



Exmouth Gulf Taskforce

Interim report to the Minister for Environment

September 2023



Exmouth Gulf Taskforce
c/ Department of Water and Environmental Regulation
Prime House, 8 Davidson Terrace
Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919

exmouthtaskforce@dwer.wa.gov.au

© Government of Western Australia

September 2023

This work is copyright. You may download, display, print and reproduce this material in unaltered form only (retaining this notice) for your personal, non-commercial use or use within your organisation. Apart from any use as permitted under the *Copyright Act 1968*, all other rights are reserved. Requests and inquiries concerning reproduction and rights should be addressed to the Department of Water and Environmental Regulation.

Acknowledgements

Main cover image: Exmouth Gulf. Picture: Wendy Thompson

Inset cover images: Exmouth Gulf sponges. Pictures: Blue Media.
Mangroves. Picture: Troy Sinclair

Disclaimer

This document has been published by the Department of Water and Environmental Regulation. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the Department of Water and Environmental Regulation and its employees are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

Acknowledgement of Country

The Exmouth Gulf Taskforce acknowledges the Traditional Custodians of the Exmouth Gulf – the Baiyungu, Yinnigurrura and Thalanyji people – and pays respect to their Elders past, present and emerging.

Table of Contents

Acknowledgement of Country	2
Table of Contents	3
From the Exmouth Gulf Taskforce Chair	4
Members of the Exmouth Gulf Taskforce	5
List of Members (September 2023)	5
Introduction	6
The Exmouth Gulf Taskforce	6
Context for the interim report	7
Taskforce approach to developing the interim report	7
Taskforce members' perspectives	8
Summary of recommendations	9
Background	12
Traditional Owners	13
Jointly managed whole of Exmouth Gulf marine park.....	15
Recommendation and advice.....	15
Matters considered by the Taskforce in forming their advice.....	15
Preferred tenure option	17
Joint management	18
Tailored approach to management planning.....	19
Recommendation and advice.....	19
Matters considered by the Taskforce in forming their advice.....	20
NTGAC - Genuine partners in integrated management and protection	22
Recommendation and advice.....	22
Matters considered by the Taskforce in forming their advice.....	22
Appendix 1: Exmouth Gulf Taskforce Terms of Reference	25
Appendix 2 – EPA expectations for assessing future compatibility of activities and development in Exmouth Gulf and its surrounds	30
Appendix 3: Conservation and Land Management Act 1984 Summary	32

From the Exmouth Gulf Taskforce Chair

Thank you to the Minister for Environment for entrusting the Exmouth Gulf Taskforce with the important responsibility for providing advice on the globally significant Exmouth Gulf and its surrounds.

I would like to recognise the Traditional Owners of Exmouth Gulf, the Baiyungu Yinnigurrura and Thalanyji people. The Nganhurra Thanardi Garrbu Aboriginal Corporation is the Prescribed Body Corporate for the native title holders that covers most of Exmouth Gulf. Its representatives have embraced the Taskforce, been open with their long history in the area and expressed desires for working together into the future with local, State and Australian governments to care for Country. It is imperative that this is supported while Elders are still able to pass on their environmental knowledge, language and culture to the younger generations.



Taskforce members are united in their appreciation of the exceptional environmental, cultural and social values of Exmouth Gulf. They recognise that while existing management of the area has helped protect its values, there is a need for integrated management and better protection to combat threats of increasing population, industrialisation and climate change. As is normal in any diverse group of people there are differing opinions, but with careful consideration of values, the group found common ground and reached consensus on many issues.

The purpose of the interim report is to consider current and proposed management mechanisms over the Exmouth Gulf and provide recommendations on the future protection mechanisms (with a focus on the western portion of the Gulf). While work for the Taskforce remains to address critical knowledge gaps and advice to government in fulfillment of our Terms of Reference, this interim report is an important first step that realises a collective effort to protect an environment that is precious to so many of us here in Western Australia, and beyond, for future generations to come.

Laine Ashforth-McDonald

Chair

Exmouth Gulf Taskforce

Members of the Exmouth Gulf Taskforce



The Taskforce meeting in Perth, June 2023.

Standing from left: Harold Dickerson, Barbara Clarkson (EGT Secretariat), Troy Sinclair (EGT Secretariat), Matt Gillett (Recfishwest proxy), Laine Ashforth McDonald (Chair), Hon Reece Whitby MLA (Minister for Environment), Paul Gamblin, Christopher Cottam, Denam Bennetts (DBCA, Guest), Luke Bentley, Dan Gaughan

Seated from left: Rachael Cooyou, Tim Bray, Michelle Andrews, Jayne Darch (DPLH proxy), Alex Kailis and Jo Bruyn (DoT proxy)

**Note: Members online or absent – Paul Hanlon (Shire of Ashburton proxy), Lyn Irvine, Ben Lewis and Renee Morgan*

List of Members (September 2023)

Laine Ashforth-McDonald	Chair
Rachael Cooyou and Harold Dickerson	Nganhurra Thanardi Garrbu Aboriginal Corporation
Alex Kailis	Sea Harvest Pty Limited
Andrew Rowland	Recfishwest
Paul Gamblin	Cape Conservation Group / Protect Ningaloo
Lyn Irvine and Renee Morgan	Community members
Ben Lewis	Shire of Exmouth
Kenn Donohoe	Shire of Ashburton
Sean McCarthy	Department of Defence
Luke Bentley	Department of Biodiversity, Conservation and Attractions (DBCA)
Christopher Cottam	Department of Jobs, Tourism, Science and Innovation
Darren Corr	Department of Planning, Lands and Heritage (DPLH)
Chris J. Mather	Department of Transport (DoT)
Michelle Andrews	Department of Water and Environmental Regulation (DWER)
Tim Bray	Gascoyne Development Commission (Department of Primary Industries and Regional Development [DPIRD])
Dan Gaughan	Fisheries (DPIRD)

Introduction

The Exmouth Gulf Taskforce

In July 2022, the Exmouth Gulf Taskforce (the Taskforce) was established following the Ministers for Environment and Fisheries announcement of a coordinating body to assist the Government of Western Australia's broader consideration of the strategic issues relating to the Exmouth Gulf (the Gulf) and its surrounds.¹ The Taskforce was established by the Minister for Environment under section 25 of the *Environmental Protection Act 1986* (EP Act) and is guided by its Terms of Reference (Appendix 1).

The Taskforce will provide advice that addresses information gaps and canvases long-term options for the integrated management of the land and sea. Such advice will support the State Government's commitment to protect and manage this important area in conjunction with the Traditional Owners.²



Sunrise at Exmouth Town Beach. Picture: Troy Sinclair

¹ [Significant progress for environmental protection of Exmouth Gulf](#), Hon Reece Whitby and Hon Don Punch, Media statement, 16 May 2022.

