

**SENATE STANDING COMMITTEE
ON ENVIRONMENT, RECREATION AND
THE ARTS**

**REPORT ON THE CONSIDERATION OF THE
AUSTRALIAN HERITAGE COMMISSION
AMENDMENT BILL 1990**

4 DECEMBER 1990

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RECREATION AND THE ARTS**

**REPORT ON THE CONSIDERATION OF
THE AUSTRALIAN HERITAGE COMMISSION AMENDMENT BILL 1990**

On 15 November 1990 the Senate agreed to a recommendation by the Selection of Bills Committee (Report No. 8 of 1990) to refer the Australian Heritage Commission Amendment Bill 1990 to the Senate Standing Committee on Environment, Recreation and the Arts after second reading in the Senate. A reporting date of 4 December 1990 was set.

The Senate amended its order of 15 November on 29 November 1990 and directed that the Bill be referred to the Committee forthwith. Accordingly, the Committee met in public session on 30 November 1990. The Bill was examined in accordance with the procedural resolution passed by the Committee on 10 September 1990 (Appendix 1).

The Minister representing the Minister for the Arts, Sport, the Environment, Tourism and Territories (Senator the Hon. G. Richardson) attended accompanied by officials of the Australian Heritage Commission. The Shadow Minister for Arts, Heritage, Sport and Youth Affairs (Senator M. Baume) was also present.

Suggested Amendments

Senator Baume suggested eight amendments to the Bill:

1. Clause 3, page 2, line 11, proposed paragraph 3(1)(b) omit '(other than Australian Airlines Limited)'.
2. Clause 8, page 5, line 4, proposed subparagraph 23(2)(a)(v), insert the following words at the end of the subparagraph, "while also taking into account the economic impact of its registration:".
3. Clause 8, page 5, proposed subparagraph 23(2A)(b)(ii), lines 23 and 24, omit "extended that period - within that period as so extended;"; substitute "extended that period by not more than 18 months - within that extended period;".

4. Clause 8, page 5, line 28, after proposed subsection 23(2A), insert the following new subsections:
 - "(2B) In making a decision under subsection 2A, the Commission shall take into account expert advice as to the economic impact on a place of a decision to enter that place in the Register.
 - "(2C) Expert advice provided in accordance with subsection (2B) is to be made publicly available by the Commission on request."
5. Clause 8, page 6, proposed subparagraph 23(3)(b)(ii), lines 12 and 13, omit "extended that period - within that period as so extended.", substitute "extended that period by not more than 18 months - within that extended period."
6. Clause 8, page 6, paragraph (h), at the end of the paragraph add "and substituting the following subsection:
 - '(5) Any owner or owners (or the nominee of any owner or owners nominated in writing), of a place which is proposed for entry or entered in the Register, shall have an unqualified right to inspect, at no charge, all papers or documents held by the Commission relevant to the nomination, assessment, evaluation and decision that the place should be entered in the Register."
7. Clause 9, page 6, proposed subsection 23A(1), line 37, omit '7 days', substitute '28 days'.
8. Clause 13, page 10, at the end of the clause add the following paragraph:
 - ";(c) by adding at the end the following subsection:
 - '(5) No action in respect of a place proposed for entry or entered in the Register may be taken by the Commonwealth other than in accordance with the provisions of this Act."

Examination

The Bill was examined by clauses and groups of clauses. Following discussion Senator Baume withdrew amendments 6, 7 and 8 pending further consultation with the Minister. The other amendments were lost on vote of the Committee. On the motion of Senator Faulkner, the Committee resolved that the Bill stand as printed.

Recommendation

The Committee recommends the Bill as printed to the Senate.

Rosemary Crowley
Chair

On 10 September 1990 the Committee passed the following resolution in relation to its consideration of Bills:

That the following procedures be adopted when the Committee is considering the clauses of a Bill referred by the Senate following a report from the Selection of Bills Committee:

- (1) Except as provided in paragraphs (2) to (4) below, and unless otherwise determined, the procedure shall be the same as that applying in the Committee of the Whole Senate. In particular,
 - (a) the Senate's Standing Orders shall apply;
 - (b) proceedings shall be in public;
 - (c) a Hansard record shall be taken and published;
 - (d) the Senate's rules for the radio and television broadcasting and rebroadcasting of proceedings shall apply and be restricted to the output by the Sound and Vision Office through the parliamentary system and, in the case of television, it is noted that the facilities available limit the coverage to one Committee room;
 - (e) a Bill may be dealt with as a whole, or clause by clause or by groups of clauses, with the postponement of clauses being permitted;
 - (f) the Minister in charge of the Bill, or another Minister or Parliamentary Secretary on his or her behalf, shall be present throughout the proceedings;
 - (g) official advisers to the Minister and the Opposition Shadow Minister shall not be seated at the table but shall be seated so as to be similarly accessible to the Minister and Shadow Minister respectively as in the chamber;
 - (h) the staff of Senators may not enter the 'chamber area' as defined by the Chair, but may ask an attendant to pass messages.
- (2) The Committee Chair shall be in charge of proceedings as if he or she were a Temporary Chair of Committees, but shall also have the right to enter into debate.

- (3) When a division is required on a question, or when a request is made by the Minister (or Parliamentary Secretary) or a Committee member to enable information to be sought, consultation to occur or an amendment to be drafted, short suspensions of proceedings may be declared by the Chair.
- (4) Any Senator may participate in the debate, but the Chair may give priority to a Senator who is a member of the Committee, to the Minister (or Parliamentary Secretary), and to a Senator who is the recognised spokesperson on the subject of the Bill for the Opposition or a minor party.

MEMBERSHIP OF THE COMMITTEE:

Senator R.A. Crowley (ALP, SA) Chair
Senator V. Bourne (AD, NSW)
Senator I. Campbell (LP, WA)
Senator A.W. Crane (LP, WA)
Senator N.A. Crichton-Browne (LP, WA)
Senator J.P. Faulkner (ALP, NSW)
Senator S. Loosley (ALP, NSW)
Senator S. West (ALP, NSW)

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