

1990-91

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 14 February 1991

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

## A BILL

FOR

**An Act to amend and repeal various Acts relating to matters dealt with by the Department of the Arts, Sport, the Environment, Tourism and Territories, and for related purposes**

The Parliament of Australia enacts:

### Short title

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

### 5 Commencement

2. (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(2) Section 5, the amendment of section 3 of the *Australian Capital Territory (Self-Government) Act 1988* made by this Act and the repeal of sections 61, 62 and 63 of the *Australian Capital Territory (Self-Government) Act 1988* and sections 47, 47A, 47B and 47C of the *Northern Territory (Self-Government) Act 1978* effected by this Act commence on 1 July 1991.

### **Amendment of Acts**

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

### **Repeal of *Darwin Lands Acquisition Act 1945***

4. The *Darwin Lands Acquisition Act 1945* is repealed. 5

### **Transitional—guarantees of loans to the Australian Capital Territory and the Northern Territory of Australia**

5. In spite of the repeal of section 62 of the *Australian Capital Territory (Self-Government) Act 1988* and section 47A of the *Northern Territory (Self-Government) Act 1978* effected by this Act, those sections continue to apply, in relation to obligations incurred by the Australian Capital Territory or the Northern Territory of Australia, as the case requires, under arrangements entered into before the commencement of this section, as if those repeals had not been effected. 10

### **Transitional—financial provisions relating to the National Library of Australia** 15

6. An act or thing done by or in relation to the National Library of Australia under section 21, 24 or 25 or subsection 27 (2), (3) or (4) of the *National Library Act 1960* has effect as if it had been done under the corresponding provision of Division 3 of Part XI of the *Audit Act 1901*. 20

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## **SCHEDULE**

Section 3

### **AMENDMENT OF ACTS**

#### ***Australian Capital Territory (Self-Government) Act 1988***

#### **Section 3 (definition of “borrowing”):**

Omit the definition.

#### **Section 14:**

Add at the end:

“(3) Paragraph (1) (c) does not apply to a superannuation scheme:

(a) that is established by or under an enactment; and

(b) under which any or all of the following benefits are provided:

(i) benefits for a person upon ceasing to hold an office of member;

(ii) benefits for a person who is or was a member in the event of the permanent or temporary disability of the person;

**SCHEDULE—continued**

(iii) benefits for dependants of a person who is or was a member in the event of the death of the person.

“(4) In subsection (3):

‘**dependant**’ has the same meaning as in the *Occupational Superannuation Standards Act 1987*.”.

**Sections 61, 62 and 63:**

Repeal the sections.

***Australian Sports Commission Act 1989***

**Before paragraph 48 (2) (a):**

Insert:

“(aa) specify the financial transactions and the state of the affairs of the Australian Sports Foundation;”.

***Australian Sports Drug Agency Act 1990***

**Subparagraph 15 (3) (b) (i):**

Omit “by”, substitute “at”.

**Subparagraph 15 (3) (b) (ii):**

Insert “of ” before “the possible”.

***National Library Act 1960***

**Subsection 7 (2):**

Omit “the last preceding subsection”, substitute “subsection (1)”.

**Section 7A:**

Omit “Fifty thousand dollars” (wherever occurring), substitute “\$250,000”.

**Paragraph 7A (d):**

Omit “ten”, substitute “10”.

**Paragraph 10 (2) (c):**

Omit “nine”, substitute “9”.

**Subsections 10 (3) and (4):**

Omit “three”, substitute “3”.

**Paragraph 15 (1) (b):**

Omit the paragraph.

**SCHEDULE—continued**

**Paragraph 15 (1) (d):**

Omit “three”, substitute “3”.

**Paragraph 15 (1) (e):**

Omit the paragraph, substitute:

“(e) fails, without reasonable excuse, to comply with his or her obligations under section 15B;”.

**Subsection 15 (1):**

Omit all the words after “Governor-General shall”, substitute “terminate the appointment of the member”.

**Subsection 15 (2):**

Omit “(c) of the last preceding subsection”, substitute “(1) (c)”.

**Subsections 15 (3) and (4):**

Omit the subsections.

**After section 15:**

Insert:

**Resignation**

“15A. A member other than the Director-General may resign his or her office by signed notice delivered to:

- (a) in the case of a member appointed by the Governor-General—the Governor-General; or
- (b) in the case of a member elected by the Senate or the House of Representatives—the President of the Senate or the Speaker of the House of Representatives, as the case may be.

**Disclosure of interests**

“15B. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council must, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the Council.

“(2) A disclosure under subsection (1) must be recorded in the minutes of the meeting of the Council and the member must not:

- (a) be present during any deliberations of the Council with respect to the matter; or
- (b) take part in a decision of the Council with respect to the matter.”.

