

## **EXPLANATORY STATEMENT**

Issued by the Authority of the Assistant Minister for the Environment and Water Resources

*Antarctic Treaty (Environment Protection) Act 1980 (Cth)*

*Antarctic Treaty (Environment Protection – Historic Sites and Monuments)  
Proclamation 2007*

Subsection 8A(1) of the *Antarctic Treaty (Environment Protection) Act 1980* ('the Act') provides that the Governor-General may, by Proclamation, declare an historic site or monument specified in the Proclamation to be an historic site or an historic monument. However, subsection 8A(2) of the Act provides that a site or a monument may not be declared to be an historic site or an historic monument unless the Antarctic Treaty Consultative Parties have approved the listing of the site or the monument. Australia is an Antarctic Treaty Consultative Party under the Antarctic Treaty and the proposed Proclamation seeks to give effect to measures agreed to by Antarctic Treaty Consultative Parties under the Antarctic Treaty in domestic law.

The purpose of the Proclamation is to declare a list of Antarctic Historic Sites and Monuments (HSMs) following their adoption at recent Antarctic Treaty Consultative Meetings (ATCMs). The Proclamation would add HSM Nos 77 and 78 adopted at 2004 ATCM; 79 and 80 adopted at 2005 ATCM and 81 adopted at 2006 ATCM to the list of historic sites and monuments in Schedule 1. HSM Nos 12 and 13 have been subsumed into HSM No. 77 and HSM Nos 25, 31 and 58 have been delisted. All other Historic sites and Monuments that were in *Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Proclamation 2004* have been re-declared. To conform with current drafting practices, a new Proclamation is proposed.

All relevant Treaty Parties, including Australia, unanimously agreed to these measures at the 27th, 28th and 29th ATCMs.

Subsection 19(1B) of the Act provides that a person is guilty of an offence if the person does an act and the action causes any damage to or in an historic site, or destroys, causes damage to or removes an historic monument.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* and commenced on the day after it was registered on the Federal Register of Legislative Instruments.

The details of the Proclamation are included in the [Attachment](#).

**ATTACHMENT**

**Details of the *Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Proclamation 2007***

**Section 1 – Name of Proclamation**

This section provides that the title of the Proclamation is the *Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Proclamation 2007*.

**Section 2 – Commencement**

This section provides for the Proclamation to commence on the day after it is registered on the Federal Register of Legislative Instruments.

**Section 3 – Declaration of historic sites and monuments**

This section declares historic sites and monuments adopted by the Antarctic Treaty Consultative Parties.

**Section 4 – Revocation of previous declaration**

This section revokes the *Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Proclamation 2004*.

**Schedule 1**

Lists and describes all the Antarctic historic sites and monuments. Historic sites and monuments numbers 77, 78, 79, 80 and 81 are new proclamations being declared by this Proclamation. All other HSMs that were in the *Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Proclamation 2004* are being re-declared.