

Copy to:  
Secretary  
Mr Cahill  
Ms Barnes

To: Minister for the Environment and Energy (For Decision)

## APPROVAL OF MANAGEMENT PLANS FOR AUSTRALIAN MARINE PARKS

Chief of Staff  
s22

**Timing:** 29 January 2018, to allow plans to be tabled in Parliament on 5 February 2018.

Note: The EPBC Act prescribes a 60-day statutory period to either approve the plans or return them to the Director with "suggestions for consideration".

### Recommendations:

#### For the South-west Marine Parks Network Management Plan that you:

1. Consider the South-west Marine Parks Network management plan at **Attachment A** and the Director of National Parks' report at **Attachment A1** on the public submissions received on the draft plan and the views of the Director on the comments within those submissions.

**Considered / Please discuss**

2. In accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decide whether you are satisfied the parks and zones within them should be managed in accordance with the Australian IUCN reserve management principles for the IUCN categories to which they will be assigned in the South-west Marine Parks Network management plan at **Attachment A2**.

**Agreed / Not agreed / Please discuss**

3. Decide whether to approve the South-west Marine Parks Network management plan at **Attachment A** or suggest changes for consideration by the Director of National Parks.

**Approved / Changes suggested / Please discuss**

4. If you approve the management plan sign the attached Proof of Making Instrument for the South-west Marine Parks Network Management Plan at **Attachment A3** for the purposes of registration of the plan in accordance with the *Legislation Act 2003*.

**Signed / Not Signed / Please discuss**

5. Subject to approval of the management plan, approve the Director of National Parks Explanatory Statement to be lodged on the Federal Register of Legislation under the *Legislation Act 2003* at **Attachment A4**.

**Approved/ Not approved/ Please discuss**

#### For the North-west Marine Parks Network Management Plan that you:

6. Consider the North-west Marine Parks Network management plan at **Attachment B** and the Director of National Parks' report at **Attachment B1** on the public submissions received on the draft plan and the views of the Director on the comments within those submissions.

**Considered / Please discuss**

7. In accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decide whether you are satisfied the parks and zones within them should be managed in accordance with the Australian IUCN reserve management principles for the IUCN categories to which they will be assigned in the North-west Marine Parks Network management plan at **Attachment B2**.

**Agreed / Not agreed / Please discuss**

8. Decide whether to approve the North-west Marine Parks Network management plan at **Attachment B** or suggest changes for consideration by the Director of National Parks.

**Approved / Changes suggested / Please discuss**

9. If you approve the management plan sign the attached Proof of Making Instrument for the South-west Marine Parks Network Management Plan at **Attachment B3** for the purposes of registration of the plan in accordance with the Legislation Act 2003.

**Signed / Not Signed / Please discuss**

10. Subject to approval of the management plan, approve the Director of National Parks Explanatory Statement to be lodged on the Federal Register of Legislation under the Legislation Act 2003 at **Attachment B4**.

**Approved/ Not approved/ Please discuss**

**For the North Marine Parks Network that you:**

11. Consider the North Network management plan at **Attachment C** and the Director of National Parks' report at **Attachment C1** on the public submissions received on the draft plan and the views of the Director on the comments within those submissions.

**Considered / Please discuss**

12. In accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decide whether you are satisfied the parks and zones within them should be managed in accordance with the Australian IUCN reserve management principles for the IUCN categories to which they will be assigned in the North Marine Parks Network management plan at **Attachment C2**.

**Agreed / Not agreed / Please discuss**

13. Decide whether to approve the North Marine Parks Network management plan at **Attachment C** or suggest changes for consideration by the Director of National Parks.

**Approved / Changes suggested/ Please discuss**

14. If you approve the management plan sign the attached Proof of Making Instrument for the South-west Marine Parks Network Management Plan at **Attachment C3** for the purposes of registration of the plan in accordance with the *Legislation Act 2003*.

**Signed / Not Signed / Please discuss**

15. Subject to approval of the management plan, approve the Director of National Parks Explanatory Statement to be lodged on the Federal Register of Legislation under the *Legislation Act 2003* at **Attachment C4**.

**Approved/ Not approved/ Please discuss**

**For the Temperate East Marine Parks Network that you:**

16. Consider the Temperate East Network management plan at **Attachment D** and the Director of National Parks' report at **Attachment D1** on the public submissions received on the draft plan and the views of the Director on the comments within those submissions.

**Considered / Please discuss**

17. In accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decide whether you are satisfied the parks and zones within them should be managed in accordance with the Australian IUCN reserve management principles for the IUCN categories to which they will be assigned in the Temperate East Marine Parks Network management plan at **Attachment D2**.

**Agreed / Not agreed / Please discuss**

18. Decide whether to approve the Temperate East Marine Parks Network management plan at **Attachment D** or suggest changes for consideration by the Director of National Parks.

**Approved / Changes suggested / Please discuss**

19. If you approve the management plan sign the attached Proof of Making Instrument for the South-west Marine Parks Network Management Plan at **Attachment D3** for the purposes of registration of the plan in accordance with the *Legislation Act 2003*.

**Signed / Not signed / Please discuss**

20. Subject to approval of the management plan, approve the Director of National Parks Explanatory Statement to be lodged on the Federal Register of Legislation under the *Legislation Act 2003* at **Attachment D4**.

**Approved/ Not approved/ Please discuss**

**For the Coral Sea Marine Park that you:**

21. Consider the Coral Sea management plan at **Attachment E** and the Director of National Parks' report at **Attachment E1** on the public submissions received on the draft plan and the views of the Director on the comments within those submissions.

**Considered / Please discuss**

22. In accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decide whether you are satisfied the parks and zones within them should be managed in accordance with the Australian IUCN reserve management principles for the IUCN categories to which they will be assigned in the Coral Sea Marine Park management plan at **Attachment E2**.

**Agreed / Not agreed / Please discuss**

23. Decide whether to approve the Coral Sea management plan at **Attachment E** or suggest changes for consideration.

**Approved / Changes suggested/ Please discuss**

24. If you approve the management plan sign the attached Proof of Making Instrument for the South-west Marine Parks Network Management Plan at **Attachment E3** for the purposes of registration of the plan in accordance with the *Legislation Act 2003*.

**Signed / Not signed / Please discuss**

25. Subject to approval of the management plan, approve the Director of National Parks Explanatory Statement to be lodged on the Federal Register of Legislation under the *Legislation Act 2003* at **Attachment E4**.

**Approved/ Not approved/ Please discuss**

**For all management plans that you:**

26. Note and consider the submissions received in response to the statutory public consultation on the five draft management plans at **Attachment F**.

**Noted/ Please discuss**

27. Note the non-statutory submissions received on the five draft management plans at **Attachment G**.

**Noted / Please discuss**

**Minister's signature:**

Date:

**Comments:**

**Signatory:**

Date:

<b>Clearing Officer:</b> Sent 20/12/2017	Sally Barnes	Director of National Parks	Ph: 02 6274 2220 Mob: s22
Contact Officer:	Andrew Read	A/g Assistant Secretary, MPA Branch	Ph: 02 6275 9766 Mob: s22



## Key Points:

1. Further to recent briefing, and in accordance with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), management plans have been prepared for Australian Marine Parks in the South-west, North-west, North, and Temperate East networks, and the Coral Sea. These are at **Attachments A-E** for your consideration and decision whether to approve.
2. The plans are the product of extensive consultation. While widely divergent views on marine parks continue to be held across different stakeholder groups, I am satisfied that these plans are consistent with Government policy and provide a balanced and practical outcome that will protect and conserve Australia's marine environment while enabling ecologically sustainable use of the parks.

## Public consultations

3. Australian Marine Parks in the South-west, North-west, North and Temperate East networks, and the Coral Sea were proclaimed under the EPBC Act in December 2013. Public submissions were invited on the proposal to prepare management plans for the parks on 5 September 2016, in accordance with s.368 of the Act. This comment period closed on 31 October 2016 with a total of 54,322 submissions received. The comments received were considered in preparing the draft management plans.
4. In accordance with s.368 of the EPBC Act, public comment was invited on the draft management plans on 21 July 2017. The comment period closed on 20 September 2017. A total of 82,877 submissions were received, including 2,027 unique submissions and 80,850 submissions using standardised wording from 11 different templates. Submissions received during the statutory period are at **Attachment F**. All submissions were considered when finalising the management plans and will be published online when the plans are tabled in Parliament.
5. Additional submissions were received outside of the statutory process and timeframe (between 21 September and 15 November 2017) and cannot be legally considered under the EPBC Act. However, I have reviewed them and it is my view that no new issues were raised in addition to those in the statutory submissions that were considered in finalising the management plans. These submissions are included for your information at **Attachment G**. These submissions will not be published.

## Approving management plans

6. The requirements for approval of management plans are set out in s.370 of the EPBC Act. The Director must give the Minister the plan(s), and any public comments received on the draft plan(s), and the views of the Director on those comments (the Director's Reports). The Director's Report(s) provide a summary of the comments that are contained in the public submissions received on each draft plan, and my response for the public record and for your consideration (**Attachments A1-E1**). Copies of the statutory submissions are provided for reference (**Attachment F**).
7. The overall structure and intent of the final plans has not changed from the draft plans. However, a small number of changes have been made to the plans to address comments received. These relate to:

- zoning - seven of the 44 marine parks have been changed to either include higher protection or to allow additional access for recreational fishers and tourism operators;
  - actions to reduce regulatory duplication;
  - wording to clarify authorisation arrangements for activities, such as oil and petroleum emergency response; and
  - additional information about Indigenous values and interests in sea country within marine parks.
8. An early assessment Regulatory Impact Statement (RIS) was prepared in May 2017 for the draft management plans. Further analysis of commercial fishing costs will be undertaken by the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) and a final RIS provided to you in January. Any changes to impacts and costs are expected to be relatively negligible. The final RIS will be made publically available when the plans are released.
  9. In accordance with s.370 of the EPBC Act, the Minister has 60 days to consider the plans and any comments and views given by the Director, and provide the Director with either approved plans or suggestions for further consideration. The statutory timeframe is approximately 20 December 2017 to 18 February 2018. If suggestions for further consideration are requested, the Director must return the plans with changes, or without changes and an explanation. At this stage, as Minister, you can directly make modifications to plans without the assistance or advice of the Director.
  10. Before approving the management plans, section 370(6) of the Act requires you to be satisfied that the parks and any zones they are divided into should be managed in accordance with the Australian IUCN reserve management principles for the IUCN category they will be assigned by the plan. Zoning and IUCN categories are set out in Part 3 of each plan. The relevant Australian IUCN reserve management principles prescribed by Schedule of the EPBC Regulations are at **Attachments A2-E4** in this Brief.
  11. Once you have approved each plan by signing the Proof of Making instrument, each plan is accompanied by an Explanatory Statement, and is published on the Federal Register of Legislation (FRoL). The Director will arrange for the lodgement package (management plans, proof of making instruments, and explanatory statements) to be registered on the FRoL. The Office of Parliamentary Council (OPC) will table the plans and explanatory statements in both houses of Parliament in accordance with the *Legislation Act 2003* (Legislation Act), within six sitting days after they have been registered on the FRoL. The Director will liaise with your office on the timing of lodgement.
  12. Management plans are disallowable instruments under the Legislation Act. A disallowance motion may be moved during 15 sitting days after tabling. Should such a motion be forthcoming, the Director of National Parks will liaise with your Office about further briefing.
  13. Subject to your approval it is proposed that the management plans will come into effect on 1 July 2018. They will operate for a period of ten years as set by the EPBC Act.

## Stakeholder issues

14. I am providing you with a separate brief (PEMS17-900606) containing correspondence to the Prime Minister, the Minister for Agriculture and Water Resources, and the Minister for Resources and Northern Australia on changes between draft and final management plans, and stakeholder issues.

### Consultation:

15. The following agencies were consulted during finalisation of management plans - Great Barrier Reef Marine Park Authority, Australian Maritime Safety Authority, Department for Agriculture and Water Resources, Australian Fisheries Management Authority, Department of Industry, Innovation and Science, National Offshore Petroleum Safety and Environmental Management Authority, and Department of Defence.

## ATTACHMENTS

### A. South-west Marine Parks Network Management Plan 2018

- A1 Director of National Parks' report for South-west Marine Parks Network Management Plan and the views of the Director on submissions received.
- A2 IUCN categories assigned to parks and zones in the South-west Marine Parks Network Management Plan.
- A3 Proof of Making Instrument for the purposes of registration of the plan in accordance with the *Legislation Act 2003*.
- A4 Explanatory Statement to be lodged on the Federal Register of Legislation under the *Legislation Act 2003*.

### B. North-west Marine Parks Network Management Plan 2018

- B1 Director of National Parks' report for North-west Marine Parks Network Management Plan and the views of the Director on submissions received
- B2 IUCN categories assigned to parks and zones in the North-west Marine Parks Network Management Plan.
- B3 Proof of Making Instrument for the purposes of registration of the plan in accordance with the *Legislation Act 2003*.
- B4 Explanatory Statement to be lodged on the Federal Register of Legislation under the *Legislation Act 2003*.

### C. North Marine Parks Network Management Plan 2018

- C1 Director of National Parks' report for North Marine Parks Network Management Plan and the views of the Director on submissions received
- C2 IUCN categories assigned to parks and zones in the North Marine Parks Network Management Plan.
- C3 Proof of Making Instrument for the purposes of registration of the plan in accordance with the *Legislation Act 2003*.

C4 Explanatory Statement to be lodged on the Federal Register of Legislation under the *Legislation Act 2003*.

D. Temperate East Marine Parks Network Management Plan 2018

D1 Director of National Parks' report for Temperate East Marine Parks Network Management Plan and the views of the Director on submissions received.

D2 IUCN categories assigned to parks and zones in the Temperate East Marine Parks Network Management Plan.

D3 Proof of Making Instrument for the purposes of registration of the plan in accordance with the *Legislation Act 2003*.

D4 Explanatory Statement to be lodged on the Federal Register of Legislation under the *Legislation Act 2003*.

E. Coral Sea Marine Park Management Plan 2018

E1 Director of National Parks' report for Coral Sea Marine Park Management Plan and the views of the Director on submissions received

E2 IUCN categories assigned to parks and zones in the Coral Sea Marine Park Management Plan.

E3 Proof of Making Instrument for the purposes of registration of the plan in accordance with the *Legislation Act 2003*.

E4 Explanatory Statement to be lodged on the Federal Register of Legislation under the *Legislation Act 2003*.

F. Compendium of submissions received during statutory consultation on the draft management plans for the South-west, North-west, North, and Temperate East networks, and the Coral Sea Marine Park

G. Compendium of non-statutory submissions received on the draft management plans for the South-west, North-west, North, and Temperate East networks, and the Coral Sea Marine Park



**Australian Marine Parks**  
**South-west**  
**Marine Parks Network**  
**Management Plan**  
**2018**



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# CHAPTER 1

## INTRODUCTION

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Sea lion (Kathy Zwick)

## Part 1. MANAGING AUSTRALIAN MARINE PARKS

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Orcas in Bremer Marine Park (John Govoni)

## 1.1 INTRODUCTORY PROVISIONS

### **Name**

This management plan (plan) is the *South-west Marine Parks Network Management Plan 2018*.

### **Commencement**

This plan commences on 1 July 2018.

### **Interpretation**

The Glossary provides the meaning of certain words and expressions used, and includes references to certain words and expressions that are defined in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### **Authority**

This plan is made under Section 370 of the EPBC Act. This plan replaces all previous approvals under s.359B of the EPBC Act that authorised a range of activities in the South-west Marine Parks Network in the period from proclamation of the Marine Parks to the commencement of this plan.

## 1.2 AUSTRALIAN MARINE PARKS

Australia is surrounded by ocean extending from the tropics to the sub-Antarctic, providing a home to a wealth of plants and animals, many of them found nowhere else in the world. Australia's oceans help to support our way of life by providing beautiful places to enjoy, supporting businesses and jobs, and contributing to Australia's food and energy needs.

Marine protected areas are recognised as one of the best ways to conserve and protect marine habitats and species in our oceans. In light of this, the Australian, state and territory governments agreed in 1998 to establish a National Representative System of Marine Protected Areas (NRSMPA). The NRSMPA was designed to create a comprehensive, adequate and representative (CAR) system of marine protected areas, to contribute to the long-term viability of the marine environment and protect biodiversity. To identify areas to protect in the NRSMPA, the Australian Government undertook scientific research and consolidated the best available information on the natural, social and economic characteristics of Australia's marine environment.

On the basis of this work, in 2012, the Australian Government expanded the total coverage of Australia's National Representative System of Marine Protected Areas to 3.3 million km<sup>2</sup>. This included new marine parks in the North, North-west, South-west, and Temperate East marine regions, and in the Coral Sea. This is in addition to marine parks already established in the South-east Network, the Great Barrier Reef and at Heard and McDonald Islands.

Australian Marine Parks (Commonwealth reserves proclaimed under the EPBC Act in 2007 and 2013) are located in Commonwealth waters that start at the outer edge of state and territory waters, generally three nautical miles (approximately 5.5 km) from the shore, and extend to the outer boundary of Australia's exclusive economic zone, 200 nautical miles (approximately 370 km) from the shore. Marine parks have also been established by state and territory governments in their respective waters under the NRSMPA. Many other countries have moved to establish marine protected areas in their waters and are implementing a range of legislative, policy and management tools to manage these important places.

### 1.3 AUSTRALIAN MARINE PARKS VISION AND OBJECTIVES

Management of Australian Marine Parks requires a balance between protection of our marine environment, and opportunities for sustainable use and enjoyment of these special places.

The vision of the Director of National Parks (the Director) is that marine parks are healthy, resilient and well-managed to enhance Australia's wellbeing. This means ensuring that:

- their natural, cultural, socio-economic and heritage values are understood, appreciated and conserved;
- marine parks support jobs and businesses, providing multiple benefits to regional communities and the economy;
- people have opportunities to enjoy marine parks;
- visitors and tourists can enjoy world-class nature-based experiences in marine parks; and
- Indigenous people and marine park users are partners in managing marine parks.

The objectives of this plan are to provide for:

- a) the protection and conservation of biodiversity and other natural, cultural and heritage values of marine parks in the South-west Network; and
- b) ecologically sustainable use and enjoyment of the natural resources within marine parks in the South-west Network, where this is consistent with objective (a).

### 1.4 MANAGEMENT PLAN OVERVIEW

This plan is structured into two chapters and five schedules (Table 1.1). Chapter 1 provides an introduction to how Australian Marine Parks are managed, and Chapter 2 provides for the management of the South-west Marine Parks Network (South-west Network).

Several inputs have contributed to the preparation of this plan, including:

- public consultation during the preparation of this plan;
- the knowledge and expertise of marine park users and traditional owners;
- the independent *Commonwealth marine reserves review* (publicly released in 2016);
- the best available science and information on marine parks and approaches to marine park management, including insights from management of the South-east Network, the Great Barrier Reef Marine Park, and state and territory marine parks;
- the Integrated Marine and Coastal Regionalisation of Australia (IMCRA) framework;
- the Marine bioregional plan for the South-west Marine Region (2012);
- the South-west marine bioregional plan: bioregional profile (2008); and
- Government policies and commitment to competitive and sustainable fisheries.

## 1.5 LEGISLATION AND POLICY SUPPORTING MARINE PARK MANAGEMENT

The EPBC Act is Australia's primary environmental legislation. In recognition of the importance of the marine environment, it is listed as a matter of national environmental significance under the EPBC Act. Under the EPBC Act, the Director is responsible for managing marine parks (supported by Parks Australia), and is required to make management plans for marine parks. Other parts of the Australian Government must not perform functions or exercise powers in relation to these parks that are inconsistent with management plans (s.362 of the EPBC Act).

This plan complements a range of Commonwealth, state and territory laws, as well as international conventions and agreements that relate to protection of the marine environment (Schedule 1). Some of the ways in which the Australian Government protects the marine environment through national environmental law include management plans for Australian Marine Parks, marine bioregional plans for the Commonwealth marine environment, recovery plans for threatened species, and threat abatement plans for key threats, such as invasive species and marine debris.

Other Australian, state and territory government agencies also have statutory roles in managing fisheries, tourism, oil and gas activities, shipping, maritime pollution and biosecurity threats.

**Table 1.1 Structure of this plan**

<i>Chapter 1</i> Introduction	
<b>Part 1</b> Managing Australian Marine Parks	Outlines the context and approach to managing marine parks.
<b>Part 2</b> The South-west Marine Parks Network	Provides a summary of the South-west Network including natural, cultural, heritage, social and economic values, the pressures facing the Network and the management actions to protect values and manage pressures.

<i>Chapter 2</i> <i>Management and prescriptions (the rules)</i>	
<b>Part 3</b> Zoning	Explains the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
<b>Part 4</b> Managing activities	Provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes, and the types of authorisations (permits, class approvals, activity licences and leases).
<b>Glossary</b>	Lists terms and words used in this plan.

<i>Schedules</i> <i>Supporting information</i>	
<b>Schedule 1</b> Summary of legislative and policy contexts	Includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
<b>Schedule 2</b> South-west Network overview and values	Provides a summary of the marine parks as proclaimed, a description of values and a map for each park.
<b>Schedule 3</b> Environmental features used in design of the South-west Network	Describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features and key ecological features.
<b>Schedule 4</b> South-west Network marine parks and zone boundary descriptions	Lists the coordinates of each marine park and zone.
<b>Schedule 5</b> Supporting information	Lists references used in preparing this plan.



## 1.6 APPROACH TO MANAGING AUSTRALIAN MARINE PARKS

To achieve the best outcomes from Australian Marine Parks, the different uses of parks must be balanced with protecting important habitats and features. This plan outlines the Director's approach to managing Australian Marine Parks. This approach includes:

- **A vision** for Australian Marine Parks and management objectives.
- **Partnerships** with traditional owners, marine park users, stakeholders and governments to manage marine parks.
- **Management programs and actions** to protect the marine environment, improve scientific understanding, support tourism, improve awareness and appreciation of marine parks, work with Indigenous people to manage parks, assess and authorise activities, and ensure that people comply with the rules.
- **Zones** that set out what activities can be undertaken where and how.
- **Outcome-based decision-making** where each decision made balances enabling use with the need to protect natural, cultural and heritage values of marine parks.
- **Implementation plans** to support each management plan that set out the specific actions in the foundation phase (years 1–4), consolidation phase (years 5–8), and finalisation and review phase (years 9–10).
- **Adaptive management** including monitoring, evaluation and reporting to keep track of our progress and change our approach when necessary.

## 1.7 WAYS OF WORKING

In managing Australian Marine Parks, the Director will seek to be:

- **Respectful**—of the traditional owners of the sea, marine park users, stakeholders and other government agencies.
- **Collaborative**—seeking to co-design management programs and systems wherever possible, and manage in consultation with marine park users.
- **Balanced**—focused on protecting natural, cultural and heritage values, while facilitating sustainable use and enjoyment of marine parks.
- **Outcomes based**—considering outcomes for natural, social-economic, cultural and heritage values of marine parks when making decisions about activities.
- **Adaptive**—encouraging innovation, accommodating new information about values, pressures and technologies, and allowing for continual improvement in management.
- **Evidence and risk-based**—using information to guide management and decision-making, including evidence gathered through monitoring, research, evaluation and reporting.
- **Proactive**—taking proactive action to protect marine parks from pressures, to minimise damage, and to improve resilience, wherever possible.
- **Efficient and effective**—minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval mechanisms of other government agencies, while enforcing the rules established in this plan.



## 1.8 PARTNERSHIPS

Effective management of Australian Marine Parks will be achieved by working with traditional owners, marine park users and stakeholders, and other government agencies through the following:

### ***Partnerships with government agencies***

The Director will build on existing partnerships with Commonwealth government agencies with critical roles in managing and understanding Australia's marine environment, including the Australian Fisheries Management Authority, Australian Maritime Safety Authority, Defence, Geosciences Australia, Great Barrier Reef Marine Park Authority, Australian Border Force and the National Offshore Petroleum Safety and Environmental Management Authority. The Director will also build on partnerships with the Western Australia and South Australia fisheries and marine park agencies, and research institutions that provide support to the day-to-day management of the South-west Network, while ensuring a consistent approach to managing marine parks around Australia.

### ***Network advisory committee***

To support collaborative management and achieve the vision for marine parks, the Director intends to establish an advisory committee for the South-west Network. The Director will work closely with the advisory committee and stakeholders to develop and implement management programs and actions for the Network.

The role of the advisory committee will be to support and collaborate with the Director to manage marine parks by:

- helping to develop and deliver implementation plans, including assisting to prioritise management actions and develop performance measures;
- providing information about stakeholder and park user views, knowledge and needs; and
- contributing to the periodic evaluation and review of implementation plans.

Members will represent the broad range of users, interests and knowledge about marine parks and may represent sectors such as commercial fishing, energy, Indigenous people, infrastructure, non-government organisations, recreational fishing, science, tourism, transport and the broader community. Membership and terms of reference for the committee will be developed in consultation with stakeholders as soon as practicable after the commencement of this plan.

### ***Partnerships with traditional owners and Indigenous people***

In implementing this plan, the Director acknowledges the national and international rights and cultural interests of Indigenous people and the deep understanding and experience that Indigenous people can contribute to the management of Australian Marine Parks. This includes international rights as detailed in the United Nations Declaration on the Rights of Indigenous People. The Director also acknowledges that Indigenous people have been sustainably using and managing their sea country, including areas now in marine parks, since time immemorial.

The Director is committed to working with Indigenous people to manage sea country within marine parks and will achieve this through the Indigenous engagement program (Section 2.5). This includes building partnerships with traditional owners and Indigenous people with responsibilities for sea country.

The Director also acknowledges that traditional owners are the primary source of information on the value of their heritage. For this reason, the Director will seek the active participation of Indigenous people in the identification and management of cultural values in marine parks.

To inform our approach to managing marine parks, the Director has worked with representatives from land councils, native title representative bodies and Indigenous ranger groups to develop a set of collaborative management principles (Table 1.2) to support Indigenous involvement in the management of Australian Marine Parks. These principles will inform the approach to implementing this plan, as well as the development and implementation of actions in each marine park (Part 2).

**Table 1.2 Principles supporting Indigenous people to engage in management of Australian Marine Parks**

***Principle 1:***

It is recognised that Indigenous people have been sustainably using and managing their sea country, including areas now included within Australian Marine Parks, for thousands of years—in some cases since before rising sea levels created these marine environments.

***Principle 2:***

Management of Australian Marine Parks should be undertaken on the basis that native title exists in sea country within Commonwealth waters.

***Principle 3:***

Indigenous people should be engaged in planning and managing Australian Marine Parks on the basis of their nationally and internationally recognised rights and cultural interests, not as a 'stakeholder' group.

***Principle 4:***

Maximise opportunities for Indigenous people to enjoy the management and use of their sea country.

***Principle 5:***

Maximise opportunities for the development of Indigenous livelihoods, consistent with national 'closing the gap' commitments.

***Principle 6:***

Governance and management activities within Australian Marine Parks should respect and complement local Indigenous governance arrangements, plans, capacities and activities.

***Principle 7:***

Indigenous engagement in managing Australian Marine Parks should be undertaken through good faith negotiations, seeking to build on the common ground that exists between Indigenous people and the Australian Government to protect and sustainably use Australia's sea country environments and resources.

***Principle 8:***

Third party investment in management activities in Australian Marine Parks (e.g. through environmental offset investments) should include support for Indigenous people's interests, capacity-building and development of livelihoods, consistent with all other principles outlined above; such third party investments must not impact on native title compensation negotiations or on the right to compensation.

## 1.9 MANAGEMENT PROGRAMS AND ACTIONS

The Director will implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks. Management programs and actions may be adapted over the life of this plan, and include:

- **Communication, education and awareness**—actions that improve awareness, understanding and support for marine parks and park management.
- **Tourism and visitor experience**—actions that provide for and promote a range of environmentally appropriate, high-quality, recreation and tourism experiences and contribute to Australia's visitor economy.
- **Indigenous engagement**—actions that recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.
- **Marine science**—actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.
- **Assessments and authorisations**—actions that provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to support sustainable use and protection of marine park values.
- **Park protection and management**—timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.
- **Compliance**—actions that ensure appropriate and high levels of compliance by marine parks users with the rules set out in this plan.

The specific actions that will be undertaken in each marine park will be determined in partnership with stakeholders and set out in implementation plans.

## 1.10 ZONES

Zoning and related rules for managing activities are important tools for managing marine parks to ensure protection of marine habitats and species while enabling use. Parts 3 and 4 of this plan set out the zones and rules for activities in the South-west Network.

In determining the zones and rules, the Director has considered the best available science, the advice of stakeholders, Indigenous people and the general public, the goals and principles of the NRSMPA and the Australian IUCN reserve management principles (Schedule 1). Zones established by this plan (Part 3) in marine parks in the South-west Network are summarised in Table 1.3.

**Table 1.3 Summary of zones in the South-west Network**

<b>Special Purpose Zone (IUCN category VI)</b> —managed to allow specific activities though special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.
<b>Multiple Use Zone (IUCN category VI)</b> —managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.
<b>Habitat Protection Zone (IUCN category IV)</b> —managed to allow activities that do not harm or cause destruction to seafloor habitats, while conserving ecosystems, habitats and native species in as natural a state as possible.
<b>National Park Zone (IUCN category II)</b> —managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities, unless authorised for research and monitoring.

## 1.11 IMPLEMENTATION PLANS

The Director will work closely with stakeholders and the advisory committee to develop detailed implementation plans. Three stages of implementation plans will be developed to set out the management actions that will occur in the South-west Network and identify performance indicators.

- **Implementation plan 1**—Foundation (years 1–4). To be developed in the first year and include foundational management actions and development of robust natural, social and economic baselines.
- **Implementation plan 2**—Consolidation (years 5–8). To be developed following a review of the first implementation plan, and considering lessons learnt. To continue any ongoing foundational management actions.
- **Implementation plan 3**—Finalisation and review (years 9–10). To set out arrangements to review the lessons learnt from implementing the management plan over the first eight years, and inform the development of the next management plan for the South-west Network.

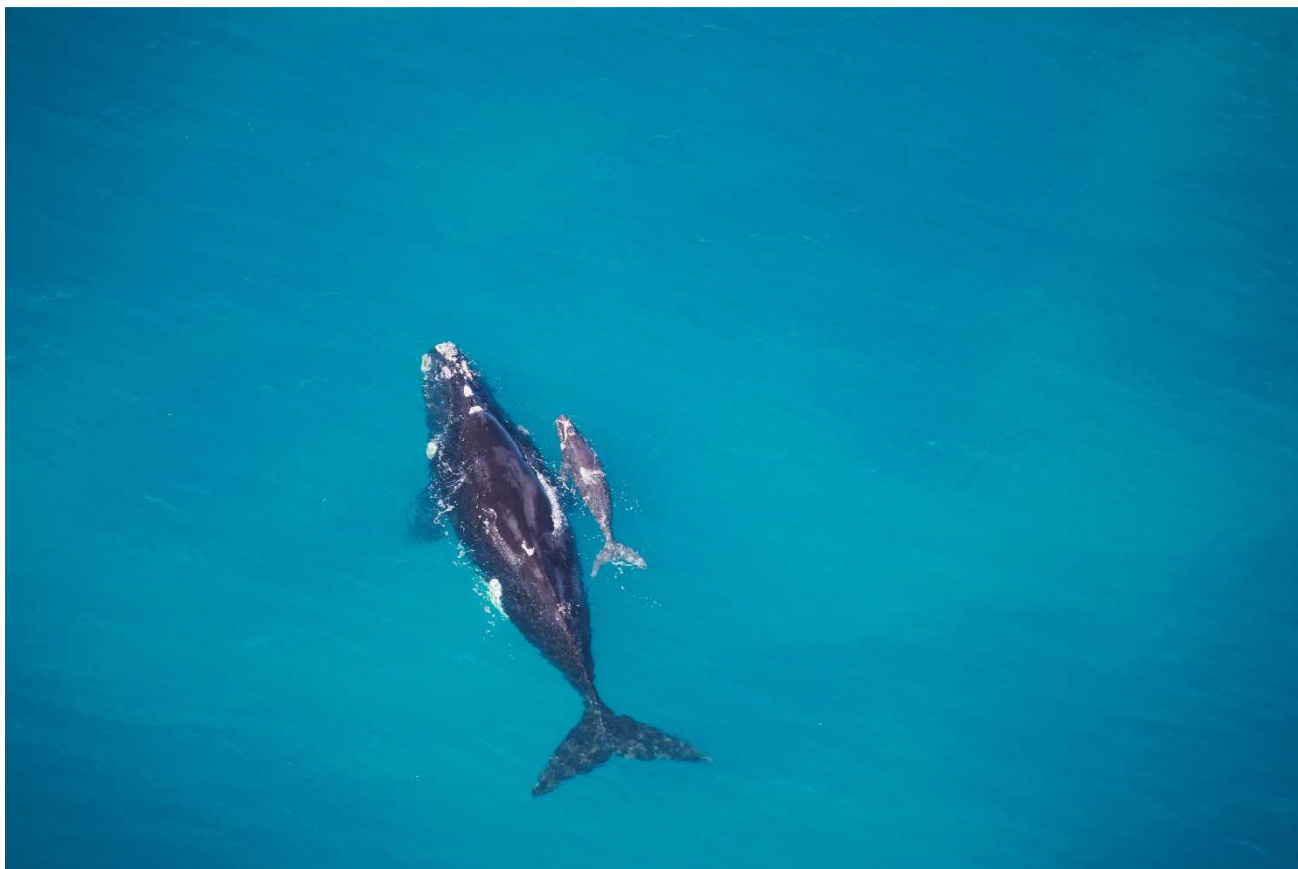
## 1.12 ADAPTIVE MANAGEMENT

Regular monitoring, evaluation, reporting and review of the implementation of this plan will be essential to achieve the vision for Australian Marine Parks and the objectives for this plan. The Director will undertake periodic monitoring, evaluation, review and reporting on the implementation of this plan to:

- evaluate the effectiveness of this plan in achieving its objectives;
- track progress in meeting performance indicators identified in implementation plans;
- review the effectiveness of zoning and other management arrangements to protect and conserve marine park values;
- identify changes in management context and priorities;
- consider the adequacy of knowledge of marine park values, uses, pressures, social and economic benefits and impacts;
- consider the effectiveness of monitoring and evaluation, and the appropriateness of key indicators and performance measures;
- identify and prioritise future management actions;
- provide information to enable adaptive management; and
- inform the development of a new management plan for the South-west Network at the conclusion of this plan.

## Part 2. THE SOUTH-WEST MARINE PARKS NETWORK

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Southern right whale mother and calf (John Bannister)

## 2.1 THE SOUTH-WEST MARINE REGION

The South-west Marine Region (region) extends from the eastern end of Kangaroo Island in South Australia to the waters off Shark Bay in Western Australia. The region covers approximately 1.3 million km<sup>2</sup> of temperate and subtropical waters of the Great Australian Bight and Indian Ocean adjacent to the coastal waters of South Australia and Western Australia (Figure 2.1).

Traditional owners have managed and used sea country within the region for tens of thousands of years. They use and actively manage the coastal and marine environments of the region as a resource and to maintain cultural identity, health and wellbeing. Fishing, hunting and the maintenance of culture and heritage through ritual, stories and traditional knowledge continue as important uses of nearshore and adjacent areas.

The region is popular for activities such as fishing, snorkelling, diving and boating. Tourism operators offer unique experiences for visitors to enjoy the marine environment. Some of the tourism drawcards in the region include wildlife watching at Geographe Bay and Bremer Bay, fishing and food tourism along the coastline from Walpole to Albany, and Kangaroo Island for its unique natural qualities and character. Although many of the marine parks are remote and far offshore, opportunities exist for recreational use, particularly around areas that are hotspots for aggregations of marine life.

There are significant industries in the region, including commercial fishing, mining and shipping that contribute to economic growth, employment and social wellbeing in adjacent towns and communities. Activities and businesses that support these industries such as marine industry suppliers and repair yards are also important sources of employment for coastal communities.

The marine environment of the region is characterised by ecosystems associated with the continental shelf, slope and rise, and the abyssal plain (deep ocean floor). Large parts of the continental shelf are high-energy environments with high exposure to waves. The continental slope of the region is relatively steep and narrow, with broad mid-slope terraces deeply incised by submarine canyons, including Australia's largest underwater canyon, the Perth Canyon. The region also contains some of the largest and deepest (mostly >4000 m deep) areas of abyssal plain within Australia's exclusive economic zone. The region contains the Naturaliste Plateau, Australia's deepest temperate water marginal plateau, and the Diamantina Fracture Zone, Australia's largest underwater mountain chain, rising from depths of over 6000 m.

The region is strongly influenced by the shallow, warm Leeuwin Current which extends the length of the region and has a significant impact on biological productivity of ecosystems and biodiversity. The interactions of the ocean currents with the region's diverse seafloor features, the low level of run-off from the land and the relatively stable geological history generate low levels of nutrients and high species diversity, including a large number of species found nowhere else. The flora and fauna of the region are a blend of tropical, subtropical and temperate species. Temperate species dominate the southern and eastern parts of the region, while tropical species become progressively more common towards the north of the region. Particular hotspots for biodiversity are the unique mix of temperate and tropical marine species that inhabit the waters off the Houtman Abrolhos Islands, the Recherche Archipelago, and the world's richest known temperate soft-sediment communities in the Great Australian Bight.

The region supports biologically important areas for a number of species protected under the EPBC Act including whales, sharks, seabirds and sea lions. For example the endangered southern right whale (*Eubalaena australis*) migrates through the region to calving areas in coastal waters of South Australia and Western Australia, and the region supports colonies of Australia's only endemic pinniped, the Australian sea lion (*Neophoca cinerea*). Other protected species known to occur in the region include white sharks, blue whales, humpback whales and many species of seabird.

Further information about the region can be found in the *Marine bioregional plan for the South-west Marine Region* (2012) and the *South-west marine bioregional plan: bioregional profile* (2008) (available on the Department's website), and the marine park values in Section 2.3 (Values of the South-west Network) and Schedule 2 of this plan.





## 2.2 THE SOUTH-WEST MARINE PARKS NETWORK

The South-west Network (Figure 2.2) covers 508,371 km<sup>2</sup> and includes 14 marine parks. An overview of the marine parks and their values is provided in Schedule 2.

The South-west Network comprises the following marine parks:

- Southern Kangaroo Island Marine Park
- Western Kangaroo Island Marine Park
- Western Eyre Marine Park
- Murat Marine Park
- Great Australian Bight Marine Park
- Twilight Marine Park
- Eastern Recherche Marine Park
- South-west Corner Marine Park
- Bremer Marine Park
- Geographe Marine Park
- Perth Canyon Marine Park
- Two Rocks Marine Park
- Jurien Marine Park
- Abrolhos Marine Park



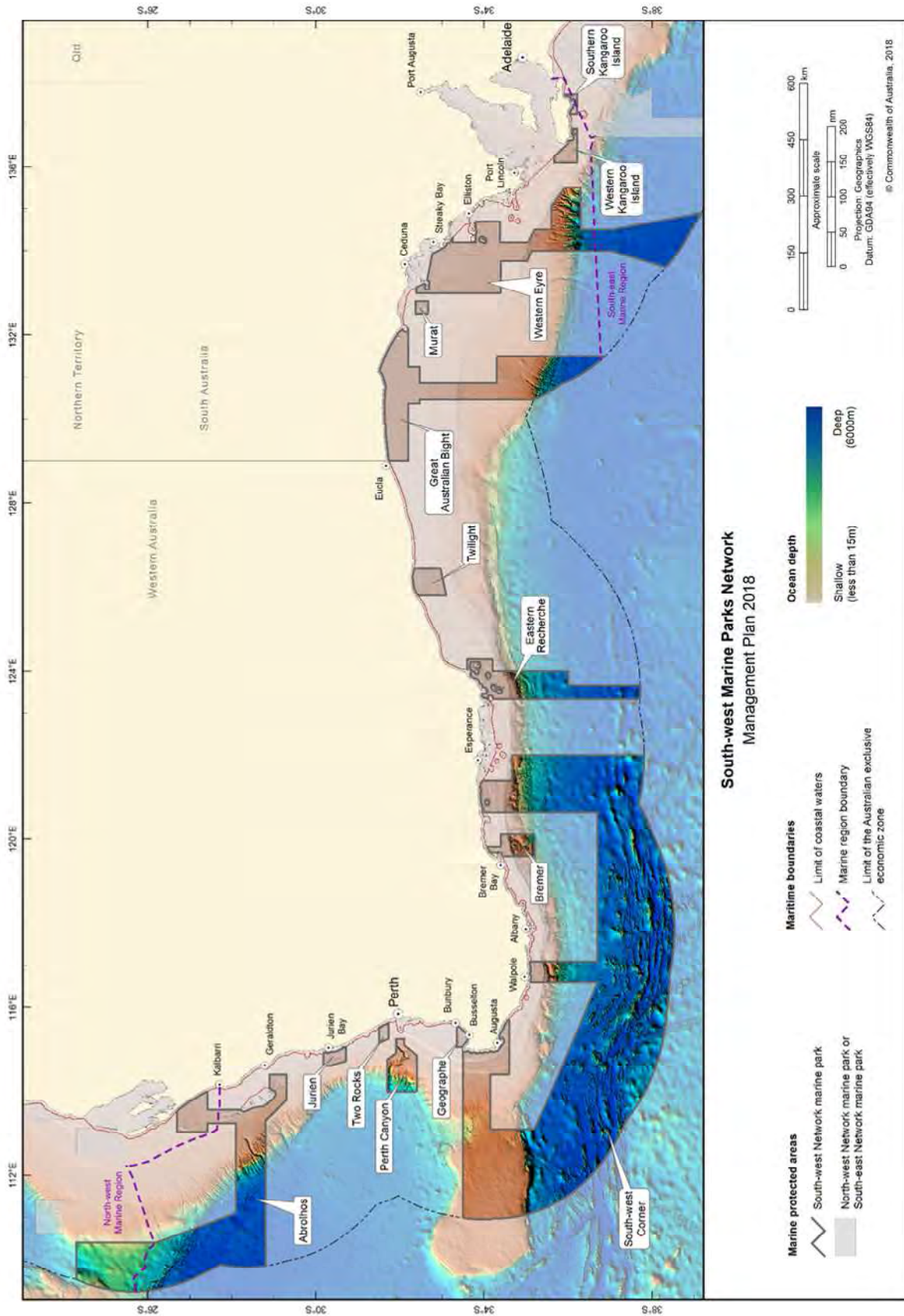


Figure 2.2 South-west Marine Parks Network

## 2.3 VALUES OF THE SOUTH-WEST NETWORK

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

A summary of the values of the South-west Network is provided in Table 2.1. The values of individual marine parks are set out in Schedule 2. As outlined in Part 1, in managing marine parks, the Director will need to make decisions about what activities can occur in the marine parks and what actions to take to manage them. This will involve the Director making decisions that carefully balance the need to protect natural, cultural, heritage and socio-economic values of marine parks with enabling use and managing pressures.

In making these decisions, the Director will carefully consider the impacts and risks to natural, cultural, heritage or socio-economic values for the relevant marine park/s. The Director will also consider any positive impacts associated with allowing an activity, such as socio-economic or cultural benefits, and ensure that activities are undertaken in a manner that minimises negative impacts.

For some marine parks, such as the Great Australian Bight Marine Park, there is a relatively strong understanding of park values. Where there is less information, environmental features are used as indicators for the types of species and habitats likely to occur. These include bioregions, water depth, seafloor features and key ecological features (Schedule 3).

As understanding of marine park values improves over the life of this plan, the Director will make new information about values available on the Parks Australia website. Other important sources of information on values (also on the Department's website) include:

- Species profile and threats database for protected species;
- Directory of important wetlands in Australia;
- Australian heritage database for natural, historic and Indigenous heritage places;
- Australian national shipwreck database for known shipwrecks;
- National Conservation Values Atlas;
- *Marine bioregional plan for the South-west Marine Region* (2012); and
- *South-west marine bioregional plan: bioregional profile* (2008).

**Table 2.1 Summary of values in the South-west Network**

Statement of significance
<p>The South-west Network was designed to protect representative examples of the region's ecosystems and biodiversity in accordance with the <i>Goals and principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters</i> (ANZECC, 1998).</p>
Natural values
<p>Bioregions—the South-west Marine Region is divided into areas of ocean with broadly similar characteristics based on the distribution of marine species and seafloor features. The South-west Network represents examples of the region's marine environments including ecosystems, species and habitats. There are nine bioregions represented in the Network (Schedule 2).</p> <p>Key ecological features—elements of the marine environment considered to be of importance for biodiversity or ecosystem function and integrity, represented in the Network are:</p> <ul style="list-style-type: none"><li>• Albany Canyons Group and adjacent shelf break;</li><li>• Ancient coastline at the 90–120 m depth contour;</li><li>• Cape Mentelle upwelling;</li><li>• Commonwealth marine environment surrounding the Houtman Abrolhos Islands;</li><li>• Commonwealth marine environment surrounding the Recherche Archipelago;</li><li>• Commonwealth marine environment within and adjacent to Geographe Bay;</li><li>• Commonwealth marine environment within and adjacent to the west-coast inshore lagoons;</li><li>• Diamantina Fracture Zone;</li><li>• Kangaroo Island Pool, canyons and adjacent shelf break, and Eyre Peninsula upwellings;</li><li>• Naturaliste Plateau;</li><li>• Perth Canyon and adjacent shelf break, and other west-coast canyons;</li><li>• Wallaby Saddle;</li><li>• Western demersal slope and associated fish communities; and</li><li>• Western rock lobster.</li></ul> <p>Species and habitats—all species and habitats are important components of the ecosystems represented in the South-west Network. Many species are protected under the EPBC Act and international agreements such as the Convention on the Conservation of Migratory Species (CMS or Bonn Convention), the Japan–Australia Migratory Bird Agreement (JAMBA), the China–Australia Migratory Bird Agreement (CAMBA), and the Republic of Korea–Australia Migratory Bird Agreement (ROKAMBA). Further information on these agreements is in Schedule 1.</p> <p>The South-west Network supports important habitats, including biologically important areas, for a range of protected species. Biologically important areas are where aggregations of individuals of a protected species breed, forage or rest during migration. More information on protected species and biologically important areas can be found in the <i>Marine bioregional plan for the South-west Marine Region</i> (2012) and the conservation values atlas on the Department's website.</p>

## Cultural values

Aboriginal people of south-western Australia have been sustainably using and managing their sea country for tens of thousands of years, in some cases since before rising sea levels created these marine environments. Sea country refers to the areas of the sea that Aboriginal people are particularly affiliated with through their traditional lore and customs. Sea country is valued for Indigenous cultural identity, health and wellbeing.

Aboriginal people continue to assert inherited rights and responsibilities over sea country within the South-west Network. It is recognised that spiritual corridors extend from terrestrial areas into nearshore and offshore waters, a number of marine animals are totems for Indigenous people, and that songlines pass through marine parks.

## Heritage values

### **Protected places (world, national and Commonwealth heritage, historic shipwrecks)**

The EPBC Act protects matters of national environmental significance that are classified as protected places, including world heritage properties and national heritage places. Places on the Commonwealth Heritage List or shipwrecks listed under the *Historic Shipwrecks Act 1976* are also protected places.

Historic shipwrecks are a unique historic value and the region is an area of considerable importance in Australia's maritime history. The South-west Network includes many famous shipwrecks such as the *Batavia* (1629), *Zuytdorp* (1712), *Twilight* (1877), and *HMAS Sydney II* and *HSK Kormoran* (1941).

More information on located wrecks and shipwrecks historically reported as lost can be found in the Australian national shipwrecks database.

The South-west Network is adjacent to the following internationally listed place:

*Shark Bay, Western Australia World Heritage Property*

The Western Australia World Heritage Property Shark Bay is adjacent to the Abrolhos Marine Park. The property was inscribed on the World Heritage List by the World Heritage Committee in 1991 on the basis of its outstanding universal value. It includes large and diverse seagrass beds, stromatolites and populations of dugong and threatened species.

## Social and economic values

The South-west Network supports a range of important social and economic uses that underpin the prosperity and wellbeing of regional communities (Figure 2.3).

Shipping, port-related activities and commercial fishing are industries of national economic significance. Commercial fishing is an important contributor to regional and local economies, with local ocean produce a drawcard for food tourism in the South-west. The Network also provides some opportunity for offshore mining operations.

Marine tourism activities such as charter fishing, snorkelling, diving and wildlife watching are also important commercial activities that offer unique visitor experiences in places like Geographe and Bremer Bay. The Network also supports recreational activities including fishing.

## 2.5 PRESSURES IN THE SOUTH-WEST NETWORK

Pressures are human-driven processes, events and activities that if left unchecked, may impact on marine park values. Contemporary drivers of environmental change in the marine environment include population growth and economic activity, and related pressures such as increased vessel activity, marine debris, climate extremes and ocean warming. Figure 2.3 shows the types of uses occurring across the South-west Network. These present challenges for biodiversity conservation and sustainable management of our marine resources.

Australia's 2016 *State of the environment report* reviewed pressures on Australia's marine environment and determined that they were low by global standards. However, given that more than 85 per cent of Australians live within 50 km of the sea, and with Australia's population of approximately 24.4 million projected to grow to 39.7 million by 2055, pressures on the marine environment are likely to increase.

Although pressures on marine ecosystems and biodiversity in the South-west Network may change over time, examples of pressures in the Network are outlined in Table 2.2. Research in the Great Barrier Reef Marine Park and elsewhere in the world has demonstrated that effective management of marine parks, helps to maintain the resilience of marine ecosystems and their ability to withstand and recover from such pressures.

In determining the management actions to be taken in the South-west Network and in making decisions about the activities that will be allowed to occur within marine parks, the Director will carefully consider how the values outlined in Section 2.3 and in Schedule 2 will be impacted by these pressures now and in the future.

Pressures such the extraction of living resources by fishing, and habitat modification through installation of infrastructure and anchoring will be managed in part through the zones and rules set out in Parts 3 and 4 of this plan.

**Table 2.2 Summary of pressures in the South-west Network**

<b>Climate change</b>
The impacts of climate change on the marine environment are complex and may include changes in sea temperature, sea level, ocean acidification, sea currents, increased storm frequency and intensity, species range extensions or local extinctions, all of which have the potential to impact on marine park values. The International Panel on Climate Change recognises climate change as a major contributor to Australian marine ecosystem changes since 2007. Examples of habitats, key ecological features and species vulnerable to the effects of climate change include the Cape Mentelle upwelling, mesoscale eddies and western rock lobster, the Australian sea lion and species of seabird.
<b>Changes in hydrology</b>
Rivers, estuaries and other waterways have the potential to discharge increased sediment loads and pollutants into the marine environment from activities such as coastal development and agriculture. This can result in increased turbidity and siltation, impacting on species that inhabit or spawn in coastal, estuary and offshore waters. Examples of habitats and species vulnerable to changes in hydrology include seagrass habitats and species of dolphin.
<b>Extraction of living resources</b>
Australia's world class fisheries management, led by Commonwealth, state and territory governments is important for ensuring sustainable fishing practices. Fishing, including illegal, unregulated and unreported fishing (including illegal foreign fishing), can modify natural populations of target species. Bycatch of non-target species and/or physical disturbance to habitats can result from certain fishing methods, and may therefore impact on marine park values. Examples of habitats, key ecological features and species vulnerable to such impacts include the Commonwealth marine environment surrounding the Houtman



Abrolhos Islands and Recherche Archipelago, the Perth Canyon and adjacent shelf break, Australian sea lion and species of fish (e.g. southern bluefin tuna, shark), whale and marine turtle.

### Habitat modification

Commonwealth, state and territory governments play an important role in managing activities in the marine environment. For example, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) works with the mining industry to ensure their environment plans address environmental management issues. Impacts on habitat in marine parks can occur directly through physical disturbance or indirectly through the presence of infrastructure. For example, benthic communities are vulnerable to the discharge of sediments which can result in localised smothering of benthic biota and or reduction in the quality and quantity of light received at the seabed. In addition, modification of natural light through the installation of lighting associated with infrastructure can cause changes in animal behaviour. Examples of habitats and species vulnerable to habitat modification pressures include the Commonwealth marine environment within and adjacent to Geographe Bay, western rock lobster and benthic invertebrate communities of the eastern Great Australian Bight, and species of whale, shark and seabird.

### Human presence

Activities such as wildlife watching are a drawcard for people visiting marine parks. While enjoying the wildlife experience, it is important to be aware of the potential impacts of human presence on the natural behaviour of wildlife. Activities such as boating, camping, diving and snorkelling have the potential to impact marine park values directly through contact from collision or indirectly through changes in behaviour from disturbance. These activities may result in changes to wildlife behaviour such as nesting, breeding, feeding or resting, or may damage fragile marine environments e.g. reefs. Examples of species vulnerable to human disturbance include the Australian sea lion and species of shark.

### Invasive species

Invasive species have the potential to impact on marine park values directly and indirectly. Potential sources of invasive species include vessel ballast and bilge water discharge, vessel biofouling, accidental or deliberate transport of species and land-based activities. Islands, reefs and other shallow-water ecosystems and native species are vulnerable to invasive species, with direct impacts from predation or damage to important habitat e.g. nesting habitat, or indirect impacts such as competition with native species for habitat and food. Examples of habitats and key ecological features vulnerable to the impacts of invasive species include the Commonwealth marine environment within and adjacent to the west-coast inshore lagoons and Geographe Bay, and the Commonwealth marine environment surrounding the Recherche Archipelago.

### Marine pollution

Marine and land-based activities have the potential to result in marine pollution which may impact on marine park values. Pollution includes the emission of noise or light, marine debris (for example, plastics and lost fishing gear), and discharge of oil, chemicals or waste. Pollution can be detrimental to marine life, causing contamination of ecosystems, entanglement, or can be ingested by marine species. Examples of habitats, key ecological features, and species vulnerable to marine pollution include the Commonwealth marine environment within and adjacent to the west-coast inshore lagoons, Geographe Bay and the Recherche Archipelago, the Australian sea lion and New Zealand fur seal, and species of whale, marine turtle, shark and seabird.

Further information on pressures in the region is provided in the *Marine bioregional plan for the South-west Marine Region* (2012).

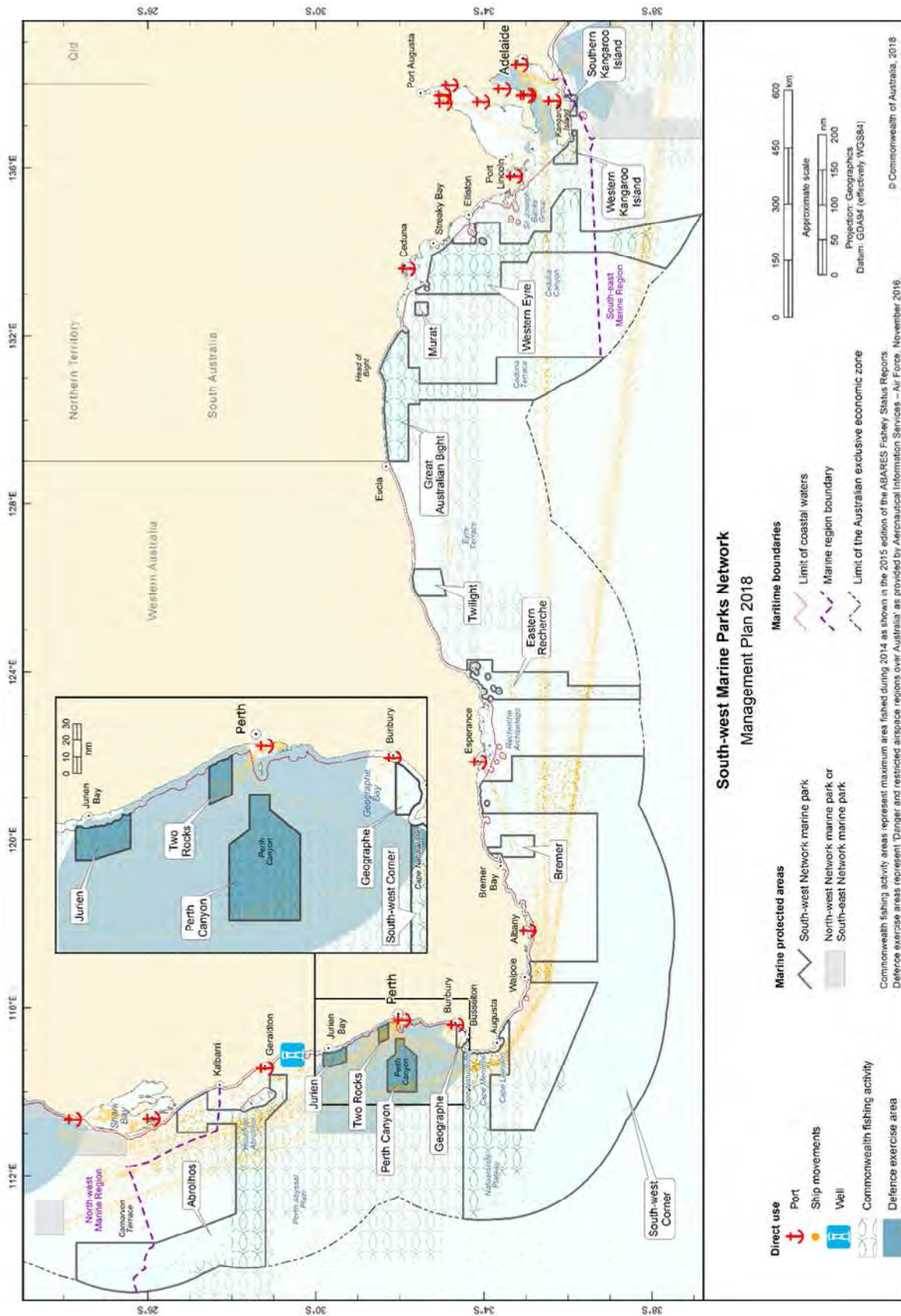


Figure 2.3 Direct use in the South-west Network

## 2.6 MANAGEMENT PROGRAMS AND ACTIONS IN THE SOUTH-WEST NETWORK

As outlined in Part 1, the Director will proactively implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks.

These management programs and actions will be implemented on a national scale across all Australian Marine Parks. In addition, specific actions will be undertaken in the South-west Network. Table 2.3 outlines the management programs and actions likely to be undertaken in the South-west Network. These programs and actions may change during the life of this plan as new information and approaches become available. Additional actions will be developed in partnership with stakeholders and Indigenous people through a network advisory committee and in implementation plans.

**Table 2.3 Management programs, outcomes and actions in the South-west Network**

Communication, education and awareness program
Actions to improve awareness, understanding and support for marine parks and park management.
<p><b>Outcome</b></p> <ul style="list-style-type: none"> <li>Increased awareness, understanding and support for marine parks.</li> </ul> <p><b>Actions—the Director will</b></p> <p><i>under a national program:</i></p> <ul style="list-style-type: none"> <li>develop a marketing and communication strategy for Australian Marine Parks to raise awareness and understanding of marine park values and the contribution marine parks make to enhancing Australia’s wellbeing,</li> <li>develop online information resources to facilitate awareness of marine park values, management arrangements and visitor opportunities,</li> <li>maximise the use of new technologies and partnerships (including with schools, universities, museums and non-government organisations) to inspire people of all ages to become involved in marine park management and protection,</li> <li>establish network advisory committees to ensure users and interested stakeholders have on-going input to the management of Australian Marine Parks, and</li> <li>develop a customer focussed approach to tracking the aspirations and concerns of stakeholders in relation to marine parks.</li> </ul> <p><i>in the South-west Network:</i></p> <ul style="list-style-type: none"> <li>develop information on marine parks in the Network to encourage increased awareness and understanding of their values and management arrangements,</li> <li>provide infrastructure in and adjacent to the Network, such as signs and marker buoys, to increase understanding of marine park values and rules, particularly at sites that are regularly visited, and</li> <li>establish a South-west Network advisory committee to support and collaborate with the Director in management.</li> </ul>



## Tourism and visitor experience program

Actions to provide for and promote a range of environmentally appropriate, high-quality recreation and tourism experiences and contribute to Australia's visitor economy.

### Outcomes

- High-quality visitor experiences that are appealing, engaging and raise awareness of the natural and cultural values of marine parks.
- Increased visitation to marine parks.
- Social and economic benefits from the contribution of marine parks to Australia's visitor economy.

### Actions—the Director will

*under a national program:*

- develop a sustainable tourism and visitor experience strategy for Australian Marine Parks,
- work with national, state and local tourism authorities and operators to maximise the value of sustainable ecotourism opportunities associated with marine parks,
- develop a commercial tourism authorisation system to encourage best-practice and eco-accredited businesses operating in Australian Marine Parks,
- work with Tourism Australia, state and regional tourism and fisheries management authorities and the fishing industry to market and promote Australian Marine Parks, including opportunities to promote locally caught and sustainably caught seafood,
- monitor visitor trends and levels of satisfaction with marine park experiences and products,
- promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners, and
- work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

*in the South-west Network:*

- promote visitor experiences that foster curiosity and appreciation of natural and heritage values in the Network, for example charter tours to Abrolhos, Geographe, Bremer and Eastern Recherche Marine Parks,
- work with other Commonwealth and state government agencies, and the tourism industry to support nature, fishing and food tourism initiatives, events and attractions that promote visitor experiences in marine parks, and
- facilitate partnerships between Indigenous people and tourism operators.

## Indigenous engagement program

Actions to recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.

### Outcomes

- Social, cultural and economic benefits for traditional owners.
- Partnerships with traditional owners and Indigenous groups to manage sea country in marine parks.

### Actions—the Director will

*under a national program:*

- develop an Australian Marine Parks Indigenous engagement and cultural heritage strategy, to improve understanding of cultural heritage, link management with sea country plans and maximise employment and enterprise opportunities for traditional owners,
- develop agreements to support Indigenous ranger programs to deliver management in marine parks, and
- provide information to Indigenous people about marine park management.

*in the South-west Network:*

- collaborate with traditional owners, Indigenous ranger groups and relevant partners, to undertake marine park management such as surveillance, monitoring and threat mitigation including marine debris removal, and implement actions identified in sea country plans where applicable,
- implement cultural awareness training for Parks Australia staff in association with traditional owners,
- establish protocols for researchers working with Parks Australia to guide engagement with traditional owners,
- identify opportunities and mechanisms to engage traditional owners and Indigenous rangers in the management of marine parks, and
- increase understanding of traditional knowledge and cultural values.

## Marine science program

Actions to provide necessary scientific knowledge and understanding of marine park values, pressures and adequacy of responses for effective management.

### Outcomes

- Increase understanding of marine park values, pressures and adequacy of responses.
- Improve understanding of the effectiveness of marine park management in protecting park values.
- Informed decision-making and improved evidence-based decisions.

### Actions—the Director will

*under a national program:*

- establish ecological, social and economic baselines to support evidence-based decision-making and adaptive management,
- develop an Australian Marine Parks science strategy to prioritise and encourage research and monitoring of park values, pressures and management effectiveness, and foster science communication and knowledge uptake,
- encourage and facilitate knowledge brokering to support collaboration and partnerships with the science community, private enterprise, citizen science organisations and other Commonwealth, state and territory agencies,
- establish an authorisation system for scientific research and monitoring by third parties, and encourage data to be made publicly available through the appropriate information portals such as the Australian Ocean Data Network,
- collaborate with the science community (including through the National Marine Science Committee and the National Environmental Science Program) and other marine park users to assist in improving the understanding of marine park values, pressures and management effectiveness, and
- collaborate with the science community and other government agencies to increase the use of innovative and effective technology and systems including sensor technology.

*in the South-west Network:*

- monitor the social and economic uses and their benefits and impacts on marine parks in the Network,
- monitor the condition of important habitats and their vulnerability to climate change,
- monitor the impact of invasive species on marine park values and the effectiveness of management,
- collaborate with other Commonwealth and state government agencies, marine park users and the science sector to support long-term monitoring. For example monitoring of protected species and the effects of fishing on marine parks, and
- investigate opportunities to extend citizen science programs.

## Assessments and authorisations program

Actions to provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to enable sustainable use and protection of marine park values.

### Outcome

- Assessments and authorisations ensure ongoing protection of marine park values through the management of activities in marine parks.

### Actions—the Director will

*under a national program:*

- develop and apply best-practice approaches to regulation and decision-making in the authorisation of activities within marine parks. This includes developing policy to ensure assessment and authorisation requirements are clearly articulated and that decision making is robust, consistently applied, and transparent to all marine park users,
- collaborate with industry to investigate innovative technologies and systems (including vessel monitoring systems) that can assist businesses and individuals to comply with regulatory requirements,
- develop an effective and efficient process to assess new technologies and gear types to allow for the use of new equipment during the life of this plan if appropriate,
- develop a guarantee of service for the regulated community that includes a commitment to work with key marine park users and interest groups whose interests are likely to be affected by regulatory decisions, and
- develop a customer focused online authorisation system for marine park users that includes publishing authorisations issued by Parks Australia on its website.

*in the South-west Network:*

- issue authorisations—a permit, class approval, activity licence or lease—for activities in marine parks assessed as acceptable either by the Director or another government or industry policy, plan or program accepted by the Director, and
- work with other Commonwealth and state government agencies to improve experiences and consistency of approaches for people seeking authorisations.

## Park protection and management program

Timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.

### Outcome

- Impact of pressures on marine park values are minimised as far as reasonably practicable.

### Actions—the Director will

*under a national program:*

- apply a risk-based assessment process to prioritise park protection and management actions,
- develop an Australian Marine Parks critical incident strategy in collaboration with the Australian Maritime Safety Authority and other responsible agencies, to respond to critical incidents,
- develop a mooring and anchoring strategy to protect marine park values and improve visitor experience,
- support the removal of marine debris and ghost nets from marine parks through partnerships with Commonwealth, state and territory government agencies and other organisations involved in the management of marine debris, and
- contribute to actions, where appropriate, that support Australia's obligations under international agreements and national environmental law. This includes the World Heritage Convention, Ramsar Convention, recovery plans, wildlife conservation plans and threat abatement plans.

*in the South-west Network:*

- enable infrastructure such as moorings to protect habitats and enhance visitor safety,
- collaborate with and support other agencies that undertake invasive and protected species management and marine debris removal. For example, biosecurity assessments, and research,
- work with other Commonwealth and state government agencies to respond to environmental incidents and accidents, and
- collaborate with traditional owners and Indigenous ranger groups to undertake management actions.

## Compliance program

Actions to support appropriate and high level compliance by marine park users with the rules set out in this plan.

### Outcomes

- Improved user awareness of marine park rules.
- Increased levels of voluntary compliance and self-regulation by marine park users.
- High overall levels of compliance with the rules by marine park users.
- A decrease in the number of non-compliances.

### Actions—the Director will

*under a national program:*

- apply a risk-based approach to compliance planning, targeted enforcement and compliance auditing,
- collaborate with Australian, state and territory government agencies by sharing assets and information,
- investigate the use of new technologies and warning systems to assist in the detection of potential illegal activities, and
- work with marine park users to promote understanding of the rules for activities and how to comply.

*in the South-west Network:*

- work with other Commonwealth and state government agencies, particularly where marine parks adjoin state marine parks, in compliance planning, including implementing actions to deter illegal activities and encourage voluntary compliance, and
- collaborate with Commonwealth and state government agencies in surveillance, including water and aerial patrols.

## CHAPTER 2

### MANAGEMENT AND PRESCRIPTIONS

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Cuttlefish (David Harasti)



## Part 3. ZONING

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Indian yellow-nosed albatross (Georgina Steytler)



### 3.1 ZONE CATEGORIES, NAMES AND OBJECTIVES

The EPBC Act requires this plan to assign an IUCN category to each marine park. The Act also allows this plan to divide a marine park into zones and to assign a category to each zone, which may differ from the overall category of the marine park. Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each category (Schedule 1).

This Part assigns an IUCN category to each marine park of the South-west Network, divides some marine parks into zones with their own category and sets out the objectives for each zone (Table 3.1). Zoning takes into account the purposes for which the marine parks were declared, the objectives of this plan (Section 1.4), the values of the marine park (Schedule 2), and the requirements of the EPBC Act and EPBC Regulations. Figure 3.1 and maps in Schedule 2 show the zones assigned to the South-west Network, Schedule 4 describes the zones assigned, and the management approach applied to activities within these zones is provided in Part 4. An overview of the South-west Network marine parks and zones is provided in Table S2.1.

#### Prescriptions

- 3.1.1. Each Marine Park in the South-west Network specified in Table 3.1 is assigned to the IUCN category specified in column 2 of Table 3.1.
- 3.1.2. Southern Kangaroo Island Marine Park and Murat Marine Park are given the zone name specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.3. Western Kangaroo Island, Western Eyre, Great Australian Bight, Twilight, Eastern Recherche, South-west Corner, Bremer, Geographe, Perth Canyon, Two Rocks, Jurien and Abrolhos Marine Parks are each divided into the zones shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4, and each zone is assigned to an IUCN category and given the zone name specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.4. The objective of a Special Purpose Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species, while applying special purpose management arrangements for specific activities.  
**Note:** there are three types of Special Purpose Zone (VI) in the South-west Network used to allow certain commercial fishing activities or exclude mining in some marine parks.
- 3.1.5. The objective of the Multiple Use Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species.
- 3.1.6. The objective of the Habitat Protection Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible, while allowing activities that do not harm or cause destruction to seafloor habitats.
- 3.1.7. The objective of the National Park Zone (II) is to provide for the protection and conservation of ecosystems, habitats and native species in as natural a state as possible.

Table 3.1 South-west Network zoning and marine park management categories

Column 1 Marine park name	Column 2 IUCN category	Column 3 Zone name and IUCN category					
		Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (VI)	Special Purpose Zone (Mining Exclusion) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	National Park Zone (II)
Southern Kangaroo Island	VI			✓			
Western Kangaroo Island	VI		✓	✓			✓
Western Eyre	VI	✓	✓		✓		✓
Murat	II						✓
Great Australian Bight	VI		✓	✓	✓		✓
Twilight	II			✓			✓
Eastern Recherche	II		✓				✓
South-west Corner	VI		✓	✓	✓	✓	✓
Bremer	II			✓			✓
Geographe	VI			✓	✓	✓	✓
Perth Canyon	IV				✓	✓	✓
Two Rocks	VI				✓		✓
Jurien	VI		✓				✓
Abrolhos	VI		✓		✓	✓	✓

✓ Zone is assigned to the marine park named in column 1. Sections 3.1.2 and 3.1.3 of this plan explain the assignment of zones.

**Note:** The South-west Network has three types of Special Purpose Zone (VI): Special Purpose Zone (VI); Special Purpose Zone (Mining Exclusion) (VI) and Special Purpose Zone (Trawl) (VI). The variation in management approach for this zone is prescribed in Part 4.

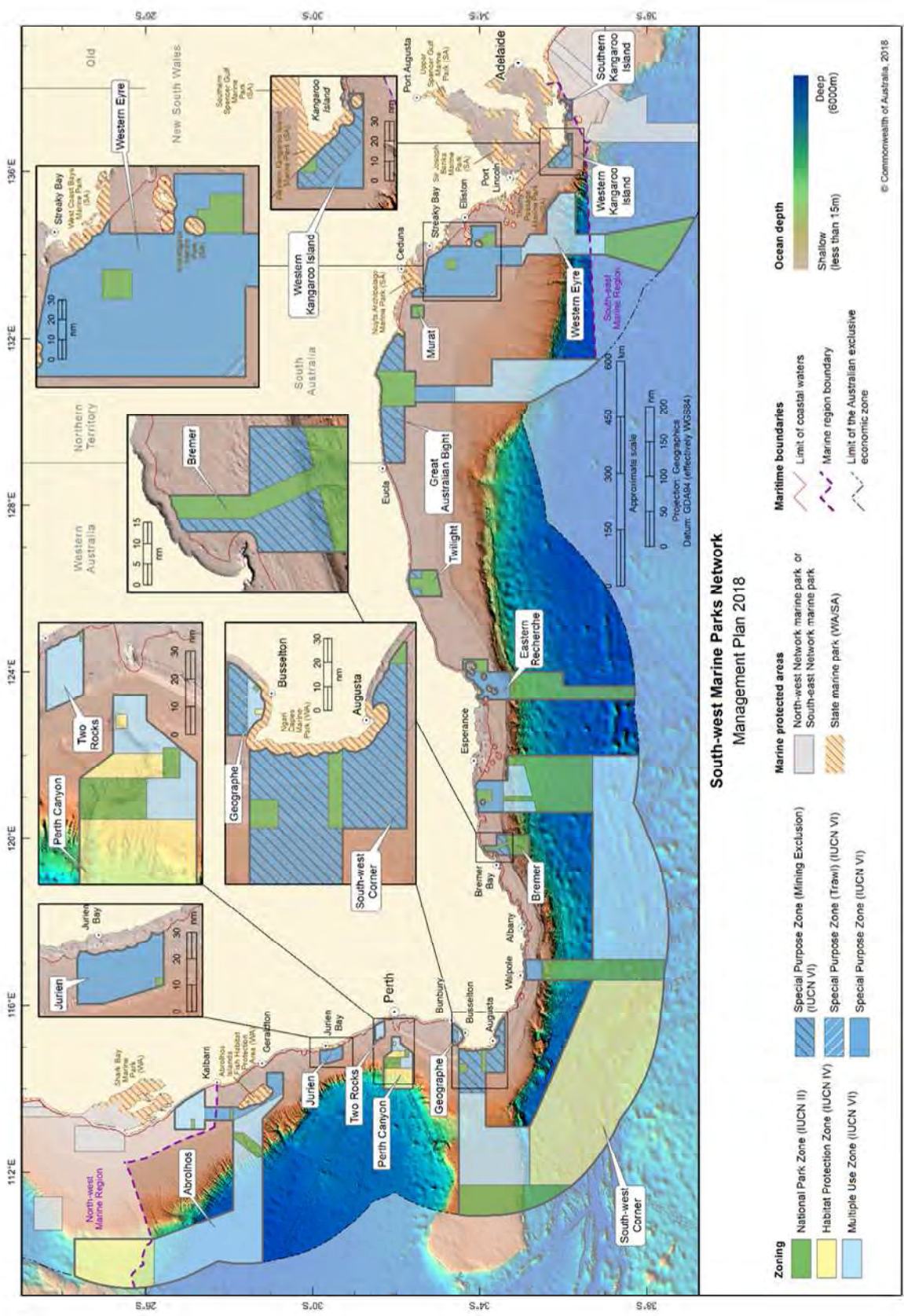


Figure 3.1 South-west Marine Parks Network showing zones



## Part 4. MANAGING ACTIVITIES

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Humpback whale and tourist vessel (Department of the Environment and Energy)

## 4.1 OUTLINE OF PART 4

This plan enables a range of activities to be conducted that would otherwise be prohibited or controlled by the EPBC Act and EPBC Regulations (Schedule 1). This Part sets out for marine parks of the South-west Network, which activities are:

- a) allowed, without the need for authorisation, where consistent with zone objectives (Part 3) and conducted in accordance with this Part;
- b) allowable, and able to be conducted if an authorisation is issued (Section 4.4 Authorisation of allowable activities); or
- c) not allowed, because they are not consistent with zone objectives (Part 3).

For those activities that are allowed or allowable, this Part also sets out:

- a) the assessment and decision-making process for authorising an activity (Section 4.3 Making decisions about activities);
- b) the types of authorisations that may be issued (permits, class approvals, activity licences and leases) (Section 4.4 Authorisation of allowable activities); and
- c) how activities must be undertaken in marine parks of the South-west Network (Section 4.2 Rules for activities).

The rules support an adaptive management approach to respond to new information. Any changes to the management of activities would be made in accordance with Section 4.3.1 (Decision-making).

Depending on the type of activity, other provisions of the EPBC Act or other legislation (e.g. fisheries and mining laws) may also apply to an allowed or allowable activity (Schedule 1).

In accordance with s.359A of the EPBC Act, this plan does not prevent Indigenous people from continuing, in accordance with law, the traditional use of an area in a marine park for non-commercial hunting or food gathering, and for ceremonial and religious purposes. Section 8 of the EPBC Act provides that this plan does not affect the operation of the *Native Title Act 1993*, which also includes provisions that preserve customary rights to use land and waters (Schedule 1).

## 4.2 RULES FOR ACTIVITIES

This plan enables activities to be conducted in zones consistent with the zone objectives (Part 3) while enabling the impacts to be effectively managed. The prescriptions in Section 4.2.1 (General use, access, and waste management) apply to all marine park users of the South-west Network. Sections 4.2.2 to 4.2.11 prescribe the rules applying to particular uses. Section 4.2.12 (New activities and authorisations) enables new activities to be considered and new forms of authorisation to be used. Table 4.1 provides a summary of the rules for activities in zones assigned to marine parks of the South-west Network. The zones are shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4.

**Table 4.1 Summary of rules for activities in the South-west Network (provided in Part 4)**

Activity	Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (VI)	Special Purpose Zone (Mining Exclusion) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	National Park Zone (II)
<b>GENERAL USE, ACCESS AND WASTE MANAGEMENT (Section 4.2.1)</b>	✓	✓	✓	✓	✓	✓
<b>COMMERCIAL SHIPPING (Section 4.2.2)</b>	✓	✓	✓	✓	✓ <sup>B</sup>	✓ <sup>B</sup>
<b>COMMERCIAL FISHING (Section 4.2.3)</b>	A	A	A	A	A	x <sup>B</sup>
<b>AQUACULTURE (Section 4.2.4)</b>	A	A	A	A	A	x <sup>B</sup>
<b>COMMERCIAL MEDIA (Section 4.2.5)</b>	A	A	A	A	A	A
<b>COMMERCIAL TOURISM (Section 4.2.6)</b>	A	A	A	A	A	A
<b>RECREATIONAL FISHING (Section 4.2.7)</b>	✓	✓	✓	✓	✓	x
<b>MINING (Section 4.2.8)</b>	A	A	x	A	x	x
<b>STRUCTURES AND WORKS (Section 4.2.9)</b>	A	A	A	A	A	A
<b>RESEARCH AND MONITORING (Section 4.2.10)</b>	A	A	A	A	A	A
<b>NATIONAL SECURITY AND EMERGENCY RESPONSE (Section 4.2.11)</b>	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

#### 4.2.1 General use, access, and waste management

The prescriptions in this Section apply to all marine park users of the South-west Network, including those carrying out activities provided for under this plan. These are summarised in Table 4.2.

The EPBC Act and EPBC Regulations control or enable the Director to control a range of activities in marine parks. Some provisions apply to particular classes of activities, such as commercial activities, mining operations or research. Other provisions relate to activities generally and include provisions (Schedule 1) enabling the Director to determine areas where waste may be disposed of, prohibit or restrict entry or activities, determine adventurous activities and areas where adventurous activities may be done, make determinations about the use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits, and make determinations about the use of aircraft in and over marine parks. The taking-off and landing of an aircraft in a marine park can only be conducted in an area determined by the Director (r.12.58).

The EPBC Regulations prohibit ballast water discharge or exchange, disposal of domestic and industrial waste, camping (including overnight stays on vessels), and the operation of a drone in Australian Marine Parks unless authorised by or under a management plan.

Under this plan, waste from normal operations of vessels must be compliant with requirements under the International Convention for the Prevention of Pollution from Ships (MARPOL), the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. Ballast water discharge and exchange must be compliant with Australian ballast water management requirements administered by the Australian Maritime Safety Authority.

At commencement of this plan a determination made under r.12.56 of the EPBC Regulations is in place prohibiting the use of vessels from 1 May to 31 October each year in the area of the Marine Mammal Protection Zone of the former Great Australian Bight Marine Park (Commonwealth Waters) that is now part of the Great Australian Bight Marine Park. This determination reflects the longstanding prohibition on use of vessels in the area during that period for the protection of southern right whales. This instrument will continue subject to Section 4.2.1.1.

**Table 4.2 Summary of prescriptions for general use, access, and waste management in the South-west Network**

<b>GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity</b>	<b>Special Purpose Zone (Trawl) VI</b>	<b>Special Purpose Zone VI</b>	<b>Special Purpose Zone (Mining Exclusion) VI</b>	<b>Multiple Use Zone VI</b>	<b>Habitat Protection Zone IV</b>	<b>National Park Zone II</b>
Ballast water discharge and exchange (compliant with Australian ballast water requirements)	✓	✓	✓	✓	✓	✓
Disposal of waste from normal operations of vessels (compliant with MARPOL requirements)	✓	✓	✓	✓	✓	✓
Camping	A	A	A	A	A	A



GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Recreational use (non-fishing, nature watching, boating, etc.)	✓	✓	✓	✓	✓	✓
Non-commercial remote piloted aircraft, drones etc.	A	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Disposal of waste from normal operations of vessels must comply with MARPOL requirements.

### Prescriptions

4.2.1.1 The Director may make, amend and revoke prohibitions, restrictions and determinations under rr.12.23, 12.23A, 12.26, 12.56 and 12.58 of the EPBC Regulations where it is considered necessary:

- a) to protect and conserve biodiversity and other natural, cultural and heritage values; or
- b) to ensure human safety or visitor amenity; or
- c) where it is otherwise necessary to give effect to this plan;

and the Director may issue an authorisation for an activity that would otherwise be prohibited by such an instrument. This Section applies despite the prescriptions in Sections 4.2.3 to 4.2.12.

4.2.1.2 Waste from normal operations may be disposed of from vessels to which the International Convention for the Prevention of Pollution from Ships (MARPOL) (Schedule 1) applies, in accordance with the requirements of MARPOL.

4.2.1.3 Disposal of waste in connection with activities authorised under Section 4.2.9 (Structures and works) will be managed in accordance with that Section.

4.2.1.4 Ballast water may be discharged or exchanged subject to compliance with:

- a) the Australian ballast water management requirements and relevant state ballast water management arrangements; and
- b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management.

4.2.1.5 A person may camp in areas above the high water mark in accordance with a permit.

**Note:** Camping in connection with commercial tourism activities must be authorised under Section 4.2.6 (Commercial tourism)

4.2.1.6 Overnight stays on vessels do not require a permit to camp.

4.2.1.7 Remote piloted aircraft may be operated for non-commercial purposes in accordance with a permit, relevant provisions of Part 8 of the EPBC Regulations, and applicable aviation safety laws.

**Note:** Operation of remote piloted aircraft in connection with commercial media activities, commercial tourism activities, or research and monitoring must be authorised under Section 4.2.5, Section 4.2.6 or Section 4.2.10 respectively.

## 4.2.2 Commercial shipping (other than commercial fishing and commercial aquaculture vessels)

The prescriptions in this Section set out the rules for anchoring and transit of commercial ships in the South-west Network. These are summarised in Table 4.3.

Australia is a party to a number of international agreements relevant to commercial shipping, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and MARPOL (Schedule 1). UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and a right of freedom of navigation through Australia's exclusive economic zone. This Section places some limits on the exercise of these rights in some zones. The limitations are necessary to protect marine park values, apply to all commercial shipping, and are consistent with Australia's rights and obligations under UNCLOS.

There are also a range of national laws, policies and procedures relevant to commercial shipping including the *National plan for maritime environmental emergencies* in relation to maritime pollution incidents and the *Biosecurity Act 2015* and Australian ballast water management requirements in relation to ballast water discharge. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 4.2.1 (General use, access, and waste management).

Rules for transit and anchoring of vessels engaged in commercial fishing and commercial aquaculture activities are dealt with in Sections 4.2.3 and 4.2.4.

**Table 4.3 Summary of prescriptions for commercial shipping activities in the South-west Network**

COMMERCIAL SHIPPING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Anchoring	✓	✓	✓	✓	x <sup>B</sup>	x <sup>B</sup>
Vessel transiting	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

**Note:** Ballast water exchange is managed under national arrangements. Restrictions may apply in some areas (Section 4.2.1 General use, access, and waste management).

## Prescriptions

4.2.2.1 Commercial ships may transit through the South-west Network subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and relevant prescriptions in Sections 4.2.5 to 4.2.12 relating to the activity in which shipping is involved.

4.2.2.2 Commercial ships may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Special Purpose Zone (Mining Exclusion) (VI);
- d) Multiple Use Zone (VI); and
- e) Habitat Protection Zone (IV), and National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (IV) or (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

**Note:** This Section does not prevent the carrying out of activities, including stopping and anchoring, as part of operations authorised under Sections 4.2.5 to 4.2.12 and r.12.56 of the EPBC Regulations.

### 4.2.3 Commercial fishing

The prescriptions in this Section set out the rules for commercial fishing activities in the South-west Network, including the types of fishing gear and methods allowed in different zones, and requirements for vessel monitoring systems. These are summarised in Table 4.4.

Commercial fishing is managed for sustainability by the Australian Government and state and territory fisheries management agencies. In the South-west Network commercial fishing is subject to regulation under the *Fisheries Management Act 1991* (Fisheries Management Act) or Western Australian or South Australian fisheries laws (under arrangements made under Part V of the Fisheries Management Act).

Research in connection with commercial fishing activities will be managed in accordance with Section 4.2.10 (Research and monitoring).

Use of fishing gear not allowed at commencement of this plan may be authorised after satisfactory assessment that supports an adaptive management approach.

**Table 4.4 Summary of prescriptions for commercial fishing activities in the South-west Network**

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Dropline	A	A	A	A	A	x
Hand collection (including using hookah, scuba, snorkel)	A	A	A	A	A	x

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Hand net (hand, barrier, skimmer, cast, scoop, drag, lift)	A	A	A	A	A	x
Longline (demersal, auto-longline)	A	A	A	x	x	x
Longline (pelagic)	A	A	A	A	A	x
Minor line (handline, rod & reel, trolling, squid jig, poling)	A	A	A	A	A	x
Net (demersal)	A	A	A	x	x	x
Net (pelagic)	x	x	x	x	x	x
Purse seine	A	A	A	A	A	x
Trap, pot	A	A	A	A	x	x
Trawl (demersal)	A	x	x	x	x	x
Trawl (midwater)	A	A	A	A	A	x
Trotline	A	A	A	x	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence issued by the Director

**Note:** Commercial fishing methods not listed in Table 4.4 will require assessment and approval.

**Note:** The authorisation of activities may be modified during the life of this plan in accordance with Section 4.2.3.5

**Note:** Transit is allowed as part of activities authorised under this Section.

**Note:** Anchoring by commercial fishing vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

## Prescriptions

- 4.2.3.1 Commercial fishing activities may be conducted in the South-west Network in accordance with and subject to:
- a class approval issued under Section 4.4.2 (Class approvals); or
  - an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and
  - the following prescriptions in this Section;
  - the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - any determinations made under r.12.34 of the EPBC Regulations.
- 4.2.3.2 Commercial fishing activities may be conducted in a:
- Special Purpose Zone (Trawl) (VI);
  - Special Purpose Zone (VI);
  - Special Purpose Zone (Mining Exclusion) (VI);
  - Multiple Use Zone (VI); or
  - Habitat Protection Zone (IV).
- 4.2.3.3 Subject to Section 4.2.3.5 the following fishing gear must not be used:
- Longline (demersal, auto-longline), except in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI), Special Purpose Zone (Mining Exclusion) (VI);
  - Net (demersal), except in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI), Special Purpose Zone (Mining Exclusion) (VI);
  - Net (pelagic);
  - Trawl (demersal), except in the Special Purpose Zone (Trawl) (VI); or
  - Trotline, except in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI), Special Purpose Zone (Mining Exclusion) (VI).
- 4.2.3.4 Traps and pots must not be used in a Habitat Protection Zone (IV).
- 4.2.3.5 Subject to satisfactory assessment under Section 4.3.1 (Decision-making), expert advice, and consultation with fisheries management agencies and the commercial fishing industry, the Director may authorise the use of:
- any fishing gear specified in Section 4.2.3.3 in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI), Special Purpose Zone (Mining Exclusion) (VI) or Multiple Use Zone (VI); and
  - pelagic fishing gear specified in Section 4.2.3.3 in a Habitat Protection Zone (IV).
- 4.2.3.6 Fishing gear or methods not specified in a commercial fishing class approval or activity licence, or its conditions, must not be used.
- Note:** A class approval or activity licence may be varied under Section 4.4 (Authorisation of allowable activities) to specify additional fishing methods and gear types following satisfactory assessment in accordance with Section 4.3.1 (Decision-making).
- 4.2.3.7 Commercial fishing activities must be conducted in accordance with a commercial fishing concession issued under Commonwealth, state or territory fisheries laws to the extent those laws are capable of operating concurrently with this plan.

4.2.3.8 Commercial fishing vessels may transit through the South-west Network subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.3.9.

4.2.3.9 Commercial fishing vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Special Purpose Zone (Mining Exclusion) (VI);
- d) Multiple Use Zone (VI);
- e) Habitat Protection Zone (IV); or
- f) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.3.10 Fishing gear must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, a zone in which fishing activities are not authorised.

4.2.3.11 Fishing gear that is:

- a) specified in Sections 4.2.3.3 and 4.2.3.4;
- b) not specified in a class approval or activity licence as gear that may be used; or
- c) prohibited by a determination under r.12.34 of the EPBC Regulations,

must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.3.12 Following consultation with the relevant fisheries management agencies and the commercial fishing industry, the Director may require all commercial fishing vessels transiting or conducting fishing activities in the South-west Network to carry an operating vessel identification and monitoring system.

**Note:** At the commencement of this plan vessel identification and monitoring systems were required on all vessels operating in Commonwealth managed fisheries. The conditions of a class approval or activity licence issued under Section 4.4 (Authorisation of allowable activities) may require the use of vessel identification and monitoring systems on all commercial fishing vessels operating in the South-west Network.

4.2.3.13 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial fishing.

#### 4.2.4 Commercial aquaculture

The prescriptions in this Section set out the rules for commercial aquaculture in the South-west Network. These are summarised in Table 4.5.

Commercial aquaculture is managed under Western Australian and South Australian laws. These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with commercial aquaculture will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.5 Summary of prescriptions for commercial aquaculture activities in the South-west Network**

COMMERCIAL AQUACULTURE Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Aquaculture	A	A	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Anchoring by commercial aquaculture vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### Prescriptions

4.2.4.1 Commercial aquaculture may be conducted in the South-west Network in accordance with and subject to:

- a) a class approval issued under Section 4.4.2 (Class approvals); and
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and the following prescriptions in this Section;
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- d) any determinations made under r.12.34 of the EPBC Regulations.

4.2.4.2 Commercial aquaculture may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Special Purpose Zone (Mining Exclusion) (VI);
- d) Multiple Use Zone (VI); or
- e) Habitat Protection Zone (IV).

4.2.4.3 Commercial aquaculture that is the towing of aquaculture cages may be conducted in the National Park Zone (II) of the Western Kangaroo Island Marine Park.

4.2.4.4 Commercial aquaculture must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.

4.2.4.5 Commercial aquaculture vessels may transit through the South-west Network, subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.4.6.

4.2.4.6 Commercial aquaculture vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);



- c) Special Purpose Zone (Mining Exclusion) (VI);
- d) Multiple Use Zone (VI);
- e) Habitat Protection Zone (IV); or
- f) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.4.7 Commercial aquaculture equipment not authorised for use by a class approval or activity licence as gear that may be used, or that is prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

**Note:** The towing of commercial aquaculture cages may be authorised by a class approval, activity licence.

4.2.4.8 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial aquaculture.

#### 4.2.5 Commercial media

The prescriptions in this Section set out the rules for commercial media in the South-west Network. These are summarised in Table 4.6.

Research in connection with commercial media activities will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.6 Summary of prescriptions for commercial media activities in the South-west Network**

COMMERCIAL MEDIA Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Commercial media	A <sup>C</sup>	A <sup>C</sup>	A <sup>C</sup>	A <sup>C</sup>	A <sup>C</sup>	A <sup>C</sup>

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

C News-of-the-day reporting may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

#### Prescriptions

4.2.5.1 Commercial media activities other than reporting news of the day may be conducted in the South-west Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases); and
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- d) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.5.2 Commercial media activities for the purposes of reporting news of the day may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

#### 4.2.6 Commercial tourism (includes charter fishing tours, scuba diving, nature watching tours)

The prescriptions in this Section set out the rules for commercial tourism in the South-west Network. These are summarised in Table 4.7.

Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the South-west Network is part of the Sanctuary) are prescribed by Part 8 of the EPBC Regulations. The prescriptions in Section 4.2.7 (Recreational fishing) apply to the clients of charter fishing tours. The prescriptions in Section 4.2.9 (Structures and works) apply to the installation and maintenance of moorings and other structures and works as part of commercial tourism activities. Research in connection with commercial tourism will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.7 Summary of prescriptions for commercial tourism (including charter fishing, scuba diving and nature watching tours) in the South-west Network**

COMMERCIAL TOURISM Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Non-fishing related tourism (including nature watching, scuba/snorkel tours)	A	A	A	A	A	A
Charter fishing tours (including spear diving tours)	A	A	A	A	A	x
Commercial aviation tours (up to 3000 m above sea level)	A	A	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

## Prescriptions

- 4.2.6.1 Commercial tourism activities may be conducted in the South-west Network in accordance with and subject to:
- a) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
  - b) the following prescriptions in this Section;
  - c) the prescriptions in Section 4.2.1 (General use, access, and waste management);
  - d) the prescriptions in Section 4.2.2 (Commercial shipping); and
  - e) in relation to charter fishing, the prescriptions in Section 4.2.7 (Recreational fishing).
- 4.2.6.2 Commercial tours, other than charter fishing tours, may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Special Purpose Zone (VI);
  - c) Special Purpose Zone (Mining Exclusion) (VI);
  - d) Multiple Use Zone (VI);
  - e) Habitat Protection Zone (IV); or
  - f) National Park Zone (II).
- 4.2.6.3 Charter fishing tours may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Special Purpose Zone (VI);
  - c) Special Purpose Zone (Mining Exclusion) (VI);
  - d) Multiple Use Zone (VI); or
  - e) Habitat Protection Zone (IV).
- 4.2.6.4 Fishing gear on charter fishing vessels must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which charter fishing tours are not allowed.
- 4.2.6.5 Commercial aviation tours may be conducted in the airspace up to 3000 m above sea level, in accordance with a permit and relevant provisions of Part 8 of the EPBC Regulations.

**Note:** The EPBC Act and EPBC Regulations do not apply to commercial aviation tours in airspace over 3000 m above sea level.

## 4.2.7 Recreational fishing

The prescriptions in this Section set out the rules for recreational fishing in the South-west Network. These are summarised in Table 4.8.

Research in connection with recreational fishing will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.8 Summary of prescriptions for recreational fishing activities in the South-west Network**

RECREATIONAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Recreational fishing (including spear-fishing)	✓	✓	✓	✓	✓	x
Anchoring	✓	✓	✓	✓	✓	✓
Vessel transiting	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

### Prescriptions

4.2.7.1 Recreational fishing may be conducted in the South-west Network in accordance with and subject to:

- a) the following prescriptions in this Section;
- b) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- c) any determinations made under r.12.35(3) of the EPBC Regulations.

4.2.7.2 Recreational fishing may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Special Purpose Zone (Mining Exclusion) (VI);
- d) Multiple Use Zone (VI); or
- e) Habitat Protection Zone (IV).

4.2.7.3 Recreational fishing must be conducted in accordance with relevant laws of Western Australia or South Australia applying to the area of the South-west Network in which the activity is conducted (to the extent those laws are capable of operating concurrently with this plan).

4.2.7.4 The Director may make determinations under r.12.35 (3) of the EPBC Regulations relating to the conduct of recreational fishing.

4.2.7.5 Regulations 12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing conducted in accordance with this Section.

**Note:** As provided by Section 4.2.7.4, the Director may make determinations under r.12.35 (3) in relation to matters described in rr.12.35 (4) and (5).

4.2.7.6 Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which recreational fishing is not allowed.

#### 4.2.8 Mining operations (includes exploration)

The prescriptions in this Section set out the rules for mining operations in the South-west Network and are summarised in Table 4.9. Mining operations are defined in s.355(2) of the EPBC Act, and include offshore petroleum activities, transportation of minerals by pipeline, and oil spill response (Schedule 1.1 of this plan).

Under s.359 of the Act, ss.355 and 355A do not apply to usage rights to conduct mining operations that were held immediately before the proclamation of the marine parks.

The prescriptions allow for the Director to authorise mining activities that are also subject to other legislative regimes and assessed and approved by other agencies under those regimes.

Mining operations that are likely to have a significant impact on a matter protected under Part 3 of the EPBC Act will be subject to assessment and decision in accordance with Chapter 4 of the Act. At the commencement of this plan petroleum and greenhouse gas activities undertaken in Commonwealth waters in accordance with the *Program report—strategic assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGS Act) were endorsed under Part 10 of the EPBC Act. Offshore petroleum and greenhouse gas activities covered by and excluded from the program are detailed in the class of actions approval issued by the Minister for the Environment under EPBC Act on 27 February 2014. Activities that have an environment plan accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under the endorsed program may be conducted in accordance with the relevant petroleum title under the OPGGS Act and a class approval under this plan. Accordingly, mining operations covered by the endorsed NOPSEMA program do not require additional assessment by the Director because the endorsed program takes account of impacts and risks to marine park values in a manner that satisfies the Director.

Offshore petroleum activities that are excluded from the endorsed NOPSEMA program and associated class of actions approval will require an environment plan accepted by NOPSEMA under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Environment Regulations) and will also be considered and authorised by the Director in accordance with Section 4.2.12 (New activities and authorisations) of this plan if any activities are proposed.

The definition of mining operations in the EPBC Act does not include capture and storage of greenhouse gases, including carbon dioxide. If any of these activities were proposed they would also be considered in accordance with Section 4.2.12 (New activities and authorisations).

The Director is a relevant person for the purposes of the Environment Regulations and must be consulted by title holders in the preparation of environment plans where a proposed activity or part of the activity is within a marine park, and/or activities proposed to occur outside a marine park may impact on the marine park values.

Mining operations also include activities regulated under the *Offshore Minerals Act 1994*. For non-petroleum mining operations, additional assessment by the Director may not be required where mining operations are assessed under Chapter 4 of the EPBC Act.

Actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act may be conducted in all zones. The Director should be notified in the event of an oil pollution incident that occurs within, or may impact upon, an

Australian Marine Park and, so far as reasonably practicable, prior to a response action being taken within a marine park.

Research that is a mining operation as defined in s.355 of the EPBC Act, or is incidental to such an operation is covered by prescriptions in this Section. Mining-related research activities that do not require an environment plan under the OPGGS Act are covered by prescriptions in 4.2.10 (Research and monitoring).

Transit through the South-west Network for the purposes of mining operations conducted elsewhere is covered by Section 4.2.2 (Commercial shipping).

**Table 4.9 Summary of prescriptions for mining operations in the South-west Network**

MINING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Mining operations including exploration	A	A	x	A <sup>D</sup>	x	x
Construction and operation of pipelines	A	A	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

D Mining operations are not allowed in the Multiple Use Zone (VI) of the Geographe Marine Park.

**Note:** Proposed mining operations conducted under usage rights that existed immediately before the declaration of a marine park do not require approval from the Director.

**Prescriptions**

4.2.8.1 Mining operations may be conducted in the South-west Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) a class approval issued under Section 4.4.2 (Class approvals); or
- c) an activity licence issued under Section 4.4.3 (Activity licences and leases) for mining operations that are the construction and operation of pipelines; and
- d) the following prescriptions in this Section;
- e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- f) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.8.2 Mining operations may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI); or
- c) Multiple Use Zone (VI), except in the Multiple Use Zone (VI) of the Geographe Marine Park,

in accordance with Sections 4.2.8.3 and 4.2.8.4.



- 4.2.8.3 Mining operations in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI) or Multiple Use Zone (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2;
  - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval under Section 4.4.2; or
  - c) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2.
- 4.2.8.4 Mining operations in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI) or Multiple Use Zone (VI) not authorised by a class approval referred to in Section 4.2.8.3 may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or a class approval issued under Section 4.4.2 (Class approvals).
- 4.2.8.5 Mining operations that are the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) may be conducted in a:
- a) Special Purpose Zone (Mining Exclusion) (VI);
  - b) Multiple Use Zone (VI) of the Geographe Marine Park;
  - c) Habitat Protection Zone (IV); or
  - d) National Park Zone (II),
- in accordance with Section 4.2.8.6.
- 4.2.8.6 The Director may issue an authorisation under Section 4.4 (Authorisation of allowable activities) for the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) through a:
- a) Special Purpose Zone (Mining Exclusion) (VI);
  - b) Multiple Use Zone (VI) of the Geographe Marine Park;
  - c) Habitat Protection Zone (IV); or
  - d) National Park Zone (II),
- if the Director is satisfied that alternative routes are not feasible or practicable.
- 4.2.8.7 Mining operations must be conducted in accordance with an authorisation (however described) under the OPGGS Act or the *Offshore Minerals Act 1994* (to the extent those laws apply to the operations and are capable of operating concurrently with this plan).
- 4.2.8.8 Notwithstanding Section 4.2.8.1, actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act, may be conducted in all zones without an authorisation issued by the Director, provided that the actions are taken in accordance with an environment plan that has been accepted by NOPSEMA, and the Director is notified in the event of oil pollution within a marine park, or where an oil spill response action must be taken within a marine park, so far as reasonably practicable, prior to response action being taken..

4.2.8.9 Scientific research and environmental monitoring in connection with a particular mining operation may be conducted in all zones in accordance with Section 4.2.10 (Research and monitoring).

**Note:** For the avoidance of doubt, research and monitoring does not include activities or operations for the purpose of prospecting or exploration for minerals.

#### 4.2.9 Structures and works

The prescriptions in this Section set out the rules for structures and works in the South-west Network, where the activity is not covered by Sections 4.2.1 to 4.2.8. These are summarised in Table 4.10. Research in connection with structures and works will be managed in accordance with Section 4.2.10 (Research and monitoring).

The prescriptions do not affect any structures or works that were installed in a marine park under a usage right relating to the seabed that existed immediately before the proclamation of the South-west Network (and preserved by s.359 of the EPBC Act).

**Table 4.10 Summary of prescriptions for structures and works activities in the South-west Network**

STRUCTURES AND WORKS Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Excavation (other than dredging), erection and maintenance of structures, and works	A	A	A	A	A	A
Dredging and disposal of dredged material	A	A	A	A	x	x
Artificial reefs	A	A	A	A	A	A <sup>E</sup>
Fish aggregating devices	A	A	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

E Activity is allowable only for the protection, conservation or restoration of habitats.

**Note:** Structures may include, but are not limited to, moorings, submarine cables, platforms (including any man made structure at sea, whether floating or fixed to the seabed, but does not include a vessel), jetties and other infrastructure. The erection and maintenance of structures associated with mining operations must be carried out in accordance with Section 4.2.8 (Mining).

## Prescriptions

- 4.2.9.1 A person other than the Director may carry out an excavation (including dredging), erect a structure, or carry out works including maintenance of structures, and associated activities (including disposal of dredged material) in the South-west Network in accordance with and subject to:
- a) a permit issued under Section 4.4.1 (Permits); or
  - b) a class approval issued under Section 4.4.2 (Class approvals); or
  - c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
  - d) the following prescriptions in this Section; and
  - e) the prescriptions in Section 4.2.1 (General use, access, and waste management), including any determinations made under rr.12.23 and 12.23A of the EPBC Regulations; and
  - f) the prescriptions in Section 4.2.2 (Commercial shipping).

**Note:** An authorisation for the purposes of Section 4.2.9.1 may be part of an authorisation for another allowable activity (e.g. a tourism activity licence that authorises the licensee to erect and/or maintain a mooring).

- 4.2.9.2 Subject to Sections 4.2.9.3 and 4.2.9.4, an authorisation may be issued for excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in the South-west Network where the action is necessary for:
- a) maritime or visitor safety, including aiding navigation; or
  - b) maintaining the values of the South-west Network; or
  - c) research and monitoring; or
  - d) critical infrastructure in the national interest; or
  - e) commercial tourism; and
  - f) it is not practicable for the action to be taken outside the zone.
- 4.2.9.3 Dredging and disposal of dredged material may only be conducted in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI), Special Purpose Zone (Mining Exclusion) (VI), or Multiple Use Zone (VI).
- 4.2.9.4 Artificial reefs may only be authorised in a National Park Zone (II) to assist the protection, conservation or restoration of habitats.
- 4.2.9.5 Excavations (including dredging), erection of structures, works and maintenance, and associated activities, (including disposal of dredged material), other than in relation to fish aggregating devices, in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI), Special Purpose Zone (Mining Exclusion) (VI), or Multiple Use Zone (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
  - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);

- c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs a) to d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.9.6 Excavations (other than dredging), erection of structures, and works and maintenance, and associated activities, other than disposal of dredged material and in relation to fish aggregating devices, in a Habitat Protection Zone (IV) and National Park Zone (II):

- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
- b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
- c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs (a) to (d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.9.7 Fish aggregating devices may be installed in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI), Special Purpose Zone (Mining Exclusion) (VI), Multiple Use Zone (VI) or Habitat Protection Zone (IV) in accordance with an authorisation issued under Section 4.4 (Authorisation of allowable activities).

4.2.9.8 The Director may carry out an excavation, erect a structure or carry out works and maintenance in the South-west Network after assessing consistency with the zone objectives and the likely impacts of the activity consistent with Section 4.3.1 (Decision-making).

#### 4.2.10 Research and monitoring

The prescriptions in this Section set out the rules for research and monitoring activities in the South-west Network. These are summarised in Table 4.11.

Research and monitoring activities that affect listed threatened species or ecological communities, listed migratory species, cetaceans or listed marine species must also comply with the provisions of Part 13 of the EPBC Act, unless conducted in accordance with this plan.

Where biological resources are sought for the purpose of research and development on their genetic or biochemical components, a permit is required under Part 8A of the EPBC Regulations, which operates subject to this plan.

Where authorisation for research and monitoring activities is provided, the Director will require results of research and monitoring to be made available to inform adaptive management.

**Table 4.11 Summary of prescriptions for research and monitoring activities in the South-west Network**

RESEARCH AND MONITORING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Research	A	A	A	A	A	A

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

#### Prescriptions

- 4.2.10.1 The Director may conduct research and monitoring activities in the South-west Network that involves actions covered by ss.354 and 354A and Part 13 of the EPBC Act.
- 4.2.10.2 A person other than the Director may conduct research and monitoring activities in the South-west Network, including taking actions covered by the EPBC Act ss.354 and 354A and Part 13 of the EPBC Act in accordance with and subject to:
- a permit issued under Section 4.4.1 (Permits);
  - a class approval issued under Section 4.4.2 (Class approvals); or
  - an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
  - the following prescriptions in this Section;
  - the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - the prescriptions in Section 4.2.2 (Commercial shipping).
- 4.2.10.3 A class approval will not be issued for research and monitoring that involves activities covered by Section 4.2.10.7.
- 4.2.10.4 Research activities that involve access to biological resources within the meaning of Part 8A of the EPBC Regulations must comply with the requirements of that Part (in addition to the requirements of this Section).

- 4.2.10.5 In assessing authorisation applications or deciding whether to issue a class approval, the Director will consider the aim of the proposed activity or class of activities, ethical issues and how knowledge from the proposed activity or class of activities might benefit the understanding and management of the South-west Network.
- 4.2.10.6 An authorisation may be issued to carry out research and monitoring activities if the Director is satisfied that the activity is relevant to, or a priority for, the management of the South-west Network.
- 4.2.10.7 An authorisation may be issued to conduct research and monitoring that involves commercial fishing activities that are prohibited under Section 4.2.3 (Commercial fishing) if the Director is satisfied that:
- a) the activity will provide information relevant to understanding the impacts of activities on the marine environment, or to supporting sustainable use in the marine environment; and
  - b) the activity is relevant to, or a priority for, the management of the South-west Network.
- 4.2.10.8 Authorisation holders will be required to make results of research and monitoring available to the Director (in a specific format where relevant), where the Director is satisfied that the information will improve the knowledge and understanding of the values and management of the South-west Network.

#### **4.2.11 National security and emergency response**

The prescriptions in this Section set out the rules for defence, border protection, law enforcement and emergency response activities in the South-west Network. These are summarised in Table 4.12.

Provisions of the EPBC Act and EPBC Regulations (Division 12.2) relating to Australian Marine Parks apply generally to the Commonwealth and its agencies. In addition, s.362(2) of the EPBC Act requires the Commonwealth and Commonwealth agencies to perform functions and exercise powers in relation to Australian Marine Parks in a way that is not inconsistent with this plan. The Director will build on existing partnerships with Commonwealth agencies (Section 1.8).

Response to oil pollution events associated with petroleum and other mining operations by title holders are covered by prescriptions in Section 4.2.8 (Mining operations) of this plan.

**Table 4.12 Summary of prescriptions for national security and emergency response activities in the South-west Network**

NATIONAL SECURITY AND EMERGENCY RESPONSE Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Special Purpose Zone (Mining Exclusion) VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Actions by or under direction of the Commonwealth and Commonwealth agencies—defence, border protection, law enforcement and emergency response	✓	✓	✓	✓	✓	✓
Actions by or under direction of the Commonwealth and Commonwealth agencies—not covered elsewhere by this plan	A	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

### Prescription

4.2.11.1 Actions by or under direction of the Commonwealth and Commonwealth agencies in the South-west Network that are covered by ss.354 and 354A and Part 13 of the EPBC Act, and activities covered by Division 12.2 of the EPBC Regulations:

- a) for the purposes of training and operations for defence, customs, border protection, law enforcement or emergency response, including response to maritime environmental emergencies in accordance with the *National plan for maritime environmental emergencies* may be conducted without the need for a permit or class approval issued under Section 4.4 (Authorisation of allowable activities); or
- b) for other purposes may be conducted under a permit or class approval issued by the Director in accordance with Section 4.4 (Authorisation of allowable activities).



#### 4.2.12 New activities and authorisations

New activities may be required or proposed in the South-west Network during the life of this plan that are not covered by the prescriptions in Sections 4.2.2 to 4.2.11 of this plan. The prescriptions in this Section enable the Director to consider and authorise new activities in the South-west Network. They also enable the Director to authorise activities in new ways that are identified to be more efficient and effective and reduce unnecessary administrative burden.

##### Prescriptions

- 4.2.12.1 The Director may take actions that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act.
- 4.2.12.2 The Director may authorise (by a permit, class approval, activity licence or lease under Section 4.4 Authorisation of allowable activities) actions by other persons that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act and EPBC Regulations.
- 4.2.12.3 The Director may issue permits, class approvals, activity licences or leases, or other usage rights, in place of existing authorisations under this plan.
- 4.2.12.4 The Director may make determinations, prohibitions or restrictions under provisions of Division 12.2 of the EPBC Regulations that are not covered by prescriptions in this plan.

### 4.3 MAKING DECISIONS ABOUT ACTIVITIES

This plan provides for a higher level of protection within marine parks than applies to the Commonwealth marine area outside the South-west Network. The prescriptions in this Section outline the approach and considerations of the Director when assessing and making decisions about what activities will be authorised in marine parks.

#### 4.3.1 Decision-making

##### Prescriptions

- 4.3.1.1 Decisions about activities will be consistent with the objectives of this plan, objectives of the zone or zones in which the activity will be or is being conducted, and the applicable reserve management principles (Schedule 8 of the EPBC Regulations).
- 4.3.1.2 Decisions will take into account the impacts and risks of the activity on the values of the South-west Network and/or specific marine park/s, acceptability of those impacts and risks, and potential impacts on marine park users, stakeholders and Indigenous people.
- 4.3.1.3 Impacts and risks of an activity will be assessed in accordance with the processes and policies established under the assessments and authorisations program (Section 2.5).
- 4.3.1.4 Before authorising a proposed activity the Director must be satisfied that:
  - a) the proponent suitably understands the marine park values;
  - b) environmental impacts and risks on marine park values are understood, evaluated and able to be avoided or reduced to as low as reasonably practicable;
  - c) the proponent has the capacity to comply with the conditions of the authorisation; and
  - d) that relevant regulatory requirements have been or will be met.

4.3.1.5 The Director will not authorise an activity unless satisfied that:

- a) the activity is consistent with the zone objectives for the zone or zones in which the activity will be conducted (Part 3); and
- b) the potential impacts and risks of the activity on marine park values will be avoided or reduced to as low as reasonably practicable; and
- c) the potential impacts and risks of the activity on marine park values and representativeness are acceptable.

**Note:** The Director will issue guidance on assessment of impacts.

## 4.3.2 Assessments under other processes

### Prescription

4.3.2.1 For the purposes of Section 4.3.1 (Decision-making) the Director may accept the assessment of activities made under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981* or under a government or industry policy, plan or program, where the Director is satisfied that:

- a) the assessment is done in a manner consistent with Section 4.3.1.3; and
- b) the assessment process provides for appropriate consultation with the Director and consideration of the Director's views in relation to activities in the South-west Network or potential impacts on the Network or marine park values.

## 4.3.3 Review of decisions

The prescriptions in this Section outline the processes for seeking a review of a decision. A person whose interests are affected by a decision under this Part, including a decision about an authorisation, may seek review in accordance with the *Administrative Decisions (Judicial Review) Act 1977*. A person whose interests are affected by a decision about a permit under the EPBC Regulations may also seek review of the decision in accordance with the Regulations. This plan extends the same review rights to decisions about other authorisations made by the Director under this plan. Where the Director issues a class approval for an activity that has been assessed in accordance with Chapter 4 of the EPBC Act or other government or industry policy, plan or program, review is limited to the making of the class approval.

### Prescriptions

4.3.3.1 The Director will comply with Division 14.3 of the EPBC Regulations in relation to the reconsideration of decisions about permits.

4.3.3.2 The Director will reconsider a decision about other types of authorisations made by the Director under this Part when requested by a person whose interests are affected by the decision. A request for reconsideration must be made and considered in the same manner as provided by Division 14.3 of the EPBC Regulations. Subject to the *Administrative Appeals Tribunal Act 1975*, a person who has requested a reconsideration of a decision may apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

## 4.4 AUTHORISATION OF ALLOWABLE ACTIVITIES

The Director may authorise allowable activities through a permit, class approval, activity licence or lease in accordance with this Part. The prescriptions in this Section describe those types of authorisations, the processes and consideration for issuing them, and the conditions that may be imposed by the Director.

### 4.4.1 Permits

A permit can be issued to authorise an activity by a person or persons to conduct an allowable activity, for example for an activity that is either one-off, time bound, or not conducted in the same way by all operators.

#### Prescriptions

- 4.4.1.1 A permit may be issued for an allowable activity where prescribed by Section 4.2 (Rules for activities) of this plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) relating to the particular activity.
- 4.4.1.2 In assessing a permit application, the Director may ask the applicant for more information if the Director considers there is insufficient information to decide whether to issue the permit.
- 4.4.1.3 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, or an assessment under the *Environment Protection (Sea Dumping) Act 1981*, the Director will consider any referral or assessment documents and related information.
- 4.4.1.4 A permit may be subject to conditions including but not limited to (and depending on the type of activity):
- a) specifying the area in which, and the periods during which, the approved activity may be conducted;
  - b) requiring the impacts of the permitted activity to be mitigated by specified actions developed in consultation with the Director;  
**Note:** The Director will issue guidance specific to activity types on requirements for mitigation.
  - c) regulating the use of, or requiring the use of, vessel identification and monitoring systems;
  - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
  - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
  - f) requiring reporting or auditing;
  - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
  - h) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with permit conditions; and
  - i) requiring, restricting or prohibiting the use of specified gear, equipment or practices.
- 4.4.1.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

### 4.4.2 Class approvals

This plan provides for the Director to issue class approvals to authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. This can include activities that have been authorised under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981*, or effectively assessed and authorised under other

government or industry processes. At the commencement of this plan fees were not payable for class approvals but may be introduced during the life of this plan. Class approvals will be published on the Parks Australia website (Section 4.4.4).

Issuing class approvals reduces regulatory burden by avoiding duplication in assessment and approval processes for matters protected by Part 3 of the EPBC Act. Decision-making under Chapter 4 of the EPBC Act is well established and takes account of the impacts of individual projects on marine parks consistent with this plan. Reflecting this, a class approval may be given for commercial fishing, mining operations, and certain works where they have been considered and authorised under Chapter 4 of the EPBC Act. This includes assessments and decision making under policies, plans or programs endorsed under Part 10 of the Act, such as the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

The *Environment Protection (Sea Dumping) Act 1981* fulfils Australia's international obligations under the *1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972* (London Protocol) to prevent marine pollution by regulating the types of materials that may be considered for ocean disposal. Reflecting this a class approval may be given to certain works where they have been considered and authorised under the *Environment Protection (Sea Dumping) Act 1981*.

Class approvals may also be issued for activities regulated under other government or industry policies, plans or programs where the impacts of activities are subject to satisfactory assessment, and would be introduced in consultation with the relevant person or class of persons.

## Prescriptions

4.4.2.1 The Director may issue a class approval for activities where prescribed by Section 4.2 (Rules for activities).

4.4.2.2 A class approval may be subject to conditions including but not limited to (and depending on the class of activities):

- a) specifying the area in which, and the periods during which, the approved activity or class of activities may be conducted;
- b) requiring the impacts of the authorised activity to be mitigated by specified actions developed in consultation with the Director;
- c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
- d) the provision of, or consent for access to, data for compliance and monitoring purposes;
- e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
- f) requiring reporting or auditing;
- g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
- h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
- i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with class approval conditions; and
- j) providing for the payment of fees.

- 4.4.2.3 A class approval may be varied, suspended or cancelled, and approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that:
- a) the activities, or an activity in the class of activities, to which the approval relates have not been, are not being, or likely will not be, conducted in accordance with the approval or a condition of the approval; or
  - b) assessment of impacts under a policy, plan or program to which Section 4.3.2 (Assessments under other processes) applies is not being made, or is likely not to be made, in a manner consistent with Section 4.3.1.3 or is not being made in accordance with the approval or a condition of the approval; or
  - c) the impacts of the activities, or an activity in the class of activities, to which the approval relates are no longer acceptable (Section 4.3.1 Decision-making); or
  - d) activities, or an activity in the class of activities, to which the approval relates are likely to cause an unacceptable risk to public health and safety; or
  - e) there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued, or would not be issued in the same terms or subject to the same conditions (for example, because of new information, or if a relevant matter that the Director took into account in deciding to issue an approval has changed or no longer exists).
- 4.4.2.4 Class approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that it is necessary or appropriate to do so for the efficient or effective management of the activities to which the approval relates.
- 4.4.2.5 Class approval conditions may be revoked if the Director is satisfied that the condition(s) is/are not necessary and the impacts of the activities to which the approval relates will remain acceptable (Section 4.3.1 Decision-making).
- 4.4.2.6 A class approval or conditions may be varied if the Director is satisfied that the impacts of the activities to which the approval relates will remain acceptable under the approval or conditions as varied (including, for example, to allow new or additional commercial fishing methods and gear types to be used).
- 4.4.2.7 A class approval may be varied to remove a person from the class of approved persons at the request of that person.
- 4.4.2.8 A class approval may be varied to remove a person from the class of approved persons if the Director is satisfied that the person:
- a) has breached a condition of the approval; or
  - b) has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act, EPBC Regulations, or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.

**Note:** Where a person has been removed from a class approval, they may apply for a permit under Section 4.4.1 (Permits) or an activity licence under Section 4.4.3 (Activity licences and leases).

**Note:** Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

### 4.4.3 Activity licences and leases

An activity licence or lease may be issued to authorise an activity where it is more appropriate than the use of a permit or class approval, such as for tourism activities or activities that involve the installation of infrastructure (such as moorings or marker buoys). For the majority of these types of activities a licence will be the most suitable form of authorisation; however, this plan also provides for the Director to grant leases over land. Licences and leases are transferable and generally granted for a longer term than permits. They may include agreed fees reflecting the commercial value of the authorisation and, in the case of leases, provide security of tenure over land to support investment in infrastructure.

An activity licence authorises the holder to conduct their activities in the area to which the licence relates. A lease provides exclusive possession of the area of land in which an activity is to be conducted. Licences and leases enable continued growth of marine park services and allow for the growth of appropriate commercial business opportunities and partnerships with the Director that will maintain and promote marine park values.

#### Prescriptions

4.4.3.1 An activity licence or lease may be granted where prescribed by Section 4.2 (Rules for activities), subject to the prescriptions (if any) relating to the activity.

4.4.3.2 An activity licence or lease may be subject to conditions including but not limited to:

- a) specifying the area in which, and the periods during which, the authorised activity may be conducted;
- b) requiring the impacts of the authorised activity to be prevented or mitigated by specified actions developed in consultation with the Director;
- c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
- d) the provision of, or consent for access to data for compliance and monitoring purposes;
- e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
- f) requiring reporting or auditing;
- g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
- h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
- i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with licence conditions; and
- j) providing for the payment of fees.

### 4.4.4 Publication of authorisations

#### Prescription

4.4.4.1 The Director will publish on the Parks Australia website a list of all authorisations issued under this plan, which may include the name of the authorised person or class of persons, the period for which the authorisation is issued, and a description of the authorised activities.

## GLOSSARY

<b>action</b>	Has the meaning given by Subdivision A of Division 1 of Part 23 of the EPBC Act.
<b>artificial reef</b>	Has the meaning given by the <i>Environment Protection (Sea Dumping) Act 1981</i> , namely, a structure or formation placed on the seabed:  (a) for the purpose of increasing or concentrating populations of marine plants and animals; or  (b) for the purpose of being used in human recreational activities.
<b>Australian Government or the Government</b>	The Government of the Commonwealth of Australia.
<b>Australian Marine Parks or Marine Park</b>	Commonwealth reserves, named as Marine Parks, comprising the South-west, North-west, North and Temperate East Networks of Marine Parks and the Coral Sea Marine Park declared by the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and the reserves comprising the South-east Commonwealth Network of Marine Parks declared by the Proclamations made under the EPBC Act on 28 June 2007.
<b>authorisation</b>	As described in Section 4.4 (Authorisation of activities) of this plan.
<b>biodiversity or biological diversity</b>	Has the meaning given by s.528 of the EPBC Act.
<b>biologically important areas</b>	Areas where a protected species displays a biologically important behaviour such as breeding, foraging, resting or migration. These areas serve to highlight the parts of a marine region that are particularly important for the conservation of protected species.
<b>bioregion</b>	A large area that has similar types of plants, animals and ocean conditions compared with other similarly sized areas, and, in this document, those bioregions as defined in the <i>Integrated Marine and Coastal Regionalisation of Australia Version 4.0</i> .
<b>bioregional plan</b>	Has the meaning given by s.528 of the EPBC Act.
<b>CAR</b>	Comprehensiveness—includes the full range of ecosystems recognised at an appropriate scale within and across each bioregion;  Adequacy—the maintenance of the ecological viability and integrity of populations, species and communities; and  Representativeness—those marine areas that are selected for inclusion in reserves should reasonably reflect the biotic diversity of the marine ecosystems from which they derive.
<b>class approval</b>	As described in Section 4.4.2 (Class approvals) of this plan.



<b>commercial aquaculture</b>	Farming and culturing of aquatic organisms, such as fish, crustaceans and molluscs.
<b>commercial fishing</b>	Has the meaning given by s.390SC(1A) of the EPBC Act: a fishing activity that is engaged in for a commercial purpose, and, to avoid doubt, does not include an activity that constitutes recreational fishing.
<b>Commonwealth marine area</b>	Has the meaning given by s.24 of the EPBC Act.
<b>Commonwealth marine environment</b>	The environment in the Commonwealth marine area.
<b>Commonwealth reserve</b>	A reserve established and managed under Division 4 of Part 15 of the EPBC Act, including Australian Marine Parks.
<b>Department</b>	The Department responsible for administering the EPBC Act.
<b>Director</b>	The Director of National Parks established under s.514A of the EPBC Act, including any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the South-west Marine Parks Network.
<b>dropline</b>	A line that is vertically set or suspended in the water column between a weight (normally in contact with the seabed) and a vessel or a buoy on the water surface. Baited hooks are attached to the mainline via smaller lines (branch-lines or snoods).
<b>ecologically sustainable use</b>	Has the meaning given by s.528 of the EPBC Act.
<b>ecosystem</b>	Has the meaning given by s.528 of the EPBC Act.
<b>endemic/endemism</b>	Native to or confined to a certain region.
<b>environment</b>	Has the meaning given by s.528 of the EPBC Act.
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> , including any Act amending, repealing or replacing the Act.
<b>EPBC Regulations</b>	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i> , including any Regulations amending, repealing or replacing the Regulations.

<b>fish aggregating device</b>	<p>Has the meaning given by the <i>Sea Installation Act 1987</i>, namely:</p> <p>(a) a man-made structure that, when in, or brought into, physical contact with the seabed or when floating, is used solely for the purpose of attracting populations of fish so as to facilitate the taking of those fish; or</p> <p>(b) any electronic or other equipment designed or intended to be ancillary to, or associated with, such a structure while it is being used, or in order to facilitate the use of the structure, for that purpose;</p> <p>and do not include a net, trap or other equipment for taking, catching or capturing fish.</p>
<b>hand collection</b>	Removing species from rocks, crevices, the seafloor or other benthic substrate by hand using dive hookah, self-contained underwater breathing apparatus (scuba) or snorkel.
<b>Indigenous Protected Area (IPA)</b>	An Indigenous Protected Area (IPA) is an area voluntarily dedicated for protection by Indigenous groups on Indigenous owned or managed land or sea country. IPAs are recognised by the Australian Government as part of the National Reserve System, protecting the nation's biodiversity for the benefit of all Australians. Most IPAs are dedicated to promote a balance between conservation and other sustainable uses to deliver social, cultural and economic benefits for local Indigenous communities. IPAs combine traditional and contemporary knowledge into a framework to leverage partnerships with conservation and commercial organisations and provide employment, education and training opportunities for Indigenous people.
<b>hand net (hand, barrier, skimmer, cast, scoop, drag, lift)</b>	A small mesh net that is operated by hand to trap fish including a hand net, barrier net, skimmer net, cast net, scoop net, drag net, lift net.
<b>Integrated Marine and Coastal Regionalisation of Australia (IMCRA)</b>	A spatial framework for classifying Australia's marine environment into bioregions that forms the basis for the development of a National Representative System of Marine Protected Areas.
<b>IUCN</b>	International Union for the Conservation of Nature.
<b>key ecological feature</b>	Elements of the Commonwealth marine environment that, based on best available scientific understanding, are considered to be of regional importance for either the region's biodiversity or ecosystem function and integrity.
<b>longline (demersal, auto-longline)</b>	A line that is horizontally set along the seafloor between weights to maintain contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). An auto-longline is a longline where the hooks are baited by a machine rather than manually.

<b>longline (pelagic)</b>	A line that is horizontally set near the surface of the water and avoids contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are generally used intermittently along the main line to help maintain buoyancy in the water column. The line may be left to drift in the water or be anchored by vertical lines to the seafloor.
<b>management category</b>	An IUCN category prescribed by Schedule 8 of the EPBC Regulations.
<b>management plan or the plan or this plan</b>	This management plan unless otherwise stated.
<b>management principles</b>	Australian IUCN reserve management principles prescribed by r.10.04 and Schedule 8 of the EPBC Regulations.
<b>MARPOL</b>	The International Convention for the Prevention of Pollution from Ships (MARPOL) is the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. MARPOL addresses pollution that might result from accidents such as collisions or groundings, as well as all types of waste generated during the normal operation of a ship. Ships are permitted to discharge small quantities of certain wastes, subject to very strict controls.
<b>mining operations</b>	Has the meaning given by s.355(2) of the EPBC Act.
<b>Minister</b>	The Minister responsible for administering the EPBC Act.
<b>minor line (handline, rod &amp; reel, trolling, squid jig, poling)</b>	Any line fishing with a small number of hooks, often just one (i.e. handline, rod and reel, squid jigging and pole fishing). Trolling is dragging a lure or baited hook behind a moving vessel and reeling it in (either by hand, reel or winches). Poling is dragging a lure or baited hook on a fixed length of line behind a vessel and flicking or gaffing the fish into the boat. Squid jigging involves vertical lines with several barbless lures being mechanically jigged up and down to attract squid.
<b>National Representative System of Marine Protected Areas (NRSMPA)</b>	Australia's comprehensive, adequate and representative system of marine protected areas that contributes to the long-term ecological viability of marine and estuarine systems, maintains ecological processes and systems, and protects Australia's biological diversity at all levels.
<b>native title</b>	Has the meaning given by s.223 of the <i>Native Title Act 1993</i> .
<b>net (demersal)</b>	A rectangular mesh net anchored to the seafloor with weights. The net may have small floats along the upper line to maintain its shape in the water. Each end has a vertical line that is connected to buoys on the surface of the water.

<b>net (pelagic)</b>	A rectangular mesh net set near the surface of the water that is not in contact with the seafloor. The net generally has floats along the upper line to maintain buoyancy. Each end is connected to a buoy on the surface of the water. The net can be left to drift or connected to a boat.
<b>news of the day</b>	The reporting by newspaper, television, radio or other electronic media, of unanticipated events that happen from time to time, such as rescue events. It does not include general items about a marine park or planned activities in the park.
<b>South-west Marine Parks Network, or South-west Network, or the Network</b>	The 14 areas described in Schedule 2 to the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and declared to be Commonwealth reserves by Section 6 of the proclamation.
<b>Parks Australia</b>	The Division of the Department that supports the Director of National Parks.
<b>pelagic fishing gear</b>	Fishing gear that does not come in contact with the seabed during use.
<b>permit</b>	As described in Section 4.4.1 (Permits) of this plan.
<b>prescription</b>	Mandatory rules for managing marine parks.
<b>protected species</b>	Species listed under the EPBC Act as threatened, migratory or marine species and/or cetaceans (whales, dolphins and porpoises).
<b>purse seine</b>	A semi-rectangular mesh net with floats along the top and a weighted line along the bottom. A vessel or buoy is used to anchor one end of the net while it is set around a fish aggregation in a circular pattern. The bottom of the net has a cable threaded through it which, when pulled, brings the bottom of the net together like a purse trapping the fish inside. The net is then pulled toward the vessel and the fish are either lifted or pumped on board the vessel.
<b>recreational fishing</b>	Taking marine species, including shells, not for commercial purposes and that is not commercial fishing.
<b>sea country</b>	Sea country refers to the areas of the sea that Aboriginal and Torres Strait Islander groups are particularly affiliated with through their traditional lore and customs.
<b>stowed and secured</b>	All fishing apparatus, including nets and lines, are rendered inoperative in zones where fishing is not permitted, including that the apparatus is inboard the vessel and otherwise completely out of the water or as determined by the Director.
<b>traditional owners</b>	A local descent group of Indigenous persons who have common spiritual affiliations to an area of sea country and are entitled by Indigenous traditions to fish and hunt in an area of sea country.

<b>transit</b>	Continuous and expeditious passage through an area. However, passage includes stopping and anchoring, but only in so far as rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
<b>trap, pot</b>	Traps and pots are made in a variety of shapes and sizes from various materials. They are generally baited to attract fish or crustaceans through one or more entrances or openings. Traps and pots are set on the seafloor and connected to a vertical line with a buoy on the surface of the water.
<b>trawl (demersal)</b>	A cone-shaped mesh net towed through the water column on or near the seabed that may come into contact with the seabed during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening generally has chains, rubber or steel bobbins and spacers threaded along its length to help reduce snagging by slightly lifting the net off the seafloor. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations such as one or four nets.
<b>trawl (midwater)</b>	A cone-shaped mesh net towed through the water column that does not come into contact with the seabed at any stage during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening is weighted. The last section of the net is a codend where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations, such as one or four nets.
<b>trotline</b>	A trotline is very similar to a demersal longline. It is a line that is horizontally set along the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are used intermittently along the main line to lift baited hooks away from the seafloor.
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982
<b>values</b>	Defined in Part 2 of this plan.
<b>vessel identification and monitoring system</b>	A system whereby vessels are fitted with an electronic device that can transmit or provide information to a central management agency about the vessel's course or position, or other such information.

## SCHEDULE 1 SUMMARY OF LEGISLATIVE AND POLICY CONTEXTS

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### S1.1 THE EPBC ACT AND EPBC REGULATIONS

The objects of the EPBC Act (s.3) are:

- a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- c) to promote the conservation of biodiversity;
- ca) to provide for the protection and conservation of heritage;
- d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples;
- e) to assist in the co-operative implementation of Australia's international environmental responsibilities;
- f) to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- g) to promote the use of Indigenous people's knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

#### **Director of National Parks**

The Director of National Parks is a corporation under the EPBC Act (s.514A) and a Commonwealth corporate entity for the purposes of the *Public Governance Performance and Accountability Act 2013*. The corporation is controlled by the person appointed by the Governor-General to the office that is called the Director of National Parks (s.514F of the EPBC Act).

The functions of the Director (s.514B) include the administration, management and control of Commonwealth reserves, including Australian Marine Parks, established under the EPBC Act. The Director generally has power to do all things necessary or convenient for performing the Director's functions (s.514C). The Director has a number of specified powers under the EPBC Act and EPBC Regulations, including to prohibit or control some activities, and to issue permits for activities that are otherwise prohibited. The Director performs functions and exercises powers in accordance with this plan.

#### **Establishment of Commonwealth reserves**

Commonwealth reserves, including Australian Marine Parks, are declared by proclamation by the Governor-General under the EPBC Act. The EPBC Act and the EPBC Regulations provide the legal basis and framework for management of Commonwealth reserves.

Commonwealth reserves can be declared over areas specified in s.344 of the EPBC Act, including the Commonwealth marine area as defined in s.24 of the Act (which extends generally from the three nautical mile limit of the coastal waters of the states and territories to the outer limit of Australia's exclusive economic zone). The Commonwealth marine area is also a matter of national environmental significance protected from significant impacts to the environment by Part 3 of the EPBC Act.

### ***IUCN categories and management principles***

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

#### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation—management arrangements should, to the extent practicable, provide for broad and meaningful participation by the community, public organisations and private interests in designing and carrying out the functions of a reserve or zone;
2. effective and adaptive management—management arrangements should be effective and appropriate to the biodiversity objectives and the socio-economic context of the reserve or zone. They should be adaptive in character to ensure a capacity to respond to uncertainty and change;
3. the precautionary principle—a lack of full scientific certainty should not be used as a reason for postponing measures to prevent degradation of the natural and cultural heritage of a reserve or zone where there is a threat of serious or irreversible damage;
4. minimising impacts—the integrity of a reserve or zone is best conserved by protecting it from disturbance and threatening processes. Potential adverse impacts on the natural, cultural and social environment and surrounding communities should be minimised as far as practicable;
5. ecologically sustainable use—if resource use is consistent with the management principles that apply to a reserve or zone, it should be based on the principle (the principle of ecologically sustainable use) that:
  - a) natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature, and
  - b) the benefit of the use to the present generation should not diminish the potential of the reserve or zone to meet the needs and aspirations of future generations;
6. transparency of decision-making—the framework and processes for decision-making for management of the reserve or zone should be transparent. The reason for making decisions should be publicly available, except to the extent that information, including information that is culturally sensitive or commercial-in-confidence, needs to be treated as confidential; and
7. joint management—if the reserve or zone is wholly or partly owned by Aboriginal people, continuing traditional use of the reserve or zone by resident Indigenous people, including the protection and maintenance of cultural heritage, should be recognised.



### *Principles for each IUCN category represented in the South-west Network*

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the South-west Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

#### **1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

#### **3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

#### **5. Habitat/species management area (IUCN category IV)**

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.

- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.
- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.
- 5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.
- 5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

- 7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.
- 7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.

### ***Management plans***

The EPBC Act requires the Director to prepare a management plan for a Commonwealth reserve. When prepared, a plan is given to the Minister administering the EPBC Act for approval. A management plan is a 'legislative instrument' for the purposes of the Legislative Instruments Act 2003 and must be registered under that Act. Following registration, the plan is tabled in each House of the Commonwealth Parliament and may be disallowed by either House on a motion moved within 15 sitting days of the House after tabling.

A management plan for a Commonwealth reserve has effect for ten years, subject to being revoked or amended earlier by another management plan for the reserve. The Director must give effect to a management plan in operation for a Commonwealth reserve. The Commonwealth and Commonwealth agencies must also not perform functions or exercise powers in relation to the reserve inconsistently with the plan (s.362).

Under the EPBC Act (s.367) a management plan for a Commonwealth reserve must provide for the protection and conservation of the reserve.

A management plan for a Commonwealth reserve may divide the reserve into zones and assign each zone to an IUCN category (whether or not a proclamation has assigned the reserve or each zone of the reserve to that IUCN category). The category to which a zone is assigned may differ from the category to which the reserve is assigned.

The provisions of a management plan for a Commonwealth reserve that relate to the reserve or a particular zone of the reserve must not be inconsistent with the Australian IUCN reserve management principles for the IUCN category to which the reserve or zone is assigned by the plan.

If the management plan for a Commonwealth reserve assigns the reserve to one IUCN category and assigns a zone of the reserve to a different IUCN category, disregard the IUCN category to which the reserve is assigned for the purposes of the application of subsection (3) in relation to the zone.

A single management plan may be the management plan for more than one Commonwealth reserve.

A management plan for a Commonwealth reserve may include provisions relating to an area that is proposed to be included in the reserve, but they do not have effect until the area is included in the reserve.

Under the EPBC Act (s.368), in preparing a management plan for a Commonwealth reserve, the Director must take account of:

- a) any report considered by the Minister under Section 351 before a proclamation declaring the reserve was made; and
- b) the regulation of the use of the reserve for the purpose for which it was declared; and
- c) the interests of:
  - (i) any owner of any land or seabed in the reserve; and
  - (ii) the traditional owners of any Indigenous people's land in the reserve; and
  - (iii) any other Indigenous persons interested in the reserve; and
  - (iv) any person who has a usage right relating to land, sea or seabed in the reserve that existed (or is derived from a usage right that existed) immediately before the reserve was declared; and
- d) the protection of the special features of the reserve, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest; and
- e) the protection, conservation and management of biodiversity and heritage within the reserve; and
- f) the protection of the reserve against damage; and
- g) Australia's obligations under agreements between Australia and one or more other countries relevant to the protection and conservation of biodiversity and heritage.

### ***Control of actions in Commonwealth reserves***

The EPBC Act (ss.354 and 354A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a management plan in operation for the reserve:

- a) kill, injure, take trade, keep or move a member of a native species; or
- b) damage heritage; or
- c) carry out an excavation; or
- d) erect a building or other structure; or
- e) carry out works; or
- f) take an action for commercial purposes.

Mining operations are also prohibited (ss.355 and 355A of the EPBC Act) except in accordance with a management plan. Section 355(2) defines mining operations as follows:

- a) operations or activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals, including:
  - (i) prospecting and exploration for minerals; and
  - (ii) milling, refining, treatment and processing of minerals; and
  - (iii) storage and disposal of minerals and materials produced from minerals;
- b) the construction and use of towns, camps, dams, pipelines power lines or other structures for the purposes of operations or activities described in paragraph (a); and
- c) the performance of any other work for the purposes of operations or activities described in paragraph (a).

Section 358 of the EPBC Act allows the Director to grant a lease or a licence relating to land or seabed in a Commonwealth reserve in accordance with a management plan.

The EPBC Regulations control, or allow the Director to control, a range of activities in Commonwealth reserves. The Director applies the Regulations subject to and in accordance with the EPBC Act and management plan. The Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act. Activities that are prohibited or restricted by the EPBC Act may be carried on if they are authorised by a permit issued by the Director and/or they are carried on in accordance with a management plan or if another exception prescribed by r.12.06(1) of the Regulations applies.

Access to biological resources in Commonwealth areas is regulated under Part 8A of the EPBC Regulations. Access to biological resources is also covered by ss.354 and 354A of the EPBC Act if the resources are members of a native species and/or if access is for commercial purposes.

### ***Environmental assessment and approval***

Actions that are likely to have a significant impact on matters of national environmental significance are subject to the referral, assessment and approval provisions of Chapters 2 to 4 of the EPBC Act (irrespective of where the action is taken).

At commencement of this plan, the matters of national environmental significance identified in the EPBC Act are:

- a) world heritage properties;
- b) national heritage places;
- c) wetlands of international importance (Ramsar wetlands);
- d) listed threatened species and communities;
- e) listed migratory species;
- f) protection of the environment from nuclear actions (including uranium mining);
- g) marine environment (Commonwealth marine areas);
- h) the Great Barrier Reef Marine Park; and
- i) protection of water resources from coal seam gas development and large coal mining development.

The referral, assessment and approval provisions also apply to actions on Commonwealth land that are likely to have a significant impact on the environment and to actions taken outside Commonwealth land that are likely to have a significant impact on the environment on Commonwealth land.

Responsibility for compliance with the assessment and approvals provisions of the EPBC Act lies with persons taking relevant 'controlled' actions. A person proposing to take an action that the person thinks may be or is a controlled action should refer the proposal to the Minister. The Minister will decide whether or not the action is a controlled action. The Director of National Parks may also refer proposed actions to the Minister.

### ***Wildlife protection***

Part 13 of the EPBC Act contains provisions that prohibit and regulate actions in relation to listed threatened species and ecological communities, listed migratory species, listed marine species and cetaceans (whale, dolphin and porpoise).

Actions taken in accordance with a Commonwealth reserve in accordance with a management plan in relation to any native species listed under Part 13 of the EPBC Act are exempt from prohibitions in Part 13 of the Act.

### ***Heritage protection***

The EPBC Act world heritage protection provisions (s.12–15A, ss.320–324) provide:

- a) that the primary purpose of management of natural heritage and cultural heritage of a declared world heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the world heritage values of the property;
- b) that at least one management plan should be prepared for each declared world heritage property;
- c) that the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure it exercises its powers and performs its functions in relation to the property in a way that is not inconsistent with the World Heritage Convention, the Australian world heritage management principles; and if the property is on the World Heritage List and a plan for managing the property has been prepared as described in s.321—that plan;
- d) that an action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the world heritage values of the property.

The EPBC Act national and Commonwealth heritage protection provisions (ss.324A to 324ZC and ss.341A to 341ZH) provide:

- a) for the establishment and maintenance of a National Heritage List and a Commonwealth Heritage List, criteria and values for inclusion of places in either list and heritage management principles for places that are included in the two lists;
- b) that Commonwealth agencies must not take an action that is likely to have an adverse impact on the heritage values of a place included in either list unless there is no feasible and prudent alternative to taking the action and all measures that can reasonably be taken to mitigate the impact of the action on those values are taken and that Commonwealth agencies that own or control places must—
  - i. prepare a written heritage strategy for managing those places to protect and conserve their Commonwealth heritage values. The strategy must address any matters required by the EPBC Regulations, and not be inconsistent with the Commonwealth heritage management principles, and
  - ii. identify Commonwealth heritage values for each place, and produce a register that sets out the Commonwealth heritage values (if any) for each place (and do so within the timeframe set out in the place's heritage strategy).

The prescriptions in this plan are consistent with the Commonwealth heritage and national heritage management principles and other relevant obligations under the EPBC Act for protecting and conserving the heritage values for which the reserve has been listed on the National Heritage List.

### ***Wetlands of international importance***

The EPBC Act management of wetlands of international importance provisions (ss.325 to 336) provide:

- a) that the Commonwealth may designate a wetland for inclusion in the List of Wetlands of International Importance kept under the Ramsar Convention only after seeking the agreement of relevant states, self-governing territories and land holders;
- b) that the Minister must make plans for managing wetlands listed under the Ramsar Convention that are entirely in Commonwealth areas other than Commonwealth reserves. The Commonwealth and Commonwealth agencies must not contravene such plans;
- c) that the Commonwealth must try to prepare and implement management plans for other wetlands listed under the Ramsar Convention, in cooperation with the relevant states and self-governing territories;

- d) that the Commonwealth and Commonwealth agencies have duties relating to declared Ramsar wetlands in states and territories; and
- e) that the Commonwealth can provide assistance for the protection or conservation of declared Ramsar wetlands.

The prescriptions in this plan are consistent with the Australian Ramsar management principles prescribed in Schedule 6 of the EPBC Regulations and other relevant obligations under the EPBC Act for the management of wetlands included in the List of Wetlands of International Importance kept under the Ramsar Convention.

#### ***EPBC Act and Indigenous traditional rights and native title rights***

Native title rights may exist in offshore waters within Australia's jurisdiction. Native title determinations need not have been made in order for native title rights to exist.

The EPBC Act does not affect the operation of the *Native Title Act 1993* and s.211 in particular, which in certain circumstances allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence (s.8 EPBC Act). Prohibitions and other provisions of the EPBC Act and EPBC Regulations dealing with activities in Commonwealth reserves do not prevent Indigenous people from continuing their traditional use of an area in a reserve for hunting or gathering (except for purposes of sale), or for ceremonial and religious purposes, in accordance with the EPBC Act s.359A.

#### ***Access to biological resources***

Access to biological resources in Commonwealth areas is regulated under the EPBC Regulations Part 8A and a permit from the Minister is required. Access to biological resources is defined in the EPBC Regulations and broadly means the taking of biological resources of native species for research and development on any genetic resources, or biochemical compounds, comprising or contained in the biological resources. Biological resources are defined by the EPBC Act as genetic resources, organisms, parts of organisms, populations and any other biotic component of an ecosystem with actual or potential use or value for humanity. Genetic resources are defined by the EPBC Act as any material of plant, animal, microbial or other origin that contains functional units of heredity, and that has actual or potential value for humanity.

#### ***Penalties***

Civil and criminal penalties may be imposed for breaches of the EPBC Act and criminal penalties may be imposed for breaches of the EPBC Regulations.

## **S1.2 OTHER RELEVANT LEGISLATION**

The ***Environment Protection (Sea Dumping) Act 1981 (Sea Dumping Act)*** regulates the loading for the purpose of dumping and dumping of controlled material at sea (including certain wastes and other matter), and the placement of artificial reefs. The Act gives effect to Australia's obligations under the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol). Under the Sea Dumping Act, dumping at sea is prohibited, except for possibly acceptable wastes or other matter that may be considered under a permit.

The ***Fish Resources Management Act 1994*** and the ***Pearling Act 1990*** are the regulatory framework for the management of Western Australia's fisheries and aquatic biological resources. The ***Fisheries Management Act 2007*** is the regulatory framework for the management of South Australian fisheries resources.

The ***Fisheries Management Act 1991*** regulates fishing activities in the Australian Fishing Zone, from the Australian coastline to 200 nm, including waters surrounding external territories.

The ***Historic Shipwrecks Act 1976*** provides for the protection of historic shipwrecks and associated relics and the establishment of protected zones around historic shipwrecks from the lowest astronomical tide mark to the exclusive economic zone. All shipwrecks and associated relics more than 75 years old whether located or not are protected under the Act by Ministerial declaration. A wreck less than 75 years old may also be protected by a declaration of the Minister.



The *Historic Shipwrecks Act 1976* prohibits conduct in relation to historic shipwrecks and relics without a permit, which includes conduct that destroys or causes damage to a historic shipwreck or relic, causes interference with a historic shipwreck or relic, causes the disposal of a historic shipwreck or relic, or causes a historic shipwreck or relic to be removed from Australia.

The most current information about the status of discovered shipwrecks, protected shipwrecks or shipwrecks that have a declared protected zone is in the Australian national shipwrecks database ([www.environment.gov.au](http://www.environment.gov.au)).

The ***Offshore Minerals Act 1994*** establishes the regulatory framework for offshore exploration and recovery of minerals beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The ***Offshore Petroleum and Greenhouse Gas Storage Act 2006*** is the regulatory framework for offshore exploration and production of petroleum, and greenhouse gas storage activities, beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The ***Protection of the Sea (Prevention of Pollution from Ships) Act 1983*** and the ***Navigation Act 2012*** address the protection of the marine environment from ship-sourced pollution. The Prevention of Pollution from Ships Act implements the International Convention for the Prevention of Pollution from Ships (MARPOL), and regulates normal or routine operational discharges from ships. MARPOL annexes regulate the discharge of oil (Annex I), noxious liquid substances (Annex II), the disposal of sewage from ships (Annex IV) and garbage (Annex V), harmful substances carried by sea in packaged forms (Annex III) and air pollution from ships (Annex VI). The Australian Maritime Safety Authority (AMSA) is responsible for the application and enforcement of MARPOL in areas of Commonwealth jurisdiction, that is, to the limit of the 200 nautical mile exclusive economic zone. State and territory governments give effect to MARPOL Annexes in coastal waters out to three nautical miles (approximately 5.5 km) from land.

### **S1.3 INTERNATIONAL AGREEMENTS**

This plan takes into account Australia's obligations under international agreements that are relevant to the South-west Network. These include:

#### **Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment (JAMBA)**

JAMBA provides for Australian and Japanese cooperation on the protection of migratory birds and birds in danger of extinction (listed in the annex to the agreement) and the management and protection of their environments. It requires both countries to take appropriate measures to preserve and enhance the environment of birds protected under the provisions of the agreement.

#### **Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (CAMBA)**

CAMBA provides for Australian and Chinese cooperation on the protection of migratory birds (listed in the annex to the agreement) and their environment. It requires both countries to take appropriate measures to preserve and enhance the environment of migratory birds.

#### **Agreement between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds 2007 (ROKAMBA)**

ROKAMBA provides for Australian and Korean cooperation on the protection of migratory birds (listed in the annex to the agreement) and their habitat and the prevention of the extinction of certain birds. It requires both countries to take appropriate measures to conserve and improve the environment of birds protected under the provisions of the agreement.

### **Agreement on the Conservation of Albatrosses and Petrels (ACAP)**

This agreement provides for parties to conserve highly migratory and threatened seabirds over their normal range by protecting critical habitat, controlling non-native species detrimental to albatrosses and petrels, introducing measures to reduce the incidental catch of seabirds in fisheries, and supporting research into the effective conservation of albatrosses and petrels.

### **Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention)**

The World Heritage Convention was adopted to ensure the proper identification, protection, conservation and presentation of cultural and natural heritage with outstanding universal value. Australian world heritage management principles are prescribed in Schedule 5 of the EPBC Regulations.

### **Convention on Biological Diversity (CBD)**

Australia is a signatory to the CBD, which requires parties to pursue the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the use of genetic resources. Article 8 of the convention identifies that parties should 'establish a system of protected areas or areas where special measures need to be taken to conserve biodiversity'. The establishment and management of the South-west Network assists Australia in meeting its obligations under the CBD.

In 2010, the Conference of Parties to the CBD adopted a *Strategic plan for biodiversity*. It includes Target 11 relevant to protected areas:

*By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.*

The strategic plan complements, but does not replace, the commitment to establish representative networks of marine protected areas by 2012, made at the 2002 World Summit on Sustainable Development. Australia has met and exceeded this target.

### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

CITES aims to ensure that the international trade of wild fauna and flora specimens does not threaten the survival of the species from which they are derived. It places controls on the international trade of specimens of certain species. At the time of preparing this plan, several marine mammal species found in the South-west Network were listed under CITES Annex II.

### **Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)**

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to this convention work together to conserve migratory species and their habitats. Species that are listed under the above migratory agreements and conventions are listed species under Part 13 of the EPBC Act.

### **Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (Ramsar Convention)**

This international agreement is more commonly known as the Ramsar Convention on Wetlands, and originally aimed to conserve and wisely use wetlands primarily as habitat for waterbirds. Over the years, the Ramsar Convention's scope has broadened to cover all aspects of wetland conservation and wise use, recognising that wetland ecosystems are important for both biodiversity conservation and the wellbeing of human communities.

To achieve its aims, the Ramsar Convention requires international cooperation, policy-making, capacity-building and technology transfer from its members. Under the Ramsar Convention, a wide variety of natural and human-made habitat types can be classified as wetlands, including features in the marine environment.

All wetlands listed under the Ramsar Convention are recognised as matters of national environmental significance under the EPBC Act. As such, approval is required for actions that will have, or are likely to have a significant impact on the ecological character of a Ramsar-listed wetland.

### **International Convention for the Prevention of Pollution from Ships (MARPOL)**

MARPOL deals with preventing and minimising the discharge of ship-generated pollution into the sea. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. The International Maritime Organization (IMO), a specialised agency of the United Nations, administers this convention and related conventions. MARPOL is given effect in Australia by the *Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012*. It is the basis for Australian, state and territory government regulation of pollution from all ships, including fishing vessels, in Australian waters. The Australian Maritime Safety Authority (AMSA) and state and territory governments are responsible for the application and enforcement of MARPOL in Australian waters.

### **International Convention for the Regulation of Whaling**

Australia is a member of the International Whaling Commission, which supports the conservation of whales and the management of whaling under the International Convention for the Regulation of Whaling. Through its membership of the Commission, Australia promotes international collaboration and research that helps to protect whales in Commonwealth waters and internationally. This includes initiatives to support the growing whale watching industry, better understand where and why collisions occur between whales and ships, and coordinate actions to protect the most at-risk populations of whales and dolphins. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

### **United Nations Convention on the Law of the Sea (UNCLOS)**

UNCLOS defines the rights and responsibilities of nations in their use of the world's oceans. It establishes guidelines for businesses, the environment and the management of marine natural resources. It provides foreign vessels with a right of innocent passage through territorial seas.

### **UN Declaration on the Rights of Indigenous Peoples**

On 3 April 2009 the Australian Government announced its support for the UN Declaration on the Rights of Indigenous Peoples. Although the Declaration is non-binding and does not affect existing Australian law, it does set important international principles for nations to aspire to and many of its provisions are grounded in the core human rights treaties to which Australia is a party.

### **1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Protocol)**

Australia is a party to the London Protocol, the objective of which is to protect and preserve the marine environment from all sources of pollution and prevent pollution caused by dumping or incineration at sea of wastes or other matter. The London Protocol limits the type of materials that can be considered for ocean disposal, and bans the incineration of wastes at sea. In Australia, the London Protocol is administered by the Australian Government under the Sea Dumping Act.

### **2030 Agenda for Sustainable Development and the Sustainable Development Goals (2030 Agenda)**

The 2030 Agenda for Sustainable Development (2030 Agenda) aims to integrate the social, environmental and economic dimensions of sustainable development. The 2030 Agenda was agreed by 193 Member States at the United Nations Sustainable Development Summit in New York in September 2015. It includes 17 Sustainable Development Goals (SDGs) – a roadmap for sustainable development efforts to 2030 and beyond. Australian Marine Parks contribute to five SDGs: SDG 8 – Decent Work and Economic Growth; SDG 12 – Responsible Production and Consumption; SDG 13 – Climate Action; SDG 14 – Life below Water; and SDG 15 – Life on Land.

## SCHEDULE 2 SOUTH-WEST NETWORK OVERVIEW AND VALUES

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Sea lions and snorkeler (Robert Blackburn)

## S2.1 SOUTH-WEST NETWORK OVERVIEW

The marine parks of the South-west Network were proclaimed under the EPBC Act on 14 December 2013 (Federal Register of Legislation No. F2013L02108) and renamed on 9 October 2017 (Federal Register of Legislation No. F2017L01337).

**Table S2.1 Overview of the South-west Network**

Marine park name	Zones, IUCN categories and zone area	Marine park IUCN category	Total marine park area
<b>Southern Kangaroo Island</b>	Special Purpose Zone (Mining Exclusion) (VI) 630 km <sup>2</sup>	VI	630 km <sup>2</sup>
<b>Western Kangaroo Island</b>	National Park Zone (II) 120 km <sup>2</sup> Special Purpose Zone (Mining Exclusion) (VI) 1435 km <sup>2</sup> Special Purpose Zone (VI) 781 km <sup>2</sup>	VI	2335 km <sup>2</sup>
<b>Western Eyre</b>	National Park Zone (II) 17,437 km <sup>2</sup> Multiple Use Zone (VI) 16,107 km <sup>2</sup> Special Purpose Zone (VI) 24,196 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 204 km <sup>2</sup>	VI	57,944 km <sup>2</sup>
<b>Murat</b>	National Park Zone (II) 938 km <sup>2</sup>	II	938 km <sup>2</sup>
<b>Great Australian Bight</b>	National Park Zone (II) 7728 km <sup>2</sup> Multiple Use Zone (VI) 22,578 km <sup>2</sup> Special Purpose Zone (Mining Exclusion) (VI) 11,654 km <sup>2</sup> Special Purpose Zone (VI) 3861 km <sup>2</sup>	VI	45,822 km <sup>2</sup>
<b>Twilight</b>	National Park Zone (II) 3605 km <sup>2</sup> Special Purpose Zone (Mining Exclusion) (VI) 1036 km <sup>2</sup>	II	4641 km <sup>2</sup>
<b>Eastern Recherche</b>	National Park Zone (II) 15,565 km <sup>2</sup> Special Purpose Zone (VI) 5010 km <sup>2</sup>	II	20,575 km <sup>2</sup>
<b>South-west Corner</b>	National Park Zone (II) 54,841 km <sup>2</sup> Habitat Protection Zone (IV) 95,088 km <sup>2</sup> Multiple Use Zone (VI) 106,602 km <sup>2</sup> Special Purpose Zone (Mining Exclusion) (VI) 9550 km <sup>2</sup> Special Purpose Zone (VI) 5753 km <sup>2</sup>	VI	271,833 km <sup>2</sup>
<b>Bremer</b>	National Park Zone (II) 3172 km <sup>2</sup> Special Purpose Zone (Mining Exclusion) (VI) 1300 km <sup>2</sup>	II	4472 km <sup>2</sup>

Marine park name	Zones, IUCN categories and zone area	Marine park IUCN category	Total marine park area
<b>Geographe</b>	National Park Zone (II) 15 km <sup>2</sup> Habitat Protection Zone (IV) 21 km <sup>2</sup> Multiple Use Zone (VI) 291 km <sup>2</sup> Special Purpose Zone (Mining Exclusion) (VI) 650 km <sup>2</sup>	VI	977 km <sup>2</sup>
<b>Perth Canyon</b>	National Park Zone (II) 1241 km <sup>2</sup> Habitat Protection Zone (IV) 4352 km <sup>2</sup> Multiple Use Zone (VI) 1816 km <sup>2</sup>	IV	7409 km <sup>2</sup>
<b>Two Rocks</b>	National Park Zone (II) 15 km <sup>2</sup> Multiple Use Zone (VI) 867 km <sup>2</sup>	VI	882 km <sup>2</sup>
<b>Jurien</b>	National Park Zone (II) 31 km <sup>2</sup> Special Purpose Zone (VI) 1820 km <sup>2</sup>	VI	1851 km <sup>2</sup>
<b>Abrolhos</b>	National Park Zone (II) 2548 km <sup>2</sup> Habitat Protection Zone (IV) 23,239 km <sup>2</sup> Multiple Use Zone (VI) 56,545 km <sup>2</sup> Special Purpose Zone (VI) 5729 km <sup>2</sup>	VI	88,060 km <sup>2</sup>

**Note:** Each marine park extends from 1000 m below the seabed to 3000 m above sea level.

**Note:** Zone and total marine park areas are rounded to the nearest km<sup>2</sup>; therefore, the sum of areas may not equate to the total marine park or network areas in some instances.



## S2.2 SOUTH-WEST NETWORK VALUES

This Schedule describes the values represented in each marine park of the South-west Network.

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

Values will be used to inform the Director's decisions when authorising activities in marine parks. Activities will be assessed in relation to their impacts on and risk to values to ensure activities are undertaken in a manner that minimises impacts to as small as reasonably practicable (Section 4.3 Making decisions about activities).

As understanding of park values improves over time, updated information will be available on the Parks Australia website.

Other sources of information on marine park values can be found on the Department's website, in particular, for protected species (species profile and threats database), wetlands (Australian wetlands directory), heritage places (Australian heritage database), and shipwrecks (Australian national shipwrecks database); and in the *Marine bioregional plan for the South-west Marine Region* (2012) and the *South-west marine bioregional plan: bioregional profile* (2008).



## SOUTHERN KANGAROO ISLAND MARINE PARK

The Southern Kangaroo Island Marine Park (Figure S2.1) is located approximately 140 km south-west of Adelaide, adjacent to the South Australian Kangaroo Island Marine Park. The Marine Park covers an area of 630 km<sup>2</sup> extending from the South Australian state water boundary, and water depth ranges between 15 m and 100 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Southern Kangaroo Island Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes one zone assigned under this plan: Special Purpose Zone (Mining Exclusion) (VI). Coordinates for the Southern Kangaroo Island Marine Park and zone are provided in Figure S2.1 and Schedule 4.

### Statement of significance

The Southern Kangaroo Island Marine Park is significant because it contains habitats, species and ecological communities associated with the Spencer Gulf Shelf Province. It includes one key ecological feature: the Kangaroo Island Pool, canyons and adjacent shelf break and Eyre Peninsula upwellings (valued for high productivity, aggregations of marine life and unique seafloor features with ecological properties of regional significance).

The Marine Park includes shelf habitats surrounding Kangaroo Island that connect to and complement the adjacent South Australian Southern Kangaroo Island Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of the Spencer Gulf Shelf. Seasonal winds and ocean currents interact with seafloor features to produce a number of small seasonal upwellings that are important for biological productivity. The area is noted for its diverse seafloor communities, productivity hotspots and aggregations of marine life associated with seasonal upwellings of nutrient-rich water.

A key ecological feature of the Marine Park is the Kangaroo Island Pool, canyons and adjacent shelf break, and Eyre Peninsula upwellings—an area of nutrient-rich upwellings that enhance productivity, supporting seasonal aggregations of marine species.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, Australian sea lions and white sharks and a calving buffer area for southern right whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. South Australian Native Title Services is the Native Title Service Provider for South Australian region.

### Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### Social and economic values

Tourism, commercial fishing and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation. The Kangaroo Island community values the island's unique qualities and character, with its wild and relatively pristine coastal and marine environment a tourism drawcard.



## WESTERN KANGAROO ISLAND MARINE PARK

The Western Kangaroo Island Marine Park (Figure S2.2) is located approximately 230 km south-west of Adelaide and 110 km south of Port Lincoln, adjacent to the South Australian Western Kangaroo Island Marine Park. The Marine Park covers an area of 2335 km<sup>2</sup> and water depths range between 15 m and 165 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Western Kangaroo Island Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes three zones assigned under this plan: National Park Zone (II), Special Purpose Zone (Mining Exclusion) (VI) and Special Purpose Zone (VI).

Coordinates for the Western Kangaroo Island Marine Park and zones are provided in Figure S2.2 and Schedule 4.

### Statement of significance

The Western Kangaroo Island Marine Park is significant because it contains habitats, species and ecological communities associated with the Spencer Gulf Shelf Province. It includes two key ecological features: the ancient coastline between 90 m and 120 m depth (valued for relatively high productivity, aggregations of marine life and high levels of biodiversity and endemism); and Kangaroo Island Pool, canyons and adjacent shelf break, and Eyre Peninsula upwellings (valued for high productivity, aggregations of marine life and unique seafloor features with ecological properties of regional significance).

The Marine Park includes shelf habitats surrounding Kangaroo Island that connect to and complement the adjacent South Australian Western Kangaroo Island Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of the Spencer Gulf Shelf. Seasonal winds and ocean currents interact with seafloor features to produce a number of small seasonal upwellings that are important for biological productivity. The area is noted for its diverse seafloor communities, productivity hotspots and aggregations of marine life associated with the seasonal upwellings of nutrient-rich water.

Key ecological features represented in the Marine Park are:

- The ancient coastline between 90 m and 120 m depth— an area of high benthic biodiversity and productivity occur where the ancient coastline forms a prominent escarpment; and
- Kangaroo Island Pool, canyons and adjacent shelf break, and Eyre Peninsula upwellings—an area of nutrient-rich upwellings that enhance productivity, supporting seasonal aggregations of marine species.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, Australian sea lions, white sharks and pygmy blue and sperm whales, and a calving buffer area for southern right whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

South Australian Native Title Services is the Native Title Service Provider for South Australian region.

### Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

## WESTERN KANGAROO ISLAND MARINE PARK

### **Social and economic values**

Tourism, commercial fishing and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation. The Kangaroo Island community values the island's unique qualities and character, with its wild and relatively pristine coastal and marine environment a tourism drawcard.



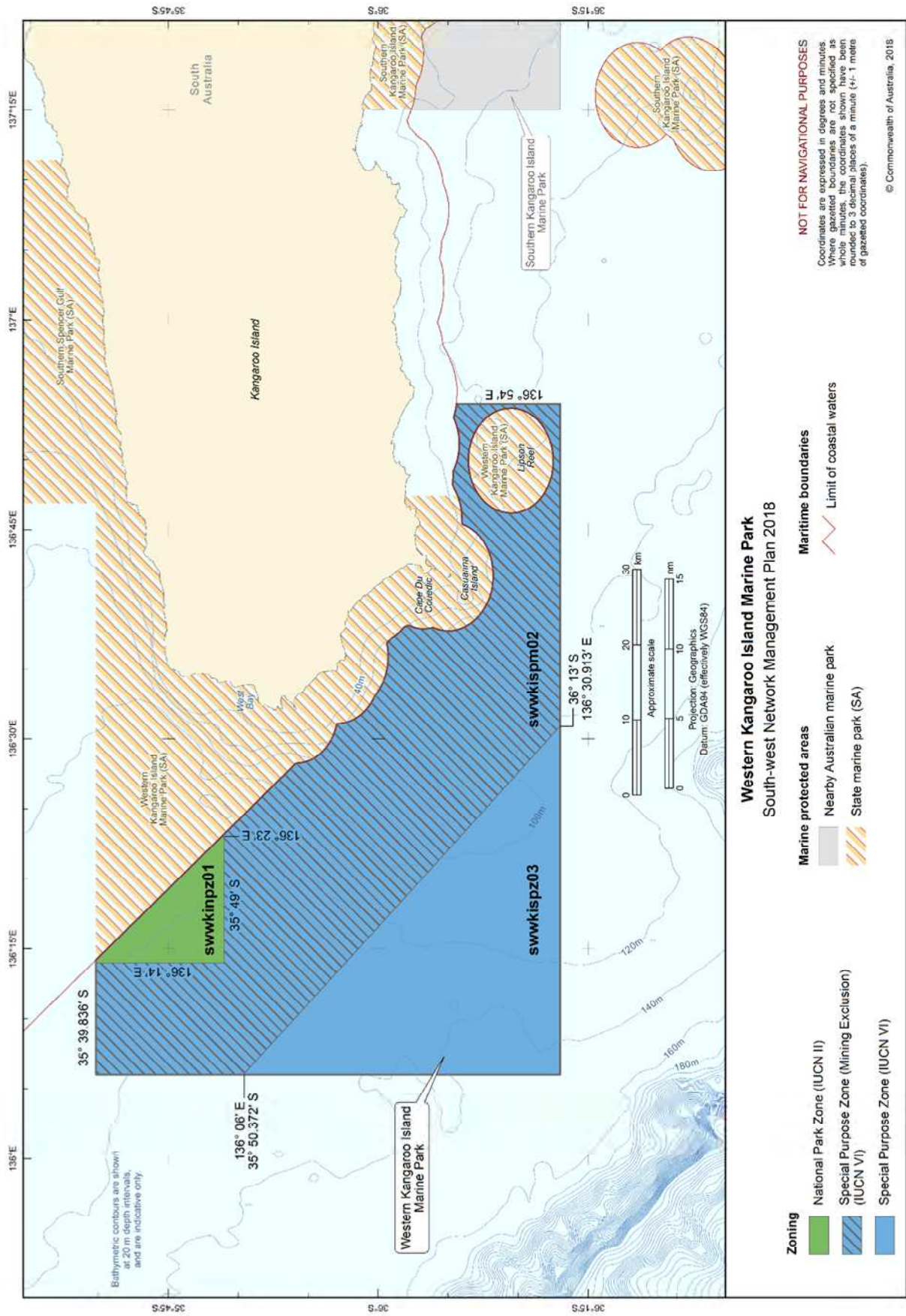


Figure S2.2 Western Kangaroo Island Marine Park

## WESTERN EYRE MARINE PARK

The Western Eyre Marine Park (Figure S2.3) is located approximately 123 km<sup>2</sup> south-west of Port Lincoln and 28 km west of Streaky Bay, adjacent to South Australia's Investigator, West Coast Bays and Nuyts Archipelago Marine Parks. The Marine Park covers an area of 57,944 km<sup>2</sup>, extending from the South Australian state water boundary to the edge of Australia's exclusive economic zone, and water depths range between 15 m and more than 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Western Eyre Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes four zones assigned under this plan: National Park Zone (II), Multiple Use Zone (VI), Special Purpose Zone (VI) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Western Eyre Marine Park and zones are provided in Figure S2.3 and Schedule 4.

### Statement of significance

The Western Eyre Marine Park is significant because it contains habitats, species and ecological communities associated with three bioregions: Spencer Gulf Shelf Province; Great Australian Bight Shelf Transition; and Southern Province. It includes five key ecological features: the ancient coastline between 90 m and 120 m depth (valued for relatively high productivity, aggregations of marine life and high levels of biodiversity and endemism); Kangaroo Island Pool, canyons and adjacent shelf break, and Eyre Peninsula upwelling (valued for high productivity, aggregations of marine life and unique seafloor features with ecological properties of regional significance); mesoscale eddies (valued for high productivity and aggregations of marine life); benthic invertebrate communities of the eastern Great Australian Bight (valued as a species group or community that is nationally and regionally important to biodiversity); and small pelagic fish of the South-west Marine Region (valued as a species group that has a regionally important ecological role).

The Marine Park provides connectivity between deeper offshore waters and the adjacent South Australian Investigator, West Coast Bays and Nuyts Archipelago Marine Parks. Waters surrounding the Nuyts Archipelago and Investigator Group form part of the ecologically important offshore islands that protect the coastline. The Marine Park is a hotspot for productivity, with feeding aggregations of marine mammals, sharks and seabirds.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Spencer Gulf Shelf—seasonal winds and ocean currents interact with seafloor features to produce a number of small seasonal upwellings that are important for biological productivity. The area is noted for its very diverse seafloor communities, productivity hotspots and aggregations of marine life associated with seasonal upwellings of nutrient-rich water;
- Great Australian Bight Shelf Transition—a vast and shallow area, characterised by an extensive area of flat continental shelf. The invertebrate communities that inhabit the seafloor are among the most diverse in the world. The inshore areas of the bioregion are globally important for the threatened southern right whale and the Australian sea lion; and
- Southern Province—includes the deepest ocean areas of the Australian exclusive economic zone, reaching depths of around 5900 m, and is characterised by a long continental slope; numerous, well-developed submarine canyons; and extensive mid-slope terraces such as the Ceduna Terrace.

Key ecological features of the Marine Park are:

- Ancient coastline between 90 m and 120 m depth—benthic biodiversity and productivity occur where the ancient coastline forms a prominent escarpment;

## WESTERN EYRE MARINE PARK

- Kangaroo Island Pool, canyons and adjacent shelf break, and Eyre Peninsula upwellings—an area of nutrient-rich upwellings that enhance productivity, supporting seasonal aggregations of marine species;
- Mesoscale eddies—important transporters of nutrients and plankton communities, which form at predictable locations off the western and south-western shelf break;
- Benthic invertebrate communities of the eastern Great Australian Bight—includes soft-sediment benthic invertebrate communities of the eastern Great Australian Bight shelf, which form some of the world’s most diverse soft-sediment ecosystems; and
- Small pelagic fish of the South-west Marine Region—provide an important trophic link between plankton communities and larger fish-eating predators in this area.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, foraging habitat for Australian sea lions, white sharks and pygmy blue and sperm whales, and a calving buffer area for southern right whales.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The far west coast region of South Australia includes over 1000 km of coastline along the Nullarbor Cliffs of the Great Australian Bight and the Nyuts Archipelago, and supports a sea based tradition and culture.

The Mirning people have a strong connection to land and sea country of the Nullarbor, and the Wirangu people have a strong connection to land and sea country across the remainder of the far west coastal region. Fishing is woven into the beliefs and values of this region, through the use of resources such as shell fish, periwinkles, abalone and razorfish; and the sharing of traditional fishing knowledge, catch and meals. The care and protection of these waters, the coastline, marine life and resources correspond directly with cultural stories, sites and knowledge.

South Australian Native Title Services is the Native Title Service Provider for South Australian region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Tourism, commercial fishing, recreation and mining are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



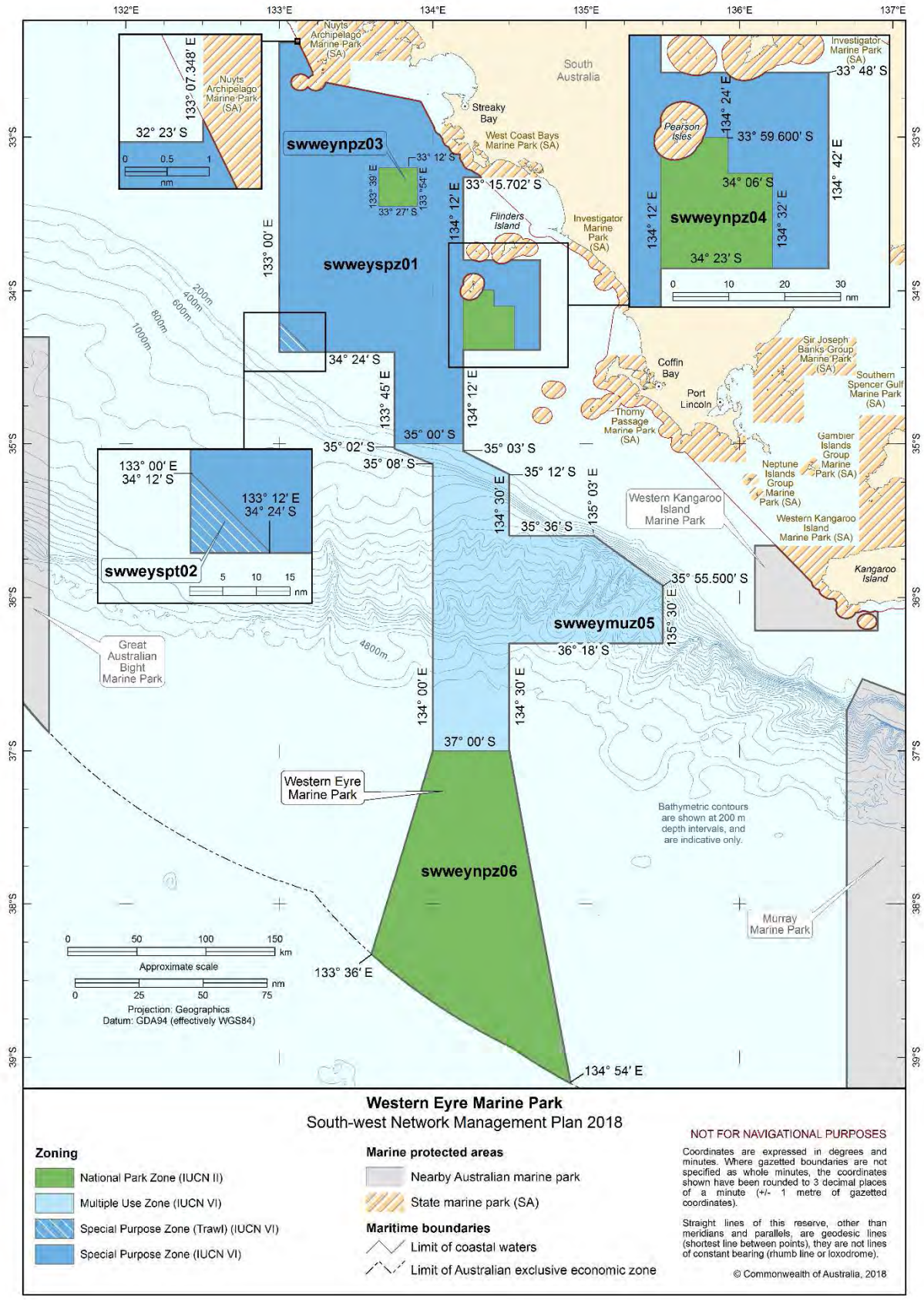


Figure S2.3 Western Eyre Marine Park

## MURAT MARINE PARK

The Murat Marine Park (Figure S2.4) is located 86 km off the west coast south-west of Ceduna, south of the South Australian Nuyts Archipelago Marine Park. The Marine Park covers an area of 938 km<sup>2</sup> and is relatively shallow, with water depths between less than 15 m and 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Murat Marine Park on 9 October 2017. The Marine Park is assigned IUCN category II and includes one zone assigned under this plan: National Park Zone (II).

Coordinates for the Murat Marine Park and zone are provided in Figure S2.4 and Schedule 4.

### Statement of significance

The Murat Marine Park is significant because it contains habitats, species and ecological communities associated with the Great Australian Bight Shelf Transition. It includes two key ecological features: benthic invertebrate communities of the eastern Great Australian Bight (valued as a species group or community that is nationally and regionally important to biodiversity); and small pelagic fish of the South-west Marine Region (valued as a species group which has a regionally important ecological role).

The Marine Park includes Yatala Reef, a detached reef located in the south-west corner of the Marine Park about 70 km offshore with depths of less than two meters in places. The Marine Park is a hotspot for productivity, with feeding aggregations for a range of species of marine mammals, sharks and seabirds.

### Natural values

The Marine Park includes examples of ecosystems representative of the Great Australian Bight Shelf Transition—a vast and shallow area characterised by an extensive area of flat continental shelf. The invertebrate communities that inhabit the seafloor are among the most diverse in the world. The inshore areas of the bioregion are globally important for the threatened southern right whale and the Australian sea lion.

Key ecological features of the Marine Park are:

- Benthic invertebrate communities of the eastern Great Australian Bight—includes the soft-sediment benthic invertebrate communities of the eastern Great Australian Bight shelf, which form some of the world's most diverse soft-sediment ecosystems; and
- Small pelagic fish of the South-west Marine Region—provide an important trophic link between plankton communities and larger fish-eating predators in this area.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds and Australian sea lions.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Mirning people have a strong attachment to land and sea country of the Nullarbor, while the Wirangu people have a strong attachment to land and sea country across the remainder of the far west coast region. The care and protection of the waters, coastline, marine creatures, marine environments and sea resources correspond directly with cultural stories and important cultural sites and knowledge.

South Australian Native Title Services is the native title service provider for South Australian region.

## MURAT MARINE PARK

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

The South-west Network supports a range of social and economic activities that contribute to the wellbeing of regional communities and the prosperity of the nation. The remoteness of the Marine Park makes access difficult with most recreational and tourism activities confined to state waters. Commercial ships may pass through the Marine Park to and from the port of Ceduna.

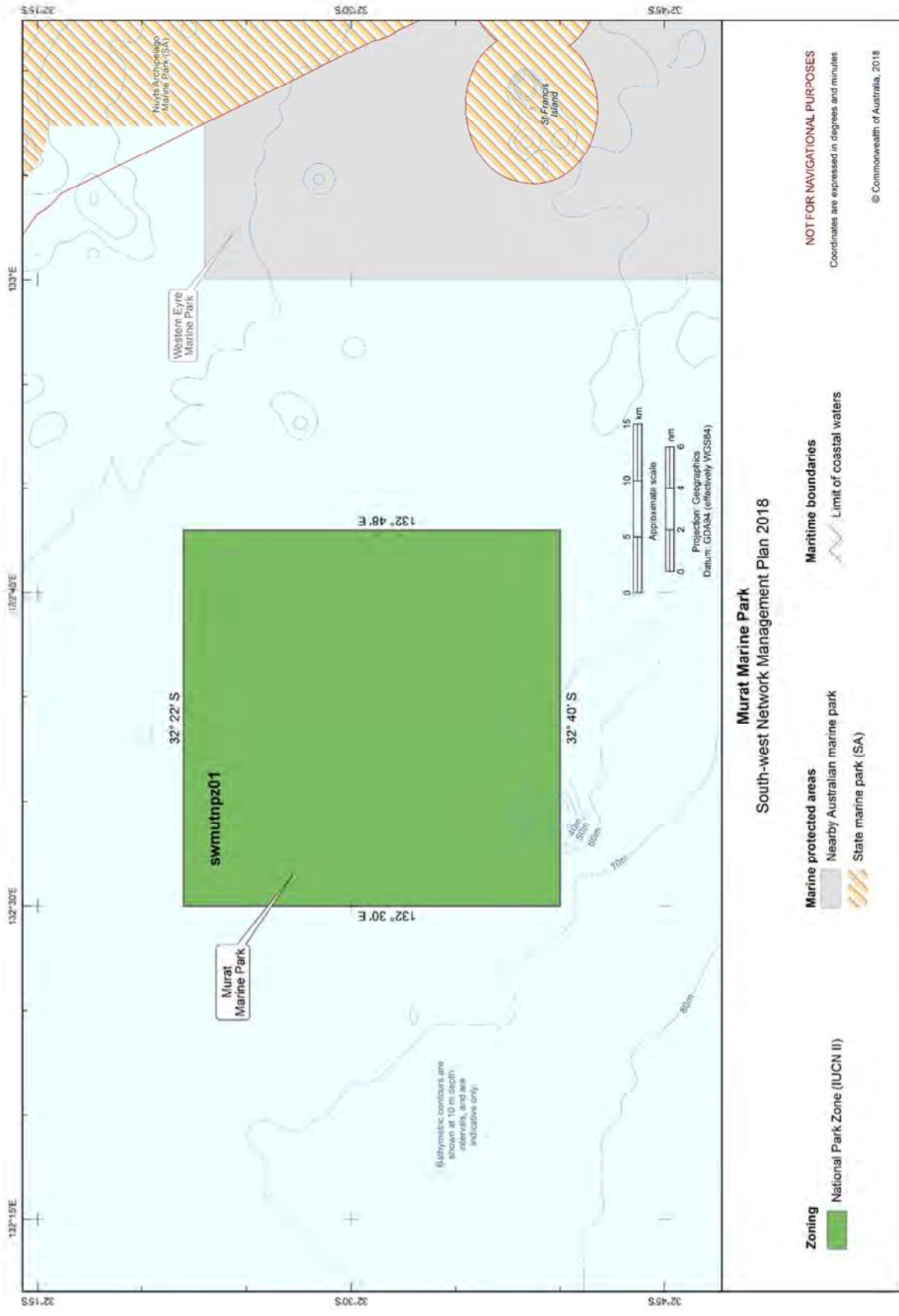


Figure S2.4 Murat Marine Park



## GREAT AUSTRALIAN BIGHT MARINE PARK

The Great Australian Bight Marine Park (Figure S2.5) is located approximately 12 km south-east of Eucla and 174 km west of Ceduna, adjacent to the South Australian Far West Coast and Nuyts Archipelago Marine Parks. The Marine Park covers an area of 45,822 km<sup>2</sup>, extending from South Australian state water boundary to the edge of Australia's exclusive economic zone, and a water depth range between less than 15 m and 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Great Australian Bight Marine Park on 9 October 2017. It includes the area of the Great Australian Bight Marine Park (Commonwealth Waters) originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 17 April 1998. The Marine Park is assigned IUCN category VI and includes four zones assigned under this plan: National Park Zone (II), Multiple Use Zone (VI), Special Purpose Zone (Mining Exclusion) (VI) and Special Purpose Zone (VI).

Coordinates for the Great Australian Bight Marine Park and zones are provided in Figure S2.5 and Schedule 4.

### Statement of significance

The Great Australian Bight Marine Park is significant because it contains habitats, species and ecological communities associated with two bioregions: Great Australian Bight Shelf Transition; and Southern Province. It includes three key ecological features: ancient coastline between 90 m and 120 m depth (valued for relatively high productivity, aggregations of marine life and high levels of biodiversity and endemism); benthic invertebrate communities of the eastern Great Australian Bight (valued as a species group or community that is nationally and regionally important to biodiversity); and small pelagic fish of the South-west Marine Region (valued as a species group which has a regionally important ecological role).

The Marine Park contains a number of prominent seafloor features including the Ceduna Terrace, an unusually large expanse of terrace that lies between the continental shelf and slope; Nullarbor Canyon, a large elongated canyon that cuts through the terrace; D'Entrecasteaux Reef (also known as Iles des Martins and Iles Montenotte), an emergent reef in the north-east corner of the Marine Park; and Anna's Pimple, a cone-shaped volcanic pinnacle rising 200 m above the surrounding soft sediments in the southern part of the Marine Park at 1800 m depth.

The Marine Park includes habitats connecting to and complementing the adjacent South Australian Far West Coast and Nuyts Archipelago Marine Parks

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Great Australian Bight Shelf Transition—a vast and shallow area, characterised by an extensive area of flat continental shelf. The invertebrate communities that inhabit the seafloor are among the most diverse in the world. The inshore areas of the bioregion are globally important for the threatened southern right whale and the Australian sea lion;
- Southern Province—includes the deepest ocean areas of the Australian EEZ, reaching depths of around 5900 m, and that is characterised by a long continental slope, numerous, well-developed submarine canyons, and extensive mid-slope terraces such as the Ceduna Terrace.

Key ecological features of the Marine Park are:

- Ancient coastline between 90 m and 120 m depth—high benthic biodiversity and productivity occur where the ancient coastline forms a prominent escarpment;

## GREAT AUSTRALIAN BIGHT MARINE PARK

- Benthic invertebrate communities of the eastern Great Australian Bight—includes soft-sediment benthic invertebrate communities of the eastern Great Australian Bight shelf, which form some of the world's most diverse soft-sediment ecosystems; and
- Small pelagic fish of the South-west Marine Region—provides an important trophic link between plankton communities and larger fish-eating predators in this area.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, Australian sea lions, white sharks and pygmy blue and sperm whales, and a calving area, migratory pathway and large aggregation area for southern right whales.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Kokatha, Mirning, and Wirangu people have responsibilities for sea country in the Marine Park. The far west coast region of South Australia includes over 1000 km of coastline along the Nullarbor Cliffs of the Great Australian Bight and the Nyuts Archipelago, and supports a sea based tradition and culture.

The Mirning people have a strong connection to land and sea country of the Nullarbor, and the Wirangu people have a strong connection to land and sea country across the remainder of the far west coastal region. Fishing is woven into the beliefs and values of this region, through the use of resources such as shell fish, periwinkles, abalone and razorfish; and the sharing of traditional fishing knowledge, catch and meals. The care and protection of these waters, the coastline, marine life and resources correspond directly with cultural stories, sites and knowledge.

South Australian Native Title Services is the native title service provider for South Australian region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Tourism, commercial fishing, and mining are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

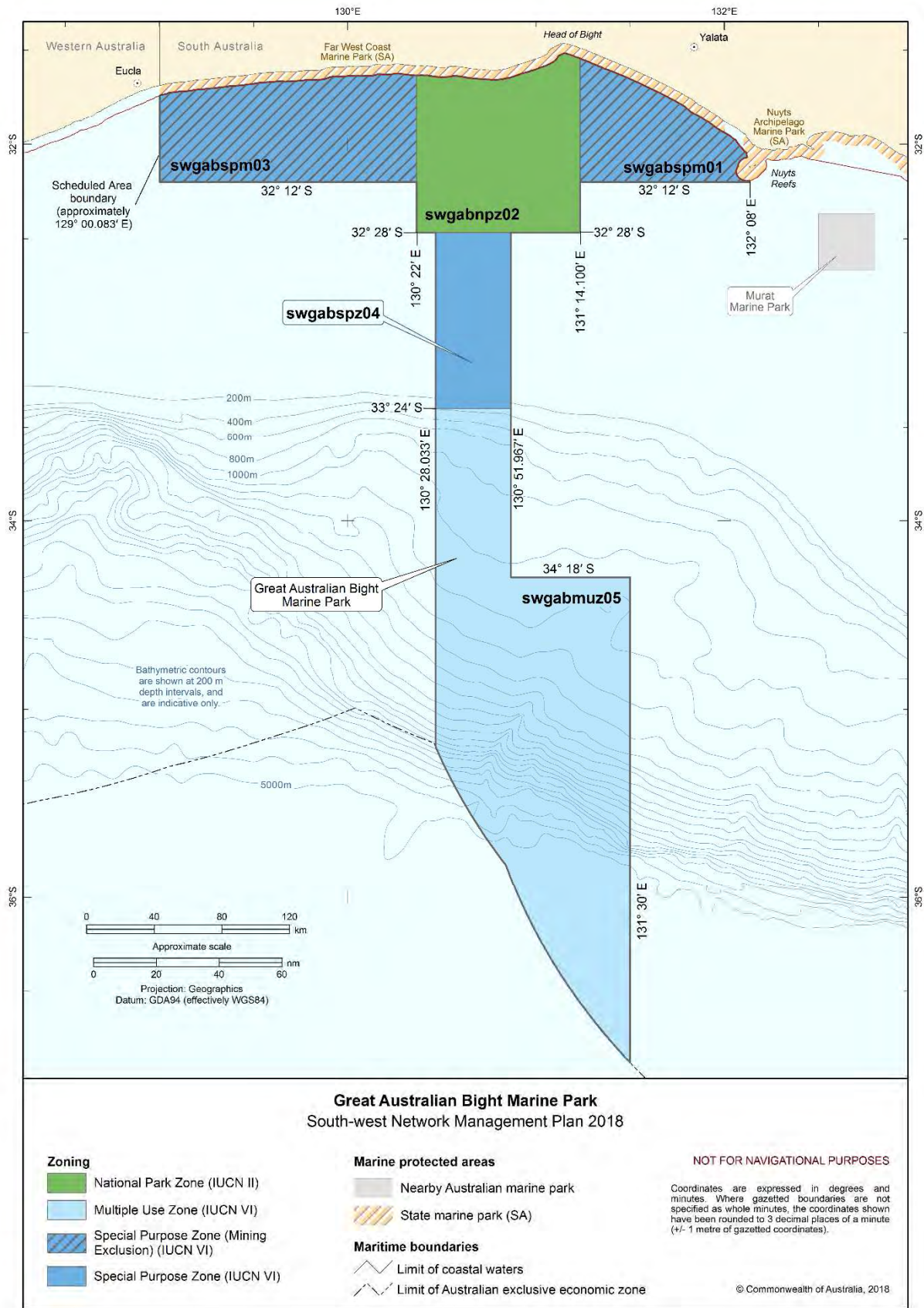


Figure S2.5 Great Australian Bight Marine Park



## TWILIGHT MARINE PARK

The Twilight Marine Park (Figure S2.6) is located approximately 245 km south-west of Eucla and 373 km north-east of Esperance, adjacent to the Western Australian state water boundary. The Marine Park covers an area of 4641 km<sup>2</sup> and water depths between less than 15 m and 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Twilight Marine Park on 9 October 2017. The Marine Park is assigned IUCN category II and includes two zones assigned under this plan: National Park Zone (II) and Special Purpose Zone (Mining Exclusion) (VI).

Coordinates for the Twilight Marine Park and zones are provided in Figure S2.6 and Schedule 4.

### Statement of significance

The Twilight Marine Park is significant because it contains habitats, species and ecological communities associated with the Great Australian Bight Shelf Transition.

The Marine Park includes south coast continental shelf environments, contributing to the connectivity of protected areas across shelf ecosystems. The inshore location of the Marine Park captures shallow depths.

### Natural values

The Marine Park includes examples of ecosystems representative of the Great Australian Bight Shelf Transition—a vast and shallow area characterised by an extensive area of flat continental shelf. The invertebrate communities that inhabit the seafloor are among the most diverse in the world. The inshore areas of the bioregion are globally important for the threatened southern right whale and the Australian sea lion.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, Australian sea lions and white sharks, and a calving buffer area for southern right whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Mirning and Spinifex people have responsibilities for sea country in the Marine Park. Local traditional owners recognise Kaart, Koort and Waarnginy (head, heart and talking) as bringing together the narratives and protocols that have been practiced for thousands of years and the kinship that influences all stages and cycles of life. Traditional owners have responsibility for cultural values and are focussed on the creation and regeneration of spiritual, ethical, cultural and practical benefits and opportunities for marine systems.

The Goldfields Land and Sea Council is the Native Title Representative Body for the Goldfields region.

### Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### Social and economic values

Tourism, commercial fishing and recreation including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

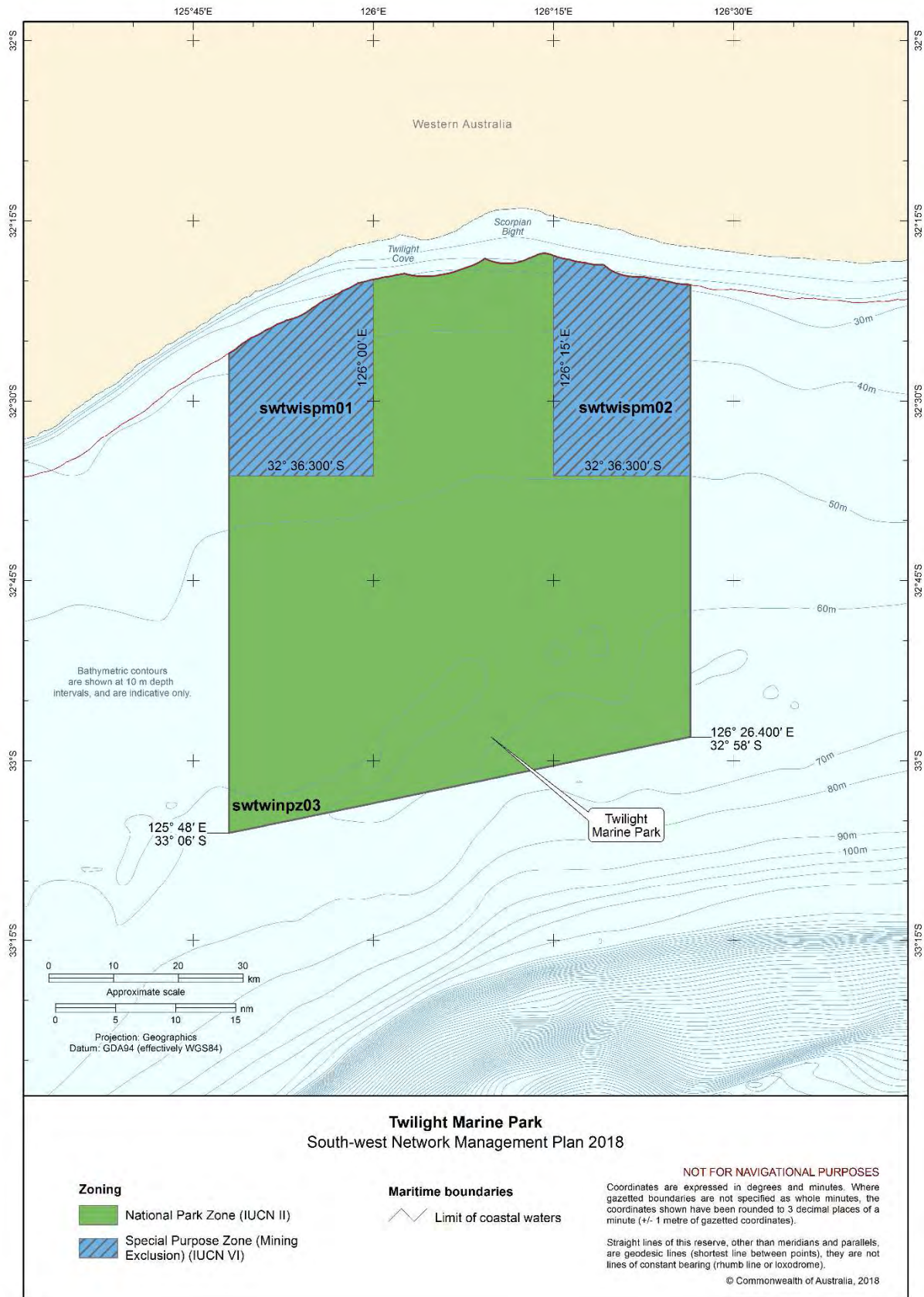


Figure S2.6 Twilight Marine Park

## EASTERN RECHERCHE MARINE PARK

The Eastern Recherche Marine Park (Figure S2.7) is located approximately 135 km east of Esperance, adjacent to the Recherche Archipelago, close to the Western Australian Cape Arid National Park. The Marine Park covers an area of 20,575 km<sup>2</sup>, extending from the Western Australia state water boundary to the edge of Australia's exclusive economic zone, and a water depth range from less than 15 m to 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Eastern Recherche Marine Park on 9 October 2017. The Marine Park is assigned IUCN category II and includes two zones assigned under this plan: National Park Zone (II) and Special Purpose Zone (VI).

Coordinates for the Eastern Recherche Marine Park and zones are provided in Figure S2.7 and Schedule 4.

### Statement of significance

The Eastern Recherche Marine Park is significant because it contains habitats, species and ecological communities associated with three bioregions: South-west Shelf Province; Southern Province; and the Great Australian Bight Shelf Transition. It includes three key ecological features: mesoscale eddies (valued for high productivity and aggregations of marine life); ancient coastline between 90 m and 120 m depth (valued for relatively high productivity, aggregations of marine life and high levels of biodiversity and endemism); and the Commonwealth marine environment surrounding the Recherche Archipelago (valued for aggregations of marine life and high levels of biodiversity and endemism).

The Marine Park includes representative examples of habitats adjacent to the Recherche Archipelago, an area recognised globally for its biodiversity. The Archipelago contains over 150 islands stretching over 200 km<sup>2</sup> of ocean and represents the most extensive area of rocky reef environments in the region. Its reef and seagrass habitats support a high diversity of warm temperate species. The Marine Park captures one of the few areas where the reef extends into Commonwealth waters and includes Chester and Pollock reefs which are located south of Salisbury Island about 60–70 km offshore.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- South-west Shelf Province—marine life in this area is very diverse and clearly influenced by the warm waters of the Leeuwin Current. It includes globally important biodiversity hotspots, such as the waters surrounding the Recherche Archipelago;
- Southern Province—includes the deepest ocean areas of the Australian EEZ, reaching depths of around 5900 m, and is characterised by a long continental slope, numerous, well-developed submarine canyons, and extensive mid-slope terraces; and
- Great Australian Bight Shelf Transition—a vast and shallow area characterised by an extensive area of flat continental shelf. The invertebrate communities that inhabit the seafloor are among the most diverse in the world. The inshore areas of the bioregion are globally important for threatened southern right whale and the Australian sea lion.

Key ecological features of the Marine Park are:

- Mesoscale eddies—important transporters of nutrients and plankton communities that form at predictable locations off the western and south-western shelf break;
- Ancient coastline between 90 m and 120 m depth—high benthic biodiversity and productivity occur where the ancient coastline forms a prominent escarpment; and

## EASTERN RECHERCHE MARINE PARK

- Commonwealth marine environment surrounding the Recherche Archipelago—an area that supports high species biodiversity and provides important breeding and resting areas for marine life.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, Australian sea lions and white sharks, and a calving buffer area for southern right whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Ngadju and Esperance Nyungar people have responsibilities for sea country in the Marine Park. Local traditional owners recognise Kaart, Koort and Waarnginy (head, heart and talking) as bringing together the narratives and protocols that have been practiced for thousands of years and the kinship that influences all stages and cycles of life. Traditional owners have responsibility for cultural values and are focussed on the creation and regeneration of spiritual, ethical, cultural and practical benefits and opportunities for marine systems.

The South West Aboriginal Land and Sea Council is the Native Title Service Provider for the South-west region.

### Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains two known shipwrecks listed under the *Historic Shipwrecks Act 1976*—*Rodondo* (wrecked in 1894) and *Start* (wrecked in 1879).

### Social and economic values

Tourism, commercial fishing, mining and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



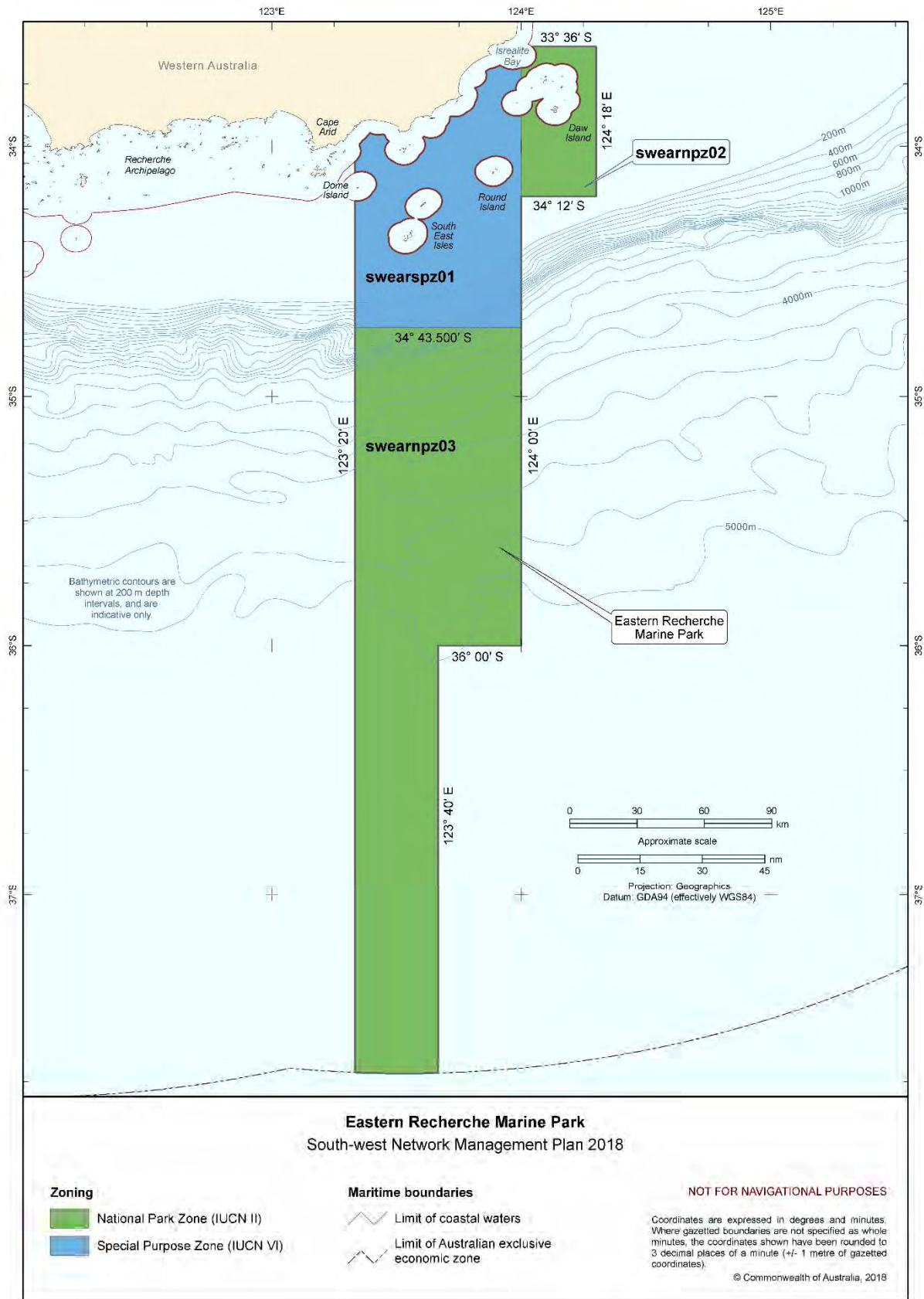


Figure S2.7 Eastern Recherche Marine Park

## SOUTH-WEST CORNER MARINE PARK

The South-west Corner Marine Park (Figure S2.8) is located adjacent to the Western Australian Ngari Capes Marine Park, covering an extensive offshore area that is closest to Western Australia state waters approximately 48 km west of Esperance, 73 km west of Albany and 68 km west of Bunbury, and extends to the edge of Australia's exclusive economic zone. The Marine Park covers an area of 271,833 km<sup>2</sup> and a water depth range from less than 15 m to 6400 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed South-west Corner Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes five zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV), Multiple Use Zone (VI), Special Purpose Zone (Mining Exclusion) (VI) and Special Purpose Zone (VI).

Coordinates for the South-west Corner Marine Park and zones are provided in Figure S2.8 and Schedule 4.

### Statement of significance

The South-west Corner Marine Park is significant because it contains habitats, species and ecological communities associated with three bioregions: Southern Province; South-west Transition; and South-west Shelf Province. It includes six key ecological features: Albany Canyon group and adjacent shelf break (valued for high productivity, aggregations of marine life and unique seafloor features with properties of regional significance); Cape Mentelle upwelling (valued for high productivity and aggregations of marine life); Diamantina Fracture Zone (valued as a unique seafloor feature with ecological properties of regional significance); Naturaliste Plateau (valued as a unique seafloor feature with ecological properties of regional significance); western rock lobster (valued as a species that plays a regionally important ecological role); and ancient coastline between 90 m and 120 m depth (valued for relatively high productivity, aggregations of marine life and high levels of biodiversity and endemism).

As the largest Marine Park in the South-west Network, it contains a wide range of important ecosystems in both shallow and deep water, reaching abyssal depths including the Diamantina Fracture Zone, Naturaliste Plateau and Donnelly Banks, along with many reefs and canyons. The Marine Park contributes to a transect that extends from coastal land (Leeuwin–Naturaliste and D'entrecasteaux National Parks), to coastal waters (Ngari Capes Marine Park) and the deep ocean.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Southern Province—includes the deepest ocean areas of the Australian EEZ, reaching depths of around 5900 m, and is characterised by a long continental slope incised by numerous, well-developed submarine canyons and the Diamantina Fracture Zone, a rugged area of deep seafloor comprising seamounts and many ridges and troughs.
- South-west Transition—the main features of this area are the Naturaliste Plateau, the deepest submarine plateau along Australia's continental margins. The Plateau supports rich and diverse biological communities. Deep-water mixing results from the dynamics of major ocean currents when these meet the seafloor.
- South-west Shelf Province—marine life in this area is diverse and influenced by the warm waters of the Leeuwin Current. A small upwelling of nutrient-rich water off Cape Mentelle during summer increases productivity locally, attracting aggregations of marine life.

Key ecological features of the Marine Park are:

- Albany Canyon group and adjacent shelf break—a feature consisting of 32 canyons cut deeply into the steep continental slope. The canyons are believed to be associated with small periodic upwellings that enhance productivity and attract aggregations of marine life;

## SOUTH-WEST CORNER MARINE PARK

- Cape Mentelle upwelling—draws relatively nutrient-rich water from the base of the Leeuwin Current, up the continental slope and onto the inner continental shelf, where it results in phytoplankton blooms at the surface;
- Diamantina Fracture Zone—a unique seafloor feature consisting of a rugged, deep-water environment of seamounts and many closely spaced troughs and ridges. The ridges and seamounts can affect water dynamics and flow, enhancing productivity, and may act as ‘stepping stones’ for species dispersal and migration across the region and the wider abyssal plain;
- Naturaliste Plateau—the combination of this unique seafloor feature’s structural complexity, mixed water dynamics and relative isolation indicate that it supports deep-water communities with high species diversity and endemism;
- Western rock lobster—plays an important trophic role in many of the inshore ecosystems of the South-west Marine Region. Western rock lobsters are an important part of the food web on the inner shelf, particularly as juveniles; and
- Ancient coastline between 90 m and 120 m depth—high benthic biodiversity and productivity occur where the ancient coastline forms a prominent escarpment.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, Australian sea lions, white sharks and sperm whales, a migratory pathway for Antarctic blue, pygmy blue and humpback whales, and a calving buffer area for southern right whales.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Nyungar/Noongar people have responsibilities for sea country in the Marine Park. Traditional owners have maintained cultural responsibilities for sea country as passed down from elders, to keep the oceans healthy, to support spiritual wellbeing and to uphold and protect obligatory cultural responsibilities for future generations.

The South West Aboriginal Land and Sea Council is the Native Title Service Provider for the South-west region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains 10 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

### **Social and economic values**

Tourism, commercial fishing, commercial shipping, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



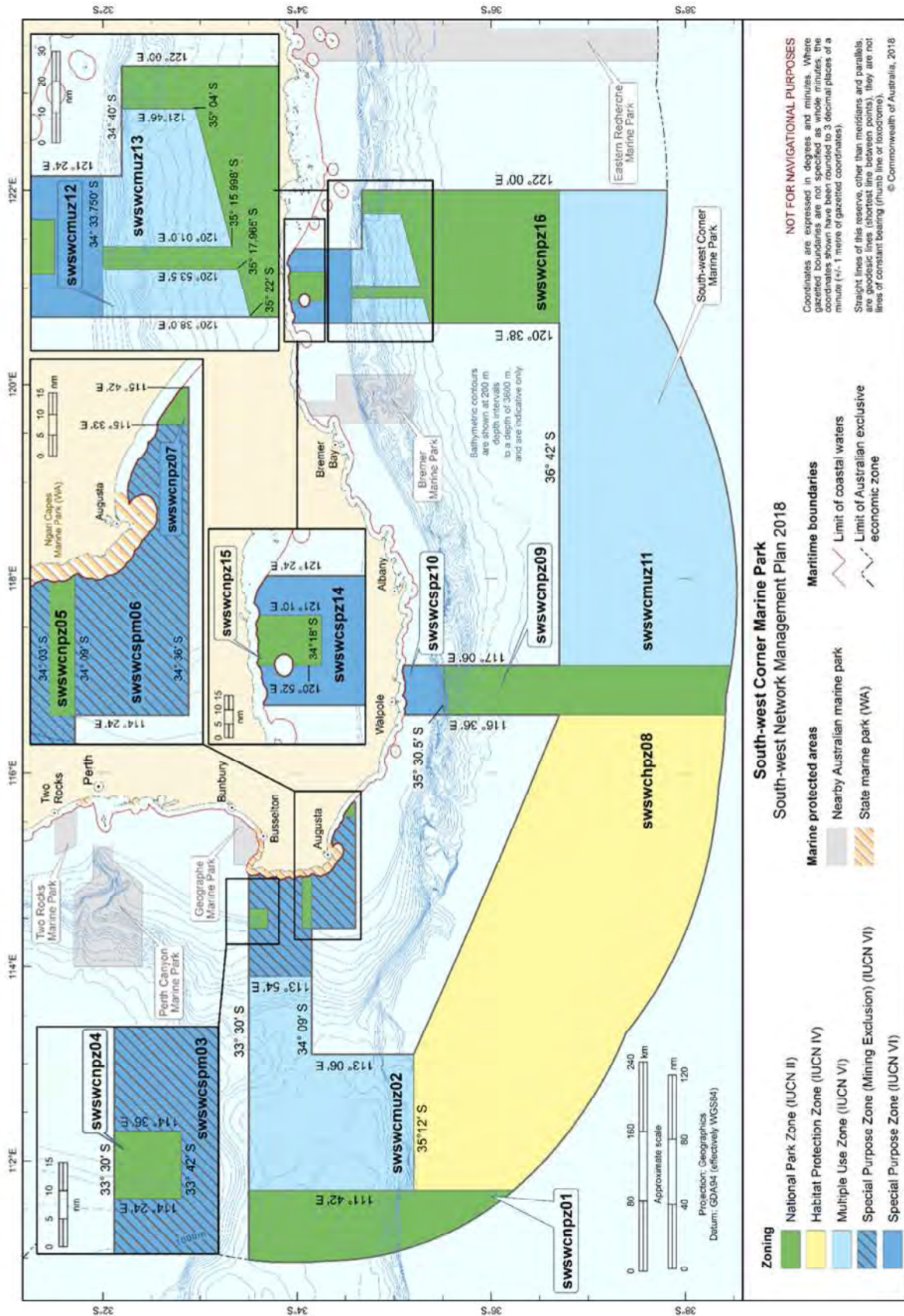


Figure S2.8 South-west Corner Marine Park

## BREMER MARINE PARK

The Bremer Marine Park (Figure S2.9) is located approximately half-way between Albany and Esperance, offshore from the Fitzgerald River National Park, extending from the Western Australian state water boundary. The Marine Park covers an area of 4472 km<sup>2</sup> and water depths from 15 m to 5000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Bremer Marine Park on 9 October 2017. The Marine Park is assigned IUCN category II and includes two zones assigned under this plan: National Park Zone (II) and Special Purpose Zone (Mining Exclusion) (VI).

Coordinates for the Bremer Marine Park and zones are provided in Figure S2.9 and Schedule 4.

### Statement of significance

The Bremer Marine Park is significant because it contains habitats, species and ecological communities associated with two bioregions: Southern Province and South-west Shelf Province. It includes two key ecological features: Albany Canyon group and adjacent shelf break (valued for high productivity, aggregations of marine life and unique seafloor features with properties of regional significance); and ancient coastline between 90 m and 120 m depth (valued for relatively high productivity, aggregations of marine life and high levels of biodiversity and endemism).

The Marine Park contains the Bremer Canyon and significant calving and aggregation area for whales as well as important foraging areas for sharks, sea lions, and a range of seabirds.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Southern Province—includes the deepest ocean areas of the Australian EEZ, reaching depths of around 5900 m, and is characterised by a long continental slope incised by numerous, well-developed submarine canyons; and
- South-west Shelf Province—marine life in this area is very diverse and clearly influenced by the warm waters of the Leeuwin Current. The sheltered bays along the south coast are important southern right whale calving areas.

Key ecological features of the Marine Park are:

- Albany Canyon group and adjacent shelf break—a feature consisting of 32 canyons, including Bremer Canyon, cut deeply into the steep continental slope. The canyons are believed to be associated with small periodic upwellings that enhance productivity and attract aggregations of marine life; and
- Ancient coastline between 90 m and 120 m depth—high benthic biodiversity and productivity occur where the ancient coastline forms a prominent escarpment.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, Australian sea lions, and white sharks, a migratory pathway for humpback whales, and a significant calving area for southern right whales. The Marine Park includes canyons—important aggregation areas for killer whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Noongar people have responsibilities for sea country in the Marine Park. Local traditional owners recognise Kaart, Koort and Waarnginy (head, heart and talking) as bringing together the narratives and protocols that have been practiced for thousands of years and the kinship that influences all stages and

## BREMER MARINE PARK

cycles of life. Traditional owners have responsibility for cultural values and are focussed on the creation and regeneration of spiritual, ethical, cultural and practical benefits and opportunities for marine systems.

The South West Aboriginal Land and Sea Council is the Native Title Service Provider for the South-west region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Tourism, commercial fishing and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



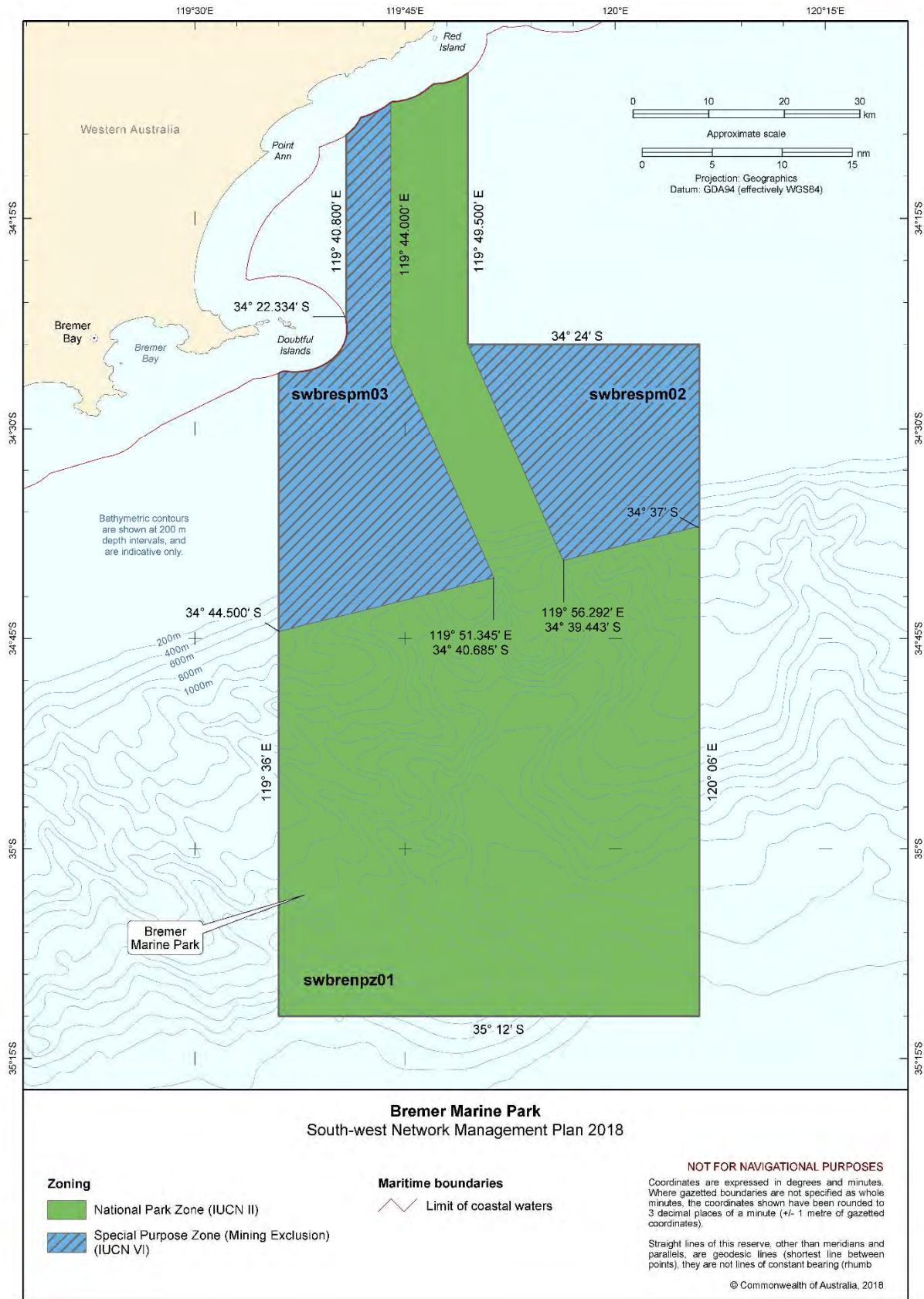


Figure S2.9 Bremer Marine Park

## GEOGRAPHE MARINE PARK

The Geographe Marine Park (Figure S2.10) is located in Geographe Bay, approximately 8 km west of Bunbury and 8 km north of Busselton, adjacent to the Western Australian Ngari Capes Marine Park. The Marine Park covers an area of 977 km<sup>2</sup>, extending from the Western Australian state water boundary, and a water depth range between 15 m and 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Geographe Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes four zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV), Multiple Use Zone (VI) and Special Purpose Zone (Mining Exclusion) (VI).

Coordinates for the Geographe Marine Park and zones are provided in Figure S2.10 and Schedule 4.

### Statement of significance

The Geographe Marine Park is significant because it contains habitats, species and ecological communities associated with the South-west Shelf Province. It includes two key ecological features: the Commonwealth marine environment within and adjacent to Geographe Bay (valued for high productivity and aggregations of marine life, and high levels of biodiversity and endemism); and western rock lobster (valued as a species that plays a regionally important ecological role).

The Marine Park contains an area of high productivity supported by extensive and diverse seagrass beds that cover approximately 60 per cent of Geographe Bay. Tropical and temperate seagrass species account for 80 per cent of the benthic primary production in the area. These meadows provide habitat for fish and invertebrates. Geographe Bay provides important nursery habitat, resting areas and foraging habitats for sharks, whales and seabirds.

The Marine Park includes habitats connecting to and complementing the adjacent Western Australian Ngari Capes Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of the South-west Shelf Province—an area of diverse marine life, influenced by the warm waters of the Leeuwin Current. The bioregion includes globally important biodiversity hotspots, such as the waters off Geographe Bay.

Key ecological features of the Marine Park are:

- Commonwealth marine environment within and adjacent to Geographe Bay—the sheltered waters of Geographe Bay support extensive seagrass beds that in turn provide important nursery habitat for a range of marine species; and
- Western rock lobster—plays an important trophic role in many of the inshore ecosystems of the South-west Marine Region. Western rock lobsters are an important part of the food web on the inner shelf, particularly as juveniles.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, a migratory pathway for humpback and pygmy blue whales, and a calving buffer area for southern right whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Noongar people have responsibility for sea country in the Marine Park. Traditional owners have maintained cultural responsibilities for sea country as passed down from elders, to keep the oceans

## GEOGRAPHE MARINE PARK

healthy, to support spiritual wellbeing and to uphold and protect obligatory cultural responsibilities for future generations.

The South West Aboriginal Land and Sea Council is the Native Title Service Provider for the South-west region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains eight known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

### **Social and economic values**

Tourism, commercial fishing and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



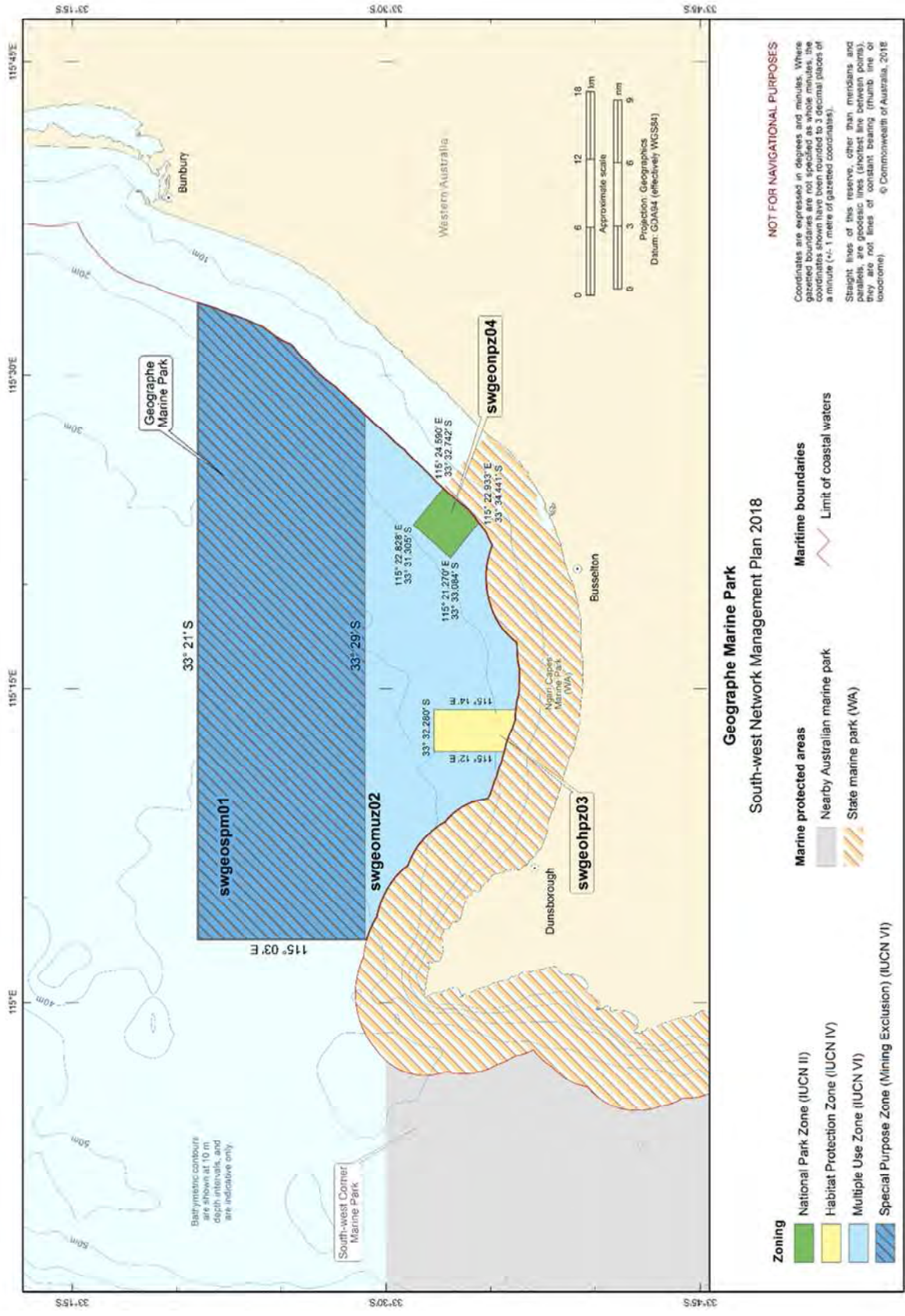


Figure S2.10 Geographe Marine Park

## PERTH CANYON MARINE PARK

The Perth Canyon Marine Park (Figure S2.11) is located approximately 52 km west of Perth and approximately 19 km west of Rottnest Island. The Marine Park covers an area of 7409 km<sup>2</sup> and water depths range between 120 m and 5000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Perth Canyon Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes three zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV) and Multiple Use Zone (VI).

Coordinates for the Perth Canyon Marine Park and zones are provided in Figure S2.11 and Schedule 4.

### Statement of significance

The Perth Canyon Marine Park is significant because it includes habitats, species and ecological communities associated with four bioregions: Central Western Province; South-west Shelf Province; South-west Transition; and South-west Shelf Transition. It includes four key ecological features: Perth Canyon and adjacent shelf break, and other west-coast canyons (valued for high biological productivity and aggregations of marine life, and unique seafloor features with ecological properties of regional significance); demersal slope and associated fish communities of the Central Western Province (valued as a species group that are nationally or regionally important to biodiversity); western rock lobster (valued as a species that plays a regionally important ecological role); and mesoscale eddies (valued for high productivity and aggregations of marine life).

The Marine Park includes the majority of the Perth Canyon, Australia's largest submarine canyon, which is home to the largest feeding aggregations of blue whales in Australia. This unique feature is also of particular significance because it cuts into the continental shelf at approximately 150 m depth west of Rottnest Island, linking the shelf with deeper ecosystems at depths of up to 5000 m.

The Marine Park represents the southern end of the transition area from tropical to temperate marine environments.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Western Province—characterised by a narrow continental slope incised by many submarine canyons, including Perth Canyon, and the most extensive area of continental rise in any of Australia's marine regions. A significant feature within the area are several eddies that form off the Leeuwin Current at predictable locations, including the Perth Canyon;
- South-west Shelf Province—marine life in this area is diverse and influenced by the warm waters of the Leeuwin Current;
- South-west Transition—significant features of this area include the submarine canyons that incise the northern parts of the slope and the deep-water mixing that results from the dynamics of major ocean currents when these meet the seafloor, particularly in the Perth Canyon; and
- South-west Shelf Transition—consists of a narrow continental shelf that is noted for its physical complexity. The Leeuwin Current has a significant influence on the biodiversity of this nearshore area as it pushes subtropical water southward along the area's western edge. The area contains a diversity of tropical and temperate marine life including a large number of endemic fauna species.

Key ecological features of the Marine Park are:

- Perth Canyon and adjacent shelf break, and other west-coast canyons—unique seafloor features give rise to ecologically important events of localised productivity and aggregations of marine life. The Perth Canyon is prominent among these canyons because of its large size and ecological importance. The upwelling of deep ocean currents in the canyon creates a nutrient-rich cold-water

## PERTH CANYON MARINE PARK

habitat that attracts feeding aggregations of deep-diving mammals, such as pygmy blue whales and large predatory fish that feed on aggregations of small fish, krill and squid;

- Demersal slope and associated fish communities of the Central Western Province—an area that provides important habitat for demersal fish communities and is characterised by high species diversity and endemism;
- Western rock lobster—plays an important trophic role in many of the inshore ecosystems of the South-west Marine Region. Western rock lobsters are an important part of the food web on the inner shelf, particularly as juveniles; and
- Mesoscale eddies—important transporters of nutrients and plankton communities that form at predictable locations off the western and south-western shelf break.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, Antarctic blue, pygmy blue and sperm whales, a migratory pathway for humpback, Antarctic blue and pygmy blue whales, and a calving buffer area for southern right whales.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Swan River traditional owners have responsibilities for sea country in the Marine Park. Traditional owners have maintained cultural responsibilities for sea country as passed down from elders, to keep the oceans healthy, to support spiritual wellbeing and to uphold and protect obligatory cultural responsibilities for future generations.

The South West Aboriginal Land and Sea Council is the Native Title Service Provider for the South-west region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Tourism, commercial shipping, commercial fishing, recreation, including fishing, and defence training are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.





## TWO ROCKS MARINE PARK

The Two Rocks Marine Park (Figure S2.12) is located approximately 25 km north-west of Perth, to the north-west of the Western Australian Marmion Marine Park. The Marine Park covers an area of 882 km<sup>2</sup>, extending from the Western Australian state water boundary, and a water depth range from 15 m to 120 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Two Rocks Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes two zones assigned under this plan: National Park Zone (II) and Multiple Use Zone (VI).

