



Australian Government

Department of the Environment,
Water, Heritage and the Arts
Director of National Parks



MERMAID REEF MARINE NATIONAL NATURE RESERVE

Information for visitors

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INTERPRETATION (INCLUDING ACRONYMS)

Australian Government means the Government of the Commonwealth of Australia

Commonwealth reserve means a reserve established and managed under Division 4 of Part 15 of the *Environment Protection and Biodiversity Conservation Act 1999*

Department means the Australian Government Department of the Environment, Water, Heritage and the Arts

Director means the Director of National Parks under section 514A of the EPBC Act

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999*

EPBC Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000*

IUCN refers to the International Union for the Conservation of Nature (also known as the World Conservation Union)

Mermaid refers to the Mermaid Reef Marine National Nature Reserve

Minister means the Australian Government Minister administering the EPBC Act

MPA means Marine Protected Area

NPWC Act means the *National Parks and Wildlife Conservation Act 1975*

Rowley Shoals refers to the three reefs of the Rowley Shoals, including Mermaid, Clerke and Imperieuse Reefs and comprising both the Mermaid Reef Marine National Nature Reserve (Commonwealth) and the Rowley Shoals Marine Park (WA)

WA means Western Australia

WA DEC means the Western Australian Government Department of Environment and Conservation

WA DoF means the Western Australian Government Department of Fisheries

1 ABOUT THIS DOCUMENT

This document is not a legal instrument and is for information only. It describes the management arrangements at the Mermaid Reef Marine National Nature Reserve (Mermaid) and provides advice on how visitors, and other users of Mermaid, should meet their obligations under Mermaid's management arrangements. Visitors to Mermaid will require authorisation from the Director of National Parks for certain activities. The arrangements arise from the *Environment Protection and Biodiversity Conservation Act 1999* and its regulations and are consistent with the first management plan for Mermaid which formally expired on 16 May 2007. The arrangements outlined in this document will remain in place until the development of a new management plan at the conclusion of the marine bioregional planning process for the north west region. Stakeholders will be consulted in the development of the new management plan.

Mermaid was declared by the Australian Government on 21 March 1991 by Proclamation under the *National Parks and Wildlife Conservation Act 1975* (NPWC Act) to protect its diverse marine life and virtually pristine coral formations. It is now protected and managed as a Commonwealth reserve under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Since 16 May 2007, when the first management plan for the reserve concluded (titled "Mermaid Reef Marine National Nature Reserve Plan of Management" and available from www.environment.gov.au/coasts/mpa/publications/mermaid-plan), Mermaid has been managed under interim management

arrangements. These arrangements provide for the management of some activities using authorisations (approvals or permits) issued by the Director of National Parks (the Director) under the EPBC Act or EPBC Regulations. Authorisation allows identified activities that would otherwise be prohibited, to occur in Mermaid. These include commercial activities and those affecting native species. Information on the authorisation process is included in Part 4 – Information for visitors and reserve users. This document describes the values of Mermaid, the management arrangements and how Mermaid's values will continue to be protected.



The development of a new management plan is being scheduled to coincide with other Australian Government processes requiring extensive stakeholder consultation. The Australian Government is undertaking marine bioregional planning around Australia (see Part 6.2 – Marine bioregional planning), a process that involves the identification of new Commonwealth reserves in each region, including the north west marine region in which Mermaid is located. Development of the next management plan for Mermaid will be prepared in line with the declaration of all Commonwealth reserves in the north west region to minimise impositions on stakeholders, to maximise efficiencies and to ensure consistency in management of the new network of reserves.

Stakeholders will be sought during the marine bioregional planning process and in the development of the next management plan for Mermaid.

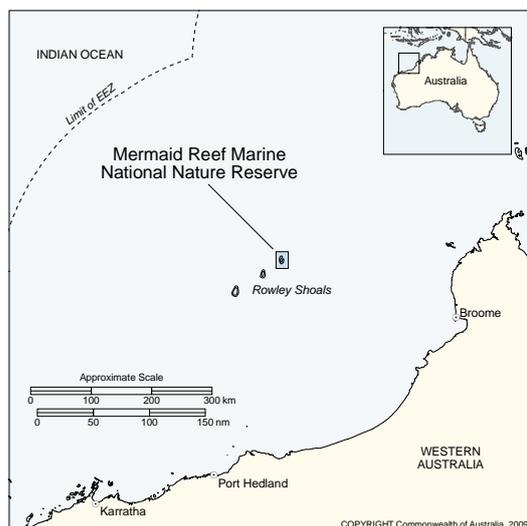
Information on these processes is available at www.environment.gov.au/coasts

2 MERMAID REEF DESCRIPTION AND VALUES

2.1 LOCATION AND CHARACTERISTICS

Mermaid surrounds Mermaid Reef, which is located approximately 290 kilometres west-northwest of Broome (see below). It is situated at latitude 17 degrees 7 minutes south and longitude 119 degrees 36 minutes east. The total area of Mermaid is 53,984 hectares. Mermaid Reef is 14.5 kilometres long, 7.6 kilometres wide and the average depth of its lagoon is 20 metres.

Location of the Mermaid Reef Marine National Nature Reserve



Mermaid Reef is one of three reefs forming the Rowley Shoals. The reef is completely submerged at high tide and therefore falls under Australian Government jurisdiction. The other two reefs of the Rowley Shoals, Clerke Reef and Imperieuse Reef, lie to Mermaid Reef's southwest, are managed by the Western Australian (WA) Government and are known as the Rowley Shoals Marine Park.

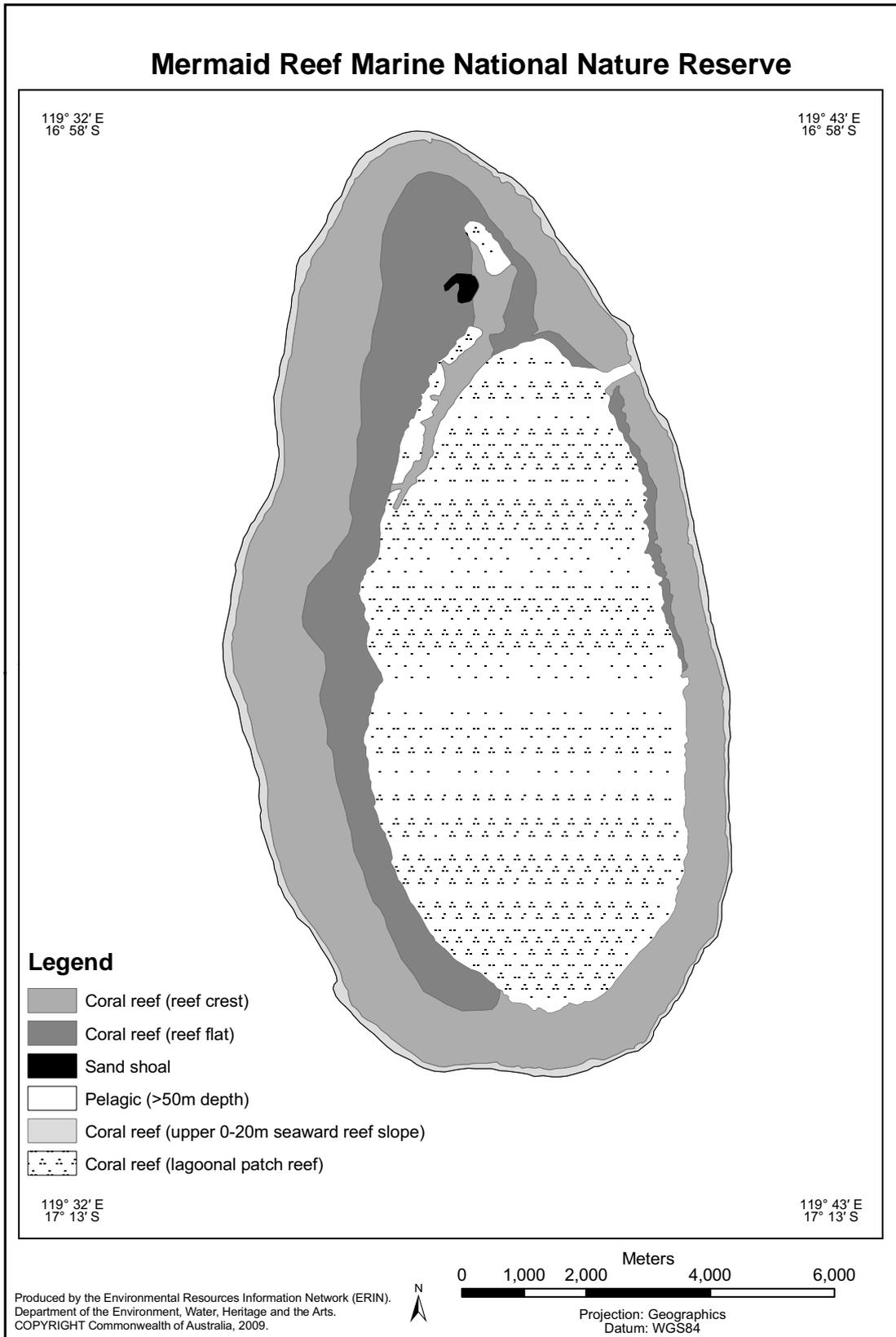
All three reefs are similar in shape, size, orientation and distance from each other. Each has a large lagoonal area containing small sand cays or islands, narrow lagoon entrance channels on the eastern side and an outer reef edge dropping off relatively steeply into oceanic waters between 500 and 700 metres deep. Oval in shape, the reefs follow a south-west to north-east alignment along the edge of the continental shelf and lie 30 to 40 kilometres apart.

Mermaid Reef is considered the 'youngest' of the three reefs, each of which shows a different stage in the development of a shelf atoll reef. The lagoons at Clerke and Imperieuse Reefs contain sand cays that create permanent land. There is no permanent land on Mermaid, however a large sandbank near the northern edge of the lagoon and a series of small banks to the west become exposed at low tides (see overleaf).

