

# SOUTH-EAST COMMONWEALTH MARINE RESERVES NETWORK MANAGEMENT PLAN 2013–23



**Australian Government**  

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**Director of National Parks**

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# Foreword

The Proclamation of the South-east Commonwealth Marine Reserves Network (the South-east network) in 2007 was a huge and historic step forward for conservation. Its 14 Commonwealth marine reserves cover approximately 388 464 km<sup>2</sup> and include a diverse range of temperate marine environments, supporting important ecosystems and species, some of which are new to science and found nowhere else in the world.

These marine reserves were established to protect and maintain marine biodiversity, to 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 South-east network plays a central role in ecosystem-based management of the marine environment, providing for ecologically sustainable use as well as the protection of many species that face serious threats to their survival in other areas of the world. There are a range of shallow shelf, slope and deep water ecosystems that provide important habitats for a variety of bird and sea life. Migratory whales make their way through these waters on their journey to and from Antarctica along Australia's east coast twice a year. Beneath the waves, iconic species such as white sharks, southern bluefin tuna and blue whales roam. In the deep sea, there are a diverse range of fishes and other creatures, such as crabs, coral, sea urchins and sponges that have bizarre and fascinating adaptations to survive in the dark depths.

This South-east Commonwealth Marine Reserves Network Management Plan (the Plan) is the primary tool for the conservation and management of the South-east network. It sets out the approach to and direction of management activities for the next 10 years. It is designed to provide certainty to users of the marine reserves by giving effect to decisions on zoning and allowable activities that were made at the time of proclaiming the marine reserves following an extensive consultation and planning process. It also provides flexibility to adapt and apply best management practices over time. Many of the strategies and actions will need significant engagement with and support from marine users and the wider community to ensure the Plan's objectives are met.

Australia has been working towards a representative system of marine reserves for more than a decade. It is exciting to look forward to the future of our marine environment, knowing that we have taken an enormous step towards ensuring its long-term protection and sustainability.

The Plan is the first management plan for the South-east network and will come into effect on 1 July 2013. I look forward to implementing the Plan with the collaboration and support of the Australian Government, the Tasmanian, Victorian, South Australian and New South Wales Governments, the Indigenous communities of the South-east, marine reserve users, local communities and other Australians who are passionate about this island continent and the extraordinary natural world in the oceans that surround us. Together we can leave a tremendous legacy for future generations.

Peter Cochrane  
Director of National Parks

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# PART 1

## INTRODUCTION

Australia has one of the largest marine jurisdictions in the world, containing a vast array of diverse and unique biological and physical features. Our marine environments range from tropical seas in the north to sub-Antarctic waters in the south. These waters are home to a wealth of biodiversity, much of it found nowhere else. The South-east Commonwealth Marine Reserves Network has been established to protect examples of the biodiversity and sea-floor features of the Commonwealth waters of the South-east Region.

The South-east Marine Reserves Network forms part of Australia's National Representative System of Marine Protected Areas (NRSMPA). The establishment of the NRSMPA has been ongoing since 1998 when the Australian, state and Northern Territory governments agreed to its creation. The states and the Northern Territory are establishing marine protected areas in their coastal waters, while the Australian Government has established marine protected areas in Commonwealth waters around Australia. Commonwealth waters start at the outer edge of state and territory waters, generally three nautical miles (5.5 kilometres) from the shore (territorial sea baseline), and extend to the outer boundary of Australia's exclusive economic zone, 200 nautical miles from the territorial sea baseline. The Commonwealth marine area is defined in s.24 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The NRSMPA aims to meet Australia's international commitments as a signatory to the Convention on Biological Diversity to establish a representative system of marine protected areas within Australia's exclusive economic zone.

The creation and management of marine reserves is an important strategy for the conservation and ecologically sustainable use of the marine environment. Marine reserves, when well designed and managed effectively, make an important contribution to maintaining the overall health and resilience of our oceans. The primary goal of the NRSMPA is to establish and manage a comprehensive, adequate and representative system of marine protected areas to contribute to the long-term ecological viability of marine and estuarine systems, to maintain ecological processes and systems, and to protect Australia's biological diversity at all levels.

Marine reserves are just one of a wide range of tools that support the conservation and ecologically sustainable use of the marine environment and its biodiversity. Other key tools include the adoption of ecosystem-based fisheries management, actions to recover threatened species and actions to avoid or mitigate threats such as invasive species, marine debris and land-based sources of pollution. There is substantial protection for the marine environment and threatened and migratory species under the EPBC Act, as well as under sectoral legislation at the Commonwealth and state level.

The South-east Commonwealth Marine Reserves Network was established in 2007. The network was proclaimed for the purpose of protecting and maintaining marine biodiversity, while allowing for the sustainable use of natural resources in some areas, and contributing to the NRSMPA.

The South-east Marine Reserves Network comprises 14 Commonwealth marine reserves (see Figure 1.1), of which 13 were proclaimed under s. 344 of the EPBC Act, and one, Macquarie Island Commonwealth Marine Reserve, which was proclaimed under the *National Parks and Wildlife Conservation Act 1975*. Together these reserves represent examples of the ecosystems of the South-east Marine Region. The 14 reserves are:

- Apollo Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- Beagle Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- Boags Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- East Gippsland Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- Flinders Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- Franklin Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- Freycinet Commonwealth Marine Reserve (proclaimed on 28 June 2007)

- Huon Commonwealth Marine Reserve (proclaimed on 28 June 2007)<sup>1</sup>
- Macquarie Island Commonwealth Marine Reserve (proclaimed on 27 October 1999)<sup>2</sup>
- Murray Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- Nelson Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- South Tasman Rise Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- Tasman Fracture Commonwealth Marine Reserve (proclaimed on 28 June 2007)
- Zeehan Commonwealth Marine Reserve (proclaimed on 28 June 2007).

The Director of National Parks (the Director) is required to prepare a Management Plan for each Commonwealth reserve under the EPBC Act (ss. 366). The EPBC Act allows a single Management Plan to be prepared to cover a number of reserves. This approach has been adopted for marine reserves as it allows reserves to be managed strategically at a scale that accommodates the dynamics and connectivity of marine ecosystems. The network approach also establishes consistent management arrangements across all reserves within the network providing certainty for users.

This is the first management plan for the South-east Commonwealth Marine Reserves Network.

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<sup>1</sup> The Tasmanian Seamounts Marine Reserve, proclaimed on 19 May 1999, was revoked and became part of the Huon Commonwealth Marine Reserve.

<sup>2</sup> Macquarie Island Marine Park was proclaimed on 27 October 1999, but was renamed Macquarie Island Commonwealth Marine Reserve by proclamation on 28 June 2007.

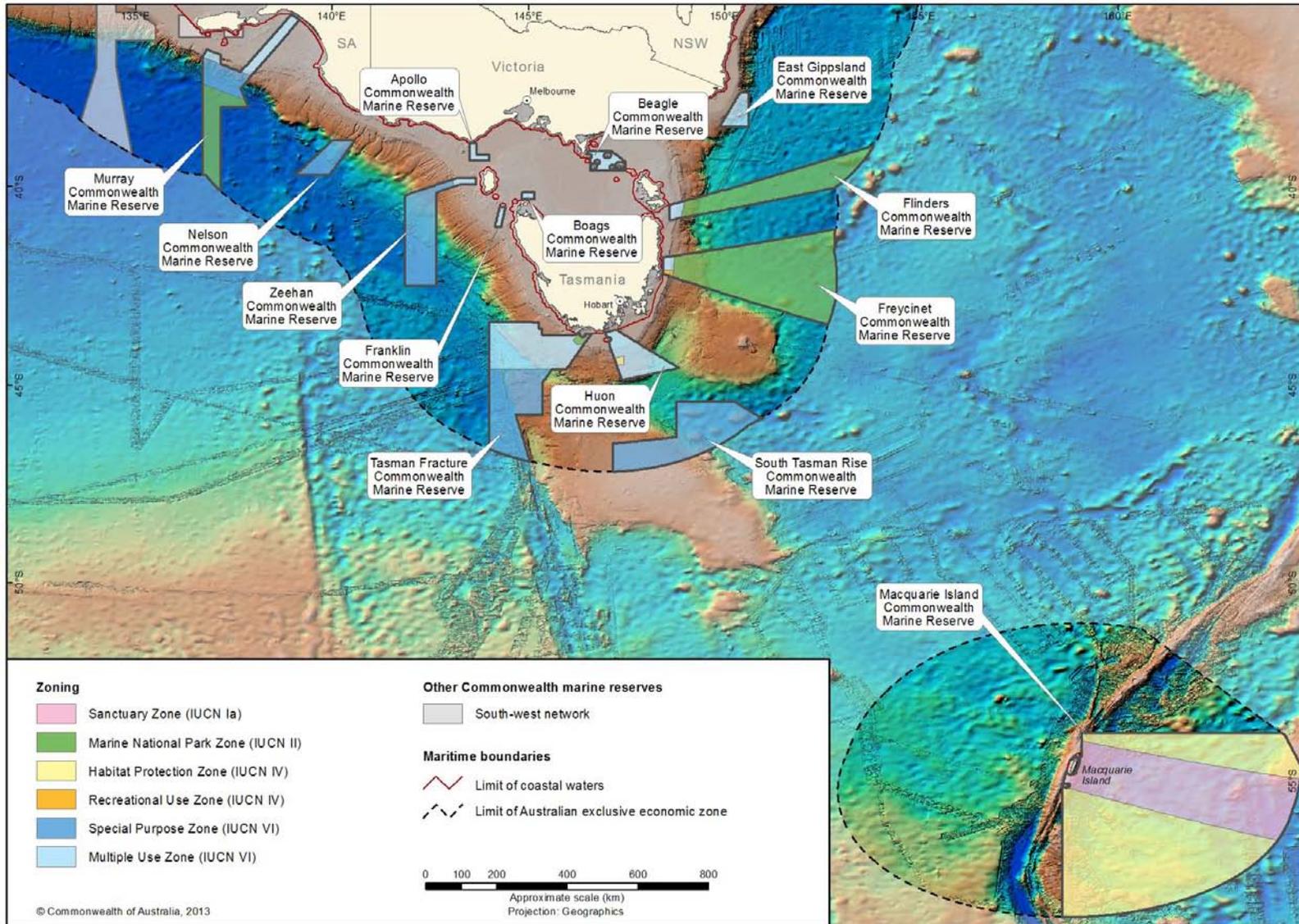


Figure 1.1: South-east Commonwealth Marine Reserves Network

## 1.1 Structure of this Management Plan

The Management Plan provides a broad description of the South-east Marine Region and a summary of regional features represented in the South-east Marine Reserves Network. It also identifies the conservation values protected by the network. The Plan includes information about pressures and potential threats to these values, which require active management and monitoring over time to ensure the objectives of the Plan are achieved (see Part 2).

This Plan assigns an International Union for Conservation and Nature (IUCN) category to each marine reserve in the South-east Marine Reserves Network, in accordance with the requirements of s. 367(1)(a) of the EPBC Act (see Part 3). When a reserve is divided into zones, each zone is also assigned an IUCN category. The Australian IUCN reserve management principles, prescribed in Schedule 8 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations), provide administrative guidance for managing Commonwealth reserves, and also define what activities are allowable in each reserve and zone and under what circumstances they may be undertaken.

Zoning is a fundamental planning tool in managing marine reserves and defines what activities can occur in which locations to protect the marine environment and to provide for ecologically sustainable use. Detailed information about the zoning arrangements is provided in Part 3 of this Plan. Maps and descriptions for individual reserves are provided in Appendix A. The maps define any zones into which the Reserves are divided.

The Plan outlines the management strategies for research and monitoring, assessment and permitting, compliance, community participation, Indigenous involvement and environmental management (see Part 4). These strategies and actions provide the framework for achieving the Plan's objectives and outcomes. This Plan also allows for management of local scale, reserve-specific issues during the life of the Management Plan, as management needs change over time.

This Plan prescribes the rules applying to activities associated with human use in the reserves network. These prescriptions provide the specific detail for how activities are allowed to occur in the reserves network and of prohibited activities in the Marine Reserves Network (see Part 5). Together with Parts 3 and 4, Part 5 of the Plan provides certainty of management intentions, while providing for flexibility to adapt management responses to emerging needs over the life of the Management Plan. Legislative context and international agreements that influence the management of the reserves network are outlined in Appendix B.

## 1.2 Objectives of the Management Plan

The objectives of the Management Plan are intended to provide clear direction for management of the Marine Reserves Network. The objectives of this Management Plan are to:

- 1. provide for the protection and conservation of biodiversity and other natural and cultural values of the South-east Marine Reserves Network; and**
- 2. provide for ecologically sustainable use of the natural resources within the South-east Marine Reserves Network where this is consistent with objective 1.**

The management strategies and actions in Part 4 and the prescriptions in Part 5 aim to achieve the objectives of this Plan.

## **1.3 Introductory provisions for the South-east Marine Reserves Network Management Plan**

### **1.3.1 Short title**

This Management Plan may be cited as the South-east Commonwealth Marine Reserves Network Management Plan or, the South-east Marine Reserves Network Management Plan.

### **1.3.2 Commencement and termination**

This Management Plan will come into operation on 1 July 2013. The Plan will cease to have effect on 30 June 2023, unless revoked sooner or replaced with a new Management Plan.

### **1.3.3 Interpretation**

Definitions of terms, concepts, legislation and abbreviations used in this Management Plan are provided in the Glossary at the back of the Plan.

# PART 2

## DESCRIPTION OF THE REGION, VALUES OF THE MARINE RESERVES NETWORK AND PRESSURES

### 2.1 Description of the South-east Marine Region

The South-east Commonwealth Marine Reserves Network is located within the South-east Marine Region. The South-east Marine Region incorporates Commonwealth waters extending from near the far south coast of New South Wales, around Tasmania and as far west as Kangaroo Island in South Australia. It includes the Commonwealth waters of Bass Strait and those surrounding Macquarie Island in the Southern Ocean. The Commonwealth marine area starts at the outer edge of state waters, 3 nautical miles (5.5 kilometres) from the shore (territorial sea baseline), and extends to the outer boundary of Australia's exclusive economic zone, 200 nautical miles from the territorial sea baseline (EPBC Act s. 24). State and territory jurisdictions extend from the shoreline to 3 nautical miles offshore.

The South-east Marine Region contains 11 provincial bioregions<sup>3</sup> (Figure 2.1), and includes a broad range of temperate and sub-Antarctic environments. Provincial bioregions can be either provinces or transitions. Provinces are areas of ocean with similar fauna, flora and ocean conditions. Transition bioregions are regions of overlap between provinces. Warm temperate waters occur at latitude 35°S in the Encounter Bay area in South Australia and to 37°S east of Mallacoota in Victoria. The transition to cool temperate waters occurs at 38–45°S in Bass Strait and around Tasmania. Sub-Antarctic Southern Ocean waters surrounding Macquarie Island occur at 58°S. Depths in the Region range from 40 metres on the continental shelf to greater than 4000 metres on the abyssal plain. The sea-floor features of the Region are diverse and include seamounts, canyons, escarpments, soft sediments and rocky reefs, which support high levels of biodiversity and species endemism.

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<sup>3</sup> The provincial bioregions are identified in the Integrated Marine and Coastal Regionalisation of Australia version 4.0 (IMCRA v4.0). There are 41 provincial bioregions around Australia.

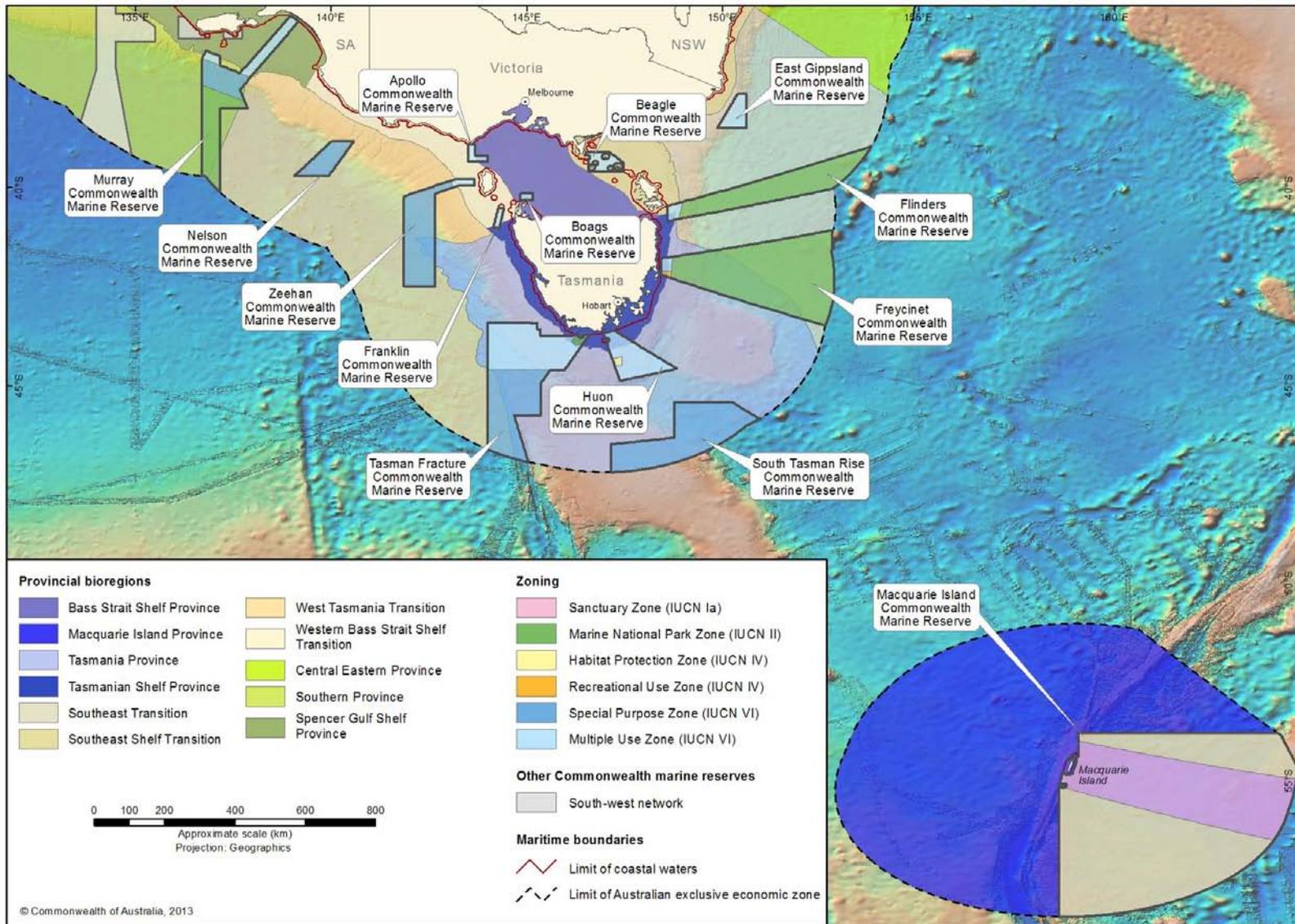


Figure 2.1: Provincial Bioregions represented in the South-east Commonwealth Marine Reserves Network

## 2.2 Summary of regional features and uses of the region

### 2.2.1 Oceanography

Currents and oceanic properties, such as temperature and nutrients, play a vital role in the ecosystems of the Region. Ocean currents link marine systems, while fronts and upwellings drive the productivity of open ocean environments. Compared to other marine areas, Australia's South-east Marine Region is relatively low in nutrients and primary productivity; however, in some locations, water bodies converge and mix to create areas of relatively high biological productivity.

The reserves located in the west of the network are predominantly influenced by the Leeuwin and Zeehan currents. The Leeuwin Current transports warm, subtropical water southward along the Western Australian coast and then eastward into the Great Australian Bight where it mixes with the cool waters from the Zeehan Current running along the west coast of Tasmania. These currents are stronger in winter than in summer.

Seasonal and transient upwellings are important ecological features of the Region. The Bonney Upwelling in south-eastern South Australia is active during autumn and summer. At the shelf break east of Bass Strait, nutrient-rich waters rise to the surface in winter as part of the processes of the Bass Strait Water Cascade, where the eastward flushing of the shallow waters of the strait over the continental shelf mix with cooler, deeper nutrient-rich water.

Bass Strait is characterised by shallow water, and tidal currents are important. While there is a slow easterly flow of waters in Bass Strait, there is also a large anticlockwise circulation. The shallowness of the water means that these waters more rapidly warm in summer and cool in winter than other waters of the Region.

The eastern parts of the Region are strongly influenced by the East Australian Current (EAC) that flows southward adjacent to the east coast of New South Wales, Victoria and Tasmania, carrying warm equatorial waters. The EAC is up to 500 metres deep and 100 kilometres wide, and is strongest in summer when it can flow at up to 5 knots. In winter it flows at 2–3 knots as the oceanographic and climatic drivers in the Coral Sea diminish.

The EAC tends to form ocean eddies that rotate around warm, central cores that can be up to 200 kilometres across, and may persist for months. The eddies can cross the continental shelf, and when mixing with shelf break waters, create upwellings that form isolated areas of enhanced productivity 200–300 kilometres in diameter. Eddies form more frequently off the south coast of New South Wales than other areas, but are also common along the east coast of Tasmania.

The waters around Macquarie Island to the south of Tasmania are in the path of the Antarctic Circumpolar Current (ACC), which is the largest single current in the world and is considered a major driver of global climate. It connects the Atlantic, Pacific and Indian oceans in an eastward flow. The ACC contains a series of jets that continuously combine and separate, acting as a buffer between different masses of water. The boundaries between water masses are called fronts and are often important places for feeding aggregations of species.

In summer the ACC is south of Tasmania, which allows the EAC to extend its flow around southern Tasmania. In winter the ACC passes closer to Tasmania and its comparative strength prohibits a weakened EAC from flowing further southward. The interaction of these currents, fronts and sea-floor features influence species composition, distribution and dispersal, controlling the movement of sediments and nutrients and the seasonal variations in salinity and temperature.

### 2.2.2 Sea-floor features

Significant variation in water depth and sea-floor features found throughout the South-east Marine Region are contributing factors to the high level of species diversity in the Region. Sections of the continental shelf, including Bass Strait, have a mosaic of rocky reefs and soft sediments. The shelf habitats support a diverse range of species from a broad range of taxonomic groups. The shelf break, which includes the edges of the continental shelf and the upper slope, serves to intensify currents, eddies and upwellings, creating a rich and productive area for biodiversity, including species that are fished commercially and recreationally.

Sea-floor canyons along the continental margin have been identified as important ecological features in the Region. Canyons can have steep or rugged topography that provide habitat for sessile invertebrates, such as corals, which in turn attract other organisms and higher order species. Depending on their size and shape, canyons can intensify local currents and the concentration of nutrients to enhance productivity and biodiversity.

South and east of Tasmania, groupings of seamounts rise from the abyssal plain to a height of 2000–4000 metres. One group rises up from the South Tasman Rise where the sea floor is approximately 1500 metres below the surface; the tops of these mountains rise to depths of approximately 750 metres below the surface. These seamounts may act as obstacles to deep ocean currents by restricting and intensifying their flow, which helps to inhibit the build up of sediment. This creates ideal and unique environments for corals and other filter-feeding, bottom-dwelling species to live, and provides habitat for many different fish species.

### 2.2.3 Biodiversity and endemism

The South-east Marine Region is recognised as a major marine biogeographic region. When compared to most of the world's marine environments, the marine environments of temperate Australia display an enormous diversity of plant and animal species and are believed to have the most diverse marine floral assemblage in the world.

High diversity in terms of the number of species is a feature common to many plant and animal communities in the Region. In addition to high diversity, the Region has large numbers of endemic species, that is, species found nowhere else in the world. The fish fauna of southern temperate Australia includes around 600 species, of which 85 per cent are thought to be endemic and 11 per cent are common only to waters of neighbouring New Zealand. Up to 95 per cent of molluscs, approximately 90 per cent of echinoderms and up to 62 per cent of macroalgae (seaweed) species are only found in these waters. Such high diversity and endemism in the South-east Region is a result of the complex interaction of evolutionary, geological and biological processes, as well as the interactions among organisms.

The geological and climatic history of the South-east Marine Region have promoted the development of a variety of flora and fauna species that have evolved, adapted and spread in isolation. The relative stability of the climate, due to the steady northward movement of the Australian tectonic plate, has created favourable conditions for marine life over long geological timescales. The repeated submergence and emergence of Bass Strait has strongly moulded the present-day composition and distribution of species. Over millennia, the warm and cool currents of the Region have prevented the migration of species and created an environment where new species have been able to evolve.

### 2.2.4 Cultural and heritage features

Cultural and heritage features of the South-east Marine Region include shipwrecks, sites of Aboriginal significance and built European heritage. The majority of these features are located close to shore and on land along the coastal area of the south-east, and thus fall within states' jurisdiction. However, their proximity to the ocean and their history indicate a strong connection between the coastal communities and the marine environment.

Indigenous people from at least 17 distinct Aboriginal language groups have occupied, used and managed coastal land and sea environments in and adjacent to the South-east Marine Region for thousands of years. Their relationship with the Region began when sea levels were much lower, allowing Indigenous people to harvest species and use parts of the Region that are now covered by deeper offshore waters.

The coastline, reefs and seabed of the state waters adjacent to the South-east Marine Region are the resting places of many shipwrecks, including wooden sailing ships, early whaling ships, passenger ships and fishing vessels. Hundreds of shipwrecks have been recorded in the waters of south-eastern Australia.

Heritage places include shipwrecks listed under the *Historic Shipwrecks Act 1976* (see Appendix B). There are three historic shipwrecks in the marine reserves network, as well as many historic shipwrecks in the South-east Marine Region outside the marine reserves.

