

SoE 2021 Heritage Supplementary Report 1

**Annotated Listing of Australian Heritage Protection
Legislation (including international instruments)
2021**

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Final, March 2022

Notes & Disclaimer

This is an independent report prepared by the authors. The views expressed in this report do not necessarily reflect those of the Department of Agriculture, Water and the Environment.

The information in this report is current to the end of 2020.

The authors have taken all reasonable care to ensure the information provided in this report is accurate. However, there may be inadvertent errors in the report. The authors take no responsibility where this is the case, and refer readers to the actual legislation.

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1 Introduction

This document has been prepared as a supporting document to the Australia State of the Environment 2021 Heritage chapter. This document provides an annotated listing of Australian heritage legislation as at July 2021.

In Australia the long-term protection of heritage mainly is achieved through protective legislation. Most of this legislation is dedicated heritage legislation, but in some areas statutory protection is also achieved through protected area legislation and statutory planning.

Heritage legislation in Australia is complex, with different protections offered at the three different levels of government – Commonwealth, state and territory, and local. In addition, the different heritage environments (types of heritage) are in most cases protected under different, or different combinations of, legislation. As a result, different heritage has different protections and protective mechanisms.

The general approach for cultural heritage in Australia is to afford protection of the values of the heritage (i.e., to retain the significance), an approach is known as ‘values-based management’. This approach is applied to both natural and cultural heritage.

Protection of heritage is provided through legislation in four different ways –

1. by giving automatic protection (this is mainly applied to Indigenous heritage, but some underwater cultural heritage has this protection)
2. through listing of heritage assessed as being significant (usually at a particular level)
3. by inclusion within, or declaration as, a protected area (protected areas provide different levels of protection depending on their conservation status), and
4. through zoning (or overlays) which indicate areas of heritage significance that require protection (this is used mainly for protected areas or local government planning).

The legislative framework in summary is as follows:

National (Commonwealth) level

At the Commonwealth level protection is given to natural and cultural heritage through the *Environmental Protection and Biodiversity Conservation Act 1993* (EPBC Act). The EPBC Act provides for:

- a) the direct protection and management of heritage listed as Australian World Heritage, National Heritage or Commonwealth Heritage
- b) through direct protection of heritage values as part of active management of Commonwealth protected areas both terrestrial and marine, and
- c) through environment impact assessment provisions protecting World and National Heritage values, and heritage values generally (as part of ‘the environment’) on Commonwealth land and from actions by the Commonwealth.

There is separate Commonwealth legislation to protect underwater cultural heritage (list based), movable cultural heritage, and aspects of Indigenous cultural heritage.

State and territory level

All states have separate, stand-alone Indigenous and mainly historic heritage legislation that provides protection. Indigenous heritage legislation provides automatic (blanket) protection for Indigenous heritage in most cases. Historic heritage legislation offers protection through listing, in general for historic heritage that has state level significance based on statutory of criteria. The South Australian heritage legislation can

also include Indigenous and natural heritage, but the main focus is historic heritage. Both the Australian Capital Territory and Northern Territory provide list-based heritage protection, with the lists including Indigenous, historic and some natural heritage. The Northern Territory heritage legislation also provides automatic protection for Indigenous and Macassan heritage. Heritage, primarily natural heritage can also be protected within terrestrial and marine protected areas through state and territory protected area legislation.

Local level

At this level heritage protection is provided primarily through state statutory planning, which in most jurisdictions occurs via heritage codes or schedules, or overlays, or zoning in municipal planning schemes (or local environmental plans). The approach is variable across states and territories, and in most parts of Australia it is historic heritage that has greatest protection at the local level (refer McConnell 2021a).

Heritage protection and management in Australia is also supported by national guidelines and international obligations. The key national guidelines cover natural heritage, Indigenous heritage and cultural heritage generally. These are, respectively, the *Australian Natural Heritage Charter for the conservation of places of natural heritage significance*, *Ask First: A guide to respecting Indigenous heritage places and values*, and *The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter)*. Also, specific guidelines for environmental assessments under the EPBC Act are provided in *Engage Early – Guidance for proponents on best practice Indigenous engagement for environmental assessments under the EPBC Act*.

