



Australian Government

Department of Climate Change, Energy,
the Environment and Water

NOTICES AND INVITATIONS TO COMMENT

PROPOSED PROCLAMATION TO AMEND THE HEARD ISLAND AND MCDONALD ISLANDS MARINE RESERVE PROCLAMATION 2002 (AS AMENDED)

AND

PROPOSAL TO PREPARE A DRAFT MANAGEMENT PLAN FOR THE HEARD ISLAND AND MCDONALD ISLAND MARINE RESERVE

Environment Protection and Biodiversity Conservation Act 1999

Notice under section 351(2)

and

Notice under section 368(2)

HAVE YOUR SAY ON THE FUTURE OF THE HEARD ISLAND AND MCDONALD ISLANDS MARINE RESERVE

The Department of Climate Change, Energy, the Environment and Water (**the department**) is seeking comments on:

- a. a proposed proclamation to amend the Environment Protection and Biodiversity Conservation (Heard Island and McDonald Islands Marine Reserve) Proclamation 2002 (**the Heard Island and McDonald Islands Marine Reserve Proclamation 2002**) (as amended in 2014) to extend the boundaries of the existing Marine Reserve; and
- b. a proposal to prepare a draft management plan for Heard Island and McDonald Islands Marine Reserve (**the Reserve**).

PROPOSED PROCLAMATION TO AMEND THE HEARD ISLAND AND MCDONALD ISLANDS MARINE RESERVE PROCLAMATION 2002 (AS AMENDED) (notice under section 351(2))

A Proclamation is proposed to be made (**the proposed Proclamation**) to amend the Environment Protection and Biodiversity Conservation (Heard Island and McDonald Islands Marine Reserve) Proclamation 2002 (**the Heard Island and McDonald Islands Marine Reserve Proclamation 2002**) (as amended in 2014) under section 350(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**). The proposal will extend the boundaries of the existing Marine Reserve to include the area of sea described in this notice.

Members of the public are invited to provide comments on the proposal outlined above. Comments will be included and considered in a report to be prepared by the Head of the Australian Antarctic Division (as delegate for the Director of National Parks) for the Minister for the Environment and Water in accordance with sections 351(1) and (2) of the EPBC Act.

A statement providing particulars of the proposed Proclamation is detailed below, in accordance with section 351(3) of the EPBC Act.

PROPOSAL TO PREPARE A DRAFT MANAGEMENT PLAN FOR THE HEARD ISLAND AND MCDONALD ISLANDS MARINE RESERVE (notice under section 368(2))

The current management plan for the Reserve, the Heard Islands and McDonald Islands Marine Reserve Management Plan 2014-2024, will cease to have effect on 14 October 2024. The Head of the Australian Antarctic Division (as delegate for the Director of National Parks) proposes to prepare a draft of the next management plan for the Reserve and invites members of the public to comment on the future management of the Reserve. In accordance with section 357(1)(a) while a management plan is not in operation for the Reserve, the Head of Division will manage the reserve in accordance with the Australian IUCN principles for the IUCN category to which the Reserve or zone has most recently been assigned by a proclamation or a management plan that was in operation for the reserve (but is no longer).

A draft management plan for the Reserve will be prepared taking into account any comments sent in response to this invitation. The draft plan will be released for public consideration and comment for a period of not less than 30 days.

HOW TO COMMENT

You may wish to comment on the proposed Proclamation or the proposal to prepare the next draft management plan, or both. **Comments must be sent no later than 11:59PM Thursday 5 September 2024** through the department's *Have Your Say Portal* at the following web address, <https://consult.dcceew.gov.au/>.

All comments will be considered in accordance with the requirements of the *EPBC Act* and managed in accordance with the department's privacy policy which is available at <https://www.dcceew.gov.au/about/commitment/privacy>.

For more information please refer to the following web address: <https://consult.dcceew.gov.au/> or contact HIMI.review@aad.gov.au.

