



COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

APPROVAL OF THE CORAL SEA COMMONWEALTH MARINE RESERVE  
MANAGEMENT PLAN 2014-2024

I, TONY BURKE, Minister for Sustainability, Environment, Water, Population and Communities, acting pursuant to section 370 of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby approve the Coral Sea Commonwealth Marine Reserve Management Plan 2014-2024.

Dated this .....5..... day of .....March....., 2013

Tony Burke

Tony Burke  
Minister for Sustainability, Environment, Water, Population and Communities

# CORAL SEA COMMONWEALTH MARINE RESERVE MANAGEMENT PLAN 2014–24



**Australian Government**  

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**Director of National Parks**

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## Foreword

The Proclamation of the Coral Sea Commonwealth Marine Reserve (the Reserve) was a huge and historic step forward for conservation. The Reserve covers approximately 989 842 square kilometres and is internationally recognised for its rich biodiversity, unique species and important heritage values. It is considered one of the most distinctive and undisturbed natural systems in the world and provides refuge for a wide range of threatened, migratory and commercially valuable species under serious threat.

The Reserve was 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 Reserve plays a central role in ecosystem-based management of the marine environment, providing for ecologically sustainable use as well as the protection of many endangered or vulnerable species, including the endangered loggerhead and leatherback turtles and the critically endangered herald petrel. The Reserve also supports the world's only confirmed spawning aggregation area for black marlin. Areas of high productivity in the Reserve, such as those around seamounts, are important aggregation sites for a range of species including lanternfish, albacore tuna, billfish and sharks. Large marine mammals journey hundreds or even thousands of kilometres to breed in the Reserve, or travel through it en route to breeding areas.

The Coral Sea Commonwealth Marine Reserve Management Plan (the Plan) is the primary tool for the conservation and management of the Reserve. It sets out the approach to and direction of management for the next 10 years. It is designed to provide certainty to users of the Reserve by giving effect to decisions on zoning and allowable activities that were made at the time of proclaiming the Reserve 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.

This Plan is the first management plan for the Reserve and will come into effect on 1 July 2014. I look forward to implementing the Plan with the collaboration and support of the Australian Government, neighbouring countries, the Queensland Government, the Indigenous communities of the Coral Sea area, 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 Coral Sea Commonwealth Marine Reserve (the Reserve) has been established to protect examples of the biodiversity, habitats and ecosystems of the Coral Sea Marine Region.

The Reserve 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. The Commonwealth marine area is defined in s.24 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The NRSMPA will 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 specific 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 Reserve (Figure 1.1) was proclaimed in 2012 for the purpose of protecting and maintaining marine biodiversity, while allowing for the sustainable use of natural resources in appropriate areas. Two former Commonwealth marine reserves have been incorporated into the Reserve, the Coringa-Herald National Nature Reserve and Lihou National Nature Reserve<sup>1</sup>.

The Director of National Parks (the Director) is required to prepare a Management Plan for each Commonwealth reserve under the EPBC Act (s.366). This is the first Management Plan for this Reserve.

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<sup>1</sup> The Coringa-Herald National Nature Reserve and Lihou National Nature Reserves, established in 1987, were both revoked and are now included in the Coral Sea Commonwealth Marine Reserve. The Coral Sea Conservation Zone, established in 2009, was revoked and is now included in the Coral Sea Commonwealth Marine Reserve

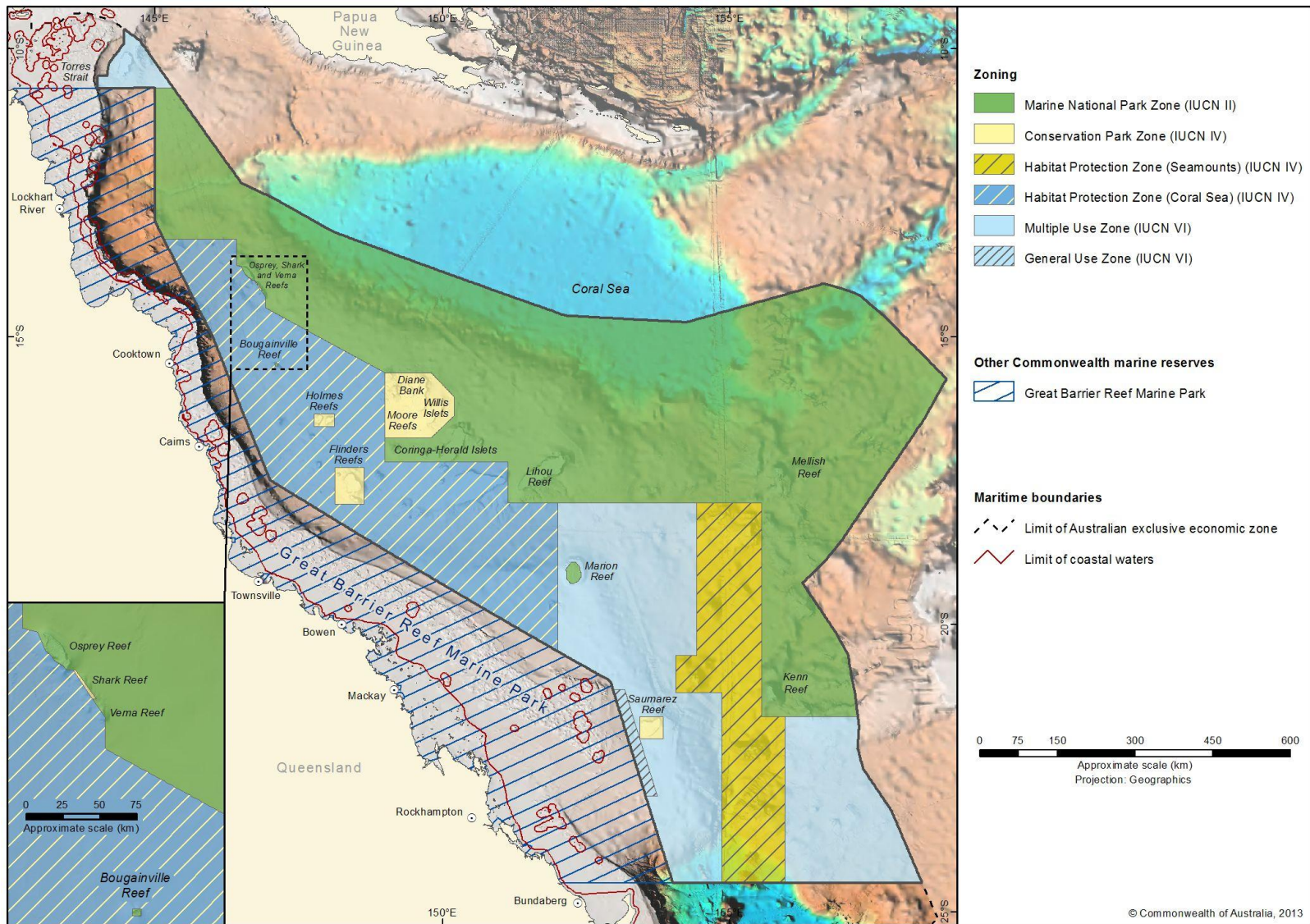


Figure 1.1: Coral Sea Commonwealth Marine Reserve

## 1.1 Structure of this Management Plan

This Management Plan provides a broad description of the regional features and conservation values protected by the Reserve (Part 2). 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.

This Plan assigns an International Union for Conservation of Nature (IUCN) category to the Reserve, in accordance with the requirements of s.367(1)(a) of the EPBC Act (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 broadly what activities are allowable in each IUCN category 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 so as 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 the Reserve are provided in Appendix A. The maps define any zones into which the Reserve is divided.

The Plan prescribes strategies and actions for research and monitoring, assessment and permitting, compliance, community participation, Indigenous involvement and environmental management that will be applied by the Director (Part 4). These strategies and actions provide the framework for achieving the Plan's objectives and outcomes. This Plan allows for management of local scale issues over the life of the Plan as management needs change over time.

The Plan prescribes the rules applying to activities associated with human use in the Reserve. These prescriptions provide the specific detail for how activities are allowed to occur in the Reserve and of prohibited activities in the Reserve (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 specific needs over the life of the Plan. Legislative context and international agreements that influence the management of the Reserve are outlined in Appendix B.

## 1.2 Objectives of the Management Plan

The objectives of the Plan are intended to provide clear direction for management of the Reserve. The objectives of this Plan are to:

- 1. provide for the protection and conservation of biodiversity and other natural and cultural values of the Coral Sea Commonwealth Marine Reserve; and**
- 2. provide for the ecologically sustainable use of the natural resources within the Coral Sea Commonwealth Marine Reserve where this is consistent with objective 1.**

The 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 Coral Sea Commonwealth Marine Reserve Management Plan

### 1.3.1 Short title

This Management Plan may be cited as the Coral Sea Commonwealth Marine Reserve Management Plan or the Coral Sea Marine Reserve Management Plan.

### 1.3.2 Commencement and termination

This Management Plan will come into operation on 1 July 2014. The Plan will cease to have effect on 30 June 2024, unless revoked sooner or replaced with a new Plan.

### 1.3.3 Interpretation

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

# PART 2

# DESCRIPTION OF THE ENVIRONMENT, VALUES AND PRESSURES IN THE CORAL SEA MARINE RESERVE

## 2.1 Description of the Coral Sea marine environment

The Reserve covers 989 842 square kilometres of Commonwealth waters east of the Great Barrier Reef Marine Park out to the edge of Australia's exclusive economic zone. It abuts the exclusive economic zones of Papua New Guinea and Solomon Islands in the north and New Caledonia in the east. The nearest point of the Reserve to Australia's mainland coast is approximately 60 kilometres and it extends as far as 1100 kilometres from the mainland. These offshore waters stretch from the Torres Strait southwards to an east/west line approximately 40 kilometres north of Bundaberg in Queensland.

The Coral Sea is a near-pristine marine environment that is internationally recognised for its rich biodiversity, unique species and important heritage values. It is considered one of the most distinctive and undisturbed natural systems in the world and provides refuge for a wide range of threatened, migratory and commercially valuable species under serious threat elsewhere.

The Reserve contains a wide range of habitats, including isolated shallow reefs, plateaux, seamounts, sandy cays and islands, and in areas extends down to remote, little-known deepwater environments approximately 5000 metres below sea level.

## 2.2 Social, cultural and economic values

The waters of the Reserve are considered unique for their ecological, cultural and social values and their economic contribution to the region. The industries and activities of most significance within the Reserve, based on its resources and values, include (in alphabetical order):

- Commercial fishing – commercial fisheries have a relatively small presence in the Reserve compared to other marine regions around Australia. Commonwealth and Queensland state managed fisheries occur in the Reserve, including line, hand collection, trawl, purse seine, trap and net fisheries. At the time of preparing this Plan there were no aquaculture activities in the Reserve.
- Commercial shipping – the Reserve contains one of Australia's busiest shipping routes, with important links to the global shipping lanes between Europe and Asia. The major shipping lane in the area follows the eastern coast of Australia from the south before splitting into two directions near Fraser Island. One route continues north through the Coral Sea, and on towards south-east Asia. The other goes through the Great Barrier Reef.

Most major ports adjacent to the Coral Sea are either expanding or earmarked for expansion to service the continued strong growth of the mining and energy industries. There has been a gradual increase in the number of vessels transiting the region since about 2002. These vessels transit through environmentally significant areas of the Great Barrier Reef, the Torres Strait and the Coral Sea. The Australian Maritime Safety Authority provides a national network of marine aids to navigation off Queensland, a number of which are within the Reserve.

- Commercial tourism and charter fishing – almost all tourism activities that occur in the Reserve are nature-based and reliant on an intact Coral Sea ecosystem. They include charter fishing, snorkelling and scuba diving, whale watching and cruising. Cruise ships travel through the Reserve, and commercial and educational organisations offer science-based tourism opportunities. Charter fishing in the Reserve is managed by the Queensland state government.

The tourism industry offers trips to key locations in the Reserve with a range of visitor experiences, often combining visits to locations within the Great Barrier Reef and the Coral Sea. Tourism activities are supported in the Reserve by moorings at various locations to help prevent damage to habitat while also providing vessels with secure anchorage and refuge from rough seas. Permitted moorings are located at Osprey, Shark, Vema, Bougainville, Holmes, Flora and Flinders Reefs.

- Indigenous values – Indigenous people have a long history of utilising natural marine resources in and adjacent to the Reserve, particularly as a source of food. Natural resource use and management is a part of the traditional culture of Indigenous people and is closely intertwined with their spirituality. Indigenous people have used and managed the coastal land and sea environments in the Torres Strait for thousands of years. Torres Strait Islanders have a strong cultural, social, economic and spiritual links with their sea country, governed by their distinct Ailan Kastom (island custom). The Torres Strait turtle fishery operates in the far north-east corner of the Reserve as an Indigenous fishery using hand collection and traditional spear methods. Native title rights are held over approximately 37 000 square kilometres of sea in the Torres Strait and extend into a small portion of the north-west of the Reserve.
- Recreational use – a wide range of recreational activities occur within the Reserve, including whale watching, diving and recreational fishing. Recreational fishing, including spear and game fishing, occurs predominantly around the reefs and cays of the Queensland and Marion Plateaux adjacent to the Great Barrier Reef Marine Park boundary.

