....	21
SWAN ESTARY AND SHOALWATER ISLANDS MARINE PARK ASSESSMENTS .....	22
ROWLEY SHOALS MARINE PARK ASSESSMENT .....	22
INTERIM MANAGEMENT.....	23
MANAGEMENT IMPLEMENTATION ISSUES CONSIDERED DURING 2014/2015.....	23
LEASES, LICENCES AND PERMITS.....	24
<b>ADVICE TO THE MINISTER.....</b>	<b>24</b>
LEGISLATIVE BACKGROUND .....	24
ACTION DURING 2014/2015 .....	24
<b>AQUACULTURE AND PEARLING .....</b>	<b>25</b>
BACKGROUND.....	25
STATE GOVERNMENT POLICY.....	25
MPRA INVOLVEMENT .....	25
<b>INDUSTRY AND RESOURCES .....</b>	<b>25</b>
BACKGROUND.....	25
STATE GOVERNMENT POLICY.....	25
MPRA INVOLVEMENT .....	26
INDUSTRY AND RESOURCES ISSUES CONSIDERED DURING 2014/2015 .....	26
<b>LIAISON .....</b>	<b>26</b>
BACKGROUND.....	26
SUMMARY OF ACTION DURING 2014/2015 .....	26
COMMUNICATION .....	28
<b>RESOURCES .....</b>	<b>29</b>
FUNDING AND ADMINISTRATIVE ARRANGEMENTS.....	29

# MARINE PARKS AND RESERVES AUTHORITY

The Marine Parks and Reserves Authority was established in August 1997 subsequent to amendment of the *Conservation and Land Management Act 1984* (CALM Act). The Authority's primary role is to oversee the development of marine reserves policy and management plans and the implementation of these plans by the Department of Parks and Wildlife. The Authority also advises the Minister for 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 includes a vision and strategy as set out below.

## OUR VISION

Healthy, sustainable, marine and estuarine ecosystems

## OUR RESPONSIBILITIES

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

## OUR STRATEGIES ARE FORMULATED TO:

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

# CHAIRMAN'S REVIEW

This past year, the Marine Parks and Reserves Authority fulfilled our strong commitment to monitor and tend the sixteen parks, reserves and management areas under our care, while passing some significant milestones toward the creation of the new parks promised under the Kimberley Science and Conservation Strategy.

It is a statutory requirement that every one of our parks and reserves has a management plan. The management plan for our newest park, The Eighty Mile Beach Marine Park, was gazetted in December 2014, and the Indicative Management Plan for the proposed Roebuck Bay Marine Park was released for public comment in June 2015.

The MPRA also has a responsibility to assess the implementation of marine parks and reserves management plans and their effectiveness. The focus of assessment is on performance against the management outcomes set out in those plans, generally related to the condition of key marine assets. This year, in addition to our annual assessment of all of our parks and reserves, the MPRA undertook a more intensive review of the Rowley Shoals Marine Park. This audit was finalised in April 2015, and found that the great majority of prescribed management strategies have been implemented since the management plan's inception in 2007, and that the marine park is in good condition with all performance indicators in good or excellent condition. The audit also found that management by the Department of Parks and Wildlife and the Department of Fisheries appears to be efficient and effective, and that community stewardship for the marine park by commercial and recreational users is high.

Our latest (2013-2014) annual assessment across the reserve system indicates that the large majority of ecological and social assets and values are being managed with a "high" level of effectiveness and the reserves are in good ecological condition. Where the assessment of individual reserves point to specific concerns, these serve to focus the attention of the MPRA and agencies on an effective response. We were pleased to report improvements in the management of penguins in the Shoal Water Islands Marine Park, as well as improvements in the management of sea lions and seabirds both there and at the nearby Marmion Marine Park, where the management of targeted finfish and water quality also improved.

The first review since creation of the Ngari Capes Marine Park found low management effectiveness at that stage for some reef communities and finfish, reinforcing the decision to improve conservation management through the establishment of that park. The zoning for the park is yet to be gazetted and therefore full implementation of protection measures is pending. The full implementation of zoning and management at Ngari Capes Marine Park remains a high priority for the MPRA.

The MPRA is committed to the formal co-management with the traditional owners of the Kimberley marine parks (Eighty Mile Beach, Yawuru Nagulagun / Roebuck Bay, Lalang-garram / Horizontal Falls, Lalang-garram / Camden Sound, North Lalang-garram and North Kimberley). In December 2014 we signed joint management agreements with the Nyangumarta and Ngarla peoples and an Indigenous Land Use Agreement with the Karajarri people in June 2015, all toward co-management of Eighty Mile Beach Marine Park. The MPRA and the Department of Parks and Wildlife are working actively to secure further

agreements with the traditional owners of the other proposed parks, and in June 2015 were signatories to the South West Settlement with the Noongar people.

The MPRA continues to encourage the Government and traditional owners to progress the establishment of the reserves under current consideration. We also offer our continuing appreciation for the direct support provided by the Department of Parks and Wildlife and to the Western Australian community for supporting the development and management of Western Australia's marine reserves.

**Dr Tom Hatton PSM**  
**Chair**



# GENERAL INFORMATION

## FUNCTIONS OF THE MARINE PARKS AND RESERVES AUTHORITY

The Marine Parks and Reserves Authority (MPRA) was established as the vesting body for Western Australia's marine parks and reserves in 1997 and is responsible to the Minister for Environment (the Minister).

The Department of Parks and Wildlife is responsible for the day to day management of these vested waters and provides administrative support to the MPRA.

In addition to being the vesting authority for marine parks and reserves, section 26B of the CALM Act prescribes the functions of the MPRA. These are:

1. Development of policies to:
  - a) preserve the natural marine and estuarine environments of the State;
  - b) provide facilities for the enjoyment of those environments by the community;
  - c) promote appreciation of marine and estuarine flora and fauna and natural marine and estuarine environments; and
  - d) achieve and promote the management objectives of the various types of marine conservation reserve vested in it, as outlined at section 56 of the CALM 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) develop guidelines for monitoring the implementation of the management plans by the Department of Parks and Wildlife;
  - b) set performance criteria for evaluating the carrying out of the management plans; and
  - c) 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 Western Australian 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”, “Parks and Wildlife”, “the Authority”, “the CALM Act” and “the Amendment Act” used in this report refer to the Minister for Environment, the Department of Parks and Wildlife (Parks and Wildlife), the Marine Parks and Reserves Authority (MPRA), the CALM Act 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.

Refer to Section on *Advice to Minister*.

## **MPRA MEMBERSHIP**

The MPRA members 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 for Environment, 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) of the CALM Act).

Appointed members:

### **Dr Tom Hatton - Chair** (appointed December 2011)

Tom is Principal of *Thomas Hatton, Environmental Consulting* and Adjunct Professor at UWA. He serves on the boards of the *Environmental Protection Authority*, the *Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development*, the *International Centre for Radio Astronomy Research*, the *UWA Oceans Institute* and the *Science Advisory Panel* for the Department of Water. Dr Hatton retired as CSIRO’s Group Executive for Energy in 2014, where he previously directed national water and marine research programs. Tom has a Bachelor of Science and Master of Science in Natural Resources from Humboldt State University. He completed his doctorate in the College of Natural Resources at Utah State University and postdoctoral studies in mathematics at the University of New South Wales in 1988. In 2008, Tom received the CSIRO Chairman’s Medal and the Australian Public Service Medal for his contributions to the management of Australia’s water resources.

