



Natural Heritage Trust of Australia Act 1997

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About this compilation

This compilation

This is a compilation of the *Natural Heritage Trust of Australia Act 1997* that shows the text of the law as amended and in force on 6 May 2016 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to establish the Natural Heritage Trust of Australia Account, and for related purposes

Preamble

The Parliament of Australia recognises the need for urgent action to redress the current decline, and to prevent further decline, in the quality of Australia's natural environment.

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

There is a need to conserve Australia's environmental infrastructure, to reverse the decline in Australia's natural environment and to improve the management of Australia's natural resources.

There is a need for the Commonwealth to provide national leadership and work in partnership with all levels of government and the whole community, recognising, among other things, that many environmental issues and problems are not limited by State and Territory borders.

There is a need to integrate the objectives of environmental protection, sustainable agriculture and natural resources management consistent with the principles of ecologically sustainable development.

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

The Commonwealth Government should work cooperatively with State governments to achieve effective outcomes in matters relating to environmental protection, natural resources management and sustainable agriculture. Those cooperative working relationships should involve entering into inter-governmental agreements which reflect the support of the States for the purposes of the Natural Heritage Trust of Australia

Account and promote the development of complementary policies and programs.

Australia's rural community should have a key role in the ecologically sustainable management of Australia's natural resources.

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

A comprehensive, integrated response to these matters is necessary.

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

Part 1—Introduction

1 Short title

This Act may be cited as the *Natural Heritage Trust of Australia Act 1997*.

2 Commencement

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

3 Simplified outline

The following is a simplified outline of this Act:

- This Act establishes the Natural Heritage Trust of Australia Account.
- The main source of money for the Account is \$1.35 billion from the partial sale of Telstra.
- The main objective of the establishment of the Account is to conserve, repair and replenish Australia's natural capital infrastructure.
- Amounts standing to the credit of the Account will be spent on the environment, sustainable agriculture and natural resources management.

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Part 2—The Natural Heritage Trust of Australia Account

4 Natural Heritage Trust of Australia Account

There is continued in existence the Natural Heritage Trust of Australia Account.

Note: The Account was established by subsection 5(3) of the *Financial Management Legislation Amendment Act 1999*.

5 Nature of the Account

The Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

6 Investments and income of the Account

Investments

- (1) Amounts equal to income derived from the investment of an amount standing to the credit of the Account are to be credited to the Account.

Note: An amount standing to the credit of the Account may be invested in accordance with the *Public Governance, Performance and Accountability Act 2013*.

Fixed income—uninvested amounts

- (2) Within 28 days after the end of a financial year, there is to be credited to the Account, in respect of the financial year, an amount equal to the fixed-income percentage of the uninvested amount standing to the credit of the Account as at the end of the financial year.

Fixed-income percentage

- (3) For the purposes of the application of subsection (2) to a particular financial year, the ***fixed-income percentage*** is:
- (a) if the financial year begins on or before 1 July 2001:
 - (i) 8%; or
 - (ii) if the Finance Minister, by written instrument made within 28 days after the end of the financial year, determines a higher percentage—that higher percentage; or
 - (b) if the financial year begins on or after 1 July 2002:
 - (i) the percentage equal to the rate of interest earned by the Commonwealth as at the end of the financial year on deposits held with the Reserve Bank of Australia; or
 - (ii) if the Finance Minister, by written instrument made within 28 days after the end of the financial year, determines a higher percentage—that higher percentage.

Advances on account of fixed income

- (4) During a financial year, the Finance Minister may, by written instrument, determine that a specified amount is to be credited to the Account by way of an advance on account of the amount that may be credited to the Account under subsection (2) in respect of the financial year. The determination has effect accordingly.
- (5) For each \$1 credited under subsection (4) in respect of a financial year, the amount credited under subsection (2) in respect of the financial year is to be reduced by \$1.
- (6) If, at the end of a financial year:
- (a) the total amount credited to the Account under subsection (4) in respect of the financial year;
exceeds:
 - (b) the amount (if any) that would have been credited to the Account under subsection (2) in respect of the financial year if it were assumed that no amounts had been credited under subsection (4) in respect of the financial year;

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an amount equal to the excess must be debited from the Account.

