

1990-91

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 29 November 1991 a.m.

(Minister for the Arts, Sport, the Environment, Tourism and Territories)

A BILL

FOR

An Act to amend legislation relating to the arts, sport, the environment and Territories

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Arts, Sport, Environment and Territories Legislation Amendment Act 1991*.

Amendments of Acts

2. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 2

AMENDMENTS OF ACTS

Australian Capital Territory (Planning and Land Management) Act 1988

After section 20:

Insert:

Objections to re-submitted draft Plan

“20A.(1) If the Territory planning authority continues to object to any aspect of the draft Plan re-submitted to the Minister, the Authority must attach to the draft Plan a statement of its reasons for not accommodating the objection.

“(2) If the Minister receives a statement from the Authority under subsection (1), the Minister must, in writing, direct the Authority:

- (a) to disregard the objection; or
- (b) to alter the draft Plan to accommodate the objection wholly or partly.”.

Section 53:

Add at the end:

“(2) In particular, the regulations may provide for:

- (a) the charging and recovery of fees for the granting of approvals by the Authority under this Act; and
- (b) the remission, refund or waiver of those fees, or the exemption of persons from payment of those fees.

“(3) The amount of a fee:

- (a) must be reasonably related to the expenses incurred or to be incurred by the Authority in granting the approval in question; and
- (b) must not be such as to amount to taxation.”.

SCHEDULE—continued
Australian Sports Drug Agency Act 1990

Subsection 2(1):

Insert the following definitions:

“**‘anti-doping arrangement’** means an international arrangement specified in regulations made for the purposes of section 66A;

‘negative test result’, in relation to a competitor, means a finding, made by an accredited laboratory by means of testing a sample provided by the competitor, that is not a positive test result;”.

Subparagraph 12(3)(b)(iii):

After “sample”, insert “(including the persons and bodies who would, under section 17, be notified of the failure)”.

Subparagraph 12(3)(b)(iv):

After “result”, insert “(including the persons and bodies who would, under section 17, be notified of the result)”.

Paragraph 12(3)(b):

Add at the end:

“; and (vi) the persons and bodies who may, under section 17A, be notified of a negative test result.”.

Subsection 17(1):

Add at the end:

“; and (d) each authority of a foreign country that is an authority to which the Agency is required to give such notice under an anti-doping arrangement that the Commonwealth has entered into with that country.”.

After section 17:

Insert:

Notification of negative test results

“17A. If a competitor returns a negative test result, the Agency may disclose details of the result to any of the persons or bodies referred to in subsection 17(1).”.

After subsection 18(2):

Insert:

“(2A) The Minister may, in writing, request the Agency to give to the Minister a written notice stating, in respect of each competitor specified in the request, whether the competitor has returned a negative test result.”.

SCHEDULE—continued

Subsection 18(3):

Insert “or (2A),” after “subsection (1)”.

After section 65:

Insert in Part 7:

Agency exempt from taxation

“65A.(1) Subject to subsection (3), the Agency is not subject to taxation under any law of the Commonwealth or of a State or Territory.

“(2) Subject to subsection (3), the transactions of the Agency in respect of goods for use (whether as goods or in some other form), and not for sale, by the Agency are not subject to the laws of the Commonwealth relating to sales tax.

“(3) The regulations may provide that subsection (1) or (2) does not apply in relation to taxation under a specified law.”.

After section 66:

Insert:

Anti-doping arrangements

“66A.(1) The regulations may specify that an international arrangement entered into by the Commonwealth is an anti-doping arrangement for the purposes of this Act.

“(2) The Agency is to prepare and maintain a list of anti-doping arrangements that are in force.”.

After paragraph 70(1)(b):

Insert:

“or (c) any employee of the Agency.”.

Environment Protection (Sea Dumping) Act 1981

Subsection 39(2):

Omit the subsection, substitute:

“(2) Subject to subsection (4), a certificate signed by an analyst appointed under subsection (1) setting out, in relation to a substance, one or more of the following:

- (a) that he or she is appointed as the analyst under subsection (1);
- (b) when and from whom the substance was received;
- (c) what labels or other means of identification accompanied the substance when it was received;
- (d) what container the substance was in when it was received;

SCHEDULE—continued

- (e) a description, including the weight, of the substance when it was received;
- (f) the name of any method used to analyse the substance or any portion of it;
- (g) the results of any such analysis;
- (h) how the substance was dealt with after handling by the analyst, including details of:
 - (i) the quantity of the substance retained after analysis; and
 - (ii) names of any person to whom any of the retained substance was given after analysis; and
 - (iii) measures taken to secure any retained quantity of the substance after analysis;

is admissible in any proceeding for an offence against this Act as *prima facie* evidence of the matters in the certificate and the correctness of the results of the analysis.”.