² *Exmouth Gulf Taskforce Terms of Reference and membership*, version 2.0, October 2022, p1.

Context for the interim report

The Minister for Environment requested an interim report on proposed protections for the remainder (or western portion) of the marine component of the Exmouth Gulf within 12 months of the establishment of the Taskforce (Figure 1 – Exmouth Gulf current, proposed and potential marine protection areas).

Included in its Terms of Reference, the Taskforce is to provide the Minister for Environment with:

options to deliver long-term integrated management of the land and sea, including the establishment of a secure marine reserve over the wider Gulf area that does not adversely impact existing managed commercial fisheries and adequately considers recreational and charter fishing.

This interim report represents the Taskforce's advice and recommendations to the Minister for Environment under this component of its Terms of Reference.

This request has been made in the context of work being undertaken by the DBCA with Traditional Owner groups, represented by the Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC),³ to establish the previously announced new marine park over the eastern and southern portion of the Gulf.⁴

The establishment of marine reserves under the *Conservation and Land Management Act 1984* (CALM Act) requires the preparation of a management plan. DBCA, in partnership with NTGAC, plan to commence management planning for the marine park for the eastern and southern portions of the Gulf in late 2023.

Early in the establishment of the Taskforce, NTGAC wrote to the Minister expressing its wishes to undertake park planning for the entire Gulf, rather than sections of it.

Looking at the whole Gulf rather than just part of it will also make it possible to think about the needs of marine species like dugongs, turtles and fish that use different parts of the Gulf during different stages in their life cycles. This approach will also be a better use of all parties' limited time and resources, noting the marine park planning process is lengthy and resource intensive. It will allow us all to be part of the one process for the whole Gulf now, rather than take a piecemeal approach and repeat the planning process for the rest of the Gulf in the future.⁵

Taskforce approach to developing the interim report

Since its establishment, the Taskforce has built a comprehensive, shared understanding of the Gulf and its surrounds, with members providing their expertise, encompassing the:

- environmental values
- cultural significance

³ For more information see Background and Recommendation 3 sections

⁴ [Historic protections to safeguard spectacular Exmouth Gulf](#), Hon Mark McGowan, Hon Amber-Jade Sanderson and Hon Don Punch, Media Statement 3 December 2021.

⁵ NTGAC letter to the Minister for Environment, 11 November 2022 (extract published with permission)

- commercial and recreational fishing operations
- existing management regimes.

Matters discussed to date include:

- marine environmental values of north-western Exmouth Gulf
- cultural knowledge, values and aspirations of the NTGAC
- Exmouth Gulf marine habitat types and mapping resources
- Exmouth groundwater, the role of allocation planning, future supply development and potential interaction with marine values of the Gulf
- values of dark sky and low atmospheric pollution
- environmental values of the Qualing Pool and Mowbowra Creek areas and their connectivity with the marine environment
- options for marine protection in the Gulf
- commercial fisheries and charter fishing operations in the Gulf
- scientific publications that had been released since the Environmental Protection Authority's (EPA) strategic advice.

Taskforce members' perspectives

The diversity of Taskforce members offers a unique insight into the values, issues, and concerns for the Gulf. The Taskforce reached a consensus that recognised the high environmental, cultural, economic and social values of the Gulf.

Taskforce members shared observations of increasing tourist numbers, more boats and rising recreational fishing pressure across the region in the past five years. The tourist season is now spread across more of the year rather than being seasonally based. The longer tourist season and higher numbers are a risk to the environment and the social fabric of Exmouth but brings economic benefits. There is limited data to understand the level of the increase. Main Roads Western Australia traffic counters suggest a 30 per cent increase in road traffic since 2019.⁶

A concern of many members and locals is the threat of large-scale industrial development to the Gulf and socio-economic structure of Exmouth. The Taskforce also recognises the need to protect the Gulf, and its habitats in their entirety, from large-scale developments and impacts from industrialisation.

In this consideration, the Taskforce submits the following recommendations and advice to the Minister for Environment.

⁶ Main Roads Western Australia – [TrafficMap](#). Accessed 30/08/2023.

Summary of recommendations

No.	Recommendation	Members' position	Comment
1	<p>A marine park jointly managed with NTGAC should be created under the <i>Conservation and Land Management Act 1984</i> (CALM Act) over the remainder of the Exmouth Gulf, in addition to the eastern and southern portions of the Gulf currently considered for protection as a marine park.</p> <p>The zoning scheme must take a balanced management approach recognising:</p> <ul style="list-style-type: none"> the government's existing commitments to very high levels of protection over the eastern and southern portions the requirement to ensure existing managed commercial fishing activities within the Gulf are not impacted provide for ongoing sustainable recreational and tourism use, including recreational fishing across the Gulf. 	<p>Endorsed 13 out of 16 members</p> <p>Not endorsed Recfishwest Shire of Ashburton</p> <p>Abstained Shire of Exmouth</p>	<p>Recfishwest The EPA cumulative impact report identified fishing as a key value that required greater protection from the threat of overdevelopment, yet this recommendation does nothing to protect fishing values. Recfishwest recommends including a requirement to ensure existing recreational fishing activities and values within the Gulf are not impacted, aligned with how commercial fishing activities are intended to be treated.</p> <p>Shire of Ashburton A significant portion of the Gulf marine and terrestrial area is within the Shire of Ashburton. Representatives cannot support a marine park within the Shire boundary until the impact to projects that support the growth of Onslow are quantified and put to Council for consideration. The Shire also recommends engagement with the Buurabalayji Thalanyji Aboriginal Corporation, other Traditional Owners and the Onslow Community before a marine park is created.</p> <p>Shire of Exmouth Unable to provide a formal position on the recommendations due to timing of the decision and Council being in caretaker mode. However, the Shire notes that key stakeholders and community representatives on the Taskforce fully support the recommendation.</p>

<p>2</p>	<p>Given the unique nature of the Exmouth Gulf, an appropriate marine park planning process should be developed through codesign between DBCA and NTGAC, in consultation with DPIRD, and approved by corresponding Ministers.</p>	<p>Endorsed 13 out of 16 members</p> <p>Not endorsed Recfishwest Shire of Ashburton</p> <p>Abstained Shire of Exmouth</p>	<p>Recfishwest Given Recfishwest do not support the creation of a marine park over the entire Gulf this recommendation is not applicable.</p> <p>Shire of Ashburton Representatives support that due process must be followed should a marine park be created. The Shire cannot support a marine park and any subsequent planning process without the proposal going to Council for a decision. The Shire’s representatives also believe the Onslow community, including the Thalanyji and other Traditional Owners, should be consulted and part of the process.</p> <p>Shire of Exmouth Supports effective management planning processes for the Gulf that accommodates recreational activities but still considers sustainable development.</p>
<p>3</p>	<p>The NTGAC to be resourced to fully engage as genuine partners and with partnership opportunities and to support their aspirations for Country, including independent Prescribed Body Corporate activities and programs to support self-determination (e.g. On-Country managers, rangers).</p>	<p>Endorsed All members</p>	

