**AUSTRALIAN HERITAGE COMMISSION ACT**

1975

No. 57 of 1975

An Act to establish an Australian Heritage Commission.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

PART I—PRELIMINARY

**Short title.**

**1.** This Act may be cited as the Australian Heritage Commission Act 1975.

**Commencement.**

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

**Interpretation.**

**3.** (1) In this Act, unless the contrary intention appears—

“Australia” includes the external Territories to which this Act extends;

“authority of Australia” does not include the Commission or a court, but includes an authority of a Territory and all authorities and bodies (not being companies or societies) established by or appointed under the laws of Australia and of the Territories and also includes a company in which the whole of the shares or stock, or shares and stock carrying more than one-half of the voting power, is or are owned by or on behalf of Australia;

“Chairman” means the Chairman of the Commission;

“Commission” means the Commission established by this Act;

“conservation”, in relation to the national estate, includes protection, maintenance and preservation, and “conserve” has a corresponding meaning;

“co-opted Commissioner” means a person appointed under sub-section 21 (1) to be a co-opted Commissioner;

“Department” means a department of the Australian Public Service;

“Environment Protection Act” means the *Environment Protection (Impact of Proposals) Act* 1974-1975;

“improvement”, in relation to the national estate, includes the restoration of places included in the national estate, and “improve” has a corresponding meaning;

“place” includes—

(a) a site, area or region;

(b) a building or other structure (which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure), and

(c) a group of buildings or other structures (which may include equipment, furniture, fittings and articles associated with or connected with such group of buildings or other structures),

and, in relation to the conservation or improvement of a place, includes the immediate surroundings of the place;

“presentation”, in relation to the national estate, includes—

(a) the exhibition or display of;

(b) the provision of access to; and

(c) the publication of information in relation to,

places included in the national estate, and “present” has a corresponding meaning;

“Register” means the Register of the National Estate kept in pursuance of this Act;

“representative Commissioner” means a Commissioner referred to in paragraph 12(1)(b);

“Territory” means an internal Territory or an external Territory to which this Act extends.

(2) In this Act, a reference to public notice is a reference to notice published—

(a) in the Gazette;

(b) in a local newspaper, if any, circulating in the area concerned; and

(c) in each State and Territory, in a newspaper circulating throughout that State or Territory.

**National estate.**

**4.** (1) For the purposes of this Act, the national estate consists of those places, being components of the natural environment of Australia or the cultural environment of Australia, that have aesthetic, historic, scientific or social significance or other special value for future generations as well as for the present community.

(2) For the purposes of this section, Australia includes the territorial sea of Australia and the continental shelf of Australia.

(3) A place may form part of the national estate for the purposes of this Act notwithstanding that the conservation, improvement or presentation of the place is dealt with by another Act.

**Extension to Territories.**

**5.** This Act extends to every external Territory, other than Papua New Guinea.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF

THE AUSTRALIAN HERITAGE COMMISSION

**Australian Heritage Commission.**

**6.** There is established by this Act a Commission by the name of the Australian Heritage Commission.

**Functions of Commission.**

**7.** The functions of the Commission are—

(a) to furnish advice to the Minister, either of its own motion or upon request made to it by the Minister, on matters relating to the national estate, including advice relating to—

(i) action to conserve, improve and present the national estate;

(ii) expenditure by Australia for the conservation, improvement and presentation of the national estate; and

(iii) the grant of financial or other assistance by Australia to the States, local governing bodies and other organizations or persons for the conservation, improvement or presentation of the national estate;

(b) to encourage public interest in, and understanding of, issues relevant to the national estate;

(c) to identify places included in the national estate and to prepare a register of those places in accordance with Part IV;

(d) to furnish advice and reports in accordance with Part V;

(e) to further training and education in fields related to the conservation, improvement and presentation of the national estate;

(f) to make arrangements for the administration and control of places included in the national estate that are given or bequeathed to the Commission; and

(g) to organize and engage in research and investigation necessary for the performance of its other functions.

**Consultation by Commission.**

**8.** The Commission shall, in the performance of its functions in relation to any matter, and so far as it considers appropriate having regard to the nature of the matter, consult with Departments and authorities of the States, local government authorities and community and other organizations.

**Departments and authorities to assist Commission.**

**9.** (1) All Departments and all authorities of Australia shall give to the Commission such assistance in the carrying out of its functions as is reasonably practicable.

(2) All Departments and all authorities of Australia shall comply with all reasonable requests for information made to them by the Commission in the performance of its functions.

