



**Australian Government**  
**Indigenous Land Corporation**

# Heritage Strategy



people land  
opportunity

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# Foreword

The ILC's Heritage Strategy has been developed in line with the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act)<sup>1</sup> and the *Environment Protection and Biodiversity Conservation Regulations 2000* (the EPBC Regulations).<sup>2</sup> This legislation establishes a regime for protecting and managing heritage values, and places specific responsibilities on Commonwealth agencies to protect the heritage values of places they own or control.

The EPBC Act is designed to ensure that Commonwealth agencies take all reasonable steps to assist the Minister to identify, assess and monitor the Commonwealth Heritage values of places that they own or control.<sup>3</sup>

The EPBC Act requires Commonwealth agencies that hold land to:

- Prepare a written Heritage Strategy for managing places to protect and conserve their Commonwealth Heritage values; and
- Give a copy of the Strategy to the Minister.<sup>4</sup>

More broadly, the EPBC Act states that Commonwealth agencies must minimise adverse impacts on heritage values, and must not act in a way that has, will have, or is likely to have, an adverse impact on the National Heritage values of a place on the National Heritage List or the Commonwealth Heritage values of a place on the Commonwealth Heritage List, unless there is no feasible and prudent alternative to taking such action.<sup>5</sup>

According to the EPBC Act, a place has natural, Indigenous and/or historic heritage values if it meets one or more of the criteria for Commonwealth Heritage values or National Heritage values specified by the EPBC Regulations.<sup>6</sup>

The EPBC Regulations provide further direction around heritage matters referred to in the EPBC Act, including:

- National Heritage and Commonwealth Heritage criteria for assessing natural, Indigenous and historic values;<sup>7</sup>
- Matters that must be included in a Commonwealth agency's Heritage Strategy;<sup>8</sup>
- Assessment of Commonwealth Heritage values;<sup>9</sup>
- Development of heritage registers;<sup>10</sup> and
- Management principles for World Heritage, National Heritage and Commonwealth Heritage places.<sup>11</sup>

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<sup>1</sup> Available at <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200401830?OpenDocument>

<sup>2</sup> Available at <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200401027?OpenDocument>

<sup>3</sup> Section 341Z

<sup>4</sup> S.341ZA

<sup>5</sup> S.341ZC

<sup>6</sup> S.341D and 324D respectively.

<sup>7</sup> Reg. 10.01A and 10.03A respectively.

<sup>8</sup> Reg. 10.03(E)

<sup>9</sup> Reg. 10.03(G)(1)

<sup>10</sup> Reg. 10.03(G)(2)

<sup>11</sup> Schedules 5, 5A and 7B respectively.

Further to the requirements of the EPBC Act and EPBC Regulations, the Commonwealth *Aboriginal and Torres Strait Islander Act 2005* (ATSI Act)<sup>12</sup> places specific requirements on the ILC that are relevant to heritage protection, including:

- land management activities require agreement with landholders;<sup>13</sup>
- the ILC must give priority to pursuing sound land and environmental management practices;<sup>14</sup> and
- the ILC must ensure that sacred material is not disclosed in violation of Indigenous traditions.<sup>15</sup>

The ILC's Heritage Strategy is designed to ensure that Commonwealth Heritage values on properties owned or controlled by the ILC are appropriately managed. This Strategy:

- outlines the ILC's legislative obligations around heritage matters;
- explains heritage and heritage lists;
- documents responsibilities for heritage matters;
- describes the ILC's Heritage Policy; and
- summarises the procedural framework for identifying and managing heritage places.



- **Rangers employed on the ILC managed Fish River property in the NT check water flow on the mighty Daly River.**

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<sup>12</sup> Available at <http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/all/search/9E14578F3422338ACA25702E00262FBC>

<sup>13</sup> S.191E(1A) and (3)(c)

<sup>14</sup> S.191E(3)(a)

<sup>15</sup> S.191F(4)



## 1.0 Background to the Indigenous Land Corporation

The Indigenous Land Corporation (ILC) is an independent statutory authority of the Australian Government, established in 1995. Its primary purpose is to assist Indigenous people acquire and manage land to achieve economic, environmental, social and cultural benefits.

Through its Land Acquisition Program, the ILC acquires and grants land to Indigenous corporations. It seeks to build and secure a sustainable land base for Indigenous people that delivers ongoing Indigenous benefits. The ILC often leases the acquired property to the Indigenous corporation, to allow it to demonstrate effective management and use of the property, achievement of Indigenous benefits and sound governance. Once this occurs, the property is granted to the Indigenous corporation, with conditions requiring the title-holding body to report to the ILC for five years. If the title-holding body fails to effectively manage the property or deliver Indigenous benefits, the ILC can terminate the lease and, in extreme cases, sell the property.

The ILC's Land Management Program assists organisations with the sustainable management and development of Indigenous-held land.

The ILC also operates a number of businesses across Australia aimed at delivering training and employment opportunities for Indigenous people. These businesses are operated on ILC-owned properties as well as properties leased from Indigenous land owners.

At the time of publication of this Heritage Strategy, the ILC owned or controlled approximately 70 properties across Australia. These properties range from large properties with an agricultural focus, to small urban properties in capital cities.

While the ILC is aware that it holds properties which may contain sites that are important for historic, environmental or Indigenous cultural reasons, the ILC has yet to identify such places as having Commonwealth Heritage values for the purposes of the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth).

The ILC will work towards properly identifying the heritage values of the properties that it holds and assessing them against the Commonwealth Heritage criteria set out in the EPBC Regulations<sup>16</sup>. Any such values may lead to recognition of Commonwealth heritage values and possibly nomination for inclusion on the appropriate heritage lists.

This Heritage Strategy outlines the procedures to be followed if Commonwealth Heritage values are identified on properties owned or controlled by the ILC, either for new or existing properties in the ILC portfolio.