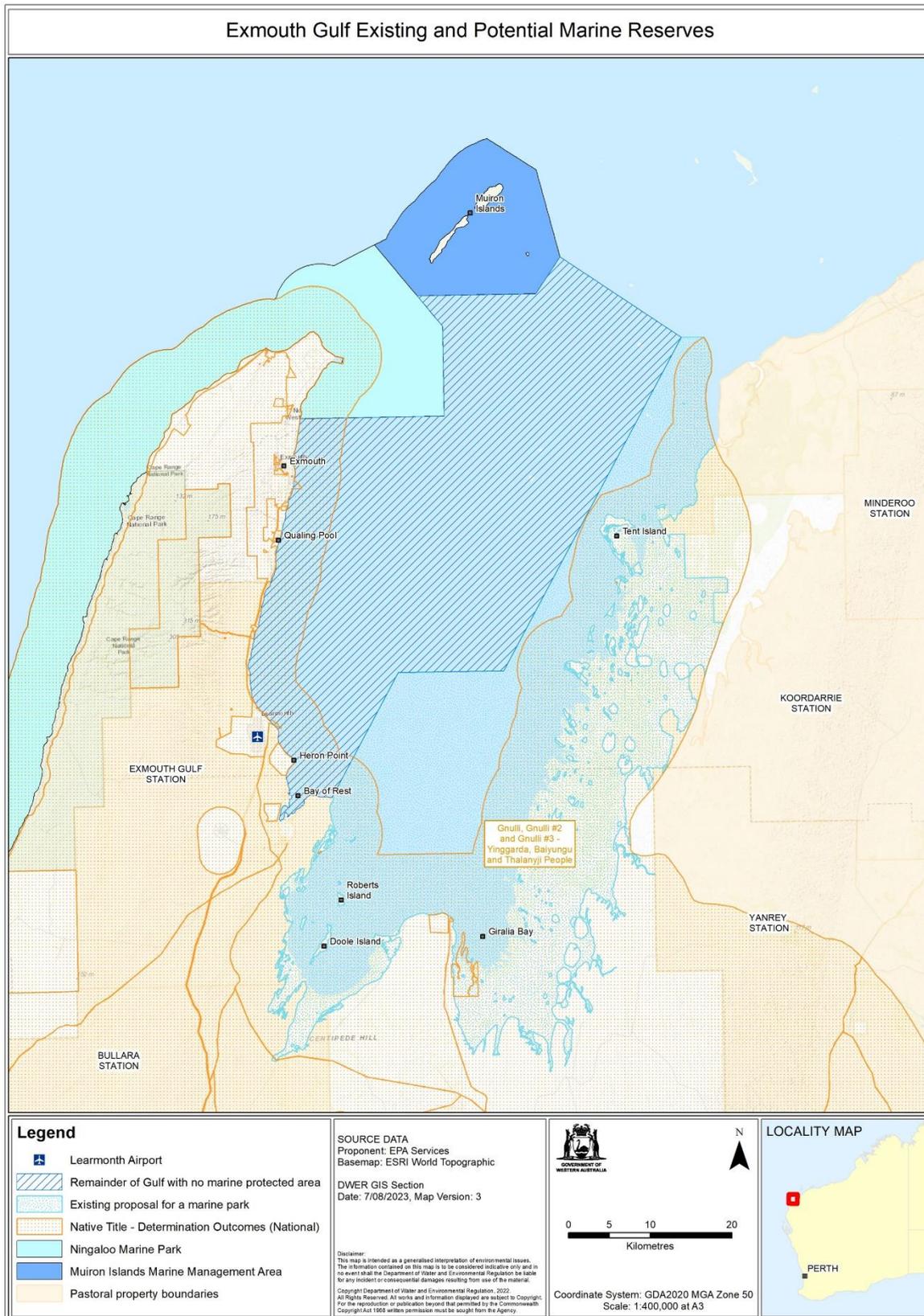


Figure 1 Exmouth Gulf current, proposed and potential marine reserve areas

Background

Exmouth Gulf and its interconnected marine and terrestrial environments were reported in the EPA section 16(e) strategic advice on Exmouth Gulf.⁷

The existing Ningaloo Marine Park and Muiron Islands Marine Management Area help protect a portion of the northern margin of Exmouth Gulf. In partnership with the NTGAC, DBCA is progressing the marine park for the southern and eastern portion of the Gulf that largely aligns with the designated prawn nursery area (Figure 1).

The proposed marine park in the southern and eastern parts of the Gulf contains exceptional values including the intertidal areas, mangrove forests, seagrass beds and key areas for dugong and turtle populations. However, the proposed marine park will only protect some values of the Gulf. For example, species such as dugong use this area for part of the year and are likely to move to seagrass beds on the western side and Ningaloo for other parts of the year.⁸

The middle and western Gulf covers about 171,000 ha, which have no secure, integrated protection or management beyond standard state waters management regimes. The accessible nature, proximity to infrastructure, development pressures and increasing population makes the west side of the Gulf vulnerable to increasing impacts if not carefully managed.



Sand Spit, Exmouth Gulf. Picture: Troy Sinclair

⁷ Environmental Protection Authority 2021, *Potential cumulative impacts of proposed activities and developments on the environmental, social and cultural values of Exmouth Gulf in accordance with section 16(e) of the Environmental Protection Act 1986*, EPA, Western Australia.

⁸ Hodgson, 2007, *The distribution, abundance and conservation of dugongs and other marine megafauna in Shark Bay Marine Park, Ningaloo Reef Marine Park and Exmouth Gulf*, DEC and JCU.

The western Gulf includes a diverse range of productive inshore habitats and has tidal currents that connect directly with the Ningaloo Marine Park. The north-west corner of the Gulf contains the steepest depth gradients and diverse seafloor types of the Gulf, factors known to support a high level of marine biodiversity. These habitats support the high number of known reptiles, mammals, shorebirds and invertebrates, as well as a diversity of fish species that attract recreational fishers, among others, to the broader Gulf.