**Powers of Commission.**

**10.** (1) The Commission may do all things that are necessary or convenient to be done for or in connexion with the performance of its functions and, in particular, without limiting the generality of the foregoing, the Commission may accept gifts, devises and bequests made to it, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust.

(2) Notwithstanding anything contained in this Act, any moneys or property vested in the Commission upon trust shall be dealt with in accordance with the powers and duties of the Commission as trustee.

PART III—CONSTITUTION AND MEETINGS OF THE COMMISSION

**Nature of Commission.**

**11.** (1) The Commission—

(a) is a body corporate with perpetual succession;

(b) shall have a common seal;

(c) may acquire, hold and dispose of real and personal property; and

(d) may sue and be sued in its corporate name.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall presume that it was duly affixed.

**Membership of Commission.**

**12.** (1) The Commission shall consist of not fewer than 12 nor more than 19 members, namely—

(a) the Chairman;

(b) not more than 6 Commissioners each of whom is the Permanent Head of a Department or the Chairman of an authority of Australia; and

(c) not more than 12 other Commissioners.

(2) The Commissioners shall be appointed by the Governor-General as part-time Commissioners.

(3) The Chairman and not fewer than one-half of the other Commissioners shall be persons who are not full-time officers or employees of the Australian Public Service or full-time members, officers or employees of an authority of Australia.

(4) The Commissioners, other than the representative Commissioners, shall be persons having qualifications relevant to, or special experience or interest in, a field related to the functions of the Commission.

(5) For the purpose of making recommendations to the Governor-General for the appointment of Commissioners referred to in paragraph (1)(c), the Minister shall—

(a) have regard to the desirability of the membership of the Commission including persons resident in the several States and in the Northern Territory; and

(b) consult, so far as he considers appropriate, with Ministers and authorities of the States, local government authorities and community and other organizations.

(6) The Commission may commence to perform its functions and exercise its powers when the Chairman and 3 other Commissioners have been appointed and, during the period of 6 months immediately following its so commencing, the performance of the functions or the exercise of the powers of the Commission is not affected by reason only of there being fewer than 12 members.

(7) The performance of the functions or the exercise of the powers of the Commission is not affected by reason only of more than one-half of the Commissioners, other than the Chairman, being, during a period of not more than 6 months, persons who are officers or employees of the Australian Public Service or members, officers or employees of an authority of Australia.

(8) For the purposes of this section, where an authority of Australia is constituted by one person, that person shall be deemed to be the Chairman, and a member, of the authority.

(9) For the purposes of this section, where an authority of Australia is constituted by 2 or more persons none of whom is called the Chairman, the person who normally presides at meetings of the authority shall be deemed to be the Chairman.

(10) The appointment of a Commissioner is not invalidated and shall not be called in question by reason of a defect or irregularity in, or in connexion with, his appointment.

**Term of office.**

**13.** (1) Subject to this Act, a Commissioner, other than a representative Commissioner, holds office for such period, being not more than 3 years, as the Governor-General specifies in the instrument of his appointment, but is eligible for re-appointment.

(2) A person shall not hold office under sub-section (1) for a continuous period exceeding 6 years.

(3) A person who has held office under sub-section (1) for a continuous period of 6 years is not eligible for re-appointment for a term of office commencing within 12 months after the expiration of that period.

(4) A representative Commissioner holds office during the pleasure of the Governor-General.

**Remuneration and allowances.**

**14.** (1) A Commissioner, other than a representative Commissioner, and a co-opted Commissioner shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no deter­mination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

(2) A Commissioner shall be paid such allowances as are prescribed.

(3) This section has effect subject to the Remuneration Tribunals Act 1973-1974.

**Resignation.**

**15.** A Commissioner, other than a representative Commissioner, may resign his office by writing signed by him and delivered to the Governor-General, but the resignation does not have effect until it is accepted by the Governor-General.

**Acting Chairman.**

**16.** (1) The Minister may appoint a Commissioner, other than a representative Commissioner, to act as Chairman—

(a) during a vacancy in the office of Chairman; or

(b) during any period, or during all periods, when the Chairman is absent from duty or from Australia or, for any reason, is unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) The Minister may—

(a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Chairman; and

(b) at any time terminate such an appointment.

(3) Where a person is acting as Chairman in accordance with paragraph (1)(b) and the office of Chairman becomes vacant while that person is so acting, that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(4) The appointment of a person to act as Chairman ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

(5) While the appointment of a person to act as Chairman remains in force, he has, and may exercise, all the powers and shall perform all the functions of the Chairman.