Further information can be found at

www.environment.gov.au/coasts/mpa/mermaid

Mermaid Reef Marine National Nature Reserve habitat map



2.2 ENVIRONMENTAL VALUES

Mermaid Reef, along with the other two reefs of the Rowley Shoals, has national and international significance due to its pristine character, coral formations, geomorphic features and diverse marine life. The environmental values are its biodiversity, the marine ecosystems on which this biodiversity depends and the high water quality which is a key feature of Mermaid's marine habitat.

Water quality

To preserve Mermaid's pristine condition it is essential to maintain its natural water quality upon which the biodiversity is dependent. Given its remote location the primary influences on the water quality are oceanographic currents, cyclones and the impacts of human visitation.

The major currents affecting the area are the Indonesian Throughflow, which transports warm and nutrient poor water with relatively low salinity from the Pacific Ocean into the Indian Ocean, and the South Equatorial Current, which is the dominant current responsible for recirculation of Indian Ocean waters. There is a large tidal variation with Mermaid experiencing a semi diurnal tidal cycle and a spring range of about four and a half metres.

Cyclones affecting Mermaid Reef, which typically form in the Timor or Arafura Seas, are common during the summer months and contribute to the mixing of layers in the water column. Sometimes cyclones result in widespread destruction of Mermaid's coral communities.

Average sea surface temperatures in the area vary from about 25 C in winter to a peak of 30 C in early to mid autumn. There have been two recorded coral bleaching events at Mermaid (in 1998 and 2005) which resulted in stress to many corals and death to some.

Research on the effects of climate change have listed higher water temperatures, increased frequency and severity of cyclones, changes to oceanic currents and increased ocean acidification as possible threats to Mermaid.

Biodiversity

Mermaid Reef supports diverse marine fauna that is typical of oceanic reef communities in the region. Although the reefs of the Rowley Shoals are predominantly self regenerating they form important 'stepping stones' for the transport of genetic material from the Indonesian archipelago to reefs as far south as Ningaloo. Much of the fauna at the Rowley Shoals show more affinities with reefs in the Indonesian region than they do with the inshore reefs of WA. Biological surveys have shown that some of the species found at the Rowley Shoals are not found anywhere else in WA and some are not found anywhere else in the world.

Corals, fish, sharks, echinoderms, molluscs, crustaceans, sea birds, reptiles and cetaceans have all been recorded at Mermaid. The clear waters, broad depth range and pristine environment have resulted in spectacular coral assemblages with over 216 species of hard corals and 12 genera of soft corals having been identified. Strong wave action on the outer slopes and the wide tidal range has resulted in strongly zoned coral communities.



Over 390 fish species have been identified at Mermaid. The overall fish community is similar to that of other reefs in the tropical Indo-West Pacific such as Scott and Seringapatam Reefs to the north. Biological surveys have shown a clear difference between the fish communities within the different habitats at Mermaid.

The sand cays at Mermaid are thought to be important resting and feeding sites for migratory birds. 19 species have been sighted at the Rowley Shoals since 1986. Three of these species, including the little tern (*Sterna albifrons*), the red-tailed tropic bird (*Phaethon rubricauda*) and the sooty tern (*Sterna fuscata*) are known to breed in the nearby Rowley Shoals Marine Park on Bedwell and Cunningham Islands.

Marine turtles are known to visit Mermaid and isolated instances of turtles nesting on the islands in the Rowley Shoals Marine Park have been reported. Sea snakes, which are abundant at reefs to the north, are apparently absent from Mermaid Reef although the reasons for this are unknown.

Most echinoderm species (such as sea stars, sea urchins and sea cucumbers) found at Mermaid Reef are also found at other reefs to the north of the Rowley Shoals. In particular holothurians (trepang or sea cucumbers) are relatively common at the Rowley Shoals in comparison to other reefs in the region, due to the effects of fishing at those reefs. This pattern of relative abundance at the Rowley Shoals in comparison to other reefs in the North-west region is also observed for giant clams (*Tridacna* and *Hippopus spp.*) and some species of sharks (eg grey reef shark *Carcharhinus amblyrhynchos* and silvertip whaler shark *Carcharhinus albimarginatus*).

Coral spawn at Mermaid Reef Marine National Nature Reserve



Marine habitats

The reefs of the Rowley Shoals have been described as the best geological examples of shelf-edge reefs in Australian waters. The reef is located near the edge of the continental shelf and is surrounded by oceanic waters that extend to a depth of over 500 metres. The remote oceanic environment and large tidal range has supported the development of unique geomorphic features such as dramatic near-vertical 'drop-offs' lining the reef rim.

Mermaid's habitats include an outer reef rim which fully encloses an inner lagoon that has an average depth of 20 metres. The major habitats have been classified as deep reef flat, emergent reef, lagoon, submerged sand and sand cays.

The lagoon is relatively unobstructed although it contains some lagoonal patches of rubble mounds topped by live coral communities that reach almost to the surface; these are most common in the southern sector. The lagoon is broken by a navigable passage on the eastern side which is about 60 metres wide and is lined with living coral.

2.3 CULTURAL HERITAGE VALUES

The Rowley Shoals were named by Captain Phillip Parker King when he came upon them in 1818. Captain King named the reefs after Captain Rowley, master of HMS *Imperieuse*, who reported the presence of the most southerly reef in 1800. The northernmost reef was named Mermaid Reef, after Captain King's vessel; the middle Clerke Reef after the captain of a whaling vessel who had seen the reef between 1800 and 1809; and the southernmost Imperieuse Reef after Captain Rowley's vessel.

It is thought that Indonesian fisherman visited the Rowley Shoals from at least the mid 18th century. Makassar and perhaps Bajo fishermen travelled south from the Indonesian archipelago seeking new areas to collect fish, shark fin, trepang (holothurian or sea cucumbers), turtle shell and trochus shell. In later years fisherman from Roti Island, south of Timor also visited the Rowley Shoals. They knew the area as *Pulau Bara Agnin*, Mermaid Reef as *Pulau Manjariti*, Clerke Reef as *Pulau Tengah* and Imperieuse Reef as *Pulau Matsohor*. Indonesian fisherman continued



to visit the Rowley Shoals between the end of the Second World War and 1975 when Australian surveillance activities expanded which led to a significant decline in visits to the area. Under an agreement between the Indonesian and Australian Governments traditional Indonesian fishermen are allowed to visit and collect in a defined area of Australian waters, which does not include the Rowley Shoals.

The Rowley Shoals lie across a direct sailing route between the early pearling settlement of Cossack and the then Dutch colonial outpost of Kupang, Indonesia. Australian pearling luggers employed Indonesian divers to collect pearls on the north-west Australian coast. Vessels returning divers and crew members to Kupang would often stop at the Rowley Shoals to collect fish and trepang for sale in Kupang.

In the early 1980s a Broome based tour operator reported what looked to be man-made objects lying on top of the reef at Mermaid. Maritime archaeologists investigated and found the only historic shipwreck known at the Rowley Shoals. The wreck is believed to be that of the English whaler *Lively*, a three-masted, ship-rigged vessel of approximately 250 tons which was lost when it struck the western edge of Mermaid Reef sometime between 1801 and 1820. A number of early charts showed a “Coral Reef on which the *Lively* was lost” to the north of Mermaid Reef.



The two anchors and several iron knees from the wreck still lie on the reef flat on the western side and some recovered material is now housed at the WA Museum in Fremantle. The trypots and cannon remain in an underwater gully off the edge of the reef near the anchors. Unfortunately none of the recovered material allows positive identification of this wreck as that of the *Lively*.

2.4 ECONOMIC VALUES

A Broome based tourism industry, developed between the late 1970s and early 1980s, makes use of the ideal diving conditions and spectacular coral formations found at Mermaid. The tourism industry continues today with a few hundred tourists visiting Mermaid each year.

2.5 SOCIAL VALUES

The remote natural ambience of Mermaid has been identified by many visitors. Mermaid is often referred to as 'pristine', 'untouched', 'unexploited' and 'wilderness'. These values hold intrinsic aesthetic and spiritual importance for some visitors.

Community involvement in monitoring Mermaid is invaluable. Understanding how the ecosystem functions and responds to change is critical for informing management decisions and actions. Visitors to Mermaid contribute to this by reporting on habitat condition, wildlife and weather observations; they also assist by reporting on and collecting marine debris.

3 HOW IS MERMAID REEF MANAGED?

Management responsibility for Mermaid rests with the Australian Government through the Director. The Director has delegated authority under the EPBC Act and EPBC Regulations to specific members of the Marine Division of the Department of the Environment, Water, Heritage and the Arts (the department).

The department has a close working relationship with the WA Government. Under business agreements with the department, the WA Department of Environment and Conservation (WA DEC) and WA Department of Fisheries implement several management actions for the reserve on behalf of the Director.

A number of other agencies assist in the management of Mermaid, including the Australian Customs and Border Protection Service and the Royal Australian Navy. The WA Department for Planning and Infrastructure is responsible for regulations relating to boating safety.

The Director requires that any risks to the values and effective management of Mermaid be assessed periodically to ensure adaptive and responsive management. Effective risk management may require adjustment to management priorities and the re-allocation of resources for management activities to respond to new or increasing risks.

3.1 STRATEGIC OBJECTIVES

The strategic objectives for managing Mermaid are in line with the reserve's IUCN category "Strict Nature Reserve" and the relevant management principles set out in Schedule 8 of the EPBC Regulations, which means that it is a protected area managed primarily for scientific research and environmental monitoring. These objectives direct management's efforts in achieving the goals for which Mermaid was declared (see Part 1 – About this document).

Mermaid is protected and managed to preserve its natural condition according to the following strategic objectives:

- to provide for the preservation of Mermaid Reef in its natural condition and the protection of its special features including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest;
- to manage Mermaid primarily for scientific research and monitoring purposes with public access limited;
- to protect Mermaid against damage from human activities; and
- to encourage and regulate the appropriate use of Mermaid.

3.2 LEGISLATIVE CONTEXT

3.2.1 Proclamation of Mermaid

Mermaid was declared by the Australian Government on 21 March 1991 by Proclamation under the *National Parks and Wildlife Conservation Act 1975* (replaced by the EPBC Act in 1999) in order to protect its diverse marine life and virtually pristine coral formations.

3.2.2 IUCN Category

Mermaid is assigned the IUCN category I(a) “Strict Nature Reserve” and is managed in accordance with the management principles set down in Schedule 8 of the EPBC Regulations. There are no internal zones to Mermaid.