Coordinates for the Two Rocks Marine Park and zones are provided in Figure S2.12 and Schedule 4.

### Statement of significance

The Two Rocks Marine Park is significant because it includes habitats, species and ecological communities associated with the South-west Shelf Transition. It includes three key ecological features: the Commonwealth marine environment within and adjacent to the west-coast inshore lagoons (valued for high productivity and aggregations of marine life, and high levels of biodiversity and endemism); western rock lobster (valued as a species that plays a regionally important ecological role); and ancient coastline between 90 m and 120 m depth (valued for relatively high productivity, aggregations of marine life and high levels of biodiversity and endemism).

The Marine Park is shallow and provides connectivity between offshore waters and the west coast inshore lagoons, which are key areas for the recruitment of rock lobster and other commercially and recreationally important fish species.

### Natural values

The Marine Park includes examples of ecosystems representative of the South-west Shelf Transition—an area of narrow continental shelf that is noted for its physical complexity. The Leeuwin Current has a significant influence on the biodiversity of this nearshore area as it pushes subtropical water southward along the area's western edge. The area contains a diversity of tropical and temperate marine life including a large number of endemic fauna species. The inshore lagoons are thought to be important areas for benthic productivity and recruitment for a range of marine species.

Key ecological features of the Marine Park are:

- Commonwealth marine environment within and adjacent to the west-coast inshore lagoons—an area that is regionally important for enhanced benthic productivity, including macroalgae and seagrass communities, and breeding and nursery aggregations for many temperate and tropical marine species;
- Western rock lobster—plays an important trophic role in many of the inshore ecosystems of the South-west Marine Region. Western rock lobsters are an important part of the food web on the inner shelf, particularly as juveniles; and
- Ancient coastline between 90 m and 120 m depth—high benthic biodiversity and productivity occur where the ancient coastline forms a prominent escarpment.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds and Australian sea lions, a migratory pathway for humpback and pygmy blue whales, and a calving buffer area for southern right whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

## TWO ROCKS MARINE PARK

The Swan River traditional owners have responsibilities for sea country in the Marine Park. Traditional owners have maintained cultural responsibilities for sea country as passed down from elders, to keep the oceans healthy, to support spiritual wellbeing and to uphold and protect obligatory cultural responsibilities for future generations.

The South West Aboriginal Land and Sea Council is the Native Title Service Provider for the South-west region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Tourism, commercial fishing, recreation, including fishing, and scientific research are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



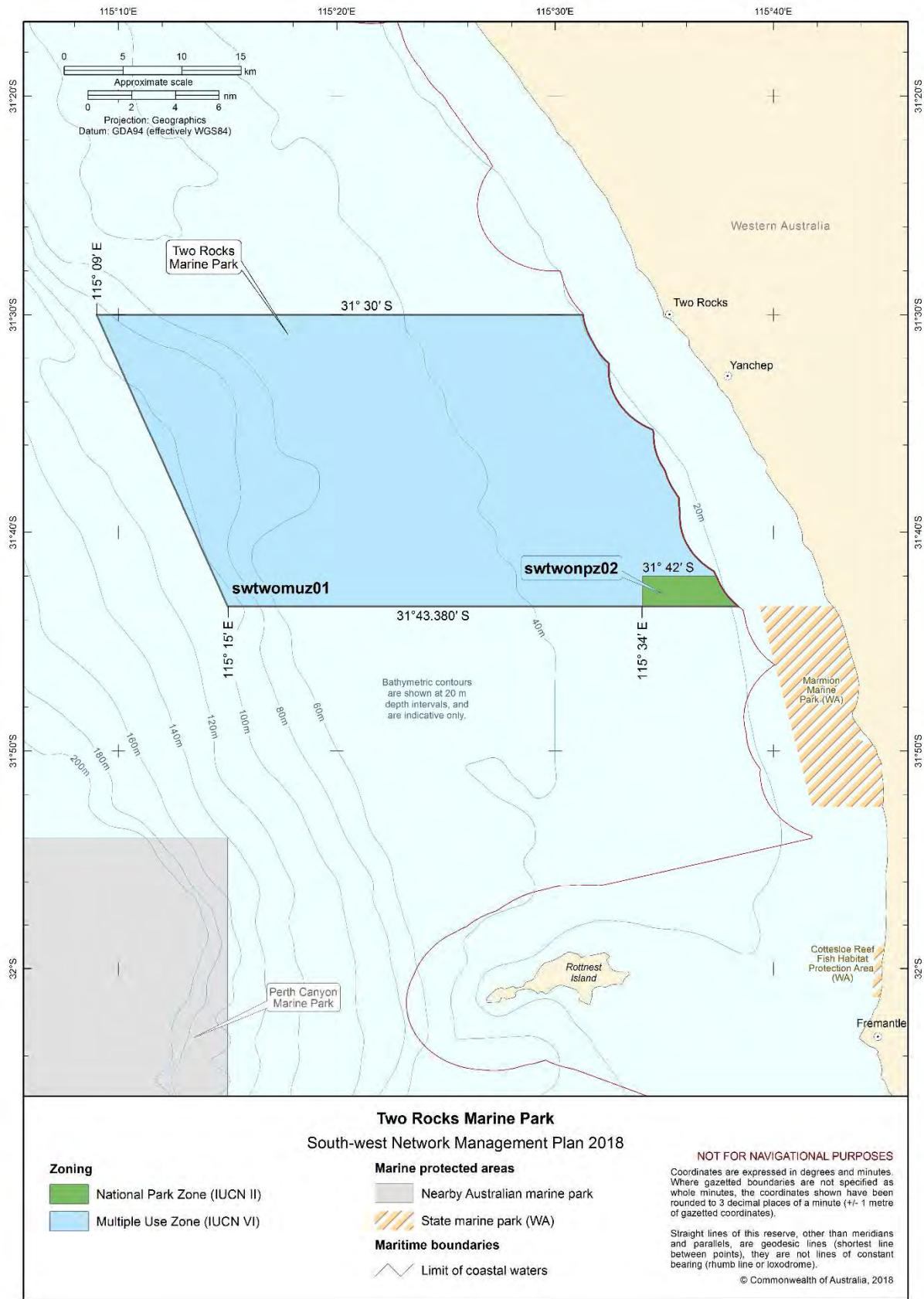


Figure S2.12 Two Rocks Marine Park

## JURIEN MARINE PARK

The Jurien Marine Park (Figure S2.13) is located approximately 148 km north of Perth and 155 km south of Geraldton, adjacent to the Western Australian Jurien Bay Marine Park. The Marine Park covers an area of 1851 km<sup>2</sup> of continental shelf, extending from the Western Australian state water boundary, and a water depth range between 15 m and 220 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Jurien Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes two zones assigned under this plan: National Park Zone (II) and Special Purpose Zone (VI).

Coordinates for the Jurien Marine Park and zones are provided in Figure S2.13 and Schedule 4.

### Statement of significance

The Jurien Marine Park is significant because it includes habitats, species and ecological communities associated with two bioregions: South-west Shelf Transition; and Central Western Province. It includes three key ecological features: ancient coastline between 90 and 120 m depth (valued for relatively high productivity, aggregations of marine life and high levels of biodiversity and endemism); demersal slope and associated fish communities of the Central Western Province (valued as a species group that are nationally or regionally important to biodiversity); and western rock lobster (valued as a species that plays a regionally important ecological role).

The Marine Park contains a mixture of tropical species carried south by the Leeuwin Current, and temperate species carried north by the Capes Current. The Marine Park's shelf habitats are defined by distinct ridges of limestone reef with extensive beds of macroalgae. Inshore lagoons are inhabited by a diverse range of invertebrates and fish. Seagrass meadows occur in more sheltered areas as well as in the inter-reef lagoons along exposed sections of the coast.

The Marine Park includes habitats connecting to and complementing the adjacent Western Australian Jurien Bay Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- South-west Shelf Transition—consists of a narrow continental shelf that is noted for its physical complexity. The Leeuwin Current has a significant influence on the biodiversity of this nearshore area as it pushes subtropical water southward along the bioregion's western edge. The area contains a diversity of tropical and temperate marine life including a large number of endemic fauna species; and
- Central Western Province—the Marine Park includes a small component of this bioregion, characterised by a narrow continental slope and influenced by the Leeuwin Current.

Key ecological features of the Marine Park are:

- Ancient coastline between 90 m and 120 m depth—high benthic biodiversity and productivity occur where the ancient coastline forms a prominent escarpment;
- Demersal slope and associated fish communities of the Central Western Province—an area that provides important habitat for demersal fish communities and is characterised by high species diversity and endemism; and
- Western rock lobster—plays an important trophic role in many of the inshore ecosystems of the South-west Marine Region. Western rock lobsters are an important part of the food web on the inner shelf, particularly as juveniles.

## JURIEN MARINE PARK

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, Australian sea lions and white sharks, and a migratory pathway for humpback and pygmy blue whales.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Noongar people have responsibilities for sea country in the Marine Park. Traditional owners have strong stories that connect ocean and land. Artefacts from ancestors are abundant on islands in the adjacent state marine park.

The South West Aboriginal Land and Sea Council is the Native Title Service Provider for the South-west region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains two known shipwrecks listed under the *Historic Shipwrecks Act 1976*—*SS Cambewarra* (wrecked in 1914), *Oleander* (wrecked in 1884).

### **Social and economic values**

Tourism, commercial fishing, mining and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

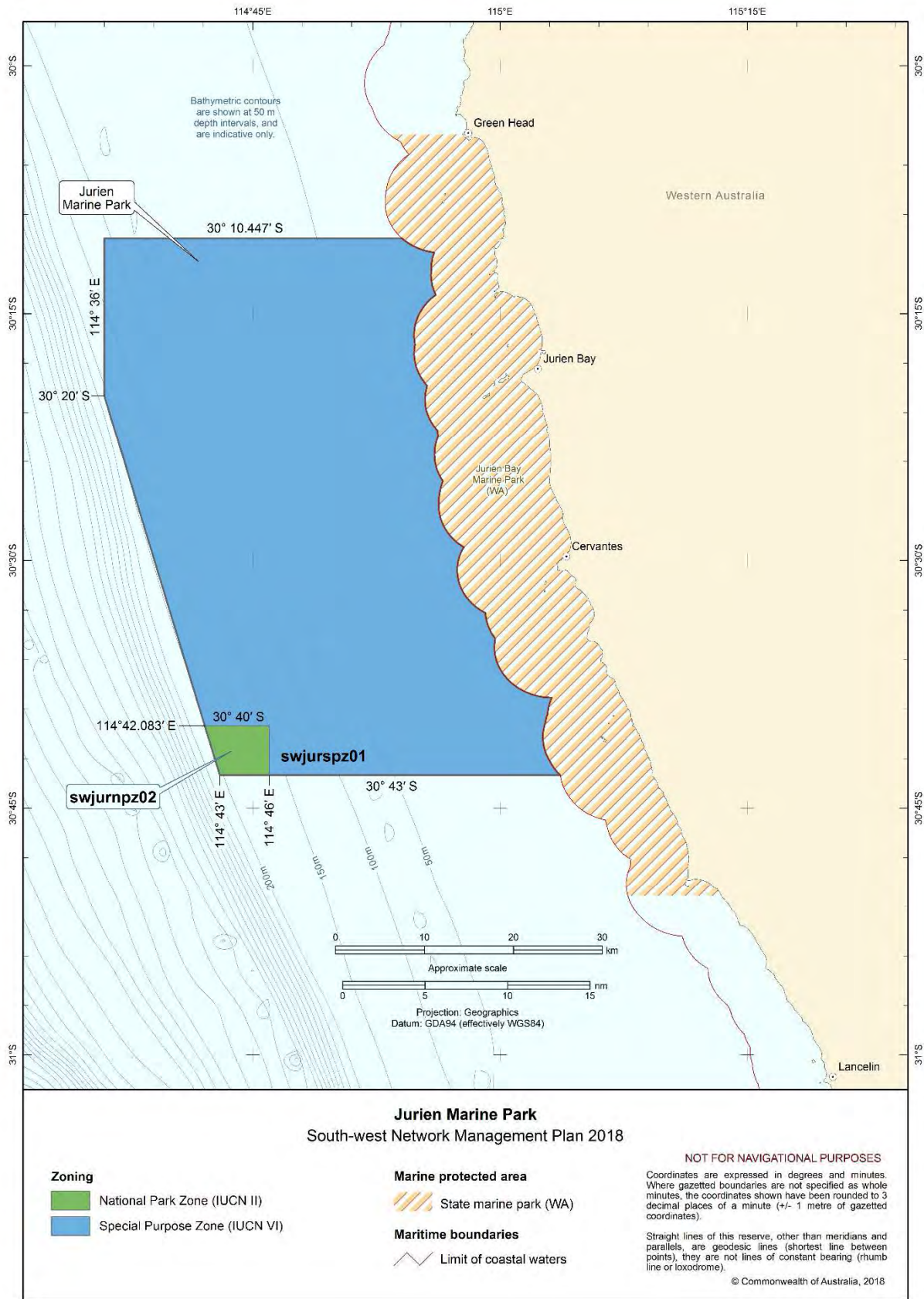


Figure S2.13 Jurien Marine Park



## ABROLHOS MARINE PARK

The Abrolhos Marine Park (Figure S2.14) is located adjacent to the Western Australian Houtman Abrolhos Islands, covering a large offshore area extending from the Western Australian state water boundary to the edge of Australia's exclusive economic zone. It is located approximately 27 km south-west of Geraldton and extends north to approximately 330 km west of Carnarvon. The northernmost part of the shelf component of the Marine Park, north of Kalbarri, is adjacent to the Shark Bay World Heritage Area. The Marine Park covers an area of 88,060 km<sup>2</sup> and a water depth range between less than 15 m and 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Abrolhos Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes four zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV), Multiple Use Zone (VI) and Special Purpose Zone (VI).

Coordinates for the Abrolhos Marine Park and zones are provided in Figure S2.14 and Schedule 4.

### Statement of significance

The Abrolhos Marine Park is significant because it contains habitats, species and ecological communities associated with four bioregions: Central Western Province; Central Western Shelf Province; Central Western Transition; and South-west Shelf Transition. It includes seven key ecological features: the Commonwealth marine environment surrounding the Houtman Abrolhos Islands (valued for high levels of biodiversity and endemism); demersal slope and associated fish communities of the Central Western Province (valued as a species group that are nationally or regionally important to biodiversity); mesoscale eddies (valued for high productivity and aggregations of marine life); Perth Canyon and adjacent shelf break, and other west-coast canyons (valued for high biological productivity and aggregations of marine life, and unique seafloor features with ecological properties of regional significance); western rock lobster (valued as a species that plays a regionally important ecological role); ancient coastline between 90 m and 120 m depth (valued for relatively high productivity, aggregations of marine life and high levels of biodiversity and endemism); and Wallaby Saddle (valued for high productivity and aggregations of marine life).

The southern shelf component of the Marine Park partially surrounds the Western Australian Houtman Abrolhos Islands Nature Reserve. The islands and surrounding reefs are renowned for their high level of biodiversity, due to the southward movement of species by the Leeuwin Current. The Marine Park contains a number of seafloor features including the Houtman Canyon, the second largest submarine canyon on the west coast (the Perth Canyon being the largest).

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Western Province—characterised by a narrow continental slope incised by many submarine canyons and the most extensive area of continental rise in any of Australia's marine regions. A significant feature within the area are several eddies that form off the Leeuwin Current at predictable locations, including west of the Houtman Abrolhos Islands;
- Central Western Shelf Province—a predominantly flat, sandy and low nutrient area, in water depths between 50 and 100 m. Significant seafloor features of this area include a deep hole and associated area of banks and shoals offshore of Kalbarri. The area is a transitional zone between tropical and temperate species;
- Central Western Transition—a deep ocean area characterised by large areas of continental slope, a range of significant seafloor features including the Wallaby Saddle, seasonal and sporadic upwelling, and benthic slope communities comprising tropical and temperate species; and

## ABROLHOS MARINE PARK

- South-west Shelf Transition—a narrow continental shelf that is noted for its physical complexity. The Leeuwin Current has a significant influence on the biodiversity of this nearshore area as it pushes subtropical water southward along the area’s western edge. The area contains a diversity of tropical and temperate marine life including a large number of endemic fauna species.

Key ecological features of the Marine Park are:

- Commonwealth marine environment surrounding the Houtman Abrolhos Islands—the islands are among Australia’s most important seabird breeding sites, with extensive foraging grounds in Commonwealth waters. The islands and surrounding reefs support a unique mix of temperate and tropical species, resulting from the southward movement of species by the Leeuwin Current;
- Demersal slope and associated fish communities of the Central Western Province—an area that provides important habitat for demersal fish communities and is characterised by high species diversity and endemism;
- Mesoscale eddies—important transporters of nutrients and plankton communities that form at predictable locations off the western and south-western shelf break;
- Perth Canyon and adjacent shelf break, and other west-coast canyons—unique seafloor features give rise to ecologically important events of localised productivity and aggregations of marine life;
- Western rock lobster—plays an important trophic role in many of the inshore ecosystems of the South-west Marine Region. Western rock lobsters are an important part of the food web on the inner shelf, particularly as juveniles;
- Ancient coastline between 90 m and 120 m depth—high benthic biodiversity and productivity occur where the ancient coastline forms a prominent escarpment; and
- Wallaby Saddle—a unique seafloor feature that is associated with enhanced biological productivity in an area of generally low productivity. The saddle is the site of upwellings of deeper, more nutrient-rich waters and aggregations of marine species including large predators such as sperm whales.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging and breeding habitat for seabirds, foraging habitat for Australian sea lions and white sharks, and a migratory pathway for humpback and pygmy blue whales. The Marine Park is adjacent to the northernmost Australian sea lion breeding colony in Australia on the Houtman Abrolhos Islands.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Nanda and Naaguja People have responsibilities for sea country in the Marine Park. Traditional owners have strong stories that connect ocean and land. Artefacts from ancestors are abundant on islands in the adjacent state marine park.

The Yamatji Marlpa Aboriginal Corporation is the Native Title Representative Body for the Yamatji region.

### **Heritage values**

No international heritage listings apply to the Marine Park at the commencement of this plan, however, the Marine Park is adjacent to the Western Australian Shark Bay World Heritage Property, listed as an area of outstanding universal value under the World Heritage Convention in 1991, meeting world heritage listing criteria vii, viii, ix, and x.



## ABROLHOS MARINE PARK

No Commonwealth or national heritage listings apply to the Marine Park at the commencement of this plan; however the Marine Park is adjacent to the Western Australian Shark Bay National Heritage Place.

### *Historic shipwrecks*

The Marine Park contains 11 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

The *Zuytdorp* (wrecked in 1712) historic shipwreck protected zone lies in state waters adjacent to the northernmost part of the shelf component of the Marine Park, north of Kalbarri. The *HMAS Sydney II* and *HSK Kormoran* Shipwreck Sites (1941) lie at 2500 m depth about 75 km east of the northern part of the Marine Park. This site is on the National Heritage List and a historic shipwreck protected zone. The *Batavia* (wrecked on the adjacent Abrolhos Islands in 1629) Shipwreck Site and Survivor Camps Area are on the National Heritage List.

### **Social and economic values**

Tourism, commercial fishing, mining, recreation including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

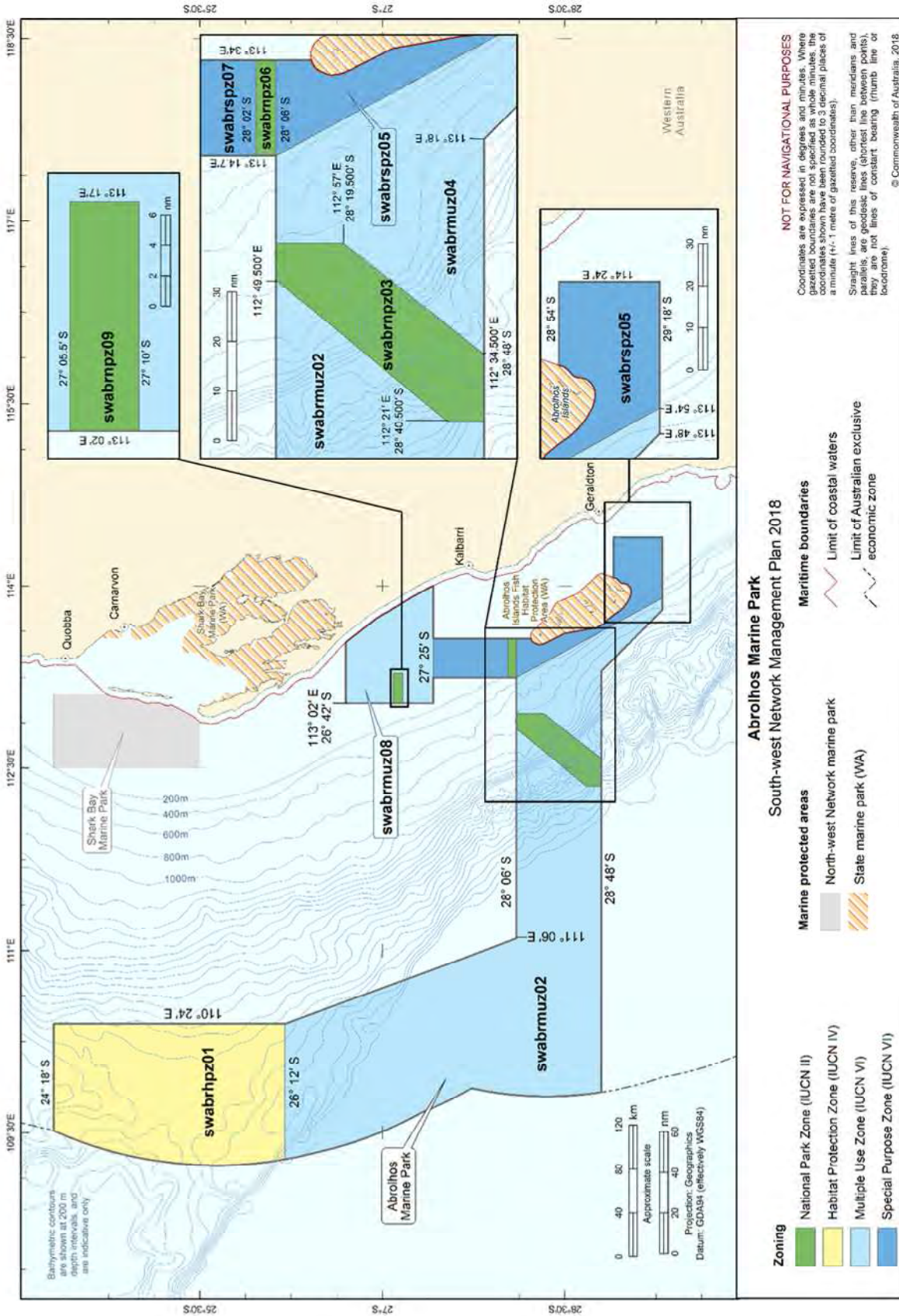


Figure S2.14 Abrolhos Marine Park

## SCHEDULE 3 ENVIRONMENTAL FEATURES USED IN THE DESIGN OF THE SOUTH-WEST NETWORK

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Four types of environmental features were used in the design of the Marine Parks of the South-west Network to help identify areas for protection. These features were identified based on the scientifically known relationships between biodiversity and the physical environment and include bioregions, water depth, seafloor features and key ecological features. They are identified below.

More information on these features can be found in the *Marine bioregional plan for the South-west Marine Region* (2012), the *South-west marine bioregional plan: bioregional profile* (2008), and the conservation values atlas on the Department's website.

### Bioregions

Bioregions are identified in the *Integrated Marine and Coastal Regionalisation of Australia* (IMCRA) as large areas of ocean with broadly similar characteristics that have been classified by scientists based on the distribution of fish and other marine species, seafloor types and ocean conditions. The South-west Network represents nine bioregions including all seven found in the region—Central Western Province, Southwest Shelf Transition, Southwest Transition, Southwest Shelf Province, Southern Province, Great Australian Bight Shelf Transition, Spencer Gulf Shelf Province—and the Central Western Transition and Central Western Shelf Province of the North-west Marine Region (Figure S3.1).

### Depth ranges

The South-west Network represents the full range of depths found in the region, from shallow waters of less than 15 m to abyssal waters of more than 6000 m. Marine biological communities change with depth, and similar depth ranges in different bioregions support different groups of species. The range of ocean depths in each bioregion, represented as bathomes in Figure S3.2, have been included in the Network to ensure that examples of marine biodiversity are represented.

### Seafloor features

The landscape-scale physical structure of the seafloor is important in determining where habitats or species occur. There is strong scientific evidence that different types of seafloor features provide different habitats and associated marine species and communities. The Network represents 15 of the 16 seafloor features found in the region—abyssal plain/deep ocean floor, bank/shoal, canyon, continental rise, deep/hole/valley, escarpment, knoll/abyssal hills/hills/mountain/peak, pinnacle, plateau, reef, ridge, saddle, shelf, slope, terrace, trench/trough—and includes a saddle of the North-west Marine Region (Figure S3.3).

### Key ecological features

Key ecological features were identified through the marine bioregional planning program as areas or features that support distinct or important ecological communities at a regional scale. The South-west Network represents 14 key ecological features including all 13 key ecological features found in the region—Albany Canyons Group and adjacent shelf break, ancient coastline at the 90–120 m depth contour, areas important for small pelagic fish, benthic invertebrate communities of the eastern Great Australian Bight, Cape Mentelle upwelling, Commonwealth marine environment surrounding the Houtman Abrolhos Islands, Commonwealth marine environment surrounding the Recherche Archipelago, Commonwealth marine environment within and adjacent to Geographe Bay, Commonwealth marine environment within and adjacent to the west-coast inshore lagoons, Diamantina Fracture Zone, Kangaroo Island Pool, canyons and adjacent shelf break, and Eyre Peninsula upwellings, mesoscale eddies, Naturaliste Plateau, Perth Canyon and adjacent shelf break, and other west-coast canyons, western demersal slope and associated fish communities, western rock lobster—and the Wallaby Saddle of the North-west Marine Region (Figure S3.4).

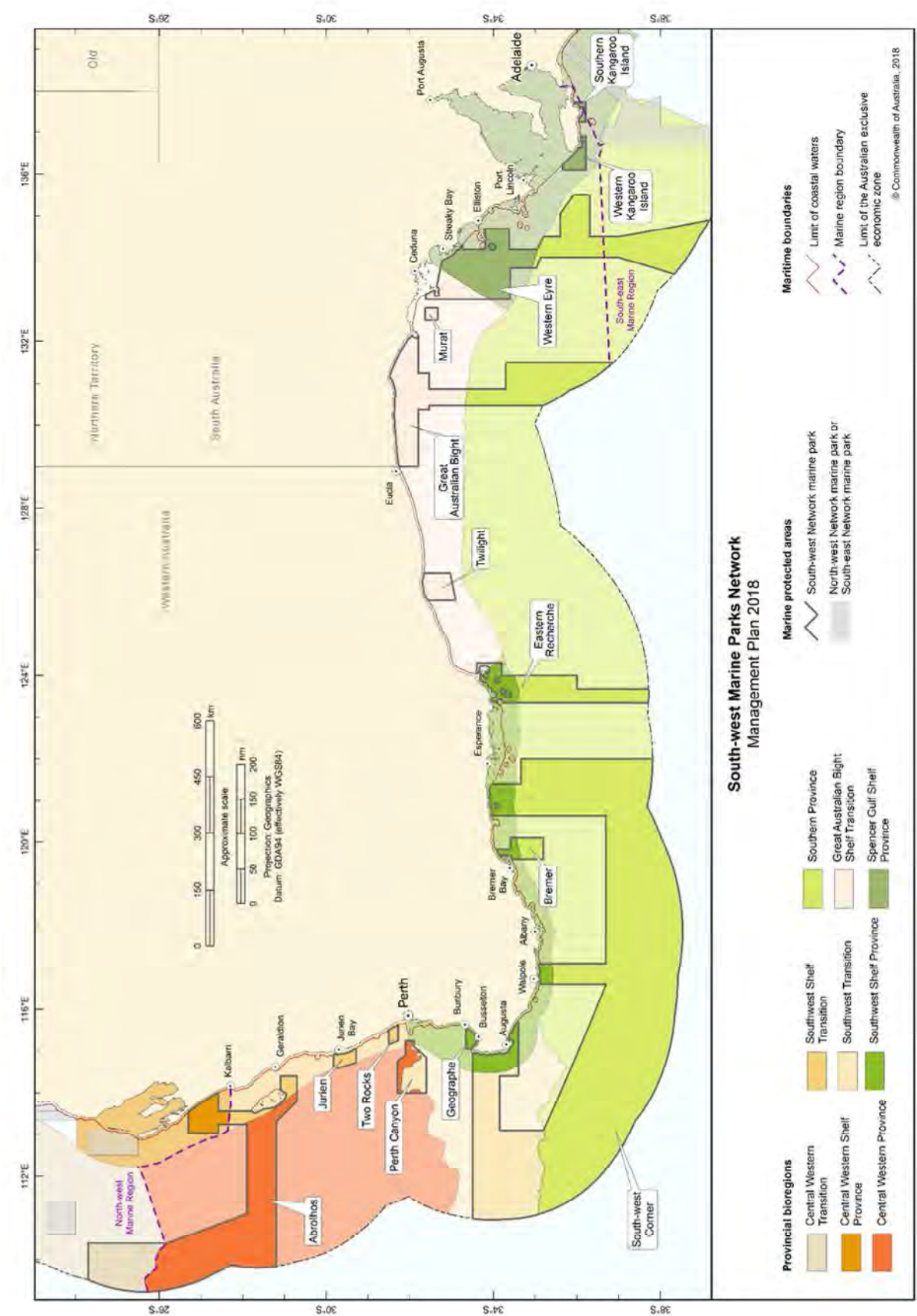


Figure S3.1 Bioregions represented in the South-west Network



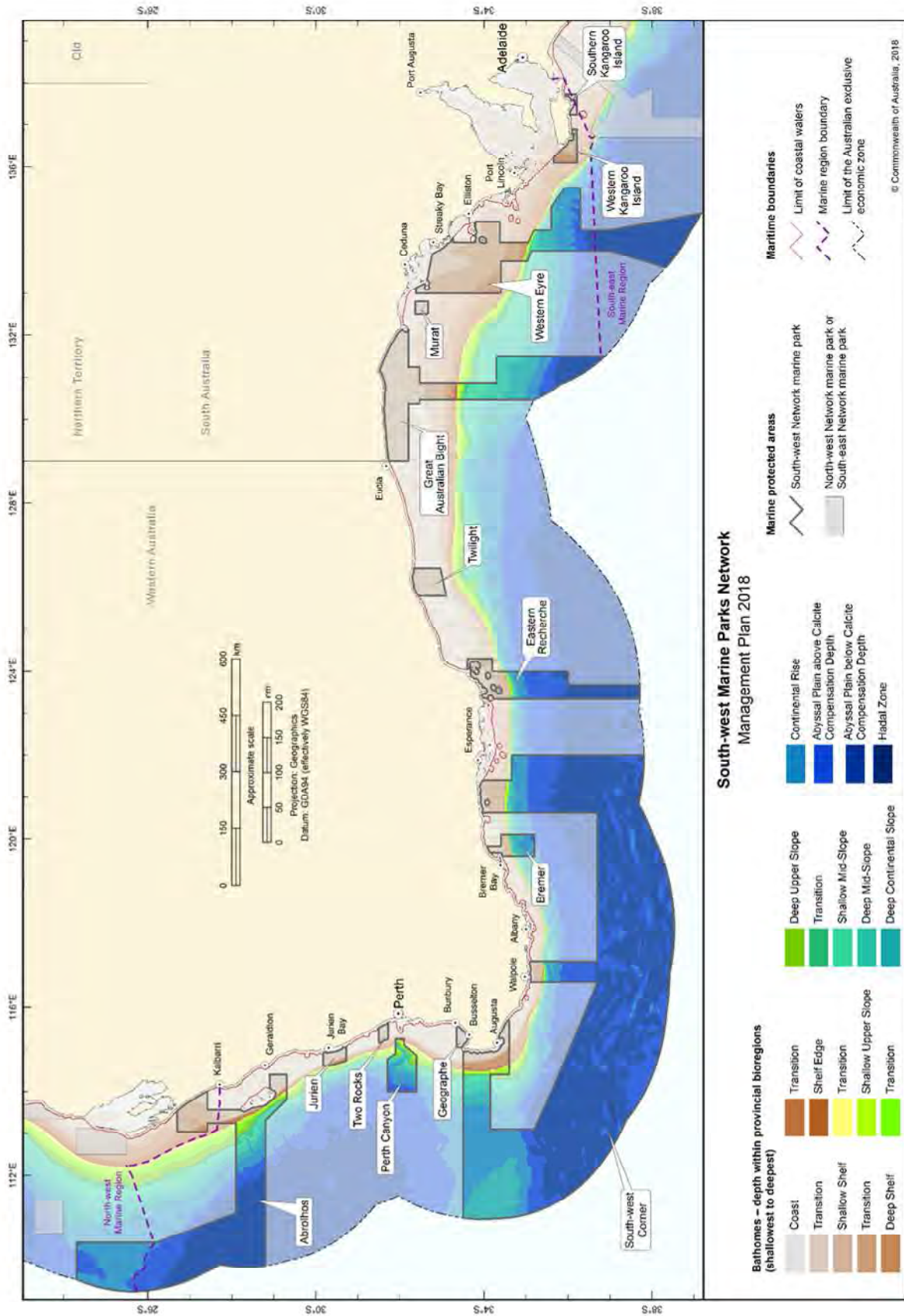


Figure S3.2 Bathomes indicating depth ranges represented in the South-west Network

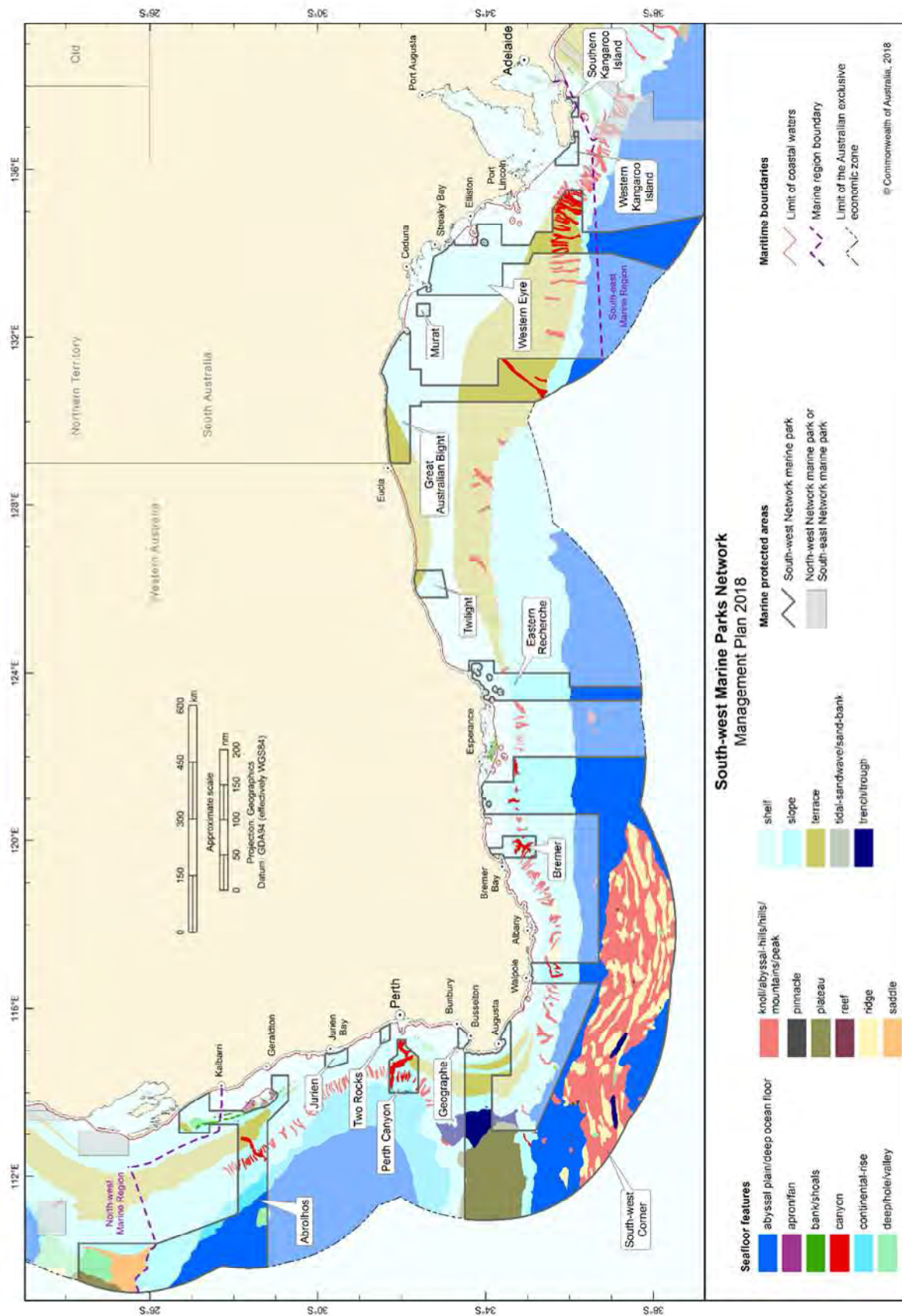


Figure S3.3 Seafloor features represented in the South-west Network



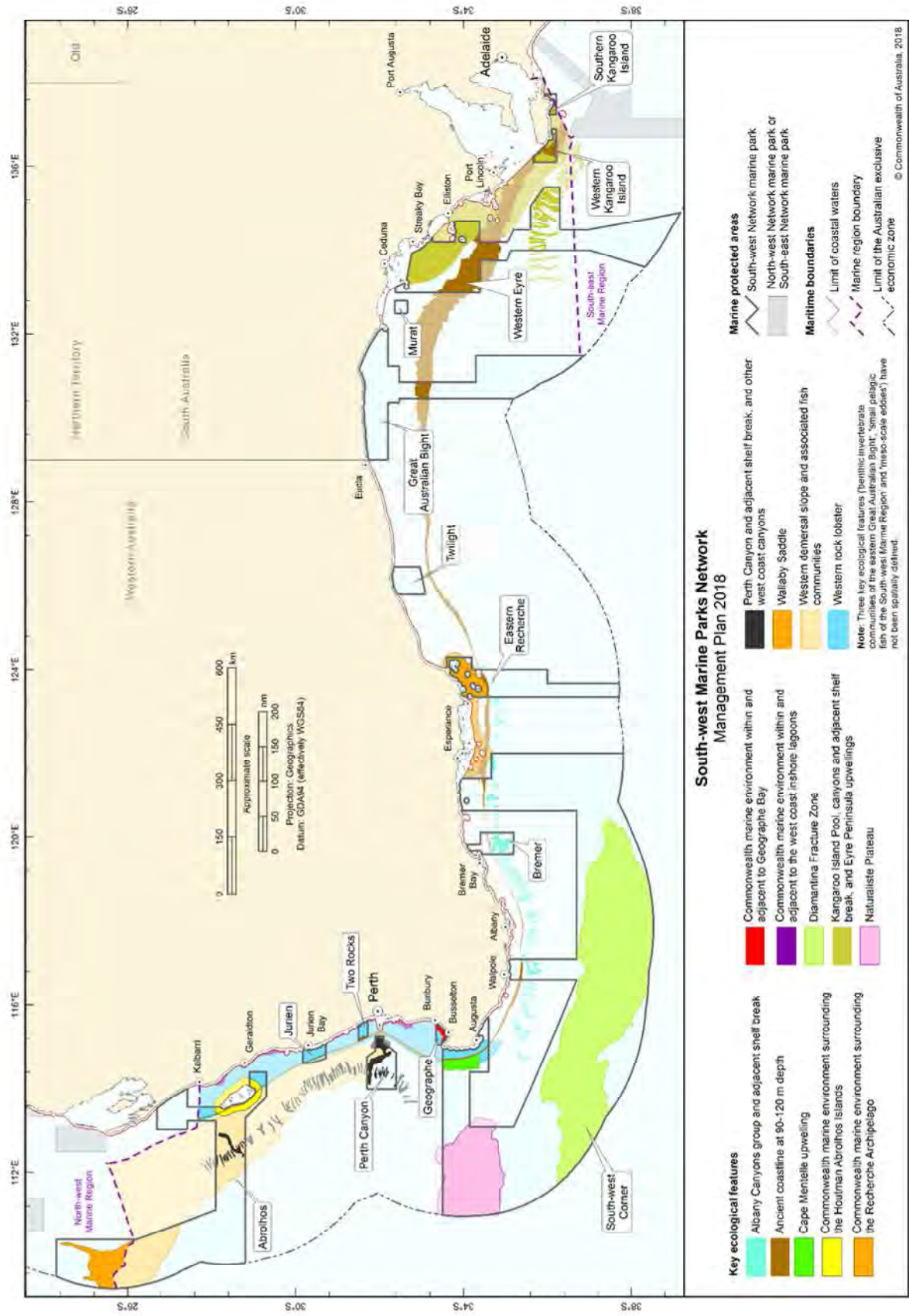


Figure S3.4 Key ecological features represented in the South-west Network

## SCHEDULE 4 SOUTH-WEST NETWORK MARINE PARKS AND ZONE BOUNDARY DESCRIPTIONS

In this Schedule:

**State waters** has the same meaning as **coastal waters of the State** in subsection 3 (1) of the *Coastal Waters (State Powers) Act 1980*.

Note: Geographic coordinates are expressed in terms of the Geocentric Datum of Australia 1994.

Note: The Geocentric Datum of Australia 1994 (also known as GDA94) was published in Gazette No. GN 35 of 6 September 1995.

### PART 1 — SOUTHERN KANGAROO ISLAND MARINE PARK

#### 1.1 Area of marine park

The Southern Kangaroo Island Marine Park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 36° 13' 00" S, longitude 137° 15' 00.86" E
2	North along the meridian of longitude 137° 15' 00.86" E to its intersection by the outer limit of the State waters of South Australia
3	Generally south-easterly and north-easterly along that outer limit to its intersection by the meridian of longitude 137° 43' 30.36" E
4	South along that meridian to its intersection by the parallel of latitude 36° 13' 00" S
5	West along that parallel to the point of commencement

#### 1.2 Zone (swskispm01) for marine park

(1) The Southern Kangaroo Island Marine Park has the following zone:

- (a) the Special Purpose Zone (Mining Exclusion) (VI) described in Section 1.1 of this Part.

### PART 2 — WESTERN KANGAROO ISLAND MARINE PARK

#### 2.1 Area of marine park

The Western Kangaroo Island Marine Park consists of an area in the Southern Ocean, excluding any State waters of South Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 35° 39' 50.15" S, longitude 136° 06' 00" E

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**Area of marine park**

---

<b>Item</b>	<b>Description</b>
2	East along the parallel of latitude 35° 39' 50.15" S to its intersection by the outer limit of the State waters of South Australia
3	Generally south-easterly and easterly along that outer limit to its intersection by the meridian of longitude 136° 54' 00" E
4	South along that meridian to its intersection by the parallel of latitude 36° 13' 00" S
5	West along that parallel to its intersection by the meridian of longitude 136° 06' 00" E
6	North along that meridian to the point of commencement

**2.2 Zones for marine park**

(1) The Western Kangaroo Island Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 2.3 of this Part;
- (b) the Special Purpose Zone (Mining Exclusion) (VI) described in Section 2.4 of this Part;
- (c) the Special Purpose Zone (VI) described in Section 2.5 of this Part.

**2.3 Zone 1 (swwkinpz01) of marine park—National Park Zone (II)**

Zone 1 (swwkinpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

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**Zone 1 (swwkinpz01) of marine park—National Park Zone (II)**

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<b>Item</b>	<b>Description</b>
1	The point of latitude 35° 39' 50.15" S, longitude 136° 14' 00" E
2	East along the parallel of latitude 35° 39' 50.15" S to its intersection by the outer limit of the State waters of South Australia
3	South-easterly along that outer limit to its intersection by the meridian of longitude 136° 23' 00" E
4	South along that meridian to its intersection by the parallel of latitude 35° 49' 00" S
5	West along that parallel to its intersection by the meridian of longitude 136° 14' 00" E
6	North along that meridian to the point of commencement

#### 2.4 Zone 2 (swwkispm02) of marine park—Special Purpose Zone (Mining Exclusion) (VI)

Zone 2 (swwkispm02) of the marine park consists of an area, excluding any State waters of South Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (swwkispm02) of marine park—Special Purpose Zone (Mining Exclusion) (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 35° 39' 50.15" S, longitude 136° 06' 00" E
2	East along the parallel of latitude 35° 39' 50.15" S to its intersection by the meridian of longitude 136° 14' 00" E
3	South along that meridian to its intersection by the parallel of latitude 35° 49' 00" S
4	East along that parallel to its intersection by the meridian of longitude 136° 23' 00" E
5	North along that meridian to its intersection by the outer limit of the State waters of South Australia
6	Generally south-easterly and easterly along that outer limit to its intersection by the meridian of longitude 136° 54' 00" E
7	South along that meridian to its intersection by the parallel of latitude 36° 13' 00" S
8	West along that parallel to its intersection by the meridian of longitude 136° 30' 54.77" E
9	North-westerly along the geodesic to the point of latitude 35° 50' 22.32" S, longitude 136° 06' 00" E
10	North along that meridian to the point of commencement

#### 2.5 Zone 3 (swwkispz03) of marine park—Special Purpose Zone (VI)

Zone 3 (swwkispz03) of the marine park consists of an area, excluding any State waters of South Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 3 (swwkispz03) of marine park—Special Purpose Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 36° 13' 00" S, longitude 136° 06' 00" E
2	North along the meridian of longitude 136° 06' 00" E to its intersection by the parallel of latitude 35° 50' 22.32" S
3	South-easterly along the geodesic to the point of latitude 36° 13' 00" S, longitude 136° 30' 54.78" E
4	West along that meridian to the point of commencement

## PART 3 — WESTERN EYRE MARINE PARK

### 3.1 Area of marine park

The Western Eyre Marine Park consists of an area in the Southern Ocean, excluding any State waters of South Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 32° 23' 00" S, longitude 133° 00' 00" E
2	East along the parallel of latitude 32° 23' 00" S to its intersection by the meridian of longitude 133° 07' 20.89" E
3	North along that meridian to its intersection by the outer limit of the State waters of South Australia
4	Generally south-easterly, westerly, southerly, easterly and south-easterly along that outer limit to its intersection by the parallel of latitude 33° 15' 42.09" S
5	West along that parallel to its intersection by the meridian of longitude 134° 12' 00" E
6	South along that meridian to its intersection by the parallel of latitude 33° 48' 00" S
7	East along that parallel to its westernmost intersection by the outer limit of the State waters of South Australia, adjacent to Ward Islands
8	Generally easterly along that outer limit to its easternmost intersection by the parallel of latitude 33° 48' 00" S
9	East along that parallel of latitude to its westernmost intersection by the outer limit of the State waters of South Australia, adjacent to Flinders Island
10	Generally easterly along that outer limit to its easternmost intersection by the parallel of latitude 33° 48' 00" S
11	East along that parallel to its intersection by the meridian of longitude 134° 42' 00" E
12	South along that meridian to its intersection by the parallel of latitude 34° 23' 00" S
13	West along that parallel to its intersection by the meridian of longitude 134° 12' 00" E
14	South along that meridian to its intersection by the parallel of latitude 35° 03' 00" S
15	South-easterly along the geodesic to the point of latitude 35° 12' 00" S, longitude 134° 30' 00" E
16	South along the meridian of longitude 134° 30' 00" E to its intersection by the parallel of latitude 35° 36' 00" S

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
17	East along that parallel to its intersection by the meridian of longitude 135° 03' 00" E
18	South-easterly along the geodesic to the point of latitude 35° 55' 30" S, longitude 135° 30' 00" E
19	South along the meridian of longitude 135° 30' 00" E to its intersection by the parallel of latitude 36° 18' 00" S
20	West along that parallel to its intersection by the meridian of longitude 134° 30' 00" E
21	South along that meridian to its intersection by the parallel of latitude 37° 00' 00" S
22	South-easterly along the geodesic to the intersection of the meridian of longitude 134° 54' 00" E by the outer limit of the exclusive economic zone
23	Generally north-westerly along that outer limit to its intersection by the meridian of longitude 133° 36' 00" E
24	North-easterly along the geodesic to the point of latitude 37° 00' 00" S, longitude 134° 00' 00" E
25	North along the meridian of longitude 134° 00' 00" E to its intersection by the parallel of latitude 35° 08' 00" S
26	North-westerly along the geodesic to the point of latitude 35° 02' 00" S, longitude 133° 45' 00" E
27	North along the meridian of longitude 133° 45' 00" E to its intersection by the parallel of latitude 34° 24' 00" S
28	West along that parallel to its intersection by the meridian of longitude 133° 00' 00" E
29	North along that meridian to the point of commencement

### **3.2 Zones for marine park**

(1) The Western Eyre Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (VI) described in Section 3.3 of this Part;
- (b) the Special Purpose Zone (Trawl) (VI) described in Section 3.4 of this Part;
- (c) the National Park Zones (II) described in Sections 3.5, 3.6 and 3.8 of this Part;
- (d) the Multiple Use Zone (VI) described in Section 3.7 of this Part.



### 3.3 Zone 1 (swweyspz01) of marine park—Special Purpose Zone (VI)

Zone 1 (swweyspz01) of the marine park consists of an area, excluding the zone described in Section 3.7 bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (swweyspz01) of marine park—Special Purpose Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 23' 00" S, longitude 133° 00' 00" E
2	East along the parallel of latitude 32° 23' 00" S to its intersection by the meridian of longitude 133° 07' 20.89" E
3	North along that meridian to its intersection by the outer limit of the State waters of South Australia
4	Generally south-easterly, westerly, southerly, easterly and south-easterly along that outer limit to its intersection by the parallel of latitude 33° 15' 42.09" S
5	West along that parallel to its intersection by the meridian of longitude 134° 12' 00" E
6	South along that meridian to its intersection by the parallel of latitude 33° 48' 00" S
7	East along that parallel to its westernmost intersection by the outer limit of the State waters of South Australia, adjacent to Ward Islands
8	Generally easterly along that outer limit to its easternmost intersection by the parallel of latitude 33° 48' 00" S
9	East along that parallel of latitude to its westernmost intersection by the outer limit of the State waters of South Australia, adjacent to Flinders Island
10	Generally easterly along that outer limit to its easternmost intersection by the parallel of latitude 33° 48' 00" S
11	East along that parallel to its intersection by the meridian of longitude 134° 42' 00" E
12	South along that meridian to its intersection by the parallel of latitude 34° 23' 00" S
13	West along that parallel to its intersection by the meridian of longitude 134° 32' 00" E
14	North along that meridian to its intersection by the parallel of latitude 34° 06' 00" S
15	West along that parallel to its intersection by the meridian of longitude 134° 24' 00" E
16	North along that meridian to its intersection by the parallel of latitude 33° 59' 36" S
17	West along that parallel to its intersection by the outer limit of the State waters of South Australia, adjacent to Pearson Isles

---

**Zone 1 (swweyspz01) of marine park—Special Purpose Zone (VI)**

---

<b>Item</b>	<b>Description</b>
18	Generally south-westerly and north-westerly along that outer limit to its intersection by the meridian of longitude 134° 12' 00" E
19	South along that meridian to its intersection by the parallel of latitude 35° 00' 00" S
20	West along that parallel to its intersection by the meridian of longitude 133° 45' 00" E
21	North along that meridian to its intersection by the parallel of latitude 34° 24' 00" S
22	West along that parallel to its intersection by the meridian of longitude 133° 12' 00" E
23	North-westerly along the geodesic to the point of latitude 34° 12' 00" S, longitude 133° 00' 00" E
24	North along the meridian of longitude 133° 00' 00" E to the point of commencement

---

**3.4 Zone 2 (swweyspt02) of marine park—Special Purpose Zone (Trawl) (VI)**

Zone 2 (swweyspt02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (swweyspt02) of marine park—Special Purpose Zone (Trawl) (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 24' 00" S, longitude 133° 00' 00" E
2	North along the meridian of longitude 133° 00' 00" E to its intersection by the parallel of latitude 34° 12' 00" S
3	South-easterly along the geodesic to the point of latitude 34° 24' 00" E, longitude 133° 12' 00" E
4	West along the meridian of longitude 133° 12' 00" E to the point of commencement.

---

**3.5 Zone 3 (swweynpz03) of marine park—National Park Zone (II)**

Zone 3 (swweynpz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (swweynpz03) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 12' 00" S, longitude 133° 39' 00" E
2	East along the parallel of latitude 33° 12' 00" S to its intersection by the meridian of longitude 133° 54' 00" E

---

---

**Zone 3 (swweynpz03) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
3	South along that meridian to its intersection by the parallel of latitude 33° 27' 00" S
4	West along that parallel to its intersection by the meridian of longitude 133° 39' 00" E
5	North along that meridian to the point of commencement

---

**3.6 Zone 4 of (swweynpz04) marine park—National Park Zone (II)**

Zone 4 (swweynpz04) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 4 (swweynpz04) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 59' 36" S, longitude 134° 24' 00" E
2	South along the meridian of longitude 134° 24' 00" E to its intersection by the parallel of latitude 34° 06' 00" S
3	East along that parallel to its intersection by the meridian of longitude 134° 32' 00" E
4	South along that meridian to its intersection by the parallel of latitude 34° 23' 00" S
5	West along that parallel to its intersection by the meridian of longitude 134° 12' 00" E
6	North along that meridian to its intersection by the outer limit of the State waters of South Australia, adjacent to Pearson Isles
7	Generally south-easterly and north-easterly along that outer limit to its intersection by the parallel of latitude 33° 59' 36" S
8	East along that parallel to the point of commencement

---

**3.7 Zone 5 (swweymuz05) of marine park—Multiple Use Zone (VI)**

Zone 5 (swweymuz05) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 5 (swweymuz05) of marine park—Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 35° 00' 00" S, longitude 133° 45' 00" E
2	East along the parallel of latitude 35° 00' 00" S to its intersection by the meridian of longitude 134° 12' 00" E
3	South along that meridian to its intersection by the parallel of latitude 35° 03' 00" S

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**Zone 5 (swweymuz05) of marine park—Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
4	South-easterly along the geodesic to the point of latitude 35° 12' 00" S, longitude 134° 30' 00" E
5	South along the meridian of longitude 134° 30' 00" E to its intersection by the parallel of latitude 35° 36' 00" S
6	East along that parallel to its intersection by the meridian of longitude 135° 03' 00" E
7	South-easterly along the geodesic to the point of latitude 35° 55' 30" S, longitude 135° 30' 00" E
8	South along the meridian of longitude 135° 30' 00" E to its intersection by the parallel of latitude 36° 18' 00" S
9	West along that parallel to its intersection by the meridian of longitude 134° 30' 00" E
10	South along that meridian to its intersection by the parallel of latitude 37° 00' 00" S
11	West along that parallel to its intersection by the meridian of longitude 134° 00' 00" E
12	North along that meridian to its intersection by the parallel of latitude 35° 08' 00" S
13	North-westerly along the geodesic to the point of latitude 35° 02' 00" S, longitude 133° 45' 00" E
14	North along the meridian of longitude 133° 45' 00" E to the point of commencement

---

**3.8 Zone 6 (swweynpz06) of marine park—National Park Zone (II)**

Zone 6 (swweynpz06) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 6 (swweynpz06) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 37° 00' 00" S, longitude 134° 00' 00" E
2	East along the parallel of latitude 37° 00' 00" S to its intersection by the meridian of longitude 134° 30' 00" E
3	South-easterly along the geodesic to the intersection of the meridian of longitude 134° 54' 00" E by the outer limit of the exclusive economic zone
4	Generally north-westerly along that outer limit to its intersection by the meridian of longitude 133° 36' 00" E
5	North-easterly along the geodesic to the point of commencement

---

## PART 4 — MURAT MARINE PARK

### 4.1 Area of marine park

The Murat Marine Park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 32° 22' 00" S, longitude 132° 30' 00" E
2	East along the parallel of latitude 32° 22' 00" S to its intersection by the meridian of longitude 132° 48' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 40' 00" S
4	West along that parallel to its intersection by the meridian of longitude 132° 30' 00" E
5	North along that meridian to the point of commencement

### 4.2 Zone (swmutnpz01) for marine park

(1) The Murat Marine Park has the following zone:

- (a) the National Park Zone (II) described in Section 4.1 of this Part.

## PART 5 — GREAT AUSTRALIAN BIGHT MARINE PARK

### 5.1 Area of marine park

The Great Australian Bight Marine Park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 32° 12' 00" S, longitude 132° 08' 00" E
2	West along the parallel of latitude 32° 12' 00" S to its intersection by the meridian of longitude 131° 14' 06" E
3	South along that meridian to its intersection by the parallel of latitude 32° 28' 00" S
4	West along that parallel to its intersection by the meridian of longitude 130° 51' 58" E
5	South along that meridian to its intersection by the parallel of latitude 34° 18' 00" S
6	East along that parallel to its intersection by the meridian of longitude 131° 30' 00" E

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
7	South along that meridian to its intersection by the outer limit of the exclusive economic zone
8	Generally north-westerly along that outer limit to its intersection by the meridian of longitude 130° 28' 02" E
9	North along that meridian to its intersection by the parallel of latitude 32° 28' 00" S
10	West along that parallel to its intersection by the meridian of longitude 130° 22' 00" E
11	North along that meridian to its intersection by the parallel of latitude 32° 12' 00" S
12	West along that parallel to its intersection by the boundary between the scheduled areas of Western Australia and South Australia
13	North along that boundary to the westernmost point on the outer limit of the State waters of South Australia
14	Generally easterly and south-easterly along that outer limit to its intersection by the meridian of longitude 132° 08' 00" E
15	South along that meridian to the point of commencement

## 5.2 Zones for marine park

(1) The Great Australian Bight Marine Park is divided into the following zones:

- (a) the Special Purpose Zones (Mining Exclusion) (VI) described in Sections 5.3 and 5.5 of this Part;
- (b) the Special Purpose Zone (VI) described in Section 5.6 of this Part;
- (b) the National Park Zone (II) described in Section 5.4 of this Part;
- (c) the Multiple Use Zone (VI) described in Section 5.7 of this Part.

### 5.3 Zone 1 (swgabspm01) of marine park—Special Purpose Zone (Mining Exclusion) (VI)

Zone 1 (swgabspm01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (swgabspm01) of marine park—Special Purpose Zone (Mining Exclusion) (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 12' 00" S, longitude 132° 08' 00" E
2	West along the parallel of latitude 32° 12' 00" S to its intersection by the meridian of longitude 131° 14' 06" E
3	North along that meridian to its intersection by the outer limit of the State waters of South Australia



---

**Zone 1 (swgabspm01) of marine park—Special Purpose Zone (Mining Exclusion) (VI)**

---

<b>Item</b>	<b>Description</b>
4	Generally south-easterly along that outer limit to its intersection by the meridian of longitude 132° 08' 00" E
5	South along that meridian to the point of commencement

---

**5.4 Zone 2 (swgabnpz02) of marine park—National Park Zone (II)**

Zone 2 (swgabnpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (swgabnpz02) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 28' 00" S, longitude 130° 22' 00" E
2	North along the meridian of longitude 130° 22' 00" E to its intersection by the outer limit of the State waters of South Australia
3	Generally easterly along that outer limit to its intersection by the meridian of longitude 131° 14' 06" E
4	South along that meridian to its intersection by the parallel of latitude 32° 28' 00" S
5	West along that parallel to the point of commencement

---

**5.5 Zone 3 (swgabspm03) of marine park—Special Purpose Zone (Mining Exclusion) (VI)**

Zone 3 (swgabspm03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (swgabspm03) of marine park—Special Purpose Zone (Mining Exclusion) (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 12' 00" S, longitude 130° 22' 00" E
2	West along the parallel of latitude 32° 12' 00" S to its intersection by the boundary between the scheduled areas of Western Australia and South Australia
3	North along that boundary to the westernmost point on the outer limit of the State waters of South Australia
4	Generally easterly along that outer limit to its intersection by the meridian of longitude 130° 22' 00" E
5	South along that meridian to the point of commencement

---

### 5.6 Zone 4 (swgabspz04) of marine park—Special Purpose Zone (VI)

Zone 4 (swgabspz04) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 4 (swgabspz04) of marine park—Special Purpose Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 28' 00" S, longitude 130° 28' 02" E
2	East along the parallel of latitude 32° 28' 00" S to its intersection by the meridian of longitude 130° 51' 58" E
3	South along that meridian to its intersection by the parallel of latitude 33° 24' 00" S
4	West along that parallel to its intersection by the meridian of longitude 130° 28' 02" E
5	North along that meridian to the point of commencement

### 5.7 Zone 5 (swgabmuz05) of marine park—Multiple Use Zone (VI)

Zone 5 (swgabmuz05) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 5 (swgabmuz05) of marine park—Multiple Use Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 24' 00" S, longitude 130° 28' 02" E
2	East along the parallel of latitude 33° 24' 00" S to its intersection by the meridian of longitude 130° 51' 58" E
3	South along that meridian to its intersection by the parallel of latitude 34° 18' 00" S
4	East along that parallel to its intersection by the meridian of longitude 131° 30' 00" E
5	South along that meridian to its intersection by the outer limit of the exclusive economic zone
6	Generally north-westerly along that outer limit to its intersection by the meridian of longitude 130° 28' 02" E
7	North along that meridian to the point of commencement

## PART 6 — TWILIGHT MARINE PARK

### 6.1 Area of marine park

The Twilight Marine Park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 33° 06' 00" S, longitude 125° 48' 00" E
2	North along the meridian of longitude 125° 48' 00" E to its intersection by the outer limit of the State waters of Western Australia
3	Generally north-easterly and easterly along that outer limit to its intersection by the meridian of longitude 126° 26' 24" E
4	South along that meridian to its intersection by the parallel of latitude 32° 58' 00" S
5	South-westerly along the geodesic to the point of commencement

### 6.2 Zones for marine park

(1) The Twilight Marine Park is divided into the following zones:

- (a) the Special Purpose Zones (Mining Exclusion) (VI) as described in Sections 6.3 and 6.4 of this Part;
- (b) the National Park Zone (II) described in Section 6.5 of this Part.

### 6.3 Zone 1 (swtwispm01) of marine park—Special Purpose Zone (Mining Exclusion) (VI)

Zone 1 (swtwispm01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (swtwispm01) of marine park—Special Purpose Zone (Mining Exclusion) (VI)	
Item	Description
1	The point of latitude 32° 36' 18" S, longitude 125° 48' 00" E
2	North along the meridian of longitude 125° 48' 00" E to its intersection by the outer limit of the State waters of Western Australia
3	Generally north-easterly along that outer limit to its intersection by the meridian of longitude 126° 00' 00" E
4	South along that meridian to its intersection by the parallel of latitude 32° 36' 18" S
5	West along that parallel to the point of commencement

#### 6.4 Zone 2 (swtwispm02) of marine park—Special Purpose Zone (Mining Exclusion) (VI)

Zone 2 (swtwispm02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (swtwispm02) of marine park—Special Purpose Zone (Mining Exclusion) (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 36' 18" S, longitude 126° 15' 00" E
2	North along the meridian of longitude 126° 15' 00" E to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-easterly along that outer limit to its intersection by the meridian of longitude 126° 26' 24" E
4	South along that meridian to its intersection by the parallel of latitude 32° 36' 18" S
5	West along that parallel to the point of commencement

#### 6.5 Zone 3 (swtwinpz03) of marine park—National Park Zone (II)

Zone 3 (swtwinpz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 3 (swtwinpz03) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 06' 00" S, longitude 125° 48' 00" E
2	North along the meridian of longitude 125° 48' 00" E to its intersection by the parallel of latitude 32° 36' 18" S
3	East along that parallel to its intersection by the meridian of longitude 126° 00' 00" E
4	North along that meridian to its intersection by the by the outer limit of the State waters of Western Australia
5	Generally north-easterly along that outer limit to its intersection by the meridian of longitude 126° 15' 00" E
6	South along the meridian of longitude 126° 15' 00" E to its intersection by the parallel of latitude 32° 36' 18" S
7	East along that parallel to its intersection by the meridian of longitude 126° 26' 24" E
8	South along that meridian to is intersection by the parallel of latitude 32° 58' 00" S
9	South-westerly along the geodesic to the point of commencement

## PART 7 — EASTERN RECHERCHE MARINE PARK

### 7.1 Area of marine park

The Eastern Recherche Marine Park consists of an area in the Southern Ocean, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 33° 36' 00" S, longitude 124° 18' 00" E
2	South along the meridian of longitude 124° 18' 00" E to its intersection by the parallel of latitude 34° 12' 00" S
3	West along that parallel to its intersection by the meridian of longitude 124° 00' 00" E
4	South along that meridian to its intersection by the parallel of latitude 36° 00' 00" S
5	West along that parallel to its intersection by the meridian of longitude 123° 40' 00" E
6	South along that meridian to its intersection by the outer limit of the exclusive economic zone
7	Westerly along that outer limit to its intersection by the meridian of longitude 123° 20' 00" E
8	North along that meridian to its southernmost intersection by the outer limit of the State waters of Western Australia, adjacent to Dome Island
9	Generally easterly, northerly, and westerly along that outer limit to its northernmost intersection by the meridian of longitude 123° 20' 00" E
10	North along that meridian to its intersection by the outer limit of the State waters of Western Australia
11	Generally north-easterly along that outer limit to its intersection by the parallel of latitude 33° 36' 00" S
12	East along that parallel to the point of commencement

### 7.2 Zones for marine park

(1) The Eastern Recherche Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (VI) described in Section 7.3 of this Part;
- (b) the National Park Zones (II) described in Sections 7.4 and 7.5 of this Part.

### 7.3 Zone 1 (swearspz01) of marine park—Special Purpose Zone (VI)

Zone 1 (swearspz01) of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (swearspz01) of marine park—Special Purpose Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 43' 30" S, longitude 123° 20' 00" E
2	North along the meridian of longitude 123° 20' 00" E to its southernmost intersection by the outer limit of the State waters of Western Australia, adjacent to Dome Island
3	Generally easterly, northerly, and westerly along that outer limit to its northernmost intersection by the meridian of longitude 123° 20' 00" E
4	North along that meridian to its intersection by the outer limit of the State waters of Western Australia
5	Generally north-easterly along that outer limit to its intersection by the meridian of longitude 124° 00' 00" E
6	South along that meridian to its intersection by the outer limit of the State waters of Western Australia, adjacent to Ford Island
7	Generally south-westerly and south-easterly along that outer limit to its intersection by the meridian of longitude 124° 00' 00" E, adjacent to Rodondo Island
8	South along that meridian to its intersection by the parallel of latitude 34° 43' 30" S
9	West along that parallel to the point of commencement

### 7.4 Zone 2 (swearnpz02) of marine park—National Park Zone (II)

Zone 2 (swearnpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.



---

**Zone 2 (swearnpz02) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 36' 00" S, longitude 124° 18' 00" E
2	South along the meridian of longitude 124° 18' 00" E to its intersection by the parallel of latitude 34° 12' 00" S
3	West along that parallel to its intersection by the meridian of longitude 124° 00' 00" E
4	North along that meridian to its intersection by the outer limit of the State waters of Western Australia, adjacent to Rodondo Island
5	Generally easterly, northerly, and westerly along that outer limit to its intersection by the meridian of longitude 124° 00' 00" E, adjacent to Ford Island
6	North along that meridian to its intersection by the outer limit of the State waters of Western Australia
7	Generally easterly and northerly along that outer limit to its intersection by the parallel of latitude 33° 36' 00" S
8	East along that parallel to the point of commencement

---

**7.5 Zone 3 (swearnpz03) of marine park—National Park Zone (II)**

Zone 3 (swearnpz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (swearnpz03) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 43' 30" S, longitude 123° 20' 00" E
2	East along the parallel of latitude 34° 43' 30" S to its intersection by the meridian of longitude 124° 00' 00" E
3	South along that meridian to its intersection by the parallel of latitude 36° 00' 00" S
4	West along that parallel to its intersection by the meridian of longitude 123° 40' 00" E
5	South along that meridian to its intersection by the outer limit of the exclusive economic zone
6	Westerly along that outer limit to its intersection by the meridian of longitude 123° 20' 00" E
7	North along that meridian to the point of commencement

---

## PART 8 — SOUTH-WEST CORNER MARINE PARK

### 8.1 Area of marine park

The South-west Corner Marine Park consists of an area in the Indian and Southern Oceans, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 36° 42' 00" S, longitude 116° 36' 00" E
2	North along the meridian of longitude 116° 36' 00" E to its intersection by the outer limit of the State waters of Western Australia
3	Generally easterly along that outer limit to its intersection by the meridian of longitude 117° 06' 00" E
4	South along that meridian to its intersection by the parallel of latitude 36° 42' 00" S
5	East along that parallel to its intersection by the meridian of longitude 120° 38' 00" E
6	North along that meridian to its intersection by the outer limit of the State waters of Western Australia
7	Generally easterly along that outer limit to its intersection by the meridian of longitude 121° 24' 00" E
8	South along that meridian to its intersection by the parallel of latitude 34° 40' 00" S
9	East along that parallel to its intersection by the meridian of longitude 122° 00' 00" E
10	South along that meridian to its intersection by the outer limit of the exclusive economic zone
11	Generally westerly, north-westerly and northerly along that outer limit to its intersection by the parallel of latitude 33° 30' 00" S
12	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
13	Generally southerly and south-easterly along that outer limit to its intersection by the meridian of longitude 115° 42' 00" E
14	South along that meridian to its intersection by the parallel of latitude 34° 36' 00" S

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
15	West along that parallel to its intersection by the meridian of longitude 114° 24' 00" E
16	North along that meridian to its intersection by the parallel of latitude 34° 09' 00" S
17	West along that parallel to its intersection by the meridian of longitude 113° 06' 00" E
18	South along that meridian to its intersection by the parallel of latitude 35° 12' 00" S
19	South-easterly along the geodesic to the point of commencement

## **8.2 Zones for marine park**

(1) The South-west Corner Marine Park is divided into the following zones:

- (a) the National Park Zones (II) described in Sections 8.3, 8.6, 8.7, 8.9, 8.11, 8.17 and 8.18 of this Part;
- (b) the Multiple Use Zones (VI) described in Sections 8.4, 8.13, 8.14 and 8.15 of this Part;
- (c) the Special Purpose Zones (Mining Exclusion) (VI) described in Sections 8.5 and 8.8 of this Part;
- (d) the Habitat Protection Zone (IV) described in Section 8.10 of this Part;
- (e) the Special Purpose Zone (VI) described in Sections 8.12 and 8.16 of this Part.

## **8.3 Zone 1 (swwcnpz01) of marine park—National Park Zone (II)**

Zone 1 (swwcnpz01) of the marine park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

### **Zone 1 (swwcnpz01) of marine park—National Park Zone (II)**

<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 30' 00" S, longitude 111° 42' 00" E
2	South along the meridian of longitude 111° 42' 00" E to its intersection by the outer limit of the exclusive economic zone
3	Generally northerly along that outer limit to its intersection by the parallel of latitude 33° 30' 00" S
4	East along that parallel to the point of commencement

#### 8.4 Zone 2 (swwcmuz02) of marine park—Multiple Use Zone (VI)

Zone 2 (swwcmuz02) of the marine park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (swwcmuz02) of marine park—Multiple Use Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 30' 00" S, longitude 111° 42' 00" E
2	East along the parallel of latitude 33° 30' 00" S to its intersection by the meridian of longitude 113° 54' 00" E
3	South along that meridian to its intersection by the parallel of latitude 34° 09' 00" S
4	West along that parallel to its intersection by the meridian of longitude 113° 06' 00" E
5	South along that meridian to its intersection by the parallel of latitude 35° 12' 00" S
6	West along that parallel to its intersection by the meridian of longitude 111° 42' 00" E
7	North along that meridian to the point of commencement

#### 8.5 Zone 3 (swwcspm03) of marine park—Special Purpose Zone (Mining Exclusion) (VI)

Zone 3 (swwcspm03) of the marine park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 3 (swwcspm03) of marine park—Special Purpose Zone (Mining Exclusion) (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 30' 00" S, longitude 113° 54' 00" E
2	East along the parallel of latitude 33° 30' 00" S to its intersection by the meridian of longitude 114° 24' 00" E
3	South along that meridian to its intersection by the parallel of latitude 33° 42' 00" S
4	East along that parallel to its intersection by the meridian of longitude 114° 36' 00" E
5	North along that meridian to its intersection by the parallel of latitude 33° 30' 00" S

---

**Zone 3 (swwcspm03) of marine park—Special Purpose Zone (Mining Exclusion) (VI)**

---

<b>Item</b>	<b>Description</b>
6	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
7	Generally southerly along that outer limit to its intersection by the parallel of latitude 34° 03' 00" S
8	West along that parallel to its intersection by the meridian of longitude 114° 24' 00" E
9	South along that meridian to its intersection by the parallel of latitude 34° 09' 00" S
10	West along that parallel to its intersection by the meridian of longitude 113° 54' 00" E
11	North along that meridian to the point of commencement

---

**8.6 Zone 4 (swwcnpz04) of marine park—National Park Zone (II)**

Zone 4 (swwcnpz04) of the marine park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 4 (swwcnpz04) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 30' 00" S, longitude 114° 24' 00" E
2	East along the parallel of latitude 33° 30' 00" S to its intersection by the meridian of longitude 114° 36' 00" E
3	South along that meridian to its intersection by the parallel of latitude 33° 42' 00" S
4	West along that parallel to its intersection by the meridian of longitude 114° 24' 00" E
5	North along that meridian to the point of commencement

---

**8.7 Zone 5 (swwcnpz05) of marine park—National Park Zone (II)**

Zone 5 (swwcnpz05) of the marine park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 5 (swwcnpz05) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 03' 00" S, longitude 114° 24' 00" E

---

---

**Zone 5 (swwcnpz05) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
2	East along the parallel of latitude 34° 03' 00" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally southerly along that outer limit to its intersection by the parallel of latitude 34° 09' 00" S
4	West along that parallel to its intersection by the meridian of longitude 114° 24' 00" E
5	North along that meridian to the point of commencement

---

**8.8 Zone 6 (swwcspm06) of marine park—Special Purpose Zone (Mining Exclusion) (VI)**

Zone 6 (swwcspm06) of the marine park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 6 (swwcspm06) of marine park—Special Purpose Zone (Mining Exclusion) (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 09' 00" S, longitude 114° 24' 00" E
2	East along the parallel of latitude 34° 09' 00" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally southerly and south-easterly along that outer limit to its intersection by the meridian of longitude 115° 33' 00" E
4	South along that meridian to its intersection by the parallel of latitude 34° 36' 00" S
5	West along that parallel to its intersection by the meridian of longitude 114° 24' 00" E
6	North along that meridian to the point of commencement

---

**8.9 Zone 7 (swwcnpz07) of marine park—National Park Zone (II)**

Zone 7 (swwcnpz07) of the marine park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 7 (swwcnpz07) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 36' 00" S, longitude 115° 33' 00" E
2	North along the meridian of longitude 115° 33' 00" E to its intersection by the outer limit of the State waters of Western Australia

---



---

**Zone 7 (swwcnpz07) of marine park—National Park Zone (II)**

---

**Item Description**

---

- |   |   |
|---|---|
| 3 | Generally south-easterly along that outer limit to its intersection by the meridian of longitude 115° 42' 00" E |
| 4 | South along that meridian to its intersection by the parallel of latitude 34° 36' 00" S                         |
| 5 | West along that parallel to the point of commencement   |
- 

**8.10 Zone 8 (swwchpz08) of marine park—Habitat Protection Zone (IV)**

Zone 8 (swwchpz08) of the marine park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 8 (swwchpz08) of marine park—Habitat Protection Zone (IV)**

---

**Item Description**

---

- |   |  |
|---|--|
| 1 | The point of latitude 35° 12' 00" S, longitude 113° 06' 00" E  |
| 2 | South-easterly along the geodesic to the point of latitude 36° 42' 00" S, longitude 116° 36' 00" E                           |
| 3 | South along the meridian of longitude 116° 36' 00" E to its intersection by the outer limit of the exclusive economic zone   |
| 4 | Generally westerly and north-westerly along that outer limit to its intersection by the meridian of longitude 111° 42' 00" E |
| 5 | North along that meridian to its intersection by the parallel of latitude 35° 12' 00" S                                      |
| 6 | East along that parallel to the point of commencement  |
- 

**8.11 Zone 9 (swwcnpz09) of marine park—National Park Zone (II)**

Zone 9 (swwcnpz09) of the marine park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 9 (swwcnpz09) of marine park—National Park Zone (II)**

---

**Item Description**

---

- |   |  |
|---|--|
| 1 | The point of latitude 36° 42' 00" S, longitude 116° 36' 00" E  |
| 2 | North along the meridian of longitude 116° 36' 00" E to its intersection by the parallel of latitude 35° 30' 30" S |
| 3 | East along that parallel to its intersection by the meridian of longitude 117° 06' 00" E                           |
-

---

**Zone 9 (swwcnpz09) of marine park—National Park Zone (II)**

---

**Item Description**

---

- |   |   |
|---|---|
| 4 | South along that meridian to its intersection by the outer limit of the exclusive economic zone           |
| 5 | Generally westerly along that outer limit to its intersection by the meridian of longitude 116° 36' 00" E |
| 6 | North along that meridian to the point of commencement.   |
- 

**8.12 Zone 10 (swwcspz10) of marine park—Special Purpose Zone (VI)**

Zone 10 (swwcspz10) of the marine park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 10 (swwcspz10) of marine park—Special Purpose Zone (VI)**

---

**Item Description**

---

- |   |  |
|---|--|
| 1 | The point of latitude 35° 30' 30" S, longitude 116° 36' 00" E  |
| 2 | North along the meridian of longitude 116° 36' 00" E to its intersection by the outer limit of the State waters of Western Australia |
| 3 | Generally easterly along that outer limit to its intersection by the meridian of longitude 117° 06' 00" E                            |
| 4 | South along that meridian to its intersection by the parallel of latitude 35° 30' 30" S  |
| 5 | West along that parallel to the point of commencement  |
- 

**8.13 Zone 11 (swwcmuz11) of marine park—Multiple Use Zone (VI)**

Zone 11 (swwcmuz11) of the marine park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 11 (swwcmuz11) of marine park—Multiple Use Zone (VI)**

---

**Item Description**

---

- |   |  |
|---|--|
| 1 | The point of latitude 36° 42' 00" S, longitude 117° 06' 00" E  |
| 2 | South along the meridian of longitude 117° 06' 00" E to its intersection by the outer limit of the State waters of Western Australia |
| 3 | Generally easterly along that outer limit to its intersection by the meridian of longitude 122° 00' 00" E                            |
| 4 | North along that meridian to its intersection by the parallel of latitude 36° 42' 00" S  |
-

---

**Zone 11 (swwcmuz11) of marine park—Multiple Use Zone (VI)**

---

**Item Description**

---

5	West along that parallel to the point of commencement
---	---

---

**8.14 Zone 12 (swwcmuz12) of marine park—Multiple Use Zone (VI)**

Zone 12 (swwcmuz12) of the marine park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 12 (swwcmuz12) of marine park—Multiple Use Zone (VI)**

---

**Item Description**

---

1	The point of latitude 34° 33' 45" S, longitude 120° 38' 00" E
---	---

---

2	East along the parallel of latitude 34° 33' 45" S to its intersection by the meridian of longitude 120° 53' 30" E
---	---

---

3	South along that meridian to its intersection by the parallel of latitude 35° 17' 57.88" S
---	--

---

4	South-westerly along the geodesic to the point of latitude 35° 22' 00" S, longitude 120° 38' 00" E
---	--

---

5	North along the meridian of longitude 120° 38' 00" E to the point of commencement
---	---

---

**8.15 Zone 13 (swwcmuz13) of marine park—Multiple Use Zone (VI)**

Zone 13 (swwcmuz13) of the marine park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 13 (swwcmuz13) of marine park—Multiple Use Zone (VI)**

---

**Item Description**

---

1	The point of latitude 34° 33' 45" S, longitude 120° 01' 00" E
---	---

---

2	East along the parallel of latitude 34° 33' 45" S to its intersection by the meridian of longitude 121° 24' 00" E
---	---

---

3	South along that meridian to its intersection by the parallel of latitude 34° 40' 00" S
---	---

---

4	East along that parallel to its intersection by the meridian of longitude 121° 46' 00" E
---	--

---

5	South along that meridian to its intersection by the parallel of latitude 35° 04' 00" S
---	---

---

6	South-westerly along the geodesic to the point of latitude 35° 15' 59.88" S, longitude 120° 01' 00" E
---	---

---

7	North along the meridian of longitude 120° 01' 00" E to the point of commencement
---	---

---

### 8.16 Zone 14 (swwcspz14) of marine park—Special Purpose Zone (VI)

Zone 14 (swwcspz14) of the marine park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 14 (swwcspz14) of marine park—Special Purpose Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 33' 45" S, longitude 120° 38' 00" E
2	North along the meridian of longitude 120° 38' 00" E to its intersection by the outer limit of the State waters of Western Australia
3	Generally easterly along that outer limit to its intersection by the meridian of longitude 120° 52' 00" E
4	South along that meridian to its northernmost intersection by the outer limit of the State waters of Western Australia, adjacent to Investigator Island
5	Generally westerly, southerly and easterly along that outer limit to its southernmost intersection by the meridian of longitude 120° 52' 00" E
6	South along the meridian of longitude 120° 52' 00" E to its intersection by the parallel of latitude 34° 18' 00" S
7	East along that parallel to its intersection by the meridian of longitude 121° 10' 00" E
8	North along that meridian to its intersection by the outer limit of the State waters of Western Australia
9	Generally easterly along that outer limit to its intersection by the meridian of longitude 121° 24' 00" E
10	South along that meridian to its intersection by the parallel of latitude 34° 33' 45" S
11	West along that parallel to the point of commencement

### 8.17 Zone 15 (swwcnpz15) of marine park—National Park Zone (II)

Zone 15 (swwcnpz15) of the marine park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 15 (swwcnpz15) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 18' 00" S, longitude 120° 52' 00" E
2	East along the parallel of latitude 34° 18' 00" S to its intersection by the meridian of longitude 121° 10' 00" E
3	North along that meridian to its intersection by the outer limit of the State waters of Western Australia

---

**Zone 15 (swwcnpz15) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
4	Generally westerly along that outer limit to its intersection by the meridian of longitude 120° 52' 00" E
5	South along the meridian of longitude 120° 52' 00" E to its northernmost intersection by the outer limit of the State waters of Western Australia, adjacent to Investigator Island
6	Generally easterly, southerly and westerly along that outer limit to its southernmost intersection by the meridian of longitude 120° 52' 00" E
7	South along the meridian of longitude 120° 52' 00" E to the point of commencement

---

**8.18 Zone 16 (swwcnpz16) of marine park—National Park Zone (II)**

Zone 16 (swwcnpz16) of the marine park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 16 (swwcnpz16) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 40' 00" S, longitude 121° 46' 00" E
2	East along the parallel of latitude 34° 40' 00" S to its intersection by the meridian of longitude 122° 00' 00" E
3	South along that meridian to its intersection by the parallel of latitude 36° 42' 00" S
4	West along that parallel to its intersection by the meridian of longitude 120° 38' 00" E
5	North along that meridian to its intersection by the parallel of latitude 35° 22' 00" S
6	North-easterly along the geodesic to the point of latitude 35° 17' 57.9" S, longitude 120° 53' 30" S
7	North along the meridian of longitude 120° 53' 30" S to its intersection by the parallel of latitude 34° 33' 45" S
8	East along that parallel to its intersection by the meridian of longitude 120° 01' 00" S
9	South along that meridian to its intersection by the parallel of latitude 35° 15' 59.88" S
10	North-easterly along the geodesic to the point of latitude 35° 04' 00" S, longitude 121° 46' 00" S
11	North along the meridian of longitude 121° 46' 00" E to the point of commencement

---

## PART 9 — BREMER MARINE PARK

### 9.1 Area of marine park

Bremer Marine Park consists of an area in the Southern Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 34° 24' 00" S, longitude 120° 06' 00" E
2	South along the meridian of longitude 120° 06' 00" E to its intersection by the parallel of latitude 35° 12' 00" S
3	West along that parallel to its intersection by the meridian of longitude 119° 36' 00" E
4	North along that meridian to its intersection by the outer limit of the State waters of Western Australia
5	Generally easterly and northerly along that outer limit to its intersection by the meridian of longitude 119° 40' 48" E on, or closest to, the parallel of latitude 34° 22' 20" S
6	North along that meridian to its intersection by the outer limit of the State waters of Western Australia
7	Generally north-easterly along that outer limit to its intersection by the meridian of longitude 119° 49' 30" E
8	South along that meridian to its intersection by the parallel of latitude 34° 24' 00" S
9	East along that parallel to the point of commencement

### 9.2 Zones for marine park

(1) The Bremer Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 9.3 of this Part;
- (b) the Special Purpose Zones (Mining Exclusion) (VI) described in Sections 9.4 and 9.5 of this Part.

### 9.3 Zone 1 (swbrenpz01) of marine park—National Park Zone (II)

Zone 1 (swbrenpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (swbrenpz01) of marine park—National Park Zone (II)	
Item	Description
1	The point of latitude 34° 24' 00" S, longitude 119° 44' 00" E
2	North along the meridian of longitude 119° 44' 00" E to its intersection by the outer limit of the State waters of Western Australia



---

**Zone 1 (swbrenpz01) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
3	Generally north-easterly along that outer limit to its intersection by the meridian of longitude 119° 49' 30" E
4	South along that meridian to its intersection by the parallel of latitude 34° 24' 00" S
5	South-easterly along the geodesic to the point of latitude 34° 39' 26.58" S, longitude 119° 56' 17.52" E
6	North-easterly along the geodesic to the point of latitude 34° 37' 00" S, longitude 120° 06' 00" E
7	South along the meridian of longitude 120° 06' 00" E to its intersection by the parallel of latitude 35° 12' 00" S
8	West along the parallel of latitude 35° 12' 00" S to its intersection by the meridian of longitude 119° 36' 00" E
9	North along that meridian to its intersection by the parallel of latitude 34° 44' 30" S
10	North-easterly along the geodesic to the point of latitude 34° 40' 41" S, longitude 119° 51' 20.6" E
11	North-westerly along the geodesic to the point of commencement

---

**9.4 Zone 2 (swbresp02) of marine park—Special Purpose Zone (Mining Exclusion) (VI)**

Zone 2 (swbresp02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (swbresp02) of marine park—Special Purpose Zone (Mining Exclusion) (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 37' 00" S, longitude 120° 06' 00" E
2	South-westerly along the geodesic to the point of latitude 34° 39' 26.58" S longitude 119° 56' 17.52" E
3	North-westerly along the geodesic to the point of latitude 34° 24' 00" S, longitude 119° 49' 30" E
4	East along the parallel of latitude 34° 24' 00" S to its intersection by the meridian of longitude 120° 06' 00" E
5	South along that meridian to the point of commencement

---

### 9.5 Zone 3 (swbresp03) of marine park— Special Purpose Zone (Mining Exclusion) (VI)

Zone 3 (swbresp03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 3 (swbresp03) of marine park— Special Purpose Zone (Mining Exclusion) (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 34° 44' 30" S, longitude 119° 36' 00" E
2	North along the meridian of longitude 119° 36' 00" E to its intersection by the outer limit of the State waters of Western Australia
3	Generally easterly and northerly along that outer limit to its intersection by the meridian of longitude 119° 40' 48" E on, or closest to, the parallel of latitude 34° 22' 20" S
4	North along that meridian to its intersection by the outer limit of the State waters of Western Australia
5	Generally north-easterly along that outer limit to its intersection by the meridian of longitude 119° 44' 00" E
6	South along that meridian to the intersection by the by the parallel of latitude 34° 24' 00" E
7	South-easterly along the geodesic to the point of latitude 34° 40' 41" E, longitude 119° 51' 20.6" E
8	South-westerly along the geodesic to the point of commencement.

## PART 10 — GEOGRAPHE MARINE PARK

### 10.1 Area of marine park

The Geographe Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 21' 00" S, longitude 115° 03' 00" E
2	East along the parallel of latitude 33° 21' 00" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-westerly, westerly and north-westerly along that outer limit to its intersection by the meridian of longitude 115° 03' 00" E
4	North along that meridian to the point of commencement

## 10.2 Zones for marine park

(1) The Geographe Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (Mining Exclusion) (VI) described in Section 10.3 of this Part;
- (b) the Multiple Use Zone (VI) described in Section 10.4 of this Part;
- (c) the Habitat Protection Zone (IV) described in Section 10.5 of this Part;
- (d) the National Park Zone (II) described in Section 10.6 of this Part.

### 10.3 Zone 1 (swgeospm01) of marine park—Special Purpose Zone (Mining Exclusion) (VI)

Zone 1 (swgeospm01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (swgeospm01) of marine park—Special Purpose Zone (Mining Exclusion) (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 21' 00" S, longitude 115° 03' 00" E
2	East along the parallel of latitude 33° 21' 00" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 33° 29' 00" S
4	West along that parallel to its intersection by the meridian of longitude 115° 03' 00" E
5	North along that meridian to the point of commencement

### 10.4 Zone 2 (swgeomuz02) of marine park—Multiple Use Zone (VI)

Zone 2 (swgeomuz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (swgeomuz02) of marine park—Multiple Use Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 29' 00" S, longitude 115° 03' 00" E
2	South along the meridian of longitude 115° 03' 00" E to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-easterly along that outer limit to its intersection by the meridian of longitude 115° 12' 00" E
4	North along that meridian to its intersection by the parallel of latitude 33° 32' 16.8" S
5	East along that parallel to its intersection by the meridian of longitude 115° 14' 00" E
6	South along that meridian to its intersection by the outer limit of the State waters of Western Australia

---

**Zone 2 (swgeomuz02) of marine park—Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
7	Generally easterly and north-easterly along that outer limit to its intersection by the meridian of longitude 115° 22' 55.98" E
8	North-westerly along the geodesic to the point of latitude 33° 33' 05.04" S, longitude 115° 21' 16.2" E
9	North-easterly along the geodesic to the point of latitude 33° 31' 18.3" S, longitude 115° 22' 49.68" E
10	South-easterly along the geodesic to its intersection with the outer limit of the State waters of Western Australia, on, or closest to, the point of latitude 33° 32' 44.52" S, longitude 115° 24' 35.41" E
11	Generally north-easterly along that outer limit to its intersection by the parallel of latitude 33° 29' 00" S
12	West along the parallel of latitude 33° 29' 00" S to the point of commencement

---

**10.5 Zone 3 (swgeohpz03) of marine park—Habitat Protection Zone (IV)**

Zone 3 (swgeohpz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (swgeohpz03) of marine park—Habitat Protection Zone (IV)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 32' 16.8" S, longitude 115° 12' 00" E
2	East along the parallel of latitude 33° 32' 16.8" S to its intersection by the meridian of longitude 115° 14' 00" E
3	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
4	Generally westerly along that outer limit to its intersection by the meridian of longitude 115° 12' 00" E
5	North along that meridian to the point commencement

---

**10.6 Zone 4 (swgeonpz04) of marine park—National Park Zone (II)**

Zone 4 (swgeonpz04) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 4 (swgeonpz04) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 33° 33' 05.04" S, longitude 115° 21' 16.2" E

---

---

**Zone 4 (swgeonpz04) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
2	North-easterly along the geodesic to the point of latitude 33° 31' 18.3" S, longitude 115° 22' 49.68" E
3	South-easterly along the geodesic to its intersection by the outer limit of the State waters of Western Australia, on, or closest to, the point of latitude 33° 32' 44.52" S, longitude 115° 24' 35.41" E
4	Generally south-westerly along that outer limit to its intersection by the meridian of longitude 115° 22' 55.98" E
5	North-westerly along the geodesic to the point of commencement

---

## **PART 11 — PERTH CANYON MARINE PARK**

### **11.1 Area of marine park**

The Perth Canyon Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 31° 42' 00" S, longitude 114° 00' 00" E
2	East along the parallel of latitude 31° 42' 00" S to its intersection by the meridian of longitude 114° 45' 00" E
3	South-easterly along the geodesic to the point of latitude 31° 54' 00" S, longitude 114° 54' 00" E
4	East along the parallel of latitude 31° 54' 00" S to its intersection by the meridian of longitude 115° 15' 00" E
5	South along that meridian to its intersection by the parallel of latitude 32° 06' 00" S
6	West along that parallel to its intersection by the meridian of longitude 115° 06' 00" E
7	South-westerly along the geodesic to the point of latitude 32° 24' 00" S, longitude 114° 51' 00" E
8	West along the parallel of latitude 32° 24' 00" S to its intersection by the meridian of longitude 114° 00' 00" E
9	North along that meridian to the point of commencement

---

## 11.2 Zones for marine park

(1) The Perth Canyon Marine Park is divided into the following zones:

- (a) the Habitat Protection Zones (IV) described in Sections 11.3, 11.5 and 11.7 of this Part;
- (b) the National Park Zones (II) described in Sections 11.4 and 11.8 of this Part;
- (c) the Multiple Use Zones (VI) described in Section 11.6 and 11.9 of this Part.

### 11.3 Zone 1 (swperh pz01) of marine park—Habitat Protection Zone (IV)

Zone 1 (swperh pz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (swperh pz01) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 31° 42' 00" S, longitude 114° 00' 00" E
2	East along the parallel of latitude 31° 42' 00" S to its intersection by the meridian of longitude 114° 30' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 24' 00" S
4	West along that parallel to its intersection by the meridian of longitude 114° 00' 00" E
5	North along that meridian to the point of commencement

### 11.4 Zone 2 (swpernpz02) of marine park—National Park Zone (II)

Zone 2 (swpernpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (swpernpz02) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 31° 42' 00" S, longitude 114° 30' 00" E
2	East along the parallel of latitude 31° 42' 00" S to its intersection by the meridian of longitude 114° 45' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 06' 00" S
4	West along that parallel to its intersection by the meridian of longitude 114° 30' 00" E
5	North along that meridian to the point of commencement



### 11.5 Zone 3 (swperh pz03) of marine park—Habitat Protection Zone (IV)

Zone 3 (swperh pz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 3 (swperh pz03) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 31° 42' 00" S, longitude 114° 45' 00" E
2	South-easterly along the geodesic to the point of latitude 31° 54' 00" S, longitude 114° 54' 00" E
3	South along the meridian of longitude 114° 54' 00" E to its intersection by the parallel of latitude 32° 12' 00" S
4	West along that parallel to its intersection by the meridian of longitude 114° 45' 00" E
5	North along that meridian to the point of commencement

### 11.6 Zone 4 (swpermuz04) of marine park—Multiple Use Zone (VI)

Zone 4 (swpermuz04) of the marine park, excluding the zone described in Section 11.7 of this Part, consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 4 (swpermuz04) of marine park—Multiple Use Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 31° 54' 00" S, longitude 114° 54' 00" E
2	East along the parallel of latitude 31° 54' 00" S to its intersection by the meridian of longitude 115° 15' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 06' 00" S
4	West along that parallel to its intersection by the meridian of longitude 115° 06' 00" E
5	South-westerly along the geodesic to the point of latitude 32° 17' 59.79" S, longitude 114° 56' 01" E
6	North along the meridian of longitude 114° 56' 01" E to its intersection by the parallel of latitude 32° 12' 00" S
7	West along that parallel to its intersection by the meridian of longitude 114° 54' 00" E
8	North along that meridian to the point of commencement

### 11.7 Zone 5 (swperhpsz05) of marine park—Habitat Protection Zone (IV)

Zone 5 (swperhpsz05) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 5 (swperhpsz05) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 31° 55' 00" S, longitude 115° 03' 00" E
2	East along the parallel of latitude 31° 55' 00" S to its intersection by the meridian of longitude 115° 08' 00" E
3	South along that meridian to its intersection by the parallel of latitude 31° 59' 00" S
4	West along that parallel to its intersection by the meridian of longitude 115° 03' 00" E
5	North along that meridian to the point of commencement

### 11.8 Zone 6 (swpernpz06) of marine park—National Park Zone (II)

Zone 6 (swpernpz06) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 6 (swpernpz06) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 12' 00" S, longitude 114° 45' 00" E
2	East along the parallel of latitude 32° 12' 00" S to its intersection by the meridian of longitude 114° 56' 01" E
3	South along that meridian to its intersection by the parallel of latitude 32° 17' 59.78" S
4	South-westerly along the geodesic to the point of latitude 32° 18' 00" S, longitude 114° 56' 0.83" E
5	West along the parallel of latitude 32° 18' 00" S to its intersection by the meridian of longitude 114° 45' 00" E
6	North along that meridian to the point of commencement

### 11.9 Zone 7 (swpermuz07) of marine park—Multiple Use Zone (VI)

Zone 7 (swpermuz07) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 7 (swpermuz07) of marine park— Multiple Use Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 06' 00" S, longitude 114° 30' 00" E

---

**Zone 7 (swpermuz07) of marine park— Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
2	East along the parallel 32° 06' 00" S to its intersection by the meridian of longitude 114° 45' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 18' 00" S
4	East along that parallel to its intersection by the meridian of longitude 114° 56' 0.83" E
5	South-westerly along the geodesic to the point of latitude 32° 24' 00" S, longitude 114° 51' 00" E
6	West along the parallel of latitude 32° 24' 00" S to its intersection by the meridian of longitude 114° 30' 00" E
7	North along that meridian to the point of commencement

---

## **PART 12 — TWO ROCKS MARINE PARK**

### **12.1 Area of marine park**

The Two Rocks Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 31° 30' 00" S, longitude 115° 09' 00" E
2	East along the parallel of latitude 31° 30' 00" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-easterly along that outer limit to its intersection by the parallel of latitude 31° 43' 22.8" S
4	West along that parallel to its intersection by the meridian of longitude 115° 15' 00" E
5	North-westerly along the geodesic to the point of commencement

---

### **12.2 Zones for marine park**

(1) The Two Rocks Marine Park is divided into the following zones:

- (a) the Multiple Use Zone (VI) described in Section 12.3 of this Part;
- (b) the National Park Zone (II) described in Section 12.4 of this Part.

### 12.3 Zone 1 (swtwomuz01) of marine park—Multiple Use Zone (VI)

Zone 1 (swtwomuz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (swtwomuz01) of marine park—Multiple Use Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 31° 30' 00" S, longitude 115° 09' 00" E
2	East along the parallel of latitude 31° 30' 00" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-easterly along that outer limit to its intersection by the parallel of latitude 31° 42' 00" S
4	West along that parallel to its intersection by the meridian of longitude 115° 34' 00" E
5	South along that meridian to its intersection by the parallel of latitude 31° 43' 22.8" S
6	West along that parallel to its intersection by the meridian of longitude 115° 15' 00" E
7	North-westerly along the geodesic to the point of commencement

### 12.4 Zone 2 (swtwonpz02) of marine park—National Park Zone (II)

Zone 2 (swtwonpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (swtwonpz02) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 31° 42' 00" S, longitude 115° 34' 00" E
2	East along the parallel of latitude 31° 42' 00" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-easterly along that outer limit to its intersection by the parallel of latitude 31° 43' 22.8" S
4	West along that parallel to its intersection by the meridian of longitude 115° 34' 00" E
5	North along that meridian to the point of commencement

## PART 13 — JURIEEN MARINE PARK

### 13.1 Area of marine park

The Jurien Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 30° 10' 26.796" S, longitude 114° 36' 00" E
2	East along the parallel of latitude 30° 10' 26.796" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-easterly and southerly along that outer limit to its intersection by the parallel of latitude 30° 43' 00" S
4	West along that parallel to its intersection by the meridian of longitude 114° 43' 00" E
5	North-westerly along the geodesic to the point of latitude 30° 40' 00" S, longitude 114° 42' 05" E
6	North-westerly along the geodesic to the point of latitude 30° 20' 00" S, longitude 114° 36' 00" E
7	North along the meridian of longitude 114° 36' 00" E to the point of commencement

### 13.2 Zones for marine park

(1) The Jurien Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (VI) described in Section 13.3 of this Part;
- (b) the National Park Zone (II) described in Section 13.4 of this Part.

### 13.3 Zone 1 (swjurspz01) of marine park—Special Purpose Zone (VI)

Zone 1 (swjurspz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (swjurspz01) of marine park—Special Purpose Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 30° 10' 26.796" S, longitude 114° 36' 00" E
2	East along the parallel of latitude 30° 10' 26.796" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-easterly and southerly along that outer limit to its intersection by the parallel of latitude 30° 43' 00" S
4	West along that parallel to its intersection by the meridian of longitude 114° 46' 00" E

---

**Zone 1 (swjurspz01) of marine park—Special Purpose Zone (VI)**

---

<b>Item</b>	<b>Description</b>
5	North along that meridian to its intersection by the parallel of latitude 30° 40' 00" S
6	West along that parallel to its intersection by the meridian of longitude 114° 42' 05" E
7	North-westerly along the geodesic to the point of latitude 30° 20' 00" S, longitude 114° 36' 00" E
8	North along the meridian of longitude 114° 36' 00" E to the point of commencement

---

**13.4 Zone 2 (swjurnpz02) of marine park—National Park Zone (II)**

Zone 2 (swjurnpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (swjurnpz02) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 30° 40' 00" S, longitude 114° 46' 00" E
2	South along the meridian of longitude 114° 46' 00" E to its intersection by the parallel of latitude 30° 43' 00" S
3	West along that parallel to its intersection by the meridian of longitude 114° 43' 00" E
4	North-westerly along the geodesic to the point of latitude 30° 40' 00" S, longitude 114° 42' 05" E
5	East along the parallel of latitude 30° 40' 00" S to the point of commencement

---

## **PART 14 — ABROLHOS MARINE PARK**

**14.1 Area of marine park**

The Abrolhos Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Area of marine park**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 28° 06' 00" S, longitude 111° 06' 00" E
2	East along the parallel of latitude 28° 06' 00" S to its intersection by the meridian of longitude 113° 14' 42" E
3	North along that meridian to its intersection by the parallel of latitude 27° 25' 00" S

---



<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
4	West along that parallel to its intersection by the meridian of longitude 113° 02' 00" E
5	North along that meridian to its intersection by the parallel of latitude 26° 42' 00" S
6	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
7	Generally south-easterly along that outer limit to its intersection by the parallel of latitude 27° 25' 00" S
8	West along that parallel to its intersection by the meridian of longitude 113° 34' 00" E
9	South along that meridian to its intersection by the outer limit of the State waters of Western Australia, adjacent to the Abrolhos Islands
10	Generally south-westerly, south-easterly and north-easterly along that outer limit to its intersection by the parallel of latitude 28° 54' 00" S on, or closest to, the meridian of longitude 114° 04' 09" E
11	East along the parallel of latitude 28° 54' 00" S to its intersection by the meridian of longitude 114° 24' 00" E
12	South along that meridian to its intersection by the parallel of latitude 29° 18' 00" S
13	West along that parallel to its intersection by the meridian of longitude 113° 48' 00" E
14	North-westerly along the geodesic to the point of latitude 28° 48' 00" S, longitude 113° 18' 00" E
15	West along the parallel of latitude 28° 48' 00" S to its intersection by the outer limit of the exclusive economic zone
16	Generally northerly along that outer limit to its intersection by the parallel of latitude 24° 18' 00" S
17	East along that parallel to its intersection by the meridian of longitude 110° 24' 00" E
18	South along that meridian to its intersection by the parallel of latitude 26° 12' 00" S
19	South-easterly along the geodesic to the point of commencement

#### **14.2 Zones for marine park**

(1) The Abrolhos Marine Park is divided into the following zones:

- (a) the Habitat Protection Zone (IV) described in Section 14.3 of this Part;
- (b) the Multiple Use Zones (VI) described in Sections 14.4, 14.6 and 14.10 of this Part;
- (c) the National Park Zones (II) described in Sections 14.5, 14.8 and 14.11 of this Part;

(d) the Special Purpose Zones (VI) described in Sections 14.7 and 14.9 of this Part.

#### 14.3 Zone 1 (swabrh pz01) of marine park—Habitat Protection Zone (IV)

Zone 1 (swabrh pz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (swabrh pz01) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 24° 18' 00" S, longitude 110° 24' 00" E
2	South along the meridian of longitude 110° 24' 00" E to its intersection by the parallel of latitude of 26° 12' 00" S
3	West along that parallel to its intersection by the outer limit of the exclusive economic zone
4	Generally northerly along that outer limit to its intersection by the parallel of latitude 24° 18' 00" S
5	East along that parallel to the point of commencement

#### 14.4 Zone 2 (swabrmuz02) of marine park—Multiple Use Zone (VI)

Zone 2 (swabrmuz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (swabrmuz02) of marine park—Multiple Use Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 26° 12' 00" S and longitude 110° 24' 00" E
2	South-easterly along the geodesic to the point of longitude 111° 06' 00" E, latitude 28° 06' 00" S
3	East along the parallel of latitude 28° 06' 00" S to its intersection by the meridian of longitude 112° 49' 30" E
4	South-westerly along the geodesic to the point latitude 28° 40' 30" S, longitude 112° 21' 00" E
5	South along the meridian of longitude 112° 21' 00" E to its intersection by the parallel of latitude 28° 48' 00" S
6	West along that parallel to its intersection by the outer limit of the exclusive economic zone
7	Generally northerly along that outer limit to its intersection by the parallel of latitude 26° 12' 00" S
8	East along that parallel to the point of commencement

#### 14.5 Zone 3 (swabrnz03) of marine park—National Park Zone (II)

Zone 3 (swabrnz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 3 (swabrnz03) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 28° 06' 00" S, longitude 112° 49' 30" E
2	East along the parallel of latitude 28° 06' 00" S to its intersection by the meridian of longitude 112° 57' 00" E
3	South along that meridian to its intersection by the parallel of latitude 28° 19' 30" S
4	South-westerly along the geodesic to the point of latitude 28° 48' 00" S, longitude 112° 34' 30" E
5	West along the parallel of latitude 28° 48' 00" S to its intersection by the meridian of longitude 112° 21' 00" E
6	North along that meridian to its intersection by the parallel of latitude 28° 40' 30" S
7	North-easterly along the geodesic to the point of commencement

#### 14.6 Zone 4 (swabrmuz04) of marine park—Multiple Use Zone (VI)

Zone 4 (swabrmuz04) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 4 (swabrmuz04) of marine park—Multiple Use Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 28° 48' 00" S and longitude 113° 18' 00" E
2	South-easterly along the geodesic to the point of latitude 29° 18' 00" S, longitude 113° 48' 00" E
3	East along the parallel of latitude 29° 18' 00" S to its intersection by the meridian of longitude 113° 54' 00" E
4	North-westerly along the geodesic to the point latitude 28° 06' 00" S, longitude 113° 14' 42" E
5	West along the parallel of latitude 28° 06' 00" S to its intersection by the meridian of longitude 112° 57' 00" E
6	South along that meridian to its intersection by the parallel of latitude 28° 19' 30" S
7	South-westerly along the geodesic to the point of latitude 28° 48' 00" S, longitude 112° 34' 30" E
8	East along the parallel of latitude 28° 48' 00" S to the point of commencement

#### 14.7 Zone 5 (swabrspz05) of marine park—Special Purpose Zone (VI)

Zone 5 (swabrspz05) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

#### Zone 5 (swabrspz05) of marine park—Special Purpose Zone (VI)

---

Item	Description
------	-------------

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- |   |  |
|---|--|
| 1 | The point of latitude 28° 06' 00" S, longitude 113° 14' 42" E  |
| 2 | East along the parallel of latitude 28° 06' 00" S to its intersection by the meridian of longitude 113° 34' 00" E  |
| 3 | South along that meridian to its intersection by the outer limit of the State waters of Western Australia, adjacent to the Abrolhos Islands  |
| 4 | Generally south-westerly, south-easterly and north-easterly along that outer limit to its intersection by the parallel of latitude 28° 54' 00" S on, or closest to, the meridian of longitude 114° 04' 09" E |
| 5 | East along that parallel to its intersection by the meridian of longitude 114° 24' 00" E   |
| 6 | South along that meridian to its intersection by the parallel of latitude 29° 18' 00" S  |
| 7 | West along that parallel to its intersection by the meridian of longitude 113° 54' 00" E   |
| 8 | North-westerly along the geodesic to the point of commencement   |
- 

#### 14.8 Zone 6 (swabrnz06) of marine park—National Park Zone (II)

Zone 6 (swabrnz06) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

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#### Zone 6 (swabrnz06) of marine park—National Park Zone (II)

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Item	Description
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- |   |   |
|---|---|
| 1 | The point of latitude 28° 02' 00" S, longitude 113° 14' 42" E   |
| 2 | East along the parallel of latitude 28° 02' 00" S to its intersection by the meridian of longitude 113° 34' 00" E |
| 3 | South along that meridian to its intersection by the parallel of latitude 28° 06' 00" S                           |
| 4 | West along that parallel to its intersection by the meridian of longitude 113° 14' 42" E                          |
| 5 | North along that meridian to the point of commencement  |
-

#### 14.9 Zone 7 (swabrspz07) of marine park—Special Purpose Zone (VI)

Zone 7 (swabrspz07) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

##### Zone 7 (swabrspz07) of marine park—Special Purpose Zone (VI)

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Item	Description
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- |   |   |
|---|---|
| 1 | The point of latitude 27° 25' 00" S, longitude 113° 14' 42" E   |
| 2 | East along the parallel of latitude 27° 25' 00" S to its intersection by the meridian of longitude 113° 34' 00" E |
| 3 | South along that meridian to its intersection by the parallel of latitude 28° 02' 00" S                           |
| 4 | West along that parallel to its intersection by the meridian of longitude 113° 14' 42" E                          |
| 5 | North along that meridian to the point of commencement  |
- 

#### 14.10 Zone 8 (swabrmuz08) of marine park—Multiple Use Zone (VI)

Zone 8 (swabrmuz08) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

##### Zone 8 (swabrmuz08) of marine park—Multiple Use Zone (VI)

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Item	Description
------	-------------

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- |   |   |
|---|---|
| 1 | The point of latitude 26° 42' 00" S, longitude 113° 02' 00" E   |
| 2 | East along the parallel of latitude 26° 42' 00" S to its intersection by the outer limit of the State waters of Western Australia |
| 3 | Generally south-easterly along that outer limit to its intersection by the parallel of latitude 27° 25' 00" S                     |
| 4 | West along that parallel to its intersection by the meridian of longitude 113° 02' 00" E  |
| 5 | North along that meridian to its intersection by the parallel of latitude 27° 10' 00" S   |
| 6 | East along that parallel to its intersection by the meridian of longitude 113° 17' 00" E  |
| 7 | North along that meridian to its intersection by the parallel of latitude 27° 05' 30" S   |
| 8 | West along that parallel to its intersection by the meridian of longitude 113° 02' 00" E  |
| 9 | North along that meridian to the point of commencement  |
-

#### 14.11 Zone 9 (swabrnzp09) of marine park—National Park Zone (II)

Zone 9 (swabrnzp09) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 9 (swabrnzp09) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 27° 10' 00" S, longitude 113° 02' 00" E
2	East along the parallel of latitude 27° 10' 00" S to its intersection by the meridian of longitude 113° 17' 00" E
3	North along that meridian to its intersection by the parallel of latitude 27° 05' 30" S
4	West along that parallel to its intersection by the meridian of longitude 113° 02' 00" E
5	South along that meridian to the point of commencement



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**Australian Government**  
**Director of National Parks**

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**Report of the Director of National Parks**

**under**

***Environment Protection and Biodiversity Conservation Act 1999***

**Section 370**

**on the Preparation of the South-west Marine Parks Network Management Plan**

**2017**

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## 1. INTRODUCTION

This report has been prepared in accordance with section 370 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) for consideration by the Minister for the Environment in relation to approving the South-west Marine Parks Network Management Plan.

The Director of National Parks is responsible under the EPBC Act for the management of 58 marine parks around Australia (formerly named Commonwealth marine reserves), comprising the:

- North Network of marine parks
- North-west Network of marine parks
- South-west Network of marine parks
- South-east Network of marine parks
- Temperate East Network of marine parks
- Coral Sea Marine Park.

Australian Marine Parks are in Commonwealth marine areas defined by the EPBC Act - waters that generally start at the outer limit of state and territory coastal waters, three nautical miles (5.5 km) from the shore, and extend to the outer limit of Australia's exclusive economic zone, typically 200 nm from the shore.

These marine parks are Commonwealth reserves, proclaimed under section 344 of the EPBC Act for the protection and conservation of biodiversity, and to contribute to the National Representative System of Marine Protected Areas.

Section 366 of the EPBC Act requires a management plan to be made after a Commonwealth reserve is declared to set out the management arrangements, including what activities will be allowed. In preparing management plans, two rounds of statutory public consultation are required: the first inviting comment on the proposal to prepare a draft plan and the second inviting comments on the draft plan. Both rounds of consultation are required to be open for at least 30 days. A single management plan may be the plan for multiple reserves.

For the South-east network of 14 marine parks, this process was completed in 2012 and a management plan has been in operation since 2013.

For the remaining 44 marine parks in the in the North, North-west, South-west and Temperate East Networks and the Coral Sea, the Director of National Parks has undertaken the two rounds of statutory public consultation and has now completed management plans. These plans set out the management arrangements that will be implemented within these marine parks over the next ten years, including zoning and rules for activities.

This report summarises the 94 submissions received on the draft South-west Marine Parks Network Management Plan, during the second period of statutory consultation, as defined under EPBC Act. It also outlines the comments that were made across all draft plans or multiple draft plans, that are of relevance to the plan for the South-west Network. The report provides the views of the Director of National Parks on those comments, noting where the plans have been amended, or where comments or suggestions provided have not been not adopted.



## 2 THE MANAGEMENT PLANS

The mandatory content for Commonwealth reserve management plans is set out in Section 367 of the EPBC Act. In accordance with the section, the management plans for marine parks must provide for the protection and conservation of each park and may divide a park into zones. In particular, the management plan must:

- assign each park to an IUCN category
- state how each park, or each zone of the park, is to be managed
- state how the natural features of the park are to be protected and conserved
- specify any limitation or prohibition on the exercise of a power, or performance of a function, under an Act in or in relation to the park
- specify any mining operation, major excavation or other work that may be carried on in the park, and the conditions under which it may be carried on
- specify any other operation or activity that may be carried on in the park
- indicate generally the activities that are to be prohibited or regulated in the park, and the means of prohibiting or regulating them
- indicate how the plan takes account of Australia's international obligations
- be consistent with National and Commonwealth Heritage place principles.

The management plans as prepared meet these requirements by including a description of each park and the values of each park. They also set out the suite of management programs, activities and prescriptions to be implemented over the life of the plans.

The plan provides the overarching framework for management of the 14 marine parks in the South-west Network for ten years from its commencement. The plan addresses the requirements of the EPBC Act and associated regulations, and provides flexibility to allow management arrangements to be adapted as needed through the life of the plan.

In accordance with Section 368 of the EPBC Act, the management plan for marine parks in the South-west Network has been prepared taking account of:

- the report prepared for the proclamation of those marine parks
- the proclamation and associated purposes governing the use of the marine parks
- the interests of owners and leaseholders, traditional owners, Indigenous persons and holders of usage rights within the marine parks
- the protection, conservation and management of biodiversity and heritage within the marine parks
- the protection of the marine parks against damage
- Australia's obligations under international agreements relevant to the protection and conservation of biodiversity and heritage
- comments received on the initial Notice of Intent to prepare draft plans between 5 September and 31 October 2016
- comments received on the draft plans between 21 July and 20 September 2017.

## **3 CONSULTATION**

### **3.1 NOTICE OF INTENTION TO PREPARE THE MANAGEMENT PLANS**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice was published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail), and placed on the department's website, inviting comments on the proposal to prepare draft management plans for marine parks in North, North-west, South-west, Temperate East and the Coral Sea.

As required under the EPBC Act, information on the Notice of Intent to prepare draft management plans including an invitation to comment was sent to all native title representative bodies and representatives of native title claimants in the vicinity of the marine parks. Also, an email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to the marine mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

Comments on the Notice of Intent closed on 31 October 2016, with a total of 54,322 submissions received. Of these, 212 were unique submissions from organisations, representative bodies, businesses and individuals and 54,110 were submissions from the general public using standardised words or a template (from 16 different templates). The submissions using standard words expressed views about conservation or recreational fishing.

The key comments raised during the first round of consultation included:

- the need for higher protection of environmental and cultural values
- requests for greater commercial and recreational access to fishing areas
- calls for more restrictions on extractive activities, including oil and gas exploration in marine parks
- importance of consistency in management arrangements between adjacent Australian and state and territory parks
- importance of appropriate resourcing for comprehensive, intelligent compliance arrangements, particularly where National Park zones have been proposed
- need for targeted communication about park management, including for different sectoral users
- concerns over restrictions on extractive activities such as oil and gas, commercial and charter fishing in marine parks
- importance of flexible / adaptive management approaches
- need for fisheries adjustment support for commercial fishing businesses affected by new rules in marine parks.

Those submissions received were considered in the preparation of the draft plans that were released for public comment in 2017. A summary of the issues raised in submissions was made available to the public on release of the draft plans.

### **3.2 PUBLIC CONSULTATION ON THE DRAFT MANAGEMENT PLANS**

In accordance with Section 368 of the EPBC Act, public comment was invited on the five draft management plans between 21 July and 20 September 2017.

Invitations to comment on draft plans were published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website. An email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to marine park mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

As required under the EPBC Act, a letter and information materials were posted to all native title representative bodies, representatives of native title claimants in the vicinity of the marine parks and all persons holding a usage right under Section 359B of the EPBC Act that existed prior to the parks being proclaimed. Copies of draft plans were made available on the Parks Australia website and through the department's Community Information Unit.

This report includes a summary of the public comments made on draft plans and the Director's views on those comments. It focuses in particular on comments made in relation to the draft plan for the South-west Marine Parks Network.

#### 4 SUMMARY OF COMMENTS RECEIVED

A total of 94 specific submissions were received on the draft South-west Marine Parks Network Management Plan. A total of 82,877 submissions (including 2,027 unique and 80,850 using standard words) were received in response to the invitation to comment on all five draft plans. Copies of all submissions, including examples of submissions using standardised wording, are on the Parks Australia website.

Submissions received contained comments on a broad range of issues. Some comments were directed towards all draft plans. Other comments received were about a particular draft plan, park or network. This report summarises the comments received across all draft plans, and the comments received in relation to the draft plan for the South-west Marine Parks Network.

Comments that relate to specific parts of the draft plans are discussed in Chapter 5.

Comments that are general in nature or relate to issues or processes outside of the draft plans, such as the *Independent Review of Commonwealth Marine Reserves*, or the level of funding for marine park management are discussed in Chapter 6.

#### Unique submissions

A total of 2,027 unique submissions were received from individuals, businesses, associations, organisations or representative bodies about all draft management plans (Table 4.1).

Table 4.1 Unique submissions received from different sectors

Sector	Total
General public	1 724
Recreational fishing	136
Conservation	50
Research	25
Commercial fishing	20

Government	16
Commercial tourism	12
Indigenous	11
Recreational scuba or snorkel	10
Commercial charter fishing	9
Oil, gas, or mining	3
Recreational boating	3
Other	3
Ports	2
Commercial media	2
Aquaculture	1

### Submissions using standardised words

A total of 80,850 submissions were received from members of the general public, using standardised words or a template (Table 4.2). For some of these submissions, wording was amended slightly, or additional text added.

*Table 4.2 Submissions received that used standardised words or a template*

Template or standardised words	Total
Save Our Marine Life - stop this madness and save our sanctuaries	27 133
Australian Marine Conservation Society	21 918
WWF - preserve our reserves	9 833
Save Our Marine Life - recreational fisher	6 342
Save Our Marine Life - stop the cutbacks, I fish	6 105
Wilderness cutbacks	5 011
Save Our Marine Parks	2 945
Keep Australia fishing	682
Keep the Rowley Shoals oil free	398
Save Bremer's whale nursery	359
Campaign Now – reject these cutbacks	124
<b>TOTAL</b>	<b>80 850</b>

## 5 COMMENTS ON THE DRAFT PLAN

### 5.1 COMMENTS ABOUT PART 1 OF THE PLAN

The following comments were raised in relation to the entire plan and Part 1:

#### General comments:

- Indigenous engagement and cultural values need to be considered throughout the plans, not just in the Indigenous engagement program.
- The term 'Aboriginal' should be used, not 'Indigenous' and the plan should refer to "Traditional Owners", not "traditional owners".
- More regionally specific photos should be included throughout the plans.

### Vision and objectives:

- Supported the vision for marine parks or the objectives of the plan.
- The primary focus of the vision and objectives should be on protection of the marine environment / biodiversity, or on sustainable use and enjoyment.
- Need to balance marine protection, with sustainable use and enjoyment in marine parks.

### Approach to managing Australian Marine Parks and ways of working:

- Supported, or generally supported, the approach and ways of working articulated in the plan.
- Concerned about ability to manage specific park issues using a network-wide plan.

### Partnerships:

- Interested in developing partnerships to protect the marine environment.
- Supported opportunities for collaboration and partnerships with state and territory governments (through annual business agreements), industry partners and in the management of service arrangements.
- Supported setting up an advisory committee / forum to engage users in park management.
- Suggested a specific member for one of the advisory committees or using an existing committee.
- Importance of strong ongoing consultation with people in the region.
- Partnerships are needed with native title holders to support the identification and management of cultural values.
- Sufficient Indigenous representation is needed on advisory committees or at least one funded representative.
- Supported the *Principles supporting Indigenous people to engage in management of Australian Marine Parks* and the commitment to partnerships with traditional owners and Indigenous people.
- Suggested the following amendments to the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*:
  - Principle 5 or other part should reference the *United Nations Declaration of Indigenous Rights*.
  - In Principle 1, “for thousands of years” should be replaced with “since time immemorial”.
  - Principle 8 should be amended to say “Third party investment in Australian Marine Parks “must” include support for Indigenous people’s interests etc.
- Unclear about joint management and what it entails.
- Suggested additional people should be considered traditional owners.
- Change Maritime Border Command to Australian Border Force.

### Management programs and actions, implementation plans and adaptive management:

- Supported, or generally supported, the management programs and actions identified and the commitment to ongoing active management.
- Sought involvement in development of implementation plans, specifically Indigenous groups.
- Supported, or generally supported, adaptive management.
- Concerned about adaptive management or the ability to monitor effectiveness of the plans.

## **Director's views**

### General:

I note the comments received in relation to the entire plan, particularly about the importance of Indigenous engagement.

I recognise that Aboriginal and Torres Strait Islander people have been managing their sea country for thousands of years. The plans commit to working closely with Indigenous people to manage marine parks and include specific actions in the management programs about working with Indigenous people.

In these plans, Aboriginal and/or Torres Strait Islander people are referred to collectively as Indigenous people. I recognise that some Aboriginal people prefer not to be referred to as 'Indigenous', however the plans cover waters in the Torres Strait and I am seeking to be inclusive. In referring to Indigenous people, I do not intend to give offence to Aboriginal people.

The plans will be read by many people and are important to communicating about our parks. Minimal use of capitals in the plan is intended to increase readability, including not using capitals in the term "traditional owner". Again, this is not intended to create offence.

I have included regionally specific photographs within the plans, on the website and in other communication materials wherever possible.

### Vision and objectives:

I note the comments about the vision and the framework proposed for managing marine parks, with the majority of these expressing support for the partnership approach outlined.

My vision is that marine parks are healthy, resilient and well managed to enhance Australia's wellbeing. The vision seeks to balance protection of the marine environment and sustainable use and enjoyment of marine parks, for the benefit of all Australians. The objectives are drawn from the requirements under the EPBC Act and the stated purpose of the parks on their proclamation.

Of interest, some people commented that the vision should be more focussed on protection, while others thought it should be more focussed on sustainable use and enjoyment. This demonstrates the divergent views and the challenge in balancing sometimes competing values for marine parks.

### Approach to managing Australian Marine Parks and ways of working:

I welcome the general support for the approach proposed in Part 1.6 and 1.7 of the plan.

While some submissions expressed concern that grouping together management of several parks under networks and plans won't address park specific issues, I am confident that the proposed approach will provide national consistency, while enabling sufficient flexibility to deliver park-specific outcomes and actions.

### Partnerships:

I welcome the interest in, and support for, the partnership approach proposed.

I am committed to working in partnership with traditional owners, marine park users, other governments and stakeholders, to manage our parks collaboratively. Establishing advisory arrangements will provide me with valuable and ongoing input and advice about marine environments, values and uses of our parks. The establishment of advisory arrangements will be a priority when the plans come into force. I am not intending to duplicate existing arrangements or establish new advisory mechanisms where they



are not considered necessary or useful, and welcome advice on this. I will also develop agreements with state and territory governments to encourage collaboration.

Support for collaboration between Parks Australia, traditional owners and native title holders is welcome. While I note the suggestions made about the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*, I was reluctant to make changes. This is because they were drafted and endorsed by a number of Indigenous people and representatives of Indigenous organisations.

However, I have amended Section 1.8 of the plans to replace “for thousands of years” with “since time immemorial” and to reference the *United Nations Declaration in the Rights of Indigenous People*.

The text in Section 1.8 has also been amended to change Maritime Border Command to Australian Border Force.

#### Management programs and actions, implementation plans and adaptive management:

The management programs and actions listed in the plan provide a framework for how Parks Australia will actively manage our marine parks. I will be seeking advice from our advisory committees / forums once established about these programs and actions, and importantly how they are implemented in each park and network.

I note the range of views about adaptive management. Regular monitoring, evaluation, reporting and review of the implementation of the plans will be essential to achieve the vision for Australian Marine Parks. It will also help to keep track of our progress and change our approach when necessary. While we have a large amount of work ahead of us, I am satisfied that the proposed management programs and actions provide a sound and coherent framework for achieving the vision and objectives of the plans.

## **5.2 COMMENTS ABOUT PART 2 OF THE PLAN**

The following comments were received on Part 2.1, 2.2 and 2.3 of the plan and Schedule 2.

#### Values:

- Further information should be included about the social, heritage, aesthetic and cultural values of each network.
- Australia’s oceans have significant non-market value.
- Supported the values described and that they provide a good basis for management.
- Recreational fishing and fishing tourism is a key value.
- Invertebrates as a value have been overlooked in values descriptions.
- Need to recognise the value of commercial fishing (and the employment stability it provides) and food tourism.
- Suggested amendments to the cultural values for Twilight, Eastern Recherche and Bremer marine parks.
- Suggested amendments to the cultural values for South-West Corner, Geographe, Perth Canyon and Two Rocks marine parks.
- Suggested amendment to the cultural values for Jurien and Abrolhos marine parks.
- Heritage value of Australia’s only known pirate.
- Statements in the plan are generic and not reflective of Indigenous people who have been managing country for approximately 15 000 years.

### Pressures:

- Pressures have been adequately described and create a solid context.
- Concerned about pressures described and in light of these pressures, there should be higher levels of protection.
- Should have regard to past research by state and territory governments with respect to pressures on marine parks.

### ***Director's views***

#### Values:

I note the comments that sought or provided further information about the natural, cultural, heritage, social and economic values of marine parks.

The values outlined will form the basis of decision making about activities allowed in marine parks. The additional information provided about values is welcome. Descriptions of values in the plan need to be succinct, so not all information provided could be included. Additional information will be made available through the Department's website over time.

As a result of additional information provided, the plan has been amended to include additional information in Part 2.1 and Schedule 2.2 about values.

Under cultural values in Section 2.1 and in Schedule 2.2, the following text has been amended to include "tens of":

"Aboriginal/Indigenous people have been sustainably using and managing their sea country for tens of thousands of years."

#### Pressures:

I acknowledge the comments made about the pressures acting on marine parks.

Managing marine parks requires a balance between use and enjoyment of marine parks, with protecting the marine environment. To that end, the impact of pressures on marine park values will be considered when determining the management actions to be implemented, and when making decisions about the activities that will be allowed in each park. Pressures such as the extraction of living resources by fishing and habitat modification through installation of infrastructure, will also be managed through the zones and rules set out in the plan.

Climate change as a pressure cannot be reduced through this plan, however, effective marine park management is expected to assist in improving the resilience of marine ecosystems to recover from pressures, such as climate change.

I note the existing research on the pressures acting on marine environments, including by state and territory governments, and will seek to gather and consider that research through our partnerships and under the marine science program.

### **5.2.1 COMMENTS ON THE COMMUNICATION, EDUCATION AND AWARENESS PROGRAM**

The following comments were received on the communication, education and awareness program and actions:

- Supported the implementation of a program to improve community and stakeholder awareness and engagement, including ongoing engagement.
- Need to have clear and multi-channelled communications to encourage acceptance of marine parks and improved compliance.
- Concerned about funding being used for promoting marine parks, at the expense of science or other programs.
- Lack of consideration of the role that native title holders could play in delivering the communication, education and awareness program.

#### ***Director's views***

I note the comments made about this program, which I regard as critical to engaging Australians in marine park management. Under this program, Parks Australia will work with park users, state and territory governments, Indigenous people, native title holders, key stakeholders and the broader community to manage marine parks for the benefit of all Australians. This program will build awareness about marine parks, their environmental, cultural and socio-economic values and the way Parks Australia is managing them.

While I note concerns about using resources to promote or market marine parks, as noted in many submissions, education programs are important to help people to understand the rules in marine parks and to encourage people to comply with the rules. The program will be implemented efficiently, using online resources and tools wherever possible, and working with our partners.

I agree with the comments that native title holders can assist with delivery and will be seeking input and support from Indigenous people to implement this program.

### **5.2.2 COMMENTS ON THE TOURISM AND VISITOR EXPERIENCE PROGRAM**

The following comments were received on the tourism and visitor experience program and actions:

- Supported the implementation of a program to improve visitation and visitor experiences in marine parks.
- Did not support increased tourism in marine parks, or expressed concern about the impacts of increased tourism on park values.
- Insufficient levels of marine park protection will undermine regional economies that are dependent on marine tourism.
- Tourism operators need to be regulated to ensure that they do not encroach on native title rights and interests or interfere with cultural sites.
- Commercial and recreational marine park users need to liaise with native title holders to ensure that access to traditional waters occurs in a culturally appropriate manner.
- Indigenous people are tourism operators.
- Cultural values have not been well understood / communicated.
- Cultural tourism opportunities with Aboriginal partnerships should be emphasised.
- Eastern Recherche Marine Park should be included, along with Abrolhos and Bremer, as a highly visited (and high potential) tourism area.

### **Director's views**

I note the comments provided about this program and will pay careful attention to them in implementing the plans. Australian Marine Parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Creating amazing destinations for visitors is one of Parks Australia's core goals, and I want to work with operators to promote and support tourism in marine parks.

However, tourism activities do have the potential to impact on marine park values, including cultural values. All users of marine parks, including tourism operators, need to operate in a manner that is sustainable and minimises impacts.

I agree that we should support access to traditional waters occurring in a culturally appropriate manner. The plan has been amended to include an action to promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners.

I also agree that marine parks provide cultural tourism opportunities. The plan has been amended to include an action to work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

In response to comments provided, the plan has also been amended to include the Eastern Recherche Marine Park, in this action: "promote visitor experiences that foster curiosity and appreciation of natural and heritage values in the Network, for example charter tours to Abrolhos, Geographe, Bremer and Eastern Recherche marine parks".

The following action has also been amended to recognise nature, fishing and food tourism: "work with other Commonwealth and state government agencies, and the tourism industry to support nature, fishing and food tourism initiatives, events and attractions that promote visitor experiences in marine parks".

### **5.2.3 COMMENTS ON THE INDIGENOUS ENGAGEMENT PROGRAM**

The following comments were received on the Indigenous engagement program and actions:

- Support the Indigenous engagement program and management actions.
- Should emphasise cultural benefits, above social and economic benefits.
- Support engaging Indigenous people in the management of Australian Marine Parks.
- Need to engage with native title holders and traditional owners in an ongoing way.
- Long term funding is needed to support ongoing engagement and coordination with traditional owners and Indigenous rangers, to enable them to manage their sea country and create employment.
- Expressed support for specific Indigenous advisory structures to provide leadership and advice, implement ranger programs and capacity building initiatives and input into advisory committees/forums.
- Parks Australia could align meetings with Indigenous people with meetings arranged by state or territory agencies.
- Cultural advisors could support management plan implementation.
- Ranger groups could engage with traditional owners.
- Interested in opportunities available for traditional owners and Indigenous rangers to undertake actions in marine parks such as marine debris programs, megafauna management programs, long-term monitoring, maintenance for park infrastructure and water quality monitoring.

- Indigenous rangers could fulfil enforcement functions if trained and resourced.
- Need to focus on building capacity of Indigenous groups.
- Need greater linkages between state and federal initiatives for sea rangers.
- Need ongoing engagement to further identify cultural values, stories and sea country.
- Indigenous working groups should be established to develop the Indigenous engagement and cultural heritage strategy (with funding).
- Important to include traditional owners and rangers in research (and this needs to be funded).
- Need established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Unclear how traditional owners will input into authorisation decisions for certain activities.
- Need to produce simple posters like those produced for Indigenous Protected Areas to support traditional owners to understand marine park management activities.
- Sceptical about the willingness or approach to Indigenous engagement.

### **Director's views**

I note the comments provided about the Indigenous engagement program and welcome the overwhelming support it has received. These comments will be carefully considered in the implementation of the program.

Through the plan and the Indigenous engagement program, traditional owners, native title holders and Indigenous people will be engaged in managing sea country within marine parks, with the intention of developing Indigenous livelihoods and employment. This includes supporting Indigenous people and rangers to undertake surveys, monitoring, research and surveillance in our marine parks.

I welcome advice provided on the specific mechanisms to engage traditional owners, native title holders and Indigenous rangers in marine park management and will consider this input in the coming months as appropriate arrangements are established across Australia to implement this program.

The suggestion to produce information to support traditional owners understand marine park management activities is welcome. The plan has been amended to add an action to provide information to Indigenous people about marine park management.

In recognition of the importance of engaging with traditional owners and the need for increased cultural awareness, the plan has been amended to include actions to implement cultural awareness training for Parks Australia staff in association with traditional owners, and establish protocols for researchers working with Parks Australia to guide engagement with traditional owners.

### **5.2.4 COMMENTS ON THE MARINE SCIENCE PROGRAM**

The following comments were received on the marine science program and actions:

- Supported the implementation of a program to increase scientific knowledge and understanding of marine parks and their values and to inform park management.
- Parks Australia should work closely with research institutions, the oil and gas industry, Indigenous people, scientists, state/territory governments and other countries in implementing the marine science program.
- Need to involve resource users, especially traditional owners, in determining research priorities and in undertaking research activities in partnership with external researchers.

- More scientific information is needed about the impacts and benefits of fishing, tourism, oil and gas, habitats, species, biological communities, taxonomy and the effectiveness of zoning to inform management.
- In light of heritage and natural values, more research is required into specific marine parks.
- Support and interest in citizen science, including by recreational fishers to monitor or target specific knowledge gaps.
- Existing fishing tag and release programs and data from fishing clubs could contribute to research.
- Need to include traditional owners and rangers in research (including providing funding).
- Need to apply established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Research priorities should explicitly support collection and appropriate use of traditional knowledge.

### ***Director's views***

I note the generally supportive comments received on the marine science program and the suggestions for priorities. I agree that science is fundamentally important to understanding and managing marine parks.

Science has formed the basis for establishing Australian Marine Parks and will remain key to successfully managing them. In recognition of the importance of science in managing marine parks, scientific research and monitoring will be prioritised in marine parks over the next decade. The marine science program will improve our understanding of marine systems, habitats, ecosystems and values. This includes the impacts and benefits of recreational and commercial use and enjoyment for fishing, tourism, oil and gas, conservation and heritage values. Through monitoring and research of park values, the pressures acting on those values, and the adequacy of management responses, the marine science program will play a major role in an adaptive evidence-based approach to marine park management.

To get the best outcomes from this program, Parks Australia will work closely with research institutions, including the National Environmental Science Program and the National Marine Science Committee, as well as traditional owners, Indigenous people, marine park users, state/territory governments and other countries.

I welcome advice provided on specific research priorities, datasets, collaboration and mechanisms to engage in implementing the marine science program. Inputs and advice from scientists, stakeholders and the community will be considered in the implementation of this program over the next decade.

Community involvement in management of our marine parks, such as through citizen science programs will also be encouraged.

I consider that the comments received are addressed through the plan or will be considered in the implementation of the marine science program, and no changes are required to the plan.

### **5.2.5 COMMENTS ON THE ASSESSMENTS AND AUTHORISATIONS PROGRAM**

The following comments were received on the assessments and authorisations program and actions:

- Supported using Commonwealth or state assessment and authorisation processes where possible, consultation between government departments and industry, class approvals, and an online



authorisations system to reduce regulatory burden on users and ensure transparency in decision making.

- Concerned about increasing red tape and regulation.
- Support public release of information about authorisations.
- All licences and approvals should include the dollar value of the approval.
- Unclear how traditional owners will have input into authorisation decisions for certain activities.

#### ***Director's views***

I welcome the comments received about this program and will consider them carefully in its implementation.

As set out in the "Ways of working", Parks Australia is committed to minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval processes of other agencies, aligning our authorisation systems with others and developing an online application process.

Parks Australia will consult closely with users about implementation of this program.

In the interests of transparency, Parks Australia will publish information about authorisations online and inform traditional owners about activities occurring on sea country. It is not however considered appropriate to publish "dollar values" or commercially sensitive information.

#### **5.2.6 COMMENTS ON THE PARK PROTECTION AND MANAGEMENT PROGRAM**

The following comments were received on the park protection and management program and actions:

- Supported implementing a program to proactively manage threats on marine parks.
- Moorings or anchorages are needed, to reduce damage.
- Concerned about the potential for an oil spill and the impact.
- Supported the development of an Australian Marine Parks critical incident strategy in consultation with the oil and gas industry.
- Final action about Indigenous rangers should be amended to remove "explore opportunities to collaborate", to "ensure full collaboration" with traditional owners and Indigenous ranger groups.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.
- Indigenous ranger groups should be supported through funding and training to undertake monitoring programs and to strengthen and adapt traditional management systems to deal with changing pressures.

#### ***Director's views***

I note the comments about the park protection and management program and general support as a mechanism to address pressures on marine parks.

Under this program, Parks Australia will implement actions in marine parks to protect natural, cultural and heritage values from impacts. Actions will be undertaken in partnership with park users, governments, traditional owners, Indigenous rangers and the broader community. Where possible, traditional owners and Indigenous ranger groups will be supported to undertake these management actions.

The plan has been amended to strengthen the action about traditional owners and Indigenous ranger groups by changing “explore opportunities to collaborate”, to “collaborate”.

### **5.2.7 COMMENTS ON THE COMPLIANCE PROGRAM**

The following comments were received on the compliance program and actions:

- The outcome for the program should be changed from “a decrease in the number of enforcement incidents”, to “a decrease in the number of non-compliances”.
- Supported implementing actions to improve compliance in marine parks, including enforcement actions; surveillance by members of the community; recreational fishers and Indigenous rangers; developing codes of practice; applying penalties; and using technology to provide accessible zoning maps.
- Supported encouraging voluntary compliance through education, such as alert services for recreational and commercial fishers, and educating fishers about sustainable practices.
- Need to work with other agencies to assist in detection and enforcement.
- Sceptical about Parks Australia’s ability to ensure compliance, given the location of marine parks, resourcing required and zoning proposed.
- Need additional information explaining how and where park management staff will be deployed.
- Need to consider accidental drift of fishing gear into no-take areas when enforcing plans, and need further consultation / guidance about this issue.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.

#### **Director’s views**

I note the comments received about the compliance program. They will be carefully considered as the program is implemented.

I agree that the outcome for the program should be changed from “a decrease in the number of enforcement incidents and non-compliance”, to “a decrease in the number of non-compliances” and have made this change.

Marine parks are large and often a long way offshore, making compliance and enforcement more difficult and costly. Parks Australia will collaborate with other agencies and park users, and investigate innovative technologies and systems to ensure compliance in our parks. This includes vessel monitoring systems, investing in online information and tools that explain zones and rules, and apps that alert people when they are entering marine parks.

Parks Australia is already working closely with agencies like the Australian Fisheries Management Authority and Australian Border Force to detect illegal fishing.

Under the Indigenous engagement program, Indigenous rangers and traditional owners will be engaged in compliance activities wherever possible.

Accidental drift of fishing gear into no-take areas has been carefully considered in developing zoning for marine parks. Engagement with the fishing industry about this issue will continue to seek ways to minimise the incidence and impacts of gear drift.

## 5.3 COMMENTS ABOUT PART 3 OF THE PLAN

### 5.3.1 COMMENTS ABOUT PART 3 OF THE PLAN – GENERAL ZONING

The following comments were received on Part 3.1 or zoning in general:

#### Zone objectives:

- Supported the application of the International Union for the Conservation of Nature (IUCN) categories and the zone objectives.
- Concerned about the application of the IUCN categories and the zone objectives.
- Unclear about the use of sub zones.
- Zoning should be unchanged from that proposed previously or proclaimed.
- Concerned about the economic impacts and benefits of the zoning, for example the benefits to fishing against the cost to tourism or in terms of ecosystem services.
- Need greater consistency in zoning and rules between the Australia Marine Parks and state and territory marine parks.

#### Protection for marine habitats and species:

- The level of protection offered by zoning and other arrangements is not sufficient, and won't allow conservation objectives to be achieved.
- Reduction in National Park zones or relocation of National Park zones is not appropriate / acceptable.
- Need to increase National Park Zones.
- Habitat Protection Zones do not offer the same level of protection as National Park Zones.
- Replacing National Park Zones with Habitat Protection Zones is not appropriate / acceptable.
- There should be a National Park zone in every marine park, bioregion, or over every primary conservation feature.
- The network does not provide a comprehensive, adequate and representative system of marine protected areas.
- Need National Park Zones to increase fish stocks.
- Need to protect reefs and habitats due to their tourism value.

#### Access for commercial fishing, pearling and aquaculture:

- Concerned that commercial fishing will be allowed in Australian Marine Parks, in light of the potential impacts of this activity.
- Supported access or increased access for commercial fishing, pearling and aquaculture, given economic importance and sustainability.
- Zoning that limits fishing effort will adversely affect food security and create greater reliance on imported seafood.

#### Access for tourism:

- Concerned that tourism, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Supported access or increased access for tourism, given its economic importance.
- Needs to be increased access for dive/non-extractive tourism, and reduced access for extractive uses.

#### Access for recreational fishing:

- Supported increased access for recreational fishing, a reduction in National Park Zones and sought no further reduction in access, given importance of recreational fishing to Australians.

- Recreational fishing should be allowed in National Park Zones.
- There should not be restrictions on recreational fishing, in particular surface trolling and catch and release, which are low impact.
- Concerned that recreational fishing, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Recreational fishing should be managed and regulated by states and territories to reduce duplication / confusion.

Access for mining:

- Concerned that mining will allowable across large parts of the estate, in light of the potential impacts of this activity.
- Need to consult about zoning with industry stakeholders, particularly in areas where petroleum operations are occurring or in areas of good petroleum prospectivity.

**Director's views**

I note the very large number of submissions that commented on Part 3 of the plans – zoning. These submissions reflected the broad and often conflicting views held by Australians on marine park zoning.

Zone objectives:

I note the comments on the zone objectives and the application of IUCN categories. The IUCN sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires that our marine parks, and any zones into which a park is divided, be assigned to one of the seven categories prescribed by the EPBC Regulations, which correspond to the categories identified by the IUCN. Park management must be consistent with the relevant Australian IUCN management principles prescribed for each category by Schedule 8 to the EPBC Regulations. The zone objectives and provisions set out for our marine parks are consistent with the established interpretation of the Australian IUCN Park management principles.

I acknowledge the comments seeking a return to previously proposed zoning. However, consultation on the independent review and on the development of plans demonstrated quite clearly that the previous zoning proposals created impacts on users, such as fishers, that were too great, and are inconsistent with the Government's policies on sustainable fishing and supporting economic development.

I also note the concerns raised about the balance between activities like fishing and tourism, and the economic implications associated with allowing or not allowing these activities. I believe the plans do effectively balance the economic benefits associated with allowing activities like dive tourism, charter fishing and commercial fishing in different parts of parks.

I agree with comments seeking greater consistency in zoning and rules between Australian Marine Parks and state and territory marine parks. Wherever possible, zoning and rules have been made consistent. While this has not always been possible, Parks Australia will work with state and territory government colleagues to improve consistency and minimise confusion through the life of this plan.

Protection for marine habitats and features:

While I acknowledge the submissions calling for higher levels of protection for marine habitats and species through more National Park Zones, I consider that the levels of protection achieved through these plans is significant and will deliver positive conservation outcomes.

Australian Marine Parks have been located to cover representative examples of Australia's marine habitats and features, including key ecological features, seafloor types, biologically important areas for some protected species, bioregions, and habitats at different depth ranges.

Zoning has been carefully undertaken in marine parks to help protect these key features and habitats. Sanctuary and National Park Zones have been placed where I consider the strongest biodiversity and conservation benefits are achievable. Habitat Protection Zones have been placed in locations to protect the sea floor habitat and allow activities to occur in the water column.

This targeted approach to zoning protects conservation features (like canyons, seamounts and reefs), but reduces impacts on industries like fishing and tourism. It is based on the best available science and sees a significant increase in the area of Habitat Protection Zones (yellow) and a decrease in the area of National Park Zones (green), but not the level of protection.

I acknowledge the comments that National Park Zones and Habitat Protection Zones are not equivalent in terms of the protection they provide. This is true. However, Habitat Protection Zones, which exclude activities that impact and damage seafloor habitats, combined with effective management, can provide significant protection and conservation benefits, while reducing impacts on users. This was recognised in the *2015 Commonwealth Marine Reserves Report of the Expert Scientific Panel* which states that: "The Expert Scientific Panel considers there is high conservation benefit from zoning areas as Habitat Protection Zones to protect benthic and demersal habitats by excluding damaging activities while allowing activities such as regulated fishing in the water column, including take of pelagic species that do not compromise conservation values and management objectives for those areas."

#### Access for commercial fishing, pearling and aquaculture:

I acknowledge the submissions that commented on the importance of allowing commercial fishing, and those that commented on potential impacts.

The Australian Government is committed to supporting the fishing industry, including through the *Policy for a more competitive and sustainable fisheries sector* and policies on economic development more broadly. Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

However, commercial fishing, pearling and aquaculture may create impacts on marine environments. Marine parks are intended to work alongside a range of other measures, for example, effective fisheries management, to minimise these impacts. Rigorous compliance and enforcement programs will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Access for tourism:

I note the comments on the benefits and potential impacts associated with allowing tourism operations in marine parks.

Marine parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Tourism is also critical to the economies of many coastal communities around the country. Marine parks have been carefully zoned to provide for different types of tourism activities - for example, 'no-take' zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Notwithstanding, tourism activities can create impacts on marine environments. Parks Australia, together with other marine regulators and the tourism industry, will continue to work to minimise these impacts.

Access for recreational fishing:

I acknowledge the submissions that commented on the importance of allowing people to access and enjoy marine parks, to watch wildlife, dive and go boating, snorkelling and fishing. The zoning in the plans allows recreational fishing in 97 per cent of Commonwealth waters within 100 km of the coast.

A number of people suggested that recreational fishers should be able to access all areas of marine parks. I have not accommodated these requests because extensive scientific research demonstrates the benefits of no-take zones, including more and bigger fish. Allowing fishing in no-take IUCN II parks is also inconsistent with international standards and existing practice in other Australian Marine Parks, such as the Great Barrier Reef.

Access for mining:

I note concerns raised about mining in marine parks.

While marine park management is about protecting marine habitats and species, it is also about managing a shared resource. This means balancing protection, against the different uses and needs for that resource, to support people's livelihoods and way of life.

In developing these plans, I considered Australia's energy needs, now and in the future and the significant contribution that the oil and gas sector makes to some regional communities and the Australian economy.

Any proposed oil and gas activities will be subject to the world-leading environmental assessments and approvals process of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters. NOPSEMA will carefully assess any application to explore or mine in a marine park and the potential impact on marine park values. NOPSEMA will also regulate mining if it is approved, to avoid or minimise any impacts.

I agree with comments raised about the need for ongoing consultation with the mining industry. Parks Australia will continue to engage with the industry in relation to marine parks.



### 5.3.2 SPECIFIC COMMENTS ABOUT PART 3 OF THE PLAN – MARINE PARK ZONING

The following comments were received on zoning of the South-west Marine Parks Network:

- Reduction in National Park Zones or protection from previously proposed zoning is not acceptable.
- Current proposals (covering the shelf) are insufficient to protect biodiversity.
- National Park Zones should be maintained.
- There should be permanent protection from gillnetting for Australian sea lions in relevant parks.
- Mining should be prohibited in all parks.
- There should not be any further restrictions on access for recreational fishing.
- The proposed zoning encourages and supports destructive forms of commercial fishing and mining and is not supported by science.
- Habitat Protection Zones should be applied to areas important for aggregations of whales and sea lions to protect habitat significant for the species.

#### Zoning of the Abrolhos Marine Park:

- Sanctuary Zones should be created and National Park Zones increased to at least 10%, to improve resilience to effects of climate change.
- There should be continued access for recreational fishing/spearfishing, specifically at John Moresby Bank in Special Purpose Zone of Abrolhos Marine Park.
- Given the natural values of the Abrolhos Islands, especially the coral reefs and seabird colonies, and there should be more National Park Zone.
- National Park Zone will impact on recreational fishing and freediving.
- The smallest National Park Zone in the park should be changed to Habitat Protection Zone to support compliance with activities occurring across different zone types.

#### Zoning of the Jurien Marine Park:

- Concerned about the impacts of the proposed zoning on commercial fishing and recreational fishing.
- National Park Zone should be moved to commence at the 15 to 20 fathom line.

#### Zoning of the Two Rocks Marine Park:

- Supported the increased area of National Park Zone.
- The zoning will impact on commercial and recreational fishing.
- National Park Zone should be moved to commence at the 15 to 20 fathom line.
- National Park Zone will impact on recreational fishing (rock lobster) and should be changed to Habitat Protection Zone.

#### Zoning of the Perth Canyon Marine Park:

- The relocation of the National Park Zone away from the canyon head is unacceptable, given whale feeding grounds and location of productive areas.
- Supported the proposed zoning.
- Reduced protection is not acceptable.
- Concerned about potential for oil and gas mining.
- Supported access for recreational game fishing in the Perth Canyon.
- National Park Zone will impact on recreational fishing for game fish in the Rottnest Trench and the southern National Park Zone and should be changed to Habitat Protection Zone.

#### Zoning of the Geographe Marine Park:

- Loss of National Park Zone is not acceptable and it should be reinstated due to; the alignment and continuity with state park, nursery habitat for key fish species, location balances important fishing areas, protection of calving areas from commercial fishing and community support.
- The eastern Habitat Protection Zone should be changed back to National Park Zone.
- Habitat Protection Zone should be included to protect the seabed and support recreational fishing.
- Demersal trawling and gillnetting should be excluded.
- Concerned about the impacts of commercial fishing, in particular midwater trawling and longlines on the marine life.
- Supported exclusion of oil and gas mining.
- Given potential impacts from mining, Habitat Protection Zone buffer zones should be introduced.
- Concerned about the impacts of the proposed zoning on commercial fishing, in particular demersal gillnet fishing and the complexity.
- There is inconsistency of zoning (i.e. activities allowed) between Australian Marine Parks and state parks.
- Multiple Use Zone should be changed to Special Purpose Zone to support access for Demersal gill net line fishery.
- Scallop trawling will be impacted by zoning.

#### Zoning of the South-west Corner Marine Park:

- Loss of National Park Zone is not acceptable, in particular at the Diamantina fracture.
- Supported the increased area and transect of National Park Zone over the Swan canyon.
- Concerned about the potential for oil and gas mining.
- Special Purpose Zone (mining exclusion) should be expanded within the park.
- Oil and gas mining should be prohibited.
- Supported access for commercial fishing in the south-eastern area of the park for prospectivity and off Peaceful Bay.
- Concerned about the impacts of the proposed zoning on commercial fishing, particularly the Demersal scalefish fishery operating out of Hamelin Bay from the National Park Zone, extending westward (over the Donnelly Banks) from Cape Freycinet.
- Zoning should be changed to align with West Australian Cape Freycinet sanctuary zoning and the National Park Zone east of Cape Leeuwin (change of Special Purpose Zone).
- The far west National Park Zone will impact on commercial fishing.

#### Zoning of the Bremer Marine Park:

- The increased area and transect of National Park Zone over the Bremer canyon is supported and should be expanded further.
- Loss of inner shelf National Park Zone is not acceptable.
- Commercial trawling will cause impacts.
- Supported access for recreational fishing.
- Supported exclusion of oil and gas mining.
- Supported access for commercial scallop fishing with Special Purpose Zone (trawl) east of the Doubtful islands.
- Proposed zoning will impact on commercial fishing in particular the National Park Zone above 800m.
- The National Park Zone should be changed to Special Purpose Zone.
- Boundaries for research areas should be amended.

#### Zoning of the Eastern Recherche Marine Park:

- The National Park Zone should be extended to cover more of the shelf and the western nearshore area.
- Concerned about the potential for oil and gas mining.
- Concerned about the impacts of allowing commercial trawling.

- Concerned about the impacts of the proposed zoning on commercial fishing, in particular scallop fishing in important grounds near Israelite Bay and the National Park Zone and inconsistency with supportive zoning in Bremer.
- Special Purpose Zone should be changed for rock lobster, wet line and gill net fisheries.
- The current ABARES analysis is deficient in calculating the impact for the Southern demersal gillnet and crustacean fishery.
- Boundaries for research areas should be amended.

#### Zoning of the Twilight Marine Park:

- Loss of National Park Zone is not acceptable.
- Oil and gas mining should be prohibited.
- Supported access for commercial fishing with inclusion of Special Purpose Zones.
- Concerned about the impacts of the proposed zoning on commercial fishing.
- Special Purpose Zone should be expanded to southern boundaries for the Esperance Shark Fishery.

#### Zoning of the Great Australian Bight Marine Park:

- Sanctuary Zone should be created and National Park Zone increased westward to the South border.
- Loss of protection is not acceptable.
- National Park Zoning should be complementary with the state park.
- There should be increased protection of the shelf.
- Oil and gas mining should be prohibited through Special Purpose Zone (mining exclusion).
- Concerned about the potential impacts of oil and gas mining.

#### Zoning of the Western Eyre Marine Park:

- Given the natural values of the Marine Park, National Park Zone should be expanded to capture coastal upwelling feature.
- Concerned about the potential impacts of oil and gas mining.
- Multiple Use Zone should be changed to Special Purpose Zone (mining exclusion).
- National Park Zoning should be complementary with the state park.
- Supported current National Park Zones.
- Concerned about the impacts of access for fishing, including demersal gillnetting.

#### Zoning of the Western Kangaroo Island Marine Park:

- Concerned about the potential impacts of oil and gas mining.
- Multiple Use Zone should be changed to Special Purpose Zone (mining exclusion) or Habitat Protection Zone.
- National Park Zoning should be complementary with the state park.

#### Zoning of the Southern Kangaroo Island Marine Park:

- Concerned about the potential impacts of oil and gas mining.
- Multiple Use Zone should be changed to Special Purpose Zone (mining exclusion) or Habitat Protection Zone.

#### **Director's views**

I note the various comments raised in relation to zoning of the South-west Network and on the zoning of specific marine parks. I note the concerns in relation to protection of habitats, species and features, which are clearly important to people; the area of National Park Zone; and the impacts of fishing, trawling and mining. I also note the support for access for commercial and recreational fishing.

Marine park management is a balance. In the South-west Network, this meant balancing protecting significant habitats and species with enabling people to use and enjoy marine parks. The South-west Network contains conservation features, bioregions and biologically important areas for marine species such as sea lions, sharks, whales and seabirds. National Park and Habitat Protection Zones have been carefully placed to protect these features where possible, while minimising impacts on important human activities.

Impacts on commercial fishers, who rely on parts of the South-west Network for their businesses and livelihoods, have been minimised. The zoning in the management plan allows for the Western rock lobster, Offshore net and line, Southern and west coast demersal gillnet and longline, South Coast trawl, Southern and eastern scalefish and shark, and Great Australian Bight trawl fisheries.

Importantly, wherever possible, recreational and charter fishing have been allowed, subject to assessment and authorisation, to ensure people can enjoy our marine parks and to support jobs in the tourism industry.

While there is no oil and gas production in our marine parks at present, there may be potential for it in some zones in the future. Any proposed oil and gas will be subject to the appropriate environmental assessments and approvals.

With several West and South Australian marine parks nearby to Australian Marine Parks, Parks Australia will continue to work with the West and South Australian governments to manage these parks into the future.

I have carefully considered the comments about zoning of marine parks in the South-west Network. In most parks, I am satisfied that the zoning reflects an appropriate balance between the protection of marine habitats and species, and ecologically sustainable use.

However, in response to concerns raised about the impacts of scallop trawling in the Bremer Marine Park, I have adjusted zoning to change the Special Purpose Zone (trawl) to Special Purpose Zone (mining exclusion). This will reduce the area available for scallop trawling in this park.

I have also responded to calls for increased protection in the Geographe Marine Park, by changing the eastern Habitat Protection Zone to National Park Zone. This will provide increased protection of seagrass habitat and improved alignment with the West Australian Marine Park.

In response to concerns about the potential impacts of oil and gas mining on tourism and marine habitats and species in the Western and Southern Kangaroo Island marine parks, I have adjusted the zoning to change areas of the Special Purpose Zone to Special Purpose (mining exclusion). This will support the Kangaroo Island tourism brand and protect these areas from mining.

## **5.4 COMMENTS ABOUT PART 4 OF THE PLAN**

### **5.4.1 COMMENTS ABOUT GENERAL USE AND ACCESS PRESCRIPTIONS**

The following comments were received on the general use and access prescriptions:

- Supported the use of marine parks for recreation (non-fishing, nature watching, sailing, boating etc).
- Anchoring and vessel speed should be restricted for recreational users.
- Cultural fishing cannot be considered to be non-commercial in all cases and plans need to provide cultural fishers rights to customary harvest.

- The use of modern fishing equipment cannot be classed as traditional hunting or used to hunt dugong and turtles.
- Concerned about ballast water exchange, sewage and other vessel waste disposal, particularly in or near National Park or Habitat Protection Zones, because of the threats to the environment and biosecurity, such as from invasive species.
- Need more information about the use of drones for environmental surveys and monitoring in response to oil spills.

### **Director's views**

I note the comments made about this section, particularly in relation to recreational use of marine parks, customary harvest, and concern about activities like ballast water discharge and drones. Relatively minor amendments have been made to this section to improve clarity.

Australian Marine Parks are intended for people to enjoy. Recreational uses, such as diving, snorkelling, sailing, boating and nature watching are low impact and are allowed across marine parks. In light of the limited access and impacts of these recreational uses in Australian Marine Parks, restrictions on their anchoring and vessel speed are not considered necessary.

The comments in relation to customary harvest are noted. While the Director of National Parks has a statutory role in managing Australian Marine Parks, this does not override Aboriginal and Torres Strait Islanders' traditional use and native title rights. The EPBC Act, under which management plans are made, does not affect the operation of the *Native Title Act 1993* or the *Aboriginal Land Rights (Northern Territory) Act 1976*. Both of these Acts preserve rights to traditional use of land and waters. Section 359A of the EPBC Act also provides that Commonwealth reserves, including marine parks, do not prevent Indigenous persons from undertaking non-commercial hunting or food gathering or using the reserves for ceremonial and religious purposes.

While the plans will allow for the discharge of ballast water and disposal of waste from vessels, it should be noted that these must be conducted in accordance with the requirements of the international Convention for the Prevention of Pollution from Ships (MARPOL) and the Australian ballast water management arrangements. These are implemented by the Australian Maritime Safety Authority and state and territory governments. They place very stringent requirements on discharge of ballast and disposal of waste, including that ballast should not normally be discharged less than 12 nautical miles from the nearest land, and in water less than 50 metres deep and where possible, should be discharged more than 200 nautical miles from the nearest land and in water greater than 200 metres deep.

To clarify requirements in relation to ballast water and disposal of water, amendments have been made to the plan. This includes clarifying that under this plan, waste from normal operations of vessels must be compliant with requirements under the MARPOL, and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes, and that ballast water discharge and exchange must be compliant with Australian ballast water requirements. A definition of MARPOL has also been included in the glossary.

The provisions in the plans allow for the use of non-commercial remote piloted aircraft, given the increasing use of drones for research and monitoring, in tourism activities and to take photographs and footage. However, people wishing to use these will need to apply and Parks Australia will carefully consider the potential impacts on marine species before issuing a permit, approval or licence.

#### **5.4.2 COMMENTS ABOUT COMMERCIAL SHIPPING PRESCRIPTIONS**

The following comments were received on the commercial shipping prescriptions:

- There has been significant growth in shipping traffic, and there may be impacts of ships transiting and anchoring on marine species and habitats.
- Ships need to anchor in marine parks and Habitat Protection Zones at times. There needs to be anchoring areas determined to ensure protection of pipelines and cables that will be allowed in these zones.

#### **Director's views**

I note some people's concerns about commercial shipping in marine parks and the potential impacts of this.

Commercial shipping and the potential for ship strikes or spills is a pressure in Australian Marine Parks. Parks Australia will carefully consider the best location for anchorages for commercial ships to minimise impacts on the natural values in marine parks. Australia is party to a number of international agreements including the International Convention for the Prevention of Pollution from Ships (MARPOL) and has a number of national policies relevant to shipping including the National Plan to Combat Pollution of the Sea by Oil and the Australian Ballast Water Management Requirements. The Director will continue to work with shipping management and primary response agencies (such as the Australian Maritime Safety Authority) to assist with the prevention of and response to incidents.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial ships to anchor while minimising environmental impacts. To clarify requirements in relation to anchoring of commercial ships in marine parks, some minor amendments have been made to the plan, including the following note: "This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress."

#### **5.4.3 COMMENTS ABOUT COMMERCIAL FISHING PRESCRIPTIONS**

The following comments were received on the commercial fishing prescriptions:

##### Allowed gear types and locations:

- Concerned about the impact of commercial fishing, in particular trawling, gillnetting, drop-lining, trapping, potting, longlining, purse-seining and super trawlers (mid-water trawl) and suggested not allowing certain activities or gear types in certain zones.
- Concerned about the impacts of fishing in specific marine parks.
- Need complementary management arrangements between Australian Marine Parks and state and territory marine parks.

##### Compliance:

- Sceptical about ability to ensure compliance with the prescriptions.
- Enforcement should include a warning to fishers operating just inside protection zones.
- Supported vessel monitoring systems, and proposed extension of this to all vessels.
- Concerned about vessel monitoring systems and burden on smaller scale fisheries.
- Need further engagement on the requirement for vessel monitoring systems.



#### Fishing gear risk assessments:

- Disagreed with the findings of previous fishing gear risk assessments.
- Government ignored the findings of fishing gear risk assessments.
- Fishing gear risk assessments findings were not equally applied.
- Concerned about the validity of future gear assessment processes.
- Plans should reference a National Fishing Gear Risk Assessment Framework to ensure explicit review and assessment of allowed activities based on clear, transparent process and science.
- Supported future assessment and approval of fishing technologies.

#### Anchoring and transiting:

- Commercial fishing vessels need to anchor in National Park Zones - the Director needs to quickly determine appropriate anchoring areas.
- Fishing gear should be stowed and secured at all times when fishers are transiting or anchoring in a zone in which they are not permitted to operate.
- Stowing fishing gear while anchored or in transit during rough weather may create safety issues.
- Fishing gear cannot always be stowed out of site, lines out of the water should be adequate.
- More clarity in instructions to fisheries managers and anglers is needed about stowing and securing fishing gear.
- Supportive of allowing towing of commercial aquaculture cages in National Park Zones.

#### Approvals and authorisations:

- Activity tables in the plans should be amended from saying that commercial fishing is allowable (A) and requires authorisation, to say it is allowed (tick) with a footnote to indicate that the EPBC Act requires an approval to be put in place.
- There needs to be consultation, transparency and input about permits and class approvals.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.
- High impact extractive activity should be subject to a 12 month 'renewable upon review' condition, not five year as proposed.
- Class approvals cannot remove pre-existing rights and authorisations (to fishing grounds, seasonal access, gear types) which would devalue business.
- Any restrictions to grounds or gear (under the proposed conditions of a class approval) should be subject to scrutiny by state agencies and require mandatory co-signature between Commonwealth and state Ministers.

#### ***Director's views***

##### Allowed gear types and locations:

I note the concerns raised about allowing commercial fishing in marine parks, the impact of commercial fishing, and of particular gear types. I also acknowledge that many submissions, particularly from the fishing industry, expressed concern about the impacts that restrictions on commercial fishing would have on their livelihoods.

I believe that it is possible to achieve strong conservation outcomes, while allowing fishing in marine parks. The careful placement of zones and consideration of gear types allowable in zones, will achieve an appropriate balance for marine parks.

Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

I acknowledge that commercial fishing may create impacts on marine environments. Rigorous compliance and enforcement will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Compliance:

I note concerns raised about how I will ensure compliance with the rules. I consider it is vitally important to achieve effective and efficient compliance in marine parks.

Australia is a world leader in environmental regulation. Parks Australia will implement rigorous compliance and enforcement in Australian Marine Parks to ensure users, including commercial fishers, understand and comply with management arrangements. This will include Parks Australia collaborating with industry to investigate innovative technologies and systems - including vessel monitoring systems - that can assist marine users to follow the rules in marine parks.

I note that some people supported the use of vessel monitoring systems, while others expressed concern about the burden of implementing this technology.

Vessel monitoring systems are recognised globally as a valuable tool for spatially-based management of the marine environment and have been widely implemented around the world. The Australian Fisheries Management Authority already requires operators accessing Commonwealth fisheries to have vessel monitoring systems. Vessel monitoring systems, which use an alert service to tell fishers when they are entering a zone where their fishing method is not allowed, have proven to be effective in assisting businesses and individuals to comply with marine park zones. The fishing industry will be consulted before any new requirements for vessel monitoring systems are implemented.

#### Fishing gear risk assessments:

There were a number of comments about previous fishing gear risk assessments and the proposal to assess new gear types and technologies as the plan is implemented and new information becomes available.

The issue of what fishing activities can be undertaken in zones has been extensively canvassed through previous consultation and considered subsequently in decision-making in establishing the draft plans. Fishing gear risk assessments were undertaken early in the process of designing Australian Marine Parks. They were one input into designing management plans, but there were other considerations, such as minimising the economic and social impacts of the marine parks. Since 2010 when the assessments were undertaken, our understanding of fisheries impacts has progressed.

I acknowledge that fishing technologies will change over the next decade, and our understanding of marine parks and impacts on them will improve over time. I am committed to adaptive management and will establish an efficient and effective process to assess new technologies and gear types to allow for the use of new equipment during the life of the plan if appropriate.

#### Anchoring and transiting:

I acknowledge the concerns raised about not being allowed to anchor in certain areas, and about the rules for stowing fishing gear while transiting and anchoring.

The plan has been amended to clarify where anchoring and vessel transit is allowed, and that the plan does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial fishers to anchor, to minimise impacts on the natural values in marine parks.

Approvals and authorisations:

There appeared to be some confusion about how class approvals will work and whether these will increase the burden on commercial fishers. That is not my intention. I place a high priority on minimising regulatory burden on users of marine parks. I believe that class approvals represent the most efficient and low impact way of discharging my responsibilities under law to authorise commercial fishing activities.

Under the EPBC Act, commercial activities are prohibited in marine parks unless authorised by the Director of National Parks. One way to authorise commercial activities is to issue a class approval. Class approvals authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. Class approvals will be subject to conditions specifying where in Australian Marine Parks these activities can occur, as well as the methods that may be used, reflecting the rules set out in the management plans.

Class approvals will minimise red tape, costs or administrative overheads. For example, a class approval for commercial fishing will mean that commercial fishers who hold an existing Commonwealth or state government fishing concession will generally not require an individual permit or individual licence and will not have to apply or pay any new or additional fees to operate in Australian Marine Parks.

Class approvals will be developed for Australian Marine Parks in consultation with industry representatives, in time to come into effect with the final management plans.

#### **5.4.4 COMMENTS ABOUT COMMERCIAL AQUACULTURE PRESCRIPTIONS**

The following comments were received on the commercial aquaculture prescriptions:

- Supported allowing commercial aquaculture in marine parks.
- Aquaculture has a number of impacts and should be prohibited.
- Input, transparency and consultation with governments and industry is required in developing permits and class approvals.
- References to the specific legislation in different states are incorrect.

#### ***Director's views***

I note the comments about commercial aquaculture.

Commercial aquaculture is important in some parts of Australia, supporting jobs in regional communities.

I welcome the additional information with respect to legislation and have amended the plans as suggested.

#### **5.4.5 COMMENTS ABOUT COMMERCIAL MEDIA PRESCRIPTIONS**

The following comments were received on the commercial media prescriptions:

- Commercial news and television journalists should not have to seek approval for 'day-to-day news' and there should not be any restrictions when in marine parks.

##### ***Director's views***

I support commercial media accessing marine parks to increase public awareness of their values, pressures affecting parks and to report any news-worthy items. However, to ensure I understand the incidence and impacts of the use of marine parks, and for safety, I think it is sensible that commercial media should notify and work with Parks Australia to manage these activities. It is not intended that restrictions would normally be placed on media, except where their activities may impact important species or habitats.

#### **5.4.6 COMMENTS ABOUT COMMERCIAL TOURISM PRESCRIPTIONS**

The following comments were received on the commercial tourism prescriptions:

- Supported tourism (charter boat) operators receiving permits to continue their operations.
- There should be different classes for non-extractive and extractive tourism, (separate from recreational fishing), given that these activities have different impacts.
- Unclear whether class approvals would apply or whether permits would need to be sought for commercial tourism.

##### ***Director's views***

I note the comments about commercial tourism and welcome the support for tourism in marine parks. Offering world-class natural and cultural experiences and enhancing Australia's visitor economy is one of Parks Australia's corporate goals.

Australian Marine Parks provide exciting and interesting destinations for visitors. The plans set out where different tourism activities can occur – for example, National Park Zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Over the coming months, Parks Australia will work with the tourism industry to determine the most appropriate mechanisms for authorising different commercial tourism activities in different zones of marine parks. Applications to conduct tourism operations in marine parks will be carefully considered in terms of the potential impacts to natural values and significant species, with conditions applied where appropriate.

#### **5.4.7 COMMENTS ABOUT RECREATIONAL FISHING PRESCRIPTIONS**

The following comments were received on the recreational fishing prescriptions:

- Supported the approach to management of recreational fishing in marine parks, equal treatment of gear types and allowing recreational fishing in most zone types.
- Recreational fishing should be allowed in National Park Zones.
- Recreational fishing has not been allowed in some areas based on inappropriate science.
- Different types of recreational fishing could be allowed in different areas.
- Spearfishing should be prohibited in some parks.

- Spearfishing should be allowed in some parks.
- Recreational fishers should need a licence or permit.
- Anchoring by recreational fishers should be allowed.
- Concerned that anchoring by recreational fishers is not allowed.
- Concerned about how marine park zones will be identified by recreational fishers.
- Supported good fisheries management.

### **Director's views**

I note the high level of interest in recreational fishing in marine parks and the support for the proposed zoning, which enables recreational fishing to occur across much of the estate and in 97 per cent of Commonwealth waters within 100 km of the coast.

Despite comments received, recreational fishing will not be allowed in National Park or Sanctuary Zones. There is clear scientific evidence from around the world about the ecological benefits of no-take areas, and that you can catch more and bigger fish when you have no-take areas nearby.

It should be noted that recreational fishers will be able to anchor in Australian Marine Parks. The plans have been amended to improve clarity about the rules for anchoring and transiting.

A permit to fish recreationally is not required in Australian Marine Parks. Fishers in Australian Marine Parks will need to continue to comply with the relevant state and territory fishing rules and regulations.

Parks Australia will work with recreational fishers and park users over the life of the plan to improve understanding about where recreational fishing is allowed.

### **5.4.8 COMMENTS ABOUT MINING PRESCRIPTIONS**

The following comments were received on the mining prescriptions:

- Mining, oil and gas extraction and/or shipping should be prohibited in marine parks.
- Further information is required on existing usage rights and mining operations already in place.
- Habitat Protection Zones should prohibit mining infrastructure and pipelines.
- Construction and operation of pipelines should be allowed in marine parks, subject to assessment.
- Supported utilising NOPSEMA authorisation process, as the oil and gas industry is already subject to stringent and rigorous environmental regulation.
- Class approvals should be issued for low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act to ensure that activities that are intended to continue in the marine park zone are not unduly restricted.
- Should maintain prior usage rights/rights to convert to production licences with no new conditions.
- Unintentional operational constraints for mining activities adjacent to marine parks has the potential to erode the value of exploration titles and potentially remove the rights granted to operators by Government.
- The Director of National Parks should provide guidance to titleholders via NOPSEMA as to the expectations of information to be provided and the process for providing this information.
- The Director of National Parks should be notified in the event of an oil pollution event rather than requiring Director of National Parks authorisation prior to initiating spill response.

### **Director's views**

I note the concerns raised with respect to mining and construction of pipelines in marine parks. My views on these concerns are addressed in Chapter 6.3.1 of this report.

I acknowledge concerns about duplicating processes to assess and approve mining with other agencies. NOPSEMA will remain the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters, as the NOPSEMA program takes account of impacts on marine park values. The Director of National Parks is a relevant person for the purpose of consultation on environment plans where an activity overlaps a marine park. Detailed guidance material will be prepared to assist the petroleum industry to determine when they are required to consult with the Director of National Parks, the process for consultation and expected outcomes to be included in an environment plan to ensure that impacts on marine park values are acceptable.

Additional assessment will not be required in Special Purpose and Multiple Use Zones. However, additional approval from the Director of National Parks will be required for pipelines in Habitat Protection, Recreational Use and National Park Zones.

I note concerns raised with respect to low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act and have amended the plans to ensure that these activities are not unduly restricted.

I have also amended the plans as suggested so that the Director of National Parks should be notified in the event of an oil pollution event, rather than requiring Director of National Parks authorisation prior to initiating spill response.

### **5.4.9 COMMENTS ABOUT STRUCTURES AND WORKS PRESCRIPTIONS**

The following comments were received on the structures and works prescriptions:

- Structures and works should not be allowed to be constructed in National Park Zones.
- Pipelines should not be allowed in certain areas.
- Artificial reefs and fish aggregating devices should be allowed, including to compensate recreational fishers for any loss of access.
- The Director of National Parks should not need to approve an activity that been assessed under other processes e.g. under EPBC Act, *Environment Protection (Sea Dumping) Act 1981*.
- Need consultation when determining anchoring areas.
- Need clarification about the installation and operation of fibre optic cable to support mining activities, class approvals for existing port infrastructure and activities, and decommissioning of pipelines.
- 'Maintenance' should be separated from 'moorings, excavation and maintenance'. Maintenance should be allowed without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

### **Director's views**

I note concerns and support for constructing structures and works, including pipelines, artificial reefs and fish aggregating devices, in marine parks.

Proposals to install structures and works, including moorings, artificial reefs and fish aggregating devices will be carefully considered, in terms of compatibility with zone type and zone objectives, potential impacts on natural values and the benefits in terms of visitor safety, research and monitoring or the national interest.



I note concerns raised with respect to streamlining process under the EPBC Act and have amended wording to enable streamlining of these processes, including to increase efficiency and reduce any prospect of regulatory duplication.

I have also made some minor amendments to clarify arrangements for maintenance, excavation and erection of structures and works, as opposed to dredging and disposal of dredged material.

#### **5.4.10 COMMENTS ABOUT PRESCRIPTIONS FOR RESEARCH AND MONITORING ACTIVITIES**

The following comments were received on the research and monitoring prescriptions:

- Supported access to marine parks for research and monitoring, particularly to understand impacts of use.
- Supported research into fishing activities to inform effective management.
- Sought confirmation on whether activities for research and monitoring approved through an EPBC Act referral would also be considered authorised through a class approval, and therefore do not require additional permitting.

##### ***Director's views***

These comments were noted, but no changes were required. I strongly support research and monitoring in marine parks to further increase the scientific knowledge base, upon which marine park management rests.

#### **5.4.11 COMMENTS ABOUT PRESCRIPTIONS FOR NATIONAL SECURITY AND EMERGENCY RESPONSE**

The following comments were received on the national security and emergency response prescriptions:

- Concerned about impacts of defence activities on natural values in particular sonar.
- The Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, such as offshore petroleum operators.
- Authorisation of contractors should not be required to undertake emergency responses on behalf of government agencies.

##### ***Director's views***

I have taken on board the suggestion that the Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, by amending the related prescription to authorise to read "Actions by or under the direction of Commonwealth or Commonwealth agencies" may be conducted without authorisation.

#### **5.4.12 COMMENTS ABOUT MAKING DECISIONS AND AUTHORISING ACTIVITIES**

The following comments were received on decision making and authorisation:

- Supported deregulation/reduced regulatory burden or exemption from additional approval where an activity is assessed under other processes (such as the *Environment Protection (Sea Dumping) Act 1981*) or by other agencies.
- Concerned about delegation of Commonwealth authorisation processes to state or territory governments.
- Concerned that the Director of National Parks may make, amend and revoke prohibitions, restrictions and determinations of the EPBC Regulations and the Director may issue a permit for an activity that would otherwise be prohibited by such an instrument.
- Extra conditions may be placed on class approvals for mining, oil and gas, resulting in regulatory creep and an unnecessary regulatory burden on operators.
- Further information is needed about the terminology 'acceptable impacts'.
- Needs to be a formal mechanism for involving traditional owners in authorisations and research permit conditions should require engagement of traditional owners.
- Further information is needed about how approvals will be granted, criteria for assessment and approval.
- The Director should only authorise new activities where they are consistent with the zone objectives.
- Concerned about the Director of National Parks charging fees, and the impact of this on business.
- Supported the Director of National Parks charging fees.

#### **Director's views**

I note the comments about these prescriptions, in relation to duplication with other assessment processes, additional conditions being applied to approvals, concern about assessment and approval processes, and support and concern about charging fees.

Parks Australia will continue to seek to streamline, deregulate and simplify assessment and authorisation procedures, including by working with other agencies wherever possible.

I have considered the concerns raised about approvals made under other legislation, such as the *Environment Protection (Sea Dumping) Act 1981* and amended the plans such that class approvals will be issued for activities that have received a permit under the *Environment Protection (Sea Dumping) Act 1981*.

I also note the interest of traditional owners in assessment and authorisation processes. Parks Australia will also consult with Indigenous people and traditional owners to inform them about assessments and authorisations and to understand which activities are of most interest and concern.

Further information about the processes for assessment and approval will be provided when the plans are finalised and implementation commences.

## **5.5 COMMENTS ON THE PLAN'S SCHEDULES**

The following comments were received on the glossary and schedules. Please note, comments about the values outlined in Schedule 2 are discussed in Chapter 5.2 of this report.

#### Glossary definitions:

- Unclear about Indigenous Protected Areas.
- Confused about the legislation applying to pollution from ships.
- Several terms are used when referring to a Marine National Park Zone, including 'no-take', 'IUCN category II' and 'green zone'.

### Schedules:

- There are incorrect references to fisheries legislation in some plans.
- Need to acknowledge international fishing agreements where they relate to marine parks.
- Suggested an amendment to clearly articulate how plans will interact with the statutory requirements of the EPBC Act and *Environment Protection (Sea Dumping) Act 1981* in Schedule 1.
- Plans are inconsistent with Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making.
- Bioregions need to be described at different scales.

### **Director's views**

#### Glossary:

In light of some confusion about definitions, the glossary has been amended to add definitions for commercial pearling, Commonwealth marine reserve, Indigenous protected area, MARPOL and traditional owners. Clarifications have also been made to definitions of Australian Marine Parks, recreational fishing and transit.

#### Schedules:

I note the comments about a need to correct legislation descriptions. I have amended Schedule 1 as suggested, where required, to reference the correct fisheries legislation in each plan.

Amendments have been made to the plans in relation to clarify process when assessment is required under the EPBC Act and *Environment Protection (Sea Dumping) Act 1981*. These were outlined in the previous section.

I note the concerns about inconsistency with elements of Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making. However, I am confident that the plans are consistent with the regulations.

I note the comment about bioregions. The bioregions outlined in plans were those used in the design of all Australian Marine Parks.

## **6 GENERAL COMMENTS ON THE DRAFT PLAN**

This chapter summarises the general comments received in relation to the draft plan. Comments that relate to specific parts of the draft plan are addressed in Chapter 5 of this report. The following general comments were received on the management plans, or marine park management:

#### Support:

- Supported the management plans and the balanced and scientific approach for the parks.
- Supported a national network of marine parks.
- Did not support the management plans.

#### Independent review:

- Management plans have not adopted the recommendations of the *Independent Review of Commonwealth Marine Reserves*.

- Supported the findings of the review in specific parks.
- Disappointed the review did not consider outer boundaries of marine parks.
- Rejected findings or statements made by the review, such as about consultation on zoning, reducing protection on the shelf and upper slope, Eighty Mile Beach Marine Park, Roebuck Marine Park and impacts of recreational fishing.
- Disagreed with the findings of the review in relation to the extension of marine parks and uncertainty for commercial fishers.

#### Design:

- Did not support government reducing or removing marine parks.
- Area of marine parks should be increased, marine park boundaries increased or new marine parks declared.
- Given natural values of areas outside of marine parks, these areas should be included in marine parks.
- Australian Marine Parks should be adjacent to state marine parks.
- Marine parks can't protect the marine environment or pelagic and migratory species.
- Marine park boundaries should be based on science data and recommendations, particularly connectivity and spacing.
- Did not support specific marine parks.

#### Resourcing:

- Government needs to commit adequate resources for marine park management to implement the plans.
- Levies should not be placed on the commercial fishing industry and other users to cover costs of marine park management.
- Insufficient funds are available for fisheries adjustment and implementation of management plans.
- Parks Australia should work with other programs, such as the National Landcare Program, to get best outcomes for marine parks from investment.
- Fundraising would fund better outcomes.
- Funding is needed for regular scientific monitoring, including of key ecological features.
- Resources should be allocated to both habitat mapping and taxonomic identification.

#### International:

- There should be greater focus on protection further offshore and work with international governments, due to concerns about foreign fishing.
- Concerned about Australia's international reputation.
- Australia should follow recent recreational fishing allocation in the United States marine park network.

#### Policy and scientific basis:

- Questioned the policy and scientific basis for the management plans.
- There is a lack of scientific evidence for the benefits of Marine National Park Zones.
- There is a lack of evidence regarding economic impacts on commercial fishers.
- Concerned about Australian Fisheries Management Authority Ecological Risk Management.
- Benefits of marine parks and sustainable practices should be included in social / economic analysis.
- There has been a lack of consideration given to turtle habitats, and this presents a clear scientific error.

#### Concern for the marine environment:

- Concerned about the marine environment, in the face of threats and pressures, including the need to manage terrestrial runoff.

- Need to manage the environment for future generations.
- Questioned the ability of government to deliver environmental outcomes.

#### Fisheries adjustment:

- Noted Government's commitment to fair and reasonable adjustment assistance.
- Important to provide adequate resources to enable commercial fishers who have been affected by the management plans to adjust.
- Important to clearly define a process of assessing and managing displaced effort, including prospective fishing rights.
- Requested detail on the proposed assistance.
- Queried whether assistance will apply to vessel monitoring systems.
- Government does not have the resources that will be required for assistance.
- Full compensation should occur prior to being excluded from fishing grounds and funding should be provided assist in applying.
- There will be a direct and continual impact of commercial fishers' livelihoods due to loss of grounds and impact on license values and assets.
- The economic viability of regional coastal communities including harbours will be impacted, with the flow on impacts from the parks.
- Compensation is required for recreational fishers for loss of access e.g. installation of infrastructure (moorings, FADs, artificial reefs).

#### Consultation:

- Supported the consultation process on draft management plans.
- Suggested additional consultation.
- There was not sufficient opportunity to understand and comment on the proposed arrangements.
- Submissions from previous consultation were ignored or not taken into account.
- All submissions should be treated equally.
- Submissions from direct users should be given greater weighting.
- Supported the renaming of marine parks.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.

#### Business certainty:

- Concerned about the impacts of marine parks on local economy.
- Need to finalise plans as soon as possible.
- It has taken too long to establish management plans.
- Welcomed the business certainty that finalised plans will provide.
- Planning process has impacted business growth.
- Sought security of access to fishing grounds providing business certainty moving forward.
- Class approvals process provides no certainty for commercial fishers.

#### Not related to management plans:

- Commented on the Australian Government, elected officials and staff of Parks Australia.
- Commented on Australia's energy supply.
- Commercial fishing should be banned and recreational fishing be allowed in lakes and tributaries.
- Key coastal communities adjacent to Australian Marine Parks should be protected from mining.

### **Director's views**

I note the additional comments that I received that provided general feedback, commented on issues relating to plan consultation or implementation, or that were not related to the text in the draft plans. My position on these comments is detailed below. Many of these comments could not be addressed through amendments to plans, but will be taken into account by Parks Australia as the plans are implemented.

#### Support:

The comments in relation to support are noted.

#### Independent review:

I note the comments about the independent review and concerns that the recommendations of the review have not been adopted in full.

Prior to preparing management plans, the Government commissioned the *Independent Review of Commonwealth Marine Reserves*. The review comprised an expert scientific panel and five bioregional advisory panels. The review involved extensive consultation, including regional meetings and a submissions process.

I found the review's recommendations an important and extremely helpful input to the draft management plans. But feedback received during public consultations on plans and related discussions with stakeholders demonstrated that the review's recommendations had not resolved all stakeholder concerns. More work needed to be done to implement a balanced approach to managing our marine parks that protects marine biodiversity and health, and also enables sustainable use and access.

Review-recommended zoning has been adopted in full or in large part for the majority marine parks. Where the review's zoning proposals were not incorporated in the plans, it was because the impact on users, such as fishers, was too great, inconsistent with the Government's policy on sustainable fishing.

#### Design:

A large number of submissions expressed concern about reducing the area or changing the boundaries of Australian Marine Parks. There appeared to be confusion about the intentions of the Australian Government and the purpose of the management plans.

Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). The Australian Government remains committed to the National Representative System of Marine Protected Areas. The management plans do not propose to increase, change the boundaries of, or decrease marine parks in Australian waters. They do, however, outline zoning within marine parks. The comments received in relation to zoning within marine parks, and my views on these were discussed earlier in this report.

#### Resourcing:

I agree with comments that appropriate resourcing will be important to the management of marine parks.

The Government committed \$56.1 million over four years to establishing and managing marine parks. This will support commercial fishers directly affected by marine park management; support increased engagement of marine users in the management of marine parks; establish systems to manage the nation's marine parks; and enable scientific research and monitoring to better understand marine parks.



Actions within the plan will, of necessity, be prioritised according to available resources. Establishing effective partnerships will be critical to effective implementation of the plans. Parks Australia will work with other agencies and funding programs to ensure maximum benefits arise for marine parks from Government investment.

#### International:

I agree that international cooperation is important to managing marine parks and am committed to consulting closely with other governments to deliver complementary and effective management of marine parks. This includes to combat the threat and impacts of illegal fishing.

In response to concerns about Australia's reputation, I note that implementation of the plans as proposed would reconfirm Australia's place at the absolute forefront of marine protection. Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). With 36 per cent of Australia's waters included in marine parks, we are well ahead of both the international benchmark 'Aichi target' of 10 per cent by 2020, and a recent World Conservation Congress resolution calling for 30 per cent by 2030.

#### Policy and scientific basis:

I acknowledge comments about the policy and scientific basis for marine parks and the plans.

The policy basis for marine parks lies in the commitment of all Australian governments in 1998, derived from Australia's obligations under the Convention on Biological Diversity, to establish the National Representative System of Marine Protected Areas. It has been elaborated on through other policies developed since that time, including the 2013 *Policy for a more competitive and sustainable fisheries sector*.

The scientific basis for Australian Marine Parks is a wide body of advice and scientific literature, that demonstrates that the establishment and effective management of marine protected areas plays an important role in the conservation of biodiversity, the health and resilience of marine habitats and ecosystems, and the life they support. This in turn benefits society through the provision of a range of ecosystem services and supporting use of marine environments and resources.

The independent review's expert scientific panel confirmed that the science that underpins the establishment of our marine parks is sound and that network design draws on the best available scientific information.

Management plans are based on the best scientific information available, best practice management, and many years of bioregional planning. In recognition of scientific evidence about the importance of no-take areas to ecosystem health and biodiversity, no-take areas have been maintained over large parts of marine parks. In preparing plans, information about the location of conservation features (like canyons, seamounts and reefs) was reviewed, and as many of these features as possible are covered under no-take areas.

Advice about the socio-economic values and uses of marine parks was also considered and impacts on industries and users minimised whenever possible.

#### Concern for the marine environment:

It is clear from the comments received that Australians love the marine environment. I am confident that these plans appropriately balance the need to protect these special places, with enabling people to use and enjoy them for years to come.

#### Fisheries adjustment:

I note comments about assistance for commercial fishers to adjust to the arrangements outlined in these plans. I also note that the plans will have a significantly reduced impact on commercial fishers compared to those proposed in 2013.

The Government is committed to providing fair and reasonable assistance to those commercial fishers who are directly affected by the new management arrangements for marine parks. The Government will assess the need for assistance when it finalises management plans. Any adjustment assistance program will be developed in consultation with the fishing sector. Any adjustment assistance program will be guided by the Australian Government's Fisheries Adjustment Policy and delivered collaboratively by Parks Australia and the Department of Agriculture.

Consultation:

I note the comments about consultation in developing the plans and concerns about whether submissions received through various consultations have been adequately considered.

I consider that the plans have benefitted from and been informed by an exceptionally high degree of community consultation and engagement. I would like to express my thanks to the many Australians who have taken the time to submit comments through public consultation processes – these have been invaluable in finalising the plans.

The *Independent Review of Commonwealth Marine Reserves* also involved extensive consultation, including regional meetings, a submissions process and an expert scientific forum.

Chapter 3 of this report outlines the extensive public consultation processes to develop these plans, including the number of submissions received and considered. All comments received through these process were carefully considered in the finalisation of management plans. All comments received were equally weighted.

The consultation process outlined went above and beyond the statutory requirements under the EPBC Act.

Between 21 July and 20 September 2017, the Director also consulted on a proposal to rename marine reserves to marine parks. This was a separate process and is outlined in a separate report.

The release of final management plans does not signal the end of consultation and engagement on Australia Marine Parks. Management plans provide for ongoing engagement with parks users, traditional owners, Indigenous people and the community about marine parks, and for the negotiation of approvals, including class approvals, with park users.

Business certainty:

I acknowledge the need for certainty for people who rely on Australian Marine Parks for their livelihoods, and have endeavoured to finalise management plans as quickly as possible.

Not related to management plans:

These comments are not addressed as they are outside the scope of the management plans.

South-west Marine Parks Network IUCN categories, zones and Australian IUCN reserve management principles

**South-west Network zoning and marine park management categories**

Marine park name	IUCN category	Zone name and IUCN category					
		Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (VI)	Special Purpose Zone (Mining Exclusion) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	National Park Zone (II)
Southern Kangaroo Island	VI			✓			
Western Kangaroo Island	VI		✓	✓			✓
Western Eyre	VI	✓	✓		✓		✓
Murat	II						✓
Great Australian Bight	VI		✓	✓	✓		✓
Twilight	II			✓			✓
Eastern Recherche	II		✓				✓
South-west Corner	VI		✓	✓	✓	✓	✓
Bremer	II			✓			✓
Geographe	VI			✓	✓	✓	✓
Perth Canyon	IV				✓	✓	✓
Two Rocks	VI				✓		✓
Jurien	VI		✓				✓
Abrolhos	VI		✓		✓	✓	✓

## South-west Network IUCN categories

**Special Purpose Zone (IUCN category VI)**—managed to allow specific activities through special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.

**Multiple Use Zone (IUCN category VI)**—managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.

**Habitat Protection Zone (IUCN category IV)**—managed to allow activities that do not harm or cause destruction to seafloor habitats, while conserving ecosystems, habitats and native species in as natural a state as possible.

**National Park Zone (IUCN category II)**—managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities, unless authorised for research and monitoring.

## Australian IUCN categories and management principles

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation;
2. effective and adaptive management;
3. the precautionary principle;

4. minimising impacts;
5. ecologically sustainable use;
6. transparency of decision-making; and
7. joint management.

### ***Principles for each IUCN category represented in the South-west Network***

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the South-west Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

#### **1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

#### **3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their

continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

## **5. Habitat/species management area (IUCN category IV)**

5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.

5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.

5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.

5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.

5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.

5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.

7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.

7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.

7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

APPROVAL OF THE SOUTH-WEST MARINE PARKS NETWORK MANAGEMENT  
PLAN 2018

I, JOSH FRYDENBERG, Minister for the Environment and Energy, acting pursuant to section 370 of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby approve the South-west Marine Parks Network Management Plan 2018.

Dated this ..... day of ....., 2018

Josh Frydenberg  
Minister for the Environment and Energy



# Australian Government

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## Director of National Parks

### EXPLANATORY STATEMENT

*Environment Protection and Biodiversity Conservation Act 1999*

### **South-west Marine Parks Network Management Plan 2018**

#### **Background**

The South-west Marine Parks Network (the South-west Network) consists of 14 Commonwealth marine parks that lie off the coast of Western and South Australia. The Commonwealth reserves that form the South-west Network were declared by Proclamation under section 344 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 12 December 2013 as amended by a Proclamation made under section 350 of the Act on 9 October 2017 to change the name of the reserves from “Commonwealth Marine Reserve” to ‘Marine Park’.

Management of the South-west Network is the function of the Director of National Parks (the Director) under the EPBC Act.

The South-west Network includes the following marine parks:

- Southern Kangaroo Island Marine Park
- Western Kangaroo Island Marine Park
- Western Eyre Marine Park
- Murat Marine Park
- Great Australian Bight Marine Park
- Twilight Marine Park
- Eastern Recherche Marine Park
- South-west Corner Marine Park
- Bremer Marine Park
- Geographe Marine Park
- Perth Canyon Marine Park
- Two Rocks Marine Park
- Jurien Marine Park
- Abrolhos Marine Park

The marine parks of the South-west Network were established to protect and maintain marine biodiversity, contribute to the National Representative System of Marine Protected Areas (NRSMPA)

and to help ensure the long-term ecological viability of Australia's marine ecosystems. The conservation values that the marine parks help to protect include:

- ecosystems, habitats, communities, species and sea-floor features found within the provincial bioregions of the South-west Marine Region
- ecological features with high biodiversity value, species richness and endemism
- cultural and heritage values
- a number of species listed as endangered or vulnerable under Commonwealth legislation or international agreements
- habitats important for protected species

### **Overview of the Legislative instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the South-west Network and other Commonwealth reserves unless permitted by a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The South-west Marine Parks Network Management Plan 2018 also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the South-west network.

### **Structure and Content of the Management Plan**

The Management Plan consists of two Chapters, each with two parts and five schedules:

- Chapter 1 Introduction includes:
  - *Part 1 Managing Australian Marine Parks* outlines the context and approach to managing marine parks.
  - *Part 2 The South-west Marine Parks Network* provides a summary of the South-west Network including natural, cultural, heritage, social and economic values, the pressures facing the Network and the management programs and actions to protect values and manage pressures.
- Chapter 2 Management and prescriptions includes:
  - *Part 3 Zoning* details the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
  - *Part 4 Managing activities* provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes and the types of authorisations (permits, class approvals, commercial activity licences and leases).
  - *Glossary* lists terms and words used in the plan.
- Five Schedules
  - *Schedule 1 Summary of legislative and policy contexts* includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
  - *Schedule 2 South-west Network overview and values* provides a summary of the marine parks as proclaimed, a description of values and a map for each park.

- *Schedule 3 Environmental features used in design of the South-west Network* describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features and key ecological features.
- *Schedule 4 South-west Network marine parks and zone boundary descriptions* lists the coordinates of each marine park and zone.
- *Schedule 5 Supporting information* lists references used in preparing this plan.

### **Consultation**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice of Intent was published in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and placed on the Department of the Environment and Energy's website. The Notice of Intent invited comment on the Director of National Park's proposal to prepare draft management plans for the South-west, North-west, North, Temperate East Networks and the Coral Sea Marine Park. Invitations to comment were also provided to Native Title representative bodies, peak Indigenous representative bodies, Native Title holders, Indigenous research institutions and Indigenous ranger organisations interested in the marine parks of the South-west Network.

This comment period closed on 31 October 2016 with a total of 54 332 submissions received. The comments received were considered in preparing the Draft Management Plan.

The draft Management Plan for the South-west Network was released for public comment on 21 July 2017. As required under the EPBC Act, the Director published a notice inviting comments on the draft Management Plan in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and on the department's website. Copies of the draft Management Plan were made available through the Department's Community Information Unit and on the Department's website. Comments on the draft plan closed on 20 September 2017. A total of 82,877 submissions were received.

The Minister considered all comments received in approving the Management Plan.

### **Regulation Impact Statement**

In accordance with requirements for new regulatory instruments, a Regulatory Impact Statement has been prepared.

### **Period of Operation**

The Management Plan will come into effect on 1 July 2018. It will cease to have effect on 30 June 2028, unless revoked earlier and replaced by a new Management Plan.

### **Legislative Instrument**

The Management Plan is a legislative instrument for the purposes of the *Legislation Act 2003*.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **South-west Marine Parks Network Management Plan 2018**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the South-west Network and other Commonwealth reserves unless permitted by a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The South-west Marine Parks Network Management Plan 2018 also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the South-west network.

#### **Human Rights Implications**

The Management Plan engages with the following human rights:

##### *Right to self-determination*

Although there is no universally accepted agreement on what is required to meet this right, it is generally accepted that it includes allowing people to pursue their economic, cultural and social development. The Management Plan promotes this right through consultation and consideration of stakeholders views on their economic, cultural and social aspirations for marine parks, and in particular contains the Indigenous engagement program and actions that support involvement of marine users and Indigenous people in managing the South-west Network.

##### *Right to freedom of movement*

In order to achieve the objectives of the Management Plan it is necessary to restrict some access and uses that may impact on the natural and cultural values in some marine parks. This may involve the right to freedom of movement; however, this is not an absolute right and may be subject to permissible limitations where there is a legitimate objective, in this case the conservation and protection of natural and cultural values into the future, and the response is reasonable, necessary and proportionate. Limitations on access and use of marine parks under the Management Plan are reasonable and considered responses to the potential threats posed to achieving the objectives of the Management Plan.

The Management Plan places some limits on innocent passage through the territorial sea and freedom of navigation through the exclusive economic zone under the United Nations Convention on the Law of the Sea (UNCLOS). The limitations apply to protect the environmental values and habitats of

certain areas and are consistent with Australia's rights and obligations under UNCLOS; and also do not affect vessels responding to circumstances of force majeure or distress (eg. due to extreme weather) or for the purpose of rendering assistance to other persons and vessels in danger or distress.

#### *Right to privacy*

The Management Plan allows the Director in some instances to require users of the marine parks to provide information about the activities they conduct within the marine parks. This potentially includes commercial-in-confidence information such as the location of the activity or number of people undertaking an activity. The right to privacy is not absolute, and any requests for information are used to inform future management arrangements. The information collected will be handled and managed in accordance with the Commonwealth Privacy legislation.

#### *Right to enjoy and benefit from culture*

The right to enjoy and benefit from culture includes allowing people to take part in cultural life and enjoy the benefits of scientific progress. The Management Plan promotes this right by seeking to involve interested stakeholders, the community and Indigenous people in management actions through recognising native title interests and by implementing a number of principles, programs and actions. The Management Plan may limit this right in some instances where proposed activities are not consistent with the primary objective of the Management Plan to protect and conserve biodiversity and other natural and cultural values. However, these instances are expected to be rare, and will be carefully considered prior to a decision being undertaken. Section 8 of the EPBC Act does not affect the operation of the *Native Title Act 1993* including of s.211 of that Act, which allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence.

#### **Conclusion**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* and to the extent that it may limit any human rights, those limitations are reasonable, necessary and proportionate.





**Australian Marine Parks**  
North-west  
Marine Parks Network  
Management Plan  
2018



Australian Government  
Director of National Parks



Australian  
Marine Parks



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#### **Photography credits**

##### **Front cover**

Coral at Rowley Shoals (Michelle Glover)

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# CHAPTER 1

## INTRODUCTION

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Whale shark (Tony Howard)

## Part 1. MANAGING AUSTRALIAN MARINE PARKS

---



Coral reef, Rowley Shoals (Parks Australia)



## 1.1 INTRODUCTORY PROVISIONS

### **Name**

This management plan (plan) is the *North-west Marine Parks Network Management Plan 2018*.

### **Commencement**

This plan commences on 1 July 2018.

### **Interpretation**

The Glossary provides the meaning of certain words and expressions used, and includes references to certain words and expressions that are defined in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### **Authority**

This plan is made under Section 370 of the EPBC Act. This plan replaces all previous approvals under s.359B of the EPBC Act that authorised a range of activities in the North-west Marine Parks Network in the period from proclamation of the Marine Parks to the commencement of this plan.

## 1.2 AUSTRALIAN MARINE PARKS

Australia is surrounded by ocean extending from the tropics to the sub-Antarctic, providing a home to a wealth of plants and animals, many of them found nowhere else in the world. Australia's oceans help to support our way of life by providing beautiful places to enjoy, supporting businesses and jobs, and contributing to Australia's food and energy needs.

Marine protected areas are recognised as one of the best ways to conserve and protect marine habitats and species in our oceans. In light of this, the Australian, state and territory governments agreed in 1998 to establish a National Representative System of Marine Protected Areas (NRSMPA). The NRSMPA was designed to create a comprehensive, adequate and representative (CAR) system of marine protected areas, to contribute to the long-term viability of the marine environment and protect biodiversity. To identify areas to protect in the NRSMPA, the Australian Government undertook scientific research and consolidated the best available information on the natural, social and economic characteristics of Australia's marine environment.

On the basis of this work, in 2012, the Australian Government expanded the total coverage of Australia's National Representative System of Marine Protected Areas to 3.3 million km<sup>2</sup>. This included new marine parks in the North, North-west, South-west, and Temperate East marine regions, and in the Coral Sea. This is in addition to marine parks already established in the South-east Network, the Great Barrier Reef and at Heard and McDonald Islands.

Australian Marine Parks (Commonwealth reserves proclaimed under the EPBC Act in 2007 and 2013) are located in Commonwealth waters that start at the outer edge of state and territory waters, generally three nautical miles (approximately 5.5 km) from the shore, and extend to the outer boundary of Australia's exclusive economic zone, 200 nautical miles (approximately 370 km) from the shore. Marine parks have also been established by state and territory governments in their respective waters under the NRSMPA. Many other countries have moved to establish marine protected areas in their waters and are implementing a range of legislative, policy and management tools to manage these important places.

### 1.3 AUSTRALIAN MARINE PARKS VISION AND OBJECTIVES

Management of Australian Marine Parks requires a balance between protection of our marine environment, and opportunities for sustainable use and enjoyment of these special places.

The vision of the Director of National Parks (the Director) is that marine parks are healthy, resilient and well-managed to enhance Australia's wellbeing. This means ensuring that:

- their natural, cultural, socio-economic and heritage values are understood, appreciated and conserved;
- marine parks support jobs and businesses, providing multiple benefits to regional communities and the economy;
- people have opportunities to enjoy marine parks;
- visitors and tourists can enjoy world-class nature-based experiences in marine parks; and
- Indigenous people and marine park users are partners in managing marine parks.

The objectives of this plan are to provide for:

- a) the protection and conservation of biodiversity and other natural, cultural and heritage values of marine parks in the North-west Network; and
- b) ecologically sustainable use and enjoyment of the natural resources within marine parks in the North-west Network, where this is consistent with objective (a).

### 1.4 MANAGEMENT PLAN OVERVIEW

- This plan is structured into two chapters and five schedules (Table 1.1). Chapter 1 provides an introduction to how Australian Marine Parks are managed, and Chapter 2 provides for the management of the North-west Marine Parks Network (North-west Network).

Several inputs have contributed to the preparation of this plan, including:

- public consultation during the preparation of this plan;
- knowledge and expertise of marine park users and traditional owners;
- the independent *Commonwealth marine reserves review* (publicly released in 2016);
- the best available science and information on marine parks and approaches to marine park management, including insights from management of the South-east Network, the Great Barrier Reef Marine Park, and state and territory marine parks;
- the Integrated Marine and Coastal Regionalisation of Australia (IMCRA) framework;
- the Marine bioregional plan for the North-west Marine Region (2012);
- the North-west marine bioregional plan: bioregional profile (2008); and
- Government policies and commitment to competitive and sustainable fisheries.

## 1.5 LEGISLATION AND POLICY SUPPORTING MARINE PARK MANAGEMENT

The EPBC Act is Australia's primary environmental legislation. In recognition of the importance of the marine environment, it is listed as a matter of national environmental significance under the EPBC Act. Under the Act, the Director is responsible for managing marine parks (supported by Parks Australia), and is required to make management plans for marine parks. Other parts of the Australian Government must not perform functions or exercise powers in relation to these parks that are inconsistent with management plans (s.362 of the EPBC Act).

This plan complements a range of Commonwealth, state and territory laws, as well as international conventions and agreements that relate to protection of the marine environment (Schedule 1). Some of the ways in which the Australian Government protects the marine environment through national environmental law include management plans for Australian Marine Parks; marine bioregional plans for the Commonwealth marine environment; recovery plans for threatened species; and threat abatement plans for key threats, such as invasive species and marine debris.

Other Australian, state and territory government agencies also have statutory roles in managing fisheries, tourism, oil and gas activities, shipping, maritime pollution and biosecurity threats.

In the North-west Network, Australia has international responsibilities under the World Heritage Convention and the Ramsar Convention on Wetlands of International Importance, to manage the Ningaloo Coast World Heritage Property, and the Ashmore Reef Ramsar site. In addition, a Memorandum of Understanding between Australia and Indonesia allows Indonesian fishers to fish traditionally in an agreed area.

**Table 1.1 Structure of this plan**

<i>Chapter 1</i> Introduction	
<b>Part 1</b> Managing Australian Marine Parks	Outlines the context and approach to managing marine parks.
<b>Part 2</b> The North-west Marine Parks Network	Provides a summary of the North-west Network including natural, cultural, heritage, social and economic values, the pressures facing the Network and the management actions to protect values and manage pressures.

<i>Chapter 2</i> <i>Management and prescriptions (the rules)</i>	
<b>Part 3</b> Zoning	Explains the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
<b>Part 4</b> Managing activities	Provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes, and the types of authorisations (permits, class approvals, activity licences and leases).
<b>Glossary</b>	Lists terms and words used in this plan.

<i>Schedules</i> <i>Supporting information</i>	
<b>Schedule 1</b> Summary of legislative and policy contexts	Includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
<b>Schedule 2</b> North-west Network overview and values	Provides a summary of the marine parks as proclaimed, a description of values and a map for each park.
<b>Schedule 3</b> Environmental features used in design of the North-west Network	Describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features, and key ecological features.
<b>Schedule 4</b> North-west Network marine parks and zone boundary descriptions	Lists the coordinates of each marine park and zone.
<b>Schedule 5</b> Supporting information	Lists references used in preparing this plan.

## 1.6 APPROACH TO MANAGING AUSTRALIAN MARINE PARKS

To achieve the best outcomes from Australian Marine Parks, the different uses of parks must be balanced with protecting important habitats and features. This plan outlines the Director's approach to managing Australian Marine Parks. This approach includes:

- **A vision** for Australian Marine Parks and management objectives.
- **Partnerships** with traditional owners, marine park users, stakeholders and governments to manage marine parks.
- **Management programs and actions** to protect the marine environment, improve scientific understanding, support tourism, improve awareness and appreciation of marine parks, work with Indigenous people to manage parks, assess and authorise activities, and ensure people comply with the rules.
- **Zones** that set out what activities can be undertaken where and how.
- **Outcome-based decision-making** where each decision made balances enabling use with the need to protect natural, cultural and heritage values of marine parks.
- **Implementation plans** to support each management plan that set out the specific actions in the foundation phase (years 1–4), consolidation phase (years 5–8), and finalisation and review phase (years 9–10).
- **Adaptive management** including monitoring, evaluation and reporting to keep track of our progress and change our approach when necessary.

## 1.7 WAYS OF WORKING

In managing Australian Marine Parks, the Director will seek to be:

- **Respectful**—of the traditional owners of the sea, marine park users, stakeholders and other government agencies.
- **Collaborative**—seeking to co-design management programs and systems wherever possible, and manage in consultation with marine park users.
- **Balanced**—focused on protecting natural, cultural and heritage values, while facilitating sustainable use and enjoyment of marine parks.
- **Outcomes based**—considering outcomes for natural, social-economic, cultural and heritage values of marine parks when making decisions about activities.
- **Adaptive**—encouraging innovation, accommodating new information about values, pressures and technologies, and allowing for continual improvement in management.
- **Evidence and risk-based**—using information to guide management and decision-making, including evidence gathered through monitoring, research, evaluation and reporting.
- **Proactive**—taking proactive action to protect marine parks from pressures, to minimise damage, and to improve resilience, wherever possible.
- **Efficient and effective**—minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval mechanisms of other government agencies, while enforcing the rules established in this plan.

## 1.8 PARTNERSHIPS

Effective management of Australian Marine Parks will be achieved by working with traditional owners, marine park users and stakeholders, and other government agencies through the following:

### ***Partnerships with government agencies***

The Director will build on existing partnerships with Commonwealth government agencies with critical roles in managing and understanding Australia's marine environment, including the Australian Fisheries Management Authority, Australian Maritime Safety Authority, Defence, Geosciences Australia, Great Barrier Reef Marine Park Authority, Australian Border Force and the National Offshore Petroleum Safety and Environmental Management Authority. The Director will also build on partnerships with the Western Australia fisheries and marine park agencies, and research institutions that provide support to the day-to-day management of the North-west Network, while ensuring a consistent approach to managing marine parks around Australia.

### ***Network advisory committee***

To support collaborative management and achieve the vision for marine parks, the Director intends to establish an advisory committee for the North-west Network. The Director will work closely with the advisory committee and stakeholders to develop and implement management programs and actions for the Network.

The role of the advisory committee will be to support and collaborate with the Director to manage marine parks by:

- helping to develop and deliver implementation plans, including assisting to prioritise management actions and develop performance measures;
- providing information about stakeholder and park user views, knowledge and needs; and
- contributing to the periodic evaluation and review of implementation plans.

Members will represent the broad range of marine park users, interests and knowledge about marine parks and may represent sectors such as commercial fishing, energy, Indigenous people, infrastructure, non-government organisations, recreational fishing, science, tourism, transport and the broader community. Membership and terms of reference for the committee will be developed in consultation with stakeholders as soon as practicable after the commencement of this plan.

### ***Partnerships with traditional owners and Indigenous people***

In implementing this plan, the Director acknowledges the national and international rights and cultural interests of Indigenous people and the deep understanding and experience that Indigenous people can contribute to the management of Australian Marine Parks. This includes international rights as detailed in the United Nations Declaration on the Rights of Indigenous People. The Director also acknowledges that Indigenous people have been sustainably using and managing their sea country, including areas now in marine parks, since time immemorial.

The Director is committed to working with Indigenous people to manage sea country within marine parks and will achieve this through the Indigenous engagement program (Section 2.5). This includes building partnerships with traditional owners and Indigenous people with responsibilities for sea country.

The Director also acknowledges that traditional owners are the primary source of information on the value of their heritage. For this reason, the Director will seek the active participation of Indigenous people in the identification and management of cultural values in marine parks.

To inform our approach to managing marine parks, the Director has worked with representatives from land councils, native title representative bodies and Indigenous ranger groups to develop a set of collaborative management principles (Table 1.2) to support Indigenous involvement in the management of Australian Marine Parks. These principles will inform the approach to implementing this plan, as well as the development and implementation of actions in each marine park (Part 2).



**Table 1.2 Principles supporting Indigenous people to engage in management of Australian Marine Parks**

***Principle 1:***

It is recognised that Indigenous people have been sustainably using and managing their sea country, including areas now included within Australian Marine Parks, for thousands of years—in some cases since before rising sea levels created these marine environments.

***Principle 2:***

Management of Australian Marine Parks should be undertaken on the basis that native title exists in sea country within Commonwealth waters.

***Principle 3:***

Indigenous people should be engaged in planning and managing Australian Marine Parks on the basis of their nationally and internationally recognised rights and cultural interests, not as a 'stakeholder' group.

***Principle 4:***

Maximise opportunities for Indigenous people to enjoy the management and use of their sea country.

***Principle 5:***

Maximise opportunities for the development of Indigenous livelihoods, consistent with national 'closing the gap' commitments.

***Principle 6:***

Governance and management activities within Australian Marine Parks should respect and complement local Indigenous governance arrangements, plans, capacities and activities.

***Principle 7:***

Indigenous engagement in managing Australian Marine Parks should be undertaken through good faith negotiations, seeking to build on the common ground that exists between Indigenous people and the Australian Government to protect and sustainably use Australia's sea country environments and resources.

***Principle 8:***

Third party investment in management activities in Australian Marine Parks (e.g. through environmental offset investments) should include support for Indigenous people's interests, capacity-building and development of livelihoods, consistent with all other principles outlined above; such third party investments must not impact on native title compensation negotiations or on the right to compensation.

## 1.9 MANAGEMENT PROGRAMS AND ACTIONS

The Director will implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks. Management programs and actions may be adapted over the life of this plan, and include:

- **Communication, education and awareness**—actions that improve awareness, understanding and support for marine parks and park management.
- **Tourism and visitor experience**—actions that provide for and promote a range of environmentally appropriate, high quality, recreation and tourism experiences and contribute to Australia’s visitor economy.
- **Indigenous engagement**—actions that recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.
- **Marine science**—actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.
- **Assessments and authorisations**—actions that provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to support sustainable use and protection of marine park values.
- **Park protection and management**—timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.
- **Compliance**—actions that ensure appropriate and high levels of compliance by marine parks users with the rules set out in this plan.

The specific actions that will be undertaken in each marine park will be determined in partnership with stakeholders and set out in implementation plans.

## 1.10 ZONES

Zoning and related rules for managing activities are important tools for managing marine parks to ensure protection of marine habitats and species while enabling use. Parts 3 and 4 of this plan set out the zones and rules for activities in the North-west Network.

In determining the zones and rules, the Director has considered the best available science, the advice of stakeholders, Indigenous people and the general public, the goals and principles of the NRSMPA and the Australian IUCN reserve management principles (Schedule 1). Zones established by this plan (Part 3) in marine parks in the North-west Network are summarised in Table 1.3.

**Table 1.3 Summary of zones in the North-west Network**

<p><b>Special Purpose Zone (IUCN category VI)</b>—managed to allow specific activities though special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.</p>
<p><b>Multiple Use Zone (IUCN category VI)</b>—managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.</p>
<p><b>Habitat Protection Zone (IUCN category IV)</b>—managed to allow activities that do not harm or cause destruction to seafloor habitats, while conserving ecosystems, habitats and native species in as natural a state as possible.</p>
<p><b>Recreational Use Zone (IUCN category IV)</b>—managed to allow recreational use, while conserving ecosystems, habitats and native species in as natural a state as possible. The zone allows for recreational fishing, but not commercial fishing.</p>
<p><b>National Park Zone (IUCN category II)</b>—managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities unless authorised for research and monitoring.</p>
<p><b>Sanctuary Zone (IUCN category Ia)</b>—managed to conserve ecosystems, habitats and native species in as natural and undisturbed a state as possible. The zone allows only authorised scientific research and monitoring.</p>

## 1.11 IMPLEMENTATION PLANS

The Director will work closely with stakeholders and the advisory committee to develop detailed implementation plans. Three stages of implementation plans will be developed to set out the management actions that will occur in the North-west Network and identify performance indicators.

- **Implementation plan 1**—Foundation (years 1–4). To be developed in the first year and include foundational management actions and development of robust natural, social and economic baselines.
- **Implementation plan 2**—Consolidation (years 5–8). To be developed following a review of the first implementation plan, and considering lessons learnt. To continue any ongoing foundational management actions.
- **Implementation plan 3**—Finalisation and review (years 9–10). To set out arrangements to review the lessons learnt from implementing this management plan over the first eight years, and to inform the development of the next management plan for the North-west Network.

## 1.12 ADAPTIVE MANAGEMENT

Regular monitoring, evaluation, reporting and review of the implementation of this management plan will be essential to achieve the vision for Australian Marine Parks and the objectives for this plan. The Director will undertake periodic monitoring, evaluation, review and reporting on the implementation of this plan to:

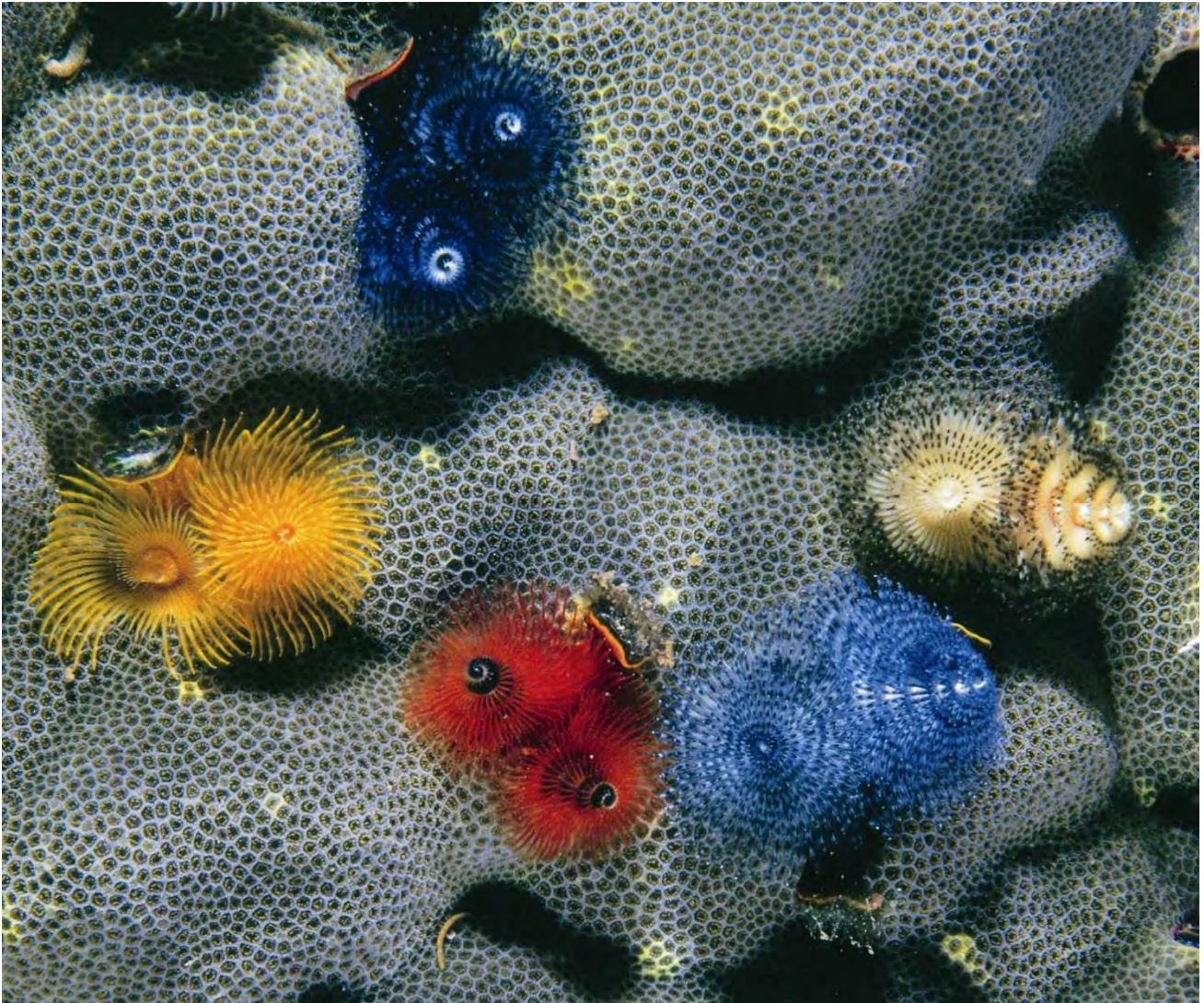
- evaluate the effectiveness of this plan in achieving its objectives;
- track progress in meeting performance indicators identified in implementation plans;
- review the effectiveness of zoning and other management arrangements to protect and conserve marine park values;

- identify changes in management context and priorities;
- consider the adequacy of knowledge of marine park values, uses, pressures, social and economic benefits and impacts;
- consider the effectiveness of monitoring and evaluation, and the appropriateness of key indicators and performance measures;
- identify and prioritise future management actions;
- provide information to enable adaptive management; and
- inform the development of a new management plan for the North-west Network at the conclusion of this plan.



## Part 2. THE NORTH-WEST MARINE PARKS NETWORK

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Christmas tree worms (Parks Australia)

## 2.1 THE NORTH-WEST MARINE REGION

The North-west Marine Region (region) extends from the Western Australia–Northern Territory border to Kalbarri, south of Shark Bay. The region covers approximately 1.07 million km<sup>2</sup> of sub-tropical and tropical waters of the Indian Ocean and Timor Sea (Figure 2.1).

Traditional owners have managed and used sea country within the region for tens of thousands of years. They use and actively manage the coastal and marine environments of the region as a resource and to maintain cultural identity, health and wellbeing. Fishing, hunting and the maintenance of culture and heritage through ritual, stories and traditional knowledge continue as important uses of nearshore and adjacent areas.

The region is popular for activities such as fishing, snorkelling, diving and boating. Tourism operators offer unique experiences for visitors to enjoy the offshore reefs, islands, cays and deep-water environments. Some of the tourism drawcards in the region include diving at Mermaid Reef, wildlife watching at Ningaloo Reef, and birdwatching at Ashmore Reef.

There are significant industries in the region, including commercial fishing, mining and shipping that contribute to economic growth, employment and social wellbeing in adjacent towns and communities. Activities and businesses that support these industries such as marine industry suppliers and repair yards are also important sources of employment for coastal communities.

The marine environment of the region is characterised by shallow-water tropical marine ecosystems, a large area of continental shelf (including the narrowest part of continental shelf on Australia's coastal margin) and continental slope, with two areas of abyssal plain with depths to 6000 m. Habitats include coral reefs, soft sediments, canyons and limestone pavements. The region is subject to extreme tidal regimes and a high incidence of cyclones. It is influenced by a complex system of ocean currents that change seasonally and between years, generally resulting in surface waters that are warm, nutrient-poor and of low salinity. The southern part of the region transitions between tropical and temperate waters.

The region has high species diversity and globally significant populations of internationally threatened species. A small number of species are found nowhere else but most of the region's species are tropical and found in other parts of the Indian Ocean and the western Pacific Ocean. The region supports biologically important areas for a range of spectacular and unique species—seabirds, sharks, whales, dolphins, marine turtles and dugong (*Dugong dugon*). For example, the iconic whale shark (*Rhincodon typus*) aggregates at Ningaloo, and every year, humpback whales (*Megaptera novaeangliae*) migrate through the region to and from their breeding grounds off the Kimberley coast.

Further information about the region can be found in the *Marine bioregional plan for the North-west Marine Region* (2012) and the *North-west marine bioregional plan: bioregional profile* (2008) (available on the Department's website), and the marine park values in Section 2.3 (Values of the North-west Network) and Schedule 2 of this plan.



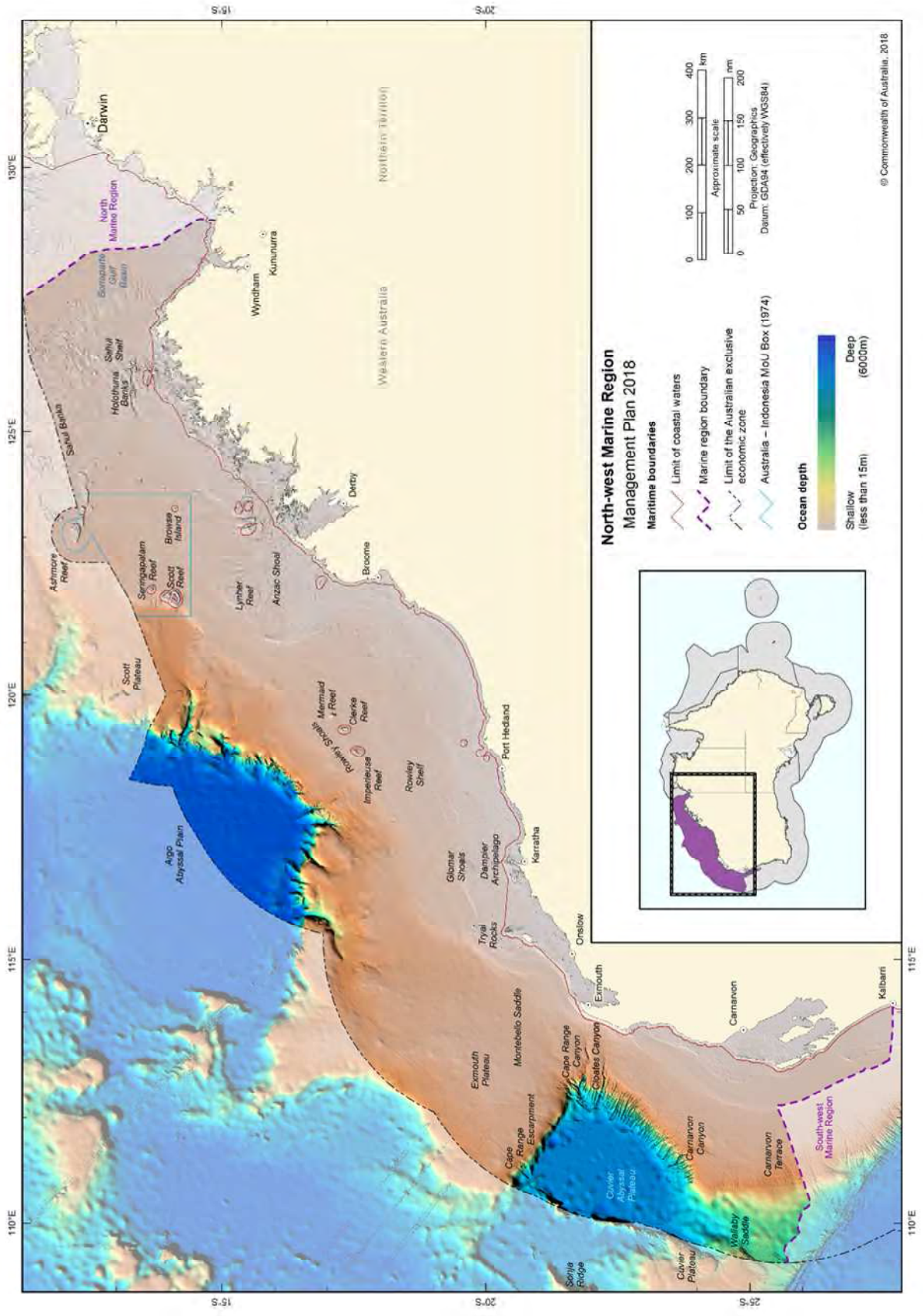


Figure 2.1 North-west Marine Region

## 2.2 THE NORTH-WEST MARINE PARKS NETWORK

The North-west Network (Figure 2.2) covers 335,341 km<sup>2</sup> and includes 13 marine parks. An overview of the marine parks and their values is provided in Schedule 2.

