

## **EXPLANATORY STATEMENT**

*Environment Protection and Biodiversity Conservation Act 1999*

*Swan Island Lighthouse Heritage Management Plan 2023*

### **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 Swan Island 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 (TAS)*, 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 Swan Island Lighthouse Heritage Management Plan (the **Plan**), provides for the protection and management of the values of the Swan Island Lighthouse.

### **Purpose and overview**

Built 1845, Swan Island Lighthouse is a historic site recognised by both the Commonwealth and the Tasmanian State Government for its heritage significance. The Lighthouse is renowned for its association with the development of maritime navigational aids in Bass Strait, its significance as the oldest lighthouse in Bass Strait, its association with Sir John Franklin, and for its aesthetic value as a remote coastal landmark.

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 Swan Island 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 7 March 2022 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 1 April 2022. No submissions were received. AMSA also consulted with the Tasmanian Parks and Wildlife Service, and the Department of Primary Industries, Parks, Water and Environment (Aboriginal Heritage Tasmania). AMSA

also initiated contact with the Aboriginal Land Council of Tasmania, and the Cape Barren Aboriginal Association under direction from the Office of Aboriginal Affairs (Tas).

The feedback received (consisting of historical information, significant associations held by the local community, and significant sites in the vicinity of the lighthouse) 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 24 October 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 Impact Analysis (**OIA**) considers that the changes made by the Swan Island Lighthouse Heritage Management Plan 2023 have regulatory impacts of a minor or machinery nature and no regulation impact statement is required. The OIA reference number is 42955.

### **Documents incorporated by reference**

There are two publications mentioned in the Plan, being *Burra Charter* and also *Working Together: Managing Commonwealth Heritage Places*. These documents are guidance in nature and suggest methodologies, process and strategies for conservation management of sites, including fixtures and items of historical significance. As important reference tools, these documents provide context for AMSA's decision making process for the management of Swan Island Lighthouse as a Commonwealth heritage place.

The mention of each document is to the latest edition.

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 Conservation Act regime.

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

The *Burra Charter* is available at <https://australia.icomos.org>.

*Working Together: Managing Commonwealth Heritage Places* is available at <https://www.awe.gov.au/parks-heritage/heritage/publications>.

### **Review**

The Plan was made by AMSA on 30 January 2023.

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 Swan Island Lighthouse Heritage Management Plan (the Plan), provides such a framework for the Swan Island Lighthouse.

The Plan provides for the future management of the Swan Island 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 instrument 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*.