7 Amounts not held on trust

Amounts standing to the credit of the Account and amounts invested by debiting the Account are not held on trust (within the ordinary meaning of that expression).

Part 3—Purposes of the Account

8 Purposes of the Account

The purposes of the Account are as follows:

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

9 Debits of proceeds from the partial privatisation of Telstra and interest earned from the Account

- (1) Amounts standing to the credit of the Account that represents proceeds of the sale of shares in Telstra may only be debited for the following purposes:
 - (a) the National Vegetation Initiative;
 - (b) the Murray-Darling 2001 Project;
 - (c) the National Land and Water Resources Audit;
 - (d) the National Reserve System;
 - (e) the Coasts and Clean Seas Initiative;
 - (f) environmental protection (as defined by section 15), being environmental protection that involves the carrying out of a project, or a program, the primary objective of which is to

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- maintain or replenish Australia's environmental infrastructure;
- (g) supporting sustainable agriculture (as defined by section 16), being support that involves the carrying out of a project, or a program, the primary objective of which is to maintain or replenish Australia's environmental infrastructure;
 - (h) natural resources management (as defined by section 17), being natural resources management that involves the carrying out of a project, or a program, the primary objective of which is to maintain or replenish Australia's environmental infrastructure;
 - (i) a purpose incidental or ancillary to any of the above purposes;
 - (j) the making of grants of financial assistance for any of the above purposes.
- (2) An amount standing to the credit of the Account that represents interest earned on an amount standing to the credit of the Account may be applied for any purpose of the Account.

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:

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

13 Primary objective of the National Reserve System

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

14 Primary objectives of the Coasts and Clean Seas Initiative

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

- (a) to ameliorate pollution problems in Australia's coastal areas;
- (b) to protect the environment in Australia's coastal areas;
- (c) to ameliorate threats to Australia's marine biodiversity;
- (d) to develop an oceans policy for Australia.

15 Meaning of *environmental protection*

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

- (a) maintaining, conserving, preserving or protecting components of the natural environment of Australia; or

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- (b) restoring, improving or replenishing components of the natural environment of Australia; or
- (c) conserving or restoring Australia's biodiversity; or
- (d) developing or promoting waste minimisation in Australia; or
- (e) developing or promoting clean production in Australia; or
- (f) preventing, combating or rectifying pollution of the environment (whether natural or otherwise) of Australia; or
- (g) carrying on research, or disseminating information, about:
 - (i) the natural environment of Australia; or
 - (ii) Australia's biodiversity.

16 Meaning of *sustainable agriculture*

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

17 Meaning of *natural resources management*

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

- (a) any activity relating to the management of the use, development or conservation of one or more of the following natural resources:
 - (i) soil;
 - (ii) water;
 - (iii) vegetation; or

- (b) any activity relating to the management of the use, development or conservation of any other natural resources for the purposes of an activity mentioned in paragraph (a).

18 Meaning of *accounting transfer purpose*

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

- (a) making payments under section 5 of the *Natural Resources Management (Financial Assistance) Act 1992*;
- (b) crediting amounts to the Natural Resources Management Account continued in existence under subsection 11(1) of the *Natural Resources Management (Financial Assistance) Act 1992*;
- (d) making payments under agreements in force under Part 3 of the *Rural Adjustment Act 1992*, to the extent to which those payments are in connection with property management planning in relation to the farm unit.

19 Grant of financial assistance to a State

- (1) This section applies if an amount is to be debited from the Account for the purpose of making a grant of financial assistance to a State.
- (2) The terms and conditions on which that financial assistance is granted are to be set out in a written agreement between the Commonwealth and the State.
- (3) An agreement under subsection (2) may be entered into:
 - (a) by either of the following Ministers on behalf of the Commonwealth:
 - (i) the Minister;
 - (ii) the Agriculture Minister; or
 - (b) jointly by both of the following Ministers on behalf of the Commonwealth:
 - (i) the Minister;
 - (ii) the Agriculture Minister.

