

Department of Environment and Natural Resources

Adelaide Dolphin Sanctuary Act 2005

ANNUAL REPORT

1 July 2010 to 30 June 2011



**Government
of South Australia**

**HOUSE OF ASSEMBLY
LAID ON THE TABLE**

22 November 2011

Adelaide Dolphin Sanctuary Act 2005 (including the Adelaide Dolphin Sanctuary Advisory Board) Annual Report 2010-11

September 2011

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pursuant to sections 21 and 26 of the *Adelaide Dolphin Sanctuary Act 2005*.

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ADELAIDE DOLPHIN SANCTUARY ACT 2005

This report is for the financial year 1 July 2010 to 30 June 2011 and is presented to fulfil the requirements of sections 21 and 26 of the *Adelaide Dolphin Sanctuary Act 2005*.

Objects and Objectives of the Adelaide Dolphin Sanctuary Act

Section 7 of the Adelaide Dolphin Sanctuary Act (the Act) defines the objects of the Act as:

- (a) to protect the dolphin population of the Port Adelaide River estuary and Barker Inlet; and
- (b) to protect the natural habitat of that population.

These objects are to be accomplished by the achievement of the following six objectives, as defined under section 8 (1) of the Act:

- (a) the protection of the dolphin population of the Port Adelaide River estuary and Barker Inlet from direct physical harm is to be maintained and improved;
- (b) the key habitat features in the Port Adelaide River estuary and Barker Inlet that are necessary to sustain the dolphin population are to be maintained, protected and restored;
- (c) water quality within the Port Adelaide River estuary and Barker Inlet should be improved to a level that sustains the ecological processes, environmental values and productive capacity of the Port Adelaide River estuary and Barker Inlet;
- (d) the interests of the community are to be taken into account by recognising indigenous and other cultural, and historical, relationships with the Port Adelaide River estuary and Barker Inlet and surrounding areas, and by ensuring appropriate participation in processes associated with the management of the Port Adelaide River estuary and Barker Inlet;
- (e) Public awareness of the importance of a healthy Port Adelaide River estuary and Barker Inlet to the economic, social and cultural prosperities of the local communities, and the community more generally, is to be promoted;
- (f) The principles of ecological sustainable development in relation to the use and management of the Port Adelaide River estuary and Barker Inlet are to be promoted.

For the purposes of subsection 8(1) (f) above, the Act declares the following as principles of ecologically sustainable development:

- (a) that the use, development and protection of the environment should be managed in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well-being and for their health and safety while—
 - (i) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - (ii) safeguarding the life-supporting capacity of air, water, land and ecosystems; and
 - (iii) avoiding, remedying or mitigating any adverse effects of activities on the environment;
- (b) that proper weight should be given to both long and short term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement;
- (c) that, if there are threats of serious or irreversible environmental harm, lack of full scientific certainty should not be taken to justify the postponement of decisions or measures to prevent the environmental harm.

Administration of the Act

The Minister for Environment and Conservation (the Minister) is responsible for administering the Act. The Department of Environment and Natural Resources (DENR) is responsible for day-to-day management of the Adelaide Dolphin Sanctuary.

Achievement of South Australia's Strategic Plan

In 2005, the *Adelaide Dolphin Sanctuary Act 2005* was proclaimed and the Adelaide Dolphin Sanctuary (ADS) was established to address community concerns about the safety of the dolphins living in the Port Adelaide River and Barker Inlet. During 20010-11 DENR staff undertook actions outlined in the ADS Management Plan and Annual Implementation Program. These actions support the following targets of South Australia's Strategic Plan (SASP):

- T3.1 Biodiversity - Lose no species. Resource protection activities were conducted within the ADS, Port Gawler and Torrens Island Conservation Parks to manage significant existing threats to biodiversity conservation, including action to conserve threatened species and communities.

Adelaide Dolphin Sanctuary Management Plan

The Act requires the Minister to prepare and implement a Management Plan for the Sanctuary. The adopted ADS Management Plan was launched by the Minister on 26 September 2008.

The ADS Management Plan sets out the South Australian Government's plans to achieve the objects and objectives of the Act. It broadly charts the direction for Government and stakeholders to pursue in managing the local dolphin population and their environment. The Management Plan covers a seven year period, and actions will be progressed in stages over this time.

The plan is structured around the achievement of each of the six ADS Act objectives. For each objective, the plan:

- describes issues to support its achievement;
- defines a strategic direction;
- makes a priority assessment;
- identifies government agency responsibilities; and
- proposes actions to fulfil the strategy.

DENR is working with the other agencies responsible for furthering the objects and objectives of the Act to implement the actions outlined in the plan.

Supporting Documents

The Management Plan is supported by four companion documents:

- **Three Reference Papers** which compile specific information about the three main environmental objectives – Dolphins, Key Habitat Features and Water Quality. The papers provide a summary of the information that has informed the Plan. These may be updated as new scientific research becomes available and new initiatives begin.
- **An Annual Implementation Program** which forms part of the Minister's Report to Parliament. This Implementation Program sets specific annual targets and tasks for the coming year, how these will achieve the actions established by the management plan and assesses the achievement of the previous year's program.

Adelaide Dolphin Sanctuary Advisory Board

Section 12 of the Act establishes the Adelaide Dolphin Sanctuary Advisory Board (the Board) to provide advice to the Minister on a number of matters.

The Annual Report of the Board is attached as Appendix 2.

Adelaide Dolphin Sanctuary Fund

In accordance with section 22 of the Act, the ADS Fund was established to receive monies from grants, gifts, bequests, proceeds of sales or any other means to further the Act's objects and objectives.

No deposits were made to the fund in the 2010-11 financial year and no fund monies were expended.

Authorised Officers

Section 28 of the Act provides for the appointment of officers authorised under the Act. No new officers were appointed during the reporting period.