The EPA, in its section 16(e) strategic advice to State Government, set out clear expectations for assessing future compatibility of activities and developments in Exmouth Gulf and its surrounds (extract in Appendix 2). These expectations are set in the context that “The values of land and sea environments [in the Gulf] are unique assets of global significance and the consideration of any potential impacts to those values requires a precautionary approach”.⁹

The EPA maintains a comprehensive policy framework to support the environmental impact assessment (EIA) process aligned with its functions under the EP Act.¹⁰ The EIA process emphasises the mitigation hierarchy, with avoidance as the most preferred mitigation. The EPA’s policy framework addresses that the EPA takes a holistic view of the environment and considers cumulative effects when assessing a proposal’s potential impact on the environment. In its assessment of activities and developments for the Gulf, the EPA will apply “particular scrutiny to activities and developments that may be incompatible with the key values”. The Taskforce notes that the State Government accepted in full the EPA’s recommendations in its section 16(e) strategic advice report, including its recommendation that “any future activities and development must be compatible with the protection of key values”.

Traditional Owners

Ningaloo and Exmouth Gulf area is the traditional land and sea Country of the Baiyungu, Yinnigurrura (also spelled Yinikurtira) and Thalanyji people, with at least 35,000 years of continuous occupation. Native title was recognised by the Federal Court in the determination of native title made on 17 December 2019 in favour of the Yinggarda, Baiyungu and/or Thalanyji People and includes about 71,354 km² across the Shires of Ashburton, Carnarvon, Exmouth, Murchison and Upper Gascoyne.

NTGAC and Yinggarda Aboriginal Corporation are the prescribed body corporates (PBCs) under the *Native Title Act 1993* (Cth) that hold the native title rights and interests on trust for the native title holders across this region. NTGAC is the PBC for the Baiyungu and Yinnigurrura¹¹ area that includes Ningaloo and Exmouth Gulf.

⁹ Environmental Protection Authority 2021, p6-7.

¹⁰ EPA (2021) Statement of environmental principles, factors, objectives and aims of EIA, EPA Western Australia.

¹¹ In the native title determination, the native title holders are referred to as the Baiyungu and/or Thalanyji people; however, NTGAC has advised Baiyungu and Yinnigurrura is more culturally appropriate.



A humpback whale in Exmouth Gulf. Picture: Troy Sinclair

In 2020, an Indigenous Land Use Agreement (ILUA) between the State Government and NTGAC was registered for some parts of the western side of North West Cape peninsula. A new ILUA is currently under negotiation for future jointly managed reserves in the Gulf region.

... to move forward we have to come together. That we don't take too much and share what we have, for the next generations to grow together and keep Country alive. A lot of people around the world come here to Exmouth, so we can come together with the land and the animals. Respect the country and the sea and it will respect you. This will work if we keep together. Harold Dickerson, NTGAC Director.

The EPA's section 16(e) strategic advice, accepted by the State Government, notes that:

Exmouth Gulf contains significant spiritual, cultural and historical heritage for the Yinggarda, Baiyungu and Thalanyji Traditional Owners, who have maintained their connection to country since the assertion of European sovereignty.¹²

¹² Environmental Protection Authority 2021, p21

Jointly managed whole of Exmouth Gulf marine park

Recommendation and advice

A marine park jointly managed with NTGAC should be created under the *Conservation and Land Management Act 1984 (CALM Act)* over the remainder of the Exmouth Gulf, in addition to the eastern and southern portions of the Gulf currently considered for protection as a marine park.

The zoning scheme must take a balanced management approach recognising:

- **the government's existing commitments to very high levels of protection over the eastern and southern portions**
- **the requirement to ensure existing managed commercial fishing activities within the Gulf are not impacted**
- **it provides for ongoing sustainable recreational and tourism use, including recreational fishing across the Gulf.**

A single jointly managed Exmouth Gulf marine park:

- aligns with aspirations of the NTGAC
- provides an integrated management approach for the Gulf and surrounds to protect its globally significant values
- assists in addressing the risks from industrialisation of the Gulf and helps mitigate against cumulative impacts
- is a logical extension of the currently proposed joint managed marine park in the southern and eastern portions of the Gulf
- recognises the ecological, and cultural services of the Gulf and the marine fauna that exists within it
- recognises the community, tourism and fishing industries that value and use the area
- enables an efficient consultation process to support the management planning process.

Future complementary protection options are worthy of further investigation after the commitment to establish secure tenure through joint-vesting with the Traditional Owners.

Matters considered by the Taskforce in forming their advice

The Taskforce was informed that having an integrated system of protection and management across the entire Gulf would result in a more resilient ecosystem that would offer greater protection from threatening processes and an ability to adapt with climate change.

The Taskforce considers that the CALM Act provides an appropriate mechanism for providing additional protection, which enables Traditional Owners to participate in the joint management of their Country. The Taskforce considered the three categories of

marine reserves under the CALM Act that could be applied: a marine nature reserve, a marine park and a marine management area (summarised in Appendix 3).

It is understood that existing State Government commitments on marine park planning parameters for the southern and eastern Gulf may vary from those proposed for the remainder of the Gulf protections. Marine park planning for the remaining area (the area connecting the Ningaloo Marine Park with the proposed southern and eastern Gulf) has the agreed parameter of not adversely impacting existing managed commercial fisheries and adequately considering recreational and charter fishing activities.

Furthermore, there are requirements under the CALM Act for industrial development and extractive activities to be consistent with the purpose of the reserve; any excisions to a marine reserve requires approval of both Houses of Parliament. The EPA under their assessment processes also gives due regard to avoidance and mitigation of direct and indirect impacts to conservation estate (marine and terrestrial).

The potential impacts of development on the significant values of Exmouth Gulf were reflected in the precautionary approach recommended in the EPA's strategic advice. Land-based projects (e.g. industrial development) can have direct and indirect impacts on the marine environment. This is particularly relevant for the karst geology of Cape Range (including caves, springs and underground streams) which directly connects the terrestrial and marine ecosystems. The Gulf is also connected to Ningaloo Marine Park and the Pilbara coast via tidal currents.

Key community messages regarding the protection and value of the natural environment were identified in the Shire of Exmouth's 2023–33 community and corporate business plan, including:

- resident and visitor numbers should have regard to the carrying capacity of the natural environment, infrastructure and services [and] where there is significant risk, the community wishes to err on the side of caution
- the majority of participants want a growing and thriving economy, with growth that is consistent with the protection of the globally significant natural assets they value so highly
- while some welcome further industrialisation, many see this as a major threat.¹³

A marine park would work in addition to the management activities covered under existing State and Commonwealth legislation. This includes the *Fish Resource Management Act 1994*, the *Western Australian Marine Act 1982*, the EP Act and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). However, the existing management frameworks do not provide for an integrated, jointly managed approach for the whole of Gulf, as highlighted in the EPA's strategic advice.

