

Annual report

1 JULY 2010 – 30 JUNE 2011





ANNUAL REPORT

1 July 2010 - 30 June 2011

Marine Parks and Reserves Authority
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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 2011.



Mr Eric Streitberg
Chairman

November 2011

CONTENTS

MPRA Vision, Responsibilities and Strategies	1
Chairman's Review	2
General Information	4
Functions of the Marine Parks and Reserves Authority	4
Written direction by the Minister.....	4
MPRA membership	5
Meeting notice and attendance	6
MPRA meetings	6
Conflict of Interest.....	7
Public Interest Disclosure.....	7
The Marine Conservation Estate	7
Legislative background	7
Categories of reserve and functions	7
Reserve classifications and security of tenure	8
Area vested.....	8
Consideration of proposed changes for vested land and waters	8
CALM Act Controlling Bodies	9
Marine Parks and Reserves Authority and the Conservation Commission of WA	9
Policy Development	9
Legislative background	9
Policy statements	9
Action during 2010/2011	9
Proposals for New Marine Parks and Reserves	10
Development of the marine parks and reserves program	10
Legislative background	10
Status of proposed new marine parks and reserves.....	10
Proposed Dampier Archipelago/Regnard Marine Conservation Reserves.....	10
Proposed Geographe Bay/Leeuwin-Naturaliste Marine Park (“Ngari Capes”).....	11
Proposed Eighty Mile Beach Marine Park	11
Proposed Camden Sound Marine Park	12
Proposed North Kimberley Marine Park.....	12
Proposed Roebuck Bay Marine Park	13

Management Plans	13
Legislative background and management plan development	13
Status of management plans	14
Ningaloo Marine Park and Muiron Islands Marine Management Area	14
Rowley Shoals Marine Park	14
Shoalwater Islands Marine Park	14
Jurien Bay Marine Park.....	15
Marmion Marine Park.....	15
Shark Bay Marine Park and Hamelin Pool Marine Nature Reserve	15
Montebello/Barrow Islands Marine Conservation Reserves	15
Walpole and Nornalup Inlets Marine Park.....	15
Swan Estuary Marine Park and Adjacent Nature Reserves	15
Management Implementation and Audit	15
Management plan implementation and audit.....	15
2009/2010 management plan implementation and audit report.....	16
Interim management	17
Leases, licences and permits.....	17
Management issues considered during 2010/2011	18
Advice to the Minister	18
Legislative background	18
Action during 2010/2011	18
Aquaculture and Pearling	19
Background	19
State Government policy	19
MPRA involvement	19
Advice provided during 2010/2011	19
Industry and Resources	19
Background	19
State Government policy	19
MPRA involvement	19
Issues considered during 2010/2011	20
Liaison	20
Background	20
Action during 2010/2011	20
Communication	21
Resources	21
Funding and administrative arrangements.....	21

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. 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 Environment and Conservation. 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 has allowed it to develop 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 audit management plans for marine parks and reserves.*

CHAIRMAN'S REVIEW

The Marine Parks and Reserves Authority (MPRA) has three principal functions under the legislation under which it was established in 1997. These are to:

- provide advice to the Minister for Environment (the Minister) in relation to proposals for marine reservations;
- conduct periodic assessments of the implementation of the management plans (audits); and
- to develop and provide policy advice in relation to, amongst other things, preserving the natural marine and estuarine environments of the State and achieving the management objectives of marine conservation reserves.

During the year the MPRA's actions in relation to these functions were as follows.

Advice in relation to proposals for reserves:

The MPRA's role in the establishment of new reserves is set out in Section 14 of the CALM Act (S14), and includes providing advice to the Minister in regard to the release for public comment of indicative management plans for reserves (IMP's). Once public comments are received, the MPRA provides a further report to the Minister in relation to the public comments received, including recommendations for any changes to the IMP arising from the public comments.

In this regard, proposals for new marine reserves at Eighty Mile Beach (EMB), Camden Sound and Roebuck Bay were under active consideration during the year.

In relation to EMB, an IMP was provided by DEC to the MPRA for consideration during the year, and the MPRA subsequently forwarded its initial S14 report on the plan to the Minister on 15 April 2011. This report recommended that the IMP should be released for public comment in substantially the form proposed. Approval for the release of the IMP was then sought from the Minister(s) for Fisheries and Mines and this final approval was received on 25 August 2011. The release of the IMP for the statutory three month public comment period was made on 30 September 2011.

In relation to Camden Sound, the Premier and Minister for Environment announced on 3 October, 2009, that a marine park would be created in the Camden Sound area. On 22 October 2010, the IMP for Camden Sound was released for the statutory three month public submission period, which closed on 1 February 2011. The MPRA subsequently prepared its advice on the public submissions which was also informed by advice the MPRA received from an independent scientific advisory committee it had established. This report recommended a number of significant changes to the IMP. The MPRA is informed that a revised indicative management plan has been provided to the Government and is currently being considered.

The MPRA is of the view that significant improvements can be made to the existing processes for reserve design and implementation and has recommended that the planning process for the proposed North Kimberley marine park should be assisted by the engagement of an independent, suitably qualified consultant to ensure the transparency and scientific rigor of the planning process.

The Roebuck Bay proposal remains at an early stage of implementation, and the current planning process is expected to lead to the establishment of the reserve during 2012.

Other proposals which the MPRA considered during the year were Ngari Capes and Dampier Archipelago/Regnard.

In relation to Ngari Capes, for which the planning process began in 2003, the MPRA has recommended to the Minister that the park be gazetted substantially in the form of the agreed management plan. Approval to create the reserve is required from the Minister for Fisheries and the Minister for Mines and Petroleum, and the MPRA is informed that this concurrence has been sought.