(6) The validity of anything done by a person acting as Chairman shall not be called in question on the ground that the occasion for his appointment had not arisen or that the appointment had ceased to have effect.

**Deputies.**

**17.** (1) A representative Commissioner who is the Permanent Head of a Department may, in writing, authorize an officer of that Department to represent him at a meeting of the Commission.

(2) A representative Commissioner who is, or is deemed for the purposes of section 12 to be, the Chairman of an authority of Australia may, in writing, authorize another member of the authority (if any) or an officer or employee of the authority to represent him at a meeting of the Commission.

(3) A person authorized under sub-section (1) or (2) to represent a Commissioner at a meeting is entitled to attend the meeting in the place of the Commissioner and, when so attending, shall be deemed to be a Commissioner.

**Termination of appointment of Commissioner.**

**18.** (1) The Governor-General may terminate the appointment of a Commissioner, other than a representative Commissioner, by reason of misbehaviour or physical or mental incapacity.

(2) If a Commissioner—

(a) not being a representative Commissioner, is absent, except with the permission of the Minister, from 3 consecutive meetings of the Commission;

(b) becomes bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or

(c) fails to comply with his obligations under section 19,

the Governor-General shall terminate the appointment of the Commissioner.

**Disclosure of interest.**

**19.** (1) A Commissioner who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.

(2) A Commissioner who is the member of an organization that has a direct or indirect pecuniary or other special interest in a matter being considered or about to be considered by the Commission shall, as soon as possible after the relevant facts have come to his knowledge, disclose his membership of that organization and the nature of that interest at a meeting of the Commission.

(3) This section applies to and in relation to a person deemed to be a Commissioner under sub-section 17(3) and a co-opted Commissioner.

**Meetings.**

**20.** (1) The Commission shall hold such meetings as are necessary for the performance of its functions.

(2) The Chairman may at any time convene a meeting and shall ensure that at least 4 meetings are held in each year.

(3) Where the Minister requests the Chairman to do so, the Chairman shall forthwith convene a meeting.

(4) At a meeting, a quorum is constituted by a number of Commissioners equal to a majority of the Commissioners for the time being holding office.

(5) The Chairman shall preside at all meetings at which he is present.

(6) If the Chairman is not present at a meeting, the Commissioners present shall elect one of their number to preside at the meeting.

(7) Questions arising at a meeting shall be determined by a majority of the votes of the Commissioners present and voting but the vote shall be void and of no effect unless the majority of deliberative votes are made by Commissioners referred to in sub-section 12(3).

(8) The person presiding at a meeting has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(9) In relation to a time when a person is acting as Chairman, references in this section to the Chairman shall be read as references to that person.

**Co-opted Commissioners.**

**21.** (1) Subject to this section, the Commission may appoint a person to be a co-opted Commissioner for such period, not exceeding 12 months, as the Commission determines.

(2) A person appointed under sub-section (1) may take part in the deliberations of the Commission, but has no power to vote.

(3) For the purposes of the provisions of this Act, other than this section and sections 14 and 19, a person appointed under sub-section (1) shall not be regarded as a Commissioner.

(4) Not more than 2 persons shall hold office as co-opted Commissioners at any one time.

PART IV—THE REGISTER OF THE NATIONAL ESTATE

**Register of the National Estate.**

**22.** (1) The Commission shall keep a register, to be known as the Register of the National Estate, in which will be listed places included in the national estate.

(2) A place shall not be entered in the Register otherwise than in accordance with section 23 or sub-section 25(2).

(3) The Commission shall enter a place in the Register by causing to be entered in the Register a description of the place sufficient to identify it and the date on which the entry is made.

(4) A place shall not be removed from the Register otherwise than in accordance with section 24 or sub-section 25(5).

(5) The Commission shall remove a place from the Register by causing to be entered in the Register, against the description of that place, the statement that the place has been removed from the Register and the date on which the statement is entered.

**Entry of place in Register.**

**23.** (1) Subject to this section and to section 25, where the Commission considers that a place that is not in the Register should be recorded as part of the national estate it shall enter the place in the Register.

(2) The Commission shall not enter a place in the Register in accordance with sub-section (1) unless—

(a) it has, by public notice—

(i) stated that it intends to enter the place in the Register;

(ii) given a description of the place sufficient to identify it;

(iii) notified persons of their right to make written objection to the entry of the place in the Register;

(iv) specified the date by which such objections are to be made, not being earlier than 3 months after the date of publication of the notice in the Gazette; and

(v) specified an address to which such objections may be forwarded;

(b) the date specified in that notice has passed; and

(c) if a person has, not later than the date specified in that notice, made written objection to the Commission to the entry of the place in the Register, the Commission has given due consider­ation to that objection.

