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Commonwealth of Australia

HOUSE OF REPRESENTATIVES

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**Natural Heritage Trust of Australia Bill
1996**

No , 1996

(Environment, Sport and Territories)

**A Bill for an Act to establish the Natural Heritage
Trust of Australia Reserve, and for related
purposes**

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1 **A Bill for an Act to establish the Natural Heritage**
2 **Trust of Australia Reserve, and for related**
3 **purposes**

4 **Preamble**

5 The Parliament of Australia recognises the need for urgent action
6 to redress the decline in Australia's natural environment.

7 There is a national crisis in land and water degradation and in the
8 loss of biodiversity.

9 There is a need to conserve Australia's environmental
10 infrastructure, to reverse the decline in Australia's natural

Part 1 Introduction

Section 1

1 environment and to improve the management of Australia's natural
2 resources.

3 There is a need to integrate the objectives of environmental
4 protection and sustainable development.

5 There is an opportunity for innovative funding arrangements that
6 ensure long-term certainty and that involve a transfer of investment
7 in technological capital to an investment in natural capital.

8 It is essential that government leadership be demonstrated, and that
9 the Australian community be involved, in relation to these matters.

10 Australia's rural community should have a key role in the
11 sustainable management of the natural resources of Australia's
12 vast rural heartland.

13 Australia's natural environment is central to Australia's well-being
14 and to Australia's future economic prosperity. Accordingly,
15 present and future generations of Australians will benefit from the
16 ecologically sustainable management of the natural environment.

17 A comprehensive, integrated response to these matters is
18 necessary.

19 The above considerations are taken into account by the Parliament
20 of Australia in enacting the law that follows.

21 **The Parliament of Australia enacts:**

22 **Part 1—Introduction**

23 **1 Short title**

24 This Act may be cited as the *Natural Heritage Trust of Australia*
25 *Act 1996*.

1 **2 Commencement**

2 This Act commences on the day on which it receives the Royal
3 Assent.

4 **3 Simplified outline**

5 The following is a simplified outline of this Act:

- 6 • This Act establishes the Natural Heritage Trust of Australia
7 Reserve.
- 8 • The main source of money for the Reserve will be \$1 billion
9 from the partial privatisation of Telstra.
- 10 • The main objective of the establishment of the Reserve is to
11 repair and replenish Australia's natural capital infrastructure.
- 12 • Money in the Reserve will be spent on the environment,
13 sustainable agriculture and natural resources management.

Section 4

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2 **Part 2—The Natural Heritage Trust of Australia**
3 **Reserve**

4 **4 Establishment of the Natural Heritage Trust of Australia Reserve**

5 The Natural Heritage Trust of Australia Reserve is established.

6 **5 Nature of the Reserve**

- 7 (1) After the commencement of the *Financial Management and*
8 *Accountability Act 1996*, the Reserve is a component of the
9 Reserved Money Fund.
- 10 (2) Before the commencement of the *Financial Management and*
11 *Accountability Act 1996*, the Reserve is a trust account for the
12 purposes of section 62A of the *Audit Act 1901*.
- 13 (3) The Trust Fund established by the *Audit Act 1901* is appropriated
14 to the extent necessary to achieve the transition of the Reserve
15 from the scheme of the *Audit Act 1901* to the scheme of the
16 *Financial Management and Accountability Act 1996*.

17 **6 Investments of the Reserve**

- 18 (1) So far as practicable, money in the Reserve that is not required for
19 the purpose of making payments out of the Reserve must be
20 invested in accordance with whichever of the following provisions
21 is applicable:
- 22 (a) section 40 of the *Financial Management and Accountability*
23 *Act 1996*;
- 24 (b) section 62B of the *Audit Act 1901*.

25 Note: Under section 81 of the Constitution, income from investments must
26 be paid into the Consolidated Revenue Fund.

Section 7

- 1 (2) Amounts equal to income derived from the investment of money in
2 the Reserve are to be transferred to the Reserve from the
3 Consolidated Revenue Fund.

