

First print



New South Wales

# Historic Houses Amendment Bill 1996

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The objects of this Bill are as follows:

- to more accurately reflect the role of the Historic Houses Trust in managing and maintaining not only houses of historical importance, but also various other buildings, structures and sites,
  - to enable the Trust to carry out alterations and improvements to historic buildings or places in accordance with conservation plans approved by the Minister,
  - to enable the Trust to sell or dispose of certain property (such as items in collections acquired by the Trust that are not subject to conditions) with the approval of the Minister,
  - to make other miscellaneous changes to the *Historic Houses Act 1980* of a consequential or minor nature.
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## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Historic Houses Act 1980* set out in Schedule 1.

## Schedule 1 Amendments

### Role of the Historic Houses Trust in relation to historic buildings or places

**Schedule 1 [5]** substitutes section 7 of the Act (Principal objects of the Trust) to reflect the Historic Houses Trust's role in managing, maintaining and conserving the buildings, sites and other property of the Trust. The new section recognises that the Trust has responsibility not only for historic houses and house museums, but also for certain other buildings and places of historical significance.

In light of the Trust's redefined objects, references in the Act to "historic house" are replaced with references to "historic building or place" where appropriate, and references to "house museum" are updated to "museum" (**Schedule 1 [1], [2], [6]–[13], [19], [20] and [22]**).

### Alterations to historic buildings and places

At present, the consent of the Minister is required for all alterations and other improvements authorised by the Trust to a historic house, including minor alterations. **Schedule 1 [15]** substitutes section 10 of the Act to enable the Trust to authorise alterations and improvements in accordance with a conservation plan approved by the Minister and prepared by the Trust in respect of the historic building or place concerned.

### Miscellaneous amendments

**Schedule 1 [3]** makes it clear that nothing in the *Historic Houses Act 1980* applies to land reserved or dedicated under the *National Parks and Wildlife Act 1974* (eg regional parks, historic sites etc).

**Schedule 1 [4]** provides that the 9 trustees who comprise the Historic Houses Trust are to be nominated by the Minister (at present, 7 are nominated by the Minister, 1 by the Minister for Public Works and Services and 1 by the Minister for Urban Affairs and Planning). The amendment also provides for at least 1 trustee to have a background in history and for at least 1 trustee to have a background in architecture.

At present, the approval of the Governor must be obtained before the Trust can sell or otherwise dispose of any property acquired without being subject to a condition. **Schedule 1 [16]** and **[17]** provide that where property (such as items in a collection) has been acquired without being subject to a condition, the Minister's approval will be required. In the case of real property acquired without being subject to a condition, the approval of the Governor will continue to be required before the Trust sells or otherwise disposes of that real property.

**Schedule 1 [14]**, **[18]** and **[21]** repeal redundant provisions relating to the Trust's borrowing powers, its annual endowment and its annual reporting requirements.

**Schedule 1 [23]** and **[25]** contain savings, transitional and other provisions, including the power to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act. Existing trustees' offices are not affected, and provision is made for the validation of anything done by the Trust before the proposed Act commences that could have been validly done had the amendments been in force.

**Schedule 1 [24]** repeals a provision that results in the appointment of a trustee taking effect on 1 January of the year following that in which the appointment is made.

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New South Wales

# Historic Houses Amendment Bill 1996

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New South Wales

# Historic Houses Amendment Bill 1996

No. , 1996

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## **A Bill for**

An Act to amend the *Historic Houses Act 1980* with respect to the objects and powers of the Historic Houses Trust; and for related purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Historic Houses Amendment Act 1996*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation. 5

**3 Amendment of Historic Houses Act 1980 No 94**

The *Historic Houses Act 1980* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

**[1] Long title**

Insert “, and other buildings and places,” after “houses”.

**[2] Section 4 Definitions and application of Act**

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Omit the definition of *historic house* from section 4 (1).  
Insert instead:

*historic building or place* means a building, structure or site (and any of its appurtenant grounds or works):

- (a) subject to a notice under section 7B, or 10
- (b) vested in the Trust under section 20 or by or under the provisions of any other Act.

