



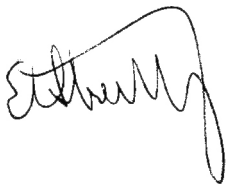
# ANNUAL REPORT

1 July 2008 - 30 June 2009

**Marine Parks and Reserves Authority**  
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MINISTER FOR ENVIRONMENT

In accordance with section 31 of the *Conservation and Land Management Act 1984*, I submit for your information and presentation to Parliament, the annual report of the Marine Parks and Reserves Authority for the year ending 30 June 2009.

A handwritten signature in black ink, appearing to read 'Eric Streitberg', with a large, sweeping flourish extending from the end of the name.

Mr Eric Streitberg  
Chairman

August 2009

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# MARINE PARKS AND RESERVES AUTHORITY

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

## OUR VISION

*Healthy, sustainable, marine and  
estuarine ecosystems*

## OUR RESPONSIBILITIES

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

## OUR STRATEGIES ARE FORMULATED TO:

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

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## CHAIRMAN'S REVIEW

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West Australians have stewardship of a unique and internationally significant marine environment that is under continuing and increasing pressure from urban and industrial development and the State's expanding population.

Despite the very high biodiversity and conservation values of State waters and the pressure that is being brought to bear on those values, Western Australia has only some 12% of its State waters within 13 CALM Act marine parks and reserves (MPRs), and only 2.5% of its State waters under a higher level of protection.

The Marine Parks and Reserves Authority (MPRA) considers that the current state of development of the Western Australian State marine protected areas system does not achieve best practice (and much needed), biodiversity and conservation outcomes. It also does not reflect contemporary community expectations for marine conservation, and the substantial benefits that marine protected areas bring to all sectors of the community.

Priorities for developing the marine conservation program in Western Australia have been substantially based on the candidate areas identified in the 1994 report of the Marine Parks and Reserves Selection Working Group (MPRSWG), also known as the Wilson Report. The MPRSWG report continues to serve as an appropriate and scientifically valid guide to identifying the important and representative areas of State waters should be considered for inclusion in the marine parks and reserves system. The priorities for the marine conservation program have also taken into account the Commonwealth and State agreed marine bioregions, and priority settings and direction from Government.

The planning process for new MPRs has been long and challenging. Of the four new marine parks and reserve proposals that have been under consideration by Government, the planning process for the proposed Dampier Archipelago/Regnard reserves was commenced in 2000 and planning processes were commenced in 2003 for the newly established marine park at Walpole and Nornalup Inlets and the proposed marine park at the southwest Capes. The most recent project to develop a network of marine parks or reserves for the Pilbara and lower west Kimberley (Eighty Mile Beach) regions was commenced in 2007 and an indicative management plan is currently being finalised.

Progress on implementation of the new reserves program during the 2008/2009 year was substantially impacted by the calling of the State election, with the implementation of the four marine reserves that were before the previous

government for their consideration being suspended, and the timelines substantially reset.

Of these four reserves, the Walpole and Nornalup Inlets proposal was the most advanced prior to the election, with the Governor in Executive Council having signed a reservation order to establish the marine park, but this order was not published in the State Gazette prior to the State election being called. Following concurrence from current Government Ministers, the marine park was created on 8 May 2009 and the Minister for Environment formally released the management plan on 2 July 2009. The Authority was very pleased that the six year planning process for the creation of this 1446 hectare multiple use marine park was finalised by the current Government.

However, the other proposed reserves including Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet (Ngari Capes) and the Dampier Archipelago/Regnard (Dampier), which were at an advanced stage prior to the election, have not been so fortunate and are once more before Government for consideration. The MPRA has provided advice to the Minister for Environment that the Government should progress the implementation of these proposals without delay.

A detailed review of the process and timelines for each of these proposed parks is set out in the body of this report and this clearly demonstrates the difficulties in providing an adequate level of protection for Western Australia's marine environment through the current MPR system.

In relation to the forward program for marine conservation, the MPRA has provided advice to the Minister for Environment that the MPRA considers the Government should adopt a three year work program, the objective of which would be to substantially complete a system of representative marine protected areas for the State as envisaged by the 1994 report of the MPRSWG. The MPRA believes the implementation of its proposed forward program would provide a sound basis for the preservation and management of the biodiversity values of the State's marine environment.

The proposed forward program would, in summary, consist of implementing the proposals for the MPR's that are currently in process, including the Pilbara/Eighty Mile Beach proposal, and undertaking planning for new MPR's on the South Coast and in the Kimberley, the other two areas of high marine conservation value in the State that currently have no protection or representation in the CALM Act MPR system. A program in the latter two areas would also provide a complementary process to the Commonwealth marine planning processes that are currently

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underway in the southwest of the State and in the Kimberley.

In relation to the Kimberley, the Authority has proposed to the Minister for Environment that the Government urgently protect the Kimberley through the establishment of a multiple use marine park over the whole of State waters in the Kimberley with the full reservation of currently identified iconic areas by an appropriate zoning system in the broader multiple use marine park.

In conjunction with this MPR system the Authority strongly supports the development of a longer term strategy for the protection of regional biodiversity throughout the Kimberley. The Authority is engaged with the development of the Kimberley Science and Conservation Strategy and will continue to provide advice to the Minister in relation to that strategy and the MPR system in the Kimberley.

We look forward to Government support for these policy proposals.

In relation to broader policy issues, the MPRA is concerned that there appears to be continued resistance in some sectors to the use of sanctuary zones as a key tool in marine conservation, particularly in the face of the overwhelming local and international scientific evidence of both the effectiveness of, and need for, sanctuary zones. In that regard, the previous Government committed to a review of the role of marine sanctuaries in biodiversity conservation. This was a welcome initiative, however, the report, which was completed some time ago, has yet to be released by Government. The Authority encourages the Government to release this report as a matter of urgency.

In relation to another of the MPRA's key responsibilities, the audit of existing management plans, the Authority has included its summary annual Audit Report for 2007/2008 as an appendix to this report. The supporting Annual Audit Report is available for download from the MPRA section of the Department of Environment and Conservation (DEC) website. Under the MPRA's audit policy, these annual reviews of the implementation of management plans for each marine park or reserve support periodic audits that provide mid-term reviews of management performance at approximately five yearly intervals. These periodic audits are then used to support the ten yearly audit of the implementation of each management plan prior to the statutory ten year review of the management plan.