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- (4) An agreement under subsection (2) may establish a framework under which the Commonwealth and the State are to work cooperatively to achieve both common and complementary outcomes in relation to:
 - (a) environmental protection; and
 - (b) natural resources management; and
 - (c) sustainable agriculture.
- (5) Subsection (4) does not limit subsection (2).
- (6) This section does not affect the operation of Part 2 of the *Natural Resources Management (Financial Assistance) Act 1992*.
- (7) This section does not affect the operation of Part 3 of the *Rural Adjustment Act 1992*.

Note: **State** is given an extended meaning by section 54.

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

- (1) This section applies if an amount is to be debited from the Account for the purpose of making a grant of financial assistance to a person, or a body, other than a State.
- (2) The terms and conditions on which that financial assistance is granted are to be set out in a written agreement between the Commonwealth and the person or body.
- (3) An agreement under subsection (2) may be entered into:
 - (a) by either of the following Ministers on behalf of the Commonwealth:
 - (i) the Minister;
 - (ii) the Agriculture Minister; or
 - (b) jointly by both of the following Ministers on behalf of the Commonwealth:
 - (i) the Minister;
 - (ii) the Agriculture Minister.

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

Note: *State* is given an extended meaning by section 54.

21 Principles of ecologically sustainable development

- (1) This section applies to a decision of a Minister to approve a proposal to spend an amount standing to the credit of the Account for a purpose of the Account.
- (2) In making that decision, the Minister concerned must have regard to:
- (a) the principles of ecologically sustainable development; and
 - (b) such other matters as the Minister concerned considers relevant.
- (3) For the purposes of this section, the ***principles of ecologically sustainable development*** consist of:
- (a) the following core objectives:
 - (i) to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations;
 - (ii) to provide for equity within and between generations;
 - (iii) to protect biological diversity and maintain essential ecological processes and life-support systems; and
 - (b) the following guiding principles:
 - (i) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equity considerations;
 - (ii) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
 - (iii) the global dimension of environmental impacts of actions and policy should be recognised and considered;

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- (iv) the need to develop a strong, growing and diversified economy that can enhance the capacity for environmental protection should be recognised;
- (v) the need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised;
- (vi) cost-effective and flexible measures should be adopted;
- (vii) decisions and actions should provide for broad community involvement on issues which affect the community.

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

Part 4—Crediting of amounts to the Account

22 \$1.1 billion derived from the initial partial sale of Telstra

- (1) For each \$1 that is received by the Commonwealth, in a particular month beginning before the date of commencement of section 22A, by way of proceeds of the sale of shares in Telstra, \$1 is to be credited to the Account before the end of the next following month.
- (2) The total amount credited to the Account under this section is not to exceed \$1.1 billion.

22A \$250 million derived from the subsequent partial sale of Telstra

- (1) For each \$1 that is received by the Commonwealth, in a particular month beginning on or after the date of commencement of this section, by way of proceeds of the sale of shares in Telstra, \$1 is to be credited to the Account before the end of the next following month.
- (2) The total amount credited to the Account under this section is not to exceed \$250 million.

23 Budget appropriations

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

24 Gifts and bequests

- (1) This section applies if a gift or bequest is given or made for the purposes of the Account.
- (2) An amount equal to the amount of the gift or bequest is to be credited to the Account.

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25 Repayments of grants

- (1) This section applies if:
 - (a) an amount standing to the credit of the Account is debited and paid by the Commonwealth 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 credited to the Account.

26 Commonwealth receipts under funding agreements

- (1) This section applies if:
 - (a) the Commonwealth enters into an agreement with a person or body in relation to the spending of amounts debited from the Account and paid by the Commonwealth; and
 - (b) the agreement contains a provision requiring an amount to be paid or repaid to the Commonwealth in specified circumstances; and
 - (c) the Commonwealth receives money under the agreement.
- (2) An amount equal to the receipt is to be credited to the Account.

27 Income from assets acquired using amounts credited to the Account

- (1) This section applies if:
 - (a) an amount standing to the credit of the Account is debited and paid by the Commonwealth in acquiring property or interests; and
 - (b) an amount is received by the Commonwealth by way of income derived from the property or interests.
- (2) An amount equal to the receipt is to be credited to the Account.