Australia's main international obligations for heritage derive from the conventions, declarations and protocols it has signed. For example, some of the key such instruments are the UNESCO *Convention Concerning the Protection of the World Cultural and Natural Heritage* (1972) and, in relation to Antarctica, the *Protocol on Environmental Protection to the Antarctic Treaty* (or Madrid Protocol) (1991).

This document contains lists of legislation for each type of heritage (refer Section 2) and an annotated listing, by jurisdiction, of the Australian legislation which recognises and protects natural and cultural heritage, as well as international Instruments of relevance to Australia and heritage conservation (see Section 3). Only legislation that is considered directly relevant to heritage protection in Australia has been included.

2 Heritage Legislation by Heritage Type

2.1 Indigenous heritage

- Commonwealth
 - Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
 - Protection of Movable Cultural Heritage Act 1986*
 - Environment Protection and Biodiversity Conservation Act 1999*
 - Underwater Cultural Heritage Act 2018*
- Australian Capital Territory
 - Heritage Act 2004*
 - Planning and Development Act 2007*
- New South Wales
 - National Parks and Wildlife Act 1974, NPW Amendment (Aboriginal Ownership) Act 1996*
 - Heritage Act 1977*
 - Environmental Planning and Assessment Act 1979*
- Northern Territory
 - Northern Territory Aboriginal Sacred Sites Act 1989*
 - Heritage Act 2011*
- Queensland
 - Aboriginal Cultural Heritage Act 2003*
 - Torres Strait Islander Cultural Heritage Act 2003*
 - Planning Act 2016*
- South Australia
 - Aboriginal Heritage Act 1988*
- Tasmania
 - Aboriginal Heritage Act 1975*
- Victoria
 - Aboriginal Heritage Act 2006*
- Western Australia
 - Aboriginal Heritage Act 1972*

There is also the *Native Title Act 1993* and the various Indigenous land rights acts enacted from c.1970 which can protect Indigenous cultural heritage, but less directly, by recognising Indigenous rights and custodial responsibilities for land. The following human rights legislation is also included here as these acts contribute to cultural heritage protection by protecting the cultural rights of Aboriginal and Torres Strait Islander people.

Aboriginal Land Rights (Northern Territory) Act 1976 (Cwlth)
Human Rights Act 2004 (ACT)
Charter of Human Rights and Responsibilities Act 2006 (Vic)
Human Rights Act 2019 (Qld)

2.2 Historic heritage

- Commonwealth
 - Protection of Movable Cultural Heritage Act 1986*
 - Environment Protection and Biodiversity Conservation Act 1999*
 - Underwater Cultural Heritage Act 2018*
- Australian Capital Territory
 - Heritage Act 2004*
 - Heritage Amendment Act 2020*
 - Planning and Development Act 2007*
- New South Wales
 - Heritage Act 1977*
 - Environmental Planning and Assessment Act 1979*
- Northern Territory
 - Heritage Act 2011*
 - Planning Act 1999*
- Queensland
 - Queensland Heritage Act 1992*
 - Planning Act 2016*
- South Australia
 - Historic Shipwrecks Act 1981*
 - Heritage Places Act 1993*
 - Planning Development and Infrastructure Act 2016*
- Tasmania
 - Land Use and Planning Approvals Act 1993*
 - Historic Cultural Heritage Act 1995*
- Victoria
 - Planning and Environment Act 1987*
 - Heritage Act 2017*
- Western Australia
 - Maritime Archaeology Act 1973*
 - Planning and Development Act 2005*
 - Heritage Act 2018*

2.3 Natural heritage

- Commonwealth
 - Environment Protection and Biodiversity Conservation Act 1999*
 - Great Barrier Reef Marine Park Act 1975*
- Australian Capital Territory
 - Heritage Act 2004*
 - Nature Conservation Act 2014*
 - Planning and Development Act 2007*
- New South Wales
 - National Parks and Wildlife Act 1974*

