

## HEARD ISLAND AND McDONALD ISLANDS MARINE RESERVE MANAGEMENT PLAN

### EXPLANATORY STATEMENT

#### Background

The Heard Island and McDonald Islands Marine Reserve (the Reserve) was declared as a Commonwealth reserve in October 2002 under section 344 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the purpose of ‘protecting the conservation values of Heard Island and McDonald Islands and the adjacent unique and vulnerable marine ecosystems’.

The Reserve is located in the Southern Ocean and southern Indian Ocean, approximately 4000 km south-west of Western Australia. It covers an area of approximately 6.5 million hectares (65 000 km<sup>2</sup>), including the World Heritage listed Territory of Heard Island and McDonald Islands (comprising the islands and 12 nautical mile territorial sea), plus additional marine areas extending in parts to the limit of the exclusive economic zone (EEZ). In addition to the land and waters within these areas, the Reserve also includes the seabed and subsoil to a depth of 1000 m.

The management objectives for the Reserve are to:

- protect conservation values of Heard Island and McDonald Islands (HIMI), the territorial sea and the adjacent EEZ including:
  - the World Heritage and cultural values of the HIMI Territory;
  - the unique features of the benthic and pelagic environments;
  - representative portions of the different marine habitat types; and
  - marine areas used by land-based marine predators for local foraging activities.
- provide an effective conservation framework which will contribute to the integrated and ecologically sustainable management of the HIMI region as a whole;
- provide a scientific reference area for the study of ecosystem function within the HIMI region; and
- add representative examples of the HIMI EEZ to the National Representative System of Marine Protected Areas.

The Reserve is managed for and on behalf of the Director of National Parks (the Director) by the Australian Antarctic Division (AAD) of the Department of the Environment and Heritage (DEH). This arrangement reflects AAD’s continuing role and responsibilities for management and administration of HIMI as a Territory of Australia, and AAD’s long and significant historic involvement in the protection and conservation of the environment in the HIMI region.

The Reserve has been assigned, under the EPBC Act, to the IUCN category ‘strict nature reserve’ which corresponds to the international IUCN Protected Area Management Category Ia. This indicates that the Reserve will be managed mainly for scientific research or environmental monitoring.

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 HIMI Territory – the *Heard Island and McDonald Islands Wilderness Reserve Management Plan* – was prepared under the Territory’s *Environment Protection and Management Ordinance 1987* and came into effect on 14 February 1997. The Plan made under the EPBC Act for the Reserve (which includes the Territory) will replace this previous management plan for the Territory.

The Plan will cease to have effect seven years after commencement, unless sooner revoked and replaced by a new Plan.

### **Structure and content of the Plan**

The Plan consists of four parts. Part 1 explains the context of managing the Reserve, including the legal context. Part 2 sets out how the Reserve will be managed. Part 3 provides a description of the Reserve, and Part 4 comprises appendices containing supporting information.

The Plan 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 Heard Island and McDonald Islands Marine Reserve Management Plan addresses six of the Framework’s seven Key Result Areas:

- Key Result Area 1 (KRA1): Natural heritage management
- Key Result Area 2 (KRA 2): 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
- Key Result Area 2 (KRA 3): Biodiversity knowledge management

*NOTE: Key Result Area 3 (Joint management) is not relevant to this Plan.*

The Plan divides the Reserve into seven zones in order to facilitate protection of those areas that are susceptible to the impacts of human activities, and to confine human activity to sites that can sustain it. The level and type of protection varies between zones, with activities in the Reserve being restricted to the most appropriate areas and managed to give effect to the protected area management principles for the IUCN category strict nature reserve. The seven zones comprise a Main Use Zone, a Visitor Access Zone, a Heritage Zone, a Wilderness Zone, a Restricted Zone, an Inner Marine Zone and an Outer Marine Zone.

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

- Visitor Management and Reserve Use
  - Access and transport;
  - Management of facilities;
  - Visitor management and commercial activities;
  - Communicating reserve values;

- Natural Heritage Management
  - Flora and fauna;
  - Natural asset use;
  - Waste management;
  - Prevention and management of alien species and disease;
  - Research and monitoring;
- Cultural Heritage Management
- Stakeholders and Partnerships
- Business Management
  - Operational management;
  - Compliance and enforcement;
  - Financial management;
  - Emergency management;
- Performance Assessment

Most sections of the Plan are structured to include:

- ‘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 Aim(s).
- ‘Background’ that explains why the section is needed.
- ‘Prescriptions’ that represent the controls on activities in the Reserve and strategies for managing the Reserve to meet the Aim(s).

## Consultation

On 13 March 2003 a notice was placed in the *Gazette* inviting interested parties to comment on AAD’s intention, under delegation of the Director, to prepare a management plan for the Reserve, as required under section 368(1)(a) of the EPBC Act. Notices were also placed in the *Weekend Australian* newspaper, on the AAD and DEH websites, and distributed directly to known interested parties. Five submissions were received.

The AAD subsequently prepared, under delegation of the Director, a draft Plan in consultation with relevant experts and stakeholders, including through several rounds of departmental and broader review of pre-public comment versions of the draft Plan. Key external stakeholders consulted included the HIMI Stakeholder Group – the government, industry and conservation bodies involved in the process to declare the Reserve – and the Commonwealth Marine Protected Areas Committee (COMPAC).

Comments received during informal review were taken into account in preparing the final draft Plan, which was released for public comment for a six week period from 23 March to 4 May 2005. Notices inviting comment on draft Plan were again placed in the *Gazette*, in the *Weekend Australian*, and on the AAD and DEH websites, as well as on the new AAD-managed Heard Island website

([www.heardisland.aq](http://www.heardisland.aq)), and in relevant environmental newsletters. Copies of the draft Plan were sent to several dozen identified key stakeholders, and many more were distributed in response to later requests or downloaded directly from the Heard Island website.

All comments received have been considered by the AAD, under delegation of the Director, in revising the draft Plan. The comments and the AAD's views on them, on behalf of the Director, 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 AAD on request.

In accordance with requirements on new regulatory instruments the AAD, under delegation of the Director, sought the advice from the Office of Regulation Review (ORR) as to whether a Regulatory Impact Statement (RIS) was required for the Plan. The ORR advised that as a RIS had been prepared at declaration of the Reserve, and as the Plan simply implements the key management objectives outlined at that stage and does not introduce significant changes from the first plan, a further RIS is not required.

### **Legislative Instrument**

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

The Plan was made on the day it was approved by the Minister pursuant to the EPBC Act and commenced the day after registration on the Federal Register of Legislative Instruments.