EXPLANATORY STATEMENT

(Issued under the Authority of the Minister for Sustainability, Environment, Water, Population and Communities)

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

Instrument to remove a Commonwealth Heritage place and its Commonwealth heritage values from the Commonwealth Heritage List

The Environment Protection and Biodiversity Conservation Act 1999 (Cth) (the Act) provides for the protection and conservation of heritage, including places with Commonwealth Heritage values.

Section 341C of the Act requires the Minister to keep a written record of places and their heritage values, called the Commonwealth Heritage List (the List). The Minister may only include a place in the List if:

- the place is either entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth Authority; and
- the Minister is satisfied the place has one or more Commonwealth Heritage values.

Section 341L(2) of the Act provides that the Minister may remove all or part of a place from the List if the Minister is satisfied that the place no longer has any Commonwealth Heritage value or values or the part no longer contributes to any of the Commonwealth Heritage values of the place.

The purpose of the Instrument is to remove Thornton Hall & Surrounds (and its Commonwealth Heritage values) from the List.

Thornton Hall & Surrounds was included in the List on 22 June 2004 for two Commonwealth Heritage values (identified in Attachment A). On 9 May 2011 the Commonwealth sold ownership of the bulk of Thornton Hall & Surrounds. As a non-Commonwealth area, the sold part of the place became ineligible for the List. In accordance with section 341L(1)(a) of the Act, the sold portion of Thornton Hall & Surrounds was removed from the List on 10 November 2011. An area retained in Commonwealth ownership remained on the List. The Commonwealth Heritage values for Thornton Hall & Surrounds, however, are only found in the area removed from the List. The remaining Commonwealth area has no Commonwealth Heritage values.

Section 341M of the Act provides that before the Minister removes all or part of a place or one or more of a place’s Commonwealth heritage values from the List, the Minister must:

- obtain and consider advice from the Australian Heritage Council; and
- publish on the Internet and in a daily newspaper circulating in each State and self-governing Territory, a notice describing the proposed removal and inviting anyone to give the Minister comments. The Minister must consider any comments that are received.
The Australian Heritage Council advised the Minister that the remaining portion of Thornton Hall & Surrounds does not have the Commonwealth Heritage values identified in Attachment A. The reasons for the removal are given in Attachment B.

A notice was published on the website of the Department of Sustainability, Environment, Water, Population and Communities, and in The Australian, both on 3 October 2011. The period for public comment was 20 business days from 3 October 2011 to 2 November 2011. No comments were received.

The Instrument is a legislative instrument for the purposes of the Legislative Instruments Act 2003 (Cth).

The Instrument takes effect on the first day after the last day on which it could be disallowed, or taken to have been disallowed under the Legislative Instruments Act 2003 (Cth).

Statement of Compatibility with Human Rights

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 (Cth). This Legislative Instrument does not engage any of the applicable rights or freedoms.

Authority: Section 341L of the Environment Protection and Biodiversity Conservation Act 1999 (Cth)
Thornton Hall & Surrounds was included in the Commonwealth Heritage List on 22 June 2004 for the Commonwealth Heritage values indicated below:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>the place has significant heritage value because of the place’s importance in the course, or pattern, of Australia’s natural or cultural history</td>
</tr>
<tr>
<td>h</td>
<td>the place has significant heritage value because of the place’s special association with the life or works of a person, or group of persons, of importance in Australia’s natural or cultural history</td>
</tr>
</tbody>
</table>
Thornton Hall & Surrounds no longer has the Commonwealth Heritage values described in Attachment A because it is not considered to meet the Commonwealth Heritage criteria for those values for the following reasons:

<table>
<thead>
<tr>
<th>Reason for removal</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>The value is not found in the remaining Commonwealth area</td>
</tr>
<tr>
<td>h</td>
<td>The value is not found in the remaining Commonwealth area</td>
</tr>
</tbody>
</table>