Preparation of the Annual Report

Section 26 of the Act defines the following requirements relating to the Annual Report:

- (1) The Minister must on or before 30 September in each year prepare a report on the operation of this Act for the financial year ending on the preceding 30 June.
- (2) The annual report must include—
 - (a) information on the extent to which the objects and objectives of this Act are being achieved; and
 - (b) reports on the following matters for the preceding financial year:
 - (i) the referral of matters to the Minister under any related operational Act; and
 - (ii) the enforcement of the general duty of care; and
 - (iii) action taken by the Minister or authorised officers under Part 6; and
 - (c) a program setting out the Minister's proposals for the implementation of the ADS Management Plan during the current financial year.
- (3) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after the report is prepared.

ACHIEVEMENT OF ADS OBJECTS AND OBJECTIVES

Implementation of the Act

DENR actions, undertaken on behalf of the Minister, aim to ensure the objectives of the ADS Act are achieved. The actions undertaken during 2010-11 are detailed below.

Objective 1 – Protection of dolphins from direct physical harm

There have been few reported cases of direct physical harm to the dolphins within the ADS since its establishment. During 2010-11 there were no reported incidents of a dolphin entanglement.

One member of the public was reported for circling a pod of dolphins in the inner Port, breaching the 50 metre approach distance. The offender was issued a formal caution for offences under the Marine Mammal Regulations 2010 under the *National Parks and Wildlife Act 1972*.

There was one reported boat (propeller) strike to a dependent dolphin calf. The animal was found alive with severe lacerations extending down to the spine. The calf was effectively paralyzed, and unable to dive. A vet made an assessment of the calf and recommended that due to the severity of the injuries the animal should be euthanized. Subsequently DENR officers made an unsuccessful attempt to capture the calf which failed due to the protective nature of the calf's mother not allowing a vessel near the calf. The calf was then found dead at St Kilda beach one day later. The South Australian Museum performed a necropsy of the animal, concluding the injuries were consistent with a propeller strike from a medium sized motor. DENR released a media statement reminding recreational users of the dolphins in the Port River, and to adhere to stated safe boating speeds. The incident attracted national media attention.

Following the shooting death of a Bottlenose dolphin north of the ADS, a joint compliance Operation with PIRSA Fisheries, SAPOL Firearms Branch, and DENR officers was initiated. Operation IRUKA was initiated to investigate leads into the unlawful killings of dolphins in Gulf St Vincent. The operation searched vessels of interest moored within the ADS which resulted in the gathering of intelligence related to the shooting, and the seizure of four firearms under the *Firearms Act 1977*.

DENR staff have negotiated an agreement with Australian Customs and Border Protection Services for the use of their facilities and X-Ray equipment at their Osborne base to investigate the suspicious deaths of marine mammals. This cross government cooperation will assist DENR in future compliance investigations into the unlawful killings of marine mammals within the ADS.

DENR staff continued to work with the South Australian Museum to identify causes of death and potential threats to the dolphin population. Another two dolphin deaths were recorded within the ADS during 2010-11. The Museum is still to determine the cause of death of one juvenile female dolphin with the necropsy still to be conducted. One adult male dolphin was found in an emaciated condition, and was suffering from a chronic disease and a bacterial infection. Findings from the ADS carcasses examined by the Museum were included in the Museum's final report on Marine Debris Threat Abatement in Gulf St Vincent –Marine Mammal Pathology.

DENR staff worked with Marine Safety and Compliance Officers from the Department for Transport Energy and Infrastructure (DTEI) in enforcing safe boating limits within the ADS for the protection of dolphins from boating activity. DTEI Officers issued six expiations for

vessels exceeding harbour speed restrictions, and a further three expiations to personal water craft for offences under the *Harbors and Navigation Regulations 2009*.

Other actions undertaken include land and water based patrols and the provision of advice to users about the dolphins, their habitat, and human interactions. DENR staff also assessed nine aquatic licence referrals for the ADS and attended local events such as annual speed boat, sailing, rowing and jet ski races to provide advice, support and assistance with any dolphin interactions.

In addition, a dolphin awareness training program was delivered at the annual 'Junior Dolphin Ranger' training day to 134 primary school students from North Haven Primary Schools. DENR staff worked with the South Australian Maritime Museum to deliver dolphin education and marine biodiversity programs for visiting schools throughout 2010-11 and delivered ADS presentations to local community and conservation groups.

DENR staff continued to maintain a strong patrol presence in the Port, particularly on weekends. Information on speed limits has been directed to all River users particularly personal water craft operators.

Objective 2 – Maintaining, protecting and restoring key habitat features

DENR staff assisted a PhD candidate from Flinders University to complete the final survey for a research project on the habitat requirements of Bottlenose Dolphins (*Tursiops aduncus*), assessing temporal and spatial variability of environmental water properties within the ADS.

Preliminary research findings indicate that there is a preferential use of a core habitat by individuals. The sighting frequency of recognisable individuals has shown that there is a preferential use of the bare sand environment. This preference was consistent seasonally and throughout the duration of the study. However, there was an increase in the use of the seagrass environment during summer and autumn. The final results from this research will assist with future management strategies for the ADS.

Adelaide and Mount Lofty Ranges Natural Resource Management Board (AMLR NRM) staff together with DENR staff continued threat abatement activities in the highest conservation priority areas as identified in the Metropolitan Adelaide and Northern Coastal Action Plan 2009. Species which were targeted included the invasive Pyp Grass and African Boxthorn in the sand dunes on Torrens Island Conservation Park.

Another joint project funded by the AMLR NRM and DENR, delivered in the north of the ADS, focused on the protection of mangroves in Port Gawler Conservation Park. A significant population of fallow deer in the region has been causing damage to mangrove and samphire habitats. A pilot deer control program involving neighbouring properties was successfully implemented, removing up to 100 head of deer.

DENR staff continued to repair damage to fencing around re-vegetation sites at Port Gawler Conservation Park to protect critical samphire habitat from illegal off road vehicle access.