Most recreational vessels used by people living in coastal centres nearest to the Reserve are of a size not suited to trips as far offshore as the Reserve. As a result, recreational boating is mainly concentrated in inshore areas close to urban centres within the Great Barrier Reef lagoon and coastal waters, and does not occur to a high level in the Reserve.

The Reserve attracts a range of other uses, including scientific research and commercial activities. Willis Island is a Bureau of Meteorology observation station and is the only permanently inhabited island in the Reserve with approximately four staff present. Unmanned weather stations, beacons and a lighthouse are located on some of the other islands and reefs.

Submarine telecommunication cables linking Australia with other countries including Papua New Guinea, Guam and Japan intersect the Reserve.

There are no petroleum exploration permits, titles or acreage leases in the Reserve. All mining activity, including petroleum resources exploration and development, is prohibited. The Australian Defence Force uses the entire marine estate in the course of its activities, with specific areas set aside for training activities. There is one training area in the Reserve; around Saumarez Reef.

## 2.3 Values of the Coral Sea Commonwealth Marine Reserve

The Reserve was designed in accordance with the goals and principles for the establishment of the National Representative System of Marine Protected Areas in Commonwealth waters<sup>2</sup> to represent the region's biodiversity as it varies across provincial bioregions, depth ranges, large scale biological and ecological features and sea-floor features. The Reserve also protects habitats important for threatened species and some places listed under national environmental legislation for their heritage values. Further details on the Reserve are provided in Appendix A.

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<sup>2</sup> [www.environment.gov.au/coasts/mbp/publications/general/goals-nrsmpa.html](http://www.environment.gov.au/coasts/mbp/publications/general/goals-nrsmpa.html)

### 2.3.1 Provincial bioregions

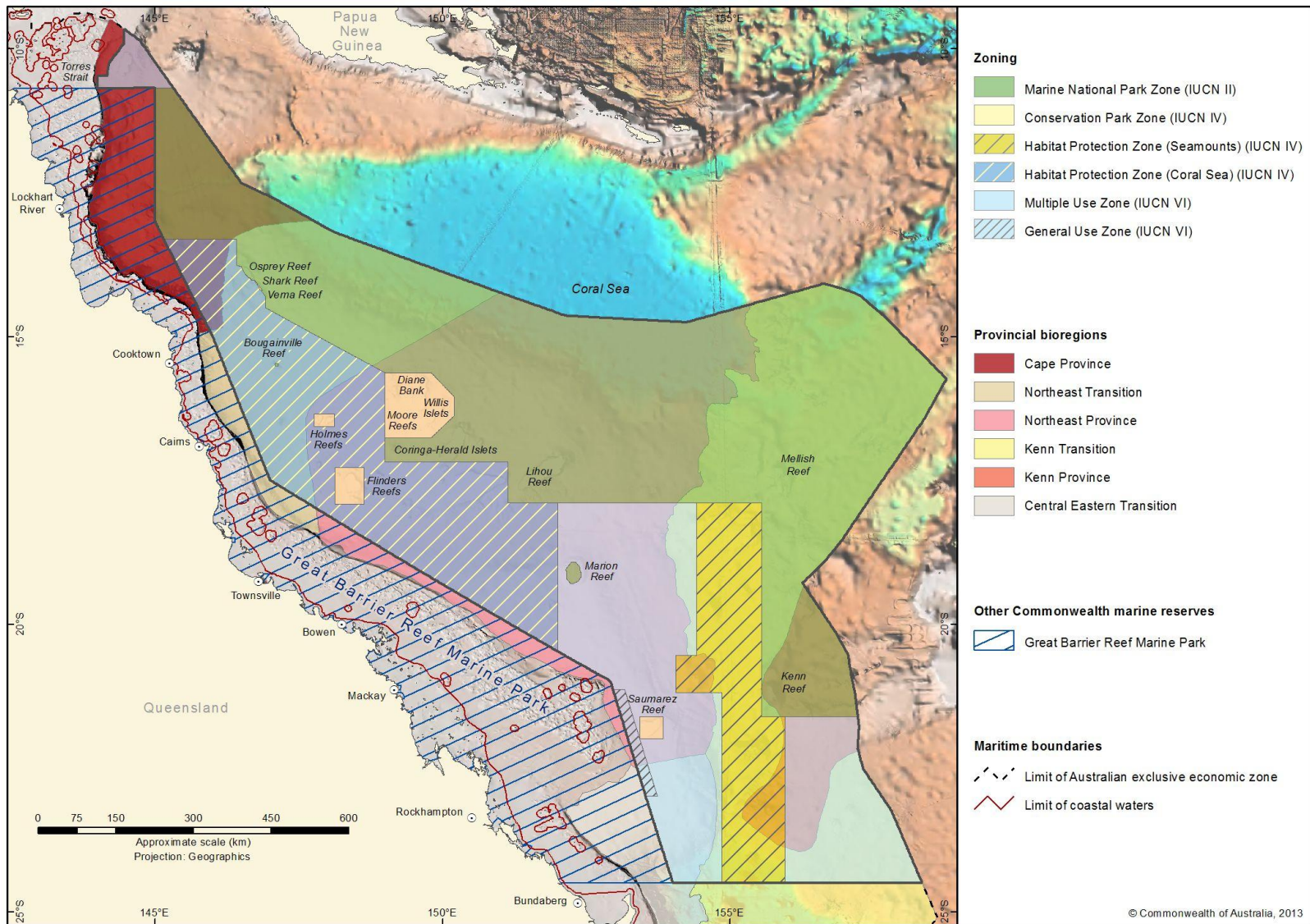
Provincial bioregions<sup>3</sup> are large areas of ocean with broadly similar characteristics that have been classified by scientists based on the distribution of fish and other marine species, sea-floor types and ocean conditions. Six provincial bioregions are represented in the Reserve (Figure 2.1):

- **Cape Province** – is located on the continental shelf between Cape York and Cape Flattery, and contains the Osprey Embayment, the Eastern Plateau and Ashmore and Boot Reefs. It is situated in tropical waters with abyssal plain, trough and cay/atoll/islet reef biological communities, and the majority of the bioregion is between 1000 and 4000 metres in depth. The separation of the South Equatorial Current in this bioregion to form the Hiri Current and the East Australian Current is thought to create a barrier to the dispersal of species which results in reef ecological communities in the north of the Reserve which are distinct from reef communities in the south. Dwarf minke whales use the bioregion between March and October each year.
- **Northeast Transition** – is located off the continental shelf between Lockhart River and Hinchinbrook Island. The majority of the bioregion is over 1000 metres deep and its major features include the Queensland Trough, Queensland Plateau, and Osprey, Shark, Vema and Bougainville Reefs. The section of the Queensland Plateau within this bioregion is a significant ecological feature, acting as a biogeographic island surrounded by deep water on all sides. Emergent reef communities on the Plateau have relict fauna which may date back to the Pleistocene era. Osprey Reef supports communities of Nautilus, considered to be 'living fossils', having remained relatively unchanged for millions of years. High intensity cyclones occur in this bioregion which can erode the seabed and influence sediment deposition. The bioregion contains cay/atoll/islet biological communities associated with Osprey, Shark, Vema and Bougainville Reefs.
- **Northeast Province** – is located to the east of the Great Barrier Reef Marine Park, on the slope and abyssal plain/deep ocean floor. The Coral Sea Basin makes up about 13 per cent of the bioregion and is between 4000 and 5000 metres deep. The bioregion contains the shallower south-east side of the Queensland Plateau, from which emergent reefs rise to break the surface, including the Coringa-Herald, Tregrosse and Lihou Reef complexes. Tregrosse and Lihou Reefs are each almost 100 kilometres long and up to 50 km wide. The cays and islets of Coringa-Herald and Lihou are an important area for the breeding of the green turtle (*Chelonia mydas*), a threatened, marine and migratory species under the EPBC Act. The bioregion also contains parts of the Townsville Trough, the Marion Plateau and the Cato Basin.
- **Kenn Transition** – is located on the lower continental shelf slope and abyssal plain/deep ocean floor between Cooktown and Stradbroke Island. The majority is between 2000 and 5000 metres deep. It has biological communities associated with Coral Sea and Tasman Sea seamounts as well as those associated with abyssal plain, trough, continental plateau and the East Australian Current (including related cold-core and warm-core gyre and eddy communities). The narrow Cato Trough in the bioregion is an area of dynamic current interactions, in which the resulting upwellings of nutrient-rich water support high productivity, including regionally significant billfish populations.
- **Kenn Province** – is located in tropical waters on the Kenn Plateau, at the junction of the Coral and Tasman Seas. The Coral Sea and Tasman Sea seamounts break the sea surface to form the Kenn Reefs and Cato Island, and a semi-permanent ocean gyre forms near Cato Trough and creates an area of high biological productivity off Fraser Island. Biological communities in the bioregion include seamount/guyot/island communities associated with the Kenn Reefs and Cato Island, continental plateau communities associated with the Kenn Plateau, and gyre and eddy communities associated with the East Australian Current.
- **Central Eastern Transition** – is located on the continental slope and rise east of Fraser Island. It has a transitional water mass (tropical-warm to temperate water). Its main features include the Marion Plateau and the Tasman Sea Basin. It has continental shelf biological communities associated with canyons, abyssal plain,

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

trough continental plateau and the East Australian Current (including related cold-core and warm-core gyre and eddy communities).



**Figure 2.1: Provincial bioregions of the Coral Sea Marine Reserve**

### 2.3.2 Depths

Environments of the Reserve range from shallow waters around reefs, cays and islands to waters approximately 5000 metres deep in abyssal, plateau and seamount habitats. Two large plateaux, the Queensland Plateau and the Marion Plateau, are surrounded by deepwater troughs, including the Queensland Trough, Townsville Trough and Cato Trough. The northern extent of the Tasmanid Seamount Chain, a series of underwater volcanic mountains, plateaux and terraces, generally rise to depths of between 400 and 150 metres, with some forming islands at the sea surface. Ninety-four depth ranges (or bathomes) within provincial bioregions are represented in the Reserve (Figure 2.2).

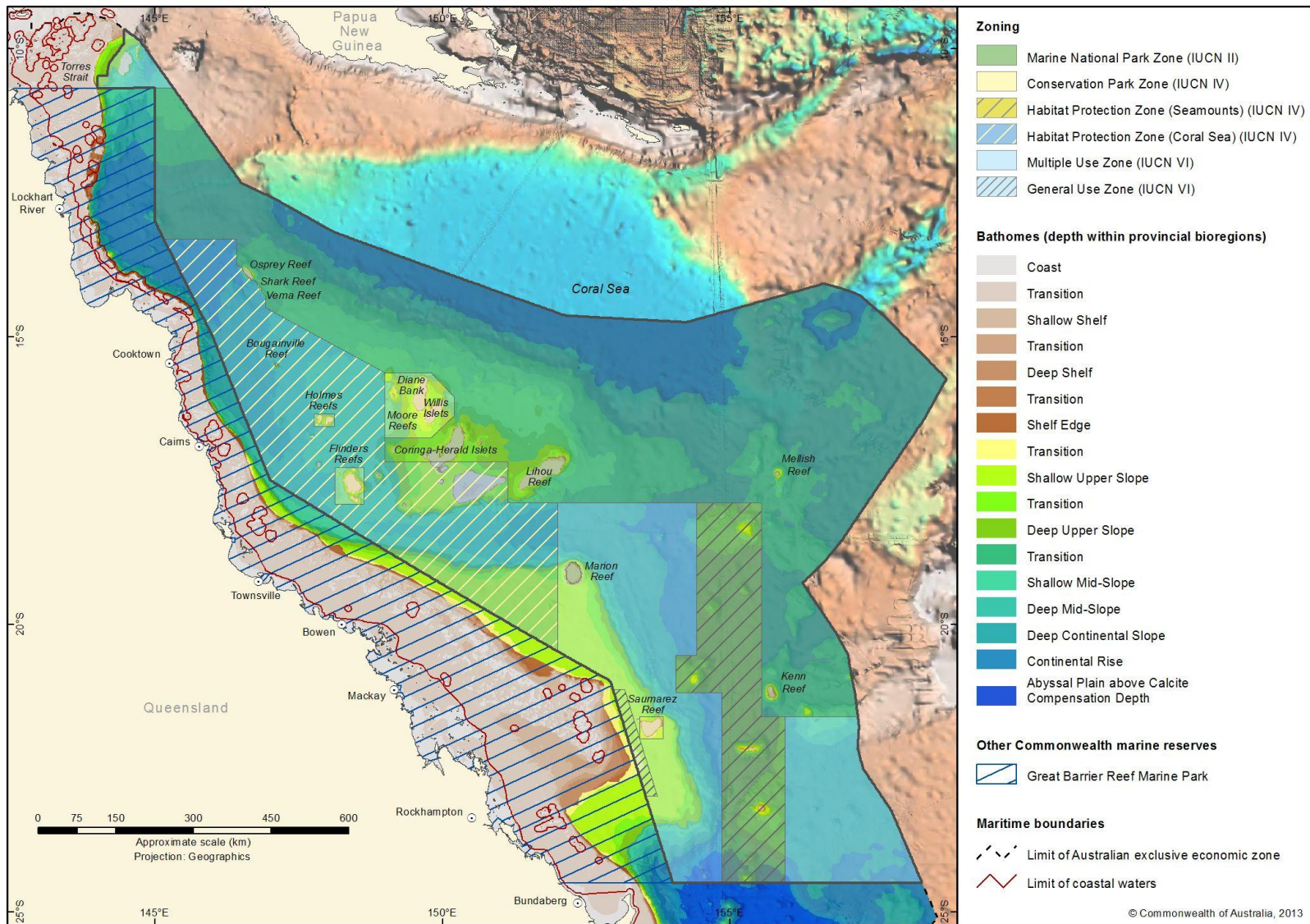


Figure 2.2: Depth ranges of the Coral Sea Marine Reserve

### 2.3.3 Large scale biological and ecological features

The marine bioregional planning program identified large scale ecological features that support distinct or important ecological communities at a regional scale. Where these features are considered to be of regional importance for either a region's biodiversity or its ecosystem function and integrity, they are known as key ecological features. Three key ecological features are represented in the Reserve (Figure 2.3):