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<sup>16</sup> Division 10.5, 10.03A

## 2.0 Understanding Heritage

Heritage values are tangible and intangible qualities that give significance to certain ecosystems, landscapes, objects, events, cultural products, buildings, monuments, traditions and people over and above their economic or physical face value. Heritage values give places and things deeper meaning; they provide an importance beyond that which can be measured quantitatively.

As an organisation whose functions are to assist Indigenous people with acquiring and managing land, the ILC recognises the importance of land to Indigenous people's cultural identity, especially where that land has ongoing tangible and intangible heritage values. Such places may be highly significant for the people that are associated with them, and also have an important value to the Australian community as a whole.

The ILC believes that it is important to ensure that heritage places owned or controlled by the ILC are appropriately managed and conserved. Ongoing respect for heritage places, particularly as they relate to the lives of Indigenous Australians, is an important component of the ILC's policy framework.

Many ILC projects are aimed directly at protecting and maintaining cultural and environmental heritage values for the benefit of present and future generations of Indigenous Australians. The ILC will continue to provide leadership in this area through our land acquisition and land management projects and through collaborative partnerships.

### 2.1 Definitions of heritage

The ILC notes the concept of heritage provided by the Commonwealth Department of the Environment (the Department), as follows:

*"Heritage includes places, values, traditions, events and experiences that capture where we've come from, where we are now and gives context to where we are headed as a community. Our heritage gives us understanding and conveys the stories of our development as a nation, our spirit and ingenuity, and our unique, living landscapes. Heritage is an inheritance that helps define our future."*<sup>17</sup>

Heritage takes many forms, and the Department recognises three broad categories of heritage places in Australia:

**Natural heritage** – Includes sites, features or natural areas with demonstrable physical and/or biological significance, including geological or physiographical formations or delineated areas that constitute the habitat of endangered species of animals and plants. These values may be significant from the point of view of science, conservation or natural beauty.

**Indigenous heritage** – Includes places that are part of Aboriginal persons and Torres Strait Islanders' spiritual links to the land or that tell the story of Indigenous peoples from time immemorial to the present. It can include sacred sites, ceremonial sites like bora rings and rock art, fish traps, burials, middens, scarred trees, camp sites and semi/permanent settlements.

**Historic heritage** – Includes places associated with the non-Indigenous cultural heritage of Australia encompassed in the country's history. It can include buildings, monuments, gardens, industrial sites, landscapes, cultural landscapes, archaeological sites, groups of buildings and precincts, or places which embody a specific cultural or historic value. Historic places tell us

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<sup>17</sup> <http://www.environment.gov.au/heritage/about/index.html>

about national and social developments in Australia over the past few centuries, technological and creative achievements, and provide a tangible link to past events, processes and people.

## 2.2 Heritage lists

Heritage places in Australia are classified into lists that guide their protection and management. Heritage lists and registers are managed by various levels of government and peak bodies; some of these are discussed below.

### World Heritage

The World Heritage List is managed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO)'s World Heritage Centre, following the 1972 *Convention Concerning the Protection of the World Cultural and Natural Heritage* (the World Heritage Convention).<sup>18</sup>

World Heritage places are considered to have a universal value that transcends the value they hold for a particular nation. Australia currently has 19 places on the World Heritage List.

See <http://whc.unesco.org/> for more information.



- **Part of the Budj Bim heritage landscape in south western Victoria. The ILC has assisted Indigenous owners to acquire land within this area.**

### National Heritage

The National Heritage List is made up of exceptional natural and cultural places (Indigenous and non-Indigenous) that contribute to Australia's national identity. National Heritage places are demonstrative of the richness and diversity of the Australian nation. The National Heritage list is compiled and maintained by the Department, and can be accessed online at <http://www.environment.gov.au/heritage/places/national/index.html>.

### Commonwealth Heritage

The Commonwealth Heritage List comprises natural, Indigenous and historic heritage places on Commonwealth lands and waters or under Australian Government control, and identified by the Minister as having Commonwealth Heritage values.

Commonwealth Heritage places are regarded as holding significant aesthetic, historic, scientific, social and/or spiritual value for past, present or future generations of Australians. The Commonwealth Heritage List can be accessed online at <http://www.environment.gov.au/heritage/places/commonwealth/index.html>.

### Other Heritage Lists

A range of other heritage listings are maintained by Commonwealth agencies, State and Territory governments, and various local authorities. These include:

- National Trust list;

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<sup>18</sup> The full text of the World Heritage Convention can be accessed at <http://whc.unesco.org/archive/convention-en.pdf>.

- Indigenous site registers;
- Historic Shipwrecks register;
- Register of the National Estate (a non-statutory list from February 2012)
- State and Territory heritage lists; and
- Local government lists.

Many of these lists are available at <http://www.environment.gov.au/heritage>. A list of State and Territory agencies with heritage responsibilities is available at **Attachment A**.

### 3.0 Organisational Responsibility for Heritage Matters

The ILC Board has authority for heritage matters (**Fig. 1**). The administration of these matters is delegated to the Chief Executive Officer (CEO) as appropriate.

The Director Policy and Program Development reports directly to the CEO and is responsible for:

- monitoring the implementation of the Heritage Strategy;
- ensuring a report focussed on the implementation of the Strategy is included in the ILC Annual Report (see section 5.6.3 below);
- coordinating the review, evaluation and revision (as necessary) of the Strategy every three years (see section 5.6.4 below);
- monitoring and reviewing the success of the ILC in conserving Commonwealth Heritage values; and
- establishing, maintaining and updating the ILC Heritage Register.