DENR staff continued to work with PIRSA Fisheries to investigate and report all instances of illegal fishing occurring in Torrens Island and Port Gawler Conservation Parks. There were no reported instances of illegal fishing within these reserves during 2010-11.

DENR has undertaken discussions with relevant agencies and developers to assess and provide advice on potential impacts of development within the ADS including Development Plan Amendments (DPA) for Buckland Park Urban Growth, ElectroNet Transmission Cable, AGL Gas Expansion, Master Plan for McLaren Wharf and Cruickshank's Corner, bio fuel

trials on Torrens Island, and a proposed wind turbine project adjacent to the Greenfields wetlands.

Staff worked with local waterside industries to discuss environmental management and habitat protection and restoration at Mutton Cove on the Port River through attending regular Mutton Cove working group meetings.

Staff delivered a marine mammal rescue training program for 20 DENR Rangers highlighting the new Marine Mammal Regulations 2010, and how to respond to individual or mass dolphin strandings.

Staff supported PIRSA Fisheries in promoting the government's *Caulerpa taxifolia* control program. The Port River and Barker Inlet Estuary has been identified as the containment area for the noxious species. DENR staff continue to promote measures to stop the spread of the weed outside of the containment area.

Objective 3 – Improvement of water quality

A number of plans have been developed to address turbidity, heavy metals discharge of nutrients and pollutants into the ADS, including the Port Waterways Water Quality Improvement Plan and the Adelaide Coastal Waters Study. DENR staff continue to support relevant agencies and industry to implement strategies and recommendations outlined in these plans.

DENR staff worked with DTEI and EPA representatives to identify the source of several diesel spills in the Port River. Slicks were observed on several occasions. However DTEI were unable to locate the source. DTEI deployed vessels to disperse the slick on all occasions. These government agencies also worked together to ensure the safe removal of an old ship which was to be salvaged and which was leaking oil and diesel into the North Arm of the Port River to minimise any further impacts to the dolphins and their habitat.

DENR worked to assess all events, activities and proposed development impacts on water quality in the ADS. Where proposed activities were likely to have an impact on water quality, DENR recommended conditions to reduce these impacts.

DENR staff continued to remove floating marine debris while on patrol, to reduce the chance of dolphins becoming entangled.

DENR staff together with volunteers undertook re-vegetation with indigenous species on the dunes on Torrens Island to support stabilisation of sediments along the banks of the Port River.

DENR staff continued to work with school and community groups to promote 'caring for their catchment', and the value of improving water quality in the Port River.

Staff worked with Portside industries to ensure existing and new activities are accurately assessed for potential to cause turbidity and sediment disturbance; and that appropriate actions are taken to minimise any necessary activities that may cause disturbance.

Objective 4 - Recognition of local interests and participation in management processes

There are significant Indigenous and other cultural and historical relationships within the Port Adelaide River estuary and Barker Inlet which must be considered in management of the

ADS environment. Without the support from all diverse users of the ADS environment, it would not be possible to achieve the ADS Act objectives of protecting the dolphins and their habitat.

DENR staff worked with local volunteers to undertake photo identification of resident dolphins in the ADS, compiling a database of individuals sighted within the Port River and Barker Inlet.

The Australian Marine Wildlife Research and Rescue Organisation were supported in their activities to remove litter and floating debris from the Port River, conduct beach clean-up days on Torrens Island, and undertake new projects promoting habitat protection and restoration of mangroves on the banks of the North Arm, Port River.

Regular communication and advice has been provided to a diverse range of people, including those from local industries and councils, as well as recreational users, conservationists and the general public.

DENR continued ongoing assessment of referrals for aquatic licences (under section 26 of *the Harbours and Navigation Act 1993*) and provided Executive Officer support to the ADS Advisory Board to enable it to provide broad community advice to the Minister.

DENR staff have worked to disseminate the new *Marine Mammal Regulations 2010* through the delivery of a workshop for DENR field staff, and through providing information to the community while on land and water patrols. ADS is represented on the DENR Marine Mammal Permitting Panel. General advice and specific conditions have been recommended for commercial marine mammal tour businesses intending to operate within the ADS.

Objective 5 – Promotion of public awareness of ecological importance of the area

The achievement of the ADS Act objectives is dependent on a well informed community of users and supporters. Users of the ADS, from government agencies to individuals, need to assess current practices for their potential to achieve ADS Act objects and objectives.

The scientific understanding of the complex ecosystem functions is growing everyday and all activities must remain open to change as knowledge of the area increases. A healthy environment is necessary to support the economic, social and cultural prosperity of the community.

DENR staff aim to achieve this objective through the supply of informative, timely and accessible information about the ADS for all users through signage, education resources and the DENR website.

ADS were involved in the Flotilla for Kids event held in the Port River. Staff provided information to event organisers and participants on safe boating around dolphins, and ensuring measures were in place to reduce any pollution from vessels, and adverse impacts to the ADS.

DENR staff spoke to and gave information about ADS to recreational users including recreational fishers, boaters, and kayakers while undertaking regular ADS patrols.

Since 2004 the ADS have continued to support the Junior Dolphin Rangers at North Haven Schools. Staff attended regular meetings of the Junior Dolphin Rangers, providing updates on the Sanctuary, dolphins, incidents and environmental actions that students can undertake to support the ADS. DENR staff promoted the School's program and achievements through

filming a Totally Wild TV story which showcased the accomplishments of the program over the last seven years.

Objective 6 – Promotion of the principles of ecological sustainable development

The Act aims to protect and improve the environment of the Port River and Barker Inlet ecosystem, including the habitat of the resident dolphin population; it recognises that a wide range of multiple uses of the area will continue and identifies provisions aimed at preventing or minimising environmental impact of these activities and of new developments.

DENR staff attended stakeholder working groups for the Master Planning of McLaren's Wharf and Cruickshank's Corner Precinct, providing information on the ecological significance of the Port River and Barker Inlet, and promoting ecologically sustainable development principles for consideration in the design scope of the future development.