Marine Estate Management Act 2014

- Northern Territory
Heritage Act 2011
Territory Parks and Wildlife Conservation Act 1976
- Queensland
Nature Conservation Act 1992
Marine Parks Act 2004
- South Australia
National Parks and Wildlife Act 1972
Marine Parks Act 2007
- Tasmania
Nature Conservation Act 2002 + National Parks and Reserves Management Act 2002
- Victoria
National Parks Act 1975
- Western Australia
Conservation and Land Management Act 1984
Land Administration Act 1997

2.4 Geoheritage

Geoheritage is not provided explicit protection through heritage legislation or protected area legislation in all jurisdictions, although general protection can be provided by most protected area legislation. The following is the primary heritage legislation which explicitly (in legislation or guidelines) provides some geoheritage protection.

- Commonwealth
Environment Protection and Biodiversity Conservation Act 1999
- Australian Capital Territory
Heritage Act 2004
- New South Wales
National Parks and Wildlife Act 1974
- Western Australia
Land Administration Act 1997

3 Annotated listing of Australian heritage and protected area legislation

The following annotated listing is of primary heritage and protected area legislation only. The primary source for this information has been the legislation.

3.1 Heritage legislation

Jurisdiction	Legislation	Heritage type / Geographic Scope / Approach / Effect
Commonwealth	Aboriginal and Torres Strait Islander Heritage Protection Act 1984	Indigenous; Australia wide; provides for declarations to be made to protect an area, object or class of objects from a threat; protects areas and objects that are of particular significance to Indigenous people in accordance with Aboriginal and Torres Strait Islander traditions; only available where state and territory protections are insufficient; requires the concerned Indigenous party/ies to ask for a declaration to be made.
	Protection of Moveable Cultural Heritage Act 1986	Cultural; Australia wide; ensures objects that have cultural (including Indigenous) significance remain in Australia (recognises 2 classes of object); also provides for the return to the country of origin of foreign cultural property illegally imported into Australia.
	Native Title Act 1993	Indigenous; Australia-wide. Not strictly 'heritage legislation', but provides for some Indigenous values, specifically 'native title rights and interests' as defined by the Act to be recognised, including access for customary and traditional practice, and a right to negotiate conditions over traditional lands. These rights and interests are recognised primarily through the granting of native title and formal recognition of those 'rights and interests' or, in the interim (after a claim has been lodged), through the 'future acts' requirements.
	Environment Protection and Biodiversity Conservation Act 1999	All types (recognises natural, Indigenous and historic heritage); Australia wide (includes Australian maritime territory); provides for biodiversity conservation and for the protection of the environment, primarily those aspects recognised as 'matters of national environmental significance' – which are Australia's world heritage properties, national heritage places, wetlands of international importance (Ramsar wetlands), Commonwealth marine parks (included within marine areas), the Great Barrier Reef Marine Park specifically, listed threatened species and communities, listed migratory species, water resources (in relation to coal and coal seam gas development), and nuclear actions. (Heritage was included specifically through the 2003 amendments and repeal of the Australian Heritage Commission Act 1975). The EPBC Act does not affect the operation of the Native Title Act 1993 or the Aboriginal Land Rights (Northern Territory) Act 1976. Recognises the following levels of heritage: <i>World Heritage</i> : All types; Australia wide; list based (Australian World Heritage List); protects natural, cultural and mixed heritage of 'outstanding universal value'. (Australian World Heritage is given effect through the <i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i> (the World Heritage Convention)).