Divisional Managers of the Central, Eastern and Western Divisions and Directors of the Business Operations, Major Employment Programs and Capital Works Directorates have responsibility for:

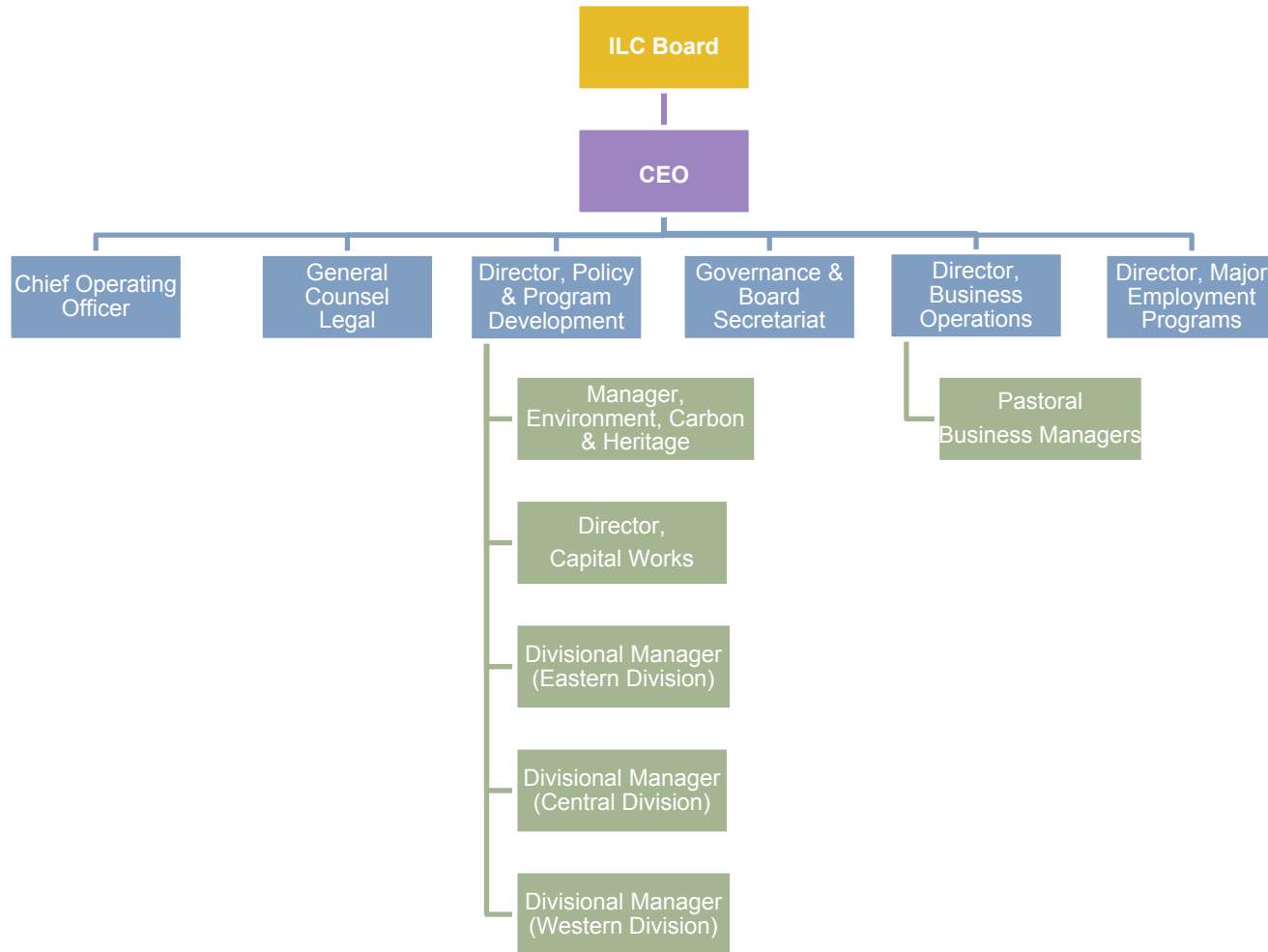
- ensuring the appropriate identification and management of Commonwealth Heritage values on properties owned or controlled by the ILC;
- considering how Commonwealth Heritage values are identified on ILC owned or controlled property
- consulting as necessary with State Heritage authorities;
- coordinating the development of up-to-date Environment and Heritage Management Plans (EHMPs), or Property Plans with management actions for identifying and protecting Commonwealth Heritage values, for ILC owned or controlled properties within their jurisdiction; and
- providing the Chief Executive Officer and ILC Board with accurate and timely information.

Project staff and property managers within the Central, Eastern and Western Divisions, the Business Operations, Major Employment Programs and the Capital Works Directorate are responsible for:

- Ensuring that the day-to-day running of ILC-held properties is conducted using sound land and environmental management practices and in accordance with the ILC Heritage Strategy;
- Recording and maintaining data in the Land Acquisition and Management Information Reporting System (LAMIRS) database; and
- Adhering to the ILC's procedures for identifying, managing, monitoring and reporting on heritage matters.



Fig. 1 Organisational structure of the ILC. The Director Policy and Program Development is primarily responsible for heritage-related matters in the organisation.



## 4.0 ILC Environment and Heritage Policy Framework

The ILC Environment and Heritage Policy outlines a commitment to the identification and sustainable management of cultural and natural heritage on properties owned or controlled by the ILC.

This Heritage Strategy, the ILC Environment and Heritage Policy and a suite of project tools for operational staff guide initiatives that identify and conserve Commonwealth Heritage values, minimise our environmental impacts and manage cultural heritage.

The ILC will give priority to ensuring, where possible, that Indigenous people derive social or cultural benefits through our activities.<sup>19</sup> We consider the appropriate protection and management of heritage values, and especially Indigenous cultural heritage, to be a high priority.

### 4.1 Policy Framework

The *National Indigenous Land Strategy* (NILS) is the ILC's principal strategic policy and planning document.

The NILS identifies the ILC's key functions as assisting Indigenous people with land acquisition and land management to achieve economic, environmental, social and cultural benefits. The NILS describes '*access to and protection of cultural and environmental values*' as one of the ILC's priority outcomes. Consideration of environment and heritage management is embedded in these functions, and in other relevant aspects of the ILC's operations.

The following are included in the ILC's *Benefits Framework* as measures for the achievement of Indigenous benefits:

- Maintenance or revitalisation of culture;
- Improved management and development of Indigenous-held land;
- Access to and/or protection of culturally significant sites; and
- Protection or restoration of environmental values.

