

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Cape du Couedic 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 Cape du Couedic Lighthouse and adjacent land is currently owned by the State of South 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 National Parks and Wildlife South Australia, 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 du Couedic Lighthouse Heritage Management Plan (the **Plan**), provides for the protection and management of the values of the Cape du Couedic Lighthouse.

Purpose and overview

Built in 1909, Cape du Couedic Lighthouse was constructed to assist vessels traversing the western waters of Kangaroo Island (South Australia) after a number of ships were wrecked in the late 19th century. The lighthouse is notable for its heritage significance and was placed on the Commonwealth Heritage List in 2004 for its association with South Australia’s maritime and economic history. It is also renowned as being the last lighthouse to be built by the State Government before lighthouse management was transferred to the Commonwealth. The lighthouse is also significant for its inclusion within a relatively intact lightstation complex, and for its aesthetic qualities as a prominent landmark upon the cape.

The Plan provides for the future management of the Cape du Couedic Lighthouse by 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 operational 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. Submissions received were reviewed by MASA’s Heritage Team and feedback was implemented into the draft plan.

AMSA consulted with SA Department for Environment and Water (DEW), SA National Parks and Wildlife, and the Ramindjeri Heritage Association Inc. under direction from the SA Department of the Premier and Cabinet (Aboriginal Affairs and Reconciliation (AAR DPC)).

The feedback received consisted of information on the history of the site and its past and present associations. This information 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 20 November 2023, 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 Plan 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 Cape du Couedic 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 18 December 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 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 plan provides such a framework for the Cape du Couedic Lighthouse.

The Plan provides for the future management of the Cape du Couedic Lighthouse by AMSA 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*.