



Australian Government

AUSTRALIA'S

National Heritage



Heritage Laws and Australian Government Agencies

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What is a heritage strategy?

If an Australian Government agency owns or controls one or more places, it must prepare a written heritage strategy for managing the places to protect and conserve their Commonwealth Heritage values. The principal objective of a heritage strategy is to outline a strategic approach for the agency to integrate heritage conservation and management into its overall property planning and management framework. Before making a heritage strategy, the agency must consult the Australian Heritage Council (the Council) and take its advice into account. The agency must give a copy of the completed strategy to the Minister for the Environment and Water Resources (the Minister).

Heritage assessments and registers

Australian Government agencies must, within the timeframe outlined in their heritage strategy:

- conduct a program to identify Commonwealth Heritage values for each place it owns or controls
- produce a register that sets out, for each place it owns or controls, the Commonwealth heritage values (if any) of that place
- give the Minister a written report that includes:
 - details of the program and
 - a copy of the register.

Assisting the Minister and the Australian Heritage Council

An Australian Government agency that owns or controls a place with National or Commonwealth Heritage values must take all reasonable steps to assist the Minister and the Council in the identification, assessment and monitoring of the place's listed heritage values.

National heritage places and management plans

An Australian Government agency must not contravene a management plan which has been prepared for a National Heritage place which is entirely within a Commonwealth area. Under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), the definition of *Commonwealth area* includes land that is owned or leased by the Commonwealth. Where there is no plan in place for a National Heritage place in a Commonwealth area, the Australian Government and its agencies must take all reasonable steps to ensure that their actions relating to the place are not inconsistent with the National Heritage management principles.

The Minister must make a written plan to protect and manage the National Heritage values of each National Heritage place that is entirely within one or more Commonwealth areas. An Australian Government agency that owns or controls all or part of a National Heritage place must take all reasonable steps to assist the Minister to make a plan for the place.

In relation to National Heritage places not entirely within one or more Commonwealth areas, the Australian Government must use its best endeavours to ensure that a management plan is prepared which is not inconsistent with the National Heritage management principles. The Australian Government and its agencies must take all reasonable steps to ensure their actions relating to a place are not inconsistent with the management plan for that place or the National Heritage management principles.

Commonwealth heritage places and management plans

An Australian Government agency must make a written plan to protect and manage the Commonwealth Heritage values of a Commonwealth Heritage place it owns or controls. Agencies must not contravene such a plan or authorise another person to do so.

Protecting heritage values

An Australian Government agency must not take an action that has, will have, or is likely to have a significant impact on the National Heritage values of a National Heritage place.

An Australian Government agency must not take an action that has, will have, or is likely to have a significant impact on the Commonwealth heritage values of a Commonwealth Heritage place, unless there is no feasible and prudent alternative to taking the action and all measures that can reasonably be taken to mitigate the impact of the action on those values are taken.

Selling or leasing properties with heritage values

When an Australian Government agency executes a contract for the sale or lease of a Commonwealth area, that includes all or part of a National or Commonwealth Heritage place, the agency must give the Minister for the Environment and Water Resources at least 40 business days notice before executing the contract. The agency must ensure that the contract includes a covenant, the effect of which is to protect the National or Commonwealth Heritage values of the place, unless, having regard to other means of protecting those values, the agency is satisfied that it is either unnecessary or unreasonable or if including such a covenant in the contract is impracticable.

If the Minister is informed that the Australian Government agency is satisfied that it is unnecessary to include such a covenant in the contract, the Minister may advise the agency about measures to ensure the ongoing protection of the National or Commonwealth Heritage values of the place, in which case the agency must take all reasonable steps to ensure that the measures are taken.

Further information:

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