4 **7 Money and investments not held on trust**

5 Money and investments of the Reserve are not held on trust (within
6 the ordinary meaning of that expression).

Section 8

1
2 **Part 3—Purposes of the Reserve**

3 **8 Purposes of the Reserve**

4 The purposes of the Reserve are as follows:

- 5 (a) the National Vegetation Initiative;
6 (b) the Murray-Darling 2001 Project;
7 (c) the National Land and Water Resources Audit;
8 (d) the National Reserve System;
9 (e) the Coasts and Clean Seas Initiative;
10 (f) environmental protection (as defined by section 15);
11 (g) supporting sustainable agriculture (as defined by section 16);
12 (h) natural resources management (as defined by section 17);
13 (i) a purpose incidental or ancillary to any of the above
14 purposes;
15 (j) the making of grants of financial assistance for any of the
16 above purposes;
17 (k) an accounting transfer purpose (as defined by section 18).

18 Note 1: After the commencement of the *Financial Management and*
19 *Accountability Act 1996*, subsection 20(5) of that Act provides that
20 money in the Reserve may be debited for the purposes of the Reserve.

21 Note 2: Before the commencement of the *Financial Management and*
22 *Accountability Act 1996*, subsection 62A(6) of the *Audit Act 1901*
23 provides that money in the Reserve may be expended for the purposes
24 of the Reserve.

25 **9 Debits of proceeds from the partial privatisation of Telstra**

26 Money in the Reserve that represents proceeds of the sale of shares
27 in Telstra may only be debited for the following purposes:

- 28 (a) the National Vegetation Initiative;
29 (b) the Murray-Darling 2001 Project;
30 (c) the National Land and Water Resources Audit;
-

- (d) the National Reserve System;
- (e) the Coasts and Clean Seas Initiative;
- (f) a purpose incidental or ancillary to any of the above purposes;
- (g) the making of grants of financial assistance for any of the above purposes.

Note: A result of this section is that money in the Reserve that does not represent proceeds of the sale of shares in Telstra (for example, any money that represents interest) may be debited for any purpose of the Reserve.

10 Primary objective of the National Vegetation Initiative

For the purposes of this Act, the primary objective of the National Vegetation Initiative is to reverse the long-term decline in the extent and quality of Australia's native vegetation cover by:

- (a) conserving remnant native vegetation; and
- (b) conserving Australia's biodiversity; and
- (c) restoring, by means of revegetation, the environmental values and productive capacity of Australia's degraded land and water.

11 Primary objective of the Murray-Darling 2001 Project

For the purposes of this Act, the primary objective of the Murray-Darling 2001 Project is to contribute to the rehabilitation of the Murray-Darling Basin, with a view to achieving a sustainable future for the Basin, its natural systems and its communities.

12 Primary objectives of the National Land and Water Resources Audit

For the purposes of this Act, the primary objectives of the National Land and Water Resources Audit are as follows:

Section 13

- 1 (a) to estimate the direct and indirect effects of land and water
2 degradation on Australia's economy and on the quality of the
3 Australian environment;
4 (b) to provide a baseline for the purposes of carrying out
5 assessments of the effectiveness of land and water
6 degradation policies and programs.

7 **13 Primary objective of the National Reserve System**

8 For the purposes of this Act, the primary objective of the National
9 Reserve System is to assist with the establishment and
10 maintenance of a comprehensive, adequate and representative
11 system of reserves.

12 **14 Primary objectives of the Coasts and Clean Seas Initiative**

13 For the purposes of this Act, the primary objectives of the Coasts
14 and Clean Seas Initiative are as follows:

- 15 (a) to ameliorate pollution problems in Australia's coastal areas;
16 (b) to protect the environment in Australia's coastal areas;
17 (c) to ameliorate threats to marine biodiversity, where those
18 threats are capable of affecting Australia;
19 (d) to develop an oceans policy for Australia.

20 **15 Meaning of *environmental protection***

21 For the purposes of this Act, *environmental protection* means:

- 22 (a) maintaining, conserving, preserving or protecting
23 components of the natural environment of Australia; or
24 (b) restoring, improving or replenishing components of the
25 natural environment of Australia; or
26 (c) conserving or restoring Australia's biodiversity; or
27 (d) developing or promoting waste minimisation in Australia; or
28 (e) developing or promoting clean production in Australia; or

Section 16

- 1 (f) preventing, combating or rectifying pollution of the
2 environment (whether natural or otherwise) of Australia; or
3 (g) carrying on research, or disseminating information, about:
4 (i) the natural environment of Australia; or
5 (ii) Australia's biodiversity.