The North-west Network comprises the following marine parks:

- Shark Bay Marine Park
- Carnarvon Canyon Marine Park
- Ningaloo Marine Park
- Gascoyne Marine Park
- Montebello Marine Park
- Dampier Marine Park
- Eighty Mile Beach Marine Park
- Roebuck Marine Park
- Mermaid Reef Marine Park
- Argo–Rowley Terrace Marine Park
- Kimberley Marine Park
- Ashmore Reef Marine Park
- Cartier Island Marine Park

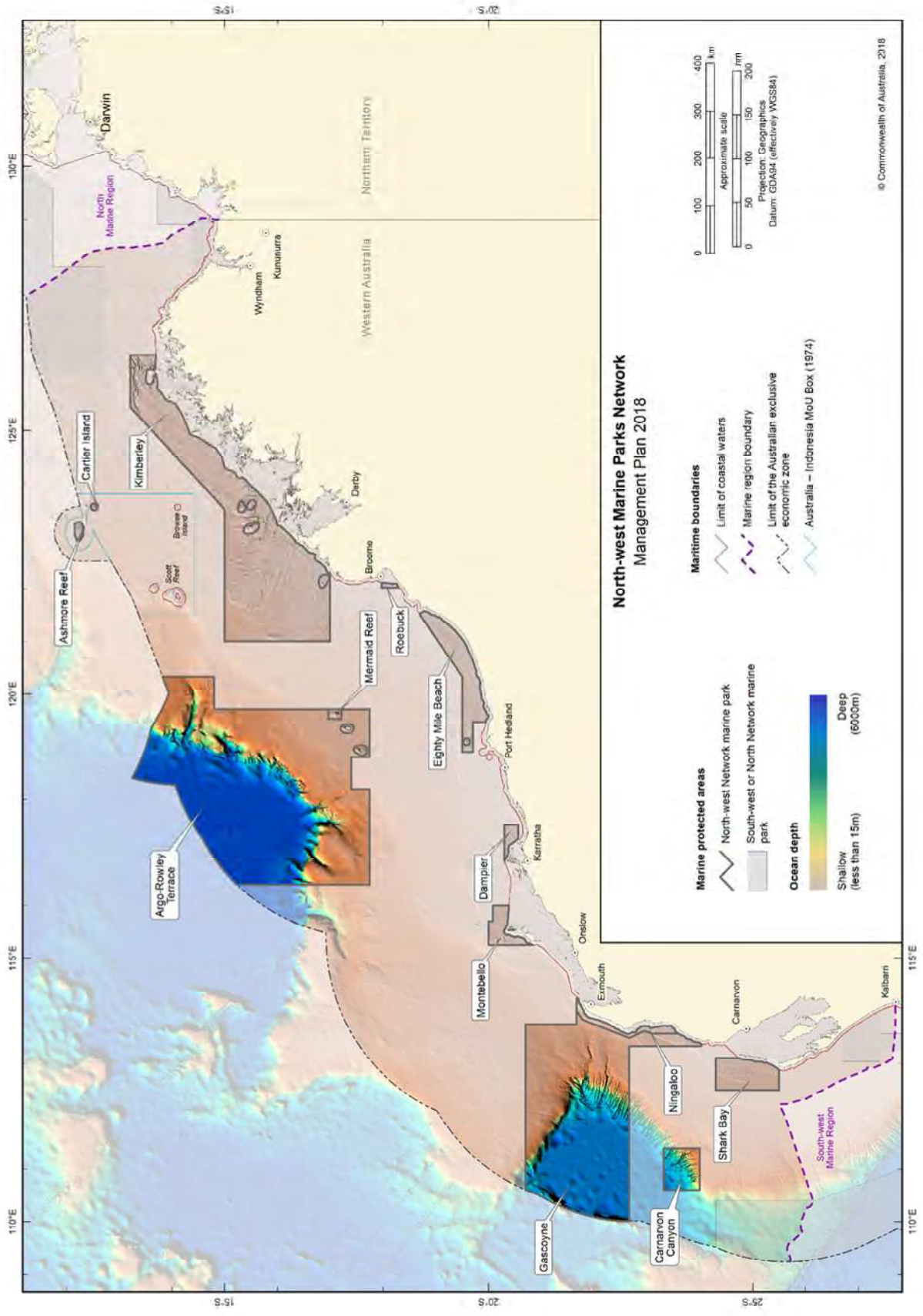


Figure 2.2 North-west Marine Parks Network

## 2.3 VALUES OF THE NORTH-WEST NETWORK

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

A summary of the values of the North-west Network is provided in Table 2.1. The values of individual marine parks are set out in Schedule 2. As outlined in Part 1, in managing marine parks, the Director will need to make decisions about what can occur in the marine parks and what actions to take to manage them. This will involve the Director making decisions that carefully balance the need to protect natural, cultural, heritage and socio-economic values of marine parks, with enabling use and managing pressures.

In making these decisions, the Director will carefully consider the impacts and risks to natural, cultural, heritage or socio-economic values for the relevant marine park/s. The Director will also consider any positive impacts associated with allowing an activity, such as socio-economic or cultural benefits, and ensure activities are undertaken in a manner that minimises negative impacts.

For some marine parks, such as the Ashmore Reef Marine Park, there is a relatively strong understanding of park values. Where there is less information, environmental features are used as indicators for the types of species and habitats likely to occur. These include bioregions, water depth, seafloor features, and key ecological features (Schedule 3).

As understanding of marine park values improves over the life of this plan, the Director will make new information about values available on the Parks Australia website. Other important sources of information on values (also on the Department's website) include:

- Species profile and threats database for protected species;
- Directory of important wetlands in Australia;
- Australian heritage database for natural, historic and Indigenous heritage places;
- Australian national shipwreck database for known shipwrecks;
- National Conservation Values Atlas;
- *Marine bioregional plan for the North-west Marine Region* (2012); and
- *North-west marine bioregional plan: bioregional profile* (2008).



**Table 2.1 Summary of values in the North-west Network**

Statement of significance
<p>The North-west Network was designed to protect representative examples of the region's ecosystems and biodiversity in accordance with the <i>Goals and principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters</i> (ANZECC, 1998).</p>
Natural values
<p>Bioregions—the North-west Marine Region is divided into areas of ocean grouped by broadly similar characteristics based on the distribution of marine species and seafloor features (bioregions). The Network represents examples of the region's marine environments including ecosystems, species and habitats. There are eight bioregions represented in the North-west Network (Schedule 2).</p> <p>Key ecological features—elements of the marine environment considered to be of importance for biodiversity or ecosystem function and integrity, represented in the Network are:</p> <ul style="list-style-type: none"> <li>• Ashmore Reef and Cartier Island and surrounding Commonwealth waters</li> <li>• Continental slope demersal fish communities</li> <li>• Canyons linking the Argo Abyssal Plain with the Scott Plateau</li> <li>• The ancient coastline at the 125-m depth contour</li> <li>• Mermaid Reef and the Commonwealth waters surrounding the Rowley Shoals</li> <li>• Exmouth Plateau</li> <li>• Canyons linking the Cuvier Abyssal Plain with the Cape Range Peninsula</li> <li>• Commonwealth waters adjacent to Ningaloo Reef.</li> </ul> <p>Species and habitats—all species and habitats are important components of the ecosystems represented in the North-west Network. Many species are protected under the EPBC Act and international agreements such as the Convention on the Conservation of Migratory Species (CMS or Bonn Convention), the Japan–Australia Migratory Bird Agreement (JAMBA), the China–Australia Migratory Bird Agreement (CAMBA), and the Republic of Korea–Australia Migratory Bird Agreement (ROKAMBA). Further information on these agreements is in Schedule 1.</p> <p>The North-west Network supports important habitats, including biologically important areas, for a range of protected species. Biologically important areas are where aggregations of individuals of a protected species breed, forage and rest during migration. More information on protected species and biologically important areas can be found in the <i>Marine bioregional plan for the North-west Marine Region</i> (2012) and the conservation values atlas on the Department's website.</p> <p><i>Ashmore Reef Ramsar site</i></p> <p>The Ashmore Reef Ramsar site is located within the boundary of the Ashmore Reef Marine Park. The site was listed under the Ramsar Convention in 2002 and is a wetland of international importance under the EPBC Act. The site includes the largest of the atolls in the region, and West Island, Middle Island and East Island represent the only vegetated islands in the region. The site supports internationally significant populations of seabirds and shorebirds, is important for turtles (green, hawksbill and loggerhead) and dugong, and has the highest diversity of hermatypic (reef-building) corals on the West Australian coast.</p>

## Cultural values

Aboriginal people of north-western Australia have been sustainably using and managing their sea country for tens of thousands of years, in some cases since before rising sea levels created these marine environments. Sea country refers to the areas of the sea that Aboriginal people are particularly affiliated with through their traditional lore and customs. Sea country is valued for Indigenous cultural identity, health and wellbeing.

Aboriginal people continue to assert inherited rights and responsibilities over sea country within the North-west Network. It is recognised that spiritual corridors extend from terrestrial areas into nearshore and offshore waters, a number of marine animals are totems for Indigenous people, and that songlines pass through marine parks.

Three native title determinations have been made over sea country within the Kimberley Marine Park. These determinations recognise in law that native title exists over sea country and preserve continuing rights to access sea country to hunt, fish, gather and use the resources of the waters for personal, domestic, communal, cultural and spiritual needs. Figure 2.3 shows the Indigenous Protected Areas established in or near the North-west Network.

Traditional Indonesian fishers have also visited and used the northern coast of Australia and its islands and reefs since at least the early eighteenth century. Evidence of this, for example grave sites, is found within the Ashmore Reef Marine Park.

## Heritage values

### **Protected places (world, national and Commonwealth heritage, historic shipwrecks)**

The EPBC Act protects matters of national environmental significance that are classified as protected places, including world heritage properties and national heritage places. Places on the Commonwealth Heritage List or shipwrecks listed under the *Historic Shipwrecks Act 1976* are also protected places.

Historic shipwrecks are a unique historic value and the region is an area of considerable importance in Australia's maritime history. Many of these vessels were lost in the cyclones that proved devastating to fleets working the pearling grounds. The North-west Network includes Australia's earliest historic shipwreck, the British East Indiaman *Trial*, wrecked in 1622, and many other famous shipwrecks. More information on located wrecks and shipwrecks historically reported as lost can be found in the Australian national shipwrecks database.

The North-west Network includes, or is adjacent to, the following internationally listed places:

#### *The Ningaloo Coast World Heritage Property*

An area of the Ningaloo Coast World Heritage Property is included in the Ningaloo Marine Park. The property was inscribed on the World Heritage List by the World Heritage Committee in 2011 on the basis of its outstanding universal value. It includes high marine species diversity and abundance; in particular, Ningaloo Reef supports both tropical and temperate marine reptiles and mammals.

#### *Shark Bay, Western Australia World Heritage Property*

The Western Australia World Heritage Property Shark Bay is adjacent to the Shark Bay Marine Park. The property was inscribed on the World Heritage List by the World Heritage Committee in 1991 on the basis of its outstanding universal value. It includes large and diverse seagrass beds, stromatolites and populations of dugong and threatened species.



## Social and economic values

The North-west Network supports a range of important social and economic uses that underpin the prosperity and wellbeing of regional communities.

Shipping, port-related activities, commercial fishing, pearling and aquaculture are industries of national economic significance. The Network also provides some opportunity for offshore mining operations.

Marine tourism such as charter fishing, snorkelling, diving and wildlife watching, are also important commercial activities that offer unique visitor experiences on reefs, islands and cays, and in deep-water environments, particularly around Mermaid Reef and Ningaloo Marine Parks. The Network also supports a range of recreational activities including fishing.

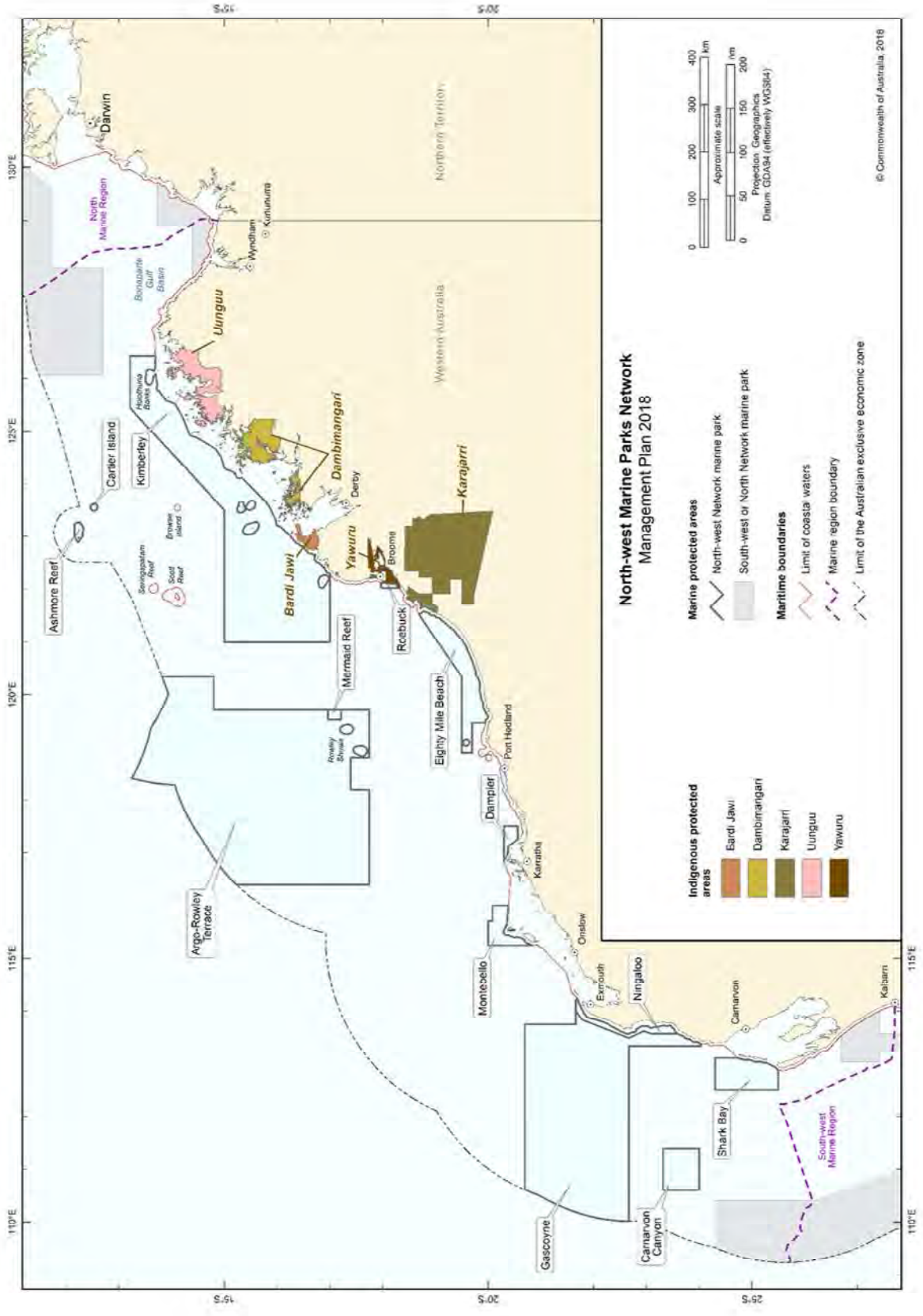


Figure 2.3 Indigenous Protected Areas established in or near the North-west Network

## 2.4 PRESSURES IN THE NORTH-WEST NETWORK

Pressures are human-driven processes, events and activities that if left unchecked, may impact marine park values. Contemporary drivers of environmental change in the marine environment include population growth, economic activity and related pressures such as increased vessel activity, marine debris, climate extremes and ocean warming. Figure 2.4 shows the types of uses occurring across the North-west Network. These present challenges for biodiversity conservation and sustainable management of our marine resources.

Australia's 2016 *State of the environment report* reviewed pressures on Australia's marine environment and determined that they were low by global standards. However, given that more than 85 per cent of Australians live within 50 km of the sea, and with Australia's population of approximately 24.4 million projected to grow to 39.7 million by 2055, pressures on the marine environment are likely to increase.

Although pressures on marine ecosystems and biodiversity in the North-west Network may change over time, examples of pressures in the Network are outlined in Table 2.2. Research in the Great Barrier Reef Marine Park and elsewhere in the world has demonstrated that effective management of marine parks, helps to maintain the resilience of marine ecosystems and their ability to withstand and recover from such pressures.

In determining the management actions to be taken in the North-west Network and in making decisions about the activities that will be allowed to occur within marine parks, the Director will carefully consider how the values outlined in Section 2.3 and in Schedule 2 will be impacted by these pressures now and in the future.

Pressures such the extraction of living resources by fishing, and habitat modification through installation of infrastructure and anchoring will be managed in part through the zones and rules set out in Parts 3 and 4 of this plan.

**Table 2.2 Summary of pressures in the North-west Network**

<b>Climate change</b>
The impacts of climate change on the marine environment are complex and may include changes in sea temperature, sea level, ocean acidification, sea currents, increased storm frequency and intensity, species range extensions or local extinctions, all of which have the potential to impact on marine park values. The International Panel on Climate Change recognises climate change as a major contributor to Australian marine ecosystem changes since 2007. Examples of habitat, key ecological features, and species vulnerable to the effects of climate change include Ashmore Reef and Cartier Island and surrounding Commonwealth waters, continental slope demersal fish communities, and species of sea snake, sawfish, shark, dolphin, seabird, marine turtle and dugong.
<b>Changes in hydrology</b>
Rivers, estuaries and other waterways have the potential to discharge increased sediment loads and pollutants into the marine environment from activities such as coastal development and agriculture. This can result in increased turbidity and siltation, impacting on species that inhabit or spawn in coastal, estuary and offshore waters. Examples of habitat and species vulnerable to changes in hydrology include reef and seagrass habitats and species of sawfish, dolphin and dugong.
<b>Extraction of living resources</b>
Australia's world class fisheries management, led by Commonwealth, state and territory governments is important for ensuring sustainable fishing practices. Fishing, including illegal, unregulated and unreported fishing (including illegal foreign fishing), can modify natural populations of target species. Bycatch of non-target species and/or physical disturbance to habitats can result from certain fishing methods, and may therefore potentially impact marine park values. Examples of habitat, key ecological features, and species

vulnerable to such impacts include reef and shoal habitats and species of shark, sawfish, dolphin, marine turtle, sea snake, sea cucumber, trochus, fish and dugong.

### Habitat modification

Commonwealth, state and territory governments play an important role in managing activities in the marine environment. For example, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) works with the mining industry to ensure their environment plans address environmental management issues. Impacts on habitat in marine parks can occur directly through physical disturbance or indirectly through the presence of infrastructure. For example, benthic communities are vulnerable to the discharge of sediments which can result in localised smothering of benthic biota and or reduction in the quality and quantity of light received at the seabed. In addition, modification of natural light through the installation of lighting associated with infrastructure can cause changes in animal behaviour. Examples of habitats and species vulnerable to habitat modification pressures include reef, shoal and pinnacle habitats and species of fish, sea snake, marine turtle, dolphin and dugong.

### Human presence

Activities such as wildlife watching are a drawcard for people visiting marine parks. While enjoying the wildlife experience, it is important to be aware of the potential impacts of human presence on the natural behaviour of wildlife. Activities such as boating, camping, diving and snorkelling have the potential to impact marine park values directly through contact from collision or indirectly through changes in behaviour from disturbance. These activities may result in changes to wildlife behaviour such as nesting, breeding, feeding or resting, or may damage fragile marine environments e.g. reefs. Examples of habitats and species vulnerable to human disturbance include reef habitats and species of dolphin, marine turtle and seabird.

### Invasive species

Invasive species have the potential to impact on marine park values directly and indirectly. Potential sources of invasive species include vessel ballast and bilge water discharge, vessel biofouling, accidental or deliberate transport of species and land-based activities. Island, reef and other shallow-water ecosystems and native species are vulnerable to invasive species from direct impacts such as predation or damage to important habitat, e.g. nesting habitat, or indirect impacts such as competition with native species for habitat and food. Examples of habitat, key ecological features and species vulnerable to the impacts of invasive species include reef and island habitats, and nesting seabird and marine turtle such as those at Ashmore Reef Marine Park, and the predation threat posed by the tropical fire ant (*Solenopsis geminata*).

### Marine pollution

Marine and land-based activities have the potential to result in marine pollution which may impact marine park values. Pollution includes the emission of noise or light, marine debris (for example, plastics and lost fishing gear), and discharge of oil, chemicals or waste. Pollution can be detrimental to marine life, causing contamination of ecosystems, entanglement, or can be ingested by marine species. Examples of habitat, key ecological features, and species vulnerable to marine pollution include island, reef, and other shallow-water habitats, Ashmore Reef and Cartier Island and surrounding Commonwealth waters and species of sawfish, dolphin, whale, dugong, marine turtle and seabird.

Further information on pressures in the region is provided in the *Marine bioregional plan for the North-west Marine Region* (2012).

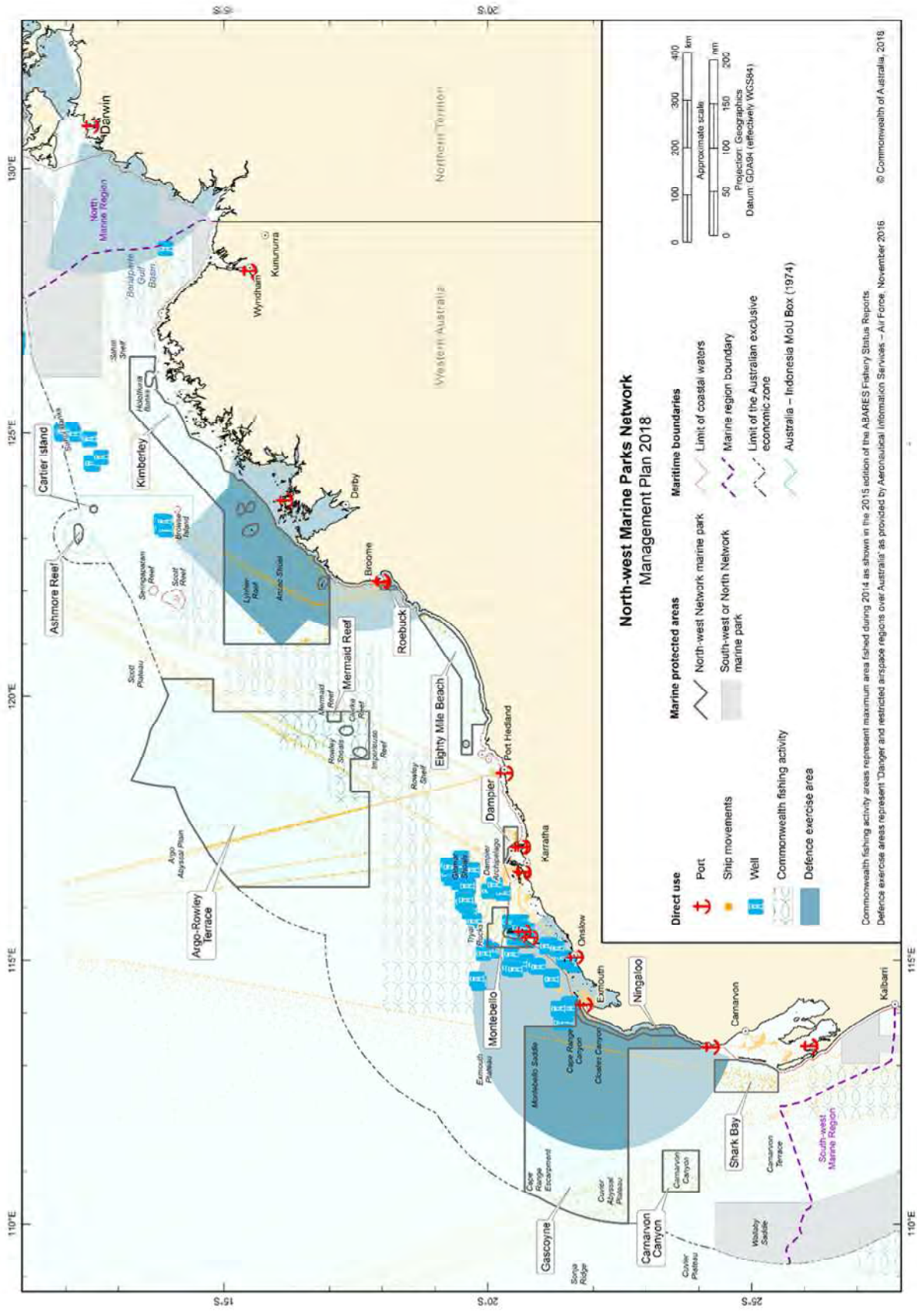


Figure 2.4 Direct use in the North-west Network



## 2.5 MANAGEMENT PROGRAMS AND ACTIONS IN THE NORTH-WEST NETWORK

As outlined in Part 1, the Director will proactively implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks.

These management programs and actions will be implemented on a national scale across all Australian Marine Parks. In addition, specific actions will be undertaken in the North-west Network. Table 2.3 outlines the management programs and actions likely to be undertaken in the North-west Network. These programs and actions may change during the life of this plan as new information and approaches become available. Additional actions will be developed in partnership with stakeholders and Indigenous people through a network advisory committee and in implementation plans.

**Table 2.3 Management programs, outcomes and actions in the North-west Network**

<p><b>Communication, education and awareness program</b></p> <p>Actions to improve awareness, understanding and support for marine parks and park management.</p>
<p><b>Outcome</b></p> <ul style="list-style-type: none"> <li>• Increased awareness, understanding and support for marine parks.</li> </ul> <p><b>Actions—the Director will</b></p> <p><i>under a national program:</i></p> <ul style="list-style-type: none"> <li>• develop a marketing and communication strategy for Australian Marine Parks to raise awareness and understanding of marine park values and the contribution marine parks make to enhancing Australia’s wellbeing,</li> <li>• develop online information resources to facilitate awareness of marine park values, management arrangements and visitor opportunities,</li> <li>• maximise the use of new technologies and partnerships (including with schools, universities, museums and non-government organisations) to inspire people of all ages to become involved in marine park management and protection,</li> <li>• establish network advisory committees to ensure users and interested stakeholders have on-going input to the management of Australian Marine Parks, and</li> <li>• develop a customer focussed approach to tracking the aspirations and concerns of stakeholders in relation to marine parks.</li> </ul> <p><i>in the North-west Network:</i></p> <ul style="list-style-type: none"> <li>• develop information on marine parks in the Network to encourage increased awareness and understanding of their values and management arrangements. For example, an Ashmore Reef Marine Park visitor guide,</li> <li>• provide infrastructure in and adjacent to the Network, such as signs and marker buoys, to increase understanding of marine park values and rules, particularly at sites that are regularly visited, and</li> <li>• establish a North-west Network advisory committee to support and collaborate with the Director in management.</li> </ul>



## Tourism and visitor experience program

Actions to provide for and promote a range of environmentally appropriate, high quality recreation and tourism experiences and contribute to Australia's visitor economy.

### Outcomes

- High-quality visitor experiences that are appealing, engaging and raise awareness of the natural and cultural values of marine parks.
- Increased visitation to marine parks.
- Social and economic benefits from the contribution of marine parks to Australia's visitor economy.

### Actions—the Director will

*under a national program:*

- develop a sustainable tourism and visitor experience strategy for Australian Marine Parks,
- work with national, state and local tourism authorities and operators to maximise the value of sustainable ecotourism opportunities associated with marine parks,
- develop a commercial tourism authorisation system to encourage best-practice and eco-accredited businesses operating in Australian Marine Parks,
- work with Tourism Australia, state and regional tourism and fisheries management authorities and the fishing industry to market and promote Australian Marine Parks, including opportunities to promote locally caught and sustainably caught seafood,
- monitor visitor trends and levels of satisfaction with marine park experiences and products,
- promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners, and
- work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

*in the North-west Network:*

- promote visitor experiences that foster curiosity and appreciation of natural and heritage values in the Network, for example whale shark watching at Ningaloo Marine Park, diving at Mermaid Reef Marine Park, and bird watching at Ashmore Reef Marine Park,
- work with other Commonwealth and state government agencies, and the tourism industry to support tourism initiatives, events and attractions that promote visitor experiences in marine parks, and
- facilitate partnerships between Indigenous people and tourism operators, and support the application of the Uunguu Visitor Management pass system for the native title determination area.

## Indigenous engagement program

Actions to recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.

### Outcomes

- Social, cultural and economic benefits for traditional owners.
- Partnerships with traditional owners and Indigenous groups to manage sea country in marine parks.

### Actions—the Director will

*under a national program:*

- develop an Australian Marine Parks Indigenous engagement and cultural heritage strategy, to improve understanding of cultural heritage, link management with sea country plans and maximise employment and enterprise opportunities for traditional owners,
- develop agreements to support Indigenous ranger programs to deliver management in marine parks, and
- provide information to Indigenous people about marine park management.

*in the North-west Network:*

- collaborate with traditional owners, Indigenous ranger groups and relevant partners to undertake marine park management such as surveillance, monitoring and threat mitigation including marine debris removal, and implement actions identified in sea country plans where applicable,
- identify opportunities and mechanisms to engage traditional owners and Indigenous rangers in the management of marine parks,
- increase understanding of traditional knowledge, map cultural values and manage culturally significant sites,
- implement cultural awareness training for Parks Australia staff in association with traditional owners, and
- establish research protocols in association with traditional owners, like those in the Collaborative Science on Kimberley Saltwater Country - A Guide for Researchers.

## Marine science program

Actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.

### Outcomes

- Increase understanding of marine park values, pressures and adequacy of responses.
- Improve understanding of the effectiveness of marine park management in protecting park values.
- Informed decision-making and improved evidence-based decisions.

### Actions—the Director will

*under a national program:*

- establish ecological, social and economic baselines to support evidence-based decision-making and adaptive management,
- develop an Australian Marine Parks science strategy to prioritise and encourage research and monitoring of park values, pressures and management effectiveness, and foster science communication and knowledge uptake,
- encourage and facilitate knowledge brokering to support collaboration and partnerships with the science community, private enterprise, citizen science organisations and other Commonwealth, state and territory agencies,
- establish an authorisation system for scientific research and monitoring by third parties, and encourage data to be made publicly available through appropriate information portals such as the Australian Ocean Data Network,
- collaborate with the science community (including through the National Marine Science Committee and the National Environmental Science Program) and other marine park users to assist in improving the understanding of marine park values, pressures and management effectiveness, and
- collaborate with the science community and other government agencies to increase the use of innovative and effective technology and systems including sensor technology.

*in the North-west Network:*

- monitor social and economic uses and their benefits and impacts on marine parks in the Network,
- monitor the condition of important habitats such as reef systems at Ningaloo, Mermaid, Kimberley, Ashmore and Cartier Marine Parks, and their vulnerability to climate change,
- monitor the impact of invasive species on marine park values and the effectiveness of management. For example, tropical fire ant impacts on seabirds and turtles at Ashmore Reef Marine Park, and the effectiveness of management such as baiting,
- collaborate with other Commonwealth and state government agencies, marine park users and the science sector to support long-term monitoring. For example monitoring of coral reefs, protected species and the effects of fishing on marine parks, and
- investigate opportunities to extend citizen science programs.

## Assessments and authorisations program

Actions to provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to enable sustainable use and protection of marine park values.

### Outcome

- Assessments and authorisations ensure ongoing protection of marine park values through the management of activities in marine parks.

### Actions—the Director will

*under a national program:*

- develop and apply best-practice approaches to regulation and decision-making in the authorisation of activities within marine parks. This includes developing policy to ensure assessment and authorisation requirements are clearly articulated and that decision making is robust, consistently applied, and transparent to all marine park users,
- collaborate with industry to investigate innovative technologies and systems (including vessel monitoring systems) that can assist businesses and individuals to comply with regulatory requirements,
- develop an effective and efficient process to assess new technologies and gear types to allow for the use of new equipment during the life of this plan if appropriate,
- develop a guarantee of service for the regulated community that includes a commitment to work with key marine park users and interest groups whose interests are likely to be affected by regulatory decisions, and
- develop a customer focused online authorisation system for marine park users that includes publishing authorisations issued by Parks Australia on its website.

*in the North-west Network:*

- issue authorisations—a permit, class approval, activity licence or lease—for activities in marine parks assessed as acceptable either by the Director or another government or industry policy, plan or program accepted by the Director, and
- work with other Commonwealth and state government agencies to improve experiences and consistency of approaches for people seeking authorisations.

## Park protection and management program

Timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.

### Outcome

- Impact of pressures on marine park values are minimised as far as reasonably practicable.

### Actions—the Director will

*under a national program:*

- apply a risk-based assessment process to prioritise park protection and management actions,
- develop an Australian Marine Parks critical incident strategy in collaboration with the Australian Maritime Safety Authority and other responsible agencies, to respond to critical incidents,
- develop a mooring and anchoring strategy to protect marine park values and improve visitor experience,
- support the removal of marine debris and ghost nets from marine parks through partnerships with Commonwealth, state and territory government agencies and other organisations involved in the management of marine debris, and
- contribute to actions, where appropriate, that support Australia's obligations under international agreements and national environmental law. This includes the World Heritage Convention, Ramsar Convention, recovery plans, wildlife conservation plans and threat abatement plans.

*in the North-west Network:*

- enable infrastructure such as moorings to protect habitats and enhance visitor safety,
- collaborate with and support other agencies that undertake invasive and protected species management and marine debris removal. For example, this may include biosecurity assessments, research, or removal of ghost nets,
- work with other Commonwealth and state government agencies to respond to environmental incidents and accidents, and
- collaborate with traditional owners and Indigenous ranger groups to undertake management actions.

## Compliance program

Actions to support appropriate and high level compliance by marine park users with the rules set out in this plan.

### Outcomes

- Improved user awareness of marine park rules.
- Increased levels of voluntary compliance and self-regulation by marine park users.
- High overall levels of compliance with the rules by marine park users.
- A decrease in the number of non-compliances.

### Actions—the Director will

*under a national program:*

- apply a risk-based approach to compliance planning, targeted enforcement and compliance auditing,
- collaborate with Australian, state and territory government agencies by sharing assets and information,
- investigate the use of new technologies and warning systems to assist in the detection of potential illegal activities, and
- work with marine park users to promote understanding of the rules for activities and how to comply.

*in the North-west Network:*

- work with other Commonwealth and state government agencies, particularly where parks adjoin state marine parks, in compliance planning, including implementing actions to deter illegal activities and encourage voluntary compliance, and
- collaborate with Commonwealth and state government agencies in surveillance, including water and aerial patrols.



## CHAPTER 2

### MANAGEMENT AND PRESCRIPTIONS

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Moray eel (Michelle Glover)

## Part 3. ZONING

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Nautilus- Ashmore Reef (Parks Australia)

### 3.1 ZONE CATEGORIES, NAMES AND OBJECTIVES

The EPBC Act requires this plan to assign an IUCN category to each marine park. The Act also allows this plan to divide a marine park into zones and to assign a category to each zone, which may differ from the overall category of the marine park. Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each category (Schedule 1).

This Part assigns an IUCN category to each marine park of the North-west Network, divides some marine parks into zones with their own category and sets out the objectives for each zone (Table 3.1). Zoning takes into account the purposes for which the marine parks were declared, the objectives of this plan (Section 1.4), the values of the marine park (Schedule 2), and the requirements of the EPBC Act and EPBC Regulations. Figure 3.1 and maps in Schedule 2 show the zones assigned to the North-west Network, Schedule 4 describes the zones assigned, and the management approach applied to activities within these zones is provided in Part 4. An overview of the North-west Network marine parks and zones is provided in Table S2.1.

#### Prescriptions

- 3.1.1 Each marine park in the North-west Network specified in Table 3.1 is assigned to the IUCN category specified in column 2 of Table 3.1.
- 3.1.2 Shark Bay, Carnarvon Canyon, Montebello, Eighty Mile Beach, Roebuck, Mermaid Reef and Cartier Island Marine Parks are given the zone name specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.3 Gascoyne, Dampier, Argo–Rowley Terrace, Kimberley, Ningaloo and Ashmore Reef Marine Parks are each divided into the zones shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4, and each zone is assigned to an IUCN category and given the zone name, specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.4 The objective of the Special Purpose Zone (Trawl) (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species, while applying special purpose management arrangements for specific activities.
- 3.1.5 The objective of the Multiple Use Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species.
- 3.1.6 The objective of the Habitat Protection Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible, while allowing activities that do not harm or cause destruction to seafloor habitats.
- 3.1.7 The objective of the Recreational Use Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible, while providing for recreational use.
- 3.1.8 The objective of the National Park Zone (II) is to provide for the protection and conservation of ecosystems, habitats and native species in as natural a state as possible.
- 3.1.9 The objective of the Sanctuary Zone (Ia) is to provide for the conservation of ecosystems, habitats and native species in as natural and undisturbed a state as possible.



**Table 3.1 North-west Network zoning and marine park management categories**

Column 1 Marine park name	Column 2 IUCN category	Column 3 Zone name and IUCN category					
		Special Purpose Zone (Trawl) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Recreational Use Zone (IV)	National Park Zone (II)	Sanctuary Zone (Ia)
Shark Bay	VI		✓				
Carnarvon Canyon	IV			✓			
Ningaloo	IV				✓	✓	
Gascoyne	IV		✓	✓		✓	
Montebello	VI		✓				
Dampier	VI		✓	✓		✓	
Eighty Mile Beach	VI		✓				
Roebuck	VI		✓				
Mermaid Reef	II					✓	
Argo–Rowley Terrace	VI	✓	✓			✓	
Kimberley	VI		✓	✓		✓	
Ashmore Reef	Ia				✓		✓
Cartier Island	Ia						✓

✓ Zone is assigned to the marine park named in column 1. Sections 3.1.2 and 3.1.3 of this plan explain the assignment of zones.

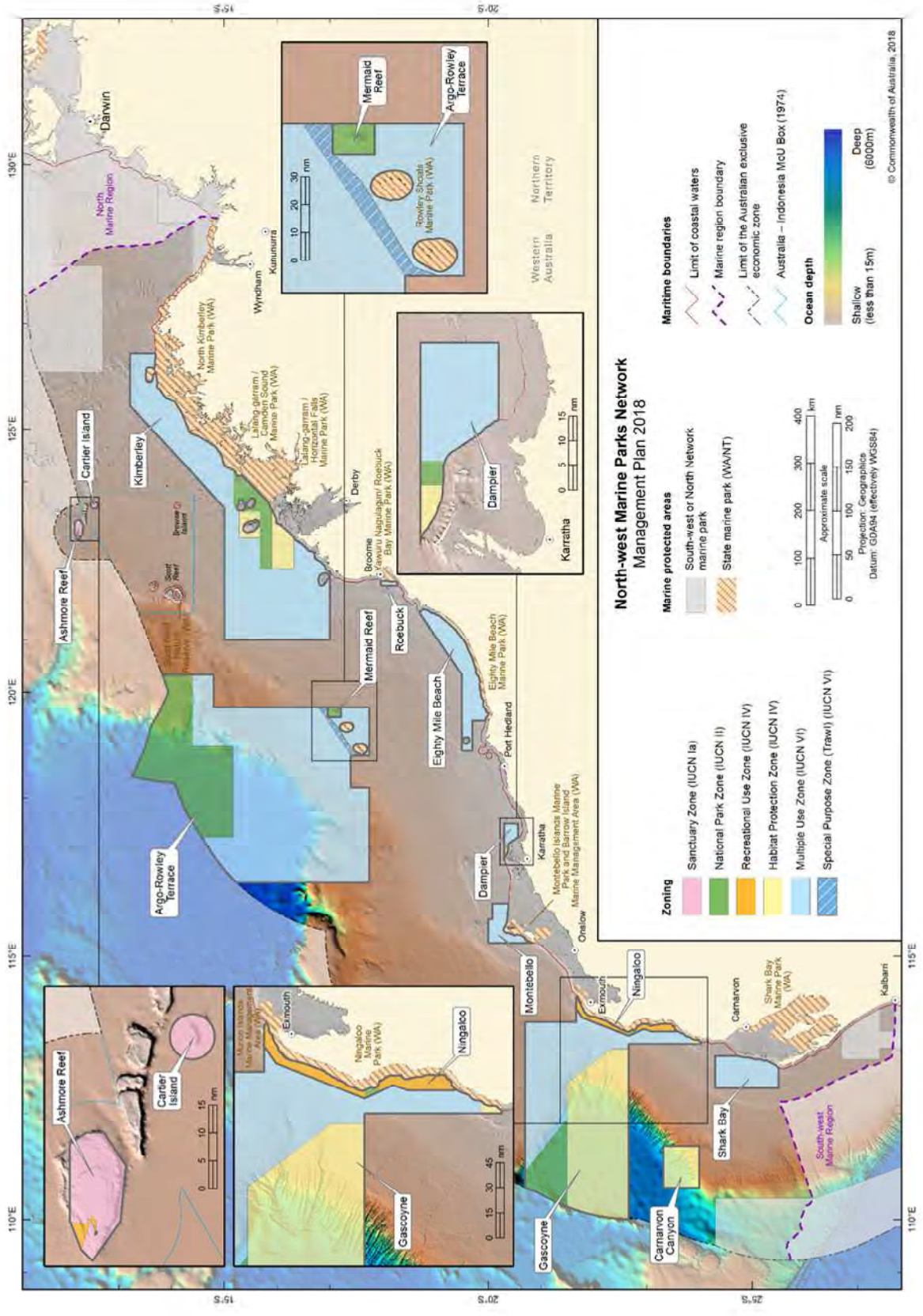


Figure 3.1 North-west Marine Parks Network showing zones

## Part 4. MANAGING ACTIVITIES

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Reef channel at Rowley Shoals (Michelle Glover)



## 4.1 OUTLINE OF PART 4

This plan enables a range of activities to be conducted that would otherwise be prohibited or controlled by the EPBC Act and EPBC Regulations (Schedule 1). This Part sets out for marine parks of the North-west Network, which activities are:

- a) allowed, without the need for authorisation, where consistent with zone objectives (Part 3) and conducted in accordance with this Part;
- b) allowable, and able to be conducted if an authorisation is issued (Section 4.4 Authorisation of allowable activities); or
- c) not allowed, because they are not consistent with zone objectives (Part 3).

For those activities that are allowed or allowable, this Part also sets out:

- a) the assessment and decision-making process for authorising an activity (Section 4.3 Making decisions about activities);
- b) the types of authorisations that may be issued (permits, class approvals, activity licences and leases) (Section 4.4 Authorisation of allowable activities); and
- c) how activities must be undertaken in marine parks of the North-west Network (Section 4.2 Rules for activities).

The rules support an adaptive management approach to respond to new information. Any changes to the management of activities would be made in accordance with Section 4.3.1 (Decision-making).

Depending on the type of activity, other provisions of the EPBC Act or other legislation (e.g. fisheries and mining laws) may also apply to an allowed or allowable activity (Schedule 1).

In accordance with s.359A of the EPBC Act, this plan does not prevent Indigenous people from continuing, in accordance with law, the traditional use of an area in a marine park for non-commercial hunting or food gathering, and for ceremonial and religious purposes. Section 8 of the EPBC Act provides that this plan does not affect the operation of the *Native Title Act 1993*, which also includes provisions that preserve customary rights to use land and waters (Schedule 1).

## 4.2 RULES FOR ACTIVITIES

This plan enables activities to be conducted in zones consistent with the zone objectives (Part 3) while enabling the impacts to be effectively managed. The prescriptions in Section 4.2.1 (General use, access, and waste management) apply to all marine park users of the North-west Network. Sections 4.2.2 to 4.2.12 prescribe the rules applying to particular uses. Section 4.2.13 (New activities and authorisations) enables new activities to be considered and new forms of authorisation to be used. Table 4.1 provides a summary of the rules for activities in zones assigned to marine parks of the North-west Network. The zones are shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4.

**Table 4.1 Summary of rules for activities in the North-west Network (provided in Part 4)**

Activity	Special Purpose Zone (Trawl) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Recreational Use Zone (IV)	National Park Zone (II)	Sanctuary Zone (Ia)
<b>GENERAL USE, ACCESS, AND WASTE MANAGEMENT (Section 4.2.1)</b>	✓	✓	✓	✓	✓	x <sup>B</sup>
<b>COMMERCIAL SHIPPING (Section 4.2.2)</b>	✓	✓	✓ <sup>C</sup>	✓ <sup>C</sup>	✓ <sup>C</sup>	x
<b>COMMERCIAL FISHING (Section 4.2.3)</b>	A	A	A	x	x <sup>C</sup>	x
<b>PEARLING (Section 4.2.4)</b>	A	A	A	x	x <sup>C</sup>	x
<b>AQUACULTURE (Section 4.2.5)</b>	A	A	A	x	x <sup>C</sup>	x
<b>COMMERCIAL MEDIA (Section 4.2.6)</b>	A	A	A	A	A	A
<b>COMMERCIAL TOURISM (Section 4.2.7)</b>	A	A	A	A	A	x
<b>RECREATIONAL FISHING (Section 4.2.8)</b>	✓	✓	✓	✓	x	x
<b>MINING (Section 4.2.9)</b>	A	A	x	x	x	x
<b>STRUCTURES AND WORKS (Section 4.2.10)</b>	A	A	A	A	A	A
<b>RESEARCH AND MONITORING (Section 4.2.11)</b>	A	A	A	A	A	A
<b>NATIONAL SECURITY AND EMERGENCY RESPONSE (Section 4.2.12)</b>	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

B Activity is allowable only if authorised by the Director as part of approved research or monitoring activity.

C Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

#### 4.2.1 General use, access, and waste management

The prescriptions in this Section apply to all marine park users of the North-west Network, including those carrying out activities provided for under this plan. These are summarised in Table 4.2.

The EPBC Act and EPBC Regulations control or enable the Director to control a range of activities in marine parks. Some provisions apply to particular classes of activities, such as commercial activities, mining operations, and research. Other provisions relate to activities generally and include provisions (Schedule 1) enabling the Director to determine areas where waste may be disposed of, prohibit or restrict entry or activities, determine adventurous activities and areas where adventurous activities may be done, make determinations about the use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits, and make determinations about the use of aircraft in and over marine parks. The taking-off and landing of an aircraft in a marine park can only be conducted in an area determined by the Director (r.12.58).

The EPBC Regulations prohibit ballast water discharge or exchange, disposal of domestic and industrial waste, camping (including overnight stays on vessels), and the operation of a drone in Australian Marine Parks unless authorised by or under a management plan.

Under this plan, waste from normal operations of vessels must be compliant with requirements under the International Convention for the Prevention of Pollution from Ships (MARPOL), the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. Ballast water discharge and exchange must be compliant with Australian ballast water management requirements administered by the Australian Maritime Safety Authority.

At commencement of this plan prohibitions made under r.12.23 of the EPBC Regulations are in place prohibiting entry to Ashmore Reef Marine Park, other than parts of West Lagoon and West Island, to protect the fragile habitats and biodiversity, and to Cartier Island Marine Park due to the presence of unexploded ordnance. These have been in place for many years. Determinations made under r.12.56 of the EPBC Regulations prohibit anchoring in Mermaid Reef Marine Park and prescribe where vessels must be moored to minimise damage to the reef. These instruments continue subject to Section 4.2.1.1.

**Table 4.2 Summary of prescriptions for general use, access, and waste management in the North-west Network**

GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Ballast water discharge and exchange (compliant with Australian ballast water requirements)	✓	✓	✓	✓	✓	x
Disposal of waste from normal operations of vessels (compliant with MARPOL requirements)	✓	✓	✓	✓	✓	x
Camping	A	A	A	A	A	x <sup>B</sup>

GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Recreational use (non-fishing, nature watching, boating, etc.)	✓	✓	✓	✓	✓	x
Non-commercial remote piloted aircraft, drones etc.	A	A	A	A	A	x

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

B Activity is allowable only if authorised by the Director as part of approved research or monitoring activity.

**Note:** Disposal of waste from normal operations of vessels must comply with MARPOL requirements.

### Prescriptions

4.2.1.1 The Director may make, amend and revoke prohibitions, restrictions and determinations under rr.12.23, 12.23A, 12.26, 12.56 and 12.58 of the EPBC Regulations where it is considered necessary:

- a) to protect and conserve biodiversity and other natural, cultural and heritage values; or
- b) to ensure human safety or visitor amenity; or
- c) where it is otherwise necessary to give effect to this plan;

and the Director may issue an authorisation for an activity that would otherwise be prohibited by such an instrument. This Section applies despite the prescriptions in Sections 4.2.3 to 4.2.13.

4.2.1.2 Waste from normal operations may be disposed of, except in a Sanctuary Zone (Ia), from vessels to which the International Convention for the Prevention of Pollution from Ships (MARPOL) (Schedule 1) applies, in accordance with the requirements of MARPOL.

4.2.1.3 Disposal of waste in connection with activities authorised under Section 4.2.10 (Structures and works) will be managed in accordance with that Section.

4.2.1.4 Ballast water may be discharged or exchanged, except in the Sanctuary Zone (Ia), subject to compliance with:

- a) the Australian ballast water management requirements and relevant state ballast water management arrangements; and
- b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management.

4.2.1.5 A person may camp in areas above the high water mark, except in a Sanctuary Zone (Ia), in accordance with a permit. A person may only camp in a Sanctuary Zone (Ia) in connection with authorised research and monitoring.

**Note:** Camping in connection with commercial tourism activities must be authorised under Section 4.2.7 (Commercial Tourism)

4.2.1.6 Overnight stays on vessels do not require a permit to camp.

4.2.1.7 Remote piloted aircraft may be operated for non-commercial purposes, except in a Sanctuary Zone (Ia), in accordance with a permit, relevant provisions of Part 8 of the EPBC Regulations, and applicable aviation safety laws.

**Note:** Operation of remote piloted aircraft in connection with commercial media activities, commercial tourism activities, or research and monitoring must be authorised under Section 4.2.6, Section 4.2.7 or Section 4.2.11 respectively.

## 4.2.2 Commercial shipping (other than commercial fishing, pearling and aquaculture vessels)

The prescriptions in this Section set out the rules for anchoring and transit of commercial ships in the North-west Network. These are summarised in Table 4.3.

Australia is a party to a number of international agreements relevant to commercial shipping, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and MARPOL (Schedule 1). UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and a right of freedom of navigation through Australia's exclusive economic zone. This Section places some limits on the exercise of these rights in some zones. The limitations are necessary to protect marine park values, apply to all commercial shipping, and are consistent with Australia's rights and obligations under UNCLOS.

There are also a range of national laws, policies and procedures relevant to commercial shipping including the *National plan for maritime environmental emergencies* in relation to maritime pollution incidents, and the *Biosecurity Act 2015* and Australian ballast water management requirements in relation to ballast water discharge. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 4.2.1 (General use, access, and waste management).

Rules for transit and anchoring of vessels engaged in commercial fishing, pearling and aquaculture activities are dealt with in Sections 4.2.3 to 4.2.5.

**Table 4.3 Summary of prescriptions for commercial shipping activities in the North-west Network**

COMMERCIAL SHIPPING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Anchoring	✓	✓	x <sup>C</sup>	x <sup>C</sup>	x <sup>C</sup>	x
Vessel transiting	✓	✓	✓	✓	✓	x

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

C Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

**Note:** Ballast water exchange is managed under national arrangements. Restrictions may apply in some areas (Section 4.2.1 General use, access, and waste management).

## Prescriptions

4.2.2.1 Commercial ships may transit through the North-west Network, except through a Sanctuary Zone (Ia), subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and relevant prescriptions in Sections 4.2.6 to 4.2.13 relating to the activity in which shipping is involved.

4.2.2.2 Commercial ships may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Multiple Use Zone (VI); and
- c) Habitat Protection Zone (IV), Recreational Use Zone (IV), and National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations.

**Note:** This Section does not prevent stopping and anchoring in an IUCN category (Ia) zone or outside a determined anchoring area in an IUCN category (IV) or (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

**Note:** This Section does not prevent the carrying out of activities, including stopping and anchoring, as part of operations authorised under Sections 4.2.6 to 4.2.13 and r.12.56 of the EPBC Regulations.

### 4.2.3 Commercial fishing

The prescriptions in this Section set out the rules for commercial fishing activities in the North-west Network, including the types of fishing gear and methods allowed in different zones, and requirements for vessel monitoring systems. These are summarised in Table 4.4.

Commercial fishing is managed for sustainability by the Australian Government and state and territory fisheries management agencies. In the North-west Network commercial fishing is subject to regulation under the *Fisheries Management Act 1991* (Fisheries Management Act) or Western Australian fisheries laws (under arrangements made under Part V of the Fisheries Management Act).

Research in connection with commercial fishing activities will be managed in accordance with Section 4.2.11 (Research and monitoring).

Use of fishing gear not allowed at commencement of this plan may be authorised after satisfactory assessment that supports an adaptive management approach.

**Table 4.4. Summary of prescriptions for commercial fishing activities in the North-west Network**

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Dropline	A	A	A	x	x	x
Hand collection (including using hookah, scuba, snorkel)	A	A	A	x	x	x
Hand net (hand, barrier, skimmer, cast, scoop, drag, lift)	A	A	A	x	x	x



COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Longline (demersal, auto-longline)	x	x	x	x	x	x
Longline (pelagic)	A	A	A	x	x	x
Minor line (handline, rod & reel, trolling, squid jig, poling)	A	A	A	x	x	x
Net (demersal)	x	x	x	x	x	x
Net (pelagic)	x	x	x	x	x	x
Purse seine	A	A	A	x	x	x
Trap, pot	A	A	x	x	x	x
Trawl (demersal)	A	x	x	x	x	x
Trawl (midwater)	A	x	x	x	x	x
Trotline	x	x	x	x	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence issued by the Director.

**Note:** Commercial fishing methods not listed in Table 4.4 will require assessment and approval.

**Note:** The authorisation of activities may be modified during the life of this plan in accordance with Section 4.2.3.5

**Note:** Transit is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

**Note:** Anchoring by commercial fishing vessels is allowed except in the National Park Zone (II) or the Sanctuary Zone (Ia). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

## Prescriptions

4.2.3.1 Commercial fishing activities may be conducted in the North-west Network in accordance with and subject to:

- a) a class approval issued under Section 4.4.2 (Class approvals); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and
- c) the following prescriptions in this Section;
- d) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- e) any determinations made under r.12.34 of the EPBC Regulations.

- 4.2.3.2 Commercial fishing activities may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Multiple Use Zone (VI); or
  - c) Habitat Protection Zone (IV).
- 4.2.3.3 Subject to Section 4.2.3.5 the following fishing gear must not be used:
- a) Longline (demersal, auto-longline);
  - b) Net (demersal, pelagic);
  - c) Trawl (demersal, midwater) except in the Special Purpose Zone (Trawl) (VI); or
  - d) Trotline.
- 4.2.3.4 Traps and pots must not be used in a Habitat Protection Zone (IV).
- 4.2.3.5 Subject to satisfactory assessment under Section 4.3.1 (Decision-making), expert advice, and consultation with fisheries management agencies and the commercial fishing industry, the Director may authorise the use of:
- a) any fishing gear specified in Section 4.2.3.3 in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI); and
  - b) pelagic fishing gear specified in Section 4.2.3.3 in a Habitat Protection Zone (IV).
- 4.2.3.6 Fishing gear or methods not specified in a commercial fishing class approval or activity licence, or its conditions, must not be used.
- Note:** A class approval or activity licence may be varied under Section 4.4 (Authorisation of allowable activities) to specify additional fishing methods and gear types following satisfactory assessment in accordance with Section 4.3.1 (Decision-making).
- 4.2.3.7 Commercial fishing activities must be conducted in accordance with a commercial fishing concession issued under Commonwealth, state or territory fisheries laws to the extent those laws are capable of operating concurrently with this plan.
- 4.2.3.8 Commercial fishing vessels may transit through the North-west Network, except through a Sanctuary Zone (Ia), subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.3.9.
- 4.2.3.9 Commercial fishing vessels may stop and anchor in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Multiple Use Zone (VI);
  - c) Habitat Protection Zone (IV);
  - d) Recreational Use Zone (IV); or
  - e) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring in an IUCN category (Ia) zone or outside a determined anchoring area in an IUCN category (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

- 4.2.3.10 Fishing gear must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, a zone in which fishing activities are not authorised.

4.2.3.11 Fishing gear that is:

- a) specified in Sections 4.2.3.3 and 4.2.3.4;
  - b) not specified in a class approval or activity licence as gear that may be used; or
  - c) prohibited by a determination under r.12.34 of the EPBC Regulations,
- must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.3.12 Following consultation with the relevant fisheries management agencies and the commercial fishing industry, the Director may require all commercial fishing vessels transiting or conducting fishing activities in the North-west Network to carry an operating vessel identification and monitoring system.

**Note:** At the commencement of this plan vessel identification and monitoring systems were required on all vessels operating in Commonwealth managed fisheries. The conditions of a class approval or activity licence issued under Section 4.4 (Authorisation of allowable activities) may require the use of vessel identification and monitoring systems on all commercial fishing vessels operating in the North-west Network.

4.2.3.13 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial fishing.

### 4.2.4 Commercial pearling

The prescriptions in this Section set out the rules for commercial pearling in the North-west Network. These are summarised in Table 4.5.

Commercial pearling is managed under Western Australian laws relating to those activities (*Pearling Act 1990*). These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with commercial pearling will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.5 Summary of prescriptions for commercial pearling activities in the North-west Network**

COMMERCIAL PEARLING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Pearling	A	A	A	x	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

**Note:** Anchoring by commercial pearling vessels is allowed except in the National Park Zone (II) or the Sanctuary Zone (Ia). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

## Prescriptions

- 4.2.4.1 Commercial pearling may be conducted in the North-west Network in accordance with and subject to:
- a) a class approval issued under Section 4.4.2 (Class approvals); or
  - b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and the following prescriptions in this Section;
  - c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - d) any determinations made under r.12.34 of the EPBC Regulations.
- 4.2.4.2 Commercial pearling may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Multiple Use Zone (VI); or
  - c) Habitat Protection Zone (IV).
- 4.2.4.3 Commercial pearling must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.
- 4.2.4.4 Commercial pearling vessels may transit through the North-west Network, except through a Sanctuary Zone (Ia), subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.4.5.
- 4.2.4.5 Commercial pearling vessels may stop and anchor in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Multiple Use Zone (VI);
  - c) Habitat Protection Zone (IV);
  - d) Recreational Use Zone (IV); or
  - e) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.
- Note:** This Section does not prevent stopping and anchoring in an IUCN category (Ia) zone or a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
- 4.2.4.6 Commercial pearling equipment not authorised for use by a class approval or activity licence as gear that may be used, and pearling equipment prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.
- 4.2.4.7 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial pearling.

## 4.2.5 Commercial aquaculture

The prescriptions in this Section set out the rules for commercial aquaculture in the North-west Network. These are summarised in Table 4.6.

Commercial aquaculture is managed under Western Australian laws. These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with commercial aquaculture will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.6 Summary of prescriptions for commercial aquaculture activities in the North-west Network**

COMMERCIAL AQUACULTURE Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Aquaculture	A	A	A	x	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

**Note:** Anchoring by commercial aquaculture vessels is allowed except in the National Park Zone (II) or the Sanctuary Zone (Ia). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### Prescriptions

4.2.5.1 Commercial aquaculture may be conducted in the North-west Network in accordance with and subject to:

- a) a class approval issued under Section 4.4.2 (Class approvals); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and the following prescriptions in this Section;
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- d) any determinations made under r.12.34 of the EPBC Regulations.

4.2.5.2 Commercial aquaculture may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Multiple Use Zone (VI); or
- c) Habitat Protection Zone (IV).

4.2.5.3 Commercial aquaculture must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.

4.2.5.4 Commercial aquaculture vessels may transit through the North-west Network, except through a Sanctuary Zone (Ia), subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management).

4.2.5.5 Commercial aquaculture vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Multiple Use Zone (VI);
- c) Habitat Protection Zone (IV);
- d) Recreational Use Zone (IV); or
- e) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring in an IUCN category (Ia) zone or outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.5.6 Commercial aquaculture equipment not authorised for use by a class approval or activity licence as gear that may be used, or that is prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.5.7 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial aquaculture.

#### 4.2.6 Commercial media

The prescriptions in this Section set out the rules for commercial media in the North-west Network. These are summarised in Table 4.7. Research in connection with commercial media activities will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.7 Summary of prescriptions for commercial media activities in the North-west Network**

COMMERCIAL MEDIA Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Commercial media	A <sup>D</sup>	A <sup>D</sup>	A <sup>D</sup>	A <sup>D</sup>	A <sup>D</sup>	A <sup>D</sup>

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

D News-of-the-day reporting may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

#### Prescriptions

4.2.6.1 Commercial media activities other than reporting news of the day may be conducted in the North-west Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases); and
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- d) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.6.2 Commercial media activities for the purposes of reporting news of the day may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.



#### 4.2.7 Commercial tourism (includes charter fishing tours, scuba diving, nature watching tours)

The prescriptions in this Section set out the rules for commercial tourism in the North-west Network. These are summarised in Table 4.8.

Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the North-west Network is part of the Sanctuary) are prescribed by Part 8 of the EPBC Regulations.

The prescriptions in Section 4.2.8 (Recreational fishing) apply to the clients of charter fishing tours. The prescriptions in Section 4.2.10 (Structures and works) apply to the installation and maintenance of moorings and other structures and works as part of commercial tourism activities.

Research in connection with commercial tourism will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.8 Summary of prescriptions for commercial tourism (including charter fishing, scuba diving and nature watching tours) in the North-west Network**

COMMERCIAL TOURISM Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Non-fishing related tourism (including nature watching, scuba/snorkel tours)	A	A	A	A	A	x
Charter fishing tours (including spear diving tours)	A	A	A	A <sup>E</sup>	x	x
Commercial aviation tours (up to 3000 m above sea level)	A	A	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

E Recreational fishing may be limited by determination in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

## Prescriptions

4.2.7.1 Commercial tourism activities may be conducted in the North-west Network in accordance with and subject to:

- a) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- b) the following prescriptions in this Section;
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management);
- d) the prescriptions in Section 4.2.2 (Commercial shipping); and
- e) in relation to charter fishing, the prescriptions in Section 4.2.8 (Recreational fishing).

4.2.7.2 Commercial tours, other than charter fishing tours, may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Multiple Use Zone (VI);
- c) Habitat Protection Zone (IV);
- d) Recreational Use Zone (IV); or
- e) National Park Zone (II).

4.2.7.3 Charter fishing tours may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Multiple Use Zone (VI);
- c) Habitat Protection Zone (IV); or
- d) Recreational Use Zone (IV).

**Note:** Recreational fishing may be limited by Determination in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park.

4.2.7.4 Fishing gear on charter fishing vessels must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which charter fishing tours are not allowed.

4.2.7.5 Commercial aviation tours may be conducted in the airspace up to 3000 m above sea level, in accordance with a permit and relevant provisions of Part 8 of the EPBC Regulations.

**Note:** The EPBC Act and EPBC Regulations do not apply to commercial aviation tours in airspace over 3000 m above sea level.

## 4.2.8 Recreational fishing

The prescriptions in this Section set out the rules for recreational fishing in the North-west Network. These are summarised in Table 4.9.

Section 4.2.1 (General use, access, and waste management) describes specific access and use arrangements in place for Ashmore Reef, Cartier Island and Mermaid Reef Marine Parks which affect recreational fishing in those marine parks.

Research in connection with recreational fishing will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.9 Summary of prescriptions for recreational fishing activities in the North-west Network**

RECREATIONAL FISHING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Recreational fishing (including spear-fishing)	✓	✓	✓	✓ <sup>E</sup>	x	x
Anchoring	✓	✓	✓	✓	✓	x
Vessel transiting	✓	✓	✓	✓	✓	x

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

E Recreational fishing may be limited by determination in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section, except in the Sanctuary Zone (Ia).

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

### Prescriptions

4.2.8.1 Recreational fishing may be conducted in the North-west Network in accordance with and subject to:

- the following prescriptions in this Section;
- the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- any determinations made under r.12.35(3) of the EPBC Regulations.

4.2.8.2 Recreational fishing may be conducted in a:

- Special Purpose Zone (Trawl) (VI);
- Multiple Use Zone (VI);
- Habitat Protection Zone (IV); or
- Recreational Use Zone (IV).

**Note:** Recreational fishing may be limited by determination in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park.

- 4.2.8.3 Recreational fishing must be conducted in accordance with relevant laws of Western Australia applying to the area of the North-west Network in which the activity is conducted to the extent those laws are capable of operating concurrently with this plan.
- 4.2.8.4 The Director may make determinations under r.12.35 (3) of the EPBC Regulations relating to the conduct of recreational fishing.
- 4.2.8.5 Except in relation to recreational fishing in the Recreational Use Zone (IV) of the Ashmore Reef Marine Park, rr.12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing conducted in accordance with this Section.

**Note:** As provided by Section 4.2.8.4, the Director may make determinations under r.12.35 (3) in relation to matters described in rr.12.35 (4) and (5).

- 4.2.8.6 Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which recreational fishing is not allowed.

### 4.2.9 Mining operations (includes exploration)

The prescriptions in this Section set out the rules for mining operations in the North-west Network and are summarised in Table 4.10. Mining operations are defined in s.355(2) of the EPBC Act, and include offshore petroleum activities, transportation of minerals by pipeline, and oil spill response (Schedule 1.1 of this plan).

Under s.359 of the Act, ss.355 and 355A do not apply to usage rights to conduct mining operations that were held immediately before the proclamation of the marine parks.

The prescriptions allow for the Director to authorise mining activities that are also subject to other legislative regimes and assessed and approved by other agencies under those regimes.

Mining operations that are likely to have a significant impact on a matter protected under Part 3 of the EPBC Act will be subject to assessment and decision in accordance with Chapter 4 of the Act. At the commencement of this plan petroleum and greenhouse gas activities undertaken in Commonwealth waters in accordance with the *Program report—strategic assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act) were endorsed under Part 10 of the EPBC Act. Offshore petroleum and greenhouse gas activities covered by and excluded from the program are detailed in the class of actions approval issued by the Minister for the Environment under EPBC Act on 27 February 2014. Activities that have an environment plan accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under the endorsed program may be conducted in accordance with the relevant petroleum title under the OPGGS Act and a class approval under this plan. Accordingly, mining operations covered by the endorsed NOPSEMA program do not require additional assessment by the Director because the endorsed program takes account of impacts and risks to marine park values in a manner that satisfies the Director.

Offshore petroleum activities that are excluded from the endorsed NOPSEMA program and associated class of actions approval will require an environment plan accepted by NOPSEMA under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Environment Regulations) and will also be considered and authorised by the Director in accordance with Section 4.2.13 (New activities and authorisations) of this plan if any activities are proposed.

The definition of mining operations in the EPBC Act does not include capture and storage of greenhouse gases, including carbon dioxide. If any of these activities were proposed they would also be considered in accordance with Section 4.2.13 (New activities and authorisations).

The Director is a relevant person for the purposes of the Environment Regulations and must be consulted by title holders in the preparation of environment plans where a proposed activity or part of the activity is within a marine park, and/or activities proposed to occur outside a marine park may impact on the marine park values.

Mining operations also include activities regulated under the *Offshore Minerals Act 1994*. For non-petroleum mining operations, additional assessment by the Director may not be required where mining operations are assessed under Chapter 4 of the EPBC Act.

Actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act may be conducted in all zones. The Director should be notified in the event of an oil pollution incident that occurs within, or may impact upon, an Australian Marine Park and, so far as reasonably practicable, prior to a response action being taken within a marine park.

Research that is a mining operation as defined in s.355 of the EPBC Act, or is incidental to such an operation is covered by prescriptions in this Section. Mining-related research activities that do not require an environment plan under the OPGGS Act are covered by prescriptions in 4.2.11 (Research and monitoring).

Transit through the North-west Network for the purposes of mining operations conducted elsewhere is covered by Section 4.2.2 (Commercial shipping).

**Table 4.10 Summary of prescriptions for mining operations in the North-west Network**

MINING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Mining operations including exploration	A	A	x	x	x	x
Construction and operation of pipelines	A	A	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Proposed mining operations conducted under usage rights that existed immediately before the declaration of a marine park do not require approval from the Director.

### Prescriptions

4.2.9.1 Mining operations may be conducted in the North-west Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) a class approval issued under Section 4.4.2 (Class approvals); or
- c) an activity licence issued under Section 4.4.3 (Activity licences and leases) for mining operations that are the construction and operation of pipelines; and
- d) the following prescriptions in this Section;
- e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- f) the prescriptions in Section 4.2.2 (Commercial shipping).

- 4.2.9.2 Mining operations may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI); or
  - b) Multiple Use Zone (VI),
- in accordance with Sections 4.2.9.3 and 4.2.9.4.
- 4.2.9.3 Mining operations in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2;
  - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act, may be conducted in accordance with the conditions of that authorisation and a class approval under Section 4.4.2; or
  - c) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action if taken in a particular manner, may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2.
- 4.2.9.4 Mining operations in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI) not authorised by a class approval referred to in Section 4.2.9.3 may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or a class approval issued under Section 4.4.2 (Class approvals).
- 4.2.9.5 Mining operations that are the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) may be conducted in a:
- a) Habitat Protection Zone (IV);
  - b) Recreational Use Zone (IV); or
  - c) National Park Zone (II),
- in accordance with Section 4.2.9.6.
- 4.2.9.6 The Director may issue an authorisation under Section 4.4 (Authorisation of allowable activities) for the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) through a:
- a) Habitat Protection Zone (IV);
  - b) Recreational Use Zone (IV); or
  - c) National Park Zone (II),
- if the Director is satisfied that alternative routes are not feasible or practicable.
- 4.2.9.7 Mining operations must be conducted in accordance with an authorisation (however described) under the OPGGS Act or the *Offshore Minerals Act 1994* to the extent those laws apply to the operations and are capable of operating concurrently with this plan.
- 4.2.9.8 Notwithstanding Section 4.2.9.1, actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act, may be conducted in all zones without an authorisation issued by the Director, provided that the actions are taken in accordance with an environment plan that has been accepted by NOPSEMA, and the Director is notified in the event of oil pollution within a marine park, or where an oil spill response action must be taken within a marine park, so far as reasonably practicable, prior to response action being taken.



4.2.9.9 Scientific research and environmental monitoring in connection with a particular mining operation may be conducted in all zones in accordance with Section 4.2.11 (Research and monitoring).

**Note:** For the avoidance of doubt, research and monitoring does not include activities or operations for the purpose of prospecting or exploration for minerals.

#### 4.2.10 Structures and works

The prescriptions in this Section set out the rules for structures and works in the North-west Network, where the activity is not covered by Sections 4.2.1 to 4.2.9. These are summarised in Table 4.11.

Research in connection with structures and works will be managed in accordance with Section 4.2.11 (Research and monitoring).

The prescriptions do not affect any structures or works that were installed in a marine park under a usage right relating to the seabed that existed immediately before the proclamation of the North-west Network (and preserved by s.359 of the EPBC Act).

**Table 4.11 Summary of prescriptions for structures and works activities in the North-west Network**

STRUCTURES AND WORKS Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Excavation (other than dredging), erection and maintenance of structures, and works	A	A	A	A	A	A
Dredging and disposal of dredged material	A	A	x	x	x	x
Artificial reefs	A	A	A	A	A <sup>F</sup>	x
Fish aggregating devices	A	A	A	A	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

F Activity is allowable only for the protection, conservation or restoration of habitats.

**Note:** Structures may include, but are not limited to, moorings, submarine cables, platforms (including any man made structure at sea, whether floating or fixed to the seabed, but does not include a vessel), jetties and other infrastructure. The erection and maintenance of structures associated with mining operations must be carried out in accordance with Section 4.2.9 (Mining).

## Prescriptions

- 4.2.10.1 A person other than the Director may carry out an excavation (including dredging), erect a structure, or carry out works including maintenance of structures, and associated activities (including disposal of dredged material) in the North-west Network in accordance with and subject to:
- a) a permit issued under Section 4.4.1 (Permits); or
  - b) a class approval issued under Section 4.4.2 (Class approvals); or
  - c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
  - d) the following prescriptions in this Section; and
  - e) the prescriptions in Section 4.2.1 (General use, access, and waste management), including any determinations made under rr.12.23 and 12.23A of the EPBC Regulations; and
  - f) the prescriptions in Section 4.2.2 (Commercial shipping).

**Note:** An authorisation for the purposes of Section 4.2.10.1 may be part of an authorisation for another allowable activity, (e.g. a tourism activity licence that authorises the licensee to erect and/or maintain a mooring).

- 4.2.10.2 Subject to Sections 4.2.10.3 and 4.2.10.4, an authorisation may be issued for excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in the North-west Network where the action is necessary for:
- a) maritime or visitor safety, including aiding navigation; or
  - b) maintaining the values of the North-west Network; or
  - c) research and monitoring; or
  - d) critical infrastructure in the national interest; or
  - e) commercial tourism; and
  - f) it is not practicable for the action to be taken outside the zone.
- 4.2.10.3 Dredging and disposal of dredged material may only be conducted in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI).
- 4.2.10.4 Artificial reefs will not be authorised in a Sanctuary Zone (Ia), and may only be authorised in a National Park Zone (II) to assist the protection, conservation or restoration of habitats.
- 4.2.10.5 Excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in a Special Purpose Zone (Trawl) (VI), and Multiple Use Zone (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
  - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
  - c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);

- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs a) to d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.10.6 Excavations (other than dredging), erection of structures, and works and maintenance, and associated activities, other than disposal of dredged material and in relation to fish aggregating devices, in a Habitat Protection Zone (IV), Recreational Use Zone (IV), and National Park Zone (II):

- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
- b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
- c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs (a) to (d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.10.7 Fish aggregating devices may be installed in a Special Purpose Zone (Trawl) (VI), Multiple Use Zone (VI), Habitat Protection Zone (IV), and Recreational Use Zone (IV) in accordance with an authorisation issued under Section 4.4 (Authorisation of allowable activities).

4.2.10.8 The Director may carry out an excavation, erect a structure or carry out works and maintenance in the North-west Network after assessing consistency with the zone objectives and the likely impacts of the activity consistent with Section 4.3.1 (Decision-making).

#### 4.2.11 Research and monitoring

The prescriptions in this Section set out the rules for research and monitoring activities in the North-west Network. These are summarised in Table 4.12.

Research and monitoring activities that affect listed threatened species or ecological communities, listed migratory species, cetaceans or listed marine species must also comply with the provisions of Part 13 of the EPBC Act, unless conducted in accordance with this plan.

Where biological resources are sought for the purpose of research and development on their genetic or biochemical components, a permit is required under Part 8A of the EPBC Regulations, which operates subject to this plan.

Where authorisation for research and monitoring activities is provided, the Director will require results of research and monitoring to be made available to inform adaptive management.

**Table 4.12 Summary of prescriptions for research and monitoring activities in the North-west Network**

RESEARCH AND MONITORING Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Research	A	A	A	A	A	A

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

### Prescriptions

- 4.2.11.1 The Director may conduct research and monitoring activities in the North-west Network that involves actions covered by ss.354 and 354A and Part 13 of the EPBC Act.
- 4.2.11.2 A person other than the Director may conduct research and monitoring activities in the North-west Network, including taking actions covered by the EPBC Act ss.354 and 354A and Part 13 of the EPBC Act in accordance with and subject to:
- a) a permit issued under Section 4.4.1 (Permits);
  - b) a class approval issued under Section 4.4.2 (Class approvals); or
  - c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
  - d) the following prescriptions in this Section;
  - e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - f) the prescriptions in Section 4.2.2 (Commercial shipping).
- 4.2.11.3 A class approval will not be issued for research and monitoring that involves activities covered by Section 4.2.11.7.
- 4.2.11.4 Research activities that involve access to biological resources within the meaning of Part 8A of the EPBC Regulations must comply with the requirements of that Part (in addition to the requirements of this Section).
- 4.2.11.5 In assessing authorisation applications or deciding whether to issue a class approval, the Director will consider the aim of the proposed activity or class of activities, ethical issues and how knowledge from the proposed activity or class of activities might benefit the understanding and management of the North-west Network.
- 4.2.11.6 An authorisation may be issued to carry out research and monitoring activities if the Director is satisfied that the activity is relevant to, or a priority for, the management of the North-west Network.
- 4.2.11.7 An authorisation may be issued to conduct research and monitoring that involves commercial fishing activities that are prohibited under Section 4.2.3 (Commercial fishing) if the Director is satisfied that:
- a) the activity will provide information relevant to understanding the impacts of activities on the marine environment, or to supporting sustainable use in the marine environment; and
  - b) the activity is relevant to, or a priority for, the management of the North-west Network.

4.2.11.8 Authorisation holders will be required to make results of research and monitoring available to the Director (in a specific format where relevant), where the Director is satisfied that the information will improve the knowledge and understanding of the values and management of the North-west Network.

#### 4.2.12 National security and emergency response

The prescriptions in this Section set out the rules for defence, border protection, law enforcement and emergency response activities in the North-west Network. These are summarised in Table 4.13.

Provisions of the EPBC Act and EPBC Regulations (Division 12.2) relating to Australian Marine Parks apply generally to the Commonwealth and its agencies. In addition, s.362(2) of the EPBC Act requires the Commonwealth and Commonwealth agencies to perform functions and exercise powers in relation to Australian Marine Parks in a way that is not inconsistent with this plan. The Director will build on existing partnerships with Commonwealth agencies (Section 1.8).

Response to oil pollution events associated with petroleum and other mining operations by title holders are covered by prescriptions in Section 4.2.9 (Mining operations) of this plan.

**Table 4.13 Summary of prescriptions for national security and emergency response activities in the North-west Network**

NATIONAL SECURITY AND EMERGENCY RESPONSE Activity	Special Purpose Zone (Trawl) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Recreational Use Zone IV	National Park Zone II	Sanctuary Zone Ia
Actions by or under direction of the Commonwealth and Commonwealth agencies— defence, border protection, law enforcement and emergency response	✓	✓	✓	✓	✓	✓
Actions by or under direction of the Commonwealth and Commonwealth agencies not covered elsewhere by this plan	A	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

## Prescription

- 4.2.12.1 Actions by or under direction of the Commonwealth and Commonwealth agencies in the North-west Network that are covered by ss.354 and 354A and Part 13 of the EPBC Act, and activities covered by Division 12.2 of the EPBC Regulations:
- a) for the purposes of training and operations for defence, customs, border protection, law enforcement or emergency response, including response to maritime environmental emergencies in accordance with the *National plan for maritime environmental emergencies* may be conducted without the need for a permit or class approval issued under Section 4.4 (Authorisation of allowable activities); or
  - b) for other purposes may be conducted under a permit or class approval issued by the Director in accordance with Section 4.4 (Authorisation of allowable activities).

## 4.2.13 New activities and authorisations

New activities may be required or proposed in the North-west Network during the life of this plan that are not covered by the prescriptions in Sections 4.2.2 to 4.2.12 of this plan. The prescriptions in this Section enable the Director to consider and authorise new activities in the North-west Network. They also enable the Director to authorise activities in new ways that are identified to be more efficient and effective and reduce unnecessary administrative burden.

### Prescriptions

- 4.2.13.1 The Director may take actions that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act.
- 4.2.13.2 The Director may authorise (by a permit, class approval, activity licence or lease under Section 4.4 (Authorisation of allowable activities)) actions by other persons that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act and EPBC Regulations.
- 4.2.13.3 The Director may issue permits, class approvals, activity licences or leases, or other usage rights, in place of existing authorisations under this plan.
- 4.2.13.4 The Director may make determinations, prohibitions or restrictions under provisions of Division 12.2 of the EPBC Regulations that are not covered by prescriptions in this plan.

## 4.3 MAKING DECISIONS ABOUT ACTIVITIES

This plan provides for a higher level of protection within marine parks than applies to the Commonwealth marine area outside the Network. The prescriptions in this Section outline the approach and considerations of the Director when assessing and making decisions about what activities will be authorised in marine parks.

### 4.3.1 Decision-making

#### Prescriptions

- 4.3.1.1 Decisions about activities will be consistent with the objectives of this plan, objectives for the zone or zones in which the activity will be or is being conducted, and the applicable reserve management principles (Schedule 8 of the EPBC Regulations).
- 4.3.1.2 Decisions will take into account the impacts and risks of the activity on the values of the North-west Network and those of specific marine park/s, acceptability of those impacts and risks, and potential impacts on marine park users, stakeholders and Indigenous people.
- 4.3.1.3 Impacts and risks of an activity will be assessed in accordance with the processes and policies established under the assessments and authorisations program (Section 2.5).



4.3.1.4 Before authorising a proposed activity the Director must be satisfied that:

- a) the proponent suitably understands the marine park values;
- b) the impacts and risks on marine park values are understood, evaluated and able to be avoided or reduced to as low as reasonably practicable;
- c) the proponent has the capacity to comply with the conditions of the authorisation; and
- d) that relevant regulatory requirements have been or will be met.

4.3.1.5 The Director will not authorise an activity unless satisfied that:

- a) the activity is consistent with the zone objectives for the zone or zones in which the activity will be conducted (Part 3); and
- b) the potential impacts and risks of the activity on marine park values will be avoided or reduced to as low as reasonably practicable; and
- c) the potential impacts and risks of the activity on marine park values and representativeness are acceptable.

**Note:** The Director will issue guidance on assessment of impacts.

## 4.3.2 Assessments under other processes

### Prescription

4.3.2.1 For the purposes of Section 4.3.1 (Decision-making) the Director may accept the assessment of activities made under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981* or under a government or industry policy, plan or program, where the Director is satisfied:

- a) the assessment is done in a manner consistent with Section 4.3.1.3; and
- b) the assessment process provides for appropriate consultation with the Director and consideration of the Director's views in relation to activities in the Network or potential impacts on the Network or marine park values.

## 4.3.3 Review of decisions

The prescriptions in this Section outline the processes for seeking a review of a decision. A person whose interests are affected by a decision under this Part, including a decision about an authorisation, may seek review in accordance with the *Administrative Decisions (Judicial Review) Act 1977*. A person whose interests are affected by a decision about a permit under the EPBC Regulations may also seek review of the decision in accordance with the Regulations. This plan extends the same review rights to decisions about other authorisations made by the Director under this plan. Where the Director issues a class approval for an activity that has been assessed in accordance with Chapter 4 of the EPBC Act or other government or industry policy, plan or program, review is limited to the making of the class approval.

### Prescriptions

4.3.3.1 The Director will comply with Division 14.3 of the EPBC Regulations in relation to the reconsideration of decisions about permits.

4.3.3.2 The Director will reconsider a decision about other types of authorisations made by the Director under this Part when requested by a person whose interests are affected by the decision. A request for reconsideration must be made and considered in the same manner as provided by Division 14.3 of the EPBC Regulations. Subject to the *Administrative Appeals Tribunal Act 1975*, a person who has requested a reconsideration of a decision may apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

## 4.4 AUTHORISATION OF ALLOWABLE ACTIVITIES

The Director may authorise allowable activities through a permit, class approval, activity licence or lease in accordance with this Part. The prescriptions in this Section describe those types of authorisations, the processes and consideration for issuing them, and the conditions that may be imposed by the Director.

### 4.4.1 Permits

A permit can be issued to authorise an activity by a person or persons to conduct an allowable activity, for example for an activity that is either one-off, time bound, or not conducted in the same way by all operators.

#### Prescriptions

- 4.4.1.1 A permit may be issued for an allowable activity where prescribed by Section 4.2 (Rules for activities) of this plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) relating to the particular activity.
- 4.4.1.2 In assessing a permit application, the Director may ask the applicant for more information if the Director considers there is insufficient information to decide whether to issue the permit.
- 4.4.1.3 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, or an assessment under the *Environment Protection (Sea Dumping) Act 1981*, the Director will consider any referral or assessment documents and related information.
- 4.4.1.4 A permit may be subject to conditions including but not limited to (and depending on the type of activity):
- a) specifying the area in which, and the periods during which, the approved activity may be conducted;
  - b) requiring the impacts of the permitted activity to be mitigated by specified actions developed in consultation with the Director;  
**Note:** The Director will issue guidance specific to activity types on requirements for mitigation.
  - c) regulating the use of, or requiring the use of, vessel identification and monitoring systems;
  - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
  - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
  - f) requiring reporting or auditing;
  - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
  - h) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with permit conditions; and
  - i) requiring, restricting or prohibiting the use of specified gear, equipment or practices.
- 4.4.1.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

## 4.4.2 Class approvals

This plan provides for the Director to issue class approvals to authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. This can include activities that have been authorised under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981*, or effectively assessed and authorised under other government or industry processes. At the commencement of this plan fees were not payable for class approvals but may be introduced during the life of this plan. Class approvals will be published on the Parks Australia website (Section 4.4.4).

Issuing class approvals reduces regulatory burden by avoiding duplication in assessment and approval processes for matters protected by Part 3 of the EPBC Act. Decision-making under Chapter 4 of the EPBC Act is well established and takes account of the impacts of individual projects on marine parks consistent with this plan. Reflecting this, a class approval may be given for commercial fishing, mining operations, and certain works where they have been considered and authorised under Chapter 4 of the EPBC Act. This includes assessments and decision making under policies, plans or programs endorsed under Part 10 of the Act, such as the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

The *Environment Protection (Sea Dumping) Act 1981* fulfils Australia's international obligations under the *1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972* (London Protocol) to prevent marine pollution by regulating the types of materials that may be considered for ocean disposal. Reflecting this a class approval may be given to certain works where they have been considered and authorised under the *Environment Protection (Sea Dumping) Act 1981*.

Class approvals may also be issued for activities regulated under other government or industry policies, plans or programs where the impacts of activities are subject to satisfactory assessment, and would be introduced in consultation with the relevant person or class of persons.

### Prescriptions

4.4.2.1 The Director may issue a class approval for activities where prescribed by Section 4.2 (Rules for activities).

4.4.2.2 A class approval may be subject to conditions including but not limited to (and depending on the class of activities):

- a) specifying the area in which, and the periods during which, the approved activity or class of activities may be conducted;
- b) requiring the impacts of the authorised activity to be mitigated by specified actions developed in consultation with the Director;
- c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
- d) the provision of, or consent for access to, data for compliance and monitoring purposes;
- e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
- f) requiring reporting or auditing;
- g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
- h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;

- i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with class approval conditions; and
- j) providing for the payment of fees.

4.4.2.3 A class approval may be varied, suspended or cancelled, and approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that:

- a) the activities, or an activity in the class of activities, to which the approval relates have not been, are not being, or likely will not be, conducted in accordance with the approval or a condition of the approval; or
- b) assessment of impacts under a policy, plan or program to which Section 4.3.2 (Assessments under other processes) applies is not being made, or is likely not to be made, in a manner consistent with Section 4.3.1.3 or is not being made in accordance with the approval or a condition of the approval; or
- c) the impacts of the activities, or an activity in the class of activities, to which the approval relates are no longer acceptable (Section 4.3.1 Decision-making); or
- d) activities, or an activity in the class of activities, to which the approval relates are likely to cause an unacceptable risk to public health and safety; or
- e) there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued, or would not be issued in the same terms or subject to the same conditions (for example, because of new information, or if a relevant matter that the Director took into account in deciding to issue an approval has changed or no longer exists).

4.4.2.4 Class approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that it is necessary or appropriate to do so for the efficient or effective management of the activities to which the approval relates.

4.4.2.5 Class approval conditions may be revoked if the Director is satisfied that the condition(s) is/are not necessary and the impacts of the activities to which the approval relates will remain acceptable (Section 4.3.1 Decision-making).

4.4.2.6 A class approval or conditions may be varied if the Director is satisfied that the impacts of the activities to which the approval relates will remain acceptable under the approval or conditions as varied (including, for example, to allow new or additional commercial fishing methods and gear types to be used).

4.4.2.7 A class approval may be varied to remove a person from the class of approved persons at the request of that person.

4.4.2.8 A class approval may be varied to remove a person from the class of approved persons if the Director is satisfied that the person:

- a) has breached a condition of the approval; or
- b) has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act, EPBC Regulations, or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.

**Note:** Where a person has been removed from a class approval, they may apply for a permit under Section 4.4.1 (Permits) or an activity licence under Section 4.4.3 (Activity licences and leases).

**Note:** Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

### 4.4.3 Activity licences and leases

An activity licence or lease may be issued to authorise an activity where it is more appropriate than the use of a permit or class approval, such as for tourism activities or activities that involve the installation of infrastructure (such as moorings or marker buoys). For the majority of these types of activities a licence will be the most suitable form of authorisation; however, this plan also provides for the Director to grant leases over land. Licences and leases are transferable and generally granted for a longer term than permits. They may include agreed fees reflecting the commercial value of the authorisation and, in the case of leases, provide security of tenure over land to support investment in infrastructure.

An activity licence authorises the holder to conduct their activities in the area to which the licence relates. A lease provides exclusive possession of the area of land in which an activity is to be conducted. Licences and leases enable continued growth of marine park services and allow for the growth of appropriate commercial business opportunities and partnerships with the Director that will maintain and promote marine park values.

#### Prescriptions

4.4.3.1 An activity licence or lease may be granted where prescribed by Section 4.2 (Rules for activities), subject to the prescriptions (if any) relating to the activity.

4.4.3.2 An activity licence or lease may be subject to conditions including but not limited to:

- a) specifying the area in which, and the periods during which, the authorised activity may be conducted;
- b) requiring the impacts of the authorised activity to be prevented or mitigated by specified actions developed in consultation with the Director;
- c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
- d) the provision of, or consent for access to data for compliance and monitoring purposes;
- e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
- f) requiring reporting or auditing;
- g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
- h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
- i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with licence conditions; and
- j) providing for the payment of fees.

### 4.4.4 Publication of authorisations

#### Prescription

4.4.4.1 The Director will publish on the Parks Australia website a list of all authorisations issued under this plan, which may include the name of the authorised person or class of persons, the period for which the authorisation is issued, and a description of the authorised activities.

## GLOSSARY

<b>action</b>	Has the meaning given by Subdivision A of Division 1 of Part 23 of the EPBC Act.
<b>artificial reef</b>	Has the meaning given by the <i>Environment Protection (Sea Dumping) Act 1981</i> , namely, a structure or formation placed on the seabed:  (a) for the purpose of increasing or concentrating populations of marine plants and animals; or  (b) for the purpose of being used in human recreational activities.
<b>Australian Government or the Government</b>	The Government of the Commonwealth of Australia.
<b>Australia–Indonesia MoU</b>	Australia–Indonesia Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Fishing Zone and Continental Shelf – 1974 and the 1989 Guidelines.
<b>Australian Marine Parks or Marine Park</b>	Commonwealth reserves, named as Marine Parks, comprising the South-west, North-west, North and Temperate East Networks of Marine Parks and the Coral Sea Marine Park declared by the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and the reserves comprising the South-east Commonwealth Network of Marine Parks declared by the Proclamations made under the EPBC Act on 28 June 2007.
<b>authorisation</b>	As described in Section 4.4 (Authorisation of activities) of this plan.
<b>biodiversity or biological diversity</b>	Has the meaning given by s.528 of the EPBC Act.
<b>biologically important areas</b>	Areas where a protected species displays a biologically important behaviour such as breeding, foraging, resting and migration. These areas serve to highlight the parts of a marine region that are particularly important for the conservation of protected species.
<b>bioregion</b>	A large area that has similar types of plants, animals and ocean conditions compared with other similarly sized areas, and, in this document, those bioregions as defined in the Integrated Marine and Coastal Regionalisation of Australia Version 4.0.
<b>Bioregional plan</b>	Has the meaning given by s.528 of the EPBC Act.
<b>CAR</b>	Comprehensiveness—includes the full range of ecosystems recognised at an appropriate scale within and across each bioregion.  Adequacy—has the required level of protection to maintain the ecological viability and integrity of populations, species and communities.  Representativeness—those marine areas that are selected for inclusion in reserves should reasonably reflect the biotic diversity of the marine ecosystems from which they derive.



<b>class approval</b>	As described in Section 4.4.2 (Class approvals) of this plan.
<b>commercial aquaculture</b>	Farming and culturing of aquatic organisms, such as fish, crustaceans and molluscs.
<b>commercial fishing</b>	Has the meaning given by s.390SC(1A) of the EPBC Act: a fishing activity that is engaged in for a commercial purpose, and, to avoid doubt, does not include an activity that constitutes recreational fishing.
<b>commercial pearling</b>	Collecting, farming and culturing of pearl oyster.
<b>Commonwealth marine area</b>	Has the meaning given by s.24 of the EPBC Act.
<b>Commonwealth marine environment</b>	The environment in the Commonwealth marine area.
<b>Commonwealth reserve</b>	A reserve established and managed under Division 4 of Part 15 of the EPBC Act, including Australian Marine Parks
<b>Department</b>	The Department responsible for administering the EPBC Act.
<b>Director</b>	The Director of National Parks established under s.514A of the EPBC Act, including any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the North-west Marine Parks Network.
<b>dropline</b>	A line that is vertically set or suspended in the water column between a weight (normally in contact with the seabed) and a vessel or a buoy on the water surface. Baited hooks are attached to the mainline via smaller lines (branch-lines or snoods).
<b>ecologically sustainable use</b>	Has the meaning given by s.528 of the EPBC Act.
<b>ecosystem</b>	Has the meaning given by s.528 of the EPBC Act.
<b>endemic/endemism</b>	Native to or confined to a certain region.
<b>environment</b>	Has the meaning given by s.528 of the EPBC Act.
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> , including any Act amending, repealing or replacing the Act.
<b>EPBC Regulations</b>	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i> , including any Regulations amending, repealing or replacing the Regulations.

<b>fish aggregating device</b>	<p>Has the meaning given by the <i>Sea Installation Act 1987</i>, namely:</p> <p>(a) a man-made structure that, when in, or brought into, physical contact with the seabed or when floating, is used solely for the purpose of attracting populations of fish so as to facilitate the taking of those fish; or</p> <p>(b) any electronic or other equipment designed or intended to be ancillary to, or associated with, such a structure while it is being used, or in order to facilitate the use of the structure, for that purpose;</p> <p>and do not include a net, trap or other equipment for taking, catching or capturing fish.</p>
<b>hand collection</b>	Removing species from rocks, crevices, the seafloor or other benthic substrate by hand using dive hookah, self-contained underwater breathing apparatus (scuba) or snorkel.
<b>hand net (hand, barrier, skimmer, cast, scoop, drag, lift)</b>	A small mesh net that is operated by hand to trap fish including a hand net, barrier net, skimmer net, cast net, scoop net, drag net, lift net.
<b>Indigenous Protected Area (IPA)</b>	An Indigenous Protected Area (IPA) is an area voluntarily dedicated for protection by Indigenous groups on Indigenous owned or managed land or sea country. IPAs are recognised by the Australian Government as part of the National Reserve System, protecting the nation's biodiversity for the benefit of all Australians. Most IPAs are dedicated to promote a balance between conservation and other sustainable uses to deliver social, cultural and economic benefits for local Indigenous communities. IPAs combine traditional and contemporary knowledge into a framework to leverage partnerships with conservation and commercial organisations and provide employment, education and training opportunities for Indigenous people.
<b>Integrated Marine and Coastal Regionalisation of Australia (IMCRA)</b>	A spatial framework for classifying Australia's marine environment into bioregions that forms the basis for the development of a National Representative System of Marine Protected Areas.
<b>IUCN</b>	International Union for the Conservation of Nature.
<b>Key ecological feature</b>	Elements of the Commonwealth marine environment that, based on best available scientific understanding, are considered to be of regional importance for either the region's biodiversity or ecosystem function and integrity.
<b>longline (demersal, auto-longline)</b>	A line that is horizontally set along the seafloor between weights to maintain contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). An auto-longline is a longline where the hooks are baited by a machine rather than manually.

<b>longline (pelagic)</b>	A line that is horizontally set near the surface of the water and avoids contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are generally used intermittently along the main line to help maintain buoyancy in the water column. The line may be left to drift in the water or anchored by vertical lines to the seafloor.
<b>management category</b>	An IUCN category prescribed by Schedule 8 of the EPBC Regulations.
<b>management plan, or the plan, or this plan</b>	This management plan unless otherwise stated.
<b>management principles</b>	Australian IUCN reserve management principles prescribed by r.10.04 and Schedule 8 of the EPBC Regulations.
<b>MARPOL</b>	The International Convention for the Prevention of Pollution from Ships (MARPOL) is the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. MARPOL addresses pollution that might result from accidents such as collisions or groundings, as well as all types of waste generated during the normal operation of a ship. Ships are permitted to discharge small quantities of certain wastes, subject to very strict controls
<b>mining operations</b>	Has the meaning given by s.355(2) of the EPBC Act.
<b>Minister</b>	The Minister responsible for administering the EPBC Act.
<b>minor line (handline, rod &amp; reel, trolling, squid jig, poling)</b>	Any line fishing with a small number of hooks, often just one (i.e. handline, rod and reel, squid jigging and pole fishing). Trolling is dragging a lure or baited hook behind a moving vessel and reeling it in (either by hand, reel or winches). Poling is dragging a lure or baited hook on a fixed length of line behind a vessel and flicking or gaffing the fish into the boat. Squid jigging involves vertical lines with several barbless lures being mechanically jigged up and down to attract squid.
<b>National Representative System of Marine Protected Areas (NRSMPA)</b>	Australia's comprehensive, adequate and representative system of marine protected areas that contributes to the long-term ecological viability of marine and estuarine systems, maintains ecological processes and systems, and protects Australia's biological diversity at all levels.
<b>native title</b>	Has the meaning given by s.223 of the <i>Native Title Act 1993</i> .
<b>net (demersal)</b>	A rectangular mesh net anchored to the seafloor with weights. The net may have small floats along the upper line to maintain its shape in the water. Each end has a vertical line that is connected to buoys on the surface of the water.

<b>net (pelagic)</b>	A rectangular mesh net set near the surface of the water that is not in contact with the seafloor. The net generally has floats along the upper line to maintain buoyancy. Each end is connected to a buoy on the surface of the water. The net can be left to drift or connected to a boat.
<b>news of the day</b>	The reporting by newspaper, television, radio or other electronic media, of unanticipated events that happen from time to time, such as rescue events. It does not include general items about a marine park or planned activities in the park.
<b>North-west Marine Parks Network, or North-west Network, or the Network</b>	The 13 areas described in Schedule 2 to the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and declared to be Commonwealth reserves by Section 6 of the proclamation.
<b>Parks Australia</b>	The Division of the Department that supports the Director of National Parks.
<b>pelagic fishing gear</b>	Fishing gear that does not come in contact with the seabed during use.
<b>permit</b>	As described in Section 4.4.1 (Permits) of this plan.
<b>prescription</b>	Mandatory rules for managing marine parks.
<b>protected species</b>	Species protected under the EPBC Act as listed threatened, migratory or marine species and/or cetaceans (whales, dolphins and porpoises).
<b>purse seine</b>	A semi-rectangular mesh net with floats along the top and a weighted line along the bottom. A vessel or buoy is used to anchor one end of the net while it is set around a fish aggregation in a circular pattern. The bottom of the net has a cable threaded through it which, when pulled, brings the bottom of the net together like a purse trapping the fish inside. The net is then pulled toward the vessel and the fish are either lifted or pumped on board the vessel.
<b>recreational fishing</b>	Taking marine species, including shells, not for commercial purposes and that is not commercial fishing.
<b>Sea country</b>	Sea country refers to the areas of the sea that Aboriginal and Torres Strait Islander groups are particularly affiliated with through their traditional lore and customs.
<b>stowed and secured</b>	All fishing apparatus, including nets and lines, are rendered inoperative in zones where fishing is not permitted, including that the apparatus is inboard the vessel and otherwise completely out of the water or as determined by the Director.
<b>traditional owners</b>	A local descent group of Indigenous persons who have common spiritual affiliations to an area of sea country and are entitled by Indigenous traditions to fish and hunt in an area of sea country.

<b>transit</b>	Continuous and expeditious passage through an area. However, passage includes stopping and anchoring, but only in so far as rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
<b>trap, pot</b>	Traps and pots are made in a variety of shapes and sizes from various materials. They are generally baited to attract fish or crustaceans through one or more entrances or openings. Traps and pots are set on the seafloor and connected to a vertical line with a buoy on the surface of the water.
<b>trawl (demersal)</b>	A cone-shaped mesh net towed through the water column on or near the seabed that may come into contact with the seabed during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening generally has chains, rubber or steel bobbins and spacers threaded along its length to help reduce snagging by slightly lifting the net off the seafloor. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations such as one or four nets.
<b>trawl (midwater)</b>	A cone-shaped mesh net towed through the water column that does not come into contact with the seabed at any stage during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening is weighted. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations, such as one or four nets.
<b>trotline</b>	A trotline is very similar to a demersal longline. It is a line that is horizontally set along the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are used intermittently along the mainline to lift baited hooks away from the seafloor.
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982
<b>values</b>	Defined in Part 2 of this plan.
<b>vessel identification and monitoring system</b>	A system whereby vessels are fitted with an electronic device that can transmit or provide information to a central management agency about the vessel's course or position, or other such information.

## SCHEDULE 1. SUMMARY OF LEGISLATIVE AND POLICY CONTEXTS

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### S1.1 THE EPBC ACT AND EPBC REGULATIONS

The objects of the EPBC Act (s.3) are:

- a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- c) to promote the conservation of biodiversity;
- ca) to provide for the protection and conservation of heritage;
- d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples;
- e) to assist in the co-operative implementation of Australia's international environmental responsibilities;
- f) to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- g) to promote the use of Indigenous people's knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

#### **Director of National Parks**

The Director of National Parks is a corporation under the EPBC Act (s.514A) and a Commonwealth corporate entity for the purposes of the *Public Governance Performance and Accountability Act 2013*. The corporation is controlled by the person appointed by the Governor-General to the office that is called the Director of National Parks (s.514F of the EPBC Act).

The functions of the Director (s.514B) include the administration, management and control of Commonwealth reserves established under the EPBC Act. The Director generally has power to do all things necessary or convenient for performing the Director's functions (s.514C). The Director has a number of specified powers under the EPBC Act and EPBC Regulations, including to prohibit or control some activities, and to issue permits for activities that are otherwise prohibited. The Director performs functions and exercises powers in accordance with this plan.

#### **Establishment of Commonwealth reserves**

Commonwealth reserves, including Australian Marine Parks, are declared by proclamation by the Governor-General under the EPBC Act. The EPBC Act and the EPBC Regulations provide the legal basis and framework for management of Commonwealth reserves.

Commonwealth reserves can be declared over areas specified in s.344 of the EPBC Act, including the Commonwealth marine area as defined in s.24 of the Act (which extends generally from the three nautical mile limit of the coastal waters of the states and territories to the outer limit of Australia's exclusive economic zone). The Commonwealth marine area is also a matter of national environmental significance protected from significant impacts to the environment by Part 3 of the EPBC Act.



### ***IUCN categories and management principles***

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

#### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation—management arrangements should, to the extent practicable, provide for broad and meaningful participation by the community, public organisations and private interests in designing and carrying out the functions of a reserve or zone;
2. effective and adaptive management—management arrangements should be effective and appropriate to the biodiversity objectives and the socio-economic context of the reserve or zone. They should be adaptive in character to ensure a capacity to respond to uncertainty and change;
3. the precautionary principle—a lack of full scientific certainty should not be used as a reason for postponing measures to prevent degradation of the natural and cultural heritage of a reserve or zone where there is a threat of serious or irreversible damage;
4. minimising impacts—the integrity of a reserve or zone is best conserved by protecting it from disturbance and threatening processes. Potential adverse impacts on the natural, cultural and social environment and surrounding communities should be minimised as far as practicable;
5. ecologically sustainable use—if resource use is consistent with the management principles that apply to a reserve or zone, it should be based on the principle (the principle of ecologically sustainable use) that:
  - a) natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature and
  - b) the benefit of the use to the present generation should not diminish the potential of the reserve or zone to meet the needs and aspirations of future generations;
6. transparency of decision-making—the framework and processes for decision-making for management of the reserve or zone should be transparent. The reason for making decisions should be publicly available, except to the extent that information, including information that is culturally sensitive or commercial-in-confidence, needs to be treated as confidential; and
7. joint management—if the reserve or zone is wholly or partly owned by Aboriginal people, continuing traditional use of the reserve or zone by resident Indigenous people, including the protection and maintenance of cultural heritage, should be recognised.

### *Principles for each IUCN category represented in the North-west Network*

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the North-west Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

#### **1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

#### **3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

#### **5. Habitat/species management area (IUCN category IV)**

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.

- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.
- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.
- 5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.
- 5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

- 7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.
- 7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.

### ***Management plans***

The EPBC Act requires the Director to prepare a management plan for a Commonwealth reserve. When prepared, a plan is given to the Minister administering the EPBC Act for approval. A management plan is a 'legislative instrument' for the purposes of the Legislative Instruments Act 2003 and must be registered under that Act. Following registration, the plan is tabled in each House of the Commonwealth Parliament and may be disallowed by either House on a motion moved within 15 sitting days of the House after tabling.

A management plan for a Commonwealth reserve has effect for ten years, subject to being revoked or amended earlier by another management plan for the reserve. The Director must give effect to a management plan in operation for a Commonwealth reserve. The Commonwealth and Commonwealth agencies must also not perform functions or exercise powers in relation to the reserve inconsistently with the plan (s.362).

Under the EPBC Act (s.367) a management plan for a Commonwealth reserve must provide for the protection and conservation of the reserve.

A management plan for a Commonwealth reserve may divide the reserve into zones and assign each zone to an IUCN category (whether or not a proclamation has assigned the reserve or each zone of the reserve to that IUCN category). The category to which a zone is assigned may differ from the category to which the reserve is assigned.

The provisions of a management plan for a Commonwealth reserve that relate to the reserve or a particular zone of the reserve must not be inconsistent with the Australian IUCN reserve management principles for the IUCN category to which the reserve or zone is assigned by the plan.

If the management plan for a Commonwealth reserve assigns the reserve to one IUCN category and assigns a zone of the reserve to a different IUCN category, disregard the IUCN category to which the reserve is assigned for the purposes of the application of subsection (3) in relation to the zone.

A single management plan may be the management plan for more than one Commonwealth reserve.

A management plan for a Commonwealth reserve may include provisions relating to an area that is proposed to be included in the reserve, but they do not have effect until the area is included in the reserve.

Under the EPBC Act (s.368), in preparing a management plan for a Commonwealth reserve, the Director must take account of:

- (a) any report considered by the Minister under Section 351 before a proclamation declaring the reserve was made; and
- (b) the regulation of the use of the reserve for the purpose for which it was declared; and
- (c) the interests of:
  - (i) any owner of any land or seabed in the reserve; and
  - (ii) the traditional owners of any Indigenous people's land in the reserve; and
  - (iii) any other Indigenous persons interested in the reserve; and
  - (iv) any person who has a usage right relating to land, sea or seabed in the reserve that existed (or is derived from a usage right that existed) immediately before the reserve was declared; and
- (d) the protection of the special features of the reserve, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest; and
- (e) the protection, conservation and management of biodiversity and heritage within the reserve; and
- (f) the protection of the reserve against damage; and
- (g) Australia's obligations under agreements between Australia and one or more other countries relevant to the protection and conservation of biodiversity and heritage.

#### ***Control of actions in Commonwealth reserves***

The EPBC Act (ss.354 and 354A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a management plan in operation for the reserve:

- a) kill, injure, take trade, keep or move a member of a native species; or
- b) damage heritage; or
- c) carry out an excavation; or
- d) erect a building or other structure; or
- e) carry out works; or
- f) take an action for commercial purposes.

Mining operations are also prohibited (ss.355 and 355A of the EPBC Act) except in accordance with a management plan. Section 355(2) defines mining operations as follows:

- a) operations or activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals, including:
  - (i) prospecting and exploration for minerals; and
  - (ii) milling, refining, treatment and processing of minerals; and
  - (iii) storage and disposal of minerals and materials produced from minerals;
- b) the construction and use of towns, camps, dams, pipelines power lines or other structures for the purposes of operations or activities described in paragraph (a); and
- c) the performance of any other work for the purposes of operations or activities described in paragraph (a).

Section 358 of the EPBC Act allows the Director to grant a lease or a licence relating to land or seabed in a Commonwealth reserve in accordance with a management plan.

The EPBC Regulations control, or allow the Director to control, a range of activities in Commonwealth reserves. The Director applies the Regulations subject to and in accordance with the EPBC Act and management plan. The Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act. Activities that are prohibited or restricted by the EPBC Act may be carried on if they are authorised by a permit issued by the Director and/or they are carried on in accordance with a management plan or if another exception prescribed by r.12.06(1) of the Regulations applies.

Access to biological resources in Commonwealth areas is regulated under Part 8A of the EPBC Regulations. Access to biological resources is also covered by ss.354 and 354A of the EPBC Act if the resources are members of a native species and/or if access is for commercial purposes.

### ***Environmental assessment and approval***

Actions that are likely to have a significant impact on matters of national environmental significance are subject to the referral, assessment and approval provisions of Chapters 2 to 4 of the EPBC Act (irrespective of where the action is taken).

At commencement of this plan, the matters of national environmental significance identified in the EPBC Act are:

- a) world heritage properties;
- b) national heritage places;
- c) wetlands of international importance (Ramsar wetlands);
- d) listed threatened species and communities;
- e) listed migratory species;
- f) protection of the environment from nuclear actions (including uranium mining);
- g) marine environment (Commonwealth marine areas);
- h) the Great Barrier Reef Marine Park; and
- i) protection of water resources from coal seam gas development and large coal mining development.

The referral, assessment and approval provisions also apply to actions on Commonwealth land that are likely to have a significant impact on the environment and to actions taken outside Commonwealth land that are likely to have a significant impact on the environment on Commonwealth land.

Responsibility for compliance with the assessment and approvals provisions of the EPBC Act lies with persons taking relevant 'controlled' actions. A person proposing to take an action that the person thinks may be or is a controlled action should refer the proposal to the Minister. The Minister will decide whether or not the action is a controlled action. The Director of National Parks may also refer proposed actions to the Minister.

### ***Wildlife protection***

Part 13 of the EPBC Act contains provisions that prohibit and regulate actions in relation to listed threatened species and ecological communities, listed migratory species, listed marine species and cetaceans (whale, dolphin and porpoise).

Actions taken in accordance with a Commonwealth reserve in accordance with a management plan in relation to any native species listed under Part 13 of the EPBC Act are exempt from prohibitions in Part 13 of the Act.

### ***Heritage protection***

The EPBC Act world heritage protection provisions (s.12–15A, ss.320–324) provide:

- a) that the primary purpose of management of natural heritage and cultural heritage of a declared world heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the world heritage values of the property;
- b) that at least one management plan should be prepared for each declared world heritage property;
- c) that the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure it exercises its powers and performs its functions in relation to the property in a way that is not inconsistent with the World Heritage Convention, the Australian world heritage management principles; and if the property is on the World Heritage List and a plan for managing the property has been prepared as described in s.321—that plan;
- d) that an action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the world heritage values of the property.

The EPBC Act National and Commonwealth heritage protection provisions (ss.324A to 324ZC and ss.341A to 341ZH) provide:

- a) for the establishment and maintenance of a National Heritage List and a Commonwealth Heritage List, criteria and values for inclusion of places in either list and heritage management principles for places that are included in the two lists;
- b) that Commonwealth agencies must not take an action that is likely to have an adverse impact on the heritage values of a place included in either list unless there is no feasible and prudent alternative to taking the action and all measures that can reasonably be taken to mitigate the impact of the action on those values are taken and that Commonwealth agencies that own or control places must—
  - i. prepare a written heritage strategy for managing those places to protect and conserve their Commonwealth heritage values. The strategy must address any matters required by the EPBC Regulations, and not be inconsistent with the Commonwealth heritage management principles, and
  - ii. identify Commonwealth heritage values for each place, and produce a register that sets out the Commonwealth heritage values (if any) for each place (and do so within the timeframe set out in the place's heritage strategy).

The prescriptions in this plan are consistent with the Commonwealth heritage and national heritage management principles and other relevant obligations under the EPBC Act for protecting and conserving the heritage values for which the reserve has been listed on the National Heritage List.

### ***Wetlands of international importance***

The EPBC Act management of wetlands of international importance provisions (ss.325 to 336) provide:

- a) that the Commonwealth may designate a wetland for inclusion in the List of Wetlands of International Importance kept under the Ramsar Convention only after seeking the agreement of relevant states, self-governing territories and land holders;
- b) that the Minister must make plans for managing wetlands listed under the Ramsar Convention that are entirely in Commonwealth areas other than Commonwealth reserves. The Commonwealth and Commonwealth agencies must not contravene such plans;
- c) that the Commonwealth must try to prepare and implement management plans for other wetlands listed under the Ramsar Convention, in cooperation with the relevant states and self-governing territories;



- d) that the Commonwealth and Commonwealth agencies have duties relating to declared Ramsar wetlands in states and territories; and
- e) that the Commonwealth can provide assistance for the protection or conservation of declared Ramsar wetlands.

The prescriptions in this plan are consistent with the Australian Ramsar management principles prescribed in Schedule 6 of the EPBC Regulations and other relevant obligations under the EPBC Act for the management of wetlands included in the List of Wetlands of International Importance kept under the Ramsar Convention.

#### ***EPBC Act and Indigenous traditional rights and native title rights***

Native title rights may exist in offshore waters within Australia's jurisdiction. Native title determinations need not have been made in order for native title rights to exist.

The EPBC Act does not affect the operation of the *Native Title Act 1993* and s.211 in particular, which in certain circumstances allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence (s.8 EPBC Act). Prohibitions and other provisions of the EPBC Act and EPBC Regulations dealing with activities in Commonwealth reserves do not prevent Indigenous people from continuing their traditional use of an area in a reserve for hunting or gathering (except for purposes of sale), or for ceremonial and religious purposes, in accordance with the EPBC Act s.359A.

#### ***Access to biological resources***

Access to biological resources in Commonwealth areas is regulated under the EPBC Regulations Part 8A and a permit from the Minister is required. Access to biological resources is defined in the EPBC Regulations and broadly means the taking of biological resources of native species for research and development on any genetic resources, or biochemical compounds, comprising or contained in the biological resources. Biological resources are defined by the EPBC Act as genetic resources, organisms, parts of organisms, populations and any other biotic component of an ecosystem with actual or potential use or value for humanity. Genetic resources are defined by the EPBC Act as any material of plant, animal, microbial or other origin that contains functional units of heredity, and that has actual or potential value for humanity.

#### ***Penalties***

Civil and criminal penalties may be imposed for breaches of the EPBC Act and criminal penalties may be imposed for breaches of the EPBC Regulations.

## **S1.2 OTHER RELEVANT LEGISLATION**

The ***Environment Protection (Sea Dumping) Act 1981 (Sea Dumping Act)*** regulates the loading for the purpose of dumping and dumping of controlled material at sea (including certain wastes and other matter), and the placement of artificial reefs. The Act gives effect to Australia's obligations under the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol). Under the Sea Dumping Act, dumping at sea is prohibited, except for possibly acceptable wastes or other matter that may be considered under a permit.

The ***Fish Resources Management Act 1994*** and the ***Pearling Act 1990*** are the regulatory framework for the management of Western Australia's fisheries and aquatic biological resources. The ***Fisheries Act 1988*** and ***Fisheries Regulations 1993*** are the regulatory framework for the management of Northern Territory fisheries resources.

The ***Fisheries Management Act 1991*** regulates fishing activities in the Australian Fishing Zone, from the Australian coastline to 200 nm, including waters surrounding external territories.

The ***Historic Shipwrecks Act 1976*** provides for the protection of historic shipwrecks and associated relics and the establishment of protected zones around historic shipwrecks from the lowest astronomical tide mark to the exclusive economic zone. All shipwrecks and associated relics more than 75 years old whether located or not are protected under the Act by Ministerial declaration. A wreck less than 75 years old may also be

protected by a declaration of the Minister.

The *Historic Shipwrecks Act 1976* prohibits conduct in relation to historic shipwrecks and relics without a permit, which includes conduct that destroys or causes damage to a historic shipwreck or relic, causes interference with a historic shipwreck or relic, causes the disposal of a historic shipwreck or relic, or causes a historic shipwreck or relic to be removed from Australia.

The most current information about the status of discovered shipwrecks, protected shipwrecks or shipwrecks that have a declared protected zone is in the Australian national shipwrecks database ([www.environment.gov.au](http://www.environment.gov.au)).

The ***Offshore Minerals Act 1994*** establishes the regulatory framework for offshore exploration and recovery of minerals beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The ***Offshore Petroleum and Greenhouse Gas Storage Act 2006*** is the regulatory framework for offshore exploration and production of petroleum, and greenhouse gas storage activities, beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The ***Protection of the Sea (Prevention of Pollution from Ships) Act 1983*** and the ***Navigation Act 2012*** address the protection of the marine environment from ship-sourced pollution. The Prevention of Pollution from Ships Act implements the International Convention for the Prevention of Pollution from Ships (MARPOL), and regulates normal or routine operational discharges from ships. MARPOL annexes regulate the discharge of oil (Annex I), noxious liquid substances (Annex II), the disposal of sewage from ships (Annex IV) and garbage (Annex V), harmful substances carried by sea in packaged forms (Annex III) and air pollution from ships (Annex VI). The Australian Maritime Safety Authority (AMSA) is responsible for the application and enforcement of MARPOL in areas of Commonwealth jurisdiction, that is, to the limit of the 200 nautical mile exclusive economic zone. State and territory governments give effect to MARPOL Annexes in coastal waters out to three nautical miles (approximately 5.5 km) from land.

### S1.3 INTERNATIONAL AGREEMENTS

This plan takes into account Australia's obligations under international agreements that are relevant to the North-west Network. These include:

#### **Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment (JAMBA)**

JAMBA provides for Australian and Japanese cooperation on the protection of migratory birds and birds in danger of extinction (listed in the annex to the agreement) and the management and protection of their environments. It requires both countries to take appropriate measures to preserve and enhance the environment of birds protected under the provisions of the agreement.

#### **Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (CAMBA)**

CAMBA provides for Australian and Chinese cooperation on the protection of migratory birds (listed in the annex to the agreement) and their environment. It requires both countries to take appropriate measures to preserve and enhance the environment of migratory birds.

#### **Agreement between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds 2007 (ROKAMBA)**

ROKAMBA provides for Australian and Korean cooperation on the protection of migratory birds (listed in the annex to the agreement) and their habitat and the prevention of the extinction of certain birds. It requires both countries to take appropriate measures to conserve and improve the environment of birds protected under the provisions of the agreement.

### **Agreement on the Conservation of Albatrosses and Petrels (ACAP)**

This agreement provides for parties to conserve highly migratory and threatened seabirds over their normal range by protecting critical habitat, controlling non-native species detrimental to albatrosses and petrels, introducing measures to reduce the incidental catch of seabirds in fisheries, and supporting research into the effective conservation of albatrosses and petrels.

### **Australia–Indonesia Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Fishing Zone and Continental Shelf – 1974**

This agreement between the Government of Australia and the Government of the Republic of Indonesia Relating to Cooperation in Fisheries (1992 Fisheries Cooperation Agreement) provides the framework for fisheries and marine cooperation between Australia and Indonesia. It includes the MoU Box, an area of Australian water in the Timor Sea where Indonesian traditional fishers are permitted to operate using traditional fishing methods only.

As part of negotiations to delineate seabed boundaries, Australia and Indonesia entered into the MoU which recognises the rights of access for traditional Indonesian fishers in shared waters to the north of Australia. This access was granted in recognition of the long history of traditional Indonesian fishing in the area. The MoU provides Australia with a tool to manage access to its waters while for Indonesia, it enables Indonesian traditional fishers to continue their customary practices and target species such as trepang, trochus, abalone and sponges. Guidelines were agreed in 1989 to clarify access boundaries for traditional fishers and take into account the declaration of the 200 nm fishing zones. Because of its approximate shape the MoU area became known as the MoU Box.

### **Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention)**

The World Heritage Convention was adopted to ensure the proper identification, protection, conservation and presentation of cultural and natural heritage with outstanding universal value. Australian world heritage management principles are prescribed in Schedule 5 of the EPBC Regulations.

### **Convention on Biological Diversity (CBD)**

Australia is a signatory to the CBD, which requires parties to pursue the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the use of genetic resources. Article 8 of the convention identifies that parties should 'establish a system of protected areas or areas where special measures need to be taken to conserve biodiversity'. The establishment and management of the North-west Network assists Australia in meeting its obligations under the CBD.

In 2010, the Conference of Parties to the CBD adopted a 'Strategic Plan for Biodiversity'. It includes 'Target 11' relevant to protected areas:

*By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.*

The Strategic Plan complements, but does not replace, the commitment to establish representative networks of marine protected areas by 2012, made at the 2002 World Summit on Sustainable Development. Australia has met and exceeded this target.

### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

CITES aims to ensure that the international trade of wild fauna and flora specimens does not threaten the survival of the species from which they are derived. It places controls on the international trade of specimens of certain species. At the time of preparing this plan, several marine mammal species found in the North-west Network were listed under CITES Annex II.

### **Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)**

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to this convention work together to conserve migratory species and their habitats. Species that are listed under the above migratory agreements and conventions are listed species under Part 13 of the EPBC Act.

### **Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (Ramsar Convention)**

This international agreement is more commonly known as the Ramsar Convention on Wetlands, and originally aimed to conserve and wisely use wetlands primarily as habitat for waterbirds. Over the years, the Ramsar Convention's scope has broadened to cover all aspects of wetland conservation and wise use, recognising that wetland ecosystems are important for both biodiversity conservation and the wellbeing of human communities.

To achieve its aims, the Ramsar Convention requires international cooperation, policy-making, capacity-building and technology transfer from its members. Under the Ramsar Convention, a wide variety of natural and human-made habitat types can be classified as wetlands, including features in the marine environment.

All wetlands listed under the Ramsar Convention are recognised as matters of national environmental significance under the EPBC Act. As such, approval is required for actions that will have, or are likely to have a significant impact on the ecological character of a Ramsar-listed wetland.

### **International Convention for the Prevention of Pollution from Ships (MARPOL)**

MARPOL deals with preventing and minimising the discharge of ship-generated pollution into the sea. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. The International Maritime Organization (IMO), a specialised agency of the United Nations, administers this convention and related conventions. MARPOL is given effect in Australia by the *Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012*. It is the basis for Australian, state and territory government regulation of pollution from all ships, including fishing vessels, in Australian waters. The Australian Maritime Safety Authority (AMSA) and state and territory governments are responsible for the application and enforcement of MARPOL in Australian waters.

### **International Convention for the Regulation of Whaling**

Australia is a member of the International Whaling Commission, which supports the conservation of whales and the management of whaling under the International Convention for the Regulation of Whaling. Through its membership of the Commission, Australia promotes international collaboration and research that helps to protect whales in Commonwealth waters and internationally. This includes initiatives to support the growing whale watching industry, better understand where and why collisions occur between whales and ships, and coordinate actions to protect the most at-risk populations of whales and dolphins. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

## **United Nations Convention on the Law of the Sea (UNCLOS)**

UNCLOS defines the rights and responsibilities of nations in their use of the world's oceans. It establishes guidelines for businesses, the environment and the management of marine natural resources. It provides foreign vessels with a right of innocent passage through territorial seas.

In December 2012, the IMO endorsed an Australian submission to establish an Area to be Avoided (ATBA, an IMO ship routing measure), off the Ningaloo Coast in Western Australia. The ATBA, which came into effect on 1 June 2013 and applies to all ships over 150 gross tonnage and all ships engaged in towing operations, aims to

- a) mitigate the risk created by increasing coastal traffic and shipping activity, by maintaining a safer distance between ships and the reefs;
- b) prevent incursions by off-loading and offshore support ships servicing production facilities further north;
- c) reduce the risk of shipping accidents; and
- d) protect a world heritage-listed region from any ship-sourced pollution.

## **UN Declaration on the Rights of Indigenous Peoples**

On 3 April 2009 the Australian Government announced its support for the UN Declaration on the Rights of Indigenous Peoples. Although the Declaration is non-binding and does not affect existing Australian law, it does set important international principles for nations to aspire to and many of its provisions are grounded in the core human rights treaties to which Australia is a party.

## **1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Protocol)**

Australia is a party to the London Protocol, the objective of which is to protect and preserve the marine environment from all sources of pollution and prevent pollution caused by dumping or incineration at sea of wastes or other matter. The London Protocol limits the types of materials that can be considered for ocean disposal, and bans the incineration of wastes at sea. In Australia, the London Protocol is administered by the Australian Government under the Sea Dumping Act.

## **2030 Agenda for Sustainable Development and the Sustainable Development Goals (2030 Agenda)**

The 2030 Agenda for Sustainable Development (2030 Agenda) aims to integrate the social, environmental and economic dimensions of sustainable development. The 2030 Agenda was agreed by 193 Member States at the United Nations Sustainable Development Summit in New York in September 2015. It includes 17 Sustainable Development Goals (SDGs) – a roadmap for sustainable development efforts to 2030 and beyond. Australian Marine Parks contribute to five SDGs: SDG 8 – Decent Work and Economic Growth; SDG 12 – Responsible Production and Consumption; SDG 13 – Climate Action; SDG 14 – Life below Water; and Goal 15 – Life on Land.



## SCHEDULE 2. NORTH-WEST NETWORK OVERVIEW AND VALUES

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Nudibranch (Parks Australia)



## S2.1 NORTH-WEST NETWORK OVERVIEW

The marine parks of the North-west Network were proclaimed under the EPBC Act on 14 December 2013 (Federal Register of Legislation No. F2013L02108) and renamed on 9 October 2017 (Federal Register of Legislation No. F2017L01337).

**Table S2.1. Overview of the North-west Network**

Marine park name	Zones, IUCN categories and zone area	Marine park IUCN category	Total marine park area
<b>Shark Bay</b>	Multiple Use Zone (VI) 7443 km <sup>2</sup>	VI	7443 km <sup>2</sup>
<b>Carnarvon Canyon</b>	Habitat Protection Zone (IV) 6177 km <sup>2</sup>	IV	6177 km <sup>2</sup>
<b>Ningaloo</b>	National Park Zone (II) 116 km <sup>2</sup> Recreational Use Zone (IV) 2319 km <sup>2</sup>	IV	2435 km <sup>2</sup>
<b>Gascoyne</b>	National Park Zone (II) 9132 km <sup>2</sup> Habitat Protection Zone (IV) 38,982 km <sup>2</sup> Multiple Use Zone (VI) 33,652 km <sup>2</sup>	IV	81,766 km <sup>2</sup>
<b>Montebello</b>	Multiple Use Zone (VI) 3413 km <sup>2</sup>	VI	3413 km <sup>2</sup>
<b>Dampier</b>	National Park Zone (II) 73 km <sup>2</sup> Habitat Protection Zone (IV) 104 km <sup>2</sup> Multiple Use Zone (VI) 1074 km <sup>2</sup>	VI	1252 km <sup>2</sup>
<b>Eighty Mile Beach</b>	Multiple Use Zone (VI) 10,785 km <sup>2</sup>	VI	10,785 km <sup>2</sup>
<b>Roebuck</b>	Multiple Use Zone (VI) 304 km <sup>2</sup>	VI	304 km <sup>2</sup>
<b>Mermaid Reef</b>	National Park Zone (II) 540 km <sup>2</sup>	II	540 km <sup>2</sup>
<b>Argo–Rowley Terrace</b>	National Park Zone (II) 36,050 km <sup>2</sup> Multiple Use Zone (VI) 108,812 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 1141 km <sup>2</sup>	VI	146,003 km <sup>2</sup>
<b>Kimberley</b>	National Park Zone (II) 6392 km <sup>2</sup> Habitat Protection Zone (IV) 5665 km <sup>2</sup> Multiple Use Zone (VI) 62,411 km <sup>2</sup>	VI	74,469 km <sup>2</sup>

Marine park name	Zones, IUCN categories and zone area	Marine park IUCN category	Total marine park area
<b>Ashmore Reef</b>	Sanctuary Zone (Ia) 550 km <sup>2</sup> Recreational Use Zone (IV) 34 km <sup>2</sup>	Ia	583 km <sup>2</sup>
<b>Cartier Island</b>	Sanctuary Zone (Ia) 172 km <sup>2</sup>	Ia	172 km <sup>2</sup>

**Note:** Each marine park extends from 1000 m below the seabed (except for Ashmore Reef which extends from 200 m) to 3000 m above sea level.

**Note:** Zone and total marine park areas are rounded to the nearest km<sup>2</sup>; therefore, the sum of areas may not equate to the total marine park or network areas in some instances.

## S2.2 NORTH-WEST NETWORK VALUES

This Schedule describes the values represented in each marine park of the North-west Network.

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

Values will be used to inform the Director's decisions when authorising activities in marine parks. Activities will be assessed in relation to their impacts on and risk to values to ensure activities are undertaken in a manner that minimises impacts to as low as reasonably practicable (Section 4.2 Making decisions about activities).

As understanding of park values improves over time, updated information will be available on the Parks Australia website.

Other sources of information on marine park values can be found on the Department's website, in particular, for protected species (species profile and threats database), wetlands (Australian wetlands directory), heritage places (Australian heritage database), and shipwrecks (Australian national shipwrecks database); and in the *Marine bioregional plan for the North-west Marine Region* (2012) and the *North-west marine bioregional plan: bioregional profile* (2008).

## SHARK BAY MARINE PARK

The Shark Bay Marine Park (Figure S2.1) is located approximately 60 km offshore of Carnarvon, adjacent to the Shark Bay world heritage property and national heritage place. The Marine Park covers an area of 7443 km<sup>2</sup>, extending from the Western Australian state water boundary, and a water depth range between 15 m and 220 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Shark Bay Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes one zone assigned under this plan: Multiple Use Zone (VI).

Coordinates for the Shark Bay Marine Park and zone are provided in Figure S2.1 and Schedule 4.

### Statement of significance

The Shark Bay Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Western Shelf Province and Central Western Transition. The Marine Park provides connectivity between deeper Commonwealth waters and the inshore waters of the Shark Bay world heritage property.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Western Shelf—a predominantly flat, sandy and low-nutrient area, in water depths 50–100 m. The bioregion is a transitional zone between tropical and temperate species; and
- Central Western Transition—characterised by large areas of continental slope, a range of topographic features such as terraces, rises and canyons, seasonal and sporadic upwelling, and benthic slope communities comprising tropical and temperate species .

Ecosystems represented in the Marine Park are influenced by the Leeuwin, Ningaloo and Capes currents.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding habitat for seabirds, interesting habitat for marine turtles, and a migratory pathway for humpback whales. The Marine Park and adjacent coastal areas are also important for shallow-water snapper.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. The Gnulli and Malgana people have responsibilities for sea country in the Marine Park.

The Yamatji Marlpa Aboriginal Corporation is the Native Title Representative Body for the Yamatji region.

### Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan, but the Marine Park is adjacent to the Shark Bay, Western Australia World Heritage Property and Shark Bay, Western Australia National Heritage Place.

#### *Historic shipwrecks*

The Marine Park contains approximately 20 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

### Social and economic values

Tourism, commercial fishing, mining and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

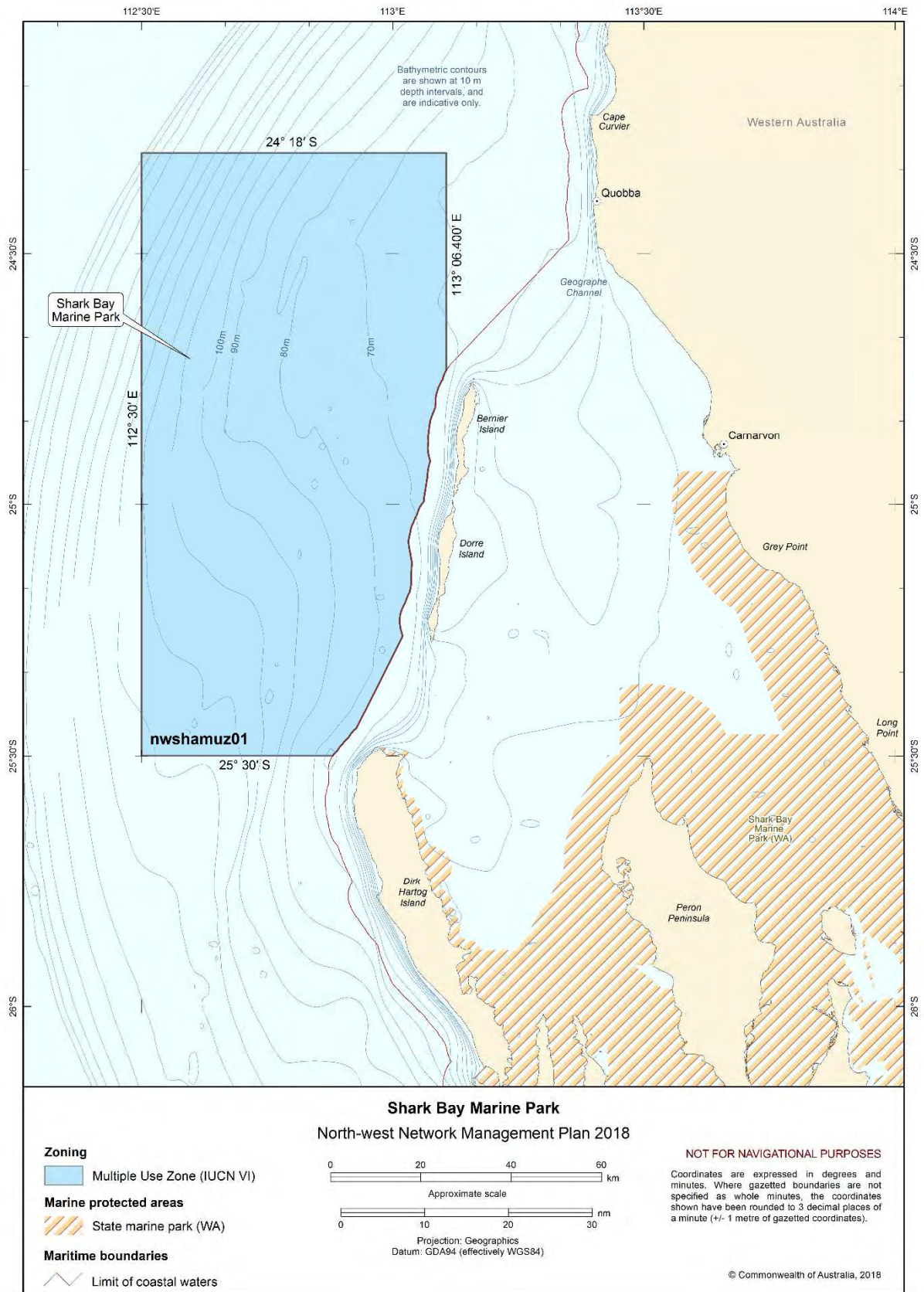


Figure S2.1 Shark Bay Marine Park

## CARNARVON CANYON MARINE PARK

The Carnarvon Canyon Marine Park (Figure S2.2) is located approximately 300 km north-west of Carnarvon. It covers an area of 6177 km<sup>2</sup> and a water depth range of 1500–6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Carnarvon Canyon Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes one zone assigned under this plan: Habitat Protection Zone (IV).

Coordinates for the Carnarvon Canyon Marine Park and zone are provided in Figure S2.2 and Schedule 4.

### **Statement of significance**

The Carnarvon Canyon Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Western Transition. This includes deep-water ecosystems associated with the Carnarvon Canyon. The Marine Park lies within a transition zone between tropical and temperate species and is an area of high biotic productivity.

### **Natural values**

The Marine Park includes examples of ecosystems representative of the Central Western Transition—a bioregion characterised by large areas of continental slope, a range of topographic features such as terraces, rises and canyons, seasonal and sporadic upwelling, and benthic slope communities comprising tropical and temperate species. It includes the Carnarvon Canyon, a single-channel canyon covering the entire depth range of the Marine Park.

Ecosystems of the Marine Park are influenced by tropical and temperate currents, deep-water environments and proximity to the continental slope and shelf. The soft-bottom environment at the base of the Carnarvon Canyon is likely to support species that are typical of the deep seafloor (e.g. holothurians, polychaetes and sea-pens).

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. There is limited information about species' use of this Marine Park.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Commercial fishing is an important activity in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



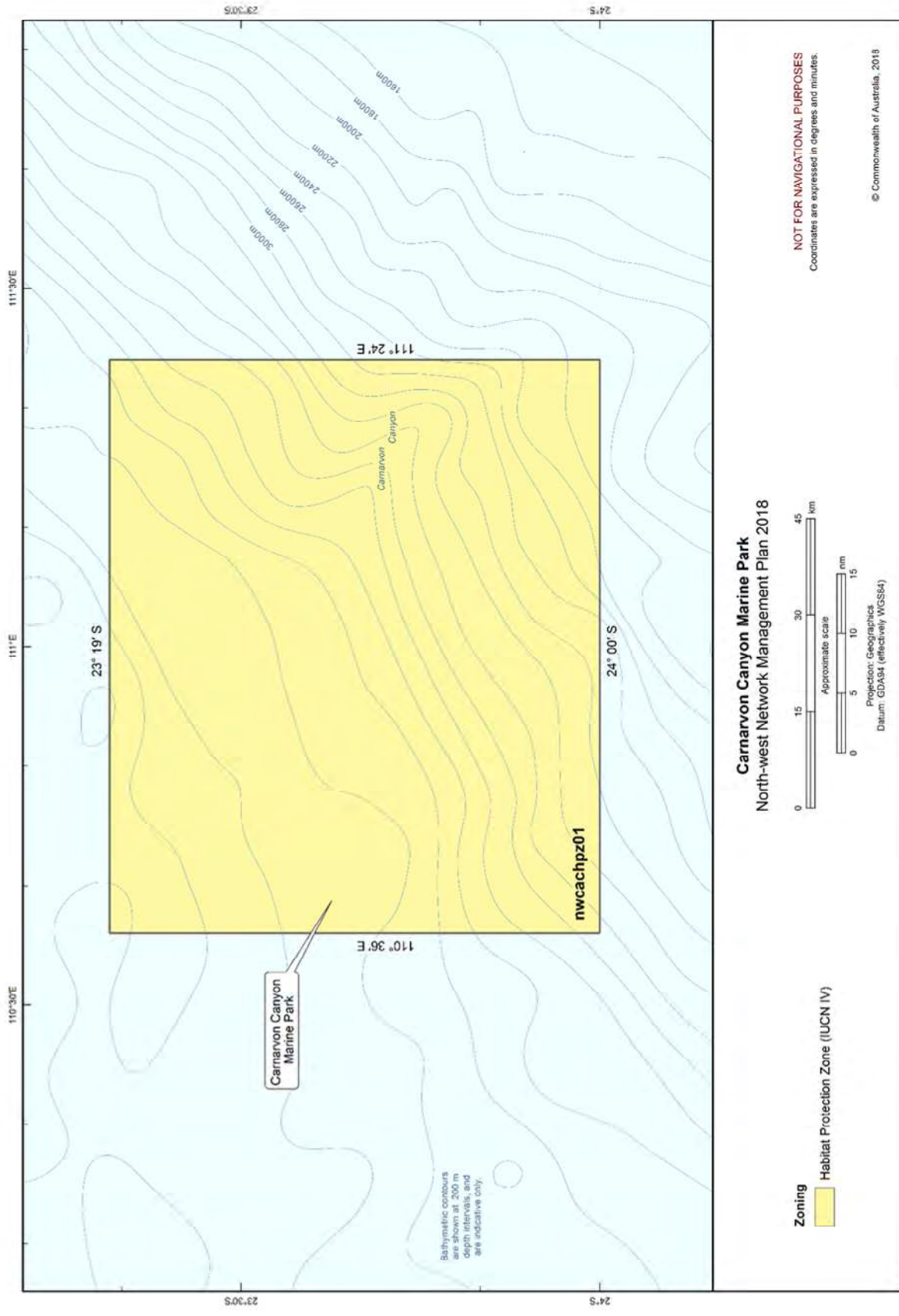


Figure S2.2 Carnarvon Canyon Marine Park



## NINGALOO MARINE PARK

The Ningaloo Marine Park (Figure S2.3) stretches approximately 300 km along the west coast of the Cape Range Peninsula, and is adjacent to the Western Australian Ningaloo Marine Park and Gascoyne Marine Park. The Marine Park covers an area of 2435 km<sup>2</sup> and a water depth range of 30 m to more than 500 m.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 20 May 1987 as the Ningaloo Marine Park (Commonwealth Waters), and proclaimed under the EPBC Act on 14 December 2013 and renamed Ningaloo Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes two zones assigned under this plan: National Park Zone (II) and Recreational Use Zone (IV).

Coordinates for the Ningaloo Marine Park and zone are provided in Figure S2.3 and Schedule 4.

### Statement of significance

The Ningaloo Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Western Shelf Transition, Central Western Transition, Northwest Province, and Northwest Shelf Province. It includes three key ecological features: canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula (valued for unique seafloor features with ecological properties of regional significance); Commonwealth waters adjacent to Ningaloo Reef (valued for high productivity and aggregations of marine life); and continental slope demersal fish communities (valued for high levels of endemism and diversity).

The Marine Park provides connectivity between deeper offshore waters of the shelf break and coastal waters of the adjacent Western Australian Ningaloo Marine Park. It includes some of the most diverse continental slope habitats in Australia, in particular the continental slope area between North West Cape and the Montebello Trough. Canyons in the Marine Park are important for their role in sustaining the nutrient conditions that support the high diversity of Ningaloo Reef.

The Marine Park is located in a transition zone between tropical and temperate waters and sustains tropical and temperate plants and animals, with many species at the limits of their distributions.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Western Shelf Transition—continental shelf of water depths up to 100 m, and a significant transition zone between tropical and temperate species;
- Central Western Transition—characterised by large areas of continental slope, a range of topographic features such as terraces, rises and canyons, seasonal and sporadic upwelling, and benthic slope communities comprising tropical and temperate species;
- Northwest Province—an area of continental slope comprising diverse and endemic fish communities; and
- Northwest Shelf Province—a dynamic environment, influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.

Key ecological features of the Marine Park are:

- Canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula—an area resulting in upwelling of nutrient rich water and aggregations of marine life;
- Commonwealth waters adjacent to Ningaloo Reef—an area where the Leeuwin and Ningaloo currents interact, resulting in enhanced productivity and aggregations of marine life; and

## NINGALOO MARINE PARK

- Continental slope demersal fish communities—an area of high diversity among demersal fish assemblages on the continental slope.

Ecosystems represented in the Marine Park are influenced by interaction of the Leeuwin Current, Leeuwin Undercurrent and the Ningaloo Current.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and or foraging habitat for seabirds, internesting habitat for marine turtles, a migratory pathway for humpback whales, foraging habitat and migratory pathway for pygmy blue whales, breeding, calving, foraging and nursing habitat for dugong and foraging habitat for whale sharks.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. The Gnulli people have responsibilities for sea country in the Marine Park.

The Yamatji Marlpa Aboriginal Corporation is the Native Title Representative Body for the Yamatji region.

### **Heritage values**

#### *World heritage*

The Marine Park is within the Ningaloo Coast World Heritage Property, recognised for its outstanding universal heritage values, meeting world heritage listing criteria vii and x. In addition to the Marine Park, the world heritage area includes the Western Australian Ningaloo Marine Park, the Murion Islands, the Western Australian Cape Range National Park and other terrestrial areas. The area is valued for high terrestrial species endemism, marine species diversity and abundance, and the interconnectedness of large-scale marine, coastal and terrestrial environments. The area connects the limestone karst system and fossil reefs of the ancient Cape Range to the nearshore reef system of Ningaloo Reef, to the continental slope and shelf in Commonwealth waters.

#### *National heritage*

The Ningaloo Coast overlaps the Marine Park and was established on the National Heritage List in 2010, meeting the national heritage listing criteria A, B, C, D, and F.

#### *Commonwealth heritage*

The Ningaloo Marine Area (Commonwealth waters) was established on the Commonwealth Heritage List in 2004, meeting Commonwealth heritage listing criteria A, B and C. The Ningaloo Marine Area overlaps the Marine Park.

#### *Historic shipwrecks*

The Marine Park contains more than 15 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

### **Social and economic values**

Tourism and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

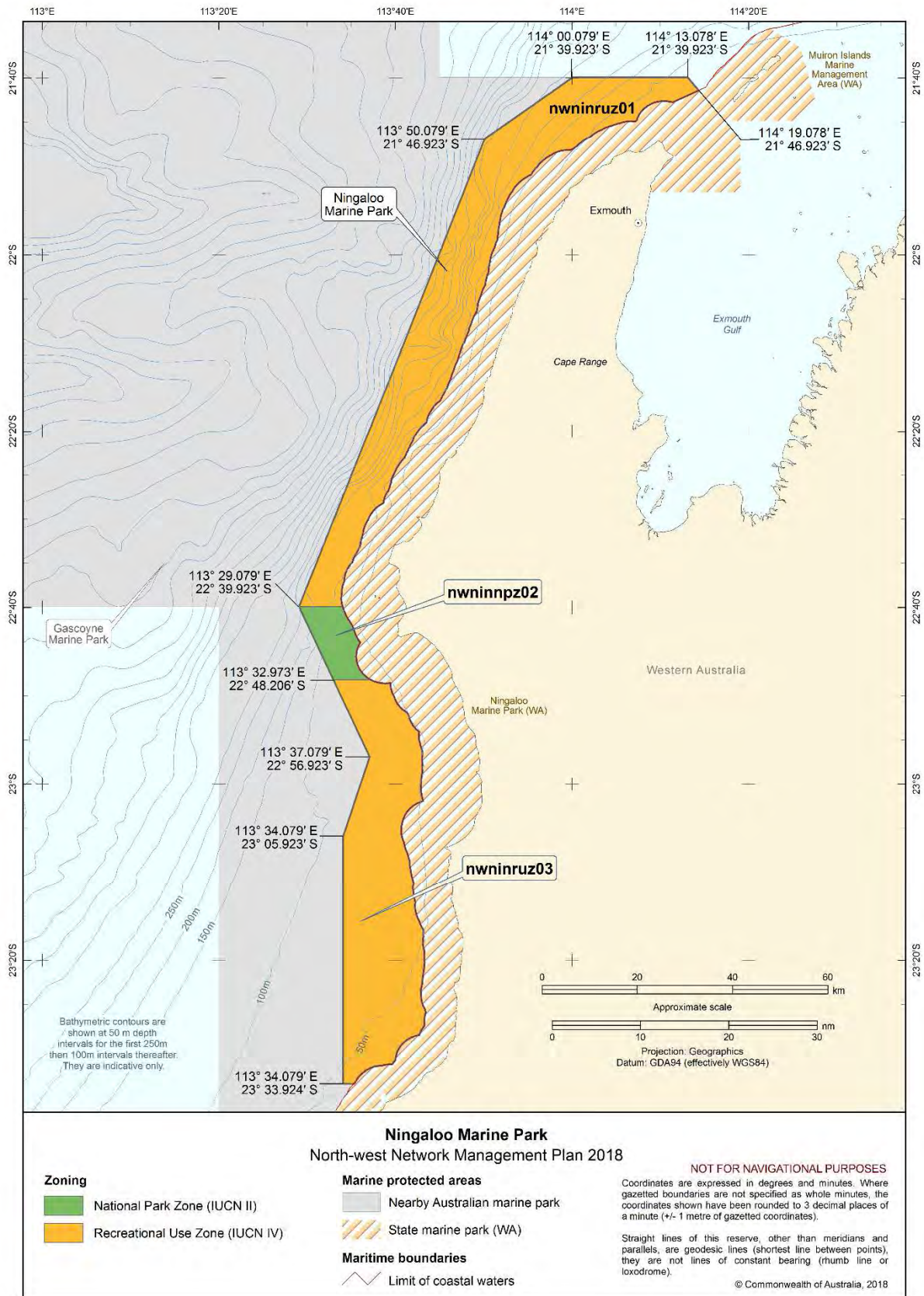


Figure S2.3 Ningaloo Marine Park

## GASCOYNE MARINE PARK

The Gascoyne Marine Park (Figure S2.4) is located approximately 20 km off the west coast of the Cape Range Peninsula, adjacent to the Ningaloo Reef Marine Park and the Western Australian Ningaloo Marine Park, and extends to the limit of Australia's exclusive economic zone. The Marine Park covers an area of 81,766 km<sup>2</sup> and water depths between 15 m and 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Gascoyne Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes three zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV) and Multiple Use Zone (VI).

Coordinates for the Gascoyne Marine Park and zones are provided in Figure S2.4 and Schedule 4.

### Statement of significance

The Gascoyne Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Western Shelf Transition, Central Western Transition, and Northwest Province. It includes four key ecological features: Canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula (valued for unique seafloor features with ecological properties of regional significance); Commonwealth waters adjacent to Ningaloo Reef (valued for high productivity and aggregations of marine life); continental slope demersal fish communities (valued for high levels of endemism and diversity); and the Exmouth Plateau (valued as a unique seafloor feature with ecological properties of regional significance).

The Marine Park includes some of the most diverse continental slope habitats in Australia, in particular the continental slope area between North West Cape and the Montebello Trough. Canyons in the Marine Park link the Cuvier Abyssal Plain to the Cape Range Peninsula and are important for their role in sustaining the nutrient conditions that support the high diversity of Ningaloo Reef.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Western Shelf Transition—continental shelf with water depths up to 100 m, and a significant transition zone between tropical and temperate species;
- Central Western Transition—characterised by large areas of continental slope, a range of topographic features such as terraces, rises and canyons, seasonal and sporadic upwelling, and benthic slope communities comprising tropical and temperate species; and
- Northwest Province—an area of continental slope comprising diverse and endemic fish communities.

Key ecological features of the Marine Park are:

- Canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula—an area resulting in upwelling of nutrient rich water and aggregations of marine life;
- Commonwealth waters adjacent to Ningaloo Reef—an area where the Leeuwin and Ningaloo currents interact resulting in enhanced productivity and aggregations of marine life;
- Continental slope demersal fish communities—an area of high diversity of demersal fish assemblages on the continental slope; and
- Exmouth Plateau—a regionally and nationally unique deep-sea plateau in tropical waters.

Ecosystems represented in the Marine Park are influenced by the interaction of the Leeuwin Current, Leeuwin Undercurrent and the Ningaloo Current.

## GASCOYNE MARINE PARK

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding habitat for seabirds, internesting habitat for marine turtles, a migratory pathway for humpback whales, and foraging habitat and migratory pathway for pygmy blue whales.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. The Gnulli people have responsibilities for sea country in the Marine Park.

The Yamatji Marlpa Aboriginal Corporation is the Native Title Representative Body for the Yamatji region.

### **Heritage values**

#### *World heritage*

The Ningaloo Coast was listed as an area of outstanding universal value under the World Heritage Convention in 2011, meeting world heritage listing criteria vii and x. The Ningaloo Coast World Heritage Property is adjacent to the Marine Park.

#### *Commonwealth heritage*

The Ningaloo Marine Area (Commonwealth waters) was established on the Commonwealth Heritage List in 2004, meeting the Commonwealth heritage listing criteria A, B and C. The Ningaloo Marine Area is adjacent to the Marine Park.

#### *National heritage*

The Ningaloo Coast was established on the National Heritage List in 2010, meeting the national heritage listing criteria A, B, C, D, and F and is adjacent to the Marine Park.

#### *Historic shipwrecks*

The Marine Park contains more than five known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

### **Social and economic values**

Commercial fishing, mining and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



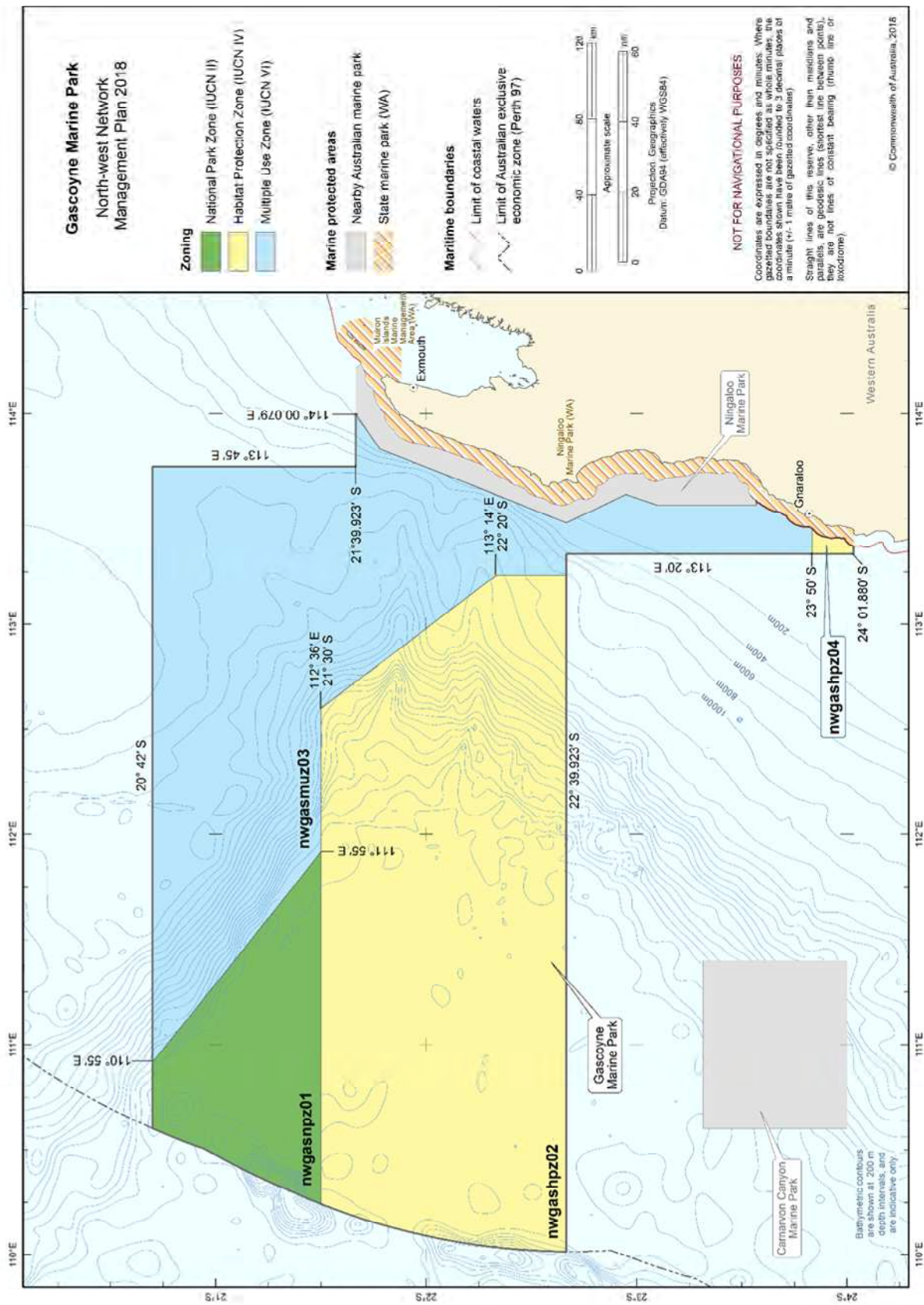


Figure S2.4 Gascoyne Marine Park



## MONTEBELLO MARINE PARK

The Montebello Marine Park (Figure S2.5) is located offshore of Barrow Island and 80 km west of Dampier extending from the Western Australian state water boundary, and is adjacent to the Western Australian Barrow Island and Montebello Islands Marine Parks. The Marine Park covers an area of 3413 km<sup>2</sup> and water depths from less than 15 m to 150 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Montebello Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes one zone assigned under this plan: Multiple Use Zone (VI). Coordinates for the Montebello Marine Park and zone are provided in Figure S2.5 and Schedule 4.

### Statement of significance

The Montebello Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Province. It includes one key ecological feature: the ancient coastline at the 125-m depth contour (valued as a unique seafloor feature with ecological properties of regional significance).

The Marine Park provides connectivity between deeper waters of the shelf and slope, and the adjacent Barrow Island and Montebello Islands Marine Parks. A prominent seafloor feature in the Marine Park is Trial Rocks consisting of two close coral reefs. The reefs are emergent at low tide.

### Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Province—a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales. A key ecological feature of the Marine Park is the ancient coastline at the 125-m depth contour where rocky escarpments are thought to provide biologically important habitat in areas otherwise dominated by soft sediments.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding habitat for seabirds, internesting, foraging, mating, and nesting habitat for marine turtles, a migratory pathway for humpback whales and foraging habitat for whale sharks.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park. The Yamatji Marlpa Aboriginal Corporation is the Native Title Representative Body for the Pilbara region.

### Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan, however the Marine Park is adjacent to the Western Australia Barrow Island and the Montebello–Barrow Island Marine Conservation Reserves which have been nominated for national heritage listing.

#### *Historic shipwrecks*

The Marine Park contains two known shipwrecks listed under the *Historic Shipwrecks Act 1976*: *Trial* (wrecked in 1622), the earliest known shipwreck in Australian waters and *Tanami* (unknown date).

### Social and economic values

Tourism, commercial fishing, mining and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

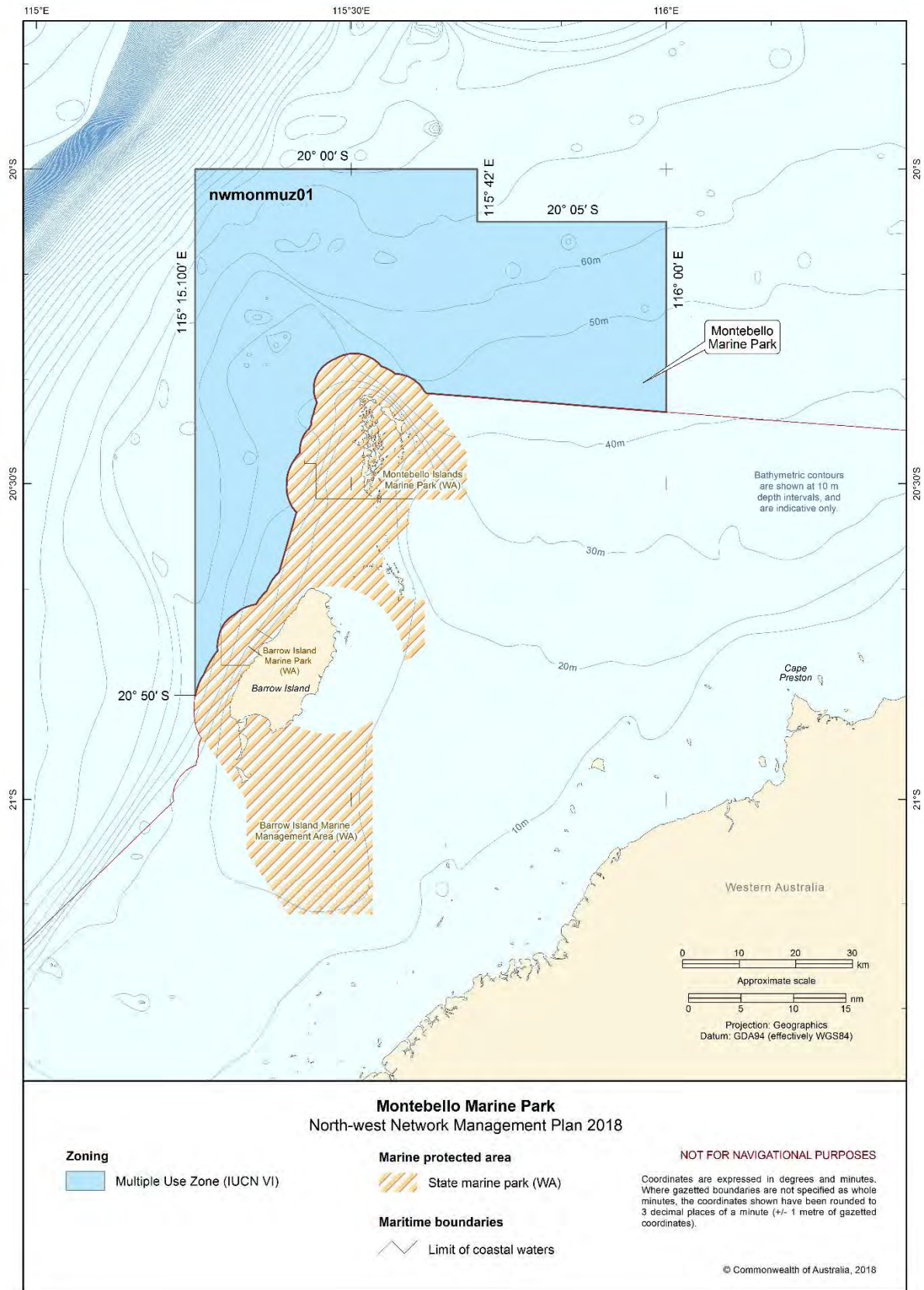


Figure S2.5 Montebello Marine Park

## DAMPIER MARINE PARK

The Dampier Marine Park (Figure S2.6) is located approximately 10 km north-east of Cape Lambert and 40 km from Dampier extending from the Western Australian state water boundary. The Marine Park covers an area of 1252 km<sup>2</sup> and a water depth range between less than 15 m and 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Dampier Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes three zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV) and Multiple Use Zone (VI).

Coordinates for the Dampier Marine Park and zones are provided in Figure S2.6 and Schedule 4.

### Statement of significance

The Dampier Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Province. The Marine Park provides protection for offshore shelf habitats adjacent to the Dampier Archipelago, and the area between Dampier and Port Hedland, and is a hotspot for sponge biodiversity.

The Marine Park includes several submerged coral reefs and shoals including Delambre Reef and Tessa Shoals.

### Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Province—a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.

The Marine Park supports a range of species including those listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, interesting habitat for marine turtles and a migratory pathway for humpback whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Ngarluma, Yindjibarndi, Yaburara, and Mardudhunera people have responsibilities for sea country in the Marine Park. The native title holders for these people are represented by the Ngarluma Aboriginal Corporation and Yindjibarndi Aboriginal Corporation. These Prescribed Body Corporates represent traditional owners with native title over coastal area adjacent to the Marine Park are the points of contact for their respective areas of responsibility for sea country in the Marine Park.

The Yamatji Marlpa Aboriginal Corporation is the Native Title Representative Body for the Pilbara and Yamatji regions.

### Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan, however the Marine Park is approximately 10 km north of the Dampier Archipelago (including Burrup Peninsula) national heritage listing, which has significant Indigenous heritage values including rock art sites.

### Social and economic values

Port activities, commercial fishing and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

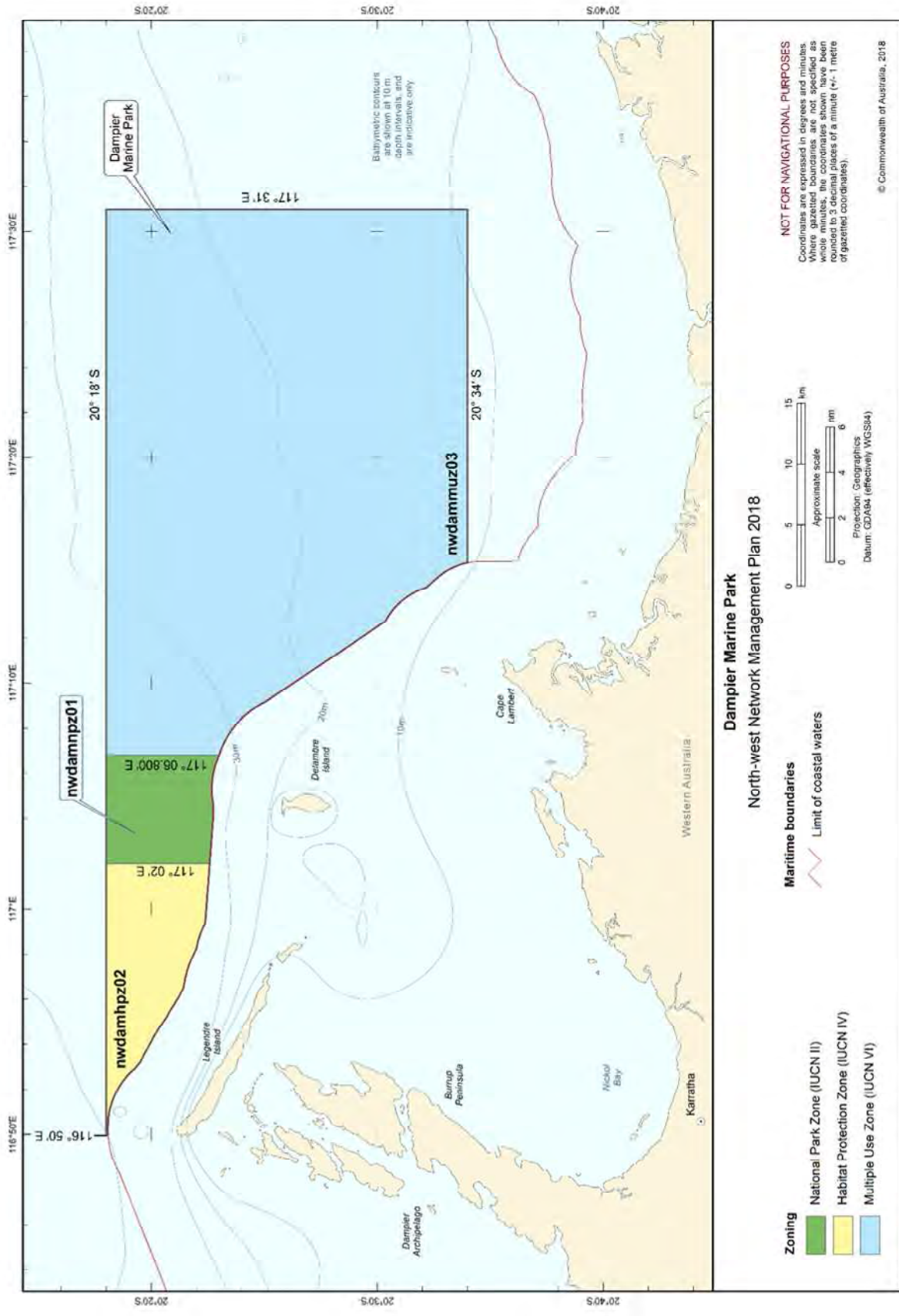


Figure S2.6 Dampier Marine Park



## EIGHTY MILE BEACH MARINE PARK

The Eighty Mile Beach Marine Park (Figure S2.7) is located approximately 74 km north-east of Port Hedland, adjacent to the Western Australian Eighty Mile Beach Marine Park. The Marine Park covers an area of 10,785 km<sup>2</sup> and a water depth ranges between less than 15 m and 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Eighty Mile Beach Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes one zone assigned under this plan: Multiple Use Zone (VI).

Coordinates for the Eighty Mile Beach Marine Park and zone are provided in Figure S2.7 and Schedule 4.

### Statement of significance

The Eighty Mile Beach Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Province and consists of shallow shelf habitats, including terrace, banks and shoals.

The Marine Park is adjacent to the Eighty Mile Beach Ramsar site, recognised as one of the most important areas for migratory shorebirds in Australia; and the Western Australian Eighty Mile Beach Marine Park, providing connectivity between offshore and inshore coastal waters of Eighty Mile Beach.

### Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Province—a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding, foraging and resting habitat for seabirds, interesting and nesting habitat for marine turtles, foraging, nursing and pupping habitat for sawfish and a migratory pathway for humpback whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The sea country of the Nyangumarta, Karajarri and Ngarla people extends into Eighty Mile Beach Marine Park. Sea country is culturally significant and important to their identity. They have an unbroken, deep spiritual connection to their sea country, with traditional practices continuing today. Staple foods of living cultural value for the Nyangumarta, Karajarri and Ngarla people include saltwater fish, turtles, dugong, crabs and oysters. Access to sea country by families is important for cultural traditions, livelihoods and future socio-economic development opportunities.

The native title holders for the Nyangumarta, Karajarri and Ngarla people are represented by the Karajarri Aboriginal Corporation, Nyangumarta Karajarri Aboriginal Corporation, Nyangumarta Warrarn Aboriginal Corporation, and Wanparta Aboriginal Corporation. These Prescribed Body Corporates represent traditional owners with native title over coastal area adjacent to the Marine Park and are the points of contact for their respective areas of responsibility for sea country in the Marine Park.

The Kimberley Land Council and the Yamatji Marlpa Aboriginal Corporation are the Native Title Representative Bodies for Kimberley and Pilbara regions.

### Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan.

## EIGHTY MILE BEACH MARINE PARK

### *Historic shipwrecks*

The Marine Park contains three known shipwrecks listed under the *Historic Shipwrecks Act 1976*: *Lorna Doone* (wrecked in 1923), *Nellie* (wrecked in 1908), and *Tifera* (wrecked in 1923).

### **Social and economic values**

Tourism, commercial fishing, pearling and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



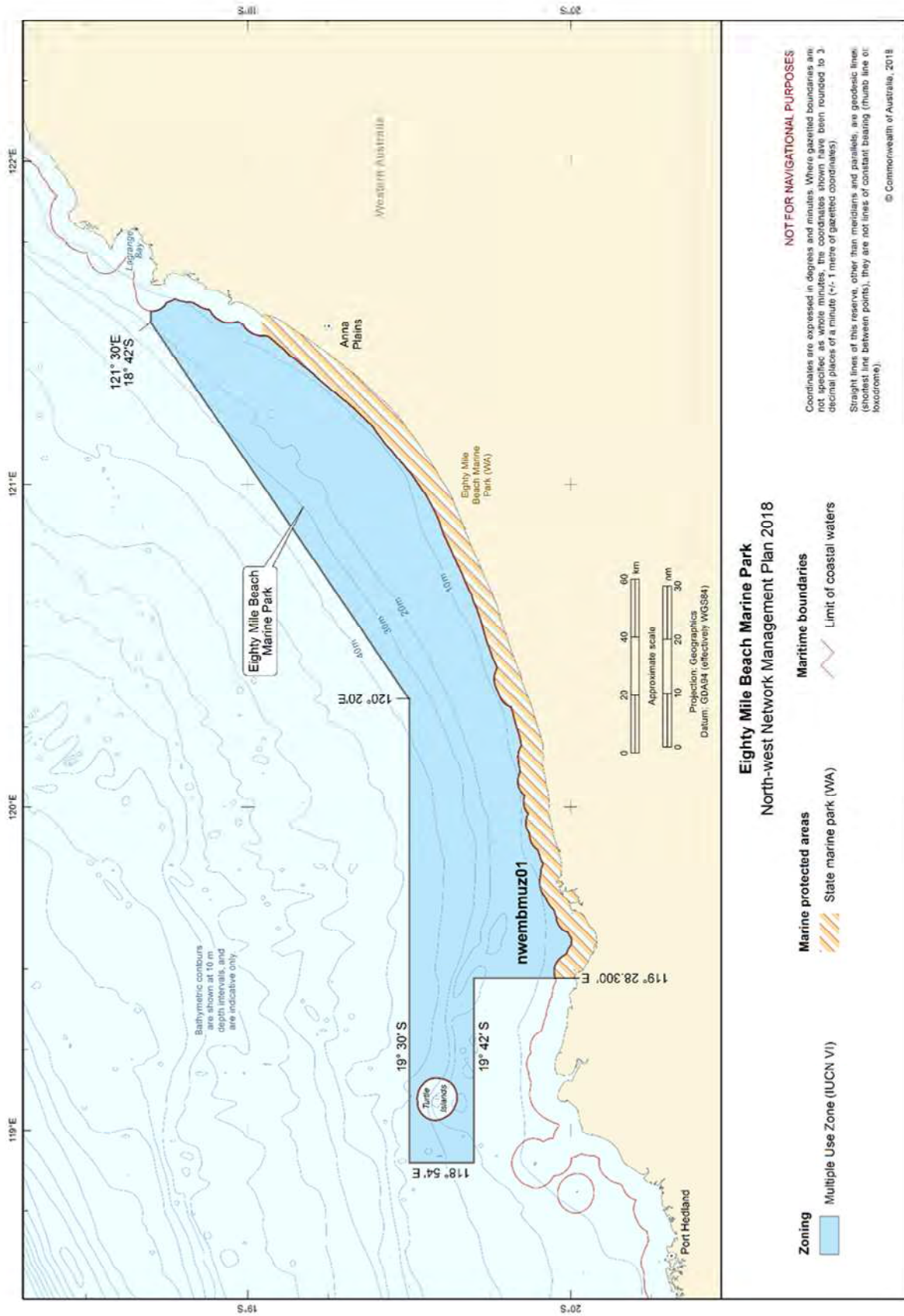


Figure S2.7 Eighty Mile Beach Marine Park

## ROEBUCK MARINE PARK

The Roebuck Marine Park (Figure S2.8) is located approximately 12 km offshore of Broome, and is adjacent to the Western Australian Yawuru Nagulagun/Roebuck Bay Marine Park. The Marine Park covers an area of 304 km<sup>2</sup> and a water depth range of less than 15 m to 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Roebuck Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes one zone assigned under this plan: Multiple Use Zone (VI). Coordinates for the Roebuck Marine Park and zone are provided in Figure S2.8 and Schedule 4.

### Statement of significance

The Roebuck Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Province, and consists entirely of shallow continental shelf habitat. The Marine Park is adjacent to the Roebuck Bay Ramsar site, recognised as one of the most important areas for migratory shorebirds in Australia; and the Western Australian Yawuru Nagulagun/Roebuck Bay Marine Park, providing connectivity between offshore and inshore coastal waters of Roebuck Bay.

### Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Province—a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and resting habitat for seabirds, foraging and internesting habitat for marine turtles, a migratory pathway for humpback whales and foraging habitat for dugong.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

Yawuru people have always recognised the waters of Roebuck Bay as nagula (Yawuru sea country), and have customary responsibilities to care for it. They have a deep spiritual connection to offshore landscapes from Bugarrigarra (creator beings), and believe that snake-like metaphysical beings inhabit the sea. Cultural sites in sea country are also a source of law. The Yawuru people harvest marine resources according to the six Yawuru seasons. They have harvested pearl shell for food and cultural purposes. Fish are a staple food source, and fishing a form of cultural expression, connecting people to their country, modelled on tradition and based in traditional law. Access to sea country by families is important to cultural traditions, livelihoods and future socio-economic development opportunities. The Yawuru Native Title Holders Aboriginal Corporation is the Prescribed Body Corporate representing traditional owners with native title over coastal areas adjacent to the Marine Park, and is the point of contact for sea country in the Marine Park. The Kimberley Land Council is the Native Title Representative Body for the Kimberley region.

### Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan, however the Marine Park is adjacent to the West Kimberley National Heritage Place.

### Social and economic values

Tourism, commercial fishing, pearling and recreation, including fishing, are important activities that occur in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

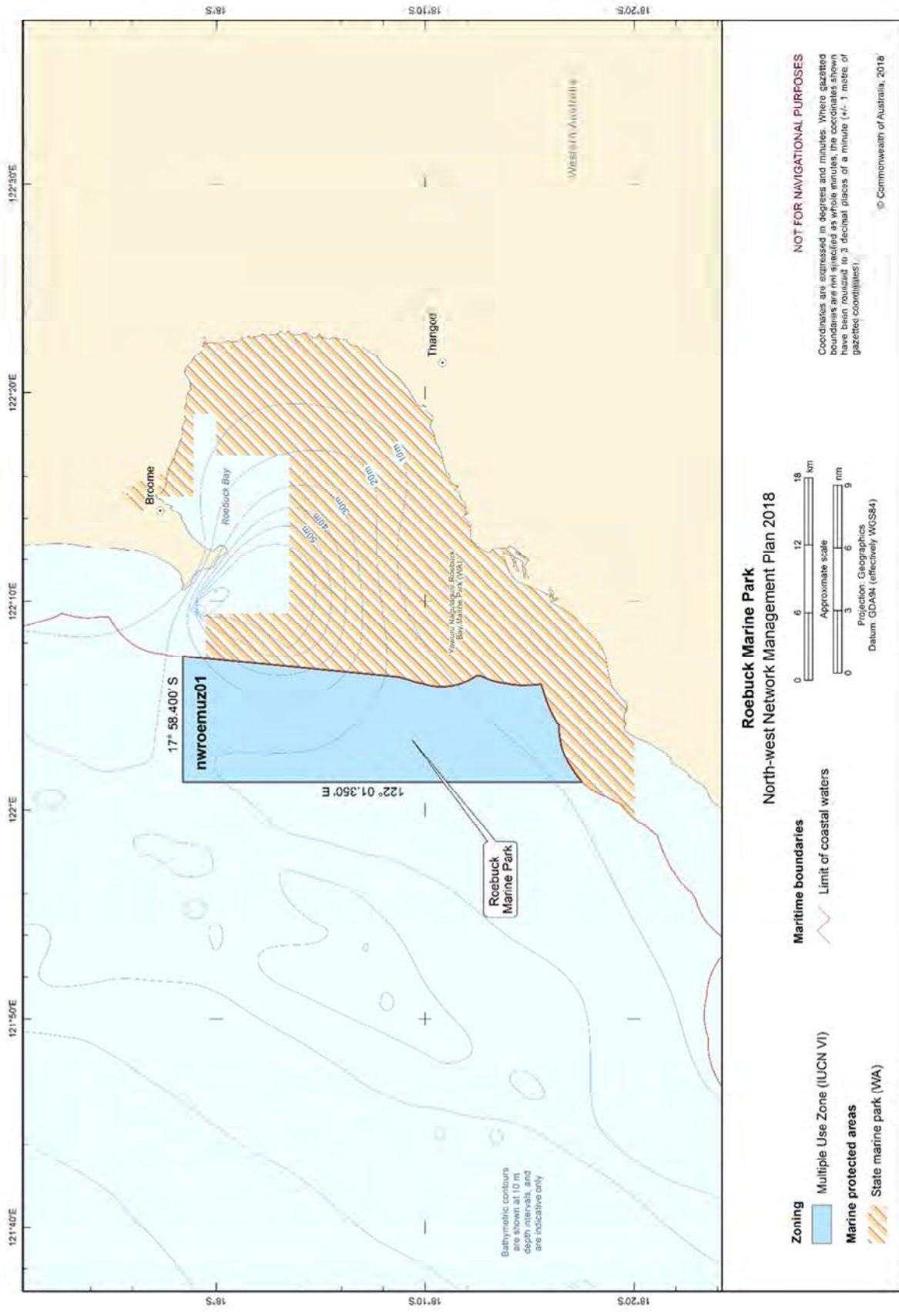


Figure S2.8 Roebuck Marine Park

## MERMAID REEF MARINE PARK

The Mermaid Reef Marine Park (Figure S2.9) is located approximately 280 km north-west of Broome, adjacent to the Argo–Rowley Terrace Marine Park and approximately 13 km from the Western Australian Rowley Shoals Marine Park. The Marine Park covers an area of 540 km<sup>2</sup> and water depths from less than 15 m to 500 m.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 10 April 1991 as the Mermaid Reef Marine National Nature Reserve, and proclaimed under the EPBC Act on 14 December 2013 and renamed Mermaid Reef Marine Park on 9 October 2017. The Marine Park is assigned IUCN category II and includes one zone assigned under this plan: National Park Zone (II).

Coordinates for the Mermaid Reef Marine Park and zone are provided in Figure S2.9 and Schedule 4.

### Statement of significance

The Mermaid Reef Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Transition. It includes one key ecological feature: Mermaid Reef and Commonwealth waters surrounding Rowley Shoals (valued for its high productivity, aggregations of marine life and high species richness).

Mermaid Reef is one of three reefs forming the Rowley Shoals. The other two are Clerke Reef and Imperieuse Reef, to the south-west of the Marine Park, which are included in the Western Australian Rowley Shoals Marine Park. The Rowley Shoals have been described as the best geological examples of shelf atolls in Australian waters.

The reefs of the Rowley Shoals are ecologically significant in that they are considered ecological stepping stones for reef species originating in Indonesian/Western Pacific waters, are one of a few offshore reef systems on the north-west shelf, and may also provide an upstream source for recruitment to reefs further south.

### Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Transition—an area of shelf break, continental slope, and the majority of the Argo Abyssal Plain. Together with Clerke Reef and Imperieuse Reef, Mermaid Reef is a biodiversity hotspot and key topographic feature of the Argo Abyssal Plain.

A key ecological feature of the Marine Park is the Mermaid Reef and Commonwealth waters surrounding Rowley Shoals—an area of enhanced productivity and high species richness thought to be facilitated by internal wave action generated by internal tides in the lagoon.

Ecosystems of the Marine Park are associated with emergent reef flat, deep reef flat, lagoon, and submerged sand habitats.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding habitat for seabirds and a migratory pathway for the pygmy blue whale.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

### Heritage values

No international or national listings apply to the Marine Park at commencement of this plan.

*Commonwealth heritage*

## MERMAID REEF MARINE PARK

Mermaid Reef–Rowley Shoals was established on the Commonwealth Heritage List in 2004, meeting Commonwealth heritage listing criteria A, B, C and D.

### *Historic shipwrecks*

The Marine Park contains one known shipwreck listed under the *Historic Shipwrecks Act 1976: Lively* (wrecked in 1810).

### **Social and economic values**

Tourism, recreation, and scientific research are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



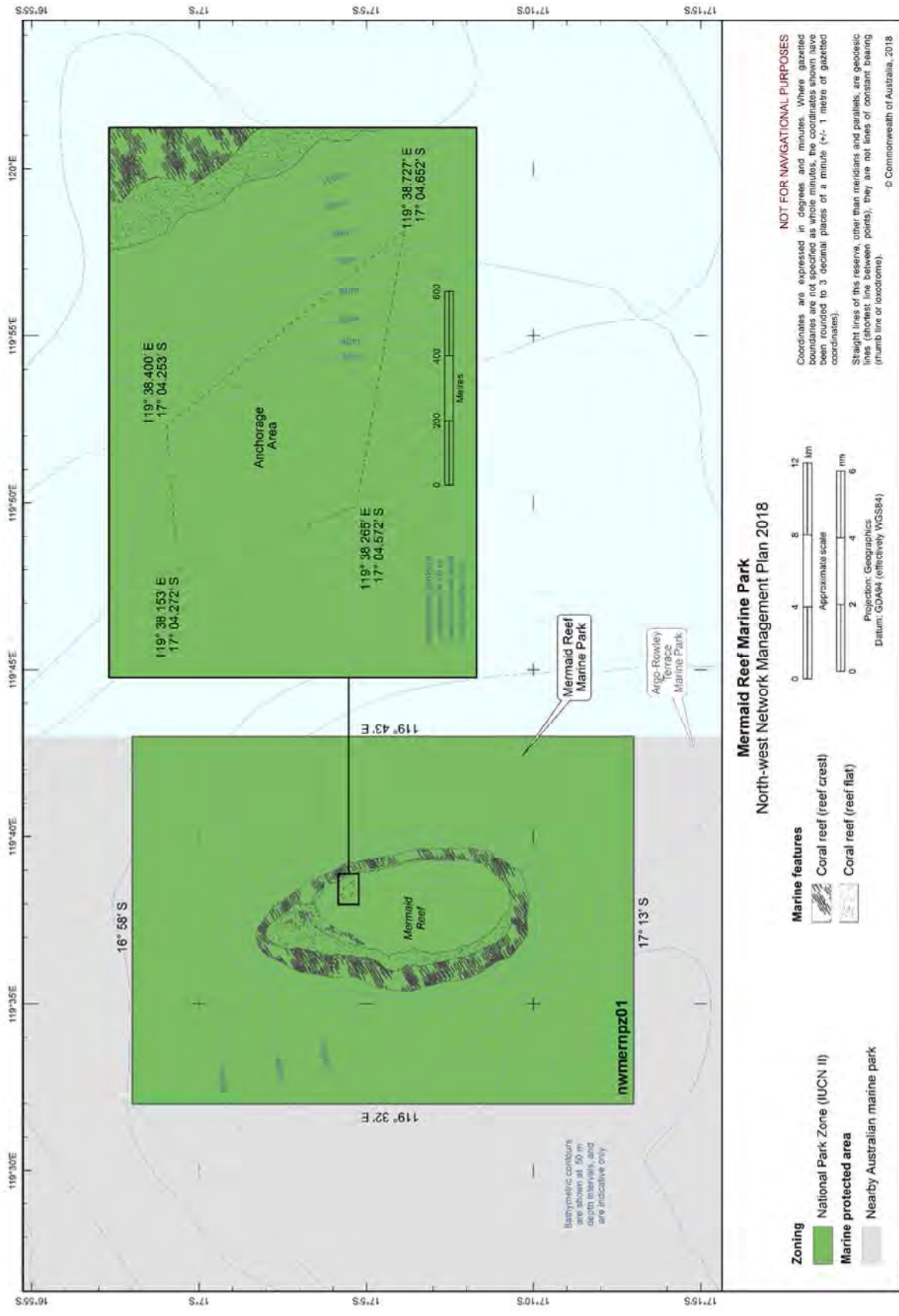


Figure S2.9 Mermaid Reef Marine Park



## ARGO–ROWLEY TERRACE MARINE PARK

The Argo–Rowley Terrace Marine Park (Figure S2.10) is located approximately 270 km north-west of Broome, Western Australia, and extends to the limit of Australia’s exclusive economic zone. The Marine Park is adjacent to the Mermaid Reef Marine Park and the Western Australian Rowley Shoals Marine Park. The Marine Park covers an area of 146,003 km<sup>2</sup> and water depths between 220 m and 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Argo-Rowley Terrace Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes three zones assigned under this plan: National Park Zone (II), Multiple Use Zone (VI) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Argo–Rowley Terrace Marine Park and zones are provided in Figure S2.10 and Schedule 4.

### Statement of significance

The Argo–Rowley Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Transition and Timor Province. It includes two key ecological features: canyons linking the Argo Abyssal Plain with the Scott Plateau (valued for high productivity and aggregations of marine life); and Mermaid Reef and Commonwealth waters surrounding Rowley Shoals (valued for enhanced productivity, aggregations of marine life and high species richness).

The Marine Park is the largest in the North-west Network, surrounding the existing Mermaid Reef Marine Park and reefs of the Western Australian Rowley Shoals Marine Park. It includes the deeper waters of the region and a range of seafloor features such as canyons on the slope between the Argo Abyssal Plain, Rowley Terrace and Scott Plateau. These are believed to be up to 50 million years old and are associated with small, periodic upwellings that results in localised higher levels of biological productivity.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Northwest Transition—an area of shelf break, continental slope, and the majority of the Argo Abyssal Plain. Key topographic features include Mermaid, Clerke and Imperieuse Reefs which collectively are a biodiversity hotspot; and
- Timor Province—an area dominated by warm, nutrient-poor waters. Canyons are an important feature in this area of the Marine Park and are generally associated with high productivity and aggregations of marine life.

Key ecological features of the Marine Park are:

- Canyons linking the Argo Abyssal Plain with the Scott Plateau—an area likely to result in upwelling of nutrient rich water and aggregations of marine life; and
- Mermaid Reef and Commonwealth waters surrounding Rowley Shoals—an area of enhanced productivity and high species richness, thought to be facilitated by internal wave action generated by internal tides.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include resting and breeding habitat for seabirds and a migratory pathway for the pygmy blue whale.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. At the commencement of this plan there is limited information about the cultural significance of this Marine Park.

## ARGO–ROWLEY TERRACE MARINE PARK

### Heritage values

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains two known shipwrecks listed under the *Historic Shipwrecks Act 1976*: *Alfred* (wrecked in 1908) and *Pelsart* (wrecked in 1908).

### Social and economic values

Commercial fishing and mining are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

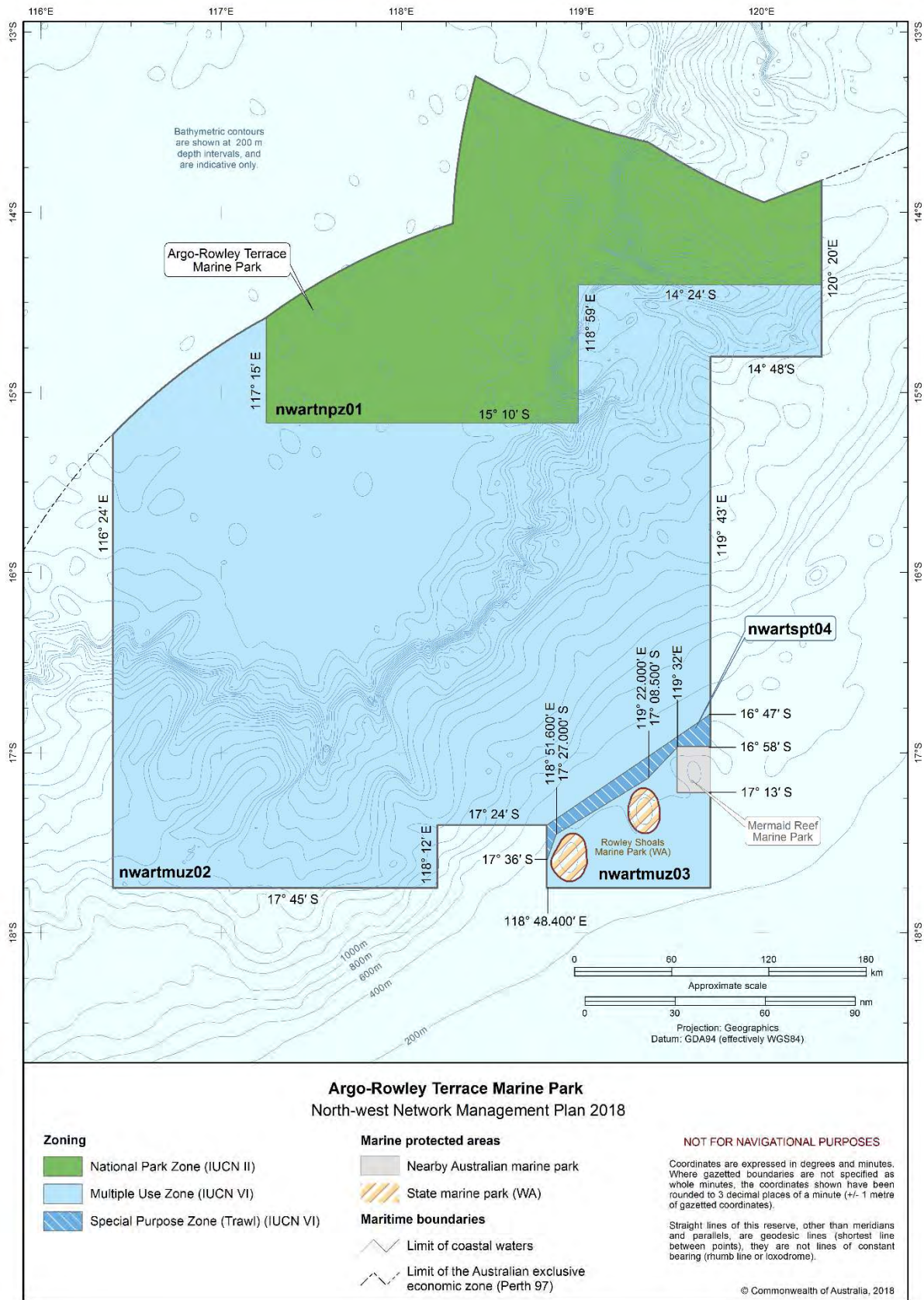


Figure S2.10 Argo-Rowley Terrace Marine Park

## KIMBERLEY MARINE PARK

The Kimberley Marine Park (Figure S2.11) is located approximately 100 km north of Broome, extending from the Western Australian state water boundary north from the Lacepede Islands to the Holothuria Banks offshore from Cape Bougainville. The Marine Park is adjacent to the Western Australian Lalang-garram/Camden Sound Marine Park and the North Kimberley Marine Park. The Marine Park covers an area of 74,469 km<sup>2</sup> and water depths from less than 15 m to 800 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Kimberley Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes three zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV) and Multiple Use Zone (VI). Coordinates for the Kimberley Marine Park and zones are provided in Figure S2.11 and Schedule 4.

### Statement of significance

The Kimberley Marine Park is significant because it includes habitats, species and ecological communities associated with the Northwest Shelf Province, Northwest Shelf Transition and Timor Province. It includes two key ecological features: the ancient coastline at the 125-m depth contour (an area of enhanced productivity and migratory pathway for cetaceans and pelagic marine species); and continental slope demersal fish communities (valued for high levels of endemism and diversity and the second richest area for demersal fish species in Australia).

The Marine Park provides connectivity between deeper offshore waters, and the inshore waters of the adjacent Western Australia North Kimberley Marine Park and Lalang-garram/Camden Sound Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Northwest Shelf Province—a dynamic environment influenced by strong tides, cyclonic storms, long-period swells and internal tides. The bioregion includes diverse benthic and pelagic fish communities, and an ancient coastline thought to be an important seafloor feature and migratory pathway for humpback whales.
- Northwest Shelf Transition—straddles the North-west and North Marine Regions and in the North-west includes shelf break, continental slope, and the majority of the Argo Abyssal Plain and is subject to a high incidence of cyclones. Benthic biological communities in the deeper parts of the bioregion have not been extensively studied, although high levels of species diversity and endemism occur among demersal fish communities on the continental slope.
- Timor Province—water depths (of the bioregion) ranging from about 200 m near the shelf break to 5920 m over the Argo Abyssal Plain. The reefs and islands of the bioregion are regarded as biodiversity hotspots. Endemism in demersal fish communities of the continental slope is high; two distinct communities have been identified on the upper and mid slopes.

Key ecological features of the Marine Park are:

- the ancient coastline at the 125-m depth contour—where rocky escarpments are thought to provide biologically important habitats in areas otherwise dominated by soft sediments; and
- the continental slope demersal fish communities—characterised by high diversity of demersal fish assemblages.

The Marine Park supports a range of species, including protected species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, interesting and nesting habitat for marine turtles, breeding,

## KIMBERLEY MARINE PARK

calving and foraging habitat for inshore dolphins, calving, migratory pathway and nursing habitat for humpback whales, migratory pathway for pygmy blue whales, foraging habitat for dugong and foraging habitat for whale sharks.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Wunambal Gaambera, Dambimangari, Bardi Jawi and the Nyul Nyul people's sea country extends into the Kimberley Marine Park. The Wunambal Gaambera people's country includes daagu (deep waters), with about 3400 km<sup>2</sup> of their sea country located in the Marine Park. The Wunambal Gaambera, Dambimangari, Bardi Jawi and the Nyul Nyul people have an unbroken connection to their sea country, having deep spiritual connection through Wunggurr (creator snakes) that still live in the sea. Staple foods of living cultural value include saltwater fish, turtles, dugong, crabs and oysters. Access to sea country by families is important for cultural traditions, livelihoods and future socio-economic development opportunities.

The national heritage listing for the West Kimberley recognises the following key cultural heritage values:

- Wanjina Wunggurr Cultural Tradition which incorporates many sea country cultural sites;
- log-raft maritime tradition, which involved using tides and currents to access warrurru (reefs) far offshore to fish;
- interactions with Makassan traders around sea foods over hundreds of years; and
- important pearl resources that were used in traditional trade through the wunan and in contemporary commercial agreements.

The Wunambal Gaambera, Dambimangari and Bardi Jawi people consider that these values extend into the Kimberley Marine Park. The Wanjina Wunggurr is law of the Wunambal Gaambera and Dambimangari people and it is recognised that all of the sea country, land, plants and animals were put there by Wanjina Wunggurr. Under Wanjina Wunggurr law, the Wunambal Gaambera and Dambimangari people have a responsibility to manage country, to maintain the health of the country and all living things. The Wunambal Gaambera, Dambimangari and the Bardi and Jawi people have had native title determined over parts of their sea country included in this Park. The native title holders for these people are represented by the Wunambal Gaambera Aboriginal Corporation, Dambimangari Aboriginal Corporation and Bardi Jai Niimidiman Aboriginal Corporation. These Prescribed Body Corporates are the points of contact for their respective areas of sea country for the Marine Park.

The Kimberley Land Council is the Native Title Representative Body for Kimberley region.

### Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan, however the Marine Park is adjacent to the national heritage place of The West Kimberley.

#### *Historic shipwrecks*

The Marine Park contains more than 40 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

### Social and economic values

Tourism, commercial fishing, mining, recreation, including fishing, and traditional use are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



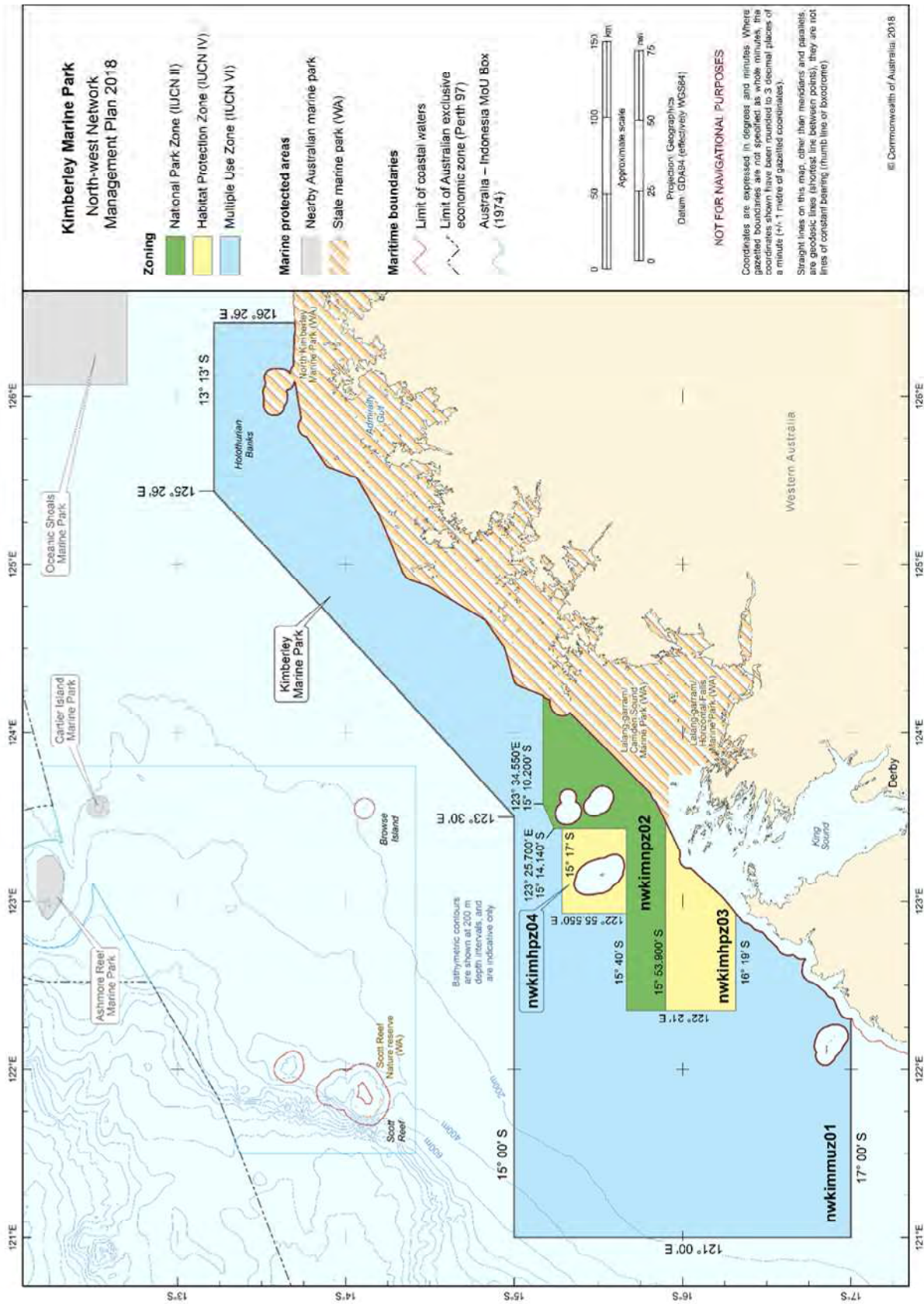


Figure S2.11 Kimberley Marine Park



## ASHMORE REEF MARINE PARK

The Ashmore Reef Marine Park (Figure S2.12) is located approximately 630 km north of Broome and 110 km south of the Indonesian island of Roti. The Marine Park is located in Australia's External Territory of Ashmore and Cartier Islands and is within an area subject to a Memorandum of Understanding (MoU) between Indonesia and Australia, known as the MoU Box. The Marine Park covers an area of 583 km<sup>2</sup> and water depths from less than 15 m to 500 m. The Marine Park contains three vegetated sand cays that are permanently above water: West, Middle and East islands.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 16 August 1983 as the Ashmore Reef National Nature Reserve, and proclaimed under the EPBC Act on 14 December 2013 and renamed Ashmore Reef Marine Park on 9 October 2017. The Marine Park is assigned IUCN category Ia and includes two zones assigned under this plan: Sanctuary Zone (Ia) and Recreational Use Zone (IV).

Coordinates for the Ashmore Reef Marine Park and zones are provided in Figure S2.12 and Schedule 4.

### Statement of significance

The Ashmore Reef Marine Park is significant because it includes habitats, species and ecological communities associated with the Timor Province. It includes two key ecological features: Ashmore Reef and Cartier Island and surrounding Commonwealth waters (valued for high productivity and breeding aggregations of birds and other marine life); and continental slope demersal fish communities (valued for high levels of endemism).

Ashmore Reef is the largest of three emergent oceanic reefs in the region and the only one with vegetated islands. The Marine Park is an area of enhanced biological productivity and a biodiversity hotspot, supporting a range of pelagic and benthic marine species and an important biological stepping stone facilitating the transport of biological material to the reef systems along the Western Australian coast via the south-flowing Leeuwin Current which originates in the region.

The Ashmore Reef Ramsar site is located within the boundary of the Marine Park. The site was listed under the Ramsar Convention in 2002 and is a wetland of international importance under the EPBC Act. An Ecological Character Description that sets out the Ramsar listing criteria met by the site, the key threats and knowledge gaps, is available on the Department's website.

### Natural values

The Marine Park includes examples of ecosystems representative of the Timor Province—a bioregion with a depth range from about 200 m near the shelf break to 5920 m over the Argo Abyssal Plain. The reefs and islands of the bioregion are regarded as biodiversity hotspots. Ashmore Reef is an important feature of the bioregion. Endemism in demersal fish communities of the continental slope is high with two distinct communities identified: one on the upper slope, the other mid slope.

Key ecological features of the Marine Park are:

- Ashmore Reef and Cartier Island and surrounding Commonwealth waters—areas of enhanced productivity in an otherwise low-nutrient environment, of regional importance for feeding and breeding aggregations of birds and marine life; and
- continental slope demersal fish communities—an area of high-diversity demersal fish assemblages.

The marine environment of the Marine Park includes habitats associated with two extensive lagoons, sand flats, shifting sand cays, extensive reef flat and large areas of seagrass. The reef ecosystems are comprised of hard and soft corals, gorgonians, sponges and a range of encrusting organisms, with the highest number of coral species of any reef off the Western Australian coast.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or

## ASHMORE REEF MARINE PARK

cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding, foraging and resting habitat for seabirds, resting and foraging habitat for migratory shorebirds, foraging, mating, nesting and interesting habitat for marine turtles, foraging habitat for dugong, and a migratory pathway for pygmy blue whales.

### *Ashmore Reef Ramsar site*

The Ashmore Reef Ramsar site includes the largest of the atolls in the region. West Island, Middle Island and East Island represent the only vegetated islands in the region. Ashmore Reef Ramsar site supports internationally significant populations of seabirds and shorebirds, is important for turtles (green, hawksbill and loggerhead) and dugong, and has the highest diversity of hermatypic (reef-building) corals on the West Australian coast. It is known for its abundance and diversity of sea snakes. However, since 1998 populations of sea snakes at Ashmore Reef have been in decline.

### **Cultural values**

#### *Indigenous Australians*

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. At the commencement of this plan there is limited information about the cultural significance of this Marine Park.

#### *Indonesian*

The Marine Park contains Indonesian artefacts and grave sites and Ashmore lagoon is still accessed as a rest or staging area for traditional Indonesian fishers travelling to and from fishing grounds within the MoU Box.

### **Heritage values**

No international or national heritage listings apply to the Marine Park at commencement of this plan.

#### *Commonwealth heritage*

Ashmore Reef was listed on the Commonwealth Heritage List in 2004, meeting Commonwealth heritage listing criteria A, B and C.

### **Social and economic values**

Tourism, recreation and scientific research are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

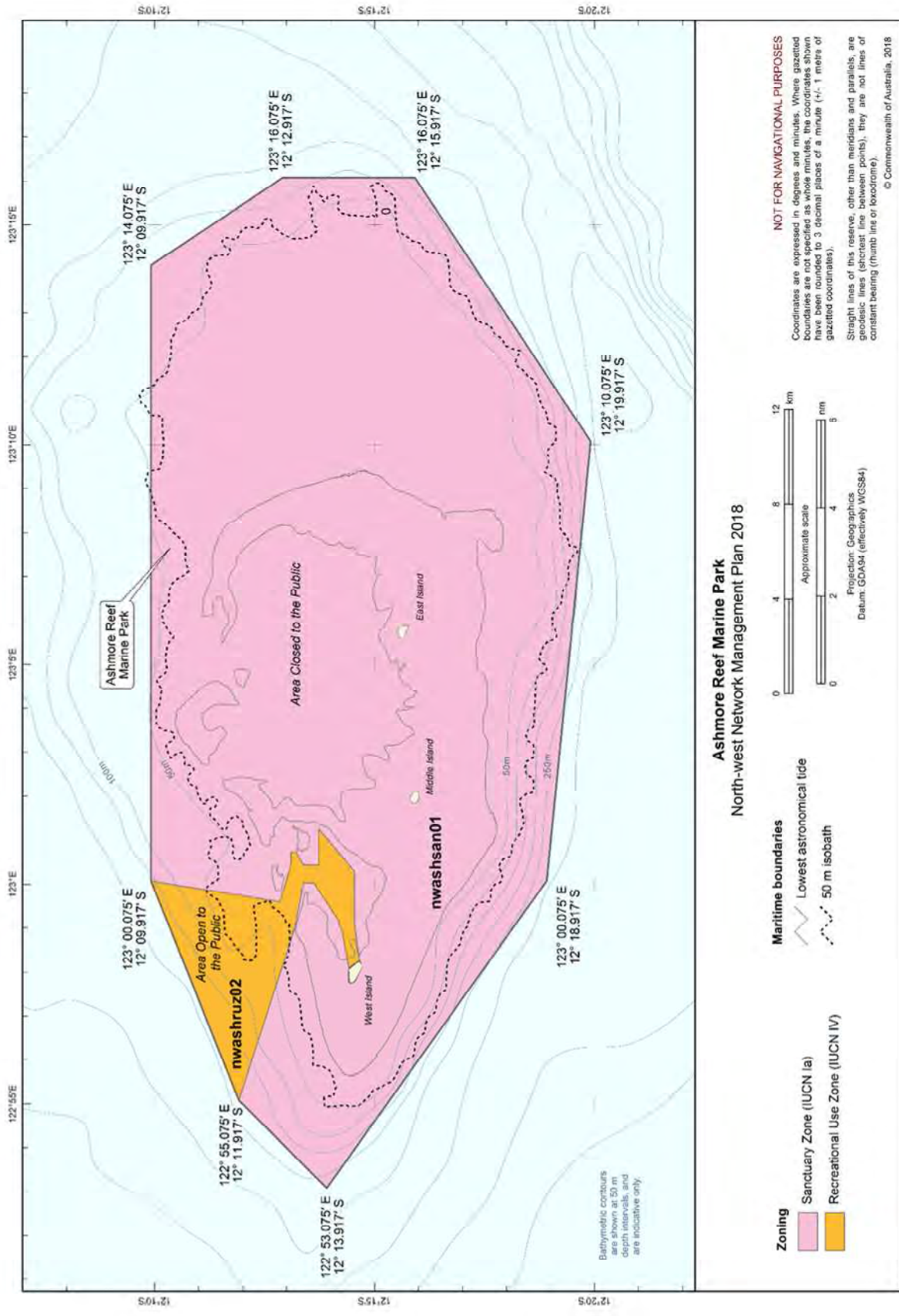


Figure S2.12 Ashmore Reef Marine Park

## CARTIER ISLAND MARINE PARK

The Cartier Island Marine Park (figure S2.13) is located approximately 45 km south-east of Ashmore Reef Marine Park and 610 km north of Broome, Western Australia. Both Marine Parks are located in Australia's External Territory of Ashmore and Cartier Islands and are also within an area subject to a Memorandum of Understanding (MoU) between Indonesia and Australia, known as the MoU Box. The Marine Park covers an area of 172 km<sup>2</sup> and water depths from less than 15 m to 500 m.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 21 June 2000 as the Cartier Island Marine Reserve, and proclaimed under the EPBC Act on 14 December 2013 and renamed Cartier Island Marine Park on 9 October 2017. The Marine Park is assigned IUCN category Ia and includes one zone assigned under this plan: Sanctuary Zone (Ia).

Coordinates for the Cartier Island Marine Park and zone are provided in Figure S2.13 and Schedule 4.

### Statement of significance

The Cartier Island Marine Park is significant because it includes habitats, species and ecological communities associated with the Timor Province. It includes two key ecological features: Ashmore Reef and Cartier Island and surrounding Commonwealth waters (valued for high productivity and breeding aggregations of birds and other marine life); and continental slope demersal fish communities (valued for high levels of endemism).

Like the islands of Ashmore Reef, Cartier Island is a biodiversity hotspot and an important biological stepping stone, facilitating the transport of biological material to the reef systems along the Western Australian coast via the south-flowing Leeuwin Current which originates in the region.

### Natural values

The Marine Park includes examples of ecosystems representative of the Timor Province—a bioregion with a depth range from about 200 m near the shelf break to 5920 m over the Argo Abyssal Plain. The reefs and islands of the bioregion are regarded as biodiversity hotspots. Endemism of demersal fish communities of the continental slope is high with two distinct communities identified, one on the upper slope, the other mid slope.

Key ecological features represented in the Marine Park are:

- Ashmore Reef and Cartier Island and surrounding Commonwealth waters—areas of enhanced productivity in an otherwise low-nutrient environment, of regional importance for feeding and breeding aggregations of birds and marine life; and
- Continental slope demersal fish communities—an area of high diversity in demersal fish assemblages.

The Marine Park includes an unvegetated sand island (Cartier Island), mature reef flat, a small, submerged pinnacle (Wave Governor Bank), and two shallow pools to the north-east of the island. It is also an area of high diversity and abundance of hard and soft corals, gorgonians (sea fans), sponges and a range of encrusting organisms. The reef crests are generally algal dominated, while the reef flats feature ridges of coral rubble and large areas of seagrass.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, interesting, nesting and foraging habitat for marine turtles and foraging habitat for whale sharks.

The Marine Park is important for a range of other species and internationally significant for its abundance and diversity of sea snakes, some of which are listed species under the EPBC Act.

## CARTIER ISLAND MARINE PARK

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

### **Heritage values**

No international, Commonwealth or national listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains one known shipwreck listed under the *Historic Shipwrecks Act 1976*: the *Ann Millicent* (wrecked in 1888).

### **Social and economic values**

Scientific research is an important activity in the Marine Park.



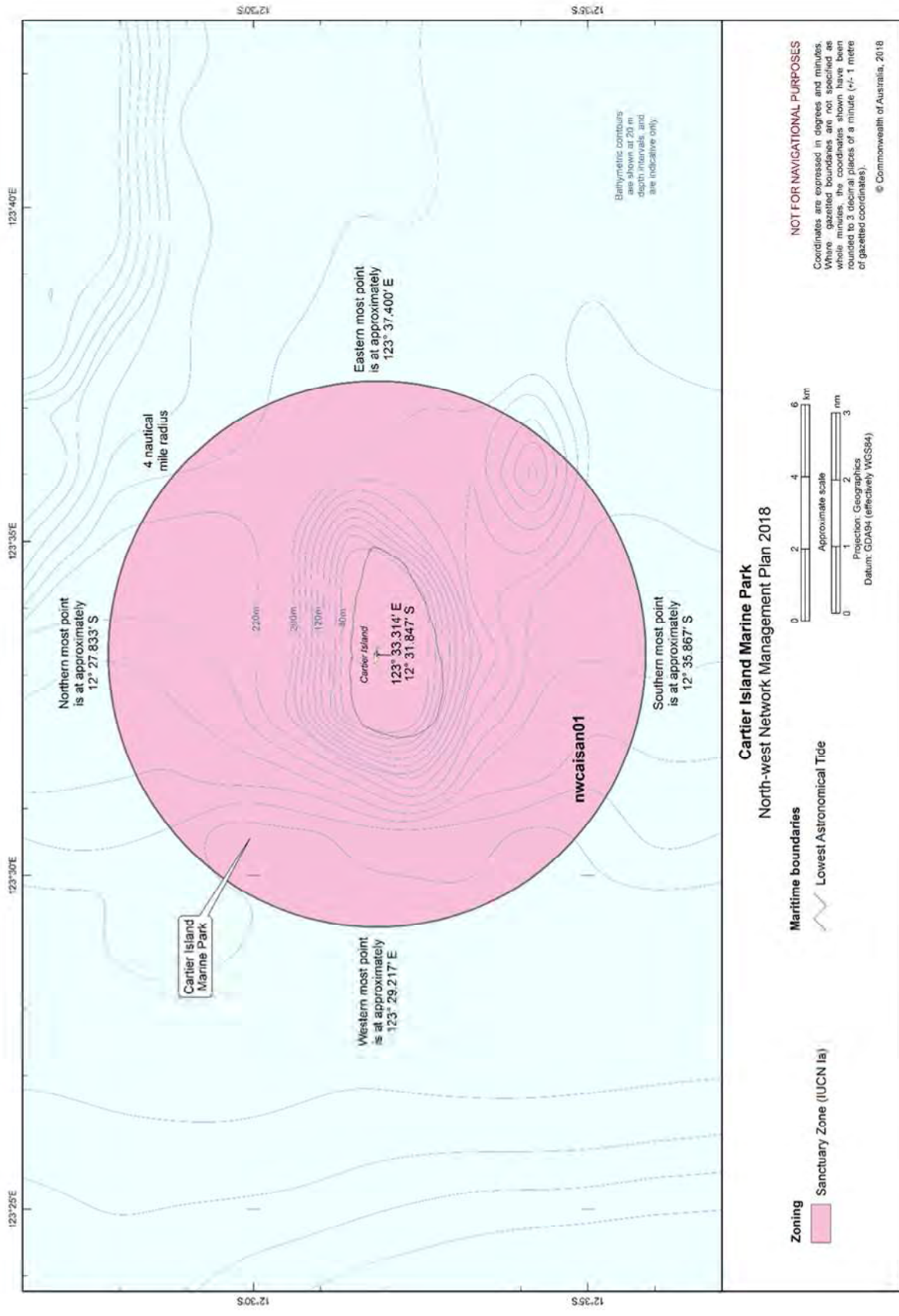


Figure S2.13 Cartier Island Marine Park



## SCHEDULE 3. ENVIRONMENTAL FEATURES USED IN THE DESIGN OF THE NORTH-WEST NETWORK

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Four types of environmental features were used in the design of the Marine Parks of the North-west Network to help identify areas for protection. These features were identified based on the scientifically known relationships between biodiversity and the physical environment and include bioregions, water depth, seafloor features, and key ecological features. They are identified below.

More information on these features can be found in the *Marine bioregional plan for the North-west Marine Region (2012)*, the *North-west marine bioregional plan: bioregional profile (2008)*, and the conservation values atlas on the Department's website.

### Bioregions

Bioregions are identified in the *Integrated Marine and Coastal Regionalisation of Australia (IMCRA)* as large areas of ocean with broadly similar characteristics that have been classified by scientists based on the distribution of fish and other marine species, seafloor types and ocean conditions. The North-west Network represents all eight of the bioregions found in the region: Northwest Shelf Transition, Timor Province, Northwest Shelf Province, Northwest Transition, Northwest Province, Central Western Shelf Transition, Central Western Transition and Central Western Shelf Province (Figure S3.1).

### Depth ranges

The North-west Network represents the full range of depths found in the region, from shallow waters of less than 15 m to approximately 6000 m depth. Marine biological communities change with depth, and similar depth ranges in different bioregions support different groups of species. The range of ocean depths in each bioregion, represented as bathomes in Figure S3.2, have been included in the Network to ensure that examples of marine biodiversity are represented.

### Seafloor features

The landscape-scale physical structure of the seafloor is important in determining where habitats or species occur. There is strong scientific evidence that different types of seafloor features provide different habitats and associated marine species and communities. The Network represents 15 of the 19 seafloor features found in the region: abyssal plain/deep ocean floor, apron/fan, bank/shoal, canyon, continental rise, deep/hole/valley, knoll/abyssal hills/hills/mountain/peak, pinnacle, plateau, reef, ridge, shelf, slope, terrace, and trench/trough (Figure S3.3).

### Key ecological features

Key ecological features were identified through the marine bioregional planning program as areas or features that support distinct or important ecological communities at a regional scale. The North-west Network represents eight of the 13 key ecological features found in the region: Ashmore Reef and Cartier Island and surrounding Commonwealth waters; continental slope demersal fish communities; canyons linking the Argo Abyssal Plain with the Scott Plateau; ancient coastline at the 125-m depth contour; Mermaid Reef and the Commonwealth waters surrounding the Rowley Shoals; Exmouth Plateau; canyons linking the Cuvier Abyssal Plain with the Cape Range Peninsula; and Commonwealth waters adjacent to Ningaloo Reef (Figure S3.4).

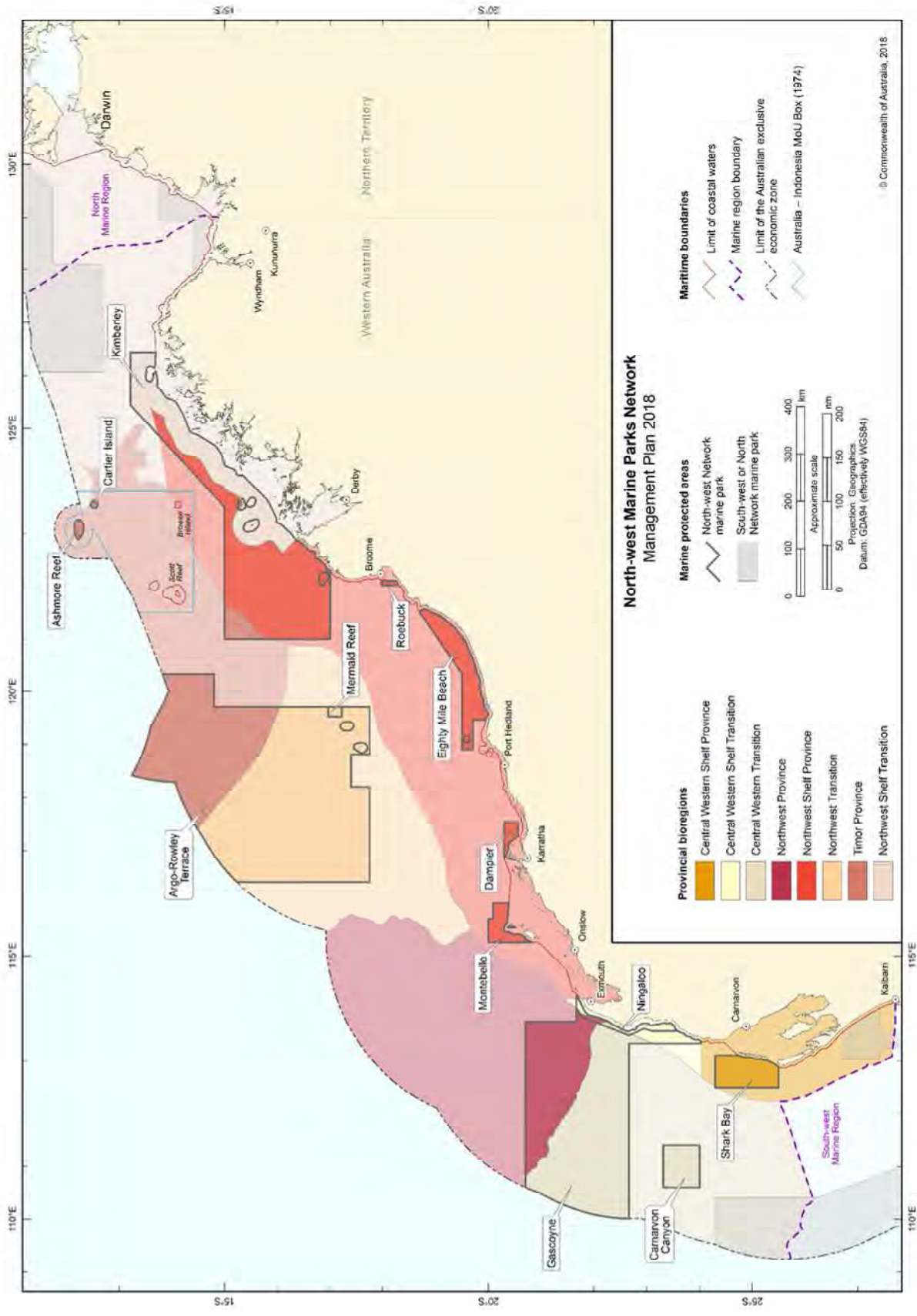


Figure S3.1 Bioregions represented in the North-west Network

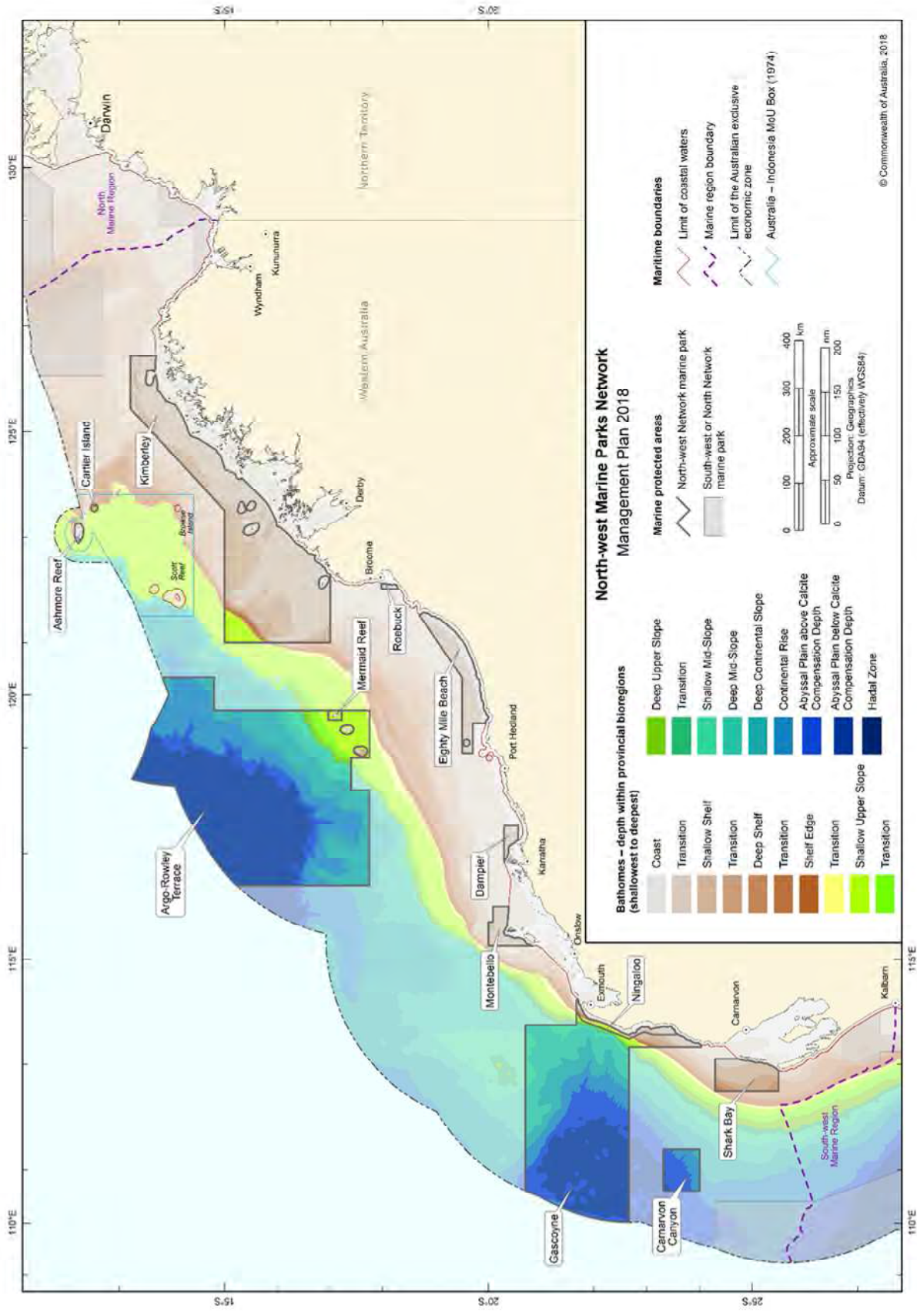


Figure S3.2 Bathomes indicating depth ranges represented in the North-west Network



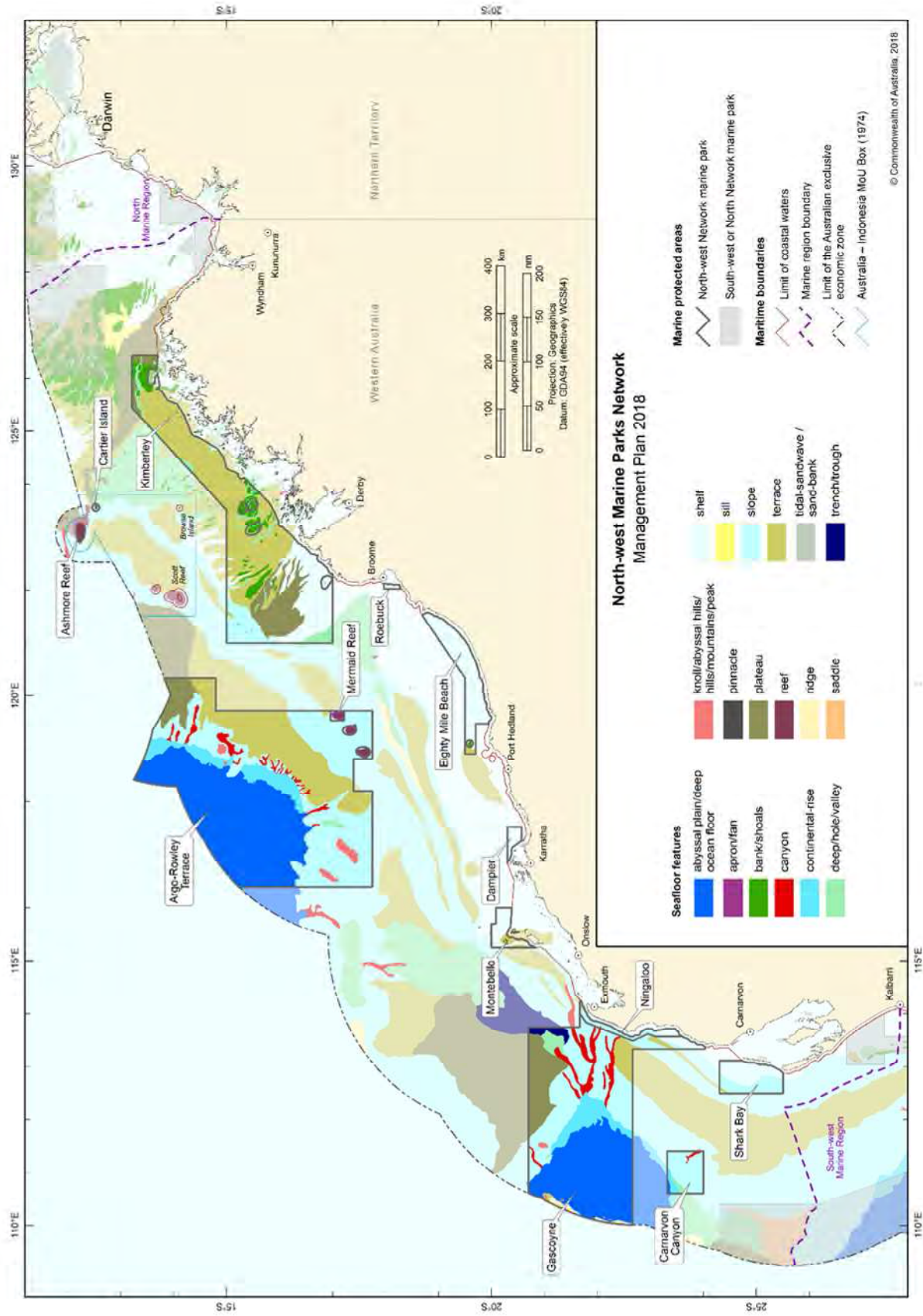


Figure S3.3 Seafloor features represented in the North-west Network

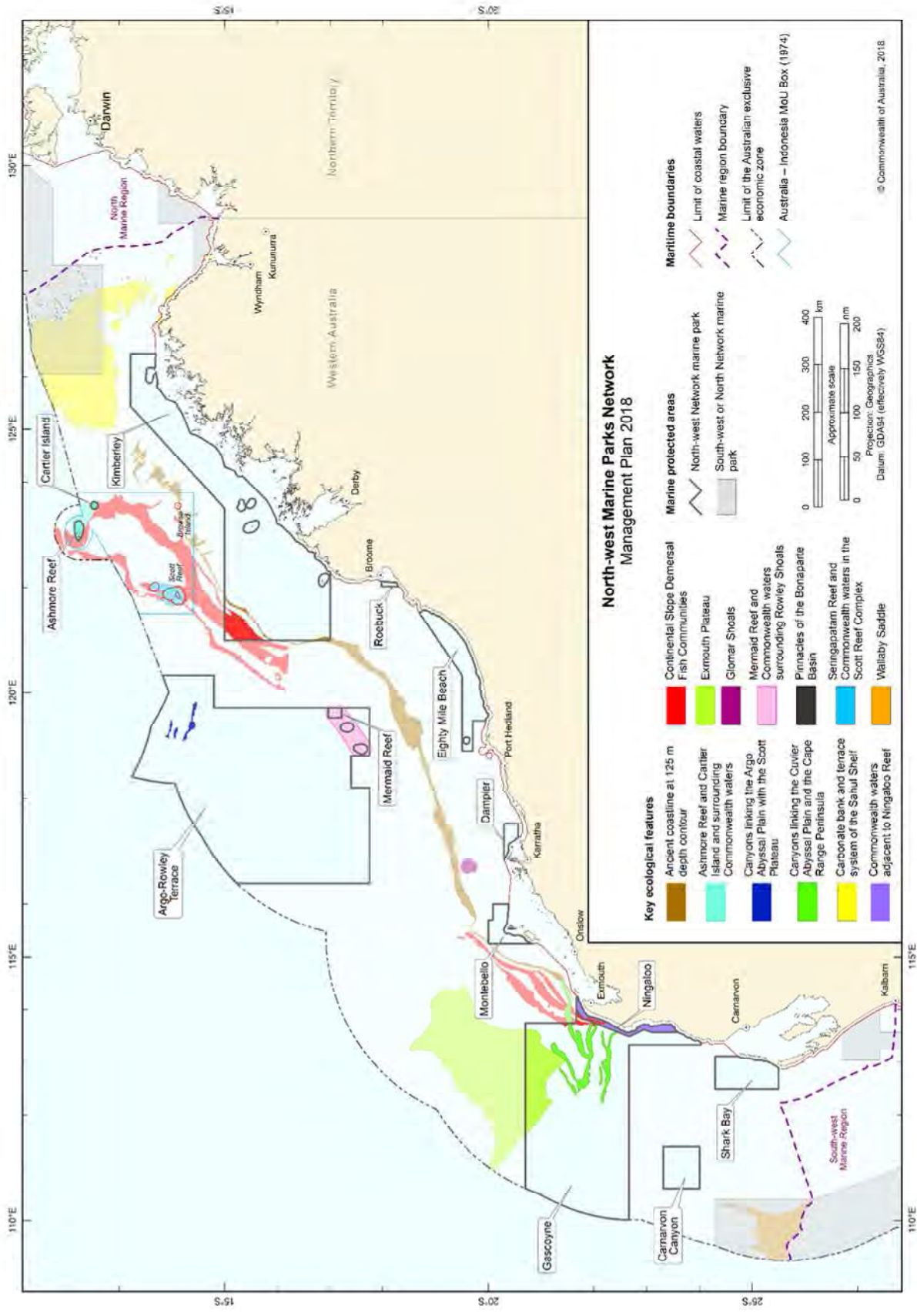


Figure S3.4 Key ecological features represented in the North-west Network

## SCHEDULE 4. NORTH-WEST NETWORK MARINE PARKS AND ZONE BOUNDARY DESCRIPTIONS

In this Schedule:

**State waters** has the same meaning as **coastal waters of the State** in subsection 3 (1) of the *Coastal Waters (State Powers) Act 1980*.

