

RECENT DEVELOPMENTS

COMMONWEALTH

NEW COMMONWEALTH HERITAGE LAWS ADOPTED BY THE SENATE*

After introducing its proposal for integrating heritage protection into *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) into Parliament for a second time in June 2002, the Commonwealth Government has finally succeeded following the brokering of a compromise position with key members of the Senate.

On 21 August 2003 the Senate passed the package of Heritage Bills which together will establish a National Heritage List and protect the heritage values of listed places through the operation of the EPBC Act. The effect of the new laws is to repeal the *Australian Heritage Commission Act* 1975, and in its place integrate protection of National Heritage into the EPBC Act as a matter of national environmental significance.

Under the new regime the Commonwealth Government will appoint a group of Heritage experts as the Australian Heritage Council to assess nominations and make recommendations to the Federal Minister about the heritage values of nominated places. Anyone will be able to make nominations for sites to be entered on the National Heritage List. In addition Commonwealth Government Heritage Places are to be given comprehensive protection through establishment of a Commonwealth Heritage List.

The current Register of the National Estate is to be retained, and places on the Register will also receive protection through the EPBC Act.

NEW SOUTH WALES

INVALIDITY OF NOTICE UNDER SECTION 29 OF THE *NATIVE TITLE ACT* 1993 (CTH)*

Williams v Minister for Land and Water Conservation for the State of New South Wales ([2003] FCA 360, Federal Court of Australia, 2 May 2003)

Background

This case relates to two applications brought together by native title claimants, Neville Williams on behalf of the Wiradjuri People and Kathleen Towney on behalf of the Mooka Traditional Owners, over an overlapping area of land near Lake Cowal in central New South Wales. The boundaries of the claimed area and proposed mining lease land were the same. The applicants challenged the validity of a notice given under section 29 of the *Native Title Act* 1993 (Cth) (the

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