		<p><i>National Heritage:</i> All types; Australia wide; list based (National Heritage List); protects natural, Indigenous and historic places of 'outstanding heritage value to Australia'.</p> <p><i>Commonwealth Heritage:</i> All types; Australia wide; list based (Commonwealth Heritage List); protects natural and cultural heritage of significance that are owned by the Commonwealth or on Commonwealth lands/waters.</p> <p>Provides for the protection of the above heritage places through management plans; and in relation to use and development, through the control of actions (including refusal) that will have, or are likely to have, a significant impact on the heritage values. In relation to Commonwealth Heritage, each agency that owns or controls one or more places with Commonwealth Heritage values is required to prepare an agency heritage strategy.</p>
	Underwater Cultural Heritage Act 2018	Underwater cultural; applies to Commonwealth waters, Australian waters (all waters not in State jurisdiction to edge of continental shelf) and in some cases beyond; list based (Australasian Underwater Cultural Heritage Database), but also provides for Protected Zones to be declared to regulate activities for heritage protection purposes. Provides blanket protection for underwater vessels and aircraft at least 75 years old; protects other 'declared' shipwrecks, aircraft, other underwater historic heritage and objects of significance; protects underwater cultural heritage articles that have been removed (in some cases). Aligns with the 1982 <i>United Nations Convention on the Law of the Sea</i> , to which Australia is a signatory.
ACT	Heritage Act 2004	All types; ACT wide; list based (ACT Heritage Register); provides protection for natural and cultural (including Indigenous) heritage places and objects of significance.
	Heritage Amendment Act 2020	All types; ACT wide; provides a more flexible and responsive system of heritage directions and compliance notifications to better protect heritage.
	Planning and Development Act 2007	All types; ACT wide; Act governs land use in the ACT and provides for heritage areas to conserve significant natural and cultural (including Indigenous) heritage places and objects of local significance; achieves this through identification of public land and its reservation for defined purposes; requires public land management plans to guide management; and has requirements for environmental impact assessment.
NSW	National Parks and Wildlife Act 1974	All types; NSW wide; provides blanket protection for Indigenous sites and objects, and via declaration of areas as Aboriginal Places; provides for the maintenance of a register of identified sites and objects (the Aboriginal Heritage Information Management System).
	Heritage Act 1977	Historic (+other); NSW wide; list based (State Heritage Register); protects 'environmental heritage', but designed primarily for historic heritage (can include Indigenous and natural heritage); provides protection for heritage places, buildings, works, relics, movable objects and precincts of state significance; includes underwater cultural heritage.
	Environmental Planning and Assessment Act 1979	Historic heritage (of local significance); NSW wide; protected in relation to development at local government planning level through listing in the Local Environmental Plan (LEP) heritage schedule (Schedule 5).
NT	Northern Territory Aboriginal Sacred Sites Act 1989	Indigenous; NT wide; list based (blanket protection); protects all Aboriginal sacred sites on land or water within the Northern Territory.

	Heritage Act 2011	All types, NT wide; Bi-level heritage protection: 1. provides list based (NT Heritage Register) protection for significant natural and cultural (including other Indigenous) heritage (as places and objects); also provides protection for underwater cultural heritage (as it applies in NT waters including harbours, rivers and estuaries); and 2. provides blanket protection for all Aboriginal or Macassan archaeological places (known places and objects are listed on the NT Archaeological Sites Database).
	Planning Act 1999	General; NT wide; provides protection for heritage through a single Northern Territory Planning Scheme via overlays and zones (also provision for 'specific planning schemes' within the NT Planning Scheme); decisions are made a consent authority (either the Minister for Lands and Planning, or a delegated Development Consent Authority (these are regional bodies).
Qld	Queensland Heritage Act 1992	Historic; QLD wide; list based; 1. protects 'non-indigenous' cultural heritage of significance to Queensland (i.e., state significance) as places and protected areas; provides blanket protection for underwater cultural heritage (ship and aircraft wrecks and articles associated with them); provides for these to be recognised through listing (Queensland Heritage Register); and also 2. protects heritage of local significance through LGA heritage registers or local planning scheme provisions (e.g., overlays, schedules).
	Aboriginal Cultural Heritage Act 2003 Torres Strait Islander Cultural Heritage Act 2003	Indigenous; QLD wide; not list based but uses both a 'register' and a 'database'; protects – 1. areas, sites and objects of Indigenous significance by requiring 'duty of care' to be observed (duty of care applies to any Indigenous heritage places whether on a database or not; duty of care can be met by complying with a gazetted duty of care guidelines, approved CHMP, a native title agreement (or other cultural heritage agreement) or native title protection conditions (for low-impact mineral exploration); and 2. provides blanket protection of areas and objects of traditional, customary, and archaeological significance. Note: Designated landscape areas (DLAs) created under the repealed <i>Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987</i> are protected if recorded on the ATSI cultural heritage register
	Planning Act 2016	General; QLD wide; provides for the conservation of places of special aesthetic, architectural, cultural, historic, scientific, social or spiritual significance; can act to regulate some types of development of heritage places; allows local level places to be listed in a local government heritage register.
SA	Historic Shipwrecks Act 1981	Underwater cultural heritage; SA wide; list based (South Australian Register of Historic Shipwrecks); provides blanket protection for historic shipwrecks and associated articles at least 75 years old; and also provides protection for declared historic shipwrecks and associated articles, and declared Protected Zones
	Aboriginal Heritage Act 1988	Indigenous; SA wide; blanket protection; protects sites and objects; provides for a Register of Aboriginal Sites and Objects to record all known Aboriginal sites and objects; as well as reported sites (i.e., those on the Register of Aboriginal Sites and Objects).
	Heritage Places Act 1993	Historic (+ natural); SA wide; list based (SA Heritage Register); protects heritage (non-Indigenous) places and related objects, and heritage areas, of state significance; includes underwater cultural heritage.

