



Australian Government

AUSTRALIA'S

National Heritage



The EPBC Act and the Commonwealth 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 Commonwealth Heritage List, established under the EPBC Act, comprises natural, Indigenous and historic heritage places on Commonwealth lands and waters or under Australian Government control. Places on the List have been identified by the Minister for the Environment and Water Resources (the Minister) as having Commonwealth heritage values.

The Commonwealth Heritage List includes places such as:

- Shoalwater Bay Military Training Area, Byfield, Queensland
- Cape Byron Lighthouse, Byron Bay, New South Wales
- Melbourne General Post Office, Melbourne, Victoria
- Old Parliament House and Curtilage, Parkes, Australian Capital Territory
- Cape Wickham Lighthouse, Tasmania
- Murray Mallee - Calperum Station and Taylorville Station, South Australia
- Geraldton Customs House Complex, Geraldton, Western Australia
- Adelaide River War Cemetery, Darwin, Northern Territory and
- Mawson's Hut Historic Site, Antarctica (also in the National Heritage List)

Amendments to the EPBC Act in February 2007 established a more strategic process for listing Commonwealth Heritage Places and introduced an assessment cycle.

Nomination and assessment cycle

The assessment cycle will allow priorities and work programmes focussing on those places most likely to have Commonwealth Heritage values to be set.

Nominations included on the finalised priority assessment list will be assessed within the 12-month period, or over a longer timeframe if suggested by the Australian Heritage Council (the Council) and agreed by the Minister. The Council must invite public and expert comment on the nominations during the assessment period (see flow chart, below).

Who can nominate places for the Commonwealth Heritage List?

Anyone may nominate a place for the Commonwealth Heritage List. Each year, the Minister will invite nominations. 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 to disclose certain information about a site for cultural reasons.

Obligations of Australian Government agencies

To protect the heritage values of the Commonwealth Heritage Places they own or lease, Australian Government agencies are required to develop:

- heritage strategies
- a heritage register and
- management plans for places on the Commonwealth Heritage List.

Strategies and registers

Australian Government agencies must assist in identifying potential heritage places under their ownership or control by developing heritage strategies and registers. The strategy must not be inconsistent with the Commonwealth Heritage management principles. The heritage strategies are required to be reviewed every three years.

Management plans

Australian Government agencies that own or control Commonwealth Heritage places must make plans for managing Commonwealth Heritage values. If plans are already in place to manage these values, and are consistent with the Commonwealth Heritage management principles prescribed in the regulations to the EPBC Act, a new plan will not be required. If agencies do not have a management plan and propose to take any action that has, will have or is likely to have a significant impact on the Commonwealth Heritage values of a place, they must refer the action to the Minister for approval. In addition the agency must not act inconsistently with the Commonwealth Heritage management principles.

Where is the Commonwealth Heritage List?

The Commonwealth Heritage List is compiled and maintained by the Department of the Environment and Water Resources on an electronic database. The full list of places, and description of their heritage values, is available on the Department's web site: www.environment.gov.au/heritage

Further information about the Commonwealth 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

Commonwealth Heritage List assessment cycle

Public nominations invited. (s341H)
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. (s341J)
Minister may reject nominations that are vexatious, frivolous, not made in good faith or which do not contain sufficient information. (s341J(4))

The Council provides the Minister with proposed priority assessment list of nominations within 40 business days. The list must include an assessment completion time for each nomination. (ss341JA, 341JB & 341JC)
The Council must explain exclusion to the Minister if it is decided not to include a nominated place in the priority assessment list. (s341J(4))

Minister may make changes and publishes the final priority list within 20 business days.
Minister may remove or add nominated places during this time. (s341JD)

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. (s341JF)

The Council provides assessments on nominated places to the Minister at the conclusion of the assessment period. (ss341JG & 341JH).
The Council may ask the Minister to extend the assessment completion time if necessary. (s341JH(2))

Minister makes decision within 90 business days. (s341JI)
Minister may extend the 90 business day period. (s341JI(3) & (4))

Minister may decide in writing not to include place in Commonwealth Heritage List. (s341JI(1)(b))

Minister may include the place or part of the place and its values in the Commonwealth Heritage List. (s341JI(1)(a))