



Annual Report

1 JULY 2007–30 JUNE 2008



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ANNUAL REPORT

1 July 2007 - 30 June 2008

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MINISTER FOR THE ENVIRONMENT

In accordance with section 31 of the *Conservation and Land Management Act 1984*, I submit for your information and presentation to Parliament, the annual report of the Marine Parks and Reserves Authority for the year ending 30 June 2008.

Mr Eric Streitberg
Chairman

August 2008

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.....	5
MPRA membership	5
Meeting notice and attendance.....	6
MPRA meetings.....	6
Conflict of Interest	7
Public Interest Disclosure	7
The Marine Conservation Estate	8
Legislative background.....	8
Categories of reserve and functions.....	8
Reserve classifications and security of tenure	8
Area vested	9
Consideration of proposed changes for vested land and waters	9
CALM Act Controlling Bodies	10
Marine Parks and Reserves Authority and the Conservation Commission of WA	10
Marine Parks and Reserves Scientific Advisory Committee	10
Policy Development	11
Legislative background.....	11
Policy statements	11
Action during 2007/2008	11
Policy review during 2007/2008.....	11
Proposals for New Marine Parks and Reserves	12
Development of the marine parks and reserves program.....	12
Legislative background.....	12
Status of proposed new marine parks and reserves.....	12
Proposed Dampier Archipelago/Regnard marine conservation reserves.....	12
Proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet marine park	13
Proposed Walpole and Nornalup Inlets marine park	14
Proposed Pilbara and Eighty Mile Beach marine parks and reserves	15

Management Plans	16
Legislative background and management plan development	16
Status of management 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	18
Marmion Marine Park.....	18
Shark Bay Marine Park and Hamelin Pool Marine Nature Reserve	18
Montebello/Barrow Islands Marine Conservation Reserves.....	18
Management Implementation and Audit	19
Management plan implementation and audit	19
2006/2007 management plan implementation and audit report.....	19
Interim management	19
Leases, licences and permits	20
Management issues considered during 2007/2008	20
Advice to the Minister	21
Legislative background.....	21
Communications Agreement	21
Action during 2007/2008	21
Aquaculture and Pearling	22
Background.....	22
State Government policy.....	22
MPRA involvement	22
Issues considered during 2007/2008	22
Advice provided during 2007/2008	22
Industry and Resources	24
Background.....	24
State Government policy.....	24
MPRA involvement	24
Issues considered during 2007/2008	24
Liaison	25
Background.....	25
Action during 2007/2008	25
Communication.....	25
Resources	26
Funding and administrative arrangements	26
APPENDICES	27
APPENDIX I: Annual Audit Report: Marine Parks and Reserves Management Plan Implementation 1 July 2006 – 30 June 2007.....	27

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 the Environment on marine conservation and can develop policies to preserve the natural marine and estuarine environments outside marine conservation reserves. The Authority has formulated a strategic plan which has allowed it to develop 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 the 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 has the responsibility to:

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

This year's priorities for developing the marine parks and reserves system have been driven by the Western Australian Government's policy set out in its 2005 election commitments to "*work with the community to finalise marine parks at Geographie Bay/Leeuwin-Naturaliste/Hardy Inlet (Capes); Dampier Archipelago; and Walpole/Nornalup; and to work with the community through the regional marine planning process to create a new marine park at the Recherche Archipelago.*"

Despite the conclusion of the public consultation processes for the three proposed parks, and the expectation set out in last year's annual report that these new Parks would be implemented during 2007, the new Parks are not yet established.

The inordinate length of time these processes take is illustrated by the Dampier Archipelago and Capes proposals. The MPRA submitted its reports for the indicative management plans for the proposed Dampier Archipelago Marine Park to the Minister for the Environment on 29 August 2003 and for Capes on 30 September 2004. These delays have not only caused considerable community concern and frustration, but there is also anecdotal evidence that the delays have lead to substantially increased fishing effort in the prospective sanctuary zones in the proposed parks which is a most unfortunate outcome.

There are clearly identifiable reasons for this delay including the evolving nature of the process and the complexity of the bureaucratic processes.

Substantive changes are required to enable these processes to be more relevant and efficient. The recent progress on the Pilbara and Eighty Mile Beach marine park and reserves planning process indicates that a whole of government approach may be more effective. The potential to establish a network of several discrete parks through one process as is proposed for this area is also likely to be a substantial improvement.

Regional Marine Planning

The State Government commitment to Regional Marine Planning had concrete expression in the Regional Marine Strategic Plan being developed for the South Coast. The MPRA has taken a close interest in this process and has expressed its support, and commends the Planning Working Group for its progress to date.

The obvious and urgent place to apply a regional marine planning approach to reserve development is in the Kimberley. The Northern Development Task Force, which has been tasked with recommending the most appropriate place to develop a gas processing hub in the Kimberley, has undertaken a first order evaluation of the values of the Kimberley and in doing so has highlighted the urgent need to ensure the appropriate action to preserve the unique environmental and cultural values of the area. The identification of major undescribed coral reef systems is just one example of how little is known of the area and how important it is to take urgent action to ensure adequate protection in the context of sustainable development and social equity.

Despite the difficulties and frustrations under the current system of marine planning, the present network of Marine Parks are making a considerable contribution to marine conservation in the State.

As a part of its policy commitments, the State Government committed to a review of the role of marine sanctuaries in biodiversity conservation. This was a welcome initiative, however, the Authority considers that the evidence for the effectiveness of sanctuary zones (or "green" zones) both in biodiversity conservation and natural resource management is overwhelming and that a review is likely to simply be confirmatory. The size of green zones required to achieve biodiversity and conservation outcomes is highly dependent on local factors and on the habitats and species intended for protection. Generally however, the sanctuary zones in Western Australian Marine Parks and Reserves are considered to be at the lowest limit (and in some cases below) of the size needed for them to be effective.

The adequacy of the sanctuary zones in existing and proposed parks to protect the State's unique marine biodiversity has been contested by a number of sectors. The challenge of balancing competing multiple uses in Parks has almost inevitably led to relatively small areas being reserved as sanctuary zones.

The Authority is of the view that a more precautionary principle should be applied in the

consideration of marine planning, particularly, for the south coast and the Kimberley. Western Australia's huge coastline, the limited government and scientific resources that are available to ensure scientific certainty about exactly where marine protected areas should be located, how large they should be, or how many are needed, should not be used as a reason for not establishing or delaying a system of marine representative areas.

Fisheries engagement

As the principal extractive activity in WA State waters is fishing, the Authority has worked to establish a close working relationship with both the commercial and recreational fishing sectors and with the Department of Fisheries (DoF). This process has been effective in promoting information and resource sharing between DEC and DoF and in building closer co-operation between the MPRA and the fisheries sectors. The initiatives taken by the Minister for Fisheries in relation to spatial and temporal closures, bag limits and education have been most welcome and timely. This co-operative and pro-active approach will hopefully defuse potentially combative outcomes in future planning processes.

Interest in aquaculture remains high and the Authority is conscious of the need to develop effective and transparent policies for aquaculture in general use and aquaculture specific zones of Marine Parks.

Policy and audits

As one of the Authority's specific responsibilities is the development of policies to preserve and promote natural marine and estuarine environments, it has agreed a priority list of policies which are being sequentially developed. Pressures on the marine environment mean most of the policies considered are operationally focussed or in the nature of guidance statements. Policy development has been on an ad-hoc basis due to a lack of resources and has had to take a second priority to the Authority's audit function over the last year.

