

# Commonwealth of Australia

*Great Barrier Reef Marine Park Act 1975*

## Shoalwater Bay (Dugong) Plan of Management<sup>1</sup>

SB01/97

THE GREAT BARRIER REEF *Marine Park* AUTHORITY, having regard to the protection of world heritage values of the Great Barrier Reef Marine Park, and the precautionary principle within the meaning of section 3.5.1 of the Intergovernmental Agreement on the Environment (a copy of which is set out in the Schedule to the *National Environment Protection Council Act 1994*), has prepared the following plan of management under Part VB of the *Great Barrier Reef Marine Park Act 1975*.

Dated 20th of February 1997.

Dr Ian Mc Phail  
Chairperson

Rhondda Jones  
Member

Evelyn Scott  
Member

Tom Tolhurst  
Member

Note: The plan of management includes alterations made by the Authority under paragraph 39ZE (3) (a) of the Act, notice of which was published in the *Commonwealth of Australia Gazette*, under paragraph 39ZE (4) (a) of the Act, on 2nd of April 1997.

# PART 1 **PRELIMINARY**

## INTRODUCTORY NOTE

Shoalwater Bay is an area of significant regional importance for dugongs (*Dugong dugon*) because it provides the most important habitat for one of the most substantial populations of the species remaining in the southern section of the *Marine Park*. The conservation of this reservoir population is regarded as essential for the long-term viability of the regional population.

This Plan has been prepared in response to the recent decline in dugong numbers in the southern section of the *Marine Park*. The *Authority* considers that a major cause of this decline is the accidental capture of dugongs in mesh nets in the *Area*.

This Plan provides a framework for managing use of the *Area* to ensure that dugongs are managed to enable their recovery and continued protection and conservation.

### 1. Citation

This Plan may be cited as the Shoalwater Bay (Dugong) Plan of Management.

- [Notes: 1. This Plan (except Part 4) commences on the day on which the notice referred to in subsection 39ZE (4) of the *Act* is published in the *Gazette*: see *Act*, s. 39ZF (1).
2. Part 4 of this Plan commences on the day on which regulations made under paragraph 66 (2) (ba) of the *Act* declare that the Part takes effect: see *Act*, s. 39ZF (2).]

### 2. Interpretation

**2.1** In this Plan, unless the contrary intention appears:

<i>Act</i>	means the <i>Great Barrier Reef Marine Park Act 1975</i> ;
<i>Area</i>	means the Shoalwater Bay area described in the Schedule (and depicted generally in the map set out in the Schedule);
<i>cast net</i>	has the same meaning as in the Fisheries Regulation 1995 (Qld), as in force at the date of this Plan;

<i>collecting</i>	has the same meaning as in the <i>zoning plan</i> ;
<i>dilly</i>	has the same meaning as in the Fisheries Regulation 1995 (Qld), as in force at the date of this Plan;
<i>Mackay/Capricorn Section</i>	means the area assigned the name “Great Barrier Reef Marine Park—Mackay/Capricorn Section” by Proclamation made under subsection 31 (1) of the <i>Act</i> and published in the <i>Gazette</i> on 24 September 1987;
[Note: For the meaning of <i>Gazette</i> see <i>Acts Interpretation Act 1901</i> , ss. 17 (m) and 46 (1) (a).]	
<i>relevant permission</i>	has the same meaning as in the Great Barrier Reef Marine Park Regulations;
<i>stowed or secured</i>	has the same meaning as in the <i>zoning plan</i> ;
<i>taking</i>	has the same meaning as in the <i>zoning plan</i> ;
<i>traditional hunting and gathering</i>	has the same meaning as in the <i>zoning plan</i> ;
<i>zone</i>	means a zone referred to in the <i>zoning plan</i> ;
<i>zoning plan</i>	means the <i>zoning plan</i> for the <i>Mackay/Capricorn Section</i> which came into force on 1 August 1988, copies of which may be obtained from the <i>Authority</i> .

[Note: Unless the contrary intention appears, words and expressions used in this Plan that are defined in the *Act* have the same meaning in this Plan as they do in the *Act*: see *Acts Interpretation Act 1901*, s. 46 (1) (a). For example, the *Act* contains definitions of *Authority*, *Marine Park* and *vessel*.]

**2.2** The origin of geographical coordinates used in this Plan is the Australian Geodetic Datum 1966 (AGD66).

**2.3** The Preface, introductory notes, background notes and other notes do not form part of this Plan, and are provided for information only.

## PART 2 MANAGEMENT ISSUES

### BACKGROUND NOTE TO PART 2

Dugongs are considered vulnerable to extinction by the World Conservation Union. In Queensland, the dugong is listed as a vulnerable animal under the *Nature Conservation Act 1992 (Qld)*.