	Planning, Development and Infrastructure Act 2016	Historic; SA wide; provides for protection of following historic heritage - State Heritage Places, State Heritage Areas, Local Heritage Places, and Historic Areas; operates via a single state 'planning and design code' that covers all of SA council areas (72) and its 'unincorporated areas' using overlays and zones.
Tas	Aboriginal Heritage Act 1975	Indigenous; Tasmania wide; blanket protection; protects sites and objects (amended version of the <i>Aboriginal Relics Act 1975</i> , minor amendments only; commenced in 2017); provides for the maintenance of a register of identified sites and objects (the Aboriginal Heritage Register).
	Land Use and Planning Approvals Act 1993	Historic; Tasmania wide; list based (listed in planning scheme Heritage Codes); protects buildings, areas or other places of local significance; achieved through planning scheme schedules/codes
	Historic Cultural Heritage Act 1995	Historic; Tasmania wide; list based (Tasmanian Heritage Register); protects historic heritage places of state level significance; includes shipwrecks.
Vic	Planning and Environment Act 1987	Historic; Victoria wide; provides recognition and protection for places of local heritage significance and heritage precincts through heritage overlays.
	Aboriginal Heritage Act 2006	Indigenous; Victoria wide; blanket protection; protects sites, objects and registered intangible heritage; also controls actions in areas of 'cultural heritage sensitivity'; provides for the maintenance of a register of identified sites and objects (Victorian Aboriginal Heritage Register); integrates with the <i>Planning and Environment Act 1987</i> .
	Heritage Act 2017	Historic; Victoria wide; list based (Victorian Heritage Register); protects historic heritage of state level significance of the following types - archaeological sites and artefacts; historic buildings, structures and precincts; gardens, trees and cemeteries; cultural landscapes; shipwrecks and artefacts (protected through the <i>Heritage (Underwater Cultural Heritage) Regulations 2017</i>); and significant objects.
WA	Aboriginal Heritage Act 1972	Indigenous; WA wide; blanket protection; protects sites and objects; provides for the maintenance of a register of identified sites and objects (Aboriginal Heritage Inquiry System). Operation of this Act is excluded from an area of land surrounding the Marandoo mine by the <i>Aboriginal Heritage (Marandoo) Act 1992</i> .
	Maritime Archaeology Act 1973	Historic; WA wide; provides blanket protection for historic (pre-1900) 'maritime archaeological sites', including shipwrecks and associated articles on State lands and in State waters; also provides for declared maritime archaeological sites and 'Protected Zones'.
	Planning and Development Act 2005	Historic; WA wide; inventory based (listed in Municipal Inventories); requires the WA Heritage Council to review local planning scheme amendments when there is listed state or local heritage in the LGA.
	Heritage Act 2018	Historic; WA wide; list based (State Register of Heritage Places); protects historic heritage places of state level significance; subject to the <i>Aboriginal Cultural Heritage Act 1972</i> ; also enables planning instruments under the <i>Planning and Development Act 2005</i> to be modified for better protection of a registered heritage place; also requires LGAs to undertake local heritage surveys of LGAs; also provides for inventory and disposal of state owned heritage assets.