Through the referral process DENR has continued to assess development proposals under the Act's 'general duty of care' ensuring that all reasonable measures to prevent or minimise any harm to the Sanctuary have been identified in their actions or activities.

REFERRAL OF MATTERS UNDER RELATED OPERATIONAL ACTS

Amendments by the Act to related operational acts require some matters to be referred to the Minister responsible for administering the ADS for advice and/or agreement on the matter. Matters referred include:

- Nine Aquatic licence applications in ADS waters were referred under the *Harbors and Navigation Act 1993* - Department of Transport, Energy and Infrastructure.
- Four Aquatic licence referrals in or adjacent to the ADS waters were referred under the *Fisheries Management Act 2007 – PIRSA*

In addition to these referrals, informal advice was provided to these and other agencies to support furthering the objects and objectives of the ADS Act.

ENFORCEMENT OF GENERAL DUTY OF CARE

There were no reported instances when the general duty of care was breached.

ISSUANCE OF PROTECTION OR OTHER ORDERS

No protection or reparation orders/authorisations were issued.

ANNUAL IMPLEMENTATION PROGRAM FOR MANAGEMENT PLAN

Section 26(2)(c) of the Act requires the preparation of a program setting out the Minister's proposals for the implementation of the ADS Management Plan for the current financial year. The Management Plan is a seven-year document and includes a broad description of activities to be considered over this time period.

The Annual Implementation Program provides a means for a more specific description of actions that can be updated annually. It allows for incorporation of unexpected events and is an annual accountability mechanism.

The Annual Implementation Program for 2010-11, attached as Appendix 1, has been prepared in line with the strategies and actions outlined in the ADS Management Plan.

ADELAIDE DOLPHIN SANCTUARY ANNUAL IMPLEMENTATION PROGRAM 2011 – 2012

Subject to appropriate resourcing the following actions will be undertaken by DENR staff during 2011/12 to achieve the objectives of the *Adelaide Dolphin Sanctuary Act 2005* and strategies outlined in the ADS Management Plan.

Objective 1- Protection of Dolphins	
Strategy	Actions
Increase knowledge about the ADS dolphins	<ul style="list-style-type: none"> ▪ Record baseline data on ADS dolphin population and behaviours in relation to habitat through regular on-water patrols to collect data on dolphin population and behaviour. ▪ Work with key stakeholders Whale and Dolphin Conservation Society, Australian Marine Wildlife Research and Rescue Organisation (AMWRRO) and South Australian Museum. ▪ Collect dead dolphins found within or adjacent to the ADS for examination by the Museum to inform the ADS dolphin research and monitoring program. ▪ Continue to communicate with other Government agencies interstate via the National Whale Disentanglement Network to investigate and share information about incidents involving dolphins in the ADS. ▪ Continue to work with ADS volunteers to assist with establishment of baseline data and individual dolphin photo identification database. ▪ When Flinders University's paper on habitat requirements of Bottlenose Dolphins in the ADS is published, consider findings in the future management of Sanctuary. ▪ Support the ADS Advisory Board to develop and measure Key Performance Indicators for the protection of the dolphin population of the Port River. ▪ Finalise a strategy outlining ADS dolphin and habitat research priorities and develop partnerships with local and interstate universities, the SA Museum and other researchers to explore possibilities for collaborative low impact non invasive research in the ADS.
Increase understanding of the number and nature of strikes in the ADS and implement preventative measures if required.	<ul style="list-style-type: none"> ▪ Continue to support the work of the South Australian Museum to determine vessel strike incidents. ▪ Investigate reported vessel strikes and monitor incidents to determine possible connections between vessel type and speed. ▪ Work with DTEI Marine Safety Officers to enforce safe boating speeds, and report all speeding vessels within the ADS waters. ▪ Disseminate information via media releases over the summer calving season reminding users of safe boating speeds in the ADS, and to take extra care around new calves to avoid vessel and propeller strikes. Promote the use of propeller guards within the ADS.
Reduce the amount of fishing gear/discarded rope in the ADS	<ul style="list-style-type: none"> ▪ Work with ADS volunteers to conduct regular litter surveys and cleanups on Torrens Island beach and disseminate summaries of data collected. ▪ Work with schools undertaking the South Australian Maritime Museum's dolphin education program to increase awareness of the impacts litter can have on dolphins and their habitat. ▪ Promote sustainable and responsible fishing practices at the ADS stand at the SA Boat and Fishing Show 21-23 October 2011. ▪ Encourage and promote sustainable fishing practices in the ADS by speaking to anglers and recreational users at boat ramps.