3.2.3 EPBC Act and EPBC Regulations

Mermaid is protected and managed as a Commonwealth reserve under the EPBC Act and the EPBC Regulations. For more information on this legislation see www.environment.gov.au/epbc

3.2.4 Director of National Parks

The functions of the Director include the administration, management and control of a Commonwealth reserve. The Director has a number of specified powers under the EPBC Act and EPBC Regulations allowing these functions to be carried on. The functions include the power to prohibit or control some activities and to issue authorisation for activities that are otherwise prohibited in a Commonwealth reserve.

3.3 PROTECTING MERMAID REEF'S VALUES

This section describes what the Director intends to do to protect the values of Mermaid. More information on the values of Mermaid can be found in Part 2 – Mermaid Reef description and values.

Environmental values

The Director intends to ensure the protection of Mermaid's environmental values through activities outlined below.

Water quality

It is essential to minimise human-induced disturbances in Mermaid to protect and maintain Mermaid's high water quality. To do this, the Director intends to:

- ensure all authorisations issued include conditions relating to regular inspection and cleaning of vessels, and appropriate holding tanks; and
- liaise with appropriate authorities when responding to incidents of accidental pollution spills.

Biodiversity

It is important to ensure the resilience of species, habitats and natural processes at Mermaid by minimising risks of direct damage from visitation. This is particularly important in the face of threats such as climate change and invasive species.

To protect this extraordinary marine life, the Director intends to:

- continue to maintain and manage the moorings installed in the lagoon collaboratively with the WA Government;
- manage activities in Mermaid to ensure minimal human impact on Mermaid's values;
- encourage and facilitate research and monitoring projects directly related to understanding the conservation status of species and trends over time, while ensuring minimal human impact to Mermaid; and
- monitor sea surface temperature trends over time to inform decision making relating to coral bleaching and other temperature related events.

Marine habitats

It is important to ensure the resilience of Mermaid's habitats by minimising the influence of human impact. To protect the varied habitats, the Director intends to:

- assess applications for development, capital works or installations in Mermaid with consideration of the potential impacts on the marine habitats;
- provide visitors with information regarding safe access to the lagoon; and
- encourage and facilitate research and monitoring projects directly related to understanding the status and trends of habitats over time while ensuring minimal human impact on Mermaid.

Cultural heritage values

The shipwreck at Mermaid Reef, believed to be that of the *Lively*, has been declared as historically significant and is protected under the *Historic Shipwrecks Act 1976*. Under this Act, the Australian Government has delegated day-to-day management of the wreck to the Director of the WA Museum, Maritime Archaeology Department.

This includes issuing permits under section 15 of the *Historic Shipwrecks Act 1976*. The heritage values of the shipwreck site are also protected under the EPBC Act.

To further protect the wreck, the Director intends to:

- continue to consult with the WA Museum, relevant agencies and the department's Heritage Division when assessing applications that allow access to the wreck; and
- continue to work with the WA Museum to produce interpretive materials about the wreck.

Economic values

To protect the economic values of Mermaid, the Director intends to:

- manage the human impacts of tourism so that they can be sustained at a level that does not damage the environmental and cultural values of Mermaid that the tourism industry is built upon; and
- maintain ongoing scientific research and regulation of activities, which are essential elements in the maintenance of viable ecosystems.

Social values

To protect the remote natural ambience and wilderness values of Mermaid, the Director intends to:

- continue to assess authorisation applications for activities in Mermaid with consideration of potential impacts on its remote natural ambience;
- assess applications for any development, capital works or installation in Mermaid with consideration of potential impacts on its remote natural ambience; and
- continue to limit visitor numbers in Mermaid through authorisation conditions.



4 INFORMATION FOR VISITORS AND RESERVE USERS

All [Visitors](#) should contact the Mermaid Reef reserve manager prior to visiting Mermaid.

Phone: (02) 6274 1111 Email: mpa@environment.gov.au

In order to enable access to Mermaid by visitors in a way that does not pose unacceptable risks to visitor safety and to the values of Mermaid, there are a number of rules applying to visitors to Mermaid. Some of these rules apply to all visitors. Others apply to particular activities. They are consistent with Mermaid's "Strict Nature Reserve" (IUCN Ia) category, the EPBC Act and EPBC Regulations, and Mermaid's first management plan.

4.1 GENERAL INFORMATION FOR EVERYONE VISITING MERMAID

Prior to visiting Mermaid:

- visitors should contact the Mermaid Reef reserve manager (see above);
- all vessels should book a mooring (see Part 4.1.1 – Mermaid Reef moorings); (Note that it is a condition of authorisation for activities in Mermaid that a mooring must be booked prior to visiting Mermaid); and

- visitors should conduct regular inspections and cleaning of their vessels to minimise the risk of introducing marine pests into Mermaid.

Entering Mermaid:

- for safety reasons, you should consider the draught of your vessel and the relatively shallow entry to the lagoon. Vessels with a draught up to two metres are able to enter the lagoon safely on any tide. Vessels with a draught up to three metres can enter at a tide of two metres or more; vessels with a draught greater than three metres should not enter for safety reasons.

At Mermaid:

- always use your booked mooring;
- if all moorings are occupied visitors must only anchor in the designated anchorage area (see overleaf and Part 4.1.1 – Mermaid Reef moorings);
- all forms of collecting, recreational and commercial fishing and removal of wildlife are prohibited;
- visitors should not feed fish or any other wildlife. Feeding fish and wildlife has been known to change the behaviour of the animals and may result in safety risks to visitors as well as affect the ecological balance of the reef community;

- discharging sewage, including treated sewage, solid wastes or noxious offensive or polluting substances within Mermaid is prohibited;
- visitors should not walk on the reef. Reef walking can cause severe damage to reef flats and lagoons. It also poses a safety risk to visitors if they don't see well camouflaged and sometimes venomous animals;
- all capital works, installations or infrastructure development, including the installation of temporary or permanent mooring equipment requires authorisation from the Director;
- do not remove relics from the shipwreck site or disturb the shipwreck in any way, unless you have a permit to do so (under the *Historic Shipwrecks Act 1976*); and
- all visitors should observe the natural wilderness of Mermaid, and not use any motorised personal water craft, including jet skis, inside Mermaid (note that this is a condition of authorisation for commercial tourism).

4.1.1 Mermaid Reef moorings

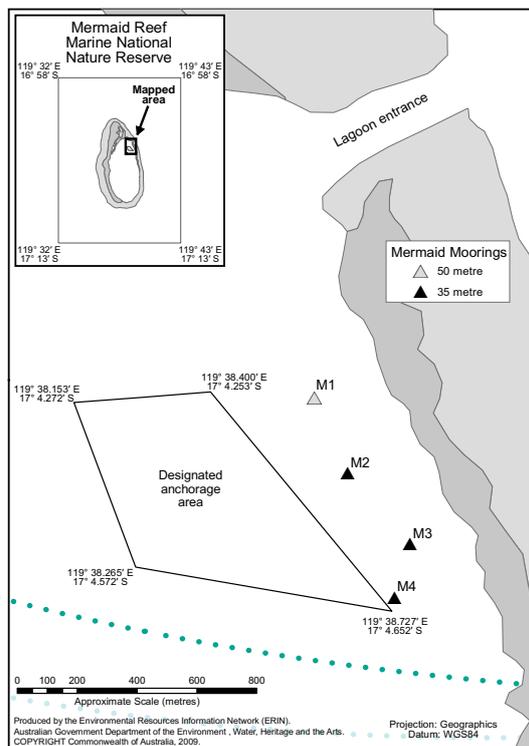
Capital works, installations or infrastructure development are only allowed where assessed by the Director to provide a net benefit to the protection of Mermaid's values or to be essential for visitor safety. All proposals undergo a rigorous environmental assessment and only works that are consistent with Mermaid's "Strict Nature Reserve" category will be approved.

In September 2007, the department installed four moorings in the Mermaid Reef lagoon to reduce anchor damage and provide appropriate accommodation for vessels. Anchoring causes significant damage to fragile features such as coral. This damage is readily observed in the old anchorage area in Mermaid Reef lagoon. The old anchorage area was reduced in size, due to the moorings installation and the current anchorage area should only be used if all the moorings are being used. Anchoring outside the designated anchorage area is prohibited.

Moorings can be booked by contacting the WA DEC in Broome (see Part 7 – Contacts and further information). For safety reasons visitors should follow the rules and restrictions noted on the mooring tags. In particular, note that the moorings are certified for use in winds up to 40 knots.

The mooring locations are below and shown to the left. Also shown is the designated anchorage area which should only be used if all the moorings are occupied.

Mermaid Reef Marine National Nature Reserve anchorage area and moorings



Moorings locations at Mermaid Reef Marine National Nature Reserve

Name	Type	Location
M1	50 metre	119° 38.587' E, 17° 4.264' S
M2	35 metre	119° 38.647' E, 17° 4.400' S
M3	35 metre	119° 38.759' E, 17° 4.529' S
M4	35 metre	119° 38.732' E, 17° 4.627' S

4.2 COMMERCIAL TOURISM OPERATORS

Please also read Part 4.1

It is intended that visitors to Mermaid Reef are able to appreciate, enjoy and understand the natural and cultural values of Mermaid in a way that maintains its conservation significance. In order to achieve this, a number of conditions apply to commercial tourism operators wishing to visit Mermaid.

Commercial tourism operators must hold a current authorisation from the Director in order to visit Mermaid. A set of conditions apply to all authorisations. In applying for authorisation, commercial tourism operators are required to indicate the activities offered or planned to be undertaken during their visit/s. The department will use this information to assess applications, and determine the conditions that may accompany the authorisation.

To ensure that all vessels are able to use a mooring and will not need to anchor, a maximum of four commercial tourist vessels are allowed in Mermaid at any one time. A condition of commercial tour authorisation includes that an individual vessel may carry a maximum of 36 visitors (passengers and crew) noting that a maximum of 120 visitors may be present in Mermaid at any one time.

Commercial tourism operators may use images and video captured at Mermaid for promotional purposes. Any other use of the images or video requires authorisation from the Director (see Part 4.3 – Commercial photographers / filmmakers).

