

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Cape Leeuwin 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 Leeuwin Lighthouse and adjacent land is currently owned by the State of Western Australia. 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 Western Australian Department of Biodiversity, Conservation and Attractions (DBCA), 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 Leeuwin Lighthouse Heritage Management Plan (the **Plan**), provides for the protection and management of the values of the Cape Leeuwin Lighthouse.

Purpose and overview

Built in 1896, Cape Leeuwin Lighthouse is a historic site recognised by both the Commonwealth and the Western Australian State Government for its heritage significance. The Lighthouse is renowned for its contribution to the establishment of marine Aids to Navigation (AtoN) along the Western Australian coastline, the retention of its original lens array and mercury bath system, its aesthetic characteristics, and its inherent characteristics of a late nineteenth century lighthouse complex.

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 Leeuwin 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. Three submissions were received. AMSA

also consulted with the Western Australian Department of Biodiversity, Conservation and Attractions (DBCA), the Shire of Augusta Margaret River (AMR Shire), and the Margaret River Busselton Tourism Inc. AMSA also initiated contact with the Undalup Association Inc. and the South West Aboriginal Land and Sea Council (SWALSC) under the direction of Department of Planning, Lands and Heritage (Aboriginal Heritage, WA).

The feedback received (consisting of information on the management of the larger lightstation, the fauna and flora in the vicinity of the lighthouse, and processes relating to site-use) 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 Leeuwin 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 Leeuwin 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 23 June 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 Leeuwin Lighthouse Heritage Management Plan (the Plan), provides such a framework for the Cape Leeuwin Lighthouse.

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