



Australian Government

AUSTRALIA'S
National Heritage



The Register of the National Estate

- **Background**
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- **Can people still nominate places for the Register?**

The Register of the National Estate is a list of natural, Indigenous and historic heritage places throughout Australia. From 19 February 2007 the Register has been frozen, meaning that no places can be added or removed.

Background

The Register of the National Estate was originally established under the *Australian Heritage Commission Act 1975*. Under that Act, the Australian Heritage Commission entered more than 13,000 places in the register. In 2004, responsibility for maintaining the Register shifted to the Australian Heritage Council, under the *Australian Heritage Council Act 2003* (AHC Act).

A new heritage system

On 1 January 2004, a new national heritage system was established under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). This introduced the National Heritage List, which was designed to recognise and protect places of outstanding heritage to the nation, and the Commonwealth Heritage List, which includes Commonwealth owned or leased places of significant heritage value.

The establishment of this national system was in line with a 1997 agreement by the Council of Australian Governments, that each level of government should be responsible for protecting heritage at the appropriate level. The Australian Government's role in relation to heritage is to focus on protecting places of world and national heritage significance and on ensuring Commonwealth compliance with state heritage and planning laws. Each state and territory government, and local government, has a similar responsibility for its own heritage.

As a result, there is now a significant level of overlap between the Register of the National Estate, and heritage lists at the national, state and territory, and local government levels. In early 2007, changes were made to the EPBC Act, to address this situation. From 19 February 2007 the Register has been frozen, meaning that no places can be added or removed.

A transition period of five years has been provided to allow governments to consider whether there are places on the Register that should receive protection under another statutory list or a local government heritage register. After this period, the Register's statutory basis will be removed.

Will the Register continue to be publicly available?

Yes, the Register will continue as a statutory register until February 2012, meaning that the Minister for the Environment and Water Resources (the Minister) is required to consider the Register when making some decisions under the EPBC Act. References to the Register will remain in the *Australian Heritage Council Act 2003* during this time, and it will continue to be available online.

From February 2012 all references to the Register will be removed from the EPBC Act and the AHC Act.

Can people still nominate places for the Register?

No. From 19 February 2007, the Register has been frozen, meaning that no new places can be added to it, nor can places be removed. However, people can nominate places for inclusion in the National Heritage List and the Commonwealth Heritage List.

Further information:

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

How will places in the Register be protected?

Many places in the Register are already included in other statutory lists, such as the state heritage lists, or local government heritage registers. As a result, those places receive protection under the relevant federal, state or territory legislation, or under council bylaws.

The five-year transition period that has been provided for the closure of the Register to allow governments, including the Australian Government, state and territory governments, and local governments, time to assess other places in the Register for inclusion in the appropriate national, state, territory or local heritage list.

In the case of places of national or Commonwealth significance that are in the Register, some of these places are already included in the National Heritage List or the Commonwealth Heritage List, and therefore receive protection under the *Environment Protection and Biodiversity Conservation Act 1999*. The Australian Government will, over the next five years, assess whether there are further places in the Register that should be included in the Commonwealth Heritage List.

Further information on the Register of the National Estate, the National Heritage List, and the Commonwealth Heritage List, is available from the Department of the Environment and Water Resources web site www.environment.gov.au/epbc or by contacting the Department's Community Information Unit, email ciu@environment.gov.au or freecall 1800 803 772.