An example of a commercial tourism authorisation and accompanying conditions is overleaf. Contact the Mermaid Reef reserve manager (see Part 7 – Contacts and further information) if you wish to apply for an authorisation.





Australian Government

Department of the Environment, Water, Heritage and the Arts

Director of National Parks

Environment Protection and Biodiversity Conservation Act 1999 s

ection 359B s

:

APPROVAL OF COMMERCIAL TOURISM OPERATIONS IN THE MERMAID REEF MARINE NATIONAL NATURE RESERVE

v

Approved area v	Mermaid Reef Marine National Nature Reserve :
Approved person/s v	[Insert name/s of approved person/s or business] s
Approved vessel/s v	[Insert vessel details] s
Approved action/s v	Commercial tourism operations – [insert specific activities] :
Conditions of Approval v	As specified in: “Conditions of Approval for Commercial Tourism Operations in Mermaid Reef Marine National Nature Reserve” – Conditions relevant to the activities specified on the application may be added. :

Failure to adhere to the conditions of approval may result in revocation of this Approval. :

:

This Approval remains in effect until [Date] for the Mermaid Reef Marine National Nature Reserve, unless it is revoked sooner. :

:

:

:

:

Director
Tropical West Marine Conservation
Department of the Environment, Water, Heritage and the Arts
Delegate of the Director of National Parks
:

:

:



CONDITIONS OF APPROVAL

For Commercial Tourism Operations in Mermaid Reef Marine National Nature Reserve

Interpretation

In these conditions, unless the contrary intention appears

Act means the *Environment Protection and Biodiversity Conservation Act 1999*, and includes any Act which amends or replaces it.

Approval Holder means the person or persons (individuals and companies) specified as an Approved person in the Approval, and, where applicable, includes staff of the Approved person.

Approved Activity means the activity or activities authorised by this Approval.

Department means the Department of the Environment, Water, Heritage and the Arts.

Director means the Director of National Parks, and includes any statutory successor to the Director and the Director's servants and agents.

Nominated vessel means the vessel nominated on the Approval as the vessel to be used by the Approval Holder to carry out the Approved Activity.

Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* and includes any Regulations that amend or replace it.

Reserve means the Mermaid Reef Marine National Nature Reserve.

Staff means the Approval Holder's employees, contractors and other agents who take part in the Approved Activity.

General Conditions

1. The Approval Holder must not undertake the Approved Activity before the commencement of the Approval.
2. If the Approval Holder is a company or other incorporated body, the Approval Holder must not have, as a director or office holder, a person who has been convicted of an offence against the Act or the Regulations within the previous five years. This prohibition applies to the period of five years from the date of conviction, not the period of five years prior to the issue of the Approval.
3. The Approval Holder must not use directly in the conduct of the Approved Activity the services of any person who has within the previous five years been convicted of an offence against the Act or the Regulations. This prohibition applies to the period of five years from the date of conviction, not the period of five years prior to the issue of the Approval.
4. The Approval cannot be sold or transferred (including transfer of the benefit of the Approval, whether by lease, hire or otherwise) to another person, body or organisation.

5. A copy of the Approval and these conditions must be kept on board each Nominated vessel and must be produced for inspection on request by an authorised officer.

Note: It is an offence against regulation 14.01 of the Regulations to fail to produce an Approval for inspection on request by a ranger, warden or inspector. The Approval conditions (or a copy) may be kept in the Nominated vessel provided that it can be produced for inspection when requested.

6. The Approval Holder must notify the Department of any changes to the information included in the Approval Holder's application for this Approval (eg the Nominated vessel changes) within 14 days of this change becoming known.
7. For the purpose of evaluating the Approved Activity, the Approval Holder must, subject to availability of space and the provision of reasonable notice, allow a Department staff member to accompany trips from time to time at no cost to the Department.
8. All staff of the Approval Holder and other persons involved in the Approved Activity must be fully informed of the Reserve, its management arrangements and these conditions before taking part in the conduct of the Approved Activity.
9. The Approval Holder must take all reasonable steps to ensure that the Approval Holder's staff have appropriate training, qualifications (including relevant first aid) and experience to competently perform their functions and duties in relation to the Approved Activity.

Complying with Legislation

10. The Approved Activity must be conducted in accordance with the Act and Regulations, all other applicable Commonwealth and State laws, these conditions and other notices, information, guidelines and codes of conduct or protocols issued by, or under the authority of, the Director of National Parks.
11. The Approval Holder must allow any ranger, warden or inspector unrestricted access to the Nominated vessel at any time for the purpose of performing functions and exercising powers under the Act.
12. The Approval Holder must, and must take all reasonable steps to ensure that the Approval Holder's staff abide by all lawful directions given by a ranger, warden or inspector while in the Reserve.

Insurance Related Conditions

13. The Approval Holder must not conduct the Approved Activity unless the Approval Holder holds a current public liability policy of insurance with an insurer approved by the Director. The public liability policy of insurance must be for an amount of not less than \$10 million in respect of any single claim and must be sufficient to cover any liability the Approval Holder may have to third parties, or to the Director under the Release and Indemnity.
14. The Approval Holder must provide a certificate of currency for the policy of insurance evidencing that the policy covers all activities in the Reserve of the Approval Holder, their staff and clients. The certificate must be provided:
 - a). on each occasion when the policy is renewed or when a new policy is taken out; and
 - b). at any other time upon request by the Director.



Occupational Health and Safety

15. The Approval Holder is responsible for the safety and well being of the Approval Holder's staff and all other persons taking part in the Approved Activity, while undertaking the Approved Activity in the Reserve. The Approval Holder must take all reasonable steps to ensure that the Approval Holder's staff and all other persons taking part in the Approved Activity are not exposed to risks to their health or safety while undertaking the Approved Activity in the Reserve.
16. The Approval Holder must ensure that all persons taking part in the Approved Activity are fully informed about all the potential hazards that they may encounter in the Reserve.
17. The Approval Holder must ensure that procedures are in place to minimise the risk of potential hazards to the Approval Holder's staff and all other persons taking part in the Approved Activity.

Note: These procedures may include, but are not limited to: pre-trip briefings; a communication plan that includes periodic check-in with someone on the mainland; guidance on the use of safety equipment and head counts.

18. If any of the Approval Holder's staff, or any other person taking part in the Approved Activity is seriously injured, becomes seriously ill or goes missing while in the Reserve, the Approval Holder must:
 - a). notify the relevant authority as soon as possible;
 - b). comply with any requests or directions from those authorities in relation to the safety of that person or any other person; and
 - c). notify the Department as soon as possible by ringing the duty phone on 0419 293 465¹.

Reporting Requirements

19. The Approval Holder must assist and cooperate with the Director in gathering and providing any data in relation to the Reserve that may be reasonably required for research and management purposes.
20. All reports, notices and other documents required to be provided by the Approval Holder under these conditions must be sent to the Mermaid Reef Reserve Manager at the Department, GPO Box 787, Canberra ACT 2601, or by fax to 02 6274 1771 or email mpa@environment.gov.au
21. The Approval Holder must report all gear, equipment and other articles lost in the Reserve that is likely to cause significant environmental harm, to the Department as soon as possible and within 10 days in any event, after the loss occurs. The report must include a description of what was lost, the location at which they were lost or believed to have been lost and the date and time at which they were lost.

Vessel Operating Conditions

22. The Approval Holder must ensure that the Nominated vessel is registered, is suitable for the conduct of the Approved Activity, has appropriate safety equipment on board at all times, and is operated and maintained in accordance with all relevant and applicable Commonwealth, State and Territory laws. The Approval Holder must, if requested by the Director, provide copies of all relevant certificates and other documents evidencing compliance with this condition.

¹ Note: the Department is not an emergency response agency and all relevant emergency response agencies and authorities should be contacted prior to informing the Department of any incident.

23. The Approval Holder must ensure that a person qualified to operate the Nominated vessel remains on board at all times to monitor and assure secure anchorage.
24. All vessels operated by the Approval Holder or their staff, including tender vessels, must not discharge sewage in the Reserve.
25. The Approval Holder must ensure that:
- a). minimal damage is caused to the marine environment as a result of mooring a vessel, or anchoring in the Reserve;
 - b). the Nominated vessel and any approved substitute vessel must carry no more than 36 passengers on any visit to the Reserve, unless otherwise directed or approved by the Director;
 - c). the Nominated vessel must not exceed the following restrictions when entering the lagoon:
 - vessels of draught up to 2 metres may enter at any stage of the tide;
 - vessels of draught up to 3 metres may enter if the tide is 2.0 metres or larger; and
 - vessels of draught greater than 3 metres are not permitted to enter the lagoon.
 - d). entry and exit to the entrance channel (leading to the anchorage and moorings) must be limited to daylight hours and conditions of good visibility;
 - e). to ensure minimal damage is caused to the marine environment as a result of mooring a vessel, or anchoring in the Reserve, the following restrictions apply:
 - moorings must be booked prior to your visit to the Reserve through the Western Australian Department of Environment and Conservation, Broome office (08 9195 5500);
 - vessels must not be anchored in the Reserve except in an emergency;
 - equipment and vessels (including tender vessels) must not be left at Mermaid Reef unattended; and
 - only one vessel may be moored at each mooring.
 - f). the Nominated vessel must not be anchored in the Reserve except where it is reasonably necessary to deal with an emergency involving a serious threat to human life or property, in which case the vessel must only be anchored in the area bounded by an imaginary line:
 - commencing at a point at the intersection of 17° 4.272'S and 119° 38.153'E;
 - then by a straight line to a point at the intersection of 17° 4.652'S and 119° 38.400'E;
 - then by a straight line to a point at the intersection of 17° 4.652'S and 119° 38.727'E;
 - then by a straight line to a point at the intersection of 17° 4.572'S and 119° 38.265'E; and
 - then by a straight line to the point of commencement, and being the area more or less shown on the map annexed to these conditions.²

² All coordinates are expressed in terms of the WGS84 datum.



