Date Introduced: 21 June 1991
House: House of Representatives
Portfolio: Arts, Sport, the Environment, Tourism and Territories

Purpose
This is an omnibus Bill that will make a number of largely non-contentious amendments. The major amendments relate to the recreation leave entitlements of certain full-time office holders; the contract value limit beyond which Ministerial approval is required; and the fee which may be prescribed for hazardous waste export/import permit applications and notices.

Background
As there is no central theme to the Bill, the background to each amendment will be explained below.

Main Provisions
Clause 3 will amend 15 Acts as set out in the Schedule to the Bill.

Amendments to the Australia Council Act 1975
The Australia Council was established in 1975 as a statutory authority to formulate and carry out policies aimed at raising the standard of the arts in Australia. The Council has a membership of fourteen part-time members plus a full-time General Manager. Subordinate to the Council are three Boards and two Committees. Board and Committee members are appointed by the Minister and a majority of Board and Committee members must be persons who practise the arts or are associated with them. The three Boards are Literature, Performing Arts and Visual Arts/Crafts. The two Committees are Aboriginal Arts and Community Cultural Development. The Boards and Committees develop policy and administer grants for their respective art-forms under powers delegated by the Council. The Commonwealth assigns a single annual appropriation to the Council. Actual appropriations for the Council in 1989-90 totalled $55.096 million and are estimated to total $57.915 million in 1990-91.

Government control over Council policy is relatively limited. Although the practice has generally not been for Ministers to provide the Council with specific directions, the Australia Council Act 1975 (the Act) provides the Minister with powers to direct the Council in the exercise of its delegations (i.e. how and when the Council may delegate its powers to a Board, a Committee or a Council officer) and to approve the form and content of the Council’s estimates of expenditure.

The effect of the principal amendments proposed by this Bill to the Act will be: that recreation leave entitlements of the General Manager and a full-time Chairperson of the Council will be set by the Remuneration Tribunal; to allow the Minister to grant a full-time Chairperson of the Council leave of absence, for reasons other than recreation leave, on such terms and conditions as the Minister decides; to allow the Council to grant a full-time Chairperson leave of absence, for reasons other than recreation leave, on such terms and conditions as the Minister decides; and to increase the value of contracts that the Council may enter into without Ministerial approval from $100 000 to $250 000.

Amendments to the Australian Film, Television and Radio School Act 1973
The Australian Film, Television and Radio School was established in 1973 as a statutory authority. The functions of the School are contained in section 5 of the Australian Film, Television and Radio School Act 1973 (the Act), and include: providing advanced education and training by way of the development of the knowledge and skills required in connection with the production of film, television and radio; and to make grants of financial assistance to persons to enable or assist them to receive education or undergo training in connection with the production of film, television and radio. The School is governed by a Council. The Council of the School comprises a Director, appointed by the Governor-General; a member of the staff of the School, elected by the members of the staff of the
School; a student, elected by the students of the School; three members appointed by the Governor-General; and three members elected by the Convocation of the School. The Commonwealth assigns a single annual appropriation to the School. Actual appropriations to the School in 1989-90 totalled $8.940 million and are estimated to total $9.460 million in 1990-91.

The effect of the principal amendments proposed by this Bill to the Act will be: that recreational leave entitlements of full-time Council members will be set by the Remuneration Tribunal; to allow the Council to grant a full-time Council member leave of absence, for reasons other than recreation leave, on such terms and conditions as the Council decides; and to increase the value of contracts that the Council may enter into without Ministerial approval from $50 000 to $250 000.

**Amendments to the Australian National Maritime Museum Act 1990**

In 1974, a Committee of Inquiry into Museums and National Collections was established. In its report, delivered in 1975, it recommended that early priority should be given to establishing a National Maritime Museum. The Committee felt that the museum should go beyond the single and very costly exercise of ship restoration and include the history of ships, their cargoes, ports, sea routes and the working life and conditions of the persons who crewed them.


The Australian National Maritime Museum was established in 1990 as a statutory authority. The functions of the Museum are contained in section 6 of the **Australian National Maritime Museum Act 1990** (the Act), and include exhibiting, or making available for exhibition by others, in Australia or elsewhere, material included in the national maritime collection or in the possession of the Museum; and to develop, preserve and maintain the national maritime collection. The Museum is governed by a Council which is responsible for ensuring the performance of the Museum's functions and setting Museum policy. The Council comprises: a Chairperson; a Director; and a maximum of ten other members. The Commonwealth assigns a single annual appropriation to the Museum. Actual appropriations to the museum in 1989-90 totalled $7.894 million and are estimated to total $20.605 million in 1990-91. The Museum is scheduled to open in late 1991.

Government control over the Museum is relatively limited. The principal means by which the Government can affect the running of the Museum is through: section 14 of the Act that allows the Minister to give directions to the Council in relation to the performance and exercise of the functions and powers of the Museum; and the amount appropriated for the Museum.