¹³ [Your Choice, Our Future: Strategic community plan and corporate business plan 2023-2033, Shire of Exmouth, 15 December 2022](#), p11 (accessed 6 July 2023)

There are a variety of other protection mechanisms that could provide complementary protection for the Gulf, such as Fish Habitat Protection Areas, Ramsar listing, National and World Heritage listing, Aboriginal cultural heritage, Indigenous Protection Area and listing of species and habitats under Commonwealth EPBC Act. Resolution of underlying tenure via the CALM Act could facilitate implementation of complementary mechanisms and result in improved management outcomes.

The Taskforce recognised that a marine park could assist in protecting the environment and managing risk from development. Some members have concerns regarding the outcomes of the marine park planning process overly impacting existing fishing activities.

Preferred tenure option

A marine park under the CALM Act is the preferred option for a long-term secure marine reserve over the broader area of the Gulf because:

- the Gulf has unique, globally significant environmental, social and cultural values
- marine parks are multiple-use and most marine reserves in Western Australia are marine parks; commercial and recreational fishing has been accommodated in marine parks elsewhere in the state
- marine parks boundaries can accommodate areas of existing activities, such as the Exmouth Boat Harbour with appropriate buffers to allow ongoing management
- marine parks require additional approvals for development or extractive activities that may impact Gulf values, including threats from industrialisation
- a marine park allows for a consistent and integrated management approach to be applied across the entire Gulf, linking the existing Ningaloo Marine Park/Muiron Islands Marine Management Area with the proposed Exmouth Gulf Marine Park in the southern and eastern portion of the Gulf; this supports a holistic approach to managing the area
- a marine park provides a framework for monitoring and reporting to improve the understanding of the interconnectivity with other parts of the Gulf, Pilbara coastline and Ningaloo Reef.
- an integrated marine park over the entire Gulf would provide efficiencies in terms of stakeholder and community consultation for a single marine park planning process, while recognising different planning parameters within the Gulf
- marine park planning is flexible, in that it can accommodate new information, including that from scientific research to enable an adaptive management approach.

Joint management

The CALM Act enables marine reserves to be jointly managed with Traditional Owners. Joint management is a partnership between the State Government and Traditional Owners to manage lands or waters together. There are multiple socio-economic and cultural benefits of joint management.

DBCA and NTGAC have existing formal and informal joint management arrangements in the Exmouth area, including for the Nyinggulu (Ningaloo) Coastal Reserves, Cape Range National Park, Cape Range Conservation Park and Ningaloo Marine Park. A jointly managed marine park over the remainder of the Gulf would provide an opportunity to build on existing arrangements, strengthen relationships, ensure integrated management of values and enable a consistent, holistic management approach.



Taskforce site visit, Exmouth Gulf, 2023. Picture: Wendy Thompson

Tailored approach to management planning

Recommendation and advice

Given the unique nature of the Exmouth Gulf, an appropriate marine park planning process should be developed through co-design between DBCA and NTGAC, in consultation with DPIRD, and approved by corresponding Ministers.

There is an opportunity to take a fit-for-purpose approach to management planning reflective of the significant values of the Gulf.

Exmouth Gulf Taskforce could have a steering role for the wider Gulf marine park management planning process proposed under Recommendation 1. The steering role could provide input during the preparatory planning phase to:

- shape the approach
- review key stages of the process
- provide assurance that an endorsed approach has been implemented.

DBCA and NTGAC, as statutory leaders in the planning process, could be supported by the Taskforce to assist in the preparatory phase around stakeholder engagement, ecological knowledge gaps and other planning elements. These actions would fit within the Taskforce's current Terms of Reference. The Taskforce role and endorsement would relate to process assurance against its Terms of Reference rather than outcomes of stages of the planning process. This could include:

- management planning activities are aligned with the parameters outlined in the Taskforce's Terms of Reference and the previously announced marine park area.
- assurance to planning partners and the community that the planning approach is supported by clear governance, principles and good communication.

Beyond this the Taskforce, under a revised Terms of Reference or its successor, could support additional planning process elements.

A fit-for-purpose management approach should also recognise that NTGAC are genuine partners in co-design and management approaches across all sectors (e.g. fisheries, transport, tourism). This could encompass existing statutory frameworks tailored to the Gulf's unique interconnected land and sea environment. Integrated management across sectors is essential to address pressures in the Gulf.

Adherence by management planning partners to the principles of good planning and consultation will help ensure a suitable balance between cultural, environmental, social and economic outcomes for Exmouth Gulf. The resulting marine park management plan should support the aspirations of the Traditional Owners and be tailored to the Gulf's unique global values.

Matters considered by the Taskforce in forming their advice

The Taskforce recognises that joint management of a comprehensive marine reserve has an important role in the holistic protection and enhancement of the Gulf. The processes that underpin the marine park planning are important components to consider recognising the global significance of the Gulf.

Procedural arrangements for marine park planning are tailored to the environment, recognising unique ecological and cultural values, stakeholders and community. There are statutory processes that DCBA and NTGAC will lead around the marine park planning process, underpinned by principles. Within the scope of the planning process, the preparatory phase encompasses opportunities for stakeholder engagement, which could include the Taskforce itself.

Within the planning process, DBCA ensures that all management planning partners and processes aligns with the following principles:

1. Provide accurate, relevant and timely advice to stakeholders when requested.
2. Ensure timely provision of data to stakeholders that is fulsome, relevant, at appropriate scales and with appropriate context as defined in the requests.
3. Undertake transparent communication with other participating stakeholders.
4. Engage openly and honestly, not misrepresent information, and make factual statements when discussing outcomes and related processes.
5. Treat others with respect and fairness, act with integrity and in good faith.
6. Work with planning partners to consider the input of all stakeholders in the planning process to achieve a balanced outcome pursuant to the objectives of the CALM Act (provided in Appendix 3).

The Taskforce understands that marine parks provide for multiple use, through zoning that allows different types of activities including fishing, diving, boating and tourism. A range of criteria is considered in developing zones, such as Traditional Owner cultural values, western science and community engagement of various user groups, including fishers.

Furthermore, marine parks allow for recreational fishing within general use zones (as well as in some special purpose and/or recreation zones). The scale of these zones is not predetermined but are individually designed to reflect the ecological and fishing values of the area. The marine planning process is evidence-based and consideration of key values is underpinned by established scientific design principles, which reflect global best practice.