### 4.2 Corporate Priorities

The ILC sets annual Corporate Priorities for ongoing operations as part of its strategic planning framework. Corporate Priorities are determined by the Corporate Management Team, consistent with the NILS and directions from the ILC Board. The Corporate Priorities include key performance indicators around heritage identification and management activities, against which responsible managers report on a monthly basis. Resources for specific environment and heritage initiatives, including the development of Environment and Heritage Management Plans for the ILC's Commonwealth Heritage places, are allocated from the appropriate program and project budgets.

### 4.3 Interagency consultation

The ILC's commitment to consultation and collaboration is identified as a priority in the NILS. The ILC maintains working relationships with key Government natural resource and cultural heritage management agencies to enable a coordinated approach towards heritage management on properties owned or leased by the ILC. For example, the ILC consults with the

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<sup>19</sup> In accordance with Section 191F(2)(aa) of the ATSI Act

Department of the Environment, the Australian Heritage Council, and other Commonwealth, State and Territory agencies as appropriate to seek guidance on heritage matters.

#### **4.4 Community consultation**

The ILC recognises that Indigenous people are the primary source of information on the value of their heritage and that the active participation of Indigenous people in identification, assessment and management is integral to the effective protection of Indigenous heritage values.<sup>20</sup>

The ILC will consult with communities, and specifically Indigenous communities, on planning and management relating to Indigenous land and land acquisition proposals as appropriate. The ILC's community consultation procedures are summarised in the 'Heritage Identification and Management Process' below.

#### **4.5 Heritage training and promotion**

A heritage training program will be implemented by the ILC within one year of the publication of this Heritage Strategy. Training will be provided to all existing ILC staff with responsibilities for heritage matters, and all such new staff when they are inducted. Training will include:

- Recognising Commonwealth Heritage obligations;
- Identifying heritage values;
- Developing Environment and Heritage Management Plans for the ILC's Commonwealth Heritage places;
- Implementing appropriate heritage management activities;
- Recording heritage information in LAMIRS; and
- Reporting on heritage matters.

The ILC may promote heritage matters to the public through the following avenues:

- Annual Report;
- Media releases;
- Land Matters newsletter articles;
- ILC website; and
- Other means, as appropriate.

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<sup>20</sup> EPBC Regulations Schedule 7B (6)

## 5.0 Heritage Identification and Management Process

### 5.1 Current situation

The ILC runs a continuous land acquisition and granting program and land regularly enters and leaves our landholding portfolio. At the time of publication of this document ILC owned or controlled approximately 70 properties and under the ILC's existing Environment and Heritage Policy, each of these properties is required to have an Environment and Heritage Management Plan within a year of acquisition.

The ATSI Act requires the ILC to grant interests in land to Aboriginal and Torres Strait Islander corporations within a reasonable period of time after acquisition. In determining a reasonable period, it is important to ensure that the land will remain within the Indigenous estate, be managed effectively and achieve sustainable Indigenous benefits. The ILC generally endeavours to grant ownership of properties within three years. During the land holding period, the ILC assesses the capability of the potential title holding body to take responsibility for the property through their compliance with conditions of a lease agreement and work plan (determined through property inspections by the ILC and regular reporting by the Indigenous corporation).

The Heritage Identification and Management Process outlined below will ensure that Commonwealth Heritage values on ILC owned or controlled places are identified and managed appropriately and in accordance with the EPBC Act and Regulations.

### 5.2 The process

The ILC will embed its Heritage Identification and Management process into relevant procedural documents, including the Environment and Heritage Management Plan template, Land Acquisition and Land Management User Guides and relevant tools and templates within one year following the publication of this Strategy.

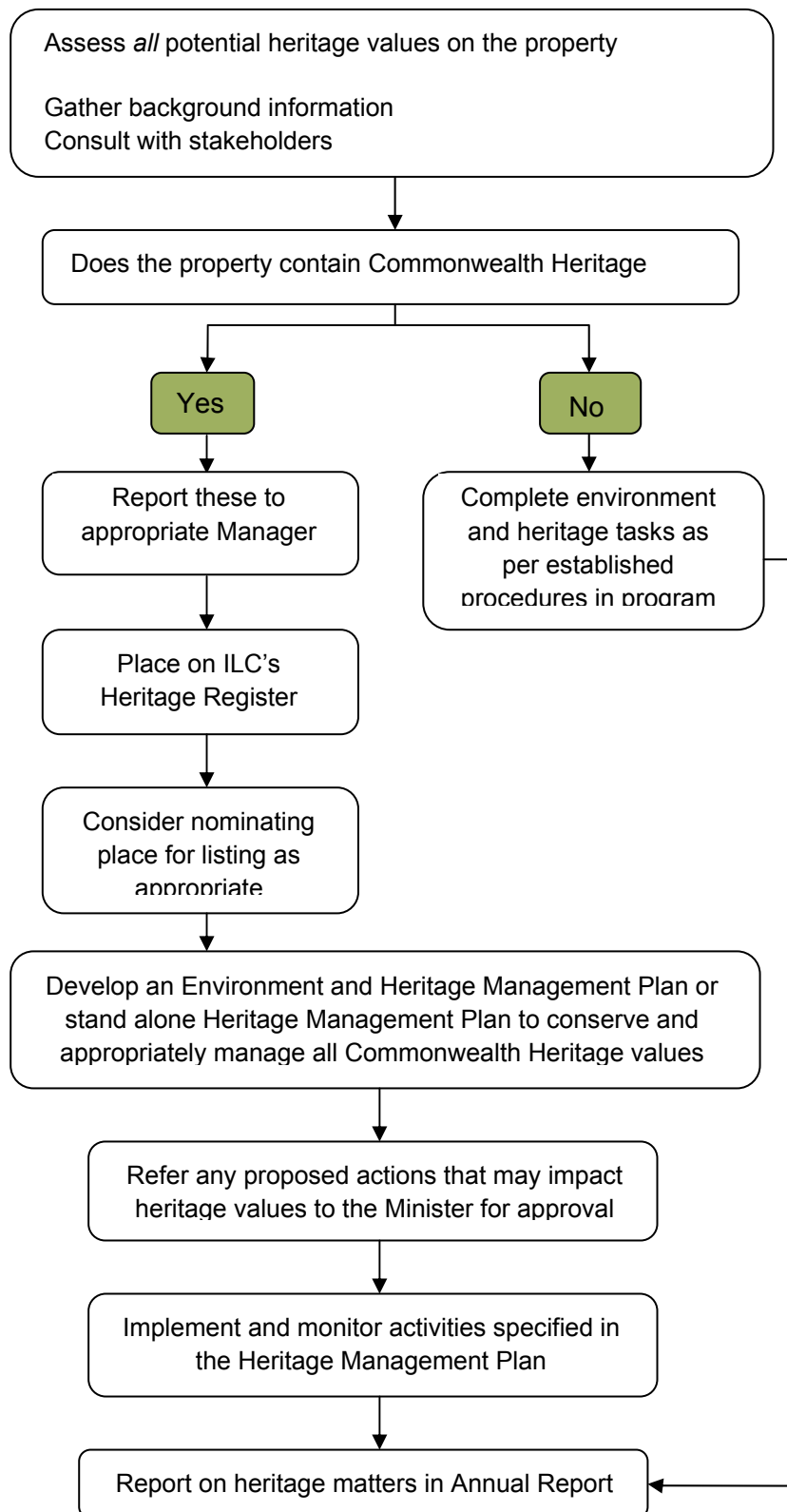
The process of heritage identification and management (**Fig. 2**) contains the following elements:

1. Assessing and identifying heritage values
2. Developing Heritage Management Plans and a Heritage Register
3. Managing heritage values
4. Monitoring, reviewing and reporting

Activities taking place within the Heritage Identification and Management process, including the long-term conservation of Commonwealth Heritage values on ILC-held properties, are funded from the ILC's Land Acquisition and Land Management program budgets. Heritage funding and resource allocation is subject to the same processes of Board and delegate approval that apply to other financial decisions within the organisation.



**Fig. 2. The ILC's Heritage Identification and other Management Process for Commonwealth Heritage values.**



### 5.3 Assessing and identifying heritage values

The assessment of each land acquisition or land management project will include assessing and identifying whether Commonwealth Heritage values (natural, Indigenous and historic) exist on the property and whether the values will be affected by proposed activities, where appropriate. The following process outlines activities that ILC staff may take in assessing heritage values (these procedures are described further in relevant User Guides, templates and tools).

#### Investigate relevant heritage legislation

This includes the EPBC Act and any applicable State, Territory and local government legislation and regulations.

#### Search current heritage listings for the property

The Australian Heritage Database, which includes the Commonwealth Heritage List, National Heritage List, World Heritage List and Register of the National Estate, can be accessed at <http://www.environment.gov.au/cgi-bin/ahdb/search.pl>. The Australian Heritage Places Inventory, developed in partnership between Commonwealth, State and Territory Governments, can be accessed at <http://www.heritage.gov.au/ahpi/index.html>. Other inventories, registers and plans may be available from State, Territory and local government bodies with authorities over heritage matters (Attachment A).

#### Identify and consult with relevant stakeholders, including Indigenous people, as appropriate

The ILC recognises that Indigenous people are the primary source of information on the value of their heritage and that the active participation of Indigenous people in identification, assessment and management is integral to the effective protection of Indigenous heritage values.<sup>21</sup>

Stakeholders can include Traditional Owners, representative bodies of Traditional Owners (e.g. land councils), landowners, proponent groups and other Indigenous and non-Indigenous people with rights and interests in the area. Meetings and discussions with relevant stakeholders are important in the identification of heritage values, especially with regards to Indigenous cultural heritage. Agreement must be sought from Indigenous people about the handling of sensitive or culturally restricted information.

The ILC undertakes workshops and consultations with Indigenous stakeholders as part of its assessment procedure for all land acquisition proposals that are progressing to the ILC Board for its consideration. Discussion of heritage matters is an important aspect of this process.

#### Undertake field assessment of heritage values, as appropriate

A property assessment, including input and active involvement from relevant Indigenous stakeholders and Traditional Owners, and accurate documentation of findings and discussions, is crucial in identifying places that may contain natural, Indigenous and/or historic heritage values. Staff may consider seeking expert heritage advice, where required.

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<sup>21</sup> EPBC Regulations Schedule 7B (6)

## Record findings

All findings related to heritage matters are recorded on file in accordance with the ILC's standard administrative procedures.

The Australian Heritage Commission publishes guideline documents that can assist further in the identification and assessment of heritage places. The *Australian Natural Heritage Charter* (2002) and *Ask First: A guide to respecting Indigenous heritage places and values* (2002) deal with natural heritage and Indigenous heritage, respectively. The *Burra Charter* (1999), published by the Australia International Council on Monuments and Sites, deals with historic heritage.

The EPBC Regulations make specific reference to actions that may be taken to identify Commonwealth Heritage values for a place.<sup>22</sup> These include:

- Considering all natural and cultural heritage values, recognising Indigenous people as the primary source of information on the significance of their heritage and their participation as necessary to identify and assess Indigenous heritage values;
- Identifying values against the Commonwealth Heritage criteria; and
- Consulting widely with government agencies, stakeholders and the community, as appropriate.

The Australian Heritage Council publishes *Guidelines for the Assessment of Places for the National Heritage List* and *Identifying Commonwealth Heritage Values and Establishing a Heritage Register: A guideline for Commonwealth agencies*. These documents provide further clarification and guidance for assessing and identifying heritage values.

### 5.3.1 Reporting identified heritage values

When ILC staff members identify potential heritage values, they are required to report these to their Divisional Manager or Director, who informs the Chief Executive Officer if appropriate.

Reports to the Board seeking formal approval for land acquisitions must incorporate comment on any heritage values that have been identified during assessment. These will include description of the heritage values and recommendations for a course of action that the ILC should take to manage these in line with this Heritage Strategy. Board papers seeking approval to grant ILC-held properties must likewise address identified heritage values, including a discussion of any plans in place for preservation and management once leaving ILC control.