### **Professor Christopher Doepel PSM – Deputy Chair** (appointed July 2006)

Chris is currently Dean of Business and Chair of College Committees for Arts & Sciences, Business and Law at Notre Dame University in Fremantle. Prior to undertaking this role he was Dean of the Faculty of Law and Business at Murdoch University in Perth. Before joining Murdoch University in 2008 Chris was the Registrar and Chief Executive Officer of the National Native Title Tribunal. He has extensive experience as a senior manager in public administration and in the formulation of policy advice to governments. Chris holds a Bachelor of Jurisprudence, a Bachelor of Laws and a Master of Arts. He is an Associate Member of the Law Society of Western Australia, an Associate Member of the Chartered Institute of Arbitrators, and a Fellow of the Australian Institute of Management. He is currently Chairman of the Western Australian judging panel for the Australian-American Fulbright Commission.

Chris was awarded a Public Service Medal (PSM) in the 2006 Australia Day Honours for his native title work.

**Emeritus Professor Diana Walker** (appointed August 1997).

Diana is an Emeritus Professor at the Oceans Institute and School of Plant Biology at the University of Western Australia. She has a Bachelor of Science with Honours in Marine Biology from the University of Liverpool, Isle of Man and a PhD from the University of York, England. Diana has over 35 years experience as a marine and estuarine ecologist, researcher and educator. Diana is an inaugural member of the MPRA and of the Australian World Heritage Advisory Committee. She is Acting Chair of the Shark Bay World Heritage Advisory Committee, former chair of the Shark Bay World Heritage Property Scientific Advisory Committee and former member of the Shark Bay World Heritage Property Community Consultative Committee.

**Mr Kim Colero** (appointed December 2002)

Kim is Managing Director of JK Colero Enterprises P/L, an Australian fishing company, focusing on the Western Rock Lobster Industry. Kim was appointed to the MPRA in December 2002. He has a history of involvement in the commercial fishing industry and 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 of the Fisheries Adjustment Scheme. He was appointed to the board of the Western Australian Fishing Industry Council (WAFIC) in January 2007 and was Chair of WAFIC 2009 - 2011. Kim is immediate past Chair of the Combined Zone C Association (CZCA) and is still an active member of the CZCA committee.

**Dr Kellie Pendoley** (appointed December 2011)

Kellie has over 25 years' experience as an environmental practitioner within the oil and gas and mining industries in Western Australia. Kellie holds a BSc in Environmental Science, a MSc in Oceanography (Chemical) and a PhD in Biology. Her PhD studies were on marine turtles and the environmental management of industrial activities in the north-west of Western Australia. She has participated in the environmental management of multiple large-scale oil and gas developments in WA, providing advice on all aspects of development from seismic programs through to exploration drilling, production drilling, oil spill contingency planning, dredging, onshore and offshore construction and plant operations. She is a Ministerial appointee on the Gorgon project Marine Turtle Expert Panel and is the Australasian Regional Vice-Co Chair for the IUCN Marine Turtle Specialist Group.

**Mr Jeff Cooper** (appointed December 2011)

Jeff holds a Bachelor of Applied Science (Fisheries) and has been actively involved in the aquaculture industry for the past 15 years. He is currently a Portfolio Manager at the Kimberley Training Institute, responsible for developing and implementing innovative strategies for the future direction for training and the Broome Aquaculture Centre and the Broome Maritime Simulation Centre. Jeff is an avid recreational angler and is currently a committee member of the International Game Fish Association and past President of the Broome Fishing Club.

**Ms Ida Holt** (appointed August 2012)

Ida is a Chartered Accountant with 30 years of professional accounting, auditing and commercial experience. She has worked for over 20 years in senior finance and management positions for publicly listed oil and gas companies. Ida holds a Bachelor of Commerce and a Post Graduate Diploma in Business, majoring in business law. She is also an Associate Member of the Governance Institute of Australia. Her experience in the oil and gas industry and her commercial and corporate governance experience complements the strong skills base of the MPRA.

## **MEETING NOTICE AND ATTENDANCE**

Reasonable notice of the MPRA meetings is required to be given to Parks and Wildlife 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 (section 26D(4) of the CALM Act).

Parks and Wildlife's Director General, 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 (section 26D(5)(a) of the CALM Act).

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 (section 26D(5)(b) of the CALM Act).

### **Attendance of the Director General and other Chief Executive Officers, observers and visitors**

In accordance with section 26D(5) of the CALM Act, the Director General of Parks and Wildlife and Chief Executive Officers of other relevant agencies were advised of meetings of the MPRA throughout 2014/2015 so that they could take part in the discussion and consideration of the business before the MPRA.

Representatives of Parks and Wildlife, Western Australian Museum (WAM), Department of Fisheries (DoF), Department of Mines and Petroleum (DMP) and Department of Transport (DoT) attended MPRA meetings throughout 2014/2015. The attendance and contributions from Chief Executive Officers or their representatives at meetings provided valuable input to the considerations of the MPRA during this year.

Where it was considered appropriate, the MPRA also invited persons with an interest in matters to attend meetings including representatives of peak bodies with an interest in marine conservation and marine resource management, to develop stronger relationships (see section on *Liaison*).

## MPRA MEETINGS

Formal meetings of the MPRA were held on 11 occasions during 2014/2015. The dates of these meetings were:

**Table 1: MPRA meetings for the 2014/2015 financial year**

MPRA 2014/2015 MEETINGS AND DATES	
17 July 2014	26 February 2015
21 August 2014	26 March 2015
18 September 2014	23 April 2015
16 October 2014	28 May 2015
19 November 2014	25 June 2015
15 January 2015	

**Table 2: Member attendance at the twelve MPRA meetings in 2014/2015**

MEMBER	MEETINGS ATTENDED
Dr Tom Hatton	11
Professor Christopher Doepel	7
Emeritus Professor Diana Walker	9
Mr Kim Colero	11
Mr Jeff Cooper	9
Dr Kellie Pendoley	8
Ms Ida Holt	9

Representatives of the MPRA attended two meetings with the Minister for Environment and one meeting with the Minister for Fisheries during 2014/2015.

## SUBCOMMITTEE MEETINGS

The MPRA forms subcommittees to deal with specific issues and policy matters. Subcommittees meet in accordance with a charter drawn up by the MPRA and provide recommendations to the full membership of the MPRA.

The MPRA Audit Subcommittee is a standing subcommittee. In 2014/2015 subcommittee members were Diana Walker (subcommittee Chair), Jeff Cooper, Kellie Pendoley and Ida Holt. Other members of the MPRA also participated in audit activities as required and appropriate.

The audit subcommittee met on several occasions during the year to discuss MPRA audit responsibility and to progress the report for the periodic audit of the management plan for Rowley Shoals Marine Park.

## CONFLICT OF INTEREST

The MPRA has formally adopted a Conflict of Interest Policy (2002) and members are required to consider all matters discussed at meetings, and that are considered at any other time, for any conflict of interest.

