

Proclamation ‑ Macquarie Island Marine Park

made under section 344 of the

Environment Protection and Biodiversity Conservation Act 1999

**Compilation No. 2**

**Compilation date:** 11 October 2017

**Includes amendments up to:** F2017L01337

**Registered:** 19 October 2017

**About this compilation**

**This compilation**

This is a compilation of the *Proclamation - Macquarie Island Marine Park* that shows the text of the law as amended and in force on 11 October 2017 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

I, WILLIAM PATRICK DEAN, Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, under subsection 7(2) of the *National Parks and Wildlife Conservation Act 1975*:

 (a) declare the area specified in the Schedule to be a Park; and

 (b) assign to the Park the name “Macquarie Island Marine Park”; and

 (c) specify that the subsoil extending to a depth of 100 metres below the sea‑bed within the declared area is within the Park.

Schedule—Macquarie Island Marine Park

All of that area within the Southern Ocean contained within and bounded as follows\*:

 a) commencing at the point of Latitude 53°47′00″S and Longitude 159°05′00″E;

 b) then proceeding in an easterly direction along the parallel of latitude to its intersection with the outer edge of the EEZ\*\* closest to Longitude 164°11′17″E;

 c) then in a generally southerly and westerly direction along the outer edge of the EEZ to the point closest to Latitude 58°26′56″S and Longitude 158°35′16″E;

 d) then in a generally northerly direction along the geodesic to the point on the seaward limit of Coastal Waters\*\*\* around Bishop and Clerk Islands closest to Latitude 55°07′20″S and Longitude 158°35′16″E;

 e) then anticlockwise around the seaward limit of Coastal Waters around Bishop and Clerk Islands to the point closest to Latitude 55°06′50″S and Longitude 158°35′21″E;

 f) then in a generally northerly direction along the geodesic to the point on the seaward limit of Coastal Waters around Macquarie Island closest to Latitude 54°45′03″S and Longitude 158°41′24″E;

 g) then anti‑clockwise around the seaward limit of Coastal Waters around Macquarie Island to the point closest to Latitude 54°29′23″S and Longitude 158°46′29″E;

 h) then in a generally northerly direction along the geodesic to the point on the seaward limit of Coastal Waters around Judge and Clerk Island closest to Latitude 54°21′25″S and Longitude 158°54′22″E;

 i) then anti‑clockwise around the seaward limit of Coastal Waters around Judge and Clerk Islands to the point closest to Latitude 54°21′29″S and Longitude 159°05′00″E; and

 j) then in a generally northerly direction along the geodesic to the point of commencement.

\* All geographic coordinates are expressed in terms of the World Geodetic System 1984 (“WGS84”).

\*\* The “EEZ” is the Exclusive Economic Zone declared in relation to Australia and its external territories under the *Seas and Submerged Lands Act 1973* (proclamation dated 26 July 1994 published in the Commonwealth of Australia *Gazette* No. S290 on 29 July 1994). It commences at the outer limit of the territorial sea (12 nautical miles from the territorial sea baselines established under the *Seas and Submerged Lands Act 1973*) and extends generally to 200 nautical miles from the baselines. In relation to Macquarie Island it is in part less than 200 nautical miles to take account of the pending maritime delimitation with New Zealand. The outer limit of the EEZ may be varied as a result of an agreement with New Zealand on the maritime boundary. If the outer limit of the EEZ around Macquarie Island is varied for that reason the boundaries of the proposed Macquarie Island Marine Park may be varied accordingly.

\*\*\* “Coastal waters” are defined in relation to each of the States and the Northern Territory by the *Coastal Waters (State Powers) Act 1980* and *Coastal Waters (Northern Territory Powers) Act 1980*. They comprise: the territorial sea extending out to 3 nautical miles from the territorial sea baselines established under the *Seas and Submerged Lands Act 1973*; and the waters on the landward side of those baselines that are not within the States or the Northern Territory. Macquarie Island, Bishop and Clerk Islands and Judge and Clerk Islands are parts of the State of Tasmania.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x |  /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
|  effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
|  effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
|  cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) |  commenced or to be commenced |

Endnote 3—Legislation history

| Title | FRLI registration or gazettal | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Proclamation ‑ Macquarie Island Marine Park | 27 Oct 1999 (gaz 1999, No S509) | 27 Oct 1999 |  |
| Proclamation ‑ Amendment ‑ Macquarie Island Marine Park | 2 July 2007 (F2007L01923) | 31 Aug 2007 | — |

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Environment Protection and Biodiversity Conservation Amendment (Commonwealth Marine Reserves Renaming) Proclamation 2017 | 10 Oct 2017 (F2017L01337) | Sch 1 (item 94): 11 Oct 2017 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| Title  | am F2017L01337 |
| par (b)  | am F2007L01923; F2017L01337 |
| **Schedule** |  |
| Schedule heading  | rs F2007L01923; F2017L01337 |
| Schedule  | am F2007L01923; F2017L01337 |
|  | ed C2 |

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

**Third note to the Schedule**

**Kind of editorial change**

Correct a typographical error

**Details of editorial change**

The third note to the Schedule contains the phrase: Coastal waters”.

This compilation was editorially changed to insert an opening quotation mark before the word Coastal.

**Schedule**

**Kind of editorial change**

Changes to the way of referring to or expressing a measurement

**Details of editorial change**

The Schedule contains multiple references to latitude and longitude.

This compilation was editorially changed to omit all references to “South” and “East” in the Schedule and substitute “S” and “E” respectively to bring them into line with legislative drafting practice.

Endnote 6—Miscellaneous

This Proclamation was originally made under subsection 7(2) of the *National Parks and Wildlife Conservation Act 1975*, which was repealed on 16 July 2000, and pursuant to Part 2 of Schedule 4 of the *Environmental Reform (Consequential Provisions) Act 1999* is continued in force under section 344 of the *Environment Protection and Biodiversity Conservation Act 1999*.