	<ul style="list-style-type: none"> ▪ Promote minimum impact fishing techniques and equipment. ▪ Report to PIRSA Fisheries any instances of illegal fishing and netting occurring in the ADS. ▪ Support the PIRSA Fisheries current mud cockle fishery closure within the Port River which was implemented due to sustainability concerns for the Port River Mud Cockle resources.
Maintain watching brief on ADS dolphins and carcasses collected to promptly identify any new incidents of deliberate harm	<ul style="list-style-type: none"> ▪ Continue collection of dolphin carcasses found within the ADS and coordinate collection of carcasses off metropolitan Adelaide and eastern Gulf St. Vincent and together with the South Australian Museum investigate and document the causes of death. ▪ Work with Australian Customs to X-Ray deceased dolphins where deliberate harm is suspected. ▪ Coordinate and assist with emergency responses for distressed, injured or entangled dolphins in the ADS where intervention is determined as necessary, and record all incidents. ▪ Assist South Australian Museum staff in post mortem examinations of ADS animals to determine causes of death. ▪ Respond to and investigate all reports of harassment, injury or molestation of ADS Dolphins and marine mammals.
Monitor behaviour of ADS dolphins to assess any changes that may occur	<ul style="list-style-type: none"> ▪ Maintain regular observation of resident animals to observe any major behaviour changes. ▪ Review relevant Australian and international research into the impacts of human interactions on dolphins. ▪ Attend recreational events including Flotilla for Kids, and other water based events within ADS waters to manage potential impacts from human interaction.
Objective 2- Protection of Key Habitat Features	
Strategy	Actions
Identify favoured prey species of ADS dolphins and undertake any actions required to protect these species	<ul style="list-style-type: none"> ▪ Work with the ADS Advisory Board on a proposal seeking to fund some preliminary research to assess the feasibility of doing a study looking at dolphins feeding behaviour near manmade structures in the ADS. ▪ Support research to determine specific prey species of ADS dolphins. ▪ Patrol Port Gawler and Torrens Island Conservation Parks and Aquatic Reserves to ensure no illegal fishing activity occurs. ▪ Support PIRSA Fisheries compliance efforts in the ADS.
Ongoing patrols of ADS waters and land to ensure compliance with legislation protecting dolphins, habitat and water quality	<ul style="list-style-type: none"> ▪ Undertake regular patrols and cross-compliance patrols with DTEI Marine Safety Officers. ▪ Investigate, record and report incidents of: <ul style="list-style-type: none"> ▪ Speeding vessels ▪ Illegal bait digging ▪ Harassment of dolphins ▪ Feeding of dolphins ▪ Anchoring in restricted areas ▪ Investigate, record and report offences under Section 68 of the <i>National Parks and Wildlife Act 1972</i> and <i>Marine Mammal Regulations 2010</i>.
Determine overall health of ADS vegetation types and take action to address threats to specific communities	<ul style="list-style-type: none"> ▪ Manage Torrens Island and Port Gawler Conservation Parks to assess and improve vegetation condition. Work with NRM Officers to undertake control of declared weeds in highest conservation priority areas as identified in the <i>Metropolitan Adelaide and Northern Coastal Action Plan 2009</i>. ▪ Support volunteers and AMLR NRM in undertaking weed control and re-vegetation in identified areas of Mutton Cove, Torrens Island and St Kilda. ▪ Maintain new fencing to prevent illegal access by off road bikes, known to damage sensitive samphire communities at Port Gawler

	<p>Conservation Park.</p> <ul style="list-style-type: none"> ▪ Support Government, Port Adelaide Enfield Council, AMWRRO, Origin Energy volunteers and community group efforts to rehabilitate and re-establish vegetation to support stabilisation of sediments. ▪ Conduct pest management for the feral deer population causing damage to mangrove habitat in Port Gawler Conservation Park, and eastern boundaries of the ADS.
Support the programs of PIRSA Fisheries and other government agencies to control the spread of marine pests	<ul style="list-style-type: none"> ▪ Support PIRSA Marine Biosecurity initiatives and research in identifying and controlling introduced marine species. ▪ Support users of the Port River to stop the spread of <i>Caulerpa taxifolia</i> outside to the identified containment area in the Port River and Barker Inlet.
Objective 3- Improvement of Water Quality	
Strategy	Actions
Support the EPA and other agencies' ongoing work to reduce nutrient discharges by utilising ADS education and research programs	<ul style="list-style-type: none"> ▪ Support the EPA to implement the Port Waterways Water Quality Improvement Plan and address recommendations outlined in the Adelaide Coastal Waters Study which are relevant to the ADS.
Ensure existing and new activities are accurately assessed for potential to cause turbidity and sediment disturbance, and appropriate actions are taken to minimise any necessary activities that may cause disturbance	<ul style="list-style-type: none"> ▪ Ensure that Aquatic Licence assessments address activities with the potential to cause turbidity ▪ Support volunteers to undertake work on vegetation protection to support stabilisation of sediments at Torrens Island, St Kilda and Mutton Cove in the ADS.
Support the EPA and other agency and community programs to reduce pollutants in ADS waterways	<ul style="list-style-type: none"> ▪ Provide maritime industries with information on best practice methods to minimise sediment disturbance for new dredging operations. ▪ Support research efforts into the effects of thermal pollution, particularly as it relates to dolphins, prey species, vegetation health and pest species. ▪ Maintain litter management activities in the ADS. ▪ Consider the potential for discharged pathogens to infect ADS dolphins.
Objective 4- Community Participation	
Strategy	Actions
Ensure views of stakeholders are	<ul style="list-style-type: none"> ▪ Respond to public enquiries in relation to the achievement of ADS objectives.

considered by including stakeholders in all phases of implementation of the ADS Act	<ul style="list-style-type: none"> ▪ Make the ADS Management Plan, Annual Report and Annual Implementation Program available to stakeholders and the wider community via the DENR website. ▪ Promote and host three volunteer working days on Torrens Island Conservation Park and Mutton Cove to protect and conserve key ADS habitats. ▪ Build on existing relationships with key stakeholders and community volunteers to protect the dolphins and improve their environment, and seek new opportunities for partnerships. ▪ Support the ADS Advisory Board of community representatives to provide the Minister with advice as required by the ADS Act.
Work with Kaurna people to ensure activities respect and nurture Kaurna cultural values	<ul style="list-style-type: none"> ▪ Seek two Kaurna people to become members on the ADS Advisory Board and work with other Kaurna people to ensure ADS information reflects Kaurna culture accurately and appropriately. ▪ Incorporate Kaurna words for "dolphin" and "sanctuary" in relevant literature and resources associated with the ADS. ▪ Investigate opportunities to further develop a working relationship with local Aboriginal College Tauondi.
Work with all users to improve practices, coordinate activities and improve understanding to support broad achievement of all ADS objectives	<ul style="list-style-type: none"> ▪ Assess aquatic licence referrals (under section 26 of the <i>Harbors and Navigation Act 1993</i>). ▪ Work with commercial tour operators and recreational users to ensure best practices are undertaken and to increase their awareness of ADS objectives. ▪ Attend recreational activities within ADS to provide support and increase understanding of ADS objectives. ▪ Prepare articles on the ADS for inclusion in publications by recreational users.
Work with existing and future tourism operators to ensure activities are compatible with all ADS objectives.	<ul style="list-style-type: none"> ▪ Work with operators and the public to ensure understanding of the <i>Marine Mammal Regulations 2010</i> and conduct compliance with these Regulations. ▪ Develop codes of practice for the ADS specific to recreational boats, jet skis, and kayaks. ▪ Through the DENR Marine Mammal Permitting Panel, assess commercial tour operations, and their cumulative impacts upon the dolphins in the ADS.
Objective 5- Promotion of the environmental importance of the ADS	
Strategy	Actions
Create and implement an appropriate and cost effective communications strategy for the ADS	<ul style="list-style-type: none"> ▪ Develop and implement an ADS Communications Strategy which supports the implementation of the ADS Management Plan and Implementation Program. ▪ Promote the ADS Management Plan's aims and objectives to the community. ▪ Present information to community groups and public forums, as requested. ▪ Deliver training about the ADS and dolphins for the North Haven Schools annual "Junior Dolphin Ranger" training day in March 2012. ▪ Promote the aims of the ADS through delivery of education sessions for students at the South Australian Maritime Museum's annual Dolphin Festival in October 2011, and regular schools education program throughout 2011-12. ▪ Work with stakeholders to maximise communication opportunities, including: <ul style="list-style-type: none"> ▪ Relevant government agencies, including PIRSA Fisheries, DTEI and the EPA, to ensure consistent delivery of messages.