Historically, dugongs have lived in waters of the western Pacific and Indian Oceans, but human activities have caused it to disappear in much of this region. The majority of its world population is now believed to exist in the tropical and sub-tropical waters of Australia, although much of this area has not been surveyed. The estimated population of the surveyed region is around 80,000, of which about 15% (around 12,000) live in the *Marine Park*. Since 1987, dugong numbers have declined by more than half in the southern region of the *Marine Park* (from Cape Bedford to Hervey Bay), which includes the *Area*. The *Authority* considers the *Area* to be the most important dugong habitat in the region.

Dugongs feed on intertidal seagrass meadows in the *Area*. These meadows are also harvested for fish by fishers using mesh nets, in which at least 12 dugongs are believed to have drowned in 1994 and 1995.

Further information about dugongs, and their conservation, is set out in the Preface (Recovery plan for dugongs in Shoalwater Bay).

### 3. Endangered species—dugong

For paragraph 39Y (b) of the *Act*, the *Authority* considers that *Dugong dugon* (commonly known as dugong) is an endangered species in the *Area*.

### 4. Management of use

For paragraph 39Y (c) of the *Act*, the *Authority* considers that the netting of fish is an activity that must be managed in the *Area* on the basis of ecologically sustainable use.

[Note: Section 39Y of the *Act* sets out the objects of plans of management. Those objects are:

- (a) to ensure, for particular areas of the *Marine Park* in which the *Authority* considers that nature conservation values, cultural and heritage values, or scientific values are, or may be, threatened, that appropriate proposals are developed to reduce or eliminate the threats; and
- (b) to ensure that species and ecological communities that are, or may become, vulnerable or endangered are managed to enable their recovery and continued protection and conservation; and

- (c) to ensure that activities within areas of the Marine Park are managed on the basis of ecologically sustainable use; and
- (d) to provide a basis for managing the uses of a particular area of the Marine Park that may conflict with other uses of the area or with the values of the area; and
- (e) to provide for the management of areas of the Marine Park in conjunction with community groups in circumstances where those groups have a special interest in the areas concerned; and
- (f) to enable people using the Marine Park to participate in a wide range of recreational activities.]

## **PART 3 RELEVANT PERMISSIONS**

### **5. Collecting dugong**

**5.1** The *Authority* must not grant a person a *relevant permission* to enter into or use a *zone* in the *Area* for the purpose of *collecting* dugong, unless the *collecting* is for the conduct of research.

**5.2** However, the *Authority* may grant a person a *relevant permission* to enter into or use a *zone* in the *Area* for the purpose of *traditional hunting and gathering* (including the *traditional hunting and gathering* of dugong).

## **PART 4 ENFORCEMENT PROVISIONS**

### INTRODUCTORY NOTES TO PART 4

1. Regulations may be made providing for giving effect to the enforcement provisions of a plan of management or to the enforcement provisions of an amendment of a plan of management: see *Act*, paragraph 66 (2) (ba).
2. The *Act* provides for offences in relation to:
  - (a) the use or entry of a *zone* for a purpose other than a purpose permitted under a *zoning plan*; or
  - (b) the use or entry of a *zone* without a *relevant permission* where permission is required under the *zoning plan*; or
  - (c) the contravention of a condition to which a *relevant permission* is subject.

See *Act*, ss. 38A, 38B and 38C.

## 6. Restrictions on the use of nets in the *Area*

**6.1** This clause does not apply to a person who uses or enters the *Area* only for a purpose mentioned in paragraph 16 (a) or (b) of the *zoning plan*.

[Note: Clause 16 of the *zoning plan* relevantly provides that a zone or designated area may be used or entered for the purpose of :

“(a) saving human life or avoiding the risk of injury to a human being;

(b) locating or securing the safety of an aircraft, vessel or structure which is, or may be, endangered by stress of weather or by navigational or operational hazards;”.]

**6.2** A person must not have in the *Area* a net that is capable of being used for the taking of fish.

**6.3** However, a person may have in the *Area* a net that is capable of being used for the *taking* of fish if:

(a) the person has a *relevant permission* granted for the conduct of research; or

(b) the net is part of a *dilly* for use only to catch crabs; or

(c) the net is a *cast net* that:

(i) is for use only to catch fish for bait; and

(ii) is not more than 6 metres in diameter; and

(iii) has a mesh size of not more than 28 millimetres.

**6.4** A person must not have more than 1 *cast net* in the *Area* at any time.

**6.5** To avoid doubt, a person may be taken to have a net in the *Area* whether or not the net is *stowed or secured*.

## 7. Collecting dugongs

A person must not *collect* a dugong in the *Area* except in accordance with a *relevant permission*.

## 8. Interference with dugongs

**8.1** A person must not interfere with a dugong, or the carcass of a dugong, in the *Area*, except in accordance with a written authority given by the *Authority*.