Planning for the Dampier Archipelago/Regnard proposal was commenced in 2003. There have been numerous consultation processes and significant changes made to the IMP over time. These changes reflect in part the ongoing industrialisation of the area, and the increasing recreational pressure from population growth. The MPRA has recommended that the plan be progressed, but has noted the current complex zoning and interaction of the zoning with the industrial development processes.

Substantial progress was made during the year in Government commitments to funding for future parks and the release of indicative management plans, and the MPRA looks forward to now bringing to fruition the numerous planning processes that have been underway for some time.

Assessment of the implementation of management plans:

The MPRA's statutory responsibility to assess the implementation of management plans has been put into effect by the development of the MPRA's audit policy and functions, which are steadily evolving. A fully functional audit of the reserves requires the determination of ecological and social baselines and establishment of statistically valid monitoring programs. It also requires access to activity and financial data as well as an assessment of outcomes. Although these aspects are still not satisfactorily addressed in the process, significant progress has been made.

Under its audit policy, the MPRA conducts annual, periodic and ten yearly assessments of the management plans. The output from the annual audit review process is an Annual Audit Report which is summarised in this Annual Report and available on the MPRA section of the DEC website (www.dec.wa.gov.au/mpra). The timing of the audit process and the Annual Report means that the Annual Audit Report included in the Annual Report is for the preceding year. In this case, the Annual Audit Report for 2009/2010 noted that a number of issues identified in earlier audits remain to be resolved, and included a number of additional findings related to the current performance of management which are set out in detail in the body of the report.

As in previous years, the assessment of relative management risks for each marine park or reserve across all of the key performance indicators (KPI) indicates a generally good condition of most of the parks but a high level of management risk in some key areas including, targeted fish and invertebrate abundance, where they could be estimated, consistently scoring poorly across most marine parks and reserves. This indicates a risk of management failure for this KPI at the park scale across the marine reserve system.

The MPRA also undertakes periodic and 10 year audits of the implementation of each management plan and during 2010/11 the MPRA finalised the ten year audit of the Shark Bay marine park and Hamelin Pool marine nature reserve. The report was formally submitted to the Minister during August 2010 and is summarised in this Annual Report and available on the MPRA section of the DEC website.

The MPRA remains concerned that action on its audit findings and recommendations remain under consideration by Government.

Policy development:

Although policy development is a key statutory responsibility of the MPRA, the Authority 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. 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. The MPRA provided advice to the Minister during the year principally in relation to the reserves planning processes but also more generally in regard to the forward reserves program.

The process of establishing a representative marine reserves system that will achieve satisfactory biodiversity conservation outcomes is necessarily a balancing process across the various sectors that are affected by such proposals. This often results in outcomes that are necessarily compromises and processes that are often very protracted. The debate over reserves is often dominated by the perceived negative impacts on extractive users, and what is often overlooked, or lost sight of in the debate, are the demonstrated major positive social and economic benefits of reserves.

The MPRA strongly encourages the Government to continue with the establishment of reserves for which processes are currently underway, and to ensure that reasonable outcomes are obtained in a reasonable time frame.

The MPRA also expresses its thanks to the staff of its supporting agency and to the members of the community and Government who continue to provide their support for the development of the State's marine reserves program.

Eric Streitberg
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 Environment and Conservation (DEC) 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 DEC;
- (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", "the Department", "the Authority", "the CALM Act" and "the Amendment Act" used in this report refer to the Minister for Environment, the Department of Environment and Conservation (DEC), the Marine Parks and Reserves Authority (MPRA), 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 for Environment did not provide written direction to the MPRA in 2010/11.

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).

On 30 April 2009 all members were reappointed until 31 March 2010. Membership was extended to 31 December 2010 by the Minister. Since 1 January 2011 members have continued to serve until such time as formal membership arrangements are made.

Appointed members

Mr Eric Streitberg (Chair) was appointed to the MPRA in August 1999, appointed Deputy Chairman in 2002, Acting Chairman in February 2006 and Chairman in July 2006. Mr Streitberg has followed a professional career in international oil and gas operations/exploration and holds a Bachelor of Applied Science in Geophysics and Geology. As at 30 June 2010, Mr Streitberg is the Chair of the Australian Petroleum Production and Exploration Association (APPEA). He is also an executive director of Buru Energy Limited.

Mr Christopher Doepel was appointed to the MPRA in July 2006. Mr Doepel is currently Executive Dean (National) of the College of Business and Dean of Business (Fremantle) at Notre Dame University. 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 early 2008 Mr Doepel 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. Mr Doepel has a Bachelor of Jurisprudence and a Bachelor of Laws and is an Associate Member of the Law Society of Western Australia and a Fellow of the Australian Institute of Management. He was awarded a Public Service Medal (PSM) in the 2006 Australia Day Honours for his Native Title work.

Mr Angus Horwood was a member of the National Parks and Nature Conservation Authority for four years and has been a member of the MPRA since its formation in 1997. Mr Horwood is the Owner/Operator of Dress Circle Farm, a broiler growing operation in the City of Wanneroo. Mr

Horwood has a history of affiliation with recreational fishing and was Chair of the West Australian Recreation and Sport Fish Council for 10 years and President of the Australian Recreational and Sport Fishing Confederation Inc.

Emeritus Professor Diana Walker is an Emeritus 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 Man and a PhD from the University of York, England. Professor Walker is an inaugural member of the MPRA and of the Australian World Heritage Advisory Committee. She was 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 MPRA in December 2002. Mr Colero 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. Mr Colero was appointed to the board of the Western Australian Fishing Industry Council (WAFIC) in January 2007 and was appointed Chairman of WAFIC in October 2009.

