



**Arts, Sport, Environment, Tourism and
Territories Legislation Amendment Act
(No. 2) 1991**

No. 179 of 1991

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

[Assented to 25 November 1991]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Arts, Sport, Environment, Tourism and Territories Legislation Amendment Act (No. 2) 1991*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

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Amendments of Acts

3.(1) Acts specified in the Schedule are amended as set out in the Schedule.

(2) A person who:

(a) immediately before the commencement of this Act, was the holder of a public office within the meaning of the *Remuneration Tribunal Act 1973*; and

(b) upon that commencement, has in respect of that office such recreation leave entitlements as are determined by the Remuneration Tribunal;

retains, in respect of that office, such rights (if any) in relation to leave of absence for recreation as had accrued to the person immediately before that commencement.

SCHEDULE

Section 3

AMENDMENTS OF OTHER ACTS

Australia Council Act 1975

Section 12:

Repeal the section, substitute:

Leave of absence

“12.(1) Subject to section 87E of the *Public Service Act 1922*, a full-time Chairperson has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Minister may grant a full-time Chairperson leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.”.

Subparagraph 14(2)(b)(ii):

Omit “granted by the Minister”.

Section 19C:

Repeal the section, substitute:

Leave of absence

“19C.(1) Subject to section 87E of the *Public Service Act 1922*, the General Manager has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Council may grant to the General Manager leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Council determines.”.

Paragraph 19F(2)(b):

Omit “granted by the Council”, substitute “of absence”.

Paragraph 34(1)(a):

Omit “\$100,000”, substitute “\$250,000”.

Australian Capital Territory (Planning and Land Management) Act 1988

Section 38:

Repeal the section, substitute the following section:

Leave of absence

“38.(1) Subject to section 87E of the *Public Service Act 1922*, a full-time member has such recreation leave entitlements as are determined by the Remuneration Tribunal.

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SCHEDULE—continued

“(2) The Minister may:

- (a) grant a full-time member leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines in writing; and
- (b) grant a part-time member leave to be absent from a meeting or meetings of the Authority.”.

Paragraph 41(2)(b):

Omit “granted by the Minister”.

Australian Film Commission Act 1975

Subsection 16(2):

Omit the subsection.

Section 18:

Repeal the section, substitute:

Leave of absence

“18.(1) Subject to section 87E of the *Public Service Act 1922*, a full-time member has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Minister may grant a full-time member leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.”.

Subparagraph 23(2)(b)(iii):

Omit “granted by the Minister”.

Australian Film, Television and Radio School Act 1973

Paragraph 8(1)(e):

Omit “elected by Convocation in the manner prescribed”, substitute “of Convocation appointed by the Council”.

Paragraph 8(8)(b):

Omit “elected”, substitute “appointed”.

Subsections 11(3), (4) and (5):

Omit the subsections.

Section 17:

Repeal the section, substitute:

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SCHEDULE—continued

Leave of absence

“17.(1) Subject to section 87E of the *Public Service Act 1922*, a full-time member has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Council may grant a full-time member leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Council determines.

“(3) The Council may grant a part-time member leave to be absent from a meeting or meetings of the Council.”.

Paragraph 29(1)(b):

Omit “granted by the Council”, substitute “of absence”.

Paragraphs 40(1)(a) and (b):

Omit “\$50,000”, substitute “\$250,000”.

Australian National Maritime Museum Act 1990

Subsection 3(1) (definition of “appointed member”):

Add at the end “or the naval member”.

Subsection 3(1):

Insert the following definition:

“‘**naval member**’ means the member appointed under subsection 17(2A) by the Chief of Naval Staff;”.

Paragraph 10(4)(b):

Omit “\$10,000”, substitute “\$20,000”.

Section 10:

Add at the end:

“(5) The Museum must, in each report prepared under section 63M of the *Audit Act 1901* (as that section applies by virtue of subsection 48(1)), include particulars of any disposals of material during the financial year to which the report relates.”.