- Reefs, cays and herbivorous fish of the Queensland Plateau – the Queensland Plateau is the largest marginal plateau in Australia, supporting 21 coral reefs and cays, the largest of which are the Tregrosse and Lihou Reefs. These reefs and the others across the plateau provide complex habitats with diverse and abundant invertebrate and fish communities. A gyre system of ocean currents over the Queensland Plateau forms a barrier to the movement of marine species, and is thought to contribute to the endemism found in these species. Lagoons within emergent reefs are important nursery sites for sharks and predatory fish whilst onshore areas support critical nesting sites for the green turtle and a range of seabird species including the red-footed booby and frigatebirds.
- Reefs, cays and herbivorous fish of the Marion Plateau – the Marion Plateau lies to the south of the Queensland Plateau and is separated from it by the deep water of the Townsville Trough. This feature supports reefs and cays, most notably Marion and Saumarez Reefs. As with the reefs of the Queensland Plateau, these sites support diverse and abundant invertebrate and fish communities. Due to the flow of the East Australian Current, it is thought that these communities may be distinct from their Queensland Plateau neighbours.
- Tasmantid Seamount Chain – the Tasmantid Seamount Chain is a prominent chain of underwater volcanic mountains, plateaux and terraces that extend down into the Tasman Basin, running in a north-south direction at approximately 155°E. At its deepest, features rise to between 1400 to 900 metres below sea level, while at its northern extent features rise to between 400 to 150 metres, with some breaking the sea surface to form islands. The seamount chain contains a diverse range of habitats, including deepwater sponge gardens and near-pristine tropical coral reef systems. Collectively these are known to be biological hotspots, with significant species diversity. They are also known feeding and reproduction grounds for open ocean species, including billfish, marine turtles and marine mammals.

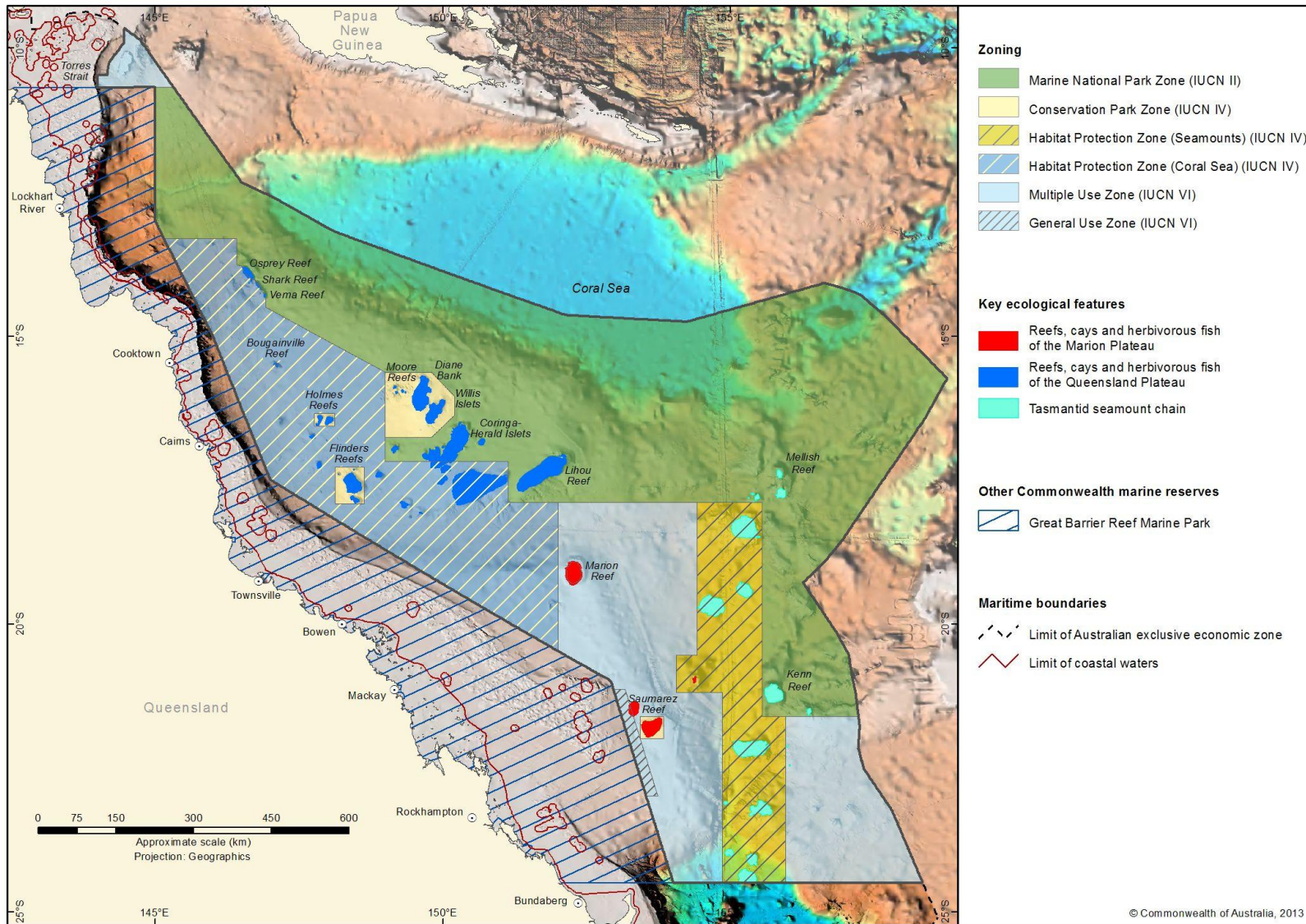


Figure 2.3: Key ecological features within the Coral Sea Marine Reserve

### 2.3.4 Sea-floor features

The landscape-scale physical structure of the sea-floor is important in determining where habitats or species occur. Large physical sea-floor structures (tens to hundreds of kilometres in scale) are referred to as geomorphic or sea-floor features and include, for example, sea-floor pinnacles, canyons and reefs. 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 environments. There is strong scientific evidence that different types of sea-floor features provide different habitats and are associated with different marine species and communities. For this reason, sea-floor features were used as one of the surrogates for biodiversity to design the Reserve.

Sixteen sea-floor features are represented in the Reserve (Figure 2.4).

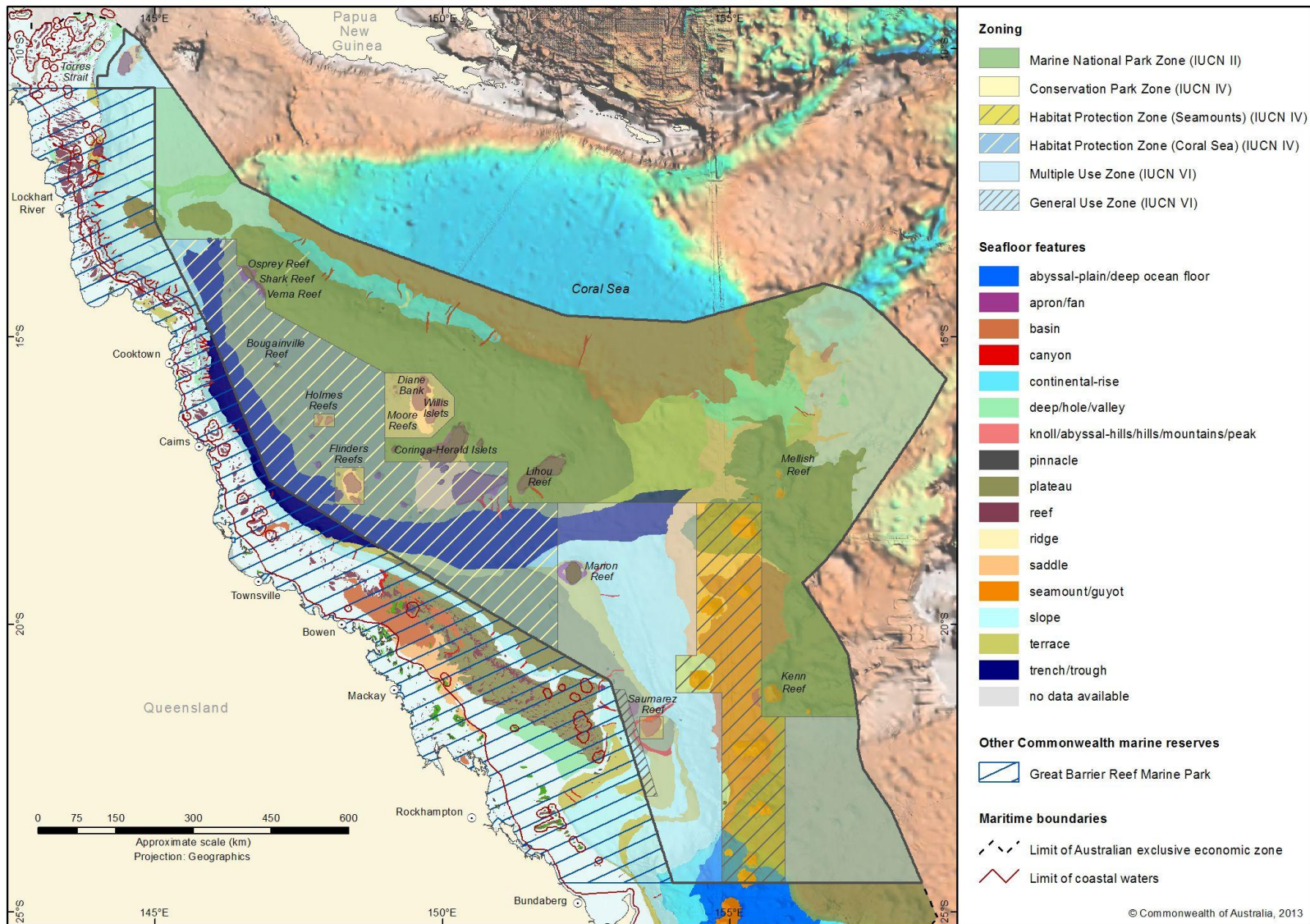


Figure 2.4: Sea-floor features within the Coral Sea Marine Reserve

### 2.3.5 Protected species and biologically important areas

The Reserve provides protection to species listed as endangered or vulnerable under Commonwealth legislation and international agreements. These include the white shark, greater and lesser frigatebirds, green turtle and humpback whales. The Reserve contains areas important for species listed under:

- the Convention on the Conservation of Migratory Species of Wild Animals 1979 (CMS or Bonn Convention)
- the Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and their Environment 1974 (JAMBA)
- the Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment 1986 (CAMBA)
- the Agreement between the Government of Australia and the Government of the Republic Of Korea on the Protection of Migratory Birds 2007 (ROKAMBA).

Biologically important areas are areas where aggregations of individuals of a protected species breed, forage, rest during migration and/or use as a migratory route. Biologically important areas highlight those parts of the Reserve that are particularly important for the protection and conservation of protected species. A number of biologically important areas are located within, or intersect with the Reserve:

- Seasonal migration routes and feeding sites for cetaceans including the humpback whale occur throughout the Region. The humpback whale is also known to breed and calve in the Reserve.
- Migration routes and foraging and feeding sites for 13 species of seabird listed as threatened, endangered and/or migratory are located in the Reserve. The cays and islets of the Coringa-Herald Lihou area provide significant breeding sites for seabirds and are important foraging areas as part of migration pathways. The endangered Herald petrel (*Pterodroma heraldica*) is thought to forage in the Reserve, which also contains a range of breeding areas for frigatebirds (*Fregata spp.*), terns (family Sternidae) and boobies (*Sula spp.*).
- The vulnerable green turtle (*Chelonia mydas*) breeds in the Reserve, with the Coringa-Herald-Lihou area particularly important for nesting and inter-nesting activities.
- In spring and summer whale sharks (*Rhincodon typus*) aggregate to feed around Bougainville Reef and white sharks (*Carcharodon carcharias*) use the south west of the Reserve, adjacent to the Swains Reefs, as they move between nursery areas and for opportunistic feeding.

Data on the locations of these biologically important areas are available on the conservation values atlas on the department's website. The conservation values atlas is an interactive mapping-tool that incorporates a range of national data on Australia's marine environment as well as specific information on the location and area of important marine habitats, ecological features, known breeding and feeding areas for protected species and other conservation values in the Reserve.

### 2.3.6 Other place-based protected values

The EPBC Act protects a range of values as matters of national environmental significance, including 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 Shipwreck 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 Reserve contained five important and historic shipwrecks, several other listed historic shipwrecks and one Ramsar site (Table 2.1). The Reserve is also adjacent to the Great Barrier Reef World Heritage Area.