Emeritus Professor John Penrose is the former Director of the Centre for Marine Technology at Curtin University and has been a member of the Department of Physics at the university since the 1970's, specialising in marine acoustics. Professor Penrose was appointed to the MPRA in January 2006. He holds a PhD in Solid State Physics from the City University, London. Professor Penrose was Project Manager of the national Coastal Water Habitat Mapping Project of the Cooperative Research Centre for Coastal Zone, Estuary and Waterway Management and a Council Member of the Australian National Maritime Museum. He is an Honorary Associate of the Western Australian Museum.

Dr Trevor Ward is the Principal Marine Ecosystems and Biodiversity Consultant for Greenward Consulting. He was appointed to the MPRA in July 2006. Dr Ward is Visiting Professor at University of Queensland (The Ecology Centre), Adjunct Senior Research Fellow at the University of Western Australia (Institute for Regional Development) and Adjunct Associate Professor at the University of the Sunshine Coast (Faculty of Science). Dr Ward's scientific expertise is in the

fields of strategic policy and planning for ecologically sustainable development, marine environmental management, design and implementation of marine parks, reserves and protected areas. Dr Ward is currently engaged in research and management projects in decision support systems, ecological sustainability in marine fisheries, and tropical lagoon management.

MEETING NOTICE AND ATTENDANCE

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

DEC'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 DEC and Chief Executive Officers of other relevant agencies were advised of meetings of the MPRA throughout 2010/2011 so that they could take part in the discussion and consideration of the business before the MPRA.

Representatives of DEC, Western Australian Museum (WAM), Department of Fisheries (DoF), Department of Mines and Petroleum (DMP), Department of Transport (DoT) attended MPRA meetings throughout 2010/2011. 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. On a regular basis the MPRA also invited representatives of peak bodies with an interest in marine conservation and marine resource

management to its regular monthly meetings to develop stronger relationships (see section on *Liaison*).

MPRA MEETINGS

Formal meetings of the MPRA were held on ten occasions during 2010/2011. The dates of these meetings were:

19 August 2010
 16 September 2010
 18 November 2010
 16 December 2010
 20 January 2011
 17 February 2011
 17 March 2011
 21 April 2011
 19 May 2011
 16 June 2011

Member attendance at these ten meetings was as follows:

Member	Meetings attended
Mr Eric Streitberg	7
Mr Christopher Doepel	10
Mr Angus Horwood	10
Emeritus Professor Diana Walker	7
Mr Kim Colero	9
Emeritus Professor John Penrose	9
Dr Trevor Ward	9

Mr Streitberg's attendance was affected by his personal travel arrangements and Professor Walker's was affected by her academic duties. Mr Doepel chaired the meetings that Mr Streitberg was unable to attend.

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 committee is a standing subcommittee whose members are Dr Trevor Ward (subcommittee Chair), Emeritus Professor John Penrose, Emeritus Professor Di Walker and Mr Angus Horwood. Other members of the MPRA also participated in audit activities as required and appropriate.

The audit subcommittee met on 14 October 2010 for the annual review of the implementation of management plans by DEC in the 2009/10 period (see section on *Management Plan Implementation and Audit*).

The audit subcommittee also met on several occasions for the ten year audit of the Marmion Marine Park Management Plan. The audit committee undertook a field inspection of Marmion Marine Park on 7 and 10 January 2011 and met with key stakeholders on 28 October 2010, 11 November 2010, 1 and 15 February 2011 and 11 March 2011 as part of the ten year audit process.

A Temporary Scientific Advisory Committee to the MPRA (the "TACMAC") was established to provide independent scientific advice to the MPRA on matters raised in the public submissions for the proposed Camden Sound Marine Park (CSMP) and the overall design of the marine park in relation to scientific best practice. The TACMAC membership comprised independent scientists with a background and expertise in the matters raised by the public submissions. Dr Trevor Ward was appointed the subcommittee Chair. The TACMAC met on two occasions in 2010/2011 and provided formal written advice to the MPRA. It was then disbanded.

Representatives of the MPRA attended four meetings with the Minister for Environment during 2010/2011, and one meeting with the Minister's staff.

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.

Mr Eric Streitberg declared a potential conflict of interest in relation to future marine park planning for Roebuck Bay due to his employer's interest in a petroleum exploration licence application that extended over the area, and he took no part in any discussions in relation to the matter. This conflict was resolved on 24 May 2011 by his employer's relinquishment of its rights to the area.

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. Christopher Doepel was nominated by members as the MPRA's Public Interest Disclosure Officer. No public interest disclosures were made during the 2010/2011 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 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* (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*.

(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 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 1.5 million hectares. Of this, “no take areas” comprise approximately 300,000 hectares or about 20% of the current marine reserve system.

These “no take” areas cover approximately 2.4% of state waters and provide the highest level of protection and prohibit extractive activities to ensure that environmental values and ecosystem functions are maintained as far as possible in their natural condition.

Marine nature reserves. As at 30 June 2011, 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 2011 ten marine parks, totalling approximately 1,262,000 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, and Walpole and Nornalup Inlets Marine Park. The zoning in these marine parks is predominantly general use.

Marine management areas. As at 30 June 2011 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.

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 boundary positions may result in amended area figures.

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 2010/2011 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 inter-tidal 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.

During the 2010/2011 period the MPRA and the Commission liaised over a number of issues including:

- The roles and responsibilities of each agency; and
- The vesting of intertidal areas within marine parks and reserves and national parks and reserves.

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:

- 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;
- promoting the appreciation of flora and fauna, and the natural marine and estuarine environments; and
- 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 developed 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. Executive, policy and planning support is provided by DEC as outlined in the MPRA’s memorandum of understanding with DEC 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, DEC and other agency 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.