The audit function is a core statutory responsibility of the Authority. The audit processes have been developed over a number of years and are becoming more effective and rigorous. In consultation with the Minister for the Environment and DEC, the Authority has included its Audit Report for 2006/2007 as an appendix to this report. The Authority also notes and welcomes the significant involvement of DoF in this year's audit. The supporting Annual Review is available for download from the MPRA section of the DEC website.

The annual reviews of performance of each marine conservation reserve are supported by periodic audits to provide mid-term reviews approximately every five years of management performance. These periodic audits support the statutory ten year review and report on each management plan. During the year the Authority commenced its first periodic audit of Jurien Bay Marine Park.

As at 30 June 2007, nine of the 12 Western Australian marine parks and reserves had outcome based management plans. The Shark Bay Marine Reserves, Marmion Marine Park and Swan Estuary Marine Park have management plans that have exceeded their ten year term and are not outcome based, and the statutory review and updating of the Shark Bay marine reserves and Marmion Marine Park plans remains a high priority for the MPRA.

The Authority expresses its sincere thanks to its supporting agency, with the staff of the Marine Policy and Planning Branch providing exceptional service under difficult conditions. The engagement of the stakeholders in the marine environment, both Government and private sector, has been constructive and committed and is also very much appreciated. Special thanks are due to the Members of the Authority who remain very committed to the Authority's responsibilities and have given most generously of their time and advice.

GENERAL INFORMATION

FUNCTIONS OF THE MARINE PARKS AND RESERVES AUTHORITY

The *Acts Amendment (Marine Reserves) Act 1997* was proclaimed on 29 August 1997 and included amendments to the *Conservation and Land Management Act 1984*, (CALM Act) which established the Marine Parks and Reserves Authority (MPRA) as the vesting body for Western Australia's marine parks and reserves. Vesting was transferred from the National Parks and Nature Conservation Authority to the MPRA. The MPRA was created as a Controlling Body under section 26A of the CALM Act. The MPRA is responsible to the Minister for the Environment.

Western Australia's marine nature reserves, marine parks and marine management areas are vested in the MPRA. On 1 July 2006 the Department of Conservation and Land Management and the Department of Environment amalgamated to form the Department of Environment and Conservation (DEC). DEC is responsible for the day to day management of these vested waters and lands.

In addition to being the vesting authority for these 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 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 CALM;
 - (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 WA Museum to provide an opportunity for it to comment.
8. In response to requests, provide advice to any person or body on matters relating to conservation reserves vested in the MPRA - if it is practical for the MPRA to do so and if also in the public interest.

Note: Except where otherwise indicated, the terms "the Minister", "the Department", "the Authority", "the CALM Act" and "the Amendment Act" used in this report refer to the Minister for the 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.

On 18 December 2007, the Minister requested advice from the MPRA on regional marine planning and a forward program for marine parks and reserves. The MPRA considered the matter at its 107th meeting on 17 January 2008, as well as at a special meeting held on 25 January 2008. The MPRA provided advice on these matters to the Minister on 11 March 2008.

On 14 February 2008, the Minister directed the MPRA to work with the State Marine Policy Stakeholder Group (PSG) with a view to providing strategic advice in relation to the broader West Coast Dive Park concept and proposals for the sinking of dive wrecks in marine parks and reserves more generally. The MPRA is currently working with DEC to develop advice to input to a policy on this matter (see section on *Policy Development*).

MPRA MEMBERSHIP

The MPRA has seven members who are appointed under the provisions of sections 26D(1) and 26D(2) of the CALM Act, and are to be persons who, in the opinion of the Minister, have knowledge and experience or a particular function or vocational interest which is relevant to the functions of the MPRA.

One of the members shall, on the nomination of the Minister, be appointed by the Governor as Chairman and another as Deputy Chairman (section 26D(3) of the CALM Act).

On 31 July 2007, Mr Eric Streitberg was reappointed as member and Chairman and Mr Kim Colero was reappointed as member of the MPRA.

On 31 January 2008 the membership tenure of Emeritus Professor John Penrose expired, however remains current by way of Clause 1(2) of the Schedule to the CALM Act, until a formal appointment arrangement is made.

Membership as at 30 June 2008 is set out below.

Appointed members

- (1) Mr Eric Streitberg (Chairman)
- (2) Mr Christopher Doepel PSM (Deputy Chairman)
- (3) Mr Angus Horwood
- (4) Professor Diana Walker
- (5) Mr Kim Colero
- (6) Emeritus Professor John Penrose
- (7) Dr Trevor Ward

Mr Eric Streitberg 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 is Managing Director of ARC Energy Limited. Mr Streitberg has followed a professional career in international oil and gas operations/exploration and holds a Bachelor of Applied Science in Geophysics and Geology. Mr Streitberg is a member and past Vice Chair of the Australian Petroleum Production and Exploration Association (APPEA) and past Chair of the APPEA Exploration Committee.

Mr Christopher Doepel is the Dean of the Faculty of Law and Business at Murdoch University in Perth. Prior to joining the University in early 2008 he 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.

Professor Diana Walker is a Professor at the School of Plant Biology (Botany) at the University of Western Australia. Professor Walker has a Bachelor of Science in Marine Biology from the University of Liverpool, Isle of Man and a PhD from the University of York, England. Professor Walker is an inaugural member of the MPRA and Chair of the Shark Bay World Heritage Property

Scientific Advisory Committee and member of the Shark Bay World Heritage Property Community Consultative Committee.

Mr Kim Colero is Managing Director of JK Colero Enterprises P/L, an Australian fishing company, focusing on the Western Rock Lobster Industry. Mr Colero was appointed to the 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.

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 holds a PhD in Solid State Physics from the City University, London. He was Project Manager of the national Coastal Water Habitat Mapping Project of the Cooperative Research Center for Coastal Zone, Estuary and Waterway Management. He is an Honorary Associate of the Western Australian Museum and a Council Member of the Australian National Maritime Museum.

Dr Trevor Ward is the Principal Marine Ecosystems and Biodiversity Consultant for Greenward Consulting. He is an Adjunct Senior Research Fellow at the University of Western Australia (Institute for Regional Development) and an 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 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 2007/2008 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 Industry and Resources (DoIR), Department for Planning and Infrastructure (DPI) and Tourism Western Australia (TWA) attended MPRA meetings throughout 2007/2008. 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 agencies 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 twelve occasions during 2007/2008. The dates of these meetings were:

19 July 2007
16 August 2007
20 September 2007
18 October 2007
14 November 2007
20 December 2007
17 January 2008
21 February 2008
19 March 2008
17 April 2008

15 May 2008
19 June 2008

Member attendance at these twelve meetings was as follows:

Member	Meetings attended
Eric Streitberg	10
Christopher Doepel	9
Angus Horwood	11
Diana Walker	11
Kim Colero	11
John Penrose	9
Trevor Ward	12

The MPRA also formed 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 Trevor Ward (subcommittee Chair), John Penrose and Eric Streitberg. The audit subcommittee met on 25-26 October 2007 to review the implementation of management plans by DEC in the 2006/2007 period (see section on *Management Plan Implementation and Audit*).

The audit subcommittee also met on various occasions to develop the framework for the trial periodic review of the implementation of the management plan for Jurien Bay Marine Park. The audit committee undertook a field inspection of Jurien Bay Marine Park on 12 -14 May 2008 and met with key stakeholders as part of the periodic review.

As a result of the 2006/2007 audit process, an Audit Working Group was formed comprising representatives of MPRA, DEC and DoF. The Audit Working Group met on three occasions in 2007/2008 to discuss collaborative audit matters and address key gaps in research and monitoring data.

