

RECOMMENDATIONS

Recommendation 2.1

The Committee recommends that in order to strengthen the protection of Australia's heritage the Government should take a broader role in heritage protection than what is being proposed and hence that its efforts should not be limited to sites on the proposed National and Commonwealth lists.

Recommendation 2.2

The Committee recommends that the Government actively pursue measures to achieve common standards and benchmarks for the identification, assessment and management of heritage places Australia wide and that high standards and benchmarks are set in order to improve heritage protection outcomes.

Recommendation 2.3

The Committee recommends that the bills provide for the renaming of the *Environment Protection and Biodiversity Conservation Act* to explicitly recognise the Act's new heritage protection role.

Recommendation 3.1

The Committee recommends that section 5 of the Australian Heritage Council Bill 1999 be amended to broaden the roles of the Council to reflect those of the existing Commission set out in section 7 of the *Australian Heritage Commission Act 1975*, and in particular to enable the Council to act both on its own motion and on the request of the Minister.

Recommendation 3.2

The Committee recommends that the Australian Heritage Council Bill 2000 be amended to include the reporting powers of the Commission provided for under section 7(d) of the *Australian Heritage Commission Act 1975*.

Recommendation 3.3

The Committee recommends that section 324Q of the Australian Heritage Council Bill 2000 be amended to require the Minister to consult with the Council before creating, amending or revoking management plans for a national heritage place. If the Minister does not follow the Council's recommendations, the Minister should publish his or her reasons in the Government Gazette.

Recommendation 3.4

The Committee recommends that the Government amend section 7 of the Australian Heritage Council Bill 1999 to retain the qualifications required for the present Australian Heritage Commission in section 12(4) of the *Australian Heritage Commission Act 1975*, or that it adopt the approach used to select members of the Biological Diversity Advisory Committee under the EPBC Act.

Recommendation 3.5

The Committee recommends that the Government give further consideration to the size of the Heritage Council and whether its membership of seven is adequate to deal with its roles and responsibilities.

Recommendation 4.1

The Committee recommends that the Government retain the Register of the National Estate and that the Register continues to be actively developed and expanded.

Recommendation 4.2

The Committee recommends that the definition of ‘environment’ in section 528 of the *Environment Protection and Biodiversity Conservation Act 1999* be amended to include the term ‘heritage’.

Recommendation 5.1

The Committee recommends that the Government incorporate all heritage properties on Commonwealth land that appear on the Register of the National Estate into the Commonwealth Heritage List.

Recommendation 5.2

The Committee recommends that Commonwealth heritage places should be recognised as matters of national environmental significance.

Recommendation 5.3

The Committee recommends that the Minister should release the Commonwealth Heritage Values criteria, and the Management Principles in draft or final form, before any final debate of the bills takes place.

Recommendation 5.4

The Committee recommends that the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 be amended to require the release, on request, of AHC assessments of heritage values and listing.

Recommendation 5.5

The Committee recommends the Government consider amendments to sections 324J and 341J of the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 that would serve to either clarify the exact meaning of the phrase ‘in the interests of Australia’s defence or security’, and require that decisions to remove a place from a Commonwealth or National Heritage List be executed by disallowable instrument.

Recommendation 5.6

The Committee recommends that the Government amend the bills to require Commonwealth agencies to implement a heritage inventory of their property portfolios that will properly identify and assess heritage values. Commonwealth agencies should be further required to review their inventories at least every five years.

Recommendation 5.7

The Committee recommends that the Government amend the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 to require Commonwealth agencies to prepare and maintain a heritage strategy for the management of their heritage places as was recommended by the Schofield Report.

Recommendation 5.8

The Committee recommends that the Government amend the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 to require Commonwealth agencies to undertake a survey of the heritage values of all newly acquired properties in accordance with standards and guidelines provided by the Australian Heritage Council.

Recommendation 5.9

The Committee recommends that the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 be amended to require reviews of management plans for both the National and Commonwealth Heritage Lists every five years.

Recommendation 5.10

The Committee recommends that the Government consider broadening the reporting requirements to include the range of matters suggested by submissions.

Recommendation 5.11

The Committee recommends that Commonwealth Departments and agencies detail the implementation of their heritage strategies in their annual reports.

Recommendation 5.12

The Committee recommends that the Government give further consideration to the range of measures offered to assist the owners of heritage properties including grants and tax and other concessions.

Recommendation 5.13

The Committee recommends that sections 324Y and 341ZA of the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 be amended to enable Commonwealth funding assistance to any heritage place.

Recommendation 5.14

The Committee recommends that the Commonwealth Government give priority to negotiations with the state and territory governments that will clarify the role and extent of Commonwealth Government funding in relation to overall heritage protection.

Recommendation 6.1

The Committee recommends that the Government consider means to ensure that the range of actions triggering assessment under the *Australian Heritage Commission Act 1975* are also assessed under the proposed regime, especially with regard to the sale of Commonwealth properties and to the assessment of grants.

Recommendation 6.2

The Committee recommends that the Government consider additional administrative means to protect Commonwealth Heritage List places upon sale or disposal, incorporating a range of methods, including listing, to ensure the preservation of these properties.

Recommendation 6.3

The Committee recommends that the Government table the proposed definition of 'significant impact' in relation to natural heritage places, before any further debate on the bills takes place.

Recommendation 6.4

The Committee recommends that the Government place the definition of ‘significant impact’ in regulations created pursuant to the EPBC Act.

Recommendation 6.5

The Committee recommends that in framing the definition of ‘significant impact’ for heritage places, in the regulations, specific consideration should be given to including impacts caused by cumulative actions.

Recommendation 6.6

The Committee recommends that for places on the Commonwealth Heritage List, the Government include in the definition of ‘significant impact’ the neglect of the place.

Recommendation 6.7

The Committee recommends that the Government specifically addresses the issue of the neglect of places on the Register of the National Estate and National Heritage List through the adoption of measures such as management plans and grants funding.

Recommendation 6.8

The Committee recommends that sections 15B and 15C of the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 be amended to prohibit any significant impacts on ‘a heritage place or its heritage values’.

Recommendation 6.9

The Committee recommends that the Government consider incorporating a formal analysis of options and alternatives into section 341Y of the Environment and Heritage Legislation Amendment Bill (No. 2) 2000.

Recommendation 7.1

The Committee recommends that the Government provide full details about the relationship between indigenous heritage protection in the proposed EPBC regime and the ATSHIP Act prior to the Senate’s consideration of the bills. Indigenous people should be given the opportunity to comment on the Government’s response.

Recommendation 7.2

The Committee recommends that the Government provide a full response to the recommendations contained in the Evatt Report.

Recommendation 7.3

The Committee recommends that the Government investigate with indigenous people the appropriateness of placing all indigenous sites currently on the RNE onto the Commonwealth List.

Recommendation 7.4

The Committee also recommends that the Government engage in further consultations with indigenous people about the best means to ensure the long term protection of heritage of significance to Aboriginal people.

Recommendation 7.5

The Committee recommends that the Government take appropriate steps to ensure that Australia's indigenous heritage protection laws reflect the principles and rights embodied in international legal instruments.