## PUBLIC INTEREST DISCLOSURE

In 2007/2008 the MPRA developed Public Interest Disclosure Procedures and Internal Guidelines in accordance with the *Public Interest Disclosure Act 2003*. The procedures were endorsed by the MPRA on 19 July 2007. Deputy Chairman, Christopher Doepel, was nominated by members as the MPRA's Public Interest Disclosure Officer. No public interest disclosures were made during the 2014/2015 period.

# THE MARINE CONSERVATION ESTATE

## LEGISLATIVE BACKGROUND

Under sections 7(5) and 26B(1)(a) of the CALM Act, the MPRA is the vesting authority for marine parks and 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 marine conservation reserve categories vested in the MPRA under the CALM Act. The CALM Act marine conservation reserve categories are outlined below.

**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.

**Marine parks.** Marine parks are created to provide for the proper conservation and restoration of the natural environment and preservation of features of archaeological, historic or scientific interest. They also provide for recreational and commercial use where these activities do not compromise conservation values.

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

### 1. 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* (FRM Act) 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*.

## 2. 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.

## 3. Special Purpose Zones

Special purpose zones provide for a purpose or purposes specified in the management plan and in the CALM Act section 62 notice. They are primarily used to recognise and emphasize particular biodiversity conservation values (e.g. wildlife breeding, habitat protection). They can also be used to recognise cultural heritage protection (European or Aboriginal), or particular social or commercial values (e.g. pearling). Where a particular social or commercial value is recognised in a special purpose zone, any complementary biodiversity conservation purpose(s) should also be specified.

## 4. Sanctuary Zones

Sanctuary Zones are 'no-take' areas and provide the highest level of protection for representative areas of marine habitat and wildlife. Sanctuary zones are managed for nature conservation and allow recreation and tourism activities that do not compromise their high protection focus. Exploratory drilling for and the production of petroleum, mining, commercial and recreational fishing, aquaculture and pearling are not permitted in sanctuary zones.

**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 National Parks and Nature Conservation Authority 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 park or reserve that is Class A cannot have its purpose amended or cancelled or its boundary changed, except by addition, unless this has been effected by an Act of Parliament.

Before the Minister for Lands can put any major change into effect under the *Land Administration Act 1997*, such as a change of purpose or a major excision to Class A CALM Act section 5(g) reserves, it requires tabling in, and the approval of, both Houses of Parliament where it may be disallowed.

## AREA VESTED

Western Australia's marine nature reserves, marine parks and marine management areas cover approximately 2.5 million hectares. Of this, "no take" areas comprise approximately 300,000 hectares or about 12% of the current marine reserve system.

These "no take" areas cover approximately 2.4% of Western Australia's coastal waters and provide the highest level of protection by prohibiting extractive activities to ensure that environmental values and ecosystem functions are maintained as much as possible in their natural condition.

The management zoning for Eighty Mile Beach Marine Park, Lalang-garram / Camden Sound Marine Park and Ngari Capes Marine Park is yet to be proclaimed. Once management zoning is proclaimed, the marine reserve system will contain approximately 20% "no take" areas. These "no take" areas will then cover nearly 4% of Western Australia's coastal waters.

**Marine nature reserves.** As at 30 June 2015, one marine nature reserve, Hamelin Pool Marine Nature Reserve, of approximately 132,000 hectares was vested in the MPRA. This reserve type provides the highest level of protection of environmental values.

**Marine parks.** As at 30 June 2015, 13 marine parks, totalling approximately 2.2 million hectares, were vested in the MPRA. These are Rowley Shoals Marine Park, Ningaloo Marine Park, Shark Bay Marine Park, Marmion Marine Park, Shoalwater Islands Marine Park, Swan Estuary Marine Park, Jurien Bay Marine Park, Montebello Islands Marine Park, Barrow Island Marine Park, Walpole and Nornalup Inlets Marine Park, Ngari Capes Marine Park, Lalang-garram / Camden Sound Marine Park and Eighty Mile Beach Marine Park.

**Marine management areas.** As at 30 June 2015, two marine management areas, totalling approximately 143,000 hectares were vested in the MPRA. These are Muiron Islands Marine Management Area and Barrow Island Marine Management Area.

NOTE: The quality of mapping of marine reserve boundaries is variable and as such area figures are approximate only. Improved mapping of watermark boundaries and historical boundaries may result in revised area figures in the future.

## CONSIDERATION OF PROPOSED CHANGES FOR VESTED LAND AND WATERS

As the vesting and controlling body, the MPRA considers proposals presented to it throughout the year relating to boundary changes, classification changes, vesting or other matters. During 2014/2015 no such changes were considered by the MPRA.



# CALM ACT CONTROLLING BODIES

## MARINE PARKS AND RESERVES AUTHORITY AND THE CONSERVATION COMMISSION OF WESTERN AUSTRALIA

Marine and terrestrial conservation reserves are vested in “Controlling Bodies” established under Part III of the CALM Act; marine reserves in the MPRA (Division 3A, sections 26A-26E) and terrestrial reserves in the Conservation Commission of Western Australia (the Commission) (Division 1, section 18-26A). The function and membership of the MPRA are outlined in the section on *General Information* in this report. Reserve management and policy development functions of the MPRA and the Commission are analogous.

Areas of intertidal and coastal land may be vested in either the MPRA or 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 (sections 22(6) and 26B(7) of the CALM Act). Joint or reciprocal policies on matters of common interest are developed, particularly where integrated management of contiguous reserves vested in the MPRA and the Commission is to be addressed, and where island and coastal management issues relate to species conservation and environmental degradation.

Please refer to the annual report of the Commission 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:

- a) 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;
- b) promoting the appreciation of flora and fauna, and the natural marine and estuarine environments; and
- c) achieving and promoting the management objectives of the various types of vested marine conservation reserves as outlined in section 56 of the CALM Act.

### POLICY STATEMENTS

In accordance with its statutory functions under the CALM Act, the MPRA considers policy development to be one of its key functions and has a policy development process as described in the MPRA Policy Formulation Guidelines (2003) to formalise and expedite this function.

The MPRA has no directly engaged staff responsible for general policy development. Consequently, policy development has tended to be restricted to matters requiring urgent operational attention or support. However, executive, policy and planning support is provided by Parks and Wildlife as outlined in the MPRA’s memorandum of understanding

with Parks and Wildlife and annual financial schedule. The MPRA also provides *ad hoc* policy advice to the Minister on specific matters as it considers appropriate. This advice is not generally translated into formal policies that are made publicly available.

Where directly relevant to the MPRA, Parks and Wildlife and other agency policy statements will be presented to the MPRA for comment and formal endorsement. Parks and Wildlife produces policy statements that provide practical guidelines for Parks and Wildlife staff in the performance of their duties and also provide to the public a statement about these management guidelines. Once endorsed, Parks and Wildlife policies may also be accepted as MPRA policy.

## **POLICY DEVELOPMENT DURING 2014/2015**

The MPRA did not develop any new policies during 2014/15, however they did update the Artificial Structures Position Statement. The MPRA provided input and advice on a number of policy matters throughout the year. The MPRA received briefings on or considered the following policy issues:

- Parks and Wildlife's Aboriginal Customary Activities Policy and Guidelines for Aboriginal customary activities in relation to marine parks and reserves

# **PROPOSALS FOR NEW MARINE PARKS AND RESERVES**

## **DEVELOPMENT OF THE MARINE PARKS AND RESERVES PROGRAM**

There is an agreed classification of the bioregions of Australian waters, including those of Western Australia (*Integrated Marine and Coastal Regionalisation for Australia*, IMCRA, Commonwealth of Australia, 2006). There is also an agreed national strategy for development of an Australian representative system of marine protected areas (*Strategic Plan of Action for the National Representative System of Marine Protected Areas*, ANZECC Task Force on Marine Protected Areas, 1999). These documents provide guidance for development of the Western Australian representative marine reserves program.