### 2.2.5 Economic uses of the region

For more than 200 years the Region has supported a variety of marine industries that have contributed significantly to the Region's economic activity, and are important to many local and regional economies. Key uses of the Region include:

- **oil and gas production:** the Region has four major hydrocarbon areas, with the Gippsland, Otway and Bass basins being production areas and the Sorell Basin considered to have future potential at the time of drafting the Plan. A number of petroleum exploration licences are held over areas of the marine reserves network, with exploration occurring from time to time
- **commercial fishing:** there are more than 30 Commonwealth, state or jointly managed open ocean fisheries operating in the Region. This includes some of the nation's most productive and valuable fisheries, such as abalone and rock lobster. Land-based activities associated with commercial fishing, such as repair yards, dock handling, transportation, boat construction, fish processing and commercial trade, and the supply of marine equipment like nets and rigging, contribute significantly to the employment and economic activity of coastal communities in the Region
- **commercial tourism:** the South-east Marine Reserves Network supports an important and diverse industry that includes charter fishing, nature and whale watching, charter boat hire and other related activities
- **commercial shipping:** the Region has some of Australia's busiest shipping routes, with traffic from international and coastal cargo trade, and passenger, cargo and vehicular ferry services across Bass Strait. Many of Australia's busiest commercial shipping lanes pass through, or nearby to, reserves in the South-east Marine Reserves Network.

The Region also attracts a range of other economic uses, including scientific research and commercial media activities. Telecommunications cables and energy transmission services (for electricity and gas) also cross the network. The Region also has significant potential for other economic uses including renewable energy (wind and wave power) and carbon storage.

## 2.2.6 Social uses of the region

The Region has important social values for people living in adjacent communities. Many frequently visit the coast, with some travelling long distances offshore beyond the sight of land. A wide range of recreational activities occur within the Region, including whale watching, yachting and recreational fishing.

## 2.3 Regional features represented in the South-east Commonwealth Marine Reserves Network

The South-east Marine Reserves Network was designed to include examples of each of the provincial bioregions and the different sea-floor features in the Region.

### 2.3.1 Provincial bioregions

Provincial bioregions identify large areas of ocean with broadly similar characteristics that are classified by scientists based on the distribution of fish species and ocean conditions. Ten provincial bioregions in the South-east Marine Region are represented in the network (see Figure 2.1). The Central Eastern Province, which is mostly contained in the East Marine Region, has a small offshore portion in the South-east Region. Some larger reserves, such as the Tasman Fracture, provide representation across more than one provincial bioregion.

### 2.3.2 Depth ranges

The South-east Marine Region, ranges from waters of 40 metres depth to over 4600 metres depth. Many marine assemblages are stratified by depth and similar depth ranges in different bioregions support different suites of species, so depth ranges within bioregions should be represented. Scientific assessment has shown that different biological communities live at different depths. Therefore, including different ocean depths within Commonwealth marine reserves networks will ensure that examples of all types of marine biodiversity will be represented.

The South-east Commonwealth Marine Reserves Network includes 71 of a possible 78 depth ranges (or bathomes) within the provincial bioregions occurring in the Region.

### 2.3.3 Sea-floor features

There is a lack of detailed and comprehensive information on the distribution of biodiversity, mainly due to the vastness, remoteness and inaccessibility of the deep ocean environment. For this reason, sea-floor features were used as surrogates for biodiversity to design the marine reserves network. This approach has been taken because scientific research indicates that different habitats and species are associated with different sea-floor features.

The South-east Marine Reserves Network contains representative examples of 17 sea-floor features found in the Commonwealth waters of the Region (see Figure 2.2).

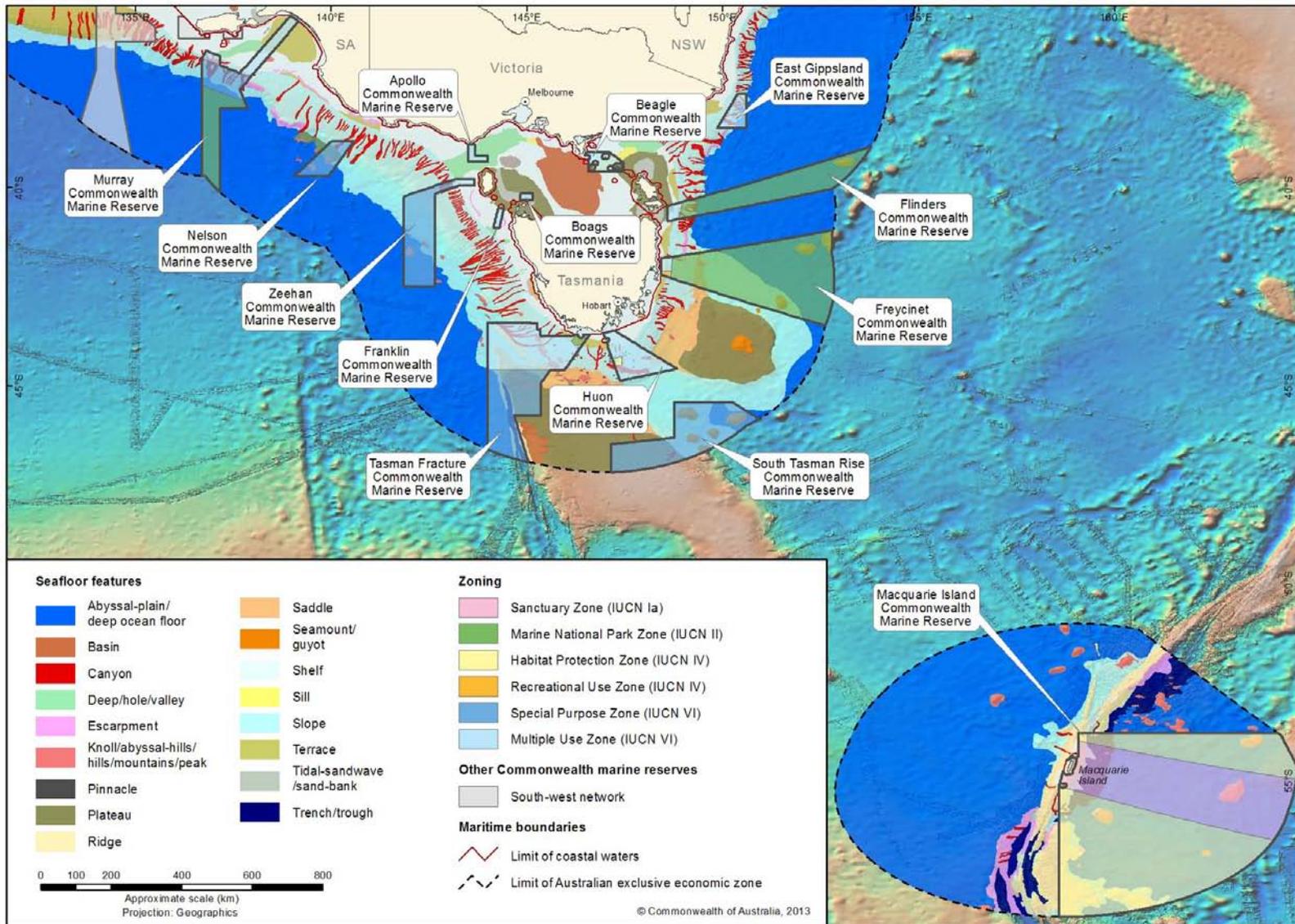


Figure 2.2: Sea-floor features overlaid with South-east Commonwealth Marine Reserves Network boundaries

### 2.3.4 Protected species

The South-east Marine Region is an important area for protected species including populations of cetaceans, sharks and a variety of seabirds. Under the EPBC Act, species can be listed as threatened, migratory, cetacean or marine.

The South-east Marine Reserves Network provides additional protection to a number of species listed under Commonwealth legislation or international agreements including blue, sei and southern right whales, white shark and Harrison's dogfish, sea lions and seals, as well as a number of seabirds (including albatross, shearwaters, penguins, and petrels).

### 2.3.5 Other place-based protected values

The EPBC Act protects a range of other values as matters of national environmental significance—World Heritage, National Heritage or wetlands of international importance. Places on the Commonwealth heritage list or shipwrecks listed under the *Historic Shipwrecks Act 1976* are also protected. The Historic Shipwrecks Act protects shipwrecks and their associated relics that are older than 75 years. Shipwrecks and relics younger than 75 years are protected under the *Navigation Act 2012*.

At the time of writing this Plan, the South-east Commonwealth Marine Reserves Network intersects with five protected places as listed in Table 2.1 below.

Schedules 5, 5B and 7B of the EPBC Regulations outline the management principles for World Heritage, Commonwealth Heritage or National Heritage places. As required by the EPBC Act the strategies and actions in Part 4 of this Plan, and the prescriptions in Part 5, are consistent with relevant EPBC heritage management principles and take account of Australia's obligations under relevant international agreements, including the World Heritage Convention (as given effect in the World Heritage management principles).

**Table 2.1: Protected places in the South-east Commonwealth Marine Reserves Network**

Protected place	Protection measure	Marine reserve
<b>Macquarie Island</b>	World Heritage List National Heritage List	Macquarie Island Commonwealth Marine Reserves
<b>Tasmanian Seamounts</b>	Commonwealth Heritage List	Huon Commonwealth Marine Reserve
<b>the MV <i>City of Rayville</i></b>	Historic shipwreck	Apollo Commonwealth Marine Reserve
<b>the <i>Eliza Davies</i></b>	Historic shipwreck	Beagle Commonwealth Marine Reserve
<b>the SS <i>Cambridge</i></b>	Historic shipwreck	Beagle Commonwealth Marine Reserve

## 2.4 Conservation values protected by the South-east Commonwealth Marine Reserves Network

The conservation values protected by the South-east Marine Reserves Network include representative examples of the:

- ecosystems, habitats, communities, species and sea-floor features found within the provincial bioregions of the South-east Marine Region
- ecological features with high biodiversity value, species richness and endemism
- cultural and heritage sites (e.g. shipwrecks).

Information on values of individual reserves is in Appendix A.

## 2.5 Pressures on the conservation values of the South-east Commonwealth Marine Reserves Network

For the purpose of this Plan, pressures are defined broadly as human-driven processes, events and activities that may detrimentally affect the values of the reserves network. Pressures are characterised by two main types: those that are directly associated with human activities and those that are related to the effects of climate change.

The pressures and sources of pressure on the conservation values of the South-east Marine Reserves Network may include:

- extraction of living resources and by-catch associated with commercial fishing, recreational fishing, and illegal, unregulated and unreported fishing
- noise pollution associated with shipping, other vessels, seismic survey, offshore mining operations and offshore construction
- oil pollution associated with shipping, other vessels and offshore mining operations
- invasive species and diseases translocated by shipping, fishing vessels, other vessels and tourism
- light pollution associated with offshore mining operations and other offshore activities.

Pressures related to the effects of climate change and associated large-scale effects on the marine environment are unpredictable and may include shifts in major currents, rising sea levels, ocean acidification, and changes in the variability and extremes of climatic features (e.g. sea temperature, winds, and storm frequency and intensity). There remains a high level of uncertainty about the effects that climate change related pressures will have on the conservation values protected by the South-east Commonwealth marine reserves.

This Management Plan is one of a suite of tools that contribute to the management of pressures on the South-east Marine Reserves Network and surrounding region. It operates alongside other Commonwealth and state programs to manage activities both within and in areas adjacent to the marine reserves network. Other agencies that have an important role in the management of pressures in the Region include maritime compliance agencies (e.g. Customs and Border Protection Service, Australian Maritime Safety Authority, National Offshore Petroleum Safety and Environmental Management Authority), fisheries management agencies at both the state and Commonwealth level (e.g. Australian Fisheries Management Authority) and research organisations (e.g. Commonwealth Scientific and Industrial Research Organisation, Geoscience Australia). Similarly, the legal provisions within this Plan are only one part of the Commonwealth and state legislative frameworks that provide protection for the Region.

This Management Plan establishes a framework for assessing and managing pressures on the conservation values of the marine reserves network. This framework includes the use of:

- zoning to reduce pressures across the network and to identify areas where activities can occur with management measures to reduce associated pressures (see Part 3)
- management strategies directed at developing a better understanding of the effects of pressure on the conservation values, avoidance and mitigation of impacts, incident response and compliance of marine reserve users with the provisions of the Management Plan and engaging marine users in collaborative management approaches (see Part 4)
- prescriptions identifying the activities that require assessment for potential impacts, as part of the permitting or class approvals processes, before they can be undertaken in the marine reserves network and determinations, prohibitions and restrictions made under the Regulations to regulate activities (see Part 5).

# PART 3

## IUCN CATEGORIES AND ZONING OF NETWORK RESERVES

Each of the 14 reserves in the South-east Marine Reserves Network is assigned to an IUCN category by this Management Plan. In addition, the Flinders, Freycinet, Huon, Macquarie Island, Murray, Tasman Fracture and Zeehan Commonwealth Marine Reserves are also divided into two or more zones by the Plan. Each zone is also assigned to an IUCN category (see Sections 3.1–3.3 below).

As noted in Appendix B, the EPBC Act requires a Commonwealth reserve to be assigned to an IUCN category. The EPBC Act also allows a Management Plan to divide a reserve into zones and to assign the zones to an IUCN category (which may differ from the overall category of the reserve). Schedule 8 of the EPBC Regulations prescribes the Australian IUCN reserve management principles applicable to each IUCN category. The principles for each IUCN category and the administrative management principles relevant to the South-east Marine Reserves Network are set out in Appendix C.

The categorisation and zoning scheme takes into account the purposes for which the reserves were declared, the objectives of this Plan (see Section 1.2), and the requirements of the EPBC Act and EPBC Regulations, including relevant reserve management principles, and the IUCN category definitions in the IUCN *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. The IUCN categories and associated management principles for each category broadly determine how areas will be managed and which activities covered by the Act and Regulations can and cannot be conducted in them.

For the purposes of the Plan, undivided reserves and the zones within the reserves that are divided into zones are given a 'management zone name' that reflects the objectives of the Plan and the activities that are allowable in the area consistent with the IUCN category and relevant management principles.

This Management Plan broadly applies the IUCN categories and management principles as described below.

### Category Ia—Strict nature Reserve

- IUCN definition—Strictly protected areas set aside to protect biodiversity and also possibly geological/geomorphological features, where human visitation, use and impacts are controlled and limited to ensure protection of the conservation values.
- Key management principle—Areas that should be managed mainly for scientific research and environmental monitoring. The detailed management principles are set out in Appendix C.

Management zone name and management approach:

- *Sanctuary zone* - Areas will be managed to minimise disturbance to the environment from human activities. Activities are generally limited to non-extractive research.

### Category II—National Park

- IUCN definition—Large natural or near natural areas protecting large-scale ecological processes with characteristic species and ecosystems of the area, which also have environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.

- Key management principle—Area that should be protected and managed to conserve its natural condition. The detailed management principles are set out in Appendix C.

Management zone name and management approach:

- *Marine National Park Zone* - Areas will be managed mainly for ecosystem protection and passive recreation. Consequently, mining and fishing (see Sections 5.5 - 5.8) are not allowed in these zones.

## Category IV—Habitat/Species Management Area

- IUCN definition—Areas to protect particular species or habitats where management reflects this priority. Many will need regular, active interventions to meet the needs of particular species or habitats, but this is not a requirement of the category.
- Key management principle—Areas managed primarily for conservation, through management intervention if necessary, to maintain habitats or species. The detailed management principles are set out in Appendix C.

Management zone names and management approach:

- *Habitat Protection Zone* – A relatively wide range of activities are allowed or may be authorised to be carried on provided they are consistent with the IUCN management principles and will not have an impact on the habitat or species protected by these zones. Different habitat protection zones may have different allowable activities.
- *Recreational Use Zone*—Areas managed to ensure maintenance of the habitat conditions necessary to protect significant species, groups of species, biotic communities or physical features of the environment, intended to provide a heightened level of protection to ensure the maintenance of habitats. Recreational fishing, other recreational uses and tourism may be carried out. Commercial fishing, mining and oil and gas exploration and development are prohibited.

## Category VI—Managed Resource Protected Area

- IUCN definition— Areas which conserve ecosystems, together with associated cultural values and traditional natural resource management systems. Generally large, mainly in a natural condition, with a proportion under sustainable natural resource management and where low-level non-industrial natural resources use compatible with nature conservation is seen as one of the main aims of the area.
- Key management principle—Area should be managed mainly for the ecologically sustainable use of natural ecosystems. The detailed management principles are set out in Appendix C.

Management zone names and management approach:

- *Multiple Use Zone*—provides for general sustainable use by allowing activities that do not significantly impact on benthic habitats
- *Special Purpose Zone*—provides for limited natural resource use by limiting access to mining and low level extractive activities

A wide range of activities are allowed or may be authorised provided they are consistent with the IUCN management principles and will not have an unacceptable impact on the values of the area.

Table 3.1 sets out the IUCN categories assigned to the network reserves and the zones within reserves, and the relevant management zone name. Details of each marine reserve are given in Appendix A, including a map showing the location of zones, and a general description and major values of each marine reserve.

Management strategies that give effect to the objectives, zoning, IUCN categories and management principles are set out in Part 4. Prescriptions that apply to different zones are set out in Part 5.

## Categories and zones

- 3.1 Each Commonwealth marine reserve in the South-east Marine Reserves Network is assigned to the IUCN category specified in column 2 of Table 3.1, adjacent to the name of the reserve.
- 3.2 Apollo, Beagle, Boags, East Gippsland, Franklin, Nelson and South Tasman Rise Commonwealth Marine Reserves are given the management zone names specified in Columns of Table 3.1 adjacent to the name of the reserve
- 3.3 Flinders, Freycinet, Huon, Macquarie Island, Murray, Tasman Fracture and Zeehan Commonwealth Marine Reserves are each divided into the zones shown in the map of the marine reserve in Appendix A, and each zone is assigned to the IUCN category, and given the management zone name, specified in columns 3–6 of Table 3.1, adjacent to the name of the reserve.

**Table 3.1: IUCN categories and management zone names in the South-east Commonwealth Marine Reserves Network**

Reserve name	IUCN category	IUCN categories in each reserve and management zone name			
		IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>Apollo</b>	VI				Multiple Use Zone
<b>Beagle</b>	VI				Multiple Use Zone
<b>Boags</b>	VI				Multiple Use Zone
<b>East Gippsland</b>	VI				Multiple Use Zone
<b>Flinders</b>	II		Marine National Park Zone		Multiple Use Zone
<b>Franklin</b>	VI				Multiple Use Zone
<b>Freycinet</b>	II		Marine National Park Zone	Recreational Use Zone	Multiple Use Zone
<b>Huon</b>	VI			Habitat Protection Zone	Multiple Use Zone
<b>Macquarie Island</b>	IV	Sanctuary Zone		Northern / Southern Habitat Protection zones	
<b>Murray</b>	II		Marine National Park Zone		Special Purpose Zone

					Multiple Use Zone
<b>Nelson</b>	VI				Special Purpose Zone
<b>South Tasman Rise</b>	VI				Special Purpose Zone
<b>Tasman Fracture</b>	VI		Marine National Park Zone		Special Purpose Zone
					Multiple Use Zone
<b>Zeehan</b>	VI				Special Purpose Zone
					Multiple Use Zone

# PART 4

## MANAGEMENT STRATEGIES

The IUCN categories and associated Australian IUCN reserve management principles (see Part 3 of this Plan) guide how the South-east Marine Reserves Network will be managed to achieve the objectives of this Plan (see Section 1.2). The principles also guide the application of provisions in the EPBC Act and Regulations relating to Commonwealth reserves, including whether actions and activities subject to those provisions can be carried on within network management zones. Parts 4 and 5 of the Plan set out the management arrangements to achieve the objectives of the Management Plan consistent with the principles.

Part 4 identifies the management strategies and actions that, within the resources available to the Director of National Parks, will be used to achieve the objectives of this Plan, and effectively support the administration of prescriptions in Part 5. The strategies and actions are consistent with relevant EPBC Act National and Commonwealth Heritage management principles and take account of Australia's obligations under relevant international agreements, including the World Heritage Convention (see Section 2.3.5 – Other place-based protected values).

Part 5 of this Plan sets out the prescriptions for specific activities in the network to ensure network management zones are managed consistently with the Australian IUCN reserve management principles. Prescriptions specify whether or not actions and activities subject to the EPBC Act and Regulations are allowed to occur, are allowable under a permit or class approval from the Director, or if they are prohibited in network management zones. Part 5 also sets out the rules for issuing and managing permits and class approvals.

The management strategies and their associated actions provide a structured and systematic approach to achieve the objectives of this Management Plan. They collectively support protection of the conservation values of the marine reserves network while providing for sustainable use in some areas. The seven management strategies for this Management Plan are as follows:

1. Improve knowledge and understanding of the conservation values of the marine reserves network and of the pressures on those values.
2. Minimise impacts of activities through effective assessment of proposals, decision-making and management of reserve specific issues.
3. Protect the conservation values of the marine reserves network through management of environmental incidents.
4. Facilitate compliance with this Management Plan through education and enforcement.
5. Promote community understanding of, and stakeholder participation in, the management of the marine reserves network.
6. Support involvement of Indigenous people in management of Commonwealth Marine Reserves
7. Evaluate and report on the effectiveness of this Management Plan through monitoring and review.

Specific guidance on the mechanisms that will be implemented to achieve each Strategy is provided in the actions. This Management Plan provides for the development of supporting and further detailed policies, strategies and actions over the life of the Plan. These supporting documents will provide for location-specific reserve management and for engagement of users and other stakeholders as needed.

## Strategy 1— Improve knowledge and understanding of the conservation values of the Marine Reserves Network and of the pressures on those values

Improving knowledge and understanding of the conservation values of the Marine Reserves Network and the pressures on those values will increase the capacity to meet the objectives of the Management Plan.

Climate change and its implications will influence Australia's marine environment in ways that are yet to be understood. One of the benefits of representative systems of marine protected areas, such as the South-east Marine Reserves Network, is the opportunity they offer for understanding and monitoring large-scale systemic shifts in ecosystem structure and functions. Establishing baseline data for marine reserves and setting up strategic scientific monitoring programs that build on past and current research and utilise Australia's growing ocean observation capabilities are a key focus of this Management Plan.

Research and monitoring activities in the marine environment are expensive; prioritising knowledge gaps, maximising the benefits and uptake of relevant research programs and facilitating partnerships with government agencies, research institutions and marine reserves users, must all be critical elements of the long-term strategy to build the knowledge basis necessary for managing and evaluating Australia's marine reserves estate.

Part 5.10 of this Plan sets out the prescriptions for authorising and permitting research and monitoring activities in the network.

### Actions

The Director will:

- A1 As part of a national-scale program for Commonwealth marine reserves, develop and implement a South-east Commonwealth Marine Reserves Network Research and Monitoring strategy that contribute to increased understanding of the values of the reserves and provides for ongoing reporting of their condition.
- A2 Develop and implement a framework for the long term scientific monitoring of changes in key conservation values protected by the Commonwealth marine reserves and on the pressures on those values.
- A3 Adopt standards and protocols for managing biophysical and ecological data collected within Commonwealth Marine Reserves.
- A4 Collaborate, including through developing partnerships, with national research facilities, science and academic institutions and, as appropriate, marine reserve users, to deliver on strategic information needs and to inform research programs and government and industry investment in marine research.

### Outcomes

- Understanding and knowledge of those conservation values identified as a priority for management improve over the life of the Plan.
- Understanding of the pressures affecting key conservation values, improves over the life of this Plan and management actions are adapted to take account of the latest available information.
- Data arising from monitoring and research conducted within the South-east marine reserves and the findings of the research can be easily accessed and shared.
- Research and monitoring needs are met in partnership with relevant research organisations and marine reserves users.

## Strategy 2— Minimise impacts of activities through effective assessment of proposals, decision-making and management of reserve-specific issues

The primary purpose of the South-east Commonwealth Marine Reserves Network is to protect and maintain biological diversity, while also allowing for the sustainable use of natural resources in some areas. This is reflected in the objectives of this Plan (see Part 1). As described in Part 2 of this Plan a range of activities are carried on within and around the marine reserves of the South-east network. Ensuring that these do not impact on the values of the reserves while also reducing unnecessary administrative burdens on marine reserve management resources and stakeholders, is a key focus of this Plan.

The strategies in this Part of the Plan set out how the Director will work to deliver the objectives of the Plan. The prescriptions in Part 5 set out how activities of users of the Network will be managed and provides that actions and activities that are otherwise prohibited in Commonwealth reserves by a provision of the EPBC Act or Regulations are:

- allowed (and can be done without the need for a permit or class approval);
- allowable (and can be done in accordance with a permit or class approval issued by the Director of National Parks);
- prohibited (and cannot be authorised to be done).

Allowed activities under Part 5 of this Plan are those that are known to be likely to have minimal if any impact on the values of relevant network management zones, including if they are done in accordance with conditions prescribed in Part 5 and other applicable laws, and necessary limitations imposed by the Director in accordance with this Plan under the EPBC Regulations (these activities include recreational fishing and vessel transit).

Allowable activities will be authorised (where appropriate) by a permit or class approval issued by the Director under Section 5.2 of the Plan. Impacts of allowable activities require assessment before being authorised. A permit or class approval will not be issued if the proposed activity is considered likely to have unacceptable impacts (that cannot be addressed through the conditions of a permit or approval). Allowable activities proposed to be undertaken by the Director of National Parks should also be assessed before proceeding.

This Plan provides for activity assessment that avoids duplication in processes in relation to consideration of actions that relate to matters protected by Part 3 of the EPBC Act, to reduce unnecessary administrative burdens on marine reserve management resources and stakeholders. Actions that have, will have or are likely to have a significant impact on the environment in Commonwealth marine areas and other matters of national environmental significance (e.g. endangered species), or another matter protected by Part 3, are subject to the referral and assessment provisions of Chapter 4 of the EPBC Act. This Management Plan provides for certain activities (e.g. mining operations) to be approved if they have been considered and authorised under Chapter 4. The EPBC Act referral and assessment processes will also be used to inform decision-making by the Director of National Parks in relation to approval of other allowable activities.