Emma Campbell
Head of the Australian Antarctic Division

PROPOSED PROCLAMATION – STATEMENT OF PARTICULARS

1. Amendment of the Heard Island and McDonald Islands Marine Reserve Proclamation 2002 (as amended 28 March 2014).
 - a) Extending the boundaries of the Heard Island and McDonald Islands Marine Reserve.
 - b) Altering the zoning of the Heard Island and McDonald Islands Marine Reserve.
 - i. The Commonwealth reserve is proposed to continue to be known as the “Heard Island and McDonald Islands Marine Reserve”.
 - ii. The proposed boundaries of the Commonwealth reserve are described in Schedule 1 to this notice.
 - iii. The Commonwealth reserve is to be declared for the purpose of:
 - i. The protection and conservation of biodiversity and other natural, cultural and heritage values.
 - ii. Ecologically sustainable use that supports positive social and economic outcomes.
 - iv. The Commonwealth reserve is to be assigned to the International Union for Conservation of Nature (IUCN) category IV – Habitat/species management area.
 - v. The Commonwealth reserve is proposed to be divided into eight zones. The boundaries of these zones and the IUCN category to be assigned to each zone are described at Schedule 1 to this notice.
 - vi. The purpose for which it is intended to manage and use the Commonwealth reserve is:
 - i. The protection and conservation of biodiversity and other natural, cultural and heritage values.
 - ii. Ecologically sustainable use that supports positive social and economic outcomes.
 - vii. The Commonwealth reserve includes:
 - i. The waters and seabed under any sea within the declared area.
 - ii. The land and seabed that is under the sea to a depth of 1000 metres within the declared area.

Eight zones are proposed for the Heard Island and McDonald Islands Marine Reserve, divided into three zone types. Consistent with both the IUCN categories proposed to be assigned for these zones and the relevant Australian IUCN reserve management principles prescribed by Schedule 8 of the *Environment Protection and Biodiversity Conservation Regulations 2000*, these three zone types are:

Sanctuary zone (IUCN category Ia – Strict nature reserve): To be managed to conserve ecosystems, habitats and native species in as natural and undisturbed a state as possible. The zone allows only authorised scientific research and monitoring.

National park zone (IUCN category II – National park): To be managed to protect and conserve ecosystems, habitats and native species in as natural a state as possible. The zone only allows non-extractive activities unless authorised for research and monitoring.

Habitat Protection Zone (IUCN category IV – Habitat/species management area): To be managed to support the pelagic habitats in the waters surrounding Heard Island and McDonald Islands. The zone aims to ensure the maintenance of ecosystems, habitats and native species through sustainable resource management.

PART 1 – PROPOSED HEARD ISLAND AND MCDONALD ISLANDS MARINE RESERVE

1 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;
- (d) IUCN category.

In this instrument:

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

French maritime boundary means the line described in article 2 of the Agreement on Maritime Delimitation between the Government of Australia and the Government of the French Republic, done at Melbourne on 4 January 1982.

Note: The Agreement is in Australian Treaty Series 1983 No. 3 ([1983] ATS 3) and could in 2024 be viewed in the United Nations Treaty Collection website (<https://treaties.un.org/>).

Territorial sea means the territorial sea as defined in the Seas and Submerged Lands Act 1973.

Heard Island and McDonald Islands Marine Reserve means the area by this name, proclaimed under the Heard Island and McDonald Islands Marine Reserve Proclamation 2002, as amended.

2 Geographic coordinates

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.

Schedule 1— Heard Island and McDonald Islands Marine Reserve

1.1 Area of reserve

- (1) The Heard Island and McDonald Islands Marine Reserve consists of an area in the Southern Ocean that includes:
 - (a) The land that forms part of Heard Island and McDonald Islands;
 - (b) The territorial sea of Australia adjacent to Heard Island and McDonald Islands; and
 - (c) The zoned areas outlined in clauses 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9 and 2.0.
- (2) The Heard Island and McDonald Islands Marine Reserve is enclosed by:
 - (a) the boundary of the outer limit of Australia's exclusive economic zone adjacent to Heard Island and McDonald Islands; and
 - (b) The French maritime boundary adjacent to Heard Island and McDonald Islands.

1.2 Zones for reserve

- (1) The Heard Island and McDonald Islands Marine Reserve is divided into the following zones:

- (a) Four sanctuary zones described in clauses 1.3, 1.4, 1.5 and 1.6 of this Part;
 - (b) Three national park zones described in clauses 1.7, 1.8 and 1.9 of this Part;
 - (c) One habitat protection zone described in clause 2.0 of this Part.
- (2) The sanctuary zones described in clauses 1.3, 1.4, 1.5 and 1.6 of this Part are assigned IUCN category 1a (strict nature reserve).
 - (3) The national park zones described in clause 1.7, 1.8 and 1.9 of this part are assigned IUCN category II (national park).
 - (4) The habitat protection zone described in clause 2.0 of this Part is assigned to IUCN category IV (habitat/species management area).

1.3 Zone 1 of reserve—Sanctuary Zone – IUCN category Ia (strict nature reserve)

Zone 1 of the reserve (also identified as HIMISAN01) consists of an area bounded by the line commencing at the point described in item 1 of the table below and running progressively as described in the table.