The national bioregional classification system identifies 19 bioregions within Western Australian coastal waters. Ten of these bioregions now contain one or more marine park or reserve.

## **LEGISLATIVE BACKGROUND**

The CALM Act (section 14) requires an indicative management plan which indicates how the reserve is to be managed once it is established, for a statutory three month public submission.

Following establishment of the new marine park or reserve, the Minister may approve the indicative management plan which becomes an operational management plan upon publication of a notice of that approval in the *Western Australian Government Gazette* (see section on *Management Plans*).

## **STATUS OF PROPOSED NEW MARINE PARKS AND RESERVES**

The following section sets out the status of proposals for marine parks and reserves, and relevant activities undertaken during 2014/2015.

### **PROPOSED ROEBUCK BAY MARINE PARK**

#### **Background**

On 22 October 2010, the State Government announced it would establish a marine park at Roebuck Bay under the Kimberley Science and Conservation Strategy and in accordance with the Yawuru Area Agreement Indigenous Land Use Agreement (ILUA). Parks and Wildlife began developing an IMP for the proposed marine park with its joint management partners the Yawuru Registered Native Title Body Corporate (Yawuru) under the guidance of the ILUA and associated Joint Management Agreement (JMA) and Yawuru Park Council (Park Council).

Under the JMA, an indicative management plan (IMP) for the proposed marine park was due to be released within eighteen months of registration of the Agreement, and be informed by a Cultural Management Plan prepared by the Yawuru. The Yawuru Cultural Management Plan was produced by the Yawuru in September 2011. The Cultural Management Plan has been used to inform the development of the component management plans for the conservation estate.

While the original ILUA proposal provides for the creation of a proposed marine park to extend from lowest astronomical tide mark to the limit of State waters, it is now intended to extend the proposed marine park over the intertidal reserve in Roebuck Bay. This approach would ensure that full integration of planning for subtidal and intertidal areas of Roebuck Bay is achieved and provide for a simpler, more effective management regime. Additionally, this would allow for the relevant marine park provisions of the CALM Act to be applied to the intertidal area. To achieve this, a new ILUA will be required prior to gazettal of the marine park and release of the final management plan.

#### **Progress in 2014/2015**

An integrated subtidal and intertidal draft IMP was developed with Yawuru and endorsed by the Yawuru PBC and Park Council on 22 August and 22 September 2014 respectively. On 10 June 2015 the MPRA provided the Minister for Environment with a report on the proposal under section 14 (1a)(a) of the CALM Act. Ministerial approvals were received on the same date and the IMP was released for the statutory three month public submission period on 19 June 2015.

### **PROPOSED HORIZONTAL FALLS MARINE PARK**

#### **Background**

On 28 January 2013, the State Government announced a proposal to create the Horizontal Falls Marine Park under the Kimberley Science and Conservation Strategy, covering approximately 300,000 hectares. Dambimangari Traditional Owners and joint management partners have added Lalang-garram to the marine park name to reflect the ocean as a spiritual place. As part of the marine park management plan, the government has included the remainder of Dambimangari sea country, an area approximately 110,000 hectares which

will form the North Lalang-garram Marine Park. This area was previously proposed as part of the North Kimberley Marine Park.

The proposed Lalang-garram Horizontal Falls, North Lalang-garram, North Kimberley and the already established Lalang-garram / Camden Sound marine parks will collectively be referred to as the Great Kimberley Marine Park, which will cover approximately 2.6 million hectares.

### **Progress in 2014/2015**

Parks and Wildlife have continued to work with Dambimangari joint management partners on the development of zoning and management arrangements throughout 2014/2015. Key stakeholder engagement has also occurred with commercial and recreational fishers, commercial tourism operators, the conservation sector and the science community. In mid-2014 key stakeholder workshops were held with the commercial fishing, recreational fishing and conservation NGO sectors on areas of interest for zoning. The draft zoning proposals and management plan have progressed in 2015 and it is expected that the indicative management plan will be released for public consultation in 2015.

## **PROPOSED NORTH KIMBERLEY MARINE PARK**

### **Background**

The establishment of the North Kimberley Marine Park is a key commitment under the State Government's Kimberley Science and Conservation Strategy. The proposed North Kimberley Marine Park will cover approximately 1.9 million ha. This marine park will be jointly managed with three different Traditional Owner groups: Wunambal Gaambera, Balangarra and Miriuwung Gajerrong.

### **Progress in 2014/2015**

Key stakeholder engagement has continued with commercial and recreational fishers, commercial tourism operators, the conservation sector and the science community. Initial planning meetings have been held with all traditional owner groups. Further progress in collaboration with traditional owners groups has included a ten day boat trip in June 2015 with Wunambal Traditional Owners, an on-country trip with Miriuwung Gajerrong and a meeting with the Balangarra Aboriginal Corporation is scheduled. It is expected that the indicative management plan will be released for public consultation in late 2015.

## **PROPOSED DAMPIER ARCHIPELAGO MARINE CONSERVATION RESERVES**

### **Background**

The MPRA submitted its report in respect of the indicative management plan (IMP) for the proposed Dampier Archipelago Marine Park and Cape Preston Marine Management Area to the then Minister for the Environment (under Section 14 (1a) of the CALM Act) on 29 August 2003.

On 27 April 2007, the then Minister provided the MPRA with directions on progressing the establishment of the proposed marine reserves, and on 14 May 2007 the MPRA provided its final report to the then Minister for the Environment under Section 14 (6a) of the CALM Act.

The then Minister for Resources and the then Minister for Fisheries provided concurrence to create the reserves and gazette the management plan on 16 August 2007 and 19 September 2007, respectively.

In 2010, the then Minister for Environment considered the management plan for the proposed reserves and requested the MPRA provide its advice. The MPRA recommended the creation of the park should proceed. It also noted the complex zoning and interaction of the zoning with industrial development that had occurred since the indicative management plan for the park was first drawn up in 2003.

The MPRA was most recently briefed on the Dampier proposal on 17 May 2012. The MPRA subsequently wrote to the Minister for Environment in support of the Government proceeding to reserve the proposed Dampier Archipelago Marine Reserves.

The creation of the marine park has not progressed in 2014/2015 as the marine parks proposed under the Kimberley Science and Conservation Strategy are a higher government priority.

## **NEW MARINE PARKS**

No new marine parks were created in 2014/15

## **EXISTING MARINE PARKS**

### **LEGISLATIVE BACKGROUND AND MANAGEMENT PLAN DEVELOPMENT**

As the relevant controlling body, the MPRA is responsible for the preparation of management plans for the marine parks and reserves that are vested in it and for the review of expiring plans and preparation of further management plans (Section 54 of the CALM Act). The plans are prepared through Parks and Wildlife, having regard to the resources made available for the purpose. Management plans are to contain statements of the policies or guidelines to be followed and summaries of operations that are to be undertaken. They remain in force for a specified period not exceeding 10 years, but continue to have effect until replaced by a new approved management plan.