**[3] Section 4 (3)**

Insert after section 4 (2):

- (3) Nothing in this Act applies to land reserved or dedicated under the *National Parks and Wildlife Act 1974*. 15

**[4] Section 6 Trustees and procedure of Trust**

Omit section 6 (1). Insert instead:

- (1) The Trust is to consist of 9 trustees appointed by the Governor on the nomination of the Minister. At least one trustee is to have a background in history, and at least one trustee is to have a background in architecture. 20

**[5] Section 7**

Omit the section. Insert instead:

**7 Principal objects of the Trust**

The principal objects of the Trust are as follows:

- (a) to manage, maintain and conserve historic buildings or places and other property of the Trust, having regard to the historic, social and architectural interest and significance of those buildings, places and property, 5
- (b) to collect, manage, maintain and conserve objects and materials associated with, and of significance to, those buildings, places and property, 10
- (c) to research and interpret the significance of those buildings, places, property, objects and materials, having regard to their historic, social and architectural interest and value, 15
- (d) to provide educational, cultural and professional services (including by way of research, publications, information, public programs and activities) in respect of those buildings, places, property, objects and materials so as: 20
  - (i) to increase public knowledge and enjoyment of, and access to, those buildings, places, property, objects and materials, and 25
  - (ii) to promote their place in the heritage of this State.

**[6] Section 7A**

Omit the section. Insert instead:

**7A Acquisition of historic buildings or places**

- (1) The Minister may, if satisfied that a building, structure or site is suitable for control and management by the Trust as a museum, authorise in writing, the acquisition (either as property of the Trust or otherwise) by the Trust of the building, structure or site along with any of its appurtenant grounds or works. 30 35



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- (2) The Trust may, in accordance with the Minister's authorisation, purchase, lease or otherwise acquire the building, structure or site and any such grounds or works.

- [7] **Section 7B Notification of intention to manage certain property acquired by the Trust** 5  
Omit "house".
- [8] **Section 8 Powers of the Trust**  
Omit "houses or" from section 8 (1) (a).  
Insert instead "buildings or places and other". 10
- [9] **Section 8 (1) (a)**  
Omit "in a historic house".
- [10] **Section 8 (1) (b)**  
Omit "otherwise than in a historic house".
- [11] **Section 8 (1) (c), (e)–(h) and (1A) (a), (b) and (d)** 15  
Omit "house" wherever occurring.  
Insert instead "building or place".
- [12] **Section 8 (1A) (c) and (d)**  
Insert ", structure or site" after "building" wherever occurring.
- [13] **Section 8 (1A) (c)** 20  
Omit "house".
- [14] **Section 8 (7)**  
Omit ", but may borrow money only in accordance with Part 4".

**[15] Section 10**

Omit the section. Insert instead:

**10 Alterations to historic buildings or places**

- (1) The Trust may authorise the carrying out of alterations and improvements to a historic building or place. 5
- (2) Such alterations and improvements may be authorised and carried out only in accordance with a conservation plan (as in force from time to time) applying to the historic building or place.
- (3) The Trust may prepare a conservation plan applying to any one or more historic buildings or places. 10
- (4) A conservation plan has no effect unless it is approved by the Minister.

**[16] Section 11 Dealings with property**

Insert “(being real property)” after “property” in section 11 (2) (a). 15

**[17] Section 11 (2) (a1)**

Insert after section 11 (2) (a):

- (a1) where the property (not being real property) was acquired without being subject to a condition— with the approval of the Minister (which may be given in respect of any case or class of cases), or 20

**[18] Section 16 Endowment**

Omit the section.

**[19] Section 20 Acquisition of certain real property**

Omit “a building situated on the land” from section 20 (2). 25  
Insert instead “the land (including any building, structure or works on the land)”.

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- [20] Section 20 (2)**  
Omit "house". Insert instead "building or place".
- [21] Section 22 Annual report**  
Omit the section.
- [22] Section 23 Regulations** 5  
Omit "house" from section 23 (1) (c).  
Insert instead "building or place".
- [23] Section 24**  
Insert after section 23:
- 24 Savings, transitional and other provisions** 10  
Schedule 2 has effect.
- [24] Schedule 1 Provisions relating to trustees and procedure of the Trust**  
Omit clause 3 (4).
- [25] Schedule 2** 15  
Insert after Schedule 1:
- Schedule 2 Savings, transitional and other provisions**  
(Section 24)
- Part 1 Preliminary** 20
- 1 Savings and transitional regulations**
- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the *Historic Houses Amendment Act 1996*.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to that Act or a later date. 25

- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 5
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of any thing done or omitted to be done before the date of its publication. 10

**Part 2 Provisions consequent on enactment of Historic Houses Amendment Act 1996**

**2 Existing trustees**

The amendment to section 6 of this Act by the *Historic Houses Amendment Act 1996* does not affect the appointment of any trustee holding office immediately before the commencement of that amendment, and any such trustee continues, subject to Schedule 1 to this Act, to hold office for the balance of his or her term of office. 15  
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**3 Validation of things done by the Trust**

Anything done by the Trust before the commencement of this clause that would have been valid if this Act, as amended by the *Historic Houses Amendment Act 1996*, had been in force when the thing was done is validated. 25