Area (1) of reserve – boundary line	
Item	Description
1	The point of latitude 51°30'35"S, longitude 71°15'40"E
2	North-westerly along the geodesic to the intersection of the meridian of longitude 71°10'00"E and the French maritime boundary
3	South-westerly along the French maritime boundary to latitude 51°36'00"S
4	Easterly along the parallel to latitude 51°36'00"S, longitude 71°00'00"E
5	North-easterly along the geodesic to the point of commencement

1.4 Zone 2 of reserve—Sanctuary Zone – IUCN category Ia (strict nature reserve)

Zone 2 of the reserve (also identified as HIMISAN02) consists of an area bounded by the line commencing at the point described in item 1 of the table below and running progressively as described in the table.

Zone 2 of reserve – boundary line	
Item	Description
1	The point of latitude 51°50'00"S, longitude 70°54'00"E
2	South-easterly along the geodesic to latitude 52°25'30"S, longitude 71°32'30"E
3	South-easterly along the geodesic to latitude 52°40'00"S, longitude 72°00'00"E
4	North-easterly along the geodesic to latitude 52°30'51"S, longitude 72°23'26"E
5	North-westerly along the geodesic to latitude 51°38'00"S, longitude 71°24'00"E
6	South-westerly along the geodesic to the point of commencement

1.5 Zone 3 of reserve—Sanctuary Zone – IUCN category Ia (strict nature reserve)

Zone 3 of the reserve (also identified as HIMISAN03) consists of an area bounded by the line commencing at the point described in item 1 of the table below and running progressively as described in the table.

Zone 3 of reserve – boundary line	
Item	Description
1	The point of latitude 52°57'00"S, longitude 72°08'00"E
2	South-easterly along the geodesic to latitude 53°03'00"S, longitude 72°14'30"E
3	South along the meridian to latitude 53°30'00"S, longitude 72°14'30"E
4	East along the parallel to latitude 53°30'00"S, longitude 74°12'00"E
5	North along the meridian of longitude 74°12'00"E to its intersection by the outer limit of the territorial sea
6	Along the outer limit of the territorial sea to longitude 74°12'00"E
7	North along the meridian to latitude 52°04'00"S, longitude 74°12'00"E
8	North-westerly along the geodesic to the intersection of the meridian of longitude 73°17'00"E and the French maritime boundary
9	South-westerly along the French maritime boundary to longitude 72°17'00"E
10	South-easterly along the geodesic to latitude 52°08'00"S, longitude 73°20'00"E
11	South along the meridian of longitude 73°20'00"E to its intersection by the outer limit of the territorial sea
12	Along the outer limit of the territorial sea to longitude 72°48'00"E
13	North-westerly along the geodesic to latitude 52°33'28"S, longitude 72°26'21"E
14	South-westerly along the geodesic to latitude 52°52'28"S, longitude 72°18'09"E
15	South-westerly along the geodesic to the point of commencement

1.6 Zone 4 of reserve—Sanctuary Zone – IUCN category Ia (strict nature reserve)

Zone 4 of the reserve (also identified as HIMISAN04) consists of an area bounded by the line commencing at the point described in item 1 of the table below and running progressively as described in the table.

Zone 4 of reserve – boundary line	
Item	Description
1	The point of latitude 51°55'00"S, longitude 75°35'09"E
2	East along the parallel to latitude 51°55'00"S, longitude 76°30'00"E
3	North along the meridian to latitude 51°46'27"S, longitude 76°30'00"E
4	East along the parallel to latitude 51°46'27"S, longitude 76°35'42"E
5	South-easterly along the geodesic to latitude 51°55'00"S, longitude 76°53'46"E
6	East along the parallel of latitude 51°55'00"S to the outer limit of the exclusive economic zone
7	North-westerly along the outer limit of the exclusive economic zone to the French maritime boundary
8	South-westerly along the French maritime boundary to longitude 75°00'00"E
9	South-easterly along the geodesic to latitude 50°40'00"S, longitude 75°30'18"E
10	West along the parallel to latitude 50°40'00"S, longitude 74°41'00"E
11	South-easterly along the geodesic to the point of commencement

1.7 Zone 5 of reserve – National Park Zone – IUCN category II (national park)

Zone 5 of the reserve (also identified as HIMINP05) consists of an area bounded by the line commencing at the point described in item 1 of the table below and running progressively as described in the table.

Zone 5 of reserve – boundary line	
Item	Description
1	The point of latitude 56°08'37"S, longitude 76°14'16"E
2	North along the meridian to latitude 55°15'50"S, longitude 76°14'16"E
3	West along the parallel to latitude 55°15'50"S, longitude 73°19'09"E
4	North along the meridian to latitude 54°21'08"S, longitude 73°19'09"E
5	West along the parallel to latitude 54°21'08"S, longitude 69°30'00"E
6	North along the meridian of longitude 69°30'00"E to the intersection of the French maritime boundary

7	South-westerly along the French maritime boundary to the intersection of the exclusive economic zone
8	Anti-clockwise along the outer edge of the exclusive economic zone to the point of commencement.