Conditions for SCUBA Diving at the Reserves

26. Where the Approved Activity includes SCUBA diving or snorkelling, the Approval Holder must ensure that:
- all staff and any other persons involved in the conduct of the diving operations hold an appropriate and current SCUBA diving qualification; and
 - the dive supervisor holds an appropriate first aid qualification (at a minimum St Johns Advanced Resuscitation Certificate or equivalent).
27. Where the Approved Activity includes SCUBA diving, the operator must have an emergency response plan that provides for prompt evacuation of divers suffering dive related illness.

Tourism Specific Conditions

28. The Approval Holder must provide the Department with a report, in accordance with the report form provided, within two weeks of each trip to the Reserve.
29. The Approval Holder must ensure that the Approval Holder's staff and the Approval Holder's clients are provided with accurate information about the Reserve.

Reserve Specific Conditions

30. The Approval Holder must not, and must take all reasonable steps to ensure that all other persons involved in the Approved Activity do not damage, interfere with, dispose of or remove any part of a shipwreck.
31. The Approval Holder must take all reasonable steps to minimise the impact on the environment of the Approved Activity.
32. All staff and any other persons taking part in the Approved Activity must not:
- kill, injure or take a fish or other organism;
 - feed native species;
 - take any animals, including pets or plants ashore;
 - disturb nesting turtles;
 - walk on the reef (except in an emergency³);
 - construct any structure;
 - light fires (fires are only allowed in a portable barbeque or stove); or
 - leave any litter or other refuse, discharge or substances.
33. The Approval Holder must not, and must take all reasonable steps to ensure that the Approval Holder's staff and all other persons involved in the Approved Activity do not feed any animal while diving or snorkelling.

Note that additional conditions, termed 'special conditions', may be added to your Approval upon assessment of your application.

³ This does not include the sand cays that may be present at low tide.

4.3 COMMERCIAL PHOTOGRAPHERS / FILMMAKERS

Please also read Part 4.1

Mermaid Reef provides a spectacular and serene setting for film-makers and photographers making it a popular location to capture images and films.

Capturing images (still or video) for commercial purposes requires authorisation from the Director. Professional film crews or photographers travelling

to Mermaid Reef on commercial tour operators' vessels require separate authorisation from the Director, i.e. in addition to any authorisation already granted by the Director to the commercial tour operator.

An example of a media operations authorisation and accompanying conditions is overleaf.

Contact the Mermaid Reef reserve manager (see Part 7 – Contacts and further information) if you wish to apply for authorisation.





Australian Government

**Department of the Environment, Water, Heritage and the Arts
Director of National Parks**

*Environment Protection and Biodiversity Conservation Act 1999 s
ection 359B s*

APPROVAL OF MEDIA OPERATIONS IN THE MERMAID REEF MARINE NATIONAL NATURE RESERVE

Approved area	Mermaid Reef Marine National Nature Reserve :
Approved person/s	<i>[Insert name/s of approved person/s or business] s</i>
Approved vessel/s	<i>[Insert vessel details] s</i>
Approved action/s	Media operations – <i>[insert specific activities] :</i>
Conditions of Approval	As specified in : <i>“Conditions of Approval for Media Operations in Mermaid Reef Marine National Nature Reserve”</i> – Conditions relevant to the activities : specified on the application may be added. :

Failure to adhere to the conditions of approval may result in revocation of this Approval. :

:
his Approval remains in effect until *[Date]* for the Mermaid Reef Marine National Nature Reserve, : unless it is revoked sooner. :

:
:
:
:
:
:
Director
Tropical West Marine Conservation
Department of the Environment, Water, Heritage and the Arts
Delegate of the Director of National Parks :

CONDITIONS OF APPROVAL

for Media Operations in Mermaid Reef Marine National Nature Reserve

Interpretation

In these conditions, unless the contrary intention appears

Act means the *Environment Protection and Biodiversity Conservation Act 1999*, and includes any Act which amends or replaces it.

Approval Holder means the person or persons (individuals and companies) specified as an Approved person in the Approval, and, where applicable, includes staff of the Approved person.

Approved Activity means the activity or activities authorised by this Approval.

Department means the Department of the Environment, Water, Heritage and the Arts.

Director means the Director of National Parks, and includes any statutory successor to the Director and the Director's servants and agents.

Nominated vessel means the vessel nominated on the Approval as the vessel to be used by the Approval Holder to carry out the Approved Activity.

Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* and includes any Regulations that amend or replace it.

Reserve means the Mermaid Reef Marine National Nature Reserve.

Staff means the Approval Holder's employees, contractors and other agents who take part in the Approved Activity.

General Conditions

1. The Approval Holder must not undertake the Approved Activity before the commencement of the Approval.
2. If the Approval Holder is a company or other incorporated body, the Approval Holder must not have, as a director or office holder, a person who has been convicted of an offence against the Act or the Regulations within the previous five years. This prohibition applies to the period of five years from the date of conviction, not the period of five years prior to the issue of the Approval.
3. The Approval Holder must not use directly in the conduct of the Approved Activity the services of any person who has within the previous five years been convicted of an offence against the Act or the Regulations. This prohibition applies to the period of five years from the date of conviction, not the period of five years prior to the issue of the Approval.
4. The Approval cannot be sold or transferred (including transfer of the benefit of the Approval, whether by lease, hire or otherwise) to another person, body or organisation.



5. A copy of the Approval and these conditions must be kept on board each Nominated vessel and must be produced for inspection on request by an authorised officer.

Note: It is an offence against regulation 14.01 of the Regulations to fail to produce an Approval for inspection on request by a ranger, warden or inspector. The Approval conditions (or a copy) may be kept in the Nominated vessel provided that it can be produced for inspection when requested.

6. The Approval Holder must notify the Department of any changes to the information included in the Approval Holder's application for this Approval (eg the Nominated vessel changes) within 14 days of this change becoming known.
7. For the purpose of evaluating the Approved Activity, the Approval Holder must, subject to availability of space and the provision of reasonable notice, allow a Department staff member to accompany trips from time to time at no cost to the Department.
8. All staff of the Approval Holder and other persons involved in the Approved Activity must be fully informed of the Reserve, its management arrangements and these conditions before taking part in the conduct of the Approved Activity.
9. The Approval Holder must take all reasonable steps to ensure that the Approval Holder's staff have appropriate training, qualifications (including relevant first aid) and experience to competently perform their functions and duties in relation to the Approved Activity.

Complying with Legislation

10. The Approved Activity must be conducted in accordance with the Act and Regulations, all other applicable Commonwealth and State laws, these conditions and other notices, information, guidelines and codes of conduct or protocols issued by, or under the authority of, the Director of National Parks.
11. The Approval Holder must allow any ranger, warden or inspector unrestricted access to the Nominated vessel at any time for the purpose of performing functions and exercising powers under the Act.
12. The Approval Holder must, and must take all reasonable steps to ensure that the Approval Holder's staff abide by all lawful directions given by a ranger, warden or inspector while in the Reserve.

Insurance Related Conditions

13. The Approval Holder must not conduct the Approved Activity unless the Approval Holder holds a current public liability policy of insurance with an insurer approved by the Director. The public liability policy of insurance must be for an amount of not less than \$10 million in respect of any single claim and must be sufficient to cover any liability the Approval Holder may have to third parties, or to the Director under the Release and Indemnity.
14. The Approval Holder must provide a certificate of currency for the policy of insurance evidencing that the policy covers all activities in the Reserve of the Approval Holder, their staff and clients. The certificate must be provided:
 - a). on each occasion when the policy is renewed or when a new policy is taken out; and
 - b). at any other time upon request by the Director.

Occupational Health and Safety

15. The Approval Holder is responsible for the safety and well being of the Approval Holder's staff and all other persons taking part in the Approved Activity, while undertaking the Approved Activity in the Reserve. The Approval Holder must take all reasonable steps to ensure that the Approval Holder's staff and all other persons taking part in the Approved Activity are not exposed to risks to their health or safety while undertaking the Approved Activity in the Reserve.
16. The Approval Holder must ensure that all persons taking part in the Approved Activity are fully informed about all the potential hazards that they may encounter in the Reserve.
17. The Approval Holder must ensure that procedures are in place to minimise the risk of potential hazards to the Approval Holder's staff and all other persons taking part in the Approved Activity.

Note: These procedures may include, but are not limited to: pre-trip briefings; a communication plan that includes periodic check-in with someone on the mainland; guidance on the use of safety equipment and head counts.

18. If any of the Approval Holder's staff, or any other person taking part in the Approved Activity is seriously injured, becomes seriously ill or goes missing while in the Reserve, the Approval Holder must:
 - a). notify the relevant authority as soon as possible;
 - b). comply with any requests or directions from those authorities in relation to the safety of that person or any other person; and
 - c). notify the Department as soon as possible by ringing the duty phone on 0419 293 465¹.

Reporting Requirements

19. The Approval Holder must assist and cooperate with the Director in gathering and providing any data in relation to the Reserve that may be reasonably required for research and management purposes.
20. All reports, notices and other documents required to be provided by the Approval Holder under these conditions must be sent to the Mermaid Reef Reserve Manager at the Department, GPO Box 787, Canberra ACT 2601, or by fax to 02 6274 1771 or email mpa@environment.gov.au
21. The Approval Holder must report all gear, equipment and other articles lost in the Reserve that is likely to cause significant environmental harm, to the Department as soon as possible and within 10 days in any event, after the loss occurs. The report must include a description of what was lost, the location at which they were lost or believed to have been lost and the date and time at which they were lost.

Vessel Operating Conditions

22. The Approval Holder must ensure that the Nominated vessel is registered, is suitable for the conduct of the Approved Activity, has appropriate safety equipment on board at all times, and is operated and maintained in accordance with all relevant and applicable Commonwealth, State and Territory laws. The Approval Holder must, if requested by the Director, provide copies of all relevant certificates and other documents evidencing compliance with this condition.

¹ Note: the Department is not an emergency response agency and all relevant emergency response agencies and authorities should be contacted prior to informing the Department of any incident.



