
Declaration of Marine parks and reserves

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What are Marine reserves?

- Marine reserves are marine or estuarine areas that have been set aside to protect an environmental value such as a reef breeding habitat or aquatic plant species
 - They can be created under Commonwealth or State Laws
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Relevant legislation

- Environmental Protection and Biodiversity Conservation Act (Cth)
 - Conservation and Land Management Act 1984 (WA)
 - Land Administration Act 1997 (WA)
 - Fish Resources Management Act 1994 (WA)
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Commonwealth Marine Reserves

- can be created over any waters in the “Commonwealth Marine area” – extends from 3 nautical miles from coastal baseline (usually the low water mark) to the 200 nautical mile Exclusive Economic Zone
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Commonwealth Marine Reserves in WA

- ❑ Ningaloo
 - ❑ Mermaid reef
 - ❑ Ashmore reef
 - ❑ Cartier Island
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Establishment of Commonwealth marine Reserves

- Public comment on a proposed Commonwealth Marine Reserve and comments included in report to Commonwealth Environment Minister
 - Proclamation of Reserve by Governor-General on recommendation of Commonwealth Environment Minister
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Establishment of Commonwealth marine Reserves...cont'd

- The proclamation must state the purpose of the Reserve and assign one or more World Conservation Union (IUCN) categories to the reserve.
 - The categories are:
 - Strict nature reserve
 - Wilderness area
 - National park
 - Natural monument
 - Managed resource protected area
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Commonwealth Marine Reserves- vesting and Management

- Managed by the Director of National Parks within the Commonwealth Department of the Environment and Heritage
 - The reserve must be managed in accordance with a management plan which applies to the reserve and which binds Commonwealth agencies
 - All Commonwealth reserves in WA have a management plan in place
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Commonwealth Marine Reserves- vesting and Management ...cont'd

- A management plan must be put in place as soon as practicable, however if a plan has not yet been prepared, the Director of National Parks is bound to manage in accordance with IUCN guidelines relevant to that particular reserve or if the reserve is held under a lease, by the terms of the lease
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Commonwealth marine reserves- Permitted Activities

- In a Reserve which has a management plan
 - It is NOT permitted, except in accordance with plan, to:
 - Kill, injure, take, keep, or move a member of an aquatic species – (includes fish)
 - Damage heritage
 - Carry out excavation works
 - Erect building or other structure
 - Carry out works; or
 - Undertake commercial activities.
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Commonwealth marine reserves- Permitted Activities...cont'd

- In a Reserve which has no management plan the Director of National Parks may, in order to protect the reserve or its biodiversity, carry out some of the activities listed
 - Mining operations may be carried out with the Governor General's prior approval so long as they are consistent with the operative management plan
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Commonwealth marine reserves- Permitted Activities...cont'd

- Commercial fishing can only be undertaken if permitted under the management plan. It is prohibited within each of the Commonwealth reserves on WA's Coast
 - Recreational fishing is only allowed if authorised under the management plan. Restrictions apply to the means allowable
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Commonwealth Marine reserves

Change or Cancellation

- An area of a Commonwealth marine reserve can only be removed where both Houses of Federal Parliament pass a motion to that effect
 - Notice of the motion must be given 15 days prior to the date of sitting
 - The proposed alteration or cancellation must be advertised for public comment and taken into account by the Minister before the recommendation is made to the Governor-General
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State Marine Reserves

- Created under Conservation and Land Management Act 1984 and Land Administration Act 1997
 - Can be created in Western Australian waters—that is, waters on the landward side of a line drawn three nautical miles from the coastal baseline
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Marine Conservation Reserves under the CALM Act 1984

- Marine Nature Reserve- for protection of habitat and wildlife and preservation of features of archeological or scientific interest
 - Marine Park – for public recreation as well as the above
 - Marine Management Area – for managing and protecting the marine environment so it can be used for conservation, recreation, scientific and commercial purposes
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State Marine Nature Reserves in Western Australia

