



About Australia's Heritage: The National Heritage List

Considerations for National Heritage listing of places with Indigenous heritage value

The heritage of Australia's First Nations peoples is rich, diverse, ancient, and evolving. Many First Nations sites are on the National Heritage List, which is Australia's record of outstanding places. The Cheetup Rock Shelter, Uluru Kata-Tjuta National Park, Quinkan Country and the Budj Bim Cultural Landscape are all on the List.

The Australian Heritage Council, the principal advisor to the Australian Government on heritage matters, understands that adding places to the National Heritage List must be done in a way that respects and includes traditional owners and First Nations communities. To do this, the Council considers cultural knowledge, intellectual property, confidentiality, and community views. The Council also has a policy on Free Prior and Informed Consent (FPIC) that supports their process.

First Nations cultural knowledge

Indigenous cultural knowledge is specific to particular people and places. Sometimes it is appropriate to share cultural knowledge with others and sometimes it is not. Other times it may be more appropriate to share cultural information in a limited way with specific people or for specific purposes. For example, information may be shared with staff supporting Council in the assessment of a place and for that information to be stored, but not for it to be published or made available to the public.

Indigenous cultural and intellectual property

The Council respects the cultural and intellectual property rights of the Indigenous communities they work with. The Council does this by:

- working through a community's nominated representative body to engage with knowledge holders
- discussing and agreeing with knowledge holders how cultural information offered during an assessment may be used and what must happen to that information afterwards
- seeking and respecting the principles of Free Prior and Informed Consent of Indigenous stakeholders throughout the heritage listing process.

Confidentiality

The law that governs the National Heritage List – the *Environment Protection and Biodiversity Conservation Act 1999* – specifically allows for select information (including locations) to be kept confidential (section 324Q). If releasing information about a place could lead to significant damage that would impact its heritage value, these details will not be released to the public.

Community involvement

The Council recognises that Indigenous cultural knowledge and the authority to share that knowledge is collectively held.

The Council works with Indigenous representative bodies, groups, and individuals to make sure community engagement for every heritage listing is a clear and accessible process. This includes clear information about each stage of the process to stakeholders, and that any Indigenous people who wish to be involved are included.

Views put forward during any stage of a National Heritage assessment by traditional owners, including objections to a listing, are put to the Minister for the Environment.

Free Prior and Informed Consent

Free Prior and Informed Consent (FPIC) is a right that relates to Indigenous peoples as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

FPIC allows First Nations peoples to give or withhold consent to projects that may affect them or their territories. The Council recognises the importance of seeking and obtaining FPIC during National Heritage List nomination and assessment processes.

The Council understands that while many Indigenous people and groups should be heard in the assessment process, they may differ in their level of authority to speak for a place. The Council also understands that authority to speak for Country is determined by Indigenous communities.

Learn more

You can learn more about the National Heritage List and the listing process.

Web: dceew.gov.au/parks-heritage/heritage/about/national

Email: heritage@environment.gov.au

Call: 1800 803 772

Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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