

## **EXPLANATORY STATEMENT**

*Environment Protection and Biodiversity Conservation Act 1999*

*Cape Wickham Lighthouse Heritage Management Plan 2022*

### **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 Cape Wickham 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” at section 528 of the EPBC Act on the basis that AMSA holds a lease for the site from the Minister Administering the *National Parks and Wildlife Act 1970*, and operates the lighthouse in exercise of statutory powers conferred on the Authority at Chapter 6, Part 5 of the *Navigation Act 2012 (Cth)*.

This management plan, the Cape Wickham Lighthouse Heritage Management Plan (the **Plan**), provides for the protection and management of the values of the Cape Wickham Lighthouse.

### **Purpose and overview**

Built in 1861, Cape Wickham Lighthouse is a historic site recognised by both the Commonwealth and Tasmanian State Government for its heritage significance. The lighthouse was placed on the Commonwealth Heritage List in 2004 for its contribution to the network of lighthouses established in Bass Strait in the 19<sup>th</sup> century. It is renowned as the tallest Australian lighthouse, for its aesthetic appeal in the rural landscape, and for the retention of its original Wilkins & Co lantern house and timber staircase.

The Lighthouse was included on the Commonwealth Heritage List in 2004 for its cultural significance. This listing recognises the cultural values of the place.

The Plan provides for the future management of the Cape Wickham 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 22 December 2021 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 20 January 2022. No submissions were received.

AMSA also consulted with Tasmania Parks and Wildlife Service, the Aboriginal Land Council of Tasmania, the Office of Aboriginal Affairs (Tas), Aboriginal Heritage Tasmania (Department of Primary Industries, Parks, Water and Environment, Tas), 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, 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 the Environment was asked for advice on the Plan as proposed. On 14 April 2022, 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 Cape Wickham Lighthouse Heritage Management Plan 2022 have regulatory impacts of a minor or machinery nature and no regulation impact statement is required. The OBPR reference number is 42955.

### **Documents incorporated by reference**

There are no documents incorporated by reference into the Plan being documents that extend its scope or meaning. However, certain documents are mentioned in the Plan that are guidance in nature and provide context for AMSA's decision making process for the management of Cape Wickham Lighthouse.

The *Burra Charter* is a publication that defines the basic principles and procedures that may be followed in the conservation of a cultural heritage place.

*Working Together: Managing Commonwealth Heritage Places* is another guide that is published for Commonwealth agencies like AMSA to better understand the management requirements for Commonwealth Heritage places subject to the Environment Protection and Biodiversity Act regime.

Both the *Burra Charter* and *Working Together: Managing Commonwealth Heritage Places* are easily accessible, free of charge.

The *Burra Charter* is available at <https://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

*Working Together: Managing Commonwealth Heritage Places* is available at [https://www.awe.gov.au/parks-heritage/heritage/publications/working-together-managing-commonwealth-heritage-places#:~:text=The%202019%20Working%20Together%3A%20Managing,EPBC%20Act\)%20and%20its%20regulations.](https://www.awe.gov.au/parks-heritage/heritage/publications/working-together-managing-commonwealth-heritage-places#:~:text=The%202019%20Working%20Together%3A%20Managing,EPBC%20Act)%20and%20its%20regulations.)

### **Review**

The Plan was made by AMSA on 20 May 2022.

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 Cape Wickham Lighthouse Heritage Management Plan (the Plan), provides such a framework for the Cape Wickham Lighthouse.

The Plan provides for the future management of the Cape Wickham 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*.