
EXPLANATORY STATEMENT

Background
The Elizabeth and Middleton Reefs Marine National Nature Reserve (the Reserve) is approximately 150km north of Lord Howe Island. It was declared on 23 December 1987 by Proclamation under the National Parks and Wildlife Conservation Act 1975. It is now protected and managed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Management of the Reserve is the function of the Director of National Parks (the Director) under the EPBC Act. The Director has delegated this function to the Australian Government Department of the Environment and Heritage (DEH).

The particular conservation values that the Reserve protects are:
1. Refuge for the black cod (*Epinephelus daemelii*).
2. Habitat for other species of conservation significance.
3. Unique ecology in a relatively pristine state as a result of its isolated location.
4. Most southern coral reef atolls in the world.
5. Heritage shipwrecks.

The Reserve has been broken up into two zones, the Habitat Protection Zone around Elizabeth Reef and the Sanctuary Zone around Middleton Reef. Under the EPBC Act both zones have been assigned an IUCN category. The Habitat Protection Zone has been zoned international IUCN category II – national park, which will allow some limited uses under permit that are consistent with the conservation values of the Reserve. The Sanctuary Zone has been zoned international IUCN category Ia – strict nature reserve, which is to be managed primarily to ensure habitats, ecosystems and native species are conserved in an undisturbed state and to facilitate research.

Section 366 of the EPBC Act requires that the Director must prepare a management plan for a Commonwealth reserve. The management plan provides the legal mechanism to regulate or allow activities to be conducted in a reserve according to the conservation objectives of the reserve and the EPBC Act.

The first Management Plan for the Reserve was prepared under the National Parks and Wildlife Conservation Act 1975. It ceased to have effect on 23 March 2004. The second Plan will come into operation when it is registered with the Federal Register of Legislative Instruments, under the EPBC Act. It will cease to have effect seven years after commencement, unless sooner revoked and replaced by a new management plan.
Structure and Content of the Management Plan

The Management Plan consists of two parts. Part 1 explains the context for managing the Reserve, including the legal context. Part 2 sets out how the Reserve will be managed. It has been structured according to the Parks Australia Strategic Planning and Performance Assessment Framework. The purpose of the Framework is to achieve consistency and comprehensiveness in the management and conservation within and between reserves. Copies of the Framework are available from DEH on request.

The Elizabeth and Middleton Reefs Marine National Nature Reserve Management Plan includes five of the Framework’s seven Key Result Areas:

- Key Result Area 1 (KRA1): Natural Heritage Management
- Key Result Area 2 (KRA2): Cultural Heritage Management
- Key Result Area 4 (KRA4): Visitor Management and Reserve Use
- Key Result Area 5 (KRA5): Stakeholders and Partnerships
- Key Result Area 6 (KRA6): Business Management

*NOTE: Key Result Areas 3 (Joint Management) and 7 (Biodiversity Knowledge Management) are not relevant to this Management Plan.*

Within the Management Plan each Key Result Area has sections covering the protection and management of the various aspects of the Reserve’s values and uses:

- Species of conservation significance;
- Habitats;
- Cultural significance;
- Entering and using the Reserve generally;
- Fishing other than commercial fishing;
- Commercial use;
- Facilities and installations;
- Research and monitoring;
- Implementation and communication;
- Compliance and enforcement; and
- Performance assessment.

Most sections of the Management Plan are structured in the following way:

- ‘Aims’ that describe the desired result of reserve management activity.
- ‘Performance indicators’ that can be used to measure whether management of the Reserve is effective in achieving the aims.
- ‘Background’ that explains why the section is needed.
- ‘Prescriptions’ that set out controls on activities in the Reserve and strategies for managing the Reserve.
Consultation
On 11 October 2002, a notice inviting comment on the proposal to prepare the draft second Management Plan for the Reserve was published in accordance with the EPBC Act. The notice invited interested persons to provide comments on the Plan by 2 December 2002.

The draft Plan was released for public comment on 20 July 2005. Invitation to comment on the draft Plan was published in the Government Gazette, newspaper advertisements and letterbox drop to every letterbox and post box on Lord Howe Island (the largest stakeholder group). Copies of the draft plan were made available at the DEH Community Information Unit, through the DEH website and on Lord Howe Island. Copies were also sent to other interested groups and stakeholders. Comments on the draft plan closed on 30 August 2005. A total of 37 submissions were received.

All comments received have been considered by the Director in revising the draft Plan. The comments and the Director’s views on them are contained in the Director’s Report which is submitted with the Plan to the Minister for the Environment and Heritage for approval and tabled in both Houses of Parliament. Copies of the Director’s Report are available from DEH on request.

In accordance with requirements on new regulatory instruments, the Director sought the advice from the Office of Regulation Review (ORR) as to whether a Regulatory Impact Statement (RIS) was required for the second plan. The ORR advised that as the second plan is not going to have an impact on businesses or competition, a RIS is not required (RIS ID number: 3836).

Legislative Instrument
The Management Plan is a legislative instrument for the purposes of the Legislative Instruments Act 2003.