

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 24 February 1988)

(SENATOR WALTERS)

A B I L L

FOR

An Act to amend the Australian Heritage Commission Act 1975

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

Short title etc.

5 1. (1) This Act may be cited as the Australian Heritage Commission (Notification of Owners) Amendment Act 1988.

 (2) In this Act, "Principal Act" means the Australian Heritage Commission Act 1975.

Commencement

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

Entry of place in Register

3. Section 23 of the Principal Act is amended:

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(a) by inserting before paragraph (2)(a) the following paragraphs:

"(aa) it has given a copy of the notice referred to in paragraph (a) to the person who is the owner of the place or, if different places forming part of the place are owned by different persons, to each of those persons (in this section called the 'owner or owners');

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(ab) it has given to the owner or owners a reasonable opportunity:

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(i) to examine any materials which the Commission has concerning the proposed entry; and

(ii) to make submissions to the Commission concerning the proposed entry;

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(ac) it has given due consideration to any submissions made by the owner or owners,";

(b) by omitting from subsection (3) "after the giving of" and substituting "after complying with paragraphs (2)(aa), (ab) and (ac) and giving",

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- (c) by inserting before paragraph (3)(a) the following paragraph:

"(aa) give a copy of the notice referred to in paragraph (a) to the owner or owners;"

- (d) by omitting from subsection (4) "shall by public notice" and substituting "shall, by notice in writing given to the owner or owners, and by public notice,".

Directions by the Minister

4. Section 25 of the Principal Act is amended:

- (a) by omitting from subsection (2) "Where" and substituting "Subject to subsection (2A), where";
- (b) by inserting after subsection (2) the following subsection:

"(2A) The Minister shall not give a direction under subsection (2) in relation to a place unless the Minister has given to the person who is the owner of the place or, if different places forming part of the place are owned by different persons, to each of those persons (in this section called the 'owner or owners') a reasonable opportunity:

- (a) to examine any materials which the Minister has concerning the proposed direction; and
- (b) to make submissions to the Minister concerning the proposed direction;

and the Minister has given due consideration to any submissions made by the owner or owners.";

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(c) by adding at the end the following subsection;

"(8) Where the Minister gives a direction under this section in relation to a place, the Minister shall give a copy of the direction to the owner or owners of the place.".

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List of places to be entered in the Register

5. Section 26 of the Principal Act is amended by adding at the end the following subsections:

"(4) The Commission shall not, after the commencement of this subsection, include a place in the list unless the Commission has given to the person who is the owner of the place or, if different places forming part of the place are owned by different persons, to each of those persons a notice in writing stating that the Commission proposes to include the place in the list and setting out the reasons why the Commission proposes to include the place in the list.

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"(5) Subject to subsection (6), the Commission shall, before the end of 3 months after the commencement of this subsection, give to each person who is the owner of a place that is in the list at the commencement of this subsection or, if different places forming part of the place are owned by different persons, to each of those persons a notice in writing stating that the place is in the list.

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"(6) The Commission is not required to give a notice under subsection (5) in relation to a place if, before the end of the period in which the Commission is required by that subsection to give the notice, any of the circumstances set out in subsection (3) become applicable to the place.".

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