A special meeting of the Authority was held on 25 January 2008 to consider advice to the Minister on regional marine planning and a forward program for marine parks and reserves (see section on *Advice to the Minister*).

In addition to the above meetings, representatives of the MPRA attended nine meetings with the Minister for the Environment (or his Policy Advisers) during 2007/2008.

Representatives of the MPRA also attended:

- Meetings with the DEC Director General, DoF Executive Director and the Chairman of the Conservation Commission of WA;
- DEC workshop on *Frameworks and Systems for Measuring and Reporting on Biodiversity Conservation Achievements and Management Effectiveness in Australia* (19-20 February 2008);
- Meeting with DEC representatives to discuss the draft Biodiversity Conservation Strategy for Western Australia;
- Conservation Commission workshop on *Status Performance Assessment - Biodiversity Conservation on Western Australian Islands* (5 March 2008); and
- a field visit to engage with stakeholders and inspect possible marine park and reserve candidate areas of the South Coast Region, including the Recherche Archipelago.

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 for any conflict of interest.

No members reported a material conflict of interest during the 2007/2008 period.

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.

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

AREA VESTED

Marine nature reserves. As at 30 June 2008 one marine nature reserve, Hamelin Pool Marine Nature Reserve, of approximately 132,000 hectares was vested in the MPRA.

Marine parks. As at 30 June 2008 nine marine parks, totalling approximately 1,261,062 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 and Barrow Island Marine Park.

Marine management areas. As at 30 June 2008 two marine management areas, totalling 145,232 hectares were vested in the MPRA. These are Muiron Islands Marine Management Area and Barrow Island Marine Management Area.

Further details of the conservation estate are contained in the annual report of DEC.

CONSIDERATION OF PROPOSED CHANGES FOR VESTED LAND AND WATERS

As the vesting and controlling body, the MPRA considered proposals presented to it throughout the year relating to boundary changes, classification changes, vesting or other matters. During 2007/2008 these were:

- Proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet Marine Park. The MPRA considered a revised indicative management plan for the proposed marine park, public submissions received on that proposal and advice of the Community Advisory Committee. The MPRA provided advice to the Minister under Section 14 of the CALM Act on 7 August 2007 (see section on *Advice to the Minister*).
- Proposed cancellation and transfer of vesting of intertidal areas, in particular respect to the island reserves within the proposed Dampier Archipelago/Regnard Marine Conservation Reserves.

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 2007/2008 period the MPRA and the Commission met on one occasion and liaised over a number of issues including:

- Vesting of intertidal areas, in particular areas associated with the Proposed Dampier Archipelago/Regnard marine conservation reserves;
- Parks and Protected Areas Forum and the Agenda for Action;

A joint meeting of the MPRA and Commission is anticipated to be held in August 2008.

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

MARINE PARKS AND RESERVES SCIENTIFIC ADVISORY COMMITTEE

A Marine Parks and Reserves Scientific Advisory Committee is established by section 26F of the CALM Act with functions and membership set by sections 26G-H. The *Review of the Statutory Authorities established by the CALM Act 1984*, released by the Minister in August 2003, recommended that the Marine Parks and Reserves Scientific Advisory Committee be abolished. The Committee did not meet during the 2007/2008 year.

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

The MPRA develops policy as 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.

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

ACTION DURING 2007/2008

The MPRA developed and endorsed the following documents:

- 2006/2007 Annual Review of Marine Conservation Reserves including Management Plan Implementation.
- 2006/2007 Annual Audit Report – Marine Parks and Reserves Management Plan Implementation.

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

- The draft 100-year Biodiversity Conservation Strategy for WA;
- Amendment to the *Conservation and Land Management (Coral Bay Restricted Areas) Notice 2003*;

- Proposed amendments to the *Rottneest Island Authority Act 1987*;
- Review of Nature-based Tourism;
- Commonwealth's South West and North West marine bioregional planning including the *South West Marine Bioregional Profile*;
- South Coast regional marine planning and the development of the draft *South Coast Regional Marine Strategic Plan*;
- Draft State policy framework for regional marine planning in Western Australia developed by the State Marine Policy Stakeholder Group;
- DEC's Marine Science Strategy;
- Coral Bay Boating Strategy;
- Marine Scientific Panel and development of a report on the science and effectiveness of sanctuary (no-take) zones;
- Amendments to the *Ningaloo Marine Park (Classified Waters) Notice 2005*;
- Proposed amendments to the *Conservation and Land Management Regulations 2002* to better manage moorings in marine parks and reserves;
- Development of a policy on proposals for dive wrecks in marine parks and reserves; and
- Policy framework underpinning the Memorandum of Understanding (2003) between MPRA, Water Corporation, Environmental Protection Authority, CALM and Department of Environmental Protection on the management of treated wastewater discharges into Marmion Marine Park.

POLICY REVIEW DURING 2007/2008

The MPRA and DEC undertook an internal review of the MPRA Policy Formulation Guidelines (2003) and a list of priority policies for development.

The MPRA audit subcommittee and DEC also undertook a review of the MPRA Audit Policy (2002) and DEC's operation guidelines for the audit of marine parks and reserves management plans. The review is currently ongoing and is anticipated to be finalised in the latter part of 2008.

PROPOSALS FOR NEW MARINE PARKS AND RESERVES

DEVELOPMENT OF THE MARINE PARKS AND RESERVES PROGRAM

In early 2005, the Government reaffirmed its commitment to work with the community to finalise marine reserves at:

- Dampier Archipelago/Regnard (formally Cape Preston);
- Geographe Bay/Cape Naturaliste - Cape Leeuwin/Hardy Inlet (the 'Capes'); and
- Walpole and Nornalup inlets.

In 2005, the Government also added a commitment to create, through the regional marine planning process, a new marine park at the Recherche Archipelago on the south coast of WA.

Progress has been made on the State's regional marine planning through the work of both the State Marine Policy Stakeholder Group (PSG) and the South Coast Regional Marine Planning Advisory Group. The MPRA is actively liaising with these groups and representatives of the PSG attended the Authority's 104th meeting on 18 October 2007.

In late 2006, the Government made a commitment to expand marine parks and reserves along the Pilbara and lower west Kimberley (Eighty Mile Beach) coasts.

There is an agreed classification of the bioregions of Australian waters, including those of Western Australia (*Interim Marine and Coastal Regionalisation for Australia*, IMCRA, Thackway *et al.* Commonwealth Department of Environment, 1998). 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 reserve program.

The agreed regionalisation of Western Australian waters identifies 18 bioregions. Seven of these now include marine parks and reserves that may be regarded as representative of their respective bioregions and contributing to conservation management objectives. When the proposals for new marine conservation reserves in the Dampier Archipelago/Regnard, 'Capes', Walpole and Nornalup inlets and Recherche Archipelago have

been established, nine of the State's bioregions will be represented.

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 new marine parks and reserves, and relevant activities undertaken during 2007/2008.

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 Minister (under Section 14 (1a) of the CALM Act) on 29 August 2003. Subsequent to additional consultation requested by the Minister, the MPRA reported again to the Minister in February 2004 recommending the plan be released for public comment. Concurrence was received from the Minister for State Development on 28 June 2004. Concurrence was received from the Minister for Fisheries on 18 November 2004 although as part of his concurrence he requested substantial amendments to the indicative management plan prior to it being released for public comment. This

included changes to the zoning scheme, a proposal to implement closures to commercial trawling within one nautical mile of the Nickol Bay coast and the implementation of reduced recreational fishing bag limits for the Dampier Archipelago.