For marine parks and reserves established prior to 1997 that did not have a management plan in place when the Amendment Act became effective, the first management plan that will apply to the reserve is a CALM Act Part V management plan.

For marine parks and reserves established subsequent to the Amendment Act an IMP is prepared in accordance with Section 14(2d) of the CALM Act. Once the MPRA has reported to the Minister on the proposed reserve (under sections 14(1a) and 26B(1)(d) of the CALM Act) a notice of intent is published in the *Western Australian Government Gazette* and the IMP is released for public comment for a period not less than three months.

Written submissions on the IMP are analysed and the MPRA must then submit a report to the Minister in accordance with Section 14(6)(a) of the CALM Act. The Minister may then submit the proposal, modified as she/he thinks fit to give effect to submissions made under this section, to the Governor for the making of an order under Section 13. Before seeking

these orders, the Minister must seek concurrence from the Ministers for Fisheries and Mines and Petroleum.

The MPRA has responsibility for development of guidelines for monitoring the implementation of management plans, and setting performance criteria against which periodic assessment of management plan implementation is undertaken. Since 2004, management plans prepared by Parks and Wildlife for the MPRA contain summaries of ecological and social values, summaries of existing and potential uses, threats and pressures, strategic management objectives, and performance measures and targets. Work plans that relate to the management strategies, performance measures and targets for each marine park and reserve are prepared by Parks and Wildlife, thus providing the basis by which periodic assessment may be made.

The status of marine reserve proposals including their reservation status and progress towards an approved management plan, is outlined in Tables 1-4 below.

**Table 3** lists approved management plans for established marine reserves. **Table 4** lists indicative management plans released for proposed marine reserves. **Table 5** lists indicative management plans in preparation for proposed marine reserves.

**Table 3: Approved management plan by Department plan number**

NUMBER	PLAN	DATE GAZETTED
23	Marmion Marine Park	15-May-92
34	Shark Bay Marine Park and Hamelin Bay Marine Nature Reserve	7-Mar-97
41	Swan Estuary Marine Park and Adjacent Nature Reserves	7-Apr-00
49	Jurien Bay Marine Park	1-Jul-05
52	Ningaloo Marine Park and Muiron Islands Marine Management Area	14-Jan-05
55	Montebello/Barrow Islands Marine Conservation Reserves	10-Apr-07
56	Rowley Shoals Marine Park	10-Apr-07
58	Shoalwater Islands Marine Park	30-Oct-07
62	Walpole and Nornalup Inlets Marine Park	2-Jul-09
74	Ngari Capes Marine Park	5-Feb-13
73	Lalang-garram / Camden Sound Marine Park	5-Nov-13
80	Eighty Mile Beach Marine Park	2-Dec-14

**Table 4: Indicative management plan approved – reserve not yet created**

INDICATIVE MANAGEMENT PLANS
Proposed Dampier Archipelago Marine Park/ Regnard (formerly Cape Preston) Marine Management Area (released 11 January 2005)

**Table 5: Indicative management plans in preparation for proposed marine reserves**

<b>INDICATIVE MANAGEMENT PLANS</b>
Proposed Yawuru Nagulagun / Roebuck Bay Marine Park
Proposed Horizontal Falls Marine Park
Proposed North Kimberley Marine Park

## **STATUS OF KEY MANAGEMENT FRAMEWORKS AND PLANS**

The following section summarises the 2014/2015 status of key legal, administrative and management frameworks for effective management, including approved management plans, for existing marine parks and reserves.

### **NINGALOO MARINE PARK AND MUIRON ISLANDS MARINE MANAGEMENT AREA**

A management plan for Ningaloo Marine Park was approved in November 1989 and became due for review in 1999. On 7 January 2005, the then Minister approved a revised management plan for Ningaloo Marine Park, including southern extensions to the marine park as well the new Muiron Islands Marine Management Area.

The CALM Act zoning notices were gazetted on 21 January 2005, formally putting the new zoning scheme into effect. An amendment to the CALM Act zoning notice to rectify some minor descriptive errors was gazetted on 11 April 2008.

Complementary orders relating to the regulation of fishing were gazetted by the Minister for Fisheries on 9 September 2005. FRM Act orders to implement the fishing restrictions for the Muiron Islands Marine Management Area were published in the *Government Gazette* on 30 December 2008.

### **ROWLEY SHOALS MARINE PARK**

Rowley Shoals Marine Park was established in May 1990, covering Clerke and Imperieuse Reefs. An extension to the marine park was gazetted on 10 December 2004. The management plan became operational on 10 April 2007 when notification was published in the *Western Australian Government Gazette*. The CALM Act zoning notices were gazetted on 29 June 2007. FRM Act orders to implement the fishing restrictions were published in the *Government Gazette* on 13 February 2009.

The MPRA undertook the statutory periodic (5 year) assessment of the implementation of the Rowley Shoals Marine Park Management Plan during 2014/2015.

### **SHOALWATER ISLANDS MARINE PARK**

Shoalwater Islands Marine Park was established in May 1990. A draft management plan was released for public comment in 1995 but was never finalised. In December 2002, Parks and Wildlife commenced a new round of community consultation, and the original draft management plan was substantially amended so as to include sanctuary zones and bring the plan into line with the outcome-based format currently in use.

The management plan became operational on 30 October 2007 when notification was published in the *Western Australian Government Gazette*. The CALM Act notices to establish the zoning scheme were gazetted on 30 May 2008. The FRM Act orders were

gazetted by the Department of Fisheries on 16 April 2010 and prohibit extraction of fish as defined under the FRM Act within sanctuary zones.

The final Shoalwater Island Marine Park Management Plan Periodic Assessment Report was forwarded to the Minister for Environment in August 2014. The majority of the work associated with the statutory periodic (5 year) assessment of the implementation of the Shoalwater Islands Marine Park Management Plan was conducted during 2013/2014.

### **JURIEN BAY MARINE PARK**

Jurien Bay Marine Park was gazetted in August 2003 and the management plan was approved on 1 July 2005. The CALM Act notices and FRM Act orders to establish the zoning scheme were gazetted on 21 October 2005 and 23 December 2005, respectively.

### **MARMION MARINE PARK**

Marmion Marine Park was established in March 1987 and the management plan was approved in January 1992. The MPRA Audit subcommittee completed a ten year assessment of the implementation of the management plan in 2012/2013. The report was submitted to the then Minister for Environment and it is available on the MPRA website (<http://www.dpaw.wa.gov.au/mpra>).

### **SHARK BAY MARINE PARK AND HAMELIN POOL MARINE NATURE RESERVE**

These two marine reserves were established in November 1990 and a management plan was approved in March 1997. Given that these marine reserves are a significant component of the Shark Bay World Heritage Property, the MPRA considers that revision of the management plan is a priority task. The MPRA undertook a ten year assessment of the implementation of this management plan in 2008/2009, and the subsequent report has been finalised. The report was formally submitted to the then Minister for Environment in August 2010 and is available on the MPRA website (<http://www.dpaw.wa.gov.au/mpra>).

### **MONTEBELLO/ BARROW ISLANDS MARINE CONSERVATION RESERVES\***

Montebello Islands Marine Park, Barrow Island Marine Park and Barrow Island Marine Management Area were gazetted on 10 December 2004. The management plan for these reserves was approved on 10 April 2007.