Under this program, a substantial audit achievement during the year was the completion of the Authority's first periodic audit, which was of the management plan for Jurien Bay Marine Park. The audit process included a field inspection of the park on 12 to 14 May 2008, and extensive

consultation with stakeholders. The audit process demonstrated a very high level of support amongst stakeholders for the existence of the park, its role in protecting local marine biodiversity, its value to the local community, and its management by DEC and Department of Fisheries (DoF).

However, the audit clearly demonstrated that the park is failing to meet the objective of comprehensive protection of its biodiversity values through provision of adequate sanctuary zones, and there is qualitative evidence that the objectives for the conservation of populations of targeted finfish are not being achieved. As with the MPRA's other audit processes, the determination of quantitative outcomes is severely hampered by the lack of co-ordinated and structured monitoring programs. The Authority has made a number of recommendations arising from the Jurien Bay Marine Park periodic audit that are set out in the audit report and are available on the MPRA section of the DEC website.

A further audit initiative was the commencement of the 10 year audit of the Shark Bay Marine Reserves which is several years overdue. The delays in commencement of this audit have been exacerbated by lack of funds and availability of the required support from DEC. The Shark Bay Marine Reserves and Marmion Marine Park have management plans that have considerably exceeded their ten year term and are not outcome based. The MPRA encourages commencement of the statutory review and updating of the Shark Bay Marine Reserves management plan during 2009/2010.

This should then be followed by a statutory review of the management plans for Marmion Marine Park and the Swan Estuary Marine Park and Adjacent Reserves. The engagement of the staff and officers of DoF and the Perth and regional based staff of DEC in these audit processes is an integral and essential component for a satisfactory outcome and their assistance and co-operation is acknowledged and greatly appreciated.

As in previous years, the Authority expresses its thanks to its supporting agency DEC, and in particular the staff of the Marine Policy and Planning Branch. The engagement of many stakeholders in the marine environment, both in Government and the 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 highly committed to the Authority's business and have given most generously of their time and advice.

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# GENERAL INFORMATION

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## FUNCTIONS OF THE MARINE PARKS AND RESERVES AUTHORITY

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

The Department of Environment and Conservation (DEC) is responsible for the day to day management of these vested waters and provides administrative support to the MPRA.

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

1. Development of policies to:
  - (a) preserve the natural marine and estuarine environments of the State;
  - (b) provide facilities for the enjoyment of those environments by the community;
  - (c) promote appreciation of marine and estuarine flora and fauna and natural marine and estuarine environments; and
  - (d) achieve and promote the management objectives of the various types of marine conservation reserve vested in it, as outlined at section 56 of the Act.
2. To consider and advise (in accordance with section 17) any proposed cancellation, change of purpose or boundary alteration in respect of land or water vested in it.
3. To advise the Minister on proposals for reservations (for the purposes of section 14).
4. To submit proposed management plans, for the marine conservation reserves vested in it, to the Minister for consideration and approval (Part V of the Act).
5. With the approval of the Minister, cause study or research to be undertaken to assist in policy development.

6. In relation to management plans for land and waters vested in the MPRA:
  - (a) develop guidelines for monitoring the implementation of the management plans by DEC;
  - (b) set performance criteria for evaluating the carrying out of the management plans; and
  - (c) conduct periodic assessments of the implementation of the management plans.
7. Inquire into and advise the Minister on any matter on which the Minister has sought the MPRA's advice. However, if the matter involves a specific area of land or waters, the MPRA is required under section 26B(4), to first contact the relevant local government council to provide an opportunity for it to comment. If the matter relates to marine archaeology, the MPRA is required under section 26B(6), to first contact the 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 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.

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## 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.

No directions to the MPRA under Section 26C(1) were provided by any of the then Ministers for the Environment during 2008/2009.

## 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 30 April 2009 all members were reappointed until 31 March 2010: Mr Eric Streitberg was reappointed as member and Chairman, Mr Chris Doepel was reappointed as member and Deputy Chairman and Professor Diana Walker, Emeritus Professor John Penrose, Mr Kim Colero, Mr Angus Horwood and Dr Trevor Ward were reappointed as members.

Membership as at 30 June 2009 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 has followed a professional career in international oil and gas operations/exploration and holds a Bachelor of Applied Science in Geophysics and Geology. At

the date of this report, Mr Streitberg is the Chair of the Australian Petroleum Production and Exploration Association (APPEA) and Chair of the APPEA Exploration Committee. He also holds directorships of two public companies. He is a non-executive director of Buru Energy Limited and Adelphi Energy Limited.

**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.

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**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 Visiting Professor at University of Queensland (The Ecology Centre), Adjunct Senior Research Fellow at the University of Western Australia (Institute for Regional Development) and Adjunct Associate Professor at the University of the Sunshine Coast (Faculty of Science). Dr Ward's scientific expertise is in the fields of strategic policy and planning for ecologically sustainable development, marine environmental management, design and implementation of marine parks, reserves and protected areas. Dr Ward is currently engaged in research and management projects in decision support systems, ecological sustainability in marine fisheries, and tropical lagoon management.

## MEETING NOTICE AND ATTENDANCE

Reasonable notice of the MPRA meetings is required to be given to DEC and to the Chief Executive Officer of any other agency which, in the view of the Chairman, is concerned with a matter to be considered at the meeting, and no resolution purportedly passed at a meeting shall be valid unless such notice of the meeting was given (section 26D(4) of the CALM Act).

DEC's Director General, or his representative, is entitled to attend any meeting and take part in the consideration and discussion of any matter before a meeting, but shall not vote on any matter (section 26D(5)(a) of the CALM Act).

A Chief Executive Officer, or his representative, of another agency who receives notice of a meeting is entitled to attend any meeting and take part in the consideration and discussion of any matter before a meeting, but shall not vote on any matter (section 26D(5)(b) of the CALM Act).

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

In accordance with section 26D(5) of the CALM Act, the Director General of DEC and Chief Executive Officers of other relevant agencies were advised of meetings of the MPRA throughout 2008/2009 so that they could take part in the discussion and consideration of the business before the MPRA.

