

## **EXPLANATORY STATEMENT**

*Environment Protection and Biodiversity Conservation Act 1999*

*Eddystone Point Lighthouse Heritage Management Plan 2021*

### **Authority**

Section 341S of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires that the Commonwealth Agency that owns or controls a Commonwealth Heritage place must make a written management plan to provide for the protection and management of the values of the Commonwealth Heritage place.

The Eddystone Point Lighthouse and adjacent land is currently owned by the State of Tasmania. However, the Australian Maritime Safety Authority (AMSA) “controls” the site within the meaning of “control” for section 528 of the EPBC Act on the basis that AMSA holds a lease for the site from the Tasmanian Parks and Wildlife Service, and operates the lighthouse in exercise of statutory powers conferred on AMSA under Chapter 6, Part 5 of the *Navigation Act 2012*.

This management plan, the Eddystone Point Lighthouse Heritage Management Plan (the Plan), provides for the protection and management of the values of the Eddystone Point Lighthouse.

### **Purpose and overview**

Built in 1889, Eddystone Point Lighthouse was constructed to improve vessel safety along the northern Tasmanian coastline following the trading boom of the late 19<sup>th</sup> century. The Lighthouse is significant for its contribution to the establishment of marine aids to navigation in Bass Strait, and for its inclusion within an intact late 19<sup>th</sup> century lightstation complex. The Lighthouse is also recognised for retaining its Chance Brothers & Co. lantern, optic and pedestal, and for its aesthetic characteristics.

The Lighthouse was included on the Commonwealth Heritage List in 2004 for its cultural significance. This listing recognises the cultural values of the place, which relate to processes, rarity, characteristics and aesthetics.

The Plan provides for the future management of the Eddystone Point Lighthouse by the AMSA, with the objective of identifying, protecting, conserving, presenting and transmitting its Commonwealth heritage values. The Plan contains a detailed description of the history and cultural significance of the Lighthouse, as well as its physical elements and condition. Importantly, the Plan sets out the operational requirements for the management of the Lighthouse, heritage management policies that guide the management and protection of the Commonwealth heritage values of the Lighthouse and plans for AMSA to implement such operation requirements and policies.

The Plan addresses all matters prescribed by Schedule 7A of the *Environment Protection and Biodiversity Conservation Regulations 2000* and is consistent with the Commonwealth Heritage Management Principles set out in Schedule 7B of those regulations.

### **Consultation**

On 6 June 2020 notices of the draft Plan were published in *The Australian* newspaper and on AMSA’s public website. A copy of the draft Plan was published on AMSA’s website. The public consultation period closed on 26 June 2020. A number of submissions were received.

AMSA also consulted with Tasmania Parks and Wildlife Service, the Aboriginal Land Council of Tasmania, and the Commonwealth Heritage Branch within the Department of Agriculture, Water and the Environment on a draft of the Plan.

The feedback received (consisting of historical information about the lighthouse and site generally, details of current cultural associations, property management recommendations, and recommendations from the Heritage Branch on best practice heritage management policies) was adopted into the plan.

In accordance with paragraph 341S(6)(a) of the EPBC Act, the Minister for Sustainability, Environment, Water, Population and Communities was asked for advice on the Plan as proposed. On 26 October 2020, the Minister's delegate confirmed that the Plan complied with the requirements of the EPBC Act and the Commonwealth Heritage Management Principles.

The Office of Best Practice Regulation (OBPR) considers that the changes made by the Eddystone Point Heritage Management Plan 2020 have regulatory impacts of a minor or machinery nature and no regulation impact statement is required. The OBPR reference number is 42955.

## **Review**

The Plan was made by AMSA on 25 October 2021.

In accordance with section 341X of the *Environment Protection and Biodiversity Conservation Act 1999* a review must be carried out within five years of the management plan being made.

## **Statement of Compatibility with Human Rights**

This statement is prepared in accordance with section 9 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### *Overview of the instrument*

Section 341S of the *Environment Protection and Biodiversity Conservation Act 1999* requires that the Commonwealth Agency that owns or controls a Commonwealth Heritage place must make a written management plan to provide for the protection and management of the values of the Commonwealth Heritage place. This management plan, the Eddystone Point Lighthouse Heritage Management Plan (the Plan), provides such a framework for the Eddystone Point Lighthouse.

The Plan provides for the future management of the Eddystone Point Lighthouse by the Australian Maritime Safety Authority, with the objective of identifying, protecting, conserving, presenting and transmitting its Commonwealth heritage values.

### *Human rights implications*

This legislative does not engage any of the applicable rights or freedoms.

### *Conclusion*

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*.

### **Making the instrument**

The Plan has been made by the Chief Executive Officer of the AMSA in accordance with subsection 49(4) of the *Australian Maritime Safety Authority Act 1990*.