The amended indicative management plan was released for public comment from 11 January to 10 May 2005. The Department commenced the analysis of submissions, which were then provided to the MPRA for consideration at a subcommittee meeting on 22 September 2005.

On 13 October 2005, the Minister for the Environment advised the MPRA that the Advisory Committee should be reconvened to inform them of the rationale behind the Government's changes to the indicative management plan prior to release for public comment. It also provided an opportunity for the Advisory Committee to consider the summary of public submissions before providing advice to the MPRA.

The Advisory Committee reconvened on 15 February 2006 and subsequently provided their advice and recommendations on the revised indicative management plan to the MPRA on 10 April 2006 and apart from one zone (West Enderby Special Purpose (Benthic Protection) Zone) the Advisory Committee reverted back to their original advice. They also recommended that the one nautical mile trawling exclusion zone in Nickol Bay be removed.

The Advisory Committee recommendations were discussed and endorsed at the MPRA's meeting of 18 May 2006.

The MPRA provided advice to the Minister on 1 June 2006 supporting the Advisory Committee recommendations on the proposed zoning scheme and the progression of the revised indicative management plan.

After changes within the Government's Environment Portfolio in late 2006 and early 2007, the MPRA provided further advice to the Minister on 16 January 2007 regarding the progression of the proposed Dampier Archipelago Marine Park and Cape Preston Marine Management Area.

In late March 2007, DoIR formally advised the Department and the MPRA that some areas of the proposed marine management area could not co-exist with areas identified in the *Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002*. This resulted in areas to the west of Cape Preston not being included in the proposed marine management area.

On 27 April 2007, the Minister provided the MPRA with direction on progressing the

establishment of these marine conservation reserves, and on 14 May 2007 the MPRA provided its final advice to the Minister under Section 14 (6a) of the CALM Act. This advice included a recommendation that the name of the proposed marine management area be changed to Regnard Marine Management Area, given the excision of all the area to the west of Cape Preston from the proposed reserve as a result of the State Agreement Act obligations and to reflect the geographical position of the reserve across a broad part of Regnard Bay.

Progress in 2007/2008

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

Gazettal of the amended boundary for Dampier Port occurred on 25 May 2007. However, due to the potential future requirements for port facilities and resource development in the region the negotiations on the revised boundary of Port Walcott are continuing between DEC, DPI and DoIR.

The creation of the reserves and gazettal of the management plan is anticipated in the latter part of 2008.

PROPOSED GEOGRAPHE BAY /LEEUWIN-NATURALISTE/HARDY INLET MARINE PARK

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 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 Minister'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 Minister (under Section 14 (1a) of the CALM Act) on 30 September 2004.

The Minister for the Environment wrote to the MPRA on 16 May 2005, advising how the proposal would be progressed. Since that time, DEC and DoF have further considered the zoning scheme with the boundaries of the Special Purpose (Surfing) Zones and the DoF commercial rock lobster closure areas being aligned.

The Minister for the Environment obtained approval from the Minister for Fisheries and the Minister for Resources on 22 May 2006 and 23 January 2006 respectively, to proceed with the publication of the notice of intent and release of the indicative management plan for public comment.

The indicative management plan was released for public comment from 6 September 2006 to 15 December 2006. The analysis of public submissions was considered by the Advisory Committee at their meeting on 30 March 2007. The Advisory Committee subsequently provided written advice and recommendations to the MPRA on 9 May 2007.

The MPRA held a special meeting on 17 May 2007 to consider the public submissions to the indicative management plan and the advice of the Advisory Committee, prior to providing its formal advice to the Minister.

Progress in 2007/2008

On 7 August 2007, the MPRA provided its final advice on the revised indicative management plan to the Minister under Section 14 (6a) of the CALM Act. The MPRA's advice included a recommendation for the inclusion of the Noongar word "*Ngari*" (meaning salmon fish) in the name of the marine park.

A jointly funded DEC and DoF survey commenced in 2007 to assess abalone stock in the proposed sanctuary zones to enable accurate estimation of potential compensation claims as provided for under the *Fishing and Related Industries Compensation (Marine Reserves) Act 1997* (FRICMR Act). The abalone stock assessments report prepared by Murdoch University was finalised in late 2007 following an independent review by the South Australian Research and Development Institute (Aquatic Sciences). The potential compensation liability for this and other commercial fisheries arising from the creation of the marine park will be considered by the Government as part of its consideration of resources required to establish and implement the marine park. The notice indicating that the Government will consider compensation under the FRICMR Act is not expected to be published until the marine park is created and the FRM Act orders to restrict fishing are in place.

Following advice from Landgate in December 2007, the proposed sanctuary zone covering Swan Lake and Deadwater was excluded from the proposed marine park because of an existing vesting of the area in the Shire of Augusta-Margaret River. In addition, legal advice confirmed that Hardy Inlet was considered an 'onshore' place under the Commonwealth *Native Title Act 1993* and hence could not be included in the marine park until an Indigenous Land Use Agreement is registered.

A reduced port boundary at Flinders Bay has been agreed between DEC and DPI and the amended boundary is anticipated to be gazetted early in the latter half of 2008.

The creation of the marine park and gazettal of the management plan is anticipated in the latter part of 2008.

PROPOSED WALPOLE AND NORNALUP INLETS MARINE PARK

Background

Planning for the proposed Walpole and Nornalup Inlets Marine Park on the south coast of Western Australia commenced in late 2003 with the formation of a community-based Focus Group.

A meeting was held on the 26 May 2005 between the Minister for the Environment and the local commercial tour operators to resolve concerns raised about licensing arrangements. The draft indicative management plan was forwarded to the MPRA for consideration in December 2005 and representatives from DEC and the Focus Group provided a briefing at the MPRA meeting of 15 December 2005. The MPRA provided its report (under Section 14 (1a) of the CALM Act) to the Minister on 21 December 2005.

The Minister for the Environment obtained approval from the Minister for Fisheries and the Minister for Resources, on 14 July 2006 and 26 May 2006 respectively, to proceed with the release of the notice of intent and the indicative management plan for public comment.

The indicative management plan was released for public comment from 27 August 2006 to 1 December 2006. The Focus Group were reconvened on 3 March 2007 to review the analysis of public submissions prepared by the DEC.

Following a briefing from DEC in April 2007 on the public submissions and the outcomes of the Focus Group meeting in March, the MPRA provided its final advice to the Minister under Section 14 (6a) of the CALM Act on 14 May 2007.

Progress in 2007/2008

The Minister for Resources and the Minister for Fisheries provided concurrence for the creation of the marine park and gazettal of the management plan on 6 August 2007 and 29 August 2007 respectively. Cabinet endorsed the creation of the marine park on 22 October 2007.

The Governor in Executive Council has made an order to establish the marine park and it is anticipated that this will take effect by mid 2008 once a notice is published in the *Government Gazette*.

PROPOSED PILBARA AND EIGHTY MILE BEACH MARINE PARKS AND RESERVES

DEC has made substantial reserve planning progress in 2007/08 to progress the Government's commitment to expand the marine parks and reserves system 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 with senior officers from relevant Government agencies including DEC, DoF, DPI, DoIR, Department of Indigenous Affairs, Office of Native Title, TWA and WAM. The IWG held meetings on 23 October 2007, 1 April 2008 and 10 June 2008.

DEC has progressed the resource assessment and data gathering, and community and indigenous engagement programs. Guidelines have been developed to clarify the intended approach for selection and design of marine parks and reserves in the region.