Representatives of DEC, Western Australian Museum (WAM), Department of Fisheries (DoF), Department of Mines and Petroleum (DMP), Department for Planning and Infrastructure (DPI) and Tourism Western Australia (TWA) attended MPRA meetings throughout 2008/2009. The attendance and contributions from Chief Executive Officers or their representatives at meetings provided valuable input to the considerations of the MPRA during this year.

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

## MPRA MEETINGS

Formal meetings of the MPRA were held on eleven occasions during 2008/2009. The dates of these meetings were:

23 July 2008  
21 August 2008  
18 September 2008  
16 October 2008  
20 November 2008  
11 December 2008  
19 February 2009  
19 March 2009  
16 April 2009  
21 May 2009  
18 June 2009

Member attendance at these eleven meetings was as follows:

<u>Member</u>	<u>Meetings attended</u>
Eric Streitberg	11
Christopher Doepel	11
Angus Horwood	6
Diana Walker	9
Kim Colero	9
John Penrose	10
Trevor Ward	11

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As part of its policy to hold at least one meeting a year in regional areas, the Authority meeting on 23 July was held in Broome and this meeting included meetings with stakeholders and field visits to inspect possible marine park and reserve candidate areas of the Kimberley region including Roebuck Bay.

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. Other members of the Authority also participated in audit activities as required and appropriate.

The audit subcommittee met on 24-25 September 2008 to review the implementation of management plans by DEC in the 2007/2008 period (see section on *Management Plan Implementation and Audit*).

The audit subcommittee also met on various occasions to finalise the periodic audit of Jurien Bay Marine Park and to develop the framework for the 10 year audit of the implementation of the management plan for Shark Bay Marine Park. The audit committee undertook a field inspection of Shark Bay Marine Park on 22-26 June 2009 and met with key stakeholders during this visit and in Perth on 19 June 2009 as part of the 10 year audit process.

In addition to the above meetings, representatives of the MPRA attended five meetings with the Minister for Environment (or her Policy Advisers) during 2008/2009.

Representatives of the MPRA also attended:

- Meetings with the DEC Director General, and DoF Chief Executive Officer;
- A meeting with the Conservation Commission to discuss the review of the Rottnest Island Management Plan;
- A meeting with the Shoalwater Islands Marine Park Focus Group regarding the proposed establishment of the Cape Peron sanctuary zone;
- Meetings with the Rottnest Island Authority to discuss the revised Rottnest Island Management Plan; and

- A field visit to engage with stakeholders and assess the implementation of the Shark Bay Marine Reserves Management Plan as part of the 10-year audit process.

## CONFLICT OF INTEREST

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

No members reported a material conflict of interest in regard to any matter considered by the Authority during the 2008/2009 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.

No public interest disclosures were made during the 2008/2009 period.

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# THE MARINE CONSERVATION ESTATE

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## 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.

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

## **AREA VESTED**

***Marine nature reserves.*** As at 30 June 2009 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 2009 ten marine parks, totalling 1,262,508 hectares, were vested in the MPRA. These are Rowley Shoals Marine Park, Ningaloo Marine Park, Shark Bay Marine Park, Marmion Marine Park, Shoalwater Islands Marine Park, Swan Estuary Marine Park, Jurien Bay Marine Park, Montebello Islands Marine Park, Barrow Island Marine Park, and Walpole and Nornalup Inlets Marine Park.

***Marine management areas.*** As at 30 June 2009 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 considers proposals presented to it throughout the year relating to boundary changes, classification changes, vesting or other matters. During 2008/2009 no changes were considered by the MPRA.

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# CALM ACT

## CONTROLLING BODIES

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### 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 2008/2009 period the MPRA and the Commission met on one occasion and liaised over a number of issues including:

- The roles and responsibilities of each agency;
- The vesting of intertidal areas within marine parks and reserves and national parks and reserves;
- The potential for a regional approach to management plans for national parks and reserves;
- Commenting on the review of the Rottnest Island Management Plan;

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

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## POLICY DEVELOPMENT

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

### ACTION DURING 2008/2009

The MPRA developed and endorsed the following documents:

- An update and revision of the MPRA Audit Policy and Guidelines.
- MPRA position statement - Artificial Structures in Marine Parks and Reserves.

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

- Review of the Rottneest Island Management Plan;
- Review of Department of Environment and Conservation;

- DEC's Marine Science Program Business Plan 2008/2009;
- Shoalwater Island Marine Park Mooring and Anchoring Plan;
- DEC's tourism licensing arrangement for Rowley Shoals Marine Park;
- Draft DEC policy: Management of Organised Group Activities in National Parks and Reserves and Marine Parks and Reserves; and
- Development of the State Government's Kimberley Science and Conservation Strategy;

### POLICY REVIEW DURING 2008/2009

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 was finalised and approved in August 2008.

The MPRA has no specific administrative support for policy development and generally establishes a policy position on issues on a case-by-case basis as required to support and encourage the Government of the day in regard to marine conservation. This advice is not generally translated into formal policies that are made publicly available.

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# PROPOSALS FOR NEW MARINE PARKS AND RESERVES

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## DEVELOPMENT OF THE MARINE PARKS AND RESERVES PROGRAM

During 2008/09, the Government has considered proposals to create marine reserves at:

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

Some progress has also been made on a pilot regional marine planning process on the south coast, which has led to the development of a draft South Coast Regional Strategic Plan.

In late 2006, a process to expand marine parks and reserves along the Pilbara and lower west Kimberley (Eighty Mile Beach) coasts was initiated as part of a number of measures relating to Government funded offsets to the proposed Gorgon Gas Development on Barrow Island. The development of these new reserves aims to protect and enhance the management of important nesting and foraging areas for marine turtles, in particular flatback turtles.

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

The agreed regionalisation of Western Australian waters identifies 19 bioregions. Eight of these now include marine parks and reserves.

## LEGISLATIVE BACKGROUND

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

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

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

## STATUS OF PROPOSED NEW MARINE PARKS AND RESERVES

The following section sets out the status of proposals for new marine parks and reserves, and relevant activities undertaken during 2008/2009.

### 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 his concurrence was conditional on substantial amendments to the indicative management plan prior to it being released for public comment. These requested changes 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.

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On 13 October 2005, the then 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's 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's 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, the then Department of Industry and Resources 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.

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 potential future requirements for port facilities and resource development in the region, further negotiations were undertaken to finalise a revised boundary for Port Walcott.

