

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Sustainability, Environment, Water, Population and Communities

Antarctic Treaty (Environment Protection) Act 1980 (Cth)

Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Amendment Proclamation 2010 (No. 1)

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 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 amend the *Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Proclamation 2007* to declare the following additional Antarctic Historic Sites and Monuments (HSMs) following their adoption at recent Antarctic Treaty Consultative Meetings (ATCMs):

- Monument to the Antarctic Treaty and plaque (HSM No. 82);
- Base ‘W’, Detaille Island, Lallemand Fjord, Loubet Coast (HSM No. 83); and
- Hut at Damoy Point, Durian Bay, Wiencke Island, Palmer Archipelago (HSM No. 84).

All relevant Treaty Parties, including Australia, unanimously approved the listing of these HSMs at the 30th and 32nd ATCMs in 2007 and 2009 respectively.

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) Amendment Proclamation 2010 (No. 1)

Section 1 – Name of Proclamation

This section provides that the title of the Proclamation is the *Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Amendment Proclamation 2010 (No. 1)*.

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

This section provides that that Schedule 1 amends the *Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Proclamation 2007* by declaring historic sites and monuments adopted by the Antarctic Treaty Consultative Parties.

Schedule 1

Lists and describes new Antarctic historic sites and monuments (HSM).

HSM Nos. 82, 83 and 84 are new HSMs being declared by this Proclamation. HSM No. 82 was adopted at the 30th ATCM by Measure 3 of 2007. HSM Nos. 83 and 84 were adopted at the 32nd ATCM by Measure 14 of 2009.