The impacts of some allowable activities may also be subject to assessment under other legislation and management frameworks. A separate assessment under this Management Plan may not be required if the Director is satisfied that the impacts of an activity have been adequately assessed under other laws and frameworks.

In carrying out an assessment and making a decision required under this Plan, the Director will assess and take into account likely impacts of the activity, alignment with the objectives of this Management Plan and consistency with the Australian IUCN reserve management principles applicable to the relevant network management zone.

Where Part 5 of this Plan provides that the Director may authorise an allowable activity, authorisation will generally be given by a permit applied for by the proponent and issued under Part 17 of the EPBC Regulations (see Section 5.2.3 of this Plan). Where provided for by Part 5, and considered appropriate having regard to the impacts of a type of activity, the Director may issue a class approval for the activity under Section 5.2.8 as an alternative to the need for each person conducting the activity to apply for a permit.

Permits and class approvals (including those that Part 5 provides the Director will issue) will be issued subject to conditions that are considered necessary, including to ensure the activity is conducted in a manner to avoid or minimise impacts. Permits or approvals may be varied, suspended or cancelled where conditions have not been complied with or it is necessary to protect values or achieve the objectives of this Plan.

The Director may also make prohibitions, restrictions or determinations under the EPBC Regulations and in accordance with relevant prescriptions in Part 5 relating to certain activities where doing so is necessary to protect values or otherwise achieve the objectives of this Plan (see Sections 5.3 (General access and use), 5.5 (Commercial fishing) and 5.7 (Recreational fishing)).

A person whose interests are affected by a decision taken under this Plan may seek review of the decision in accordance with the *Administrative Decisions (Judicial Review) Act 1977*. A person who has applied for or who holds a permit under the EPBC Regulations may also seek review of decisions in accordance with the Regulations and this Plan extends the same review rights to decisions about class approvals.

## Actions

The Director will:

- A5 Establish in consultation with relevant stakeholders, efficient, effective and transparent processes for assessment, decision-making and authorisation of activities, and implement within the marine reserves network.

Note: For example, the Director will consult with the commercial fishing industry and other relevant stakeholders to establish the process for assessment of fishing methods and gear types.

- A6 When the interests of a person or group are likely to be affected by a decision under this Management Plan, the Director will:
- a) as far as practicable consult them in a timely and appropriate way;
  - b) provide an opportunity to comment on the proposed decision and associated actions;
  - c) take any comments into account;
  - d) give reasonable notice before decisions are taken or implemented (except in cases of emergency); and
  - e) provide reasons for decisions.
- A7 Comply with Division 14.3 of the EPBC Regulations in relation to reconsideration of decisions about permits.

Note : Division 14.3 of the Regulations provides that, subject to the *Administrative Appeals Tribunal Act 1975*, a person who has requested a reconsideration may apply to the Administrative Appeals Tribunal for review of the reconsideration.

- A8 Reconsider a decision about a class approval 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 may apply to the Administrative Appeals Tribunal for review of the reconsideration.
- A9 Consider further use of class approvals where there is a sound case for effectively assessing and efficiently approving users that carry out a class of activities in a uniform way.
- A10 Identify reserve specific issues and develop, implement and evaluate management responses where appropriate.

## Outcomes

- Potential impacts of allowable activities on the conservation values of the marine reserves network are identified and avoided or mitigated by appropriate assessment and authorisation processes.
- Authorisation processes are streamlined to improve efficiency and effectiveness, and avoid duplication.

## Strategy 3— Protect the conservation values of the Marine Reserves Network through management of environmental incidents

The objectives of the Management Plan provide for the protection and conservation of biodiversity and other natural and cultural values. An important part of the management arrangements is to protect these values from detrimental impacts resulting from unexpected or unforeseen incidents.

Environmental incidents have the potential to impact the conservation values of the network. For example, incidents such as the introduction of marine pests, oil and chemical spills, foundering vessels, lost cargo and ghost nets can occur with little or no warning. Because of this, it is important to be aware of any environmental incident as soon as possible so that any impact to the conservation values can be minimised. Once an incident has occurred it is also important to assess the potential for impacts to the conservation values and respond appropriately. The establishment of systems that encourage users of the marine reserves network to report environmental incidents are required for the effective management of such incidents. Collaboration with government agencies, industry stakeholders and other relevant organisations that possess the capability and expertise to prevent and respond to environmental incidents is essential.

### Actions

The Director will:

- A11 Establish systems for timely reporting of, and assisting with responses to, environmental incidents.
- A12 Collaborate with responsible agencies and assist with responding to environmental incidents that threaten the values of the marine reserves network.
- A13 Maintain effective liaison and partnerships with relevant environmental incident response agencies and organisations.
- A14 Identify and assess potential incidents that may threaten conservation values of the Reserves and implement if feasible approaches to reduce the likelihood or consequence of such incidents.

### Outcomes

- Impacts associated with environmental incidents are identified and managed appropriately.
- Systems for timely reporting of and collaboration on responses to environmental incidents are effective.

## Strategy 4— Facilitate compliance with this Management Plan through education and enforcement

People, industries, businesses or organisations that use the marine reserves network are required to comply with this Management Plan.

A well-developed education and risk-based enforcement program tailored to people and industries that use marine reserves is a critical component for effectively managing marine reserves. As a priority, relevant information about the conservation values of the South-east Marine Reserves Network and the zoning and prescriptions will be produced to support the needs of marine reserve users. Voluntary compliance with this Management Plan will be promoted by increasing users' understanding of the conservation values of the network and the purpose of the South-east Marine Reserves Network. Compliance measures may need to evolve to ensure that the conservation values are protected and that there are no unnecessary imposts on users of the network.

Effective enforcement is supported through risk-based planning, incorporating targeted monitoring and surveillance (e.g. aerial and vessel based), and the collection of intelligence from other sources. In this regard, strong links with Commonwealth and state enforcement agencies to share information and cooperate in joint enforcement activities are important. For example, the Director has agreements with the Australian Customs and Border Protection Service for the provision of surveillance services in marine reserves and with the Australian Fisheries Management Authority for fishing vessel monitoring.

Wardens are appointed under the EPBC Act to enforce compliance with the EPBC Act and Regulations. All Australian Federal Police and Australian Customs officers are wardens for the purposes of the EPBC Act. Officers of other Commonwealth agencies and of Victorian, South Australian and Tasmanian government agencies may also be appointed as wardens in relation to the South-east Marine Reserves Network.

The EPBC Act sets out civil and criminal penalties for breaches, and the EPBC Regulations set out criminal penalties. Administrative remedies, such as the issuing of infringement notices, may also be available in some circumstances.

### Actions

The Director will:

- A15 Implement reliable methods for monitoring compliance with this Plan.
- A16 Develop, maintain and disseminate appropriate information to assist users of the marine reserves network to comply with the provisions of this Plan.
- A17 Consult with users of the network to identify opportunities to improve the effectiveness and efficiency of compliance measures.
- A18 Implement a risk-based annual compliance plan.
- A19 Establish a reporting system that supports users and visitors of the marine reserves network to report suspected non-compliant activity.
- A20 Build effective working partnerships and agreements with Commonwealth and state government agencies for the delivery of compliance services.
- A21 Investigate and monitor suspected non-compliant activity and, where appropriate, take enforcement action.
- A22 Support initiatives and programs which promote best practice standards that guide use, and minimise impacts on the marine environment

### Outcomes

- Marine Reserves Network users have a clear understanding of what is required to comply with this Plan.

- Marine reserves network users contribute to the management of the network through the reporting of suspected non-compliant activity.
- Activities within the marine reserves network are undertaken in a manner that is consistent with the management arrangements as specified in this Plan.

## Strategy 5— Promote community understanding of, and stakeholder participation in, the management of the Marine Reserves Network

Commonwealth marine reserves protect and maintain Australia's unique marine biodiversity for the benefit and enjoyment of current and future generations. It is important that the Australian community understands the importance of the marine reserves network and why it has been established. Marine reserve users can significantly contribute to management of the marine reserves network through sharing their knowledge and understanding of the marine environment and human use of the marine environment. Stakeholder participation is recognised as an important element of network management, particularly with respect to the delivery of actions by the Director and the review of prescriptions. To facilitate this participation it is intended that one or more consultative structures will be established to engage users in the management of the South-east Marine Reserves Network. The Director will engage on relevant management issues through these consultative structures to address conservation issues and other issues of mutual interest.

### Actions

The Director will:

- A23 Develop and implement a communication and education plan that increases community understanding of the importance of the marine reserves network and meets reserve-specific needs for communication about the values protected and management arrangements and requirements.
- A24 Maintain effective working relationships with user groups to facilitate the exchange of knowledge, understanding and participation in the management of the marine reserves network.
- A25 Within the first 12 months of the Plan's operation, establish consultative structures (e.g. committees) to guide and participate in the management of the marine reserves network.

### Outcomes

- Stakeholders and the community understand the importance of the marine reserves network, the values it protects and management arrangements.
- Stakeholders effectively participate in the management of the marine reserves network.

## Strategy 6— Support involvement of Indigenous people in management of Commonwealth Marine Reserves

Indigenous people from at least 17 distinct Aboriginal language groups have occupied, used and managed coastal land and sea environments in and adjacent to the South-east Marine Region for thousands of years. Their relationship with the Region began when sea levels were much lower, allowing Indigenous people to harvest species and use parts of the Region that are now covered by deeper offshore waters.

The Australian Government recognises and respects the knowledge Indigenous people have in managing Australia's land, fresh water and sea, and in conserving biodiversity. It recognises Indigenous Australians as key partners in managing Australia's environment and cultural heritage.

Native title is a term that refers to the recognition in Australian law that some Indigenous people continue to hold rights to their lands and waters that come from their traditional laws and customs. The *Native Title Act 1993* provides for the recognition of native title on land and in the sea. Section 8 of the EPBC Act provides that the Act does not affect the operation of the Native Title Act.

Indigenous people can contribute to the management of marine reserves through sharing their knowledge and understanding of the marine environment and through participation in the management and sustainable use of the resources of these reserves.

### Actions

The Director will:

- A26 Drawing on the significant body of knowledge built as part of sea country planning and similar initiatives across Australia, and in consultation with relevant representative organisations, consolidate and communicate information about cultural values protected in the South-east Commonwealth Marine Reserves Network.
- A27 Identify, and where feasible support, opportunities for Indigenous people to engage in the management of sea country in Commonwealth marine reserves, for example through the delivery of critical management services, such as monitoring surveillance, compliance and research.
- A28 Build effective partnerships with Indigenous communities and organisations that have an interest in the marine reserves network.
- A29 Comply with the requirements of the *Native Title Act 1993*.

### Outcomes

- Indigenous people and organisations are partners in the management of sea country within Commonwealth marine reserves.
- Management activities within Commonwealth marine reserves acknowledge and respect existing Indigenous governance arrangements, activities and cultural needs.
- Indigenous customs, practices and knowledge inform relevant management planning and activities.

## Strategy 7— Evaluate and report on the effectiveness of this Management Plan through monitoring and review

The primary focus of this strategy is on evaluating the effectiveness of management arrangements outlined in this Management Plan in meeting the management objectives for the marine reserves network listed in Section 1.2. Effective and adaptive management is one of the Australian IUCN reserve management principles set out in Schedule 8 of the EPBC Regulations, and a monitoring and review program is an essential component of the adaptive management process.

A monitoring, evaluation and reporting program will identify monitoring objectives, based on the management objectives and information priorities for the network. The monitoring, evaluation and reporting program will establish arrangements to obtain the information needed to review the effectiveness of the implementation of the Management Plan before its expiry and enable periodic reporting as required. Evaluations of effectiveness provide an important mechanism to identify refinements and opportunities for improvement to the Management Plan and its implementation.

### Actions

The Director will:

- A30 Within the first twelve months of the Plan's operation, design and initiate a program to measure and monitor progress on Actions and outcomes.
- A31 Report annually on the South-east Commonwealth Marine Reserves Network in the Director of National Parks annual report.
- A32 Evaluate and report on the implementation of the Management Plan before its expiry. The report will consider:
  - a. An assessment of the existing measures to protect the South-east Commonwealth Marine Reserves Network;
  - b. Progress of the strategies and actions towards achieving the stated outcomes;
  - c. options for improving management of the marine reserves network.

### Outcomes

- Management is improved on the basis of new information and knowledge.
- Improved understanding of the conservation values, and the pressures on such values, of the marine reserves network.
- The establishment of a program which provides the foundation for the long-term monitoring, evaluation and reporting on the marine reserves network.
- Effective reporting on reserve management to inform stakeholders and meet statutory requirements.

# PART 5

## MANAGING USE OF THE SOUTH-EAST COMMONWEALTH MARINE RESERVES NETWORK

This part of the Management Plan prescribes how activities that are covered by provisions of the EPBC Act and Regulations relating to Commonwealth reserves will be managed in the South-east Marine Reserves Network. It sets out, through prescriptions, whether such activities can be undertaken and if so, how they will be managed. This includes the use of permits and class approvals to authorise activities; and determinations, prohibitions and restrictions made under the Regulations to regulate activities.

Approvals for actions and mining operations under s.359B provide interim authorisation while a management plan is not in operation and cease to have effect when a plan comes into operation. This Plan provides for permits or approvals to be issued for these actions and mining operations to continue in appropriate network management zones, and that class approval will be given for commercial fishing and for those mining operations where the operations have been authorised under Chapter 4 of the Act.

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

Decisions under this Part of the Plan will be taken in accordance with the actions in Strategy 2 of Part 4. A person whose interests are affected by a decision taken under this Part may seek review of the decision in accordance with the *Administrative Decisions (Judicial Review) Act 1977*. Decisions about permits and class approvals may also be reconsidered and reviewed in the manner described in Strategy 2.

### 5.1 Outline of Part 5

The EPBC Act (ss. 354/354A and 355/355A) prohibits certain actions being taken in Commonwealth reserves except in accordance with a management plan (see Appendix B). These actions include killing, injuring, taking, trading, keeping or moving members of native species, actions for commercial purposes and mining operations. The EPBC Regulations control, or allow the Director of National Parks to control, a range of activities in Commonwealth reserves such as access, use of vessels, waste disposal, commercial fishing, recreational fishing and research.

An activity that is otherwise prohibited in the South-east Marine Reserves Network by the EPBC Act or Regulations may be carried on if it is done in accordance with either:

- a prescription in Part 5 that allows the activity to be done (allowed activities);
- a permit or class approval issued by the Director of National Parks under a prescription in Part 5 (allowable activities).

Depending on the type of activity, other provisions of the EPBC Act and/or other Acts may also apply to the activity (e.g. fisheries laws and laws relating to oil and gas exploration and production).

Section 5.2 sets out the prescriptions that apply to the issuing and managing of permits and approvals that are required and provided for by Sections 5.3–5.12. Those sections set out specific prescriptions for different types of

activities. Prescriptions in Section 5.3 (General rules for use and access) apply to all activities in the South-east Marine Reserves Network.

Table 5.1 provides a general guide to whether activities are allowed, allowable under a permit or class approval, or prohibited in the network management zones within the South-east Marine Reserves Network by Sections 5.3–5.12.

**Table 5.1: General guide to allowed (✓), allowable (A) and prohibited (✘) activities in the South-east Commonwealth Marine Reserves Network**

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
General use / access (See Section 5.3)	✘	✓	✓	✓	✓	✓
Commercial shipping – transit (See Section 5.4)	✓	✓	✓	✓	✓	✓
Commercial fishing (See Section 5.5)	✘	✘	A	✘	✘	A
Commercial tourism (See Section 5.6)	✘	A	A	A	A	A
Commercial media (See Section 5.6)	A	A	A	A	A	A
Recreational fishing (See Section 5.7)	✘	✘	✓	✓	✓	✓
Mining (See Section 5.8)	✘	✘	✘	✘	A	A
Structures and works (See Section 5.9)	A	A	A	A	A	A
Research and monitoring (See Section 5.10)	A	A	A	A	A	A
Defence and emergency response (See Section 5.11)	✓	✓	✓	✓	✓	✓
Activities not otherwise specified (See Section 5.12)	A	A	A	A	A	A

- ✓ Activities are allowed in accordance with Plan prescriptions (without the need for a permit or class approval)
- A Certain activities are allowable subject to Plan prescriptions (see the relevant section of Part 5 for provisions about specific activities).
- ✘ Activities are not allowed at all (i.e. totally prohibited).

## 5.2 Permits and class approvals for allowable activities

As noted in Section 5.1, this Plan provides for certain activities that are otherwise prohibited in Commonwealth reserves to be carried on in accordance with either a permit or a class approval issued by the Director of National Parks ('allowable activities'). Part 17 of the EPBC Regulations contains provisions for issuing and managing permits, including permit applications, preconditions and content of permits; and varying, suspending and cancelling permits. These provisions are adopted for permits authorised by this Plan. Class approvals, and the rules for their issue and management, are established by this Plan.

Permits are used to authorise the person(s) named in the permit to conduct an activity. Class approvals are used to authorise all persons, or a class of persons, carrying on a type of activity specified in the approval.

Prior to this Management Plan, approvals had been given by the Director under s. 359B of the EPBC Act for certain activities that are otherwise prohibited by ss. 354, 354A, 355 and 355A of the Act.

Sections 5.5–5.10 of the Plan include provisions to enable those activities to continue until a permit or class approval is issued under this section.

Decision-making about permits and approvals will be consistent with the objectives of this Management Plan in Section 1.2, the IUCN categories and zoning prescribed in Part 3, and the actions required for assessment of proposals and decision-making prescribed in Strategy 2 in Part 4 of this Plan. Decisions about permits and class approvals may be reconsidered and reviewed in the manner described actions in Strategy 2 of Part 4. A person whose interests are affected by a decision about a permit or class approval may also seek review in accordance with the *Administrative Decisions (Judicial Review) Act 1977*.

### Prescriptions

5.2.1 This section applies where Sections 5.3–5.12 of this Management Plan provide that an activity may be done in accordance with a permit or class approval issued by the Director.

### Permits

#### Activities previously approved

5.2.2 For the purposes of Sections 5.6.6, 5.9.4 and 5.10.7 of this Plan, the Director will issue a permit under Part 17 of the EPBC Regulations to the holder of an approval under s. 359B of the EPBC Act that was in effect immediately before this Plan came into effect and authorised the holder to:

- a) carry on commercial tourism operations;
- b) carry on commercial media operations;
- c) carry on an excavation, erect structures or carry on works; or
- d) take native species for the purposes of research.

Note: A permit application will not be required, but the conditions that the permit is subject to may vary from the conditions of the s. 359B approval.

#### Other activities

5.2.3 A permit may be issued for other allowable activities where provided for by Sections 5.3–5.12 of this Plan, in accordance with Part 17 of the EPBC Regulations, subject to the prescriptions (if any) in the section of this Plan relating to the particular activity.

#### Permit rules

5.2.4 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.

- 5.2.5 In assessing a permit application for an activity that has been subject to a referral under Part 7 of the EPBC Act, the Director will consider any referral or assessment documents and related information.
- 5.2.6 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

## **Class approvals**

### ***Mining operations and commercial fishing***

- 5.2.7 The Director will issue class approvals for:
- a) commercial fishing operations (subject to the prescriptions in Section 5.5 of this Plan);
  - b) mining operations covered by Sections 5.8.4–5.8.6 (subject to the other prescriptions in Section 5.8).

### ***Other activities***

- 5.2.8 A class approval may be issued for other allowable activities where provided for by Sections 5.3–5.12 of this Plan if the Director is satisfied that:
- a) the operations are not likely to have an unacceptable impact on the relevant conservation values; and
  - b) the operations will be conducted in a manner consistent with achieving the objectives of this Plan.

### ***Approval rules***

- 5.2.9 A class approval may be issued subject to conditions, including:
- a) to specify the area in which and the periods during which the approved activity may be carried out;
  - b) to regulate the use of, prohibit or require the use of, specified gear, equipment or practices;
  - c) the provision of or consent for access to data for compliance and monitoring purposes.
- 5.2.10 A class approval may be suspended or cancelled, and approval conditions may be varied or revoked if the Director is satisfied that:
- a) the operations to which the approval relates have not been, are not being, or likely will not be, carried out in accordance with the approval or a condition of the approval; or
  - b) the operations to which the approval relates are having, or are likely to have, an unacceptable impact on the values of the area to which the approval relates; or
  - c) the operations to which the approval relates are likely to cause an unacceptable risk to public health and safety,
- and class approval conditions may also be:
- d) revoked if the Director is satisfied that the condition is not necessary and revocation will not be likely to result in the operation to which the approval relates having an unacceptable impact on the values of the area to which the approval relates; or
  - e) varied if the Director is satisfied that the condition as varied-
    - i. is more appropriate, for protection of the values of the area to which the approval relates: or
    - ii. will not be likely to result in the operation to which the approval relates having an unacceptable impact on the values of the area to which the approval relates.
- 5.2.11 A class approval may be varied, suspended or cancelled if the Director is satisfied there are reasonable grounds for believing that if the decision to issue the approval were being considered again the approval would not be issued (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).

- 5.2.12 A class approval may be varied to remove a person from the class of approved persons at the request of that person.
- 5.2.13 A class approval may be varied to remove a person from the class of approved persons if the Director is satisfied the person:
- a) has breached a condition of the approval; or
  - b) the person has in the previous 10 years been convicted of, or is subject to proceedings for, an offence under the EPBC Act or Regulations or any other law of the Commonwealth about the protection, conservation or management of native species or ecological communities.

**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.**

## 5.3 General rules for use and access to the South-east Commonwealth Marine Reserves Network

Economic activity within the South-east Marine Reserves Network includes international and domestic commercial shipping, commercial fishing and commercial tourism (including charter fishing). Recreational activities include nature watching, boating and fishing.

As noted in Section 5.1 and Appendix B of this Plan, the EPBC Act and Regulations control or enable the Director of National Parks to control a range of activities in Commonwealth reserves. 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 enabling the Director to:

- determine areas where waste may be disposed of (r. 12.14B)
- prohibit or restrict entry or activities (rr. 12.23 and 12.23A)
- determine adventurous activities and areas where adventurous activities may be done (r. 12.26)
- make determinations about use of vessels, including to prohibit use, control anchoring and mooring, and set speed limits (r. 12.56); and
- make determinations about use of aircraft in and over reserves (r. 12.58).

Regulations 12.14 and 12.14A of the EPBC Act Regulations prohibit disposal of industrial and domestic waste in Commonwealth reserves unless authorised by or under a management plan.

Australia is a party to the International Convention for the Prevention of Pollution from Ships (MARPOL) which deals with the preservation of the marine environment through the prevention and minimisation of pollution from ships. Further detail about the Convention is in Appendix B. MARPOL is implemented in Australia through the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*. Management of waste disposal under this Plan must be consistent with the requirements of the Convention.

Table 5.2 provides a general guide to the prescriptions in this Plan apply to all users of the network.

### Prescriptions

- 5.3.1 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 necessary:
- a) to protect and conserve natural and cultural heritage values;
  - 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 a permit for an activity that would otherwise be prohibited by such an instrument. This section applies despite any other prescription in Sections 5.4 to 5.12 of this Plan.

- 5.3.2 The Director will make a determination under r. 12.23 of the EPBC Regulations prohibiting entry to Sanctuary zones except for the purpose of transit through the area or to carry on an activity authorised by a permit or class approval issued by the Director in accordance with Sections 5.4–5.12 this Plan.
- 5.3.3 Industrial and domestic waste may be disposed of from vessels to which MARPOL applies, in accordance with the requirements of MARPOL.
- 5.3.4 The Director may make a determination under r. 12.14B of the EPBC Regulations specifying areas that may be used for the discharge, disposal of, release or leaving of industrial or domestic waste; and may issue permits to do so in areas of the network not subject to such a determination.

**Note: A determination must not be inconsistent with applicable MARPOL requirements.**

- 5.3.5 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;
  - b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management; and
  - c) relevant prohibitions, restrictions and determinations made by the Director under this Plan.

**Table 5.2: Summary of management arrangements for general use activities in the South-east Commonwealth Marine Reserves Network**

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Recreational use—non-fishing (including nature watching)	×	✓	✓	✓	✓	✓
Vessel transiting	✓	✓	✓	✓	✓	✓

- ✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).
- × Activity is not allowed at all (i.e. totally prohibited).

Note: Refer to Appendix A for information on zones within specific marine reserves of the South-east marine reserves network.

## 5.4 Commercial shipping

Maritime transport is vital to Australia’s economy. The South-east Marine Region includes some of Australia’s busiest shipping routes. This traffic includes international and coastal cargo trade, passenger services, and cargo and vehicular ferry services across Bass Strait. Some of these major shipping routes transect some of the reserves in the South-east Marine Reserves Network, particularly those in Bass Strait and to the north-east and north-west of Tasmania.

Sections 354 and 354A of the EPBC Act require commercial activities, including incidental activities such as transit, to be in accordance with this Plan.

Australia is a party to a number of international agreements relevant to shipping, in particular the United Nations Convention on the Law of the Sea (UNCLOS) and the International Convention for the Prevention of Pollution from Ships (MARPOL), which are outlined in more detail in Appendix B. UNCLOS provides a right of innocent passage through the territorial sea for foreign vessels, and right of freedom of navigation through Australia's exclusive economic zone. MARPOL deals with the preservation of the marine environment through the prevention and minimisation of pollution from ships.

There are also a range of national policies and procedures relevant to shipping such as the National Plan to Combat Pollution of the Sea by Oil and the Australian Ballast Water Management Requirements. Prescriptions dealing with waste disposal and ballast water discharge and exchange are in Section 5.3 (General rules for use and access).

Commercial shipping not engaged in activities authorised under Sections 5.5 to 5.12 may transit through the network reserves. Where necessary (e.g. to support onshore economic development activity) this plan facilitates commercial shipping stopping in appropriate areas.

A summary of management arrangements for shipping activities in the South-east Marine Reserves Network is provided in Table 5.3.