National Parks and Wildlife Conservation Act 1975

Subsection 3(1):

Insert:

“**‘botanic garden’** means a scientific and educational institution the purpose of which is the advancement and dissemination of knowledge and appreciation of plants by:

- (a) growing them in a horticultural setting; and
- (b) establishing herbarium collections; and
- (c) conducting research; and
- (d) providing displays and interpretative services;”.

After paragraph 11(8)(c):

Insert:

“(ca) in the case of a park or reserve managed as a botanic garden— the increase of knowledge, appreciation and enjoyment of Australia’s plant heritage by establishing, as an integrated resource, a collection of living and herbarium specimens of Australian and related plants for study, interpretation, conservation and display;”.

Schedule:

Insert at the end:

“6. Convention on Conservation of Nature in the South Pacific, signed at Apia, Western Samoa on 12 June 1976.

SCHEDULE—continued

“7. Convention on the Conservation of Migratory Species of Wild Animals signed at Bonn on 23 June 1979.

“8. Agreement between the Government of Australia and the Government of the People’s Republic of China for the Protection of Migratory Birds and their Environment, signed at Canberra on 20 October 1986.”.

Norfolk Island Act 1979

Subsection 8(1):

Omit the subsection, substitute:

“(1) The Governor-General may, by Commission, appoint a person to act in the office of Administrator, and to administer the government of the Territory:

- (a) during a vacancy in the office of the Administrator; or
- (b) during any period, or during all periods, when the Administrator:
 - (i) is absent from duty, or from the Territory; or
 - (ii) is, for any reason, unable to perform the duties of the office.

“(1A) While a person so appointed is administering the government of the Territory, he or she has all the powers and functions of the Administrator.”.

Subsection 8(2):

Insert “from duty or” before “from the Territory”.

Paragraph 9(2)(a):

Omit the paragraph, substitute:

“(a) there is a vacancy in the office of Administrator or the Administrator is absent from duty or from the Territory or is unable for any reason to perform his or her duties; and”.

Subparagraph 9(2)(b)(ii):

Omit the subparagraph, substitute:

“(ii) an Acting Administrator has entered on his or her duties but is absent from duty or from the Territory or is unable for any reason to perform those duties;”.

Subsection 9(3):

Insert “from duty or” before “from the Territory”.

SCHEDULE—continued

Protection of Movable Cultural Heritage Act 1986

Before section 22:

Insert:

Certain resolutions may be made without meetings

“21B.(1) If all the members of the Committee (other than any member to whom subsection (3) applies) sign a document containing a statement that they support a recommendation or report made, in the terms set out in the document, in relation to an application made under section 10 or 10A, a recommendation or report in those terms is taken to have been adopted by a duly constituted meeting of the Committee held on the day the document was signed, or if the members sign the document on different days, on the last of those days.

“(2) For the purposes of subsection (1), 2 or more separate documents containing statements in identical terms, each of which is signed by one or more members, are together taken to constitute one document containing a statement in those terms signed by those members on the respective days on which they signed the separate documents.

“(3) A member must not sign a document containing a statement in favour of the recommendation or report if it is in respect of a matter in which the member would, for the purposes of section 20, be taken to have a direct or indirect pecuniary interest.

“(4) This section does not apply to a document that less than 5 members of the Committee are eligible to sign.”.

Wildlife Protection (Regulation of Exports and Imports) Act 1982

Subsection 75(2):

Omit the subsection, substitute:

“(2) Subject to subsection (4), a certificate signed by an examiner appointed under subsection (1) setting out, in relation to a substance, matter or thing one or more of the following:

- (a) that he or she is appointed as the examiner under subsection (1);
- (b) when and from whom the substance, matter or thing was received;
- (c) what labels or other means of identification accompanied the substance, matter or thing when it was received;
- (d) what container held the substance, matter or thing when it was received;

SCHEDULE—continued

- (e) a description, including the weight, of the substance, matter or thing when it was received;
- (f) the name of any method used to analyse the substance, matter or thing or any portion of it;
- (g) the results of any such analysis;
- (h) how the substance, matter or thing was dealt with after handling by the examiner, including details of:
 - (i) the quantity of the substance, matter or thing retained after analysis; and
 - (ii) names of any person to whom any of the substance, matter or thing was given after analysis; and
 - (iii) measures taken to secure any retained quantity of the substance, matter or thing after analysis;

is admissible in any proceeding for an offence against this Act as *prima facie* evidence of the matters in the certificate and the correctness of the results of the analysis.”.