

EXPLANATORY STATEMENT

West Block and the Dugout Heritage Management Plan 2022

Issued by the Special Minister of State

Legislative Authority

The *West Block and the Dugout Heritage Management Plan 2022* (the **HMP**) is made under s 341S(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (the **EPBC Act**).

Subsection 341S(1) requires a Commonwealth agency to make a written plan to protect and manage the Commonwealth Heritage values of a Commonwealth Heritage place it owns or controls within the period mentioned in the agency's heritage strategy as prepared under s 341ZA. A plan made under s 341S(1) is a legislative instrument (see s 341S(8)).

The Commonwealth Heritage place the HMP deals with is the West Block and the Dugout, which has been included on the Commonwealth Heritage List (**CHL**) since 2004.

The relevant Commonwealth agency is the Special Minister of State. The Commonwealth has leased the West Block and the Dugout but continues to own the West Block and the Dugout.

West Block and the Dugout

West Block and the Dugout is located to the south-west of the Provisional Parliament House at the southern apex of the Parliamentary Triangle. It comprises an office building, the 'Dugout', and an at-grade carpark with remnants of original 1920s landscaping treatments. The office building was constructed in 1926-27 and in use from August 1927 as part of the Parliament House Secretariat group. It was designed by John Smith Murdoch, Chief Architect of the Commonwealth. The Dugout is a small, single-storey electrical substation to the east of the West Block. It was built in 1942 as an air raid shelter, but adapted in 1943 to accommodate a Typex cypher machine which enabled secure coded communication between Prime Minister John Curtin and the leaders of Australia's key allies.

Preparation of the HMP

The HMP has been prepared by Lovell Chen on behalf of the current lessee of West Block and the Dugout.

Clause 3(e)(ii)(A) of the Crown Lease states that the Lessee must:

not later than the day which is 12 months after the date of commencement of the Lease carry out and provide to the Department of the Environment and Energy a final version of the Heritage Management Plan for its review and approval

Heritage Management Plan is defined in Clause 1.1 (g) of the Crown Lease to mean the operational heritage management plan for the West Block Building, prepared for the Department of Finance by Eric Martin and Associates and dated 7 July 2014 and such other plan as prepared by the Lessee in accordance with clause 3(e)

It is intended that this HMP supersedes the HMP dated 2014 (but substantially drafted in 2010) that was prepared by Eric Martin and Associates Architects.

Overview of the instrument

The HMP is a written plan to protect and manage the Commonwealth Heritage values of a Commonwealth Heritage place as required under s 341S of the EPBC Act.

The HMP addresses the matters set out in Schedule 7A to the *Environment Protection Biodiversity Conservation Regulations 2000* for Management Plans for Commonwealth Heritage Places. In addition, the HMP broadly follows the principles and processes set out in the Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013 (The **Burra Charter**) and its Practice Notes. The Burra Charter establishes a standard of practice for those involved in assessing, managing and undertaking works to places of cultural significance.

The HMP contains a history of West Block, describes the existing condition of the place (built fabric and landscape elements/areas), confirms the significance of West Block against the CHL criteria and establishes conservation policies and guidelines for its on-going management.

Consultation

A draft of this HMP was placed on public exhibition from 9 November to 7 December 2018, through an advertisement in the *Australian* newspaper (page 33) and the website of Geocon. This opportunity for the community and interested parties to comment on the document did not yield any responses.

The HMP was provided to the (then) Department of the Environment and Energy (the Department) for consideration pursuant to s 341 S (6) of the EPBC Act. The HMP was forwarded to the 100th meeting of the Australian Heritage Council (**Council**) held on 13-14 September 2018 for comments, consistent with the requirements under s 341S (7) of the EPBC Act.

On 25 September 2018, the Minister's delegate informed Lovell Chen that the HMP is not inconsistent with the Commonwealth Heritage Management principles but required amendments to fully address the matters in Schedule 7A. Amendments were made to the HMP and a copy was forwarded to the Department on 27 May 2019. On 29 May 2019, the Department confirmed by email that the HMP fully addresses the matters in Schedule 7A.

Copyright

Reasonable efforts have been made to ensure images and diagrams are used in compliance with copyright restrictions and that attributions have been made as references or captions.

An assessment of material used in the Heritage Management Plan was undertaken by Lovell Chen to identify content that either has, or possibly has, copyright owned by an individual or entity other than the Commonwealth of Australia. In most cases, copyright is likely to have expired due to the age of the images and drawings. The following are images where copyright is likely to be held by a third party:

- Figure 1 and Figure 59 (Nearmap);
- Figure 2 (LanData Surveys Pty Ltd); and
- any logos or branding.

All material in the Heritage Management Plan is made available for use by others under Creative Commons Attribution 4.0 International licence.

There is no anticipated impediment to any individual's ability to access the terms of the Heritage Management Plan arising from the presence or the use of copyrighted material in the instrument. The copyrighted material consists of images and drawings that contribute substantially an understanding of the place, and the compliance of the HMP with Schedule 7A of the Environment Protection and Biodiversity Conservation *Regulations 2000*.

Period of operation

The HMP is a legislative instrument for the purposes of the *Legislation Act 2003* and commences on the day after it is registered on the Federal Register of Legislation.

In accordance with s 341X of the EPBC Act, a review of the HMP must be carried out at least once in every five-year period.

Regulatory Impact

The Office of Best Practice Regulation (OBPR) has advised that the proposal is non-regulatory, and the preparation of a Regulation Impact Statement (RIS) is not required.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

West Block and the Dugout Heritage Management Plan 2022

This Disallowable 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*.

Overview of the Disallowable Legislative Instrument

This Disallowable Legislative Instrument is a plan made under subsection 341S(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (the **EPBC Act**). Subsection 341S(1) requires a Commonwealth agency to make a written plan to protect and manage the Commonwealth Heritage values of a Commonwealth Heritage place it owns or controls within the period mentioned in the agency's heritage strategy as prepared under section 341ZA. A plan made under subsection 341S(1) is a legislative instrument (see subsection 341S(8)).

The Commonwealth Heritage place the Disallowable Legislative Instrument deals with is the West Block and the Dugout, which has been included on the Commonwealth Heritage List since 2004.

The relevant Commonwealth agency here is the Special Minister of State. The Commonwealth has leased the West Block and the Dugout but continues to own the West Block and the Dugout.

Human rights implications

This Disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.