23. The Approval Holder must ensure that a person qualified to operate the Nominated vessel remains on board at all times to monitor and assure secure anchorage.
24. All vessels operated by the Approval Holder and their staff, including tender vessels, must not discharge sewage in the Reserve.
25. The Approval Holder must ensure that:
- a). minimal damage is caused to the marine environment as a result of mooring a vessel, or anchoring in the Reserve;
 - b). the Nominated vessel and any approved substitute vessel must carry no more than 36 passengers on any visit to the Reserve, unless otherwise directed or approved by the Director;
 - c). the Nominated vessel must not exceed the following restrictions when entering the lagoon:
 - vessels of draught up to 2 metres may enter at any stage of the tide;
 - vessels of draught up to 3 metres may enter if the tide is 2.0 metres or larger; and
 - vessels of draught greater than 3 metres are not permitted to enter the lagoon.
 - d). entry and exit to the entrance channel (leading to the anchorage and moorings) must be limited to daylight hours and conditions of good visibility;
 - e). to ensure minimal damage is caused to the marine environment as a result of mooring a vessel, or anchoring in the Reserve, the following restrictions apply:
 - moorings must be booked prior to your visit to the Reserve through the Western Australian Department of Environment and Conservation, Broome office (08 9195 5500);
 - vessels must not be anchored in the Reserve except in an emergency;
 - equipment and vessels (including tender vessels) must not be left at Mermaid Reef unattended; and
 - only one vessel may be moored at each mooring.
 - f). the Nominated vessel must not be anchored in the Reserve except where it is reasonably necessary to deal with an emergency involving a serious threat to human life or property, in which case the vessel must only be anchored in the area bounded by an imaginary line:
 - commencing at a point at the intersection of 17° 4.272'S and 119° 38.153'E;
 - then by a straight line to a point at the intersection of 17° 4.253'S and 119° 38.400'E;
 - then by a straight line to a point at the intersection of 17° 4.652'S and 119° 38.727'E;
 - then by a straight line to a point at the intersection of 17° 4.572'S and 119° 38.265'E; and
 - then by a straight line to the point of commencement, and being the area more or less shown on the map annexed to these conditions.²

² All coordinates are expressed in terms of the WGS84 datum.

Conditions for SCUBA Diving at the Reserves

26. Where the Approved Activity includes SCUBA diving or snorkelling, the Approval Holder must ensure that:
- a). all staff and any other persons involved in the conduct of the diving operations hold an appropriate and current SCUBA diving qualification; and
 - b). the dive supervisor holds an appropriate first aid qualification (at a minimum St Johns Advanced Resuscitation Certificate or equivalent).
27. Where the Approved Activity includes SCUBA diving, the operator must have an emergency response plan that provides for prompt evacuation of divers suffering dive related illness.

Media Specific Conditions

28. The Approval Holder must make such acknowledgements or disclaimers as are reasonably required by the Director in relation to the use of any media (including but not limited to photography, sound recordings, video) captured under this Approval.

Reserve Specific Conditions

29. The Approval Holder must not, and must take all reasonable steps to ensure that all other persons involved in the Approved Activity do not damage, interfere with, dispose of or remove any part of a shipwreck.
30. The Approval Holder must take all reasonable steps to minimise the impact on the environment of the Approved Activity.
31. All staff and any other persons taking part in the Approved Activity must not:
- a). kill, injure or take a fish or other organism;
 - b). feed native species;
 - c). take any animals, including pets or plants ashore;
 - d). disturb nesting turtles;
 - e). walk on the reef (except in an emergency³);
 - f). construct any structure;
 - g). light fires (fires are only allowed in a portable barbeque or stove); or
 - h). leave any litter or other refuse, discharge or substances.
32. The Approval Holder must not, and must take all reasonable steps to ensure that the Approval Holder's staff and all other persons involved in the Approved Activity do not feed any animal while diving or snorkelling.

³ This does not include the sand cays that may be present at low tide.



4.4 SCIENTIFIC RESEARCHERS

Please also read Part 4.1

Mermaid Reef is managed as a “Strict Nature Reserve” (IUCN category Ia), which means that it is managed primarily as a site for scientific research and environmental monitoring. Scientific research is undertaken to increase understanding of Mermaid’s values and risks to the ecosystem while minimising the impacts of research activities to those values.

Authorisation from the Director is required to undertake any scientific research in Mermaid.

Scientific research involving the removal of wildlife, or part thereof, will be considered. Under the EPBC Act research involving taking native species requires authorisation in the form of an approval. For all other scientific research authorisation is made via the issuing of a permit under the EPBC Regulations. Depending on the type of research, additional authorisations may be required. Please contact the Mermaid Reef reserve manager for further information (see Part 7 – Contacts and further Information).

An example of a scientific research approval and accompanying conditions is overleaf.





Australian Government

**Department of the Environment, Water, Heritage and the Arts
Director of National Parks**

*Environment Protection and Biodiversity Conservation Act 1999
Section 359B*

APPROVAL OF TAKING NATIVE SPECIES FOR SCIENTIFIC RESEARCH IN THE MERMAID REEF MARINE NATIONAL NATURE RESERVE

s

Approved area s	Mermaid Reef Marine National Nature Reserve,
Approved person/s s	<i>[Insert name/s of approved person/s or business] t</i>
Approved vessel/s s	<i>[Insert vessel details] t</i>
Approved action/s s	taking native species for scientific research – <i>[insert specific activities]</i> ,
Conditions of Approval s	As specified in: “ <i>Conditions of Approval to take native species for scientific research in the Mermaid Reef Marine National Nature Reserve</i> ” t. Conditions, relevant to the activities specified on the application may be added. ,

Failure to adhere to the conditions of approval may result in revocation of this Approval. ,

,
his Approval remains in effect until *[Date]* for the Mermaid Reef Marine National Nature Reserve, ,
unless it is revoked sooner. ,

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,
,
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Director t
Tropical West Marine Conservation t
Department of the Environment, Water, Heritage and the Arts t
Delegate of the Director of National Parks t
,



CONDITIONS OF APPROVAL

To take native species for scientific research in Mermaid Reef Marine National Nature Reserve

Interpretation

In these conditions, unless the contrary intention appears

Act means the *Environment Protection and Biodiversity Conservation Act 1999*, and includes any Act which amends or replaces it.

Approval Holder means the person or persons (individuals and companies) specified as an Approved person in the Approval, and, where applicable, includes staff of the Approved person.

Approved Activity means the activity or activities authorised by this Approval.

Department means the Department of the Environment, Water, Heritage and the Arts.

Director means the Director of National Parks, and includes any statutory successor to the Director and the Director's servants and agents.

Nominated vessel means the vessel nominated on the Approval as the vessel to be used by the Approval Holder to carry out the Approved Activity.

Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* and includes any Regulations that amend or replace it.

Reserve means the Mermaid Reef Marine National Nature Reserve.

Staff means the Approval Holder's employees, contractors and other agents who take part in the Approved Activity.

General Conditions

1. The Approval Holder must not undertake the Approved Activity before the commencement of the Approval.
2. If the Approval Holder is a company or other incorporated body, the Approval Holder must not have, as a director or office holder, a person who has been convicted of an offence against the Act or the Regulations within the previous five years. This prohibition applies to the period of five years from the date of conviction, not the period of five years prior to the issue of the Approval.
3. The Approval Holder must not use directly in the conduct of the Approved Activity the services of any person who has within the previous five years been convicted of an offence against the Act or the Regulations. This prohibition applies to the period of five years from the date of conviction, not the period of five years prior to the issue of the Approval.
4. The Approval cannot be sold or transferred (including transfer of the benefit of the Approval, whether by lease, hire or otherwise) to another person, body or organisation.

5. A copy of the Approval and these conditions must be kept on board each Nominated vessel and must be produced for inspection on request by an authorised officer.

Note: It is an offence against regulation 14.01 of the Regulations to fail to produce an Approval for inspection on request by a ranger, warden or inspector. The Approval conditions (or a copy) may be kept in the Nominated vessel provided that it can be produced for inspection when requested.

6. The Approval Holder must notify the Department of any changes to the information included in the Approval Holder's application for this Approval (eg the Nominated vessel changes) within 14 days of this change becoming known.
7. For the purpose of evaluating the Approved Activity, the Approval Holder must, subject to availability of space and the provision of reasonable notice, allow a Department staff member to accompany trips from time to time at no cost to the Department.
8. All staff and students of the Approval Holder involved in the conduct of the Approved Activity must be fully informed of the Reserve, its management arrangements and these conditions before taking part in the conduct of the Approved Activity.
9. The Approval Holder must take all reasonable steps to ensure that the Approval Holder's staff have appropriate training, qualifications (including relevant first aid) and experience to competently perform their functions and duties in relation to the Approved Activity.

Complying with Legislation

10. The Approved Activity must be conducted in accordance with the Act and Regulations, all other applicable Commonwealth and State laws, these conditions and other notices, information, guidelines and codes of conduct or protocols issued by, or under the authority of, the Director of National Parks.
11. The Approval Holder must allow any ranger, warden or inspector unrestricted access to the Nominated vessel at any time for the purpose of performing functions and exercising powers under the Act.
12. The Approval Holder must, and must take all reasonable steps to ensure that the Approval Holder's staff abide by all lawful directions given by a ranger, warden or inspector while in the Reserve.

Occupational Health and Safety

13. The Approval Holder is responsible for the safety and well being of the Approval Holder's staff and all other persons taking part in the Approved Activity, while undertaking the Approved Activity in the Reserve. The Approval Holder must take all reasonable steps to ensure that the Approval Holder's staff and all other persons taking part in the Approved Activity are not exposed to risks to their health or safety while undertaking the Approved Activity in the Reserve.
14. The Approval Holder must ensure that all persons taking part in the Approved Activity are fully informed about all the potential hazards that they may encounter in the Reserve.



15. The Approval Holder must ensure that procedures are in place to minimise the risk of potential hazards to the Approval Holder's staff and all other persons taking part in the Approved Activity.

Note: These procedures may include, but are not limited to: pre-trip briefings; a communication plan that includes periodic check-in with someone on the mainland; guidance on the use of safety equipment and head counts.

16. If any of the Approval Holder's staff, or any other person taking part in the Approved Activity is seriously injured, becomes seriously ill or goes missing while in the Reserve, the Approval Holder must:

- a). notify the relevant authority as soon as possible;
- b). comply with any requests or directions from those authorities in relation to the safety of that person or any other person; and
- c). notify the Department as soon as possible by ringing the duty phone on 0419 293 465¹.

