

## EXPLANATORY STATEMENT

Issued by the authority of the Minister for Regional Development, Local Government and Territories

*Christmas Island Act 1958*

*Christmas Island Applied Laws Ordinance 1992*

### **Christmas Island Applied Laws Amendment (Fish Resources Management) Rules 2023**

#### *Authority*

Section 4 of the *Christmas Island Applied Laws Ordinance 1992* (the Ordinance) authorises the Minister to make rules to amend Part 15A of Schedule 1 of the Ordinance, which deals with fish resources management.

#### *Purpose and Operation*

The Christmas Island Applied Laws Amendment (Fish Resources Management) Rules 2023 amend the Ordinance by updating the definition of the area of Christmas Island Airport so that it refers to a Reserve Number rather than a lot number on a Deposited Plan.

Under the *Christmas Island Act 1958*, Western Australian laws apply to Christmas Island, including laws regarding land registration. The definition of the area of Christmas Island Airport requires amendment because Deposited Plans are amended from time to time. Referring to the land via a Reserve Number is less likely to require future amendments because Reserve Numbers rarely change.

The Christmas Island Airport Reserve Number 46221 can be viewed on the Western Australian Government administered websites Landgate and Tengraph.

#### *Impact and Effect*

This rule will not have any impact on the regulated community. The rule does not alter the geographical location of the Christmas Island Airport, only the way it is referenced in the Ordinance.

#### *Consultation*

In accordance with section 4(3) of the Ordinance, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, on behalf of the Minister, consulted with the Christmas Island Fisheries Advisory Committee, at the 12 April 2023 meeting regarding the principle of the amendment, and at the subsequent meeting of 6 July 2023 regarding the final text of the instrument.

### **Detailed Description of the Christmas Island Applied Laws Amendment (Fish Resources Management) Rules 2023**

#### **Section 1 – Name**

This section provides that the name of this instrument is the *Christmas Island Applied Laws Amendment (Fish Resources Management) Rules 2023*.

## **Section 2 – Commencement**

This section provides that this instrument is to commence the day after it is registered.

## **Section 3 – Authority**

This section provides that this instrument is made under section 4 of the *Christmas Island Applied Laws Ordinance 1992*.

## **Section 4 – Schedules**

This section indicates that instruments specified in a Schedule to this instrument are amended or repealed as set out in the applicable items in the Schedule concerned.

## **Schedule 1 – Amendments**

### ***Christmas Island Applied Laws Ordinance 1992***

#### **Item 1**

Item 1 replaces, in the definition of ‘area of Christmas Island Airport’ in item 12 of Part 15A of Schedule 1 (subregulation 64AB(4)), the phrase ‘lot 598 on Deposited Plan 37939’ with ‘the land within Reserve No. 46221’.

## **Statement of Compatibility with Human Rights**

*Prepared in Accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

## **Overview of the instrument**

The definition of the area of the Christmas Island Airport is being changed for the purposes of item 12 of Part 15A of Schedule 1 of the *Christmas Island Applied Laws Ordinance 1992*. This instrument is making a minor and technical change to the Ordinance which ensures that the area reference is correct and in a form unlikely to require future amendment.

## **Human Rights Implications**

This Rule does not engage nor impact on any human rights.

## **Conclusion**

The Determination is compatible with human rights because it has no impact on human rights.