The CALM Act zoning notices were gazetted on 29 June 2007. Complementary orders under the FRM Act were gazetted on 27 June 2008.

### **WALPOLE AND NORNALUP INLETS MARINE PARK**

The Walpole and Nornalup Inlets Marine Park was gazetted on 8 May 2009 and the management plan was formally launched at a ceremony in Walpole on 2 July 2009. The CALM Act notices to establish the zoning scheme were gazetted on 17 November 2009. Existing DoF notices over the area are sufficient to give effect to commercial fishing closures indicated in the management plan.

### **SWAN ESTUARY MARINE PARK AND ADJACENT RESERVES**

Swan Estuary Marine Park was gazetted on 25 May 1990 and the management plan was approved in January 1999. The plan is now due for review but remains in operation until it is replaced by a new approved management plan.



The MPRA undertook the majority of work associated with the statutory 10 year assessment of the implementation of the Swan Estuary Marine Park and Adjacent Reserves Management Plan during 2013/2014. The final assessment report was completed at the end of June 2014 and was forwarded to the Minister later in 2014.

### **NGARI CAPES MARINE PARK**

Ngari Capes Marine Park was gazetted on 12 June 2012. The management plan was approved by the Minister on 29 January 2013, and publicly notified in the *Government Gazette* on 5 February 2013. A zoning scheme for the park is yet to be legally established, pending some minor legislative amendments to the CALM Act being completed.

### **LALANG-GARRAM / CAMDEN SOUND MARINE PARK**

Lalang-garram / Camden Sound Marine Park was gazetted on 19 June 2012. The final management plan was gazetted 5 November 2013. The zoning scheme is yet to be legally established pending some minor legislative amendments to the CALM Act being completed. The name of the marine park was changed to Lalang-garram / Camden Sound Marine Park, to represent the joint management arrangements for the park.

### **EIGHT MILE BEACH MARINE PARK**

The Eighty Mile Beach Marine Park was created on 29 January 2013 and the final management plan was gazetted on 2 December 2014. Three of the four ILUAs relevant to the marine park have been negotiated and joint management agreements (JMAs) with the Nyangumarta and Ngarla people have been signed and attached to the plan to enable joint management of the park. The boundary of the marine park will be extended to the high water mark in the areas covered by these JMAs. A zoning scheme for the park is yet to be legally established, pending some minor legislative amendments to the CALM Act being completed.

*\* On 29 November 2011, the Minister for Fisheries published in the Government Gazette, notices to amend and/or revoke fishing prohibitions orders under section 43 of the Fish Resources Management Act 1994. The notices included the revocation of prohibitions on various recreational and commercial fishing activities in relevant recreation zones, special purpose zone (pearling) and special purpose zone (benthic habitat) of these marine reserves. For the full detail of revocations refer to the DoF Gazettal notice of 29 November 2011 or the Department of Fisheries.*

## **MANAGEMENT IMPLEMENTATION AND AUDIT**

### **ASSESSMENT OF THE IMPLEMENTATION OF MANAGEMENT PLANS**

The MPRA's statutory responsibility to assess the implementation of management plans is put into effect by the development of the MPRA's audit policy and functions. These continue to evolve as more information on the status of our marine parks become available.

Under its audit policy, the MPRA conducts annual, periodic and ten yearly assessments of the management plans. The MPRA's output from the annual review process is an Annual Performance Assessment Report. The timing of the assessment process and the Annual Report means that the Annual Performance Assessment Report included in the MPRA Annual Report is for the preceding year.

## **ANNUAL PERFORMANCE ASSESSMENT REPORT 2013/2014**

The Annual Performance Assessment Report is a summary of the results of the Marine Parks and Reserves Authority's (MPRA) annual performance assessment of the implementation of management plans for the 16 Western Australian marine parks and reserves, for the 2013/2014 financial year.

The review process consisted of two parts; a performance assessment summary of the implementation of management plans based on detailed annual reports prepared by the Department of Parks and Wildlife (Parks and Wildlife) and a supporting workshop where further information is provided on each park. From this process, this Annual Assessment Report is prepared by the Parks and Wildlife Planning Branch for the MPRA.

The Annual Performance Assessment for 2013/2014 found that Parks and Wildlife regional offices spent approximately \$7.5 million for the operational management of the State's 16 marine parks and reserves with Parks and Wildlife expending an additional \$1,277,267 on research and monitoring. The Department of Fisheries was allocated approximately \$3.8 million for marine park management activities across eight marine parks.

Performance Assessment Reports were completed for the Ngari Capes Marine Park and the Lalang-garram / Camden Sound Marine Park for the first time in 2013/2014. Individual reports indicated high levels of high key management strategy (H-KMS) implementation (partially, substantially or fully implemented) in the first year of the management plan.

Using targets outlined in each marine park management plan, the status of the KPIs indicated that the large majority of ecological and social assets (KPI's and non-KPIs) were being managed with a 'high' level of effectiveness across all the marine parks and reserves.

The 2012/2013 Performance Assessment indicated concerns around the status of key performance indicators in two metropolitan marine parks; targeted finfish in Marmion Marine Park and little penguins in the Shoalwater Islands Marine Park. The 2013/2014 report shows that a shift in penguin management has occurred, resulting in an increase of management effectiveness from 'low' to 'medium'. The drop in status of 'wilderness' value in Ningaloo Marine Park from 'medium' to 'low' is also of concern.

The MPRA continue to be concerned with the currency of some of the marine park management plans which have exceeded their 10 year life span. These management plans (Shark Bay, Marmion and Swan Estuary) remain in effect until new outcome based plans are prepared. The MPRA emphasized their continued concern that the current out-dated plans do not adequately address changing pressures and priorities in these marine parks.

The Annual Performance Assessment Reports and workshop presentations are reviewed by the MPRA's Audit Subcommittee and a series of recommendations are put forward. For the 2013/2014 11 recommendations were made and these are detailed in Table 6.

**Table 6 Recommendations from the MPRA Annual Performance Assessment Report 2013/2014**

REFERENCE	KEY RECOMMENDATION
1-13/14	Continue to develop long-term data sets to increase our understanding of trends in each marine park
2-12/13	Using the initial work from MSP and Parks and Wildlife's social science group, finalise the definitions and metrics around 'wilderness' and 'seascapes' and trial them at Ningaloo and Ngari Capes marine parks
3-13/14	Ensure the increased awareness of climate change impacts on marine parks continues to be incorporated into annual research and monitoring priorities
4-13/14	Consider ways to provide more management presence in remote marine parks
5-13/14	Update the management plans for Shark Bay, Marmion and Swan Estuary marine parks into modern, outcome based plans
6-13/14	Consider the 'user pays' principle to offset costs of marine park management
7-13/14	Consider restricting the number of visitors to certain areas of marine parks to ensure park resilience under increasing pressures from anthropogenic and natural stresses.
8-13/14	Continue to provide innovative opportunities to engage with the public on marine park education. Consider more citizen science opportunities and the use of apps to get the marine park message out to park users.
9-13/14	Promote the achievements of marine parks wherever possible (e.g. Ningaloo Marine Park's recognition as a world leader in whale shark management and the public education conducted as a result of the hauled out elephant seal in Marmion Marine Park)

A periodic assessment of implementation of the *Shoalwater Islands Marine Park Management Plan 2007-2017* and a 10 year assessment of the *Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan 1999-2009* were also completed during the 2013/2014 year. These assessments found that a large proportion of the management plan strategies had been implemented and that all of the key ecological and social values were in a good to satisfactory condition. However, a number of key management issues need to be addressed to allow Parks and Wildlife to effectively manage the marine parks.

