

THE LODGE HERITAGE MANAGEMENT PLAN 2024–2029

EXPLANATORY STATEMENT

Issued by authority of the Prime Minister

under the *Environment Protection and Biodiversity Conservation Act 1999*

Purpose and Overview of the Legislative Instrument

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, within the period mentioned in the agency's heritage strategy.

The Department of the Prime Minister and Cabinet (**PM&C**) owns and manages The Lodge, located at 5 Adelaide Ave, Deakin, Australian Capital Territory 2600. The Lodge was listed as a Commonwealth Heritage Place on 22 June 2004.

This Explanatory Statement relates to *The Lodge Heritage Management Plan 2024–2029* which is a legislative instrument, pursuant to subsection 341S (8) of the EPBC Act.

The Lodge Heritage Management Plan 2024–2029 (the **legislative instrument**) provides for the future management of The Lodge, with the objective to identify, protect, conserve, present and transmit the place's identified Commonwealth Heritage values.

Volume One contains a detailed description of the history and cultural significance of The Lodge as well as its physical elements and condition. It sets out the operational requirements for the management of the place with policies to guide the future management and protection of its Commonwealth Heritage values.

Volume Two contains a number of relevant reports and information to support the management frameworks in Volume One.

The legislative instrument meets the requirements under subsection 341S (4) of the EPBC Act. Specifically, it addresses all matters prescribed by regulation 10.03B and Schedule 7A of the *Environment Protection and Biodiversity Conservation Regulations 2000* (the **Regulations**) and is not inconsistent with the Commonwealth Heritage Management Principles set out in Schedule 7B of those regulations.

Documents Incorporated by Referenced

The following documents are incorporated by reference in the legislative instrument. They comprise non-statutory guidelines for best practice heritage methodologies, processes and strategies. The documents may be freely accessed and are available to members of the public through the provided links.

The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013
Accessed from: [Burra Charter & Practice Notes | Australia ICOMOS](#)

Engage Early – Guidance for proponents on best practice Indigenous engagement for environmental assessments under the EPBC Act

Accessed from: [Draft policy statement: Engage Early - Guidance for proponents on best practice Indigenous engagement for environmental assessments under the EPBC Act - DCCEEW](#)

The Interim Engaging with First Nations People and Communities on Assessments and Approvals under Environment Protection and Biodiversity Conservation Act 1999 (interim guidance)

Accessed from: [The Interim Engaging with First Nations People and Communities on Assessments and Approvals under Environment Protection and Biodiversity Conservation Act 1999 \(interim guidance\) - DCCEEW](#)

The incorporation of these documents is authorised by subsection 14(1) of the *Legislation Act 2003*. All of these documents are incorporated as in force as at a particular time, being the time when the legislative instrument comes into force.

Consultation

In accordance with the consultation requirements specified in subsection 341S (6)(b) of the EPBC Act and regulation 10.03C of the Regulations, PM&C sought comment from members of the public and Indigenous people with rights and interests in the place in relation to the draft legislative instrument. Pursuant to regulation 10.03C, consultation occurred for a prescribed period of no less than 20 days after the last day on which the notice was published, from 12 October 2022 to 9 November 2022, via notices placed in *The Australian* and on the PM&C website. No submissions were received in the public comment phase.

PM&C undertook two rounds of consultation with officials at the Department of Climate Change, Energy, the Environment and Water (DCCEEW) prior to advice being sought from the Minister for the Environment and Water (the **Minister**) on the draft legislative instrument. PM&C addressed all comments received from DCCEEW before submission of the draft legislative instrument to the Minister, the latter satisfying subsection 341S (6)(a) of the EPBC Act.

The draft legislative instrument was considered by the Australian Heritage Council in an out of session meeting in June 2024, and advice was provided by that Council to the Minister's delegate. On 24 June 2024, the delegate confirmed that the legislative instrument addresses the matters prescribed by the EPBC Act and the Regulations, and is not inconsistent with the Commonwealth Heritage Management Principles.

Period of Operation

The legislative instrument commenced on the day after it was registered on the Federal Register of Legislation.

In accordance with section 341X of the EPBC Act, a review must be carried out within five years of the legislative instrument being made.

Regulatory Impact Statement

The Office of Best Practice Regulation has advised, under reference number OIA24-07721, that the proposal is unlikely to have a more than minor regulatory impact. Therefore, the preparation of a Regulation Impact Statement is not required for the proposal.

Making the Legislative Instrument

This legislative instrument has been made by the Secretary of the Department of the Prime Minister and Cabinet in accordance with section 6 of the *Legislation Act 2003*.

Statement of Compatibility with Human Rights

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

The Lodge Heritage Management Plan 2024–2029

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

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, within the period mentioned in the agency's heritage strategy.

This Disallowable Legislative Instrument provides such a framework for The Lodge, located at 5 Adelaide Ave, Deakin, Australian Capital Territory 2600.

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.