6 **16 Meaning of *sustainable agriculture***

- 7 (1) For the purposes of this Act, *sustainable agriculture* means the
8 use of agricultural practices and systems that maintain or improve
9 the following:
10 (a) the economic viability of agricultural production;
11 (b) the social viability and well-being of rural communities;
12 (c) the ecologically sustainable use of Australia's biodiversity;
13 (d) the natural resource base;
14 (e) ecosystems that are influenced by agricultural activities.
- 15 (2) To avoid doubt, for the purposes of this Act, property management
16 planning in relation to the farm unit is taken to be sustainable
17 agriculture.

18 **17 Meaning of *natural resources management***

19 For the purposes of this Act, *natural resources management*
20 means:

- 21 (a) any activity relating to the management of the use,
22 development or conservation of one or more of the following
23 natural resources:
24 (i) soil;
25 (ii) water;
26 (iii) vegetation; or
27 (b) any activity relating to the management of the use,
28 development or conservation of any other natural resources
29 for the purposes of an activity mentioned in paragraph (a).
-

Section 18

1 **18 Meaning of *accounting transfer purpose***

2 For the purposes of this Act, each of the following is an
3 ***accounting transfer purpose***:

- 4 (a) making payments under section 5 of the *Natural Resources*
5 *Management (Financial Assistance) Act 1992*;
- 6 (b) after the commencement of the *Financial Management and*
7 *Accountability Act 1996*—crediting amounts to the Natural
8 Resources Management Reserve established under the
9 *Natural Resources Management (Financial Assistance) Act*
10 *1992*;
- 11 (c) before the commencement of the *Financial Management and*
12 *Accountability Act 1996*—crediting amounts to the Natural
13 Resources Management Fund established under the *Natural*
14 *Resources Management (Financial Assistance) Act 1992*;
- 15 (d) making payments under agreements in force under Part 3 of
16 the *Rural Adjustment Act 1992*, to the extent to which those
17 payments are in connection with property management
18 planning in relation to the farm unit.

19 **19 Grant of financial assistance to a State**

- 20 (1) This section applies if an amount is to be debited from the Reserve
21 for the purpose of making a grant of financial assistance to a State.
- 22 (2) The terms and conditions on which that financial assistance is
23 granted are to be set out in a written agreement between the
24 Commonwealth and the State.
- 25 (3) An agreement under subsection (2) may be entered into by either
26 of the following Ministers on behalf of the Commonwealth:
27 (a) the Minister;
28 (b) the Minister for Primary Industries and Energy.
- 29 (4) This section does not affect the operation of Part 2 of the *Natural*
30 *Resources Management (Financial Assistance) Act 1992*.

Section 20

1 (5) This section does not affect the operation of Part 3 of the *Rural*
2 *Adjustment Act 1992*.

3 Note: *State* is given an extended meaning by section 44.

4 **20 Grant of financial assistance to a person, or a body, other than a**
5 **State**

6 (1) This section applies if an amount is to be debited from the Reserve
7 for the purpose of making a grant of financial assistance to a
8 person, or a body, other than a State.

9 (2) The terms and conditions on which that financial assistance is
10 granted are to be set out in a written agreement between the
11 Commonwealth and the person or body.

12 (3) An agreement under subsection (2) may be entered into by either
13 of the following Ministers on behalf of the Commonwealth:

14 (a) the Minister;

15 (b) the Minister for Primary Industries and Energy.

16 (4) This section does not affect the operation of Part 3 of the *Rural*
17 *Adjustment Act 1992*.

18 Note: *State* is given an extended meaning by section 44.

19 **21 Principles of ecologically sustainable development**

20 (1) This section applies to a decision of a Minister to approve a
21 proposal to spend money in the Reserve for a purpose of the
22 Reserve.

23 (2) In making that decision, the Minister concerned must have regard
24 to:

25 (a) the principles of ecologically sustainable development; and

26 (b) such other matters as the Minister concerned considers
27 relevant.