28 Proceeds of disposal of assets acquired using amounts credited to the Account

- (1) This section applies if:
 - (a) an amount standing to the credit of the Account is debited and paid by the Commonwealth in acquiring property or interests; and
 - (b) an amount is received by the Commonwealth from the disposal of the property or interests.
- (2) An amount equal to the receipt is to be credited to the Account.

29 Income from projects and related activities funded with amounts credited to the Account

- (1) This section applies if:
 - (a) an amount standing to the credit of the Account is debited and paid by the Commonwealth in carrying out a project; and
 - (b) income is received by the Commonwealth from the project or from activities carried out in relation to the project.
- (2) An amount equal to the receipt is to be credited to the Account.

Part 6—Miscellaneous

40 Natural Heritage Ministerial Board

- (1) There is to be a Natural Heritage Ministerial Board, which is to consist of:
 - (a) the Minister; and
 - (b) the Agriculture Minister.
- (2) The functions of the Natural Heritage Ministerial Board are as follows:
 - (a) to provide a forum in which the Minister and the Agriculture Minister are to consult with each other about all matters relating to the Account;
 - (b) to prepare estimates under section 41;
 - (c) to monitor the effectiveness of the administration of this Act in achieving:
 - (i) the primary objective of the National Vegetation Initiative; and
 - (ii) the primary objective of the Murray-Darling 2001 Project; and
 - (iii) the primary objectives of the National Land and Water Resources Audit; and
 - (iv) the primary objective of the National Reserve System; and
 - (v) the primary objectives of the Coasts and Clean Seas Initiative; and
 - (vi) environmental protection; and
 - (vii) sustainable agriculture; and
 - (viii) natural resources management.
- (3) For the purposes of this section, each of the following decisions is taken to be a matter that relates to the Account:

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- (a) a decision about a proposal to spend an amount standing to the credit of the Account;
- (b) a decision relating to the investment of an amount standing to the credit of the Account;
- (c) a decision to make a recommendation to the Governor-General about the making of regulations under this Act;
- (d) a decision under this Act;
- (e) a decision under any other law of the Commonwealth, to the extent that the law relates to the Account.

41 Estimates

- (1) The Natural Heritage Ministerial Board must prepare estimates of debits from the Account that are to be made for purposes of the Account.
- (2) The estimates are to be prepared for:
 - (a) each financial year; and
 - (b) such other periods (if any) as the Natural Heritage Ministerial Board determines.
- (3) In exercising its powers under this section, the Natural Heritage Ministerial Board must have regard to:
 - (a) the investment strategy for the Account; and
 - (b) such other matters as the Natural Heritage Ministerial Board considers relevant.
- (4) Money must not be debited from the Account for a purpose of the Account otherwise than in accordance with estimates prepared under this section.

42 Minimum balance in the Account after 30 June 2001

- (1) This section applies to a financial year that begins on or after 1 July 2001.

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- (2) The Minister must take all reasonable steps to ensure that, throughout each financial year, the balance of the Account does not fall below the base amount for that year (worked out under subsection (3) or (4)).
- (3) The **base amount** for the financial year that begins on 1 July 2001 is \$300 million.
- (4) This is how to work out the **base amount** for a subsequent financial year:
 - (a) multiply \$300 million by the indexation factor for that year;
 - (b) if the result of that multiplication is not an amount of whole dollars—round up the result to the nearest whole dollar.
- (5) For the purposes of this section, the **indexation factor** for a financial year is the factor (being a number not less than 1) specified in relation to that year in a written determination made by the Finance Minister for the purposes of this subsection.

43 Annual report about the Account

- (1) For the purposes of this Act, the Minister must, as soon as practicable after the end of 30 June in each year, cause to be prepared an annual report. The annual report must include (but is not limited to):
 - (a) a report about the operations of the Account during the financial year ended on that date; and
 - (b) financial statements relating to those operations; and
 - (c) the Auditor-General's report or reports under section 44 on the financial statements; and
 - (d) a report on the effectiveness of the administration of this Act during the financial year ended on that date in achieving the outcomes sought in agreements entered into under subsection 19(2).
- (2) The report mentioned in paragraph (1)(a) must comply with written guidelines issued by the Finance Minister.