## Prescription

5.4.1 Commercial shipping may transit through the South-east Marine Reserves Network, subject to compliance with prescriptions in Section 5.3 (General rules for use and access) and relevant prescriptions in Sections 5.5–5.12 relating to the activity in which shipping is involved.

5.4.2 Notwithstanding Section 5.4.1, commercial ships may stop and anchor in anchoring areas determined under r.12.56 of the EPBC Regulations in accordance with Section 5.3.1.

**Note: This Section does not prevent the carrying out of activities, including stopping and anchoring, as part of operations authorised under Sections 5.5 to 5.12 – and see definition of transit in the Glossary at the back of this Plan.**

**Table 5.3: Summary of management arrangements for shipping activities in the South-east Commonwealth Marine Reserves Network**

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Vessel transiting	✓	✓	✓	✓	✓	✓
Commercial shipping – anchoring	✗	✗ <sup>1</sup>	✗ <sup>1</sup>	✗ <sup>1</sup>	✗ <sup>1</sup>	✗ <sup>1</sup>

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval)

✗ Activity is not allowed at all (i.e. totally prohibited).

✗<sup>1</sup> Activity is prohibited except in anchoring areas determined under r.12.56 of the EPBC Regulations.

Note: Section 5.3.4 applies to prescriptions regarding ballast water discharge or exchange

Note: Refer to Appendix A for information on zones within specific marine reserves of the South-east marine reserves network.

## 5.5 Commercial fishing

Commercial fishing is an important component of many coastal economies in the South-east Marine Region. Associated activities, such as fish processing, trade and marketing, ship repair yards, marinas and dock facilities, transportation, boat construction, and the supply of marine equipment such as nets and rigging, are important to the Region's employment and economic activity, and food security.

More than 30 Commonwealth, state and jointly managed open ocean fisheries operate within the South-east Marine Reserves Network. They involve use of a range of fishing methods and gear types to target a wide variety of fish species. Commercial fishing is generally managed by the Australian Fisheries Management Authority for Commonwealth fisheries, and relevant state fisheries management agencies for state-managed fisheries.

Under ss. 354 and 354A of the EPBC Act, commercial fishing operations (being actions for commercial purposes that involved the taking, killing, injuring, moving or keeping of native species) are prohibited in the South-east Marine Reserves Network unless done in accordance with this Management Plan. Regulation 12.34 of the EPBC Regulations, which operates subject to this Plan, provides for the Director of National Parks to make determinations about the manner in which commercial fishing operations may be conducted.

Commercial fishing in the network is also subject to regulation under the *Fisheries Management Act 1991* or state fisheries laws (under arrangements made under Part V of the Fisheries Management Act), which apply to the extent that they can operate consistently with the EPBC Act and Regulations and this Management Plan.

Following proclamation of the network, approval was given under s. 359B of the Act for the holders of fishing concession issued under the *Fisheries Management Act 1991*, or applicable state fisheries legislation, to continue certain types of commercial fishing operations in identified areas of the network.

The prescriptions in this section provide for commercial fishing in the network consistent with the objectives of the Plan (Section 1.2) and the IUCN categorisation and zoning of the network reserves (Section 3), including continuation of operations that were previously approved under s. 359B of the Act (to be approved by a class approval under Section 5.2.7).

A class approval for commercial fishing issued under Section 5.2 will specify methods and gear types that have been assessed and may be used. Other methods and gear types will need to be assessed before approval may be given.

A summary of management arrangements for commercial fishing activities in the South-east Marine Reserves Network is provided in Table 5.4.

### Prescriptions

- 5.5.1 Unless otherwise authorised in accordance with this Plan, commercial fishing operations may be carried out in the South-east Marine Reserves Network in accordance with and subject to:
- a class approval issued under Section 5.2;
  - a permit issued under Section 5.2 to a person who is not covered by a class approval;
  - the other prescriptions in this section;
  - the prescriptions in Section 5.3 (General rules for use and access);
  - the prescriptions in Section 5.4 (Commercial shipping); and
  - any determinations made under r. 12.34 of the EPBC Regulations.
- 5.5.2 Commercial fishing operations may be carried out in the following network management zones:
- Habitat Protection zones (IUCN IV); and
  - Multiple Use zones (IUCN VI).
- 5.5.3 Operations must be carried on in accordance with a commercial fishing concession issued under Commonwealth or state fisheries laws (to the extent those laws are capable of operating concurrently with this Plan).

- 5.5.4 The following fishing methods must not be used:
- a) demersal trawl;
  - b) Danish seine;
  - c) scallop dredging.
- 5.5.5 Commercial fishing operations that were authorised by an approval given under s. 359B of the EPBC Act that was in effect immediately before this Plan commenced may be conducted in accordance with the conditions of the former approval until a class approval is issued under Section 5.2.7, and then in accordance with the conditions of that approval.
- 5.5.6 Fishing methods and gear types not specified in a class approval, or conditions of a class approval, issued under this Plan must not be used.

**Note: A class approval or conditions, or conditions of a permit, may be varied under Section 5.2 to specify additional fishing methods and gear types following satisfactory assessment in accordance with Strategy 2 in Part 4 of this Plan.**

- 5.5.7 Fishing gear must be kept stowed and secured at all times during transit through network management zones in which commercial fishing operations are not authorised.
- 5.5.8 Fishing gear used in operations covered by Section 5.5.4 or prohibited in the marine reserves network under either the conditions of a class approval or by a determination under r. 12.34 of the EPBC Regulations must be kept stowed and secured at all times during transit through network management zones in which that gear is not allowed.
- 5.5.9 Fishing gear that is:
- a) used in operations covered by Section 5.5.4;
  - b) specified in Section 5.5.5;
  - c) not specified in a Class Approval as gear that may be used; or
  - d) prohibited in the Marine Reserves Network by a determination under r.12.34 of the EPBC Regulations, must be kept stowed and secured at all times during transit through network management zones in which that gear is not allowed.
- 5.5.10 The Director may make determinations under r. 12.34 of the EPBC Regulations relating to the conduct of commercial fishing operations.

**Table 5.4: Summary of management arrangements for commercial fishing activities in the South-east Commonwealth Marine Reserves Network**

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Commercial fishing (except as indicated below)	x	x	CA	x	x	CA
Demersal trawl	x	x	x	x	x	x
Danish seine	x	x	x	x	x	x
Scallop dredge	x	x	x	x	x	x
Vessel transiting	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).

x Activity is not allowed at all (i.e. totally prohibited).

CA Activity is allowable in accordance with a class approval from the Director of National Parks.

Note: Refer to the maps in Appendix A for the location of zones within the reserves network.

Note: Gear types not specified in a class approval as gear that may be used will require assessment before use may be approved.

## 5.6 Commercial tourism (including charter fishing tours) and commercial media

Marine and coastal tourism is an important industry in the South-east Region, with commercial tour operations in the South-east Marine Reserves Network ranging from offshore charter fishing and yacht racing, charter boat hire, nature and whale watching, charter flights and scuba diving tours. Incidents and events that take place in the Region will be occasionally of interest to the commercial media.

Under ss. 354 and 354A of the EPBC Act, commercial activities, including commercial tours and commercial media operations, are prohibited in the South-east Marine Reserves Network unless done in accordance with this Management Plan. Under r. 12.36 of the EPBC Regulations, commercial tourism flights over the network (up to 3000 metres above sea level) are similarly prohibited. Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the Marine Reserves Network is part of the sanctuary) are set out in Part 8 of the EPBC Regulations.

The prescriptions in this section provide for sea-based commercial tourism to be conducted in most network management zones under either a permit or class approval from the Director of National Parks. Aviation tourism is allowed over the South-east Marine Reserves Network subject to the prescriptions of this Section. A permit or class approval may be issued for commercial media operations (including filming, video or audio recording and photography) in all zones. This section also provides for continuation of any operations that were previously approved under s.359B of the EPBC Act.

A summary of management arrangements for commercial tourism and media activities is provided in Table 5.5.

## Prescriptions

- 5.6.1 Commercial tourism and media operations may be carried on in the South-east Marine Reserves Network in accordance with and subject to:
- a permit or class approval issued under Section 5.2;
  - the other prescriptions in this section;
  - the prescriptions in Section 5.3 (General rules for use and access);
  - the prescriptions in Section 5.4 (Commercial shipping); and
  - in relation to charter fishing tours, the prescriptions in Section 5.7 (Recreational Fishing).
- 5.6.2 Commercial media operations for the purposes of reporting news and events of the day may be carried on without a permit or class approval.
- 5.6.3 Charter fishing tours may be carried on in the following network management zones:
- Habitat Protection zone (IUCN IV);
  - Recreational Use zone (IUCN IV);
  - Special Purpose zone (IUCN VI); and
  - Multiple Use zones (IUCN VI).
- 5.6.4 Fishing gear on charter fishing tour vessels must be kept stowed and secured at all times during transit through network management zones in which charter fishing tour operations are not authorised.
- 5.6.5 Commercial tourism and media operations that were authorised by an approval given under s. 359B of the EPBC Act that was in effect immediately before this Plan commenced may be conducted in accordance with the conditions of the approval until a permit is issued under Section 5.2.2, and then in accordance with the conditions of that permit.
- 5.6.6 Commercial aviation tours may be carried out in the airspace up to 3000 metres above sea level over the South-east Marine Reserves Network, and tour operators may land aircraft in Network reserves, in accordance with a permit issued under Section 5.2 and relevant provisions of Part 8 of the EPBC Regulations.

The EPBC Act and Regulations do not apply to commercial tour flights in airspace over 3000 metres above sea level.

**Table 5.5: Summary of management arrangements for commercial tourism (including charter fishing) and commercial media activities in the South-east Commonwealth Marine Reserves Network**

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Commercial tourism—fishing, including charter fishing tours	x	x	P	P	P	P
Commercial tourism—non-fishing, including nature watching, scuba and snorkel tours	x	P	P	P	P	P
Commercial aviation tours	✓	✓	✓	✓	✓	✓
Commercial media, including in-water	P	P	P	P	P	P

filming and photography						
Vessel transiting	✓	✓	✓	✓	✓	✓

- ✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval).
- ✗ Activity is not allowed at all (i.e. totally prohibited).
- P Activity is allowable in accordance with a permit from the Director of National Parks. Commercial tourism and media activities may also be authorised under a class approval issued under Section 5.2.7

Note: Refer to Appendix A for information on zones within specific marine reserves of the South-east marine reserves network.

## 5.7 Recreational fishing (including clients of charter fishing tours and organised fishing competitions)

Recreational (i.e. non-commercial) fishing is a popular pastime in the South-east Marine Region. For example, Tasmania has a very high participation rate in recreational fishing, with almost 30 per cent of the population over the age of five years fishing at least once per year. The bulk of recreational fishing occurs in state internal and coastal waters (i.e. within 3 nautical miles of the shore), notably in bays and estuaries. However, increasingly, recreational fishing is taking place in Commonwealth-managed waters, bringing the activity within areas of the South-east Marine Reserves Network.

Recreational fishing includes individual fishing, clients of charter fishing vessels, organised fishing competitions, and includes all forms of recreational taking of fish and other marine life, including line fishing, netting, trapping, spear fishing and hand collecting.

Under ss. 354 and 354A of the EPBC Act, recreational fishing (i.e. taking native species of fish for non-commercial purposes) is prohibited in the South-east Marine Reserves Network unless done in accordance with this Management Plan. Regulation 12.35 of the EPBC Regulations, which operate subject to this Plan, provides for the Director of National Parks to make determinations about the manner in which recreational fishing operations may be done (r. 12.35(3)) and prohibits certain fishing equipment and practices (rr. 12.35(4) and (5)).

The recreational fishing laws of states adjacent to the waters in which network reserves are located also apply to recreational fishing in the reserves. They apply to the extent they can operate consistently with the EPBC Act and Regulations and this Management Plan. Special rules may apply to recreational fishing done as part of licensed charter fishing tours.

Following proclamation of the network, approval was given under s. 359B of the Act for recreational fishing in most network management zones in accordance with legal requirements and any directions issued by the Director.

The prescriptions in this section provide for recreational fishing in most network management zones, without the need for a permit or approval from the Director, consistent with the objectives of the Plan (Section 1.2) and the IUCN categorisation and zoning of the network reserves (Section 3). Fishing will be subject to relevant state laws and any determinations under r. 12.35(3) of the EPBC Regulations.

The limitations in regulations 12.35(4) and (5) of the Regulations will not apply, as they are not generally necessary or appropriate to recreational fishing in the Network. The Director may however make determinations under r.12.35(3) during the life of the plan if necessary to address the impacts of recreational fishing

A summary of management arrangements for recreational fishing activities in the South-east Marine Reserves Network is provided in Table 5.6.

## Prescriptions

- 5.7.1 Recreational fishing (taking fish for non-commercial purposes) may be carried on in the South-east Marine Reserves Network in accordance with and subject to:
- the other prescriptions in this section;
  - the prescriptions in Section 5.3 (General rules for use and access);
  - any determinations made under r. 12.35(3) of the EPBC Regulations.
- 5.7.2 Recreational fishing may be carried out in the following network management zones:
- Habitat Protection zones (IUCN IV);
  - Recreational Use zones (IUCN IV);
  - Special Purpose zones (IUCN VI); and
  - Multiple Use zones (IUCN VI).
- 5.7.3 Recreational fishing must be carried out in accordance with relevant state laws applying to the area of the network in which the activity is being done (to the extent those laws are capable of operating concurrently with this Plan).
- 5.7.4 The Director may make determinations under r. 12.35(3) of the EPBC Regulations relating to the conduct of recreational fishing.
- 5.7.5 Regulations 12.35 (4) and (5) of the EPBC Regulations do not apply to recreational fishing carried out in accordance with this section.

**Note: As provided by Section 5.7.4 the Director may make determinations under r.12.35(3) in relation to matters described in r.12.35(4) and (5).**

- 5.7.6 Fishing gear must be kept stowed and secured at all times during transit through network management zones in which recreational fishing is not allowed.

**Table 5.6: Summary of management arrangements for recreational fishing activities in the South-east Commonwealth Marine Reserves Network**

Activity <sup>a</sup>	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Recreational use—fishing <sup>a</sup> , including spearfishing and organised fishing tournaments	x	x	✓	✓	✓	✓
Recreational use—fishing by clients of charter fishing tours	x	x	✓	✓	✓	✓
Vessel transiting	✓	✓	✓	✓	✓	✓

✓ Activity is allowed in accordance with plan prescriptions (permit or class approval not required).

x Activity is not allowed at all (i.e. totally prohibited).

a Recreational fishing is managed by the states. State laws apply unless they are inconsistent with this management plan.

Note: Refer to Appendix A for information on zones within specific marine reserves of the South-east marine reserves network.

## 5.8 Mining operations (including exploration)

Oil and gas exploration and development has been carried on in the South-east Marine Region since the late 1950s in four major basins: the Gippsland, Otway, Sorrel and Bass basins. Productive fields are currently being exploited in the Gippsland, Otway and Bass basins

Mining operations are prohibited in the South-east Marine Reserves Network by the EPBC Act (ss. 355 and 355A) unless done in accordance with this Management Plan. Mining operations include all operations and activities connected with, or incidental to, the mining or recovery of minerals or the production of material from minerals (s. 355(2)). 'Mineral' is defined as a naturally occurring substance or mixture of substances (s. 355(3)). Mining operations do not include capture and storage of greenhouse gases, including carbon dioxide.

Following proclamation of the network, approval was given under s. 359B of the EPBC Act for the carrying on of oil and gas seismic surveys in Special Purpose zones and Multiple Use zones, and the transit of vessels through the network in connection with mining operations undertaken elsewhere.

The prescriptions in this section provide for mining operations in the network consistent with the objectives of the Plan (Section 1.2) and the IUCN categorisation and zoning of the network reserves (Section 3), including continuation of operations that were previously approved under s. 359B of the Act (to be approved under Section 5.2.7). The prescriptions in this section and Section 5.2 also remove duplication of the process where mining operations have been authorised under Chapter 4 of the EPBC Act.

Mining operations that may be controlled actions under Part 3 of the Act will be subject to consideration and assessment under Chapter 4 and will not be allowed to proceed if the operations are likely to have unacceptable impacts. Decision-making under Chapter 4 of the Act is well established and takes account of the impacts of individual projects on the marine reserves network. Mining operations are also subject to processes under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGGS Act) and the *Offshore Minerals Act 1994*. Additional assessment by the Director of National Parks is not required because these mining operations will be assessed under Chapter 4 of the EPBC Act and these assessments will take account of impacts on marine reserves values.

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. If mining related research is not in itself a mining operation, and is not incidental to a mining operation, then it is covered by prescriptions in Section 5.10.

Transit through the network for the purposes of mining operations conducted elsewhere is covered by Section 5.4 of this Plan.

### Prescriptions

5.8.1 Unless otherwise authorised in accordance with this Plan, mining operations may be carried out in the South-east Marine Reserves Network in accordance with and subject to:

- a) a permit or class approval issued under Section 5.2;
- b) the other prescriptions in this section;
- c) the prescriptions in Section 5.3 (General rules for use and access); and
- d) the prescriptions in Section 5.4 (Commercial shipping).

5.8.2 Mining operations may be carried out in the following network management zones:

- a) Special Purpose zones (IUCN VI); and
- b) Multiple Use zones (IUCN VI).

- 5.8.3 Mining operations must be carried on in accordance with an authorisation (however described) under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* or the *Offshore Minerals Act 1994* (to the extent those laws apply to the operation, and are capable of operating concurrently with this Plan).
- 5.8.4 Mining operations (including seismic survey) that were authorised by an approval given under s. 359B of the EPBC Act that was in effect immediately before this Plan commenced may be conducted in accordance with the conditions of the former approval until a class approval is issued under Section 5.2.7, and then in accordance with the conditions of that approval.
- 5.8.5 Mining operations that have been approved under Part 9 of the EPBC Act may be carried out in accordance with the conditions of that approval and a class approval issued under Section 5.2.7.
- 5.8.6 Mining operations that are the subject of a decision under Part 7 of the EPBC Act that the operations are not a controlled action if taken in particular manner may be carried out in that manner and in accordance with the conditions of a class approval issued under Section 5.2.7.
- 5.8.7 Mining operations not authorised by a class approval referred to in Sections 5.8.4–5.8.6 may be carried on in accordance with a permit issued under Section 5.2.3., or a class approval issued under Section 5.2.8.

**Table 5.7: Zoning arrangements for mining activities in the South-east Commonwealth Marine Reserves Network**

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Mining—seismic survey (under Section 5.8.4)	x	x	x	x	CA	CA
Mining – authorised under Part 7 or 9 of the EPBC Act	x	x	x	x	CA	CA
Mining – other than authorised under Part 7 or 9 of the EPBC Act	x	x	x	x	P/CA	P/CA
Vessel transiting	✓	✓	✓	✓	✓	✓

- ✓ Activity is allowed in accordance with plan prescriptions (permit or class approval not required).
- x Activity is not allowed at all (i.e. totally prohibited).
- CA Activity is allowable in specified zones in accordance with a class approval issued by the Director of National Parks.
- P/CA Activity is allowable in specified zones in accordance with a permit (if the operation is not authorised under Part 7 or Part 9 of the EPBC Act) or a class approval (if the operation is authorised under Part 7 or Part 9 of the EPBC Act) issued by the Director.

Note: Refer to Appendix A for information on zones within specific marine reserves of the South-east marine reserves network.

## 5.9 Structures and works

The installation of structures and carrying out of other works, including excavations, may be necessary to support commercial, recreational and public good activities in the South-east Marine Reserves Network. Examples of such

installations include moorings to minimise anchoring damage to the seabed habitats, maritime navigation aids, and weather or ocean monitoring stations.

Carrying on an excavation, erecting a structure or carrying out works and associated commercial activities is prohibited in the South-east Marine Reserves Network under ss. 354 and 354A of the EPBC Act unless done in accordance with this Management Plan. Actions of this type related to mining operations are covered by ss. 355 and 355A of the Act and will be managed in accordance with Section 5.8 of this Plan.

The prescriptions in this section allow for necessary works to be carried on in the network and for the continuation of any operations that were previously approved under s. 359B of the EPBC Act.

A summary of management arrangements for structures and works activities in the South-east Marine Reserves Network is provided in Table 5.8.

## Prescriptions

- 5.9.1 The Director may carry on an excavation, erect a structure or carry on works in the South-east Marine Reserves Network where the action is consistent with the objectives of the Plan (Section 1.2) and the IUCN categorisation and zoning of the network reserves (Section 3).
- 5.9.2 Unless otherwise authorised in accordance with this Plan, a person other than the Director may carry on an excavation, erect a structure or carry on works in the South-east Marine Reserves Network in accordance with and subject to:
- a permit issued under Section 5.2;
  - the other prescriptions in this section;
  - the prescriptions in Section 5.3 (General rules for use and access); and
  - the prescriptions in Section 5.4 (Commercial Shipping).
- 5.9.3 A permit may only be issued for excavations, structures or works in Sanctuary zones (IUCN Ia) and Marine National Park zones (IUCN II) if the Director is satisfied the action is necessary for:
- maritime or visitor safety, including aiding navigation;
  - maintaining the natural values of the South-east Marine Reserves Network (e.g. a mooring may prevent anchor damage); or
  - scientific monitoring purposes (e.g. marine weather station).
- 5.9.4 Excavation, erection of a structure or carrying out of works that was authorised by an approval given under s. 359B of the EPBC Act that was in effect immediately before this Plan commenced may be carried on in accordance with the conditions of the former approval until a permit is issued under Section 5.2.2, and then in accordance with the conditions of that permit.

**Table 5.8: Summary of management arrangements for structures and works activities in the South-east Commonwealth Marine Reserves Network**

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Structures and works - including moorings, excavations and maintenance	P	P	P	P	P	P

P Activity is allowed in accordance with a permit issued by the Director of National Parks.

Note: Refer to Appendix A for information on zones within specific marine reserves of the South-east marine reserves network.

## 5.10 Research and monitoring activities

Research and monitoring is important for understanding marine biodiversity, improving capacity for sustainable use, weather prediction and understanding climate change. Research and monitoring activities are conducted by both public and private institutions, including, on occasion, by foreign institutions and companies.

Research and monitoring activities in the South-east Marine Reserves Network are prohibited by r. 12.10 of the EPBC Regulations unless authorised by this Management Plan. Research and monitoring that involves actions which affect members of native species are prohibited by ss.354 and 354A of the EPBC Act unless done in accordance with this Plan. Actions that affect listed threatened species or ecological communities, listed migratory species, cetaceans or listed marine species must also comply with the provisions of the EPBC Act Part 13, unless carried out in accordance with this Plan.

Where biological resources are sought for 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.

The prescriptions in this section enable research and monitoring activities to be undertaken, and the continuation of any research involving the taking of native species that was previously approved under s. 359B of the EPBC Act.

Research and monitoring will be allowable in all zones of the South-east Marine Reserves Network in accordance with a permit issued by the Director of National Parks. In Sanctuary zones and Marine National Park zones, extractive activities are generally considered inconsistent. However, in recognising the important contribution that scientific research makes to the effective management of marine reserves, this Plan provides for authorisation of extractive research activities.

A summary of management arrangements for research and monitoring activities in the South-east Marine Reserves Network is provided in Table 5.9.

### Prescriptions

- 5.10.1 The Director may carry out research and monitoring in the South-east Marine Reserves Network that involves actions covered by ss. 354 and 354A and Part 13 of the EPBC Act.
- 5.10.2 A person other than the Director may carry on research and monitoring in the South-east Marine Reserves Network, including taking actions covered by the EPBC Act ss. 354 and 354A and Part 13 of the EPBC Act, in the South-east Marine Reserves Network in accordance with and subject to:
  - a) a permit or class approval issued under Section 5.2;
  - b) the other prescriptions in this section;
  - c) the prescriptions in Section 5.3 (General rules for use and access); and
  - d) the prescriptions in Section 5.4 (Commercial shipping).
- 5.10.3 Research that involves 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).
- 5.10.4 In assessing permit applications, consideration will be given to the nature of and potential impacts of the actions, the aim of the project, ethical issues and how knowledge from the project might benefit the understanding and management of the South-east Marine Reserves Network.
- 5.10.5 A permit may be issued to carry out extractive research and monitoring activities in Sanctuary zones (IUCN Ia) and Marine National Park zones (IUCN II) in the South-east marine reserves if the Director is satisfied:
  - a) it is not practicable for the action to be conducted outside the zone;
  - b) the research is relevant to, or a priority for, the management of the Marine Reserve Network;

- c) the action is not likely to have an unacceptable impact on the values of the zone or the reserve; and
- d) the action will be conducted in a manner not inconsistent with achieving the objectives of this Management Plan.

5.10.6 A permit may be issued to carry out, in the South-east Marine Reserves Network, research and monitoring that involves activities that are prohibited under Section 5.5 if the Director is satisfied:

- a) the project is proposed to be conducted in an area where the same or similar research and monitoring has been conducted previously;
- b) it is not practicable for the project to be conducted outside the proposed area,  
and,
- c) the project will provide information relevant to understanding the impacts of the activities on the marine environment or to supporting sustainable use in the marine environment;
- d) the project activities will not have an unacceptable impact on the values of the area in which the research or monitoring will be conducted; and
- e) the project will be conducted in a manner not inconsistent with achieving the objectives of this Management Plan.

5.10.7 Permit and approval holders must make results of research and monitoring available to the Director (and in a specified format where relevant), where that information will improve the knowledge and understanding of the biodiversity and ecosystems of the South-east Marine Reserves Network and might benefit management of the Marine Reserves Network.

5.10.8 Research and monitoring that was authorised by an approval given under s. 359B of the EPBC Act that was in effect immediately before this Plan commenced may be carried on in accordance with the conditions of the former approval until a permit is issued under Section 5.2.2, and then in accordance with the conditions of that permit.