(3) Where, after the giving of a public notice referred to in paragraph (2) (a) in relation to a place but before the place has been entered in the Register, the Commission becomes of the opinion, whether by reason of its consideration of objections or otherwise, that the place, or a place forming part of the place, should not be recorded as part of the national estate, the Commission shall—

(a) by public notice—

(i) state that it has decided not to enter the place, or that part of the place, in the Register;

(ii) notify interested persons of their right to make written objection to the decision;

(iii) specify the date by which such objections are to be made, not being earlier than 3 weeks after the date of publication of the notice in the Gazette; and

(iv) specify an address to which such objections may be forwarded; and

(b) if a person has, not later than the date specified in that notice, made written objection to the Commission to the decision, reconsider that decision giving due consideration to that objection.

(4) Where a place is entered in the Register in accordance with sub-section (1) or sub-section 25 (2), the Commission shall by public notice state that the place has been so entered.

**Removal of place from Register.**

**24.** (1) Subject to this section and to section 25, where the Com­mission considers that a place in the Register should not be recorded as part of the national estate, it shall remove that place from the Register.

(2) The Commission shall not remove a place from the Register in accordance with sub-section (1) unless—

(a) it has, by public notice—

(i) stated that it intends to remove the place from the Regis­ter;

(ii) notified persons of their right to object, in writing, to the removal of the place from the Register;

(iii) specified the date by which such objections are to be made, not being earlier than 1 month after the date of publication of the notice in the Gazette; and

(iv) specified an address to which such objections may be forwarded;

(b) the date specified in that notice has passed; and

(c) if a person has, not later than the date specified in that notice, made written objection to the Commission to the removal of the place from the Register, the Commission has given due consideration to that objection.

(3) Where a place is removed from the Register in accordance with sub-section (1) or sub-section 25 (5), the Commission shall by public notice state that the place has been so removed.

**Directions by the Minister.**

**25.** (1) In this section, “environment report”, in relation to a place, means a report of a Commissioner who has, or Commissioners who have, (whether by reason of a request under section 44 or otherwise) conducted an inquiry under section 11 of the Environment Protection Act that includes a finding or recommendation that the place be recorded as part of the national estate or a finding or recommendation that the place should not be, or continue to be, recorded as part of the national estate.

(2) Where, after considering an environment report in relation to a place that is not in the Register, the Minister is satisfied that the place should be recorded as part of the national estate, the Minister may direct the Commission to enter that place in the Register, and the Commission shall comply with that direction and shall not remove that place from the Register without the consent of the Minister.

(3) Where, after considering an environment report in relation to a place that is not in the Register, the Minister is satisfied that the place should not be recorded as part of the national estate, the Minister may direct the Commission not to enter that place in the Register without the consent of the Minister, and the Commission shall comply with that direction.

(4) Where, after considering an environment report in relation to a place that is in the Register, the Minister is satisfied that the place should be recorded as part of the national estate, the Minister may direct the Commission not to remove that place from the Register without the consent of the Minister, and the Commission shall comply with that direction.

(5) Where, after considering an environment report in relation to a place that is in the Register, the Minister is satisfied that the place should not continue to be recorded as part of the national estate, the Minister may direct the Commission to remove that place from the Register, and the Commission shall comply with that direction and shall not re-enter that place in the Register without the permission of the Minister.

(6) Where the Minister is satisfied that an inquiry has been conducted, is being conducted or is likely to be conducted that will result in an environment report in relation to a place in the Register, the Minister may direct the Commission not to remove that place from the Register without the consent of the Minister.

(7) Where the Minister is satisfied that an inquiry has been conducted, is being conducted or is likely to be conducted that will result in an environment report in relation to a place that is not in the Register but in respect of which a notice has been given in accordance with paragraph 23 (2) (a), the Minister may direct the Commission not to remove that place from the list kept in pursuance of section 26 without the consent of the Minister.

**List of places to be entered in the Register.**

**26.** (1) The Commission shall keep a list of the places that might be entered in the Register.

(2) Where a notice is issued in accordance with paragraph 23 (2) (a) in respect of a place, the Commission shall enter on the list a description of the place sufficient to identify it.