Part 3 Purposes of the Reserve

Section 21

1 (3) For the purposes of this section, the *principles of ecologically*
2 *sustainable development* consist of:

3 (a) the following core objectives:

- 4 (i) to enhance individual and community well-being and
5 welfare by following a path of economic development
6 that safeguards the welfare of future generations;
7 (ii) to provide for equity within and between generations;
8 (iii) to protect biological diversity and maintain essential
9 ecological processes and life-support systems; and

10 (b) the following guiding principles:

- 11 (i) decision-making processes should effectively integrate
12 both long-term and short-term economic,
13 environmental, social and equity considerations;
14 (ii) if there are threats of serious or irreversible
15 environmental damage, lack of full scientific certainty
16 should not be used as a reason for postponing measures
17 to prevent environmental degradation;
18 (iii) the global dimension of environmental impacts of
19 actions and policy should be recognised and considered;
20 (iv) the need to develop a strong, growing and diversified
21 economy that can enhance the capacity for
22 environmental protection should be recognised;
23 (v) the need to maintain and enhance international
24 competitiveness in an environmentally sound manner
25 should be recognised;
26 (vi) cost-effective and flexible measures should be adopted;
27 (vii) decisions and actions should provide for broad
28 community involvement on issues which affect the
29 community.

30 Note: The principles of ecologically sustainable development that are set out
31 in this subsection are based on the core objectives and guiding
32 principles that were endorsed by the Council of Australian
33 Governments in December 1992.

Part 4—Crediting of amounts to the Reserve

22 \$1 billion derived from the partial privatisation of Telstra

- (1) For each \$1 that is received by the Commonwealth in a particular month by way of proceeds of the sale of shares in Telstra, \$1 is to be transferred to the Reserve from the Consolidated Revenue Fund before the end of the next following month.
- (2) The total amount transferred to the Reserve under this section is not to exceed \$1 billion.

23 Budget appropriations

- (1) This section applies if another Act appropriates an amount from the Consolidated Revenue Fund for credit to the Reserve.
- (2) The amount is to be credited to the Reserve.

24 Gifts and bequests

- (1) This section applies if a gift or bequest is given or made for the purposes of the Reserve.
- (2) An amount equal to the amount of the gift or bequest is to be transferred to the Reserve from the Consolidated Revenue Fund.

25 Repayments of grants

- (1) This section applies if:
 - (a) money in the Reserve is spent in making a grant of financial assistance; and
 - (b) the grant is repaid, in whole or in part.
 - (2) An amount equal to the repayment is to be transferred to the Reserve from the Consolidated Revenue Fund.
-

Section 26

1 **26 Commonwealth receipts under funding agreements**

2 (1) This section applies if:

- 3 (a) the Commonwealth enters into an agreement with a person or
4 body in relation to the spending of money debited from the
5 Reserve; and
6 (b) the agreement contains a provision requiring money to be
7 paid or repaid to the Commonwealth in specified
8 circumstances; and
9 (c) the Commonwealth receives money under the agreement.

10 (2) An amount equal to the receipt is to be transferred to the Reserve
11 from the Consolidated Revenue Fund.

12 **27 Income from assets acquired using Reserve money**

13 (1) This section applies if:

- 14 (a) money in the Reserve is spent in acquiring property or
15 interests; and
16 (b) an amount is received by the Commonwealth by way of
17 income derived from the property or interests.

18 (2) An amount equal to the receipt is to be transferred to the Reserve
19 from the Consolidated Revenue Fund.

20 **28 Proceeds of disposal of assets acquired using Reserve money**

21 (1) This section applies if:

- 22 (a) money in the Reserve is spent in acquiring property or
23 interests; and
24 (b) an amount is received by the Commonwealth from the
25 disposal of the property or interests.

26 (2) An amount equal to the receipt is to be transferred to the Reserve
27 from the Consolidated Revenue Fund.

1 **29 Income from projects and related activities funded with Reserve**
2 **money**

- 3 (1) This section applies if:
4 (a) money in the Reserve is spent in carrying out a project; and
5 (b) income is received by the Commonwealth from the project or
6 from activities carried out in relation to the project.
- 7 (2) An amount equal to the receipt is to be transferred to the Reserve
8 from the Consolidated Revenue Fund.

Section 30

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2

Part 5—Miscellaneous

3

30 Natural Heritage Board

4

(1) There is to be a Natural Heritage Board, which is to consist of:

5

(a) the Minister; and

6

(b) the Minister for Primary Industries and Energy.