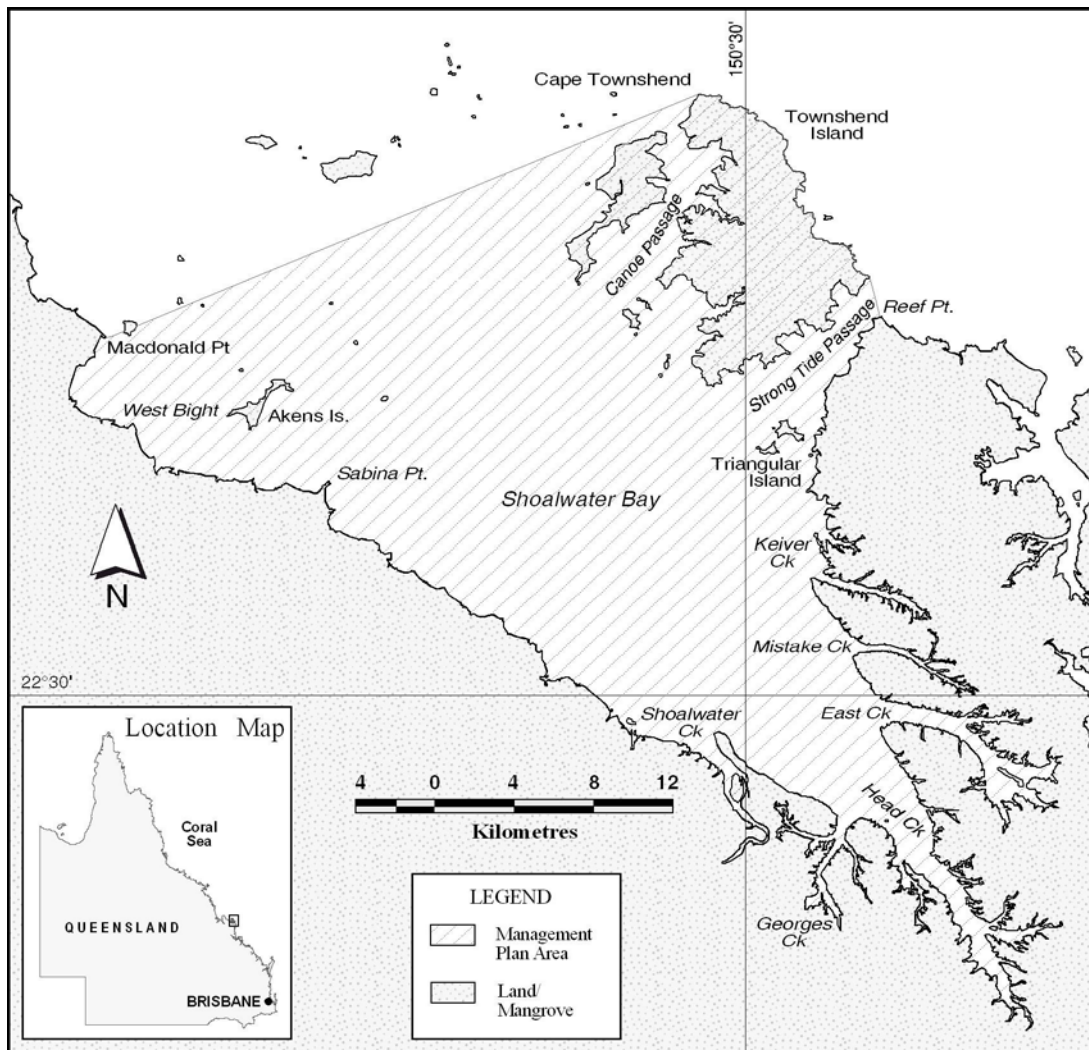
**8.2** In this clause, “**interfere with**” does not include *collect*, whether by *traditional hunting and gathering* or by other means.  
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**SHOALWATER BAY AREA**

The *Area* is that part of the *Marine Park* bounded by a line:

- (a) commencing at the easternmost intersection of the coastline of the mainland at low water by the parallel of latitude 22°19'38.6" south (that is, at Macdonald Point); and
- (b) running then generally north-easterly along the geodesic to the westernmost intersection of the coastline of Swan Island at high water by the parallel of latitude 22°19'19.8" south; and
- (c) then generally northerly, easterly and southerly along the coastline of that island at high water to the easternmost intersection of that coastline by the parallel of latitude 22°19'19.8" south; and
- (d) then generally north-easterly along the geodesic to the northernmost intersection of the coastline of Townshend Island at low water by the meridian of longitude 150°28'42.0" east, in the vicinity of Cape Townshend; and
- (e) then generally south-easterly, southerly, south-easterly and southerly along the eastern coastline of Townshend Island at low water to the easternmost intersection of that coastline by the parallel of latitude 22°17'50.8" south; and
- (f) then generally southerly along the geodesic to the northernmost intersection of the coastline of the mainland at low water by the meridian of longitude 150°33'55.1" east, in the vicinity of Reef Point; and
- (g) then generally south-westerly, southerly, south-easterly, westerly and north westerly along that coastline at low water to the point of commencement.

## Map of Area



### NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 2nd of April 1997.