3.2 Protected area legislation

Jurisdiction	Legislation	Effect
Commonwealth	Environmental Protection and Biodiversity Conservation Act 1999	Provides for the creation of Commonwealth reserves and conservation zones, including national parks, marine parks and the Australian National Botanic Gardens. (The EPBC Act includes the Commonwealth marine parks (included within marine areas) and, specifically, the Great Barrier Reef Marine Park, as matters of national environmental significance). Management prescribed for all reserves through management plans.
	Great Barrier Reef Marine Park Act 1975	Establishes the Great Barrier Reef Marine Park and the Commonwealth Great Barrier Reef Marine Park Authority (GBRMPA). Provides for the management of the Great Barrier Reef Marine Park through zoning plans, plans of management and a system of permissions.
ACT	Nature Conservation Act 2014	Provides for the creation and management of different types of nature conservation reserve (wilderness area, national park, nature reserve, catchment area or a special purpose reserve) and the protection of native plants and animals. Management prescribed for all reserves through management plans.
	Planning and Development Act 2007	For natural heritage, provides for identification of public land and its reservation, including as Natural Reserves which are for conservation of the natural environment, and for public recreation, education and research consistent with the conservation objectives. For heritage, generally provides for heritage areas to conserve significant natural and cultural (including Indigenous) heritage places and objects of local significance. Requires public land management plans to guide management.
NSW	National Parks and Wildlife Act 1974	Provides for the creation of national parks, state conservation areas, regional parks, nature reserves, karst conservation reserves, historic sites and Aboriginal areas. Protects ecosystems and ecosystem services; biological diversity; significant landforms, landscapes and natural features, including wilderness (protected under the <i>Wilderness Act 1987</i>); as well as the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including Indigenous sites and objects and places of social and other significance. Management prescribed for all reserves through management plans. Supports joint management with Aboriginal people as one of the objects of the National Parks and Wildlife Conservation Trust.
	Marine Estate Management Act 2014	Provides for the management of the marine estate of New South Wales (includes state coastal waters, estuaries, associated coastal waterbodies, wetlands and land subject to ocean processes) consistent with the principles of ecologically sustainable development while also facilitating economic opportunities (note – mining is prohibited), cultural, social and recreational use, maintenance of ecosystem integrity, scientific research and education. Provides for the creation and management of a comprehensive system of marine parks and aquatic reserves; provides for management to be guided by a marine estate management strategy prepared by the Marine Estate Management Authority, an advisory committee also established by the Act. Also provides for periodic (10 yearly) assessment of threats and risks to the marine estate. Provides for the establishment of Marine Parks (the primary purpose of which is to conserve the biological diversity, and maintain ecosystem integrity and ecosystem function, of bioregions in the marine estate) and Aquatic Reserves (the