DEC held discussions with peak bodies about the project including WA Fishing Industry Council (WAFIC), Pearl Producers Association, Aquaculture Council of WA (ACWA), Conservation Council, Wilderness Society, World Wildlife Fund, Recfishwest, Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation and the Kimberley Land Council. In addition, other peak bodies, organisations, groups and individuals have been made aware of the project and ways that stakeholders can be involved.

On 28 April 2008, DEC met with a specially formed Fishing Consultation Group (made up of WAFIC, Pearl Producers' Association, ACWA, and Recfishwest) to update them on the project and gain peak body input to the process. DEC will continue to meet with such consultation groups at strategic or periodic stages of the planning process.

DEC held community information sessions on the Pilbara and Eighty Mile Beach proposed marine parks and reserves in Perth, Broome, Eighty Mile Beach, Port Hedland, Karratha and Onslow from 10-19 April 2008.

An indigenous engagement program is being implemented in liaison with Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation, Kimberley Land Council and the Thalanyji native title group. Initial meetings were held on 16-17 April 2008 with several of the Yamatji native title work groups in Port Hedland. DEC representatives participated in a field trip 'on country' with the Nyangumarta native title working group at Eighty Mile Beach from 11-14 May 2008 which clarified historical and contemporary aboriginal use and connection to the sea country which will be recognised in the planning process.

Consultation with peak bodies, local stakeholders and the general community will continue through various mechanisms such as local reference groups, peak body consultation groups and interest groups as well as website and media communication initiatives.

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 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.

In preparation of a management plan the MPRA shall have the objective of achieving or promoting the purpose for which the marine park or reserve is established. The general purposes of the three marine reserve categories are given in the section on *The Marine Conservation Estate* of this report. Each marine park or reserve may also have specific natural features, conservation values and other uses peculiar to itself. Such attributes, leading to specific management objectives, will be detailed in the management plan for the reserve.

For marine parks and reserves established prior to the Amendment Act 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 those parks and reserves established prior to the Amendment Act which have an operative management plan, the plan continues to have effect.

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 changes are made to the plan where appropriate.

The MPRA then forwards the revised indicative management plan to the Minister for the Environment for final approval (Section 60 of the CALM Act). In approving a plan the Minister must give effect to any submission made by the Ministers for Fisheries and Mines. A notice that a management plan has been approved must then be published in the *Western Australian Government Gazette*.

After approval of a management plan, regulations may be made (s130 of the CALM Act) to put in place necessary protection, management or control, including special zoning provisions (see section on *The Marine Conservation Estate*). Regulations may not, however, be made under the CALM Act relating to commercial or recreational fishing, aquaculture or pearling. Regulations governing those activities in a marine park or marine management area are made under the FRM Act or *Pearling Act 1990*.

The MPRA has responsibility for development of guidelines for monitoring the implementation of management plans, and setting performance criteria and conducting periodic assessment of their implementation. Since 2004, management plans prepared by the Department 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 the Department, thus providing the basis by which periodic performance assessment may be made. During 2007/2008 this relationship of management plan, work plans and performance assessment processes has been successfully refined (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 the Environment.

Table 1
APPROVED MANAGEMENT PLANS
by Department plan number

NUMBER	PLAN	DATE GAZETTED
23	Marmion Marine Park	15 May 1992
34	Shark Bay Marine Reserves*	7 March 1997
41	Swan Estuary Marine Park and Adjacent Nature Reserves	7 April 2000
49	Jurien Bay Marine Park	1 July 2005
52	Ningaloo Marine Park and Muiron Islands Marine Management Area	14 January 2005
55	Montebello/Barrow Islands Marine Conservation Reserves	10 April 2007
56	Rowley Shoals Marine Park	10 April 2007
58	Shoalwater Islands Marine Park	30 October 2007

* This plan applies to the Shark Bay Marine Park and the Hamelin Pool Marine Nature Reserve

Table 2
INDICATIVE MANAGEMENT PLANS RELEASED - RESERVE NOT YET CREATED AND FINAL MANAGEMENT PLAN NOT YET APPROVED BY THE MINISTER FOR THE ENVIRONMENT.

INDICATIVE MANAGEMENT PLANS RELEASED
<ul style="list-style-type: none"> • Proposed Geographe Bay/Leeuwin Naturaliste/Hardy Inlet Marine Park (released 6 September 2006) • Proposed Walpole and Nornalup Inlets Marine Park (released 27 August 2006) • Proposed Dampier Archipelago/Regnard (formally 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 2007/2008.

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 Minister approved the 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, although FRM Act orders to implement the conservation areas for the Muiron Islands Marine Management Area havenot yet been gazetted.

ROWLEY SHOALS MARINE PARK

The Rowley Shoals Marine Park was established in May 1990, covering Clerke and Imperieuse Reefs. The 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. It is anticipated that complementary FRM Act orders will be in place by mid 2008.

SHOALWATER ISLANDS MARINE PARK

The 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 was substantially amended so as to include sanctuary zones and bring the plan into line with the outcome-based format currently in use.

After additional consultation was undertaken with the community Focus Group in 2006, the revised draft management plan was released for public comment from 22 July 2006 to 27 October 2006.

After reviewing the public submission to the draft management plan and the advice of the community Focus Group, the MPRA provided its final advice to the Minister under Section 60 of the CALM Act on 11 May 2007. 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 notice to establish the zoning scheme was gazetted on 30 May 2008.

JURIEN BAY MARINE PARK

The Jurien Bay Marine Park was gazetted in August 2003. The plan became an operational management plan on 1 July 2005 when notification of its approval was published in the *Western Australian Government Gazette*. An analysis of public submissions report was published and made available 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

The Marmion Marine Park was established in March 1987 and the management plan was approved in January 1992. The plan became due for review in 2002, but remains in operation until such time as it is replaced by a new approved management plan.

SHARK BAY MARINE PARK AND HAMELIN POOL MARINE NATURE RESERVE

These two marine reserves were established in November 1990 and a management plan was gazetted in March 1997. The plan was due for review in 2006. 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.

MONTEBELLO/BARROW ISLANDS MARINE CONSERVATION RESERVES

The Montebello Islands Marine Park, the Barrow Island Marine Park and the Barrow Island Marine Management Area were gazetted on 10 December 2004. The management plan for these reserves became operational on 10 April 2007 with notification of its approval published in the *Western Australian Government Gazette*.

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

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 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 performance assessment framework 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 performance assessment report for each marine park and reserve. The 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 framework also specifies a periodic audit by the MPRA for each marine conservation reserve, and a statutory ten-year review of the management plan.

On 25 and 26 October 2007, the MPRA audit subcommittee undertook the fifth annual review for existing marine parks and reserves as required under the MPRA Audit Policy (2002). Department staff from throughout the State provided briefings to the subcommittee on the activities and outcomes of managing the marine parks and reserves during 2006/2007. This enabled the subcommittee to assess the Department's implementation of the marine park and reserve management plans and the outcomes achieved in that period.

2006/2007 MANAGEMENT PLAN IMPLEMENTATION AND AUDIT REPORT

The results of the MPRA's 2006/2007 annual audit of the management plans for marine parks and reserves (performance assessment) are set out in an Annual Review which is supported by detailed annual status reports, prepared by DEC.

The findings of the Annual Review are summarised in an annual Audit Report (see Appendix I) in a concise and accessible format, providing the context for the ongoing improvement of the management of Western Australia's marine parks and reserves.

