

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 2011 (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. Subsection 8A(3) provides that the Governor General may, by Proclamation, vary or revoke a Proclamation made under subsection 8A(1) in respect of a site or monument if the Antarctic Treaty Consultative Parties have amended or revoked the listing of the site or 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 proposed Proclamation is to amend the *Antarctic Treaty (Environment Protection – Historic Sites and Monuments) Proclamation 2007* (the Principal Proclamation) to declare the following additional Antarctic Historic Sites and Monuments (HSMs) following their adoption at recent Antarctic Treaty Consultative Meetings (ATCMs):

- Plaque Commemorating the PM-3A Nuclear Power Plant at McMurdo Station (HSM No. 85); and
- No.1 Building at Great Wall Station (HSM No. 86).

All relevant Treaty Parties, including Australia, unanimously approved the listing of HSM 85 under Measure 15 at the 33rd ATCM in 2010 and the listing of HSM 86 under Measure 12 at the 34th ATCM in 2011.

The proposed Proclamation would vary the description of the following existing HSM declared under the Principal Proclamation.

- Monument to the Antarctic Treaty and Plaque (HSM No. 82)

At the 34th ATCM in 2011 all relevant Treaty Parties also agreed to vary the description of HSM No. 82 under Measure 11.

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 the removal of an historic monument.

The Office of Best Practice Regulation has indicated that a Regulatory Impact Assessment is not required for the Proclamation (OBPR ID: 12944).

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* and commences on the day after it is 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 2011 (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 2011 (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) and varies the description of one HSM.

HSM Nos. 85 and 86 are new HSMs being declared by this Proclamation. HSM No 85 was adopted at the 33rd ATCM in 2010 and HSM No. 86 was adopted at the 34th ATCM in 2011. HSM No. 82 was adopted at the 30th ATCM by Measure 3 of 2007 and was varied at the 34th ATCM in 2011 by Measure 11.