### **Progress in 2008/09**

A Cabinet submission seeking approval to create the Dampier Archipelago Marine Park and Regnard Marine Management Area was submitted by the Minister for the Environment and the Minister for Fisheries in July 2008. However, this was not considered prior to the State election being called.

The Minister for Environment is currently considering the management plan for these proposed reserves.

## **PROPOSED GEOGRAPHE BAY/ LEEWIN-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

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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.

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 2009.

### **Progress in 2008/09**

A Cabinet submission seeking approval to create the Ngari Capes Marine Park was submitted by the Minister for the Environment and the Minister for Fisheries in July 2008. However, this was not considered prior to the State election being called.

The Minister for Environment is currently considering the proposed management plan.

## **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 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.

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

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respectively. Cabinet endorsed the creation of the marine park on 22 October 2007.

The Governor in Executive Council signed a reservation order to establish the marine park but this was not published in the Government Gazette prior to the State election being called.

### **Progress in 2008/09**

Concurrence to create the marine park, for the revised indicative management plan and for the zoning scheme contained within it was provided by the Minister for Fisheries on 4 February 2009 and the Minister for Mines and Petroleum on 20 February 2009. On 20 March 2009 the Minister for Mines and Petroleum provided his concurrence to the marine park being made a Class A reserve. The Governor in Executive Council signed the reservation order on 5 May 2009 and the marine park was created via publication of this order in the *Government Gazette* on 8 May 2009. The Minister for Environment formally launched the management plan at a ceremony in Walpole on 2 July 2009.

## **PROPOSED PILBARA AND EIGHTY MILE BEACH MARINE PARKS AND RESERVES**

DEC has made substantial reserve planning progress in 2008/2009 to progress the expansion of 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 in 2007 with senior officers from relevant Government agencies including DEC, Department of Fisheries, Department for Planning and Infrastructure, Department of Mines and Petroleum (formerly Department of Industry and Resources), Department of Indigenous Affairs, Office of Native Title, Tourism Western Australia and the Western Australian Museum. The IWG met on 23 October 2007, 1 April 2008, 10 June 2008, 11 September 2008 and 16 April 2009. The meeting on 16 April was held jointly with the MPRA to discuss potential boundaries for proposed marine parks and draft zoning schemes.

DEC conducted a resource assessment and data gathering phase, which included a habitat survey in October 2008 and collection of information on human usage. A specially formed Fishing Consultation Group (made up of WAFIC, Pearl Producers' Association, ACWA, and Recfishwest) greatly assisted in gaining peak fishing body input to the process. WAFIC in particular assisted DEC in mapping commercial fishing across the Pilbara

and Eighty Mile Beach regions, which assisted in development of the proposed zoning schemes.

Guidelines developed in mid 2008 were adopted to clarify the intended approach for selection and design of marine parks and reserves in the region. These guidelines together with the use of decision support software helped design a network of proposed marine reserves that adhere to comprehensive, adequate and representative design principles and that complement existing reserves in the region.

An Aboriginal engagement program was progressed with seven Native Title groups whose claimed or determined native title areas were in the vicinity of proposed marine parks and reserves. While introductory meetings have been undertaken with all of these groups, only three Native Title groups have been able to meet with DEC for more detailed discussions or on-country visits. Where that was achieved, it greatly clarified the historical and contemporary Aboriginal use and connection to sea country. In addition, these exchanges provided a clearer understanding of Aboriginal aspirations for the coast and how marine park or reserve designation could be complementary to native title rights and interests. All groups expressed general support for the concept of improved coastal and sea country protection through marine parks and reserves. However, considerable further consultation will be required to investigate these ideas more fully and to develop Indigenous Land Use Agreements for the intertidal and other areas subject to native title.

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# MANAGEMENT PLANS

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## LEGISLATIVE BACKGROUND AND MANAGEMENT PLAN DEVELOPMENT

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

In preparation of a management plan, the MPRA has 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 set out 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 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 against which periodic assessment of management plan implementation is undertaken. 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 assessment may be made.

During 2008/2009 this relationship of management plan, work plans and performance assessment processes has continued to be refined under the MPRA's audit processes (see section on *Management Plan Implementation and Audit*).

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

**Table 1**  
**APPROVED MANAGEMENT PLANS**  
 by Department plan number

NUMBER	PLAN	DATE GAZETTED
23	Marmion Marine Park	15 May 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
62	Walpole and Nornalup Inlets Marine Park	24 July 2009

\* 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**  
**ENVIRONMENT**

INDICATIVE MANAGEMENT PLANS RELEASED
<ul style="list-style-type: none"> <li>Proposed Geographe Bay/Leeuwin Naturaliste/Hardy Inlet Marine Park (released 6 September 2006)</li> <li>Proposed Dampier Archipelago/Regnard (formally Cape Preston) Marine Conservation Reserves (released 11 January 2005)</li> </ul>

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## STATUS OF MANAGEMENT PLANS

The following section summarises the status of management plans for existing marine parks and reserves, and relevant activities undertaken during 2008/2009.

### 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. FRM Act orders to implement the fishing restrictions for the Muiron Islands Marine Management Area were published in the *Government Gazette* on 30 December 2008.

### ROWLEY SHOALS MARINE PARK

Rowley Shoals Marine Park was established in May 1990, covering Clerke and Imperieuse Reefs. 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. FRM Act orders to implement the fishing restrictions were published in the *Government Gazette* on 13 February 2009.

### SHOALWATER ISLANDS MARINE PARK

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

The management plan became operational on 30 October 2007 when notification of its approval was

published in the *Western Australian Government Gazette*. The CALM Act notices to establish the zoning scheme were gazetted on 30 May 2008. It is anticipated that complementary FRM Act orders will be put in place during 2009. During the year consideration was also given during to the extension of the park in the Cape Peron area.

### JURIEN BAY MARINE PARK

Jurien Bay Marine Park was gazetted in August 2003. The plan became operational 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. The Authority also completed the periodic review of the Jurien Marine Park during the year.

### MARMION MARINE PARK

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. It is the Authority's intention to undertake the statutory 10 year review of this management plan in 2009/2010.

### 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. This management plan will be subjected to statutory 10 year review in 2009/2010.