		<p>primary purpose of which is to conserve biological diversity, or particular components of biological diversity in a specified area of the marine estate).</p> <p>Marine parks must be managed via a management plan, and aquatic reserves may be managed via a management plan; both types of reserve may be also managed via 'management rules' (which largely relate to zoning and use). Provides for cultural heritage within marine parks and aquatic reserves to be protected through Regulations if desired.</p>
NT	Territory Parks and Wildlife Conservation Act 1976	<p>Provides for the creation of reserves (Territory Parks and other parks and reserves) and for the study, protection, conservation and sustainable utilisation of wildlife in Northern Territory. Parks and reserves can include coastal areas (Northern Territory coastal waters and seabed). Provides for particular management through 'wilderness zones' (an area of a park or reserve that has to be maintained in its natural state and used only for the purposes specified in the management plan); 'sanctuaries' (areas of land originally established under the Wildlife Conservation and Control Act 1962 and not accessible except via authorisation); 'essential habitat' (areas recognised as essential for the survival of wildlife generally or certain species of wildlife); and the classification management of flora and fauna according to conservation status. Provides for traditional Indigenous use.</p> <p>Provides (in tandem with the <i>Parks and Reserves Framework for the Future Act 2003</i>) for parks and reserves to be jointly managed with the traditional Aboriginal owners; this requires a joint management agreement and a jointly prepared management plan; continues to require that the park or reserve is managed in such a way so as to contribute to the establishment and management of a comprehensive system of NT parks and reserves.</p> <p>Management prescribed for all reserves through management plans; management plans are mandatory. Management plans regulate the use of a park or reserve, but exploration and mining are permitted in parks, reserves and wilderness zones regardless, except where they are jointly managed.</p>
Qld	Nature Conservation Act 1992	<p>Provides for the conservation of nature through the creation and management of protected areas (i.e., areas representative of the biological diversity, natural features and wilderness of Queensland) which can be Crown land or private land, and through other protection of native wildlife and its habitat. Protected areas may be national parks (different types are recognised), conservation parks, resources reserves, special wildlife reserves, forest reserves, nature refuges, and coordinated conservation areas. Provides for the conservation of natural and cultural values in all reserves while allowing other compatible uses (in national parks, conservation parks and special wildlife reserves these are uses that are consistent with the conservation objectives and which are ecologically sustainable, and excludes mining).</p> <p>Recognises the interest of Indigenous people in, and provides for their cooperative involvement in the management of, protected areas in which they have a traditional or customary interest (applies mainly to the non-scientific classes of national park and provides for their joint management).</p> <p>Management prescribed through management principles (specified in the legislation), statements of management intent, management plans (jointly managed protected areas require jointly prepared management plans, and conservation agreements).</p>
	Marine Parks Act 2004	<p>Provides for the creation and management of marine parks for the conservation of Queensland's marine environment; applies to Queensland waters and associated land, but can include waters beyond the outer limits of Queensland waters connected with Queensland. Recognises the cultural, economic, environmental and social relationships between marine parks and other areas, including public use. Provides for the cooperative involvement of public authorities and other interested groups and persons, including members of Indigenous communities.</p>

		Management for each marine park is prescribed through a statutory zoning plan, and in some instances the development of a management plan (provides for management plans to be jointly and cooperatively prepared or amended with other parties with a special interest in the park).
SA	National Parks and Wildlife Act 1972	Provides for the creation of national parks, conservation parks, regional reserves, game reserves and recreational parks for public benefit and enjoyment, and for the conservation of wildlife in a natural environment. Specifically provides for wildlife preservation, preservation of natural or scenic features; preservation of historic sites, objects and structures; encouragement of public use, enjoyment and appreciation of reserves; promotion generally of public interest; control of diseases, weeds, vermin and exotic species; the management of bush fires and other hazards. Specifically recognises native title if native title is recognised prior to land reservation. Management prescribed for all reserves through management plans. Co-management agreements are available.
	Wilderness Protection Act 1992	Provides for the declaration of wilderness protection areas and wilderness protection zones where land and ecosystems have either been unaffected or only minorly affected by modern technology or exotic flora or fauna. Management prescribed for all wilderness protection areas and wilderness protection zones through management plans. Can be co-managed via a co-management agreement for a park or reserve in the same way as under the <i>National Parks and Wildlife Act 1972</i> .
	Marine Parks Act 2007	Provides for the declaration and management of a comprehensive, adequate and representative system of marine parks to protect and conserve marine biological diversity and marine habitats, and to assist in other objectives including maintenance of ecological processes, climate change adaptation, protecting and conserving features of natural or cultural heritage significance, and allowing ecologically sustainable development and use, including public use. Recognises established native title rights and interests. Management prescribed for all Marine Parks through management plans (zone based).
Tas	Nature Conservation Act 2002 + National Parks and Reserves Management Act 2002	The <i>Nature Conservation Act 2002</i> provides for the creation of national parks, state reserves, nature reserves, game reserves, conservation areas, nature recreation areas, regional reserves and historic sites; and also private land private sanctuaries and private nature reserves; also provides for state marine reserves (marine nature reserves (generally no-take areas) and marine conservation areas). The <i>National Parks and Reserves Management Act 2002</i> provides for the management of protected areas created under the <i>Nature Conservation Act 2002</i> ; management is via prescribed management plans; provides for co-management with Indigenous people in 'areas of significance'.
Vic	National Parks Act 1975	Provides for the creation and management of national parks, state parks, wilderness parks, marine national parks and marine sanctuaries for the purposes of protecting natural environment (including wilderness areas and remote and natural areas), indigenous flora and fauna, features of cultural or natural heritage or other scientific interest and for related scientific study. In relation to marine protected areas (MPAs), marine and coastal parks, marine parks and marine reserves have been recognised since 1986 as additional marine reserve types. Provides for some specific allowed use in different reserve types; includes provisions for traditional owner use and for joint management planning with traditional owners. Management prescribed for all reserves through management plans.

