

Environment Protection and Biodiversity Conservation (Indian Ocean Territories Marine Parks) Proclamation 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Proclamation.

Signed and Sealed with the

Great Seal of Australia on

17 March 2022

David Hurley

Governor‑General

By His Excellency’s Command

Sussan Ley

Minister for the Environment

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1 Name

This instrument is the *Environment Protection and Biodiversity Conservation (Indian Ocean Territories Marine Parks) Proclamation 2022*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 31 March 2022 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 344(1) of the *Environment Protection and Biodiversity Conservation Act 1999*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

(a) Commonwealth reserve;

(b) exclusive economic zone;

(c) IUCN category.

In this instrument:

***Act*** means the *Environment Protection and Biodiversity Conservation Act 1999*.

***Christmas Island National Park*** is the Commonwealth reserve to which the name Christmas Island National Park was given by Proclamation continued in force by the *Environmental Reform (Consequential Provisions) Act 1999*, as in force on the day this instrument commences.

***Pulu Keeling National Park*** is the Commonwealth reserve to which the name Pulu Keeling National Park was given by Proclamation continued in force by the *Environmental Reform (Consequential Provisions) Act 1999*.

***territorial sea baseline*** means the baseline from which the breadth of the territorial sea is measured under section 7 of the *Seas and Submerged Lands Act 1973*.

5 Declaration of Commonwealth reserves

The areas described in Schedule 1 are declared to be Commonwealth reserves.

6 Names of Commonwealth reserves

For the purposes of paragraph 346(1)(a) of the Act, the name of each Commonwealth reserve is the name given to the reserve in Schedule 1.

7 Purposes for Commonwealth reserves

For the purposes of paragraph 346(1)(b) of the Act, each Commonwealth reserve mentioned in Schedule 1 has the following purposes:

(a) to protect and conserve biodiversity and other natural, cultural and heritage values;

(b) to provide for ecologically sustainable use that supports positive social and economic outcomes.

8 Depth of land included in Commonwealth reserves

For the purposes of paragraph 346(1)(c) of the Act, if a Commonwealth reserve mentioned in Schedule 1 includes land, the land is included to a depth of 1,000 metres.

9 Depth of seabed included in Commonwealth reserves

For the purposes of paragraph 346(1)(d) of the Act, each Commonwealth reserve mentioned in Schedule 1 includes the seabed to a depth of 1,000 metres.

10 IUCN categories of Commonwealth reserves

For the purposes of paragraph 346(1)(e) of the Act, each Commonwealth reserve mentioned in Schedule 1 is assigned to IUCN category II (national park).

11 Zones of Commonwealth reserves

For the purposes of subsection 346(2) of the Act, if a Commonwealth reserve mentioned in Schedule 1 is divided into zones:

(a) the zones are identified in the Schedule; and

(b) each zone is assigned an IUCN category.

12 Geographic coordinates

(1) Geographic coordinates in this instrument are expressed in terms of the Geocentric Datum of Australia 1994.

Note: The Geocentric Datum of Australia 1994 (also known as GDA94) was published in Gazette No. GN 35 of 6 September 1995.

(2) However, the geographic coordinates in items 1 to 3 of the table in subclause 1.2(2) of Schedule 1 are expressed in terms of the World Geodetic System 1984 (WGS84).

Schedule 1—Indian Ocean Territories Marine Parks

Note: See sections 5 to 11.

Part 1—Christmas Island Marine Park

1.1 Name of reserve

This reserve is the Christmas Island Marine Park.

Note: Section 7 states the purposes of the reserve, section 8 states the depth of any land that may be included in the reserve, section 9 states the depth of the seabed included in the reserve and section 10 states the IUCN category for the reserve.

1.2 Area of reserve

(1) The Christmas Island Marine Park consists of an area in the Indian Ocean that is enclosed by:

(a) the outer boundary line described in subclause (2); and

(b) the inner boundary line described in subclause (3).

(2) The outer boundary line is the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

| Outer boundary line | |
| --- | --- |
| Item | Description |
| 1 | The point of latitude 8°52′14.1″S, longitude 102°34′12.7″E |
| 2 | South‑easterly along the geodesic to the point of latitude 9°46′49.8″S, longitude 105°50′55.4″E |
| 3 | South‑easterly along the geodesic to the point of latitude 11°10′24.6″S, longitude 109°01′25.8″E |
| 4 | Generally south‑westerly then north‑westerly along the outer limit of Australia’s exclusive economic zone to the point of commencement |

Note: Items 1 to 3 follow the boundary established by Article 3 of the Treaty between the Government of Australia and the Government of the Republic of Indonesia establishing an Exclusive Economic Zone Boundary and Certain Seabed Boundaries, as done at Perth on 14 March 1997.