7

(2) The functions of the Natural Heritage Board are as follows:

8

(a) to provide a forum in which the Minister and the Minister for Primary Industries and Energy are to consult with each other about all matters relating to the Reserve;

9

10

(b) to prepare estimates under section 31.

11

12

(3) For the purposes of this section, each of the following decisions is taken to be a matter that relates to the Reserve:

13

(a) a decision about a proposal to spend money in the Reserve;

14

(b) a decision relating to the investments of the Reserve;

15

(c) a decision to make a recommendation to the

16

Governor-General about the making of regulations under this Act;

17

(d) a decision under this Act;

18

(e) a decision under any other law of the Commonwealth, to the extent that that law relates to the Reserve.

19

20

21

22

31 Estimates

23

(1) The Natural Heritage Board must prepare estimates of debits from the Reserve that are to be made for purposes of the Reserve.

24

(2) The estimates are to be prepared for:

25

(a) each financial year; and

26

(b) such other periods (if any) as the Natural Heritage Board determines.

27

28

Section 32

- 1 (3) In exercising its powers under this section, the Natural Heritage
2 Board must have regard to:
3 (a) the investment strategy for the Reserve; and
4 (b) such other matters as the Natural Heritage Board considers
5 relevant.
- 6 (4) Money must not be debited from the Reserve for a purpose of the
7 Reserve otherwise than in accordance with estimates prepared
8 under this section.

9 32 Minimum balance in the Reserve after 30 June 2001

- 10 (1) This section applies to a financial year that begins on or after
11 1 July 2001.
- 12 (2) The Minister must take all reasonable steps to ensure that,
13 throughout each financial year, the balance of the Reserve does not
14 fall below the base amount for that year (worked out under
15 subsection (3) or (4)).
- 16 (3) The *base amount* for the financial year that begins on 1 July 2001
17 is equal to 30% of the total amount transferred to the Reserve
18 under section 22 before 1 July 2001.
- 19 (4) This is how to work out the *base amount* for a subsequent
20 financial year:
21 (a) calculate 30% of the total amount transferred to the Reserve
22 under section 22 before 1 July 2001;
23 (b) multiply the result of that calculation by the indexation factor
24 for that year;
25 (c) if the result of that multiplication is not an amount of whole
26 dollars—round up the result to the nearest whole dollar.
- 27 (5) For the purposes of this section, the *indexation factor* for a
28 financial year is the factor (being a number not less than 1)
29 specified in relation to that year in a written determination made by
30 the Minister for Finance for the purposes of this subsection.
-

Section 33

1 **33 Annual report about the Reserve**

- 2 (1) For the purposes of this Act, the Minister must, as soon as
3 practicable after the end of 30 June in each year, cause to be
4 prepared an annual report. The annual report must include (but is
5 not limited to):
- 6 (a) a report about the operations of the Reserve during the
7 financial year ended on that date; and
 - 8 (b) financial statements relating to those operations; and
 - 9 (c) the Auditor-General's report or reports under section 34 on
10 the financial statements.
- 11 (2) The report mentioned in paragraph (1)(a) must comply with
12 written guidelines issued by the Minister for Finance.
- 13 (3) The financial statements must comply with written guidelines
14 issued by the Minister for Finance.
- 15 (4) The Minister must cause copies of the annual report to be laid
16 before each House of the Parliament within 15 sitting days of that
17 House after the completion of the preparation of the annual report.
- 18 (5) The Minister for Primary Industries and Energy must give the
19 Minister such information as the Minister requires to enable the
20 Minister to comply with the Minister's obligations under
21 subsection (1).
- 22 (6) The obligations imposed by this section are in addition to, and not
23 instead of, obligations imposed by any other law of the
24 Commonwealth.

25 **34 Audit of annual financial statements of the Reserve**

- 26 (1) As soon as practicable after financial statements are prepared in
27 accordance with subsection 33(1), the statements must be given to
28 the Auditor-General.