ACTION DURING 2010/2011

The MPRA developed and/or endorsed the following documents:

- MPRA position statement – Seawrack Management in Marine Parks and Reserves.

The MPRA endorsed prioritised topics for policy development for the 2010/11 year are as follows:

1. Management of short-term impacts of industrial development on values of the marine parks and reserves;
2. Aquaculture assessment in marine parks and reserves and marine areas of conservation interest; and
3. Continued development of the MPRA's audit policy.

The MPRA also received briefings on or considered the following policy issues:

- Development of the Commonwealth Government's South-west Marine Bioregional Plan;
- Draft South Coast Regional Marine Strategic Planning;
- DEC Events Policy;
- Development of the State Government's Kimberley Science and Conservation Strategy;
- Nomination for Ningaloo Coast to be inscribed on the World Heritage List;
- Draft DEC Mooring Policy No. 59; and
- Department of Fisheries Sustainable Framework.

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 agreed regionalisation of Western Australian waters identifies 19 bioregions. Nine of these are now represented in marine parks and reserves.

LEGISLATIVE BACKGROUND

The CALM Act (section 14) requires that accompanying public notification of a new marine reserve proposal there must be an indicative management plan, that is, a plan that indicates how the reserve is to be managed once it is established.

The legislative provisions that deal with the content and objectives of management plans also apply to indicative management plans (except that the minimum public consultation period is 3 months).

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 2010/2011. The Government has indicated that it wishes to consider developing a three year forward program for marine parks. Advice from the DEC will detail the status and recommend priorities for the development of marine parks along the WA coast including Dampier Archipelago. The budget announcement for 2011/2012 set out an allocation of \$14.3 million during the next four years for DEC and the Department of Fisheries to create and manage marine parks in the Capes area and in the Dampier Archipelago.

In addition funding was provided for the creation of the proposed Camden Sound marine park and the Eighty Mile beach marine park.

PROPOSED DAMPIER ARCHIPELAGO/REGNARD MARINE CONSERVATION RESERVES

Background

The MPRA submitted its report in respect of the indicative management plan 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 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.

During 2009/2010 the then Minister for Environment requested and was provided a revised indicative management plan for the proposed reserves and an updated package of letters seeking ministerial concurrence to gazette the reserves in March 2010. The then Minister for Environment considered the management plan for the proposed reserves and requested the MPRA provide its advice as to the progression of the proposal. The MPRA recommended the creation of the park should proceed but noted the complex zoning and interaction of the zoning with industrial development that had occurred since the management plan for the park was first drawn up in 2003.

PROPOSED GEOGRAPHE BAY/ LEEWIN-NATURALISTE MARINE PARK (“NGARI CAPES”)

Background

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. In August 2004, the Advisory Committee provided advice and the draft indicative management plan was forwarded to the then Minister for the Environment, who then referred it to the MPRA for its report.

The MPRA considered the indicative management plan at a subcommittee meeting on 8 September 2004, and at the then Minister for the Environment’s request, additional consultation with stakeholder groups was undertaken on 9 September 2004. The MPRA considered the subcommittee report, the outcomes of the stakeholder consultation, and the indicative management plan and provided its report to the then Minister for the Environment (under Section 14 (1a) of the CALM Act) on 30 September 2004.

After additional consultation and review and a number of administrative matters being resolved, the MPRA provided its final report on the revised indicative management plan to the then Minister under Section 14 (6a) of the CALM Act. on 7 August 2007, The MPRA’s report included a recommendation for the inclusion of the Noongar word “*Ngari*” (meaning salmon fish) in the name of the marine park.

The then Minister for Environment requested and was provided an indicative management plan for the proposed reserves and an updated package of letters seeking ministerial concurrence to gazette the reserves in March 2010. The then Minister for Environment considered the management plan for the proposed reserve and requested the MPRA provide its advice as to the progression of the proposal. The MPRA recommended that the park be gazetted substantially in the form of the agreed management plan.

Under the CALM Act concurrence to create the reserves is required from the Minister for Fisheries and the Minister for Mines and Petroleum. The Minister for Environment has sought concurrence for gazettal of the marine park from the Minister(s) for Fisheries and Mines.

PROPOSED EIGHTY MILE BEACH MARINE PARK

Background

DEC undertook substantial work in 2008/2009 in relation to planning for a potential network of marine parks along the Pilbara and lower west Kimberley (Eighty Mile Beach) coasts.

To ensure a whole-of-government approach to planning for this initiative, an Interagency Working Group (IWG) was established in 2007 with senior officers from relevant Government agencies.

An Aboriginal engagement program was progressed with groups whose claimed or determined native title areas were in the vicinity of proposed marine parks and reserves. Groups involved expressed general support for the concept of improved coastal and sea country protection through marine parks and reserves. Further consultation will be required to investigate these matters fully and to develop Indigenous Land Use Agreements for the intertidal and other areas subject to native title.

This proposal was not fully developed prior to the 2008 State election.

Progress in 2010/2011

On 22 October 2010, the Government announced it would establish a marine park at Eighty Mile Beach. A draft indicative management plan (IMP) was prepared by DEC drawing initially on the information contained in the draft IMP prepared for the network of (previously) proposed marine parks in the Pilbara and Lower West Kimberley regions.

The IMP was finalised in early 2011 and provided to the MPRA for preparation of the CALM Act Section 14 report to the Minister. which was

forwarded to the Minister in April 2011. The release of the IMP for the statutory three month public comment period occurred on 30 September 2011.