### 5.3.2 Nominating identified values for heritage listing

Identified heritage values will be assessed to determine whether they should be nominated for heritage listing, in accordance with the National Heritage Criteria and Commonwealth Heritage Criteria as set out by the EPBC Regulations.<sup>23</sup>

In the event an ILC owned or controlled property includes Commonwealth Heritage values that include Indigenous heritage values the relevant Indigenous people or Traditional Owner group will be consulted before a nomination is made to the Minister for the place to be included on the Commonwealth Heritage List.

Each year, the Minister for the Environment invites nominations to the National and Commonwealth Heritage Lists in accordance with the Department's annual assessment cycle.

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<sup>22</sup> Regulation 10.03G(1)

<sup>23</sup> Reg. 10.01A and 10.03A, respectively

The ILC will submit nominations for listings if heritage values are deemed to meet the relevant criteria.

### **5.3.3 Timeframe for completing assessment and identification**

Heritage assessment and identification of the properties currently held by the ILC will be completed:

- a. Within 18 months of the commencement of this Strategy (marked by publication of this document); or
- b. At least 6 months prior to the transfer of property title to the intended Title Holding Body (or as soon as practicable if divestment occurs sooner); whichever comes first.

For properties acquired after the publication of this Heritage Strategy, heritage assessment and identification will be completed within 1 year of the property being acquired by the ILC.

## **5.4 Developing Management Plans and a Heritage Register**

### **5.4.1 Developing Heritage Management Plans**

#### **Commonwealth Heritage Values**

If Commonwealth Heritage values are identified on a property, the ILC will ensure they are considered in the property's Environment and Heritage Management Plan to ensure that the use, development and management of the property is consistent with the conservation of its Commonwealth Heritage values. In such cases, a budget for the long-term conservation of these values will be developed in conjunction with the Environment and Heritage Management Plan for that property and any projected costs will be included in the property's annual landholding budget.

Environment and Heritage Management Plans will be completed within one year of the Commonwealth Heritage values being identified, or at least 6 months prior to the intended title transfer, and will be revised every three years (providing the property is still owned or controlled by the ILC).

#### **Commonwealth Heritage Places**

Where an ILC owned or controlled property with Commonwealth Heritage values is nominated by the ILC and included by the Minister on the Commonwealth Heritage List, a Heritage Management Plan for these Commonwealth Heritage places will be developed in accordance with Section 341S of the EPBC Act within one year of the place being included on the Commonwealth Heritage List .

In the event that the ILC takes ownership or control of an existing Commonwealth Heritage place a Heritage Management Plan will be developed in accordance with Section 341S of the EPBC Act within one year of coming under ILC ownership or control.

The Heritage Management Plan will outline a place's heritage values and the activities that the ILC will take to manage and protect them. Terms of Reference for Heritage Management Plans are provided at Attachment B.



Heritage Management Plans will also detail the ILC's intentions regarding property development/works, and lease, grant or sale of the property, and include the steps that will be taken to ensure that heritage values are protected in these instances.<sup>24</sup> If a place is on the Commonwealth Heritage List, the ILC will notify the Minister at least 40 working days prior to entering into a contract to lease or sell such place.<sup>25</sup>

Heritage Management Plans will be updated as necessary to include developments on the property, changes to land use, outcomes of discussions with stakeholders, and any other changes that may impact on the property's heritage values. A review of each Heritage Management Plan will occur every three years, detailing:

- Whether the plan is consistent with Commonwealth Heritage management principles;
- Whether the plan is effective in protecting and conserving Commonwealth Heritage values of the place; and
- Recommendations for the improved protection of the Commonwealth Heritage values of the place (Section 341X (2) of the EPBC Act).



- **Visitors are shown rock art at Wattle Ridge, a property acquired and divested to Indigenous owners by the ILC.**

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<sup>24</sup> In accordance with S.341ZE of the EPBC Act.

<sup>25</sup> S.341ZE(1A)

### 5.4.2 The ILC Heritage Register

The EPBC Act requires the ILC to maintain a Heritage Register that sets out, for each place it owns or controls, the Commonwealth Heritage Values (if any) of that place.<sup>26</sup> The EPBC Regulations specify that this Register must include:

- a. a comprehensive description, and a clear plan showing the name and location, of each place that has Commonwealth Heritage values;
- b. a discrete heritage place identification number for each place;
- c. details of ownership, leases, licences, rental or other tenure arrangements, as applicable;
- d. a summary description of the significant physical characteristics and elements of the place;
- e. a sequential summary of the use of the place;
- f. a statement of significance for the place, identifying its heritage values and specifying any that are Commonwealth Heritage values;
- g. a record of any other heritage listings, providing relevant register numbers;
- h. a record of the date and nature of any works, maintenance or other activity at the place that is relevant to conservation of its heritage values;
- i. a specification of any property or information access restrictions or requirements;
- j. an outline of any consultation requirements relating to the place;
- k. a list of relevant conservation documents or references;
- l. a record of when information has been updated;
- m. cross references to:
  - i. agency place records of any objects that are significant by association with the place, indicating their current location; and
  - ii. archived records of particular importance to the heritage values of the place.<sup>27</sup>

### 5.4.3 Developing and maintaining a Heritage Register

The ILC's Heritage Register will be established within one year of the publication of this Strategy (to allow time for the identification and assessment of heritage values on existing ILC-held properties). The Register will be made available at that time to other agencies and the public on the ILC's website (<http://www.ilc.gov.au>). It will be maintained and updated by staff of the Policy and Program Development Directorate in a timely manner following written advice from staff within the Central, Eastern and Western Divisions, the Business Operations, Major Employment Programs and the Capital Works Directorate.

Details of ILC owned or controlled properties with Commonwealth Heritage values will be entered into the Heritage Register as assessment and identification takes place on each property.