**Table 5.9: Summary of management arrangements for research and monitoring activities in the South-east Commonwealth Marine Reserves Network**

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Research and monitoring activities	P	P	P	P	P	P

P Activity is allowable in accordance with a permit from the Director of National Parks. Research and monitoring activities may also be authorised under a class approval issued under Section 5.2.7, but not where 5.10.6 and 5.10.7 apply.

Note: Refer to Appendix A for information on zones within specific marine reserves of the South-east marine reserves network.

## 5.11 Defence, border protection, law enforcement and emergency response

A number of Commonwealth agencies enter marine reserves for purposes relating to defence, border protection, law enforcement and emergency response. These agencies include the Australian Defence Force, the Australian Customs and Border Protection Service, Australian Fisheries Management Authority, the National Offshore Petroleum Safety and Environmental Management Authority and the Australian Maritime Safety Authority. There is no intention to limit

training or operations for the Australian Defence Force, Customs and Border Protection Service, law enforcement or emergency response through the marine reserves network.

Provisions of the EPBC Act (ss. 354 and 354A) and the Regulations (Division 12.2) relating to Commonwealth reserves apply generally to the Commonwealth and its agencies. In addition, s. 362(2) of the Act requires the Commonwealth and Commonwealth agencies to perform functions and exercise powers in relation to Commonwealth reserves in a way that is not inconsistent with this Management Plan. This Plan allows for the conduct of necessary government operations in the South-east Marine Reserves Network.

A summary of management arrangements for defence, border protection, law enforcement and emergency response activities in the South-east Marine Reserves Network is provided in Table 5.10.

## Prescriptions

5.11.1 The Commonwealth and Commonwealth agencies may take actions in the South-east Marine Reserves 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 (without the need for a permit or class approval issued under Section 5.2); or
- b) for other purposes under a permit or class approval issued by the Director in accordance with Section 5.2 of this Plan, subject to the prescriptions in Section 5.3 (General rules for use and access).

5.11.2 The Commonwealth and Commonwealth agencies should, so far as practicable, liaise with the Director in relation to the performance of functions and exercise of powers in the South-east Marine Reserves Network to minimise the risk of unacceptable impacts and unnecessary interference with enjoyment of the network by other users.

**Table 5.10: Summary of management arrangements for defence, border protection, law enforcement and emergency response activities in the South-east Commonwealth Marine Reserves Network**

Activity	Sanctuary Zone (IUCN Ia)	Marine National Park Zone (IUCN II)	Habitat Protection Zone (IUCN IV)	Recreational Use Zone (IUCN IV)	Special Purpose Zone (IUCN VI)	Multiple Use Zone (IUCN VI)
Actions by Commonwealth and other Commonwealth Agencies – Defence, border protection, law enforcement and emergency response	✓	✓	✓	✓	✓	✓
Actions by Commonwealth and other Commonwealth Agencies – not covered elsewhere by this Plan	P	P	P	P	P	P

✓ Activity is allowed in accordance with plan prescriptions (without the need for a permit or class approval)

✗ Activity is not allowed at all (i.e. totally prohibited).

P Activity is allowable in accordance with a permit from the Director of National Parks. This activity may also be authorised under a class approval issued under Section 5.2.7.

Note: Refer to Appendix A for information on zones within specific marine reserves of the South-east marine reserves network.

## 5.12 New activities and authorisations

Circumstances may arise or proposals may be brought forward for activities that are not known or anticipated at the time this Management Plan was prepared.

As noted in Appendix B and other sections in this part of the Plan, a range of actions and activities are prohibited or may be controlled by the Director of National Parks in Commonwealth reserves under the EPBC Act and Regulations, and certain actions may only be taken by the Director of National Parks in accordance with this Plan.

The purpose of this section is to allow the Director to respond to circumstances that are not covered by prescriptions in other sections of this Plan, provided that doing so is consistent with the objectives of the Plan in Section 1.2, the IUCN categories and zoning in Part 3 and the strategies in Part 4.

Ensuring activities do not impact on the values of the reserve while also reducing unnecessary administrative burdens on marine reserve management resources and stakeholders, is a key focus of this Plan as reflected in Strategy 2 in Part 4 of the Plan. It is possible that during the life of this Plan more efficient and effective means of authorising actions under this Plan may be identified. Consistent with Strategy 2 this section would enable the Director to implement such mechanisms.

**Note: Proposals for actions not covered by prescriptions in other sections of this Plan will be subject to assessment as outlined in Part 4 (Strategy 2) of this Plan.**

### Prescriptions

- 5.12.1 The Director may take actions that are not covered by specific prescriptions in this Management Plan, including actions covered by ss. 354 and 354A of the EPBC Act.
- 5.12.2 The Director may authorise (by a permit or class approval under Section 5.2) actions by other persons that are not covered by specific prescriptions in this Management Plan, including actions covered by ss. 354 and 354A of the EPBC Act and the EPBC Regulations.
- 5.12.3 The Director may grant new authorisations (approvals, permits or usage rights) in place of existing authorisations under this Plan.
- 5.12.4 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 other sections of this part of the Plan.

# APPENDIX A

## **The South-east Commonwealth Marine Reserves Network—marine reserve descriptions, values and maps**

The following sections provide an overview of the 14 marine reserves in the South-east Commonwealth Marine Reserves Network, providing information on the proclamation, the assigned zones, the total area, the values, the location, a general description and a map for each reserve. This information is general in nature and is not intended to be comprehensive.

The individual activity tables in Part 5 should be referred to when determining the allowable activities in each of the 14 reserves and their respective zones.

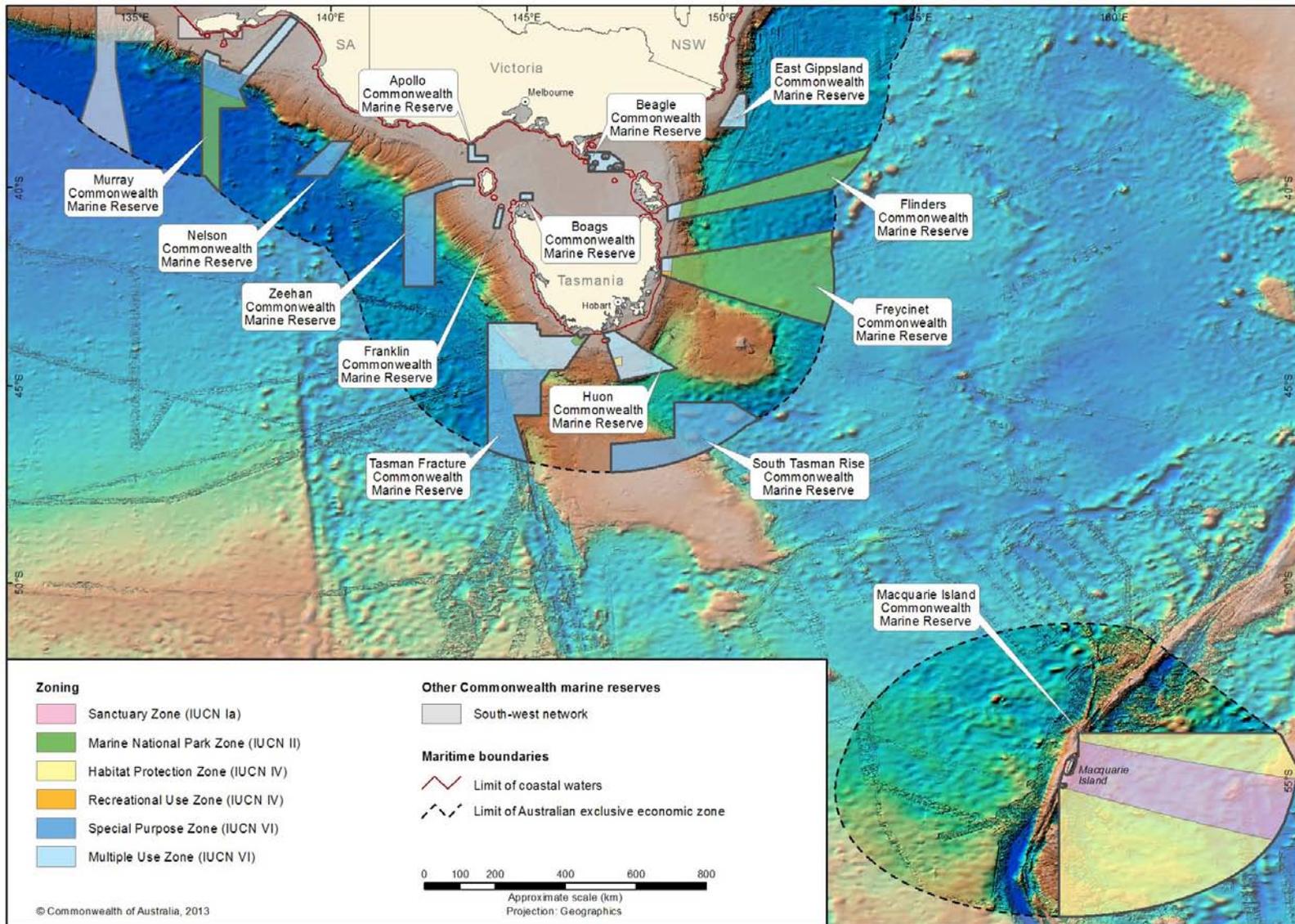
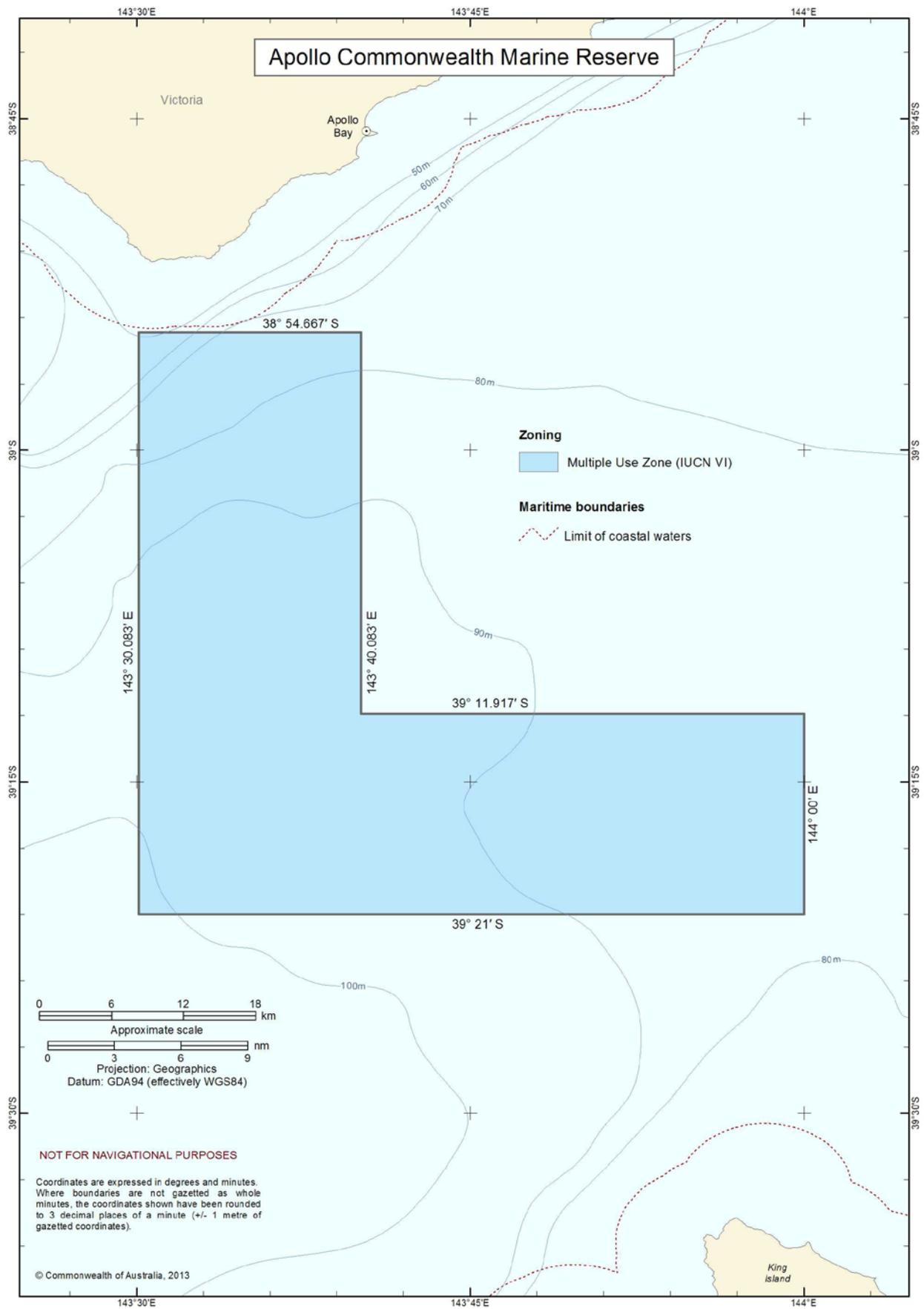


Figure A1: South-east Commonwealth Marine Reserves Network

## Apollo Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserves management zone name</b>	IUCN VI—Multiple Use Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>1</b>				Multiple Use Zone
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	1184 km <sup>2</sup> (118 400 ha)			
<b>Major conservation values</b>	<p>Ecosystems, habitats and communities associated with:  the Western Bass Strait Shelf Transition  the Bass Strait Shelf Province  and associated with sea-floor features:  deep/hole/valley  shelf  Important migration area for:  blue, fin, sei and humpback whales  Important foraging area for:  black-browed and shy albatross, Australasian gannet, short-tailed shearwater, and crested tern  Cultural and heritage site:  wreck of the MV City of Rayville</p>			
<b>Location</b>	The Apollo Commonwealth Marine Reserve is in Bass Strait south of Cape Otway and Apollo Bay in western Victoria, and north-west of King Island.			
<b>General description</b>	<p>The Apollo Commonwealth Marine Reserve represents the continental shelf that extends from South Australia to the west of Tasmania.  The cool waters of the reserve are less than 50 m deep near Cape Otway. The reserve includes the Otway Depression, a 100 m deep undersea valley joining the Bass Basin to the open ocean. This valley was an outlet channel for the ancient Bass Lake and mainland river systems, which existed during the last ice age.  The waters of the reserve are exposed to large swell waves generated from the south-west and strong tidal flows. The sea floor has many rocky reef patches interspersed with areas of sediment and, in places, has rich, benthic fauna dominated by sponges.  Seabirds, dolphins, seals and white shark forage in the reserve, and blue whales migrate through Bass Strait.  The MV City of Rayville, a United States of America freighter, which lies in the reserve south of Cape Otway, was sunk in 1940 by a mine.</p>			



**Figure A2: Apollo Commonwealth Marine Reserve**

## Beagle Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN VI—Multiple Use Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>1</b>				Multiple Use Zone
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	2928 km <sup>2</sup> (292 800 ha)			
<b>Major conservation values</b>	<p>Ecosystems, habitats and communities associated with: the Southeast Shelf Transition. and associated with sea-floor features: basin plateau shelf sill</p> <p>Important migration and resting on migration area for: southern right whale</p> <p>Important foraging area for: Australian fur seal killer whale shy albatross, Australasian gannet, short-tailed shearwater, pacific and silver gulls, crested tern, common diving petrel, fairy prion, black-faced cormorant and little penguin white shark</p> <p>Cultural and heritage sites: the wreck of the steamship SS Cambridge the wreck of the ketch Eliza Davies</p>			
<b>Location</b>	The Beagle Commonwealth Marine Reserve lies entirely within Bass Strait, with its north-western edge abutting Victorian waters south-east of Wilson's Promontory. It is a shallow-water reserve surrounding a collection of Bass Strait islands.			
<b>General description</b>	<p>The Beagle Commonwealth Marine Reserve represents an area of shallow continental shelf ecosystems in depths of about 50–70 m that extends around south-eastern Australia to the east of Tasmania. The sea floor that it covers formed a land bridge between Tasmania and Victoria during the last ice age 10 000 years ago.</p> <p>Its boundary encloses Tasmania's Kent Group Marine Reserve and the Hogan and Curtis Island groups. Nearby to the north-east is Victoria's Wilsons Promontory Marine National Park.</p> <p>The reserve encompasses the fauna of central Bass Strait, which is expected to be especially rich based on studies of several sea floor-dwelling animal groups. Its ecosystems are similar to those documented for the deeper sections of the Kent Group Marine Reserve, especially those based around habitats of rocky reefs supporting beds of encrusting, erect and branching sponges, and sediment composed of shell grit with patches of large sponges and sparse sponge habitats.</p>			

	<p>Islands encompassed by the reserve and nearby islands support important breeding colonies for many seabirds and for the Australian fur seal. The waters of the reserve provide an important foraging area for those species breeding nearby. The rich marine life also attracts top predators, such as the great white shark and killer whales.</p> <p>The SS Cambridge, a British freighter, which lies in the reserve to the east of Wilson's Promontory, was sunk in 1940 by a WWII mine.</p> <p>The trading ketch Eliza Davies, which lies in the reserve to the east of Wilson's Promontory, sunk under tow in 1924.</p>
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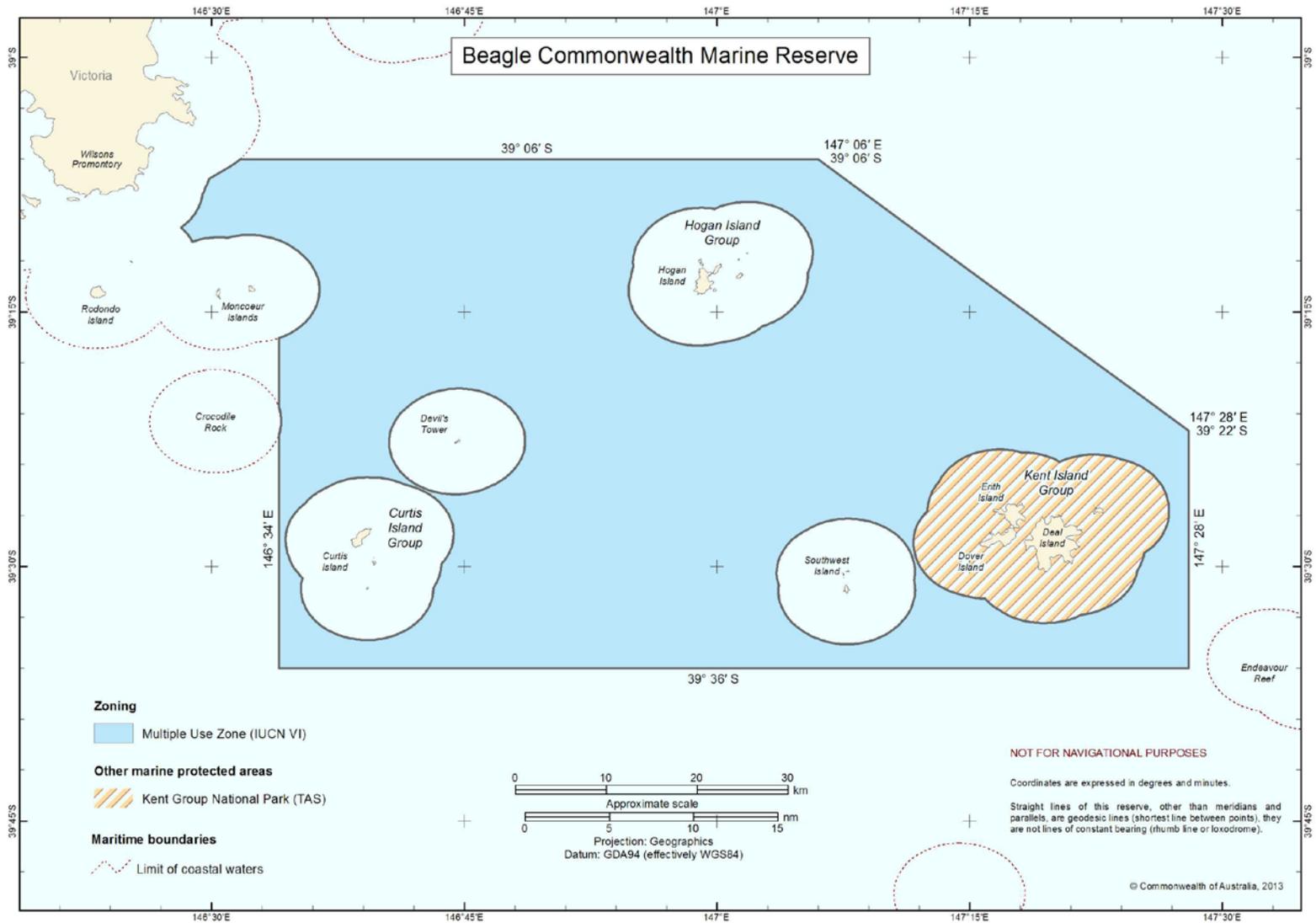
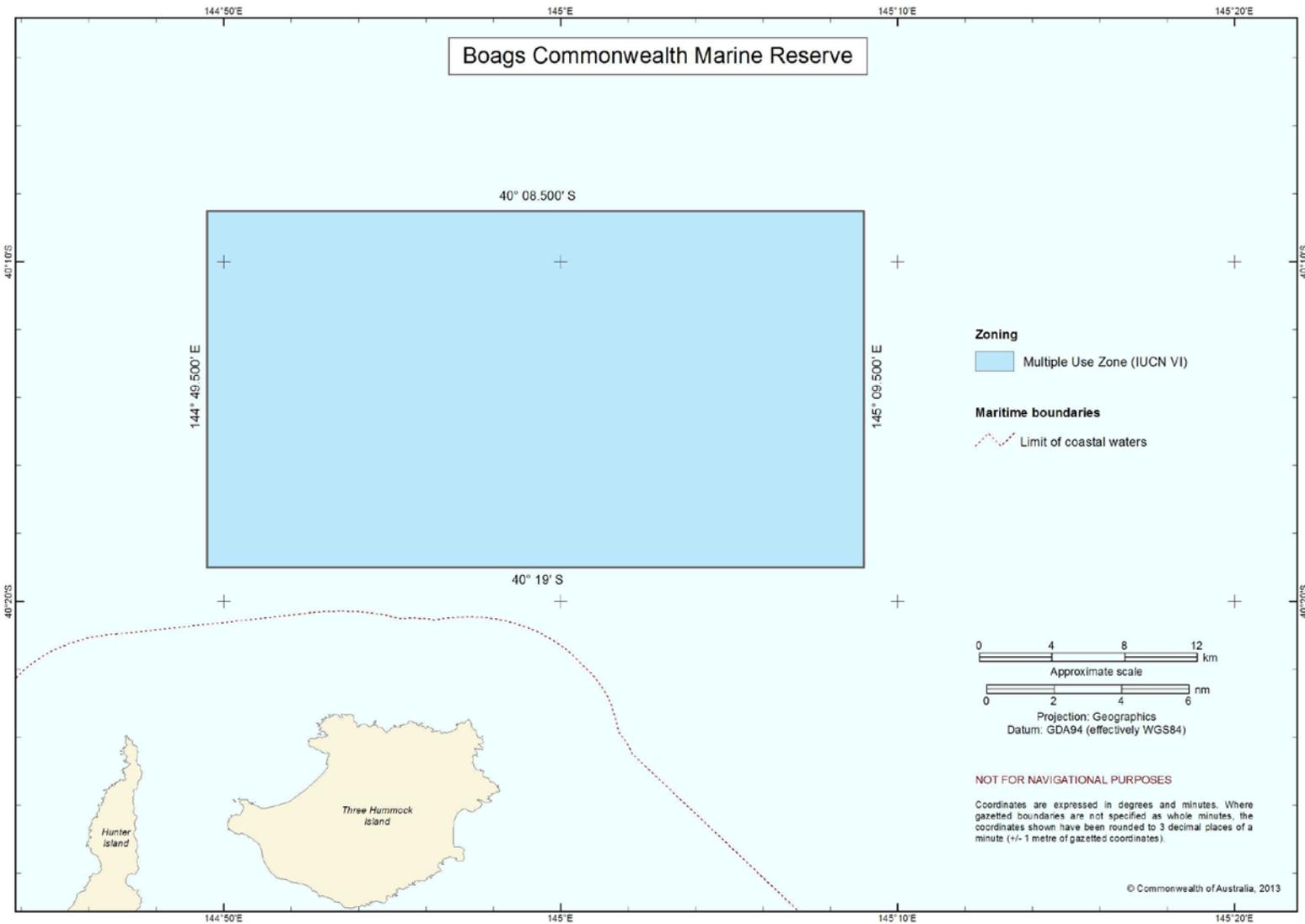


Figure A3: Beagle Commonwealth Marine Reserve

## Boags Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN VI—Multiple Use Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>1</b>				Multiple Use Zone
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	537 km <sup>2</sup> (53 700 ha).			
<b>Major conservation values</b>	<p>Ecosystems, habitats and communities associated with: the Bass Strait Shelf Province            And associated with sea-floor features:            plateau            tidal sandwave/sandbank            Important foraging area for:            shy albatross, Australasian gannet, short-tailed shearwater, fairy prion, black-faced cormorant, common diving petrel and little penguin</p>			
<b>Location</b>	The Boags Commonwealth Marine Reserve is off the north-west tip of Tasmania, north of Three Hummock Island. The reserve is wholly contained within western Bass Strait.			
<b>General description</b>	<p>The Boags Commonwealth Marine Reserve represents an area of shallow ecosystems that has a depth range mostly between 40 m and 80 m. It encompasses the fauna of central Bass Strait, which is expected to be especially rich based on studies of several sea floor-dwelling animal groups.</p> <p>The Boags Marine Reserve contains a rich array of life, particularly bottom-dwelling animals and animals living in the sea-floor sediments and muds, such as crustaceans, polychaete worms and molluscs, as is common for the Bass Strait seabed.</p> <p>The reserve is adjacent to the important seabird breeding colonies of Tasmania's north-west, particularly the Hunter group of islands (Three Hummock Island, Hunter Island, Steep Island, Bird Island, Stack Island and Penguin Islet), and so is an important foraging area for a variety of seabirds.</p> <p>White shark also forage in the reserve</p>			