PROPOSED CAMDEN SOUND MARINE PARK

Background

Planning for the proposed Camden Sound Marine Park in the Kimberley Region of Western Australia was commenced by DEC in late 2009. On 3 October, 2009 the Premier and Minister for Environment announced that a marine park would be created in the Camden Sound area of the Kimberley to recognise the importance of this place as one of the worlds most significant humpback whale calving areas and also to protect the biodiversity of the area more generally.

The MPRA has since worked with its supporting agency to review the initial proposal and prepare an indicative management plan (IMP). In the course of its deliberations, and the preparation of the plan, reports were made to the Authority on the results of consultation by DEC with various stakeholders. Three of these non-government stakeholders, the fishing industry (WAFIC), the science community, and the conservation sector, have corresponded with the Government and/or the MPRA in relation the proposal, including making specific comments in relation to boundaries, zoning and consultation.

On 27 November 2009, the MPRA prepared and provided detailed interim advice in relation to the proposal to the Minister for Environment. The MPRA also recommended in its interim advice that after the establishment of the Camden Sound marine park that a systematic and transparent process for the establishment of further protected areas in the Kimberley region should be implemented.

Since that time DEC has prepared an indicative management plan (IMP). The MPRA provided a report to the Minister for Environment on 14 May 2010 as required under section 14 of the CALM Act, as well as advice to the Minister regarding consultation during the three month public submission period. The MPRA provided further advice to the Minister regarding consultation on 23 June 2010. The Minister obtained approval from the Minister for Mines and Petroleum and the Minister for Fisheries to publish a notice to reserve a part of the coastal waters of Western Australia as a marine park and to release the IMP for a statutory three month consultation period. As part of this consultation process a number of changes to the IMP were made by Government.

Progress in 2010/2011

On 22 October 2010, the IMP for the proposed Camden Sound Marine Park was released for the statutory three month public submission period, which closed on 1 February 2011. A total of 3,304 submissions were received. The majority of the submissions were pro forma, but 11 'have your say' forms and 98 written submissions were also received. Late submissions were considered.

A summary of submissions was presented to MRPA members for discussion on 18 February 2011. The MPRA met again on 4 March 2011 to further discuss submissions and initiate preparation of their formal S14 advice to the Minister for Environment. This advice under Section 14(6)(a) of the CALM Act was also informed by advice the MPRA received from the TACMAC and recommended, amongst other matters, that the sanctuary zones be expanded and that the "wilderness fishing zone" be removed.

A revised indicative management plan was subsequently prepared by DEC. This proposal has been forwarded to the Minister for Environment who has sought concurrence for gazettal of the marine park from the Minister(s) for Fisheries and Mines.

PROPOSED NORTH KIMBERLEY MARINE PARK

Background

On 22 October 2010, the Government announced it would establish a marine park at North Kimberley. The proposed North Kimberley Marine Park, along with the proposed Camden Sound Marine Park, will be referred to as the Great Kimberley Marine Park and will cover approximately 2.1 million ha, representing the second largest marine park of any of the States' and Territory's coastal waters of Australia.

The preparation of a Resources Assessment document for the North Kimberley Marine Park by DEC is complete and the preliminary drafting of an indicative management plan is underway.

The MPRA has had no involvement in this process during 2010/11 and has provided advice to the Minister that the planning process and resource assessment should be assisted by the engagement of an independent, suitably qualified consultant to ensure the transparency and scientific rigor of the planning process.

PROPOSED ROEBUCK BAY MARINE BACK

Background

On 22 October 2010, the Government announced it would establish a marine park at Roebuck Bay. In accordance with the Yawuru Area Agreement Indigenous Land Use Agreement (ILUA), DEC is in the process of developing an indicative management plan (IMP) for the proposed Roebuck Bay Marine Park.

While the proposed Roebuck Bay Marine Park will only extend from lowest astronomical tide mark to the limit of State waters, the Department intends to integrate the planning processes for the Marine Park and intertidal reserves of Roebuck Bay and is developing two complementary management plans to cover the subtidal and intertidal areas. This approach will ensure integration of planning for subtidal and intertidal areas of Roebuck Bay is achieved within the required timeframes and meet the requirements under the CALM Act and ILUAs.

Under the Yawuru Joint Management Agreement, an IMP for the proposed Roebuck Bay Marine Park must be completed and released within eighteen months of registration of the Agreement, and be informed by a Cultural Management Plan prepared by the Yawuru. The indicative management plan is currently being drafted and is underpinned by a resource assessment report prepared by DEC.

The key focus for the planning processes currently is on the development of the Yawuru Cultural Management Plan which will inform the development of the component plans for the conservation estate. DEC is continuing to liaise with the Yawuru Park Council and the subcommittee preparing the Cultural Management Plan. The Cultural Management Plan will be presented to Park Council, after which the DEC will incorporate information from that plan into the indicative management plan for the proposed Roebuck Bay Marine Park as appropriate.

MANAGEMENT PLANS

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 DEC, 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 indicative management plan 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 indicative management plan is released for public comment for a period not less than three months.

Written submissions on the indicative management plan 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.

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 DEC for the MPRA contain summaries of ecological and socio-economic 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 DEC, thus providing the basis by which periodic assessment may be made.

During 2010/2011 this relationship of management plan, work plans and performance assessment processes has continued to be refined under the MPRA's audit processes (see section on *Management Plan Implementation and Audit*).

Table 1 lists approved management plans for established marine reserves. **Table 2** shows indicative management plans released but reserves not yet created and final management plans not yet approved by the Minister for Environment.