- Hamelin Pool Marine Nature Reserve only marine nature reserve in WA
 - Prohibited activities include:
 - Aquaculture
 - Commercial and Recreational fishing
 - Pearling
 - Exploratory drilling for or production of petroleum
 - Equivalence with terrestrial nature reserve under CALM Act?
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Marine Parks

- Significantly Less protection than Marine Nature Reserves
 - May be divided into differently zoned areas which may include:
 - General use
 - Sanctuary
 - Recreation; and
 - Special purpose
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Permitted Activities – Marine Nature Reserves and Marine Parks

- Mining?
 - Petroleum Drilling and production?
 - Commercial Fishing?
 - Recreational Fishing?
 - Pearling and Acquaculture?
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Marine Management Areas

- Specifically for commercial, recreational and scientific uses as well as conservation
 - No Marine Management Areas yet established
 - Administration of these areas may prove difficult – overlapping agency responsibility for management
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Establishment of Marine Conservation Reserves

- The Minister for the Environment must obtain the concurrence of the Ministers for Fisheries and Mines prior to advertising for public comment.
 - Local Governments who will be affected must be notified
 - An indicative management plan must be created by the MRPA
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Establishment of Marine Conservation Reserves... cont'd

- The MRPA must prepare a report including all details of public submissions
 - publishing the order for establishment of the MCAs in the Government Gazette
 - Additional provisions for the order to be tabled in State Parliament and for parliamentary disallowance of a Marine Conservation reserve
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Establishment of Class A Reserves

- A marine reserve may receive Class A status at the time it is created or subsequently by an Order of the Governor with the Minister for Mines consent
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Vesting and Management Planning

- Automatically vested in the Marine Parks and Reserves Authority
 - An indicative management plan must be prepared with public consultation prior to gazettal of the Marine Conservation Reserve
 - If there is a management plan in place the reserve must be managed in accordance with that plan
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Vesting and Management Planning...

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- If no management plan is in place must be managed according to general principles laid down in the CALM Act
 - For marine nature reserves only operations necessary for the preservation or protection of persons, property flora or fauna or to prepare a plan may be undertaken
 - For marine parks and management areas only those allowed above and those approved by the Minister as compatible with the purpose for which the reserve is created. (There is a related advertising requirement).
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Cancellation or Amendment

- For Class A Reserves, cancellation or amendment is by Act of Parliament
 - For non-Class A reserves, the Minister for the Environment, may, with the concurrence of the Minister for Fisheries and Minister for Mines, recommend to the Governor that an order be made to cancel a marine reserve. The order will then be published in the Government Gazette
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Marine Reserves under the Fish Resources Management Act 1984

- Fish Habitat Protection Areas
 - Administered by the Department of Fisheries
 - Purpose is conservation and protection of fish and their habitats, conservation of aquatic ecosystems and appreciation or observation of fish
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Establishment of Fish Habitat Protection Areas

- A community group can initiate a Fish Habitat Protection Area process, unlike marine reserves
 - Minister for Fisheries must:
 - Issue a public notice
 - Receive and consider public comment
 - Publish an order declaring a FHPA in the Government gazette
 - Fish Habitat Protection Areas cannot be declared over areas that are already a CALM reserve and if a CALM reserve is declared over one it is thereby repealed
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Vesting and Management Planning of FHPA

- Minister for Fisheries may vest a FHPA in a body corporate
 - A draft management plan is approved for a FHPA before it is set aside – however public consultation on the management plan is not required by legislation
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Permitted Activities in a FHPA

- The creation of a FHPA does not affect any mineral or petroleum activities
 - Activities such as fishing, using boats or entering a FHPA may be restricted under orders or regulations. Orders are in place to prohibit or limit fishing in the Abrolhos Island Cottesloe Reef and Lancelin Island FHPAs
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Cancellation or Amendment of an order establishing a FHPA

- May be revoked or amended by order of the Minister for Fisheries
 - Will occur as a repeal if the area is declared a CALM managed Reserve
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Controls additional to Reservation

- Environmental Impact assessment
 - Specific area controls
 - Fishing restrictions
 - Planning and local laws
 - Pollution and Environmental Harm
 - Heritage protection
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