After paragraph 17(1)(b):

Insert:

“(ba) an officer of the Royal Australian Navy;”.

Paragraph 17(1)(c):

Omit “7 nor more than 10”, substitute “6 nor more than 9”.

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SCHEDULE—continued

After subsection 17(2):

Insert:

“(2A) The member referred to in paragraph (1)(ba) is to be appointed by the Chief of Naval Staff as a part-time member.”.

Subsection 17(4):

Omit the subsection.

After subsection 17(5):

Insert:

“(5A) The naval member holds office at the pleasure of the Chief of Naval Staff.”.

After paragraph 17(6)(a):

Insert:

“(ab) there is no member holding office under paragraph (1)(ba);
or”.

Paragraph 17(6)(b):

Omit “7”, substitute “6”.

Section 19:

After “appointed member”, insert “, or the naval member,”.

Section 20:

Add at the end:

“(2) The naval member may resign the office of naval member by writing signed by the naval member and delivered to the Chief of Naval Staff.”.

Section 34:

Repeal the section, substitute:

Leave of absence

“34.(1) Subject to section 87E of the *Public Service Act 1922*, the Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) Subject to subsection (3), the Minister may grant leave of absence to the Director, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.

“(3) The Chairperson may grant the Director leave of absence, other than recreation leave, on such terms and conditions as to

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SCHEDULE—continued

remuneration or otherwise as the Chairperson determines, if the period of leave of absence is less than 5 working days.”.

Paragraph 36(2)(b):

Omit “granted by the Minister or by the Chairperson in accordance with section 34”, substitute “of absence”.

Paragraphs 47(1)(a) and (b):

Omit “\$100,000”, substitute “\$250,000”.

Section 49:

Repeal the section, substitute:

Exemption from taxation

“49.(1) The Museum is not subject to taxation under any law of the Commonwealth or of a State or Territory.

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

Australian Sports Commission Act 1989

Subsection 13(5):

Omit the subsection.

Section 14:

Repeal the section, substitute:

Leave of absence

“14.(1) Subject to section 87E of the *Public Service Act 1922*, a full-time member has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Minister may:

- (a) if the Chairperson is appointed on a full-time basis—grant to the Chairperson leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines; or
- (b) if the Chairperson is appointed on a part-time basis—grant to the Chairperson leave to be absent from a meeting or meetings of the Commission.

“(3) The Chairperson may:

- (a) grant to a full-time member, other than the Chairperson, leave of absence, other than recreation leave, on such terms and

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conditions as to remuneration or otherwise as the Chairperson determines; and

- (b) grant to a part-time member, other than the Chairperson, leave to be absent from a meeting or meetings of the Commission.”.

Section 35:

Repeal the section, substitute:

Leave of absence

“35.(1) Subject to section 87E of the *Public Service Act 1922*, the Executive Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Commission may grant to the Executive Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Commission determines.”.

Australian Sports Drug Agency Act 1990

Paragraphs 20(3)(a) and (b):

Omit “a member”, substitute “the Chief Executive”.

Subsection 33(2):

Omit “member”, substitute “part-time member”.

Subsection 33(3):

Omit the subsection, substitute:

“(3) Subject to section 87E of the *Public Service Act 1922*, the Chief Executive has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(4) The Chairperson may grant the Chief Executive leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Chairperson determines.

“(5) The Chairperson must notify the Minister if the Chief Executive is to be absent on leave for a continuous period of more than 4 weeks.”.

Australian Tourist Commission Act 1987

Subsection 13(7):

Omit the subsection.

Subsection 18(1):

Omit “the Chairperson”, substitute “a part-time Chairperson”.

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SCHEDULE—continued

Section 18:

Add at the end:

“(3) Subject to section 87E of the *Public Service Act 1922*, a full-time Chairperson has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(4) The Minister may grant a full-time Chairperson leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.”.

Paragraph 21(2)(d):

Omit “with the leave of the Minister”, substitute “on leave of absence”.

