

AUSTRALIAN HERITAGE COMMISSION AMENDMENT ACT 1976

No. 135 of 1976

An Act to amend the *Australian Heritage Commission Act 1975*.

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

1. (1) This Act may be cited as the *Australian Heritage Commission Amendment Act 1976*.¹ Short title
and citation.

(2) The *Australian Heritage Commission Act 1975*² is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Australian Heritage Commission Act 1975-1976*.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commence-
ment.

3. Section 3 of the Principal Act is amended—

(a) by inserting in sub-section (1), before the definition of “Australia”, the following definition:—

“ ‘Aboriginals’ means persons who are—

(a) members of the Aboriginal race of Australia; or

(b) members of the race to which Torres Strait Islanders belong;” and

(b) by omitting from sub-section (1) the definition of “representative Commissioner” and substituting the following definition:—

“ ‘representative Commissioner’ means a Commissioner whose appointment is authorized by sub-section 12 (1A);”.

4. Section 7 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:— Interpret-
ation.

“(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 action to conserve, improve and present the national estate;”.

Functions of
Commission.

Consultation
by
Commission.

5. Section 8 of the Principal Act is amended—

- (a) by inserting, after the word “authorities” (first occurring), the words “of the Commonwealth and”; and
- (b) by adding at the end thereof the words “and, in particular, without limiting the generality of the foregoing, shall consult with the Director of National Parks and Wildlife in relation to any matter that concerns the establishment or management of a park or reserve under the *National Parks and Wildlife Conservation Act 1975*”.

Membership
of
Commission.

6. (1) Section 12 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-sections:—

“(1) The Commission shall consist of—

- (a) the Chairman; and
- (b) not fewer than 4 nor more than 6 other Commissioners.

“(1A) A person who is the Permanent Head of a Department or the Chairman of an authority of the Commonwealth may be appointed as a Commissioner, but not more than 2 such persons shall hold office as Commissioners at the one time.”;

- (b) by omitting from sub-section (5) the words “in paragraph (1)(c)” and substituting the words “in paragraph (1)(b), other than representative Commissioners”;
- (c) by omitting from paragraph (a) of sub-section (5) the words “in the several States and in the Northern Territory” and substituting the words “in different parts of Australia”; and
- (d) by omitting sub-section (6).

(2) The person who was, immediately before the commencement of this Act, the Chairman of the Commission continues to be the Chairman of the Commission as if he had been appointed as the Chairman under the Principal Act as amended by this Act and holds office, subject to the Principal Act as amended by this Act, for the remainder of the period of his appointment under the Principal Act.

(3) A person who held office as a Commissioner other than the Chairman immediately before the commencement of this Act continues to hold office as a Commissioner as if he had been appointed as a Commissioner under the Principal Act as amended by this Act and, if he was appointed for a specified period, holds office, subject to the Principal Act as amended by this Act, for the remainder of the period of his appointment under the Principal Act.

7. Section 23 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Entry of
place in
Register.

“(5) The Commission shall not take any action under this section in relation to a place for reasons relating only to the association of the place with the history, culture or beliefs of Aboriginals unless—

- (a) the place is a site specially protected under a law of a State or Territory by reason of its association with the history, culture or beliefs of Aboriginals; or
- (b) the action is taken in accordance with a direction of the Minister under section 25 or the recommendation of a person or organization approved by the Minister for the purposes of this sub-section.”.

8. Section 32 of the Principal Act is amended by omitting sub-sections (2) and (3) and substituting the following sub-section:—

Staff of
Commission.

“(2) The use of the services of the Staff of the Commission by Commissioners is subject to the control of the Chairman.”.

9. Section 45 of the Principal Act is amended by inserting in sub-section (1), after the word “may”, the words “, with the approval of the Minister,”.

Committees.

10. The Principal Act is amended as set out in the Schedule.

Formal
amendments.

SCHEDULE

FORMAL AMENDMENTS

Section 10

1. The following provisions of the Principal Act are amended by omitting the word “Australia” (wherever occurring) and substituting the words “the Commonwealth”:—

Section 3 (1) (definition of “authority of Australia”), 9, 12 (3), (7), (8) and (9), 17 (2), 30, 33 and 42.

2. Section 5 of the Principal Act is amended by omitting the words “, other than Papua New Guinea”.

3. Section 33 of the Principal Act is amended by omitting the word “Australian” and substituting the word “Commonwealth”.

NOTES

1. Act No. 135, 1976; assented to 2 December 1976.
2. Act No. 57, 1975.