(3) The Commission shall strike out the description of a place on the list when—

(a) the place is entered in the Register;

(b) subject to sub-section 25(7), when, after compliance with sub-section 23(3), the Commission has decided not to enter the place in the Register; or

(c) the Minister gives a direction in relation to that place under section 25(3).

**Inspection of the Register.**

**27.** A person may inspect the Register or the list kept in pursuance of section 26 and may make a copy of, or take an extract from, an entry in the Register or that list.

PART V—PROTECTION OF THE NATIONAL ESTATE

**Advice by Commission.**

**28.** (1) The Commission may furnish to the Minister administering the Environment Protection Act such advice in respect of a matter relating to the national estate and to the operation of that Act as the Commission thinks fit.

(2) The Minister administering the Environment Protection Act may request the Commission to give advice to him in respect of a matter relating to the national estate and to the operation of that Act, and the Commission shall comply with such a request.

**Reports by Commission**.

**29.** Where—

(a) a matter to which the Environment Protection Act is relevant affects a place that is in the Register; and

(b) the procedures under that Act relating to that matter do not require the furnishing of an environmental impact statement or other report by the Commission,

the Commission may, if it thinks fit, furnish a report in relation to that matter to the Minister administering that Act, and such a report shall be deemed to be a recommendation referred to in paragraph 8 (b) of that Act.

**Duties of Ministers and authorities.**

**30.** (1) Each Minister shall give all such directions and do all such things as, consistently with any relevant laws, can be given or done by him for ensuring that the Department administered by him or any authority of Australia in respect of which he has ministerial responsibilities does not take any action that adversely affects, as part of the national estate, a place that is in the Register unless he is satisfied that there is no feasible and prudent alternative to the taking of that action and that all measures that can reasonably be taken to minimise the adverse effect will be taken and shall not himself take any such action unless he is so satisfied.

(2) Without prejudice to the application of sub-section (1) in relation to action to be taken by an authority of Australia, an authority of Australia shall not take any action that adversely affects, as part of the national estate, a place that is in the Register unless the authority is satisfied that there is no feasible and prudent alternative, consistent with any relevant laws, to the taking of that action and that all measures that can reasonably be taken to minimise the adverse effect will be taken.

(3) Before a Minister, a Department or an authority of Australia takes any action that might affect to a significant extent, as part of the national estate, a place that is in the Register, the Minister, Department or authority, as the case may be, shall inform the Commission of the proposed action and give the Commission a reasonable opportunity to consider it.

(4) For the purposes of this section, the making of a decision or recommendation (including a recommendation in relation to direct financial assistance granted, or proposed to be granted to a State) the approval of a program, the issue of a licence or the granting of a permission shall be deemed to be the taking of action and, in the case of a recommendation, if the adoption of the recommendation would adversely affect a place, the making of the recommendation shall be deemed to affect the place adversely.

**Places deemed to be in Register.**

**31.** For the purposes of this Part, a place on the list kept in pursuance of section 26 shall be deemed to be in the Register.

PART VI—STAFF

**Staff of Commission.**

**32.** (1) The Staff of the commission shall be persons appointed or employed under the Public Service Act 1922-1975.

(2) For the purposes of this section, the Chairman has all the powers of, or exercisable by, a Permanent Head under that Act so far as those powers relate to the branch of the Australian Public Service comprising the staff of the Commission as if that branch were a separate Department of the Australian Public Service.

(3) For the purposes of sub-sections 25(5) and (6) of that Act, the Chairman shall be deemed to be a Permanent Head.

**Public servants to assist Commission.**

**33.** Arrangements may be made between the Commission and the Minister administering any Department of the Australian Government or with an authority of Australia, for the services of officers or employees of the Department or of the authority to be made available to the Commission.

PART VII—FINANCE

**Moneys payable to Commission.**

**34.** (1) There are payable to the Commission such moneys as are appropriated by the Parliament for the purposes of the Commission.

(2) The Treasurer may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the Commission.

**Application of moneys.**

**35.** The moneys of the Commission shall be applied only—

(a) in payment or discharge of the costs, expenses and other obligations of the Commission; and

(b) in payment of remuneration, expenses, fees and allowances payable to any person under this Act.

**Estimates of receipts and expenditure.**

**36.** (1) The Commission shall prepare estimates, in such form as the Minister directs, of receipts and expenditure of the Commission for each financial year and, if the Minister so directs, for any period specified by the Minister and the Commission shall submit estimates so prepared to the Minister not later than such date as the Minister directs.

(2) The moneys of the Commission shall not be expended otherwise than in accordance with estimates of expenditure approved by the Minister.