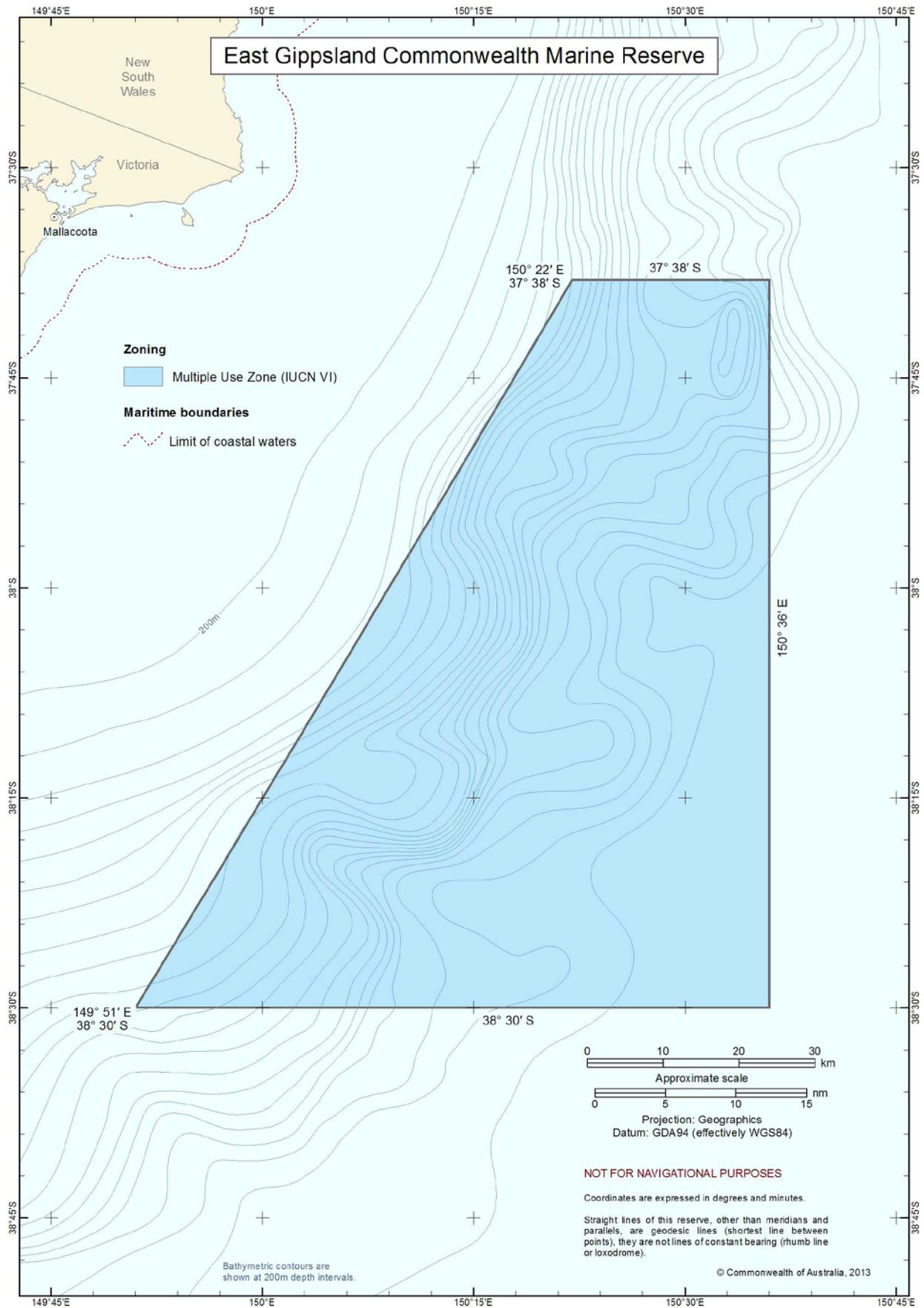


**Figure A4: Boags Commonwealth Marine Reserve**

## East Gippsland Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN VI—Multiple Use Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>1</b>				Multiple Use Zone
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	4137 km <sup>2</sup> (413 700 ha).			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with: the Southeast Transition and associated with sea-floor features: abyssal plain/deep ocean floor canyon escarpment knoll/abyssal hill slope</p> <p>Features with high biodiversity and productivity: Bass Cascade upwelling east of Eden</p> <p>Important foraging area for: wandering, black-browed, yellow-nosed and shy albatrosses; great-winged petrel; wedge-tailed shearwater; and cape petrel</p> <p>Important migration area for: humpback whale</p>			
<b>Location</b>	The East Gippsland Commonwealth Marine Reserve is off the north-east corner of Victoria, on the continental slope and escarpment.			
<b>General description of the reserve</b>	<p>The East Gippsland Commonwealth Marine Reserve contains representative samples of an extensive network of canyons, continental slope and escarpment at depths from 600 m to more than 4000 m.</p> <p>The geomorphic features of this reserve include rocky-substrate habitat, submarine canyons, escarpments and a knoll, which juts out from the base of the continental slope.</p> <p>The reserve includes both warm and temperate waters, which create habitat for free-floating aquatic plants or microscopic plants (i.e. phytoplankton) communities. Complex seasonality in oceanographic patterns influences the biodiversity and local productivity.</p> <p>The East Australian Current brings subtropical water from the north, and around Cape Howe the current forms large eddies, with a central core of warm water. Around the outside of the eddies, cooler, nutrient-rich waters mix with the warm water creating conditions for highly productive phytoplankton growth, which supports a rich abundance of marine life. During winter, upwellings of cold water may occur and bring nutrient-rich waters to the surface, boosting productivity. Many oceanic seabirds forage in these waters, including albatrosses (e.g. wandering, black-browed, yellow-nosed and shy albatrosses), the great-</p>			

	<p>winged petrel, wedge-tailed shearwater and cape petrel. Humpback whales pass by during their migrations north and south along the eastern seaboard.</p>
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**Figure A5: East Gippsland Commonwealth Marine Reserve**

## Flinders Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN II—Marine National Park zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>2</b>		Marine National Park Zone (25 812 km <sup>2</sup> )		Multiple Use Zone (1231 km <sup>2</sup> )
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	27 043 km <sup>2</sup> (2 704 300 ha)			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with:  the Tasmania Province  the Tasmanian Shelf Province  the Southeast Transition  the Southeast Shelf Transition</p> <p>And associated with sea-floor features:  abyssal plain/deep ocean floor  canyon  plateau  seamount/guyot  shelf  slope</p> <p>Features with high biodiversity and productivity:  east Tasmania subtropical convergence zone</p> <p>Important foraging area for:  wandering, black-browed, yellow-nosed and shy albatrosses, northern giant petrel, Gould's petrel and cape petrel  killer whale  white shark and Harrison's dogfish</p> <p>Important migration area for:  humpback whale</p>			
<b>Location</b>	The Flinders Commonwealth Marine Reserve is east of the north-east tip of Tasmania and Flinders Island, and extends over 400 km eastward.			
<b>General description</b>	<p>The Flinders Commonwealth Marine Reserve covers a depth range from about 40 m on the shallow continental shelf to abyssal depths of 3000 m or more near the edge of Australia's exclusive economic zone.</p> <p>Key features of this area are the continental shelf, and a long section of steep continental slope, incised by a series of deep submarine canyons. Sea bottom habitats include sheer rocky walls and large rocky outcrops that support a rich diversity of small seabed animals, such as lace corals and sponges. These and the large expanses of sandy and muddy sediments are habitats to a wide variety of fishes and to populations of the giant crab. Areas between 400 m and 600 m of the continental slope sea floor are habitat for dogfish and gulper sharks, and Harrison's dogfish has been recently recorded in the reserve.</p>			

	<p>The biodiversity of the reserve is influenced by summer incursions of the warm East Australian Current and associated large-scale eddies.</p> <p>Another prominent feature is a large offshore seamount believed to be too deep to have been fished. Seamounts are generally considered to be important centres of deep ocean biodiversity, offering a wide range of habitats at different depths and orientations to currents. The large seamounts to the east of Tasmania are believed to be individually important, providing habitat to species that may be unique to each seamount and to a range of more widely occurring species that make their homes only on their rocky slopes. Presently, little is known about the fauna of these seamounts, but based on information from other better known offshore seamounts, seabed animals are expected to include endemic species.</p>
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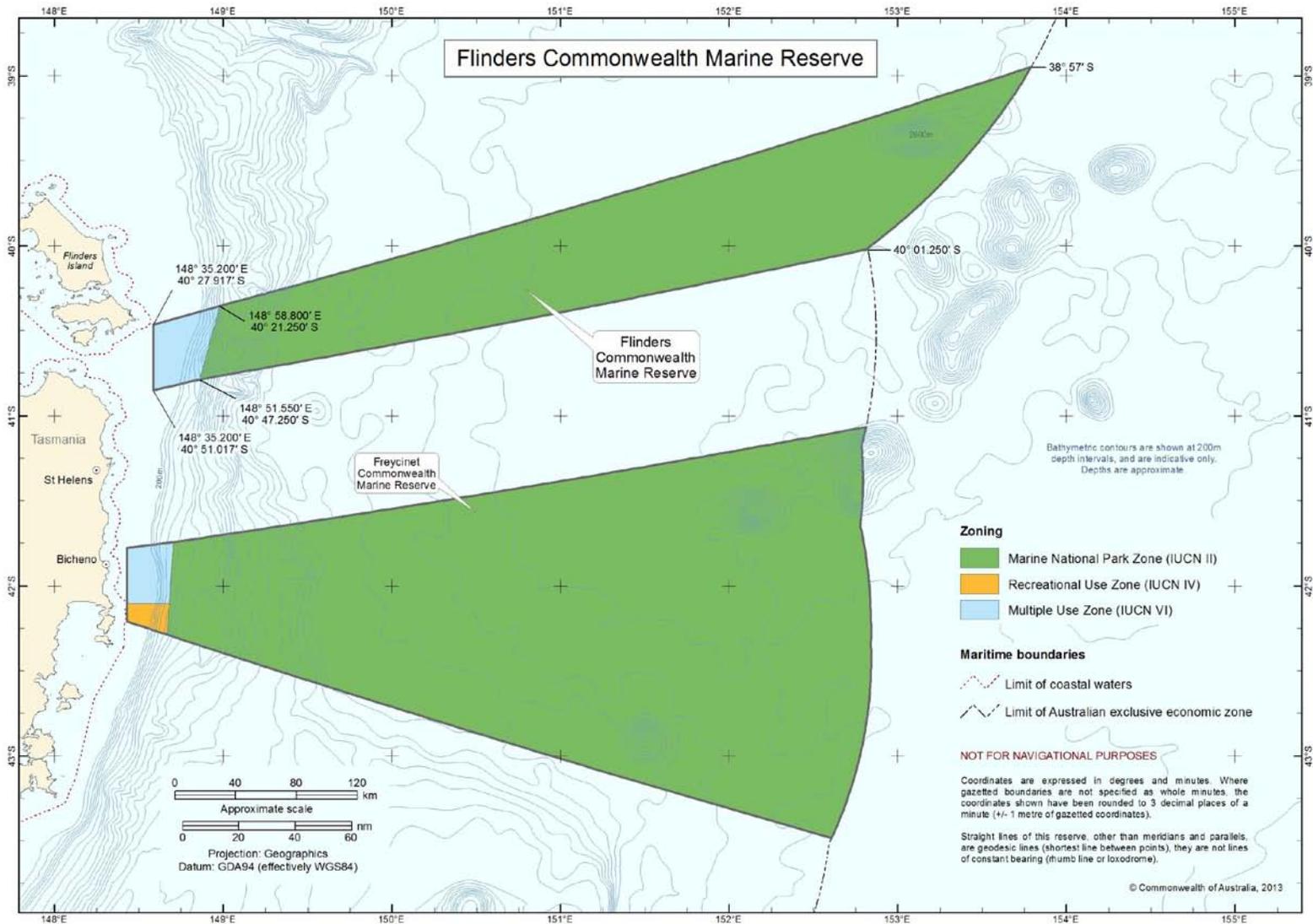
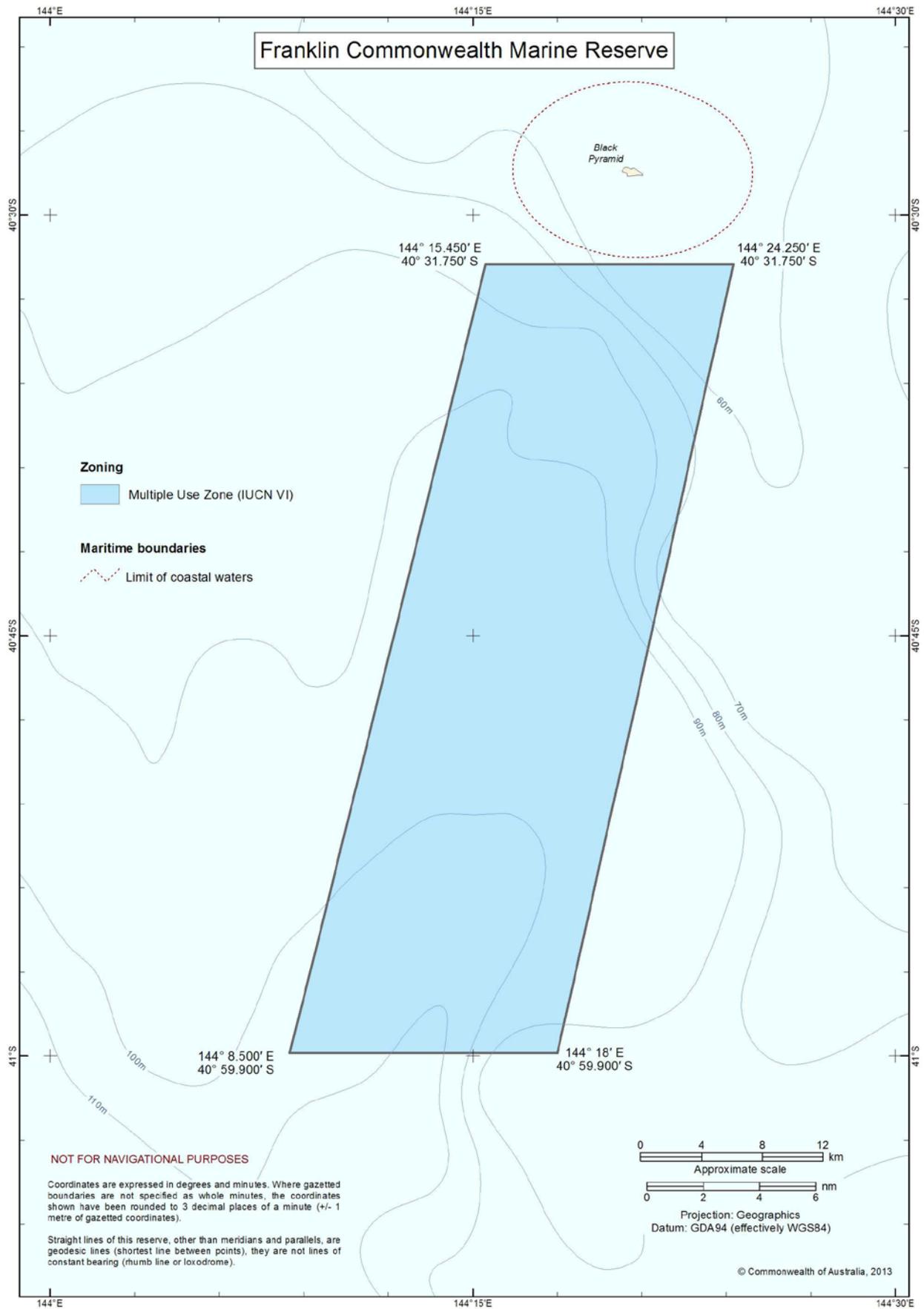


Figure A6: Flinders Commonwealth Marine Reserve

## Franklin Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN VI—Multiple Use Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>1</b>				Multiple Use Zone
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	671 km <sup>2</sup> (67 100 ha).			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with:  the Tasmanian Shelf Province  the Western Bass Strait Shelf Transition  And associated with sea-floor features:  shelf  deep/hole/valley  escarpment  plateau  Important foraging area for:  shy albatross, short-tailed shearwater, Australasian gannet, fairy prion, little penguin, common diving petrel, black-faced cormorant and silver gull</p>			
<b>Location</b>	The Franklin Commonwealth Marine Reserve is west of the north-western corner of Tasmania and south-east of King Island.			
<b>General description</b>	<p>The Franklin Commonwealth Marine Reserve represents an area of shallow continental shelf ecosystems and incorporates areas of two major bioregions: western Bass Strait and the Tasmanian shelf. Its cool temperate waters are exposed to large swells driven by westerly gales.</p> <p>At its northern end, the waters are only 40 m deep, and in much of the reserve the sea floor slopes gently and is covered by fine and coarse sediments. At the southern end of the reserve there is a valley where the water is up to 150 m deep. The reserve provides a feeding ground for a variety of seabirds, such as the fairy prion, shy albatross, silver gull, short-tailed shearwater, black-faced cormorant and common diving petrel, that have breeding colonies on the nearby Hunter group of islands.</p> <p>Black Pyramid Rock, 6 km north of the reserve supports the largest breeding colony of the Australasian gannet in Tasmania, and one of only eight breeding sites for this species in Australia.</p> <p>White shark also forage in the reserve</p>			

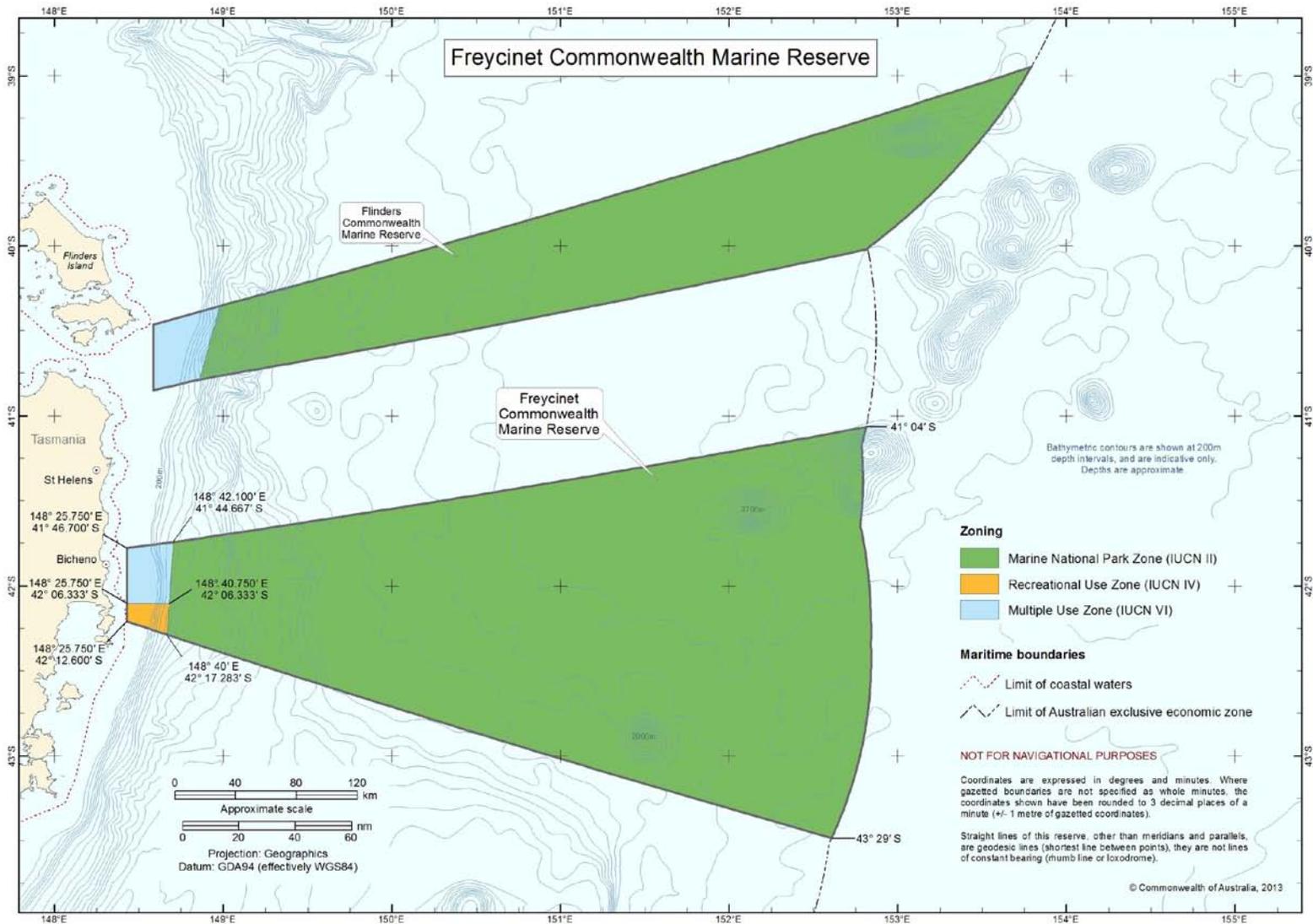


**Figure A7: Franklin Commonwealth Marine Reserve**

## Freycinet Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN II—Marine National Park zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>3</b>		Marine National Park Zone (56 793 km <sup>2</sup> )	Recreational Use Zone (323 km <sup>2</sup> )	Multiple Use Zone (826 km <sup>2</sup> )
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	57 942 km <sup>2</sup> (5 794 200 ha)			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with:</p> <ul style="list-style-type: none"> <li>the Tasmania Province</li> <li>the Tasmanian Shelf Province</li> <li>the Southeast Transition</li> </ul> <p>And associated with sea-floor features:</p> <ul style="list-style-type: none"> <li>abyssal plain/deep ocean floor</li> <li>canyon</li> <li>escarpment</li> <li>knoll/abyssal hill</li> <li>saddle</li> <li>seamount/guyot</li> <li>shelf</li> <li>terrace</li> </ul> <p>Features with high biodiversity and productivity:</p> <ul style="list-style-type: none"> <li>east Tasmania subtropical convergence zone</li> </ul> <p>Important foraging area for:</p> <ul style="list-style-type: none"> <li>wandering, black-browed and shy albatrosses, cape petrel and fairy prion</li> <li>sei whales and killer whales</li> </ul> <p>Important migration and resting on migration area for:</p> <ul style="list-style-type: none"> <li>southern right whale</li> </ul> <p>Important migration area for:</p> <ul style="list-style-type: none"> <li>humpback whale</li> </ul>			
<b>Location</b>	The Freycinet Commonwealth Marine Reserve is east of Tasmania, offshore from the Freycinet Peninsula.			
<b>General description</b>	<p>The Freycinet Commonwealth Marine Reserve covers a depth range from about 40 m on the shallow continental shelf, to abyssal depths of 3000 m or more at the edge of Australia's exclusive economic zone.</p> <p>The reserve spans the continental shelf and deeper water ecosystems that extend around south-eastern Australia to the east of Tasmania. The shelf is adjoined to a large offshore saddle.</p> <p>The reserve also includes large offshore seamounts, which are believed to be too deep to have been fished. Seamounts are generally considered to be important centres of biodiversity. They offer a wide range of habitats at different depths and orientations to currents. The seamounts east of Tasmania are also believed to be individually important, providing habitat to species that may be unique to each</p>			

	<p>seamount. The shallower part of the reserve includes habitat important to seabirds. White shark also forage in the reserve</p>
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**Figure A8: Freycinet Commonwealth Marine Reserve**

## Huon Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN VI—Multiple Use Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>2</b>			Habitat Protection Zone (389 km <sup>2</sup> )	Multiple Use Zone (9602 km <sup>2</sup> )
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	9991 km <sup>2</sup> (999 100 ha)			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with:  the Tasmanian Shelf Province  the Tasmania Province  And associated with sea-floor features:  canyon  knoll/abyssal hill (seamount)  pinnacle  saddle  shelf  terrace</p> <p>Features with high biodiversity and productivity:  seamounts south and east of Tasmania  Important foraging area for:  black-browed, Buller's and shy albatrosses, great-winged petrel, short-tailed shearwater and fairy prion  Australian fur seal and killer whale  Important migration area for:  humpback whale</p>			
<b>Location</b>	The Huon Commonwealth Marine Reserve is south-east of Tasmania.			
<b>General description</b>	<p>The Huon Commonwealth Marine Reserve covers a broad depth range from the inner continental shelf at about 70 m, to abyssal depths of more than 3000 m. The majority of the area is in deep water. The Tasman Seamounts Marine Reserve that was proclaimed in 1999 has been wholly incorporated into the Huon Commonwealth marine reserve.</p> <p>The reserve contains a cluster of seamounts that appear as cone-shaped submerged mountains, which provide a range of depths for a diversity of plants and animals.</p> <p>The peaks of many of the reserve's seamounts are between 750 m and 1000 m below the sea surface and support endemic species, including large erect corals and sponges. Some of the flora and fauna are hundreds and possibly thousands of years old, making them some of the longest-lived animals on Earth. The reserve also provides an important connection between seamounts of the Indian Ocean and the Tasman Sea.</p> <p>Seamounts are regarded as areas of increased productivity in the otherwise nutrient-poor open ocean. Their topography accelerates water currents to provide</p>			