In consultation with the Minister for the Environment and DEC, the Authority has included its Audit Report for 2006/2007 as an appendix to this report. The supporting Annual Review is also available for download from the MPRA section of the DEC website.

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 2007/2008.

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 2007/2008.

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 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.

MANAGEMENT ISSUES CONSIDERED DURING 2007/2008

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

- Proposed sea bed and surface structures at Penguin Island, Shoalwater Islands Marine Park;
- Replacement of timber groynes within the proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet Marine Park;
- Penguin Island South Beach Rehabilitation Project and associated monitoring program, Shoalwater Islands Marine Park;
- Draft Management Plans for Stokes Inlet and Culham Inlet (prepared by the Department of Water);
- Application from Chevron for private mooring installation in the Barrow Islands Marine Management Area and Montebello Islands Marine Park;
- Proposed development of the Port Kennedy Boat Launching Facility, adjacent to the Shoalwater Islands Marine Park;
- Chlorine tarping of vessels in Jurien Bay Marine Park;

- Expressions of Interest for commercial in-water Whale shark interaction tours, Ningaloo Marine Park;
- Proposed development of tourist resort and abalone farm adjacent to proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet Marine Park.

ADVICE TO THE MINISTER

LEGISLATIVE BACKGROUND

The MPRA may provide advice to the Minister for the Environment on:

- the development of policies for the conservation and management of the marine and estuarine flora and fauna and natural environments of the State; 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 his Policy Advisers) when they are able. During 2007/2008 nine meetings were held.

COMMUNICATIONS AGREEMENT

The MPRA Chairman signed a communications agreement with the Minister for the Environment on 14 January 2008 which outlines the protocols for communication between the MPRA and the Minister's Office.

ACTION DURING 2007/2008

The MPRA provided advice (under sections 14(6)(a) and 60(1) of the CALM Act) to the Minister on:

- 7 August 2007, with respect to the revised indicative management plan for the proposed Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet Marine Park.

The MPRA provided advice to the Minister on a number of other marine related issues including:

- Regional marine planning;
- A proposed forward program for the development of the State's marine parks and reserve system; and
- Marine Scientific Panel.

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 *Pinctada maxima* are subject to the licensing and leasing requirements of the *Pearling Act 1990*.

Apart from possible conservation and environmental impacts, the occupation of sites for aquaculture and pearling purposes may also effectively or necessarily deny, prevent or restrict access to those sites by other users of the marine environment.

STATE GOVERNMENT POLICY

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

MPRA INVOLVEMENT

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

ISSUES CONSIDERED DURING 2007/2008

The following aquaculture and pearling proposals were referred to the MPRA for consideration:

- Morgan and Co Pty Ltd - application for a 12-month permit to conduct oyster research in Montebello Islands Marine Park;

- No.0707.1 Pelsaert (WA) Pty Ltd - application to vary an aquaculture licence - Abrolhos Islands - Pelsaert Group;
- Zeewyk Pearl and Diving Pty Ltd - application to vary an aquaculture licence - Abrolhos Islands - Gun Island;
- Radar Holdings Pty Ltd - application to vary an aquaculture licence - Abrolhos Islands;
- Oceanwest Pty Ltd - application to vary an aquaculture licence - Exmouth Gulf;
- Cape Seafarms Pty Ltd - Application to vary aquaculture licence - Exmouth Gulf;
- Western Kingfish Limited - application to vary aquaculture licence - Jurien Bay including sea pen production of Yellowtail Kingfish, relocation of licence area 'C' and addition of Mulloway species;
- Western Kingfish Limited – Ministerial exemption for the collection of undersize Western Rock Lobster larvae (puerulus) from Jurien Bay and Shark Bay marine parks;
- Paspaley Pearling Company Pty Ltd, Roebuck Pearl Producers, Pearls Pty Ltd and the Australian South Sea Pearl Company Pty Ltd as tenants in common - application to vary pearl oyster lease - Sunflower Bay B, Freshwater Bay, Pyrene Island, Parry Harbour and Cape Voltaire;
- Australian Sea Pearls Pty Ltd - application for a pearl oyster farm lease - Arbidej Island and Myridi Bay;
- Bealwood Pty Ltd - application to vary licence no. 1320 Additional species
- Cone Bay 1000 tonne Barramundi Production Proposal (EPA Assessment No. 1642)
- Occoculture Pty Ltd – application for an aquaculture licence and lease, Cockburn Sound;

ADVICE PROVIDED DURING 2007/2008

The MPRA liaised extensively with DEC, DoF, Environmental Protection Authority and the proponent Western Kingfish Limited (WKL) regarding the WKL application for the sea pen

production of Yellowtail Kingfish within Jurien Bay Marine Park.

The MPRA wrote to the Appeals Convenor on 9 July 2007 and 23 August 2007 with advice that the proposal should be formally assessed by the EPA. The Minister for the Environment provided advice on 28 September 2007 that a determination had been made not to formally assess the proposal.

The MPRA received numerous briefings through 2007/2008 from DEC and DoF on the proposal, DoF licence conditions and the Environmental Monitoring and Management Program for the proposed project. DEC and the MPRA subsequently provided detailed advice to WKL on the Environmental Monitoring and Management Program.

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

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

The MPRA has instituted regular briefings by DoIR staff in regard to general industrial development that is likely to affect existing or proposed marine parks.

ISSUES CONSIDERED DURING 2007/2008

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

- Dredging program for Cape Lambert Port upgrade (EPA Assessment No. 1672);
- Gorgon proposal on Barrow Islands Nature Reserve (EPA Assessment No.1496) and Ministerial Conditions;
- Maxima 3D marine seismic survey, Scott Reef (EPA Assessment No. 1675);
- Dampier port upgrade in throughput to 145mtpa (Assessment No. 1700);
- International Minerals/Mineralogy - Balmoral South Project;
- Cape Lambert Port B;
- Mount Anketell Strategic Industrial Area;
- Jansz feed gas pipeline, Barrow Island Nature Reserve (Assessment No. 1716) EPA Bulletin 1278;
- Yannarie Solar Salt Project - Assessment 1521 - Revised Proposal and Supplementary Information. The MPRA provided a submission on this proposal to the EPA on 20 March 2008;
- Woodside Pluto LNG project – Dredge and Spoil Disposal Management Plan. The MPRA provided comments relating to the Dredge and Spoil Disposal Management Plan to the DEC Director General on 2 April 2008; and
- A briefing on industry developments in the Hopetoun/Ravensthorpe Region was provided by DoIR at the MPRA's 104th meeting on 18 October 2007;

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 2007/2008

- A representative of the Commonwealth National Oceans Office attended the MPRA's 102nd and 104th meetings on 16 August 2007 and 18 October 2007 and provided a briefing on the Commonwealth's South West and North West bioregional marine planning process;
- Representatives of the State Marine Policy Stakeholder Group attended the MPRA's 104th meeting on 18 October 2007, and provided a briefing on the draft policy framework for regional marine planning;
- Representatives of the MPRA attended the Parks and Protected Areas Forum held in September 2007;
- The MPRA held its 105th meeting in Albany and conducted a field visit to the south coast region between Albany and Esperance including the Recherche Archipelago on 14 – 16 November 2007. The MPRA met with local stakeholders including the South Coast NRM marine working group, Recherche Advisory Group, South Coast Regional Marine Planning Advisory Group, indigenous representatives and local dive operators;
- Dr Mark Westera (Marine Ecologist, UWA) attended the MPRA's 110th meeting on 17 April 2008 and provided a briefing on the benchmark study on marine communities of the south west region for long-term monitoring including the proposed 'Capes' Marine Park;
- Dr Neil Loneragan attended the MPRA's 110th meeting on 17 April 2008 and provided a briefing on the Marine Scientific Panel;
- The Department provided a briefing on the Marine Science Program, including the Marine Science Strategy and WAMSI Node 3 projects at the MPRA's 111th meeting on 15 May 2008;