Reporting Requirements

17. The Approval Holder must assist and cooperate with the Director in gathering and providing any data in relation to the Reserve that may be reasonably required for research and management purposes.

18. All reports, notices and other documents required to be provided by the Approval Holder under these conditions must be sent to the Mermaid Reef Reserve Manager at the Department, GPO Box 787, Canberra ACT 2601, or by fax to 02 6274 1771 or email mpa@environment.gov.au

19. The Approval Holder must report all gear, equipment and other articles lost in the Reserve that is likely to cause significant environmental harm, to the Department as soon as possible and within 10 days in any event, after the loss occurs. The report must include a description of what was lost, the location at which they were lost or believed to have been lost and the date and time at which they were lost.

Vessel Operating Conditions

20. The Approval Holder must ensure that the Nominated vessel is registered, is suitable for the conduct of the Approved Activity, has appropriate safety equipment on board at all times, and is operated and maintained in accordance with all relevant and applicable Commonwealth, State and Territory laws. The Approval Holder must, if requested by the Director, provide copies of all relevant certificates and other documents evidencing compliance with this condition.

21. The Approval Holder must ensure that a person qualified to operate the Nominated vessel remains on board at all times to monitor and assure secure anchorage.

22. All vessels operated by the Approval Holder and their staff, including tender vessels, must not discharge sewage in the Reserve.

¹ Note: the Department is not an emergency response agency and all relevant emergency response agencies and authorities should be contacted prior to informing the Department of any incident.

23. The Approval Holder must ensure that:

- a). minimal damage is caused to the marine environment as a result of mooring a vessel, or anchoring in the Reserve;
- b). the Nominated vessel and any approved substitute vessel must carry no more than 36 passengers on any visit to the Reserve, unless otherwise directed or approved by the Director;
- c). the Nominated vessel must not exceed the following restrictions when entering the lagoon:
 - vessels of draught up to 2 metres may enter at any stage of the tide;
 - vessels of draught up to 3 metres may enter if the tide is 2.0 metres or larger; and
 - vessels of draught greater than 3 metres are not permitted to enter the lagoon.
- d). entry and exit to the entrance channel (leading to the anchorage and moorings) must be limited to daylight hours and conditions of good visibility;
- e). to ensure minimal damage is caused to the marine environment as a result of mooring a vessel, or anchoring in the Reserve, the following restrictions apply:
 - moorings must be booked prior to your visit to the Reserve through the Western Australian Department of Environment and Conservation, Broome office (08 9195 5500);
 - vessels must not be anchored in the Reserve except in an emergency;
 - equipment and vessels (including tender vessels) must not be left at Mermaid Reef unattended; and
 - only one vessel may be moored at each mooring.
- f). the Nominated vessel must not be anchored in the Reserve except where it is reasonably necessary to deal with an emergency involving a serious threat to human life or property, in which case the vessel must only be anchored in the area bounded by an imaginary line:
 - commencing at a point at the intersection of 17° 4.272'S and 119° 38.153'E;
 - then by a straight line to a point at the intersection of 17° 4.253'S and 119° 38.400'E;
 - then by a straight line to a point at the intersection of 17° 4.652'S and 119° 38.727'E;
 - then by a straight line to a point at the intersection of 17° 4.572'S and 119° 38.265'E; and
 - then by a straight line to the point of commencement, and being the area more or less shown on the map annexed to these conditions.²

Conditions for SCUBA Diving at the Reserves

24. Where the Approved Activity includes SCUBA diving or snorkelling, the Approval Holder must ensure that:

- a). all staff, students or any other person involved in the conduct of the diving operations hold an appropriate and current SCUBA diving qualification; and
- b). the dive supervisor holds an appropriate first aid qualification (at a minimum St Johns Advanced Resuscitation Certificate or equivalent).

² All coordinates are expressed in terms of the WGS84 datum.



25. Where the Approved Activity includes SCUBA diving, the operator must have an emergency response plan that provides for prompt evacuation of divers suffering dive related illness.

Scientific Research Specific Conditions

26. Taking of native species must only be done for the purposes described in this Approval.
27. The Approval Holder must provide the Department with a report after each trip detailing the number of days on which native species were taken, the species taken, the number of individuals taken and the location at which they were taken.

Reserve Specific Conditions

28. The Approval Holder must not, and must take all reasonable steps to ensure that all other persons involved in the Approved Activity do not damage, interfere with, dispose of or remove any part of a shipwreck.
29. The Approval Holder must take all reasonable steps to minimise the impact on the environment of the Approved Activity.
30. All staff, students or any other person taking part in the Approved Activity must not:
- a). feed native species;
 - b). take any animals, including pets or plants ashore;
 - c). disturb nesting turtles;
 - d). walk on the reef (except in an emergency³);
 - e). construct any structure;
 - f). light fires (fires are only allowed in a portable barbeque or stove); or
 - g). leave any litter or other refuse, discharge or substances.
31. The Approval Holder must not, and must take all reasonable steps to ensure that the Approval Holder's staff and all other persons involved in the Approved Activity do not feed any animal while diving or snorkelling.

Note that additional conditions, termed 'special conditions', may be added to your Approval upon assessment of your application.

³ This does not include the sand cays that may be present at low tide.

5 COMPLIANCE AND ENFORCEMENT

5.1 RULES AND REGULATIONS

The rules that apply to activities in Commonwealth reserves are set out in the EPBC Act and EPBC Regulations. Part 15, Division 4 of the EPBC Act prescribes how Commonwealth reserves will be proclaimed and managed. The EPBC Act (section 354 and 354A) prohibits certain acts in a Commonwealth reserve except in accordance with an approval (section 359B) from the Director when a management plan is not in operation including, but not limited to commercial activities and the killing, injuring or taking of native species. Part 12 of the EPBC Regulations prohibits, or allows the Director to prohibit or regulate, a range of other activities in Commonwealth reserves unless undertaken in accordance with an authorisation issued by the Director under the EPBC Regulations.

Note:

- *Commercial activities are prohibited within Mermaid, including within airspace up to 3000m above sea level.*
- *The regulations also prohibit people from causing commercial activities to be carried out within a reserve, whether or not they are within a reserve when they do so. An example of this could be where an unlicensed person employs a commercial fishing operator to fish within a reserve. In this case the unlicensed person is also guilty of an offence under EPBC Regulation 12.36.*



Summary of the EPBC Regulations that apply in a Commonwealth reserve

This is a summary of the rules that apply in all Commonwealth reserves as prescribed in Part 12 of the EPBC Regulations. It is intended to provide a general overview of the types of activities that are prohibited in a Commonwealth reserve without authorisation from the Director. It should not be relied upon as a complete or exact list. To view Part 12 of the EPBC Regulations in full see www.comlaw.gov.au. Note: other rules set out in the conditions of authorisation also apply.

1. A person must not carry out scientific research without authorisation from the Director.
2. A person must not carry out any commercial activities without authorisation from the Director. Note commercial activities include, but are not limited to, commercial tourism and journalism.
3. A person must not use a captured image of a reserve to derive commercial gain except with authorisation from the Director.
4. A person must not damage, deface, obstruct, remove or interfere with a natural feature, object, sign or structure.
5. A person must not damage, deface, move, possess or interfere with heritage.
6. A person must not discharge or leave wastes or noxious, offensive or polluting substances (including solid, liquid and gaseous materials).
7. A person must not leave any litter.
8. A person must not use a pesticide, herbicide or other poisonous substance.
9. A person must not carry on an excavation, erect a structure or carry out works.
10. A person must not introduce, disturb (including fossicking) or remove minerals, clay, sand, stone or other earth materials.
11. A person must not use a firearm, spear-gun, trap, metal detector, fireworks or chainsaw in a reserve. A person may only possess these items if they are on a vessel in passage through a reserve.
12. A person may only bring an animal they own, or are in charge of, into a reserve if the animal is confined to the vessel and the vessel is on passage through a reserve. The animal must not be left in a reserve.
13. A person must not bring plants into a reserve.
14. A person must comply with the directions of an authorised officer under the EPBC Act.
15. A person must not behave in a way that causes public nuisance.
16. Camping is prohibited unless a camping area or site has been identified through a determination by the Director (Note: Determinations must be published and made available on the department's website at www.environment.gov.au/coasts/mpa/mermaid).
17. A person must not light or use a fire unless the fire is in a portable barbecue or stove or a fireplace provided or authorised by the Director. Fires must not be left unattended.

18. A person must not organise or attend a public gathering of more than 15 persons in a reserve unless the gathering is organised by the Director, or organised in accordance with authorisation from the Director.

19. A person must not display or erect a sign, flag, banner, promotional device or image in a reserve unless with authorisation from the Director.

Aircraft

20. A person must not taxi an aircraft or land or take off in an aircraft unless in a landing area specified by the Director under a determination.

21. A person must not jump, parachute or disembark an aircraft when the aircraft is above a reserve or the person is likely to land in a reserve.

22. A person must not use an aircraft to drop anything in a reserve.

Please see the EPBC Act and EPBC Regulations, available through www.comlaw.gov.au, for a full list of the rules and regulations relating to Commonwealth reserves.

The Director may make determinations specific to a reserve that applies additional rules to activities described in the EPBC Regulations.

5.2 PRINCIPLES OF COMPLIANCE AND ENFORCEMENT

The guiding principles of the compliance and enforcement program for Mermaid are to:

- provide a comprehensive education and awareness program regarding the values of Mermaid, the location of Mermaid and the rules that apply, with a view to maximising voluntary compliance;
- continue to develop and foster collaborative arrangements with WA state agencies and appropriate Commonwealth agencies to increase the efficiency and reduce the cost of compliance and enforcement arrangements;
- continue to implement a targeted surveillance and enforcement program based on good intelligence and risk assessment;
- provide a mechanism by which suspected breaches can be reported and recorded;
- ensure consistent and appropriate responses are employed when compliance action is required, using a measured combination of administrative, civil and criminal sanctions;
- minimise where possible the administrative burden and costs to users of Mermaid; and
- protect commercially sensitive information.