### MONTEBELLO/BARROW ISLANDS MARINE CONSERVATION RESERVES

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

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# MANAGEMENT IMPLEMENTATION AND AUDIT

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## MANAGEMENT PLAN IMPLEMENTATION AND AUDIT

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

- develop guidelines for monitoring the implementation of the management plans by the Department;
- set performance criteria for evaluating the carrying out of the management plans; and
- conduct periodic assessments of the implementation of the management plans.

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

The audit 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 status report for each marine park and reserve. This 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 periodic and 10 year audits by the MPRA of the implementation of each management plan.

On 24 and 25 September 2008, the MPRA audit subcommittee undertook the sixth annual audit 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 2007/2008. 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. The Department of Fisheries also participated in this audit process and presented compliance data for the majority of the marine parks and reserves.

## 2007/2008 AUDIT REPORT

The results of the MPRA's 2007/2008 annual audit of the management plans for marine parks and reserves are set out in an Annual Audit Report (Appendix 1) which is supported by detailed annual status reports, prepared by DEC.

The findings of the Annual Audit Report are summarised in a concise and accessible format, providing the context for the ongoing improvement of the management of Western Australia's marine parks and reserves.

The 2007/2008 annual audit report included the following findings related to the performance of management plans.

The 12 marine parks and reserves received approximately \$7.5 million (DEC-\$5.7 million; DoF-\$1.8 million) with direct operational expenditure accounting for 81% of this total. This represents an increase in total expenditure of approximately 8% across all marine parks and reserves in comparison to 2006/07 expenditure. Overall, the greatest expenditure occurred in the Ningaloo Marine Park, with its operational expenditure accounting for 33% of total expenditure across all marine parks and reserves. Shark Bay Marine Park and Hamelin Pool Marine Nature Reserve experienced a 40% increase in in-reserve operational expenditure, mainly due to uptake of new staff and increased patrol and enforcement support from DoF. Metropolitan marine parks also experienced a 22% increase in operational expenditure. For some marine parks, the audit process has been unable to access financial data related directly to marine management activities from both DEC and DoF. Despite these much-needed and welcome increases in funding, insufficient resources continue to limit operational management and monitoring in all the parks and reserves.

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. However, a number of values were assessed as having unsatisfactory condition ratings, high pressure and/or unsatisfactory management responses. In addition, the qualitative and uncertain nature of many assessments resulted in a relatively low level of confidence in those assessments.

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The assessment of management risks for each marine park or reserve across all of the key performance indicators (KPI) indicates a high level of management risk for a number of the values. Targeted fish populations, where they could be estimated, consistently scored poorly across all marine parks and reserves indicating an extreme risk of management failure for this KPI across the network of marine parks and reserves.

Research and monitoring provides critical baseline and historical quantitative information which can be applied to park assessment. A much stronger focus on quantitative condition reporting for all the KPIs in each park or reserve is required. This must be supported by the development of quantitative conservation benchmarks at the park-level, including for exploited species.

A periodic review of the Jurien Bay Marine Park was completed in 2007/2008. This is the first review of management conducted under the MPRA's Audit Policy, and the first periodic audit of marine park performance. The audit found a very high level of acceptance of the Park, and that it was meeting many of its key objectives. The audit also found that some objectives could not be met because of the very limited scale and representativeness of the sanctuary zones, and recommended that there be a rezoning of the park with a view to addressing this problem before the first statutory review of the Park becomes due in 2015.

A summary of the MPRA recommendations arising from the 2007/2008 audit process is contained in the Annual Audit Report (Appendix 1).

## 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 2008/2009.

**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 2008/2009.

## 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.

A number of commercial tour operator licence applications were considered by the MPRA during 2008/2009 for a variety of activities within marine parks and reserves in Western Australia.

## MANAGEMENT ISSUES CONSIDERED DURING 2008/2009

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

- Proposed upgrade of facilities at the Shark Bay Resources salt mine facility at Useless Loop, adjacent to Shark Bay Marine Park;
- Expressions of Interest for commercial tour operators accessing Coral Bay, Ningaloo Marine Park;
- Proposed Port Rockingham Marina development at Cockburn Sound, adjacent to Shoalwater Islands Marine Park;

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# ADVICE TO THE MINISTER

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## LEGISLATIVE BACKGROUND

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

- the development of policies for the conservation and management of the marine and estuarine flora and fauna and natural environments of the State; and
- any matter on which advice is sought by the Minister.

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

The Chair and the Deputy Chair of the MPRA hold meetings with the Minister (or her Policy Advisers) on a regular and ad-hoc basis. During 2008/2009 five meetings were held with the current Minister. At some of these meetings, the Minister made verbal requests for advice from the Authority and the Authority also provided unsolicited advice on a number of matters.

## ACTION DURING 2008/2009

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

- An initial background briefing on the MPRA, its functions, and the state of the marine conservation program.
- A briefing package and presentation on 5 November 2008 on the forward program for marine conservation in WA.
- A briefing and information package relating to the forward program for marine conservation in WA including detailed advice in relation to a strategy for marine conservation in the Kimberley region on 28 April 2009. This advice was requested by the Minister and provided at a meeting attended by the Director General and the Deputy Director General of DEC.

The substance of the MPRA's advice to the Minister in relation to the forward program for marine conservation is that it considers the Government should adopt a three year work program, the objective of which would be to substantially complete a system of representative marine protected areas for the State as envisaged by the 1994 report of the MPRS WG.

There will be a necessity to complement this process with a public education and awareness campaign to ensure the community appreciates the value and uniqueness of the State's marine environment and the Government's role in protecting it. It will also be necessary to continue and enhance the MPRA's audit program to demonstrate to both Government and the community that the marine parks and reserves system is delivering conservation outcomes in a cost effective way.

The MPRA has advised the Minister that it believes the implementation of the proposed forward program will substantially complete the process recommended in the MPRS WG report, and will provide a sound basis for the preservation of the biodiversity values of the State's marine environment.