Note: Geographic coordinates are expressed in terms of the Geocentric Datum of Australia 1994.

Note: The Geocentric Datum of Australia 1994 (also known as GDA94) was published in Gazette No. GN 35 of 6 September 1995.

### PART 1 — SHARK BAY MARINE PARK

#### 1.1 Area of marine park

The Shark Bay Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 24° 18' 00" S, longitude 112° 30' 00" E
2	East along the parallel of latitude 24° 18' 00" S to its intersection by the meridian of longitude 113° 06' 24" E
3	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
4	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 25° 30' 00" S
5	West along that parallel to its intersection by the meridian of longitude 112° 30' 00" E
6	North along that meridian to the point of commencement

#### 1.2 Zone (nwshamuz01) for marine park

(1) The Shark Bay Marine Park has the following zone:

- (a) the Multiple Use Zone (VI) described in Section 1.1 of this Part.

### PART 2 — CARNARVON CANYON MARINE PARK

#### 2.1 Area of marine park

The Carnarvon Canyon Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.



<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 23° 19' 00" S, longitude 110° 36' 00" E
2	East along the parallel of latitude 23° 19' 00" S to its intersection by the meridian of longitude 111° 24' 00" E
3	South along that meridian to its intersection by the parallel of latitude 24° 00' 00" S
4	West along that parallel to its intersection by the meridian of longitude 110° 36' 00" E
5	North along that meridian to the point of commencement

## **2.2 Zone (nwcachpz01) for marine park**

(1) The Carnarvon Canyon Marine Park has the following zone:

- (a) the Habitat Protection Zone (IV) described in Section 2.1 of this Part.

## **PART 3 — NINGALOO MARINE PARK**

### **3.1 Area of marine park**

The Ningaloo Marine Park consists of an area in the Indian Ocean, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 21° 39' 55.36" S, longitude 114° 00' 04.72" E
2	South-westerly along the geodesic to the point of latitude 21° 46' 55.37" S, longitude 113° 50' 04.73" E
3	South-westerly along the geodesic to the point of latitude 22° 39' 55.39" S, longitude 113° 29' 04.76" E
4	South-easterly along the geodesic to the point of latitude 22° 56' 55.39" S, longitude 113° 37' 04.75" E
5	South-westerly along the geodesic to the point of latitude 23° 05' 55.40" S, longitude 113° 34' 04.76" E
6	South along the meridian of longitude 113° 34' 04.76" E to its intersection by the parallel of latitude 23° 33' 55.42" S
7	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
8	Generally north-easterly, northerly and north-easterly along that outer limit to its intersection by the geodesic line between the point of latitude 21° 46' 55.36" S,

---

**Area of marine park**

---

<b>Item</b>	<b>Description</b>
	longitude 114° 19' 04.69" E, and the point of latitude 21° 39' 55.36" S, longitude 114° 13' 04.70" E
9	North-westerly along that geodesic to the point of latitude 21° 39' 55.36" S, longitude 114° 13' 04.70" E
10	West along the parallel of latitude 21° 39' 55.36" S to the point of commencement

---

**3.2 Zones for marine park**

(1) The Ningaloo Marine Park is divided into the following zones:

- (a) the Recreational Use Zones (IV) described in Section 3.3 and 3.5 of this Part;
- (b) the National Park Zone (II) described in Section 3.4 of this Part.

**3.3 Zone 1 (nwninruz01) for marine park—Recreational Use Zone (IV)**

Zone 1 (nwninruz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 1 (nwninruz01) of marine park—Recreational Use Zone (IV)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 21° 39' 55.36" S, longitude 114° 00' 04.72" E
2	South-westerly along the geodesic to the point of latitude 21° 46' 55.37" S, longitude 113°50' 04.73" E
3	South-westerly along the geodesic to the point of latitude 22° 39' 55.39" S, longitude 113° 29' 04.76" E
4	East along the parallel of latitude 22° 39' 55.39" S to its intersection by the outer limit of the State waters of Western Australia
5	Generally northerly and north-easterly along that outer limit to its intersection by the geodesic line between the point of latitude 21° 46' 55.36" S, longitude 114° 19' 04.69" E, and the point of latitude 21° 39' 55.36" S, longitude 114° 13' 04.70" E
6	North-westerly along that geodesic to the point of latitude 21° 39' 55.36" S, longitude 114° 13' 04.70" E
7	West along the parallel of latitude 21° 39' 55.36" S to the point of commencement

---

**3.4 Zone 2 (nwninnpz02) of marine park—National Park Zone (II)**

Zone 2 (nwninnpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (nwninnpz02) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 22° 39' 55.39" S, longitude 113° 29' 04.76" E

---

---

**Zone 2 (nwninnpz02) of marine park—National Park Zone (II)**

---

Item	Description
2	South-easterly along the geodesic to the point of latitude 22° 48' 12.37" S, longitude 113° 32' 58.35" E
3	East along the parallel of latitude 22° 48' 12.37" S to its intersection by the outer limit of the State waters of Western Australia
4	Generally north-westerly along that outer limit to its intersection by the parallel of latitude 22° 39' 55.39" S
5	West along that parallel to the point of commencement

---

**3.5 Zone 3 (nwninruz03) of marine park—Recreational Use Zone**

Zone 3 (nwninruz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (nwninruz03) of marine park—Recreational Use Zone (IV)**

---

Item	Description
1	The point of latitude 22° 48' 12.37" S, longitude 113° 32' 58.35" E
2	South-easterly along the geodesic to the point of latitude 22° 56' 55.39" S, longitude 113° 37' 04.75" E
3	South-westerly along the geodesic to the point of latitude 23° 05' 55.40" S, longitude 113° 34' 04.76" E
4	South along the meridian of longitude 113° 34' 04.76" E to its intersection by the parallel of latitude 23° 33' 55.42" S
5	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
6	Generally north-easterly and northerly along that outer limit to its intersection by the parallel of latitude 22° 48' 12.37" S
7	West along the parallel of latitude 22° 48' 12.37" S to the point of commencement

---

## PART 4 — GASCOYNE MARINE PARK

### 4.1 Area of marine park

The Gascoyne Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Area of marine park**

---

Item	Description
1	The point of latitude 20° 42' 00" S, longitude 113° 45' 00" E
2	South along the meridian of longitude 113° 45' 00" E to its intersection by the parallel of latitude 21° 39' 55.36" S

---

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
3	East along that parallel to its intersection by the meridian of longitude 114° 00' 04.72" E
4	South-westerly along the geodesic to the point of latitude 21° 46' 55.37" S, longitude 113° 50' 04.73" E
5	South-westerly along the geodesic to the point of latitude 22° 39' 55.39" S, longitude 113° 29' 04.76" E
6	South-easterly along the geodesic to the point of latitude 22° 56' 55.39" S, longitude 113° 37' 04.75" E
7	South-westerly along the geodesic to the point of latitude 23° 05' 55.40" S, longitude 113° 34' 04.76" E
8	South along the meridian of longitude 113° 34' 04.76" E to its intersection by the parallel of latitude 23° 33' 55.42" S
9	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
10	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 24° 01' 52.816" S
11	West along that parallel to its intersection by the meridian of longitude 113° 20' 00" E
12	North along that meridian to its intersection by the parallel of latitude 22° 39' 55.39" S
13	West along that parallel to its intersection by the outer limit of the exclusive economic zone
14	Generally northerly and north-westerly along that outer limit to its intersection by the parallel of latitude 20° 42' 00" S
15	East along that parallel to the point of commencement

#### **4.2 Zones for marine park**

(1) The Gascoyne Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 4.3 of this Part;
- (b) the Habitat Protection Zones (IV) described in Section 4.4 and 4.6 of this Part;
- (c) the Multiple Use Zone (VI) described in Section 4.5 of this Part.

#### **4.3 Zone 1 (nwgasnpz01) for marine park—National Park Zone (II)**

Zone 1 (nwgasnpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 1 (nwgaspz01) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 21° 30' 00" S, longitude 111° 55' 00" E
2	North-westerly along the geodesic to the point of longitude 110° 55' 00" E, latitude 20° 42' 00" S
3	West along the parallel of latitude 20° 42' 00" S to its intersection by the outer limit of the exclusive economic zone
4	Generally southerly along that outer limit to its intersection by the parallel of latitude 21° 30' 00" S
5	East along that parallel to the point of commencement

---

**4.4 Zone 2 (nwgashpz02) of marine park—Habitat Protection Zone (IV)**

Zone 2 (nwgashpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (nwgashpz02) of marine park—Habitat Protection Zone (IV)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 22° 39' 55.39" S, longitude 113° 14' 00" E
2	North along the meridian of longitude 113° 14' 00" E to its intersection by the parallel of latitude 22° 20' 00" S
3	North westerly along the geodesic to the point of latitude 21° 30' 00" S, longitude 112° 36' 00" E
4	West along the parallel of latitude 21° 30' 00" S to its intersection by the outer limit of the exclusive economic zone
5	Generally southerly along that outer limit to its intersection by the parallel of latitude 22° 39' 55.39" S
6	East along that parallel to the point of commencement

---

**4.5 Zone 3 (nwgasmuz03) of marine park—Multiple Use Zone (VI)**

Zone 3 (nwgasmuz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (nwgasmuz03) of marine park—Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 20° 42' 00" S, longitude 113° 45' 00" E
2	South along the meridian of longitude 113° 45' 00" E to its intersection by the parallel of latitude 21° 39' 55.36" S

---

---

**Zone 3 (nwgasmuz03) of marine park—Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
3	East along that parallel to its intersection by the meridian of longitude 114° 00' 04.72" E
4	South-westerly along the geodesic to the point of latitude 21° 46' 55.37" S, longitude 113° 50' 04.73" E
5	South-westerly along the geodesic to the point of latitude 22° 39' 55.39" S, longitude 113° 29' 04.76" E
6	South-easterly along the geodesic to the point of latitude 22° 56' 55.39" S, longitude 113° 37' 04.75" E
7	South-westerly along the geodesic to the point of latitude 23° 05' 55.40" S, longitude 113° 34' 04.76" E
8	South along the meridian of longitude 113° 34' 04.76" E to its intersection by the parallel of latitude 23° 33' 55.42" S
9	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
10	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 23° 50' 00" S
11	West along that parallel to its intersection by the meridian of longitude 113° 20' 00" E
12	North along that meridian to its intersection by the parallel of latitude 22° 39' 55.39" S
13	West along that parallel to its intersection by the meridian of longitude 113° 14' 00" E
14	North along that meridian to its intersection by the parallel of latitude 22° 20' 00" S
15	North-westerly along the geodesic to the point of latitude 21° 30' 00" S, longitude 112° 36' 00" E
16	West along that parallel to its intersection by the meridian of longitude 111° 55' 00" E
17	North-westerly along the geodesic to the point of latitude 20° 42' 00" S, longitude 110° 55' 00" E
18	East along the parallel of latitude 20° 42' 00" S to the point of commencement

---

**4.6 Zone 4 (nwgashpz04) of marine park—Habitat Protection Zone (IV)**

Zone 4 (nwgashpz04) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.



---

**Zone 4 (nwgashpz04) of marine park—Habitat Protection Zone (IV)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 23° 50' 00" S, longitude 113° 20' 00" E
2	East along the parallel of latitude 23° 50' 00" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 24° 01' 52.816" S
4	West along that parallel to its intersection by the meridian of longitude 113° 20' 00" E
5	North along that meridian to the point of commencement

---

## **PART 5 — MONTEBELLO MARINE PARK**

### **5.1 Area of marine park**

The Montebello Marine Park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 20° 00' 00" S, longitude 115° 15' 06" E
2	East along the parallel of latitude 20° 00' 00" S to its intersection by the meridian of longitude 115° 42' 00" E
3	South along that meridian to its intersection by the parallel of latitude 20° 05' 00" S
4	East along that parallel to its intersection by the meridian of longitude 116° 00' 00" E
5	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
6	Generally westerly and south-westerly along that outer limit to its intersection by the parallel of latitude 20° 50' 00" S
7	West along that parallel to its intersection by the meridian of longitude 115° 15' 06" E
8	North along that meridian to the point of commencement

---

### **5.2 Zone (nwmonmuz01) for marine park**

(1) The Montebello Marine Park has the following zone:

- (a) the Multiple Use Zone (VI) described in Section 5.1 of this Part.

## PART 6 — DAMPIER MARINE PARK

### 6.1 Area of marine park

The Dampier Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 20° 18' 00" S, longitude 116° 50' 00" E
2	East along the parallel of latitude 20° 18' 00" S to its intersection by the meridian of longitude 117° 31' 00" E
3	South along that meridian to its intersection by the parallel of latitude 20° 34' 00" S
4	West along that parallel to its intersection by the outer limit of the State waters of Western Australia
5	Generally north-westerly and westerly along that outer limit to its intersection by the meridian of longitude 116° 50' 00" E
6	North along that meridian to the point of commencement

### 6.2 Zones for marine park

(1) The Dampier Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 6.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 6.4 of this Part;
- (c) the Multiple Use Zone (VI) described in Section 6.5 of this Part.

### 6.3 Zone 1 (nwdamnpz01) of marine park—National Park Zone (II)

Zone 1 (nwdamnpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (nwdamnpz01) of marine park—National Park Zone (II)	
Item	Description
1	The point of latitude 20° 18' 00" S, longitude 117° 02' 00" E
2	East along the parallel of latitude 20° 18' 00" S to its intersection by the meridian of longitude 117° 06' 48" E
3	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
4	Generally westerly along that outer limit to its intersection by the meridian of longitude 117° 02' 00" E
5	North along that meridian to the point of commencement

#### 6.4 Zone 2 (nwdamhpsz02) of marine park—Habitat Protection Zone (IV)

Zone 2 (nwdamhpsz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (nwdamhpsz02) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 20° 18' 00" S, longitude 116° 50' 00" E
2	East along the parallel of latitude 20° 18' 00" S to its intersection by the meridian of longitude 117° 02' 00" E
3	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
4	Generally north-westerly along that outer limit to its intersection by the meridian of longitude 116° 50' 00" E
5	North along that meridian to the point of commencement

#### 6.5 Zone 3 (nwdammuz03) of marine park—Multiple Use Zone (VI)

Zone 3 (nwdammuz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 3 (nwdammuz03) of marine park—Multiple Use Zone (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 20° 18' 00" S, longitude 117° 06' 48" E
2	East along the parallel of latitude 20° 18' 00" S to its intersection by the meridian of longitude 117° 31' 00" E
3	South along that meridian to its intersection by the parallel of latitude 20° 34' 00" S
4	West along that parallel to its intersection by the outer limit of the State waters of Western Australia
5	Generally north-westerly along that outer limit to its intersection by the meridian of longitude 117° 06' 48" E
6	North along that meridian to the point of commencement

## PART 7 — EIGHTY MILE BEACH MARINE PARK

### 7.1 Area of marine park

The Eighty Mile Beach Marine Park consists of an area in the Indian Ocean, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 19° 30' 00" S, longitude 118° 54' 00" E
2	East along the parallel of latitude 19° 30' 00" S to its intersection by the meridian of longitude 120° 20' 00" E
3	North-easterly along the geodesic to the point of latitude 18° 42' 00" S, longitude 121° 30' 00" E
4	East along the parallel of latitude 18° 42' 00" S to its intersection by the outer limit of the State waters of Western Australia
5	Generally southerly, south-westerly and westerly along that outer limit to its intersection by the meridian of longitude 119° 28' 18" E
6	North along that meridian to its intersection by the parallel of latitude 19° 42' 00" S
7	West along that parallel to its intersection by the meridian of longitude 118° 54' 00" E
8	North along that meridian to the point of commencement

### **7.2 Zone (nwembmuz01) for marine park**

(1) The Eighty Mile Beach Marine Park has the following zone:

- (a) the Multiple Use Zone (VI) described in Section 7.1 of this Part.

## **PART 8 — ROEBUCK MARINE PARK**

### **8.1 Area of marine park**

The Roebuck Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 17° 58' 24" S, longitude 122° 01' 21" E
2	East along the parallel of latitude 17° 58' 24" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally southerly and south-westerly along that outer limit to its intersection by the meridian of longitude 122° 01' 21" E
4	North along that meridian to the point of commencement

### **8.2 Zone (nwroemuz01) for marine park**

(1) The Roebuck Marine Park has the following zone:

- (a) the Multiple Use Zone (VI) described in Section 8.1 of this Part.

## PART 9 — MERMAID REEF MARINE PARK

### 9.1 Area of marine park

The Mermaid Reef Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 16° 58' 00" S, longitude 119° 32' 00" E
2	East along the parallel of latitude 16° 58' 00" S to its intersection by the meridian of longitude 119° 43' 00" E
3	South along that meridian to its intersection by the parallel of latitude 17° 13' 00" S
4	West along that parallel to its intersection by the meridian of longitude 119° 32' 00" E
5	North along that meridian to the point of commencement

### 9.2 Zone (nwmernpz01) for marine park

(1) The Mermaid Reef Marine Park has the following zone:

- (a) the National Park Zone (II) described in Section 9.1 of this Part.

## PART 10 — ARGO-ROWLEY TERRACE MARINE PARK

### 10.1 Area of marine park

The Argo-Rowley Terrace Marine Park consists of an area in the Indian Ocean, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 17° 45' 00" S, longitude 116° 24' 00" E
2	North along the meridian of longitude 116° 24' 00" E to its intersection by the outer limit of the exclusive economic zone
3	Generally north-easterly and northerly along that outer limit to its intersection by the parallel of latitude 13° 16' 10" S
4	Northerly along the geodesic to the point of latitude 13° 14' 33.6148" S, longitude 118° 24' 44.0819" E
5	South-easterly along the arc of a circle of radius 200 nautical miles, passing through the following points: <ul style="list-style-type: none"><li>(a) 13° 18' 43.8147" S, 118° 32' 28.2819" E;</li><li>(b) 13° 22' 34.0147" S, 118° 40' 23.3819" E;</li></ul>

---

**Area of marine park**

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**Item Description**

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- (c) 13° 26' 03.7147" S, 118° 48' 28.3819" E;
  - (d) 13° 29' 12.5147" S, 118° 56' 42.3819" E;
  - (e) 13° 32' 00.1146" S, 119° 05' 04.3818" E;
  - (f) 13° 34' 26.1146" S, 119° 13' 33.4818" E
- 

6 South-easterly along that arc to the point of latitude 13° 36' 30.2146" S, longitude 119° 22' 08.6818" E

---

7 South-easterly along the geodesic to the point of latitude 13° 40' 34.1146" S, longitude 119° 28' 46.0818" E

---

8 South-easterly along the arc of a circle of radius 200 nautical miles, passing through the following points:

- (a) 13° 45' 04.5145" S, 119° 36' 29.2818" E;
  - (b) 13° 49' 14.5145" S, 119° 44' 24.4817" E;
  - (c) 13° 53' 03.7145" S, 119° 52' 30.6817" E
- 

9 South-easterly along that arc to the point of latitude 13° 56' 31.7145" S, longitude 120° 00' 46.8817" E

---

10 North-easterly along the geodesic to the point of latitude 13° 49' 13.7266" S, longitude 120° 20' 00" E

---

11 South along the meridian of longitude 120° 20' 00" E to its intersection by the parallel of latitude 14° 48' 00" S

---

12 West along that parallel to its intersection by the meridian of longitude 119° 43' 00" E

---

13 South along that meridian to its intersection by the parallel of latitude 16° 58' 00" S

---

14 West along that parallel to its intersection by the meridian of longitude 119° 32' 00" E

---

15 South along that meridian to its intersection by the parallel of latitude 17° 13' 00" S

---

16 East along that parallel to its intersection by the meridian of longitude 119° 43' 00" E

---

17 South along that meridian to its intersection by the parallel of latitude 17° 45' 00" S

---

18 West along that parallel to its intersection by the meridian of longitude 118° 48' 24" E

---

19 North along that meridian to its intersection by the parallel of latitude 17° 24' 00" S

---

20 West along that parallel to its intersection by the meridian of longitude 118° 12' 00" E

---



---

**Area of marine park**

---

**Item Description**

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- |    |   |
|----|---|
| 21 | South along that meridian to its intersection by the parallel of latitude 17° 45' 00" S |
| 22 | West along that parallel to the point of commencement                                   |
- 

**10.2 Zones for marine park**

(1) The Argo-Rowley Terrace Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 10.3 of this Part;
- (b) the Multiple Use Zones (VI) described in Section 10.4 and 10.5 of this Part;
- (c) the Special Purpose Zone (Trawl) (VI) described in Section 10.6 of this Part.

**10.3 Zone 1 (nwartnpz01) of marine park—National Park Zone (II)**

Zone 1 (nwartnpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 1 (nwartnpz01) of marine park—National Park Zone (II)**

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**Item Description**

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- |   |   |
|---|---|
| 1 | The point of latitude 15° 10' 00" S, longitude 117° 15' 00" E   |
| 2 | North along the meridian of longitude 117° 15' 00" E to its intersection by the outer limit of the exclusive economic zone  |
| 3 | Generally north-easterly and northerly along that outer limit to its intersection by the parallel of latitude 13° 16' 10" S   |
| 4 | Northerly along the geodesic to the point of latitude 13° 14' 33.6148" S, longitude 118° 24' 44.0819" E   |
| 5 | South-easterly along the arc of a circle of radius 200 nautical miles, passing through the following points: <ul style="list-style-type: none"><li>(a) 13° 18' 43.8147" S, 118° 32' 28.2819" E;</li><li>(b) 13° 22' 34.0147" S, 118° 40' 23.3819" E;</li><li>(c) 13° 26' 03.7147" S, 118° 48' 28.3819" E;</li><li>(d) 13° 29' 12.5147" S, 118° 56' 42.3819" E;</li><li>(e) 13° 32' 00.1146" S, 119° 05' 04.3818" E;</li><li>(f) 13° 34' 26.1146" S, 119° 13' 33.4818" E</li></ul> |
| 6 | South-easterly along that arc to the point of latitude 13° 36' 30.2146" S, longitude 119° 22' 08.6818" E  |
| 7 | South-easterly along the geodesic to the point of latitude 13° 40' 34.1146" S, longitude 119° 28' 46.0818" E  |
| 8 | South-easterly along the arc of a circle of radius 200 nautical miles, passing through the following points:  |
-

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**Zone 1 (nwartnpz01) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
(a)	13° 45' 04.5145" S, 119° 36' 29.2818" E;
(b)	13° 49' 14.5145" S, 119° 44' 24.4817" E;
(c)	13° 53' 03.7145" S, 119° 52' 30.6817" E
9	South-easterly along that arc to the point of latitude 13° 56' 31.7145" S, longitude 120° 00' 46.8817" E
10	North-easterly along the geodesic to the point of latitude 13° 49' 13.7266" S, longitude 120° 20' 00" E
11	South along the meridian of longitude 120° 20' 00" E to its intersection by the parallel of latitude 14° 24' 00" S
12	West along that parallel to its intersection by the meridian of longitude 118° 59' 00" E
13	South along that meridian to its intersection by the parallel of latitude 15° 10' 00" S
14	West along that parallel to the point of commencement

---

**10.4 Zone 2 (nwartmuz02) of marine park—Multiple Use Zone (VI)**

Zone 2 (nwartmuz02) of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (nwartmuz02) of marine park—Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 17° 45' 00" S, longitude 116° 24' 00" E
2	North along the meridian of longitude 116° 24' 00" E to its intersection by the outer limit of the exclusive economic zone
3	Generally north-easterly along that outer limit to its intersection by the meridian of longitude 117° 15' 00" E
4	South along the meridian of longitude of 117° 15' 00" E to its intersection by the parallel of latitude 15° 10' 00" S
5	East along that parallel to its intersection by the meridian of longitude 118° 59' 00" E
6	North along that meridian to its intersection by the parallel of latitude 14° 24' 00" S
7	East along that parallel to its intersection by the meridian of longitude 120° 20' 00" E
8	South along that meridian to its intersection by the parallel of latitude 14° 48' 00" S

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---

**Zone 2 (nwartmuz02) of marine park—Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
9	West along that parallel to its intersection by the meridian of longitude 119° 43' 00" E
10	South along that meridian to its intersection by the parallel of latitude 16° 47' 00" S
11	South-westerly along the geodesic to the point of latitude 17° 24' 00" S, longitude 118° 48' 24" E
12	West along the parallel of latitude 17° 24' 00" S to its intersection by the meridian of longitude 118° 12' 00" E
13	South along that meridian to its intersection by the parallel of latitude 17° 45' 00" S
14	West along that parallel to the point of commencement

---

**10.5 Zone 3 (nwartmuz03) of marine park—Multiple Use Zone (VI)**

Zone 3 (nwartmuz03) of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (nwartmuz03) of marine park—Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 17° 45' 00" S, longitude 118° 48' 24" E
2	North along the meridian of longitude 118° 48' 24" E to its intersection by the parallel of latitude 17° 36' 00" S
3	North-easterly along the geodesic to the point of latitude 17° 27' 00" S, longitude 118° 51' 36" E
4	North-easterly along the geodesic to the point of latitude 17° 08' 30" S, longitude 119° 22' 00" E
5	North-easterly along the geodesic to the point of latitude 16° 58' 00" S, longitude 119° 32' 00" E
6	South along the meridian of longitude 119° 32' 00" E to its intersection by the parallel of latitude 17° 13' 00" E
7	East along that parallel to its intersection by the meridian of longitude 119° 43' 00" E
8	South along that meridian to its intersection by the parallel of latitude 17° 45' 00" S
9	West along that parallel to the point of commencement

---

### 10.6 Zone 4 (nwartspt04) of marine park—Special Purpose Zone (Trawl) (VI)

Zone 4 (nwartspt04) of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 4 (nwartspt04) of marine park—Special Purpose Zone (Trawl) (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 17° 36' 00" S, longitude 118° 48' 24" E
2	North-easterly along the geodesic to the point of latitude 17° 27' 00" S, longitude 118° 51' 36" E
3	North-easterly along the geodesic to the point of latitude 17° 08' 30" S, longitude 119° 22' 00" E
4	North-easterly along the geodesic to the point of latitude 16° 58' 00" S, longitude 119° 32' 00" E
5	East along parallel of latitude 16° 58' 00" S to its intersection by the meridian of longitude 119° 43' 00" E
6	North along the meridian of longitude 119° 43' 00" E to its intersection by the parallel of latitude 16° 47' 00" S
7	South-westerly along the geodesic to the point of latitude 17° 24' 00" S, longitude 118° 48' 24" E
8	South along the meridian of longitude 118° 48' 24" E to the point of commencement

## PART 11 — KIMBERLEY MARINE PARK

### 11.1 Area of marine park

The Kimberley Marine Park consists of an area in the Indian Ocean, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 15° 00' 00" S, longitude 121° 00' 00" E
2	East along the parallel of latitude 15° 00' 00" S to its intersection by the meridian of longitude 123° 30' 00" E
3	North-easterly along the geodesic to the point of latitude 13° 13' 00" S, longitude 125° 26' 00" E
4	East along the parallel of latitude 13° 13' 00" S to its intersection by the meridian of longitude 126° 26' 00" E

---

**Area of marine park**

---

**Item Description**

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5	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
6	Generally westerly and south-westerly along that outer limit to its intersection by the parallel of latitude 17° 00' 00" S
7	West along that parallel to its intersection by the meridian of longitude 121° 00' 00" E
8	North along that meridian to the point of commencement

---

**11.2 Zones for marine park**

(1) The Kimberley Marine Park is divided into the following zones:

- (a) the Multiple Use Zone (VI) described in Section 11.3 of this Part;
- (b) the National Park Zone (II) described in Section 11.4 of this Part;
- (c) the Habitat Protection Zones (IV) described in Sections 11.5 and 11.6 of this Part.

**11.3 Zone 1 (nwkimmuz01) of marine park—Multiple Use Zone (VI)**

Zone 1 (nwkimmuz01) of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 1 (nwkimmuz01) of marine park—Multiple Use Zone (VI)**

---

**Item Description**

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1	The point of latitude 15° 00' 00" S, longitude 121° 00' 00" E
2	East along the parallel of latitude 15° 00' 00" S to its intersection by the meridian of longitude 123° 30' 00" E
3	North-easterly along the geodesic to the point of latitude 13° 13' 00" S, longitude 125° 26' 00" E
4	East along the parallel of latitude 13° 13' 00" S to its intersection by the meridian of longitude 126° 26' 00" E
5	South along that meridian to its intersection by the outer limit of the State waters of Western Australia
6	Generally westerly and south-westerly along that outer limit to its intersection by the parallel of latitude 15° 10' 12" S
7	West along that parallel to its intersection by the meridian of longitude 123° 34' 33" E
8	South-westerly along the geodesic to the point of latitude 15° 14' 08.40" S, longitude 123° 25' 42" E

---

---

**Zone 1 (nwkimmuz01) of marine park—Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
9	South along the meridian of longitude 123° 25' 42" E to its intersection by the parallel of latitude 15° 17' 00" S
10	West along that parallel to its intersection by the meridian of longitude 122° 55' 33" E
11	South along that meridian to its intersection by the parallel of latitude 15° 40' 00" S
12	West along that parallel to its intersection by the meridian of longitude 122° 21' 00" E
13	South along that meridian to its intersection by the parallel of latitude 16° 19' 00" S
14	East along that parallel to its intersection by the outer limit of the State waters of Western Australia
15	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 17° 00' 00" S
16	West along that parallel to its intersection by the meridian of longitude 121° 00' 00" E
17	North along that meridian to the point of commencement

---



#### 11.4 Zone 2 (nwkimnpz02) of marine park—National Park Zone (II)

Zone 2 (nwkimnpz02) of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (nwkimnpz02) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 15° 40' 00" S, longitude 122° 21' 00" E
2	East along the parallel of latitude 15° 40' 00" S to its intersection by the meridian of longitude 123° 25' 42" E
3	North along that meridian to its intersection by the parallel of latitude 15° 14' 08.40" S
4	North-easterly along the geodesic to the point of latitude 15° 10' 12" S, longitude 123° 34' 33" E
5	East along the parallel of latitude 15° 10' 12" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 15° 53' 54" S
4	West along that parallel to its intersection by the meridian of longitude 122° 21' 00" E
7	North along that meridian to the point of commencement

#### 11.5 Zone 3 (nwkimhpz03) of marine park—Habitat Protection Zone (IV)

Zone 3 (nwkimhpz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 3 (nwkimhpz03) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 15° 53' 54" S, longitude 122° 21' 00" E
2	East along the parallel of latitude 15° 53' 54" S to its intersection by the outer limit of the State waters of Western Australia
3	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 16° 19' 00" S
4	West along that parallel to its intersection by the meridian of longitude 122° 21' 00" E
5	North along that meridian to the point of commencement

### 11.6 Zone 4 (nwkimhpz04) of marine park—Habitat Protection Zone (IV)

Zone 4 (nwkimhpz04) of the marine park consists of an area, excluding any State waters of Western Australia, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 4 (nwkimhpz04) of marine park—Habitat Protection Zone (IV)	
Item	Description
1	The point of latitude 15° 17' 00" S, longitude 122° 55' 33" E
2	East along the parallel of latitude 15° 17' 00" S to its intersection by the meridian of longitude 123° 25' 42" E
3	South along that meridian to its intersection by the parallel of latitude 15° 40' 00" S
4	West along that parallel to its intersection by the meridian of longitude 122° 55' 33" E
5	North along that meridian to the point of commencement

## PART 12 — ASHMORE REEF MARINE PARK

### 12.1 Area of marine park

The Ashmore Reef Marine Park consists of an area in the Indian Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 12° 09' 55" S, longitude 123° 00' 04.50" E
2	East along the parallel of latitude 12° 09' 55" S to its intersection by the meridian of longitude 123° 14' 04.50" E
3	South-easterly along the geodesic to the point of latitude 12° 12' 55" S, longitude 123° 16' 04.50" E
4	South along the meridian of longitude 123° 16' 04.50" E to its intersection by the parallel of latitude 12° 15' 55" S
5	South-westerly along the geodesic to the point of latitude 12° 19' 55" S, longitude 123° 10' 04.50" E
6	Westerly along the geodesic to the point of latitude 12° 18' 55" S, longitude 123° 00' 04.50" E
7	North-westerly along the geodesic to the point of latitude 12° 13' 55" S, longitude 122° 53' 04.50" E
8	North-easterly along the geodesic to the point of latitude 12° 11' 55" S, longitude 122° 55' 04.50" E

---

**Area of marine park**

---

**Item Description**

---

9 North-easterly along the geodesic to the point of commencement

---

**12.2 Zones for marine park**

(1) The Ashmore Reef Marine Park is divided into the following zones:

- (a) the Sanctuary Zone (Ia) described in Section 12.3 of this Part;
- (b) the Recreational Use Zone (IV) described in Section 12.4 of this Part.

**12.3 Zone 1 (nwashsan01) of marine park—Sanctuary Zone (Ia)**

Zone 1 (nwashsan01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 1 (nwashsan01) of marine park—Sanctuary Zone (Ia)**

---

**Item Description**

---

1 The point of latitude 12° 09' 55" S, longitude 123° 00' 04.50" E

---

2 Southerly along the geodesic to the point of latitude 12° 12' 51" S, longitude 122° 59' 36" E

---

3 South-easterly along the geodesic to the point of latitude 12° 13' 06" S, longitude 123° 00' 26" E

---

4 East along the parallel of latitude 12° 13' 06" S to its intersection by the meridian of longitude 123° 00' 44" E

---

5 South along that meridian to its intersection by the parallel of latitude 12° 13' 13" S

---

6 South-westerly along the geodesic to the point of latitude 12° 13' 23" S, longitude 123° 00' 26" E

---

7 South along the meridian of longitude 123° 00' 26" E to its intersection by the parallel of latitude 12° 13' 44" S

---

8 East along that parallel to its intersection by the meridian of longitude 123° 01' 15" E

---

9 South-westerly along the geodesic to the point of latitude 12° 14' 33" S, longitude 123° 00' 17" E

---

10 West along the parallel of latitude 12° 14' 33" S to its intersection by the meridian of longitude 122° 59' 05" E

---

11 Westerly along the geodesic to the south-eastern most point on the coastline of West Island at mean high water

---

12 Generally north-westerly along that high water mark to the point closest to the point of latitude 12° 14' 29.20" S, longitude 122° 58' 08.10" E

---

13 South-westerly along the geodesic to the point of latitude 12° 14' 33.70" S, longitude 122° 58' 01.10" E

---

---

**Zone 1 (nwashsan01) of marine park—Sanctuary Zone (1a)**

---

<b>Item</b>	<b>Description</b>
14	North-westerly along the geodesic to the point of latitude 12° 14' 32.30" S, longitude 122° 58' 00.20" E
15	North-easterly along the geodesic to the point on the coastline of West Island at mean high water closest to the point of latitude 12° 14' 27.80" S, longitude 122° 58' 07.10" E
16	Generally north-westerly along that high water mark to the north-eastern most point of the West Island
17	Easterly along the geodesic to the point of latitude 12° 14' 16" S, longitude 122° 58' 55" E
18	North-easterly along the geodesic to the point of latitude 12° 14' 12" S, longitude 122° 59' 03" E
19	Easterly along the geodesic to the point of latitude 12° 14' 11" S, longitude 122° 59' 10" E
20	North-easterly along the geodesic to the point of latitude 12° 13' 37" S, longitude 123° 00' 02" E
21	North along the meridian of longitude 123° 00' 02" E to its intersection by the parallel of latitude 12° 13' 23" S
22	Westerly along the geodesic to the point of latitude 12° 13' 12" S, longitude 122° 59' 02" E
23	North-westerly along the geodesic to the point of latitude 12° 11' 55" S, longitude 122° 55' 04.50" E
24	South-westerly along the geodesic to the point of latitude 12° 13' 55" S, longitude 122° 53' 04.50" E
25	South-easterly along the geodesic to the point of latitude 12° 18' 55" S, longitude 123° 00' 04.50" E
26	Easterly along the geodesic to the point of latitude 12° 19' 55" S, longitude 123° 10' 04.50" E
27	North-easterly along the geodesic to the point of latitude 12° 15' 55" S, longitude 123° 16' 04.50" E
28	North along the meridian of longitude 123° 16' 04.50" E to its intersection by the parallel of latitude 12° 12' 55" S
29	North-westerly along the geodesic to the point of latitude 12° 09' 55" S, longitude 123° 14' 04.50" E
30	West along the parallel of latitude 12° 09' 55" S to the point of commencement

---

#### 12.4 Zone 2 (nwashruz02) of marine park—Recreational Use Zone (IV)

Zone 2 (nwashruz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (nwashruz02) of marine park—Recreational Use Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 12° 09' 55" S, longitude 123° 00' 04.50" E
2	Southerly along the geodesic to the point of latitude 12° 12' 51" S, longitude 122° 59' 36" E
3	South-easterly along the geodesic to the point of latitude 12° 13' 06" S, longitude 123° 00' 26" E
4	East along the parallel of latitude 12° 13' 06" S to its intersection by the meridian of longitude 123° 00' 44" E
5	South along that meridian to its intersection by the parallel of latitude 12° 13' 13" S
6	South-westerly along the geodesic to the point of latitude 12° 13' 23" S, longitude 123° 00' 26" E
7	South along the meridian of longitude 123° 00' 26" E to its intersection by the parallel of latitude 12° 13' 44" S
8	East along that parallel to its intersection by the meridian of longitude 123° 01' 15" E
9	South-westerly along the geodesic to the point of latitude 12° 14' 33" S, longitude 123° 00' 17" E
10	West along the parallel of latitude 12° 14' 33" S to its intersection by the meridian of longitude 122° 59' 05" E
11	Westerly along the geodesic to the south-eastern most point on the coastline of West Island at mean high water
12	Generally north-westerly along that high water mark to the point closest to the point of latitude 12° 14' 29.20" S, longitude 122° 58' 08.10" E
13	South-westerly along the geodesic to the point of latitude 12° 14' 33.70" S, longitude 122° 58' 01.10" E
14	North-westerly along the geodesic to the point of latitude 12° 14' 32.30" S, longitude 122° 58' 00.20" E
15	North-easterly along the geodesic to the point on the coastline of West Island at mean high water closest to the point of latitude 12° 14' 27.80" S, longitude 122° 58' 07.10" E
16	Generally north-westerly along that high water mark to the north-eastern most point of the West Island

---

**Zone 2 (nwashruz02) of marine park—Recreational Use Zone (IV)**

---

<b>Item</b>	<b>Description</b>
17	Easterly along the geodesic to the point of latitude 12° 14' 16" S, longitude 122° 58' 55" E
18	North-easterly along the geodesic to the point of latitude 12° 14' 12" S, longitude 122° 59' 03" E
19	Easterly along the geodesic to the point of latitude 12° 14' 11" S, longitude 122° 59' 10" E
20	North-easterly along the geodesic to the point of latitude 12° 13' 37" S, longitude 123° 00' 02" E
21	North along the meridian of longitude 123° 00' 02" E to its intersection by the parallel of latitude 12° 13' 23" S
22	Westerly along the geodesic to the point of latitude 12° 13' 12" S, longitude 122° 59' 02" E
23	North-westerly along the geodesic to the point of latitude 12° 11' 55" S, longitude 122° 55' 04.50" E
24	North-easterly along the geodesic to the point of commencement

---

## **PART 13 — CARTIER ISLAND MARINE PARK**

### **13.1 Area of marine park**

The Cartier Island Marine Park consists of an area in the Indian Ocean enclosed within the circumference of a circle of radius 4 nautical miles, the centre of which is at the point of latitude 12° 31' 50.8" S, longitude 123° 33' 18.8" E.

### **13.2 Zone (nwcaisan01) for marine park**

(1) The Cartier Island Marine Park has the following zone:

- (a) the Sanctuary Zone (Ia) described in Section 13.1 of this Part.



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**Australian Government**  
**Director of National Parks**

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**Report of the Director of National Parks**

**under**

***Environment Protection and Biodiversity Conservation Act 1999***

**Section 370**

**on the Preparation of the North-west Marine Parks Network Management Plan**

**2017**

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## 1 INTRODUCTION

This report has been prepared in accordance with section 370 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) for consideration by the Minister for the Environment in relation to approving the North-west Marine Parks Network Management Plan.

The Director of National Parks is responsible under the EPBC Act for the management of 58 marine parks around Australia (formerly named Commonwealth marine reserves), comprising the:

- North Network of marine parks
- North-west Network of marine parks
- South-west Network of marine parks
- South-east Network of marine parks
- Temperate East Network of marine parks
- Coral Sea Marine Park.

Australian Marine Parks are in Commonwealth marine areas defined by the EPBC Act - waters that generally start at the outer limit of state and territory coastal waters, three nautical miles (5.5 km) from the shore, and extend to the outer limit of Australia's exclusive economic zone, typically 200 nm from the shore.

These marine parks are Commonwealth reserves, proclaimed under section 344 of the EPBC Act for the protection and conservation of biodiversity, and to contribute to the National Representative System of Marine Protected Areas.

Section 366 of the EPBC Act requires a management plan to be made after a Commonwealth reserve is declared to set out the management arrangements, including what activities will be allowed. In preparing management plans, two rounds of statutory public consultation are required: the first inviting comment on the proposal to prepare a draft plan and the second inviting comments on the draft plan. Both rounds of consultation are required to be open for at least 30 days. A single management plan may be the plan for multiple reserves.

For the South-east network of 14 marine parks, this process was completed in 2012 and a management plan has been in operation since 2013.

For the remaining 44 marine parks in the in the North, North-west, South-west and Temperate East Networks and the Coral Sea, the Director of National Parks has undertaken the two rounds of statutory public consultation and has now completed management plans. These plans set out the management arrangements that will be implemented within these marine parks over the next ten years, including zoning and rules for activities.

This report summarises the 43 submissions received on the draft North-west Marine Parks Network Management Plan, during the second period of statutory consultation, as defined under EPBC Act. It also outlines the comments that were made across all draft plans or multiple draft plans, that are of relevance to the plan for the North-west Network. The report provides the views of the Director of National Parks on those comments, noting where the plans have been amended, or where comments or suggestions provided have not been not adopted.



## 2 THE MANAGEMENT PLANS

The mandatory content for Commonwealth reserve management plans is set out in Section 367 of the EPBC Act. In accordance with the section, the management plans for marine parks must provide for the protection and conservation of each park and may divide a park into zones. In particular, the management plan must:

- assign each park to an IUCN category
- state how each park, or each zone of the park, is to be managed
- state how the natural features of the park are to be protected and conserved
- specify any limitation or prohibition on the exercise of a power, or performance of a function, under an Act in or in relation to the park
- specify any mining operation, major excavation or other work that may be carried on in the park, and the conditions under which it may be carried on
- specify any other operation or activity that may be carried on in the park
- indicate generally the activities that are to be prohibited or regulated in the park, and the means of prohibiting or regulating them
- indicate how the plan takes account of Australia's international obligations
- be consistent with National and Commonwealth Heritage place principles.

The management plans as prepared meet these requirements by including a description of each park and the values of each park. They also set out the suite of management programs, activities and prescriptions to be implemented over the life of the plans.

The plan provides the overarching framework for management of the 13 marine parks in the North-west Network for ten years from commencement. The plan addresses the requirements of the EPBC Act and associated regulations, and provides flexibility to allow management arrangements to be adapted as needed through the life of the plan.

In accordance with Section 368 of the EPBC Act, the management plan for marine parks in the North-west Network has been prepared taking account of:

- the report prepared for the proclamation of those marine parks
- the proclamation and associated purposes governing the use of the marine parks
- the interests of owners and leaseholders, traditional owners, Indigenous persons and holders of usage rights within the marine parks
- the protection, conservation and management of biodiversity and heritage within the marine parks
- the protection of the marine parks against damage
- Australia's obligations under international agreements relevant to the protection and conservation of biodiversity and heritage
- comments received on the initial Notice of Intent to prepare draft plans between 5 September and 31 October 2016
- comments received on the draft plans between 21 July and 20 September 2017.

## **3 CONSULTATION**

### **3.1 NOTICE OF INTENTION TO PREPARE THE MANAGEMENT PLANS**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice was published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website, inviting comments on the proposal to prepare draft management plans for marine parks in North, North-west, South-west, Temperate East and the Coral Sea.

As required under the EPBC Act, information on the Notice of Intent to prepare draft management plans including an invitation to comment was sent to all native title representative bodies and representatives of native title claimants in the vicinity of the marine parks. Also, an email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to the marine mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

Comments on the Notice of Intent closed on 31 October 2016, with a total of 54,322 submissions received. Of these, 212 were unique submissions from organisations, representative bodies, businesses and individuals and 54,110 were submissions from the general public using standardised words or a template (from 16 different templates). The submissions using standard words expressed views about conservation or recreational fishing.

The key comments raised during the first round of consultation included:

- the need for higher protection of environmental and cultural values
- requests for greater commercial and recreational access to fishing areas
- calls for more restrictions on extractive activities, including oil and gas exploration in marine parks
- importance of consistency in management arrangements between adjacent Australian and state and territory parks
- importance of appropriate resourcing for comprehensive, intelligent compliance arrangements, particularly where National Park zones have been proposed
- need for targeted communication about park management, including for different sectoral users
- concerns over restrictions on extractive activities such as oil and gas, commercial and charter fishing in marine parks
- importance of flexible / adaptive management approaches
- need for fisheries adjustment support for commercial fishing businesses affected by new rules in marine parks.

Those submissions received were considered in the preparation of the draft plans that were released for public comment in 2017. A summary of the issues raised in submissions was made available to the public on release of the draft plans.

### **3.2 PUBLIC CONSULTATION ON THE DRAFT MANAGEMENT PLANS**

In accordance with Section 368 of the EPBC Act, public comment was invited on the five draft management plans between 21 July and 20 September 2017.

Invitations to comment on draft plans were published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website. An email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to marine park mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

As required under the EPBC Act, a letter and information materials were posted to all native title representative bodies, representatives of native title claimants in the vicinity of the marine parks and all persons holding a usage right under Section 359B of the EPBC Act that existed prior to the parks being proclaimed. Copies of draft plans were made available on the Parks Australia website and through the department's Community Information Unit.

This report includes a summary of the public comments made on draft plans and the Director's views on those comments. It focuses in particular on comments made in relation to the draft plan for the North-west Marine Parks Network.

#### 4 SUMMARY OF COMMENTS RECEIVED

A total 43 specific submissions were received on the draft North-west Marine Parks Network Management Plan. A total of 82,877 submissions (including 2,027 unique and 80,850 using standard words) were received in response to the invitation to comment on all five draft plans. Copies of all submissions, including examples of submissions using standardised wording, are on the Parks Australia website.

Submissions received contained comments on a broad range of issues. Some comments were directed towards all draft plans. Other comments received were about a particular draft plan, park or network. This report summarises the comments received across all draft plans, and the comments received in relation to the draft plan for the North-west Marine Parks Network.

Comments that relate to specific parts of the draft plans are discussed in Chapter 5.

Comments that are general in nature or relate to issues or processes outside of the draft plans, such as the *Independent Review of Commonwealth Marine Reserves*, or the level of funding for marine park management are discussed in Chapter 6.

#### Unique submissions

A total of 2,027 unique submissions were received from individuals, businesses, associations, organisations or representative bodies about all draft management plans (Table 4.1).

Table 4.1 Unique submissions received from different sectors

Sector	Total
General public	1 724
Recreational fishing	136
Conservation	50
Research	25
Commercial fishing	20

Government	16
Commercial tourism	12
Indigenous	11
Recreational scuba or snorkel	10
Commercial charter fishing	9
Oil, gas, or mining	3
Recreational boating	3
Other	3
Ports	2
Commercial media	2
Aquaculture	1

### Submissions using standardised words

A total of 80,850 submissions were received from members of the general public, using standardised words or a template (Table 4.2). For some of these submissions, wording was amended slightly, or additional text added.

*Table 4.2 Submissions received that used standardised words or a template*

Template or standardised words	Total
Save Our Marine Life - stop this madness and save our sanctuaries	27 133
Australian Marine Conservation Society	21 918
WWF - preserve our reserves	9 833
Save Our Marine Life - recreational fisher	6 342
Save Our Marine Life - stop the cutbacks, I fish	6 105
Wilderness cutbacks	5 011
Save Our Marine Parks	2 945
Keep Australia fishing	682
Keep the Rowley Shoals oil free	398
Save Bremer's whale nursery	359
Campaign Now – reject these cutbacks	124
<b>TOTAL</b>	<b>80 850</b>

## 5 COMMENTS ON THE DRAFT PLAN

### 5.1 COMMENTS ABOUT PART 1 OF THE PLAN

The following comments were raised in relation to the entire plan and Part 1:

#### General comments:

- Indigenous engagement and cultural values need to be considered throughout the plans, not just in the Indigenous engagement program.

- The term 'Aboriginal' should be used, not 'Indigenous' and the plan should refer to "Traditional Owners", not "traditional owners".
- More regionally specific photos should be included throughout the plans.

Vision and objectives:

- Supported the vision for marine parks or the objectives of the plan.
- The primary focus of the vision and objectives should be on protection of the marine environment / biodiversity, or on sustainable use and enjoyment.
- Need to balance marine protection, with sustainable use and enjoyment in marine parks.

Approach to managing Australian Marine Parks and ways of working:

- Supported, or generally supported, the approach and ways of working articulated in the plan.
- Concerned about ability to manage specific park issues using a network-wide plan.

Partnerships:

- Interested in developing partnerships to protect the marine environment.
- Supported opportunities for collaboration and partnerships with state and territory governments (through annual business agreements), industry partners and in the management of service arrangements.
- Supported setting up an advisory committee / forum to engage users in park management.
- Suggested a specific member for one of the advisory committees or using an existing committee.
- Importance of strong ongoing consultation with people in the region.
- Partnerships are needed with native title holders to support the identification and management of cultural values.
- Sufficient Indigenous representation is needed on advisory committees or at least one funded representative.
- Supported the *Principles supporting Indigenous people to engage in management of Australian Marine Parks* and the commitment to partnerships with traditional owners and Indigenous people.
- Suggested the following amendments to the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*:
  - Principle 5 or other part should reference the *United Nations Declaration of Indigenous Rights*.
  - In Principle 1, "for thousands of years" should be replaced with "since time immemorial".
  - Principle 8 should be amended to say "Third party investment in Australian Marine Parks "must" include support for Indigenous people's interests etc.
- Unclear about joint management and what it entails.
- Suggested additional people should be considered traditional owners.
- Change Maritime Border Command to Australian Border Force.

Management programs and actions, implementation plans and adaptive management:

- Supported, or generally supported, the management programs and actions identified and the commitment to ongoing active management.
- Sought involvement in development of implementation plans, specifically Indigenous groups.
- Supported, or generally supported, adaptive management.
- Concerned about adaptive management or the ability to monitor effectiveness of the plans.

## **Director's views**

### General:

I note the comments received in relation to the entire plan, particularly about the importance of Indigenous engagement.

I recognise that Aboriginal and Torres Strait Islander people have been managing their sea country for thousands of years. The plans commit to working closely with Indigenous people to manage marine parks and include specific actions in the management programs about working with Indigenous people.

In these plans, Aboriginal and/or Torres Strait Islander people are referred to collectively as Indigenous people. I recognise that some Aboriginal people prefer not to be referred to as 'Indigenous', however the plans cover waters in the Torres Strait and I am seeking to be inclusive. In referring to Indigenous people, I do not intend to give offence to Aboriginal people.

The plans will be read by many people and are important to communicating about our parks. Minimal use of capitals in the plan is intended to increase readability, including not using capitals in the term "traditional owner". Again, this is not intended to create offence.

I have included regionally specific photographs within the plans, on the website and in other communication materials wherever possible.

### Vision and objectives:

I note the comments about the vision and the framework proposed for managing marine parks, with the majority of these expressing support for the partnership approach outlined.

My vision is that marine parks are healthy, resilient and well managed to enhance Australia's wellbeing. The vision seeks to balance protection of the marine environment and sustainable use and enjoyment of marine parks, for the benefit of all Australians. The objectives are drawn from the requirements under the EPBC Act and the stated purpose of the parks on their proclamation.

Of interest, some people commented that the vision should be more focussed on protection, while others thought it should be more focussed on sustainable use and enjoyment. This demonstrates the divergent views and the challenge in balancing sometimes competing values for marine parks.

### Approach to managing Australian Marine Parks and ways of working:

I welcome the general support for the approach proposed in Part 1.6 and 1.7 of the plan.

While some submissions expressed concern that grouping together management of several parks under networks and plans won't address park specific issues, I am confident that the proposed approach will provide national consistency, while enabling sufficient flexibility to deliver park-specific outcomes and actions.

### Partnerships:

I welcome the interest in, and support for, the partnership approach proposed.

I am committed to working in partnership with traditional owners, marine park users, other governments and stakeholders, to manage our parks collaboratively. Establishing advisory arrangements will provide me with valuable and ongoing input and advice about marine environments, values and uses of our parks. The establishment of advisory arrangements will be a priority when the plans come into force. I am not intending to duplicate existing arrangements or establish new advisory mechanisms where they



are not considered necessary or useful, and welcome advice on this. I will also develop agreements with state and territory governments to encourage collaboration.

Support for collaboration between Parks Australia, traditional owners and native title holders is welcome. While I note the suggestions made about the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*, I was reluctant to make changes. This is because they were drafted and endorsed by a number of Indigenous people and representatives of Indigenous organisations.

However, I have amended Section 1.8 of the plans to replace “for thousands of years” with “since time immemorial” and to reference the *United Nations Declaration in the Rights of Indigenous People*.

The text in Section 1.8 has also been amended to change Maritime Border Command to Australian Border Force.

#### Management programs and actions, implementation plans and adaptive management:

The management programs and actions listed in the plan provide a framework for how Parks Australia will actively manage our marine parks. I will be seeking advice from our advisory committees / forums once established about these programs and actions, and importantly how they are implemented in each park and network.

I note the range of views about adaptive management. Regular monitoring, evaluation, reporting and review of the implementation of the plans will be essential to achieve the vision for Australian Marine Parks. It will also help to keep track of our progress and change our approach when necessary. While we have a large amount of work ahead of us, I am satisfied that the proposed management programs and actions provide a sound and coherent framework for achieving the vision and objectives of the plans.

## **5.2 COMMENTS ABOUT PART 2 OF THE PLAN**

The following comments were received on Part 2.1, 2.2 and 2.3 of the plan and Schedule 2.

#### Values:

- Further information should be included about the social, heritage, aesthetic and cultural values of each network.
- Australia’s oceans have significant non-market value.
- Recreational fishing is a key value.
- Seabird and turtle breeding colonies around Lacepedes Islands are important and should be protected from mining.

#### Pressures:

- Pressures have been adequately described and create a solid context.
- Concerned about pressures described and in light of these pressures, there should be higher levels of protection.
- Should have regard to past research by state and territory governments with respect to pressures on marine parks.

## **Director's views**

### Values:

I note the comments that sought or provided further information about the natural, cultural, heritage, social and economic values of marine parks.

The values outlined will form the basis of decision making about activities allowed in marine parks. The additional information provided about values is welcome. Descriptions of values in the plan need to be succinct, so not all information provided could be included. Additional information will be made available through the Department's website over time.

As a result of additional information provided, the plan has been amended to include additional information in Part 2.1 and Schedule 2.2 about values.

Under cultural values in Section 2.1 and in Schedule 2.2, the following text has been amended to include "tens of":

"Indigenous/Aboriginal people have been sustainably using and managing their sea country for tens of thousands of years."

### Pressures:

I acknowledge the comments made about the pressures acting on marine parks.

Managing marine parks requires a balance between use and enjoyment of marine parks, with protecting the marine environment. To that end, the impact of pressures on marine park values will be considered when determining the management actions to be implemented, and when making decisions about the activities that will be allowed in each park. Pressures such as the extraction of living resources by fishing and habitat modification through installation of infrastructure, will also be managed through the zones and rules set out in the plan.

Climate change as a pressure cannot be reduced through this plan, however, effective marine park management is expected to assist in improving the resilience of marine ecosystems to recover from pressures, such as climate change.

I note the existing research on the pressures acting on marine environments, including by state and territory governments, and will seek to gather and consider that research through our partnerships and under the marine science program.

## **5.2.1 COMMENTS ON THE COMMUNICATION, EDUCATION AND AWARENESS PROGRAM**

The following comments were received on the communication, education and awareness program and actions:

- Supported the implementation of a program to improve community and stakeholder awareness and engagement, including ongoing engagement.
- Need to have clear and multi-channelled communications to encourage acceptance of marine parks and improved compliance.
- Concerned about funding being used for promoting marine parks, at the expense of science or other programs.

- Lack of consideration of the role that native title holders could play in delivering the communication, education and awareness program.

#### ***Director's views***

I note the comments made about this program, which I regard as critical to engaging Australians in marine park management. Under this program, Parks Australia will work with park users, state and territory governments, Indigenous people, native title holders, key stakeholders and the broader community to manage marine parks for the benefit of all Australians. This program will build awareness about marine parks, their environmental, cultural and socio-economic values and the way Parks Australia is managing them.

While I note concerns about using resources to promote or market marine parks, as noted in many submissions, education programs are important to help people to understand the rules in marine parks and to encourage people to comply with the rules. The program will be implemented efficiently, using online resources and tools wherever possible, and working with our partners.

I agree with the comments that native title holders can assist with delivery and will be seeking input and support from Indigenous people to implement this program.

#### **5.2.2 COMMENTS ON THE TOURISM AND VISITOR EXPERIENCE PROGRAM**

The following comments were received on the tourism and visitor experience program and actions:

- Supported the implementation of a program to improve visitation and visitor experiences in marine parks.
- Did not support increased tourism in marine parks, or expressed concern about the impacts of increased tourism on park values.
- Insufficient levels of marine park protection will undermine regional economies that are dependent on marine tourism.
- Tourism operators need to be regulated to ensure that they do not encroach on native title rights and interests or interfere with cultural sites.
- Commercial and recreational marine park users need to liaise with native title holders to ensure that access to traditional waters occurs in a culturally appropriate manner.
- Indigenous people are tourism operators.
- Cultural values have not been well understood / communicated.
- Cultural tourism opportunities with Aboriginal partnerships should be emphasised.

#### ***Director's views***

I note the comments provided about this program and will pay careful attention to them in implementing the plans. Australian Marine Parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Creating amazing destinations for visitors is one of Parks Australia's core goals, and I want to work with operators to promote and support tourism in marine parks.

However, tourism activities do have the potential to impact on marine park values, including cultural values. All users of marine parks, including tourism operators, need to operate in a manner that is sustainable and minimises impacts.

I agree that we should support access to traditional waters occurring in a culturally appropriate manner. The plan has been amended to include an action to promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners.

I also agree that marine parks provide cultural tourism opportunities. The plan has been amended to include an action to work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

### **5.2.3 COMMENTS ON THE INDIGENOUS ENGAGEMENT PROGRAM**

The following comments were received on the Indigenous engagement program and actions:

- Support the Indigenous engagement program and management actions.
- Should emphasise cultural benefits, above social and economic benefits.
- Support engaging Indigenous people in the management of Australian Marine Parks.
- Need to engage with native title holders and traditional owners in an ongoing way.
- Long term funding is needed to support ongoing engagement and coordination with traditional owners and Indigenous rangers, to enable them to manage their sea country and create employment.
- Expressed support for specific Indigenous advisory structures to provide leadership and advice, implement ranger programs and capacity building initiatives and input into advisory committees/forums.
- Parks Australia could align meetings with Indigenous people with meetings arranged by state or territory agencies.
- Cultural advisors could support management plan implementation.
- Ranger groups could engage with traditional owners.
- Interested in opportunities available for traditional owners and Indigenous rangers to undertake actions in marine parks such as marine debris programs, megafauna management programs, long-term monitoring, maintenance for park infrastructure and water quality monitoring.
- Indigenous rangers could fulfil enforcement functions if trained and resourced.
- Need to focus on building capacity of Indigenous groups.
- Need greater linkages between state and federal initiatives for sea rangers.
- Need ongoing engagement to further identify cultural values, stories and sea country.
- Indigenous working groups should be established to develop the Indigenous engagement and cultural heritage strategy (with funding).
- Important to include traditional owners and rangers in research (and this needs to be funded).
- Need established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Unclear how traditional owners will input into authorisation decisions for certain activities.
- Need to produce simple posters like those produced for Indigenous Protected Areas to support traditional owners to understand marine park management activities.
- Sceptical about the willingness or approach to Indigenous engagement.

#### **Director's views**

I note the comments provided about the Indigenous engagement program and welcome the overwhelming support it has received. These comments will be carefully considered in the implementation of the program.

Through the plan and the Indigenous engagement program, traditional owners, native title holders and Indigenous people will be engaged in managing sea country within marine parks, with the intention of developing Indigenous livelihoods and employment. This includes supporting Indigenous people and rangers to undertake surveys, monitoring, research and surveillance in our marine parks.

I welcome advice provided on the specific mechanisms to engage traditional owners, native title holders and Indigenous rangers in marine park management and will consider this input in the coming months as appropriate arrangements are established across Australia to implement this program.

The suggestion to produce information to support traditional owners understand marine park management activities is welcome. The plan has been amended to add an action to provide information to Indigenous people about marine park management.

In recognition of the importance of engaging with traditional owners and the need for increased cultural awareness, the plan has been amended to include the following actions:

- “identify opportunities and mechanisms to engage traditional owners and Indigenous rangers in the management of marine parks
- increase understanding of traditional knowledge, map cultural values and manage culturally significant sites
- implement cultural awareness training for Parks Australia staff in association with traditional owners
- establish research protocols in association with traditional owners, like those in the *Collaborative Science on Kimberley Saltwater Country: A Guide for Researchers.*”

#### **5.2.4 COMMENTS ON THE MARINE SCIENCE PROGRAM**

The following comments were received on the marine science program and actions:

- Supported the implementation of a program to increase scientific knowledge and understanding of marine parks and their values and to inform park management.
- Parks Australia should work closely with research institutions, the oil and gas industry, Indigenous people, scientists, state/territory governments and other countries in implementing the marine science program.
- Need to involve resource users, especially traditional owners, in determining research priorities and in undertaking research activities in partnership with external researchers.
- More scientific information is needed about the impacts and benefits of fishing, tourism, oil and gas, habitats, species, biological communities, taxonomy and the effectiveness of zoning to inform management.
- In light of heritage and natural values, more research is required into specific marine parks.
- Support and interest in citizen science, including by recreational fishers to monitor or target specific knowledge gaps.
- Existing fishing tag and release programs and data from fishing clubs could contribute to research.
- Need to include traditional owners and rangers in research (including providing funding).
- Need to apply established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Research priorities should explicitly support collection and appropriate use of traditional knowledge.

### ***Director's views***

I note the generally supportive comments received on the marine science program and the suggestions for priorities. I agree that science is fundamentally important to understanding and managing marine parks.

Science has formed the basis for establishing Australian Marine Parks and will remain key to successfully managing them. In recognition of the importance of science in managing marine parks, scientific research and monitoring will be prioritised in marine parks over the next decade. The marine science program will improve our understanding of marine systems, habitats, ecosystems and values. This includes the impacts and benefits of recreational and commercial use and enjoyment for fishing, tourism, oil and gas, conservation and heritage values. Through monitoring and research of park values, the pressures acting on those values, and the adequacy of management responses, the marine science program will play a major role in an adaptive evidence-based approach to marine park management.

To get the best outcomes from this program, Parks Australia will work closely with research institutions, including the National Environmental Science Program and the National Marine Science Committee, as well as traditional owners, Indigenous people, marine park users, state/territory governments and other countries.

I welcome advice provided on specific research priorities, datasets, collaboration and mechanisms to engage in implementing the marine science program. Inputs and advice from scientists, stakeholders and the community will be considered in the implementation of this program over the next decade.

Community involvement in management of our marine parks, such as through citizen science programs will also be encouraged.

I consider that the comments received are addressed through the plan or will be considered in the implementation of the marine science program, and no changes are required to the plan.

### **5.2.5 COMMENTS ON THE ASSESSMENTS AND AUTHORISATIONS PROGRAM**

The following comments were received on the assessments and authorisations program and actions:

- Supported using Commonwealth or state assessment and authorisation processes where possible, consultation between government departments and industry, class approvals, and an online authorisations system to reduce regulatory burden on users and ensure transparency in decision making.
- Concerned about increasing red tape and regulation.
- Support public release of information about authorisations.
- All licences and approvals should include the dollar value of the approval.
- Unclear how traditional owners will have input into authorisation decisions for certain activities.

### ***Director's views***

I welcome the comments received about this program and will consider them carefully in its implementation.



As set out in the “Ways of working”, Parks Australia is committed to minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval processes of other agencies, aligning our authorisation systems with others and developing an online application process.

Parks Australia will consult closely with users about implementation of this program.

In the interests of transparency, Parks Australia will publish information about authorisations online and inform traditional owners about activities occurring on sea country. It is not however considered appropriate to publish “dollar values” or commercially sensitive information.

#### **5.2.6 COMMENTS ON THE PARK PROTECTION AND MANAGEMENT PROGRAM**

The following comments were received on the park protection and management program and actions:

- Supported implementing a program to proactively manage threats on marine parks.
- Moorings or anchorages are needed, to reduce damage.
- Concerned about the potential for an oil spill and the impact.
- Supported the development of an Australian Marine Parks critical incident strategy in consultation with the oil and gas industry.
- Final action about Indigenous rangers should be amended to remove “explore opportunities to collaborate”, to “ensure full collaboration” with traditional owners and Indigenous ranger groups.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.
- Indigenous ranger groups should be supported through funding and training to undertake monitoring programs and to strengthen and adapt traditional management systems to deal with changing pressures.

#### **Director’s views**

I note the comments about the park protection and management program and general support as a mechanism to address pressures on marine parks.

Under this program, Parks Australia will implement actions in marine parks to protect natural, cultural and heritage values from impacts. Actions will be undertaken in partnership with park users, governments, traditional owners, Indigenous rangers and the broader community. Where possible, traditional owners and Indigenous ranger groups will be supported to undertake these management actions.

The plan has been amended to strengthen the action about traditional owners and Indigenous ranger groups by changing “explore opportunities to collaborate”, to “collaborate”.

#### **5.2.7 COMMENTS ON THE COMPLIANCE PROGRAM**

The following comments were received on the compliance program and actions:

- The outcome for the program should be changed from “a decrease in the number of enforcement incidents”, to “a decrease in the number of non-compliances”.
- Supported implementing actions to improve compliance in marine parks, including enforcement actions; surveillance by members of the community; recreational fishers and Indigenous rangers;

developing codes of practice; applying penalties; and using technology to provide accessible zoning maps.

- Supported encouraging voluntary compliance through education, such as alert services for recreational and commercial fishers, and educating fishers about sustainable practices.
- Need to work with other agencies to assist in detection and enforcement.
- Sceptical about Parks Australia's ability to ensure compliance, given the location of marine parks, resourcing required and zoning proposed.
- Need additional information explaining how and where park management staff will be deployed.
- Need to consider accidental drift of fishing gear into no-take areas when enforcing plans, and need further consultation / guidance about this issue.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.

### **Director's views**

I note the comments received about the compliance program. They will be carefully considered as the program is implemented.

I agree that the outcome for the program should be changed from "a decrease in the number of enforcement incidents and non-compliance", to "a decrease in the number of non-compliances" and have made this change..

Marine parks are large and often a long way offshore, making compliance and enforcement more difficult and costly. Parks Australia will collaborate with other agencies and park users, and investigate innovative technologies and systems to ensure compliance in our parks. This includes vessel monitoring systems, investing in online information and tools that explain zones and rules, and apps that alert people when they are entering marine parks.

Parks Australia is already working closely with agencies like the Australian Fisheries Management Authority and Australian Border Force to detect illegal fishing.

Under the Indigenous engagement program, Indigenous rangers and traditional owners will be engaged in compliance activities wherever possible.

Accidental drift of fishing gear into no-take areas has been carefully considered in developing zoning for marine parks. Engagement with the fishing industry about this issue will continue to seek ways to minimise the incidence and impacts of gear drift.

## **5.3 COMMENTS ABOUT PART 3 OF THE PLAN**

### **5.3.1 COMMENTS ABOUT PART 3 OF THE PLAN – GENERAL ZONING**

The following comments were received on Part 3.1 or zoning in general:

#### Zone objectives:

- Supported the application of the International Union for the Conservation of Nature (IUCN) categories and the zone objectives.

- Concerned about the application of the IUCN categories and the zone objectives.
- Unclear about the use of sub zones.
- Zoning should be unchanged from that proposed previously or proclaimed.
- Concerned about the economic impacts and benefits of the zoning, for example the benefits to fishing against the cost to tourism or in terms of ecosystem services.
- Need greater consistency in zoning and rules between the Australia Marine Parks and state and territory marine parks.

#### Protection for marine habitats and species:

- The level of protection offered by zoning and other arrangements is not sufficient, and won't allow conservation objectives to be achieved.
- Reduction in National Park zones or relocation of National Park zones is not appropriate / acceptable.
- Need to increase National Park Zones.
- Habitat Protection Zones do not offer the same level of protection as National Park Zones.
- Replacing National Park Zones with Habitat Protection Zones is not appropriate / acceptable.
- There should be a National Park zone in every marine park, bioregion, or over every primary conservation feature.
- The network does not provide a comprehensive, adequate and representative system of marine protected areas.
- Need National Park Zones to increase fish stocks.
- Need to protect reefs and habitats due to their tourism value.

#### Access for commercial fishing, pearling and aquaculture:

- Concerned that commercial fishing will be allowed in Australian Marine Parks, in light of the potential impacts of this activity.
- Supported access or increased access for commercial fishing, pearling and aquaculture, given economic importance and sustainability.
- Zoning that limits fishing effort will adversely affect food security and create greater reliance on imported seafood.

#### Access for tourism:

- Concerned that tourism, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Supported access or increased access for tourism, given its economic importance.
- Needs to be increased access for dive/non-extractive tourism, and reduced access for extractive uses.

#### Access for recreational fishing:

- Supported increased access for recreational fishing, a reduction in National Park Zones and sought no further reduction in access, given importance of recreational fishing to Australians.
- Recreational fishing should be allowed in National Park Zones.
- There should not be restrictions on recreational fishing, in particular surface trolling and catch and release, which are low impact.
- Concerned that recreational fishing, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Recreational fishing should be managed and regulated by states and territories to reduce duplication / confusion.

#### Access for mining:

- Concerned that mining will allowable across large parts of the estate, in light of the potential impacts of this activity.

- Need to consult about zoning with industry stakeholders, particularly in areas where petroleum operations are occurring or in areas of good petroleum prospectivity.

### ***Director's views***

I note the very large number of submissions that commented on Part 3 of the plans – zoning. These submissions reflected the broad and often conflicting views held by Australians on marine park zoning.

#### Zone objectives:

I note the comments on the zone objectives and the application of IUCN categories. The IUCN sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires that our marine parks, and any zones into which a park is divided, be assigned to one of the seven categories prescribed by the EPBC Regulations, which correspond to the categories identified by the IUCN. Park management must be consistent with the relevant Australian IUCN management principles prescribed for each category by Schedule 8 to the EPBC Regulations. The zone objectives and provisions set out for our marine parks are consistent with the established interpretation of the Australian IUCN Park management principles.

I acknowledge the comments seeking a return to previously proposed zoning. However, consultation on the independent review and on the development of plans demonstrated quite clearly that the previous zoning proposals created impacts on users, such as fishers, that were too great, and are inconsistent with the Government's policies on sustainable fishing and supporting economic development.

I also note the concerns raised about the balance between activities like fishing and tourism, and the economic implications associated with allowing or not allowing these activities. I believe the plans do effectively balance the economic benefits associated with allowing activities like dive tourism, charter fishing and commercial fishing in different parts of parks.

I agree with comments seeking greater consistency in zoning and rules between Australian Marine Parks and state and territory marine parks. Wherever possible, zoning and rules have been made consistent. While this has not always been possible, Parks Australia will work with state and territory government colleagues to improve consistency and minimise confusion through the life of this plan.

#### Protection for marine habitats and features:

While I acknowledge the submissions calling for higher levels of protection for marine habitats and species through more National Park Zones, I consider that the levels of protection achieved through these plans is significant and will deliver positive conservation outcomes.

Australian Marine Parks have been located to cover representative examples of Australia's marine habitats and features, including key ecological features, seafloor types, biologically important areas for some protected species, bioregions, and habitats at different depth ranges.

Zoning has been carefully undertaken in marine parks to help protect these key features and habitats. Sanctuary and National Park Zones have been placed where I consider the strongest biodiversity and conservation benefits are achievable. Habitat Protection Zones have been placed to in locations to protect the sea floor habitat and allow activities to occur in the water column..

This targeted approach to zoning protects conservation features (like canyons, seamounts and reefs), but reduces impacts on industries like fishing and tourism. It is based on the best available science and sees a significant increase in the area of Habitat Protection Zones (yellow) and a decrease in the area of National Park Zones (green), but not the level of protection.

I acknowledge the comments that National Park Zones and Habitat Protection Zones are not equivalent in terms of the protection they provide. This is true. However, Habitat Protection Zones, which exclude activities that impact and damage seafloor habitats, combined with effective management, can provide significant protection and conservation benefits, while reducing impacts on users. This was recognised in the *2015 Commonwealth Marine Reserves Report of the Expert Scientific Panel* which states that: “The Expert Scientific Panel considers there is high conservation benefit from zoning areas as Habitat Protection Zones to protect benthic and demersal habitats by excluding damaging activities while allowing activities such as regulated fishing in the water column, including take of pelagic species that do not compromise conservation values and management objectives for those areas.”

Access for commercial fishing, pearling and aquaculture:

I acknowledge the submissions that commented on the importance of allowing commercial fishing, and those that commented on potential impacts.

The Australian Government is committed to supporting the fishing industry, including through the *Policy for a more competitive and sustainable fisheries sector* and policies on economic development more broadly. Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

However, commercial fishing, pearling and aquaculture may create impacts on marine environments. Marine parks are intended to work alongside a range of other measures, for example, effective fisheries management, to minimise these impacts. Rigorous compliance and enforcement programs will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

Access for tourism:

I note the comments on the benefits and potential impacts associated with allowing tourism operations in marine parks.

Marine parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Tourism is also critical to the economies of many coastal communities around the country. Marine parks have been carefully zoned to provide for different types of tourism activities - for example, ‘no-take’ zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Notwithstanding, tourism activities can create impacts on marine environments. Parks Australia, together with other marine regulators and the tourism industry, will continue to work to minimise these impacts.

Access for recreational fishing:

I acknowledge the submissions that commented on the importance of allowing people to access and enjoy marine parks, to watch wildlife, dive and go boating, snorkelling and fishing. The zoning in the plans allows recreational fishing in 97 per cent of Commonwealth waters within 100 km of the coast.

A number of people suggested that recreational fishers should be able to access all areas of marine parks. I have not accommodated these requests because extensive scientific research demonstrates the benefits of no-take zones, including more and bigger fish. Allowing fishing in no-take IUCN II parks is also inconsistent with international standards and existing practice in other Australian Marine Parks, such as the Great Barrier Reef.

#### Access for mining:

I note concerns raised about mining in marine parks.

While marine park management is about protecting marine habitats and species, it is also about managing a shared resource. This means balancing protection, against the different uses and needs for that resource, to support people's livelihoods and way of life.

In developing these plans, I considered Australia's energy needs, now and in the future and the significant contribution that the oil and gas sector makes to some regional communities and the Australian economy.

Any proposed oil and gas activities will be subject to the world-leading environmental assessments and approvals process of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters. NOPSEMA will carefully assess any application to explore or mine in a marine park and the potential impact on marine park values. NOPSEMA will also regulate mining if it is approved, to avoid or minimise any impacts.

I agree with comments raised about the need for ongoing consultation with the mining industry. Parks Australia will continue to engage with the industry in relation to marine parks.

#### **5.3.2 SPECIFIC COMMENTS ABOUT PART 3 OF THE PLAN – MARINE PARK ZONING**

The following comments were received on zoning of the North-west Marine Parks Network:

- There needs to be increased protection generally or from mining.
- National Park and Sanctuary Zones should be extended across more of the Network, specifically adjacent to native title determination areas.
- Loss of National Park Zones or reduced protection is not acceptable.
- National Park Zones should not displace pearling operations.
- Opposed to the proposed zoning.
- It is unclear why there is a difference in rules for pearling and aquaculture with respect to Habitat Protection Zones.
- Some marine park boundaries should be amended to simplify management arrangements, encourage compliance and align with state marine park boundaries e.g. around offshore islands/state waters.

#### Zoning of the Kimberley Marine Park:

- Given the Wunambal-Gaambera native title determination, a new National Park Zone should be included in the northern section, for connectivity with the state marine park and protection of values (e.g. Holothuria Banks).
- Given significant natural values of the Marine Park, there should be increased protection (e.g. protection of Robroy reefs inside Multiple Use Zone), make Adele Island National Park Zone for protection of seabirds/coral reefs, and higher protection for Lacepede Islands).
- Supported review recommended zoning.
- Supported the proposed zoning, including National Park Zone adjacent to Western Australia Camden Sound Marine Park.
- Loss of National Park Zone is unacceptable.
- The proposed National Park Zone should be extended.



- There should be increased protection and a Sanctuary Zone.
- Concerned about the potential for oil and gas mining. There should be increased protection from mining (e.g. change Multiple Use Zone to Habitat Protection Zone/Special Purpose Zone (mining exclusion)).

#### Zoning of the Cartier Island Marine Park:

- Supported the proposed zoning, to protect the natural values of the Marine Park.

#### Zoning of the Ashmore Reef Marine Park:

- Supported the proposed zoning, to protect the natural values of the Marine Park.

#### Zoning of the Mermaid Reef Marine Park:

- Rowley Shoals has high tourism value.
- There should be increased protection over reefs, through National Park Zone or Sanctuary Zone.
- Concerned about the potential for oil and gas mining, and protection of Rowley Shoals.
- Zoning should be consistent with West Australian marine parks, to minimise confusion caused by different closures on the Rowley Shoals.

#### Zoning of the Argo-Rowley Terrace Marine Park:

- The reduction in National Park Zone from previously proposed zoning is unacceptable.
- Given the natural values of the Marine Park, the National Park Zone should be reinstated.
- Review recommended zoning should be reinstated.
- Concerned about the potential for oil and gas mining and protection of Rowley Shoals.
- There should be a Habitat Protection Zone south of the Special Purpose Zone.
- Concerned about the impacts of commercial fishing around the Rowley Shoals, in particular in the Special Purpose Zone (Trawl).
- Supported the proposed zoning and increased access for commercial fishing including the Special Purpose Zone (Trawl).

#### Zoning of the Roebuck Marine Park:

- Rejected the Independent Review conclusions with respect to zoning and balance of interests and sought a change to zone.
- There should be a National Park Zone.
- The Multiple Use Zone is inconsistent with the objectives for marine park establishment.
- Concerned about the potential for oil and gas mining.
- There should be increased protection from mining (e.g. Special Purpose Zone (mining exclusion)).
- A Recreational Use Zone should be implemented for consistency with the West Australian marine park.

#### Zoning of the Eighty-Mile Beach Marine Park:

- Concerned about the potential for oil and gas mining.
- There should be increased protection from mining (e.g. Special Purpose Zone (pearling) or Special Purpose Zone (mining exclusion)) due to significance to the pearl oyster fishery.
- Multiple Use Zoning is inconsistent with the sustainable future and conservation of the pearling industry.
- A National Park Zone should be implemented.

#### Zoning of the Dampier Marine Park:

- Reduction of the National Park Zone is not acceptable.

- Supported the proposed zoning and access for commercial fishing (longline, pelagic and surface methods).
- The Special Purpose Zone should not have been changed to Multiple Use Zone.
- Supported the proposed zoning and access for shipping and port operations including transit through all zones.

Zoning of the Montebello Marine Park:

- There should be a National Park Zone.

Zoning of the Gascoyne Marine Park:

- Opposed to the proposed zoning.
- Given natural values, protection should be increased.
- Did not support replacing National Park Zone with Habitat Protection Zone and concerned about the loss of National Park Zone.
- Supported the proposed zoning and access for commercial fishing (longline, pelagic and surface methods).
- National Park Zone should be extended, or Habitat Protection Zone should be extended eastward to join the state marine park and northward for protection of natural values e.g. canyon habitats (incl. Cape Range and Cloates Canyon).
- Concerned about the potential for oil and gas mining and impacts on Cape Range Canyon.
- Concerned about allowing commercial and recreational fishing in the southern part of the Multiple Use Zone and potential impacts on pelagic species.

Zoning of the Ningaloo Marine Park:

- A National Park Zone should be included.
- Supported the proposed zoning, provided there are no changes to activities allowed under transitional arrangements with respect to fishing.
- There should be increased protection and consistency with West Australian marine park zoning.
- There should be increased protection from mining.

Zoning of the Carnarvon Canyon Marine Park:

- There should be a National Park Zone.
- Supported the proposed zoning.

Zoning of the Shark Bay Marine Park:

- There should be a National Park Zone.
- Concerned about the potential for oil and gas mining.
- There should be increased protection from mining.

**Director's views**

I note the various comments raised in relation to zoning of the North-west Network and on the zoning of specific marine parks. I note the concerns in relation to protection of habitats, species and cultural values, which are clearly important to people; the area of National Park Zone; and the impacts of fishing and mining. I also note the comments seeking increased access for commercial fishing and commercial pearling.

Marine park management is a balance. In the North-west Network, this meant balancing protecting significant habitats and species with enabling people to use and enjoy our marine parks. The North-west Network contains conservation features, bioregions and biologically important areas for marine

species such as whales, seabirds, dugongs and turtles. National Park and Habitat Protection Zones have been carefully placed to protect these features where possible, while minimising impacts on important human activities.

Impacts on commercial fishers, who rely on parts of the North-west Network for their businesses and livelihoods, have been minimised. The zoning in the management plan allows for the Mackerel and Northern demersal scalefish, Western tuna and billfish and North west slope trawl fisheries. Importantly, wherever possible, recreational and charter fishing has been allowed, subject to assessment and authorisation, to ensure people can enjoy marine parks and to support jobs in the tourism industry.

With several West Australian marine parks nearby to Australian Marine Parks, Parks Australia will continue to work with the West Australian Government to manage these parks into the future.

I have carefully considered the comments relating to zoning of marine parks in the North-west Network. In most parks, I am satisfied that the zoning reflects an appropriate balance between the protection of marine habitats and species, and ecologically sustainable use.

In the case of Ningaloo Marine Park, an iconic world heritage site of global significance, I have adjusted the zoning to include a National Park Zone adjacent to existing sanctuary zone in the adjoining West Australian marine park. This will provide greater protection for whale shark foraging areas, green and loggerhead turtle nesting and listed species, including green sawfish.

## **5.4 COMMENTS ABOUT PART 4 OF THE PLAN**

### **5.4.1 COMMENTS ABOUT GENERAL USE AND ACCESS PRESCRIPTIONS**

The following comments were received on the general use and access prescriptions:

- Supported the use of marine parks for recreation (non-fishing, nature watching, sailing, boating etc).
- Anchoring and vessel speed should be restricted for recreational users.
- Cultural fishing cannot be considered to be non-commercial in all cases and plans need to provide cultural fishers rights to customary harvest.
- The use of modern fishing equipment cannot be classed as traditional hunting or used to hunt dugong and turtles.
- Concerned about ballast water exchange, sewage and other vessel waste disposal, particularly in or near National Park or Habitat Protection Zones, because of the threats to the environment and biosecurity, such as from invasive species.
- Need more information about the use of drones for environmental surveys and monitoring in response to oil spills.

#### ***Director's views***

I note the comments made about this section, particularly in relation to recreational use of marine parks, customary harvest, and concern about activities like ballast water discharge and drones. Relatively minor amendments have been made to this section to improve clarity.

Australian Marine Parks are intended for people to enjoy. Recreational uses, such as diving, snorkelling, sailing, boating and nature watching are low impact and are allowed across marine parks.

In light of the limited access and impacts of these recreational uses in Australian Marine Parks, restrictions on their anchoring and vessel speed are not considered necessary.

The comments in relation to customary harvest are noted. While the Director of National Parks has a statutory role in managing Australian Marine Parks, this does not override Aboriginal and Torres Strait Islanders' traditional use and native title rights. The EPBC Act, under which management plans are made, does not affect the operation of the *Native Title Act 1993* or the *Aboriginal Land Rights (Northern Territory) Act 1976*. Both of these Acts preserve rights to traditional use of land and waters. Section 359A of the EPBC Act also provides that Commonwealth reserves, including marine parks, do not prevent Indigenous persons from undertaking non-commercial hunting or food gathering or using the reserves for ceremonial and religious purposes.

While the plans will allow for the discharge of ballast water and disposal of waste from vessels, it should be noted that these must be conducted in accordance with the requirements of the international Convention for the Prevention of Pollution from Ships (MARPOL) and the Australian ballast water management arrangements. These are implemented by the Australian Maritime Safety Authority and state and territory governments. They place very stringent requirements on discharge of ballast and disposal of waste, including that ballast should not normally be discharged less than 12 nautical miles from the nearest land, and in water less than 50 metres deep and where possible, should be discharged more than 200 nautical miles from the nearest land and in water greater than 200 metres deep.

To clarify requirements in relation to ballast water and disposal of water, amendments have been made to the plan. This includes clarifying that under this plan, waste from normal operations of vessels must be compliant with requirements under the MARPOL, and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes, and that ballast water discharge and exchange must be compliant with Australian ballast water requirements. A definition of MARPOL has also been included in the glossary.

The provisions in the plans allow for the use of non-commercial remote piloted aircraft, given the increasing use of drones for research and monitoring, in tourism activities and to take photographs and footage. However, people wishing to use these will need to apply and Parks Australia will carefully consider the potential impacts on marine species before issuing a permit, approval or licence.

#### **5.4.2 COMMENTS ABOUT COMMERCIAL SHIPPING PRESCRIPTIONS**

The following comments were received on the commercial shipping prescriptions:

- There has been significant growth in shipping traffic, and there may be impacts of ships transiting and anchoring on marine species and habitats.
- Ships need to anchor in marine parks and Habitat Protection Zones at times. There needs to be anchoring areas determined to ensure protection of pipelines and cables that will be allowed in these zones.

#### **Director's views**

I note some people's concerns about commercial shipping in marine parks and the potential impacts of this.

Commercial shipping and the potential for ship strike or spills is a pressure in Australian Marine Parks. Parks Australia will carefully consider the best location for anchorages for commercial ships to minimise impacts on the natural values in marine parks. Australia is party to a number of international

agreements including the International Convention for the Prevention of Pollution from Ships (MARPOL) and has a number of national policies relevant to shipping including the National Plan to Combat Pollution of the Sea by Oil and the Australian Ballast Water Management Requirements. The Director will continue to work with shipping management and primary response agencies (such as the Australian Maritime Safety Authority) to assist with the prevention of and response to incidents.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial ships to anchor while minimising environmental impacts. To clarify requirements in relation to anchoring of commercial ships in marine parks, some minor amendments have been made to the plan, including the following note: "This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress."

### **5.4.3 COMMENTS ABOUT COMMERCIAL FISHING PRESCRIPTIONS**

The following comments were received on the commercial fishing prescriptions:

#### Allowed gear types and locations:

- Concerned about the impact of commercial fishing, in particular trawling, gillnetting, drop-lining, trapping, potting, longlining, purse-seining and super trawlers (mid-water trawl) and suggested not allowing certain activities or gear types in certain zones.
- Concerned about the impacts of fishing in specific marine parks.
- Need complementary management arrangements between Australian Marine Parks and state and territory marine parks.

#### Compliance:

- Sceptical about ability to ensure compliance with the prescriptions.
- Enforcement should include a warning to fishers operating just inside protection zones.
- Supported vessel monitoring systems, and proposed extension of this to all vessels.
- Concerned about vessel monitoring systems and burden on smaller scale fisheries.
- Need further engagement on the requirement for vessel monitoring systems.

#### Fishing gear risk assessments:

- Disagreed with the findings of previous fishing gear risk assessments.
- Government ignored the findings of fishing gear risk assessments.
- Fishing gear risk assessments findings were not equally applied.
- Concerned about the validity of future gear assessment processes.
- Plans should reference a National Fishing Gear Risk Assessment Framework to ensure explicit review and assessment of allowed activities based on clear, transparent process and science.
- Supported future assessment and approval of fishing technologies.

#### Anchoring and transiting:

- Commercial fishing vessels need to anchor in National Park Zones - the Director needs to quickly determine appropriate anchoring areas.
- Fishing gear should be stowed and secured at all times when fishers are transiting or anchoring in a zone in which they are not permitted to operate.
- Stowing fishing gear while anchored or in transit during rough weather may create safety issues.
- Fishing gear cannot always be stowed out of site, lines out of the water should be adequate.
- More clarity in instructions to fisheries managers and anglers is needed about stowing and securing fishing gear.

- Supportive of allowing towing of commercial aquaculture cages in National Park Zones.

Approvals and authorisations:

- Activity tables in the plans should be amended from saying that commercial fishing is allowable (A) and requires authorisation, to say it is allowed (tick) with a footnote to indicate that the EPBC Act requires an approval to be put in place.
- There needs to be consultation, transparency and input about permits and class approvals.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.
- High impact extractive activity should be subject to a 12 month 'renewable upon review' condition, not five year as proposed.
- Class approvals cannot remove pre-existing rights and authorisations (to fishing grounds, seasonal access, gear types) which would devalue business.
- Any restrictions to grounds or gear (under the proposed conditions of a class approval) should be subject to scrutiny by state agencies and require mandatory co-signature between Commonwealth and state Ministers.

**Director's views**

Allowed gear types and locations:

I note the concerns raised about allowing commercial fishing in marine parks, the impact of commercial fishing, and of particular gear types. I also acknowledge that many submissions, particularly from the fishing industry, expressed concern about the impacts that restrictions on commercial fishing would have on their livelihoods.

I believe that it is possible to achieve strong conservation outcomes, while allowing fishing in marine parks. The careful placement of zones and consideration of gear types allowable in zones, will achieve an appropriate balance for marine parks.

Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

I acknowledge that commercial fishing may create impacts on marine environments. Rigorous compliance and enforcement will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

Compliance:

I note concerns raised about how I will ensure compliance with the rules. I consider it is vitally important to achieve effective and efficient compliance in marine parks.

Australia is a world leader in environmental regulation. Parks Australia will implement rigorous compliance and enforcement in Australian Marine Parks to ensure users, including commercial fishers, understand and comply with management arrangements. This will include Parks Australia collaborating with industry to investigate innovative technologies and systems - including vessel monitoring systems - that can assist marine users to follow the rules in marine parks.

I note that some people supported the use of vessel monitoring systems, while others expressed concern about the burden of implementing this technology.

Vessel monitoring systems are recognised globally as a valuable tool for spatially-based management of the marine environment and have been widely implemented around the world. The Australian Fisheries Management Authority already requires operators accessing Commonwealth fisheries to have vessel monitoring systems. Vessel monitoring systems, which use an alert service to tell fishers when



they are entering a zone where their fishing method is not allowed, have proven to be effective in assisting businesses and individuals to comply with marine park zones. The fishing industry will be consulted before any new requirements for vessel monitoring systems are implemented.

#### Fishing gear risk assessments:

There were a number of comments about previous fishing gear risk assessments and the proposal to assess new gear types and technologies as the plan is implemented and new information becomes available.

The issue of what fishing activities can be undertaken in zones has been extensively canvassed through previous consultation and considered subsequently in decision-making in establishing the draft plans. Fishing gear risk assessments were undertaken early in the process of designing Australian Marine Parks. They were one input into designing management plans, but there were other considerations, such as minimising the economic and social impacts of the marine parks. Since 2010 when the assessments were undertaken, our understanding of fisheries impacts has progressed.

I acknowledge that fishing technologies will change over the next decade, and our understanding of marine parks and impacts on them will improve over time. I am committed to adaptive management and will establish an efficient and effective process to assess new technologies and gear types to allow for the use of new equipment during the life of the plan if appropriate.

#### Anchoring and transiting:

I acknowledge the concerns raised about not being allowed to anchor in certain areas, and about the rules for stowing fishing gear while transiting and anchoring.

The plan has been amended to clarify where anchoring and vessel transit is allowed, and that the plan does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial fishers to anchor, to minimise impacts on the natural values in marine parks.

#### Approvals and authorisations:

There appeared to be some confusion about how class approvals will work and whether these will increase the burden on commercial fishers. That is not my intention. I place a high priority on minimising regulatory burden on users of marine parks. I believe that class approvals represent the most efficient and low impact way of discharging my responsibilities under law to authorise commercial fishing activities.

Under the EPBC Act, commercial activities are prohibited in marine parks unless authorised by the Director of National Parks. One way to authorise commercial activities is to issue a class approval. Class approvals authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. Class approvals will be subject to conditions specifying where in Australian Marine Parks these activities can occur, as well as the methods that may be used, reflecting the rules set out in the management plans.

Class approvals will minimise red tape, costs or administrative overheads. For example, a class approval for commercial fishing will mean that commercial fishers who hold an existing Commonwealth or state government fishing concession will generally not require an individual permit or individual licence and will not have to apply or pay any new or additional fees to operate in Australian Marine Parks.

Class approvals will be developed for Australian Marine Parks in consultation with industry representatives, in time to come into effect with the final management plans.

#### **5.4.4 COMMENTS ABOUT COMMERCIAL PEARLING AND AQUACULTURE PRESCRIPTIONS**

The following comments were received on the commercial pearling and aquaculture prescriptions:

- Supported allowing commercial pearling and/or aquaculture in marine parks.
- Aquaculture has a number of impacts and should be prohibited.
- Plans do not adequately recognise commercial pearling.
- Pearling should not be prohibited in Habitat Protection Zones (yellow), given the low level of impacts.
- Input, transparency and consultation with governments and industry is required in developing permits and class approvals.
- References to specific legislation in different states are incorrect.

##### ***Director's views***

I note the comments about commercial aquaculture and pearling.

Commercial aquaculture and pearling are important industries in some parts of Australia, supporting jobs in regional communities.

I note the comments questioning the need to prohibit pearling in Habitat Protection Zones. Pearling in the North-west is managed by the Western Australian Government and is the second most valuable fishery (behind rock lobster). Pearling activities consist of collection of oyster (spat) from the wild and grow out of pearl oysters on leases (with pearl insert).

In light of the limited potential for impacts from pearling activities on sea floor habitats, the plan has been amended to make pearling allowable in this zone.

I welcome the additional information with respect to legislation and have amended the plans as suggested.

#### **5.4.5 COMMENTS ABOUT COMMERCIAL MEDIA PRESCRIPTIONS**

The following comments were received on the commercial media prescriptions:

- Commercial news and television journalists should not have to seek approval for 'day-to-day news' and there should not be any restrictions when in marine parks.

##### ***Director's views***

I support commercial media accessing marine parks to increase public awareness of their values, pressures affecting parks and to report any news-worthy items. However, to ensure I understand the incidence and impacts of the use of marine parks, and for safety, I think it is sensible that commercial media should notify and work with Parks Australia to manage these activities. It is not intended that restrictions would normally be placed on media, except where their activities may impact important species or habitats.

#### **5.4.6 COMMENTS ABOUT COMMERCIAL TOURISM PRESCRIPTIONS**

The following comments were received on the commercial tourism prescriptions:

- Supported tourism (charter boat) operators receiving permits to continue their operations.
- There should be different classes for non-extractive and extractive tourism, (separate from recreational fishing), given that these activities have different impacts.
- Unclear whether class approvals would apply or whether permits would need to be sought for commercial tourism.

#### ***Director's views***

I note the comments about commercial tourism and welcome the support for tourism in marine parks. Offering world-class natural and cultural experiences and enhancing Australia's visitor economy is one of Parks Australia's corporate goals.

Australian Marine Parks provide exciting and interesting destinations for visitors. The plans set out where different tourism activities can occur – for example, National Park Zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Over the coming months, Parks Australia will work with the tourism industry to determine the most appropriate mechanisms for authorising different commercial tourism activities in different zones of marine parks. Applications to conduct tourism operations in marine parks will be carefully considered in terms of the potential impacts to natural values and significant species, with conditions applied where appropriate.

#### **5.4.7 COMMENTS ABOUT RECREATIONAL FISHING PRESCRIPTIONS**

The following comments were received on the recreational fishing prescriptions:

- Supported the approach to management of recreational fishing in marine parks, equal treatment of gear types and allowing recreational fishing in most zone types.
- Recreational fishing should be allowed in National Park Zones.
- Recreational fishing has not been allowed in some areas based on inappropriate science.
- Different types of recreational fishing could be allowed in different areas.
- Spearfishing should be prohibited in some parks.
- Spearfishing should be allowed in some parks.
- Recreational fishers should need a licence or permit.
- Anchoring by recreational fishers should be allowed.
- Concerned that anchoring by recreational fishers is not allowed.
- Concerned about how marine park zones will be identified by recreational fishers.
- Supported good fisheries management.

#### ***Director's views***

I note the high level of interest in recreational fishing in marine parks and the support for the proposed zoning, which enables recreational fishing to occur across much of the estate and in 97 per cent of Commonwealth waters within 100 km of the coast.

Despite comments received, recreational fishing will not be allowed in National Park or Sanctuary Zones. There is clear scientific evidence from around the world about the ecological benefits of no-take areas, and that you can catch more and bigger fish when you have no-take areas nearby.

It should be noted that recreational fishers will be able to anchor in Australian Marine Parks. The plans have been amended to improve clarity about the rules for anchoring and transiting.

A permit to fish recreationally is not required in Australian Marine Parks. Fishers in Australian Marine Parks will need to continue to comply with the relevant state and territory fishing rules and regulations.

Parks Australia will work with recreational fishers and park users over the life of the plan to improve understanding about where recreational fishing is allowed.

#### **5.4.8 COMMENTS ABOUT MINING PRESCRIPTIONS**

The following comments were received on the mining prescriptions:

- Mining, oil and gas extraction and/or shipping should be prohibited in marine parks.
- Further information is required on existing usage rights and mining operations already in place.
- Habitat Protection Zones should prohibit mining infrastructure and pipelines.
- Construction and operation of pipelines should be allowed in marine parks, subject to assessment.
- Supported utilising NOPSEMA authorisation process, as the oil and gas industry is already subject to stringent and rigorous environmental regulation.
- Class approvals should be issued for low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act to ensure that activities that are intended to continue in the marine park zone are not unduly restricted.
- Should maintain prior usage rights/rights to convert to production licences with no new conditions.
- Unintentional operational constraints for mining activities adjacent to marine parks has the potential to erode the value of exploration titles and potentially remove the rights granted to operators by Government.
- The Director of National Parks should provide guidance to titleholders via NOPSEMA as to the expectations of information to be provided and the process for providing this information.
- The Director of National Parks should be notified in the event of an oil pollution event rather than requiring Director of National Parks authorisation prior to initiating spill response.

#### ***Director's views***

I note the concerns raised with respect to mining and construction of pipelines in marine parks. My views on these concerns are addressed in Chapter 6.3.1 of this report.

I acknowledge concerns about duplicating processes to assess and approve mining with other agencies. NOPSEMA will remain the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters, as the NOPSEMA program takes account of impacts on marine park values. The Director of National Parks is a relevant person for the purpose of consultation on environment plans where an activity overlaps a marine park. Detailed guidance material will be prepared to assist the petroleum industry to determine when they are required to consult with the Director of National Parks, the process for consultation and expected outcomes to be included in an environment plan to ensure that impacts on marine park values are acceptable.

Additional assessment will not be required in Special Purpose and Multiple Use Zones. However, additional approval from the Director of National Parks will be required for pipelines in Habitat Protection, Recreational Use and National Park Zones.

I note concerns raised with respect to low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act and have amended the plans to ensure that these activities are not unduly restricted.

I have also amended the plans as suggested so that the Director of National Parks should be notified in the event of an oil pollution event, rather than requiring Director of National Parks authorisation prior to initiating spill response.

#### **5.4.9 COMMENTS ABOUT STRUCTURES AND WORKS PRESCRIPTIONS**

The following comments were received on the structures and works prescriptions:

- Structures and works should not be allowed to be constructed in National Park Zones.
- Pipelines should not be allowed in certain areas.
- Artificial reefs and fish aggregating devices should be allowed, including to compensate recreational fishers for any loss of access.
- The Director of National Parks should not need to approve an activity that been assessed under other processes e.g. under EPBC Act, *Environment Protection (Sea Dumping) Act 1981*.
- Need consultation when determining anchoring areas.
- Need clarification about the installation and operation of fibre optic cable to support mining activities, class approvals for existing port infrastructure and activities, and decommissioning of pipelines.
- 'Maintenance' should be separated from 'moorings, excavation and maintenance'. Maintenance should be allowed without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

#### **Director's views**

I note concerns and support for constructing structures and works, including pipelines, artificial reefs and fish aggregating devices, in marine parks.

Proposals to install structures and works, including moorings, artificial reefs and fish aggregating devices will be carefully considered, in terms of compatibility with zone type and zone objectives, potential impacts on natural values and the benefits in terms of visitor safety, research and monitoring or the national interest.

I note concerns raised with respect to streamlining process under the EPBC Act and have amended wording to enable streamlining of these processes, including to increase efficiency and reduce any prospect of regulatory duplication.

I have also made some minor amendments to clarify arrangements for maintenance, excavation and erection of structures and works, as opposed to dredging and disposal of dredged material.

#### **5.4.10 COMMENTS ABOUT PRESCRIPTIONS FOR RESEARCH AND MONITORING ACTIVITIES**

The following comments were received on the research and monitoring prescriptions:

- Supported access to marine parks for research and monitoring, particularly to understand impacts of use.
- Supported research into fishing activities to inform effective management.

- Sought confirmation on whether activities for research and monitoring approved through an EPBC Act referral would also be considered authorised through a class approval, and therefore do not require additional permitting.

#### **Director's views**

These comments were noted, but no changes were required. I strongly support research and monitoring in marine parks to further increase the scientific knowledge base, upon which marine park management rests.

#### **5.4.11 COMMENTS ABOUT PRESCRIPTIONS FOR NATIONAL SECURITY AND EMERGENCY RESPONSE**

The following comments were received on the national security and emergency response prescriptions:

- Concerned about impacts of defence activities on natural values in particular sonar.
- The Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, such as offshore petroleum operators.
- Authorisation of contractors should not be required to undertake emergency responses on behalf of government agencies.

#### **Director's views**

I have taken on board the suggestion that the Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, by amending the related prescription to authorise to read "Actions by or under the direction of Commonwealth or Commonwealth agencies" may be conducted without authorisation.

#### **5.4.12 COMMENTS ABOUT MAKING DECISIONS AND AUTHORISING ACTIVITIES**

The following comments were received on decision making and authorisation:

- Supported deregulation/reduced regulatory burden or exemption from additional approval where an activity is assessed under other processes (such as the *Environment Protection (Sea Dumping) Act 1981*) or by other agencies.
- Concerned about delegation of Commonwealth authorisation processes to state or territory governments.
- Concerned that the Director of National Parks may make, amend and revoke prohibitions, restrictions and determinations of the EPBC Regulations and the Director may issue a permit for an activity that would otherwise be prohibited by such an instrument.
- Extra conditions may be placed on class approvals for mining, oil and gas, resulting in regulatory creep and an unnecessary regulatory burden on operators.
- Further information is needed about the terminology 'acceptable impacts'.
- Needs to be a formal mechanism for involving traditional owners in authorisations and research permit conditions should require engagement of traditional owners.
- Further information is needed about how approvals will be granted, criteria for assessment and approval.
- The Director should only authorise new activities where they are consistent with the zone objectives.



- Concerned about the Director of National Parks charging fees, and the impact of this on business.
- Supported the Director of National Parks charging fees.

### **Director's views**

I note the comments about these prescriptions, in relation to duplication with other assessment processes, additional conditions being applied to approvals, concern about assessment and approval processes, and support and concern about charging fees.

Parks Australia will continue to seek to streamline, deregulate and simplify assessment and authorisation procedures, including by working with other agencies wherever possible.

I have considered the concerns raised about approvals made under other legislation, such as the *Environment Protection (Sea Dumping) Act 1981* and amended the plans such that class approvals will be issued for activities that have received a permit under the *Environment Protection (Sea Dumping) Act 1981*.

I also note the interest of traditional owners in assessment and authorisation processes. Parks Australia will also consult with Indigenous people and traditional owners to inform them about assessments and authorisations and to understand which activities are of most interest and concern.

Further information about the processes for assessment and approval will be provided when the plans are finalised and implementation commences.

## **5.5 COMMENTS ON THE PLAN'S SCHEDULES**

The following comments were received on the glossary and schedules. Please note, comments about the values outlined in Schedule 2 are discussed in Chapter 6.2 of this report.

### Glossary definitions:

- Unclear about Indigenous Protected Areas.
- Confused about the legislation applying to pollution from ships.
- Several terms are used when referring to a Marine National Park Zone, including 'no-take', 'IUCN category II' and 'green zone'.

### Schedules:

- There are incorrect references to fisheries legislation in some plans.
- Need to acknowledge international fishing agreements where they relate to marine parks.
- Suggested an amendment to clearly articulate how plans will interact with the statutory requirements of the EPBC Act and *Environment Protection (Sea Dumping) Act 1981* in Schedule 1.
- Plans are inconsistent with Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making.
- Bioregions need to be described at different scales.

## ***Director's views***

### Glossary:

In light of some confusion about definitions, the glossary has been amended to add definitions for commercial pearling, Commonwealth marine reserve, Indigenous protected area, MARPOL and traditional owners. Clarifications have also been made to definitions of Australian Marine Parks, recreational fishing and transit.

### Schedules:

I note the comments about a need to correct legislation descriptions. I have amended Schedule 1 as suggested, where required, to reference the correct fisheries legislation in each plan.

Amendments have been made to the plans in relation to clarify process when assessment is required under the EPBC Act and *Environment Protection (Sea Dumping) Act 1981*. These were outlined in the previous section.

I note the concerns about inconsistency with elements of Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making. However, I am confident that the plans are consistent with the regulations.

I note the comment about bioregions. The bioregions outlined in plans were those used in the design of all Australian Marine Parks.

## **6 GENERAL COMMENTS ON THE DRAFT PLAN**

This chapter summarises the general comments received in relation to the draft plan. Comments that relate to specific parts of the draft plan are addressed in Chapter 5 of this report.

The following general comments were received on the management plans, or marine park management:

### Support:

- Supported the management plans and the balanced and scientific approach for the parks.
- Supported a national network of marine parks.
- Did not support the management plans.

### Independent review:

- Management plans have not adopted the recommendations of the *Independent Review of Commonwealth Marine Reserves*.
- Supported the findings of the review in specific parks.
- Disappointed the review did not consider outer boundaries of marine parks.
- Rejected findings or statements made by the review, such as about consultation on zoning, reducing protection on the shelf and upper slope, Eighty Mile Beach Marine Park, Roebuck Marine Park and impacts of recreational fishing.
- Disagreed with the findings of the review in relation to the extension of marine parks and uncertainty for commercial fishers.

### Design:

- Did not support government reducing or removing marine parks.
- Area of marine parks should be increased, marine park boundaries increased or new marine parks declared.
- Given natural values of areas outside of marine parks, these areas should be included in marine parks.
- Australian Marine Parks should be adjacent to state marine parks.
- Marine parks can't protect the marine environment or pelagic and migratory species.
- Marine park boundaries should be based on science data and recommendations, particularly connectivity and spacing.
- Did not support specific marine parks.

### Resourcing:

- Government needs to commit adequate resources for marine park management to implement the plans.
- Levies should not be placed on the commercial fishing industry and other users to cover costs of marine park management.
- Insufficient funds are available for fisheries adjustment and implementation of management plans.
- Parks Australia should work with other programs, such as the National Landcare Program, to get best outcomes for marine parks from investment.
- Fundraising would fund better outcomes.
- Funding is needed for regular scientific monitoring, including of key ecological features.
- Resources should be allocated to both habitat mapping and taxonomic identification.

### International:

- There should be greater focus on protection further offshore and work with international governments, due to concerns about foreign fishing.
- Concerned about Australia's international reputation.
- Australia should follow recent recreational fishing allocation in the United States marine park network.

### Policy and scientific basis:

- Questioned the policy and scientific basis for the management plans.
- There is a lack of scientific evidence for the benefits of Marine National Park Zones.
- There is a lack of evidence regarding economic impacts on commercial fishers.
- Concerned about Australian Fisheries Management Authority Ecological Risk Management.
- Benefits of marine parks and sustainable practices should be included in social / economic analysis.
- There has been a lack of consideration given to turtle habitats, and this presents a clear scientific error.

### Concern for the marine environment:

- Concerned about the marine environment, in the face of threats and pressures, including the need to manage terrestrial runoff.
- Need to manage the environment for future generations.
- Questioned the ability of government to deliver environmental outcomes.

### Fisheries adjustment:

- Noted Government's commitment to fair and reasonable adjustment assistance.
- Important to provide adequate resources to enable commercial fishers who have been affected by the management plans to adjust.

- Important to clearly define a process of assessing and managing displaced effort, including prospective fishing rights.
- Requested detail on the proposed assistance.
- Queried whether assistance will apply to vessel monitoring systems.
- Government does not have the resources that will be required for assistance.
- Full compensation should occur prior to being excluded from fishing grounds and funding should be provided assist in applying.
- There will be a direct and continual impact of commercial fishers' livelihoods due to loss of grounds and impact on license values and assets.
- The economic viability of regional coastal communities including harbours will be impacted, with the flow on impacts from the parks.
- Compensation is required for recreational fishers for loss of access e.g. installation of infrastructure (moorings, FADs, artificial reefs).

#### Consultation:

- Supported the consultation process on draft management plans.
- Suggested additional consultation.
- There was not sufficient opportunity to understand and comment on the proposed arrangements.
- Submissions from previous consultation were ignored or not taken into account.
- All submissions should be treated equally.
- Submissions from direct users should be given greater weighting.
- Supported the renaming of marine parks.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.

#### Business certainty:

- Concerned about the impacts of marine parks on local economy.
- Need to finalise plans as soon as possible.
- It has taken too long to establish management plans.
- Welcomed the business certainty that finalised plans will provide.
- Planning process has impacted business growth.
- Sought security of access to fishing grounds providing business certainty moving forward.
- Class approvals process provides no certainty for commercial fishers.

#### Not related to management plans:

- Commented on the Australian Government, elected officials and staff of Parks Australia.
- Commented on Australia's energy supply.
- Commercial fishing should be banned and recreational fishing be allowed in lakes and tributaries.
- Key coastal communities adjacent to Australian Marine Parks should be protected from mining.

#### **Director's views**

I note the additional comments that I received that provided general feedback, commented on issues relating to plan consultation or implementation, or that were not related to the text in the draft plans. My position on these comments is detailed below. Many of these comments could not be addressed through amendments to plans, but will be taken into account by Parks Australia as the plans are implemented.

#### Support:

The comments in relation to support are noted.

#### Independent review:

I note the comments about the independent review and concerns that the recommendations of the review have not been adopted in full.

Prior to preparing management plans, the Government commissioned the *Independent Review of Commonwealth Marine Reserves*. The review comprised an expert scientific panel and five bioregional advisory panels. The review involved extensive consultation, including regional meetings and a submissions process.

I found the review's recommendations an important and extremely helpful input to the draft management plans. But feedback received during public consultations on plans and related discussions with stakeholders demonstrated that the review's recommendations had not resolved all stakeholder concerns. More work needed to be done to implement a balanced approach to managing our marine parks that protects marine biodiversity and health, and also enables sustainable use and access.

Review-recommended zoning has been adopted in full or in large part for the majority marine parks. Where the review's zoning proposals were not incorporated in the plans, it was because the impact on users, such as fishers, was too great, inconsistent with the Government's policy on sustainable fishing.

#### Design:

A large number of submissions expressed concern about reducing the area or changing the boundaries of Australian Marine Parks. There appeared to be confusion about the intentions of the Australian Government and the purpose of the management plans.

Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). The Australian Government remains committed to the National Representative System of Marine Protected Areas. The management plans do not propose to increase, change the boundaries of, or decrease marine parks in Australian waters. They do, however, outline zoning within marine parks. The comments received in relation to zoning within marine parks, and my views on these were discussed earlier in this report.

#### Resourcing:

I agree with comments that appropriate resourcing will be important to the management of marine parks.

The Government committed \$56.1 million over four years to establishing and managing marine parks. This will support commercial fishers directly affected by marine park management; support increased engagement of marine users in the management of marine parks; establish systems to manage the nation's marine parks; and enable scientific research and monitoring to better understand marine parks.

Actions within the plan will, of necessity, be prioritised according to available resources. Establishing effective partnerships will be critical to effective implementation of the plans. Parks Australia will work with other agencies and funding programs to ensure maximum benefits arise for marine parks from Government investment.

#### International:

I agree that international cooperation is important to managing marine parks and am committed to consulting closely with other governments to deliver complementary and effective management of marine parks. This includes to combat the threat and impacts of illegal fishing.

In response to concerns about Australia's reputation, I note that implementation of the plans as proposed would reconfirm Australia's place at the absolute forefront of marine protection. Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). With 36 per cent of

Australia's waters included in marine parks, we are well ahead of both the international benchmark 'Aichi target' of 10 per cent by 2020, and a recent World Conservation Congress resolution calling for 30 per cent by 2030.

Policy and scientific basis:

I acknowledge comments about the policy and scientific basis for marine parks and the plans.

The policy basis for marine parks lies in the commitment of all Australian governments in 1998, derived from Australia's obligations under the Convention on Biological Diversity, to establish the National Representative System of Marine Protected Areas. It has been elaborated on through other policies developed since that time, including the 2013 *Policy for a more competitive and sustainable fisheries sector*.

The scientific basis for Australian Marine Parks is a wide body of advice and scientific literature, that demonstrates that the establishment and effective management of marine protected areas plays an important role in the conservation of biodiversity, the health and resilience of marine habitats and ecosystems, and the life they support. This in turn benefits society through the provision of a range of ecosystem services and supporting use of marine environments and resources.

The independent review's expert scientific panel confirmed that the science that underpins the establishment of our marine parks is sound and that network design draws on the best available scientific information.

Management plans are based on the best scientific information available, best practice management, and many years of bioregional planning. In recognition of scientific evidence about the importance of no-take areas to ecosystem health and biodiversity, no-take areas have been maintained over large parts of marine parks. In preparing plans, information about the location of conservation features (like canyons, seamounts and reefs) was reviewed, and as many of these features as possible are covered under no-take areas.

Advice about the socio-economic values and uses of marine parks was also considered and impacts on industries and users minimised whenever possible.

Concern for the marine environment:

It is clear from the comments received that Australians love the marine environment. I am confident that these plans appropriately balance the need to protect these special places, with enabling people to use and enjoy them for years to come.

Fisheries adjustment:

I note comments about assistance for commercial fishers to adjust to the arrangements outlined in these plans. I also note that the plans will have a significantly reduced impact on commercial fishers compared to those proposed in 2013.

The Government is committed to providing fair and reasonable assistance to those commercial fishers who are directly affected by the new management arrangements for marine parks. The Government will assess the need for assistance when it finalises management plans. Any adjustment assistance program will be developed in consultation with the fishing sector. Any adjustment assistance program will be guided by the Australian Government's Fisheries Adjustment Policy and delivered collaboratively by Parks Australia and the Department of Agriculture.



### Consultation:

I note the comments about consultation in developing the plans and concerns about whether submissions received through various consultations have been adequately considered.

I consider that the plans have benefitted from and been informed by an exceptionally high degree of community consultation and engagement. I would like to express my thanks to the many Australians who have taken the time to submit comments through public consultation processes – these have been invaluable in finalising the plans.

The *Independent Review of Commonwealth Marine Reserves* also involved extensive consultation, including regional meetings, a submissions process and an expert scientific forum.

Chapter 3 of this report outlines the extensive public consultation processes to develop these plans, including the number of submissions received and considered. All comments received through these process were carefully considered in the finalisation of management plans. All comments received were equally weighted.

The consultation process outlined went above and beyond the statutory requirements under the EPBC Act.

Between 21 July and 20 September 2017, the Director also consulted on a proposal to rename marine reserves to marine parks. This was a separate process and is outlined in a separate report.

The release of final management plans does not signal the end of consultation and engagement on Australia Marine Parks. Management plans provide for ongoing engagement with parks users, traditional owners, Indigenous people and the community about marine parks, and for the negotiation of approvals, including class approvals, with park users.

### Business certainty:

I acknowledge the need for certainty for people who rely on Australian Marine Parks for their livelihoods, and have endeavoured to finalise management plans as quickly as possible.

### Not related to management plans:

These comments are not addressed as they are outside the scope of the management plans.

North-west Marine Parks Network IUCN categories, zones and Australian IUCN reserve management principles

**North-west Network zoning and marine park management categories**

Marine park name	IUCN category	Zone name and IUCN category					
		Special Purpose Zone (Trawl) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Recreational Use Zone (IV)	National Park Zone (II)	Sanctuary Zone (Ia)
Shark Bay	VI		✓				
Carnarvon Canyon	IV			✓			
Ningaloo	IV				✓	✓	
Gascoyne	IV		✓	✓		✓	
Montebello	VI		✓				
Dampier	VI		✓	✓		✓	
Eighty Mile Beach	VI		✓				
Roebuck	VI		✓				
Mermaid Reef	II					✓	
Argo–Rowley Terrace	VI	✓	✓			✓	
Kimberley	VI		✓	✓		✓	
Ashmore Reef	Ia				✓		✓
Cartier Island	Ia						✓

**North-west Network IUCN categories**

<p><b>Special Purpose Zone (IUCN category VI)</b>—managed to allow specific activities though special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.</p>
<p><b>Multiple Use Zone (IUCN category VI)</b>—managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.</p>
<p><b>Habitat Protection Zone (IUCN category IV)</b>—managed to allow activities that do not harm or cause destruction to seafloor habitats, while conserving ecosystems, habitats and native species in as natural a state as possible.</p>

**Recreational Use Zone (IUCN category IV)**—managed to allow recreational use, while conserving ecosystems, habitats and native species in as natural a state as possible. The zone allows for recreational fishing, but not commercial fishing.

**National Park Zone (IUCN category II)**—managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities unless authorised for research and monitoring.

**Sanctuary Zone (IUCN category Ia)**—managed to conserve ecosystems, habitats and native species in as natural and undisturbed a state as possible. The zone allows only authorised scientific research and monitoring.

### **Australian IUCN categories and management principles**

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

#### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation;
2. effective and adaptive management;
3. the precautionary principle;
4. minimising impacts;
5. ecologically sustainable use;
6. transparency of decision-making; and
7. joint management.

#### ***Principles for each IUCN category represented in the North-west Network***

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each

category in the North-west Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

### **1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

### **3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

### **5. Habitat/species management area (IUCN category IV)**

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.

- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.
- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.
- 5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.
- 5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

- 7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.
- 7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.



COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

APPROVAL OF THE NORTH-WEST MARINE PARKS NETWORK MANAGEMENT  
PLAN 2018

I, JOSH FRYDENBERG, Minister for the Environment and Energy, acting pursuant to section 370 of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby approve the North-west Marine Parks Network Management Plan 2018.

Dated this ..... day of ....., 2018

Josh Frydenberg  
Minister for the Environment and Energy





# Australian Government

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## Director of National Parks

### EXPLANATORY STATEMENT

*Environment Protection and Biodiversity Conservation Act 1999*

### **North-west Marine Parks Network Management Plan 2018**

#### **Background**

The North-west Marine Parks Network (the North-west Network) consists of 13 Commonwealth marine parks that lie off the coast of Western Australia. The Commonwealth reserves that form the North-west Network were declared by Proclamation under section 344 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 12 December 2013 as amended by a Proclamation made under section 350 of the Act on 9 October 2017 to change the name of the reserves from “Commonwealth Marine Reserve” to ‘Marine Park’.

Management of the North-west Network is the function of the Director of National Parks (the Director) under the EPBC Act.

The North-west Network includes the following marine parks:

- Shark Bay Marine Park
- Carnarvon Canyon Marine Park
- Ningaloo Marine Park
- Gascoyne Marine Park
- Montebello Marine Park
- Dampier Marine Park
- Eighty Mile Beach Marine Park
- Roebuck Marine Park
- Mermaid Reef Marine Park
- Argo-Rowley Terrace Marine Park
- Kimberley Marine Park
- Ashmore Reef Marine Park
- Cartier Island Marine Park

The marine parks of the North-west Network were established to protect and maintain marine biodiversity, contribute to the National Representative System of Marine Protected Areas (NRSMPA)

and to help ensure the long-term ecological viability of Australia's marine ecosystems. The conservation values that the marine parks help to protect include:

- ecosystems, habitats, communities, species and sea-floor features found within the provincial bioregions of the North-west Marine Region
- ecological features with high biodiversity value, species richness and endemism
- cultural and heritage values
- a number of species listed as endangered or vulnerable under Commonwealth legislation or international agreements
- habitats important for protected species

### **Overview of the Legislative instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the North-west Network and other Commonwealth reserves unless permitted by a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The North-west Marine Parks Network Management Plan 2018-2028 also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the North-west network.

### **Structure and Content of the Management Plan**

The Management Plan consists of two Chapters, each with two parts and five schedules:

- Chapter 1 Introduction includes:
  - *Part 1 Managing Australian Marine Parks* outlines the context and approach to managing marine parks.
  - *Part 2 The North-west Marine Parks Network* provides a summary of the North-west Network including natural, cultural, heritage, social and economic values, and the pressures facing the Network and the management programs and actions to protect values and manage pressures.
- Chapter 2 Management and prescriptions includes:
  - *Part 3 Zoning* details the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
  - *Part 4 Managing activities* provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes and the types of authorisations (permits, class approvals, commercial activity licences and leases).
  - *Glossary* lists terms and words used in the plan.
- Five Schedules
  - *Schedule 1 Summary of legislative and policy contexts* includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
  - *Schedule 2 North-west Network overview and values* provides a summary of the marine parks as proclaimed, a description of values and a map for each park.

- *Schedule 3 Environmental features used in design of the North-west Network* describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features and key ecological features.
- *Schedule 4 North-west Network marine parks and zone boundary descriptions* lists the coordinates of each marine park and zone.
- *Schedule 5 Supporting information* lists references used in preparing this plan.

### **Consultation**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice of Intent was published in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and placed on the Department of the Environment and Energy's website. The Notice of Intent invited comment on the Director of National Park's proposal to prepare draft management plans for the South-west, North-west, North, Temperate East Networks and the Coral Sea Marine Park. Invitations to comment were also provided to Native Title representative bodies, peak Indigenous representative bodies, Native Title holders, Indigenous research institutions and Indigenous ranger organisations interested in the marine parks of the North-west Network.

This comment period closed on 31 October 2016 with a total of 54 332 submissions received. The comments received were considered in preparing the Draft Management Plan.

The draft Management Plan for the North-west Network was released for public comment on 21 July 2017. As required under the EPBC Act, the Director published a notice inviting comments on the draft Management Plan in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and on the department's website. Copies of the draft Management Plan were made available through the Department's Community Information Unit and on the Department's website. Comments on the draft plan closed on 20 September 2017. A total of 82,877 submissions were received.

The Minister considered all comments received in approving the Management Plan.

### **Regulation Impact Statement**

In accordance with requirements for new regulatory instruments, a Regulatory Impact Statement has been prepared.

### **Period of Operation**

The Management Plan will come into effect on 1 July 2018. It will cease to have effect on 30 June 2028, unless revoked earlier and replaced by a new Management Plan.

### **Legislative Instrument**

The Management Plan is a legislative instrument for the purposes of the *Legislation Act 2003*.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **North-west Marine Parks Network Management Plan 2018**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the North-west Network and other Commonwealth reserves unless permitted by a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The North-west Marine Parks Network Management Plan 2018-2028 also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the North-west network.

#### **Human Rights Implications**

The Management Plan engages with the following human rights:

##### *Right to self-determination*

Although there is no universally accepted agreement on what is required to meet this right, it is generally accepted that it includes allowing people to pursue their economic, cultural and social development. The Management Plan promotes this right through consultation and consideration of stakeholders views on their economic, cultural and social aspirations for marine parks, and in particular contains the Indigenous engagement program and actions that support involvement of marine users and Indigenous people in managing the North-west Network.

##### *Right to freedom of movement*

In order to achieve the objectives of the Management Plan it is necessary to restrict some access and uses that may impact on the natural and cultural values in some marine parks. This may involve the right to freedom of movement; however, this is not an absolute right and may be subject to permissible limitations where there is a legitimate objective, in this case the conservation and protection of natural and cultural values into the future, and the response is reasonable, necessary and proportionate. Limitations on access and use of marine parks under the Management Plan are reasonable and considered responses to the potential threats posed to achieving the objectives of the Management Plan.

The Management Plan places some limits on innocent passage through the territorial sea and freedom of navigation through the exclusive economic zone under the United Nations Convention on the Law of the Sea (UNCLOS). The limitations apply to protect the environmental values and habitats of

certain areas and are consistent with Australia's rights and obligations under UNCLOS; and also do not affect vessels responding to circumstances of force majeure or distress (eg. due to extreme weather) or for the purpose of rendering assistance to other persons and vessels in danger or distress.

#### *Right to privacy*

The Management Plan allows the Director in some instances to require users of the marine parks to provide information about the activities they conduct within the marine parks. This potentially includes commercial-in-confidence information such as the location of the activity or number of people undertaking an activity. The right to privacy is not absolute, and any requests for information are used to inform future management arrangements. The information collected will be handled and managed in accordance with the Commonwealth Privacy legislation.

#### *Right to enjoy and benefit from culture*

The right to enjoy and benefit from culture includes allowing people to take part in cultural life and enjoy the benefits of scientific progress. The Management Plan promotes this right by seeking to involve interested stakeholders, the community and Indigenous people in management actions through recognising native title interests and by implementing a number of principles, programs and actions. The Management Plan may limit this right in some instances where proposed activities are not consistent with the primary objective of the Management Plan to protect and conserve biodiversity and other natural and cultural values. However, these instances are expected to be rare, and will be carefully considered prior to a decision being undertaken. Section 8 of the EPBC Act does not affect the operation of the *Native Title Act 1993* including of s.211 of that Act, which allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence.

#### **Conclusion**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* and to the extent that it may limit any human rights, those limitations are reasonable, necessary and proportionate.





**Australian Marine Parks**  
**North**  
**Marine Parks Network**  
**Management Plan**  
**2018**



**Australian Government**  
**Director of National Parks**



**Australian**  
**Marine Parks**



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Gorgonian fan (Cathy Zwick)

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# CHAPTER 1

## INTRODUCTION

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Green turtle on reef (David Harasti)

# Part 1. MANAGING AUSTRALIAN MARINE PARKS

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## 1.1 INTRODUCTORY PROVISIONS

**Name**

This management plan (plan) is the *North Marine Parks Network Management Plan 2018*.

**Commencement**

This plan commences on 1 July 2018.

**Interpretation**

The Glossary provides the meaning of certain words and expressions used, and includes references to certain words and expressions that are defined in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

**Authority**

This plan is made under Section 370 of the EPBC Act. This plan replaces all previous approvals under s.359B of the EPBC Act that authorised a range of activities in the North Marine Parks Network in the period from proclamation of the Marine Parks to the commencement of this plan.

## 1.2 AUSTRALIAN MARINE PARKS

Australia is surrounded by ocean extending from the tropics to the sub-Antarctic, providing a home to a wealth of plants and animals, many of them found nowhere else in the world. Australia's oceans help to support our way of life by providing beautiful places to enjoy, supporting businesses and jobs, and contributing to Australia's food and energy needs.

Marine protected areas are recognised as one of the best ways to conserve and protect marine habitats and species in our oceans. In light of this, the Australian, state and territory governments agreed in 1998 to establish a National Representative System of Marine Protected Areas (NRSMPA). The NRSMPA was designed to create a comprehensive, adequate and representative (CAR) system of marine protected areas, to contribute to the long-term viability of the marine environment and protect biodiversity. To identify areas to protect in the NRSMPA, the Australian Government undertook scientific research and consolidated the best available information on the natural, social and economic characteristics of Australia's marine environment.

On the basis of this work, in 2012, the Australian Government expanded the total coverage of Australia's National Representative System of Marine Protected Areas to 3.3 million km<sup>2</sup>. This included new marine parks in the North, North-west, South-west, and Temperate East marine regions, and in the Coral Sea. This is in addition to marine parks already established in the South-east Network, the Great Barrier Reef and at Heard and McDonald Islands.

Australian Marine Parks (Commonwealth reserves proclaimed under the EPBC Act in 2007 and 2013) are located in Commonwealth waters that start at the outer edge of state and territory waters, generally three nautical miles (approximately 5.5 km) from the shore, and extend to the outer boundary of Australia's exclusive economic zone, 200 nautical miles (approximately 370 km) from the shore. Marine parks have also been established by state and territory governments in their respective waters under the NRSMPA. Many other countries have moved to establish marine protected areas in their waters and are implementing a range of legislative, policy and management tools to manage these important places.



### 1.3 AUSTRALIAN MARINE PARKS VISION AND OBJECTIVES

Management of Australian Marine Parks requires a balance between protection of our marine environment and opportunities for sustainable use and enjoyment of these special places.

The vision of the Director of National Parks (the Director) is that marine parks are healthy, resilient and well-managed to enhance Australia's wellbeing. This means ensuring that:

- their natural, cultural, socio-economic and heritage values are understood, appreciated and conserved;
- marine parks support jobs and businesses, providing multiple benefits to regional communities and the economy;
- people have opportunities to enjoy marine parks;
- visitors and tourists can enjoy world-class nature-based experiences in marine parks; and
- Indigenous people and marine park users are partners in managing marine parks.

The objectives of this plan are to provide for:

- a) the protection and conservation of biodiversity and other natural, cultural and heritage values of marine parks in the North Network; and
- b) ecologically sustainable use and enjoyment of the natural resources within marine parks in the North Network, where this is consistent with objective (a).

### 1.4 MANAGEMENT PLAN OVERVIEW

This plan is structured into two chapters and five schedules (Table 1.1). Chapter 1 provides an introduction to how Australian Marine Parks are managed, and Chapter 2 provides for the management of the North Marine Parks Network (North Network).

Several inputs have contributed to the preparation of this plan, including:

- public consultation during the preparation of this plan;
- knowledge and expertise of marine park users and traditional owners;
- the independent Commonwealth marine reserves review (publicly released in 2016);
- the best available science and information on marine parks and approaches to marine park management, including insights from management of the South-east Network, the Great Barrier Reef Marine Park, and state and territory marine parks;
- the Integrated Marine and Coastal Regionalisation of Australia (IMCRA) framework;
- the Marine bioregional plan for the North Marine Region (2011);
- the North marine bioregional plan: bioregional profile (2008); and
- Government policies and commitment to competitive and sustainable fisheries.

## 1.5 LEGISLATION AND POLICY SUPPORTING MARINE PARK MANAGEMENT

The EPBC Act is Australia's primary environmental legislation. In recognition of the importance of the marine environment, it is listed as a matter of national environmental significance under the EPBC Act. Under the EPBC Act, the Director is responsible for managing marine parks (supported by Parks Australia), and is required to make management plans for marine parks. Other parts of the Australian Government must not perform functions or exercise powers in relation to these parks that are inconsistent with management plans (s.362 of the EPBC Act).

This plan complements a range of Commonwealth, state and territory laws, as well as international conventions and agreements that relate to protection of the marine environment (Schedule 1). Some of the ways in which the Australian Government protects the marine environment through national environmental law include management plans for Australian Marine Parks, marine bioregional plans for the Commonwealth marine environment, recovery plans for threatened species and threat abatement plans for key threats, such as invasive species and marine debris.

Other Australian, state and territory government agencies also have statutory roles in managing fisheries, tourism, oil and gas activities, shipping, maritime pollution and biosecurity threats.

**Table 1.1 Structure of this plan**

Chapter 1 Introduction	
<p style="text-align: center;"><b>Part 1</b></p> <p>Managing Australian Marine Parks</p>	<p>Outlines the context and approach to managing marine parks.</p>
<p style="text-align: center;"><b>Part 2</b></p> <p>The North Marine Parks Network</p>	<p>Provides a summary of the North Network including natural, cultural, heritage, social and economic values, the pressures facing the Network and the management actions to protect values and manage pressures.</p>

Chapter 2 Management and prescriptions (the rules)	
<p style="text-align: center;"><b>Part 3</b></p> <p>Zoning</p>	<p>Explains the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.</p>
<p style="text-align: center;"><b>Part 4</b></p> <p>Managing activities</p>	<p>Provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes, and the types of authorisations (permits, class approvals, activity licences and leases).</p>
<p style="text-align: center;"><b>Glossary</b></p>	<p>Lists terms and words used in this plan.</p>

Schedules Supporting information	
<p style="text-align: center;"><b>Schedule 1</b></p> <p>Summary of legislation and policy contexts</p>	<p>Includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.</p>
<p style="text-align: center;"><b>Schedule 2</b></p> <p>North Network overview and values</p>	<p>Provides a summary of the marine parks as proclaimed, a description of values and a map for each park.</p>
<p style="text-align: center;"><b>Schedule 3</b></p> <p>Environmental features used in design of the North Network</p>	<p>Describes the environmental features used to identify areas for protection in the marine parks. These include provincial bioregions, depth ranges, seafloor features and key ecological features.</p>
<p style="text-align: center;"><b>Schedule 4</b></p> <p>North Network marine parks and zone boundary descriptions</p>	<p>Lists the coordinates of each marine park and zone.</p>
<p style="text-align: center;"><b>Schedule 5</b></p> <p>Supporting information</p>	<p>Lists references used in preparing this plan.</p>

## 1.6 APPROACH TO MANAGING AUSTRALIAN MARINE PARKS

To achieve the best outcomes from Australian Marine Parks the different uses of parks must be balanced with protecting important habitats and features. This plan outlines the Director's approach to managing Australian Marine Parks. This approach includes:

- **A vision** for Australian Marine Parks and management objectives.
- **Partnerships** with traditional owners, marine park users, stakeholders and governments to manage marine parks.
- **Management programs and actions** to protect the marine environment, improve scientific understanding, support tourism, improve awareness and appreciation of marine parks, work with Indigenous people to manage parks, assess and authorise activities, and ensure that people comply with the rules.
- **Zones** that set out what activities can be undertaken where and how.
- **Outcome-based decision-making** where each decision made balances enabling use with the need to protect natural, cultural and heritage values of marine parks.
- **Implementation plans** to support each management plan that set out the specific actions in the foundation phase (years 1–4), consolidation phase (years 5–8), and finalisation and review phase (years 9–10).
- **Adaptive management** including monitoring, evaluation and reporting to keep track of our progress and change our approach when necessary.

## 1.7 WAYS OF WORKING

In managing Australian Marine Parks, the Director will seek to be:

- **Respectful**—of the traditional owners of the sea, marine park users, stakeholders and other government agencies.
- **Collaborative**—seeking to co-design management programs and systems wherever possible, and manage in consultation with marine park users.
- **Balanced**—focused on protecting natural, cultural and heritage values, while facilitating sustainable use and enjoyment of marine parks.
- **Outcomes based**—considering outcomes for natural, social-economic, cultural and heritage values of marine parks when making decisions about activities.
- **Adaptive**—encouraging innovation, accommodating new information about values, pressures and technologies, and allowing for continual improvement in management.
- **Evidence and risk-based**—using information to guide management and decision-making, including evidence gathered through monitoring, research, evaluation and reporting.
- **Proactive**—taking proactive action to protect marine parks from pressures, to minimise damage, and to improve resilience, wherever possible.
- **Efficient and effective**—minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval mechanisms of other government agencies, while enforcing the rules established in this plan.

## 1.8 PARTNERSHIPS

Effective management of Australian Marine Parks will be achieved by working with traditional owners, marine park users and stakeholders, and other government agencies through the following:

### ***Partnerships with government agencies***

The Director will build on existing partnerships with Commonwealth government agencies with critical roles in managing and understanding Australia's marine environment, including the Australian Fisheries Management Authority, Australian Maritime Safety Authority, Defence, Geosciences Australia, Great Barrier Reef Marine Park Authority, Australian Border Force and the National Offshore Petroleum Safety and Environmental Management Authority. The Director will also build on partnerships with the Northern Territory and Western Australia fisheries and marine park agencies, and research institutions that provide support to the day-to-day management of the North Network marine parks, while ensuring a consistent approach to managing marine parks around Australia.

### ***Network advisory committee***

To support collaborative management and achieve the vision for marine parks, the Director intends to establish an advisory committee for the North Network. The Director will work closely with the advisory committee and stakeholders to develop and implement management programs and actions for the Network.

The role of the advisory committee will be to support and collaborate with the Director to manage marine parks by:

- helping to develop and deliver implementation plans, including assisting to prioritise management actions and develop performance measures;
- providing information about stakeholder and park user views, knowledge and needs; and
- contributing to the periodic evaluation and review of implementation plans.

Members will represent the broad range of marine park users, interests and knowledge about marine parks and may represent sectors such as commercial fishing, energy, Indigenous people, infrastructure, non-government organisations, recreational fishing, science, tourism, transport and the broader community. Membership and terms of reference for the committee will be developed in consultation with stakeholders as soon as practicable after the commencement of this plan.

### ***Partnerships with traditional owners and Indigenous people***

In implementing this plan, the Director acknowledges the national and international rights and cultural interests of Indigenous people and the deep understanding and experience that Indigenous people can contribute to the management of Australian Marine Parks. This includes international rights as detailed in the United Nations Declaration on the Rights of Indigenous People. The Director also acknowledges that Indigenous people have been sustainably using and managing their sea country, including areas now in marine parks, since time immemorial.

The Director is committed to working with Indigenous people to manage sea country within marine parks and will achieve this through the Indigenous engagement program (Section 2.5). This includes building partnerships with traditional owners and Indigenous people with responsibilities for sea country.

The Director also acknowledges that traditional owners are the primary source of information on the value of their heritage. For this reason, the Director will seek the active participation of Indigenous people in the identification and management of cultural values in marine parks.

To inform our approach to managing marine parks, the Director has worked with representatives from land councils, native title representative bodies and Indigenous ranger groups to develop a set of collaborative management principles (Table 1.2) to support Indigenous involvement in the management of Australian Marine Parks. These principles will inform the approach to implementing this plan, as well as the development and implementation of actions in each marine park (Part 2).

**Table 1.2 Principles supporting Indigenous people to engage in management of Australian Marine Parks**

***Principle 1:***

It is recognised that Indigenous people have been sustainably using and managing their sea country, including areas now included within Australian Marine Parks, for thousands of years—in some cases since before rising sea levels created these marine environments.

***Principle 2:***

Management of Australian Marine Parks should be undertaken on the basis that native title exists in sea country within Commonwealth waters.

***Principle 3:***

Indigenous people should be engaged in planning and managing Australian Marine Parks on the basis of their nationally and internationally recognised rights and cultural interests, not as a 'stakeholder' group.

***Principle 4:***

Maximise opportunities for Indigenous people to enjoy the management and use of their sea country.

***Principle 5:***

Maximise opportunities for the development of Indigenous livelihoods, consistent with national 'closing the gap' commitments.

***Principle 6:***

Governance and management activities within Australian Marine Parks should respect and complement local Indigenous governance arrangements, plans, capacities and activities.

***Principle 7:***

Indigenous engagement in managing Australian Marine Parks should be undertaken through good faith negotiations, seeking to build on the common ground that exists between Indigenous people and the Australian Government to protect and sustainably use Australia's sea country environments and resources.

***Principle 8:***

Third party investment in management activities in Australian Marine Parks (e.g. through environmental offset investments) should include support for Indigenous people's interests, capacity-building and development of livelihoods, consistent with all other principles outlined above; such third party investments must not impact on native title compensation negotiations or on the right to compensation.



## 1.9 MANAGEMENT PROGRAMS AND ACTIONS

The Director will implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks. Management programs and actions may be adapted over the life of this plan, and include:

- **Communication, education and awareness**—actions that improve awareness, understanding and support for marine parks and park management.
- **Tourism and visitor experience**—actions that provide for and promote a range of environmentally appropriate, high-quality recreation and tourism experiences and contribute to Australia's visitor economy.
- **Indigenous engagement**—actions that recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.
- **Marine science**—actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.
- **Assessments and authorisations**—actions that provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to support sustainable use and protection of marine park values.
- **Park protection and management**—timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.
- **Compliance**—actions that ensure appropriate and high levels of compliance by marine parks users with the rules set out in this plan.

The specific actions that will be undertaken in each marine park will be determined in partnership with stakeholders and set out in implementation plans.

## 1.10 ZONES

Zoning and related rules for managing activities are important tools for managing marine parks to ensure protection of marine habitats and species, while enabling use. Parts 3 and 4 of this plan set out the zones and rules for activities in the North Network.

In determining the zones and rules, the Director has considered the best available science, the advice of stakeholders, Indigenous people and the general public, the goals and principles of the NRSMPA and the Australian IUCN reserve management principles (Schedule 1). Zones established by this plan (Part 3) in marine parks in the North Network are summarised in Table 1.3.

**Table 1.3 Summary of zones in the North Network**

<p><b>Special Purpose Zone (IUCN category VI)</b>—managed to allow specific activities though special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.</p>
<p><b>Multiple Use Zone (IUCN category VI)</b>—managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.</p>
<p><b>Habitat Protection Zone (IUCN category IV)</b>—managed to allow activities that do not harm or cause destruction to seafloor habitats while conserving ecosystems, habitats and native species in as natural a state as possible.</p>
<p><b>National Park Zone (IUCN category II)</b>—managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities, unless authorised for research and monitoring.</p>

## 1.11 IMPLEMENTATION PLANS

The Director will work closely with stakeholders and the advisory committee to develop detailed implementation plans. Three stages of implementation plans will be developed to set out the management actions that will occur in the North Network and identify performance indicators.

- **Implementation plan 1**—Foundation (years 1–4). To be developed in the first year and include foundational management actions and development of robust natural, social and economic baselines.
- **Implementation plan 2**—Consolidation (years 5–8). To be developed following a review of the first implementation plan, and considering lessons learnt. To continue any ongoing foundational management actions.
- **Implementation plan 3**—Finalisation and review (years 9–10). To set out arrangements to review the lessons learnt from implementing the management plan over the first eight years, and inform the development of the next management plan for the North Network.

## 1.12 ADAPTIVE MANAGEMENT

Regular monitoring, evaluation, reporting and review of the implementation of this plan will be essential to achieve the vision for Australian Marine Parks and the objectives for this plan. The Director will undertake periodic monitoring, evaluation, review and reporting on the implementation of this plan to:

- evaluate the effectiveness of this plan in achieving its objectives;
- track progress in meeting performance indicators identified in implementation plans;
- review the effectiveness of zoning and other management arrangements to protect and conserve marine park values;
- identify changes in management context and priorities;
- consider the adequacy of knowledge of marine park values, uses, pressures, social and economic benefits and impacts;
- consider the effectiveness of monitoring and evaluation, and the appropriateness of key indicators and performance measures;
- identify and prioritise future management actions;
- provide information to enable adaptive management; and
- inform the development of a new management plan for the North Network at the conclusion of this plan.

## Part 2. THE NORTH MARINE PARKS NETWORK

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Dugong (Doug Perrine)

## 2.1 THE NORTH MARINE REGION

The North Marine Region (region) extends from the west Cape York Peninsula to the Northern Territory–Western Australia border. The region covers approximately 625,689 km<sup>2</sup> of tropical waters of the Gulf of Carpentaria and Arafura and Timor Seas (Figure 2.1).

Traditional owners have managed and used sea country within the region for tens of thousands of years. They use and actively manage the coastal and marine environments of the region as a resource and to maintain cultural identity, health and wellbeing. Fishing, hunting and the maintenance of culture and heritage through ritual, stories and traditional knowledge continue as important uses of nearshore and adjacent areas.

The region is popular for activities such as fishing, snorkelling, diving and boating. Tourism operators offer unique experiences for visitors to enjoy the offshore reefs, islands and deep water environments. Although many of the marine parks are remote and far offshore, opportunities exist for recreational use, particularly around offshore reefs.

There are significant industries in the region, including commercial fishing, mining and shipping that contribute to economic growth, employment and social wellbeing in adjacent towns and communities. Activities and businesses that support these industries such as marine industry suppliers and repair yards are also important sources of employment for coastal communities.

The marine environment of the region is characterised by shallow-water tropical marine ecosystems and a large area of continental shelf. Habitats include coral reefs, soft sediments, shelf, canyons and limestone pinnacles. The region is subject to extreme tidal regimes, monsoonal climatic patterns and a high incidence of cyclones. It is influenced by currents driven largely by strong winds and tides, with only minor influences from oceanographic currents.

The region has high species diversity and globally significant populations of internationally threatened species. Coral-reef systems of the region support some endemic species, but flora and fauna are generally typical of the Indo-West Pacific. Coral, invertebrates and phytoplankton are all highly diverse, and fish such as snapper, emperor and grouper are common higher-order predators of coral and rocky reef habitats. The region supports biologically important areas for a range of spectacular and unique species—seabirds, sharks, dolphins, and dugong (*Dugong dugon*). Six of the world's seven species of marine turtle are known to occur in the region. Other species known to occur in the region include species of sawfish, sea snake, saltwater crocodile, seahorse and pipefish.

Further information about the region can be found in the *Marine bioregional plan for the North Marine Region* (2012) and the *North marine bioregional plan: bioregional profile* (2008) (available on the Department's website), and the marine park values in Section 2.3 (Values of the North Network) and Schedule 2 of this plan.

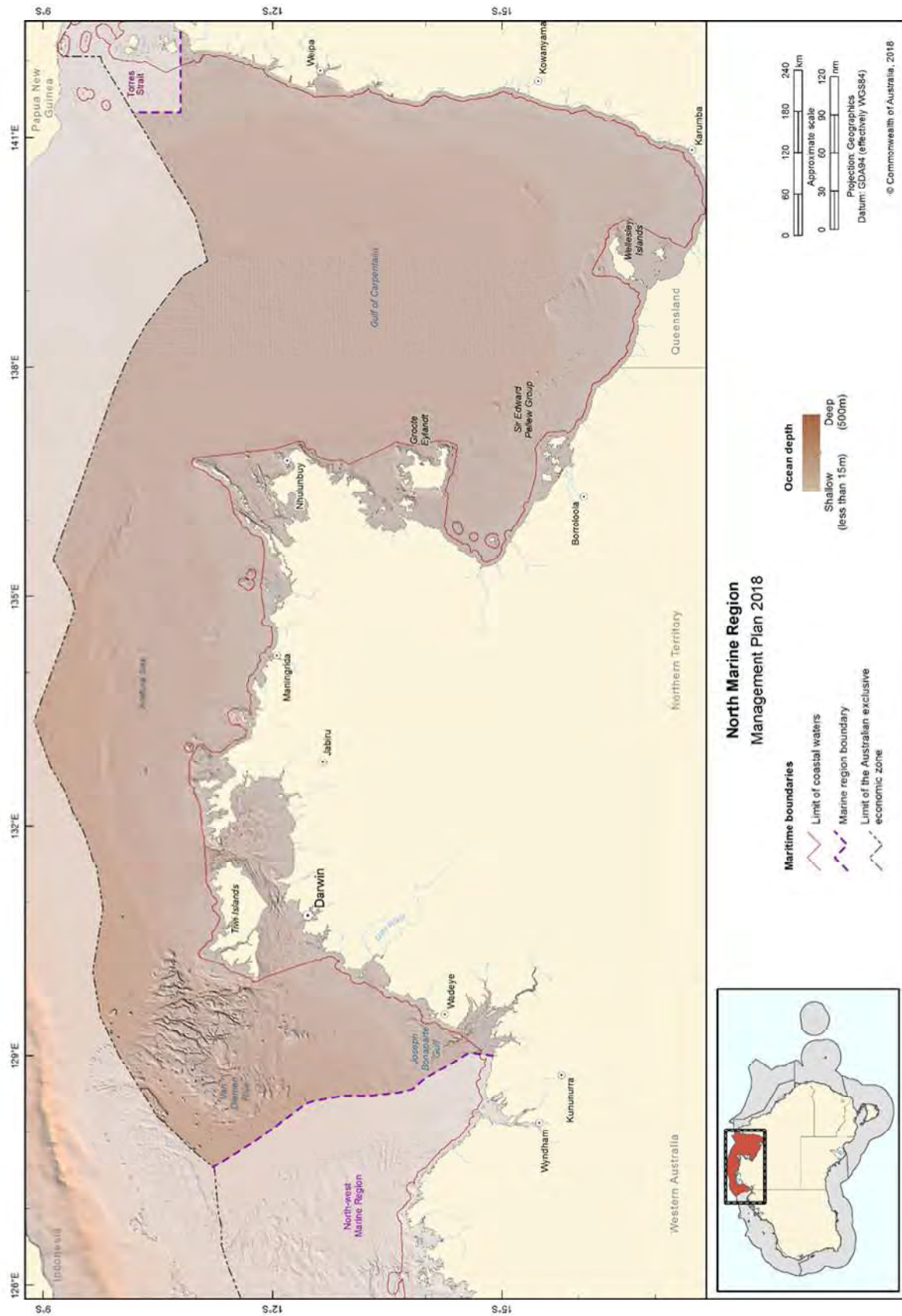


Figure 2.1 North Marine Region



## 2.2 THE NORTH MARINE PARKS NETWORK

The North Network (Figure 2.2) covers 157,480 km<sup>2</sup> and includes eight marine parks. An overview of the marine parks and their values is provided in Schedule 2.

The North Network comprises the following marine parks:

- Joseph Bonaparte Gulf Marine Park
- Oceanic Shoals Marine Park
- Arafura Marine Park
- Arnhem Marine Park
- Wessel Marine Park
- Limmen Marine Park
- Gulf of Carpentaria Marine Park
- West Cape York Marine Park



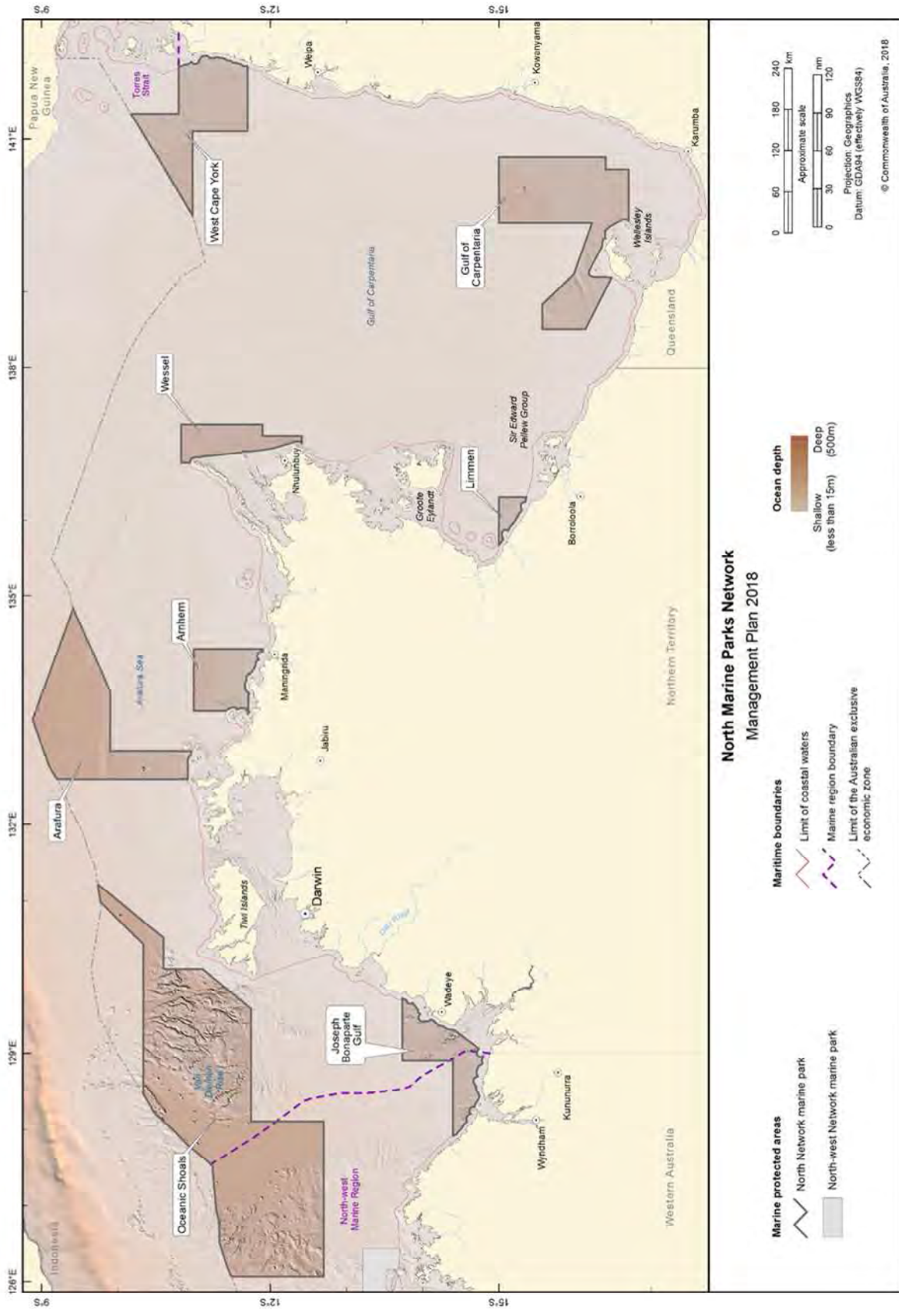


Figure 2.2 North Marine Parks Network

## 2.3 VALUES OF THE NORTH NETWORK

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

A summary of the values of the North Network is provided in Table 2.1. The values of individual marine parks are set out in Schedule 2. As outlined in Part 1, in managing marine parks, the Director will need to make decisions about what activities can occur in the marine parks and what actions to take to manage them. This will involve the Director making decisions that carefully balance the need to protect natural, cultural, heritage and socio-economic values of marine parks with enabling use and managing pressures.

In making these decisions, the Director will carefully consider the impacts and risks to natural, cultural, heritage or socio-economic values for the relevant marine park/s. The Director will also consider any positive impacts associated with allowing an activity, such as socio-economic or cultural benefits, and ensure that activities are undertaken in a manner that minimises negative impacts.

In marine parks where there is limited information, environmental features are used as indicators for the types of species and habitats likely to occur. These include bioregions, water depth, seafloor features and key ecological features (Schedule 3).

As understanding of marine park values improves over the life of this plan, the Director will make new information about values available on the Parks Australia website. Other important sources of information on values (also on the Department's website) include:

- Species profile and threats database for protected species;
- Directory of important wetlands in Australia;
- Australian heritage database for natural, historic and Indigenous heritage places;
- Australian national shipwreck database for known shipwrecks;
- National Conservation Values Atlas;
- *Marine bioregional plan for the North Marine Region* (2012); and
- *North marine bioregional plan: bioregional profile* (2008).

**Table 2.1 Summary of values in the North Network**

<b>Statement of significance</b>
<p>The North Network was designed to protect representative examples of the region's ecosystems and biodiversity in accordance with the <i>Goals and principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters</i> (ANZECC, 1998).</p>
<b>Natural values</b>
<p>Bioregions—the North Marine Region is divided into areas of ocean with broadly similar characteristics based on the distribution of marine species and seafloor features. The Network represents examples of the region's marine environments including ecosystems, species and habitats. There are four bioregions represented in the North Network (Schedule 2).</p> <p>Key ecological features—elements of the marine environment considered to be of importance for biodiversity or ecosystem function and integrity, represented in the Network are:</p> <ul style="list-style-type: none"><li>• Carbonate banks and terrace system of the Sahul Shelf;</li><li>• Pinnacles of the Bonaparte Basin;</li><li>• Carbonate bank and terrace system of the Van Diemen Rise;</li><li>• Shelf break and slope of the Arafura Shelf;</li><li>• Tributary canyons of the Arafura;</li><li>• Gulf of Carpentaria basin;</li><li>• Plateaux and saddle north-west of the Wellesley Islands; and</li><li>• Submerged coral reefs of the Gulf of Carpentaria coastal zone.</li></ul> <p>Species and habitats—all species and habitats are important components of the ecosystems represented in the North Network. Many species are protected under the EPBC Act and international agreements such as the Convention on the Conservation of Migratory Species (CMS or Bonn Convention), the Japan–Australia Migratory Bird Agreement (JAMBA), the China–Australia Migratory Bird Agreement (CAMBA), and the Republic of Korea–Australia Migratory Bird Agreement (ROKAMBA). Further information on these agreements is in Schedule 1.</p> <p>The North Network supports important habitats, including biologically important areas, for a range of protected species. Biologically important areas are where aggregations of individuals of a protected species breed, forage or rest during migration. More information on protected species and biologically important areas can be found in the <i>Marine bioregional plan for the North Marine Region</i> (2012) and the conservation values atlas on the Department's website.</p>
<b>Cultural values</b>
<p>Aboriginal people and Torres Strait Islanders have been sustainably using and managing their sea country for tens of thousands of years, in some cases since before rising sea levels created these marine environments. Sea country refers to the areas of the sea that Aboriginal and Torres Strait people are particularly affiliated with through their traditional lore and customs. Sea country is valued for Indigenous cultural identity, health and wellbeing.</p>

Aboriginal and Torres Strait Islander people continue to assert inherited rights and responsibilities over sea country within the North Network. It is recognised that sea country extends from terrestrial areas into nearshore and offshore waters; and that songlines traverse sea country. Sacred sites are also located in marine parks in the North Network and marine animals are recognised for their spiritual values, and their importance for the health and wellbeing of communities.

Within the North Network, Aboriginal and Torres Strait Islander people continue to actively manage sea country. Many groups have prepared sea country management plans and undertake work to protect and monitor the health of culturally significant and threatened species like marine turtles. Some groups have dedicated Indigenous Protected Areas (IPAs) over sea country, and more groups are in the process of establishing IPAs over their sea country. IPAs overlap the Wessel and Gulf of Carpentaria Marine Parks.

In the Torres Strait, in recognition of the cultural value of dugong, a dugong sanctuary has been voluntarily established under the *Torres Strait Fisheries Act 1984*. This sanctuary extends over much of the West Cape York Marine Park. This sanctuary bans harvest of dugong by Torres Strait Islanders in an area where they are known to be abundant.

Native title determinations have also been made over sea country within the North Network. Such declarations have recognised native title exists over waters within the Arafura and the Gulf of Carpentaria Marine Parks. These native title determinations recognise in law the continuing rights of these groups for sea country in these marine parks.

Figure 2.3 shows the Indigenous Protected Areas and Dugong Sanctuary established in or near the North Network.

## Heritage values

### Protected places (world, national and Commonwealth heritage, historic shipwrecks)

The EPBC Act protects matters of national environmental significance that are classified as protected places, including world heritage properties and national heritage places. Places on the Commonwealth Heritage List or shipwrecks listed under the *Historic Shipwrecks Act 1976* are also protected places.

Historic shipwrecks are a unique historic value and the region is an area of considerable importance in Australia's maritime history. There are approximately 500 known historic shipwrecks in and adjacent to the region; five are in the North Network: *A.D.C* (1886), *Ada* (1886), *Douglas Mawson* (1923), *Mystery* (1902) and *Wild Duck* (1876).

More information on located wrecks and shipwrecks historically reported as lost can be found in the Australian national shipwrecks database.

## Social and economic values

The North Network supports a range of important social and economic uses that underpin the prosperity and wellbeing of regional communities (Figure 2.4).

Shipping, port-related activities, commercial fishing and aquaculture are industries of national economic significance. The Network also provides some opportunity for offshore mining operations.

Marine tourism such as charter fishing, snorkelling, diving and wildlife watching are also important commercial activities that offer unique visitor experiences on reefs, islands and in deep water environments. The Network also supports a range of recreational activities including fishing.



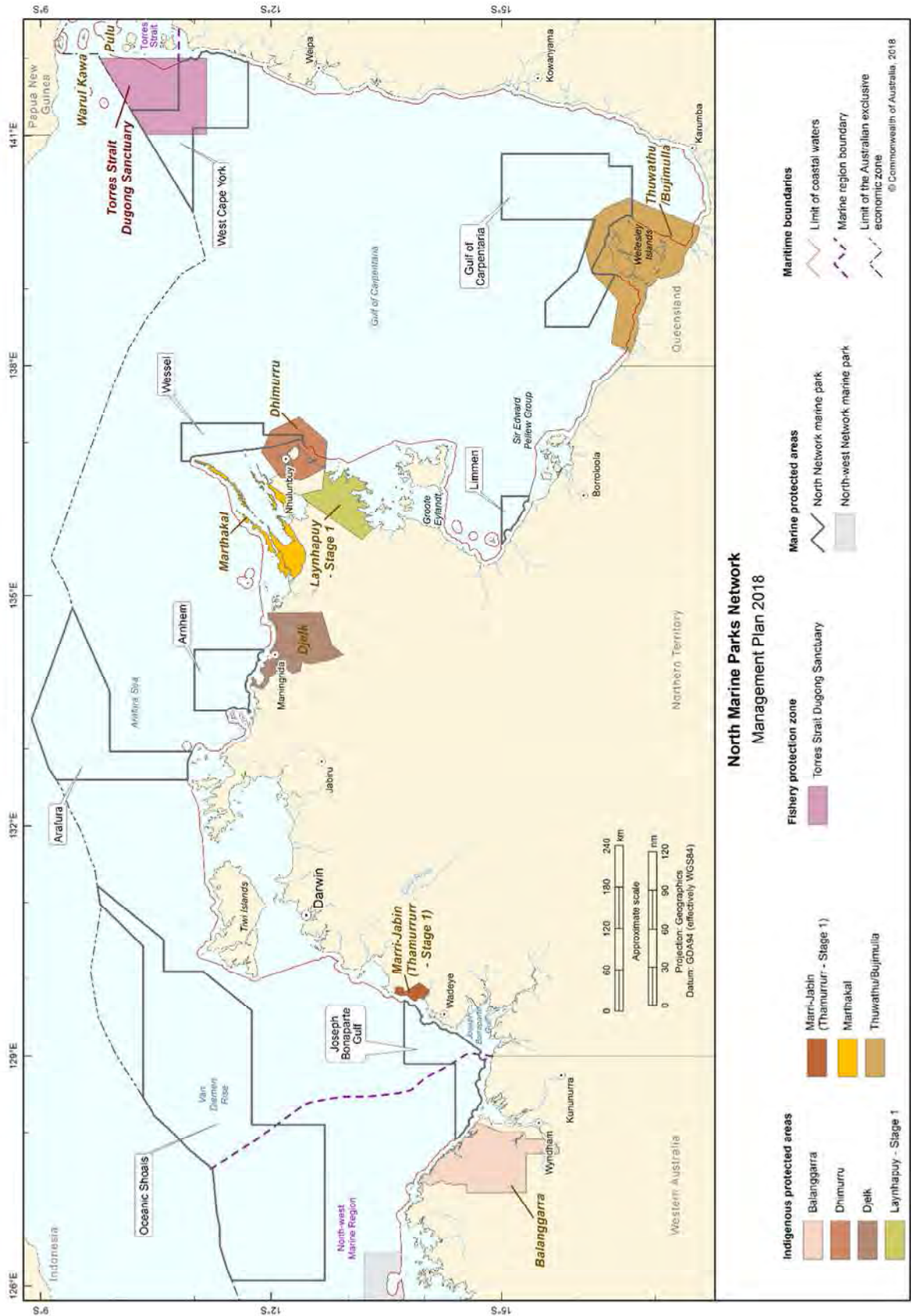


Figure 2.3 Indigenous Protected Areas and Dugong Sanctuary established in or near the North Network

## 2.4 PRESSURES IN THE NORTH NETWORK

Pressures are human-driven processes, events and activities that, if left unchecked, may impact on marine park values. Contemporary drivers of environmental change in the marine environment include population growth and economic activity, and related pressures such as increased vessel activity, marine debris, climate extremes, and ocean warming. Figure 2.4 shows the types of uses occurring across the North Network. These present key challenges for biodiversity conservation and sustainable management of our marine resources.

Australia's 2016 *State of the environment report* reviewed pressures on Australia's marine environment and determined that they were low by global standards. However, given that more than 85 per cent of Australians live within 50 km of the sea, and with Australia's population of approximately 24.4 million projected to grow to 39.7 million by 2055, pressures on the marine environment are likely to increase.

Although pressures on marine ecosystems and biodiversity in the North Network may change over time, examples of pressures in the Network are outlined in Table 2.2. Research in the Great Barrier Reef Marine Park and elsewhere in the world has demonstrated that effective management of marine parks, helps to maintain the resilience of marine ecosystems and their ability to withstand and recover from such pressures.

In determining the management actions to be taken in the North Network and in making decisions about the activities that will be allowed to occur within marine parks, the Director will carefully consider how the values outlined in Section 2.3 and in Schedule 2 will be impacted by these pressures now and in the future.

Pressures such the extraction of living resources by fishing, and habitat modification through installation of infrastructure and anchoring will be managed in part through the zones and rules set out in Parts 3 and 4 of this plan.

**Table 2.2 Summary of pressures in the North Network**

<b>Climate change</b>
The impacts of climate change on the marine environment are complex and may include changes in sea temperature, sea level, ocean acidification, sea currents, increased storm frequency and intensity, species range extensions or local extinctions, all of which have the potential to impact on marine park values. The International Panel on Climate Change recognises climate change as a major contributor to Australian marine ecosystem changes since 2007. Examples of habitats, key ecological features, and species vulnerable to the effects of climate change include the submerged coral reefs of the Gulf of Carpentaria and pinnacles of the Bonaparte Basin, and species of sawfish, shark, dolphin, seabird, marine turtle and dugong.
<b>Changes in hydrology</b>
Rivers, estuaries and other waterways have the potential to discharge increased sediment loads and pollutants into the marine environment from activities such as coastal development and agriculture. This can result in increased turbidity and siltation, impacting on species that inhabit or spawn in coastal, estuary and offshore waters. Examples of habitats and species vulnerable to changes in hydrology include reef and seagrass habitats, the Gulf of Carpentaria coastal zone, and species of sawfish, shark and dugong.
<b>Extraction of living resources</b>
Australia's world class fisheries management, led by Commonwealth, state and territory governments is important for ensuring sustainable fishing practices. Fishing, including illegal, unregulated and unreported fishing (including illegal foreign fishing), can modify natural populations of target species. Bycatch of non-target species and/or physical disturbance to habitats can result from certain fishing methods, and may therefore impact on marine park values. Examples of habitats, key ecological features and species



vulnerable to such impacts include reef and shoal habitats, the pinnacles of the Bonaparte Basin, and species of shark, sawfish, dolphin, marine turtle, sea snake, fish and dugong.

### Habitat modification

Commonwealth, state and territory governments play an important role in managing activities in the marine environment. For example, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) works with the mining industry to ensure their environment plans address environmental management issues. Impacts on habitat in marine parks can occur directly through physical disturbance or indirectly through the presence of infrastructure. For example, benthic communities are vulnerable to the discharge of sediments which can result in localised smothering of benthic biota and or reduction in the quality and quantity of light received at the seabed. In addition, modification of natural light through the installation of lighting associated with infrastructure can cause changes in animal behaviour. Examples of habitats and species vulnerable to habitat modification pressures include reef, shoal and pinnacle habitats, the tributary canyons of the Arafura Depression and Gulf of Carpentaria coastal zone, and species of marine turtle, fish, sea snake, dolphin and dugong.

### Human presence

Activities such as wildlife watching are a drawcard for people visiting marine parks. While enjoying the wildlife experience, it is important to be aware of the potential impacts of human presence on the natural behaviour of wildlife. Activities such as boating, camping, diving and snorkelling have the potential to impact marine park values directly through contact from collision or indirectly through changes in behaviour from disturbance. These activities may result in changes to wildlife behaviour such as nesting, breeding, feeding or resting, or may damage fragile marine environments e.g. reefs. Examples of habitats and species vulnerable to human disturbance include reef habitats, marine turtles and seabirds.

### Invasive species

Invasive species have the potential to impact on park values directly and indirectly. Potential sources of invasive species include vessel ballast and bilge water discharge, vessel biofouling, accidental or deliberate transport of species, and land-based activities. Islands, reefs and other shallow-water ecosystems and native species are vulnerable to invasive species, with direct impacts from predation or damage to important habitat e.g. nesting habitat, and indirect impacts from competition with native species for habitat and food. Examples of habitats, key ecological features, and species vulnerable to the impacts of invasive species include reef habitats and species of nesting marine turtle, seabird and saltwater crocodile.

### Marine pollution

Marine and land-based activities have potential to result in marine pollution which may impact on marine park values. Pollution includes the emission of noise or light, marine debris (for example, plastics and lost fishing gear), and discharge of oil, chemicals or waste. Pollution can be detrimental to marine life, causing contamination of ecosystems, entanglement, or can be ingested by marine species. Examples of habitats, key ecological features and species vulnerable to marine pollution include islands, reefs and other shallow-water habitats, the Gulf of Carpentaria basin, the plateaux and saddle north-west of the Wellesley Islands, and species of dolphin, whale, marine turtle, sawfish, shark, seabird and dugong.

Further information on pressures in the region is provided in the *Marine bioregional plan for the North Marine Region* (2012).

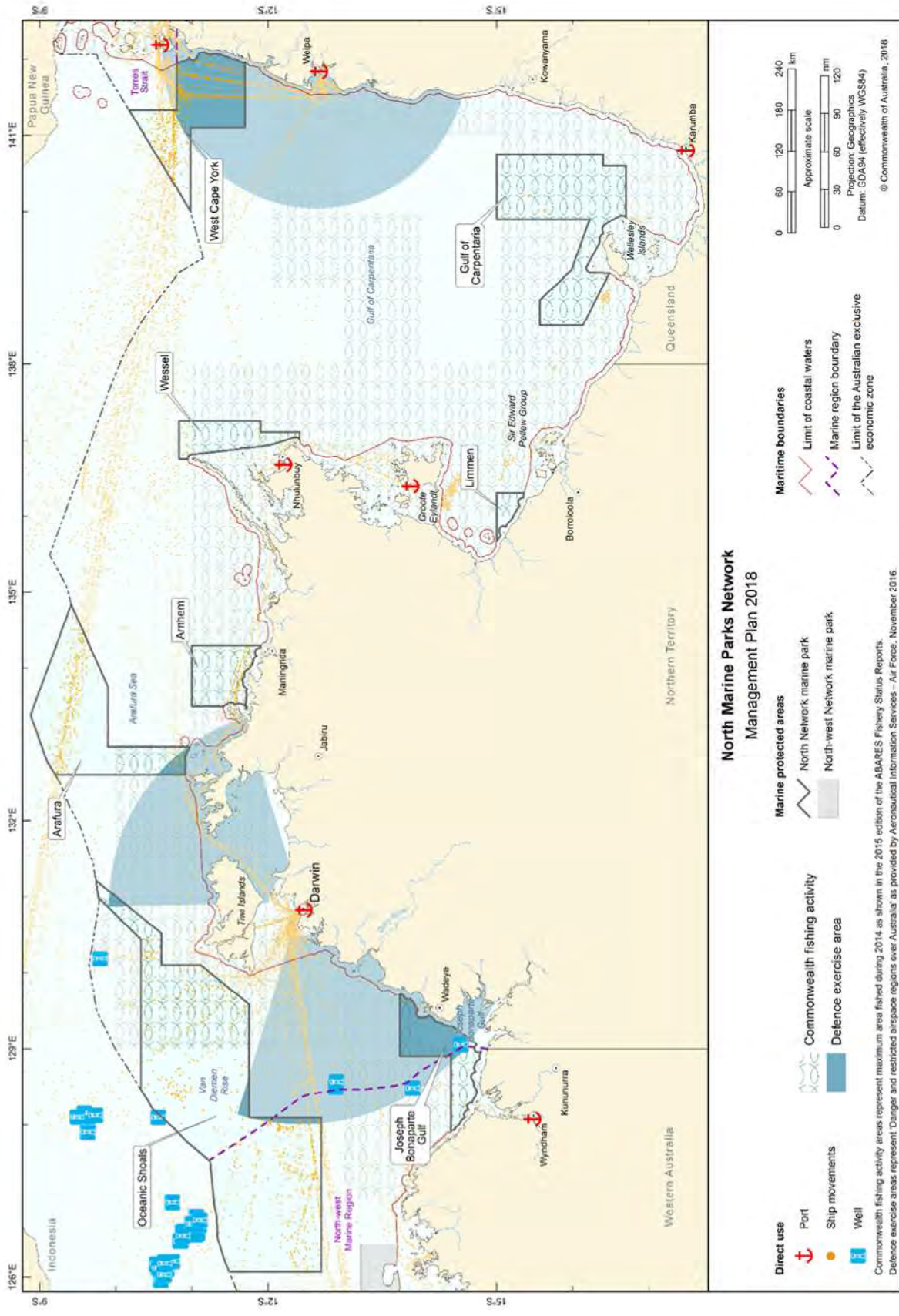


Figure 2.4 Direct use in the North Network

## 2.5 MANAGEMENT PROGRAMS AND ACTIONS IN THE NORTH NETWORK

As outlined in Part 1, the Director will proactively implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks.

These management programs and actions will be implemented on a national scale across all Australian Marine Parks. In addition, specific actions will be undertaken in the North Network. Table 2.3 outlines the management programs and actions likely to be undertaken in the North Network. These programs and actions may change during the life of this plan as new information and approaches become available. Additional actions will be developed in partnership with stakeholders through a network advisory committee and in implementation plans.

**Table 2.3 Management programs, outcomes and actions in the North Network**

<b>Communication, education and awareness program</b> Actions to improve awareness, understanding and support for marine parks and park management.
<p><b>Outcome</b></p> <ul style="list-style-type: none"> <li>Increased awareness, understanding and support for marine parks.</li> </ul> <p><b>Actions—the Director will</b></p> <p><i>under a national program:</i></p> <ul style="list-style-type: none"> <li>develop a marketing and communication strategy for Australian Marine Parks to raise awareness and understanding of marine park values and the contribution marine parks make to enhancing Australia’s wellbeing,</li> <li>develop online information resources to facilitate awareness of marine park values, management arrangements and visitor opportunities,</li> <li>maximise the use of new technologies and partnerships (including with schools, universities, museums and non-government organisations) to inspire people of all ages to become involved in marine park management and protection,</li> <li>establish network advisory committees to ensure users and interested stakeholders have on-going input to the management of Australian Marine Parks, and</li> <li>develop a customer focussed approach to tracking the aspirations and concerns of stakeholders in relation to marine parks.</li> </ul> <p><i>in the North Network:</i></p> <ul style="list-style-type: none"> <li>develop information on marine parks in the Network to encourage increased awareness and understanding of their values and management arrangements,</li> <li>provide infrastructure in and adjacent to the Network, such as signs and marker buoys, to increase understanding of marine park values and rules, particularly at sites that are regularly visited, and</li> <li>establish a North Network advisory committee to support and collaborate with the Director in management.</li> </ul>

## Tourism and visitor experience program

Actions to provide for and promote a range of environmentally appropriate, high-quality recreation and tourism experiences and contribute to Australia's visitor economy.

### Outcomes

- High-quality visitor experiences that are appealing, engaging and raise awareness of the natural and cultural values of marine parks.
- Increased visitation to marine parks.
- Social and economic benefits from the contribution of marine parks to Australia's visitor economy.

### Actions—the Director will

*under a national program:*

- develop a sustainable tourism and visitor experience strategy for Australian Marine Parks,
- work with national, state and local tourism authorities and operators to maximise the value of a sustainable ecotourism opportunities associated with marine parks,
- develop a commercial tourism authorisation system to encourage best-practice and eco-accredited businesses operating in Australian Marine Parks,
- work with Tourism Australia and state and regional tourism authorities and the fishing industry to market and promote Australian Marine Parks, including opportunities to promote locally caught and sustainably caught seafood,
- promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners, and
- work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities,
- monitor visitor trends and levels of satisfaction with marine park experiences and products.

*in the North Network:*

- promote visitor experiences that foster curiosity and appreciation of natural and heritage values in the Network,
- work with other Commonwealth, state and territory government agencies, and the tourism industry to support tourism initiatives, events and attractions that promote visitor experiences in marine parks, and
- facilitate partnerships between Indigenous people and tourism operators.

## Indigenous engagement program

Actions to recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.

### Outcomes

- Social, cultural and economic benefits for traditional owners.
- Partnerships with traditional owners and Indigenous groups to manage sea country in marine parks.

### Actions—the Director will

*under a national program:*

- develop an Australian Marine Parks Indigenous engagement and cultural heritage strategy, to improve understanding of cultural heritage, link management with sea country plans and maximise employment and enterprise opportunities for traditional owners,
- develop agreements to support Indigenous ranger programs to deliver management in marine parks, and
- provide information to Indigenous people about marine park management.

*in the North Network:*

- collaborate with traditional owners and Indigenous ranger groups and relevant partners to undertake marine park management such as surveillance, monitoring and threat mitigation including marine debris removal, and implement actions identified in sea country plans where applicable,
- identify opportunities and mechanisms to engage traditional owners and Indigenous rangers in the management of marine parks,
- increase understanding of traditional knowledge, map cultural values and manage significant sites,
- implement cultural awareness training for Parks Australia staff in association with traditional owners, and
- establish protocols for researchers working with Parks Australia to guide engagement with traditional owners.

## Marine science program

Actions to provide necessary scientific knowledge and understanding of marine park values, pressures and adequacy of responses for effective management.

### Outcomes

- Increase understanding of marine park values, pressures and adequacy of responses.
- Improve understanding of the effectiveness of marine park management in protecting park values.
- Informed decision-making and improved evidence-based decisions.

### Actions—the Director will

*under a national program:*

- establish ecological, social and economic baselines to support evidence-based decision-making and adaptive management,
- develop an Australian Marine Parks science strategy to prioritise and encourage research and monitoring of park values, pressures and management effectiveness, and foster science communication and knowledge uptake,
- encourage and facilitate knowledge brokering to support collaboration and partnerships with the science community, private enterprise, citizen science organisations and other Commonwealth, state and territory agencies,
- establish an authorisation system for scientific research and monitoring by third parties, and encourage data to be made publicly available through appropriate information portals such as the Australian Ocean Data Network,
- collaborate with the science community (including through the National Marine Science Committee and the National Environmental Science Program) and other marine park users to assist in improving the understanding of marine park values, pressures and management effectiveness, and
- collaborate with the science community and other government agencies to increase the use of innovative and effective technology and systems including sensor technology.

*in the North Network:*

- monitor social and economic uses and their benefits and impacts on marine parks.
- monitor the condition of important habitats such as reef systems and their vulnerability to climate change,
- monitor the impact of invasive species on marine park values and the effectiveness of management,
- collaborate with other Commonwealth, state and territory government agencies, marine park users and the science sector to support long-term monitoring. For example, monitoring of coral reefs, protected species and the effects of fishing on marine parks, and
- investigate opportunities to extend citizen science programs.



## Assessments and authorisations program

Actions to provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to enable sustainable use and protection of marine park values.

### Outcome

- Assessments and authorisations ensure ongoing protection of marine park values through the management of activities in marine parks.

### Actions—the Director will

*under a national program:*

- develop and apply best-practice approaches to regulation and decision-making in the authorisation of activities within marine parks. This includes developing policy to ensure assessment and authorisation requirements are clearly articulated and that decision making is robust, consistently applied, and transparent to all marine park users,
- collaborate with industry to investigate innovative technologies and systems (including vessel monitoring systems) that can assist businesses and individuals to comply with regulatory requirements,
- develop an effective and efficient process to assess new technologies and gear types to allow for the use of new equipment during the life of this plan if appropriate,
- develop a guarantee of service for the regulated community that includes a commitment to work with key marine park users and interest groups whose interests are likely to be affected by regulatory decisions, and
- develop a customer focused online authorisation system for marine park users that includes publishing authorisations issued by Parks Australia on its website.

*in the North Network:*

- issue authorisations—a permit, class approval, activity licence or lease—for activities in marine parks assessed as acceptable either by the Director or another government or industry policy, plan or program accepted by the Director, and
- work with other Commonwealth, state and territory government agencies to improve experiences and consistency of approaches for people seeking authorisations.

## Park protection and management program

Timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.

### Outcome

- Impact of pressures on marine park values are minimised as far as reasonably practicable.

### Actions—the Director will

*under a national program:*

- apply a risk-based assessment process to prioritise park protection and management actions,
- develop an Australian Marine Parks critical incident strategy in collaboration with the Australian Maritime Safety Authority and other responsible agencies to respond to critical incidents,
- develop a mooring and anchoring strategy to protect marine park values and improve visitor experience,
- support the removal of marine debris and ghost nets from marine parks through partnerships with Commonwealth, state and territory government agencies and other organisations involved in the management of marine debris, and
- contribute to actions, where appropriate, that support Australia's obligations under international agreements and national environmental law. This includes the World Heritage Convention, Ramsar Convention, recovery plans, wildlife conservation plans and threat abatement plans.

*in the North Network:*

- enable infrastructure such as moorings to protect habitats and enhance visitor safety,
- collaborate with and support other agencies that undertake invasive and protected species management and marine debris removal. For example, biosecurity assessments, research, or removal of ghost nets,
- work with other Commonwealth, state and territory government agencies to respond to environmental incidents and accidents, and
- collaborate with traditional owners and Indigenous ranger groups to undertake management actions.

## Compliance program

Actions to support appropriate and high level compliance by marine park users with the rules set out in this plan.

### Outcomes

- Improved user awareness of marine park rules.
- Increased levels of voluntary compliance and self-regulation by marine park users.
- High overall levels of compliance with the rules by marine park users.
- A decrease in the number of non-compliances.

### Actions—the Director will

*under a national program:*

- apply a risk-based approach to compliance planning, targeted enforcement and compliance auditing,
- collaborate with Australian, state and territory government agencies by sharing assets and information,
- investigate the use of new technologies and warning systems to assist in the detection of potential illegal activities, and
- work with marine park users to promote understanding of the rules for activities and how to comply.

*in the North Network:*

- work with other Commonwealth, state and territory government agencies, particularly where parks adjoin state or territory marine parks, in compliance planning, including implementing actions to deter illegal activities and encourage voluntary compliance, and
- collaborate with Commonwealth, state and territory government agencies in surveillance, including water and aerial patrols.

## **CHAPTER 2**

### **MANAGEMENT AND PRESCRIPTIONS**

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Barracuda (Robert Thorn)

## Part 3. ZONING

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Olive seasnake (Erik Schlogl)

## 3.1 ZONE CATEGORIES, NAMES AND OBJECTIVES

The EPBC Act requires this plan to assign an IUCN category to each marine park. The Act also allows this plan to divide a marine park into zones and to assign a category to each zone, which may differ from the overall category of the marine park. Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each category (Schedule 1).

This Part assigns an IUCN category to each marine park of the North Network, divides some marine parks into zones with their own category and sets out the objectives for each zone (Table 3.1). Zoning takes into account the purposes for which the marine parks were declared, the objectives of this plan (Section 1.4), the values of the marine park (Schedule 2), and the requirements of the EPBC Act and EPBC Regulations. Figure 3.1 and maps in Schedule 2 show the zones assigned to the North Network, Schedule 4 describe the zones assigned, and the management approach applied to activities within these zones is provided in Part 4. An overview of the North Network marine parks and zones is provided in Table S2.1.

### Prescriptions

- 3.1.1. Each marine park in the North Network specified in Table 3.1 is assigned to the IUCN category specified in column 2 of Table 3.1.
- 3.1.2. Arnhem Marine Park and Limmen Marine Park are given the zone names specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.3. Joseph Bonaparte Gulf, Oceanic Shoals, Arafura, Wessel, Gulf of Carpentaria and West Cape York Marine Parks are each divided into the zones shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4, and each zone is assigned to an IUCN category and given the zone name, specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.4. The objective of a Special Purpose Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species, while applying special purpose management arrangements for specific activities.  
**Note:** there are two types of Special Purpose Zone (VI) in the North Network used to allow or restrict certain commercial fishing activities.
- 3.1.5. The objective of the Multiple Use Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species.
- 3.1.6. The objective of the Habitat Protection Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible while allowing activities that do not harm or cause destruction to seafloor habitats.
- 3.1.7. The objective of the National Park Zone (II) is to provide for the protection and conservation of ecosystems, habitats and native species in as natural a state as possible.



**Table 3.1 North Network zoning and marine park management categories**

Column 1 Marine park name	Column 2 IUCN category	Column 3 Zone name and IUCN category				
		Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	National Park Zone (II)
Joseph Bonaparte Gulf	VI		✓	✓		
Oceanic Shoals	VI	✓		✓	✓	✓
Arafura	VI	✓	✓	✓		
Arnhem	VI		✓			
Wessel	IV	✓			✓	
Limmen	IV				✓	
Gulf of Carpentaria	VI	✓				✓
West Cape York	IV		✓		✓	✓

✓ Zone is assigned to the marine park named in column 1. Sections 3.1.2 and 3.1.3 of this plan explain the assignment of zones.

**Note:** The North Network has two types of Special Purpose Zone (VI): Special Purpose Zone (VI) and Special Purpose Zone (Trawl) (VI). The variation in management approach for this zone is prescribed in Part 4.

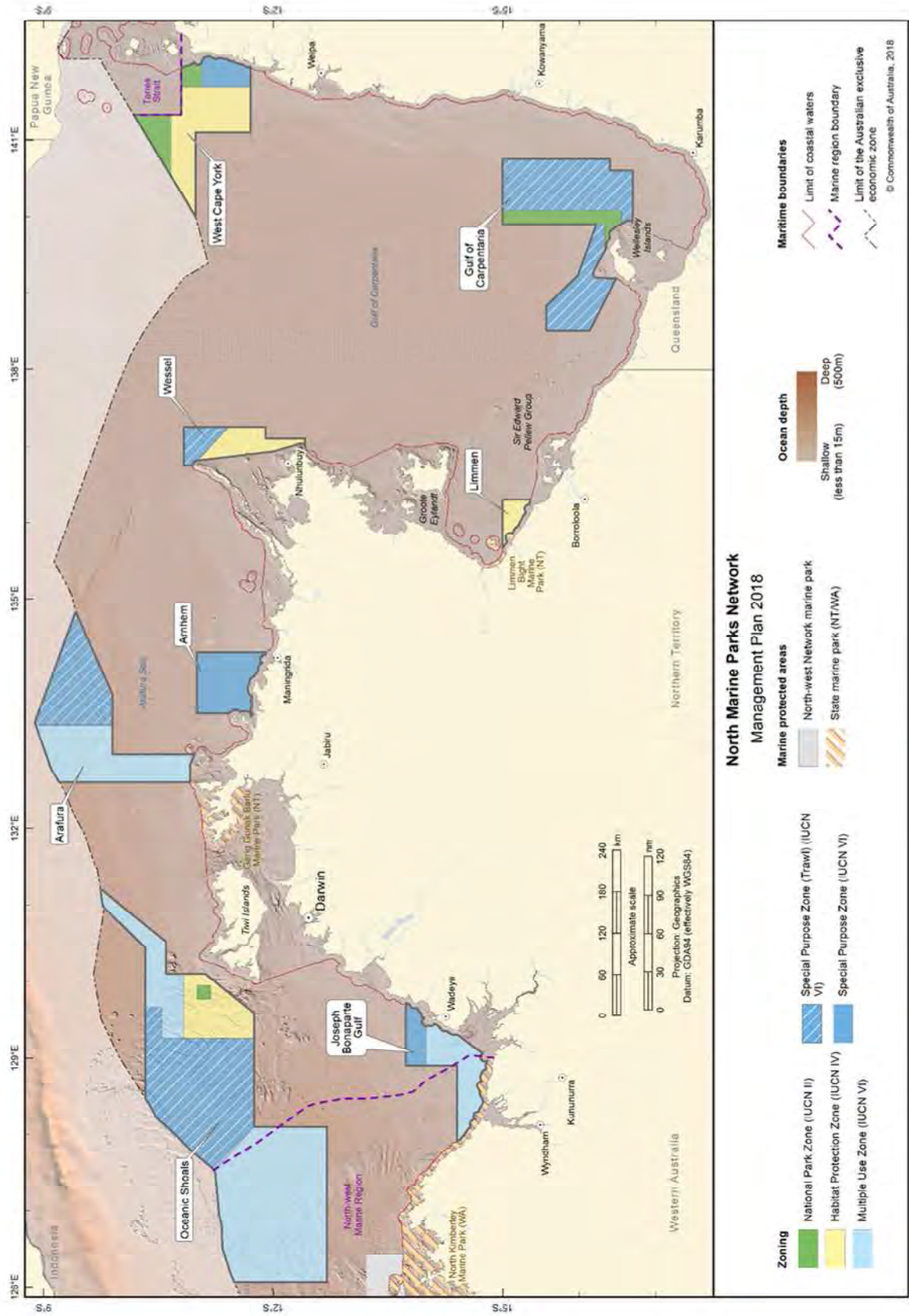


Figure 3.1 North Marine Parks Network showing zones

## Part 4. MANAGING ACTIVITIES

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Australian Snubfin dolphin (Deborah Thiele)

## 4.1 OUTLINE OF PART 4

This plan enables a range of activities to be conducted that would otherwise be prohibited or controlled by the EPBC Act and EPBC Regulations (Schedule 1). This Part sets out for marine parks of the North Network, which activities are:

- a) allowed, without the need for authorisation, where consistent with zone objectives (Part 3) and conducted in accordance with this Part;
- b) allowable, and able to be conducted if an authorisation is issued (Section 4.4 Authorisation of allowable activities); or
- c) not allowed, because they are not consistent with zone objectives (Part 3).

For those activities that are allowed or allowable, this Part also sets out:

- a) the assessment and decision-making process for authorising an activity (Section 4.3 Making decisions about activities);
- b) the types of authorisations that may be issued (permits, class approvals, activity licences and leases) (Section 4.4 Authorisation of allowable activities); and
- c) how activities must be undertaken in marine parks of the North Network (Section 4.2 Rules for activities).

The rules support an adaptive management approach to respond to new information. Any changes to the management of activities would be made in accordance with Section 4.3.1 (Decision-making).

Depending on the type of activity, other provisions of the EPBC Act or other legislation (e.g. fisheries and mining laws) may also apply to an allowed or allowable activity (Schedule 1).

In accordance with s.359A of the EPBC Act, this plan does not prevent Indigenous people from continuing, in accordance with law, the traditional use of an area in a marine park for non-commercial hunting or food gathering, and for ceremonial and religious purposes. Section 8 of the EPBC Act provides that this plan does not affect the operation of the *Native Title Act 1993*, which also includes provisions that preserve customary rights to use land and waters (Schedule 1).

## 4.2 RULES FOR ACTIVITIES

This plan enables activities to be conducted in zones consistent with the zone objectives (Part 3) while enabling the impacts to be effectively managed. The prescriptions in Section 4.2.1 (General use, access, and waste management) apply to all marine park users of the North Network. Sections 4.2.2 to 4.2.12 prescribe the rules applying to particular uses. Section 4.2.13 (New activities and authorisations) enables new activities to be considered and new forms of authorisation to be used. Table 4.1 provides a summary of the rules for activities in zones assigned to marine parks of the North Network. The zones are shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4.

**Table 4.1 Summary of rules for activities in the North Network (provided in Part 4)**

Activity	Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	National Park Zone (II)
<b>GENERAL USE, ACCESS, AND WASTE MANAGEMENT (Section 4.2.1)</b>	✓	✓	✓	✓	✓
<b>COMMERCIAL SHIPPING (Section 4.2.2)</b>	✓	✓	✓	✓ <sup>B</sup>	✓ <sup>B</sup>
<b>COMMERCIAL FISHING (Section 4.2.3)</b>	A	A	A	A	x <sup>B</sup>
<b>PEARLING (Section 4.2.4)</b>	A	A	A	A	x <sup>B</sup>
<b>AQUACULTURE (Section 4.2.5)</b>	A	A	A	A	x
<b>COMMERCIAL MEDIA (Section 4.2.6)</b>	A	A	A	A	A
<b>COMMERCIAL TOURISM (Section 4.2.7)</b>	A	A	A	A	A
<b>RECREATIONAL FISHING (Section 4.2.8)</b>	✓	✓	✓	✓	x
<b>MINING (Section 4.2.9)</b>	A	A	A	x	x
<b>STRUCTURES AND WORKS (Section 4.2.10)</b>	A	A	A	A	A
<b>RESEARCH AND MONITORING (Section 4.2.11)</b>	A	A	A	A	A
<b>NATIONAL SECURITY AND EMERGENCY RESPONSE (Section 4.2.12)</b>	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

### 4.2.1 General use, access, and waste management

The prescriptions in this Section apply to all marine park users of the North Network, including those carrying out activities provided for under this plan. These are summarised in Table 4.2.

The EPBC Act and EPBC Regulations control or enable the Director to control a range of activities in marine parks. Some provisions apply to particular classes of activities, such as commercial activities, mining operations or research. Other provisions relate to activities generally and include provisions (Schedule 1) enabling the Director to determine areas where waste may be disposed of, prohibit or restrict entry or activities, determine adventurous activities and areas where adventurous activities may be done, make determinations about the use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits, and make determinations about the use of aircraft in and over marine parks. The taking-off and landing of an aircraft in a marine park can only be conducted in an area determined by the Director (r.12.58).

The EPBC Regulations prohibit ballast water discharge or exchange, disposal of domestic and industrial waste, camping (including overnight stays on vessels), and the operation of a drone in Australian Marine Parks unless authorised by or under a management plan. Under this plan, waste from normal operations of vessels must be compliant with requirements under the International Convention for the Prevention of Pollution from Ships (MARPOL), and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. Ballast water discharge and exchange must be compliant with Australian ballast water management requirements administered by the Australian Maritime Safety Authority.

**Table 4.2 Summary of prescriptions for general use, access, and waste management in the North Network**

GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Ballast water discharge and exchange (compliant with Australian ballast water requirements)	✓	✓	✓	✓	✓
Disposal of waste from normal operations of vessels (compliant with MARPOL requirements)	✓	✓	✓	✓	✓
Camping	A	A	A	A	A
Recreational use (non-fishing, nature watching, boating, etc.)	✓	✓	✓	✓	✓
Non-commercial remote piloted aircraft, drones etc.	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Disposal of waste from normal operation of vessels must comply with MARPOL requirements.



## Prescriptions

- 4.2.1.1 The Director may make, amend and revoke prohibitions, restrictions and determinations under rr.12.23, 12.23A, 12.26, 12.56 and 12.58 of the EPBC Regulations where it is considered necessary:
- a) to protect and conserve biodiversity and other natural, cultural and heritage values; or
  - b) to ensure human safety or visitor amenity; or
  - c) where it is otherwise necessary to give effect to this plan;
- and the Director may issue an authorisation for an activity that would otherwise be prohibited by such an instrument. This Section applies despite the prescriptions in Sections 4.2.3 to 4.2.13.
- 4.2.1.2 Waste from normal operations may be disposed of from vessels to which the International Convention for the Prevention of Pollution from Ships (MARPOL) (Schedule 1) applies, in accordance with the requirements of MARPOL.
- 4.2.1.3 Disposal of waste in connection with activities authorised under Section 4.2.10 (Structures and works) will be managed in accordance with that Section.
- 4.2.1.4 Ballast water may be discharged or exchanged subject to compliance with:
- a) the Australian ballast water management requirements and relevant state ballast water management arrangements; and
  - b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management.
- 4.2.1.5 A person may camp in areas above the high water mark in accordance with a permit.
- Note:** Camping in connection with commercial tourism activities must be authorised under Section 4.2.7 (Commercial tourism)
- 4.2.1.6 Overnight stays on vessels do not require a permit to camp.
- 4.2.1.7 Remote piloted aircraft may be operated for non-commercial purposes in accordance with a permit, relevant provisions of Part 8 of the EPBC Regulations, and applicable aviation safety laws.
- Note:** Operation of remote piloted aircraft in connection with commercial media activities, commercial tourism activities, or research and monitoring must be authorised under Section 4.2.6, Section 4.2.7 or Section 4.2.11 respectively.

## 4.2.2 Commercial shipping (other than commercial fishing and aquaculture vessels)

The prescriptions in this Section set out the rules for anchoring and transit of commercial ships in the North Network. These are summarised in Table 4.3.

Australia is a party to a number of international agreements relevant to commercial shipping, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and MARPOL (Schedule 1). UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and a right of freedom of navigation through Australia's exclusive economic zone. This Section places some limits on the exercise of these rights in some zones. The limitations are necessary to protect marine park values, apply to all commercial shipping, and are consistent with Australia's rights and obligations under UNCLOS.

There are also a range of national laws, policies and procedures relevant to commercial shipping including the *National plan for maritime environmental emergencies* in relation to maritime pollution incidents and the *Biosecurity Act 2015* and Australian ballast water management requirements in relation to ballast water discharge. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 4.2.1 (General use, access, and waste management).

Rules for transit and anchoring of vessels engaged in commercial fishing, pearling and aquaculture activities are dealt with in Sections 4.2.3 to 4.2.5.

**Table 4.3 Summary of prescriptions for commercial shipping activities in the North Network**

COMMERCIAL SHIPPING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Anchoring	✓	✓	✓	x <sup>B</sup>	x <sup>B</sup>
Vessel transiting	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

**Note:** Ballast water exchange is managed under national arrangements. Restrictions may apply in some areas (Section 4.2.1 General use, access, and waste management).

### Prescriptions

4.2.2.1 Commercial ships may transit through the North Network subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and relevant prescriptions in Sections 4.2.6 to 4.2.13 relating to the activity in which shipping is involved.

4.2.2.2 Commercial ships may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Multiple Use Zone (VI); and
- d) Habitat Protection Zone (IV), and National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (IV) or (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

**Note:** This Section does not prevent the carrying out of activities, including stopping and anchoring, as part of operations authorised under Sections 4.2.6 to 4.2.13 and r.12.56 of the EPBC Regulations.

### 4.2.3 Commercial fishing

The prescriptions in this Section set out the rules for commercial fishing activities in the North Network, including the types of fishing gear and methods allowed in different zones, and requirements for vessel monitoring systems. These are summarised in Table 4.4.

Commercial fishing is managed for sustainability by the Australian Government and state and territory fisheries management agencies. In the North Network commercial fishing is subject to regulation under the *Fisheries Management Act 1991* (Fisheries Management Act) or Western Australian, Queensland or Northern Territory fisheries laws (under arrangements made under Part V of the Fisheries Management Act).

Research in connection with commercial fishing activities will be managed in accordance with Section 4.2.11 (Research and monitoring).

Use of fishing gear not allowed at commencement of this plan may be authorised after satisfactory assessment that supports an adaptive management approach.

**Table 4.4 Summary of prescriptions for commercial fishing activities in the North Network**

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Dropline	A	A	A	A	x
Hand collection (including using hookah, scuba, snorkel)	A	A	A	A	x
Hand net (hand, barrier, skimmer, cast, scoop, drag, lift)	A	A	A	A	x
Longline (demersal, auto-longline)	x	x	x	x	x
Longline (pelagic)	A	A	A	A	x
Minor line (handline, rod & reel, trolling, squid jig, poling)	A	A	A	A	x
Net (demersal)	A	A	x	x	x
Net (pelagic)	A	A	x	x	x
Purse seine	A	A	A	A	x
Trap, pot	A	A	A	x	x
Trawl (demersal)	A	x	x	x	x
Trawl (midwater)	A	x	x	x	x
Trotline	A	A	A	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence issued by the Director.

**Note:** Commercial fishing methods not listed in Table 4.4 will require assessment and approval.

**Note:** The authorisation of activities may be modified during the life of this plan in accordance with Section 4.2.3.6

**Note:** Transit is allowed as part of activities authorised under this Section.

**Note:** Anchoring by commercial fishing vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

## Prescriptions

- 4.2.3.1 Commercial fishing activities may be conducted in the North Network in accordance with and subject to:
- a) a class approval issued under Section 4.4.2 (Class approvals); or
  - b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and
  - c) the following prescriptions in this Section;
  - d) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - e) any determinations made under r.12.34 of the EPBC Regulations.
- 4.2.3.2 Commercial fishing activities may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Special Purpose Zone (VI);
  - c) Multiple Use Zone (VI); or
  - d) Habitat Protection Zone (IV).
- 4.2.3.3 Subject to Section 4.2.3.6 the following fishing gear must not be used:
- a) Longline (demersal, auto-longline); or
  - b) Trawl (demersal, midwater) except in the Special Purpose Zone (Trawl) (VI).
- 4.2.3.4 Net (demersal, pelagic) must not be used in a Multiple Use Zone (VI) and Habitat Protection Zone (IV).
- 4.2.3.5 Traps and pots, and trotline must not be used in a Habitat Protection Zone (IV).
- 4.2.3.6 Subject to satisfactory assessment under Section 4.3.1 (Decision-making), expert advice, and consultation with fisheries management agencies and the commercial fishing industry, the Director may authorise the use of:
- a) any fishing gear specified in Section 4.2.3.3 in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI), or Multiple Use Zone (VI); and
  - b) pelagic fishing gear specified in Section 4.2.3.3 in a Habitat Protection Zone (IV).
- 4.2.3.7 Fishing gear or methods not specified in a commercial fishing class approval or activity licence, or its conditions, must not be used.
- Note:** A class approval or activity licence may be varied under Section 4.4 (Authorisation of allowable activities) to specify additional fishing methods and gear types following satisfactory assessment in accordance with Section 4.3.1 (Decision-making).
- 4.2.3.8 Commercial fishing activities must be conducted in accordance with a commercial fishing concession issued under Commonwealth, state or territory fisheries laws to the extent those laws are capable of operating concurrently with this plan.
- 4.2.3.9 Commercial fishing vessels may transit through the North Network subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.3.10.

4.2.3.10 Commercial fishing vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV); or
- e) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.3.11 Fishing gear must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, a zone in which fishing activities are not authorised.

4.2.3.12 Fishing gear that is:

- a) specified in Sections 4.2.3.3 to 4.2.3.4;
- b) not specified in a class approval or activity licence as gear that may be used; or
- c) prohibited by a determination under r.12.34 of the EPBC Regulations;
- d) must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.3.13 Following consultation with the relevant fisheries management agencies and the commercial fishing industry, the Director may require all commercial fishing vessels transiting or conducting fishing activities in the North Network to carry an operating vessel identification and monitoring system.

**Note:** At the commencement of this plan vessel identification and monitoring systems were required on all vessels operating in Commonwealth managed fisheries. The conditions of a class approval or activity licence issued under Section 4.4 (Authorisation of allowable activities) may require the use of vessel identification and monitoring systems on all commercial fishing vessels operating in the North Network.

4.2.3.14 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial fishing.

#### 4.2.4 Commercial pearling

The prescriptions in this Section set out the rules for commercial pearling in the North Network. These are summarised in Table 4.5.

Commercial pearling is managed under Queensland, Northern Territory and Western Australian laws relating to those activities. These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with commercial pearling will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.5 Summary of prescriptions for commercial pearling activities in the North Network**

COMMERCIAL PEARLING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Pearling	A	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Anchoring by commercial pearling vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### Prescriptions

4.2.4.1 Commercial pearling may be conducted in the North Network in accordance with and subject to:

- a) a class approval issued under Section 4.4.2 (Class approvals); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and
- c) the following prescriptions in this Section;
- d) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- e) any determinations made under r.12.34 of the EPBC Regulations.

4.2.4.2 Commercial pearling may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Multiple Use Zone (VI); or
- d) Habitat Protection Zone.

4.2.4.3 Commercial pearling must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.

4.2.4.4 Commercial pearling vessels may transit through the North Network, subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.4.5.



4.2.4.5 Commercial pearling vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV); or
- e) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.4.6 Commercial pearling equipment not authorised for use by a class approval or activity licence as gear that may be used, and pearling equipment prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.4.7 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial pearling.

#### 4.2.5 Commercial aquaculture

The prescriptions in this Section set out the rules for commercial aquaculture in the North Network. These are summarised in Table 4.6.

Commercial aquaculture is managed under relevant state and territory laws. These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with commercial aquaculture will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.6 Summary of prescriptions for commercial aquaculture activities in the North Network**

COMMERCIAL AQUACULTURE Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Aquaculture	A	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Anchoring by commercial aquaculture vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

## Prescriptions

- 4.2.5.1 Commercial aquaculture may be conducted in the North Network in accordance with and subject to:
- a) a class approval issued under Section 4.4.2 (Class approvals); and
  - b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and the following prescriptions in this Section;
  - c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - d) any determinations made under r.12.34 of the EPBC Regulations.
- 4.2.5.2 Commercial aquaculture may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Special Purpose Zone (VI);
  - c) Multiple Use Zone (VI); or
  - d) Habitat Protection Zone (IV).
- 4.2.5.3 Commercial aquaculture must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.
- 4.2.5.4 Commercial aquaculture vessels may transit through the North Network, subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.5.5.
- 4.2.5.5 Commercial aquaculture vessels may stop and anchor in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Special Purpose Zone (VI);
  - c) Multiple Use Zone (VI);
  - d) Habitat Protection Zone (IV); or
  - e) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.
- Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
- 4.2.5.6 Commercial aquaculture equipment not authorised for use by a class approval or activity licence as gear that may be used, or that is prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.
- 4.2.5.7 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial aquaculture.

#### 4.2.6 Commercial media

The prescriptions in this Section set out the rules for commercial media in the North Network. These are summarised in Table 4.7.

Research in connection with commercial media activities will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.7 Summary of prescriptions for commercial media activities in the North Network**

COMMERCIAL MEDIA Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Commercial media	A <sup>C</sup>	A <sup>C</sup>	A <sup>C</sup>	A <sup>C</sup>	A <sup>C</sup>

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

C News-of-the-day reporting may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

#### Prescriptions

4.2.6.1 Commercial media activities other than reporting news of the day may be conducted in the North Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases); and
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- d) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.6.2 Commercial media activities for the purposes of reporting news of the day may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

#### 4.2.7 Commercial tourism (includes charter fishing tours, scuba diving, nature watching tours)

The prescriptions in this Section set out the rules for commercial tourism in the North Network. These are summarised in Table 4.8.

Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the North Network is part of the Sanctuary) are prescribed by Part 8 of the EPBC Regulations. The prescriptions in Section 4.2.8 (Recreational fishing) apply to the clients of charter fishing tours. The prescriptions in Section 4.2.10 (Structures and works) apply to the installation and maintenance of moorings and other structures and works as part of commercial tourism activities. Research in connection with commercial tourism will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.8 Summary of prescriptions for commercial tourism (including charter fishing, scuba diving and nature watching tours) in the North Network**

COMMERCIAL TOURISM Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Non-fishing related tourism (including nature watching, scuba/snorkel tours)	A	A	A	A	A
Charter fishing tours (including spear diving tours)	A	A	A	A	x
Commercial aviation tours (up to 3000 m above sea level)	A	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

### Prescriptions

4.2.7.1 Commercial tourism activities may be conducted in the North Network in accordance with and subject to:

- a) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- b) the following prescriptions in this Section;
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management);
- d) the prescriptions in Section 4.2.2 (Commercial shipping); and
- e) in relation to charter fishing, the prescriptions in Section 4.2.8 (Recreational fishing).

4.2.7.2 Commercial tours, other than charter fishing tours, may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV); or
- e) National Park Zone (II).

- 4.2.7.3 Charter fishing tours may be conducted in a:
- Special Purpose Zone (Trawl) (VI);
  - Special Purpose Zone (VI);
  - Multiple Use Zone (VI); or
  - Habitat Protection Zone (IV).

4.2.7.4 Fishing gear on charter fishing vessels must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which charter fishing tours are not allowed.

4.2.7.5 Commercial aviation tours may be conducted in the airspace up to 3000 m above sea level, in accordance with a permit and relevant provisions of Part 8 of the EPBC Regulations.

**Note:** The EPBC Act and EPBC Regulations do not apply to commercial aviation tours in airspace over 3000 m above sea level.

### 4.2.8 Recreational fishing

The prescriptions in this Section set out the rules for recreational fishing in the North Network. These are summarised in Table 4.9.

Research in connection with recreational fishing will be managed in accordance with Section 4.2.11 (Research and monitoring).

**Table 4.9 Summary of prescriptions for recreational fishing activities in the North Network**

RECREATIONAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Recreational fishing (including spear-fishing)	✓	✓	✓	✓	x
Anchoring	✓	✓	✓	✓	✓
Vessel transiting	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

#### Prescriptions

- 4.2.8.1 Recreational fishing may be conducted in the North Network in accordance with and subject to:
- the following prescriptions in this Section;
  - the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - any determinations made under r.12.35(3) of the EPBC Regulations.

4.2.8.2 Recreational fishing may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (VI);
- c) Multiple Use Zone (VI); or
- d) Habitat Protection Zone (IV).

4.2.8.3 Recreational fishing must be conducted in accordance with relevant laws of Queensland, Western Australia or Northern Territory applying to the area of the North Network in which the activity is conducted (to the extent those laws are capable of operating concurrently with this plan).

4.2.8.4 The Director may make determinations under r.12.35 (3) of the EPBC Regulations relating to the conduct of recreational fishing.

4.2.8.5 Regulations 12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing conducted in accordance with this Section.

**Note:** As provided by Section 4.2.8.4, the Director may make determinations under r.12.35 (3) in relation to matters described in rr.12.35 (4) and (5).

4.2.8.6 Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which recreational fishing is not allowed.

#### 4.2.9 Mining operations (includes exploration)

The prescriptions in this Section set out the rules for mining operations in the North Network and are summarised in Table 4.10. Mining operations are defined in s.355(2) of the EPBC Act, and include offshore petroleum activities, transportation of minerals by pipeline, and oil spill response (Schedule 1.1 of this plan).

Under s.359 of the Act, ss.355 and 355A do not apply to usage rights to conduct mining operations that were held immediately before the proclamation of the marine parks.

The prescriptions allow for the Director to authorise mining activities that are also subject to other legislative regimes and assessed and approved by other agencies under those regimes.

Mining operations that are likely to have a significant impact on a matter protected under Part 3 of the EPBC Act will be subject to assessment and decision in accordance with Chapter 4 of the Act. At the commencement of this plan petroleum and greenhouse gas activities undertaken in Commonwealth waters in accordance with the *Program report—strategic assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGS Act) were endorsed under Part 10 of the EPBC Act. Offshore petroleum and greenhouse gas activities covered by and excluded from the program are detailed in the class of actions approval issued by the Minister for the Environment under EPBC Act on 27 February 2014. Activities that have an environment plan accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under the endorsed program may be conducted in accordance with the relevant petroleum title under the OPGGS Act and a class approval under this plan. Accordingly, mining operations covered by the endorsed NOPSEMA program do not require additional assessment by the Director because the endorsed program takes account of impacts and risks to marine park values in a manner that satisfies the Director.

Offshore petroleum activities that are excluded from the endorsed NOPSEMA program and associated class of actions approval will require an environment plan accepted by NOPSEMA under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Environment Regulations) and will also be considered and authorised by the Director in accordance with Section 4.2.13 (New activities and authorisations) of this plan if any activities are proposed.



The definition of mining operations in the EPBC Act does not include capture and storage of greenhouse gases, including carbon dioxide. If any of these activities were proposed they would also be considered in accordance with Section 4.2.13 (New activities and authorisations).

The Director is a relevant person for the purposes of the Environment Regulations and must be consulted by title holders in the preparation of environment plans where a proposed activity or part of the activity is within a marine park, and/or activities proposed to occur outside a marine park may impact on the marine park values.

Mining operations also include activities regulated under the *Offshore Minerals Act 1994*. For non-petroleum mining operations, additional assessment by the Director may not be required where mining operations are assessed under Chapter 4 of the EPBC Act.

Actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act may be conducted in all zones. The Director should be notified in the event of an oil pollution incident that occurs within, or may impact upon, an Australian Marine Park and, so far as reasonably practicable, prior to a response action being taken within a marine park.

Research that is a mining operation as defined in s.355 of the EPBC Act, or is incidental to such an operation is covered by prescriptions in this Section. Mining-related research activities that do not require an environment plan under the OPGGS Act are covered by prescriptions in 4.2.11 (Research and monitoring).

Transit through the North Network for the purposes of mining operations conducted elsewhere is covered by Section 4.2.2 (Commercial shipping).

**Table 4.10 Summary of prescriptions for mining operations in the North Network**

MINING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Mining operations including exploration	A	A	A	x	x
Construction and operation of pipelines	A	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Proposed mining operations conducted under usage rights that existed immediately before the declaration of a marine park do not require approval from the Director.

### Prescriptions

4.2.9.1 Mining operations may be conducted in the North Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) a class approval issued under Section 4.4.2 (Class approvals); or
- c) an activity licence issued under Section 4.4.3 (Activity licences and leases) for mining operations that are the construction and operation of pipelines; and
- d) the following prescriptions in this Section;
- e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- f) the prescriptions in Section 4.2.2 (Commercial shipping).

- 4.2.9.2 Mining operations may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Special Purpose Zone (VI); or
  - c) Multiple Use Zone (VI),
- in accordance with Sections 4.2.9.3 and 4.2.9.4.
- 4.2.9.3 Mining operations in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI) or Multiple Use Zone (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2;
  - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval under Section 4.4.2; or
  - c) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2.
- 4.2.9.4 Mining operations in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI) or Multiple Use Zone (VI) not authorised by a class approval referred to in Section 4.2.9.3 may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or a class approval issued under Section 4.4.2 (Class approvals).
- 4.2.9.5 Mining operations that are the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) may be conducted in a:
- a) Habitat Protection Zone (IV); or
  - b) National Park Zone (II),
- in accordance with Section 4.2.9.6.
- 4.2.9.6 The Director may issue an authorisation under Section 4.4 (Authorisation of allowable activities) for the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) through a:
- a) Habitat Protection Zone (IV); or
  - b) National Park Zone (II),
- if the Director is satisfied that alternative routes are not feasible or practicable.
- 4.2.9.7 Mining operations must be conducted in accordance with an authorisation (however described) under the OPGGS Act or the *Offshore Minerals Act 1994* (to the extent those laws apply to the operations and are capable of operating concurrently with this plan).
- 4.2.9.8 Notwithstanding Section 4.2.9.1, actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act, may be conducted in all zones without an authorisation issued by the Director, provided that the actions are taken in accordance with an environment plan that has been accepted by NOPSEMA, and the Director is notified in the event of oil pollution within a marine park, or where an oil spill response action must be taken within a marine park, so far as reasonably practicable, prior to response action being taken..

4.2.9.9 Scientific research and environmental monitoring in connection with a particular mining operation may be conducted in all zones in accordance with Section 4.2.11 (Research and monitoring).

**Note:** For the avoidance of doubt, research and monitoring does not include activities or operations for the purpose of prospecting or exploration for minerals.

#### 4.2.10 Structures and works

The prescriptions in this Section set out the rules for structures and works in the North Network, where the activity is not covered by Sections 4.2.1 to 4.2.9. These are summarised in Table 4.11.

Research in connection with structures and works will be managed in accordance with Section 4.2.11 (Research and monitoring).

The prescriptions do not affect any structures or works that were installed in a marine park under a usage right relating to the seabed that existed immediately before the proclamation of the North Network (and preserved by s.359 of the EPBC Act).

**Table 4.11 Summary of prescriptions for structures and works activities in the North Network**

STRUCTURES AND WORKS Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Excavation (other than dredging), erection and maintenance of structures, and works	A	A	A	A	A
Dredging and disposal of dredged material	A	A	A	x	x
Artificial reefs	A	A	A	A	A <sup>D</sup>
Fish aggregating devices	A	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

D Activity is allowable only for the protection, conservation or restoration of habitats.

**Note:** Structures may include, but are not limited to, moorings, submarine cables, platforms (including any man made structure at sea, whether floating or fixed to the seabed, but does not include a vessel), jetties and other infrastructure. The erection and maintenance of structures associated with mining operations must be carried out in accordance with Section 4.2.9 (Mining).

#### Prescriptions

4.2.10.1 A person other than the Director may carry out an excavation (including dredging), erect a structure, or carry out works including maintenance of structures, and associated activities (including disposal of dredged material) in the North Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) a class approval issued under Section 4.4.2 (Class approvals); or

- c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- d) the following prescriptions in this Section; and
- e) the prescriptions in Section 4.2.1 (General use, access, and waste management), including any determinations made under rr.12.23 and 12.23A of the EPBC Regulations; and
- f) the prescriptions in Section 4.2.2 (Commercial shipping).

**Note:** An authorisation for the purposes of Section 4.2.10.1 may be part of an authorisation for another allowable activity (e.g. a tourism activity licence that authorises the licensee to erect and/or maintain a mooring).

4.2.10.2 Subject to Sections 4.2.10.3 and 4.2.10.4, an authorisation may be issued for excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices in the North Network, where that the action is necessary for:

- a) maritime or visitor safety, including aiding navigation; or
- b) maintaining the values of the North Network; or
- c) research and monitoring; or
- d) critical infrastructure in the national interest; or
- e) commercial tourism; and
- f) it is not practicable for the action to be taken outside the zone.

4.2.10.3 Dredging and disposal of dredged material may only be conducted in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI) or Multiple Use Zone (VI).

4.2.10.4 Artificial reefs may only be authorised in a National Park Zone (II) to assist the protection, conservation or restoration of habitats.

4.2.10.5 Excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI) and Multiple Use Zone (VI):

- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
- b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
- c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs a) to d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.10.6 Excavations (other than dredging), erection of structures, and works and maintenance, and associated activities, other than disposal of dredged material and in relation to fish aggregating devices, in a Habitat Protection Zone (IV) and National Park Zone (II):

- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
- b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
- c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs (a) to (d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.10.7 Fish aggregating devices may be installed in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (VI), Multiple Use Zone (VI), and Habitat Protection Zone (IV) in accordance with an authorisation issued under Section 4.4 (Authorisation of allowable activities).

4.2.10.8 The Director may carry out an excavation, erect a structure or carry out works and maintenance in the North Network after assessing consistency with the zone objectives and the likely impacts of the activity consistent with Section 4.3.1 (Decision-making).

#### 4.2.11 Research and monitoring

The prescriptions in this Section set out the rules for research and monitoring activities in the North Network. These are summarised in Table 4.12.

Research and monitoring activities that affect listed threatened species or ecological communities, listed migratory species, cetaceans or listed marine species must also comply with the provisions of Part 13 of the EPBC Act, unless conducted in accordance with this plan.

Where biological resources are sought for the purpose of research and development on their genetic or biochemical components, a permit is required under Part 8A of the EPBC Regulations, which operates subject to this plan.

Where authorisation for research and monitoring activities is provided, the Director will require results of research and monitoring to be made available to inform adaptive management.

**Table 4.12 Summary of prescriptions for research and monitoring activities in the North Network**

RESEARCH AND MONITORING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Research	A	A	A	A	A

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

### Prescriptions

- 4.2.11.1 The Director may conduct research and monitoring activities in the North Network that involves actions covered by ss.354 and 354A and Part 13 of the EPBC Act.
- 4.2.11.2 A person other than the Director may conduct research and monitoring activities in the North Network, including taking actions covered by the EPBC Act ss.354 and 354A and Part 13 of the EPBC Act in accordance with and subject to:
- a) a permit issued under Section 4.4.1 (Permits);
  - b) a class approval issued under Section 4.4.2 (Class approvals); or
  - c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
  - d) the following prescriptions in this Section;
  - e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - f) the prescriptions in Section 4.2.2 (Commercial shipping).
- 4.2.11.3 A class approval will not be issued for research and monitoring that involves activities covered by Section 4.2.11.7.
- 4.2.11.4 Research activities that involve access to biological resources within the meaning of Part 8A of the EPBC Regulations must comply with the requirements of that Part (in addition to the requirements of this Section).
- 4.2.11.5 In assessing authorisation applications or deciding whether to issue a class approval, the Director will consider the aim of the proposed activity or class of activities, ethical issues and how knowledge from the proposed activity or class of activities might benefit the understanding and management of the North Network.
- 4.2.11.6 An authorisation may be issued to carry out research and monitoring activities if the Director is satisfied that the activity is relevant to, or a priority for, the management of the North Network.
- 4.2.11.7 An authorisation may be issued to conduct research and monitoring that involves commercial fishing activities that are prohibited under Section 4.2.3 (Commercial fishing) if the Director is satisfied that:
- a) the activity will provide information relevant to understanding the impacts of activities on the marine environment, or to supporting sustainable use in the marine environment; and
  - b) the activity is relevant to, or a priority for, the management of the North Network.
- 4.2.11.8 Authorisation holders will be required to make results of research and monitoring available to the Director (in a specific format where relevant), where the Director is satisfied that the information will improve the knowledge and understanding of the values and management of the North Network.



#### 4.2.12 National security and emergency response

The prescriptions in this Section set out the rules for defence, border protection, law enforcement and emergency response activities in the North Network. These are summarised in Table 4.13.

Provisions of the EPBC Act and EPBC Regulations (Division 12.2) relating to Australian Marine Parks apply generally to the Commonwealth and its agencies. In addition, s.362(2) of the EPBC Act requires the Commonwealth and Commonwealth agencies to perform functions and exercise powers in relation to Australian Marine Parks in a way that is not inconsistent with this plan. The Director will build on existing partnerships with Commonwealth agencies (Section 1.8).

Response to oil pollution events associated with petroleum and other mining operations by title holders are covered by prescriptions in Section 4.2.9 (Mining operations) of this plan.

**Table 4.13 Summary of prescriptions for national security and emergency response activities in the North Network**

NATIONAL SECURITY AND EMERGENCY RESPONSE Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone VI	Multiple Use Zone VI	Habitat Protection Zone IV	National Park Zone II
Actions by or under direction of the Commonwealth and Commonwealth agencies—defence, border protection, law enforcement and emergency response	✓	✓	✓	✓	✓
Actions by or under direction of the Commonwealth and Commonwealth agencies—not covered elsewhere by this plan	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

## Prescription

- 4.2.12.1 Actions by or under direction of the Commonwealth and Commonwealth agencies in the North Network that are covered by ss.354 and 354A and Part 13 of the EPBC Act, and activities covered by Division 12.2 of the EPBC Regulations:
- a) for the purposes of training and operations for defence, customs, border protection, law enforcement or emergency response, including response to maritime environmental emergencies in accordance with the *National plan for maritime environmental emergencies* may be conducted without the need for a permit or class approval issued under Section 4.4 (Authorisation of allowable activities); or
  - b) for other purposes may be conducted under a permit or class approval issued by the Director in accordance with Section 4.4 (Authorisation of allowable activities).

## 4.2.13 New activities and authorisations

New activities may be required or proposed in the North Network during the life of this plan that are not covered by the prescriptions in Sections 4.2.2 to 4.2.12 of this plan. The prescriptions in this Section enable the Director to consider and authorise new activities in the North Network. They also enable the Director to authorise activities in new ways that are identified to be more efficient and effective and reduce unnecessary administrative burden.

### Prescriptions

- 4.2.13.1 The Director may take actions that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act.
- 4.2.13.2 The Director may authorise (by a permit, class approval, activity licence or lease under Section 4.4 Authorisation of allowable activities) actions by other persons that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act and EPBC Regulations.
- 4.2.13.3 The Director may issue permits, class approvals, activity licences or leases, or other usage rights, in place of existing authorisations under this plan.
- 4.2.13.4 The Director may make determinations, prohibitions or restrictions under provisions of Division 12.2 of the EPBC Regulations that are not covered by prescriptions in this plan.

## 4.3 MAKING DECISIONS ABOUT ACTIVITIES

This plan provides for a higher level of protection within marine parks than applies to the Commonwealth marine area outside the North Network. The prescriptions in this Section outline the approach and considerations of the Director when assessing and making decisions about what activities will be authorised in marine parks.