WA	Conservation and Land Management Act 1984	<p>Provides for the creation and management of national parks, conservation parks, nature reserves, regional parks; marine nature reserves, marine parks and marine management areas (as well as State forest and timber reserves). The purpose is to provide for the better use, protection and management of public lands and waters and their flora and fauna. Provides for specific allowed use in the different reserve types through designation as general use areas, sanctuary areas, recreation areas, or special purpose areas.</p> <p>Management is prescribed through reserve management plans; also marine reserves rely on zoning.</p> <p>Notes: The <i>Reserves (National Parks, Conservation Parks, Nature Reserves and Other Reserves) Act 2004</i> provides for the creation of new national parks, conservation parks and other reserves for environmental conservation by excising certain areas of land from State forest, timber reserves and other reserves. The <i>Land Administration Act 1997</i> relates to Crown land and enables reserves to be created on Crown land and for certain changes to be made to existing reserves (including conservation parks, national parks and class A nature reserves) for specified purposes in the public interest. Reserve management plans are encouraged, but not mandatory unless 'requested' by the Minister.</p>
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3.3 International Instruments and Guidance of Relevance

Instrument	Remarks
UNESCO Declaration of Ethical Principles in relation to Climate Change 2017	
The Sendai Framework for Disaster Risk Reduction 2015-2030, (United Nations Office for Disaster Risk Reduction, 2015)	
UNESCO Recommendation concerning the protection and promotion of museums and collections, their diversity and their role in society 2015	
UNESCO Recommendation on the Historic Urban Landscape 2011	
United Nations Declaration on the Rights of Indigenous Peoples 2007	- Australia supports this as a non-legally binding document
UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003	
UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001	
Convention on Biological Diversity 1992	- recognised by Australia
The Protocol on Environmental Protection to the Antarctic Treaty 1991 (Madrid Protocol)	- part of the Antarctic Treaty System; Australia is a signatory to the Antarctic Treaty (1959).

	- designates Antarctica as a "natural reserve, devoted to peace and science; - provides for comprehensive protection of the Antarctic environment and dependent and associated ecosystems
Convention for the Protection of the Natural Resources and Environment of the South Pacific Region 1986	- recognised by Australia
United Nations Convention on the Law of the Sea 1982	- establishes the rights and duties of nations in relation to the seas and oceans - ratified by Australia, 1994
Convention on the Conservation of Migratory Species of Wild Animals 1979	- recognised by Australia
Recommendation for the Protection of Movable Cultural Property 1978	- recognised by Australia
Convention on Conservation of Nature in the South Pacific 1976	- recognised by Australia
Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas 1976	
Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973	- recognised by Australia
Convention concerning the Protection of World Cultural and Natural Heritage 1972 (World Heritage Convention)	- Australia a signatory
Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage 1972	
Convention on Wetlands of International Importance, especially as Waterfowl Habitat 1971 (Ramsar Convention)	- recognised by Australia
UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970	- recognised by Australia through the <i>Protection of Moveable Cultural Heritage Act 1986</i>
Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private works 1968	
Recommendation concerning the Safeguarding of Beauty and Character of Landscapes and Sites 1962	
Recommendation on International Principles Applicable to Archaeological Excavations 1956	
1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention)	