



Australian Government

AUSTRALIA'S

National Heritage



Natural Heritage – Frequently Asked Questions

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The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) establishes the National Heritage List, which includes natural, Indigenous and historic places that are of outstanding heritage value to the nation. The Act also establishes the Commonwealth Heritage List, which comprises natural, Indigenous and historic places on Commonwealth lands and waters or under Australian Government control, and determined by the Minister for the Environment and Water Resources (the Minister) as having Commonwealth Heritage values. Under the Act, the Australian Heritage Council (the Council) is the Australian Government's expert advisory body on heritage matters.

What is natural heritage?

Our natural heritage comprises the components of the natural environment that have aesthetic, historic, scientific or social significance or other special value for future generations, as well as for the present community.

Places in these lists may have diverse values. They may feature exceptional species richness, such as the Stirling Range National Park in Western Australia. They may form a unique snapshot in time, such as the Dinosaur Stampede at Lark Quarry. Or they may show spectacular geological features, such as the volcanic landscape of the Warrumbungle National Park.

The places that feature these important values may be owned by the Australian Government or state or local governments, by businesses, voluntary or other organisations, or by private groups or individuals.

How does the Australian Heritage Council assess natural values?

Anyone may nominate a place for the National and Commonwealth Heritage Lists. Each year, the Minister invites nominations. For the National Heritage List, particular heritage themes may be determined and be given priority in a year.

Nominations must set out the exceptional qualities or values of the place that make it significant to the nation as a whole.

When a place is nominated to the National or Commonwealth Heritage Lists, the Council assesses whether or not it has natural heritage values against statutory criteria. The *Australian Heritage Council Act 2003* requires that two members of the Australian Heritage Council have ‘substantial experience or expertise concerning natural heritage’. The Council will be assisted by staff with expertise in a wide range of natural environment disciplines.

After completing its assessment, the Council makes a recommendation to the Minister who then makes the final decision on listing.

How are the natural values protected under the new heritage system?

Natural places listed on the National and Commonwealth Heritage Lists are protected under the EPBC Act. Under the Act, taking an action that has, or is likely to have, a significant impact on the listed natural values of a National or Commonwealth Heritage place without the approval of the Minister is prohibited.

To ensure the ongoing protection of national heritage places, every listed place is encouraged to have a management plan setting out how the significance of the site will be protected or conserved. Such plans should be reviewed every five years.

How does entry on the lists affect private landowners?

In conducting its assessments, the Australian Heritage Council must consult with the owner or occupier of a place as well as Indigenous people with rights or interests in the place where appropriate.

If a place with natural heritage values is on state or private land, it can be protected by the Australian Government where it has the appropriate Constitutional power to do so. In other cases, places may be protected under state legislation (through a bilateral agreement) or under a conservation agreement with the Commonwealth.

Inclusion in the National Heritage List does not mean that listed places are managed by the Department or the Australian Heritage Council and does not allow people to enter a National Heritage List place that is not open to the public. Only the values of a place identified as being of national significance are protected under the EPBC Act. Consequently, actions that do not impact on these values are not prohibited.

What are the benefits of national heritage listing for private landowners?

Some of the benefits to landholders of having a National Heritage List place on their property are:

- development of a thorough explanation of the heritage values of landowners' property and recognition of their significance (generally landowners are well aware of heritage values on their property and take pride in their conservation)
- assistance in maintaining long-term integrity of the assessed National Heritage List values through conservation agreements between the Australian Government and the landowner outlining the roles and responsibilities of each party
- development of a management plan for the place with input and commitment from the landholder to ensure its ongoing management
- potential eligibility for funding under certain programs, such as the Natural Heritage Trust.

What if I don't want national heritage listing to go ahead on my property?

In conducting its assessments of nominations, the Australian Heritage Council must consult with the owner or occupier of a place as well as Indigenous people with rights or interests in the place. Landowners are given an opportunity to comment on whether a place should be included in the National Heritage List by writing to the Minister.

The Minister can ask a person with appropriate qualifications or experience to assess the merits of any comments received. In making his/her decision to include a place in the National Heritage List, the Minister may consider factors other than the heritage values of the place.

The Minister's final decision is subject to the provisions of the *Administrative Decisions (Judicial Review) Act 1977*.

Further information:

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