### 4.3.1 Decision-making

#### Prescriptions

- 4.3.1.1 Decisions about activities will be consistent with the objectives of this plan, objectives of the zone or zones in which the activity will be or is being conducted, and the applicable reserve management principles (Schedule 8 of the EPBC Regulations).
- 4.3.1.2 Decisions will take into account the impacts and risks of the activity on the values of the North Network and/or specific marine park/s, acceptability of those impacts and risks, and potential impacts on marine park users, stakeholders and Indigenous people.
- 4.3.1.3 Impacts and risks of an activity will be assessed in accordance with the processes and policies established under the assessments and authorisations program (Section 2.5).

4.3.1.4 Before authorising a proposed activity the Director must be satisfied that:

- a) the proponent suitably understands the marine park values;
- b) environmental impacts and risks on marine park values are understood, evaluated and able to be avoided or reduced to as low as reasonably practicable;
- c) the proponent has the capacity to comply with the conditions of the authorisation; and
- d) that relevant regulatory requirements have been or will be met.

4.3.1.5 The Director will not authorise an activity unless satisfied that:

- a) the activity is consistent with the zone objectives for the zone or zones in which the activity will be conducted (Part 3); and
- b) the potential impacts and risks of the activity on marine park values will be avoided or reduced to as low as reasonably practicable; and
- c) the potential impacts and risks of the activity on marine park values and representativeness are acceptable.

**Note:** The Director will issue guidance on assessment of impacts.

### 4.3.2 Assessments under other processes

#### Prescription

4.3.2.1 For the purposes of Section 4.3.1 (Decision-making) the Director may accept the assessment of activities made under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981* or under a government or industry policy, plan or program, where the Director is satisfied that:

- a) the assessment is done in a manner consistent with Section 4.3.1.3; and
- b) the assessment process provides for appropriate consultation with the Director and consideration of the Director's views in relation to activities in the North Network or potential impacts on the Network or marine park values.

### 4.3.3 Review of decisions

The prescriptions in this Section outline the processes for seeking a review of a decision. A person whose interests are affected by a decision under this Part, including a decision about an authorisation, may seek review in accordance with the *Administrative Decisions (Judicial Review) Act 1977*. A person whose interests are affected by a decision about a permit under the EPBC Regulations may also seek review of the decision in accordance with the Regulations. This plan extends the same review rights to decisions about other authorisations made by the Director under this plan. Where the Director issues a class approval for an activity that has been assessed in accordance with Chapter 4 of the EPBC Act or other government or industry policy, plan or program, review is limited to the making of the class approval.

#### Prescriptions

4.3.3.1 The Director will comply with Division 14.3 of the EPBC Regulations in relation to the reconsideration of decisions about permits.

4.3.3.2 The Director will reconsider a decision about other types of authorisations made by the Director under this Part when requested by a person whose interests are affected by the decision. A request for reconsideration must be made and considered in the same manner as provided by Division 14.3 of the EPBC Regulations. Subject to the *Administrative Appeals Tribunal Act 1975*, a person who has requested a reconsideration of a decision may apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

## 4.4 AUTHORISATION OF ALLOWABLE ACTIVITIES

The Director may authorise allowable activities through a permit, class approval, activity licence or lease in accordance with this Part. The prescriptions in this Section describe those types of authorisations, the processes and consideration for issuing them, and the conditions that may be imposed by the Director.

### 4.4.1 Permits

A permit can be issued to authorise an activity by a person or persons to conduct an allowable activity, for example for an activity that is either one-off, time bound, or not conducted in the same way by all operators.

#### Prescriptions

- 4.4.1.1 A permit may be issued for an allowable activity where prescribed by Section 4.2 (Rules for activities) of this plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) relating to the particular activity.
- 4.4.1.2 In assessing a permit application, the Director may ask the applicant for more information if the Director considers there is insufficient information to decide whether to issue the permit.
- 4.4.1.3 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, or an assessment under *the Environment Protection (Sea Dumping) Act 1981*, the Director will consider any referral or assessment documents and related information.
- 4.4.1.4 A permit may be subject to conditions including but not limited to (and depending on the type of activity):
- a) specifying the area in which, and the periods during which, the approved activity may be conducted;
  - b) requiring the impacts of the permitted activity to be mitigated by specified actions developed in consultation with the Director;  
**Note:** The Director will issue guidance specific to activity types on requirements for mitigation.
  - c) regulating the use of, or requiring the use of, vessel identification and monitoring systems;
  - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
  - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
  - f) requiring reporting or auditing;
  - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
  - h) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with permit conditions; and
  - i) requiring, restricting or prohibiting the use of specified gear, equipment or practices.
- 4.4.1.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

#### 4.4.2 Class approvals

This plan provides for the Director to issue class approvals to authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. This can include activities that have been authorised under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981*, or effectively assessed and authorised under other government or industry processes. At the commencement of this plan fees were not payable for class approvals but may be introduced during the life of this plan. Class approvals will be published on the Parks Australia website (Section 4.4.4).

Issuing class approvals reduces regulatory burden by avoiding duplication in assessment and approval processes for matters protected by Part 3 of the EPBC Act. Decision-making under Chapter 4 of the EPBC Act is well established and takes account of the impacts of individual projects on marine parks consistent with this plan. Reflecting this, a class approval may be given for commercial fishing, mining operations, and certain works where they have been considered and authorised under Chapter 4 of the EPBC Act. This includes assessments and decision making under policies, plans or programs endorsed under Part 10 of the Act, such as the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

The *Environment Protection (Sea Dumping) Act 1981* fulfils Australia's international obligations under the *1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972* (London Protocol) to prevent marine pollution by regulating the types of materials that may be considered for ocean disposal. Reflecting this a class approval may be given to certain works where they have been considered and authorised under the *Environment Protection (Sea Dumping) Act 1981*.

Class approvals may also be issued for activities regulated under other government or industry policies, plans or programs where the impacts of activities are subject to satisfactory assessment, and would be introduced in consultation with the relevant person or class of persons.

#### Prescriptions

4.4.2.1 The Director may issue a class approval for activities where prescribed by Section 4.2 (Rules for activities).

4.4.2.2 A class approval may be subject to conditions including but not limited to (and depending on the class of activities):

- a) specifying the area in which, and the periods during which, the approved activity or class of activities may be conducted;
- b) requiring the impacts of the authorised activity to be mitigated by specified actions developed in consultation with the Director;
- c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
- d) the provision of, or consent for access to, data for compliance and monitoring purposes;
- e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
- f) requiring reporting or auditing;
- g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
- h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;

- i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with class approval conditions; and
- j) providing for the payment of fees.

4.4.2.3 A class approval may be varied, suspended or cancelled, and approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that:

- a) the activities, or an activity in the class of activities, to which the approval relates have not been, are not being, or likely will not be, conducted in accordance with the approval or a condition of the approval; or
- b) assessment of impacts under a policy, plan or program to which Section 4.3.2 (Assessments under other processes) applies is not being made, or is likely not to be made, in a manner consistent with Section 4.3.1.3 or is not being made in accordance with the approval or a condition of the approval; or
- c) the impacts of the activities, or an activity in the class of activities, to which the approval relates are no longer acceptable (Section 4.3.1 Decision-making); or
- d) activities, or an activity in the class of activities, to which the approval relates are likely to cause an unacceptable risk to public health and safety; or
- e) there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued, or would not be issued in the same terms or subject to the same conditions (for example, because of new information, or if a relevant matter that the Director took into account in deciding to issue an approval has changed or no longer exists).

4.4.2.4 Class approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that it is necessary or appropriate to do so for the efficient or effective management of the activities to which the approval relates.

4.4.2.5 Class approval conditions may be revoked if the Director is satisfied that the condition(s) is/are not necessary and the impacts of the activities to which the approval relates will remain acceptable (Section 4.3.1 Decision-making).

4.4.2.6 A class approval or conditions may be varied if the Director is satisfied that the impacts of the activities to which the approval relates will remain acceptable under the approval or conditions as varied (including, for example, to allow new or additional commercial fishing methods and gear types to be used).

4.4.2.7 A class approval may be varied to remove a person from the class of approved persons at the request of that person.

4.4.2.8 A class approval may be varied to remove a person from the class of approved persons if the Director is satisfied that the person:

- a) has breached a condition of the approval; or
- b) has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act, EPBC Regulations, or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.

**Note:** Where a person has been removed from a class approval, they may apply for a permit under Section 4.4.1 (Permits) or an activity licence under Section 4.4.3 (Activity licences and leases).

**Note:** Part VIIC of the Crimes Act 1914 includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.



### 4.4.3 Activity licences and leases

An activity licence or lease may be issued to authorise an activity where it is more appropriate than the use of a permit or class approval, such as for tourism activities or activities that involve the installation of infrastructure (such as moorings or marker buoys). For the majority of these types of activities a licence will be the most suitable form of authorisation; however, this plan also provides for the Director to grant leases over land. Licences and leases are transferable and generally granted for a longer term than permits. They may include agreed fees reflecting the commercial value of the authorisation and, in the case of leases, provide security of tenure over land to support investment in infrastructure.

An activity licence authorises the holder to conduct their activities in the area to which the licence relates. A lease provides exclusive possession of the area of land in which an activity is to be conducted. Licences and leases enable continued growth of marine park services and allow for the growth of appropriate commercial business opportunities and partnerships with the Director that will maintain and promote marine park values.

#### Prescriptions

4.4.3.1 An activity licence or lease may be granted where prescribed by Section 4.2 (Rules for activities), subject to the prescriptions (if any) relating to the activity.

4.4.3.2 An activity licence or lease may be subject to conditions including but not limited to:

- a) specifying the area in which, and the periods during which, the authorised activity may be conducted;
- b) requiring the impacts of the authorised activity to be prevented or mitigated by specified actions developed in consultation with the Director;
- c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
- d) the provision of, or consent for access to data for compliance and monitoring purposes;
- e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
- f) requiring reporting or auditing;
- g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
- h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
- i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with licence conditions; and
- j) providing for the payment of fees.

### 4.4.4 Publication of authorisations

#### Prescription

4.4.4.1 The Director will publish on the Parks Australia website a list of all authorisations issued under this plan, which may include the name of the authorised person or class of persons, the period for which the authorisation is issued, and a description of the authorised activities.

## GLOSSARY

<b>action</b>	Has the meaning given by Subdivision A of Division 1 of Part 23 of the EPBC Act.
<b>artificial reef</b>	Has the meaning given by the <i>Environment Protection (Sea Dumping) Act 1981</i> , namely, a structure or formation placed on the seabed:  (a) for the purpose of increasing or concentrating populations of marine plants and animals; or  (b) for the purpose of being used in human recreational activities.
<b>Australian Government or the Government</b>	The Government of the Commonwealth of Australia.
<b>Australia–Indonesia MoU</b>	Australia–Indonesia Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Fishing Zone and Continental Shelf—1974 and the 1989 Guidelines.
<b>Australian Marine Parks or Marine Park</b>	Commonwealth reserves, named as Marine Parks, comprising the South-west, North-west, North and Temperate East Networks of Marine Parks and the Coral Sea Marine Park declared by the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and the reserves comprising the South-east Commonwealth Network of Marine Parks declared by the Proclamations made under the EPBC Act on 28 June 2007.
<b>authorisation</b>	As described in Section 4.4 (Authorisation of activities) of this plan.
<b>biodiversity or biological diversity</b>	Has the meaning given by s.528 of the EPBC Act.
<b>biologically important areas</b>	Areas where a protected species displays a biologically important behaviour such as breeding, foraging, resting or migration. These areas serve to highlight the parts of a marine region that are particularly important for the conservation of protected species.
<b>bioregion</b>	A large area that has similar types of plants, animals and ocean conditions compared with other similarly sized areas, and, in this document, those bioregions as defined in the <i>Integrated Marine and Coastal Regionalisation of Australia Version 4.0</i> .
<b>bioregional plan</b>	Has the meaning given by s.528 of the EPBC Act.
<b>CAR</b>	Comprehensiveness—includes the full range of ecosystems recognised at an appropriate scale within and across each bioregion;  Adequacy—the maintenance of the ecological viability and integrity of populations, species and communities; and  Representativeness—those marine areas that are selected for inclusion in reserves should reasonably reflect the biotic diversity of the marine ecosystems from which they derive.

<b>class approval</b>	As described in Section 4.4.2 (Class approvals) of this plan.
<b>commercial aquaculture</b>	Farming and culturing of aquatic organisms, such as fish, crustaceans and molluscs.
<b>commercial fishing</b>	Has the meaning given by s.390SC(1A) of the EPBC Act: a fishing activity that is engaged in for a commercial purpose, and, to avoid doubt, does not include an activity that constitutes recreational fishing.
<b>commercial pearling</b>	Collecting, farming and culturing of pearl oyster.
<b>Commonwealth marine area</b>	Has the meaning given by s.24 of the EPBC Act.
<b>Commonwealth marine environment</b>	The environment in the Commonwealth marine area.
<b>Commonwealth reserve</b>	A reserve established and managed under Division 4 of Part 15 of the EPBC Act, including Australian Marine Parks.
<b>Department</b>	The Department responsible for administering the EPBC Act.
<b>Director</b>	The Director of National Parks established under s.514A of the EPBC Act, including any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the North Marine Parks Network.
<b>dropline</b>	A line that is vertically set or suspended in the water column between a weight (normally in contact with the seabed) and a vessel or a buoy on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods).
<b>ecologically sustainable use</b>	Has the meaning given by s.528 of the EPBC Act.
<b>ecosystem</b>	Has the meaning given by s.528 of the EPBC Act.
<b>endemic/endemism</b>	Native to or confined to a certain region.
<b>environment</b>	Has the meaning given by s.528 of the EPBC Act.
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999, including any Act amending, repealing or replacing the Act.
<b>EPBC Regulations</b>	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i> , including any Regulations amending, repealing or replacing the Regulations.

<b>fish aggregating device</b>	<p>Has the meaning given by the <i>Sea Installation Act 1987</i>, namely:</p> <p>(a) a man-made structure that, when in, or brought into, physical contact with the seabed or when floating, is used solely for the purpose of attracting populations of fish so as to facilitate the taking of those fish; or</p> <p>(b) any electronic or other equipment designed or intended to be ancillary to, or associated with, such a structure while it is being used, or in order to facilitate the use of the structure, for that purpose;</p> <p>and do not include a net, trap or other equipment for taking, catching or capturing fish.</p>
<b>hand collection</b>	Removing species from rocks, crevices, the seafloor or other benthic substrate by hand using dive hookah, self-contained underwater breathing apparatus (scuba) or snorkel.
<b>hand net (hand, barrier, skimmer, cast, scoop, drag, lift)</b>	A small mesh net that is operated by hand to trap fish including a hand net, barrier net, skimmer net, cast net, scoop net, drag net, lift net.
<b>Indigenous Protected Area (IPA)</b>	An Indigenous Protected Area (IPA) is an area voluntarily dedicated for protection by Indigenous groups on Indigenous owned or managed land or sea country. IPAs are recognised by the Australian Government as part of the National Reserve System, protecting the nation's biodiversity for the benefit of all Australians. Most IPAs are dedicated to promote a balance between conservation and other sustainable uses to deliver social, cultural and economic benefits for local Indigenous communities. IPAs combine traditional and contemporary knowledge into a framework to leverage partnerships with conservation and commercial organisations and provide employment, education and training opportunities for Indigenous people.
<b>Integrated Marine and Coastal Regionalisation of Australia (IMCRA)</b>	A spatial framework for classifying Australia's marine environment into bioregions that forms the basis for the development of a National Representative System of Marine Protected Areas.
<b>IUCN</b>	International Union for the Conservation of Nature.
<b>key ecological feature</b>	Elements of the Commonwealth marine environment that, based on best available scientific understanding, are considered to be of regional importance for either the region's biodiversity or ecosystem function and integrity.
<b>longline (demersal, auto-longline)</b>	A line that is horizontally set along the seafloor between weights to maintain contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). An auto-longline is a longline where the hooks are baited by a machine rather than manually.

<b>longline (pelagic)</b>	A line that is horizontally set near the surface of the water and avoids contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are generally used intermittently along the main line to help maintain buoyancy in the water column. The line may be left to drift in the water or be anchored by vertical lines to the seafloor.
<b>management category</b>	An IUCN category prescribed by Schedule 8 of the EPBC Regulations.
<b>management plan or the plan or this plan</b>	This management plan unless otherwise stated.
<b>management principles</b>	Australian IUCN reserve management principles prescribed by r.10.04 and Schedule 8 of the EPBC Regulations.
<b>MARPOL</b>	The International Convention for the Prevention of Pollution from Ships (MARPOL) is the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. MARPOL addresses pollution that might result from accidents such as collisions or groundings, as well as all types of waste generated during the normal operation of a ship. Ships are permitted to discharge small quantities of certain wastes, subject to very strict controls.
<b>mining operations</b>	Has the meaning given by s.355(2) of the EPBC Act.
<b>Minister</b>	The Minister responsible for administering the EPBC Act.
<b>minor line (handline, rod &amp; reel, trolling, squid jig, poling)</b>	Any line fishing with a small number of hooks, often just one (i.e. handline, rod and reel, squid jigging and pole fishing). Trolling is dragging a lure or baited hook behind a moving vessel and reeling it in (either by hand, reel or winches). Poling is dragging a lure or baited hook on a fixed length of line behind a vessel and flicking or gaffing the fish into the boat. Squid jigging involves vertical lines with several barbless lures being mechanically jigged up and down to attract squid.
<b>National Representative System of Marine Protected Areas (NRSMPA)</b>	Australia's comprehensive, adequate and representative system of marine protected areas that contributes to the long-term ecological viability of marine and estuarine systems, maintains ecological processes and systems, and protects Australia's biological diversity at all levels.
<b>native title</b>	Has the meaning given by s.223 of the <i>Native Title Act 1993</i> .
<b>net (demersal)</b>	A rectangular mesh net anchored to the seafloor with weights. The net may have small floats along the upper line to maintain its shape in the water. Each end has a vertical line that is connected to buoys on the surface of the water.

<b>net (pelagic)</b>	A rectangular mesh net set near the surface of the water that is not in contact with the seafloor. The net generally has floats along the upper line to maintain buoyancy. Each end is connected to a buoy on the surface of the water. The net can be left to drift or connected to a boat.
<b>news of the day</b>	The reporting by newspaper, television, radio or other electronic media, of unanticipated events that happen from time to time, such as rescue events. It does not include general items about a marine park or planned activities in the park.
<b>North Marine Parks Network, or North Network, or the Network</b>	The eight areas described in Schedule 2 to the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and declared to be Commonwealth reserves by Section 6 of the proclamation.
<b>Parks Australia</b>	The Division of the Department that supports the Director of National Parks.
<b>pelagic fishing gear</b>	Fishing gear that does not come in contact with the seabed during use.
<b>permit</b>	As described in Section 4.4.1 (Permits) of this plan.
<b>prescription</b>	Mandatory rules for managing marine parks.
<b>protected species</b>	Species listed under the EPBC Act as threatened, migratory or marine species and/or cetaceans (whales, dolphins and porpoises).
<b>purse seine</b>	A semi-rectangular mesh net with floats along the top and a weighted line along the bottom. A vessel or buoy is used to anchor one end of the net while it is set around a fish aggregation in a circular pattern. The bottom of the net has a cable threaded through it which, when pulled, brings the bottom of the net together like a purse trapping the fish inside. The net is then pulled toward the vessel and the fish are either lifted or pumped on board the vessel.
<b>recreational fishing</b>	Taking marine species, including shells, not for commercial purposes and that is not commercial fishing.
<b>sea country</b>	Sea country refers to the areas of the sea that Aboriginal and Torres Strait Islander groups are particularly affiliated with through their traditional lore and customs.
<b>stowed and secured</b>	All fishing apparatus, including nets and lines, are rendered inoperative in zones where fishing is not permitted, including that the apparatus is inboard the vessel and otherwise completely out of the water or as determined by the Director.
<b>traditional owners</b>	A local descent group of Indigenous persons who have common spiritual affiliations to an area of sea country and are entitled by Indigenous traditions to fish and hunt in an area of sea country.



<b>transit</b>	Continuous and expeditious passage through an area. However, passage includes stopping and anchoring, but only in so far as rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
<b>trap, pot</b>	Traps and pots are made in a variety of shapes and sizes from various materials. They are generally baited to attract fish or crustaceans through one or more entrances or openings. Traps and pots are set on the seafloor and connected to a vertical line with a buoy on the surface of the water.
<b>trawl (demersal)</b>	A cone-shaped mesh net towed through the water column on or near the seabed that may come into contact with the seabed during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening generally has chains, rubber or steel bobbins and spacers threaded along its length to help reduce snagging by slightly lifting the net off the seafloor. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations such as one or four nets.
<b>trawl (midwater)</b>	A cone-shaped mesh net towed through the water column that does not come into contact with the seabed at any stage during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening is weighted. The last section of the net is a codend where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations, such as one or four nets.
<b>trotline</b>	A trotline is very similar to a demersal longline. It is a line that is horizontally set along the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are used intermittently along the main line to lift baited hooks away from the seafloor.
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982.
<b>values</b>	As defined in Part 2 of this plan.
<b>vessel identification and monitoring system</b>	A system whereby vessels are fitted with an electronic device that can transmit or provide information to a central management agency about the vessel's course or position, or other such information.

## SCHEDULE 1 SUMMARY OF LEGISLATIVE AND POLICY CONTEXTS

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### S1.1 THE EPBC ACT AND EPBC REGULATIONS

The objects of the EPBC Act (s.3) are:

- a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- c) to promote the conservation of biodiversity;
- ca) to provide for the protection and conservation of heritage;
- d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples;
- e) to assist in the co-operative implementation of Australia's international environmental responsibilities;
- f) to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- g) to promote the use of Indigenous people's knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

#### ***Director of National Parks***

The Director of National Parks is a corporation under the EPBC Act (s.514A) and a Commonwealth corporate entity for the purposes of the *Public Governance Performance and Accountability Act 2013*. The corporation is controlled by the person appointed by the Governor-General to the office that is called the Director of National Parks (s.514F of the EPBC Act).

The functions of the Director (s.514B) include the administration, management and control of Commonwealth reserves, including Australian Marine Parks, established under the EPBC Act. The Director generally has power to do all things necessary or convenient for performing the Director's functions (s.514C). The Director has a number of specified powers under the EPBC Act and EPBC Regulations, including to prohibit or control some activities, and to issue permits for activities that are otherwise prohibited. The Director performs functions and exercises powers in accordance with this plan.

#### ***Establishment of Commonwealth reserves***

Commonwealth reserves, including Australian Marine Parks, are declared by proclamation by the Governor-General under the EPBC Act. The EPBC Act and the EPBC Regulations provide the legal basis and framework for management of Commonwealth reserves.

Commonwealth reserves can be declared over areas specified in s.344 of the EPBC Act, including the Commonwealth marine area as defined in s.24 of the Act (which extends generally from the three nautical mile limit of the coastal waters of the states and territories to the outer limit of Australia's exclusive economic zone). The Commonwealth marine area is also a matter of national environmental significance protected from significant impacts to the environment by Part 3 of the EPBC Act.

### ***IUCN categories and management principles***

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

#### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation—management arrangements should, to the extent practicable, provide for broad and meaningful participation by the community, public organisations and private interests in designing and carrying out the functions of a reserve or zone;
2. effective and adaptive management—management arrangements should be effective and appropriate to the biodiversity objectives and the socio-economic context of the reserve or zone. They should be adaptive in character to ensure a capacity to respond to uncertainty and change;
3. the precautionary principle—a lack of full scientific certainty should not be used as a reason for postponing measures to prevent degradation of the natural and cultural heritage of a reserve or zone where there is a threat of serious or irreversible damage;
4. minimising impacts—the integrity of a reserve or zone is best conserved by protecting it from disturbance and threatening processes. Potential adverse impacts on the natural, cultural and social environment and surrounding communities should be minimised as far as practicable;
5. ecologically sustainable use—if resource use is consistent with the management principles that apply to a reserve or zone, it should be based on the principle (the principle of ecologically sustainable use) that:
  - a) natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature, and
  - b) the benefit of the use to the present generation should not diminish the potential of the reserve or zone to meet the needs and aspirations of future generations;
6. transparency of decision-making—the framework and processes for decision-making for management of the reserve or zone should be transparent. The reason for making decisions should be publicly available, except to the extent that information, including information that is culturally sensitive or commercial-in-confidence, needs to be treated as confidential; and
7. joint management—if the reserve or zone is wholly or partly owned by Aboriginal people, continuing traditional use of the reserve or zone by resident Indigenous people, including the protection and maintenance of cultural heritage, should be recognised.

### *Principles for each IUCN category represented in the North Network*

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the North Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

#### **1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

#### **3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

#### **5. Habitat/species management area (IUCN category IV)**

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.
- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic

communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.

- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.
- 5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.
- 5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

- 7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.
- 7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.

### ***Management plans***

The EPBC Act requires the Director to prepare a management plan for a Commonwealth reserve. When prepared, a plan is given to the Minister administering the EPBC Act for approval. A management plan is a 'legislative instrument' for the purposes of the Legislative Instruments Act 2003 and must be registered under that Act. Following registration, the plan is tabled in each House of the Commonwealth Parliament and may be disallowed by either House on a motion moved within 15 sitting days of the House after tabling.

A management plan for a Commonwealth reserve has effect for ten years, subject to being revoked or amended earlier by another management plan for the reserve. The Director must give effect to a management plan in operation for a Commonwealth reserve. The Commonwealth and Commonwealth agencies must also not perform functions or exercise powers in relation to the reserve inconsistently with the plan (s.362).

Under the EPBC Act (s.367) a management plan for a Commonwealth reserve must provide for the protection and conservation of the reserve.

A management plan for a Commonwealth reserve may divide the reserve into zones and assign each zone to an IUCN category (whether or not a proclamation has assigned the reserve or each zone of the reserve to that IUCN category). The category to which a zone is assigned may differ from the category to which the reserve is assigned.

The provisions of a management plan for a Commonwealth reserve that relate to the reserve or a particular zone of the reserve must not be inconsistent with the Australian IUCN reserve management principles for the IUCN category to which the reserve or zone is assigned by the plan.

If the management plan for a Commonwealth reserve assigns the reserve to one IUCN category and assigns a zone of the reserve to a different IUCN category, disregard the IUCN category to which the reserve is assigned for the purposes of the application of subsection (3) in relation to the zone.

A single management plan may be the management plan for more than one Commonwealth reserve.

A management plan for a Commonwealth reserve may include provisions relating to an area that is proposed to be included in the reserve, but they do not have effect until the area is included in the reserve.

Under the EPBC Act (s.368), in preparing a management plan for a Commonwealth reserve, the Director must take account of:

- (a) any report considered by the Minister under Section 351 before a proclamation declaring the reserve was made; and
- (b) the regulation of the use of the reserve for the purpose for which it was declared; and
- (c) the interests of:
  - (i) any owner of any land or seabed in the reserve; and
  - (ii) the traditional owners of any Indigenous people's land in the reserve; and
  - (iii) any other Indigenous persons interested in the reserve; and
  - (iv) any person who has a usage right relating to land, sea or seabed in the reserve that existed (or is derived from a usage right that existed) immediately before the reserve was declared; and
- (d) the protection of the special features of the reserve, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest; and
- (e) the protection, conservation and management of biodiversity and heritage within the reserve; and
- (f) the protection of the reserve against damage; and
- (g) Australia's obligations under agreements between Australia and one or more other countries relevant to the protection and conservation of biodiversity and heritage.

#### ***Control of actions in Commonwealth reserves***

The EPBC Act (ss.354 and 354A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a management plan in operation for the reserve:

- a) kill, injure, take trade, keep or move a member of a native species; or
- b) damage heritage; or
- c) carry out an excavation; or
- d) erect a building or other structure; or
- e) carry out works; or
- f) take an action for commercial purposes.

Mining operations are also prohibited (ss.355 and 355A of the EPBC Act) except in accordance with a management plan. Section 355(2) defines mining operations as follows:

- a) operations or activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals, including:
  - (i) prospecting and exploration for minerals; and
  - (ii) milling, refining, treatment and processing of minerals; and
  - (iii) storage and disposal of minerals and materials produced from minerals;
- b) the construction and use of towns, camps, dams, pipelines power lines or other structures for the purposes of operations or activities described in paragraph (a); and
- c) the performance of any other work for the purposes of operations or activities described in paragraph (a).



Section 358 of the EPBC Act allows the Director to grant a lease or a licence relating to land or seabed in a Commonwealth reserve in accordance with a management plan.

The EPBC Regulations control, or allow the Director to control, a range of activities in Commonwealth reserves. The Director applies the Regulations subject to and in accordance with the EPBC Act and management plan. The Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act. Activities that are prohibited or restricted by the EPBC Act may be carried on if they are authorised by a permit issued by the Director and/or they are carried on in accordance with a management plan or if another exception prescribed by r.12.06(1) of the Regulations applies.

Access to biological resources in Commonwealth areas is regulated under Part 8A of the EPBC Regulations. Access to biological resources is also covered by ss.354 and 354A of the EPBC Act if the resources are members of a native species and/or if access is for commercial purposes.

### ***Environmental assessment and approval***

Actions that are likely to have a significant impact on matters of national environmental significance are subject to the referral, assessment and approval provisions of Chapters 2 to 4 of the EPBC Act (irrespective of where the action is taken).

At commencement of this plan, the matters of national environmental significance identified in the EPBC Act are:

- a) world heritage properties;
- b) national heritage places;
- c) wetlands of international importance (Ramsar wetlands);
- d) listed threatened species and communities;
- e) listed migratory species;
- f) protection of the environment from nuclear actions (including uranium mining);
- g) marine environment (Commonwealth marine areas);
- h) the Great Barrier Reef Marine Park; and
- i) protection of water resources from coal seam gas development and large coal mining development.

The referral, assessment and approval provisions also apply to actions on Commonwealth land that are likely to have a significant impact on the environment and to actions taken outside Commonwealth land that are likely to have a significant impact on the environment on Commonwealth land.

Responsibility for compliance with the assessment and approvals provisions of the EPBC Act lies with persons taking relevant 'controlled' actions. A person proposing to take an action that the person thinks may be or is a controlled action should refer the proposal to the Minister. The Minister will decide whether or not the action is a controlled action. The Director of National Parks may also refer proposed actions to the Minister.

### ***Wildlife protection***

Part 13 of the EPBC Act contains provisions that prohibit and regulate actions in relation to listed threatened species and ecological communities, listed migratory species, listed marine species and cetaceans (whale, dolphin and porpoise).

Actions taken in accordance with a Commonwealth reserve in accordance with a management plan in relation to any native species listed under Part 13 of the EPBC Act are exempt from prohibitions in Part 13 of the Act.

### ***Heritage protection***

The EPBC Act world heritage protection provisions (s.12–15A, ss.320–324) provide:

- a) that the primary purpose of management of natural heritage and cultural heritage of a declared world heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the world heritage values of the property;
- b) that at least one management plan should be prepared for each declared world heritage property;
- c) that the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure it exercises its powers and performs its functions in relation to the property in a way that is not inconsistent with the World Heritage Convention, the Australian world heritage management principles; and if the property is on the World Heritage List and a plan for managing the property has been prepared as described in s.321—that plan;
- d) that an action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the world heritage values of the property.

The EPBC Act national and Commonwealth heritage protection provisions (ss.324A to 324ZC and ss.341A to 341ZH) provide:

- a) for the establishment and maintenance of a National Heritage List and a Commonwealth Heritage List, criteria and values for inclusion of places in either list and heritage management principles for places that are included in the two lists;
- b) that Commonwealth agencies must not take an action that is likely to have an adverse impact on the heritage values of a place included in either list unless there is no feasible and prudent alternative to taking the action and all measures that can reasonably be taken to mitigate the impact of the action on those values are taken and that Commonwealth agencies that own or control places must—
  - i. prepare a written heritage strategy for managing those places to protect and conserve their Commonwealth heritage values. The strategy must address any matters required by the EPBC Regulations, and not be inconsistent with the Commonwealth heritage management principles, and
  - ii. identify Commonwealth heritage values for each place, and produce a register that sets out the Commonwealth heritage values (if any) for each place (and do so within the timeframe set out in the place's heritage strategy).

The prescriptions in this plan are consistent with the Commonwealth heritage and national heritage management principles and other relevant obligations under the EPBC Act for protecting and conserving the heritage values for which the reserve has been listed on the National Heritage List.

### ***Wetlands of international importance***

The EPBC Act management of wetlands of international importance provisions (ss.325 to 336) provide:

- a) that the Commonwealth may designate a wetland for inclusion in the List of Wetlands of International Importance kept under the Ramsar Convention only after seeking the agreement of relevant states, self-governing territories and land holders;
- b) that the Minister must make plans for managing wetlands listed under the Ramsar Convention that are entirely in Commonwealth areas other than Commonwealth reserves. The Commonwealth and Commonwealth agencies must not contravene such plans;
- c) that the Commonwealth must try to prepare and implement management plans for other wetlands listed under the Ramsar Convention, in cooperation with the relevant states and self-governing territories;

- d) that the Commonwealth and Commonwealth agencies have duties relating to declared Ramsar wetlands in states and territories; and
- e) that the Commonwealth can provide assistance for the protection or conservation of declared Ramsar wetlands.

The prescriptions in this plan are consistent with the Australian Ramsar management principles prescribed in Schedule 6 of the EPBC Regulations and other relevant obligations under the EPBC Act for the management of wetlands included in the List of Wetlands of International Importance kept under the Ramsar Convention.

#### ***EPBC Act and Indigenous traditional rights and native title rights***

Native title rights may exist in offshore waters within Australia's jurisdiction. Native title determinations need not have been made in order for native title rights to exist.

The EPBC Act does not affect the operation of the *Native Title Act 1993* and s.211 in particular, which in certain circumstances allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence (s.8 EPBC Act). Prohibitions and other provisions of the EPBC Act and EPBC Regulations dealing with activities in Commonwealth reserves do not prevent Indigenous people from continuing their traditional use of an area in a reserve for hunting or gathering (except for purposes of sale), or for ceremonial and religious purposes, in accordance with the EPBC Act s.359A.

#### ***Access to biological resources***

Access to biological resources in Commonwealth areas is regulated under the EPBC Regulations Part 8A and a permit from the Minister is required. Access to biological resources is defined in the EPBC Regulations and broadly means the taking of biological resources of native species for research and development on any genetic resources, or biochemical compounds, comprising or contained in the biological resources. Biological resources are defined by the EPBC Act as genetic resources, organisms, parts of organisms, populations and any other biotic component of an ecosystem with actual or potential use or value for humanity. Genetic resources are defined by the EPBC Act as any material of plant, animal, microbial or other origin that contains functional units of heredity, and that has actual or potential value for humanity.

#### ***Penalties***

Civil and criminal penalties may be imposed for breaches of the EPBC Act and criminal penalties may be imposed for breaches of the EPBC Regulations.

## **S1.2 OTHER RELEVANT LEGISLATION**

The ***Environment Protection (Sea Dumping) Act 1981 (Sea Dumping Act)*** regulates the loading for the purpose of dumping and dumping of controlled material at sea (including certain wastes and other matter), and the placement of artificial reefs. The Act gives effect to Australia's obligations under the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol). Under the Sea Dumping Act, dumping at sea is prohibited, except for possibly acceptable wastes or other matter that may be considered under a permit.

The ***Fisheries Act 1994*** and ***Fisheries Regulation 2008*** are the regulatory framework for the management of Queensland fisheries resources. The ***Fish Resources Management Act 1994*** and the ***Pearling Act 1990*** are the regulatory framework for the management of Western Australia's fisheries and aquatic biological resources. The ***Fisheries Act 1988*** and ***Fisheries Regulations 1993*** are the regulatory framework for the management of Northern Territory fisheries resources. The ***Torres Strait Fisheries Act 1984*** is the regulatory framework for fisheries in certain waters between Australia and Papua New Guinea.

The ***Fisheries Management Act 1991*** regulates fishing activities in the Australian Fishing Zone, from the Australian coastline to 200 nm, including waters surrounding external territories.

The ***Historic Shipwrecks Act 1976*** provides for the protection of historic shipwrecks and associated relics and the establishment of protected zones around historic shipwrecks from the lowest astronomical tide mark

to the exclusive economic zone. All shipwrecks and associated relics more than 75 years old whether located or not are protected under the Act by Ministerial declaration. A wreck less than 75 years old may also be protected by a declaration of the Minister.

The *Historic Shipwrecks Act 1976* prohibits conduct in relation to historic shipwrecks and relics without a permit, which includes conduct that destroys or causes damage to a historic shipwreck or relic, causes interference with a historic shipwreck or relic, causes the disposal of a historic shipwreck or relic, or causes a historic shipwreck or relic to be removed from Australia.

The most current information about the status of discovered shipwrecks, protected shipwrecks or shipwrecks that have a declared protected zone is in the Australian national shipwrecks database ([www.environment.gov.au](http://www.environment.gov.au)).

The *Offshore Minerals Act 1994* establishes the regulatory framework for offshore exploration and recovery of minerals beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is the regulatory framework for offshore exploration and production of petroleum, and greenhouse gas storage activities, beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012* address the protection of the marine environment from ship-sourced pollution. The Prevention of Pollution from Ships Act implements the International Convention for the Prevention of Pollution from Ships (MARPOL), and regulates normal or routine operational discharges from ships. MARPOL annexes regulate the discharge of oil (Annex I), noxious liquid substances (Annex II), the disposal of sewage from ships (Annex IV) and garbage (Annex V), harmful substances carried by sea in packaged forms (Annex III) and air pollution from ships (Annex VI). The Australian Maritime Safety Authority (AMSA) is responsible for the application and enforcement of MARPOL in areas of Commonwealth jurisdiction, that is, to the limit of the 200 nautical mile exclusive economic zone. State and territory governments give effect to MARPOL Annexes in coastal waters out to three nautical miles (approximately 5.5 km) from land.

### **S1.3 INTERNATIONAL AGREEMENTS**

This plan takes into account Australia's obligations under international agreements that are relevant to the North Network. These include:

#### **Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment (JAMBA)**

JAMBA provides for Australian and Japanese cooperation on the protection of migratory birds and birds in danger of extinction (listed in the annex to the agreement) and the management and protection of their environments. It requires both countries to take appropriate measures to preserve and enhance the environment of birds protected under the provisions of the agreement.

#### **Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (CAMBA)**

CAMBA provides for Australian and Chinese cooperation on the protection of migratory birds (listed in the annex to the agreement) and their environment. It requires both countries to take appropriate measures to preserve and enhance the environment of migratory birds.

### **Agreement between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds 2007 (ROKAMBA)**

ROKAMBA provides for Australian and Korean cooperation on the protection of migratory birds (listed in the annex to the agreement) and their habitat and the prevention of the extinction of certain birds. It requires both countries to take appropriate measures to conserve and improve the environment of birds protected under the provisions of the agreement.

### **Agreement on the Conservation of Albatrosses and Petrels (ACAP)**

This agreement provides for parties to conserve highly migratory and threatened seabirds over their normal range by protecting critical habitat, controlling non-native species detrimental to albatrosses and petrels, introducing measures to reduce the incidental catch of seabirds in fisheries, and supporting research into the effective conservation of albatrosses and petrels.

### **Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention)**

The World Heritage Convention was adopted to ensure the proper identification, protection, conservation and presentation of cultural and natural heritage with outstanding universal value. Australian world heritage management principles are prescribed in Schedule 5 of the EPBC Regulations.

### **Convention on Biological Diversity (CBD)**

Australia is a signatory to the CBD, which requires parties to pursue the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the use of genetic resources. Article 8 of the convention identifies that parties should 'establish a system of protected areas or areas where special measures need to be taken to conserve biodiversity'. The establishment and management of the North Network assists Australia in meeting its obligations under the CBD.

In 2010, the Conference of Parties to the CBD adopted a *Strategic plan for biodiversity*. It includes Target 11 relevant to protected areas:

By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.

The strategic plan complements, but does not replace, the commitment to establish representative networks of marine protected areas by 2012, made at the 2002 World Summit on Sustainable Development. Australia has met and exceeded this target.

### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

CITES aims to ensure that the international trade of wild fauna and flora specimens does not threaten the survival of the species from which they are derived. It places controls on the international trade of specimens of certain species. At the time of preparing this plan, several marine mammal species found in the North Network were listed under CITES Annex II.

### **Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)**

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to this convention work together to conserve migratory species and their habitats. Species that are listed under the above migratory agreements and conventions are listed species under Part 13 of the EPBC Act.

### **Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (Ramsar Convention)**

This international agreement is more commonly known as the Ramsar Convention on Wetlands, and originally

aimed to conserve and wisely use wetlands primarily as habitat for waterbirds. Over the years, the Ramsar Convention's scope has broadened to cover all aspects of wetland conservation and wise use, recognising that wetland ecosystems are important for both biodiversity conservation and the wellbeing of human communities.

To achieve its aims, the Ramsar Convention requires international cooperation, policy-making, capacity-building and technology transfer from its members. Under the Ramsar Convention, a wide variety of natural and human-made habitat types can be classified as wetlands, including features in the marine environment.

All wetlands listed under the Ramsar Convention are recognised as matters of national environmental significance under the EPBC Act. As such, approval is required for actions that will have, or are likely to have a significant impact on the ecological character of a Ramsar-listed wetland.

### **International Convention for the Prevention of Pollution from Ships (MARPOL)**

MARPOL deals with preventing and minimising the discharge of ship-generated pollution into the sea. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. The International Maritime Organization (IMO), a specialised agency of the United Nations, administers this convention and related conventions. MARPOL is given effect in Australia by the *Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012*. It is the basis for Australian, state and territory government regulation of pollution from all ships, including fishing vessels, in Australian waters. The Australian Maritime Safety Authority (AMSA) and state and territory governments are responsible for the application and enforcement of MARPOL in Australian waters.

### **International Convention for the Regulation of Whaling**

Australia is a member of the International Whaling Commission, which supports the conservation of whales and the management of whaling under the International Convention for the Regulation of Whaling. Through its membership of the Commission, Australia promotes international collaboration and research that helps to protect whales in Commonwealth waters and internationally. This includes initiatives to support the growing whale watching industry, better understand where and why collisions occur between whales and ships, and coordinate actions to protect the most at-risk populations of whales and dolphins. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

### **United Nations Convention on the Law of the Sea (UNCLOS)**

UNCLOS defines the rights and responsibilities of nations in their use of the world's oceans. It establishes guidelines for businesses, the environment and the management of marine natural resources. It provides foreign vessels with a right of innocent passage through territorial seas.

### **UN Declaration on the Rights of Indigenous Peoples**

On 3 April 2009 the Australian Government announced its support for the UN Declaration on the Rights of Indigenous Peoples. Although the Declaration is non-binding and does not affect existing Australian law, it does set important international principles for nations to aspire to and many of its provisions are grounded in the core human rights treaties to which Australia is a party.

### **1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Protocol)**

Australia is a party to the London Protocol, the objective of which is to protect and preserve the marine environment from all sources of pollution and prevent pollution caused by dumping or incineration at sea of wastes or other matter. The London Protocol limits the type of materials that can be considered for ocean disposal, and bans the incineration of wastes at sea. In Australia, the London Protocol is administered by the Australian Government under the Sea Dumping Act.



### **2030 Agenda for Sustainable Development and the Sustainable Development Goals (2030 Agenda)**

The 2030 Agenda for Sustainable Development (2030 Agenda) aims to integrate the social, environmental and economic dimensions of sustainable development. The 2030 Agenda was agreed by 193 Member States at the United Nations Sustainable Development Summit in New York in September 2015. It includes 17 Sustainable Development Goals (SDGs) – a roadmap for sustainable development efforts to 2030 and beyond. Australian Marine Parks contribute to five SDGs: SDG 8 – Decent Work and Economic Growth; SDG 12 – Responsible Production and Consumption; SDG 13 – Climate Action; SDG 14 – Life below Water; and SDG 15 – Life on Land.

## SCHEDULE 2 NORTH NETWORK OVERVIEW AND VALUES

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Brown booby (Parks Australia)

## S2.1 NORTH NETWORK OVERVIEW

The marine parks of the North Network were proclaimed under the EPBC Act on 14 December 2013 (Federal Register of Legislation No. F2013L02108) and renamed on 9 October 2017 (Federal Register of Legislation No. F2017L01337).

**Table S2.1. Overview of the North Network**

Marine park name	Zones, IUCN categories and zone area	Marine park IUCN category	Total marine park area
<b>Joseph Bonaparte Gulf</b>	Multiple Use Zone (VI) 6346 km <sup>2</sup> Special Purpose Zone (VI) 2251 km <sup>2</sup>	VI	8597 km <sup>2</sup>
<b>Oceanic Shoals</b>	National Park Zone (II) 406 km <sup>2</sup> Habitat Protection Zone (IV) 6929 km <sup>2</sup> Multiple Use Zone (VI) 39,964 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 24,444 km <sup>2</sup>	VI	71,743 km <sup>2</sup>
<b>Arafura</b>	Multiple Use Zone (VI) 12 422 km <sup>2</sup> Special Purpose Zone (VI) 42 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 10,461 km <sup>2</sup>	VI	22,924 km <sup>2</sup>
<b>Arnhem</b>	Special Purpose Zone (VI) 7125 km <sup>2</sup>	VI	7125 km <sup>2</sup>
<b>Wessel</b>	Habitat Protection Zone (IV) 3811 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 2097 km <sup>2</sup>	IV	5908 km <sup>2</sup>
<b>Limmen</b>	Habitat Protection Zone (IV) 1399 km <sup>2</sup>	IV	1399 km <sup>2</sup>
<b>Gulf of Carpentaria</b>	National Park Zone (II) 3623 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 20,148km <sup>2</sup>	VI	23,771 km <sup>2</sup>
<b>West Cape York</b>	National Park Zone (II) 3329 km <sup>2</sup> Habitat Protection Zone (IV) 10,114 km <sup>2</sup> Special Purpose Zone (VI) 2569 km <sup>2</sup>	IV	16,012 km <sup>2</sup>

**Note:** Each marine park extends from 1000 m below the seabed to 3000 m above sea level.

**Note:** Zone and total marine park areas are rounded to the nearest km<sup>2</sup>; therefore, the sum of areas may not equate to the total marine park or network areas in some instances.

## S2.2 NORTH NETWORK VALUES

This Schedule describes the values represented in each marine park of the North Network.

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

Values will be used to inform the Director's decisions when authorising activities in marine parks. Activities will be assessed in relation to their impacts on and risk to values, to ensure activities are undertaken in a manner that minimises impacts to as small as reasonably practicable (Section 4.3 Making decisions about activities).

As understanding of park values improves over time, updated information will be available on the Parks Australia website.

Other sources of information on marine park values can be found on the Department's website, in particular, for protected species (species profile and threats database), wetlands (Australian wetlands directory), heritage places (Australian heritage database), and shipwrecks (Australian national shipwrecks database); and in the *Marine bioregional plan for the North Marine Region* (2012) and the *North marine bioregional plan: bioregional profile* (2008).

## JOSEPH BONAPARTE GULF MARINE PARK

The Joseph Bonaparte Gulf Marine Park (Figure S2.1) is located approximately 15 km west of Wadeye, Northern Territory, and approximately 90 km north of Wyndham, Western Australia, in the Joseph Bonaparte Gulf. It is adjacent to the Western Australian North Kimberley Marine Park. The Marine Park covers an area of 8597 km<sup>2</sup> and water depth ranges between less than 15 m and 100 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Joseph Bonaparte Gulf Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes two zones assigned under this plan: Special Purpose Zone (VI) and Multiple Use Zone (VI). Coordinates for the Joseph Bonaparte Gulf Marine Park and zones are provided in Figure S2.1 and Schedule 4.

### **Statement of significance**

The Joseph Bonaparte Gulf Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Transition bioregion. It includes one key ecological feature: the carbonate bank and terrace system of the Sahul Shelf (valued as a unique seafloor feature with ecological properties of regional significance).

The Marine Park contains a number of prominent shallow seafloor features including an emergent reef system, shoals, and sand banks. It is near an important wetland systems including the Ord River floodplain Ramsar site and provides connectivity between the nearshore and sea environments. The Marine Park includes habitats connecting to and complementing the adjacent Western Australian North Kimberley Marine Park.

### **Natural values**

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Transition—a dynamic environment influenced by strong tidal currents, monsoonal winds, cyclones and wind-generated waves. The large tidal ranges and wide intertidal zones near the Marine Park create a physically dynamic and turbid marine environment.

The key ecological feature in the Marine Park is the carbonate bank and terrace system of the Sahul Shelf—characterised by terraces, banks, channels and valleys supporting sponges, soft corals, sessile filter feeders, polychaetes and ascidians.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for marine turtles and the Australian snubfin dolphin.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. The Miriung, Gajerrong, Doolboong, Wardenybung and Gija and Balangarra people have responsibilities for sea country in the Marine Park. They are represented by the following Prescribed Body Corporates: Miriung and Gajerrong Aboriginal Corporation, and Balangarra Aboriginal Corporation. These corporations are the points of contact for their respective areas of sea country in the Marine Park. The Northern Land Council and the Kimberley Land Council are the Native Title Representative Bodies for the Northern Territory's northern region, and the Kimberley region.

## JOSEPH BONAPARTE GULF MARINE PARK

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan, however the Marine Park is adjacent to the West Kimberley National Heritage Place.

### **Social and economic values**

Tourism, commercial fishing, mining, and recreation including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



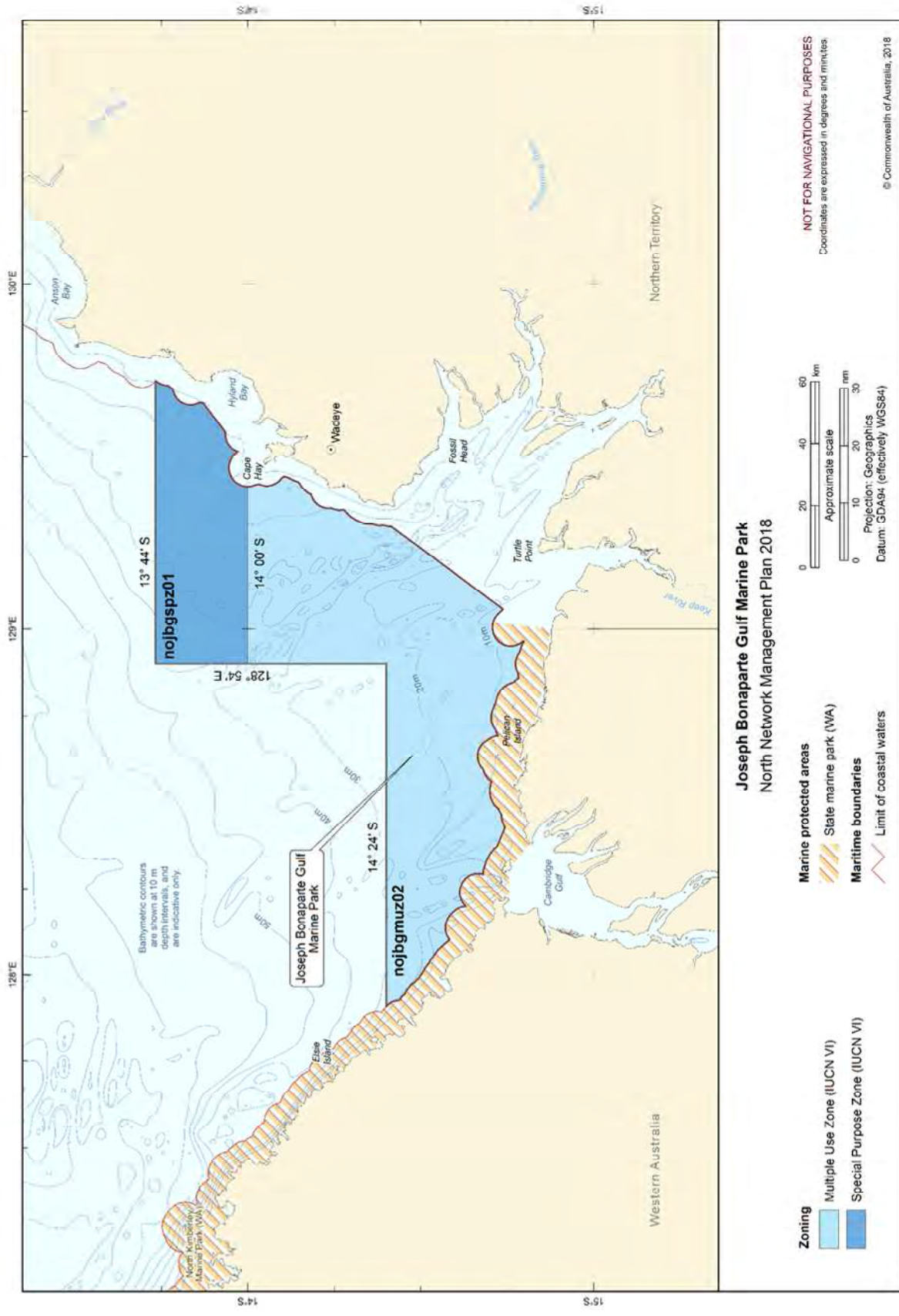


Figure S2.1 Joseph Bonaparte Gulf Marine Park

## OCEANIC SHOALS MARINE PARK

The Oceanic Shoals Marine Park (Figure S2.2) is located west of the Tiwi Islands, approximately 155 km north-west of Darwin, Northern Territory and 305 km north of Wyndham, Western Australia. It extends to the limit of Australia's exclusive economic zone. The Marine Park covers an area of 71,743 km<sup>2</sup> and water depths from less than 15 m to 500 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Oceanic Shoals Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes four zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV), Multiple Use Zone (VI) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Oceanic Shoals Marine Park and zones are provided in Figure S2.2 and Schedule 4.

### Statement of significance

The Oceanic Shoals Marine Park is significant because it contains habitats, species and ecological communities associated with the Northwest Shelf Transition. It contains four key ecological features: carbonate bank and terrace systems of the Van Diemen Rise; carbonate bank and terrace systems of the Sahul Shelf; pinnacles of the Bonaparte Basin; and shelf break and slope of the Arafura Shelf (all valued as unique seafloor features with ecological properties of regional significance). The Marine Park is the largest marine park in the North Network.

### Natural values

The Marine Park includes examples of ecosystems representative of the Northwest Shelf Transition—a dynamic environment influenced by strong tidal currents, upwellings of nutrient-rich waters, and a range of prominent seafloor features. The pinnacles, carbonate banks and shoals are sites of enhanced biological productivity.

Key ecological features of the Marine Park are:

- carbonate bank and terrace systems of the Van Diemen Rise—an area characterised by terraces, banks, channels and valleys supporting sponges, soft coral, polychaetes, ascidians, turtles, snakes and sharks;
- carbonate bank and terrace system of the Sahul Shelf—an area characterised by terraces, banks, channels and valleys, supporting sponges, soft corals, sessile filter feeders, polychaetes and ascidians;
- pinnacles of the Bonaparte Basin—an area that contains the largest concentration of pinnacles along the Australian margin, where local upwellings of nutrient-rich water attract aggregations of fish, seabirds and turtles; and
- shelf break and slope of the Arafura Shelf—an area characterised by continental slope, patch reefs and hard substrate pinnacles that support over 280 demersal fish species.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging and interesting habitat for marine turtles.

## OCEANIC SHOALS MARINE PARK

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Northern Land Council and the Kimberley Land Council are the Native Title Representative Bodies for the Northern Territory's northern region, and the Kimberley region. The Tiwi Land Council collectively represents traditional owners of the Tiwi Islands.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Commercial fishing and mining are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

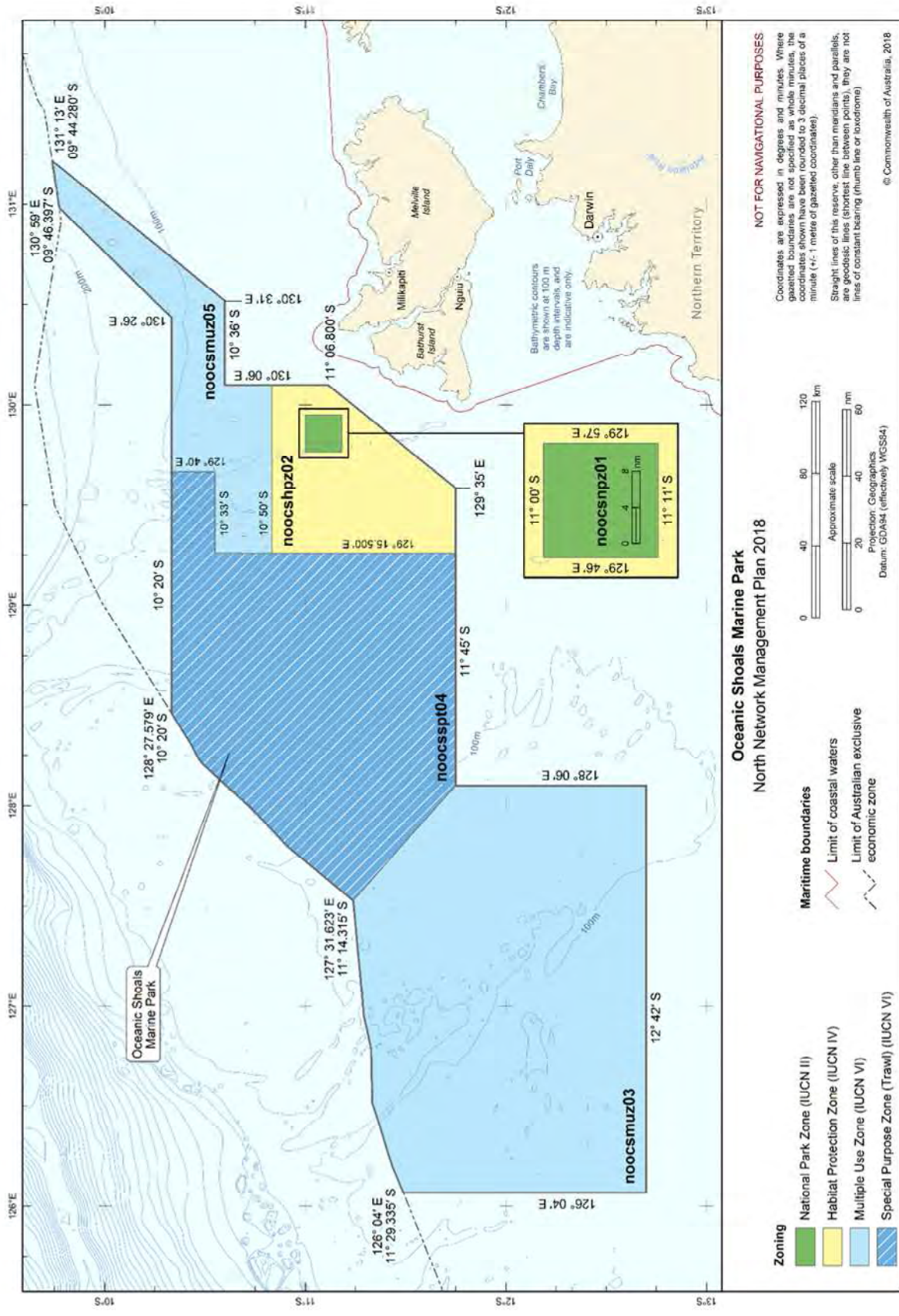


Figure S2.2 Oceanic Shoals Marine Park



## ARAFURA MARINE PARK

The Arafura Marine Park (Figure S2.3) is located approximately 256 km north-east of Darwin and eight km offshore of Croker Island, Northern Territory. It extends from Northern Territory waters to the limit of Australia's exclusive economic zone. The Marine Park covers an area of 22,924 km<sup>2</sup>, and a water depth range from less than 15 m to 500 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Arafura Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes three zones assigned under this plan: Multiple Use Zone (VI), Special Purpose Zone (VI) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Arafura Marine Park and zones are provided in Figure S2.3 and Schedule 4.

### Statement of significance

The Marine Park is significant because it contains habitats, species and ecological communities associated with the Northern Shelf Province and Timor Transition. It includes one key ecological feature: the tributary canyons of the Arafura Depression (valued as a unique seafloor feature with ecological properties of regional significance). It is near to important wetland systems including the Cobourg Peninsula Ramsar site, and provides important foraging habitat for seabirds.

### Natural values

The Arafura Marine Park includes examples of ecosystems representative of:

- Northern Shelf Province—a dynamic region, with gently sloping shelf topped with a number of pinnacles at depths ranging from 5 m to 30 m. Tidal eddies induce localised upwellings and hotspots of productivity, which correspond with aggregations of marine life within the Marine Park.
- Timor Transition Province—includes continental slope, canyons, ridges, terraces and the Arafura Depression. The primary drivers of biological productivity are associated with deep water upwellings at canyon heads, driven by strong tides.

The key ecological feature in the Marine Park is the tributary canyons of the Arafura Depression—an area that contains canyons that are approximately 80–100 km long and 20 km wide with a variety of sediments including sand, mud and rock. The canyons channel deep ocean waters, enhancing productivity and supporting large predatory fish, whale sharks, sawfish and marine turtles, deep sea sponges, and barnacles.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include interesting habitat for marine turtles and important foraging and breeding habitat for seabirds.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Yuwurrumu members of the Mandilarri-Ildugij, the Mangalara, the Murran, the Gadura-Minaga

## ARAFURA MARINE PARK

and the Ngaynjaharr clans have responsibilities for sea country in the Marine Park. These clans have native title determined over part of their sea country, which is included in this Park. The Northern Land Council is the Native Title Representative Body for the Northern Territory's northern region and is assisting these native title holders in the absence of a native title Prescribed Body Corporate. It is the point of contact for the Marine Park.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Commercial fishing, tourism, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



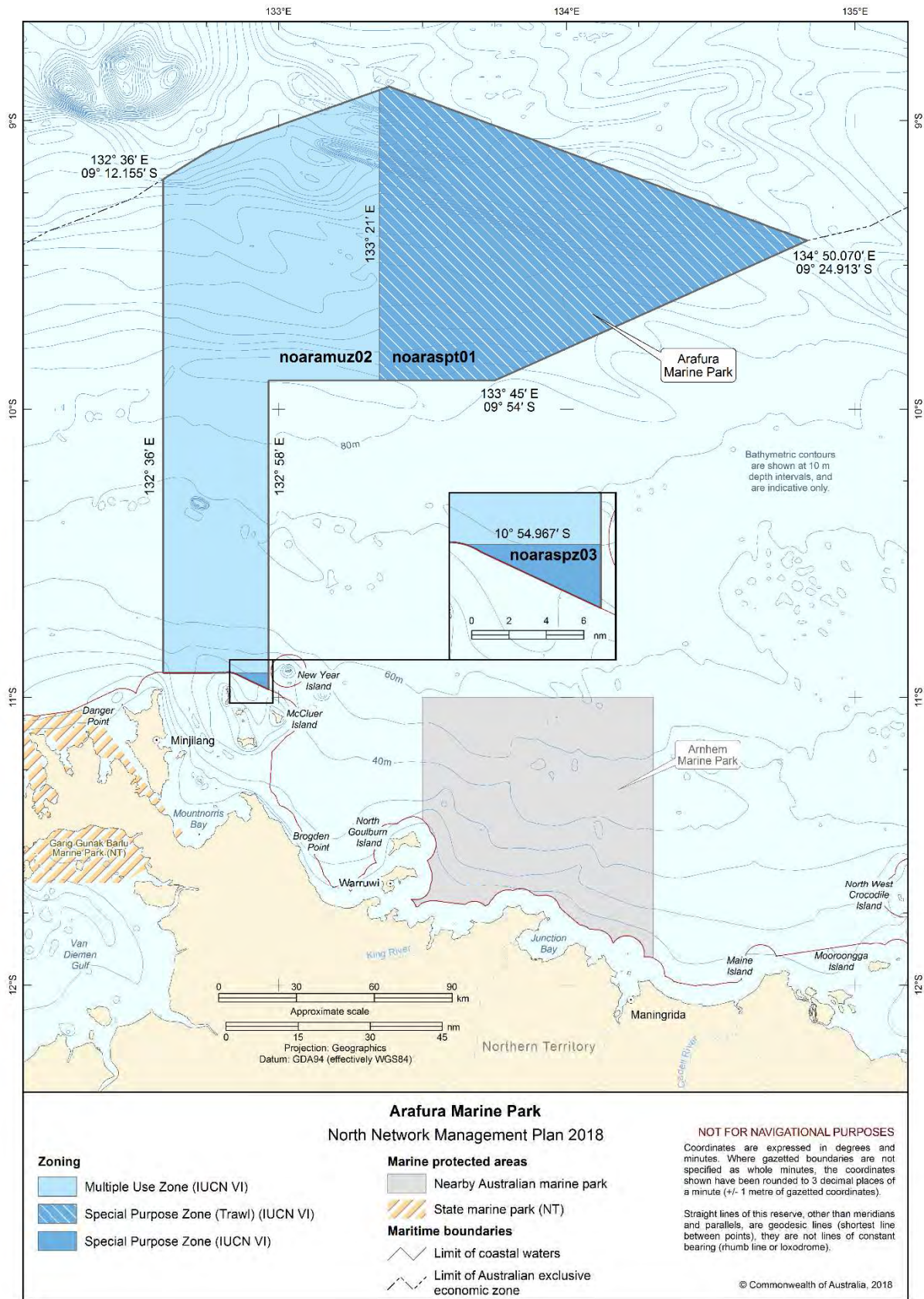


Figure S2.3 Arafura Marine Park

## ARNHEM MARINE PARK

The Arnhem Marine Park (Figure S2.4) is located approximately 100 km south-east of Croker Island and 60 km south-east of the Arafura Marine Park. It extends from Northern Territory waters surrounding the Goulburn Islands, to the waters north of Maningrida. The Marine Park covers an area of 7125 km<sup>2</sup> and water depth ranges from less than 15 m to 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Arnhem Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes one zone assigned under this plan: Special Purpose Zone (VI).

Coordinates for the Arnhem Marine Park and zone are provided in Figure S2.4 and Schedule 4.

### **Statement of significance**

The Arnhem Marine Park is significant because it contains habitats, species and ecological communities associated with the Northern Shelf Province. It includes dynamic habitats due to gently sloping shelf topped with a number of pinnacles, at depths ranging from 5 m to 30 m. It is near to important wetland systems including the Blyth-Cadell Floodplain and Boucaut Bay Nationally Important Wetland and provides important foraging habitat for seabirds.

### **Natural values**

The Marine Park includes examples of ecosystems representative of the Northern Shelf Province. Internal currents in the region drive a net clockwise movement of nutrient-rich coastal water contributing to high biological diversity. Tidal eddies induce localised upwellings and hotspots of productivity that correspond with aggregations of marine life within the Marine Park.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat and a migratory pathway for marine turtles and seabirds.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The coastal Aboriginal people of West Arnhem Land have responsibilities for sea country in the Marine Park. The Marine Park contains sites which are registered under *Northern Territory Aboriginal Sacred Sites Act 1989*. The Northern Land Council is the Native Title Representative Body for the Northern Territory's northern region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Commercial fishing, tourism, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

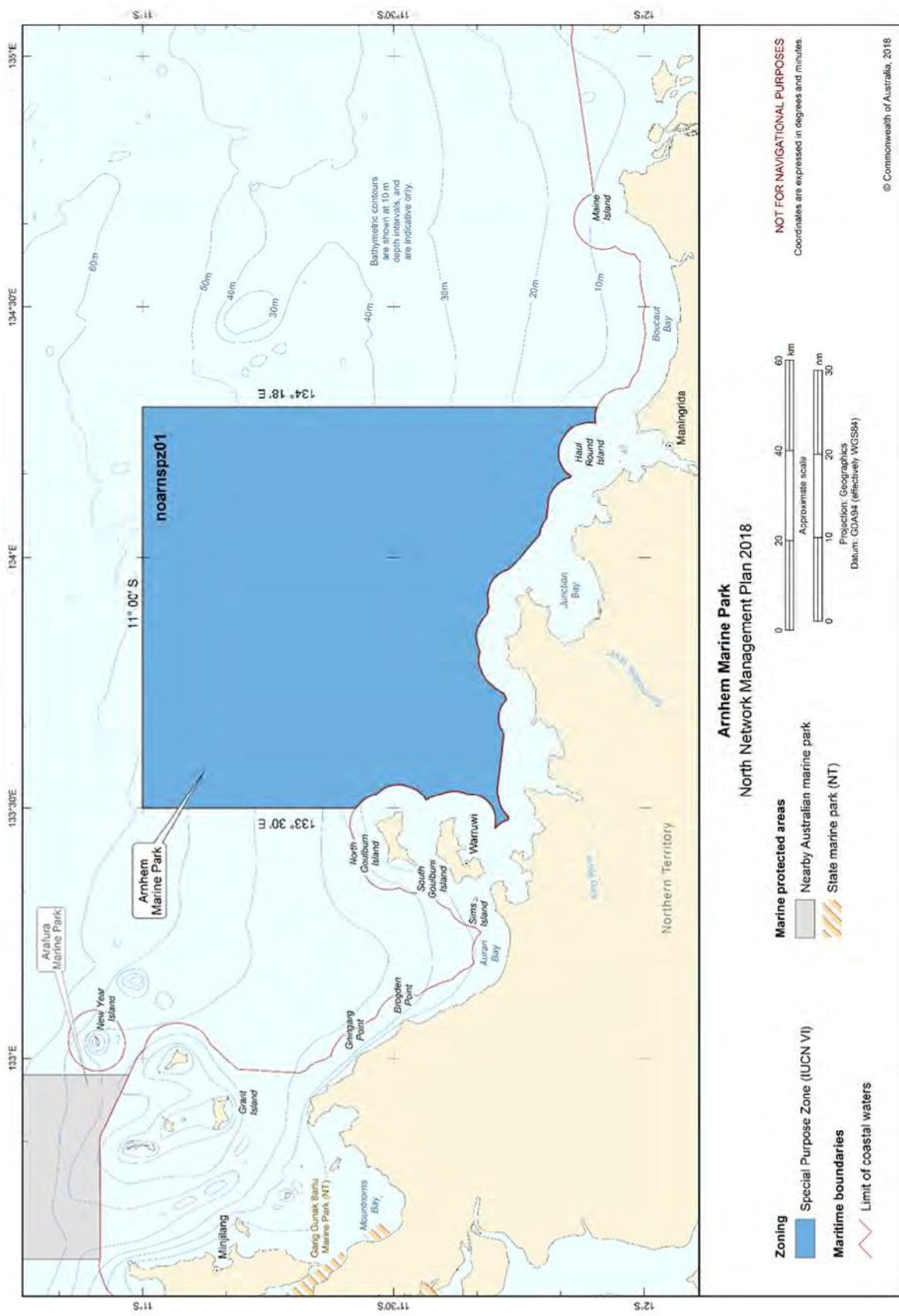


Figure S2.4 Arnhem Marine Park



## WESSEL MARINE PARK

The Wessel Marine Park (Figure S2.5) is located approximately 22 km east of Nhulunbuy, Northern Territory. It extends from Northern Territory waters adjacent to the tip of the Wessel Islands to Northern Territory waters adjacent to Cape Arnhem. The Marine Park covers an area of 5908 km<sup>2</sup> and water depths between 15 m and 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Wessel Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes two zones assigned under this plan: Habitat Protection Zone (IV) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Wessel Marine Park and zones are provided in Figure S2.5 and Schedule 4.

### Statement of significance

The Wessel Marine Park is significant because it contains habitats, species and ecological communities associated with the Northern Shelf. It includes one key ecological feature: the Gulf of Carpentaria basin (valued for its regional importance for biodiversity and aggregations of marine life).

The Marine Park is adjacent to waters surrounding the Wessel Islands, both of which, are regarded as a biodiversity hotspot, supporting some of the most diverse and species-rich environments in the North Marine Region. A number of endemic species occur in the area, and nationally and internationally significant aggregations of migratory shorebirds, seabirds, marine turtles and a variety of unique sponge and coral communities.

### Natural values

The Marine Park includes examples of ecosystems representative of the Northern Shelf—a dynamic region with gently sloping shelf topped with a number of pinnacles at depths ranging from 5 m to 30 m. Tidal eddies induce localised upwellings and hotspots of productivity that correspond with aggregations of marine life within the Marine Park.

The key ecological feature in the Marine Park is the Gulf of Carpentaria basin—characterised by soft sediments that support abundant and diverse communities dominated by polychaetes, crustaceans, molluscs and echinoderms, with pelagic fish species such as shark, snapper, tuna and mackerel.

The Marine Park overlaps the Arafura Sill, which is a seafloor barrier that restricts movement of water into the Gulf of Carpentaria basin and forms a distinct biogeographical transition point for sessile invertebrate (e.g. sponges and corals) and fish species.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding habitat for seabirds and interesting and foraging habitat for marine turtles.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Yolŋu people have responsibilities for sea country in the Marine Park. The Marine Park contains sites which are registered under *Northern Territory Aboriginal Sacred Sites Act 1989*. The Northern Land Council is the Native Title Representative Body for the Northern Territory's northern region.

## WESSEL MARINE PARK

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Commercial fishing, tourism, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

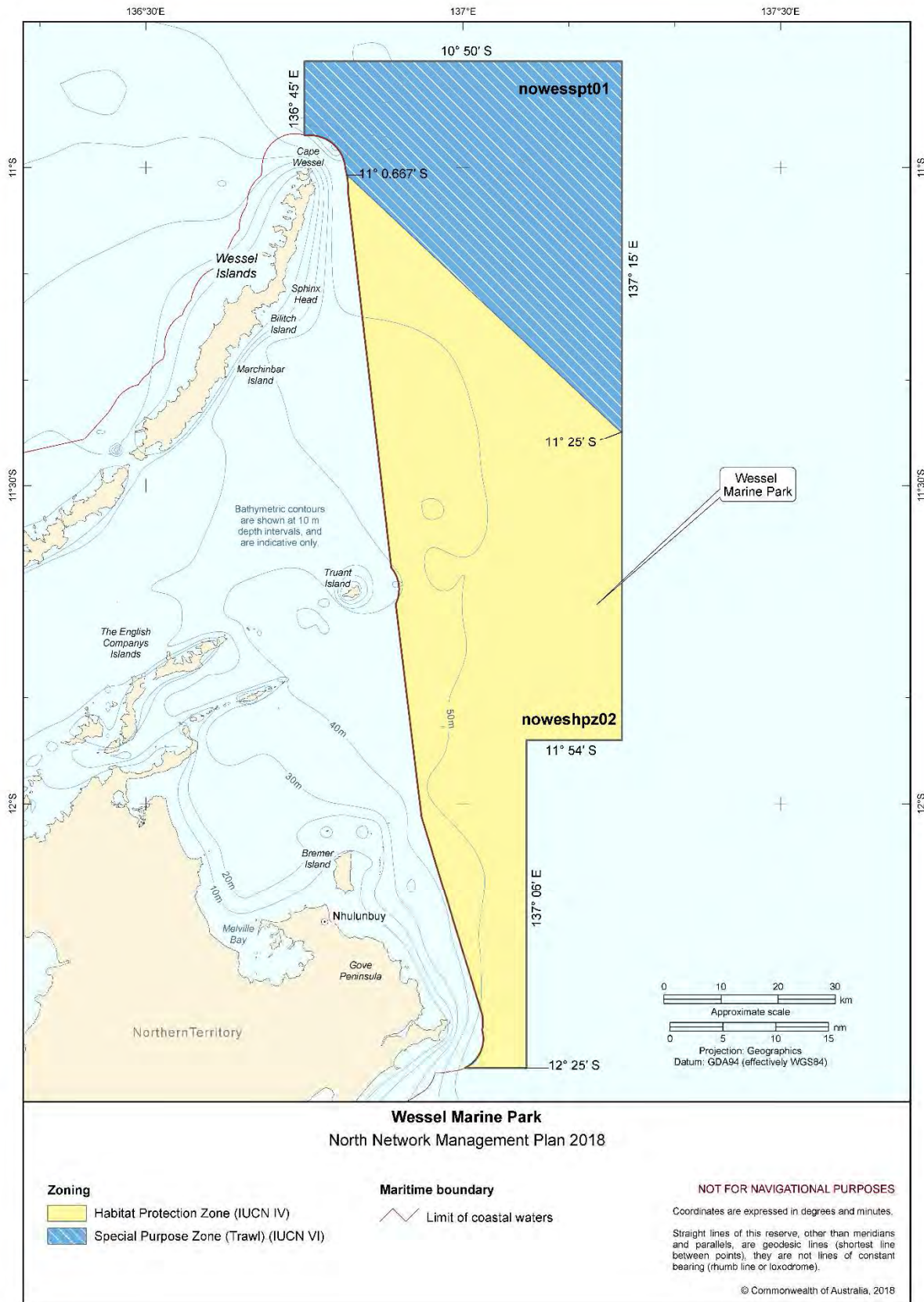


Figure S2.5 Wessel Marine Park



## LIMMEN MARINE PARK

The Limmen Marine Park (Figure S2.6) is located approximately 315 km south-west of Nhulunbuy, Northern Territory, in the south-west of the Gulf of Carpentaria. It extends from Northern Territory waters, between the Sir Edward Pellew Group of Islands and Maria Island in the Limmen Bight, adjacent to the Northern Territory Limmen Bight Marine Park. The Marine Park covers an area of 1399 km<sup>2</sup> and water depths range from less than 15 m to 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Limmen Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes one zone assigned under this plan: Habitat Protection Zone (IV).

Coordinates for the Limmen Marine Park and zones are provided in Figure S2.6 and Schedule 4.

### Statement of significance

The Limmen Marine Park is significant because it contains habitats, species and ecological communities associated with the Northern Shelf. It includes one key ecological feature: the Gulf of Carpentaria coastal zone (valued for high productivity, aggregations of marine life biodiversity and endemism). It is near to important wetland systems including the Limmen Bight (Port Roper) Tidal Wetlands and provides important foraging habitat for seabirds.

The Marine Park includes habitats connecting to and complementing the adjacent Northern Territory Limmen Bight Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of the Northern Shelf Province—a dynamic region with gently sloping shelf, topped with a number of pinnacles at depths ranging from 5 m to 30 m. Tidal eddies induce localised upwellings and hotspots of productivity that correspond with aggregations of marine life within the Marine Park.

The key ecological feature in the Marine Park is the Gulf of Carpentaria coastal zone—nutrients from rivers flowing into the coastal zone support high productivity and some of the most diverse and abundant biota in the North Marine Region. A prominent seafloor feature within the Marine Park is the Labyrinthian Shoals, a group of sand banks, some with rocky heads, in depths of less than 1.8 m.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include interesting and foraging habitat for marine turtles.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Marra people have responsibilities for sea country in the Marine Park, and share song-lines that travel through the Marine Park with the Yanyuwa People. The cultural values in Limmen Marine Park are provided in Figure S2.7. The Northern Land Council is the Native Title Representative Body for the Northern Territory's northern region.

## LIMMEN MARINE PARK

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Commercial fishing, tourism, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

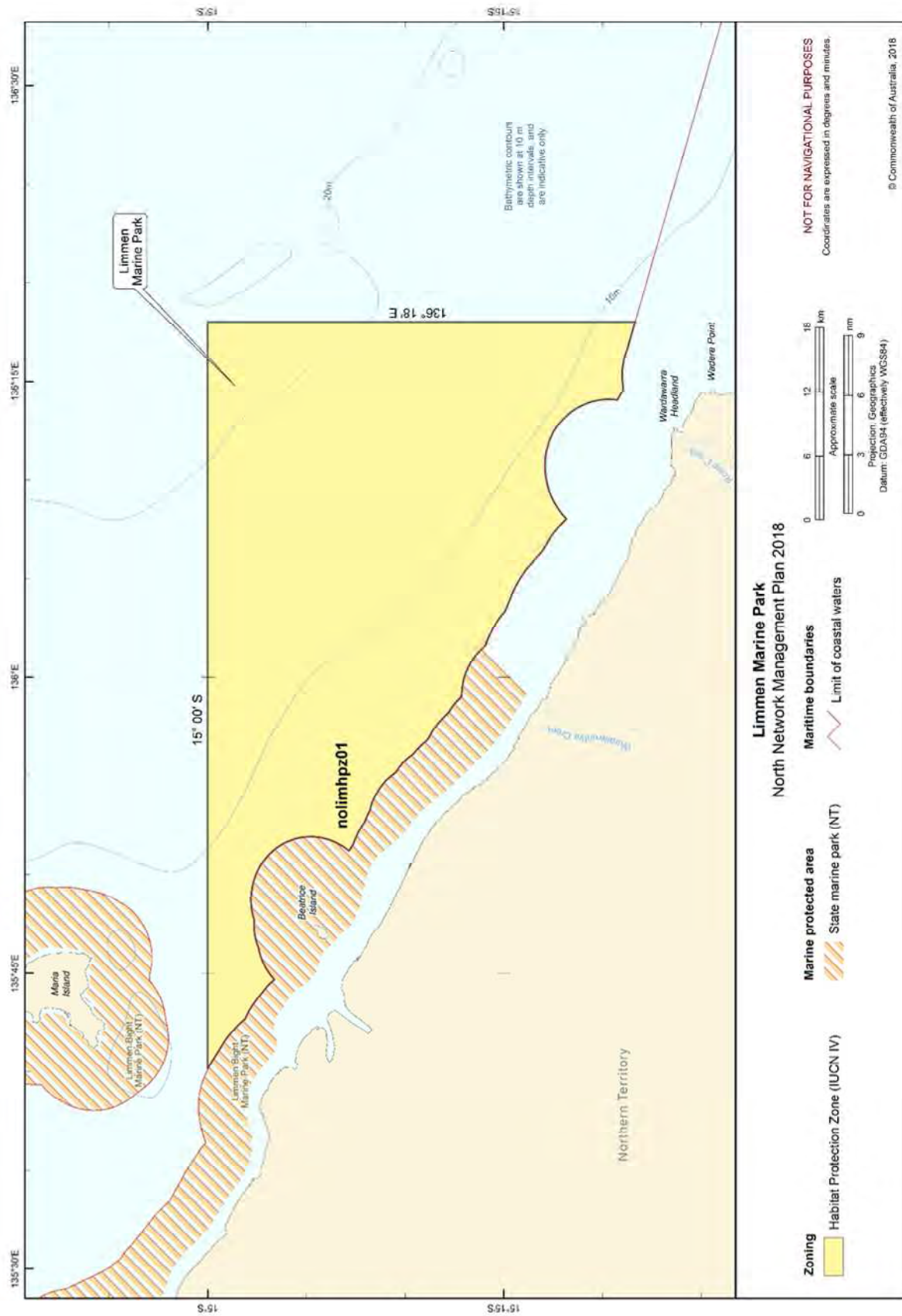


Figure S2.6 Limmen Marine Park

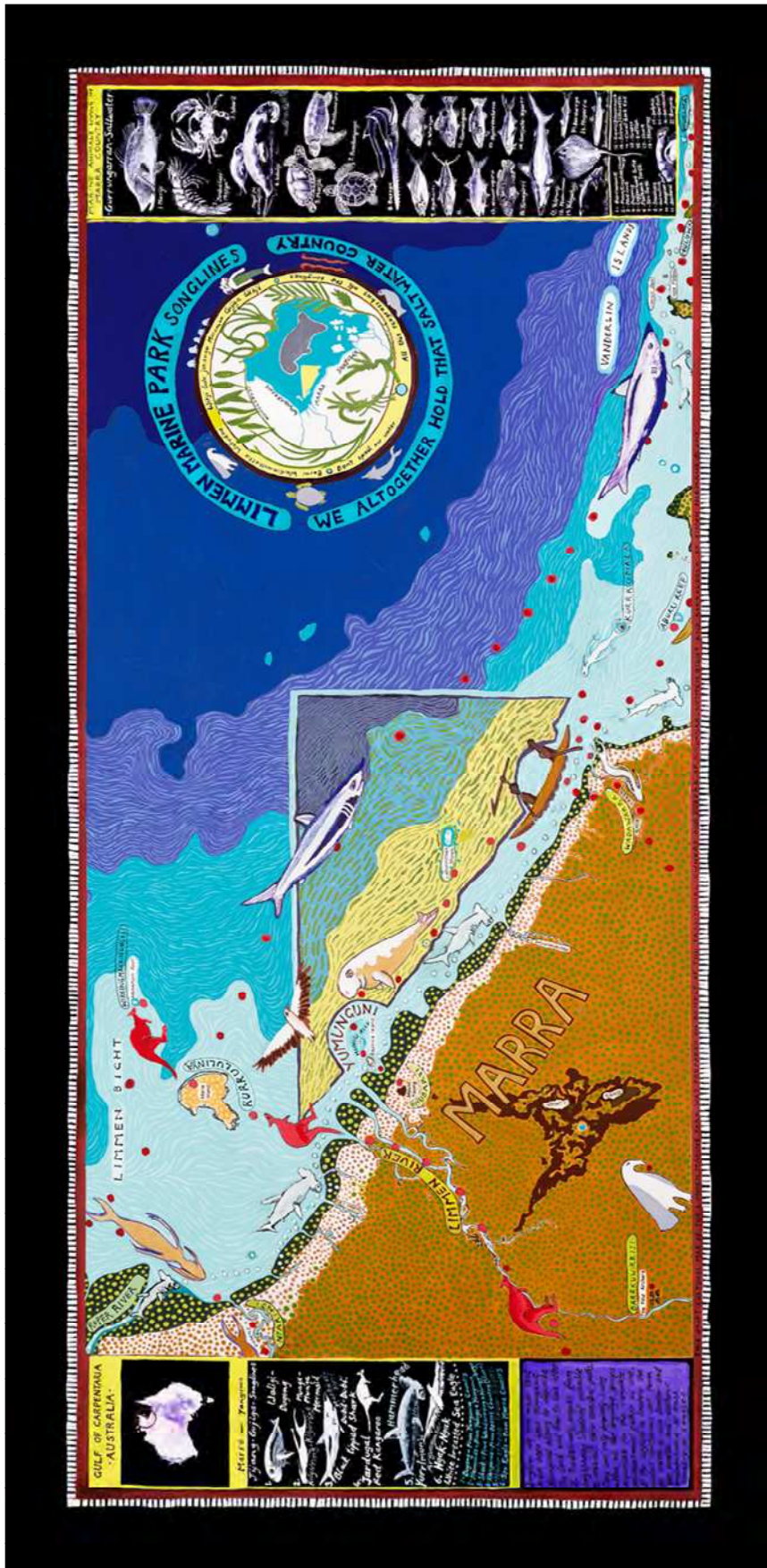


Figure S2.7 Cultural values in Limmen Marine Park



## GULF OF CARPENTARIA MARINE PARK

The Gulf of Carpentaria Marine Park (Figure S2.7) is located approximately 90 km north-west of Karumba, Queensland and is adjacent to the Wellesley Islands in the south of the Gulf of Carpentaria basin. The Marine Park covers an area of 23,771 km<sup>2</sup> and water depths range from less than 15 m to 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Gulf of Carpentaria Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes two zones assigned under this plan: National Park Zone (II) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Gulf of Carpentaria Marine Park and zones are provided in Figure S2.8 and Schedule 4.

### Statement of significance

The Gulf of Carpentaria Marine Park is significant because it contains habitats, species and ecological communities associated with the Northern Shelf Province.

It includes four key ecological features: the Gulf of Carpentaria basin; Gulf of Carpentaria coastal zone; plateaux and saddle north-west of the Wellesley Islands; and submerged coral reefs of the Gulf of Carpentaria (all valued for high aggregations of marine life, biodiversity and endemism).

### Natural values

The Marine Park includes examples of ecosystems representative of the Northern Shelf Province—a dynamic region with gently sloping shelf topped with a number of pinnacles at depths ranging from 5 m to 30 m. Tidal eddies induce localised upwellings and hotspots of productivity that correspond with aggregations of marine life within the Marine Park.

Key ecological features of the Marine Park are:

- Gulf of Carpentaria basin—characterised by soft sediments that support diverse communities dominated by polychaetes, crustaceans, molluscs and echinoderms with pelagic fish species, such as shark, snapper, tuna and mackerel;
- Gulf of Carpentaria coastal zone—an area where nutrient inflow from rivers generates high productivity supporting diverse and abundant biota. The coastal zone is near pristine and supports many species that move between freshwater and saltwater environments;
- plateaux and saddle north-west of the Wellesley Islands—an area made up of living patch reefs that support reef fish that are unique within the Gulf of Carpentaria; and
- submerged coral reefs of the Gulf of Carpentaria—an area that supports large plate corals, abundant hard and soft corals, breeding and aggregation habitats for many fish species, and refuges for sea snakes and apex predators such as sharks.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging areas for seabirds and interesting and foraging areas for turtles.

## GULF OF CARPENTARIA MARINE PARK

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Lardil, Yangkaal, Kaiadlit and Gangalidda people of the Wellesley Islands have a continuing spiritual connection with their sea country and responsibilities for managing that country. They have had their native title rights recognised.

Both the Thuwathu-Bujimulla Indigenous Protected Area (IPA) and the Wellesely Island Sea Claim determination extend over part of the Gulf of Carpentaria Marine Park. The Thuwathu-Bujimulla IPA includes 160 sites of cultural heritage significance and the largest collection of stone fish traps in the southern hemisphere.

The Lardil, Yangkaal, Kaiadlit and Gangalidda people of the Wellesley Islands hold a wealth of cultural knowledge about their islands and sea country. They recognise the presence of the Rainbow Serpent (Thuwathu or Bujimulla) in cyclones, waterspouts and rainbows, and understand that the Rainbow Serpent has the power to cause a special type of sickness known as Markiriil in Lardil. They also consider that there are dangerous places on their country where spirits can do you harm if you are not accompanied by the right people for that area. Many prominent marine features, such as reefs, rocks, oyster banks or sand bars have their own specific names. Among these named sites are special 'story places', where significant events happened in the past, where people carry out ritual activities to maintain particular animal or plant species, or which are responsible for making tidal floods, cyclones or strong winds.

The Lardil people, as the traditional owners of Mornington Island and surrounding sea country, are recognised as the people of the Wellesley Islands with the authority to speak for sea country within the Gulf of Carpentaria Marine Park. The Gulf Region Aboriginal Corporation Prescribed Body Corporate represents the Lardil, Yangkaal, Kaiadlit and Gangalidda native title holders of the Wellesley Islands and is the point of contact for the Marine Park. The Carpentaria Land Council Aboriginal Corporation is the Native Title Representative Body for the region.

### Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

Historic shipwrecks

The Marine Park contains four known shipwrecks listed under the *Historic Shipwrecks Act 1976*—*Douglas Mawson* (wrecked in 1923); *A.D.C.* (wrecked in 1886); *Wild Duck* (wrecked in 1876); and *Ada* (wrecked 1886).

### Social and economic values

Commercial fishing, tourism, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



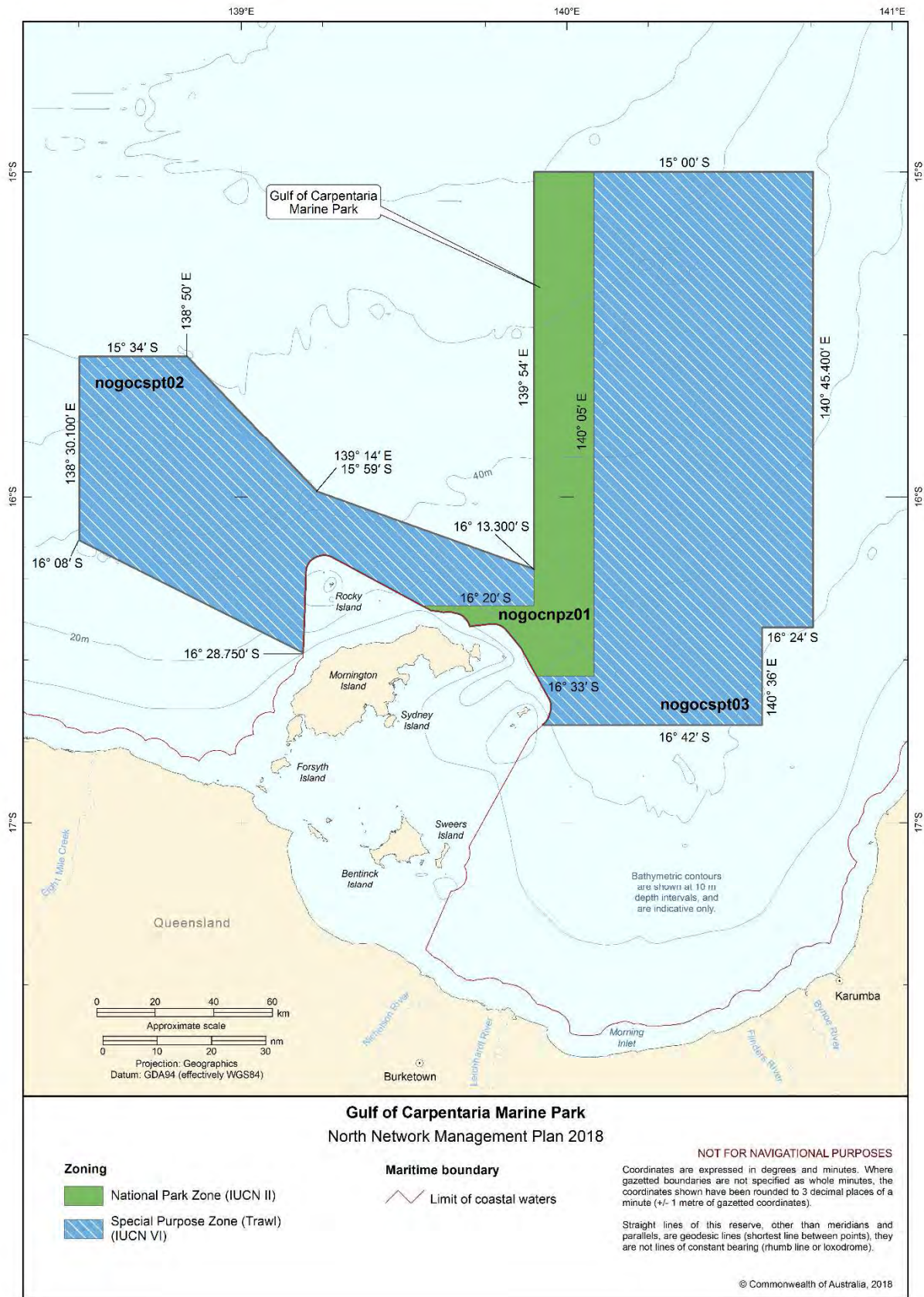


Figure S2.8 Gulf of Carpentaria Marine Park

## WEST CAPE YORK MARINE PARK

The West Cape York Marine Park (Figure S2.8) is located adjacent to the northern end of Cape York Peninsula approximately 25 km south-west of Thursday Island and 40 km north-west of Weipa, Queensland. It extends from Queensland state waters to the limit of Australia's exclusive economic zone. The Marine Park covers an area of 16,012 km<sup>2</sup> and water depths range from less than 15 m to 70 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed West Cape York Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes three zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV) and Special Purpose Zone (VI).

Coordinates for the West Cape York Marine Park and zones are provided in Figure S2.9 and Schedule 4.

### Statement of significance

The West Cape York Marine Park is significant because it contains species and ecological communities associated with the Northeast Shelf Transition and the Northern Shelf Province.

It includes two key ecological features: the Gulf of Carpentaria basin (an area valued for its regional importance for biodiversity and aggregations of marine life); and the Gulf of Carpentaria coastal zone (an area valued for high productivity, aggregations of marine life biodiversity and endemism).

The Marine Park supports some of the most diverse and abundant biota in the North Marine Region. The coastline adjacent to the Marine Park is subject to higher wave energy than elsewhere in the Gulf of Carpentaria, and is consequently highly dynamic. The Marine Park is adjacent to the Jardine River Wetlands and also shares some biological characteristics (such as extensive tidal sandbanks and offshore reefs) with the Torres Strait. The Marine Park covers part of the largest single continuous seagrass meadow in Australia, and is important as a year-round food source for marine turtles and dugong. The Torres Strait Dugong Sanctuary overlaps the Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Northeast Shelf Transition—includes continental shelf, shallow water depths and high bottom salinity. It is influenced by tidal currents and has sandy substrates and reefs supporting benthic marine communities, reef-dwelling and pelagic species.
- Northern Shelf Province—a dynamic region with gently sloping shelf topped with a number of pinnacles at depths ranging from 5 m to 30 m. Tidal eddies induce localised upwellings and hotspots of productivity that correspond with aggregations of marine life within the Marine Park.

Key ecological features of the Marine Park are:

- Gulf of Carpentaria basin—one of the few remaining near-pristine environments in the world, characterised by soft sediments that support abundant and diverse communities dominated by polychaetes, crustaceans, molluscs and echinoderms, with pelagic fish species such as shark, snapper, tuna and mackerel.
- Gulf of Carpentaria coastal zone—an area where nutrient inflow from rivers generates high

## WEST CAPE YORK MARINE PARK

productivity, supporting diverse and abundant biota. The coastal zone supports many species that move between freshwater and saltwater environments.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, internesting and foraging habitat for marine turtles and dugong, and foraging, breeding and calving habitat for dolphins.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. Torres Strait Islanders and coastal Aboriginal people of the west coast of Cape York have responsibilities for sea country in the Marine Park.

The Cape York Land Council is the Native Title Representative Body for the Cape York region, which includes most of the Marine Park. The Carpentaria Aboriginal Land Council and the Torres Strait Regional Authority also perform the function of Native Title Representative Bodies for parts of the Marine Park.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains one known shipwreck listed under the *Historic Shipwrecks Act 1976*.

### **Social and economic values**

Commercial fishing, tourism, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

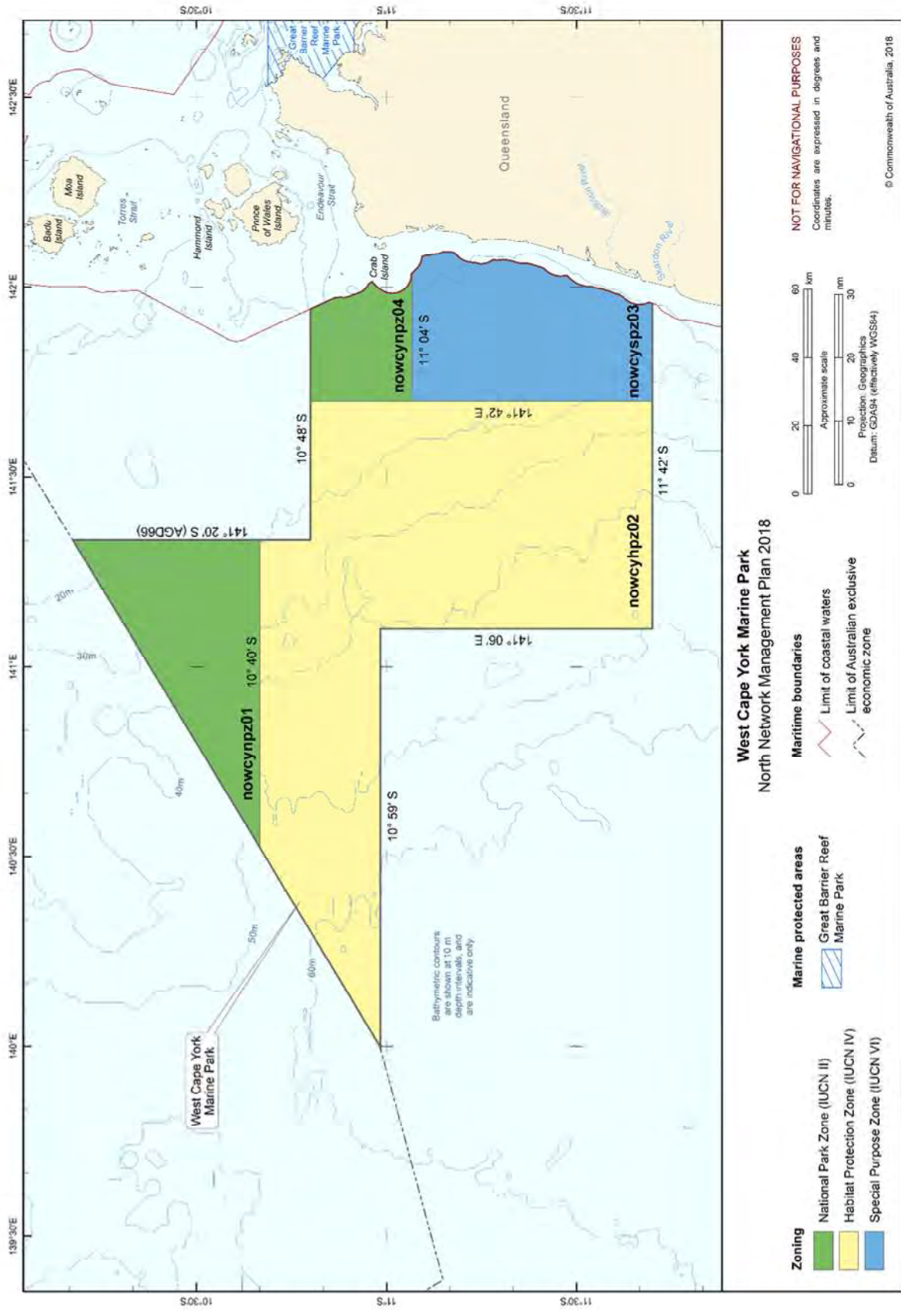


Figure S2.9 West Cape York Marine Park



## SCHEDULE 3 ENVIRONMENTAL FEATURES USED IN THE DESIGN OF THE NORTH NETWORK

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Four types of environmental features were used in the design of the marine parks of the North Network to help identify areas for protection. These features were identified based on the scientifically known relationships between biodiversity and the physical environment and include provincial bioregions, water depth, seafloor features, and key ecological features. They are identified below.

More information on these features can be found in the *Marine bioregional plan for the North Marine Region* (2012), the *North marine bioregional plan: bioregional profile* (2008), and the conservation values atlas on the Department's website.

### Bioregions

Bioregions are identified in the *Integrated Marine and Coastal Regionalisation of Australia* (IMCRA) as large areas of ocean with broadly similar characteristics that have been classified by scientists based on the distribution of fish and other marine species, seafloor types and ocean conditions. The North Network represents all four of the bioregions found in the region: Northwest Shelf Transition; Timor Transition; Northern Shelf Province; and Northeast Shelf Transition (Figure S3.1).

### Depth ranges

The North Network represents the full range of depths found in the region, from shallow waters of less than 15 m to deeper waters of 350 m water depth. Marine biological communities change with depth, and similar depth ranges in different bioregions support different groups of species. The range of ocean depths in each bioregion, represented as bathomes in Figure S3.2, have been included in the Network to ensure that examples of marine biodiversity are represented.

### Seafloor features

The landscape-scale physical structure of the seafloor is important in determining where habitats or species occur. There is strong scientific evidence that different types of seafloor features provide different habitats and associated marine species and communities. The Network represents all 15 of the seafloor features found in the region—apron/fan, bank/shoal, basin, canyon, deep/hole/valley, pinnacle, plateau, reef, ridge, saddle, shelf, sill, slope, terrace, tidal sand wave/sand bank (Figure S3.3).

### Key ecological features

Key ecological features were identified through the marine bioregional planning program as areas or features that support distinct or important ecological communities at a regional scale. The North Network represents nine key ecological features including all eight key ecological features found in the region—carbonate bank and terrace system of the Van Diemen Rise, Gulf of Carpentaria basin, Gulf of Carpentaria coastal zone, pinnacles of the Bonaparte Basin, plateaux and saddle north-west of the Wellesley Islands, shelf break and slope of the Arafura shelf, submerged coral reefs of the Gulf of Carpentaria, tributary canyons of the Arafura Depression—and the carbonate bank and terrace system of the Sahul Shelf of the North-west Marine Region (Figure S3.4).

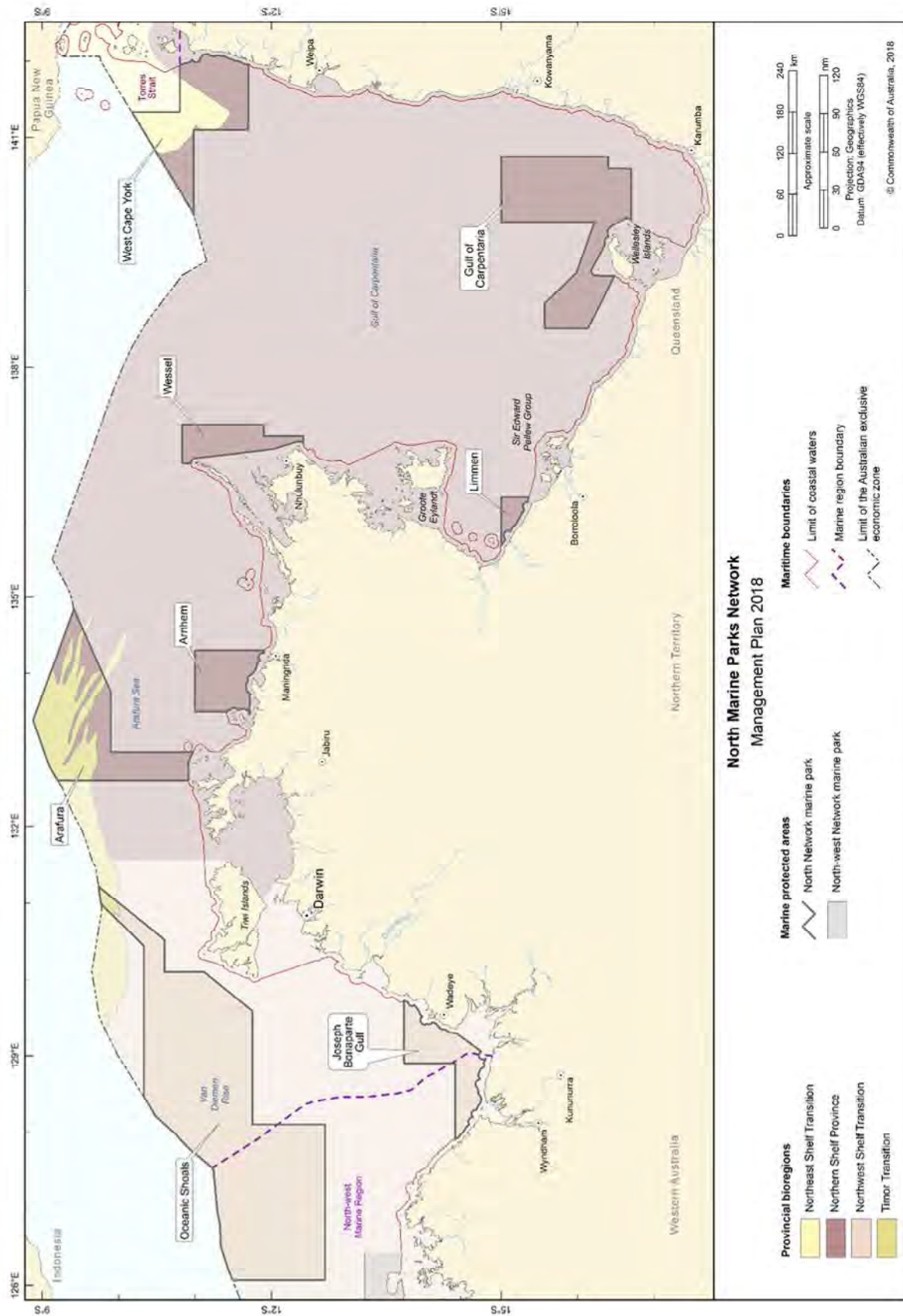


Figure S3.1 Bioregions represented in the North Network



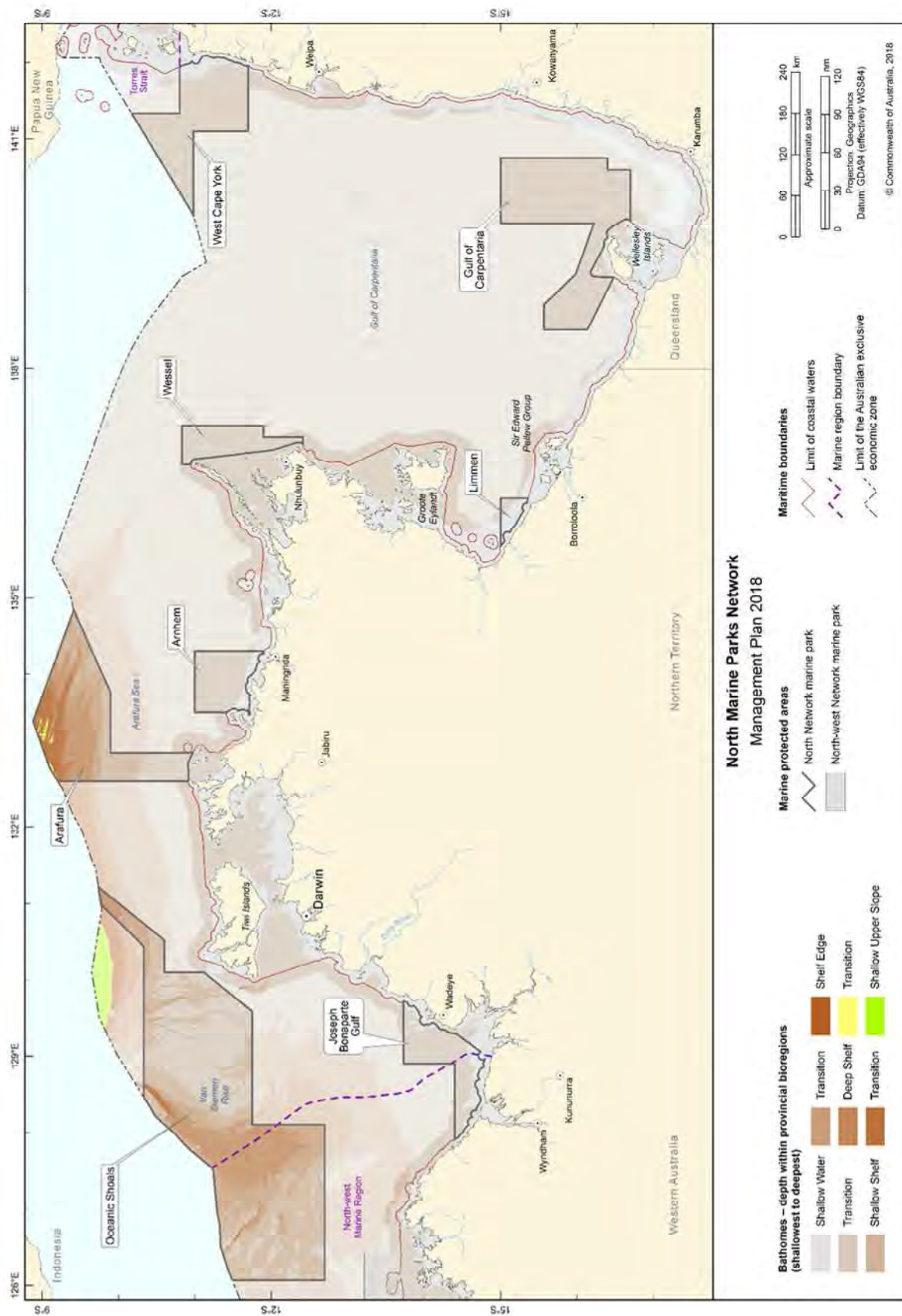


Figure S3.2 Bathomes indicating depth ranges represented in the North Network

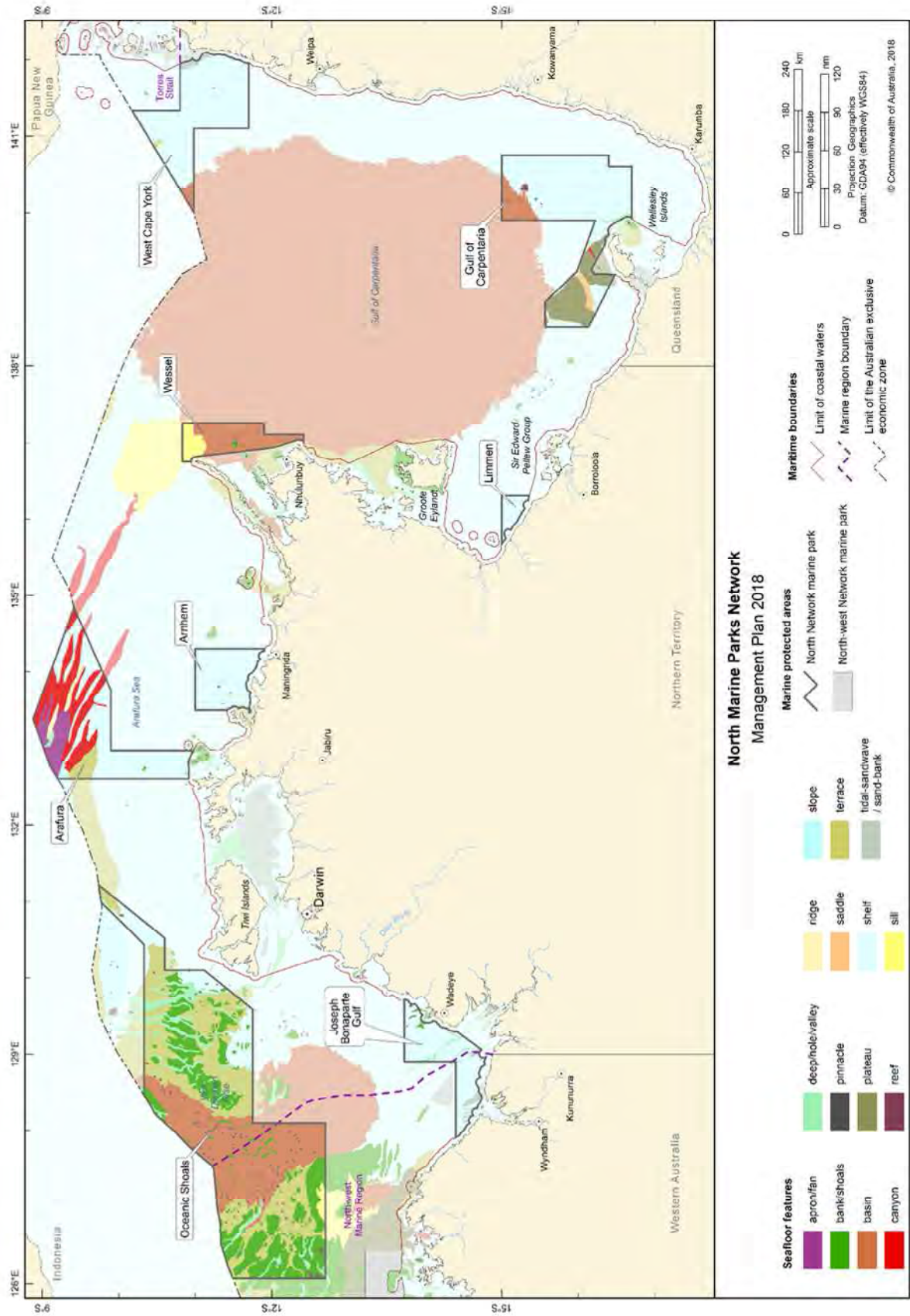


Figure S3.3 Seafloor features represented in the North Network

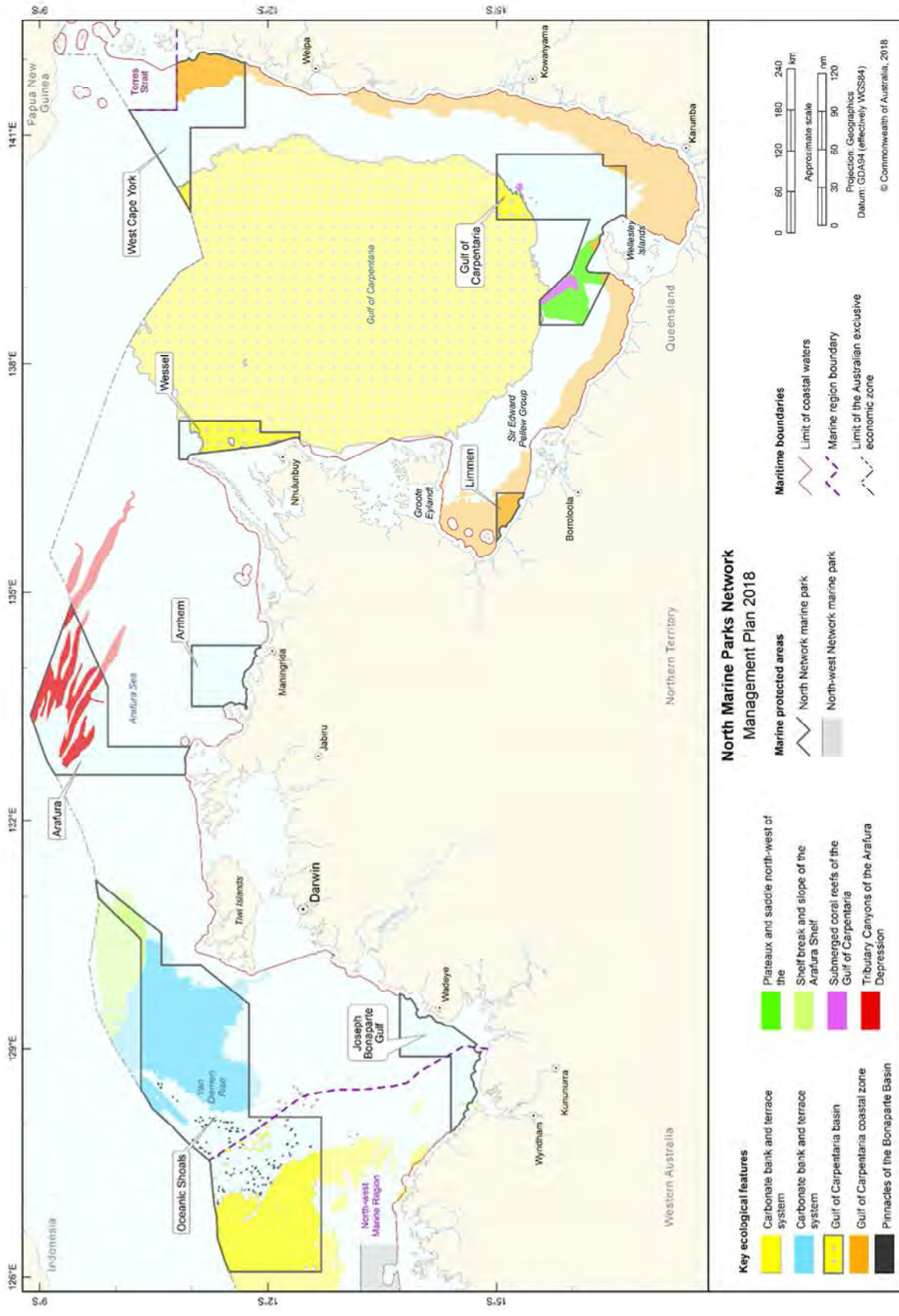


Figure S3.4 Key ecological features represented in the North Network



## SCHEDULE 4 NORTH NETWORK MARINE PARKS AND ZONE BOUNDARY DESCRIPTIONS

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In this Schedule:

**Act** means the *Environment Protection and Biodiversity Conservation Act 1999*.

**Fisheries Jurisdiction Line** means the line described in annex 8 of the Torres Strait Treaty.

**State waters** has the same meaning as **coastal waters of the State** in subsection 3 (1) of the *Coastal Waters (State Powers) Act 1980*.

**Territory waters** has the same meaning as **coastal waters of the Territory** in subsection 3 (1) of the *Coastal Waters (Northern Territory Powers) Act 1980*.

**Torres Strait Treaty** means the Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters, done at Sydney on 18 December 1978.

**Note 1:** A number of terms used in this Schedule are defined in the Act, including:

- (a) exclusive economic zone
- (b) IUCN category

**Note 2:** A copy of an Agreement or Treaty mentioned in this section is available at [www.dfat.gov.au/treaties](http://www.dfat.gov.au/treaties).

Geographic coordinates in this Schedule are expressed in terms of the Geocentric Datum of Australia 1994.

**Note:** The Geocentric Datum of Australia 1994 (also known as GDA94) was published in Gazette No. GN 35 of 6 September 1995.

However, the geographic coordinates in the following items in tables of this Schedule are expressed in terms of the Australian Geodetic Datum 1966:

- (a) item 1 of Section 8.1 of this Schedule;
- (b) item 1 of Section 8.3 of this Schedule;
- (c) item 1 of Section 8.4 of this Schedule;
- (d) item 2 of Section 8.4 of this Schedule.

**Note:** The Australian Geodetic Datum 1966 (also known as AGD66) was published in Gazette No. 84 of 6 October 1966.

### PART 1 — JOSEPH BONAPARTE GULF MARINE PARK

#### 1.1 Area of marine park

The Joseph Bonaparte Gulf Marine Park consists of an area in the Joseph Bonaparte Gulf bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Area of marine park**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 13° 44' 00" S, longitude 128° 54' 00" E
2	East along the parallel of latitude 13° 44' 00" S to its intersection by the outer limit of the Territory waters
3	Generally south-westerly along that outer limit to the easternmost point on the outer limit of the State waters of Western Australia
4	Generally westerly and north-westerly along that outer limit to its intersection by the parallel of latitude 14° 24' 00" S
5	East along that parallel to its intersection by the meridian of longitude 128° 54' 00" E
6	North along that meridian to the point of commencement

---

**1.2 Zones for marine park**

(1) The Joseph Bonaparte Gulf Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (VI) described in Section 1.3 of this Part;
- (b) the Multiple Use Zone (VI) described in Section 1.4 of this Part.

**1.3 Zone 1 (nojbgspsz01) of marine park—Special Purpose Zone (VI)**

Zone 1 (nojbgspsz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 1 (nojbgspsz01) of marine park—Special Purpose Zone (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 13° 44' 00" S, longitude 128° 54' 00" E
2	East along the parallel of latitude 13° 44' 00" S to its intersection by the outer limit of the Territory waters
3	Generally south-westerly along that outer limit to its intersection by the parallel of latitude 14° 00' 00" S
4	West along that parallel to its intersection by the meridian of longitude 128° 54' 00" E
5	North along that meridian to the point of commencement

---

#### 1.4 Zone 2 (nojbgmuz02) of marine park—Multiple Use Zone (VI)

Zone 2 (nojbgmuz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 2 (nojbgmuz02) of marine park—Multiple Use Zone (VI)	
Item	Description
1	The point of latitude 14° 00' 00" S, longitude 128° 54' 00" E
2	East along the parallel of latitude 14° 00' 00" S to its intersection by the outer limit of the Territory waters
3	Generally south-westerly along that outer limit to the easternmost point on the outer limit of the State waters of Western Australia
4	Generally westerly and north-westerly along that outer limit to its intersection by the parallel of latitude 14° 24' 00" S
5	East along that parallel to its intersection by the meridian of longitude 128° 54' 00" E
6	North along that meridian to the point of commencement

## PART 2 — OCEANIC SHOALS MARINE PARK

### 2.1 Area of marine park

The Oceanic Shoals Marine Park consists of an area in the Timor Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 12° 42' 00" S, longitude 126° 04' 00" E
2	North along the meridian of longitude 126° 04' 00" E to its intersection by the parallel of latitude 11° 29' 20.0799" S
3	North-easterly along the geodesic to the point of latitude 11° 26' 00.0144" S, longitude 126° 11' 59.9804" E
4	North-easterly along the geodesic to the point of latitude 11° 21' 00.0144" S, longitude 126° 27' 59.9803" E
5	North-easterly along the geodesic to the point of latitude 11° 20' 00.0144" S, longitude 126° 30' 59.9803" E
6	Easterly along the geodesic to the point of latitude 11° 20' 02.9144" S, longitude 126° 31' 58.3803" E
7	Easterly along the geodesic to the point of latitude 11° 20' 02.9000" S, longitude 126° 31' 58.4024" E



<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
8	Easterly along the geodesic to the point of latitude 11° 19' 40.8957" S, longitude 126° 47' 08.3977" E
9	Easterly along the geodesic to the point of latitude 11° 17' 30.8929" S, longitude 126° 57' 11.3939" E
10	Easterly along the geodesic to the point of latitude 11° 17' 24.8925" S, longitude 126° 58' 17.3935" E
11	Easterly along the geodesic to the point of latitude 11° 14' 18.8833" S, longitude 127° 31' 37.3819" E
12	North-easterly along the geodesic to the point of latitude 10° 55' 20.8798" S, longitude 127° 47' 08.3715" E
13	North-easterly along the geodesic to the point of latitude 10° 53' 36.8794" S, longitude 127° 48' 49.3704" E
14	North-easterly along the geodesic to the point of latitude 10° 43' 37.8772" S, longitude 127° 59' 20.3642" E
15	North-easterly along the geodesic to the point of latitude 10° 29' 11.8746" S, longitude 128° 12' 28.3559" E
16	North-easterly along the geodesic to the point of latitude 10° 28' 00.0143" S, longitude 128° 13' 59.9798" E
17	North-easterly along the geodesic to the point of latitude 10° 26' 00.0143" S, longitude 128° 17' 59.9798" E
18	North-easterly along the geodesic to the point of latitude 10° 20' 00" S, longitude 128° 27' 34.7560" E
19	East along the parallel of latitude 10° 20' 00" S to its intersection by the meridian of longitude 130° 26' 00" E
20	North-easterly along the geodesic to the point of latitude 09° 46' 23.8253" S, longitude 130° 59' 00" E
21	North-easterly along the geodesic to the point of latitude 09° 44' 16.7884" S, longitude 131° 13' 00" E
22	South-westerly along the geodesic to the point of latitude 10° 36' 00" S, longitude 130° 31' 00" E
23	West along the parallel of latitude 10° 36' 00" S to its intersection by the meridian of longitude 130° 06' 00" E
24	South along that meridian to its intersection by the parallel of latitude 11° 06' 48" S
25	South-westerly along the geodesic to the point of latitude 11° 45' 00" S, longitude 129° 35' 00" E

---

**Area of marine park**

---

**Item Description**

---

26	West along the parallel of latitude 11° 45' 00" S to its intersection by the meridian of longitude 128° 06' 00" E
27	South along that meridian to its intersection by the parallel of latitude 12° 42' 00" S
28	West along that parallel to the point of commencement

---

**2.2 Zones for marine park**

(1) The Oceanic Shoals Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 2.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 2.4 of this Part;
- (c) the Multiple Use Zones (VI) described in Section 2.5 and 2.7 of this Part;
- (d) the Special Purpose Zone (Trawl) (VI) described in Sections 2.6 of this Part.

**2.3 Zone 1 (noocsnpz01) of marine park—National Park Zone (II)**

Zone 1 (noocsnpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone1 (noocsnpz01) of marine park – National Park Zone (II)**

---

**Item Description**

---

1	The point of latitude 11° 00' 00" S, longitude 129° 46' 00" E
2	East along the parallel of latitude 11° 00' 00" S to its intersection by the meridian of longitude 129° 57' 00" E
3	South along that meridian to its intersection by the parallel of latitude 11° 11' 00" S
4	West along that parallel to its intersection by the meridian of longitude 129° 46' 00" E
5	North along that meridian to the point of commencement.

---

**2.4 Zone 2 (noocshpz02) of marine park—Habitat Protection Zone (IV)**

Zone 2 (noocshpz02) of the marine park consists of an area, excluding the zones described in Sections 2.4, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone2 (noocshpz02) of marine park – Habitat Protection Zone (IV)**

---

**Item Description**

---

1	The point of latitude 10° 50' 00" S, longitude 129° 15' 30" E
2	East along the parallel of latitude 10° 50' 00" S to its intersection by the meridian of longitude 130° 06' 00" E

---

---

**Zone2 (noocshpz02) of marine park – Habitat Protection Zone (IV)**

---

<b>Item</b>	<b>Description</b>
3	South along that meridian to its intersection by the parallel of latitude 11° 06' 48" S
4	South-westerly along the geodesic to the point of latitude 11° 45' 00" S, longitude 129° 35' 00" E
5	West along the parallel of latitude 11° 45' 00" S to its intersection by the meridian of longitude 129° 15' 30" E
6	North along that meridian to the point of commencement.

---

**2.5 Zone 3 (noocsmuz03) of marine park—Multiple Use Zone (VI)**

Zone 3 (noocsmuz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone3 (noocsmuz03) of marine park – Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 12° 42' 00" S, longitude 126° 04' 00" E
2	North along the meridian of longitude 126° 04' 00" E to its intersection by the parallel of latitude 11° 29' 20.0799" S
3	North-easterly along the geodesic to the point of latitude 11° 26' 00.0144" S, longitude 126° 11' 59.9804" E
4	North-easterly along the geodesic to the point of latitude 11° 21' 00.0144" S, longitude 126° 27' 59.9803" E
5	North-easterly along the geodesic to the point of latitude 11° 20' 00.0144" S, longitude 126° 30' 59.9803" E
6	Easterly along the geodesic to the point of latitude 11° 20' 02.9144" S, longitude 126° 31' 58.3803" E
7	Easterly along the geodesic to the point of latitude 11° 20' 02.9000" S, longitude 126° 31' 58.4024" E
8	Easterly along the geodesic to the point of latitude 11° 19' 40.8957" S, longitude 126° 47' 08.3977" E
9	Easterly along the geodesic to the point of latitude 11° 17' 30.8929" S, longitude 126° 57' 11.3939" E
10	Easterly along the geodesic to the point of latitude 11° 17' 24.8925" S, longitude 126° 58' 17.3935" E
11	Easterly along the geodesic to the point of latitude 11° 14' 18.8833" S, longitude 127° 31' 37.3819" E

---

---

**Zone3 (noocsmuz03) of marine park – Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
12	South-easterly along the geodesic to the point of latitude 11° 45' 00" S, longitude 128° 06' 00" E
13	South along the meridian of longitude 128° 06' 00" E to its intersection by the parallel of latitude 12° 42' 00" S
14	West along that parallel to the point of commencement

---

**2.6 Zone 4 (noocsspt04) of marine park—Special Purpose Zone (Trawl) (VI)**

Zone 4 (noocsspt04) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone4 (noocsspt04) of marine park – Special Purpose Zone (Trawl) (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 11° 45' 00" S, longitude 129° 15' 30" E
2	West along the parallel of latitude 11° 45' 00" S to its intersection by the meridian of longitude 128° 06' 00" E
3	North-westerly along the geodesic to the point of latitude 11° 14' 18.8833" S, longitude 127° 31' 37.3819" S
4	North-easterly along the geodesic to the point of latitude 10° 55' 20.8798" S, longitude 127° 47' 08.3715" E
5	North-easterly along the geodesic to the point of latitude 10° 53' 36.8794" S, longitude 127° 48' 49.3704" E
6	North-easterly along the geodesic to the point of latitude 10° 43' 37.8772" S, longitude 127° 59' 20.3642" E
7	North-easterly along the geodesic to the point of latitude 10° 29' 11.8746" S, longitude 128° 12' 28.3559" E
8	North-easterly along the geodesic to the point of latitude 10° 28' 00.0143" S, longitude 128° 13' 59.9798" E
9	North-easterly along the geodesic to the point of latitude 10° 26' 00.0143" S, longitude 128° 17' 59.9798" E
10	North-easterly along the geodesic to the point of latitude 10° 20' 00" S, longitude 128° 27' 34.7560" E
11	East along the parallel of latitude 10° 20' 00" S to its intersection by the meridian of longitude 129° 40' 00" E
12	South along that meridian to its intersection by the parallel of latitude 10° 33' 00" S

---

---

**Zone4 (noocsspt04) of marine park – Special Purpose Zone (Trawl) (VI)**

---

**Item Description**

---

- |    |  |
|----|--|
| 13 | West along that parallel to its intersection by the meridian of longitude 129° 15' 30" E |
| 14 | South along the meridian of longitude 128° 15' 30" E to the point of commencement        |
- 

**2.7 Zone 5 (noocsmuz05) of marine park—Multiple Use Zone (VI)**

Zone 5 (noocsmuz05) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 5 (noocsmuz05) of marine park – Multiple Use Zone (VI)**

---

**Item Description**

---

- |    |   |
|----|---|
| 1  | The point of latitude 10° 50' 00" S, longitude 130° 06' 00" E   |
| 2  | West along the parallel of latitude 10° 50' 00" S to its intersection by the meridian of longitude 129° 15' 30" E |
| 3  | North along that meridian to its intersection by the point of latitude 10° 33' 00" S                              |
| 4  | East along that parallel to its intersection by the meridian of longitude 129° 40' 00" E                          |
| 5  | North along that meridian to its intersection by the parallel of latitude 10° 20' 00" S                           |
| 6  | East along that parallel to its intersection by the meridian of longitude 130° 26' 00" E                          |
| 7  | North-easterly along the geodesic to the point of latitude 09° 46' 23.8253" S, longitude 130° 59' 00" E           |
| 8  | North-easterly along the geodesic to the point of latitude 09° 44' 16.7884" S, longitude 131° 13' 00" E           |
| 9  | South-westerly along the geodesic to the point of latitude 10° 36' 00" S, longitude 130° 31' 00" E                |
| 10 | West along the parallel of latitude 10° 36' 00" S to its intersection by the meridian of longitude 130° 06' 00" E |
| 11 | South along that meridian to the point of commencement  |
-

## PART 3 — ARAFURA MARINE PARK

### 3.1 Area of marine park

The Arafura Marine Park consists of an area in the Arafura Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 09° 54' 00" S, longitude 132° 58' 00" E
2	South along the meridian of longitude 132° 58' 00" E to its intersection by the outer limit of the Territory waters
3	Generally north-westerly and westerly along that outer limit to its intersection by the meridian of longitude 132° 36' 00" E
4	North along that meridian to its intersection by the parallel of latitude 09° 12' 09.3050" S
5	North-easterly along the geodesic to the point of latitude 09° 06' 00.0139" S, longitude 132° 45' 59.9787" E
6	North-easterly along the geodesic to the point of latitude 08° 52' 54.8149" S, longitude 133° 23' 04.2121" E
7	South-easterly along the geodesic to the point of latitude 09° 24' 54.7893" S, longitude 134° 50' 04.1796" E
8	South-westerly along the geodesic to the point of latitude 09° 54' 00" S, longitude 133° 45' 00" E
9	West along the parallel of latitude 09° 54' 00" S to the point of commencement

### 3.2 Zones for marine park

(1) The Arafura Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (Trawl) (VI) described in Section 3.3 of this Part;
- (b) the Multiple Use Zone (VI) described in Section 3.4 of this Part;
- (c) the Special Purpose Zone (VI) described in Section 3.5 of this Part.

### 3.3 Zone 1 (noaraspt01) of marine park—Special Purpose Zone (Trawl) (VI)

Zone 1 (noaraspt01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (noaraspt01) of marine park – Special Purpose Zone (Trawl) (VI)	
Item	Description
1	The point of latitude 9° 54' 00" S, longitude 133° 45' 00" E



---

**Zone 1 (noaraspt01) of marine park – Special Purpose Zone (Trawl) (VI)**

---

<b>Item</b>	<b>Description</b>
2	West along the parallel of latitude 9° 54' 00" S to its intersection by the meridian of longitude 133° 21' 00" E
3	North along that meridian to its intersection by the outer limit of the exclusive economic zone
4	Generally north-easterly and south-easterly along that outer limit to the point of latitude 09° 24' 54.7893" S, longitude 134° 50' 04.1796" E
5	South-westerly along the geodesic to the point of commencement

---

**3.4 Zone 2 (noaramuz02) of marine park–Multiple Use Zone (VI)**

Zone 2 (noaramuz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (noaramuz02) of marine park – Multiple Use Zone (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 09° 54' 00" S, longitude 132° 58' 00" E
2	South along the meridian of longitude 132° 58' 00" E to its intersection by the parallel of latitude 10° 54' 58" S
3	West along that parallel to its intersection by the meridian of longitude 132° 36' 00" E
4	North along that meridian to its intersection by the outer limit of the exclusive economic zone
5	Generally north-easterly along that outer limit its intersection by the meridian of longitude 133° 21' 00" E
6	South along that meridian to its intersection by the parallel of latitude 09° 54' 00" S
7	West along that parallel to the point of commencement

---

**3.5 Zone 3 (noaraspz03) of marine park–Special Purpose Zone (VI)**

Zone 3 (noaraspz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (noaraspz03) of marine park – Special Purpose Zone (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 10° 54' 58" S, longitude 132° 58' 00" E
2	South along the meridian of longitude 132° 58' 00" E to its intersection by the outer limit of the Territory waters

---

---

**Zone 3 (noaraspz03) of marine park – Special Purpose Zone (VI)**

---

Item	Description
3	Generally north-westerly and westerly along that outer limit to its intersection by the parallel of latitude 10° 54' 58" E
4	East along that parallel to the point of commencement

---

## **PART 4 — ARNHEM MARINE PARK**

### **4.1 Area of marine park**

The Arnhem Marine Park consists of an area in the Arafura Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

<b>Area of marine park</b>	
Item	Description
1	The point of latitude 11° 00' 00" S, longitude 133° 30' 00" E
2	East along the parallel of latitude 11° 00' 00" S to its intersection by the meridian of longitude 134° 18' 00" E
3	South along that meridian to its intersection by the outer limit of the Territory waters
4	Generally north-westerly, westerly and northerly along that outer limit to its intersection by the meridian of longitude 133° 30' 00" E on, or closest to, the parallel of latitude 11° 25' 30" S
5	North along that meridian to the point of commencement

---

### **4.2 Zone (noarnspz01) of marine park**

(1) The Arnhem Marine Park has the following zone:

- (a) the Special Purpose Zone (VI) described in Section 4.1 of this Part.

## **PART 5 — WESSEL MARINE PARK**

### **5.1 Area of marine park**

The Wessel Marine Park consists of an area in the Arafura Sea and the Gulf of Carpentaria bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

<b>Area of marine park</b>	
Item	Description
1	The point of latitude 10° 50' 00" S, longitude 136° 45' 00" E
2	East along the parallel of latitude 10° 50' 00" S to its intersection by the meridian of longitude 137° 15' 00" E

---

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
3	South along that meridian to its intersection by the parallel of latitude 11° 54' 00" S
4	West along that parallel to its intersection by the meridian of longitude 137° 06' 00" E
5	South along that meridian to its intersection by the parallel of latitude 12° 25' 00" S
6	West along that parallel to its intersection by the outer limit of the Territory waters
7	Generally northerly along that outer limit to its intersection by the meridian of longitude 136° 45' 00" E
9	North along that meridian to the point of commencement

## **5.2 Zones for marine park**

(1) The Wessel Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (Trawl) (VI) described in Section 5.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 5.4 of this Part.

### **5.3 Zone 1 (nowesspt01) of marine park—Special Purpose Zone (Trawl) (VI)**

Zone 1 (nowesspt01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

#### **Zone 1 (nowesspt01) of marine park—Special Purpose Zone (Trawl) (VI)**

<b>Item</b>	<b>Description</b>
1	The point of latitude 10° 50' 00" S, longitude 136° 45' 00" E
2	East along the parallel of latitude 10° 50' 00" S to its intersection by the meridian of longitude 137° 15' 00" E
3	South along that meridian to its intersection by the parallel of latitude 11° 25' 00" S
4	North-westerly along the geodesic to its intersection by the outer limit of the Territory waters closest to the parallel of latitude 11° 00' 40" S
5	Generally northerly and westerly along that outer limit to its intersection by the meridian of longitude 136° 45' 00" E
6	North along that meridian to the point of commencement

### **5.4 Zone 2 (noweshpz02) of marine park—Habitat Protection Zone (IV)**

Zone 2 (noweshpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (noweshpz02) of marine park—Habitat Protection Zone (IV)**

---

Item	Description
1	The point of latitude 11° 25' 00" S, longitude 137° 15' 00" E
2	South along the meridian of longitude 137° 15' 00" E to its intersection by the parallel of latitude 11° 54' 00" S
3	West along that parallel to its intersection by the meridian of longitude 137° 06' 00" E
4	South along that meridian to its intersection by the parallel of latitude 12° 25' 00" S
5	West along that parallel to its intersection by the outer limit of the Territory waters
6	Generally northerly along that outer limit to its intersection by the parallel of latitude 11° 00' 40" S
7	South-easterly along the geodesic to the point of commencement

---

## **PART 6 — LIMMEN MARINE PARK**

### **6.1 Area of marine park**

The Limmen Marine Park consists of an area in the Gulf of Carpentaria bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Area of marine park**

---

Item	Description
1	The point of latitude 15° 00' 00" S, longitude 136° 18' 00" E
2	South along the meridian of longitude 136° 18' 00" E to its intersection by the outer limit of the Territory waters
3	Generally north-westerly along that outer limit to its intersection by the parallel of latitude 15° 00' 00" S
4	East along that parallel to the point of commencement

---

### **6.2 Zone (nolimhpz01) of marine park**

(1) The Limmen Marine Park has the following zone:

- (a) the Habitat Protection Zone (IV) described in Section 6.1 of this Part.

## **PART 7 — GULF OF CARPENTARIA MARINE PARK**

### **7.1 Area of marine park**

The Gulf of Carpentaria Marine Park consists of an area in the Gulf of Carpentaria bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 15° 00' 00" S, longitude 139° 54' 00" E
2	East along the parallel of latitude 15° 00' 00" S to its intersection by the meridian of longitude 140° 45' 24" E
3	South along that meridian to its intersection by the parallel of latitude 16° 24' 00" S
4	West along that parallel to its intersection by the meridian of longitude 140° 36' 00" E
5	South along that meridian to its intersection by the parallel of latitude 16° 42' 00" S
6	West along that parallel to its intersection by the outer limit of the State waters of Queensland
7	Generally northerly, north-westerly and southerly along that outer limit to its intersection by the parallel of latitude 16° 28' 45" S on, or closest to, the meridian of longitude 139° 11' 30" E
8	North-westerly along the geodesic to the point of latitude 16° 08' 00" S, longitude 138° 30' 06" E
9	North along the meridian of longitude 138° 30' 06" E to its intersection by the parallel of latitude 15° 34' 00" S
10	East along that parallel to its intersection by the meridian of longitude 138° 50' 00" E
11	South-easterly along the geodesic to the point of latitude 15° 59' 00" S, longitude 139° 14' 00" E
12	South-easterly along the geodesic to the point of latitude 16° 13' 18" S, longitude 139° 54' 00" E
13	North along the meridian of longitude 139° 54' 00" E to the point of commencement

## **7.2 Zones for marine park**

(1) The Gulf of Carpentaria Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 7.3 of this Part;
- (b) the Special Purpose Zones (Trawl) (VI) described in Sections 7.4 and 7.5 of this Part.

### **7.3 Zone 1 (nogocnpz01) of marine park—National Park Zone (II)**

Zone 1 (nogocnpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 1 (nogocnpz01) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 15° 00' 00" S, longitude 139° 54' 00" E
2	East along the parallel of latitude 15° 00' 00" S to its intersection by the meridian of longitude 140° 05' 00" E
3	South along that meridian to its intersection by the parallel of latitude 16° 33' 00" S
4	West along that parallel to its intersection by the outer limit of the State waters of Queensland
5	Generally northerly and north-westerly along that outer limit to its intersection by the parallel of latitude 16° 20' 00" S
6	East along that parallel to its intersection by the meridian of longitude 139° 54' 00" E
7	North along that meridian to the point of commencement

---

**7.4 Zone 2 (nogocspt02) of marine park—Special Purpose Zone (Trawl) (VI)**

Zone 2 (nogocspt02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (nogocspt02) of marine park—Special Purpose Zone (Trawl) (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 15° 34' 00" S, longitude 138° 30' 06" E
2	East along the parallel of latitude 15° 34' 00" S to its intersection by the meridian of longitude 138° 50' 00" E
3	South-easterly along the geodesic to the point of latitude 15° 59' 00" S, longitude 139° 14' 00" E
4	South-easterly along the geodesic to the point of latitude 16° 13' 18" S, longitude 139° 54' 00" E
5	South along the meridian of longitude 139° 54' 00" E to its intersection by the parallel of latitude 16° 20' 00" S
6	West along that parallel to its intersection by the limit of the State waters of Queensland
7	Generally north-westerly and southerly along that outer limit to its intersection by the parallel of latitude 16° 28' 45" S on, or closest to, the meridian of longitude 139° 11' 30" E
8	North-westerly along the geodesic to the point of latitude 16° 08' 00" S, longitude 138° 30' 06" E
9	North along the meridian of longitude 138° 30' 06" E to the point of commencement

---



### 7.5 Zone 3 (nogocspt03) of marine park—Special Purpose Zone (Trawl) (VI)

Zone 3 (nogocspt03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 3 (nogocspt03) of marine park—Special Purpose Zone (Trawl) (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 15° 00' 00" S, longitude 140° 05' 00" E
2	East along the parallel of latitude 15° 00' 00" S to its intersection by the meridian of longitude 140° 45' 24" E
3	South along that meridian to its intersection by the parallel of latitude 16° 24' 00" S
4	West along that parallel to its intersection by the meridian of longitude 140° 36' 00" E
5	South along that meridian to its intersection by the parallel of latitude 16° 42' 00" S
6	West along that parallel to its intersection by the outer limit of the State waters of Queensland
7	Generally Northerly along that outer limit to its intersection by the parallel of latitude 16° 33' 00" E
8	East along that parallel to its intersection by the meridian of longitude 140° 05' 00" E
9	North along that meridian to the point of commencement

## PART 8 — WEST CAPE YORK MARINE PARK

### 8.1 Area of marine park

The West Cape York Marine Park consists of an area in the Gulf of Carpentaria bounded by the line commencing at the intersection described in item 1 of the following table and running progressively as described in the table.

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
1	The intersection of the Fisheries Jurisdiction Line by the meridian of longitude 141° 20' 00" E
2	South along that meridian to its intersection by the parallel of latitude 10° 48' 00" S
3	East along that parallel to its intersection by the outer limit of the State waters of Queensland
4	Generally southerly along that outer limit to its intersection by the parallel of latitude 11° 42' 00" S
5	West along that parallel to its intersection by the meridian of longitude 141° 06' 00" E

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
6	North along that meridian to its intersection by the parallel of latitude 10° 59' 00" S
7	West along that parallel to its intersection by the Fisheries Jurisdiction Line
8	North-easterly along that line to the point of commencement

**Note:** AGD66 applies to the coordinate described in item 1 of this table.

### 8.2 Zones for marine park

(1) The West Cape York Marine Park is divided into the following zones:

- (a) the National Park Zones (II) described in Sections 8.3 and 8.6 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 8.4 of this Part;
- (c) the Special Purpose Zone (VI) described in Section 8.5 of this Part.

### 8.3 Zone 1 (nowcynpz01) of marine park—National Park Zone (II)

Zone 1 (nowcynpz01) of the marine park consists of an area bounded by the line commencing at the intersection described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (nowcynpz01) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The intersection of the Fisheries Jurisdiction Line by the meridian of longitude 141° 20' 00" E
2	South along that meridian to its intersection by the parallel of latitude 10° 40' 00" S
3	West along that parallel to its intersection by the Fisheries Jurisdiction Line
4	Generally north-easterly along that line to the point of commencement

**Note:** AGD66 applies to the coordinate described in item 1 table.

### 8.4 Zone 2 (nowcyhgz02) of marine park—Habitat Protection Zone (IV)

Zone 2 (nowcyhgz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (nowcyhgz02) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 10° 40' 00" S, longitude 141° 20' 00" E
2	South along the meridian of longitude 141° 20' 00" E to its intersection by the parallel of latitude 10° 48' 00" S
3	East along that parallel to its intersection by the meridian of longitude 141° 42' 00" E
4	South along that meridian to its intersection by the parallel of latitude 11° 42' 00" S

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**Zone 2 (nowcyh pz02) of marine park—Habitat Protection Zone (IV)**

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Item	Description
5	West along that parallel to its intersection by the meridian of longitude 141° 06' 00" E
6	North along that meridian to its intersection by the parallel of latitude 10° 59' 00" S
7	West along that parallel to its intersection by the Fisheries Jurisdiction Line
8	Generally north-easterly along that line to its intersection by the parallel of latitude 10° 40' 00" S
9	East along that parallel to the point of commencement

---

**Note:** AGD66 applies to the longitude described in item 1 and the longitude in line 2 of this table

**8.5 Zone 3 (nowcyspz03) of marine park—Special Purpose Zone (VI)**

Zone 3 (nowcyspz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (nowcyspz03) of marine park—Special Purpose Zone (VI)**

---

Item	Description
1	The point of latitude 11° 04' 00" S, longitude 141° 42' 00" E
2	East along the parallel of latitude 11° 04' 00" S to its intersection by the outer limit of the State waters of Queensland
3	Generally southerly along that outer limit to its intersection by the parallel of latitude 11° 42' 00" S
4	West along that parallel to its intersection by the meridian of longitude 141° 42' 00" E
5	North along that meridian to the point of commencement

---

**8.6 Zone 4 (nowcynpz04) of marine park—National Park Zone (II)**

Zone 4 (nowcynpz04) of the marine park consists of an area bounded by the line commencing at the intersection described in item 1 of the following table and running progressively as described in the table.

---

**Zone 4 (nowcynpz04) of marine park—National Park Zone (II)**

---

Item	Description
1	The point of latitude 10° 48' 00" S, longitude 141° 42' 00" E
2	East along the parallel of latitude 10° 48' 00" S to its intersection by the outer limit of the State waters of Queensland
3	Generally southerly along that outer limit to its intersection by the parallel of latitude 11° 04' 00" S

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**Zone 4 (nowcynpz04) of marine park—National Park Zone (II)**

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**Item Description**

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4 West along that parallel to its intersection by the meridian of 141° 42' 00" E

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5 North along that meridian to the point of commencement

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[parksaustralia.gov.au/marine](https://parksaustralia.gov.au/marine)



**Australian Government**  
**Director of National Parks**

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**Report of the Director of National Parks**

**under**

***Environment Protection and Biodiversity Conservation Act 1999***

**Section 370**

**on the Preparation of the North Marine Parks Network Management Plan**

**2017**

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## 1 INTRODUCTION

This report has been prepared in accordance with section 370 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) for consideration by the Minister for the Environment in relation to approving the North Marine Parks Network Management Plan.

The Director of National Parks is responsible under the EPBC Act for the management of 58 marine parks around Australia (formerly named Commonwealth marine reserves), comprising the:

- North Network of marine parks
- North-west Network of marine parks
- South-west Network of marine parks
- South-east Network of marine parks
- Temperate East Network of marine parks
- Coral Sea Marine Park.

Australian Marine Parks are in Commonwealth marine areas defined by the EPBC Act - waters that generally start at the outer limit of state and territory coastal waters, three nautical miles (5.5 km) from the shore, and extend to the outer limit of Australia's exclusive economic zone, typically 200 nm from the shore.

These marine parks are Commonwealth reserves, proclaimed under section 344 of the EPBC Act for the protection and conservation of biodiversity, and to contribute to the National Representative System of Marine Protected Areas.

Section 366 of the EPBC Act requires a management plan to be made after a Commonwealth reserve is declared to set out the management arrangements, including what activities will be allowed. In preparing management plans, two rounds of statutory public consultation are required: the first inviting comment on the proposal to prepare a draft plan and the second inviting comments on the draft plan. Both rounds of consultation are required to be open for at least 30 days. A single management plan may be the plan for multiple reserves.

For the South-east network of 14 marine parks, this process was completed in 2012 and a management plan has been in operation since 2013.

For the remaining 44 marine parks in the in the North, North-west, South-west and Temperate East Networks and the Coral Sea, the Director of National Parks has undertaken the two rounds of statutory public consultation and has now completed management plans. These plans set out the management arrangements that will be implemented within these marine parks over the next ten years, including zoning and rules for activities.

This report summarises the 35 submissions received on the draft North Marine Parks Network Management Plan, during the second period of statutory consultation, as defined under EPBC Act. It also outlines the comments that were made across all draft plans or multiple draft plans, that are of relevance to the plan for the North Network. The report provides the views of the Director of National Parks on those comments, noting where the plans have been amended, or where comments or suggestions provided have not been not adopted.

## 2 THE MANAGEMENT PLANS

The mandatory content for Commonwealth reserve management plans is set out in Section 367 of the EPBC Act. In accordance with the section, the management plans for marine parks must provide for the protection and conservation of each park and may divide a park into zones. In particular, the management plan must:

- assign each park to an IUCN category
- state how each park, or each zone of the park, is to be managed
- state how the natural features of the park are to be protected and conserved
- specify any limitation or prohibition on the exercise of a power, or performance of a function, under an Act in or in relation to the park
- specify any mining operation, major excavation or other work that may be carried on in the park, and the conditions under which it may be carried on
- specify any other operation or activity that may be carried on in the park
- indicate generally the activities that are to be prohibited or regulated in the park, and the means of prohibiting or regulating them
- indicate how the plan takes account of Australia's international obligations
- be consistent with National and Commonwealth Heritage place principles.

The management plans as prepared meet these requirements by including a description of each park and the values of each park. They also set out the suite of management programs, activities and prescriptions to be implemented over the life of the plans.

The plan provides the overarching framework for management of the 8 marine parks in the North Network for ten years from commencement. The plan addresses the requirements of the EPBC Act and associated regulations, and provides flexibility to allow management arrangements to be adapted as needed through the life of the plan.

In accordance with Section 368 of the EPBC Act, the management plan for marine parks in the North Network has been prepared taking account of:

- the report prepared for the proclamation of those marine parks
- the proclamation and associated purposes governing the use of the marine parks
- the interests of owners and leaseholders, traditional owners, Indigenous persons and holders of usage rights within the marine parks
- the protection, conservation and management of biodiversity and heritage within the marine parks
- the protection of the marine parks against damage
- Australia's obligations under international agreements relevant to the protection and conservation of biodiversity and heritage
- comments received on the initial Notice of Intent to prepare draft plans between 5 September and 31 October 2016
- comments received on the draft plans between 21 July and 20 September 2017.

## **3 CONSULTATION**

### **3.1 NOTICE OF INTENTION TO PREPARE THE MANAGEMENT PLANS**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice was published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website, inviting comments on the proposal to prepare draft management plans for marine parks in North, North-west, South-west, Temperate East and the Coral Sea.

As required under the EPBC Act, information on the Notice of Intent to prepare draft management plans including an invitation to comment was sent to all native title representative bodies and representatives of native title claimants in the vicinity of the marine parks. Also, an email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to the marine mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

Comments on the Notice of Intent closed on 31 October 2016, with a total of 54,322 submissions received. Of these, 212 were unique submissions from organisations, representative bodies, businesses and individuals and 54,110 were submissions from the general public using standardised words or a template (from 16 different templates). The submissions using standard words expressed views about conservation or recreational fishing.

The key comments raised during the first round of consultation included:

- the need for higher protection of environmental and cultural values
- requests for greater commercial and recreational access to fishing areas
- calls for more restrictions on extractive activities, including oil and gas exploration in marine parks
- importance of consistency in management arrangements between adjacent Australian and state and territory parks
- importance of appropriate resourcing for comprehensive, intelligent compliance arrangements, particularly where National Park zones have been proposed
- need for targeted communication about park management, including for different sectoral users
- concerns over restrictions on extractive activities such as oil and gas, commercial and charter fishing in marine parks
- importance of flexible / adaptive management approaches
- need for fisheries adjustment support for commercial fishing businesses affected by new rules in marine parks.

Those submissions received were considered in the preparation of the draft plans that were released for public comment in 2017. A summary of the issues raised in submissions was made available to the public on release of the draft plans.

### **3.2 PUBLIC CONSULTATION ON THE DRAFT MANAGEMENT PLANS**

In accordance with Section 368 of the EPBC Act, public comment was invited on the five draft management plans between 21 July and 20 September 2017.



Invitations to comment on draft plans were published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website. An email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to marine park mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

As required under the EPBC Act, a letter and information materials were posted to all native title representative bodies, representatives of native title claimants in the vicinity of the marine parks and all persons holding a usage right under Section 359B of the EPBC Act that existed prior to the parks being proclaimed. Copies of draft plans were made available on the Parks Australia website and through the department's Community Information Unit.

This report includes a summary of the public comments made on draft plans and the Director's views on those comments. It focuses in particular on comments made in relation to the draft plan for the North Marine Parks Network.

#### 4 SUMMARY OF COMMENTS RECEIVED

A total of 35 specific submissions were received on the draft North Marine Parks Network Management Plan. A total of 82,877 submissions (including 2,027 unique and 80,850 using standard words) were received in response to the invitation to comment on all five draft plans. Copies of all submissions, including examples of submissions using standardised wording, are on the Parks Australia website.

Submissions received contained comments on a broad range of issues. Some comments were directed towards all draft plans. Other comments received were about a particular draft plan, park or network. This report summarises the comments received across all draft plans, and the comments received in relation to the draft plan for the North Marine Parks Network.

Comments that relate to specific parts of the draft plans are discussed in Chapter 5.

Comments that are general in nature or relate to issues or processes outside of the draft plans, such as the *Independent Review of Commonwealth Marine Reserves*, or the level of funding for marine park management are discussed in Chapter 6.

##### Unique submissions

A total of 2,027 unique submissions were received from individuals, businesses, associations, organisations or representative bodies about all draft management plans (Table 4.1).

Table 4.1 Unique submissions received from different sectors

Sector	Total
General public	1 724
Recreational fishing	136
Conservation	50
Research	25
Commercial fishing	20
Government	16
Commercial tourism	12
Indigenous	11

Recreational scuba or snorkel	10
Commercial charter fishing	9
Oil, gas, or mining	3
Recreational boating	3
Other	3
Ports	2
Commercial media	2
Aquaculture	1

### Submissions using standardised words

A total of 80,850 submissions were received from members of the general public, using standardised words or a template (Table 4.2). For some of these submissions, wording was amended slightly, or additional text added.

Table 4.2 Submissions received that used standardised words or a template

Template or standardised words	Total
Save Our Marine Life - stop this madness and save our sanctuaries	27 133
Australian Marine Conservation Society	21 918
WWF - preserve our reserves	9 833
Save Our Marine Life - recreational fisher	6 342
Save Our Marine Life - stop the cutbacks, I fish	6 105
Wilderness cutbacks	5 011
Save Our Marine Parks	2 945
Keep Australia fishing	682
Keep the Rowley Shoals oil free	398
Save Bremer's whale nursery	359
Campaign Now – reject these cutbacks	124
<b>TOTAL</b>	<b>80 850</b>

## 5 COMMENTS ON THE DRAFT PLAN

### 5.1 COMMENTS ABOUT PART 1 OF THE PLAN

The following comments were raised in relation to the entire plan and Part 1:

#### General comments:

- Indigenous engagement and cultural values need to be considered throughout the plans, not just in the Indigenous engagement program.
- The term 'Aboriginal' should be used, not 'Indigenous' and the plan should refer to "Traditional Owners", not "traditional owners".
- More regionally specific photos should be included throughout the plans.

#### Vision and objectives:

- Supported the vision for marine parks or the objectives of the plan.
- The primary focus of the vision and objectives should be on protection of the marine environment / biodiversity, or on sustainable use and enjoyment.

- Need to balance marine protection, with sustainable use and enjoyment in marine parks.

Approach to managing Australian Marine Parks and ways of working:

- Supported, or generally supported, the approach and ways of working articulated in the plan.
- Concerned about ability to manage specific park issues using a network-wide plan.

Partnerships:

- Interested in developing partnerships to protect the marine environment.
- Supported opportunities for collaboration and partnerships with state and territory governments (through annual business agreements), industry partners and in the management of service arrangements.
- Supported setting up an advisory committee / forum to engage users in park management.
- Suggested a specific member for one of the advisory committees or using an existing committee.
- Importance of strong ongoing consultation with people in the region.
- Partnerships are needed with native title holders to support the identification and management of cultural values.
- Sufficient Indigenous representation is needed on advisory committees or at least one funded representative.
- Supported the *Principles supporting Indigenous people to engage in management of Australian Marine Parks* and the commitment to partnerships with traditional owners and Indigenous people.
- Suggested the following amendments to the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*:
  - Principle 5 or other part should reference the *United Nations Declaration of Indigenous Rights*.
  - In Principle 1, “for thousands of years” should be replaced with “since time immemorial”.
  - Principle 8 should be amended to say “Third party investment in Australian Marine Parks “must” include support for Indigenous people’s interests etc.
- Unclear about joint management and what it entails.
- Suggested additional people should be considered traditional owners.
- Change Maritime Border Command to Australian Border Force.

Management programs and actions, implementation plans and adaptive management:

- Supported, or generally supported, the management programs and actions identified and the commitment to ongoing active management.
- Sought involvement in development of implementation plans, specifically Indigenous groups.
- Supported, or generally supported, adaptive management.
- Concerned about adaptive management or the ability to monitor effectiveness of the plans.

**Director’s views**

General:

I note the comments received in relation to the entire plan, particularly about the importance of Indigenous engagement.

I recognise that Aboriginal and Torres Strait Islander people have been managing their sea country for thousands of years. The plans commit to working closely with Indigenous people to manage marine parks and include specific actions in the management programs about working with Indigenous people.

In these plans, Aboriginal and/or Torres Strait Islander people are referred to collectively as Indigenous people. I recognise that some Aboriginal people prefer not to be referred to as 'Indigenous', however the plans cover waters in the Torres Strait and I am seeking to be inclusive. In referring to Indigenous people, I do not intend to give offence to Aboriginal people.

The plans will be read by many people and are important to communicating about our parks. Minimal use of capitals in the plan is intended to increase readability, including not using capitals in the term "traditional owner". Again, this is not intended to create offence.

I have included regionally specific photographs within the plans, on the website and in other communication materials wherever possible.

#### Vision and objectives:

I note the comments about the vision and the framework proposed for managing marine parks, with the majority of these expressing support for the partnership approach outlined.

My vision is that marine parks are healthy, resilient and well managed to enhance Australia's wellbeing. The vision seeks to balance protection of the marine environment and sustainable use and enjoyment of marine parks, for the benefit of all Australians. The objectives are drawn from the requirements under the EPBC Act and the stated purpose of the parks on their proclamation.

Of interest, some people commented that the vision should be more focussed on protection, while others thought it should be more focussed on sustainable use and enjoyment. This demonstrates the divergent views and the challenge in balancing sometimes competing values for marine parks.

#### Approach to managing Australian Marine Parks and ways of working:

I welcome the general support for the approach proposed in Part 1.6 and 1.7 of the plan.

While some submissions expressed concern that grouping together management of several parks under networks and plans won't address park specific issues, I am confident that the proposed approach will provide national consistency, while enabling sufficient flexibility to deliver park-specific outcomes and actions.

#### Partnerships:

I welcome the interest in, and support for, the partnership approach proposed.

I am committed to working in partnership with traditional owners, marine park users, other governments and stakeholders, to manage our parks collaboratively. Establishing advisory arrangements will provide me with valuable and ongoing input and advice about marine environments, values and uses of our parks. The establishment of advisory arrangements will be a priority when the plans come into force. I am not intending to duplicate existing arrangements or establish new advisory mechanisms where they are not considered necessary or useful, and welcome advice on this. I will also develop agreements with state and territory governments to encourage collaboration.

Support for collaboration between Parks Australia, traditional owners and native title holders is welcome. While I note the suggestions made about the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*, I was reluctant to make changes. This is because they were drafted and endorsed by a number of Indigenous people and representatives of Indigenous organisations.

However, I have amended Section 1.8 of the plans to replace "for thousands of years" with "since time immemorial" and to reference the *United Nations Declaration in the Rights of Indigenous People*.

The text in Section 1.8 has also been amended to change Maritime Border Command to Australian Border Force.

Management programs and actions, implementation plans and adaptive management:

The management programs and actions listed in the plan provide a framework for how Parks Australia will actively manage our marine parks. I will be seeking advice from our advisory committees / forums once established about these programs and actions, and importantly how they are implemented in each park and network.

I note the range of views about adaptive management. Regular monitoring, evaluation, reporting and review of the implementation of the plans will be essential to achieve the vision for Australian Marine Parks. It will also help to keep track of our progress and change our approach when necessary. While we have a large amount of work ahead of us, I am satisfied that the proposed management programs and actions provide a sound and coherent framework for achieving the vision and objectives of the plans.

## **5.2 COMMENTS ABOUT PART 2 OF THE PLAN**

The following comments were received on Part 2.1, 2.2 and 2.3 of the plan and Schedule 2.

Values:

- Further information should be included about the social, heritage, aesthetic and cultural values of each network.
- Australia's oceans have significant non-market value.
- Conservation status and ecological values of the Carpentaria Shoal require better description.
- Where marine parks overlap with existing internationally recognised protected areas (such as Indigenous Protected Areas) these should be appropriately described.
- Schedule S2.2 should include a note in relation to the Gulf of Carpentaria Marine Park that part of the Park includes an area of sea over which non-exclusive native title rights and interests have been determined to exist and that these native title rights and interests are managed by Gulf Regional Advisory Committee on behalf of the native title holders.
- Cultural values section for Limmen Marine Park should be changed to reflect that this is mainly Marra people, not Yanyuwa people, that are traditional owners and that strong songlines extend from land, through the sandbar and on through Maria Island.

Pressures:

- Pressures have been adequately described and create a solid context.
- Concerned about pressures described and in light of these pressures, there should be higher levels of protection.
- Should have regard to past research by state and territory governments with respect to pressures on marine parks.

## **Director's views**

### Values:

I note the comments that sought or provided further information about the natural, cultural, heritage, social and economic values of marine parks.

The values outlined will form the basis of decision making about activities allowed in marine parks. The additional information provided about values is welcome. Descriptions of values in the plan need to be succinct, so not all information provided could be included. Additional information will be made available through the Department's website over time.

As a result of additional information provided, the plan has been amended to include additional information in Part 2.1 and Schedule 2.2 about values.

Under cultural values in Section 2.1 and in Schedule 2.2, the following text has been amended to include "tens of":

"Aboriginal/Indigenous people have been sustainably using and managing their sea country for tens of thousands of years."

### Pressures:

I acknowledge the comments made about the pressures acting on marine parks.

Managing marine parks requires a balance between use and enjoyment of marine parks, with protecting the marine environment. To that end, the impact of pressures on marine park values will be considered when determining the management actions to be implemented, and when making decisions about the activities that will be allowed in each park. Pressures such as the extraction of living resources by fishing and habitat modification through installation of infrastructure, will also be managed through the zones and rules set out in the plan.

Climate change as a pressure cannot be reduced through this plan, however, effective marine park management is expected to assist in improving the resilience of marine ecosystems to recover from pressures, such as climate change.

I note the existing research on the pressures acting on marine environments, including by state and territory governments, and will seek to gather and consider that research through our partnerships and under the marine science program.

## **5.2.1 COMMENTS ON THE COMMUNICATION, EDUCATION AND AWARENESS PROGRAM**

The following comments were received on the communication, education and awareness program and actions:

- Supported the implementation of a program to improve community and stakeholder awareness and engagement, including ongoing engagement.
- Need to have clear and multi-channelled communications to encourage acceptance of marine parks and improved compliance.
- Concerned about funding being used for promoting marine parks, at the expense of science or other programs.



- Lack of consideration of the role that native title holders could play in delivering the communication, education and awareness program.

#### ***Director's views***

I note the comments made about this program, which I regard as critical to engaging Australians in marine park management. Under this program, Parks Australia will work with park users, state and territory governments, Indigenous people, native title holders, key stakeholders and the broader community to manage marine parks for the benefit of all Australians. This program will build awareness about marine parks, their environmental, cultural and socio-economic values and the way Parks Australia is managing them.

While I note concerns about using resources to promote or market marine parks, as noted in many submissions, education programs are important to help people to understand the rules in marine parks and to encourage people to comply with the rules. The program will be implemented efficiently, using online resources and tools wherever possible, and working with our partners.

I agree with the comments that native title holders can assist with delivery and will be seeking input and support from Indigenous people to implement this program.

#### **5.2.2 COMMENTS ON THE TOURISM AND VISITOR EXPERIENCE PROGRAM**

The following comments were received on the tourism and visitor experience program and actions:

- Supported the implementation of a program to improve visitation and visitor experiences in marine parks.
- Did not support increased tourism in marine parks, or expressed concern about the impacts of increased tourism on park values.
- Insufficient levels of marine park protection will undermine regional economies that are dependent on marine tourism.
- Tourism operators need to be regulated to ensure that they do not encroach on native title rights and interests or interfere with cultural sites.
- Commercial and recreational marine park users need to liaise with native title holders to ensure that access to traditional waters occurs in a culturally appropriate manner.
- Indigenous people are tourism operators.
- Cultural values have not been well understood / communicated.
- Cultural tourism opportunities with Aboriginal partnerships should be emphasised.

#### ***Director's views***

I note the comments provided about this program and will pay careful attention to them in implementing the plans. Australian Marine Parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Creating amazing destinations for visitors is one of Parks Australia's core goals, and I want to work with operators to promote and support tourism in marine parks.

However, tourism activities do have the potential to impact on marine park values, including cultural values. All users of marine parks, including tourism operators, need to operate in a manner that is sustainable and minimises impacts.

I agree that we should support access to traditional waters occurring in a culturally appropriate manner. The plan has been amended to include an action to promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners.

I also agree that marine parks provide cultural tourism opportunities. The plan has been amended to include an action to work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

### **5.2.3 COMMENTS ON THE INDIGENOUS ENGAGEMENT PROGRAM**

The following comments were received on the Indigenous engagement program and actions:

- Support the Indigenous engagement program and management actions.
- Should emphasise cultural benefits, above social and economic benefits.
- Support engaging Indigenous people in the management of Australian Marine Parks.
- Need to engage with native title holders and traditional owners in an ongoing way.
- Long term funding is needed to support ongoing engagement and coordination with traditional owners and Indigenous rangers, to enable them to manage their sea country and create employment.
- Expressed support for specific Indigenous advisory structures to provide leadership and advice, implement ranger programs and capacity building initiatives and input into advisory committees/forums.
- Parks Australia could align meetings with Indigenous people with meetings arranged by state or territory agencies.
- Cultural advisors could support management plan implementation.
- Ranger groups could engage with traditional owners.
- Interested in opportunities available for traditional owners and Indigenous rangers to undertake actions in marine parks such as marine debris programs, megafauna management programs, long-term monitoring, maintenance for park infrastructure and water quality monitoring.
- Indigenous rangers could fulfil enforcement functions if trained and resourced.
- Need to focus on building capacity of Indigenous groups.
- Need greater linkages between state and federal initiatives for sea rangers.
- Need ongoing engagement to further identify cultural values, stories and sea country.
- Indigenous working groups should be established to develop the Indigenous engagement and cultural heritage strategy (with funding).
- Important to include traditional owners and rangers in research (and this needs to be funded).
- Need established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Unclear how traditional owners will input into authorisation decisions for certain activities.
- Need to produce simple posters like those produced for Indigenous Protected Areas to support traditional owners to understand marine park management activities.
- Sceptical about the willingness or approach to Indigenous engagement.

#### **Director's views**

I note the comments provided about the Indigenous engagement program and welcome the overwhelming support it has received. These comments will be carefully considered in the implementation of the program.

Through the plan and the Indigenous engagement program, traditional owners, native title holders and Indigenous people will be engaged in managing sea country within marine parks, with the intention of developing Indigenous livelihoods and employment. This includes supporting Indigenous people and rangers to undertake surveys, monitoring, research and surveillance in our marine parks.

I welcome advice provided on the specific mechanisms to engage traditional owners, native title holders and Indigenous rangers in marine park management and will consider this input in the coming months as appropriate arrangements are established across Australia to implement this program.

The suggestion to produce information to support traditional owners understand marine park management activities is welcome. The plan has been amended to add an action to provide information to Indigenous people about marine park management.

In recognition of the importance of engaging with traditional owners and the need for increased cultural awareness, the plan has been amended to include the following actions:

- “implement cultural awareness training for Parks Australia staff in association with traditional owners
- establish protocols for researchers working with Parks Australia to guide engagement with traditional owners
- increase understanding of traditional knowledge, map cultural values and manage culturally significant sites.”

#### **5.2.4 COMMENTS ON THE MARINE SCIENCE PROGRAM**

The following comments were received on the marine science program and actions:

- Supported the implementation of a program to increase scientific knowledge and understanding of marine parks and their values and to inform park management.
- Parks Australia should work closely with research institutions, the oil and gas industry, Indigenous people, scientists, state/territory governments and other countries in implementing the marine science program.
- Need to involve resource users, especially traditional owners, in determining research priorities and in undertaking research activities in partnership with external researchers.
- More scientific information is needed about the impacts and benefits of fishing, tourism, oil and gas, habitats, species, biological communities, taxonomy and the effectiveness of zoning to inform management.
- In light of heritage and natural values, more research is required into specific marine parks.
- Support and interest in citizen science, including by recreational fishers to monitor or target specific knowledge gaps.
- Existing fishing tag and release programs and data from fishing clubs could contribute to research.
- Need to include traditional owners and rangers in research (including providing funding).
- Need to apply established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Research priorities should explicitly support collection and appropriate use of traditional knowledge.

#### **Director's views**

I note the generally supportive comments received on the marine science program and the suggestions for priorities. I agree that science is fundamentally important to understanding and managing marine parks.

Science has formed the basis for establishing Australian Marine Parks and will remain key to successfully managing them. In recognition of the importance of science in managing marine parks, scientific research and monitoring will be prioritised in marine parks over the next decade. The marine science program will improve our understanding of marine systems, habitats, ecosystems and values. This includes the impacts and benefits of recreational and commercial use and enjoyment for fishing, tourism, oil and gas, conservation and heritage values. Through monitoring and research of park values, the pressures acting on those values, and the adequacy of management responses, the marine science program will play a major role in an adaptive evidence-based approach to marine park management.

To get the best outcomes from this program, Parks Australia will work closely with research institutions, including the National Environmental Science Program and the National Marine Science Committee, as well as traditional owners, Indigenous people, marine park users, state/territory governments and other countries.

I welcome advice provided on specific research priorities, datasets, collaboration and mechanisms to engage in implementing the marine science program. Inputs and advice from scientists, stakeholders and the community will be considered in the implementation of this program over the next decade.

Community involvement in management of our marine parks, such as through citizen science programs will also be encouraged.

I consider that the comments received are addressed through the plan or will be considered in the implementation of the marine science program, and no changes are required to the plan.

#### **5.2.5 COMMENTS ON THE ASSESSMENTS AND AUTHORISATIONS PROGRAM**

The following comments were received on the assessments and authorisations program and actions:

- Supported using Commonwealth or state assessment and authorisation processes where possible, consultation between government departments and industry, class approvals, and an online authorisations system to reduce regulatory burden on users and ensure transparency in decision making.
- Concerned about increasing red tape and regulation.
- Support public release of information about authorisations.
- All licences and approvals should include the dollar value of the approval.
- Unclear how traditional owners will have input into authorisation decisions for certain activities.

#### ***Director's views***

I welcome the comments received about this program and will consider them carefully in its implementation.

As set out in the "Ways of working", Parks Australia is committed to minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval processes of other agencies, aligning our authorisation systems with others and developing an online application process.

Parks Australia will consult closely with users about implementation of this program.

In the interests of transparency, Parks Australia will publish information about authorisations online and inform traditional owners about activities occurring on sea country. It is not however considered appropriate to publish “dollar values” or commercially sensitive information.

#### **5.2.6 COMMENTS ON THE PARK PROTECTION AND MANAGEMENT PROGRAM**

The following comments were received on the park protection and management program and actions:

- Supported implementing a program to proactively manage threats on marine parks.
- Moorings or anchorages are needed, to reduce damage.
- Concerned about the potential for an oil spill and the impact.
- Supported the development of an Australian Marine Parks critical incident strategy in consultation with the oil and gas industry.
- Final action about Indigenous rangers should be amended to remove “explore opportunities to collaborate”, to “ensure full collaboration” with traditional owners and Indigenous ranger groups.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.
- Indigenous ranger groups should be supported through funding and training to undertake monitoring programs and to strengthen and adapt traditional management systems to deal with changing pressures.

#### **Director’s views**

I note the comments about the park protection and management program and general support as a mechanism to address pressures on marine parks.

Under this program, Parks Australia will implement actions in marine parks to protect natural, cultural and heritage values from impacts. Actions will be undertaken in partnership with park users, governments, traditional owners, Indigenous rangers and the broader community. Where possible, traditional owners and Indigenous ranger groups will be supported to undertake these management actions.

The plan has been amended to strengthen the action about traditional owners and Indigenous ranger groups by changing “explore opportunities to collaborate”, to “collaborate”.

#### **5.2.7 COMMENTS ON THE COMPLIANCE PROGRAM**

The following comments were received on the compliance program and actions:

- The outcome for the program should be changed from “a decrease in the number of enforcement incidents”, to “a decrease in the number of non-compliances”.
- Supported implementing actions to improve compliance in marine parks, including enforcement actions; surveillance by members of the community; recreational fishers and Indigenous rangers; developing codes of practice; applying penalties; and using technology to provide accessible zoning maps.

- Supported encouraging voluntary compliance through education, such as alert services for recreational and commercial fishers, and educating fishers about sustainable practices.
- Need to work with other agencies to assist in detection and enforcement.
- Sceptical about Parks Australia's ability to ensure compliance, given the location of marine parks, resourcing required and zoning proposed.
- Need additional information explaining how and where park management staff will be deployed.
- Need to consider accidental drift of fishing gear into no-take areas when enforcing plans, and need further consultation / guidance about this issue.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.

### ***Director's views***

I note the comments received about the compliance program. They will be carefully considered as the program is implemented.

I agree that the outcome for the program should be changed from "a decrease in the number of enforcement incidents and non-compliance", to "a decrease in the number of non-compliances" and have made this change.

Marine parks are large and often a long way offshore, making compliance and enforcement more difficult and costly. Parks Australia will collaborate with other agencies and park users, and investigate innovative technologies and systems to ensure compliance in our parks. This includes vessel monitoring systems, investing in online information and tools that explain zones and rules, and apps that alert people when they are entering marine parks.

Parks Australia is already working closely with agencies like the Australian Fisheries Management Authority and Australian Border Force to detect illegal fishing.

Under the Indigenous engagement program, Indigenous rangers and traditional owners will be engaged in compliance activities wherever possible.

Accidental drift of fishing gear into no-take areas has been carefully considered in developing zoning for marine parks. Engagement with the fishing industry about this issue will continue to seek ways to minimise the incidence and impacts of gear drift.



## 5.3 COMMENTS ABOUT PART 3 OF THE PLAN

### 5.3.1 COMMENTS ABOUT PART 3 OF THE PLAN – GENERAL ZONING

The following comments were received on Part 3.1 or zoning in general:

#### Zone objectives:

- Supported the application of the International Union for the Conservation of Nature (IUCN) categories and the zone objectives.
- Concerned about the application of the IUCN categories and the zone objectives.
- Unclear about the use of sub zones.
- Zoning should be unchanged from that proposed previously or proclaimed.
- Concerned about the economic impacts and benefits of the zoning, for example the benefits to fishing against the cost to tourism or in terms of ecosystem services.
- Need greater consistency in zoning and rules between the Australia Marine Parks and state and territory marine parks.

#### Protection for marine habitats and species:

- The level of protection offered by zoning and other arrangements is not sufficient, and won't allow conservation objectives to be achieved.
- Reduction in National Park zones or relocation of National Park zones is not appropriate / acceptable.
- Need to increase National Park Zones.
- Habitat Protection Zones do not offer the same level of protection as National Park Zones.
- Replacing National Park Zones with Habitat Protection Zones is not appropriate / acceptable.
- There should be a National Park zone in every marine park, bioregion, or over every primary conservation feature.
- The network does not provide a comprehensive, adequate and representative system of marine protected areas.
- Need National Park Zones to increase fish stocks.
- Need to protect reefs and habitats due to their tourism value.

#### Access for commercial fishing, pearling and aquaculture:

- Concerned that commercial fishing will be allowed in Australian Marine Parks, in light of the potential impacts of this activity.
- Supported access or increased access for commercial fishing, pearling and aquaculture, given economic importance and sustainability.
- Zoning that limits fishing effort will adversely affect food security and create greater reliance on imported seafood.

#### Access for tourism:

- Concerned that tourism, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Supported access or increased access for tourism, given its economic importance.
- Needs to be increased access for dive/non-extractive tourism, and reduced access for extractive uses.

#### Access for recreational fishing:

- Supported increased access for recreational fishing, a reduction in National Park Zones and sought no further reduction in access, given importance of recreational fishing to Australians.
- Recreational fishing should be allowed in National Park Zones.
- There should not be restrictions on recreational fishing, in particular surface trolling and catch and release, which are low impact.
- Concerned that recreational fishing, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Recreational fishing should be managed and regulated by states and territories to reduce duplication / confusion.

Access for mining:

- Concerned that mining will allowable across large parts of the estate, in light of the potential impacts of this activity.
- Need to consult about zoning with industry stakeholders, particularly in areas where petroleum operations are occurring or in areas of good petroleum prospectivity.

**Director's views**

I note the very large number of submissions that commented on Part 3 of the plans – zoning. These submissions reflected the broad and often conflicting views held by Australians on marine park zoning.

Zone objectives:

I note the comments on the zone objectives and the application of IUCN categories. The IUCN sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires that our marine parks, and any zones into which a park is divided, be assigned to one of the seven categories prescribed by the EPBC Regulations, which correspond to the categories identified by the IUCN. Park management must be consistent with the relevant Australian IUCN management principles prescribed for each category by Schedule 8 to the EPBC Regulations. The zone objectives and provisions set out for our marine parks are consistent with the established interpretation of the Australian IUCN Park management principles.

I acknowledge the comments seeking a return to previously proposed zoning. However, consultation on the independent review and on the development of plans demonstrated quite clearly that the previous zoning proposals created impacts on users, such as fishers, that were too great, and are inconsistent with the Government's policies on sustainable fishing and supporting economic development.

I also note the concerns raised about the balance between activities like fishing and tourism, and the economic implications associated with allowing or not allowing these activities. I believe the plans do effectively balance the economic benefits associated with allowing activities like dive tourism, charter fishing and commercial fishing in different parts of parks.

I agree with comments seeking greater consistency in zoning and rules between Australian Marine Parks and state and territory marine parks. Wherever possible, zoning and rules have been made consistent. While this has not always been possible, Parks Australia will work with state and territory government colleagues to improve consistency and minimise confusion through the life of this plan.

Protection for marine habitats and features:

While I acknowledge the submissions calling for higher levels of protection for marine habitats and species through more National Park Zones, I consider that the levels of protection achieved through these plans is significant and will deliver positive conservation outcomes.

Australian Marine Parks have been located to cover representative examples of Australia's marine habitats and features, including key ecological features, seafloor types, biologically important areas for some protected species, bioregions, and habitats at different depth ranges.

Zoning has been carefully undertaken in marine parks to help protect these key features and habitats. Sanctuary and National Park Zones have been placed where I consider the strongest biodiversity and conservation benefits are achievable. Habitat Protection Zones have been placed in locations to protect the sea floor habitat and to allow activities to occur in the water column.

This targeted approach to zoning protects conservation features (like canyons, seamounts and reefs), but reduces impacts on industries like fishing and tourism. It is based on the best available science and sees a significant increase in the area of Habitat Protection Zones (yellow) and a decrease in the area of National Park Zones (green), but not the level of protection.

I acknowledge the comments that National Park Zones and Habitat Protection Zones are not equivalent in terms of the protection they provide. This is true. However, Habitat Protection Zones, which exclude activities that impact and damage seafloor habitats, combined with effective management, can provide significant protection and conservation benefits, while reducing impacts on users. This was recognised in the *2015 Commonwealth Marine Reserves Report of the Expert Scientific Panel* which states that: "The Expert Scientific Panel considers there is high conservation benefit from zoning areas as Habitat Protection Zones to protect benthic and demersal habitats by excluding damaging activities while allowing activities such as regulated fishing in the water column, including take of pelagic species that do not compromise conservation values and management objectives for those areas."

#### Access for commercial fishing, pearling and aquaculture:

I acknowledge the submissions that commented on the importance of allowing commercial fishing, and those that commented on potential impacts.

The Australian Government is committed to supporting the fishing industry, including through the *Policy for a more competitive and sustainable fisheries sector* and policies on economic development more broadly. Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

However, commercial fishing, pearling and aquaculture may create impacts on marine environments. Marine parks are intended to work alongside a range of other measures, for example, effective fisheries management, to minimise these impacts. Rigorous compliance and enforcement programs will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Access for tourism:

I note the comments on the benefits and potential impacts associated with allowing tourism operations in marine parks.

Marine parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Tourism is also critical to the economies of many coastal communities around the country. Marine parks have been carefully zoned to provide for different types of tourism activities - for example, 'no-take' zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Notwithstanding, tourism activities can create impacts on marine environments. Parks Australia, together with other marine regulators and the tourism industry, will continue to work to minimise these impacts.

#### Access for recreational fishing:

I acknowledge the submissions that commented on the importance of allowing people to access and enjoy marine parks, to watch wildlife, dive and go boating, snorkelling and fishing. The zoning in the plans allows recreational fishing in 97 per cent of Commonwealth waters within 100 km of the coast.

A number of people suggested that recreational fishers should be able to access all areas of marine parks. I have not accommodated these requests because extensive scientific research demonstrates the benefits of no-take zones, including more and bigger fish. Allowing fishing in no-take IUCN II parks is also inconsistent with international standards and existing practice in other Australian Marine Parks, such as the Great Barrier Reef.

#### Access for mining:

I note concerns raised about mining in marine parks.

While marine park management is about protecting marine habitats and species, it is also about managing a shared resource. This means balancing protection, against the different uses and needs for that resource, to support people's livelihoods and way of life.

In developing these plans, I considered Australia's energy needs, now and in the future and the significant contribution that the oil and gas sector makes to some regional communities and the Australian economy.

Any proposed oil and gas activities will be subject to the world-leading environmental assessments and approvals process of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters. NOPSEMA will carefully assess any application to explore or mine in a marine park and the potential impact on marine park values. NOPSEMA will also regulate mining if it is approved, to avoid or minimise any impacts.

I agree with comments raised about the need for ongoing consultation with the mining industry. Parks Australia will continue to engage with the industry in relation to marine parks.

### **5.3.2 SPECIFIC COMMENTS ABOUT PART 3 OF THE PLAN – MARINE PARK ZONING**

The following comments were received on zoning of the North Marine Parks Network:

- There is not enough National Park Zone across the network, or the location of the zone is not in correct in terms of ecological importance.
- Parks Australia needs ongoing input from traditional owners on zoning boundaries.
- Supported the proposed zoning as it takes into account the importance of the Northern Prawn Fishery, while providing protection.
- Supported the proposed zoning, including a mix of zones, inclusion of green zones and consistency of rules within zones.
- Supported oil and gas mining exclusion in Habitat Protection Zones.
- Most of the North network's zones allow commercial fishing and mining which traditional owners often cite as key threats to their sea country.
- Need to be able to adjust zoning as more research and knowledge is gathered.

- Supported proposed arrangements for Northern Territory recreational fishers.
- Independent review and advice from scientists was ignored with regard to the reduction of National Park Zones to one percent in the North region.
- Zoning amendments minimise excessive economic impacts for commercial fishers.
- Should distinguish between types of recreational fishing activities, and allow National Park Zone access for some activities e.g. catch and release.
- Lack of representation of features in National Park Zones limits marine park value as a conservation tool and falls well short of international targets.

#### Zoning of the West Cape York Marine Park:

- Given the natural values of the Marine Park, the proposed National Park Zone should be extended.
- Concerned that the area of National Park Zone has been decreased, removed or split into isolated green zones.
- Supported oil and gas mining exclusion from Habitat Protection Zones.
- Concerned about the impacts of increased access for fishing, especially gillnetting and trawling.
- Concerned about anchoring access in Habitat Protection Zones.
- Concerned about removal of Multiple Use Zone adjacent to Queensland state waters and access for gillnet operations where local marine turtle and dugong populations occur.
- Habitat Protection Zones should restrict mining infrastructure and pipelines.

#### Zoning of the Gulf of Carpentaria Marine Park:

- Given the natural values of the Marine Park, the National Park Zone and Habitat Protection Zone should be extended.
- The area around Bountiful Islands should be protected in National Park Zone.
- Trawl (allowed in Special Use Zone) will have an unacceptable impact on a critical green turtle habitat.
- Concerned about loss of protection and the potential for oil and gas mining.
- Supported oil and gas mining exclusion from Habitat Protection Zones.
- Concerned about the impacts of increased access for fishing, especially trawling.
- Supported increased access for fishing.
- National Park Zone around the north Wellesley Islands should be extended.
- Concerned about the impacts on commercial fishing, in particular the Gulf of Carpentaria finfish, Northern prawn and the Spanish mackerel fisheries.
- Concerned about the reduction in size of the National Park Zone, or the relocation of the National Park Zone to an area of lower environmental significance.
- The Wellesley Islands Sea Claim native title determination and the Thuwatha / Bujimulla Indigenous Protected Area overlap the Gulf of Carpentaria Marine Park and provide an opportunity to enhance conservation and cultural outcomes that have not been recognised by the proposed zoning of the park.
- Concerned about anchoring in Habitat Protection Zones.

#### Zoning of the Limmen Marine Park:

- Given the natural values of the Marine Park, there should be a National Park Zone.
- Supported oil and gas mining exclusion from Habitat Protection Zones.
- Supported increase in Habitat Protection Zones.
- Concerned about anchoring in Habitat Protection Zones.
- Habitat Protection Zones should restrict mining infrastructure and pipelines.

#### Zoning of the Wessel Marine Park:

- Given the natural values of the Marine Park, there should be a National Park Zone.
- Cultural values will be compromised by the removal of the National Park Zone and allowing trawl in Special Purpose Zone.
- Supported oil and gas mining exclusion from Habitat Protection Zones.
- Supported increase in Habitat Protection Zones, where there can be no disturbance of the seabed.

- Habitat Protection Zones should restrict mining infrastructure and pipelines.
- Concerned about the impacts of increased access for fishing, especially trawling in Special Purpose Zones.
- Supported increased access for fishing.
- Concerned about the impacts on commercial fishing, in particular aquaculture and pearling.
- Highlighted the Dhimurru Indigenous Protected Area.
- Concerned about anchoring in Habitat Protection Zones.
- Habitat Protection Zones should restrict mining infrastructure and pipelines.

#### Zoning of the Arnhem Marine Park:

- Given the natural values of the Marine Park, there should be a National Park Zone and /or Habitat Protection Zone.
- Concerned about oil and gas mining, and recommended a Special Purpose Zone (mining exclusion) for the park.

#### Zoning of the Arafura Marine Park:

- Given the natural values of the Marine Park, there should be a National Park Zone and / or Habitat Protection Zone.
- Cultural values will be compromised by the removal of the Habitat Protection Zone.
- Supported increased access for fishing.
- Concerned about the impacts of increased access for fishing, especially trawling.

#### Zoning of the Oceanic Shoals Marine Park:

- Given the natural values of the Marine Park, the proposed National Park Zone should be extended.
- Supported oil and gas mining exclusion from Habitat Protection Zones.
- Supported an increase in Habitat Protection Zones.
- Expressed concern about the impacts of increased access for fishing, especially trawling and gillnets.
- Supported increased access for fishing.
- Independent review zoning should be implemented.
- Habitat Protection Zones should restrict mining infrastructure and pipelines.

#### Zoning of the Joseph Bonaparte Marine Park:

- Given the natural values of the Marine Park, there should be a National Park Zone.

#### **Director's views**

I note the various comments raised in relation to zoning of the North Network and on the zoning of specific marine parks. I note the concerns in relation to protection of habitats, species and cultural values, which are clearly important to people; the area of National Park Zone; and the impacts of trawling and mining. I also acknowledge the comments supporting access for commercial fishing and the use of Habitat Protection Zones.

Marine park management is a balance. In the North Network, this meant balancing protecting significant habitats and species with enabling people to use and enjoy our marine parks. The North Network contains reefs, bioregions, and biologically important areas for marine species such as turtles, seabirds and dolphins. National Park and Habitat Protection Zones have been carefully placed to protect these features where possible, while minimising impacts on important human activities.

Impacts on commercial fishers, who rely on parts of the North Network for their businesses and livelihoods, have been minimised. The zoning in the management plan allows for the Gulf of



Carpentaria finfish, Offshore net and line, Northern prawn and the Spanish mackerel fisheries. Importantly, wherever possible, recreational and charter fishing have been allowed, subject to assessment and authorisation, to ensure people can enjoy our marine parks.

In implementing this plan, Parks Australia will be adaptive and outcomes based, making decisions based on the best available information and in the interests of minimising impacts on natural, cultural, and socio-economic values of marine parks.

With two Northern Territory marine parks nearby to Australian Marine Parks, Parks Australia will continue to work with the Territory Government to manage these parks into the future.

I have carefully considered the comments about zoning of marine parks in the North Network. I am satisfied that the zoning reflects an appropriate balance between the protection of marine habitats and species, and ecologically sustainable use.

## **5.4 COMMENTS ABOUT PART 4 OF THE PLAN**

### **5.4.1 COMMENTS ABOUT GENERAL USE AND ACCESS PRESCRIPTIONS**

The following comments were received on the general use and access prescriptions:

- Supported the use of marine parks for recreation (non-fishing, nature watching, sailing, boating etc).
- Anchoring and vessel speed should be restricted for recreational users.
- Cultural fishing cannot be considered to be non-commercial in all cases and plans need to provide cultural fishers rights to customary harvest.
- The use of modern fishing equipment cannot be classed as traditional hunting or used to hunt dugong and turtles.
- Concerned about ballast water exchange, sewage and other vessel waste disposal, particularly in or near National Park or Habitat Protection Zones, because of the threats to the environment and biosecurity, such as from invasive species.
- Need more information about the use of drones for environmental surveys and monitoring in response to oil spills.

#### ***Director's views***

I note the comments made about this section, particularly in relation to recreational use of marine parks, customary harvest, and concern about activities like ballast water discharge and drones. Relatively minor amendments have been made to this section to improve clarity.

Australian Marine Parks are intended for people to enjoy. Recreational uses, such as diving, snorkelling, sailing, boating and nature watching are low impact and are allowed across marine parks. In light of the limited access and impacts of these recreational uses in Australian Marine Parks, restrictions on their anchoring and vessel speed are not considered necessary.

The comments in relation to customary harvest are noted. While the Director of National Parks has a statutory role in managing Australian Marine Parks, this does not override Aboriginal and Torres Strait Islanders' traditional use and native title rights. The EPBC Act, under which management plans are made, does not affect the operation of the *Native Title Act 1993* or the *Aboriginal Land Rights (Northern Territory) Act 1976*. Both of these Acts preserve rights to traditional use of land and waters. Section 359A of the EPBC Act also provides that Commonwealth reserves, including marine parks, do not

prevent Indigenous persons from undertaking non-commercial hunting or food gathering or using the reserves for ceremonial and religious purposes.

While the plans will allow for the discharge of ballast water and disposal of waste from vessels, it should be noted that these must be conducted in accordance with the requirements of the international Convention for the Prevention of Pollution from Ships (MARPOL) and the Australian ballast water management arrangements. These are implemented by the Australian Maritime Safety Authority and state and territory governments. They place very stringent requirements on discharge of ballast and disposal of waste, including that ballast should not normally be discharged less than 12 nautical miles from the nearest land, and in water less than 50 metres deep and where possible, should be discharged more than 200 nautical miles from the nearest land and in water greater than 200 metres deep.

To clarify requirements in relation to ballast water and disposal of water, amendments have been made to the plan. This includes clarifying that under this plan, waste from normal operations of vessels must be compliant with requirements under the MARPOL, and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes, and that ballast water discharge and exchange must be compliant with Australian ballast water requirements. A definition of MARPOL has also been included in the glossary.

The provisions in the plans allow for the use of non-commercial remote piloted aircraft, given the increasing use of drones for research and monitoring, in tourism activities and to take photographs and footage. However, people wishing to use these will need to apply and Parks Australia will carefully consider the potential impacts on marine species before issuing a permit, approval or licence.

#### **5.4.2 COMMENTS ABOUT COMMERCIAL SHIPPING PRESCRIPTIONS**

The following comments were received on the commercial shipping prescriptions:

- There has been significant growth in shipping traffic, and there may be impacts of ships transiting and anchoring on marine species and habitats.
- Ships need to anchor in marine parks and Habitat Protection Zones at times. There needs to be anchoring areas determined to ensure protection of pipelines and cables that will be allowed in these zones.

#### ***Director's views***

I note some people's concerns about commercial shipping in marine parks and the potential impacts of this.

Commercial shipping and the potential for ship strike or spills is a pressure in Australian Marine Parks. Parks Australia will carefully consider the best location for anchorages for commercial ships to minimise impacts on the natural values in marine parks. Australia is party to a number of international agreements including the International Convention for the Prevention of Pollution from Ships (MARPOL) and has a number of national policies relevant to shipping including the National Plan to Combat Pollution of the Sea by Oil and the Australian Ballast Water Management Requirements. The Director will continue to work with shipping management and primary response agencies (such as the Australian Maritime Safety Authority) to assist with the prevention of and response to incidents.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial ships to anchor while minimising environmental impacts. To clarify requirements in relation to anchoring of commercial ships in marine parks, some minor amendments have been made to the plan, including

the following note: “This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.”

### **5.4.3 COMMENTS ABOUT COMMERCIAL FISHING PRESCRIPTIONS**

The following comments were received on the commercial fishing prescriptions:

#### Allowed gear types and locations:

- Concerned about the impact of commercial fishing, in particular trawling, gillnetting, drop-lining, trapping, potting, longlining, purse-seining and super trawlers (mid-water trawl) and suggested not allowing certain activities or gear types in certain zones.
- Concerned about the impacts of fishing in specific marine parks.
- Need complementary management arrangements between Australian Marine Parks and state and territory marine parks.

#### Compliance:

- Sceptical about ability to ensure compliance with the prescriptions.
- Enforcement should include a warning to fishers operating just inside protection zones.
- Supported vessel monitoring systems, and proposed extension of this to all vessels.
- Concerned about vessel monitoring systems and burden on smaller scale fisheries.
- Need further engagement on the requirement for vessel monitoring systems.

#### Fishing gear risk assessments:

- Disagreed with the findings of previous fishing gear risk assessments.
- Government ignored the findings of fishing gear risk assessments.
- Fishing gear risk assessments findings were not equally applied.
- Concerned about the validity of future gear assessment processes.
- Plans should reference a National Fishing Gear Risk Assessment Framework to ensure explicit review and assessment of allowed activities based on clear, transparent process and science.
- Supported future assessment and approval of fishing technologies.

#### Anchoring and transiting:

- Commercial fishing vessels need to anchor in National Park Zones - the Director needs to quickly determine appropriate anchoring areas.
- Fishing gear should be stowed and secured at all times when fishers are transiting or anchoring in a zone in which they are not permitted to operate.
- Stowing fishing gear while anchored or in transit during rough weather may create safety issues.
- Fishing gear cannot always be stowed out of site, lines out of the water should be adequate.
- More clarity in instructions to fisheries managers and anglers is needed about stowing and securing fishing gear.
- Supportive of allowing towing of commercial aquaculture cages in National Park Zones.

#### Approvals and authorisations:

- Activity tables in the plans should be amended from saying that commercial fishing is allowable (A) and requires authorisation, to say it is allowed (tick) with a footnote to indicate that the EPBC Act requires an approval to be put in place.
- There needs to be consultation, transparency and input about permits and class approvals.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.
- High impact extractive activity should be subject to a 12 month 'renewable upon review' condition, not five year as proposed.
- Class approvals cannot remove pre-existing rights and authorisations (to fishing grounds, seasonal access, gear types) which would devalue business.
- Any restrictions to grounds or gear (under the proposed conditions of a class approval) should be subject to scrutiny by state agencies and require mandatory co-signature between Commonwealth and state Ministers.

### ***Director's views***

#### Allowed gear types and locations:

I note the concerns raised about allowing commercial fishing in marine parks, the impact of commercial fishing, and of particular gear types. I also acknowledge that many submissions, particularly from the fishing industry, expressed concern about the impacts that restrictions on commercial fishing would have on their livelihoods.

I believe that it is possible to achieve strong conservation outcomes, while allowing fishing in marine parks. The careful placement of zones and consideration of gear types allowable in zones, will achieve an appropriate balance for marine parks.

Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

I acknowledge that commercial fishing may create impacts on marine environments. Rigorous compliance and enforcement will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Compliance:

I note concerns raised about how I will ensure compliance with the rules. I consider it is vitally important to achieve effective and efficient compliance in marine parks.

Australia is a world leader in environmental regulation. Parks Australia will implement rigorous compliance and enforcement in Australian Marine Parks to ensure users, including commercial fishers, understand and comply with management arrangements. This will include Parks Australia collaborating with industry to investigate innovative technologies and systems - including vessel monitoring systems - that can assist marine users to follow the rules in marine parks.

I note that some people supported the use of vessel monitoring systems, while others expressed concern about the burden of implementing this technology.

Vessel monitoring systems are recognised globally as a valuable tool for spatially-based management of the marine environment and have been widely implemented around the world. The Australian Fisheries Management Authority already requires operators accessing Commonwealth fisheries to have vessel monitoring systems. Vessel monitoring systems, which use an alert service to tell fishers when they are entering a zone where their fishing method is not allowed, have proven to be effective in assisting businesses and individuals to comply with marine park zones. The fishing industry will be consulted before any new requirements for vessel monitoring systems are implemented.

#### Fishing gear risk assessments:

There were a number of comments about previous fishing gear risk assessments and the proposal to assess new gear types and technologies as the plan is implemented and new information becomes available.

The issue of what fishing activities can be undertaken in zones has been extensively canvassed through previous consultation and considered subsequently in decision-making in establishing the draft plans. Fishing gear risk assessments were undertaken early in the process of designing Australian Marine Parks. They were one input into designing management plans, but there were other considerations, such as minimising the economic and social impacts of the marine parks. Since 2010 when the assessments were undertaken, our understanding of fisheries impacts has progressed.

I acknowledge that fishing technologies will change over the next decade, and our understanding of marine parks and impacts on them will improve over time. I am committed to adaptive management and will establish an efficient and effective process to assess new technologies and gear types to allow for the use of new equipment during the life of the plan if appropriate.

#### Anchoring and transiting:

I acknowledge the concerns raised about not being allowed to anchor in certain areas, and about the rules for stowing fishing gear while transiting and anchoring.

The plan has been amended to clarify where anchoring and vessel transit is allowed, and that the plan does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial fishers to anchor, to minimise impacts on the natural values in marine parks.

#### Approvals and authorisations:

There appeared to be some confusion about how class approvals will work and whether these will increase the burden on commercial fishers. That is not my intention. I place a high priority on minimising regulatory burden on users of marine parks. I believe that class approvals represent the most efficient and low impact way of discharging my responsibilities under law to authorise commercial fishing activities.

Under the EPBC Act, commercial activities are prohibited in marine parks unless authorised by the Director of National Parks. One way to authorise commercial activities is to issue a class approval. Class approvals authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. Class approvals will be subject to conditions specifying where in Australian Marine Parks these activities can occur, as well as the methods that may be used, reflecting the rules set out in the management plans.

Class approvals will minimise red tape, costs or administrative overheads. For example, a class approval for commercial fishing will mean that commercial fishers who hold an existing Commonwealth or state government fishing concession will generally not require an individual permit or individual licence and will not have to apply or pay any new or additional fees to operate in Australian Marine Parks.

Class approvals will be developed for Australian Marine Parks in consultation with industry representatives, in time to come into effect with the final management plans.

#### **5.4.4 COMMENTS ABOUT COMMERCIAL PEARLING AND AQUACULTURE PRESCRIPTIONS**

The following comments were received on the commercial pearling and aquaculture prescriptions:

- Supported allowing commercial pearling and/or aquaculture in marine parks.
- Aquaculture has a number of impacts and should be prohibited.
- Plans do not adequately recognise commercial pearling.
- Pearling should not be prohibited in Habitat Protection Zones (yellow), given the low level of impacts.
- Input, transparency and consultation with governments and industry is required in developing permits and class approvals.
- References to specific legislation in different states are incorrect.

#### ***Director's views***

I note the comments about commercial aquaculture and pearling.

Commercial aquaculture and pearling are important industries in some parts of Australia, supporting jobs in regional communities.

There was some confusion about whether pearling is allowed in the North. To clarify, prescriptions relating to pearling have been specified in the plan.

I note the comments questioning the need to prohibit pearling in Habitat Protection Zones. In light of the limited potential for impacts from pearling activities on sea floor habitats, the plan has been amended to make pearling allowable in this zone.

I welcome the additional information with respect to legislation and have amended the plans as suggested.

#### **5.4.5 COMMENTS ABOUT COMMERCIAL MEDIA PRESCRIPTIONS**

The following comments were received on the commercial media prescriptions:

- Commercial news and television journalists should not have to seek approval for 'day-to-day news' and there should not be any restrictions when in marine parks.

#### ***Director's views***

I support commercial media accessing marine parks to increase public awareness of their values, pressures affecting parks and to report any news-worthy items. However, to ensure I understand the incidence and impacts of the use of marine parks, and for safety, I think it is sensible that commercial media should notify and work with Parks Australia to manage these activities. It is not intended that restrictions would normally be placed on media, except where their activities may impact important species or habitats.



#### **5.4.6 COMMENTS ABOUT COMMERCIAL TOURISM PRESCRIPTIONS**

The following comments were received on the commercial tourism prescriptions:

- Supported tourism (charter boat) operators receiving permits to continue their operations.
- There should be different classes for non-extractive and extractive tourism, (separate from recreational fishing), given that these activities have different impacts.
- Unclear whether class approvals would apply or whether permits would need to be sought for commercial tourism.

#### **Director's views**

I note the comments about commercial tourism and welcome the support for tourism in marine parks. Offering world-class natural and cultural experiences and enhancing Australia's visitor economy is one of Parks Australia's corporate goals.

Australian Marine Parks provide exciting and interesting destinations for visitors. The plans set out where different tourism activities can occur – for example, National Park Zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Over the coming months, Parks Australia will work with the tourism industry to determine the most appropriate mechanisms for authorising different commercial tourism activities in different zones of marine parks. Applications to conduct tourism operations in marine parks will be carefully considered in terms of the potential impacts to natural values and significant species, with conditions applied where appropriate.

#### **5.4.7 COMMENTS ABOUT RECREATIONAL FISHING PRESCRIPTIONS**

The following comments were received on the recreational fishing prescriptions:

- Supported the approach to management of recreational fishing in marine parks, equal treatment of gear types and allowing recreational fishing in most zone types.
- Recreational fishing should be allowed in National Park Zones.
- Recreational fishing has not been allowed in some areas based on inappropriate science.
- Different types of recreational fishing could be allowed in different areas.
- Spearfishing should be prohibited in some parks.
- Spearfishing should be allowed in some parks.
- Recreational fishers should need a licence or permit.
- Anchoring by recreational fishers should be allowed.
- Concerned that anchoring by recreational fishers is not allowed.
- Concerned about how marine park zones will be identified by recreational fishers.
- Supported good fisheries management.

#### **Director's views**

I note the high level of interest in recreational fishing in marine parks and the support for the proposed zoning, which enables recreational fishing to occur across much of the estate and in 97 per cent of Commonwealth waters within 100 km of the coast.

Despite comments received, recreational fishing will not be allowed in National Park or Sanctuary Zones. There is clear scientific evidence from around the world about the ecological benefits of no-take areas, and that you can catch more and bigger fish when you have no-take areas nearby.

It should be noted that recreational fishers will be able to anchor in Australian Marine Parks. The plans have been amended to improve clarity about the rules for anchoring and transiting.

A permit to fish recreationally is not required in Australian Marine Parks. Fishers in Australian Marine Parks will need to continue to comply with the relevant state and territory fishing rules and regulations.

Parks Australia will work with recreational fishers and park users over the life of the plan to improve understanding about where recreational fishing is allowed.

#### **5.4.8 COMMENTS ABOUT MINING PRESCRIPTIONS**

The following comments were received on the mining prescriptions:

- Mining, oil and gas extraction and/or shipping should be prohibited in marine parks.
- Further information is required on existing usage rights and mining operations already in place.
- Habitat Protection Zones should prohibit mining infrastructure and pipelines.
- Construction and operation of pipelines should be allowed in marine parks, subject to assessment.
- Supported utilising NOPSEMA authorisation process, as the oil and gas industry is already subject to stringent and rigorous environmental regulation.
- Class approvals should be issued for low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act to ensure that activities that are intended to continue in the marine park zone are not unduly restricted.
- Should maintain prior usage rights/rights to convert to production licences with no new conditions.
- Unintentional operational constraints for mining activities adjacent to marine parks has the potential to erode the value of exploration titles and potentially remove the rights granted to operators by Government.
- The Director of National Parks should provide guidance to titleholders via NOPSEMA as to the expectations of information to be provided and the process for providing this information.
- The Director of National Parks should be notified in the event of an oil pollution event rather than requiring Director of National Parks authorisation prior to initiating spill response.

#### **Director's views**

I note the concerns raised with respect to mining and construction of pipelines in marine parks. My views on these concerns are addressed in Chapter 6.3.1 of this report.

I acknowledge concerns about duplicating processes to assess and approve mining with other agencies. NOPSEMA will remain the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters, as the NOPSEMA program takes account of impacts on marine park values. The Director of National Parks is a relevant person for the purpose of consultation on environment plans where an activity overlaps a marine park. Detailed guidance material will be prepared to assist the petroleum industry to determine when they are required to consult with the Director of National Parks, the process for consultation and expected outcomes to be included in an environment plan to ensure that impacts on marine park values are acceptable.

Additional assessment will not be required in Special Purpose and Multiple Use Zones. However, additional approval from the Director of National Parks will be required for pipelines in Habitat Protection, Recreational Use and National Park Zones.

I note concerns raised with respect to low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act and have amended the plans to ensure that these activities are not unduly restricted.

I have also amended the plans as suggested so that the Director of National Parks should be notified in the event of an oil pollution event, rather than requiring Director of National Parks authorisation prior to initiating spill response.

#### **5.4.9 COMMENTS ABOUT STRUCTURES AND WORKS PRESCRIPTIONS**

The following comments were received on the structures and works prescriptions:

- Structures and works should not be allowed to be constructed in National Park Zones.
- Pipelines should not be allowed in certain areas.
- Artificial reefs and fish aggregating devices should be allowed, including to compensate recreational fishers for any loss of access.
- The Director of National Parks should not need to approve an activity that been assessed under other processes e.g. under EPBC Act, *Environment Protection (Sea Dumping) Act 1981*.
- Need consultation when determining anchoring areas.
- Need clarification about the installation and operation of fibre optic cable to support mining activities, class approvals for existing port infrastructure and activities, and decommissioning of pipelines.
- 'Maintenance' should be separated from 'moorings, excavation and maintenance'. Maintenance should be allowed without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

#### **Director's views**

I note concerns and support for constructing structures and works, including pipelines, artificial reefs and fish aggregating devices, in marine parks.

Proposals to install structures and works, including moorings, artificial reefs and fish aggregating devices will be carefully considered, in terms of compatibility with zone type and zone objectives, potential impacts on natural values and the benefits in terms of visitor safety, research and monitoring or the national interest.

I note concerns raised with respect to streamlining process under the EPBC Act and have amended wording to enable streamlining of these processes, including to increase efficiency and reduce any prospect of regulatory duplication.

I have also made some minor amendments to clarify arrangements for maintenance, excavation and erection of structures and works, as opposed to dredging and disposal of dredged material.

#### **5.4.10 COMMENTS ABOUT PRESCRIPTIONS FOR RESEARCH AND MONITORING ACTIVITIES**

The following comments were received on the research and monitoring prescriptions:

- Supported access to marine parks for research and monitoring, particularly to understand impacts of use.
- Supported research into fishing activities to inform effective management.
- Sought confirmation on whether activities for research and monitoring approved through an EPBC Act referral would also be considered authorised through a class approval, and therefore do not require additional permitting.

### **Director's views**

These comments were noted, but no changes were required. I strongly support research and monitoring in marine parks to further increase the scientific knowledge base, upon which marine park management rests.

## **5.4.11 COMMENTS ABOUT PRESCRIPTIONS FOR NATIONAL SECURITY AND EMERGENCY RESPONSE**

The following comments were received on the national security and emergency response prescriptions:

- Concerned about impacts of defence activities on natural values in particular sonar.
- The Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, such as offshore petroleum operators.
- Authorisation of contractors should not be required to undertake emergency responses on behalf of government agencies.

### **Director's views**

I have taken on board the suggestion that the Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, by amending the related prescription to authorise to read "Actions by or under the direction of Commonwealth or Commonwealth agencies" may be conducted without authorisation.

## **5.4.12 COMMENTS ABOUT MAKING DECISIONS AND AUTHORISING ACTIVITIES**

The following comments were received on decision making and authorisation:

- Supported deregulation/reduced regulatory burden or exemption from additional approval where an activity is assessed under other processes (such as the *Environment Protection (Sea Dumping) Act 1981*) or by other agencies.
- Concerned about delegation of Commonwealth authorisation processes to state or territory governments.
- Concerned that the Director of National Parks may make, amend and revoke prohibitions, restrictions and determinations of the EPBC Regulations and the Director may issue a permit for an activity that would otherwise be prohibited by such an instrument.
- Extra conditions may be placed on class approvals for mining, oil and gas, resulting in regulatory creep and an unnecessary regulatory burden on operators.
- Further information is needed about the terminology 'acceptable impacts'.
- Needs to be a formal mechanism for involving traditional owners in authorisations and research permit conditions should require engagement of traditional owners.
- Further information is needed about how approvals will be granted, criteria for assessment and approval.
- The Director should only authorise new activities where they are consistent with the zone objectives.
- Concerned about the Director of National Parks charging fees, and the impact of this on business.
- Supported the Director of National Parks charging fees.

### **Director's views**

I note the comments about these prescriptions, in relation to duplication with other assessment processes, additional conditions being applied to approvals, concern about assessment and approval processes, and support and concern about charging fees.

Parks Australia will continue to seek to streamline, deregulate and simplify assessment and authorisation procedures, including by working with other agencies wherever possible.

I have considered the concerns raised about approvals made under other legislation, such as the *Environment Protection (Sea Dumping) Act 1981* and amended the plans such that class approvals will be issued for activities that have received a permit under the *Environment Protection (Sea Dumping) Act 1981*.

I also note the interest of traditional owners in assessment and authorisation processes. Parks Australia will also consult with Indigenous people and traditional owners to inform them about assessments and authorisations and to understand which activities are of most interest and concern.

Further information about the processes for assessment and approval will be provided when the plans are finalised and implementation commences.

## 5.5 COMMENTS ON THE PLAN'S SCHEDULES

The following comments were received on the glossary and schedules. Please note, comments about the values outlined in Schedule 2 are discussed in Chapter 5.2 of this report.

### Glossary definitions:

- Unclear about Indigenous Protected Areas.
- Confused about the legislation applying to pollution from ships.
- Several terms are used when referring to a Marine National Park Zone, including 'no-take', 'IUCN category II' and 'green zone'.

### Schedules:

- There are incorrect references to fisheries legislation in some plans.
- Need to acknowledge international fishing agreements where they relate to marine parks.
- Suggested an amendment to clearly articulate how plans will interact with the statutory requirements of the EPBC Act and *Environment Protection (Sea Dumping) Act 1981* in Schedule 1.
- Plans are inconsistent with Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making.
- Bioregions need to be described at different scales.

## **Director's views**

### Glossary:

In light of some confusion about definitions, the glossary has been amended to add definitions for commercial pearling, Commonwealth marine reserve, Indigenous protected area, MARPOL and

traditional owners. Clarifications have also been made to definitions of Australian Marine Parks, recreational fishing and transit.

#### Schedules:

I note the comments about a need to correct legislation descriptions. I have amended Schedule 1 as suggested, where required, to reference the correct fisheries legislation in each plan.

Amendments have been made to the plans in relation to clarify process when assessment is required under the EPBC Act and *Environment Protection (Sea Dumping) Act 1981*. These were outlined in the previous section.

I note the concerns about inconsistency with elements of Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making. However, I am confident that the plans are consistent with the regulations.

I note the comment about bioregions. The bioregions outlined in plans were those used in the design of all Australian Marine Parks.

## **6 GENERAL COMMENTS ON THE DRAFT PLAN**

This chapter summarises the general comments received in relation to the draft plan. Comments that relate to specific parts of the draft plan are addressed in Chapter 5 of this report.

The following general comments were received on the management plans, or marine park management:

#### Support:

- Supported the management plans and the balanced and scientific approach for the parks.
- Supported a national network of marine parks.
- Did not support the management plans.

#### Independent review:

- Management plans have not adopted the recommendations of the *Independent Review of Commonwealth Marine Reserves*.
- Supported the findings of the review in specific parks.
- Disappointed the review did not consider outer boundaries of marine parks.
- Rejected findings or statements made by the review, such as about consultation on zoning, reducing protection on the shelf and upper slope, Eighty Mile Beach Marine Park, Roebuck Marine Park and impacts of recreational fishing.
- Disagreed with the findings of the review in relation to the extension of marine parks and uncertainty for commercial fishers.

#### Design:

- Did not support government reducing or removing marine parks.
- Area of marine parks should be increased, marine park boundaries increased or new marine parks declared.
- Given natural values of areas outside of marine parks, these areas should be included in marine parks.



- Australian Marine Parks should be adjacent to state marine parks.
- Marine parks can't protect the marine environment or pelagic and migratory species.
- Marine park boundaries should be based on science data and recommendations, particularly connectivity and spacing.
- Did not support specific marine parks.

#### Resourcing:

- Government needs to commit adequate resources for marine park management to implement the plans.
- Levies should not be placed on the commercial fishing industry and other users to cover costs of marine park management.
- Insufficient funds are available for fisheries adjustment and implementation of management plans.
- Parks Australia should work with other programs, such as the National Landcare Program, to get best outcomes for marine parks from investment.
- Fundraising would fund better outcomes.
- Funding is needed for regular scientific monitoring, including of key ecological features.
- Resources should be allocated to both habitat mapping and taxonomic identification.

#### International:

- There should be greater focus on protection further offshore and work with international governments, due to concerns about foreign fishing.
- Concerned about Australia's international reputation.
- Australia should follow recent recreational fishing allocation in the United States marine park network.

#### Policy and scientific basis:

- Questioned the policy and scientific basis for the management plans.
- There is a lack of scientific evidence for the benefits of Marine National Park Zones.
- There is a lack of evidence regarding economic impacts on commercial fishers.
- Concerned about Australian Fisheries Management Authority Ecological Risk Management.
- Benefits of marine parks and sustainable practices should be included in social / economic analysis.
- There has been a lack of consideration given to turtle habitats, and this presents a clear scientific error.

#### Concern for the marine environment:

- Concerned about the marine environment, in the face of threats and pressures, including the need to manage terrestrial runoff.
- Need to manage the environment for future generations.
- Questioned the ability of government to deliver environmental outcomes.

#### Fisheries adjustment:

- Noted Government's commitment to fair and reasonable adjustment assistance.
- Important to provide adequate resources to enable commercial fishers who have been affected by the management plans to adjust.
- Important to clearly define a process of assessing and managing displaced effort, including prospective fishing rights.
- Requested detail on the proposed assistance.
- Queried whether assistance will apply to vessel monitoring systems.
- Government does not have the resources that will be required for assistance.
- Full compensation should occur prior to being excluded from fishing grounds and funding should be provided assist in applying.

- There will be a direct and continual impact of commercial fishers' livelihoods due to loss of grounds and impact on license values and assets.
- The economic viability of regional coastal communities including harbours will be impacted, with the flow on impacts from the parks.
- Compensation is required for recreational fishers for loss of access e.g. installation of infrastructure (moorings, FADs, artificial reefs).

Consultation:

- Supported the consultation process on draft management plans.
- Suggested additional consultation.
- There was not sufficient opportunity to understand and comment on the proposed arrangements.
- Submissions from previous consultation were ignored or not taken into account.
- All submissions should be treated equally.
- Submissions from direct users should be given greater weighting.
- Supported the renaming of marine parks.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.

Business certainty:

- Concerned about the impacts of marine parks on local economy.
- Need to finalise plans as soon as possible.
- It has taken too long to establish management plans.
- Welcomed the business certainty that finalised plans will provide.
- Planning process has impacted business growth.
- Sought security of access to fishing grounds providing business certainty moving forward.
- Class approvals process provides no certainty for commercial fishers.

Not related to management plans:

- Commented on the Australian Government, elected officials and staff of Parks Australia.
- Commented on Australia's energy supply.
- Commercial fishing should be banned and recreational fishing be allowed in lakes and tributaries.
- Key coastal communities adjacent to Australian Marine Parks should be protected from mining.

***Director's views***

I note the additional comments that I received that provided general feedback, commented on issues relating to plan consultation or implementation, or that were not related to the text in the draft plans. My position on these comments is detailed below. Many of these comments could not be addressed through amendments to plans, but will be taken into account by Parks Australia as the plans are implemented.

Support:

The comments in relation to support are noted.

Independent review:

I note the comments about the independent review and concerns that the recommendations of the review have not been adopted in full.

Prior to preparing management plans, the Government commissioned the *Independent Review of Commonwealth Marine Reserves*. The review comprised an expert scientific panel and five bioregional advisory panels. The review involved extensive consultation, including regional meetings and a submissions process.

I found the review's recommendations an important and extremely helpful input to the draft management plans. But feedback received during public consultations on plans and related discussions with stakeholders demonstrated that the review's recommendations had not resolved all stakeholder concerns. More work needed to be done to implement a balanced approach to managing our marine parks that protects marine biodiversity and health, and also enables sustainable use and access.

Review-recommended zoning has been adopted in full or in large part for the majority marine parks. Where the review's zoning proposals were not incorporated in the plans, it was because the impact on users, such as fishers, was too great, inconsistent with the Government's policy on sustainable fishing.

#### Design:

A large number of submissions expressed concern about reducing the area or changing the boundaries of Australian Marine Parks. There appeared to be confusion about the intentions of the Australian Government and the purpose of the management plans.

Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). The Australian Government remains committed to the National Representative System of Marine Protected Areas. The management plans do not propose to increase, change the boundaries of, or decrease marine parks in Australian waters. They do, however, outline zoning within marine parks. The comments received in relation to zoning within marine parks, and my views on these were discussed earlier in this report.

#### Resourcing:

I agree with comments that appropriate resourcing will be important to the management of marine parks.

The Government committed \$56.1 million over four years to establishing and managing marine parks. This will support commercial fishers directly affected by marine park management; support increased engagement of marine users in the management of marine parks; establish systems to manage the nation's marine parks; and enable scientific research and monitoring to better understand marine parks.

Actions within the plan will, of necessity, be prioritised according to available resources. Establishing effective partnerships will be critical to effective implementation of the plans. Parks Australia will work with other agencies and funding programs to ensure maximum benefits arise for marine parks from Government investment.

#### International:

I agree that international cooperation is important to managing marine parks and am committed to consulting closely with other governments to deliver complementary and effective management of marine parks. This includes to combat the threat and impacts of illegal fishing.

In response to concerns about Australia's reputation, I note that implementation of the plans as proposed would reconfirm Australia's place at the absolute forefront of marine protection. Australia has

the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). With 36 per cent of Australia's waters included in marine parks, we are well ahead of both the international benchmark 'Aichi target' of 10 per cent by 2020, and a recent World Conservation Congress resolution calling for 30 per cent by 2030.

#### Policy and scientific basis:

I acknowledge comments about the policy and scientific basis for marine parks and the plans.

The policy basis for marine parks lies in the commitment of all Australian governments in 1998, derived from Australia's obligations under the Convention on Biological Diversity, to establish the National Representative System of Marine Protected Areas. It has been elaborated on through other policies developed since that time, including the 2013 *Policy for a more competitive and sustainable fisheries sector*.

The scientific basis for Australian Marine Parks is a wide body of advice and scientific literature, that demonstrates that the establishment and effective management of marine protected areas plays an important role in the conservation of biodiversity, the health and resilience of marine habitats and ecosystems, and the life they support. This in turn benefits society through the provision of a range of ecosystem services and supporting use of marine environments and resources.

The independent review's expert scientific panel confirmed that the science that underpins the establishment of our marine parks is sound and that network design draws on the best available scientific information.

Management plans are based on the best scientific information available, best practice management, and many years of bioregional planning. In recognition of scientific evidence about the importance of no-take areas to ecosystem health and biodiversity, no-take areas have been maintained over large parts of marine parks. In preparing plans, information about the location of conservation features (like canyons, seamounts and reefs) was reviewed, and as many of these features as possible are covered under no-take areas.

Advice about the socio-economic values and uses of marine parks was also considered and impacts on industries and users minimised whenever possible.

#### Concern for the marine environment:

It is clear from the comments received that Australians love the marine environment. I am confident that these plans appropriately balance the need to protect these special places, with enabling people to use and enjoy them for years to come.

#### Fisheries adjustment:

I note comments about assistance for commercial fishers to adjust to the arrangements outlined in these plans. I also note that the plans will have a significantly reduced impact on commercial fishers compared to those proposed in 2013.

The Government is committed to providing fair and reasonable assistance to those commercial fishers who are directly affected by the new management arrangements for marine parks. The Government will assess the need for assistance when it finalises management plans. Any adjustment assistance program will be developed in consultation with the fishing sector. Any adjustment assistance program will be guided by the Australian Government's Fisheries Adjustment Policy and delivered collaboratively by Parks Australia and the Department of Agriculture.

#### Consultation:

I note the comments about consultation in developing the plans and concerns about whether submissions received through various consultations have been adequately considered.

I consider that the plans have benefitted from and been informed by an exceptionally high degree of community consultation and engagement. I would like to express my thanks to the many Australians who have taken the time to submit comments through public consultation processes – these have been invaluable in finalising the plans.

The *Independent Review of Commonwealth Marine Reserves* also involved extensive consultation, including regional meetings, a submissions process and an expert scientific forum.

Chapter 3 of this report outlines the extensive public consultation processes to develop these plans, including the number of submissions received and considered. All comments received through these process were carefully considered in the finalisation of management plans. All comments received were equally weighted.

The consultation process outlined went above and beyond the statutory requirements under the EPBC Act.

Between 21 July and 20 September 2017, the Director also consulted on a proposal to rename marine reserves to marine parks. This was a separate process and is outlined in a separate report.

The release of final management plans does not signal the end of consultation and engagement on Australia Marine Parks. Management plans provide for ongoing engagement with parks users, traditional owners, Indigenous people and the community about marine parks, and for the negotiation of approvals, including class approvals, with park users.

Business certainty:

I acknowledge the need for certainty for people who rely on Australian Marine Parks for their livelihoods, and have endeavoured to finalise management plans as quickly as possible.

Not related to management plans:

These comments are not addressed as they are outside the scope of the management plans.

North Marine Parks Network IUCN categories, zones and Australian IUCN reserve management principles

**North Network zoning and marine park management categories**

Marine park name	IUCN category	Zone name and IUCN category				
		Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	National Park Zone (II)
Joseph Bonaparte Gulf	VI		✓	✓		
Oceanic Shoals	VI	✓		✓	✓	✓
Arafura	VI	✓	✓	✓		
Arnhem	VI		✓			
Wessel	IV	✓			✓	
Limmen	IV				✓	
Gulf of Carpentaria	VI	✓				✓
West Cape York	IV		✓		✓	✓

**North Network IUCN categories**

<p><b>Special Purpose Zone (IUCN category VI)</b>—managed to allow specific activities though special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.</p>
<p><b>Multiple Use Zone (IUCN category VI)</b>—managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.</p>
<p><b>Habitat Protection Zone (IUCN category IV)</b>—managed to allow activities that do not harm or cause destruction to seafloor habitats while conserving ecosystems, habitats and native species in as natural a state as possible.</p>
<p><b>National Park Zone (IUCN category II)</b>—managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities, unless authorised for research and monitoring.</p>



## **Australian IUCN categories and management principles**

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation;
2. effective and adaptive management;
3. the precautionary principle;
4. minimising impacts;
5. ecologically sustainable use;
6. transparency of decision-making; and
7. joint management.

### ***Principles for each IUCN category represented in the North Network***

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the North Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

#### **1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.

- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

### **3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

### **5. Habitat/species management area (IUCN category IV)**

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.
- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.
- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.

5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.

5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.

7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.

7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.

7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.



COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

APPROVAL OF THE NORTH MARINE PARKS NETWORK MANAGEMENT PLAN 2018

I, JOSH FRYDENBERG, Minister for the Environment and Energy, acting pursuant to section 370 of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby approve the North Marine Parks Network Management Plan 2018.

