

## EXPLANATORY STATEMENT

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

*Cocos (Keeling) Islands Act 1955*

*Cocos (Keeling) Islands Applied Laws Ordinance 1992*

### **Cocos (Keeling) Islands Applied Laws Amendment (Fish Resources Management) Rules 2023**

#### *Authority*

Section 4 of the *Cocos (Keeling) Islands 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 Cocos (Keeling) Islands Applied Laws Amendment (Fish Resources Management) Rules 2023 amend the Ordinance by making minor and technical amendments to the definition of the area of Cocos (Keeling) Islands Airport and the coordinates bounding the area of the Humphead Maori Wrasse closure area.

Under the *Cocos (Keeling) Islands Act 1955*, Western Australian laws apply to the Cocos (Keeling) Islands, including laws regarding land registration. The definition of the area of Cocos (Keeling) Islands Airport requires amendment because its Deposited Plan has changed. This instrument amends the definition so that it refers to the land by a Reserve Number. This is less likely to require future amendments because Reserve Numbers rarely change.

The Cocos (Keeling) Islands Airport Reserve Number 47727 can be viewed on the Western Australian Government administered websites Landgate and Tengraph.

The amendment of the Humphead Maori Wrasse closure area aligns the closure area with the spawning area of the Humphead Maori Wrasse. The coordinates in this instrument are those which were originally intended to be included in the Ordinance. The change of the closure more fully achieves the increased protection of this iconic Cocos (Keeling) Islands species in line with community expectations.

#### *Impact and Effect*

This rule will have no more than a minor regulatory impact on the regulated community due to the reduction in the size of the Humphead Maori Wrasse closure area.

#### *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 Cocos (Keeling) Islands Fisheries Advisory Committee, at the 15 February 2023 meeting regarding the principle of the amendments, and at the subsequent meeting on 5 July 2023 regarding the final text of the instrument.

## **Detailed Description of the Cocos (Keeling) Islands Applied Laws Amendment (Fish Resources Management) Rules 2023**

### **Section 1 – Name**

This section provides that the name of this instrument is the *Cocos (Keeling) Islands 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 *Cocos (Keeling) Islands 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**

#### ***Cocos (Keeling) Islands Applied Laws Ordinance 1992***

#### **Item 1**

Item 1 replaces, in the definition of ‘area of Cocos (Keeling) Islands Airport’ in item 16 of Part 15A of Schedule 1 (subregulation 64AB(4)), the phrase ‘lots 341 and 348 on Deposited Plan 42274’ with ‘the land within Reserve No. 47727’.

#### **Item 2**

Item 2 corrects the area closed to fishing for Humphead Maori Wrasse by repealing Item 38 of Part 15A of Schedule 1 (clause 1 of Schedule 2A) and replacing it so that the area is bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

<b>Area closed to fishing for Humphead Maori Wrasse (Ikan Hijau)</b>	
<b>Item</b>	<b>Description</b>
1	The point 12° 6' 50.2" S, 96° 49' 35.5"
2	Easterly along the geodesic to the point 12° 6' 29.0" S, 96° 49' 3.7" E
3	Southerly along the geodesic to the point 12° 7' 10.0" S, 96° 48' 36.4" E
4	Westerly along the geodesic to the point 12° 7' 30.8" S, 96° 49' 8.3" E
5	Northerly along the geodesic to the starting point

## **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 Cocos (Keeling) Islands Airport is being changed for the purposes of item 16 of Part 15A of Schedule 1 of the *Cocos (Keeling) Islands Applied Laws Ordinance 1992*. This minor and technical change to the Ordinance ensures that the area reference is correct and in a form unlikely to require future amendment.

The instrument also corrects the coordinates for the Humphead Maori Wrasse closure area that were initially introduced into the Ordinance with errors.

### **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.