Section 36:

Repeal the section, substitute:

Leave of absence

“36.(1) Subject to section 87E of the *Public Service Act 1922*, the Managing Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Chairperson may grant the Managing Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as are determined by the Board with the Minister’s written approval.”.

Environment Protection (Alligator Rivers Region) Act 1978

Section 11:

Repeal the section, substitute:

Leave of absence

“11.(1) Subject to section 87E of the *Public Service Act 1922*, the Supervising Scientist has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Minister may grant the Supervising Scientist leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.”.

Paragraph 13(2)(d):

Omit “granted by the Minister”.

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SCHEDULE—continued

Great Barrier Reef Marine Park Act 1975

Section 13:

Repeal the section, substitute:

Leave of absence

“13.(1) Subject to section 87E of the *Public Service Act 1922*, the Chairman has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Minister may grant the Chairman leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.”.

Paragraph 16(2)(b):

Omit “granted by the Minister”, substitute “of absence”.

Hazardous Waste (Regulations of Exports and Imports) Act 1989

Subsection 32(1):

Omit “\$4,000”, substitute “\$8,000”.

Section 32:

Add at the end:

“(4) The amount or rate of a fee must be reasonably related to the expenses incurred or to be incurred by the Commonwealth in relation to the application or notice to which it relates, and must not be such as to amount to taxation.”.

National Gallery Act 1975

Section 28:

Repeal the section, substitute:

Leave of absence

“28.(1) Subject to section 87E of the *Public Service Act 1922*, the Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Minister may grant the Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.”.

Paragraph 29(2)(b):

Omit “granted by the Minister”.

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SCHEDULE—continued

Paragraph 38(1)(b):

Omit “\$100,000”, substitute “\$250,000”.

Paragraph 38(1)(c):

Omit “\$50,000”, substitute “\$250,000”.

National Library Act 1960

Section 17B:

Repeal the section, substitute:

Leave of absence

“17B.(1) Subject to section 87E of the *Public Service Act 1922*, a full-time member has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Minister, or the Council acting with the Minister’s authority, may grant a full-time member leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister or the Council, acting with the Minister’s authority, determines.”.

National Museum of Australia Act 1980

Paragraph 9(4)(b):

Omit “\$5,000”, substitute “\$20,000”.

Section 9:

Add at the end:

“(5) The Museum must, in each report prepared under section 63M of the *Audit Act 1901* (as that section applies by virtue of section 38), include particulars of any disposals of historic material under this section or section 9A during the financial year to which the report relates.”.

Paragraph 9A(3)(b):

Omit “\$5,000”, substitute “\$20,000”.

Section 26:

Repeal the section, substitute:

Leave of absence

“26.(1) Subject to section 87E of the *Public Service Act 1922*, the Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.

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SCHEDULE—continued

“(2) The Minister may grant the Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.”.

Paragraph 27(2)(b):

Omit “granted by the Minister”.

Paragraph 37(1)(a):

Omit “\$100,000”, substitute “\$250,000”.

Paragraph 37(1)(b):

Omit “\$50,000”, substitute “\$250,000”.

National Parks and Wildlife Conservation Act 1975

Section 26:

Repeal the section, substitute:

Leave of absence

“26.(1) Subject to section 87E of the *Public Service Act 1922*, the Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.

“(2) The Minister may grant the Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.”.

Paragraph 28(2)(b):

Omit “granted by the Minister”.

Protection of Movable Cultural Heritage Act 1986

After section 21:

Insert:

Conduct of meetings

“21A.(1) The Committee may regulate the conduct of proceedings at its meetings as it considers appropriate.

“(2) Without limiting subsection (1), the Committee may permit members to participate in, and form part of the quorum at, a particular meeting, or at all meetings, of the Committee by any of the following methods of communication:

- (a) telephone;
- (b) closed-circuit television;

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(c) any other method of communication determined by the Committee.

“(3) A member who is permitted to participate in a meeting under subsection (2) is regarded as being present at that meeting.”.

*[Minister's second reading speech made in—
House of Representatives on 21 June 1991
Senate on 22 August 1991]*