- (3) The financial statements must comply with written guidelines issued by the Finance Minister.
- (4) The Minister must cause copies of the annual report to be laid before each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the annual report.
- (5) The Agriculture Minister must give the Minister such information as the Minister requires to enable the Minister to comply with the Minister's obligations under subsection (1).
- (6) The obligations imposed by this section are in addition to, and not instead of, obligations imposed by any other law of the Commonwealth.

44 Audit of annual financial statements of the Account

- (1) As soon as practicable after financial statements are prepared in accordance with subsection 43(1), the statements must be given to the Auditor-General.
- (2) As soon as practicable after receiving the financial statements, the Auditor-General must examine the statements and report in accordance with this section to the Minister.
- (3) In the report, the Auditor-General must state whether, in the Auditor-General's opinion, the financial statements:
 - (a) have been prepared in accordance with guidelines in force under subsection 43(3); and
 - (b) give a true and fair view of the matters required by those guidelines.

If the Auditor-General is not of that opinion, the Auditor-General must state the reasons.

- (4) If the Auditor-General is of the opinion that failing to prepare the financial statements in accordance with the guidelines has a quantifiable financial effect, the Auditor-General must quantify that financial effect and state the amount.

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- (5) If the Auditor-General is of the opinion that the Secretary of a Department has contravened an obligation relating to the keeping of accounts or records, the Auditor-General must state particulars of the contravention.
- (6) If the Auditor-General is of the opinion that the Auditor-General did not obtain all necessary information and explanations, the Auditor-General must state particulars of the shortcoming.
- (7) Instead of preparing a single report, the Auditor-General may prepare an initial report and one or more later supplementary reports.

45 Delegation by Minister

- (1) The Minister may, by writing, delegate to:
 - (a) the Secretary of the Department; or
 - (b) the Director of National Parks (within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*); or
 - (c) an SES employee or acting SES employee (whether or not in the Department);all or any of the Minister's powers under:
 - (d) this Act (other than section 40 or 41); or
 - (e) any other law of the Commonwealth, to the extent that that law relates to the Account.
- (2) The delegate is, in the exercise of the power delegated under subsection (1), subject to the directions of the Minister.

46 Delegation by Agriculture Minister

- (1) The Agriculture Minister may, by writing, delegate to:
 - (a) the Secretary of the Agriculture Department; or
 - (b) an SES employee or acting SES employee (whether or not in the Agriculture Department);all or any of the powers conferred on the Agriculture Minister by:

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- (c) this Act (other than section 40 or 41); or
 - (d) any other law of the Commonwealth, to the extent that that law relates to the Account.
- (2) The delegate is, in the exercise of the power delegated under subsection (1), subject to the directions of the Agriculture Minister.

47 Acceptance of gifts etc.

- (1) The Commonwealth must not accept a gift or bequest given or made for the purposes of the Account if:
- (a) the gift or bequest is given or made subject to a condition (other than the condition that the gift or bequest be applied for the purposes of the Account); or
 - (b) the gift or bequest is required to be held on trust (within the ordinary meaning of that expression).
- (2) If:
- (a) an advertisement solicits gifts or bequests for the purposes of the Account; and
 - (b) the advertisement is authorised by the Commonwealth;
- the advertisement must include a statement to the effect that the proceeds of the gift or bequest will be applied to a government program.

49 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 an amount debited from the Account in accordance with paragraphs 8(k) and 18(a) of this Act.
- (2) 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

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reference to an amount debited from the Account in accordance with paragraphs 8(k) and 18(b) of this Act.

- (4) A reference in subsection 20A(3) of the *Rural Adjustment Act 1992* to money appropriated by the Parliament for the purposes mentioned in that subsection includes a reference to an amount debited from the Account in accordance with paragraphs 8(k) and 18(d) of this Act.
- (5) A reference in subsection 21(1) of the *Rural Adjustment Act 1992* to money appropriated by the Parliament for the purpose mentioned in that subsection includes a reference to an amount debited from the Account in accordance with paragraphs 8(k) and 18(d) of this Act.