Dated this ..... day of ....., 2018

Josh Frydenberg  
Minister for the Environment and Energy



# Australian Government

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## Director of National Parks

### EXPLANATORY STATEMENT

*Environment Protection and Biodiversity Conservation Act 1999*

### North Marine Parks Network Management Plan 2018

#### **Background**

The North Marine Parks Network (the North Network) consists of eight Commonwealth marine parks that lie off the coast of the Northern Territory and parts of Queensland and Western Australia. The Commonwealth reserves that form the North Network were declared by Proclamation under section 344 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 12 December 2013 as amended by a Proclamation made under section 350 of the Act on 9 October 2017 to change the name of the reserves from “Commonwealth Marine Reserve” to ‘Marine Park’.

Management of the North Network is the function of the Director of National Parks (the Director) under the EPBC Act.

The North Network includes the following marine parks:

- Joseph Bonaparte Gulf Marine Park
- Oceanic Shoals Marine Park
- Arafura Marine Park
- Arnhem Marine Park
- Wessel Marine Park
- Limmen Marine Park
- Gulf of Carpentaria Marine Park
- West Cape York Marine Park

The marine parks of the North Network were established to protect and maintain marine biodiversity, contribute to the National Representative System of Marine Protected Areas (NRSMPA) and to help ensure the long-term ecological viability of Australia’s marine ecosystems. The conservation values that the marine parks help to protect include:

- ecosystems, habitats, communities, species and sea-floor features found within the provincial bioregions of the North Marine Region
- ecological features with high biodiversity value, species richness and endemism

- cultural and heritage values
- a number of species listed as endangered or vulnerable under Commonwealth legislation or international agreements
- habitats important for protected species

### **Overview of the Legislative instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the North Network and other Commonwealth reserves unless permitted by a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The North Marine Parks Network Management Plan 2018 also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the North network.

### **Structure and Content of the Management Plan**

The Management Plan consists of two Chapters, each with two parts and five schedules:

- Chapter 1 Introduction includes:
  - *Part 1 Managing Australian Marine Parks* outlines the context and approach to managing marine parks.
  - *Part 2 The North Marine Parks Network* provides a summary of the North Network including natural, cultural, heritage, social and economic values, and the pressures facing the Network and the management programs and actions to protect values and manage pressures.
- Chapter 2 Management and prescriptions includes:
  - *Part 3 Zoning* details the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
  - *Part 4 Managing activities* provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes and the types of authorisations (permits, class approvals, commercial activity licences and leases).
  - *Glossary* lists terms and words used in the plan.
- Five Schedules
  - *Schedule 1 Summary of legislative and policy contexts* includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
  - *Schedule 2 North Network overview and values* provides a summary of the marine parks as proclaimed, a description of values and a map for each park.
  - *Schedule 3 Environmental features used in design of the North Network* describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features and key ecological features.
  - *Schedule 4 North Network marine parks and zone boundary descriptions* lists the coordinates of each marine park and zone.
  - *Schedule 5 Supporting information* lists references used in preparing this plan.



**Consultation**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice of Intent was published in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and placed on the Department of the Environment and Energy's website. The Notice of Intent invited comment on the Director of National Park's proposal to prepare draft management plans for the South-west, North-west, North, Temperate East Networks and the Coral Sea Commonwealth Marine Park. Invitations to comment were also provided to Native Title representative bodies, peak Indigenous representative bodies, Native Title holders, Indigenous research institutions and Indigenous ranger organisations interested in the marine parks of the North Network.

This comment period closed on 31 October 2016 with a total of 54 332 submissions received. The comments received were considered in preparing the Draft Management Plan.

The draft Management Plan for the North Network was released for public comment on 21 July 2017. As required under the EPBC Act, the Director published a notice inviting comments on the draft Management Plan in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and on the department's website. Copies of the draft Management Plan were made available through the Department's Community Information Unit and on the Department's website. Comments on the draft plan closed on 20 September 2017. A total of 82,877 submissions were received.

The Minister considered all comments received in approving the Management Plan.

**Regulation Impact Statement**

In accordance with requirements for new regulatory instruments, a Regulatory Impact Statement has been prepared.

**Period of Operation**

The Management Plan will come into effect on 1 July 2018. It will cease to have effect on 30 June 2028, unless revoked earlier and replaced by a new Management Plan.

**Legislative Instrument**

The Management Plan is a legislative instrument for the purposes of the *Legislation Act 2003*.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **North Marine Parks Network Management Plan 2018**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the North Network and other Commonwealth reserves unless permitted by a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The North Marine Parks Network Management Plan 2018 also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the North network.

#### **Human Rights Implications**

The Management Plan engages with the following human rights:

##### *Right to self-determination*

Although there is no universally accepted agreement on what is required to meet this right, it is generally accepted that it includes allowing people to pursue their economic, cultural and social development. The Management Plan promotes this right through consultation and consideration of stakeholders views on their economic, cultural and social aspirations for marine parks, and in particular contains the Indigenous engagement program and actions that support involvement of marine users and Indigenous people in managing the North Network.

##### *Right to freedom of movement*

In order to achieve the objectives of the Management Plan it is necessary to restrict some access and uses that may impact on the natural and cultural values in some marine parks. This may involve the right to freedom of movement; however, this is not an absolute right and may be subject to permissible limitations where there is a legitimate objective, in this case the conservation and protection of natural and cultural values into the future, and the response is reasonable, necessary and proportionate. Limitations on access and use of marine parks under the Management Plan are reasonable and considered responses to the potential threats posed to achieving the objectives of the Management Plan.

The Management Plan places some limits on innocent passage through the territorial sea and freedom of navigation through the exclusive economic zone under the United Nations Convention on the Law of the Sea (UNCLOS). The limitations apply to protect the environmental values and habitats of

certain areas and are consistent with Australia's rights and obligations under UNCLOS; and also do not affect vessels responding to circumstances of force majeure or distress (eg. due to extreme weather) or for the purpose of rendering assistance to other persons and vessels in danger or distress.

#### *Right to privacy*

The Management Plan allows the Director in some instances to require users of the marine parks to provide information about the activities they conduct within the marine parks. This potentially includes commercial-in-confidence information such as the location of the activity or number of people undertaking an activity. The right to privacy is not absolute, and any requests for information are used to inform future management arrangements. The information collected will be handled and managed in accordance with the Commonwealth Privacy legislation.

#### *Right to enjoy and benefit from culture*

The right to enjoy and benefit from culture includes allowing people to take part in cultural life and enjoy the benefits of scientific progress. The Management Plan promotes this right by seeking to involve interested stakeholders, the community and Indigenous people in management actions through recognising native title interests and by implementing a number of principles, programs and actions. The Management Plan may limit this right in some instances where proposed activities are not consistent with the primary objective of the Management Plan to protect and conserve biodiversity and other natural and cultural values. However, these instances are expected to be rare, and will be carefully considered prior to a decision being undertaken. Section 8 of the EPBC Act does not affect the operation of the *Native Title Act 1993* including of s.211 of that Act, which allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence.

#### **Conclusion**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* and to the extent that it may limit any human rights, those limitations are reasonable, necessary and proportionate.



# Australian Marine Parks

Temperate East  
Marine Parks Network  
Management Plan  
2018



Australian Government  
Director of National Parks



Australian  
Marine Parks

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**Front cover**

Australasian gannets (Alan Danks)

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## CHAPTER 1

### INTRODUCTION

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Black cod (David Harasti)

## Part 1. MANAGING AUSTRALIAN MARINE PARKS

---



Masked booby, Lord Howe Island (Ian Hutton)



## 1.1 INTRODUCTORY PROVISIONS

### **Name**

This management plan (plan) is the *Temperate East Marine Parks Network Management Plan 2018*.

### **Commencement**

This plan commences on 1 July 2018.

### **Interpretation**

The Glossary provides the meaning of certain words and expressions used, and includes references to certain words and expressions that are defined in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### **Authority**

This plan is made under Section 370 of the EPBC Act. This plan replaces all previous approvals under s.359B of the EPBC Act that authorised a range of activities in the Temperate East Marine Parks Network in the period from proclamation of the Marine Parks to the commencement of this plan.

## 1.2 AUSTRALIAN MARINE PARKS

Australia is surrounded by ocean extending from the tropics to the sub-Antarctic, providing a home to a wealth of plants and animals, many of them found nowhere else in the world. Australia's oceans help to support our way of life by providing beautiful places to enjoy, supporting businesses and jobs, and contributing to Australia's food and energy needs.

Marine protected areas are recognised as one of the best ways to conserve and protect marine habitats and species in our oceans. In light of this, the Australian, state and territory governments agreed in 1998 to establish a National Representative System of Marine Protected Areas (NRSMPA). The NRSMPA was designed to create a comprehensive, adequate and representative (CAR) system of marine protected areas, to contribute to the long-term viability of the marine environment and protect biodiversity. To identify areas to protect in the NRSMPA, the Australian Government undertook scientific research and consolidated the best available information on the natural, social and economic characteristics of Australia's marine environment.

On the basis of this work, in 2012, the Australian Government expanded the total coverage of Australia's National Representative System of Marine Protected Areas to 3.3 million km<sup>2</sup>. This included new marine parks in the North, North-west, South-west, and Temperate East marine regions, and in the Coral Sea. This is in addition to marine parks already established in the South-east Network, the Great Barrier Reef and at Heard and McDonald Islands.

Australian Marine Parks (Commonwealth reserves proclaimed under the EPBC Act in 2007 and 2013) are located in Commonwealth waters that start at the outer edge of state and territory waters, generally three nautical miles (approximately 5.5 km) from the shore, and extend to the outer boundary of Australia's exclusive economic zone, 200 nautical miles (approximately 370 km) from the shore. Marine parks have also been established by state and territory governments in their respective waters under the NRSMPA. Many other countries have moved to establish marine protected areas in their waters and are implementing a range of legislative, policy and management tools to manage these important places.

### 1.3 AUSTRALIAN MARINE PARKS VISION AND OBJECTIVES

Management of Australian Marine Parks requires a balance between protection of our marine environment, and opportunities for sustainable use and enjoyment of these special places.

The vision of the Director of National Parks (the Director) is that marine parks are healthy, resilient and well-managed to enhance Australia's wellbeing. This means ensuring that:

- their natural, cultural, socio-economic and heritage values are understood, appreciated and conserved;
- marine parks support jobs and businesses, providing multiple benefits to regional communities and the economy;
- people have opportunities to enjoy marine parks;
- visitors and tourists can enjoy world-class nature-based experiences in marine parks; and
- Indigenous people and marine park users are partners in managing marine parks.

The objectives of this plan are to provide for:

- a) the protection and conservation of biodiversity and other natural, cultural and heritage values of marine parks in the Temperate East Network; and
- b) ecologically sustainable use and enjoyment of the natural resources within marine parks in the Temperate East Network, where this is consistent with objective (a).

### 1.4 MANAGEMENT PLAN OVERVIEW

This plan is structured into two chapters and five schedules (Table 1.1). Chapter 1 provides an introduction to how Australian Marine Parks are managed, and Chapter 2 provides for the management of the Temperate East Marine Parks Network (Temperate East Network).

Several inputs have contributed to the preparation of this plan, including:

- public consultation during the preparation of this plan;
- knowledge and expertise of marine park users and traditional owners;
- the independent *Commonwealth marine reserves review* (publicly released 2016);
- the best available science and information on marine parks and approaches to marine park management, including insights from management of the South-east Network, the Great Barrier Reef Marine Park, and state and territory marine parks;
- the Integrated Marine and Coastal Regionalisation of Australia (IMCRA) framework;
- the Marine bioregional plan for the Temperate East Marine Region (2012);
- the East marine bioregional plan: bioregional profile (2009); and
- Government policies and commitment to competitive and sustainable fisheries.



## 1.5 LEGISLATION AND POLICY SUPPORTING MARINE PARK MANAGEMENT

The EPBC Act is Australia's primary environmental legislation. In recognition of the importance of the marine environment, it is listed as a matter of national environmental significance under the EPBC Act. Under the EPBC Act, the Director is responsible for managing marine parks (supported by Parks Australia), and is required to make management plans for marine parks. Other parts of the Australian Government must not perform functions or exercise powers in relation to these parks that are inconsistent with management plans (s.362 of the EPBC Act).

This plan complements a range of Commonwealth, state and territory laws, as well as international conventions and agreements that relate to protection of the marine environment (Schedule 1). Some of the ways in which the Australian Government protects the marine environment through national environmental law include management plans for Australian Marine Parks, marine bioregional plans for the Commonwealth marine environment, recovery plans for threatened species, and threat abatement plans for key threats, such as invasive species and marine debris.

Other Australian, state and territory government agencies also have statutory roles in managing fisheries, tourism, oil and gas activities, shipping, maritime pollution and biosecurity threats.

Australia also has international responsibility under the World Heritage Convention and Ramsar Convention on Wetlands of International Importance, to manage the Lord Howe Island Group World Heritage Property, and the Elizabeth and Middleton Reefs Ramsar site.

**Table 1.1 Structure of this plan**

<i>Chapter 1 Introduction</i>	
<b>Part 1</b> Managing Australian Marine Parks	Outlines the context and approach to managing marine parks.
<b>Part 2</b> The Temperate East Marine Parks Network	Provides a summary of the Temperate East Network including natural, cultural, heritage, social and economic values, the pressures facing the Network and the management actions to protect values and manage pressures.

<i>Chapter 2 Management and prescriptions (the rules)</i>	
<b>Part 3</b> Zoning	Explains the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
<b>Part 4</b> Managing activities	Provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes, and the types of authorisations (permits, class approvals, activity licences and leases).
<b>Glossary</b>	Lists terms and words used in this plan.

<i>Schedules Supporting information</i>	
<b>Schedule 1</b> Summary of legislation and policy contexts	Includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
<b>Schedule 2</b> Temperate East Network overview and values	Provides a summary of the marine parks as proclaimed, a description of values and a map for each park.
<b>Schedule 3</b> Environmental features used in design of the Temperate East Network	Describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features and key ecological features.
<b>Schedule 4</b> Temperate East Network marine parks and zone boundary descriptions	Lists the coordinates of each marine park and zone.
<b>Schedule 5</b> Supporting information	Lists references used in preparing this plan.

## 1.6 APPROACH TO MANAGING AUSTRALIAN MARINE PARKS

To achieve the best outcomes from Australian Marine Parks, the different uses of parks must be balanced with protecting important habitats and features. This plan outlines the Director's approach to managing Australian Marine Parks. This approach includes:

- **A vision** for Australian Marine Parks and management objectives.
- **Partnerships** with traditional owners, marine park users, stakeholders and governments to manage marine parks.
- **Management programs and actions** to protect the marine environment, improve scientific understanding, support tourism, improve awareness and appreciation of marine parks, work with Indigenous people to manage parks, assess and authorise activities, and ensure that people comply with the rules.
- **Zones** that set out what activities can be undertaken where and how.
- **Outcome-based decision-making** where each decision made balances enabling use with the need to protect natural, cultural and heritage values of marine parks.
- **Implementation plans** to support each management plan that set out the specific actions in the foundation phase (years 1–4), consolidation phase (years 5–8), and finalisation and review phase (years 9–10).
- **Adaptive management** including monitoring, evaluation and reporting to keep track of our progress and change our approach when necessary.

## 1.7 WAYS OF WORKING

In managing Australian Marine Parks, the Director will seek to be:

- **Respectful**—of the traditional owners of the sea, marine park users, stakeholders and other government agencies.
- **Collaborative**—seeking to co-design management programs and systems wherever possible, and manage in consultation with marine park users.
- **Balanced**—focused on protecting natural, cultural and heritage values, while facilitating sustainable use and enjoyment of marine parks.
- **Outcomes based**—considering outcomes for natural, social-economic, cultural and heritage values of marine parks when making decisions about activities.
- **Adaptive**—encouraging innovation, accommodating new information about values, pressures and technologies, and allowing for continual improvement in management.
- **Evidence and risk-based**—using information to guide management and decision-making, including evidence gathered through monitoring, research, evaluation and reporting.
- **Proactive**—taking proactive action to protect marine parks from pressures, to minimise damage, and to improve resilience, wherever possible.
- **Efficient and effective**—minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval mechanisms of other government agencies, while enforcing the rules established in this plan.

## 1.8 PARTNERSHIPS

Effective management of Australian Marine Parks will be achieved by working with traditional owners, marine park users and stakeholders, and other government agencies through the following:

### ***Partnerships with government agencies***

The Director will build on existing partnerships with Commonwealth government agencies with critical roles in managing and understanding Australia's marine environment, including the Australian Fisheries Management Authority, Australian Maritime Safety Authority, Defence, Geosciences Australia, Great Barrier Reef Marine Park Authority, Australian Border Force and the National Offshore Petroleum Safety and Environmental Management Authority. The Director will also build on partnerships with the New South Wales fisheries and marine park agencies, and research institutions that provide support to the day-to-day management of the Temperate East Network, while ensuring a consistent approach to managing marine parks around Australia.

### ***Network advisory committee***

To support collaborative management and achieve the vision for marine parks, the Director intends to establish an advisory committee for the Temperate East Network. The Director will work closely with the advisory committee and stakeholders to develop and implement management programs and actions for the Network.

The role of the advisory committee will be to support and collaborate with the Director to manage marine parks by:

- helping to develop and deliver implementation plans, including assisting to prioritise management actions and develop performance measures;
- providing information about stakeholder and park user views, knowledge and needs; and
- contributing to the periodic evaluation and review of implementation plans.

Members will represent the broad range of marine park users, interests and knowledge about marine parks and may represent sectors such as commercial fishing, energy, Indigenous people, infrastructure, non-government organisations, recreational fishing, science, tourism, transport and the broader community. Membership and terms of reference for the committee will be developed in consultation with stakeholders as soon as practicable after the commencement of this plan.

### ***Partnerships with traditional owners and Indigenous people***

In implementing this plan, the Director acknowledges the national and international rights and cultural interests of Indigenous people and the deep understanding and experience that Indigenous people can contribute to the management of Australian Marine Parks. This includes international rights as detailed in the United Nations Declaration on the Rights of Indigenous People. The Director also acknowledges that Indigenous people have been sustainably using and managing their sea country, including areas now in marine parks, since time immemorial.

The Director is committed to working with Indigenous people to manage sea country within marine parks and will achieve this through the Indigenous engagement program (Section 2.5). This includes by building partnerships with traditional owners and Indigenous people with responsibilities for sea country.

The Director also acknowledges that traditional owners are the primary source of information on the value of their heritage. For this reason, the Director will seek the active participation of Indigenous people in the identification and management of cultural values in marine parks.

To inform our approach to managing marine parks, the Director has worked with representatives from land councils, native title representative bodies and Indigenous ranger groups to develop a set of collaborative management principles (Table 1.2) to support Indigenous involvement in the management of Australian Marine Parks. These principles will inform the approach to implementing this plan, as well as the development and implementation of actions in each marine park (Part 2).

**Table 1.2 Principles supporting Indigenous people to engage in management of Australian Marine Parks**

***Principle 1:***

It is recognised that Indigenous people have been sustainably using and managing their sea country, including areas now included within Australian Marine Parks, for thousands of years—in some cases since before rising sea levels created these marine environments.

***Principle 2:***

Management of Australian Marine Parks should be undertaken on the basis that native title exists in sea country within Commonwealth waters.

***Principle 3:***

Indigenous people should be engaged in planning and managing Australian Marine Parks on the basis of their nationally and internationally recognised rights and cultural interests, not as a 'stakeholder' group.

***Principle 4:***

Maximise opportunities for Indigenous people to enjoy the management and use of their sea country.

***Principle 5:***

Maximise opportunities for the development of Indigenous livelihoods, consistent with national 'closing the gap' commitments.

***Principle 6:***

Governance and management activities within Australian Marine Parks should respect and complement local Indigenous governance arrangements, plans, capacities and activities.

***Principle 7:***

Indigenous engagement in managing Australian Marine Parks should be undertaken through good faith negotiations, seeking to build on the common ground that exists between Indigenous people and the Australian Government to protect and sustainably use Australia's sea country environments and resources.

***Principle 8:***

Third party investment in management activities in Australian Marine Parks (e.g. through environmental offset investments) should include support for Indigenous people's interests, capacity-building and development of livelihoods, consistent with all other principles outlined above; such third party investments must not impact on native title compensation negotiations or on the right to compensation.

## 1.9 MANAGEMENT PROGRAMS AND ACTIONS

The Director will implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks. Management programs and actions may be adapted over the life of this plan, and include:

- **Communication, education and awareness**—actions that improve awareness, understanding and support for marine parks and park management.
- **Tourism and visitor experience**—actions that provide for and promote a range of environmentally appropriate, high-quality recreation and tourism experiences and contribute to Australia's visitor economy.
- **Indigenous engagement**—actions that recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.
- **Marine science**—actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.
- **Assessments and authorisations**—actions that provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to support sustainable use and protection of marine park values.
- **Park protection and management**—timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.
- **Compliance**—actions that ensure appropriate and high levels of compliance by marine parks users with the rules set out in this plan.

The specific actions that will be undertaken in each marine park will be determined in partnership with stakeholders and set out in implementation plans.

## 1.10 ZONES

Zoning and related rules for managing activities are important tools for managing marine parks to ensure protection of marine habitats and species, while enabling use. Parts 3 and 4 of this plan set out the zones and rules for activities in the Temperate East Network.

In determining the zones and rules, the Director has considered the best available science, the advice of stakeholders, Indigenous people and the general public, the goals and principles of the NRSMPA and the Australian IUCN reserve management principles (Schedule 1). Zones established by this plan (Part 3) in marine parks in the Temperate East Network are summarised in Table 1.3.



**Table 1.3 Summary of zones in the Temperate East Network**

<p><b>Special Purpose Zone (IUCN category VI)</b>—managed to allow specific activities through special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.</p>
<p><b>Multiple Use Zone (IUCN category VI)</b>—managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.</p>
<p><b>Habitat Protection Zone (IUCN category IV)</b>—managed to allow activities that do not harm or cause destruction to seafloor habitats, while conserving ecosystems, habitats and native species in as natural a state as possible.</p>
<p><b>Recreational Use Zone (IUCN category IV)</b>—managed to allow recreational use while conserving ecosystems, habitats and native species in as natural a state as possible. The zone allows for recreational fishing, but not commercial fishing.</p>
<p><b>National Park Zone (IUCN category II)</b>—managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities, unless authorised for research and monitoring.</p>

## 1.11 IMPLEMENTATION PLANS

The Director will work closely with stakeholders and the advisory committee to develop detailed implementation plans. Three stages of implementation plans will be developed to set out the management actions that will occur in the Temperate East Network and identify performance indicators.

- **Implementation plan 1**—Foundation (years 1–4). To be developed in the first year and include foundational management actions and development of robust natural, social and economic baselines.
- **Implementation plan 2**—Consolidation (years 5–8). To be developed following a review of the first implementation plan, and considering lessons learnt. To continue any ongoing foundational management actions.
- **Implementation plan 3**—Finalisation and review (years 9–10). To set out arrangements to review the lessons learnt from implementing the management plan over the first eight years, and inform the development of the next management plan for the Temperate East Network.

## 1.12 ADAPTIVE MANAGEMENT

Regular monitoring, evaluation, reporting and review of the implementation of this plan will be essential to achieve the vision for Australian Marine Parks and the objectives for this plan. The Director will undertake periodic monitoring, evaluation, review and reporting on the implementation of this plan to:

- evaluate the effectiveness of this plan in achieving its objectives;
- track progress in meeting performance indicators identified in implementation plans;
- review the effectiveness of zoning and other management arrangements to protect and conserve marine park values;
- identify changes in management context and priorities;
- consider the adequacy of knowledge of marine park values, uses, pressures, social and economic benefits and impacts;

- consider the effectiveness of monitoring and evaluation, and the appropriateness of key indicators and performance measures;
- identify and prioritise future management actions;
- provide information to enable adaptive management; and
- inform the development of a new management plan for the Temperate East Network at the conclusion of this plan.

## Part 2. THE TEMPERATE EAST MARINE PARKS NETWORK

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Australasian gannets (Alan Danks)

## 2.1 THE TEMPERATE EAST MARINE REGION

The Temperate East Marine Region (region) extends from the southern boundary of the Great Barrier Reef Marine Park to Bermagui in southern New South Wales, as well as the waters surrounding Lord Howe and Norfolk islands. The region covers approximately 1.47 million km<sup>2</sup> of temperate and subtropical waters and abuts the coastal waters of southern Queensland and New South Wales (Figure 2.1).

Traditional owners have managed and used sea country within the region for tens of thousands of years. They use and actively manage the coastal and marine environments of the region as a resource and to maintain cultural identity, health and wellbeing. Fishing, hunting and the maintenance of culture and heritage through ritual, stories and traditional knowledge continue as important uses of near shore and adjacent areas.

The region is popular for activities such as fishing, snorkelling, diving and boating. Tourism operators offer unique experiences for visitors to enjoy the offshore reefs, islands, cays and deep-water environments. Although many of the marine parks are remote and far offshore, opportunities exist for recreational use, particularly around Solitary Islands, Norfolk and Lord Howe Marine Parks.

There are significant industries in the region, including commercial fishing and shipping that contribute to economic growth, employment and social wellbeing in adjacent towns and communities. Activities and businesses that support these industries such as marine industry suppliers and repair yards are also important sources of employment for coastal communities.

The marine environment of the region is characterised by continental shelf, slope, and abyssal plain/deep ocean floor, with significant variation in seafloor features including tropical and cold-water reef systems, seamounts and canyons. Linking these habitats are strong ocean currents that greatly influence and structure the region's productivity and biological diversity. The East Australian Current is the dominant oceanographic influence, bringing warm waters from the Coral Sea down the outer edge of the continental shelf, extending the range of tropical species into subtropical and temperate waters. For this reason, the region supports high levels of species richness and diversity, particularly among corals, crustaceans, echinoderms, molluscs, sea sponges and fish. This is particularly true in places like Lord Howe Island and Elizabeth and Middleton Reefs, where both warm and cold-water species flourish alongside each other.

The region has high species diversity, globally significant populations of internationally threatened species and a small number of species found nowhere else. It supports biologically important areas for species, including sharks, whales and seabirds. For example the east coast population of grey nurse shark (*Carcharias taurus*) and migratory white shark (*Carcharodon carcharias*) aggregate off the coast of New South Wales, while migratory humpback whale (*Megaptera novaeangliae*) migrate through the region to and from breeding grounds in Queensland. The region also includes important offshore reef habitat at Elizabeth and Middleton Reefs, Lord Howe Island and Norfolk Island. These sites support the vulnerable black cod, are the southernmost extent of many reef-building coral species, and are important breeding, foraging and feeding areas for several species of seabird. Other species known to occur in the region include species of marine turtle and bony fish.

Further information about the region can be found in the *Marine bioregional plan for the Temperate East Marine Region* (2012), and the *East marine bioregional plan: bioregional profile* (2009) (available on the Department's website), and the marine park values in Section 2.3 and Schedule 2 of this plan.

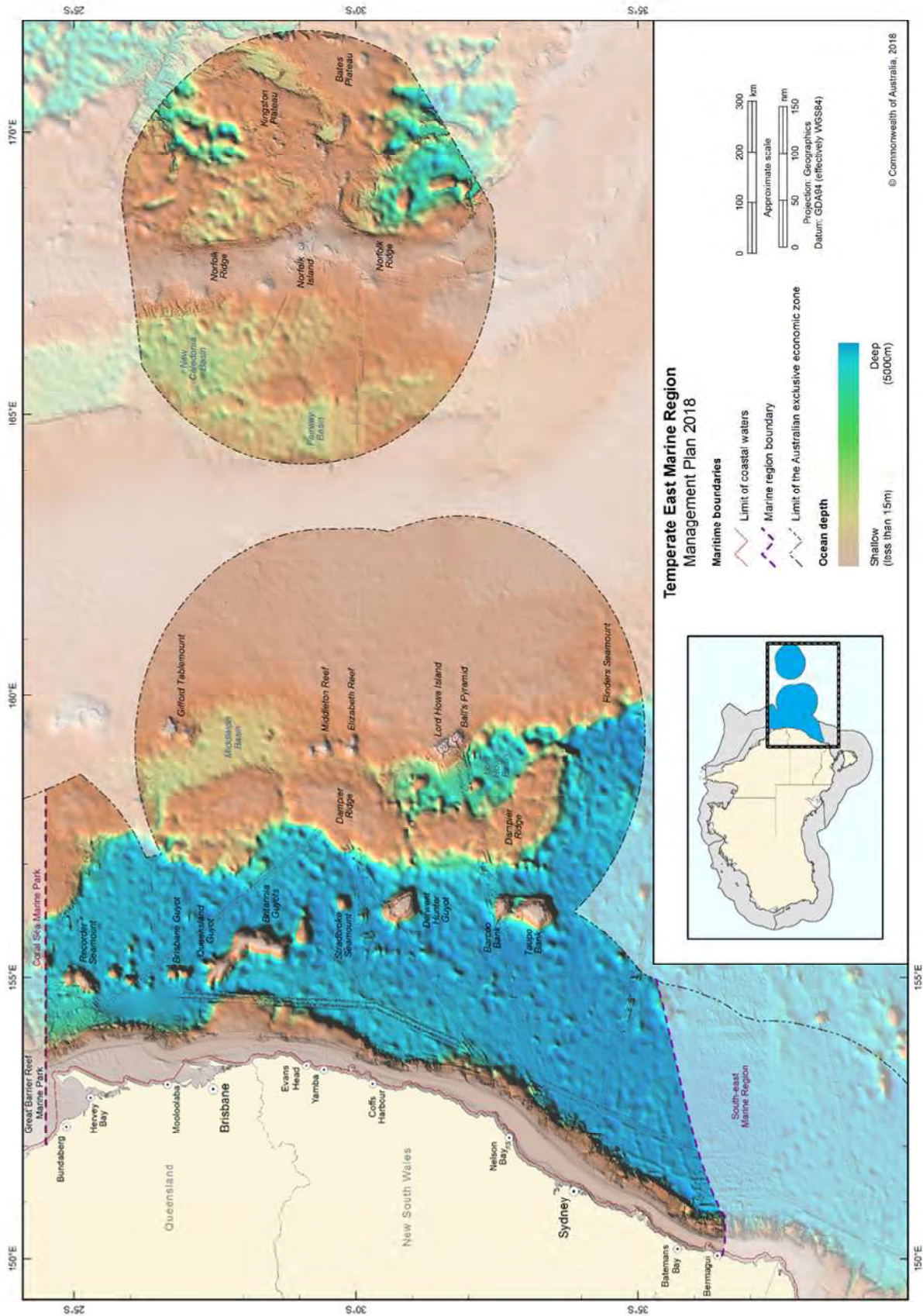


Figure 2.1 Temperate East Marine Region

## 2.2 THE TEMPERATE EAST MARINE PARKS NETWORK

The Temperate East Network (Figure 2.2) covers 383,339 km<sup>2</sup> and includes eight marine parks. An overview of the marine parks and their values is provided in Schedule 2.

The Temperate East Network comprises the following marine parks:

- Gifford Marine Park
- Norfolk Marine Park
- Lord Howe Marine Park
- Central Eastern Marine Park
- Solitary Islands Marine Park
- Cod Grounds Marine Park
- Hunter Marine Park
- Jervis Marine Park



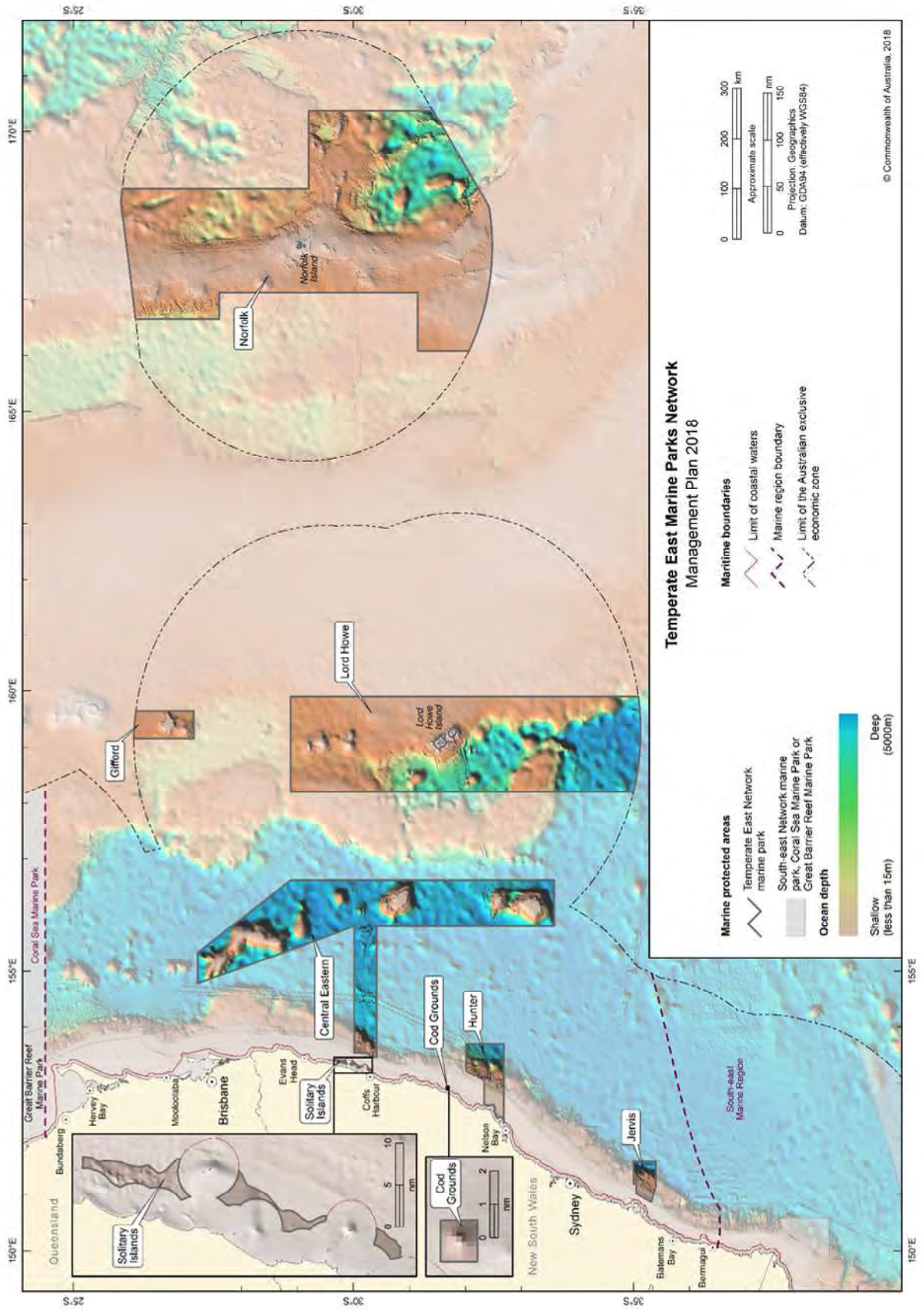


Figure 2.2 Temperate East Marine Parks Network

## 2.3 VALUES OF THE TEMPERATE EAST NETWORK

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

A summary of the values of the Temperate East Network is provided in Table 2.1. The values of individual marine parks are set out in Schedule 2. As outlined in Part 1, in managing marine parks, the Director will need to make decisions about what activities can occur in the marine parks and what actions to take to manage them. This will involve the Director making decisions that carefully balance the need to protect natural, cultural, heritage and socio-economic values of marine parks with enabling use and managing pressures.

In making these decisions, the Director will carefully consider the impacts and risks to natural, cultural, heritage or socio-economic values for the relevant marine park/s. The Director will also consider any positive impacts associated with allowing an activity, such as socio-economic or cultural benefits, and ensure that activities are undertaken in a manner that minimises negative impacts.

For some marine parks, such as the Lord Howe Marine Park, there is a relatively strong understanding of park values. Where there is less information, environmental features are used as indicators for the types of species and habitats likely to occur. These include bioregions, water depth, seafloor features and key ecological features (Schedule 3).

As understanding of marine park values improves over the life of this plan, the Director will make new information about values available on the Parks Australia website. Other important sources of information on values (also on the Department's website) include:

- Species profile and threats database for protected species;
- Directory of important wetlands in Australia;
- Australian heritage database for natural, historic and Indigenous heritage places;
- Australian national shipwreck database for known shipwrecks;
- National Conservation Values Atlas;
- *Marine bioregional plan for the Temperate East Marine Region* (2012); and
- *East marine bioregional plan: bioregional profile* (2009).

**Table 2.1 Summary of values in the Temperate East Network**

Statement of significance
<p>The Temperate East Network was designed to protect representative examples of the region's ecosystems and biodiversity in accordance with the <i>Goals and principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters</i> (ANZECC, 1998).</p>
Natural values
<p>Bioregions—the Temperate East Marine Region is divided into areas of ocean with broadly similar characteristics based on the distribution of marine species and seafloor features. The Network represents examples of the region's marine environments including ecosystems, species and habitats. There are seven bioregions represented in the Temperate East Network (Schedule 2).</p> <p>Key ecological features—elements of the marine environment considered to be of importance for biodiversity or ecosystem function and integrity, represented in the Network are:</p> <ul style="list-style-type: none"> <li>• Lord Howe seamount chain;</li> <li>• Tasmantid seamount chain;</li> <li>• Norfolk Ridge;</li> <li>• Shelf rocky reefs;</li> <li>• Tasman Front and eddy field; and</li> <li>• Canyons on the eastern continental slope.</li> </ul> <p>Species and habitats—all species and habitats are important components of the ecosystems represented in the Temperate East Network. Many species are protected under the EPBC Act and international agreements such as the Convention on the Conservation of Migratory Species (CMS or Bonn Convention), the Japan– Australia Migratory Bird Agreement (JAMBA), the China–Australia Migratory Bird Agreement (CAMBA), and the Republic Of Korea–Australia Migratory Bird Agreement (ROKAMBA). Further information on these agreements is in Schedule 1.</p> <p>The Temperate East Network supports important habitats, including biologically important areas, for a range of protected species. Biologically important areas are where aggregations of individuals of a protected species breed, forage or rest during migration. More information on protected species and biologically important areas can be found in the <i>Marine bioregional plan for the Temperate East Marine Region</i> (2012) and the conservation values atlas on the Department's website.</p> <p>The coral reefs of Emily Bay and Slaughter Bay in the Norfolk Marine Park are the eastern-most coral reefs in Australian waters, and contain a unique reef fish assemblage of endemic, sub-tropical and temperate species.</p> <p><i>Elizabeth and Middleton Reefs Ramsar site</i></p> <p>The Elizabeth and Middleton Reefs Ramsar site is located within the Lord Howe Marine Park. The site was listed under the Ramsar Convention in 2002 and is a wetland of international importance under the EPBC Act. The reefs form the southernmost open-ocean reef platform in the world and support internationally significant populations of seabirds and shorebirds.</p>

## Cultural values

Aboriginal people of eastern Australia have been sustainably using and managing their sea country for thousands of years, in some cases since before rising sea levels created these marine environments. Sea country refers to the areas of the sea that Aboriginal people are particularly affiliated with through their traditional lore and customs. Sea country is valued for Indigenous cultural identity, health and wellbeing.

Aboriginal people continue to assert inherited rights and responsibilities over sea country within the Temperate East Network. It is recognised that spiritual corridors extend from terrestrial areas into nearshore and offshore waters, that a number of marine animals are totems for Indigenous people, and that songlines pass through marine parks.

## Heritage values

### Protected places (world, national and Commonwealth heritage, historic shipwrecks)

The EPBC Act protects matters of national environmental significance that are classified as protected places, including world heritage properties and national heritage places. Places on the Commonwealth Heritage List or shipwrecks listed under the *Historic Shipwrecks Act 1976* are also protected places.

Historic shipwrecks are a unique historic value and the region is an area of considerable importance in Australia's maritime history. The Temperate East Network includes many historic shipwrecks that can be found in the Australian national shipwrecks database, such as the *HMS Sirius*, a flagship of the First Fleet, which was wrecked on the coral reef off Slaughter Bay, Norfolk Island in 1790.

The Temperate East Network includes the following internationally listed place:

#### *Lord Howe Island Group World Heritage Property*

The Lord Howe Island Group World Heritage Property is in and adjacent to the Lord Howe Marine Park. The property was inscribed on the World Heritage List by the World Heritage Committee in 1982 on the basis of its outstanding universal value. It supports a number of endemic species or subspecies of plants and animals.

## Social and economic values

The Temperate East Network supports a range of important social and economic uses that underpin the prosperity and wellbeing of regional communities (Figure 2.3).

Commercial fishing, shipping and port-related activities, and tourism are industries of national economic significance.

Marine tourism activities, including charter fishing, snorkelling, diving and wildlife watching are also important commercial activities that offer unique visitor experiences to reefs, islands and lagoons particularly around Lord Howe and Norfolk Marine Parks. The Network also supports a range of recreational activities including fishing.

The island communities of Norfolk Island and Lord Howe Island have a particularly strong affinity and historic connection to the ocean surrounding them as a source of food and for a range of social and economic benefits. The Norfolk Marine Park includes waters up to the high water mark, which incorporate a wide range of near-shore values and uses by the Norfolk community and visitors

## 2.4 PRESSURES IN THE TEMPERATE EAST NETWORK

Pressures are human-driven processes, events and activities that, if left unchecked, may impact on marine park values. Contemporary drivers of environmental change in the marine environment include population growth and economic activity, and related pressures such as increased vessel activity, marine debris, climate extremes and ocean warming. Figure 2.3 shows the types of uses occurring across the Temperate East Network. These present key challenges for biodiversity conservation and sustainable management of our marine resources, including in Australian Marine Parks.

Australia's 2016 *State of the environment report* reviewed pressures on Australia's marine environment and determined that they were low by global standards. However, given that more than 85 per cent of Australians live within 50 km of the sea, and with Australia's population of approximately 24.4 million projected to grow to 39.7 million by 2055, pressures on the marine environment are likely to increase.

Although pressures on marine ecosystems and biodiversity in the Temperate East Network may change over time, examples of pressures in the Network are outlined in Table 2.2. Research in the Great Barrier Reef Marine Park and elsewhere in the world has demonstrated that effective management of marine parks, helps to maintain the resilience of marine ecosystems and their ability to withstand and recover from such pressures.

In determining the management actions to be taken in the Temperate East Network and in making decisions about the activities that will be allowed to occur within marine parks, the Director will carefully consider how the values outlined in Section 2.3 and in Schedule 2 will be impacted by these pressures now and in the future.

Pressures such the extraction of living resources by fishing, and habitat modification through installation of infrastructure and anchoring will be managed in part through the zones and rules set out in Parts 3 and 4 of this plan.

**Table 2.2 Summary of pressures in the Temperate East Network**

<b>Climate change</b>
The impacts of climate change on the marine environment are complex and may include changes in sea temperature, sea level, ocean acidification, sea currents, increased storm frequency and intensity, species range extensions or local extinctions, all of which have the potential to impact on marine park values. The International Panel on Climate Change recognises climate change as a major contributor to Australian marine ecosystem changes since 2007. Habitats vulnerable to the effects of climate change include Elizabeth and Middleton Reefs and other reef and fish communities.
<b>Changes in hydrology</b>
Rivers, estuaries and other waterways have the potential to discharge increased sediment loads and pollutants into the marine environment from activities such as coastal development and agriculture. This can result in increased turbidity and siltation, impacting on species that inhabit or spawn in coastal, estuary and offshore waters. Examples of habitat vulnerable to changes in hydrology include reefs and fish communities surrounding islands in the Temperate East Network.
<b>Extraction of living resources</b>
Australia's world class fisheries management, led by Commonwealth, state and territory governments is important for ensuring sustainable fishing practices. Fishing, including illegal, unregulated and unreported fishing (including illegal foreign fishing), can modify natural populations of target species. Bycatch of non-target species and/or physical disturbance to habitats can result from certain fishing methods, and may



therefore impact on marine park values. Examples of habitats, key ecological features and species vulnerable to such impacts include reef and shoal habitats, the Tasmanian and Lord Howe seamount chains, and species of shark, dolphin and fish.

### Habitat modification

Commonwealth, state and territory governments play an important role in managing activities in the marine environment. For example, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) works with the mining industry to ensure their environment plans address environmental management issues. Impacts on habitat in marine parks can occur directly through physical disturbance, or indirectly through the presence of infrastructure. For example, benthic communities are vulnerable to the discharge of sediments which can result in localised smothering of benthic biota and or reduction in the quality and quantity of light received at the seabed. In addition, modification of natural light through the installation of lighting associated with infrastructure can cause changes in animal behaviour. Examples of habitats and species vulnerable to habitat modification pressures include reef, shoal and pinnacle habitats, and species of seabirds, fish, dolphin and shark.

### Human presence

Activities such as wildlife watching are a drawcard for people visiting marine parks. While enjoying the wildlife experience, it is important to be aware of the potential impacts of human presence on the natural behaviour of wildlife. Activities such as boating, camping, diving and snorkelling have the potential to impact marine park values directly through contact from collision or indirectly through changes in behaviour from disturbance. These activities may result in changes to wildlife behaviour such as nesting, breeding, feeding or resting, or may damage fragile marine environments e.g. reefs. Examples of habitats and species vulnerable to human disturbance include reef habitats, and species of dolphin and seabird.

### Invasive species

Invasive species have the potential to impact on marine park values directly and indirectly. Potential sources of invasive species include vessel ballast and bilge water discharge, vessel biofouling, accidental or deliberate transport of species and land-based activities. Islands, reefs and other shallow-water ecosystems and native species are vulnerable to invasive species, from direct impacts such as predation or damage to important habitat e.g. nesting habitat, or indirect impacts such as competition with native species for habitat and food. Examples of habitats and species vulnerable to the impacts of invasive species include reef and island habitats and nesting seabirds.

### Marine pollution

Marine and land-based activities have potential to result in marine pollution which may impact on marine park values. Pollution includes the emission of noise or light, marine debris (for example, plastics and lost fishing gear), and discharge of oil, chemicals or waste. Pollution can be detrimental to marine life, causing contamination of ecosystems, entanglement, or can be ingested by marine species. Examples of habitat, key ecological features and species vulnerable to marine pollution include island, reef, and other shallow-water habitats, Elizabeth and Middleton Reefs, and species of dolphin, whale and seabird.

Further information on pressures in the region is provided in the *Marine bioregional plan for the Temperate East Marine Region* (2012).



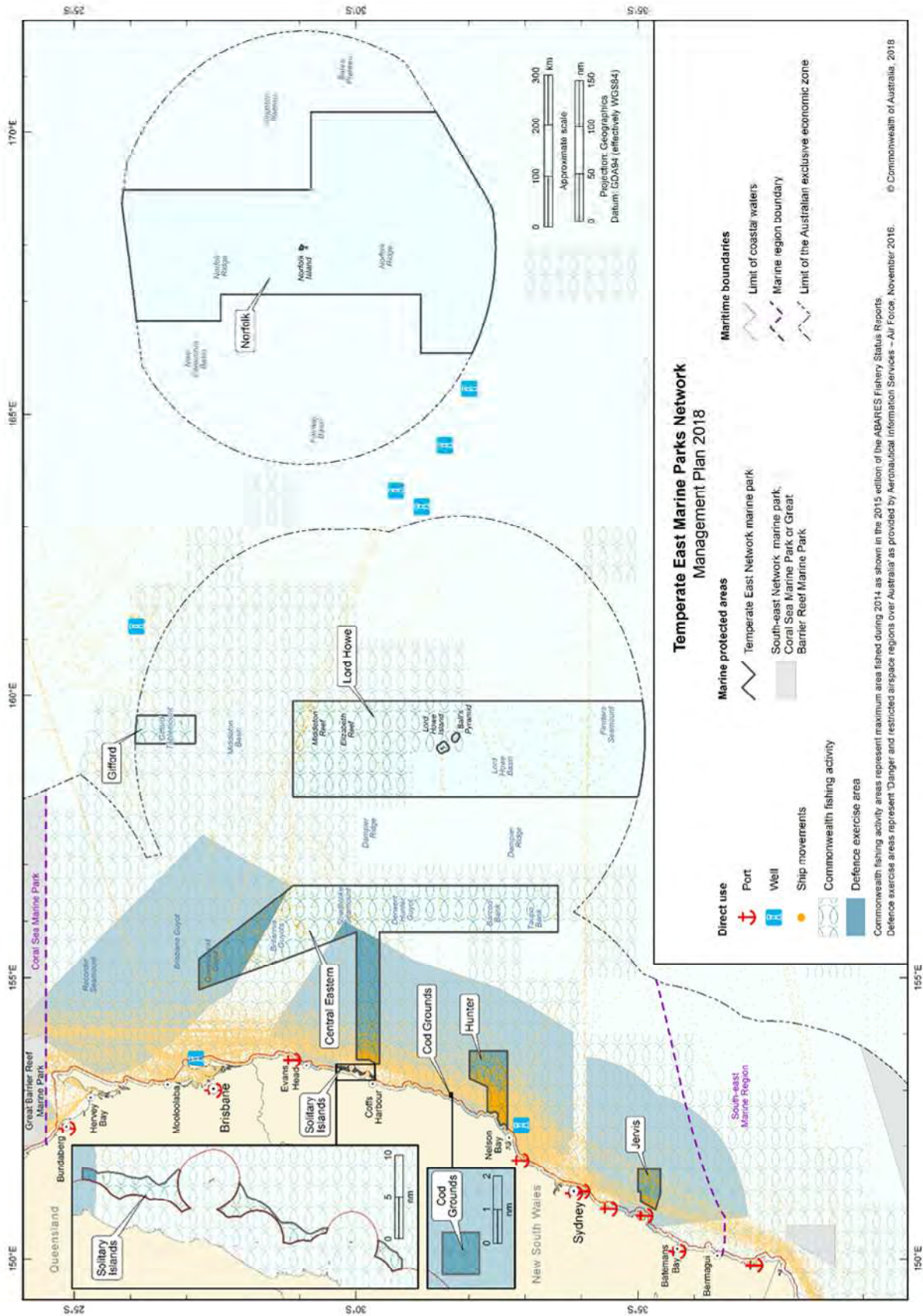


Figure 2.3 Direct use in the Temperate East Network

## 2.5 MANAGEMENT PROGRAMS AND ACTIONS IN THE TEMPERATE EAST NETWORK

As outlined in Part 1, the Director will proactively implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks.

These management programs and actions will be implemented on a national scale across all Australian Marine Parks. In addition, specific actions will be undertaken in the Temperate East Network. Table 2.3 outlines the management programs and actions likely to be undertaken in the Temperate East Network. These programs and actions may change during the life of this plan as new information and approaches become available. Additional actions will be developed in partnership with stakeholders through a network advisory committee and in implementation plans.

**Table 2.3 Management programs, outcomes and actions in the Temperate East Network**

<b>Communication, education and awareness program</b> Actions to improve awareness, understanding and support for marine parks and park management.
<p><b>Outcome</b></p> <ul style="list-style-type: none"> <li>Increased awareness, understanding and support for marine parks.</li> </ul> <p><b>Actions—the Director will</b></p> <p><i>under a national program:</i></p> <ul style="list-style-type: none"> <li>develop a marketing and communication strategy for Australian Marine Parks to raise awareness and understanding of marine park values and the contribution marine parks make to enhancing Australia’s wellbeing,</li> <li>develop online information resources to facilitate awareness of marine park values, management arrangements and visitor opportunities,</li> <li>maximise the use of new technologies and partnerships (including with schools, universities, museums and non-government organisations) to inspire people of all ages to become involved in marine park management and protection,</li> <li>establish network advisory committees to ensure users and interested stakeholders have on-going input to the management of Australian Marine Parks, and</li> <li>develop a customer focussed approach to tracking the aspirations and concerns of stakeholders in relation to marine parks.</li> </ul> <p><i>in the Temperate East Network:</i></p> <ul style="list-style-type: none"> <li>develop information for visitors on marine parks in the Network to encourage increased awareness and understanding of their values and management arrangements,</li> <li>provide infrastructure in and adjacent to the Network, such as signs and marker buoys, to increase understanding of marine park values and rules, particularly at sites that are regularly visited,</li> <li>establish a Temperate East Network advisory committee/s or other engagement mechanisms to support and collaborate with the Director in management, and</li> </ul>

### Communication, education and awareness program

Actions to improve awareness, understanding and support for marine parks and park management.

- engage closely with Norfolk Marine Park and Lord Howe Marine Park users and communities about marine parks and opportunities.

### Tourism and visitor experience program

Actions to provide for and promote a range of environmentally appropriate, high-quality recreation and tourism experiences and contribute to Australia's visitor economy.

#### Outcomes

- High-quality visitor experiences that are appealing, engaging and raise awareness of the natural and cultural values of marine parks.
- Increased visitation to marine parks.
- Social and economic benefits from the contribution of marine parks to Australia's visitor economy.

#### Actions—the Director will

*under a national program:*

- develop a sustainable tourism and visitor experience strategy for Australian Marine Parks,
- work with national, state and local tourism authorities and operators to maximise the value of a sustainable ecotourism opportunities associated with marine parks,
- develop a commercial tourism authorisation system to encourage best-practice and eco-accredited businesses operating in Australian Marine Parks,
- work with Tourism Australia and state and regional tourism authorities and the fishing industry to market and promote Australian Marine Parks, including opportunities to promote locally caught and sustainably caught seafood,
- monitor visitor trends and levels of satisfaction with marine park experiences and products,
- promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners, and
- work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

*in the Temperate East Network:*

- promote visitor experiences that foster curiosity and appreciation of natural and heritage values in the Network, for example nature watching, diving or snorkelling at the Norfolk, Solitary Islands, Cod Grounds and Lord Howe Marine Parks, and
- work with other Commonwealth and state government agencies, the Norfolk Island Regional Council, Lord Howe Island Board, and the tourism industry to support tourism initiatives, events and attractions that promote visitor experiences in marine parks.

## Indigenous engagement program

Actions to recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.

### Outcomes

- Social, cultural and economic benefits for traditional owners.
- Partnerships with traditional owners and Indigenous groups to manage sea country in marine parks.

### Actions—the Director will

*under a national program:*

- develop an Australian Marine Parks Indigenous engagement and cultural heritage strategy, to improve understanding of cultural heritage, link management with sea country plans and maximise employment and enterprise opportunities for traditional owners,
- develop agreements to support Indigenous ranger programs to deliver management in marine parks, and
- provide information to Indigenous people about marine park management.

*in the Temperate East Network:*

- collaborate with traditional owners and relevant partners such as the New South Wales Aboriginal Land Council on implementing the Indigenous engagement program, including supporting Indigenous groups to participate in marine park management,
- implement cultural awareness training for Parks Australia staff in association with traditional owners,
- establish protocols for researchers working with Parks Australia to guide engagement with traditional owners,
- identify opportunities and mechanisms to engage traditional owners including through coastal Local Aboriginal Land Councils, established under the Aboriginal Land Rights Act 1983 in the management of marine parks, and
- increase understanding of traditional knowledge and cultural values.

## Marine science program

Actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.

### Outcomes

- Increase understanding of marine park values, pressures and adequacy of responses.
- Improve understanding of the effectiveness of marine park management in protecting park values.
- Informed decision-making and improved evidence-based decisions.

### Actions—the Director will

*under a national program:*

- establish ecological, social and economic baselines to support evidence-based decision-making and adaptive management,
- develop an Australian Marine Parks science strategy to prioritise and encourage research and monitoring of park values, pressures and management effectiveness, and foster science communication and knowledge uptake,
- encourage and facilitate knowledge brokering to support collaboration and partnerships with the science community, private enterprise, citizen science organisations and other Commonwealth, state and territory agencies,
- establish an authorisation system for scientific research and monitoring by third parties, and encourage data to be made publicly available through the appropriate information portals such as the Australian Ocean Data Network,
- collaborate with the science community (including through the National Marine Science Committee and the National Environmental Science Program) and other marine park users to assist in improving the understanding of marine park values, pressures and management effectiveness, and
- collaborate with the science community and other government agencies to increase the use of innovative and effective technology and systems including sensor technology.

*in the Temperate East Network:*

- monitor the social and economic uses and their benefits and impacts on marine parks in the Network,
- monitor the condition of important habitats and their vulnerability to climate change,
- monitor the impact of invasive species on marine park values and the effectiveness of management,
- collaborate with other Commonwealth and state government agencies, the Norfolk Island Regional Council, Lord Howe Island Board, marine park users, and the science sector to support long-term monitoring. For example, monitoring of coral reefs, protected species and effects of fishing on marine parks, and
- investigate opportunities to extend citizen science programs.

## Assessments and authorisations program

Actions to provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to enable sustainable use and protection of marine park values.

### Outcome

- Assessments and authorisations ensure ongoing protection of marine park values through the management of activities in marine parks.

### Actions—the Director will

*under a national program:*

- develop and apply best-practice approaches to regulation and decision-making in the authorisation of activities within marine parks. This includes developing policy to ensure assessment and authorisation requirements are clearly articulated and that decision making is robust, consistently applied, and transparent to all marine park users,
- collaborate with industry to investigate innovative technologies and systems (including vessel monitoring systems) that can assist businesses and individuals to comply with regulatory requirements,
- develop an effective and efficient process to assess new technologies and gear types to allow for the use of new equipment during the life of this plan if appropriate,
- develop a guarantee of service for the regulated community that includes a commitment to work with key marine park users and interest groups whose interests are likely to be affected by regulatory decisions, and
- develop a customer focused online authorisation system for marine park users that includes publishing authorisations issued by Parks Australia on its website.

*in the Temperate East Network:*

- issue authorisations—permit, class approval, activity licence or lease—for activities in marine parks assessed as acceptable either by the Director or another government or industry policy, plan or program accepted by the Director, and
- work with other Commonwealth and state government agencies, the Norfolk Island Regional Council, and the Lord Howe Island Board, to improve experiences and consistency of approaches for people seeking authorisations.



## Park protection and management program

Timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.

### Outcome

- Impact of pressures on marine park values are minimised as far as reasonably practicable.

### Actions—the Director will

*under a national program:*

- apply a risk-based assessment process to prioritise park protection and management actions,
- develop an Australian Marine Parks critical incident strategy in collaboration with the Australian Maritime Safety Authority and other responsible agencies, to respond to critical incidents,
- develop a mooring and anchoring strategy to protect marine park values and improve visitor experience,
- support the removal of marine debris and ghost nets from marine parks through partnerships with Commonwealth, state and territory government agencies and other organisations involved in the management of marine debris, and
- contribute to actions, where appropriate, that support Australia's obligations under international agreements and national environmental law. This includes the World Heritage Convention, Ramsar Convention, recovery plans, wildlife conservation plans and threat abatement plans.

*in the Temperate East Network:*

- enable infrastructure such as moorings to protect habitats and enhance visitor safety,
- collaborate with and support other agencies that undertake invasive and protected species management and marine debris removal. For example, this may include working in partnership with relevant agencies to foster high standards of biosecurity, particularly in sensitive marine ecosystems and World Heritage-listed areas of the Lord Howe Marine Park
- work with other Commonwealth and state government agencies, the Norfolk Island Regional Council, and Lord Howe Island Board, to respond to environmental incidents and accidents, and
- collaborate with traditional owners and Indigenous ranger groups to undertake management actions.

## Compliance program

Actions to support appropriate and high level compliance by marine park users with the rules set out in this plan.

### Outcomes

- Improved user awareness of marine park rules.
- Increased levels of voluntary compliance and self-regulation by marine park users.
- High overall levels of compliance with the rules by marine park users.
- A decrease in the number of non-compliances.

### Actions—the Director will

*under a national program:*

- apply a risk-based approach to compliance planning, targeted enforcement and compliance auditing,
- collaborate with Australian, state and territory government agencies by sharing assets and information,
- investigate the use of new technologies and warning systems to assist in the detection of potential illegal activities, and
- work with marine park users to promote understanding of the rules for activities and how to comply.

*in the Temperate East Network:*

- work with other Commonwealth and state government agencies, the Norfolk Island Regional Council, and Lord Howe Island Board, particularly where marine parks adjoin state marine parks, in compliance planning, including implementing actions to deter illegal activities and encourage voluntary compliance, and
- collaborate with Commonwealth and state government agencies, the Norfolk Island Regional Council, and Lord Howe Island Board, in surveillance, including water and aerial patrols.

## CHAPTER 2

### MANAGEMENT AND PRESCRIPTIONS

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Humpback whale (Dave Paton)

## Part 3. ZONING

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Sailing to Middleton Reef (Nicola Udy)



## 3.1 ZONE CATEGORIES, NAMES AND OBJECTIVES

The EPBC Act requires this plan to assign an IUCN category to each marine park to. The Act also allows this plan to divide a marine park into zones and to assign a category to each zone, which may differ from the overall category of the marine park. Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each category (Schedule 1).

This Part assigns an IUCN category to each marine park of the Temperate East Network, divides some marine parks into zones with their own category and sets out the objectives for each zone (Table 3.1). Zoning takes into account the purposes for which the marine parks were declared, the objectives of this plan (Section 1.4), the values of the marine park (Schedule 2), and the requirements of the EPBC Act and EPBC Regulations. Figure 3.1 and maps in Schedule 2 show the zones assigned to the Temperate East Network, Schedule 4 describes the zones assigned, and the management approach applied to activities within these zones is provided in Part 4. An overview of the Temperate East Network marine parks and zones is provided in Table S2.1.

### Prescriptions

- 3.1.1. Each marine park in the Temperate East Network specified in Table 3.1 is assigned to the IUCN category specified in column 2 of Table 3.1.
- 3.1.2. Gifford Marine Park and Cod Grounds Marine Park are given the zone name specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.3. Norfolk, Lord Howe, Central Eastern, Solitary Islands, Hunter and Jervis Marine Parks are each divided into the zones shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4, and each zone is assigned to an IUCN category and given the zone name, specified in column 3 of Table 3.1, adjacent to the name of the marine park (column 1).
- 3.1.4. The objective of a Special Purpose Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species, while applying special purpose management arrangements for specific activities.

**Note:** there are two types of Special Purpose Zone (VI) in the Temperate East Network used to allow or prohibit certain activities.

- 3.1.5. The objective of the Multiple Use Zone (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species.
- 3.1.6. The objective of a Habitat Protection Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible while allowing activities that do not harm or cause destruction to seafloor habitats.

**Note:** there are two types of Habitat Protection Zone (IV) in the Temperate East Network used to allow or prohibit certain commercial and recreational fishing activities.

- 3.1.7. The objective of the Recreational Use Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible while providing for recreational use.
- 3.1.8. The objective of the National Park Zone (II) is to provide for the protection and conservation of ecosystems, habitats and native species in as natural a state as possible.

Table 3.1: Temperate East Network zoning and marine park management categories

Column 1 Marine park name	Column 2 IUCN category	Column 3 Zone name and IUCN category						
		Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (Norfolk) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Habitat Protection Zone (Lord Howe) (IV)	Recreational Use Zone (IV)	National Park Zone (II)
Gifford	IV				✓			
Norfolk	IV		✓		✓			✓
Lord Howe	IV			✓	✓	✓	✓	✓
Central Eastern	IV			✓	✓			✓
Solitary Islands	VI	✓		✓				✓
Cod Grounds	II							✓
Hunter	IV	✓			✓			
Jervis	IV	✓			✓			

✓ Zone is assigned to the marine park named in column 1. Sections 3.1.2 and 3.1.3 of this plan explain the assignment of zones.

**Note:** There are two types of Special Purpose Zone (VI): Special Purpose Zone (Trawl) (VI) and Special Purpose Zone (Norfolk) (VI), and two types of Habitat Protection Zone (IV): Habitat Protection Zone (IV) and Habitat Protection Zone (Lord Howe) (IV). The variation in management approach for these zones is prescribed in Part 4.



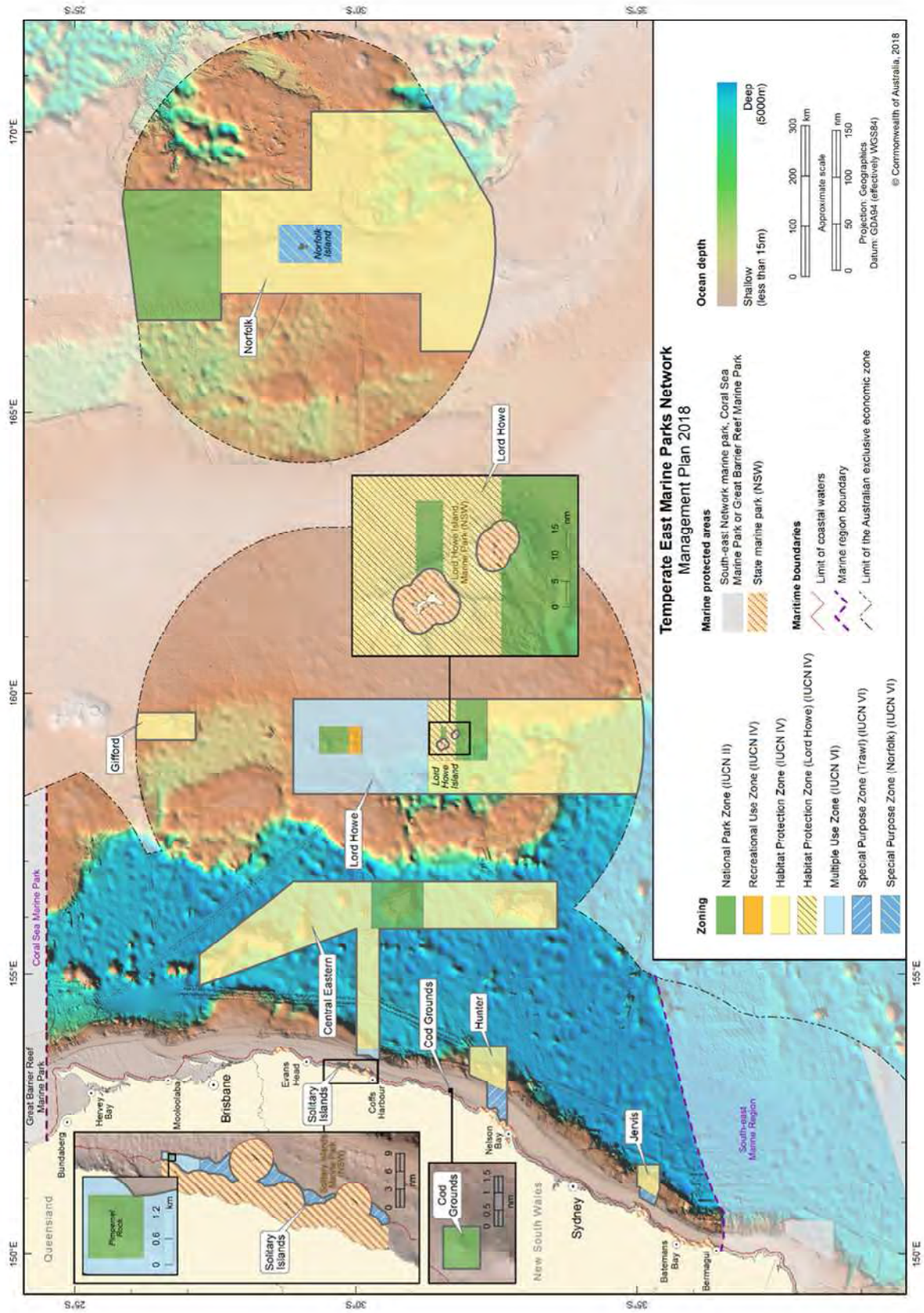


Figure 3.1 Temperate East Marine Parks Network showing zones

## Part 4. MANAGING ACTIVITIES

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Divers and black cod (Department of the Environment and Energy)

## 4.1 OUTLINE OF PART 4

This plan enables a range of activities to be conducted that would otherwise be prohibited or controlled by the EPBC Act and EPBC Regulations (Schedule 1). This Part sets out for marine parks of the Temperate East Network, which activities are:

- a) allowed, without the need for authorisation, where consistent with zone objectives (Part 3) and conducted in accordance with this Part;
- b) allowable, and able to be conducted if an authorisation is issued (Section 4.4 Authorisation of allowable activities); or
- c) not allowed, because they are not consistent with zone objectives (Part 3).

For those activities that are allowed or allowable, this Part also sets out:

- a) the assessment and decision-making process for authorising an activity (Section 4.3 Making decisions about activities);
- b) the types of authorisations that may be issued (permits, class approvals, activity licences and leases) (Section 4.4 Authorisation of allowable activities); and
- c) how activities must be undertaken in marine parks of the Temperate East Network (Section 4.2 Rules for activities).

The rules support an adaptive management approach to respond to new information. Any changes to the management of activities would be made in accordance with Section 4.3.1 (Decision-making).

Depending on the type of activity, other provisions of the EPBC Act or other legislation (e.g. fisheries and mining laws) may also apply to an allowed or allowable activity (Schedule 1).

In accordance with s.359A of the EPBC Act, this plan does not prevent Indigenous people from continuing, in accordance with law, the traditional use of an area in a marine park for non-commercial hunting or food gathering, and for ceremonial and religious purposes. Section 8 of the EPBC Act provides that this plan does not affect the operation of the *Native Title Act 1993*, which also includes provisions that preserve customary rights to use land and waters (Schedule 1).

## 4.2 RULES FOR ACTIVITIES

This plan enables activities to be conducted in zones consistent with the zone objectives (Part 3) while enabling the impacts to be effectively managed. The prescriptions in Section 4.2.1 (General use, access, and waste management) apply to all marine park users of the Temperate East Network. Sections 4.2.2 to 4.2.12 prescribe the rules applying to particular uses. Section 4.2.12 (New activities and authorisations) enables new activities to be considered and new forms of authorisation to be used. Table 4.1 provides a summary of the rules for activities in zones assigned to marine parks of the Temperate East Network. The zones are shown in Figure 3.1 and more specifically shown in marine park maps in Schedule 2, and described in Schedule 4.



**Table 4.1 Summary of rules for activities in the Temperate East Network (provided in Part 4)**

Activity	Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (Norfolk) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Habitat Protection Zone (Lord Howe) (IV)	Recreational Use Zone (IV)	National Park Zone (II)
<b>GENERAL USE, ACCESS, AND WASTE MANAGEMENT (Section 4.2.1)</b>	✓	✓	✓	✓	✓	✓	✓
<b>COMMERCIAL SHIPPING (Section 4.2.2)</b>	✓	✓	✓	✓ <sup>B</sup>	✓ <sup>B</sup>	✓ <sup>B</sup>	✓ <sup>B</sup>
<b>COMMERCIAL FISHING (Section 4.2.3)</b>	A	A	A	A	A	x	x <sup>B</sup>
<b>AQUACULTURE (Section 4.2.4)</b>	A	A	A	A	x	x	x <sup>B</sup>
<b>COMMERCIAL MEDIA (Section 4.2.5)</b>	A	A	A	A	A	A	A
<b>COMMERCIAL TOURISM (Section 4.2.6)</b>	A	A	A	A	A <sup>E</sup>	A <sup>E</sup>	A
<b>RECREATIONAL FISHING (Section 4.2.7)</b>	✓	✓	✓	✓	✓ <sup>E</sup>	✓ <sup>E</sup>	x
<b>MINING (Section 4.2.8)</b>	A	x	A	x	x	x	x
<b>STRUCTURES AND WORKS (Section 4.2.9)</b>	A	A	A	A	A	A	A
<b>RESEARCH AND MONITORING (Section 4.2.10)</b>	A	A	A	A	A	A	A
<b>NATIONAL SECURITY AND EMERGENCY RESPONSE (Section 4.2.11)</b>	✓	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

E Spearfishing is not allowed. Charter fishing is not allowed in the Recreational Use Zone (IV).

#### 4.2.1 General use, access, and waste management

The prescriptions in this Section apply to all marine park users of the Temperate East Network, including those carrying out activities provided for under this plan. These are summarised in Table 4.2.

The EPBC Act and EPBC Regulations control or enable the Director to control a range of activities in marine parks. Some provisions apply to particular classes of activities, such as commercial activities, mining operations or research. Other provisions relate to activities generally and include provisions (Schedule 1) enabling the Director to determine areas where waste may be disposed of, prohibit or restrict entry or activities, determine adventurous activities and areas where adventurous activities may be done, make determinations about the use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits, and make determinations about the use of aircraft in and over marine parks. The taking-off and landing of an aircraft in a marine park can only be conducted in an area determined by the Director (r.12.58).

The EPBC Regulations prohibit ballast water discharge or exchange, disposal of domestic and industrial waste, camping (including overnight stays on vessels), and the operation of a drone in Australian Marine Parks unless authorised by or under a management plan.

Under this plan, waste from normal operations of vessels must be compliant with requirements under the International Convention for the Prevention of Pollution from Ships (MARPOL), and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. Ballast water discharge and exchange must be compliant with Australian ballast water management requirements administered by the Australian Maritime Safety Authority.

**Table 4.2 Summary of prescriptions for general use, access, and waste management in the Temperate East Network**

<b>GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity</b>	<b>Special Purpose Zone (Trawl) VI</b>	<b>Special Purpose Zone (Norfolk) (VI)</b>	<b>Multiple Use Zone VI</b>	<b>Habitat Protection Zone IV</b>	<b>Habitat Protection Zone (Lord Howe) IV</b>	<b>Recreational Use Zone IV</b>	<b>National Park Zone II</b>
Ballast water discharge and exchange (compliant with Australian ballast water requirements)	✓	✓	✓	✓	✓	✓	✓
Disposal of waste from normal operations of vessels (compliant with MARPOL requirements)	✓	✓	✓	✓	✓	✓	✓
Camping	A	A	A	A	A	A	A

GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) (VI)	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Recreational use (non-fishing, nature watching, boating, etc.)	✓	✓	✓	✓	✓	✓	✓
Non-commercial remote piloted aircraft, drones etc.	A	A	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Disposal of waste from normal operations of vessels must comply with MARPOL requirements.

### Prescriptions

4.2.1.1 The Director may make, amend and revoke prohibitions, restrictions and determinations under rr.12.23, 12.23A, 12.26, 12.56 and 12.58 of the EPBC Regulations where it is considered necessary:

- a) to protect and conserve biodiversity and other natural, cultural and heritage values; or
- b) to ensure human safety or visitor amenity; or
- c) where it is otherwise necessary to give effect to this plan;

and the Director may issue an authorisation for an activity that would otherwise be prohibited by such an instrument. This Section applies despite the prescriptions in Sections 4.2.3 to 4.2.12.

4.2.1.2 Waste from normal operations may be disposed of from vessels to which the International Convention for the Prevention of Pollution from Ships (MARPOL) (Schedule 1) applies, in accordance with the requirements of MARPOL.

4.2.1.3 Disposal of waste in connection with activities authorised under Section 4.2.9 (Structures and works) will be managed in accordance with that Section.

4.2.1.4 Ballast water may be discharged or exchanged subject to compliance with:

- a) the Australian ballast water management requirements and relevant state ballast water management arrangements; and
- b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management.

4.2.1.5 A person may camp in areas above the high water mark in accordance with a permit.

**Note:** Camping above high water mark on Norfolk Island does not require a permit under this plan.

**Note:** Camping in connection with commercial tourism activities must be authorised under Section 4.2.6 (Commercial tourism)



- 4.2.1.6 Overnight stays on vessels do not require a permit to camp.
- 4.2.1.7 Remote piloted aircraft may be operated for non-commercial purposes in accordance with a permit, relevant provisions of Part 8 of the EPBC Regulations, and applicable aviation safety laws.

**Note:** Operation of remote piloted aircraft in connection with commercial media activities, commercial tourism activities, or research and monitoring must be authorised under Section 4.2.5, Section 4.2.6 or Section 4.2.10 respectively.

## 4.2.2 Commercial shipping (other than commercial fishing and aquaculture vessels)

The prescriptions in this Section set out the rules for anchoring and transit of commercial ships in the Temperate East Network. These are summarised in Table 4.3.

Australia is a party to a number of international agreements relevant to commercial shipping, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and MARPOL (Schedule 1). UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and a right of freedom of navigation through Australia’s exclusive economic zone. This Section places some limits on the exercise of these rights in some zones. The limitations are necessary to protect marine park values, apply to all commercial shipping, and are consistent with Australia’s rights and obligations under UNCLOS.

There are also a range of national laws, policies and procedures relevant to commercial shipping including the *National plan for maritime environmental emergencies* in relation to maritime pollution incidents and the *Biosecurity Act 2015* and Australian ballast water management requirements in relation to ballast water discharge. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 4.2.1 (General use, access, and waste management).

Rules for transit and anchoring of vessels engaged in commercial fishing and aquaculture activities are dealt with in Sections 4.2.3 and 4.2.4.

**Table 4.3 Summary of prescriptions for commercial shipping activities in the Temperate East Network**

COMMERCIAL SHIPPING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Anchoring	✓	✓	✓	x <sup>B</sup>	x <sup>B</sup>	x <sup>B</sup>	x <sup>B</sup>
Vessel transiting	✓	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

**Note:** Ballast water exchange is managed under national arrangements. Restrictions may apply in some areas (Section 4.2.1 General use, access, and waste management).

### Prescriptions

- 4.2.2.1 Commercial ships may transit through the Temperate East Network subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and relevant prescriptions in Sections 4.2.5 to 4.2.12 relating to the activity in which shipping is involved.

4.2.2.2 Commercial ships may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI); and
- d) Habitat Protection Zone (IV), Habitat Protection Zone (Lord Howe) (IV), Recreational Use Zone (IV), and National Park Zone (II)—in anchoring areas determined under r.12.56 of the EPBC Regulations.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (IV) or (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

**Note:** This Section does not prevent the carrying out of activities, including stopping and anchoring, as part of operations authorised under Sections 4.2.5 to 4.2.12 and r.12.56 of the EPBC Regulations.

### 4.2.3 Commercial fishing

The prescriptions in this Section set out the rules for commercial fishing activities in the Temperate East Network, including the types of fishing gear and methods allowed in different zones, and requirements for vessel monitoring systems. These are summarised in Table 4.4.

Commercial fishing is managed for sustainability by the Australian Government and state and territory fisheries management agencies. In the Temperate East Network commercial fishing is subject to regulation under the *Fisheries Management Act 1991* (Fisheries Management Act) or Queensland or New South Wales fisheries laws (under arrangements made under Part V of the Fisheries Management Act).

Research in connection with commercial fishing activities will be managed in accordance with Section 4.2.10 (Research and monitoring).

Use of fishing gear not allowed at commencement of this plan may be authorised after satisfactory assessment that supports an adaptive management approach.

**Table 4.4 Summary of prescriptions for commercial fishing activities in the Temperate East Network**

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Danish seine	A	x	x	x	x	x	x
Dropline	A	A	A	A	A	x	x
Hand collection (including using hookah, scuba, snorkel)	A	A	A	A	x	x	x
Hand net (hand, barrier, skimmer, cast, scoop, drag, lift)	A	A	A	A	x	x	x
Longline	x	x	x <sup>C</sup>	x	x	x	x

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
(demersal, auto-longline)							
Longline (pelagic)	A	A	A	A	x	x	x
Minor line (handline, rod & reel, trolling, squid jig, poling)	A	A	A	A	A	x	x
Net (demersal)	x	x	x	x	x	x	x
Net (pelagic)	x	x	x	x	x	x	x
Purse seine	A	A	A	A	x	x	x
Trap, pot	A	A	A	x	x	x	x
Trawl (demersal)	A	x	x	x	x	x	x
Trawl (midwater)	A	A	A	A	x	x	x
Trotline	x	x	x <sup>C</sup>	x	x	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence issued by the Director.

C Longline (demersal, auto-longline) and trotline is allowable in the Multiple Use Zone (VI) of the Solitary Islands Marine Park.

**Note:** Commercial fishing methods not listed in Table 4.4 will require assessment and approval.

**Note:** The authorisation of activities may be modified during the life of this plan in accordance with Section 4.2.3.7.

**Note:** Transit is allowed as part of activities authorised under this Section.

**Note:** Anchoring by commercial fishing vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

## Prescriptions

- 4.2.3.1 Commercial fishing activities may be conducted in the Temperate East Network in accordance with and subject to:
- a) a class approval issued under Section 4.4.2 (Class approvals); or
  - b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and
  - c) the following prescriptions in this Section;
  - d) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - e) any determinations made under r.12.34 of the EPBC Regulations.
- 4.2.3.2 Commercial fishing activities may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Special Purpose Zone (Norfolk) (VI);
  - c) Multiple Use Zone (VI);
  - d) Habitat Protection Zone (IV); or
  - e) Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.3 Subject to Section 4.2.3.7 the following fishing gear must not be used:
- a) Longline (demersal, auto-longline) and trotline, except in the Multiple Use Zone (VI) of the Solitary Islands Marine Park; or
  - b) Net (demersal, pelagic).
- 4.2.3.4 Danish seine and trawl (demersal) must not be used in a Special Purpose Zone (Norfolk) (VI), Multiple Use Zone (VI), Habitat Protection Zone (IV) and Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.5 Hand collection, longline (pelagic), hand net, purse seine, and trawl (midwater) must not be used in the Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.6 Traps and pots must not be used in a Habitat Protection Zone (IV) and Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.7 Subject to satisfactory assessment under Section 4.3.1 (Decision-making), expert advice, and consultation with fisheries management agencies and the commercial fishing industry, the Director may authorise the use of:
- a) any fishing gear specified in Section 4.2.3.3 in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (Norfolk) (VI) or Multiple Use Zone (VI); and
  - b) pelagic fishing gear specified in Section 4.2.3.3 in a Habitat Protection Zone (IV) or Habitat Protection Zone (Lord Howe) (IV).
- 4.2.3.8 Fishing gear or methods not specified in a commercial fishing class approval or activity licence, or its conditions, must not be used.
- Note:** A class approval or activity licence may be varied under Section 4.4 (Authorisation of allowable activities) to specify additional fishing methods and gear types following satisfactory assessment in accordance with Section 4.3.1 (Decision-making).
- 4.2.3.9 Commercial fishing activities must be conducted in accordance with a commercial fishing concession issued under Commonwealth, state or territory fisheries laws to the extent those laws are capable of operating concurrently with this plan.

4.2.3.10 Commercial fishing vessels may transit through the Temperate East Network subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.3.11.

4.2.3.11 Commercial fishing vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV);
- e) Habitat Protection Zone (Lord Howe) (IV);
- f) Recreational Use Zone (IV); or
- g) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.3.12 Fishing gear must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, a zone in which fishing activities are not authorised.

4.2.3.13 Fishing gear that is:

- a) specified in Sections 4.2.3.3 to 4.2.3.6;
- b) not specified in a class approval or activity licence as gear that may be used; or
- c) prohibited by a determination under r.12.34 of the EPBC Regulations,

must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.3.14 Following consultation with the relevant fisheries management agencies and the commercial fishing industry, the Director may require all commercial fishing vessels transiting or conducting fishing activities in the Temperate East Network to carry an operating vessel identification and monitoring system.

**Note:** At the commencement of this plan vessel identification and monitoring systems were required on all vessels operating in Commonwealth managed fisheries. The conditions of a class approval or activity licence issued under Section 4.4 (Authorisation of allowable activities) may require the use of vessel identification and monitoring systems on all commercial fishing vessels operating in the Temperate East Network.

4.2.3.15 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial fishing.

#### 4.2.4 Commercial aquaculture

The prescriptions in this Section set out the rules for commercial aquaculture in the Temperate East Network. These are summarised in Table 4.5.

Commercial aquaculture is managed under Queensland or New South Wales laws. These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with commercial aquaculture will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.5 Summary of prescriptions for commercial aquaculture activities in the Temperate East Network**

COMMERCIAL AQUACULTURE Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Aquaculture	A	A	A	A	x	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Anchoring by commercial aquaculture vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### Prescriptions

4.2.4.1 Commercial aquaculture may be conducted in the Temperate East Network in accordance with and subject to:

- a) a class approval issued under Section 4.4.2 (Class approvals); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and
- c) the following prescriptions in this Section;
- d) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- e) any determinations made under r.12.34 of the EPBC Regulations.

4.2.4.2 Commercial aquaculture may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI); or
- d) Habitat Protection Zone (IV).

4.2.4.3 Commercial aquaculture must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.

4.2.4.4 Commercial aquaculture vessels may transit through the Temperate East Network, subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.4.5.

4.2.4.5 Commercial aquaculture vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);



- d) Habitat Protection Zone (IV);
- e) Habitat Protection Zone (Lord Howe) (IV);
- f) Recreational Use Zone (IV); or
- g) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.4.6 Commercial aquaculture equipment not authorised for use by a class approval or activity licence as gear that may be used, or that is prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.4.7 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial aquaculture.

### 4.2.5 Commercial media

The prescriptions in this Section set out the rules for commercial media in the Temperate East Network. These are summarised in Table 4.6.

Research in connection with commercial media activities will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.6 Summary of prescriptions for commercial media activities in the Temperate East Network**

COMMERCIAL MEDIA Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Commercial media	A <sup>D</sup>	A <sup>D</sup>	A <sup>D</sup>	A <sup>D</sup>	A <sup>D</sup>	A <sup>D</sup>	A <sup>D</sup>

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

D News-of-the-day reporting may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

### Prescriptions

4.2.5.1 Commercial media activities other than reporting news of the day may be conducted in the Temperate East Network in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases); and
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- d) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.5.2 Commercial media activities for the purposes of reporting news of the day may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

## 4.2.6 Commercial tourism (includes charter fishing tours, scuba diving, nature watching tours)

The prescriptions in this Section set out the rules for commercial tourism in the Temperate East Network. These are summarised in Table 4.7.

Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the Temperate East Network is part of the Sanctuary) are prescribed by Part 8 of the EPBC Regulations. The prescriptions in Section 4.2.7 (Recreational fishing) apply to the clients of charter fishing tours. The prescriptions in Section 4.2.9 (Structures and works) apply to the installation and maintenance of moorings and other structures and works as part of commercial tourism activities. Research in connection with commercial tourism will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.7 Summary of prescriptions for commercial tourism (including charter fishing, scuba diving and nature watching tours) in the Temperate East Network**

COMMERCIAL TOURISM Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Non-fishing related tourism (including nature watching, scuba/snorkel tours)	A	A	A	A	A	A	A
Charter fishing tours (including spear diving tours)	A	A	A	A	A <sup>E</sup>	x	x
Commercial aviation tours (up to 3000 m above sea level)	A	A	A	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

E Spearfishing is not allowed.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

## Prescriptions

4.2.6.1 Commercial tourism activities may be conducted in the Temperate East Network in accordance with and subject to:

- a) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- b) the following prescriptions in this Section;
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management);
- d) the prescriptions in Section 4.2.2 (Commercial shipping); and
- e) in relation to charter fishing, the prescriptions in Section 4.2.7 (Recreational fishing).

4.2.6.2 Commercial tours, other than charter fishing tours, may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV);
- e) Habitat Protection Zone (Lord Howe) (IV);
- f) Recreational Use Zone (IV); or
- g) National Park Zone (II).

4.2.6.3 Charter fishing tours may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV) or
- e) Habitat Protection Zone (Lord Howe) (IV).

**Note:** Spearfishing is not allowed in the Habitat Protection Zone (Lord Howe) (IV).

4.2.6.4 Fishing gear on charter fishing vessels must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which charter fishing tours are not allowed.

4.2.6.5 Commercial aviation tours may be conducted in the airspace up to 3000 m above sea level, in accordance with a permit and relevant provisions of Part 8 of the EPBC Regulations.

**Note:** The EPBC Act and EPBC Regulations do not apply to commercial aviation tours in airspace over 3000 m above sea level.

## 4.2.7 Recreational fishing

The prescriptions in this Section set out the rules for recreational fishing in the Temperate East Network. These are summarised in Table 4.8.

Research in connection with recreational fishing will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.8 Summary of prescriptions for recreational fishing activities in the Temperate East Network**

RECREATIONAL FISHING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Recreational fishing (including spearfishing)	✓	✓	✓	✓	✓ <sup>E</sup>	✓ <sup>E</sup>	x
Anchoring	✓	✓	✓	✓	✓	✓	✓
Vessel transiting	✓	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

E Spearfishing is not allowed.

**Note:** The Director may make an instrument under the EPBC Regulations to manage recreational fishing access in the Recreational Use Zone (IV) at Elizabeth Reef, including to require permits, consistent with longstanding arrangements prior to the commencement of this plan.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

### Prescriptions

4.2.7.1 Recreational fishing may be conducted in the Temperate East Network in accordance with and subject to:

- a) the following prescriptions in this Section;
- b) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- c) any determinations made under r.12.35(3) of the EPBC Regulations.

4.2.7.2 Recreational fishing may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Special Purpose Zone (Norfolk) (VI);
- c) Multiple Use Zone (VI);
- d) Habitat Protection Zone (IV);
- e) Habitat Protection Zone (Lord Howe) (IV) or
- f) Recreational Use Zone (IV).

- 4.2.7.3 Fish must not be taken by use of a spear or spear gun in the Habitat Protection Zone (Lord Howe) (IV), or the Recreational Use Zone (IV).
- 4.2.7.4 Recreational fishing must be conducted in accordance with relevant laws of Queensland or New South Wales or Norfolk Island applying to the area of the Temperate East Network in which the activity is conducted (to the extent those laws are capable of operating concurrently with this plan).
- 4.2.7.5 The Director may make determinations under r.12.35 (3) of the EPBC Regulations relating to the conduct of recreational fishing.
- 4.2.7.6 Regulations 12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing conducted in accordance with this Section.

**Note:** As provided by Section 4.2.7.5, the Director may make determinations under r.12.35 (3) in relation to matters described in rr.12.35 (4) and (5).

- 4.2.7.7 Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which recreational fishing is not allowed.

#### 4.2.8 Mining operations (includes exploration)

The prescriptions in this Section set out the rules for mining operations in the Temperate East Network and are summarised in Table 4.9. Mining operations are defined in s.355(2) of the EPBC Act, and include offshore petroleum activities, transportation of minerals by pipeline, and oil spill response (Schedule 1.1 of this plan).

Under s.359 of the Act, ss.355 and 355A do not apply to usage rights to conduct mining operations that were held immediately before the proclamation of the marine parks.

The prescriptions allow for the Director to authorise mining activities that are also subject to other legislative regimes and assessed and approved by other agencies under those regimes.

Mining operations that are likely to have a significant impact on a matter protected under Part 3 of the EPBC Act will be subject to assessment and decision in accordance with Chapter 4 of the Act. At the commencement of this plan petroleum and greenhouse gas activities undertaken in Commonwealth waters in accordance with the *Program report—strategic assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGS Act) were endorsed under Part 10 of the EPBC Act. Offshore petroleum and greenhouse gas activities covered by and excluded from the program are detailed in the class of actions approval issued by the Minister for the Environment under EPBC Act on 27 February 2014. Activities that have an environment plan accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under the endorsed program may be conducted in accordance with the relevant petroleum title under the OPGGS Act and a class approval under this plan. Accordingly, mining operations covered by the endorsed NOPSEMA program do not require additional assessment by the Director because the endorsed program takes account of impacts and risks to marine park values in a manner that satisfies the Director.

Offshore petroleum activities that are excluded from the endorsed NOPSEMA program and associated class of actions approval will require an environment plan accepted by NOPSEMA under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Environment Regulations) and will also be considered and authorised by the Director in accordance with Section 4.2.12 (New activities and authorisations) of this plan if any activities are proposed.

The definition of mining operations in the EPBC Act does not include capture and storage of greenhouse gases, including carbon dioxide. If any of these activities were proposed they would also be considered in accordance with Section 4.2.12 (New activities and authorisations).

The Director is a relevant person for the purposes of the Environment Regulations and must be consulted by title holders in the preparation of environment plans where a proposed activity or part of the activity is within a marine park, and/or activities proposed to occur outside a marine park may impact on the marine park values.

Mining operations also include activities regulated under the *Offshore Minerals Act 1994*. For non-petroleum mining operations, additional assessment by the Director may not be required where mining operations are assessed under Chapter 4 of the EPBC Act.

Actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act may be conducted in all zones. The Director should be notified in the event of an oil pollution incident that occurs within, or may impact upon, an Australian Marine Park and, so far as reasonably practicable, prior to a response action being taken within a marine park.

Research that is a mining operation as defined in s.355 of the EPBC Act, or is incidental to such an operation is covered by prescriptions in this Section. Mining-related research activities that do not require an environment plan under the OPGGS Act are covered by prescriptions in 4.2.10 (Research and monitoring).

Transit through the Temperate East Network for the purposes of mining operations conducted elsewhere is covered by Section 4.2.2 (Commercial shipping).

**Table 4.9 Summary of prescriptions for mining operations in the Temperate East Network**

MINING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Mining operations including exploration	A	x	A	x	x	x	x
Construction and operation of pipelines	A	A	A	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Proposed mining operations conducted under usage rights that existed immediately before the declaration of a marine park do not require approval from the Director.



## Prescriptions

- 4.2.8.1 Mining operations may be conducted in the Temperate East Network in accordance with and subject to:
- a) a permit issued under Section 4.4.1 (Permits); or
  - b) a class approval issued under Section 4.4.2 (Class approvals); or
  - c) an activity licence issued under Section 4.4.3 (Activity licences and leases) for mining operations that are the construction and operation of pipelines; and
  - d) the following prescriptions in this Section;
  - e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - f) the prescriptions in Section 4.2.2 (Commercial shipping).
- 4.2.8.2 Mining operations may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI); or
  - b) Multiple Use Zone (VI),
- in accordance with Sections 4.2.8.3 and 4.2.8.4.
- 4.2.8.3 Mining operations in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2;
  - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval under Section 4.4.2; or
  - c) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2.
- 4.2.8.4 Mining operations in a Special Purpose Zone (Trawl) (VI) or Multiple Use Zone (VI) not authorised by a class approval referred to in Section 4.2.8.3 may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or a class approval issued under Section 4.4.2 (Class approvals).
- 4.2.8.5 Mining operations that are the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) may be conducted in a:
- a) Special Purpose Zone (Norfolk) (VI);
  - b) Habitat Protection Zone (IV);
  - c) Habitat Protection Zone (Lord Howe) (IV);
  - d) Recreational Use Zone (IV), or
  - e) National Park Zone (II),
- in accordance with Section 4.2.8.6.

4.2.8.6 The Director may issue an authorisation under Section 4.4 (Authorisation of allowable activities) for the construction and operation of pipelines and the carrying on of other activities for the purposes of those operations (e.g. surveys) through a:

- a) Special Purpose Zone (Norfolk) (VI);
- b) Habitat Protection Zone (IV);
- c) Habitat Protection Zone (Lord Howe) (IV);
- d) Recreational Use Zone (IV); or
- e) National Park Zone (II),

if the Director is satisfied that alternative routes are not feasible or practicable.

4.2.8.7 Mining operations must be conducted in accordance with an authorisation (however described) under the OPGGS Act or the *Offshore Minerals Act 1994* (to the extent those laws apply to the operations and are capable of operating concurrently with this plan).

4.2.8.8 Notwithstanding Section 4.2.8.1, actions required to respond to oil pollution incidents, including environmental monitoring and remediation, in connection with mining operations authorised under the OPGGS Act, may be conducted in all zones without an authorisation issued by the Director, provided that the actions are taken in accordance with an environment plan that has been accepted by NOPSEMA, and the Director is notified in the event of oil pollution within a marine park, or where an oil spill response action must be taken within a marine park, so far as reasonably practicable, prior to response action being taken..

4.2.8.9 Scientific research and environmental monitoring in connection with a particular mining operation may be conducted in all zones in accordance with Section 4.2.10 (Research and monitoring).

**Note:** For the avoidance of doubt, research and monitoring does not include activities or operations for the purpose of prospecting or exploration for minerals.

## 4.2.9 Structures and works

The prescriptions in this Section set out the rules for structures and works in the Temperate East Network, where the activity is not covered by Sections 4.2.1 to 4.2.8. These are summarised in Table 4.10. Research in connection with structures and works will be managed in accordance with Section 4.2.10 (Research and monitoring).

The prescriptions do not affect any structures or works that were installed in a marine park under a usage right relating to the seabed that existed immediately before the proclamation of the Temperate East Network (and preserved by s.359 of the EPBC Act).

**Table 4.10 Summary of prescriptions for structures and works activities in the Temperate East Network**

STRUCTURES AND WORKS Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Excavation (other than dredging), erection and maintenance of structures, and works	A	A	A	A	A	A	A
Dredging and disposal of dredged material	A	A	A	x	x	x	x
Artificial reefs	A	A	A	A	A	A	A <sup>F</sup>
Fish aggregating devices	A	A	A	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

F Activity is allowable only for the protection, conservation or restoration of habitats.

**Note:** Structures may include, but are not limited to, moorings, submarine cables, platforms (including any man made structure at sea, whether floating or fixed to the seabed, but does not include a vessel), jetties and other infrastructure. The erection and maintenance of structures associated with mining operations must be carried out in accordance with Section 4.2.8 (Mining).

## Prescriptions

- 4.2.9.1 A person other than the Director may carry out an excavation (including dredging), erect a structure, or carry out works including maintenance of structures, and associated activities (including disposal of dredged material) in the Temperate East Network in accordance with and subject to:
- a) a permit issued under Section 4.4.1 (Permits); or
  - b) a class approval issued under Section 4.4.2 (Class approvals); or
  - c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
  - d) the following prescriptions in this Section; and
  - e) the prescriptions in Section 4.2.1 (General use, access, and waste management), including any determinations made under rr.12.23 and 12.23A of the EPBC Regulations; and
  - f) the prescriptions in Section 4.2.2 (Commercial shipping).

**Note:** An authorisation for the purposes of Section 4.2.9.1 may be part of an authorisation for another allowable activity (e.g. a tourism activity licence that authorises the licensee to erect and/or maintain a mooring).

- 4.2.9.2 Subject to Sections 4.2.9.3 and 4.2.9.4, an authorisation may be issued for excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in the Temperate East Network where the action is necessary for:
- a) maritime or visitor safety, including aiding navigation; or
  - b) maintaining the values of the Temperate East Network; or
  - c) research and monitoring; or
  - d) critical infrastructure in the national interest; or
  - e) commercial tourism; and
  - f) it is not practicable for the action to be taken outside the zone.
- 4.2.9.3 Dredging and disposal of dredged material may only be conducted in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (Norfolk) (VI), and Multiple Use Zone (VI).
- 4.2.9.4 Artificial reefs may only be authorised in a National Park Zone (II) to assist the protection, conservation or restoration of habitats.
- 4.2.9.5 Excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (Norfolk) (VI), and Multiple Use Zone (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
  - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
  - c) that have been authorised by a permit under *the Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);

- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs a) to d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.9.6 Excavations (other than dredging), erection of structures, and works and maintenance, and associated activities, other than disposal of dredged material and in relation to fish aggregating devices, in a Habitat Protection Zone (IV), Habitat Protection Zone (Lord Howe) (IV), Recreational Use Zone (IV), and National Park Zone (II):

- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
- b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
- c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
- d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
- e) that are not covered by paragraphs (a) to (d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

4.2.9.7 Fish aggregating devices may be installed in a Special Purpose Zone (Trawl) (VI), Special Purpose Zone (Norfolk) (VI), Multiple Use Zone (VI), Habitat Protection Zone (IV), Habitat Protection Zone (Lord Howe) (IV), and Recreational Use Zone (IV) in accordance with an authorisation issued under Section 4.4 (Authorisation of allowable activities).

4.2.9.8 The Director may carry out an excavation, erect a structure or carry out works and maintenance in the Temperate East Network after assessing consistency with the zone objectives and the likely impacts of the activity consistent with Section 4.3.1 (Decision-making).

## 4.2.10 Research and monitoring

The prescriptions in this Section set out the rules for research and monitoring activities in the Temperate East Network. These are summarised in Table 4.11.

Research and monitoring activities that affect listed threatened species or ecological communities, listed migratory species, cetaceans or listed marine species must also comply with the provisions of Part 13 of the EPBC Act, unless conducted in accordance with this plan.

Where biological resources are sought for the purpose of research and development on their genetic or biochemical components, a permit is required under Part 8A of the EPBC Regulations, which operates subject to this plan.

Where authorisation for research and monitoring activities is provided, the Director will require results of research and monitoring to be made available to inform adaptive management.

**Table 4.11 Summary of prescriptions for research and monitoring activities in the Temperate East Network**

RESEARCH AND MONITORING Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Research	A	A	A	A	A	A	A

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

### Prescriptions

4.2.10.1 The Director may conduct research and monitoring activities in the Temperate East Network that involves actions covered by ss.354 and 354A and Part 13 of the EPBC Act.

4.2.10.2 A person other than the Director may conduct research and monitoring activities in the Temperate East Network, including taking actions covered by the EPBC Act ss.354 and 354A and Part 13 of the EPBC Act in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits);
- b) a class approval issued under Section 4.4.2 (Class approvals); or
- c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- d) the following prescriptions in this Section;
- e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- f) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.10.3 A class approval will not be issued for research and monitoring that involves activities covered by Section 4.2.10.7.



- 4.2.10.4 Research activities that involve access to biological resources within the meaning of Part 8A of the EPBC Regulations must comply with the requirements of that Part (in addition to the requirements of this Section).
- 4.2.10.5 In assessing authorisation applications or deciding whether to issue a class approval, the Director will consider the aim of the proposed activity or class of activities, ethical issues and how knowledge from the proposed activity or class of activities might benefit the understanding and management of the Temperate East Network.
- 4.2.10.6 An authorisation may be issued to carry out research and monitoring activities if the Director is satisfied that the activity is relevant to, or a priority for, the management of the Temperate East Network.
- 4.2.10.7 An authorisation may be issued to conduct research and monitoring that involves commercial fishing activities that are prohibited under Section 4.2.3 (Commercial fishing) if the Director is satisfied that:
- a) the activity will provide information relevant to understanding the impacts of activities on the marine environment, or to supporting sustainable use in the marine environment; and
  - b) the activity is relevant to, or a priority for, the management of the Temperate East Network.
- 4.2.10.8 Authorisation holders will be required to make results of research and monitoring available to the Director (in a specific format where relevant), where the Director is satisfied that the information will improve the knowledge and understanding of the values and management of the Temperate East Network.

#### **4.2.11 National security and emergency response**

The prescriptions in this Section set out the rules for defence, border protection, law enforcement and emergency response activities in the Temperate East Network. These are summarised in Table 4.12.

Provisions of the EPBC Act and EPBC Regulations (Division 12.2) relating to Australian Marine Parks apply generally to the Commonwealth and its agencies. In addition, s.362(2) of the EPBC Act requires the Commonwealth and Commonwealth agencies to perform functions and exercise powers in relation to Australian Marine Parks in a way that is not inconsistent with this plan. The Director will build on existing partnerships with Commonwealth agencies (Section 1.8).

Response to oil pollution events associated with petroleum and other mining operations by title holders are covered by prescriptions in Section 4.2.8 (Mining operations) of this plan.

**Table 4.12 Summary of prescriptions for national security and emergency response activities in the Temperate East Network**

NATIONAL SECURITY AND EMERGENCY RESPONSE Activity	Special Purpose Zone (Trawl) VI	Special Purpose Zone (Norfolk) VI	Multiple Use Zone VI	Habitat Protection Zone IV	Habitat Protection Zone (Lord Howe) IV	Recreational Use Zone IV	National Park Zone II
Actions by or under direction of the Commonwealth and Commonwealth agencies—defence, border protection, law enforcement and emergency response	✓	✓	✓	✓	✓	✓	✓
Actions by or under direction of the Commonwealth and Commonwealth agencies—not covered elsewhere by this plan	A	A	A	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

### Prescription

4.2.11.1 Actions by or under direction of the Commonwealth and Commonwealth agencies in the Temperate East Network that are covered by ss.354 and 354A and Part 13 of the EPBC Act, and activities covered by Division 12.2 of the EPBC Regulations:

- a) for the purposes of training and operations for defence, customs, border protection, law enforcement or emergency response, including response to maritime environmental emergencies in accordance with the *National plan for maritime environmental emergencies* may be conducted without the need for a permit or class approval issued under Section 4.4 (Authorisation of allowable activities); or
- b) for other purposes may be conducted under a permit or class approval issued by the Director in accordance with Section 4.4 (Authorisation of allowable activities).

## 4.2.12 New activities and authorisations

New activities may be required or proposed in the Temperate East Network during the life of this plan that are not covered by the prescriptions in Sections 4.2.2 to 4.2.11 of this plan. The prescriptions in this Section enable the Director to consider and authorise new activities in the Temperate East Network. They also enable the Director to authorise activities in new ways that are identified to be more efficient and effective and reduce unnecessary administrative burden.

### Prescriptions

- 4.2.12.1 The Director may take actions that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act.
- 4.2.12.2 The Director may authorise (by a permit, class approval, activity licence or lease under Section 4.4 Authorisation of allowable activities) actions by other persons that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act and EPBC Regulations.
- 4.2.12.3 The Director may issue permits, class approvals, activity licences or leases, or other usage rights, in place of existing authorisations under this plan.
- 4.2.12.4 The Director may make determinations, prohibitions or restrictions under provisions of Division 12.2 of the EPBC Regulations that are not covered by prescriptions in this plan.

## 4.3 MAKING DECISIONS ABOUT ACTIVITIES

This plan provides for a higher level of protection within marine parks than applies to the Commonwealth marine area outside the Temperate East Network. The prescriptions in this Section outline the approach and considerations of the Director when assessing and making decisions about what activities will be authorised in marine parks.

### 4.3.1 Decision-making

#### Prescriptions

- 4.3.1.1 Decisions about activities will be consistent with the objectives of this plan, objectives of the zone or zones in which the activity will be or is being conducted, and the applicable reserve management principles (Schedule 8 of the EPBC Regulations).
- 4.3.1.2 Decisions will take into account the impacts and risks of the activity on the values of the Temperate East Network and/or specific marine parks, acceptability of those impacts and risks, and potential impacts on marine park users, stakeholders and Indigenous people.
- 4.3.1.3 Impacts and risks of an activity will be assessed in accordance with the processes and policies established under the assessments and authorisations program (Section 2.5).
- 4.3.1.4 Before authorising a proposed activity the Director must be satisfied that:
  - a) the proponent suitably understands the marine park values;
  - b) environmental impacts and risks on marine park values are understood, evaluated and able to be avoided or reduced to as low as reasonably practicable;
  - c) the proponent has the capacity to comply with the conditions of the authorisation; and
  - d) that relevant regulatory requirements have been or will be met.

4.3.1.5 The Director will not authorise an activity unless satisfied that:

- a) the activity is consistent with the zone objectives for the zone or zones in which the activity will be conducted (Part 3); and
- b) the potential impacts and risks of the activity on marine park values will be avoided or reduced to as low as reasonably practicable; and
- c) the potential impacts and risks of the activity on marine park values and representativeness are acceptable.

**Note:** The Director will issue guidance on assessment of impacts.

## 4.3.2 Assessments under other processes

### Prescription

4.3.2.1 For the purposes of Section 4.3.1 (Decision-making) the Director may accept the assessment of activities made under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981* or under a government or industry policy, plan or program, where the Director is satisfied that:

- a) the assessment is done in a manner consistent with Section 4.3.1.3; and
- b) the assessment process provides for appropriate consultation with the Director and consideration of the Director's views in relation to activities in the Temperate East Network or potential impacts on the Network or marine park values.

## 4.3.3 Review of decisions

The prescriptions in this Section outline the processes for seeking a review of a decision. A person whose interests are affected by a decision under this Part, including a decision about an authorisation, may seek review in accordance with the *Administrative Decisions (Judicial Review) Act 1977*. A person whose interests are affected by a decision about a permit under the EPBC Regulations may also seek review of the decision in accordance with the Regulations. This plan extends the same review rights to decisions about other authorisations made by the Director under this plan. Where the Director issues a class approval for an activity that has been assessed in accordance with Chapter 4 of the EPBC Act or other government or industry policy, plan or program, review is limited to the making of the class approval.

### Prescriptions

4.3.3.1 The Director will comply with Division 14.3 of the EPBC Regulations in relation to the reconsideration of decisions about permits.

4.3.3.2 The Director will reconsider a decision about other types of authorisations made by the Director under this Part when requested by a person whose interests are affected by the decision. A request for reconsideration must be made and considered in the same manner as provided by Division 14.3 of the EPBC Regulations. Subject to the *Administrative Appeals Tribunal Act 1975*, a person who has requested a reconsideration of a decision may apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

## 4.4 AUTHORISATION OF ALLOWABLE ACTIVITIES

The Director may authorise allowable activities through a permit, class approval, activity licence or lease in accordance with this Part. The prescriptions in this Section describe those types of authorisations, the processes and consideration for issuing them, and the conditions that may be imposed by the Director.

### 4.4.1 Permits

A permit can be issued to authorise an activity by a person or persons to conduct an allowable activity, for example for an activity that is either one-off, time bound, or not conducted in the same way by all operators.

## Prescriptions

- 4.4.1.1 A permit may be issued for an allowable activity where prescribed by Section 4.2 (Rules for activities) of this plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) relating to the particular activity.
- 4.4.1.2 In assessing a permit application, the Director may ask the applicant for more information if the Director considers there is insufficient information to decide whether to issue the permit.
- 4.4.1.3 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, or an assessment under the *Environment Protection (Sea Dumping) Act 1981*, the Director will consider any referral or assessment documents and related information.
- 4.4.1.4 A permit may be subject to conditions including but not limited to (and depending on the type of activity):
- a) specifying the area in which, and the periods during which, the approved activity may be conducted;
  - b) requiring the impacts of the permitted activity to be mitigated by specified actions developed in consultation with the Director;  
**Note:** The Director will issue guidance specific to activity types on requirements for mitigation.
  - c) regulating the use of, or requiring the use of, vessel identification and monitoring systems;
  - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
  - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
  - f) requiring reporting or auditing;
  - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
  - h) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with permit conditions; and
  - i) requiring, restricting or prohibiting the use of specified gear, equipment or practices.
- 4.4.1.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

## 4.4.2 Class approvals

This plan provides for the Director to issue class approvals to authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. This can include activities that have been authorised under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981*, or effectively assessed and authorised under other government or industry processes. At the commencement of this plan fees were not payable for class approvals but may be introduced during the life of this plan. Class approvals will be published on the Parks Australia website (Section 4.4.4).

Issuing class approvals reduces regulatory burden by avoiding duplication in assessment and approval processes for matters protected by Part 3 of the EPBC Act. Decision-making under Chapter 4 of the EPBC Act is well established and takes account of the impacts of individual projects on marine parks consistent with this plan. Reflecting this, a class approval may be given for commercial fishing, mining operations, and certain works where they have been considered and authorised under Chapter 4 of the EPBC Act. This includes assessments and decision making under policies, plans or programs endorsed under Part 10 of the Act, such

as the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

The *Environment Protection (Sea Dumping) Act 1981* fulfils Australia's international obligations under the *1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972* (London Protocol) to prevent marine pollution by regulating the types of materials that may be considered for ocean disposal. Reflecting this a class approval may be given to certain works where they have been considered and authorised under the *Environment Protection (Sea Dumping) Act 1981*.

Class approvals may also be issued for activities regulated under other government or industry policies, plans or programs where the impacts of activities are subject to satisfactory assessment, and would be introduced in consultation with the relevant person or class of persons.

## Prescriptions

- 4.4.2.1 The Director may issue a class approval for activities where prescribed by Section 4.2 (Rules for activities).
- 4.4.2.2 A class approval may be subject to conditions including but not limited to (and depending on the class of activities):
- a) specifying the area in which, and the periods during which, the approved activity or class of activities may be conducted;
  - b) requiring the impacts of the authorised activity to be mitigated by specified actions developed in consultation with the Director;
  - c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
  - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
  - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
  - f) requiring reporting or auditing;
  - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
  - h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
  - i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with class approval conditions; and
  - j) providing for the payment of fees.
- 4.4.2.3 A class approval may be varied, suspended or cancelled, and approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that:
- a) the activities, or an activity in the class of activities, to which the approval relates have not been, are not being, or likely will not be, conducted in accordance with the approval or a condition of the approval; or
  - b) assessment of impacts under a policy, plan or program to which Section 4.3.2 (Assessments under other processes) applies is not being made, or is likely not to be made, in a manner consistent with Section 4.3.1.3 or is not being made in accordance with the approval or a condition of the approval; or
  - c) the impacts of the activities, or an activity in the class of activities, to which the approval relates are no longer acceptable (Section 4.3.1 Decision-making); or



- d) activities, or an activity in the class of activities, to which the approval relates are likely to cause an unacceptable risk to public health and safety; or
- e) there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued, or would not be issued in the same terms or subject to the same conditions (for example, because of new information, or if a relevant matter that the Director took into account in deciding to issue an approval has changed or no longer exists).

- 4.4.2.4 Class approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that it is necessary or appropriate to do so for the efficient or effective management of the activities to which the approval relates.
- 4.4.2.5 Class approval conditions may be revoked if the Director is satisfied that the condition(s) is/are not necessary and the impacts of the activities to which the approval relates will remain acceptable (Section 4.3.1 Decision-making).
- 4.4.2.6 A class approval or conditions may be varied if the Director is satisfied that the impacts of the activities to which the approval relates will remain acceptable under the approval or conditions as varied (including, for example, to allow new or additional commercial fishing methods and gear types to be used).
- 4.4.2.7 A class approval may be varied to remove a person from the class of approved persons at the request of that person.
- 4.4.2.8 A class approval may be varied to remove a person from the class of approved persons if the Director is satisfied that the person:
- a) has breached a condition of the approval; or
  - b) has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act, EPBC Regulations, or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.

**Note:** Where a person has been removed from a class approval, they may apply for a permit under Section 4.4.1 (Permits) or an activity licence under Section 4.4.3 (Activity licences and leases).

**Note:** Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

### 4.4.3 Activity licences and leases

An activity licence or lease may be issued to authorise an activity where it is more appropriate than the use of a permit or class approval, such as for tourism activities or activities that involve the installation of infrastructure (such as moorings or marker buoys). For the majority of these types of activities a licence will be the most suitable form of authorisation; however, this plan also provides for the Director to grant leases over land. Licences and leases are transferable and generally granted for a longer term than permits. They may include agreed fees reflecting the commercial value of the authorisation and, in the case of leases, provide security of tenure over land to support investment in infrastructure.

An activity licence authorises the holder to conduct their activities in the area to which the licence relates. A lease provides exclusive possession of the area of land in which an activity is to be conducted. Licences and leases enable continued growth of marine park services and allow for the growth of appropriate commercial business opportunities and partnerships with the Director that will maintain and promote marine park values.

## Prescriptions

- 4.4.3.1 An activity licence or lease may be granted where prescribed by Section 4.2 (Rules for activities), subject to the prescriptions (if any) relating to the activity.
- 4.4.3.2 An activity licence or lease may be subject to conditions including but not limited to:
- a) specifying the area in which, and the periods during which, the authorised activity may be conducted;
  - b) requiring the impacts of the authorised activity to be prevented or mitigated by specified actions developed in consultation with the Director;
  - c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
  - d) the provision of, or consent for access to data for compliance and monitoring purposes;
  - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
  - f) requiring reporting or auditing;
  - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
  - h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
  - i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with licence conditions; and
  - j) providing for the payment of fees.

## 4.4.4 Publication of authorisations

### Prescription

- 4.4.4.1 The Director will publish on the Parks Australia website a list of all authorisations issued under this plan, which may include the name of the authorised person or class of persons, the period for which the authorisation is issued, and a description of the authorised activities.

## GLOSSARY

<b>action</b>	Has the meaning given by Subdivision A of Division 1 of Part 23 of the EPBC Act.
<b>artificial reef</b>	Has the meaning given by the <i>Environment Protection (Sea Dumping) Act 1981</i> , namely, a structure or formation placed on the seabed:  (a) for the purpose of increasing or concentrating populations of marine plants and animals; or  (b) for the purpose of being used in human recreational activities.
<b>Australian Government or the Government</b>	The Government of the Commonwealth of Australia.
<b>Australian Marine Parks or Marine Park</b>	Commonwealth reserves, named as Marine Parks, comprising the South-west, North-west, North and Temperate East Networks of Marine Parks and the Coral Sea Marine Park declared by the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and the reserves comprising the South-east Commonwealth Network of Marine Parks declared by the Proclamations made under the EPBC Act on 28 June 2007.
<b>authorisation</b>	As described in Section 4.4 (Authorisation of activities) of this plan.
<b>biodiversity or biological diversity</b>	Has the meaning given by s.528 of the EPBC Act.
<b>biologically important areas</b>	Areas where a protected species displays a biologically important behaviour such as breeding, foraging, resting or migration. These areas serve to highlight the parts of a marine region that are particularly important for the conservation of protected species.
<b>bioregion</b>	A large area that has similar types of plants, animals and ocean conditions compared with other similarly sized areas, and, in this document, those bioregions as defined in the <i>Integrated Marine and Coastal Regionalisation of Australia Version 4.0</i> .
<b>bioregional plan</b>	Has the meaning given by s.528 of the EPBC Act.
<b>CAR</b>	Comprehensiveness—includes the full range of ecosystems recognised at an appropriate scale within and across each bioregion;  Adequacy—the maintenance of the ecological viability and integrity of populations, species and communities; and  Representativeness—those marine areas that are selected for inclusion in reserves should reasonably reflect the biotic diversity of the marine ecosystems from which they derive.
<b>class approval</b>	As described in Section 4.4.2 (Class approvals) of this plan.

<b>commercial aquaculture</b>	Farming and culturing of aquatic organisms, such as fish, crustaceans and molluscs.
<b>commercial fishing</b>	Has the meaning given by s.390SC (1A) of the EPBC Act: a fishing activity that is engaged in for a commercial purpose, and, to avoid doubt, does not include an activity that constitutes recreational fishing.
<b>Commonwealth marine area</b>	Has the meaning given by s.24 of the EPBC Act.
<b>Commonwealth marine environment</b>	The environment in the Commonwealth marine area.
<b>Commonwealth reserve</b>	A reserve established and managed under Division 4 of Part 15 of the EPBC Act, including Australian Marine Parks.
<b>Danish seine</b>	A net connected to two long, weighted ropes on either side used to surround fish. An anchor buoy is deployed first to hold the line in place while the net and remaining line is paid out in a circular pattern around the target area. The boat then either steams slowly away or remains stationary while the net is hauled on board.
<b>Department</b>	The Department responsible for administering the EPBC Act.
<b>Director</b>	The Director of National Parks established under s.514A of the EPBC Act, including any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the Temperate East Marine Parks Network.
<b>dropline</b>	A line that is vertically set or suspended in the water column between a weight (normally in contact with the seabed) and a vessel or a buoy on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods).
<b>ecologically sustainable use</b>	Has the meaning given by s.528 of the EPBC Act.
<b>ecosystem</b>	Has the meaning given by s.528 of the EPBC Act.
<b>endemic/endemism</b>	Native to or confined to a certain region.
<b>environment</b>	Has the meaning given by s.528 of the EPBC Act.
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> , including any Act amending, repealing or replacing the Act.
<b>EPBC Regulations</b>	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i> , including any Regulations amending, repealing or replacing the Regulations.

<b>fish aggregating device</b>	<p>Has the meaning given by the <i>Sea Installation Act 1987</i>, namely:</p> <p>(a) a man-made structure that, when in, or brought into, physical contact with the seabed or when floating, is used solely for the purpose of attracting populations of fish so as to facilitate the taking of those fish; or</p> <p>(b) any electronic or other equipment designed or intended to be ancillary to, or associated with, such a structure while it is being used, or in order to facilitate the use of the structure, for that purpose;</p> <p>and do not include a net, trap or other equipment for taking, catching or capturing fish.</p>
<b>hand collection</b>	Removing species from rocks, crevices, the seafloor or other benthic substrate by hand using dive hookah, self-contained underwater breathing apparatus (scuba) or snorkel.
<b>hand net (hand, barrier, skimmer, cast, scoop, drag, lift)</b>	A small mesh net that is operated by hand to trap fish including a hand net, barrier net, skimmer net, cast net, scoop net, drag net, lift net.
<b>Indigenous Protected Area (IPA)</b>	An Indigenous Protected Area (IPA) is an area voluntarily dedicated for protection by Indigenous groups on Indigenous owned or managed land or sea country. IPAs are recognised by the Australian Government as part of the National Reserve System, protecting the nation's biodiversity for the benefit of all Australians. Most IPAs are dedicated to promote a balance between conservation and other sustainable uses to deliver social, cultural and economic benefits for local Indigenous communities. IPAs combine traditional and contemporary knowledge into a framework to leverage partnerships with conservation and commercial organisations and provide employment, education and training opportunities for Indigenous people.
<b>Integrated Marine and Coastal Regionalisation of Australia (IMCRA)</b>	A spatial framework for classifying Australia's marine environment into bioregions that forms the basis for the development of a National Representative System of Marine Protected Areas.
<b>IUCN</b>	International Union for the Conservation of Nature.
<b>key ecological feature</b>	Elements of the Commonwealth marine environment that, based on best available scientific understanding, are considered to be of regional importance for either the region's biodiversity or ecosystem function and integrity.
<b>longline (demersal, auto-longline)</b>	A line that is horizontally set along the seafloor between weights to maintain contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). An auto-longline is a longline where the hooks are baited by a machine rather than manually.

<b>longline (pelagic)</b>	A line that is horizontally set near the surface of the water and avoids contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are generally used intermittently along the main line to help maintain buoyancy in the water column. The line may be left to drift in the water or be anchored by vertical lines to the seafloor.
<b>management category</b>	An IUCN category prescribed by Schedule 8 of the EPBC Regulations.
<b>management plan or the plan or this plan</b>	This management plan unless otherwise stated.
<b>management principles</b>	Australian IUCN reserve management principles prescribed by r.10.04 and Schedule 8 of the EPBC Regulations.
<b>MARPOL</b>	The International Convention for the Prevention of Pollution from Ships (MARPOL) is the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. MARPOL addresses pollution that might result from accidents such as collisions or groundings, as well as all types of waste generated during the normal operation of a ship. Ships are permitted to discharge small quantities of certain wastes, subject to very strict controls.
<b>mining operations</b>	Has the meaning given by s.355(2) of the EPBC Act.
<b>Minister</b>	The Minister responsible for administering the EPBC Act.
<b>minor line (handline, rod &amp; reel, trolling, squid jig, poling)</b>	Any line fishing with a small number of hooks, often just one (i.e. handline, rod and reel, squid jigging and pole fishing). Trolling is dragging a lure or baited hook behind a moving vessel and reeling it in (either by hand, reel or winches). Poling is dragging a lure or baited hook on a fixed length of line behind a vessel and flicking or gaffing the fish into the boat. Squid jigging involves vertical lines with several barbless lures being mechanically jigged up and down to attract squid.
<b>National Representative System of Marine Protected Areas (NRSMPA)</b>	Australia's comprehensive, adequate and representative system of marine protected areas that contributes to the long-term ecological viability of marine and estuarine systems, maintains ecological processes and systems, and protects Australia's biological diversity at all levels.
<b>native title</b>	Has the meaning given by s.223 of the <i>Native Title Act 1993</i> .
<b>net (demersal)</b>	A rectangular mesh net anchored to the seafloor with weights. The net may have small floats along the upper line to maintain its shape in the water. Each end has a vertical line that is connected to buoys on the surface of the water.



<b>net (pelagic)</b>	A rectangular mesh net set near the surface of the water that is not in contact with the seafloor. The net generally has floats along the upper line to maintain buoyancy. Each end is connected to a buoy on the surface of the water. The net can be left to drift or connected to a boat.
<b>news of the day</b>	The reporting by newspaper, television, radio or other electronic media, of unanticipated events that happen from time to time, such as rescue events. It does not include general items about a marine park or planned activities in the park.
<b>Parks Australia</b>	The Division of the Department that supports the Director of National Parks.
<b>pelagic fishing gear</b>	Fishing gear that does not come in contact with the seabed during use.
<b>permit</b>	As described in Section 4.4.1 (Permits) of this plan.
<b>prescription</b>	Mandatory rules for managing marine parks.
<b>protected species</b>	Species listed under the EPBC Act as threatened, migratory or marine species and/or cetaceans (whales, dolphins and porpoises).
<b>purse seine</b>	A semi-rectangular mesh net with floats along the top and a weighted line along the bottom. A vessel or buoy is used to anchor one end of the net while it is set around a fish aggregation in a circular pattern. The bottom of the net has a cable threaded through it which, when pulled, brings the bottom of the net together like a purse trapping the fish inside. The net is then pulled toward the vessel and the fish are either lifted or pumped on board the vessel.
<b>recreational fishing</b>	Taking marine species, including shells, not for commercial purposes and that is not commercial fishing.
<b>sea country</b>	Sea country refers to the areas of the sea that Aboriginal and Torres Strait Islander groups are particularly affiliated with through their traditional lore and customs.
<b>stowed and secured</b>	All fishing apparatus, including nets and lines, are rendered inoperative in zones where fishing is not permitted, including that the apparatus is inboard the vessel and otherwise completely out of the water or as determined by the Director.
<b>Temperate East Marine Parks Network, or Temperate East Network, or the Network</b>	The eight areas described in Schedule 2 to the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and declared to be Commonwealth reserves by Section 6 of the proclamation.
<b>traditional owners</b>	A local descent group of Indigenous persons who have common spiritual affiliations to an area of sea country and are entitled by Indigenous traditions to fish and hunt in an area of sea country.

<b>transit</b>	Continuous and expeditious passage through an area. However, passage includes stopping and anchoring, but only in so far as rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
<b>trap, pot</b>	Traps and pots are made in a variety of shapes and sizes from various materials. They are generally baited to attract fish or crustaceans through one or more entrances or openings. Traps and pots are set on the seafloor and connected to a vertical line with a buoy on the surface of the water.
<b>trawl (demersal)</b>	A cone-shaped mesh net towed through the water column on or near the seabed that may come into contact with the seabed during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening generally has chains, rubber or steel bobbins and spacers threaded along its length to help reduce snagging by slightly lifting the net off the seafloor. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations such as one or four nets.
<b>trawl (midwater)</b>	A cone-shaped mesh net towed through the water column that does not come into contact with the seabed at any stage during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening is weighted. The last section of the net is a codend where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations, such as one or four nets.
<b>trotline</b>	A trotline is very similar to a demersal longline. It is a line that is horizontally set along the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are used intermittently along the main line to lift baited hooks away from the seafloor.
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982.
<b>values</b>	As defined in Part 2 of this plan.
<b>vessel identification and monitoring system</b>	A system whereby vessels are fitted with an electronic device that can transmit or provide information to a central management agency about the vessels' course or position, or other such information.

## SCHEDULE 1 SUMMARY OF LEGISLATIVE AND POLICY CONTEXTS

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### S1.1 THE EPBC ACT AND EPBC REGULATIONS

The objects of the EPBC Act (s.3) are:

- a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- c) to promote the conservation of biodiversity;
- ca) to provide for the protection and conservation of heritage;
- d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples;
- e) to assist in the co-operative implementation of Australia's international environmental responsibilities;
- f) to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- g) to promote the use of Indigenous people's knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

#### **Director of National Parks**

The Director of National Parks is a corporation under the EPBC Act (s.514A) and a Commonwealth corporate entity for the purposes of the *Public Governance Performance and Accountability Act 2013*. The corporation is controlled by the person appointed by the Governor-General to the office that is called the Director of National Parks (s.514F of the EPBC Act).

The functions of the Director (s.514B) include the administration, management and control of Commonwealth reserves, including Australian Marine Parks, established under the EPBC Act. The Director generally has power to do all things necessary or convenient for performing the Director's functions (s.514C). The Director has a number of specified powers under the EPBC Act and EPBC Regulations, including to prohibit or control some activities, and to issue permits for activities that are otherwise prohibited. The Director performs functions and exercises powers in accordance with this plan.

#### **Establishment of Commonwealth reserves**

Commonwealth reserves, including Australian Marine Parks, are declared by proclamation by the Governor-General under the EPBC Act. The EPBC Act and the EPBC Regulations provide the legal basis and framework for management of Commonwealth reserves.

Commonwealth reserves can be declared over areas specified in s.344 of the EPBC Act, including the Commonwealth marine area as defined in s.24 of the Act (which extends generally from the three nautical mile limit of the coastal waters of the states and territories to the outer limit of Australia's exclusive economic zone). The Commonwealth marine area is also a matter of national environmental significance protected from significant impacts to the environment by Part 3 of the EPBC Act.

### ***IUCN categories and management principles***

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

#### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation—management arrangements should, to the extent practicable, provide for broad and meaningful participation by the community, public organisations and private interests in designing and carrying out the functions of a reserve or zone;
2. effective and adaptive management—management arrangements should be effective and appropriate to the biodiversity objectives and the socio-economic context of the reserve or zone. They should be adaptive in character to ensure a capacity to respond to uncertainty and change;
3. the precautionary principle—a lack of full scientific certainty should not be used as a reason for postponing measures to prevent degradation of the natural and cultural heritage of a reserve or zone where there is a threat of serious or irreversible damage;
4. minimising impacts—the integrity of a reserve or zone is best conserved by protecting it from disturbance and threatening processes. Potential adverse impacts on the natural, cultural and social environment and surrounding communities should be minimised as far as practicable;
5. ecologically sustainable use—if resource use is consistent with the management principles that apply to a reserve or zone, it should be based on the principle (the principle of ecologically sustainable use) that:
  - a) natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature, and
  - b) the benefit of the use to the present generation should not diminish the potential of the reserve or zone to meet the needs and aspirations of future generations;
6. transparency of decision-making—the framework and processes for decision-making for management of the reserve or zone should be transparent. The reason for making decisions should be publicly available, except to the extent that information, including information that is culturally sensitive or commercial-in-confidence, needs to be treated as confidential; and
7. joint management—if the reserve or zone is wholly or partly owned by Aboriginal people, continuing traditional use of the reserve or zone by resident Indigenous people, including the protection and maintenance of cultural heritage, should be recognised.

*Principles for each IUCN category represented in the Temperate East Marine Parks Network*

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the Temperate East Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

**1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

**3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

**5. Habitat/species management area (IUCN category IV)**

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.
- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic

communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.

- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.
- 5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.
- 5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

- 7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.
- 7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.

### ***Management plans***

The EPBC Act requires the Director to prepare a management plan for a Commonwealth reserve. When prepared, a plan is given to the Minister administering the EPBC Act for approval. A management plan is a 'legislative instrument' for the purposes of the Legislative Instruments Act 2003 and must be registered under that Act. Following registration, the plan is tabled in each House of the Commonwealth Parliament and may be disallowed by either House on a motion moved within 15 sitting days of the House after tabling.

A management plan for a Commonwealth reserve has effect for ten years, subject to being revoked or amended earlier by another management plan for the reserve. The Director must give effect to a management plan in operation for a Commonwealth reserve. The Commonwealth and Commonwealth agencies must also not perform functions or exercise powers in relation to the reserve inconsistently with the plan (s.362).

Under the EPBC Act (s.367) a management plan for a Commonwealth reserve must provide for the protection and conservation of the reserve.

A management plan for a Commonwealth reserve may divide the reserve into zones and assign each zone to an IUCN category (whether or not a proclamation has assigned the reserve or each zone of the reserve to that IUCN category). The category to which a zone is assigned may differ from the category to which the reserve is assigned.

The provisions of a management plan for a Commonwealth reserve that relate to the reserve or a particular zone of the reserve must not be inconsistent with the Australian IUCN reserve management principles for the IUCN category to which the reserve or zone is assigned by the plan.

If the management plan for a Commonwealth reserve assigns the reserve to one IUCN category and assigns a zone of the reserve to a different IUCN category, disregard the IUCN category to which the reserve is assigned for the purposes of the application of subsection (3) in relation to the zone.

A single management plan may be the management plan for more than one Commonwealth reserve.



A management plan for a Commonwealth reserve may include provisions relating to an area that is proposed to be included in the reserve, but they do not have effect until the area is included in the reserve.

Under the EPBC Act (s.368), in preparing a management plan for a Commonwealth reserve, the Director must take account of:

- (a) any report considered by the Minister under Section 351 before a proclamation declaring the reserve was made; and
- (b) the regulation of the use of the reserve for the purpose for which it was declared; and
- (c) the interests of:
  - (i) any owner of any land or seabed in the reserve; and
  - (ii) the traditional owners of any Indigenous people's land in the reserve; and
  - (iii) any other Indigenous persons interested in the reserve; and
  - (iv) any person who has a usage right relating to land, sea or seabed in the reserve that existed (or is derived from a usage right that existed) immediately before the reserve was declared; and
- (d) the protection of the special features of the reserve, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest; and
- (e) the protection, conservation and management of biodiversity and heritage within the reserve; and
- (f) the protection of the reserve against damage; and
- (g) Australia's obligations under agreements between Australia and one or more other countries relevant to the protection and conservation of biodiversity and heritage.

#### ***Control of actions in Commonwealth reserves***

The EPBC Act (ss.354 and 354A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a management plan in operation for the reserve:

- a) kill, injure, take trade, keep or move a member of a native species; or
- b) damage heritage; or
- c) carry out an excavation; or
- d) erect a building or other structure; or
- e) carry out works; or
- f) take an action for commercial purposes.

Mining operations are also prohibited (ss.355 and 355A of the EPBC Act) except in accordance with a management plan. Section 355(2) defines mining operations as follows:

- a) operations or activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals, including:
  - (i) prospecting and exploration for minerals; and
  - (ii) milling, refining, treatment and processing of minerals; and
  - (iii) storage and disposal of minerals and materials produced from minerals;
- b) the construction and use of towns, camps, dams, pipelines power lines or other structures for the purposes of operations or activities described in paragraph (a); and
- c) the performance of any other work for the purposes of operations or activities described in paragraph (a).

Section 358 of the EPBC Act allows the Director to grant a lease or a licence relating to land or seabed in a Commonwealth reserve in accordance with a management plan.

The EPBC Regulations control, or allow the Director to control, a range of activities in Commonwealth reserves. The Director applies the Regulations subject to and in accordance with the EPBC Act and management plan. The Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act. Activities that are prohibited or restricted by the EPBC Act may be carried on if they are authorised by a permit issued by the Director and/or they are carried on in accordance with a management plan or if another exception prescribed by r.12.06(1) of the Regulations applies.

Access to biological resources in Commonwealth areas is regulated under Part 8A of the EPBC Regulations. Access to biological resources is also covered by ss.354 and 354A of the EPBC Act if the resources are members of a native species and/or if access is for commercial purposes.

### ***Environmental assessment and approval***

Actions that are likely to have a significant impact on matters of national environmental significance are subject to the referral, assessment and approval provisions of Chapters 2 to 4 of the EPBC Act (irrespective of where the action is taken).

At commencement of this plan, the matters of national environmental significance identified in the EPBC Act are:

- a) world heritage properties;
- b) national heritage places;
- c) wetlands of international importance (Ramsar wetlands);
- d) listed threatened species and communities;
- e) listed migratory species;
- f) protection of the environment from nuclear actions (including uranium mining);
- g) marine environment (Commonwealth marine areas);
- h) the Great Barrier Reef Marine Park; and
- i) protection of water resources from coal seam gas development and large coal mining development.

The referral, assessment and approval provisions also apply to actions on Commonwealth land that are likely to have a significant impact on the environment and to actions taken outside Commonwealth land that are likely to have a significant impact on the environment on Commonwealth land.

Responsibility for compliance with the assessment and approvals provisions of the EPBC Act lies with persons taking relevant 'controlled' actions. A person proposing to take an action that the person thinks may be or is a controlled action should refer the proposal to the Minister. The Minister will decide whether or not the action is a controlled action. The Director of National Parks may also refer proposed actions to the Minister.

### ***Wildlife protection***

Part 13 of the EPBC Act contains provisions that prohibit and regulate actions in relation to listed threatened species and ecological communities, listed migratory species, listed marine species and cetaceans (whale, dolphin and porpoise).

Actions taken in accordance with a Commonwealth reserve in accordance with a management plan in relation to any native species listed under Part 13 of the EPBC Act are exempt from prohibitions in Part 13 of the Act.

### ***Heritage protection***

The EPBC Act world heritage protection provisions (s.12–15A, ss.320–324) provide:

- a) that the primary purpose of management of natural heritage and cultural heritage of a declared world heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the world heritage values of the property;
- b) that at least one management plan should be prepared for each declared world heritage property;
- c) that the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure it exercises its powers and performs its functions in relation to the property in a way that is not inconsistent with the World Heritage Convention, the Australian world heritage management principles; and if the property is on the World Heritage List and a plan for managing the property has been prepared as described in s.321—that plan;
- d) that an action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the world heritage values of the property.

The EPBC Act national and Commonwealth heritage protection provisions (ss.324A to 324ZC and ss.341A to 341ZH) provide:

- a) for the establishment and maintenance of a National Heritage List and a Commonwealth Heritage List, criteria and values for inclusion of places in either list and heritage management principles for places that are included in the two lists;
- b) that Commonwealth agencies must not take an action that is likely to have an adverse impact on the heritage values of a place included in either list unless there is no feasible and prudent alternative to taking the action and all measures that can reasonably be taken to mitigate the impact of the action on those values are taken and that Commonwealth agencies that own or control places must—
  - i. prepare a written heritage strategy for managing those places to protect and conserve their Commonwealth heritage values. The strategy must address any matters required by the EPBC Regulations, and not be inconsistent with the Commonwealth heritage management principles, and
  - ii. identify Commonwealth heritage values for each place, and produce a register that sets out the Commonwealth heritage values (if any) for each place (and do so within the timeframe set out in the place's heritage strategy).

The prescriptions in this plan are consistent with the Commonwealth heritage and national heritage management principles and other relevant obligations under the EPBC Act for protecting and conserving the heritage values for which the reserve has been listed on the National Heritage List.

### ***Wetlands of international importance***

The EPBC Act management of wetlands of international importance provisions (ss.325 to 336) provide:

- a) that the Commonwealth may designate a wetland for inclusion in the List of Wetlands of International Importance kept under the Ramsar Convention only after seeking the agreement of relevant states, self-governing territories and land holders;
- b) that the Minister must make plans for managing wetlands listed under the Ramsar Convention that are entirely in Commonwealth areas other than Commonwealth reserves. The Commonwealth and Commonwealth agencies must not contravene such plans;
- c) that the Commonwealth must try to prepare and implement management plans for other wetlands listed under the Ramsar Convention, in cooperation with the relevant states and self-governing territories;

- d) that the Commonwealth and Commonwealth agencies have duties relating to declared Ramsar wetlands in states and territories; and
- e) that the Commonwealth can provide assistance for the protection or conservation of declared Ramsar wetlands.

The prescriptions in this plan are consistent with the Australian Ramsar management principles prescribed in Schedule 6 of the EPBC Regulations and other relevant obligations under the EPBC Act for the management of wetlands included in the List of Wetlands of International Importance kept under the Ramsar Convention.

#### ***EPBC Act and Indigenous traditional rights and native title rights***

Native title rights may exist in offshore waters within Australia's jurisdiction. Native title determinations need not have been made in order for native title rights to exist.

The EPBC Act does not affect the operation of the *Native Title Act 1993* and s.211 in particular, which in certain circumstances allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence (s.8 EPBC Act). Prohibitions and other provisions of the EPBC Act and EPBC Regulations dealing with activities in Commonwealth reserves do not prevent Indigenous people from continuing their traditional use of an area in a reserve for hunting or gathering (except for purposes of sale), or for ceremonial and religious purposes, in accordance with the EPBC Act s.359A.

#### ***Access to biological resources***

Access to biological resources in Commonwealth areas is regulated under the EPBC Regulations Part 8A and a permit from the Minister is required. Access to biological resources is defined in the EPBC Regulations and broadly means the taking of biological resources of native species for research and development on any genetic resources, or biochemical compounds, comprising or contained in the biological resources. Biological resources are defined by the EPBC Act as genetic resources, organisms, parts of organisms, populations and any other biotic component of an ecosystem with actual or potential use or value for humanity. Genetic resources are defined by the EPBC Act as any material of plant, animal, microbial or other origin that contains functional units of heredity, and that has actual or potential value for humanity.

#### ***Penalties***

Civil and criminal penalties may be imposed for breaches of the EPBC Act and criminal penalties may be imposed for breaches of the EPBC Regulations.

## **S1.2 OTHER RELEVANT LEGISLATION**

The ***Environment Protection (Sea Dumping) Act 1981 (Sea Dumping Act)*** regulates the loading for the purpose of dumping and dumping of controlled material at sea (including certain wastes and other matter), and the placement of artificial reefs. The Act gives effect to Australia's obligations under the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol). Under the Sea Dumping Act, dumping at sea is prohibited, except for possibly acceptable wastes or other matter that may be considered under a permit.

The ***NSW Fisheries Management Act 1994*** is the regulatory framework for the management of New South Wales fisheries resources. The ***Fisheries Act 1994*** and ***Fisheries Regulation 2008*** are the regulatory framework for the management of Queensland fisheries resources. The ***Fisheries Act 1988*** and ***Fisheries Regulations 1993*** are the regulatory framework for the management of Northern Territory fisheries resources.

The ***Fisheries Management Act 1991*** regulates fishing activities in the Australian Fishing Zone, from the Australian coastline to 200 nm, including waters surrounding external territories.

The ***Historic Shipwrecks Act 1976*** provides for the protection of historic shipwrecks and associated relics and the establishment of protected zones around historic shipwrecks from the lowest astronomical tide mark to the exclusive economic zone. All shipwrecks and associated relics more than 75 years old whether located

or not are protected under the Act by Ministerial declaration. A wreck less than 75 years old may also be protected by a declaration of the Minister.

The *Historic Shipwrecks Act 1976* prohibits conduct in relation to historic shipwrecks and relics without a permit, which includes conduct that destroys or causes damage to a historic shipwreck or relic, causes interference with a historic shipwreck or relic; causes the disposal of a historic shipwreck or relic, or causes a historic shipwreck or relic to be removed from Australia.

The most current information about the status of discovered shipwrecks, protected shipwrecks or shipwrecks that have a declared protected zone is in the Australian national shipwrecks database ([www.environment.gov.au](http://www.environment.gov.au)).

The *Offshore Minerals Act 1994* establishes the regulatory framework for offshore exploration and recovery of minerals beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is the regulatory framework for offshore exploration and production of petroleum, and greenhouse gas storage activities, beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012* address the protection of the marine environment from ship-sourced pollution. The Prevention of Pollution from Ships Act implements the International Convention for the Prevention of Pollution from Ships (MARPOL), and regulates normal or routine operational discharges from ships. MARPOL annexes regulate the discharge of oil (Annex I), noxious liquid substances (Annex II), the disposal of sewage from ships (Annex IV) and garbage (Annex V), harmful substances carried by sea in packaged forms (Annex III) and air pollution from ships (Annex VI). The Australian Maritime Safety Authority (AMSA) is responsible for the application and enforcement of MARPOL in areas of Commonwealth jurisdiction, that is, to the limit of the 200 nautical mile exclusive economic zone. State and territory governments give effect to MARPOL Annexes in coastal waters out to three nautical miles (approximately 5.5 km) from land.

### S1.3 INTERNATIONAL AGREEMENTS

This plan takes into account Australia's obligations under international agreements that are relevant to the Temperate East Network. These include:

#### **Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment (JAMBA)**

JAMBA provides for Australian and Japanese cooperation on the protection of migratory birds and birds in danger of extinction (listed in the annex to the agreement) and the management and protection of their environments. It requires both countries to take appropriate measures to preserve and enhance the environment of birds protected under the provisions of the agreement.

#### **Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (CAMBA)**

CAMBA provides for Australian and Chinese cooperation on the protection of migratory birds (listed in the annex to the agreement) and their environment. It requires both countries to take appropriate measures to preserve and enhance the environment of migratory birds.

#### **Agreement between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds 2007 (ROKAMBA)**

ROKAMBA provides for Australian and Korean cooperation on the protection of migratory birds (listed in the annex to the agreement) and their habitat and the prevention of the extinction of certain birds. It requires both countries to take appropriate measures to conserve and improve the environment of birds protected under the provisions of the agreement.

### **Agreement on the Conservation of Albatrosses and Petrels (ACAP)**

This agreement provides for parties to conserve highly migratory and threatened seabirds over their normal range by protecting critical habitat, controlling non-native species detrimental to albatrosses and petrels, introducing measures to reduce the incidental catch of seabirds in fisheries, and supporting research into the effective conservation of albatrosses and petrels.

### **Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention)**

The World Heritage Convention was adopted to ensure the proper identification, protection, conservation and presentation of cultural and natural heritage with outstanding universal value. Australian world heritage management principles are prescribed in Schedule 5 of the EPBC Regulations.

### **Convention on Biological Diversity (CBD)**

Australia is a signatory to the CBD, which requires parties to pursue the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the use of genetic resources. Article 8 of the convention identifies that parties should 'establish a system of protected areas or areas where special measures need to be taken to conserve biodiversity'. The establishment and management of the Temperate East Network assists Australia in meeting its obligations under the CBD.

In 2010, the Conference of Parties to the CBD adopted a *Strategic plan for biodiversity*. It includes Target 11 relevant to protected areas:

*By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.*

The strategic plan complements, but does not replace, the commitment to establish representative networks of marine protected areas by 2012, made at the 2002 World Summit on Sustainable Development. Australia has met and exceeded this target.

### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

CITES aims to ensure that the international trade of wild fauna and flora specimens does not threaten the survival of the species from which they are derived. It places controls on the international trade of specimens of certain species. At the time of preparing this plan, several marine mammal species found in the Temperate East Network were listed under CITES Annex II.

### **Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)**

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to this convention work together to conserve migratory species and their habitats. Species that are listed under the above migratory agreements and conventions are listed species under Part 13 of the EPBC Act.

### **Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (Ramsar Convention)**

This international agreement is more commonly known as the Ramsar Convention on Wetlands, and originally aimed to conserve and wisely use wetlands primarily as habitat for waterbirds. Over the years, the Ramsar Convention's scope has broadened to cover all aspects of wetland conservation and wise use, recognising that wetland ecosystems are important for both biodiversity conservation and the wellbeing of human communities.

To achieve its aims, the Ramsar Convention requires international cooperation, policy-making, capacity-building and technology transfer from its members. Under the Ramsar Convention, a wide variety of natural and human-made habitat types can be classified as wetlands, including features in the marine environment.



All wetlands listed under the Ramsar Convention are recognised as matters of national environmental significance under the EPBC Act. As such, approval is required for actions that will have, or are likely to have a significant impact on the ecological character of a Ramsar-listed wetland.

### **International Convention for the Prevention of Pollution from Ships (MARPOL)**

MARPOL deals with preventing and minimising the discharge of ship-generated pollution into the sea. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. The International Maritime Organization (IMO), a specialised agency of the United Nations, administers this convention and related conventions. MARPOL is given effect in Australia by the *Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012*. It is the basis for Australian, state and territory government regulation of pollution from all ships, including fishing vessels, in Australian waters. The Australian Maritime Safety Authority (AMSA) and state and territory governments are responsible for the application and enforcement of MARPOL in Australian waters.

### **International Convention for the Regulation of Whaling**

Australia is a member of the International Whaling Commission, which supports the conservation of whales and the management of whaling under the International Convention for the Regulation of Whaling. Through its membership of the Commission, Australia promotes international collaboration and research that helps to protect whales in Commonwealth waters and internationally. This includes initiatives to support the growing whale watching industry, better understand where and why collisions occur between whales and ships, and coordinate actions to protect the most at-risk populations of whales and dolphins. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

### **United Nations Convention on the Law of the Sea (UNCLOS)**

UNCLOS defines the rights and responsibilities of nations in their use of the world's oceans. It establishes guidelines for businesses, the environment and the management of marine natural resources. It provides foreign vessels with a right of innocent passage through territorial seas.

### **UN Declaration on the Rights of Indigenous Peoples**

On 3 April 2009 the Australian Government announced its support for the UN Declaration on the Rights of Indigenous Peoples. Although the Declaration is non-binding and does not affect existing Australian law, it does set important international principles for nations to aspire to and many of its provisions are grounded in the core human rights treaties to which Australia is a party.

### **1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Protocol)**

Australia is a party to the London Protocol, the objective of which is to protect and preserve the marine environment from all sources of pollution and prevent pollution caused by dumping or incineration at sea of wastes or other matter. The London Protocol limits the type of materials that can be considered for ocean disposal, and bans the incineration of wastes at sea. In Australia, the London Protocol is administered by the Australian Government under the Sea Dumping Act.

### **2030 Agenda for Sustainable Development and the Sustainable Development Goals (2030 Agenda)**

The 2030 Agenda for Sustainable Development (2030 Agenda) aims to integrate the social, environmental and economic dimensions of sustainable development. The 2030 Agenda was agreed by 193 Member States at the United Nations Sustainable Development Summit in New York in September 2015. It includes 17 Sustainable Development Goals (SDGs) – a roadmap for sustainable development efforts to 2030 and beyond. Australian Marine Parks contribute to five SDGs: SDG 8 – Decent Work and Economic Growth; SDG 12 – Responsible Production and Consumption; SDG 13 – Climate Action; SDG 14 – Life below Water; and SDG 15 – Life on Land.

## SCHEDULE 2 TEMPERATE EAST NETWORK OVERVIEW AND VALUES

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Wandering albatross (Michael Double)

## S2.1 TEMPERATE EAST NETWORK OVERVIEW

The marine parks of the Temperate East Network were proclaimed under the EPBC Act on 14 December 2013 (Federal Register of Legislation No. F2013L02108) and renamed on 9 October 2017 (Federal Register of Legislation No. F2017L01337).

**Table S2.1. Overview of the Temperate East Network**

Marine park name	Zones, IUCN categories and zone area	Marine park IUCN category	Total marine park area
<b>Gifford</b>	Habitat Protection Zone (IV) 5828 km <sup>2</sup>	IV	5828 km <sup>2</sup>
<b>Norfolk</b>	National Park Zone (II) 41,661 km <sup>2</sup> Habitat Protection Zone (IV) 138,796 km <sup>2</sup> Special Purpose Zone (Norfolk) (VI) 7986 km <sup>2</sup>	IV	188,444 km <sup>2</sup>
<b>Lord Howe</b>	National Park Zone (II) 9273 km <sup>2</sup> Habitat Protection Zone (IV) 54,884 km <sup>2</sup> Habitat Protection Zone (Lord Howe) (IV) 5136 km <sup>2</sup> Recreational Use Zone (IV) 1170 km <sup>2</sup> Multiple Use Zone (VI) 39,662 km <sup>2</sup>	IV	110,126 km <sup>2</sup>
<b>Central Eastern</b>	National Park Zone (II) 8110 km <sup>2</sup> Habitat Protection Zone (IV) 61,336 km <sup>2</sup> Multiple Use Zone (VI) 608 km <sup>2</sup>	IV	70,054 km <sup>2</sup>
<b>Solitary Islands</b>	National Park Zone (II) 2 km <sup>2</sup> Multiple Use Zone (VI) 37 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 114 km <sup>2</sup>	VI	152 km <sup>2</sup>
<b>Cod Grounds</b>	National Park Zone (II) 4 km <sup>2</sup>	II	4 km <sup>2</sup>
<b>Hunter</b>	Habitat Protection Zone (IV) 4519 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 1739 km <sup>2</sup>	IV	6257 km <sup>2</sup>
<b>Jervis</b>	Habitat Protection Zone (IV) 1965 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 508 km <sup>2</sup>	IV	2473 km <sup>2</sup>

**Note:** Each marine park extends from 1000 m below the seabed to 3000 m above sea level.

**Note:** Zone and total marine park areas are rounded to the nearest km<sup>2</sup>; therefore, the sum of areas may not equate to the total marine park or network areas in some instances.

## S2.2 TEMPERATE EAST NETWORK VALUES

This Schedule describes the values represented in each marine park of the Temperate East Network.

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

Values will be used to inform the Director's decisions when authorising activities in marine parks. Activities will be assessed in relation to their impacts and risk to values, to ensure activities are undertaken in a manner that minimises impacts to as low as reasonably practicable (Section 4.3 Making decisions about activities).

As understanding of park values improves over time, updated information will be available on the Parks Australia website.

Other sources of information on marine park values can be found on the Department's website, in particular, for protected species (species profile and threats database), wetlands (Australian wetlands directory), heritage places (Australian heritage database), and shipwrecks (Australian national shipwrecks database), and in the *Marine bioregional plan for the Temperate East Marine Region* (2012) and the *East marine bioregional plan: bioregional profile* (2009).

## GIFFORD MARINE PARK

The Gifford Marine Park (Figure S2.1) is located approximately 480 km north of Lord Howe Island and borders on the limit of Australia's exclusive economic zone. The Marine Park covers an area of 5828 km<sup>2</sup> and a depth range between 220 m and 4000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Gifford Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes one zone assigned under this plan: Habitat Protection Zone (IV).

Coordinates for the Gifford Marine Park and zone are provided in Figure S2.1 and Schedule 4.

### Statement of significance

The Gifford Marine Park is significant because it contains habitats, species and ecological communities associated with the Lord Howe Province. It includes one key ecological feature: the Lord Howe Seamount Chain, valued for high productivity, aggregations of marine life, biodiversity and endemism.

### Natural values

The Marine Park includes examples of ecosystems representative of the Lord Howe Province. Ecosystems of this region are influenced by tropical and temperate currents due to its location in the path of the Tasman Front that brings a mix of warm tropical waters and colder, nutrient-rich waters from the south.

A key ecological feature of the Marine Park is the Lord Howe Seamount Chain—running approximately 1000 km north–south from the Coral Sea to Lord Howe Island. The Lord Howe Seamount Chain contains a series of submerged mountains that includes Lord Howe Island and Gifford Tablemount, the prominent seafloor feature of the Marine Park.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds and a migratory pathway for humpback whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

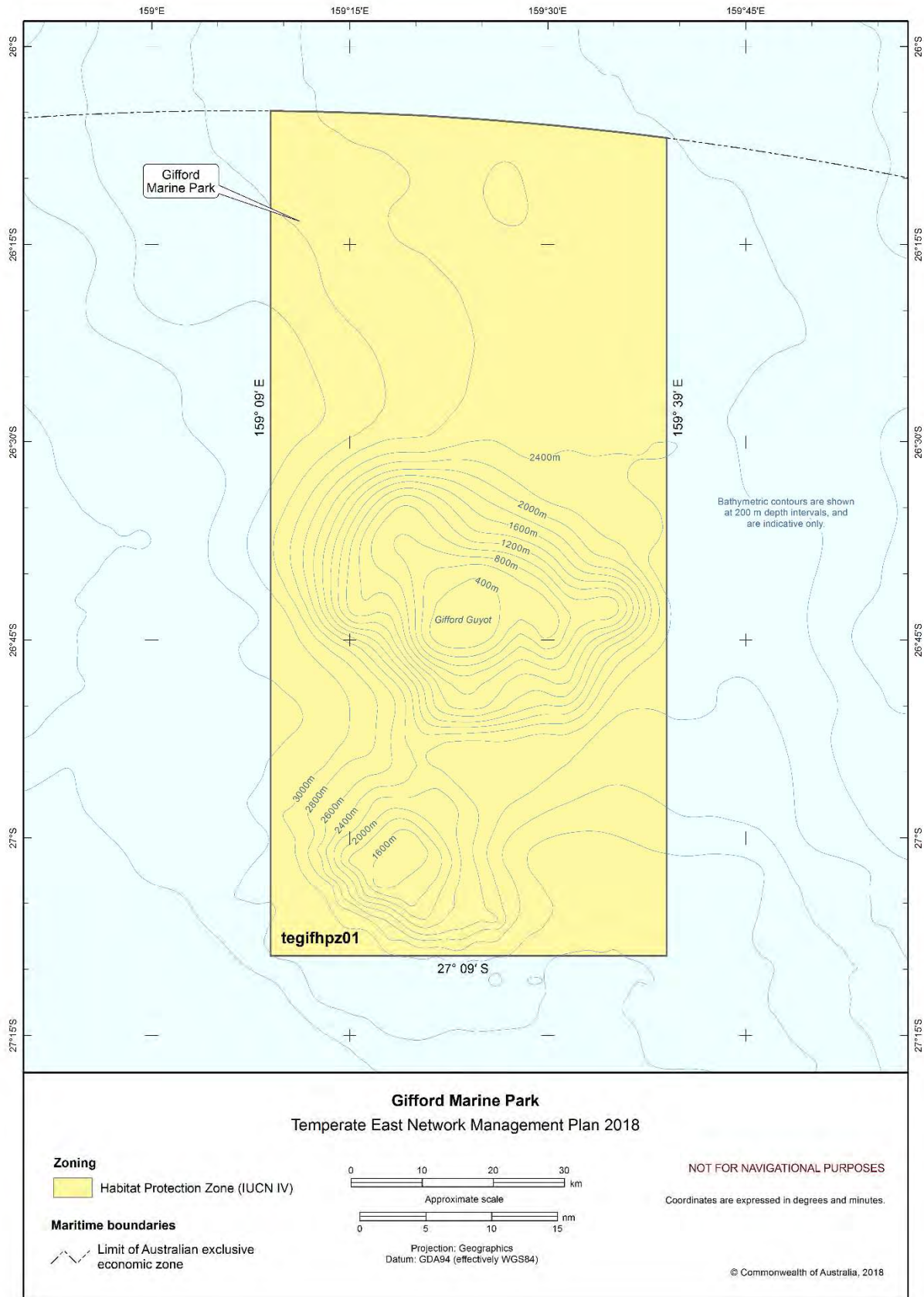
### Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### Social and economic values

Commercial fishing is an important activity in the Marine Park that contributes to the wellbeing of regional communities and the prosperity of the nation.





**Figure S2.1 Gifford Marine Park**



## NORFOLK MARINE PARK

The Norfolk Marine Park (Figure S2.2) is around Norfolk Island, including Nepean Island Reserve and Phillip Island, approximately 1400 km offshore from Evans Head in New South Wales. The Marine Park spans 700 km in a north–south direction, covering an area of 188,444 km<sup>2</sup> and a depth range of 5000 m up to the high water mark.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Norfolk Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes three zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV) and Special Purpose Zone (Norfolk) (VI).

Coordinates for the Norfolk Marine Park and zones are provided in Figure S2.2 and Schedule 4.

### Statement of significance

The Norfolk Marine Park is significant because it contains habitats, species and ecological communities associated with the Norfolk Island Province. It includes two key ecological features: Norfolk Ridge, and the Tasman Front and eddy field, both valued for high productivity, aggregations of marine life, biodiversity and endemism.

### Natural values

The Marine Park includes examples of ecosystems representative of the Norfolk Island Province. The mixing of warm-water and cold-water currents and eddies, and their interactions with seamounts influence biological productivity, with east-moving eddies associated with the Tasman Front transporting Coral Sea biota including corals, crustaceans and molluscs to the area. The shallow-water habitats of Norfolk Island support diverse tropical and temperate species of fish, corals and other marine organisms similar to those found in the reefs surrounding Lord Howe Island, but with a unique reef fish assemblage of endemic, sub-tropical and temperate species. Coral reefs in Emily Bay and Slaughter Bay are the eastern-most coral reefs in Australian waters.

Key ecological features of the Marine Park are:

- Tasman Front and eddy field—a region that separates the warm, nutrient-poor waters of the Coral Sea from the cold, nutrient-rich waters of the Tasman Sea, providing increased nutrients and plankton aggregations, and enhanced productivity that attracts mobile species such as turtles, cetaceans, tuna and billfish.
- Norfolk Ridge—a steep-sided, narrow and elongated feature approximately 1000 km long and 70 km wide. The pinnacles and seamounts of the Norfolk Ridge support relatively productive and diverse benthic habitats, and are thought to act as stepping stones for faunal dispersal, connecting deep-water fauna from New Caledonia to New Zealand.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, and a migratory pathway for humpback whales.

### Cultural values

The marine environment around Norfolk Island has long held significance among Norfolk Islanders. A unique community and culture has developed by those who have visited and settled the island over time.

#### *Polynesian*

The first people to inhabit Norfolk Island were of Polynesian descent. Stone tools have been found at both Emily and Slaughter bays within the Kingston and Arthur's Vale Historic Area (see Heritage values). Archaeological investigations have revealed evidence of landscape modifications in the Emily

## NORFOLK MARINE PARK

Bay area including artefact assemblages and structural remains that have been interpreted as a rudimentary marae, a religious structure characteristic of East Polynesian culture. Radiocarbon dating indicates Polynesian settlement of the area occurred between AD 1200 and AD 1600.

### *Pitcairn Islanders*

In 1853, an Order in Council repealed all previous orders making Norfolk Island a penal settlement. Occupation was granted to incoming settlers from Pitcairn Island, who constituted the third settlement phase of the island's history. The whole Pitcairn community landed on Norfolk Island in 1856. Their descendants, who comprise the majority of Norfolk Island's population, still speak the Pitcairn language.

### *Indigenous Australians*

Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park to Indigenous people due to its remote location.

## **Heritage values**

### *National heritage*

Kingston and Arthur's Vale Historic Area (on Norfolk Island, adjacent to the Norfolk Marine Park), is one of 11 sites that make up the Australian Convict Sites world heritage property.

### *Commonwealth heritage*

There are no Commonwealth heritage sites within the Norfolk Marine Park. However, there are Commonwealth heritage places on Norfolk Island that provide important habitat for seabirds that forage in the Marine Park.

Adjacent to Norfolk Island, Nepean Island Reserve and Phillip Island are on the Commonwealth Heritage List, providing important breeding habitat for at least eight species of seabird that also forage in the Marine Park.

### *Historic shipwrecks*

The Marine Park contains over 20 known shipwrecks listed under the *Historic Shipwrecks Act 1976* (including six shipwrecks that are less than 75 years old that will become eligible for listing as historic shipwrecks during the life of this plan). One of these is the *HMS Sirius*, a flagship of the First Fleet, which was wrecked on the coral reef off Slaughter Bay, Norfolk Island in 1790.

### *European heritage*

Discovered by Captain James Cook in 1774, Norfolk Island was inhabited by convicts and free settlers from 1788. This first settlement's population peaked at 1156 in 1792. By 1804, the free settlers on the island significantly outnumbered convicts. The first settlement was abandoned in 1814, and later re-occupied in 1825 as a penal settlement.

## **Social and economic values**

Fishing in the Norfolk Island Inshore Fishery area is managed by the Norfolk Island Regional Council in collaboration with the Norfolk Island Fishing Association, and in accordance with the Norfolk Island Inshore Fishery Policy 2009. The associated Memorandum of Understanding (MoU) with the Australian Fisheries Management Authority (AFMA) for the inshore fishery area known locally as the "MoU Box" has enabled AFMA to provide management expertise and guidance to the Norfolk Island Regional Council and the Norfolk Island Fishing Association as required. The "MoU Box" area existing at the

## NORFOLK MARINE PARK

time of commencement of this plan has been zoned Special Purpose Zone (Norfolk) and the community has a strong affinity and interest in its management (Figure S2.2).

Within the coastal waters surrounding Norfolk Island, boating and shipping, tourism and recreation are important activities in the Marine Park. This includes the sheltered coral lagoon of Emily Bay which is a valuable community asset used for swimming, snorkeling and tourism. These activities contribute to the economy and wellbeing of the island community.

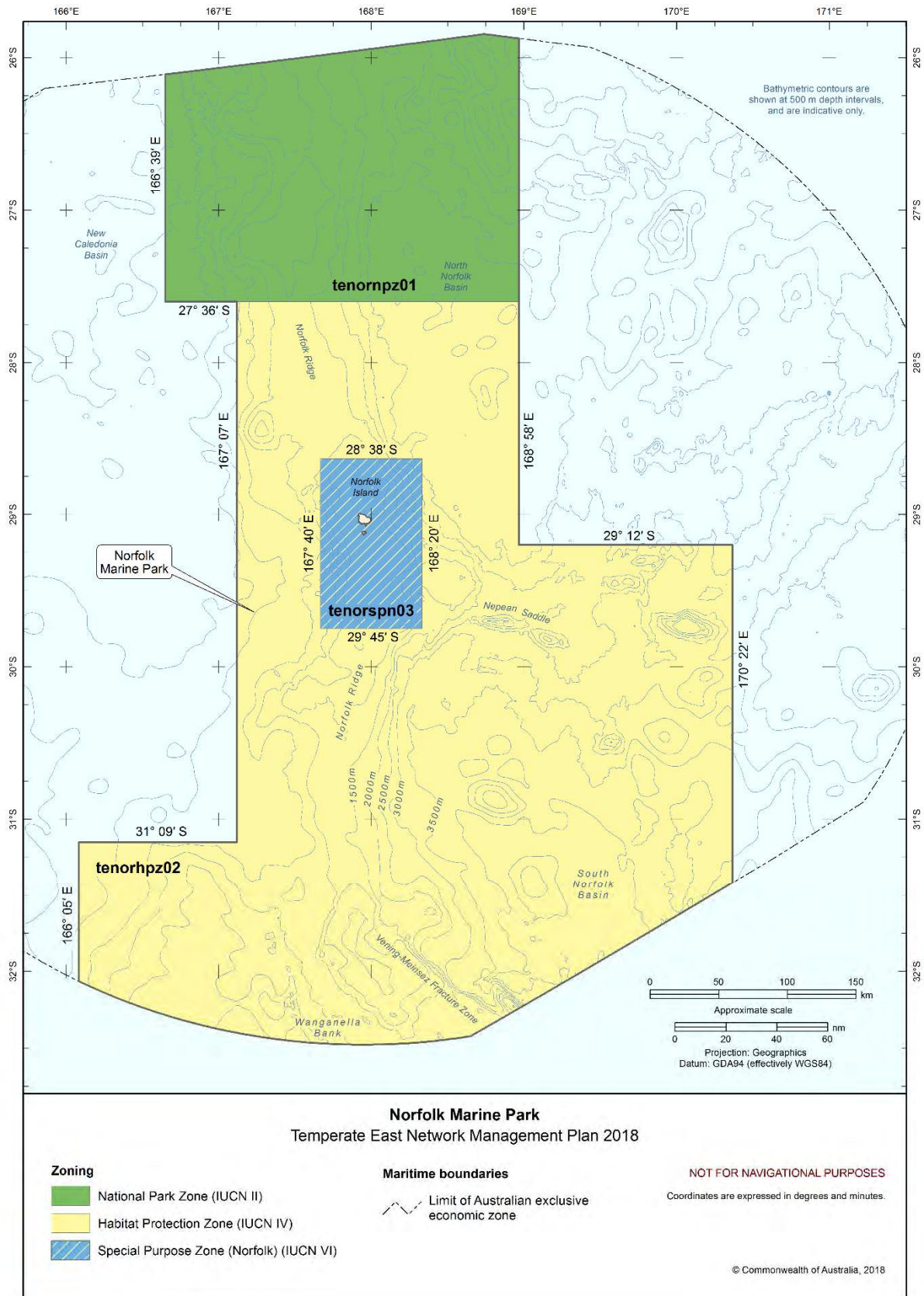


Figure S2.2 Norfolk Marine Park

## LORD HOWE MARINE PARK

The Lord Howe Marine Park (Figure S2.3) is located approximately 550 km offshore of New South Wales, adjacent to the New South Wales Lord Howe Island Marine Park and World Heritage Area. The Marine Park covers an area of 110,126 km<sup>2</sup> and a depth range from less than 15 m to 6000 m.

The Lord Howe Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Lord Howe Marine Park on 9 October 2017. It includes the areas of the Lord Howe Island Marine Park (Commonwealth Waters) originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 7 June 2000, and the Elizabeth and Middleton Reefs Marine National Nature Reserve originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 11 December 1987. The Marine Park is assigned IUCN category IV and includes five zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV), Habitat Protection Zone (Lord Howe) (IV), Recreational Use Zone (IV) and Multiple Use Zone (VI).

Coordinates for the Lord Howe Marine Park and zones are provided in Figure S2.3 and Schedule 4.

### Statement of significance

The Lord Howe Marine Park is significant because it includes habitats, species and ecological communities associated with the Lord Howe Province and the Tasman Basin Province. It includes three key ecological features: the Lord Howe Seamount Chain; Elizabeth and Middleton Reefs (the southernmost coral reefs in the world); and the Tasman Front and eddy field, all valued for high productivity, aggregations of marine life, biodiversity and endemism.

The Elizabeth and Middleton Reefs Ramsar site is located within the Marine Park. The site was listed under the Ramsar Convention in 2002 and is a wetland of international importance under the EPBC Act, due to its unique nature as the southernmost open-ocean coral-reef platform in the world. An Ecological Character Description that sets out the Ramsar listing criteria met by the site, the key threats and knowledge gaps, is available on the Department's website.

The Marine Park includes habitats connecting to and complementing the adjacent New South Wales Lord Howe Island Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Lord Howe Province—due to the convergence of warm, tropical and cooler temperate waters in the area, the Marine Park supports a unique mix of tropical, subtropical and temperate species, many found at the northern or southern extent of their range.
- Tasman Basin Province—interactions between currents, eddies and seamounts and the movements of the deep sub-Antarctic water mass influence biological productivity in this area.

Key ecological features of the Marine Park are:

- Lord Howe Seamount Chain—a chain of submerged volcanoes running 1000 km north–south, the seamount chain includes Lord Howe Island and Elizabeth and Middleton Reefs. These isolated, oceanic reefs support a diverse range of tropical and temperate marine life, including both warm-water and cold-water corals and an abundance of fish species. This diversity is a result of the effect of the East Australian Current on the reefs as it exposes the area to its warm waters, in contrast to the surrounding cooler ocean.
- Elizabeth and Middleton Reefs—small, isolated, oceanic platforms reefs that occur on top of the volcanic seamounts of the Lord Howe seamount chain. The lagoons of both reefs are important areas for populations of black cod and the Galapagos shark.

## LORD HOWE MARINE PARK

- Tasman Front and eddy field—a region that separates the warm, nutrient-poor waters of the Coral Sea from the cold, nutrient-rich waters of the Tasman Sea, providing increased nutrients and plankton aggregations, and enhanced productivity that attracts mobile species such as turtles, cetaceans, tuna and billfish.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and foraging habitat for seabirds, and a migratory pathway for humpback whale.

### *Elizabeth and Middleton Reefs Ramsar site*

The reefs of the Elizabeth and Middleton Reefs Ramsar site form the southernmost open-ocean reef platform in the world and support internationally significant populations of seabirds and shorebirds.

### **Cultural values**

The marine environment around Lord Howe Island has long held significance among Lord Howe Islanders. A unique community and culture has developed by those who have visited and settled the island over time.

Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park to Indigenous people due to its remote location.

### **Heritage values**

#### *World heritage*

Parts of the Marine Park are within the world heritage-listed Lord Howe Island Group, which was listed as an area of outstanding universal value under the World Heritage Convention in 1982. The Lord Howe Island Group comprises Lord Howe Island, Admiralty Islands, Mutton Bird Islands, Ball's Pyramid, and associated coral reefs and marine environments. It includes spectacular landscapes, volcanic mountains, and diverse low-lying rainforests, palm forests and grasslands. There are a large number of species of native plants, of which many are endemic to Lord Howe Island, and colonies of endangered seabirds.

#### *National heritage*

The Lord Howe Island Group was included in the National Heritage List in 2007.

#### *Historic shipwrecks*

The Marine Park contains over 25 known shipwrecks listed under the *Historic Shipwrecks Act 1976*.

### **Social and economic values**

Tourism, commercial fishing, recreation, including fishing, and scientific research, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



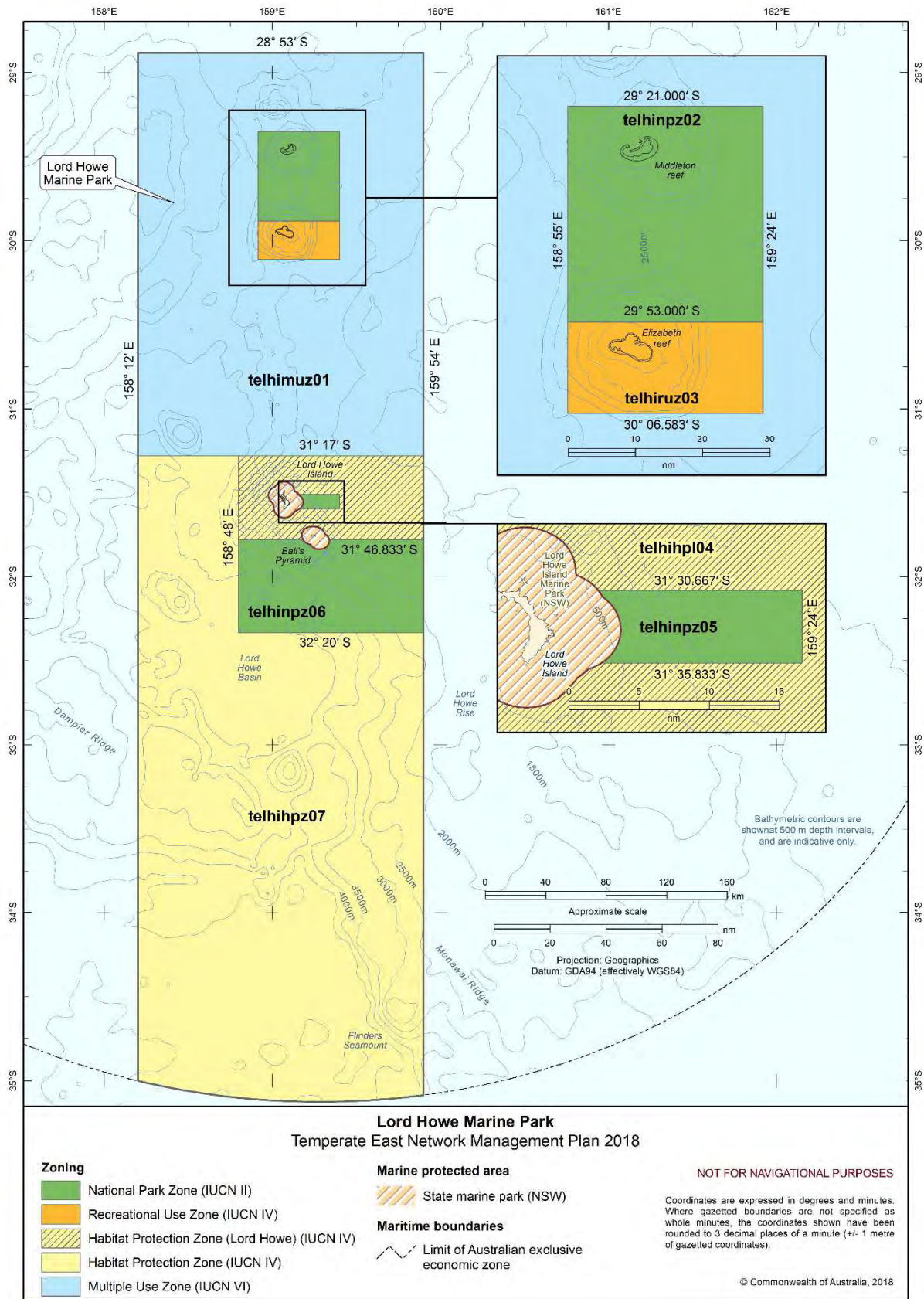


Figure S2.3 Lord Howe Marine Park

## CENTRAL EASTERN MARINE PARK

The Central Eastern Marine Park (Figure S2.4) is located approximately 30 km east of Coffs Harbour at the edge of the continental shelf. It extends to deep ocean waters approximately 200 km offshore of New South Wales. The Marine Park covers an area of 70,054 km<sup>2</sup> and water depths ranging from 120 m to 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Central Eastern Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes three zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV) and Multiple Use Zone (VI).

Coordinates for the Central Eastern Marine Park and zones are provided in Figure S2.4 and Schedule 4.

### **Statement of significance**

The Central Eastern Marine Park is significant because it includes habitats, species and ecological communities associated with the Central Eastern Province, the Central Eastern Shelf Transition and the Tasman Basin Province. It includes three key ecological features: canyons on the eastern continental slope (valued as a unique seafloor feature with ecological properties of regional significance); the Tasmanid Seamount Chain; and the Tasman Front and eddy field (both valued for high productivity, aggregations of marine life, biodiversity and endemism).

### **Natural values**

The Marine Park includes examples of ecosystems representative of:

- Central Eastern Province—includes canyons along the continental shelf that interact with currents and ocean gyres resulting in upwellings that influence biological productivity. Plankton blooms associated with the upwellings attract aggregations of tuna, whales and albatrosses and support over 50 fish species endemic to the area.
- Central Eastern Shelf Transition—upwellings caused by the East Australian Current crossing the continental shelf, and river sediment influence biological productivity in this area.
- Tasman Basin Province—interactions between currents, eddies and seamounts and the movements of the deep sub-Antarctic water mass influence biological productivity in this area. The deep-reef coral communities on seamounts are dominated by filter feeders and provide stepping stones for large oceanic species moving between breeding, nesting, calving and foraging sites.

Key ecological features of the Marine Park are:

- Tasmanid Seamount Chain—a series of underwater volcanic mountains comprised of guyots, seamounts, tablemounts, banks, plateaux and terraces that runs in a north–south direction, and extends into the Tasman Basin. The feature rises from approximately 4800 m deep to 125 m from the surface at Taupo Seamount in the south, approximately 280 m from the surface at Derwent–Hunter Seamount in the centre of the Marine Park, and to approximately 350 m from the surface at Queensland Guyot in the north of the Marine Park. The seamounts support a diverse range of habitats in temperate and subtropical waters.
- Canyons on the eastern continental slope—canyons enhance diversity and abundance of species, driven by the combined effects of steep and rugged topography, ocean currents, seafloor types and nutrient availability. Canyons also create localised changes in productivity in the water column above them, providing feeding opportunities for a range of species.

## CENTRAL EASTERN MARINE PARK

- Tasman Front and eddy field—a region that separates the warm, nutrient-poor waters of the Coral Sea from the cold, nutrient-rich waters of the Tasman Sea, providing increased nutrients and plankton aggregations, and enhanced productivity that attracts mobile species such as turtles, cetaceans, tuna and billfish. The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging and breeding habitat for seabirds, and a migratory pathway for the humpback whale.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains two known shipwrecks listed under the *Historic Shipwrecks Act 1976*—*Amelia* (wrecked in 1816) and *Illagong* (wrecked in 1872).

### **Social and economic values**

Tourism, commercial fishing, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



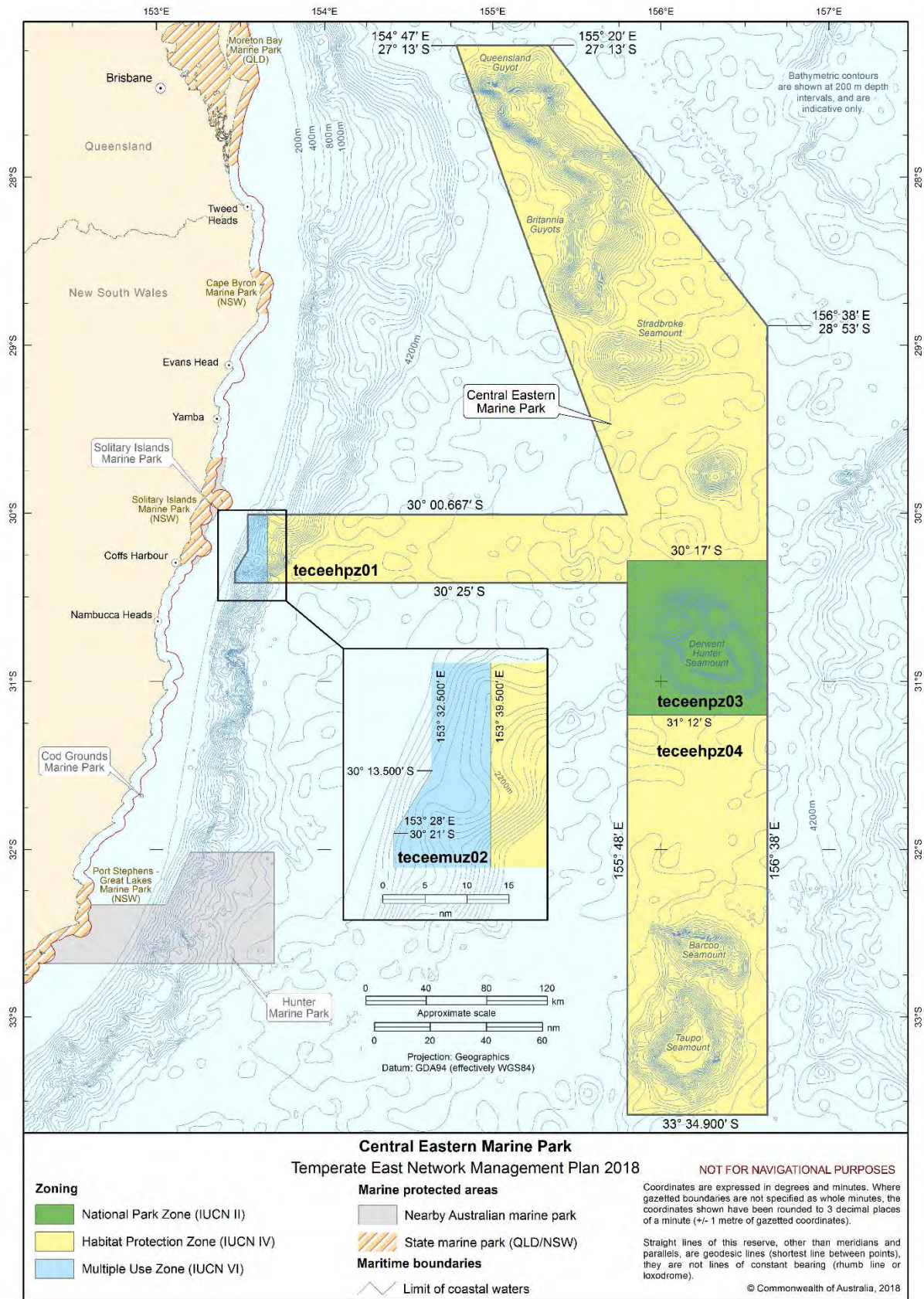


Figure S2.4 Central Eastern Marine Park

## SOLITARY ISLANDS MARINE PARK

The Solitary Islands Marine Park (Figure S2.5) is located approximately 5.5 km offshore of New South Wales, adjacent to the New South Wales Solitary Islands Marine Park. The Marine Park covers an area of 152 km<sup>2</sup> and a depth range of 15 m to 70 m.

The Marine Park was originally proclaimed under the *National Parks and Wildlife Conservation Act 1975* on 17 February 1993 as the Solitary Islands Marine Reserve (Commonwealth Waters), and proclaimed under the EPBC Act on 14 December 2013 and renamed Solitary Islands Marine Park on 9 October 2017. The Marine Park is assigned IUCN category VI and includes three zones assigned under this plan: National Park Zone (II), Multiple Use Zone (VI) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Solitary Islands Marine Park and zones are provided in Figure S2.5 and Schedule 4.

### **Statement of significance**

The Solitary Islands Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Eastern Shelf Transition. The Marine Park contains habitat for species of special conservation interest such as grey nurse sharks, and biologically important areas for humpback whale, white shark and a number of migratory seabirds.

The Marine Park includes habitats connecting to and complementing the adjacent New South Wales Solitary Islands Marine Park.

### **Natural values**

The Marine Park includes examples of ecosystems representative of the Central Eastern Shelf Transition. Ecosystems of this area are influenced by tropical waters of the East Australian Current meeting temperate, southern waters, creating a combination of tropical and temperate environments. Many species found within the Marine Park are at, or close to, either their southern or northern geographical limits. Tropical, subtropical and temperate marine communities co-exist within the same area.

Waters of the Marine Park are a relatively undisturbed, distinct and species-rich ecosystem associated an open-ocean, subtidal reef and soft substrate habitats. Pimpernel Rock is a significant feature of the Marine Park. It is a submerged pinnacle that rises from the seabed to within a few metres of the surface. It provides habitat for benthic communities, pelagic fish, and other marine life.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, migratory and foraging habitat for sharks, a migratory pathway for humpback whales, and breeding habitat for Indo-Pacific/spotted bottlenose dolphin.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years.

The Yaegl People's sea country extends into the southern portion of the Marine Park. The Yaegl Traditional Owners Aboriginal Corporation Prescribed Body Corporate represents the Yaegl native title holders. The Yaegl Traditional Owners Aboriginal Corporation is the point of contact for their sea country.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

## SOLITARY ISLANDS MARINE PARK

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Tourism, commercial fishing, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



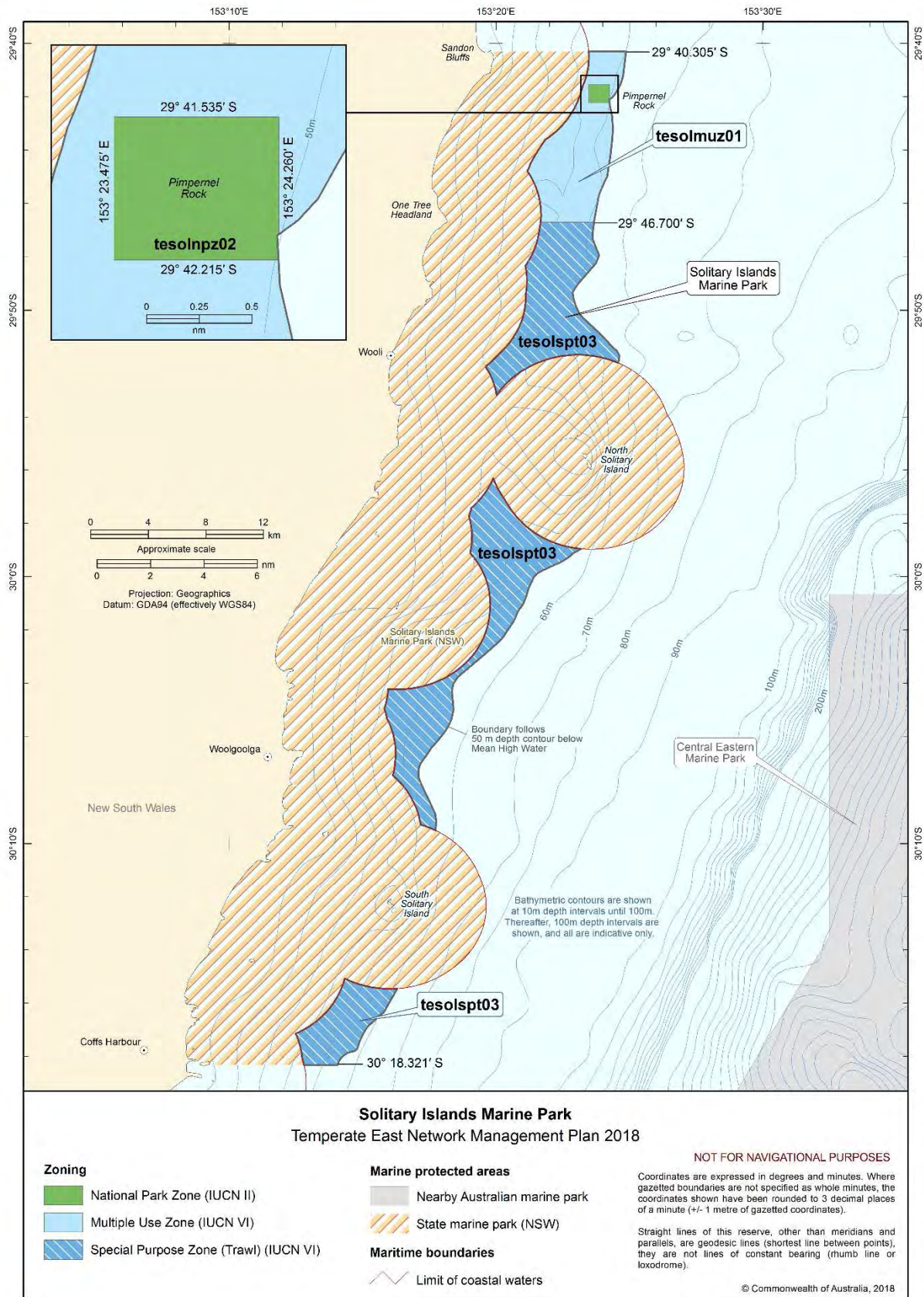


Figure S2.5 Solitary Islands Marine Park

## COD GROUNDS MARINE PARK

The Cod Grounds Marine Park (Figure S2.6) is located approximately 5.5 km offshore of New South Wales. The Marine Park covers an area of 4 km<sup>2</sup> and a water depth range of 21 m to 46 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Cod Grounds Marine Park on 9 October 2017. It includes the area of the Cod Grounds Commonwealth Marine Reserve originally proclaimed under the EPBC Act on 10 May 2007. The Marine Park is assigned IUCN category II and includes one zone assigned under this plan: National Park Zone (II).

Coordinates for the Cod Grounds Marine Park and zone are provided in Figure S2.6 and Schedule 4.

### **Statement of significance**

The Cod Grounds Marine Park is significant because it contains habitats, species and ecological communities representative of the Central Eastern Shelf Transition. It provides habitat for grey nurse sharks.

### **Natural values**

The Marine Park includes examples of ecosystems representative of the Central Eastern Shelf Transition. Ecosystems in this area are influenced by tropical waters of the East Australian Current meeting temperate waters, creating a combination of tropical and temperate environments. Many species found within the Marine Park are at, or close to, either their southern or northern geographical limits. Tropical, subtropical and temperate marine communities co-exist within the same area.

The Marine Park is predominantly rocky reef surrounded by boulder and cobble slopes that support diverse and abundant marine communities. The reefs are interlaced with sand and cobble gutters. The Cod Grounds reef is the northern-most of a series of reefs extending south and south-west. The Cod Grounds is the shallowest reef in the series and has steeper slopes. The rocky outcrops form several pinnacles which are surrounded by gutters, ledges and caves. The underwater pinnacles of the Marine Park provide habitat for grey nurse sharks and their prey species.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, a migratory pathway and aggregation area for grey nurse sharks, and migratory and foraging habitat for humpback whales.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

### **Social and economic values**

Tourism, scientific research and recreation activities are important in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

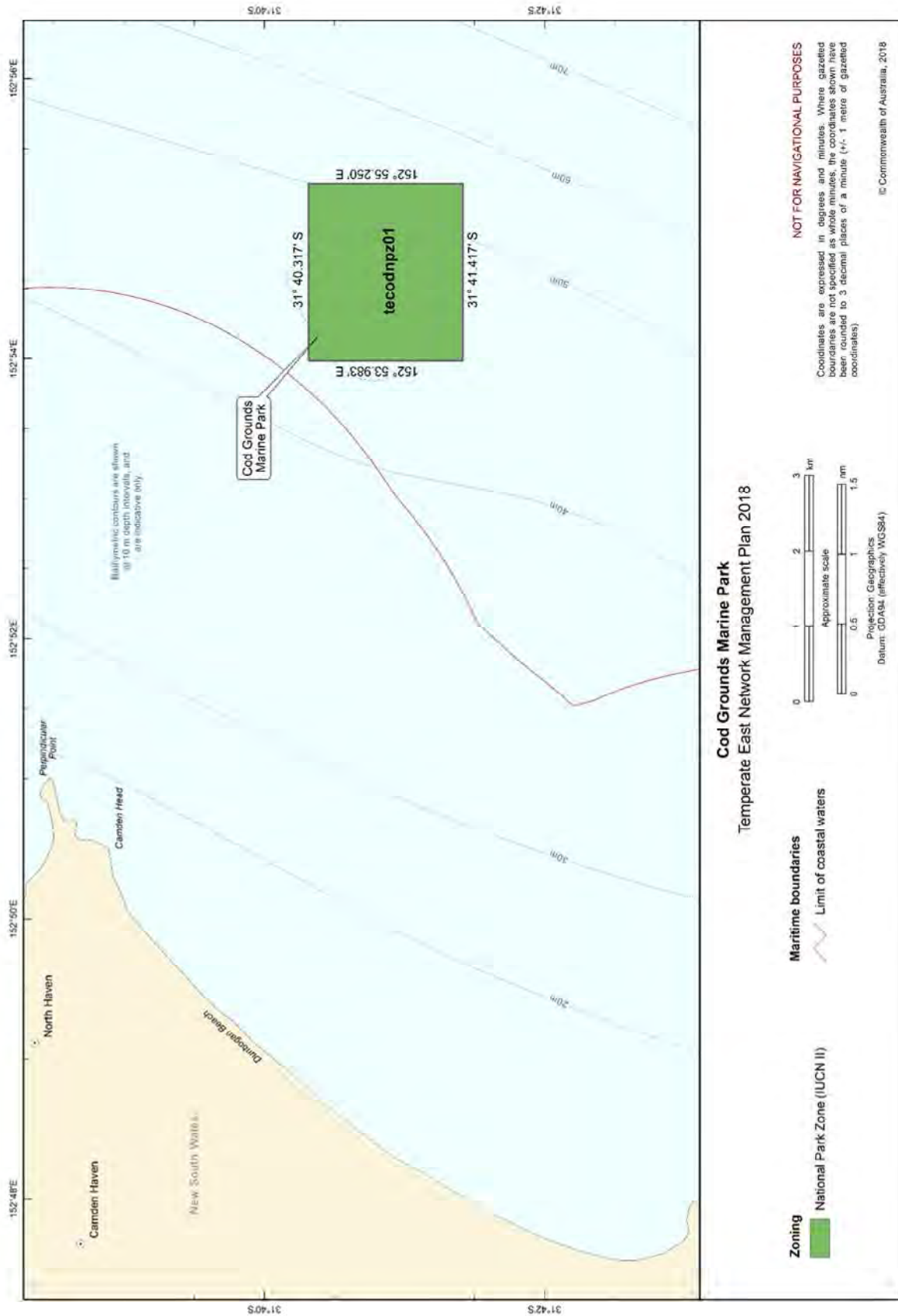


Figure S2.6 Cod Grounds Marine Park



## HUNTER MARINE PARK

The Hunter Marine Park (Figure S2.7) extends from the New South Wales state water boundary to approximately 100 km offshore, and adjacent to the New South Wales Port Stephens–Great Lakes Marine Park. The Marine Park covers an area of 6257 km<sup>2</sup> and a depth range between 15 m and 6000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Hunter Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes two zones assigned under this plan: Habitat Protection Zone (IV) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Hunter Marine Park and zones are provided in Figure S2.7 and Schedule 4.

### Statement of significance

The Hunter Marine Park is significant because it contains habitats, species and ecological communities representative of the Central Eastern Province and the Central Eastern Shelf Province. It includes three key ecological features: canyons on the eastern continental slope (valued for a unique seafloor feature with ecological properties of regional significance); shelf rocky reefs (valued for a unique seafloor feature with ecological properties of regional significance); and the Tasman Front and eddy field (valued for high productivity, aggregations of marine life, biodiversity and endemism).

The Marine Park includes habitats connecting to and complementing the adjacent New South Wales Port Stephens–Great Lakes Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Eastern Province—includes canyons along the shelf that interact with currents and ocean gyres resulting in upwellings that influence biological productivity. Plankton blooms associated with the upwellings attract aggregations of tuna, whale and albatross and support over 50 fish species endemic to the area.
- Central Eastern Shelf Province—upwellings caused by the East Australian Current crossing the continental shelf, and river sediment influence biological productivity in this provincial bioregion that extends south over the continental shelf from the boundary of the Great Barrier Reef Marine Park to offshore Coffs Harbour.

Key ecological features of the Marine Park are:

- Canyons on the eastern continental slope—canyons enhance diversity and abundance of species, driven by the combined effects of steep and rugged topography, ocean currents, seafloor types and nutrient availability. Canyons also create localised changes in productivity in the water column above them, providing feeding opportunities for a range of species.
- Shelf rocky reefs—have a diverse range of complex benthic habitats that support diverse benthic communities.
- Tasman Front and eddy field—a region that separates the warm, nutrient-poor waters of the Coral Sea from the cold, nutrient-rich waters of the Tasman Sea, providing increased nutrients and plankton aggregations, and enhanced productivity that attracts mobile species such as turtles, cetaceans, tuna and billfish.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, a migratory pathway and foraging habitat for humpback whales; and aggregation areas for grey nurse sharks.

## HUNTER MARINE PARK

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park. The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

### **Heritage values**

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains one known shipwreck listed under the *Historic Shipwrecks Act 1976—India* (wrecked in 1884).

### **Social and economic values**

Commercial fishing, tourism and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

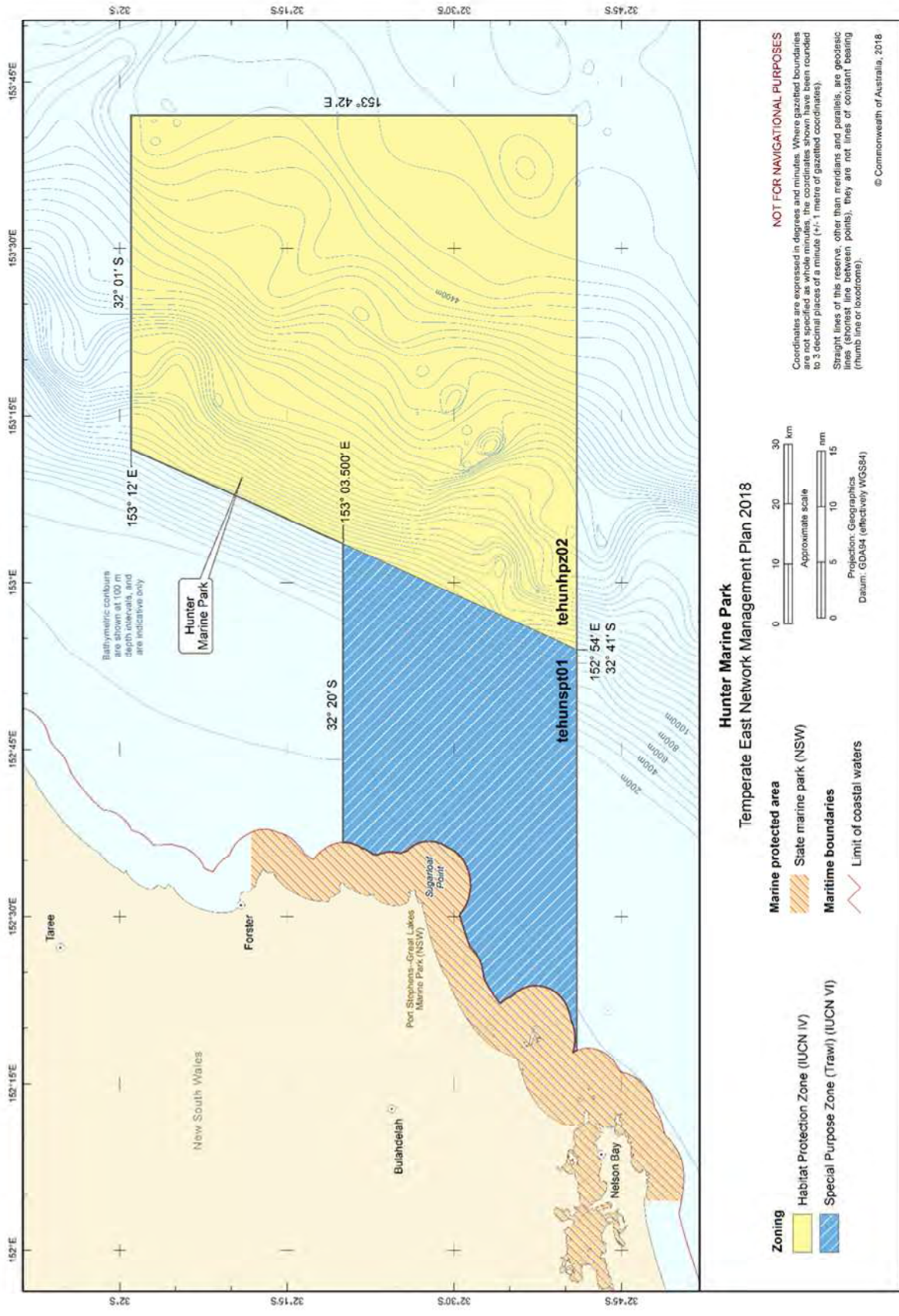


Figure S2.7 Hunter Marine Park



## JERVIS MARINE PARK

The Jervis Marine Park (Figure S2.8) is located approximately 20 km offshore, adjacent to the New South Wales Jervis Bay Marine Park and Commonwealth Booderee National Park. The Marine Park covers an area of 2473 km<sup>2</sup> and a depth range between 120 m and 5000 m.

The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Jervis Marine Park on 9 October 2017. The Marine Park is assigned IUCN category IV and includes two zones assigned under this plan: Habitat Protection Zone (IV) and Special Purpose Zone (Trawl) (VI).

Coordinates for the Jervis Marine Park and zones are provided in Figure S2.8 and Schedule 4.

### Statement of significance

The Jervis Marine Park is significant because it contains habitats, species and ecological communities associated with the Central Eastern Province and the Southeast Shelf Transition. It includes two key ecological features: canyons on the eastern continental slope; and shelf rocky reefs (both valued as unique seafloor features with ecological properties of regional significance).

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Central Eastern Province—includes canyons along the edge of the continental shelf that interact with ocean currents and gyres resulting in plankton blooms associated with upwellings.
- Southeast Shelf Transition—includes upwellings caused by the East Australian Current crossing the continental shelf and river sediments that influence biological productivity in this region.

Key ecological features of the Marine Park are:

- Canyons on the eastern continental slope—canyons enhance diversity and abundance of species, driven by the combined effects of steep and rugged topography, ocean currents, seafloor types and nutrient availability. Canyons also create localised changes in productivity in the water column above them, providing feeding opportunities for a range of species.
- Shelf rocky reefs—which have a complex range of benthic habitat that supports diverse benthic communities.

The Marine Park supports a range of species, including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include foraging habitat for seabirds, foraging habitat for grey nurse sharks, and a foraging habitat for humpback whales.

### Cultural values

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably managing their sea country for tens of thousands of years. At the commencement of this plan, there is limited information about the cultural significance of this Marine Park.

The Native Title Services Corporation is the Native Title Service Provider for the New South Wales region.

## JERVIS MARINE PARK

### Heritage values

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan.

#### *Historic shipwrecks*

The Marine Park contains one known shipwreck listed under the *Historic Shipwrecks Act 1976*—*HMAS Tattoo* (wrecked in 1939).

### Social and economic values

Tourism, commercial fishing, and recreation are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.

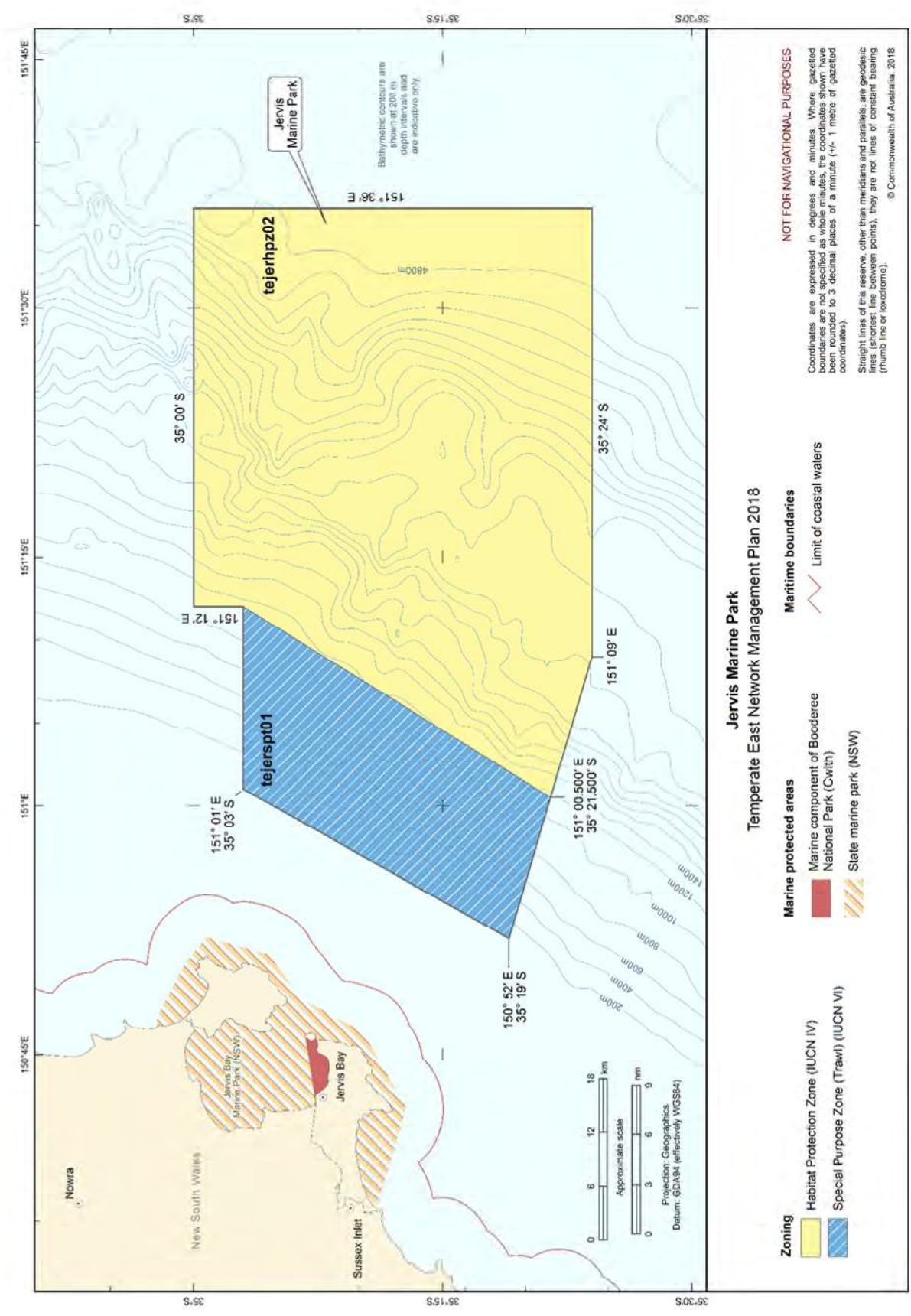


Figure S2.8 Jervis Marine Park

## SCHEDULE 3 ENVIRONMENTAL FEATURES USED IN THE DESIGN OF THE TEMPERATE EAST NETWORK

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Four types of environmental features were used in the design of the marine parks of the Temperate East Network to help identify areas for protection. These features were identified based on the scientifically known relationships between biodiversity and the physical environment and include bioregions, water depth, seafloor features and key ecological features. They are identified below.

More information on these features can be found in the *Marine bioregional plan for the Temperate East Marine Region* (2012), the *East marine bioregional plan: bioregional profile* (2008), and the conservation values atlas on the Department's website.

### Bioregions

Bioregions are identified in the *Integrated Marine and Coastal Regionalisation of Australia* (IMCRA) as large areas of ocean with broadly similar characteristics that have been classified by scientists based on the distribution of fish and other marine species, seafloor types and ocean conditions. The Temperate East Network represents seven of the ten bioregions found in the region: Central Eastern Transition, Central Eastern Shelf Transition, Central Eastern Shelf Province, Central Eastern Province, Tasman Basin Province, Lord Howe Province, Norfolk Island Province and the South-east Shelf Transition (Figure S3.1).

### Depth ranges

The Temperate East Network represents the full range of depths found in the region, from shallow waters of less than 15 m to approximately 6000 m depth. Marine biological communities change with depth, and similar depth ranges in different bioregions support different groups of species. The range of ocean depths in each bioregion, represented as bathomes in Figure S3.2, have been included in the Network to ensure that examples of marine biodiversity are represented.

### Seafloor features

The landscape-scale physical structure of the seafloor is important in determining where habitats or species occur. There is strong scientific evidence that different types of seafloor features provide different habitats and associated marine species and communities. The Network represents 15 of the 17 seafloor features found in the region: abyssal plain/deep ocean floor, bank/shoal, basin, canyon, deep/hole/ valley, knoll/abyssal hills/hills/mountain/peak, pinnacle, plateau, ridge, saddle, seamount/guyot, shelf, slope, terrace, and trench/trough (Figure S3.3).

### Key ecological features

Key ecological features were identified through the marine bioregional planning program as areas or features that support distinct or important ecological communities at a regional scale. The Temperate East Network represents six of eight key ecological features found in the region: shelf rocky reefs, canyons on the eastern continental slope, Tasman Front and eddy field, Tasmantid Seamount Chain, Lord Howe Seamount Chain, Norfolk Ridge, and Elizabeth and Middleton Reefs. (Figure S3.4).

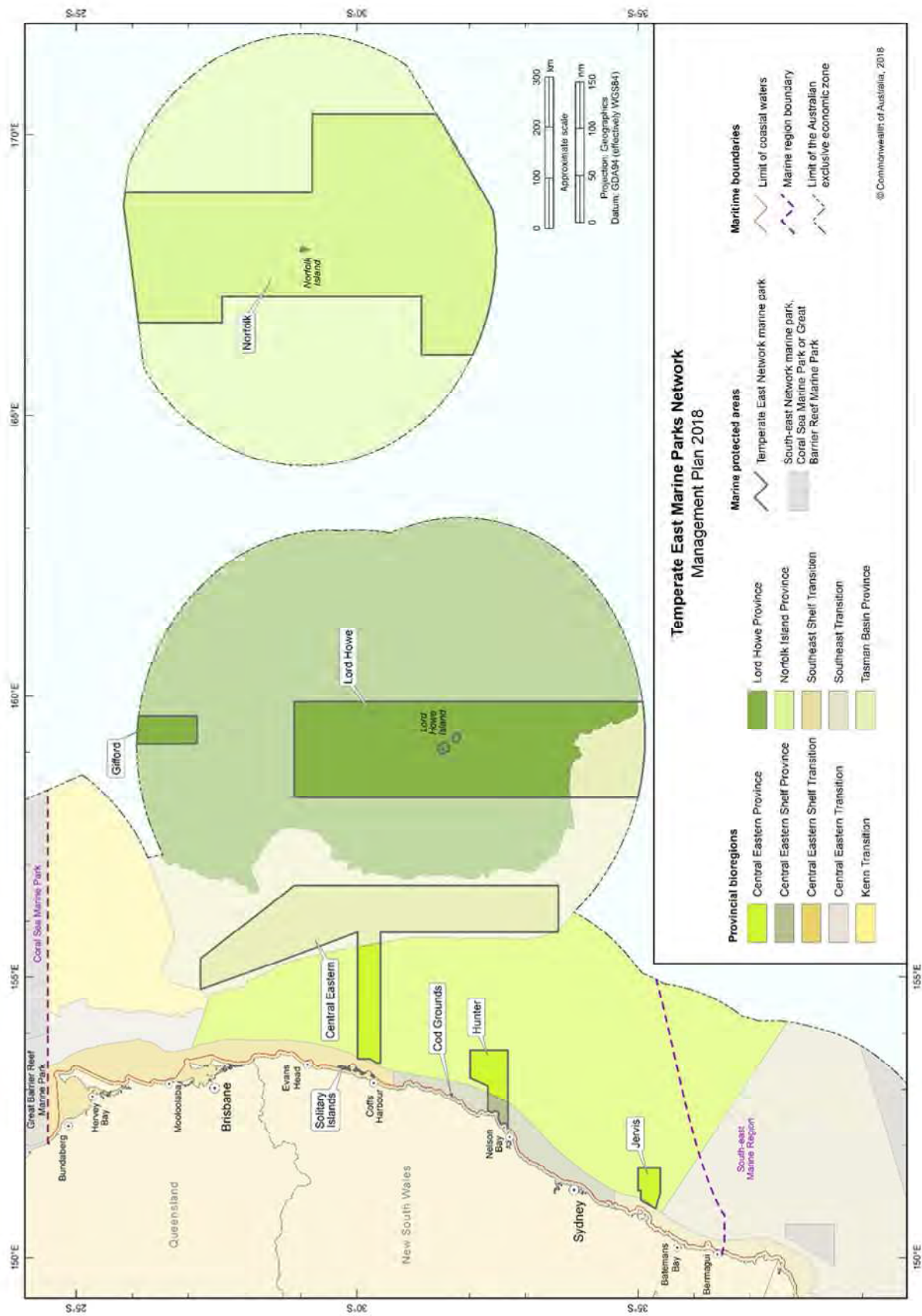


Figure S3.1 Provincial bioregions represented in the Temperate East Network



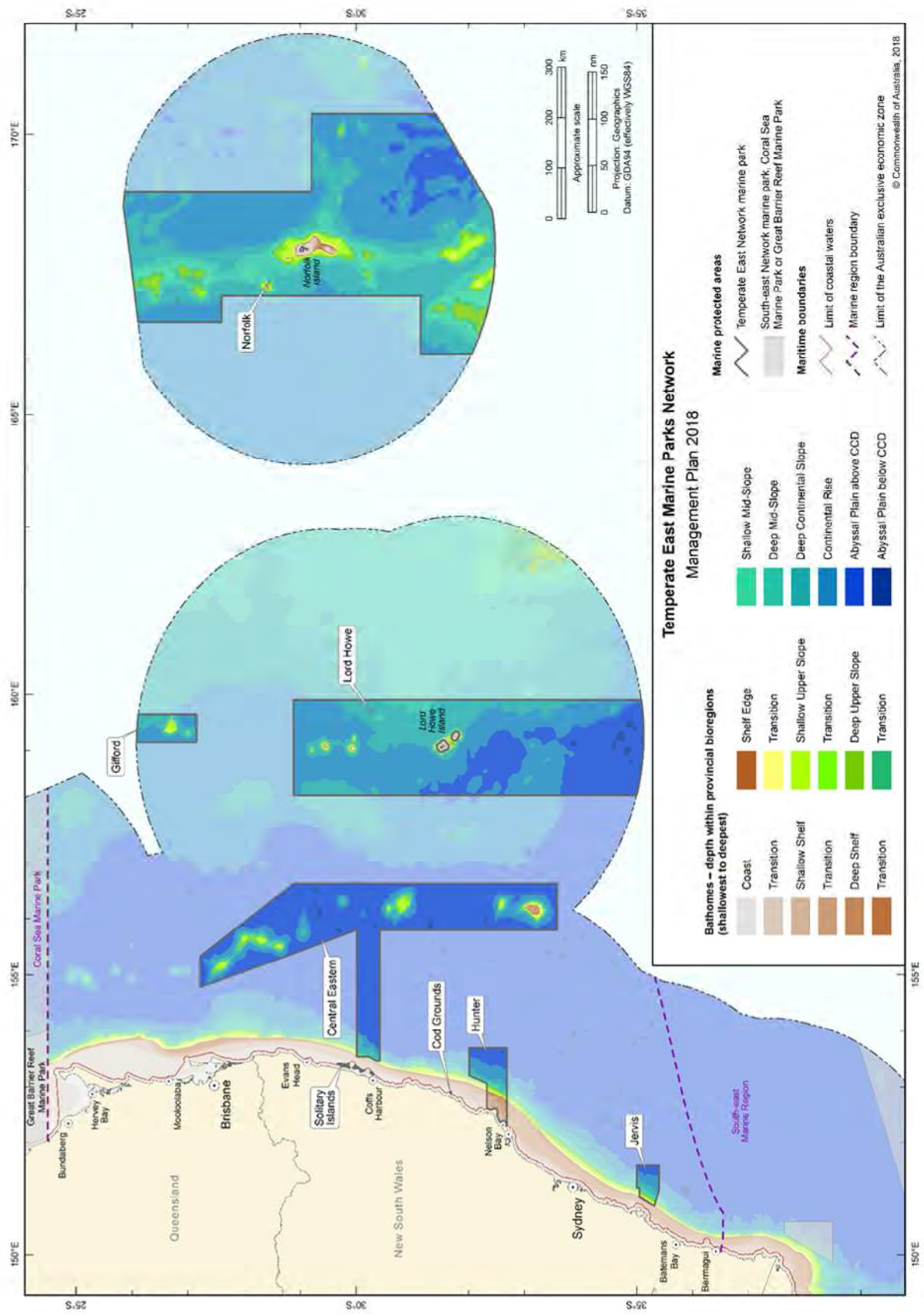


Figure S3.2 Bathomes indicating depth ranges represented in the Temperate East Network



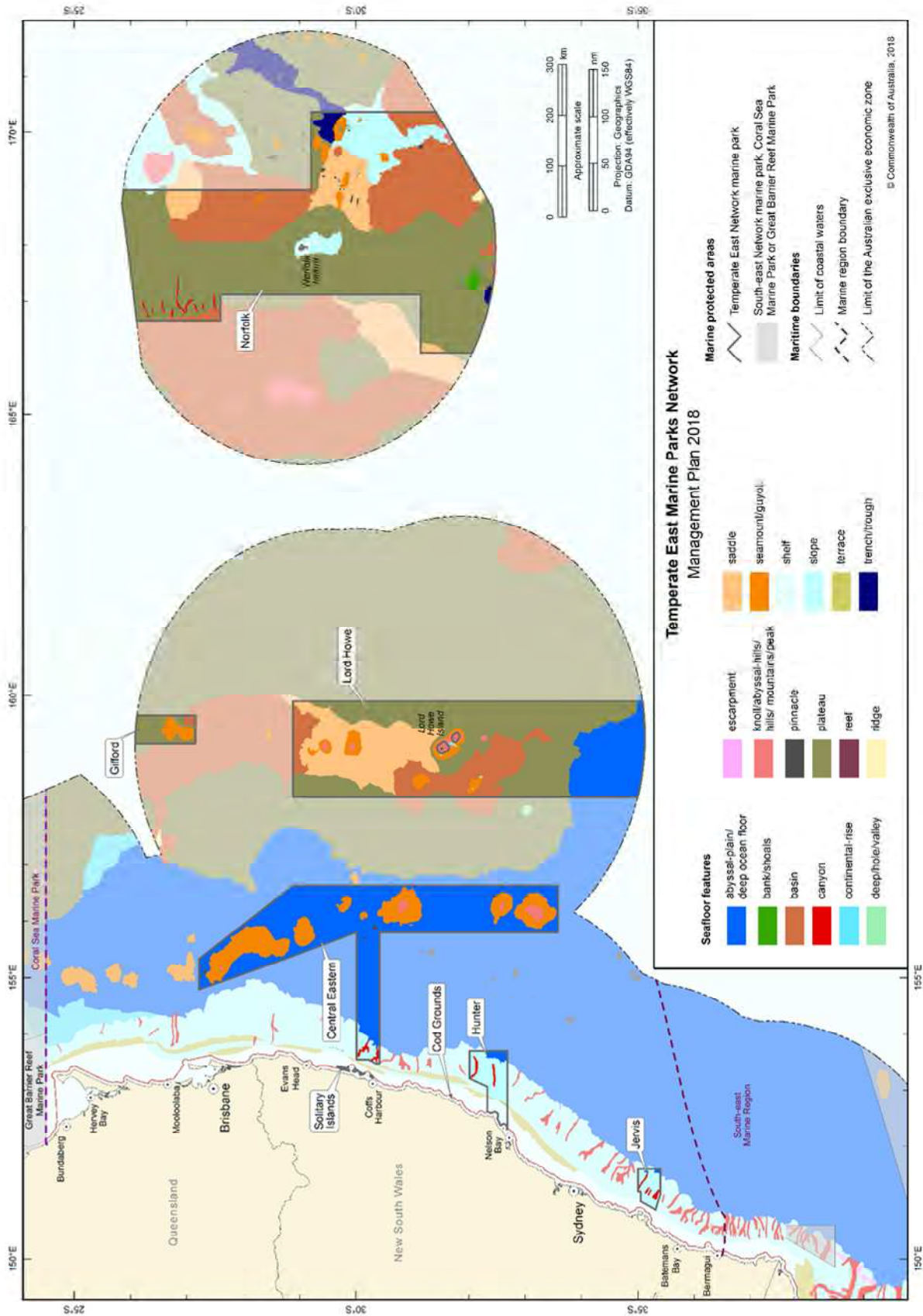


Figure S3.3 Seafloor features represented in the Temperate East Network

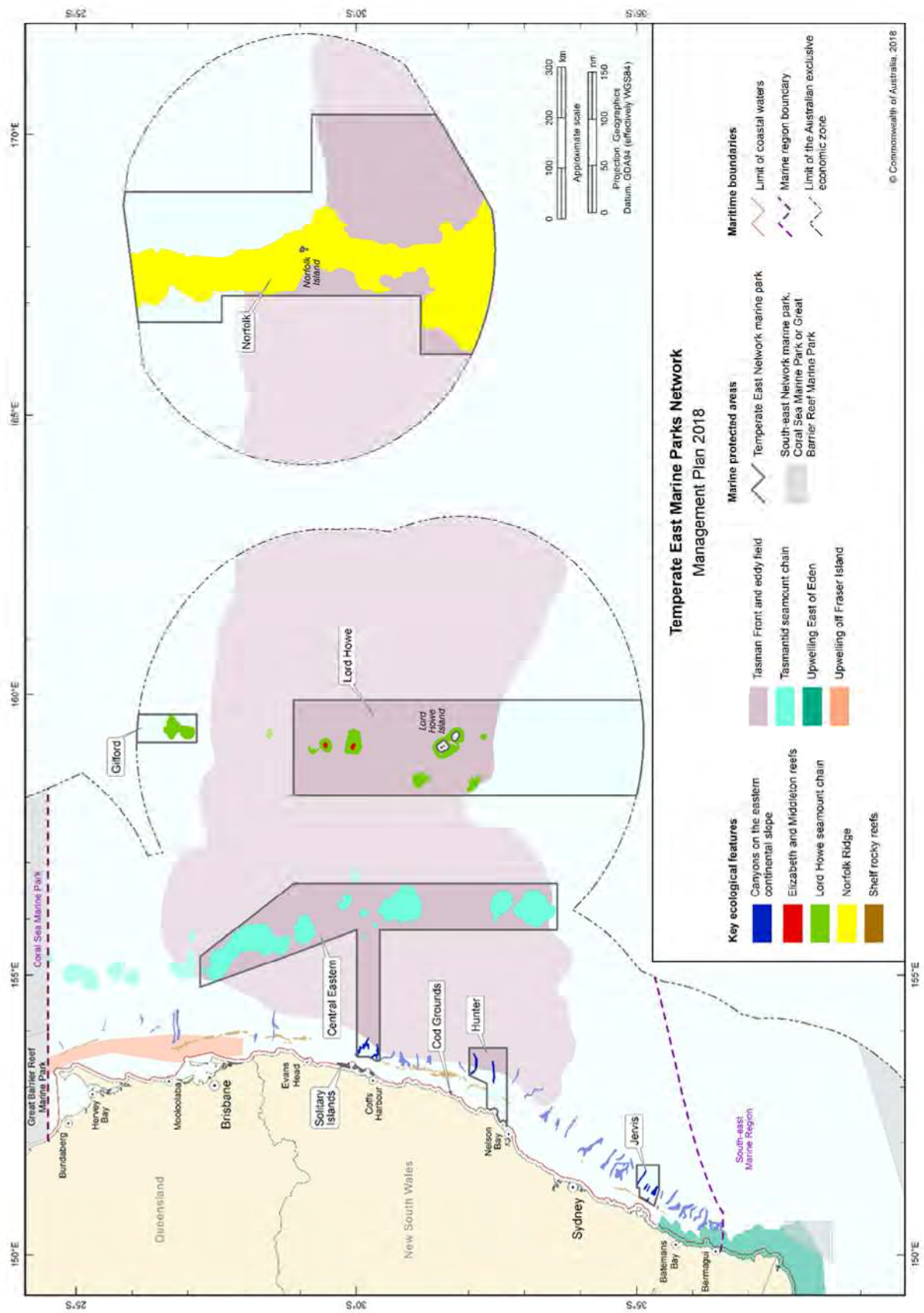


Figure S3.4 Key ecological features represented in the Temperate East Network

## SCHEDULE 4 TEMPERATE EAST NETWORK MARINE PARKS AND ZONE BOUNDARY DESCRIPTIONS

In this Schedule:

**Maritime boundary (French Republic) Agreement** means the Agreement on Maritime Delimitation between the Government of Australia and the Government of the French Republic, done at Melbourne on 4 January 1982. The Agreement is in Australian Treaty Series 1983 No. 3 ([1983] ATS 3) and could in 2013 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

**Maritime boundary (New Zealand) Treaty** means the Treaty between the Government of Australia and the Government of New Zealand Establishing Certain Exclusive Economic Zone Boundaries and Continental Shelf Boundaries, done at Adelaide on 25 July 2004. The Treaty is in Australian Treaty Series 2006 No. 4 ([2006] ATS 4) and could in 2013 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

**Norfolk Island** has the same meaning as **Territory** in subsection 4(1) of the *Norfolk Island Act 1979*.

**State waters** has the same meaning as **coastal waters of the State** in subsection 3(1) of the *Coastal Waters (State Powers) Act 1980*.

Note: Geographic coordinates in this Proclamation are expressed in terms of the Geocentric Datum of Australia 1994.

Note: The Geocentric Datum of Australia 1994 (also known as GDA94) was published in Gazette No. GN 35 of 6 September 1995.

### PART 1 — GIFFORD MARINE PARK

#### 1.1 Area of marine park

The Gifford Marine Park consists of an area in the South Pacific Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 27° 09' 00" S, longitude 159° 09' 00" E
2	North along the meridian of longitude 159° 09' 00" E to its intersection by the outer limit of the exclusive economic zone
3	Generally easterly along that outer limit to its intersection by the meridian of longitude 159° 39' 00" E
4	South along that meridian to its intersection by the parallel of latitude 27° 09' 00" S
5	West along that parallel to the point of commencement

#### 1.2 Zone (tegifhpz01) for marine park

(1) The Gifford Marine Park has the following zone:

- (a) the Habitat Protection Zone (IV) described in Section 1.1 of this Part.

## PART 2 — NORFOLK MARINE PARK

### 2.1 Area of marine park

Zone 1 of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 27° 36' 00" S, longitude 166° 39' 00" E
2	North along the meridian of longitude 166° 39' 00" E to its intersection by the line described by article 1 of the Maritime boundary (French Republic) Agreement
3	Generally easterly along that line to its intersection by the meridian of longitude 168° 58' 00" E
4	South along that meridian to its intersection by the parallel of latitude 29° 12' 00" S
5	East along that parallel to its intersection by the meridian of longitude 170° 22' 00" E
6	South along that meridian to its intersection by the line described by article 2 of the Maritime boundary (New Zealand) Treaty
7	Generally south-westerly and westerly along that line to its intersection by the meridian of longitude 166 ° 05 ' 00" E
8	North along that meridian to its intersection by the parallel of latitude 31° 09' 00" S
9	East along that parallel to its intersection by the meridian of longitude 167° 07' 00" E
10	North along that meridian to its intersection by the parallel of latitude 27° 36' 00" S
11	West along that parallel to the point of commencement

### 2.2 Zones for marine park

(1) The Norfolk Marine Park is divided into the following zones:

- (a) the National Park Zone (II) described in Section 2.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 2.4 of this Part;
- (c) the Special Purpose Zone (Norfolk) (VI) described in Section 2.5 of this Part.