- DEC's Environmental Management Branch representatives provided various briefings throughout the year regarding development and aquaculture proposals, including Woodside Pluto LNG, Straits Resources Yannarie Solar Salt proposals and Western Kingfish Limited aquaculture proposal at Jurien Bay.
- Representatives of the MPRA attended a DEC workshop on 19-20 February 2008 on Frameworks and Systems for Measuring and Reporting on Biodiversity Conservation Achievements and Management Effectiveness in Australia;
- A representative of the MPRA attended a Conservation Commission workshop on 5 March 2008 on Status Performance Assessment - Biodiversity Conservation on Western Australian Islands;
- The MPRA audit committee undertook a field inspection of Jurien Bay Marine Park on 12 - 14 May 2008 as part of the periodic review. The MPRA met with key stakeholders during the visit including DoF, JBMP community-based Management Advisory Committee, Western Kingfish Limited, local tour operators, Central West Coast Professional Fisherman's Association, Shire of Dandaragan, Shire of Coorow and Cervantes Chamber of Commerce.

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.

The MPRA maintains a website (<http://www.dec.wa.gov.au/mpra>) to promote marine conservation and the role of the MPRA.

In 2007/2008 the State Government initiated a marine public awareness campaign that was implemented by DEC. The campaign included television, cinema and radio advertising and print media. Other marine public awareness initiatives implemented by DEC included marine park brochures; stickers; bookmarks; *Landscape* articles; involvement in community festivals; development of a new children's website and development of a joint education program with the Department of Education and Training.

RESOURCES

FUNDING AND ADMINISTRATIVE ARRANGEMENTS

The Department provides executive support staff consisting of one full time executive officer to the MPRA. The MPRA Executive Officer and staff of the Marine Policy and Planning Branch of DEC provide the necessary assistance for the effective operation of the MPRA, particularly in regard to background briefings, advice and assistance at MPRA meetings.

The MPRA has no financial functions. Funding for the operation of the MPRA is obtained from the Department, via an annual allocation at the Department's discretion, formalised in a Memorandum of Understanding between the Department and the MPRA. The MOU requires that there should be a Financial Schedule each financial year detailing funds allocated to the MPRA for the purposes of honoraria, administrative support and Authority operations.

The Financial Schedule for 2007/2008 was signed by the DEC Director General and the MPRA Chair on 16 July 2007 and 14 August 2007 respectively.

In the financial schedule for the 2007/2008 period the Department allocated \$189,200 to its Marine Policy and Planning Branch for administration and support of the MPRA. The allocation of funding was as follows:

Honoraria	\$85 000
Travel costs for meetings	\$ 6 000
Executive Officer support	\$70 200
Travel, projects, workshops	\$20 000
Miscellaneous	\$ 8 000
<i>Total</i>	<i>\$189 200</i>

In accordance with the requirements of section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2007/2008 financial year.

APPENDIX 1: ANNUAL AUDIT REPORT: MARINE PARKS AND RESERVES MANAGEMENT PLAN IMPLEMENTATION 1 JULY 2006 - 30 JUNE 2007

Introduction

This Audit Report is a summary of the results of the Marine Parks and Reserves Authority's (MPRA) 2006/2007 annual audit of the management plans for marine parks and reserves in Western Australia (WA). The audit process consists of an annual review of the implementation of management plans (performance assessment) from which a more detailed Annual Audit Review is compiled, together with detailed annual status reports, which are prepared by the Department of Environment and Conservation (DEC) to support the Annual Review.

The results of the annual performance assessment reported in the Annual Review provide the information and data for this annual Audit Report. The findings of the Annual Review are summarised in this report in a concise and accessible format, providing the context for the ongoing improvement of the management of Western Australia's marine parks and reserves.

This Report is included in full in the MPRA Annual Report, which is tabled in Parliament. The supporting Annual Review is available for download from the MPRA section of the DEC website after the MPRA Annual Report has been tabled in Parliament.

Background

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 *Conservation and Land Management Act 1984* (CALM Act), are to:

- develop guidelines for monitoring the implementation of 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 fulfils these functions through a detailed audit policy and process, which is being continually developed and improved. The current audit process followed by the MPRA is a highly

regarded system for reviewing the management performance of marine protected areas (Jacobsen & Hockings, pers. comm.¹). As with all audit processes, high quality information and the availability of historical data for comparison and establishment of trends are first order requirements to enable performance to be assessed. The audit of WA's marine parks and reserves requires determination of ecological and social baselines and establishment of statistically valid monitoring programs. It also requires access to activity and cost data as well as an assessment of outcomes. Steady improvements are being made in the provision and reliability of this information.

Process

The MPRA's audit policy sets out an overall framework and objectives for the assessment process. In conjunction with DEC, a detailed performance assessment framework has been developed, based on:

- **input assessment** – management inputs of financial and other resources as identified in annual marine work plans;
- **output assessment** – key products (or services) or key achievements linked to implementation of key strategies in the management plan; and
- **outcome assessment** – condition-pressure-response 'report cards' for each ecological value and some social values, and assessments in relation to the strategic objectives and targets where applicable, for conservation, science and education, public participation, and recreational and commercial uses.

The performance assessment framework includes consideration of annual work plans and annual status reports for each reserve. The status reports include an assessment of the condition, pressures and management responses for key values and the progress in implementing the marine work plans and management plans.

In practice, the MPRA conducts, through an MPRA audit sub-committee, an annual workshop where Departmental district and Perth based staff provide briefings on the activities and outcomes of managing the marine parks and reserves. From the detailed report cards and through the workshops, the MPRA and DEC then compile the Annual

¹ Dr C. Jacobsen and Dr M. Hockings, The University of Queensland, background information collected for C. Jacobsen, R.W. Carter and M.T. Hockings (in press) *The status of protected area management evaluation in Australia and implications for its future*. Australasian Journal of Environmental Management.

Review report which forms the basis of this Audit Report.

An important component of the review process is collaboration with other agencies that have management responsibilities within and adjoining marine parks and reserves and contribute to the implementation of the management plans. This is particularly the Department of Fisheries (DoF), which has the lead role in fisheries management, but also the Department for Planning and Infrastructure, Department of Industry and Resources, and Tourism WA.

2006/2007 is the first year in which DoF provided data for the performance assessment process and DEC and DoF have achieved significant progress towards delivering collaborative operational management of marine parks and reserves, consistent with the management plans. In addition, a framework for integrating fisheries research into marine park and reserve management is being developed.

Performance Assessment

Funding

In 2006/07, expenditure on management of the 12 marine parks and reserves in Western Australia comprised approximately \$7.1 million (DEC - \$6.2 million; DoF - \$709,000). Funding levels remain problematic for the Shark Bay marine reserves and Perth metropolitan marine parks, despite funding increases for these reserves in 2006/2007. This has limited the capacity to implement the full suite of management strategies for these parks, with activities generally restricted to implementing management frameworks and undertaking patrol and enforcement. Additional funding increases have been approved for 2007/08 (additional \$90,000 for Shark Bay marine reserves and additional \$105,000 for the metropolitan marine parks) and 2008/09 (an additional \$195,000 for Shark Bay marine reserves and an additional \$200,000 for metropolitan marine parks). While capacity to deliver marine reserve management was limited in 2006/07, it is anticipated that capacity will improve with this additional funding. Operational capacity remained limited in remote reserves such as Rowley Shoals Marine Park and the Montebello/Barrow Island marine reserves primarily due to their remoteness. However, approved funding increases for Montebello/Barrow Islands marine reserves in 2007/08, together with greater collaboration between DEC and DoF, should help to improve this situation.