- 1 (2) As soon as practicable after receiving the financial statements, the
2 Auditor-General must examine the statements and report in
3 accordance with this section to the Minister.
- 4 (3) In the report, the Auditor-General must state whether, in the
5 Auditor-General's opinion, the financial statements:
6 (a) have been prepared in accordance with guidelines in force
7 under subsection 33(3); and
8 (b) give a true and fair view of the matters required by those
9 guidelines.
- 10 If the Auditor-General is not of that opinion, the Auditor-General
11 must state the reasons.
- 12 (4) If the Auditor-General is of the opinion that failing to prepare the
13 financial statements in accordance with the guidelines has a
14 quantifiable financial effect, the Auditor-General must quantify
15 that financial effect and state the amount.
- 16 (5) If the Auditor-General is of the opinion that the Secretary to a
17 Department has contravened an obligation relating to the keeping
18 of accounts or records, the Auditor-General must state particulars
19 of the contravention.
- 20 (6) If the Auditor-General is of the opinion that the Auditor-General
21 did not obtain all necessary information and explanations, the
22 Auditor-General must state particulars of the shortcoming.
- 23 (7) Instead of preparing a single report, the Auditor-General may
24 prepare an initial report and one or more later supplementary
25 reports.

26 **35 Delegation by Minister**

- 27 (1) The Minister may, by writing, delegate to:
28 (a) the Secretary to the Department; or
29 (b) the Director of National Parks and Wildlife; or
-

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- 1 (c) a person holding or performing the duties of a Senior
2 Executive Service office (whether or not in the Department);
3 all or any of the Minister's powers under:
4 (d) this Act (other than section 30 or 31); or
5 (e) any other law of the Commonwealth, to the extent that that
6 law relates to the Reserve.

- 7 (2) The delegate is, in the exercise of the power delegated under
8 subsection (1), subject to the directions of the Minister.

9 **36 Delegation by Minister for Primary Industries and Energy**

- 10 (1) The Minister for Primary Industries and Energy may, by writing,
11 delegate to:

- 12 (a) the Secretary to the Department of Primary Industries and
13 Energy; or
14 (b) a person holding or performing the duties of a Senior
15 Executive Service office (whether or not in the Department
16 of Primary Industries and Energy);

17 all or any of the powers conferred on the Minister for Primary
18 Industries and Energy by:

- 19 (c) this Act (other than section 30 or 31); or
20 (d) any other law of the Commonwealth, to the extent that that
21 law relates to the Reserve.

- 22 (2) The delegate is, in the exercise of the power delegated under
23 subsection (1), subject to the directions of the Minister for Primary
24 Industries and Energy.

25 **37 Commonwealth not to accept conditional gifts etc.**

26 The Commonwealth must not accept a gift or bequest given or
27 made for the purposes of the Reserve if:

- 28 (a) the gift or bequest is given or made subject to a condition
29 (other than the condition that the gift or bequest be applied
30 for the purposes of the Reserve); or
-

- (b) the gift or bequest is required to be held on trust (within the ordinary meaning of that expression).

38 Appropriations

- (1) After the commencement of the *Financial Management and Accountability Act 1996*, the Reserved Money Fund is appropriated as necessary for the purposes of this Act.
- (2) Subsection (1) has effect only to the extent (if any) to which the *Financial Management and Accountability Act 1996* does not already provide for a sufficient appropriation.
- (3) Before the commencement of the *Financial Management and Accountability Act 1996*, the Trust Fund established by the *Audit Act 1901* is appropriated as necessary for the purposes of this Act.
- (4) Subsection (3) has effect only to the extent (if any) to which the *Audit Act 1901* does not already provide for a sufficient appropriation.

39 Appropriations for the purposes of the *Natural Resources Management (Financial Assistance) Act 1992* and the *Rural Adjustment Act 1992*

- (1) A reference in subsection 5(6) of the *Natural Resources Management (Financial Assistance) Act 1992* to money appropriated by the Parliament for the purpose mentioned in that subsection includes a reference to money debited from the Reserve in accordance with paragraphs 8(k) and 18(a) of this Act.
- (2) After the commencement of the *Financial Management and Accountability Act 1996*, a reference in paragraph 11(4)(a) of the *Natural Resources Management (Financial Assistance) Act 1992* to amounts appropriated from time to time by the Parliament includes a reference to money debited from the Reserve in accordance with paragraphs 8(k) and 18(b) of this Act.