### **SWAN ESTARY AND SHOALWATER ISLANDS MARINE PARK ASSESSMENTS**

Under the MPRA audit policy and 'Rolling Schedule' the periodic assessment (5 year) of the implementation of Shoalwater Islands Marine Park Management Plan and the ten year assessment and review of the implementation of the Swan Estuary Marine Park and Adjacent Reserves Management Plan were due to be completed in 2013/2014.

In March 2014 stakeholder workshops, stakeholder consultation and site visits occurred for both of these metropolitan marine parks. Final reports for these assessments were completed at the end of June 2014 and forwarded to the Minister in August 2014.

### **ROWLEY SHOALS MARINE PARK ASSESSMENT**

Under the MPRA audit policy and 'Rolling Schedule' the periodic assessment (5 year) of the implementation of the Rowley Shoals Marine Parks Management Plan was due to be completed in 2014/2015.

In December 2014 stakeholder meetings were held in Broome. The MPRA also consulted with Parks and Wildlife staff, commercial operators, recreational users, conservation NGOs and members of the local community. The final report for the assessment was completed in April 2015 and forwarded to the Minister in June 2015.

## **INTERIM MANAGEMENT**

Section 33 of the CALM Act makes provisions for management actions in respect of MPRA vested land and waters, in circumstances where there is no approved management plan. These provisions relate to two kinds of circumstances.

**Necessary Operations** (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*” (section 33A(1) of the CALM Act). Parks and Wildlife’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.

No necessary operations were referred to the MPRA in 2014/2015.

**Compatible Operations** (Section 33(3)(b)(ii) of the CALM Act). Such operations include necessary operations (see above) but may also include “... *operations approved by the Minister as being in his opinion compatible with the purposes for which the park or management area is managed...*” (section 33A(2) of the CALM Act). Before the Minister approves 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.

No compatible operations were referred to the MPRA in 2014/2015.

## **MANAGEMENT IMPLEMENTATION ISSUES CONSIDERED DURING 2014/2015**

The MPRA considered and/or provided comment on the following management issues where necessary:

- Aquaculture licence variation for Ocean Grown Abalone Pty Ltd
- Old Dunsborough jetty extension proposal
- Tantabiddi Boat Ramp dredging proposal
- Walpole and Nornalup Inlets Marine Park town jetty replacement proposal
- Proposed amendments to the Management Plan for the Ningaloo Marine Park and Muiron Islands Marine Management Area 2005-2015, Management Plan No. 52
- Ocean Reef boat harbour bypassing and environmental monitoring
- Dredging at the end of Tern Island Nature Reserve sand bar, adjacent to Shoalwater Islands Marine Park
- Proposed amendments to the Ngari Capes Marine Park Management Plan 2013-2023, Management Plan No. 74

## **LEASES, LICENCES AND PERMITS**

Commercial operations on MPRA vested land and waters are required to be licensed according to the *Conservation and Land Management Regulations 2002*. This enables access and use to be monitored and licence conditions set to ensure the conservation values and public amenity of these areas are maintained. Leases can also be issued on MPRA vested reserves.

Under section 99 of the CALM Act, licenses and leases are issued by the Director General and require approval of the Minister. The CALM Act also requires that the Director General consults with the MPRA before issuing leases for commercial activities within marine reserves vested in the MPRA.

A number of commercial operator licence applications were considered by the MPRA during 2014/2015 for a variety of activities within marine parks and reserves in Western Australia. All applications were approved as recommended.

### **Leases, licences and permits issues considered during 2014/2015**

The MPRA considered and/or provided comment on the following management issues where necessary:

- 'E' and 'T' Class licence extensions and renewals
- Licences and leases issued under section 100 and 101 of the *Conservation and Land Management Act 1984*

## **ADVICE TO THE MINISTER**

### **LEGISLATIVE BACKGROUND**

The MPRA may provide advice to the Minister for 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; and
- Any matter on which advice is sought by the Minister.

The MPRA may provide advice to any other body, including Parks and Wildlife, on matters relating to marine parks and reserves vested in the MPRA, if it is practical for the MPRA to do so and if also in the public interest (section 26B(1)(g) and (i) of the CALM Act).

### **ACTION DURING 2014/2015**

On 30 September 2014, under section 14(1a)(a) of the CALM Act, the MPRA provided written support to the Minister for Environment for the proposed Yawuru Nagulagun / Roebuck Bay Marine Park Indicative Joint Management Plan. Written support was provided again on 10 June 2015 following a modification to the northern boundary of the proposed marine park.

On 16 October 2014 the MPRA provided written support to the Minister for Environment endorsing the Ngarla Indigenous Land Use Agreement and under section 56A(7)(a) of the

CALM Act also provided written support for the Joint Management Agreement for the Eighty Mile Beach Marine Park with the Wanparta Aboriginal Corporation

## **AQUACULTURE AND PEARLING**

### **BACKGROUND**

Aquaculture and pearling are activities that 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 FRM Act. Pearling and hatchery activities using *P. maxima* are subject to the licensing and leasing requirements of the *Pearling Act 1990*.

### **STATE GOVERNMENT POLICY**

Subject to certain constraints, current Government policy allows aquaculture and pearling in marine conservation reserves in accordance with the *Pearling Act 1990*, *FRM Act 1994* and the *CALM Act 1984*. These activities are not permitted in marine nature reserves or sanctuary zones, recreation zones and some special purpose zones in marine parks.

### **MPRA INVOLVEMENT**

In accordance with the processes set down in the Minister for Fisheries' *Ministerial Policy Guideline No. 8 Assessment of Applications for Authorisations for Aquaculture and Pearling in Coastal Waters of Western Australia*, all aquaculture and pearling applications are referred to the MPRA by the Department of Fisheries for comment. However, the MPRA only considers and comments on those proposals that involve existing or proposed marine parks or reserves.

The MPRA considered the following aquaculture activities during the 2014/2015 year:

- Ocean Grown Abalone Pty Ltd application to DoF to vary a lease area within the Ngari Capes Marine Park.

## **INDUSTRY AND RESOURCES**

### **BACKGROUND**

Petroleum and mineral development within Western Australia 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 1978*,

*Petroleum Act 1967, Petroleum Pipelines Act 1969 and Petroleum (Submerged Lands) Act 1982.*

## **MPRA INVOLVEMENT**

The MPRA has a role in reviewing applications to mine or explore for minerals in marine conservation reserves vested in it and to provide advice to the Minister for Environment on such proposals.

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 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 *Environmental Protection Act 1986* processes and on administrative arrangements. The MPRA has instituted regular briefings from the Department of Mines and Petroleum staff in regard to general industrial development that is likely to affect existing or proposed marine reserves.

## **INDUSTRY AND RESOURCES ISSUES CONSIDERED DURING 2014/2015**

The MPRA received no additional briefings or provided comment on any industry and resources issues other than within general meetings in 2014/2015.