Schedules 5, 5B, 6 and 7B of the EPBC Regulations outline the management principles for World Heritage, Commonwealth Heritage or National Heritage places and wetlands of international importance. As required by the

EPBC Act the strategies and actions in Part 4 of this Plan and the prescriptions in Part 5 of this Plan are consistent with relevant EPBC heritage management principles, and take account of Australia's obligations under relevant international agreements, including the World Heritage Convention and the Ramsar Convention (as given effect in the EPBC Regulation management principles).

**Table 2.1: Protected places and values in the Coral Sea Commonwealth Marine Reserve**

Protected place	Values
Over 100 historic shipwrecks are located in the Reserve	Historic Shipwrecks
The historic shipwrecks: <ul style="list-style-type: none"> <li>• <i>Cato</i></li> <li>• <i>HMS Porpoise</i></li> <li>• <i>USS Lexington</i></li> <li>• <i>USS Sims</i></li> <li>• <i>USS Neosho</i></li> </ul>	Historic Shipwrecks (including protected zones established under the <i>Historic Shipwrecks Act 1976</i> )
Area of the former Coringa-Herald and Lihou Reef National Nature Reserves jointly designated as 'Coral Sea Reserves'	Wetland of international importance (Ramsar Convention)

### 2.3.7 Other values

Data on marine biodiversity is relatively scarce when compared to terrestrial environments and the knowledge of the occurrence, distribution and ecology of species within the Reserve is coarse, with fine scale data and understanding of local conditions and assets limited to a few better studied areas. Many of the biodiversity values of the Reserve are yet to be identified and understood. Strategy 1 of this Plan sets out actions and desired outcomes to ensure that the knowledge basis necessary to underpin management in the long term improves over the life of the Plan.

While biodiversity values underpin much of the design of the Reserve, it also contains a range of other values, including cultural, recreational and historical, that need to be understood and documented. These intentions are articulated in Strategies 5 and 6 of this Plan.

## 2.4 Pressures on the conservation values of the Coral Sea Marine Reserve

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 Reserve. Pressures can be directly associated with human activities in the Region or related to the effects of climate change. Due to the remote nature of the Reserve human pressures are, by global standards, low with the Reserve recognised as being in a near-pristine state.

The pressures and sources of pressure on the conservation values of the Reserve are:

- introduction of a known or potential pest or invasive species
- marine debris, including lost or discarded fishing gear
- increased shipping traffic with associated increases in noise and risk of collisions
- climate change

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 Reserve.

This Plan is one of a suite of tools that contribute to the management of pressures on the Reserve. It operates alongside other Commonwealth and state programs to manage activities within and in areas adjacent to the Reserve. Other agencies that have an important role in the management of pressures in the Reserve include maritime compliance agencies (e.g. Customs and Border Protection Service, the Australian Maritime Safety Authority), fisheries management agencies at both the state and Commonwealth level (e.g. the Australian Fisheries Management Authority) and research organisations (e.g. the Commonwealth Scientific and Industrial Research Organisation and Geoscience Australia).

This Plan establishes a framework for assessing activities and managing pressures on the conservation values of the Reserve. This framework includes the use of:

- zoning to reduce pressures across the Reserve 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 pressures on the conservation values and at avoidance and mitigation of impacts, incident response, compliance of marine reserve users with the provisions of the Plan and engaging marine users in collaborative management approaches (see Part 4)
- prescriptions identifying the activities that are prohibited, or require assessment for potential impacts, as part of the permitting or class approvals processes, before they can be undertaken in the Reserve (see Part 5)
- determinations, prohibitions and restrictions made under the EPBC Regulations to regulate activities (see Part 5).

# PART 3

## IUCN CATEGORIES AND ZONING OF THE MARINE RESERVE

The Reserve is divided into six management zones by this Plan and the zones are assigned to an IUCN category (see sections 3.1-3.2 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 general administrative management principles and the principles for each IUCN category relevant to the Reserve are set out in Appendix B.

The categorisation and zoning scheme takes into account the purposes for which the Reserve was declared, the objectives of this Plan (see Section 1.2), 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 EPBC Act and EPBC Regulations can and cannot be conducted in them.

This Plan gives a 'management zone name' to each zone within the Reserve. The management zone name reflects the objectives of the Plan and the activities that can be carried out in each zone, consistent with its IUCN category and relevant management principles. This Management Plan broadly applies the IUCN categories and management principles as described below.

### 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 B.

In this Management Plan these areas are given the management zone name and management approach:

- *Marine National Park Zone* – areas managed to protect and preserve their natural condition. Intended to provide a high level of protection for the ecosystems, habitats and biodiversity within the area. Activities involving the taking or harvesting of either living or non-living resources will generally be prohibited.

### 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 B.

In this Management Plan these areas are given the management zone names and management approaches:

- *Conservation Park 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, particularly the habitats of reefs. Recreational fishing, other recreational uses, charter fishing and tourism may be carried out. Some forms of commercial fishing may be carried out, but not those using the following gear types: purse seine, pelagic longline, demersal trawl, mid-water trawl, gillnet (set mesh nets, demersal and pelagic), demersal longline (auto-longline and trotline), minor line/poling, dropline, and crab and fish traps or pots. Aquaculture, mining and oil and gas exploration and development are prohibited.
- *Habitat Protection Zone (Coral Sea)* – area 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, including pelagic habitats. Recreational fishing, other recreational uses, charter fishing and may be carried out. Some forms of commercial fishing may be carried out, but not those using the following gear types: purse seine, pelagic longline, demersal trawl, mid-water trawl, gillnet (set mesh nets, demersal and pelagic) and demersal longline (auto-longline and trotline). Aquaculture, mining and oil and gas exploration and development are prohibited.
- *Habitat Protection Zone (Seamounts)* – area 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, particularly seamount habitats. Recreational fishing, other recreational uses, charter fishing and tourism may be carried out. Some forms of commercial fishing may be carried out, but not those using the following gear types: crab and fish traps or pots, demersal trawl, mid-water trawl, gillnet (set mesh nets, demersal and pelagic) and demersal longline (auto-longline and trotline). Aquaculture, 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 resource use compatible with nature conservation is seen as one of the main aims of the area.
- Key management principle – Area should be managed primarily for biodiversity conservation while allowing for the ecologically sustainable use of natural resources. The detailed management principles are set out in Appendix B.

In this Plan these areas are given the management zone names and management approaches:

- *Multiple Use Zone* – areas managed to provide a heightened level of protection for ecosystems, habitats, and biodiversity, while allowing activities that are compatible with the primary objective of biodiversity conservation and the protection and maintenance of natural values in the long term. Recreational fishing, other recreational uses, charter fishing, tourism and aquaculture may be carried out. Some forms of commercial fishing may be carried out, but not those using the following gear types: demersal trawl, mid-water trawl, gillnet (set mesh nets, demersal and pelagic) and demersal longline (auto-longline and trotline). Mining and oil and gas exploration and development are prohibited.
- *General Use Zone* – area managed to provide protection for ecosystems, habitats, and biodiversity, while allowing activities broadly compatible with the primary objective of biodiversity conservation. Recreational fishing, other recreational uses, charter fishing, tourism and aquaculture may be carried out. Some forms of commercial fishing may be carried out, but not those using the following gear types: mid-water trawl, gillnet (set mesh nets, demersal and pelagic) and demersal longline (auto-longline and trotline). Mining and oil and gas exploration and development are prohibited.

Table 3.1 sets out the IUCN categories assigned to the Reserve management zones and the relevant management zone name. Details of the Reserve are given in Appendix A, including a map showing the location of management zones, a general description, and information on the major values of the Reserve.

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

## Categories and zones

3.1 The Coral Sea Commonwealth Marine Reserve is assigned to IUCN Category II.

3.2 The Reserve is divided into the zones described in Appendix A and shown in the maps of the Reserve in Appendix A, and each management zone is assigned to the IUCN category specified in Table 3.1.

**Table 3.1: Management zone names and IUCN categories in the Coral Sea Commonwealth Marine Reserve**

Management Zone Name	IUCN Category
Marine National Park Zone	IUCN II
Conservation Park Zone	IUCN IV
Habitat Protection Zone (Coral Sea)	IUCN IV
Habitat Protection Zone (Seamounts)	IUCN IV
Multiple Use Zone	IUCN VI
General Use Zone	IUCN VI

# PART 4

## MANAGEMENT STRATEGIES

The IUCN categories and associated Australian IUCN reserve management principles (see Part 3 of this Plan) guide how the Reserve will be managed to achieve the objectives of this Plan (see Section 1.2). The principles also guide the application of provisions of the EPBC Act and EPBC Regulations relating to Commonwealth reserves, including whether actions and activities subject to those provisions can be carried out within Reserve management zones.

Part 4 identifies the strategies and actions that, within the resources available to the Director, 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 National and Commonwealth Heritage management principles under the EPBC Act and take account of Australia's obligations under relevant international agreements, including the World Heritage Convention and the Ramsar Convention (see Section 2.3.6 – Other place-based protected values).

Part 5 of this Plan sets out the prescriptions for specific activities in the Reserve to ensure 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 EPBC Regulations are allowed to occur, are allowable under a permit or class approval from the Director, or if they are prohibited in management zones. Part 5 also sets out the rules for issuing and managing permits and class approvals.

The 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 Reserve while providing for sustainable use in some areas. The seven strategies for this Plan are as follows:

1. Improve knowledge and understanding of the conservation values of the Reserve 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 Reserve 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 Reserve
6. Support involvement of Indigenous people in management of Commonwealth Marine Reserves
7. Evaluate and report on the effectiveness of this Plan through monitoring and review.

Specific guidance on the mechanisms that will be implemented to achieve each Strategy is provided in the actions. This 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 Reserve and of the pressures on those values

Improving knowledge and understanding of the conservation values of the Reserve and the pressures on those values will increase the capacity to meet the objectives of this Plan.

Between 2006 and 2012, the Australian Government undertook a comprehensive consolidation of the scientific basis underpinning environmental decisions relevant to the Commonwealth marine areas through the Marine Bioregional Planning Program. The East Bioregional Profile (2009) identified and described the conservation values, the level of concern with respect to local and global pressures and the key knowledge gaps in relation to the marine biodiversity and ecosystems for the East Marine Region, which includes the Coral Sea Marine Region. This information provides the foundation for improving, at a finer scale, the knowledge of the ecological communities that inhabit the Reserve and the way they connect to the surrounding environment.

Climate change and its implications will influence Australia's marine environment in ways that are yet to be understood. Marine reserves can assist in understanding and monitoring large-scale systemic shifts in ecosystem structures and functions. Establishing baseline data for the Reserve 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 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, are critical elements of the long-term strategy to build the knowledge base 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 Reserve.

### Actions

The Director will:

- A1 As part of a national-scale program for Commonwealth marine reserves, develop and implement a Coral Sea Marine Reserve Research and Monitoring Strategy that contributes to increased understanding of the values of the Reserve 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 Coral Sea Marine Reserve and of 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 this 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 Reserve 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 reserve 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 Reserve 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 out within and around the Reserve. Ensuring that these 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.

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 Reserve will be managed and provides that actions and activities that are otherwise prohibited in Commonwealth reserves by a provision of the EPBC Act or EPBC 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); or
- 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 management zones, 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 this Plan. Impacts of allowable activities require assessment before being authorised. A permit or class approval will not be issued if an 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 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 burden 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 Plan provides for certain activities 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 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 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 Plan and consistency with the Australian IUCN reserve management principles applicable to the relevant 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 5.2.2 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 5.2.7 of the Plan 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 that avoids or minimises 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 whose interests are affected by a decision about a permit under the EPBC Regulations may also seek review of the decision in accordance with the Regulations. This Plan extends the same review rights to decisions about 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 Reserve.

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;
  - a. provide an opportunity to comment on the proposed decision and associated actions;
  - b. take any comments into account;
  - c. give reasonable notice before decisions are taken or implemented (except in cases of emergency); and
  - d. 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 Reserve 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 Reserve through management of environmental incidents

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

Environmental incidents have the potential to impact the conservation values of the Reserve. 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. The establishment of systems that encourage users of the Reserve to report environmental incidents is 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 Reserve.
- 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 Reserve 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, businesses and organisations that use the Reserve are required to comply with this Plan.

A well-developed education and risk-based enforcement program tailored to people and industries that use marine reserves is critical for effectively managing marine reserves. As a priority, relevant information about the conservation values of the Reserve and the zoning and prescriptions will be produced to support the needs of marine reserve users. Voluntary compliance with this Plan will be promoted by increasing users' understanding of the conservation values and the objectives of the Reserve. 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 Reserve.

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 EPBC 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 Queensland government agencies may also be appointed as wardens in relation to the Reserve.

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 used in appropriate 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 Reserve to comply with the provisions of this Plan.
- A17 Consult with users of the Reserve 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 Reserve 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 reserve users have a clear understanding of what is required to comply with this Plan.
- Marine reserve users contribute to the management of the Reserve through the reporting of suspected non-compliant activity.