### 2.3 Zone 1 (tenornpz01) of marine park—National Park Zone (II)

Zone 1 (tenornpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (tenornpz01) of marine park—National Park Zone (II)	
Item	Description
1	The point of latitude 27° 36' 00" S, longitude 166° 39' 00" E
2	North along the meridian of longitude 166° 39' 00" E to its intersection by the line described by article 1 of the Maritime boundary (French Republic) Agreement

---

**Zone 1 (tenornpz01) of marine park—National Park Zone (II)**

---

**Item Description**

---

- |   |  |
|---|--|
| 3 | Generally easterly along that line to its intersection by the meridian of longitude 168° 58' 00" E |
| 4 | South along that meridian to its intersection by the parallel of latitude 27° 36' 00" S            |
| 5 | West along that parallel to the point of commencement  |
- 

**2.4 Zone 2 (tenorh pz02) of marine park—Habitat Protection Zone (IV)**

Zone 2 (tenorh pz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (tenorh pz02) of marine park—Habitat Protection Zone (IV)**

---

**Item Description**

---

- |   |  |
|---|--|
| 1 | The point of latitude 29° 12' 00" S, longitude 168° 58' 00" E  |
| 2 | East along the parallel of latitude 29° 12' 00" S to its intersection by the meridian of longitude 170° 22' 00" E              |
| 3 | South along that meridian to its intersection by the line described by article 2 of the Maritime boundary (New Zealand) Treaty |
| 4 | Generally south-westerly and westerly along that line to its intersection by the meridian of longitude 166° 05' 00" E          |
| 5 | North along the meridian of longitude 166° 05' 00" E to its intersection by the parallel of latitude 31° 09' 00" S             |
| 6 | East along that parallel to its intersection by the meridian of longitude 167° 07' 00" E                                       |
| 7 | North along that meridian to its intersection by the parallel of latitude 27° 36' 00" S  |
| 8 | East along that parallel to its intersection by the meridian of longitude 168° 58' 00" E                                       |
| 9 | South along that meridian to the point of commencement   |
- 

**2.5 Zone 3 (tenorspn03) of marine park—Special Purpose Zone (Norfolk) (VI)**

Zone 3 (tenorspn03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (tenorspn03) of marine park—Special Purpose Zone (Norfolk) (VI)**

---

**Item Description**

---

- |   |   |
|---|---|
| 1 | The point of latitude 28° 38' 00" S, longitude 167° 40' 00" E   |
| 2 | East along the parallel of latitude 28° 38' 00" S to its intersection by the meridian of longitude 168° 20' 00" E |
-



---

**Zone 3 (tenorspn03) of marine park—Special Purpose Zone (Norfolk) (VI)**

---

Item	Description
3	South along that meridian to its intersection by the parallel of latitude 29° 45' 00" S
4	West along that parallel to its intersection by the meridian of longitude 167° 40' 00" E
5	North along that meridian to the point of commencement

---

## PART 3 — LORD HOWE MARINE PARK

### 3.1 Area of marine park

The Lord Howe Marine Park consists of an area in the South Pacific Ocean, excluding any State waters of New South Wales, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

Area of marine park	
Item	Description
1	The point of latitude 28° 53' 00" S, longitude 158° 12' 00" E
2	East along the parallel of latitude 28° 53' 00" S to its intersection by the meridian of longitude 159 ° 54' 00" E
3	South along that meridian to its intersection by the outer limit of the exclusive economic zone
4	Generally westerly along that outer limit to its intersection by the meridian of longitude 158° 12' 00"E
5	North along that meridian to the point of commencement

---

### 3.2 Zones for marine park

(1) The Lord Howe Marine Park is divided into the following zones:

- (a) the Multiple Use Zone (VI) described in Section 3.3 of this Part;
- (b) the National Park Zones (II) described in Sections 3.4, 3.7 and 3.8 of this Part;
- (c) the Recreational Use Zone (IV) described in Section 3.5 of this Part
- (d) the Habitat Protection Zone (Lord Howe) (IV) described in Section 3.6 of this Part;
- (e) the Habitat Protection Zone (IV) described in Section 3.9 of this Part.

### 3.3 Zone 1 (telhimuz01) of marine park—Multiple Use Zone (VI)

Zone 1 (telhimuz01) of the marine park consists of an area, excluding the zones described in Sections 3.5 and 3.6, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.



---

**Zone 1 (telhimuz01) of marine park—Multiple Use Zone (VI)**

---

**Item Description**

---

- |   |   |
|---|---|
| 1 | The point of latitude 28° 53' 00" S, longitude 158° 12' 00" E   |
| 2 | East along the parallel of latitude 28° 53' 00" S to its intersection by the meridian of longitude 159° 54' 00" E |
| 3 | South along that meridian to its intersection by the parallel of latitude 31° 17' 00" S                           |
| 4 | West along that parallel to its intersection by the meridian of longitude 158° 12' 00" E                          |
| 5 | North along that meridian to the point of commencement  |
- 

**3.4 Zone 2 (telhinpz02) of marine park—National Park Zone (II)**

Zone 2 (telhinpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (telhinpz02) of marine park—National Park Zone (II)**

---

**Item Description**

---

- |   |   |
|---|---|
| 1 | The point of latitude 29° 21' 00" S, longitude 158° 55' 00" E   |
| 2 | East along the parallel of latitude 29° 21' 00" S to its intersection by the meridian of longitude 159° 24' 00" E |
| 3 | South along that meridian to its intersection by the parallel of latitude 29° 53' 00" S                           |
| 4 | West along that parallel to its intersection by the meridian of longitude 158° 55' 00" E                          |
| 5 | North along that meridian to the point of commencement  |
- 

**3.5 Zone 3 (telhiruz03) of marine park—Recreational Use Zone (IV)**

Zone 3 (telhiruz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (telhiruz03) of marine park—Recreational Use Zone (IV)**

---

**Item Description**

---

- |   |   |
|---|---|
| 1 | The point of latitude 29° 53' 00" S, longitude 158° 55' 00" E   |
| 2 | East along the parallel of latitude 29° 53' 00" S to its intersection by the meridian of longitude 159° 24' 00" E |
| 3 | South along that meridian to its intersection by the parallel of latitude 30° 06' 35" S                           |
| 4 | West along that parallel to its intersection by the meridian of longitude 158° 55' 00" E                          |
-

---

**Zone 3 (telhiruz03) of marine park—Recreational Use Zone (IV)**

---

**Item Description**

---

5 North along that meridian to the point of commencement

---

**3.6 Zone 4 (telhihpl04) of marine park—Habitat Protection Zone (Lord Howe) (IV)**

Zone 4 (telhihpl04) of the marine park consists of an area, excluding any State waters of New South Wales and the zone described in Section 3.6, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 4 (telhihpl04) of marine park—Habitat Protection Zone (Lord Howe) (IV)**

---

**Item Description**

---

1 The point of latitude 31° 46' 50" S, longitude 158° 48' 00" E

---

2 East along the parallel of latitude 31° 46' 50" S to its westernmost intersection by the outer limit of the State waters of New South Wales, adjacent to Ball's Pyramid

---

3 Generally northerly, easterly and south-easterly along that outer limit to its easternmost intersection by the parallel of latitude 31° 46' 50" S

---

4 East along that parallel to its intersection by the meridian of longitude 159° 54' 00" E

---

5 North along that meridian to its intersection by the parallel of latitude 31° 17' 00" S

---

6 West along that parallel to its intersection by the meridian of longitude 158° 48' 00" E

---

7 South along that meridian to the point of commencement

---

**3.7 Zone 5 (telhinpz05) of marine park—National Park Zone (II)**

Zone 5 (telhinpz05) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 5 (telhinpz05) of marine park—National Park Zone (II)**

---

**Item Description**

---

1 The point of latitude 31° 30' 40" S, longitude 159° 24' 00" E

---

2 South along the meridian of longitude 159° 24' 00" E to its intersection by the parallel of latitude 31° 35' 50" S

---

3 West along that parallel to its intersection by the outer limit of the State waters of New South Wales, adjacent to Lord Howe Island

---

4 Generally north-easterly and north-westerly along that outer limit to its intersection by the parallel of latitude 31° 30' 40" S

---

5 East along that parallel to the point of commencement

---

### 3.8 Zone 6 (telhinpz06) of marine park—National Park Zone (II)

Zone 6 (telhinpz06) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

#### Zone 6 (telhinpz06) of marine park—National Park Zone (II)

---

Item	Description
1	The point of latitude 31° 46' 50" S, longitude 158° 48' 00" E
2	East along the parallel of latitude 31° 46' 50" S to its westernmost intersection by the outer limit of the State waters of New South Wales, adjacent to Ball's Pyramid
3	Generally south-easterly and north-easterly along that outer limit to its easternmost intersection by the parallel of latitude 31° 46' 50" S
4	East along that parallel to its intersection by the meridian of longitude 159° 54' 00" E
5	South along that meridian to its intersection by the parallel of latitude 32° 20' 00" S
6	West along that parallel to its intersection by the meridian of longitude 158° 48' 00" E
7	North along that meridian to the point of commencement

### 3.9 Zone 7 (telhihpz07) of marine park—Habitat Protection Zone (IV)

Zone 7 (telhihpz07) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

#### Zone 7 (telhihpz07) of marine park—Habitat Protection Zone (IV)

---

Item	Description
1	The point of latitude 31° 17' 00" S, longitude 158° 12' 00" E
2	East along the parallel of latitude 31° 17' 00" S to its intersection by the meridian of longitude 158° 48' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 20' 00" S
4	East along that parallel to its intersection by the meridian of longitude 159° 54' 00" E
5	South along that meridian to its intersection by the outer limit of the exclusive economic zone
6	Generally westerly along that outer limit to its intersection by the meridian of longitude 158° 12' 00" E
7	North along that meridian to the point of commencement

---

## PART 4 — CENTRAL EASTERN MARINE PARK

### 4.1 Area of marine park

The Central Eastern Marine Park consists of an area in the South Pacific Ocean bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 27° 13' 00" S, longitude 154° 47' 00" E
2	East along the parallel of latitude 27° 13' 00" S to its intersection by the meridian of longitude 155° 20' 00" E
3	South-easterly along the geodesic to the point of latitude 28° 53' 00" S, longitude 156° 38' 00" E
4	South along the meridian of longitude 156° 38' 00" E to its intersection by the parallel of latitude 33° 34' 54" S
5	West along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
6	North along that meridian to its intersection by the parallel of latitude 30° 25' 00" S
7	West along that parallel to its intersection by the meridian of longitude 153° 28' 00" E
8	North along that meridian to its intersection by the parallel of latitude 30° 21' 00" S
9	North-easterly along the geodesic to the point of latitude 30° 13' 30" S, longitude 153° 32' 30" E
10	North along the meridian of longitude 153° 32' 30" E to its intersection by the parallel of latitude 30° 00' 40" S
11	East along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
12	North-westerly along the geodesic to the point of commencement

### 4.2 Zones for marine park

(1) The Central Eastern Marine Park is divided into the following zones:

- (a) the Habitat Protection Zones (IV) described in clauses 4.3 and 4.6 of this Part;
- (b) the Multiple Use Zone (VI) described in clause 4.4 of this Part;
- (c) the National Park Zone (II) described in clause 4.5 of this Part.

### 4.3 Zone 1 (teceehpz01) of marine park—Habitat Protection Zone (IV)

Zone 1 (teceehpz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 1 (teceehpz01) of marine park—Habitat Protection Zone (IV)**

---

**Item Description**

---

1	The point of latitude 27° 13' 00" S, longitude 154° 47' 00" E
2	East along the parallel of latitude 27° 13' 00" S to its intersection by the meridian of longitude 155° 20' 00" E
3	South-easterly along the geodesic to the point of latitude 28° 53' 00" S, longitude 156° 38' 00" E
4	South along the meridian of longitude 156° 38' 00" E to its intersection by the parallel of latitude 30° 17' 00" S
5	West along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
6	South along that meridian to its intersection by the parallel of latitude 30° 25' 00" S
7	West along that parallel to its intersection by the meridian of longitude 153° 39' 30" E
8	North along that meridian to its intersection by the parallel of latitude 30° 00' 40" S
9	East along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
10	North-westerly along the geodesic to the point of commencement

---

**4.4 Zone 2 (teceemuz02) of marine park—Multiple Use Zone (VI)**

Zone 2 (teceemuz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (teceemuz02) of marine park—Multiple Use Zone (VI)**

---

**Item Description**

---

1	The point of latitude 30° 00' 40" S, longitude 153° 32' 30" E
2	East along the parallel of latitude 30° 00' 40" S to its intersection by the meridian of longitude 153° 39' 30" E
3	South along that meridian to its intersection by the parallel of latitude 30° 25' 00" S
4	West along that parallel to its intersection by the meridian of longitude 153° 28' 00" E
5	North along that meridian to its intersection by the parallel of latitude 30° 21' 00" S
6	North-easterly along the geodesic to the point of latitude 30° 13' 30" S, longitude 153° 32' 30" E
7	North along the meridian of longitude 153° 32' 30" E to the point of commencement

---

#### 4.5 Zone 3 (teceenpz03) of marine park—National Park Zone (II)

Zone 3 (teceenpz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

##### Zone 3 (teceenpz03) of marine park—National Park Zone (II)

---

Item	Description
1	The point of latitude 30° 17' 00" S, longitude 155° 48' 00" E
2	East along the parallel of latitude 30° 17' 00" S to its intersection by the meridian of longitude 156° 38' 00" E
3	South along that meridian to its intersection by the parallel of latitude 31° 12' 00" S
4	West along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
5	North along that meridian to the point of commencement

#### 4.6 Zone 4 (teceehpz04) of marine park—Habitat Protection Zone (IV)

Zone 4 (teceehpz04) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

##### Zone 4 (teceehpz04) of marine park—Habitat Protection Zone (IV)

---

Item	Description
1	The point of latitude 31° 12' 00" S, longitude 155° 48' 00" E
2	East along the parallel of latitude 31° 12' 00" S to its intersection by the meridian of longitude 156° 38' 00" E
3	South along that meridian to its intersection by the parallel of latitude 33° 34' 54" S
4	West along that parallel to its intersection by the meridian of longitude 155° 48' 00" E
5	North along that meridian to the point of commencement

## PART 5 — SOLITARY ISLANDS MARINE PARK

### 5.1 Area of marine park

The Solitary Islands Marine Park consists of an area in the South Pacific Ocean, excluding any State waters of New South Wales, bounded by the line commencing at the intersection described in item 1 of the following table and running progressively as described in the table.



---

**Area of marine park**

---

**Item Description**

---

1	The intersection of the parallel of latitude 29° 40' 18.28" S by the coastline of New South Wales at mean low water
2	East along that parallel to its intersection by the line corresponding with the 50 metre isobath below mean high water on the coast of New South Wales
3	Generally southerly along that isobath to its intersection by the parallel of latitude 30° 18' 19.27" S
4	West along that parallel to its intersection by the coastline of New South Wales at mean low water
5	Generally northerly along that low water mark to the point of commencement

---

**5.2 Zones for marine park**

(1) The Solitary Islands Marine Park is divided into the following zones:

- (a) the Multiple Use Zone (VI) described in clause 5.3 of this Part;
- (b) the National Park Zone (II) described in clause 5.4 of this Part;
- (c) the Special Purpose Zone (Trawl) (VI) described in Section 5.5 of this Part.

**5.3 Zone 1 (tesolmuz01) of marine park—Multiple Use Zone (VI)**

Zone 1 (tesolmuz01) of the marine park consists of an area, excluding the zone described in Section 5.5 and any State waters of New South Wales, bounded by the line commencing at the intersection described in item 1 of the following table and running progressively as described in the table.

---

**Zone 1 (tesolmuz01) of marine park—Multiple Use Zone (VI)**

---

**Item Description**

---

1	The intersection of the parallel of latitude 29° 40' 18.28" S by the coastline of New South Wales at mean low water
2	East along that parallel to its intersection by the line corresponding with the 50 metre isobath below mean high water on the coast of New South Wales
3	Generally southerly along that isobath to its intersection by the parallel of latitude 29° 46' 42" S
4	West along that parallel to its intersection by the coastline of New South Wales at mean low water
5	Generally northerly along that low water mark to the point of commencement

---

**5.4 Zone 2 (tesolnpz02) of marine park—National Park Zone (II)**

Zone 2 (tesolnpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (tesolnpz02) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 29° 41' 32.1" S, longitude 153° 23' 28.5" E
2	East along the parallel of latitude 29° 41' 32.1" S, to its intersection by the meridian of longitude 153° 24' 15.6" E
3	South along that meridian to its intersection by the line corresponding with the 50 metre isobath below mean high water on the coast of New South Wales
4	Generally southerly along that isobath to its intersection by the parallel of latitude 29° 42' 12.9" S
4	West along that parallel to its intersection by the meridian of longitude 153° 23' 28.5" E
5	North along that meridian to the point of commencement

---

**5.5 Zone 3 (tesolspt03) of marine park—Special Purpose Zone (Trawl) (VI)**

Zone 3 (tesolspt03) of the marine park consists of an area, excluding any State waters of New South Wales, bounded by the line commencing at the intersection described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (tesolspt03) of marine park—Special Purpose Zone (Trawl) (VI)**

---

<b>Item</b>	<b>Description</b>
1	The intersection of the parallel of latitude 29° 46' 42" S by the coastline of New South Wales at mean low water
2	East along that parallel to its intersection by the line corresponding with the 50 metre isobath below mean high water on the coast of New South Wales
3	Generally southerly along that isobath to its intersection by the parallel of latitude 30° 18' 19.27" S
4	West along that parallel to its intersection by the coastline of New South Wales at mean low water
5	Generally northerly along that low water mark to the point of commencement

---

## PART 6 — COD GROUNDS MARINE PARK

### 6.1 Area of marine park

The Cod Grounds Marine Park consists of an area in the Tasman Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 31° 40' 19" S, longitude 152° 53' 59" E
2	East along the parallel of latitude 31° 40' 19" S, to its intersection by the meridian of longitude 152° 55' 15"E
3	South along that meridian to its intersection by the parallel of latitude 31° 41' 25" S
4	West along that parallel to its intersection by the meridian of longitude 152° 53' 59" E
5	North along that meridian to the point of commencement

### 6.2 Zone (tecodnpz01) for marine park

(1) The Cod Grounds Marine Park has the following zone:

- (a) the National Park Zone (II) described in Section 6.1 of this Part.

## PART 7 — HUNTER MARINE PARK

### 7.1 Area of marine park

The Hunter Marine Park consists of an area in the Tasman Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 32° 01' 00" S, longitude 153° 12' 00" E
2	East along the parallel of latitude 32° 01' 00" S to its intersection by the meridian of longitude 153° 42' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 41' 00" S
4	West along that parallel to its intersection by the outer limit of the State waters of New South Wales
5	Generally north-easterly and northerly along that outer limit to its intersection by the parallel of latitude 32° 20' 00" S
6	East along that parallel to its intersection by the meridian of longitude 153° 03' 30" E
7	North-easterly along the geodesic to the point of commencement

## 7.2 Zones for marine park

(1) The Hunter Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (Trawl) (VI) described in Section 7.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 7.4 of this Part.

### 7.3 Zone 1 (tehunspt01) of marine park—Special Purpose Zone (Trawl) (VI)

Zone 1 (tehunspt01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (tehunspt01) of marine park—Special Purpose Zone (Trawl) (VI)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 20' 00" S, longitude 153° 03' 30" E
2	South-westerly along the geodesic to the point of latitude 32° 41' 00" S, longitude 152° 54' 00" E
3	West along the parallel of latitude 32° 41' 00" S to its intersection by the outer limit of the State waters of New South Wales
4	Generally north-easterly and northerly along that outer limit to its intersection by the parallel of latitude 32° 20' 00" S
5	East along that parallel to the point of commencement

### 7.4 Zone 2 (tehunhpz02) of marine park—Habitat Protection Zone (IV)

Zone 2 (tehunhpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 2 (tehunhpz02) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 32° 01' 00" S, longitude 153° 12' 00" E
2	East along the parallel of latitude 32° 01' 00" S to its intersection by the meridian of longitude 153° 42' 00" E
3	South along that meridian to its intersection by the parallel of latitude 32° 41' 00" S
4	West along that parallel to its intersection by the meridian of longitude 152° 54' 00" E
5	North-easterly along the geodesic to the point of latitude 32° 20' 00" S, longitude 153° 03' 30" E
6	North-easterly along the geodesic to the point of commencement

## PART 8 — JERVIS MARINE PARK

### 8.1 Area of marine park

The Jervis Marine Park consists of an area in the Tasman Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 35° 00' 00" S, longitude 151° 12' 00" E
2	East along the parallel of latitude 35° 00' 00" S to its intersection by the meridian of longitude 151° 36' 00" E
3	South along that meridian to its intersection by the parallel of latitude 35° 24' 00" S
4	West along that parallel to its intersection by the meridian of longitude 151° 09' 00" E
5	North-westerly along the geodesic to the point of latitude 35° 21' 30" S, longitude 151° 00' 30" E
6	North-westerly along the geodesic to the point of latitude 35° 19' 00" S, longitude 150° 52' 00" E
7	North-easterly along the geodesic to the point of latitude 35° 03' 00" S, longitude 151° 01' 00" E
8	East along the parallel of latitude 35° 03' 00" S to its intersection by the meridian of longitude 151° 12' 00"E
9	North along that meridian to the point of commencement

### 8.2 Zones for marine park

(1) The Jervis Marine Park is divided into the following zones:

- (a) the Special Purpose Zone (Trawl) (VI) described in Section 8.3 of this Part;
- (b) the Habitat Protection Zone (IV) described in Section 8.4 of this Part.

### 8.3 Zone 1 (tejerspt01) of marine park—Special Purpose Zone (Trawl) (VI)

Zone 1 (tejerspt01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Zone 1 (tejerspt01) of marine park—Special Purpose Zone (Trawl) (VI)	
Item	Description
1	The point of latitude 35° 03' 00" S, longitude 151° 01' 00" E
2	East along the parallel of latitude 35° 03' 00" S to its intersection by the meridian of longitude 151° 12' 00" E
3	South-westerly along the geodesic to the point of latitude 35° 21' 30" S, longitude 151° 00' 30" E

---

**Zone 1 (tejerspt01) of marine park—Special Purpose Zone (Trawl) (VI)**

---

**Item Description**

---

4 North-westerly along the geodesic to the point of latitude 35° 19' 00" S, longitude 150° 52' 00" E

---

5 North-easterly along the geodesic to the point of commencement

---

**8.4 Zone 2 (tejerhpz02) of marine park—Habitat Protection Zone (IV)**

Zone 2 (tejerhpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 2 (tejerhpz02) of marine park—Habitat Protection Zone (IV)**

---

**Item Description**

---

1 The point of latitude 35° 00' 00" S, longitude 151° 12' 00" E

---

2 East along the parallel of latitude 35° 00' 00" S to its intersection by the meridian of longitude 151° 36' 00" E

---

3 South along that meridian to its intersection by the parallel of latitude 35° 24' 00" S

---

4 West along that parallel to the meridian of longitude 151° 09' 00" E

---

5 North-westerly along the geodesic to the point of latitude 35° 21' 30" S, longitude 151° 00' 30" E

---

6 North-easterly along the geodesic to the point of latitude 35° 03' 00" S, longitude 151° 12' 00" E

---

7 North along the meridian of longitude 151° 12' 00" E to the point of commencement

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**Australian Government**  
**Director of National Parks**

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**Report of the Director of National Parks**

**under**

***Environment Protection and Biodiversity Conservation Act 1999***

**Section 370**

**on the Preparation of the Temperate East Marine Parks Network Management Plan**

**2017**

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## 1 INTRODUCTION

This report has been prepared in accordance with section 370 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) for consideration by the Minister for the Environment in relation to approving the Temperate East Marine Parks Network Management Plan.

The Director of National Parks is responsible under the EPBC Act for the management of 58 marine parks around Australia (formerly named Commonwealth marine reserves), comprising the:

- North Network of marine parks
- North-west Network of marine parks
- South-west Network of marine parks
- South-east Network of marine parks
- Temperate East Network of marine parks
- Coral Sea Marine Park.

Australian Marine Parks are in Commonwealth marine areas defined by the EPBC Act - waters that generally start at the outer limit of state and territory coastal waters, three nautical miles (5.5 km) from the shore, and extend to the outer limit of Australia's exclusive economic zone, typically 200 nm from the shore.

These marine parks are Commonwealth reserves, proclaimed under section 344 of the EPBC Act for the protection and conservation of biodiversity, and to contribute to the National Representative System of Marine Protected Areas.

Section 366 of the EPBC Act requires a management plan to be made after a Commonwealth reserve is declared to set out the management arrangements, including what activities will be allowed. In preparing management plans, two rounds of statutory public consultation are required: the first inviting comment on the proposal to prepare a draft plan and the second inviting comments on the draft plan. Both rounds of consultation are required to be open for at least 30 days. A single management plan may be the plan for multiple reserves.

For the South-east network of 14 marine parks, this process was completed in 2012 and a management plan has been in operation since 2013.

For the remaining 44 marine parks in the in the North, North-west, South-west and Temperate East Networks and the Coral Sea, the Director of National Parks has undertaken the two rounds of statutory public consultation and has now completed management plans. These plans set out the management arrangements that will be implemented within these marine parks over the next ten years, including zoning and rules for activities.

This report summarises the 88 submissions received on the draft Temperate East Marine Parks Network Management Plan, during the second period of statutory consultation, as defined under EPBC Act. It outlines the comments that were made across all draft plans or multiple draft plans, that are of relevance to the plan for the Temperate East Network. The report provides the views of the Director of National Parks on those comments, noting where the plans have been amended, or where comments or suggestions provided have not been adopted.



## 2 THE MANAGEMENT PLANS

The mandatory content for Commonwealth reserve management plans is set out in Section 367 of the EPBC Act. In accordance with the section, the management plans for marine parks must provide for the protection and conservation of each park and may divide a park into zones. In particular, the management plan must:

- assign each park to an IUCN category
- state how each park, or each zone of the park, is to be managed
- state how the natural features of the park are to be protected and conserved
- specify any limitation or prohibition on the exercise of a power, or performance of a function, under an Act in or in relation to the park
- specify any mining operation, major excavation or other work that may be carried on in the park, and the conditions under which it may be carried on
- specify any other operation or activity that may be carried on in the park
- indicate generally the activities that are to be prohibited or regulated in the park, and the means of prohibiting or regulating them
- indicate how the plan takes account of Australia's international obligations
- be consistent with National and Commonwealth Heritage place principles.

The management plans as prepared meet these requirements by including a description of each park and the values of each park. They also set out the suite of management programs, activities and prescriptions to be implemented over the life of the plans.

The plan provides the overarching framework for management of the 8 marine parks in the Temperate East Network for ten years from its commencement. The plan addresses the requirements of the EPBC Act and associated regulations, and provides flexibility to allow management arrangements to be adapted as needed through the life of the plan.

In accordance with Section 368 of the EPBC Act, the management plan for marine parks in the Temperate East Network has been prepared taking account of:

- the report prepared for the proclamation of those marine parks
- the proclamation and associated purposes governing the use of the marine parks
- the interests of owners and leaseholders, traditional owners, Indigenous persons and holders of usage rights within the marine parks
- the protection, conservation and management of biodiversity and heritage within the marine parks
- the protection of the marine parks against damage
- Australia's obligations under international agreements relevant to the protection and conservation of biodiversity and heritage
- comments received on the initial Notice of Intent to prepare draft plans between 5 September and 31 October 2016
- comments received on the draft plans between 21 July and 20 September 2017.

## **3 CONSULTATION**

### **3.1 NOTICE OF INTENTION TO PREPARE THE MANAGEMENT PLANS**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice was published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website, inviting comments on the proposal to prepare draft management plans for marine parks in North, North-west, South-west, Temperate East and the Coral Sea.

As required under the EPBC Act, information on the Notice of Intent to prepare draft management plans including an invitation to comment was sent to all native title representative bodies and representatives of native title claimants in the vicinity of the marine parks. Also, an email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to the marine mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

Comments on the Notice of Intent closed on 31 October 2016, with a total of 54,322 submissions received. Of these, 212 were unique submissions from organisations, representative bodies, businesses and individuals and 54,110 were submissions from the general public using standard words or a template (from 16 different templates). The submissions using standardised words expressed views about conservation or recreational fishing.

The key comments raised during the first round of consultation included:

- the need for higher protection of environmental and cultural values
- requests for greater commercial and recreational access to fishing areas
- calls for more restrictions on extractive activities, including oil and gas exploration in marine parks
- importance of consistency in management arrangements between adjacent Australian and state and territory parks
- importance of appropriate resourcing for comprehensive, intelligent compliance arrangements, particularly where National Park zones have been proposed
- need for targeted communication about park management, including for different sectoral users
- concerns over restrictions on extractive activities such as oil and gas, commercial and charter fishing in marine parks
- importance of flexible / adaptive management approaches
- need for fisheries adjustment support for commercial fishing businesses affected by new rules in marine parks.

Those submissions received were considered in the preparation of the draft plans that were released for public comment in 2017. A summary of the issues raised in submissions was made available to the public on release of the draft plans.

### **3.2 PUBLIC CONSULTATION ON THE DRAFT MANAGEMENT PLANS**

In accordance with Section 368 of the EPBC Act, public comment was invited on the five draft management plans between 21 July and 20 September 2017.

Invitations to comment on draft plans were published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website. An email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to marine park mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

As required under the EPBC Act, a letter and information materials were posted to all native title representative bodies, representatives of native title claimants in the vicinity of the marine parks and all persons holding a usage right under Section 359B of the EPBC Act that existed prior to the parks being proclaimed. Copies of draft plans were made available on the Parks Australia website and through the department's Community Information Unit.

This report includes a summary of the public comments made on draft plans and the Director's views on those comments. It focuses in particular on comments made in relation to the draft plan for the Temperate East Marine Parks Network.

#### 4 SUMMARY OF COMMENTS RECEIVED

A total of 88 specific submissions were received on the draft Temperate East Marine Parks Network Management Plan. A total of 82,877 submissions (including 2,027 unique and 80,850 using standard words) were received in response to the invitation to comment on all five draft plans. Copies of all submissions, including examples of submissions using standardised wording, are on the Parks Australia website.

Submissions received contained comments on a broad range of issues. Some comments were directed towards all draft plans. Other comments received were about a particular draft plan, park or network. This report summarises the comments received across all draft plans, and the comments received in relation to the draft plan for the Temperate East Marine Parks Network.

Comments that relate to specific parts of the draft plans are discussed in Chapter 5.

Comments that are general in nature or relate to issues or processes outside of the draft plans, such as the *Independent Review of Commonwealth Marine Reserves*, or the level of funding for marine park management are discussed in Chapter 6.

#### Unique submissions

A total of 2,027 unique submissions were received from individuals, businesses, associations, organisations or representative bodies about all draft management plans (Table 4.1).

Table 4.1 Unique submissions received from different sectors

Sector	Total
General public	1 724
Recreational fishing	136
Conservation	50
Research	25

Commercial fishing	20
Government	16
Commercial tourism	12
Indigenous	11
Recreational scuba or snorkel	10
Commercial charter fishing	9
Oil, gas, or mining	3
Recreational boating	3
Other	3
Ports	2
Commercial media	2
Aquaculture	1

### Submissions using standardised words

A total of 80,850 submissions were received from members of the general public, using standardised words or a template (Table 4.2). For some of these submissions, wording was amended slightly, or additional text added.

Table 4.2 Submissions received that used standardised words or a template

Template or standardised words	Total
Save Our Marine Life - stop this madness and save our sanctuaries	27 133
Australian Marine Conservation Society	21 918
WWF - preserve our reserves	9 833
Save Our Marine Life - recreational fisher	6 342
Save Our Marine Life - stop the cutbacks, I fish	6 105
Wilderness cutbacks	5 011
Save Our Marine Parks	2 945
Keep Australia fishing	682
Keep the Rowley Shoals oil free	398
Save Bremer's whale nursery	359
Campaign Now – reject these cutbacks	124
<b>TOTAL</b>	<b>80 850</b>

## 5 COMMENTS ON THE DRAFT PLAN

### 5.1 COMMENTS ABOUT PART 1 OF THE PLAN

The following comments were raised in relation to the entire plan and Part 1:

#### General comments:

- Indigenous engagement and cultural values need to be considered throughout the plans, not just in the Indigenous engagement program.
- The term 'Aboriginal' should be used, not 'Indigenous' and the plan should refer to "Traditional Owners", not "traditional owners".
- More regionally specific photos should be included throughout the plans.

#### Vision and objectives:

- Supported the vision for marine parks or the objectives of the plan.
- The primary focus of the vision and objectives should be on protection of the marine environment / biodiversity, or on sustainable use and enjoyment.
- Need to balance marine protection, with sustainable use and enjoyment in marine parks.

#### Approach to managing Australian Marine Parks and ways of working:

- Supported, or generally supported, the approach and ways of working articulated in the plan.
- Concerned about ability to manage specific park issues using a network-wide plan.

#### Partnerships:

- Interested in developing partnerships to protect the marine environment.
- Supported opportunities for collaboration and partnerships with state and territory governments (through annual business agreements), industry partners and in the management of service arrangements.
- Supported setting up an advisory committee / forum to engage users in park management.
- Suggested a specific member for one of the advisory committees or using an existing committee.
- Importance of strong ongoing consultation with people in the region.
- Partnerships are needed with native title holders to support the identification and management of cultural values.
- Sufficient Indigenous representation is needed on advisory committees or at least one funded representative.
- Supported the *Principles supporting Indigenous people to engage in management of Australian Marine Parks* and the commitment to partnerships with traditional owners and Indigenous people.
- Suggested the following amendments to the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*:
  - Principle 5 or other part should reference the *United Nations Declaration of Indigenous Rights*.
  - In Principle 1, “for thousands of years” should be replaced with “since time immemorial”.
  - Principle 8 should be amended to say “Third party investment in Australian Marine Parks “must” include support for Indigenous people’s interests etc.
- Unclear about joint management and what it entails.
- Suggested additional people should be considered traditional owners.
- Change Maritime Border Command to Australian Border Force.

#### Management programs and actions, implementation plans and adaptive management:

- Supported, or generally supported, the management programs and actions identified and the commitment to ongoing active management.
- Sought involvement in development of implementation plans, specifically Indigenous groups.
- Supported, or generally supported, adaptive management.
- Concerned about adaptive management or the ability to monitor effectiveness of the plans.

## ***Director's views***

### General:

I note the comments received in relation to the entire plan, particularly about the importance of Indigenous engagement.

I recognise that Aboriginal and Torres Strait Islander people have been managing their sea country for thousands of years. The plans commit to working closely with Indigenous people to manage marine parks and include specific actions in the management programs about working with Indigenous people.

In these plans, Aboriginal and/or Torres Strait Islander people are referred to collectively as Indigenous people. I recognise that some Aboriginal people prefer not to be referred to as 'Indigenous', however the plans cover waters in the Torres Strait and I am seeking to be inclusive. In referring to Indigenous people, I do not intend to give offence to Aboriginal people.

The plans will be read by many people and are important to communicating about our parks. Minimal use of capitals in the plan is intended to increase readability, including not using capitals in the term "traditional owner". Again, this is not intended to create offence.

I have included regionally specific photographs within the plans, on the website and in other communication materials wherever possible.

### Vision and objectives:

I note the comments about the vision and the framework proposed for managing marine parks, with the majority of these expressing support for the partnership approach outlined.

My vision is that marine parks are healthy, resilient and well managed to enhance Australia's wellbeing. The vision seeks to balance protection of the marine environment and sustainable use and enjoyment of marine parks, for the benefit of all Australians. The objectives are drawn from the requirements under the EPBC Act and the stated purpose of the parks on their proclamation.

Of interest, some people commented that the vision should be more focussed on protection, while others thought it should be more focussed on sustainable use and enjoyment. This demonstrates the divergent views and the challenge in balancing sometimes competing values for marine parks.

### Approach to managing Australian Marine Parks and ways of working:

I welcome the general support for the approach proposed in Part 1.6 and 1.7 of the plan.

While some submissions expressed concern that grouping together management of several parks under networks and plans won't address park specific issues, I am confident that the proposed approach will provide national consistency, while enabling sufficient flexibility to deliver park-specific outcomes and actions.

### Partnerships:

I welcome the interest in, and support for, the partnership approach proposed.

I am committed to working in partnership with traditional owners, marine park users, other governments and stakeholders, to manage our parks collaboratively. Establishing advisory arrangements will provide me with valuable and ongoing input and advice about marine environments, values and uses of our parks. The establishment of advisory arrangements will be a priority when the plans come into force. I am not intending to duplicate existing arrangements or establish new advisory mechanisms where they



are not considered necessary or useful, and welcome advice on this. I will also develop agreements with state and territory governments to encourage collaboration.

Support for collaboration between Parks Australia, traditional owners and native title holders is welcome. While I note the suggestions made about the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*, I was reluctant to make changes. This is because they were drafted and endorsed by a number of Indigenous people and representatives of Indigenous organisations.

However, I have amended Section 1.8 of the plans to replace “for thousands of years” with “since time immemorial” and to reference the *United Nations Declaration in the Rights of Indigenous People*.

The text in Section 1.8 has also been amended to change Maritime Border Command to Australian Border Force.

#### Management programs and actions, implementation plans and adaptive management:

The management programs and actions listed in the plan provide a framework for how Parks Australia will actively manage our marine parks. I will be seeking advice from our advisory committees / forums once established about these programs and actions, and importantly how they are implemented in each park and network.

I note the range of views about adaptive management. Regular monitoring, evaluation, reporting and review of the implementation of the plans will be essential to achieve the vision for Australian Marine Parks. It will also help to keep track of our progress and change our approach when necessary. While we have a large amount of work ahead of us, I am satisfied that the proposed management programs and actions provide a sound and coherent framework for achieving the vision and objectives of the plans.

## **5.2 COMMENTS ABOUT PART 2 OF THE PLAN**

The following comments were received on Part 2.1, 2.2 and 2.3 of the plan and Schedule 2. Comments about values were also provided against Part 3 – zoning.

#### Values:

- Further information should be included about the social, heritage, aesthetic and cultural values of each network.
- Australia’s oceans have significant non-market value.
- Need to protect seamounts in the Temperate East, especially in the Norfolk Marine Park.
- Tourism, recreational and charter fishing are important to the Jervis Bay community.
- The most productive fishing grounds are highly variable in the Solitary Islands Marine Park.
- Fish stocks have been depleted in the Lord Howe Marine Park.
- Critical habitat in the region is underrepresented and fishing practices are incompatible with values.
- There are internationally significant natural and World Heritage values in the Lord Howe Marine Park.
- Suggested that there is a mistake in Figure 2.3, and that the correct title should be ‘Commercial’.
- The natural values of the Norfolk Marine Park have been impacted by radiation from the Fukushima disaster or a fish factory.

- Non-natural values of Norfolk Marine Park will be negatively impacted by commercial fishing and mining.
- Waste disposal into Norfolk Marine Park will impact on values.
- Natural values of the Solitary Islands Marine Park were impacted by its proximity to land.
- The plan does not adequately identify the high ecological values, especially of the Norfolk and Lord Howe marine parks.
- The Pitcairn Islanders should be identified in the cultural, heritage and socio-economic values for Norfolk Marine Park.
- The natural values of Norfolk Marine Park should include the inshore reefs and shallow coastal bays.

Pressures:

- Pressures have been adequately described and create a solid context.
- Concerned about pressures described and in light of these pressures, there should be higher levels of protection.
- Should have regard to past research by state and territory governments with respect to pressures on marine parks.

***Director's views***

Values:

I note the comments that sought or provided further information about the natural, cultural, heritage, social and economic values of marine parks.

The values outlined will form the basis of decision making about activities allowed in marine parks. The additional information provided about values is welcome. Descriptions of values in the plan need to be succinct, so not all information provided could be included. Additional information will be made available through the Department's website over time.

As a result of additional information provided, the plan has been amended to include additional information in Part 2.1 and Schedule 2.2 about values.

Under cultural values in Section 2.1 and in Schedule 2.2, the following text has been amended to include "tens of":

"Aboriginal/Indigenous people have been sustainably using and managing their sea country for tens of thousands of years."

Pressures:

I acknowledge the comments made about the pressures acting on marine parks.

Managing marine parks requires a balance between use and enjoyment of marine parks, with protecting the marine environment. To that end, the impact of pressures on marine park values will be considered when determining the management actions to be implemented, and when making decisions about the activities that will be allowed in each park. Pressures such as the extraction of living resources by fishing and habitat modification through installation of infrastructure, will also be managed through the zones and rules set out in the plan.

Climate change as a pressure cannot be reduced through this plan, however, effective marine park management is expected to assist in improving the resilience of marine ecosystems to recover from pressures, such as climate change.

I note the existing research on the pressures acting on marine environments, including by state and territory governments, and will seek to gather and consider that research through our partnerships and under the marine science program.

### **5.2.1 COMMENTS ON THE COMMUNICATION, EDUCATION AND AWARENESS PROGRAM**

The following comments were received on the communication, education and awareness program and actions:

- Supported the implementation of a program to improve community and stakeholder awareness and engagement, including ongoing engagement.
- Need to have clear and multi-channelled communications to encourage acceptance of marine parks and improved compliance.
- Concerned about funding being used for promoting marine parks, at the expense of science or other programs.
- Lack of consideration of the role that native title holders could play in delivering the communication, education and awareness program.

#### **Director's views**

I note the comments made about this program, which I regard as critical to engaging Australians in marine park management. Under this program, Parks Australia will work with park users, state and territory governments, Indigenous people, native title holders, key stakeholders and the broader community to manage marine parks for the benefit of all Australians. This program will build awareness about marine parks, their environmental, cultural and socio-economic values and the way Parks Australia is managing them.

While I note concerns about using resources to promote or market marine parks, as noted in many submissions, education programs are important to help people to understand the rules in marine parks and to encourage people to comply with the rules. The program will be implemented efficiently, using online resources and tools wherever possible, and working with our partners.

I agree with the comments that native title holders can assist with delivery and will be seeking input and support from Indigenous people to implement this program.

### **5.2.2 COMMENTS ON THE TOURISM AND VISITOR EXPERIENCE PROGRAM**

The following comments were received on the tourism and visitor experience program and actions:

- Supported the implementation of a program to improve visitation and visitor experiences in marine parks.
- Did not support increased tourism in marine parks, or expressed concern about the impacts of increased tourism on park values.

- Insufficient levels of marine park protection will undermine regional economies that are dependent on marine tourism.
- Tourism operators need to be regulated to ensure that they do not encroach on native title rights and interests or interfere with cultural sites.
- Commercial and recreational marine park users need to liaise with native title holders to ensure that access to traditional waters occurs in a culturally appropriate manner.
- Indigenous people are tourism operators.
- Cultural values have not been well understood / communicated.
- Cultural tourism opportunities with Aboriginal partnerships should be emphasised.

### ***Director's views***

I note the comments provided about this program and will pay careful attention to them in implementing the plans. Australian Marine Parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Creating amazing destinations for visitors is one of Parks Australia's core goals, and I want to work with operators to promote and support tourism in marine parks.

However, tourism activities do have the potential to impact on marine park values, including cultural values. All users of marine parks, including tourism operators, need to operate in a manner that is sustainable and minimises impacts.

I agree that we should support access to traditional waters occurring in a culturally appropriate manner. The plan has been amended to include an action to promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners.

I also agree that marine parks provide cultural tourism opportunities. The plan has been amended to include an action to work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

### **5.2.3 COMMENTS ON THE INDIGENOUS ENGAGEMENT PROGRAM**

The following comments were received on the Indigenous engagement program and actions:

- Support the Indigenous engagement program and management actions.
- Should emphasise cultural benefits, above social and economic benefits.
- Support engaging Indigenous people in the management of Australian Marine Parks.
- Need to engage with native title holders and traditional owners in an ongoing way.
- Long term funding is needed to support ongoing engagement and coordination with traditional owners and Indigenous rangers, to enable them to manage their sea country and create employment.
- Expressed support for specific Indigenous advisory structures to provide leadership and advice, implement ranger programs and capacity building initiatives and input into advisory committees/forums.
- Parks Australia could align meetings with Indigenous people with meetings arranged by state or territory agencies.
- Cultural advisors could support management plan implementation.
- Ranger groups could engage with traditional owners.

- Interested in opportunities available for traditional owners and Indigenous rangers to undertake actions in marine parks such as marine debris programs, megafauna management programs, long-term monitoring, maintenance for park infrastructure and water quality monitoring.
- Indigenous rangers could fulfil enforcement functions if trained and resourced.
- Need to focus on building capacity of Indigenous groups.
- Need greater linkages between state and federal initiatives for sea rangers.
- Need ongoing engagement to further identify cultural values, stories and sea country.
- Indigenous working groups should be established to develop the Indigenous engagement and cultural heritage strategy (with funding).
- Important to include traditional owners and rangers in research (and this needs to be funded).
- Need established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Unclear how traditional owners will input into authorisation decisions for certain activities.
- Need to produce simple posters like those produced for Indigenous Protected Areas to support traditional owners to understand marine park management activities.
- Sceptical about the willingness or approach to Indigenous engagement.

### **Director's views**

I note the comments provided about the Indigenous engagement program and welcome the overwhelming support it has received. These comments will be carefully considered in the implementation of the program.

Through the plan and the Indigenous engagement program, traditional owners, native title holders and Indigenous people will be engaged in managing sea country within marine parks, with the intention of developing Indigenous livelihoods and employment. This includes supporting Indigenous people and rangers to undertake surveys, monitoring, research and surveillance in our marine parks.

I welcome advice provided on the specific mechanisms to engage traditional owners, native title holders and Indigenous rangers in marine park management and will consider this input in the coming months as appropriate arrangements are established across Australia to implement this program.

The suggestion to produce information to support traditional owners understand marine park management activities is welcome. The plan has been amended to add an action to provide information to Indigenous people about marine park management.

In recognition of the importance of engaging with traditional owners and the need for increased cultural awareness, actions under the program have also been amended as follows:

- “collaborate with traditional owners and relevant partners such as the New South Wales Aboriginal Land Council on implementing the Indigenous engagement program, including supporting Indigenous groups to participate in marine park management
- implement cultural awareness training for Parks Australia staff in association with traditional owners
- establish protocols for researchers working with Parks Australia to guide engagement with traditional owners
- identify opportunities and mechanisms to engage traditional owners including through coastal Local Aboriginal Land Councils, established under the *Aboriginal Land Rights Act 1983* in the management of marine parks

- increase understanding of traditional knowledge and cultural values.”

#### **5.2.4 COMMENTS ON THE MARINE SCIENCE PROGRAM**

The following comments were received on the marine science program and actions:

- Supported the implementation of a program to increase scientific knowledge and understanding of marine parks and their values and to inform park management.
- Parks Australia should work closely with research institutions, the oil and gas industry, Indigenous people, scientists, state/territory governments and other countries in implementing the marine science program.
- Need to involve resource users, especially traditional owners, in determining research priorities and in undertaking research activities in partnership with external researchers.
- More scientific information is needed about the impacts and benefits of fishing, tourism, oil and gas, habitats, species, biological communities, taxonomy and the effectiveness of zoning to inform management.
- In light of heritage and natural values, more research is required into specific marine parks.
- Support and interest in citizen science, including by recreational fishers to monitor or target specific knowledge gaps.
- Existing fishing tag and release programs and data from fishing clubs could contribute to research.
- Need to include traditional owners and rangers in research (including providing funding).
- Need to apply established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Research priorities should explicitly support collection and appropriate use of traditional knowledge.

#### **Director's views**

I note the generally supportive comments received on the marine science program and the suggestions for priorities. I agree that science is fundamentally important to understanding and managing marine parks.

Science has formed the basis for establishing Australian Marine Parks and will remain key to successfully managing them. In recognition of the importance of science in managing marine parks, scientific research and monitoring will be prioritised in marine parks over the next decade. The marine science program will improve our understanding of marine systems, habitats, ecosystems and values. This includes the impacts and benefits of recreational and commercial use and enjoyment for fishing, tourism, oil and gas, conservation and heritage values. Through monitoring and research of park values, the pressures acting on those values, and the adequacy of management responses, the marine science program will play a major role in an adaptive evidence-based approach to marine park management.

To get the best outcomes from this program, Parks Australia will work closely with research institutions, including the National Environmental Science Program and the National Marine Science Committee, as well as traditional owners, Indigenous people, marine park users, state/territory governments and other countries.



I welcome advice provided on specific research priorities, datasets, collaboration and mechanisms to engage in implementing the marine science program. Inputs and advice from scientists, stakeholders and the community will be considered in the implementation of this program over the next decade.

Community involvement in management of our marine parks, such as through citizen science programs will also be encouraged.

I consider that the comments received are addressed through the plan or will be considered in the implementation of the marine science program, and no changes are required to the plan.

#### **5.2.5 COMMENTS ON THE ASSESSMENTS AND AUTHORISATIONS PROGRAM**

The following comments were received on the assessments and authorisations program and actions:

- Supported using Commonwealth or state assessment and authorisation processes where possible, consultation between government departments and industry, class approvals, and an online authorisations system to reduce regulatory burden on users and ensure transparency in decision making.
- Concerned about increasing red tape and regulation.
- Support public release of information about authorisations.
- All licences and approvals should include the dollar value of the approval.
- Unclear how traditional owners will have input into authorisation decisions for certain activities.

#### **Director's views**

I welcome the comments received about this program and will consider them carefully in its implementation.

As set out in the "Ways of working", Parks Australia is committed to minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval processes of other agencies, aligning our authorisation systems with others and developing an online application process.

Parks Australia will consult closely with users about implementation of this program.

In the interests of transparency, Parks Australia will publish information about authorisations online and inform traditional owners about activities occurring on sea country. It is not however considered appropriate to publish "dollar values" or commercially sensitive information.

#### **5.2.6 COMMENTS ON THE PARK PROTECTION AND MANAGEMENT PROGRAM**

The following comments were received on the park protection and management program and actions:

- Supported implementing a program to proactively manage threats on marine parks.
- Moorings or anchorages are needed, to reduce damage.
- Concerned about the potential for an oil spill and the impact.
- Supported the development of an Australian Marine Parks critical incident strategy in consultation with the oil and gas industry.

- Final action about Indigenous rangers should be amended to remove “explore opportunities to collaborate”, to “ensure full collaboration” with traditional owners and Indigenous ranger groups.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.
- Indigenous ranger groups should be supported through funding and training to undertake monitoring programs and to strengthen and adapt traditional management systems to deal with changing pressures.

### **Director’s views**

I note the comments about the park protection and management program and general support as a mechanism to address pressures on marine parks.

Based on comments received, I have amended an action for the Temperate East network to collaborate with and support other agencies that undertake invasive and protected species management and marine debris removal. For example, this may include working in partnership with relevant agencies to foster high standards of biosecurity, particularly in sensitive marine ecosystems and World Heritage-listed areas of the Lord Howe Marine Park.

Under this program, Parks Australia will implement actions in marine parks to protect natural, cultural and heritage values from impacts. Actions will be undertaken in partnership with park users, governments, traditional owners, Indigenous rangers and the broader community. Where possible, traditional owners and Indigenous ranger groups will be supported to undertake these management actions.

The plan has been amended to strengthen the action about traditional owners and Indigenous ranger groups by changing “explore opportunities to collaborate”, to “collaborate”.

### **5.2.7 COMMENTS ON THE COMPLIANCE PROGRAM**

The following comments were received on the compliance program and actions:

- The outcome for the program should be changed from “a decrease in the number of enforcement incidents”, to a decrease in the number of non-compliances”.
- Supported implementing actions to improve compliance in marine parks, including enforcement actions; surveillance by members of the community; recreational fishers and Indigenous rangers; developing codes of practice; applying penalties; and using technology to provide accessible zoning maps.
- Supported encouraging voluntary compliance through education, such as alert services for recreational and commercial fishers, and educating fishers about sustainable practices.
- Need to work with other agencies to assist in detection and enforcement.
- Sceptical about Parks Australia’s ability to ensure compliance, given the location of marine parks, resourcing required and zoning proposed.
- Need additional information explaining how and where park management staff will be deployed.
- Need to consider accidental drift of fishing gear into no-take areas when enforcing plans, and need further consultation / guidance about this issue.

- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.

### **Director's views**

I note the comments received about the compliance program. They will be carefully considered as the program is implemented.

I agree that the outcome for the program should be changed from “a decrease in the number of enforcement incidents and non-compliance”, to “a decrease in the number of non-compliances” and have made this change.

Marine parks are large and often a long way offshore, making compliance and enforcement more difficult and costly. Parks Australia will collaborate with other agencies and park users, and investigate innovative technologies and systems to ensure compliance in our parks. This includes vessel monitoring systems, investing in online information and tools that explain zones and rules, and apps that alert people when they are entering marine parks.

Parks Australia is already working closely with agencies like the Australian Fisheries Management Authority and Australian Border Force to detect illegal fishing. I have made reference to working with the Norfolk Island Regional Council and Lord Howe Island Board in response to comments received.

Under the Indigenous engagement program, Indigenous rangers and traditional owners will be engaged in compliance activities wherever possible.

Accidental drift of fishing gear into no-take areas has been carefully considered in developing zoning for marine parks. Engagement with the fishing industry about this issue will continue to seek ways to minimise the incidence and impacts of gear drift.

## **5.3 COMMENTS ABOUT PART 3 OF THE PLAN**

### **5.3.1 COMMENTS ABOUT PART 3 OF THE PLAN – GENERAL ZONING**

The following comments were received on Part 3.1 or zoning in general:

#### Zone objectives:

- Supported the application of the International Union for the Conservation of Nature (IUCN) categories and the zone objectives.
- Concerned about the application of the IUCN categories and the zone objectives.
- Unclear about the use of sub zones.
- Zoning should be unchanged from that proposed previously or proclaimed.
- Concerned about the economic impacts and benefits of the zoning, for example the benefits to fishing against the cost to tourism or in terms of ecosystem services.
- Need greater consistency in zoning and rules between the Australia Marine Parks and state and territory marine parks.

#### Protection for marine habitats and species:

- The level of protection offered by zoning and other arrangements is not sufficient, and won't allow conservation objectives to be achieved.
- Reduction in National Park zones or relocation of National Park zones is not appropriate / acceptable.
- Need to increase National Park Zones.
- Habitat Protection Zones do not offer the same level of protection as National Park Zones.
- Replacing National Park Zones with Habitat Protection Zones is not appropriate / acceptable.
- There should be a National Park zone in every marine park, bioregion, or over every primary conservation feature.
- The network does not provide a comprehensive, adequate and representative system of marine protected areas.
- Need National Park Zones to increase fish stocks.
- Need to protect reefs and habitats due to their tourism value.

Access for commercial fishing, pearling and aquaculture:

- Concerned that commercial fishing will be allowed in Australian Marine Parks, in light of the potential impacts of this activity.
- Supported access or increased access for commercial fishing, pearling and aquaculture, given economic importance and sustainability.
- Zoning that limits fishing effort will adversely affect food security and create greater reliance on imported seafood.

Access for tourism:

- Concerned that tourism, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Supported access or increased access for tourism, given its economic importance.
- Needs to be increased access for dive/non-extractive tourism, and reduced access for extractive uses.

Access for recreational fishing:

- Supported increased access for recreational fishing, a reduction in National Park Zones and sought no further reduction in access, given importance of recreational fishing to Australians.
- Recreational fishing should be allowed in National Park Zones.
- There should not be restrictions on recreational fishing, in particular surface trolling and catch and release, which are low impact.
- Concerned that recreational fishing, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Recreational fishing should be managed and regulated by states and territories to reduce duplication / confusion.

Access for mining:

- Concerned that mining will allowable across large parts of the estate, in light of the potential impacts of this activity.
- Need to consult about zoning with industry stakeholders, particularly in areas where petroleum operations are occurring or in areas of good petroleum prospectivity.

**Director's views**

I note the very large number of submissions that commented on Part 3 of the plans – zoning. These submissions reflected the broad and often conflicting views held by Australians on marine park zoning.

#### Zone objectives:

I note the comments on the zone objectives and the application of IUCN categories. The IUCN sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires that our marine parks, and any zones into which a park is divided, be assigned to one of the seven categories prescribed by the EPBC Regulations, which correspond to the categories identified by the IUCN. Park management must be consistent with the relevant Australian IUCN management principles prescribed for each category by Schedule 8 to the EPBC Regulations. The zone objectives and provisions set out for our marine parks are consistent with the established interpretation of the Australian IUCN Park management principles.

I acknowledge the comments seeking a return to previously proposed zoning. However, consultation on the independent review and on the development of plans demonstrated quite clearly that the previous zoning proposals created impacts on users, such as fishers, that were too great, and are inconsistent with the Government's policies on sustainable fishing and supporting economic development.

I also note the concerns raised about the balance between activities like fishing and tourism, and the economic implications associated with allowing or not allowing these activities. I believe the plans do effectively balance the economic benefits associated with allowing activities like dive tourism, charter fishing and commercial fishing in different parts of parks.

I agree with comments seeking greater consistency in zoning and rules between Australian Marine Parks and state and territory marine parks. Wherever possible, zoning and rules have been made consistent. While this has not always been possible, Parks Australia will work with state and territory government colleagues to improve consistency and minimise confusion through the life of this plan.

#### Protection for marine habitats and features:

While I acknowledge the submissions calling for higher levels of protection for marine habitats and species through more National Park Zones, I consider that the levels of protection achieved through these plans is significant and will deliver positive conservation outcomes.

Australian Marine Parks have been located to cover representative examples of Australia's marine habitats and features, including key ecological features, seafloor types, biologically important areas for some protected species, bioregions, and habitats at different depth ranges.

Zoning has been carefully undertaken in marine parks to help protect these key features and habitats. Sanctuary and National Park Zones have been placed where I consider the strongest biodiversity and conservation benefits are achievable. Habitat Protection Zones have been placed in locations to protect the sea floor habitat and allow activities to occur in the water column.

This targeted approach to zoning protects conservation features (like canyons, seamounts and reefs), but reduces impacts on industries like fishing and tourism. It is based on the best available science and sees a significant increase in the area of Habitat Protection Zones (yellow) and a decrease in the area of National Park Zones (green), but not the level of protection.

I acknowledge the comments that National Park Zones and Habitat Protection Zones are not equivalent in terms of the protection they provide. This is true. However, Habitat Protection Zones, which exclude activities that impact and damage seafloor habitats, combined with effective management, can provide significant protection and conservation benefits, while reducing impacts on users. This was recognised in the *2015 Commonwealth Marine Reserves Report of the Expert Scientific Panel* which states that: "The Expert Scientific Panel considers there is high conservation benefit from zoning areas as Habitat

Protection Zones to protect benthic and demersal habitats by excluding damaging activities while allowing activities such as regulated fishing in the water column, including take of pelagic species that do not compromise conservation values and management objectives for those areas.”

#### Access for commercial fishing, pearling and aquaculture:

I acknowledge the submissions that commented on the importance of allowing commercial fishing, and those that commented on potential impacts.

The Australian Government is committed to supporting the fishing industry, including through the *Policy for a more competitive and sustainable fisheries sector* and policies on economic development more broadly. Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

However, commercial fishing, pearling and aquaculture may create impacts on marine environments. Marine parks are intended to work alongside a range of other measures, for example, effective fisheries management, to minimise these impacts. Rigorous compliance and enforcement programs will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Access for tourism:

I note the comments on the benefits and potential impacts associated with allowing tourism operations in marine parks.

Marine parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Tourism is also critical to the economies of many coastal communities around the country. Marine parks have been carefully zoned to provide for different types of tourism activities - for example, ‘no-take’ zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Notwithstanding, tourism activities can create impacts on marine environments. Parks Australia, together with other marine regulators and the tourism industry, will continue to work to minimise these impacts.

#### Access for recreational fishing:

I acknowledge the submissions that commented on the importance of allowing people to access and enjoy marine parks, to watch wildlife, dive and go boating, snorkelling and fishing. The zoning in the plans allows recreational fishing in 97 per cent of Commonwealth waters within 100 km of the coast.

A number of people suggested that recreational fishers should be able to access all areas of marine parks. I have not accommodated these requests because extensive scientific research demonstrates the benefits of no-take zones, including more and bigger fish. Allowing fishing in no-take IUCN II parks is also inconsistent with international standards and existing practice in other Australian Marine Parks, such as the Great Barrier Reef.

#### Access for mining:

I note concerns raised about mining in marine parks.

While marine park management is about protecting marine habitats and species, it is also about managing a shared resource. This means balancing protection, against the different uses and needs for that resource, to support people’s livelihoods and way of life.



In developing these plans, I considered Australia's energy needs, now and in the future and the significant contribution that the oil and gas sector makes to some regional communities and the Australian economy.

Any proposed oil and gas activities will be subject to the world-leading environmental assessments and approvals process of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters. NOPSEMA will carefully assess any application to explore or mine in a marine park and the potential impact on marine park values. NOPSEMA will also regulate mining if it is approved, to avoid or minimise any impacts.

I agree with comments raised about the need for ongoing consultation with the mining industry. Parks Australia will continue to engage with the industry in relation to marine parks.

### **5.3.2 SPECIFIC COMMENTS ABOUT PART 3 OF THE PLAN – MARINE PARK ZONING**

The following comments were received on zoning of the Temperate East Marine Parks Network:

- Decreases in National Park Zone across the network compared to zoning previously proposed or relocation to areas of less ecological importance are not acceptable.
- National Park Zones should be increased across the network.
- Arrangements for management of state and Australian Marine Parks need to be complementary.
- Sanctuary Zones should be included for scientific research purposes.
- The draft proposals are a workable compromise for all users or good for everyone.

#### Zoning of the Gifford Marine Park:

- Given the natural values of the Marine Park, there should be higher levels of protection, specifically a National Park Zone.
- Concerned about the impacts of access for oil and gas mining.

#### Zoning of the Norfolk Marine Park:

- Given the natural values of the Marine Park, there should be more protection and more National Park Zone.
- Zoning recommended by the independent review, the 2012 proposed zoning or a combination of zones should be implemented, that includes Habitat Protection and Recreational Use Zones.
- National Park Zone should be declared over the Norfolk Seamounts and the Vening-Meinseze Fracture Zone.
- Higher levels of protection are needed given the natural values of the Marine Park, in particular nearshore reefs and shallow bays, and water quality concerns.
- Concerned about the impacts of mining.
- Mining should be prohibited.
- Zoning will impact on commercial fishing, in particular the Eastern tuna and billfish fishery.
- Zoning does not align with the current local sustainable management of the surrounding areas which offer cultural, social, environmental and economic values to the people of Norfolk.
- Norfolk Island waters have been capably managed by the Norfolk Island Fishing Association.
- The 'Memorandum of Understanding (MoU) between the Australian Fisheries Management Authority (AFMA) and the Norfolk Administration (now Norfolk Island Regional Council) and arrangements should be indicated on the zoning maps or excised from the Marine Park.
- The "MoU Box" should be zoned Multiple Use, identified clearly on the map and a class approval put in place to cover fishers within the "MoU Box" without red tape or fees.

- Concerned about the impacts of commercial fishing.
- Zoning should support commercial shipping.
- Concerned about the impacts of fishing, including aquaculture.

#### Zoning of the Lord Howe Marine Park:

- Given the World Heritage and natural values of the Marine Park, the downgrading of protection from current levels in the Marine Park is not acceptable and protection should be increased.
- Zoning recommended by the independent review or the 2012 proposed zoning should be implemented.
- The World Heritage and natural values of the Marine Park have not been taken into account.
- The park has significant World Heritage and natural values.
- A Biosecurity Zone should be implemented, discharge of ballast and/or wastewater prohibited, and measures introduced to reduce biofouling.
- Aquaculture should be prohibited.
- Higher levels of protection are needed to safeguard the marine tourism industry.
- Supported prohibition on spearfishing.
- Concerned about the impacts of mining.
- Mining and construction of pipelines should be prohibited.
- Given the natural values of Elizabeth and Middleton Reefs, there should be higher levels of protection, specifically an extension of the proposed National Park Zone at Middleton Reef.
- Given the impacts of fishing, there should be higher levels of protection.
- Concerned about certain gear types (Danish seine, dropline, longline (demersal, pelagic and auto-longline), net (demersal and pelagic), purse seine, trap, pot, trawl (demersal and mid-water) and trotline, spearfishing) and sought prohibition in the Marine Park or Habitat Protection Zone (Lord Howe).
- Supported access for the local artisanal charter fishery and tourism operators.
- Consistent zoning arrangements are needed with the New South Wales Government.
- Concerned about the impacts of Fish Aggregating Devices and artificial reefs and these should be prohibited in the Marine Park.
- Supported Fish Aggregating Devices in the Marine Park provided they are properly secured.
- Concerned about the impact of Galapagos sharks on charter fishing tourism.
- Moorings are important and should be allowed in the Marine Park.
- The zoning will impact on commercial fishing, in particular the Eastern tuna and billfish fishery.
- Access to the Lord Howe Seamount Chain should be provided for longlining.
- Spearfishing should be permitted across the Marine Park.

#### Zoning of the Central Eastern Marine Park:

- Given the natural values of the Marine Park, National Park Zone should be extended and at least one seamount protected.
- Supported the proposed protection from mining.
- There is a lack of connectivity to the mainland and representation of shelf habitat.

#### Zoning of the Hunter Marine Park:

- Given the natural values of the Marine Park, a National Park Zone should be implemented.
- Supported the proposed protection from mining.
- Zoning will impact on commercial fishing, in particular the Eastern tuna and billfish fishery.
- It is important to have complementary zoning arrangements with the New South Wales Government.
- Environmental assets need greater protection.

### Zoning of the Jervis Marine Park:

- Given the natural values of the Marine Park, there should be higher levels of protection, specifically National Park Zone or implementation of the zoning proposed by the independent review.
- Supported the proposed protection from mining.
- Concerned about the impacts of access for commercial fishing, noting the zoning allows all fishing to continue.
- It is important to have complementary zoning arrangements with the New South Wales Government.
- New South Wales and Australian Marine Parks should be made contiguous, or the Australian Marine Parks have higher protection, in alignment with the New South Wales Marine Park.

### **Director's views**

I note the various comments raised in relation to zoning of the Temperate East Network and on the zoning of specific marine parks. I note the concerns in relation to protection of habitats, species and features, which are clearly important to people; the area of National Park Zone; and the impacts of fishing and mining. I also acknowledge the comments supporting access for commercial and recreational fishing.

Marine park management is a balance. In the Temperate East Network, this meant balancing protective zoning for significant habitats and species with enabling people to use and enjoy our marine parks. The Temperate East Network contains conservation features, bioregions and biologically important areas for marine species such as sharks, whales and seabirds. National Park and Habitat Protection Zones have been carefully placed to protect these features where possible, while minimising impacts on important human activities.

Impacts on commercial fishers, who rely on parts of the Temperate East Network for their businesses and livelihoods, have been minimised. The zoning in the management plan allows for the Eastern tuna and billfish, Norfolk Island inshore, East coast deep-water trawl, South and eastern scale fish and shark, Ocean trawl and lobster and Ocean trap and line fisheries.

Importantly, wherever possible, recreational and charter fishing has been allowed, subject to assessment and authorisation, to ensure people can enjoy our marine parks and to support jobs in the tourism industry.

I have carefully considered the comments about zoning of marine parks in the Temperate East Network. In most parks, I am satisfied that the zoning reflects an appropriate balance between the protection of marine habitats and species, and ecologically sustainable use.

However, in response to comments about the need to reflect existing arrangements at Norfolk Island, I have amended the zoning to change the Multiple Use Zone to Habitat Protection Zone, other than area corresponding to the AFMA "MoU Box", which has been zoned as Special Purpose Zone (Norfolk).

This change recognises the strong and multi-generational connection and commitment that the Norfolk community have to both conservation and sustainable use within the "MoU Box." It also increases the area of seafloor habitat and features within a more highly protected zone type that does not allow mining or disturbance to the seafloor.

With several New South Wales marine parks nearby to Australian Marine Parks, we will continue to work with the New South Wales Government to manage these parks into the future.

## 5.4 COMMENTS ABOUT PART 4 OF THE PLAN

### 5.4.1 COMMENTS ABOUT GENERAL USE AND ACCESS PRESCRIPTIONS

The following comments were received on the general use and access prescriptions:

- Supported the use of marine parks for recreation (non-fishing, nature watching, sailing, boating etc).
- Anchoring and vessel speed should be restricted for recreational users.
- Cultural fishing cannot be considered to be non-commercial in all cases and plans need to provide cultural fishers rights to customary harvest.
- The use of modern fishing equipment cannot be classed as traditional hunting or used to hunt dugong and turtles.
- Concerned about ballast water exchange, sewage and other vessel waste disposal, particularly in or near National Park or Habitat Protection Zones, because of the threats to the environment and biosecurity, such as from invasive species.
- Need more information about the use of drones for environmental surveys and monitoring in response to oil spills.

#### **Director's views**

I note the comments made about this section, particularly in relation to recreational use of marine parks, customary harvest, and concern about activities like ballast water discharge and drones. Relatively minor amendments have been made to this section to improve clarity.

Australian Marine Parks are intended for people to enjoy. Recreational uses, such as diving, snorkelling, sailing, boating and nature watching are low impact and are allowed across marine parks. In light of the limited access and impacts of these recreational uses in Australian Marine Parks, restrictions on their anchoring and vessel speed are not considered necessary.

The comments in relation to customary harvest are noted. While the Director of National Parks has a statutory role in managing Australian Marine Parks, this does not override Aboriginal and Torres Strait Islanders' traditional use and native title rights. The EPBC Act, under which management plans are made, does not affect the operation of the *Native Title Act 1993* or the *Aboriginal Land Rights (Northern Territory) Act 1976*. Both of these Acts preserve rights to traditional use of land and waters. Section 359A of the EPBC Act also provides that Commonwealth reserves, including marine parks, do not prevent Indigenous persons from undertaking non-commercial hunting or food gathering or using the reserves for ceremonial and religious purposes.

While the plans will allow for the discharge of ballast water and disposal of waste from vessels, it should be noted that these must be conducted in accordance with the requirements of the international Convention for the Prevention of Pollution from Ships (MARPOL) and the Australian ballast water management arrangements. These are implemented by the Australian Maritime Safety Authority and state and territory governments. They place very stringent requirements on discharge of ballast and disposal of waste, including that ballast should not normally be discharged less than 12 nautical miles from the nearest land, and in water less than 50 metres deep and where possible, should be discharged more than 200 nautical miles from the nearest land and in water greater than 200 metres deep.

To clarify requirements in relation to ballast water and disposal of water, amendments have been made to the plan. This includes clarifying that under this plan, waste from normal operations of vessels must be compliant with requirements under the MARPOL, and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or

accidental causes, and that ballast water discharge and exchange must be compliant with Australian ballast water requirements. A definition of MARPOL has also been included in the glossary.

The provisions in the plans allow for the use of non-commercial remote piloted aircraft, given the increasing use of drones for research and monitoring, in tourism activities and to take photographs and footage. However, people wishing to use these will need to apply and Parks Australia will carefully consider the potential impacts on marine species before issuing a permit, approval or licence.

#### **5.4.2 COMMENTS ABOUT COMMERCIAL SHIPPING PRESCRIPTIONS**

The following comments were received on the commercial shipping prescriptions:

- There has been significant growth in shipping traffic, and there may be impacts of ships transiting and anchoring on marine species and habitats.
- Ships need to anchor in marine parks and Habitat Protection Zones at times. There needs to be anchoring areas determined to ensure protection of pipelines and cables that will be allowed in these zones.

#### ***Director's views***

I note some people's concerns about commercial shipping in marine parks and the potential impacts of this.

Commercial shipping and the potential for ship strike or spills is a pressure in Australian Marine Parks. Parks Australia will carefully consider the best location for anchorages for commercial ships to minimise impacts on the natural values in marine parks. Australia is party to a number of international agreements including the International Convention for the Prevention of Pollution from Ships (MARPOL) and has a number of national policies relevant to shipping including the National Plan to Combat Pollution of the Sea by Oil and the Australian Ballast Water Management Requirements. The Director will continue to work with shipping management and primary response agencies (such as the Australian Maritime Safety Authority) to assist with the prevention of and response to incidents.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial ships to anchor while minimising environmental impacts. To clarify requirements in relation to anchoring of commercial ships in marine parks, some minor amendments have been made to the plan, including the following note: "This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress."

#### **5.4.3 COMMENTS ABOUT COMMERCIAL FISHING PRESCRIPTIONS**

The following comments were received on the commercial fishing prescriptions:

Allowed gear types and locations:

- Concerned about the impact of commercial fishing, in particular trawling, gillnetting, drop-lining, trapping, potting, longlining, purse-seining and super trawlers (mid-water trawl) and suggested not allowing certain activities or gear types in certain zones.
- Concerned about the impacts of fishing in specific marine parks.

- Need complementary management arrangements between Australian Marine Parks and state and territory marine parks.

#### Compliance:

- Sceptical about ability to ensure compliance with the prescriptions.
- Enforcement should include a warning to fishers operating just inside protection zones.
- Supported vessel monitoring systems, and proposed extension of this to all vessels.
- Concerned about vessel monitoring systems and burden on smaller scale fisheries.
- Need further engagement on the requirement for vessel monitoring systems.

#### Fishing gear risk assessments:

- Disagreed with the findings of previous fishing gear risk assessments.
- Government ignored the findings of fishing gear risk assessments.
- Fishing gear risk assessments findings were not equally applied.
- Concerned about the validity of future gear assessment processes.
- Plans should reference a National Fishing Gear Risk Assessment Framework to ensure explicit review and assessment of allowed activities based on clear, transparent process and science.
- Supported future assessment and approval of fishing technologies.

#### Anchoring and transiting:

- Commercial fishing vessels need to anchor in National Park Zones - the Director needs to quickly determine appropriate anchoring areas.
- Fishing gear should be stowed and secured at all times when fishers are transiting or anchoring in a zone in which they are not permitted to operate.
- Stowing fishing gear while anchored or in transit during rough weather may create safety issues.
- Fishing gear cannot always be stowed out of site, lines out of the water should be adequate.
- More clarity in instructions to fisheries managers and anglers is needed about stowing and securing fishing gear.
- Supportive of allowing towing of commercial aquaculture cages in National Park Zones.

#### Approvals and authorisations:

- Activity tables in the plans should be amended from saying that commercial fishing is allowable (A) and requires authorisation, to say it is allowed (tick) with a footnote to indicate that the EPBC Act requires an approval to be put in place.
- There needs to be consultation, transparency and input about permits and class approvals.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.
- High impact extractive activity should be subject to a 12 month 'renewable upon review' condition, not five year as proposed.
- Class approvals cannot remove pre-existing rights and authorisations (to fishing grounds, seasonal access, gear types) which would devalue business.
- Any restrictions to grounds or gear (under the proposed conditions of a class approval) should be subject to scrutiny by state agencies and require mandatory co-signature between Commonwealth and state Ministers.

### **Director's views**

#### Allowed gear types and locations:

I note the concerns raised about allowing commercial fishing in marine parks, the impact of commercial fishing, and of particular gear types. I also acknowledge that many submissions, particularly from the



fishing industry, expressed concern about the impacts that restrictions on commercial fishing would have on their livelihoods.

I believe that it is possible to achieve strong conservation outcomes, while allowing fishing in marine parks. The careful placement of zones and consideration of gear types allowable in zones, will achieve an appropriate balance for marine parks.

Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

I acknowledge that commercial fishing may create impacts on marine environments. Rigorous compliance and enforcement will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Compliance:

I note concerns raised about how I will ensure compliance with the rules. I consider it is vitally important to achieve effective and efficient compliance in marine parks.

Australia is a world leader in environmental regulation. Parks Australia will implement rigorous compliance and enforcement in Australian Marine Parks to ensure users, including commercial fishers, understand and comply with management arrangements. This will include Parks Australia collaborating with industry to investigate innovative technologies and systems - including vessel monitoring systems - that can assist marine users to follow the rules in marine parks.

I note that some people supported the use of vessel monitoring systems, while others expressed concern about the burden of implementing this technology.

Vessel monitoring systems are recognised globally as a valuable tool for spatially-based management of the marine environment and have been widely implemented around the world. The Australian Fisheries Management Authority already requires operators accessing Commonwealth fisheries to have vessel monitoring systems. Vessel monitoring systems, which use an alert service to tell fishers when they are entering a zone where their fishing method is not allowed, have proven to be effective in assisting businesses and individuals to comply with marine park zones. The fishing industry will be consulted before any new requirements for vessel monitoring systems are implemented.

#### Fishing gear risk assessments:

There were a number of comments about previous fishing gear risk assessments and the proposal to assess new gear types and technologies as the plan is implemented and new information becomes available.

The issue of what fishing activities can be undertaken in zones has been extensively canvassed through previous consultation and considered subsequently in decision-making in establishing the draft plans. Fishing gear risk assessments were undertaken early in the process of designing Australian Marine Parks. They were one input into designing management plans, but there were other considerations, such as minimising the economic and social impacts of the marine parks. Since 2010 when the assessments were undertaken, our understanding of fisheries impacts has progressed.

I acknowledge that fishing technologies will change over the next decade, and our understanding of marine parks and impacts on them will improve over time. I am committed to adaptive management and will establish an efficient and effective process to assess new technologies and gear types to allow for the use of new equipment during the life of the plan if appropriate.

#### Anchoring and transiting:

I acknowledge the concerns raised about not being allowed to anchor in certain areas, and about the rules for stowing fishing gear while transiting and anchoring.

The plan has been amended to clarify where anchoring and vessel transit is allowed, and that the plan does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial fishers to anchor, to minimise impacts on the natural values in marine parks.

#### Approvals and authorisations:

There appeared to be some confusion about how class approvals will work and whether these will increase the burden on commercial fishers. That is not my intention. I place a high priority on minimising regulatory burden on users of marine parks. I believe that class approvals represent the most efficient and low impact way of discharging my responsibilities under law to authorise commercial fishing activities.

Under the EPBC Act, commercial activities are prohibited in marine parks unless authorised by the Director of National Parks. One way to authorise commercial activities is to issue a class approval. Class approvals authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. Class approvals will be subject to conditions specifying where in Australian Marine Parks these activities can occur, as well as the methods that may be used, reflecting the rules set out in the management plans.

Class approvals will minimise red tape, costs or administrative overheads. For example, a class approval for commercial fishing will mean that commercial fishers who hold an existing Commonwealth or state government fishing concession will generally not require an individual permit or individual licence and will not have to apply or pay any new or additional fees to operate in Australian Marine Parks.

Class approvals will be developed for Australian Marine Parks in consultation with industry representatives, in time to come into effect with the final management plans.

#### **5.4.4 COMMENTS ABOUT COMMERCIAL AQUACULTURE PRESCRIPTIONS**

The following comments were received on the commercial aquaculture prescriptions:

- Supported allowing commercial aquaculture in marine parks.
- Aquaculture has a number of impacts and should be prohibited.
- Input, transparency and consultation with governments and industry is required in developing permits and class approvals.
- References to specific legislation in different states are incorrect.

#### **Director's views**

I note the comments about commercial aquaculture.

Commercial aquaculture is an important industry in some parts of Australia, supporting jobs in regional communities.

I welcome the additional information with respect to legislation and have amended the plans as suggested.

#### **5.4.5 COMMENTS ABOUT COMMERCIAL MEDIA PRESCRIPTIONS**

The following comments were received on the commercial media prescriptions:

- Commercial news and television journalists should not have to seek approval for 'day-to-day news' and there should not be any restrictions when in marine parks.

##### ***Director's views***

I support commercial media accessing marine parks to increase public awareness of their values, pressures affecting parks and to report any news-worthy items. However, to ensure I understand the incidence and impacts of the use of marine parks, and for safety, I think it is sensible that commercial media should notify and work with Parks Australia to manage these activities. It is not intended that restrictions would normally be placed on media, except where their activities may impact important species or habitats.

#### **5.4.6 COMMENTS ABOUT COMMERCIAL TOURISM PRESCRIPTIONS**

The following comments were received on the commercial tourism prescriptions:

- Supported tourism (charter boat) operators receiving permits to continue their operations.
- There should be different classes for non-extractive and extractive tourism, (separate from recreational fishing), given that these activities have different impacts.
- Unclear whether class approvals would apply or whether permits would need to be sought for commercial tourism.

##### ***Director's views***

I note the comments about commercial tourism and welcome the support for tourism in marine parks. Offering world-class natural and cultural experiences and enhancing Australia's visitor economy is one of Parks Australia's corporate goals.

Australian Marine Parks provide exciting and interesting destinations for visitors. The plans set out where different tourism activities can occur – for example, National Park Zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Over the coming months, Parks Australia will work with the tourism industry to determine the most appropriate mechanisms for authorising different commercial tourism activities in different zones of marine parks. Applications to conduct tourism operations in marine parks will be carefully considered in terms of the potential impacts to natural values and significant species, with conditions applied where appropriate.

#### **5.4.7 COMMENTS ABOUT RECREATIONAL FISHING PRESCRIPTIONS**

The following comments were received on the recreational fishing prescriptions:

- Supported the approach to management of recreational fishing in marine parks, equal treatment of gear types and allowing recreational fishing in most zone types.
- Recreational fishing should be allowed in National Park Zones.
- Recreational fishing has not been allowed in some areas based on inappropriate science.
- Different types of recreational fishing could be allowed in different areas.
- Spearfishing should be prohibited in some parks.
- Spearfishing should be allowed in some parks.
- Recreational fishers should need a licence or permit.
- Anchoring by recreational fishers should be allowed.
- Concerned that anchoring by recreational fishers is not allowed.
- Concerned about how marine park zones will be identified by recreational fishers.
- Supported good fisheries management.

#### **Director's views**

I note the high level of interest in recreational fishing in marine parks and the support for the proposed zoning, which enables recreational fishing to occur across much of the estate and in 97 per cent of Commonwealth waters within 100 km of the coast.

Despite comments received, recreational fishing will not be allowed in National Park or Sanctuary Zones. There is clear scientific evidence from around the world about the ecological benefits of no-take areas, and that you can catch more and bigger fish when you have no-take areas nearby.

It should be noted that recreational fishers will be able to anchor in Australian Marine Parks. The plans have been amended to improve clarity about the rules for anchoring and transiting.

A permit to fish recreationally is not required in Australian Marine Parks. Fishers in Australian Marine Parks will need to continue to comply with the relevant state and territory fishing rules and regulations. An instrument may be made to manage recreational fishing access in the Recreational Use Zone at Elizabeth Reef, consistent with longstanding arrangements prior to the commencement of the plan.

Parks Australia will work with recreational fishers and park users over the life of the plan to improve understanding about where recreational fishing is allowed.

#### **5.4.8 COMMENTS ABOUT MINING PRESCRIPTIONS**

The following comments were received on the mining prescriptions:

- Mining, oil and gas extraction and/or shipping should be prohibited in marine parks.
- Further information is required on existing usage rights and mining operations already in place.
- Habitat Protection Zones should prohibit mining infrastructure and pipelines.
- Construction and operation of pipelines should be allowed in marine parks, subject to assessment.
- Supported utilising NOPSEMA authorisation process, as the oil and gas industry is already subject to stringent and rigorous environmental regulation.
- Class approvals should be issued for low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act to ensure that activities that are intended to continue in the marine park zone are not unduly restricted.

- Should maintain prior usage rights/rights to convert to production licences with no new conditions.
- Unintentional operational constraints for mining activities adjacent to marine parks has the potential to erode the value of exploration titles and potentially remove the rights granted to operators by Government.
- The Director of National Parks should provide guidance to titleholders via NOPSEMA as to the expectations of information to be provided and the process for providing this information.
- The Director of National Parks should be notified in the event of an oil pollution event rather than requiring Director of National Parks authorisation prior to initiating spill response.

#### **Director's views**

I note the concerns raised with respect to mining and construction of pipelines in marine parks. My views on these concerns are addressed in Chapter 6.3.1 of this report.

I acknowledge concerns about duplicating processes to assess and approve mining with other agencies. NOPSEMA will remain the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters, as the NOPSEMA program takes account of impacts on marine park values. The Director of National Parks is a relevant person for the purpose of consultation on environment plans where an activity overlaps a marine park. Detailed guidance material will be prepared to assist the petroleum industry to determine when they are required to consult with the Director of National Parks, the process for consultation and expected outcomes to be included in an environment plan to ensure that impacts on marine park values are acceptable.

Additional assessment will not be required in Special Purpose and Multiple Use Zones. However, additional approval from the Director of National Parks will be required for pipelines in Habitat Protection, Recreational Use and National Park Zones.

I note concerns raised with respect to low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act and have amended the plans to ensure that these activities are not unduly restricted.

I have also amended the plans as suggested so that the Director of National Parks should be notified in the event of an oil pollution event, rather than requiring Director of National Parks authorisation prior to initiating spill response.

#### **5.4.9 COMMENTS ABOUT STRUCTURES AND WORKS PRESCRIPTIONS**

The following comments were received on the structures and works prescriptions:

- Structures and works should not be allowed to be constructed in National Park Zones.
- Pipelines should not be allowed in certain areas.
- Artificial reefs and fish aggregating devices should be allowed, including to compensate recreational fishers for any loss of access.
- The Director of National Parks should not need to approve an activity that been assessed under other processes e.g. under EPBC Act, *Environment Protection (Sea Dumping) Act 1981*.
- Need consultation when determining anchoring areas.
- Need clarification about the installation and operation of fibre optic cable to support mining activities, class approvals for existing port infrastructure and activities, and decommissioning of pipelines.
- 'Maintenance' should be separated from 'moorings, excavation and maintenance'. Maintenance should be allowed without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

### ***Director's views***

I note concerns and support for constructing structures and works, including pipelines, artificial reefs and fish aggregating devices, in marine parks.

Proposals to install structures and works, including moorings, artificial reefs and fish aggregating devices will be carefully considered, in terms of compatibility with zone type and zone objectives, potential impacts on natural values and the benefits in terms of visitor safety, research and monitoring or the national interest.

I note concerns raised with respect to streamlining process under the EPBC Act and have amended wording to enable streamlining of these processes, including to increase efficiency and reduce any prospect of regulatory duplication.

I have also made some minor amendments to clarify arrangements for maintenance, excavation and erection of structures and works, as opposed to dredging and disposal of dredged material.

### **5.4.10 COMMENTS ABOUT PRESCRIPTIONS FOR RESEARCH AND MONITORING ACTIVITIES**

The following comments were received on the research and monitoring prescriptions:

- Supported access to marine parks for research and monitoring, particularly to understand impacts of use.
- Supported research into fishing activities to inform effective management.
- Sought confirmation on whether activities for research and monitoring approved through an EPBC Act referral would also be considered authorised through a class approval, and therefore do not require additional permitting.

### ***Director's views***

These comments were noted, but no changes were required. I strongly support research and monitoring in marine parks to further increase the scientific knowledge base, upon which marine park management rests.

### **5.4.11 COMMENTS ABOUT PRESCRIPTIONS FOR NATIONAL SECURITY AND EMERGENCY RESPONSE**

The following comments were received on the national security and emergency response prescriptions:

- Concerned about impacts of defence activities on natural values in particular sonar.
- The Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, such as offshore petroleum operators.
- Authorisation of contractors should not be required to undertake emergency responses on behalf of government agencies.



### **Director's views**

I have taken on board the suggestion that the Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, by amending the related prescription to authorise to read "Actions by or under the direction of Commonwealth or Commonwealth agencies" may be conducted without authorisation.

### **5.4.12 COMMENTS ABOUT MAKING DECISIONS AND AUTHORISING ACTIVITIES**

The following comments were received on decision making and authorisation:

- Supported deregulation/reduced regulatory burden or exemption from additional approval where an activity is assessed under other processes (such as the *Environment Protection (Sea Dumping) Act 1981*) or by other agencies.
- Concerned about delegation of Commonwealth authorisation processes to state or territory governments.
- Concerned that the Director of National Parks may make, amend and revoke prohibitions, restrictions and determinations of the EPBC Regulations and the Director may issue a permit for an activity that would otherwise be prohibited by such an instrument.
- Extra conditions may be placed on class approvals for mining, oil and gas, resulting in regulatory creep and an unnecessary regulatory burden on operators.
- Further information is needed about the terminology 'acceptable impacts'.
- Needs to be a formal mechanism for involving traditional owners in authorisations and research permit conditions should require engagement of traditional owners.
- Further information is needed about how approvals will be granted, criteria for assessment and approval.
- The Director should only authorise new activities where they are consistent with the zone objectives.
- Concerned about the Director of National Parks charging fees, and the impact of this on business.
- Supported the Director of National Parks charging fees.

### **Director's views**

I note the comments about these prescriptions, in relation to duplication with other assessment processes, additional conditions being applied to approvals, concern about assessment and approval processes, and support and concern about charging fees.

Parks Australia will continue to seek to streamline, deregulate and simplify assessment and authorisation procedures, including by working with other agencies wherever possible.

I have considered the concerns raised about approvals made under other legislation, such as the *Environment Protection (Sea Dumping) Act 1981* and amended the plans such that class approvals will be issued for activities that have received a permit under the *Environment Protection (Sea Dumping) Act 1981*.

I also note the interest of traditional owners in assessment and authorisation processes. Parks Australia will also consult with Indigenous people and traditional owners to inform them about assessments and authorisations and to understand which activities are of most interest and concern.

Further information about the processes for assessment and approval will be provided when the plans are finalised and implementation commences.

## 5.5 COMMENTS ON THE PLAN'S SCHEDULES

The following comments were received on the glossary and schedules. Please note, comments about the values outlined in Schedule 2 are discussed in Chapter 5.2 of this report.

### Glossary definitions:

- Unclear about Indigenous Protected Areas.
- Confused about the legislation applying to pollution from ships.
- Several terms are used when referring to a Marine National Park Zone, including 'no-take', 'IUCN category II' and 'green zone'.

### Schedules:

- There are incorrect references to fisheries legislation in some plans.
- Need to acknowledge international fishing agreements where they relate to marine parks.
- Suggested an amendment to clearly articulate how plans will interact with the statutory requirements of the EPBC Act and *Environment Protection (Sea Dumping) Act 1981* in Schedule 1.
- Plans are inconsistent with Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making.
- Bioregions need to be described at different scales.
- The Temperate East Plan should include a sixth schedule: Parties to the Plan for the Norfolk Marine Park and in particular formal recognition of the Norfolk Island Fishing Management Policy and Memorandum of Understanding.

### **Director's views**

#### Glossary:

In light of some confusion about definitions, the glossary has been amended to add definitions for commercial pearling, Commonwealth marine reserve, Indigenous protected area, MARPOL and traditional owners. Clarifications have also been made to definitions of Australian Marine Parks, recreational fishing and transit.

#### Schedules:

I note the comments about a need to correct legislation descriptions. I have amended Schedule 1 as suggested, where required, to reference the correct fisheries legislation in each plan.

Amendments have been made to the plans in relation to clarify process when assessment is required under the EPBC Act and *Environment Protection (Sea Dumping) Act 1981*. These were outlined in the previous section.

I note the concerns about inconsistency with elements of Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making. However, I am confident that the plans are consistent with the regulations.

I note the comment about bioregions. The bioregions outlined in plans were those used in the design of all Australian Marine Parks.

An additional schedule was not considered to be warranted on the Parties to the Plan for the Norfolk Marine Park.

## 6 GENERAL COMMENTS ON THE DRAFT PLAN

This chapter summarises the general comments received in relation to the draft plan. Comments that relate to specific parts of the draft plan are addressed in Chapter 5 of this report. The following general comments were received on the management plans, or marine park management:

### Support:

- Supported the management plans and the balanced and scientific approach for the parks.
- Supported a national network of marine parks.
- Did not support the management plans.

### Independent review:

- Management plans have not adopted the recommendations of the *Independent Review of Commonwealth Marine Reserves*.
- Supported the findings of the review in specific parks.
- Disappointed the review did not consider outer boundaries of marine parks.
- Rejected findings or statements made by the review, such as about consultation on zoning, reducing protection on the shelf and upper slope, Eighty Mile Beach Marine Park, Roebuck Marine Park and impacts of recreational fishing.
- Disagreed with the findings of the review in relation to the extension of marine parks and uncertainty for commercial fishers.

### Design:

- Did not support government reducing or removing marine parks.
- Area of marine parks should be increased, marine park boundaries increased or new marine parks declared.
- Given natural values of areas outside of marine parks, these areas should be included in marine parks.
- Australian Marine Parks should be adjacent to state marine parks.
- Marine parks can't protect the marine environment or pelagic and migratory species.
- Marine park boundaries should be based on science data and recommendations, particularly connectivity and spacing.
- Did not support specific marine parks.

### Resourcing:

- Government needs to commit adequate resources for marine park management to implement the plans.
- Levies should not be placed on the commercial fishing industry and other users to cover costs of marine park management.
- Insufficient funds are available for fisheries adjustment and implementation of management plans.
- Parks Australia should work with other programs, such as the National Landcare Program, to get best outcomes for marine parks from investment.
- Fundraising would fund better outcomes.
- Funding is needed for regular scientific monitoring, including of key ecological features.
- Resources should be allocated to both habitat mapping and taxonomic identification.

#### International:

- There should be greater focus on protection further offshore and work with international governments, due to concerns about foreign fishing.
- Concerned about Australia's international reputation.
- Australia should follow recent recreational fishing allocation in the United States marine park network.

#### Policy and scientific basis:

- Questioned the policy and scientific basis for the management plans.
- There is a lack of scientific evidence for the benefits of Marine National Park Zones.
- There is a lack of evidence regarding economic impacts on commercial fishers.
- Concerned about Australian Fisheries Management Authority Ecological Risk Management.
- Benefits of marine parks and sustainable practices should be included in social / economic analysis.
- There has been a lack of consideration given to turtle habitats, and this presents a clear scientific error.

#### Concern for the marine environment:

- Concerned about the marine environment, in the face of threats and pressures, including the need to manage terrestrial runoff.
- Need to manage the environment for future generations.
- Questioned the ability of government to deliver environmental outcomes.

#### Fisheries adjustment:

- Noted Government's commitment to fair and reasonable adjustment assistance.
- Important to provide adequate resources to enable commercial fishers who have been affected by the management plans to adjust.
- Important to clearly define a process of assessing and managing displaced effort, including prospective fishing rights.
- Requested detail on the proposed assistance.
- Queried whether assistance will apply to vessel monitoring systems.
- Government does not have the resources that will be required for assistance.
- Full compensation should occur prior to being excluded from fishing grounds and funding should be provided assist in applying.
- There will be a direct and continual impact of commercial fishers' livelihoods due to loss of grounds and impact on license values and assets.
- The economic viability of regional coastal communities including harbours will be impacted, with the flow on impacts from the parks.
- Compensation is required for recreational fishers for loss of access e.g. installation of infrastructure (moorings, FADs, artificial reefs).

#### Consultation:

- Supported the consultation process on draft management plans.
- Suggested additional consultation.
- There was not sufficient opportunity to understand and comment on the proposed arrangements.
- Submissions from previous consultation were ignored or not taken into account.
- All submissions should be treated equally.
- Submissions from direct users should be given greater weighting.
- Supported the renaming of marine parks.

- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.

Business certainty:

- Concerned about the impacts of marine parks on local economy.
- Need to finalise plans as soon as possible.
- It has taken too long to establish management plans.
- Welcomed the business certainty that finalised plans will provide.
- Planning process has impacted business growth.
- Sought security of access to fishing grounds providing business certainty moving forward.
- Class approvals process provides no certainty for commercial fishers.

Not related to management plans:

- Commented on the Australian Government, elected officials and staff of Parks Australia.
- Commented on Australia's energy supply.
- Commercial fishing should be banned and recreational fishing be allowed in lakes and tributaries.
- Key coastal communities adjacent to Australian Marine Parks should be protected from mining.

**Director's views**

I note the additional comments that I received that provided general feedback, commented on issues relating to plan consultation or implementation, or that were not related to the text in the draft plans. My position on these comments is detailed below. Many of these comments could not be addressed through amendments to plans, but will be taken into account by Parks Australia as the plans are implemented.

Support:

The comments in relation to support are noted.

Independent review:

I note the comments about the independent review and concerns that the recommendations of the review have not been adopted in full.

Prior to preparing management plans, the Government commissioned the *Independent Review of Commonwealth Marine Reserves*. The review comprised an expert scientific panel and five bioregional advisory panels. The review involved extensive consultation, including regional meetings and a submissions process.

I found the review's recommendations an important and extremely helpful input to the draft management plans. But feedback received during public consultations on plans and related discussions with stakeholders demonstrated that the review's recommendations had not resolved all stakeholder concerns. More work needed to be done to implement a balanced approach to managing our marine parks that protects marine biodiversity and health, and also enables sustainable use and access.

Review-recommended zoning has been adopted in full or in large part for the majority marine parks. Where the review's zoning proposals were not incorporated in the plans, it was because the impact on users, such as fishers, was too great, inconsistent with the Government's policy on sustainable fishing.

### Design:

A large number of submissions expressed concern about reducing the area or changing the boundaries of Australian Marine Parks. There appeared to be confusion about the intentions of the Australian Government and the purpose of the management plans.

Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). The Australian Government remains committed to the National Representative System of Marine Protected Areas. The management plans do not propose to increase, change the boundaries of, or decrease marine parks in Australian waters. They do, however, outline zoning within marine parks. The comments received in relation to zoning within marine parks, and my views on these were discussed earlier in this report.

### Resourcing:

I agree with comments that appropriate resourcing will be important to the management of marine parks.

The Government committed \$56.1 million over four years to establishing and managing marine parks. This will support commercial fishers directly affected by marine park management; support increased engagement of marine users in the management of marine parks; establish systems to manage the nation's marine parks; and enable scientific research and monitoring to better understand marine parks.

Actions within the plan will, of necessity, be prioritised according to available resources. Establishing effective partnerships will be critical to effective implementation of the plans. Parks Australia will work with other agencies and funding programs to ensure maximum benefits arise for marine parks from Government investment.

### International:

I agree that international cooperation is important to managing marine parks and am committed to consulting closely with other governments to deliver complementary and effective management of marine parks. This includes to combat the threat and impacts of illegal fishing.

In response to concerns about Australia's reputation, I note that implementation of the plans as proposed would reconfirm Australia's place at the absolute forefront of marine protection. Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). With 36 per cent of Australia's waters included in marine parks, we are well ahead of both the international benchmark 'Aichi target' of 10 per cent by 2020, and a recent World Conservation Congress resolution calling for 30 per cent by 2030.

### Policy and scientific basis:

I acknowledge comments about the policy and scientific basis for marine parks and the plans.

The policy basis for marine parks lies in the commitment of all Australian governments in 1998, derived from Australia's obligations under the Convention on Biological Diversity, to establish the National Representative System of Marine Protected Areas. It has been elaborated on through other policies developed since that time, including the 2013 *Policy for a more competitive and sustainable fisheries sector*.

The scientific basis for Australian Marine Parks is a wide body of advice and scientific literature, that demonstrates that the establishment and effective management of marine protected areas plays an important role in the conservation of biodiversity, the health and resilience of marine habitats and



ecosystems, and the life they support. This in turn benefits society through the provision of a range of ecosystem services and supporting use of marine environments and resources.

The independent review's expert scientific panel confirmed that the science that underpins the establishment of our marine parks is sound and that network design draws on the best available scientific information.

Management plans are based on the best scientific information available, best practice management, and many years of bioregional planning. In recognition of scientific evidence about the importance of no-take areas to ecosystem health and biodiversity, no-take areas have been maintained over large parts of marine parks. In preparing plans, information about the location of conservation features (like canyons, seamounts and reefs) was reviewed, and as many of these features as possible are covered under no-take areas.

Advice about the socio-economic values and uses of marine parks was also considered and impacts on industries and users minimised whenever possible.

Concern for the marine environment:

It is clear from the comments received that Australians love the marine environment. I am confident that these plans appropriately balance the need to protect these special places, with enabling people to use and enjoy them for years to come.

Fisheries adjustment:

I note comments about assistance for commercial fishers to adjust to the arrangements outlined in these plans. I also note that the plans will have a significantly reduced impact on commercial fishers compared to those proposed in 2013.

The Government is committed to providing fair and reasonable assistance to those commercial fishers who are directly affected by the new management arrangements for marine parks. The Government will assess the need for assistance when it finalises management plans. Any adjustment assistance program will be developed in consultation with the fishing sector. Any adjustment assistance program will be guided by the Australian Government's Fisheries Adjustment Policy and delivered collaboratively by Parks Australia and the Department of Agriculture.

Consultation:

I note the comments about consultation in developing the plans and concerns about whether submissions received through various consultations have been adequately considered.

I consider that the plans have benefitted from and been informed by an exceptionally high degree of community consultation and engagement. I would like to express my thanks to the many Australians who have taken the time to submit comments through public consultation processes – these have been invaluable in finalising the plans.

The *Independent Review of Commonwealth Marine Reserves* also involved extensive consultation, including regional meetings, a submissions process and an expert scientific forum.

Chapter 3 of this report outlines the extensive public consultation processes to develop these plans, including the number of submissions received and considered. All comments received through these process were carefully considered in the finalisation of management plans. All comments received were equally weighted.

The consultation process outlined went above and beyond the statutory requirements under the EPBC Act.

Between 21 July and 20 September 2017, the Director also consulted on a proposal to rename marine reserves to marine parks. This was a separate process and is outlined in a separate report.

The release of final management plans does not signal the end of consultation and engagement on Australia Marine Parks. Management plans provide for ongoing engagement with parks users, traditional owners, Indigenous people and the community about marine parks, and for the negotiation of approvals, including class approvals, with park users.

Business certainty:

I acknowledge the need for certainty for people who rely on Australian Marine Parks for their livelihoods, and have endeavoured to finalise management plans as quickly as possible.

Not related to management plans:

These comments are not addressed as they are outside the scope of the management plans.

Temperate East Marine Parks Network IUCN categories, zones and Australian IUCN reserve management principles

**Temperate East Network zoning and marine park management categories**

Marine park name	IUCN category	Zone name and IUCN category						
		Special Purpose Zone (Trawl) (VI)	Special Purpose Zone (Norfolk) (VI)	Multiple Use Zone (VI)	Habitat Protection Zone (IV)	Habitat Protection Zone (Lord Howe) (IV)	Recreational Use Zone (IV)	National Park Zone (II)
Gifford	IV				✓			
Norfolk	IV		✓		✓			✓
Lord Howe	IV			✓	✓	✓	✓	✓
Central Eastern	IV			✓	✓			✓
Solitary Islands	VI	✓		✓				✓
Cod Grounds	II							✓
Hunter	IV	✓			✓			
Jervis	IV	✓			✓			

**Temperate East Network IUCN categories**

<p><b>Special Purpose Zone (IUCN category VI)</b>—managed to allow specific activities though special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.</p>
<p><b>Multiple Use Zone (IUCN category VI)</b>—managed to allow ecologically sustainable use while conserving ecosystems, habitats and native species. The zone allows for a range of sustainable uses, including commercial fishing and mining where they are consistent with park values.</p>
<p><b>Habitat Protection Zone (IUCN category IV)</b>—managed to allow activities that do not harm or cause destruction to seafloor habitats, while conserving ecosystems, habitats and native species in as natural a state as possible.</p>
<p><b>Recreational Use Zone (IUCN category IV)</b>—managed to allow recreational use while conserving ecosystems, habitats and native species in as natural a state as possible. The zone allows for recreational fishing, but not commercial fishing.</p>
<p><b>National Park Zone (IUCN category II)</b>—managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities, unless authorised for research and monitoring.</p>

## **Australian IUCN categories and management principles**

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation;
2. effective and adaptive management;
3. the precautionary principle;
4. minimising impacts;
5. ecologically sustainable use;
6. transparency of decision-making; and
7. joint management.

### ***Principles for each IUCN category represented in the Temperate East Marine Parks Network***

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the Temperate East Network. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

#### **1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.

- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

### **3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

### **5. Habitat/species management area (IUCN category IV)**

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.
- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.
- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife

management.

5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.

5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.

7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.

7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.

7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

APPROVAL OF THE TEMPERATE EAST MARINE PARKS NETWORK MANAGEMENT  
PLAN 2018

I, JOSH FRYDENBERG, Minister for the Environment and Energy, acting pursuant to section 370 of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby approve the Temperate East Marine Parks Network Management Plan 2018.

Dated this ..... day of ....., 2018

Josh Frydenberg  
Minister for the Environment and Energy



# Australian Government

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## Director of National Parks

### EXPLANATORY STATEMENT

*Environment Protection and Biodiversity Conservation Act 1999*

### **Temperate East Marine Parks Network Management Plan 2018**

#### **Background**

The Temperate East Marine Parks Network (the Temperate East Network) consists of eight Commonwealth marine parks that lie off the coast of New South Wales and Southern Queensland. The Commonwealth reserves that form the Temperate East Network were declared by Proclamation under section 344 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 12 December 2013 as amended by a Proclamation made under section 350 of the Act on 9 October 2017 to change the name of the reserves from “Commonwealth Marine Reserve” to ‘Marine Park’.

The Temperate East Network was proclaimed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 12 December 2013.

Management of the Temperate East Network is the function of the Director of National Parks (the Director) under the EPBC Act.

The Temperate East Network includes the following marine parks:

- Gifford Marine Park
- Norfolk Marine Park
- Lord Howe Marine Park
- Central Eastern Marine Park
- Solitary Islands Marine Park
- Cod Grounds Marine Park
- Hunter Marine Park
- Jervis Marine Park

The marine parks of the Temperate East Network were established to protect and maintain marine biodiversity, contribute to the National Representative System of Marine Protected Areas (NRSMPA) and to help ensure the long-term ecological viability of Australia’s marine ecosystems. The conservation values that the marine parks help to protect include:

- ecosystems, habitats, communities, species and sea-floor features found within the provincial bioregions of the Temperate East Marine Region
- ecological features with high biodiversity value, species richness and endemism
- cultural and heritage values
- a number of species listed as endangered or vulnerable under Commonwealth legislation or international agreements
- habitats important for protected species

### **Overview of the Legislative instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the Temperate East Network and other Commonwealth reserves unless permitted by a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The Temperate East Marine Parks Network Management Plan 2018 also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the Temperate East network.

### **Structure and Content of the Management Plan**

The Management Plan consists of two Chapters, each with two parts and five schedules:

- Chapter 1 Introduction includes:
  - *Part 1 Managing Australian Marine Parks* outlines the context and approach to managing marine parks.
  - *Part 2 The Temperate East Marine Parks Network* provides a summary of the Temperate East Network including natural, cultural, heritage, social and economic values, and the pressures facing the Network and the management programs and actions to protect values and manage pressures.
- Chapter 2 Management and prescriptions includes:
  - *Part 3 Zoning* details the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
  - *Part 4 Managing activities* provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes and the types of authorisations (permits, class approvals, commercial activity licences and leases).
  - *Glossary* lists terms and words used in the plan.
- Five Schedules
  - *Schedule 1 Summary of legislative and policy contexts* includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
  - *Schedule 2 Temperate East Network overview and values* provides a summary of the marine parks as proclaimed, a description of values and a map for each park.
  - *Schedule 3 Environmental features used in design of the Temperate East Network* describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features and key ecological features.

- *Schedule 4 Temperate East Network marine parks and zone boundary descriptions* lists the coordinates of each marine park and zone.
- *Schedule 5 Supporting information* lists references used in preparing this plan.

### **Consultation**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice of Intent was published in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and placed on the Department of the Environment and Energy's website. The Notice of Intent invited comment on the Director of National Park's proposal to prepare draft Management Plans for the South-west, North-west, North, Temperate East Networks and the Coral Sea Marine Park. Invitations to comment were also provided to Native Title representative bodies, peak Indigenous representative bodies, Native Title holders, Indigenous research institutions and Indigenous ranger organisations interested in the marine parks of the Temperate East Network.

This comment period closed on 31 October 2016 with a total of 54 332 submissions received. The comments received were considered in preparing the Draft Management Plan.

The draft Management Plan for the Temperate East Network was released for public comment on 21 July 2017. As required under the EPBC Act, the Director published a notice inviting comments on the draft Management Plan in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and on the department's website. Copies of the draft Management Plan were made available through the Department's Community Information Unit and on the Department's website. Comments on the draft plan closed on 20 September 2017. A total of 82,877 submissions were received.

The Minister considered all comments received in approving the Management Plan.

### **Regulation Impact Statement**

In accordance with requirements for new regulatory instruments, a Regulatory Impact Statement has been prepared.

### **Period of Operation**

The Management Plan will come into effect on 1 July 2018. It will cease to have effect on 30 June 2028, unless revoked earlier and replaced by a new Management Plan.

### **Legislative Instrument**

The Management Plan is a legislative instrument for the purposes of the *Legislation Act 2003*.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Temperate East Marine Parks Network Management Plan 2018**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the Temperate East Network and other Commonwealth reserves unless permitted by a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The Temperate East Marine Parks Network Management Plan 2018 also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the Temperate East network.

#### **Human Rights Implications**

The Management Plan engages with the following human rights:

##### *Right to self-determination*

Although there is no universally accepted agreement on what is required to meet this right, it is generally accepted that it includes allowing people to pursue their economic, cultural and social development. The Management Plan promotes this right through consultation and consideration of stakeholders views on their economic, cultural and social aspirations for marine parks, and in particular contains the Indigenous engagement program and actions that support involvement of marine users and Indigenous people in managing the Temperate East Network.

##### *Right to freedom of movement*

In order to achieve the objectives of the Management Plan it is necessary to restrict some access and uses that may impact on the natural and cultural values in some marine parks. This may involve the right to freedom of movement; however, this is not an absolute right and may be subject to permissible limitations where there is a legitimate objective, in this case the conservation and protection of natural and cultural values into the future, and the response is reasonable, necessary and proportionate. Limitations on access and use of marine parks under the Management Plan are reasonable and considered responses to the potential threats posed to achieving the objectives of the Management Plan.

The Management Plan places some limits on innocent passage through the territorial sea and freedom of navigation through the exclusive economic zone under the United Nations Convention on the Law of the Sea (UNCLOS). The limitations apply to protect the environmental values and habitats of

certain areas and are consistent with Australia's rights and obligations under UNCLOS; and also do not affect vessels responding to circumstances of force majeure or distress (eg. due to extreme weather) or for the purpose of rendering assistance to other persons and vessels in danger or distress.

#### *Right to privacy*

The Management Plan allows the Director in some instances to require users of the marine parks to provide information about the activities they conduct within the marine parks. This potentially includes commercial-in-confidence information such as the location of the activity or number of people undertaking an activity. The right to privacy is not absolute, and any requests for information are used to inform future management arrangements. The information collected will be handled and managed in accordance with the Commonwealth Privacy legislation.

#### *Right to enjoy and benefit from culture*

The right to enjoy and benefit from culture includes allowing people to take part in cultural life and enjoy the benefits of scientific progress. The Management Plan promotes this right by seeking to involve interested stakeholders, the community and Indigenous people in management actions through recognising native title interests and by implementing a number of principles, programs and actions. The Management Plan may limit this right in some instances where proposed activities are not consistent with the primary objective of the Management Plan to protect and conserve biodiversity and other natural and cultural values. However, these instances are expected to be rare, and will be carefully considered prior to a decision being undertaken. Section 8 of the EPBC Act does not affect the operation of the *Native Title Act 1993* including of s.211 of that Act, which allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence.

#### **Conclusion**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* and to the extent that it may limit any human rights, those limitations are reasonable, necessary and proportionate.





**Australian Marine Parks**  
**Coral Sea**  
**Marine Park**  
**Management Plan**  
**2018**



Australian Government  
Director of National Parks



Australian  
Marine Parks



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#### **Photography credits**

##### **Front cover**

Noble feather star, Marion Reef (Nigel Marsh)

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# CHAPTER 1

## INTRODUCTION

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Red-tail tropic birds (Parks Australia)

# Part 1. MANAGING AUSTRALIAN MARINE PARKS

## 1.1 INTRODUCTORY PROVISIONS

### **Name**

This management plan (plan) is the *Coral Sea Marine Park Management Plan 2018*.

### **Commencement**

This plan commences on 1 July 2018.

### **Interpretation**

The Glossary provides the meaning of certain words and expressions used, and includes references to certain words and expressions that are defined in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### **Authority**

This plan is made under Section 370 of the EPBC Act. This plan replaces all previous approvals under s.359B of the EPBC Act that authorised a range of activities in the Coral Sea Marine Park in the period from proclamation of the Marine Park to the commencement of this plan.

## 1.2 AUSTRALIAN MARINE PARKS

Australia is surrounded by ocean extending from the tropics to the sub-Antarctic, providing a home to a wealth of plants and animals, many of them found nowhere else in the world. Australia's oceans help to support our way of life by providing beautiful places to enjoy, supporting businesses and jobs, and contributing to Australia's food and energy needs.

Marine protected areas are recognised as one of the best ways to conserve and protect marine habitats and species in our oceans. In light of this, the Australian, state and territory governments agreed in 1998 to establish a National Representative System of Marine Protected Areas (NRSMPA). The NRSMPA was designed to create a comprehensive, adequate and representative (CAR) system of marine protected areas, to contribute to the long-term viability of the marine environment and protect biodiversity. To identify areas to protect in the NRSMPA, the Australian Government undertook scientific research and consolidated the best available information on the natural, social and economic characteristics of Australia's marine environment.

On the basis of this work, in 2012, the Australian Government expanded the total coverage of Australia's National Representative System of Marine Protected Areas to 3.3 million km<sup>2</sup>. This included new marine parks in the North, North-west, South-west, and Temperate East marine regions, and in the Coral Sea. This is in addition to marine parks already established in the South-east Network, the Great Barrier Reef and at Heard and McDonald Islands.

Australian Marine Parks (Commonwealth reserves proclaimed under the EPBC Act in 2007 and 2013) are located in Commonwealth waters that start at the outer edge of state and territory waters, generally three nautical miles (approximately 5.5 km) from the shore, and extend to the outer boundary of Australia's exclusive economic zone, 200 nautical miles (approximately 370 km) from the shore. Marine parks have also been established by state and territory governments in their respective waters under the NRSMPA. Many other countries have moved to establish marine protected areas in their waters and are implementing a range of legislative, policy and management tools to manage these important places.



### 1.3 AUSTRALIAN MARINE PARKS VISION AND OBJECTIVES

Management of Australian Marine Parks requires a balance between protection of our marine environment, and opportunities for sustainable use and enjoyment of these special places.

The vision of the Director of National Parks (the Director) is that marine parks are healthy, resilient and well-managed to enhance Australia's wellbeing. This means ensuring that:

- their natural, cultural, socio-economic and heritage values are understood, appreciated and conserved;
- marine parks support jobs and businesses, providing multiple benefits to regional communities and the economy;
- people have opportunities to enjoy marine parks;
- visitors and tourists can enjoy world-class nature-based experiences in marine parks; and
- Indigenous people and marine park users are partners in managing marine parks.

The objectives of this plan are to provide for:

- a) the protection and conservation of biodiversity and other natural, cultural and heritage values of the Coral Sea Marine Park; and
- b) ecologically sustainable use and enjoyment of the natural resources within the Marine Park, where this is consistent with objective (a).

### 1.4 MANAGEMENT PLAN

This plan is structured into two chapters and five schedules (Table 1.1). Chapter 1 provides an introduction to how Australian Marine Parks are managed, and Chapter 2 provides for the management of the Coral Sea Marine Park.

Several inputs have contributed to the preparation of this plan, including:

- public consultation during the preparation of this plan;
- knowledge and expertise of marine park users and traditional owners;
- the independent *Commonwealth marine reserves review* (publicly released in 2016);
- the best available science and information on marine parks and approaches to marine park management, including insights from management of the South-east Network, the Great Barrier Reef Marine Park, and state and territory marine parks;
- the Integrated Marine and Coastal Regionalisation of Australia (IMCRA) framework;
- the *East marine bioregional plan: bioregional profile* (2009); and
- Government policies and commitment to competitive and sustainable fisheries.

## 1.5 LEGISLATION AND POLICY SUPPORTING MARINE PARK MANAGEMENT

The EPBC Act is Australia's primary environmental legislation. In recognition of the importance of the marine environment, it is listed as a matter of national environmental significance under the EPBC Act. Under the EPBC Act, the Director is responsible for managing marine parks (supported by Parks Australia), and is required to make management plans for marine parks. Other parts of the Australian Government must not perform functions or exercise powers in relation to these parks that are inconsistent with management plans (s.362 of the EPBC Act).

This plan complements a range of Commonwealth, state and territory laws, as well as international conventions and agreements that relate to protection of the marine environment (Schedule 1). Some of the ways in which the Australian Government protects the marine environment through national environmental law include management plans for Australian Marine Parks; marine bioregional plans for the Commonwealth marine environment; recovery plans for threatened species; and threat abatement plans for key threats, such as invasive species and marine debris.

Other Australian, state and territory government agencies also have statutory roles in managing fisheries, tourism, oil and gas activities, shipping, maritime pollution and biosecurity threats.

Australia also has international responsibility under the World Heritage Convention and Ramsar Convention on Wetlands of International Importance, to manage the Coringa–Herald and Lihou Reefs and Cays Ramsar sites.

**Table 1.1 Structure of this plan**

<i>Chapter 1</i> Introduction	
<b>Part 1</b> Managing Australian Marine Parks	Outlines the context and approach to managing marine parks.
<b>Part 2</b> The Coral Sea Marine Park	Provides a summary of the Coral Sea Marine Park including natural, cultural, heritage, social and economic values, the pressures facing the Marine Park and the management actions to protect values and manage pressures.

<i>Chapter 2</i> Management and prescriptions (the rules)	
<b>Part 3</b> Zoning	Explains the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
<b>Part 4</b> Managing activities	Provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes, and the types of authorisations (permits, class approvals, activity licences and leases).
<b>Glossary</b>	Lists terms and words used in this plan.

<i>Schedules</i> Supporting information	
<b>Schedule 1</b> Summary of legislation and policy contexts	Includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
<b>Schedule 2</b> Coral Sea Marine Park overview and values	Provides a summary of the Coral Sea Marine Park proclamation, a description of values and a map for the Marine Park.
<b>Schedule 3</b> Environmental features used in design of the Coral Sea Marine Park	Describes the environmental features used to identify zones in the Coral Sea Marine Park. These include bioregions, depth ranges, seafloor features and key ecological features.
<b>Schedule 4</b> Coral Sea Marine Park and zone boundary descriptions	Lists the coordinates of the Coral Sea Marine Park and zones.
<b>Schedule 5</b> Supporting information	Lists references used in preparing this plan.

## 1.6 APPROACH TO MANAGING AUSTRALIAN MARINE PARKS

To achieve the best outcomes from Australian Marine Parks, the different uses of parks must be balanced with protecting important habitats and features. This plan outlines the Director's approach to managing Australian Marine Parks. This approach includes:

- **A vision** for Australian Marine Parks and management objectives.
- **Partnerships** with traditional owners, marine park users, stakeholders and governments to manage marine parks.
- **Management programs and actions** to protect the marine environment, improve scientific understanding, support tourism, improve awareness and appreciation of marine parks, work with Indigenous people to manage parks, assess and authorise activities, and ensure that people comply with the rules.
- **Zones** that set out what activities can be undertaken where and how.
- **Outcome-based decision-making** where each decision made balances enabling use with the need to protect natural, cultural and heritage values of marine parks.
- **Implementation plans** to support each management plan that set out the specific actions in the foundation phase (years 1–4), consolidation phase (years 5–8), and finalisation and review phase (years 9–10).
- **Adaptive management** including monitoring, evaluation and reporting to keep track of our progress and change our approach when necessary.

## 1.7 WAYS OF WORKING

In managing Australian Marine Parks, the Director will seek to be:

- **Respectful** of the traditional owners of the sea, marine park users, stakeholders and other government agencies.
- **Collaborative**—seeking to co-design management programs and systems wherever possible, and manage in consultation with marine park users.
- **Balanced**—focused on protecting natural, cultural and heritage values, while facilitating sustainable use and enjoyment of marine parks.
- **Outcomes based**—considering outcomes for natural, social-economic, cultural and heritage values of marine parks when making decisions about activities.
- **Adaptive**—encouraging innovation, accommodating new information about values, pressures and technologies, and allowing for continual improvement in management.
- **Evidence and risk-based**—using information to guide management and decision-making, including evidence gathered through monitoring, research, evaluation and reporting.
- **Proactive**—taking proactive action to protect marine parks from pressures, to minimise damage, and to improve resilience, wherever possible.
- **Efficient and effective**—minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval mechanisms of other government agencies, while enforcing the rules established in this plan.

## 1.8 PARTNERSHIPS

Effective management of Australian Marine Parks will be achieved by working with traditional owners, marine park users and stakeholders, and other government agencies through the following:

### ***Partnerships with government agencies***

The Director will build on existing partnerships with Commonwealth government agencies with critical roles in managing and understanding Australia's marine environment, including the Australian Fisheries Management Authority, Australian Maritime Safety Authority, Defence, Geosciences Australia, Great Barrier Reef Marine Park Authority, Australian Border Force and the National Offshore Petroleum Safety and Environmental Management Authority. The Director will also build on partnerships with the Queensland fisheries and marine park agencies, and research institutions that provide support to the day-to-day management of the Coral Sea Marine Park, while ensuring a consistent approach to managing marine parks around Australia.

### ***Advisory arrangements***

To support collaborative management and achieve the vision for marine parks, the Director will establish an advisory forum for the Coral Sea Marine Park that complements existing stakeholder engagement arrangements for the Great Barrier Reef Marine Park. The Director will work closely with stakeholders to develop an appropriate format for the advisory forum and implement management programs and actions for the Marine Park.

The role of the advisory forum will be to support and collaborate with the Director to manage marine parks by:

- helping to develop and deliver implementation plans, including assisting to prioritise management actions and develop performance measures;
- providing information about stakeholder and park user views, knowledge and needs; and
- contributing to the periodic evaluation and review of implementation plans.

Members will represent the broad range of users, interests and knowledge about marine parks and may represent sectors such as commercial fishing, energy, Indigenous people, infrastructure, non-government organisations, recreational fishing, science, tourism, transport and the broader community. Membership and terms of reference for the advisory forum will be developed in consultation with stakeholders as soon as practicable after the commencement of this plan.

### ***Partnerships with traditional owners and Indigenous people***

In implementing this plan, the Director acknowledges the national and international rights and cultural interests of Indigenous people and the deep understanding and experience that Indigenous people can contribute to the management of Australian Marine Parks. This includes international rights as detailed in the United Nations Declaration on the Rights of Indigenous People. The Director also acknowledges that Indigenous people have been sustainably using and managing their sea country, including areas now in marine parks, since time immemorial.

The Director is committed to working with Indigenous people to manage sea country within marine parks and will achieve this through the Indigenous engagement program (Section 2.4). This includes building partnerships with traditional owners and Indigenous people with responsibilities for sea country.

The Director also acknowledges that traditional owners are the primary source of information on the value of their heritage. For this reason, the Director will seek the active participation of Indigenous people in the identification and management of cultural values in marine parks.

To inform our approach to managing marine parks, the Director has worked with representatives from land councils, native title representative bodies and Indigenous ranger groups to develop a set of collaborative management principles (Table 1.2) to support Indigenous involvement in the management of Australian Marine Parks. These principles will inform the approach to implementing this plan, as well as the development and implementation of actions in each marine park (Part 2).

**Table 1.2 Principles supporting Indigenous people to engage in management of Australian Marine Parks**

***Principle 1:***

It is recognised that Indigenous people have been sustainably using and managing their sea country, including areas now included within Australian Marine Parks, for thousands of years—in some cases since before rising sea levels created these marine environments.

***Principle 2:***

Management of Australian Marine Parks should be undertaken on the basis that native title exists in sea country within Commonwealth waters.

***Principle 3:***

Indigenous people should be engaged in planning and managing Australian Marine Parks on the basis of their nationally and internationally recognised rights and cultural interests, not as a 'stakeholder' group.

***Principle 4:***

Maximise opportunities for Indigenous people to enjoy the management and use of their sea country.

***Principle 5:***

Maximise opportunities for the development of Indigenous livelihoods, consistent with national 'closing the gap' commitments.

***Principle 6:***

Governance and management activities within Australian Marine Parks should respect and complement local Indigenous governance arrangements, plans, capacities and activities.

***Principle 7:***

Indigenous engagement in managing Australian Marine Parks should be undertaken through good faith negotiations, seeking to build on the common ground that exists between Indigenous people and the Australian Government to protect and sustainably use Australia's sea country environments and resources.

***Principle 8:***

Third party investment in management activities in Australian Marine Parks (e.g. through environmental offset investments) should include support for Indigenous people's interests, capacity-building and development of livelihoods, consistent with all other principles outlined above; such third party investments must not impact on native title compensation negotiations or on the right to compensation.



## 1.9 MANAGEMENT PROGRAMS AND ACTIONS

The Director will implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks. Management programs and actions may be adapted over the life of this plan, and include:

- **Communication, education and awareness**—actions that improve awareness, understanding and support for marine parks and park management.
- **Tourism and visitor experience**—actions that provide for and promote a range of environmentally appropriate, high-quality recreation and tourism experiences and contribute to Australia's visitor economy.
- **Indigenous engagement**—actions that recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.
- **Marine science**—actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.
- **Assessments and authorisations**—actions that provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to support sustainable use and protection of marine park values.
- **Park protection and management**—timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.
- **Compliance**—actions that ensure appropriate and high levels of compliance by marine parks users with the rules set out in this plan.

The specific actions that will be undertaken in each marine park will be determined in partnership with stakeholders and set out in implementation plans.

## 1.10 ZONES

Zoning and related rules for managing activities are important tools for managing marine parks to ensure protection of marine habitats and species, while enabling use. Parts 3 and 4 of this plan set out the zones and rules for activities in the Coral Sea Marine Park.

In determining the zones and rules, the Director has considered the best available science, the advice of stakeholders, Indigenous people and the general public, the goals and principles of the NRSMPA and the Australian IUCN reserve management principles (Schedule 1). Zones established by this plan (Part 3) in the Coral Sea Marine Park are summarised in Table 1.3.

**Table 1.3 Summary of zones in the Coral Sea Marine Park**

<b>Special Purpose Zone (IUCN category VI)</b> —managed to allow specific activities through special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.
<b>Habitat Protection Zone (IUCN category IV)</b> —managed to allow activities that do not harm or cause destruction to seafloor habitats while conserving ecosystems, habitats and native species in as natural a state as possible.
<b>National Park Zone (IUCN category II)</b> —managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities, unless authorised for research and monitoring.

## 1.11 IMPLEMENTATION PLANS

The Director will work closely with stakeholders and the advisory forum to develop detailed implementation plans. Three stages of implementation plans will be developed to set out the management actions that will occur in the Coral Sea Marine Park and identify performance indicators.

- **Implementation plan 1**—Foundation (years 1–4). To be developed in the first year and include foundational management actions and development of robust natural, social and economic baselines.
- **Implementation plan 2**—Consolidation (years 5–8). To be developed following a review of the first implementation plan, and considering lessons learnt. To continue any ongoing foundational management actions.
- **Implementation plan 3**—Finalisation and review (years 9–10). To set out arrangements to review the lessons learnt from implementing the management plan over the first eight years, and inform the development of the next management plan for the Coral Sea Marine Park.

## 1.12 ADAPTIVE MANAGEMENT

Regular monitoring, evaluation, reporting and review of the implementation of this plan will be essential to achieve the vision for Australian Marine Parks and the objectives for this plan. The Director will undertake periodic monitoring, evaluation, review and reporting on the implementation of this plan to:

- evaluate the effectiveness of this plan in achieving its objectives;
- track progress in meeting performance indicators identified in implementation plans;
- review the effectiveness of zoning and other management arrangements to protect and conserve marine park values;
- identify changes in management context and priorities;
- consider the adequacy of knowledge of marine park values, uses, pressures, social and economic benefits and impacts;
- consider the effectiveness of monitoring and evaluation, and the appropriateness of key indicators and performance measures;
- identify and prioritise future management actions;
- provide information to enable adaptive management; and
- inform the development of a new management plan for the Coral Sea Marine Park at the conclusion of this plan.



## Part 2. THE CORAL SEA MARINE PARK

---



Booby nesting on sand cay (Martin Russell)

## 2.1 THE CORAL SEA MARINE PARK

The Coral Sea Marine Park covers 989 836 km<sup>2</sup> and extends from Cape York Peninsula to an east–west line approximately 40 km north of Bundaberg in Queensland. The nearest point of the Marine Park to mainland Australia is approximately 60 km and it extends to approximately 1 100 km from the coast (Figure 2.1). An overview of the Marine Park and its values is provided in Schedule 2.

Traditional owners have managed and used sea country within the Coral Sea Marine Park for tens of thousands of years. The Marine Park is popular for activities such as fishing, snorkelling, diving and boating. Tourism operators offer unique experiences for visitors to enjoy the offshore reefs, islands, cays and deep-water environments. Although the Marine Park is remote and far offshore, opportunities exist for recreational use, particularly around offshore atolls and reefs.

There are significant industries in the Coral Sea Marine Park, including commercial fishing and shipping that contribute to economic growth, employment and social wellbeing in coastal towns and communities. Activities and businesses that support these industries such as marine industry suppliers and repair yards are also important sources of employment for coastal communities.

The marine environment of the Coral Sea Marine Park is characterised by shallow-water tropical marine ecosystems, a large area of continental shelf and continental slope, two areas of abyssal plain with depths to 6000 m, high incidence of cyclones, high species diversity and globally significant populations of internationally threatened species. A small number of species are found nowhere else. There are approximately 34 reefs, and 56 cays and islets in the Marine Park, with a total reef area of approximately 15,024 km<sup>2</sup>. Most of the species in the Marine Park are tropical and are also found in other parts of the Pacific Ocean; many of them are shared with the North and Temperate East Marine Regions. The seafloor features of the Marine Park are diverse and include coral reefs, soft sediments and canyons that support high species diversity. A key example is Bligh Canyon in the north of the Marine Park, which is 200 km long, 10 km wide and cuts 300 m into the seafloor.

The Coral Sea Marine Park is influenced by a complex system of ocean currents that change seasonally and between years. Currents have also influenced the composition of reef species. The east–west-flowing South Equatorial Current cuts through the centre of the Marine Park before dividing to form the north-flowing Hiri Current and the south-flowing East Australian Current. These currents create a barrier reducing the mixing of species between the north and south of the Marine Park, forming distinct communities. The southern part of the Marine Park transitions between tropical and temperate waters and includes the northern extent of the range of some temperate species typical of the Temperate East Marine Region.

The Coral Sea Marine Park includes iconic black marlin (*Istiompax indica*) spawning aggregations near Osprey Reef, and every year humpback whales (*Megaptera novaeangliae*) migrate through the Marine Park from Antarctica. Six of the world's seven species of marine turtle occur in the Marine Park; all have threatened conservation status.

The Coral Sea Marine Park lies immediately to the east of the Great Barrier Reef Marine Park, which is managed by the Great Barrier Reef Marine Park Authority in collaboration with the Queensland Government. The Great Barrier Reef is a recognised World Heritage Area on the basis of its outstanding universal value. Given the connectivity between the ecosystems and species of the Great Barrier Reef and the Coral Sea, and their importance to local jobs and coastal economies, these marine parks need to be managed in a collaborative way.

Further information about the Coral Sea Marine Park can be found in the *East marine bioregional plan: bioregional profile* (2009) (available on the Department's website), and the marine park values in Section 2.2 and Schedule 2 of this plan.





## 2.2 VALUES OF THE CORAL SEA MARINE PARK

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

As outlined in Part 1, in managing marine parks, the Director will need to make decisions about what activities can occur in the marine parks and what actions to take to manage them. This will involve the Director making decisions that carefully balance the need to protect natural, cultural, heritage and socio-economic values of marine parks with enabling use and managing pressures.

In making these decisions, the Director will carefully consider the impacts and risks to natural, cultural, heritage or socio-economic values for the relevant marine park/s. The values of the Coral Sea Marine Park are set out in Schedule 2 and Figure 2.2 shows Indigenous Protected Areas established near the Coral Sea Marine Park. The Director will also consider any positive impacts associated with allowing an activity, such as socio-economic or cultural benefits, and ensure that activities are undertaken in a manner that minimises negative impacts.

For some areas, such as the Coringa–Herald and Lihou Reefs, there is a relatively strong understanding of values. Where there is less information, environmental features are used as indicators for the types of species and habitats likely to occur. These include bioregions, water depth, seafloor features and key ecological features (Schedule 3).

As understanding of marine park values improves over the life of this plan, the Director will make new information about values available on the Parks Australia website. Other important sources of information on values (also on the Department's website) include:

- Species profile and threats database for protected species;
- Directory of important wetlands in Australia;
- Australian heritage database for natural, historic and Indigenous heritage places;
- Australian national shipwreck database for known shipwrecks;
- National Conservation Values Atlas; and
- *East marine bioregional plan: bioregional profile* (2009).



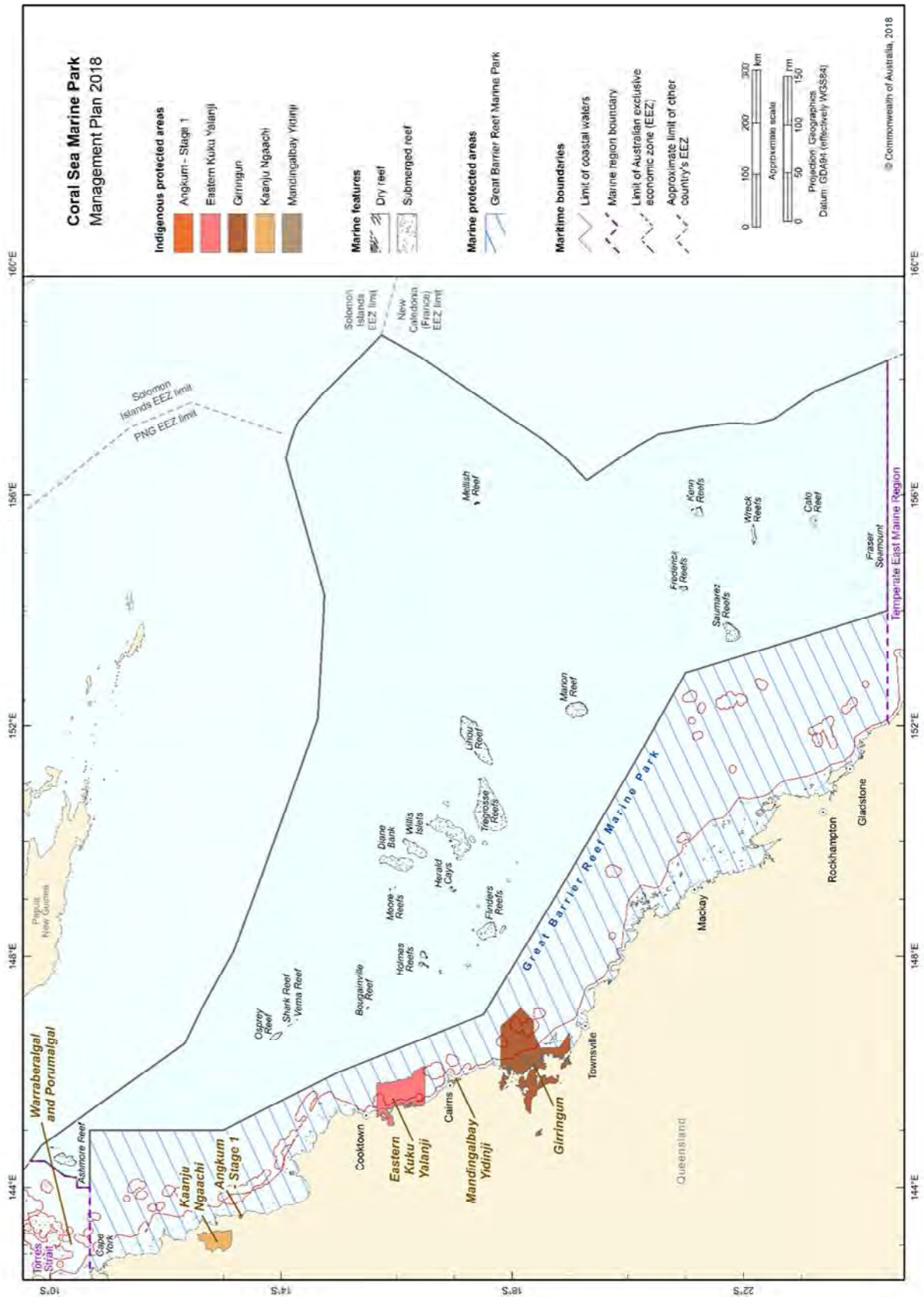


Figure 2.2 Indigenous Protected Areas established near the Coral Sea Marine Park

## 2.3 PRESSURES IN THE CORAL SEA MARINE PARK

Pressures are human-driven processes, events and activities that, if left unchecked, may impact on marine park values. Contemporary drivers of environmental change in the marine environment include population growth and economic activity, and related pressures such as increased vessel activity, marine debris, climate extremes and ocean warming. Figure 2.3 shows the types of uses occurring in the Coral Sea Marine Park. These present key challenges for biodiversity conservation and sustainable management of our marine resources.

Australia's 2016 *State of the environment report* reviewed pressures on Australia's marine environment and determined that they were low by global standards. However, given that more than 85 per cent of Australians live within 50 km of the sea, and with Australia's population of approximately 24.4 million projected to grow to 39.7 million by 2055, pressures on the marine environment are likely to increase.

Although pressures on marine ecosystems and biodiversity in the Coral Sea Marine Park may change over time, examples of pressures on marine ecosystems and biodiversity in the Marine Park are outlined in Table 2.1. Research in the Great Barrier Reef Marine Park and elsewhere in the world has demonstrated that effective management of marine parks, helps to maintain the resilience of marine ecosystems and their ability to withstand and recover from such pressures.

In determining the management actions to be taken in the Coral Sea Marine Park and in making decisions about the activities that will be allowed to occur within the Marine Park, the Director will carefully consider how the values outlined in Section 2.2 and in Schedule 2 will be impacted by these pressures now and in the future.

Pressures such the extraction of living resources by fishing, and habitat modification through installation of infrastructure and anchoring will be managed in part through the zones and rules set out in Parts 3 and 4 of this plan.

**Table 2.1 Summary of pressures in the Coral Sea Marine Park**

<b>Climate change</b>
The impacts of climate change on the marine environment are complex and may include changes in sea temperature, sea level, ocean acidification, sea currents, increased storm frequency and intensity, species range extensions or local extinctions, all of which have the potential to impact on marine park values. The International Panel on Climate Change recognises climate change as a major contributor to Australian marine ecosystem changes since 2007. Examples of habitats, key ecological features and species vulnerable to the effects of climate change include reef, cay and seamount habitats, and species of shark, dolphin, marine turtle, sea snake, sea cucumber and fish.
<b>Extraction of living resources</b>
Australia's world class fisheries management led by Commonwealth, state and territory governments is important for ensuring sustainable fishing practices. Fishing, including illegal, unregulated and unreported fishing (including illegal foreign fishing), can modify natural populations of target species. Bycatch of non-target species and/or physical disturbance to habitats can result from certain fishing methods, and may therefore impact on marine park values. Examples of habitats, key ecological features and species vulnerable to such impacts include reef, cay and seamount habitats, and species of shark, dolphin, marine turtle, sea snake, sea cucumber and fish.

### Habitat modification

Commonwealth, state and territory governments play an important role in managing activities in the marine environment. Impacts on habitat in marine parks can occur directly through physical disturbance or indirectly through the presence of infrastructure. For example, benthic communities are vulnerable to human influenced modifications to the quality and quantity of light received at the seabed. Examples of habitats and species vulnerable to habitat modification pressures include reef, cay and seamount habitats, and species of shark, dolphin, marine turtle, sea snake, sea cucumber and fish.

### Human presence

Activities such as wildlife watching are a drawcard for people visiting marine parks. While enjoying the wildlife experience, it is important to be aware of the potential impacts of human presence on the natural behaviour of wildlife. Activities such as boating, camping, diving and snorkelling have the potential to impact marine park values directly through contact from collision or indirectly through changes in behaviour from disturbance. These activities may result in changes to wildlife behaviour such as nesting, breeding, feeding or resting, or damage to fragile marine environments. Examples of habitats and species vulnerable to human disturbance include reef, cay and seamount habitats, and species of seabirds, shark, dolphin, marine turtle and fish.

### Invasive species

Invasive species have the potential to impact on marine park values directly and indirectly. Potential sources of invasive species include vessel ballast and bilge water discharge, vessel biofouling, accidental or deliberate transport of species and land-based activities. Islands, reefs and other shallow-water ecosystems and native species are vulnerable to invasive species, from direct impacts such as predation or damage to important habitat e.g. nesting habitat, or indirect impacts such as competition with native species for habitat and food. Examples of habitats, key ecological features and species vulnerable to the impacts of invasive species include reef and island habitats, and nesting seabirds and marine turtles such as those at Coringa–Herald and Lihou Reefs.

### Marine pollution

Marine and land-based activities have potential to result in marine pollution which may impact on marine park values. Pollution includes the emission of noise or light, marine debris (for example, plastics and lost fishing gear), and discharge of oil, chemicals or waste. Pollution can be detrimental to marine life, causing contamination of ecosystems, entanglement, or can be ingested by marine species. Examples of habitats and species vulnerable to marine pollution include reef, cay and seamount habitats, and species of shark, dolphin, marine turtle, sea snake, sea cucumber and fish.

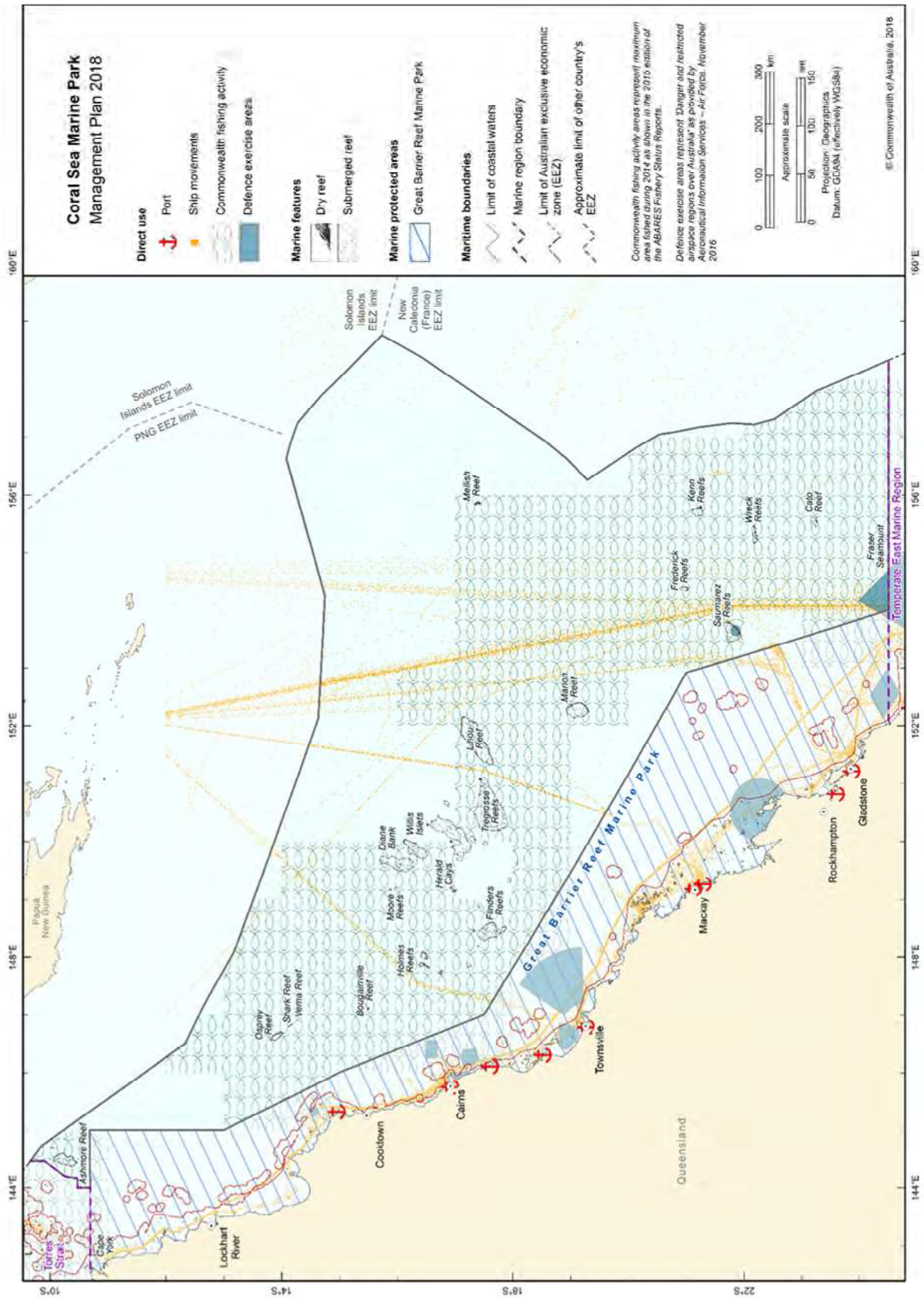


Figure 2.3 Direct use in the Coral Sea Marine Park



## 2.4 MANAGEMENT PROGRAMS AND ACTIONS IN THE CORAL SEA MARINE PARK

As outlined in Part 1, the Director will proactively implement management programs and actions to protect marine parks from threats and pressures, to minimise damage, and to rehabilitate and improve the resilience of marine parks.

These management programs and actions will be implemented on a national scale across all Australian Marine Parks. In addition, specific actions will be undertaken in the Coral Sea Marine Park. Table 2.2 outlines the management programs and actions likely to be undertaken in the Coral Sea Marine Park. These programs and actions may change during the life of this plan as new information and approaches become available. Additional actions will be developed in partnership with stakeholders through advisory forum/s and in implementation plans.

**Table 2.2 Management programs, outcomes and actions in the Coral Sea Marine Park**

<p><b>Communication, education and awareness program</b></p> <p>Actions to improve awareness, understanding and support for marine parks and park management.</p>
<p><b>Outcome</b></p> <ul style="list-style-type: none"> <li>• Increased awareness, understanding and support for marine parks.</li> </ul> <p><b>Actions—the Director will</b></p> <p><i>under a national program:</i></p> <ul style="list-style-type: none"> <li>• develop a marketing and communication strategy for Australian Marine Parks to raise awareness and understanding of marine park values and the contribution marine parks make to enhancing Australia’s wellbeing,</li> <li>• develop online information resources to facilitate awareness of marine park values, management arrangements and visitor opportunities,</li> <li>• maximise the use of new technologies and partnerships (including with schools, universities, museums and non-government organisations) to inspire people of all ages to become involved in marine park management and protection,</li> <li>• establish network advisory committees to ensure users and interested stakeholders have on-going input to the management of Australian Marine Parks, and</li> <li>• develop a customer focussed approach to tracking the aspirations and concerns of stakeholders in relation to marine parks.</li> </ul> <p><i>in the Coral Sea Marine Park:</i></p> <ul style="list-style-type: none"> <li>• develop information on the Marine Park to encourage increased awareness and understanding of values and management arrangements,</li> <li>• provide infrastructure in and adjacent to the Marine Park, such as signs and marker buoys, to increase understanding of marine park values and rules, particularly at sites that are regularly visited,</li> <li>• work with the Great Barrier Reef Marine Park Authority, and other Commonwealth and state government agencies, through their communication activities, to increase understanding, and</li> <li>• establish a Coral Sea Marine Park advisory forum/s or other engagement mechanisms to support and collaborate with the Director in management.</li> </ul>

## Tourism and visitor experience program

Actions to provide for and promote a range of environmentally appropriate, high-quality recreation and tourism experiences and contribute to Australia's visitor economy.

### Outcomes

- High-quality visitor experiences that are appealing, engaging and raise awareness of the natural and cultural values of marine parks.
- Increased visitation to marine parks.
- Social and economic benefits from the contribution of marine parks to Australia's visitor economy.

### Actions—the Director will

*under a national program:*

- develop a sustainable tourism and visitor experience strategy for Australian Marine Parks,
- work with national, state and local tourism authorities and operators to maximise the value of sustainable ecotourism opportunities associated with marine parks,
- develop a commercial tourism authorisation system to encourage best-practice and eco-accredited businesses operating in Australian Marine Parks,
- work with Tourism Australia and state and regional tourism authorities and the fishing industry to market and promote Australian Marine Parks, including opportunities to promote locally caught and sustainably caught seafood,
- monitor visitor trends and levels of satisfaction with marine park experiences and products,
- promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners, and
- work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

*in the Coral Sea Marine Park:*

- promote visitor experiences that foster curiosity and appreciation of natural and heritage values in the Marine Park, for example diving at Osprey Reef, and
- work with the Great Barrier Reef Marine Park Authority, and other Commonwealth and state government agencies and the tourism industry to support tourism initiatives, events and attractions that promote visitor experiences in the Marine Park.



## Indigenous engagement program

Actions to recognise and respect the ongoing cultural responsibilities of Indigenous people to care for sea country and support multiple benefits for traditional owners.

### Outcomes

- Social, cultural and economic benefits for traditional owners.
- Partnerships with traditional owners and Indigenous groups to manage sea country in marine parks.

### Actions—the Director will

*under a national program:*

- develop an Australian Marine Parks Indigenous engagement and cultural heritage strategy, to improve understanding of cultural heritage, link management with sea country plans and maximise employment and enterprise opportunities for traditional owners,
- develop agreements to support Indigenous ranger programs to deliver management in marine parks, and
- provide information to Indigenous people about marine park management.

*in the Coral Sea Marine Park:*

- collaborate with traditional owners, Indigenous ranger groups, relevant partners and Indigenous advisory committees to undertake marine park management such as surveillance, monitoring, threat mitigation, marine debris removal, and implement actions identified in sea country plans where applicable,
- identify opportunities and mechanisms to engage traditional owners and Indigenous rangers in the management of the Marine Park,
- increase understanding of traditional knowledge and cultural values,
- implement cultural awareness training for Parks Australia staff in association with traditional owners, and
- establish protocols for researchers working with Parks Australia to guide engagement with traditional owners.

## Marine science program

Actions to provide necessary scientific knowledge and understanding of marine park values, pressures, and adequacy of responses for effective management.

### Outcomes

- Increase understanding of marine park values, pressures and adequacy of responses.
- Improve understanding of the effectiveness of marine park management in protecting park values.
- Informed decision-making and improved evidence-based decisions.

### Actions—the Director will

*under a national program:*

- establish ecological, social and economic baselines to support evidence-based decision-making and adaptive management,
- develop an Australian Marine Parks science strategy to prioritise and encourage research and monitoring of park values, pressures and management effectiveness, and foster science communication and knowledge uptake,
- encourage and facilitate knowledge brokering to support collaboration and partnerships with the science community, private enterprise, citizen science organisations and other Commonwealth, state and territory agencies,
- establish an authorisation system for scientific research and monitoring by third parties, and encourage data to be made publicly available through appropriate information portals such as the Australian Ocean Data Network,
- collaborate with the science community (including through the National Marine Science Plan Committee and National Environmental Science Program) and other marine park users to assist in improving the understanding of marine park values, pressures and management effectiveness, and
- collaborate with the science community and other government agencies to increase the use of innovative and effective technology and systems including sensor technology.

*in the Coral Sea Marine Park:*

- monitor social and economic uses and their benefits and impacts on the Marine Park,
- monitor the condition of important habitats such as reef systems at Osprey, Coringa-Herald and Lihou Reefs, and their vulnerability to climate change,
- monitor the impact of invasive species on marine park values and the effectiveness of management,
- collaborate with the Great Barrier Reef Marine Park Authority, other Commonwealth and state government agencies, marine park users and the science sector to support long-term monitoring. For example, monitoring of coral reefs, protected species and effects of fishing on marine parks, and
- investigate opportunities to extend citizen science programs.

## Assessments and authorisations program

Actions to provide for efficient, effective, transparent and accountable assessment, authorisation and monitoring processes to enable sustainable use and protection of marine park values.

### Outcome

- Assessments and authorisations ensure ongoing protection of marine park values through the management of activities in marine parks.

### Actions—the Director will

*under a national program:*

- develop and apply best-practice approaches to regulation and decision-making in the authorisation of activities within marine parks. This includes developing policy to ensure assessment and authorisation requirements are clearly articulated and that decision making is robust, consistently applied, and transparent to all marine park users,
- collaborate with industry to investigate innovative technologies and systems (including vessel monitoring systems) that can assist businesses and individuals to comply with regulatory requirements,
- develop an effective and efficient process to assess new technologies and gear types to allow for the use of new equipment during the life of this plan if appropriate,
- develop a guarantee of service for the regulated community that includes a commitment to work with key marine park users and interest groups whose interests are likely to be affected by regulatory decisions, and
- develop a customer focused online authorisation system for marine park users that includes publishing authorisations issued by Parks Australia on its website.

*in the Coral Sea Marine Park:*

- issue authorisations—a permit, class approval, activity licence or lease—for activities in the Marine Park assessed as acceptable either by the Director or another government or industry policy, plan or program accepted by the Director, and
- work with the Great Barrier Reef Marine Park Authority and Queensland government agencies to improve experiences and consistency of approaches for people seeking authorisations.

## Park protection and management program

Timely and appropriate preventative and restorative actions to protect natural, cultural and heritage values from impacts.

### Outcome

- Impact of pressures on marine park values are minimised as far as reasonably practicable.

### Actions—the Director will

*under a national program:*

- apply a risk-based assessment process to prioritise park protection and management actions,
- develop an Australian Marine Parks critical incident strategy in collaboration with the Australian Maritime Safety Authority and other responsible agencies to respond to critical incidents,
- develop a mooring and anchoring strategy to protect marine park values and improve visitor experience,
- support the removal of marine debris and ghost nets from marine parks through partnerships with Commonwealth, state and territory government agencies and other organisations involved in the management of marine debris, and
- contribute to actions, where appropriate, that support Australia's obligations under international agreements and national environmental law. This includes the World Heritage Convention, Ramsar Convention, recovery plans, wildlife conservation plans and threat abatement plans.

*in the Coral Sea Marine Park:*

- enable infrastructure such as moorings to protect coral reefs and enhance visitor safety, such as at Osprey Reef,
- collaborate with and support other agencies that undertake invasive and protected species management and marine debris removal. For example, this may include biosecurity assessments, research, or removal of ghost nets,
- work with the Great Barrier Reef Marine Park Authority and other Commonwealth and state government agencies to respond to environmental incidents and accidents, and
- collaborate with traditional owners and Indigenous ranger groups to undertake management actions.

## Compliance program

Actions to support appropriate and high level compliance by marine park users with the rules set out in this plan.

### Outcomes

- Improved user awareness of marine park rules.
- Increased levels of voluntary compliance and self-regulation by marine park users.
- High overall levels of compliance with the rules by marine park users.
- A decrease in the number of non-compliances.

### Actions—the Director will

*under a national program:*

- apply a risk-based approach to compliance planning, targeted enforcement and compliance auditing,
- collaborate with Australian, state and territory government agencies by sharing assets and information,
- investigate the use of new technologies and warning systems to assist in the detection of potential illegal activities, and
- work with marine park users to promote understanding of the rules for activities and how to comply.

*in the Coral Sea Marine Park:*

- work with the Great Barrier Reef Marine Park Authority and other Commonwealth and state government agencies in compliance planning, including implementing actions to deter illegal activities and encourage voluntary compliance, and
- collaborate with the Great Barrier Reef Marine Park Authority and other Commonwealth and state government agencies in surveillance, including water and aerial patrols.



## CHAPTER 2

### MANAGEMENT AND PRESCRIPTIONS

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Lihou Reefs (Martin Russell)



## Part 3. ZONING

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Osprey Reef (Parks Australia)

### 3.1 ZONE CATEGORIES, NAMES AND OBJECTIVES

The EPBC Act requires this plan to assign an IUCN category to each marine park. The Act also allows this plan to divide a marine park into zones and to assign a category to each zone, which may differ from the overall category of the marine park. Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each category (Schedule 1).

This Part assigns an IUCN category to the Coral Sea Marine Park, divides it into zones with their own category and sets out the objectives for each zone (Table 3.1). Zoning takes into account the purposes for which the Marine Park was declared, the objectives of this plan (Section 1.4), the values of the Marine Park (Schedule 2), and the requirements of the EPBC Act and EPBC Regulations. Figure 3.1 and maps in Schedule 2 show the zones assigned to the Coral Sea Marine Park, Schedule 4 describes the zones assigned, and the management approach applied to activities within these zones is provided in Part 4. An overview of the Coral Sea Marine Park and zones is provided in Table S2.1.

#### Prescriptions

- 3.1.1. The Coral Sea Marine Park is assigned an IUCN category IV specified in column 2 of Table 3.1.
  - 3.1.2. The Coral Sea Marine Park is divided into the zones shown in Figure 3.1 and more specifically shown in maps in Schedule 2, and described in Schedule 4, and each zone is assigned to the IUCN category, and given the zone name, specified in column 3 of Table 3.1.
  - 3.1.3. The objective of the Special Purpose Zone (Trawl) (VI) is to provide for ecologically sustainable use and the conservation of ecosystems, habitats and native species, while applying special purpose management arrangements for specific activities.
  - 3.1.4. The objective of a Habitat Protection Zone (IV) is to provide for the conservation of ecosystems, habitats and native species in as natural a state as possible while allowing activities that do not harm or cause destruction to seafloor habitats.
- Note:** there are two types of Habitat Protection Zone (IV) in the Coral Sea Marine Park used to allow or prohibit certain commercial fishing activities.
- 3.1.5. The objective of the National Park Zone (II) is to provide for the protection and conservation of ecosystems, habitats and native species in as natural a state as possible.

**Table 3.1 Coral Sea Marine Park zoning and marine park management categories**

Column 1 Marine park name	Column 2 IUCN category	Column 3 Zone name and IUCN category			
		Special Purpose Zone (Trawl) (VI)	Habitat Protection Zone (IV)	Habitat Protection Zone (Reefs) (IV)	National Park Zone (II)
Coral Sea	IV	✓	✓	✓	✓

✓ Zone is assigned to the Coral Sea Marine Park. Section 3.1.2 of this plan explains the assignment of zones.

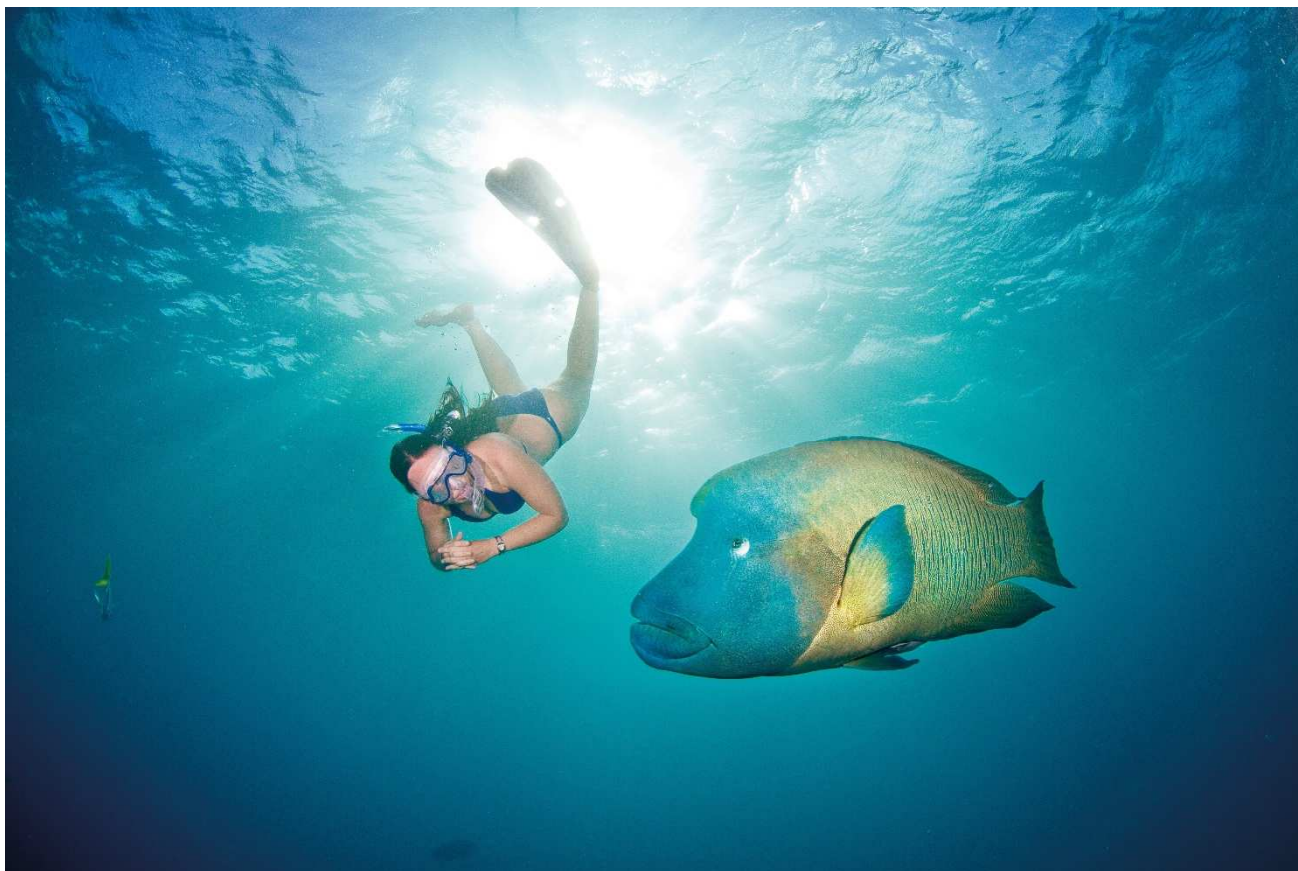
**Note:** The Coral Sea Marine Park has two types of Habitat Protection Zone (IV): Habitat Protection Zone (IV) and Habitat Protection Zone (Reefs) (IV). The variation in management approach for this zone is prescribed in Part 4.





## Part 4. MANAGING ACTIVITIES

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Snorkeler and humphead Maori wrasse (Tourism and Events Queensland)

## 4.1 OUTLINE OF PART 4

This plan enables a range of activities to be conducted that would otherwise be prohibited or controlled by the EPBC Act and EPBC Regulations (Schedule 1). This Part sets out for the Coral Sea Marine Park, which activities are:

- a) allowed, without the need for authorisation, where consistent with zone objectives (Part 3) and conducted in accordance with this Part;
- b) allowable, and able to be conducted if an authorisation is issued (Section 4.4 Authorisation of allowable activities); or
- c) not allowed, because they are not consistent with zone objectives (Part 3).

For those activities that are allowed or allowable, this Part also sets out:

- a) the assessment and decision-making process for authorising an activity (Section 4.3 Making decisions about activities);
- b) the types of authorisations that may be issued (permits, class approvals, activity licences and leases) (Section 4.4 Authorisation of allowable activities); and
- c) how activities must be undertaken in the Coral Sea Marine Park (Section 4.2 Rules for activities).

The rules support an adaptive management approach to respond to new information. Any changes to the management of activities would be made in accordance with Section 4.3.1 (Decision-making).

Depending on the type of activity, other provisions of the EPBC Act or other legislation (e.g. fisheries and mining laws) may also apply to an allowed or allowable activity (Schedule 1).

In accordance with s.359A of the EPBC Act, this plan does not prevent Indigenous people from continuing, in accordance with law, the traditional use of an area in a marine park for non-commercial hunting or food gathering, and for ceremonial and religious purposes. Section 8 of the EPBC Act provides that this plan does not affect the operation of the *Native Title Act 1993*, which also includes provisions that preserve customary rights to use land and waters (Schedule 1).

## 4.2 RULES FOR ACTIVITIES

This plan enables activities to be conducted in zones consistent with the zone objectives (Part 3) while enabling the impacts to be effectively managed. The prescriptions in Section 4.2.1 (General use, access, and waste management) apply to all marine park users of the Coral Sea Marine Park. Sections 4.2.2 to 4.2.11 prescribe the rules applying to particular uses. Section 4.2.12 (New activities and authorisations) enables new activities to be considered and new forms of authorisation to be used. Table 4.1 provides a summary of the rules for activities in zones assigned to the Coral Sea Marine Park. The zones are shown in Figure 3.1 and more specifically shown in maps in Schedule 2, and described in Schedule 4.

**Table 4.1 Summary of rules for activities in the Coral Sea Marine Park (provided in Part 4)**

Activity	Special Purpose Zone (Trawl) (VI)	Habitat Protection Zone (IV)	Habitat Protection Zone (Reefs) (IV)	National Park Zone (II)
<b>GENERAL USE, ACCESS, AND WASTE MANAGEMENT (Section 4.2.1)</b>	✓	✓	✓	✓
<b>COMMERCIAL SHIPPING (Section 4.2.2)</b>	✓	✓ <sup>B</sup>	✓ <sup>B</sup>	✓ <sup>B</sup>
<b>COMMERCIAL FISHING (Section 4.2.3)</b>	A	A	A	x <sup>B</sup>
<b>AQUACULTURE (Section 4.2.4)</b>	A	A	A	x <sup>B</sup>
<b>COMMERCIAL MEDIA (Section 4.2.5)</b>	A	A	A	A
<b>COMMERCIAL TOURISM (Section 4.2.6)</b>	A	A	A	A
<b>RECREATIONAL FISHING (Section 4.2.7)</b>	✓	✓	✓	x
<b>MINING (Section 4.2.8)</b>	x	x	x	x
<b>STRUCTURES AND WORKS (Section 4.2.9)</b>	A	A	A	A
<b>RESEARCH AND MONITORING (Section 4.2.10)</b>	A	A	A	A
<b>NATIONAL SECURITY AND EMERGENCY RESPONSE (Section 4.2.11)</b>	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.



#### 4.2.1 General use, access, and waste management

The prescriptions in this Section apply to all marine park users of the Coral Sea Marine Park, including those carrying out activities provided for under this plan. These are summarised in Table 4.2.

The EPBC Act and EPBC Regulations control or enable the Director to control a range of activities in marine parks. Some provisions apply to particular classes of activities, such as commercial activities, mining operations or research. Other provisions relate to activities generally and include provisions (Schedule 1) enabling the Director to determine areas where waste may be disposed of, prohibit or restrict entry or activities, determine adventurous activities and areas where adventurous activities may be done, make determinations about the use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits, and make determinations about the use of aircraft in and over marine parks. The taking-off and landing of an aircraft in a marine park can only be conducted in an area determined by the Director (r.12.58).

The EPBC Regulations prohibit ballast water discharge or exchange, disposal of domestic and industrial waste, camping (including overnight stays on vessels), and the operation of a drone in Australian Marine Parks unless authorised by or under a management plan.

Under this plan, waste from normal operations of vessels must be compliant with requirements under the International Convention for the Prevention of Pollution from Ships (MARPOL), and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. Ballast water discharge and exchange must be compliant with Australian ballast water management requirements administered by the Australian Maritime Safety Authority.

**Table 4.2 Summary of prescriptions for general use, access, and waste management in the Coral Sea Marine Park**

GENERAL USE, ACCESS, AND WASTE MANAGEMENT Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Ballast water discharge and exchange (compliant with Australian ballast water requirements)	✓	✓	✓	✓
Disposal of waste from normal operations of vessels (compliant with MARPOL requirements)	✓	✓	✓	✓
Camping	A	A	A	A
Recreational use (non-fishing, nature watching, boating, etc.)	✓	✓	✓	✓
Non-commercial remote piloted aircraft, drones etc.	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Disposal of waste from normal operations of vessels must comply with MARPOL requirements.

## Prescriptions

- 4.2.1.1 The Director may make, amend and revoke prohibitions, restrictions and determinations under rr.12.23, 12.23A, 12.26, 12.56 and 12.58 of the EPBC Regulations where it is considered necessary:
- a) to protect and conserve biodiversity and other natural, cultural and heritage values; or
  - b) to ensure human safety or visitor amenity; or
  - c) where it is otherwise necessary to give effect to this plan;
- and the Director may issue an authorisation for an activity that would otherwise be prohibited by such an instrument. This Section applies despite the prescriptions in Sections 4.2.3 to 4.2.12.
- 4.2.1.2 Waste from normal operations may be disposed of from vessels to which the International Convention for the Prevention of Pollution from Ships (MARPOL) (Schedule 1) applies, in accordance with the requirements of MARPOL.
- 4.2.1.3 Disposal of waste in connection with activities authorised under Section 4.2.9 (Structures and works) will be managed in accordance with that Section.
- 4.2.1.4 Ballast water may be discharged or exchanged subject to compliance with:
- a) the Australian ballast water management requirements and relevant state ballast water management arrangements; and
  - b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management.
- 4.2.1.5 A person may camp in areas above the high water mark in accordance with a permit.
- Note:** Camping in connection with commercial tourism activities must be authorised under Section 4.2.6 (Commercial tourism)
- 4.2.1.6 Overnight stays on vessels do not require a permit to camp.
- 4.2.1.7 Remote piloted aircraft may be operated for non-commercial purposes in accordance with a permit, relevant provisions of Part 8 of the EPBC Regulations, and applicable aviation safety laws.
- Note:** Operation of remote piloted aircraft in connection with commercial media activities, commercial tourism activities, or research and monitoring must be authorised under Section 4.2.5, Section 4.2.6 or Section 4.2.10 respectively.

## 4.2.2 Commercial shipping (other than commercial fishing and aquaculture vessels)

The prescriptions in this Section set out the rules for anchoring and transit of commercial ships in the Coral Sea Marine Park. These are summarised in Table 4.3.

Australia is a party to a number of international agreements relevant to commercial shipping, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and MARPOL (Schedule 1). UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and a right of freedom of navigation through Australia's exclusive economic zone. This Section places some limits on the exercise of these rights in some zones. The limitations are necessary to protect marine park values, apply to all commercial shipping, and are consistent with Australia's rights and obligations under UNCLOS.

There are also a range of national laws, policies and procedures relevant to commercial shipping including the *National plan for maritime environmental emergencies* in relation to maritime pollution incidents and the *Biosecurity Act 2015* and Australian ballast water management requirements in relation to ballast water discharge. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 4.2.1 (General use, access, and waste management).

Rules for transit and anchoring of vessels engaged in commercial fishing and aquaculture activities are dealt with in Sections 4.2.3 and 4.2.4.

**Table 4.3 Summary of prescriptions for commercial shipping activities in the Coral Sea Marine Park**

COMMERCIAL SHIPPING Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Anchoring	✓	x <sup>B</sup>	x <sup>B</sup>	x <sup>B</sup>
Vessel transiting	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

B Anchoring is not allowed except in anchoring areas determined under r.12.56 of the EPBC Regulations.

**Note:** Ballast water exchange is managed under national arrangements. Restrictions may apply in some areas (Section 4.2.1 General use, access, and waste management).

### Prescriptions

4.2.2.1 Commercial ships may transit through the Coral Sea Marine Park subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and relevant prescriptions in Sections 4.2.5 to 4.2.12 relating to the activity in which shipping is involved.

4.2.2.2 Commercial ships may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI); and
- b) Habitat Protection Zone (IV), Habitat Protection Zone (Reefs) (IV) and National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (IV) or (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

**Note:** This Section does not prevent the carrying out of activities, including stopping and anchoring, as part of operations authorised under Sections 4.2.5 to 4.2.12 and r.12.56 of the EPBC Regulations.

### 4.2.3 Commercial fishing

The prescriptions in this Section set out the rules for commercial fishing activities in the Coral Sea Marine Park, including the types of fishing gear and methods allowed in different zones, and requirements for vessel monitoring systems. These are summarised in Table 4.4.

Commercial fishing is managed for sustainability by the Australian Government and state and territory fisheries management agencies. In the Coral Sea Marine Park commercial fishing is subject to regulation under the *Fisheries Management Act 1991* (Fisheries Management Act) or Queensland fisheries laws (under arrangements made under Part V of the Fisheries Management Act).

Research in connection with commercial fishing activities will be managed in accordance with Section 4.2.10 (Research and monitoring).

Use of fishing gear not allowed at commencement of this plan may be authorised after satisfactory assessment that supports an adaptive management approach.

**Table 4.4 Summary of prescriptions for commercial fishing activities in the Coral Sea Marine Park**

COMMERCIAL FISHING Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Dropline	A	A	A	x
Hand collection (including using hookah, scuba, snorkel)	A	A	A	x
Hand net (hand, barrier, skimmer, cast, scoop, drag, lift)	A	A	A	x
Longline (demersal, auto-longline)	A	x	x	x
Longline (pelagic)	A	A	x	x
Minor line (handline, rod & reel, trolling, squid jig, poling)	A	A	x	x
Net (demersal)	x	x	x	x
Net (pelagic)	x	x	x	x
Purse seine	A	A	x	x
Trap, pot	A	x	x	x
Trawl (demersal)	A	x	x	x
Trawl (midwater)	A	A	x	x
Trotline	A	x	x	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence issued by the Director.

**Note:** Commercial fishing methods not listed in Table 4.4 will require assessment and approval.

**Note:** The authorisation of activities may be modified during the life of this plan in accordance with Section 4.2.3.5

**Note:** Transit is allowed as part of activities authorised under this Section.

**Note:** Anchoring by commercial fishing vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

## Prescriptions

- 4.2.3.1 Commercial fishing activities may be conducted in the Coral Sea Marine Park in accordance with and subject to:
- a) a class approval issued under Section 4.4.2 (Class approvals); or
  - b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and
  - c) the following prescriptions in this Section;
  - d) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - e) any determinations made under r.12.34 of the EPBC Regulations.
- 4.2.3.2 Commercial fishing activities may be conducted in a:
- a) Special Purpose Zone (Trawl) (VI);
  - b) Habitat Protection Zone (IV), or
  - c) Habitat Protection Zone (Reefs) (IV).
- 4.2.3.3 Subject to Section 4.2.3.4 the following fishing gear must not be used:
- a) Longline (demersal, auto-longline), except in the Special Purpose Zone (Trawl) (VI);
  - b) Net (demersal, pelagic);
  - c) Traps and pots, except in the Special Purpose Zone (Trawl) (VI);
  - d) Trawl (demersal), except in the Special Purpose Zone (Trawl) (VI); or
  - e) Trotline, except in the Special Purpose Zone (Trawl) (VI).
- 4.2.3.4 Longline (pelagic), minor line, purse seine, trawl (midwater) must not be used in the Habitat Protection Zone (Reefs) (IV).
- 4.2.3.5 Subject to satisfactory assessment under Section 4.3.1 (Decision-making), expert advice, and consultation with fisheries management agencies and the commercial fishing industry, the Director may authorise the use of:
- a) any fishing gear specified in Section 4.2.3.3 in a Special Purpose Zone (Trawl) (VI); and
  - b) pelagic fishing gear specified in Section 4.2.3.3 or 4.2.3.4 in a Habitat Protection Zone (IV) or Habitat Protection Zone (Reefs) (IV).
- 4.2.3.6 Fishing gear or methods not specified in a commercial fishing class approval or activity licence, or its conditions, must not be used.
- Note:** A class approval or activity licence may be varied under Section 4.4 (Authorisation of allowable activities) to specify additional fishing methods and gear types following satisfactory assessment in accordance with Section 4.3.1 (Decision-making).
- 4.2.3.7 Commercial fishing activities must be conducted in accordance with a commercial fishing concession issued under Commonwealth, state or territory fisheries laws to the extent those laws are capable of operating concurrently with this plan.
- 4.2.3.8 Commercial fishing vessels may transit through the Coral Sea Marine Park subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.3.9.

4.2.3.9 Commercial fishing vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Habitat Protection Zone (IV);
- c) Habitat Protection Zone (Reefs) (IV); or
- d) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in an IUCN category (II) zone due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.3.10 Fishing gear must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, a zone in which fishing activities are not authorised.

4.2.3.11 Fishing gear that is:

- a) specified in Section 4.2.3.3 and 4.2.3.4;
- b) not specified in a class approval or activity licence as gear that may be used; or
- c) prohibited by a determination under r.12.34 of the EPBC Regulations,
- d) must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.3.12 Following consultation with the relevant fisheries management agencies and the commercial fishing industry, the Director may require all commercial fishing vessels transiting or conducting fishing activities in the Coral Sea Marine Park to carry an operating vessel identification and monitoring system.

**Note:** At the commencement of this plan vessel identification and monitoring systems were required on all vessels operating in Commonwealth managed fisheries. The conditions of a class approval or activity licence issued under Section 4.4 (Authorisation of allowable activities) may require the use of vessel identification and monitoring systems on all commercial fishing vessels operating in the Coral Sea Marine Park.

4.2.3.13 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial fishing.



## 4.2.4 Commercial aquaculture

The prescriptions in this Section set out the rules for commercial aquaculture in the Coral Sea Marine Park. These are summarised in Table 4.5.

Commercial aquaculture is managed under Queensland laws. These laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this plan.

Research in connection with commercial aquaculture will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.5 Summary of prescriptions for commercial aquaculture activities in the Coral Sea Marine Park**

COMMERCIAL AQUACULTURE Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Aquaculture	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Anchoring by commercial aquaculture vessels is allowed except in the National Park Zone (II). Anchoring in the National Park Zone (II) is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations. These requirements do not prevent stopping and anchoring due to circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### Prescriptions

4.2.4.1 Commercial aquaculture may be conducted in the Coral Sea Marine Park in accordance with and subject to:

- a) a class approval issued under Section 4.4.2 (Class approvals); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases) to a person who is not covered by a class approval; and the following prescriptions in this Section;
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- d) any determinations made under r.12.34 of the EPBC Regulations.

4.2.4.2 Commercial aquaculture may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Habitat Protection Zone (IV); or
- c) Habitat Protection Zone (Reefs) (IV).

4.2.4.3 Commercial aquaculture must be conducted in accordance with applicable Commonwealth, state or territory laws to the extent those laws are capable of operating concurrently with this plan.

4.2.4.4 Commercial aquaculture vessels may transit through the Coral Sea Marine Park, subject to compliance with the prescriptions in Section 4.2.1 (General use, access, and waste management) and Section 4.2.4.5.

4.2.4.5 Commercial aquaculture vessels may stop and anchor in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Habitat Protection Zone (IV);
- c) Habitat Protection Zone (Reefs) (IV) or
- d) National Park Zone (II) in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 4.2.1.1.

**Note:** This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

4.2.4.6 Commercial aquaculture equipment not authorised for use by a class approval or activity licence as gear that may be used, or that is prohibited by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, zones in which that gear is not allowed.

4.2.4.7 The Director may make determinations under r.12.34 of the EPBC Regulations relating to the conduct of commercial aquaculture.

### 4.2.5 Commercial media

The prescriptions in this Section set out the rules for commercial media in the Coral Sea Marine Park. These are summarised in Table 4.6. Research in connection with commercial media activities will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.6 Summary of prescriptions for commercial media activities in the Coral Sea Marine Park**

COMMERCIAL MEDIA Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Commercial media	A <sup>C</sup>	A <sup>C</sup>	A <sup>C</sup>	A <sup>C</sup>

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

C News-of-the-day reporting may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

#### Prescriptions

4.2.5.1 Commercial media activities other than reporting news of the day may be conducted in the Coral Sea Marine Park in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) an activity licence issued under Section 4.4.3 (Activity licences and leases); and
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
- d) the prescriptions in Section 4.2.2 (Commercial shipping).

4.2.5.2 Commercial media activities for the purposes of reporting news of the day may be undertaken on terms determined by the Director from time to time, and subject to the Director being notified.

#### 4.2.6 Commercial tourism (includes charter fishing tours, scuba diving, nature watching tours)

The prescriptions in this Section set out the rules for commercial tourism in the Coral Sea Marine Park. These are summarised in Table 4.7.

Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the Coral Sea Marine Park is part of the Sanctuary) are prescribed by Part 8 of the EPBC Regulations. The prescriptions in Section 4.2.7 (Recreational fishing) apply to the clients of charter fishing tours. The prescriptions in Section 4.2.9 (Structures and works) apply to the installation and maintenance of moorings and other structures and works as part of commercial tourism activities. Research in connection with commercial tourism will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.7 Summary of prescriptions for commercial tourism (including charter fishing, scuba diving and nature watching tours) in the Coral Sea Marine Park**

COMMERCIAL TOURISM Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Non-fishing related tourism (including nature watching, scuba/snorkel tours)	A	A	A	A
Charter fishing tours (including spear diving tours)	A	A	A	x
Commercial aviation tours (up to 3000 m above sea level)	A	A	A	A

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

#### Prescriptions

4.2.6.1 Commercial tourism activities may be conducted in the Coral Sea Marine Park in accordance with and subject to:

- a) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
- b) the following prescriptions in this Section;
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management);
- d) the prescriptions in Section 4.2.2 (Commercial shipping); and
- e) in relation to charter fishing, the prescriptions in Section 4.2.7 (Recreational fishing).

4.2.6.2 Commercial tours, other than charter fishing tours, may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Habitat Protection Zone (IV);
- c) Habitat Protection Zone (Reefs) (IV); or
- d) National Park Zone (II).

4.2.6.3 Charter fishing tours may be conducted in a:

- a) Special Purpose Zone (Trawl) (VI);
- b) Habitat Protection Zone (IV); or
- c) Habitat Protection Zone (Reefs) (IV).

4.2.6.4 Fishing gear on charter fishing vessels must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which charter fishing tours are not allowed.

4.2.6.5 Commercial aviation tours may be conducted in the airspace up to 3000 m above sea level, in accordance with a permit and relevant provisions of Part 8 of the EPBC Regulations.

**Note:** The EPBC Act and EPBC Regulations do not apply to commercial aviation tours in airspace over 3000 m above sea level.

### 4.2.7 Recreational fishing

The prescriptions in this Section set out the rules for recreational fishing in the Coral Sea Marine Park. These are summarised in Table 4.8.

Research in connection with recreational fishing will be managed in accordance with Section 4.2.10 (Research and monitoring).

**Table 4.8 Summary of prescriptions for recreational fishing activities in the Coral Sea Marine Park**

RECREATIONAL FISHING Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Recreational fishing (including spear-fishing)	✓	✓	✓	x
Anchoring	✓	✓	✓	✓
Vessel transiting	✓	✓	✓	✓

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

x Activity is not allowed.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

**Note:** Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in a National Park Zone (II).

## Prescriptions

- 4.2.7.1 Recreational fishing may be conducted in the Coral Sea Marine Park in accordance with and subject to:
- the following prescriptions in this Section;
  - the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - any determinations made under r.12.35(3) of the EPBC Regulations.
- 4.2.7.2 Recreational fishing may be conducted in a:
- Special Purpose Zone (Trawl) (VI);
  - Habitat Protection Zone (IV); or
  - Habitat Protection Zone (Reefs) (IV).
- 4.2.7.3 Recreational fishing must be conducted in accordance with relevant laws of Queensland applying to the area of the Coral Sea Marine Park in which the activity is conducted (to the extent those laws are capable of operating concurrently with this plan).
- 4.2.7.4 The Director may make determinations under r.12.35 (3) of the EPBC Regulations relating to the conduct of recreational fishing.
- 4.2.7.5 Regulations 12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing conducted in accordance with this Section.
- Note:** As provided by Section 4.2.7.4, the Director may make determinations under r.12.35 (3) in relation to matters described in rr.12.35 (4) and (5).
- 4.2.7.6 Fishing gear must be kept stowed and secured at all times during transit through, or stopping and anchoring in, zones in which recreational fishing is not allowed.

### 4.2.8 Mining operations (includes exploration)

Mining operations are prohibited in the Coral Sea Marine Park. There are no mining exploration permits, production leases or acreage release in the Marine Park. These rules are summarised in Table 4.9.

Transit through the Coral Sea Marine Park for the purposes of mining operations conducted elsewhere is covered by Section 4.2.2 (Commercial shipping).

**Table 4.9 Summary of prescriptions for mining operations in the Coral Sea Marine Park**

MINING Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Mining operations including exploration, construction and operation of pipelines	x	x	x	x

x Activity is not allowed.

### Prescription

- 4.2.8.1 Mining operations including the construction and operation of pipelines must not be conducted in the Coral Sea Marine Park.

## 4.2.9 Structures and works

The prescriptions in this Section set out the rules for structures and works in the Coral Sea Marine Park, where the activity is not covered by Sections 4.2.1 to 4.2.8. These are summarised in Table 4.10. Research in connection with structures and works will be managed in accordance with Section 4.2.10 (Research and monitoring).

The prescriptions do not affect any structures or works that were installed in a marine park under a usage right relating to the seabed that existed immediately before the proclamation of the Coral Sea Marine Park (and preserved by s.359 of the EPBC Act).

**Table 4.10 Summary of prescriptions for structures and works activities in the Coral Sea Marine Park**

STRUCTURES AND WORKS Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Excavation (other than dredging), erection and maintenance of structures, and works	A	A	A	A
Dredging and disposal of dredged material	A	x	x	x
Artificial reefs	A	A	A	A <sup>D</sup>
Fish aggregating devices	A	A	A	x

x Activity is not allowed.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

D Activity is allowable only for the protection, conservation or restoration of habitats.

**Note:** Structures may include, but are not limited to, moorings, submarine cables, platforms (including any man made structure at sea, whether floating or fixed to the seabed, but does not include a vessel), jetties and other infrastructure.

### Prescriptions

4.2.9.1 A person other than the Director may carry out an excavation (including dredging), erect a structure, or carry out works including maintenance of structures, and associated activities (including disposal of dredged material) in the Coral Sea Marine Park in accordance with and subject to:

- a) a permit issued under Section 4.4.1 (Permits); or
- b) a class approval issued under Section 4.4.2 (Class approvals); or
- a) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and



- b) the following prescriptions in this Section; and
- c) the prescriptions in Section 4.2.1 (General use, access, and waste management), including any determinations made under rr.12.23 and 12.23A of the EPBC Regulations; and
- d) the prescriptions in Section 4.2.2 (Commercial shipping).

**Note:** An authorisation for the purposes of Section 4.2.9.1 may be part of an authorisation for another allowable activity (e.g. a tourism activity licence that authorises the licensee to erect and/or maintain a mooring).

- 4.2.9.2 Subject to Sections 4.2.9.3 and 4.2.9.4, an authorisation may be issued for excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in the Coral Sea Marine Park where the action is necessary for:
- a) maritime or visitor safety, including aiding navigation; or
  - b) maintaining the values of the Coral Sea Marine Park; or
  - c) research and monitoring; or
  - d) critical infrastructure in the national interest; or
  - e) commercial tourism; and
  - f) it is not practicable for the action to be taken outside the zone.
- 4.2.9.3 Dredging and disposal of dredged material may only be conducted in a Special Purpose Zone (Trawl) (VI).
- 4.2.9.4 Artificial reefs may only be authorised in a National Park Zone (II) to assist the protection, conservation or restoration of habitats.
- 4.2.9.5 Excavations (including dredging), erection of structures, works and maintenance, and associated activities (including disposal of dredged material), other than in relation to fish aggregating devices, in a Special Purpose Zone (Trawl) (VI):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
  - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
  - c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
  - d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
  - e) that are not covered by paragraphs (a) to (d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).

- 4.2.9.6 Excavations (other than dredging), erection of structures, and works and maintenance, and associated activities, other than disposal of dredged material and in relation to fish aggregating devices, in a Habitat Protection Zone (IV), Habitat Protection Zone (Reefs) (IV) and National Park Zone (II):
- a) that have been approved under Part 9 of the EPBC Act, may be conducted in accordance with conditions of that approval and a class approval issued under Section 4.4.2 (Class approvals);
  - b) that are authorised by a policy, plan or program that has been endorsed under Part 10 of the EPBC Act may be conducted in accordance with the conditions of that authorisation and a class approval issued under Section 4.4.2 (Class approvals);
  - c) that have been authorised by a permit under the *Environment Protection (Sea Dumping) Act 1981* may be conducted in accordance with the conditions of that permit and a class approval issued under Section 4.4.2 (Class approvals);
  - d) that are the subject of a decision under Part 7 of the EPBC Act and are not a controlled action or not a controlled action if taken in a particular manner may be conducted in that manner and in accordance with the conditions of a class approval issued under Section 4.4.2 (Class approvals); or
  - e) that are not covered by paragraphs (a) to (d) may be conducted in accordance with a permit issued under Section 4.4.1 (Permits) or an activity licence or lease issued under Section 4.4.3 (Activity licences and leases).
- 4.2.9.7 Fish aggregating devices may be installed in a Special Purpose Zone (Trawl) (VI), Habitat Protection Zone (IV) and Habitat Protection Zone (Reefs) (IV) in accordance with an authorisation issued under Section 4.4 (Authorisation of allowable activities).
- 4.2.9.8 The Director may carry out an excavation, erect a structure or carry out works and maintenance in the Coral Sea Marine Park after assessing consistency with the zone objectives and the likely impacts of the activity consistent with Section 4.3.1 (Decision-making).

#### 4.2.10 Research and monitoring

The prescriptions in this Section set out the rules for research and monitoring activities in the Coral Sea Marine Park. These are summarised in Table 4.11.

Research and monitoring activities that affect listed threatened species or ecological communities, listed migratory species, cetaceans or listed marine species must also comply with the provisions of Part 13 of the EPBC Act, unless conducted in accordance with this plan.

Where biological resources are sought for the purpose of research and development on their genetic or biochemical components, a permit is required under Part 8A of the EPBC Regulations, which operates subject to this plan.

Where authorisation for research and monitoring activities is provided, the Director will require results of research and monitoring to be made available to inform adaptive management.

**Table 4.11 Summary of prescriptions for research and monitoring activities in the Coral Sea Marine Park**

RESEARCH AND MONITORING Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Research	A	A	A	A

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

### Prescriptions

- 4.2.10.1 The Director may conduct research and monitoring activities in the Coral Sea Marine Park that involves actions covered by ss.354 and 354A and Part 13 of the EPBC Act.
- 4.2.10.2 A person other than the Director may conduct research and monitoring activities in the Coral Sea Marine Park, including taking actions covered by the EPBC Act ss.354 and 354A and Part 13 of the EPBC Act in accordance with and subject to:
- a) a permit issued under Section 4.4.1 (Permits);
  - b) a class approval issued under Section 4.4.2 (Class approvals); or
  - c) an activity licence or lease issued under Section 4.4.3 (Activity licences and leases); and
  - d) the following prescriptions in this Section;
  - e) the prescriptions in Section 4.2.1 (General use, access, and waste management); and
  - f) the prescriptions in Section 4.2.2 (Commercial shipping).
- 4.2.10.3 A class approval will not be issued for research and monitoring that involves activities covered by Section 4.2.10.7.
- 4.2.10.4 Research activities that involve access to biological resources within the meaning of Part 8A of the EPBC Regulations must comply with the requirements of that Part (in addition to the requirements of this Section).
- 4.2.10.5 In assessing authorisation applications or deciding whether to issue a class approval, the Director will consider the aim of the proposed activity or class of activities, ethical issues and how knowledge from the proposed activity or class of activities might benefit the understanding and management of the Coral Sea Marine Park.
- 4.2.10.6 An authorisation may be issued to carry out research and monitoring activities if the Director is satisfied that the activity is relevant to, or a priority for, the management of the Coral Sea Marine Park.
- 4.2.10.7 An authorisation may be issued to conduct research and monitoring that involves commercial fishing activities that are prohibited under Section 4.2.3 (Commercial fishing) if the Director is satisfied that:
- a) the activity will provide information relevant to understanding the impacts of activities on the marine environment, or to supporting sustainable use in the marine environment; and
  - b) the activity is relevant to, or a priority for, the management of the Coral Sea Marine Park.

4.2.10.8 Authorisation holders will be required to make results of research and monitoring available to the Director (in a specific format where relevant), where the Director is satisfied that the information will improve the knowledge and understanding of the values and management of the Coral Sea Marine Park.

#### 4.2.11 National security and emergency response

The prescriptions in this Section set out the rules for defence, border protection, law enforcement and emergency response activities in the Coral Sea Marine Park. These are summarised in Table 4.12.

Provisions of the EPBC Act and EPBC Regulations (Division 12.2) relating to Australian Marine Parks apply generally to the Commonwealth and its agencies. In addition, s.362(2) of the EPBC Act requires the Commonwealth and Commonwealth agencies to perform functions and exercise powers in relation to Australian Marine Parks in a way that is not inconsistent with this plan. The Director will build on existing partnerships with Commonwealth agencies (Section 1.8).

**Table 4.12 Summary of prescriptions for national security and emergency response activities in the Coral Sea Marine Park**

NATIONAL SECURITY AND EMERGENCY RESPONSE Activity	Special Purpose Zone (Trawl) VI	Habitat Protection Zone IV	Habitat Protection Zone (Reefs) IV	National Park Zone II
Actions by or under direction of the Commonwealth and Commonwealth agencies—defence, border protection, law enforcement and emergency response	✓	✓	✓	✓
Actions by or under direction of the Commonwealth and Commonwealth agencies—not covered elsewhere by this plan	A	A	A	A

✓ Activity is allowed in accordance with the prescriptions of this plan without the need for a permit, class approval or activity licence or lease issued by the Director.

A Authorisation required. Activity is allowable, subject to assessment, in accordance with a permit, class approval or activity licence or lease issued by the Director.

**Note:** Transit and anchoring is allowed as part of activities authorised under this Section.

## Prescription

- 4.2.11.1 Actions by or under direction of the Commonwealth and Commonwealth agencies in the Coral Sea Marine Park that are covered by ss.354 and 354A and Part 13 of the EPBC Act, and activities covered by Division 12.2 of the EPBC Regulations:
- a) for the purposes of training and operations for defence, customs, border protection, law enforcement or emergency response, including response to maritime environmental emergencies in accordance with the *National plan for maritime environmental emergencies* may be conducted without the need for a permit or class approval issued under Section 4.4 (Authorisation of allowable activities); or
  - b) for other purposes may be conducted under a permit or class approval issued by the Director in accordance with Section 4.4 (Authorisation of allowable activities).

## 4.2.12 New activities and authorisations

New activities may be required or proposed in the Coral Sea Marine Park during the life of this plan that are not covered by the prescriptions in Sections 4.2.2 to 4.2.11 of this plan. The prescriptions in this Section enable the Director to consider and authorise new activities in the Coral Sea Marine Park. They also enable the Director to authorise activities in new ways that are identified to be more efficient and effective and reduce unnecessary administrative burden.

### Prescriptions

- 4.2.12.1 The Director may take actions that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act.
- 4.2.12.2 The Director may authorise (by a permit, class approval, activity licence or lease under Section 4.4 Authorisation of allowable activities) actions by other persons that are not covered by specific prescriptions in this plan, including actions covered by ss.354 and 354A of the EPBC Act and EPBC Regulations.
- 4.2.12.3 The Director may issue permits, class approvals, activity licences or leases, or other usage rights, in place of existing authorisations under this plan.
- 4.2.12.4 The Director may make determinations, prohibitions or restrictions under provisions of Division 12.2 of the EPBC Regulations that are not covered by prescriptions in this plan.

## 4.3 MAKING DECISIONS ABOUT ACTIVITIES

This plan provides for a higher level of protection within marine parks than applies to the Commonwealth marine area outside the Coral Sea Marine Park. The prescriptions in this Section outline the approach and considerations of the Director when assessing and making decisions about what activities will be authorised in marine parks.

### 4.3.1 Decision-making

#### Prescriptions

- 4.3.1.1 Decisions about activities will be consistent with the objectives of this plan, objectives of the zone or zones in which the activity will be or is being conducted, and the applicable reserve management principles (Schedule 8 of the EPBC Regulations).
- 4.3.1.2 Decisions will take into account the impacts and risks of the activity on the values of the Coral Sea Marine Park, acceptability of those impacts and risks, and potential impacts on marine park users, stakeholders and Indigenous people.
- 4.3.1.3 Impacts and risks of an activity will be assessed in accordance with the processes and policies established under the Assessments and authorisations program (Section 2.5).
- 4.3.1.4 Before authorising a proposed activity the Director must be satisfied that:
  - c) the proponent suitably understands the marine park values;
  - d) environmental impacts and risks on marine park values are understood, evaluated and able to be avoided or reduced to as low as reasonably practicable;
  - e) the proponent has the capacity to comply with the conditions of the authorisation; and
  - f) that relevant regulatory requirements have been or will be met.
- 4.3.1.5 The Director will not authorise an activity unless satisfied that:
  - a) the activity is consistent with the zone objectives for the zone or zones in which the activity will be conducted (Part 3); and
  - b) the potential impacts and risks of the activity on marine park values will be avoided or reduced to as low as reasonably practicable; and
  - c) the potential impacts and risks of the activity on marine park values and representativeness are acceptable.

**Note:** The Director will issue guidance on assessment of impacts.

### 4.3.2 Assessments under other processes

#### Prescription

- 4.3.2.1 For the purposes of Section 4.3.1 (Decision-making) the Director may accept the assessment of activities made under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981* or under a government or industry policy, plan or program, where the Director is satisfied that:
  - a) the assessment is done in a manner consistent with Section 4.3.1.3; and
  - b) the assessment process provides for appropriate consultation with the Director and consideration of the Director's views in relation to activities in the Coral Sea Marine Park or potential impacts on the Marine Park values.



### 4.3.3 Review of decisions

The prescriptions in this Section outline the processes for seeking a review of a decision. A person whose interests are affected by a decision under this Part, including a decision about an authorisation, may seek review in accordance with the *Administrative Decisions (Judicial Review) Act 1977*. A person whose interests are affected by a decision about a permit under the EPBC Regulations may also seek review of the decision in accordance with the Regulations. This plan extends the same review rights to decisions about other authorisations made by the Director under this plan. Where the Director issues a class approval for an activity that has been assessed in accordance with Chapter 4 of the EPBC Act or other government or industry policy, plan or program, review is limited to the making of the class approval.

#### Prescriptions

- 4.3.3.1 The Director will comply with Division 14.3 of the EPBC Regulations in relation to the reconsideration of decisions about permits.
- 4.3.3.2 The Director will reconsider a decision about other types of authorisations made by the Director under this Part when requested by a person whose interests are affected by the decision. A request for reconsideration must be made and considered in the same manner as provided by Division 14.3 of the EPBC Regulations. Subject to the *Administrative Appeals Tribunal Act 1975*, a person who has requested a reconsideration of a decision may apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

## 4.4 AUTHORISATION OF ALLOWABLE ACTIVITIES

The Director may authorise allowable activities through a permit, class approval, activity licence or lease in accordance with this Part. The prescriptions in this Section describe those types of authorisations, the processes and consideration for issuing them, and the conditions that may be imposed by the Director.

### 4.4.1 Permits

A permit can be issued to authorise an activity by a person or persons to conduct an allowable activity, for example for an activity that is either one-off, time bound, or not conducted in the same way by all operators.

#### Prescriptions

- 4.4.1.1 A permit may be issued for an allowable activity where prescribed by Section 4.2 (Rules for activities) of this plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) relating to the particular activity.
- 4.4.1.2 In assessing a permit application, the Director may ask the applicant for more information if the Director considers there is insufficient information to decide whether to issue the permit.
- 4.4.1.3 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, or an assessment under the *Environment Protection (Sea Dumping) Act 1981*, the Director will consider any referral or assessment documents and related information.

4.4.1.4 A permit may be subject to conditions including but not limited to (and depending on the type of activity):

- a) specifying the area in which, and the periods during which, the approved activity may be conducted;
- b) requiring the impacts of the permitted activity to be mitigated by specified actions developed in consultation with the Director;

**Note:** The Director will issue guidance specific to activity types on requirements for mitigation.

- c) regulating the use of, or requiring the use of, vessel identification and monitoring systems;
- d) the provision of, or consent for access to, data for compliance and monitoring purposes;
- e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
- f) requiring reporting or auditing;
- g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
- h) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with permit conditions; and
- i) requiring, restricting or prohibiting the use of specified gear, equipment or practices.

4.4.1.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

#### 4.4.2 Class approvals

This plan provides for the Director to issue class approvals to authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. This can include activities that have been authorised under Chapter 4 of the EPBC Act, the *Environment Protection (Sea Dumping) Act 1981*, or effectively assessed and authorised under other government or industry processes. At the commencement of this plan fees were not payable for class approvals but may be introduced during the life of this plan. Class approvals will be published on the Parks Australia website (Section 4.4.4).

Issuing class approvals reduces regulatory burden by avoiding duplication in assessment and approval processes for matters protected by Part 3 of the EPBC Act. Decision-making under Chapter 4 of the EPBC Act is well established and takes account of the impacts of individual projects on marine parks consistent with this plan. Reflecting this, a class approval may be given for commercial fishing and certain works where they have been considered and authorised under Chapter 4 of the EPBC Act.

The *Environment Protection (Sea Dumping) Act 1981* fulfils Australia's international obligations under the *1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972* (London Protocol) to prevent marine pollution by regulating the types of materials that may be considered for ocean disposal. Reflecting this a class approval may be given to certain works where they have been considered and authorised under the *Environment Protection (Sea Dumping) Act 1981*.

Class approvals may also be issued for activities regulated under other government or industry policies, plans or programs where the impacts of activities are subject to satisfactory assessment, and would be introduced in consultation with the relevant person or class of persons.

## Prescriptions

- 4.4.2.1 The Director may issue a class approval for activities where prescribed by Section 4.2 (Rules for activities).
- 4.4.2.2 A class approval may be subject to conditions including but not limited to (and depending on the class of activities):
- a) specifying the area in which, and the periods during which, the approved activity or class of activities may be conducted;
  - b) requiring the impacts of the authorised activity to be mitigated by specified actions developed in consultation with the Director;
  - c) regulating the use of, or requiring the use of vessel identification and monitoring systems;
  - d) the provision of, or consent for access to, data for compliance and monitoring purposes;
  - e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
  - f) requiring reporting or auditing;
  - g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
  - h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
  - i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with class approval conditions; and
  - j) providing for the payment of fees.
- 4.4.2.3 A class approval may be varied, suspended or cancelled, and approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that:
- a) the activities, or an activity in the class of activities, to which the approval relates have not been, are not being, or likely will not be, conducted in accordance with the approval or a condition of the approval; or
  - b) assessment of impacts under a policy, plan or program to which Section 4.3.2 (Assessments under other processes) applies is not being made, or is likely not to be made, in a manner consistent with Section 4.3.1.3 or is not being made in accordance with the approval or a condition of the approval; or
  - c) the impacts of the activities, or an activity in the class of activities, to which the approval relates are no longer acceptable (Section 4.3.1 Decision-making); or
  - d) activities, or an activity in the class of activities, to which the approval relates are likely to cause an unacceptable risk to public health and safety; or
  - e) there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued, or would not be issued in the same terms or subject to the same conditions (for example, because of new information, or if a relevant matter that the Director took into account in deciding to issue an approval has changed or no longer exists).
- 4.4.2.4 Class approval conditions may be varied or revoked, or further conditions imposed, if the Director is satisfied that it is necessary or appropriate to do so for the efficient or effective management of the activities to which the approval relates.

- 4.4.2.5 Class approval conditions may be revoked if the Director is satisfied that the condition(s) is/are not necessary and the impacts of the activities to which the approval relates will remain acceptable (Section 4.3.1 Decision-making).
- 4.4.2.6 A class approval or conditions may be varied if the Director is satisfied that the impacts of the activities to which the approval relates will remain acceptable under the approval or conditions as varied (including, for example, to allow new or additional commercial fishing methods and gear types to be used).
- 4.4.2.7 A class approval may be varied to remove a person from the class of approved persons at the request of that person.
- 4.4.2.8 A class approval may be varied to remove a person from the class of approved persons if the Director is satisfied that the person:
  - a) has breached a condition of the approval; or
  - b) has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act, EPBC Regulations, or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.

**Note:** Where a person has been removed from a class approval, they may apply for a permit under Section 4.4.1 (Permits) or an activity licence under Section 4.4.3 (Activity licences and leases).

**Note:** Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

### 4.4.3 Activity licences and leases

An activity licence or lease may be issued to authorise an activity where it is more appropriate than the use of a permit or class approval, such as for tourism activities or activities that involve the installation of infrastructure (such as moorings or marker buoys). For the majority of these types of activities a licence will be the most suitable form of authorisation; however, this plan also provides for the Director to grant leases over land. Licences and leases are transferable and generally granted for a longer term than permits. They may include agreed fees reflecting the commercial value of the authorisation and, in the case of leases, provide security of tenure over land to support investment in infrastructure.

An activity licence authorises the holder to conduct their activities in the area to which the licence relates. A lease provides exclusive possession of the area of land in which an activity is to be conducted. Licences and leases enable continued growth of marine park services and allow for the growth of appropriate commercial business opportunities and partnerships with the Director that will maintain and promote marine park values.

#### Prescriptions

- 4.4.3.1 An activity licence or lease may be granted where prescribed by Section 4.2 (Rules for activities), subject to the prescriptions (if any) relating to the activity.
- 4.4.3.2 An activity licence or lease may be subject to conditions including but not limited to:
  - a) specifying the area in which, and the periods during which, the authorised activity may be conducted;
  - b) requiring the impacts of the authorised activity to be prevented or mitigated by specified actions developed in consultation with the Director;
  - c) regulating the use of, or requiring the use of vessel identification and monitoring systems;

- d) the provision of, or consent for access to data for compliance and monitoring purposes;
- e) making results of data collection, research and monitoring available to the Director (and in a specific format where relevant);
- f) requiring reporting or auditing;
- g) complying with other Commonwealth, state or territory laws and authorisations issued under such laws;
- h) requiring, restricting or prohibiting the use of specified gear, equipment or practices;
- i) allowing for the Director or representative to board vessels, accompany tours or enter premises for the purpose of evaluating compliance with licence conditions; and
- j) providing for the payment of fees.

#### **4.4.4 Publication of authorisations**

##### **Prescription**

- 4.4.4.1 The Director will publish on the Parks Australia website a list of all authorisations issued under this plan, which may include the name of the authorised person or class of persons, the period for which the authorisation is issued, and a description of the authorised activities.

## GLOSSARY

action	Has the meaning given by Subdivision A of Division 1 of Part 23 of the EPBC Act.
artificial reef	Has the meaning given by the <i>Environment Protection (Sea Dumping) Act 1981</i> , namely, a structure or formation placed on the seabed: (a) for the purpose of increasing or concentrating populations of marine plants and animals; or (b) for the purpose of being used in human recreational activities.
Australian Government or the Government	The Government of the Commonwealth of Australia.
Australian Marine Parks or Marine Park	Commonwealth reserves, named as Marine Parks, comprising the South-west, North-west, North and Temperate East Networks of Marine Parks and the Coral Sea Marine Park declared by the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and the reserves comprising the South-east Commonwealth Network of Marine Parks declared by the Proclamations made under the EPBC Act on 28 June 2007.
authorisation	As described in Section 4.4 (Authorisation of activities) of this plan.
biodiversity or biological diversity	Has the meaning given by s.528 of the EPBC Act.
biologically important areas	Areas where a protected species displays a biologically important behaviour such as breeding, foraging, resting or migration. These areas serve to highlight the parts of a marine region that are particularly important for the conservation of protected species.
bioregion	A large area that has similar types of plants, animals and ocean conditions compared with other similarly sized areas, and, in this document, those bioregions as defined in the <i>Integrated Marine and Coastal Regionalisation of Australia Version 4.0</i> .
bioregional plan	Has the meaning given by s.528 of the EPBC Act.
CAR	Comprehensiveness—includes the full range of ecosystems recognised at an appropriate scale within and across each bioregion; Adequacy—the maintenance of the ecological viability and integrity of populations, species and communities; and Representativeness—those marine areas that are selected for inclusion in reserves should reasonably reflect the biotic diversity of the marine ecosystems from which they derive.
class approval	As described in Section 4.4.2 (Class approvals) of this plan.



<b>commercial aquaculture</b>	Farming and culturing of aquatic organisms, such as fish, crustaceans and molluscs.
<b>commercial fishing</b>	Has the meaning given by s.390SC(1A) of the EPBC Act: a fishing activity that is engaged in for a commercial purpose, and, to avoid doubt, does not include an activity that constitutes recreational fishing.
<b>Commonwealth marine area</b>	Has the meaning given by s.24 of the EPBC Act.
<b>Commonwealth marine environment</b>	The environment in the Commonwealth marine area.
<b>Commonwealth reserve</b>	A reserve established and managed under Division 4 of Part 15 of the EPBC Act, including Australian Marine Parks.
<b>Coral Sea Marine Park</b>	The area described in Schedule 2 to the <i>Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013</i> , and declared to be a Commonwealth reserve by Section 6 of the proclamation.
<b>Department</b>	The Department responsible for administering the EPBC Act.
<b>Director</b>	The Director of National Parks established under s.514A of the EPBC Act, including any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the Coral Sea Marine Park.
<b>dropline</b>	A line that is vertically set or suspended in the water column between a weight (normally in contact with the seabed) and a vessel or a buoy on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods).
<b>ecologically sustainable use</b>	Has the meaning given by s.528 of the EPBC Act.
<b>ecosystem</b>	Has the meaning given by s.528 of the EPBC Act.
<b>endemic/endemism</b>	Native to or confined to a certain region.
<b>environment</b>	Has the meaning given by s.528 of the EPBC Act.
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> , including any Act amending, repealing or replacing the Act.
<b>EPBC Regulations</b>	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i> , including any Regulations amending, repealing or replacing the Regulations.

<b>fish aggregating device</b>	<p>Has the meaning given by the <i>Sea Installation Act 1987</i>, namely:</p> <p>(a) a man-made structure that, when in, or brought into, physical contact with the seabed or when floating, is used solely for the purpose of attracting populations of fish so as to facilitate the taking of those fish; or</p> <p>(b) any electronic or other equipment designed or intended to be ancillary to, or associated with, such a structure while it is being used, or in order to facilitate the use of the structure, for that purpose;</p> <p>and do not include a net, trap or other equipment for taking, catching or capturing fish.</p>
<b>hand collection</b>	Removing species from rocks, crevices, the seafloor or other benthic substrate by hand using dive hookah, self-contained underwater breathing apparatus (scuba) or snorkel.
<b>hand net (hand, barrier, skimmer, cast, scoop, drag, lift)</b>	A small mesh net that is operated by hand to trap fish including a hand net, barrier net, skimmer net, cast net, scoop net, drag net, lift net.
<b>Indigenous Protected Area (IPA)</b>	An Indigenous Protected Area (IPA) is an area voluntarily dedicated for protection by Indigenous groups on Indigenous owned or managed land or sea country. IPAs are recognised by the Australian Government as part of the National Reserve System, protecting the nation's biodiversity for the benefit of all Australians. Most IPAs are dedicated to promote a balance between conservation and other sustainable uses to deliver social, cultural and economic benefits for local Indigenous communities. IPAs combine traditional and contemporary knowledge into a framework to leverage partnerships with conservation and commercial organisations and provide employment, education and training opportunities for Indigenous people.
<b>Integrated Marine and Coastal Regionalisation of Australia (IMCRA)</b>	A spatial framework for classifying Australia's marine environment into bioregions that forms the basis for the development of a National Representative System of Marine Protected Areas.
<b>IUCN</b>	International Union for the Conservation of Nature.
<b>key ecological feature</b>	Elements of the Commonwealth marine environment that, based on best available scientific understanding, are considered to be of regional importance for either the region's biodiversity or ecosystem function and integrity.
<b>longline (demersal, auto-longline)</b>	A line that is horizontally set along the seafloor between weights to maintain contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). An auto-longline is a longline where the hooks are baited by a machine rather than manually.

longline (pelagic)	A line that is horizontally set near the surface of the water and avoids contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are generally used intermittently along the main line to help maintain buoyancy in the water column. The line may be left to drift in the water or be anchored by vertical lines to the seafloor.
management category	An IUCN category prescribed by Schedule 8 of the EPBC Regulations.
management plan or the plan or this plan	This management plan unless otherwise stated.
management principles	Australian IUCN reserve management principles prescribed by r.10.04 and Schedule 8 of the EPBC Regulations.
MARPOL	The International Convention for the Prevention of Pollution from Ships (MARPOL) is the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. MARPOL addresses pollution that might result from accidents such as collisions or groundings, as well as all types of waste generated during the normal operation of a ship. Ships are permitted to discharge small quantities of certain wastes, subject to very strict controls.
mining operations	Has the meaning given by s.355(2) of the EPBC Act.
Minister	The Minister responsible for administering the EPBC Act.
minor line (handline, rod & reel, trolling, squid jig, poling)	Any line fishing with a small number of hooks, often just one (i.e. handline, rod and reel, squid jigging and pole fishing). Trolling is dragging a lure or baited hook behind a moving vessel and reeling it in (either by hand, reel or winches). Poling is dragging a lure or baited hook on a fixed length of line behind a vessel and flicking or gaffing the fish into the boat. Squid jigging involves vertical lines with several barbless lures being mechanically jigged up and down to attract squid.
National Representative System of Marine Protected Areas (NRSMPA)	Australia's comprehensive, adequate and representative system of marine protected areas that contributes to the long-term ecological viability of marine and estuarine systems, maintains ecological processes and systems, and protects Australia's biological diversity at all levels.
native title	Has the meaning given by s.223 of the <i>Native Title Act 1993</i> .
net (demersal)	A rectangular mesh net anchored to the seafloor with weights. The net may have small floats along the upper line to maintain its shape in the water. Each end has a vertical line that is connected to buoys on the surface of the water.

<b>net (pelagic)</b>	A rectangular mesh net set near the surface of the water that is not in contact with the seafloor. The net generally has floats along the upper line to maintain buoyancy. Each end is connected to a buoy on the surface of the water. The net can be left to drift or connected to a boat.
<b>news of the day</b>	The reporting by newspaper, television, radio or other electronic media, of unanticipated events that happen from time to time, such as rescue events. It does not include general items about a marine park or planned activities in the park.
<b>Parks Australia</b>	The Division of the Department that supports the Director of National Parks.
<b>pelagic fishing gear</b>	Fishing gear that does not come in contact with the seabed during use.
<b>permit</b>	As described in Section 4.4.1 (Permits) of this plan.
<b>prescription</b>	Mandatory rules for managing marine parks.
<b>protected species</b>	Species listed under the EPBC Act as threatened, migratory or marine species and/or cetaceans (whales, dolphins and porpoises).
<b>purse seine</b>	A semi-rectangular mesh net with floats along the top and a weighted line along the bottom. A vessel or buoy is used to anchor one end of the net while it is set around a fish aggregation in a circular pattern. The bottom of the net has a cable threaded through it which, when pulled, brings the bottom of the net together like a purse trapping the fish inside. The net is then pulled toward the vessel and the fish are either lifted or pumped on board the vessel.
<b>recreational fishing</b>	Taking marine species, including shells, not for commercial purposes and that is not commercial fishing.
<b>sea country</b>	Sea country refers to the areas of the sea that Aboriginal and Torres Strait Islander groups are particularly affiliated with through their traditional lore and customs.
<b>stowed and secured</b>	All fishing apparatus, including nets and lines, are rendered inoperative in zones where fishing is not permitted, including that the apparatus is inboard the vessel and otherwise completely out of the water or as determined by the Director.
<b>traditional owners</b>	A local descent group of Indigenous persons who have common spiritual affiliations to an area of sea country and are entitled by Indigenous traditions to fish and hunt in an area of sea country.
<b>transit</b>	Continuous and expeditious passage through an area. However, passage includes stopping and anchoring, but only in so far as rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

<b>trap, pot</b>	Traps and pots are made in a variety of shapes and sizes from various materials. They are generally baited to attract fish or crustaceans through one or more entrances or openings. Traps and pots are set on the seafloor and connected to a vertical line with a buoy on the surface of the water.
<b>trawl (demersal)</b>	A cone-shaped mesh net towed through the water column on or near the seabed that comes into contact with the seabed during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening generally has chains, rubber or steel bobbins and spacers threaded along its length to help reduce snagging by slightly lifting the net off the seafloor. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations such as one or four nets.
<b>trawl (midwater)</b>	A cone-shaped mesh net towed through the water column that does not come into contact with the seabed at any stage during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening is weighted. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations, such as one or four nets.
<b>trotline</b>	A trotline is very similar to a demersal longline. It is a line that is horizontally set along the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are used intermittently along the main line to lift baited hooks away from the seafloor.
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982.
<b>values</b>	As defined in Part 2 of this plan.
<b>vessel identification and monitoring system</b>	A system whereby vessels are fitted with an electronic device that can transmit or provide information to a central management agency about the vessel's course or position, or other such information.

## SCHEDULE 1 SUMMARY OF LEGISLATIVE AND POLICY CONTEXTS

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### S1.1 THE EPBC ACT AND EPBC REGULATIONS

The objects of the EPBC Act (s.3) are:

- a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- c) to promote the conservation of biodiversity;
- ca) to provide for the protection and conservation of heritage;
- d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples;
- e) to assist in the co-operative implementation of Australia's international environmental responsibilities;
- f) to recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- g) to promote the use of Indigenous people's knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

#### **Director of National Parks**

The Director of National Parks is a corporation under the EPBC Act (s.514A) and a Commonwealth corporate entity for the purposes of the *Public Governance Performance and Accountability Act 2013*. The corporation is controlled by the person appointed by the Governor-General to the office that is called the Director of National Parks (s.514F of the EPBC Act).

The functions of the Director (s.514B) include the administration, management and control of Commonwealth reserves, including Australian Marine Parks, established under the EPBC Act. The Director generally has power to do all things necessary or convenient for performing the Director's functions (s.514C). The Director has a number of specified powers under the EPBC Act and EPBC Regulations, including to prohibit or control some activities, and to issue permits for activities that are otherwise prohibited. The Director performs functions and exercises powers in accordance with this plan.

#### **Establishment of Commonwealth reserves**

Commonwealth reserves, including Australian Marine Parks, are declared by proclamation by the Governor-General under the EPBC Act. The EPBC Act and the EPBC Regulations provide the legal basis and framework for management of Commonwealth reserves.

Commonwealth reserves can be declared over areas specified in s.344 of the EPBC Act, including the Commonwealth marine area as defined in s.24 of the Act (which extends generally from the three nautical mile limit of the coastal waters of the states and territories to the outer limit of Australia's exclusive economic zone). The Commonwealth marine area is also a matter of national environmental significance protected from significant impacts to the environment by Part 3 of the EPBC Act.



### ***IUCN categories and management principles***

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

#### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation—management arrangements should, to the extent practicable, provide for broad and meaningful participation by the community, public organisations and private interests in designing and carrying out the functions of a reserve or zone;
2. effective and adaptive management—management arrangements should be effective and appropriate to the biodiversity objectives and the socio-economic context of the reserve or zone. They should be adaptive in character to ensure a capacity to respond to uncertainty and change;
3. the precautionary principle—a lack of full scientific certainty should not be used as a reason for postponing measures to prevent degradation of the natural and cultural heritage of a reserve or zone where there is a threat of serious or irreversible damage;
4. minimising impacts—the integrity of a reserve or zone is best conserved by protecting it from disturbance and threatening processes. Potential adverse impacts on the natural, cultural and social environment and surrounding communities should be minimised as far as practicable;
5. ecologically sustainable use—if resource use is consistent with the management principles that apply to a reserve or zone, it should be based on the principle (the principle of ecologically sustainable use) that:
  - a) natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature, and
  - b) the benefit of the use to the present generation should not diminish the potential of the reserve or zone to meet the needs and aspirations of future generations;
6. transparency of decision-making—the framework and processes for decision-making for management of the reserve or zone should be transparent. The reason for making decisions should be publicly available, except to the extent that information, including information that is culturally sensitive or commercial-in-confidence, needs to be treated as confidential; and
7. joint management—if the reserve or zone is wholly or partly owned by Aboriginal people, continuing traditional use of the reserve or zone by resident Indigenous people, including the protection and maintenance of cultural heritage, should be recognised.

## *Principles for each IUCN category represented in the Coral Sea Marine Park*

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the Coral Sea Marine Park. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

### **1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

### **3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational purposes at a level that will maintain the reserve or zone in a natural or near-natural state.
- 3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.
- 3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

### **5. Habitat/species management area (IUCN category IV)**

- 5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.
- 5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic

communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.

- 5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.
- 5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.
- 5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

- 7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.
- 7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.

### ***Management plans***

The EPBC Act requires the Director to prepare a management plan for a Commonwealth reserve. When prepared, a plan is given to the Minister administering the EPBC Act for approval. A management plan is a 'legislative instrument' for the purposes of the Legislative Instruments Act 2003 and must be registered under that Act. Following registration, the plan is tabled in each House of the Commonwealth Parliament and may be disallowed by either House on a motion moved within 15 sitting days of the House after tabling.

A management plan for a Commonwealth reserve has effect for ten years, subject to being revoked or amended earlier by another management plan for the reserve. The Director must give effect to a management plan in operation for a Commonwealth reserve. The Commonwealth and Commonwealth agencies must also not perform functions or exercise powers in relation to the reserve inconsistently with the plan (s.362).

Under the EPBC Act (s.367) a management plan for a Commonwealth reserve must provide for the protection and conservation of the reserve.

A management plan for a Commonwealth reserve may divide the reserve into zones and assign each zone to an IUCN category (whether or not a proclamation has assigned the reserve or each zone of the reserve to that IUCN category). The category to which a zone is assigned may differ from the category to which the reserve is assigned.

The provisions of a management plan for a Commonwealth reserve that relate to the reserve or a particular zone of the reserve must not be inconsistent with the Australian IUCN reserve management principles for the IUCN category to which the reserve or zone is assigned by the plan.

If the management plan for a Commonwealth reserve assigns the reserve to one IUCN category and assigns a zone of the reserve to a different IUCN category, disregard the IUCN category to which the reserve is assigned for the purposes of the application of subsection (3) in relation to the zone.

A single management plan may be the management plan for more than one Commonwealth reserve.

A management plan for a Commonwealth reserve may include provisions relating to an area that is proposed to be included in the reserve, but they do not have effect until the area is included in the reserve.

Under the EPBC Act (s.368), in preparing a management plan for a Commonwealth reserve, the Director must take account of:

- (a) any report considered by the Minister under Section 351 before a proclamation declaring the reserve was made; and
- (b) the regulation of the use of the reserve for the purpose for which it was declared; and
- (c) the interests of:
  - (i) any owner of any land or seabed in the reserve; and
  - (ii) the traditional owners of any Indigenous people's land in the reserve; and
  - (iii) any other Indigenous persons interested in the reserve; and
  - (iv) any person who has a usage right relating to land, sea or seabed in the reserve that existed (or is derived from a usage right that existed) immediately before the reserve was declared; and
- (d) the protection of the special features of the reserve, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest; and
- (e) the protection, conservation and management of biodiversity and heritage within the reserve; and
- (f) the protection of the reserve against damage; and
- (g) Australia's obligations under agreements between Australia and one or more other countries relevant to the protection and conservation of biodiversity and heritage.

#### ***Control of actions in Commonwealth reserves***

The EPBC Act (ss.354 and 354A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a management plan in operation for the reserve:

- a) kill, injure, take trade, keep or move a member of a native species; or
- b) damage heritage; or
- c) carry out an excavation; or
- d) erect a building or other structure; or
- e) carry out works; or
- f) take an action for commercial purposes.

Mining operations are also prohibited (ss.355 and 355A of the EPBC Act) except in accordance with a management plan. Section 355(2) defines mining operations as follows:

- a) operations or activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals, including:
  - (i) prospecting and exploration for minerals; and
  - (ii) milling, refining, treatment and processing of minerals; and
  - (iii) storage and disposal of minerals and materials produced from minerals;
- b) the construction and use of towns, camps, dams, pipelines power lines or other structures for the purposes of operations or activities described in paragraph (a); and
- c) the performance of any other work for the purposes of operations or activities described in paragraph (a).

Section 358 of the EPBC Act allows the Director to grant a lease or a licence relating to land or seabed in a Commonwealth reserve in accordance with a management plan.

The EPBC Regulations control, or allow the Director to control, a range of activities in Commonwealth reserves. The Director applies the Regulations subject to and in accordance with the EPBC Act and management plan. The Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act. Activities that are prohibited or restricted by the EPBC Act may be carried on if they are authorised by a permit issued by the Director and/or they are carried on in accordance with a management plan or if another exception prescribed by r.12.06(1) of the Regulations applies.

Access to biological resources in Commonwealth areas is regulated under Part 8A of the EPBC Regulations. Access to biological resources is also covered by ss.354 and 354A of the EPBC Act if the resources are members of a native species and/or if access is for commercial purposes.

### ***Environmental assessment and approval***

Actions that are likely to have a significant impact on matters of national environmental significance are subject to the referral, assessment and approval provisions of Chapters 2 to 4 of the EPBC Act (irrespective of where the action is taken).

At commencement of this plan, the matters of national environmental significance identified in the EPBC Act are:

- a) world heritage properties;
- b) national heritage places;
- c) wetlands of international importance (Ramsar wetlands);
- d) listed threatened species and communities;
- e) listed migratory species;
- f) protection of the environment from nuclear actions (including uranium mining);
- g) marine environment (Commonwealth marine areas);
- h) the Great Barrier Reef Marine Park; and
- i) protection of water resources from coal seam gas development and large coal mining development.

The referral, assessment and approval provisions also apply to actions on Commonwealth land that are likely to have a significant impact on the environment and to actions taken outside Commonwealth land that are likely to have a significant impact on the environment on Commonwealth land.

Responsibility for compliance with the assessment and approvals provisions of the EPBC Act lies with persons taking relevant 'controlled' actions. A person proposing to take an action that the person thinks may be or is a controlled action should refer the proposal to the Minister. The Minister will decide whether or not the action is a controlled action. The Director of National Parks may also refer proposed actions to the Minister.

### ***Wildlife protection***

Part 13 of the EPBC Act contains provisions that prohibit and regulate actions in relation to listed threatened species and ecological communities, listed migratory species, listed marine species and cetaceans (whale, dolphin and porpoise).

Actions taken in accordance with a Commonwealth reserve in accordance with a management plan in relation to any native species listed under Part 13 of the EPBC Act are exempt from prohibitions in Part 13 of the Act.

### ***Heritage protection***

The EPBC Act world heritage protection provisions (s.12–15A, ss.320–324) provide:

- a) that the primary purpose of management of natural heritage and cultural heritage of a declared world heritage property must be, in accordance with Australia's obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the world heritage values of the property;
- b) that at least one management plan should be prepared for each declared world heritage property;
- c) that the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure it exercises its powers and performs its functions in relation to the property in a way that is not inconsistent with the World Heritage Convention, the Australian world heritage management principles; and if the property is on the World Heritage List and a plan for managing the property has been prepared as described in s.321—that plan;
- d) that an action should not be approved if it would be inconsistent with the protection, conservation, presentation or transmission to future generations of the world heritage values of the property.

The EPBC Act national and Commonwealth heritage protection provisions (ss.324A to 324ZC and ss.341A to 341ZH) provide:

- a) for the establishment and maintenance of a National Heritage List and a Commonwealth Heritage List, criteria and values for inclusion of places in either list and heritage management principles for places that are included in the two lists;
- b) that Commonwealth agencies must not take an action that is likely to have an adverse impact on the heritage values of a place included in either list unless there is no feasible and prudent alternative to taking the action and all measures that can reasonably be taken to mitigate the impact of the action on those values are taken and that Commonwealth agencies that own or control places must—
  - i. prepare a written heritage strategy for managing those places to protect and conserve their Commonwealth heritage values. The strategy must address any matters required by the EPBC Regulations, and not be inconsistent with the Commonwealth heritage management principles, and
  - ii. identify Commonwealth heritage values for each place, and produce a register that sets out the Commonwealth heritage values (if any) for each place (and do so within the timeframe set out in the place's heritage strategy).

The prescriptions in this plan are consistent with the Commonwealth heritage and national heritage management principles and other relevant obligations under the EPBC Act for protecting and conserving the heritage values for which the reserve has been listed on the National Heritage List.

### ***Wetlands of international importance***

The EPBC Act management of wetlands of international importance provisions (ss.325 to 336) provide:

- a) that the Commonwealth may designate a wetland for inclusion in the List of Wetlands of International Importance kept under the Ramsar Convention only after seeking the agreement of relevant states, self-governing territories and land holders;
- b) that the Minister must make plans for managing wetlands listed under the Ramsar Convention that are entirely in Commonwealth areas other than Commonwealth reserves. The Commonwealth and Commonwealth agencies must not contravene such plans;
- c) that the Commonwealth must try to prepare and implement management plans for other wetlands listed under the Ramsar Convention, in cooperation with the relevant states and self-governing territories;



- d) that the Commonwealth and Commonwealth agencies have duties relating to declared Ramsar wetlands in states and territories; and
- e) that the Commonwealth can provide assistance for the protection or conservation of declared Ramsar wetlands.

The prescriptions in this plan are consistent with the Australian Ramsar management principles prescribed in Schedule 6 of the EPBC Regulations and other relevant obligations under the EPBC Act for the management of wetlands included in the List of Wetlands of International Importance kept under the Ramsar Convention.

#### ***EPBC Act and Indigenous traditional rights and native title rights***

Native title rights may exist in offshore waters within Australia's jurisdiction. Native title determinations need not have been made in order for native title rights to exist.

The EPBC Act does not affect the operation of the *Native Title Act 1993* and s.211 in particular, which in certain circumstances allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence (s.8 EPBC Act). Prohibitions and other provisions of the EPBC Act and EPBC Regulations dealing with activities in Commonwealth reserves do not prevent Indigenous people from continuing their traditional use of an area in a reserve for hunting or gathering (except for purposes of sale), or for ceremonial and religious purposes, in accordance with the EPBC Act s.359A.

