

EXPLANATORY STATEMENT

Issued by Authority of the Minister for the Environment and Water

Australian War Memorial and Anzac Parade Heritage Management Plans 2022

Environment Protection and Biodiversity Conservation Act 1999

Legislative Authority

Subsection 324S(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) provides that the Minister for the Environment and Water (the Minister) must make a written plan to protect and manage the National Heritage values of a National Heritage place that is entirely within one or more Commonwealth areas. Subsection 324S(2) of the Act provides that the Minister may, in writing, amend the plan or revoke and replace the plan.

In accordance with subsection 324S(2) of the Act, the Australian War Memorial Heritage Management Plan 2022 and the Anzac Parade Heritage Management Plan 2022 (together, the 'Heritage Management Plans 2022', which forms the basis for management of the National Heritage place, Australian War Memorial and the Memorial Parade) replace the previous Heritage Management Plans prepared for the Australian War Memorial and the Memorial Parade National Heritage place.

Subsection 324S(4) of the Act provides that a National Heritage management plan must address the matters prescribed by the regulations and not be inconsistent with the National Heritage management principles. The Heritage Management Plans 2022 have been prepared in accordance with these principles.

Purpose

The purpose of the Heritage Management Plans 2022 is to provide for the future management of the Australian War Memorial and the Memorial Parade with the objective of identifying, protecting, conserving, presenting and transmitting its National Heritage values.

The Heritage Management Plans 2022 contain detailed descriptions of the history and cultural significance of the Australian War Memorial and the Memorial Parade as well as the physical elements and condition of each place. The Heritage Management Plans 2022 will set out the operational requirements for the management of each place with policies to guide the management and protection of its National Heritage values.

Background

The Australian War Memorial opened on 11 November 1941 and combines a shrine, a world-class museum, and an extensive archive. The Australian War Memorial's purpose is to commemorate the sacrifices of those Australians who have died in war or on operational service and those who have served our nation in times of conflict. Its mission is leading remembrance and understanding of Australia's wartime experience.

The Australian War Memorial's Campbell site, the National Memorial and Grounds, along with the Anzac Parade was added to the National Heritage List in 2006. The site has an area of about 25ha, in Reid and Campbell, comprising the whole of Anzac Parade (including the median strip) from the northern alignment of Constitution Avenue to the southern boundary of Section 39 Reid; Anzac Park (comprising Block 1 Section 41 Reid, Block 4 Section 39 Reid, Block 1 Section 1 Campbell, Block 2 Section 60 Campbell); the whole of Section 39 Campbell; that part of Limestone Avenue to the east of the alignment of the south-eastern most boundary of Block 5 Section 39 Reid; and that part of Fairbairn Avenue to the west of the alignment of the north west boundary of Block 3 Section 60 Campbell.

The Australian War Memorial Heritage Management Plan 2022 was prepared by heritage professionals from GML Heritage. The Anzac Parade Heritage Management Plan 2022 was prepared by heritage professionals Duncan Marshall and Amanda Evans.

Together, the Heritage Management Plans 2022 work to ensure the protection, management and conservation of the National Heritage values of the National Heritage place, the Australian War Memorial and the Memorial Parade.

Consultation

Paragraph 324S(6)(a) of the Act provides that the Minister must seek in accordance with the regulations, and consider, comments about the matters to be addressed by the proposed plan before it is made, amended or revoked and replaced. Regulation 10.01D of the *Environment Protection and Biodiversity Conservation Regulations 2000* (the Regulations) sets out requirements that must be met when publishing a notice seeking comments on a proposed National Heritage management plan. Regulation 16.05A of the Regulations provides that the notice must be published on the Internet, in a daily newspaper that circulates throughout Australia, and, if the proposed management plan is relevant to the Territory of Cocos (Keeling) Islands, the Territory of Christmas Island or the Territory of Norfolk Island, in the government gazette of the Territory.

In accordance with paragraph 324S(6)(a) of the Act, public comments were sought on drafts of the plans that make up the Heritage Management Plans 2022:

The Australian War Memorial published a notice in local and national newspapers and the Australian Government Gazette on 8 August 2019. A hard copy was also available from the Reading Room at the Australian War Memorial. The closing date for comments was 6 September 2019.

The National Capital Authority published a notice in the Australian and Canberra Times on 24 April 2021. The closing date for comments was 24 May 2021.

Paragraph 324S(6)(b) of the Act provides that the Minister must seek and consider comments from the Australian Heritage Council on the proposed plan before making, amending or revoking and replacing a plan.

The draft plan that covers the Australian War Memorial portion of the site was commented on by the Australian Heritage Council and subsequently approved on 10 March 2022.

The draft plan that covers the Memorial Parade portion of the site was commented on by the Australian Heritage Council and subsequently approved on 24 October 2022.

Operation

The Heritage Management Plans 2022 are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Heritage Management Plans 2022 commence the day after registration.

Documents Incorporated by Reference

The Australian War Memorial Heritage Management Plan 2022 and the Anzac Parade Heritage Management Plan 2022 both incorporate *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013* (Burra Charter) by reference. The Burra Charter contains a set of principles, processes and guidelines for best practice in heritage conservation developed by Australian International Council on Monuments and Sites (ICOMOS) and based on international standards.

In accordance with paragraph 14(1)(b) and subsection 14(2) of the *Legislation Act 2003*, the Burra Charter is incorporated as it existed at the time of the making of the Legislative Instrument.

The Burra Charter is freely accessible at: <https://australia.icomos.org/publications/burra-charter-practice-notes/>

Regulatory Impact

The Office of Impact Analysis has advised that the Australian War Memorial Heritage Management Plan 2022 and the Anzac Parade Heritage Management Plan 2022 are unlikely to have more than a minor regulatory impact. As such, the preparation of an Impact Analysis was not required (OIA23-05069).

Statement of Compatibility with Human Rights

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

Australian War Memorial and Anzac Parade Heritage Management Plans 2022

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

The purpose of the Australian War Memorial and Anzac Parade Heritage Management Plans 2022 (Heritage Management Plans 2022) is to provide for the protection and management of the Australian War Memorial and Memorial Parade National Heritage place pursuant to section 324S of the *Environment Protection and Biodiversity Conservation Act 1999*. The Heritage Management Plans 2022 contain a detailed description of the history and cultural significance of the Australian War Memorial as well as its physical elements and condition. The Heritage Management Plans 2022 set out the operational requirements for the management of the place with policies to guide the management and protection of its National Heritage values.

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.