- Activities within the Reserve 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 Reserve

Commonwealth marine reserves protect and maintain Australia's unique marine biodiversity and provide for the benefit and enjoyment of these areas by current and future generations. It is important that the Australian community understands the importance of the Reserve and why it has been established. Marine reserve users can significantly contribute to management of the Reserve 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 reserve 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 consultative structures be established to engage users in the management of the Reserve. The Director will use these consultative structures to address conservation issues and other issues of interest to reserve users and the wider public.

### Actions

The Director will:

- A23 Develop and implement a communication and education plan that increases community understanding of the importance of the Reserve 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 Reserve.
- 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 Reserve.

### Outcomes

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

## Strategy 6— Support involvement of Indigenous people in management of Commonwealth marine reserves

The Indigenous peoples of the Coral Sea region continue to rely on coastal and marine environments and resources for cultural identity, health and wellbeing, and economic activities. The saltwater people of the Coral Sea region belong to discrete clan estates and language groups that occupy, or traditionally occupied, discrete areas or country. 'Country' refers to a place of origin—literally, culturally or spiritually and 'sea country' and/or 'saltwater country' are terms that refer to an estate or cultural domain in which no separation between land and sea is made.

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 EPBC Act does not affect the operation of the *Native Title Act 1993*.

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 the Reserve.

### 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 Reserve.
- 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 Reserve.
- 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 evaluating the effectiveness of the management arrangements outlined in this Plan in meeting the management objectives for the Reserve listed in Section 1.2 of this Plan.

A monitoring, evaluation and reporting program will identify monitoring objectives based on the management objectives and information priorities for the Reserve. The monitoring, evaluation and reporting program will establish arrangements to obtain the information needed to review the effectiveness of the implementation of the Plan before its expiry, while also enabling periodic reporting as required. Evaluations of effectiveness provide an important mechanism to identify refinements to and opportunities for improvement of the 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 Reserve in the Director of National Parks annual report.
- A32 Evaluate and report on the implementation of the Plan before its expiry. The report will consider:
  - a. an assessment of the existing measures to protect the Reserve
  - b. progress of strategies and actions towards achieving the stated outcomes
  - c. options for improving management of the Reserve.

### 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 Reserve.
- The establishment of a program which provides the foundation for the long-term monitoring, evaluation and reporting on the Reserve.
- Effective reporting on reserve management to inform stakeholders and meet statutory requirements.

# PART 5

## MANAGING USE OF THE CORAL SEA COMMONWEALTH MARINE RESERVE

This Part of the Plan prescribes how activities that are covered by provisions of the EPBC Act and EPBC Regulations relating to Commonwealth reserves will be managed in the Reserve. 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 EPBC Regulations to regulate activities.

Approvals for actions under s.359B of the EPBC Act 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 operations to continue in appropriate management zones, and that a class approval will be issued for commercial fishing operations in appropriate zones.

In accordance with s.359A of the EPBC Act, this 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 provides that the EPBC 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 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 of Part 4.

### 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 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 Reserve by the EPBC Act or EPBC Regulations may be carried out 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).

Section 5.2 of this Plan sets out the prescriptions that apply to issuing and managing permits and approvals that are required and provided for by sections 5.3–5.7 and 5.9–5.12. 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 Reserve.

Table 5.1 provides a general guide as to whether activities are allowed, allowable under a permit or class approval, or prohibited in the management zones within the Reserve (see sections 5.3–5.12).

**Table 5.1: General guide to allowed (✓), allowable (A) and prohibited (✘) activities in the Coral Sea Commonwealth Marine Reserve**

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VI)
General use / access (See Section 5.3)	✓	✓	✓	✓	✓	✓
General use / camping (See Section 5.3)	A	A	A	A	A	A
Commercial shipping – transit (See Section 5.4)	✓	✓	✓	✓	✓	✓
Commercial fishing (See Section 5.5)	✘	A	A	A	A	A
Commercial tourism & media (See Section 5.6)	A	A	A	A	A	A
Recreational fishing (See Section 5.7)	✘	✓	✓	✓	✓	✓
Mining (See Section 5.8)	✘	✘	✘	✘	✘	✘
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 out in accordance with either a permit or a class approval issued by the Director (allowable

activities). Part 17 of the EPBC Regulations contains provisions for issuing and managing permits, including permit applications, preconditions to permits being issued and the 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 an activity or class of activities specified in the approval.

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 in the 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 5.3–5.7 and 5.9–5.12 of this Management Plan provide that an activity may be done in accordance with a permit or class approval issued by the Director.

## Permits

5.2.2 A permit may be issued for allowable activities where provided for by Sections 5.3–5.7 and 5.9–5.12 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**

- 5.2.3 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.
- 5.2.4 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.
- 5.2.5 A permit may be suspended or cancelled and permit conditions may be varied or revoked in accordance with Part 17 of the EPBC Regulations.

## Class approvals

### **Commercial fishing**

5.2.6 The Director will issue class approvals for commercial fishing operations (subject to the prescriptions in Section 5.5 of this Plan).

### **Other activities**

- 5.2.7 A class approval may be issued for other allowable operations where provided for by sections 5.3–5.7 and 5.9–5.12 of this Plan, if the Director is satisfied that:
- the operations are not likely to have an unacceptable impact on the relevant conservation values; and
  - the operations will be conducted in a manner consistent with achieving the objectives of this Plan.

### **Approval rules**

- 5.2.8 A class approval may be issued subject to conditions, including:
- to specify the area in which and the periods during which the approved activity may be carried out;
  - to regulate the use of, prohibit or require the use of, specified gear, equipment or practices;
  - the provision of or consent for access to data for compliance and monitoring purposes.

- 5.2.9 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.
- 5.2.10 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).
- 5.2.11 A class approval may be varied to remove a person from the class of approved persons at the request of that person.
- 5.2.12 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 EPBC 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

Economic activity within the Reserve includes international and domestic commercial shipping, commercial fishing and commercial tourism (including charter fishing). Recreational activities include nature watching, boating, diving and fishing.

As noted in Section 5.1 and Appendix B of this Plan, the EPBC Act and EPBC Regulations control, or enable the Director to control, a range of activities in Commonwealth reserves. Some provisions apply to particular classes of activities, such as commercial activities, camping 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 Convention) 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. The MARPOL Convention 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.

The prescriptions in this Section apply to all users of the Reserve, including those carrying on activities provided for under other sections in Part 5 of this Plan (Table 5.2).

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

## Prescriptions

- 5.3.1 The Director may make, amend and revoke prohibitions, restrictions and determinations under rr.12.14B, 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 the prescriptions in sections 5.4 to 5.12 of this Plan.
- 5.3.2 Industrial and domestic waste may be disposed of from vessels to which MARPOL applies, in accordance with the requirements of MARPOL.
- 5.3.3 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 Reserve not subject to such a determination.

Note: A determination must not be inconsistent with applicable MARPOL requirements
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- 5.3.4 The Director may make a determination under r.12.58 of the EPBC Regulations that specifies landing areas; that restricts the use of and manner in which an aircraft or class of aircraft is operated; that specifies the time or periods of operation controlling the use of airspace between the Reserve and 3000 metres above mean sea level as specified in r.12.36.
- 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.
- 5.3.6 A person may camp in areas above the high water mark in the Reserve in accordance with a permit issued for the purposes of r.12.28 of the EPBC Regulations under Section 5.2 of this Plan.

Note: Overnight stays on vessels do not require a permit.
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**Table 5.2: Summary of management arrangements for general use activities in the Coral Sea Commonwealth marine reserve**

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VII)
Recreational use — non-fishing (nature watching)	✓	✓	✓	✓	✓	✓
Recreational use – camping	P	P	P	P	P	P
Ballast water discharge and exchange	✓	✓	✓	✓	✓	✓
Vessel transiting	✓	✓	✓	✓	✓	✓

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

P Activity is allowable in accordance with a permit issued by the Director.

**Note: Refer to Appendix A for information on zones within the marine reserve.**

## 5.4 Commercial shipping

Maritime transport is vital to Australia’s economy. Some of Australia’s busiest shipping routes go through the Reserve, including international cargo trade and passenger services traffic. A significant shipping route for Queensland’s resource sector transects the west of the Reserve, which is also crossed by major shipping routes that are an important link in the global shipping lanes between Europe and Asia. A substantial proportion of this cargo comes from industrial ports in the nearby coastal region through which high volumes of raw minerals are exported, most notably coal. The continued strong growth of the mining and energy industries is likely to lead to an increase in international vessels visiting north Australian ports over the next ten to twenty years.

Sections 354 and 354A of the EPBC Act require commercial activities, including incidental activities such as transit, to be undertaken 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 is 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 5.5–5.7 and 5.9–5.12 may transit through the Reserve. Where necessary (e.g. to support onshore economic development activity) this Plan facilitates commercial ships stopping in appropriate areas.

A summary of management arrangements for shipping activities in the Reserve is provided in Table 5.3.

## Prescription

- 5.4.1 Commercial shipping may transit through the Reserve, subject to compliance with prescriptions in Section 5.3 (General rules for use and access) and relevant prescriptions in sections 5.5–5.7 and 5.9–5.12 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 of this Plan.

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 Coral Sea Commonwealth marine reserve**

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VI)
Vessel transiting	✓	✓	✓	✓	✓	✓
Commercial shipping - anchoring	✗	✗	✗	✗	✗	✗

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

✗ 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 the marine reserve.**

## 5.5 Commercial fishing

Commercial fishing is an important industry in many coastal economies in the nearby 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 generally.

Commercial fisheries operate in the Reserve, including those managed under Commonwealth jurisdiction and Queensland jurisdiction. Compared to other marine regions around Australia, commercial fisheries have a relatively small presence in the Reserve. Commercial fishing is generally managed by the Australian Fisheries Management Authority for Commonwealth fisheries, and the Queensland government for state-managed fisheries. At the time of making this Plan there were no aquaculture activities in the Reserve.

Under ss.354 and 354A of the EPBC Act, commercial fishing operations (being actions for commercial purposes that involve the taking, killing, injuring, moving or keeping of native species) are prohibited in the Reserve unless done in accordance with this Plan. Regulation 12.34 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 commercial fishing operations may be conducted.

Commercial fishing operations in the Reserve are also subject to regulation under the *Fisheries Management Act 1991* or Queensland fisheries laws (under arrangements made under Part V of the Fisheries Management Act). These

laws apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations and this Management Plan.

The 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 Reserve 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 Reserve 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 following 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 management zones:
- Conservation Park zones (IUCN IV);
  - Habitat Protection Zone (Coral Sea) (IUCN IV);
  - Habitat Protection Zone (Seamounts) (IUCN IV);
  - Multiple Use zones (IUCN VI); and
  - General Use Zone (IUCN VI).
- 5.5.3 Operations must be carried out 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:
- Mid-water trawl; and
  - Gillnet (including set mesh nets, demersal and pelagic); and
  - Demersal longline (including auto-longline and trotline).
- 5.5.5 Handline or rod and reel fishing in the Conservation Park zones (IUCN IV) must use only:
- Unless paragraph b) applies—one line/rod per person on board a vessel with one hook per line; and
  - three lines per person when trolling.

Note: see definition of trolling in the Glossary at the back of this Plan.

- 5.5.6 Demersal trawl must not be used in Conservation Park zones (IUCN IV), Habitat Protection zones (IUCN IV) and Multiple Use zones (IUCN VI).
- 5.5.7 The following gear types must not be used in Conservation Park zones (IUCN IV) and the Habitat Protection Zone (Coral Sea) (IUCN IV):
- Pelagic longline; and
  - Purse seine.
- 5.5.8 The following fishing methods must not be used in Conservation Park zones (IUCN IV) and the Habitat Protection Zone (Seamounts) (IUCN IV):

- a) Fish traps; and
- b) Crab trap/pots.

5.5.9 The following gear types must not be used in Conservation Park zones (IUCN IV):

- a) Minor line/poling; and
- b) Dropline.

5.5.10 Fishing methods and gear types not specified in a class approval, or conditions of a class approval, 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.

5.5.11 Fishing gear must be kept stowed and secured at all times during transit through management zones in which commercial fishing operations are not authorised.

5.5.12 Fishing gear that is:

- a) used in operations covered by Sections 5.5.4, 5.5.6, and 5.5.8;
  - b) specified in Sections 5.5.7 and 5.5.9;
  - c) not specified in a class approval as gear that may be used: or
  - d) prohibited in the Reserve by a determination under r.12.34 of the EPBC Regulations,
- must be kept stowed and secured at all times during transit through reserve management zones in which commercial fishing operations are allowed.

5.5.13 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 Coral Sea Commonwealth marine reserve**

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VI)
Commercial fishing (except as indicated below)	x	CA	CA	CA	CA	CA
Handline / rod and reel	x	CA	CA	CA	CA	CA
Minor line / poling	x	x	CA	CA	CA	CA
Dropline	x	x	CA	CA	CA	CA
Dive and hand collection (including sea cucumber and marine aquarium fish)	x	CA	CA	CA	CA	CA

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VII)
Crab and fish trap/pot	x	x	CA	x	CA	CA
Purse seine	x	x	x	CA	CA	CA
Pelagic longline	x	x	x	CA	CA	CA
Mid-water trawl	x	x	x	x	x	x
Demersal trawl	x	x	x	x	x	CA
Gillnet (set mesh nets, demersal and pelagic)	x	x	x	x	x	x
Demersal longline (including auto-longline and trotline)	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 specified zones in accordance with a class approval issued by the Director.