Table 1

**APPROVED MANAGEMENT PLANS
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

Table 2

**INDICATIVE MANAGEMENT PLANS
RELEASED - RESERVE NOT YET
CREATED AND FINAL MANAGEMENT
PLAN NOT YET APPROVED BY THE
MINISTER FOR ENVIRONMENT**

INDICATIVE MANAGEMENT PLANS
<ul style="list-style-type: none"> Camden Sound Marine Park (released 22 October 2010) Ngari Capes Marine Park (released 6 September 2006) Proposed Dampier Archipelago/Regnard (formerly Cape Preston) Marine Conservation Reserves (released 11 January 2005)

STATUS OF MANAGEMENT PLANS

The following section summarises the status of management plans for existing marine parks and reserves, and relevant activities undertaken during 2010/2011.

**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 of its approval 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.

**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, the Department 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 of its approval was

published in the *Western Australian Government Gazette*. The CALM Act notices to establish the zoning scheme were gazetted on 30 May 2008. Fisheries management 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

JURIEN BAY MARINE PARK

Jurien Bay Marine Park was gazetted in August 2003. The 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. This assessment has been delayed past the 10 year limit set out in the MPRA's audit policy due to a lack of resources to undertake the review and audit. The Authority commenced a ten year assessment of the implementation of this management plan in the third quarter of 2010 which is due to be completed in the latter half of 2011.

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 now been finalised. The report was formally submitted to the Minister during August 2010 and is summarised in this Annual Report and is available on the MPRA section of the DEC website (www.dec.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

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.

MANAGEMENT IMPLEMENTATION AND AUDIT

MANAGEMENT PLAN IMPLEMENTATION AND AUDIT

The functions of the MPRA in relation to management plans for land and waters vested in the MPRA (as outlined in section 26B(1)(f) of the CALM Act) are to:

- Develop guidelines for monitoring the implementation of the management plans by the Department;
- Set performance criteria for evaluating the carrying out of the management plans; and
- Conduct periodic assessments of the implementation of the management plans.

The Authority's audit policy and functions are steadily evolving. A fully functional audit of the reserves requires the determination of ecological and social baselines and establishment of statistically valid monitoring programs. It also requires access to activity and financial data as well as an assessment of outcomes.

The audit policy adopted by the MPRA includes the preparation of annual marine work plans for each park and reserve. The work plans facilitate the implementation of respective management plans by detailing the management actions and resourcing of annual work programs. The framework requires completion of an annual status report by DEC for each marine park and reserve. The status report includes an assessment of the

condition, pressures and management responses for key values and the progress in implementing the marine work plans and management plans. The policy also specifies periodic and 10 year audits by the MPRA of the implementation of each management plan.

On 14 October 2010, the MPRA Audit subcommittee facilitated the eighth annual workshop of DEC and DoF staff to conduct a performance assessment of the Western Australian parks and reserves system. At this workshop the MPRA was provided with status reports on each of the parks and reserves vested in the MPRA. The workshop and status reports have been used by the MPRA as the basis for the 2009/2010 evaluation of the implementation of marine park and reserve management plans. The outcome of the evaluation is summarised below and the full 2009/2010 Annual Audit Report is available on the MPRA section of the DEC website (www.dec.wa.gov.au/mpra).

2009/2010 AUDIT REPORT

The findings of the Annual Audit Report provide the context for the ongoing improvement of the management of Western Australia's marine parks and reserves. The 2009/2010 Annual Audit Report noted that a number of issues identified in earlier audits remain to be resolved, and includes the following additional findings related to the current performance of management:

- The role and status of Management Advisory Committees should be reviewed for each park/reserve
- Performance reports should include a park by park report on progress from the DEC Marine Science Program
- The impacts of Indian Ocean Drive on the Jurien Bay Marine Park should be assessed and reported
- Progress on the shared building and facilities at Shark Bay should be assessed and reported.

The 13 marine parks and reserves received funding of approximately \$7.5 million from DEC, with direct operational expenditure accounting for a high proportion of this total. This is a significant increase compared to 2008/2009 expenditure. As in 2008/2009, operational expenditure in the Ningaloo Marine Park accounted for the largest allocation of funds.

In 2009/2010 the Department of Fisheries was allocated approximately \$1.3 million for additional fisheries responsibilities arising from the creation of marine parks and reserves, including compliance with full or partial fishing restrictions in some zones. However, detailed DoF expenditure on a park by park basis is not available for 2009/2010. The MPRA notes that significant future funding

has been committed to DoF for the new Kimberley Marine Parks.

The increase on the 2008/2009 level of expenditure by DEC in 2009/2010 is a welcome commitment of resources and has provided for an increased level of achievement of many management strategies designed to maintain and enhance the effectiveness of the parks and reserves network.

Nonetheless, insufficient resources continue to limit operational management and monitoring in specific parks and reserves, and this is becoming increasingly acute with the rapid growth of coastal and resource developments across the whole state that provide for escalating pressures on the values of the marine conservation network.

The annual review identified that the majority of key ecological and social values in each marine park or reserve had been qualitatively assessed as being in a good or satisfactory condition. However, a number of values were assessed as having unsatisfactory condition ratings, high pressure and/or unsatisfactory management responses. In addition, the qualitative nature of many assessments have for some years resulted in a relatively low level of confidence in those assessments. The 2009/2010 reports have however shown an increase in the proportion of quantitative data being used to inform the asset condition ratings.

As in previous years, the assessment of relative management risks for each marine park or reserve across all of the key performance indicators (KPI) indicates a generally good condition of most of the parks but a high level of management risk in some key areas including, targeted fish and invertebrate abundance, where they could be estimated, consistently scoring poorly across most marine parks and reserves. This indicates a high risk of management failure for this KPI at the park scale across the marine reserve system.