**Paragraph 16 (1) (b):**

Omit “four”, substitute “4”.

**SCHEDULE—continued**

**Subsection 16 (6):**

Omit “five”, substitute “5”.

**Subsection 16 (7):**

Omit “the next succeeding subsection”, substitute “subsection (8)”.

**Subsections 17 (4) and (5):**

Omit “-1960”.

**Subsection 17 (5):**

Omit “the last preceding subsection”, substitute “subsection (4)”.

**Subsection 17A (1):**

Omit “seven”, substitute “7”.

**Subsection 17A (2):**

Omit “sixty-five” (wherever occurring), substitute “65”.

**After paragraph 17E (1) (a):**

Insert:

“(aa) fails, without reasonable excuse, to comply with section 15B or subsection (3) of this section; or”.

**Subsection 17E (1):**

Omit “, by notice in the *Gazette*,”.

**Subsection 17E (2):**

Omit “(a) of the last preceding subsection”, substitute “(1) (a)”.

**Section 17E:**

Add at the end:

“(3) The Director-General must give written notice to the Minister of all direct or indirect pecuniary interests that the Director-General has or acquires in any business or in any body corporate carrying on any business.”.

**Section 17H:**

Omit “(3A) and (4) of section 4 of the *Superannuation Act 1922-1966*”, substitute “4 (3A) and (4) of the *Superannuation Act 1922*”.

**Section 18:**

Omit “-1960”.

### SCHEDULE—continued

#### Section 21:

Repeal the section, substitute:

#### **Application of Division 3 of Part XI of the *Audit Act 1901***

“21. The Library is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.

#### **Investment**

“21A. Money held by the Library otherwise than on trust that is not immediately required for the purposes of the Library may be invested:

- (a) on deposit with a bank that is an approved bank for the purposes of section 63J of the *Audit Act 1901*; or
- (b) in Commonwealth securities; or
- (c) in any other manner approved in writing by the Treasurer.”.

#### **Sections 24 and 25:**

Repeal the sections.

#### **Subsections 27 (2), (3) and (4):**

Omit the subsections.

#### **After section 27:**

Insert:

#### **Supply of liquor on premises of Library**

“27A. (1) The regulations may make provision for and in relation to the sale, supply, disposal, possession or control of liquor on premises in the Australian Capital Territory owned by or under the control of the Library.

“(2) The law of the Australian Capital Territory relating to the sale, supply and disposal of liquor does not apply with respect to premises in respect of which regulations are in force under subsection (1).

“(3) In this section:

‘**liquor**’ means wine, spirits, ale, beer, porter, cider, perry or any liquid containing alcohol ordinarily used or fit for use as a beverage.

#### **Control of Library land and buildings**

“27B. (1) The regulations may make provision for and in relation to:

- (a) regulating, restricting or prohibiting the entry of persons on to any land or building owned by or under the control of the Library; or

**SCHEDULE—continued**

(b) regulating the conduct of persons on any such land or building;  
or

(c) the removal of persons from any such land or building.

“(2) A reference in this section to any land or building owned by or under the control of the Library includes a reference to a part of any such land or any such building, as the case may be.”.

**Section 28:**

Omit “One hundred dollars or imprisonment for three months, or both,”, substitute “\$500”.

***National Parks and Wildlife Conservation Act 1975***

**Paragraph 46 (1) (f):**

Omit “and”.

**After paragraph 46 (1) (f):**

Insert:

“(fa) any amounts payable to the Director in respect of leases, licences, permits and other authorities granted by the Director; and”.

**Paragraph 46 (1) (g):**

Omit “, not being moneys referred to in subsection (2),”.

**Subsection 46 (2):**

Omit the subsection.

**Subsection 47 (2):**

Omit “, other than moneys referred to in subsection 46 (2),”.

**Section 49:**

Repeal the section, substitute:

**No borrowing**

“49. The Director must not borrow money in the performance of his or her functions.

**Investment of Fund**

“49A. Money standing to the credit of the Fund that is not immediately required for the purposes of the Fund may be invested by the Director:

(a) on deposit with an approved bank within the meaning of section 63E of the *Audit Act 1901*; or

**SCHEDULE—continued**

- (b) in Commonwealth securities; or
- (c) in any other manner approved by the Treasurer.”.

***Northern Territory (Self-Government) Act 1978***

**Sections 47, 47A, 47B and 47C:**

Repeal the sections.

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**NOTE ABOUT SECTION HEADING**

1. On the day on which this Act receives the Royal Assent, the heading to section 46 of the *National Parks and Wildlife Conservation Act 1975* is altered by omitting “and to Consolidated Revenue Fund”.