The information contained in the Heritage Register is subject to restrictions on external publication, as the ILC cannot disclose sacred material in violation of Indigenous traditions (S. 191F(4) of the ATSI Act).

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<sup>26</sup> S.341ZB(1)(b).

<sup>27</sup> Reg. 10.03G(2)

In accordance with Section 341ZB (1)(c) of the EPBC Act, the ILC will provide a written report to the Minister that includes details of its heritage assessment program and a copy of the Heritage Register. This report will be provided to the Minister within six months of the Register being completed.

## 5.5 Managing Heritage Values

Schedule 7B of the EPBC Regulations sets out the *Commonwealth Heritage Management Principles*.<sup>28</sup> Schedule 5B of the EPBC Regulations sets out the *National Heritage Management Principles*.<sup>29</sup> The ILC has regard to these principles in the management of all places it controls with National or Commonwealth Heritage values where applicable.

Consistent with the EPBC Act, the ILC will refer any action proposed to be taken that is likely to have a significant impact on Matters of National Environmental Significance, or heritage matters in general, to the Department for advice. If appropriate, the ILC will then refer the matter to the Minister for approval. Should the ILC require clarification on whether an action is significant or requires approval, the ILC will seek advice from the Department and/or the Australian Heritage Council. The ILC updates its Heritage Management Plans as appropriate.

On a day-to-day basis, heritage matters are noted in the ILC's LAMIRS database. As a project management tool, LAMIRS can be used to schedule and budget activities relating to heritage management, reporting and evaluation, and to generate reports about heritage matters across ILC-controlled properties.

The ILC has regard to the Department's guideline documents *Working Together: Managing National Heritage Places*<sup>30</sup> and *Working Together: Managing Commonwealth Heritage Places*<sup>31</sup> in managing its heritage places, and is committed to ongoing communication and collaboration with relevant Indigenous people and other stakeholders. Where possible, the ILC will seek to involve relevant Indigenous stakeholders and Traditional Owners on the management of heritage places on ILC-owned and managed properties.

### 5.5.1 Land use and heritage conflict resolution

In some cases, current or proposed land uses for an ILC-controlled property may be in conflict with heritage preservation. This is most likely to occur when extensive modification and construction of buildings and infrastructure, native vegetation clearing, or the levelling or reshaping of ground surfaces takes place, or where new land uses are introduced that diminish heritage values.

Where conflict exists between proposed land use activities and the retention of heritage values, the ILC considers the following questions in consultation with Indigenous stakeholders, heritage advisors and other parties, as appropriate:

- Can the activity be provided for in another way or undertaken at another location, so as not to conflict with the preservation of heritage values?
- Can the activity be modified to make it more compatible with heritage values?
- Is the activity essential for the delivery of Indigenous benefits?

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<sup>28</sup> Reproduced in <http://www.environment.gov.au/heritage/publications/protecting/pubs/commonwealth/working-together-applying-principals.pdf>.

<sup>29</sup> Reproduced in <http://www.environment.gov.au/heritage/publications/protecting/pubs/national/working-together-principles.pdf>.

<sup>30</sup> <http://www.environment.gov.au/heritage/publications/protecting/working-together-national.html>

<sup>31</sup> <http://www.environment.gov.au/heritage/publications/protecting/working-together-commonwealth.html>

The ILC recognises that disagreements may arise over the assessment or management of places of heritage significance. In order to avoid, minimise or resolve a real or potential conflict, the ILC consults and liaises widely with identified stakeholders, engaging heritage experts and/or mediators as required.

Throughout this process, the ILC will have regard to Commonwealth Heritage Management principles, essentially that 'the objective in managing Commonwealth Heritage places is to identify, protect, conserve, present and transmit, to all generations, their Commonwealth Heritage values'.

The ILC will ensure that all reasonable measures are taken to mitigate the negative impact of land uses on Commonwealth Heritage values. In addition, as stated above, the ILC will refer any action likely to have a significant impact on Matters of National Environmental Significance to the Department.

### **5.5.2 Property divestment**

When granting a property with identified Commonwealth Heritage values, the ILC will investigate on a case-by-case basis the most appropriate mechanism(s) to protect these values after divestment. These may include:

- Registering places on appropriate heritage lists prior to transfer;
- Requiring that the new title holding body report against the Heritage Management Plan for Commonwealth Heritage values, as part of the post-grant reporting regime; and
- Including such conditions as deemed necessary in the Deed of Grant (through a covenant, the effect of which is to protect the Commonwealth Heritage values of the place, or other similar measures).

## **5.6 Monitoring, reviewing and reporting**

### **5.6.1 Monitoring**

Monitoring the success of conserving Commonwealth Heritage Values is coordinated by Divisional Managers and Directors of the Business Operations, Major Employment Programs and Capital Works Directorates. Ongoing monitoring includes property visits, regular reporting from lease holders and discussions with all stakeholders, including Traditional Owner groups. This monitoring regime is implemented by staff within these business areas. All such monitoring activities are scheduled in LAMIRS and recorded on project files.

Activities in the ILC currently include conducting annual field visits, receiving reports from landholders and holding discussions with all applicable stakeholders.

At the completion of each project, the success of the ILC in conserving Commonwealth Heritage values will be reviewed through an internal Project Evaluation conducted by Project Advisors (and examined by the Policy and Program Development Directorate), using the ILC's standard procedures.

Additionally, the Corporate Management Team will monitor the implementation of the ILC's Heritage Strategy, and the success of the ILC in conserving Commonwealth Heritage values, through CMT papers developed by the Policy and Program Development Directorate when necessary.



### 5.6.3 Annual Reporting

The ILC reports on heritage matters in its Annual Reports. In compliance with Section 516A of the EPBC Act, the ILC includes in each Annual Report a section addressing the ILC's performance against environmental performance indicators. The ILC will report on progress made towards implementing its Heritage Strategy and the success of the ILC in conserving Commonwealth Heritage values on ILC-owned land (if applicable).