	<ul style="list-style-type: none"> ▪ Flinders Ports to supply all incoming vessels with information about the ADS and requirements to maintain habitat and dolphin safety. ▪ Review and distribute promotional and educational materials for school students, the general public and specific stakeholders on dolphins and the importance of a healthy Port River and Barker Inlet. ▪ Work with schools to promote the ADS Education Resource and support activities of the Junior Dolphin Guardian program. ▪ In conjunction with Defence SA, install signs about dolphin behaviour and the ADS at Mutton Cove.
Objective 6 – Promotion of the principles of ecological sustainable development	
<p>Work with industries and other users to develop and implement ESD principles in everyday practice</p>	<ul style="list-style-type: none"> ▪ In conjunction with other agencies, DENR will work with new and existing industries to support the achievement of ESD principles. ▪ Prepare industry specific ADS information as required.

30 September 2011

Hon Paul Caica MP
Minister for Environment and Conservation
Parliament House
North Terrace
ADELAIDE SA 5000

Dear Minister,

It is my pleasure to present the 2010-2011 Annual Report of the Adelaide Dolphin Sanctuary (ADS) Advisory Board, in accordance with section 21 of the *Adelaide Dolphin Sanctuary Act 2005* (the Act).

The Board met four times during the reporting period and provided advice on a number of issues out of session. The Board provided advice in relation to the ADS Management Plan and other matters connected with the administration of the Act. These are detailed in the pages which follow.

At each Board meeting, Department of Environment and Natural Resources (DENR) staff reported on actions taken to meet the objectives of the Act and fulfil the requirements of the 2010-2011 Annual Implementation Program.

Future development within and adjacent to the ADS continued to be a key area of concern for the Board. The Board provided advice on whether developments were adequately addressing the object and objectives of the Act. The Board will continue to promote ecologically sustainable development to minimise impacts in the Sanctuary.

I would like to acknowledge the valuable contribution made by Board members throughout the year and I also wish to thank DENR staff for their ongoing support.

I look forward to continuing to work with you on matters relating to the Adelaide Dolphin Sanctuary. The Board would welcome your attendance at a meeting if that is convenient for you.

Yours sincerely



Mike Bossley
PRESIDING MEMBER
ADELAIDE DOLPHIN SANCTUARY ADVISORY BOARD

ADELAIDE DOLPHIN SANCTUARY ADVISORY BOARD ANNUAL REPORT

Section 12 of the *Adelaide Dolphin Sanctuary Act 2005* (the Act) establishes the Adelaide Dolphin Sanctuary (ADS) Advisory Board (the Board) to provide advice to the Minister for Environment and Conservation (the Minister) on a number of matters.

Board Functions

The Board's functions are set out in section 17 of the Act as follows:

Functions of Board

The function of the Board is to advise the Minister on—

- (a) the preparation of the ADS Management Plan and any amendments to the Plan; and
- (b) the effectiveness of the ADS Management Plan in achieving the objects and objectives of this Act; and
- (c) the effectiveness of the implementation program; and
- (d) the application of money belonging to the ADS Fund; and
- (e) any matter referred to the Board by the Minister; and
- (f) any matter connected with the administration of this Act on which the Board believes it should advise the Minister.

Board Membership

The Board consists of eleven members who are nominated by the Minister for appointment by the Governor. Pursuant to section 12 of the Act, the membership of the Board must include persons who together have, in the Minister's opinion, knowledge of, and experience in, the following areas:

- (a) dolphin conservation and research;
- (b) community education programs management;
- (c) conservation of marine ecosystems;
- (d) fisheries management;
- (e) local government;
- (f) tourism and recreation management;
- (g) industry development and management;
- (h) port and harbour management;
- (i) Kurna culture and heritage from the male perspective;
- (j) Kurna culture and heritage from the female perspective.

Further the Act stipulates:

- Before nominating a person or persons for appointment to the Board, the Minister must, by public notice, invite expressions of interest for appointment to the Board within a period specified in the notice and must consider any expressions of interest received in response to the notice.

- The Minister must not nominate a person for appointment to the Board unless the Minister is of the opinion that the person has a commitment to the protection and enhancement of the Port Adelaide River estuary and Barker Inlet.
- At least 2 members of the Board must be women and at least 2 must be men.
- The Minister must appoint one of the eleven members to serve as the presiding member. Members of the Board are entitled to remuneration, allowances and expenses as determined by the Governor.