50 Regulations

The Governor-General may make regulations prescribing matters:

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

53 External Territories

This Act extends to all the external Territories.

54 Interpretation

In this Act:

Account means the Natural Heritage Trust of Australia Account continued in existence by section 4.

accounting transfer purpose has the meaning given by section 18.

agriculture includes:

- (a) the cultivation of land; or
- (b) the maintenance of animals for the purposes of selling them or their bodily produce, including natural increase; or

- (c) fishing or aquaculture operations; or
- (d) forest operations; or
- (e) horticulture.

Agriculture Department means the Department administered by the Agriculture Minister.

Agriculture Minister means the Minister administering Part 2 of the *Natural Resources Management (Financial Assistance) Act 1992*.

Australia, when used in a geographical sense, includes:

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

environmental protection has the meaning given by section 15.

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

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

horticulture includes the production of a horticultural product (within the meaning of the *Horticulture Marketing and Research and Development Services Act 2000*).

Natural Heritage Ministerial Board means the Natural Heritage Ministerial Board established by section 40.

natural resources management has the meaning given by section 17.

proceeds of the sale of shares in Telstra includes:

- (a) an amount received by the Commonwealth directly or indirectly from:
 - (i) the sale-scheme trustee (within the meaning of the *Telstra Corporation Act 1991*); or

Section 54

- (ii) an investor in Telstra;
under a Telstra sale scheme (within the meaning of that Act);
and
- (b) an amount received by the Commonwealth by way of the redemption of redeemable preference shares in Telstra held by the Commonwealth, where the redemption was in accordance with a Telstra sale scheme (within the meaning of the *Telstra Corporation Act 1991*).

State includes the Australian Capital Territory and the Northern Territory.

sustainable agriculture has the meaning given by section 16.

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

waste minimisation includes reduction of use, re-use and recycling.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnotes

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Natural Heritage Trust of Australia Act 1997	76, 1997	18 June 1997	18 June 1997	
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (item 1055): 1 Jan 1998 (<i>see Gazette</i> 1997, No. GN49) (<i>a</i>)	—
Telstra(Further Dilution of Public Ownership) Act 1999	53, 1999	5 July 1999	5 July 1999	—
Environmental Reform (Consequential Provisions) Act 1999	92, 1999	16 July 1999	Schedule 4 (item 73): 16 July 2000 (<i>b</i>)	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 683–685): 5 Dec 1999 (<i>see Gazette</i> 1999, No. S584) (<i>c</i>)	—
Horticulture Marketing and Research and Development Services (Repeals and Consequential Provisions) Act 2000	163, 2000	21 Dec 2000	Schedule 2 (item 3): (<i>d</i>)	—
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s. 4 and Schedule 1 (items 211–255, 496); Royal Assent	s. 4 and Sch. 1 (item 496)
as amended by				
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 2 (item 9): (<i>e</i>)	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Schedule 4 (items 393, 394): 4 July 2008	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 5 (items 159– 167), Schedule 6 (items 79, 80) and Schedule 7 (items 103, 104): 19 Apr 2011	—
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014 as amended by	62, 2014	30 June 2014	Sch 10 (items 304–307) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14
Public Governance and Resources Legislation Amendment Act (No. 1) 2015 as amended by	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Omnibus Repeal Day (Autumn 2015) Act 2016	47, 2016	5 May 2016	Sch 2 (items 1–4): 6 May 2016 (s 2(1) item 2)	—