	<p>a consistent and relatively rich food source for filter feeders, and which sweeps the seamounts clear of fine sediments, exposing rocks for animals, such as corals, to attach to. Seamounts are generally considered to be important stepping stones in the transoceanic dispersal of larvae of bottom-dwelling species.</p> <p>The habitat protection zone was established to protect the unique and vulnerable benthic communities of the reserve's seamounts. The zone includes seamounts rising 650–1000 m above the sea floor, which have been subject to commercial fishing. Deeper seamounts, peaking at 1150–1700 m above the sea floor, have not been fished, and are in pristine condition. Benthic communities include coral-dominated communities found at depths less than 1400 m. The hard coral <i>Solenastrea variabilis</i> forms a dense matrix that provides a platform for hydroids and sponges; stone corals; and black, gold and bamboo corals. Benthic communities deeper than 1400 m are urchin dominated.</p> <p>The reserve is a foraging area for white shark and seabirds and a spawning or nursery area for important commercial fish, including ocean perch and blue warehou.</p>
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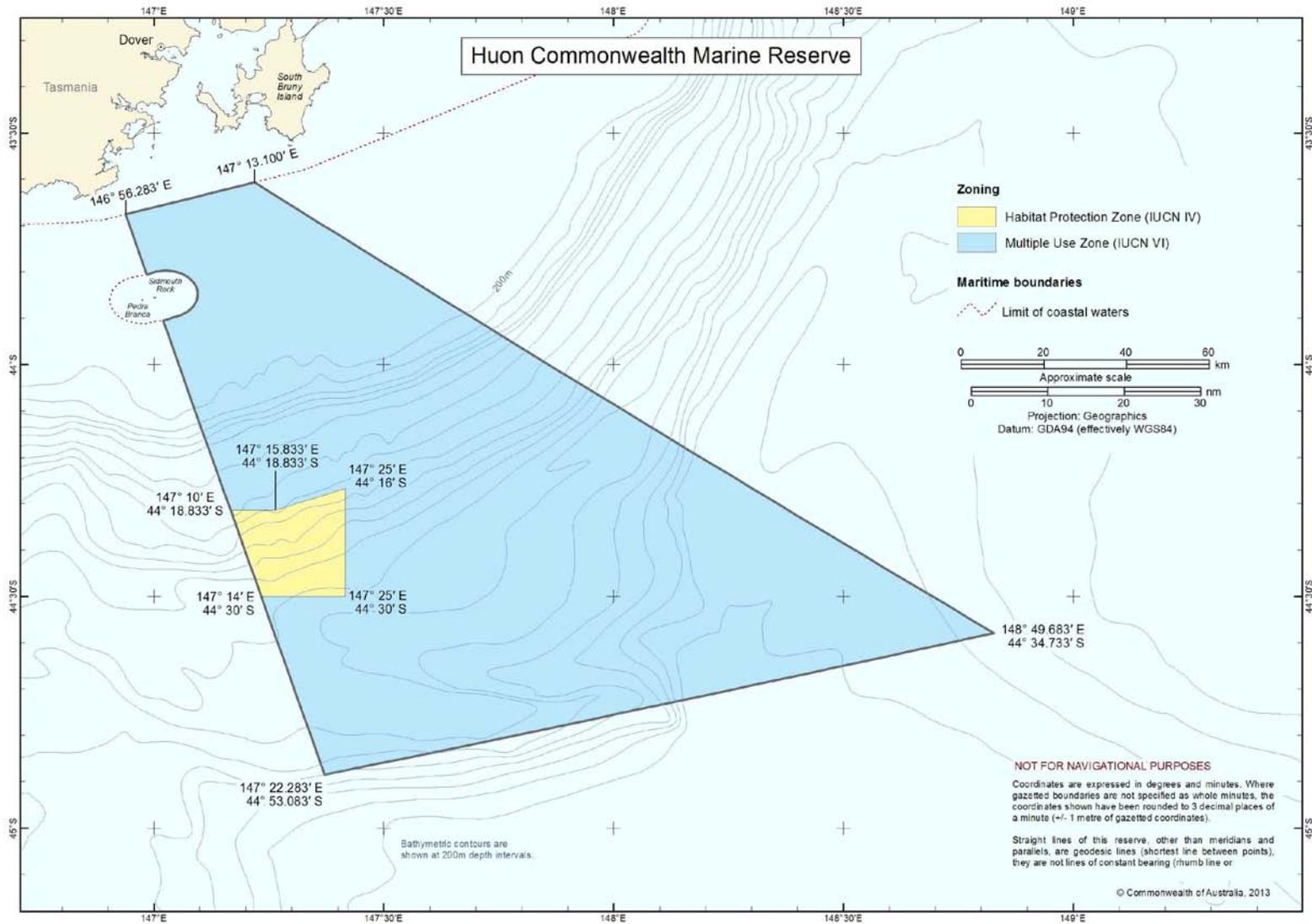
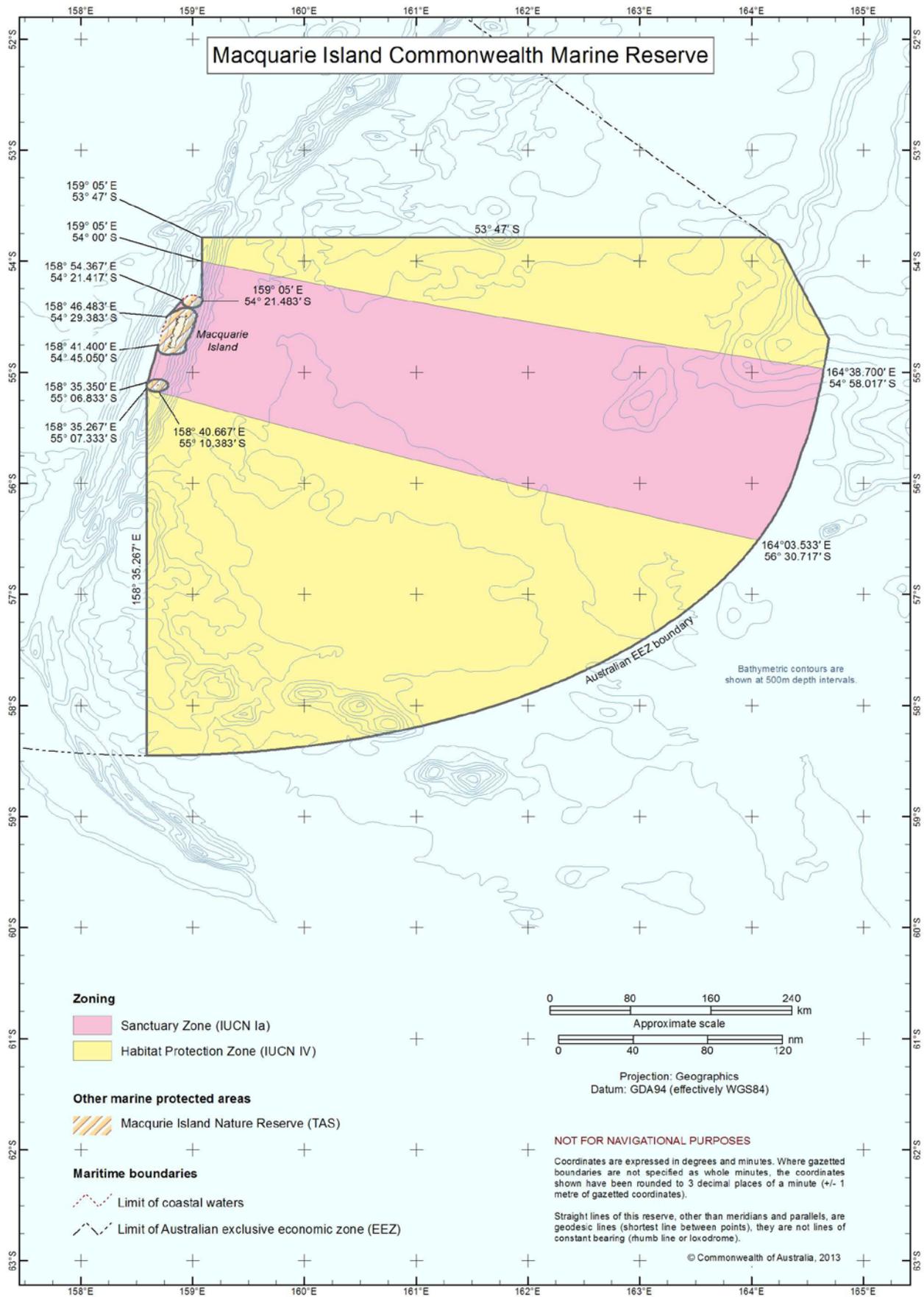


Figure A9: Huon Commonwealth Marine Reserve

## Macquarie Island Commonwealth Marine Reserve

<b>Proclamation</b>	Proclaimed under the National Parks and Wildlife Conservation Act 1975 (NPWC Act) on 20 October 1999 as the Macquarie Island Marine Park. When the NPWC Act was replaced on 16 July 2000 by the EPBC Act, the Macquarie Island Marine Park continued as though it had been created under the EPBC Act. The name of the reserve was later changed by proclamation on 28 June 2007 to the Macquarie Island Commonwealth marine reserve.			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN IV—Habitat protection zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>2</b>	Sanctuary Zone (58 000 km <sup>2</sup> )		Northern (27 000 km <sup>2</sup> ) and Southern (77 000 km <sup>2</sup> ) Habitat Protection zones	
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	162 000 km <sup>2</sup> (16 200 000 ha)			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with: the Macquarie Province</p> <p>And associated with sea-floor features:</p> <ul style="list-style-type: none"> <li>abyssal plain/deep ocean floor</li> <li>canyon</li> <li>escarpment</li> <li>knoll/abyssal hill</li> <li>ridge</li> <li>slope</li> <li>trench/trough</li> </ul> <p>Important foraging area for:</p> <ul style="list-style-type: none"> <li>southern elephant seal, Antarctic, sub-Antarctic and New Zealand fur seals</li> <li>royal, king, rockhopper and gentoo penguins, and wandering albatross</li> <li>killer whale</li> </ul>			
<b>Location</b>	The Macquarie Island Commonwealth Marine Reserve is in the Southern Ocean, about 1500 km south-east of Tasmania. The reserve is adjacent to the Macquarie Island Nature Reserve, which is managed by the Tasmanian Government.			

<p><b>General description</b></p>	<p>Macquarie Island and the surrounding region have unique geological characteristics. The island's orientation and the submerged Macquarie Ridge together act as a major barrier to the Antarctic Circumpolar Current, Earth's largest and most important oceanic current.</p> <p>The Macquarie Island region is important for seabirds and seals that breed on the island and forage in the reserve. The reserve includes two habitat protection zones that were established to protect the habitat of seabirds and seals, and the benthic and pelagic fauna that depend on the area. The northern habitat protection zone includes a foraging area for fur seals (New Zealand, antarctic and subantarctic fur seals). The southern habitat protection zone includes foraging area for penguins during the breeding season, and it is used by many penguin species to transit to and from more southerly waters.</p> <p>A number of species found in the Macquarie Island region, including five albatross species, four penguin species and two seal species, are under local or global threat, and because most of these species require extremely large migratory or foraging ranges, protection of their critical feeding and migratory areas has international significance.</p> <p>Although the timing of many species seasonal occupation of the region and their behaviour while onshore are well documented, the behaviour of these animals while in the marine environment or outside breeding seasons requires further research.</p> <p>The Macquarie Island Commonwealth Marine Reserve includes a portion of the Macquarie Island World Heritage Area, which extends from the shore to 12 nm and, accordingly, the Commonwealth has jurisdiction over waters from 3–12 nm.</p>
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**Figure A10: Macquarie Island Commonwealth Marine Reserve**

## Murray Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN II—Marine National Park zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>3</b>		Marine National Park Zone (12 749 km <sup>2</sup> )		Special Purpose Zone (7147 km <sup>2</sup> )
				Multiple Use Zone (5907 km <sup>2</sup> )
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	25 803 km <sup>2</sup> (2 580 300 ha)			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with:  the Spencer Gulf Shelf Province  the Southern Province  the West Tasmanian Transition  And associated with sea-floor features:  abyssal plain/deep ocean floor  canyon  escarpment  knoll/abyssal hill  shelf  slope  terrace  Features with high biodiversity and productivity:  Bonney coast upwelling  shelf rocky reefs and hard substrate  Important foraging areas for:  blue, sei and fin whales  Australian sea lion  wandering, black-browed, yellow-nosed and shy albatrosses, great-winged petrels,  flesh-footed and short-tailed shearwaters, and white-faced storm petrel  Important breeding area for:  southern right whale  Important migration area for:  humpback whale</p>			
<b>Location</b>	The Murray Commonwealth Marine Reserve is south of the mouth of the Murray River, off the South Australian coast, and stretches out to Australia's exclusive economic zone limit, more than 400 km out to sea.			

<b>General description</b>	<p>The Murray Commonwealth Marine Reserve spans an extensive area across the Lacedpede Shelf, continental slope and deeper water ecosystems that extend from South Australia to Tasmania. The reserve contains the Murray Canyon, which is considered one of the most spectacular geological formations on the Australian continent margin. The canyon is deeper than America's Grand Canyon, descending to 4600 m below sea level and stretching for more than 150 km.</p> <p>The reserve protects samples of the key features in the area, including continental shelf and slope, abyssal plain and Sprigg Canyon.</p> <p>The reserve is important for many marine species, including those migrating through its inshore waters. The southern right whale uses the inshore area of the reserve to nurse its young. Offshore, many seabird species can be seen foraging. Upwelling of nutrient-rich water occurs in the reserve, although these upwellings are less strong than to the east where they are known as the Bonney Upwelling. Blue whales have been sighted on several occasions in the reserve. White shark also forage in the reserve</p>
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## Nelson Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN—Special Purpose Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>1</b>				Special Purpose Zone
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	6123 km <sup>2</sup> (612 300 ha)			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with: the West Tasmanian Transition and associated with sea-floor features:</p> <ul style="list-style-type: none"> <li>abyssal plain/deep ocean floor</li> <li>canyon</li> <li>knoll/abyssal hill</li> <li>plateau</li> <li>slope</li> </ul> <p>Important migration area for:</p> <ul style="list-style-type: none"> <li>humpback whale</li> <li>blue, fin and sei whales (likely migration)</li> </ul>			
<b>Location</b>	The Nelson Commonwealth Marine Reserve is south-west of the South Australian and Victorian border.			
<b>General description</b>	<p>The Nelson Commonwealth Marine Reserve spans the deepwater (below 3000 m) ecosystems extending from South Australia to the west of Tasmania. The reserve encloses geological features including plateaus, knolls, canyons and the abyssal plain—a large area of extremely flat or gently sloping ocean floor just offshore from a continent. The knoll features provide a rocky substrate above the abyssal plain.</p> <p>Little is known about the benthic diversity of this reserve, however marine mammals occur here.</p>			

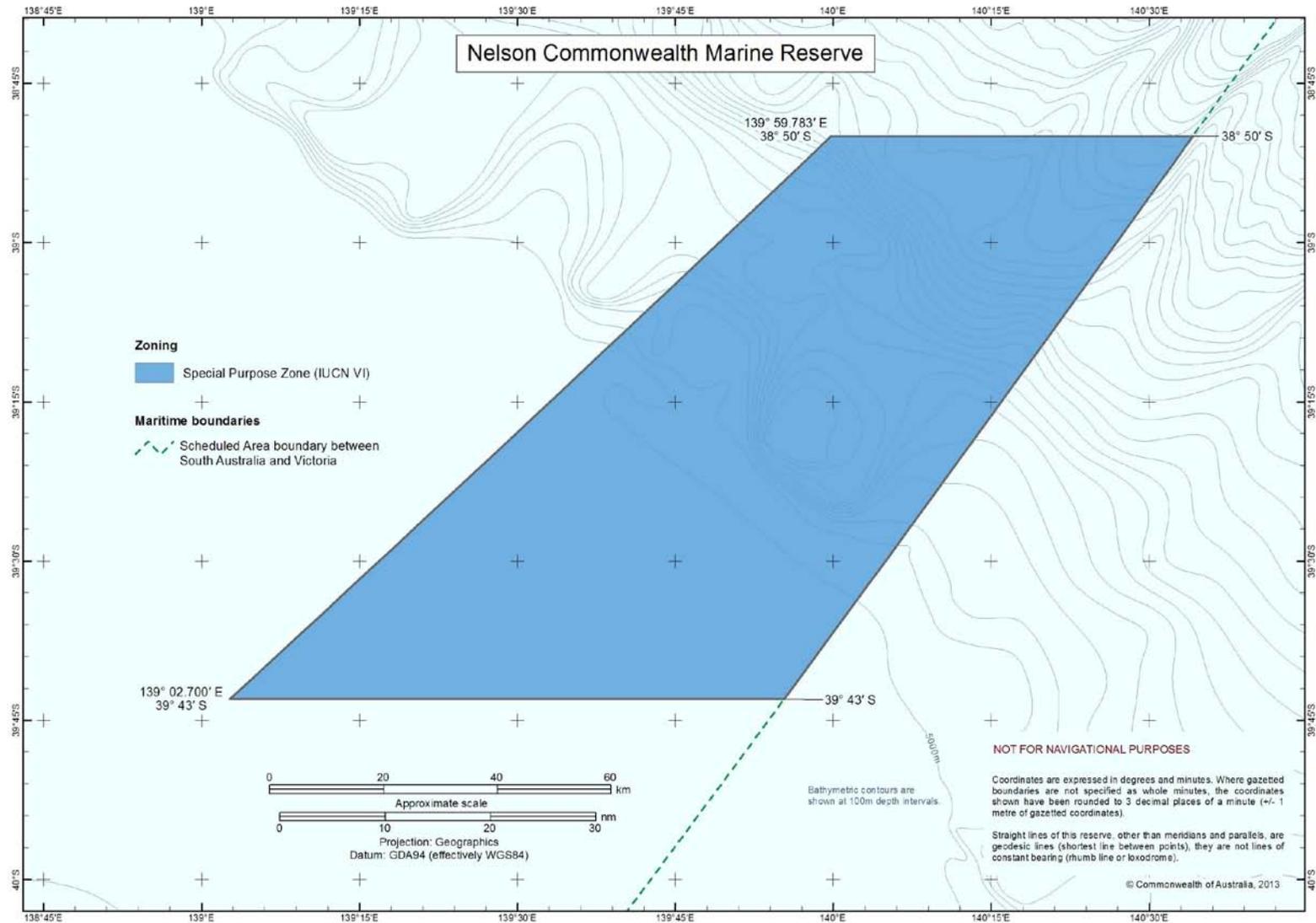
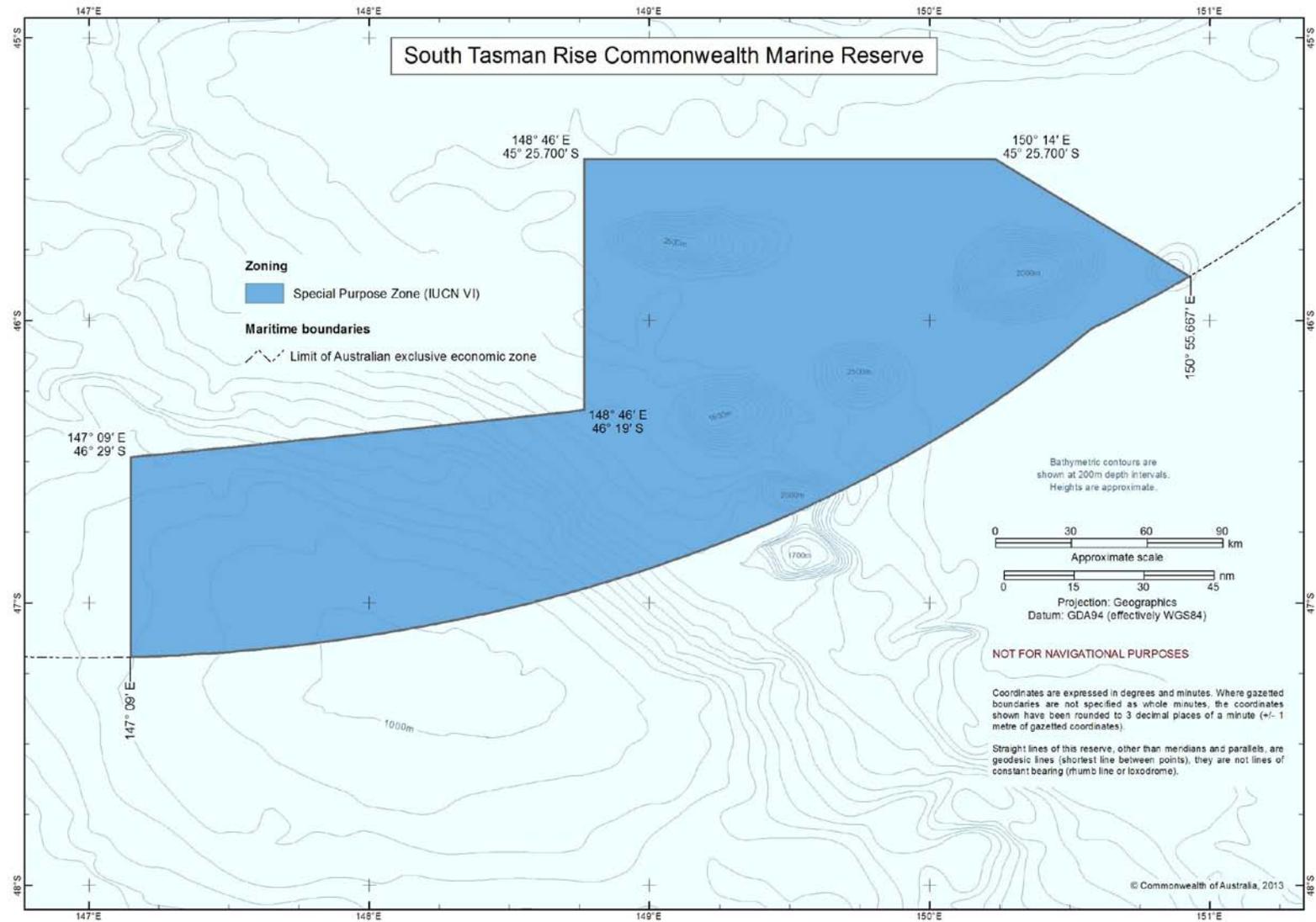


Figure A12: Nelson Commonwealth Marine Reserve

## South Tasman Rise Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN VI—Special Purpose Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>1</b>				Special Purpose Zone
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	27 704 km <sup>2</sup> (2 770 400 ha).			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with: Tasmanian Province and associated with sea-floor features: abyssal plain/deep ocean floor canyon plateau seamount/guyot slope</p> <p>Important foraging areas for: wandering and black-browed albatrosses; short-tailed shearwater; white-headed and white-chinned petrels</p>			
<b>Location</b>	The South Tasman Rise Commonwealth Marine Reserve is south-east of Tasmania, with its southern edge following the boundary of the Australian exclusive economic zone, 200 nm from land.			
<b>General description</b>	<p>The South Tasman Rise Commonwealth Marine Reserve occurs in the deep ocean and includes a section of the mid-continental slope at depths of 1200–3000 m. It encloses a submerged plateau of continental rock that stands as the last remnant of the link between Australia and Antarctica.</p> <p>The sea floor in this reserve was deformed by the massive rifting process when the Australian continental block moved north. The reserve supports unique environments for marine life and is an area of significant scientific interest. It contains several seamounts, some of which have flat summits, which indicates that they were exposed above the surface at some time.</p>			



**Figure A13: South Tasman Rise Commonwealth Marine Reserve**

## Tasman Fracture Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN VI—Special Purpose Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>3</b>		Marine National Park Zone (692 km <sup>2</sup> )		Special Purpose Zone (21 313 km <sup>2</sup> )
				Multiple Use Zone (20 496 km <sup>2</sup> )
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area of reserve</b>	42 501 km <sup>2</sup> (4 250 100 ha)			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with:  the Tasmania Province  the Tasmanian Shelf Province.  the West Tasmania Transition  and associated with sea-floor features:  abyssal plain/deep ocean floor  basin  canyon  knoll/abyssal hill  pinnacle  plateau  ridge  saddle  shelf  slope  terrace  trench/trough  Important migration area for:  humpback whale  Important foraging areas for:  New Zealand fur seal  wandering, black-browed and shy albatrosses; white-chinned petrel;  common diving petrel; short-tailed shearwater; and fairy prion  white shark</p>			
<b>Location</b>	The Tasman Fracture Commonwealth Reserve extends south-west of Tasmania from the continental shelf to Australia's exclusive economic zone boundary, 200 nm from land.			