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

**Note: Refer to Appendix A for information on zones within the marine reserve.**

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

Marine tourism is an important industry in the Coral Sea region, with commercial tour operations in the Reserve including charter fishing, charter boat hire, nature and whale watching, charter flights and scuba diving tours. Incidents and events that take place in the Reserve will occasionally be of interest to the commercial media.

Under ss.354 and 354A of the EPBC Act commercial activities, including commercial tours and commercial media activities, are prohibited in the Reserve unless done in accordance with this Management Plan. Under r.12.36 of the EPBC Regulations, commercial tourism flights over the Reserve (up to 3000 metres above sea level) are similarly prohibited. Requirements for interacting with cetaceans and whale watching in the Australian Whale Sanctuary (the Reserve 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 management zones under a permit or class approval from the Director. Aviation tourism is allowed over the Reserve subject to the

prescriptions of this section. A permit may be issued for commercial media activities (including filming, video or audio recording and photography) in all zones.

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 out in the Reserve 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 out without a permit or class approval.
- 5.6.3 Charter fishing tours may be carried out in the following zones:
- Conservation Park zones (IUCN IV);
  - Habitat Protection Zone (Coral Sea) (IUCN IV);
  - Habitat Protection Zone (Seamounts) (IUCN IV);
  - Multiple Use zones (IUCN VI); and
  - General Use Zone (IUCN VI).
- 5.6.4 Fishing gear on charter fishing tour vessels must be kept stowed and secured at all times during transit through management zones in which charter fishing tour operations are not authorised.
- 5.6.5 Commercial aviation tours may be carried out in the airspace up to 3000 metres above sea level over the Reserve, and tour operators may land aircraft in the Reserve, in accordance with a permit issued under Section 5.2 of this Plan and relevant provisions of Part 8 of the EPBC Regulations.

Note: The EPBC Act and EPBC 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 tours) and commercial media activities in the Coral Sea Commonwealth Marine Reserve**

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VI)
Commercial tourism – fishing, including charter fishing tours	x	P	P	P	P	P
Commercial tourism – non-fishing, including nature watching, scuba and snorkel tours	P	P	P	P	P	P

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VII)
Commercial aviation tours	P	P	P	P	P	P
Commercial media, including in-water filming and photography	P	P	P	P	P	P
Commercial media – reporting news and events of the day	✓	✓	✓	✓	✓	✓
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 specified zones in accordance with a permit issued by 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 the marine reserve.

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

Recreational (i.e. non-commercial) fishing is a popular activity in Queensland, although recreational fishing effort is mainly focused on inshore and near-shore environments in state waters, and the adjacent Great Barrier Reef Marine Park.

Recreational fishing includes individual fishing, clients of charter fishing vessels and organised fishing competitions, and consists of all forms of recreational taking of fish and other marine life, such as line fishing, 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 Reserve unless done in accordance with this Plan. Regulation 12.35 of the EPBC Regulations, which operate subject to this Plan, provide for the Director of National Parks to make determinations about the manner in which recreational fishing activities may be done (r.12.35(3)) and prohibit certain fishing equipment and practices (rr.12.35(4) and (5)).

The fisheries laws of Queensland apply to recreational fishing in the Reserve. They apply to the extent that they can operate consistently with the EPBC Act and EPBC Regulations. Special rules may apply to recreational fishing done as part of authorised charter fishing tours.

The prescriptions in this section provide for recreational fishing to be conducted in most 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 Reserve (Section 3). Fishing will be subject to relevant Queensland 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 Reserve. 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 Reserve is provided in Table 5.6.

## Prescriptions

5.7.1 Recreational fishing (taking fish for non-commercial purposes) may be carried out in the Reserve in accordance with and subject to:

- a) the other prescriptions in this section;
- b) the prescriptions in Section 5.3 (general rules for use and access); and
- c) any determinations made under r.12.35(3) of the EPBC Regulations.

5.7.2 Recreational fishing may be carried out in the following reserve management zones:

- a) Conservation Park zones (IUCN IV);
- b) Habitat Protection Zone (Coral Sea) (IUCN IV);
- c) Habitat Protection Zone (Seamounts) (IUCN IV);
- d) Multiple Use zones (IUCN VI); and
- e) General Use Zone (IUCN VI).

5.7.3 Recreational fishing must be carried out in accordance with relevant laws of Queensland applying to the area of the Reserve 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 rr.12.35(4) and (5).

5.7.6 Handline or rod and reel fishing in the Conservation Park zones (IUCN IV) must use only:

- a) Unless paragraph b) applies—one line/rod per person on board a vessel with one hook per line; and
- b) three lines per person when trolling.

Note: see definition of trolling in the Glossary at the back of this Plan.

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

**Table 5.6: Summary of management arrangements for recreational fishing activities in the Coral Sea Commonwealth marine reserve**

Activity <sup>a</sup>	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VII)
Recreational use –fishing <sup>a</sup> (including spearfishing and organised fishing competitions)	x	✓	✓	✓	✓	✓
Recreational use – fishing by clients of charter fishing	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).

<sup>a</sup> Recreational fishing is generally managed by the states; Queensland laws apply to recreational fishing in the Reserve unless they are inconsistent with this Management Plan.

**Note: Refer to Appendix A for information on zones within the marine reserve.**

## 5.8 Mining operations (including exploration)

Mining operations are prohibited in the Reserve. There are no petroleum exploration permits, production leases or acreage releases in the Reserve.

Transit through the Reserve is covered by Section 5.4 of this Plan.

### Prescriptions

5.8.1 Mining operations must not be carried out in the Reserve.

**Table 5.7: Zoning arrangements for mining operations in the Coral Sea Commonwealth marine reserve**

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VI)
Mining	x	x	x	x	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).

## 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 Reserve. Examples of such installations include moorings to minimise anchoring damage to 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 Reserve under ss.354 and 354A of the EPBC Act unless done in accordance with this Plan. These actions may include, for example, construction of critical infrastructure (e.g. for telecommunications and navigation aids). The prescriptions in this section allow for actions of this type, consistent with this Plan, and not covered by sections 5.3 to 5.8, to be carried out in the Reserve.

A summary of management arrangements for these operations in the Reserve is provided in Table 5.8.

### Prescriptions

- 5.9.1 The Director may carry out an excavation, erect a structure or carry out works in the Reserve where the action is consistent with the objectives of the Plan (Section 1.2) and the IUCN categorisation and zoning of the Reserve (Section 3).
- 5.9.2 Unless otherwise authorised in accordance with this Plan, a person other than the Director may carry out an excavation, erect a structure or carry out works in the Reserve 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 Marine National Park zones (IUCN II) in the Reserve if the Director is satisfied the action is necessary for:
- maritime or visitor safety, including aiding navigation;
  - maintaining the natural values of the Reserve (e.g. a mooring may prevent anchor damage);
  - scientific monitoring purposes (e.g. a marine weather station); or
  - critical infrastructure of national interest (e.g. telecommunications cables); and
    - it is not practicable for the action to be conducted outside the zone;
    - the action is not likely to have an unacceptable impact on the values of the zone or the Reserve; and
    - the action will be conducted in a manner not inconsistent with achieving the objectives of this Plan.

**Table 5.8: Summary of management arrangements for structures and works activities in the Coral Sea Commonwealth marine reserve**

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VII)
Structures and works including moorings, excavation and maintenance	P	P	P	P	P	P

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

**Note: Refer to Appendix A for information on zones within the marine reserve.**

## 5.10 Research and monitoring activities

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

Research and monitoring activities in the Reserve are prohibited by r.12.10 of the EPBC Regulations unless authorised by this Plan. Research and monitoring that involve 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 Part 13 of the EPBC Act, 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.

Research and monitoring activities will be allowable in all zones within the Reserve in accordance with a permit issued by the Director. In 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 in Marine National Park zones.

A summary of management arrangements for research and monitoring activities in the Reserve is provided in Table 5.9.

### Prescriptions

- 5.10.1 The Director may carry out research and monitoring in the Reserve 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 out research and monitoring, including taking actions covered by the EPBC Act ss.354 and 354A and Part 13 of the EPBC Act, in accordance with and subject to:
- a) a permit 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 A class approval will not be issued for research that involves activities covered by sections 5.10.6 and 5.10.7.
- 5.10.4 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).
- 5.10.5 In assessing permit applications, consideration will be given to the nature 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 Reserve.
- 5.10.6 A permit may be issued to carry out extractive research and monitoring activities in Marine National Park zones (IUCN II) in the Reserve 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 Reserve;
  - 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.
- 5.10.7 A permit may be issued to carry out, in the Reserve, 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.

5.10.8 Permit and approval holders must make results of research and monitoring available to the Director (in a specified format where relevant), where that information will improve the knowledge and understanding of the biodiversity and ecosystems of the Reserve and might benefit management of the Reserve.

**Table 5.9: Summary of management arrangements for research and monitoring activities in the Coral Sea Commonwealth marine reserve**

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VI)
Research and monitoring	P	P	P	P	P	P

P Activity is allowable in specified zones in accordance with a permit issued by the Director. 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 the marine reserve.

## 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, the Australian Fisheries 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 in the Reserve.

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

A summary of management arrangements for defence, border protection, law enforcement and emergency response activities in the Reserve is provided in Table 5.10.

### Prescriptions

5.11.1 The Commonwealth and Commonwealth agencies may take actions in the Reserve 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 Reserve to minimise the risk of unacceptable impacts and unnecessary interference with the use of the Reserve by other users.

**Table 5.10: Summary of management arrangements for defence, border protection, law enforcement and emergency response activities in the Coral Sea Commonwealth marine reserve**

Activity	Marine National Park Zone (IUCN II)	Conservation Park Zone (IUCN IV)	Habitat Protection Zone (Coral Sea) (IUCN IV)	Habitat Protection Zone (Seamounts) (IUCN IV)	Multiple Use Zone (IUCN VI)	General Use Zone (IUCN VII)
Actions by Commonwealth and Commonwealth agencies - Defence, border protection, law enforcement and emergency response	✓	✓	✓	✓	✓	✓
Actions by Commonwealth and Commonwealth agencies - not covered elsewhere by this Plan	P	P	P	P	P	P

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

P Activity is allowable in specified zones in accordance with a permit issued by the Director. 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 the marine reserve.**

## 5.12 New activities and authorisations

Circumstances may arise or proposals may be brought forward for activities that were 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 EPBC 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 this 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 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

## **Coral Sea Commonwealth Marine Reserve – descriptions, values and maps**

The following section provides an overview of the Coral Sea Marine Commonwealth Marine Reserve (the Reserve), providing information on the proclamation, the assigned zones, the total area, the values, the location, a general description and a map of the zones within the Reserve. This information is general in nature and is not intended to be comprehensive.

The individual activity tables in Part 5 of this Plan should be referred to when determining the allowable activities in each of the six management zones.

## Coral Sea Commonwealth Marine Reserve

<b>Date of effect</b>	17 November 2012
<b>Reserve boundaries</b>	As described for the Reserve in the Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2012 (Federal Register of Legislative Instruments No. F2012L02188)
<b>IUCN category assigned to the Reserve</b>	IUCN Category II
<b>Assigned zones in reserve under this Management Plan</b>	<ul style="list-style-type: none"> <li>• Marine National Park Zone (IUCN II) (502 626 km<sup>2</sup>)</li> <li>• Conservation Park Zone (IUCN IV) (20 613 km<sup>2</sup>)</li> <li>• Habitat Protection Zone (Coral Sea) (IUCN IV) (182 564 km<sup>2</sup>)</li> <li>• Habitat Protection Zone (Seamounts) (IUCN IV) (85 507 km<sup>2</sup>)</li> <li>• Multiple Use Zone (IUCN VI) (194 233 km<sup>2</sup>)</li> <li>• General Use Zone (IUCN VI) (4300 km<sup>2</sup>)</li> </ul>
<b>Zone boundaries</b>	As identified for the Reserve in Schedule 4 of the Reserve Proclamation as varied in the attached Schedule and shown in Figure A1
<b>Depth of Reserve below seabed</b>	1000 m
<b>Total area</b>	989 842 km <sup>2</sup>

<p><b>Major conservation values</b></p>	<p>The Reserve contains:</p> <ul style="list-style-type: none"> <li>• six provincial bioregions (Cape Province, Northeast Transition, Northeast Province, Central Eastern Transition, Kenn Province, and Kenn Transition)</li> <li>• 94 depth ranges within provincial bioregions</li> <li>• three key ecological features (reefs, cays and herbivorous fish of the Marion Plateau; reefs, cays and herbivorous fish of the Queensland Plateau and the Tasmantid Seamount Chain)</li> <li>• 16 types of seafloor features</li> <li>• over 100 historic shipwrecks.</li> </ul> <p>The Reserve has a range of seafloor features, with shallow coral reefs such as Ashmore and Boot reefs in the northwest, seamounts and deep troughs, including the Townsville Trough that separates the Queensland and Marion Plateaux, and the Queensland Trough that extends along the Reserve's border with the Great Barrier Reef Marine Park. The Coral Sea Basin in the north of the Reserve is a deepwater abyss that extends to the Mellish Rise in the east.</p> <p>The northern part of the Tasmantid Seamount Chain reaches into the Reserve. The chain provides shallow reef and deepwater habitats for a wide range of species. Seamounts can be stepping stones for dispersal, and are hotspots of species richness, abundance and biomass in an otherwise nutrient-poor environment.</p> <p>Heritage values are significant in the Coral Sea. Historically, vessels came to mine guano and harvest pearls, trochus and sea cucumbers. It was navigationally treacherous however, and numerous ships were wrecked, many giving their name to the reefs that claimed them. There are likely to be hundreds of historic shipwrecks in the Reserve, but the precise locations for many remain unknown. The locations for at least 10 historic shipwrecks are known, with the Cato and the HMS Porpoise considered particularly important. The region was significant in the Battle of the Coral Sea during World War II. Three ships from this battle are known to have sunk in the north east of the Reserve, the USS Sims (a destroyer), USS Lexington (an aircraft carrier) and USS Neosho (an aviation fuel supplier).</p>
<p><b>Location</b></p>	<p>The Reserve encompasses Commonwealth waters offshore from the Great Barrier Reef Marine Park out to the limit of Australia's exclusive economic zone, from Cape York Peninsula to an east-west line approximately 40 kilometres north of Bundaberg in Queensland.</p>

## General description

The Reserve is a relatively pristine marine environment, with distinctive biological characteristics, and is an important migration corridor and genetic pathway between the South Pacific islands and the Great Barrier Reef.