Endnotes

Endnote 3—Legislation history

- (a) The *Natural Heritage Trust of Australia Act 1997* was amended by Schedule 2 (item 1055) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (b) The *Natural Heritage Trust of Australia Act 1997* was amended by Schedule 4 (item 73) only of the *Environmental Reform (Consequential Provisions) Act 1999*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences when the *Environment Protection and Biodiversity Conservation Act 1999* commences.
- (c) The *Natural Heritage Trust of Australia Act 1997* was amended by Schedule 1 (items 683–685) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
- (d) The *Natural Heritage Trust of Australia Act 1997* was amended by Schedule 2 (item 3) only of the *Horticulture Marketing and Research and Development Services (Repeals and Consequential Provisions) Act 2000*, subsection 2(2) of which provides as follows:
- (2) Schedules 1 (repeals) and 2 (consequential amendments) commence on the transfer day, immediately after the transfer of assets, liabilities and staff under Part 2.
- Note: See sections 12 and 13 for the transfer day, and the time at which the transfer occurs.
- The transfer day was 1 February 2001 (see *Gazette* 2001, No. GN6).
- (e) Subsection 2(1) (item 10) of the *Statute Law Revision Act 2013* provides as follows:
- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Provision(s)	Commencement	Date/Details
10. Schedule 2, item 9	Immediately after the time specified in the <i>Financial Framework Legislation Amendment Act 2005</i> for the commencement of item 242 of Schedule 1 to that Act.	22 February 2005

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am. No. 8, 2005
Preamble.....	am. No. 8, 2005
Part 1	
s. 3	am. No. 53, 1999; No. 8, 2005; No 47, 2016
Part 2	
Heading to Part 2.....	rs. No. 8, 2005
s. 4	rs. No. 8, 2005
s. 5	rs. No. 8, 2005
	am No 62, 2014
Heading to s. 6.....	am. No. 8, 2005
s. 6	am. No. 8, 2005; No 62, 2014
Note to s 6(1).....	am No 62, 2014
s. 7	rs. No. 8, 2005
Part 3	
Heading to Part 3.....	rs. No. 8, 2005
s. 8	rs. No. 8, 2005
Heading to s. 9.....	am. No. 8, 2005
s. 9	am. No. 8, 2005
s. 18	am. No. 8, 2005
s. 19	am. No. 8, 2005; No. 5, 2011
s. 20	am. No. 8, 2005; No. 5, 2011
s. 21	am. No. 8, 2005
Part 4	
Heading to Part 4.....	rs. No. 8, 2005
Heading to s. 22.....	am. No. 53, 1999
s. 22	am. No. 53, 1999; No. 8, 2005
s. 22A	ad. No. 53, 1999
	am. No. 8, 2005

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s. 23	am. No. 8, 2005
s. 24	rs. No. 8, 2005
s. 25	rs. No. 8, 2005
s. 26	rs. No. 8, 2005
s. 27	rs. No. 8, 2005
s. 28	rs. No. 8, 2005
s. 29	rs. No. 8, 2005
Part 5	rep No 47, 2016
s. 30	am. No. 73, 2008
	rep No 47, 2016
s. 31	am. No. 8, 2005
	rep No 47, 2016
s. 32	rep No 47, 2016
s. 33	rep No 47, 2016
s. 34	rep No 47, 2016
s. 35	rep No 47, 2016
s. 36	am. No. 73, 2008
	rep No 47, 2016
s. 37	rep No 47, 2016
s. 38	rep No 47, 2016
s. 39	rep No 47, 2016
Part 6	
s. 40	am. No. 8, 2005; No. 5, 2011
s. 41	am. No. 8, 2005
Heading to s. 42	am. No. 8, 2005
s. 42	am. No. 8, 2005; No. 5, 2011
Heading to s. 43	am. No. 8, 2005
s. 43	am. No. 8, 2005; No. 5, 2011
Heading to s. 44	am. No. 8, 2005
s. 44	am. No. 5, 2011
s. 45	am. Nos. 92 and 146, 1999; No. 8, 2005; No. 5, 2011

Endnote 4—Amendment history

Provision affected	How affected
Heading to s. 46.....	am. No. 5, 2011
s. 46.....	am. No. 146, 1999; No. 8, 2005; No. 5, 2011
s. 47.....	am. No. 8, 2005
s. 48.....	rep. No. 8, 2005
s. 49.....	am. No. 8, 2005
s. 51.....	rep. No. 8, 2005
s. 52.....	rep. No. 8, 2005
Note to s. 52	am. No. 152, 1997
	rep. No. 8, 2005
s. 54.....	am. No. 146, 1999; No. 163, 2000; No. 8, 2005; No. 5, 2011; No 62, 2014; No 47, 2016