### 5.6.4 Triennial Review and Report

A comprehensive review of the Heritage Strategy (including its implementation) will be directed by the Director Policy and Program Development, and a written report of the review submitted to the Minister no later than three years after the publication of this document. This triennial review and accompanying report will include the details specified at Regulation 10.03F of the EPBC Regulations 2000. The review will be informed by data recorded in the Heritage Register, file notes on field visits to properties and progress reports from landholders.



# Attachment A: National, State and Territory Bodies with Heritage Responsibilities (Current at the time of publication)

## National

### Government organisations

[Department of the Environment](#)

[Australian Heritage Council](#)

[Australian Institute of Aboriginal and Torres  
Strait Islander Studies](#)

[Environment Protection and Heritage Council](#)

[Office of Indigenous Policy Coordination](#)

[Wet Tropics Management Authority](#)

[Australia International Council on  
Monuments and Sites](#)

[Australasian Society for Historical  
Archaeology](#)

[Federation of Australian Historical Societies](#)

[Australasian Institute for Maritime  
Archaeology](#)

[Australian Institute for the Conservation of  
Cultural Material](#)

### Non-government organisations

[Australian Council of National Trusts](#)

[Royal Australian Institute of Architects](#)

[Engineering Heritage Australia](#)

[Collections Australia Network](#)

[Collections Council of Australia](#)

[Australian Conservation Foundation](#)

[WWF - Australia](#)

[Planning Institute of Australia](#)

## New South Wales

### Government organisations

[Office of Environment and Heritage](#)

[Heritage Council of NSW](#)

[NSW National Parks and Wildlife Service](#)

[Historic Houses Trust of NSW](#)

[Department of Aboriginal Affairs](#)

### Non-government organisations

[National Trust of Australia \(NSW\)](#)

[Nature Conservation Council of NSW](#)

## Victoria

### Government organisations

[Department of Planning and Community Development](#)

[Heritage Council of Victoria](#)

[Parks Victoria](#)

[Aboriginal Affairs Victoria](#)

### Non-government organisations

[National Trust of Australia \(Victoria\)](#)

### Environment Victoria

## Queensland

### Government organisations

[Department of Environment and Heritage Protection](#)

[Queensland Heritage Council](#)

### Non-government organisations

[National Trust of Queensland](#)

[Queensland Conservation](#)

## South Australia

### Government organisations

[Department for Environment and Heritage](#)

[South Australia Heritage Branch](#)

[South Australian Heritage Council](#)

[National Parks and Wildlife South Australia](#)

[History Trust of South Australia](#)

[Aboriginal Affairs and Reconciliation Division](#)

### Non-government organisations

[National Trust of South Australia](#)

[Conservation Council of South Australia](#)

## Western Australia

### Government organisations

[Department of Environment and Conservation](#)

[Heritage Council of Western Australia](#)

[Department of Indigenous Affairs \(DIA\)](#)

### Non-government organisations

[National Trust of Australia \(Western Australia\)](#)

[Conservation Council of Western Australia](#)

## Tasmania

### Government organisations

[Department of Primary Industries, Parks, Water and Environment](#)

[Heritage Tasmania](#)

[Tasmanian Heritage Council](#)

[Tasmania Parks and Wildlife Service](#)

[Aboriginal Heritage Office](#)

### Non-government organisations

[National Trust of Australia \(Tasmania\)](#)

[Environment Tasmania](#)

## Northern Territory

### Government organisations

[Heritage Branch, Department of Natural Resources, Environment, the Arts and Sport](#)

[Northern Territory Heritage Advisory Council](#)

[Parks and Wildlife Service of the Northern Territory](#)

[Aboriginal Areas Protection Authority, NT](#)

### Non-government organisations

[The Environment Centre, Northern Territory](#)

[National Trust of Australia \(Northern Territory\)](#)

## Australian Capital Territory

### Government organisations

[Department of Territory and Municipal Services](#)

[ACT Heritage](#)

[ACT Heritage Council](#)

[Parks, Conservation and Lands](#)

### Non-government organisations

[National Trust of Australia \(ACT\)](#)

# **Attachment B:**

## **Heritage Management Plan Terms of Reference for Commonwealth Heritage values**

A Heritage Management Plan should include the following:

### **1. Identification of heritage values**

Describe the process used to identify heritage values, including activities taken to:

- a. Source background information; and
- b. Conduct a field assessment.

This should include the activities specified in Stage 1 of the Heritage Identification and Management Process.

Any information present on project files relating to the assessment and identification of heritage values should be referenced by file and folio number.

### **2. Statement of significance**

Provide a statement that includes:

- A comprehensive description of the place (information about its location, physical features, condition, historical context, current uses and heritage values); and
- A summary of each identified place of heritage value relating to the property, with an explanation of why the identified values are significant.

The statement should be accompanied by references to any evidence supporting the ILC's judgement.

It should be clearly specified in the document whether information about the significance is culturally sensitive or publically available information.

Using the Commonwealth Heritage Criteria and National Heritage Criteria<sup>32</sup>, identify whether the place could be nominated for heritage listing on these registers.

### **3. Management of heritage values**

Describe how identified heritage values will be managed. This must include the following:

- a. Compliance

What the ILC must do to comply with Commonwealth and State statutory requirements for the protection of identified heritage values.

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<sup>32</sup> Available at <http://www.environment.gov.au/topics/heritage/about-australias-heritage/national-heritage/national-heritage-list-criteria>  
<http://www.environment.gov.au/topics/heritage/about-australias-heritage/commonwealth-heritage/commonwealth-heritage-list-criteria>



b. Land use

Current and future land uses / actions and their potential pressures / impacts on the identified heritage values of the place.

Constraints and opportunities that identified heritage values may place on future use.

c. Action plan

The actions that the ILC will take to ensure that heritage values are protected. This should include the activities specified in Stage 3 of the Heritage Identification and Management Process, and should contain a schedule, budget, resource requirements and risk review for these activities.

d. Lease and grant

The actions the ILC will take to ensure that any lease and / or grant of the property protects its heritage values.

e. Monitoring and reporting

The regime that the ILC will follow in monitoring and reporting on heritage values.