

PROTECTED AREAS AND HERITAGE

Areas of ecological, cultural and/or heritage significance are identified, protected and managed under the EPBC Act. These include world and national heritage properties, Ramsar wetlands and wetlands of national importance, biosphere reserves and Commonwealth land and marine reserves (National Parks).

The EPBC Act contains a number of mechanisms in relation to protected areas, management and heritage protection.

The Commonwealth's role in protecting areas relates to Australia's international obligations and places with National or Commonwealth Heritage values. Commonwealth and Biosphere reserves are protected due to their heritage or ecological significance, and the management of these areas is guided by international programs and policies.

Protected areas under the Act include:

- World Heritage properties;
- National Heritage places;
- Commonwealth Heritage places;
- Wetlands of National importance (Ramsar wetlands);
- Biosphere reserves; and
- Commonwealth reserves and conservation zones.

PROTECTING HERITAGE

In 2003, the Act was amended to provide for the protection and conservation of heritage matters that were the responsibility of the Commonwealth. Like other components of the environment, the protection and conservation of heritage is a responsibility of all levels of government – local, state and Commonwealth.

The Act provides the framework for listing and protecting National, Commonwealth and World Heritage Areas. It is important to note that the heritage lists establish protection for the heritage values of a place. A place has heritage value only if the place meets one of the World, National or Commonwealth heritage criteria.

The provisions of the Act that relate directly to the listing and management of heritage places are in Part 15 of the Act. However, many other provisions of the Act promote the protection of heritage, for example through the impact assessment process, the identification and protection of species and ecological communities and the protection of the environment on Commonwealth land and in Commonwealth marine areas.

WORLD HERITAGE

The Act provides the legal framework for implementing Australia's obligations under the Convention concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention). In collaboration with the relevant state or territory government, the Australian Government is responsible for nominating places to the World Heritage List.

NATIONAL HERITAGE LIST

The Act provides for a National Heritage List which contains places which are considered to be of outstanding heritage value to the nation.

The nominating and listing process for the National Heritage List is similar to other listing process in the Act, whereby public nominations of places are invited and a statutory committee (the Australian Heritage Council) assesses a priority list of the nominations. The committee provides recommendations to the Minister who then makes a decision.

The Act also provides for the exchange of information between the Threatened Species Scientific Committee (TSSC) and the Australian Heritage Council (AHC) for co-ordination of assessments of nominated National Heritage place. A flowchart of the nomination and listing process of a National Heritage place can be found on the [Department's website](#).

The Minister can also list a place using the emergency listing provisions. These provisions can only be used if the Minister believes the place has one or more National Heritage values, that one or more of these values are under threat of a significant adverse impact, and that the threat is both likely and imminent.

COMMONWEALTH HERITAGE LIST

The Act provides for a Commonwealth Heritage List which identifies places owned or leased by the Commonwealth or an Australian Government agency which are of significant heritage value. The nomination and assessment process for the Commonwealth Heritage List mirrors that for National Heritage. Commonwealth Heritage values are considered to be part of the environment on Commonwealth land which is protected under the Act.

The List of Overseas Places of Historic Significance to Australia (LOPHSA) is created by the Act to list and protect significant Australian heritage sites overseas, including the Kokoda Track in Papua New Guinea and Anzac Cove, Gallipoli.

PROTECTION FOR HERITAGE

World Heritage properties and National Heritage places are matters of national environmental significance. It is an offence under the Act to take an action that has, will have or is likely to have a significant impact on the World Heritage values of a declared World Heritage property or the National Heritage values of a National Heritage place, unless approved by the Minister.

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Actions that are likely to have a significant impact on the environment on Commonwealth land or the Commonwealth marine area, undertaken by the Commonwealth or an Australian Government agency, or the Commonwealth Heritage values of a place are prohibited unless assessed and approved under the Act.

Under section 27B of the Act, it is an offence to take an action that has, will have or likely to have a significant impact on the environment in a Commonwealth Heritage place overseas (LOPHSA), unless approved by the Minister.

MANAGING HERITAGE PLACES

The Act supports the preparation of management plans that set out how the heritage values of the property/place will be protected or conserved.

Under the Act, the Minister must prepare management plans for World Heritage properties and for National Heritage places in Commonwealth areas. Management plans are also required for all Commonwealth Heritage listed places. An exception to these requirements is where the heritage listed place is within a Commonwealth reserve and included in another plan required under the Act. This avoids having multiple management plans for the one property.

Where a World Heritage place is not in Commonwealth areas, the Australian Government must use its best endeavours to ensure that a management plan is prepared and implemented that is not inconsistent with the World Heritage Convention or the [Australian World Heritage Management Principles](#).

Where a National Heritage place is not in a Commonwealth area, the Australian Government must use its best endeavours to ensure that a management plan is prepared and implemented in co-operation with the relevant state or territory government.

