



Australian Government

AUSTRALIA'S

National Heritage



The EPBC Act and the National Heritage List

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The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's environment and heritage legislation.

The National Heritage List, established under the EPBC Act, includes natural, historic and Indigenous places of outstanding heritage value to the nation.

The National Heritage List includes places such as:

- the Dinosaur Stampede National Monument, Queensland
- Brewarrina Aboriginal Fish Traps (Baiaames Ngunnhu), New South Wales
- Melbourne Cricket Ground, Victoria
- the Australian War Memorial and Anzac Parade, Australian Capital Territory
- Old and New Parliament Houses, South Australia
- Stirling Range National Park, Western Australia
- Hermannsburg Historic Precinct, Northern Territory and
- Port Arthur Historic Site, Tasmania.

Amendments to the EPBC Act in February 2007 established a more strategic and streamlined process for listing national heritage places. The changes will also give the Australian Government Minister for the Environment and Water Resources (the Minister) the option of establishing a heritage conservation theme and introducing an assessment cycle.

Heritage themes

The Minister may determine a heritage theme, and invite nominations for National Heritage places that reflect this theme. Themes could include natural landscapes, Australian Indigenous rock art or development of democracy. The Minister may consider advice from the Australian Heritage Council (the Council) in determining the theme.

Nomination and assessment cycle

The establishment of an assessment cycle allows for the setting of priorities and work programmes focussing on those places most likely to have National Heritage values (see flow chart, below).

Nominations included on the priority assessment list will be assessed within the 12-month assessment period (or over a longer time frame if suggested by the Council and agreed by the Minister). The Council must invite public and expert comment on the nominations during the assessment period.

Who can nominate places for the National Heritage List?

Anyone may nominate a place for the National Heritage List. Each year, the Minister will invite nominations during a fixed period. Nomination kits are available from the Department of the Environment and Water Resources:

The Nominations Manager
Heritage Division
Department of the Environment and Water Resources
GPO Box 787
CANBERRA ACT 2601
Tel: (02) 6274 1217
Web: www.environment.gov.au/heritage

Can confidential information be protected?

Where the Minister considers that the heritage values of a place could be significantly damaged by the disclosure of some information, the Minister may decide to only make available a general description of the place, its location or its national heritage values. It may, for example, be inappropriate for cultural reasons to disclose certain information about a site.

What does listing mean?

National Heritage places are matters of national environmental significance protected by the EPBC Act. If the Minister decides that an action will or is likely to have a significant impact on a matter of national environmental significance, then the action will require approval under the EPBC Act. Substantial penalties apply for taking such an action without approval, and include fines of up to \$5.5 million or up to seven years imprisonment.

If a National Heritage place is on state, self-governed territory or private land, the values are protected to the full extent of the Australian Government's constitutional powers. In the case of places with Indigenous heritage values in the National Heritage List, the Australian Government has the power to protect them irrespective of land tenure. In other cases, the value of places may be protected under state legislation (through a bilateral agreement) or by private owners under a conservation agreement with the Australian Government.

Where is the National Heritage List?

The National Heritage List is compiled and maintained by the Department of the Environment and Water Resources in an electronic database.

Further information about the National Heritage List:

Heritage Division
Department of the Environment and Water Resources
GPO Box 787
Canberra ACT 2601
Tel: (02) 6274 1111
Fax: (02) 6274 2095
Email: heritage@environment.gov.au
Web: www.environment.gov.au/heritage

Further information about the EPBC Act:

Community Information Unit
Department of the Environment and Water Resources
Free call: 1800 803 772
Email: ciu@environment.gov.au
Web: www.environment.gov.au/epbc

National Heritage List cycle

Minister may determine a heritage theme to be given priority during the assessment. (s324H)

Public nominations invited. (s(324J) A minimum of 40 days will be allowed for nominations to be submitted.

All nominations referred to the Australian Heritage Council (the Council) within 30 business days after the end of the nomination period. (s324JA)
Minister may reject nominations that are vexatious, frivolous, not made in good faith or which do not contain sufficient information. (s324JA(4))

The Council provides the Minister with proposed priority assessment list of nominations within 40 business days, including an assessment completion time for each nomination. (ss324JB, 324JC & 324JD)
The Council must explain to the Minister if it is decided not to include a nominated place in the priority assessment list. (s324JD(1)(b))

Minister may make changes and publishes the final priority list within 20 business days.
Minister may remove or add nominated places during this time. (s324JE)

The Council commences the assessment by inviting public comment on each nominated place in the finalised priority assessment list.
A minimum of 30 business days will be allowed for comments to be submitted. (s324JG)

The Council provides assessments on nominated places to the Minister at the conclusion of the assessment period. (ss324JH & 324JI)
The Council may ask the Minister to extend the assessment completion time if necessary. (s324JI(2))

Minister makes decision within 90 business days. (s324JJ)
Minister may extend the 90 day business period. (s324JJ(3) & (4))

Minister may decide in writing not to include place in National Heritage List. (s324JJ(1)(b))

Minister may include the place or part of the place and its values in the National Heritage List. (s324JJ(1)(a))