Values for the Gulf will be considered during the marine park planning process, including commercial and recreational fishing, and recreational and tourism use. The Taskforce understands some of these social and economic values to include the following:

- commercial fisheries that have operated for many years in Exmouth Gulf and currently co-exist with the Gulf's values, such as humpback whale's nursing grounds co-existence with the Exmouth Gulf prawn managed fishery

- the Exmouth Gulf prawn managed fishery, which has been independently assessed as meeting the Marine Stewardship Council Fisheries Standard, which is the world's most recognised benchmark for sustainability.
- the western Gulf nearshore ecosystem supports productive commercial prawn fishery, such as the King Prawn "Beach Run" fishery adjacent to Qualing Pool
- the western Gulf is ecologically diverse, highly productive and regularly visited. This area has a high rate of recreational and tourism use, including activities such as fishing, snorkelling, beach walking, stand-up paddleboarding, birdwatching, and swimming
- other Gulf commercial fishing operations are a beach seine netting operation that targets mullet and whiting, and a coral and aquarium specimen fishery that operates seasonally via hand collection
- most charter fishing operators in the Gulf recognise the importance of the wilderness values to their industry and largely release most catch to protect the quality of their fishery. There are opportunities for innovative fishing regulations and/or marine park planning mechanisms that could allow this industry to continue within a marine park and protect the values of this area
- recreational fishers highly value Exmouth Gulf, particularly the wilderness values of the eastern Gulf. Wilderness values aim to recognise both the ecological and social values (e.g. high-quality recreational fishing) of an area in relatively pristine natural condition
- increasing recreational fishing pressure on local fish stocks that requires stricter management. Management of fish stocks in the area under Fisheries legislation should have regard for the values of the marine park.

The Gulf areas easily accessed from the Exmouth townsite and boat harbour are regularly used by whale-watching charters, commercial boating traffic and a variety of watersports, including waterskiing, sailing and paddleboarding.

NTGAC - Genuine partners in integrated management and protection

Recommendation and advice

The NTGAC to be resourced to fully engage as genuine partners and with partnership opportunities and to support their aspirations for Country, including independent PBC activities and programs to support self-determination (e.g. On-Country managers, rangers).

The NTGAC has significant aspirations to manage Country, including:

- desire to work with government, industry and non-government organisations to explore as many partnerships as possible, including many of the Taskforce members
- establishing independent PBC programs, including On-Country managers, rangers and those developed through the ILUA process
- a Sea Country Plan, under development, to support self-determination and future partnerships.

The existing and proposed opportunities for joint management of conservation estate in the Gulf and surrounds are valuable mechanisms for strengthening capacity for both government and Traditional Owners. Significantly, these arrangements involve a wide range of direct employment opportunities for Traditional Owners.

Resourced PBC On-Country programs could be central to the capacity and capability aspirations by involving the older and younger generations of Traditional Owners. This would enable a more comprehensive integrated joint-management approach and engagement across government processes and partnerships.

Resourced Sea Country Plan and PBC programs will help ensure cultural knowledge is retained by the appropriate knowledge holders and facilitate the PBC's ability to manage Country.

Matters considered by the Taskforce in forming their advice

In representations to the Taskforce the NTGAC stated they “want the exceptional cultural and natural values of the area to take priority over economic agendas” and set out their aspirations:

- *To protect Country and provide opportunities for our people to get back to Country.*
- *We want to feel welcome on Country and we know that Country welcomes us, but whitefella policies and processes make us feel like we are not welcome.*
- *To work together with stakeholders equally and respectfully that protects the cultural and natural values of Country.*
- *To have our own rangers working on Country.*

The Taskforce emphasises the important work NTGAC On-Country managers and rangers would make to the values and aspirations of not just Traditional Owners, but also government and the community broadly. This includes involvement in:

- Compliance
- Cultural awareness
- Cultural guidance
- Cultural mapping
- Cultural protection
- Education
- Fauna and flora
- Fencing
- Feral animals
- Fire
- Knowledge transfer
- Language
- Law and culture
- Rangelands condition
- Revegetation
- Sea patrols
- Seed collection
- Track management
- Traditional Ecological Knowledge
- Visitor management
- Water monitoring
- Weeds

To date, the NTGAC has identified the following key actions to the Taskforce to protect the cultural and natural values of the area:

1. The whole of the Gulf is included in the DBCA marine park planning process¹⁴.
2. Support to prepare a Sea Country Plan to assist in the co-design of the proposed marine park and inform future recommendations put forward by the Taskforce for the wider Gulf.
3. Recognising the cultural importance of water and the subterranean systems to the Traditional Owners, give greater consideration to protection of waterways, particularly on the Cape Range Peninsula, which is particularly susceptible to increases in future demand for groundwater.
4. Support the establishment of a PBC ranger program.

Recommendation 1 (a jointly managed marine park should be created under the CALM Act over the wider Exmouth Gulf) in this report addresses action 1.

Action 2 is being addressed by the Taskforce and a funding agreement is being finalised to enable the NTGAC to develop a Baiyungu Sea Country Plan (the Plan) for the Exmouth Gulf. The Plan will provide a framework for Traditional Owners to manage their Sea Country and to capture their aspirations for whole-of-gulf management. The Plan will assist in the co-design of the proposed marine park and in informing the strategic and management recommendations put forward by the Taskforce for the wider Exmouth Gulf.

In response to the third action, DWER is reviewing the [1999 Exmouth Groundwater Subarea Allocation Plan](#). The current groundwater allocation plan has no

¹⁴ NTGAC letter to the Minister for Environment, 11 November 2022, p1

consideration of the cultural values of Baiyungu and Yinnigurrura People, contains limited environmental water considerations and no contingency for climate change. DWER is developing an understanding of cultural water values with the NTGAC to inform its review of groundwater allocations.

Recommendation 3 in this report addresses action 4. This will likely require support from Taskforce members and wider government to utilise the PBC On-Country program in service delivery.



Doole Island and coastal salt flats and mangroves, Exmouth Gulf. Picture: Wendy Thompson

Appendix 1: Exmouth Gulf Taskforce Terms of Reference

Exmouth Gulf Taskforce Terms of Reference and membership

Version 2.0, September 2022

1. Terms of Reference

Context

The Exmouth Gulf Taskforce (EGT) is established by the Minister for Environment, as an advisory taskforce, under section 25 of the *Environmental Protection Act 1986* (EP Act). The Taskforce is supported by the Department of Water and Environmental Regulation (DWER).

The State Government is committed to an integrated management approach to ensure the conservation and enhancement of the key values of Exmouth Gulf and its surrounds.

The Exmouth Gulf is globally recognised for its significant environmental, cultural and social values and is home to important habitat for marine fauna, including nursing humpback whales, whale sharks and highly valuable mangrove systems.

In August 2021, the Environmental Protection Authority (EPA) published its strategic advice to the Minister for Environment on the potential cumulative impacts of proposed activities and developments on the environmental, social and cultural values of the Exmouth Gulf (EPA Report).

The EPA Report identified that the Exmouth Gulf was fragile and faces increasing pressures on its unique, globally significant environmental, social and cultural values.

In December 2021, the State Government committed to the establishment of a new marine park and conservation reserves in Exmouth Gulf, and to implement all of the EPA's recommendations.

Purpose

The EGT focus is to facilitate within-Government coordination of the environmental management of the Exmouth Gulf and its surrounds.