#### ***Access to biological resources***

Access to biological resources in Commonwealth areas is regulated under the EPBC Regulations Part 8A and a permit from the Minister is required. Access to biological resources is defined in the EPBC Regulations and broadly means the taking of biological resources of native species for research and development on any genetic resources, or biochemical compounds, comprising or contained in the biological resources. Biological resources are defined by the EPBC Act as genetic resources, organisms, parts of organisms, populations and any other biotic component of an ecosystem with actual or potential use or value for humanity. Genetic resources are defined by the EPBC Act as any material of plant, animal, microbial or other origin that contains functional units of heredity, and that has actual or potential value for humanity.

#### ***Penalties***

Civil and criminal penalties may be imposed for breaches of the EPBC Act and criminal penalties may be imposed for breaches of the EPBC Regulations.

## **S1.2 OTHER RELEVANT LEGISLATION**

The ***Environment Protection (Sea Dumping) Act 1981 (Sea Dumping Act)*** regulates the loading for the purpose of dumping and dumping of controlled material at sea (including certain wastes and other matter), and the placement of artificial reefs. The Act gives effect to Australia's obligations under the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol). Under the Sea Dumping Act, dumping at sea is prohibited, except for possibly acceptable wastes or other matter that may be considered under a permit.

The ***Fisheries Act 1994*** and ***Fisheries Regulation 2008*** are the regulatory framework for the management of Queensland fisheries resources. The ***Torres Strait Fisheries Act 1984*** is the regulatory framework for fisheries in certain waters between Australia and Papua New Guinea.

The ***Fisheries Management Act 1991*** regulates fishing activities in the Australian Fishing Zone, from the Australian coastline to 200 nm, including waters surrounding external territories.

The ***Historic Shipwrecks Act 1976*** provides for the protection of historic shipwrecks and associated relics and the establishment of protected zones around historic shipwrecks from the lowest astronomical tide mark to the exclusive economic zone. All shipwrecks and associated relics more than 75 years old whether located or not are protected under the Act by Ministerial declaration. A wreck less than 75 years old may also be protected by a declaration of the Minister.

The *Historic Shipwrecks Act 1976* prohibits conduct in relation to historic shipwrecks and relics without a permit, which includes conduct that destroys or causes damage to a historic shipwreck or relic, causes interference with a historic shipwreck or relic, causes the disposal of a historic shipwreck or relic, or causes a historic shipwreck or relic to be removed from Australia.

The most current information about the status of discovered shipwrecks, protected shipwrecks or shipwrecks that have a declared protected zone is in the Australian national shipwrecks database ([www.environment.gov.au](http://www.environment.gov.au)).

The ***Offshore Minerals Act 1994*** establishes the regulatory framework for offshore exploration and recovery of minerals beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The ***Offshore Petroleum and Greenhouse Gas Storage Act 2006*** is the regulatory framework for offshore exploration and production of petroleum, and greenhouse gas storage activities, beyond the three nautical mile limit of the coastal waters of states and territories. Management of these activities within coastal waters is the responsibility of the relevant state or territory governments.

The ***Protection of the Sea (Prevention of Pollution from Ships) Act 1983*** and the ***Navigation Act 2012*** address the protection of the marine environment from ship-sourced pollution. The Prevention of Pollution from Ships Act implements the International Convention for the Prevention of Pollution from Ships (MARPOL), and regulates normal or routine operational discharges from ships. MARPOL annexes regulate the discharge of oil (Annex I), noxious liquid substances (Annex II), the disposal of sewage from ships (Annex IV) and garbage (Annex V), harmful substances carried by sea in packaged forms (Annex III) and air pollution from ships (Annex VI). The Australian Maritime Safety Authority (AMSA) is responsible for the application and enforcement of MARPOL in areas of Commonwealth jurisdiction, that is, to the limit of the 200 nautical mile exclusive economic zone. State and territory governments give effect to MARPOL Annexes in coastal waters out to three nautical miles (approximately 5.5 km) from land.

### S1.3 INTERNATIONAL AGREEMENTS

This plan takes into account Australia's obligations under international agreements that are relevant to the Coral Sea Marine Park. These include:

#### **Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment (JAMBA)**

JAMBA provides for Australian and Japanese cooperation on the protection of migratory birds and birds in danger of extinction (listed in the annex to the agreement) and the management and protection of their environments. It requires both countries to take appropriate measures to preserve and enhance the environment of birds protected under the provisions of the agreement.

#### **Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (CAMBA)**

CAMBA provides for Australian and Chinese cooperation on the protection of migratory birds (listed in the annex to the agreement) and their environment. It requires both countries to take appropriate measures to preserve and enhance the environment of migratory birds.

#### **Agreement between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds 2007 (ROKAMBA)**

ROKAMBA provides for Australian and Korean cooperation on the protection of migratory birds (listed in the annex to the agreement) and their habitat and the prevention of the extinction of certain birds. It requires both countries to take appropriate measures to conserve and improve the environment of birds protected under the provisions of the agreement.

### **Agreement on the Conservation of Albatrosses and Petrels (ACAP)**

This agreement provides for parties to conserve highly migratory and threatened seabirds over their normal range by protecting critical habitat, controlling non-native species detrimental to albatrosses and petrels, introducing measures to reduce the incidental catch of seabirds in fisheries, and supporting research into the effective conservation of albatrosses and petrels.

### **Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention)**

The World Heritage Convention was adopted to ensure the proper identification, protection, conservation and presentation of cultural and natural heritage with outstanding universal value. Australian world heritage management principles are prescribed in Schedule 5 of the EPBC Regulations.

### **Convention on Biological Diversity (CBD)**

Australia is a signatory to the CBD, which requires parties to pursue the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the use of genetic resources. Article 8 of the convention identifies that parties should 'establish a system of protected areas or areas where special measures need to be taken to conserve biodiversity'. The establishment and management of the Coral Sea Marine Park assists Australia in meeting its obligations under the CBD.

In 2010, the Conference of Parties to the CBD adopted a *Strategic plan for biodiversity*. It includes Target 11 relevant to protected areas:

*By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.*

The strategic plan complements, but does not replace, the commitment to establish representative networks of marine protected areas by 2012, made at the 2002 World Summit on Sustainable Development. Australia has met and exceeded this target.

### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

CITES aims to ensure that the international trade of wild fauna and flora specimens does not threaten the survival of the species from which they are derived. It places controls on the international trade of specimens of certain species. At the time of preparing this plan, several marine mammal species found in the Coral Sea Marine Park were listed under CITES Annex II.

### **Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)**

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to this convention work together to conserve migratory species and their habitats. Species that are listed under the above migratory agreements and conventions are listed species under Part 13 of the EPBC Act.

### **Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (Ramsar Convention)**

This international agreement is more commonly known as the Ramsar Convention on Wetlands, and originally aimed to conserve and wisely use wetlands primarily as habitat for waterbirds. Over the years, the Ramsar Convention's scope has broadened to cover all aspects of wetland conservation and wise use, recognising that wetland ecosystems are important for both biodiversity conservation and the wellbeing of human communities.

To achieve its aims, the Ramsar Convention requires international cooperation, policy-making, capacity-building and technology transfer from its members. Under the Ramsar Convention, a wide variety of natural and human-made habitat types can be classified as wetlands, including features in the marine environment.

All wetlands listed under the Ramsar Convention are recognised as matters of national environmental significance under the EPBC Act. As such, approval is required for actions that will have, or are likely to have a significant impact on the ecological character of a Ramsar-listed wetland.

### **International Convention for the Prevention of Pollution from Ships (MARPOL)**

MARPOL deals with preventing and minimising the discharge of ship-generated pollution into the sea. This is the main international convention for the prevention of ship-sourced pollution in the marine environment. The International Maritime Organization (IMO), a specialised agency of the United Nations, administers this convention and related conventions. MARPOL is given effect in Australia by the *Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 2012*. It is the basis for Australian, state and territory government regulation of pollution from all ships, including fishing vessels, in Australian waters. The Australian Maritime Safety Authority (AMSA) and state and territory governments are responsible for the application and enforcement of MARPOL in Australian waters.

### **International Convention for the Regulation of Whaling**

Australia is a member of the International Whaling Commission, which supports the conservation of whales and the management of whaling under the International Convention for the Regulation of Whaling. Through its membership of the Commission, Australia promotes international collaboration and research that helps to protect whales in Commonwealth waters and internationally. This includes initiatives to support the growing whale watching industry, better understand where and why collisions occur between whales and ships, and coordinate actions to protect the most at-risk populations of whales and dolphins. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

### **United Nations Convention on the Law of the Sea (UNCLOS)**

UNCLOS defines the rights and responsibilities of nations in their use of the world's oceans. It establishes guidelines for businesses, the environment and the management of marine natural resources. It provides foreign vessels with a right of innocent passage through territorial seas.

### **UN Declaration on the Rights of Indigenous Peoples**

On 3 April 2009 the Australian Government announced its support for the UN Declaration on the Rights of Indigenous Peoples. Although the Declaration is non-binding and does not affect existing Australian law, it does set important international principles for nations to aspire to and many of its provisions are grounded in the core human rights treaties to which Australia is a party.

### **1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Protocol)**

Australia is a party to the London Protocol, the objective of which is to protect and preserve the marine environment from all sources of pollution and prevent pollution caused by dumping or incineration at sea of wastes or other matter. The London Protocol limits the type of materials that can be considered for ocean disposal, and bans the incineration of wastes at sea. In Australia, the London Protocol is administered by the Australian Government under the Sea Dumping Act.

### **2030 Agenda for Sustainable Development and the Sustainable Development Goals (2030 Agenda)**

The 2030 Agenda for Sustainable Development (2030 Agenda) aims to integrate the social, environmental and economic dimensions of sustainable development. The 2030 Agenda was agreed by 193 Member States at the United Nations Sustainable Development Summit in New York in September 2015. It includes 17 Sustainable Development Goals (SDGs) – a roadmap for sustainable development efforts to 2030 and beyond. Australian Marine Parks contribute to five SDGs: SDG 8 – Decent Work and Economic Growth; SDG 12 – Responsible Production and Consumption; SDG 13 – Climate Action; SDG 14 – Life below Water; and Goal 15 – Life on Land.



## SCHEDULE 2 CORAL SEA MARINE PARK OVERVIEW AND VALUES

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Yellow-lined snapper (Nigel Marsh)

## S2.1 CORAL SEA MARINE PARK OVERVIEW

The Coral Sea Marine Park was proclaimed under the EPBC Act on 14 December 2013 (Federal Register of Legislation No. F2013L02108) and renamed on 9 October 2017 (Federal Register of Legislation No. F2017L01337).

**Table S2.1. Overview of the Coral Sea Marine Park**

Marine park name	Zones, IUCN categories and zone area	Marine park IUCN category	Total marine park area
<b>Coral Sea</b>	National Park Zone (II) 238,400 km <sup>2</sup> Habitat Protection Zone (IV) 655,129 km <sup>2</sup> Habitat Protection Zone (Reefs) (IV) 29,827 km <sup>2</sup> Special Purpose Zone (Trawl) (VI) 66,480 km <sup>2</sup>	IV	989,836 km <sup>2</sup>

**Note:** The Coral Sea Marine Park extends from 1000 m below the seabed to 3000 m above sea level.

**Note:** Zone and total marine park areas are rounded to the nearest km<sup>2</sup>.



## S2.2 CORAL SEA MARINE PARK VALUES

This Schedule describes the values represented in the Coral Sea Marine Park.

Values are broadly defined as:

- *Natural values*—habitats, species and ecological communities within marine parks, and the processes that support their connectivity, productivity and function.
- *Cultural values*—living and cultural heritage recognising Indigenous beliefs, practices and obligations for country, places of cultural significance and cultural heritage sites.
- *Heritage values*—non-Indigenous heritage that has aesthetic, historic, scientific or social significance.
- *Socio-economic values*—the benefit of marine parks for people, businesses and the economy.

Values will be used to inform the Director’s decisions when authorising activities in marine parks. Activities will be assessed in relation to their impacts and risk to values, to ensure activities are undertaken in a manner that minimises impacts to as low as reasonably practicable (Section 4.3 Making decisions about activities).

As understanding of marine park values improves over time, updated information will be available on the Parks Australia website.

Other sources of information on marine park values can be found on the Department’s website, in particular, for protected species (species profile and threats database), wetlands (Australian wetlands directory), heritage places (Australian heritage database), and shipwrecks (Australian national shipwrecks database), and in the *East marine bioregional plan: bioregional profile* (2009).

CORAL SEA MARINE PARK
<p>The Coral Sea Marine Park (Figure S2.1) is located east of the Great Barrier Reef adjacent to the Great Barrier Reef Marine Park, extending from Cape York Peninsula, to approximately 40 km north of Bundaberg in Queensland. The Marine Park starts between 60 km and 1100 km from the coast of Australia and extends to the limit of Australia’s exclusive economic zone.</p> <p>The Marine Park covers an area of 989,836 km<sup>2</sup>, with waters down to 6000 m deep.</p> <p>The Marine Park was proclaimed under the EPBC Act on 14 December 2013 and renamed Coral Sea Marine Park on 9 October 2017. It includes the areas of the Coral Sea Conservation Zone originally proclaimed under the EPBC Act on 14 May 2009 and the Coringa-Herald and Lihou Reef National Nature Reserves originally proclaimed under the <i>National Parks and Wildlife Conservation Act 1975</i> on 16 August 1982. The Marine Park is assigned IUCN category IV and includes four zones assigned under this plan: National Park Zone (II), Habitat Protection Zone (IV), Habitat Protection Zone (Reefs) (IV) and Special Purpose Zone (Trawl) (VI).</p> <p>Coordinates for the Coral Sea Marine Park and zones are provided in Figures S2.1 to S2.18 and Schedule 4.</p>
<p><b>Statement of significance</b></p> <p>The Coral Sea Marine Park was designed to protect representative examples of the region’s ecosystems and biodiversity in accordance with the <i>Goals and principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters</i> (ANZECC, 1998),</p> <p>The Marine Park is significant because it contains habitats, species and ecological communities associated with the Cape Province, Northeast Transition, Northeast Province, Central Eastern Transition, Kenn Province and Kenn Transition bioregions. It includes three key ecological features: reefs, cays and herbivorous fish of the Marion Plateau; reefs, cays and herbivorous fish of the Queensland Plateau; and the Tasmantid Seamount Chain.</p>

## CORAL SEA MARINE PARK

The Coringa-Herald and Lihou Reefs and Cays Ramsar site is located in the Marine Park. The site was listed under the Ramsar Convention in 2002 and is a wetland of international importance under the EPBC Act. An Ecological Character Description that sets out the Ramsar listing criteria met by the site, the key threats and knowledge gaps, is available on the Department's website. The site comprises near-pristine oceanic islet and reef habitats that are representative of the Coral Sea. The undisturbed sandy habitats at several islets are nesting sites for globally endangered green and hawksbill turtles, while foreshores, forest and shrubland support important breeding populations of seabirds including terns, boobies, and tropicbirds.

Coral reef habitat supports distinct communities of marine flora and fauna, including a relatively rich diversity of crustacean and hydroid fauna, and significant feeding habitat for migratory seabirds. Black marlin aggregate to spawn in the north-west of the Marine Park. Marine algal communities are a particularly important feature, frequently covering a greater area than the corals.

The Marine Park includes habitats connecting to and complementing the adjacent Great Barrier Reef Marine Park.

### Natural values

The Marine Park includes examples of ecosystems representative of:

- Cape Province—a deep-water valley and ridge feature in the north of the Marine Park, with water depths of between 1000 and 4000 m.
- Northeast Transition—a deep-water feature consisting of troughs, plateau, reefs and carbonate mud in the north of the Marine Park, in waters deeper than 1000 m.
- Northeast Province—a large area of reefs, trenches, troughs, terraces and aprons in the central part of the Marine Park. It contains cays, atolls, islets and associated reef communities.
- Central Eastern Transition—an area in the south of the Marine Park featuring slope, canyon, and terrace, in waters between 3000 and 4000 m deep.
- Kenn Province—an area in the south-west of the Marine Park featuring seamounts and plateaux, in waters between 1000 and 3000 m deep.
- Kenn Transition—an area in the south-west of the Marine Park featuring seamounts.

Key ecological features of the Marine Park are:

- Reefs, cays and herbivorous fish of the Queensland Plateau—this is the largest marginal plateau in Australia. Ancient reefs have formed broad limestone platforms that extend over about half of the plateau forming 21 reefs and cays, the largest of which are Tregosse and Lihou Reefs. Other significant reefs include Coringa-Herald, Moore, Flinders, Holmes, Shark and Osprey Reefs. Osprey Reef differs from the other platform reefs of the plateau in that it is an isolated pinnacle more similar to the seamount reefs found further south.
- Reefs, cays and herbivorous fish of the Marion Plateau—this area contains three major reef systems: Marion Reef, Saumarez Reef and Frederick Reefs. Marion and Saumarez reefs are built on carbonate platforms that make up half the surface area of the plateau. Both reefs are ancient, dating back to the Pliocene drowning of the platforms. Frederick Reefs rise up to sea level from the Cato Basin at 3000 m depth off the eastern edge of the plateau.
- The Tasmantid Seamount Chain—these seamounts provide shallow reef and deep-water habitats that differ from the more southerly seamounts in that they are older and they break the sea surface forming Kenn, Cato, Wreck and Mellish Reefs.

## CORAL SEA MARINE PARK

Ecosystems and species composition within the Marine Park are influenced by the east–west-flowing South Equatorial Current, the north-flowing Hiri Current and the south-flowing East Australian Current. These currents create a barrier reducing the mixing of species between the north and south of the Marine Park, forming distinct ecological communities.

There are about 34 reefs and 56 cays and islets in the Marine Park, with a total reef area of approximately 15 024 km<sup>2</sup>. Most of the islets and cays are composed of sand, rocks and coral rubble. Some have grassland, herbfield, shrubland and forest habitats. Two islets of the Coringa–Herald group support communities of *Pisonia grandis*, a species of flowering tree in the bougainvillea family, which is relatively uncommon in Australia and globally. The only known spawning aggregation of black marlin in the Pacific Ocean occurs near Osprey Reef.

The Marine Park supports a range of species including species listed as threatened, migratory, marine or cetacean under the EPBC Act. Biologically important areas within the Marine Park include breeding and or foraging habitat for seabirds, interesting habitat for marine turtles, and a migratory pathway for humpback whales.

The Marine Park also supports species listed under international agreements such as the Convention on the Conservation of Migratory Species of Wild Animals 1979 (CMS or Bonn Convention), the Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and their Environment 1974 (JAMBA), the Agreement between the Government of Australia and the Government of the People’s Republic of China for the Protection of Migratory Birds and their Environment 1986 (CAMBA), and the Agreement between the Government of Australia and the Government of the Republic of Korea on the Protection of Migratory Birds 2007 (ROKAMBA).

### *Coringa-Herald and Lihou Reefs and Cays Ramsar site*

The Coringa-Herald and Lihou Reefs and Cays Ramsar site includes representative examples of coral reef in near-pristine condition. The Ramsar site also includes the forested reef cays, making it an outstanding breeding site for several key waterbird species. It has breeding sites for the nationally threatened green turtle and hawksbill turtle. Species diversity includes at least 390 species of coral reef fish, 29 waterbird species, 128 crustaceans, 140 hard corals, 745 marine molluscs, and various starfish, brittle stars, feather stars, and sea urchins.

### **Cultural values**

Sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. Torres Strait Islanders and coastal Aboriginal people of the east coast of Cape York have sea country responsibilities for parts of the Marine Park.

The Meriam People’s sea country extends over the Ashmore Reef region of the Coral Sea Marine Park. Under traditional (Malo’s) law, Ashmore Reef is a significant cultural area for the Meriam People and they must be consulted by people wanting to access Ashmore Reef. The Mer Gedkem Le Prescribed Body Corporate represents the native title holders of Meriam land and sea country. The Mer Gedkem Le Prescribed Body Corporate is the point of contact for Ashmore Reef. The Torres Strait Regional Authority and the Cape York Land Council are the Native Title Representative Bodies for the Torres Strait and Cape York regions, with native title responsibilities for the Ashmore Reef area.

### **Heritage values**

#### **Protected places (world, national and Commonwealth heritage, historic shipwrecks)**

The EPBC Act protects matters of national environmental significance that are classified as protected places, including world heritage properties and national heritage places. Places on the Commonwealth

## CORAL SEA MARINE PARK

Heritage List or shipwrecks listed under the Historic Shipwrecks Act 1976 are also protected places.

No international, Commonwealth or national heritage listings apply to the Marine Park at commencement of this plan, however, the Marine Park is adjacent to the Great Barrier Reef World Heritage Area.

### *Historic shipwrecks*

The Marine Park contains over 45 known shipwrecks listed under the *Historic Shipwrecks Act 1976*. The oldest known shipwrecks are the *Cato* (wrecked in 1803), *HMS Porpoise*, (wrecked in 1803), and *Echo* (wrecked in 1820). There are also three United States of America navy ships sunk in 1942 during the Battle of the Coral Sea: the *USS Lexington* (aircraft carrier), *USS Neosho* (aviation fuel supplier), and *USS Sims* (destroyer).

There are likely to be hundreds of historic shipwrecks in the Marine Park, the precise locations of which remain unknown.

### **Social and economic values**

Tourism, commercial fishing, and recreation, including fishing, are important activities in the Marine Park. These activities contribute to the wellbeing of regional communities and the prosperity of the nation.



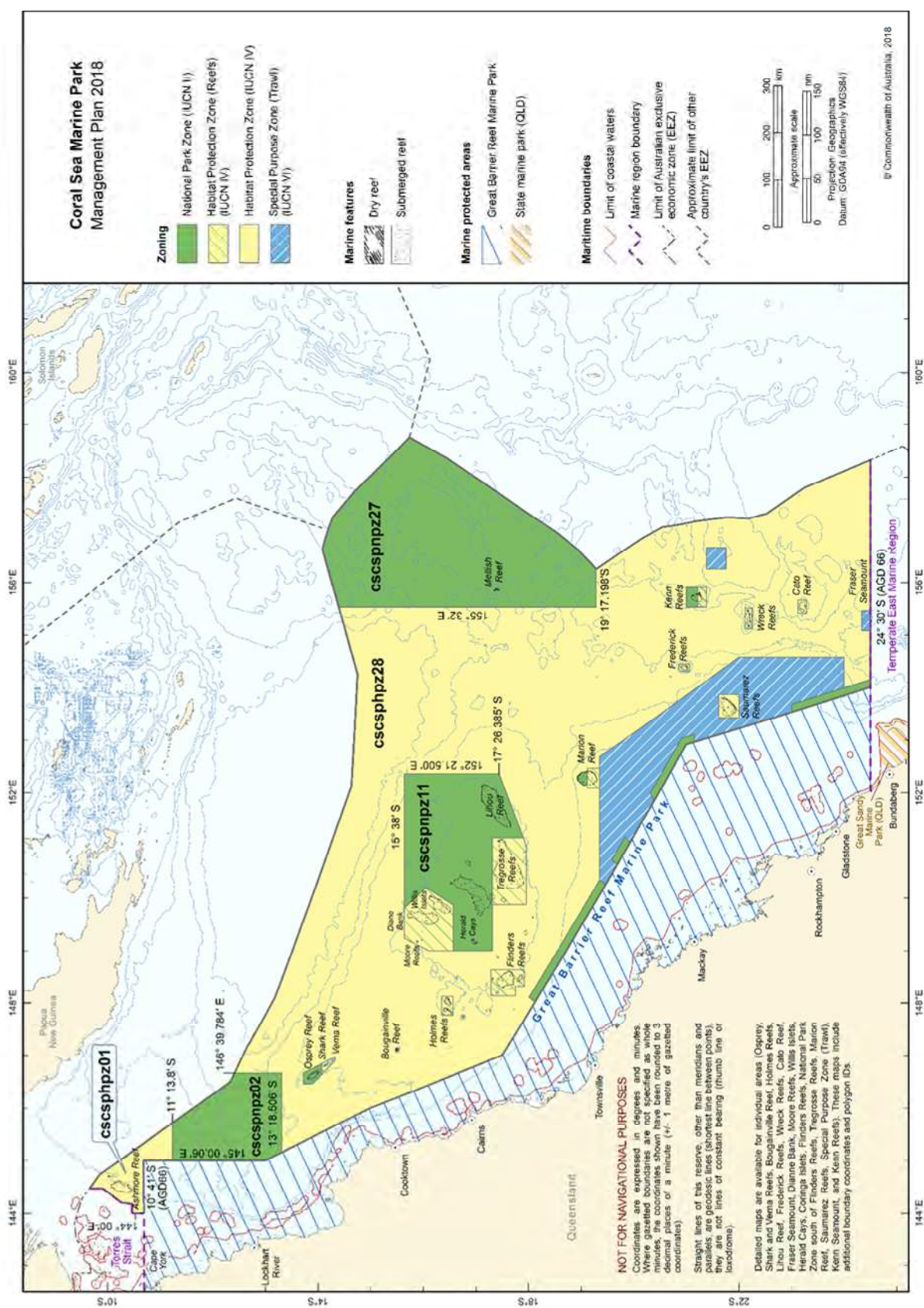


Figure S2.1 Coral Sea Marine Park

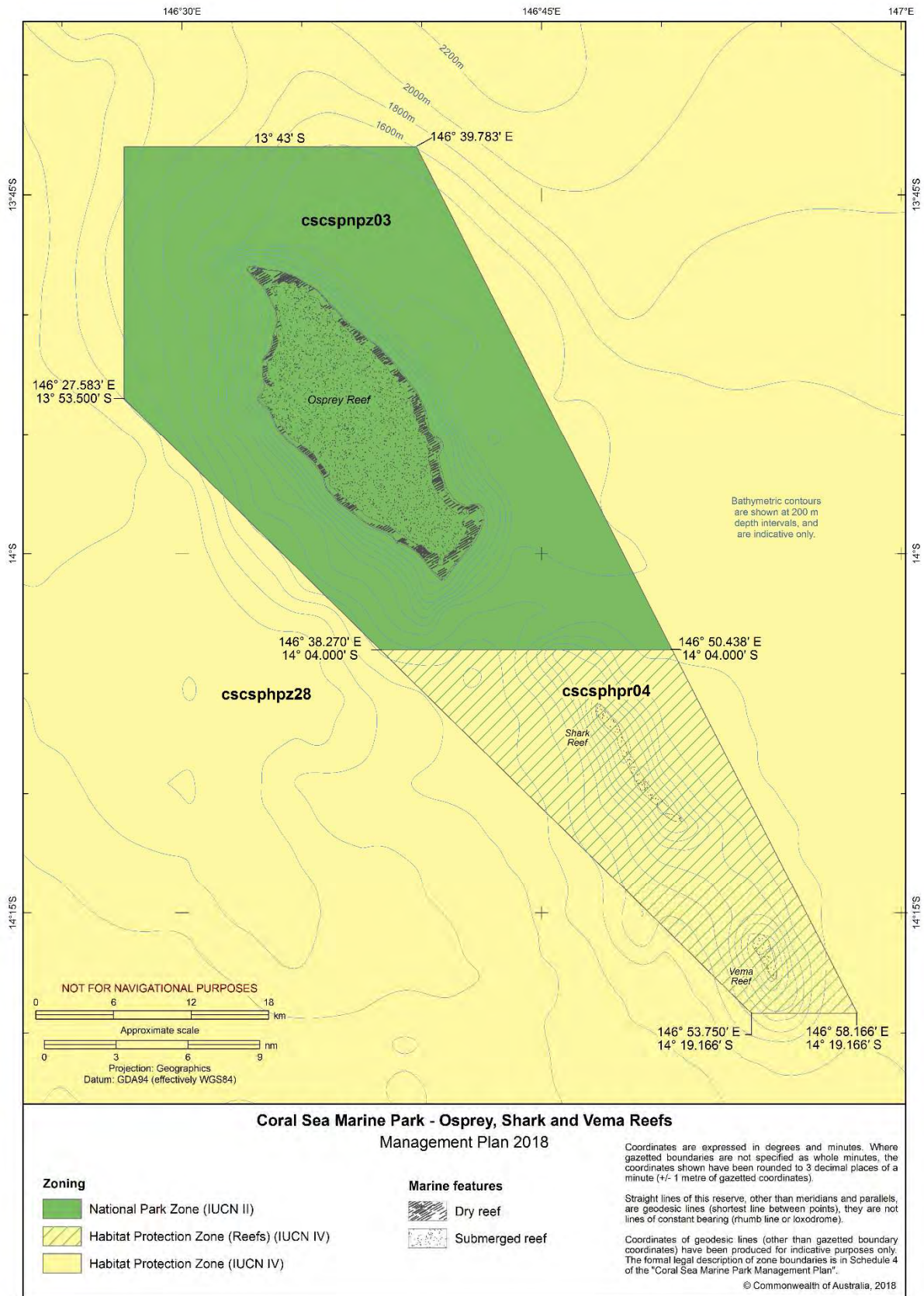
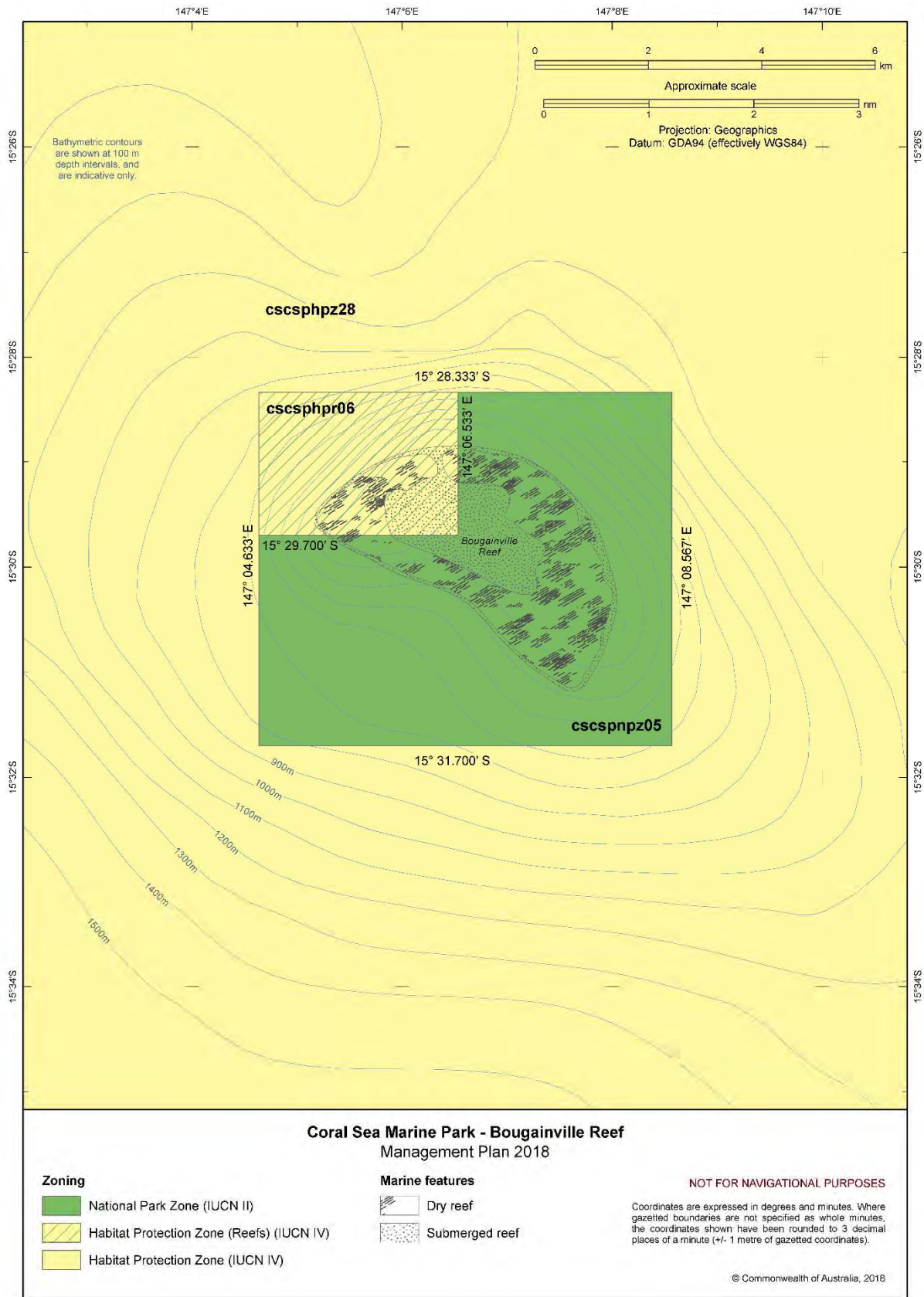
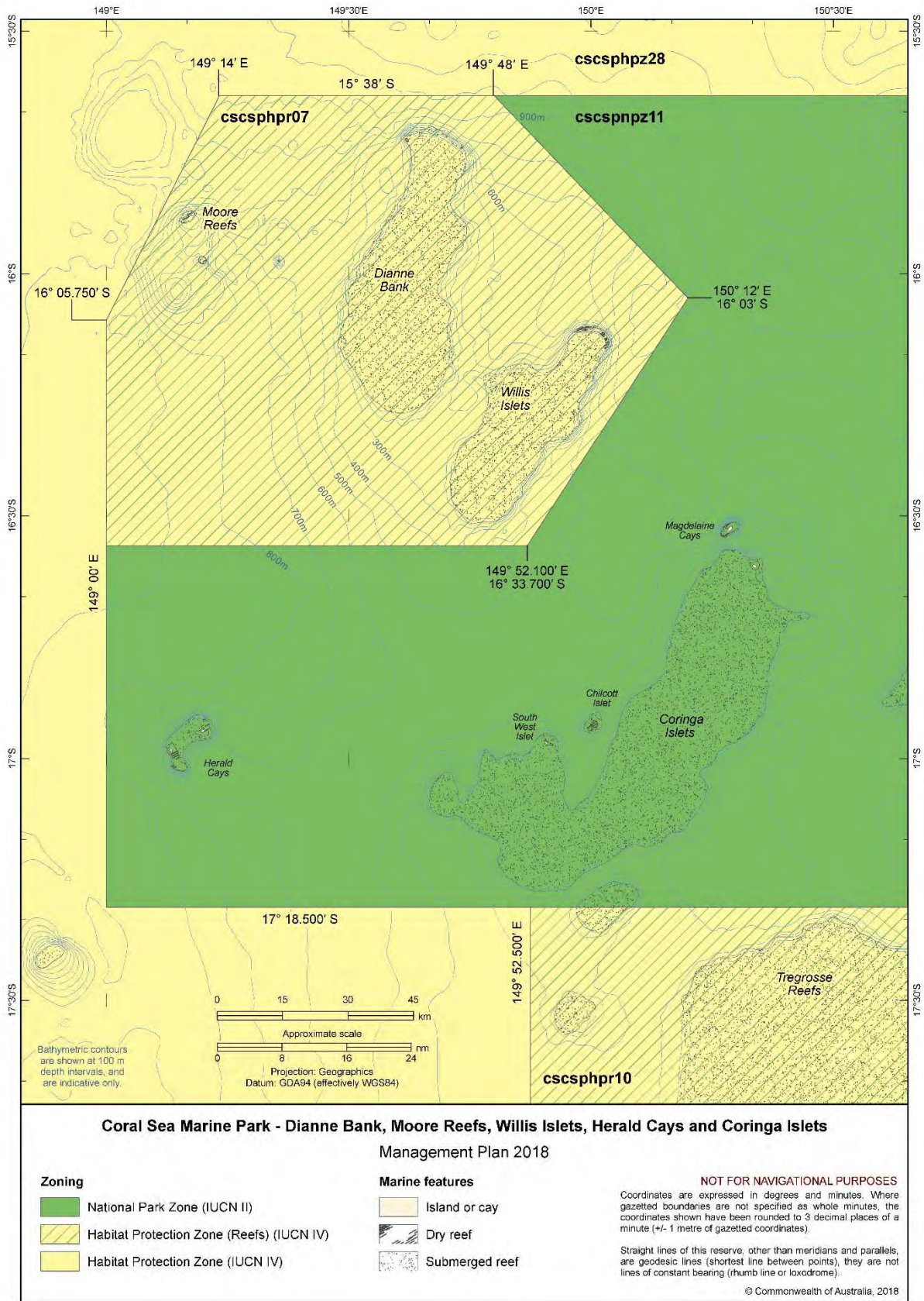


Figure S2.2 Coral Sea Marine Park – Osprey, Shark and Vema Reefs





**Figure S2.3 Coral Sea Marine Park – Bougainville Reef**



**Figure S2.4 Coral Sea Marine Park – Dianne Bank, Moore Reefs, Willis Islets, Herald Cays and Coringa Islets**



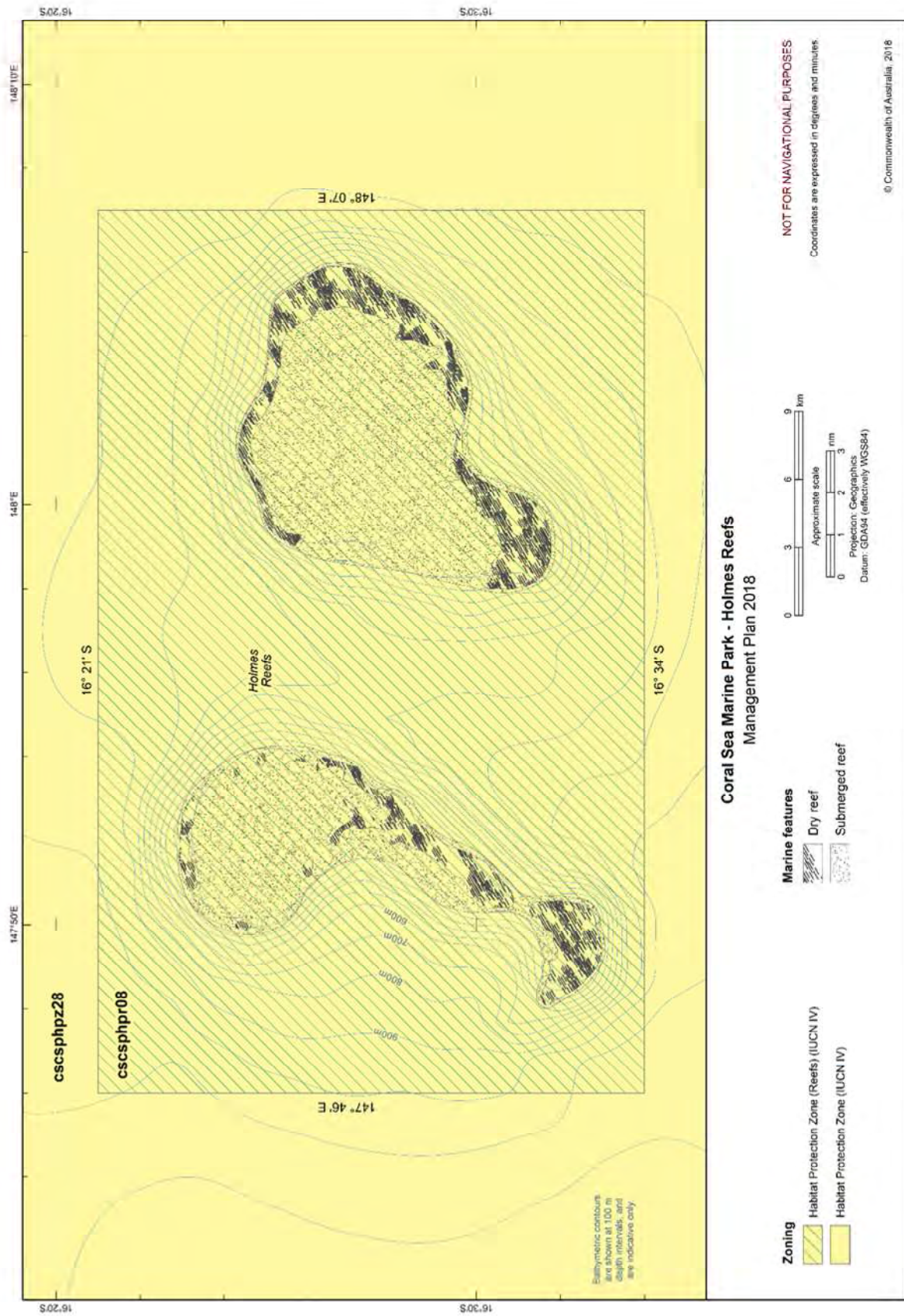


Figure S2.5 Coral Sea Marine Park – Holmes Reefs



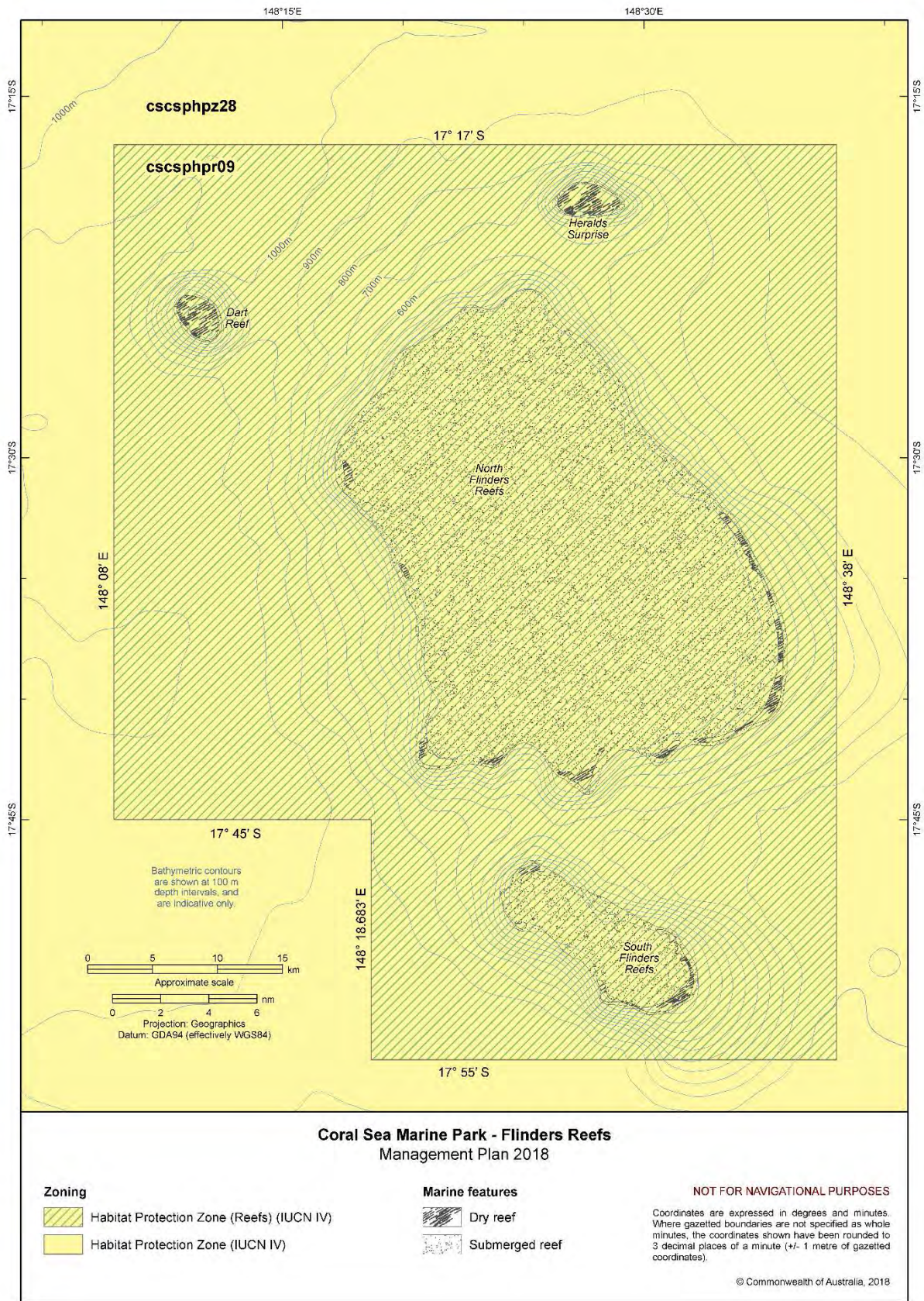


Figure S2.6 Coral Sea Marine Park – Flinders Reefs



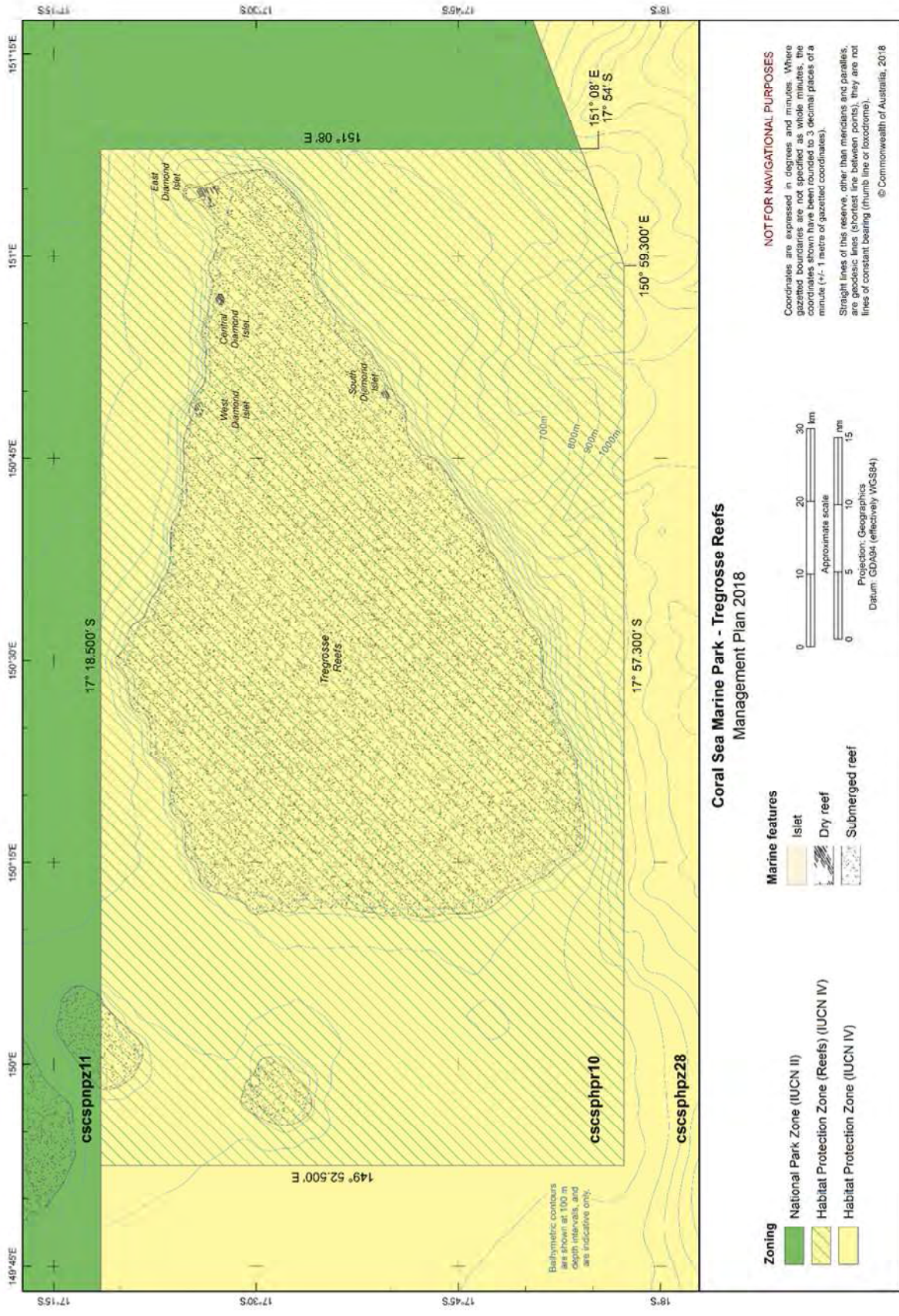


Figure S2.7 Coral Sea Marine Park – Tregrosse Reefs



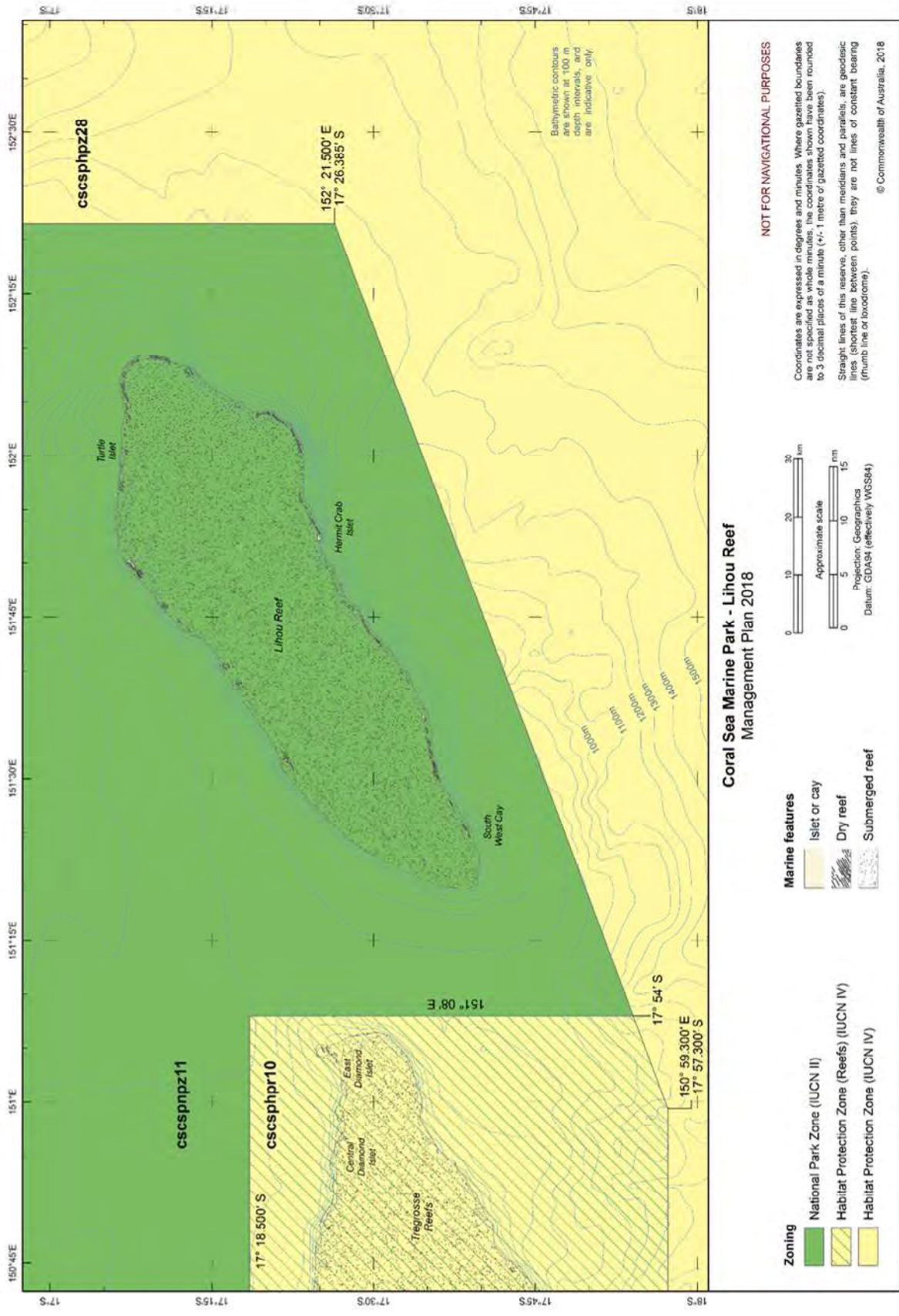


Figure S2.8 Coral Sea Marine Park – Lihou Reef



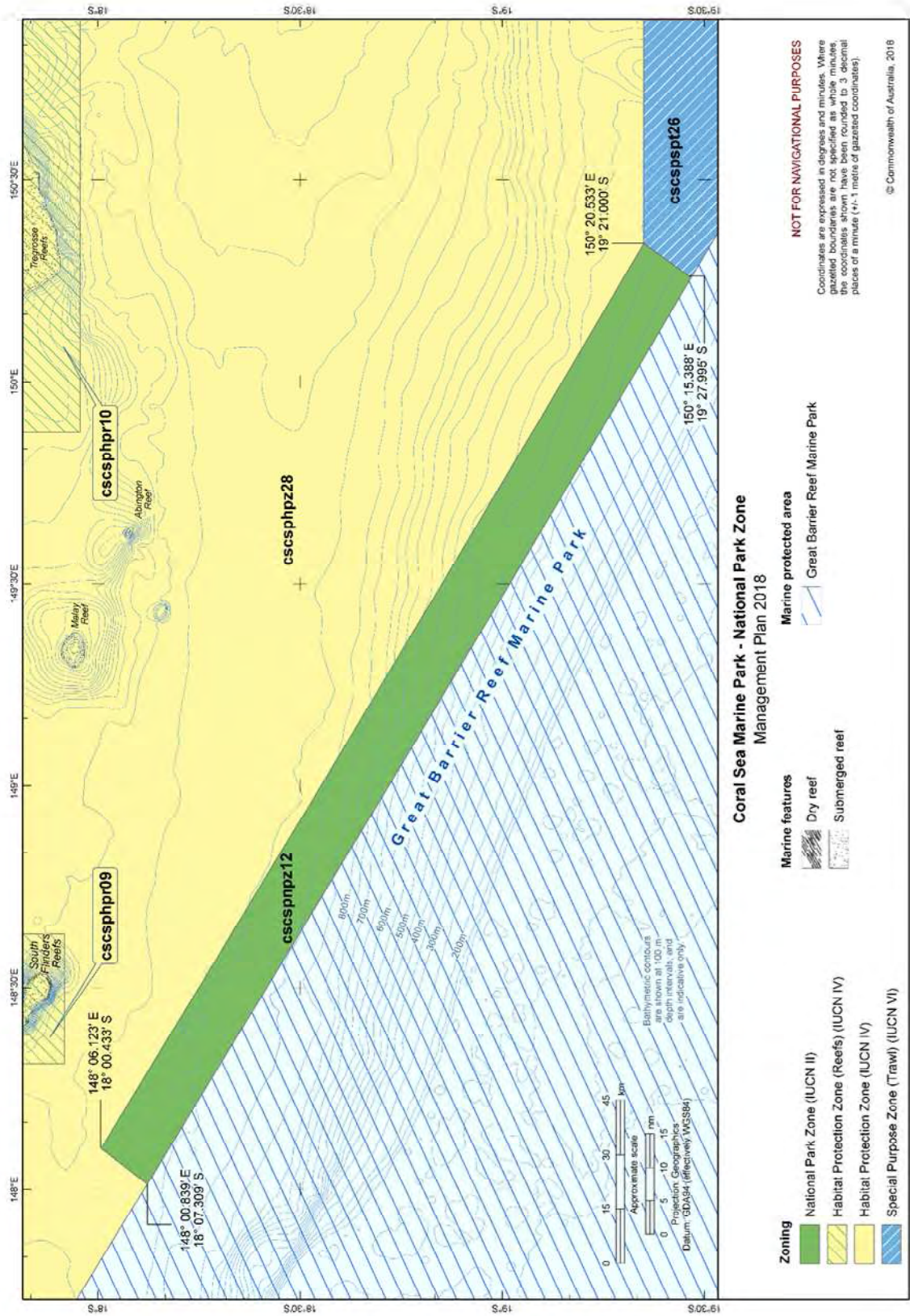


Figure S2.9 Coral Sea Marine Park – National Park Zone south from Flinders Reefs



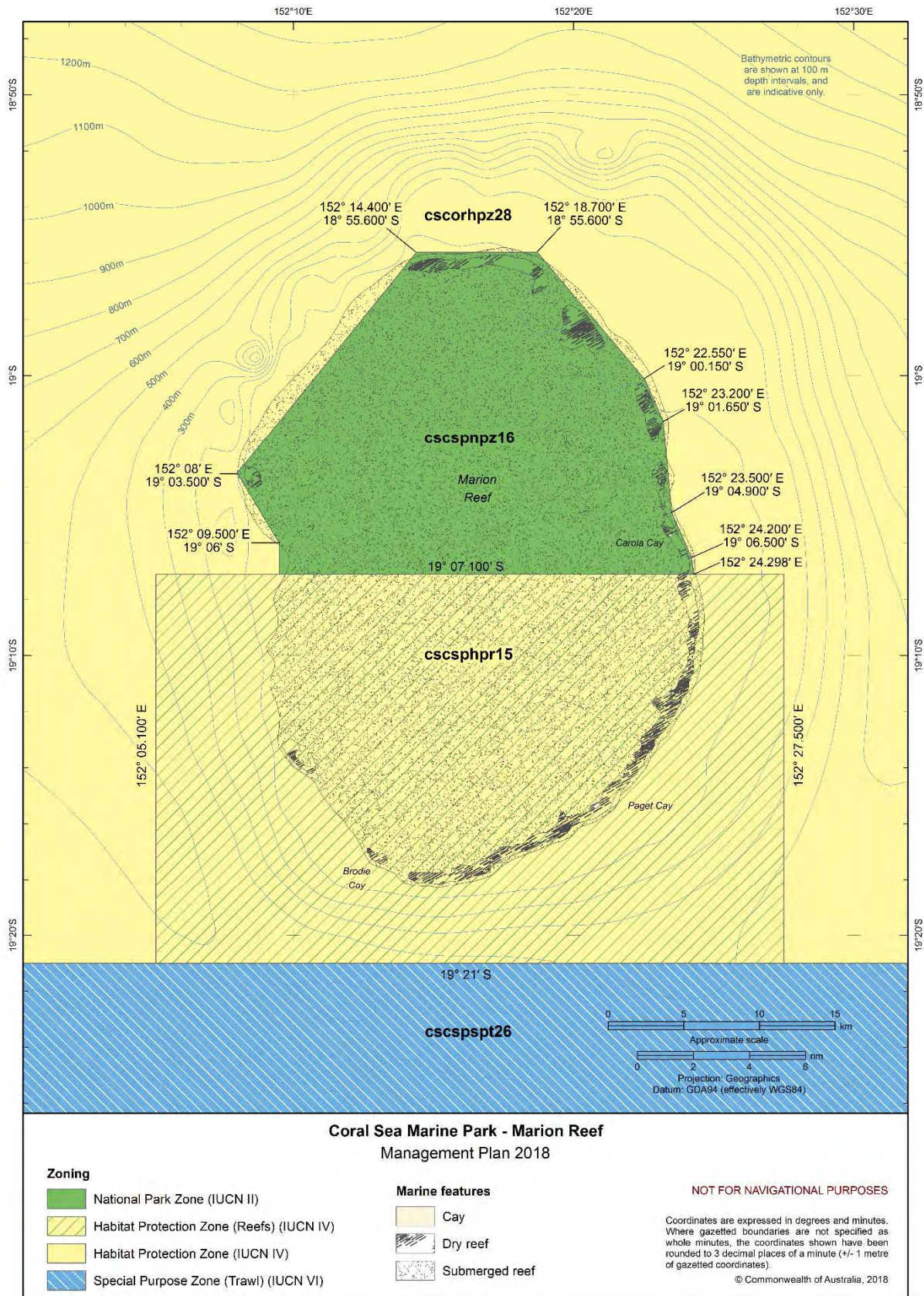


Figure S2.10 Coral Sea Marine Park – Marion Reef



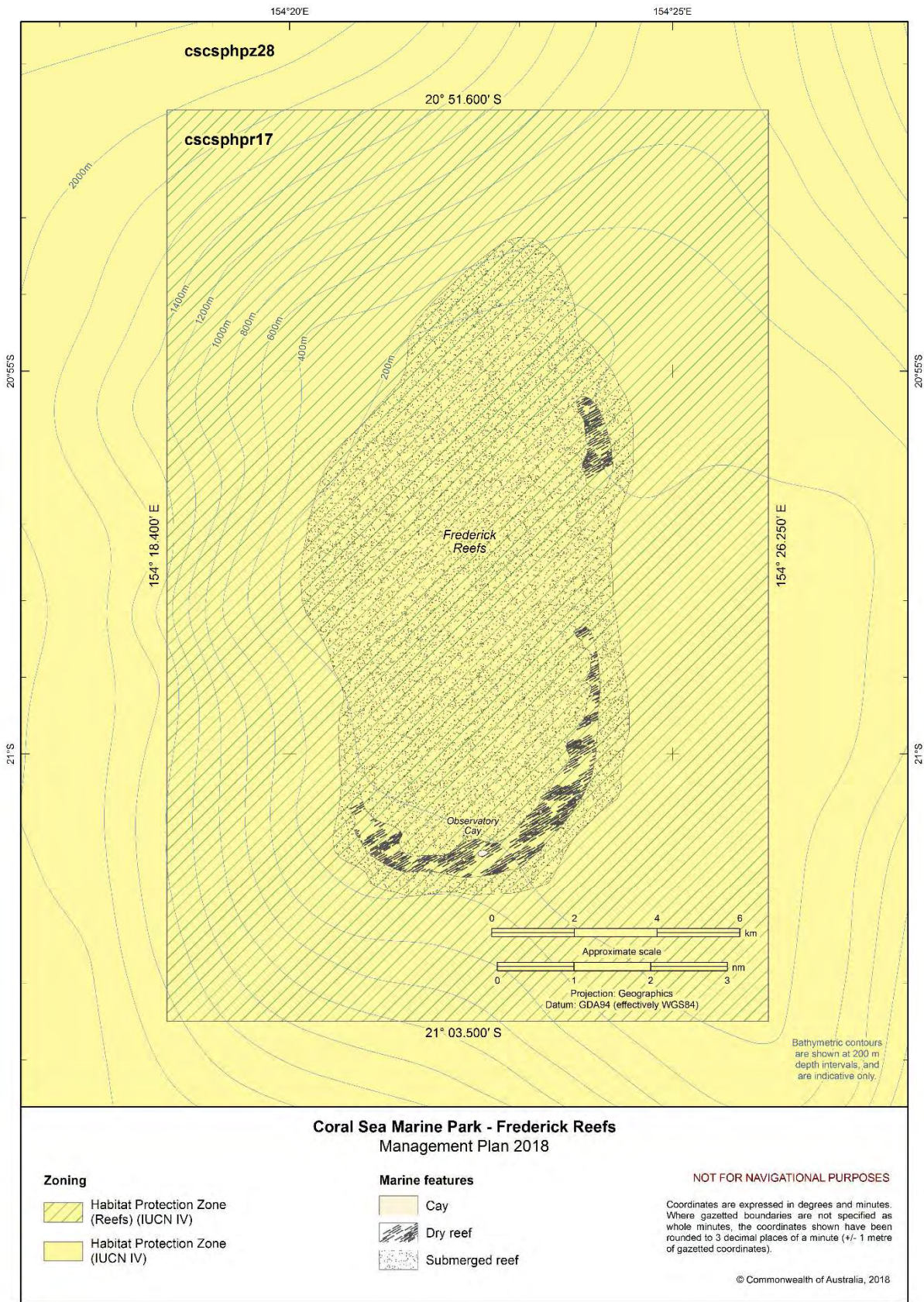


Figure S2.11 Coral Sea Marine Park – Frederick Reefs

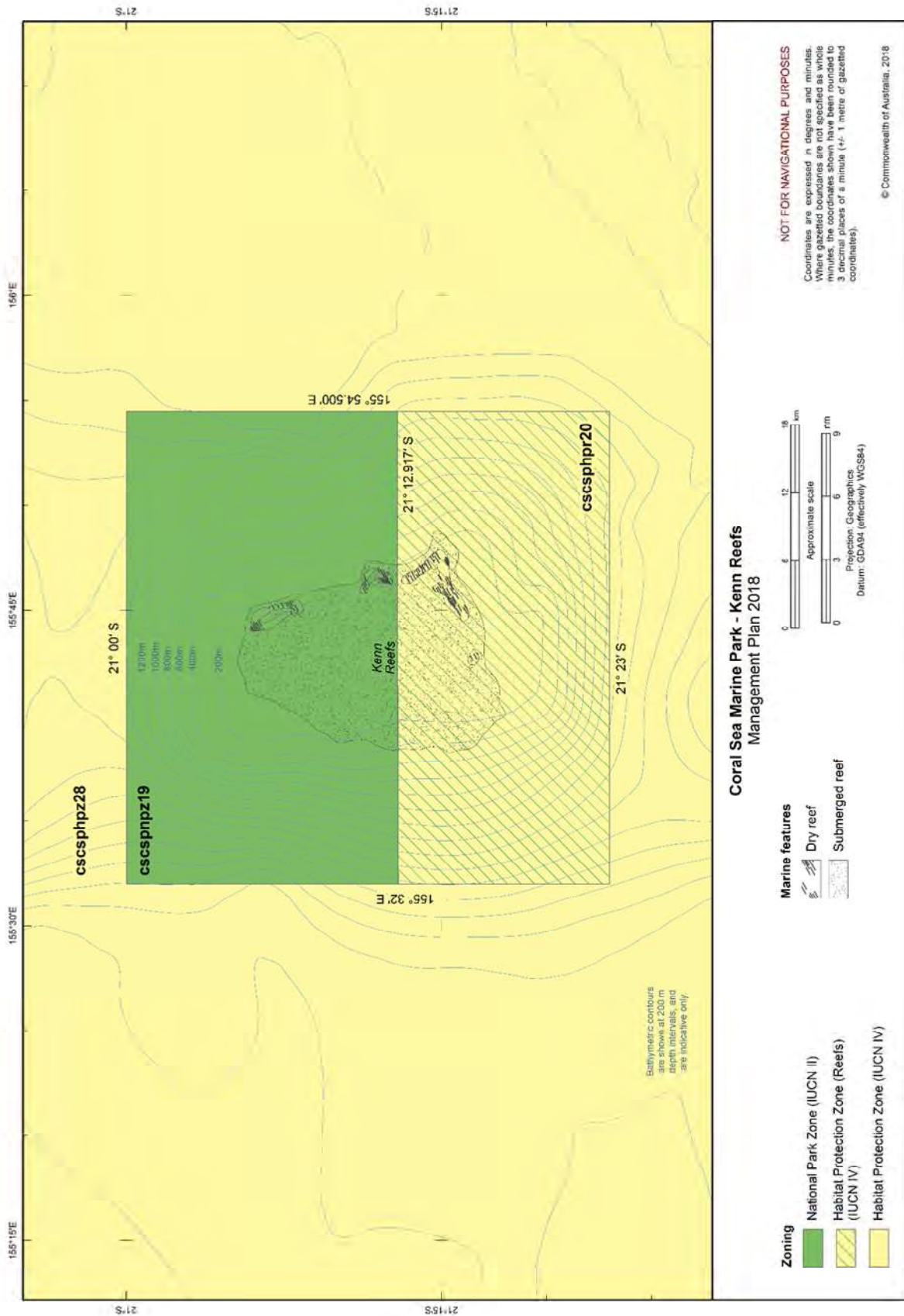


Figure S2.12 Coral Sea Marine Park – Kenn Reefs



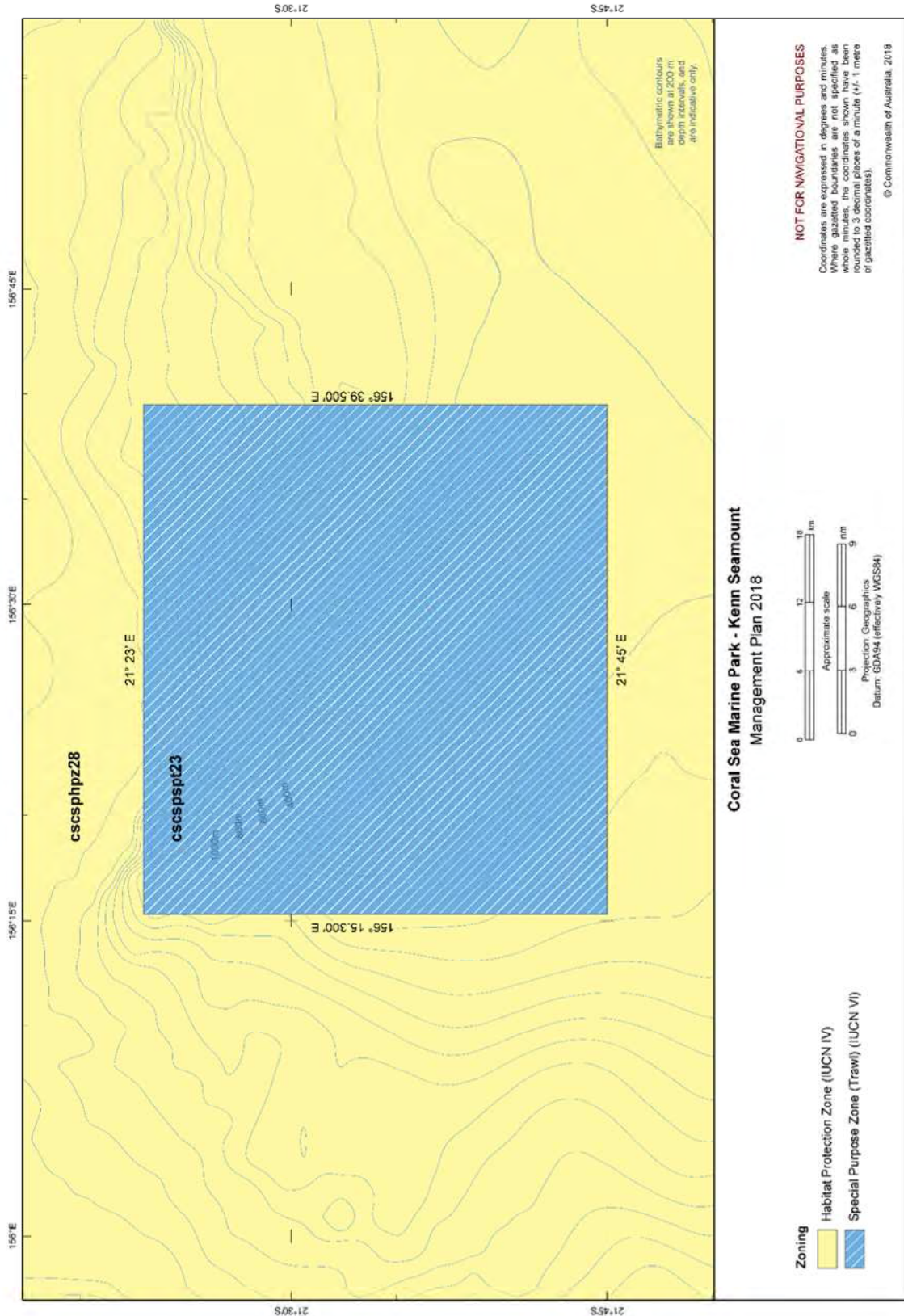


Figure S2.13 Coral Sea Marine Park – Kenn Seamount



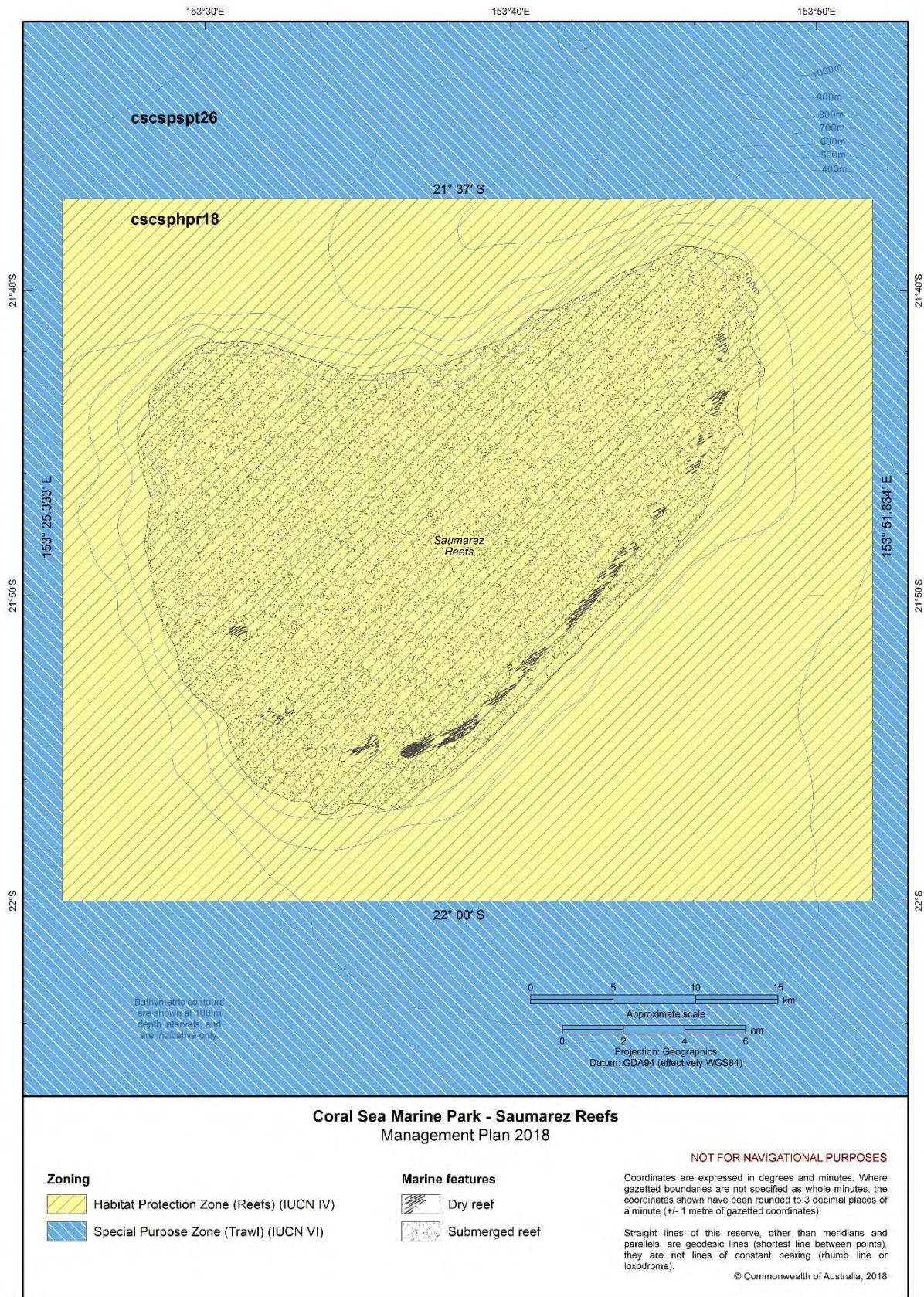


Figure S2.14 Coral Sea Marine Park – Saumarez Reefs



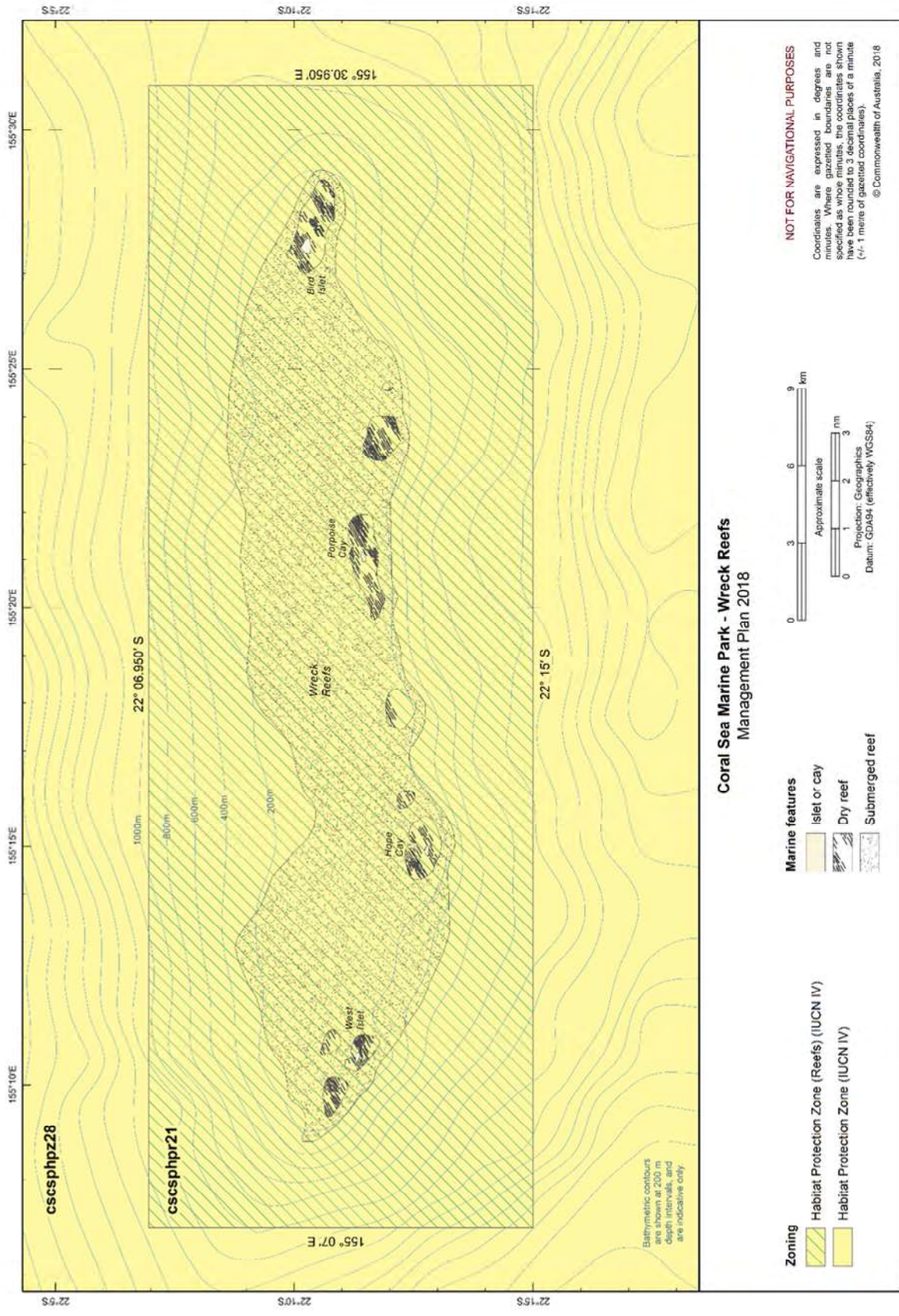


Figure S2.15 Coral Sea Marine Park – Wreck Reefs



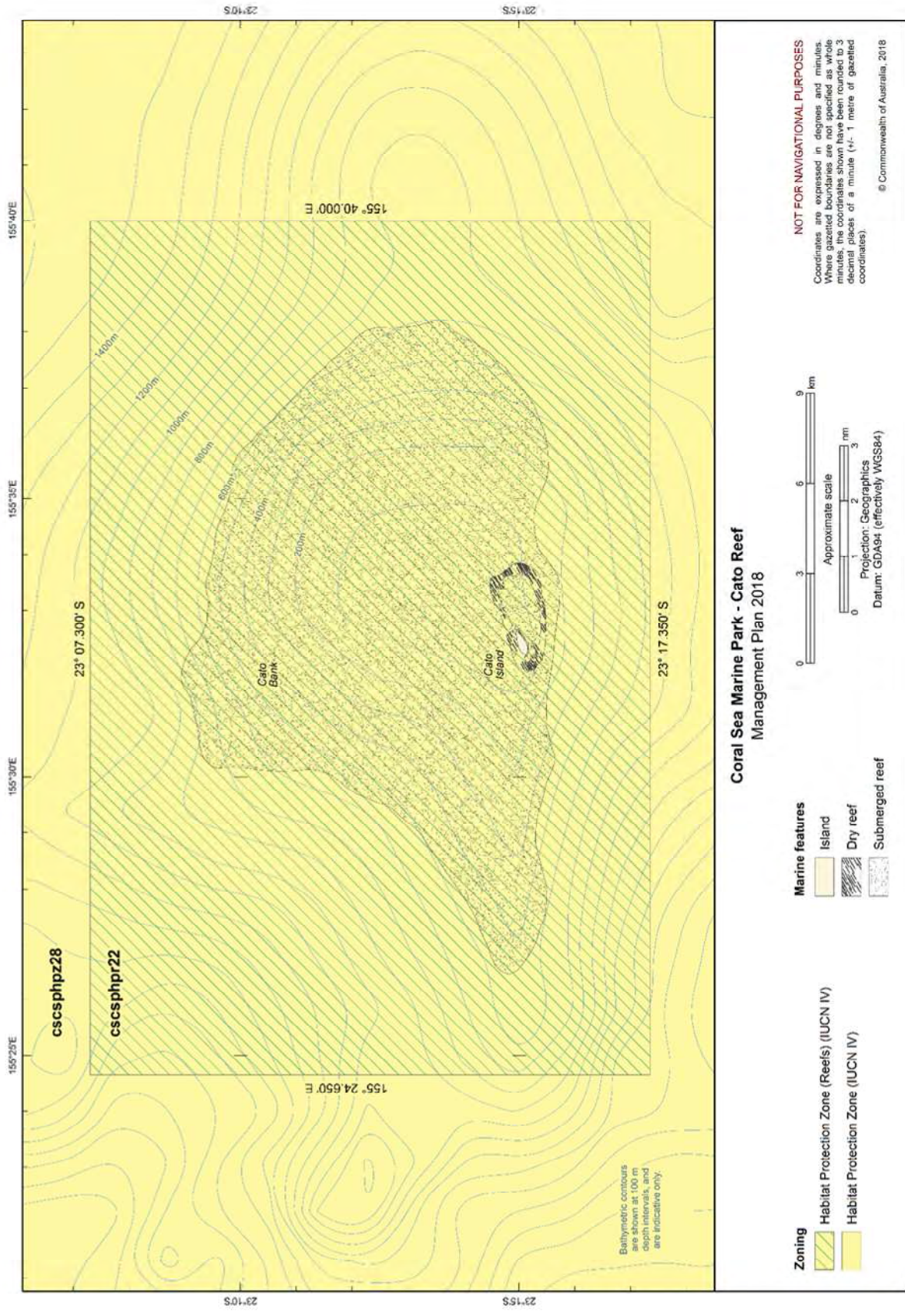


Figure S2.16 Coral Sea Marine Park – Cato Reef



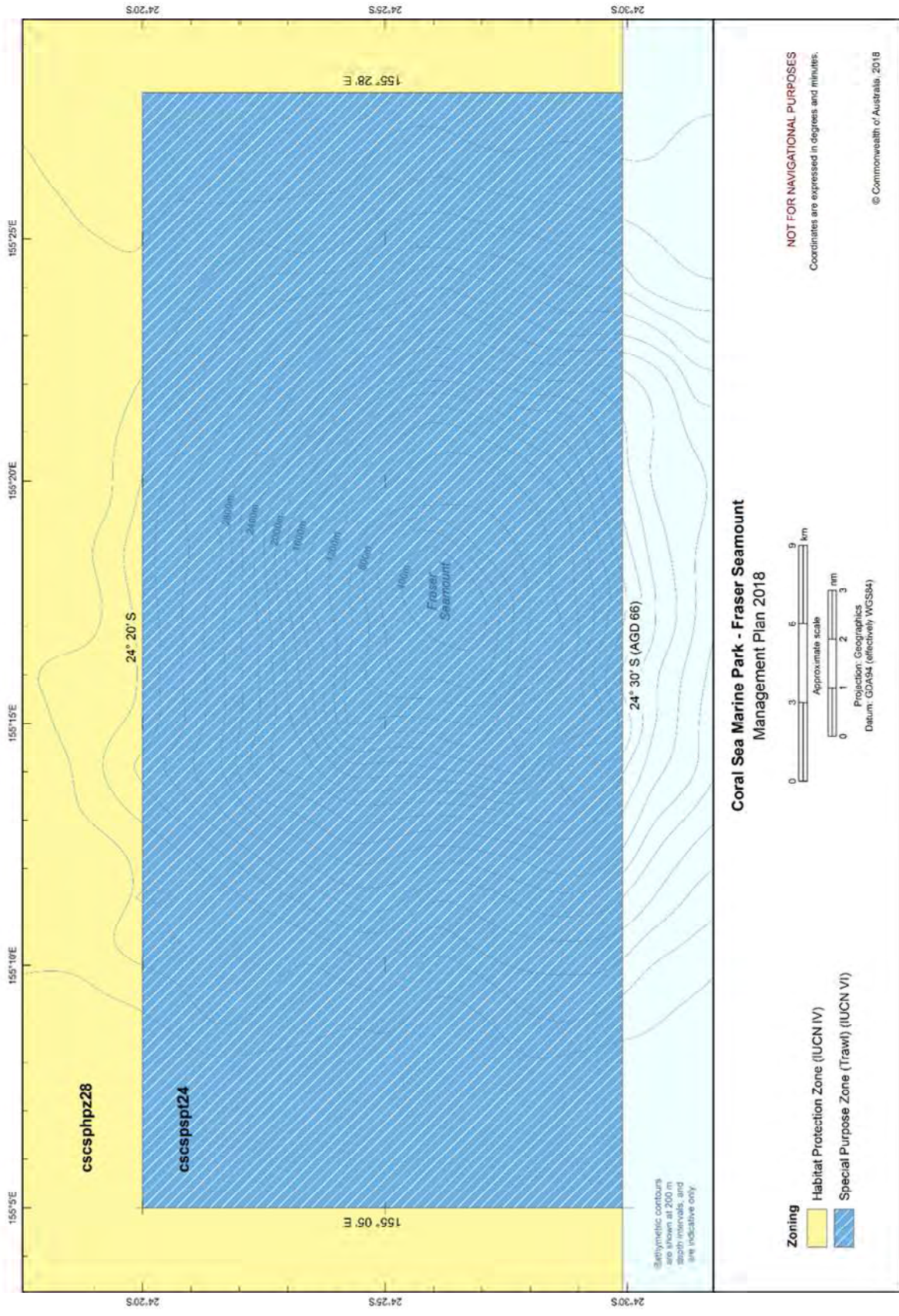


Figure S2.17 Coral Sea Marine Park – Fraser Seamount



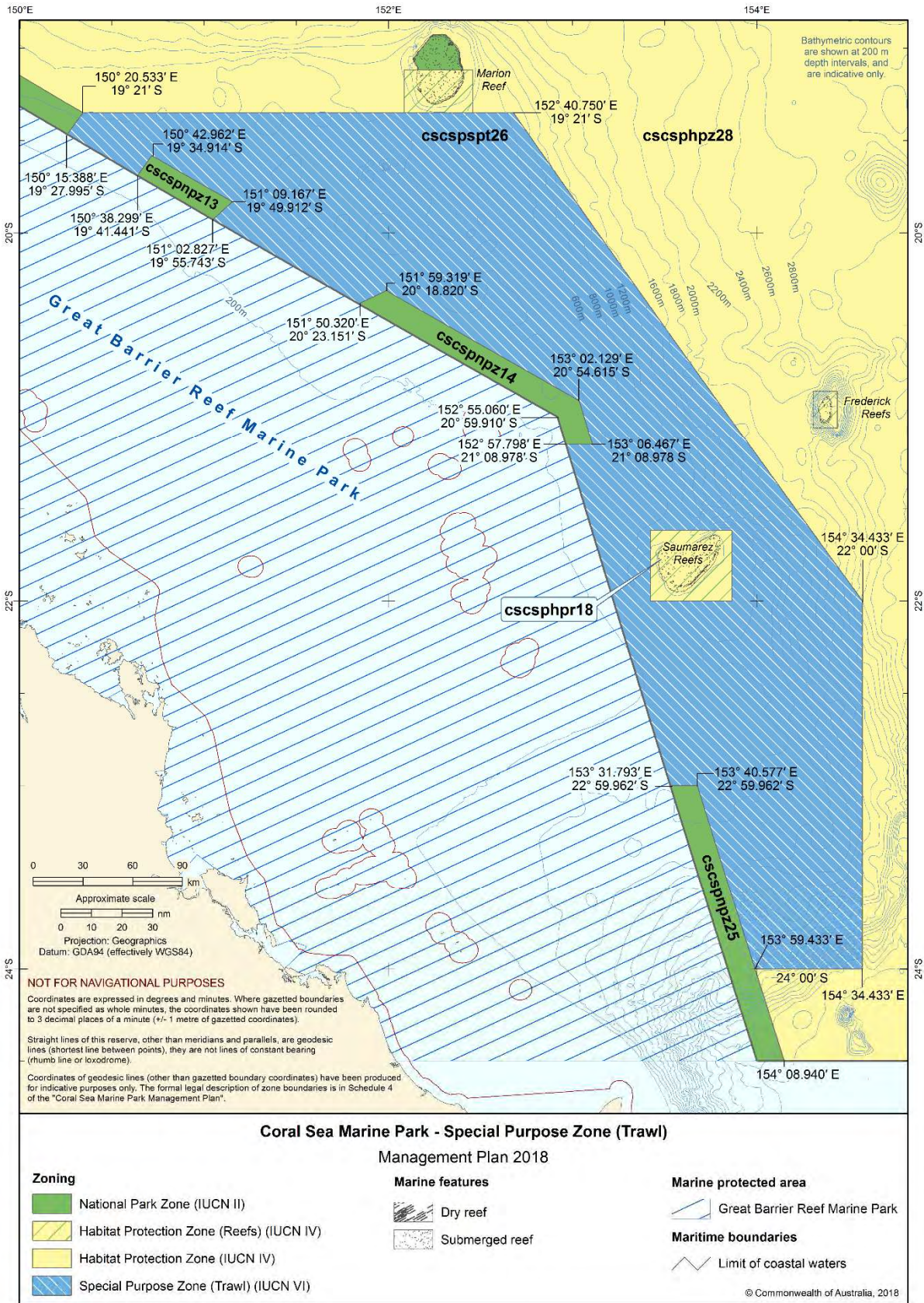


Figure S2.18 Coral Sea Marine Park – Special Purpose Zone (Trawl)



## SCHEDULE 3 ENVIRONMENTAL FEATURES USED IN THE DESIGN OF THE CORAL SEA MARINE PARK

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Diver (Martin Russell) surveying Tregosse Reefs (Alyssa Gianni)

Four types of environmental features were used in the design of the Coral Sea Marine Park to help identify areas for protection. These features were identified based on the scientifically known relationships between biodiversity and the physical environment and include bioregions, water depth, seafloor features and key ecological features. They are identified below.

More information on these features can be found in the *East marine bioregional plan: bioregional profile* (2009), and the conservation values atlas on the Department's website.

### Bioregions

Bioregions are identified in the *Integrated Marine and Coastal Regionalisation of Australia* (IMCRA) as large areas of ocean with broadly similar characteristics that have been classified by scientists based on the distribution of fish and other marine species, seafloor types and ocean conditions. The Coral Sea Marine Park represents six bioregions: Cape Province, Central Eastern Transition, Kenn Province, Kenn Transition, Northeast Province, and Northeast Transition (Figure S3.1).

### Depth ranges

The Coral Sea Marine Park represents depths from shallow waters of less than 15 m to abyssal waters of approximately 6000 m. Marine biological communities change with depth, and similar depth ranges in different bioregions support different groups of species. The range of ocean depths in each bioregion, represented as bathomes in Figure S3.2, have been included in the Marine Park to ensure that examples of marine biodiversity are represented.

### Seafloor features

The landscape-scale physical structure of the seafloor is important in determining where habitats or species occur. There is strong scientific evidence that different types of seafloor features provide different habitats and associated marine species and communities. The seafloor of the Coral Sea Marine Park comprises 16 seafloor features: abyssal plain/deep ocean floor, apron/fan, basin, canyon, continental rise, deep/hole/valley, knoll/abyssal hills/hills/mountain/peak, pinnacle, plateau, reef, ridge, saddle, seamount/guyot, slope, terrace, and trench/trough (Figure S3.3).

### Key ecological features

Key ecological features were identified through the marine bioregional planning program as areas or features that support distinct or important ecological communities at a regional scale. The Coral Sea Marine Park represents three key ecological features: reefs, cays and herbivorous fish of the Marion Plateau; reefs, cays and herbivorous fish of the Queensland Plateau; and the Tasmanid Seamount Chain (Figure S3.4).



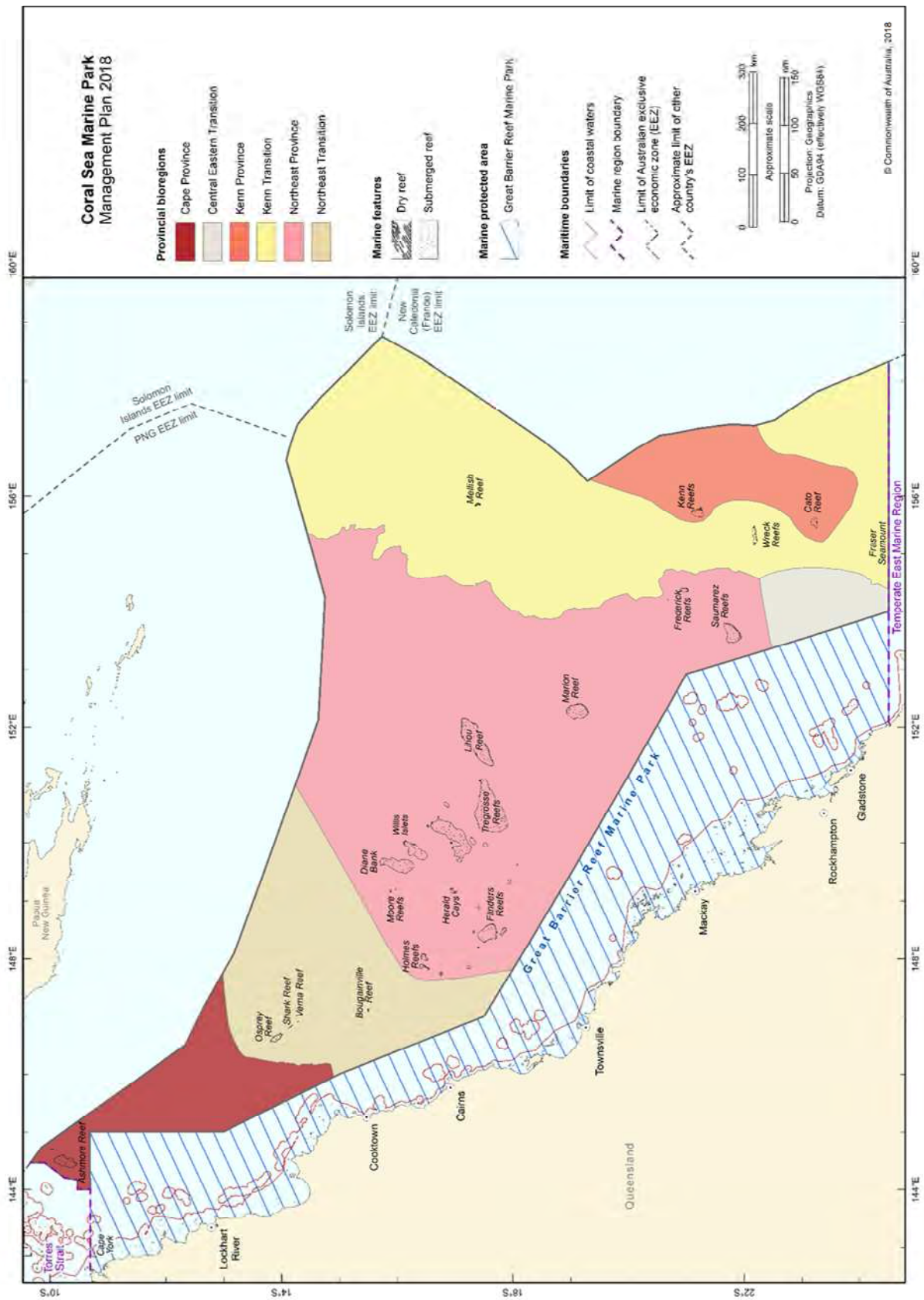


Figure S3.1 Bioregions represented in the Coral Sea Marine Park

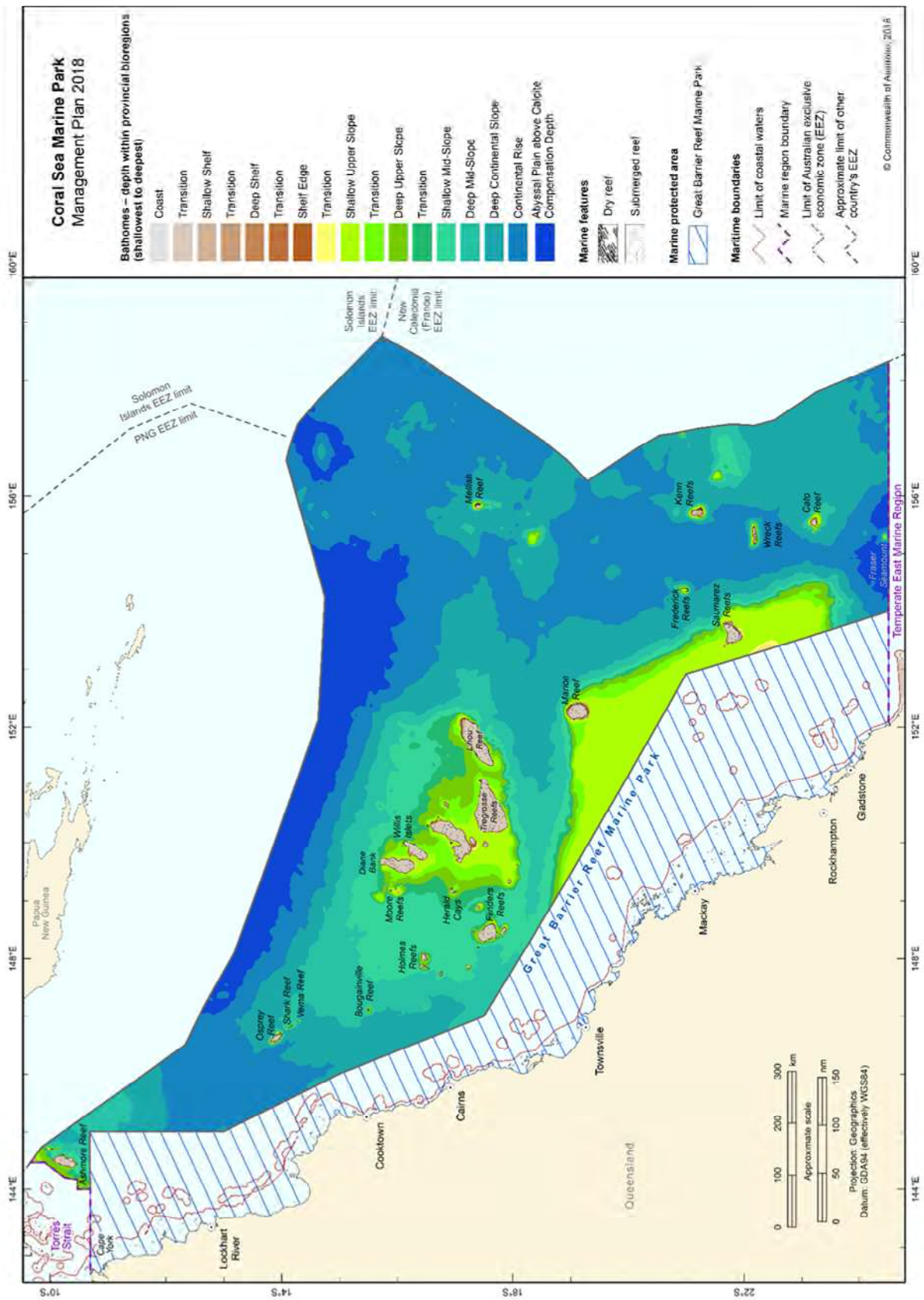


Figure S3.2 Bathomes indicating depth ranges represented in the Coral Sea Marine Park

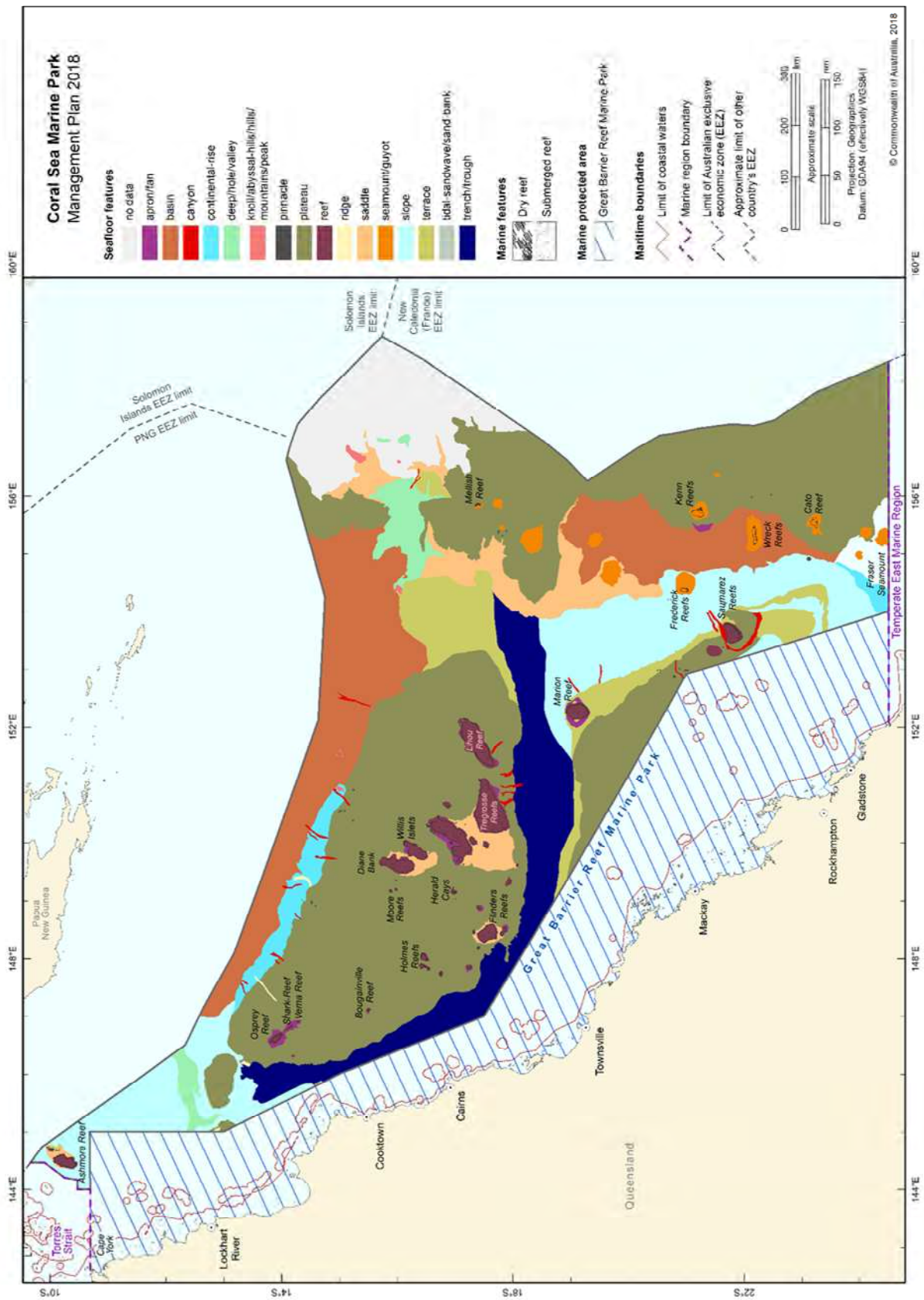


Figure S3.3 Seafloor features represented in the Coral Sea Marine Park



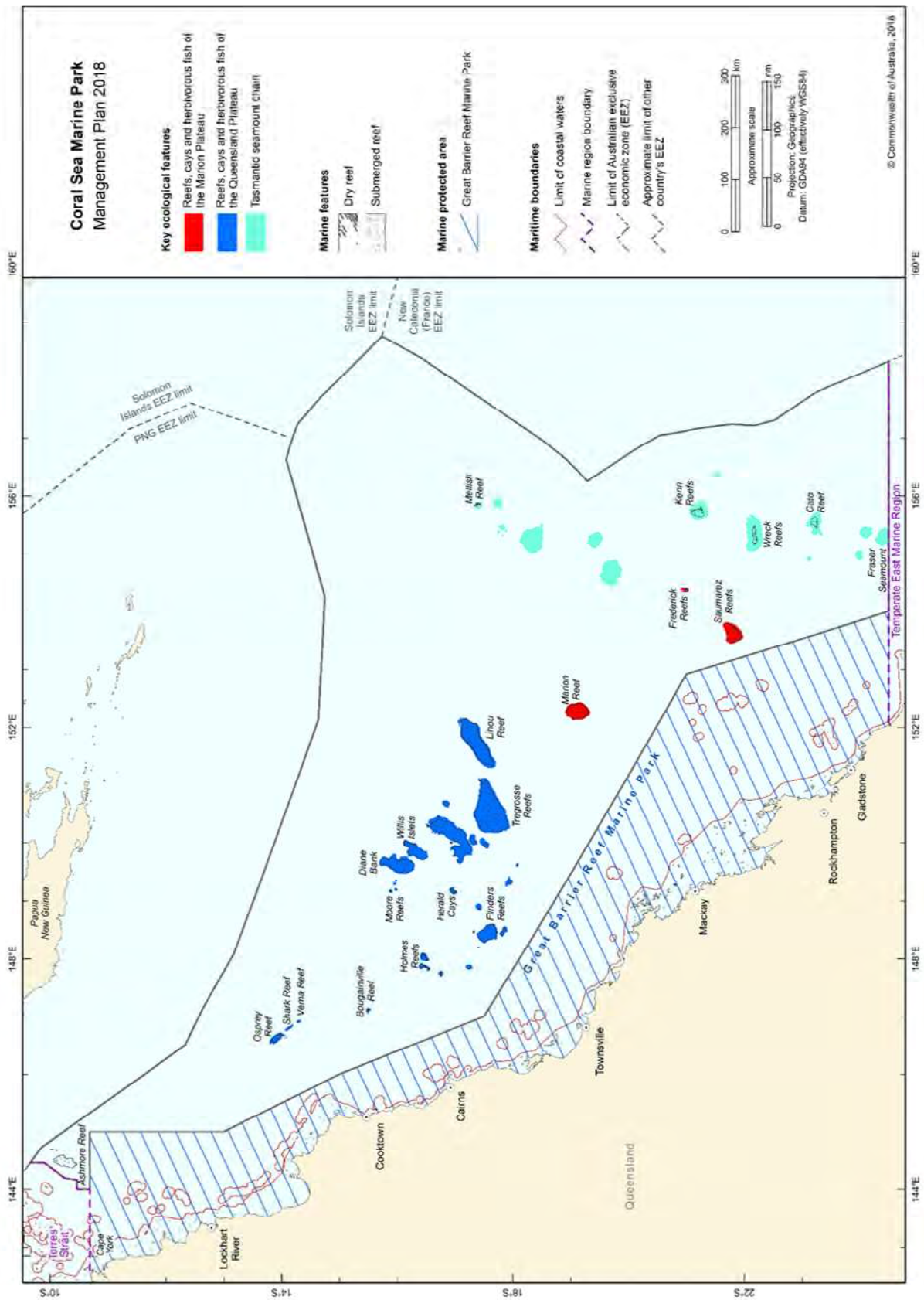


Figure S3.4 Key ecological features represented in the Coral Sea Marine Park

## SCHEDULE 4 CORAL SEA MARINE PARK AND ZONE BOUNDARY DESCRIPTIONS

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In this Schedule:

**Fisheries Jurisdiction Line** means the line described in annex 8 of the Torres Strait Treaty.

**Maritime boundary (French Republic) Agreement** means the Agreement on Maritime Delimitation between the Government of Australia and the Government of the French Republic, done at Melbourne on 4 January 1982. The Agreement is in Australian Treaty Series 1983 No. 3 ([1983] ATS 3) and could in 2013 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

**Maritime boundary (Solomon Islands) Agreement** means the Agreement between the Government of Australia and the Government of Solomon Islands establishing Certain Sea and Seabed Boundaries, done at Honiara on 13 September 1988. The Agreement is in Australian Treaty Series 1989 No. 12 ([1989] ATS 12) and could in 2013 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

**Protected Zone** means the zone established under article 10 of the Torres Strait Treaty. The Protected Zone is bounded by the line described in annex 9 of the Torres Strait Treaty.

**State waters** has the same meaning as **coastal waters of the State** in subsection 3(1) of the *Coastal Waters (State Powers) Act 1980*.

**Torres Strait Treaty** means the Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters, done at Sydney on 18 December 1978. The Treaty is in Australian Treaty Series 1985 No. 4 ([1985] ATS 4) and could in 2013 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Note: Geographic coordinates are expressed in terms of the Geocentric Datum of Australia 1994.

Note: The Geocentric Datum of Australia 1994 (also known as GDA94) was published in Gazette No. GN 35 of 6 September 1995.

However, the geographic coordinates in the following items in the tables of this Schedule are expressed in terms of the Australian Geodetic Datum 1966:

- a) items 1 and 2 of Section 1.1;
- b) items 1 and 2 of Section 1.3;
- c) item 1 and 2 of Section 1.4 ;
- d) item 3 of Section 1.26;
- e) item 3 and 4 of Section 1.27;
- f) items 24, 25 and 28 of Section 1.30.

### 1.1 Area of marine park

The Coral Sea Marine Park consists of an area in the Coral Sea bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Area of marine park	
Item	Description
1	The point of latitude 24° 30' 00" S, longitude 154° 00' 00" E
2	East along the parallel of latitude 24° 30' 00" S to its intersection by the line described by article 1 of the Maritime boundary (French Republic) Agreement

<b>Area of marine park</b>	
<b>Item</b>	<b>Description</b>
3	Generally north-westerly and north-easterly along that line to the southernmost point on the line described by article 1 of the Maritime boundary (Solomon Islands) Agreement
4	Generally north-westerly along that line to its intersection by the outer limit of the exclusive economic zone
5	Generally north-westerly along that outer limit to its intersection by the Fisheries Jurisdiction Line
6	Generally westerly and north-westerly along that line to its intersection by the outer limit of the Protected Zone
7	South, generally south-westerly, and west along that outer limit to its intersection by the meridian of longitude 144° 00' 00" E
8	South along that meridian to its intersection by the outer limit of the Great Barrier Reef Marine Park
9	Easterly, southerly and generally south-easterly along that outer limit to the point of commencement

**Note:** AGD66 applies to the coordinates described in items 1 and 2 of this table.

### 1.2 Zones for marine park

(1)The Coral Sea Marine Park is divided into the following zones:

- (a) the National Park Zones (II) described in Sections 1.4, 1.5, 1.7, 1.13, 1.14, 1.15, 1.16, 1.18, 1.21, 1.27, and 1.29 of this Schedule;
- (b) the Habitat Protection Zones (IV) described in Sections 1.3 and 1.30 of this Schedule;
- (c) the Habitat Protection Zones (Reefs) (IV) described in Sections 1.6, 1.8, 1.9, 1.10, 1.11, 1.12, 1.17, 1.19, 1.20, 1.22, 1.23 and 1.24 of this Schedule;
- (d) the Special Purpose Zones (Trawl) (VI) described in Section 1.25, 1.26, and 1.28 of this Schedule.

### 1.3 Zone 1 (cscsphz01) of marine park—Habitat Protection Zone (IV) (Figure S2.1)

Zone 1 (cscsphz01) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 1 (cscsphz01) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 10° 41' 00" S, longitude 145° 00' 03.78" E
2	South along the meridian of longitude 145° 00' 03.78" E to its intersection by the parallel of latitude 11° 13' 48" S
3	East along that parallel to its intersection by the Fisheries Jurisdiction Line



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**Zone 1 (cscsphz01) of marine park—Habitat Protection Zone (IV)**

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<b>Item</b>	<b>Description</b>
4	Generally north-westerly along that line to its intersection by the outer limit of the Protected Zone
5	South, generally south-westerly, and west along that outer limit to its intersection by the meridian of longitude 144° 00' 00" E
6	South along that meridian to its intersection by the outer limit of the Great Barrier Reef Marine Park
7	Easterly along that outer limit to the point of commencement

**Note:** AGD66 applies to the latitude described in items 1 and 2 of this table.

**1.4 Zone 2 (cscspnpz02) of marine park—National Park Zone (II) (Figure S2.1)**

Zone 2 (cscspnpz02) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

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**Zone 2 (cscspnpz02) of marine park—National Park Zone (II)**

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<b>Item</b>	<b>Description</b>
1	The point of latitude 11° 13' 48" S, longitude 145° 00' 03.78" E
2	East along the parallel of latitude 11° 13' 48" S to its intersection by the Fisheries Jurisdiction line
3	Generally south-easterly along that line to its intersection by the meridian of longitude 146° 39' 47" E
4	South along that meridian to its intersection by the parallel of latitude 13° 18' 30.36" S
5	West along that parallel to its intersection by the outer limit of the Great Barrier Reef Marine Park
6	Generally north-westerly and northerly along that outer limit to the point of commencement

**Note:** AGD66 applies to the latitude described in items 1 and 2 of this table.

**1.5 Zone 3 (cscspnpz03) of marine park—National Park Zone (II) (Figure S2.2)**

Zone 3 (cscspnpz03) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 3 (cscspnpz03) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 13° 43' 00" S, longitude 146° 27' 35" E

---

---

**Zone 3 (cscspnpz03) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
2	East along the parallel of latitude 13° 43' 00" S to its intersection by the meridian of longitude 146° 39' 47" E
3	South-easterly along the geodesic to the point of latitude 14° 04' 00" S, longitude 146° 50' 26.66" E
4	West along the parallel of latitude 14° 04' 00" S to its intersection by the meridian of longitude 146° 38' 16.21" E
5	North-westerly along the geodesic to the point of latitude 13° 53' 30" S, longitude 146° 27' 35" E
6	North along the meridian of longitude 146° 27' 35" E to the point of commencement

**1.6 Zone 4 (cscsphpr04) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.2)**

Zone 4 (cscsphpr04) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 4 (cscsphpr04) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 14° 04' 00" S, longitude 146° 50' 26.66" E
2	South-easterly along the geodesic to the point of latitude 14° 19' 10" S, longitude 146° 58' 10" E
3	West along the parallel of latitude 14° 19' 10" S to its intersection by the meridian of longitude 146° 53' 45" E
4	North-westerly along the geodesic to the point of latitude 14° 04' 00" S, longitude 146° 38' 16.21" E
5	East along the parallel of latitude 14° 04' 00" S to the point of commencement

**1.7 Zone 5 (cscspnpz05) of marine park—National Park Zone (II) (Figure S2.3)**

Zone 5 (cscspnpz05) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 5 (cscspnpz05) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 15° 28' 20" S, longitude 147° 08' 34" E
2	South along the meridian of longitude 147° 08' 34" E to its intersection by the parallel of latitude 15° 31' 42" S
3	West along that parallel to its intersection by the meridian of longitude 147° 04' 38" E

---

**Zone 5 (cscspnpz05) of marine park—National Park Zone (II)**

---

**Item Description**

---

- |   |   |
|---|---|
| 4 | North along that meridian to its intersection by the parallel of latitude 15° 29' 42" S                           |
| 5 | East along the parallel of latitude 15° 29' 42" S to its intersection by the meridian of longitude 147° 06' 32" E |
| 6 | North along that meridian to its intersection by the parallel of latitude 15° 28' 20" S                           |
| 7 | East along that parallel to the point of commencement   |
- 

**1.8 Zone 6 (cscsphpr06) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.3)**

Zone 6 (cscsphpr06) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 6 (cscsphpr06) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

**Item Description**

---

- |   |   |
|---|---|
| 1 | The point of latitude 15° 28' 20" S, longitude 147° 04' 38" E   |
| 2 | East along the parallel of latitude 15° 28' 20" S to its intersection by the meridian of longitude 147° 06' 32" E |
| 3 | South along that meridian to its intersection by the parallel of latitude 15° 29' 42" S                           |
| 4 | West along that parallel to its intersection by the meridian of longitude 147° 04' 38" E                          |
| 5 | North along that meridian to the point of commencement  |
- 

**1.9 Zone 7 (cscsphpr07) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.4)**

Zone 7 (cscsphpr07) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 7 (cscsphpr07) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

**Item Description**

---

- |   |   |
|---|---|
| 1 | The point of latitude 15° 38' 00" S, longitude 149° 14' 00" E   |
| 2 | East along the parallel of latitude 15° 38' 00" S to its intersection by the meridian of longitude 149° 48' 00" E |
| 3 | South-easterly along the geodesic to the point of latitude 16° 03' 00" S, longitude 150° 12' 00" E                |
| 4 | South-westerly along the geodesic to the point of latitude 16° 33' 42" S, longitude 149° 52' 06" E                |
| 5 | West along the parallel of latitude 16° 33' 42" S to its intersection by the meridian of longitude 149° 00' 00" E |
-

---

**Zone 7 (cscsphr07) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

**Item Description**

---

- |   |   |
|---|---|
| 6 | North along that meridian to its intersection by the parallel of latitude 16° 05' 45" S |
| 7 | North-easterly along the geodesic to the point of commencement                          |
- 

**1.10 Zone 8 (cscsphr08) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.5)**

Zone 8 (cscsphr08) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 8 (cscsphr08) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

**Item Description**

---

- |   |   |
|---|---|
| 1 | The point of latitude 16° 21' 00" S, longitude 147° 46' 00" E   |
| 2 | East along the parallel of latitude 16° 21' 00" S to its intersection by the meridian of longitude 148° 07' 00" E |
| 3 | South along that meridian to its intersection by the parallel of latitude 16° 34' 00" S                           |
| 4 | West along that parallel to its intersection by the meridian of longitude 147° 46' 00" E                          |
| 5 | North along that meridian to the point of commencement  |
- 

**1.11 Zone 9 (cscsphr09) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.6)**

Zone 9 (cscsphr09) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 9 (cscsphr09) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

**Item Description**

---

- |   |   |
|---|---|
| 1 | The point of latitude 17° 17' 00" S, longitude 148° 08' 00" E   |
| 2 | East along the parallel of latitude 17° 17' 00" S to its intersection by the meridian of longitude 148° 38' 00" E |
| 3 | South along that meridian to its intersection by the parallel of latitude 17° 55' 00" S                           |
| 4 | West along that parallel to its intersection by the meridian of longitude 148° 18' 41" E                          |
| 5 | North along that meridian to its intersection by the parallel of latitude 17° 45' 00" S                           |
| 6 | West along that parallel to its intersection by the meridian of longitude 148° 08' 00" E                          |
| 7 | North along that meridian to the point of commencement  |
-

### 1.12 Zone 10 (cscsphpr10) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.7)

Zone 10 (cscsphpr10) of the marine park consists of an area, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 10 (cscsphpr10) of marine park—Habitat Protection Zone (Reefs) (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 17° 18' 30" S, longitude 149° 52' 30" E
2	East along the parallel of latitude 17° 18' 30" S to its intersection by the meridian of longitude 151° 08' 00" E
3	South along that meridian to its intersection by the parallel of latitude 17° 54' 00" S
4	South-westerly along the geodesic to the point of latitude 17° 57' 18" S, longitude 150° 59' 18" E
5	West along the parallel of latitude 17° 57' 18" S to its intersection by the meridian of longitude 149° 52' 30" E
6	North along that meridian to the point of commencement

### 1.13 Zone 11 (cscspnpz11) of marine park—National Park Zone (II) (Figure S2.1)

Zone 11 (cscspnpz11) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 11 (cscspnpz11) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 15° 38' 00" S, longitude 149° 48' 00" E
2	East along the parallel of latitude 15° 38' 00" S to its intersection by the meridian of longitude 152° 21' 30" E
3	South along that meridian to its intersection by the parallel of latitude 17° 26' 23.10" S
4	South-westerly along the geodesic to the point of latitude 17° 54' 00" S, longitude 151° 08' 00" E
5	North along the meridian of longitude 151° 08' 00" E to its intersection by the parallel of latitude 17° 18' 30" S
6	West along that parallel to its intersection by the meridian of longitude 149° 00' 00" E
7	North along that meridian to its intersection by the parallel of latitude 16° 33' 42" S
8	East along that parallel to its intersection by the meridian of longitude 149° 52' 06" E
9	North-easterly along the geodesic to the point of latitude 16° 03' 00" S, longitude 150° 12' 00" E

---

**Zone 11 (cscspnpz11) of marine park—National Park Zone (II)**

---

**Item Description**

---

10	North-westerly along the geodesic to the point of commencement
----	--

---

**1.14 Zone 12 (cscspnpz12) of marine park—National Park Zone (II) (Figure S2.9)**

Zone 12 (cscspnpz12) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 12 (cscspnpz12) of marine park—National Park Zone (II)**

---

**Item Description**

---

1	The point of latitude 18° 00' 26" S, longitude 148° 06' 07.37" E
---	--

---

2	South-easterly along the geodesic to the point of latitude 19° 21' 00" S, longitude 150° 20' 32" E
---	--

---

3	South-westerly along the geodesic to its intersection by the outer limit of the Great Barrier Reef Marine Park, closest to, the point of latitude 19° 27' 59.67" S, longitude 150° 15' 23.50" E
---	---

---

4	Generally north-westerly along that outer limit to its intersection by the parallel of latitude 18° 07' 18.54" S
---	--

---

5	North-easterly along the geodesic to the point of commencement
---	--

---

**1.15 Zone 13 (cscspnpz13) of marine park—National Park Zone (II) (Figure S2.18)**

Zone 13 (cscspnpz13) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 13 (cscspnpz13) of marine park—National Park Zone (II)**

---

**Item Description**

---

1	The point of latitude 19° 34' 54.82" S, longitude 150° 42' 57.70" E
---	---

---

2	South-easterly along the geodesic to the point of latitude 19° 49' 54.70" S, longitude 151° 09' 10" E
---	---

---

3	South-westerly along the geodesic to its intersection by the outer limit of the Great Barrier Reef Marine Park, closest to the point of latitude 19° 55' 44.58" S, longitude 151° 02' 49.55" E
---	--

---

4	Generally north-westerly along that outer limit to its intersection by the parallel of latitude 19° 41' 26.46" S
---	--

---

5	North-easterly along the geodesic to the point of commencement
---	--

---



### 1.16 Zone 14 (cscspnpz14) of marine park—National Park Zone (II) (Figure S2.18)

Zone 14 (cscspnpz14) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 14 (cscspnpz14) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 20° 18' 49.19" S, longitude 151° 59' 19.14" E
2	South-easterly along the geodesic to the point of latitude 20° 54' 36.90" S, longitude 153° 02' 07.76" E
3	South-easterly along the geodesic to the point of latitude 21° 08' 58.68" S, longitude 153° 06' 28" E
4	West along the parallel of latitude 21° 08' 58.68" S to its intersection by the outer limit of the Great Barrier Reef Marine Park, closest to the point of latitude 21° 08' 58.68" S, longitude 152° 57' 47" E
5	Generally northerly and north-westerly along that outer limit to its intersection by the parallel of latitude 20° 23' 09.03" S
6	North-easterly along the geodesic to the point of commencement

### 1.17 Zone 15 (cscsphpr15) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.10)

Zone 15 (cscsphpr15) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 15 (cscsphpr15) of marine park—Habitat Protection Zone (Reefs) (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 19° 07' 06" S, longitude 152° 05' 06" E
2	East along the parallel of latitude 19° 07' 06" S to its intersection by the meridian of longitude 152° 27' 30" E
3	South along that meridian to its intersection by the parallel of latitude 19° 21' 00" S
4	West along that parallel to its intersection by the meridian of longitude 152° 05' 06" E
5	North along that meridian to the point of commencement

### 1.18 Zone 16 (cscspnpz16) of marine park—National Park Zone (II) (Figure S2.10)

Zone 16 (cscspnpz16) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 16 (cscspnpz16) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 18° 55' 36" S, longitude 152° 14' 24" E

---

**Zone 16 (cscspnpz16) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
2	East along the parallel of latitude 18° 55' 36" S to its intersection by the meridian of longitude 152° 18' 42" E
3	South-easterly along the geodesic to the point of latitude 19° 00' 09" S, longitude 152° 22' 33" E
4	South-easterly along the geodesic to the point of latitude 19° 01' 39" S, longitude 152° 23' 12" E
5	Southerly along the geodesic to the point of latitude 19° 04' 54" S, longitude 152° 23' 30" E
6	South-easterly along the geodesic to the point of latitude 19° 06' 30" S, longitude 152° 24' 12" E
7	Southerly along the geodesic to the point of latitude 19° 07' 06" S, longitude 152° 24' 17.88" E
8	West along the parallel of latitude 19° 07' 06" S to its intersection by the meridian of longitude 152° 09' 30" E
9	North along the meridian of longitude 152° 09' 30" E to its intersection by the parallel of latitude 19° 06' 00" S
10	North-westerly along the geodesic to the point of latitude 19° 03' 30" S, longitude 152° 08' 00" E
11	North-easterly along the geodesic to the point of commencement

---

**1.19 Zone 17 (cscsphpr17) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.11)**

Zone 17 (cscsphpr17) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 17 (cscsphpr17) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 20° 51' 36" S, longitude 154° 18' 24" E
2	East along the parallel of latitude 20° 51' 36" S to its intersection by the meridian of longitude 154° 26' 15" E
3	South along that meridian to its intersection by the parallel of latitude 21° 03' 30" S
4	West along that parallel to its intersection by the meridian of longitude 154° 18' 24" E
5	North along that meridian to the point of commencement

---

### 1.20 Zone 18 (cscsphpr18) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.14)

Zone 18 (cscsphpr18) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 18 (cscsphpr18) of marine park—Habitat Protection Zone (Reefs) (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 21° 37' 00" S, longitude 153° 25' 20" E
2	East along the parallel of latitude 21° 37' 00" S to its intersection by the meridian of longitude 153° 51' 50" E
3	South along that meridian to its intersection by the parallel of latitude 22° 00' 00" S
4	West along that parallel to its intersection by the meridian of longitude 153° 25' 20" E
5	North along that meridian to the point of commencement

### 1.21 Zone 19 (cscspnpz19) of marine park—National Park Zone (II) (Figure S2.12)

Zone 19 (cscspnpz19) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 19 (cscspnpz19) of marine park—National Park Zone (II)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 21° 00' 00" S, longitude 155° 32' 00" E
2	East along the parallel of latitude 21° 00' 00" S to its intersection by the meridian of longitude 155° 54' 30" E
3	South along that meridian to its intersection by the parallel of latitude 21° 12' 55" S
4	West along that parallel to its intersection by the meridian of longitude 155° 32' 00" E
5	North along that meridian to the point of commencement

### 1.22 Zone 20 (cscsphpr20) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.12)

Zone 20 (cscsphpr20) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 20 (cscsphpr20) of marine park—Habitat Protection Zone (Reefs) (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 21° 23' 00" S, longitude 155° 32' 00" E
2	North along the meridian of longitude 155° 32' 00" E to its intersection by the parallel of latitude 21° 12' 55" S
3	East along that parallel to its intersection by the meridian of longitude 155° 54' 30" E
4	South along that meridian to its intersection by the parallel of latitude 21° 23' 00" S

---

**Zone 20 (cscsphpr20) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

**Item Description**

---

5 West along that parallel to the point of commencement

---

**1.23 Zone 21 (cscsphpr21) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.15)**

Zone 21 (cscsphpr21) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 21 (cscsphpr21) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

**Item Description**

---

1 The point of latitude 22° 06' 57" S, longitude 155° 07' 00" E

---

2 East along the parallel of latitude 22° 06' 57" S to its intersection by the meridian of longitude 155° 30' 57" E

---

3 South along that meridian to its intersection by the parallel of latitude 22° 15' 00" S

---

4 West along that parallel to its intersection by the meridian of longitude 155° 07' 00" E

---

5 North along that meridian to the point of commencement

---

**1.24 Zone 22 (cscsphpr22) of marine park—Habitat Protection Zone (Reefs) (IV) (Figure S2.16)**

Zone 22 (cscsphpr22) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 22 (cscsphpr22) of marine park—Habitat Protection Zone (Reefs) (IV)**

---

**Item Description**

---

1 The point of latitude 23° 07' 18" S, longitude 155° 24' 39" E

---

2 East along the parallel of latitude 23° 07' 18" S to its intersection by the meridian of longitude 155° 40' 00" E

---

3 South along that meridian to its intersection by the parallel of latitude 23° 17' 21" S

---

4 West along that parallel to its intersection by the meridian of longitude 155° 24' 39" E

---

5 North along that meridian to the point of commencement

---

**1.25 Zone 23 (cscspspt23) of marine park—Special Purpose Zone (Trawl) (VI) (Figure S2.13)**

Zone 23 (cscspspt23) of the marine park consists of an area, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 23 (cscspspt23) of marine park—Special Purpose Zone (Trawl) (VI)**

---

**Item Description**

---

1 The point of latitude 21° 23' 00" S, longitude 156° 15' 18" E

---

---

**Zone 23 (cscspspt23) of marine park—Special Purpose Zone (Trawl) (VI)**

---

<b>Item</b>	<b>Description</b>
2	East along the parallel of latitude 21° 23' 00" S to its intersection by the meridian of longitude 156° 39' 30" E
3	South along that meridian to its intersection by the parallel of latitude 21° 45' 00" E
4	West along that parallel to its intersection by the meridian of longitude 156° 15' 18" E
5	North along that meridian to the point of commencement

---

**1.26 Zone 24 (cscspspt24) of marine park—Special Purpose Zone (Trawl) (VI) (Figure S2.17)**

Zone 24 (cscspspt24) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 24 (cscspspt24) of marine park—Special Purpose Zone (Trawl) (VI)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 24° 20' 00" S, longitude 155° 05' 00" E
2	East along the parallel of latitude 24° 20' 00" E to its intersection by the meridian of longitude 155° 28' 00" S
3	South along that meridian to its intersection by the parallel of latitude 24° 30' 00" S
4	West along that parallel to its intersection by the meridian of longitude 155° 05' 00" E
5	North along that meridian to the point of commencement

---

**Note:** AGD66 applies to the latitude described in item 3 of this table.

**1.27 Zone 25 (cscsnpnz25) of marine park—National Park Zone (II) (Figure S2.18)**

Zone 25 (cscsnpnz25) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 25 (cscsnpnz25) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 22° 59' 57.72" S, longitude 153° 40' 34.60" E
2	South-easterly along the geodesic to the point of latitude 24° 00' 00" S, longitude 153° 59' 26" E
3	South-easterly along the geodesic to the point of latitude 24° 30' 00" S, longitude 154° 08' 56.40" E
4	West along the parallel of latitude 24° 30' 00" S to its intersection by the outer limit of the Great Barrier Reef Marine Park

---

---

**Zone 25 (cscspnpz25) of marine park—National Park Zone (II)**

---

**Item Description**

---

5 Generally north-westerly along that outer limit to its intersection by the parallel of latitude 22° 59' 57.72" S

---

6 East along that parallel to the point of commencement

---

**Note:** AGD66 applies to the latitude described in items 3 and 4 of this table.

**1.28 Zone 26 (cscspst26) of marine park—Special Purpose Zone (Trawl) (VI) (Figure S2.18)**

Zone 26 (cscspst26) of the marine park consists of an area, excluding the zone described in Section 1.20 bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

---

**Zone 26 (cscspst26) of marine park—Special Purpose Zone (Trawl) (VI)**

---

**Item Description**

---

1 The point of latitude 19° 21' 00" S, longitude 152° 40' 45" E

---

2 South-easterly along the geodesic to the point of latitude 22° 00' 00" S, longitude 154° 34' 26" E

---

3 South along that meridian to its intersection by the parallel of latitude 24° 00' 00" S

---

4 West along that parallel to its intersection by the meridian of 153° 59' 26" E

---

5 North-westerly along the geodesic to the point of latitude 22° 59' 57.72" S, longitude 153° 40' 34.60" E

---

6 West along the parallel of latitude 22° 59' 57.72" S to its intersection by the outer limit of the Great Barrier Reef Marine Park

---

7 Generally north-westerly along that outer limit to its intersection by the parallel of latitude 21° 08' 58.68" S

---

8 East along the parallel of latitude 21° 08' 58.68" S to its intersection by the meridian of longitude 153° 06' 28" E

---

9 Northerly along the geodesic to the point of latitude 20° 54' 36.90" S, longitude 153° 02' 07.76" E

---

10 North-westerly along the geodesic to the point of latitude 20° 18' 49.19" S, longitude 151° 59' 19.14" E

---

11 South-westerly along the geodesic to its intersection by the outer limit of the Great Barrier Reef Marine Park, closest to the point of latitude 20° 23' 09.03" S, longitude 151° 50' 19.22" E

---

12 Generally north-westerly along that outer limit to its intersection by the parallel of latitude 19° 55' 44.48" S

---



---

**Zone 26 (cscspspt26) of marine park—Special Purpose Zone (Trawl) (VI)**

---

<b>Item</b>	<b>Description</b>
13	North-easterly along the geodesic to the point of latitude 19° 49' 54.70" S, longitude 151° 09' 10" E
14	North-westerly along the geodesic to the point of latitude 19° 34' 54.82" S, longitude 150° 42' 57.70" E
15	South-westerly along the geodesic to its intersection by the outer limit of the Great Barrier Reef Marine Park, closest to the point of latitude 19° 41' 26.46" S, longitude 150° 38' 17.94" E
16	Generally north-westerly along that outer limit to its intersection by the parallel of latitude 19° 27' 59.67" S
17	North-easterly along the geodesic to the point of latitude 19° 21' 00" S, longitude 150° 20' 32" E
18	East along the parallel of latitude 19° 21' 00" S to the point of commencement

---

**1.29 Zone 27 (cscspnpz27) of marine park—National Park Zone (II) (Figure S2.1)**

Zone 27 (cscspnpz27) of the marine park consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

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**Zone 27 (cscspnpz27) of marine park—National Park Zone (II)**

---

<b>Item</b>	<b>Description</b>
1	The point of latitude 19° 17' 11.872" S, longitude 155° 32' 00" E
2	East along the parallel of latitude 19° 17' 11.872" S to its intersection by the line described by article 1 of the Maritime boundary (French Republic) Agreement
3	Generally north-easterly along that line to the southernmost point on the line described by article 1 of the Maritime boundary (Solomon Islands) Agreement
4	Generally north-westerly along that line to its intersection by the outer limit of the exclusive economic zone
5	Generally north-westerly along that outer limit to its intersection by the Fisheries Jurisdiction Line
6	Generally westerly along that line to its intersection by the meridian of longitude 155° 32' 00" E
7	South along that meridian to the point of commencement

---

**1.30 Zone 28 (cscsphz28) of marine park—Habitat Protection Zone (IV) (Figure S2.1)**

Zone 28 (cscsphz28) of the marine park consists of an area, excluding the zones described in Sections 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.19, 1.21, 1.22, 1.23, 1.24 and 1.25 bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

<b>Zone 28 (cscsphz28) of marine park—Habitat Protection Zone (IV)</b>	
<b>Item</b>	<b>Description</b>
1	The point of latitude 13° 18' 30.36" S, longitude 146° 39' 47" E
2	West along the parallel of latitude 13° 18' 30.36" S to its intersection by the outer limit of the Great Barrier Reef Marine Park
3	Generally south-easterly along that outer limit to its intersection by the parallel of latitude 18° 07' 18.54" S
4	North-easterly along the geodesic to the point of latitude 18° 00' 26" S, longitude 148° 06' 07.37" E
5	South-easterly along the geodesic to the point of latitude 19° 21' 00" S, longitude 150° 20' 32" E
6	East along the parallel of latitude 19° 21' 00" S to its intersection by the meridian of longitude 152° 05' 06" E
7	North along that meridian to its intersection by the parallel of latitude 19° 07' 06" S
8	East along that parallel to its intersection by the meridian of longitude 152° 09' 30" E
9	North along the meridian of longitude 152° 09' 30" E to its intersection by the parallel of latitude 19° 06' 00" S
10	North-westerly along the geodesic to the point of latitude 19° 03' 30" S, longitude 152° 08' 00" E
11	North-easterly along the geodesic to the point of latitude 18° 55' 36" S, longitude 152° 14' 24" E
12	East along the parallel of latitude 18° 55' 36" S to its intersection by the meridian of longitude 152° 18' 42" E
13	South-easterly along the geodesic to the point of latitude 19° 00' 09" S, longitude 152° 22' 33" E
14	South-easterly along the geodesic to the point of latitude 19° 01' 39" S, longitude 152° 23' 12" E
15	Southerly along the geodesic to the point of latitude 19° 04' 54" S, longitude 152° 23' 30" E
16	South-easterly along the geodesic to the point of latitude 19° 06' 30" S, longitude 152° 24' 12" E

---

**Zone 28 (cscsphz28) of marine park—Habitat Protection Zone (IV)**

---

<b>Item</b>	<b>Description</b>
17	Southerly along the geodesic to the point of latitude 19° 07' 06" S, longitude 152° 24' 17.88" E
18	East along the parallel of latitude 19° 07' 06" S to its intersection by the meridian of longitude 152° 27' 30" E
19	South along that meridian to its intersection by the parallel of latitude 19° 21' 00" S
20	East along that parallel to its intersection by the meridian of longitude 152° 40' 45" E
21	South-easterly along the geodesic to the point of latitude 22° 00' 00" S, longitude 154° 34' 26" E
22	South along that meridian to its intersection by the parallel of latitude 24° 00' 00" S
23	West along that parallel to its intersection by the meridian of 153° 59' 26" E
24	South-easterly along the geodesic to the point of latitude 24° 30' 00" S, longitude 154° 08' 56.40" E
25	East along the parallel of latitude 24° 30' 00" S to its intersection by the meridian of longitude 155° 05' 00" E
26	North along that meridian to its intersection by the parallel of latitude 24° 20' 00" E
27	East along that parallel to its intersection by the meridian of longitude 155° 28' 00" S
28	South along that meridian to its intersection by the parallel of latitude 24° 30' 00" S
29	East along that parallel to its intersection by the line described by article 1 of the Maritime boundary (French Republic) Agreement
30	Generally northerly and north-westerly along that line its intersection by the parallel of latitude 19° 17' 11.872" S
31	West along the parallel of latitude 19° 17' 11.872" S to its intersection by the meridian of longitude 155° 32' 00" E
32	North along that meridian to its intersection by the Fisheries Jurisdiction Line
33	Generally westerly and north-westerly along that line to its intersection by the meridian of longitude 146° 39' 47" E
34	South along the meridian of longitude 146° 39' 47" E to the point of commencement

**Note:** AGD66 applies to the latitude described in items 24, 25 and 28 of this table.

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**Australian Government**  
**Director of National Parks**

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**Report of the Director of National Parks**

**under**

***Environment Protection and Biodiversity Conservation Act 1999***

**Section 370**

**on the Preparation of the Coral Sea Marine Park Management Plan**

**2017**

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## 1 INTRODUCTION

This report has been prepared in accordance with section 370 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) for consideration by the Minister for the Environment in relation to approving the Coral Sea Marine Park Management Plan.

The Director of National Parks is responsible under the EPBC Act for the management of 58 marine parks around Australia (formerly named Commonwealth marine reserves), comprising the:

- North Network of marine parks
- North-west Network of marine parks
- South-west Network of marine parks
- South-east Network of marine parks
- Temperate East Network of marine parks
- Coral Sea Marine Park.

Australian Marine Parks are in Commonwealth marine areas defined by the EPBC Act - waters that generally start at the outer limit of state and territory coastal waters, three nautical miles (5.5 km) from the shore, and extend to the outer limit of Australia's exclusive economic zone, typically 200 nm from the shore.

These marine parks are Commonwealth reserves, proclaimed under section 344 of the EPBC Act for the protection and conservation of biodiversity, and to contribute to the National Representative System of Marine Protected Areas.

Section 366 of the EPBC Act requires a management plan to be made after a Commonwealth reserve is declared to set out the management arrangements, including what activities will be allowed. In preparing management plans, two rounds of statutory public consultation are required: the first inviting comment on the proposal to prepare a draft plan and the second inviting comments on the draft plan. Both rounds of consultation are required to be open for at least 30 days. A single management plan may be the plan for multiple reserves.

For the South-east network of 14 marine parks, this process was completed in 2012 and a management plan has been in operation since 2013.

For the remaining 44 marine parks in the in the North, North-west, South-west and Temperate East Networks and the Coral Sea, the Director of National Parks has undertaken the two rounds of statutory public consultation and has now completed management plans. These plans set out the management arrangements that will be implemented within these marine parks over the next ten years, including zoning and rules for activities.

This report summarises the 237 submissions received on the draft Coral Sea Marine Park Management Plan, during the second period of statutory consultation, as defined under EPBC Act. It also outlines the comments that were made across all draft plans or multiple draft plans that are of relevance to the Coral Sea Marine Park. The report provides the views of the Director of National Parks on those comments, noting where the plans have been amended, or where comments or suggestions provided have not been not adopted.

## 2 THE MANAGEMENT PLANS

The mandatory content for Commonwealth reserve management plans is set out in Section 367 of the EPBC Act. In accordance with the section, the management plans for marine parks must provide for the protection and conservation of each park and may divide a park into zones. In particular, the management plan must:

- assign each park to an IUCN category
- state how each park, or each zone of the park, is to be managed
- state how the natural features of the park are to be protected and conserved
- specify any limitation or prohibition on the exercise of a power, or performance of a function, under an Act in or in relation to the park
- specify any mining operation, major excavation or other work that may be carried on in the park, and the conditions under which it may be carried on
- specify any other operation or activity that may be carried on in the park
- indicate generally the activities that are to be prohibited or regulated in the park, and the means of prohibiting or regulating them
- indicate how the plan takes account of Australia's international obligations
- be consistent with National and Commonwealth Heritage place principles.

The management plans as prepared meet these requirements by including a description of each park and the values of each park. They also set out the suite of management programs, activities and prescriptions to be implemented over the life of the plans.

The plan provides the overarching framework for management of the Coral Sea Marine Park for ten years from its commencement. The plan addresses the requirements of the EPBC Act and associated regulations, and provides flexibility to allow management arrangements to be adapted as needed through the life of the plan.

In accordance with Section 368 of the EPBC Act, the management plan for the Coral Sea Marine Park has been prepared taking account of:

- the report prepared for the proclamation of those marine park
- the proclamation and associated purposes governing the use of the marine park
- the interests of owners and leaseholders, traditional owners, Indigenous persons and holders of usage rights within the marine park
- the protection, conservation and management of biodiversity and heritage within the marine park
- the protection of the marine parks against damage
- Australia's obligations under international agreements relevant to the protection and conservation of biodiversity and heritage
- comments received on the initial Notice of Intent to prepare draft plans between 5 September and 31 October 2016
- comments received on the draft plans between 21 July and 20 September 2017.

## **3 CONSULTATION**

### **3.1 NOTICE OF INTENTION TO PREPARE THE MANAGEMENT PLANS**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice was published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website, inviting comments on the proposal to prepare draft management plans for marine parks in North, North-west, South-west, Temperate East and the Coral Sea.

As required under the EPBC Act, information on the Notice of Intent to prepare draft management plans including an invitation to comment was sent to all native title representative bodies and representatives of native title claimants in the vicinity of the marine parks. Also, an email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to the marine mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

Comments on the Notice of Intent closed on 31 October 2016, with a total of 54,322 submissions received. Of these, 212 were unique submissions from organisations, representative bodies, businesses and individuals and 54,110 were submissions from the general public using standardised words or a template (from 16 different templates). The submissions using standard words expressed views about conservation or recreational fishing.

The key comments raised during the first round of consultation included:

- the need for higher protection of environmental and cultural values
- requests for greater commercial and recreational access to fishing areas
- calls for more restrictions on extractive activities, including oil and gas exploration in marine parks
- importance of consistency in management arrangements between adjacent Australian and state and territory parks
- importance of appropriate resourcing for comprehensive, intelligent compliance arrangements, particularly where National Park zones have been proposed
- need for targeted communication about park management, including for different sectoral users
- concerns over restrictions on extractive activities such as oil and gas, commercial and charter fishing in marine parks
- importance of flexible / adaptive management approaches
- need for fisheries adjustment support for commercial fishing businesses affected by new rules in marine parks.

Those submissions received were considered in the preparation of the draft plans that were released for public comment in 2017. A summary of the issues raised in submissions was made available to the public on release of the draft plans.

### **3.2 PUBLIC CONSULTATION ON THE DRAFT MANAGEMENT PLANS**

In accordance with Section 368 of the EPBC Act, public comment was invited on the five draft management plans between 21 July and 20 September 2017.

Invitations to comment on draft plans were published in the Australian Government Gazette, newspapers circulating in each state and territory (The Australian, Adelaide Advertiser, West Australian, Northern Territory News, Brisbane Courier Mail, Daily Telegraph, Sydney Morning Herald, Norfolk Islander, Lord Howe Island Signal, and Koori Mail) and placed on the department's website. An email inviting comment on draft plans was sent to all of the individuals and organisations who had subscribed to marine park mailing lists or had been in contact with the department on matters pertaining to the marine parks in the past.

As required under the EPBC Act, a letter and information materials were posted to all native title representative bodies, representatives of native title claimants in the vicinity of the marine parks and all persons holding a usage right under Section 359B of the EPBC Act that existed prior to the parks being proclaimed. Copies of draft plans were made available on the Parks Australia website and through the department's Community Information Unit.

This report includes a summary of the public comments made on draft plans and the Director's views on those comments. It focuses in particular on comments made in relation to the draft plan for the Coral Sea Marine Park.

#### 4 SUMMARY OF COMMENTS RECEIVED

A total of 237 specific submissions were received on the draft Coral Sea Marine Park Management Plan. A total of 82,877 submissions (including 2,027 unique and 80,850 using standard words) were received in response to the invitation to comment on all five draft plans. Copies of all submissions, including examples of submissions using standardised wording, are on the Parks Australia website.

Submissions received contained comments on a broad range of issues. Some comments were directed towards all draft plans. Other comments received were about a particular draft plan, park or network. This report summarises the comments received across all draft plans, and the comments received in relation to the draft plan for the Coral Sea Marine Park.

Comments that relate to specific parts of the draft plans are discussed in Chapter 5.

Comments that are general in nature or relate to issues or processes outside of the draft plans, such as the *Independent Review of Commonwealth Marine Reserves*, or the level of funding for marine park management are discussed in Chapter 6.

##### Unique submissions

A total of 2,027 unique submissions were received from individuals, businesses, associations, organisations or representative bodies about all draft management plans (Table 4.1).

Table 4.1 Unique submissions received from different sectors

Sector	Total
General public	1 724
Recreational fishing	136
Conservation	50
Research	25
Commercial fishing	20
Government	16
Commercial tourism	12



Indigenous	11
Recreational scuba or snorkel	10
Commercial charter fishing	9
Oil, gas, or mining	3
Recreational boating	3
Other	3
Ports	2
Commercial media	2
Aquaculture	1

### Submissions using standardised words

A total of 80,850 submissions were received from members of the general public, using standardised words or a template (Table 4.2). For some of these submissions, wording was amended slightly, or additional text added.

*Table 4.2 Submissions received that used standardised words or a template*

Template or standardised words	Total
Save Our Marine Life - stop this madness and save our sanctuaries	27 133
Australian Marine Conservation Society	21 918
WWF - preserve our reserves	9 833
Save Our Marine Life - recreational fisher	6 342
Save Our Marine Life - stop the cutbacks, I fish	6 105
Wilderness cutbacks	5 011
Save Our Marine Parks	2 945
Keep Australia fishing	682
Keep the Rowley Shoals oil free	398
Save Bremer's whale nursery	359
Campaign Now – reject these cutbacks	124
<b>TOTAL</b>	<b>80 850</b>

## 5 COMMENTS ON THE DRAFT PLAN

### 5.1 COMMENTS ABOUT PART 1 OF THE PLAN

The following comments were raised in relation to the entire plan and Part 1:

#### General comments:

- Indigenous engagement and cultural values need to be considered throughout the plans, not just in the Indigenous engagement program.
- The term 'Aboriginal' should be used, not 'Indigenous' and the plan should refer to "Traditional Owners", not "traditional owners".
- More regionally specific photos should be included throughout the plans.

#### Vision and objectives:

- Supported the vision for marine parks or the objectives of the plan.
- The primary focus of the vision and objectives should be on protection of the marine environment / biodiversity, or on sustainable use and enjoyment.
- Need to balance marine protection, with sustainable use and enjoyment in marine parks.

#### Approach to managing Australian Marine Parks and ways of working:

- Supported, or generally supported, the approach and ways of working articulated in the plan.
- Concerned about ability to manage specific park issues using a network-wide plan.

#### Partnerships:

- Interested in developing partnerships to protect the marine environment.
- Supported opportunities for collaboration and partnerships with state and territory governments (through annual business agreements), industry partners and in the management of service arrangements.
- Supported setting up an advisory committee / forum to engage users in park management.
- Suggested a specific member for one of the advisory committees or using an existing committee.
- Importance of strong ongoing consultation with people in the region.
- Partnerships are needed with native title holders to support the identification and management of cultural values.
- Sufficient Indigenous representation is needed on advisory committees or at least one funded representative.
- Supported the *Principles supporting Indigenous people to engage in management of Australian Marine Parks* and the commitment to partnerships with traditional owners and Indigenous people.
- Suggested the following amendments to the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*:
  - Principle 5 or other part should reference the *United Nations Declaration of Indigenous Rights*.
  - In Principle 1, “for thousands of years” should be replaced with “since time immemorial”.
  - Principle 8 should be amended to say “Third party investment in Australian Marine Parks “must” include support for Indigenous people’s interests etc.
- Unclear about joint management and what it entails.
- Suggested additional people should be considered traditional owners.
- Change Maritime Border Command to Australian Border Force.

#### Management programs and actions, implementation plans and adaptive management:

- Supported, or generally supported, the management programs and actions identified and the commitment to ongoing active management.
- Sought involvement in development of implementation plans, specifically Indigenous groups.
- Supported, or generally supported, adaptive management.
- Concerned about adaptive management or the ability to monitor effectiveness of the plans.

#### **Director’s views**

### General:

I note the comments received in relation to the entire plan, particularly about the importance of Indigenous engagement.

I recognise that Aboriginal and Torres Strait Islander people have been managing their sea country for thousands of years. The plans commit to working closely with Indigenous people to manage marine parks and include specific actions in the management programs about working with Indigenous people.

In these plans, Aboriginal and/or Torres Strait Islander people are referred to collectively as Indigenous people. I recognise that some Aboriginal people prefer not to be referred to as 'Indigenous', however the plans cover waters in the Torres Strait and I am seeking to be inclusive. In referring to Indigenous people, I do not intend to give offence to Aboriginal people.

The plans will be read by many people and are important to communicating about our parks. Minimal use of capitals in the plan is intended to increase readability, including not using capitals in the term "traditional owner". Again, this is not intended to create offence.

I have included regionally specific photographs within the plans, on the website and in other communication materials wherever possible.

### Vision and objectives:

I note the comments about the vision and the framework proposed for managing marine parks, with the majority of these expressing support for the partnership approach outlined.

My vision is that marine parks are healthy, resilient and well managed to enhance Australia's wellbeing. The vision seeks to balance protection of the marine environment and sustainable use and enjoyment of marine parks, for the benefit of all Australians. The objectives are drawn from the requirements under the EPBC Act and the stated purpose of the parks on their proclamation.

Of interest, some people commented that the vision should be more focussed on protection, while others thought it should be more focussed on sustainable use and enjoyment. This demonstrates the divergent views and the challenge in balancing sometimes competing values for marine parks.

### Approach to managing Australian Marine Parks and ways of working:

I welcome the general support for the approach proposed in Part 1.6 and 1.7 of the plan.

While some submissions expressed concern that grouping together management of several parks under networks and plans won't address park specific issues, I am confident that the proposed approach will provide national consistency, while enabling sufficient flexibility to deliver park-specific outcomes and actions.

### Partnerships:

I welcome the interest in, and support for, the partnership approach proposed.

I am committed to working in partnership with traditional owners, marine park users, other governments and stakeholders, to manage our parks collaboratively. Establishing advisory arrangements will provide me with valuable and ongoing input and advice about marine environments, values and uses of our parks. The establishment of advisory arrangements will be a priority when the plans come into force. I am not intending to duplicate existing arrangements or establish new advisory mechanisms where they

are not considered necessary or useful, and welcome advice on this. I will also develop agreements with state and territory governments to encourage collaboration.

Support for collaboration between Parks Australia, traditional owners and native title holders is welcome. While I note the suggestions made about the *Principles supporting Indigenous people to engage in management of Australian Marine Parks*, I was reluctant to make changes. This is because they were drafted and endorsed by a number of Indigenous people and representatives of Indigenous organisations.

However, I have amended Section 1.8 of the plans to replace “for thousands of years” with “since time immemorial” and to reference the *United Nations Declaration in the Rights of Indigenous People*.

The text in Section 1.8 has also been amended to change Maritime Border Command to Australian Border Force.

#### Management programs and actions, implementation plans and adaptive management:

The management programs and actions listed in the plan provide a framework for how Parks Australia will actively manage our marine parks. I will be seeking advice from our advisory committees / forums once established about these programs and actions, and importantly how they are implemented in each park and network.

I note the range of views about adaptive management. Regular monitoring, evaluation, reporting and review of the implementation of the plans will be essential to achieve the vision for Australian Marine Parks. It will also help to keep track of our progress and change our approach when necessary. While we have a large amount of work ahead of us, I am satisfied that the proposed management programs and actions provide a sound and coherent framework for achieving the vision and objectives of the plans.

## **5.2 COMMENTS ABOUT PART 2 OF THE PLAN**

The following comments were received on Part 2.1, 2.2 and 2.3 of the plan and Schedule 2.

#### Values:

- Further information should be included about the social, heritage, aesthetic and cultural values of each network.
- Australia’s oceans have significant non-market value.
- Deep-water sharks and rays are important and should be protected from trawling and longlining.
- Importance of charter fishing, aquarium product traders, deep sea recreational fishers and commercial longlining to local economic activity.
- Need to maintain the Outstanding Universal Value of the adjoining Great Barrier Reef Marine Park.
- Environmental, social and economic value provided through tourism is not acknowledged.

#### Pressures:

- Pressures have been adequately described and create a solid context.
- Concerned about pressures described and in light of these pressures, there should be higher levels of protection.

- Should have regard to past research by state and territory governments with respect to pressures on marine parks.

### ***Director's views***

#### Values:

I note the comments that sought or provided further information about the natural, cultural, heritage, social and economic values of marine parks.

The values outlined will form the basis of decision making about activities allowed in marine parks. The additional information provided about values is welcome. Descriptions of values in the plan need to be succinct, so not all information provided could be included. Additional information will be made available through the Department's website over time.

As a result of additional information provided, the plan has been amended to include additional information in Part 2.1 and Schedule 2.2 about values.

Under cultural values in Section 2.1 and in Schedule 2.2, the following text has been amended to include "tens of":

"Indigenous people have been sustainably using and managing their sea country for tens of thousands of years."

#### Pressures:

I acknowledge the comments made about the pressures acting on marine parks.

Managing marine parks requires a balance between use and enjoyment of marine parks, with protecting the marine environment. To that end, the impact of pressures on marine park values will be considered when determining the management actions to be implemented, and when making decisions about the activities that will be allowed in each park. Pressures such as the extraction of living resources by fishing and habitat modification through installation of infrastructure, will also be managed through the zones and rules set out in the plan.

Climate change as a pressure cannot be reduced through this plan, however, effective marine park management is expected to assist in improving the resilience of marine ecosystems to recover from pressures, such as climate change.

I note the existing research on the pressures acting on marine environments, including by state and territory governments, and will seek to gather and consider that research through our partnerships and under the marine science program.

### ***5.2.1 COMMENTS ON THE COMMUNICATION, EDUCATION AND AWARENESS PROGRAM***

The following comments were received on the communication, education and awareness program and actions:

- Supported the implementation of a program to improve community and stakeholder awareness and engagement, including ongoing engagement.

- Need to have clear and multi-channelled communications to encourage acceptance of marine parks and improved compliance.
- Concerned about funding being used for promoting marine parks, at the expense of science or other programs.
- Lack of consideration of the role that native title holders could play in delivering the communication, education and awareness program.

#### ***Director's views***

I note the comments made about this program, which I regard as critical to engaging Australians in marine park management. Under this program, Parks Australia will work with park users, state and territory governments, Indigenous people, native title holders, key stakeholders and the broader community to manage marine parks for the benefit of all Australians. This program will build awareness about marine parks, their environmental, cultural and socio-economic values and the way Parks Australia is managing them.

While I note concerns about using resources to promote or market marine parks, as noted in many submissions, education programs are important to help people to understand the rules in marine parks and to encourage people to comply with the rules. The program will be implemented efficiently, using online resources and tools wherever possible, and working with our partners.

I agree with the comments that native title holders can assist with delivery and will be seeking input and support from Indigenous people to implement this program.

#### **5.2.2 COMMENTS ON THE TOURISM AND VISITOR EXPERIENCE PROGRAM**

The following comments were received on the tourism and visitor experience program and actions:

- Supported the implementation of a program to improve visitation and visitor experiences in marine parks.
- Did not support increased tourism in marine parks, or expressed concern about the impacts of increased tourism on park values.
- Insufficient levels of marine park protection will undermine regional economies that are dependent on marine tourism.
- Tourism operators need to be regulated to ensure that they do not encroach on native title rights and interests or interfere with cultural sites.
- Commercial and recreational marine park users need to liaise with native title holders to ensure that access to traditional waters occurs in a culturally appropriate manner.
- Indigenous people are tourism operators.
- Cultural values have not been well understood / communicated.
- Cultural tourism opportunities with Aboriginal partnerships should be emphasised.

#### ***Director's views***

I note the comments provided about this program and will pay careful attention to them in implementing the plans. Australian Marine Parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Creating amazing destinations for visitors is one of Parks Australia's core goals, and I want to work with operators to promote and support tourism in marine parks.



However, tourism activities do have the potential to impact on marine park values, including cultural values. All users of marine parks, including tourism operators, need to operate in a manner that is sustainable and minimises impacts.

I agree that we should support access to traditional waters occurring in a culturally appropriate manner. The plan has been amended to include an action to promote culturally sensitive tourism by encouraging tourism operators to liaise with traditional owners.

I also agree that marine parks provide cultural tourism opportunities. The plan has been amended to include an action to work with tourism operators and Indigenous people to recognise and promote cultural values and cultural tourism opportunities.

### **5.2.3 COMMENTS ON THE INDIGENOUS ENGAGEMENT PROGRAM**

The following comments were received on the Indigenous engagement program and actions:

- Support the Indigenous engagement program and management actions.
- Should emphasise cultural benefits, above social and economic benefits.
- Support engaging Indigenous people in the management of Australian Marine Parks.
- Need to engage with native title holders and traditional owners in an ongoing way.
- Long term funding is needed to support ongoing engagement and coordination with traditional owners and Indigenous rangers, to enable them to manage their sea country and create employment.
- Expressed support for specific Indigenous advisory structures to provide leadership and advice, implement ranger programs and capacity building initiatives and input into advisory committees/forums.
- Parks Australia could align meetings with Indigenous people with meetings arranged by state or territory agencies.
- Cultural advisors could support management plan implementation.
- Ranger groups could engage with traditional owners.
- Interested in opportunities available for traditional owners and Indigenous rangers to undertake actions in marine parks such as marine debris programs, megafauna management programs, long-term monitoring, maintenance for park infrastructure and water quality monitoring.
- Indigenous rangers could fulfil enforcement functions if trained and resourced.
- Need to focus on building capacity of Indigenous groups.
- Need greater linkages between state and federal initiatives for sea rangers.
- Need ongoing engagement to further identify cultural values, stories and sea country.
- Indigenous working groups should be established to develop the Indigenous engagement and cultural heritage strategy (with funding).
- Important to include traditional owners and rangers in research (and this needs to be funded).
- Need established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Unclear how traditional owners will input into authorisation decisions for certain activities.
- Need to produce simple posters like those produced for Indigenous Protected Areas to support traditional owners to understand marine park management activities.
- Sceptical about the willingness or approach to Indigenous engagement.

### **Director's views**

I note the comments provided about the Indigenous engagement program and welcome the overwhelming support it has received. These comments will be carefully considered in the implementation of the program.

Through the plans and the Indigenous engagement program, traditional owners, native title holders and Indigenous people will be engaged in managing sea country within marine parks, with the intention of developing Indigenous livelihoods and employment. This includes supporting Indigenous people and rangers to undertake surveys, monitoring, research and surveillance in our marine parks.

I welcome advice provided on the specific mechanisms to engage traditional owners, native title holders and Indigenous rangers in marine park management and will consider this input in the coming months as appropriate arrangements are established across Australia to implement this program.

The suggestion to produce information to support traditional owners understand marine park management activities is welcome. The plan has been amended to add an action to provide information to Indigenous people about marine park management.

In recognition of the importance of engaging with traditional owners and the need for increased cultural awareness, the plan has been amended to include actions to implement cultural awareness training for Parks Australia staff in association with traditional owners, and establish protocols for researchers working with Parks Australia to guide engagement with traditional owners.

#### **5.2.4 COMMENTS ON THE MARINE SCIENCE PROGRAM**

The following comments were received on the marine science program and actions:

- Supported the implementation of a program to increase scientific knowledge and understanding of marine parks and their values and to inform park management.
- Parks Australia should work closely with research institutions, the oil and gas industry, Indigenous people, scientists, state/territory governments and other countries in implementing the marine science program.
- Need to involve resource users, especially traditional owners, in determining research priorities and in undertaking research activities in partnership with external researchers.
- More scientific information is needed about the impacts and benefits of fishing, tourism, oil and gas, habitats, species, biological communities, taxonomy and the effectiveness of zoning to inform management.
- In light of heritage and natural values, more research is required into specific marine parks.
- Support and interest in citizen science, including by recreational fishers to monitor or target specific knowledge gaps.
- Existing fishing tag and release programs and data from fishing clubs could contribute to research.
- Need to include traditional owners and rangers in research (including providing funding).
- Need to apply established principles for collaborative research, such as that for the Kimberley Saltwater Country.
- Research priorities should explicitly support collection and appropriate use of traditional knowledge.

#### **Director's views**

I note the generally supportive comments received on the marine science program and the suggestions for priorities. I agree that science is fundamentally important to understanding and managing marine parks.

Science has formed the basis for establishing Australian Marine Parks and will remain key to successfully managing them. In recognition of the importance of science in managing marine parks, scientific research and monitoring will be prioritised in marine parks over the next decade. The marine science program will improve our understanding of marine systems, habitats, ecosystems and values. This includes the impacts and benefits of recreational and commercial use and enjoyment for fishing, tourism, oil and gas, conservation and heritage values. Through monitoring and research of park values, the pressures acting on those values, and the adequacy of management responses, the marine science program will play a major role in an adaptive evidence-based approach to marine park management.

To get the best outcomes from this program, Parks Australia will work closely with research institutions, including the National Environmental Science Program and the National Marine Science Committee, as well as traditional owners, Indigenous people, marine park users, state/territory governments and other countries.

I welcome advice provided on specific research priorities, datasets, collaboration and mechanisms to engage in implementing the marine science program. Inputs and advice from scientists, stakeholders and the community will be considered in the implementation of this program over the next decade.

Community involvement in management of our marine parks, such as through citizen science programs will also be encouraged.

I consider that the comments received are addressed through the plan or will be considered in the implementation of the marine science program, and no changes are required to the plan.

#### **5.2.5 COMMENTS ON THE ASSESSMENTS AND AUTHORISATIONS PROGRAM**

The following comments were received on the assessments and authorisations program and actions:

- Supported using Commonwealth or state assessment and authorisation processes where possible, consultation between government departments and industry, class approvals, and an online authorisations system to reduce regulatory burden on users and ensure transparency in decision making.
- Concerned about increasing red tape and regulation.
- Support public release of information about authorisations.
- All licences and approvals should include the dollar value of the approval.
- Unclear how traditional owners will have input into authorisation decisions for certain activities.

#### **Director's views**

I welcome the comments received about this program and will consider them carefully in its implementation.

As set out in the “Ways of working”, Parks Australia is committed to minimising regulatory burden and costs on businesses and individuals, including by using assessment and approval processes of other agencies, aligning our authorisation systems with others and developing an online application process.

Parks Australia will consult closely with users about implementation of this program.

In the interests of transparency, Parks Australia will publish information about authorisations online and inform traditional owners about activities occurring on sea country. It is not however considered appropriate to publish “dollar values” or commercially sensitive information.

### **5.2.6 COMMENTS ON THE PARK PROTECTION AND MANAGEMENT PROGRAM**

The following comments were received on the park protection and management program and actions:

- Supported implementing a program to proactively manage threats on marine parks.
- Moorings or anchorages are needed, to reduce damage.
- Concerned about the potential for an oil spill and the impact.
- Supported the development of an Australian Marine Parks critical incident strategy in consultation with the oil and gas industry.
- Final action about Indigenous rangers should be amended to remove “explore opportunities to collaborate”, to “ensure full collaboration” with traditional owners and Indigenous ranger groups.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.
- Indigenous ranger groups should be supported through funding and training to undertake monitoring programs and to strengthen and adapt traditional management systems to deal with changing pressures.

#### **Director’s views**

I note the comments about the park protection and management program and general support as a mechanism to address pressures on marine parks.

Under this program, Parks Australia will implement actions in marine parks to protect natural, cultural and heritage values from impacts. Actions will be undertaken in partnership with park users, governments, traditional owners, Indigenous rangers and the broader community. Where possible, traditional owners and Indigenous ranger groups will be supported to undertake these management actions.

The plan has been amended to strengthen the action about traditional owners and Indigenous ranger groups by changing “explore opportunities to collaborate”, to “collaborate”.

### **5.2.7 COMMENTS ON THE COMPLIANCE PROGRAM**

The following comments were received on the compliance program and actions:

- The outcome for the program should be changed from “a decrease in the number of enforcement incidents”, to “a decrease in the number of non-compliances”.

- Supported implementing actions to improve compliance in marine parks, including enforcement actions; surveillance by members of the community; recreational fishers and Indigenous rangers; developing codes of practice; applying penalties; and using technology to provide accessible zoning maps.
- Supported encouraging voluntary compliance through education, such as alert services for recreational and commercial fishers, and educating fishers about sustainable practices.
- Need to work with other agencies to assist in detection and enforcement.
- Sceptical about Parks Australia's ability to ensure compliance, given the location of marine parks, resourcing required and zoning proposed.
- Need additional information explaining how and where park management staff will be deployed.
- Need to consider accidental drift of fishing gear into no-take areas when enforcing plans, and need further consultation / guidance about this issue.
- For remote marine parks, the most cost effective management and enforcement arrangements would be for Indigenous rangers to undertake patrols, monitoring, research and other management actions.

### ***Director's views***

I note the comments received about the compliance program. They will be carefully considered as the program is implemented.

I agree that the outcome for the program should be changed from "a decrease in the number of enforcement incidents and non-compliance", to "a decrease in the number of non-compliances" and have made this change.

Marine parks are large and often a long way offshore, making compliance and enforcement more difficult and costly. Parks Australia will collaborate with other agencies and park users, and investigate innovative technologies and systems to ensure compliance in our parks. This includes vessel monitoring systems, investing in online information and tools that explain zones and rules, and apps that alert people when they are entering marine parks.

Parks Australia is already working closely with agencies like the Australian Fisheries Management Authority and Australian Border Force to detect illegal fishing.

Under the Indigenous engagement program, Indigenous rangers and traditional owners will be engaged in compliance activities wherever possible.

Accidental drift of fishing gear into no-take areas has been carefully considered in developing zoning for marine parks. Engagement with the fishing industry about this issue will continue to seek ways to minimise the incidence and impacts of gear drift.

## 5.3 COMMENTS ABOUT PART 3 OF THE PLAN

### 5.3.1 COMMENTS ABOUT PART 3 OF THE PLAN – GENERAL ZONING

The following comments were received on Part 3.1 or zoning in general:

#### Zone objectives:

- Supported the application of the International Union for the Conservation of Nature (IUCN) categories and the zone objectives.
- Concerned about the application of the IUCN categories and the zone objectives.
- Unclear about the use of sub zones.
- Zoning should be unchanged from that proposed previously or proclaimed.
- Concerned about the economic impacts and benefits of the zoning, for example the benefits to fishing against the cost to tourism or in terms of ecosystem services.
- Need greater consistency in zoning and rules between the Australia Marine Parks and state and territory marine parks.

#### Protection for marine habitats and species:

- The level of protection offered by zoning and other arrangements is not sufficient, and won't allow conservation objectives to be achieved.
- Reduction in National Park zones or relocation of National Park zones is not appropriate / acceptable.
- Need to increase National Park Zones.
- Habitat Protection Zones do not offer the same level of protection as National Park Zones.
- Replacing National Park Zones with Habitat Protection Zones is not appropriate / acceptable.
- There should be a National Park zone in every marine park, bioregion, or over every primary conservation feature.
- The network does not provide a comprehensive, adequate and representative system of marine protected areas.
- Need National Park Zones to increase fish stocks.
- Need to protect reefs and habitats due to their tourism value.

#### Access for commercial fishing, pearling and aquaculture:

- Concerned that commercial fishing will be allowed in Australian Marine Parks, in light of the potential impacts of this activity.
- Supported access or increased access for commercial fishing, pearling and aquaculture, given economic importance and sustainability.
- Zoning that limits fishing effort will adversely affect food security and create greater reliance on imported seafood.

#### Access for tourism:

- Concerned that tourism, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Supported access or increased access for tourism, given its economic importance.
- Needs to be increased access for dive/non-extractive tourism, and reduced access for extractive uses.

#### Access for recreational fishing:



- Supported increased access for recreational fishing, a reduction in National Park Zones and sought no further reduction in access, given importance of recreational fishing to Australians.
- Recreational fishing should be allowed in National Park Zones.
- There should not be restrictions on recreational fishing, in particular surface trolling and catch and release, which are low impact.
- Concerned that recreational fishing, including charter fishing, will be allowed across the large majority of the estate, in light of the potential impacts of this activity.
- Recreational fishing should be managed and regulated by states and territories to reduce duplication / confusion.

Access for mining:

- Concerned that mining will allowable across large parts of the estate, in light of the potential impacts of this activity.
- Need to consult about zoning with industry stakeholders, particularly in areas where petroleum operations are occurring or in areas of good petroleum prospectivity.

**Director's views**

I note the very large number of submissions that commented on Part 3 of the plans – zoning. These submissions reflected the broad and often conflicting views held by Australians on marine park zoning.

Zone objectives:

I note the comments on the zone objectives and the application of IUCN categories. The IUCN sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires that our marine parks, and any zones into which a park is divided, be assigned to one of the seven categories prescribed by the EPBC Regulations, which correspond to the categories identified by the IUCN. Park management must be consistent with the relevant Australian IUCN management principles prescribed for each category by Schedule 8 to the EPBC Regulations. The zone objectives and provisions set out for our marine parks are consistent with the established interpretation of the Australian IUCN Park management principles.

I acknowledge the comments seeking a return to previously proposed zoning. However, consultation on the independent review and on the development of plans demonstrated quite clearly that the previous zoning proposals created impacts on users, such as fishers, that were too great, and are inconsistent with the Government's policies on sustainable fishing and supporting economic development.

I also note the concerns raised about the balance between activities like fishing and tourism, and the economic implications associated with allowing or not allowing these activities. I believe the plans do effectively balance the economic benefits associated with allowing activities like dive tourism, charter fishing and commercial fishing in different parts of parks.

I agree with comments seeking greater consistency in zoning and rules between Australian Marine Parks and state and territory marine parks. Wherever possible, zoning and rules have been made consistent. While this has not always been possible, Parks Australia will work with state and territory government colleagues to improve consistency and minimise confusion through the life of this plan.

Protection for marine habitats and features:

While I acknowledge the submissions calling for higher levels of protection for marine habitats and species through more National Park Zones, I consider that the levels of protection achieved through these plans is significant and will deliver positive conservation outcomes.

Australian Marine Parks have been located to cover representative examples of Australia's marine habitats and features, including key ecological features, seafloor types, biologically important areas for some protected species, bioregions, and habitats at different depth ranges.

Zoning has been carefully undertaken in marine parks to help protect these key features and habitats. Sanctuary and National Park Zones have been placed where I consider the strongest biodiversity and conservation benefits are achievable. Habitat Protection Zones have been placed in locations to protect the sea floor habitat and allow activities to occur in the water column.

This targeted approach to zoning protects conservation features (like canyons, seamounts and reefs), but reduces impacts on industries like fishing and tourism. It is based on the best available science and sees a significant increase in the area of Habitat Protection Zones (yellow) and a decrease in the area of National Park Zones (green), but not the level of protection.

I acknowledge the comments that National Park Zones and Habitat Protection Zones are not equivalent in terms of the protection they provide. This is true. However, Habitat Protection Zones, which exclude activities that impact and damage seafloor habitats, combined with effective management, can provide significant protection and conservation benefits, while reducing impacts on users. This was recognised in the *2015 Commonwealth Marine Reserves Report of the Expert Scientific Panel* which states that: "The Expert Scientific Panel considers there is high conservation benefit from zoning areas as Habitat Protection Zones to protect benthic and demersal habitats by excluding damaging activities while allowing activities such as regulated fishing in the water column, including take of pelagic species that do not compromise conservation values and management objectives for those areas."

#### Access for commercial fishing, pearling and aquaculture:

I acknowledge the submissions that commented on the importance of allowing commercial fishing, and those that commented on potential impacts.

The Australian Government is committed to supporting the fishing industry, including through the *Policy for a more competitive and sustainable fisheries sector* and policies on economic development more broadly. Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

However, commercial fishing, pearling and aquaculture may create impacts on marine environments. Marine parks are intended to work alongside a range of other measures, for example, effective fisheries management, to minimise these impacts. Rigorous compliance and enforcement programs will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Access for tourism:

I note the comments on the benefits and potential impacts associated with allowing tourism operations in marine parks.

Marine parks provide outstanding experiences for visitors, including charter fishing, scuba diving, snorkelling and nature watching. Tourism is also critical to the economies of many coastal communities around the country. Marine parks have been carefully zoned to provide for different types of tourism

activities - for example, 'no-take' zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Notwithstanding, tourism activities can create impacts on marine environments. Parks Australia, together with other marine regulators and the tourism industry, will continue to work to minimise these impacts.

Access for recreational fishing:

I acknowledge the submissions that commented on the importance of allowing people to access and enjoy marine parks, to watch wildlife, dive and go boating, snorkelling and fishing. The zoning in the plans allows recreational fishing in 97 per cent of Commonwealth waters within 100 km of the coast.

A number of people suggested that recreational fishers should be able to access all areas of marine parks. I have not accommodated these requests because extensive scientific research demonstrates the benefits of no-take zones, including more and bigger fish. Allowing fishing in no-take IUCN II parks is also inconsistent with international standards and existing practice in other Australian Marine Parks, such as the Great Barrier Reef.

Access for mining:

I note concerns raised about mining in marine parks.

While marine park management is about protecting marine habitats and species, it is also about managing a shared resource. This means balancing protection, against the different uses and needs for that resource, to support people's livelihoods and way of life.

In developing these plans, I considered Australia's energy needs, now and in the future and the significant contribution that the oil and gas sector makes to some regional communities and the Australian economy.

Any proposed oil and gas activities will be subject to the world-leading environmental assessments and approvals process of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), the sole assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters. NOPSEMA will carefully assess any application to explore or mine in a marine park and the potential impact on marine park values. NOPSEMA will also regulate mining if it is approved, to avoid or minimise any impacts.

I agree with comments raised about the need for ongoing consultation with the mining industry. Parks Australia will continue to engage with the industry in relation to marine parks.

### **5.3.2 SPECIFIC COMMENTS ABOUT PART 3 OF THE PLAN – MARINE PARK ZONING**

The following comments were received on zoning of the Coral Sea Marine Park in particular:

- There should be more National Park Zone across the Coral Sea, and particularly over reefs, given the importance of marine habitats and species, importance for dive tourism and pressures such as climate change and coral bleaching.
- There is insufficient protection provided to key ecological features, including reefs and cays of the Coral Sea, large pelagic predators and herbivorous fish of coral reefs.
- Reduced protection of the reef inhibits scientific research into management effectiveness.
- Supported prohibition of oil and gas mining in the Coral Sea.

- Concerned about the impacts of longlining, mid-water trawling and purse seining in particular demersal trawl in the Special Purpose Zone (Trawl).
- Supported National Park Zone next to the Great Barrier Reef Marine Park.
- Expressed concern or suggested removal of National Park Zone next to the Great Barrier Reef Marine Park, as this area is an important commercial fishing zone.
- Supported the proposed zoning, and the access provided for recreational fishing.
- Supported increased access for commercial and recreational fishing in the Coral Sea.
- Zoning should promote tangible and equitable access for recreational and commercial fishers.
- Concerned about the impacts of the proposed zoning on commercial and recreational fishing.
- The Eastern Tuna and Billfish Fishery should be allowed to operate under its current arrangements and surface fish over proposed National Park Zones.
- Remote and protected reefs and key species provide a major marketing opportunity for the dive tourism industry.
- Zoning should be rotated every four to five years to allow for stock regeneration.

#### Zoning of Osprey Reef:

- The reduction in the National Park Zone from zoning previously proposed is not acceptable and will impact on tourism value.
- The proposed zoning will impact on commercial fishing in the North of Osprey Reef, and zoning should be revised.
- Proposed zoning will impact on dive tourism operators in the south of Osprey Reef including False Entrance.
- A Shark Protection Area should be declared for the whole of Osprey Reef.
- Commercial fishers and charter fishers need to fish while sheltering from inclement weather around Osprey Reef.
- Supported moorings being used at Osprey to protect habitat.
- The National Park Zone should be increased to cover all of Osprey Reef.

#### Zoning of Marion Reef:

- Given the natural values of Marion Reef, the National Park Zone should be extended across all of Marion Reef.
- The proposed zoning will impact on charter fishing in the North of Marion Reef, and the National Park Zone should be moved to the south.
- Supported the proposed National Park Zone.

#### Zoning of Shark, Vema, Moore, Diane Bank, Willis Islets, Holmes, Tegrosse, North Flinders, South Flinders, Saumerez, Frederick, Cato, Wreck Reefs:

- The reduction in National Park Zone and loss of protection over reefs is not acceptable, in particular Shark, Vema, west Holmes and south Flinders reefs.
- Key reefs are important and of benefit as tourism assets.
- Expressed concern about impacts of the proposed zoning on commercial fishing.
- Supported the proposed zoning.
- The National Park Zone should be increased to cover all of Shark and Vema reefs.

#### Zoning of Ashmore, Bougainville, Lihou, Kenn, Coringa-Herald Reefs:

- National Park Zones should be decreased over Bougainville, Kenn, Melish Reefs, in light of their importance for commercial, recreational and charter fishing.
- The National Park Zone around Bougainville Reef should be expanded by five nautical miles, as a buffer.
- Bougainville, Kenn and Mellish Reef should remain open to limited recreational fishing (including spearfishing).
- Supported moorings being used at Bougainville.

- Supported the Coringa-Herald/Lihou zoning and proposed Sanctuary Zones.
- There should be Sanctuary Zones at Coringa-Herald/Lihou.

### **Director's views**

I note the various comments raised in relation to zoning of the Coral Sea and on the zoning of specific sea. I note the concerns in relation to protection of habitats and species, which are clearly important to people; the area of National Park Zone; and the impacts of trawling and fishing. I also acknowledge the comments supporting access for commercial fishing and tourism.

Marine park management is a balance. In the Coral Sea, this meant balancing protecting significant habitats and species with enabling people to use and enjoy the marine park.

The Coral Sea contains reefs, bioregions, and biologically important areas for marine species such as turtles, seabirds, whale sharks and humpback whales. National Park and Habitat Protection Zones have been carefully placed to protect these features where possible, while minimising impacts on important human activities.

The reduction of National Park Zone from the level proposed at the time of proclaiming the park is largely due to a reduction of the very large area of this zone in the Coral Sea that is several hundred kilometres offshore and in waters of several kilometres deep. Zoning this area as Habitat Protection Zone, rather than National Park Zone will allow for current and future pelagic fishing, something that is well managed and is not expected to impact on the important seafloor and benthic features of this area.

Impacts on commercial fishers, who rely on parts of the Coral Sea for their businesses and livelihoods, have been minimised. The zoning in the management plan allows for the Eastern tuna and billfish fishery, the Coral Sea fishery and the future development of the Queensland trawl fishery targeting deep water prawns in the South-west of the Coral Sea.

Wherever possible, recreational fishing has been allowed, to ensure people can enjoy the Coral Sea. Nature watching, dive and snorkel tourism is allowed, subject to assessment and authorisation, at Bouganville, Kenn, Osprey, Coringa-Herald and Lihou Reefs, not only to enable people to enjoy the Coral Sea, but also to support jobs in the tourism industry.

With the Great Barrier Reef adjacent to the Coral Sea, it was important to try to be consistent across the boundary between these marine parks, including by extending National Park Zones into the north and south of the Coral Sea Marine Park.

I have carefully considered the comments about zoning of the Coral Sea Marine Park. For most of the Coral Sea, I am satisfied that the zoning reflects an appropriate balance between the protection of marine habitats and species, and ecologically sustainable use.

I acknowledge the range of comments seeking greater protection of conservation values of Osprey Reef. Commercial and charter fishing operators commented that the zoning we proposed in the draft plan would have an impact on their operations. Dive tourism operators were concerned that the proposed zoning would impact on their operations and the ability of people to enjoy the reef.

In response to these comments, I have increased the National Park Zone at Osprey Reef to fully cover the reef. This will protect the reef habitat and species which in turn, when managed carefully, should benefit the establishment and promotion of a new world class ecotourism dive location for the Coral Sea.

To minimise the impacts of this change on charter fishing operators and recreational fishers, I have also amended the zoning to include Habitat Protection Zone (Reefs) at nearby Bougainville. This will enable recreational fishers and charter fishing operators to anchor and fish at some sheltered reef habitats in the north-east of this reef.

I have also included a Habitat Protection Zone (Reefs) at Kenn Reefs to enable recreational fishers and charter fishing operators to anchor and fish at some sheltered reef habitats and in deeper water in the south-east.

## **5.4 COMMENTS ABOUT PART 4 OF THE PLAN**

### **5.4.1 COMMENTS ABOUT GENERAL USE AND ACCESS PRESCRIPTIONS**

The following comments were received on the general use and access prescriptions:

- Supported the use of marine parks for recreation (non-fishing, nature watching, sailing, boating etc).
- Anchoring and vessel speed should be restricted for recreational users.
- Cultural fishing cannot be considered to be non-commercial in all cases and plans need to provide cultural fishers rights to customary harvest.
- The use of modern fishing equipment cannot be classed as traditional hunting or used to hunt dugong and turtles.
- Concerned about ballast water exchange, sewage and other vessel waste disposal, particularly in or near National Park or Habitat Protection Zones, because of the threats to the environment and biosecurity, such as from invasive species.
- Need more information about the use of drones for environmental surveys and monitoring in response to oil spills.

#### **Director's views**

I note the comments made about this section, particularly in relation to recreational use of marine parks, customary harvest, and concern about activities like ballast water discharge and drones. Relatively minor amendments have been made to this section to improve clarity.

Australian Marine Parks are intended for people to enjoy. Recreational uses, such as diving, snorkelling, sailing, boating and nature watching are low impact and are allowed across marine parks. In light of the limited access and impacts of these recreational uses in Australian Marine Parks, restrictions on their anchoring and vessel speed are not considered necessary.

The comments in relation to customary harvest are noted. While the Director of National Parks has a statutory role in managing Australian Marine Parks, this does not override Aboriginal and Torres Strait Islanders' traditional use and native title rights. The EPBC Act, under which management plans are made, does not affect the operation of the *Native Title Act 1993* or the *Aboriginal Land Rights (Northern Territory) Act 1976*. Both of these Acts preserve rights to traditional use of land and waters. Section 359A of the EPBC Act also provides that Commonwealth reserves, including marine parks, do not prevent Indigenous persons from undertaking non-commercial hunting or food gathering or using the reserves for ceremonial and religious purposes.

While the plans will allow for the discharge of ballast water and disposal of waste from vessels, it should be noted that these must be conducted in accordance with the requirements of the international Convention for the Prevention of Pollution from Ships (MARPOL) and the Australian ballast water management arrangements. These are implemented by the Australian Maritime Safety Authority and



state and territory governments. They place very stringent requirements on discharge of ballast and disposal of waste, including that ballast should not normally be discharged less than 12 nautical miles from the nearest land, and in water less than 50 metres deep and where possible, should be discharged more than 200 nautical miles from the nearest land and in water greater than 200 metres deep.

To clarify requirements in relation to ballast water and disposal of water, amendments have been made to the plan. This includes clarifying that under this plan, waste from normal operations of vessels must be compliant with requirements under the MARPOL, and the International Maritime Organisation (IMO) convention covering prevention of pollution of the marine environment by ships from operational or accidental causes, and that ballast water discharge and exchange must be compliant with Australian ballast water requirements. A definition of MARPOL has also been included in the glossary.

The provisions in the plans allow for the use of non-commercial remote piloted aircraft, given the increasing use of drones for research and monitoring, in tourism activities and to take photographs and footage. However, people wishing to use these will need to apply and Parks Australia will carefully consider the potential impacts on marine species before issuing a permit, approval or licence.

#### **5.4.2 COMMENTS ABOUT COMMERCIAL SHIPPING PRESCRIPTIONS**

The following comments were received on the commercial shipping prescriptions:

- There has been significant growth in shipping traffic, and there may be impacts of ships transiting and anchoring on marine species and habitats.
- Ships need to anchor in marine parks and Habitat Protection Zones at times. There needs to be anchoring areas determined to ensure protection of pipelines and cables that will be allowed in these zones.

#### ***Director's views***

I note some people's concerns about commercial shipping in marine parks and the potential impacts of this.

Commercial shipping and the potential for ship strike or spills is a pressure in Australian Marine Parks. Parks Australia will carefully consider the best location for anchorages for commercial ships to minimise impacts on the natural values in marine parks. Australia is party to a number of international agreements including the International Convention for the Prevention of Pollution from Ships (MARPOL) and has a number of national policies relevant to shipping including the National Plan to Combat Pollution of the Sea by Oil and the Australian Ballast Water Management Requirements. The Director will continue to work with shipping management and primary response agencies (such as the Australian Maritime Safety Authority) to assist with the prevention of and response to incidents.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial ships to anchor while minimising environmental impacts. To clarify requirements in relation to anchoring of commercial ships in marine parks, some minor amendments have been made to the plan, including the following note: "This Section does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress."

#### 5.4.3 COMMENTS ABOUT COMMERCIAL FISHING PRESCRIPTIONS

The following comments were received on the commercial fishing prescriptions:

##### Allowed gear types and locations:

- Concerned about the impact of commercial fishing, in particular trawling, gillnetting, drop-lining, trapping, potting, longlining, purse-seining and super trawlers (mid-water trawl) and suggested not allowing certain activities or gear types in certain zones.
- Concerned about the impacts of fishing in specific marine parks.
- Need complementary management arrangements between Australian Marine Parks and state and territory marine parks.

##### Compliance:

- Sceptical about ability to ensure compliance with the prescriptions.
- Enforcement should include a warning to fishers operating just inside protection zones.
- Supported vessel monitoring systems, and proposed extension of this to all vessels.
- Concerned about vessel monitoring systems and burden on smaller scale fisheries.
- Need further engagement on the requirement for vessel monitoring systems.

##### Fishing gear risk assessments:

- Disagreed with the findings of previous fishing gear risk assessments.
- Government ignored the findings of fishing gear risk assessments.
- Fishing gear risk assessments findings were not equally applied.
- Concerned about the validity of future gear assessment processes.
- Plans should reference a National Fishing Gear Risk Assessment Framework to ensure explicit review and assessment of allowed activities based on clear, transparent process and science.
- Supported future assessment and approval of fishing technologies.

##### Anchoring and transiting:

- Commercial fishing vessels need to anchor in National Park Zones - the Director needs to quickly determine appropriate anchoring areas.
- Fishing gear should be stowed and secured at all times when fishers are transiting or anchoring in a zone in which they are not permitted to operate.
- Stowing fishing gear while anchored or in transit during rough weather may create safety issues.
- Fishing gear cannot always be stowed out of site, lines out of the water should be adequate.
- More clarity in instructions to fisheries managers and anglers is needed about stowing and securing fishing gear.
- Supportive of allowing towing of commercial aquaculture cages in National Park Zones.

##### Approvals and authorisations:

- Activity tables in the plans should be amended from saying that commercial fishing is allowable (A) and requires authorisation, to say it is allowed (tick) with a footnote to indicate that the EPBC Act requires an approval to be put in place.
- There needs to be consultation, transparency and input about permits and class approvals.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.
- High impact extractive activity should be subject to a 12 month 'renewable upon review' condition, not five year as proposed.
- Class approvals cannot remove pre-existing rights and authorisations (to fishing grounds, seasonal access, gear types) which would devalue business.

- Any restrictions to grounds or gear (under the proposed conditions of a class approval) should be subject to scrutiny by state agencies and require mandatory co-signature between Commonwealth and state Ministers.

### ***Director's views***

#### Allowed gear types and locations:

I note the concerns raised about allowing commercial fishing in marine parks, the impact of commercial fishing, and of particular gear types. I also acknowledge that many submissions, particularly from the fishing industry, expressed concern about the impacts that restrictions on commercial fishing would have on their livelihoods.

I believe that it is possible to achieve strong conservation outcomes, while allowing fishing in marine parks. The careful placement of zones and consideration of gear types allowable in zones, will achieve an appropriate balance for marine parks.

Commercial fishing supports jobs in the fishing industry, boosts the economy of regional communities, and puts seafood on the plates of Australians.

I acknowledge that commercial fishing may create impacts on marine environments. Rigorous compliance and enforcement will be implemented in Australian Marine Parks to ensure users understand and comply with management arrangements.

#### Compliance:

I note concerns raised about how I will ensure compliance with the rules. I consider it is vitally important to achieve effective and efficient compliance in marine parks.

Australia is a world leader in environmental regulation. Parks Australia will implement rigorous compliance and enforcement in Australian Marine Parks to ensure users, including commercial fishers, understand and comply with management arrangements. This will include Parks Australia collaborating with industry to investigate innovative technologies and systems - including vessel monitoring systems - that can assist marine users to follow the rules in marine parks.

I note that some people supported the use of vessel monitoring systems, while others expressed concern about the burden of implementing this technology.

Vessel monitoring systems are recognised globally as a valuable tool for spatially-based management of the marine environment and have been widely implemented around the world. The Australian Fisheries Management Authority already requires operators accessing Commonwealth fisheries to have vessel monitoring systems. Vessel monitoring systems, which use an alert service to tell fishers when they are entering a zone where their fishing method is not allowed, have proven to be effective in assisting businesses and individuals to comply with marine park zones. The fishing industry will be consulted before any new requirements for vessel monitoring systems are implemented.

#### Fishing gear risk assessments:

There were a number of comments about previous fishing gear risk assessments and the proposal to assess new gear types and technologies as the plan is implemented and new information becomes available.

The issue of what fishing activities can be undertaken in zones has been extensively canvassed through previous consultation and considered subsequently in decision-making in establishing the draft plans. Fishing gear risk assessments were undertaken early in the process of designing Australian Marine Parks. They were one input into designing management plans, but there were other considerations, such as minimising the economic and social impacts of the marine parks. Since 2010 when the assessments were undertaken, our understanding of fisheries impacts has progressed.

I acknowledge that fishing technologies will change over the next decade, and our understanding of marine parks and impacts on them will improve over time. I am committed to adaptive management and will establish an efficient and effective process to assess new technologies and gear types to allow for the use of new equipment during the life of the plan if appropriate.

#### Anchoring and transiting:

I acknowledge the concerns raised about not being allowed to anchor in certain areas, and about the rules for stowing fishing gear while transiting and anchoring.

The plan has been amended to clarify where anchoring and vessel transit is allowed, and that the plan does not prevent stopping and anchoring outside a determined anchoring area in circumstances of force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

I intend to identify and designate appropriate locations in relevant marine parks to allow commercial fishers to anchor, to minimise impacts on the natural values in marine parks.

#### Approvals and authorisations:

There appeared to be some confusion about how class approvals will work and whether these will increase the burden on commercial fishers. That is not my intention. I place a high priority on minimising regulatory burden on users of marine parks. I believe that class approvals represent the most efficient and low impact way of discharging my responsibilities under law to authorise commercial fishing activities.

Under the EPBC Act, commercial activities are prohibited in marine parks unless authorised by the Director of National Parks. One way to authorise commercial activities is to issue a class approval. Class approvals authorise a specified class of activities by a specified person or class of persons where the activities are generally done in the same way by all persons conducting the activity. Class approvals will be subject to conditions specifying where in Australian Marine Parks these activities can occur, as well as the methods that may be used, reflecting the rules set out in the management plans.

Class approvals will minimise red tape, costs or administrative overheads. For example, a class approval for commercial fishing will mean that commercial fishers who hold an existing Commonwealth or state government fishing concession will generally not require an individual permit or individual licence and will not have to apply or pay any new or additional fees to operate in Australian Marine Parks.

Class approvals will be developed for Australian Marine Parks in consultation with industry representatives, in time to come into effect with the final management plans.

### **5.4.4 COMMENTS ABOUT COMMERCIAL AQUACULTURE PRESCRIPTIONS**

The following comments were received on the commercial aquaculture prescriptions:

- Supported allowing commercial aquaculture in marine parks.
- Aquaculture has a number of impacts and should be prohibited.
- Input, transparency and consultation with governments and industry is required in developing permits and class approvals.
- References to specific legislation in different states are incorrect.

#### **Director's views**

I note the comments about commercial aquaculture.

Commercial aquaculture is an important industry in some parts of Australia, supporting jobs in regional communities.

I welcome the additional information with respect to legislation and have amended the plans as suggested.

#### **5.4.5 COMMENTS ABOUT COMMERCIAL MEDIA PRESCRIPTIONS**

The following comments were received on the commercial media prescriptions:

- Commercial news and television journalists should not have to seek approval for 'day-to-day news' and there should not be any restrictions when in marine parks.

#### **Director's views**

I support commercial media accessing marine parks to increase public awareness of their values, pressures affecting parks and to report any news-worthy items. However, to ensure I understand the incidence and impacts of the use of marine parks, and for safety, I think it is sensible that commercial media should notify and work with Parks Australia to manage these activities. It is not intended that restrictions would normally be placed on media, except where their activities may impact important species or habitats.

#### **5.4.6 COMMENTS ABOUT COMMERCIAL TOURISM PRESCRIPTIONS**

The following comments were received on the commercial tourism prescriptions:

- Supported tourism (charter boat) operators receiving permits to continue their operations.
- There should be different classes for non-extractive and extractive tourism, (separate from recreational fishing), given that these activities have different impacts.
- Unclear whether class approvals would apply or whether permits would need to be sought for commercial tourism.

#### **Director's views**

I note the comments about commercial tourism and welcome the support for tourism in marine parks. Offering world-class natural and cultural experiences and enhancing Australia's visitor economy is one of Parks Australia's corporate goals.

Australian Marine Parks provide exciting and interesting destinations for visitors. The plans set out where different tourism activities can occur – for example, National Park Zones to enjoy diving, snorkelling and nature watching and other zones where charter fishing is allowed.

Over the coming months, Parks Australia will work with the tourism industry to determine the most appropriate mechanisms for authorising different commercial tourism activities in different zones of marine parks. Applications to conduct tourism operations in marine parks will be carefully considered in terms of the potential impacts to natural values and significant species, with conditions applied where appropriate.

#### **5.4.7 COMMENTS ABOUT RECREATIONAL FISHING PRESCRIPTIONS**

The following comments were received on the recreational fishing prescriptions:

- Supported the approach to management of recreational fishing in marine parks, equal treatment of gear types and allowing recreational fishing in most zone types.
- Recreational fishing should be allowed in National Park Zones.
- Recreational fishing has not been allowed in some areas based on inappropriate science.
- Different types of recreational fishing could be allowed in different areas.
- Spearfishing should be prohibited in some parks.
- Spearfishing should be allowed in some parks.
- Recreational fishers should need a licence or permit.
- Anchoring by recreational fishers should be allowed.
- Concerned that anchoring by recreational fishers is not allowed.
- Concerned about how marine park zones will be identified by recreational fishers.
- Supported good fisheries management.

#### **Director's views**

I note the high level of interest in recreational fishing in marine parks and the support for the proposed zoning, which enables recreational fishing to occur across much of the estate and in 97 per cent of Commonwealth waters within 100 km of the coast.

Despite comments received, recreational fishing will not be allowed in National Park or Sanctuary Zones. There is clear scientific evidence from around the world about the ecological benefits of no-take areas, and that you can catch more and bigger fish when you have no-take areas nearby.

It should be noted that recreational fishers will be able to anchor in Australian Marine Parks. The plans have been amended to improve clarity about the rules for anchoring and transiting.

A permit to fish recreationally is not required in Australian Marine Parks. Fishers in Australian Marine Parks will need to continue to comply with the relevant state and territory fishing rules and regulations.

Parks Australia will work with recreational fishers and park users over the life of the plan to improve understanding about where recreational fishing is allowed.

#### **5.4.8 COMMENTS ABOUT MINING PRESCRIPTIONS**

The following comments were received on the mining prescriptions:

- Mining, oil and gas extraction and/or shipping should be prohibited in marine parks.
- Further information is required on existing usage rights and mining operations already in place.
- Habitat Protection Zones should prohibit mining infrastructure and pipelines.



- Construction and operation of pipelines should be allowed in marine parks, subject to assessment.
- Supported utilising NOPSEMA authorisation process, as the oil and gas industry is already subject to stringent and rigorous environmental regulation.
- Class approvals should be issued for low-risk activities that do not require other assessment by NOPSEMA or under the EPBC Act to ensure that activities that are intended to continue in the marine park zone are not unduly restricted.
- Should maintain prior usage rights/rights to convert to production licences with no new conditions.
- Unintentional operational constraints for mining activities adjacent to marine parks has the potential to erode the value of exploration titles and potentially remove the rights granted to operators by Government.
- The Director of National Parks should provide guidance to titleholders via NOPSEMA as to the expectations of information to be provided and the process for providing this information.
- The Director of National Parks should be notified in the event of an oil pollution event rather than requiring Director of National Parks authorisation prior to initiating spill response.

#### **Director's views**

Mining operations are prohibited in the Coral Sea Marine Park. I note the support for this position.

I also note concerns about duplicating processes to assess and approve mining with other agencies in other marine parks.

#### **5.4.9 COMMENTS ABOUT STRUCTURES AND WORKS PRESCRIPTIONS**

The following comments were received on the structures and works prescriptions:

- Structures and works should not be allowed to be constructed in National Park Zones.
- Pipelines should not be allowed in certain areas.
- Artificial reefs and fish aggregating devices should be allowed, including to compensate recreational fishers for any loss of access.
- The Director of National Parks should not need to approve an activity that been assessed under other processes e.g. under EPBC Act, *Environment Protection (Sea Dumping) Act 1981*.
- Need consultation when determining anchoring areas.
- Need clarification about the installation and operation of fibre optic cable to support mining activities, class approvals for existing port infrastructure and activities, and decommissioning of pipelines.
- 'Maintenance' should be separated from 'moorings, excavation and maintenance'. Maintenance should be allowed without the need for a permit, class approval or commercial activity licence or lease issued by the Director.

#### **Director's views**

I note concerns and support for constructing structures and works, including pipelines, artificial reefs and fish aggregating devices, in marine parks.

Proposals to install structures and works, including moorings, artificial reefs and fish aggregating devices will be carefully considered, in terms of compatibility with zone type and zone objectives, potential impacts on natural values and the benefits in terms of visitor safety, research and monitoring or the national interest.

I note concerns raised with respect to streamlining process under the EPBC Act and have amended wording to enable streamlining of these processes, including to increase efficiency and reduce any prospect of regulatory duplication.

I have also made some minor amendments to clarify arrangements for maintenance, excavation and erection of structures and works, as opposed to dredging and disposal of dredged material.

#### **5.4.10 COMMENTS ABOUT PRESCRIPTIONS FOR RESEARCH AND MONITORING ACTIVITIES**

The following comments were received on the research and monitoring prescriptions:

- Supported access to marine parks for research and monitoring, particularly to understand impacts of use.
- Supported research into fishing activities to inform effective management.
- Sought confirmation on whether activities for research and monitoring approved through an EPBC Act referral would also be considered authorised through a class approval, and therefore do not require additional permitting.

#### **Director's views**

These comments were noted, but no changes were required. I strongly support research and monitoring in marine parks to further increase the scientific knowledge base, upon which marine park management rests.

#### **5.4.11 COMMENTS ABOUT PRESCRIPTIONS FOR NATIONAL SECURITY AND EMERGENCY RESPONSE**

The following comments were received on the national security and emergency response prescriptions:

- Concerned about impacts of defence activities on natural values in particular sonar.
- The Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, such as offshore petroleum operators.
- Authorisation of contractors should not be required to undertake emergency responses on behalf of government agencies.

#### **Director's views**

I have taken on board the suggestion that the Director of National Parks should not need to approve non-government marine users that may also respond in a security or emergency situation, by amending the related prescription to authorise to read "Actions by or under the direction of Commonwealth or Commonwealth agencies" may be conducted without authorisation.

#### **5.4.12 COMMENTS ABOUT MAKING DECISIONS AND AUTHORISING ACTIVITIES**

The following comments were received on decision making and authorisation:

- Supported deregulation/reduced regulatory burden or exemption from additional approval where an activity is assessed under other processes (such as the *Environment Protection (Sea Dumping) Act 1981*) or by other agencies.
- Concerned about delegation of Commonwealth authorisation processes to state or territory governments.

- Concerned that the Director of National Parks may make, amend and revoke prohibitions, restrictions and determinations of the EPBC Regulations and the Director may issue a permit for an activity that would otherwise be prohibited by such an instrument.
- Extra conditions may be placed on class approvals for mining, oil and gas, resulting in regulatory creep and an unnecessary regulatory burden on operators.
- Further information is needed about the terminology 'acceptable impacts'.
- Needs to be a formal mechanism for involving traditional owners in authorisations and research permit conditions should require engagement of traditional owners.
- Further information is needed about how approvals will be granted, criteria for assessment and approval.
- The Director should only authorise new activities where they are consistent with the zone objectives.
- Concerned about the Director of National Parks charging fees, and the impact of this on business.
- Supported the Director of National Parks charging fees.

### **Director's views**

I note the comments about these prescriptions, in relation to duplication with other assessment processes, additional conditions being applied to approvals, concern about assessment and approval processes, and support and concern about charging fees.

Parks Australia will continue to seek to streamline, deregulate and simplify assessment and authorisation procedures, including by working with other agencies wherever possible.

I have considered the concerns raised about approvals made under other legislation, such as the *Environment Protection (Sea Dumping) Act 1981* and amended the plans such that class approvals will be issued for activities that have received a permit under the *Environment Protection (Sea Dumping) Act 1981*.

I also note the interest of traditional owners in assessment and authorisation processes. Parks Australia will also consult with Indigenous people and traditional owners to inform them about assessments and authorisations and to understand which activities are of most interest and concern.

Further information about the processes for assessment and approval will be provided when the plans are finalised and implementation commences.

## **5.5 COMMENTS ON THE PLAN'S SCHEDULES**

The following comments were received on the glossary and schedules. Please note, comments about the values outlined in Schedule 2 are discussed in Chapter 5.2 of this report.

### Glossary definitions:

- Unclear about Indigenous Protected Areas.
- Confused about the legislation applying to pollution from ships.
- Several terms are used when referring to a Marine National Park Zone, including 'no-take', 'IUCN category II' and 'green zone'.

### Schedules:

- There are incorrect references to fisheries legislation in some plans.
- Need to acknowledge international fishing agreements where they relate to marine parks.
- Suggested an amendment to clearly articulate how plans will interact with the statutory requirements of the EPBC Act and *Environment Protection (Sea Dumping) Act 1981* in Schedule 1.
- Plans are inconsistent with Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making.
- Bioregions need to be described at different scales.

### **Director's views**

#### Glossary:

In light of some confusion about definitions, the glossary has been amended to add definitions for commercial pearling, Commonwealth marine reserve, Indigenous protected area, MARPOL and traditional owners. Clarifications have also been made to definitions of Australian Marine Parks, recreational fishing and transit.

#### Schedules:

I note the comments about a need to correct legislation descriptions. I have amended Schedule 1 as suggested, where required, to reference the correct fisheries legislation in each plan.

Amendments have been made to the plans in relation to clarify process when assessment is required under the EPBC Act and *Environment Protection (Sea Dumping) Act 1981*. These were outlined in the previous section.

I note the concerns about inconsistency with elements of Schedule 8 of the EPBC Regulations - the precautionary principle, ecologically sustainable use or transparency of decision making. However, I am confident that the plans are consistent with the regulations.

I note the comment about bioregions. The bioregions outlined in plans were those used in the design of all Australian Marine Parks.

## **6 GENERAL COMMENTS ON THE DRAFT PLAN**

This chapter summarises the general comments received in relation to the draft plan. Comments that relate to specific parts of the draft plan are addressed in Chapter 5 of this report.

The following general comments were received on the management plans, or marine park management:

#### Support:

- Supported the management plans and the balanced and scientific approach for the parks.
- Supported a national network of marine parks.
- Did not support the management plans.

#### Independent review:

- Management plans have not adopted the recommendations of the *Independent Review of Commonwealth Marine Reserves*.

- Supported the findings of the review in specific parks.
- Disappointed the review did not consider outer boundaries of marine parks.
- Rejected findings or statements made by the review, such as about consultation on zoning, reducing protection on the shelf and upper slope, Eighty Mile Beach Marine Park, Roebuck Marine Park and impacts of recreational fishing.
- Disagreed with the findings of the review in relation to the extension of marine parks and uncertainty for commercial fishers.

#### Design:

- Did not support government reducing or removing marine parks.
- Area of marine parks should be increased, marine park boundaries increased or new marine parks declared.
- Given natural values of areas outside of marine parks, these areas should be included in marine parks.
- Australian Marine Parks should be adjacent to state marine parks.
- Marine parks can't protect the marine environment or pelagic and migratory species.
- Marine park boundaries should be based on science data and recommendations, particularly connectivity and spacing.
- Did not support specific marine parks.

#### Resourcing:

- Government needs to commit adequate resources for marine park management to implement the plans.
- Levies should not be placed on the commercial fishing industry and other users to cover costs of marine park management.
- Insufficient funds are available for fisheries adjustment and implementation of management plans.
- Parks Australia should work with other programs, such as the National Landcare Program, to get best outcomes for marine parks from investment.
- Fundraising would fund better outcomes.
- Funding is needed for regular scientific monitoring, including of key ecological features.
- Resources should be allocated to both habitat mapping and taxonomic identification.

#### International:

- There should be greater focus on protection further offshore and work with international governments, due to concerns about foreign fishing.
- Concerned about Australia's international reputation.
- Australia should follow recent recreational fishing allocation in the United States marine park network.

#### Policy and scientific basis:

- Questioned the policy and scientific basis for the management plans.
- There is a lack of scientific evidence for the benefits of Marine National Park Zones.
- There is a lack of evidence regarding economic impacts on commercial fishers.
- Concerned about Australian Fisheries Management Authority Ecological Risk Management.
- Benefits of marine parks and sustainable practices should be included in social / economic analysis.
- There has been a lack of consideration given to turtle habitats, and this presents a clear scientific error.

#### Concern for the marine environment:

- Concerned about the marine environment, in the face of threats and pressures, including the need to manage terrestrial runoff.
- Need to manage the environment for future generations.
- Questioned the ability of government to deliver environmental outcomes.
- Called for the Coral Sea Marine Park to be declared a National Heritage site.

#### Fisheries adjustment:

- Noted Government's commitment to fair and reasonable adjustment assistance.
- Important to provide adequate resources to enable commercial fishers who have been affected by the management plans to adjust.
- Important to clearly define a process of assessing and managing displaced effort, including prospective fishing rights.
- Requested detail on the proposed assistance.
- Queried whether assistance will apply to vessel monitoring systems.
- Government does not have the resources that will be required for assistance.
- Full compensation should occur prior to being excluded from fishing grounds and funding should be provided assist in applying.
- There will be a direct and continual impact of commercial fishers' livelihoods due to loss of grounds and impact on license values and assets.
- The economic viability of regional coastal communities including harbours will be impacted, with the flow on impacts from the parks.
- Compensation is required for recreational fishers for loss of access e.g. installation of infrastructure (moorings, FADs, artificial reefs).

#### Consultation:

- Supported the consultation process on draft management plans.
- Suggested additional consultation.
- There was not sufficient opportunity to understand and comment on the proposed arrangements.
- Submissions from previous consultation were ignored or not taken into account.
- All submissions should be treated equally.
- Submissions from direct users should be given greater weighting.
- Supported the renaming of marine parks.
- Significant negotiations undertaken with the commercial fishing industry will be undermined by the class approvals process.

#### Business certainty:

- Concerned about the impacts of marine parks on local economy.
- Need to finalise plans as soon as possible.
- It has taken too long to establish management plans.
- Welcomed the business certainty that finalised plans will provide.
- Planning process has impacted business growth.
- Sought security of access to fishing grounds providing business certainty moving forward.
- Class approvals process provides no certainty for commercial fishers.

#### Not related to management plans:

- Commented on the Australian Government, elected officials and staff of Parks Australia.
- Commented on Australia's energy supply.
- Commercial fishing should be banned and recreational fishing be allowed in lakes and tributaries.
- Key coastal communities adjacent to Australian Marine Parks should be protected from mining.



### ***Director's views***

I note the additional comments that I received that provided general feedback, commented on issues relating to plan consultation or implementation, or that were not related to the text in the draft plans. My position on these comments is detailed below. Many of these comments could not be addressed through amendments to plans, but will be taken into account by Parks Australia as the plans are implemented.

#### Support:

The comments in relation to support are noted.

#### Independent review:

I note the comments about the independent review and concerns that the recommendations of the review have not been adopted in full.

Prior to preparing management plans, the Government commissioned the *Independent Review of Commonwealth Marine Reserves*. The review comprised an expert scientific panel and five bioregional advisory panels. The review involved extensive consultation, including regional meetings and a submissions process.

I found the review's recommendations an important and extremely helpful input to the draft management plans. But feedback received during public consultations on plans and related discussions with stakeholders demonstrated that the review's recommendations had not resolved all stakeholder concerns. More work needed to be done to implement a balanced approach to managing our marine parks that protects marine biodiversity and health, and also enables sustainable use and access.

Review-recommended zoning has been adopted in full or in large part for the majority marine parks. Where the review's zoning proposals were not incorporated in the plans, it was because the impact on users, such as fishers, was too great, inconsistent with the Government's policy on sustainable fishing.

#### Design:

A large number of submissions expressed concern about reducing the area or changing the boundaries of Australian Marine Parks. There appeared to be confusion about the intentions of the Australian Government and the purpose of the management plans.

Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). The Australian Government remains committed to the National Representative System of Marine Protected Areas. The management plans do not propose to increase, change the boundaries of, or decrease marine parks in Australian waters. They do, however, outline zoning within marine parks. The comments received in relation to zoning within marine parks, and my views on these were discussed earlier in this report.

#### Resourcing:

I agree with comments that appropriate resourcing will be important to the management of marine parks.

The Government committed \$56.1 million over four years to establishing and managing marine parks. This will support commercial fishers directly affected by marine park management; support increased engagement of marine users in the management of marine parks; establish systems to manage the nation's marine parks; and enable scientific research and monitoring to better understand marine parks.

Actions within the plan will, of necessity, be prioritised according to available resources. Establishing effective partnerships will be critical to effective implementation of the plans. Parks Australia will work with other agencies and funding programs to ensure maximum benefits arise for marine parks from Government investment.

International:

I agree that international cooperation is important to managing marine parks and am committed to consulting closely with other governments to deliver complementary and effective management of marine parks. This includes to combat the threat and impacts of illegal fishing.

In response to concerns about Australia's reputation, I note that implementation of the plans as proposed would reconfirm Australia's place at the absolute forefront of marine protection. Australia has the second largest area of marine protected areas in the world (3.3 million km<sup>2</sup>). With 36 per cent of Australia's waters included in marine parks, we are well ahead of both the international benchmark 'Aichi target' of 10 per cent by 2020, and a recent World Conservation Congress resolution calling for 30 per cent by 2030.

Policy and scientific basis:

I acknowledge comments about the policy and scientific basis for marine parks and the plans.

The policy basis for marine parks lies in the commitment of all Australian governments in 1998, derived from Australia's obligations under the Convention on Biological Diversity, to establish the National Representative System of Marine Protected Areas. It has been elaborated on through other policies developed since that time, including the 2013 *Policy for a more competitive and sustainable fisheries sector*.

The scientific basis for Australian Marine Parks is a wide body of advice and scientific literature, that demonstrates that the establishment and effective management of marine protected areas plays an important role in the conservation of biodiversity, the health and resilience of marine habitats and ecosystems, and the life they support. This in turn benefits society through the provision of a range of ecosystem services and supporting use of marine environments and resources.

The independent review's expert scientific panel confirmed that the science that underpins the establishment of our marine parks is sound and that network design draws on the best available scientific information.

Management plans are based on the best scientific information available, best practice management, and many years of bioregional planning. In recognition of scientific evidence about the importance of no-take areas to ecosystem health and biodiversity, no-take areas have been maintained over large parts of marine parks. In preparing plans, information about the location of conservation features (like canyons, seamounts and reefs) was reviewed, and as many of these features as possible are covered under no-take areas.

Advice about the socio-economic values and uses of marine parks was also considered and impacts on industries and users minimised whenever possible.

Concern for the marine environment:

It is clear from the comments received that Australians love the marine environment. I am confident that these plans appropriately balance the need to protect these special places, with enabling people to use and enjoy them for years to come.

National Heritage listing is outside the scope of this process or the plans.

Fisheries adjustment:

I note comments about assistance for commercial fishers to adjust to the arrangements outlined in these plans. I also note that the plans will have a significantly reduced impact on commercial fishers compared to those proposed in 2013.

The Government is committed to providing fair and reasonable assistance to those commercial fishers who are directly affected by the new management arrangements for marine parks. The Government will assess the need for assistance when it finalises management plans. Any adjustment assistance program will be developed in consultation with the fishing sector. Any adjustment assistance program will be guided by the Australian Government's Fisheries Adjustment Policy and delivered collaboratively by Parks Australia and the Department of Agriculture.

Consultation:

I note the comments about consultation in developing the plans and concerns about whether submissions received through various consultations have been adequately considered.

I consider that the plans have benefitted from and been informed by an exceptionally high degree of community consultation and engagement. I would like to express my thanks to the many Australians who have taken the time to submit comments through public consultation processes – these have been invaluable in finalising the plans.

The *Independent Review of Commonwealth Marine Reserves* also involved extensive consultation, including regional meetings, a submissions process and an expert scientific forum.

Chapter 3 of this report outlines the extensive public consultation processes to develop these plans, including the number of submissions received and considered. All comments received through these process were carefully considered in the finalisation of management plans. All comments received were equally weighted.

The consultation process outlined went above and beyond the statutory requirements under the EPBC Act.

Between 21 July and 20 September 2017, the Director also consulted on a proposal to rename marine reserves to marine parks. This was a separate process and is outlined in a separate report.

The release of final management plans does not signal the end of consultation and engagement on Australia Marine Parks. Management plans provide for ongoing engagement with parks users, traditional owners, Indigenous people and the community about marine parks, and for the negotiation of approvals, including class approvals, with park users.

Business certainty:

I acknowledge the need for certainty for people who rely on Australian Marine Parks for their livelihoods, and have endeavoured to finalise management plans as quickly as possible.

Not related to management plans:

These comments are not addressed as they are outside the scope of the management plans.

Coral Sea Marine Park IUCN categories, zones and Australian IUCN reserve management principles

**Coral Sea Marine Park zoning and marine park management categories**

Marine park name	IUCN category	Zone name and IUCN category			
		Special Purpose Zone (Trawl) (VI)	Habitat Protection Zone (IV)	Habitat Protection Zone (Reefs) (IV)	National Park Zone (II)
Coral Sea	IV	✓	✓	✓	✓

**Coral Sea Marine Park IUCN categories**

<p><b>Special Purpose Zone (IUCN category VI)</b>—managed to allow specific activities though special purpose management arrangements while conserving ecosystems, habitats and native species. The zone allows or prohibits specific activities.</p>
<p><b>Habitat Protection Zone (IUCN category IV)</b>—managed to allow activities that do not harm or cause destruction to seafloor habitats while conserving ecosystems, habitats and native species in as natural a state as possible.</p>
<p><b>National Park Zone (IUCN category II)</b>—managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities, unless authorised for research and monitoring.</p>

**Australian IUCN categories and management principles**

The International Union for the Conservation of Nature (IUCN) sets out guidelines for categorising protected areas, which Australia and many other countries have adopted as a national standard. The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the categories identified by the IUCN:

1. strict nature reserve (category Ia);
2. wilderness area (category Ib);
3. national park (category II);
4. natural monument (category III);
5. habitat/species management area (category IV);
6. protected landscape/seascape (category V); or
7. managed resource protected area (category VI).

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations and set out below:

### *General administrative principles*

Part 1 of Schedule 8 of the EPBC Regulations sets out general administrative principles applicable to all Commonwealth reserves. These principles underpin management approaches with regard to:

1. community participation;
2. effective and adaptive management;
3. the precautionary principle;
4. minimising impacts;
5. ecologically sustainable use;
6. transparency of decision-making; and
7. joint management.

### ***Principles for each IUCN category represented in the Coral Sea Marine Park***

Part 2 of Schedule 8 of the EPBC Regulations sets out the management principles applicable to each category in the Coral Sea Marine Park. The principles provide guidance on the purposes for which an area should be used and the general types of activities that may be conducted. They underpin decisions and prescriptions for each IUCN category.

#### **1. Strict nature reserve (IUCN category Ia)**

- 1.01 The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles.
- 1.02 Habitats, ecosystems and native species should be conserved in as undisturbed a state as possible.
- 1.03 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.04 Established ecological processes should be maintained.
- 1.05 Structural landscape features or rock exposures should be safeguarded.
- 1.06 Examples of the natural environment should be secured for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded.
- 1.07 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.08 Public access should be limited to the extent it is consistent with these principles.

#### **3. National park (IUCN category II)**

- 3.01 The reserve or zone should be protected and managed to preserve its natural condition according to the following principles.
- 3.02 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 3.03 Representative examples of physiographic regions, biotic communities, genetic resources and native species should be perpetuated in as natural a state as possible to provide ecological stability and diversity.
- 3.04 Visitor use should be managed for inspirational, educational, cultural and recreational



purposes at a level that will maintain the reserve or zone in a natural or near-natural state.

3.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.

3.06 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.

3.07 The needs of Indigenous people should be taken into account, including subsistence resource use, to the extent that they do not conflict with these principles.

3.08 The aspirations of traditional owners of land within the reserve or zone, their continuing land management practices, the protection and maintenance of cultural heritage and the benefit the traditional owners derive from enterprises, established in the reserve or zone, consistent with these principles should be recognised and taken into account.

## **5. Habitat/species management area (IUCN category IV)**

5.01 The reserve or zone should be managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of collections or specific species based on the following principles.

5.02 Habitat conditions necessary to protect significant species, groups or collections of species, biotic communities or physical features of the environment should be secured and maintained, if necessary through specific human manipulation.

5.03 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.

5.04 The reserve or zone may be developed for public education and appreciation of the characteristics of habitats, species or collections, and of the work of wildlife management.

5.05 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur. People with rights or interests in the reserve or zone should be entitled to benefits derived from activities in the reserve or zone that are consistent with these principles.

5.06 If the reserve or zone is proclaimed for the purpose of a botanic garden, it should also be managed for the increase of knowledge, appreciation and enjoyment of Australia's plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display.

## **7. Managed resource protected area (IUCN category VI)**

7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.

7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.

7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.

7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

APPROVAL OF THE CORAL SEA MARINE PARK MANAGEMENT PLAN 2018

I, JOSH FRYDENBERG, Minister for the Environment and Energy, acting pursuant to section 370 of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby approve the Coral Sea Marine Park Management Plan 2018.

Dated this ..... day of ....., 2018

Josh Frydenberg  
Minister for the Environment and Energy



# Australian Government

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## Director of National Parks

### EXPLANATORY STATEMENT

*Environment Protection and Biodiversity Conservation Act 1999*

### **Coral Sea Marine Park Management Plan 2018**

#### **Background**

The Coral Sea Marine Park (the Marine Park) encompasses Commonwealth waters offshore from the Great Barrier Reef Marine Park out to the limit of Australia's exclusive economic zone, from Cape York Peninsula to an east-west line approximately 40 kilometres north of Bundaberg in Queensland. The Coral Sea Marine Park is a Commonwealth reserve declared by Proclamation under section 344 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 12 December 2013, as amended by a Proclamation made under section 350 of the Act on 9 October 2017 to change the name of the reserve from "Commonwealth Marine Reserve" to "Marine Park".

Management of the Coral Sea Marine Park is the function of the Director of National Parks (the Director) under the EPBC Act.

The Coral Sea Marine Park was established to protect and maintain marine biodiversity, contribute to the National Representative System of Marine Protected Areas (NRSMPA) and to help ensure the long-term ecological viability of Australia's marine ecosystems. The conservation values that the marine parks help to protect include:

- ecosystems, habitats, communities, species and sea-floor features found within the provincial bioregions of the marine park
- ecological features with high biodiversity value, species richness and endemism
- cultural and heritage values
- a number of species listed as endangered or vulnerable under Commonwealth legislation or international agreements
- habitats important for protected species

#### **Overview of the Legislative instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the Marine Park and other marine parks unless done in accordance with a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows

management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The Coral Sea Marine Park Management Plan also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the Marine Park.

### **Structure and Content of the Management Plan**

The Management Plan consists of two Chapters, each with two parts and five schedules:

- Chapter 1 Introduction includes:
  - *Part 1 Managing Australian Marine Parks* outlines the context and approach to managing marine parks.
  - *Part 2 The Coral Sea Marine Park* provides a summary of the Marine Park including natural, cultural, heritage, social and economic values, and the pressures facing the marine park and the management programs and actions to protect values and manage pressures.
- Chapter 2 Management and prescriptions includes:
  - *Part 3 Zoning* details the International Union for the Conservation of Nature (IUCN) categories assigned to each marine park and zone, and provides zone objectives.
  - *Part 4 Managing activities* provides the rules about what activities can and cannot occur within zones, and outlines the assessment and decision-making processes and the types of authorisations (permits, class approvals, commercial activity licences and leases).
  - *Glossary* lists terms and words used in the plan.
- Five Schedules
  - *Schedule 1 Summary of legislative and policy contexts* includes the legislative and policy context for managing marine parks with respect to the EPBC Act and EPBC Regulations, and other relevant legislation and international agreements.
  - *Schedule 2 Coral Sea Marine Park overview and values* provides a summary of the marine parks as proclaimed, a description of values and a map for each park.
  - *Schedule 3 Environmental features used in design of the Coral Sea Marine Park* describes the environmental features used to identify areas for protection in the marine parks. These include bioregions, depth ranges, seafloor features and key ecological features.
  - *Schedule 4 Coral Sea marine park and zone boundary descriptions* lists the coordinates of each marine park and zone.
  - *Schedule 5 Supporting information* lists references used in preparing this plan.

### **Consultation**

On 5 September 2016, in accordance with Section 368 of the EPBC Act, a Notice of Intent was published in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and placed on the Department of the Environment and Energy's website. The Notice of Intent invited comment on the Director of National Park's proposal to prepare draft management plans for the South-west, North-west, North, Temperate East Networks and the Coral Sea Marine Park. Invitations to comment were also provided to Native Title representative bodies, peak Indigenous representative bodies, Native Title holders, Indigenous research institutions and Indigenous ranger organisations interested in the Marine Park.

This comment period closed on 31 October 2016 with a total of 54 332 submissions received. The comments received were considered in preparing the Draft Management Plan.

The draft Management Plan for the Coral Sea Marine Park was released for public comment on 21 July 2017. As required under the EPBC Act, the Director published a notice inviting comments on the draft Management Plan in the *Australian Government Gazette*, *The Australian* and relevant State circulating newspapers and on the department's website. Copies of the draft Management Plan were made available through the Department's Community Information Unit and on the Department's website. Comments on the draft plan closed on 20 September 2017. A total of 82,877 submissions were received.

The Minister considered all comments received in approving the Management Plan.

### **Regulation Impact Statement**

In accordance with requirements for new regulatory instruments, a Regulatory Impact Statement has been prepared.

### **Period of Operation**

The Management Plan will come into effect on 1 July 2018. It will cease to have effect on 30 June 2028, unless revoked earlier and replaced by a new Management Plan.

### **Legislative Instrument**

The Management Plan is a legislative instrument for the purposes of the *Legislation Act 2003*.



## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Coral Sea Marine Park Management Plan 2018**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

The EPBC Act and associated Regulations prohibit certain activities from occurring in the Marine Park and other marine parks unless done in accordance with a management plan prepared in accordance with Section 368 of the EPBC Act. A management plan is therefore an enabling document. It allows management, recreational and commercial activities to occur that would otherwise be restricted under EPBC legislation.

The Coral Sea Marine Park Management Plan also sets out programs and actions that the Director will implement during the life of the plan to work toward the dual objective of biodiversity conservation and ecologically sustainable use within the Marine Park.

#### **Human Rights Implications**

The Management Plan engages with the following human rights:

##### *Right to self-determination*

Although there is no universally accepted agreement on what is required to meet this right, it is generally accepted that it includes allowing people to pursue their economic, cultural and social development. The Management Plan promotes this right through consultation and consideration of stakeholders' views on their economic, cultural and social aspirations for the Marine Park, and in particular contains the Indigenous engagement program that supports involvement of marine users and Indigenous people in managing the Marine Park.

##### *Right to freedom of movement*

In order to achieve the objectives of the Management Plan it is necessary to restrict some access and uses that may impact on the natural and cultural values in some marine parks. This may involve the right to freedom of movement; however, this is not an absolute right and may be subject to permissible limitations where there is a legitimate objective, in this case the conservation and protection of natural and cultural values into the future, and the response is reasonable, necessary and proportionate. Limitations on access and use of marine parks under the Management Plan are reasonable and considered responses to the potential threats posed to achieving the objectives of the Management Plan.

The Management Plan places some limits on innocent passage through the territorial sea and freedom of navigation through the exclusive economic zone under the United Nations Convention on the Law of the Sea (UNCLOS). The limitations apply to protect the environmental values and habitats of

certain areas and are consistent with Australia's rights and obligations under UNCLOS; and also do not affect vessels responding to circumstances of force majeure or distress (eg. due to extreme weather) or for the purpose of rendering assistance to other persons and vessels in danger or distress.

#### *Right to privacy*

The Management Plan allows the Director in some instances to require users of the Marine Park- to provide information about the activities they conduct within the Marine Park. This potentially includes commercial-in-confidence information such as the location of the activity or number of people undertaking an activity. The right to privacy is not absolute, and any requests for information are used to inform future management arrangements. The information collected will be handled and managed in accordance with the Commonwealth Privacy legislation.

#### *Right to enjoy and benefit from culture*

The right to enjoy and benefit from culture includes allowing people to take part in cultural life and enjoy the benefits of scientific progress. The Management Plan promotes this right by seeking to involve interested stakeholders, the community and Indigenous people in management actions through recognising native title interests and by implementing a number of principles, programs and actions. The Management Plan may limit this right in some instances where proposed activities are not consistent with the primary objective of the Management Plan to protect and conserve biodiversity and other natural and cultural values. However, these instances are expected to be rare, and will be carefully considered prior to a decision being undertaken. Section 8 of the EPBC Act does not affect the operation of the *Native Title Act 1993* including of s.211 of that Act, which allows native title holders to hunt (and undertake other activities) in the exercise of native title rights without a permit or licence.

#### **Conclusion**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* and to the extent that it may limit any human rights, those limitations are reasonable, necessary and proportionate.