Section 40

- 1 (3) Before the commencement of the *Financial Management and*
2 *Accountability Act 1996*, a reference in paragraph 11(4)(a) of the
3 *Natural Resources Management (Financial Assistance) Act 1992*
4 to amounts appropriated from time to time by the Parliament
5 includes a reference to money debited from the Reserve in
6 accordance with paragraphs 8(k) and 18(c) of this Act.
- 7 (4) A reference in subsection 20A(3) of the *Rural Adjustment Act*
8 *1992* to money appropriated by the Parliament for the purposes
9 mentioned in that subsection includes a reference to money debited
10 from the Reserve in accordance with paragraphs 8(k) and 18(d) of
11 this Act.
- 12 (5) A reference in subsection 21(1) of the *Rural Adjustment Act 1992*
13 to money appropriated by the Parliament for the purpose
14 mentioned in that subsection includes a reference to money debited
15 from the Reserve in accordance with paragraphs 8(k) and 18(d) of
16 this Act.

40 Regulations

17 The Governor-General may make regulations prescribing matters:

- 18 (a) required or permitted by this Act to be prescribed; or
19 (b) necessary or convenient to be prescribed for carrying out or
20 giving effect to this Act.
21

41 Transitional—transfers from the Consolidated Revenue Fund

- 22 (1) This section applies if a provision of this Act requires an amount to
23 be transferred to the Reserve from the Consolidated Revenue
24 Fund.
25
- 26 (2) The Consolidated Revenue Fund is appropriated for the transfer by
27 force of this subsection.
- 28 (3) Subsections (1) and (2) cease to have effect on the commencement
29 of the *Financial Management and Accountability Act 1996*.
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1 Note: After the commencement of the *Financial Management and*
2 *Accountability Act 1996*, subsection 20(7) of that Act will appropriate
3 the Consolidated Revenue Fund for the purposes of such a transfer.

4 **42 Transitional—expenses of investment**

5 (1) Expenses of investment of money in the Reserve are to be debited
6 from the Reserve.

7 (2) Subsection (1) ceases to have effect on the commencement of the
8 *Financial Management and Accountability Act 1996*.

9 Note: After the commencement of the *Financial Management and*
10 *Accountability Act 1996*, subsection 40(2) of that Act will provide for
11 investment expenses to be debited from the Reserve.

12 **43 External Territories**

13 This Act extends to all the external Territories.

14 **44 Interpretation**

15 In this Act:

16 *accounting transfer purpose* has the meaning given by section 18.

17 *agriculture* includes:

- 18 (a) the cultivation of land; or
- 19 (b) the maintenance of animals for the purposes of selling them
20 or their bodily produce, including natural increase; or
- 21 (c) fishing or aquaculture operations; or
- 22 (d) forest operations; or
- 23 (e) horticulture.

24 *Australia*, when used in a geographical sense, includes:

- 25 (a) the external Territories; and
- 26 (b) the exclusive economic zone.

27 *environmental protection* has the meaning given by section 15.

Section 44

1 **exclusive economic zone** means the exclusive economic zone
2 (within the meaning of the *Seas and Submerged Lands Act 1973*),
3 adjacent to the coast of Australia or the coast of an external
4 Territory.

5 **horticulture** includes the production of horticultural products
6 (within the meaning of the *Australian Horticultural Corporation*
7 *Act 1987*).

8 **Natural Heritage Board** means the Natural Heritage Board
9 established by section 30.

10 **natural resources management** has the meaning given by section
11 17.

12 **proceeds of the sale of shares in Telstra** includes:

13 (a) an amount received by the Commonwealth directly or
14 indirectly from:

15 (i) the sale-scheme trustee (within the meaning of the
16 *Telstra Corporation Act 1991*); or

17 (ii) an investor in Telstra;

18 under a Telstra sale scheme (within the meaning of that Act);
19 and

20 (b) an amount received by the Commonwealth by way of the
21 redemption of redeemable preference shares in Telstra held
22 by the Commonwealth, where the redemption was in
23 accordance with a Telstra sale scheme (within the meaning
24 of the *Telstra Corporation Act 1991*).

25 **Reserve** means the Natural Heritage Trust of Australia Reserve
26 established by this Act.

27 **Senior Executive Service office** has the same meaning as in the
28 *Public Service Act 1922*.

29 **State** includes the Australian Capital Territory and the Northern
30 Territory.

Section 44

1 ***sustainable agriculture*** has the meaning given by section 16.

2 ***Telstra*** has the same meaning as in the *Telstra Corporation Act*
3 *1991*.

4 ***waste minimisation*** includes re-use and recycling.







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