The EGT focus is to facilitate and coordinate stakeholder and community input into the environmental management of Exmouth Gulf and its surrounds.

The EGT will be the primary forum for stakeholders to inform the Government's broader consideration of strategic issues relating to Exmouth Gulf and its surrounds.

The EGT will have an independent Chair appointed by the Minister for Environment and will report to the Minister for Environment.

Scope

The EGT will have a primary role in:

1. **Sharing knowledge** on the state of key values and pressures of the Gulf and its surrounds to inform conservation, planning and management of key values.
2. **Regular monitoring and reporting** on the state of the environment for the Gulf and its surrounds.
3. **Ensuring the Traditional Owners are considered partners** in the conservation, planning and management decisions for the Gulf and its surrounds.
4. **Input on statutory planning and environmental assessment** processes where future decisions are likely to significantly impact on the Gulf and its surrounds.
5. **Addressing knowledge gaps** to improve environmental planning and management of multiple sectors (e.g. tourism, fisheries, conservation, pastoralism, transport).
6. **Considering the implications of climate change** and the need to develop adaptation strategies as part of future conservation, enhancement and management.

The scope of the EGT is to provide the following advice to the Minister for Environment on their exercise of powers under relevant legislation such as the *Conservation and Land Management Act 1984* (CALM Act) and the EP Act:

1. Provide a report within 18-24 months of its establishment that addresses the information gaps on Exmouth Gulf and its surrounds, including but not limited to:
 - Knowledge gaps identified in the EPA's strategic advice (EPA Report) and additional advice on the current status of bonefish, dolphins, and sawfish in the Gulf, and a range of land-based values (e.g. flora and vegetation, fauna); and
 - further information gaps identified through ongoing consultation with targeted stakeholders prior to the first meeting of the EGT.
2. Providing specific advice and recommendations as requested by the Minister for Environment including, but not limited to:
 - options to deliver a high level of protection for the Cape Range Subterranean Waterways;
 - options to deliver long-term integrated management of the land and sea, including the establishment of a secure marine reserve over the wider Gulf area that does not adversely impact existing managed commercial fisheries; and adequately considers recreational and charter fishing; and
 - options to inform terrestrial and marine protection planning processes.

Membership

The Minister for Environment will determine the membership of the EGT in consultation with the Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC).

Observers will be invited to attend where their specialist knowledge or expertise may be of assistance to the Taskforce.

Roles

Meetings will be conducted in accordance with the Public Sector Commission's *Conduct Guide for Public Sector Boards and Committees*.

Nganhurra Thanardi Garrbu Aboriginal Corporation

NTGAC is the Approved Body Corporate for the Exmouth Gulf and is representative of Traditional Owners and Custodians of the Gulf.

NTGAC representatives will provide guidance on matters relating to the cultural significance of the land and sea environments and in recognition of appropriate negotiation arrangements in NTGAC determined Native Title areas of Exmouth Gulf and co-designed and jointly managed conservation estate (i.e. marine parks, class A reserves) under the CALM Act.

Chair

The independent Chair is appointed by the Minister for Environment in consultation with NTGAC. The Chair will work with NTGAC and DWER to facilitate the EGT meetings, including preparation of the meeting scheduling, review of agenda and papers and subsequent drafting of minutes and communiques, ensuring that meetings are efficient, effective and maintain a strategic focus.

Members – Government

Members are appointed to represent their organisation. Their responsibility is to attend all meetings, or provide a proxy, and share relevant information with the Taskforce.

Members are also responsible for facilitating communications regarding the activities of the EGT and key achievements under the EGT with their wider network.

Members – Non-Government

A call for applications from the Exmouth community shall be made. A selection panel shall be assembled to review the applications and make a recommendation to the Minister for Environment.

Secretariat

Secretariat support to the EGT is provided by DWER.

In consultation with the Chair and NTGAC, the Secretariat is responsible for scheduling of meetings; coordination of agendas and associated papers including liaison with all members in the setting of agenda items; and circulation of meeting draft and final minutes and communiques.

Members will be informed about relevant State Government media releases and engagement activities as well as responses to relevant media enquiries.

Reaching Agreement

The collaborative nature of the Taskforce means that outcomes and actions should be mutually agreed wherever possible.

Recommendations to the Minister for Environment will be formed by consensus and if this cannot be achieved, positions will be noted in the record of the meeting and communicated to the Minister.

Meeting Arrangements

Frequency

The Taskforce will generally meet on a quarterly basis. All actions requiring attention between meetings will, as far as possible, be addressed out of session.

Format

Noting that some flexibility is required, at least two meetings are to be held in person in Exmouth. Meetings may also be held remotely.

Duration

Meetings will be scheduled to make best use of members' time and will generally be for around four hours in duration. Notice will be provided to members ahead of each meeting of the agenda and timing.

Confidentiality

To ensure open discussion between members, all matters will be kept confidential to the Taskforce and may not be released to any other party or parties unless specifically agreed to at the meeting. This includes documents provided to the EGT outside of meetings.

Conflicts of interest

Conflicts of interest will be managed consistent with the Western Australian Government's *Conflicts of Interests – Guidelines for the Western Australia Public Sector*.

When members believe they have an actual, potential or perceived conflict of interest on a subject, they must declare a conflict of interest to the Chair through the Secretariat as soon as possible after the conflict arises and at least prior to each meeting. All declarations will be recorded on the register.

The Chair will determine the appropriate response, which may include withdrawal from the discussion.

Review

The next review of the Terms of Reference will occur two years from EGT establishment.

The review will be conducted, in consultation with NTGAC and with input from Taskforce members. The findings and recommendations of the review will be provided to the Minister for Environment for consideration.

A survey of members' views will be conducted annually by DWER to ensure the Taskforce remains effective in achieving its purpose.

Membership

Membership for July 2022 – June 2025 confirmed by the Minister for Environment:

- Independent Chair
- Commonwealth Department of Defence
- Department of Biodiversity, Conservation and Attractions
- Department of Jobs, Tourism, Science and Innovation
- Department of Planning, Lands and Heritage
- Department of Transport
- Department of Water and Environmental Regulation
- Gascoyne Development Commission (Department of Primary Industries and Regional Development)
- Fisheries (Department of Primary Industries and Regional Development)
- Shire of Exmouth
- Shire of Ashburton
- Nganhurra Thanardi Garrbu Aboriginal Corporation (x2)
- Sea Harvest
- Recfishwest
- Cape Conservation Group / Protect Ningaloo Campaign
- Community Members (x2)

Appendix 2 – EPA expectations for assessing future compatibility of activities and development in Exmouth Gulf and its surrounds

[Extract from Environmental Protection Authority 2021, *Potential cumulative impacts of proposed activities and developments on the environmental, social and cultural values of Exmouth Gulf in accordance with section 16(e) of the Environmental Protection Act 1986*, EPA, Western Australia.]