The nearest point of the Reserve to the mainland is approximately 60 kilometres and it extends out to about 1100 kilometres from the coast. It ranges from shallow waters around reefs and cays to almost five kilometres deep in remote, little known deepwater environments. The Reserve is characterised by three large plateaux, which are separated by ocean trenches, and support isolated platform reefs.

There are over 30 reefs, and numerous cays and islets in the Reserve, with a total reef area of approximately 15 024 km<sup>2</sup>. These support marine and terrestrial flora and fauna that are distinct from those of the Great Barrier Reef.

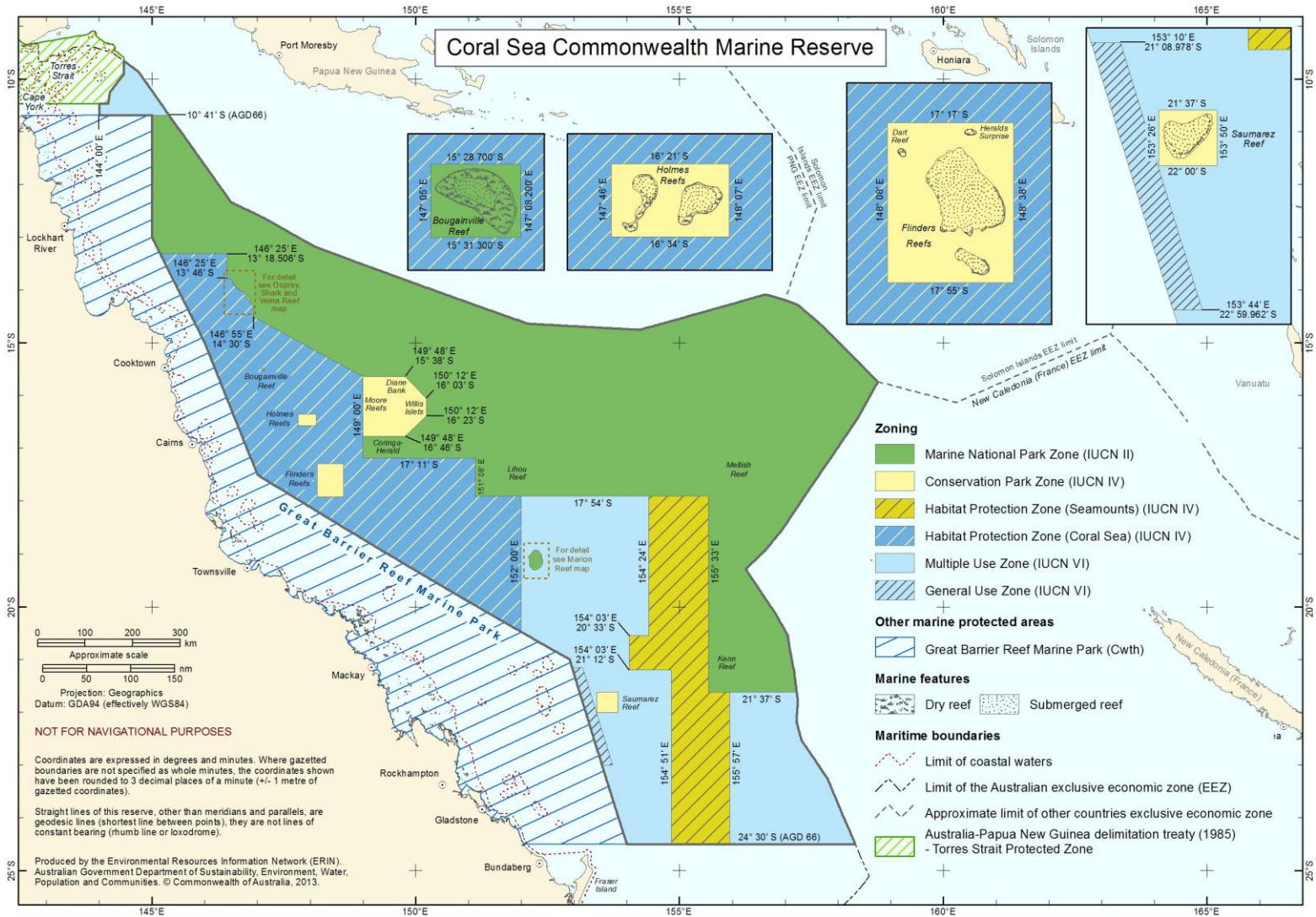
The reefs provide a complex habitat mosaic for diverse and abundant invertebrate and fish communities. There are communities of hard and soft corals, sponge gardens, crustaceans, bivalves and molluscs, and a distinct Coral Sea reef fish community that includes unique species. Particularly sheltered regions, such as lagoons, provide important nursery sites for sharks and predatory fish whilst the terrestrial zones of these features provide critical breeding and nesting sites for turtles and seabird species.

Most of the islets and cays are composed of sand, rocks and coral rubble that rise up to approximately five metres above mean sea level. Some have grassland, herbfield, shrubland and forest habitats.

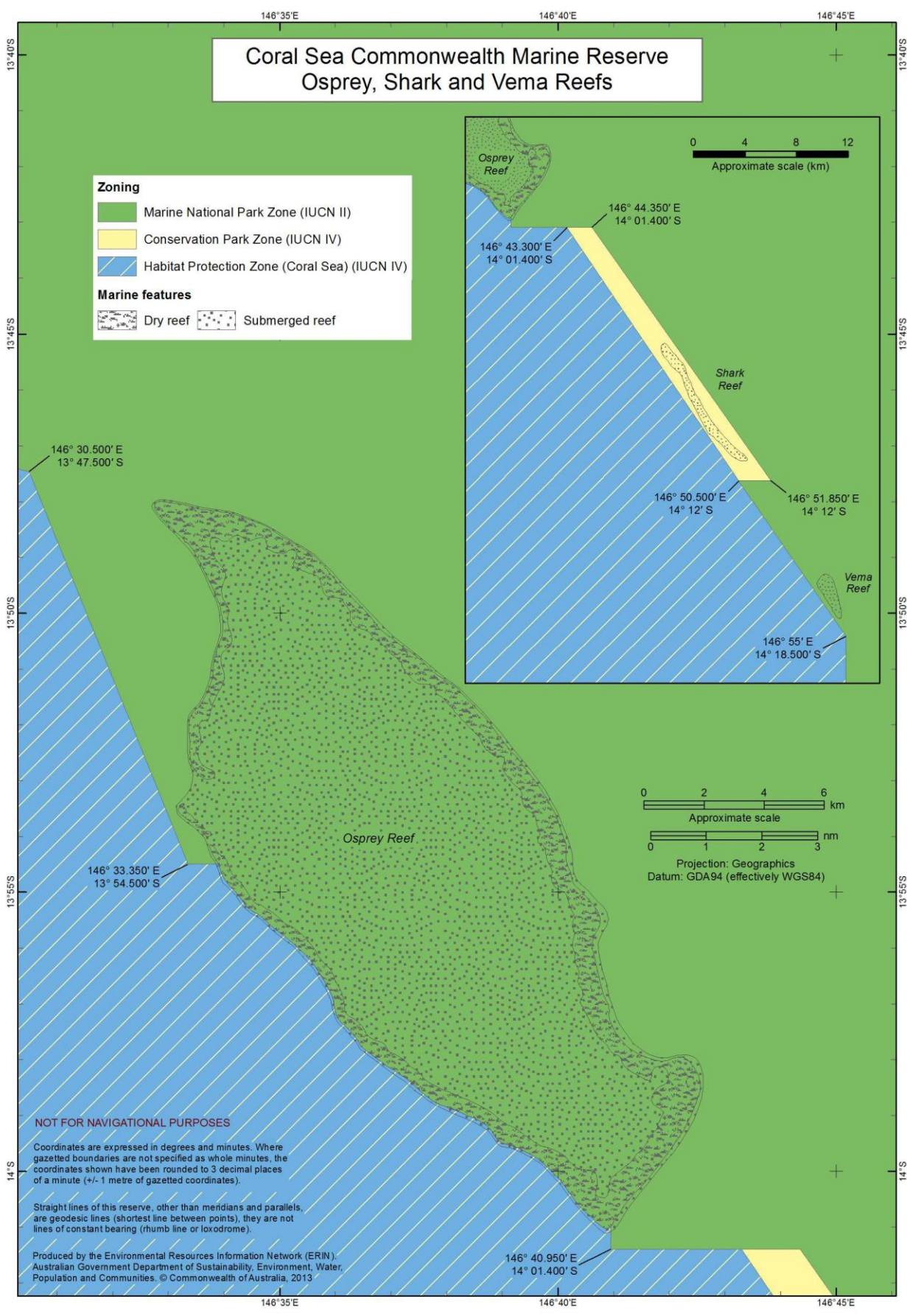
The Coringa-Herald and Lihou Reefs and cays were designated as a wetland of international importance under the Ramsar Convention in 2002. These cays and islets support communities of *Pisonia grandis* (a species of flowering tree in the Bougainvillea family) which is relatively uncommon in Australia and globally. The *Pisonia* forests provide significant habitat for nesting seabirds.

Islands cap some seamounts while other seamounts remain underwater as volcanic peaks or flat-topped guyots. Several seamounts support coral reefs at their peaks, including Wreck, Cato, Kenn and Mellish Reefs.

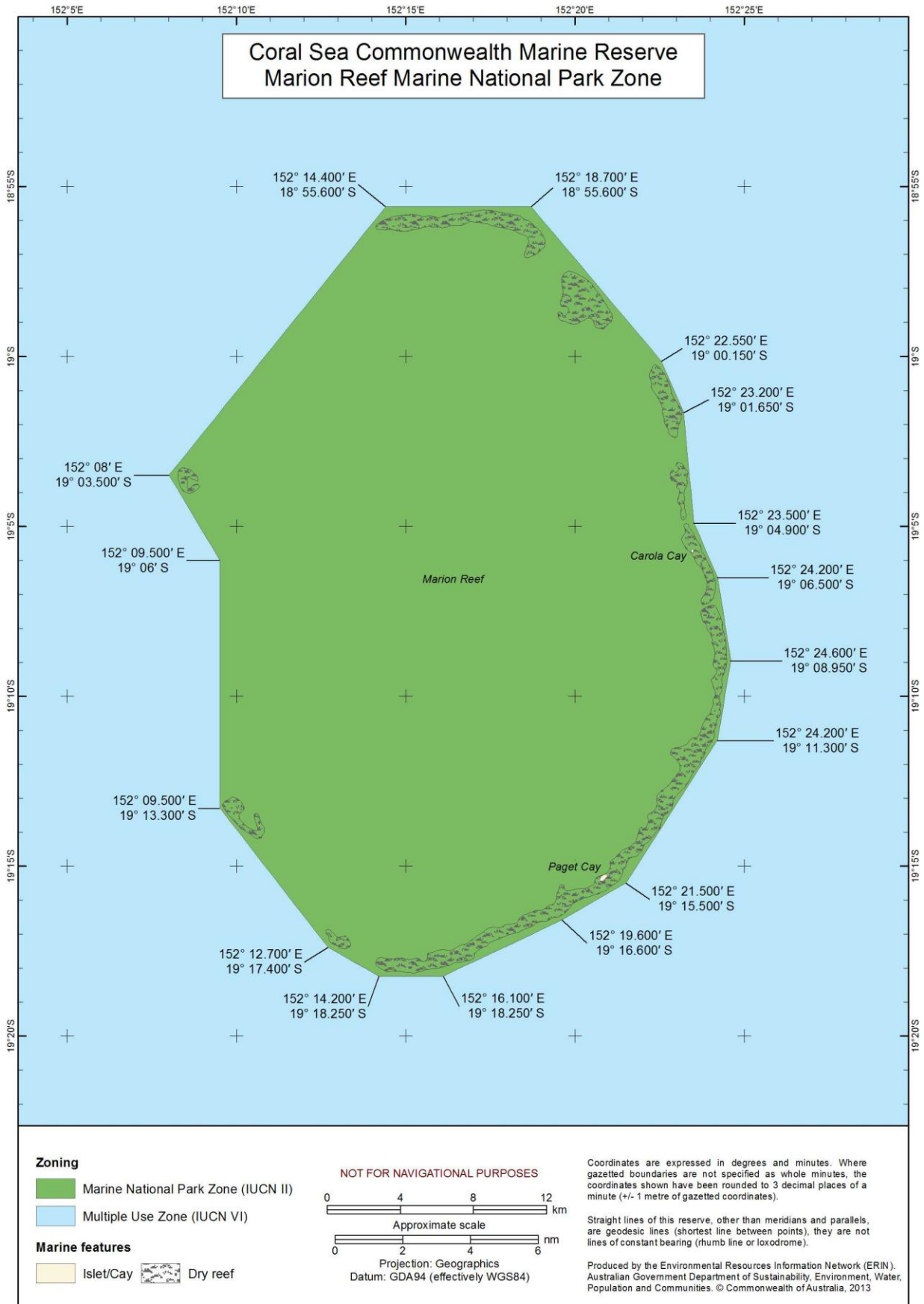
Many apex predators with significantly declining numbers worldwide, including large shark species, humphead Maori wrasse, billfish and tuna, are found in the Coral Sea.