Research and monitoring provide critical baseline and historical quantitative information which can be applied to park assessment. DEC is making considerable progress in establishing its Western Australian Marine Monitoring Program (WAMMP), a comprehensive marine monitoring program developed by the Marine Science Program. This has contributed to significantly more quantitative information on asset condition and pressures being available for the 2009/2010 audit. However, a much stronger focus on quantitative condition reporting for all the KPIs continues to be required. This will focus attention to the development of appropriate conservation benchmarks at the park-level, including for exploited species.

The MPRA remains concerned that action on its audit findings and recommendations are not able to be followed up and consistently are not implemented due to lack of resources.

Shark Bay Marine Reserves Audit

The MPRA undertook a ten year assessment of the implementation of this management plan in 2008/2009, and the subsequent report has now been finalised. The report was formally submitted to the Minister during August 2010.

The audit found a very high level of acceptance of the reserves by stakeholders, and that management systems were effectively delivering on many of the identified management strategies. However, the lack of a fully functional outcome-based management plan was identified by the review as a key problem to be resolved. The audit also found that there are a number of weaknesses in the management systems that should be addressed with high priority, including development of consistent and effective policies and plans for the conservation of targeted species of fish, identification and high-level protection of representative habitats that are important but poorly represented within the existing park, and an improved focus on cooperation across government for management of catchment and foreshore recreational activities that are affecting the park values. The MPRA encourages the Government to support a formal revision of this management plan in the near future so that management of the Shark Bay Marine Reserves can be consistent with aspirations for the Shark Bay World Heritage Area and provide for effective conservation and enjoyment of the Shark Bay ecosystems and values.

Marmion Marine Park Audit

Under the audit policy of the MPRA a 10-year audit and review of the implementation of Marmion Marine Park Management Plan was commenced in the third quarter of 2010 and is due to be completed in the latter half of 2011. The audit process has been very effective so far in engaging stakeholders and in providing quality feedback on performance and management strategies.

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). 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.

No necessary operations were referred to the MPRA in 2010/2011.

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 2010/2011.

LEASES, LICENCES AND PERMITS

Commercial operations on MPRA vested land and waters are required to be licensed according to the *Conservation and Land Management Act Regulations 2002*. This enables access and use to be monitored and license 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 tour operator licence applications were considered by the MPRA during 2010/2011 for a variety of activities within marine parks and reserves in Western Australia. All applications were approved as recommended.

MANAGEMENT ISSUES CONSIDERED DURING 2010/2011

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

- Proposed vessel access to the Coral Bay Prescribed Area in southern Bills Bay within Ningaloo Marine Park;
- Proposed kiteboarding operation on the beach in the Bundegi Recreation Zone and the Osprey and Winderbandi Sanctuary Zones in Ningaloo Marine Park;
- Proposed lease for the Saxon Ranger dive site wreck in the Shoalwater Islands Marine Park;
- Proposed stand-up paddle boarding operation in Shoalwater Islands Marine Park;
- Proposed dive operations on the Saxon Ranger dive site wreck in the Shoalwater Islands Marine Park;
- Proposed whale shark interaction operations in Ningaloo Marine Park;
- Proposed jet boating operation in Jurien Bay Marine Park;
- Proposed changes to the DEC Marine Tour Operator Handbook;
- Proposed T class licence to conduct videography in Ningaloo Marine Park and Murion Marine Management Area;
- Proposed T class licence for wildlife interaction tours in Shark Bay Marine Park;
- Proposed licences for all terrain vehicle operations within Ningaloo Marine Park and Shark Bay Marine Park;
- Proposed houseboat operation at Montebello Islands Marine Park;
- Proposed small craft hire operation within Shark Bay Marine Park; and
- Proposed coral viewing licence in Ningaloo Marine Park.

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 the Department, 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).

The Chair and the Deputy Chair of the MPRA hold meetings with the Minister (or the Minister's policy advisers) on a regular and an *ad hoc* basis. During 2010/2011 one meeting was held with the previous Minister, Minister Faragher. Three meetings were held with the current Minister (Minister Marmion) and one meeting with the Minister's policy advisor. At some of these meetings, the Minister made verbal requests for advice from the Authority and the Authority also provided unsolicited written and verbal advice on a number of matters.

ACTION DURING 2010/2011

The MPRA provided advice to the Minister on a number of matters including:

- A suggested forward plan for marine conservation in Western Australia including recommendations that the Government adopt a three year work program with the objective of establishing a system of representative marine protected areas for the State as envisaged by the Marine Parks and Reserves Selection Working Group in 1994. In detail, the following program has been proposed to Government by the MPRA:
 1. Completion of the implementation of the parks that are currently in process, being Ngari Capes and Dampier/Regnard;
 2. Completion of the implementation of Eighty Mile Beach marine park;
 3. Completion of the implementation of Camden Sound Marine Park;
 4. Planning for the proposed marine parks in the North Kimberley Region; and
 5. Initiate an MPA planning process for the South Coast region, building on the success of the process that developed the draft Regional Marine Strategic Plan with the objective of creating a system of marine reserves in this region.

Further advice was provided in relation to:

- The MPRA's statutory function, current membership status and membership appointment process; and
- The MPRA audit process including the 10-year audits of the Shark Bay Marine Park and

Marmion Marine Park management plans, and the upcoming audit of Ningaloo Marine Park.

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 FRM Act. Pearling and hatchery activities using *P. 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, FRM Act and the CALM Act. 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.

ADVICE PROVIDED DURING 2010/2011

A member of the MPRA undertook a site visit to Paspaley Pearling Company pearl leases in the Montebello Islands on 2 November 2010. At the request of the MPRA Paspaley Pearling presented a

proposal to vary a pearl oyster farm lease in the Montebello Islands at the MPRA's 147th Meeting on 19 May 2011.

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, Petroleum Act, Petroleum Pipelines Act and Petroleum (Submerged Lands) Act.