The effect of the principal amendments proposed by this Bill to the Act will be: to increase the value of material in the national maritime collection that may be sold without Ministerial approval from $10 000 to $20 000; to provide for one of the Council's members to be a naval officer; to increase the value of contracts that the Council may enter into without the Minister's approval from $10 000 to $20 000; to exempt the Museum from Commonwealth, State and Territory taxes; to provide that the application to the single annual appropriation to the Museum should go beyond the single and very costly exercise of ship restoration and include the history of ships, their cargoes, ports, sea routes and the working life and conditions of the persons who crewed them.

The **Hazardous Waste (Regulation of Exports and Imports) Act 1989** (the Act) established a permit system for the export and import of hazardous waste and created offences for the unauthorised import and export of such waste. The Act requires that persons who want to either import or export hazardous waste and have an import or export proposal in relation to that waste obtain a permit to import or export it. The Act provides that the Minister is to grant a permit only where satisfied of certain matters, including: that the hazardous waste would be disposed of safely; would not pose a significant risk of injury to people or the environment; that the applicant is a fit and proper person; and the applicant has insurance. It is an offence under the Act for a person to knowingly or recklessly import or export hazardous waste without a permit, or other than in accordance with the terms and conditions of a permit. The maximum penalty which may be imposed for such an offence is imprisonment for five years.
Section 32 of the Act provides that the regulations may prescribe a fee, not exceeding $4,000, be paid for permit applications and notices to vary applications. The effect of the amendments proposed by this Bill will be to increase the fee that may be prescribed from $4,000 to $8,000 and require that the amount of fee be reasonably related to the cost to the Commonwealth of processing an application or notice and not amount to a tax.

Amendments to the National Gallery Act 1975

The functions of the Australian National Gallery (ANG) include: developing and maintaining a national collection of works of art; and to exhibit, or to make available for exhibition by others, works of art from the national collection or works of art that are in the possession of the ANG. The National Gallery Act 1975 (the Act) provides for the affairs of the ANG to be conducted by a Council consisting of a maximum of 11 members. Members of the Council are appointed by the Governor-General. Operating expenses of the ANG in 1989-90 totalled $18,111 million (this compares with $16,354 million in 1988-89) and ANG revenue totalled $25,190 million (this compares with $20,980 million in 1988-89). Actual parliamentary appropriations for the ANG in 1989-90 totalled $18,927 million and are expected to total $21,115 million in 1990-91.

The effect of the principal amendments proposed by this Bill to the Act will be: that the recreation leave entitlements of the Director of the ANG will be set by the Remuneration Tribunal; to allow the Minister to grant the Director of the ANG leave of absence, other than recreation leave, on such terms and conditions as the Minister decides; to increase the value of contracts the Council may enter into without Ministerial approval in relation to the acquisition of any property, right or privilege, other than a work of art, from $100,000 to $250,000; and to increase the value of contracts the Council may enter into without Ministerial approval in relation to the disposal of any property, right or privilege, other than a work of art, from $50,000 to $250,000.

Amendments to the National Museum of Australia Act 1980

The National Museum of Australia was established in 1980 as a statutory authority. The functions of the Museum are contained in section 6 of the National Museum of Australia Act 1980 (the Act), and include: developing and maintaining a national historical collection of historical material; and to exhibit, or to make available for exhibition by other, historical material from the national historical collection or historical material that is in the possession of the Museum. Responsibility for the conduct and control of the affairs of the Museum rests with the Council of the Museum. The Council comprises: a Chairperson; and a maximum of ten members. Members of the Council are appointed by the Governor-General. The Museum's collection in 1989-90 comprised some 200,000 objects and the Museum is currently spread over five locations within the Australian Capital Territory. The Commonwealth assigns a single annual appropriation to the Museum. Actual appropriations to the Museum in 1989-90 totalled $3,720 million and are estimated to total $3,877 million in 1990-91.

Government control over the Museum is relatively limited. The principal means by which the Government can affect the running of the Museum is through: section 12 of the Act which allows the Minister to give directions to the Council on the performance and exercise of its functions and powers; and the amount appropriated.

The effect of the principal amendments proposed by this Bill to the Act will be: to increase from $5,000 to $20,000 the value of historical material owned by the Museum which may be disposed of by the Council without Ministerial approval; to provide that the recreation leave entitlements of the Director of the Museum will be set by the Remuneration Tribunal; to allow the Minister to grant the Director of Museum leave of absence, other than recreation leave, on such terms and conditions as the Minister decides; and to increase the value of contracts which the Council may make without Ministerial approval from $100,000 to $250,000 in the case of acquisitions, and from $50,000 to $250,000 in any other case.

Bills Digest Service
Parliamentary Research Service

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For further information, if required, contact the Education and Welfare Group on 06 2772415:

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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