1.8 Zone 6 of the reserve – National Park Zone – IUCN category II (national park)

Zone 6 of the reserve (also identified as HIMINP06) consists of an area bounded by the line commencing at the point described in item 1 of the table below and running progressively as described in the table.

Zone 6 of reserve – boundary line	
Item	Description
1	The point of latitude 52°07'08"S, longitude 71°56'24"E
2	South-easterly along the geodesic to its intersection by the outer limit of the territorial sea at longitude 72°48'00"E
3	Along the outer limit of the territorial sea to longitude 73°20'00"E
4	North along the meridian to latitude 52°08'00"S, longitude 73°20'00"E
5	North-westerly along the geodesic to latitude 51°43'54"S, longitude 72°54'56"E
6	South-westerly along the geodesic to the point of commencement

1.9 Zone 7 of the reserve – National Park Zone – IUCN category II (national park)

Zone 7 of the reserve (also identified as HIMINP07) consists of an area bounded by the line commencing at the point described in item 1 of the table below and running progressively as described in the table.

Zone 7 of reserve – boundary line	
Item	Description
1	The point of latitude 53°03'44"S, longitude 78°10'09"E
2	South along the meridian to latitude 54°38'36"S, longitude 78°10'09"E
3	East along the parallel of latitude 54°38'36"S to the outer limit of the exclusive economic zone
4	North-easterly along the outer limit of the exclusive economic zone to latitude 79°24'05"E
5	West along the parallel to the point of commencement

2.0 Zone 8 of the reserve – Habitat Protection Zone - IUCN category IV (habitat/species management area)

Zone 8 of the reserve (also identified as HIMIHP08) consists of an area bounded by the line commencing at the point described in item 1 of the table below and running progressively as described in the table.

Zone 8 of reserve – boundary line	
Item	Description
1	The point of latitude 54°21'08"S, longitude 69°30'00"E
2	East along the parallel to latitude 54°21'08"S, longitude 73°19'09"E
3	South along the meridian to latitude 55°15'50"S, longitude 73°19'09"E
4	East along the parallel to latitude 55°15'50"S, longitude 76°14'16"E
5	South along the meridian of longitude 76°14'16"E to its intersection by the outer limit of the exclusive economic zone
6	Anti-clockwise along the outer limit of the exclusive economic zone to latitude 54°38'36"S
7	West along the parallel to latitude 54°38'36"S, longitude 78°10'09"E
8	North along the meridian to latitude 53°03'44"S, longitude 78°10'09"E
9	East along the parallel of latitude 53°03'44"S to its intersection by the outer limit of the exclusive economic zone
10	North-westerly along the outer limit of the exclusive economic zone to latitude 51°55'00"S
11	West along the parallel to latitude 51°55'00"S, longitude 76°53'46"E
12	North-westerly along the geodesic to latitude 51°46'27"S, longitude 76°35'42"E
13	West along the parallel to latitude 51°46'27"S, longitude 76°30'00"E
14	South along the meridian to latitude 51°55'00"S, longitude 76°30'00"E
15	West along the parallel to latitude 51°55'00"S, longitude 75°35'09"E
16	South along the meridian to latitude 53°03'44"S, longitude 75°35'09"E
17	West along the parallel of latitude 53°03'44"S to its intersection with the outer limit of the territorial sea
18	South along the outer limit of the territorial sea to longitude 74°12'00"E

19	South along the meridian to latitude 53°30'00"S, longitude 74°12'00"E
20	West along the parallel to latitude 53°30'00"S, longitude 72°14'30"E
21	North along the meridian to latitude 53°03'00"S, longitude 72°14'30"E
22	North-westerly along the geodesic to latitude 52°57'00"S, longitude 72°08'00"E
23	North-easterly along the geodesic to latitude 52°52'28"S, longitude 72°18'09"E
24	North-easterly along the geodesic to latitude 52°33'28"S, longitude 72°26'21"E
24	North-westerly along the geodesic to latitude 52°30'51"S, longitude 72°23'26"E
25	South-westerly along the geodesic to 52°40'00"S, longitude 72°00'00"E
26	North-westerly along the geodesic to latitude 52°25'30"S, longitude 71°32'30"E
27	North-westerly along the geodesic to latitude 51°50'00"S, longitude 70°54'00"E
28	North-easterly along the geodesic to latitude 51°38'00"S, longitude 71°24'00"E
29	North-westerly along the geodesic to latitude 51°30'35"S, longitude 71°15'40"E
30	South-westerly along the geodesic to latitude 51°36'00"S, longitude 71°00'00"E
31	Westerly along the parallel to its intersection with the French maritime boundary at latitude 51°36'00"S
32	South-westerly along the French maritime border to longitude 69°30'00"E
33	South along the meridian to the point of commencement