The forward program would, in summary, consist of implementing the proposals for marine parks and reserves that are currently in process, and developing marine parks and reserves on the South Coast and in the Kimberley. The latter two areas are of high marine conservation value and currently have no protection. Developing marine parks and reserves in these areas would also provide a complementary process to the current Commonwealth processes in the Southwest of the State and in the Kimberley. In detail, the following program has been proposed to Government by the MPRA:

- 1) Complete the implementation of the parks that are currently in process, being Ngari Capes and Dampier/Regnard;
- 2) Complete the Pilbara/Eighty Mile Beach plan with an appropriately resourced and extended stakeholder and public consultation period in the second half of 2009;
- 3) Initiate an MPA planning process for the South Coast region, building on the success of the process that developed the draft Regional Marine Strategic Plan with the objective of creating a system of marine reserves in this region by 2012; and
- 4) In conjunction with the development of the Kimberley Science and Conservation Strategy, urgently protect the Kimberley through full reservation of the iconic areas and development of a longer term strategy for the protection of regional biodiversity through the establishment of a regional MPA.

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# AQUACULTURE AND PEARLING

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## BACKGROUND

Aquaculture and pearling are activities that require the setting aside and occupation of specified sites and the establishment of infrastructure at those sites.

Licensing and leasing of aquaculture sites/operations other than aquaculture of the pearl oyster *Pinctada maxima* are subject to FRM Act. Pearling and hatchery activities using *P. maxima* are subject to the licensing and leasing requirements of the *Pearling Act 1990*.

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

## STATE GOVERNMENT POLICY

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

## MPRA INVOLVEMENT

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

## ISSUES CONSIDERED DURING 2008/2009

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

- Two Oceans Abalone Pty Ltd – application for an aquaculture lease – Flinders Bay;
- Morgan and Co Pty Ltd – application to vary existing pearl oyster farm lease – Montebello Islands ;
- Western Kingfish Ltd closure of the Jurien Bay aquaculture site due to a disease event which resulted in a significant loss of stock, and a release of a large number of fish into the marine park due to equipment malfunction .

## ADVICE PROVIDED DURING 2008/2009

The MPRA liaised with DEC, DoF, and the proponent Two Oceans Abalone (TOA) regarding the TOA application for the sea platform production of green-lip abalone within the proposed Geographe Bay/Leeuwin-Naturaliste Marine Park.

The MPRA received briefings from DEC on the proposal at the 114<sup>th</sup> and 115<sup>th</sup> meetings. The MPRA subsequently provided detailed advice regarding the proposal, in liaison with DEC, to DoF on 15 October 2008.

The MPRA liaised extensively with DEC, DoF and the proponent Morgan and Co Pty Ltd (MCO) regarding the MCO application to vary pearling lease areas to produce pearl oyster within Montebello Islands Marine Park.

The MPRA subsequently provided advice to DoF on 20 October 2008 regarding the proposal.

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# INDUSTRY AND RESOURCES

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## BACKGROUND

Petroleum and mineral development within Western Australia is permitted under a variety of tenements (licences, leases, permits) which are regulated under petroleum laws and the *Mining Act 1978*. The *Mining Act 1978*, *Petroleum Act 1967*, *Petroleum Pipelines Act 1969* and *Petroleum (Submerged Lands) Act 1982* generally prevail over the CALM Act, although the CALM Act imposes restrictions on petroleum drilling and production in marine nature reserves and specified zones in marine parks. Environmental conditions imposed on tenements and projects vary according to the nature of the project and the tenure of the waters or land affected.

## STATE GOVERNMENT POLICY

Current Government policy, subject to certain constraints, allows exploration, production and mining in terrestrial and marine conservation areas in accordance with the *Mining Act*, *Petroleum Act*, *Petroleum Pipelines Act* and *Petroleum (Submerged Lands) Act*.

## MPRA INVOLVEMENT

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

With respect to MPRA involvement concerning petroleum exploration and production in marine nature reserves, marine parks and marine management areas, current legislation does not contain a formal requirement for comment by the MPRA. However, the Minister administering the CALM Act receives prior notification that a permit, lease or licence is about to be granted in respect of a

marine conservation reserve under the *Petroleum Act* or the *Petroleum (Submerged Lands) Act*. The Minister can then seek the advice of the MPRA. Current involvement of the MPRA also relies on the *Environmental Protection Act 1986* processes and on administrative arrangements. The MPRA has instituted regular briefings by DoMP staff in regard to general industrial development that is likely to affect existing or proposed marine parks.

## ISSUES CONSIDERED DURING 2008/2009

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

- Dredge and Spoil Disposal Management Plan for Woodside Pluto LNG project;
- Gorgon Gas revised and expanded proposal on Barrow Island Nature Reserve Public Environmental Review;
- Apache Grilmalkin marine seismic survey proposal for Montebello Islands Marine Park ;
- Apache – Devil Creek development project in the proposed Regnard Marine Management Area, Public Environmental Review;
- Australasian Resources Ltd - Balmoral South Iron Ore Project – Cape Preston, Public Environmental Review; and
- A briefing on the development of the Kimberley LNG Precinct in the Kimberley Region was provided by Department of State Development (DSD) at the MPRA's 121<sup>st</sup> meeting on 19 March 2009.

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# LIAISON

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## 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 2008/2009

- The MPRA held its 113<sup>th</sup> meeting in Broome and conducted a field visit to the Kimberley region on 23-25 July 2008. The MPRA met with local stakeholders including; commercial tour operators, commercial and recreational fishing organisations, indigenous representatives, and the Roebuck Bay Working Group.
- Dr Lynnath Beckley attended the MPRA's 114<sup>th</sup> meeting on 21 August 2008 and presented the Murdoch University research data on recreation use of the coastline areas adjacent to Ningaloo Marine Park.
- The Department provided a briefing on the Marine Science Program Business Plan 2008/2009 at the MPRA's 117<sup>th</sup> meeting on 20 November 2008.
- The Department provided a briefing on the proposed new licencing arrangements for commercial tour operators accessing Rowley Shoals Marine Park.
- Representatives of the MPRA attended the Commonwealth Government's North-west Marine Regional Planning stakeholder forum held in Perth on 2 December 2008.
- Dr Nick Caputi attended the MPRA's 118<sup>th</sup> meeting on 11 December 2008 and provided a briefing on the effects of climate change on the western rock lobster industry.
- A representative from the Department of State Development attended the MPRA's 121 meeting on 19 March 2009 and provided a detailed briefing on the Northern Development Taskforce process to develop the proposed Kimberley LNG Precinct at James Price Point.