The EPA recommends that any future activities and development must be compatible with the protection of the key values. The EPA will apply particular scrutiny to activities and developments that may be incompatible with the protection of the key values, including values of local significance for Exmouth Gulf.

The EPA expects the following in its consideration of future activities and developments in Exmouth Gulf and its surrounds:

1. Broad regional context

Proposed activities and developments will need to demonstrate compatibility with the protection of key values in Exmouth Gulf and its surrounds. The values of the land and sea environments are unique assets of global significance and the consideration of any potential impacts to those values requires a precautionary approach. There is an opportunity to strengthen the protection of the Gulf through avoidance of activities and developments that could use alternative locations. The features of the Gulf that make it suitable for many proposed activities and developments are also present in other Western Australian coastal locations. These alternative locations have access to existing infrastructure, and sites that have already experienced a level of environmental disturbance.

2. Critical site selection

Within Exmouth Gulf, avoidance of environmental disturbance should be a key consideration for all new developments in site selection. There are opportunities to concentrate activities in existing disturbance sites, which is consistent with the mitigation hierarchy. The EPA will scrutinise activities and developments that affect key values of local significance.

3. Protect key social surroundings values

Proponents of activities and developments will need to demonstrate explicit regard and protection of the Aboriginal heritage and culture; values of dark sky and low atmospheric pollution; and local heritage and identity, which are critical assets of the social surroundings in Exmouth Gulf.

4. Adaptable design and infrastructure

The EPA will scrutinise activities and developments that lock in pressures or impacts for long periods or are likely to induce cumulative impacts. Proponents of activities and developments will need to demonstrate adaptability in design and approach to protect the key values and ecological processes in a dynamic ecosystem. The EPA recognises that some key values of Exmouth Gulf are already under pressure from

multiple activities. The EPA considers that adaptability in design is critical to ensuring ongoing protection and resilience of the dynamic Gulf ecosystem and its ecological processes and functions.

5. Cumulative impacts

The EPA will scrutinise proposals that have a potential impact on the key values of Exmouth Gulf in the context of existing and other reasonably foreseeable future activities and developments. Proponents of proposed activities and developments will be expected to demonstrate that the risks to key values will not be significantly elevated as a result of potential cumulative impacts. Proponents should demonstrate a comprehensive understanding of the environment they propose to operate in at a regional scale, including ecological connectivity, to improve consideration of cumulative impacts. The EPA notes that there are opportunities within the mitigation hierarchy to reduce cumulative impacts of proposed activities and development.

6. Climate change considerations

Climate change is a pervasive pressure affecting Exmouth Gulf that will interact with both existing and proposed pressures from activities and development. It has the potential to have a significant impact on environmental values. Proponents of activities and developments will be expected to evaluate how climate change is likely to interact with the existing and foreseeable future pressures as part of potential cumulative impacts, and to include measures demonstrating adaptation and resilience to climate change.

Appendix 3: Conservation and Land Management Act 1984 Summary

Table 1 Marine reserve categories under the *Conservation and Land Management Act 1984*

	Marine nature reserve	Marine park	Marine management area
Objective	<p>The conservation of the natural environment; and</p> <p>the protection, care and study of flora and fauna; and the preservation of any feature of archaeological, historic or scientific interest.</p>	<p>Allowing only recreational and commercial activity which is consistent with:</p> <ul style="list-style-type: none"> • the conservation of the natural environment • the protection of flora and fauna • the protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons • the preservation of any feature of archaeological, historic or scientific interest. 	<p>Managing and protecting the marine environment so it may be used for conservation, recreational, scientific and commercial purposes.</p>
Usage	<p>Fully protected and allow only scientific research and some low-impact recreational and tourism activities.</p>	<p>Marine parks are multiple-use and zoned to provide some areas of full protection ('no-take') and other areas with a range of protective mechanisms.</p> <p>Zoning is just one of many management tools.</p> <p>Many recreational and commercial activities may be permitted in marine parks.</p>	<p>Marine management areas permit "commercial purposes" including:</p> <p>(a) aquaculture, commercial fishing and pearling activity</p> <p>(b) mining, within the meaning of the <i>Mining Act 1978</i></p> <p>(c) seismic surveys and exploratory drilling for petroleum</p>

	Marine nature reserve	Marine park	Marine management area
			(d) production of petroleum and associated activities.
Zoning	Zoning is optional. Minister can classify waters in a marine nature reserve as such class necessary to give effect to the objectives of the CALM Act.	<p>CALM Act requires that marine parks be zoned as one or a combination of management zones. These zones are:</p> <p><i>Sanctuary zone</i> — ‘no take’ zone that provides highest level of protection — no fishing, aquaculture, or drilling/production of petroleum.</p> <p><i>Recreation zone</i> — conservation and compatible recreational activities — commercial fishing, aquaculture, pearling, mining or exploratory drilling/production of petroleum are not permitted.</p> <p><i>General use zone</i> — all areas of marine park not included in other zones. Commercial and recreational activities consistent with conservation of natural resources are permitted.</p> <p><i>Special purpose zone</i> — managed for specified priority purposes (seasonal events such as whale breeding season, habitat protection, Aboriginal cultural purposes, or particular activities such as pearling) and compatible recreation and commercial activities can be permitted, provided they are compatible with primary purpose of area.</p>	Zoning is optional. Minister can classify waters in a marine management area as such class necessary to give effect to the objectives of the CALM Act. However, classified waters cannot prohibit any of the commercial purposes specified above.

Marine nature reserve

A marine nature reserve offers the highest level of environmental protection of the three options under the CALM Act. Marine nature reserves are typically relevant for small-scale and highly restricted areas (e.g. the stromatolites at Hamelin Pool Marine Nature Reserve in Shark Bay), limit multi-use and prohibit extractive use. As such, this category has limited usage across the state and does not offer the flexibility to accommodate a range of recreational and commercial activities.

Marine park

The purpose of a marine park is to *“only allow that level of recreational and commercial activity which is consistent with the proper conservation and restoration of the natural environment ... and the protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons”*.

Conservation is the priority purpose of a marine park. Other activities are allowed based on the management plan and consistent with the values being protected. Restrictions can be put on extractive activities (fishing, mining and petroleum extraction) in marine parks.

Marine management area

The purpose of a marine management area is for *“... the purpose of managing and protecting the marine environment so that it may be used for conservation, recreational, scientific and commercial purposes”*.

In a marine management area, conservation is one of a number of ‘uses’ that are managed under the broader purpose of managing and protecting the marine environment. There is no mechanism under the CALM Act to prohibit extractive activities in marine management areas.