<p><b>General description</b></p>	<p>The Tasman Fracture Commonwealth Reserve complements the Port Davey Marine Reserve (encompassing Port Davey, Bathurst Channel and Bathurst Harbour), which was proclaimed by the Tasmanian Government in 2005. It spans the continental shelf, continental slope and deeper water ecosystems south of Tasmania, and is scored by steep canyons. It also encloses other geological features, including steep escarpments and troughs, saddles, basins, and part of a plateau that is over 400 km long and rises up to 3 km above the sea floor.</p> <p>The reserve includes a number of undersea peaks rising to less than 1500 m below the sea surface that provide habitat to deepwater hard corals. These corals provide a structure and habitat for a rich diversity of marine invertebrate animals that live attached corals.</p> <p>Waters of the reserve are home to many species of seabirds, seals and cetaceans, such as dolphins and killer whales. Partly surrounded by the reserve is Mewstone Island, a Tasmanian nature reserve, which has the largest breeding population of the shy albatross.</p> <p>Due to its southerly location, extending south of the subtropical convergence zone and into the subantarctic front, the fauna of this reserve includes subantarctic fishes and seabed invertebrates on the continental shelf and slope. Biodiversity in this reserve is influenced by the most easterly extent of flow of the Zeehan Current.</p>
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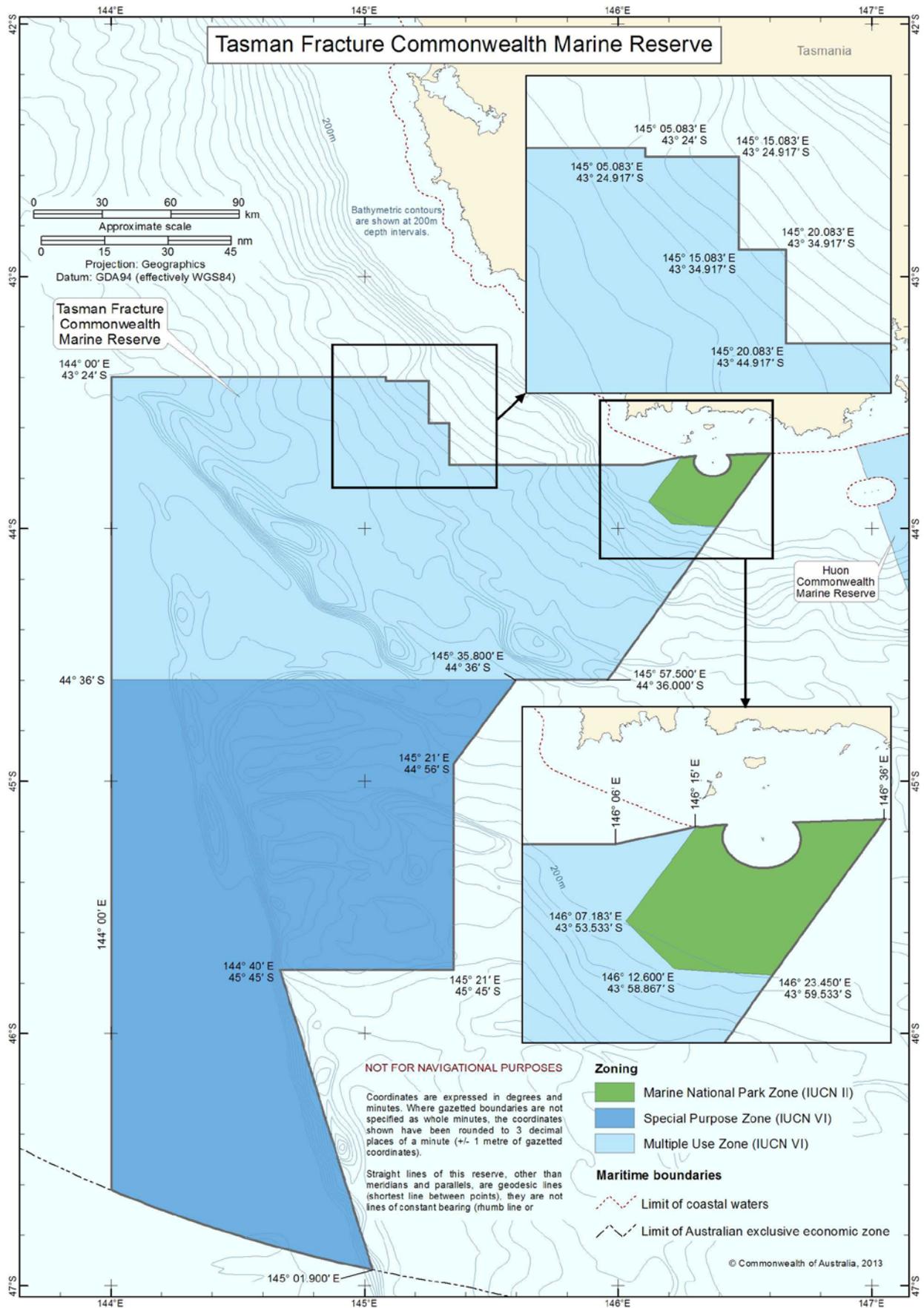
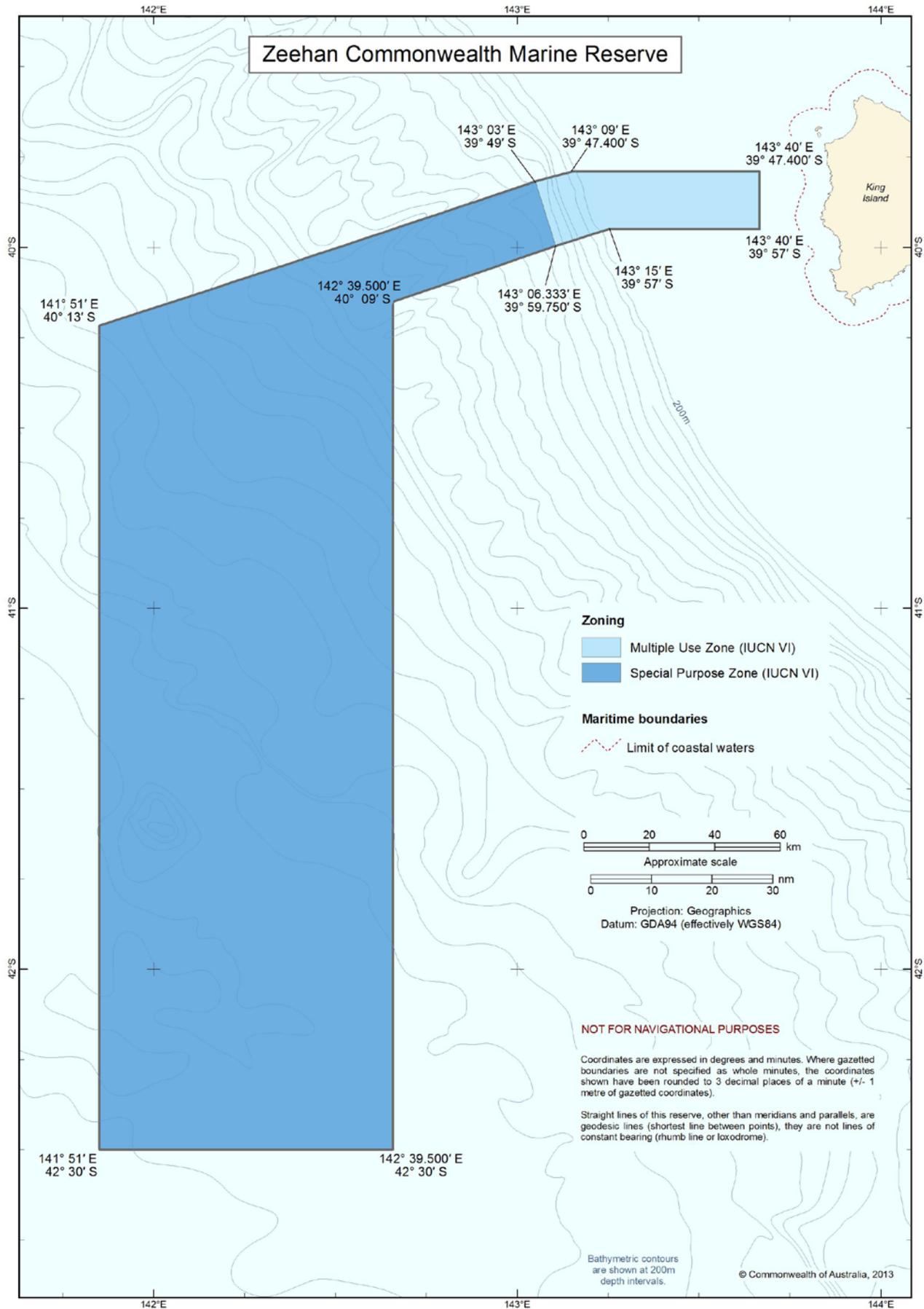


Figure A14: Tasman Fracture Commonwealth Marine Reserve

## Zeehan Commonwealth Marine Reserve

<b>Proclaimed</b>	28 June 2007			
<b>IUCN category assigned by this Management Plan and reserve management zone name</b>	IUCN VI—Special Purpose Zone			
<b>Assigned zones in reserve:</b>	IUCN Ia	IUCN II	IUCN IV	IUCN VI
<b>2</b>				Special Purpose Zone (18 967 km <sup>2</sup> )
				Multiple Use Zone (933 km <sup>2</sup> )
<b>Depth of reserve below seabed</b>	100 m			
<b>Total area</b>	19 897 km <sup>2</sup> (1 989 700 ha).			
<b>Major conservation values</b>	<p>Examples of ecosystems, habitats and communities associated with:</p> <ul style="list-style-type: none"> <li>the Tasmania Province</li> <li>the West Tasmania Transition</li> <li>the Western Bass Strait Shelf Transition</li> </ul> <p>and associated with sea-floor features:</p> <ul style="list-style-type: none"> <li>abyssal plain/deep ocean floor</li> <li>canyon</li> <li>deep/hole/valley</li> <li>knoll/abyssal hill</li> <li>shelf</li> <li>slope</li> </ul> <p>Important migration area for:</p> <ul style="list-style-type: none"> <li>blue and humpback whales</li> </ul> <p>Important foraging areas for:</p> <ul style="list-style-type: none"> <li>black-browed, wandering and shy albatrosses, and great-winged and cape petrels</li> </ul>			
<b>Location</b>	The Zeehan Commonwealth Marine Reserve is north-west of Tasmania.			

<p><b>General description</b></p>	<p>The Zeehan Commonwealth Marine Reserve covers a broad depth range, from the shallow continental shelf at a depth of about 50 m to the abyssal plain, which is over 3000 m deep. A significant feature of this reserve is a series of four submarine canyons that incise the continental slope, extending from the shelf edge to the abyssal plain. Biodiversity and productivity on the outer shelf and upper slope in this reserve are influenced by the Zeehan Current and its interactions with the canyons.</p> <p>The reserve includes a variety of seabed habitats, including exposed limestone, that support rich animal communities of large sponges and other, permanently fixed, invertebrates on the continental shelf. There are also extensive 'thickets' of low invertebrate animals, such as lace corals and sponges, on the continental slope. These communities are exceptionally diverse and include species new to science. The rocky limestone provides important habitats for a variety of commercial fish species, including Australia's giant crab. Concentrations of larval blue warehou and ocean perch indicate the area is a nursery ground. It is also a foraging area for a variety of seabirds and white shark.</p>
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**Figure A15: Zeehan Commonwealth Marine Reserve**

# APPENDIX B

## Legislative framework for the Reserves Network

The reserves of the South-east Commonwealth Marine Reserves Network are established under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Act and the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) under the Act provide the legal basis and framework for management of the network reserves. Other laws referred to in this Appendix may also be relevant to activities in the reserves. A number of international agreements relevant to management of the reserves are also described.

### EPBC Act

#### *Director of National Parks*

The Director is a corporation under the EPBC Act (s. 514A) and a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*. 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 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.

#### *IUCN categories and management principles*

The EPBC Act requires Commonwealth reserves, and any zones into which a reserve is divided, to be assigned to one of the seven IUCN categories prescribed by the EPBC Regulations (r. 10.03H), which correspond to the protected area management categories identified by the IUCN (see Appendix C):

- strict nature reserve;
- wilderness area;
- national park;
- natural monument;
- habitat/species management area;
- protected landscape/seascape; or
- managed resource protected area.

Reserve management must be consistent with the relevant Australian IUCN reserve management principles prescribed for each category by Schedule 8 to the EPBC Regulations.

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

- community participation
- effective and adaptive management
- the precautionary principle
- minimising impacts
- ecologically sustainable use
- transparency of decision-making
- joint management.

Part 2 of the Schedule sets out management principles applicable to each IUCN category. 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 (see Appendix C).

### *Management plans*

The EPBC Act requires the Director to prepare a management plan for the 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 and, so far as relevant to the reserves, must:

- assign the reserve to an IUCN category
- state how the reserve, or each zone of the reserve, is to be managed
- state how the natural features of the reserve, or of each zone of the reserve, are to be protected and conserved
- specify any limitation or prohibition on the exercise of a power, or performance of a function, under the EPBC Act in or in relation to the reserve
- specify any mining operation, major excavation or other works that may be carried on in the reserve, and the conditions under which it may be carried on
- specify any other operation or activity that may be carried on in the reserve
- indicate generally the activities that are to be prohibited or regulated in the reserve, and the means of prohibiting or regulating them

A management plan must also:

- indicate how the plan takes account of Australia's obligations under each agreement with one or more other countries that is relevant to the reserve (including the World Heritage Convention and the Ramsar Convention, if appropriate);
- if the reserve includes a National Heritage area
- not be inconsistent with the National Heritage management principles
- address the matters prescribed by regulations made for the purposes of paragraph 324S (4)(a); and
- if the reserve includes a Commonwealth Heritage area
- not be inconsistent with the Commonwealth Heritage management principles
- address the matters prescribed by regulations made for the purposes of paragraph 341S(4)(a).

A management plan may:

- divide a reserve into one or more zones, and must assign each zone to an IUCN category; and

- cover more than one Commonwealth reserve (s. 367(5)), as is the case with the South-east Commonwealth Marine Reserves Network Management Plan.

In preparing a management plan the EPBC Act (s. 368) requires account to be taken of various matters. In relation to the Network reserves these matters include:

- the regulation of the use of the Reserve for the purpose for which it was declared;
- the protection of the special features of the Reserve, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest;
- the protection, conservation and management of biodiversity and heritage within the Reserve;
- the protection of the Reserve against damage; and
- 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. These actions are:

- kill, injure, take trade, keep or move a member of a native species; or
- damage heritage; or
- carry on an excavation; or
- erect a building or other structure; or
- carry on works; or
- take an action for commercial purposes.

The EPBC Act (ss. 355 and 355A) also prohibits mining operations being taken in Commonwealth reserves except in accordance with a management plan.

Section 358 allows the Director to grant a lease or a licence relating to land or sea-bed 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. Activities that are prohibited under the EPBC Regulations (Division 12.2) may be carried on if an exemption applies (r. 12.06); for example, where an activity is authorised by a permit issued by the Director, or where a management plan that is in force for a Commonwealth reserve allows for the activity. The EPBC Regulations do not apply to the Director or to wardens or rangers appointed under the EPBC Act who are carrying out their duties.

### *Actions that may require additional approval under the EPBC Act*

#### **Environmental Impact Assessment**

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 the time of preparing this Plan, the matters of national environmental significance identified in the EPBC Act are:

- World Heritage listed properties
- National Heritage listed places
- Ramsar wetlands of international importance
- nationally-listed threatened species and ecological communities
- listed migratory species
- nuclear actions (including uranium mining).

- Commonwealth marine areas
- Great Barrier Reef Marine Park

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 for the Minister's decision 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 in Commonwealth areas and to cetaceans (whales and dolphins) in the Australian Whale Sanctuary (encompassing all Commonwealth waters) established by the Act.

All whales, dolphins and porpoises are protected under the EPBC Act through the establishment of the Australian Whale Sanctuary, which includes all Commonwealth waters. Within the Australian Whale Sanctuary it is an offence to kill, injure or interfere with cetaceans. They are also protected in State and Territory waters.

Migratory species listed under the EPBC Act are species listed under international agreements (to which Australia is a signatory) as species whose protection requires, or would significantly benefit from, international cooperation. These international agreements are discussed in more detail in Appendix B.

Marine species listed under the EPBC Act are species occurring naturally in the Commonwealth marine area that the Australian Government recognises require protection to ensure their long-term conservation. Species listed as marine species are identified in Section 3.3 of the Act.

In relation to threatened species and communities, the EPBC Act also provides for the identification and listing of key threatening processes and the preparation of threat abatement plans and species recovery plans.

Actions taken in accordance with a Commonwealth reserve management plan that is in operation are exempt from prohibitions in Part 13 of the Act.

### *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.

### *Heritage Protection*

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

- 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;
- 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:
- 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
- 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 within 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.

### *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 s211 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.

### *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.

### **Other relevant laws**

#### *Historic Shipwrecks Act 1976*

The *Historic Shipwrecks Act 1976* protects historic wrecks and associated relics, which are more than 75 years old and in Commonwealth waters, extending from below the low water mark to the edge of the continental shelf. The Minister can also make a declaration to protect any historically significant wrecks or articles and relics that are less than 75 years old.

The Act aims to ensure that historic shipwrecks are protected for their heritage values and maintained for recreational, scientific and educational purposes. It also seeks to control actions that may result in damage, interference, removal or destruction of an historic shipwreck or associated relic. Divers can use wreck sites for recreational purposes, but relics must not be removed from the wreck site and the physical fabric of the wreck must not be disturbed, unless a permit has been obtained.

Some historic shipwrecks lie within protected or no-entry zones. These zones may cover an area up to a radius of 800 metres around a wreck site, and may be declared where circumstances place it at particular risk of interference. Permits are required to transit or enter a protected zone for activities such as diving, fishing or commemorative ceremonies. Permits are also required to undertake any activities otherwise prohibited or restricted by the Act.

## *Environment Protection (Sea Dumping) Act 1981*

Australia regulates the loading and dumping of waste at sea under the *Environment Protection (Sea Dumping) Act 1981* (the Sea Dumping Act). This Act also fulfils Australia's international obligations under the London Protocol to prevent marine pollution by controlling dumping of wastes and other matter.

Under the Sea Dumping Act, the Commonwealth aims to minimise pollution threats by:

- prohibiting ocean disposal of waste considered too harmful to be released in the marine environment; and
- regulating permitted waste disposal to ensure environmental impacts are minimised.

The Sea Dumping Act applies to all vessels, aircraft and platforms in Australian waters and to all Australian vessels and aircrafts in any part of the sea.

Permits are required for all sea dumping operations. Permits are most commonly issued for dredging operations and the creation of artificial reefs. Permits have also been issued for the dumping of vessels, platforms or other man-made structures, and for burials at sea.

## *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* establishes the regulatory framework for offshore exploration and production of petroleum, and greenhouse gas storage activities, beyond the 3 nautical mile limit of the coastal waters of the States and the Northern Territory. Management of these activities within coastal waters is the responsibility of the relevant State or the Northern Territory.

## *Offshore Minerals Act 1994*

The *Offshore Minerals Act 1994* establishes the regulatory framework for offshore exploration and recovery of minerals beyond the 3 nautical mile limit of the coastal waters of the States and the Northern Territory. Management of these activities within coastal waters is the responsibility of the relevant State or the Northern Territory.

## **International agreements**

This Management Plan takes into account Australia's obligations under international agreements that are relevant to the South-east Marine Reserves Network.

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

The convention, which was agreed in 1982 and came into force for Australia in 1994, provides a framework to regulate many aspects of the uses of the sea and conservation of the marine environment. It governs all aspects of ocean space, such as delimitation, environmental control, marine scientific research, economic and commercial activities, transfer of technology and the settlement of disputes relating to ocean matters. UNCLOS includes the right of innocent passage of foreign ships through the territorial sea, and of freedom of navigation through Australia's exclusive economic zone (EEZ).

UNCLOS requires foreign ships in territorial seas to comply with the relevant country's laws relating to certain matters, including conservation of the living resources of the sea; prevention of infringement of the fisheries laws; preservation of the environment and the prevention, reduction and control of pollution of the environment; and marine scientific research and hydrographical surveys.

Within Australia's EEZ, foreign ships have rights closely associated with their rights on the high seas, including the freedom of navigation.

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

MARPOL deals with preventing and minimising ship-generated pollution from being discharged into the sea. MARPOL is given effect in Australia by the Commonwealth *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* and the *Navigation Act 1912*. It is the basis for Australian and state government regulation of pollution from all ships,

including fishing vessels, in Australian waters. The International Maritime Organisation, a specialised agency of the United Nations, administers this convention and related conventions.

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

Australia is a signatory to the London Convention 1972, the objective of which is to control all sources of marine pollution and prevent pollution through the regulation of waste dumping into the sea. In Australia, the deliberate loading, dumping and incineration of waste at sea is regulated by the *Environment Protection (Sea Dumping) Act 1981*.

### *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.

### *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 utilisation 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-east Marine Reserves Network assists Australia in meeting its obligations under the CBD.

In 2010, the Conference of Parties to the Convention on Biological Diversity adopted a 'Strategic Plan for Biodiversity'. It includes the following target relevant to protected areas:

#### **Target 11**

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. The strategic plan commitment acknowledges the unfortunately slow progress towards the 2012 target. The Australian Government has met and exceeded this target.

### *World Heritage Convention*

Australia is a party to the World Heritage Convention, which aims to promote cooperation among nations to protect heritage that is of such outstanding universal value that its conservation is important for current and future generations. The operational guidelines for implementing the World Heritage Convention include requirements that each World Heritage area should have a management plan and should have adequate long-term legislative protection.

The Macquarie Island Commonwealth Marine Reserve includes part of the Macquarie Island World Heritage Area, from 3–12 nautical miles from shore. The establishment of the Macquarie Island Commonwealth Marine Reserve and the development of a Management Plan for the South-east Marine Reserves Network is consistent with World Heritage obligations.

## *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 well-being 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. Further information on wetlands listed under the Ramsar Convention including access to Ramsar Information Sheets and Ecological Character Descriptions for Australian Ramsar sites are available via the Australian Wetlands Database.

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

As a party to the Bonn Convention, Australia has agreed to protect migratory species and to negotiate and implement agreements for the conservation and management of migratory species with other range states, including cooperation and support of research relating to migratory species:

- 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 in Danger of Extinction and their Environment 1986 (CAMBA).
- The agreement between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds 2007 (ROKAMBA).

## *International Convention for the Regulation of Whaling*

Australia has obligations as a member of the International Whaling Commission and as a signatory to the International Convention for the Regulation of Whaling. Some of these obligations include providing for the conservation of whale species through the complete protection of certain species and designation of whale sanctuaries, and through promoting relevant research. All Commonwealth waters are assigned as the Australian Whale Sanctuary.

## *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.

# APPENDIX C

## Australian IUCN reserve management principles

### Part 1 General administrative principles

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

- 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
- 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
- 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
- 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
- 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:
  - natural resources should only be used within their capacity to sustain natural processes while maintaining the life-support systems of nature, and
  - 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
- 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
- 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

Part 2 of the Schedule sets out management principles applicable to each IUCN category. 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)

The reserve or zone should be managed primarily for scientific research or environmental monitoring based on the following principles:

- 1.1 Habitats, ecosystems and native species should be preserved in as undisturbed a state as possible.

- 1.2 Genetic resources should be maintained in a dynamic and evolutionary state.
- 1.3 Established ecological processes should be maintained.
- 1.4 Structural landscape features or rock exposures should be safeguarded.
- 1.5 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.
- 1.6 Disturbance should be minimised by careful planning and execution of research and other approved activities.
- 1.7 Public access should be limited to the extent it is consistent with these principles.

## **2. National Park (IUCN Category II)**

The reserve or zone should be protected and managed to preserve its natural condition according to the following principles:

- 2.1 Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 2.2 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.
- 2.3 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.
- 2.4 Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 2.5 Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 2.6 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.
- 2.7 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.

## **3. Habitat/Species Management Area (IUCN Category IV)**

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:

- 3.1 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.
- 3.2 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 3.3 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.

- 3.4** 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.
- 3.5** 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.

#### **4. Managed Resource Protected Area (IUCN Category VI)**

The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles:

- 4.1** The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.
- 4.2** Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.
- 4.3** Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles

# GLOSSARY

<b>Australian Fisheries Management Authority (AFMA)</b>	Australian Government agency responsible for the management and sustainable use of Commonwealth fish resources on behalf of the Australian community.
<b>Australian Government</b>	The Government of the Commonwealth of Australia.
<b>biodiversity</b>	According to the EPBC Act, the variability among living organisms from all sources (including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part) and includes: (a) diversity within species and between species; and (b) diversity of ecosystems.
<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>Commonwealth area</b>	Has the meaning given by s. 525 of the EPBC Act.
<b>Commonwealth reserve</b>	A reserve established and managed under Division 4 of Part 15 of the EPBC Act.
<b>controlled action</b>	Has the meaning given by s. 67 of the EPBC Act.
<b>department</b>	The Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC), including any agency that succeeds to the functions of the department.
<b>Director</b>	The Director of National Parks under s. 514A of the EPBC Act, and includes any person to whom the Director has delegated powers and functions under the EPBC Act in relation to the South-east Commonwealth Marine Reserves Network.
<b>Endemic / endemism</b>	Native to or confined to a certain region.
<b>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</b>	The Australian Government's key environmental Act, which came into effect on 16 July 2000, and includes any Act amending, repealing or replacing the Act.
<b>Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations)</b>	The Australian Government's key environmental regulations, which came into effect on 16 July 2000, and includes any Regulations amending, repealing or replacing the Regulations.
<b>gazette</b>	The Commonwealth of Australia Gazette.
<b>Integrated Marine and Coastal Regionalisation of Australia</b>	A spatial framework for classifying Australia's marine environment into bioregions that form the basis for the development of a National

<b>(IMCRA or IMCRA v4.0)</b>	Representative System of Marine Protected Areas.
<b>International Union for the Conservation of Nature (IUCN)</b>	A democratic membership union with more than 1000 government and non-government organisation member organisations, and almost 11 000 volunteer scientists in more than 160 countries that brings governments, non-government organisations, United Nations agencies, companies and local communities together to develop and implement policy, laws and best-practice environmental management and sustainable development.
<b>Management Plan</b>	This Management Plan unless otherwise stated.
<b>management principles</b>	The Australian IUCN reserve management principles set out in Schedule 8 of the EPBC Regulations.
<b>mining operations</b>	Mining operations as defined by s. 355(2) of the EPBC Act.
<b>Minister</b>	The Minister administering the EPBC Act.
<b>National Representative System of Marine Protected Areas (NRSMPA)</b>	A comprehensive, adequate and representative system of marine protected areas that contribute to the long-term ecological viability of marine and estuarine systems, maintain ecological processes and systems, and protect Australia's biological diversity at all levels.
<b>proclamation</b>	A proclamation by the Governor-General that is registered on the Federal Register of Legislative Instruments
<b>sea-floor</b>	Also, seabed
<b>South-east Commonwealth Marine Reserves Network (South-east Marine Reserves Network or the marine reserves network)</b>	Fourteen Commonwealth marine reserves managed as a network that contain representative examples of the major sea-floor features of the South-east Marine Region:
<b>stowed and secured</b>	All fishing equipment, including nets and lines, are not in contact with the water, are onboard the nominated vessel, and lines are unrigged, unless otherwise determined by the Director.
<b>transit</b>	The en route passage of a vessel through a reserve, whereby the transit is in a straight direction as fast as reasonably practical and the vessel does not stop for any reason other than in response to an emergency or to undertake an activity authorised by or under this Plan.
<b>unrigged</b>	All tackle must be removed, leaving only a bare line on the reel.

# SUPPORTING INFORMATION

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