- Representatives of the Commonwealth Department of Environment, Water, Heritage and the Arts attended the MPRA's 123<sup>rd</sup> meeting on 21 May 2009 and provided a presentation on the South-west marine bioregional planning program.
- A representative of the Pearl Producers' Association attended the MPRA's 123<sup>rd</sup> meeting on 21 May 2009 and presented an update of the effect of the global financial crisis on the Western Australian pearling industry.
- Ms Joanne Wann attended the MPRA's 123<sup>rd</sup> meeting on 21 May 2009 and presented information on the marine environmental values of Garden Island for the MPRA's information if the proposed expansion of Shoalwater Islands Marine Park is considered in the future.
- The MPRA audit committee undertook a field inspection of Shark Bay Marine Park and Hamelin Pool Marine Nature Reserve on 22-26 June 2009 as part of the 10-year audit. The MPRA met with key stakeholders before and during the visit including DoF, Department for Planning and Infrastructure, Tourism WA, local tour operators, Shire of Shark Bay, Shire of Carnarvon, local pastoralists, commercial fishers, indigenous representatives, Shark Bay Resources, and marine scientists conducting research within Shark Bay Marine Park.
- Representatives of DEC's Environmental Management Branch provided various briefings throughout the year regarding resource development and aquaculture proposals.

## 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 ([www.dec.wa.gov.au/mpra](http://www.dec.wa.gov.au/mpra)) to promote marine conservation and the role of the MPRA.

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## RESOURCES

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### 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.

In the financial schedule for the 2008/2009 period the Department allocated \$195,500 to its Marine Policy and Planning Branch for administration and support of the MPRA. The allocation of funding was as follows:

Honoraria	\$88,100
Travel costs for meetings	\$ 2,000
Executive Officer support	\$73,400
Travel, projects, workshops	\$15,000
Statutory audit responsibilities	\$11,000
Miscellaneous	\$ 6,000
<i>Total</i>	<i>\$195,500</i>

In accordance with the requirements of section 175ZE of the *Western Australian Electoral Act 1907*, the MPRA incurred nil expenditure for the 2008/2009 financial year.

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# APPENDIX 1: ANNUAL AUDIT REPORT

## Marine Parks and Reserves

### Management Plan Implementation

#### 1 July 2007 – 30 June 2008

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#### INTRODUCTION

This Audit Report is a summary of the results of the Marine Parks and Reserves Authority's (MPRA) 2007/2008 annual audit of the management plans for marine parks and reserves in Western Australia (WA). The audit process consists of an annual review and performance assessment of the implementation of management plans based on detailed annual status reports prepared by the Department of Environment and Conservation (DEC). From this process, a detailed Annual Audit Review is prepared by the MPRA.

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 as an appendix to the MPRA Annual Report, which is tabled in Parliament. The supporting Annual Review is available for download from the MPRA 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.<sup>1</sup>). 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 fully functional 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.

The MPRA Audit Policy provides for three levels of review to inform assessment of marine park and reserve management and to assist in delivery of deliver the MPRA independent audit function:

- an annual review of the status reports for each marine park or reserve;
- formal audit of management performance for each marine park or reserve on a periodic basis, partly based on the preceding three annual reviews; and
- a 10-year audit of the implementation of the management plan, partly based on the preceding annual reviews and formal periodic audits.

These annual, periodic and 10-yearly reports contribute to the preparation of the MPRA's annual audit of the system and to the annual report for all marine parks and reserves.

#### PROCESS

The MPRA's audit policy sets out the 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;

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<sup>1</sup> Dr C. Jacobsen and Dr M. Hockings, The University of Queensland, background information collected for C. Jacobsen, R.W. Carter and M.T. Hockings (2008) *The status of protected area management evaluation in Australia and implications for its future*. Australasian Journal of Environmental Management, 15, 202-210.

- **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 subcommittee, an annual workshop where DEC and Department of Fisheries (DoF) 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 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 Mines and Petroleum, and Tourism WA.

2007/2008 was the second year in which DoF provided significant 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.

## PERFORMANCE ASSESSMENT

### FUNDING

In 2007/08, expenditure on management of the 12 marine parks and reserves in Western Australia comprised approximately \$7.5 million (DEC-\$5.7 million; DoF-\$1.8 million) with direct operational expenditure accounting for 81 percent of this total. This represents an increase in total expenditure of approximately 8 percent across all marine parks and reserves in comparison to 2006/07. This can be partially accounted for by expenditure relating to

the proposed Walpole and Nornalup Inlets Marine Park which has not previously had funding and increased funding provided for some reserves. However, funding levels remain problematic for some parks and reserves because funding allocations are not always well matched to management needs. Operational capacity remained limited in reserves such as Rowley Shoals Marine Park and the Montebello/Barrow Island marine reserves primarily due to their remoteness. However, the funding increases for Montebello/Barrow Islands marine reserves in 2007/08, together with greater collaboration between DEC and DoF, have helped to improve this situation.

Overall, the greatest expenditure occurred in the Ningaloo Marine Park, with its operational expenditure accounting for 33 percent of total expenditure across all marine parks and reserves. Shark Bay Marine Park and Hamelin Pool Marine Nature Reserve experienced a 40 percent increase in in-reserve operational expenditure, mainly due to uptake of new staff and increased patrol and enforcement support from DoF. Metropolitan marine parks also experienced a 22 percent increase in operational expenditure.

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 in this respect, DoF increased their operational expenditure in all (reported) marine parks and reserves in 2007/08, except for Rowley Shoals and the metropolitan marine parks. DoF does not receive direct allocations of funds for a number of marine parks and reserves, including those in Shark Bay and the metropolitan area. DEC and DoF have worked to improve their operational approach through the development of collaborative operational plans (COPs) for each marine park and reserve within the areas of their core functions. In addition, DEC and DoF have made improvements to financial reporting for expenditure across most marine parks and reserves. Nonetheless, DoF’s expenditure for the Montebello Islands Marine Park, Barrow Island Marine Park and Barrow Island Marine Management Area was not available for 2007/08.

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## **RESERVE CONDITION**

The annual review identified that the majority of key ecological and social values in each marine park or reserve had been qualitatively assessed as being in a good or satisfactory condition. 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 continuing refinements to the performance assessment process will ensure that the more quantitative condition ratings are applied increasingly 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) indicates a high level of management risk (i.e. an increased risk of failing to meet objectives in relation to the KPI) 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, where they could be estimated, consistently scored poorly across all marine parks and reserves 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 provide 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. However, a much stronger focus on quantitative condition reporting for all the KPIs in each park or reserve is required. This will focus attention to the development of appropriate conservation benchmarks at the park-level, including for exploited species.