5.3 WHAT ARE THE PENALTIES FOR NON-COMPLIANCE?

Where the department identifies a suspected breach of authorisation (identification of breaches may be from a variety of sources including aerial surveillance, at sea surveillance or intelligence) the holder of the authorisation will be notified of the suspected breach and be given an opportunity to provide an explanation within 14 days of receiving notification of the breach.

Where a satisfactory explanation is provided:

- the authorisation holder will be advised by registered mail; and
- the incident will be recorded and may be taken into account in relation to future incidents involving the authorisation holder.

Where no explanation is provided within 14 days or a satisfactory explanation is not provided:

- where the form of authorisation is an approval under the EPBC Act (such as for commercial activities or actions affecting native species) the approval may be revoked or varied. Where this course of action is taken the approval holder will be informed of the action by registered mail; and
- where the form of authorisation is a permit under the EPBC Regulations the permit may be suspended or cancelled or the permit conditions amended. Where this course of action is taken the permit holder will be informed of the action by registered mail.

The holder of an approval under the EPBC Act who is aggrieved by a decision to revoke their approval will have review rights as provided by the *Administrative Decisions (Judicial Review) Act 1977*.

The holder of a permit under the EPBC Regulations who is aggrieved by a decision in relation to their permit may request a review by the Director and, if dissatisfied with the review, subject to the *Administrative Appeals Tribunal Act 1975*, appeal to the Administrative Appeal Tribunal for review.

Conducting activities that require an approval under the EPBC Act without a current approval or in contravention of an approval is an offence (Section 354A of the EPBC Act). The maximum penalty on conviction is up to two years imprisonment or 1000 penalty units or both. Alternatively, the Federal Court may impose a civil penalty of up to 500 penalty units for an individual or 5000 penalty units for a corporation (Section 354 of the EPBC Act). Conducting activities that require a permit under the EPBC Regulations is an offence for which penalties up to 50 penalty units may be imposed. Conducting an activity in contravention of a permit condition is also an offence, for which the maximum penalty on conviction is up to 50 penalty units. One penalty unit equals \$110.

5.4 HOW DO I RECOGNISE A COMPLIANCE OFFICER?

An EPBC Act compliance officer is a person who has been trained and appointed as a warden under the EPBC Act and will hold official identification.

The department has arrangements with State and Commonwealth compliance agencies. Officers conducting compliance activities under these arrangements will identify themselves as a warden under the EPBC Act or as an officer from the Australian Customs and Border Protection Service or the Australian Federal Police.

6 FUTURE MANAGEMENT AND REPORTING

6.1 PERFORMANCE ASSESSMENT AND REPORTING

A performance assessment framework has been developed to facilitate monitoring and reporting on progress and achievements. Progress against objectives will be reported in the Director of National Parks annual report.

Results from ongoing performance assessment will be used to review both the first management plan and the period in which interim management arrangements are in effect. The results of this review will be used in the development of the next management plan for Mermaid.

6.2 MARINE BIOREGIONAL PLANNING

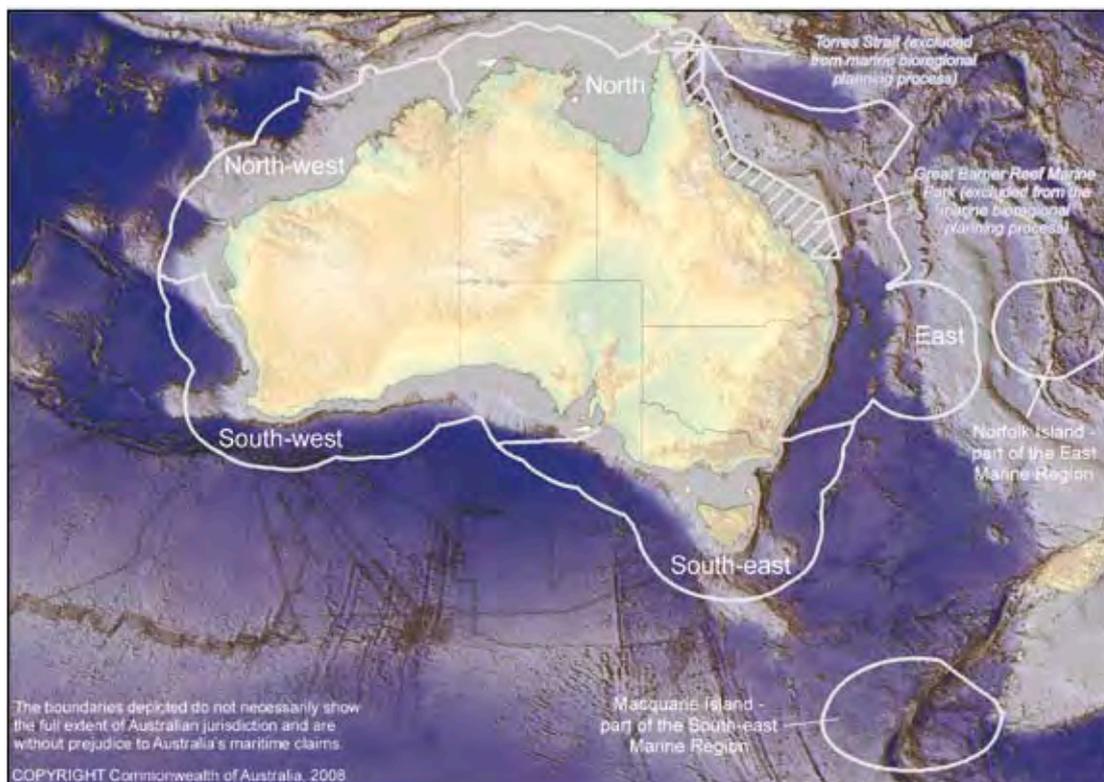
Marine bioregional planning is the Australian Government's approach to protecting the varied environments found in Commonwealth waters.

Five marine regions, south-west, north-west, north, east and south-east have been identified as shown opposite. The north-west marine region, in which Mermaid is located, covers Commonwealth waters from Kalbarri, south of Shark Bay, to the Western Australia/Northern Territory border. It includes approximately 1.07 million square kilometres of ocean. The first step of the planning process, the regional profile of the north-west marine region, was released in November 2008 and can be found at

www.environment.gov.au/coasts/mbp/north-west

The outcome of the planning process is a marine bioregional plan developed under Section 176 of the EPBC Act. It will include descriptions of the region, describe conservation values and priorities, strategies and actions to address these priorities, and mechanisms for monitoring and reviewing the plan. It is also intended that, through the planning process, areas will be identified for inclusion in the National Representative System of Marine Protected Areas (NRSMPA). More information on the NRSMPA can be found at www.environment.gov.au/coasts/mpa/nrsmpa/index.html

Australia's marine regions



6.3 DEVELOPING THE NEXT MANAGEMENT PLAN

The timing of the next management plan for Mermaid is reliant on the bioregional planning process in the north-west.

A new management plan for Mermaid will be developed at the completion of the bioregional planning process, when any new Commonwealth

reserves in the north-west region have been declared. Developing a management plan for Mermaid at this time will provide greater efficiency and effectiveness in the management planning process, particularly in regard to stakeholder consultation. Following the declaration of the new Commonwealth reserves stakeholders will be invited to comment on the development of the management plan for the region, which will include Mermaid.

7 CONTACTS AND FURTHER INFORMATION

Before visiting Mermaid, or to apply for authorisation:

Contact the Mermaid Reef reserve manager

Phone: (02) 6274 1111

Email: mpa@environment.gov.au

To book a mooring:

Contact the WA Department of Environment and Conservation, West Kimberley District Office

Phone: (08) 9195 5500

Web: www.dec.wa.gov.au/marine

To obtain further information:

Mermaid Reef Marine National Nature Reserve: www.environment.gov.au/coasts/mpa/mermaid

Marine bioregional planning: www.environment.gov.au/coasts/mbp

Documents referred to in this document include:

The Mermaid Reef Marine National Nature Reserve Plan of Management 2000–2007, available at:

www.environment.gov.au/coasts/mpa/publications/mermaid-plan

The EPBC Act and EPBC Regulations, both available via the search page on: www.comlaw.gov.au

Reference List

Mermaid Reef Marine National Nature Reserve website: www.environment.gov.au/coasts/mpa/mermaid

The Mermaid Reef Marine National Nature Reserve Plan of Management 2000–2007 available at:

www.environment.gov.au/coasts/mpa/publications/mermaid-plan

WA Museum, Maritime Archaeology Department:

www.museum.wa.gov.au/collections/maritime/march/march.asp

The North-west Marine Bioregional Plan, Bioregional Profile available at:

www.environment.gov.au/coasts/mbp/north-west/index.html

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Coral scene with fish, Mermaid Reef Marine National Nature Reserve, Department of the Environment, Water, Heritage and the Arts

Blue sea anemone with clown fish, Mermaid Reef Marine National Nature Reserve, Jay M Hayes, Commercial Diver

Trevally school, Mermaid Reef Marine National Nature Reserve, Jay M Hayes, Commercial Diver

North sand cay, Mermaid Reef Marine National Nature Reserve, Department of the Environment, Water, Heritage and the Arts

Blue spotted stingray, Mermaid Reef Marine National Nature Reserve, Department of the Environment, Water, Heritage and the Arts

Cowrie on coral, Mermaid Reef Marine National Nature Reserve, Jay M Hayes, Commercial Diver

Blue clam, Mermaid Reef Marine National Nature Reserve, Department of the Environment, Water, Heritage and the Arts

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pg 4 *Mermaid Reef Marine National Nature Reserve habitat map*, Department of the Environment, Water, Heritage and the Arts

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pg 6 *Mermaid Reef Satellite Image*. © DigitalGlobe. Inc. All Rights Reserved.

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Coral scene with fish, Mermaid Reef Marine National Nature Reserve, Department of the Environment, Water, Heritage and the Arts

Blue clam, Mermaid Reef Marine National Nature Reserve, Department of the Environment, Water, Heritage and the Arts

Blue sea anemone with clown fish, Mermaid Reef Marine National Nature Reserve, Jay M Hayes, Commercial Diver

Trevally school, Mermaid Reef Marine National Nature Reserve, Department of the Environment, Water, Heritage and the Arts

Cowrie on coral, Mermaid Reef Marine National Nature Reserve, Department of the Environment, Water, Heritage and the Arts