**Commission not to borrow.**

**37.** The Commission shall not borrow moneys from any person.

**Bank accounts.**

**38.** (1) The Commission may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

(2) The Commission shall pay all moneys received by it into an account referred to in this section.

(3) In this section, “approved bank” means the Reserve Bank of Australia or another bank for the time being approved by the Treasurer.

**Power to purchase and dispose of assets.**

**39.** The Commission shall not, except with the approval of the Minister—

(a) enter into a contract involving the payment or receipt by the Commission of an amount exceeding $50,000 or, if a higher amount is prescribed, that higher amount; or

(b) enter into a lease of land for a period exceeding 10 years.

**Proper accounts to be kept.**

**40.** The Commission shall cause to be kept proper accounts and records of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of the moneys of the Commission are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.

**Audit.**

**41.** (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Commission and the records relating to assets of or in the custody of the Commission, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

(3) The Auditor-General shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of moneys, or to the acquisition, receipt, custody or disposal of assets, by the Commission.

(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

(6) The Auditor-General or a person authorized by him may require a person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirements.

(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding $200.

**Taxation.**

**42.** (1) Subject to sub-section (2), the Commission is not subject to taxation under the laws of Australia or of a State or Territory.

(2) The regulations may provide that sub-section (1) does not apply in relation to taxation under a specified law.

PART VIII—MISCELLANEOUS

**Reports.**

**43.** (1) The Commission shall, as soon as practicable after each 30 June, prepare and furnish to the Minister a report of the operations of the Commission during the year ending on that date, together with financial statements in respect of that year in such form as the Treasurer approves.

(2) The Commission shall include in each report prepared under sub-section (1) a description of the condition of the national estate at the end of the period to which the report relates.

(3) The report shall set out all directions given by the Minister to the Commission under section 25 during the year to which the report relates.

(4) Before furnishing financial statements to the Minister, the Commission shall submit them to the Auditor-General, who shall report to the Minister—

(a) whether the statements are based on proper accounts and records;

(b) whether the statements are in agreement with the accounts and records;

(c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Commission during the year have been in accordance with this Act; and

(d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(5) The first report and financial statements of the Commission under sub-section (1) shall be furnished as soon as practicable after 30 June 1976, and shall relate to the operations of the Commission during the period that commenced at the commencement of this Act and ended on that date.

(6) The Commission may furnish to the Minister such reports relating to the national estate as the Commission thinks fit.

(7) The Commission shall furnish to the Minister such additional reports, as the Minister from time to time requires.

(8) The Minister shall cause—

(a) the report and financial statements of the Commission furnished to him under sub-section (1), together with the report of the Auditor-General; and

(b) a report furnished to him under sub-section (6) or (7),

to be laid before each House of the Parliament within 15 sitting days of that House after having been received by the Minister.

**Inquiries.**

**44.** (1) For the purposes of sub-section 11(1) of the Environment Protection Act, a matter relating to the national estate shall be taken to be a matter in respect of which the Minister administering that Act may, under that sub-section, direct that an inquiry be conducted.

(2) The Commission may request the Minister administering the Environment Protection Act to direct, under sub-section 11(1) of that Act, that an inquiry be conducted in respect of a specified matter relating to the national estate.

(3) For the purposes of this section, the question whether or not any place should be recorded, or continue to be recorded, as part of the national estate is a matter relating to the national estate.

**Committees.**

**45.** (1) The Commission may appoint a Committee to assist the Commission in relation to a matter.

(2) A Committee appointed under this section shall consist of such persons (who may include Commissioners) as the Commission thinks fit.

(3) A Committee shall make such investigations, and furnish to the Commission such reports, in connexion with the matter in relation to which it has been appointed, as the Commission directs.

(4) A member of a Committee shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

(5) A member of a Committee shall be paid such allowances as are prescribed.

(6) Sub-sections (4) and (5) have effect subject to the Remuneration Tribunals Act 1973-1974.

**Consultants.**

**46.** (1) The Commission may engage persons having suitable qualifications and experience as consultants to the Commission.

(2) The terms and conditions of the engagement of a person under sub-section (1) are such as are determined by the Commission with the approval of the Public Service Board.

**Delegation.**

**47.** (1) The Commission may, either generally or as otherwise pro­vided by the instrument of delegation, by writing under its common seal, delegate to a person any of its powers under this Act, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to be exercised by the Commission.

(3) A delegation under this section does not prevent the exercise of a power by the Commission.

**Regulations.**

**48.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.