

KIRRIBILLI HOUSE AND GARDEN HERITAGE MANAGEMENT PLAN 2025–2030

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 Kirribilli House and Garden, located at 111 Kirribilli Ave, Kirribilli, New South Wales 2061. Kirribilli House and Kirribilli House Garden and Grounds were listed as Commonwealth Heritage places on 15 July 2004.

This Explanatory Statement relates to *Kirribilli House and Garden Heritage Management Plan 2025–2030* which is a legislative instrument, pursuant to subsection 341S (8) of the EPBC Act.

The Kirribilli House and Garden Heritage Management Plan 2025–2030 (the legislative instrument) provides for the future management of Kirribilli House and Garden, with the objective to identify, protect, conserve, present and transmit the places' identified Commonwealth Heritage values.

Volume One contains a detailed description of the history and cultural significance of Kirribilli House and Garden 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 reference

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: <https://australia.icomos.org/publications/burra-charter-practice-notes/>

Ask First: A guide to respecting Indigenous heritage places and values

Accessed from:

https://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/ask_first.pdf

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

Accessed from: <https://www.dcceew.gov.au/environment/epbc/consultation/engage-early-indigenous-engagement>

The Australian Natural Heritage Charter: for the conservation of places of natural heritage significance – Second edition

Accessed from: <https://vgls.sdp.sirsidynix.net.au/client/search/asset/1292682>

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 17 November 2023 to 15 December 2023, via notices placed in *The Australian* and on the PM&C website. One response was received – from the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

PM&C undertook two rounds of consultation with officials at 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 July 2025, and advice was provided by that Council to the Minister's delegate. On 17 July 2025, 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 OIA25-09873, that the proposal is unlikely to have more than a 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

Kirribilli House and Garden Heritage Management Plan 2025–2030

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 Kirribilli House, located at 111 Kirribilli Ave, Kirribilli, New South Wales 2061.

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.