**Figure A1: Coral Sea Commonwealth Marine Reserve**



**Figure A2: Osprey, Shark and Vema Reefs**



**Figure A3: Marion Reef Marine National Park Zone**

## Schedule (Coral Sea Commonwealth Marine Reserve – Zones)

The Reserve is divided into the zones identified for the Reserve in Schedule 4 of the Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2012 (Federal Register of Legislative Instruments No. F2012L02188), subject to the following variations.

1. In Schedule 4, clause 1.4, omit part (1) (e) and insert:

(e) the conservation park zones described in clauses 1.9, 1.10, 1.11, 1.15 and 1.18 of this Schedule;

2. In Schedule 4, omit clauses 1.6 and 1.7 and insert:

### 1.6 Zone 2 of the Reserve—Marine National Park Zone

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

Item	Description
------	-------------

1	The point of latitude 13° 18' 30.36" S, longitude 146° 25' 00" E
2	South along the meridian of longitude 146° 25' 00" E to its intersection by the parallel of latitude 13° 46' 00" S
3	South-easterly along the geodesic to the point of latitude 13° 47' 30" S, longitude 146° 30' 30" E
4	South-easterly along the geodesic to the point of latitude 13° 54' 30" S, longitude 146° 33' 21" E
5	East along the parallel of latitude 13° 54' 30" S to its intersection by the reef edge on the western side of Osprey Reef
6	South-easterly along that reef edge to its intersection by the meridian of longitude 146° 40' 57" E
7	South along that meridian to its intersection by the parallel of latitude 14° 01' 24" S
8	East along that parallel to its intersection by the meridian of longitude 146° 44' 21" E
9	South-easterly along the geodesic to the point of latitude 14° 12' 00" S, longitude 146° 51' 51" E
10	West along the parallel of latitude 14° 12' 00" S to its intersection by the meridian of longitude 146° 50' 30" E
11	South-easterly along the geodesic to the point of latitude 14° 18' 30" S, longitude 146° 55' 00" E
12	South along the meridian of longitude 146° 55' 00" E to its intersection by the parallel of latitude 14° 30' 00" S
13	South-easterly along the geodesic to the point of latitude 15° 38' 00" S, longitude 149° 00' 00" E
14	East along the parallel of latitude 15° 38' 00" S to its intersection by the meridian of longitude 149° 48' 00" E
15	South-easterly along the geodesic to the point of latitude 16° 03' 00" S, longitude 150° 12' 00" E
16	South along the meridian of longitude 150° 12' 00" E to its intersection by the parallel of latitude 16° 23' 00" S
17	South-westerly along the geodesic to the point of latitude 16° 46' 00" S, longitude 149° 48' 00" E
18	West along the parallel of latitude 16° 46' 00" S to its intersection by the meridian of longitude 149° 00' 00" E
19	South along that meridian to its intersection by the parallel of latitude 17° 11' 00" S
20	East along that parallel to its intersection by the meridian of longitude 151° 08' 00" E
21	South along that meridian to its intersection by the parallel of latitude 17° 54' 00" S

Item	Description
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- 
- |    |   |
|----|---|
| 22 | East along that parallel to its intersection by the meridian of longitude 155° 33' 00" E  |
| 23 | South along that meridian to its intersection by the parallel of latitude 21° 37' 00" S   |
| 24 | East along that parallel to its intersection by the line described by article 1 of the Maritime boundary (French Republic) Agreement  |
| 25 | Generally north-westerly and north-easterly along that line to the southernmost point on the line described by article 1 of the Maritime boundary (Solomon Islands) Agreement |
| 26 | Generally north-westerly along that line to its intersection by the outer limit of the exclusive economic zone  |
| 27 | Generally north-westerly along that outer limit to its intersection by the Fisheries Jurisdiction Line  |
| 28 | Generally westerly and north-westerly along that line to its intersection by the parallel of latitude 10° 41' 00" S   |
| 29 | West along that parallel to the north-easternmost point of the Great Barrier Reef Marine Park   |
| 30 | Southerly and south-easterly along the outer limit of the Great Barrier Reef Marine Park to its intersection by the parallel of latitude 13° 18' 30.36" S                     |
| 31 | East along that parallel to the point of commencement   |
- 

*Note* AGD66 applies to the coordinate described in item 28 of this table.

#### 1.7 Zone 3 of the Reserve—Habitat Protection Zone (Coral Sea)

Zone 3 of the Reserve consists of an area, excluding the zones described in clauses 1.8, 1.9 and 1.11, bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
------	-------------

- 
- |    |   |
|----|---|
| 1  | The point of latitude 13° 18' 30.36" S, longitude 146° 25' 00" E  |
| 2  | South along the meridian of longitude 146° 25' 00" E to its intersection by the parallel of latitude 13° 46' 00" S        |
| 3  | South-easterly along the geodesic to the point of latitude 13° 47' 30" S, longitude 146° 30' 30" E                        |
| 4  | South-easterly along the geodesic to the point of latitude 13° 54' 30" S, longitude 146° 33' 21" E                        |
| 5  | East along the parallel of latitude 13° 54' 30" S to its intersection by the reef edge on the western side of Osprey Reef |
| 6  | South-easterly along that reef edge to its intersection by the meridian of longitude 146° 40' 57" E                       |
| 7  | South along that meridian to its intersection by the parallel of latitude 14° 01' 24" S                                   |
| 8  | East along that parallel to its intersection by the meridian of longitude 146° 43' 18" E                                  |
| 9  | South-easterly along the geodesic to the point of latitude 14° 12' 00" S, longitude 146° 50' 30" E                        |
| 10 | South-easterly along the geodesic to the point of latitude 14° 18' 30" S, longitude 146° 55' 00" E                        |
| 11 | South along the meridian of longitude 146° 55' 00" E to its intersection by the parallel of latitude 14° 30' 00" S        |
| 12 | South-easterly along the geodesic to the point of latitude 15° 38' 00" S, longitude 149° 00' 00" E                        |
| 13 | South along the meridian of longitude 149° 00' 00" E to its intersection by the parallel of latitude 17° 11' 00" S        |
-

Item	Description
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- 
- |    |  |
|----|--|
| 14 | East along that parallel to its intersection by the meridian of longitude 151° 08' 00" E                         |
| 15 | South along that meridian to its intersection by the parallel of latitude 17° 54' 00" S                          |
| 16 | East along that parallel to its intersection by the meridian of longitude 152° 00' 00" E                         |
| 17 | South along that meridian to its intersection by the outer limit of the Great Barrier Reef Marine Park           |
| 18 | Generally north-westerly along that outer limit to its intersection by the parallel of latitude 13° 18' 30.36" S |
| 19 | East along that parallel to the point of commencement  |
- 

#### 1.18 Zone 14 of the Reserve—conservation park zone

Zone 14 of the Reserve consists of an area bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

Item	Description
------	-------------

- 
- |   |   |
|---|---|
| 1 | The point of latitude 14° 01' 24" S, longitude 146° 43' 18" E   |
| 2 | East along the parallel of latitude 14° 01' 24" S to its intersection by the meridian of longitude 146° 44' 21" E |
| 3 | South-easterly along the geodesic to the point of latitude 14° 12' 00" S, longitude 146° 51' 51" E                |
| 4 | West along the parallel of latitude 14° 12' 00" S to its intersection by the meridian of longitude 146° 50' 30" E |
| 5 | North-westerly along the geodesic to the point of commencement  |
-

# APPENDIX B

## Legislative framework for the Marine Reserve

The Coral Sea Commonwealth Marine Reserve is 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 Coral Sea Commonwealth Marine Reserve. Other laws referred to in this Appendix may also be relevant to activities in the Coral Sea Commonwealth Marine Reserve. A number of international agreements relevant to management of the Coral Sea Commonwealth Marine Reserve are also described.

### EPBC Act

#### *Director of National Parks*

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

#### *IUCN categories and management principles*

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

- strict nature reserve
- wilderness area
- national park
- natural monument
- habitat/species management area
- protected landscape/seascape
- 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 and described below.

#### **General administrative principles**

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

- 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 represented in the Reserve**

Part 2 of Schedule 8 to the EPBC Regulations 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. National Park (IUCN Category II)**

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

- 1.1** Natural and scenic areas of national and international significance should be protected for spiritual, scientific, educational, and recreational or tourist purposes.
- 1.2** 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.
- 1.3** 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.
- 1.4** Management should seek to ensure that exploitation or occupation inconsistent with these principles does not occur.
- 1.5** Respect should be maintained for the ecological, geomorphologic, sacred and aesthetic attributes for which the reserve or zone was assigned to this category.
- 1.6** 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.

- 1.7 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.

## 2. 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:

- 2.1 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.
- 2.2 Scientific research and environmental monitoring that contribute to reserve management should be facilitated as primary activities associated with sustainable resource management.
- 2.3 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.
- 2.4 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.
- 2.5 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.

## 3. 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:

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

### **Management plans**

The EPBC Act requires the Director to prepare a management plan for 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 reserve, 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 out in the reserve, and the conditions under which it may be carried out;
- specify any other operation or activity that may be carried out in the reserve; and
- 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; and
- address the matters prescribed by regulations made for the purposes of paragraph 324S (4)(a).
- if the reserve includes a Commonwealth Heritage area:
- not be inconsistent with the Commonwealth Heritage management principles; and
- 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 (EPBC Act s.367(5)).

In preparing a management plan the EPBC Act (s.368) requires account to be taken of various matters. In relation to the reserve 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 out an excavation; or
- erect a building or other structure; or
- carry out works; or
- take an action for commercial purposes.

The EPBC Act (ss.355 and 355A) also prohibits mining operations being carried out 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 out 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
- the 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 cetaceans

(whales and dolphins) in the Australian Whale Sanctuary (encompassing all Commonwealth waters) established by the EPBC Act.

All cetaceans 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 those species listed under international agreements (to which Australia is a signatory) as species whose protection requires, or would significantly benefit from, international cooperation.

Marine species listed under the EPBC Act are those 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.

## **Wetlands of international importance**

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

- that the Commonwealth may designate a wetland for inclusion in the List of Wetlands of International Importance kept under the Ramsar Convention only after seeking the agreement of relevant States, self governing Territories and land holders;
- that the Minister must make plans for managing wetlands listed under the Ramsar Convention that are entirely in Commonwealth areas. The Commonwealth and Commonwealth agencies must not contravene such plans;
- that the Commonwealth must try to prepare and implement management plans for other wetlands listed under the Ramsar Convention, in co operation with the relevant States and self governing Territories;
- that the Commonwealth and Commonwealth agencies have duties relating to declared Ramsar wetlands in States and Territories; and
- that the Commonwealth can provide assistance for the protection or conservation of declared Ramsar wetlands.

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.

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

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.

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

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

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

## ***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 generally 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*. 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 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.

### **International agreements**

This Management Plan takes into account Australia's obligations under international agreements that are relevant to the Coral Sea Marine Reserve.

#### ***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 2012*. 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 Coral Sea Marine Reserve 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.

## ***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.

### ***Convention on the Conservation of Migratory Species of Wild Animals (CMS 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.

# 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>aquaculture</b>	An operation for the propagation, rearing, keeping, growing or breeding of an aquatic animal (including a fish, crustacean, reptile or mollusc) or plant, or other marine product, and includes the operation, construction, maintenance, modification, demolition or removal of any facility associated with that operation.
<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 Coral Sea Commonwealth marine reserve.
<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 (IMCRA or IMCRA v4.0)</b>	A spatial framework for classifying Australia's marine environment into bioregions that form the basis for the development of a National 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>stowed and secured</b>	Fishing apparatus, including nets and lines, are rendered inoperative, are inboard the boat and otherwise completely out of the water". 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>trolling</b>	Line fishing from a vessel that is 'underway', being a vessel that is being propelled through the water (whether by engine, sail or human power) and is not adrift.

# SUPPORTING INFORMATION

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This plan could not have been produced without an extraordinary effort from many talented and professional departmental staff who worked for extended periods preparing plans and an array of supporting documents, running extensive consultation processes with a diversity of marine users and other stakeholders across the country, and then processing literally hundreds of thousands of public submissions received in response to invitations to comment so that this plan represents and reflects a robust and balanced approach to protecting the conservation values of this reserve and managing activities that are compatible with this objective.