1992

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

ARTS, ENVIRONMENT AND TERRITORIES LEGISLATION AMENDMENT BILL 1992

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for the Arts, Sport, the Environment and Territories, The Hon Ros Kelly MP)

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ARTS, ENVIRONMENT AND TERRITORIES LEGISLATION AMENDMENT BILL 1992

GENERAL OUTLINE

Five Acts administered by the Department of the Arts, Sport, the Environment and Territories are amended by this Bill. Two Acts administered by the Department are repealed.

The amendments are mainly to make the administration of various Government programs more efficient and cost effective.

An amendment to the *Australian Capital Territory (Planning and Land Management) Act 1988* will empower the National Capital Planning Authority to manage National Land on behalf of the Commonwealth.

Amendments to the *Australia Council Act 1975* will enable members of the Council, other than the Chairperson, and the General Manager, to be appointed by the Minister, rather than the Governor-General. The existing powers of the Governor-General to accept resignations and to terminate appointments will also be transferred to the Minister. The Minister will also be given the power to delegate to the Council the power to appoint, and to terminate the appointment of, members of Boards constituted under the Act.

The amendment to the *Australian Heritage Commission Act 1975* will delete an incorrect reference to 'Remuneration Tribunals' and insert instead 'Remuneration Tribunal'.

Amendments to the *National Gallery Act 1975* will change the name of the Gallery from the 'Australian National Gallery" to the "National Gallery of Australia'.

An amendment to the *National Parks and Wildlife Conservation Act 1975* will increase the value of contracts which the Director of Parks and Wildlife may enter into, without the approval of the Minister, from $100,000 to $250,000.

The *Lemonthyme and Southern Forests (Commission of Inquiry) Act 1987* and the *States Grants (Air Quality Monitoring) Act 1976* are repealed by this Bill.

FINANCIAL IMPLICATIONS

There are no financial obligations imposed on the Commonwealth by this Bill.

ARTS, ENVIRONMENT, AND TERRITORIES LEGISLATION AMENDMENT BILL 1992

NOTES ON CLAUSES

Clause 1: Short title

1. The Act may be cited as the *Arts, Environment and Territories Legislation Amendment Act 1992*.

Clause 2: Commencement

2. The Act will commence on the day on which receives Royal Assent.

Clause 3: Repeal of Acts

3. Provides for the repeal of the Lemonthyme and Southern Forests (Commission of Inquiry) Act 1987 and the States Grants (Air Quality Monitoring) Act 1976. The provisions of both Acts are now spent.

Clause 4: Amendments of Acts

4. Provides that the Acts specified in Schedule 1 are amended as set out in that Schedule.

Clause 5: Amendments of Ordinances

5. Incidental to the amendments to the Australian Capital Territory (Planning and Land Management) Act 1988, amendments are made to two Ordinances of the Australian Capital Territory as specified in Schedule 2. The clause provides that it is not intended that these amendments prevent these two Ordinances from being further amended or repealed by the Governor-General.

Clause 6: Saving of appointments, etc., under the *Australia Council Act 1975*

6. The amendments to the Australia Council Act as set out in paragraphs 8 to 10, below, will alter a number of the procedures specified in the Act regarding the appointment, termination of appointment and resignation of members of the Council and of the General Manager, as well as regarding the appointment and termination of appointment of members of Boards (other than Chairpersons) constituted under the Act. This provision ensures that any appointments made, determinations of the General Manager's conditions of office made, and resignations tendered, prior to the commencement of the Bill, take effect as if the amendments had not been made.

Clause 7: Effect of amendments of *National Gallery Act 1975*

7. This clause ensures that the change of name of the Gallery does not affect any rights or liabilities that existed prior to the change, nor affect the validity of anything done prior to the change.

Schedule 1

Amendments to:

Australian Capital Territory (Planning and Land Management) Act 1988

8. New paragraph 6(g) will empower the National Capital Planning Authority (NCPA), with the approval of the Minister, to manage land in the ACT, designated in writing by the Minister administering the Act as National Land that is used or intended to be used for the special purposes of Canberra as the National Capital.

Australia Council Act 1975

9. Amendments to paragraphs 9(2)(e) and (f), subsections 9(3), 9(4), 10(1), 10(4) and 11(1), new section 13, amendments to subsections 14(1) and (2), new subsections 14(2A) and (2B), and amendments to subsections 19A(1) and (3), section 19D, and subsections 19F(1) and (2) are intended to empower the Minister, rather than the Governor-General (as is currently provided under the Act) to appoint members of the Council (including the General Manager and members of Boards established under the Act), other than the Chairperson.

10. Similarly, the existing powers of the Governor-General to accept resignations and terminate the appointments of members of Council, other than the Chairperson, and of Boards, and of the General Manager, are transferred to the Minister. All existing procedures in respect of the appointment of the Chairperson remain unchanged, as do all existing requirements which are to be taken into account (such as the appointment of community interest representatives).

11. New section 31A will empower the Minister to delegate to the Council the Minister's powers to appoint, and to terminate the appointment of, members of Boards (but not the Chairpersons of such Boards) established under the Act.

12. The Minister cannot delegate the power to appoint, and terminate the appointment of, Chairpersons of such Boards, as they are also members of Council. All matters now required to be taken into account by the Minister (such as the appointment of community interest representatives) will need to be taken into account by the Council when exercising these delegated powers.

Australian Heritage Commission Act 1975

13. Amendments to subsection 14(3) will correct an erroneous reference to 'Remuneration Tribunals' (plural); the singular was intended.

National Gallery Act 1975

14. These amendments give effect to the change of the name of the Gallery from the 'Australian National Gallery' to the 'National Gallery of Australia'.

National Parks and Wildlife Conservation Act 1975

15. The amendment to subsection 21(1) will increase the value of contracts which the Director of National Parks and Wildlife may enter into, without requiring the specific approval of the Minister, from $100,000 to $250,000.

Schedule 2

Amendments to:

National Land Ordinance 1989 and *Reserved Laws (Administration) Ordinance 1989 of the A.C.T.*

16. Amendments to section 4 of the National Land Ordinance, and subsections 4(1), section 4 and Schedule 1 of the Reserved Laws (Administration) Ordinance are intended to enable the implementation of the provisions of new paragraph 6(g) in the Australian Capital Territory (Planning and Land Management) Act 1988, as regards the management of National Land by the NCPA (see paragraph 7, above).