For some marine parks, a constraint of the existing system is the difficulty of this audit process in accessing financial data related directly to marine management activities from both DEC and DoF.

This is a significant impediment to understanding if funding is being effectively applied for the purposes for which it was allocated. However, improvements are being made in the manner in which these financial data are collected and reported. DoF receives some direct funding for its management of zone compliance with respect to fishing in some marine parks and DEC has limited funding and enforcement powers for this task.

Reserve condition

The performance 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. 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 resulted in a relatively low level of confidence in those assessments. However, it is expected that continued refinements to the performance assessment process will ensure that the more quantitative condition ratings are applied consistently across all marine reserves. The need for quantitative data to support condition assessments of the key ecological values of most reserves continues to be a matter of the utmost importance, which is expected to be systematically addressed by DEC's Marine Science Program.

The assessment of management risks for each marine park or reserve across all of the key performance indicators (KPI's) indicates a high level of management risk (i.e. an increased risk of failing to meet objectives in relation to the KPI's) for a number of values. This result is partly due to a lack of reliable data with which to assess the condition of ecological values, the human-induced pressures they are under and the appropriateness of the management response. Targeted fish populations consistently scored low across all marine parks and reserves (where it could be estimated) indicating an extreme risk of management failure for this KPI across the network of marine parks and reserves. Reliable information about these values, including microbial communities at Shark Bay, turtles, water quality in many marine parks, and targeted finfish across the majority of marine parks and reserves, is needed to support conservation efforts for these species.

Research and monitoring

Research and monitoring provides critical baseline and historical quantitative information which can be applied to park assessment. In some marine parks, for example Jurien Bay and Ningaloo, research and monitoring projects conducted by external bodies have been underway for some years. In addition, in many marine parks and

reserves, a number of small locally-based projects have been undertaken by DEC and/or community groups. There is currently limited capacity for DEC and hence the MPRA to access the relevant and available information. Improved interfaces between park managers and external research providers are required to access these data and to better focus scientific research on short and medium-term park management issues. This is being partly addressed through the compilation of research bibliographies for reserves, and the implementation of data sharing arrangements with tertiary institutions and other State and Commonwealth agencies.

DoF also undertake some research within individual marine parks or reserves. However, much of this work focuses on fish species at the stock scale for production purposes rather than at the smaller marine park or reserve scale for conservation purposes. The establishment of the DEC Marine Science Program has the potential to facilitate outcomes through the development of research relationships with DoF and an increased focus on research outcomes for marine park and reserve management (as specified in management plans).

Management plans and future reviews

As at 30 June 2007, nine of the 12 Western Australian marine parks and reserves have outcome-based management plans. The Shark Bay Marine Reserves, Marmion Marine Park and Swan Estuary Marine Park have management plans that have exceeded their ten year term, are not outcome-based, and as such the statutory review and updating of the Shark Bay marine reserves and Marmion Marine Park plans remains a high priority for the MPRA.

Audit of Management Responses

2005/2006 audit

A fundamental component of audit programs is to monitor and report on the results of any management actions taken in response to any identified deficiencies or weaknesses that may have been identified through earlier audits of management performance. The 2005/2006 MPRA Annual Review identified a number of specific areas where improvement and action was required. These were identified in the MPRA's Annual Report for 2006. Progress on these matters is set out below.

05/06 Recommendation	Outcome/Action	Comment
Outcome-based management plans still need to be developed for four marine conservation reserves.	Shoalwater Islands Marine Park Management Plan completed.	Additional resources are required to achieve this outcome for other marine reserves.
The statutory ten year review of management plans are overdue for both Marmion and Shark Bay marine parks and should be progressed as a matter of priority.	Review process under consideration and development.	Target to achieve one review in 2008.
Research needs to be progressively undertaken to address key gaps in scientific knowledge and to establish baseline data with existing research and monitoring data from various sources to be fed into the performance assessments;	Establishment of the DEC Marine Science Program should assist.	This program continues to develop.
Assessments on targeted finfish and invertebrate condition and pressure require further input and advice from DoF. A method to integrate DoF reporting and monitoring data into the annual performance assessments needs to be developed.	Some progress has been achieved, including the establishment of a MPRA/DEC/DoF working group to identify key gaps in research and monitoring data.	Collaboration between DoF and DEC has improved substantially.
Management Advisory Committees need to be established as a matter of priority for all reserves where they do not currently exist.	MAC for Jurien Bay Marine Park established. Other similar mechanisms are in place for Rowley Shoals and Ningaloo marine parks.	Need for other MAC's is being addressed at a district level. District staff need guidelines and assistance to achieve this.
Strategic and tactical education and communication programs are required to address current deficiencies in community awareness, understanding and support for DEC's management efforts.	State-wide marine parks awareness campaign began in 2007/08 and will continue in 2008/09. Targeted local programs have been developed for some marine parks and reserves.	This is a critical component of community acceptance and involvement in marine conservation.

2006/07 audit findings

The key outcomes and recommendations from the 2006/2007 review include the follow-up and implementation of the 2005/2006 review as set out above and the following specific recommendations which arose from the detailed review process.

Recommendation
DEC and DoF to continue to refine regional financial reporting methods to ensure adequate expenditure reporting against management strategies at the marine reserve level.
Existing research and monitoring data from various sources (e.g. DEC, other government agencies, universities, WAMSI) should be sourced and data sharing agreements developed to make these data available for performance assessment to address key gaps in scientific knowledge that are directly relevant to the priorities for management of marine parks and reserves.
Continue to develop mechanisms to incorporate DoF research and monitoring data into the performance assessment system.
Develop an agreed set of parameters to assist DoF in providing compliance data for performance assessment.
Develop a set of 'rules' on how to apply the condition ratings to ensure consistent assessment of performance across reserves.
Finalise revision and updating of the MPRA Audit Policy and guidelines, and performance assessment framework, incorporating comment from DEC regional and district staff and DoF.
Develop a framework and formalised timeline for MPRA periodic audits and implement the first periodic audit of Jurien Bay Marine Park in 2007/08.
Encourage DoF to finalise outstanding FRM Act orders as quickly as possible.
Advocate for the statutory reviews of the Shark Bay Marine Reserves Management Plan 1996-2006 and the Marmion Marine Park Management Plan 1992-2002 to be undertaken as a priority.

Conclusion and recommendations

The MPRA's audit process is being progressively developed to provide the feedback to the Government and the community that is required to ensure the marine conservation estate is being wisely and effectively managed for future generations. The implementation of an effective audit process is an increasingly complex task as the State expands its marine parks and reserves system. However, the audit is becoming increasingly effective due in large part to the efforts of the supporting agencies and the dedication of the MPRA audit sub-committee.

The continued development of a transparent and rigorous audit process is an essential part of the process of establishment and management of the marine parks and reserves system in Western Australia. The Authority looks forward to the continued development of the process and its support by Government.

The MPRA commends the Government on its support for the marine parks and reserves system of Western Australia, and looks forward to continued growth of the system, improving the quality of management, and ensuring the ongoing protection of this State's globally unique marine biodiversity.