In the event that there is no management plan, Australian Government agencies must take all reasonable steps to ensure that their actions are not inconsistent with the relevant management principles set out in the regulations of the Act, and not inconsistent with Australia's obligations under the World Heritage Convention.

PROTECTING WETLANDS AND RESERVES

WETLANDS OF INTERNATIONAL IMPORTANCE

The Act protects wetlands of international importance and provides the legal framework for implementation of Australia's obligations under the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (also known as the Ramsar Convention).

The broad aim of the Ramsar Convention is to halt the loss of wetlands and to conserve, through wise use and management, those that remain.

The Convention designates sites to the List of Wetlands of International Importance which are considered to contain representative, rare or unique wetlands types or that are important in conserving biological diversity.

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The Minister may designate a wetland for inclusion on the List of Wetlands of International Importance only if satisfied the Commonwealth has used its best endeavours to reach agreement with the owner or occupier of the area containing the wetland.

[Australian Ramsar Management Principles](#) provide the framework for managing Ramsar wetlands in Australia. These principles cover matters relevant to the preparation of management plans for Ramsar wetlands in Australia, environment assessment of actions that may affect such wetlands, and community consultation. A management plan for a Ramsar wetland cannot be accredited unless it is in accordance with these principles.

Wetlands of International Importance are a matter of national environmental significance. It is an offence under the Act to take an action that has, will have or likely to have a significant impact on the ecological characteristics of a declared Ramsar wetland, unless approval is granted by the Minister.

BIOSPHERE RESERVES

The Act provides for the establishment of [Commonwealth biosphere reserves](#). Australia currently has nine biosphere reserves. A biosphere reserve is an area designated for inclusion in the World Network of Biosphere Reserves by the United Nations Educational, Scientific and Cultural Organisation (UNESCO). While Australia does not have any binding international obligation to protect biosphere reserves, it does participate in the UN Man and the Biosphere Program. The biosphere reserve concept aims to reduce biodiversity loss and enhance social, economic and cultural conditions for environmental sustainability. Biosphere reserves are important sites for research and demonstration of approaches to conservation and sustainable development.

The Act specifies that a management plan may be made for a biosphere reserve within one or more Commonwealth areas and that the plan must be consistent with the Australian Biosphere Reserve Management Principles. The EPBC Act Regulations contain principles for the management of biosphere reserves.

COMMONWEALTH RESERVES AND CONSERVATION ZONES

Under the Act, the Governor-General can proclaim Commonwealth reserves over certain areas of land or sea that are:

- owned or leased by the Commonwealth;
- in a Commonwealth marine area; or
- outside Australia where the Commonwealth has international obligations to protect.

The Act requires that when a Commonwealth reserve is proclaimed, it must be assigned to a particular International Union for Conservation of Nature (IUCN) protected area category. A proclamation may also divide a reserve into zones assigned to different IUCN categories. Schedule 8 of the EPBC Regulations prescribes reserve management principles for each IUCN category. A management plan for a Commonwealth reserve (see 'Managing Commonwealth reserves and conservation zones') may set out reserve or zone IUCN categories that are different to those assigned at proclamation. If there is not a management plan in force for a reserve, it must be managed in a way appropriate for the category or categories it has been assigned by proclamation or an earlier management plan.

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Under the Act, a Commonwealth area outside a Commonwealth reserve can be proclaimed to be a 'conservation zone'. The purpose of proclaiming a conservation zone is to provide interim protection for the area while it is being assessed to determine whether it should be protected by including the area in a Commonwealth reserve. The proclamation will be revoked if a decision is made not to include the area in a Commonwealth reserve.

Responsibility for Commonwealth reserves and conservation zones is vested in the Director of National Parks, which is a statutory authority established under the Act.

MANAGING COMMONWEALTH RESERVES AND CONSERVATION ZONES

The Act requires that the Director of National Parks develop a management plan for each Commonwealth reserve and must exercise powers and functions to give effect to that management plan. Management plans must provide for the protection and conservation of the reserve and must be consistent with the relevant IUCN category management principles prescribed in the EPBC Regulations.

The Act sets out the steps that must be taken in preparing management plans, including provision for public input, the matters that must be taken into account and the content requirements for the management plans.

The types of activities that can be undertaken in Commonwealth reserves are regulated under the Act. Many activities cannot be carried out in a Commonwealth reserve unless permitted by a management plan. The types of activities that can be undertaken in conservation zones are set out in Part 13 of the EPBC Regulations.

Where a Commonwealth reserve is wholly or partially on Indigenous owned or managed land, the Act specifies that a Board can be created with Indigenous representation. In these circumstances, the Commonwealth reserve becomes a jointly managed reserve.

The review acknowledges the Traditional Owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

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