The following were members of the Board during 2010-11:

1. **Mr Carl Kavina** – Ports and harbour management
2. **Dr Michael I Bossley** (Presiding Member) – Dolphin conservation and research, community education programs management and tourism and recreation management.
3. **Ms Susan E Gibbs** – Dolphin conservation and research, community education programs management, conservation of marine ecosystems, and fisheries management.
4. **Ms Philippa Holt** - Tourism and recreation management.
5. **Ms Shanti Ditter** - Local Government, tourism and recreation management and Industry development and management.
6. **Dr B Freya Higgins-Desbiolles** – Community education programs management, and tourism and recreation management.
7. **Mr Declan Andrews** - Dolphin conservation and conservation of marine ecosystems
8. **Dr John Cugley** - conservation of marine ecosystems and community education programs management
9. **Trevor Watts** - Fisheries management, tourism and recreation management.

No applications were received from Kaurna representatives during the previous appointment process. At the end of the financial year two members were still being sought to represent Kaurna culture and heritage from the male and female perspective.

Activities of the Board

The Board held four meetings during the period 1 July 2010 to 30 June 2011. These meetings were held on 11 August 2010, 30 November 2010, 1 March 2011 and 27 June 2011.

Major Issues Considered:

- **ADS Management Plan**

A function of the Board is to advise the Minister on the implementation of the ADS Management Plan and this item was discussed at all Board meetings. Board members discussed reports provided by DENR staff on the achievement of Management plan objectives.

- **Intervention for Diseased Dolphins in the ADS**

The Board developed a discussion paper on the topic of intervention for sick and diseased dolphins in the ADS, with recommendations provided to DENR for inclusion in its Marine Mammal Intervention Policy. Amongst the Board's considerations for intervening was the introduction of antibiotics to a wild dolphin population. The introduction of antibiotics reduces the chance of natural antibodies being developed by an individual and being passed onto the rest of the population. Board members also discussed the remarkable healing ability of dolphins, highlighting the success of non intervention in the case of two ADS dolphins affected by a skin condition which resulted in the loss of skin from one side of their bodies. Twelve months after the incident the affected dolphins had both fully recovered. Members acknowledged the additional stress that can be placed on sick individuals and or dependent calves when intervention may occur. The Board recognised that marine mammal intervention was a difficult issue, involving public perceptions and emotions and that each case needed to be handled on a case by case basis.

- **Addressing Future Development in the ADS**

The Board continued to address concerns with future development within and surrounding the ADS. The Board took a proactive role in identifying potential development issues that could have implications on the on-going management and operation of the Sanctuary. The Board provided timely advice and recommendations to the Minister concerning such matters including any future development on Torrens Island, Buckland Park and Northern LeFevre Peninsula.

- **Other Issues**

The Board also discussed the development of Key Performance Indicators for the Management Plan objectives, licensing conditions for (dolphin watching) commercial tour operators in the ADS, and research into changes in feeding behaviours of Bottlenose dolphins in the ADS.

Effectiveness of the Implementation Program 2010-11

Section 17 of the Act requires that the Board advises the Minister on the effectiveness of the ADS Management Plan and implementation program in achieving the objects and objectives of the Act.

At each meeting held in 2010-11, the Board discussed the effectiveness of the Management Plan and Annual Implementation Program 2010-11, taking into consideration actions undertaken by DENR staff, which are summarised below.

Objective 1 – Protection of dolphins from direct physical harm

1. Dolphin carcasses in the ADS and the vicinity of metropolitan Adelaide were collected and post mortems to determine cause of death were conducted by the SA Museum.
2. All reports of harassment and molestation against ADS Dolphins were fully investigated under the *National Parks and Wildlife Act 1972*.
3. Advice was provided to potential developers about the ADS and how to minimise any potential impacts on dolphins or their habitat.
4. Advice and recommendations were provided on Aquatic Licence Referrals for events held within the ADS to minimise any disturbance to the resident dolphin population and the habitats of the ADS.
5. All reports of injuries to dolphins from entanglements, vessel strike or disease were responded to and managed accordingly.

6. Regular observations of resident animals were conducted to monitor any major behavioural changes.

Objective 2 – Maintaining, protecting and restoring key habitat features

1. DENR has undertaken discussions with relevant agencies and developers on the impact of development within the ADS.
2. DENR staff worked with AMLR NRM Board staff to continue an eradication program for an infestation of Pyp Grass in the remnant dunes of Torrens Island Conservation Park; and conducted secondary control program for African Boxthorn to restore key habitat.
3. ADS and Flinders University completed a three year research project on the habitat requirements of Bottlenose Dolphins *Tursiops aduncus*. The research is currently being finalised and results from this research will assist with future management strategies for the ADS.
4. ADS continued to work with the South Australian Museum to analyse the stomach contents of deceased ADS dolphins, with a view to better identifying key prey species and habitat protection measures for identified species.
5. On-going land and sea patrols of ADS waters and land were conducted to ensure compliance with legislation protecting ADS habitat.
6. Support was provided for PIRSA Fisheries in *Caulerpa taxifolia* control programs through ongoing patrols to promote measures to stop the spread of the weed outside of the containment area.
7. A deer control program was implemented in the North of the ADS to protect mangrove and samphire habitats within the Port Gawler Conservation Park.

Objective 3 – Improvement of water quality

1. DENR staff assessed development applications, activities and projects for water quality impacts including turbidity, nutrient run off and disturbance of contaminated sediments.
2. On-going land and sea patrols of ADS waters and land were conducted to ensure compliance with legislation protecting ADS water quality. During patrols staff removed marine debris that could pose an entanglement risk or risks to navigation.
3. DENR staff have provided best practice methods for new dredging and other sediment disturbance activities to minimise distribution of contaminated sediments and introduced species such as *Caulerpa taxifolia*.
4. DENR staff worked with other government agencies to locate the source of oil and fuel spills within the Port River and Barker Inlet, working together to contain spills, and minimise impacts to the dolphins, habitat and water quality.