(3) The inner boundary line is the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

| Inner boundary line | |
| --- | --- |
| Item | Description |
| 1 | The point of latitude 10°24′00″S, longitude 105°43′00″E |
| 2 | South along the meridian of longitude 105°43′00″E to its intersection by the parallel of latitude 10°28′00″S |
| 3 | West along the parallel of latitude 10°28′00″S to its intersection by the low water mark |
| 4 | Generally south‑westerly along the low water mark to its intersection by the boundary of the Christmas Island National Park (Hosnies Spring Section) |
| 5 | Generally south‑westerly along the seaward boundary of the Christmas Island National Park (Hosnies Spring Section) to its intersection by the low water mark |
| 6 | Generally south‑westerly along the low water mark to its intersection by the boundary of the Christmas Island National Park (Ross Hill Section) |
| 7 | Generally south‑westerly along the seaward boundary of the Christmas Island National Park (Ross Hill Section) to its intersection by the low water mark |
| 8 | Generally southerly then westerly along the low water mark to its intersection by the boundary of the Christmas Island National Park (Murray Hill Section) |
| 9 | Generally northerly, then westerly, then northerly and then easterly along the seaward boundary of the Christmas Island National Park (Murray Hill Section) to its intersection by the meridian of longitude 105°39′10.858″E |
| 10 | North along the meridian of that longitude to its intersection by the parallel of latitude 10°24′00″S |
| 11 | East along the parallel of latitude 10°24′00″S to the point of commencement |

1.3 Zones for reserve

(1) The Christmas Island Marine Park is divided into the following zones:

(a) the national park zone described in clause 1.4 of this Part;

(b) the habitat protection zone described in clause 1.5 of this Part.

(2) The national park zone described in clause 1.4 of this Part is assigned to IUCN category II (national park).

(3) The habitat protection zone described in clause 1.5 of this Part is assigned to IUCN category IV (habitat/species management area).

1.4 Zone 1 of reserve—national park zone

Zone 1 of the reserve (also identified as cinpz01) consists of an area that is enclosed by:

(a) the outer boundary line described in subclause 1.2(2) of this Part; and

(b) the boundary line commencing at the point described in item 1 of the following table and running progressively as described in the table.

| Zone 1 of reserve—boundary line | |
| --- | --- |
| Item | Description |
| 1 | The point of latitude 10°12′40″S, longitude 105°19′45″E |
| 2 | East along the parallel of latitude 10°12′40″S to its intersection by the meridian of longitude 105°55′00″E |
| 3 | South along that meridian of longitude to its intersection by the parallel of latitude 10°46′20″S |
| 4 | West along that parallel to its intersection by the meridian of longitude 105°19′45″E |
| 5 | North along that meridian to the point of commencement |

1.5 Zone 2 of reserve—habitat protection zone

Zone 2 of the reserve (also identified as cihpz01) consists of an area that is enclosed by:

(a) the boundary line described in paragraph 1.4(b) of this Part; and

(b) the inner boundary line described in subclause 1.2(3) of this Part.

Part 2—Cocos (Keeling) Islands Marine Park

2.1 Name of reserve

This reserve is the Cocos (Keeling) Islands Marine Park.

Note: Section 7 states the purposes of the reserve, section 8 states the depth of any land that may be included in the reserve, section 9 states the depth of the seabed included in the reserve and section 10 states the IUCN category for the reserve.

2.2 Area of reserve

The Cocos (Keeling) Islands Marine Park consists of an area in the Indian Ocean and in parts of the Cocos (Keeling) Islands Lagoon that:

(a) is enclosed by:

(i) the boundary of the outer limit of Australia’s exclusive economic zone adjacent to Cocos (Keeling) Islands; and

(ii) the inner boundary line commencing at the point described in item 1 of the following table and running progressively as described in the table; and

(b) excludes the area that is the Pulu Keeling National Park.