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 and the KPIs).

## **MANAGEMENT PLANS AND FUTURE REVIEWS**

A periodic review of the Jurien Bay Marine Park management plan was completed in 2007/2008. This is the first review of management conducted under the MPRA's Audit Policy, and the first periodic audit of marine park performance. The audit found a very high level of acceptance of the Park, and that it was meeting many of its key objectives. The audit also found that some objectives could not be met because of the very limited scale and representativeness of the sanctuary zones, and recommended that there be a rezoning of the park with a view to addressing this problem before the first statutory review of the Park becomes due (in 2015).

As at 30 June 2008, eight 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 and are not outcome-based. The statutory review of these parks remains a high priority for the MPRA. The MPRA will conduct a statutory review of the Shark Bay Marine Reserves management plan in 2009, and statutory reviews by the MPRA of the management plans for Marmion and Swan Estuary Marine Parks are proposed for 2010. Periodic reviews are proposed in 2010 for the management plans of Ningaloo Marine Park and Muiron Islands Marine Management Area, and the Montebello Islands Marine Park, Barrow Island Marine Park and Barrow Island Marine Management Area.

## AUDIT OF MANAGEMENT RESPONSES

### PREVIOUS AUDITS

An important component of the audit program is to monitor and report on the results of any management actions taken in response to identified

deficiencies or weaknesses that may have been identified through earlier audits of management performance. The 2006/2007 MPRA Annual Review identified a number of specific areas where improvement and action was required. Progress on these matters is set out below.

06/07 Recommendation	Outcome/Action	Comment
DEC and DoF to continue to refine regional financial reporting methods to ensure adequate expenditure reporting against management strategies at the marine reserve level.	Ongoing	Significant progress has been made, but there remain some outstanding issues.
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.	Ongoing	Some progress has been made in this area, and will continue to progress.
Continue to develop mechanisms to incorporate DoF research and monitoring data into the performance assessment system.	No significant progress on this aspect in 07/08	Establishment of the DEC Marine Science Program should assist.
Develop an agreed set of parameters to assist DoF in providing compliance data for performance assessment.	Completed	A DoF compliance reporting protocol has been successfully established.
Develop a set of 'rules' on how to apply the condition ratings to ensure consistent assessment of performance across reserves.	No progress	This needs specific DEC focus in collaboration with DoF.
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.	Completed	The Audit policy is kept under continuous review, and updated as necessary.
Develop a framework and formalised timeline for MPRA periodic audits and implement the first periodic audit of the Jurien Bay Marine Park in 2007/08.	Completed	The proposed timeline for further periodic and statutory audits requires further funding provision.
Encourage DoF to finalise outstanding FRM Act orders as quickly as possible.	Ongoing	This needs specific attention by DoF.
Advocate for the statutory reviews of the Shark Bay Marine Reserves Management Plan 1996-2006 and the Marmion Marine Park Management Plan 1992-2002.	Ongoing	A statutory review of the Shark Bay Marine Reserves management plan is being conducted by the MPRA in 2009, and statutory reviews by the MPRA of the management plans for Marmion Marine Park and Swan Estuary Marine Park are proposed for 2010.

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**2007/2008 AUDIT FINDINGS**

performance review process are set out in the following table.

Key recommendations for marine park and reserve management that arise from the 2007/2008

Reference	Key Recommendation
1-07/08	DEC and DoF to increase their allocation of resources to the management of all marine parks and reserves, and particularly for the implementation of key strategies.
2-07/08	DEC and DoF to continue to refine financial reporting methods to ensure adequate expenditure reporting against management strategies at the park level.
3-07/08	DEC and DoF to continue to strengthen opportunities for a collaborative approach and partnerships in marine park management at the operational level.
4-07/08	DEC and DoF to work more effectively towards condition reporting for all marine parks and reserves through the establishment of measurable conservation targets at a park-level for all ecological values, particularly those constituting Key Performance Indicators, and the consistent application of condition assessment monitoring across all marine parks and reserves.
5-07/08	DEC to initiate rezoning of Jurien Bay Marine Park, as a precursor to the development of new management plan.
6-07/08	Parks and reserves without outcome-based management plans should be given priority by DEC in the development of new management plans, commencing with the Shark Bay Reserves Management Plan.
7-07/08	DoF to finalise outstanding FRM Act orders as quickly as possible to provide parks with effective fishing rules, and in future, target gazettal notices relating to zoning and fishing closures to be published within 3 months of the establishment of, or adjustment to, zonings in a marine park or reserve.
8-07/08	Management advisory committees to be formally established for all marine parks and reserves, consistent with the DEC framework for establishing reference/advisory groups.
9-07/08	DEC to develop a targeted program of moorings development in all existing parks, and particularly in those parks likely to be affected by displacement of recreational fishing pressure from the Perth metropolitan area.
10-07/08	DoF to allocate necessary resources to enhance understanding of the effects of recreational and commercial fishing on targeted populations of fish and invertebrates at the scale of marine parks and reserves.
11-07/08	DEC to allocate resources for the MPRA to undertake a statutory review of the management plans for Marmion and Swan Estuary Marine Parks in 2010.
12-07/08	DEC and DoF to work in cooperation with the Commonwealth to improve procedures for reducing the risk of the introduction of hull-fouling organisms to WA waters through the activities of the construction, dredging, mining, oil and gas industries.
13-07/08	Management of all marine parks and reserves by DEC and DoF in Western Australia should be supported through the provision of vessels of an adequate size to undertake operational management and research and monitoring on a regular basis.
14-07/08	DEC to centrally coordinate delivery of education and interpretation for marine parks and reserves in WA, including aspects of fishing relevant to conservation of targeted species.

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## CONCLUSION AND RECOMMENDATIONS

The continued development of an independent, 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 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, and with increasingly competing uses for coastal and marine areas. However, the audit process and effectiveness continues to improve due in large part to the efforts of the supporting agencies and the dedication of the MPRA audit sub-committee. The Authority looks forward to the continued development of the process and its support by Government, together with an appropriate level of management response to the identified issues.

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.