Objective 4 – Recognition of local interests and participation in management processes

1. The 2009-10 ADS Annual Report, including the Annual Implementation Program 2010-11, was prepared and made available for public information on the DENR website.
2. Aquatic licence applications referred under the *Harbors and Navigation Act 1993* were assessed and advice provided to support the achievements of the ADS Act objectives.

3. Regular communication and advice was provided to a diverse range of people including those from industries, local councils and recreational users and conservationists.
4. Support was provided for the Board's activities.
5. DENR continued to work with key stakeholders and volunteers to protect the dolphins and improve their environment.

Objective 5 – Promotion of public awareness of ecological importance of the area

1. The Board promoted the ecological importance of the ADS habitats through delivery of education programs through the South Australian Maritime Museum's Dolphin and Marine Biodiversity Education Programs for Schools, Junior Dolphin Ranger training day, and school and university presentations.
2. DENR staff spoke at a number of public forums including the National Government Cetacean Management Workshop in Adelaide presenting information about the ADS, including the Management Plan.
3. DENR staff also worked with other government agencies to ensure consistent delivery of messages relevant to the achievement of ADS objectives.

Objective 6 – Promotion of the principles of ecological sustainable development

1. Advice was provided to a number of potential developers about how they could further the ADS objectives. Ecologically sustainable development principles were promoted to minimise potential impacts on dolphins and their habitat.
2. DENR met with local waterside industries to discuss sustainable development and improvement of environmental management including an interpretative signage strategy to promote the ADS and its unique habitats at adjacent Mutton Cove.

Further information on actions undertaken by DENR staff to meet the six objectives of the Act is included in the 2010-11 *Adelaide Dolphin Sanctuary Act* Annual Report.

RECONCILIATION STATEMENT

The Board would like to acknowledge that the land where it meets is part of the traditional Kurna lands. The Board respects the Kurna spiritual relationship with their country, acknowledges the Kurna people as the custodians of the greater Adelaide region and recognises that their cultural and heritage beliefs are important to the Kurna people living today.

In fulfilling its functions, the Board is cognisant of the cultural and natural heritage of traditional owners and strives to achieve positive outcomes wherever these matters are concerned.

HUMAN RESOURCE MATTERS

Members of the Board received the following remuneration as determined by the Governor:

- Presiding Member: \$221 per four-hour session.
- Member: \$177 per four-hour session.

Staffing

The Board has no staff of its own and utilises the services of DENR. The Act requires the Minister to supply the Board such staff, facilities and information assistance as it may reasonably require for the effective performance of its functions. Reporting on this matter is contained in the DENR Annual Report 2010-11.

Executive, administrative and project support was provided from within existing DENR resources. The role of Executive Officer for the Board was undertaken by Mrs Verity Gibbs.

Disability Action Plans

The Board uses the facilities and services of DENR staff. The members of the Committee are aware of and abide by their obligations under the Commonwealth *Disability Discrimination Act 1992* and the State *Equal Opportunity Act 1984*. Reporting on this matter is contained in the DENR Annual Report 2010-11.

Equal Employment Opportunity Programs

The Board has no staff of its own and is serviced by staff of DENR. Members are aware of and abide by the equal opportunity policies and programs of DENR. Reporting on this matter may be viewed in the DENR Annual Report 2010-11.

Occupational Health, Safety and Welfare

There were no Occupational Health, Safety and Welfare (OHS&W) incidents reported by the Board in the reporting period.

As a user of DENR facilities and equipment, the Board is aware of and abides by DENR OHS&W policies. Reporting on this matter is contained in the DENR Annual Report 2010-11.

Use of Consultants

The Board did not engage any consultants during the reporting period.

FINANCIAL PERFORMANCE

The Board is not a corporate entity and has no funds of its own. Reporting on financial matters regarding the management of the ADS is contained in the DENR Annual Report 2010-11.

Finance

The costs associated with the administration of the Board are met from within the existing resources of DENR and are included in the DENR Annual Report 2010-11. Members are paid sitting fees as determined by the Governor. The remuneration for the Chair is \$221 and for Members \$177 per four hour session.

Account Payment Performance

DENR provides administrative resources for processing account payments for the Board. Reporting on this matter is contained in the DENR Annual Report 2010-11.

Contractual Arrangements

The Board did not enter into any contractual arrangements during the reporting period.

OTHER REPORTING ITEMS

Energy Efficiency Action Plan Reports

The Board uses the facilities and services of the staff of DENR. Reporting on this matter is contained in the DENR Annual Report 2010-11.

Greening of Government Operations (GoGO) Framework

The Board uses the facilities and services of the staff of DENR. Reporting on this matter is contained in the DENR Annual Report 2010-11.

Fraud

It is declared that there were no instances of fraud detected in the activities undertaken by the Board.

Financial services are provided to the Board by DENR and reporting on strategies to detect instances of fraud are reported in the DENR Annual Report 2010-11.

Overseas Travel

It is declared that no member of the Board travelled overseas on the business of the Board during the reporting period.

Freedom of Information

As a DENR administered entity, the Board participates in and abides by the arrangements outlined in the DENR Freedom of Information regime. Reporting on this matter is available on the DENR website. Please visit www.environment.sa.gov.au to view the FOI Statement.

Regional Impact Assessment Statement

The Board did not undertake any Regional Impact Assessment Statements in 2010-11.

Urban Design Charter

No events occurred in 2010-11 that required the Board to consider the principles of urban design contained in the South Australian Urban Design Charter.

Asbestos Management in Government Buildings

The Board does not own any non-residential buildings and therefore is not required to develop an asbestos risk reduction program.

Whistleblowers Protection Act 1993

Reporting requirements against the *Whistleblowers Protection Act 1993* require the Adelaide Dolphin Sanctuary Advisory Board report on the number of occasions on which public interest information has been disclosed to a Responsible Officer of the agency. There were no disclosures made during the 2010 - 2011 financial year.