| Area of reserve—reserve boundary line | |
| --- | --- |
| Item | Description |
| 1 | The point of latitude 12°05′01″S, longitude 96°51′30″E |
| 2 | East along the parallel of latitude 12°05′01″S to its intersection by the meridian of longitude 96°53′19.5″E |
| 3 | South along that meridian to its intersection by the parallel of latitude 12°05′38″S |
| 4 | South‑westerly along the geodesic to the point of latitude 12°05′40″S, longitude 96°53′3.5″E but following the high water mark around the southern tip of Direction Island |
| 5 | South‑easterly along that geodesic to the point of latitude 12°05′44.5″S, longitude 96°53′4.5″E |
| 6 | North‑easterly along the geodesic to the point of latitude 12°05′44.25″S, longitude 96°53′6″E |
| 7 | South along the meridian of longitude 96°53′6″E to its intersection by the parallel of latitude 12°06′00″S |
| 8 | East along that parallel to its intersection by the territorial sea baseline |
| 9 | Generally south‑easterly along that baseline to its intersection by the parallel of latitude 12°07′27″S |
| 10 | West along that parallel to its intersection by the meridian of longitude 96°53′21.862″E |
| 11 | South‑westerly along the geodesic to its intersection by the high water mark at West Island at the parallel of latitude 12°09′59.476″S |
| 12 | Along the high water mark in a generally southerly, then westerly, then northerly, then southerly direction to its intersection by the parallel of latitude 12°10′06″S on the western side of North Lagoon |
| 13 | South‑easterly along the geodesic to its intersection by the high water mark at West Island and the meridian of longitude 96°49′44.546″E |
| 14 | Along that high water mark in a generally south‑easterly, then north‑easterly, then north‑westerly direction to its intersection by the meridian of longitude 96°51′26.1″E at the tip of West Island |
| 15 | North along that meridian to its intersection by the parallel of latitude 12°11′29″S |
| 16 | East along that parallel to its intersection by the meridian of longitude 96°51′54″E |
| 17 | South along that meridian to its intersection by the territorial sea baseline off the south‑eastern corner of West Island |
| 18 | Generally westerly, then north‑westerly, then northerly along the territorial sea baseline to its intersection by the parallel of latitude 12°08′31.98″S |
| 19 | Easterly along that parallel by the high water mark at West Island |
| 20 | Generally north‑easterly along the high water mark to its intersection by the parallel of latitude 12°08′24.84″S |
| 21 | West along that parallel to its intersection by the territorial sea baseline |
| 22 | Northerly along that baseline to its intersection by the parallel of latitude 12°08′00″S |
| 23 | East along that parallel to its intersection by the meridian of longitude 96°49′19″E |
| 24 | North‑easterly along the geodesic to the point of latitude 12°06′00″S, longitude 96°51′30″E |
| 25 | North along the meridian of longitude 96°51′30″E to the point of commencement |

2.3 Zones for reserve

(1) The Cocos (Keeling) Islands Marine Park is divided into the following zones:

(a) the national park zones described in clauses 2.4, 2.6 and 2.7 of this Part;

(b) the habitat protection zone described in clause 2.5 of this Part.

(2) The national park zones described in clauses 2.4, 2.6 and 2.7 of this Part are assigned to IUCN category II (national park).

(3) The habitat protection zone described in clause 2.5 of this Part is assigned to IUCN category IV (habitat/species management area).

2.4 Zone 1 of reserve—national park zone

Zone 1 of the reserve (also identified as ckinpz01) consists of an area that is enclosed by:

(a) the boundary of the outer limit of Australia’s exclusive economic zone adjacent to Cocos (Keeling) Islands; and

(b) the boundary line commencing at the point described in item 1 of the following table and running progressively as described in the table.

| Zone 1 of reserve—boundary line | |
| --- | --- |
| Item | Description |
| 1 | The point of latitude 11°46′18″S, longitude 96°45′52″E |
| 2 | East along the parallel of latitude 11°46′18″S to the intersection by the meridian of longitude 96°58′55″E |
| 3 | South along that meridian of longitude to its intersection by the parallel of latitude 12°15′41″S |
| 4 | West along that parallel to its intersection of the meridian of longitude 96°45′52″E |
| 5 | North along that meridian to the point of commencement |

2.5 Zone 2 of reserve—habitat protection zone

Zone 2 of the reserve (also identified as ckihpz01) consists of an area that:

(a) is enclosed by:

(i) the boundary line described in paragraph 2.4(b) of this Part; and

(ii) the inner boundary line described in subparagraph 2.2(a)(ii) of this Part; and

(b) excludes the following areas:

(i) the area described in clause 2.6 of this Part;

(ii) the area described in clause 2.7 of this Part;

(iii) the area that is the Pulu Keeling National Park.

2.6 Zone 3 of reserve—national park zone

Zone 3 of the reserve (also identified as ckinpz02) consists of an area adjacent to the south‑eastern end of Direction Island known as The Rip that is bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

| Zone 3 of reserve—boundary line | |
| --- | --- |
| Item | Description |
| 1 | The point of latitude 12°05′40″S, longitude 96°53′3.5″E |
| 2 | North‑easterly along the geodesic to the point of latitude 12°05′38″S, longitude 96°53′19.5″E but following the high water mark around the southern tip of Direction Island |
| 3 | South along the meridian of longitude 96°53′19.5″E to its intersection by the parallel of latitude 12°05′42″S |
| 4 | South‑westerly along the geodesic to the point of latitude 12°05′44.5″S, longitude 96°53′4.5″E |
| 5 | North‑westerly along the geodesic to the point of commencement |

2.7 Zone 4 of reserve—national park zone

Zone 4 of the reserve (also identified as ckinpz03) consists of an area at the southern end of the place known as Trannies Beach, West Island, that is bounded by the line commencing at the point described in item 1 of the following table and running progressively as described in the table.

| Zone 4 of reserve—boundary line | |
| --- | --- |
| Item | Description |
| 1 | The point of intersection of the parallel of latitude 12°08′24.84″S with the territorial sea baseline adjacent to West Island |
| 2 | East along that parallel to its intersection by the high water mark at West Island |
| 3 | Generally south‑westerly along the high water mark to its intersection by the parallel of latitude 12°08′31.98″S |
| 4 | West along that parallel to its intersection by the territorial sea baseline |
| 5 | Generally northerly along that baseline to the point of commencement |