# **LIAISON**

## **BACKGROUND**

In carrying out its functions, the MPRA visited existing and proposed marine parks and reserves during the year, attended meetings with other organisations and was briefed by representatives from Government, private industry, and marine stakeholder groups.

## **SUMMARY OF ACTION DURING 2014/2015**

- The Department of Fisheries presented an update on the ocean grown abalone proposal in Ngari Capes Marine Park at the MPRA's 185<sup>th</sup> meeting on 17 July 2014. Parks and Wildlife also gave an update on the ocean grown abalone application in Ngari Capes Marine Park at the MPRA's 187<sup>th</sup> meeting on 18 September 2014 and at the MPRA's 189<sup>th</sup> meeting on 19 November 2014
- Parks and Wildlife gave an update on customary activities on CALM land at the MPRA's 186<sup>th</sup> meeting on 21 August 2014
- Parks and Wildlife presented an update on the proposed Roebuck Bay Marine Park at the MPRA's 186<sup>th</sup> meeting on 21 August 2014
- Parks and Wildlife presented information on kite surfing in marine parks at the MPRA's 187<sup>th</sup> meeting on 18 September 2014

- Parks and Wildlife presented on the ReefGuard Project proposal at Ningaloo Marine Park at the MPRA's 188<sup>th</sup> meeting on 16 October 2014
- Parks and Wildlife gave an update on the progress of the proposed Horizontal Falls Marine Park at the 188<sup>th</sup> meeting on 16 October 2014, at the 191<sup>st</sup> meeting on 26 February 2015
- Parks and Wildlife gave an update on the progress of the Ngarla Joint Management Agreement for the Eighty Mile Beach Marine Park at the MPRA's 188<sup>th</sup> meeting on 16 October 2014.
- Parks and Wildlife presented information on the Old Dunsborough jetty extension proposal in Ngari Capes Marine Park at the MPRA's 188<sup>th</sup> meeting on 16 October 2014
- Parks and Wildlife presented an update on the Western Australian Marine Science Institution (WAMSI) Kimberley Marine Research Program at the MPRA's 189<sup>th</sup> meeting on 19 November 2014. WAMSI also gave an update on the Kimberley Marine Research Program at the MPRA's 194<sup>th</sup> meeting on 28 May 2015
- Parks and Wildlife presented an update on the WA Oiled Wildlife Response Plan and the Pilbara Regional Oiled Wildlife Response Plan at the MPRA's 189<sup>th</sup> meeting on 19 November 2014
- The Department of Fisheries presented an update on the biosecurity risk of the colonial ascidian *Didemnum perlucidum* in Western Australia at the MPRA's 189<sup>th</sup> meeting on 19 November 2014
- Parks and Wildlife gave an update on the Western Australian Marine Monitoring Program at the MPRA's 190<sup>th</sup> meeting on 15 January 2015
- Parks and Wildlife presented information on the Tantabiddi Boat Ramp dredging proposal in Ningaloo Marine Park at the MPRA's 190<sup>th</sup> meeting on 15 January 2015 and at the MPRA's 192<sup>nd</sup> meeting on 26 March 2015
- Parks and Wildlife presented information on the Walpole and Nornalup Inlets Marine Park town jetty replacement proposal at the MPRA's 190<sup>th</sup> meeting on 15 January 2015
- Parks and Wildlife presented an update on the South West native title negotiations at the MPRA's 192<sup>nd</sup> meeting on 26 March 2015
- Lynnath Beckley from Murdoch University presented information on the human use of the Kimberley coast at the MPRA's 193<sup>rd</sup> meeting on 23 April 2015
- Mat Vanderklift from CSIRO and Emmet Fay from BHP Billiton presented information on the Ningaloo Outlook Joint Research Program at the MPRA's 193<sup>rd</sup> meeting on 23 April 2015



- Peter Jones from University College London presented information of a study of governance approaches in Ningaloo and Shark Bay marine parks at the MPRA's 193<sup>rd</sup> meeting on 23 April 2015
- Parks and Wildlife presented information on a proposed management plan amendments to the Ningaloo Marine Park and Muiron Islands Marine Management Area at the MPRA's 193<sup>rd</sup> meeting on 23 April 2015
- BMT Oceanica, BMT JFA Consultants and the Department of Transport presented on the Ocean Reef boat harbour bypassing and environmental monitoring at the MPRA's 193<sup>rd</sup> meeting on 23 April 2015
- Patrick Seares from WAMSI presented on the Blueprint for Marine Science 2050 at the MPRA's 194<sup>th</sup> meeting on 28 May 2015
- Parks and Wildlife presented an update on the Karajarri Indigenous Land Use Agreement at the MPRA's 194<sup>th</sup> meeting on 28 May 2015
- Parks and Wildlife presented an update on dredging at the end of Tern Island Nature Reserve sand bar, adjacent to Shoalwater Marine Park at the MPRA's 194<sup>th</sup> meeting on 28 May 2015
- Harriet Davies from Murdoch University presented research on the assessment of climate change resilience in Ningaloo Marine Park at the MPRA's 195<sup>th</sup> meeting on 25 June 2015
- Lynnath Beckley from Murdoch University present research on the human use of the Ningaloo Coast at the MPRA's 195<sup>th</sup> meeting on 25<sup>th</sup> June 2015.
- Parks and Wildlife presented information on a proposed amendment of the Ngari Capes Marine Park Management Plan 2013-2023, Management Plan No. 74 at the MPRA's 195<sup>th</sup> meeting on 25 June 2015.
- Parks and Wildlife presented on the audit of marine parks and reserves at the MPRA's 195<sup>th</sup> meeting on 25 June 2015.
- Parks and Wildlife gave an update on the proposed Lalang-garram Horizontal Falls and North Lalang-garram marine parks, and proposed Horizontal Falls National Park indicative joint management plan at the 195<sup>th</sup> meeting on 25 June 2015.

## **COMMUNICATION**

One of the key strategies of the MPRA is to promote marine and estuarine conservation in Western Australia. The MPRA has adopted a formal Stakeholder Relationship Program and Implementation Strategy to assist in this. Information on the MPRA is contained on the Parks and Wildlife website at (<http://www.dpaw.wa.gov.au/mpra>).

# RESOURCES

## FUNDING AND ADMINISTRATIVE ARRANGEMENTS

Funding for the operation of the MPRA is allocated by Parks and Wildlife annually after receipt of a proposed financial schedule from the MPRA.

In the financial schedule for the 2014/2015 period Parks and Wildlife allocated \$115,624 to the Planning Branch for member sitting fees, as well as administration and support of the MPRA.

<b>PURPOSE</b>	<b>ALLOCATION (\$)</b>
Honoraria (sitting fees etc.)	90,624
Authority Operations (including catering, travel for stakeholder consultation, annual report)	10,000
Assessment of the implementation of management plans (including workshops)	15,000
<b>TOTAL</b>	<b>115,624</b>

In accordance with the requirements of section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2014/2015 financial year.







## Marine Parks and Reserves Authority

17 Dick Perry Avenue, Kensington

Western Australia 6151

Phone: (08) 9219 9121

Fax: (08) 9334 0556

Web: [www.dpaw.wa.gov.au/mpa](http://www.dpaw.wa.gov.au/mpa)

### Address for correspondence

C/- Department of Parks and Wildlife

Locked Bag 104, Bentley Delivery Centre

Western Australia 6983