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. 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 1986* processes and on administrative arrangements. The MPRA has instituted regular briefings by DMP staff in

regard to general industrial development that is likely to affect existing or proposed marine parks.

ISSUES CONSIDERED DURING 2010/2011

The MPRA received briefings and/or provided comment when appropriate on the following:

- Gorgon dredging program and installation of moorings for use in the marine monitoring program;
- Nearshore oil and gas developments and activities in the Ningaloo and Kimberley coastal areas;
- Progress of the Wheatstone LNG development;
- Acreage Release L10-11 in Exmouth Gulf;
- Straits Solar Salts Project; and
- Proposal for sediment bypassing at Ocean Reef Marina.

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.

ACTION DURING 2010/2011

- The MPRA met with the Environmental Protection Authority on 5 August 2010 to discuss a process for management of short-term impacts of industrial development on values of marine parks and reserves;
- DEC provided several updates on the Gorgon dredging program off the east coast of Barrow Island and adjacent to the Barrow Island Marine Management Area at the MPRA's 138th meeting (19th August 2010), 141st Meeting (18th November 2010), 145th Meeting (17th March 2011), 148th Meeting (16 June 2011);
- DEC provided several updates on the progress of the Wheatstone LNG development proposal located within the vicinity of the Ningaloo Marine Park/ Murion Islands Marine Management Area and Exmouth Candidate Marine Reserve at the MPRA's 138th Meeting (19th August 2010), 141st Meeting (18th November 2010) and 142nd Meeting (16th December 2010);
- DEC provided an overview on the development of a terms of reference document to assist establishment of community committees to

facilitate community participation in the implementation of marine parks and reserves management plans at the MPRA's 138th Meeting on 19th August 2010;

- DEC's Keep Australia Beautiful team provided a briefing on the development of a 'Clean Marine Campaign' aimed at reducing coastal and marine pollution at the MPRA's 138th Meeting on 19th August 2010;
- DEC provided a briefing on Draft Marine Park and Reserve Mooring and Anchoring Plans at the MPRA's 138th Meeting on 19th August 2010;
- DEC provided an overview of the Annual Marine Work Plans for implementation of Marine Parks and Reserves Management Plans at the MPRA's 138th Meeting on 19th August 2010;
- DEC provided an overview of the DEC Events Policy at the MPRA's 139th Meeting on 16th September 2010;
- DEC provided an update on the Marine Science Program and the implementation of the WA Marine Monitoring Program at the MPRA's 141st Meeting on 18th November;
- The Department of Fisheries provided a presentation on the Wilderness Fishing zone concept at the MPRA's 141st Meeting on 18th November;
- Barry Wilson of Murex Consultants provided a presentation on the marine heritage values of the Kimberley Coast at the MPRA's 141st Meeting on 18th November 2010;
- The Department of Mines and Petroleum provided a briefing on the Acreage Release L10-11 in Exmouth Gulf and the Straits Solar Salts Project at the MPRA's 141st Meeting on 18th November 2010 and at the MPRA's 142nd Meeting on 16th December 2010;
- DEC provided an overview on the Francois Peron National Park Naturebank project at the MPRA's 142nd Meeting on 16th December 2010;
- DEC presented a proposal for Bent Street channel dredging within Shoalwater Islands Marine Park at the MPRA's 142nd Meeting on 16th December 2010;
- DEC presented a proposal to install moorings in Montebello Islands Marine Park for use in the Gorgon marine monitoring program at the MPRA's 142nd Meeting on 16th December 2010;
- DEC presented a proposal to expand the Tantabiddi boat ramp adjacent to Ningaloo Marine Park at the MPRA's 142nd Meeting on 16th December 2010;
- DEC provided an overview of a proposal to deploy fish attractant devices in Ningaloo Marine Park at the MPRA's 143rd Meeting on 18th February 2011;

- The Department of Mines and Petroleum outlined the process for petroleum exploration applications in/adjacent to marine conservation reserves at the MPRA's 144th Meeting on 18th February 2011;
- DEC presented an overview of a draft mooring and anchoring plan for Ningaloo Marine Park and an update on the Tantabiddi boat ramp upgrade at the MPRA's 147th Meeting on 19 May 2011;
- Paspaley Pearling Company presented a proposal to vary a pearl oyster farm lease in the Montebello Islands at the MPRA's 147th Meeting on 19 May 2011;
- Commonwealth Department of Sustainability, Environment, Water, Population and Communities presented on the Draft South-west Marine Bioregional Plan and Proposed Marine Reserve Network at the MPRA's 148th Meeting on 16 June 2011;
- DEC present a proposal to dredge around Penguin Island jetty within Shoalwater Islands Marine Park at the MPRA's 148th Meeting on 16 June 2011; and
- The Department of Transport and Oceanica Consulting presented a proposal for sediment bypassing at Ocean Reef Marina into Marmion Marine Park at the MPRA's 148th Meeting on 16 June 2011.

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 DEC website at (www.dec.wa.gov.au/mpra).

RESOURCES

FUNDING AND ADMINISTRATIVE ARRANGEMENTS

The MPRA Executive Officer and staff of DEC's Marine Policy and Planning Branch provide assistance to support the MPRA, particularly in regard to background briefings, advice and assistance for MPRA meetings.

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

In the financial schedule for the 2010/2011 period the Department allocated \$185,677 to its Marine Policy and Planning Branch for administration and support of the MPRA.

Purpose	Allocation (\$)
Honoraria (sitting fees etc)	90,600
Executive Officer	64,927
Operations	11,000
Assessment of the implementation of management plans (Audit)	16,750
Miscellaneous	2,400
TOTAL	185,677

In accordance with the requirements of section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2010/2011 financial year.

